

Hunter's Hill Trust Journal

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GOVERNMENT AMENDMENT THREATENS COUNCIL CONTROL OF URBAN CONSOLIDATION

On June 16th, 1989, the State Government gazetted an Amendment to the Environmental Planning and Assessment Act, to take effect from June 30th, 1989. The Department of Planning claims that the Amendment will "provide a process which responds to the housing crisis within the community by providing opportunities for a range of choice in locations and types of homes".¹ The Amendment "streamlines" rezoning procedures to allow the construction of two-storey multi-unit housing – flats, home units and so-called "town houses".

A developer, whose application to build concentrated higher-density housing in the midst of a streetscape of free standing houses is rejected by Council, can now appeal to the Land and Environment Court. There, the Court is to "discount the issue of current zoning". As Mayor Sheila Swain put it in a letter to the Municipality's residents, "it disregards the right of the people of a local area to determine how best their area can respond to urban consolidation".

Alderman Swain also pointed to the lack of opportunity for the community to appeal over the Court's decision.

If the Court approves the development, rezoning is automatically processed by the Department of Planning without any further reference to the Council or the public.²

Does the State Government have a mandate for this legislation? On the contrary, only a little more than a year ago, **Premier Nick Greiner**, then Opposition Leader, promised to strongly support the right of councils to shape the character of the development of their areas. In a letter to "The Northern Herald" he wrote

Our attitude is precisely that local planning is a function of local government and there is no place for the State Government to over-ride or second-guess the decisions of the community.

It is a leading plank of our Power to the People policy, released some time ago, that local residents and their councils should be able to determine the nature of developments in their areas.³

Joseph Glascott, former Environment Writer for "The Sydney Morning Herald", sees the Amendment as more like a Power to the Property Developers' Policy.

We will have higher-density housing in our streets wherever they are and whether we like it or not. This is democracy in action in 1989.⁴

The Hunter's Hill Trust has a number of deep concerns about the legislation:

1. That higher density forms of housing will not necessarily provide a solution to the housing crisis.
2. That the effect of "spot rezoning" may make the preparation of thoughtful LEPs redundant, making the calculation of future loading and upgrading of services difficult.
3. Perhaps most important of all, that there is insufficient recognition of the effect of development on special precincts, and in preserving areas of Environmental and Heritage importance.

The Annual General Meeting of the Trust resolved to call upon the State Government to consult with Local Government and environment groups, to work out those areas where medium density can be introduced in a way that does not damage the heritage and character of existing suburbs and where infrastructure will allow it to work. Secondly, the Trust calls upon the State Government to properly protect recognised conservation areas, including the Municipality of Hunter's Hill.

FOOTNOTES:

1. Dept. of Planning Circular No. A6, 1989, p.1.
2. "To the Point", The Weekly Times, June 14th, 1989.
3. "Local power for local People, says Greiner", The Northern Herald, May 3rd, 1988.
4. "Why our suburbs are facing Destruction", The Northern Herald, May 18th, 1989.

A LESS SUCCESSFUL EXAMPLE OF URBAN CONSOLIDATION IN HUNTER'S HILL



This substantial block of units typifies the three-storey walk-up flats which proliferated in the 1960s and 1970s. The block is named "Pitmoor Gardens" – an appropriate name for a building in Australia's oldest surviving Garden Suburb.

However, the title is ironic; most of the land area not covered by building is submerged in concrete.

THE DEATH KNELL FOR STRATEGIC ENVIRONMENTAL PLANNING?

There is widespread concern in Councils and Shires at the way in which the legislation will allow local planning decisions to be ignored. W. Henningham, Secretary of the N.S.W. Local Government Association, spoke at the Trust's Annual General Meeting on the Association's misgivings.

Spiralling interest rates have exacerbated a housing crisis in the Sydney metropolitan area. Housing stock has also had to cope with the decreasing size of households, with a majority of one and two person occupations compared with the average household size of more than three people in the 1960s.

However, research by the Association within 20 Sydney council areas has shown the capacity to create over 108,500 additional dwellings **within existing zonings** – and these statistics cover only half of the councils in the region.

The Association believes that there should be a major public awareness campaign to counteract some adverse public feelings towards medium density housing generated by unfortunate examples of three storey walk-up flats of the 1950s and 1960s.

The State Government Amendment to the Environmental Planning and Assessment Act enables an appeal by the developer to the Land and Environment Court where a Council has rejected a package of a development application seeking a prescribed residential development and a rezoning to allow it. The legislation applies to the whole State, not just the Sydney region.

The Minister for Planning, Mr. David Hay, M.P., has introduced a regulation, under the legislation, to permit "in the first instance rezoning appeals for multi unit housing development not exceeding two storeys in height" (medium density). Future Government intentions are not clear. Any future regulation, or indeed the current regulation, is not subject to parliamentary approval.

When the Court deals with an appeal, it is required to consider it on the assumption that the rezoning has already taken place. The

legislation prevents consideration by the Court of the merits, or otherwise, of the rezoning application itself. The rezoning does not lapse if the development does not proceed.

If an individual has made a submission to the council on the rezoning application alone, that person has no right to support the submission in a personal presentation to the Court.

The Association's position is that the legislation undermines orderly planning by councils, and their determination of areas where medium density is appropriate and where it is not. Developers will now be enabled to make that choice. Local people's say in what happens in their area will be clearly and substantially eroded.

It is feared that developers will scour the metropolitan area, in particular, looking for sites to rezone, whilst ignoring those already available, which councils and their communities have determined to be suitable for the purpose. This could lead to major speculation in land, increasing prices rather than producing more affordable housing.

The Association has proposed a viable alternative to the Premier and the Minister in the form of a State Environmental Planning Policy, which would be designed to achieve increased residential densities in the Sydney region and would include design guidelines.

Under the Association's proposal, councils would be encouraged and given as much advice and support as needed, by the Department of Planning, to introduce flexible residential zones, giving housing choices appropriate to the local area, in new comprehensive Local Environmental Plans. These processes would be undertaken with full community consultation.

The timing of the procedures under the new legislation is extremely onerous. The opportunities for public participation are limited.

The regrettable result of the introduction of this legislation is the already evident resurgence of community opposition to medium density development per se, whether permitted by existing zonings or not. In this sense the legislation is clearly counter-productive and is likely to set back the cause of urban consolidation, which to be successful needs widespread community support.

This is happening at a time when people were coming to appreciate that with well designed medium density housing, urban consolidation need not mean "urban congestion".

The Association believes that Government policies cutting back services to country people in the areas of rail, schools,

hospitals, health care generally, motor registries and court houses, are forcing country people to leave their homes and to gravitate to the Sydney region, placing additional stresses on housing. These cuts are proving to be a false economy of the highest order. What we need desperately is a comprehensive policy for the support and growth of country centres.

The solution to the housing crisis does not lie in the erosion of local democracy and the undermining of the remaining integrity of our planning system. Rather than community conflict, which will be produced by the legislation, we need a co-operative approach by all involved in the housing industry designed to achieve the Australian dream - affordable homes for all.

W. A. HENNINGHAM,
Secretary,
Local Government Association, N.S.W.

PUBLIC RALLY WILLOUGHBY TOWN HALL, CHATSWOOD

More than 1,000 people packed Willoughby Town Hall, Chatswood, on the sunny Sunday afternoon of June 18th, 1989, to voice their concern about and opposition to the amended legislation of the Environmental Planning and Assessment Act. The meeting was arranged by the Northside Mayors and was chaired by the Mayor of Willoughby, Mr. Reidy.

In opening the meeting, Mayor Reidy outlined two motions adopted earlier by the Mayors, asking the Local Government Association of N.S.W. to convene a meeting of all Councils of N.S.W., subsequently held on Tuesday, 20th June, and requesting the State Government to delay implementation of the legislation for four months. The meeting was addressed by two speakers: Mr. Peter McClellan, Q.C., President of the Environmental Law Association and Mr. Barry O'Keefe, Q.C., Mayor of Mosman.

Mr. McClellan, in outlining the views and concerns of the Environmental Law Association said:

- Urban consolidation is only effective if provided in a careful and proper process of planning.
- Man's most important role is the protection and enhancement of the environment and the laws must further that end.
- People must have confidence in their government and faith in its laws or the laws are worthless.

He stated that the Minister for Planning, the Hon. Mr. David Hay, in his press release of May 24th, said that this legislation will "provide planning rezoning appeals" which is demonstrably false. If a Council rejects or delays a rezoning and Development Application for medium-density housing, the applicant may then apply to the Land and Environment Court. They will then deal with only the Development Application, on the basis that the land has already been rezoned, with no further reference to the Council or the public. As well, the opportunity for a third party to demand a Public Hearing, in case of opposition to Council approval of a rezoning and Development Application for medium-density housing, has been completely removed.

The regulations were proclaimed on Friday, 16th June and particular concern, expressed by Mr. McClellan,

was that these regulations, such as limiting the height of medium-density housing to two storeys above a carpark, can be changed by a Ministerial act without referral to Parliament.

Mr. O'Keefe believes we are justified in feeling anger at this legislation which is a repudiation of good faith and good planning.

Early hopes of the initial Environmental Planning and Assessment Act, 1979 of the Wran Government were dissipated by changes and modifications through State Environmental Planning Policies and decisions of assessors in the Land and Environment Court. The then Opposition railed at the emasculation of local Councils' planning powers and as late as 10th March, 1988 the Opposition Leader, Mr. Nick Greiner, stated that "local planning is a function of Local Government and there is no place for State Government". After the election, the new Minister for Planning, the Hon. Mr. David Hay, said on 25th March, 1988, "the most important role of his Government in Local Government would be to ensure that Councils be responsible for planning local areas".

- Who has planned these changes which so contradict and repudiate such statements?
- Why allow developers to make laws?
- Who will benefit from such changes? Big developers and profit-takers.
- Who will suffer? Those who stay.
- This legislation will NOT provide cheap medium-density housing.
- The Government must listen to the people and change!

Support from many local conservation and progress bodies, Councils and individuals was voiced from the floor. At the conclusion the following motion was passed with minimal opposition.

"This meeting calls on the Government of N.S.W. to refrain from implementing the amendments to the Environmental Planning and Assessment Act for a period of at least four months to allow time for informed and adequate public debate concerning the effects of the Act and of the Act's impact on the performance of planning functions in, by and on local communities."

ANNUAL GENERAL MEETING

Hunters Hill President, Sam Sheffer, reported on the Trust's activities of the past year at the Annual General Meeting on 3rd May, in the Town Hall. These included:

The **Pulpit Point** Redevelopment. The Trust had been in close contact with the Council, CRUSHH and Comreality during the whole planning process. The outcome, Sam Sheffer felt, has proved to be reasonably satisfactory to all parties.

Villa Floridiana. The Trust was concerned about the application for demolition of this 1855 Joules Joubert house in Sea Street. The Trust has made submissions to Council that the house should be rehabilitated.

Woolwich School. The Trust was worried about the future of the 1892 school building, and the nature of the development of this site, which the Education Department proposes to sell.

Other concerns Sam cited related to the **Third Runway**, and excessive traffic which could be generated by the development of the **Gladesville Shopping Centre**. The Trust also believed that any development of the Hunters Hill Bowling Club should not unduly affect residents in Madeline Street and environs.

Sam Sheffer noted two valuable studies of Hunters Hill which had been completed: Meredith Walker's Heritage Report for the Council (available from the Council for \$20), and an account of Hunters Hill as Australia's first "Garden Suburb" by Beverley Sherry and Douglass Baglin.

He complimented the volunteers who have been using the "Bradley Method" to rehabilitate **Kelly's Bush** and commended the State Government's continued support for this regeneration. He concluded by referring to **Urban Consolidation**, and the recent Government legislation which will allow developer-driven spot rezonings. The Trust, like the Council, viewed the implications of this matter on an historic area as being very grave indeed.

NEW COMMITTEE

As nominations were within the number laid down by the Constitution, no election was necessary at the A.G.M. At a subsequent meeting of the Committee, the following office bearers were elected.

President:	Ewan Cheyne-MacPherson	817 1959
Vice-President	Sam Sheffer	817 1712
Secretary	Kim Crestani	817 5641
Treasurer	Patti Mackenzie	816 2728
Members	Penny Daven	817 3386
	Barry Swayn	712 1170
	Len Condon	816 2796
	Dr. Peter Pinson	817 2235

The **Journal Sub-Committee** comprises Diana Drake, Peter Pinson and Len Condon.

Greg Larkin, Robert Baird and Theresa Manalang all retired from the Committee and their work for the Trust and Hunters Hill is greatly appreciated.

Greg has very kindly offered to continue to attend Council meetings on behalf of the Trust.

TRUST MEMBERSHIP

Our thanks to those who have renewed for 1989-90. A reminder notice is enclosed for those who have overlooked their renewal at this stage.

New members are welcome -

P.O. Box 85, Hunters Hill, 2110.

BUSHLAND SURVEY HUNTERS HILL MUNICIPALITY

Since its inception, the National Trust of Australia (NSW) has been deeply involved in the conservation of the State's natural environment. A very successful and practical conservation component of this work is the Trust's Bush Management Programme undertaken on a contract basis for many of Sydney's local councils. This basically involves the reinstatement of the pre-urban bushland plant communities (where practical) through the implementation of weed control in urban bushland reserves.

Additionally, the Trust acts on a consultancy basis carrying out surveys of urban bushland and preparing reports detailing the heritage value of those bushland remnants. The Hunters Hill Council recently requested such a survey of the Municipality. Survey reports identify the distinctive native plant communities and comment upon the conservation status of those communities and the individual species of flora and fauna which they support.

Adverse environmental impacts such as urban stormwater runoff, rubbish dumping and altered fire regimes are discussed, the bushland is mapped according to its level of degradation and detailed recommendations are provided for the restoration of the bushland.

It is anticipated that the survey report for the Hunters Hill Bushland, which should be completed within the next few months, will provide a practical basis for the long-term conservation of the Municipality's bushland.

GRAHAM QUINT
Bush Management Research Officer,
National Trust.



FROM THE HERITAGE ADVISER

Members of the Trust are aware that one of the main recommendations of the Heritage Study was to make the whole of the Municipality a Conservation Area in the local plan.

However, the Department of Planning, which examines all local plans before referring them to the Minister for approval, has advised Council that some of the western parts of the Municipality do not qualify. Other planning measures to retain the townscape qualities and residential amenity of these areas are therefore needed. Council therefore recently engaged Meredith Walker, who prepared the Heritage Study in 1983/84, to do a detailed study of these areas and come up with appropriate planning controls.

After days of house by house survey one came away with the impression that conservation is alive and well in the western part of the Municipality – houses are cared for and loved for what they are; there are few instances of the plastic surgery, and the assumed history which has mutilated so many houses elsewhere.

Council recently held a seminar on waterfront development to which all waterfront Councils east of Gladesville Bridge were invited. The problems of the intrusive mega house, and the loss of public waterviews, trees and natural waterfront landscapes were common to all. Hopefully a common stance on waterfront development might result. The proceedings of the seminar are being published and will be available from Council offices from July.

Council recently adopted a statement on the character of Hunters Hill based on the findings of the Heritage Study. This statement (see below) will become part of the Guidelines for development in the Municipality and should help to ensure that new buildings and works fit in with the existing identity of Hunters Hill.

Penelope Pike

Heritage Adviser

Hunters Hill Council.

A DESCRIPTION OF THE CHARACTER OF HUNTERS HILL ADOPTED BY THE MUNICIPALITY OF HUNTERS HILL

The character of the Municipality of Hunters Hill is distinguished by free standing houses set in their own gardens and dominated by trees. Buildings are domestic in scale, with the exception of a few historical institutional buildings, and articulated in form. The free standing small scale buildings respect and reveal the landform of the Hunters Hill peninsula, and views to and from the water are retained. Successive subdivision has given the Municipality a range of different house styles. Building materials and man made surfaces are unobtrusive.

Texture: The texture of the Municipality is derived from the successive subdivision of the villa estates resulting in a wide range in the size and shape of allotments, a variety of building lines and a range of house styles. Exceptions to this variety are found in smaller scale subdivisions, e.g. Sunnyside Estate, Boronia Park, and in Gladesville where resubdivision has not occurred. These areas are characterised by regular building line and a uniformity of house styles consistent with their development over a limited period of time. The texture of the Municipality is also derived from the articulated form of the buildings themselves – pitched roofs, chimneys, gables, verandahs, relatively small proportion of window to wall space. Fences define the street alignment, but vary in height and material; e.g. stone walls, timber fences, hedges.

Scale: Generally buildings in Hunters Hill are no higher than a large Victorian two storey house, but within this limit there is enormous variety, from the tiny single storey stone or timber cottage, to the large stone or brick house with gables, attics and basement.

Vegetation: Much of the distinctive appearance of Hunters Hill lies with its large trees. Broad-leaved evergreens with lustrous foliage and dense shade, e.g. brush box, camphor laurel, figs are most common as street trees. Large deciduous trees e.g. London plane, are also used. There are large areas of native bushland, e.g. Kellys Bush and Boronia Park. Private gardens of trees and shrubs fill the spaces: pines, figs and the ubiquitous jacaranda combine with the street trees to dominate the street so the houses are revealed between the foliage.

Building materials: These are unobtrusive – weathered stone, unpainted brick of varying shades reflecting the contemporary fashion of each house, painted timber. This contrasts with other suburbs of Sydney, e.g. the Eastern Suburbs where white and light colours predominate. Man-made surfaces are also unobtrusive and untextured – macadam, concrete, sandstone.

Variety: Within the limits outlined above, Hunters Hill is characterised by the variety of its buildings in type, style, materials and age. Although most buildings were constructed between 1919 and 1961, the most noticeable elements of its character and on which its heritage significance rests, are the buildings constructed between 1860 and 1920. Similarly, while only a small proportion of buildings are constructed of stone, it is a very noticeable element in the Municipality, partly owing to the siting of the stone houses and the large number of stone walls.

W. PHIPSON
Town Clerk

PUBLICATIONS

THE VISION AND THE STRUGGLE, AN ACCOUNT OF THE TRUST'S FIRST TWENTY YEARS

by Reg Martin and Richard Temple

Published by The Hunters Hill Trust

140 pages, b & w photos, map, index

Includes reprint of Part I of the original Report of the Hunters Hill Trust, March, 1969, "**TOWN PLANNING, AND PROPOSED HISTORIC DISTRICTS IN HUNTERS HILL**". Available mid-July. **SPECIAL PREPUBLICATION PRICE - \$10.00. (Order Form Enclosed)**

HUNTERS HILL: AUSTRALIA'S OLDEST GARDEN SUBURB

This new publication introduces Hunters Hill as Australia's oldest surviving suburb from its establishment in 1840 to 1900, through its survival as a Suburban Ideal from 1900 to 1988. Dr. Beverley Sherry's substantial text - over 50,000 words - is accompanied by 135 colour photographs by Douglass Baglin.

The recommended retail price of this book will be \$49.95 when it is released in September. **HOWEVER, AUTOGRAPHED COPIES are offered to CURRENT TRUST MEMBERS at a SPECIAL PRICE of \$39.95. (Order Form enclosed.)**

MONUMENTS AND MEMORIALS: a tribute to their worth.

Edited by Beryl Henderson, published by the Royal Australian Historical Society, 1988. 284p. Illustrated.

(Entries for Hunters Hill are on pages 79-82. These were compiled by Doreen Carter and Fred Stamp.)

This project was funded by the New South Wales State Government through the New South Wales Bicentennial Council.

GUIDELINES FOR THE CONSERVATION OF THE ENVIRONMENTAL HERITAGE"

Published by the Hunter's Hill Council, 1988. 4p.

Copies of this leaflet are available from the Hunter's Hill Town Hall.

ACTIVITIES

Moocooboola Fair

SATURDAY, 16th SEPTEMBER

HUNTERS HILL TOWN HALL

9 a.m. - 3 p.m.

≈≈≈

ENQUIRIES:

VALERIE DOUGLAS
HUNTERS HILL TOWN HALL
816 1555

"ROOMS ON VIEW" INSPECTION

The convenors of the Vienna Cottage Activities Group, Pamela Chippindall and Jenny Lockyer, would like to thank the many members of the Hunters Hill Trust who gave invaluable assistance at the recent "**Rooms on View**" inspection.

On Sunday, May 28th, (blessedly fine after weeks of ceaseless rain) rooms in houses of various periods, including SAINTONGE (1884), TERARA (1882), a Federation bungalow (circa 1906) and a 1960s riverside villa, all of which are the homes of Trust members, were opened for inspection.

Vienna Cottage was transformed for the occasion with a selection of furniture and accessories from Prisma (Country Charm) Furniture. Hand-printed fabrics from Robertson Mead were displayed at the home of Mr. and Mrs. John Lockyer. Afternoon teas were served at All Saints Memorial Hall and All Saints Church was opened for inspection by courtesy of the Rector, the Reverend Clive Harcourt Norton.

Proceeds from this most interesting and enjoyable afternoon were approximately \$2,000, a welcome contribution to the Vienna Cottage Appeal Fund. The inspection was arranged to celebrate the anniversary of the opening of Vienna Cottage on May 28th, 1988.

The raffle, which was drawn at the conclusion of the inspection, was won by a resident from Ferdinand Street.