

Submission  
No 65

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

**Name:** Name suppressed

**Date Received:** 24 March 2024

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Partially  
Confidential

There should be an immediate deferral of the commencement of the TOD until this inquiry concludes or, in the very least, deferral of its application to Heritage Conservation Areas.

Heritage Conservation Areas are not meant to be snap re-zoned.

Transport Oriented Development is not meant to be uniform.

It is also only meant to occur with understanding of the values of a place and amenity - working out that the TOD (and its uptake) will improve not diminish amenity.

There has been no consultation with communities before the early December announcements and since. Apparent targeted consultation with councils does not count especially when there is no transparency on what that consultation is or involves. How can the community know for example, whether one council is being treated differently to others?

There has been no publication of statement of intended effects.

The assessment criteria only now released records no consideration of heritage, no consideration of the need for proper planning, no consideration of the compatibility of Heritage Conservation Areas with proposed FSR 3:1 6-7 storey buildings.

<https://www.planning.nsw.gov.au/sites/default/files/2024-03/transport-oriented-development-program-assessment-criteria.pdf>

It is now 24 March and no SEPP or draft SEPP has been published. Statements on the application of existing heritage controls have been inconsistent.

Saying councils will retain assessment powers without proper planning, guidance, and with inconsistency will lead to likely disputes wasting valuable assessor and review time.

I encourage exploration of:

1. restraint of application to heritage conservation areas (noting heritage council advice);
2. if applicable to hcas at all which are presently R2, the appropriateness of a different FSR (eg 1:1) and smaller maximum building height (eg 12-14 metres) in those areas.
3. internal best practice on planning and consultation and impacts assessment when bringing TOD to an existing heritage area.
4. the conduct and representations of developers.
5. emerging evidence that LOW rise apartment buildings (less than 4 storeys) are better performing environmentally.

6. research/surveys that people don't want to live with lots of neighbours (making really questionable 6 storey apartments which people won't want to live in or next to).

Thank you for your work.