

**Supplementary
Submission
No 49a**

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Organisation: Save Greater Sydney Coalition

Date Received: 27 March 2024



Please accept the attached document as a Submission for Inquiry into the Development of the Transport Oriented Development Program. This is in addition to the earlier submission that contained a transcript of the Speakers at a rally behind Parliament House on 12th March 2024.

I am submitting this on behalf of the Save Greater Sydney Coalition and I approve the publication of the submission with my name.

If required to attend the Inquiry as a witness, I am happy to do so.

David Reynolds



Submission for Inquiry into the Development of the Transport Oriented Development Program

March 2024

Contents

| | |
|---|----------|
| Royal Commission needed into the Department of Planning, Housing, and Infrastructure | 2 |
| Lack of Genuine Community Consultation..... | 3 |
| Royal Commission needed into Transport for NSW & Sydney Metro | 4 |
| Construction Industry Capacity and Risk to deliver Mid-Rise housing to address Housing Crisis | 5 |
| Meaningful Affordable & Social Housing is absent from TOD & Well-Located Housing SEPPs | 5 |
| The TOD & Well-Located Housing SEPPs place heritage areas and sites at risk | 5 |

Royal Commission needed into the Department of Planning, Housing, and Infrastructure

We commend the NSW Government in principle for undertaking a Transport Orientated Development Program as a new housing strategy. However, despite the best intentions, there are significant concerns regarding information control, probity for both Members of Parliament and department staff, and the stakeholders that had influence/were engaged by the Department of Planning, Housing, and Infrastructure (notably ahead of local Councils) for the Transport Orientated Development Program. **GIPA-24-3221 Terms and New Record Released:**

From March 2023 to current date [11 December 2023], list of stakeholders engaged and/or lobbying received by the Department of Planning for each suburb considered and/or included as a Tier One - Accelerated Precinct.

From March 2023 to current date [11 December 2023], list of stakeholders engaged and/or lobbying received by the Department of Planning for each suburb considered and/or included as a Tier Two - Rezoning.

| Name | Position | Organisation |
|------------------|---|----------------------------|
| Michelle Blicavs | CEO | ACSNSW |
| Melanie Gibbons | Head of Advocacy and Stakeholder Engagement | ACSNSW |
| Andrew Fattal | Director, Infrastructure and Planning | BCA |
| David Harding | Executive Director | Business NSW |
| David Bare | Executive Director, NSW | HIA |
| Brad Armitage | Deputy Executive Director NSW | HIA |
| Cathy Towers | Assistant Director – Planning | HIA |
| Katie Stevenson | Executive Director, NSW | Property Council Australia |
| Michael Player | NSW Policy Manager | Property Council Australia |
| Steve Mann | CEO (former) | UDIA |
| Michael Murrell | Director, Policy and Research | UDIA |
| Tom Forrest | CEO | Urban Taskforce |
| Gavin Melvin | General Manager, Policy, Research and Corporate Affairs | UDIA |

- Michelle Blicavs (Association of Consulting Surveyors NSW) was the Liberal Candidate for Cunningham in 2016, a Board Member of NSW State Archives (2017 – 2018), and a Liberal Councillor in Wollongong Council (2011 – 2017).
- Melanie Gibbons (Association of Consulting Surveyors NSW) was the Liberal MP for Menai (2011 – 2015) then Liberal MP for Holsworthy (2015 – 2023).
- Andrew Fattal (Business Council of Australia) was the Infrastructure and Transport Policy Advisor to Premier Gladys Berejiklian and Premier Dominic Perrottet.

Additionally on 28 June 2019, Andrew Fattal (and potentially Premier Gladys Berejiklian) along with Jeremy Vine (then Premier’s Planning Policy Advisor and concurrent Newgate Communications associate partner) held a secret meeting in the Premier’s boardroom with a delegation from the property developer lobby group “Locals for Metro Southwest” led by Harry Hughes¹. The “Locals for Metro Southwest” (financed by CRK Properties based in Double Bay)² have sought rezonings and increased densities around the Sydenham to Bankstown Metro and claim to own 85% of Canterbury Town Centre from documents³ presented to both the Department of Planning and Canterbury-Bankstown Council.

- David Harding (Business NSW) is an NSW Government Advisory Committee member: 24 Hour Economy (strategy launched in 2020), and Transport for NSW Committee Member: Smart NSW (launched in 2020).

¹ “Diary entry of a meeting between advisers of the Office of the Premier and Locals for Southwest Metro” (Office of Premier GIPA, 2020) <https://www.nsw.gov.au/sites/default/files/noindex/2023-06/Mr-Roydon-Ng-diary-entry-2020.pdf>
Premier Berejiklian and Perrottet denied that Premier Berejiklian’s attendance at “Locals for Metro Southwest” meeting (but refused to provide Premier’s Berejiklian’s diary for 28 June 2019). A GIPA application to Premier Minns revealed that Premier Berejiklian was in the same office as the Premier’s boardroom during “Locals for Metro Southwest” meeting.

² Grassroots volunteer group Locals for Metro South-West financially backed by Sydney developer (ABC News, 13 July 2020) <https://www.abc.net.au/news/2020-07-13/volunteer-group-lms-has-financial-backing-of-developer/12421120>³ Sydenham to Bankstown Alliance (SBA) Submission for NSW Parliament Inquiry into Acquisition of land in relation to major transport projects (2021) <https://www.dropbox.com/s/0ju1dg09s62qxj4/SBA%20Submission%20wAppendix%20INQUIRY%20transport%20land%20Acquisition%20%20July%202021.pdf?dl=0>

- Katie Stevenson (Property Council of Australia) was the Chief of Staff to former Planning & Infrastructure Minister Rob Stokes.
- Michael Player (Property Council of Australia) was a Senior Advisor for Infrastructure Australia (2017 – 2018) when Darren Chester and Barnaby Joyce was Federal Minister, and a Project Manager of the Northern Beaches Hospital (2012 – 2016).
- Steve Mann (Urban Development Institute of Australia) was a Property Development Manager in Wyong Council (2014 – 2016).
- Michael Murrell (Urban Development Institute of Australia) was a Senior Planner & Team Leader in the NSW Department of Planning (2013 – 2021).
- Gavin Melvin (Urban Development Institute of Australia) was Chief of Staff to Kevin Anderson MP (2017 – 2023), Senior Advisor to Pat Farmer MP for Macarthur (2001 – 2003), Adviser to John Fahey MP Federal Minister for Finance and Administration (2000 – 2001).
- Tom Forrest (Urban Taskforce) was an Executive General Manager of Business Co-ordination in RailCorp (2008 – 2011), Director Infrastructure and Planning Strategy: Office of the Co-ordinator General in the NSW Department of Premier and Cabinet Office (2007 – 2008).

Urban Taskforce The Urban Taskforce Australia is an industry organisation representing property developers and financiers in Australia and is renowned as one of the most powerful lobby groups in NSW.

Lack of Genuine Community Consultation

The Department of Planning, Housing, and Infrastructure only engaged/consulted with property developers, lobbyists and entities standing to profit from the Transport Orientated Development Program ahead of Councils.

The Department of Planning, Housing and Infrastructure should be required to disclose all meeting records and correspondence with stakeholders and lobbyists regarding the Transport Orientated Development Program.

Documents tabled in NSW Parliament as part of the “Return to order - Transport Oriented Development Program - Documents received on Wednesday 28 February 2024 from the Acting Secretary of The Cabinet Office, together with an indexed list of documents”³ indicate that the Department of Planning, Housing, and Infrastructure only briefed local Councils in January 2024 after significant meetings with the above mentioned stakeholders and lobbyists occurred in 2023 regarding the Transport Orientated Development Program.

None of the material including zoning maps made presented to local Councils were shared with the community prior to the and it appears that the Department of Planning, Housing, and Infrastructure has also embargoed Councils to not provide detailed information from Council briefings to concerned residents, as the Council led information sessions for the Transport Orientated Development Program merely presented information published on the main Department of Planning, Housing, and Infrastructure website.

The Department of Planning, Housing and Infrastructure has not held any community consultation regarding the Transport Orientated Development Program.

³ Return to order - Transport Oriented Development Program - Documents received on Wednesday 28 February 2024 from the Acting Secretary of The Cabinet Office, together with an indexed list of documents
<https://www.parliament.nsw.gov.au/tp/files/187663/Index%20-%20Transport%20Oriented%20Development%20Program%20-%20Wednesday%2028%20February%202024.pdf>

Royal Commission needed into Transport for NSW & Sydney Metro

We commend the NSW Government for undertaking both the Sydney Trains Review and Sydney Metro Review in 2023. However, despite the best intentions for an independent review, there are significant concerns regarding the drafting of the review Terms of Reference (especially including planning and housing development matters), selection of the review Panellists, and the undisclosed stakeholders that had influence/were engaged towards achieving the outcomes of the reviews.

It should be noted that Sydney Metro CEO Peter Regan was invited by the Office of Transport Minister Jo Haylen to contribute to the drafting of the Sydney Metro Review Terms of Reference. And subsequently the Sydney Metro CEO Peter Regan used this opportunity to advocate for the Review to explore “diverse housing outcomes”⁵.

Despite the wasteful conversion of Sydenham to Bankstown⁶ commencing in under 3 months, the NSW Government has not announced any “StationLink” buses for T3 Bankstown Line commuters, unlike Epping to Chatswood when Northern Suburbs commuters received a dedicated fleet of new buses (fully accessible and air-conditioned) in advance of the line closure in 2018.

It should be noted that Epping to Chatswood commuters were provided with “StationLink” buses and information about timetables up to 5 months ahead of the line’s closure, yet Sydenham to Bankstown commuters are still in the dark about replacement bus routes and travel times.

Furthermore, it is concerning that the NSW Government has not resolved the bus driver shortages across Sydney but yet is continuing to replace trains with bus for T3 Bankstown Line commuters for 12 months from mid-2024.

We call on Transport for NSW to release the rationale for how 140 bus drivers will suffice to transport at the 60,000 to 100,000 commuters that use the T3 Bankstown Line every day when trains are suspended.

It is clear that the NSW Government’s focus on transport has been severely distracted by the influence of property developers in lieu of the Transport Orientated Development Program.

The continued refusal of the NSW Government to release the full business case of the Sydney Metro City & Southwest project despite the NSW Parliament Inquiry into Sydenham to Bankstown line conversion (2019) recommendation for its full publication calls into question all Transport Orientated Development earmarked along the T3 Bankstown Line.

We are also concerned with the Sydney Metro Review (2023) recommendation that the Sydney Metro Southwest project be completed⁷, given that Review chairperson Mike Mrdak is a patron of the Western Sydney Leadership Dialogue⁸ (a group that has advocated for Sydney Metro Southwest and development along railway lines).

North Strathfield, Homebush, Dulwich Hill, Marrickville, Bankstown, Canterbury, and Wiley Park should be excluded from the Transport Orientated Development Program until all probity/conflict of interest issues surrounding the Minister for Housing and the Minister for Transport are publicly investigated and resolved.

Homebush should be excluded from the Transport Orientated Development Program also on the basis that Transport for NSW has acknowledged that Homebush station does not have capacity to support additional housing growth⁹.

⁵ Response to Right to Know Request - Minister for Transport documents regarding Sydney Metro Review <https://archive.org/details/rtk-req-11010/GIPA%20Bundle%201/page/n17/mode/2up>

⁶ NSW Parliament Inquiry into Sydenham to Bankstown line conversion (2019-20) determination that case for Sydney Metro Southwest was not justified https://www.parliament.nsw.gov.au/lcdocs/inquiries/2551/Report%20No%2011_PC%206_Sydenham-Bankstown%20line%20conversion.pdf

⁷ Sydney Metro Review – Interim Report Findings (23 June 2023) <https://www.sydneymetro.info/media/document/35771>

⁸ Western Sydney Leadership Dialogue <https://westernsydney.org.au/network/>

⁹ Return to order - Transport Oriented Development Program - Documents received on Wednesday 28 February 2024 from the Acting Secretary of The Cabinet Office, together with an indexed list of documents <https://www.parliament.nsw.gov.au/tp/files/187663/Index%20-%20Transport%20Oriented%20Development%20Program%20-%20Wednesday%2028%20February%202024.pdf>

Construction Industry Capacity and Risk to deliver Mid-Rise housing to address Housing Crisis

The Construction Industry itself has doubts about its capacity to deliver at scale the Mid-Rise housing described in the TOD and Well-Located housing SEPPs¹⁰. If the peak bodies in the Construction Industry have doubts about delivering the Mid-Rise housing at scale, then the TOD objective of addressing the Housing Crisis is at risk.

David Bare, Executive Director of HIA advised the NSW Gov on 5th Feb 2024 “the industry is not in the best shape and there is a concern on the capacity of industry to deliver”.

Graham Walker from Urban Taskforce & Managing Director at Combined Development Group Pty Ltd in the same meeting voiced his concern. “Small builders will try to step up to deliver on TOD — concerns around rush and this being viewed as a 'gold rush' which will impact the program. We need to entice the developers with bigger skills, the Tier 1, they need to see they can make the money on this.”

David Bare added “...that these are different business bodies. HIA did a workshop with the Building Commissioners two years ago with small home builders and they spoke about how to lift up to medium-density space. Small builders said there is a lot of risk in doing so if they don't really need to. There is a divide in expertise in the industry for the missing middle”.

Meaningful Affordable & Social Housing is absent from TOD & Well-Located Housing SEPPs

When reviewing the available documentation there is an aspirational 15% of Social or Affordable housing at 15% “subject to feasibility assessment. In the Canterbury Bankstown Town plans that had the same aspirational 15%, the feasibility assessment became 2% in only some of the Mid-Rise developments and none in the Town centre⁴. Experience has shown that this type of requirement delivers little if any affordable housing.

A perverse effect of these SEPPs in terms of low-cost, older homes being (prematurely) demolished to make way for more luxury-market mid-rise developments. A review of the scope and effectiveness of Chapter 2, Part 3 of the Housing SEPP in reducing net losses of low-rental dwellings and tempering gentrification effects (low-income renter displacement). Housing approvals alone, even of the right housing typology do not guarantee homes delivered in a timely manner nor to the cohorts who need it most (low-income renters). Governments at all levels need to take urgent action to address the availability of affordable housing for low and middle-income households.

The TOD & Well-Located Housing SEPPs place heritage areas and sites at risk

When reviewing the available documentation about how the TOD & Well-Located SEPPs will deal with Heritage areas and sites other than to say it will be on a merit-based assessment. The SEPPs do indicate that Heritage controls will continue to apply to the point where they are inconsistent with the SEPPs and the SEPPs will override heritage controls. So in one area there is a Merit based assessment of Heritage and elsewhere there are statements that the SEPPs will override heritage controls. There is no detail on what or how a Merit assessment will be made, there is no detail on who will make the assessment or if there is any review of the merit assessment.

Document DPHI.740.04 “FW: Rail Capacity to inform housing opportunities” uploaded to <https://restoreinnerwestline.org.au/wp-content/uploads/2024/03/DPHI.740.04.pdf>¹⁰

Document DPHI.740.10 Email FW HIA TOD briefing meeting notes 5-Feb-24

<https://www.dropbox.com/scl/fi/qkf0waf89ei163v2tndu3/DPHI.740.10.pdf?rlkey=w99xhyugp2wz89s9tw2v0n7mn&dl=0>

⁴ Campsie Town Plan Affordable Housing Town Plan Map

<https://apps.planningportal.nsw.gov.au/prweb/PRRestService/DocMgmt/v1/PublicDocuments/DATA-WORKATTACHFILE%20PEC-DPE-EP-WORK%20PP-2022-2726!20220916T204556.934%20GMT>