

Submission  
No 210

## INQUIRY INTO DEVELOPMENT OF THE TRANSPORT ORIENTED DEVELOPMENT PROGRAM

**Name:** Name suppressed

**Date Received:** 28 March 2024

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Partially  
Confidential

## **Submission – Transit-Oriented Development SEPP**

Transit-oriented development is planning 101. Placement of homes to make use of existing infrastructure is sensible. But this **cannot** come at the cost of local character, and this proposed TOD SEPP is as reckless as it is rudimentary. It does not demonstrate any understanding of local character, heritage, or strategic planning principles. It does not demonstrate that any effort has been made to find suitable areas to accommodate additional development in consultation with the Councils or the community, and it is seemingly born out of a basic and clumsy desktop scoping exercise. This is a knee-jerk reaction to a wider systemic problem that has been accumulating for years and cannot be fixed by blanket controls that do not reflect the appropriate development for a locality. This top-down sledgehammer approach with no consideration of local conditions and heritage is appalling.

### **A well-considered approach is required**

The problem with rushing policy through as a knee-jerk reaction to a wider systemic issue of housing affordability is that policy is put into the public realm before its implications are fully understood. This has led to a lot of unnecessary community anger and unrest that would have been avoided if the proper studies had been undertaken prior to announcing this policy because it would not be progressing in its current form if proper planning had been undertaken.

As a town planner of over 20 years and a heritage specialist, working in local government and serving as a community representative on my Local Planning Panel, I can see that there are areas within the Burwood and Inner West municipalities that do have housing stock that is not worthy of heritage protection either as items or in HCAs and are well placed to accommodate additional dwellings, including the missing middle. But to make this into policy requires careful assessment of the local conditions, and consideration of flood planning, road networks, and heritage.

### **Additional height and FSR above the TOD SEPP changes the outcome**

There is the additional issue of the affordable housing bonuses of the Housing SEPP which would operate in addition to the provisions of the TOD SEPP and the Low-rise medium density provisions. In combination this has the potential to add 30% to the identified height and FSR of the TOD SEPP. I.e. to take the identified 6 storey buildings to 8 storeys with a minor and temporary (only 15 years) allocation of a set percentage as affordable housing.

### **Community consultant is utterly absent**

The lack of community consultation on this is galling. To limit consultation to councils and to do it over the Christmas period when resources are stretched is outrageous. It comes across as seeking to deliberately exclude the majority of the affected parties from the consultative process. It is contrary to everything local government is required to do when making even a small change to an environmental planning instrument and is hypocritical in the extreme in comparison with the requirement of most Gateway approvals for public consultation for Council initiated planning proposals to amend Environmental Planning Instruments.

### **Against the objectives of the Environmental Planning and Assessment Act 1979**

Public consultation should be commensurate with the magnitude of change which will occur to the character of our local areas. The lack of consultation in the TOD SEPP does not satisfy the objects of the Environmental Planning and Assessment Act 1979 Section 1.3(j) –“to provide increased opportunity for community participation in environmental planning and assessment.”

Given the impact on the TOD SEPP on heritage areas such as Croydon, Killara and the like, it also doesn't meet other objects of the Act, especially Section 1.3(f) - (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage).

### **A resident implores you**

Please don't progress this in its current form without giving the councils the time (and resources) to undertake the local strategic planning that will result in the provision of new homes without compromising the heritage areas that make these areas places that people want to live. Please don't sacrifice Croydon and other heritage areas because someone had an idea and didn't stop to think it through before forcing it into policy. Please.

### **Recommendations**

I have the following recommendations that I implore you to consider before bringing this into force:

- Exclude heritage items and heritage conservation areas from the TOD SEPP areas.
- Undertake local strategic planning studies to identify areas that can accommodate uplift without undue impact on the local character and to manage development at the transition,
- Revise expectations for housing delivery in the 400m/800m areas to appropriately reflect the land uses and their capacity to accommodate development – exclusions of schools and public recreation areas, and heritage areas,
- Revise the additional housing permitted under affordable housing provisions of the Housing SEPP and require the affordable units to be kept as affordable housing in perpetuity rather than the current 15 years,
- Apply “no net loss” provisions so that uplift genuinely provides additional dwellings rather than removing older, more affordable housing stock to replace with the same number or less of larger, more expensive dwellings,
- Allow the time and resources for appropriate local strategic planning to be undertaken by the affected Councils,

Yours sincerely,

Town planner, Heritage specialist and Croydon Resident