

**Submission
No 203**

INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

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NSW Legislative Council, Portfolio Committee No. 7 – Planning and Environment: Enquiry into development of the Transport Oriented Development Program, by online submission.

I am writing to voice my strongest objection to the Transport Oriented Development (TOD) Program proposed by the NSW Government in the Transport Oriented Development Program publication and its companion document Explanation of Intended Effect: Changes to create low and mid-rise housing (both dated December 2023, and hereinafter referred to as the 'TOD housing reform proposals'), on the grounds set out below.

Although I write from the perspective of Lindfield (where my family has lived within a Heritage Conservation Area (HCA) since 2000), it is clear that these ill-conceived, "one size fits all" proposals will detrimentally affect all TOD precincts across Sydney.

I am not against high-rise per-se, I agree with Ku-ring-gai Council's current planning that includes suitable high-rise in and around the train stations. However, **I am against high-rise replacing heritage homes in Heritage Conservations Areas that have been specifically set aside to ensure the character of Ku-ring-gai would be preserved**, which is one of the reasons people seek to live in this area. Older suburbs were not designed for high-rise. The current infrastructure (water supply, sewer, electricity), schools, hospitals, and recreation were only designed for current population levels allowing for a slight increase. No planning has been made to address these alongside the TOD program. The TOD housing reform proposals are unbalanced.

My background includes growing up in the Western Suburbs, working very hard moving through an earlier tiny fibro cottage in Ryde and finally being able to afford our 103-year-old Heritage house in Lindfield which we have been restoring since purchase with major works occurring since 2020. Besides my professional IT career, I am a keen local historian, heritage photographer and family history enthusiast, who completes countless hours of local community voluntary work each week.

The TOD housing reform proposals respond to a perceived "housing crisis" in New South Wales. This has arisen as a direct result of the following factors:

- Current high demand for housing has caused continued growth in property prices, especially in Sydney, preventing many young Australians from buying or renting a home;
- Demand for housing is easily attributable to unsustainable levels of immigration (over 500 thousand people in the year to 30 June 2023 alone);
- Inappropriate foreign investment rules;
- Taxation incentives that encourage investors (both foreign and domestic) to acquire properties for wealth accumulation (including negative gearing);
- Investment properties remaining empty for long periods, and a majority of these investors prefer these houses to remain vacant and in "new" condition, which further reduces the available housing stock. Currently across all LGA's in Sydney there are over 163,000 dwellings unoccupied (SMH Jan 16, 2024, p.20);
- Lack of new State-owned Housing investment (known as "Housing Commission" homes) for those who need assistance in having a roof over their heads. Currently one suburb in Sydney of such

housing has over 2000 dwellings vacant and in need of refurbishment (this should be remedied as a matter of urgency). The Federal Government has set up a \$10 billion Housing Australia Future Fund where States can apply for funds for community housing. Has NSW State Government applied for these funds? These can be and should be used for public housing projects to increase the public housing supply. (SMH Jan 16, 2024, p.11). Public housing has been built in the past and has been successful at providing housing for those needing assistance, and should be provided again;

- Building industry needing to create constant and increasing demand for new builds. Often high-rise accommodation is not all offered for sale, thus creating additional demand despite more being built. This is an unsustainable approach to the industry. Sustainability should be the new way of thinking not Growth. Over 50% of new builds in recent times have structural defects. This is brought about by rushed deadlines and cutting corners due to the increased costs of construction (building materials, wages, etc).

The TOD housing reform proposals will not resolve these problems. Instead, a good place to start to fix the current crisis is having the NSW Government fixing those items mentioned above, and they should also lobby the Federal Government with all vigour to address the underlying causes of the “housing crisis”, as described above. This will fix the housing shortage whilst preserving the character of Sydney’s loved Suburbs.

The reasons to re-consider and the solution to the current housing crisis are listed below:

- **Current Low to Mid Rise Reforms will NOT solve the current housing crisis;**
- **Poor and Bad Town Planning;**
- **Reduced Housing Diversity;**
- **Heritage Completely Wiped Out;**
- **More Trees Gone;**
- **Urban Heat Impacts – Sydney Basin Heat Bowl;**
- **Strained Public Infrastructure;**
- **More traffic and congestion nightmares;**
- **Massive density increases;**
- **Windfall Profits for Developers – the only positive outcome;**
- **Affordable housing in Ku-ring-gai? ;**
- **Australian Geographical Nature; and**
- **Removing my right to live where I am.**

The above points are explained in detail below:

1) Current Low to Mid Rise Reforms will NOT solve the current housing crisis.

PROBLEM: Current housing crisis has been partially created as a direct result of POOR Federal Government Policy.

Specifically foreign investment, where non-residing foreigners are allowed to purchase a new property and leave it untenanted, either by themselves (as they are not residing in Australia), or by renters. This has a twofold undesirable effect:

- it pushes up housing prices, and
- it reduces the available supply of housing.

I have been made aware of this firsthand because of my volunteer services in the Ku-ring-gai area. I volunteer as a gardener for EasyCare Gardening, where for the past 12 years once a week I garden for elderly or disabled persons so they can stay in their homes instead of being forced into aged care. It is better for society, Government pockets and mental health for them to stay living independently.

Lots of these people are in townhouse or unit-style accommodation, and they comment on how isolated they feel as they are surrounded by vacant/unoccupied accommodation. I often go for walks around my area and have also noticed brand new, large houses being built, that are then sold and lay unoccupied, not for a short while but seems endlessly vacant.

SOLUTION: Simply set a date and end this practice.

DO NOT ALLOW foreigners who do not live in Australia to own property. Set a date by which they must have the property sold to a residing person or confiscate the property from them. This will immediately open up properties to supply and over-fill the shortfall of properties for the foreseeable future.

2) Poor and Bad Town Planning.

PROBLEM: New housing estates **NOT** containing Low to Mid, and High-rise housing options.

Why are the new areas across Sydney (e.g. Kellyville, Schofields, Oran Park Town, Marsden Park, Menangle etc), being opened for housing, and then only contain the vast majority of 1 or 2 story stand-alone houses? Where is the town planning? Where are the apartment blocks of more than 4 stories? Where are the townhouses? Where are the terraces? Where is the medium and high-rise buildings? Instead of creating the opportunity to do this in the new areas where there is nothing to demolish or lose housing diversity in established suburbs, the State Government is selling people's choices out to developers (profit-making), instead of using common sense to include more of these types of housing in the new areas. That is nothing but POOR and BAD planning.

SOLUTION: Mandate that ALL new areas, and those not yet finished, include Low to Mid, and High-rise housing options.

There is one opportunity to get this right and it's the newer areas that should have the mix of housing correct from the very beginning. Those new areas that do not include this mix of housing should be targeted to include this mix and housing choices.

3) Reduced Housing Diversity.

By creating the proposed housing "solution" close to transport corridors, it applies a "one type fits all" housing solution, making every suburb have the same look and feel. It removes and reduces the choices of housing for the different stages of life, work-life balance, health choices and own choice of what to live in and where and the desired surroundings. There would be no difference if one chose to live in Haberfield, Meadowbank or Lindfield – they would all look the same, so it wouldn't matter where you lived. I see this as attacking democracy by taking away people's right to choose the type of housing they live in and where they live.

People should have choices of what they want to live in and where they want to live. Not everyone wants the same thing. We live in a democracy, and giving people choices is what a democracy is all about. The Government **MUST** listen to the people. Housing affordability is only one part of the puzzle. According to 2021 census data, 77% of Sydney's dwellings are apartments and units. (SMH Jan. 19, 2024, p.24). Surely then the remaining 23% being free-standing houses (including heritage houses) provides a suitable mix of housing choices. So why are we threatening heritage homes?

This is my story and how this decision directly affects me: My husband and I live in a beautiful period home, which is now under threat by the new TOD housing reform proposals. We specifically purchased our house which is now 103 years old in a Heritage Conservation Area in Ku-ring-gai as it is the “Green Heart” of Sydney. We love the trees and older Heritage Houses, which made us choose Ku-ring-gai.



This house, our home has been hard fought for. We both hail from Western Sydney. I grew up in a 2-bedroom fibro cottage in Yagoona, near Bankstown for the first 25 years of my life. My parents built their home, taking 9 years to finish it and living on site in a garage whilst they did so. Hubby grew up in West Pennant Hills. When we married, we lived in a 2 and a half bedroom fibro cottage in Ryde, where we lived for 15 years and worked until we could afford to live in Ku-ring-gai. We purchased our current home in Lindfield in November 1999, and have proceeded to restore this beautiful house to live another 100 years, only to find that our retirement plans here are in tatters. We borrowed and worked hard (I had 3 part time jobs whilst our 2 boys grew up, hubby worked 6.5 days a week). Our current house was purchased because of saving very hard. We didn't get it as a result of any financial help or inheritance. We got here through sheer hard work, which anyone can do if they really want something. We didn't splash money on new mod cons or cars, we had second hand things and looked after them. We still have some second-hand furniture and cars. In the past few years, we have completed a House History, two pre-DA's, a full DA (Development Application), and are now working on the final few of 51 conditions to get our CC (Construction Certificate). This is to preserve our house for the next 100 years and the street-scape – the very reason why people move into Ku-ring-gai – for its trees, “green heart” and older character charm. Now we face losing our home. Which is VERY unfair, not to mention heart-breaking. And we are angry, very angry. Our home would be destroyed if this current proposal goes

ahead. We lose our dream house we have worked so hard for all our lives that we had planned to live out our retirement in, because of someone else dictating to us about where and how we live. This is neither democratic nor fair.

According to the NSW Treasurer Daniel Mookhey, “everyone having a right place to call home”. (SMH Feb 5, 2024, p.1) What about me? I am being coerced out of my house for the TOD housing reform proposals. I chose to live where I am because it is a single level house, suitable to retire in, close to transport and shops. Where am I supposed to live? In a stifling unit? Where do I park my caravan, classic and vintage cars? Where do my birds live? Where do I keep my orchids? I chose this house, and it isn’t right for anyone to make a decision on where I am to live but me.

4) Heritage Completely Wiped Out.

Destroying heritage whilst making every suburb have the same look and feel, thus it doesn’t matter where you live it is just endlessly the same. Ku-ring-gai developed along the road and rail lines and thus the majority of the area’s history is contained in small tracts, close to the main road and rail, some of which have been set aside to keep the look and feel of Ku-ring-gai. By affecting the Heritage Conservation Areas (HCA’s) so carefully planned by Ku-ring-gai Council, means that the development of Ku-ring-gai and its history is lost forever, along with the charm that attracts people to live here. Ku-ring-gai Council has not tried to save every old house, instead they have applied concerted effort and studies into the decisions to declare HCA’s, to conserve and preserve areas where the charm of old can be saved, whilst opening logical areas for increased mid to high-rise housing. We believe very strongly that Ku-ring-gai Council has the mix correct.

TOD document p.11 mentions “it is important to work together to embrace the transition” – so I am supposed to “embrace” the loss of my heritage home – the one I have worked so hard to own and live in all my life? That is **NOT FAIR**, un-Australian and honestly very RUDE!

The TOD document then goes on to say “*The new planning controls will apply in heritage conservation areas. However, a merit-based assessment will continue to apply in developments in these locations and relevant heritage controls will apply to the extent they are not inconsistent with the new standards*”. This is double speaking as elsewhere the new standards say they apply to Heritage Conservation Areas (HCAs) – as they are “inconsistent” with the new standards. Thus, EVERY heritage house, whether listed as State significant or locally significant can be demolished! This does not provide a “mix” of different housing types. This does not preserve the look and feel of any of the suburbs affected. This forces people to sell who would otherwise not sell and thus removes people’s choices of housing – this is not democracy.

Heritage houses provide housing diversity. They often provide for intergenerational living where two families reside in the same home. This is often the case in my area of Lindfield.

5) More Trees Gone.

This development will result in the loss of significant tree canopy (from 50% down to 7%) making Ku-ring-gai no longer the “green Heart” of Sydney and Sydney’s lungs. This in turn will also result in a significant loss of wildlife habitat, and thus the loss of wildlife as a result. The current Heritage Conservation Areas offer a wildlife refuge corridor which will be eliminated as a direct result of this housing proposal. The following is a list of the wildlife that inhabits and visits our home: Ringtail and Brush-tail Possums; Brush Turkeys (most consider these a pest, but they are protected); Bandicoots; skinks and lizards including

Blue-Tongues; species of native bees; Owls; King Parrots; Cockatoos; Rainbow Lorikeets; Kookaburras; Crimson Rosellas; Pobble-bonk frogs and lots of others not mentioned here. Wires cannot keep up with the injured wildlife as it is.

Trees also have positive benefits for the climate. In this age where climate change is a very worrying trend, society and town planners should be doing everything possible to retain mature trees.

“Green space and a connection to nature is vital for humans”, Daisy Turnbull. This is very difficult to achieve in a high-density environment. Sydney’s results in trying to balance this is unimpressive. It is about time Government thinking heads towards a stable and sustainable population level, as keeping expanding forever is not possible.

6) Urban Heat Impacts – Sydney Basin Heat Bowl.

The significant loss of tree canopy creates a hotter outside environment for everyone to live in. This is evident in new suburbs being created, recently created, and created in the last 10 years - these are too hot for people to go outside, so they stay inside with their air-conditioners on day and night. This is the case for a dear friend who moved to Marsden Park during Covid, so I have had firsthand experience of this when visiting her. The climate will change, and become much hotter, affecting the way people live, adding to the greenhouse effect, and worse – Climate Change. Sydney will become too hot to live in.

There is a real need to fight climate change. One way to do this is to limit population growth as every additional person has a carbon footprint and a water need. Another way to help prevent climate change is to preserve existing trees and plant more. We can also reduce our carbon footprint by preserving existing buildings as their carbon cost has already occurred. Older heritage buildings were built in such a way that they don’t rely on air-conditioning to keep them cool and warm. E.g. double brick which is insulating and wide verandah’s which has a natural cooling effect thus they don’t need to run air-conditioning unlike new buildings (including new houses and units).

7) Strained Public Infrastructure.

All of the older suburbs targeted by the TOD housing reform proposals, do not have the infrastructure for overdevelopment. Overdevelopment will be the result of the TOD housing reform proposals in their current form. The strained public infrastructure affected includes: ageing water supply; challenged aging sewer system; ageing electricity sub-stations; at capacity heavy rail public transport; narrow roads; over-capacity schools; long waiting hospital emergency departments.

In Lindfield, the water supply has had its pressure reduced to protect the fragile pipes from continual rupture. So how are all the new proposed units going to get water from their taps up to 9 storeys high with this issue? There are numerous other suburbs suffering the same problem.

Warragamba Dam has only so much capacity to give water to Sydney residents. During the next drought unfortunately, Sydney residents will be on worse water restrictions than ever before due to the increasing population. Raising the dam wall is not a viable solution. Restricting population growth is the only solution. Thus only so much new housing is needed.

Frequent sewer overflows especially during heavy rain are a common occurrence in older suburbs.

Infrastructure – trains on the North Shore Railway are already at capacity with trains across the harbour bridge full during peak and flowing one after another every 5 minutes being constrained by necessary safe-working conditions, and allowing times for disembarkation and embarkation, there is no more capacity to transport any additional people living in the area.

The TOD documentation has many inconsistencies throughout it. I would like to see the analysis document of the 305 Sydney train stations, as the decision to include more development over and above that already identified as appropriate by Ku-ring-gai Council, shows a clear lack of anyone from the analysis team of trying to catch a train during morning and afternoon peak hours at Roseville, Lindfield, Killara and Gordon Stations; where these trains are at capacity and there is no further ability to increase capacity.

Local schools are already hundreds of students over capacity. Where is the MUST needed extra schools, hospitals etc, going to be to support and look after this population increase? It has not been thought of or planned = BAD PLANNING.

8) More traffic and congestion nightmares.

Roads and buses are also affected by an increase in population. Metro will do a little from Chatswood onwards, but from Roseville to Hornsby the heavy rail is at capacity. Because the rail is crowded, a lot of commuters choose to drive to get to work etc, the roads are almost at gridlock now, so imagine the impact of more cars as a result of increased housing density.

There are already traffic issues for those collecting/depositing children to local schools.

Highfield Road (where my house is located between two schools) is already a through road for cars from Lady Game Drive heading towards the Chatswood and the City. During school drop-off and pick-up times, the traffic congestion here is already bumper to bumper – at a stand-still with long queues and barely crawling, and all people living in the street have learnt to try and avoid entering or leaving their property during these times as it is next to impossible to do so safely. This will only get worse with the planned population increase, and it is only a matter of time unfortunately till a small child gets hurt or worse as a result of this poor planning.

9) Massive density increases.

There are associated negative effects on people with massive density increases. Squeezing housing into every available spot, often taking over green space or sporting complexes (e.g. Evergreen Tennis Centre in Dee Why is now “Evergreen Gardens”, a town house complex; the current loss of lawn bowling clubs by increasing rents, etc), creates fewer recreational activities available for the population to be involved with. This mostly results in bored youth and increases anti-social behaviour and other undesirable issues, like drug taking (we have had our front garden hose cut several times for disaffected youth to make “bongs”).

The TOD document p.6 and p.9 mentions “Good design” however this is not the experience of recent developments using the existing Apartment Design Guide. Need I mention Mascot Towers, Opal Towers, Macquarie Park units, the twin 12 and 18 storey apartment blocks in Wollongong which currently cannot be fixed despite the builder throwing another \$37 million at the buildings. Building anything under such a tight deadline as this TOD document proposes is only going to result in cut corners and will result in lots of unliveable dwellings.

“Build up not out” (SMH Mar.7, 2024, p.12), however the problem is that young folk want a house, not a unit. According to a Bankwest Survey, 60% of Australian’s, prefer to live in a free-standing house, which is the Australian Dream, and consider apartments are for investors. Houses on the outskirts of Sydney are far cheaper than a unit will ever be closer to Sydney and are far more appealing to young first home buyers.

10) Windfall Profits for Developers – the only positive outcome.

Developers will make money on this plan as will the government from sales and collecting the stamp duty. However, the Government will still earn money from stamp duty if vacant houses from foreign investment is stopped as these houses/homes will enter the market for sale. There are plenty of appropriate development sites already targeted for years to come for developers to make money from without destroying the unique character of Ku-ring-gai. All the vacant dwelling across Sydney, create a perceived housing shortage which benefits who? – the developers.

“A big risk from the rushed TOD program is that it will make housing less affordable by spiking existing land and house values, and offering windfall gains to existing property investors”. (City of Sydney Greens Councillor Sylvie Ellsmore, SMH 10 March 2024 p.10).

One has to ask about Developer’s interests, and how these relate to the current housing crisis. It is actually in the Developer’s favour to create and keep creating a “housing crisis” so they are assured of bigger and bigger profits and plenty more to keep building. Keep building at what costs? When do we stop? When the only buildings in Sydney are all high-rise? Heritage needs to be a part of Sydney’s housing future. (SMH Jan 16, 2024, p.20).

20% of NSW State’s property developers are “risky” (SMH Jan 19, 2024, p.1) reported by Building Commissioner David Chandler. Development companies are set up with as little as \$1, build and then disappear often leaving building issues that are expensive or not possible to fix.

Developers are not the only ones to make \$, but MP’s too who act on the knowledge of the planned changes before the plans are made public. (SMH Feb, 10, 2024, p.1). This amounts to the same sort of thing as insider trading and has been referred to ICAC as it should. This MP should be fined at the very least for this corrupt behaviour.

11) Affordable housing in Ku-ring-gai?

How are you going to deliver affordable housing in Ku-ring-gai? The land is dearer, building costs are more expensive everywhere. So just how do you make the 3 extra units in each high-rise block affordable? Do you cut developer profits for these? I can’t see any developer being happy about this. Then how do you decide which purchaser gets to buy the cheaper units? And when these get sold again, who will regulate the next purchase, so it is still affordable housing? The concept is good but completely not thought through properly. Are you going to offer affordable housing in Vacluse? Kirribilli? These suburbs also have suitable public transport corridors.

Young people need to work hard to improve themselves. Working hard to afford a better place to live is a good goal and is very achievable, but not if they want every mod con (latest iPhone, new cars, new

furniture, all streaming services), some sacrifices need to be made. If everything in every suburb is the same, why bother trying to improve?

Under Part 1 of the TOD Program, Affordable Housing p.5: establishing this close to jobs – travelling to work was always necessary for us to afford our housing no matter where we lived. It is no different today. Increasing the height and number of floors to create this additional so-called “Affordable Housing” means 9 stories not 6 as otherwise stated throughout the document.

The current median house price in Lindfield is \$3,790,000 and unit price is \$1,347,500 (SMH 10 March 2024, p.7), which is **not** prices that any first home buyer can afford. Building more units here will not reduce the price to an affordable level, as it will simply increase demand, and this will increase the prices yet again. The underlying cost of the land plus building costs will work towards keeping purchase prices out of reach of first home buyers. First home buyers have to expect to start further out where they can afford and travel to work (this is the experience of most people in living in Sydney, including every person I know and ourselves).

People complain about current interest rates – however one should remind them and the government that in the 1980s and early 1990s the interest rates when we were purchasing our first house was between 16 and 17%!

If the State Government is serious about affordable housing, then the following options should be looked into:

- Elon Musk’s \$10,000 affordable housing;
- Tiny houses / big living – featured in a current TV series;
- Self-contained portable housing (e.g. that found in modern caravan and camping parks).

These types of housing can be provided for in sections of newer areas where the land is cheaper (and no heritage to destroy) and will be of a price that young first homeowners can purchase, and pay off quickly, then being able to live and save for their next step into a bigger home without the current financial stress. This adds to the housing mix and choices whilst giving everyone no matter their financial circumstances, a chance to have a roof over their head.

12) Australian Geographical Nature.

De-centralisation can help accommodate more people, but this is not being encouraged, and it should be. Albury/Wodonga is the prime example of how decentralisation can work successfully. Covid has proven that people do not need to travel into the city to work. Moving businesses out of the city and into new regional hubs is a very cost-effective solution and will offer cheaper housing choices for those starting out and for those choosing a rural yet modern life style. This increases housing and work/life balance choices. The proposed policy does not.

Where is it going to end? Australia is a predominantly DRY continent with only the seaboard capable of supporting large centres of population. Each person has a carbon footprint and a water need. As a country we are fast approaching FULL. It’s time in the interests of global warming that we slow or reduce to zero – population growth, or by default we will continue down the path of climate change till we destroy the very thing we live on – the planet. Thus, there is only a finite number of dwellings required.

“SUSTAINABILITY” is or should be the new norm, not growth. The adage “you can only fit so much into a jar” is true of Sydney. It cannot grow out or up endlessly, lest it becomes a place too hot, too difficult to get around and uninteresting to live in.

13) Removing my right to live where I am.

The current policy if implemented will force me out of my house – removing my choice to live where I choose – this is not democracy, it’s Communism!

I oppose any high-rise or medium density housing in or near any of the Heritage Conservation Areas in Ku-ring-gai regardless, even if it is within 400m or 800m of the railway station.

The TOD housing reform proposals were put out in December as discussion papers however there has been no notice or opportunity for discussion until society showed they were unhappy with it. ALL planning changes affecting Sydney residents NEED to be discussed by those affected. The NSW Planning minister should not have the power to impose any changes on society without proper due diligence, public notice, discussion and input from those affected.

Our home is our Castle!