



Housing Reforms in NSW



Submission by the National Trust of Australia (NSW)

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Designing a dream city is easy; rebuilding a living one takes imagination.

Jane Jacobs

April 1958

Executive Summary

Housing and heritage can co-exist in NSW and together will make for a more liveable city with a definable character.

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.

The National Trust is calling for a more sensible approach to a legitimate problem and seek to highlight the very real unintended consequences of these blanket reforms.

In a recognised attempt to protect the state's heritage, the National Trust compiled its first register of historic places in 1946. Since then, our register has grown to over 13,000 places, and has formed the basis of later formalised heritage listings, including the State Heritage Register.

It was the NSW Labor Government of Neville Wran that introduced landmark legislation that protected our built, natural, cultural and environmental heritage. The *Heritage Act (1977)*, and the *Environmental Planning and Assessment Act (1979)* have provided a strong framework in which to assess the impacts of proposed development and balance them with the need to protect our heritage and unique environments. It is because of these measures that NSW has such rich built and natural heritage that today benefits all members of the community.

The need for strong and effective heritage legislation is obvious. As we are being made increasingly aware by the impacts of climate change and the need to think more sustainably, our heritage and our environment is a very precious thing. Whether it is a building or an ecosystem, once it has been destroyed it cannot be recreated. It is to prevent such irretrievable loss that our heritage has been identified and protected – until now.

The proposals that are being put forward in the NSW Government's *Transport Oriented Development Program* and *Diverse and well-located housing reforms* will have a dramatic and permanent effect on the heritage of NSW. These reforms are so wide-ranging in nature that they extend far beyond any requirements to increase the housing of NSW. They will affect all areas of NSW, in particular the *Six Cities Region* which extends from Bateman's Bay to Nelson Bay, and west to include the entire Blue Mountains World Heritage Area. They will involve non-refusal standards that turn off planning controls for environment and heritage considerations. This affects, through the Local Environment Plans and Development Control Plans, 43 Local Government Areas, that together contain around 20,000 heritage items - representing almost two-thirds of all heritage listings in NSW.

The National Trust recognise the need for more well-located housing in NSW, and the need for planning reforms to facilitate this, but we also strongly oppose the proposed “one-size-fits-all” approach to the planning system represented by this proposal that will have an unparalleled negative impact on the planning system of NSW – including impacts to heritage.

The National Trust recognise that there are many alternative ways to address this issue that can help ensure the very special character of greater Sydney and coastal NSW are preserved alongside this growth, including the fact that there are well over 150,000 unoccupied dwellings in Sydney alone. We cannot agree that the proposed changes will “build a better planning system for the future” or that they will “enable better planning that is led locally” when they in fact override the existing planning system completely and take away all ability for local input into planned growth. These changes will in fact have the opposite effect, taking away many locally-led controls aimed at preserving the character and amenity of local areas, and dismantling any effective heritage or environmental controls in the planning system of NSW.

If the proposals being put forward go ahead, previous plans to destroy The Rocks will pale into insignificance with the scale of heritage destruction that will be legitimised across NSW. The National Trust has calculated that the *Transport Oriented Development Program* alone will threaten 40 State heritage listed properties and 1,500 locally listed items that are near railway stations.

We urgently call on the NSW Government to maintain its election commitment to protect the heritage of NSW by ensuring that heritage protections remain in place as part of a legitimate planning system.

The National Trust:

- **Are deeply concerned that a one-size-fits-all approach will result in the loss of important natural and built locations across NSW.**
- **Notes that the non-refusal standards propose to turn off all heritage and environmental controls that conflict with the new legislation. This is the biggest threat to heritage since the Heritage Act 1977 and Environmental Planning and Assessment Act 1979 was introduced.**
- **Calls for existing heritage and environmental protections to remain and for heritage to play a role in new development, avoiding unnecessary demolition of many already liveable or adaptable spaces.**

Debbie Mills
CEO

National Trust Position

Our existing suburbs, which sometimes include heritage-listed places, make an important contribution to the character and sense of place in our local communities which will be critical to the success and enjoyment of these spaces as they develop into the future.

Our heritage needs to be seen as part of the solution, not the barrier, to creating vibrant places to live in the future.

It is the firm belief of the National Trust that these proposals, which lack any form of substantial detail, represent an over-simplistic “one-size-fits-all” response to one of the most complex, if not the most complex, issue facing our nation today.

The housing proposals as presented, will result in the greatest level of heritage destruction in NSW since the *Heritage Act 1977* was introduced by the Wran Government. This loss will be a permanent scar on our state’s landscape, and this undermining of heritage legislation will be unparalleled anywhere in the world.

The National Trust acknowledge the current need to address the housing crisis and note that the provision of transport and other key infrastructure is a vital component of planning which must also be undertaken in conjunction with any new housing.

The National Trust:

- **Does not support blanket rezonings and non-refusal standards which turn off all existing heritage and environmental controls, allowing for applications that will demolish and/or diminish local-and state-listed heritage items and heritage conservation areas and significantly reduce tree canopy and deep soil planting.**
- **Point out that some of the highest densities and greatest housing diversity in NSW are within Heritage Conservation Areas.**
- **Recommend that the NSW Government work with local governments “*to deliver planning and land-use reforms that will make housing supply more responsive to demand over time*” as required by the National Housing Accord (October 2022).**
- **Call on the NSW Government to recognise that heritage is a vital part of their intended desire to create “vibrant, sustainable and liveable communities”.**
- **Request that existing heritage controls are maintained to ensure new developments located in or near heritage items or areas, be sensibly planned.**

The need for housing

The National Trust recognise the need for more housing, but have grave concerns that the current proposal will sweep aside decades of planning work – including heritage protections – and leave our cities poorer than we found them for future generations.

Reform is needed, but we must do better.

The National Trust aim to illustrate that there are identifiable ways to achieve greater density, particularly in those areas already serviced by existing or planned infrastructure, without sacrificing the character of these places or removing all forms of heritage and environmental controls.

This is not simply about heritage. It has been estimated that approximately 80% of the current building stock in the world will exist in 2050, so it is essential for combating climate change that we work with these structures, including adaptive re-use. Whether heritage or not, our existing cities and environments can and must be part of the solution to the housing crisis.

The National Trust has chosen to respond, along with countless others, to the *Low-and Mid-Rise Housing Reforms* and the *Transport Oriented Development (TOD) Program* together. We note that the TOD proposal was not actually advertised for comment.

The National Trust acknowledge the following statements made in the proposals:

- There is a need for more housing
- Housing affordability pressures are affecting more households
- There is a need for a diversity of housing types
- In areas of new housing, the share of diverse housing types is declining
- Urban sprawl is expensive and unsustainable
- Infill development can be done well
- Areas serviced by town centres and public transport hubs are good places for homes

There are many components that can and must contribute to the solutions required to create more housing in NSW. As Alan Kohler has identified in his recent Quarterly Essay, *The Great Divide: Australia's housing mess and how to fix it*, the incredibly complex housing crisis is so much more than supply and planning approvals. *Land values, interest rates, rents, construction costs, house sizes, negative gearing, population growth, capital gains concessions, land banking, approvals banking, occupancy rates, vacancy rates, short term accommodation, lack of social housing, a lack of transport infrastructure, climate change.*

The National Trust has reviewed the responses of numerous local councils in relation to these proposals, many of which highlight current issues with housing supply. For example, approvals are currently in place for nearly 2,000 dwellings (1,974) in the Wollongong CBD alone that are yet to commence construction.¹

¹ Wollongong City Council, Ordinary meeting of Council, 5 February 2024

Heritage vs Housing

Heritage listing has been continually identified in recent media coverage as a barrier to housing and development. It is the firm opinion of the National Trust that heritage instead needs to be seen as part of the solution to the housing crisis, not the problem.

Housing is a vital part of a city's character and community. As well as providing a home for vast swathes of our population over many years, our existing suburbs are indeed places people want to live precisely because they are of high quality and amenity.



In Australia at present, we continue the appalling trend towards building the biggest houses in the world, going from an average of around 100 square metres in 1950 to about 240 square metres today. At the same time, the average number of people living in each household has been declining.



In June 2023 it was reported at a council meeting that Inner West Council had 8,152 unoccupied dwellings. The broader situation reveals that when all Sydney Councils are combined there are a staggering 163,740 unoccupied dwellings in Sydney. The impact of short-stay accommodation across NSW on the rental market has been well-documented.

The constant rallying cry for increased density ignores the fact that the most densely populated Australian suburbs are almost all in fact dominated by heritage conservation areas, with Elizabeth Bay, Chippendale, Rushcutters Bay, Ultimo, Potts Point, Haymarket, Pyrmont, Darlinghurst, Woolloomooloo, Forest Lodge and Newtown all leading the charge. Out of Australia's 20 most dense suburbs, 10 are within the City of Sydney local government area. In many areas, heritage is density.



Of 3.5 million total land parcels in NSW, less than one percent are listed as statutory heritage items. These include approximately 26,000 local, 1,600 state and 20 national items. (Figures are derived from data from the Heritage Council of NSW as of May 2010)

Heritage Conservation Areas

In their February 2023 report *What we gain by building more homes in the right places* (released after the Government's housing proposals were put on exhibition), the NSW Productivity Commission has identified (p.33) that policymakers should "Protect Sydney's heritage in a way that still allows renewal, diversity, and new housing supply" and that there is a need (p.41) to "balance heritage with renewal, diversity, and vibrancy."

The report goes on to note (p.42) that "preserving the city's heritage should not prevent our cities from meeting the needs of their current and future residents. We need a balanced approach that protects what is important, while allowing more people to live near and enjoy the city's heritage and valued locations. Density can achieve both goals."

Disappointingly, the report then goes on to claim that heritage conservation areas "cover at least half of the residential land in 50 suburbs across Sydney" and that this has "greatly reduced the amount of land available for new housing in Sydney's most desirable areas". The report then erroneously claims (p.42) that Heritage Conservation Areas "put swathes of land off-limits for new homes" and "restrict owners from redeveloping their land or undertaking significant extensions or renovations."

This is simply not the case, as the examples below from Elizabeth Bay highlight.



The new Omnia residential development (2018) by Durbach Block Jaggers Architects (above left) saw the adaptive re-use of the former Crest Hotel at 226 Victoria Street Potts Point as a new development housing 132 apartments. In 2009 the same firm completed the four storey "Roslyn Street" commercial building (above right) which included offices and a restaurant/bar.



Meanwhile, just up the road at 18-32 Darlinghurst Road, the recently approved Queensgate development (left) designed by Tonkin Zulaikha Greer Architects, is now underway which includes 48 new apartments, a 65-room hotel and ground floor retail across a number of buildings, including heritage items.

These real projects show what can be achieved.

All of these developments sit within the City of Sydney's Potts Point Conservation Area. They were designed to respond to their environment and approved by the relevant authorities. It is plainly untrue to claim that heritage listing and conservation areas prevent any new development – they are in place precisely to ensure *appropriate* development.

Heritage and housing can coexist

Our heritage buildings often provide an excellent example of how to achieve more housing, with the densest suburbs in NSW dominated by heritage conservation areas. In many of the most successful redevelopment projects, heritage has been at the very centre of creating new and vibrant communities.

There are many components that can and must contribute to the solutions required to create more housing in NSW, and heritage is one of them.

The 2021 Australia State of the Environment Report makes it very clear that our heritage is not adequately protected.² The report notes:

- Development is a key threat to heritage. It continues to have significant, negative impacts on both natural and cultural heritage. Stronger legislative heritage protection provisions, greater industry regulation in relation to heritage (proven to be effective where applied), and stronger and more robust feasibility, assessment and approvals processes are all needed to resolve these negative effects. Coordinated, collaborative and strategic approaches can engender genuinely sustainable approaches.
- Australia's diverse and widespread historic heritage is at a high level of risk from development, particularly from urban renewal and urban expansion. The ongoing failure of the statutory planning system to adequately protect heritage, especially historic heritage, and weakening of existing protections in some jurisdictions are impacting heritage conservation.

The current NSW Government proposal is unfortunately an exemplar of the ongoing threat of development. This is due to a failure in the statutory planning system caused by weakening existing heritage protections. As the report notes, however, applying well-considered heritage legislative protection as part of a collaborative and strategic approach can have genuinely positive results.

National Trust recommendation:

- **The building of new development around existing transport is justified, but blanket reforms will lead to inappropriate planning outcomes that could be resolved by continuing to acknowledge heritage and other relevant controls.**
- **The NSW Government should release the criteria used and the justification for the selection of “well-located” transport hubs identified in the TOD proposal.**
- **The NSW Government actively engage with local government – as required by the National Housing Accord – to understand the specific issues and previous planning work in each area, including heritage impacts.**

² <https://soe.dcceew.gov.au/heritage/key-findings>

The impact of the proposals

These proposals will have a devastating and permanent impact on the heritage of NSW.

Despite proposing some of the biggest planning reforms ever attempted in NSW, not a single plan has been provided by the NSW Government that shows the extent or scope of these impacts.

These reforms are very wide ranging in their application, and the documentation is confusing. These policies will, among a host of other changes:

- permit dual occupancies on all land zoned R2 in NSW
- introduce non-refusal standards to override LEP or DCP provisions
- turn off minimum site area and width standards in LEPs
- reduce front setbacks to a maximum of 6m
- allow greater density around railway stations and “Town Centre precincts”
- reduce car parking requirements.

It is not sufficient to claim (p.29 of EIE) that a “waste collection method to be detailed in Waste Management Plan” and “visual privacy to be managed through the proposed modified building and separation provisions” when all of these will apply to individual situations of varying complexity.

The National Trust recommend:

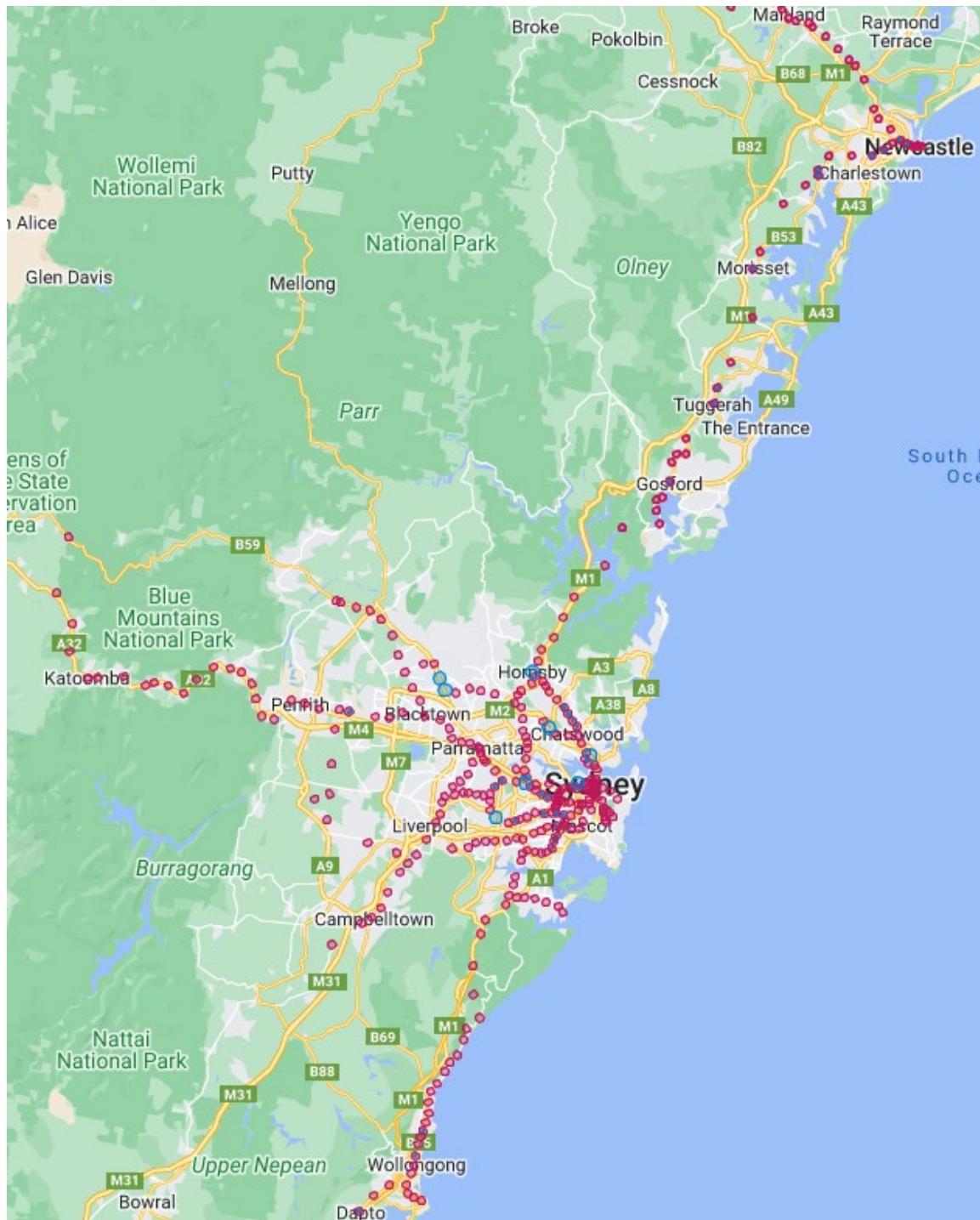
- **The NSW Government must recognise that a one-size-fits-all approach will result in unintended poor planning outcomes across NSW.**
- **Provide further clarity on the nature of the proposals, including exhibiting the draft SEPP.**
- **Take note of the comments received during this exhibition period.**

Lack of clarity

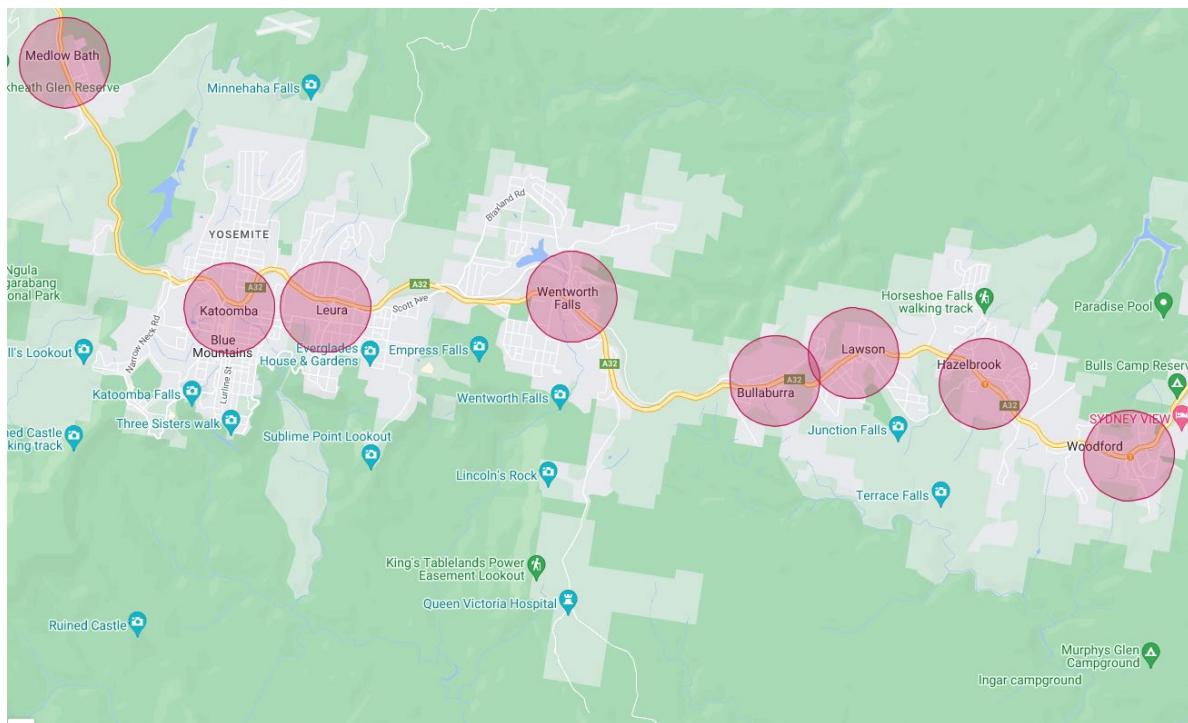
The NSW Government have not released a draft State Environmental Planning Policy (SEPP) for these proposals. The National Trust has reviewed in depth the *Explanation of Intended Effect: Changes to create low-rise and mid-rise housing* and *Transport Oriented Development Program* documents prepared by the NSW Government and released only in December 2023. These documents propose some of the biggest reforms ever attempted in NSW, but do not contain a single plan that shows the extent or scope of these impacts. The National Trust – a community-based charity – have attempted to understand the impacts of these proposals by drawing circles of varying radius around the affected areas.

Scale of proposals

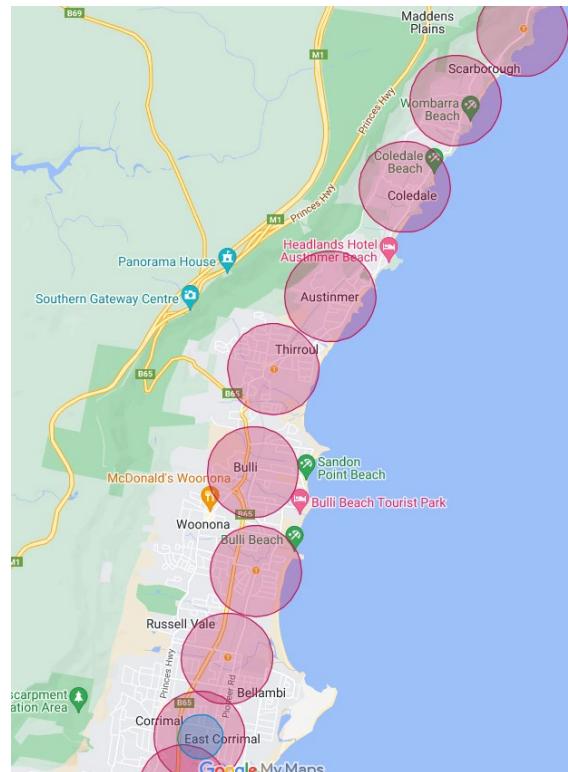
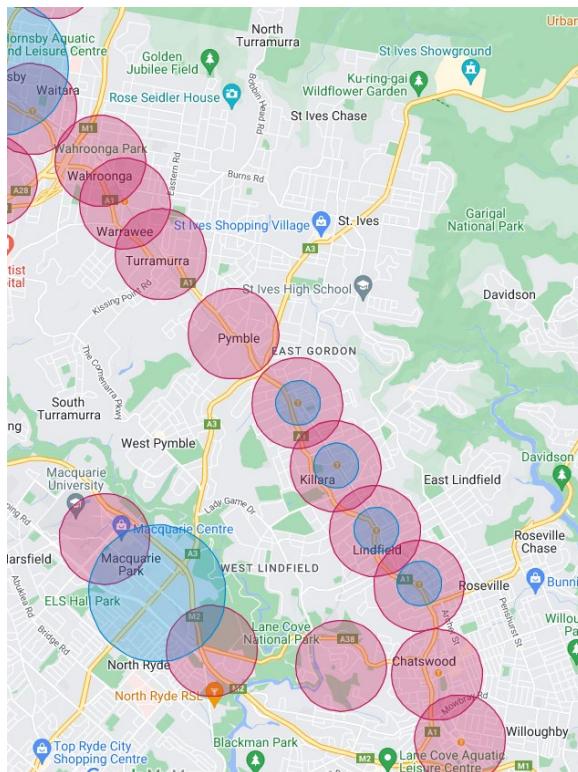
The affected station and town centre precincts are proposed to be within the “Six Cities Region” which covers 1/3 of the NSW coastline, across 43 local government areas. The National Trust has calculated that this will impact 2/3 of the heritage items listed in NSW.



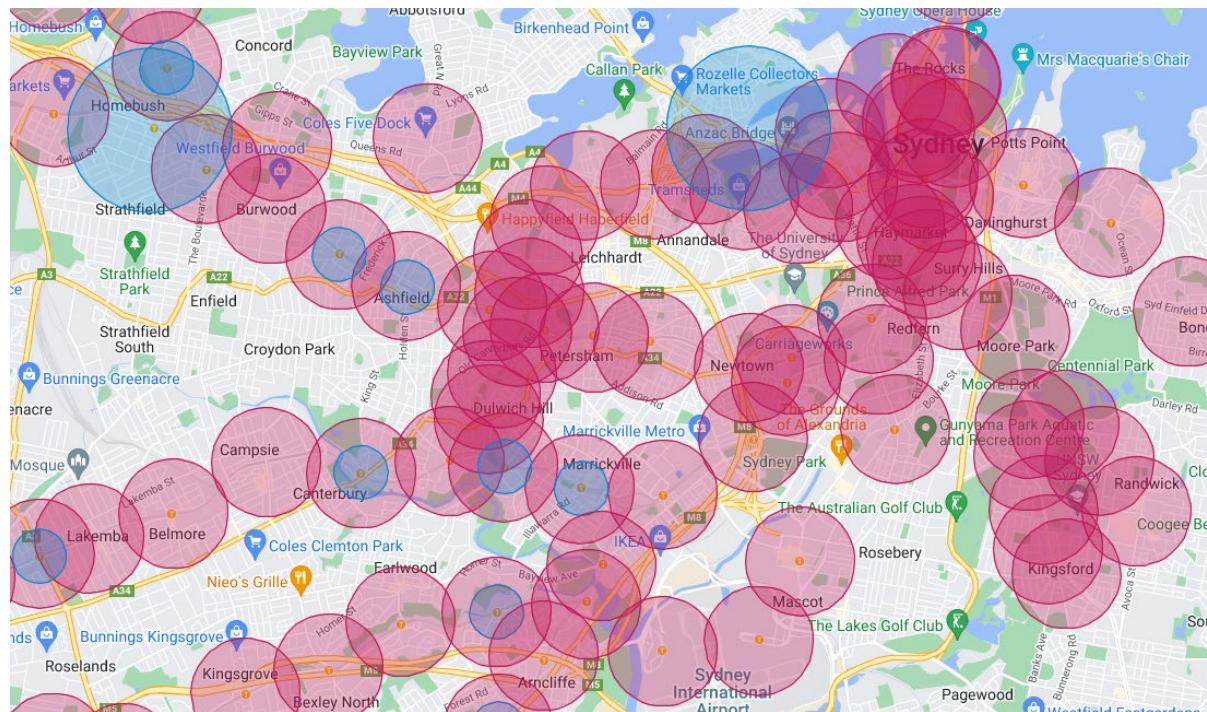
This map shows the radii around railway stations and town centres in NSW. The affected precincts encompass the entire “Six Cities Region” which extends from Bateman’s Bay to Nelson Bay, and all the way across the Blue Mountains World Heritage area to Mount Victoria. The heritage impact of this proposal is unprecedented in its scale and application.



The historic villages of the World Heritage Listed Blue Mountains, rich in heritage and each with a unique character, will be almost all completely engulfed around their historic centres which are centred on the railway line. In cases such as Katoomba and Leura, the concentric rings around the station precincts almost join up so as to create a mega-precinct. The train from Katoomba to Central takes approximately 2 hours.



Sydney's North Shore line (left) will become an almost unbroken corridor of development, while the narrow corridor that comprises the string of villages on the south coast of NSW to Wollongong (right) will be heavily impacted.



When all of the affected areas in Sydney are overlapped, the majority of the city and its inner suburbs will have its planning legislation and heritage protections overridden. This map does not contain all “town centres” as this has not been defined in the EIE which notes (p.27) “*the Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.*”

No Design Guidance

Associated with these proposals, the NSW Premier also announced in November 2023 that the NSW Government Architect was developing a “pattern book” of pre-approved designs for low-rise and mid-rise buildings.³

This work has not yet been completed, despite it being a vital part of this proposal.

The proposal also includes changes to the NSW Apartment Design Guide. The City of Sydney has identified that these changes are counterproductive. They will result in dwellings with less sunlight and privacy than existing apartments and neighbourhoods with less trees.

The National Trust recommend:

- **The NSW Government Architect release the draft designs and obtain public feedback, to understand the impact of this proposal when combined with the other proposed changes.**
- **The proposed changes to the Apartment Design Guide do not proceed.**

³ [Minns Government to fast-track top-quality building designs](#)

No Heritage Strategy

The National Trust also note that this announcement has preceded the NSW Heritage Strategy, which promised to “set a new direction and vision for protecting heritage in NSW.”⁴ Many individuals and organisations, including the National Trust, dedicated their time and energy by participating in “consultation sessions with targeted stakeholders to help shape the Heritage NSW strategy” – only to later have the same NSW Government announce these wide-ranging policies that will effectively turn off all heritage protections.

The NSW Productivity Commission report (p.43) also notes this omission:

there is no clear strategic vision for heritage across the state, including how to balance heritage objectives with housing, business, and other objectives, how to prioritise what should be preserved and where, and how to evaluate heritage needs over time in a changing society. We need a state-wide strategic vision for heritage protection, as well as a mechanism for achieving it. The NSW Government’s Heritage Strategy, under development at the time of writing, is an opportunity to define what is most significant and to explore options to ensure we meet both heritage and housing supply objectives.

The National Trust recommend:

- **The NSW Government must commit to finalising a NSW Heritage Strategy which protects the heritage of NSW.**
- **To illustrate its commitment to heritage protection in NSW, the NSW Government must maintain heritage protections that are affected by this proposal.**

Non-refusal standards and blanket application

A “one-size-fits-all” approach, with non-refusal standards, applied across the entire Six Cities Region (as proposed) will result in extremely poor planning outcomes, including huge losses to heritage in NSW.

The National Trust has outlined our concerns regarding abandoning Heritage Conservation Areas. Putting heritage significance aside for one moment however, it is clear that in the majority of these cases that the existing properties in these areas is simply the *appropriate* dwelling type for a given location. Many of Sydney’s neighbourhoods built prior to the *Width of Streets Act 1881* are dominated by narrow streets and small lots. As the City of Sydney has noted they are relatively dense (generally over 10,000 dwellings/square kilometre) and that this is “denser than the proposal would achieve”.⁵

⁴ <https://www.haveoursay.nsw.gov.au/nsw-heritage-strategy>

⁵ City of Sydney Submission on the NSW Government Changes to Create Low and Mid-Rise Housing

Erecting six storey buildings on these streets and lanes in these neighbourhoods is difficult, if not impossible, and would lead to poor outcomes in terms of traffic, footpaths, servicing, etc. In other established neighbourhoods the proposals which mandate maximum setbacks and reduce minimum building separation requirements will also create inconsistencies with existing neighbourhoods – including reduced tree canopy cover.

In many instances, heritage-listed properties help to ensure the widest variety of housing typologies remain available. Properties protected by various heritage provisions include terrace houses, dual-occupancies, apartments, standalone dwellings, adaptively re-used spaces, and studios.

No guarantee of more housing

Importantly, there is no guarantee that removing these various types of dwellings will increase the quantity of housing in NSW, and in a number of instances new development is in fact having the complete opposite effect – a net dwelling loss. Two examples of potential net dwelling loss include an application to knock down a 1970s residential complex with 28 apartments in Elizabeth Bay and replace it with only 22 apartments, and another plan to demolish 20 dwellings in Potts Point for a new block housing five luxury apartments.⁶ Such developments also have a negative sustainability impact.

In many cases, it is feared that the policy may also have the unintended consequence of increasing land prices in the areas where people want to live without actually building any more housing for people. Property owners will be able to build more floor space for private purposes, or simply obtain approval for new development and then sell at an inflated price.

Inappropriate heritage impacts

The policy that has been put forward will result in inappropriate development outcomes in many communities, including specific impacts on heritage. These impacts will be real and permanent.

The State-heritage listed Eryldene house and garden at 17 McIntosh Street, Gordon is an example of where this blanket policy can and will have disastrous consequences. This property was heritage listed by the NSW Government for the following reasons:

“Eryldene is of outstanding cultural significance being the most intact surviving example of the work of William Hardy Wilson, the prominent early twentieth century Australian architect... It comprises a residence, complementary outbuildings and garden setting, reflective of the close similarity of interests of both architect and client, Professor E G Waterhouse. The garden was developed by its owner to a remarkable individual character and was the setting for his world-renowned efforts in developing the nomenclature and hybridisation of camellias. It remains a resource for their study. The house, gardens and outbuildings are significantly intact.”⁷

⁶ SMH, September 24 2023, [Sydney councils bid to halt demolition of old housing for luxury apartments](#)

⁷ <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5045350>

As has already been illustrated, there is no question that there can be changes in Heritage Conservation Areas and indeed to heritage listed items with the necessary approvals, and some new development of an appropriate nature may indeed be possible adjacent to a property as significant as Eryldene, but not what is proposed.

Poor planning generally

Under this policy there is a very real possibility that extremely poor general planning results will occur in all areas. With building heights of 6-8 storeys, reduced side setbacks, front setbacks that are not consistent with the rest of the street, the very things that continue to make this place so unique – including at Eryldene something as basic as the ability to have sun falling on its garden – will be destroyed. This could be avoided by simply ensuring new development complies with legislated heritage controls – resulting in better new housing that fits in with an existing heritage precinct while still increasing supply.



Many councils (including Waverley, left) have undertaken modelling to illustrate the worst-case scenarios that could occur in a small-lot areas. In this situation it may be possible for the front of a small cottage to be retained “as a heritage item”, but for the remainder of the site to be developed up to 6-8 storeys – possibly as apartments, but equally possible even as a single residence.

This sort of planning would overshadow neighbours, create significant privacy issues, introduce waste management problems, reduce tree canopy and deep soil, and of course create traffic issues in a narrow street. It also significantly compromises any heritage values of the place.

These are very real outcomes of this policy. The National Trust maintain that this can in no way be considered good planning.

The National Trust recommend:

- **Specific controls need to be maintained for specific situations. Blanket reforms, that do not consider things as basic as street width or existing setbacks, will lead to poor planning outcomes throughout the state.**
- **Heritage listings and Heritage Conservation Areas must be retained and remain protected by appropriate legislation that has protected them to-date.**
- **Heritage areas can accommodate new development, including more housing, in an appropriate way, but only if heritage controls remain valid and enforceable.**
- **Existing controls to protect listed heritage items and their immediate context from inappropriate development must remain.**

Case study: Central Park, Sydney



The redevelopment of Sydney's former Carlton United Brewery industrial site to create the new Central Park neighbourhood shows what can be achieved when heritage and adaptive re-use are appropriately considered in efforts to increase housing supply appropriately into our cities.

With 11 buildings, 2,200 apartments, over 1,000 student accommodation dwellings, 3 hotels, 5,500sqm of commercial office space, 180 childcare places, 20,000sqm of retail, and a population of approximately 5,300 residents and 1,750 workers, this abandoned industrial site near Sydney's Central Station has become a vibrant inner-city neighbourhood with one of the highest population densities in Australia.⁸

As promoted by the NSW Department of Planning itself:

- Close to the city's major transport hub and two large universities, the 5.8-ha site involved adaptive re-use of heritage buildings.
- The master plan for the renewed city quarter has been designed around a network of lanes, streets, parks and important heritage buildings to create human-scaled, welcoming spaces with diverse uses.
- The master plan successfully integrates new high-density development with lower density heritage buildings.⁹

⁸ [Former Sydney Brewery Sets new Benchmark in City Urban Renewal](#)

⁹ <https://www.planning.nsw.gov.au/government-architect-nsw/case-studies/central-park-master-plan>

Case Study: Iglu Student Housing, Summer Hill



Iglu Summer Hill is a student accommodation community in the heart of Summer Hill Village, whose new buildings are carefully designed to improve street activation and sit sympathetically within their park, village and heritage settings.

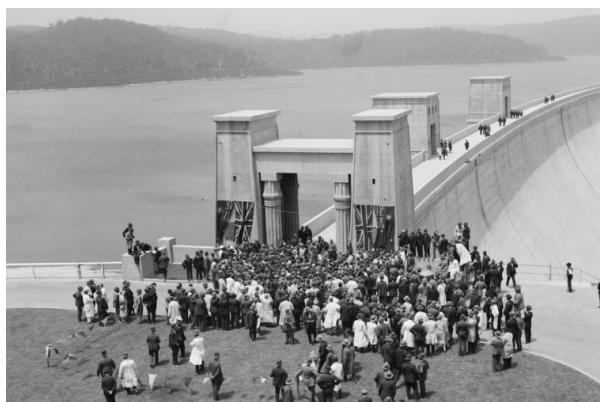
In close proximity to Summer Hill train station, and adjacent to the Darrell Jackson Gardens and the local shopping precinct, the site's existing heritage-listed Western Suburbs District Ambulance Station building has been restored and re-purposed as part of the project.

Iglu Summer Hill accommodates 184 studios, with self-contained kitchens and bathrooms. Inside, diverse communal spaces provide residential amenity, support study and promote a strong sense of community. At the core, a generous landscaped courtyard has excellent access to sunlight and provides shelter from train and traffic noise. Elsewhere, landscaping plays a key role in defining open circulation corridors, establishing a cohesive green edge with the adjoining park and ensuring visual privacy for students.¹⁰

This project was awarded the 2023 Aaron Bolot Award for Residential Architecture (Multiple Housing) by the Australian Institute of Architects. It illustrates exactly the way that existing planning and heritage controls aimed at preserving the character and amenity of an area immediately next to existing transport infrastructure can, in the hands of a skilled architect and an enlightened client, lead to a substantial increase in density while retaining the character and amenity that the Summer Hill village centre is known and loved for.

¹⁰ <https://www.architecture.com.au/archives/awards/iglu-summer-hill-bates-smart>

Case Study: A lack of infrastructure



Many of the world's great cities, including Sydney, underwent significant growth and development in the decades between 1860-1890. By and large, these are the cities that we enjoy today and that we will live with into the future. The existing railway network which still services most passengers in Sydney each day has a long history:

- Main Suburban Line (Sydney to Parramatta) opened in 1855
- Blue Mountains Line (to Mount Victoria) opened in 1868
- Illawarra Line (Sydney to Kiama) opened in 1887
- North Shore Line (Hornsby to St Leonards) opened in 1890

Similarly, the construction of the Upper Nepean Scheme to supply Sydney with drinking water was recommended to commence construction in 1869, with Prospect Reservoir completed in 1888. Many components of this infrastructure are now heritage listed – not to ensure they are stuck in the past, but because they have played a major important and ongoing role in our society.

The effects of simply increasing housing supply with almost zero attendant investment in infrastructure is already evident in a number of areas. The National Trust fear that continuing to ignore the need for new infrastructure, as well as placing greater pressure on existing infrastructure, will be another unintended consequence of this policy.

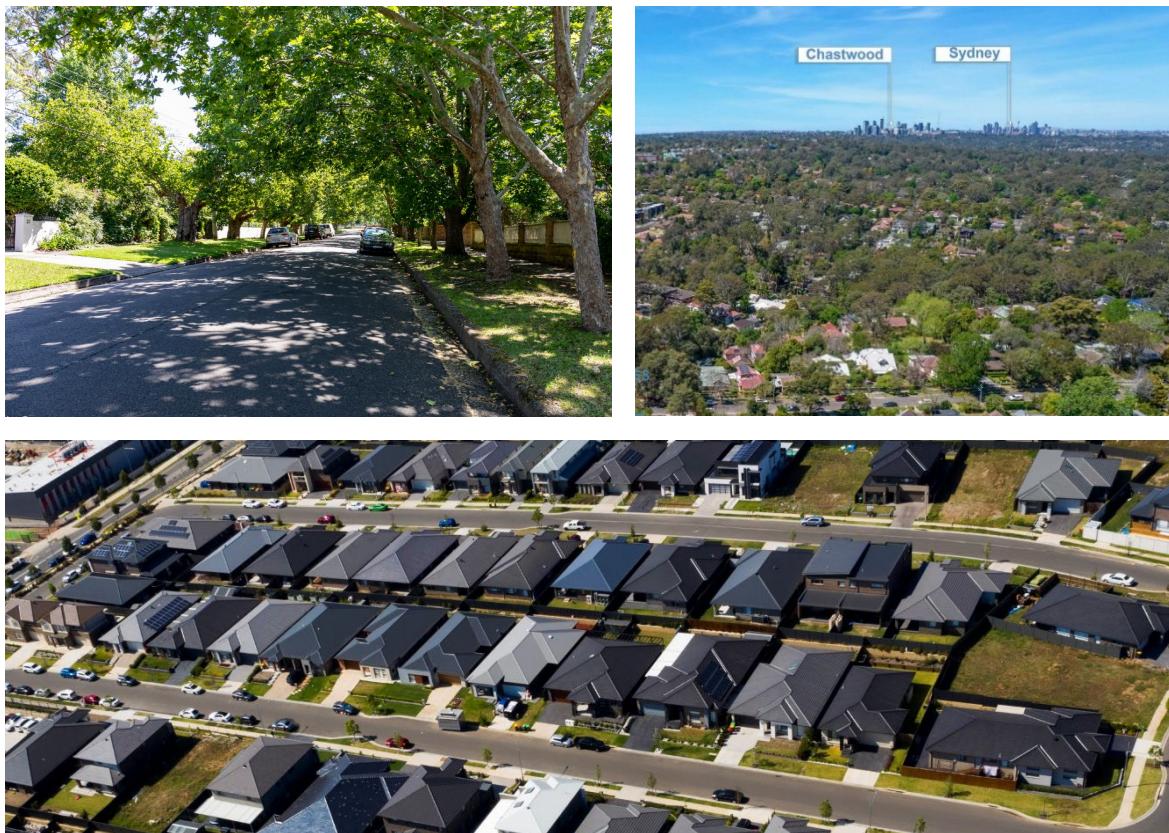
As the current Member for Camden, Sally Quinnell MP, has noted in the NSW Parliament:

"Camden has had unprecedented growth in the past decade. We are welcoming new residents weekly—which is wonderful. However, our infrastructure is not coping. During the 2022 floods it became increasingly clear that a single road in and out of the area was not adequate, and the fact that it can take more than two hours to get to Sydney is a major problem. Many people I have spoken to are commuting daily for over 1½ hours each way, which affects family life and community engagement.

We need more schools, access to health care and emergency services. Moving to the area should not result in the punishment of a lack of infrastructure. It is no longer adequate for the people of Camden to continually be leaving the area for employment and sporting events, and to enjoy the arts. The new Western Sydney Airport will provide an outstanding opportunity for Camden and the greater south-west to be more self-sufficient, but we must ensure it is not just a tarmac surrounded by more residential roofs."¹¹

¹¹ [Mrs Sally Quinnell, Inagural Speech, Legislative Assembly Hansard – 10 May 2023](#)

Case Study: Climate change impacts



The recent housing growth of Sydney has been identified by the National Trust as unsustainable, in both financial and environmental terms, for many years. The endless expansion of Sydney's suburbs to the west, over the limited amount of arable land in the country and in areas of great environmental, historic, and cultural sensitivity needs to stop.

On 4 January 2020, the western Sydney suburb of Penrith was one of the hottest places on Earth at 48.9 degrees Celsius, with the impact of climate change compounded by poor urban planning.¹² Houses are built with zero setbacks, and street trees are either not planted at all or left to die in the heat.

This situation is in stark contrast to what are now called the “established” suburbs of Sydney. Preceded by an investment in railway infrastructure, and with enforced planning controls that were considered appropriate at the time, suburbs developed with wide streets and areas for trees to be planted. Geography does have an impact, but the effects of rising temperatures are now being exacerbated by the Urban Heat Island (UHI) effect.

Street tree planting has proven effective to reduce the ambient air temperatures in most local climate zones, with a study suggesting land surface temperature can be reduced by 6 degrees by simply providing a combination of tree canopy and grasses.¹³ Under this proposal there is a very real concern that non-refusal standards will result in a decrease in tree canopy cover right at the point in time when it is needed more than ever.

¹² [Anne Davies, ‘Ultimately uninhabitable’: western Sydney’s legacy of planning failure, The Guardian, 16 November 2021](#)

¹³ [Planning for urban vegetation in adapting to a changing climate resource list, Planning Institute of Australia,](#)

Transport Oriented Development Impacts

Selection of nominated “Transport Hubs”

The methodology for selecting the stations in the TOD proposal has not been provided by the NSW Government, and the National Trust would call into question the methodology that has been employed in this selection. As noted in the submission by Wollongong Council (which is impacted at Corrimal, North Wollongong, and Dapto stations) “*Council officers were not involved in the selection of the three stations... at this stage the Department has not provided detailed information on the criteria or analysis supporting the selection.*”¹⁴

Priority Transport Hubs (1200m radius)	“Well-located” transport hubs and town centres (400m radius)
<ul style="list-style-type: none"> • Bankstown • Bays West • Bella Vista • Crows Nest • Homebush • Hornsby • Kellyville • Macquarie Park 	<ul style="list-style-type: none"> • Adamstown • Ashfield • Banksia • Berala • Booragul • Canterbury (metro) • Corrimal • Croydon • Dapto • Dulwich Hill • Gordon • Gosford • Hamilton • Killara • Kogarah • Kotara • Lidcombe • Lindfield • Marrickville • Morisset • Newcastle interchange • North Strathfield (metro) • North Wollongong • Rockdale • Roseville • St Marys (metro) • Teralba • Tuggerah • Turrella • Wiley Park • Wyong

National Trust recommendation:

- **The building of new development around existing transport is justified, but each area must be considered individually.**
- **The NSW Government should release the criteria used and the justification for the selection of “well-located” transport hubs identified in the TOD proposal.**
- **The NSW Government actively engage with affected local councils to understand the specific issues and previous planning work in each area, including heritage impacts.**

¹⁴ Wollongong City Council, Ordinary meeting of Council, 5 February 2024

Each of the identified stations should of course be scrutinised, with some truly puzzling in terms of their selection, and others greatly concerning due to their heritage impacts. Dapto Station is served by trains once every hour in each direction depending on the time of day, with more than 50% of its TOD precinct containing significant flood constraints associated with the Mullet Creek catchment.¹⁵

Corrimal

The Wollongong City Council submission noted that Corrimal Station is disconnected from the Corrimal Town Centre and is served by trains once every hour in each direction depending on the time of day. The Planning Proposal for the former Corrimal Coke Works site (which is now partially State Heritage Listed) has taken many years to implement, and an LEP amendment was finalised in 2022. Council also adopted a Development Control Plan chapter and Planning Agreement to help inform a proposal that responded to the site appropriately.¹⁶ The TOD proposal will override all of this planning.

Teralba

Two trains stop at Teralba station every hour, and while it is a relatively short distance to Newcastle a train from Teralba to Sydney Central takes approximately 2.5hrs. Teralba Station has no lift access, and its existing platform building was in fact demolished in 2011 and replaced by a simple waiting shed with no facilities. Teralba station is not even 1km distant to Booragul station which is also identified as a “hub”.

Lake Macquarie City Council has just spent a number of years on careful engagement with the community in this area to produce the draft Teralba Heritage Conservation Area (HCA). The new HCA highlights Teralba’s unique 19th century mining and railway history, and also took into consideration the North West Catalyst Area that will drive investment and change in the broader North West Growth Area of Lake Macquarie.¹⁷ The changes brought about by the TOD proposal for this area will override all of this previous strategic planning work.



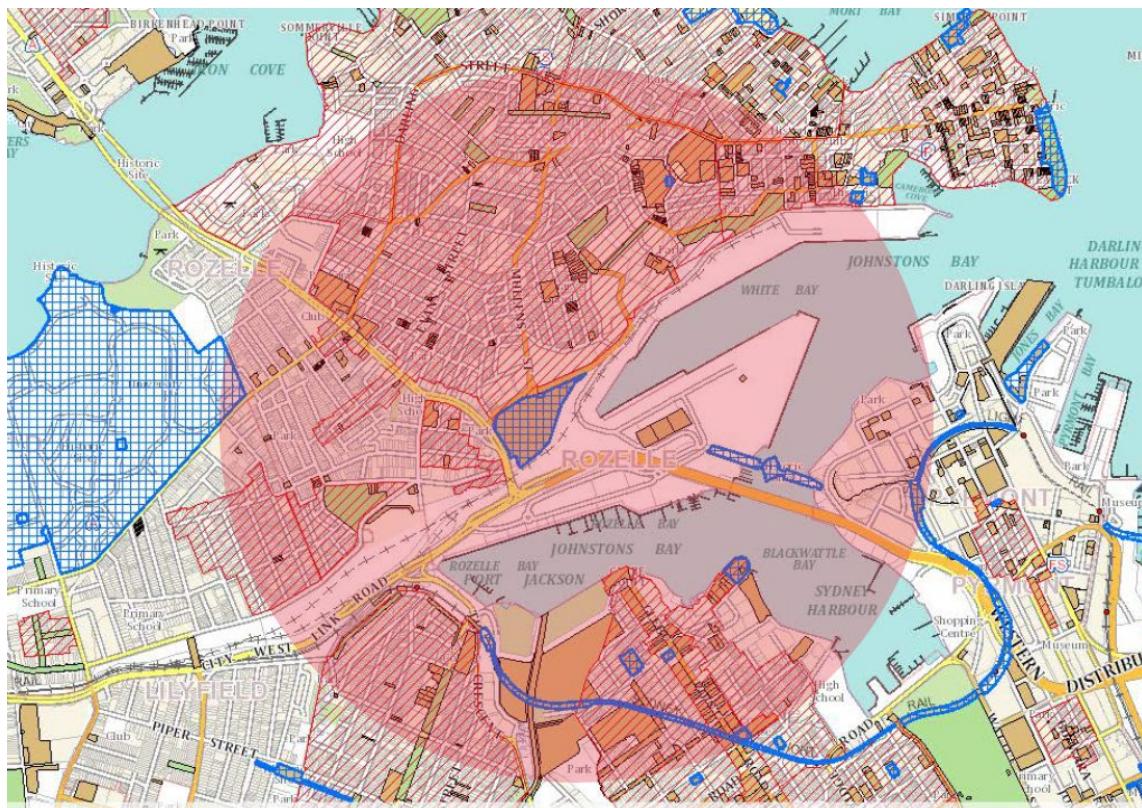
Teralba Station with customer facilities in 2006 (left) and with no facilities in 2023 (right). This station has been identified as a “transport hub”.

¹⁵ Wollongong Council, Ordinary Meeting of Council, 5 February 2024

¹⁶ *ibid*

¹⁷ [Revised DCP Controls, Part 11.3 – Heritage Area Plan for the Teralba HCA, FINAL DRAFT June 2021](#)

TOD case study 1: Bays West (The Bays)



1.2km radius overlay around the approximate location of The Bays Metro Station

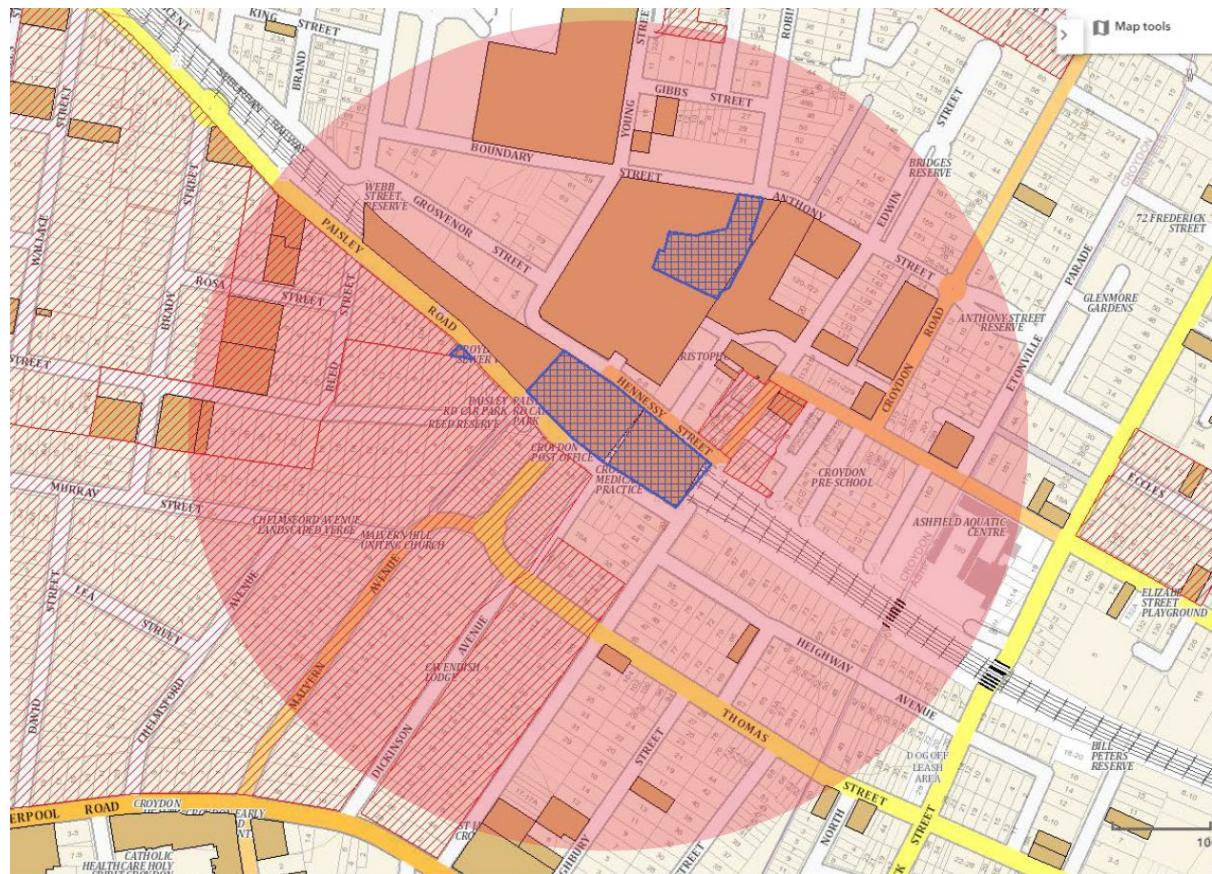
RADIUS	1200m
LGAs inside radius	Inner West, City of Sydney
Impacted suburbs	Balmain, Rozelle, Lilyfield, Annandale, Forest Lodge, Glebe, Pyrmont
Local heritage items inside radius	350
State heritage items	10
Conservation areas	8
No of items inside HCAs	Approx 4500
Notable heritage items	Anzac Bridge, White Bay Power Station, Glebe Point Road, Johnston Street, Darling Street, Tramsheds
Parks and landscapes	Sydney Harbour, Blackwattle Bay, Callan Park, Blackwattle Bay Park, Glebe Foreshore Parklands, Bicentennial Park, Birrung Park, Punch Park, Eastern Park, Rozelle Parklands



The heritage impacts from this single proposal alone are staggering. The proposed planned development around the White Bay Power Station or the new Fish Markets site at Blackwattle Bay is not considered. Meanwhile, the *Glebe Island Bridge* – on the State Heritage Register since 1986 – continues to fall into disrepair, yet could connect to the new Metro station and new housing on both sides of the harbour.



TOD case study 2: Croydon



400m radius overlay around Croydon Station

RADIUS	400m
LGAs inside radius	Inner West, Burwood
Impacted suburbs	Croydon, Ashfield
Local heritage items	34
State heritage items	3
Conservation areas	6
No of items inside HCAs	Approx 220
Notable heritage items	Shubra Hall (Pymble Ladies College), Malvern Hill Estate, The Strand
Parks and landscapes	Webb Street Reserve, Ashfield Aquatic Centre



The Strand – Sydney's best preserved Federation shopping street, and the adjacent conservation area, will be completely destroyed by the TOD proposal, while Burwood (one station west) has been the focus of most recent development and community infrastructure and is not identified in the TOD program at all.



Regional case study: Hamilton

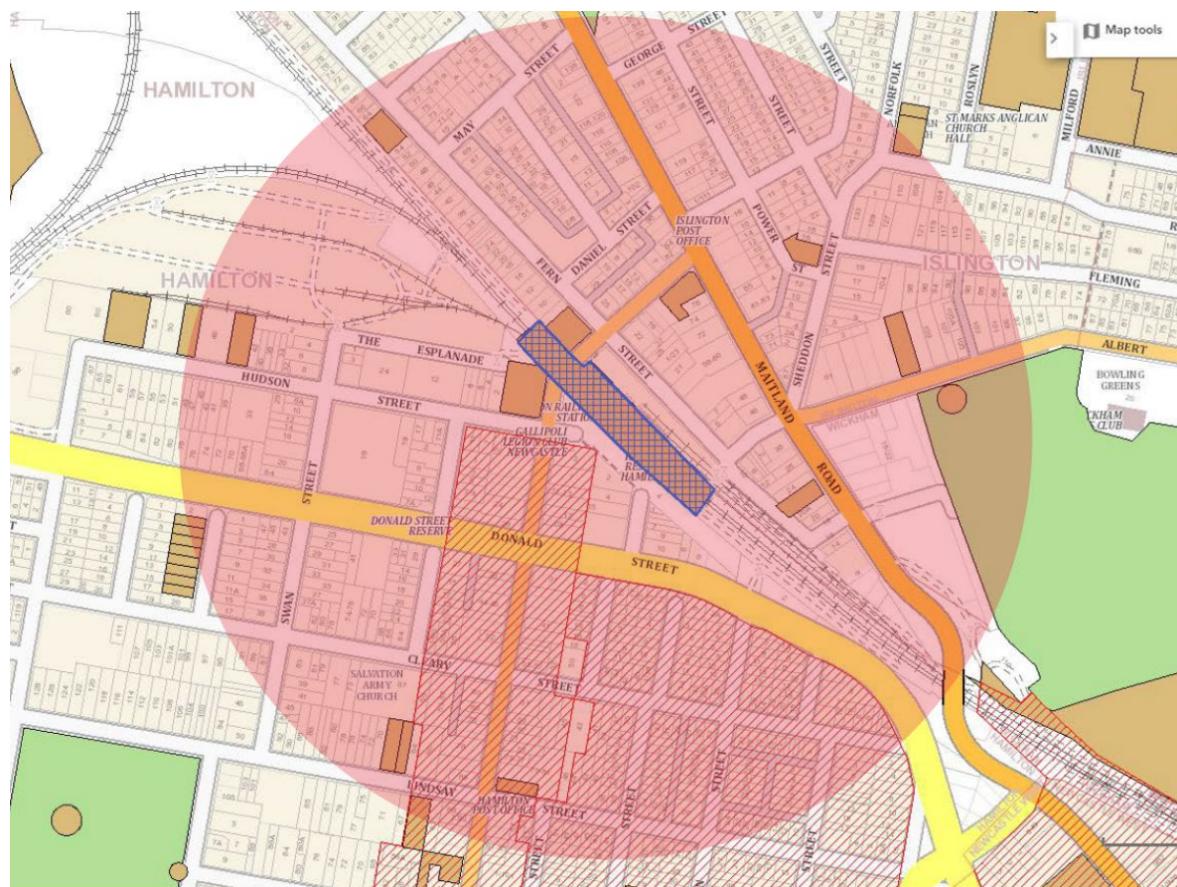


Figure 7: 400m radius overlay around Hamilton Station

RADIUS	400m
LGA	Newcastle City Council
Impacted suburbs	Hamilton, Islington, Wickham
Local heritage items	20
State heritage items	1
Conservation areas	2
No of items inside HCAs	Approx 250
Notable heritage items	Sydney Junction Hotel, The Kent Hotel
Parks and landscapes	Beaumont Street, Thomas Armstrong Oval



“Fettercairn” – Built in 1903 and one of Hamilton’s grandest houses, is just one of the heritage homes in a recognised Heritage Conservation Area that is under threat.

Conclusion

At the recent 2023 General Assembly and Scientific Symposium of the International Council of Monuments and Sites, held in Sydney, The Hon. Penny Sharpe, MLC, NSW Minister for Heritage, stated:

“Ever since the sweeping heritage reforms by the previous Labor Government, led by Neville Wran in 1977, our state has led the nation in protecting natural, indigenous, historic and built heritage.”¹⁸

Unfortunately, these planning proposals represent the greatest threat to the heritage of NSW since this historic legislation was enacted. By their far-reaching nature, non-refusal standards, and blanket coverage, this proposed legislation will remove the heritage and environmental protections we have previously valued so heavily in this state.

The National Trust call on the NSW Government to seriously reconsider the wide-ranging impacts of the *Low-and Mid-Rise Housing Reforms* and the *Transport Oriented Development (TOD) Program*, which will have a devastating and permanent effect on the liveability and character of our cities and suburbs generally, and the heritage of NSW in particular.

The Trust maintain that working with heritage is one of the most sustainable and prudent ways to ensure a continuing variety of housing types in NSW. The Trust would argue that heritage is not a barrier to the supply of new housing, and should in fact be part of the solution.

The NSW planning system requires more certainty, not less. At a minimum, heritage planning controls must continue to apply in NSW to ensure that appropriate housing – and not simply unintended poor quality development – can occur.

¹⁸ [The Hon. Penny Sharpe, MLC, NSW Minister for Heritage, Speech 31 August 2023](#)