

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

Organisation: Residents Action Coalition

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Residents Action Coalition

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

Thank you for the opportunity to address our concerns about the TOD program. Our submission will address several Terms of Reference

Introduction

The Residents Action Coalition is a new alliance of groups and residents from Sydney's Inner West, Inner South West and middle ring historic suburbs. The current members include, but are not limited to, the Ashfield and District Historical Society, Balmain Association, Burwood and District Historical Society, Cooks River Valley Association, The Glebe Society, Haberfield Association, Hurlstone Park Association, Lungs of Leichhardt, Save Lilyfield and Save Marrickville. The alliance formed in response to the NSW Government housing plans – the TOD program as well as the Diverse and Well-located Homes reforms.

We note that there is widespread concern about the above combined plans – from residents, community groups, historical societies, council planning staff, academics and peak organisations in housing, heritage and architecture. We note that concerns about these plans is so widespread, and there is such consensus among groups from diverse disciplines and areas, that this cannot simply be dismissed as NIMBYism, alarmist or ignorance about the plans.

The consensus position from concerned parties can be summarised by the following points:

- these plans will not result in a good supply of quality, affordable housing
- land use deregulation, and relying in the private market, will not guarantee supply or affordability, and has multiple negative impacts – on heritage and local character, local amenity, green space and even affordability and equity; in other words the plans risk doing more harm than good
- government investment, and the reform of taxes and grants, is required to address housing inequity
- the best planning solutions are strategic, local and community-based

Addressing the Terms of Reference (ToR):

ToR 1. (a) (ii) and (iii)

(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:

(ii) the 31 Transport Oriented Development Program precincts where the Transport Oriented Development Program State Environmental Planning Policy (SEPP) applies

(iii) any of the 305 Sydney Trains, Sydney Metro and Intercity stations within the Six Cities Region which were considered as part of any of the Transport Oriented Development Program locations.

The Residents Action Coalition is concerned about the preferential targeting of stations in the Inner West/Inner South West of Sydney. This is a corridor with significant built heritage and it also already densely built compared to the rest of greater Sydney. Property prices are already above-average and premium prices paid by developers will further inflate them. The area is ranked 16/29 for green cover compared to similar places across Australia.

We note that the department claims an “evidence-based” approach was used to choose the stations including “ planning, infrastructure, and spatial data, along with expert advice and feasibility analysis” and “capacity to support additional growth.” Did this advice take into account other opportunities and constraints such as:

- Public school capacity to grow
- Local public healthcare facilities
- Local green space and tree canopy
- Average house and unit price
- Local and state heritage listings, HCAs and Distinctive Neighbourhood Characteristics
- The community’s attitude to accelerated growth and already thriving precincts
- The presence of sporting and leisure facilities
- Whether the LGA had already achieved or was on track to achieve housing targets
- The current density of the area?

Despite its density, and rich heritage values, the Inner West and Inner South West corridor has been targeted more than any other area for redevelopment. 10 of the 18 TOD tier 2 stations are in this corridor (from Ashfield to Berala and North Strathfield and from Dulwich Hill to Wiley Park). These areas will suffer double the impacts – from the TOD and the low and medium density plans. All of these stations are state-heritage listed apart from Berala which has a local listing. Many are surrounded by important HCAs, heritage items and distinctive local character.

Sydney Rail Network Map

April 2024 Edition



Above: The Tier 2 TOD stations in Sydney have been highlighted on this map. Half of the stations occur within a small area within the Inner West/South West and surrounds, some of the most densely urbanised areas outside the CBD, and rich with history and local vibrancy.

Croydon, as an example, is one of the 31 TOD tier 2 stations chosen and is an important heritage precinct in Sydney. It is in the Burwood LGA, an area that has already exceeded previous state-mandated housing targets (even before already approved DAs for more units have been completed). Croydon Station sits on The Strand, the most important, and one of only 2 remaining intact federation shopping strips left in Sydney. One new development on The Strand would destroy this heritage value.

We do not believe that suitable alternatives for uplift in supply have been considered under the TOD tier 2 program. To illustrate this, the following table compares Croydon Stations (a TOD tier 2 site) with Narwee (not chosen).

	CROYDON	NARWEE
Heavy rail top city	22-31 mins	30-47mins
Road to city	17 mins	27 mins
Bus to city	No close option	30 mins to city
Heritage values	The Strand – 1 of only 2 intact federation shopping strips left in Sydney + suburb has significant intact HCAs and many heritage-listed dwellings	Only 1 heritage listing – the railway station
Housing density per sq km	2267 (Burwood/Croydon)	1462 (Beverly Hills/Narwee)
Population density	5726 (Burwood/Croydon)	3312 (Beverly Hills/Narwee)
Median price 3BR house	\$2,065,000	\$1,389,000
Median price 2BR unit	\$780,000	\$547,500
Community support for the plan	No	Possible – a local FB group is calling for revitalisation

Above: This table compares Croydon, in chosen as a stage 2 TOD station with Narwee, which was not chosen. Narwee was an arbitrary choice (as it appears Croydon was). (Source: live transport directions on google, profile.id, realestate.com, Department of Planning LEPs).

The Blacktown Mayor has publicly declared support for the program, while CBCity and IWC Mayors have not, yet Blacktown, which has a much lower density then these LGAs, is not a TOD station.

Why not chose precincts that are supportive of development, lack significant heritage constraints, and are already more affordable? This could create “thriving” places, rather than destroying already thriving places like Marrickville (one of the “coolest” neighbourhoods in the World).

Council	Dwelling density
Sydney	4,626
North Sydney	3,713
Waverley	3,487
Inner West	2,418
Burwood	2,276
Woollahra	2,159
Canada Bay	1,964
Lane Cove	1,650
Randwick	1,647
Mosman	1,540
Georges River	1,524
Bayside	1,477
Willoughby	1,390
Ryde	1,375
Strathfield	1,305
Parramatta	1,272
Canterbury-Bankstown	1,210
Cumberland	1,143
Hunters Hill	931
Fairfield	666
Blacktown	561
Ku-ring-gai	537
Northern Beaches	413
Sutherland	273
Liverpool	255
Campbelltown	203
Penrith	201
Camden	196
The Hills	166
Hornsby	123

INNER WEST ... 4th HIGHEST DWELLING DENSITY IN NSW. Note the density of Blacktown, where the council is supportive of the housing plans.
(Table complements Clr J Stamolis, IWC)

ToR 1 (d) (f)(h)

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

(f) information control protocols relating to the Transport Oriented Development Program policy (g) property disclosure requirements and management

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

The consultative process of the TOD has not just been poor, we believe it has been so compromised that the whole process should be halted until there is a probity review. Many community groups only realised in mid-late January 2024 that Housing and TOD plans had been quietly released some time in December 2023. Shockingly, it appeared that councils, who long been the default consent authorities for planning and housing were also caught by surprise.

There was little information made available about any of the housing plans, and much of the information was generic and non-specific. There was no mechanism made publicly available for residents and community groups to make submissions into the TOD plans which were to commence their roll-out in April 2024! This was despite the absence of any comprehensive SEPP document. We found this extraordinary.

While we acknowledge that community consultation about such SEPPs is at the Planning Minister's discretion, the process for the TOD was shockingly undemocratic and biased. Member groups of the Residents Action Coalition were furious to learn that one new "community group" from the Inner West, Sydney YIMBY, had been "invited" to lodge a submission to the TOD WHILE EVERY OTHER WELL-RESPECTED, WELL-ESTABLISHED COMMUNITY GROUP FROM THE INNER WEST HAD BEEN EXCLUDED. Sydney YIMBY, a new, small group, has been actively lobbying against heritage protections in the Inner West and is the only community group for the area that Premier Minns has openly engaged with.

Who we are

**SYDNEY
YIMBY**



10 Feb

Transit-Oriented Development Submission

Earlier this year, Sydney YIMBY submitted to the NSW Government's consultation on their Transit-Oriented Development Program.

These planning reforms will deliver 185,000 much-needed homes in communities with existing infrastructure, around metro and heavy rail stations.

The best place for new homes is near existing transport infrastructure, because it allows people to live near where they work and shop. This reduces urban sprawl, and car dependency, which is critical to address both the housing and climate crises, and to improve people's quality of life.

This is best-practice planning policy in action.

Part 1 (the Accelerated Precincts Program) comprises eight station precincts, including Bankstown, Bays West, Bella Vista, Crows Nest, Homebush, Hornsby, Kellyville, and Macquarie Park. This will be zoned for medium-to-high-density up to 1200m from the station.

Part 2 (the "TOD SEPP") comprises a new State Environmental Planning Policy (SEPP) will apply new planning controls to within 400 metres of 31 station precincts across Sydney and greater NSW.

Our Submission

Our submission raises five key issues for the State Government to consider:

1. Master-planning of the 8 station precincts under Part 1 of the program should be as ambitious and consistent as possible, with a minimum of 15-storey buildings permitted directly at stations, and a minimum of 5 storeys permitted on all relevant lots within the 1200m radius.

Sydney YIMBY posted information about TOD on their webpage on 10 February 2024 and boasted that earlier that year they had lodged a submission, when most well-established community groups were not even aware of the program's release.



Summary of Recommendations

Sydney YIMBY appreciates the invitation to make a submission on the NSW Government's Transport Oriented Development (TOD) Program. As a grassroots pro-housing group, we greatly welcome the announcement that housing is the NSW Government's top priority.

Too many of Sydney's train stations are surrounded by multi-million dollar detached houses. This makes housing more expensive, and makes our city less environmentally and financially sustainable. The proposed TOD program is a good first step at addressing the decades of poor planning that have led to this outcome. However, it is only that- a first step. If NSW is to meet its target of 377,000 homes over the next 5 years, further significant rezoning and planning reform will be needed.

In order to ensure that the TOD program delivers the maximum benefit, Sydney YIMBY recommends that:

- 1) Master-planning of the 8 station precincts under Part 1 of the program should be as ambitious and consistent as possible, with a minimum of 15-storey buildings permitted directly at stations, and a minimum of 5 storeys permitted on all relevant lots within the 1200m radius.
- 2) Height limits and FSRs for areas affected by Part 2 of the program should be increased to 30m and an FSR of 4, and developers should be able to choose one of these standards to apply, allowing greater architectural flexibility and supporting high-quality development.
- 3) We particularly welcome that the new controls will apply in heritage conservation areas (HCAs), and recommend that DPHI monitor development applications in these areas to ensure that HCAs are not an impediment to additional housing.
- 4) DPHI should use this program to develop capacity to deliver similar rezonings and master-planning on a consistent, rolling basis. To this end, DPHI should shortlist further station and town centre precincts that are suitable for additional development, and work with other agencies to identify priority infrastructure that would unlock additional precincts for development.

Part of Sydney YIMBYs TOD submission, thrilled at the prospect of heritage losses in the Inner West

Email communications from the department of Planning about this issue confirm that some selective groups were indeed invited for input into the TOD plans. It is not clear if these were some of the "experts" involved in developing these plans; Sydney YIMBY are certainly not a peak body or expert group. This is the email communication thread:

1. The Department of planning was asked if community groups were able to make submissions to the TOD. Customer Service Enquiry (P-874927)
2. Response from housingprogram@dpie.nsw.gov.au 14 March "The department has not invited any community groups and landowners/developers to make submission on the Transport Oriented Development (TOD) program so far. This is to ensure

equity and transparency across the TOD Tier 1 precincts. Sydney YIMBY may mean that they would appreciate an invitation to make a submission on the TOD program. Community groups, landowners/developers will be able to make a submission during the Public Exhibition later in the year.

3. My response: "thanks for the response. This is what Sydney YIMBY states on their website: "Earlier this year, Sydney YIMBY submitted to the NSW Government's consultation on their Transit-Oriented Development Program". The submission was dated 10 Feb. So am I right in believing that this was not received, or else it was dismissed?"
4. Response from housingprogram@dpie.nsw.gov.au 21 March: "Apologies for the confusion, earlier this year there was a targeted consultation period organised with peak industry, planning, professional, community and environmental groups. We meet regularly with Better Planning Network, a peak community group, who provided the Department with a submission. Additionally, the Department recently met individually with every council, both staff and elected officials, affected by the TOD program. During these sessions, councils provided strong advocacy on behalf of their communities. We continue to work closely with affected councils and as such I encourage you to continue to raise your concerns with your local council. As previously mentioned, formal submissions are invited later in the year during the public Exhibition period. In the meantime I encourage you to visit our website <https://www.planning.nsw.gov.au/policy-and-legislation/housing/transport-oriented-development-program> for updates as the master planning work progresses and public exhibitions are undertaken."



The Premier has been happy to closely associate himself with the pro-development, anti-heritage group Sydney YIMBY (Post from December 2023).

To our knowledge, no community groups, environmental groups from the Inner West, and member groups from the Residents Action Coalition, were invited to be involved in the development or consultative phase of the TOD, apart from the pro-developer, anti-heritage community group Sydney YIMBY. We believe this is grossly undemocratic and a great injustice, and it erodes any faith that this project is evidence-based, fair or correctly targeted.

We would like to know about:

- the process for recruiting community groups and peak organisations into the early consultation phase of the TOD – who chose the groups and what discussions took place?
- how this consultation process shaped the TOD station selection and SEPP
- what involvement developer lobby groups had in formulating the TOD plans

ToR 1 (i)

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

For the Residents Action Coalition this is their major concern.

The information about TOD provided so far is generic and simplistic. Despite choosing many important heritage precincts for TOD tier 2 uplift, one small poorly-worded paragraph relates to the character of these precincts:

“The changes proposed will result in significant change in these locations as additional housing is delivered. But it is important to work together to embrace the transition that will occur as the character of these locations evolves. The new planning controls will apply in heritage conservation areas. However, a merit-based assessment will continue to apply to developments in these locations and relevant heritage controls will apply to the extent they are not inconsistent with the new standards”.

The official position of the NSW Office of Environment and Heritage is that our heritage is valuable and should be protected for future generations:

“Heritage includes the places, objects and stories that we have inherited from the past and want to protect for future generations. It gives us a sense of our history and provides meaningful insights into how earlier generations lived and developed. It also enriches our lives and helps us to understand who we are”.

These plans contain no detail on how heritage will be managed; indeed, the heritage of the areas chosen is not even acknowledged. This is heritage denial. This is not evidence-based planning. This is rushed planning to enrich developers.

We are concerned that the historic Inner West/Inner South West and surrounds has been more heavily targeted for TOD 2 uplift compared with anywhere else in Sydney, and stations with rare heritage values, such as Croydon, have been chosen. Just one new development on The Strand, Croydon, will destroy its particular heritage value as one of only two remaining intact Federation shopping strips in Sydney.

With the exception of Berala, with a local listing, the TOD 2 stations along this corridor have state heritage listings due to unique and rare features. Croydon station is surrounded by remarkably intact HCAs, Marrickville has several state-listed items, Canterbury has Bethungra House and the Sugar Works close by, Ashfield has multiple local listings but the areas to the north of the station will be vulnerable from TOD 2 and Dulwich Hill has many fine houses and intact heritage street scapes within 400m of the station.

One could conclude from these plans, which will apply pattern-book development to areas with heritage items and heritage conservation areas (HCAs), and apply to precincts with rare heritage values chosen as TOD tier 2 stations, that the destruction and diminution of our built heritage, particularly in the Inner West, is one of the aims of the housing plans. The preferential treatment of the Sydney YIMBY group, and the close relationship of the government with the developer lobby sector certainly indicates this.

There is no definitive evidence that heritage protections significantly affect housing supply or affordability, attributes subject to a range of factors. Indeed, for similar reasons, more permissive zoning is a contestable mechanism for the supply of good quality, affordable housing.

The Inner West is characterised by its heritage-rich streetscapes, small groups of shops, industrial precincts and socio-cultural values that have their own expressions across our varied suburbs. While many suburbs are “well-located” in terms of transport options, it is the built and socio-cultural character of these suburbs that attracts both residents and visitors. Our neighbourhoods are much more than houses around train stations, and our heritage worth more than the knock-down-rebuild value.

ToR 1 (k)

(k) the impact on localised environment and amenity values caused by the Transport Oriented Development Program

We are concerned that only \$520 million has been set aside to address local infrastructure affects across the 31 TOD tier 2 stations. We do not see how this money will provide more public schools or classrooms, hospitals or hospital beds, aquatic centres and recreational facilities, bus routes, parks, libraries, increased tree canopy cover, EV charging stations, active cycle ways and so on.

We are concerned that increased development will lead to increased congestion of local roads and on-street parking which already impacts local residents. Every week-day, for example, the street along the railway line leading to Croydon station is full of parked commuter cars.

Increased, unregulated development will lead to the loss of backyards, gardens and trees. This bad news for insects, birds, reptiles, possums and people. These plans do not consider the local effects of climate change. Increased local flooding is likely from the increase in hard surfaces on new developments.

Locally inflated prices are likely due to the premiums paid by developers for land in desirable locations. This will mean some locals will be priced out, especially those needing affordable housing.

For individual home owners left behind in areas that are developed there will be impacts on privacy, quiet enjoyment, house value and solar access, as well as the grief at the loss of local character in the street, neighbourhood or centre, often the reason for them living there in the first place.

ToR 1 (l)

(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

We believe that the housing plans are missing opportunities for development that will not involve heritage demolition, and opportunities to celebrate heritage.

The sympathetic revitalisation of Parramatta Road, which links Camperdown to Strathfield, is one example. It has wonderful heritage – the remnant stone bridge at Stanmore, the Goodsell Buildings at Annandale, the exciting vista of St Andrews Summer Hill as you descend Taverners Hill, the gardens of Yasmar and the remarkable array of Vienna Secessionist shops crying out for restoration, to name but a few.

There are opportunities to build over railway lines, to enforce the development of vacant lots and address Zombie DAs, to disincentivise vacant homes and to provide public housing on open sites left in the wake of WestConnex and metro work. And there are areas of Sydney which have low density and little heritage. All options should be explored and prioritised before developers start demolishing solid historic homes and the places we all love.

Why not prioritise development in areas where people would welcome it, where councils are on board, where revitalisation is wanted...and create thriving neighbourhoods?

ToR 1 (o)

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

The combined effects of the TOD and Diverse and Well-located Homes reforms will be devastating to the historic built form of the Inner West and surrounds, and to all areas throughout the 6 cities regions with Distinctive Neighbourhood Character and Heritage values.

The National Trust says of these combined plans:

The current one-size-fits-all housing reforms put forward by the NSW Government are the biggest threat to the heritage of NSW that have ever been proposed.

and

These reforms are so wide-ranging in nature that they extend far beyond any requirements to increase the housing of NSW

While it is important that the management of heritage items and HCAs is much more carefully addressed in the TOD and low and medium density housing plans, we do have real concerns about the general local character of the Inner West and surrounds being impacted by the ad-hoc development encouraged by pattern-book plans. The forced council amalgamations and other political pressures have resulted in the stalling of updated heritage appraisals, so places like Marrickville have lots of intact heritage-rich streets that lack local protection. CBCity only has 2 suburbs, out of more than 30, with HCAs and so Canterbury's heritage assets are under-protected.

The importance of Distinct Neighbourhood Areas has largely been ignored in this conversation and we think that the recognition of this, and addressing this in SEPPs, will be a vital part of retaining the character of historic areas of NSW. The Inner West is full of many places that lack formal protection but are nonetheless highly valued by residents and visitors for their particular character. It may be that heritage assessments need to be reviewed. The need for increased housing should mandate that planning controls are strengthened, not weakened, so places remain attractive and liveable.

Some areas in our area, like Haberfield (already bastardised by the West Connex project), Balmain, Ashfield and Lewisham, have long-standing Heritage Areas (HCAs) and listings while others, such as Hurlstone Park, have only recently had their heritage values recognised. Areas like Lilyfield and Marrickville are rich with Distinctive Neighbourhood Character, but are not necessarily protected through HCAs due to stalled assessments of HCAs when councils were amalgamated.

We have been concerned about comments from the Premier and the Minister for Heritage about "deciding what we keep and what we lose" and deciding what is worth keeping. While it was shocking for all of us to witness the demolition of, say, Willow Grove and The Royal Oak in Parramatta, and the swathes of heritage-listed homes in Haberfield, it is just as disappointing to have everyday streets full of local character incrementally destroyed through unsympathetic knock-down rebuilds. We believe that the heritage of NSW is an asset of the people. It should remain accessible to the people. Currently people in NSW can own a house with history, or visit a friend in one, or rent an Art deco unit, or have coffee at a small group of Federation shops or walk down a heritage streetscape. We do not want our urban history diminished for developer profit, leaving only the rich and influential to live in grand mansions and estates, or people to only access heritage on television's period dramas and open days.

These combined housing plans ignore any evidence-based approach to heritage treatment. Because of new housing construction over the years, the *proportion* of heritage dwellings

and areas in Sydney and NSW is continually shrinking; this makes what is left even more precious. There will always be development, but once our heritage is lost, it's gone for good. One poor development in a heritage area has the potential to ruin the character of the entire street or precinct (The Strand at Croydon being a case in point).

These plans present a chance for developers, investors and large land-holders to make windfall profits, while offering nothing for the most vulnerable in the community – the homeless and those on public housing waiting lists.

The plans encourage ad-hoc development; they ignore the principles of good urban planning and heritage management. The broad-brush approach, which disregards local character, local amenity constraints, environmental considerations and negative impacts on existing residents, will create widespread poor planning outcomes. Indeed, these plans contain reduced standards for tree canopy cover, landscaping, FSR, car parking and heritage management. Overall, they risk the liveability of the Inner West and surrounds. With accelerated housing development, the quality of urban density becomes even more important for every resident.

Heritage buildings and precincts across NSW should be considered an asset of the people, and something to be protected and managed well for future generations.

We hope that you will consider our multiple concerns about the lack of real affordability provisions in these housing plans, along with the shocking and real negative impacts on our diminishing stock and proportion of built heritage in Sydney and NSW

Yours Sincerely,

Marie Healy, for the Residents Action Coalition