

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

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Partially  
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28 March 2023

Sue Higginson MLC  
Chair, Inquiry into the Development of the  
Transport Oriented Development Program  
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Dear Madam Chair

**Inquiry into Development of the  
Transport Oriented Development Program  
Submission period closing 28 March 2023**

Thank you to Parliament and your committee for undertaking an inquiry into and reviewing the Development of the Transport Oriented Development Program, and its associated Low and Mid-rise Housing program, and for this opportunity to make a submission.

It is a grim reality that more and more planning policy development, decision-making, and implementation by the NSW government is being made behind closed doors, with no real public consultation, nor access to the relevant departmental and ministerial staff by communities, residents, and public interest groups.

Meanwhile, however, privileged and private access to ministers and senior bureaucrats is available to commercial and private interests and their well-paid lobbyists.

This has only added to a general sense of disconnection and alienation from government planning processes and decision-making felt by many in the general community.

The development of the Transport Oriented Development Program (TOD) and the associated 'Changes to create Low and Mid-rise housing' exemplifies this, and indeed all that is wrong in current NSW government planning processes and decision-making.

Our submissions about the development of the Transport Oriented Development Program, and the associated Low and Mid-rise Housing program, are as follows:

**Lack of consultation**

1. There was no consultation with communities prior to the release of the proposals. If looming changes were being talked about in some media prior to the release of the proposals in January, this was without any information, let alone consultation mechanisms, being directed at communities, residents, and public interest groups.
2. Whoever the Minister and the Department did engage with, it was not with the affected communities, residents, and public interest groups.
3. When the planning proposals were suddenly made public, this was done:
  - a) during the January school holidays;

- b) accompanied by minimal local information;
- c) without any practical opportunity for Councils to hold information sessions for their communities and for those communities to become informed and understand the impacts;
- d) with only a very short period of time during which submissions to Planning NSW could be prepared and submitted.

#### **Heritage overridden and discarded**

- 4. A grave aspect of the proposals is the over-riding of any heritage listings and now gazetted heritage conservation areas (HCAs). In Ku-ring-gai, even by the 1990s, such was the extent and quality of the built heritage and natural environment that there were, with minor exceptions, no HCAs in place – back then none were ever thought necessary.
- 5. Once government-imposed residential densification planning policies emerged in the mid-1990s, the process of gazetting of HCAs commenced. This encountered obstruction from developers and planning bureaucrats. It became a very difficult and drawn-out process, in which the planning department effectively suspended all HCA preparation by Council, until widespread over-riding rezoning planning policies (Local Environmental Plans – LEPs) for medium- and high-density development had been drawn up, gazetted, and in place. This fractured process took some twenty years.
- 6. Effectively, Planning NSW gave priority to the apartment-block developers. The parts of the original proposed Ku-ring-gai HCAs which survived and made it through to planning approval and are now in place by gazettal are very limited - but all the more essential in retaining what remains of Ku-ring-gai's exceptional built heritage and associated natural environmental setting: the houses and streetscapes which define the local communities, and are an irreplaceable urban and environmental asset for Sydney.
- 7. It thus should be unthinkable that new planning proposals could now over-ride heritage listings and heritage conservation areas (HCAs).

#### **Tree canopy and natural environment losses unsustainable**

- 8. Independent studies describe Ku-ring-gai as an environmentally sensitive zone. The tree canopy and broader natural environmental setting of Ku-ring-gai's suburbs is the reason Ku-ring-gai is often described as Sydney's "green heart". However that vital environmental and climate contribution is rapidly being sacrificed under the impact of existing zoning densification LEPs, as the visibly dwindling tree canopy attests.
- 9. These cumulative losses are already unacceptable, given the current understanding of environmental and climate sustainability. The now proposed up-zoning changes will have a cumulating and multiplying effect on those existing degradations. Yet none of these inevitable incremental and cumulating environmental impacts from the current proposals have been assessed or studied. This is a serious omission.
- 10. Our submission is that, as in the case of previous environmental studies, such studies would highlight that there is no environmental capacity for further residential densification on the scale of the current proposals.

#### **Unused existing apartment capacity**

- 11. As noted above there are in place existing residential densification LEPs, with unused capacity which caters for future growth, as Council data has shown. However the TOD and related housing proposals will allow developers to cherry-pick choice sites in the latest round of

rezonings – maximising the urban degradation of local areas for no net benefit in terms of housing supply.

12. Moreover many new apartments are acquired, directly and indirectly, by overseas investors for land-banking, being simply left empty for indefinite periods – some for years - for eventual resale as (still) new apartments, while benefitting from the capital growth.
13. These are very poor planning outcomes, highlighting the distorting effect of misconceived one-size-fits-all rezoning planning proposals, unresponsive to local planning constraints and needs.

### **Housing diversity**

14. Not unrelated to this is the ongoing loss of the finite stock of single dwellings through constant rounds of rezonings for high-rise. These are permanent losses of this category of housing stock. There is no housing diversity or choice when planning proposals are all directed to the same outcome: demolition of single dwellings and their replacement with high-rise. In Ku-ring-gai there are 84 schools and pre-schools, yet the current planning proposals will cause yet more losses of single dwellings, the most needed category of housing for families with children.

### **Saturated infrastructure**

15. Previous traffic and transport studies have shown that many of Ku-ring-gai's roads are at capacity or in excess of capacity. Around railway stations commuter parking reaches deep into surrounding residential streets, often restricting driveway access, causing bottlenecks in morning and afternoon peak periods, and adding to the peak traffic movements around the schools and pre-schools. Peak-hour periods have become longer, and weekends have long traffic saturation periods. Traffic and infrastructure studies, if done for the current planning proposals, would show this.

### **Conclusion**

16. The development of the latest NSW Government Proposed changes to NSW Housing Policy ignored democratic processes and lacked transparency at a basic level.
17. The proposals themselves are blunt, insensitive, and unresponsive to local needs, and a recipe for planning chaos.
18. There have been multiple government planning policy changes for rezonings and increased housing densities in Ku-ring-gai and Sydney generally over the last 30 years. Diversity of housing across Sydney's various traditional residential areas, in terms of single dwellings, has been continually one-dimensional – their attrition as a category of housing.
19. In Ku-ring-gai the cumulative loss and degradation of the built heritage and natural environment, not least the unique tree canopy, is plain for all to see. Far from enhancing or even contributing in some way to heritage values and streetscapes, these latest proposed changes, given their extreme nature and scope, will further degrade Ku-ring-gai's remaining heritage and environmental setting.
20. The Government needs to urgently reconsider its current Housing Policy course, provide proper information and disclosure of data being relied upon, allow objective planning studies, and engage in meaningful consultation with communities, residents, and public interest groups.

21. Government planners must work with local communities, not against them, and recognise and accept local planning constraints where they exist.
22. In the meantime the current proposals should be withdrawn.

Yours faithfully

(Address supplied)