

Submission  
No 54

## INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

**Organisation:** Cumberland City Council

**Date Received:** 19 March 2024

---

Good afternoon,

Please find attached a Council endorsed submission regarding the Inquiry into the Development of the Transport Oriented Development Program.

Feel free to contact me if you have any queries or require anything further.

Daniel



**DANIEL CAVALLO**  
DIRECTOR ENVIRONMENT & PLANNING

W [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)

### **Disclaimer**

The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited. If you received this unintentionally, please contact the sender and delete the material from all computers. Cumberland City Council does not warrant the material contained in this message is free from Computer virus or defect. Loss or damage incurred in use is not the responsibility of Cumberland City Council. Cumberland City Council respects your privacy and is committed to protecting it. To view our Privacy Policy please visit [www.cumberland.nsw.gov.au](http://www.cumberland.nsw.gov.au)



CUMBERLAND  
CITY COUNCIL

19 March 2024

Contact  
Telephone

Daniel Cavallo

Portfolio Committee 7  
Inquiry into Development of the Transport Oriented Development Program  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

[portfoliocommittee7@parliament.nsw.gov.au](mailto:portfoliocommittee7@parliament.nsw.gov.au)

## **INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

I am writing in regard to the invitation for submissions regarding the NSW Parliament Inquiry into the Development of the Transport Oriented Development Program. Cumberland Council appreciates the opportunity to provide a submission.

At the Council meeting of 6 March 2024, it was resolved that Cumberland Council's submission to the Department of Planning, Housing and Infrastructure regarding the Transport Oriented Development Program be provided to this Inquiry. A copy of the submission is attached for your reference.

Should you require any further information, please do not hesitate to contact Daniel Cavallo, Director Environment and Planning on \_\_\_\_\_ or \_\_\_\_\_

Peter J Fitzgerald  
GENERAL MANAGER

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
T 02 8757 9000 E [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) W [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)  
ABN 22 798 563 329

**Welcome** *Belong* **Succeed**



CUMBERLAND  
CITY COUNCIL

8 March 2024

Our Reference CS-206  
Contact  
Telephone

Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
PARRAMATTA NSW 2124

## **CUMBERLAND CITY COUNCIL SUBMISSION ON THE NSW GOVERNMENT'S TRANSPORT ORIENTED DEVELOPMENT PROGRAM**

I am writing in regard to the NSW Government's Transport Oriented Development Program, with reference to the proposal in relation to Berala and Lidcombe which are in the Cumberland Local Government Area (LGA). This submission is based on an endorsed Council position at its meeting of 6 March 2024.

Cumberland LGA is a key part of the Central River City, with the population set to increase from 236,000 residents to over 300,000 residents by 2036. We understand the need for more and diverse housing that is aligned with infrastructure provision, and continue to work with all levels of government, the community and industry to support this outcome.

The Cumberland Local Housing Strategy, which has been endorsed by the NSW Government, identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to provide through current planning controls, and the remaining additional dwellings being considered through strategic planning work at key centres and corridors. It is also noted that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.

Council is well advanced in delivering on its housing targets. The best people to ensure these targets are delivered are Councils and this will be done with the adopted framework of Council, such as Cumberland LEP and Cumberland DCP. The NSW State Government should seek to work collaboratively with Councils to ensure that the existing planning frameworks are protected and to ensure that the local communities receive the appropriate social and recreational infrastructure it needs to deliver successful housing outcomes for the communities that Council serves.

Council believes that the urgency to include Berala and Lidcombe under the Transport Oriented Development Program is premature, as insufficient work or collaboration with Council has been undertaken to understand impacts, identify appropriate mitigation measures, and ensure there is alignment with additional dwellings and growth infrastructure. Further specific comments are also attached to this letter.

Council trusts this information is of assistance. If you require any further information, please contact Council's Director Environment and Planning, Daniel Cavallo on

Peter J Fitzgerald  
GENERAL MANAGER

16 Memorial Avenue, PO Box 42, Merrylands NSW 2160  
T 02 8757 9000 E [council@cumberland.nsw.gov.au](mailto:council@cumberland.nsw.gov.au) W [cumberland.nsw.gov.au](http://cumberland.nsw.gov.au)  
ABN 22 798 563 329

*Welcome Belong Succeed*

## ATTACHMENT A

### CUMBERLAND CITY COUNCIL SUBMISSION ON THE NSW GOVERNMENT'S TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Cumberland LGA is a key part of the Central River City, with the population set to increase from 236,000 residents to over 300,000 residents by 2036. We understand the need for more and diverse housing that is aligned with infrastructure provision, and continue to work with all levels of government, the community and industry to support this outcome.

Council has prepared Cumberland 2030: Our Local Strategic Planning Statement and the Cumberland Local Housing Strategy, both of which have been endorsed by the NSW Government. The Cumberland Local Housing Strategy identifies the need for an additional 28,000 dwellings between 2016-2036, with over 24,000 of these additional dwellings able to provide through current planning controls, and the remaining additional dwellings being considered through strategic planning work at key centres and corridors. It is also noted that the development feasibility of housing will influence delivery rates in Cumberland, with feasibility thresholds varying across Greater Sydney.

The NSW Government's Transport Oriented Development Program seeks to increase housing by allowing development up to 6 storeys to be located within 400m of these train stations in areas currently zoned for low and medium density development. Berala and Lidcombe have been identified as locations for the NSW Government's Transport Oriented Development Program. The proposed areas for Berala and Lidcombe under the NSW Government's Transport Oriented Development Program are shown in Figures 1 and 2.

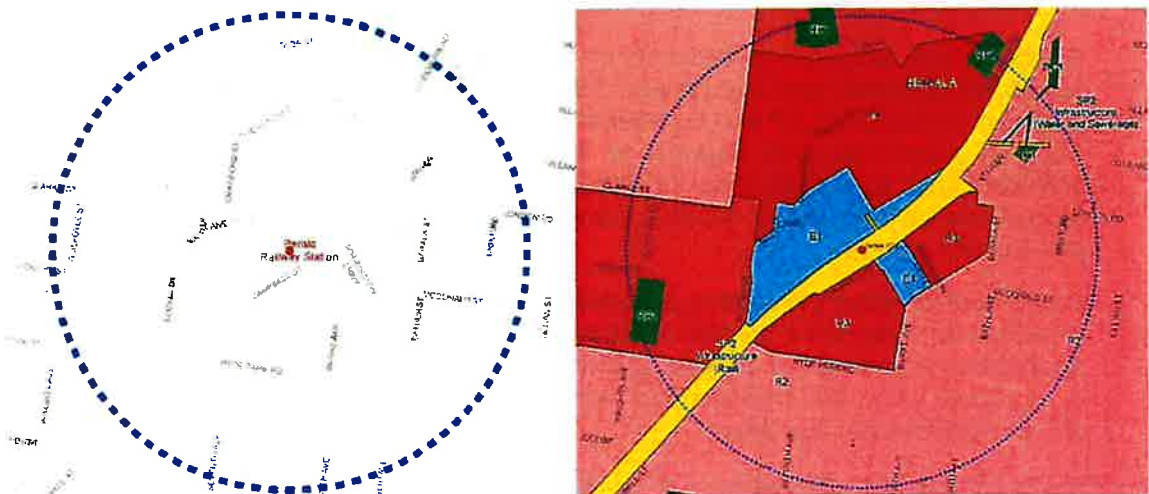


Figure 1: Proposed Area in Berala under the Transport Oriented Development Program

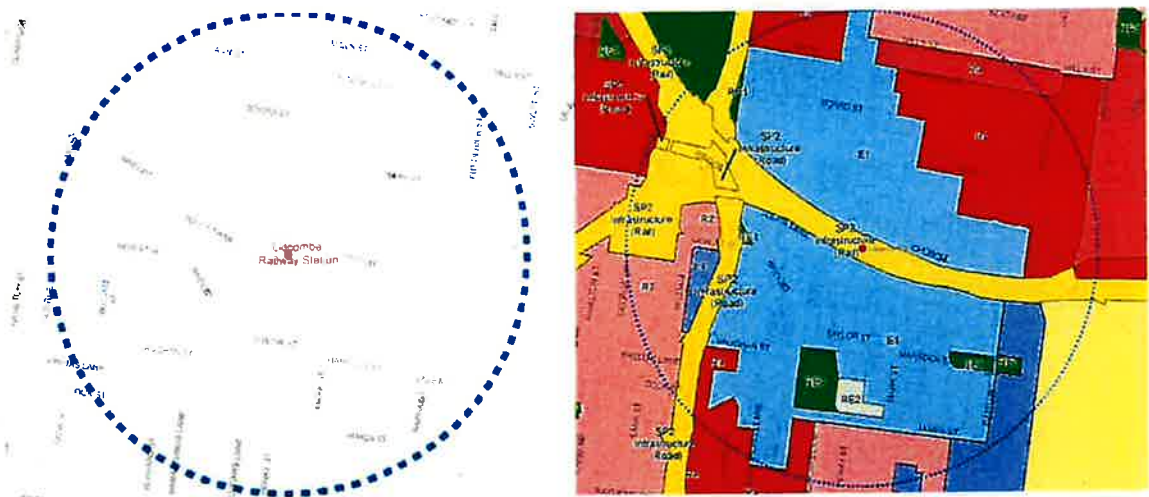


Figure 2: Proposed Area in Lidcombe under the Transport Oriented Development Program

Council has reviewed the limited information provided on the NSW Government's Transport Oriented Development Program, with reference to the proposed inclusion of Berala and Lidcombe. Council believes that the urgency to commence the Program in April 2024 and the inclusion of Berala and Lidcombe is premature, as insufficient work or collaboration with Council has been undertaken to understand impacts, identify appropriate mitigation measures, and ensure there is alignment with additional dwellings and growth infrastructure. Further details are provided below.

#### **Impacts not adequately assessed or investigated**

The information provided by the NSW Government does not provide sufficient details on the assessment or investigation of impacts associated with the provision of additional dwellings at Berala and Lidcombe. Council understands that a desktop analysis has been undertaken and consideration of potential locations under the Transport Oriented Development Program have been made by State agencies; however, this information has not been released.

When a masterplan or planning proposal for future development is undertaken by Councils and the NSW Department of Planning, Housing and Infrastructure, a number of technical studies are undertaken to identify and assess any potential impacts and how these impacts can be mitigated. These studies are also provided for community and stakeholder engagement to ensure that all relevant information is collated and allows for the appropriate consideration of any refinements to the masterplan or planning proposal.

As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.

### **Infrastructure capacity**

The information provided under the Transport Oriented Development Program indicates that Berala and Lidcombe were selected in part due to sufficient capacity being available with existing infrastructure in these locations, such as water, power and public transport.

Council has significant concerns that a full analysis of growth infrastructure requirements was not undertaken as part of the Transport Oriented Development Program. Work previously undertaken by Council, as well as community feedback over many years, indicates that the following gaps are already occurring in relation to growth infrastructure:

- Local and regional roads: there are existing capacity constraints on the local road network as it approaches the regional road network (ie. A6 road), particularly during commuter peak periods. This will be exacerbated should further additional growth occur at Berala and Lidcombe without an appropriate infrastructure response.
- Public transport: there is a need to confirm the timing of the new train timetable, which will provide a direct City service from Berala and Lidcombe. Bus services in these locations also have low frequencies, and need to be enhanced to allow residents, workers and visitors greater transport choices both now and in the future.
- Schools: previous analysis by Council has indicated capacity constraints at public primary schools at Berala and Lidcombe. No additional infrastructure improvements and/or new schools have been committed to support population growth in these locations.
- Open space and recreation: there is limited open space at Berala and Lidcombe and recreation facilities are already at capacity with current needs. While Council has undertaken planning work to enhance these open space and recreation facilities, no additional funding commitments have been made to Council to ensure that these spaces can accommodate current and future population growth.
- Community facilities: there are existing community centres at Berala and Lidcombe, as well as a library at Lidcombe and a planned library vending machine at Berala. Additional funding commitments to Council are required to ensure that these facilities can accommodate current and future population growth.

As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.

It is also noted by Council that references have been made to the Housing and Productivity Contribution as a funding source for potential growth infrastructure. At this stage, Council has not been provided any specific details on the allocation of these funds by the Department of Planning, Housing and Infrastructure. It is imperative that Cumberland Council is provided with a guaranteed funding allocation under the Housing and Productivity Contribution to enable regionally significant transport and open space growth infrastructure to be delivered in the area.

### **Loss of character of suburbs**

The proposed development of apartments up to 6 storeys will lead to a loss of character in suburbs where low density development is currently in place. Berala currently has a significant proportion of low density development within 400m of the station.

As there is a lack of studies at this time that identify ways in retaining character in locations under the Transport Oriented Development Program, Council believes it is premature to progress with the Program at Berala and Lidcombe.

### **Poor amenity outcomes**

The lack of studies and lack of detail on the proposed planning controls as part of the Transport Oriented Development Program means that there is no information on how amenity issues can be appropriately addressed at a local level. This means that there is a significant risk that poor amenity outcomes are likely to occur as a result of the Program. These risks include:

- Loss of privacy, with a larger proportion of apartments in an area that is typically a lower density area.
- Increased overshadowing between apartments and houses, as the delivery of additional dwellings is based on market forces.
- Loss of tree canopy, as established trees are removed and unable to be replaced due to a lower proportion of landscaped area in properties where apartments are delivered.
- Loss of private open space, as new apartments will provide a smaller proportion of private open space when compared to houses with backyards.

As this work has not been undertaken at Berala and Lidcombe, Council believes it is premature to progress with the Transport Oriented Development Program at these locations.

### **Council has created capacity for growth through the Cumberland Local Environmental Plan**

Council has already created capacity for growth through the Cumberland Local Environmental Plan (and its predecessor Local Environmental Plans) in recent years. There are a number of locations across Cumberland where there has been changes to planning controls; however, development has yet to occur. These include:

- Auburn Town Centre: various sites have been rezoned over the past ten years, with development only progressing on consolidated sites to date.
- Lidcombe Town Centre: potential for an additional 430 dwellings on various sites gazetted in 2021, with no development to date.
- Merrylands Town Centre: potential for an additional 3,300 dwellings on various sites gazetted in 2017 and 2019, with development only progressing on consolidated sites to date.
- Former John Cootes site, Merrylands: development application approved for a mixed use development, including 400 apartments. Construction yet to proceed.
- Wentworthville Town Centre: potential for an additional 1,800 dwellings on various sites gazetted in 2020, with no development to date.
- Wentworthville Mall site: development application approved for a mixed use development, including 500 apartments. Construction yet to proceed.
- Former Bonds site, Pendle Hill: potential for an additional 1,400 dwellings on site gazetted in 2017, with no development to date.

In relation to the proposed inclusion of Berala and Lidcombe under the NSW Government's Transport Oriented Development Program, the following comments are provided for consideration by the Department of Planning, Housing and Infrastructure:



- Berala: while Council has concerns at this time with the inclusion of this location, should the NSW Government decide to proceed with the proposal, it is suggested that a more targeted area be identified. The proposed area is the existing R3 Medium Density Residential land to the south and east of Berala station, as shown in Figure 1.
- Lidcombe: as most of the area within 400m of Lidcombe station is already zoned for mixed use development and residential flat buildings, it is suggested that no further action is undertaken on Lidcombe as part of the NSW Government's Transport Oriented Development Program.

As an alternative to the current locations identified in the NSW Government's Transport Oriented Development Program for Cumberland LGA, it is proposed that the Woodville Road Corridor and Westmead South precinct be progressed as locations for additional housing instead of Berala and Lidcombe. Council is well advanced in strategic planning work for the Woodville Road Corridor and Westmead South precinct, which will provide capacity for additional dwellings and jobs, supported with a plan for growth infrastructure and early community engagement already undertaken. It is intended that these proposals will be separately presented to Council for consideration in the first half of this year.

## ATTACHMENT B

### FEEDBACK ON PLANNING CONTROLS UNDER THE NSW GOVERNMENT'S TRANSPORT ORIENTED DEVELOPMENT PROGRAM

As part of targeted consultation on the NSW Government's Transport Oriented Development Program, the Department of Planning, Housing and Infrastructure is seeking feedback from Council on the proposed planning controls to apply within 400m of Berala and Lidcombe stations. A response to the proposed planning controls is provided in the table below.

Item	Feedback for Berala and Lidcombe
To permit shop-top housing in mixed use zoned areas (MU1)	Not applicable for Berala and Lidcombe
Building height limit of 21 m Floor space ratio of 3:1	<p>These controls could facilitate residential flat building development up to six storeys; however, additional controls are also proposed below to ensure amenity impacts can be addressed. It is likely that these controls will result in low, box style residential flat buildings rather than tall, slender residential flat buildings.</p> <p>It is noted that the delivery rates of these additional dwellings at Berala and Lidcombe would be subject to development feasibility in these locations.</p>
No minimum lot size or lot width	Not supported. To ensure that amenity impacts can be adequately addressed and to reflect typical lot sizes in Berala and Lidcombe, it is recommended that a minimum lot size of 900 square metres and a minimum lot width of 24 metres be applied.
Minimum active street frontage controls (in E1 and E2 zones only)	Rely on existing controls under the Cumberland DCP.
Maximum parking rates	As the provision of suitable parking for larger household sizes is an important issue in Cumberland, it is recommended that car parking rates in the Cumberland DCP apply.
Amenity and design controls (building separations, setbacks, vehicle access, visual privacy and communal open space)	Rely on the Apartment Design Guide to ensure a consistent approach to development across Cumberland.
Affordable housing contributions schemes	Council supports the provision of affordable housing. This can be facilitated as a scheme where contributions are received or through dedication of affordable housing through development applications.