DECISION OF
COUNCIL MEETING HELD ON 13 MARCH 2023

10.2. Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential Zone – Post Exhibition Report

AUTHOR: Ben Boyd, Executive Strategic Planner

To seek Council's endorsement to progress the planning proposal following consideration of public submissions, such that an amendment to North Sydney Local Environmental Plan 2013 can be made.

At its meeting of 28 March 2022, Council resolved to forward a Planning Proposal (PP 4/22: Council's reference) to the Department of Planning and Environment (DPE), seeking to amend the North Sydney Local Environmental Plan (NSLEP) 2013 to prohibit residential flat buildings in the *R3 Medium Density Residential* zone.

On 12 August 2022, the Minister for Planning issued a Gateway Determination (PP-2022-1167: DPE's Reference) enabling the Planning Proposal to proceed to public exhibition, subject to meeting a number of conditions.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 43 days (30 working days), from 26 September 2022 to Monday 7 November 2022.

152 submissions were received during the exhibition period, of which:

- 121 were in support of the intended outcomes of the Planning Proposal, and
- 31 objected to the intended outcomes of the Planning Proposal.

The key issues raised in the submissions related to:

- impacts on character, heritage and amenity;
- dwelling supply, accessibility and diversity;
- impacts on traffic and parking;
- bulk, scale and height; and
- loss of existing use rights.

Of those that objected, some suggested additional amendments to NSLEP 2013, including:

- amending the savings and transitional clause to remove the need to consider a future amendment as a "draft environmental planning instrument";
- incorporation of a clause to ensure residential flat buildings are permissible for those lands zoned *R3 Medium Density Residential* which currently contain a lawfully approved residential flat building;
- requests for spot rezonings to ensure that residential flat buildings are permissible with consent on the identified lands; and
- amendment of built form controls to enable greater building height.

In light of the submissions made, it is recommended that the Planning Proposal be amended such that the application of both suggested savings provisions are identical, with the view to ensuring DAs (which have been lodged and not determined before any amendment giving effect to the Planning Proposal) are assessed as though the amendment had not been made.

It is further recommended that Council resolves to adopt the Planning Proposal as amended in response to submissions made, and that the amended Planning Proposal be forwarded to the Department of Planning and Environment for approval.

Note: This report was updated on 6 March 2023 in accordance with the Addendum to the Council report.

Progressing and finalising the plan-making process for this Planning Proposal to amend NSLEP 2013 in the manner proposed represents a modest investment in Council resources. These can be accommodated within existing budget lines.

RECOMMENDATION:
1. THAT Council note the submissions made.
2. THAT in response to the submissions made, Council endorse the Planning Proposal, forming Attachment 2 to this report, subject to amending the wording of the first suggested savings provision on Page 9 of the Planning Proposal to read:

> *If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had not commenced.*

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal (Attachment 2), as amended by Recommendation 2, to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.
4. THAT all submitters be advised of Council's resolution.
This item was moved forward as part of the Public Forum (see page 7).

The following people spoke on this item as part of the Public Forum:

- *Anne Lytle (local resident)*
- *Fiona Gracie (local resident and member of Cremorne Conservation Group)*
- *Sarah Kok (local resident)*

A Motion was moved by Councillor Beregi and seconded by Councillor Gibson:

1. THAT Council note the submissions made.
2. THAT in response to the submissions made, Council endorse the Planning Proposal, forming Attachment 2 to this report, subject to amending the wording of the first suggested savings provision on Page 9 of the Planning Proposal to read:

> *If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that*

commencement, the application must be determined as if that amendment had not commenced.

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council without delay forward the Planning Proposal (Attachment 2), as amended by Recommendation 2, to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

4. THAT all submitters be advised of Council's resolution.

The Motion was put and **Carried**.

Voting was as follows: For/Against 10 / 0

For: Councillor Baker, Councillor Beregi, Councillor Bourke, Councillor Gibson, Councillor Lamb, Councillor Lepouris, Councillor Mutton, Councillor Santer, Councillor Spenceley and Councillor Welch

Against: Nil

Absent: Nil

78. RESOLVED:

1. THAT Council note the submissions made.

2. THAT in response to the submissions made, Council endorse the Planning Proposal, forming Attachment 2 to this report, subject to amending the wording of the first suggested savings provision on Page 9 of the Planning Proposal to read:

If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had not commenced.

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council without delay forward the Planning Proposal (Attachment 2), as amended by Recommendation 2, to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

4. THAT all submitters be advised of Council's resolution.

A D D E N D U M

ADDENDUM TO REPORT OF BEN BOYD, EXECUTIVE STATEGIC PLANNER

SUBJECT:	10.02 Planning Proposal 4/22 Prohibition of residential flat buildings in the R3 Medium Density Residential zone – Post Exhibition Report
AUTHOR:	Ben Boyd, Executive Strategic Planner
DATE:	6 March 2023

Attachments: Nil

SUMMARY

The main report considers the submissions made in response to the public exhibition of Planning Proposal 4/22 to amend North Sydney Local Environmental Plan 2013 (NSLEP 2013) to prohibit residential flat buildings in the *R3 Medium Density Residential* zone.

It had been brought to Council's attention that there was a repetitive error contained within section 4 of the report dealing with recommended responses to submissions. The affected sections of the report include the following:

- 4.1.2
- 4.2.2
- 4.3.2
- 4.4.2
- 4.5.2
- 4.6.2
- 4.7.2
- 4.8.2
- 4.9.2
- 4.10.2
- 4.11.2
- 4.12.2
- 4.13.2
- 4.16.2

In particular, the following amendment is required to the main report (~~red strikethrough~~ represents a deletion and blue underline represents an insertion) to reflect the actual outcomes of the proposal:

> *That the proposed amendment to ~~permit~~ prohibit residential flat buildings in the R3 Medium Density Residential zone be retained unamended.*

This amendment has been made and does not affect the content of the main assessment report, nor does it effect the overall recommendations to the main assessment report.

RECOMMENDATION:

1. THAT Council note the submissions made.

2. THAT in response to the submissions made, Council endorse the Planning Proposal, forming Attachment 2 to this report, subject to amending the wording of the first suggested savings provision on Page 9 of the Planning Proposal to read:

If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had not commenced.

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal (Attachment 2), as amended by Recommendation 2, to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

4. THAT all submitters be advised of Council's resolution.

SIGNED _____

Ben Boyd, Executive Strategic Planner

10.2. Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential Zone – Post Exhibition Report

AUTHOR: Ben Boyd, Executive Strategic Planner

ENDORSED BY: Joseph Hill, Director City Strategy

ATTACHMENTS:
1. Gateway Determination [**10.2.1** - 3 pages]
2. Planning Panel Prohibition of Residential Flat Buildings (RFBs) in R3, for Public Exhibition [**10.2.2** - 32 pages]
3. Public Submissions Summary Table - Prohibition of RFBs in R3 [**10.2.3** - 100 pages]
4. Precinct Submissions Summary Table - Prohibition of RFBs in R3 [**10.2.4** - 8 pages]

PURPOSE:

To seek Council's endorsement to progress the planning proposal following consideration of public submissions, such that an amendment to North Sydney Local Environmental Plan 2013 can be made.

EXECUTIVE SUMMARY:

At its meeting of 28 March 2022, Council resolved to forward a Planning Proposal (PP 4/22: Council's reference) to the Department of Planning and Environment (DPE), seeking to amend the North Sydney Local Environmental Plan (NSLEP) 2013 to prohibit residential flat buildings in the *R3 Medium Density Residential* zone.

On 12 August 2022, the Minister for Planning issued a Gateway Determination (PP-2022-1167: DPE's Reference) enabling the Planning Proposal to proceed to public exhibition, subject to meeting a number of conditions.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition for a period of 43 days (30 working days), from 26 September 2022 to Monday 7 November 2022.

152 submissions were received during the exhibition period, of which:
- 121 were in support of the intended outcomes of the Planning Proposal, and
- 31 objected to the intended outcomes of the Planning Proposal.

The key issues raised in the submissions related to:
- impacts on character, heritage and amenity;
- dwelling supply, accessibility and diversity;
- impacts on traffic and parking;
- bulk, scale and height; and
- loss of existing use rights.

Of those that objected, some suggested additional amendments to NSLEP 2013, including:

- amending the savings and transitional clause to remove the need to consider a future amendment as a "draft environmental planning instrument";
- incorporation of a clause to ensure residential flat buildings are permissible for those lands zoned *R3 Medium Density Residential* which currently contain a lawfully approved residential flat building;
- requests for spot rezonings to ensure that residential flat buildings are permissible with consent on the identified lands; and
- amendment of built form controls to enable greater building height.

In light of the submissions made, it is recommended that the Planning Proposal be amended such that the application of both suggested savings provisions are identical, with the view to ensuring DAs (which have been lodged and not determined before any amendment giving effect to the Planning Proposal) are assessed as though the amendment had not been made.

It is further recommended that Council resolves to adopt the Planning Proposal as amended in response to submissions made, and that the amended Planning Proposal be forwarded to the Department of Planning and Environment for approval.

Note: This report was updated on 6 March 2023 in accordance with the Addendum to the Council report.

FINANCIAL IMPLICATIONS:

Progressing and finalising the plan-making process for this Planning Proposal to amend NSLEP 2013 in the manner proposed represents a modest investment in Council resources. These can be accommodated within existing budget lines.

RECOMMENDATION:

1. THAT Council note the submissions made.

2. THAT in response to the submissions made, Council endorse the Planning Proposal, forming Attachment 2 to this report, subject to amending the wording of the first suggested savings provision on Page 9 of the Planning Proposal to read:

> *If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had not commenced.*

3. THAT having completed the community consultation requirements outlined in the Gateway Determination, Council forward the Planning Proposal (Attachment 2), as amended by Recommendation 2, to the Department of Planning and Environment with a request that a Local Environmental Plan be made in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979, to give effect to the Planning Proposal.

4. THAT all submitters be advised of Council's resolution.

LINK TO COMMUNITY STRATEGIC PLAN

The relationship with the Community Strategic Plan is as follows:

2. Our Built Infrastructure
2.4 Efficient traffic mobility and parking

3. Our Innovative City
3.3 Distinctive sense of place and design excellence

4. Our Social Vitality
4.3 North Sydney's history is preserved and recognised

5. Our Civic Leadership
5.1 Lead North Sydney's strategic direction

BACKGROUND

The following outlines the chronology and milestones of the Planning Proposal process to date:

20 March 2017
Council resolves to call for a report to investigate the possibility of reinstating previous planning controls that applied prior to the gazettal of the North Sydney Local Environmental Plan 2013 (NSLEP 2013) which removed existing use rights for residential flat buildings within residential zones.

25 March 2019
Council considers a report responding to the March 2017 resolution of Council, wherein it resolved to incorporate the following amendments to NSLEP 2013 as part of Council's Accelerated LEP Review program:

a. include 'residential flat buildings' as a permissible use within the *R3 Medium Density Residential* zone.
b. include a new local provision within Part 6 that further restricts the development of existing residential flat buildings in the *R3 Medium Density Residential* and *R4 High Density Residential* zones.

In addition, Council resolved to prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened.

23 September 2019
Council resolves to prepare a planning proposal (PP 7/19) in line with the Accelerated LEP Review program, which included amendments to give effect to the resolution of 25 March 2019 in relation to existing use rights.

25 November 2019
Council resolves to progress Planning Proposal 7/19 in line with the Accelerated LEP Review program, including the permitting of residential flat buildings in the *R3 Medium Density Residential* zone. A recommendation of 25 March 2019 to include a new local provision within Part 6 that further restricts the development of existing residential flat buildings in the *R3 Medium Density Residential* and *R4 High Density Residential* zones was not adopted nor pursued due to a duplication in assessment processes.

24 August 2020
Following the public exhibition of Planning Proposal 7/19, Council resolves to progress the Planning Proposal such that an amendment to NSLEP 2013 is made giving effect to the Planning Proposal. Council also resolved to review the implementation of the permissibility of residential flat buildings in the *R3 Medium Density Residential* zone after one year of operation, consistent with the monitoring requirements of Council's adopted Local Housing Strategy.

30 June 2021
Amendment 30 to NSLEP 2013 (which gives effect to Planning Proposal 7/19) is made and comes into force on the same day.

10 January 2022
Council resolves to urgently begin a process to amend the NSLEP 2013 to remove "residential flat buildings" from the land-use table as a permissible use in the *R3 Medium Density Residential* zone.

9 March 2022
The North Sydney Local Planning Panel (NSLPP) considers Planning Proposal 4/22 (the Planning Proposal), which seeks to amend the land-use table to NSLEP 2013 such that residential flat buildings are prohibited in the *R3 Medium Density Residential* zone. The Panel recommends that the Planning Proposal proceed to Gateway Determination.

28 March 2022
Council resolves to endorse the Planning Proposal and forward it to the Minister for Planning in order to obtain a Gateway Determination.

CONSULTATION REQUIREMENTS

Community engagement has occurred in accordance with Council's *Community Engagement Protocol* and the relevant conditions of the Gateway Determination. The detail of this report provides the outcomes from the engagement for Council to consider.

DETAIL

1. Issue of Gateway Determination

On 12 August 2022, the Department of Planning and Environment (DPE) issued a Gateway Determination (Attachment 1), enabling the Planning Proposal to proceed to the public exhibition stage of the plan-making process, subject to satisfying six conditions. Council was also advised that due to the Planning Proposal directly affecting a significant number of properties within the Local Government Area (LGA), Council would not be granted delegation to be the Local Plan Making Authority to finalise the making of any local environmental plan amendment following the conclusion of the public exhibition. The Local Plan Making Authority was therefore to be retained by the DPE after the consideration of submissions.

2. Assessment against Gateway Determination Conditions

Compliance with the six conditions imposed on the Gateway Determination are addressed in the following subsections.

2.1. Amendment of Planning Proposal prior to public exhibition

Condition 1 of the Gateway Determination required three aspects of the Planning Proposal to be amended prior to being placed on public exhibition. These aspects are addressed in the following subsections.

2.1.1. Condition 1(a) – Savings Provision

Condition 1(a) of the Gateway Determination states:

> *Prior to public exhibition, the planning proposal is required to be updated to:*
> *(a) Contain details regarding a savings provision for DAs lodged prior to the proposed amendment of the LEP and not yet commenced.*
> *(b) …*

Sections 5.1 and 5.2.1 to the Planning Proposal were amended to incorporate a savings and transition provision to allow Development Applications for residential flat buildings in the *R3 Medium Density Residential* Zone (which have been lodged but not yet determined before the commencement of the proposed amendment) to be considered and determined as if the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone had not yet commenced. This provision was not, in any form, part of the Planning Proposal endorsed by Council, however it is not uncommon to have such a clause when making policy changes.

2.1.2. Condition 1(b) – Built form outcomes

Condition 1(b) of the Gateway Determination states:

> *Prior to public exhibition, the planning proposal is required to be updated to:*
> *(a) …*
> *(b) Provide further detail of any concerns of built form outcomes resulting from DAs for RFBs in the R3 zone; and.*
> *(c) …*

Section 5.3.1 to the Planning Proposal was amended to include details of built form outcome concerns arising from residential flat buildings being proposed in the *R3 Medium Density Residential* zone.

2.1.3. Condition 1(c) – Timeline

Condition 1(c) of the Gateway Determination states:

> *Prior to public exhibition, the planning proposal is required to be updated to:*
> *(a) …*
> *(c) Include an updated project timeline to ensure completion in a timely manner.*

Section 5.6 to the Planning Proposal was amended to include a revised timeline to reflect the timings stated within the Gateway Determination.

2.2. Public Exhibition

Condition 2 of the Gateway Determination required that the Planning Proposal be placed on public exhibition for a minimum of 20 working days, with the commencement of the public exhibition to occur within four months (or by 12 December 2022) of the date of the Gateway Determination.

In accordance with the Gateway Determination, the Planning Proposal was placed on public exhibition:

- for 43 days (30 working days) from 26 September 2022 to Monday 7 November 2022, well in excess of the abovementioned requirement; and
- within approximately 1.5 months after the issue of Gateway Determination, well within the abovementioned timeframe.

2.3. Consultation with Public Bodies

Condition 3 of the Gateway Determination stated that the Planning Proposal did not require referral to any public authorities or government agencies, as the Planning Proposal did not seek to intensify development on any land.

2.4. Public Hearing

Condition 4 of the Gateway Determination did not require the undertaking of a public hearing in accordance with s.3.34(2)(e) of the EP&A Act. However, the Condition stated that this did not remove the need to undertake a public hearing in relation to the reclassification of land under the Local Government Act, 1993.

The Planning Proposal does not seek to reclassify any land under the Local Government Act, 1993 and therefore did not warrant the holding of a public hearing under s.3.34(2)(e) of the EP&A Act.

2.5. Timeframes

Condition 5 required that an LEP that implements the intent of the Planning Proposal be made within nine months of the issuing of the Gateway Determination (i.e. 12 May 2023). Should Council resolve to recommend the making of the LEP, it will leave almost two months to make the LEP. A review of previous LEP-making processes indicate that on average, an LEP of similar complexity can be made within approximately two to three months after the consideration

of the post exhibition report. As Council has not been granted delegation to be the Local Plan Making Authority, it does not have carriage of the finalisation of the LEP, the onus of which will fall on the DPE to finalise the LEP within this shorter timeframe. Notwithstanding, Council staff will assist the DPE in the finalising of the LEP in a timely matter.

3. Public Exhibition

As indicated in Section 2.2 of this report, the Planning Proposal (Attachment 2) was placed on public exhibition concurrently for 43 days (30 working days), from Monday 26 September 2022 to Monday 7 November 2022.

All property owners and occupiers of properties located within the *R3 Medium Density Residential* zone under NSLEP 2013 (approximately 8,100) were notified by letter of the public exhibition of the Planning Proposal. Council also notified (by letter) the applicant of a current Development Application which was relying on the current permissibility of residential flat buildings in the *R3 Medium Density Residential* zone.

Formal notices were placed on both the NSW Planning Portal and Council's website, in accordance with the Environmental Planning and Assessment Act, 1979, and Council's Community Engagement Protocol.

Electronic copies of the exhibition documentation were made available on Council's website for the entirety of the exhibition period. Hard copies of the exhibition documents were made available at Council's Customer Service Centre and Stanton Library.

4. Consideration of Submissions

152 submissions were received in response to the public exhibition of the Planning Proposal, of which:

- 144 submissions were made by the general public; and
- Eight submissions were made by Council's Precinct Committees.

All submissions were received during the formal public exhibition period, with the exception of six public submissions which were received after the formal public exhibition concluded.

A summary and response to all issues raised in the public and Precinct Committee submissions received are provided in the Submissions Summary Tables (Attachments 3 and 4 respectively). It is recommended that the recommendations outlined in the Submissions Summary Tables be adopted as part of this report.

121 submissions (approximately 80%) supported the proposed amendment. In particular, the key reasons for providing support related to the following:

- it will help to protect the character and the amenity of an area (94);
- it will support the principle of intergenerational equity by acknowledging and protecting our built environment heritage (80);
- it will reduce traffic and parking impacts (28);
- it will reduce environmental impacts (21)

- it will increase housing diversity (20);
- Council has achieved/ is achieving its State imposed housing targets (13); and
- it will decrease future bulk, scale and height of buildings (8).

31 submissions (approximately 20%) did not support the proposed amendment. In particular, the key reasons for not supporting the amendment related to the following:

- it will decrease housing choice (17);
- the policy position has only been in force for 1 year (9);
- it will reduce housing affordability (8);
- residential flat buildings are permissible in the R3 Medium Density zone in other LGAs (8);
- it will decrease housing supply (7);
- it will reduce the ability to deliver accessible housing (7);
- it removes the right to redevelop sites containing existing lawfully approved residential flat buildings (6); and
- adequate planning controls are in place to ensure that the bulk and scale of developments are (5).

A number of submitters also suggested additional amendments to NSLEP 2013 as follows:

- including a clause to make residential flat buildings permissible with consent on those sites within the *R3 Medium Density Residential* zone which contain lawfully approved residential flat buildings.
- increasing the height limit in the *R3 Medium Density Residential* zone;
- spot rezoning of several sites to permit residential flat buildings with consent, and in some instances, in conjunction with associated changes to the built form controls; and
- amending the proposed savings provision, to remove the need to consider any future amendment giving effect to the planning proposal to be treated as a draft environmental planning instrument.

A number of submissions in support of the proposal also requested that the making of the proposed amendment be expedited. This issue was also raised with Council staff and Councillors on numerous occasions following the conclusion of the formal public exhibition period.

The key issues raised in the submissions are discussed in further detail in the following subsections.

4.1. Character

The majority of the submissions made (94) supported the proposal on the basis that the character of the *R3 Medium Density Residential* zone will be better maintained.

4.1.1. Comment

The proposal itself cannot guarantee that no development will occur but will result in the restriction of residential accommodation typologies to that prevailing within the *R3 Medium Density Residential* zone.

Despite the proposal's intent to prohibit residential flat buildings in the *R3 Medium Density Residential* zone, it is acknowledged that "manor houses" (a form of residential flat building) may be permitted as complying development within the *R3 Medium Density Residential* zone under the *Low Rise Housing Diversity Code* to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP), subject to satisfying the mandatory requirements of that SEPP. The Codes SEPP also prevents manor houses being erected on sites which are identified as a heritage item or located within a heritage conservation area, which further restricts their take-up in this zone.

Manor houses are generally subject to a maximum two-storey built form and must contain three or four dwellings, with at least one dwelling located directly above another dwelling. Therefore, even if residential flat buildings are again prohibited in the *R3 Medium Density Residential*, there will still be potential for the building typology character to change within the zone. Such a change would however be limited to small scale developments in comparison to the traditional perceived interpretation of a residential flat building (typically considered as a three to four storey building and larger).

However, an area's character is not determined by land use types alone. It is also determined by the scale of the built form, spacing of the built form, use of architectural features, building materials, and landscaping elements. There is also a need to recognise that there may be differences between the existing character of an area and its desired future character, as established in Council's planning policies and strategies.

NSLEP 2013 and NSDCP 2013 contain statements about a locality's desired future character and contain provisions to ensure that new development fits into the desired future character of a locality. This future character is largely determined by the desires of the wider community as established through the participation in the making of planning studies/strategies, local environmental plans, and development control plans.

It is inevitable that in some localities there will be a disparity between the existing and desired future character. This is due to some localities still containing high proportion of original detached or semi-detached dwellings which have yet to be redeveloped for more intense development such as multi-dwelling housing, which is permitted within the *R3 Medium Density Residential* zone. Disparities in character can also occur in localities where there is a patchwork of different zonings, with those zonings being relatively small in area. This is typically much harder to address and is often considered on a merit basis.

Whilst approximately 20% of properties located in the *R3 Medium Density Residential* zone contain lawfully approved residential flat buildings, their bulk and scale vary greatly. For instance, they can vary from modest two-storey buildings containing only two apartments with one located above the other (n.b. this relates to a former definition of residential flat building, whereby any dwelling at that time proposing two attached dwellings on the same site was defined as a residential flat building), up to a nine-storey building containing 72 apartments and a 13-storey building containing 36 apartments. These existing residential flat buildings also have varying levels of site coverage and landscaped area.

These issues have been addressed in further detail in Section 4.11 to this report. In summary, the current built form controls under both NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed in the zone.

4.1.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.2. Heritage

Just over half of the submissions made (80) support the proposal on the basis that it would assist in the protection of the LGA's heritage for both current and future generations. Many submissions raising this issue made direct reference to the recent example of DA 243/21 which proposed the demolition of 3 detached dwelling houses at 115, 117 and 119 Holt Avenue Cremorne, replacing them with a residential flat building. The existing properties were later found to have local heritage significance by an independent heritage consultant.

4.2.1. Comment

The proposal only seeks to prohibit residential flat buildings in the *R3 Medium Density Residential* zone and therefore does not prevent land within the *R3 Medium Density Residential* zone being redeveloped for other purposes still permissible in the zone.

Heritage protection is already afforded to many properties in the *R3 Medium Density Residential* zone which have demonstrated heritage significance through formal listing under NSLEP 2013 as a heritage item. Some other properties which don't quite meet the State heritage listing criteria for listing as a heritage item under an LEP may demonstrate a consistent heritage theme which warrants identification within a heritage conservation area, which then provides an additional set of criteria to address. However, a site's identification within a heritage conservation area would not preclude redevelopment of that site, as long as the new development does not adversely impact on the significance of that conservation area. This may require ensuring that new development has a similar scale and bulk, spacing, and use of architectural design features and or materials as those prevalent in the conservation area.

It is further acknowledged that there may be some properties which have potential heritage significance in the *R3 Medium Density Residential* zone but are not yet afforded any formal protection as they have not been identified as such under NSLEP 2013, such as those mentioned above in Holt Avenue Cremorne.

Council has committed to undertake a comprehensive LGA wide Heritage Study, whereby additional properties may be identified for future heritage protection. Until the Study is complete, there is an ability to provide temporary protection (via Interim Heritage Orders) to those properties which have potential demonstrated heritage significance and are under threat of demolition (i.e., an application for redevelopment has been received). These are currently being addressed on a case-by-case basis.

4.2.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.3. Amenity

About a third of the submissions made (50) support the proposal on the basis that it would assist in maintaining amenity of a locality or to adjoining properties. A further two submissions suggested that the retaining of the permissibility of residential flat buildings in the *R3 Medium Density Residential* zone would improve amenity between buildings and internally on a site, where an existing residential flat building is to be redeveloped. The issues of "character" and "amenity" were often intertwined.

4.3.1. Comment

Where amenity to a locality was mentioned, it generally related to higher level issues such as privacy, overshadowing, view sharing, environmental impacts through reduced landscaping, traffic generation and congestion, accessibility, and adaptability.

The majority of these issues are addressed in detail elsewhere in this report.

4.3.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.4. Housing Diversity

17 submissions suggested that the proposal will increase housing diversity and choice, principally through increased numbers of dwellings. Conversely, 20 submissions suggested that the proposal will decrease housing diversity, on the basis that the LGA already contains a high proportion of residential flat buildings, and that the portion of single dwellings will be reduced due to their replacement with more residential flat buildings.

4.4.1. Comment

When the initial proposal to permit residential flat buildings in the *R3 Medium Density Residential* zone was first considered, the issue of housing diversity was not initially considered.

The 2021 ABS Census indicates that approximately 76% of the housing stock within the North Sydney LGA comprises apartments, 11% comprise dwelling houses, with the remaining 13% comprising multi-dwelling housing (e.g., townhouses / villas).

Despite multi-dwelling housing and attached dwelling housing being permissible with consent in the *R3 Medium Density Residential* and *R4 High Density Residential* zones, these residential housing types are less likely to be pursued as a development option in these zones. This is due to the larger profits achievable for redeveloping a site with a residential flat building, as more smaller dwellings could be accommodated in comparison to dwellings within multi-dwelling housing or attached dwelling development on the same site. This in turn reduces the diversity of housing types being provided within the LGA.

The State Government has over the last 10 years been seeking to increase housing diversity by promoting the delivery of the "missing middle" (i.e. attached dwellings, townhouses, and villas). This position is reinforced through the Regional and District Plans set by the State Government.

Council's Local Housing Strategy (LHS) has identified a clear housing supply gap for key worker housing and affordable housing for the very low and low-income households. It also identified the need to maintain and manage a diverse dwelling mix to meet identified demand and facilitate affordable choices whilst also provisioning for housing to meet the needs of seniors and people with disabilities. The LHS also acknowledges that the majority of the new housing to be delivered in the LGA will comprise apartments within the areas zoned *R4 High Density Residential* and *B4 Mixed Use*.

Therefore, whilst it is recognised that permitting residential flat buildings in the *R3 Medium Density Residential* zone could contribute to more affordable forms of housing across a greater portion of the LGA, it would be at the expense of increasing housing diversity. Both issues are important and so any one value should not necessarily be prioritised over the other.

4.4.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.5. Traffic and parking

28 submissions supported the proposal, as the continuation of permitting residential flat buildings in the *R3 Medium Density Residential* zone would lead to increased traffic generation, congestion, and demand for on street parking. Conversely, two submissions objected to the proposal proceeding, suggesting that superior traffic and parking outcomes could be delivered.

4.5.1. Comment

Different housing typologies create different levels of traffic generation, and this can also vary depending upon the location of the development.

Despite its age (originally produced in 1993 and updated in 2002), the State Government's *Guide to Traffic Generating Development* provides some guidance in relation to anticipated traffic generation from different forms of residential development. In particular, it suggests that:

- Dwelling houses generate:
    - Daily vehicle trips = 9.0 per dwelling
    - Weekday peak hour vehicle trips = 0.85 per dwelling.

    Factors

    The above rates are based on surveys conducted in areas where new residential subdivisions are being built. Public transport accessibility in such areas is often limited. Traffic generation rates in inner metropolitan areas where public transport is more accessible could be lower. However in inner metropolitan areas that are more affluent, higher car ownership rates often counter-balance better public transport accessibility.

With new subdivisions, where standard lots are given, some additional allowance may be made for dual occupancy and group homes, where there are sufficient numbers of these types of residences.
The Australian Model Code for Residential Development (AMCORD) assumes a daily vehicle generation rate of 10.0 per dwelling, with 10% of that taking place in the commuter peak period. The use of these figures provides some allowance for later dual occupancy development.
Note that not all trips are external trips. As a guide, about 25% of trips are internal to the subdivision, involving local shopping, schools and local social visits. When reviewing the impact of the traffic generated on sub-regional and regional roads, some adjustment is necessary, depending on the location of shops, schools and recreational facilities.

- Medium density residential flat buildings generate:
  - Smaller units and flats (up to two bedrooms):
    - Daily vehicle trips = 4-5 per dwelling
    - Weekday peak hour vehicle trips = 0.4-0.5 per dwelling.
  - Larger units and town houses (three or more bedrooms):
    - Daily vehicle trips = 5.0-6.5 per dwelling
    - Weekday peak hour vehicle trips = 0.5-0.65 per dwelling.

  Factors
  Comments regarding internal and external trips made under Factors, Dwelling Houses also apply to medium density developments.
  The basic generation rates for developments in less affluent areas and for public housing may in some cases be lower than stated.

Whilst there are no separate traffic generation rates for multi-dwelling housing, they are assumed to be the same for a medium density residential flat building (noting that it makes direct reference to "townhouses"). Given that a residential flat building development is likely to result in more dwellings on a site than a multi-dwelling development (refer to Section 4.11 of this report), traffic generation is also likely to be higher, placing greater pressures on existing levels of traffic congestion.

It should also be recognised that the parking rates that apply to a site or development will affect a site's traffic generation rates (e.g., a more restrictive parking rate would reduce the anticipated traffic generation from a site).

NSDCP 2013 applies the same parking rate for multi-dwelling houses as it does residential flat buildings, when located in the *R3 Medium Density Residential* zone. Accordingly, given that a residential flat building development is likely to result in more dwellings on a site than a multi-dwelling housing development, the traffic generation is also likely to be higher. using NSDCP 2013 as a guide.

With the potential for increased dwelling numbers on a site if redeveloped as a residential flat building, there is also potential for more visitors to the site, creating increased pressure on finding on-street parking spaces.

4.5.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.6. Housing Supply

Seven submissions suggested that the current policy position was initially made to meet Council's housing supply targets set by the state government. Conversely, 13 submissions suggested that the current policy position was not made to meet housing targets.

4.6.1. Comment

Council's LHS outlines where residential growth will occur to meet the state government's housing supply targets. In particular, it identifies that in the first five years, the majority of housing growth will be concentrated in areas with high levels of access to public transport. These areas are predominately zoned *B4 Mixed Use* and *R4 High Density Residential*, with the bulk of housing supply to be delivered in the St Leonards / Crows Nest locality.

The LHS also considered a recommendation to permit residential flat buildings in the *R3 Medium Density Residential* zone to specifically address existing use rights issues. In considering this action, it was acknowledged that it would not significantly increase the potential dwelling density of this zone, nor cause significant residential growth. Accordingly, the recommendation to permit residential flat buildings in the *R3 Medium Density Residential* zone was excluded from the calculation of Council's housing supply forecasts.

The LHS also recommended that Council monitor the approval of residential flat buildings in the *R3 Medium Density Residential* zone to ensure the desired outcomes are being achieved. This was further reflected in Council's consideration of the post exhibition report to the planning proposal that gave effect to Amendment 30 to NSLEP 2013.

Therefore, despite the proposed reversing of the permissibility of residential flat buildings in the *R3 Medium Density Residential* zone, it will have no impact on Council's calculation of housing supply forecasts.

4.6.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.7. Housing Accessibility

Seven submissions suggested that residential flat buildings should remain permissible in the *R3 Medium Density Residential* zone as it would enable the construction of new dwellings with higher levels of accessibility, enabling residents to age in place.

4.7.1. Comment

NSDCP 2013 currently contains provisions (refer to section 1.2.2 to Part B of the DCP) to improve physical accessibility to and within new dwellings. It also contains provisions requiring some residential development types to be "adaptable", to enable residents to age in place. This involves designing dwellings so that they can be made fully "accessible" at a

later date. In addition, the same universal accessibility design and adaptable housing controls apply to both residential flat buildings and multi-dwelling housing development.

New dwellings are also required to address the relevant sections of the National Construction Code which dictates the minimum levels of accessibility for all dwelling types.

Therefore, the permitting of residential flat buildings in the *R3 Medium Density Residential* zone has no bearing on the delivery of future accessible dwellings.

4.7.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.8. Housing Affordability

Eight submissions suggested that the proposal would remove the ability to provide affordable housing. Conversely, one submission stated that, regardless of the dwelling types permitted in the *R3 Medium Density Residential* zone, the types of dwellings currently being proposed are not "affordable" or have been marketed towards more affluent residents.

4.8.1. Comment

It is agreed that retaining the permissibility of residential flat buildings in the *R3 Medium Density Residential* zone could result in the provision of dwellings that are more affordable than traditional detached and attached dwelling houses, townhouse, or villas.

If residential flat buildings are to be retained as a permissible use in the *R3 Medium Density Residential* zone, it is likely that residential flat buildings will be given preference over the construction of new multi dwelling housing developments, which may well result in increased prices for all other low density dwelling types in the LGA because of a reduced supply. This in turn could prevent a person from staying in the area, not wanting to reside in an apartment building.

There is substantially more land zoned *R4 High Density Residential* and *B4 Mixed Use*, where residential flat buildings can be constructed. These lands are generally located in areas of high accessibility to services, facilities, and public transport, ensuring that existing infrastructure is maximised. However, if dwelling densities are increased away from facilities, services, and public transport (such as those zoned *R3 Medium Density Residential*), it can lead to increased amenity and character impacts, which are discussed elsewhere in this report.

4.8.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.9. Existing use rights

Six submissions suggested that should the proposal proceed, it would prevent them from redeveloping their existing lawfully approved residential flat building. Two submissions recognised that existing use rights would apply to those sites where a lawfully approved residential flat building had been constructed in the *R3 Medium Density Residential* zone.

One submission suggested that if the proposal were to proceed unamended, further amendments should be made to the planning proposal to ensure that the permissibility of existing residential flat buildings remains, including:

- inclusion of a "grandfather" clause, which makes the alterations and additions to or rebuilding of a residential flat building within the *R3 Medium Density Residential* zone permissible with consent with those affected sites specifically identified; and
- inclusion of a clause that enables existing residential flat buildings to be rebuilt using the same footprint and height as currently exists.

4.9.1. Comment

Should the proposal to prohibit the erection and use of residential flat buildings in the *R3 Medium Density Residential* zone be made, it does not automatically mean that an existing residential flat building in the zone cannot be altered, added to, or rebuilt.

Division 4.11 to the EP&A Act and Part 7 of the EP&A Regulation contain provisions relating to the protection of existing use rights. The provisions effectively permit a current use on a site to continue, despite the use being prohibited under an environmental planning instrument (e.g., an LEP). These provisions require the existing use to have been lawfully approved and enable their alteration, addition to, or complete rebuilding.

Confusion may have arisen as the planning proposal did not specifically state that "existing use rights" would turn back on for those sites currently containing a residential flat building.

<u>Grandfather Clause</u>

In March 2019, Council initially investigated several options to address the existing use rights issue. In particular, the option to include a provision/s within *Schedule 1 - Additional permitted uses* to NSLEP 2013 to allow residential flat buildings to be permitted with consent on all land within the *R3 Medium Density Residential* zone that currently contain a lawfully approved residential flat building.

Pursuance of this option was not recommended as:

- it would require Council staff to determine which sites comprise existing residential flat buildings that were lawfully approved but which have subsequently become prohibited since the commencement of NSLEP 2013, which would require a significant amount of staffing and funding resources to accurately determine the extent of affected properties;
- there would be a likely rise in the use of Clause 4.6 to vary the height of buildings control (as many existing buildings would not comply), which could potentially undermine the effectiveness of the heights of buildings development control or place pressure on Council to conduct broad-scale amendments to its building height controls to various sites; and
- it is inconsistent with the DPE directives for preparing a LEP using the Standard Instrument LEP (SI LEP) format, whereby all councils must restrict the number of Schedule 1 entries within their LEPs and should be reserved for land uses that have yet to commence.

This position has not changed as the same issues still apply. However, existing use rights will continue to apply to those properties that contain a lawfully approved residential flat building.

Built form controls for properties relying on existing use rights

When Council initially investigated options to address the existing use rights issue in March 2019, it considered the potential to include development controls where that site was relying on existing use rights.

The only way to address this issue was to introduce new land use terms to NSLEP 2013, similar to those which council had incorporated under its former planning instrument NSLEP 2001. However, this approach was not supported as it would have been contrary to the DPE's directions for the preparation of an LEP in the SI LEP format. In particular, councils are not permitted to alter the standard land use definitions or directly add new definitions to the SI LEP Dictionary.

Furthermore, such provisions would detract from those contained in the EP&A Act relating to existing use rights and therefore would have no effect. The DPE directives also stipulate that the inclusion of any local clauses within a council's LEP should not undermine the effect of any relevant State and regional policies, strategies, or directions.

4.9.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.10. Length of Policy Operation

Nine submissions highlighted the point that the current policy position to permit residential flat buildings in the *R3 Medium Density Residential* zone had only been in effect for approximately one year, and its reversal would be a regressive outcome.

4.10.1. Comment

The original decision to permit residential flat buildings in the *R3 Medium Density Residential* zone was to specifically address the exploitation of existing use rights provisions. During the exhibition of the planning proposal (PP7/19) that included the initial proposal to permit residential flat buildings in the *R3 Medium Density Residential* zone, Council received a number of submissions specifically objecting to this proposed policy change.

In considering these submissions, Council resolved on 24 August 2020 to progress the planning proposal incorporating the permitting of residential flat buildings in the *R3 Medium Density Residential* zone. Council also resolved to review this change in policy position after one year of operation. This resolution was consistent with the monitoring requirements of the adopted LHS.

The current policy position commenced on 1 June 2021 and therefore its review was required by 1 June 2022.

Despite commencing the review approximately three months before the amendment had been in force for a year, the clear change in the Land and Environment Court's position of the interpretation and application of existing use rights provisions has reduced the need to rely on the former amendment that permitted residential flat buildings in the *R3 Medium Density Residential* zone.

4.10.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.11. Bulk and Scale

Five submissions stated that there was no need to proceed with the proposal as there were sufficient controls under both NSLEP 2013 and NSDCP 2013 to ensure that the built form outcomes from a residential flat building development were adequately addressed. In particular, it was highlighted that:

- all development in the *R3 Medium Density Residential* zone is subject to the same height limit;
- a more restrictive site coverage control applies to residential flat buildings (max 45%) in comparison to multi-dwelling housing (max 50%);
- a more restrictive landscaped area control applies to residential flat buildings (40%) in comparison to multi-dwelling housing (30%); and
- there is little to no difference in overall built form envelops between a residential flat building and a multi-dwelling housing development.

Conversely, six submissions requested that the proposal proceed as exhibited as it would result in unacceptable increases in bulk, scale, and height within the R3 zone.

4.11.1. Comment

It is generally agreed that the built controls under the NSLEP 2013 and NSDCP 2013 would result in a largely similar physical bulk and scale despite the residential accommodation type proposed. This issue was specifically addressed when Council first considered the permitting of residential flat buildings in the *R3 Medium Density Residential* zone.

There appears to be a level of confusion in the wider community, that a particular land use is automatically associated with particular level of bulk and scale. This is likely to stem from an assumption that a residential flat building must be at least three storeys in height or greater, with refences made to areas that accommodate tall residential flat buildings, such as St Leonards and Hornsby.

However, the bulk and scale of development is predominantly determined by various built form controls contained within Council's LEP and DCP, principally relating to height, setbacks, site coverage, and landscaping, and not through land use alone.

All development in the *R3 Medium Density Residential* zone is subject to the same 8.5m height limit regardless of what land use type is proposed. This building height control is also supported by the following objective:

(1) The objectives of this clause are as follows—

(a) …

(g) to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.

An 8.5m height limit generally restricts most development to a two-storey built form with a roof allowance. In some limited circumstances there may be the potential to accommodate a third storey, but only where the building is set into the contours of the land.

Therefore, there is no ability to accommodate large scale residential flat buildings in excess of two to three storeys in the *R3 Medium Density Residential* zone as anticipated by the wider community.

When Council first considered permitting residential flat buildings in the *R3 Medium Density Residential* zone, the issues of potential bulk and scale were investigated. In particular, Council's Urban Design staff undertook some comparative modelling of the likely building envelopes for multi-dwelling housing and residential flat buildings within the *R3 Medium Density Residential* zone, with these representing the two most dense forms of residential development in the zone. The modelling focused on the relevant key built form controls under NSLEP 2013 and NSDCP 2013 as proposed to be amended at the time. This modelling generally indicated that:

- the amount of floor space achieved for each residential accommodation type is similar;
- the dwelling density is slightly higher for a residential flat building than a multi-dwelling housing development, due to residential flat buildings containing a wider and generally smaller sized mix of dwellings; and
- resident occupancy remains about the same for both residential accommodation types, as multi-dwelling housing typically has higher occupancy rates than residential flat buildings.

Modelling undertaken was limited to two sites with a regular shape, and assuming flat ground. As every single variable was not tested, it was advised that the actual results could be largely different to the theoretical exercise. It was recommended that Council should monitor this change to ensure that the desired outcomes are achieved.

As required by Condition 1(b) of the Gateway Determination, a review of issues arising from DAs seeking a new residential flat building in the *R3 Medium Density Residential* zone was provided within the exhibited Planning Proposal. In summary, it stated that:

> *Despite Amendment 30 to NSLEP 2013 removing the need to rely on existing use rights, applicants are still seeking to exploit the built form development standards for development within the R3 Medium Density Residential zone. In particular, there has been a rise in the use of clause 4.6 to NSLEP 2013 to vary the height of buildings control to generally accommodate a 3-4 storey built form, despite one of the objectives to the height control being to maintain a built form of mainly 1 or 2 storeys in the R2 Low Density Residential, R3 Medium Density Residential and E4 Environmental Living zones.*

If Council or another consent authority were to continually approve variations to the height controls, it could potentially undermine the effectiveness of these controls.

Furthermore, despite the current controls permitting a similar scale in bulk and scale to other forms for residential development permitted in the zone, there is the potential to increase dwelling density within a residential flat building typology which can have an adverse impact in terms of amenity, and lead to reduced housing choice. These issues are discussed in more detail in Sections 4.1 and 4.3 of this report respectively.

4.11.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.12. Built Form Benefits

Several submissions objecting to the proposed amendment suggested that residential flat buildings can provide a superior design outcome in comparison to multi-dwelling housing developments. In particular, it was suggested that the need to provide separate ground level access to all dwellings within a multi-dwelling development can be difficult to achieve on sloping sites. No such restriction applies to a residential flat building which can provide a single ground level communal entry to all dwellings within the building.

4.12.1. Comment

Whilst the issue identified above is acknowledged, not all land within the *R3 Medium Density Residential* zone comprises sloping land, so it would not necessarily be true in all instances. The argument is also oversimplified. The zoning of land and anticipated densities should be reflective of their local context in relation access to services, facilities and public transport, environmental and heritage constraints, and sensitive uses, and not be based on topography constraints alone. Accordingly, blanket changes are not necessarily the best option. This is one of the reasons why Council resolved to review its position on permitting residential flat buildings in the *R3 Medium Density Residential* zone. However, this issue could be considered when Council reviews its LHS, as a possible way to increase densities in certain localities to address State housing target requirements.

4.12.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.13. Building Height

Two submissions specifically requested an increase the maximum building height in the *R3 Medium Density Residential* zone. These requests were based on the assumption that the zone has the objective of achieving three-storey development, as distinct from the *R4 High Density Residential* zone which allows for four storeys.

One submission suggested that the current 8.5m maximum height limit should be increased to 9.5m, established by the application of a minimum 3.1m floor to floor allocation over three levels. It was further suggested that any associated lift over-runs, roof design, or plant and machinery rooms could extend beyond this new 9.5m maximum height limit.

4.13.1. Comment

An 8.5m maximum building height applies to the entirety of the *R3 Medium Density Residential* zone and there is an objective to maintain a predominantly one to two-storey built form outcome in this zone (refer to Section 4.11 of this report). The numerical height limit of 8.5m enables the construction of a two residential building form with a roof allowance. This height limit was also set to deal with significant changes in ground level prevalent in the North Sydney LGA. Accordingly, it was never envisaged that a three-storey built form outcome could be achieved in the *R3 Medium Density Residential* zone.

Incorporating such a change post-exhibition would require Council to seek a new Gateway Determination, and re-exhibition of the planning proposal. Such a change would further delay the progression of the original intent of the planning proposal as it deviates from the original intent of the Planning Proposal.

If Council were to consider increasing the height limit to permit three storey developments within the *R3 Medium Density Residential* zone, it would need to undertake extensive consultation to determine if this would be acceptable to the wider community.

Further, it is unlikely that such an amendment would garner wider support, noting that Council has in recent years sought to clarify the expected height of buildings in the *R3 Medium Density Residential* zone through the incorporation of a specific objective to the Height of Buildings control under section 4.3 of NSLEP 2013, in response to community concerns.

4.13.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.14. Savings Provision

One submission objected to the wording of one of the proposed savings provisions which was required to be incorporated as a condition to the Gateway Determination. It was suggested that the proposed savings provision would enable Council to defer determinations and potentially refuse development applications for new residential flat buildings in the *R3 Medium Density Residential* zone, which have been lodged but not yet determined before the commencement of the proposed instrument change.

It was questioned how any development application, although permissible due to the proposed savings provision, would not be considered to be contrary to the new *R3 Medium Density Residential* controls. It would then follow that the proposed savings provision would not provide any proper protection to those development applications for residential flat buildings in the *R3 Medium Density Residential* zone which have been submitted but not yet determined at the time the proposed amendment is made.

4.14.1. Comment

The Planning Proposal as exhibited presents two options by which a savings provision could be incorporated into NSLEP 2013. Both options were derived from savings provisions which have been incorporated into other local environmental plans in NSW. In particular, the Planning Proposal states:

It is suggested that a new clause is inserted after clause 1.8A of NSLEP 2013 as follows:

1.8B Savings Provisions relating to Development Applications in Zone R3 Medium Density Residential

If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had been exhibited but not commenced.

Alternatively, clause 1.8A could be revised (~~red strike through~~ represents a deletion and blue underline represents an insertion) as follows:

1.8A Savings provision relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

(2) The amendments made to this plan by North Sydney Local Environmental Plan 2013 (Amendment No #) do not apply to a development application made but not finally determined before the commencement of those amendments.

Upon review of the wording of the two clauses it is noted that there is a slight variation in their application. The first suggested clause requires a DA that has been lodged, but not finally determined before the amendment comes into force, to be considered as a draft environmental planning instrument, whereas the second one does not.

The first suggested clause would effectively extend the current draft status of the planning proposal beyond the commencement of any formal amendment to NSLEP 2013 giving it affect, but only to development applications that have been lodged and not finally determined before the coming into effect of the proposed amendment.

Even if the first suggested clause were to be adopted, it would have little to no bearing on the ability to refuse the application on land use alone.

A further review of savings provisions incorporated under other local environmental plans was undertaken to determine the extent of use of both suggested savings provisions. It was noted that the first suggested savings provision clause was rarely used and limited to where there were changes to development standards. Conversely, the second approach was used in most instances.

Therefore, to be more consistent with bulk of savings provisions made, the wording of the first option could be revised as follows (highlighted in red):

If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had ~~been~~

~~*exhibited but*~~ *not commenced.*

This would also make it consistent with the wording of the second suggested clause.

At the time of writing this report, there is only one development application that has been lodged and yet to be determined which seeks to construct a new residential flat building in the *R3 Medium Density Residential* zone to which this savings provision would relate as identified in Table 1.

TABLE 1: Active DAs for RFBs in the R3 Zone			
DA No.	**Address**	**Lodged**	**Status**
243/21	115,117, 119 Holt Avenue, Cremorne	November 2021	Subject to Land and Environment Court Appeal

One additional development application is related to the demolition and rebuilding of an existing residential flat building and would be granted existing use rights if the proposal proceeds, and therefore would not need to rely on the proposed savings provision.

It is possible that other development applications for new residential flat building in the *R3 Medium Density Residential* zone could be lodged prior to the introduction of any amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone. However, it is thought that the quantum of such applications would be relatively low.

Council could consider the removal of the savings provision altogether. However, in doing so, Council would be required to submit the revised proposal back to the Minister for Planning for their consideration and potentially be subject to the issue of a new Gateway Determination and re-exhibition. This in turn would further delay the implementation of the original intent of the Planning Proposal and enable more applications to proceed under this pathway.

4.14.2. Recommendation

That the Planning Proposal be amended to revise the wording of the first suggested proposed savings provision on Page 9 to remove the words "*been exhibited but*".

4.15. Spot Rezonings

Three submissions specifically sought amendments to the proposal to make residential flat buildings permissible with consent at the following sites:

- 90 Blues Point Road, McMahons Point;
- 62 Palmer Street, Cammeray; and
- 26 & 28 Barry Street and 15, 17 & 19 Lindsay Street, Neutral Bay.

It was suggested that the current LEP and DCP controls are inappropriate in their current form, as they do not align with the established nature of the submitter's site.

In order to bring the existing rights in line with the objectives of the LEP and help streamline future development proposals, it was suggested that Council address these issues and draft specific planning controls for a site as part of this Planning Proposal.

4.15.1. Comment

<u>90 Blues Point Road, McMahons Point</u>

This site currently contains a nine-storey residential flat building over a partially exposed basement car park. The building was constructed circa 1960s and contains 72 apartments.

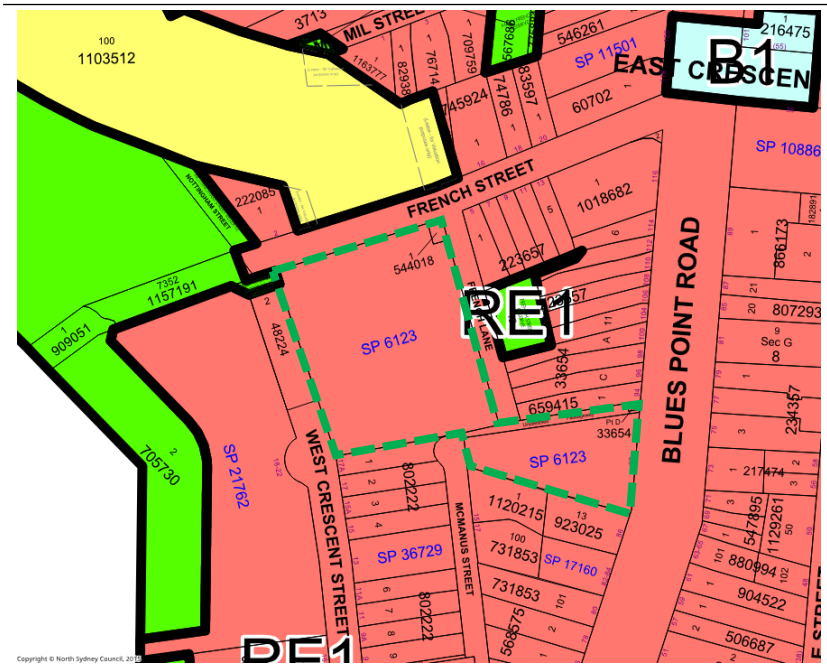

Figure 1: 90 Blues Point Road

Figure 2: View of site from French Street

Source (Google StreetView)

The submitter did not specify any particular method to permit residential flat buildings on this particular site, such that its existing use rights are retained.

The subject site is located in an established area which maintains a consistent R3 Medium Density Residential zoning. Therefore, an amendment to an R4 High Density zone in isolation would not be appropriate. Consideration could be given to inclusion of a provision within *Schedule 1 – Additional permitted use* to enable residential flat buildings to be permissible on this site.

Regardless of which option is pursued, the underlying height limit of 8.5m in the *R3 Medium Density Residential* zone should also be amended given the significant height difference between the existing building and the current control.

These issues have not been addressed and need to be subject to further community consultation. Furthermore, it would be unfair to amend the planning proposal to permit residential flat buildings with consent on this site and not extend the same offer to others that were also relying on existing use rights.

Should the owners seek to rezone the site, it should be undertaken as a separate planning proposal to ensure all potential issues are adequately addressed.

<u>62 Palmer Street, Cammeray</u>

This site currently contains a three-storey residential flat building, built over a partially exposed basement carpark. The building was constructed in the 1970s and contains 15 apartments.

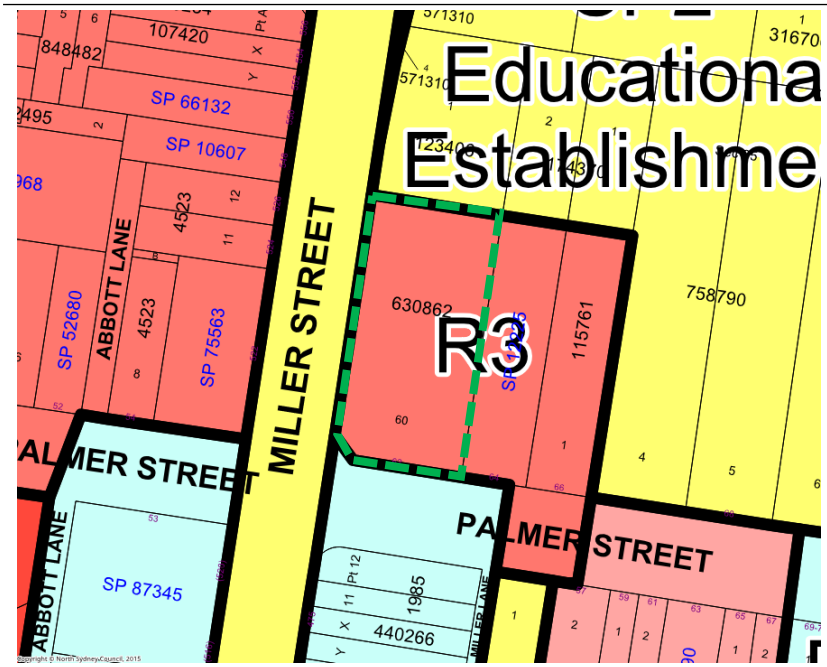

Figure 3: 62 Palmer Street

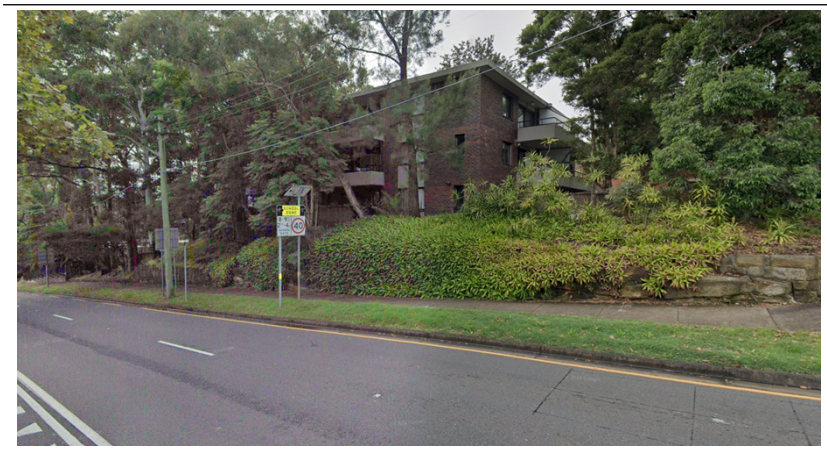

Figure 4: View of site from Miller Street
Source (Google StreetView)

The submitter specifically requested that 62 Palmer Street, Cammeray be rezoned to *R4 High Density Residential* to match the proposed scale and use of buildings surrounding the subject site.

This site does not adjoin any land zoned *R4 High Density Residential* and therefore would not contribute to the established zoning of land in the vicinity of the site, further exacerbating a patchwork quilt of zonings. Furthermore, there are no other residential flat buildings located in the immediate vicinity of the site that is also zoned *R3 Medium Density Residential*. Whilst it is acknowledged that development to the south of the site (south of Palmer Street and adjoining Miller Street) is greater in bulk and scale, this is a result of the change in zoning from residential to business.

Any change to the zoning and development standards in this locality would benefit from a precinct-based study to inform future land use and built form controls. Furthermore, it would be unfair to amend the planning proposal to permit residential flat buildings with consent on this site and not extend the same offer to others that were also relying on existing use rights.

Should the owners seek to rezone the site, it should be undertaken as a separate planning proposal to ensure all potential issues are adequately addressed.

<u>26 & 28 Barry Street and 15, 17 & 19 Lindsay Street, Neutral Bay</u>
This site currently comprises 5 separate allotments containing the following:

TABLE 2: Property Details			
Address	**Development**	**No of Dwellings**	**Height**
26 Barry Street	Detached dwelling house	1	2 storeys (second within roof pitch)
28 Barry Street	Detached dwelling house	1	2 storeys (second within roof pitch)
15 Lindsay Street	Townhouses (multi-dwelling housing)	4	3 storeys (third within roof pitch)

17 Lindsay Street	Residential flat building	4	2 storeys
19 Lindsay Street	Residential flat building	4	2 storeys

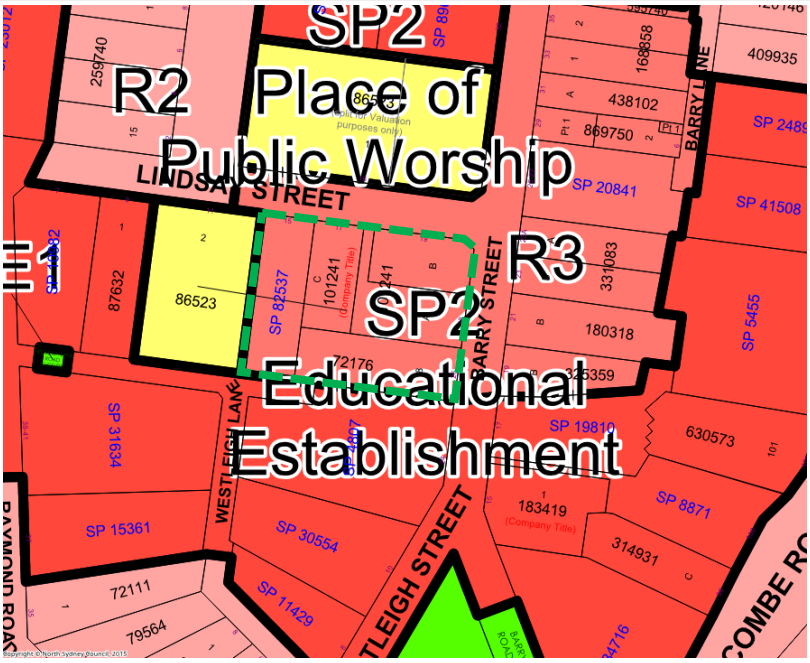

Figure 5: Barry and Lindsay Streets

Figure 6: View of site from Barry Street
Source (Google StreetView)

Figure 7: View of site from Lindsay Street
Source (Google StreetView)

It was requested that the planning proposal be amended to permit residential flat buildings on these sites. In particular, it was requested that the identified lands be rezoned to *R4 High Density Residential* to achieve this intent. It was further suggested that this amendment is acceptable based on:

- the sites being surrounded by three to four storey residential developments;
- the sites being relatively flat and would not result in breaching the height limit;

- it would have a negligible impact on heritage as the sites are not located within a heritage conservation area and are located in the vicinity of just one heritage item (to the north);
- it would not result in excessive excavation;
- it would not result in the excessive loss of vegetation (could be replaced and or enhanced); and
- it would not result in adverse view losses due to the generally flat topography and three to four storey built form surrounding the site.

The proposed request has been made over several sites that are not under the one ownership. Owners of those other sites may not share the same view as that of the submitter. It would therefore be unreasonable to alter the planning proposal as suggested without their knowledge.

It is noted that the land immediately to the south has an *R4 High Density Residential* zoning which permits residential flat buildings, which would lend itself to a natural extension of the existing zone. However, changing the zoning of these sites to R4 would also introduce new permissible uses not originally envisaged on these sites, the impacts of which have yet to be considered.

Should the site be rezoned to *R4 High Density Residential,* it would also be preferable to permit an increase to the maximum building height to 12m (also requested by the submitter), to be consistent with other land in the *R4 High Density Residential* zone. The impacts of increasing the height limit in this locality have not been assessed by the submitter so its true impacts have not been considered.

Again, it would be unfair to amend the planning proposal to permit residential flat buildings with consent on this site and not extend the same offer to others that were also relying on existing use rights.

Should the owners seek to rezone the site, it should be undertaken as a separate planning proposal to ensure all potential issues are adequately addressed.

4.16.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

4.16. Permissibility in other LGAs

Seven submissions which objected to the proposal were on the grounds that many other LGAs permit residential flat buildings with consent in the *R3 Medium Density Residential* zone. In addition, one submission countered this argument within their submission.

4.16.1. Comment

The SI LEP sets out the zones that councils can use to control development within its LGA. The SI LEP does not mandate that councils adopt all of the zones contained within the SI LEP, and it is up to the discretion of a particular council as to which zones it adopts.

In addition, whilst the SI LEP mandates that some specific land uses are to be permitted with consent or prohibited in a zone, there is an ability for councils to add to the list of mandated land uses which are permitted with consent or prohibited within all zones, in line within its own desired policy outcomes. For example, some councils do not use the *R4 High Density Residential* zone (e.g., Mosman, Manly, Hunters Hill, Woollahra, Randwick, Burwood, Pittwater, and City of Sydney), the *R3 Medium Density Residential* zone being their highest order residential zone.

Accordingly, providing direct comparisons between councils is not appropriate.

4.16.2. Recommendation

That the proposed amendment to prohibit residential flat buildings in the *R3 Medium Density Residential* zone be retained unamended.

5. Expediting of the Amendment

A number of formal submissions made during the exhibition period, and in additional correspondence to both Council officers and Councillors following the conclusion of the public exhibition, requested that Council expedite the making of the proposed amendment. These requests were largely based on the timings for completion within the Gateway Determination, and the holding of the future State elections in March 2023.

Whilst is understood that the State Government goes into "caretaker" mode prior to an election taking place and decisions can be further delayed when there is a change in political parties, this only relates to matters which affect the entire state.

Despite the EP&A Act stating that the Minister for Planning is responsible for the making of environmental planning instruments (including amendments), this decision-making function is typically delegated to senior management within the Department of Planning and Environment where that planning instrument relates to local areas.

Therefore, the State election will have no bearing on the completion and progression of this planning proposal as it is a local planning matter.

6. Amendment of the Planning Proposal

Section 3.35 of the EP&A Act states that the Planning Proposal Authority may, at any time, vary its proposals due to consideration of any submission or report during community consultation, or for any other reason. However, if it does so, it must forward the planning proposal to the Minister to determine if further community consultation is required.

As discussed at Section 4.14 to this report, it is recommended that the Planning Proposal incorporates a minor amendment to the suggested wording of the proposed savings provision to enable DAs lodged but not determined before the amendment giving effect to the planning proposal comes into force, not to be considered as a draft environmental planning instrument.

As the intent of the planning proposal is not changing in any way, there would be no need to undertake further community consultation.

7. Authorisation to Make the Plan

As the Planning Proposal applies to a large number of properties across the LGA, the DPE has not granted Council delegation to be the Local Plan-Making Authority to finalise the making of the LEP amendment giving effect to the Planning Proposal (refer to Attachment 1). Therefore, the Planning Proposal as adopted post-exhibition must be forwarded to the DPE for finalisation.

8. Conclusion

The Planning Proposal as publicly exhibited sought to amend NSLEP 2013 by prohibiting residential flat buildings in the *R3 Medium Density Residential* zone.

In response to the submissions made, it is recommended that a minor amendment be made to the Planning Proposal such that the intent of the savings provision remains the same in both scenarios proffered.

It is therefore recommended that Council resolve to support the forwarding of the amended Planning Proposal to the DPE, requesting that the plan be made under the EP&A Act.

Department of Planning and Environment

Mr Ken Gouldthrop
General Manager
North Sydney Council
PO Box 12
NORTH SYDNEY NSW 2059

Our ref: IRF22/1842

Attn: Marcelo Occhiuzzi

Dear Mr Gouldthrop

Planning proposal (PP-2022-1167) to amend North Sydney Local Environmental Plan 2013

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to prohibit residential flat buildings in the R3 Medium Density Residential zone.

As delegate of the Minister for Planning and Homes, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway Determination. Some conditions require the proposal to be updated prior to the exhibition of the planning proposal.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with section 9.1 Direction 6.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

The proposed local environmental plan (LEP) is to be finalised **within 9 months** of the date of the Gateway Determination. Council should aim to commence the exhibition of the planning proposal **within 4 months** of the date of the Gateway determination.

I have conditioned that the Department of Planning, Industry and Environment be authorised as the local plan-making authority.

The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the Gateway Determination.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Matthew Rothwell to assist you. Mr Rothwell can be contacted on 8275 1066.

Yours sincerely

12 August 2022
Brendan Metcalfe
Director, North District
Metro Central & North
Department of Planning and Environment

Encl: Gateway determination

Department of Planning and Environment

Gateway Determination

***Planning proposal (Department Ref: PP-2022-1167)**: the purpose of the planning proposal is to prohibit residential flat buildings within the R3 Medium Density Residential zone.*

I, the Director, North District, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the North Sydney Local Environmental Plan 2013 to prohibit residential flat buildings within the R3 Medium Density Residential zone should proceed subject to the conditions of this gateway determination.

Gateway Conditions

1. Prior to public exhibition, the planning proposal is required to be updated to:
   (a) Contain details regarding a savings provision for DAs lodged prior to the proposed amendment of the LEP and not yet determined;
   (b) Provide further detail of any concerns of built form outcomes resulting from DAs for RFBs in the R3 zone; and
   (c) Include an updated project timeline to ensure completion in a timely manner.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
   (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working days; and
   (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

   Exhibition must commence within **4 months** following the date of the gateway determination.
3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination; and
6. Given the nature of the proposal, Council should not be authorised to be the plan-making authority to make this plan.

Dated 12th day of August 2022.

Brendan Metcalfe
Director, North District
Metro Central & North
Department of Planning and Environment

Delegate of the Minister for Planning and Homes

PLANNING PROPOSAL

Prohibition of Residential Flat Buildings in the R3 Medium Density Residential Zone

V3_5 September 2022
(for Public Exhibition)

1 INTRODUCTION

Background

Residential flat buildings (RFBs) were widely permissible throughout the North Sydney Local Government Area (LGA) throughout the 20th century until 1989. As a result, there are many such developments throughout the LGA which occur in lower density residential zones and under contemporary residential zoning regimes, which gives rise to "existing use rights".

Prior to the establishment of the Standard Instrument Local Environmental Plan (SI LEP), which Council implemented in 2013, Council had dealt with existing use rights of RFBs in lower density residential zones by making additions and alterations to RFBs a permissible land use type and incorporating a local clause within Council's LEP to control built form and amenity outcomes.

Upon the introduction of the SI LEP, the ability to retain the permissibility of additions and alterations to RFBs in lower density residential zones, was removed. This gave rise to existing use rights within the lower density residential R2 and R3 zones where RFBs were prohibited. The use of the existing use rights provisions under the Environmental Planning and Assessment Act and Regulations enabled applicants to ignore all applicable built form controls applying to the land and rely solely on a merit assessment. This had given rise to a number of applications being approved where they were out of character with the prevailing and desired outcomes within the lower density residential zones.

In 2019, Council pursued an amendment to North Sydney Local Environmental Plan (NSLEP) 2013 to make RFBs permissible in the *R3 Medium Density Residential* zone to address this issue. This amendment (Amendment 30 to NSLEP 2013) came into effect in June 2021.

This amendment automatically removed existing use rights for older RFBs that occurred within this zone, whilst ensuring compliance with the envelope controls that would otherwise apply to the medium density development that was already permissible in the zone. The *R3 Medium Density Residential* zone allows for various forms of medium density development including townhouses, villa homes and the like. The amendment was pursued noting that the same built form controls (like height, setbacks, site coverage) for RFBs within the R3 zone would apply as they had done for medium density development that was already permissible within the zone.

On 10 January 2022, Council considered a Matter of Urgency, wherein it resolved to reverse the policy position to permit RFBs in the *R3 Medium Density Residential* zone.

Issue

Under section 4.67 of the Environmental Planning and Assessment (EP&A) Act and clauses 41-46 of the Regulation, a proponent who has a development which has the benefit of existing use rights, may lodge a development application seeking development consent for the:

- carrying out of alterations, extensions, or rebuilding of a building or work being used for an existing (prohibited) use;
- change of prohibited use (existing use) to another prohibited use, and
- enlargement, expansion or intensification of an existing (prohibited) use.

In practical terms, this means that most of the existing provisions of NSLEP 2013 had no effect if existing use rights were pursued by applicants. This included height limits, floor space ratios and other envelope controls. As a result of the relatively high number of RFBs in the *R3 Medium Density Residential* zone, this was a growing issue for North Sydney Council. This issue was addressed as part of Amendment 30 to NSLEP 2013.

Since the commencement of Amendment 30, there has been a softening of the interpretation of the extent to which development standards and development controls provisions may be taken into account as relevant matters for consideration (in particular Saffioti v Kiama Council [2019] NSWLEC 57). This has removed the need to rely on permitting RFBs in the *R3 Medium Density Residential* zone in addressing the primary issue.

Proposal

The intent of the Planning Proposal is proposed to be achieved by removing "residential flat buildings" as a permissible land use within the *R3 Medium Density Residential* zone.

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the Department of Planning and Environment's (DPE) document *"Local Environmental Plan Making Guideline"* (December 2021).

2 BACKGROUND

2.1 Context

Residential flat buildings were widely permissible throughout the North Sydney LGA throughout the 20th Century up until the commencement of NSLEP 1989 on 3 November 1989.

From the commencement of NSLEP 1989, tighter restrictions were placed on the permissibility of RFBs in the LGA, reducing the number of zones within which they could be located. Part of the reasoning behind this was the introduction of significantly more residential development types (i.e. no longer limited to just a dwelling house and a residential flat building, which comprised a building containing two more dwellings) and the need to ensure increased dwelling density was occurring in close proximity to mass public transport and existing services and facilities. As a result, many RFBs throughout the LGA which occur in lower density residential zones and under contemporary residential zoning regimes gave rise to "existing use rights".

Both NSLEP 1989 and its subsequent iteration NSLEP 2001, sought to minimise the impacts of those RFBs relying on existing use rights by incorporating local provisions making alterations and additions to existing RFBs a permissible land use type in the lower density residential zones. This provided Council with the ability to then moderate the built form impacts of this type of development type in the lower density residential zones, where such controls could be ignored under the existing use rights provisions of the EP&A Act and Regulations.

When the SI LEP Order was introduced in 2006, it removed the capacity to retain permissibility of additions and alterations to RFBs, as it was not possible to introduce new land use definitions. This gave rise to existing use rights within the lower density residential zones (i.e. the R2, R3 and E4 zones) where RFBs were prohibited.

Since the commencement of NSLEP 2013, Council was in constant receipt of development applications for the redevelopment of sites containing RFBs which relied on existing use rights. In particular, many of these applications sought to exploit the existing use rights provisions of the EP&A Act, whereby numerical controls could be dispensed with and propose buildings far in exceedance of that anticipated within the zone in terms of size and scale. Following the approval of many of these types of applications through the Land and Environment Court, Council considered Notice of Motion No. 8/17 at its meeting of 20 March 2017. The Motion sought an investigation into the possibility of reinstating previous planning controls that applied prior to the gazettal of the NSLEP 2013 that removed existing use rights for RFBs within residential zones. Council subsequently resolved:

> *THAT Council call for a report on its previous controls which applied to existing use rights in residential zones where flats were not permissible uses and whether any measures can now be taken to reintroduce these controls in some form.*

At its meeting of 25 March 2019, Council considered a report addressing the above resolution. This report considered the context of the issue and presented a number of options to address the issue including:

1. Introduce new land use terms and permit these land uses within the *R2 Low Density Residential* and *R3 Medium Density Residential* zones;
2. Rezone the land on which existing RFBs are prohibited under NSLEP 2013 to *R4 High Density Residential*;
3. Include clauses within Schedule 1 – *Additional Permitted Uses* to NSLEP 2013 to enable existing RFBs to be permissible with consent on land where they are currently prohibited;
4. Permit RFBs within the *R3 Medium Density Residential* zone under NSLEP 2013, and include a local provision to further control the redevelopment of residential flat buildings where they are permissible; and
5. Do nothing and rely on the existing planning controls.

Council subsequently resolved:

1. *THAT the report be received.*
2. *THAT Council incorporate the following amendments to North Sydney Local Environmental Plan 2013 as part of Council's Accelerated LEP Review program as follows:*
   a. *include 'residential flat buildings' as a permissible use within the R3 Medium Density Residential zone.*
   b. *Include a new local provision within Part 6 that further restricts the development of residential flat buildings in the R3 Medium Density Residential and R4 High Density Residential zones.*
3. *THAT Council prepare an amendment to North Sydney Development Control Plan 2013 to ensure that the objectives and provisions of development controls relating to developments relying on existing use rights are strengthened.*
4. *THAT the existing rights issue be further investigated and detailed during the preparation of the following Council documents:*
   a. *Community Strategic Plan;*
   b. *Local Strategic Planning Statement; and*
   c. *Local Housing Strategy.*

In response to this resolution, Council pursued a comprehensive amendment to NSLEP 2013 in 2019, which included a proposal to make RFBs permissible in the *R3 Medium Density Residential* zone (R3 Zone). Amendment 30 to NSLEP 2013 gave effect to this proposed amendment, coming into force on 30 June 2021.

Amendment 30 automatically removed existing use rights for older RFBs that occurred within this zone whilst ensuring compliance with the envelope controls that would otherwise apply to the medium density development that was already permissible in the zone. The *R3 Medium Density Residential* zone allows for various forms of medium density development including townhouses, villa homes and the like. The amendment was pursued noting that the same built form controls (like height, setbacks, site coverage) for RFBs within the *R3 Medium Density Residential* zone would apply as they had done for medium density development that was already permissible within the zone.

During its consideration of the post exhibition report to the Planning Proposal giving effect to Amendment 30 to NSLEP 2013, Council resolved:

7. *THAT once the LEP amendment giving effect to the Planning Proposal has been in operation for 1 year, that Council review the outcomes of the proposal to permit residential flat buildings within the R3 Medium Density Residential zone.*

This resolution came about in response to a recommendation within the adopted Local Housing Strategy and in relation to issues raised by submitters, to ensure that part of Amendment 30 to permit RFBs in the *R3 Medium Density Residential* zone was achieving its desired intent. This undertaking of this review was due to commence on 30 June 2022.

At its meeting on 10 January 2022, Council considered a *Matter of Urgency* with regard to the operation of NSLEP 2013, wherein it resolved:

> *THAT Council urgently begins the appropriate process to amend the North Sydney LEP to remove the addition of residential flat buildings as a permissible use in the R3 Medium Density Zone in the land use table which came into force in Amendment 30 to the North Sydney LEP on 30 June 2021 by removing residential flat building from the R3 Land use table and updating the LEP as required to remove the residential flat buildings in the R3 Zone.*

The Matter of Urgency had arisen in response to community opposition to a number of development applications being considered for RFBs in the *R3 Medium Density Residential* zone.

Since the commencement of Amendment 30 to NSLEP 2013, the Land and Environment Court has revised its stance with respect to the interpretation of the extent to which development standards and development controls provisions may be taken into account as relevant matters for consideration (in particular Saffioti v Kiama Council [2019] NSWLEC 57). As a result, the urgency of addressing the existing use rights issues that resulted in Amendment 30 to the NSLEP 2013, may have dissipated somewhat.

2.2 Gateway Determination

On 12 August 2022, a Gateway Determination was issued by the DPE allowing the Planning Proposal to proceed to public exhibition, subject to satisfying a number of conditions.

Conditions 1 required the Planning Proposal to be amended prior to being placed on public exhibition. This condition stated.

> *Prior to public exhibition, the planning proposal is required to be updated to:*
> *(a) Contain details regarding a savings provision for DAs lodged prior to the proposed amendment of the LEP and not yet determined;*
> *(b) Provide further detail of any concerns of built form outcomes resulting from DAs for RFBs in the R3 zone; and*
> *(c) Include an updated project timeline to ensure completion in a timely manner.*

This version of the Planning Proposal (V3_25 August 2022) has been amended to comply with these Conditions as imposed by the Gateway Determination.

3 SITE LOCALITY

The Planning Proposal applies to all *R3 Medium Density Residential* zoned land within the North Sydney LGA.

4 STATUTORY CONTEXT

NSLEP 2013 was made on 2 August 2013 through its publication on the NSW legislation website and came into force on the 13 September 2013. The LEP has been amended 33 times since its coming into force.

The relevant provisions of NSLEP 2013 that relate to the Planning Proposal are discussed in the following subsections.

4.1 Aims of Plan

Clause 1.2 of NSLEP 2013 outlines the aims of the LEP. In particular, it states:

(1) This Plan aims to make local environmental planning provisions for land in North Sydney in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- *(a) to promote development that is appropriate to its context and enhances the amenity of the North Sydney community and environment,*
- *(b) in relation to the character of North Sydney's neighbourhoods:*
  - *(i) to ensure that new development is compatible with the desired future character of an area in terms of bulk, scale and appearance, and*
  - *(ii) to maintain a diversity of activities while protecting residential accommodation and local amenity, and*
  - *(iii) to ensure that new development on foreshore land does not adversely affect the visual qualities of that foreshore land when viewed from Sydney Harbour and its tributaries,*
- *(c) in relation to residential development:*
  - *(i) to ensure that new development does not adversely affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing, and*
  - *(ii) to maintain and provide for an increase in dwelling stock, where appropriate,*
- *(d) in relation to non-residential development:*
  - *(i) to maintain a diversity of employment, services, cultural and recreational activities, and*
  - *(ii) to ensure that non-residential development does not adversely affect the amenity of residential properties and public places, in terms of visual and acoustic privacy, solar access and view sharing, and*
  - *(iii) to maintain waterfront activities and ensure that those activities do not adversely affect local amenity and environmental quality,*
- *(e) in relation to environmental quality:*
  - *(i) to maintain and protect natural landscapes, topographic features and existing ground levels, and*
  - *(ii) to minimise stormwater run-off and its adverse effects and improve the quality of local waterways,*
- *(f) to identify and protect the natural, archaeological and built heritage of North Sydney and ensure that development does not adversely affect its significance,*
- *(g) to provide for the growth of a permanent resident population and encourage the provision of a full range of housing, including affordable housing.*

4.2 Land Use Table

The Planning Proposal applies to land in the *R3 Medium Density Residential* zone.

The relevant objectives and provisions of this zone state:

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture.

4 Prohibited

Any development not specified in item 2 or 3

5 THE PLANNING PROPOSAL

5.1 PART 1: STATEMENT OF OBJECTIVES/INTENDED OUTCOMES

The primary purpose of this Planning Proposal is to prohibit residential flat buildings within the *R3 Medium Density Residential* zone, and revert back to the adopted zoning regime that existed prior to NSLEP Amendment 30 coming into force in June 2021. Pursuance of this amendment is in response to the Land & Environment Court's softening of the interpretation of the extent to which development standards and development controls provisions may be taken into account as relevant matters for consideration, removing the need to rely on permitting RFBs in the *R3 Medium Density Residential* zone in addressing Council's initial issue.

In accordance with Condition 1(a) of the Gateway Determination, it is proposed to include a savings and transitional provision to enable development applications lodged before an amendment to NSLEP 2013 giving effect to the Planning Proposal is made to be considered under the current zoning regime.

5.2 PART 2: EXPLANATIONS OF PROVISIONS

The proposed amendments only affect the written instrument to the LEP, the extent of which is identified in the following subsections.

5.2.1 Savings and Transitional Provision

To minimise the impact on applicants who have lodged development applications for RFBs in the *R3 Medium Density Residential* zone and those applications have yet to be determined before the commencement of the amendment to NSLEP 2013 giving effect to this Planning Proposal, it is recommended that a local savings and transitional clause be inserted.

It is suggested that a new clause is inserted after clause 1.8A of NSLEP 2013 as follows:

> ***1.8B Savings Provisions relating to Development Applications in Zone R3 Medium Density Residential***
>
> *If a development application has been made on land in Zone R3 Medium Density Residential before the commencement of North Sydney Local Environment Plan 2013 (Amendment X) and the application has not been finally determined before that commencement, the application must be determined as if that amendment had been exhibited but not commenced.*

Alternatively, clause 1.8A could be revised (~~red strike through~~ represents a deletion and blue underline represents an insertion) as follows:

> ***1.8A Savings provision relating to development applications***
>
> *(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*
>
> *(2) The amendments made to this plan by North Sydney Local Environmental Plan 2013 (Amendment No #) do not apply to a development application made but not finally determined before the commencement of those amendments.*

5.2.2 Land Use Table – R3 Medium Density Residential zone

The intent of the Planning Proposal is proposed to be achieved by amending the Land Use Table as follows (~~red strike through~~ represents a deletion and blue underline represents an insertion):

Zone R3 Medium Density Residential

1 Objectives of zone

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area.*
- *To provide for a suitable visual transition between high density residential areas and lower density residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Attached dwellings; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies (attached); Dwelling houses; Group homes; Home-based child care; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; ~~Residential flat buildings~~; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Tank-based aquaculture.

4 Prohibited

Any development not specified in item 2 or 3

5.3 PART 3: JUSTIFICATION

5.3.1 Section A – Need for the planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

YES.

Whilst this Planning Proposal does not result from specific provisions of the *North Sydney Local Strategic Planning Statement (LSPS),* the envisaged amendment is a subtle one that is consistent with the general objectives of the LSPS as discussed below.

North Sydney Local Strategic Planning Statement
On 25 November 2019, Council resolved to adopt an LSPS for the LGA. The LSPS expresses the desired future direction for housing, employment, transport, recreation, environment and infrastructure for the LGA as a whole and reflects the outcomes sought by the Metropolitan Plan and NDP. The Greater Sydney Commission gave its assurance to the LSPS on 20 March 2020. The relevant *Local Planning Priorities* and *Actions* of the LSPS are identified as follows:

Local Planning Priority N5
Providing housing supply, choice and affordability with access to jobs, services and public transport.

Action L1.1
Implement the North Sydney Local Housing Strategy (2019) to achieve the housing directions, objectives and actions of the GSC's Regional and North District Plans and deliver 0-5 and 6-10 year housing supply targets.

Action L1.6
Amend NSLEP 2013 and NSDCP 2013 to manage the impacts of any existing use rights application and minimise increases in density away from transport and services. (short term)

The proposal is not inconsistent with the Planning Priorities and Actions as the Land and Environment Court has revised its position with regard to assessing development applications involving existing use rights and the weight to be given to development controls under a council's LEP and DCP. This has therefore removed the pressures associated with the amendments made under Amendment 30 to NSLEP 2013 in relation to existing use rights.

North Sydney Local Housing Strategy
North Sydney Council endorsed the North Sydney Local Housing Strategy (LHS) on 25 November 2019. It was subsequently endorsed by the Department of Planning Industry and Environment on 10 May 2021.

The LHS is characterised by three broad pillars. They are:

1. *Continue Council's long-term housing approach of concentrating residential density in and around existing centres and relying on the existing capacity of current land use planning controls.*
2. *Managing housing delivery in the St Leonards Crows Nest Planned Precinct.*

3. Continue Council's approach of place-based planning with detailed consultation to seek the best planning outcomes.

Action A10 of the LHS outlined the following:

Amend NSLEP to allow Residential Flat Buildings in the R3 zone to address existing use rights issue.

As a monitoring indicator, the LHS also identifies the following:

Monitor the number of DA's application received and built form outcomes of approved DA's for RFBs in the R3 zone in the LGA annually.

This monitoring indicator was also reinforced when Council considered the post exhibition report to Amendment 30 to NSLEP 2013 on 24 August 2020.

This indicator was included to determine if the policy change was working in terms of built from outcomes and what sort of impact it would have on increased dwelling numbers.

Annual monitoring

In response to this annual monitoring requirement of Council's LHS, only 2 development applications for RFBs in the *R3 Medium Density Residential* zone have been lodged since 30 June 2021 and include:

a) 115, 117 & 119 Holt Avenue, Cremorne
b) 1 Warung Street, McMahons Point

It is noted that the application for the RFB at 1 Warung Street (DA379/21), whilst permissible in the zone by virtue of Amendment 30, would have been permissible under the existing use rights provisions of the Act notwithstanding that amendment.

The application for the Holt Avenue properties was refused by the Land and Environment Court (L&EC) in August 2022 in response to Council's deemed refusal of the application. The application for Warung Street was refused by the North Sydney Local Planning Panel in June 2022 and is currently subject to an appeal to the L&EC.

The table to Appendix 1 highlights the issues that are arising from proposed RFBs in the *R3 Medium Density Residential* zone since the commencement of Amendment 30 and addresses the requirements of Condition 1(b) to the Gateway Determination. The key issues arising during the assessment of these applications relate to:

- excessive bulk and scale;
- breaches of the height limit;
- inconsistent built form with the local character of the area and surrounding built form;
- adverse impacts on the heritage character of an area;
- excessive excavation
- excessive loss of vegetation; and
- view losses.

These issues generally mimic those raised when the former prohibition on RFBs in the *R3 Medium Density Residential* zone was in place and applicants were relying on existing use rights. Despite Amendment 30 to NSLEP 2013 removing the need to rely on existing use rights, applicants are still seeking to exploit the built form development standards for development within the *R3 Medium Density Residential* zone. In particular, there has been a rise in the use of clause 4.6 to NSLEP 2013 to vary the height of buildings control to generally accommodate a 3-4 storey built form, despite one of the objectives to the height control being to maintain a built form of mainly 1 or 2 storeys in the *R2 Low Density Residential, R3 Medium Density Residential* and *E4 Environmental Living* zones. If Council or another consent authority were to continually approve variations to the height controls, it could potentially undermine the effectiveness of these controls.

Many parts of the LGA are subject to heritage and conservation provisions, which can sometimes limit the development potential of sites for RFBs in *R3 Medium Density Residential* zone as a particular conservation area may be characterised by a different residential built form. Reintroducing the prohibition of RFBs in the *R3 Medium Density Residential* zone would eliminate the possibility of having more developments that are unsympathetic to the surrounding built from character.

The Land and Environment Court's softening of its stance with respect to the interpretation of the extent to which development control standards and provisions may be taken into account as relevant matters of consideration (in particular Saffioti v Kiama Council [2019] NSWLEC 57), provides a level of comfort that inappropriate developments will not be lodged in the first instant.

Also of note, is that there were 3 development applications lodged for multi dwelling housing during the same time period. Accordingly, not everyone is seeking approval for residential flat buildings in the *R3 Medium Density Residential* zone.

Also of note is that the Action A10 was not included in the calculation of dwelling forecasting in the North Sydney LGA. Therefore, even if the Action 10 resulted in an increase in dwellings numbers, they were not relied upon for determining Council's ability to meet the State housing targets.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

YES

Prohibiting RFBs in the *R3 Medium Density Residential* zone is the preferred way of achieving Council's stated objectives for this Planning Proposal.

Prior to the adoption of Amendment 30 to NSLEP 2013, consideration was given to 5 options to address the existing rights issues including:

1. Introduce new land use terms similar to 'apartment building revision', 'apartment building adaptation' and 'established apartment buildings' within the Dictionary to NSLEP 2013 and permit these land uses within the *R2 Low Density Residential* and *R3 Medium Density Residential* zones;

2. Rezone the land on which existing residential flat buildings are prohibited under NSLEP 2013 to *R4 High Density Residential*;
3. Include clauses within Schedule 1 – *Additional Permitted Uses* to NSLEP 2013 to enable existing residential flat buildings to be permissible with consent on land where they are currently prohibited;
4. Permit residential flat buildings within the R3 Medium Density Residential zone under NSLEP 2013, and include a local provision to further control the redevelopment of residential flat buildings where they are permissible;
5. Do nothing and rely on the existing planning controls.

Option 1 – introducing new land use terms

This Option involves the creation of new residential development land use types and making those uses permissible with consent in the lower density residential zones where FRBs are currently prohibited. This requirement would also be accompanied by a new local provision with similar restrictions as what had been applied under NSLEP 2001.

This Option is inconsistent with the DPE's directives for preparing an LEP in the SI LEP format. In particular, the directives stipulate that councils may not alter the standard definitions or directly add definitions to the SI LEP Dictionary. As a result, the new land uses terms would not be permitted to be incorporated into either the Dictionary or land use table to NSLEP 2013 and also negate the introduction of a local clause to provide further guidance with respect to built form and amenity impacts.

In addition, such provisions would derogate from the those contained in the EP&A Act relating to existing use rights and therefore would have no effect.

Option 2 – amendment to land use zones

This Option involves the rezoning of all sites containing an RFB to zone *R4 High Density Residential*.

Implementing this Option would require Council to determine which sites contain existing lawfully approved RFBs which have subsequently become prohibited since the commencement of NSLEP 2013. An initial high-level review indicated that there are almost 800 sites within all residential zones which may have the potential of relying on existing use rights for the purposes of an RFB. A significant amount of staffing and funding resources would be required to accurately determine the full extent of all affected properties.

Pursuing this option was not supported due to:

- The potential to significantly alter the desired future character of a locality if properties were rezoned reflective of their current uses, on the basis that the land has been zoned to ensure any future redevelopment on that land is compatible with a desired future character of lower intensity development;
- Rezoning land to *R4 High Density Residential* would enable additional land uses to be permitted with consent on the land (including a number of less sensitive uses), which could potentially erode the desired future character of a locality and result in adverse impacts on residential amenity and privacy, noise, and increased pressure on local road, transport and parking infrastructure;

- The potential to create inconsistencies between sites without a subsequent amendment to height limits (e.g. land zoned *R2 Low Density Residential* and *R3 Medium Density Residential* have an 8.5m height limit, whereas the *R4 High Density Residential* zone generally has a 12m height limit);

Therefore, without concurrent change to the height controls, it is likely that there would be a resultant rise in the use of Clause 4.6 to vary the height of buildings control. This could then potentially undermine the effectiveness of the heights of buildings development control. As such, this Option could also place pressure on Council to conduct broad-scale amendments to its building height controls to various sites.

Option 3 – Schedule 1 Additional permitted uses
This Option involves the inclusion of new clauses within Schedule 1 – *Additional permitted uses* to NSLEP 2013 to permit RFBs on all land containing an RFB which is currently prohibited by the land use table.

As with Option 2, this Option would require Council staff to determine which sites contain existing lawfully approved RFBs which have subsequently become prohibited since the commencement of NSLEP 2013. This would require a significant amount of staffing or funding resources to accurately determine the extent of all affected properties.

By permitting RFBs on specific sites, there would also be a presumption that these sites should also be entitled to the same height limit (12m) as applied to land within the *R4 High Density Residential* zone. Therefore, without a concurrent change to the height controls, it is likely that there would be a resultant rise in the use of Clause 4.6 to vary the height of buildings control. This could then potentially undermine the effectiveness of the heights of buildings development control. As such, this Option could also place pressure on Council to conduct broad-scale amendments to its building height controls to various sites.

In addition, Option 3 is inconsistent with the DPE directives for preparing an LEP in the SI LEP format. In particular, councils are to restrict the number of Schedule 1 entries within their LEPs and should be reserved for land uses that have yet to commence. Based on the preliminary research undertaken, there is potential to incorporate almost 800 additional entries into Schedule 1. Incorporating this number of entries would significantly reduce the clarity as to what uses are permissible on a subject site, through sheer volume. As such, there was no ability to pursue this approach.

Option 4 – Permit residential flat buildings in the R3 zone with consent
This Option involved the permitting of allowing RFBs with development consent on land within the *R3 Medium Density Residential* zone. This was the option adopted as part of Amendment 30 to NSLEP 2013.

This Option eliminated the possibility of existing use rights being applicable. The controls that apply to the *R3 Medium Density Residential* zone would continue to apply (e.g. height), including those under NSDCP 2013, to ensure appropriate urban outcomes are achieved.

By pursuing this approach, it was determined that there was unlikely to be a resultant increase in dwelling density as a result of consistently applying the same built from controls throughout the zone under NSLEP 2013 and NSDCP 2013 for all residential development types.

Option 5 – do nothing and rely on existing controls
This Option solely relied on the existing planning controls within NSLEP 2013 and NSDCP 2013 and the existing use rights provisions of the EP&A Act.

In contrast to the other four options, Option 5 allowed greater flexibility in the resulting built form of any alterations and additions to, and the rebuilding of existing RFBs to which existing use rights are being relied upon. As such, Council would have less ability to minimise the impacts resulting from uncharacteristic forms of development as all matters are effectively considered on merit.

Whilst this Option was not considered to be an unreasonable approach to maintaining and promoting the desired future character of a locality, which has been endorsed by the wider community during the preparation of NSLEP 2013 and NSDCP 2013, there was not enough certainty through a solely merit based assessment. It was recognised however, that the existing objectives and merit based controls could be further strengthened to give greater emphasis on addressing potential amenity impacts from such development. This was partially achieved through Amendment 30 to NSLEP 2013 and concurrent amendments to NSDCP 2013.

Current Position
Recent Land and Environment Court judgements have resulted in changes to the way existing use rights applications are being given consideration. In particular, there has been a move towards greater weight being given to the application of development standards applying to land to which existing use rights apply. This has in turn reduced the need to revise the planning controls as originally proposed in Option 4. It is on this basis that Council is seeking to revert back to its existing policy position (i.e. Option 5) of prohibiting RFBs in the R3 Medium Density Residential zone and more reliance on the new approach to considering existing use rights in conjunction with the already strengthened objectives and provisions under NSLEP 2013 and NSDCP 2013.

5.3.2 Section B – Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan - A Metropolis of Three Cities
In March 2018, the State Government released *A metropolis of three cities – Greater Sydney Region Plan* (Regional Plan). It provides a 40-year vision of Sydney to be a city where people will live within 30 minutes of jobs, education and health facilities, services and great places. The Regional Plan seeks to provide an additional 725,000 homes and 817,000 new jobs by 2036. No targets are set for any of the Districts, of which the North Sydney LGA is part of the North District. District Plans, consistent with the Regional Plan were released at the same time as the Regional Plan. North

Sydney is identified as part of a Metropolitan Centre (Harbour CBD – Incorporating North Sydney CBD) which is also identified as part of an Economic Corridor under the Regional Plan.

The Directions, Objectives and Strategies identified in the Regional Plan which are relevant to the Planning Proposal are as follows:

Direction 4: *Giving people housing choices*
Objective 10 - *Greater housing supply*
Action 3 - *Prepare housing strategies*

Objective 11 -*Housing is more diverse and affordable*
Action 4 - *Develop 6–10 year housing targets*

The Planning Proposal is not inconsistent with the above Direction or Objectives of the Regional Plan. The proposed amendment provides for a subtle change to the housing mix in a single zone and does not impact upon the delivery or implementation of the North Sydney Local Housing Strategy. Residential flat buildings remain permissible in the *R4 High Density Residential* and *B4 Mixed Use* zones (approximately 2,500 sites) enabling adequate housing choice opportunities. In addition, it will enable Council to continue to concentrate the delivery of increased housing densities in close proximity to existing and proposed public transport, services and facilities.

North District Plan
In March 2018, the NSW Government released the North District Plan (NDP). The North Sydney LGA is located within the North District along with the other LGAs of Hornsby, Ku-ring-gai, Ryde, Hunter Hill, Lane Cove, Willoughby, Mosman and Northern Beaches. The NDP sets the following relevant targets:

- Employment: an additional 15,600-21,100 jobs by 2036 in the North Sydney portion of the Harbour CBD; and
- Housing: an additional 3,000 dwellings by 2021 for the North Sydney LGA;
  an additional 25,950 dwellings by 2021 for the North District; and
  an additional 92,000 dwellings by 2036 for the North District.

Planning priorities, objectives and actions identified in the NDP which are relevant to the Planning Proposal are as follows:

Planning Priority N5 *- Providing housing supply, choice and affordability with access to jobs, services and public transport.*
Action 17 *- Prepare local or district housing strategies that address the following:*
a. the delivery of five-year housing supply targets for each local government area
b. the delivery of 6–10 year (when agreed) housing supply targets for each local government area
c. capacity to contribute to the longer term 20-year strategic housing target for the District

d. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include:

i. creating capacity for more housing in the right locations

ii. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area

iii. supporting investigation of opportunities for alignment with investment in regional and district infrastructure

iv. supporting the role of centres.

***Action 18** - Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements*

The Planning Proposal is not inconsistent with the above Planning Priorities, Objectives and Actions of the NDP. The proposed amendment merely seeks to return the permissibility of RFBs within the *R3 Medium Density Residential* zone as it was prior to NSLEP 2103 Amendment 30. In addition, it will enable Council to continue to concentrate the delivery of increased housing densities in close proximity to existing and proposed public transport, services and facilities.

Compliance with Council's adopted LHS is addressed at Question 1 to Section 5.3.1 of this report.

4. Is the planning proposal consistent with a council's local strategic planning statement, that has been endorsed by the Planning Secretary or Greater Sydney Commission, or another endorsed local strategy or strategic plan?

YES

North Sydney Local Strategic Planning Statement
Compliance with Council's adopted LSPS is addressed at Question 1 to Section 5.3.1 of this report.

North Sydney Local Housing Strategy
Compliance with Council's adopted LHS is addressed at Question 1 to Section 5.3.1 of this report.

Community Strategic Plan 2018-2028
The North Sydney Community Strategic Plan 2018–2028 (CSP) outlines the community-wide priorities and aspirations for the LGA, and provides long-term goals, objectives and actions to achieve these visions. The CSP is Council's most important strategic document and is used to guide and inform Council's decision making and planning for the next ten years.

The relevant Directions, Outcomes and Strategies of the are identified as follows:

Direction:	***2***	***Our Built Environment***
Outcome:	*2.2*	*Improved mix of land use and quality development through design excellence*
Strategies:	*2.2.1*	*Maintain a contemporary Local Environmental Plan (LEP)*

The Planning Proposal will allow the relevant Directions, Outcomes and Strategies to be pursued in a robust and strategic manner.

North Sydney Council Delivery Program 2018/19-2021/22

The North Sydney Council Delivery Program 2018/19-2021/22 (Delivery Program) was prepared in accordance with NSW State Government's Integrated Planning and Reporting Framework requirements. The Delivery Program outlines Council's priorities and service delivery programs over four years that will contribute to the long-term strategies and desired outcomes of the Plan.

The Planning Proposal directly supports the vision of the Delivery Program as the five Directions mirror those of the CSP.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Future Transport Strategy 2056

The Future Transport Strategy 2056 (2018) (the Strategy) sets six state-wide outcomes to guide investment, policy and reform. They provide a framework for network planning and investment aimed at supporting transport infrastructure.

The Strategy outlines the vision for the Greater Sydney mass transit network, detailing North Sydney as a 'strategic centre' linked directly to the 'Harbour City' (the Sydney CBD).

Land zoned R3 is not necessarily located in areas of high accessibility to public transport and therefore the removal of RFBs from the list of permissible uses is unlikely to have a negative impact on the potential to contribute to and enhance walking and cycling connections associated with frequent public transport services.

NSW State Infrastructure Strategy 2018-2038

Infrastructure NSW published the Building Momentum State Infrastructure Strategy 2018-2038 (SIS). It is a 20-year infrastructure investment plan that sets out the infrastructure needs and priorities up to 2038.

It establishes six strategic directions which inform the recommendations contained within the SIS, including 'Integrating land use and infrastructure planning'.

The intent of the Planning Proposal will not lead to an increase in the demand for existing infrastructure and services.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The Planning Proposal is consistent with those State Environmental Planning Policies (SEPPs) which are relevant to the North Sydney LGA, as demonstrated in TABLE 1.

TABLE 1: Consistency with SEPPs

Direction	Consist-ency	Comment
SEPP (Biodiversity and Conservation) 2021		
2 – Vegetation in Non-Rural Areas	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 1: Consistency with SEPPs		
Direction	**Consist-ency**	**Comment**
3 – Koala Habitat Protection 2020	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 – Koala Habitat Protection 2021	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Murray River Lands	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
6 - Bushland in urban areas	YES	The Planning Proposal does not seek to further reduce the extent of land zoned in the E2 Environmental Conservation zone nor will it affect the attainment of this aspect of the SEPP's aims and objectives.
7- Canal Estate Development	YES	The Planning Proposal is consistent with this aspect of the SEPP by maintaining a prohibition on canal estate development.
8 – Sydney Water Drinking Catchment	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
9 – Hawkesbury Nepean River	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
10 - Sydney Harbour Catchment	YES	The Planning Proposal is consistent with the SEPP as it will not impede the attainment of the aims and objectives of this SEPP
11 – Georges River Catchment	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
12 - Willandra Lakes	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	N/A	The Planning Proposal does not relate to building sustainability.
SEPP (Exempt and Complying Development Codes) 2008	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Housing) 2021		
2 - Affordable Rental Housing	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 – Diverse housing	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
SEPP (Industry and Employment) 2021		
2 – Western Sydney employment area	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
3 - Advertising and signage	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

TABLE 1: Consistency with SEPPs		
Direction	**Consist-ency**	**Comment**
SEPP (Planning Systems) 2021		
2 - State and Regional Development	N/A	This aspect of the SEPP does not apply as the Planning Proposal does not relate to state or regional development nor the operation of joint regional planning panels.
3 – Aboriginal Land	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 - Concurrences and Consents	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
SEPP (Precincts-Eastern Harbour City) 2021		
2 – State Significant Precincts	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3- Darling Harbour	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
4 – City West	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Walsh Bay	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
6 – Cooks Cove	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
7 – Moore Park Showground	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Primary Production) 2021		
2 – Primary Production and Rural Development	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
3 – Central Coast Plateau	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Resilience and Hazards) 2021		
2 - Coastal Management	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 - Hazardous and offensive development	N/A	This SEPP does not apply as the Planning Proposal does not relate to land upon which hazardous and offensive development is permitted.

TABLE 1: Consistency with SEPPs		
Direction	**Consist-ency**	**Comment**
4 - Remediation of land	YES	The Planning Proposal does not seek to amend the permissibility of land use within any zone nor introduce a site-specific use which may be sensitive to contamination issues (e.g. rezoning land zoned for commercial or industrial purposes to residential or recreational uses).
SEPP (Resources and Energy) 2021		
2 - Mining, Petroleum Production and Extractive Industries	YES	The Planning Proposal is consistent with this aspect of the SEPP as it will not impede the attainment of the aims and objectives of this SEPP.
3 – Extractive Industries	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP (Transport and Infrastructure) 2021		
2- Infrastructure	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
3 - Educational Establishments and Child Care Facilities	YES	The Planning Proposal is consistent with this aspect of the SEPP as it does not affect the attainment of the SEPP's aims and objectives.
4 – Major Infrastructure Corridors	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
5 – Three Ports	N/A	The planning proposal does not apply to land affected by this aspect of the SEPP.
SEPP No. 65 - Design Quality of Residential Apartment Development	YES	The Planning Proposal is consistent with the SEPP as it does not affect the attainment of the SEPP's aims and objectives.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Directions issued under Section 9.1 of the EP&A Act by the Minister to councils, as demonstrated in TABLE 2.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist-ency**	**Comment**
1. Planning Systems		
1.1 Implementation of Regional Plans	YES	Refer to question 3 to Section 5.3.2 of this report.
1.2 Development of Aboriginal Land Council land	N/A	This Direction does not apply as the Planning Proposal does not relate to any land identified under State Environmental Planning Policy (Aboriginal Land) 2019.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist-ency**	**Comment**
1.3 Approval & Referral Requirements	YES	The Planning Proposal does not seek to introduce new concurrence, consultation or referral requirements, nor identify development types for the purpose of designated development.
1.4 Site Specific Provisions	N/A	This Direction does not apply as the Planning Proposal does not relate to any site specific land use controls, nor introduce new development standards not already contained in the LEP.
1.5 Parramatta Road Corridor Transformation Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any land comprising the Greater Parramatta Priority Growth Area.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.10 Implementation of Western Sydney Aerotropolis Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.11 Implementation of Bayside West Precincts 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified LGAs.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	N/A	This Direction does not apply as the Planning Proposal does not relate to the identified area.
1.14 Implementation of Greater Macarthur 2040	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified area.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any the identified area.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist-ency**	**Comment**
1.16 North West Rail Link Corridor Strategy	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
2 Design and Place		
3 Biodiversity and Conservation		
3.1 Conservation Zones	YES	The Planning Proposal does not alter the existing environmental protection to land within an environmental protection zone.
3.2 Heritage Conservation	YES	The Planning Proposal does not alter the existing heritage conservation provisions within NSLEP 2013 (refer to Clause 5.10) which already satisfy the requirements of the Direction. The Planning Proposal seeks to provide increased clarity with respect to when a height variation may be considered and will not impact upon the significance of heritage items or conservation areas.
3.3 Sydney Drinking Water Catchment	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
3.5 Recreation Vehicle Areas	N/A	The Planning Proposal does not enable land to be developed for the purposes of a recreational vehicle area.
4 Resilience and Hazards		
4.1 Flooding	N/A	This Direction does not apply as the Planning Proposal does not relate to land identified as being flood prone land.
4.2 Coastal Management	N/A	The Planning Proposal does not affect land that covered by the Coastal Management SEPP.
4.3 Planning for Bushfire Protection	YES	The Planning Proposal is consistent with the direction as it does not result in: • inconsistencies with the Planning for Bushfire Protection 2006; • permitting increased density on land affected by bushfire; and • bushfire hazard reduction being prohibited with Asset Protection Zones.
4.4 Remediation of Contaminated Land	YES	The proposal does not seek to alter the zoning of any land, thereby increasing the potential risk to exposure to contamination.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist-ency**	**Comment**
4.5 Acid Sulfate Soils	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by Acid Sulfate Soils.
4.6 Mine Subsidence & Unstable Land	N/A	This Direction does not apply as the Planning Proposal does not relate to land affected by mine subsidence nor has it been identified as being unstable land.
5 Transport and Infrastructure		
5.1 Integrating Land Use & Transport	YES	The Planning Proposal does not seek to minimise development potential in close proximity to mass public transport.
5.2 Reserving Land for Public Purposes	YES	The Planning Proposal does not create or alter existing zonings or reservations of land for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	YES	Despite not being located in close proximity to Sydney Airport, almost the entire LGA is affected by an Obstacle Limitation Surface (OLS) of 156m AHD. The Planning Proposal does not seek to increase the maximum height permitted on any land within the LGA.
5.4 Shooting Ranges	N/A	This Direction does not apply as the Planning Proposal does not relate to land in the vicinity of a shooting range.

TABLE 2: Consistency with s.9.1 Directions		
Direction	**Consist-ency**	**Comment**
6 Housing		
6.1 Residential Zones	YES	Clause (4)(a) states that a planning proposal must include provisions that encourage the provision of housing that will broaden the choice of building types and locations available in the housing market. Despite the removal of RFBs as a permissible use in the *R3 Medium Density Residential* zone, this type of development will remain permissible in the *R4 High Density Residential* and *B4 Mixed Use* zones. Accordingly, there will be no reduction in housing choice within the LGA. Clause (5)(b) requires that a Planning Proposal must not contain provisions which will reduce the permissible residential density of land. When Amendment 30 was made, the built form requirements applicable to the *R3 Medium Density Residential* zone (i.e. height, setbacks and site coverage) remained generally consistent for both medium density development as well as RFBs. The resultant outcome was that the achievable density between the two different residential development types in the R3 zone remained virtually unchanged. . The proposal to revert back to the prohibition of RRBs within the R3 zone prior to Amendment 30 would therefore remain virtually unchanged in terms of achievable dwelling density in the zone. This particular point was identified in Council's adopted LHS and that the introduction of RFBs as a permissible use in the *R3 Medium Density Residential* zone would not contribute to Council's dwelling targets and delivery. The Planning Proposal is therefore consistent with the requirements of the Direction as it will not reduce the ability to undertake residential development on those parcels of land where residential development is currently permitted.
6.2 Caravan Parks & Manufactured Home Estates	N/A	This Direction does not apply as the Planning Proposal does not seek to permit caravan parks or manufactured home estates under NSLEP 2013.

TABLE 2: Consistency with s.9.1 Directions			
Direction		**Consist-ency**	**Comment**
7	**Industry and Employment**		
7.1	Business & Industrial Zones	YES	The Planning Proposal does not seek to reduce any commercial zoning under NSLEP 2013 nor does it seek to reduce the level of permissible non-residential floor space achievable on the affected lands.
7.2	Reduction in non-hosted short term rental accommodation period	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
7.3	Commercial and retail development along the Pacific Highway, North Coast	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
8	**Resources and Energy**		
8.1	Mining, Petroleum Production & Extractive Industries	YES	The Planning Proposal does not seek to alter the permissibility of these types of land uses.
9	**Primary Production**		
9.1	Rural Zones	N/A	This Direction does not apply as there are no existing rural zones under NSLEP 2013 nor proposed under the Planning Proposal.
9.2	Rural Lands	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.
9.3	Oyster Aquaculture	N/A	This Direction does not apply as the Planning Proposal is not located in a water catchment area that directly drains to a water body containing a Priority Oyster Aquaculture Area or a current oyster aquaculture lease in the national parks estate.
9.4	Farmland of State and Regional Significance on the NSW Far North Coast.	N/A	This Direction does not apply as the Planning Proposal does not relate to any of the identified LGAs.

5.3.3 Section C – Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

No.

9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?

No.

10. Has the planning proposal adequately addressed any social and economic effects?

No social or economic impacts. The Planning Proposal merely seeks to reinstate an existing policy position.

5.3.4 Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Implementation of the Planning Proposal is likely to have a negligible impact upon the provision of public infrastructure services within the locality as it is the land affected is already highly serviced.

If required, consultation with relevant public infrastructure agencies during the public exhibition of the planning proposal will ensure any concerns are addressed prior to allowing any increase in the development potential of the land.

12. What are the views of State and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

The Planning Proposal has not yet been considered by State or Commonwealth public authorities and would be typically gained through the Gateway Determination process.

Condition 3 of the Gateway Determination stated that no consultation is required with public authorities and government agencies under section 3.34(2)(d) of the EP&A Act.

5.4 PART 4 : MAPPING

It is not proposed to amend any of the maps to the LEP.

5.5 PART 5: COMMUNITY CONSULTATION

Consultation will be undertaken in accordance with the requirements made by the Gateway Determination and Council's internal stakeholder engagement guidelines.

As the Planning Proposal does not seek to intensify development on any land, it is not considered necessary to inform agencies who deliver public infrastructure and services.

5.6 PART 6: PROJECT TIMELINE

TABLE 3 provides a project timeline having regard to identified milestones and estimating approximately 9 months from submitting the planning proposal to the DPE for a Gateway Determination to the amending LEP being made.

TABLE 3 – Project Timeline														
Milestone	**Mar 2022**	**Apr 2022**	**May 2022**	**Jun 2022**	**Jul 2022**	**Aug 2022**	**Sept 2022**	**Oct 2022**	**Nov 2022**	**Dec 2022**	**Jan 2023**	**Feb 2023**	**Mar 2023**	**Ap2023**
1. Local Planning Panel considers Planning Proposal														
2. Council determines whether to progress to Gateway Determination														
3. Request for Gateway Determination sent to DPE														
4. DPE considers request														
5. Gateway Determination issued to Council														
6. Amendment of Planning Proposal to align with Gateway Determination														
7. Public exhibition undertaken														
8. Council considers submissions														
9. Council considers post exhibition report														
10. Submission to DPE requesting making of LEP														
11. Drafting of LEP and making														

APPENDIX 1

DA Monitoring of RFBs in the R3 Zone

TABLE 1: Monitoring Residential Flat Building Development Applications in the R3 Zone			
DA Number	**Address**	**Issues**	**Determination**
DA 243/21	115, 117, 119 Holt Avenue, Cremorne	*Demolition of three existing detached dwelling houses and construction of a 3 storey residential flat building over basement carparking.* Issues were: Potential for Heritage Listing and associated Interim Heritage Order. • Excessive bulk and scale (3 storeys and roof top access / terrace) • Excessive site coverage • Excessive excavation to accommodate additional storeys • Built form character inconsistent to the heritage character of the local area. • Poor interface with the neighbouring Heritage Conservation Area • Visual privacy issues	Council Deemed Refusal L&E Court Refused
DA 379/21	1 Warung Street, McMahons Point	*Partial demolition of existing 3 storey residential flat building, construction of below ground basement and reconstructed and new apartment addition above and reconfiguration of remaining apartments.* Issues were: • Quantum of breaches to planning controls and guidelines • Height breaches (requested a 3.2m variation to accommodate 4 habitable storeys) • Compliance with ADG in terms of solar access, floor to floor heights, • Lack of side setbacks compliant with ADG and NSDCP 2013 • Excessive site coverage and insufficient landscaped area • Excessive excavation • Excessive bulk and scale • Inappropriate and uncharacteristic intrusion into the heritage conservation area • Built form character inconsistent with the local character of the area. • Privacy concerns • Removal of significant and highly visible landscaped elements • Visual impact from Sydney Harbour	NSLPP Refused L&EC Appeal lodged

ATTACHMENT 3

Planning Proposal 4/22 – Prohibition of Residential Flat Buildings in the R3 Zone
Summary of public submissions received during public exhibition period
(26 September 2022 to 7 November 2022)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal **would be** amended if issues raised in the submission:

    a provided additional information of relevance.
    b indicated or clarified a change in government legislation, Council's commitment or management policy.
    c proposed strategies that would better achieve or assist with Council's objectives.
    d was an alternate viewpoint received on the topic and is considered a better option than that proposed or;
    e indicated omissions, inaccuracies or a lack of clarity.

2. The Planning Proposal **would not be** amended if the issues raised in the submission:

    a addressed issues beyond the scope of the proposal.
    b was already in the proposal or will be considered during the development of a subordinate plan (prepared by Council).
    c offered an open statement, or no change was sought.
    d clearly supported the proposal.
    e was an alternate viewpoint received on the topic but the recommendation was still considered the best option.
    f was based on incorrect information.
    g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or;
    involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
1	Mark Marsi U11, 126-130 Spencer Road CREMORNE NSW 2090	**Support** • ***Character***	Strongly supports the proposal as it will contribute to preserving the character of our suburbs.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
2	Lesley Ridley 7 King George Street MCMAHONS POINT NSW 2060	**Support**	Supports the proposal.	Noted	Nil	2D
3	Bridget Bobkowski U3, 35 Milray Avenue WOLLSTONECRAFT NSW 2065	**Support** • ***Permissibility – New RFBs***	Supports the proposal to prohibit new RFBs in the R3 Medium Density zone.	Noted	Nil	2D
		• ***Permissibility – Existing RFBs***	Requests that wording in the proposal explicitly 'grandfathers in' existing RFBs as a permissible use in the R3 Medium Density Residential zone and lists those properties by address.	**Refer to Section 4.9 of the main report.** If the proposal proceeds, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act. Accordingly, there is no need to duplicate these requirements within Council's LEP.	Nil	2E
		• ***Built form controls for existing RFBs***	That wording be added to the final proposal so that if there is such an event that requires demolition and rebuild (e.g. a major fire), existing RFBs may rebuild using the same footprint and height as pre-event.	**Refer to Section 4.9 of the main report.** If the proposal proceeds, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act. The existing built form of the development would be taken into account when considering approval of any replacement RFB relying on existing use rights.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
4	Erzsebet Mihali U11, 126-130 Spencer Road CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	It will preserve the character of our area	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality	Nil	2E
		• ***Heritage***	It will protect our historical buildings.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
5	Julian Coxall 6 Rosalind Street CAMMERAY NSW 2062	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Residential amenity / Traffic***	Multi storey developments decrease residential amenity though significant shading, substantial increases in traffic generation, can be overbearing on a human scale and sometimes lead to increased wind impacts. Therefore, to maintain the amenity for residents, it is preferable to retain areas of lower scale development which include landscaped areas and gardens.	The anticipated built form of an RFB or a multi dwelling development (i.e. terraces and villas) remain about the same under the R3 zoning. However, an RFB development could potentially accommodate more dwellings than a multi dwelling development, thereby leading to potential increases in adverse amenity or traffic impacts.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Locational suitability***	Due to the scattered distribution of the R3 zoning throughout the LGA arising from its interesting and eclectic historical aspect of development, it would be better planning practice to concentrate RFBs along the main transport arteries, for example at St Leonards, and retain the low scale development, streetscape and public amenities that so much of NS currently enjoys.	Council has consistently sought in recent times to concentrate increased dwelling density in close proximity to major traffic corridors / nodes and places with high levels of services and facilities. Most R3 zones areas have lower levels of accessibility to transport services and facilities.	Nil	2D
6	Armada Property S16, 20 Young Street NEUTRAL BAY NSW 2089	**Objection**	Objects to the proposal for the following reasons:			
		• ***Housing affordability***	The inner suburban areas of Sydney, particularly high employment zones such as North Sydney, should encourage flexible uses and building types resulting in better economic and social outcomes, including better affordable housing choices to support tenants, key workers and first home owners.	**Refer to Section 4.8 of the main report.** The proposed change does not prevent RFBs from being built in the LGA, which remain permissible in the *R4 High Density Residential* and *B4 Mixed Use zones* (as part of a mixed use development). Both these zones cover significantly more land than the R3 zone and are better placed to take advantage of access to service and infrastructure. Therefore, there is no real reduction in flexibility or affordability in this instance.	Nil	2E
		• ***Bulk and scale***	The 'bulk and scale' of any redevelopment is already heavily governed by the LEP building heights and DCP controls in respect of setbacks and site coverage and, as such, there is no need for housing options to be further constrained. 2-3 storey townhouses which are permissible in the R3 zone would have no less 'bulk and scale' in comparison to an RFB and would be largely unaffordable.	**Refer to Section 4.11 of the main report.** It is agreed that the built form controls under the NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment. As there is an ability to marginally increase the number of dwellings on a site with a RFB in comparison to a multi dwelling development (i.e. townhouses), there is the potential that no multi dwelling developments would be delivered in the LGA, thereby reducing housing choice.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Building height***	The R3 zone has the objective of achieving 3 storey development, as distinct from the R4 zone which allows for 4 storeys. The 8.5m maximum building height that applies to the R3 zone only permits two habitable levels noting the requirement for a minimum 2.7m internal floor to ceiling heights, which in turn requires a minimum 3.1m floor to floor height. Therefore a 3 storey building would require a minimum of 9.3m for a flat roof (with no lift overrun, plant & machinery, or any other structures or screens). Therefore, the maximum building height in R3 zone should be increased from 8.5 to say 9.5m, to also allow for lift over-run, roof design and plant & machinery (to be located on the roof which may extend above the prescribed building height limit).	**Refer to Section 4.13 of the main report** There are no objectives relating to the R3 zone under NSLEP 2013 which specifically suggest that a 3-storey built form is achievable nor desirable. All land zoned R3 has an 8.5m height limit. The objectives to clause 4.3 Height of Buildings of NSLEP 2013 specifically states: *to maintain a built form of mainly 1 or 2 storeys in Zone R2 Low Density Residential, Zone R3 Medium Density Residential and Zone E4 Environmental Living.* Accordingly, an 8.5m height limit provides sufficient scope to meet this objective, whilst factoring the need accommodate roof structures and roof top infrastructure and the prevailing undulating topography of the LGA.	Nil	2E
7	Penelope Morris 14 Queens Avenue MCMAHONS POINT NSW 2060	**Support**	Supports the proposal for the following reasons:			2D
		• ***Building Height***	It will maintain the ambience of the western side of McMahons Point by retaining height restrictions.	When NSLEP 2013 was amended to permit RFBs in the R3 zone, the existing maximum height limit of 8.5m was retained. It is not proposed to amend the 8.5m height limit as part of this proposal.	Nil	2E, 2F
		• ***Traffic***	It will minimise potential traffic impacts and congestion.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
8	Matthew Fitzsimons U1, 46 Harriette Street NEUTRAL BAY NSW 2089	**Support** • ***Heritage*** • ***Character*** • ***Amenity***	Supports the proposal as this will help to maintain the heritage, local character and amenity of the North Sydney area.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
9	Carolyn Sinclair U4, 12 Bradly Avenue KIRRIBILLI NSW 2061	**Support** • ***Character*** • ***Amenity***	Strongly supports the proposal as this will help to maintain the character and amenity of the area.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
10	Catherine Hallinan 11 Henley Street LANE COVE NSW 2066	**Support** • ***Traffic***	Supports the proposal, as these areas are already densely populated and suffer traffic congestion and not permitting further density is very welcome.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
11	Karen Baillie U6, 126-130 Spencer Road CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Heritage***	The proposal will help to protect and preserve the character and amenity of our suburbs, which is in the interests of our current and future generations. Allowing RFBs to replace houses in the R3 Zone will lead to progressive erosion of our LGA's heritage, streetscape and character.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Housing Supply***	The former amendment to permit RFBs in the R3 zone was, and is not, required for meeting our LGA's housing supply targets.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
12	Eli Beverley-Schack U402, 151 Military Road NEUTRAL BAY NSW 2089	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D,2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
13	Murray Jones U5 2 Paling Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
14	Graham Shaw 48 Reynolds Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
15	Peter Kruger U4, 6 Hampden Avenue CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
16	Ciaran de Bhaldraithe 44 Reynolds Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It will protect the character and amenity of areas zoned R3 in the municipality. Many people in my area share the same concerns about the change in character of the neighbourhood if Federation house/ Californian Bungalows are to be demolished and it would set a terrible precedent for a change to municipality.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D, 2E
		• ***Housing supply***	The redevelopment of the current housing stock in the R3 zone is not necessary to meet the NSW target density.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
17	Jan Thomas U2, 66 Benelong Road CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
18	Patricia Troy U9, 7-17 Waters Road NEUTRAL BAY NSW 2089	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
19	John Troy U9, 7-17 Waters Road NEUTRAL BAY NSW 2089	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1,4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
20	Nancy Heywood 56 Benelong Road CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
21	Barry & Dorothy Slattery 74 Sutherland Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage*** • ***Traffic***	Strongly supports the proposal because it will help to: • protect and preserve the character and amenity of our suburb/s; • minimise the loss of our built form heritage; • minimise the population density, together with major traffic congestion. This is in the interests of current and future generations	**Refer to Sections 4.1, 4.2, 4.3 and 4.5 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls. Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2D, 2E
22	Ray Durham 60 Sutherland Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interest of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
23	Margret Durham 60 Sutherland Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing supply***	Council has already achieved its dwelling density targets.	**Refer to Section 4.6 of the main report** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Character***	It helps protect the character of the area and the amenity of my suburb.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	It supports the principle of intergenerational equity by acknowledging and protecting our built environment heritage.	**Refer to section 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
24	James Mayer (James Elliot) No address supplied	**Objection**	Objects to the proposal for the following reasons:			
		• ***Existing use rights***	The proposal is inequitable, by being discriminatory against small holdings owners with prior apartment approval by stripping away land use title rights. It was suggested that the existing use rights argument generally applies to sub-standard older buildings that are not suitable for modern living to be replaced but under the DCP guidelines for R3 not R4 zones, unless it is a large consolidated site in which case an argument in the LEC may or may not be supported.	**Refer to section 4.9 of the main report.** This is incorrect. Despite RFBs being made prohibited within the R3 zone, if the proposal proceeds, those sites which contain a lawful approval for an RFB are preserved through the "existing use rights" provisions under the EP&A Act. In addition, those sites are entitled to utilise the "existing use rights" provisions under the EP&A Act, may alter, add to or rebuild a lawfully approved RFB with development consent.	Nil	2F
		• ***Regressive policy position***	It represents a regressive step and creates an unnecessary cost to the rate payers.	When deciding to permit RFBs in the R3 zone to address exploitation of existing use rights provisions, Council decide to include a review mechanism to ensure that the policy change was achieving what it set out to do. As the interpretation of the implementation of existing use rights has been further refined, Council's former concerns have been alleviated. Therefore, Council has not wasted resources in pursuing this proposed amendment.	Nil	2E
		• ***Dwelling density***	It would result in increased dwelling densities based on site coverage requirements.	This is incorrect. A multi-dwelling housing development would have a lesser dwelling density than an equivalent sized RFB, due to the smaller overall size of dwellings within an RFB.	Nil	2F
25 A/B	Helen Lesnewski Owner of 4 units at 126 Spencer Road CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	It will help to maintain and protect the character and amenity of Cremorne and North Sydney LGA.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing supply***	The former amendment to permit RFBs in the R3 zone was not required for meeting our LGA's housing supply targets.	**Refer to Section 4.6 of the main report** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Heritage***	It will help to minimise the loss of dwellings that are of local heritage significance, such as 115, 117 and 119 Holt Avenue, Cremorne.	**Refer to Section 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
26	Madeleine Stewart 37 Market Street NAREMBURN NSW 2065 (Owner of U 6 /5-7 River Road, Wollstonecraft)	**Objection**	Objects to the proposal, for the following reasons:			
		• ***Application***	The land chosen for this to apply to appears very random	The proposal relates to the R3 zone only which is randomly distributed across the LGA. This is reflected in the map of affected land that was supplied with the public exhibition documents.	Nil	2F
		• ***Land value***	It will lower people's home values and does not have any sense to it.	There is no evidence that land values will be lowered, especially given that the current permissibility of RFBs in the R3 zone has only been in effect for approximately 18 months.	Nil	2C, 2G
		• ***Existing use rights***	If a current RFB within the R3 zone area were to burn down, it is unclear if the owners could rebuild what was there.	**Refer to section 4.9 of the main report.** If the proposal goes ahead, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act.	Nil	2F, 2G

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
27	Francois Kong 28 Illiliwa Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	It helps retain the character and amenity of our suburbs.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Traffic***	It will in some way lessen the likelihood of increased traffic, which currently negatively affects the locality.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
28	Jane Clark 42 Illiliwa Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It will help to protect and preserve the character and amenity of our suburbs.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	It will help minimise the loss of our built form heritage. This is very much in the interests of current and future generations. Once this built form heritage is lost, it is lost forever and we simply mustn't let our suburb be held to developer ransom, which will see our rich and diverse housing stock turned into square blocks of flats with no outside green space.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
29	Catherine Turner 2 Grafton Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal as it will help to preserve the character and amenity of our suburbs. Cammeray, Cremorne and Neutral Bay are often referred to as villages and are valued for their examples of community and built heritage. This proposal is essential if these areas are to be retained for current and future generations.	**Refer to Section 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
30	Jennifer Hole 30 Ryries Parade CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburbs. This is in the interest of current and future generations.	**Refer to Section 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
31	Tarryn Hill U18, 94A Spofforth CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	It will help to protect the character of Cremorne and the North Sydney LGA.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	It will help to minimise the loss of houses that are of heritage value (e.g. 115-119 Holt Avenue Cremorne) and be in the interest of current and future generations	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental Impacts***	It will maintain more greenspace and trees that provide amenity as well as places for birds and local wildlife.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
		• ***Traffic***	It will minimise further problems with traffic, parking, and overcrowding in an already strained area.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
32	Richard McBurnie 2A Lambert Street CAMMERAY NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
33	Don Esplin 27 Robert Street WILLOUGHBY EAST NSW 2068 (Owner of unit at Carter Street CAMMERAY)	**Support**	Supports the proposal, as maintaining the current situation would:			2D
		• ***Traffic and Parking***	Increase traffic congestion in an area with restricted vehicular access and increase pressures for limited on-street car parking.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
		• ***Character / Amenity***	Substantially detract from the general amenity of the area and significantly impact neighbouring properties.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
34	Sissi Stewart U1, 30 Benelong Road CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It helps to protect and preserve the character and amenity of our suburbs.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
		• ***Heritage***	It helps to minimise the loss of our built form heritage, which is in the interests of current and future generations.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Traffic***	The traffic situation is already untenable and additional residential multi occupancy in apartments will add to the problem, especially in light of proposed alterations to access to the Freeway to the city from our area.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
35	Roberto Forero 5 Byrnes Avenue NEUTRAL BAY NSW 2089	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It is in the interests of our community by protecting the character and amenity of our local area	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	It will help preserve our built form heritage that makes our local area special, which is in the interests of current and future generations.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
36	Sandy Bullon 22 Oaks Avenue CREMORNE NSW 2090	**Support**	Strongly supports the proposal, because continuation of the former amendment to permit RFBs in the R3 zone would result in:			2D
		• ***Character***	Undesirable changes in our built form environment, which is the reason why the submitter bought into and live in the area. Another totally overdeveloped series of side by side boxes of non-descript apartment blocks.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
		• ***Heritage***	Detrimental impacts on the heritage interest/value of Cremorne, Mosman, Neutral Bay and other parts of the North Sydney LGA. The proposal is also in the interests of current and future generations.	**Refer to section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental impacts***	The loss of open space, urban canopy, trees with wildlife habitat, increased concrete and urban heat island impacts and loss of amenity.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
37 A/B/ C	Holt Avenue Pty Ltd 115, 117 and 119 Holt Avenue CREMORNE NSW 2090 [Personal details withheld]	**Objection**	Strongly objects to the proposal for the following reasons:			
		• ***Justification and public input***	The planning proposal was prepared with no background studies, nor with sufficient public input comment or consultation.	The planning proposal largely relied on the previous amount of extensive study used to originally permit RFBs in the R3 zone. This had been supplemented by other study into assessment of DAs that were made for RFBs in the R3 zone. Additional review was also made with regard to the change in L&E Court's stance on the application of existing use rights. The planning proposal has been placed on public exhibition for a period of 43 calendar days which is well in excess of the minimum 28 calendar days required under the Gateway Determination. Therefore, sufficient time has been provided to understand the community's concerns with the proposal.	Nil	2E
		• ***Permissibility in other LGAs***	Most councils surrounding the North Sydney LGA have RFBs or Shoptop Housing permissible in the R3 zone. It is of significance that the North Sydney LGA has extensive RFBs located in the R3 zone which were previously relying on existing use rights until such time that the residential flat buildings were introduced as a permissible use in June 2021. The principle purpose of the June 2021 amendment was to remove existing use rights for RFBs in the R3 zone and ensure that any replacement residential flat buildings would meet the development standards which give effect in the R3 zone.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone. As per previous studies undertaken in relation to the June 2021 amendment, it had been estimated that approximately 20% of parcels of land zoned R3 contained an RFB relying on existing use rights, which does not represent a prevailing outcome. In addition, it was decided that the 2021 amendment was just one means to address the existing use rights issue with a view to reviewing that decision after a period of operation.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Justification***	Part of the justification to revert the June 2021 amendment to permit RFBs in the R3 zone was a softening of the Land and Environment Court's (L&E Court) interpretation of the extent to which development standard and development control provisions may be taken into account as relevant matters for consideration. In particular, Council had relied on the case law established in Saffioti v Kiama Municipal Council (2019) NSWLEC 57, which was handed down on the 18 April 2019. This judgement was handed down well before the coming into force of Amendment 30 on 30 June 2021 and the original decision to proceed with the planning proposal to Amendment 30 by council on 25 November 2019.	It needs to be appreciated that there are significant lead times between the decision to prepare, the preparation and adoption of a planning proposal (n.b. Council first resolved to proceed with the preparation of a planning proposal on 25 March 2019 to address the existing use rights issue). In addition, significant time can elapse following the handing down of a L&E Court judgement and arriving at a full understanding of the implications of that judgement. The outcomes of those judgements can also be subject to future challenges, once they are applied and considered in similar Appeals to the Court. Accordingly, despite the amount of time that has passed since the handing down of the L&E Court judgement, the original decision to progress with the amendment to permit RFBs in the R3 zone and then subsequently reverse this decision is considered acceptable.	Nil	2E
		• ***Housing accessibility***	If RFBs are removed from the R3 zone, which is very extensive the only uses within the R3 zone would be dwellings, dual occupancies, attached dwellings boarding houses and Multi dwelling housing. This would create a significant issue with regard to ageing in place where multi-dwelling housing will be located on multiple levels with very poor accessibility for the occupants.	**Refer to Sections 4.7 of the main report.** All new multi-dwelling residential developments, including substantial alterations and additions, are required to address accessibility concerns as addressed under NSDCP 2013 and the National Building Code. NSDCP 2013 already contains requirements for some dwelling forms to be "adaptable" to provide higher levels of accessibility and enable residents to age in place. In addition, the Housing SEPP contains provisions for the development of seniors housing.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing supply***	The proposal fails to give adequate consideration to the Local Strategic Planning Statement and the Local Housing Strategy of 2019 which clearly sought to deal with the key point of: – 'Housing demand and supply' and to continue to set the strategic direction for housing in North Sydney in accordance with local needs and appropriate housing delivery in the right location.(p10)	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Savings provision***	Acknowledged that the Gateway Determination required the planning proposal to be updated to include a savings provision to apply to DAs that have been lodged prior to the proposed amendment of the LEP, but not yet determined. The Gateway Approval did not specify the wording of the proposed savings provision. Council has proposed two options to address this condition. No objection is raised with regard to the second suggested proposed savings provision that specifically excludes affected DAs from the need to consider the amendment once made. However, objection is raised with regard to the proposed savings provision that would require affected DAs to consider the amendment as a draft environmental planning instrument during a DA's assessment. Concern is raised that the proposed savings provision will enable the Council to defer determination of an affected DA, and once the amendment is made, refuse the DA on the basis of the desired future outcomes of the amendment just made. The proposed savings provision does not provide any proper protection to those development applications for RFBs in the R3 zone which have been submitted but not yet determined at the time the proposed amendment is made.	**Refer to section 4.14 of the main report.** It is acknowledged that the wording of the first suggested savings provision within the planning proposal is different to the second. It is recommended that the wording of the first suggested provision be revised to exclude the need to consider the future amendment as an ongoing draft environmental planning instrument.	**Amend the first suggested savings provision to remove the words "been exhibited but"**	**1A, 1E**

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
38	Charles McJury 6 Byrnes Avenue NEUTRAL BAY NSW 2089	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Heritage***	It is in line with the residents' wishes to maintain the traditional character of the area, and reflect the strong feeling demonstrated at the last round of elections. Council has worked hard to protect and maintain the character of various places within the LGA through zoning and LEP provisions, and many residents have similarly worked to preserve and maintain the character and heritage nature of these areas in the interests of current and future generations.	**Refer to Sections 4.1 & 4.2 of the main report** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
39	Belinda Pring 1 Byrnes Avenue NEUTRAL BAY NSW 2089	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It will protect the character and amenity of our local area.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	It will preserve our built form heritage that makes our local area special. In particular, Byrnes Avenue contains 14 houses of historical significance and is unique in the North Sydney area, as both sides of the cul-de-sac are completely intact as a whole. The historical significance of Byrnes Avenue is described as "an intact group of terrace houses set on either side of a narrow cul-de-sac which is a rare survival of this type of housing in the area" (SHI #2181372, SHI # 2181525). The houses which were built around 1890s as part of the Tram Company working class housing are assessed as being historically rare, and aesthetically and socially representative regionally. The former amendment to permit RFBs in the R3 zone has the potential to compromise the historical status of the street.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls. The properties fronting the western part of Byrnes Avenue is zoned R2 Low Density Residential and is heritage listed under NSLEP 2013. Accordingly, there is no imminent threat over these properties as they are adequately protected and the proposal does not apply to them. It is noted however, that the eastern end of Byrnes Avenue is zoned R3 Medium Density Residential and not identified as heritage items under NSLEP 2013. The eastern end is predominately characterised by RFB development, interspersed with small dwelling houses. Accordingly, the residential typology context between properties will remain virtually unchanged.	Nil	2E, 2F
40	Amy Gao U27, 38 Atchison Street ST LEONARDS NSW 2065	**Objection**	Objects to the proposal for the following reasons:			2D
		• ***Housing Diversity***	Our high employment zones in our council requires good planning that encourages flexible uses and building types as this will result in better economic outcomes.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Permissibility in other LGAs***	All surrounding councils permit RFBs in the R3 zone.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
41	Lydia Sun Jing 40 Spofforth Street CREMORNE NSW 2090	**Objection**	Strongly objects to the for the following reasons:			
		• ***Permissibility in other LGAs***	All surrounding councils permit RFBs in the R3 zone.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F
		• ***Period of permissibility***	The former amendment to permit RFBs in the R3 zone has only been in effect for about a year.	**Refer to Section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
		• ***Dwelling density***	RFBs have a lower site coverage requirement (45%) than if townhouses were built (50%), therefore the proposal to prohibit RFBs would increase the dwelling density and not reduce it, but with better solar access and disabled access.	**Refer to section 4.11 of the main report.** A site is likely to have a higher dwelling density if developed for an RFB rather than a multi-dwelling housing development (i.e. town houses), due to RFBs typically containing smaller sized dwellings.	Nil	2E, 2F
42	Lesley Sommerville 75 Benelong Road CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	To maintain the character of local areas, which is what makes it attractive for people to live here in the first place	**Refer to section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Housing Diversity***	To retain a mix of dwellings	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing Supply***	Increased density is not needed to meet North Sydney LGA's housing targets	**Refer to Section 4.6 of the main report** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Overdevelopment***	To curb overdevelopment at the expense of local residents	This will be limited to residential building typologies only. If not proceeded with, the scale and bulk of development will remain virtually unchanged.	Nil	2E
43	Maria 38 Parraween Street CREMORNE NSW 2090	**Objection**	Objects to the proposal for the following reasons:			
		• ***Housing accessibility / affordability***	Council should consider more affordable and easy access apartments	**Refer to Sections 4.7 and 4.8 of the main report.** NSDCP 2013 already contains requirements for some dwelling forms to be "adaptable" to provide higher levels of accessibility and enable residents to age in place. In addition, the Housing SEPP contains provisions for the development of seniors housing. Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E
		• ***Solar access***	New RFBs provide more solar access for residents and communal space.	Given that the height and other built form controls are largely similar for most residential development types in the R3 zone, solar impacts would not significantly vary between residential development types.	Nil	2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Traffic / Parking***	Basement parking in new RFBs provide better traffic management and parking provision.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site. There is no difference in parking provision between an RFB and a multi-dwelling housing development.	Nil	2E
44	Kristy Pan 135 Milson Road CREMORNE POINT NSW 2090	**Objection**	Objects to the proposal for the following reasons:			
		• ***Housing diversity / affordability***	Inner suburban areas of Sydney, particularly high employment zones such as North Sydney, requires good planning that encourages flexible uses and building types as this will result in better economic and social outcomes, including better affordable housing choices to support tenants, key workers and first homeowners	**Refer to Sections 4.4 and 4.8 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing. Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E
		• ***Permissibility in other LGAs***	All surrounding councils permit RFBs in the R3 zone.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Period of permissibility***	The former amendment to permit RFBs in the R3 zone has only been in effect for about a year.	**Refer to section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
45	Eddie 2 Lytton Street CAMMERAY NSW 2062	**Objection**	Objects to the proposal for the following reasons:			
		• ***Quantum of new RFBs***	There are no new apartments in Cammeray.	There is sufficient land within the LGA that is capable of accommodating new RFBs as demonstrated through Councils' LHS.	Nil	2E
		• ***Amenity of existing RFBs***	Existing RFBs are old and have poor solar access and disabled access.	Any new RFB would be required to provide a reasonable level of amenity in accordance with the relevant controls.	Nil	2E, 2F
		• ***Housing diversity***	Wishes more housing options can be provided with excellent design and parking	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
46	Cassie 3-7 Brightmore Avenue CREMORNE NSW 2090	**Objection**	Strongly objects to the proposal for the following reasons:			
		• ***Housing diversity***	It will restrict housing options with good design.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Parking***	Parking in Cremorne is a nightmare. More parking should be provided.	Due to RFBs typically having a higher dwelling density than other forms of residential accommodation development, it is likely to result in higher levels of demand of parking, especially when located away from frequent public transport services.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Period of permissibility***	The former amendment to permit RFBs in the R3 zone has only been in effect for about a year.	**Refer to Section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act	Nil	2E
47	David Snedden U3, 122 Holt Avenue CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			
		• ***Character***	There are already extensive areas of the municipality in which high rise and multi level residential buildings are permitted. To extend the right to develop such buildings into R3 zoned areas is unnecessary, unacceptable and detrimental to the character and urban landscape of those areas and the municipality as a whole.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	In many areas of the municipality zoned R3, there is an increasingly reduced number of Federation and single dwellings which are particularly vulnerable to unsympathetic development such as residential apartments, which would adversely affect and change the nature and character of those areas. This is evident with the recent DA to demolish houses within Holt Avenue and replace them with an RFBs.	**Refer to section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
48	Leigh Brennan 126-130 Spencer Road CREMORNE NSW 2090	**Support** • ***Amenity***	Supports the proposal as it will directly affect my standard of living in Spencer Road, Holt Avenue and all other surrounding residents. A developer has plans to erect 3 buildings within a radius of 150 meters over two streets, which in my mind over capitalizes this small area with the long time residents who, to date, have enjoyed a very peaceful life.	The submission refers to a number of development applications under consideration in the proximity of their property. Each of these applications would need to be considered on their merits within the context of the applicable planning controls which would include an assessment against amenity criteria.	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
49	Rob McKay U3, 8-10 Parraween Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons			2D
		• ***Character / Amenity***	It will help to protect and preserve the character and amenity of our suburbs.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	It will help to minimise the loss of our built form heritage, which is in the interests of current and future generations.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Community Support***	It has widespread support throughout the community.	The level of support for the proposed amendment has been addressed as part of this post exhibition report	Nil	2D
50	Owners Corporation SP 32731 8 Parraween Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It helps to protect and preserve the character and amenity of our suburbs.	**Refer to Section 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	It helps to minimise the loss of our built form heritage and is in the interests of current and future generations.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Community Support***	It has widespread support throughout the community	The level of support for the proposed amendment has been addressed as part of this post exhibition report.	Nil	2D
		• ***Housing diversity***	Our LGA already has a disproportionately high number of apartments	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2D
51	Resident CROWS NEST NSW 2065 [Name and address withheld]	**Objection**	Objects to the proposal for the following reasons:			
		• ***Affordable housing / Housing diversity***	Inner suburban areas of Sydney, particularly high employment zones such as North Sydney, requires good planning that encourages flexible uses and building types as this will result in better economic and social outcomes, including better affordable housing choices to support tenants, key workers and first homeowners	**Refer to Sections 4.4 and 4.8 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing. Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Permissibility in other LGAs***	All surrounding councils permit RFBs in the R3 zone.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F
		• ***Period of permissibility***	The former amendment to permit RFBs in the R3 zone has only been in effect for about a year.	**Refer to Section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
52	Antony Magnus 114 Benelong Road CREMORNE NSW 2090	**Support** • ***Character*** • ***Heritage***	Strongly supports the proposal for the following reasons: • The suburb of Cremorne has wonderful character and any further changes to the building codes will destroy our beautiful heritage and appeal. • So many of our homes are more than a generation old and the loss of them will change the suburb for the worse and forever to the detriment of current and future generations.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
53	Platino Properties Suite 11, 20 Young Street, NEUTRAL BAY NSW 2089	**Objection**	Strong objection to the proposal for the following reasons:		Nil	2E
		• ***Height, bulk and scale***	All development in the R3 zone is subject to the same 8.5m height limit. The DCP controls also ensure that there is little difference to the scale and bulk of development despite whether it is for an RFB or multi dwelling development.	**Refer to Section 4.11 of the main report.** It is agreed that the built form controls under the NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment.	Nil	2E
		• ***Accessibility***	Due to the prevailing sloping topography in the North Sydney LGA, it is often impractical to build multi dwelling developments, whilst also ensuring accessibility to each dwelling. The National Construction Code requires the provision of lifts for each dwelling within a multi dwelling development making it impractical and cost prohibitive to undertake this type of development in comparison to a residential flat building.	**Refer to Section 4.7 of the main report.** This is an overstatement. Lifts are only required if the multi dwelling development contains a common basement carpark. Not all multi dwelling developments will necessarily contain a common basement carpark.	Nil	2E
		• ***Housing Supply***	Council's LHS identified the permitting of RFBs in the R3 zone as one of the key methods by which Council would meet its additional dwelling targets set by the State government.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets. Furthermore, Council had resolved to review this policy change after a year of operation to determine if it was achieving what it set out to do.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing diversity / affordability***	The proposal is at odds with the Minister's Planning Principles, specifically Principle 6 – *Delivering a sufficient supply of safe, diverse and affordable housing*. This principle seeks to *guide the ongoing delivery of homes, responding to population growth and change, and plan for diverse housing needs of the community, including housing for seniors*. Furthermore, the Principle requires that Council's planning controls should give effect to these objectives, which the current proposal does not.	**Refer to Sections 4.4 and 4.8 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing. Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E
54	Linda Curnow 8 Parraween Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Heritage***	It will assist in the protection of some beautiful examples of heritage houses and semis that are being demolished. There is little of the heritage value and character left and there will be none left if the proposed Nursing Home is approved in Parraween Street.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Housing diversity***	North Sydney LGA already has a small percentage of houses left, compared with similar LGAs. I have been informed of a very concerning statistic that in the 5 years to 2016, 16% of houses in our LGA were demolished.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
55	Roslyn Fletcher U202, 59 Parraween Street CREMORNE NSW 2090	**Support**	Supports the proposal.	Noted	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
56	Jillian Christie 119 Carabella Street KIRRIBILLI NSW 2065	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Previous Objection***	The submitter raised significant objection to Amendment 30 when it was being proposed in 2020 and lodged a submission. The submitter believed that the former proposed amendment would result in undesirable changes to our built environment and adversely impact the character of the North Sydney LGA. The submitter's view remains unchanged.	Noted	Nil	2D
		• ***Character***	The proposal is critical to maintaining our villages and low density streetscapes.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Expediting of proposal***	Urges Council to prioritise and expedite the finalisation of the proposal to minimise the potential for further destruction of the character of our suburbs.	Council staff have progressed the Planning Proposal in accordance with the required timeframes. If Council supports the proposal to proceed, the finalisation of any LEP amendment giving effect to the Planning Proposal is in the hands of the State Government.	Nil	2A, 2G
57	Ken Pritchett U310, 59 Parraween Street CREMORNE NSW 2090	**Support** • ***Character***	Supports the proposal for the following reasons: • The submitter has witnessed the devastation of classic local architecture by the ingress of apartment buildings. • Concerned that such development should not be allowed in R3 zoned areas.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
58	Anne Lytle U24, 94A Spofforth Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing diversity***	There has been a dramatic decrease in the variety of housing types available to residents with fewer and fewer individual houses and more and more apartment blocks. Almost all of the individual houses on Holt Ave have already been lost or are the target of future removal. There are a handful of historical houses remaining. And if PP 4/22 is not enacted, we will be left with a continuous wall of multi-storey apartment blocks down the entire side of the street. That is not a place where many of us wish to live, and not the place in which we chose to purchase property, pay our taxes, and make our homes.	**Refer to Section 4.4 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Cumulative impacts*** ○ ***Character*** ○ ***Traffic*** ○ ***Heritage***	While individual DAs for multi-storey RFBs claim no impact on things like parking, traffic, overcrowding, general amenity and character of our neighbourhoods, each analysis does not take into consideration the fact that each DA is not happening in isolation. For example, within a few hundred meters of my home, there are three multi-storey RFBs either just completed, in process of construction, or approved in the past year which will increase dwelling density by 600-800%, placing pressure on the demand for on street parking. That does not include yet another DA under consideration, which would demolish 3 historic 100-year-old houses (which are tenuously protected for another few months with an interim heritage order) and replace them with 16 units in a massive multi-storey RFB.	**Refer to Sections 4.1, 4.2 and 4.5 of the main report.** Cumulative impacts of development is initially considered as part of any planning proposal to ensure that there is sufficient infrastructure to meet the future demand. This infrastructure is usually delivered/embellished through Council's Local Infrastructure Contributions Plan. Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site. The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	There needs to be a balance between proactively protecting the character, heritage and amenity of our neighbourhoods. If the heritage of our beautiful historic houses is going to be destroyed, replacing an individual house with something that only increases density by 2-3x and retains gardens and greenery, is a much more palatable outcome than the huge multi-storey building that would consume almost the entire footprint of the blocks.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls. Council will shortly be commencing the undertaking of a comprehensive Heritage Study to assist with the proactively protection of potential heritage items not yet identified.	Nil	2E
		• ***Infrastructure Capacity***	The infrastructure in our community is unable to support the scale of development that has been occurring over the past number of years.	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Traffic***	Spofforth Street is already at gridlock each day during: • morning and afternoon school drop off; • morning and afternoon rush hour. The only times it is possible to cross the street are when the traffic is at a standstill and you can weave between the cars. Residents in my building are currently unable to exit our garage on Holt Ave and enter onto Spofforth Street during these times. There are regular accidents (approx. 1 a month) at the intersection of Holt Ave and Spofforth Street Cremorne. The dramatic increase in density arising from permitting RFBs in the R3 zone will make this even worse. It will cost taxpayers money as each new development takes no responsibility for upgrading road infrastructure. None of the new developments provides any on-site parking for visitors or servicing trades/deliveries often resulting in more double parked vehicles. This causes safety concerns for through-traffic as well as pedestrians trying to cross streets where there is little to no visibility.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site. NSDP 2013 requires the provision for on-site visitor parking for RFBs in the R3 zone and R4 zones, but is absent in the B4 zone. It also requires the provision of dedicated servicing spaces in larger developments.	Nil	2E
		• ***Parking***	Parking requirements for RFBs is less than that for other forms of residential development. This forces more cars onto the street making finding on-street parking near impossible. Often unable to invite visitors to their home because as there is nowhere to park. There have been numerous conflicts surfacing with people fighting for scarce parking spots. The situation is only getting worse.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site. In addition, the parking rates for RFBs in the R3 zone is the same for multi-dwelling housing and attached dwellings which re also permissible in the zone.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Flora and fauna habitats***	Allowing multi-storey apartment blocks that take up the majority of available land negatively impacts on the habitats for local flora and fauna. This can be exacerbated when mature canopy trees are also removed. Has witnessed Brush Turkeys chasing children, pets and people as they fight for limited resources, especially during breeding times. They are getting run over on the roads because they have nowhere else to go.	The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees and protection of fauna habitats will be a matter for consideration as part of the assessment of any DA.	Nil	2E
		• ***Bulk and scale***	Notes that the provisions applying to the R3 zone under NSLEP 2013 seek to "*encourage the development of sites for medium density housing if such development does not compromise the amenity of the surrounding area or the natural or cultural heritage of the area*" and "*encourage an appropriate scale and density of development that is in accordance with, and promotes the character of, an area*". These objectives are future reinforced through NSDCP 2013. The proposal would help to ensure the amenity of the surrounding area, and the natural and cultural heritage of the area would be maintained. For instance the collective group of six Federation era houses including 115, 117, 117 Holt Ave and the group of townhouses at 122, 128-130 and 132 Holt all share common architectural features and have uniformity in their presentation, and contribute positively to the streetscape. Allowing the construction of multi-storey residential apartment blocks is not consistent with other development on the street, and would ruin the character of the streetscape	**Refer to section 4.11 of the main report.** The built form controls under the NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls. It is noted that the land on the northern side of Holt Avenue is primarily zoned R3 and surrounded by land zoned R4. Whilst it is recognised that the street currently has a unique and consistent appearance, the desired future character would enable those dwellings to be replaced by higher density developments including multi-dwelling housing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
59	Resident MCMAHONS POINT NSW 2060 [Name and address withheld]	**Objection**	Objects to the proposal for the following reasons:			
		• ***Justification***	It is unclear who would benefit from this proposal. The proposal and its justification is convoluted and confusing.	It is conceded that the proposal could have been made clearer to express that those properties with an existing lawfully approved RFB would be eligible to exercise existing use rights under the EP&A Act.	Nil	2E
		• ***Existing use rights***	Owners of existing RFBs are highly unlikely to volunteer to have their properties converted into 'townhouses' or 'villas' (at a loss). Many existing RFBs are aging, have no parking and were designed without environmental considerations. It is undesirable to further discourage updating or improving existing RFBs. Without updating, renewal and evolution, the suburbs stagnate and depreciate.	**Refer to Section 4.9 of the main report.** If the proposal proceeds, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act. Any substantial refurbishment or rebuilding of an existing RFB would be required to consider the relevant provisions relating to parking and internal amenity under NSLEP 2013 and NSDCP 2013.	Nil	2E, 2F
60	Tony Gundty U9, 94A Spofforth Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal, for the following reasons:			2D
		• ***Character***	The original decision to permit RFBs in the R3 zone did not consider the character of local areas	**Refer to Section 4.1 of the main report.** Whilst not specifically addressed in detail, the issues relating to character was addressed through the setting of appropriate built form controls in the LEP and DCP at the time that Amendment 30 to NSLEP 2013 was drafted to ensure that all development in the R3 zone would be of a similar scale and bulk.	Nil	2F
		• ***Traffic***	The original decision to permit RFBs in the R3 zone did not address traffic and parking impacts	**Refer to Section 4.5 of the main report.** Agreed that this issue was not specifically addressed at the time. Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Time to comment***	The original decision to permit RFBs in the R3 zone did not allow enough time for resident to fully consider its impact	The planning proposal to give effect to Amendment 30 to NSLEP 2013 was placed on public exhibition for 28 days in 2020 which met the minimum requirement for exhibition.	Nil	2E
61	Virginia Gray 126 Spencer Road CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Character***	The permitting of RFBs in the R3 zone is resulting in undesirable changes to our built environment that erodes the character of our local area (e.g. that demonstrated by DA 243/21 which proposes to demolish 115, 117 and 119 Holt Avenue Cremorne).	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	If the amendment is not reversed, we are likely to see more houses demolished across our LGA by developers to construct RFBs. This will result in the loss of character and heritage of our suburbs.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental Impacts***	More RFBs will mean a reduction in trees and open space and lead to increased concrete and urban heat island impacts.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
62	Graham Dawson 26-30 Cranbrook Avenue CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal which is necessary in order to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage and is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
63	Malgorzata Furmaniak 12 94A Spofforth Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing diversity / density***	It will reinstate the right balance of dwelling mix / housing density which existed before 30 June 2021.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Environmental Impacts***	It will allow preservation of existing open space, already establish gardens full of greenery and matured trees.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage / Character / Amenity***	It will help to preserve houses of the heritage value and character and amenity of the neighbourhood not only for Cremorne, but for the whole North Sydney LGA.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Traffic***	It will also slow down growth of traffic / congestion	**Refer to Section .4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
		• ***Infrastructure***	It will reduce pressure on utility services.	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E
64	Owners Corporation SP 11601 126-130 Spencer Road CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Environmental Impacts***	The former amendment to permit RFBs in the R3 zone will lead to changes in our built environment which will have detrimental impacts on the character of our streets and suburbs. Concerned it will adversely change Cremorne's character, leading to increased concrete and urban heat island impacts, loss of open space, loss of trees and wildlife habitats and loss of visibility of the sky. The impact of the former amendment has been clearly demonstrated by DA 243/21 which it is proposed to demolish the heritage dwellings at 115, 117 and 119 Holt Avenue Cremorne and replace them with an RFB.	**Refer to Section4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	The Cremorne community is devastated these items of heritage value may be destroyed permanently If the former amendment is not reversed, we are likely to see more houses being demolished across our LGA by developers to construct RFBs.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D
		• ***Housing diversity***	It is important that we maintain housing diversity and protect the character of our suburbs. The 2016 ABS census data shows that the North Sydney LGA has a very high proportion of flats (75%) compared with similar LGAs (e.g. – 55% for Woollahra, 40% for Inner West, and 20% for NSW as a whole).	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
65	Sher Canny 26 Illiliwa Street CREMORNE NSW 2090	**Support** • ***Character***	Strongly supports the proposal to protect the character of our area. The last change horrified our community and we want our protections back. The character and greenery of the area needs to be saved for the future. Enough RFB development is already approved.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
66	Fiona Gracie U404, 59 Parraween Street CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Character*** • ***Amenity***	The former amendment to permit RFBs in the R3 zone does not meet the aims of NSLEP 2013 including the following: • to promote development that is appropriate to its context and enhances the amenity of the North Sydney community; • Retain the character of North Sydney neighbourhoods; • New developments must not adversely "affect residential amenity in terms of visual and acoustic privacy, solar access and view sharing. Applicants have a history of submitting plans for RFB that (always) exceed the permissible height limit, are excessive in scale and bulk and are out of character with the local character of the area.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Housing Supply***	Council successfully continues to meet its housing supply target set by the State Government, which negates the addition of more housing through the building of new RFBs in R3 zones.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets.	Nil	2E
		• ***Housing Diversity***	If developers are permitted to construct RFB in R3 zones as a result of demolishing an existing dwelling, including construction on the site of an individual house, dwelling diversity will be lost. North Sydney needs to retain a diversity of dwelling styles in R3 zones.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Heritage***	Many dwellings in R3 zones are potential heritage items, but are as yet unidentified, as has been shown recently at 115-119 Holt Avenue Cremorne. These dwellings meet the criteria for heritage listing as assessed by the independent heritage report commissioned by Council. Continued permitting of RFBs in R3 zones could potentially see these dwellings demolished to the detriment of our present and future generations.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
			RFBs adversely affects the heritage character of the area. By their very definition, a flat roof building is out of context with the many heritage items in the area. In addition, the value of heritage is (almost always) minimised/ negated by an applicant in its own heritage statement submission.	Not all land zoned R3 has a heritage character. Were a site is located within a Conservation Area or in the vicinity of a heritage item, the proposal would need to take into consideration its "fit" with the built form character. It also cannot be assumed that a RFB would contain a flat roof.		
		• ***Environmental Impacts***	RFBs significantly reduce the amount of green space as backyards and mature trees are removed and replaced by concrete and shrubs. RFB developments do not respect the existing natural environment of the North Sydney LGA, with a flow-on adverse effect on fauna that live in the area.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
		• ***Traffic***	Many areas of the LGA are already experiencing increased traffic congestion, particularly around the R3 zones. RFBs, by definition, will increase housing density and by extension increase traffic congestion as the number of cars on the road increase.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
67	Louise Shilling U9, 16 Eaton Street NETURAL BAY NSW 2089	**Support**	Strongly supports the proposal for the following reasons:			
		• ***Housing diversity / density***	It will reinstate right balance of dwelling mix / housing density which existed before 30 June 2021.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Landscaping and open space***	It allows preservation of existing open space, already establish gardens full of greenery and matured trees.	The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.		

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage / Character / Amenity***	It helps preserve houses of heritage value and the character and amenity of the neighbourhood, not only for Cremorne, but for the whole North Sydney LGA.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Traffic / Parking***	Reduces negative impacts on traffic / congestion parking	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
		• ***Infrastructure***	Reduces pressure on services within the neighbourhood.	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
68	Bede Mackay 76 Sutherland Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character & amenity of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interest of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
69	Grenville Delfs 18 Grosvenor Street NETURAL BAY NSW 2089	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it will help to protect and preserve the character of our suburbs. It will also prevent the loss of our heritage buildings. This is in the best interests of current and future	**Refer to Section 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
70	Lynne Hunter-White 76 Sutherland Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character of our suburbs. It will also help to minimise the loss of our built form heritage. This is in the interest of both current and future generations.	**Refer to Section 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
71	Christopher Holding 1 Ada Street CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Character / Heritage***	It will help to preserve the character and heritage of our area. The R3 zone should be for medium density dwellings and the previous proposal opens up our LGA to much larger developments with single door access, more like apartment style or R4 style dwellings. This is a step too far.	**Refer to Section 4.1 & 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Housing diversity***	The differences in the zoning demarcations are important to maintain a variety of styles and types of accommodation.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
72	Maurice Finn	**Support**	Supports the proposal for the following reasons			2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
	U5, 94A Spofforth Street CREMORNE NSW 2090	• ***Character***	The proposal will ensure that the essential character of Cremorne is retained	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	The proposal will respect the heritage value of the Holt Avenue area.	**Refer to Section 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Traffic***	• Given the existing traffic problems in Holt Avenue (with the well-known black-spot at the intersection of Holt and Spofforth streets) it is prudent to minimise the growth in traffic by restricting developments to those that are smaller in scope and in keeping with the development of Cremorne over the past 40 years.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
73	Laura Holding 1 Ada Street CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Bulk and Scale***	The R3 zone should be for genuine medium density dwellings and the previous proposal opens up our LGA to much larger developments with single entry point access. This is far more representative really of higher density or apartment style/R4 dwellings.	**Refer to Section 4.11 of the main report.** The built form controls under the NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing Diversity***	The differences in the zoning demarcations are important to maintain a variety of styles and types of accommodation.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E
		• ***Character / Heritage***	. It is also essential to help preserve the character and heritage of our area	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
74	Estelle Blair 91 Broughton Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Heritage***	If the proposal is not proceeded with, it will result in devastating and permanent impacts on the character and heritage of our local suburbs. This is evidenced by DA 243/21 which seeks to demolish 3 federation houses (115, 117 and 119 Holt Avenue, Cremorne) built in the early 1900s, located in the R3 zone.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Environmental Impacts***	The tree canopy in the LGA has rapidly declined over the past decade, and we are losing trees at an alarming rate due to infrastructure projects. We cannot afford to lose more. The consequences of the June 2021 Amendment also include a loss of open space, trees and wildlife habitats, increased concrete and urban heat island impacts.	**Refer to Sections 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
		• ***Housing diversity***	The further loss of houses will also mean reduced diversity of housing options for our community. ABS 2016 census data shows that North Sydney LGA has a very high proportion of dwellings that are flats (75%). This is significantly higher than the figure reported for other LGAs.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
75	Debra Blair 91 Broughton Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing Supply***	The former amendment to permit RFBs in the R3 zone was made even though it wasn't required to meet North Sydney LGA's housing supply targets.	**Refer to Section4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Character / Environmental Impacts***	If not reversed, the June 2021 Amendment will result in irreversible and detrimental impacts on the character of the suburbs within North Sydney LGA. Consequences of the June 2021 Amendment therefore include loss of items of heritage value, loss of open space, trees and wildlife habitats, increased concrete and urban heat island impacts, and loss of amenity	**Refer to Sections 4.1, 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	Reversing the June 2021 Amendment will help to protect the character of our built environment and preserve our local heritage which is in the interests of my generation and my daughters generation, and the generations following. The impacts are demonstrated through DA 243/21 that proposed to demolish 3 federation houses at 115, 117 and 119 Holt Avenue, Cremorne which were built over a hundred years ago, and replaced with a modern RFB. These Holt Avenue houses have since been found by a comprehensive heritage assessment undertaken by independent heritage experts GML Heritage Pty Ltd, to be items of local heritage significance to Cremorne.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Housing diversity***	The further loss of houses will also mean reduced diversity of housing options for our community.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
76	Danielle Rivett U303 59 Parraween Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps protect and preserve the character and amenity of our suburbs. It will also help minimise the loss of our built form heritage, which is in the interest of current and future generations	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
77	Suzana Raich U9, 128-130 Holt Avenue CREMORNE NSW 2090	**Support** • ***Character*** • ***Heritage***	Supports the proposal because it will help to protect and preserve the character and amenities of our suburbs. It will help to reduce or minimise the loss of any heritage.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
78	Barbara Ross 95 Broughton St KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal, for the following reasons:			2D
		• ***Character***	If the proposal is not proceeded with, it will have a shocking and irreversible detrimental impact on the character of North Sydney LGA.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	If the proposal is not proceeded with, it will have a devastating impact on the heritage value of the LGA.	**Refer to section 4.2 of the main report.** Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Environmental Impacts***	If the proposal is not proceeded with, it will result in a loss of open space, trees and general amenities.	**Refer to Sections 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
79	Vilma Bowers 41 Elamang Avenue KIRRIBILLI NSW 2061	**Support** • ***Character*** • ***Heritage***	Strongly supports the proposal because it will protect the character and local heritage of our suburbs which is so important. It has been very concerning to see the loss of so many houses which has also meant the loss of gardens and open space and has been replaced by the overdevelopment of apartment buildings.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
80	Anne Hamilton U1904, 2 Dind Street MILSONS POINT NSW 2061	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports for the following reasons • it will help to protect and preserve the character and amenity of our suburbs. • it will minimize the loss of our built form heritage. To destroy current heritage homes to be replaced by architecturally bland boxes of units is only in the interests of the developers not in the interest of the residents.	**Refer to Section 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
81	Jane Allen 7/10 Hampden Avenue CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Character / Heritage***	It is important to protect the heritage and character of North Sydney which is already occurring.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental Impacts***	It will reduce the strain on our green spaces with losses of trees and wildlife habitats.	**Refer to Sections 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
		• ***Traffic***	It will reduce traffic impacts	**Refer to Section 4.5 of the main report** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
82	Trevor Connelly [Address not provided]	**Support**	Supports the proposal for the following reasons:			2D
		• ***Character*** • ***Amenity***	It will reduce the adverse effects on our streetscapes, amenity and quality of life.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Housing Diversity***	75% of all dwellings in the North Sydney LGA already comprise RFBs, which means we are at or near saturation point.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E
83	Robert Booy 5 Winslow Street KIRRIBILLI NSW 2061	**Support**	Supports the proposal to restrict development.	Noted	Nil	2D
84	Anna Booy 5 Winslow Street KIRRIBILLI NSW 2061	**Support**	Supports the proposal to restrict development.	Noted	Nil	2D
85	Richard Gall 38A Waters Lane CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	The proposal will strive to preserve some admirable qualities in our suburb and provide a pleasant variety in street architecture.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Traffic***	The proposal will lower traffic congestion	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Environmental Impacts***	The proposal will enable the maintaining of treed landscapes and animal habitats.	**Refer to Sections 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
86	Sarah Kok CREMORNE NSW 2090 [Address withheld]	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing Supply***	The original decision to permit RFBs in the R3 zone was not required to meet housing targets and strongly suggests that developer's interests were prioritised over those of residents.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Heritage***	The former decision to permit RFBs in the R3 zone will result in the loss of items of heritage value, as evidenced through DA 243/21 which proposes to demolish 115, 117 and 119 Holt Avenue Cremorne, which were found to have local heritage significance by independent heritage experts GML Heritage Pty Ltd.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental impacts***	It will prevent the loss of loss of open space, visibility to the sky, and destruction of trees, canopy and wildlife habitats. There will also be increased concrete and urban heat island impacts.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing diversity***	The former decision to permit RFBs in the R3 zone reduces diversity in housing options. North Sydney LGA has an extremely high percentage of dwellings that are apartments (74%), and a very low percentage of dwelling houses (11%), compared with NSW as a state (20% and 66% respectively), and compared with similar LGAs within NSW. The percentage of apartments is likely to increase over time as apartments continue to be built in other zones such as the R4 High Density Zone and the B4 Mixed Use Zone. Between 2011 and 2016 the North Sydney LGA lost 16% of its dwelling housing stock. Apartment living tends to suit specific types of residents, for instance, downsizers, couples or small families. Larger families are likely to require a larger space. This includes families with children, or multi generation families (grandparents, parents and children living under the same roof).	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing affordability***	Developers typically attempt to promote that increased development will help to improve housing affordability. However, most apartments that are being built in the North Sydney LGA are not "affordable". Developers are not attempting to create cheaper housing in North Sydney LGA for the entry level home buyer or young family, rather they are attempting to maximise their profits from a premium segment of the property market, with apartments in some cases can cost more than a dwelling house. In a market where the level of demand stays constant, increasing supply should theoretically lead to reduced prices. However, in the North Sydney LGA, demand is not constant and will continue to outweigh supply. In the absence of Federal or State led housing policy changes, or government subsidies for low cost housing, increased supply alone (particularly of "premium" apartments), is unlikely to lead to lower housing prices in North Sydney.	**Refer to Section 4.8 of the main report.** Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Permissibility in other LGAs***	The argument that some developers proffer that the North Sydney LGA should permit RFBs in the R3 zone because this dwelling type is permitted in the R3 zone in other LGAs, is flawed. Each LGA adopts a unique approach to zoning. North Sydney has adopted the R2 (Low Density), R3 (Medium Density), R4 (High Density), B4 (Mixed Use) as well as the C4 (Environmental Living) zones, with density concentrated in the R4 and B4 zones. There are a significant number of other LGAs that do not adopt the R4 High Density Residential zone (e.g. Mosman, Manly, Hunters Hill, Woollahra, Randwick, Burwood, Pittwater, and City of Sydney). In some instances, land that is zoned R3 in one LGA, might be the "equivalent" to land zoned R4 in the North Sydney LGA. Therefore, a direct comparison of zones and their permissible uses across different LGAs is not meaningful, and can often be misleading. What is appropriate for another LGA may also not be appropriate nor relevant to North Sydney LGA.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F
		• ***Expediting of proposal***	Urges Council to prioritise and expedite the finalisation of the proposal to minimise the potential for further destruction of the character of our suburbs.	**Refer to Section 5 of the main report.** Council staff have progressed the Planning Proposal in accordance with the required timeframes. If Council supports the proposal to proceed, the finalisation of any LEP amendment giving effect to the Planning Proposal is in the hands of the State Government.	Nil	2A, 2G
87	John Mitchell 1005, 2 Dind Street MILSONS POINT NSW 2061	**Support**	Strongly supports the proposal. Recent history shows just how much over-development there has and is going on for example at Crows Nest, upper North Sydney and elsewhere at St Leonards.	Noted. Council is seeking to ensure that managed growth occurs in appropriate places within the LGA though its adopted strategic plans and polices	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
88	Lizbeth Chedzoy 25, 6-12 Prospect Avenue CREMORN NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It will help to protect and preserve the character and amenity of our suburbs.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	It will help to minimise the loss of our heritage which is in the interests of current and future generations.	**Refer to Section 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Traffic***	The increased population arising from the continued permitting of RFBs in the R3 zone will mean an increase in traffic density and ultimately will lead to shopping congestion.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
89	Rhonda Bell U14, 1 Kiara Close NORTH SYDNEY NSW 2060	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburbs. It will also help to minimise the loss of our built form heritage, which is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
90	Resident CROWS NEST NSW 2065 [Name and address withheld]	**Objection**	Strongly objects to the proposal for the following reasons:			
		• ***Housing Affordability***	Current policy position provides affordable housing options	**Refer to Section 4.8 of the main report** Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E
		• ***Housing diversity***	Wants to have the option to downsize and remain living in the LGA	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing accessibility***	Wants to improve our retirement living standard.	**Refer to Section 4.7 of the main report.** NSDCP 2013 already contains requirements for some dwelling forms to be "adaptable" to provide higher levels of accessibility and enable residents to age in place. In addition, the Housing SEPP contains provisions for the development of seniors housing.	Nil	2E, 2F
91	Ed and Mary Walsh U2, 16 Bannerman Street CREMORNE NSW 2090	**Support** • ***Traffic Impacts***	Supports the proposal as the current policy position results in the potential for an unacceptable increase in traffic in the area.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2D, 2E
92	Richard Sweet 11 Winslow Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	The current policy position results in undesirable changes to our built environment and adversely impacts on the character of the North Sydney LGA.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Housing diversity***	The R3 zone is to allow for consolidation of lots to construct multi dwelling housing (i.e. townhouses), where each residence has individual and direct access from the street. This type of housing is considered more appropriate in a post COVID environment. Current RFBs within the R3 zone will continue to have existing use rights (i.e. ability to rebuild).	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	The attempt by developers to demolish Federation era houses in Cremorne shortly after the June 2021 amendment highlights the importance of reversing the amendment in order to preserve existing heritage value and prevent future losses of heritage dwellings.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2C, 2F
		• ***Environmental Impacts***	It will prevent impacts such as a loss of open space and greenery, loss of urban trees and wildlife habitats and increased concrete and urban heat.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
		• ***Election promise***	Council action to reverse the amendment will be entirely consistent with the policy platform to minimise adverse development that was strongly supported at the last Council election	Political promises made during an election is not a valid reason for proceeding with an amendment to an LEP. The proposal has been made in response to a resolution to review the permissibility of RFBs in the R3 zone following its operation for a period of time to determine if that change is addressing the issue of rebuilding of RFBs relying on existing use rights.	Nil	2E
93	Anita O'Toole 50 Waters Road CREMORNE NSW 2090	**Support** • ***Character***	Strongly supports the proposal as it will protect the character and integrity of the neighbourhood.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
94	Andrew Holland U303, 9 Rangers Road NEUTRAL BAY NSW 2089	**Support**	Supports the proposal for the following reasons:			2D
		• ***Housing Supply***	There is already sufficient density of housing in the LGA.	**Refer to Section … of the main report** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Infrastructure capacity***	It would reduce the incredible strain on limited, school, hospital and transport infrastructure and any measure that reduces this strain further should be supported.	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E
95	Pang Lui Address not supplied	**Objection**	Objects to the proposal for the following reasons:			
		• ***Existing Use rights***	There are already a large number of RFBs located in the R3 zone which would need to rely on existing use rights if the proposal is implemented.	**Refer to Section 4.9 of the main report.** If the proposal proceeds, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act. It is impractical and unreasonable to specifically spot rezone or allow as an additional permitted use all those sites which are relying on existing use rights.	Nil	2E
		• ***Period of permissibility***	The permissibility of RFBS in the R3 zone has only been in force for a year.	**Refer to Section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
		• ***Waste of Resources***	The constant "change of mind" by the Council is a waste of resources and ratepayers money.	The decision to review the policy position arose from community concerns raised during the implementation of Amendment 30 to NSLEP 2013. Accordingly, the proposal aligns with previous decisions of the elected council.	Nil	2E
96	Peter Young 304, 61 Parraween Street CREMORNE NSW 2090	**Support**	Opposes the construction of RFBs in the R3 zone.	Noted	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
97	Althea Petersen U2, 20 Bennett Street CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Traffic and Parking***	On-street parking is often hard to find. If the population density increases, parking will become even more difficult Traffic density is increasing and with more RFBs and therefore more cars in the neighbourhood, traffic congestion will become a nightmare.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
		• ***Infrastructure Capacity***	Neutral Bay Public School has little space left for recreation and is at capacity. If more families are able to move into the neighbourhood because of RFBs, where will the children go to school?	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E
		• ***Housing demand / diversity***	Now that more people are working from home and not having a daily commute into the city, there is less need for 'inner city' dwelling so why increase the density in the North Sydney Council precincts? The mix of RFBs and homes is at capacity and if we continue to lose houses and gardens, the amenity of our neighbourhoods will also be lost.	**Refer to Sections 4.4 and 4.6 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
98	Jenny No address supplied	**Objection**	Objects to the proposal for the following reasons:			
		• ***Regressive policy***	The current policy position is reasonable and the proposal to reverse it is a regressive step, putting councillors back into the planning process and is an unnecessary cost to the ratepayers.	The decision to review the policy position arose from community concerns raised during the implementation of Amendment 30 to NSLEP 2013. Accordingly, the proposal aligns with previous decisions of the elected council.	Nil	2E
		• ***Justification***	Suggests that the existing use rights arguments relate to substandard older buildings that are not suitable for modern living.	All new development is required to comply with current built form controls regardless if it relies on existing use rights or not.	Nil	2E
		• ***Resident views***	The proposal is not supported by all residents.	The results of the public exhibition will determine the level of support for the proposal. In this case there is overwhelming support for the progression of the proposal.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
99	Fran Hernon 31 Burton Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing supply***	The original decision to permit RFBs in the R3 zone was not required to meet housing targets and strongly suggests that developer's interests were prioritised over those of residents.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Heritage***	It has the ability to protect and preserve our heritage.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Character***	DA /21 for the redevelopment of dwellings in Holt Avenue is an example where the current policy position has impacted on heritage, streetscape, open space, trees and wildlife habitats and amenities generally	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
100	Judith & William Barclay 66 Sutherland Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Heritage***	It will help to preserve and protect the lovely heritage nature of our community.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Character***	Prevent developers knocking down lovely old federation homes to be replaced by very large high rise apartments which DO NOT suit the landscape of the area	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2e
101	Nicole Gee 68 Sutherland Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburb. It will also help to minimise the loss of our built from heritage, which is in the interests of both current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D
102	Cameron Gee 68 Sutherland Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburb. It will also help to minimise the loss of our built from heritage, which is in the interests of both current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
103	Bruce Chenoweth U1904, 2 Dind Street MILSONS POINT NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character / Amenity***	It helps to protect and preserve the character and amenity of our suburbs.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	It will minimize the loss of our built form heritage. To destroy current heritage homes to be replaced by architecturally bland boxes of units is only in the interests of the developers not in the interest of the residents. The Holt St development proposal in particular seems indecently opportunistic and certainly is the antithesis of the existing amenity currently prevailing.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
104	Mecone (on behalf of Vatera Pty Ltd in relation to 26&28 Barry Street, Neutral Bay)	**Objection**	Objects to the proposal for the following reasons:			
		• ***Built form outcomes***	Condition 1(b) to the Gateway Determination required further detail to be provided within the planning proposal detailing any concerns of built form outcomes resulting from DAs for RFBs in the R3 zone. It is acknowledged that the Planning Proposal was updated to outline the key issues that Council has experienced during its assessment of development applications for RFBs in the R3 zone. However, it is argued that the issues addressed relate to site specific design outcomes that can be overcome through the development application process and should not be used as a gross generalisation to prohibit RFBs across all R3 zoned land.	The Planning Proposal as exhibited clearly identifies that the issues being raised in response to current DAs for RFBs in the R3 zone are largely consistent with the issues identified when Council originally sort make RFBs permissible in the R3 zone. This would indicate that despite addressing the permissibility side of things, the issues at hand still remain.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Site specific opportunities***	Doesn't believe that the Planning Proposal has taken into consideration site specific design opportunities that could exist to enable well designed RFBs that are consistent with the character of an area.	It is acknowledged that an RFB built form could address some design related issues, particularly on sloping sites. However, the potential to increase residential densities away from services, facilities and frequent public transport can lead to other amenity impacts.	Nil	2E
		• ***Spot Rezoning***	Requests that the planning proposal be amended to permit RFBs on land at 15, 17 and 19 Lindsay Street and 26 and 28 Barry Street, Neutral Bay. Suggests that the further amendment is acceptable based on: • The sites are surrounded by 3-4 storey residential developments; • The sites are relatively flat and would not result in breaching the height limit; • Would have a negligible impact on heritage as the sites are not located within a heritage conservation area and is located in the vicinity of a single heritage item (to the north); • Would not result in excessive excavation; • Would not result in the excessive loss of vegetation (could be replaced and or enhanced); • Would not result in adverse view losses due to the generally flat topography and 3-4 storey built form surrounding the site.	**Refer to Section 4.15 of the main report.** The proposed request has been made over several sites that are not in the same ownership. Owners of these other sites may not share the same view as the submitter. It would be unfair to permit RFBs on this site and not others that were also relying on existing use rights. There are multiple ways to enable RFBs to be permitted with consent on a site. The preferable way would be to rezone the land R4 with a commensurate increase to the maximum building height to 12m (also requested by the submitter). However, changing the zoning of these sites to R4 would introduce new permissible uses not originally envisaged on these sites, the impacts of which have yet to be considered. Pursuing this option would require an amendment to the Gateway Determination and re-exhibition. Should the owners of all properties seek to rezone the site, it should be undertaken as a separate planning proposal to ensure all potential issues are adequately addressed.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
105	Marcus Flynn 80 Sutherland Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	It will prevent undesirable changes to our built environment that progressively destroy the character and amenity of our suburbs. If not proceeded with our streets are likely to see the continued demolition of houses and townhouses in the R3 Zone along with a loss of streetscape character.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
		• ***Housing supply***	New RFBs were not, and are not, required in the R3 Zone to meet North Sydney's State Government-set housing targets. RFBs will continue to be built in other zones such as the R4 and B4 Zones.	**Refer to Section 4.6 of the main report.** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets	Nil	2E
		• ***Heritage***	It will help to minimise the loss of our built form heritage, which is in the interest of current and future generations.	**Refer to section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental Impacts***	Our LGA is already under considerable development pressure and is enduring the loss of green space in Cammeray Parklands. Proliferation of new RFBs, and the loss of houses in the R3 Zone, will create adverse impacts on established trees, gardens and wildlife habitats and further add to urban heat island effects.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
106	Peter Moor U35, 4 Rangers Road NETURAL BAY NSW 2089	**Support**	Supports the proposal for the following reasons:			
		• ***Traffic***	Many residents and ratepayers are appalled by the continual approval of higher density housing with little regard for the cumulative impact on traffic and congestion in our streets.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2D
		• ***Decision making***	The community is very angry about the State Government's continually overturning of Council's decisions to reject Planning Proposals for high rise developments and congratulate Council on endeavouring to protect our suburbs from overdevelopment.	The proposal does not prevent the State Government making decisions contrary to Council policy and resolutions.	Nil	2G
107	Margaret Stoneman 24 Winslow Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			
		• ***Housing diversity***	The population density of the North Sydney LGA is already one of the highest in NSW (25% denser than the City and Inner South parts of Sydney). The proportion of occupied private residences that are flats is already 75% in North Sydney, comparable only with the City of Sydney (77%) and far higher than the 66% in Waverly LGA which has a similar population density. In our own local area of Kirribilli / Milsons Point, the density is even higher, indeed it is amongst the highest in Australia. So, on any reasonable calculation, the North Sydney LGA was already contributing far more than its fair share of Sydney's residential capacity, before the changes in R3 permitted development made in June 2021.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Amenity***	Will reduce the potential loss of neighbours' amenity in terms of solar access, privacy (both visual and aural) and outlook. Community harmony put under duress, as existing residents lose valued amenity.	**Refer to Section 4.3 of the main report.** NSDCP 2013 contains provisions to address amenity issues through appropriate height, setback or orientation controls. It is acknowledged that higher dwelling densities could be achieved on a site with an RFB rather a multi-dwelling housing development and could potential result increased privacy impacts. Given that the height and other built form controls are largely similar for most residential development types in the R3 zone, solar impacts would not significantly vary between residential development types.	Nil	2E, 2F
		• ***Bulk and scale***	Overwhelming increase in bulk and scale, exacerbated by topography and the fact that flat developments typically have much higher site coverage than detached houses and terrace-style townhouses.	**Refer to Section 4.11 of the main report.** The built form controls under the NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment.	Nil	2E
		• ***Heritage***	Will reduce impacts on heritage values (e.g. the Careening Cove Conservation Area is effectively hemmed in by properties zoned R3).	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Infrastructure***	Reduce increased pressure on infrastructure and services, already under strain due to the existing high density of habitation and constrained area of public open space.	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Environmental Impacts***	Reduce the potential loss of already rapidly diminishing tree cover, green space and wildlife habitat.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2F
		• ***Stormwater***	Reduce the potential for damaging stormwater flows, as increased permeable areas can be delivered.	RFBs have a greater minimum landscaped area requirement than a multi-dwelling development and therefore would have a reduced stormwater impact as a result of higher permeable surfaces.	Nil	2F
		• ***Housing diversity***	Will increase diversity of residential accommodation forms. The provision of terrace houses, while often on small blocks, at least have a garden for kids to play and adults relax.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Parking***	Reduced pressure on on-street parking availability, which is already under pressure and stretched to breaking point.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E
		• ***Previous Amendment***	Amendment 30 to NSLEP 2013, which included the proposal to permit RFBs in the R3 zone, was introduced by the former Council in the depths of the Covid disruption, and played down to constituents and residents by describing the then proposed changes as "simple housekeeping" amendments. Such timing and terminology risked bypassing the attention of property owners, who would have legitimate concerns, and even misleading residents about the actual scope and impact of the Amendment.	Despite being caught up in a larger number of amendments to NSLEP 2013, the proposal to permit RFBs in the R3 zone was clearly identified as one of the key amendments in the exhibition of the draft Amendment. Unfortunately, the timing of the proposed amendment was being driven by unrealistic State Government timeframes. Failure to comply with the State Government timeframes may have resulted in Council losing control of the progression of this Amendment.	Nil	2E
108	Christopher McLelland 24 Winslow Street KIRRIBILLI NSW 2061	**Support**	Supports the proposal for the following reasons:			2D
		• ***Justification***	Concur with the grounds that council has raised for the need to progress the proposal.	Noted	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Environmental impacts***	To avoid losing more open green space and tree cover. The ability to consolidate several sites into the one RFB development site will inevitably mean a considerable increase in overall site coverage, with the loss of many mature gardens and trees.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2F
		• ***Infrastructure***	Inability of the current infrastructure and services to cope with the intensification of development, in what is already one of the most densely occupied LGAs in NSW.	The proposal has the ability to marginally limit increased densities in locations away from the services and facilities that the future community require.	Nil	2E
		• ***Scale and bulk***	Potential for RFBs to increase building height and bulk, thereby threatening environmental amenity to neighbours. Depending on topography, a single storey house at street level with a pitched roof, with or without an attic conversion occupying, typically, the front 50%-60% of the site would likely be replaced with a 3 to 4 storey apartment development covering up to 90% of the site. This would inevitably be above garaging to accommodate the increased demand for car spaces, where existing provision of on-street parking is already limited.	Regardless of the residential accommodation typology, all subject to similar built form outcomes within the R3 zone under NSDCP 2013. In addition, all permissible development in the R3 zone is subject to an 8.5m height limit (i.e. the equivalent of a 2 storey building, with roof features.	Nil	2F
		• ***Character***	To prevent the loss of neighbourhood character, particularly in terms of scale and the fine grain of much existing housing stock. The scale of intrusion of this form of development will inevitably have an adverse impact on the character of many of the neighbourhoods we enjoy.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	To avert the destruction of heritage value. While individual houses may not be of specific heritage significance, a consistent group of houses/ terraces representing a particular era or style can have significant heritage value deserving conservation.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.		
		• ***Housing Diversity / Amenity***	Many of the properties in the R3 zone are small, containing single or double storey terraces with pitched roofs (possibly with attic conversions) and incorporate private back gardens or courtyards. This form of development is already a very effective form of dense residential development that offers valuable private outdoor amenity. New RFBs only offer balconies for residents and rely on adjacent properties for their outlook. This constitutes a threat to privacy. In many instances, the "supposed" increased density will not compensate for the general loss of amenity.	**Refer to Sections 4.3 and 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality, whilst considering amenity impacts.	Nil	2E, 2F
109A 109B	Miroslaw Furmaniak U12, 94A Spofforth Street CREMORNE NSW 2090	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character*** • ***Amenity***	It will help to protect the amenity and character of Cremorne as well as the rest of the North Sydney LGA.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	It will minimise the loss of houses that are of heritage value.	**Refer to Section 4.2 of the main report.** The proposal itself cannot prevent land within the R3 zone from being redeveloped. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2E
		• ***Environmental impacts***	It will maintain the amenity of our neighbourhoods by protecting existing greenspace and trees as well as keeping traffic and overcrowding at bay in our already overstretched living space.	**Refer to Sections 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
110	Annie Spencer 9-11 Rangers Road CREMORNE NSW 2090	**Objection**	Objects to the proposal for the following reasons:			
		• ***Housing diversity and affordability***	Council should have a housing strategy that helps to improve housing choice and provide affordable housing. Not everybody can afford multi-million dollar houses.	**Refer to Sections 4.4 and 4.8 of the main report** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing. Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Accessibility***	More apartments are required to address accessibility issues of older apartment blocks.	**Refer to Section 4.7 of the main report.** All new multi-dwelling residential developments, including substantial alterations and additions, are required to address accessibility concerns as addressed under NSDCP 2013 and the National Building Code.	Nil	2A, 2B
111	Maria Leung NEUTRAL BAY NSW 2060 [No address supplied]	**Objection**	Objects to the proposal for the following reasons:			
		• ***Design and accessibility***	New development should fit into our village, and achieve overall good design for down sizers.	There are sufficient controls in the LEP and DCP to ensure suitable outcomes occur. All new multi-dwelling residential developments, including substantial alterations and additions, are required to address accessibility concerns as addressed under NSDCP 2013 and the National Building Code.	Nil	2B, 2G
		• ***Housing diversity***	There does not appear to be sufficient housing options in the area to enable down sizing.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
112	Lucy Yoon [No address supplied]	**Objection**	Objects to the proposal for the following reasons:			
		• ***Housing supply***	The current permissibility of RFBs within the R3 zone was identified as one of the key methods identified to meet council's dwelling targets and should not be reversed without solid justification as to how the dwelling shortfall will be compensated for in other ways.	**Refer to Section 4.6 of the main report** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets.	Nil	2E
		• ***Housing diversity***	It will not meet the need to accommodate all residents with different housing needs.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
113	Maria Barbich 53 Atchison Street CROWS NEST NSW 2065	**Objection**	Objects to the proposal for the following reasons:			
		• ***Permissibility in other LGAs***	Nearly all councils around Sydney metro area have allowed RFBs in the R3 zones.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Period of permissibility***	Questioned why it is proposed to reverse the policy position after only 1 year of operation when the original decision occurred after 3 years of community consultations.	**Refer to section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
		• ***Waste of resources***	Could the time and money be better spent improving traffic management or some other matter?	Council has the right to reconsider its position in relation to any policy matter subject to undertaking appropriate study and consultation, which is has undertaken.	Nil	2E
114	Barbara Dutton U8, 72 Murdoch Street CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity*** • ***Heritage*** • ***Traffic***	Strongly supports the proposal because it helps to protect and preserve the character and amenity of our suburbs. It will also help to minimise traffic congestion, school overcrowding and the loss of our built form heritage. This is in the interests of current and future generations.	**Refer to Sections 4.1, 4.2, 4.3 and 4.5 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls. Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
115	Jan Stanley U14, 80 Murdoch Street CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			
		• ***Heritage***	We need to ensure that the beautiful federation and later houses are kept for flavour and posterity.	**Refer to Section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nik	2E
		• ***Environmental Impacts***	When RFBs are constructed, they are built on every available space of land, with ugly fire hydrants at the front and no or little green landscaping, creating hot, hard local streetscapes	Where permitted, RFBs are required to meet maximum site coverage and minimum landscaped area (read soft landscaping) requirements under NSDCP 2013. These standards have been set to minimise environmental and amenity impacts	Nil	2F
		• ***Bulk and Scale***	All RFBs are similar in that they overpower the space, blocking sunlight, lack open space and generally are not that attractive to look at.	**Refer to Section 4.11 of the main report.** The built form controls under the NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment.	Nil	2E
		• ***Traffic & Parking***	The LGA is already clogged with traffic and building more RFBs will put more cars on the streets affecting their operation. RFBs are not built with enough parking, which in turn pushes parking onto surrounding streets. More apartments mean more cars parked on the street. This affects local businesses at night, as parking is almost impossible for patrons of our restaurants.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
116	Tem Alai No address provided	**Objection**	Strongly objects to the proposal for the following reasons:			
		• ***Housing supply***	Council's Local Housing Strategy (approved by the Department of Planning in May 2021) states that: *"There is potential for additional housing development within the capacity of current zoning and planning controls across residential land in the North Sydney LGA."* The proposal to permit RFBs within the R3 zone was identified as one of the key methods by which the identified potential additional dwellings was to be achieved.	**Refer to Section 4.6 of the main report.** Council's Local Housing Strategy demonstrates that it can meet the state government housing targets without the reliance of permitting RFBs in the R3 zone.	Nil	2E, 2F
		• ***Period of permissibility***	Amendment 30 to NSLEP has only been in effect for about a year. Council should have a progressive planning strategy and put those into execution rather than having a REVERSAL strategy.	**Refer to section 4.10 of the main report** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
		• ***Housing diversity***	Council should be providing more housing options with higher levels of accessibility.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E
		• ***Housing Design and Accessibility***	The new development should focus on a better design, and easy accessibility.	**Refer to Section 4.7 of the main report.** NSLEP and NSDCP have been prepared with the view to improving design and minimising of impacts. All new multi-dwelling residential developments, including substantial alterations and additions, are required to address accessibility concerns as addressed under NSDCP 2013 and the National Building Code.	Nil	2A, 2B

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
117	Jennifer McQueen U13, 133-139 Spencer Road CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:		Nil	2D
		• ***Character / Heritage***	It will protect the character, streetscape, heritage and amenities of the area.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.		2E
		• ***Traffic***	Developments in the R3 areas will increase traffic congestion e.g. Spofforth street, Rangers Road	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in marginal increases in vehicular traffic generation and on street parking impacts due to the ability to accommodate an increase in dwelling density on a site.		
		• ***Environmental Impacts***	Negative environmental impact with likely loss of trees and other vegetation.	**Refer to Section 4.3 and 4.11 of the main report.** Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.		
118	Resident CREMORNE NSW 2090 [Name and address withheld]	**Objection**	Objects to the proposal for the following reasons:			
		• ***Aging housing stock***	There is a lack of development in said areas and the old housing stock that needs to be replaced due to its ageing and not fit for purpose condition.	Appropriate controls are in place to enable the redevelopment of sites within the LGA, whilst also considering localised desired future character statements.	Nil	2E
		• ***Housing Supply***	Higher density development is required right across the LGA to keep pace with demand and to ensure inner ring areas are redeveloped closer to the city centre rather than in middle and outer ring suburbs.	**Refer to Section 4.6 of the main report.** Council's Local Housing Strategy demonstrates that it can meet the state government housing targets without the reliance of permitting RFBs in the R3 zone.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Built form***	Would support relaxed restrictions to allow taller flat buildings in this R3 zoning and a move to higher densities	This is beyond the scope of the current proposal and would need to be investigated separately if the proposal is not supported to proceed	Nil	2A, 2G
119	Veronica Lauria 8 Commodore Street McMAHONS POINT NSW 2060	**Support**	Strongly supports the proposal for the following reasons:			
		• ***Character***	Existing houses with traditional pitched roofs are being redeveloped as RFBs with flat roofs which is uncharacteristic building architecture for the North Sydney area.	**Refer to Section 4.1. of the main report** This will be limited to residential building typologies only. If not proceeded with, the scale and bulk of development will remain virtually unchanged. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Overshadowing***	Flat roofed RFBs are resulting in overshadowing of the adjoining dwellings (residence and backyards). Had submitted similar concerns in response to the assessment of DA 188/22 at 39 Union Street.	Setback controls in conjunction with overshadowing controls are incorporated within NSDCP 2013 to minimise impacts on adjoining properties, regardless of development type. These standards have been set with regard to best practice.	Nil	2A, 2E
120	Cathrine Tulinsky U15, 136-138 Spencer Road CREMORNE NSW 2090	**Support** • ***Character*** • ***Amenity***	Supports the proposal for the following reasons: • Already current approved developments are impacting on the character of the area, increasing population and crowding in the zone, loss of trees and light. • Redevelopment of land for RFBs is a grab for profit by developers who do not care about the people who live in the area nor the impact of their developments on the amenity of residents who live there. • Concerned that the LGA will become like Lane Cove North and West, Hornsby and Waitara with multiple tall unit blocks and building works everywhere.	**Refer to Sections 4.1 and 4.3 of the main report.** This will be limited to residential building typologies only. If not proceeded with, the scale and bulk of development will remain virtually unchanged. The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
121	Owners Corporation SP 6123 90 Blues Point Road McMAHONS POINT NSW 2060	**Objection**	Objects to the proposal for the following reasons:			
		• ***Existing use rights***	The submitter's site contains an 8-storey RFB originally constructed in the early 1970s. The current owners are committed to restoring and uplifting what is becoming an aging RFB, ensuring it offers a high standard of living in the community and continues to compliment the area and its surrounds. While there are no immediate plans to redevelop the site or modify the existing building, the submitter is concerned about the proposal's potential to negatively impact on their existing use rights and subsequently the developability of the site in future. Requested that their existing use rights are protected and to ensure that the current building envelope could be maintained going forward, which includes the future redevelopment of the site to provide a RFB with a more modern and environmentally sustainable design.	**Refer to section 4.9 of the main report.** If the proposal proceeds, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act.	Nil	2E, 2G
		• ***Bulk and Scale***	NSLEP and NSDCP provide sufficient development controls regarding height, bulk, scale, setbacks, and landscape requirements for RFBs within the R3 zone and therefore there is no need to prohibit RFBs within the R3 zone. Currently, the maximum site coverage for an RFB is less than that for a multi dwelling housing development (e.g. 45% and 50% respectively) and the minimum landscaped area is more (40% and 30% respectfully). The exclusion of RFBs will ultimately contribute to an increase in bulk and scale of the area, which is not an ideal design outcome.	**Refer to Section 4.11 of the main report.** The built form controls under NSLEP 2013 and NSDCP2013 would result in a largely similar physical bulk and scale despite what residential accommodation type is proposed. However, the potential increased dwelling density achieved by an RFB development could lead to other impacts on surrounding development and the environment.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing Supply / Affordability / diversity***	Apartments provide a range of benefits, including housing affordability and more accessible dwellings. The main causes for housing affordability problems are supply and demand. The proposal will reduce housing availability, affordability, and diversity. It is the responsibility of Council to introduce measures to improve housing affordability within the LGA, not reduce it. Diversity of housing offers a wide range of housing opportunities and choice for different demographics, living needs and household budgets. It also responds to social context by providing housing to suite the existing and future social mix of the area, particularly near public transport, community facilities, and open spaces. With the current high housing costs and low affordability across Sydney, the removal of RFBs as a permissible use in the R3 zone could result in a widening of the wealth distribution throughout the LGA (i.e., those who can purchase property and those who cannot).	**Refer to Sections 4.4, 4.6 and 4.8 of the main report.** Council's LHS clearly sets out how Council is to deliver on the State Government's housing targets. At present Council is meeting its targets without the need to rely on permitting RFBs in the R3 zone. The original decision to permit RFBs in the R3 zone was not required to meet North Sydney's housing targets nor was it required to deliver housing choice. The proposal will help to reinstate housing choice within the LGA. Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E
		• ***Justification / Financial implications***	The proposal is unjustified and the prohibition of RFBs in the R3 zone would have a detrimental effect on our property value. The proposed change will bring about detrimental, yet unintended negative consequences and therefore it is of the utmost importance that our existing use rights are protected to enable future uplift of our existing residential building or redevelopment of the site.	**Refer to section 4.9 of the main report.** The justification for the proposal is clearly provided within Section 5.3 of the planning proposal and associated Council reports. If the proposal goes ahead, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act. Therefore it is anticipated that there will not be any adverse financial impacts.	Nil	2E, 2G

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Spot rezoning***	The current LEP and DCP controls are inappropriate in their current form, as it does not align with the established nature of the submitter's site. In order to bring the existing rights in line with the objectives of the LEP and help streamline future development proposals, we suggest Council address these issues and draft specific planning controls for our site as part of this Planning Proposal.	**Refer to Section 4.15 of the main report.** It would be unfair to permit RFBs on this site and not others that were also relying on existing use rights. Should the owners seek to rezone the site, it should be undertaken as a separate planning proposal to ensure all potential issues are adequately addressed.	Nil	2E
122	Helen Cox 20 Winslow Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	Kirribilli is a historic suburb, with a well -established character with trees and winding streets. This proposal will support and protect the character of our neighbourhood. RFBs are a dwelling type that is entirely inappropriate and unsuitable for our suburb given its narrow streets, verdant vegetation, and predominantly small houses.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	R3 zoned land, the Kirribilli suburb in particular, is representative of the area since first Settlement, with several notable heritage items including James Milsons Cottage at 6 Winslow Street illustrating the built form maintained and sought after for generations. These decades of effort are currently at risk with RFBs currently permissible in the planning structure.	**Refer to section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Amenity***	The amenity of existing suburbs is at risk with infrastructure, parking provisions, open spaces and narrow streets at capacity. Adding residences into an established area with another dwelling type is not conducive to amenity in these localities.	**Refer to Section 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Maintaining RFBs as a permissible use in the R3 zone could result in increased vehicular traffic generation and on street parking issues due to the ability to accommodate a marginal increase in dwelling density on a site. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
123	Wendy Zhang U90, 545 Pacific Highway ST LEONARDS NSW 2065	**Objection** • ***Housing diversity***	Strongly objects to the proposal because the original decision to permit RFBs in the R3 zone was the best fit for our community by providing increased housing choice.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E
124	Evan Chang [No address provided]	**Objection**	Strongly objects to the proposal, for the following reasons:			
		• ***Reversing policy position***	The decision to permit RFBs in the R3 zone was not made lightly, taking almost 3 years of study with sufficient community consultation and planning reports. In justifying the progression of Amendment 30 to NSLEP 2013, the previous proposal stated that 5 options were considered and concluded that permitting RFBs in the R3 zone was the right and preferred option. In addition, other controls and clauses were added to limit the bulk and scale of RFBs within the R3 zone. Council should trust its own planning system and assess these applications fairly, rather than taking an extreme step to revert to the previous planning control.	**Refer to Section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing diversity***	The proposal ignores the people who really need more options to move into the North Sydney area, such as young families who cannot afford expensive houses or elder people who wants to downsize and remain in the area.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
125	Resident KIRRIBILLI NSW 2061 [Name and address withheld]	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Character***	Considers that the character, particularly the bulk and scale of our suburbs, is extremely well established and that the proposal will support and respect this existing character, as RFBs are a dwelling type that is entirely unsuitable noting narrow streets, verdant vegetation, and a predominant dwelling type of houses in existing suburbs.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	R3 zoned land, and the Kirribilli suburb in particular, is representative of architectural heritage, with several notable items including the Fern Lodge in Winslow Street illustrating the built form maintained and sought after for generations. Decades of effort are at risk with RFBs currently permissible in the planning structure.	**Refer to section .4.2 of the main report** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
		• ***Amenity***	The amenity of existing suburbs is at risk with infrastructure, parking provisions, open spaces and narrow streets at capacity. Adding residences into an established area with another dwelling type is not conducive to amenity in these localities.	**Refer to Sections 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Maintaining RFBs as a permissible use in the R3 zone could result in increased vehicular traffic generation and on street parking issues due to the ability to accommodate a marginal increase in dwelling density on a site. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
126	Emily Halloran 71A Carter Street CAMMERAY NSW 2062	**Support**	Supports the proposal.	Noted	Nil	2D
127	Roslyn [No address supplied]	**Objection**	Strongly objects to the proposal, due to:			
		• ***Reversing policy position***	The decision to permit RFBs in the R3 zone was not made lightly, taking almost 3 years of study with sufficient community consultation and planning reports. In justifying the progression of Amendment 30 to NSLEP 2013, the previous proposal stated that 5 options were considered and concluded that permitting RFBs in the R3 zone was the right and preferred option. In addition, other controls and clauses were added to limit the bulk and scale of RFBs within the R3 zone. Council should trust its own planning system and assess these applications fairly, rather than taking an extreme step to revert to the previous planning control.	**Refer to section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act	Nil	2E
		• ***Housing diversity***	The proposal ignores the people who really need more options to move into the North Sydney area, such as young families who cannot afford expensive houses or elder people who wants to downsize and remain in the area.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
128	Kit Cunningham-Reid 131 Holt Avenue CREMORNE NSW 2090	**Objection**	Objects to the proposal for the following reasons:			
		• ***Housing Diversity***	The proposal misses the opportunity to provide a more diverse mix of housing throughout the LGA. It will also prevent residents to age-in-place in appropriate housing which caters to their needs, in a community they're familiar with, without having to move into a large complex on a busy highway and deal with complex strata plans.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing affordability***	Permitting RFBs in the R3 zone allows for a younger demographic to get into the housing market in a community they want to live in, by providing an alternative to the houses and town-houses which predominately make up the R3 zones' housing stock and which are prohibitively expensive.	**Refer to Section 4.8 of the main report.** Whilst a dwelling within an RFB is typically more affordable than other forms of residential accommodation, continuation of their permissibility in the R3 zone could result in making other forms of residential accommodation less affordable, due to the disproportionate quantum (75%) of dwellings within RFBs. Furthermore, RFBs are better located in the R4 and B4 zones which have higher levels of access to services, Facilities and frequent public transport.	Nil	2E
		• ***Existing use rights***	Existing RFBs in the R3 zone are extremely old, poorly built and prone to mould. The proposal will reduce the opportunity for these old, unsuitable RFBs to be redeveloped into something more appropriate.	**Refer to Section 4.9 of the main report.** Despite the proposal making RFBs prohibited in the R3 zone, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act.	Nil	2E
129	Graham Hyland U2, 71A Carter Road CAMMERAY NSW 2062	**Support**	Supports the proposal.	Noted	Nil	2D
130	Susan Moor 35/4 Rangers Road, NEUTRAL BAY NSW 2089	**Support** • ***Character / Overdevelopment***	Supports the proposal because: The current North Sydney Council is acting for its constituents as was clearly demonstrated at the last Council Elections. The Electorate is against overdevelopment and it horrifies me to learn that our voted representatives can have their decisions overturned by NSW State Government Planning bodies.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
131	Resident and Property Owner KIRRIBILLI NSW 2061 [Name and Address Withheld]]	**Support**	Strongly supports the proposal because:			2D
		• ***Character***	It will help to protect the unique character of Kirribilli.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	RFBs are not appropriate in these locations, which are some of the few remaining unspoiled areas in Kirribilli, particularly as there are heritage buildings in the vicinity including "Stoneleigh Cottage" (or "Fern Lodge"), in Winslow Street, constructed by James Milson around 1840.	**Refer to section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
		• ***Traffic and parking***	Permitting RFBs would exacerbate the existing difficult traffic and parking conditions.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in increased vehicular traffic generation and on street parking issues due to the ability to accommodate a marginal increase in dwelling density on a site.	Nil	2E
132	Glenda Simpson Cranbrook Avenue CREMORNE NSW 2090	**Support** • ***Heritage***	Supports the proposal and wishes to promote retention of heritage buildings wherever possible.	**Refer to Section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
133	Caverstock Group Pty Ltd PO Box 196 NORTHBRIDGE NSW 1560	**Objection**	Objects to the proposal for the following reasons:			
		• ***Period of permissibility***	The permitting of RFBs in the R3 zone has only just occurred (mid 2021), at great expense to the council's rate payers.	**Refer to section 4.10 of the main report.** Council resolved to review the amendment change made to NSLEP 2013 to permit RFBs in the R3 zone after 1 year of operation. Following a formal review on 28 March 2022, Council resolved to reverse that amendment in light of interpretative changes to the existing use rights provisions of the EP&A Act.	Nil	2E
		• ***Adequacy of current controls***	NSLEP 2013 addresses all planning constraints regarding both RFB and multi dwelling housing and allows for greater accessibility.	NSLEP 2013 primary deals with land use only and some key development standards such as height and FSR. The current proposal will assist in ensuring that housing choice can be provided across the LGA. All new multi-dwelling residential developments, including substantial alterations and additions, are required to address accessibility concerns as addressed under NSDCP 2013 and the National Building Code.	Nil	2E
		• ***Politics***	It appears that this proposal is being driven by politics and not good planning.	There were multiple ways to address the existing use rights issue before Council determined to permit RFBs in the R3 Zone. In deciding to proceed down this pathway, Council also resolved to review the decision after a period of operation to determine if it was still the right option. The planning proposal has demonstrated that the issue has since abated and therefore the reversal of the policy position is considered acceptable on planning grounds.	Nil	2E
134	Piers Verman U21 94A Spofforth Street CREMORNE NSW 2090	**Support** • ***Character***	Strongly supports the proposal to protect the character of Cremorne and the broader North Sydney LGA. The character of Cremorne is under constant threat from property developers wishing to replace character homes with apartment buildings of mass.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
135	Vivian No address supplied	**Objection**	Objects to the proposal as they believe the current controls are well equipped.	Insufficient detail has been provided to demonstrate that the relevant current controls are unacceptable.	Nil	2E
136	Sarah Reed 27 Willoughby Street KIRRIBILLI NSW 2061	**Support** • ***Character*** • ***Heritage*** • ***Amenity***	Strongly supports the proposal, because it helps to protect and preserve the character and amenity of my suburb. It will also help to minimise the loss of our built form heritage in Kirribilli. Preserving our heritage is in the interest of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E
137	Kevin Brough 27 Willoughby Street KIRRIBILLI NSW 2061	**Support** • ***Character*** • ***Heritage*** • ***Amenity***	Strongly supports the proposal, because it helps to protect and preserve the character and amenity of my suburb. It will also help to minimise the loss of our built form heritage in Kirribilli. Preserving our heritage is in the interest of current and future generations.	**Refer to Sections 4.1, 4.2 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013. Where no such heritage listing applies, there is potential for those sites to be redeveloped in accordance with Council's controls.	Nil	2D, 2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
142	Linda Peterson 1A, 8 Sutherland Street CREMORNE NSW 2090	**Support**	Supports the proposal for the following reasons:			2D
		• ***Housing Supply***	The LGA is one of the most densely populated areas in NSW and is not subject to further pressure from the NSW Government for such rezoning.	**Refer to Section 4.6 of the main report.** Council's LHS clearly sets out how Council is to deliver on the State Government's housing targets. At present Council is meeting its targets without the need to rely on permitting RFBs in the R3 zone.	Nil	2E
		• ***Timing of initial policy change***	The initial decision to permit RFBs in the R3 zone was made during the pandemic, when many of us were not paying attention to Council decision making. I can see no rationale for this decision, other than it being a gift to the developer lobby.	The proposal to permit RFBs in the R3 zone, formed one of many amendments whereby Council was required to update its LEP in accordance with Council's Local Strategic Planning Statement. This update was mandated to be in force by the State Government and therefore Council had little control in the timing of the amendment during the pandemic.	Nil	2E
		• ***Character***	Sutherland Street, between Park Avenue and Ben Boyd Road is largely taken up with mostly medium, but some high rise apartment buildings. The rest of Sutherland Street is mostly houses, small and larger. The thought that medium density could continue through the whole of Sutherland Street is appalling.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Traffic***	Should the proposal not go ahead, it will lead to higher levels of traffic generation and congestion.	**Refer to Section 4.5 of the main report.** Maintaining RFBs as a permissible use in the R3 zone could result in increased vehicular traffic generation and on street parking issues due to the ability to accommodate a marginal increase in dwelling density on a site.	Nil	2E
Submissions Received After the Closure of the Public Exhibition Period						
138	William Yan No address supplied	**Objection**	Objects to the proposal for the following reasons:			
		• ***Permissibility in other LGAs***	Nearly all councils around Sydney metro area have allowed RFBs in the R3 zone.	**Refer to Section 4.16 of the main report.** Just because an adjoining council permits RFBs in the R3 zone is not a reason for Council to do so. Not all Councils adopt the same set of zones, nor allow the same level of development in a particular zone.	Nil	2E, 2F

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Housing diversity***	By allowing a suitable building form in a R3 zone can provide many benefits, such as giving more options to tenants or workers who want to move to North Sydney council area, allowing aging population to downsize and remain in the area etc.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Housing supply***	RFBs can reasonably help with the balance of supply issue for the Council and reduce the rent expenses for tenants with more options.	**Refer to Section 4.6 of the main report.** Council's LHS clearly sets out how Council is to deliver on the State Government's housing targets. At present Council is meeting its targets without the need to rely on permitting RFBs in the R3 zone.	Nil	2E, 2F
139	Karen Kool 8 Winslow Street KIRRIBILLI NSW 2061	**Support**	Strongly supports the proposal for the following reasons:			2D
		• ***Housing supply***	The former decision to permit RFBs in the R3 zone was not required to meet North Sydney LGA's housing supply targets.	**Refer to Section 4.6 of the main report.** Council's LHS clearly sets out how Council is to deliver on the State Government's housing targets. At present Council is meeting its targets without the need to rely on permitting RFBs in the R3 zone.	Nil	2E, 2F
		• ***Housing diversity***	If the current policy position remains it will result in further loss of houses, reducing housing diversity options for our community. ABS 2016 census data shows that North Sydney LGA has a very high proportion of dwellings that are flats (75%), which is significantly higher than that reported for other LGAs. (e.g. Woollahra is 55%, Inner West is 40%, Willoughby is 45%, and for NSW is 20%.	**Refer to Section 4.4 of the main report.** The proposal has the ability to increase housing diversity, which the former proposal had the unintended consequences of reducing.	Nil	2E, 2F
		• ***Character***	The former decision to permit RFBs in the R3 zone will result in irreversible and detrimental impacts on the character of the suburbs within North Sydney LGA as evidenced through DA 243/21 which proposes to demolish 115, 117 and 119 Holt Avenue Cremorne.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	The former decision to permit RFBs in the R3 zone will result in the loss of items of heritage value, as evidenced through DA 243/21 which proposes to demolish 115, 117 and 119 Holt Avenue Cremorne, which were found to have local heritage significance by independent heritage experts GML Heritage Pty Ltd.	**Refer to Section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
		• ***Environmental Impacts***	Loss of open space, trees and wildlife habitats, increased concrete and urban heat island impacts, and loss of amenity.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
140	Oliver Neave No address supplied	**Objection**	Objects to the proposal for the following reasons:			
		• ***Period of permissibility***	The policy to permit RFBs in the R3 zone has only been in effect since mid 2021. The new planning proposal is a regressive move to the existing LEP	**Refer to Section 4.10 of the main report.** Council resolved to review the position after 1 year of operation and the proposal's progression responds to this resolution.	Nil	2E
		• ***Planning controls***	The current council LEP addresses all planning constraints includes both RFB and multi dwelling housing and allows for greater accessibility.	Noted. But this is not a reason to not progress the current proposal.	Nil	2E
141	Michael Rose PO Box 7128 McMAHONS POINT NSW 2060	**Objection**	Supports the submission objection made on behalf of SP 6123, which objects to the proposal.	Noted. Refer to Submission 121.	Nil	2E
143	Colonial Credits Pty Ltd 62 Palmer Street CAMMERAY NSW 2090	**Objection**	Objects to the proposal for the following reasons:			
		• ***Existing Use Rights***	There is no obvious advantage to prevent the development of RFBs on land zoned R3 that already contain an RFB. It will have a detrimental effect, should the existing RFB be affected or damaged in some way, and it might not be able to be permissible to reconstruct it.	**Refer to Section 4.9 of the main report.** If the proposal goes ahead, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act.	Nil	2E, 2G

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PUBLIC SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Spot Rezoning***	Requests that 62 Palmer Street, Cammeray be rezoned to R4 High Density Residential to match the proposed scale and use of buildings surrounding the subject site.	**Refer to Section 4.15 of the main report.** Changing the zoning of this site to R4 would introduce new permissible uses not originally envisaged on the site, the impacts of which have yet to be considered. Pursuing this option would require an amendment to the Gateway Determination and re-exhibition. This would be better addressed as a site specific planning proposal.	Nil	2E, 2G
144	Neutral Bay and Cremorne Progress Association	**Support** • ***Character*** • ***Community Support***	Strongly supports the proposal as it will result in protecting the character of the local area and is overwhelming support from the community.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. The level of support for the proposed amendment has been addressed as part of this post exhibition report.	Nil	2D

ATTACHMENT 4

Planning Proposal 4/22 – Prohibition of Residential Flat Buildings in the R3 Zone
Summary of Precinct Committee submissions received during public exhibition period
(26 September 2022 to 7 November 2022)

The following criteria are used to analyse all submissions received, and to determine whether or not the plan would be amended:

1. The Planning Proposal **would be** amended if issues raised in the submission:

    a provided additional information of relevance.
    b indicated or clarified a change in government legislation, Council's commitment or management policy.
    c proposed strategies that would better achieve or assist with Council's objectives.
    d was an alternate viewpoint received on the topic and is considered a better option than that proposed or;
    e indicated omissions, inaccuracies or a lack of clarity.

2. The Planning Proposal **would not be** amended if the issues raised in the submission:

    a addressed issues beyond the scope of the proposal.
    b was already in the proposal or will be considered during the development of a subordinate plan (prepared by Council).
    c offered an open statement, or no change was sought.
    d clearly supported the proposal.
    e was an alternate viewpoint received on the topic but the recommendation was still considered the best option.
    f was based on incorrect information.
    g contributed options that are not possible (generally due to some aspect of existing legislation or government policy) or;
    involved details that are not appropriate or necessary for inclusion in a document aimed at providing a strategic community direction over the long term.

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PRECINCT COMMITTEE SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
P1	Milson Precinct	**Support** For – 21 Against – 0 Abstain – 0	At its meeting on 6 October 2022, the Precinct resolved to strongly support the proposal for the following reasons:	Noted		2D
		• ***Previous Objection***	The Precinct raised significant objection to Amendment 30 when it was being proposed in 2020 and lodged a submission. The Precinct believed that the former proposed amendment would result in undesirable changes to our built environment and adversely impact the character of the North Sydney LGA. The Precinct's view remains unchanged.	Noted	Nil	2E
		• ***Character***	If the proposal does not proceed, it will lead to a change to the character and face of our suburbs. The R3 zoning was to provide for the consolidation of lots and allow for multiple residences, but with each residence having individual direct access from the street into their property. That is, not via a communal entry point and access via a lift. Which, post Covid, is probably a more appropriate form of residence. Therefore, RFBs are not necessary within the R3 zone.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D
		• ***Existing Use Rights***	Current RFBs within the R3 zone continue to have existing use rights.	**Refer to section 4.9 of the main report.** If the proposal goes ahead, RFBs in the R3 zone that were lawfully approved and constructed before the prohibition of RFBs took place, could still be rebuilt, altered or added to under the "existing use rights" provisions of the EP&A Act.	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PRECINCT COMMITTEE SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Heritage***	If the proposal does not proceed, it will lead to the further loss of items of heritage value, which is in the interests of our current and future generations. A recent example is DA 243/21 which proposed to demolish 3 federation dwellings (115, 117 and 119 Holt Avenue, Cremorne) built in the early 1900s, removal of extensive gardens and approximately 20 mature trees and replacement with an RFB. These dwellings have since been found to be of local heritage significance by independent heritage experts GML Heritage Pty Ltd and subsequently affirmed by the Land and Environment Court on 19 August 2022, when Commissioner Horton dismissed the appeal lodged by the developer seeking to overturn the Interim Heritage Order on these properties.	**Refer to Section 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
		• ***Environmental Impacts***	If the proposal does not proceed, it will lead to increased loss of open space and greenery, urban trees and wildlife habitats. Further, will result in increased concrete and urban heat effects.	**Refer to Section … of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
P2	Neutral/Hayes/Kurraba Point Precinct Committee	**Support** For – 18 Against – 0 Abstain - 0	At is meeting on 11 October 2022, the Precinct resolved to fully support the proposal for the following reasons:	Noted		2D
		• ***Previous objection***	The Precinct raised significant objection to Amendment 30 when it was being proposed in 2020. The Precinct believed that the former proposed amendment would result in undesirable changes to our built environment and adversely impact the character of the North Sydney LGA. The Precinct's view remains unchanged.	Noted	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PRECINCT COMMITTEE SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
P3	Wollstonecraft Precinct	**Support** For – 29 Against – 0 Abstain - 0	At its meeting on 12 October 2022, the Precinct resolved to strongly support the proposal for the following reasons:			2D
		• ***Previous Objection***	The proposal is consistent with the Precinct's submission to Amendment 30 when it was being proposed in 2020. The Precinct believed that the former proposed amendment would result in detrimental impacts on the character of Wollstonecraft and other parts of the North Sydney LGA. The Precinct's view remains unchanged.	Noted	Nil	2E
		• ***Character / Amenity***	The former amendment to permit RFBs in the R3 zone will result in undesirable changes in our built form environment and result in a loss of residential amenity.	**Refer to Sections 4.1 and 4.3 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	If the proposal does not proceed, it will lead to the further loss of items of heritage value, which is in the interests of our current and future generations. A recent example is DA 243/21 which proposed to demolish 3 federation dwellings (115, 117 and 119 Holt Avenue, Cremorne) built in the early 1900s, removal of extensive gardens and approximately 20 mature trees and replacement with an RFB. These dwellings have since been found to be of local heritage significance by independent heritage experts GML Heritage Pty Ltd.	**Refer to Section 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PRECINCT COMMITTEE SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Environmental Impacts***	The proposal if not proceeded with will lead to increased: • Loss of open space; • Loss of urban tree canopy and wildlife habitats; • urban heat island impacts.	**Refer to Section 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
P4	Brightmore Precinct Committee	**Support** For - 40 Against - 0 Abstain – 0	At its meeting on 12 October 2022, the Precinct resolved to strongly support the proposal for the following reasons:			2D
		• ***Housing Supply***	The permitting RFBs in the R3 zone is not required for meeting North Sydney LGA's housing supply targets	**Refer to Section 4.6 of the main report** Council's endorsed LHS clearly states that the action to permit RFBs in the R3 zone did not contribute to Council's ability to meet State Housing Targets.	Nil	2E
		• ***Character***	If the proposal is not proceeded with, it will lead to development that will erode the character of our suburbs.	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2E
		• ***Heritage***	The proposal will help to protect the character and amenity of our suburbs and preserve our built form heritage that makes our suburbs special. Preserving the character of our suburbs is in the interests of current and future generations.	**Refer to section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PRECINCT COMMITTEE SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
P5	Combined Precinct Committee Co:/ Ian Grey	**Support** For – 24 Against – 0 Abstain - 2	At its meeting on 18 October 2022, the Precinct resolved to strongly support the proposal for the following reasons:			2D
		• ***Heritage***	It will help to preserve the built form heritage of the municipality area as much as possible. We see this makes this municipality quite distinctive and historic and integrated – it is all part of keeping the local character, style and amenity.	**Refer to Section 4.2 of the main report.** The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
		• ***Character***	Does not want to see the promotion of previous era development (such as the existence of a distinct range of stand alone, tall, cream unit blocks from the late 1960's spread across the North Sydney and Mosman LGAs) to become a precedent for allowing RFBs to be constructed, noting their unsympathetic relationship to the character of the surrounding suburbs. Ensure that new high rise unit developments are concentrated around places like St Leonards station and around the new Metro station site in Crows Nest provide a new example for the next generation of local residents of the kind of unsympathetic overdevelopment which could come to characterise our suburbs if we let that happen	**Refer to Section 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. Increased dwelling densities are permitted in the R4 and B4 zones which are concentrated in and adjoining existing centres and corridors which have higher levels of accessibility to services, facilities and frequent public transport.	Nil	2E, 2F
P6	Parks Precinct Committee	**Support** For – 20 Against – 0 Abstain - 0	At is meeting on 19 October 2022, the Precinct resolved to strongly support the proposal for the following reasons:	Noted	Nil	2D

ATTACHMENT 3: Planning Proposal 4/22 – Prohibition of residential flat buildings in the R3 Medium Density Residential zone PRECINCT COMMITTEE SUBMISSIONS SUMMARY (Exhibition Period – 26 September 2022 to 7 November 2022)						
No.	**Name and Address**	**Issue/Theme**	**Key Points Raised**	**Council Response**	**Recommended Action**	**Criteria**
		• ***Character / Heritage***	The character and the heritage of the R3 designated areas should be protected and preserved. The former amendment to permit RFBs in the R3 zone will result in undesirable changes to the Local Government Area and items of heritage value will be placed at risk. Particular concern is raised with regard about the protection of the tramway cottages in Byrnes Avenue. It will protect the character of our localities which is in the best interest of current and future residents.	**Refer to Sections 4.1 and 4.2 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality. The proposal will not alter the level of heritage protection throughout the LGA. Not all R3 zoned land is identified as having heritage significance and may be appropriate to accommodate higher densities. Properties with identified heritage value are given a level of protection through formal listings under NSLEP 2013.	Nil	2E
		• ***Environmental Impacts***	Potential loss of tree canopy associated with the over development that would result if the proposal does not proceed.	**Refer to Sections 4.3 and 4.11 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. Retention of green space and trees will be a matter for consideration as part of the assessment of any DA.	Nil	2E
P7	Harrison Precinct	**Support** For - 17 Against – 2 Abstain – 4	At its meeting of 3 November 2022, the Precinct supported the proposal to prohibit RFBs in R3 zone.	Noted	Nil	2D
P8	Willoughby Bay Precinct	**Support** For - 11 Against - 0 Abstain – 1	At its meeting on 13 October 2022, the Precinct supported the proposal in order to preserve the character of the streets in and around the R3 Zone	**Refer to Sections 4.1 of the main report.** The proposal cannot guarantee that no development will occur, but will result in the restriction of residential accommodation typologies to that prevailing within the R3 zone. NSLEP 2013 and NSDCP 2013 contain provisions to ensure that new development fits into the desired future character of a locality.	Nil	2D