

Submission
No 135

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Organisation: Northern Sydney Regional Organisation of Councils (NSROC)

Date Received: 28 March 2024

Submission

NSW Parliamentary Inquiry into the Transport Oriented Development Program

28 March 2024

Prepared by Northern Sydney Regional Organisation of Councils

Member Councils: Hornsby Council
Hunter's Hill Council
Ku-ring-gai Council
Lane Cove Council
Mosman Council
North Sydney Council
City of Ryde Council
Willoughby City Council

Contact: Dr Meg Montgomery
Executive Director NSROC

Overview

Thank you for the opportunity to make a submission to the Parliamentary Inquiry into the development of the *Transport Oriented Development Program* (the *TOD*). This submission has been prepared with the input and support of our member councils but should be considered draft until it is formally endorsed by the NSROC Board.

Northern Sydney Regional Organisation of Councils (NSROC) is deeply concerned about the blanket, one-size-fits-all reforms proposed by the NSW Government through the *TOD* and the *Diverse and Well-Located Homes* planning reforms (the *DWLH*).

NSROC is a voluntary association of eight local councils who have come together to collaborate and promote a united voice on key issues in our region. Our member councils are Hornsby, Hunter's Hill, Kuring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby. Collectively, the NSROC member councils service an area of 639km² with a population of 633,978. We work together on policy and operational matters to drive efficiency and to enhance our region.

NSROC acknowledges the housing crisis and agrees that new housing capacity should be well located with access to services and public transport. This must be achieved through a tailored approach that has regard for local circumstances.

NSROC would welcome the opportunity to discuss its position and concerns in more detail with the Committee as part of the public hearings.

Response to Elements of the Terms of Reference

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

Neither NSROC nor any of its member councils were consulted by government or its agencies during the preparation of the *TOD* or the *DWLH*.

We would welcome the opportunity to collaborate with the NSW Government to ensure increased housing density is delivered alongside transport services, essential services (including waste) and employment opportunities with adequate provision of supporting utility, transport, health, education, community and recreational infrastructure.

(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

NSROC has yet to see the draft SEPP implementing the *TOD* but understands that some member councils have had discussions with the Department of Planning Housing and Infrastructure (DPHI). Prior to the Parliamentary Inquiry, NSROC was not aware of any formal mechanism for stakeholders (community, industry, councils) to provide feedback on the proposed *TOD*. The reform was announced as *fait accompli* without an ability to tailor or calibrate its settings.

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

NSROC is concerned that the proposed TOD and DWLH reforms override heritage considerations and do not address safety risks and planning for natural disaster events such as fire and flood. These critical planning controls are only protected to the extent that they are not inconsistent with the new planning controls.

The reforms stymie future opportunities for well thought out planned precinct rezonings by Councils that would plan for capacity as per their Local Strategic Planning Statement and Housing Strategy.

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

The reforms override long-term strategic planning processes that ensure the delivery of dwellings alongside supporting infrastructure and services. A strategic approach to managing population growth is needed to ensure that essential services and utilities including water, sewerage and waste collection are expanded to be able to cope with the increase in demand.

Sydney Water has already acknowledged that the water and sewerage system may not have the necessary capacity for the proposed increase in housing density. The State Government's proposal will also exacerbate the gap in supply of sports facilities identified in the recently released [Review of Supply and Demand for Sports Facilities the NSROC Region](#).

Increasing the region's population without sufficient planning will lead to negative impacts such as increased road congestion and an inability to meet demands for recreational spaces. It will exacerbate the strain on our already under pressure health, education, childcare and aged care facilities.

(o) the impacts of the proposed Diverse and Well-Located Homes process and program

NSROC has made a separate submission to Government on the DWLH program. That submission was provided to the Committee for their information previously.

(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

NSROC has called on Government to exclude bushfire and flood prone land, as well as lands mapped as having high biodiversity value, and heritage conservation areas from the reforms. These areas require careful planning and evaluation of environmental impacts and capacity constraints. If the TOD is implemented as currently described, Government must give councils the opportunity to identify areas of high risk or of local significance/importance that should be excluded from the TOD.

(r) any other related matters.

To ensure the reforms achieve the desired aims, NSROC calls on the NSW Government to:

- 1. Work with councils and communities to provide for place-based planning and not adopt a 'one-size-fits-all' approach to achieve the stated goals of the TOD.** State Government's proposed approach will result in development without appropriate planning, the impacts of which will only be understood when it is too late to mitigate them.

The reforms ignore traffic and road network impacts, negative effects on streetscape, loss of tree canopy and increases in the 'urban heat island' effect.

- 2. Demonstrate how the NSW Government will ensure that additional housing is delivered alongside critical infrastructure including waste services, hospitals, schools and open space.**

Concomitant delivery of infrastructure is essential to the success of the TOD Program as this will ensure that the delivered housing is attractive to new and existing residents alike as it will maintain local amenity values.

- 3. Further clarification is required on how the proposed reforms will address existing and future barriers to the construction of the new dwellings.** The NSW Government must recognise that factors other than capacity/zoning affect housing supply. Market factors such as land banking and construction costs can be a significant barrier to increasing housing supply. Construction has yet to commence on a large number of housing approvals already in the system. (eg – more than 1000 dwellings approved but not constructed in Hornsby Shire since 2021).

The NSW Government must work with the Federal Government to explore other policy levers surrounding the current housing crisis. Other potential improvements (beyond housing planning controls) include improved pathways for more well-trained builders and tradesmen as well as improving supply of building materials.

The State Government should also clearly identify how it will contribute to the delivery of housing on government lands. Similar to targets being set for councils, the State Government should outline its plan, timeframes, and commitment to deliver housing to assist address the housing crisis.

- 4. Prevent the erosion of employment lands in North Sydney Council and City of Ryde areas.** These areas are vital for jobs and the economic development of the NSROC region. Accordingly, there is an urgent need to stop the proposal to allow Build-to-Rent on the Macquarie Park Innovation District employment lands.
- 5. Undertake further analysis and provide solutions for the impact of the large increase in dwelling numbers on waste collection, waste infrastructure and processing which include the EPA's organics requirements.**

NSROC is deeply concerned about the impact of the proposed reforms on the effective and efficient provision of waste services. In particular, under the DWLH, the proposed change to the Apartment Design Guide that states that "design of basement and ground floor for mid-rise housing is not required to accommodate large vehicles entering or turning around within the site".

This change is proposed to be enacted within station and town centre precincts and it is exactly these areas where the need for on-site collection of waste is required to maintain public health, safety and amenity. This change will force removal and delivery trucks onto the road ways for loading and unloading. In addition, if only small truck access is required to these buildings, costs will increase for councils and residents.

The provision of kerbside collection will be difficult in most developments and impossible in others. This will be exacerbated when coupled with proposed changes to:

- reduce on site car parking requirements,
- specifications on building setbacks, and
- removal of minimum lot sizes and width standards.

If the reforms proceed as described, it is likely that bins will need to be placed in front of parked cars to enable access for collection which will impact on traffic flow, community amenity and require illegal double parking by the collection trucks. Buildings that are poorly designed for waste management will impact on driver, resident and pedestrian health and safety.

- 6. Require developers receiving the affordable housing height bonus to dedicate affordable housing in perpetuity.** As our population increases there will also be increased need for affordable housing. It is critical that affordable housing does not revert to market rates after just 15 years. The stock of affordable housing across Greater Sydney must grow over time.
- 7. Require that the recently introduced Housing Productivity Contribution (HPC) be allocated within the LGA where it is collected to deliver tangible benefits for the communities experiencing development.** If councils are to meet increased demand for services and infrastructure driven by these reforms then the HPC must be spent upgrading or delivering new local facilities within the relevant LGA. The projected potential population increases associated with the housing reforms go well beyond that predicted in current local strategic plans. It will push existing infrastructure, service delivery, open space and sporting facilities to their limits.

NSROC councils would welcome the opportunity to work constructively with Government and agency representatives to develop a planning framework that delivers the Government's commitments to increase housing supply while also maintaining the liveability values expected by our communities.

Conclusion

Thank you for the opportunity to provide a submission to the Parliamentary Inquiry into the Transport Oriented Development.

NSROC member councils stand ready to help the NSW Government respond to the housing crisis and ensure that well designed and well located housing is delivered across the region.

If you require further information, please don't hesitate to contact NSROC Executive Director Dr Meg Montgomery on _____ or at _____

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