



The Palm Beach & Whale Beach Association Inc.  
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## INTRODUCTION

1. The Palm Beach & Whale Beach Association (PB&WBA) is a community-based group, founded in 1918 and with a membership of over 450 representing the interests of both owners and tenants resident in Palm Beach and Whale Beach, as well as local businesses. We are grateful for the opportunity to put forward our views on the Government's Low- and Mid-Rise Housing Proposals.

## LOCAL ISSUES

2. Our major local concern is the effect the Proposals will have on Palm Beach and Whale Beach. Apart from reserves and national parks, the principal zoning of the two suburbs is C4 – Conservation Living, which is not affected by the Proposals. We have three R2 zones – Low Density Housing - which could be affected; the zoning currently allows dual occupancy and secondary housing. The Proposals could affect the R2 zones in two ways – first by raising the height control from 8.5 metres to 9.5 metres for dual occupancies and second by permitting town houses/terraces and manor houses. We believe that all that the increase in height will achieve, will be higher houses being built in the R2 zones – this will be felt to be undesirable by most of our members and it will have little impact on the availability of housing. In relation to allowing manor houses, terraces and town houses, the Proposals specify that this will only happen in R2 zones which are within “station and town precincts”; the meaning of this phrase is discussed in detail under the next heading but it would not apply in Palm Beach or Whale Beach because our local E1 zones do not qualify as “station and town precincts”.
3. One of the likely consequences of using non-refusal standards is that there will be greater numbers of allegedly compliant developments. These developments are not subject to the same transparency rules as development applications and there is no good reason why they should not be. The community, particularly neighbouring owners, are entitled to the same right to know what is proposed to be built and to examine the effects of what is proposed on their own properties and their own neighbourhood. This is a significant flaw in the current legislative framework and must be dealt with in the proposed SEPP.

## E1 ZONE CONCERNS

4. Our second area of concern is the small number of E1 zones in the two suburbs. These four areas reflect what the E1 classification is really all about – a small number of totally local shops and services which only service limited local needs. There are no supermarkets or chains and we have no transport hubs. There are around 75 E1 zones in the Northern Beaches LGA and all except a dozen or so would be similar to the ones in Palm Beach. None of that majority have R3 zones attached or nearby. Most of them have very limited or no

availability of public transport. We suspect that there would be hundreds of these E1 zones across Sydney. They should not be affected by the Proposals and we question the wisdom of creating uncertainty and opposition in these neighbourhoods when there will be no possibility of increasing density there. E1 zoning is not similar to MU1, with which it is grouped in the Government's paper, at least in this LGA. There are no E2 zones in the Northern Beaches LGA.

5. So far as the dozen are concerned, we have real concerns about the lack of definition of the conditions which might or might not bring these zones within the Proposals. What is a full line supermarket? What is the cut-off point between that category and a less-than-full line supermarket? Who will determine whether a particular zone contains "a wide range of frequently needed goods and services" and on what factors or criteria will they base their decision? Our interest in this part of the Proposals is driven by our concerns about our closest shopping area – Avalon Beach. It is an attractive but limited seaside village but it has a Woolworths Metro store which is not a full line supermarket, either on floor space data or on lines of products stocked. It is not on a main bus route like the B1 but significant development of its R3 zones will place a considerable extra burden on limited transport services and other infrastructure - it is not a transport hub. What will be its categorization? What makes Roseville or Killara, for example, a target – neither of them has a supermarket, they are not transport hubs; there are also very limited R3 zones around these stations. In fact, looking at Ku Ring Gai LGA as a whole, R3 zones around railway stations are much smaller than might have been expected after the "drama" of the 1990's seizure of planning powers by the then Government.
6. There are many such small limited village centres all over Sydney with uncertainty hanging over them.
7. The R2 zones within 400 and 800 metres of these "station and Town centre precincts" will also be affected by the Proposals. These R2 zones will face an increase in the height control from 8.5 metres to 9.5 metres and will be required to allow town houses, terraces and manor houses.
8. There is no attempt to understand the effects that the Proposals will have on the E1 zones. Increased density will require more parking places in the E1 zones and, speaking for Avalon Beach, there is already a parking deficiency. There will be a need for increased public transport services to serve the increased population. Emergency services are likely to require re-calibration.
9. The increased population concentrated in the way the Proposals envisage will require access to increased green space and sporting facilities, already under pressure at the current population levels. The space for these will be extremely hard to find.
10. Our recommendation is that all E1 zones should be excluded from the Proposals.

#### SHOP-TOP HOUSING CONCERNS

11. Another concern we have in relation to Avalon is the effect that nearby R3 height limits of 21/16 metres will have on the E1 area which currently comprises mostly one and two storey buildings with a small number of three storey. The height limit is currently 8.5 metres (with a central area restricted to 5 metres) and that should stay to preserve the style and atmosphere of the village which is highly valued by residents and visitors alike. The next E1 zone, travelling south, is Newport which has a height limit in part of up to 11 metres which

illustrates the danger of broad-brush planning. The Proposals document talks about non-refusal standards for shop-top housing that will be identical with those proposed for RFB's – this is not appropriate where the range of development in existing E1 zones is so diverse and scattered but primarily low-density. There will be many unintended and undesired (and undesirable) from this step.

#### FLOOR SPACE RATIOS

12. The proposed floor space ratios in the non-refusal standards require revision, based on a number of worked examples we have done for flat buildings. Once allowance is made for required setbacks and landscaping, there is no way for several of the classes of housing that the proposed FSR will ever be reached. In other words, it will not be a control at all so they need to be adjusted downward.

#### PARKING

13. Limiting parking to 0.5 or 1 vehicle per dwelling unit ignores the reality that a high proportion of residents own 2 vehicles per dwelling unit. The limitation will result in a higher demand for on-street parking in suburbs close to transport hubs and town centres where such parking is already unable to meet demand. Incentives will be required to induce people to swap cars for public transport.

#### BROAD POLICY CONCERNS

14. The overall philosophy of building denser development near stations and transport hubs is logical and appropriate. However, the Proposals are not set into any broader context or framework, other than a drive to build more dwellings. There is no attempt to set out the kind of Six Cities which the Government wishes to achieve and the result will be a chaotic approach to development. As already mentioned, transport is not considered, nor is infrastructure. The impact on social amenity and quality of life has to be examined.
15. There is no attempt to ascertain which areas have the best or most suitable infrastructure to cope with greater numbers of residents. For example, many of the heavy and light rail lines and stations are, according to recent publications, fully utilised during current peak hours or very nearly so - statistics from 2019 revealed that more than half of Sydney railway stations do not have capacity to cope with more passengers in the peak period between 8.00am and 9.00am.
16. There is no discussion of any of the possible or probable effects of the Proposals, positive or negative. The public, which will have to cope with these Proposals, have a right to be fully informed about their effects.
17. There is no discussion as to why the Six Cities need to keep growing and what the benefits might be.
18. There is no attempt to divert growth to other centres within NSW than the Six Cities – no attempt to ask other States to share the problem, even though some have a strong demand for more labour and no attempt to explain why the Six Cities can't simply say "We are full". In this respect the slogan "More homes where people want to live" is unhelpful – it is not practicable, it is not affordable and it is a poor substitute for proper policy discussion; an example is the statement on p.9.

19. There is no attempt to align new dwellings with job growth or job demand or any business or service development in order to ensure that the new arrivals can be housed near business or other organisations.
20. There is no discussion of the need for affordable housing and no measures which will make it easier for Councils to insist on the inclusion of affordable housing in large scale developments. Affordable housing is required for many people who supply essential services, such as nurses, fire-fighters, ambulance drivers and so on and an effort must be made to ensure that there is availability of affordable housing within reach of their places of employment. This problem MUST be part of any housing policy which deals with the promotion of mid-rise housing. Northern Beaches Council has a Government-approved Housing Plan which includes quotas for additional housing and identifies suitable sites for affordable housing. What will happen to such housing plans? Shouldn't quotas again have a role to play in these Proposals so that the public can monitor progress and hold councils to account.
21. The EIE states (p. 12) – “More homes should be located near public transport hubs and town centres”. There is almost no further discussion about transport hubs – how one is defined, what criteria make a particular bus stop or train stop a “transport hub”. Quite the opposite – the paper treats every heavy or light rail stop as a transport hub and a major proportion of them are not. Bus stops do not get a mention. There is no discussion about town centres – after that headline on p. 12, there is no discussion about town centres. Instead the paper focuses straight down to E1 and E2 zones and by definition E1 zones are not town centres and for the vast majority of that zone, the Proposals will not apply. These areas of “looseness” in description increase the confusion around the proposals and are misleading.
22. The omission of protection of heritage areas and heritage buildings is a major mistake. Sydney has little enough of its heritage remaining because of past destruction and is a city with relatively little “soul” or character. Heritage precincts which are zoned C3 or C4 are not subject to the Proposals but there is no statement to that effect in the Proposals. Heritage buildings and heritage precincts are not so common that protecting them would make the least difference to housing supply. The effort should be made to leave heritage areas intact and focus new developments into more suitable locations. It can be easily dealt with in the proposed new SEPP.
23. The decision by the Department to remove hazards, risks and environmental factors from zoning decisions is not helpful in making good planning decisions and flies in the face of common sense.
24. Provisions for landscaping plus moving 6 storey buildings closer together will create a greater tendency to wind tunnels and have a damaging effect on tree canopy. Tree canopy is a major popular issue. A reduction in tree canopy will make Sydney a hotter and more unhealthy city. The provisions of the Apartment Design Guide, which are State policy and include separation, should not be so quickly put aside. Some of the new developments in Meadowbank or Zetland, for example with substantial plantings in open space between 5 storey buildings are a much better and healthier and more attractive model.
25. No attempt has been made to determine whether infrastructure exists before the Proposals will come into effect, other than to exclude the Eastern Suburbs, supposedly because of sewerage inadequacies. This applies to transport infrastructure, particularly to bus routes and to areas where cars will be the main transport mode.

26. For those E1 zones which have an R3 zone in their immediate vicinity, 21m height is too high – these E1 zones will have nothing higher than 3-stories and many are only 2. Lifting the height control on shop-top housing will not produce significantly many more housing units but will produce darker, windier, less attractive local centres for no significant gain. Again social amenity and quality of life have not been considered and these are permanent changes so there is no going back if they are adopted as they are.
27. What does “well-located” mean?
28. It is understood why the Government would wish to adopt such a broad brush approach to the housing problem but it has significant downsides and it fails to make good use of local knowledge possessed by Councils – it is critically important that the Government and Department find a way of working with Councils and using their skills, rather than trying to impose hasty solutions on the Six Cities.
29. There are several other major issues of concern not addressed in the paper. One of the major reasons for the shortfall in housing supply over the last couple of years is the shortage of labour. Where are we to find the tradespeople to provide the significant increase from 47,000 to 75,000 dwelling units per annum? A second problem is that the rush to increase the supply of housing will inevitably result in corners being cut and more problem buildings occurring. A third issue is that the private certifier system is fatally flawed – there are not enough of them, they are insufficiently trained, they are not properly monitored and they are paid by the developers; this system has to be changed. There is no mention of “good design” in the Proposals – shouldn’t that be a central part of the process?

We appreciate the opportunity to make our views available to the Government in tackling this critically important challenge.

Yours truly

Professor Richard West AM

President

Palm Beach & Whale Beach Association

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