

**Submission  
No 122**

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

**Name:** Dr Andrew Pik

**Date Received:** 28 March 2024

---

# Submission to the Inquiry into the development of the Transport Oriented Development (TOD) Program

This Inquiry is most welcome and sorely needed.

I will restrict my comments to several of the key issues as I see them and which are reflected in the Terms of Reference.

The TOD Program is in Two Parts and claims that the type of development proposed is a well-understood model of urban growth. Part 1 at least involves further consultation, master planning and funding; but Part 2 does not and enshrines over-ruling of Council strategic plans and zoning controls. **It must be rejected out of hand as ill-conceived, undemocratic, and unsubstantiated.**

There are serious flaws in the arguments put forward by Minister Scully in this Program.

## Assertion 1

*How were these locations for Part 2 (New SEPP) selected?*

*The department undertook analysis of 305 Sydney Train, Sydney Metro, and Intercity stations within the Six Cities Region to identify locations that have enabling infrastructure capacity close to a transport station to support additional housing growth. This was informed by an evidence-based approach that used planning, infrastructure, and spatial data, along with expert advice and feasibility analysis. The analysis also considered the current zoning of land around stations, with a focus on residential and avoiding industrial zones where possible. The analysis identified that these 31 locations have the capacity to support additional growth.*

## Flaws

1. It is clear from the response in the Return of order (1470RO), that there are no relevant documents available with respect to supposed assessments made regarding schools, planning, road capacity, water and sewerage, climate change, intended effects, community consultation etc. Until such documents are provided and available for scrutiny, the selection of these areas for TOD planning is flawed.
2. It is noted that the final selection of the areas was a purely Ministerial decision. Without wanting to be prejudicial, but having worked in Government myself, this whole process smacks of one where the Minister advises the Department of what he wants, the Department then conducts a spurious and undocumented process to achieve this, and covers its reputation by noting that the final decision is that of the Minister alone.  
Moreover, given that the proposed Program is so aligned with the (simplistic but largely invalid) views of the Urban Taskforce, a developer lobby group headed by an ex-ALP staffer and adviser, leads one to the inevitable conclusion that due process has not been followed.

As property economist **Dr Cameron Murray** also explains, it suits property developers to claim that planning constraints and red tape cause housing shortages but they typically hold years' worth of approved subdivisions and slow down their development whenever prices falter, to keep the market tight and hot. <https://www.fresheconomicthinking.com/p/property-cartel-goes-mainstream> and <https://www.tandfonline.com/doi/abs/10.1080/07293682.2021.1920991>

## **Assertion 2**

*The NSW Government is committed to delivering more high quality, well-located homes near transport, community services and open spaces.*

*Putting homes near planned and existing public transport will help to improve the development pattern of our cities by reducing urban sprawl. This means that more people will be able to live within walking distance of supermarkets, restaurants and open space and be near good public transport to get them where they need to go.*

### **Flaws**

1. The areas identified around train stations, are already bereft of sufficient open spaces. Increasing the housing density in these areas will only exacerbate the shortage as developers compete with Councils to buy up land for open space development.
2. Access to public rail transport is beneficial but does not mean that occupiers of all these new dwellings will not require and use their own car for transport to and from work as well for many functions. Yet dealing with increased traffic flows in these already congested areas does not feature in the Government's assessment criteria.
3. Community services in these areas, like public schools, are already stretched. Available land for such services is not found within these zones so the additional services that will be required for the additional population will have to be built away from these areas, thus negating the notion of "within walking distance" espoused by the TOD Policy.

## **Assertion 3**

*By taking this approach, we can address the housing challenges in a way that makes the most sense. Transport-oriented development represents density done well. It reduces the need for lengthy and expensive daily commutes, alleviates the financial burden on households and curbs traffic congestion. This leads to an improved quality of life for residents.*

*This kind of development can also help reduce the impacts of climate change, promote active transport like cycling and walking and lead to healthier lifestyles.*

### **Flaws**

1. People live in the outer suburbs or in R2 or R3 residential zones, because they want to bring up their families in a house, not an apartment. Building more "luxury" apartments as the developers want to do in already congested areas does nothing to provide the choice that people want. In fact, it will diminish the supply of available houses (as distinct from apartments) in the nominated Council areas as developers move in to buy existing homes for the construction of apartment dwellings.
2. Traffic congestion will not be curbed because people will still require and use cars for things like shopping, transport to and from schools, recreational activities etc etc.
3. Greater density of housing, reducing set-backs and so on, increases the impact of climate change, not reduce it. The loss of tree cover, increase in hard surfaces all lead to an increased urban heat island effect and increased run-off into drainage systems already under stress.
4. Without a massive program to construct cycling paths, assuming one can do so without further encroaching on already over-crowded roads, cycling is not a real option in these areas; and hence this notion does not "lead to healthier lifestyles".

**Assertion 4**

*The approach. The department will work closely with relevant councils and government agencies as decisions about planning controls are made and implemented to make sure good place-based outcomes are achieved.*

*Through this process, community and stakeholders will be invited to have their say on the master plans and rezoning being proposed for each precinct and can make a submission through the NSW Planning Portal.*

**Flaws**

1. Why is this consultation and master planning and infrastructure funding restricted to Part 1 of the TOD Program? What is good for Part 1, must surely be good and essential for Part 2. Sydney's landscape and topography and existing infrastructure is extremely varied and requires sound master planning in consultation with communities and Councils in all regions slated for increased development.
2. The Government under this Program has already said that Councils will have "non-refusal" conditions for DAs identified for them. Not in consultation but as an edict of top-down command and control. Not unlike the Soviet system that has left its indelible and ugly mark on parts of East Berlin.

**Assertion 5**

*TOD SEPP Stage 2: Planning and infrastructure review*

*In the second stage of the assessment process, a review of the shortlisted stations was undertaken to determine:*

- *Planning and land use considerations and constraints, like flood zones or bushfire risk zones, land fragmentation, council-led strategic planning, and open space.*
- *Transport, water, and wastewater capacity to support additional growth.*
- *Independent third-party economic feasibility assessment to determine rezoning potential at each station and the amount of affordable housing.*

**Flaws**

1. The Government and the Department have failed to provide any relevant documentation to show how these assessments were made and what the conclusions were. Or were they just back of the envelope suppositions?
2. My local council, Ku-ring-gai, has pointed out the many ways in which these top-down edicts would contradict the careful assessment and planning that has been undertaken by Council and reflected in how they have been working assiduously to meet housing targets set by the previous Greater Sydney Commission. I refer you to their Submission which I support.

**Assertion 6**

*The Government asserts that it will ensure due consideration of how environmental and heritage considerations in shaping development under the TOD Program.*

**Flaws**

I refer the Inquiry to the excellent and detailed Submission from the Friends of Ku-ring-gai Environment (FOKE), which responds to these assertions in great and reasoned detail.

## Concluding Remarks

Sydney's housing crisis, cost and availability, can be largely attributed to five factors:

1. The impact of Covid on construction supply chains and cost.
2. The absurdly high rate of immigration over the last few years; and which the Federal Government will be addressing in future years.
3. The adverse impact of negative gearing and halving of capital gains which has seen housing become an asset class for investing rather than an essential requirement for a civil society, just like education and health.
4. The lack and decline of government housing, falling from 7% of total new dwellings in 1990, to a mere 1% now. If we had more government housing, the pressure on private housing would diminish, forcing down competition and hence prices.
5. The reliance on private developers to deliver adequate and affordable housing.  
*"The raison d'être of a developer is – believe it or not – not to produce community benefit. It's first and foremost to deliver profit for the investors in that enterprise. It's not our job to deliver benefits for the community."* **Tom Forrest** (former Labor Advisor), **CEO, Urban Taskforce.**

**The Government's TOD Program is pitched to address the housing crisis. But it totally ignores the real reasons as to why we have this crisis in the first place. In doing so, the Program will fail to meet its objectives and will instead make our cities more unlivable, and communities more disenchanting.**

In publishing its TOD Program just before Christmas with implementation scheduled for April, the Government has failed to allow for adequate consultation and assessment with the community and Local Government.

**It is my hope that this Inquiry will assist in remedying this situation by canvassing the views of affected parties and experts, and that the TOD Program (Parts 1 and 2) will be placed on hold until after the Committee's deliberations and conclusions are made available.**

**Submission by:**

Dr Andrew Pik

27 March 2024