

**Submission  
No 146**

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

**Organisation:** Willoughby City Council

**Date Received:** 28 March 2024

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**Submission to the Inquiry into the development of the Transport Orientated Development Program – Parliament of New South Wales, Portfolio Committee No. 7 Planning and Environment.**

Thank you for the opportunity to provide a submission to the *Inquiry into the development of the Transport Orientated Development Program*.

Noting the Terms of Reference, Willoughby Council provides the following comments.

In Council's view the consultation with Councils has been insufficient and incommensurate with the scale of the proposed changes. The Willoughby Local Government Area does not contain a station, but it is part of the radius for Roseville station (approximately four properties in total), and includes land within the Crows Nest Accelerated Precinct. A general summary of the initial consultation is provided below:

- On the 5 December 2023 media reports indicated that the Department of Planning Housing and Infrastructure (DPHI) would be undertaking rezonings around selected rail and metro stations.
- On 11 December 2023, Inner West Council invited Willoughby and other affected Councils to attend a meeting to discuss the reforms foreshadowed in the media reports. The meeting was attended by Minister Scully and staff from the DPHI and the Councils present were briefed on the nature of the proposed program.
- On 15 December 2024, DPHI circulated a 12 page document outlining the program and Willoughby Council sent correspondence to Minister Scully requesting a briefing on the program and also encouraging DPHI to hold community briefing session to explain the changes and how they will be implemented. It is noted that the meetings and correspondence also pertained to the Low Rise Housing Reforms, significant reforms in their own right, which were discussed in parallel to the Transport Orientated Development Program.
- Webpages containing the information circulated by DPHI were placed on DPHI's website in late December, referring to "targeted consultation".
- Due to the end of year break period and the availability of Councillors and DPHI staff, the briefing could not be held until 19 February 2024, the briefing was related to both the Low and Mid Rise Housing Reforms, which were on exhibition at that time, as well as the Transport Orientated Development Program (TOD Program); it was not a "targeted consultation", but presented as one of numerous meetings held with a range of Council's on both the Low and Mid Rise Reforms and the TOD Program.
- Council received an email on 5 March 2024 indicating that an endorsed submission on the TOD reforms would need to be received by 8 March 2024. Noting that communication to this point had referred to "targeted consultation" and Council had not received any targeted consultation requests or materials to this point, Council had not prepared a formal submission.

- Upon providing this feedback to DPHI, a briefing for Council staff was arranged and held on 14 March 2024.
- Council provided a draft response to the briefing to DPHI on 20 March 2024.
- The response to DPHI will be reported to Council at its meeting of 22 April 2024 for endorsement.

The DPHI has commenced master planning for the Crows Nest TOD precinct. North Sydney, Lane Cove, and Willoughby Council staff have been invited to participate in a Working Group to assist DPHI and their consultants. Three fortnightly meetings have been held to date. Terms of Reference have been drafted and Council staff have been requested to sign confidentiality agreements pertaining to the discussions of the Working Group. While Council appreciates and agrees with the sensitivity surrounding master planning and potential rezoning discussions, the confidentiality agreements do not allow Council staff to brief Councillors, preventing staff from receiving feedback and direction.

Council is considering its position with respect to the request to sign the agreements, and has suggested that Councillor briefings be scheduled at key hold points to address the concerns of Council staff with respect to ensuring Councillors have sufficient input into the principles and direction of the master planning work. Without Councillor involvement, there is a serious concern that the master planning and decision making will progress without sufficient community representation or oversight.

Aside from Council's concerns regarding the lack of comprehensive and clear consultation Council also raises the following:

- The approach to simply draw a circle around Roseville Station to identify the TOD SEPP area results in approximately four properties within the City of Willoughby being included. In terms of strategic planning and the subsequent results, these four properties will sit in isolation, having different planning controls to the surrounding area south of Boundary Street within the City of Willoughby.
- Master planning for four properties in Willoughby, as part of the area closer to Roseville Station in Ku-ring-gai Council, does not seem to make cohesive strategic planning sense and is not nuanced.
- Willoughby Council does not need these four properties to meet housing targets. Significant strategic planning work has been undertaken by Willoughby Council in recent years to meet housing targets in a manner generally accepted by the community and the Department.
- DPHI, Willoughby Council, Lane Cove Council, and North Sydney Council, devoted significant resources to develop and complete the St Leonard Crows Nest 2036 Plan (the 2036 Plan), which was finalised in 2020. Under the plan, there is capacity to deliver over 6,680 new homes and 16,500 new jobs.
- In June 2023, Willoughby Council completed the rezonings required to facilitate the development in the areas of the precinct in Willoughby LGA planned under the 2036 Plan.

- The announcement of the TOD reforms has the potential to undermine confidence in the planning system, signalling to the market that recent rezonings may be subject to new master planning within months of implementation. This uncertainty encourages land banking and discourages housing delivery in favour of non-complaint proposals seeking additional yield.
- The 2036 Plan was initially accompanied by a Special Infrastructure Contribution (SIC) to help fund the required infrastructure to support the anticipated growth. The SIC, which levied funds from development in the precinct for allocation to projects in the precinct, has since been repealed by the State Government and replaced by the Housing Productivity Contribution, which does not ensure the funds levied from within the precinct will be reinvested in the precinct, allowing those funds to be redirected to projects elsewhere in Sydney. The allocation process for this funding has yet to be published. While the TOD Program includes the proposed allocation of \$520m, how much of that will be allocated to each precinct and the process for its allocation is not clear. It is of significant concern that the infrastructure needs, documented and agreed with the impacted communities, has seen a significant reduction in funding certainty, despite the implementation of the plan already progressing. This significant exiting issue should be addressed prior to releasing any further capacity in this precinct.
- The published materials indicate an area within 1,200 meters of Crows Nest will be considered under the TOD Program. This has created significant community angst, particularly in lower density areas that are not readily connected to Crows Nest. In discussion with DPHI staff, it has been stated that the intention is not to consider the full 1,200 meter radius and to focus work on improving and implementing the 2036 Plan. However, this has not been confirmed to the wider community, who remain confused and concerned about the impacts of both the TOD Program and the Low and Mid Rise Reforms.
- There are significant heritage items and areas located within 1,200 meters of Crows Nest station. Managing the impacts on local heritage was a key challenge for the 2036 Plan and it required detailed analysis and careful management of the proposed densification. The TOD announcement has raised significant concern in the community that this will be revisited and that valued local heritage will be lost. This has been exacerbated by the parallel exhibition of the Low and Mid Rise Housing Reforms, which propose to allow inappropriate medium density housing forms in low density heritage conservation areas, signalling to the local community that the current proposed planning changes consciously dilute the land use limitations that help protect areas of valued local heritage.
- Combined with the Low and Mid Rise Housing Reforms, the TOD program foreshadows a significant increase in housing capacity. No documentation has been provided to confirm that the relevant work has been undertaken to ensure the required infrastructure will be available to support this growth. Councils had collaborated with the State Government on Local Strategic Planning Statements and Housing Strategies to identify where growth would be accommodated and to allow the associated planning of schools, health infrastructure, utilities, transport, sport and recreation facilities and the like. The proposed reforms, both the Low and Mid Rise Housing Reforms and the TOD Program, represent a fundamental shift in where growth will now occur. It is critical that the associated infrastructure

planning is undertaken, and it is reasonable to expect that this is demonstrated to the impacted communities. The published materials to date do not offer sufficient information in this regard.

Thank you for the opportunity to provide input into the inquiry. Should you have any questions regarding the matters raised in Council's submission please contact Council's Interim CEO Hugh Phemister via [email@willoughby.nsw.gov.au](mailto:email@willoughby.nsw.gov.au).