

**Submission
No 206**

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

Name: Ms Barbara Coorey

Date Received: 14 April 2024

13 April 2024

The Chairperson
NSW Parliament
Committee No 7
NSW Upper House Inquiry
Macquarie Street
Sydney NSW 2000

BY EMAIL ONLY:

Dear Chairperson

Re Transport Orientated Development Program TOD1, TOD2 and Mid to low rise housing changes (the Planning Package)

I refer to the abovementioned and I provide this submission as the former Deputy Mayor of Canterbury Council and as a current Councillor of Canterbury Bankstown Council.

I make the following submission and observations in total opposition to this planning package:

1. The writer express concern at the timing and methodology of such an announcement by the NSW Department of Planning of such a controversial radical planning package and the exhibition period afforded to affected property owners being over the Christmas New Year period of 2023/2024.
2. It is to be noted that the only part of the package that was subject to the exhibition process (for property owners and interested parties) was the the Mid to low Rise Housing Changes which were exhibited from 15 December 2023 to 23 February 2024.
3. It is understood that over 8,000 submissions have been received by the NSW Department of Planning for this exhibition with the majority of submissions in opposition to the proposed changes.
4. No procedural fairness has been afforded to any of the property owners affected by this massive rezoning proposed for almost 70% of Sydney Metropolitan suburbs stretching from Newcastle down through to

Wollongong. The requisite 28 days exhibition to affected property owners pursuant to Environmental Planning Assessment Act 1979 has not occurred.

Dwelling Targets and irregular projections

5. No data exists as to how many dwellings out of the projected 377,000 dwelling target over a five year period are to be attributed to each Local Government Area of Sydney Metropolitan.
6. The exhibited Program documents provide the following breakdown for dwellings capacity:

TOD1 **47,800** (to be provided over a 15 year period)

TOD 2 **138,000** (to be provided over the next 15 year period)

To note that no figure is attributed to the Changes to Mid to Low Rise Housing except to state the following on page 7 of the exhibited document:

In August 2023 National Cabinet endorsed a new national target to build 1.2 million new well located homes to help align supply with expected demand over the next 5 years. In line with its relative population share of the National Accord target. NSW has committed to deliver at least 314,000 new homes by 2029 with a stretch goal of 377,000 new homes.

It is also concerningly unclear as to what contribution to the dwelling figures (from each part of the Program) that NSW will achieve in relation to the overall figure of 377,000 dwelling target by the 2029 target commitment made at the August 2023 National Cabinet.

It is also unclear how many dwellings are to be attributed to the changes as outlined to the Mid to Low Rise housing changes as no dwelling data has been provided in the exhibited documents to this part of the reform package.

No information is provided as to what the addition of Campsie to TOD 1 and the addition of 6 stations (including Belmore Lakemba and Punchbowl) would have on the overall dwelling figures of 377,000.

Of major interest is the fact that there is no mention as to which part of the program package will achieve the 377,000 dwelling target in the 5 year period.

7. The writer calls on the NSW Department of Planning to release all modelling (as provided either for in the Giraffe and or CAD analysis) for the dwelling figures as articulated in the exhibited documents and for the parts of the program whereby the dwelling figures have not been provided.
8. Furthermore the link for the Greater Sydney Regional Housing Activity at [www.planning.nsw.gov.au/Research-and Demography/Research/Housing-Monitor-Reports](http://www.planning.nsw.gov.au/Research-and-Demography/Research/Housing-Monitor-Reports) has been disconnected during the later part of 2023. This data source had the net dwelling completions and approvals for each LGA since 1984.

Data at this link will show that for example the Canterbury Bankstown Local Government Area was allocated 50% of the total dwelling target for the South District Plan for the period 2016 to 2021. This figure of 13500 dwellings was achieved in full.

The writer calls on the NSW Department of Planning to republish this link as a matter of urgency and in the interests of transparency.

9. The writer is concerned at the apparent flawed and false argument raised by the NSW Department of Planning and the Minister in relation to the need for this massive One Size Fits All planning changes which virtually usurps the role of Local Councils in local planning matters.
10. It virtually punishes local councils such as Canterbury Bankstown which have met their housing targets.
11. The writer is aware that the district boundary changes have been altered (re allocation of new dwelling targets) and CB Council has now been placed within the District covering Penrith Blacktown and Parramatta to which there is absolutely no common ground on either geographically or socio economic wise.
12. The writer is not aware of any report or consultation that was held with Canterbury Bankstown Council in relation to the District boundary changes that occurred during the latter part of 2023 with the repeal of the Greater Cities Commission which was dissolved on 1 January 2024.
13. The methodology by which some of these planning and housing changes are to be implemented are via State Environmental Planning Policies (SEPPS) which require no notification and or expert study reports for justification. It is believed that this methodology is ultra vires .
14. The introduction of SEPPS by Parliament were not designed to circumvent the Gateway Determination and other provisions for rezonings of this type

and scale to produce as alleged by the Government some 377,000 homes – that is mostly units.

15. If this was the case then the Minister must move urgent amendments to the relevant sections of the Environmental Planning And Assessment Act 1979 to repeal the Gateway and associated provisions as a matter of urgency.

New Suburbs added to the Package post exhibition Stage

16. On 12 April 2024 the NSW Department of Planning announced that the suburbs of Belmore Lakemba and Punchbowl (in addition to the suburbs of Wiley Park and Canterbury announced with the original TOD 2 program in mid December 2023) would be added to the TOD 2 Precincts list of railway stations where the SEPP will apply which will allow residential flat buildings with a maximum building height of 21 metres and no minimum lot size or width with a floor space ratio of 3:1.
17. On Saturday 13 April 2024 the government announced that the suburb of Campsie (in addition to the suburb of Bankstown announced in mid December 2023) would be added into the TOD 1 Accelerated Precinct program.
18. It is to be noted that the media and planning reports that Canterbury Bankstown Council requested the inclusion of these extra 4 stations in the program. It was not the elected body as there was no quorum to consider the Council submission for the package. The delegation was given to the CEO to submit the submission and in fact the CEO and the executive of the CB Council made the submissions and the elected body had absolutely no input. A resolution was requested (from the writer at the council meeting) to forward the submission to the Local Planning Panel for deliberation and this was lost.
19. The inclusion of the suburbs of Canterbury Campsie Belmore Lakemba Wiley Park, Punchbowl and Bankstown in the *planning package* are a **third attempt** by the NSW Department of Planning and it seems Canterbury Bankstown Council to densify the Sydenham to Bankstown Corridor and convert low rise residential suburbs into high rise concrete canyons.
20. The first attempt was with the announcement of the Sydenham to Bankstown Urban Renewal Strategy whereby the suburbs of Canterbury Campsie Belmore Lakemba Wiley Park Punchbowl were to be upzoned within a 400 m and 800 m radius to create concrete towers to provide patronage for the Metro. The strategy was state led and was the subject of

expert reports ranging in thousands of pages of reports placed at various times of exhibition to affected property owners.

21. Planning powers were handed back to the councils in the Corridor in June July 2018 to make the planning proposals themselves. This is considered the second attempt. This has resulted in the Canterbury Bankstown Council preparing various Masterplans at great cost to the ratepayers to the tune of tens of millions of dollars to prepare Masterplans for Bankstown, Punchbowl, Lakemba Belmore Campsie and Canterbury.
22. The Masterplans for Bankstown and Campsie have been delayed due to allegations of maladministration and misconduct by all parties concerned in the making of such plans.

It is these very masterplans that the Department is touting as relying upon to assist in the rezoning process.

Inclusion of Campsie will make it one of the densest suburbs on earth

23. Based on Council population figures of 2019- Campsie currently has 27,007 persons living in a suburb of 3.37 kms – this equates to 9313 persons per sq kilometre.

The Campsie Masterplan prepared by Canterbury Bankstown Council will bring in another 20,000 plus more persons to make it 47,000 persons which will give it a population density of approximately 14,000 persons per sq km.

The City of New York currently has a population of 10,636 persons per sq km.

The City of New York has Central Park and Campsie has a very small park in Anglo Road Campsie to cater for the current 27,007 and there is no other public recreation area within walking distance to cater for public park open space recreational needs.

The above analysis is just an example of how little thought has been applied to the infrastructure needs of expanding Campsie(and all the other suburbs nominated in the package) any further.

No public recreational facilities exist in forms of public parkland and play areas for young children.

No traffic analysis has been undertaken together with the underground water and sewage requirements which the writer knows for a fact have not been upgraded for decades and would not be able to cope with any further densification of the suburb.

Heritage Ignored on all attempts to densify the Corridor including the War Services Homes.

24. What has been of great concern with the previous attempts to densify these suburbs is that the heritage and character of the streetscapes and homes have been continuously ignored despite the huge body of evidence to retain these homes.
25. The suburb of Belmore is a garden suburb consisting of low rise single storey homes many of which are post war federation Californian bungalows which have been restored.
26. Belmore is also an area whereby the first war services home was built in Australia at 32 Kennedy Ave Belmore with a foundation stone unveiled on 21 July 1919.

The following are excerpts from an article written by Lesley Muir and Brian Madden, in 2009 on the history of Belmore :-

The area is part of the traditional land of the Bediagal people. From 1880 speculators began to buy farmland in the area south of Cooks river.

As the first stage of the railway to Liverpool, the line from Marrickville to Burwood Road opened on 1 February 1895. The railway station at Burwood Road was named Belmore. The railway was extended to Bankstown in 1909.

Early suburban houses in Belmore were built on Blossom Farm, just north-west of the railway station, subdivided as the Terminus Estate in 1895 and on estates around Canterbury Road near the St George Hotel, opened in 1893. The choice of location for schools and churches at Belmore North and Belmore South reflected this early settlement pattern.

The vacant paddock of St Clair Farm north of the railway was briefly used as a coursing ground after the railway was opened.

In the centre of Belmore, Redman's estates and Collins' Clear, immediately north east and south of the station were not subdivided until 1911; the shortage of subdivision land near the railway meant that Campsie Shopping Centre was established much earlier than Belmore...

Around World War 1 Federation style houses were built on the large suburban blocks at Redmans Estate for professional men and senior public servants.

After the war many returned service men settled in Belmore. The first home to be financed by the War Services Homes Commission was built for Private Frederick Baxter and his English wife Nellie at 32 Kennedy Avenue Belmore in 1919. Many more War Services Homes were built

between 1920 and 1925 especially in the Towers Estate and at Belmore North and Belfield, where the men found work in the new railway yards at Enfield opened in 1916.

The following are excerpts from A Pictorial History of Canterbury Bankstown by Joan Lawrence Lesley Muir, Brian Madden 1999.

The War Services Homes Scheme was introduced as an important part of the repatriation measures. Between 1919 and 1920 the War Services Homes Commission acquired large areas of land including estates at Belmore, Belfield Lakemba and Bankstown to construct houses utilising its own staff.

The plans were often of distinctive design, planned by architects to create a comfortable atmosphere in which the returned serviceman could bring up his family.

The war service home estates represented some of the earliest and most successful urban design projects in Sydney creating neighbourhoods where each of the houses blended in to form a pleasant streetscape reminiscent of an English village.

Belmore retains much of its early twentieth century Federation and interwar California Bungalow housing stock and four large areas, including Redman's Estate, The Towers Estate and Belmore Shopping Centre were classified by the National Trust in 1999 as Urban Conservation Areas.

It is these very areas that are now being proposed within the 400 m and 800m radius to be upzoned as part of TOD2 for high rise units. They are to be demolished and replaced with high rise development for the Metro to create the patronage and to create homes for the young people and teachers, police etc.

27. Records from the Department of the Valuer General, NSW obtained by the writer reveal that streets such as Cleary Avenue, Belmore Avenue, Redman Parade, Peel Street had the War Services Commission listed as the owners of the homes.

Many of these streets are within the 400 metre radius and earmarked for demolition. Many of the homes remain intact are in excellent condition and fully renovated and restored.

28. The homes in Acacia and Myall Streets Belmore are also in excellent condition and fully restored by their owners – the homes being excellent examples of post war Federation Californian bungalow homes.

29. The writer also notes that at Burwood Road Belmore is a Department of Housing building with a plaque with the Honourable Clive Evatt KC dated 15 November 1947- Minister for Housing which was constructed to provide 32 dwellings for war services veterans. This is also earmarked for

demolition being within the 400 metre radius of the railway line. This building remains intact.

30. There has been no analysis of the historical nature of the suburbs of Lakemba, Campsie, Canterbury and Punchbowl but believe that the areas earmarked are worthy of retention and preservation.
31. Canterbury Bankstown Council actively pursued the making of Hurlstone Park as a conservation area and a similar strategy should be pursued for the suburbs of Lakemba Belmore Campsie and Canterbury.
32. The writer encourage the Department of Planning to support the making of such conservation areas.

Patrick Fensham

33. It is noted with interest on page 93 of “A Plan For Growing Sydney” dated December 2014 and endorsed by the previous Minister for Planning & Environment that :

The Government will :-

assess the heritage significance of urban renewal sites and incorporate appropriate heritage protection into the precinct’s planning controls and encourage re – use of heritage.

assess the potential for additional housing to be located in heritage conservation areas in Sydney, without compromising the protection of heritage significance; and apply the best practice guidelines in the ICOMOS Burra Charter and the NSW Heritage Manual, which require detailed research of the history and development of an area to establish heritage significance, balanced against an assessment of where growth should go and how this should impact on heritage significant buildings.

34. The writer would be pleased to be advised as to how the Department has complied with this Charter in the development of the Planning Package as exhibited

35. National Trust Conservation Areas and Department of Planning and Heritage – Departmental sponsored report recommends HCA’s

The architectural firm – Robertson and Hindmarsh prepared a study in February 1996 for the National Trust examining interwar housing in 20 Sydney Local Government Areas and in 2 NSW country local Government areas.

The funding for the study was allocated in 2 stages pursuant to the National Estates Grants Program and was administered in NSW by the Heritage branch of the NSW Department of Environment and Planning.

The study concluded that Ku ring gai LGA and Canterbury LGA had the highest number of identified precincts being 23 and 24. The National Trust listed eighteen Urban Conservation Areas in the former local government area of Canterbury in 1998 and 1999. Very detailed maps were provided in this report to the department which recommended HCA's for many of the areas that are now proposed to be upzoned and demolished.

These maps and photos of the beautiful homes affected will be forwarded to the Committee members shortly for their perusal. This was a study overseen by the NSW Department of Environment and Planning. It carried their endorsement and must be adhered to.

36. It is now these very areas (in the suburbs identified within the 400 and 800 metre radius in the former local government area of Canterbury and Kuringai) that are earmarked for massive upzoning of between 4 to 6 (and up to 8 and more) storeys and ultimate demolition.

Patronage for the Metro

37. It is the writers view that the Planning package and the new inclusions of Belmore Lakemba Punchbowl and Campsie (which reiterates the Sydenham to Bankstown Urban Renewal strategy and the CB Council Masterplans after the abandonment of the Strategy in 2018 by Department of Planning is simply to create patronage for the Metro (re conversion of the T3 Line to Metro) as on current figures patronage does not exist for the Metro on the T3 line.

Infill Proposal the Largest of its Kind in Modern World

38. The proposal represents the largest infill style of development ever undertaken by any post war country. Evidence of the enormity and magnitude of this infill project is referred to in Patrick Fenshem's " Responses to a New Growth Paradigm in Sydney" presented at an event on 22 August 2017

This event was under the auspices of the **Planning Institute Australia's (PIA) Planning Reform Series** (of which one of the former Deputy Secretary of Department of Planning was also the President of the Board of Directors of the Planning Institute Australia)

Of particular interest is the use of the Sydney to Bankstown Infill example in the paper.

We draw your attention to pages 5 and 6 under the heading *Not business as usual...*

- **High rates of infill required (at 75% approx.. 25,000 per year)**
- **Strategies support development near public transport**
- **We're used to greenfield planning but we've never done this before (eg Syd to Bankstown reference to social infrastructure, p30**

- **The liveability of our cities is being challenged**
- **Concerns are not just NIMBYISM; communities are mobilising**

Also on page 9 of this informative paper under the heading *Mapping can assist visualisation...Access to Open Space and Recreation* where one can clearly see the low score for the Bankstown line for open space and recreation.

39. A further Paper titled *Urban Renewal Ensuring a liveability dividend* paper by Patrick Fensham Principal and Partner SGS Economics questions the wholesale development in reference to the Sydenham to Bankstown Urban Renewal Strategy and is relevant to the exhibited planning package.

From Page 3... Talking about urban renewal including the Sydenham to Bankstown corridor..

This significant shift in the settlement geography of our cities, at the scale proposed, is without precedent, certainly in Australia and probably anywhere in cities in the contemporary post-industrial era. It could be argued that it is occurring without much forethought as to what it means for equity, productivity, liveability and sustainability outcomes.

An insufficient current commitment to productivity, liveability and sustainability outcomes in renewal area planning

The concerns of incumbent communities where this sort of infill development is occurring are sometimes dismissed as NIMBYISM. Petty complaints about the impacts of modest redevelopment are often motivated by narrow self-interest. However, for some suburbs the renewal proposals represent a wholesale 'reworking' at much higher densities with hundreds of new dwellings per year.

In these cases the concerns of communities about what the redevelopment means, how the traffic and transport networks will cope, how street level amenity will be affected, whether there will be sufficient open space and whether schools and other social infrastructure provision will be sufficient, are entirely reasonable

It is interesting that the above comments of Fensham are highly relevant in relation to the exhibited documents but are barely addressed by the Department.

Conduct of the NSW Department of Planning

- 40. Conduct of the NSW Department Of Planning and Unresolved issues in relation to maladministration and alleged misconduct in relation to the making of the Canterbury Bankstown LEP 2023 and the Canterbury Local Environmental Plan 2012 (now repealed)**

The writer has expressed concern in various items of correspondence with the current Minister for Planning and his predecessor in relation to the making of the consolidated Canterbury Bankstown Local Environmental Plan gazetted in June 2023 in relation to alleged misconduct and maladministration.

The Department included in the Gateway Determination issued in February 2020 4 Local Area Plans (which were designed to upzone for 14,500 units) which had been been resolved by the Council not to proceed with in 2018 (via the Gateway) and had advised the Deputy Secretary of the NSW Department of Planning about .

The Department responded as follows to the writer in October 2023:

When the Consolidated LEP was first submitted for Gateway assessment in October 2019, it included limited documentation to justify the proposed amendments. During Gateway assessment, Council staff supplied additional clarifying information, such as the Local Area Plans. After reviewing this information, the Department identified the need for a consolidated planning proposal to be prepared to provide further justification and assessment.

The concern with this was that the motion of the Council body dated 24 September 2019 did not include any amendments in relation to the LAP's .

Documents obtained under GIPA **do not support the assertions** made above by the Acting Secretary and furthermore no documents were itemised in the Schedule to the GIPA for non disclosure which would have supported this assertion.

To put in a nut shell the Department acted outside of its jurisdiction hence the reluctance by the predecessor to Mr Scully to make the consolidated LEP.

The letter by Mitchell Noble of CB Council dated 11 October to the NSW Department simply states that there are no planning changes.

41. It remains a fact that 14,500 units were included in the making of the Draft CBLEP without a resolution of the elected body and without any notification to the affected property owners

42. It is also a fact that the former Canterbury Local Environmental Plan 2012 was highly flawed and upzoned for 44,000 dwellings without advising the various property owners of such.

The history of the flawed Canterbury LEP has been explained and discussed ad nauseum with former Secretary Carolyn McNally, Jim Betts and Michael Cassell.

43. It is a fact that the newly gazetted Canterbury Bankstown LEP 2023 now has embedded in it a potential for 14,500 dwellings to satisfy the 4 LAPS illegally included by the Department of Planning in the Gateway dated February 2020.

Added to this the former Canterbury LEP 2012 has a further 28,800 dwellings embedded in it per SGS Economics Report dated July 2017 *Canterbury Road Economic Analysis Stage 2 Final Report commissioned as part of the Canterbury Road Review* chaired by the NSW Department of Planning in response to the ICAC Operation Dasha allegations into the former Canterbury Council.

- 44. In a nut shell this is a total of 43,300 dwellings for the Canterbury Bankstown area embedded into the current combined Canterbury Bankstown Local Environmental Plan 2023.**

Detailed Mapping Prepared By Canterbury Bankstown Planning Staff show that the Department of Planning have not provided the true dwelling potential in the planning package.

45. Detailed mapping and analysis by Canterbury Bankstown Council Planning staff of the planning package estimate a further 100,000 dwellings will be added to the Local Government Area for potential construction . The figure of 14,500 units from the illegally included LAPs by the NSW Department of Planning and the 28,800 in the old Canterbury LEP plus the 100,000 in the new package mean that the CB Council will be allocated a record 143,300 dwellings to construct-

This represents 38% of the dwelling target allocated to NSW .

46. Due to detailed mapping and analysis of the CB Council staff it can be clearly inferred that the planning package is for more than 2 million dwellings as it affects 75 % of metropolitan Sydney.
47. The ABS statistics for 2021 show there are 3.364 million dwellings in NSW It stands to reason that if 75% were to be upzoned the figure must reach over 2.5 million extra dwellings as a bare minimum which does not take into account multi dwelling project.
48. The NSW Department of Planning must produce all of its modelling for the package in order to maintain transparency and the public confidence in what it is undertaking – which is a complete overhaul of how Sydney will look over the next 10-15 years going from a predominantly low rise city to

one of high rise towers that will dominate the streetscape of the suburbs throughout.

49. Infrastructure Compact Levy

The writer calls on the Minister for Planning to quell any concerns that an infrastructure levy will be imposed on property owners subject to the uplift to pay for infrastructure costs associated with the densification of the local area.

Conclusions

50. The writer continues to have concerns in relation to various serious allegations of maladministration and alleged misconduct in the making of the Canterbury Bankstown LEP 2023 and the making of the Masterplans for the suburbs of Bankstown and Campsie by both the Council and various members of the NSW Department of Planning.

These concerns which have been stated ad nauseum to the various Ministers for Planning appear to be ignored by the current Minister for Planning.

It is due to the very serious allegations and concerns that the writer has no confidence in the ability of the NSW Department of Planning to carry out effectively the proposed radical housing policy changes.

The writer seeks that no further dwelling targets be allocated to Canterbury Bankstown Council or any other council in NSW until the above is fully investigated and the Canterbury Bankstown LEP 2023 is repealed in full and newly made without the 43,300 dwellings embedded into it. The writer also seeks a suspension of the TOD program together with the Mid to low rise housing changes for the Canterbury Bankstown Council Local Government Area until a full investigation is conducted either by a retired Supreme Court Judge or a senior silk in all allegations pertaining to the making of the Canterbury Bankstown LEP 2023 and the inclusion of 14500 dwellings in the Gateway Determination in February 2020 for a planning proposal that was meant to have no planning changes in the council resolution and was meant to combine the Canterbury and Bankstown Local Environmental Plans.

Barbara Coorey

