

Submission
No 20

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Organisation: Northern Beaches Council

Date Received: 11 March 2024

11 March 2024

Parliamentary Enquiry
Transport Oriented Development Program

Our Ref: 2024/147295

[Upload via Parliament of New South Wales website](#)

Dear Legislative Council Members

Submission to Parliamentary Enquiry into the Development of the Transport Oriented Development Program

Northern Beaches Council welcomes the opportunity to provide a submission to the Parliamentary Enquiry into the development of the Transport Oriented Development Program.

Whilst noting that the Terms of Reference for the Inquiry are focussed largely on the Transport Oriented Development government reforms, it is clear that the Inquiry is to consider other government reforms, most notably the Low-Rise and Mid-Rise Housing reforms – as shown below:

(l) the existing or potential measures and programs analysed, considered or implemented by all NSW Government agencies to support additional housing density

(o) the impacts of the proposed Diverse and Well-Located Homes process and program

The proposed changes to State Environmental Planning Policy (Housing) 2021 (Housing SEPP), as outlined in the 'Explanation of Intended Effect: Changes to create low and mid-rise housing,' (the EIE) released in December 2023 are significant and warrant consideration by the Inquiry. To that end, Council considered this matter at its meeting on 27 February 2024 and resolved to:

- 1. Write to the NSW Government calling on the Government to abandon the low and mid-rise housing reforms as outlined in the Department of Planning and Environment 'Explanation of Intended Effect: Changes to Create Low and Mid-rise Housing' noting that Northern Beaches Council has the capacity to plan for future growth as outlined in our adopted Local Housing Strategy and is best placed to make planning decisions that affect the community due to our knowledge of our unique, fragile natural environment and infrastructure constraints.*
- 2. Endorse the alternate submission as circulated to councillors on 27 February 2024 and tabled, retaining reference to Mona Vale Road and Beaches Link Tunnel, and forward it to the Department of Planning, Housing and Infrastructure*

3. *Forward the endorsed submission to the Legislative Council Parliamentary Inquiry into the development of the Transport Oriented Development Program.*

Council acknowledges the need for urgent action on housing at all levels of government to ensure sufficient, affordable, housing is provided to meet the current and future needs of our local community, region, and the nation. However, Council strongly opposes the EIE in its current form and calls on the NSW Government to abandon it on grounds that:

- The Northern Beaches Council has the capacity to plan for future growth as outlined in our Local Housing Strategy.
- Council with its understanding of the unique natural environment and infrastructure constraints of the LGA, is best positioned to make planning decisions affecting the community.
- The EIE fails to sufficiently consider crucial factors associated with providing additional housing, including access to services, community infrastructure, exposure to natural hazards, and impacts on transport, traffic, and the tree canopy.
- The EIE also lacks assessment of how the proposed changes would contribute to increased home ownership or housing affordability for Northern Beaches residents.

Your consideration of Council's submission would be greatly appreciated. Please do not hesitate to contact my office on _____ if you have any further enquiries.

Yours faithfully.



NORTHERN BEACHES COUNCIL

Submission to Department of Planning, Housing and Infrastructure

Exhibition of Explanation of Intended Effect: Changes to create low and mid-rise housing

February 2024

KEY POINTS

1. Council believes local government is best placed to make decisions about local planning to meet community needs. Council therefore strongly opposes the state-imposed controls proposed in the EIE that would override Local Environmental Plans and democratic processes.
2. Council acknowledges the need for urgent action on housing and supports a centres-based approach to growth. Council is committed to working with the Government to address housing supply and asks that this be done in a collaborative manner that includes the planning and provision of supporting infrastructure.
3. Council recognises the potential for residential flat building development in parts of our R3 medium density zone and dual occupancy development in some of our R2 low density zone subject to more stringent development standards than those outlined in the EIE.
4. Some of the centres identified under the Department's draft criteria for town centre precincts could be suitable for future growth.
5. The EIE proposals are of a scale and density that would have significant impacts on local character and place, tree canopy and the environment, access, transport and traffic, demand for community infrastructure, exposure to natural and human-made hazards, areas and items of heritage significance, and affordable housing provision, warranting further, more detailed assessment.
6. The proposals conflict with current and proposed Council-led precinct planning in places like Frenchs Forest, Brookvale, and Mona Vale.
7. Changes of this scale should be accompanied by amendments to existing Council-made infrastructure contributions plans and affordable housing contribution plans, or as an alternative, be subject to increased "flat-rate" contributions e.g. 3% to 5% levy for infrastructure and affordable housing contributions made under the SEPP.
8. Council's Local Housing Strategy provides a suitable basis to identify further growth opportunities on the Northern Beaches.
9. Council is well-placed to identify alternative strategies for growth and infrastructure in collaboration with the Department.
10. Council is concerned about the potential if the EIE proposals were to proceed for Dual Occupancies, Manor Houses, Multi-dwelling housing (terraces), and Townhouses to be approved under a Complying Development Certificate (CDC) pathway within the R2 Zone.

RECOMMENDATIONS

Planning Approach

If the EIE proposals were to proceed, Council would recommend the Department:

- 1) Provide Councils a period in which to identify alternative strategies for growth and infrastructure to meet clearly articulated housing targets, with implementation of these proposals being fast-tracked through amendments to LEPs via a SEPP amendment.
- 2) Provide funding assistance to Council to expedite the preparation and exhibition of section 7.12 and 7.11 contribution plans for affected areas or, as an alternative, establish “flat rate” contributions under the SEPP e.g. 3% to 5% levy for infrastructure.
- 3) Provide funding assistance to Council to expedite the preparation and exhibition of affordable housing contribution plan amendments for affected areas or, as an alternative, establish “flat rate” contributions under the SEPP e.g. 3% to 5% levy for affordable housing.
- 4) Provide funding assistance to Council to meet the increased resource burden entailed in preparing new contribution plans and for ongoing development assessment staff to assess development applications.
- 5) Demonstrate adequate existing capacity or sufficient funding for essential road, stormwater, sewer, water, and waste infrastructure upgrades to support increased density.
- 6) Exclude areas subject to hazards e.g. flooding, bushfire, and coastal and estuarine hazards from the proposal.
- 7) Exclude Heritage Conservation Areas and Heritage items from the proposal.
- 8) Ensure the maximum building height and floor space ratio for mid-rise and low-rise housing addresses local amenity impacts.
- 9) Establish minimum lot size and frontage controls for residential flat buildings and shop top housing to ensure quality built outcomes.
- 10) Resource Councils to develop LGA specific design books to inform the new SEPP, reflecting local character and architectural values, to avoid the proliferation of dwellings with poor urban design.
- 11) Require the highest possible sustainable design standards under the SEPP to ensure the new homes are energy efficient and as cheap as possible to run.
- 12) Allow councils to establish appropriate minimum car parking rates tailored to their LGA’s public transport accessibility.
- 13) Maintain the current ADG requirement of 9m to 18m minimum building separation, scaling proportionally with building height for structures ranging from 5 to 8 storeys.

- 14) Limit deep soil areas to no more than two separate zones and increase proposed tree planting rates to facilitate new tree plantings and maintenance of tree canopy.
- 15) Introduce provisions for 'No Net Dwelling Loss' in the SEPP to ensure new development does not reduce dwelling density.
- 16) Consider inclusion of other residential accommodation in town centre precincts e.g. boarding houses, Co-Living housing, Group Homes, Hostels.
- 17) Provide clear and consistent guidance on the terms and definitions referred to in the EIE, Standard Instrument, and the Codes SEPP. Additionally, harmonise the Standard Instrument and Codes SEPP to offer clarity on the exact housing types permitted, including manor houses, terraces, and townhouses, specifying the applicable zones for each.
- 18) Provide clarity about the methodology to be used to measure the respective 400m and 800m walking distances from town centre precincts.
- 19) Council strongly recommends that the SEPP amendment to implement these proposed reforms not be made unilaterally, rather that it be exhibited for further comments and analysis.

Infrastructure Provision

- 20) To support the growth of residential and commercial areas, including Frenchs Forest, Dee Why, and Brookvale, reinstate the Beaches Link Tunnel project to provide a fourth access route, accommodate express bus services, and expand the catchment within a 30-minute travel time to and from the Northern Beaches.
- 21) To increase vehicle capacity, reduce travel times, and improve safety for road users, resume and prioritise the Mona Vale Road West Widening project, recognising its essential role as a link between the Northern Beaches and North Shore.
- 22) Deliver an east-west Bus Rapid Transit (BRT) system from Chatswood to Dee Why, with a focus on supporting housing growth in Frenchs Forest and facilitating future development along this corridor.
- 23) To support more housing in Brookvale, fund and deliver the grade separation of Warringah and Pittwater Roads.
- 24) To support more housing in Frenchs Forest, fund and deliver regional traffic infrastructure as detailed in Council's Traffic Study by Arup, which includes upgrades to Forest Way, the new road through Forest Way/Naree Road and upgrades to Frenchs Forest Road West.
- 25) Provide funding to Northern Beaches Council to complete the technical studies required for implementing the Brookvale Structure Plan.

INTRODUCTION

The work Council is currently doing will facilitate 12,531 additional dwellings in the LGA by 2036, representing 3.9% of identified required supply for the State by 2029. Council acknowledges the need for urgent action on housing at all levels of government to ensure sufficient, affordable, housing is provided to meet the current and future needs of our local community, region, and the nation.

Council also notes the relatively low completion rates of around 285,000 homes over the last 5 years, despite the number of approved dwellings over this period and the externalities impacting housing supply, such as raising project finance, labour shortages, and property acquisition costs. These factors are crucial as they pose challenges and influence the pace of development implementation.

Consistent with the Governments proposed strategy, Council's Local Housing Strategy contains a Centres Renewal Framework that identifies centres within an 800-metre radius of certain B-Line bus stops, focusing on developable areas with less constraints. These centres, known as Centre Investigation Areas, exclude areas with heritage, or environmental limitations, with limited impact from natural hazards and have topography suitable for diverse and affordable housing. Further opportunities for future housing growth have also been identified as part of Council's draft Northern Beaches Local Environmental Plan. Council's housing targets are currently planned to be met in such well-located centres, which are subject to detailed strategic planning investigations.

Council has implemented several recent measures to address housing issues, including new housing in the Frenchs Forest Strategic Centre and Health and Education Precinct, and the precinct planning as part of the Brookvale Structure Plan endorsed by Council in 2023. In addition, Council has adopted affordable housing requirements in our Local Environmental Plans (LEPs) and an Affordable Housing Contributions Scheme.

Council is concerned that the proposed SEPP changes may lead to significant and unplanned increases in dwelling numbers across the LGA, contrary to good strategic planning principles and inconsistent with Council's Local Housing Strategy. Council believes there is a better way to achieve the outcomes that the intention of these reforms is proposing.

Existing Centres on the Northern Beaches have limited infrastructure capacity, with upgrades likely to be substantial projects rather than incremental improvements. The existing infrastructure deficit for community facility floorspace and sports fields, would be significantly exacerbated by the proposed reforms. Council will therefore require Government understanding and support in addressing this issue.

The EIE proposals are of a scale and density that would in many cases have impacts on local character and place, tree canopy and the environment, access, transport and traffic, demand for community infrastructure, exposure to natural and human-made hazards, areas and items of heritage significance, and affordable housing provision, warranting further, more detailed assessment. This broad growth makes it difficult for councils to assess and address the cumulative impacts on infrastructure requirements.

Communities are likely to strongly oppose development that create such significant impacts.

Council considers that a fast-track process in collaboration with the Department of Planning to identify suitable additional areas for increased building heights and densities, potentially incorporating some of the proposed town centre precincts, and accompanied by the necessary supporting infrastructure, is an appropriate alternative approach to the proposed SEPP changes.

GENERAL COMMENTS

The following comments relate to the proposed changes in general. More detailed comments on the respective development standards for housing forms are provided later in the submission.

Consideration of Local Character required

Council is concerned with the impact of the reforms on the local character of village and town centres across the Northern Beaches, which are subject to Development Control Plans (DCP) that consider local circumstances, character, and the interaction within the public domain, as well as Local Environmental Plans which set building heights at a human scale.

Council's various DCPs typically seek new developments to achieve high-quality built form that provides attractive, interesting, and welcoming street frontages, and in some cases a low-scale coastal village character controlled by limiting the number of storeys for a building. New developments are also assessed to ensure that adjacent to public domain elements such as waterways, streets, parks, bushland reserves, and other public open spaces complement the landscape character, public use, and enjoyment of that land.

There are 63 neighbourhood centres (formally zoned B1 Neighbourhood Centres prior to the Employment Zones reforms) distributed across the Northern Beaches, with some being quite small and consisting of only a few shops, such as those along Whale Beach Road and Harbord Road, and some larger ones like in Allambie and Balgowlah Heights. The reforms have no regard for the differences in character of these centres.

Density in Avalon and Freshwater is very different from density in Balgowlah or Newport or when compared to larger Strategic Centres within the LGA. The one-size-fits-all approach is going to have different effects on different areas, undermining objectives in Council's Local Strategic Planning Statement (LSPS). The reforms could result in large changes in the built form of our local centres and low-density residential suburbs surrounding those centres.

A potential solution would be for the Department to provide a 3-tier centres hierarchy framework for Councils to categorise their existing E1 Local Centres that scale density commensurate to the level of goods and services provided. Larger Strategic Centres, such as Dee Why, could reasonably accommodate mid-rise housing types of 3+ stories, whereas smaller Local Centres, such as Balgowlah, could more reasonably accommodate low-rise housing types of 2-storeys. Neighbourhood Centres that may

only contain a couple of local shops would be further limited in their capacity to accommodate denser forms of housing. This would be somewhat consistent with our Centres Renewal Framework within the LSPS in terms of starting the discussion.

Increased demand for infrastructure must be addressed

The geographical isolation of the Northern Beaches and its limited public transport, traffic/transport infrastructure, and environmental constraints significantly limits options for growth. The NSW Productivity Commission's 2023 report, *'Building more homes where infrastructure costs less'* reveals that certain areas in the Northern Beaches have among the highest infrastructure costs in Sydney. Elevated traffic congestion, water, and wastewater costs contribute to these challenges, emphasizing the substantial costs associated with housing development in the region.

Council's suite of existing technical studies, strategies, and policies account for planned growth in line with the LSPS and Housing Strategy – as previously agreed and approved by the Department.

Council's housing targets are currently planned to be met in certain well-located centres which are subject to detailed strategic planning investigations. This includes investigations for appropriate infrastructure funding and delivery via 7.11 contribution plans. Any broad unplanned increase in dwelling numbers in these areas or across the LGA would result in development that is not supported by infrastructure.

Northern Beaches Council already has an existing infrastructure deficit for community facility floorspace and sports fields. This deficit would further increase under the proposed reforms.

Currently, 7.12 contributions are insufficient for the necessary lead-in infrastructure, especially in traffic/transport facilities. The proposed changes should not be implemented until councils have time to plan for the anticipated growth, aligning with the NSW Productivity Commissioner's recommendation to prepare contribution plans before rezoning land for development.¹

To constructively address these challenges, the Department could support Council in developing both section 7.12 and 7.11 contribution plans by offering funding assistance to expedite the preparation and implementation of these plans. Alternatively, an increased flat rate contribution, for example increasing the maximum rate of the 7.12 levy to 3% or 5%, through the proposed SEPP amendments, should be explored.

The cumulative impact of broad growth will necessitate upgrades to water and sewer infrastructure, involving the excavation of Council and State agency assets in the road reserve. This process cannot be done incrementally but requires a comprehensive approach. Asset owners, including Councils, Sydney Water, Transport for NSW, and Ausgrid, are all grappling with the challenge of strategically investing resources to strengthen infrastructure to cope with increased growth and impact from natural hazards. The broad scope of these reforms compounds this challenge, as investment in resilient infrastructure becomes reactive to development trends rather than strategically driven in specific locations.

¹ NSW Productivity Commission. (November 2020). "Review of Infrastructure Contributions in New South Wales: Final Report"

Council is also aware that the increased dwelling density sought by the proposed reforms on the Northern Beaches would be subject to the Housing and Productivity Contribution (HAP). The extent and scope of possible development is significant, and therefore, the theoretical contributions collected are also substantial. Council is concerned that funds collected under the HAP are likely to be apportioned to State infrastructure with greater potential for residential densities outside of the Northern Beaches. It would be essential that HAP contributions resulting from these changes must be directed to the LGA in which they are collected.

Major Road Infrastructure

The NSW Government has acknowledged the insufficient public transport links on the Northern Beaches compared to the Northwest and inner north of Sydney², on 8 September 2023, the NSW Government confirmed the cancellation of the Beaches Link tunnel connecting the Northern Beaches to the city's north.³

The Beaches Link tunnel, was scheduled to start in 2023 and conclude by 2028, including two portals in Balgowlah and Seaforth, spanning 7 km under Middle Harbour and the lower North Shore. This was followed by the NSW Government also announcing that the Mona Vale Road project west of Manor Road, was put on hold.⁴

The largely closed catchment of the Northern Beaches limits through-traffic attraction from outside the area. The Beaches Link Tunnel was primarily aimed at alleviating local traffic congestion and supporting public transport uptake. Its purpose includes providing a fourth access route, accommodating express bus services, expanding the catchment within a 30-minute travel time to and from the Northern Beaches, and addressing additional traffic from planned residential and commercial growth in areas like Frenchs Forest, Dee Why, and Brookvale. Due to the absence of a rail line, the reliance on road-based transport is evident, and the Beaches Link Tunnel is crucial to reduce pressure on the existing three road corridors.

The project aimed to address high congestion levels with limited access points during peak hours and weekends, considering challenges like the opening bridge impact at Spit Bridge. Its objectives encompassed providing a direct connection to the Sydney Motorway Network, supporting future Northern Beaches growth, unlocking Council's Hospital Precinct Structure Plan for Frenchs Forest, and facilitating growth in Brookvale as part of Council's Brookvale Structure Plan.

The reinstatement of this project is critical to achieving balanced growth on the Northern Beaches.

Open Space and Recreation, Community and Social Infrastructure

Council's Let's Play! Open Space and Outdoor Recreation Strategy and Action Plan (2022) identifies that higher density areas like Dee Why and Brookvale have limited access to open space and very limited opportunities to create new spaces.

² ABC Radio Sydney Mornings. (2023). "Premier Minns interview with Sarah " broadcast on Tuesday, 10 October 2023

³ Transport for NSW. (2023). "Western Harbour Tunnel and Warringah Freeway Upgrade." Reviewed on 8 September 2023. <https://www.transport.nsw.gov.au/projects/current-projects/western-harbour-tunnel-and-warringah-freeway-upgrade#--text=On%208%20September%202023%2C%20the%20Infrastructure%20Application%20for%20this%20project>

⁴ Parliament of New South Wales, Legislative Assembly (2023). "1958 – Mona Vale Road West." Question asked on November 22, 2023 (session 58-1), printed in Questions & Answers Paper No. 36. Answer received on December 22, 2023, and printed in Questions & Answers Paper No. 41. <https://www.parliament.nsw.gov.au/ia/papers/pages/qanda-tracking-details.aspx?pk=98041>

Council's Sportsgrounds Strategy (2017) identifies a significant shortage of sports grounds for the existing population.

The proposed changes would result in increased demand for these and other Council-owned and run facilities and social infrastructure such as community centres, libraries, spaces for welfare organisations and childcare and aged care facilities.

Road, Waste and Stormwater Assets

Road and stormwater drainage infrastructure is already operating at full capacity. A significant portion of the Northern Beaches LGA, including its R2 Low-Density Residential zoned properties, is non-urban. Streets are cut into hillsides without proper kerb and guttering, or with such features on only one side. These roads often have steep drop-offs, and the existing receiving pipe systems lack sufficient capacity, hindering the increase in development in numerous streets and roads.

The proposal for increased density necessitates funding for improvements to the road network, including the provision of kerb and gutter and stormwater drainage. Neighbourhoods lacking such facilities should be subject to a prohibition map to prevent development uplift, as development contributions may prove insufficient to fund necessary infrastructure upgrades, such as kerb and gutter installation and stormwater system enhancements for entire streets. This particularly applies to many streets within the Pittwater Ward and Narrabeen Ward.

Steeply sloping areas within suburbs of the Pittwater and Narrabeen Wards feature undersized streets that cannot support additional vehicular traffic and parked cars. Controlling the number of vehicles in, on, and around these streets is imperative for any increase in density. Road widening is not feasible due to rocky formations, existing built infrastructure, and utility services. Even in flat country areas, widening roads for increased capacity negatively impacts streetscapes, pedestrian/cycle access, and parking.

Parking is a growing concern for Council, and with increased densification, strict controls on on-street parking are necessary to mitigate the impacts of more cars in the same space. Excessive on-street parking can lead to damage to the Council's Road assets, resident dissatisfaction, safety issues, and a loss of road reserve amenity.

Upgrades to sewer and water capacity are likely to involve larger pipes and trenching works, which will have a significant detrimental impact on the condition of road infrastructure. The presence of rocky formations, existing built infrastructure, and utility services may also affect power supply, although much of it is currently through overhead wires, which might need to be undergrounded.

Waste services pose another challenge, as many properties on steep sloping sites store bins on the verge, creating an unsightly appearance. Some unit blocks have inquired about storage facilities on the verge. Any development uplift should include controls on bin storage to ensure proper containment within the property boundaries.

Affordable Housing requirements must be addressed

In normal circumstances, the proposed “uplift” in density contemplated by the proposals would require an LEP amendment, triggering requirements in Council’s current LEPs for affordable housing contributions under Council’s Affordable Housing Contributions Scheme. Such windfall development gains under the proposed reforms would not be subject to requirements for affordable housing contributions.

Should the proposals proceed, they should be subject to amendments to Council’s LEPs to incorporate requirements for affordable housing contributions in accordance with current practice. Alternatively, a flat rate contribution e.g. 3% to 5% should be incorporated into the proposed SEPP amendments.

Areas subject to high hazards

The proposed changes anticipate that the assessment of hazard impacts such as bushfire, flooding, sea level rise etc. can be undertaken via the development application process.

This is contrary to good planning principles and inconsistent with the Department’s required approach from Councils in the preparation of LEP amendments of a similar scale. Proposals to rezone land in Ingleside to a greater density were recently abandoned because of bushfire issues and concerns that timely evacuation could not be achieved.

At least a high-level assessment of hazards should occur as part of the SEPP amendment process to ensure that new medium density development is not located in high-risk areas.

Heritage Conservation Areas and Heritage Items

Heritage items and HCAs have been identified, valued, and protected for their unique historical significance. They reflect our identity revealing our unique story and helping the community to understand who we are and where we came from. Heritage items and places significantly contribute to the local character and visual appeal of areas. Manly Corso and Pittwater Road precinct are both covered by HCAs, being Manly Town Centre HCA and Pittwater Road HCA. These areas are significant economic and tourism drivers for the area which need to be protected and preserved.

The proposed reforms would establish a conflict between anticipated development rights (non-refusal standards) and heritage conservation controls under Council LEPs. Resolving this conflict via the development assessment process would be extremely time-consuming and complex and would result in many more matters being appealed to the Land and Environment Court.

In the context of HCAs, if non-contributory buildings were permitted to be redeveloped in line with the proposed reforms there would be significant detrimental impact on the character, context and scale of the locality which could significantly diminish and undermine the heritage significance of the entire HCA.

DETAILED COMMENTS

Definition of Station and Town Centre Precincts

Mid-rise housing in Station and Town Centre Precincts

Station and town centre precincts

The Station and town centres precincts are proposed to be:

- within the Six Cities Region; and
- 800m walking distance of a heavy rail, metro or light rail station; or
- 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre; or
- 800m walking distance of land zoned E1 Local Centre or MU1 Mixed use but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.
 - The Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

Figure: Proposed evaluation framework for town centre precincts

Issue: The proposed criteria for town centre precincts does not sufficiently account for all constraints to development

In principle, Council supports locating growth in and around existing centres with good access. Many smaller centres (previously zoned B1 and now zoned E1) should and will be excluded from redevelopment using the suggested town centre precinct criteria.

Council has undertaken significant work via its Local Housing Strategy to identify potential growth areas (Centre Investigation Areas) and areas for greater housing diversity (Housing Diversity Areas) and is completing separate precinct plans/ LEP amendments/ new LEP to implement proposed zoning changes. This work should form the basis for considering additional growth options.

Council has undertaken a high-level analysis of existing centres in the E1, E2 and MU1 zones in accordance with the Department's criteria, adopting a minimum 2,500 sqm area for the purposes of defining a full line supermarket. This is consistent with industry practice and in the absence of other guidance, and including shops, and restaurants providing an appropriate level of goods, services, and amenities (Table 1).

Centres	Land Zone	Identified Centre Investigation Area?	Contains a Full Line Supermarket, Shops, Restaurants, Services & Amenities	Potential as a Town Centre Precinct
Frenchs Forest (Forestway)	E1 Local Centre	Yes, forms part of Phase 3 of the Northern Beaches Hospital Precinct Structure Plan	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	Yes
Brookvale (Warringah Mall)	E2 Commercial Centre	Yes, forms part of the Brookvale Structure Plan	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	Yes
Dee Why	MU1 Mixed Use	Yes	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	Yes
Mona Vale	MU1 Mixed Use	Yes, forms part of the draft Mona Vale Place Plan	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	Yes
Warriewood (Warriewood Square)	E1 Local Centre	No	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	No
Balgowlah	E1 Local Centre	No	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	Indeterminate, subject to further analysis of constraints
Belrose (Glenrose Village)	E1 Local Centre	No	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	No
Manly	E1 Local Centre	No, forms part of draft Manly Place Plan	Yes, Supermarkets' total floor area is estimated to exceed 2,500 sqm	Yes
Avalon Beach	E1 Local Centre	No	No, the existing floor area of the Woolworths Metro is < 2,500sqm	No
Newport	E1 Local Centre	No	No, the existing floor area of the Coles Supermarket is < 2,500sqm	No
Narrabeen	E1 Local Centre	Yes	No, the existing floor area of the Woolworths is < 2,500sqm	Yes
Freshwater	E1 Local Centre	No	No, the existing floor area of the Supamart IGA is < 2,500sqm	No
Manly Vale	E1 Local Centre	Yes	No, the existing floor area of the Coles Supermarket is < 2,500sqm	Yes
Forestville	E1 Local Centre	No, subject to a future B-Line route	Yes, the existing floor area of the Coles Supermarket is estimated to exceed 2,500sqm	Indeterminate, subject to further analysis of constraints
Collaroy	E1 Local Centre	No	No, the existing floor area of the IGA Express is < 2,500sqm	No
Seaforth	E1 Local Centre	No	No, the existing floor area of the IGA Local Grocer is < 2,500sqm	No

Table: High-level review of E2, E1, and MU1 centres on the Northern Beaches capable of meeting the requirements of a 'Town Centre Precinct'

Several of the identified centres are included in Council's current or proposed future planning work to accommodate additional growth on the Northern Beaches (Frenchs Forest, Brookvale, Mona Vale, Dee Why, Manly Vale and Narrabeen). Other centres, including Forest Way, Warriewood Square, Balgowlah, Belrose, and Forestville would meet the required town centre precinct criteria but no specific strategic planning studies have been undertaken in these centres to assess opportunities and constraints in any detail. Manly centre, whilst meeting the criteria, is relatively densely developed and severely constrained, and has not previously been identified for additional growth.

Council considers that identification of centres for growth also need to include an assessment of employment and business opportunities, access to high-frequency public transport infrastructure, a comprehensive walking and cycling network, and essential services such as being co-located with health, education, social, and community facilities.

In addition, a high-level assessment of constraints e.g. flooding, bushfire, coastal and estuarine hazards, core habitat/ biodiversity corridors would be required before the final boundaries for growth were established.

Issue: The proposed town centre precincts conflict with planned precinct growth, placing pressure on infrastructure

The proposed criteria for town centre precincts include areas that have been planned to accommodate housing and employment needs based on a detailed analysis of planning constraints. Two current examples are:

Frenchs Forest (Hospital) Precinct

Frenchs Forest (Hospital) Precinct for example, is a precinct that lacks a rail line or high-frequency bus route. Council, in collaboration with the Department and community, has worked to address the land use planning challenges in the area, culminating in the rezoning of land in 2022 to deliver 3000 dwellings, with development beyond this threshold reliant on significant regional road works, including the now-cancelled Beaches Link Tunnel, and an east-west Bus Rapid Transit (BRT) system from Chatswood to Dee Why.



Figure: Phasing Strategy of the Northern Beaches Hospital Precinct Structure Plan

Despite this work, the provision of traffic and transport infrastructure remains unresolved. Extensive modelling data indicates that the local road network will reach capacity upon the completion of 70% development of the town centre site. Once this threshold is reached, developers will be required to submit a traffic impact assessment incorporating the latest modelling data before any further development can proceed.

Permitting a significant number of additional dwellings under the SEPP in areas zoned R3 up to 7 storeys in height, and in the adjoining R2 zoned areas (multi-dwelling units), would impact significantly on the performance of the road system, and in ways that cannot reasonably be accounted for, given the extent of areas affected by the proposed controls.

In addition to traffic and transport issues, the proposed reforms would also place pressure on the delivery of social infrastructure due to an unanticipated population growth. Council might have difficulties managing and delivering the required quantum of community centres, libraries, parks, and open spaces.

A Section 7.11 Development Infrastructure Contributions Plan has been finalised based on anticipated growth in population and workers. Unplanned growth has not been accounted for nor funded. The infrastructure that has been planned will not be adequate for the additional population growth.

Brookvale Structure Plan

Brookvale Structure Plan, endorsed by Council in 2023, proposes up to 1,350 new homes, support for 900 new jobs, a 5,000sqm town square/greenspace with streetscape improvements, 2,000-2,500sqm of community facilities, and enhanced

pedestrian and bike connectivity throughout Brookvale directly adjoining Warringah Mall shopping centre (zoned E2).

The dwelling and employment targets were based on a four-year study of traffic and transport on Pittwater Road, (Aimsum modelling) which identified severe limitations to growth on the corridor due to road capacity. Any further proposed growth along this corridor in this location would generate a need for grade separation of traffic at the intersection of Warringah and Pittwater Roads. There has been no commitment to this work by Transport for NSW.

An 800m walking distance from the proposed new town centre/ Warringah Mall would include R2 Low Density Residential zoned properties towards Beacon Hill, southwards towards Allambie Heights, and eastwards towards North Manly.

At such a scale, any further development in these areas (even development limited to multi-dwelling housing) would substantially impact traffic flows on Pittwater Road and Warringah Road and should be subject to separate detailed traffic assessment before proceeding.



Figure: Brookvale Structure Plan Investigation Area

Non-refusal standards for Mid-rise housing

Proposed non-refusal standard for Residential Flat Buildings (RFBs) and Shop-top housing (STH) in town centre precincts (the EIE, pg. 39):

In the inner part of the precincts within 400 metres of the stations/centres:

- *Maximum Building Height: 21m*
- *Maximum FSR: 3:1*

In the outer part of the precincts from 400 to 800 metres of the stations/centres:

- *Maximum Building Height: 16m*
- *Maximum FSR: 2:1*

Issue: proposed standards permit extraordinary increases in the height and scale of permitted development in most Northern Beaches centres and adjoining R3 and R1 zones inconsistent with existing character

The proposed non-refusal standards for shop-top housing would result in between a 61%-147% increase in the permitted maximum building heights within these centres. The standards would provide for similar increases in FSR (where applicable).

The scale of the increase in both building height and floor space ratio would result in concerns about loss of character, local amenity impacts, including issues associated with shadowing, privacy, and loss of views for neighbouring properties, particularly due to proposed amendments to the Apartment Design Guide (ADG) and for developments subject to Complying Development Certificates (CDCs).

Balgowlah shopping centre

Balgowlah shopping centre for example, presents as a 2-storey development to Sydney Road, would be subject to the proposed standards, as would the surrounding R1 zoned areas which permit residential flat buildings. The current permitted height in the R1 zone is mostly 8.5 metres. Consequently, the proposed standards would result in a huge change to the character, over a large area.

Issue: Removal of minimum allotment size and frontage controls will result in poor development outcomes and/ or increase appeals to the Land and Environment Court

Some of Council's current LEPs use density controls (dwellings per site area) to limit the scale of development in our residential flat buildings zones. Based on advice from the Department, Council is proposing to remove these controls and replace them with lot size and frontage controls for certain forms of development.

Council considers that the requirements of the ADG and Council's other DCP controls e.g. landscaping, parking etc. cannot be achieved on small sites at the scale proposed by the new standards.

A high quality/ high amenity 7 storey flat building with FSR of 3:1 cannot reasonably be built on a 600 sqm site with a 12m frontage.

The absence of minimum site and frontage controls will lead to a swathe of poor development applications that will choke both the development assessment process and appeals to the Land and Environment Court.

Issue: Floor Space Ratio and Building Height inconsistencies for Residential Flat Buildings would create unrealistic/unachievable expectations from developers

For Residential Flat Buildings, the Floor Space Ratio (FSR) and building height do not appear to coordinate. In R3 Medium Density Residential zoned land, an FSR of 2:1 would equate to a building of 7 storeys at 0.3 per storey (the rate per storey can vary widely, for the Department this is ~0.43/storey) (equating to a height of $7 \times 3.3 = 23.1$, $7 \times 3.4 = 23.8$), but the Department's proposed control assumes a height of 16m. An FSR of 3:1 would equate to a building of 10 storeys 0.3 per storey (equating to a height of $10 \times 3.3 = 33$, $10 \times 3.4 = 34$), but the Department's proposed control assumes a height of 21m, a rate of about 0.48 per storey.

The inconsistency between the FSR and height controls would result in conflicts during the development assessment process and potentially result in additional Land and Environment Court appeals.

Issue: Non refusal standards likely to result in significant loss of tree canopy

The reduction in landscape area upon a site would ultimately result in the loss of existing canopy trees that could not be preserved without significant unaltered natural ground area.

To address this concern, Council would recommend:

- Proposed deep soil areas be either contained in one area or otherwise in two separate areas, but not as many separated areas that do not afford the opportunities for the retention of existing trees or the capability to support new tree planting.
- Garden areas for tree planting should have a minimum garden width of 3 metres x 3 metres and larger in one direction when medium to large trees are proposed.
- Amend tree planting rates in Appendix B (mid-rise housing) as follows:
 - One tree in the front of the property and one tree in the rear of the property, when the tree rate is two trees or more,
 - Less than 650m²: For every **300m²** of site area or part thereof, at least one small tree must be planted in the deep soil area,
 - 650m² - 1500m²: For every **300m²** of site area or part thereof, at least one medium tree is to be planted in the deep soil, **and then additionally over 900m² one large tree is to be planted in the deep soil area,**
 - Greater than 1500m²: For every **500m²** of site area or part thereof, at least two medium trees or one large tree must be planted in the deep soil area.

Issue: Lowering Building Separation requirements will result in reduced amenity

The separation between buildings plays a crucial role in shaping the urban form and enhancing amenity within apartments and open spaces. The ADG specifies a 6 to 12m building separation for structures up to 4 storeys (12m high). However, as the building height increases to 6 storeys (18m high), sunlight and daylight access, particularly to the lower storeys, are significantly reduced.

This height could adversely impact other amenity aspects, such as visual and acoustic privacy, outlook, and natural ventilation. Communal open spaces, deep soil zones, and landscaping between buildings could also be compromised due to decreased solar access. These issues extend to adjacent neighbouring sites and existing residences.

Council considers that the current ADG requirement of 9m to 18m minimum building separation should be maintained, increasing proportionally with the building height for structures ranging from 5 to 8 storeys high.

Non-refusal standards for Low-rise housing

Proposed non-refusal standard for multi-dwelling housing (terraces), multi-dwelling housing and manor houses in station and town centre precincts area:

Multi dwelling housing (terraces)

- *Maximum Building Height: 9.5m*
- *Maximum FSR: 0.7:1*
- *Minimum Site Area: 500m²*
- *Minimum Lot Width: 18m*
- *Minimum Car Parking: 0.5 space per dwelling*

Multi dwelling housing

- *Maximum Building Height: 9.5m*
- *Maximum FSR: 0.7:1*
- *Minimum Site Area: 600m²*
- *Minimum Lot Width: 12m*
- *Minimum Car Parking: 1 space per dwelling*

Manor Houses

- *Maximum Building Height: 9.5m*
- *Maximum FSR: 0.8:1*
- *Minimum Site Area: 500m²*
- *Minimum Lot Width: 12m*
- *Minimum Car Parking: 0.5 space per dwelling*

On the Northern Beaches, within an 800m walking distance of a Town Centre Precinct, the reforms would apply to:

- 57% of R2 zoned properties (24,284 properties) for multi-dwelling housing (townhouses)
- 50% of R2 zoned properties (21,302 properties) for multi-dwelling housing (terraces).
- 76% of R2 zoned properties (32,275 properties) for Manor Houses.

Issue: minimum allotment size, frontage, height and FSR controls would result in poor quality and out of character development outcomes

The proposed development standards are lower than Council's current standards for development in the R2 zone.

The proposed FSR standards (0.7:1-0.8:1) provide for a significantly higher density of development than currently exists across most of the Council's R2 zone (0.3:1-0.6:1).

Combined with the proposed minimum allotment size and frontage controls, this would promote "gun-barrel" forms of medium density development with townhouses facing out towards side boundaries and a single driveway for the length of the other side boundary.

Overlooking will become an issue given the proposed height controls and there will be very little remaining land available for landscaping and tree planting given the proposed increase in FSR.

If the proposal proceeds, it is critical that minimum frontage and allotment sizes be increased in recognition of the potential impacts on existing low density residential development. Whilst not perfect, this approach has been adopted for other forms of development in the R2 zone e.g. Seniors Housing under the Housing SEPP, which requires a minimum allotment size of 1000 sqm and a 20-metre frontage.

Issue: Unclear terminology for Low-rise housing types will lead to confusion

Some housing types are listed in the Standard Instrument Land Use Tables (e.g. multi-dwelling housing, attached dwellings), while some are not (manor homes, terraces, townhouses).

There is no legislated definition of a 'Terrace.' Despite reference in the EIE, there is no definition of a 'townhouse' other than reference to a 'townhouse' being a form of multi-dwelling house.

Separate definitions should be created for these land use types in the standard instrument.

Issue: Other residential accommodation should be considered as part of any changes to ensure equity

Within the proposed 'town centre precincts,' there is no reference to the proposed permissibility of other forms of residential accommodation, including:

- Attached dwellings
- Boarding houses
- Co-Living housing
- Group Homes
- Hostels
- Semi-detached dwellings
- Seniors Housing
- Independent Living Units

- Residential Care Facilities

Issue: Non refusal standards likely to result in significant loss of tree canopy

The reduction in landscape area upon a site would ultimately result in the loss of existing canopy trees that could not be preserved without significant unaltered natural ground area. To address this concern, Council would recommend amending Appendix C - Multi-dwelling housing (terraces) as follows:

- < 1000m²: For every 300m², or part thereof, at least one medium tree, **and then additionally over 900m² one large tree is to be planted in the deep soil area,**
- 1,000m² – 3,000m²: For every 300 m², or part thereof, at least one medium tree, **and then additionally over 1500 m² one large tree is to be planted in the deep soil area,**
- > 3,000m²: For every 350m², or part thereof, at least two medium trees, **and then additionally over 1,500m² one large tree per 1,500m² are to be planted in the deep soil area**

Dual Occupancies

Proposed non-refusal standard for Dual Occupancies:

- *Maximum Building Height: 9.5m*
- *Maximum FSR: 0.65:1*
- *Minimum Site Area: 450m²*
- *Minimum Lot Width: 12m*
- *Minimum Car Parking: 1 space per dwelling*

The reforms also propose that Dual Occupancies be allowed in all low-density (R2) zoned properties. The potential impact of this change is that 89% of R2 zoned properties on the Northern Beaches could be subject to dual occupancies development.

Council supports permitting Dual Occupancies in some areas of R2 Low-Density Residential Zone and parts of the R1 General Residential Zone subject to amended standards.

Issue: minimum allotment size, frontage, carparking, height and FSR controls would result in poor quality and out of character development outcomes

The proposed development standards are lower than Council's current standards for development in the R2 zone.

FSR and landscaping

The proposed FSR standards (0.65:1) provides for a significantly higher density of development than currently exists across most of Council's R2 zone (0.3:1-0.6:1).

Whilst landscaping requirements outlined in a DCP would continue to apply, the proposed FSR of 0.65:1 would result in significantly reduced on-site landscaping opportunities compared to current development on the Northern Beaches. Analysis by

Council has shown that recent development in the R2 zone averages between 40% and 50% landscaped area.

Council is proposing FSR and Landscaping controls in its new LEP using a sliding scale based on lot size and locality. It is considered that the proposed FSR in the Housing SEPP should be based on similar considerations.

The increase in density would result in an increase in impervious areas (and thus increase run-off) compared to existing conditions.

The reduction in landscaped area would further result in the loss of existing canopy trees, impacting the overall landscape quality and the surrounding natural environment. Council recommends that the proposed deep soil areas be either contained in one area or otherwise in two separate areas, but not as many separated areas that do not afford the opportunities for the retention of existing trees or the capability to support new tree planting.

Garden areas for tree planting would be required to have a minimum garden width of 3 metres x 3 metres and larger in one direction when medium to large trees are proposed. The proposed tree planting rates are also inadequate compared to our current DCP requirements. Council suggests a minimum requirement of one tree in the front and one in the rear of the property, with adjusted rates for more trees on larger lots.

Minimum lot size and frontage

Nearly every R2 zoned property within the Northern Beaches LGA would meet the proposed requirements, raising concerns about environment protections, impact from natural hazards, and insufficient infrastructure to support potential dwelling increases, particularly in bushland suburbs.

Council's own work on dual occupancy development suggests that a minimum allotment size of at least 600 sqm and a frontage of 15m is required to ensure an appropriate form of development that meets Council's other standards e.g. landscaping, and fits with local character. It is noted that Pittwater LEP2014 establishes a minimum allotment size of 800 sqm for dual occupancy development.

Council is concerned that neighbourhood streetscapes and landscaping would be extremely adversely affected by garages and driveway crossings where 2 X 6m frontage properties are created. Allocating 3m per dwelling for garaging would limit space for street presentation, activation, and landscaping.

Building Height

Council does not support increasing building heights for Dual Occupancies from 8.5m to 9.5m, because we expect this proposal would result in three-storey developments. Any increase in building height should be accompanied by a proportional increase in setbacks to alleviate the resulting bulk and amenity impacts.

Car parking

Dual occupancies can impact on-street parking, reducing spaces through wider driveways, fewer off-street spaces (narrow lots with dual occupancies do not have the capacity to provide 4 off-street spaces), and an increase in on-street demand.

Under Council's draft Vehicle Access Policy, only one vehicle crossing per existing lot would be permitted, meaning that dual occupancies would need to share the vehicle crossing within the portion of the road reserve. This is to preserve on-street parking, minimize impervious areas and preserve street trees.