

**Submission  
No 103**

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

**Name:** Ms Janine Kitson

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Ms Sue Higginson MLC  
Chair  
Portfolio Committee No. 7 – Planning and Environment  
Development of the Transport Oriented Development

27 March, 2024

Dear Ms Higginson

**Re: [Inquiry into the development of the Transport Oriented Development Program](#)**

Thank you for the opportunity to make a submission on the NSW Parliamentary Inquiry into the Transport Oriented Development Program. This is greatly appreciated especially as members of the public were denied the right to comment on the Transport Oriented Program.

The TOD program is undemocratic, environmentally irresponsible and will wreak havoc and destruction across Sydney on a scale never seen before. For me it is a declaration of 'war' on heritage, the urban environment and any low density housing left in Sydney. The TOD program is akin to 'bombing' 31 railway stations across Sydney. It fills me with anger, despair and grief to think that the NSW Government would be so emboldened and irresponsible to create such an apocalyptic future for Sydney.

The NSW Government's [Transport Orientated Development \(TOD\)](#) and [Changes to create low- and mid-rise housing](#) will deforest and destroy Ku-ring-gai one of Sydney's most environmentally sensitive urban bushland and garden suburbs.

The SEPPs are outlandishly brazen planning policies that will **not** provide housing affordability for young Australians. Nor will it provide climate resilience, liveability, biodiversity, and heritage protection for Greater Sydney for their children.

**I ask that the Inquiry make a recommendation to the NSW Government to immediately withdraw its [Transport Orientated Development TOD](#) and [Changes to create low- and mid-rise housing](#) State Environment Planning Policies for Greater Sydney and Regions.**

Yours sincerely

Janine Kitson





Hundred-year-old Sydney Turpentine trees located 30-40 metres of Gordon Railway Station. The TOD SEPP gives these trees no protection even though they are listed as critically endangered.



**Janine Kitson's Submission to the Upper House Inquiry addressing the Terms of Reference:**

- (a) the analysis, identification or selection undertaken by the Government, the Premier's Department, The Cabinet Office or the Department of Planning, Housing and Infrastructure (Department) into:

The TOD program is ethically and professionally wrong. It is a blunt 'cooker cutter' planning instrument that wipes away a sense of place and identify with those who live near a TOD site. They remove environmental and heritage controls.

As a resident of living near a TOD site, I grieve for the suburb I have grown up in, loved and advocated for knowing that the NSW Government appears determined to extinguish it by implementing its TOD program.

Where will the bush turkeys go? Where will the possums go? What about the magpies and King Parrots and many other beautiful birds? What about the Gordon Flying Fox Colony? Why is the NSW Government so keen to destroy the most valuable and precious quality of life – Nature?

Within 40 metres of Gordon Railway Station reside huge, magnificent and beautiful critically endangered Blue Gum and Sydney Turpentine Trees. For these to be cut down because of a 'TOD' is shattering.

The strong heritage legislation to protect the Heritage Conservation Areas around Roseville, Lindfield, Killara and Gordon Railway Stations appears to be totally ignored.

The TOD SEPP has nothing to do with solving the housing crisis. It is just about giving developers what they want.





Young Blue Gum on left. Habitat for wildlife and birdlife. Located 30-40 metres of Gordon Railway Station.



(b) the probity measures put in place by the Government, the Premier's Department, The Cabinet Office and the Department.

I have no confidence in the NSW Government's probity measures.

The culture of NSW Planning appears to be 'Pro developer' rather than planning for the public interest.

(c) the development of the Transport Oriented Development Program policy approach by the Government

The TOD program (and Low and Mid Rise Housing Policy SEPP) is contrary to the Objects of the NSW [Environmental Planning and Assessment Act 1979 \(EPAA\)](#).

(d) consultations undertaken with councils, joint regional organisations and communities during the preparation of the Transport Oriented Development Program State Environmental Planning Policy

There was no consultation with communities affected by the TOD program.

(e) ongoing opportunities for review and input by councils, joint regional organisations and communities, including consultations with renters, key workers and young people needing affordable housing in relation to the Transport Oriented Development Program State Environmental Planning Policy

I have no confidence in this.

(f) information control protocols relating to the Transport Oriented Development Program policy

I have no confidence in this.

(g) property disclosure requirements and management

I have no confidence in this.

(h) the release of information prior to the official publication of the Transport Oriented Development Program policy

Poor, inadequate, disingenuous.

(i) the heritage concerns with the Transport Oriented Development Program including but not limited to the concerns of the Heritage Council

The TOD program effectively ends heritage protection for NSW. It signals a 'green light' to the demolition of heritage homes and the removal of heritage conservation areas.

Ku-ring-gai's outstanding heritage will be destroyed if the TOD proceeds.

The North Shore railway line has been identified as a corridor of 'environmentally sensitive' land. It is also one of Sydney's most scenic railway trips. All this risks being lost if the TOD program is introduced.

(j) the enabling infrastructure capacity for every station selected or considered as part of the Transport Oriented Development Program

I have no confidence that there is adequate infrastructure to cope with the TOD program.

How will NSW Government provide the new schools, hospitals, emergency services, TAFEs, energy, trains and buses as well as the teachers, doctors, nurses and health professions, police, bus and train drivers to cope with the additional population?

Where will the additional green open space and parks and playgrounds come from?

How will the train network cope with the additional population?

The traffic is already gridlock. How will it cope with more traffic?

[\(k\) the impact on localised environment and amenity values caused by the Transport Orientated Development Program](#)

What about biodiversity protection in urban areas affected by the TOD program?

The TOD program will make Sydney unliveable for not just people but wildlife and birdlife.

32,000 trees will go in Ku-ring-gai if the SEPPs are approved.

162 hectares of critically endangered Blue Gum High Forest and the 217 hectares of critically endangered Sydney Turpentine-Ironbark Forest in Ku-ring-gai will go if the SEPPs are approved.

What about bushfires?

Where are the TOD controls for sustainable zero emissions living?

[\(l\) the existing or potential measures and programs analysed, considered or implemented by all NSW Government agencies to support additional housing density, including the housing series reports published by the NSW Productivity Commissioner](#)

The TOD program will not solve the housing crisis.

[\(m\) the ten measures outlined in the National Cabinet's National Planning Reform Blueprint](#)

The TOD contravenes this – as there has been no consultation with Councils.

[\(n\) the development of Transport Oriented Development Program planning policies in other Australian state and territory and international jurisdictions](#)

I am not in a position to say. However other states, territories and international jurisdictions need to be warned that NSW's TOD program will **not** create more liveable cities, nor will it create affordable housing, nor will it protect a community's environment and heritage. It is a blunt planning control that lacks quality, transparency and integrity.

[\(o\) the impacts of the proposed Diverse and Well-Located Homes process and program](#)

This will reinforce the TOD programs to destroy a local community's capacity to protect its character, heritage and the environment.

[\(p\) the capability of Greater Sydney to provide for increased residential dwelling where the existing capacity has been diminished due to the effects of climate change](#)

The NSW Government needs to implement and adhere to principles of ecologically sustainable development<sup>1</sup>.

(q) the adequacy of measures to deter and punish the misuse of confidential market sensitive government information and the future processes that should be put in place

I have no confidence in the adequacy of these measures.

Independent public interest arm's length processes need to be implemented.

NSW needs stronger environmental laws to reverse biodiversity extinction and climate change.

The Welsh government is putting in targets on reversing loss of wildlife into law - with a headline goal of stopping the declines in biodiversity by 2030 and for there to be "clear recovery" by 2050<sup>2</sup>.

Nature recovery action plans need to be published on an annual basis.

NSW needs to grant legal rights to Nature, as the Ecuadorian government did in 2008<sup>3</sup>.

(r) any other related matters.

#### **Economic and Population Growth<sup>4</sup> is Driving Climate Change**

During my lifetime I have seen a dramatic increase in population in my area and across Sydney. When I was born in 1960 there were just over 2 million people living in Sydney. Today there are just over 5 million, with more expected. I have witnessed how this additional 3 million population has fundamentally changed and destroyed so much of what was once a beautiful Sydney. Where there were once open fields in Camden and Campbelltown there are now huge housing estates; where there was once heritage village shopping centres there are now impersonal high rise buildings that cast shadows and loneliness. Once it was easy to drive across Sydney. Now the roads are traffic gridlocked with no parking. Once there were koalas in bushland suburbs. Now they have gone. The urbanisation and densification of Sydney has pushed populations into other areas of NSW and other states causing further overdevelopment. The cumulative impacts of all these changes have been catastrophic for Australia's biodiversity that is pushing so many threatened species to extinction. We are also in a terrible state of rising global emissions where we cannot seem to be reduce emissions to save our lives. Every year is hotter and yet every government cannot reign in emissions because every government is committed to economic growth which is driving the climate crisis. I am very conscious that we are living through a terrifying ecological crisis with climate change and biodiversity extinction. The NSW government planning TOD 'reforms' will turbo charge this ecological destruction even further.

<sup>1</sup> [https://ec.nsw.gov.au/documents/speeches-and-papers/preston\\_principles%20of%20ecologically%20sustainable%20development.pdf](https://ec.nsw.gov.au/documents/speeches-and-papers/preston_principles%20of%20ecologically%20sustainable%20development.pdf)

<sup>2</sup> <https://www.bbc.com/news/articles/c2j50k9jkjgo>

<sup>3</sup> [https://law.unimelb.edu.au/\\_\\_data/assets/pdf\\_file/0004/3300295/7.2-Maria-Ackchurin,-Constructing-the-Rights-of-Nature-Constitutional-Reform,-Mobilization,-and-Environmental-Protection-in-Ecuador-2015.pdf](https://law.unimelb.edu.au/__data/assets/pdf_file/0004/3300295/7.2-Maria-Ackchurin,-Constructing-the-Rights-of-Nature-Constitutional-Reform,-Mobilization,-and-Environmental-Protection-in-Ecuador-2015.pdf)

<sup>4</sup> [https://population.org.au/wp-content/uploads/2021/04/SPA\\_population\\_position\\_and\\_policy\\_statement-April-2021.pdf](https://population.org.au/wp-content/uploads/2021/04/SPA_population_position_and_policy_statement-April-2021.pdf)