



# Submission

## EIE – Low and Mid-Rise Housing Reforms

23 February 2024

**Prepared by Northern Sydney Regional Organisation of Councils**

**Member Councils:** Hornsby Council  
Hunter’s Hill Council  
Ku-ring-gai Council  
Lane Cove Council  
Mosman Council  
North Sydney Council  
City of Ryde Council  
Willoughby City Council

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## Overview

Northern Sydney Regional Organisation of Councils (NSROC) is deeply concerned about the blanket, one-size-fits-all reforms proposed by the NSW Government and appreciates the opportunity to make a submission on the Explanation of Intended Effect: Changes to create low and mid-rise housing. This submission has been prepared with the input and support of our member councils but should be considered draft until it is formally endorsed by the NSROC Board.

NSROC is a voluntary association of eight local councils who have come together to collaborate and promote a united voice on key issues in our region. Our member councils are Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby. Collectively, the NSROC member councils service an area of 639km<sup>2</sup> with a population of 633,978. We work together on policy and operational matters to drive efficiency and to enhance our region.

NSROC acknowledges the housing crisis and agrees that new housing capacity should be well located with access to services and public transport. However, there is a need for a more nuanced approach that has regard for local circumstances. NSROC broadly supports the individual submissions of our member councils and acknowledges that they address the specific issues and considerations for each individual Local Government Area.

NSROC is seeking to collaborate with the NSW Government to ensure increased housing density is delivered alongside infrastructure essential services (including waste), open space and employment opportunities.

NSROC is concerned that the proposed Low and Mid-Rise Housing reforms override heritage considerations and do not address safety risks and planning for natural disaster events such as fire and flood. These critical planning controls are only protected to the extent that they are not inconsistent with the new planning controls.

The reforms ignore traffic and road network impacts, negative effects on streetscape, loss of tree canopy and increases in the 'urban heat island' effect.

The reforms stymie future opportunities for well thought out planned precinct rezonings by Councils that would plan for capacity as per their Local Strategic Planning Statement and Housing Strategy.

## Key Findings and Recommendations

To ensure the reforms achieve the desired aims, NSROC calls on the NSW Government to:

- 1. Work with councils and communities to provide for place-based planning and not adopt a 'one-size-fits-all' approach.** State Government's proposed approach will result in development without appropriate planning, the impacts of which will only be understood when it is too late to mitigate them.

Increasing the region's population without sufficient planning for new and upgraded infrastructure will lead to negative impacts such as increased road congestion and an inability to meet demands for recreational spaces. It will exacerbate the strain on our already under pressure health, education, childcare and aged care facilities.

A strategic approach to managing population growth is needed to ensure that essential services and utilities including water, sewerage and waste collection are expanded to be able to cope with the increase in demand.

2. **Defer implementation of the Low and Mid-Rise Housing SEPP. Give councils their housing targets and a timeframe to demonstrate how they will be achieved.** This will allow councils and their communities to undertake the strategic planning, upzone areas themselves and ensure that greater density is delivered where there is capacity and amenity. The proposed SEPP should be implemented only in cases where there are failures in the council's ability to demonstrate how they intend to achieve their targets.
3. **Clarify the definition of Town Centre Precincts and measurement of target walking catchments.** The proposed definition of a 'station and town centre precinct' fails to clearly define land affected by the reforms. Councils' do not have a tool to accurately map walking distance and it is ambiguous what local centres these reforms would apply to. Application of the definition as drafted would add a further layer of complexity to the already complex NSW planning system.

The land to which these reforms apply should not be left to assessment officers nor the Land and Environment Court to determine as has occurred in the past when planning instruments include poorly drafted definitions.

4. **Defer implementation of Part Two of the Transport Oriented Development Program (the SEPP) so that councils can undertake the strategic planning, upzone areas themselves and demonstrate how they will meet the housing targets within an agreed timeframe.** The proposed SEPP should be implemented only in cases where there are failures in the council's ability to demonstrate how they intend to achieve their targets.

Noting that this is separate to Part One of the Transport Oriented Development Program – Accelerated Precincts about which there will be immediate and ongoing collaboration between State Government and local councils.

5. **Demonstrate how the NSW Government will ensure that that additional housing is delivered alongside critical infrastructure including waste services, hospitals, schools and open space.** The reforms override long-term strategic planning processes that ensure the delivery of dwellings alongside supporting infrastructure and services. Sydney Water has already acknowledged that the water and sewerage system may not have the necessary capacity for the proposed increase in housing density. The State Government's proposal will also exacerbate the gap in supply of sports facilities identified in the recently released [Review of Supply and Demand for Sports Facilities the NSROC Region](#).
6. **Further clarification is required on how the proposed reforms will address existing and future barriers to the construction of the new dwellings.** The NSW Government must recognise that factors other than capacity/zoning affect housing supply. Market factors such as land banking and construction costs can be a significant barrier to increasing housing supply. Construction has yet to commence on a large number of housing approvals already in the system. (eg – more than 1000 dwellings approved but not constructed in Hornsby Shire since 2021).

The NSW Government must work with the Federal Government to explore other policy levers surrounding the current housing crisis. Other potential improvements (beyond housing planning controls) include improved pathways for more well-trained builders and tradesmen as well as improving supply of building materials.

The State Government should also clearly identify how it will contribute to the delivery of housing on government lands. Similar to targets being set for councils, the State Government should outline its plan, timeframes, and commitment to deliver housing to assist address the housing crisis.

- 7. Prevent the erosion of employment lands in North Sydney Council and City of Ryde areas.** These areas are vital for jobs and the economic development of the NSROC region. Stop the proposal to allow Build-to-Rent on the Macquarie Park Innovation District employment lands.
- 8. Exclude bushfire and flood prone land, as well as lands mapped as having high biodiversity value, and heritage conservation areas from the reforms.** These areas require careful planning and evaluation of environmental impacts and capacity constraints. If the SEPP is implemented as currently described, Government must give councils the opportunity to identify areas of local significance/importance that should be granted an exclusion.
- 9. Undertake further analysis and provide solutions for the impact of the large increase in dwelling numbers on waste collection, waste infrastructure and processing which include the EPA's organics requirements.**

NSROC is deeply concerned about the impact of the proposed reforms on the effective and efficient provision of waste services. In particular, the proposed change to the Apartment Design Guide that states that “design of basement and ground floor for mid-rise housing is not required to accommodate large vehicles entering or turning around within the site”.

The proposed changes are to be enacted within station and town centre precincts and it is exactly these areas where the need for on-site collection of waste is required to maintain safety and amenity. Removal and delivery trucks will also be forced onto the road ways for unloading. If small truck access is required to these buildings, costs will increase for councils and residents.

The provision of kerbside collection will be difficult in most developments and impossible in others. This will be exacerbated when coupled with proposed changes to:

- Reduce on site car parking requirements,
- specifications on building setbacks, and
- removal of minimum lot sizes and width standards.

If the reforms proceed as described, it is likely that bins will need to be placed in front of parked cars to enable access for collection which will impact on traffic flow, community amenity and require illegal double parking by the collection trucks. Buildings that are poorly designed for waste management will impact on driver, resident and pedestrian health and safety.

- 10. Require developers receiving the affordable housing height bonus to dedicate affordable housing in perpetuity.** As our population increases there will also be increased need for affordable housing. It is critical that affordable housing does not revert to market rates after just 15 years. The stock of affordable housing across Greater Sydney must grow over time.
- 11. Work with councils to identify appropriate development standards that are responsive to local character and constraints.** The development standards proposed including height, FSR and potential minimum allotment size would result in a level of development that is far too dense in some areas. The standards do not differentiate between inner city suburbs or those in outer fringe areas. For instance, the proposal to enable subdivision of 450m<sup>2</sup> allotments that contain a duplex may result in allotments as small as 225m<sup>2</sup>. Allotments of this size would provide limited opportunity for tree planting, deep soil landscaping and would be inconsistent with the established character of many suburbs. NSROC councils would welcome the opportunity to work with the State Government to identify more appropriate development standards.

- 12. Require that the recently introduced Housing Productivity Contribution (HPC) be allocated within the LGA where it is collected to deliver tangible benefits for the communities experiencing development.** If councils are to meet increased demand for services and infrastructure driven by these reforms then the HPC must be spent upgrading or delivering new local facilities within the relevant LGA. The projected potential population increases associated with the housing reforms go well beyond that predicted in current local strategic plans. It will push existing infrastructure, service delivery, open space and sporting facilities to their limits.
- 13. Release the Six Cities Plan and local targets prior to finalising the reforms.** This information should be accompanied by the modelling and analysis that support Government's proposal.

NSROC councils would welcome the opportunity to work constructively with Government and agency representatives to develop a framework for Low and Mid-Rise Housing that delivers the Government's commitments to increase housing supply while also retaining the amenity expected by our communities.

## Conclusion

Thank you for the opportunity to provide a submission regarding the Explanation of Intended Effect: Changes to create low and mid-rise housing.

NSROC member councils stand ready to help the NSW Government respond to the housing crisis and ensure that well designed and well located housing is delivered across the region.

If you require further information, please don't hesitate to contact NSROC Executive Director Dr Meg Montgomery on 0401 640 823 or at [mmontgomery@lanecove.nsw.gov.au](mailto:mmontgomery@lanecove.nsw.gov.au).