

**Submission
No 21**

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

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NSW Legislative Council, Portfolio Committee No. 7 – Planning and Environment: Enquiry into development of the Transport Oriented Development Program, by online submission.

I am writing to express my strongest objection to the Transport Oriented Development (TOD) Program proposed by the NSW Government in the *Transport Oriented Development Program* publication and its companion document *Explanation of Intended Effect: Changes to create low- and mid-rise housing* (both dated December 2023, and hereinafter referred to as the ‘TOD housing reform proposals’), on the grounds set out below.

Although I write from the perspective of Lindfield (where my family has lived within a Heritage Conservation Area (HCA) since 2000), it is clear that these ill-conceived, “one size fits all” proposals will detrimentally affect all TOD precincts.

By way of background, I am a finance professional and historian, with over 30 years’ experience as a volunteer in the NSW railway heritage sector. I have researched and written several conservation studies for built heritage items, two of which were funded by the NSW Government under ‘Caring for State Heritage’ grant programs. My recommendations have been accepted by Heritage NSW and local Councils as appropriate for the conservation, adaptive reuse and sympathetic development of built heritage.

The TOD housing reform proposals respond to a perceived “housing crisis” in New South Wales. Current high demand for housing has caused continued growth in property prices, especially in Sydney, preventing many young Australians from buying or renting a home. This demand is easily attributable to unsustainable levels of immigration (over 500 thousand people in the year to 30 June 2023), and inappropriate foreign investment rules and taxation incentives that encourage investors (both foreign and domestic) to acquire properties for wealth accumulation. Anecdotally, investment properties often remain empty for long periods, further reducing the available housing stock. The TOD housing reform proposals will not resolve these problems. Instead, the NSW Government should lobby the Federal Government with all vigour to address the underlying causes of the “housing crisis”, as described above.

Impact on heritage

The four suburbs in Ku-ring-gai affected by the TOD Program (Gordon, Killara, Lindfield and Roseville) were largely developed from 1890-1893, after the North Shore Railway was built. Dwellings built during the area’s early development are mostly in the Federation and inter-war (Californian) styles, while more recent dwellings generally display pleasing aesthetics and functionality.

Some of Ku-ring-gai’s best examples of built heritage are located near the four railway stations, and are currently protected by listings on the State Heritage Register and/or Ku-ring-gai Council’s Local Environment Plan (LEP), and/or by inclusion within one of the HCAs listed in the LEP.

Ku-ring-gai has been falsely stereotyped in the media as an exclusive enclave for a privileged elite, whereas in fact it has a vibrant and culturally-diverse community that values the area's natural environment and built heritage, and wishes to protect it for future generations. Large numbers of recent immigrants to Sydney have been attracted by these attributes, and have chosen to live in Ku-ring-gai to share in its heritage and cultural values.

Existing planning controls via local government are the most appropriate methodology for protecting an area's natural environment and built heritage, because they reflect the aspirations of community residents who elect their Councils. These planning controls include structured and thoughtful measures that seek to address diverse needs of the entire local community. Ku-ring-gai Council's planning controls also seek to ensure that new development is harmonious with the area's natural environment. Ku-ring-gai already has many mid-rise apartment buildings along the rail and main road corridors, and their numbers are increasing under existing planning controls.

If implemented in their current form, the TOD housing reform proposals will over-ride existing planning controls (including those protecting the natural environment and built heritage) with 'non-refusal' standards. The NSW Government will gain sole responsibility for planning decisions, with no independent oversight following dissolution of the Greater Cities Commission on 1 January 2024. The TOD Program will be devastating for Ku-ring-gai's built heritage, because it will allow many heritage houses to be demolished for mid-rise housing development, irrespective of their protection under local planning controls.

Impact on the natural environment

Ku-ring-gai is well known for its beautiful natural environment, which includes large stands of Sydney Blue Gum and other native species that provide habitats for the area's diverse wildlife. The North Shore Railway corridor has extensive bushland regrowth areas along its borders. Ku-ring-gai's bushland serves as "lungs" for Sydney, compensating (at least in part) for air pollution produced in other, overdeveloped areas that are without adequate tree canopies. However, the canopy in Ku-ring-gai has been reduced in recent years owing to the construction of new residential development, especially mid-rise housing.

The TOD housing reform proposals will significantly exacerbate the destruction of bushland and further loss of trees in residential areas. This will not only destroy wildlife habitats with significant loss of biodiversity, but will also create urban "heat islands" needing constant air conditioning, as in high-density areas such as Marsden Park. It is remarkable that these NSW Government proposals are so unsustainable and destructive to the natural environment, and conflict with popular expectations for addressing climate change.

The TOD housing reform proposals only contemplate new building projects that are more suited to undeveloped land and former factory sites (as at Green Square). They do not consider adaptive reuse of existing building stock, which would retain a building's embodied energy used in its original construction, thus reducing the carbon footprint and environmental impact from demolition and reconstruction. Furthermore, older housing stock designs can be cooled without air conditioning, unlike mid-rise housing.

Impact on infrastructure

The TOD housing reform proposals are not a holistic plan, because they do not address major issues with Sydney's inadequate infrastructure, especially the rail network and road system. These proposals seem to assume that the North Shore Railway has significantly more passenger capacity, and that the road system can handle greater traffic volumes. Both assumptions are false.

Although the Sydney Metro train services operate from Chatswood, the North Shore Railway from Chatswood to Hornsby still uses crewed electric trains on the 1890-1893 formation. Four factors will prevent any significant increase in train and passenger numbers on the line: (1) the speed at which trains can travel on any line with gradients and curvature; (2) the limited capacity for additional passengers on current rolling stock, especially during peak hours; (3) the time taken for passengers to board and disembark at each station, and (4) the safe-working requirement for a section of line to be clear before another train can enter it.

The Pacific Highway is congested throughout the day and especially during peak hours, carrying large numbers of buses, trucks and commuter vehicles. The Highway and its feeder roads do not have capacity for the significant increase in population density and vehicle numbers that the TOD housing reform proposals will create. The feeder roads already become clogged with cars, particularly those with school zones such as Highfield Road, Lindfield, where street parking is inadequate during drop-off and pick-up times owing to all-day parking by train commuters. As a result, frustrated parents will often engage in dangerous and abusive driving behaviour. The proposed Lindfield Village Hub commuter carpark could have partially addressed this problem; however, this will not proceed owing to the withdrawal of funding for the project by Transport for NSW.

The TOD housing reform proposals also fail to address increased infrastructure requirements for schools and childcare centres; hospitals and medical facilities; potable water, sewerage and storm-water reticulation; parklands and sporting grounds, all of which would need to be built or upgraded to support the greatly-increased population density resulting from the proposals.

Detrimental impact on aesthetics

The TOD Program prescribes a limited range of mid-rise apartment buildings and shop-top housing. This will reduce the availability of houses with gardens for those who do not wish to live in these types of development. This will also reduce the diversity of housing styles by creating an unattractive, stereotyped appearance in urban neighbourhoods.

Greatly increasing height limits will allow large buildings to overshadow and dwarf any existing houses that survive these reforms. This will have a permanent, detrimental impact on the heritage and cultural values of affected areas, and would be particularly disharmonious if mid-rise housing is used as infill development within HCAs.

An alternative approach: Decentralisation

The *Transport Oriented Development Program* and *Explanation of Intended Effect* documents both disparage “urban sprawl”; however, through the Western Parkland City Authority, the NSW Government elsewhere has promoted such a decentralisation policy by creating the Bradfield City Centre around the Western Sydney Aerotropolis. The Bradfield City Centre will include ‘advanced manufacturing, technology, research, training and education, freight and logistics, agribusiness, and mixed-use development’.¹ This provides an ideal opportunity for low and mid-rise housing development around the Bradfield City Centre of the types proposed in the above-named documents, instead of the homogenous “McMansion” styles currently built in outlying areas of Sydney.

The NSW Government also has the opportunity to promote decentralisation of industry and populations to regional areas, as was successfully done in the 1970s with the Albury-Wodonga growth centre. Regional cities and towns such as Bathurst, Orange, Dubbo and Cowra are increasingly seen as an attractive lifestyle alternatives for NSW residents. Providing economic incentives for the development of regional industries, such as those promoted for the Bradfield City Centre, would not only attract further new residents to these cities and towns, but would also help address structural unemployment and poverty issues in regional areas.

Lack of co-ordination between government entities

This submission has given examples where NSW Government entities, such as Transport of NSW and the Western Parkland City Authority, have objectives that differ from or conflict with the TOD housing reform proposals. The issues outlined in the submission clearly show that greater coordination and participation is needed across all government entities to develop a holistic housing policy that aligns with community expectations, and produces sustainable environmental and heritage outcomes. At a minimum, these entities should include Transport for NSW, Heritage NSW, NSW National Parks and Wildlife Service, NSW Department of Education, NSW Health and NSW Department of Planning, Housing and Infrastructure, and all must collaborate proactively with Councils representing their local communities.

Conclusion

European cities such as Rome, Venice and Paris have successfully conserved the environmental and heritage characters of their communities by limiting new development in older precincts, while decentralising industries and housing renewal to new areas with modern public transport systems. This has taken the pressure of increasing urban populations and economic development away from the natural environment and built heritage, allowing these precincts to be appreciated and celebrated by current and future generations. The NSW Government would do well to follow these examples.

Yours faithfully,
Stephen G. Palmer

¹ <https://www.wpca.sydney/our-region/the-western-sydney-aerotropolis/>, accessed 11 February 2024.