



PRESERVING AUSTRALIA'S OLDEST GARDEN SUBURB

P.O. Box 85, HUNTERS HILL, N.S.W. 2110

SUBMISSION ON THE WHITE PAPER

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THE HUNTERS HILL TRUST - BACKGROUND

The Hunters Hill Trust was formed in 1968 to make a stand against the rampant redevelopment and rezoning that was tearing up the fabric of Sydney in the name of progress at that time. The Trust was not the only such group. Other local community groups formed around that time include The Paddington Society, The Glebe Society and The Balmain Association.

Since then The Trust has been continuously involved in the struggle to conserve the unique and historic character of Hunters Hill. We have also fought alongside others to preserve public lands around Sydney Harbour, including Kellys Bush and the Sydney Harbour Defence Lands.

The success of The Trust's work can be measured by how much of the unique character of Hunters Hill has been preserved from destruction and the fact that Hunters Hill still largely retains its garden suburb character in the face of the pressure for higher density development that has had such an impact on much of Drummoyne, Balmain and a number of other harbour-side suburbs.

Over the years, The Trust has maintained an established presence in Hunters Hill. We are represented on a number of Council committees and have over 300 members.

COMMENTS ON THE WHITE PAPER

The Hunters Hill Trust has been represented at a number of meetings and presentations to do with the proposed revisions to the planning process in NSW, which are set out in the White Paper, "A New Planning System for NSW".

In particular, Hunters Hill Trust representatives attended a presentation arranged by the NSW Heritage Council and a public meeting organised by Hunters Hill Council. As well, The Trust invited Corinne Fisher of the Better Planning Network to address our Annual General Meeting on this topic.

The Trust also contributed to Hunters Hill Council's submission on the Green Paper. It is disappointing that little from this submission has been incorporated into the White Paper. We hope that the input of community groups will be carefully considered and be reflected in the final proposal that is put to the government.

The Trust entirely supports the submissions made by both the Heritage Council and the Better Planning Network.

Clarity

The White Paper purports to strive for clarity and simplicity in the “new” planning process. However its language and presentation is far from clear. Compared to the Future Directions Review, which is reasonably easy to understand, The White Paper is unnecessarily long and difficult to read. It is full of corporate-speak, overly complex diagrams and irrelevant photographs and graphics. It contains many generalisations but few specifics.

A NEW Planning System

Its claim to be a **New** Planning system is an exaggeration. Much of what it proposes already exists under other names and much reform has already taken place. Councils across NSW have spent the last couple of years working to change their local Environment Plans to conform to the Department of Planning’s Standard Instrument. Hunters Hill Council has just released its draft Development Control Plan (DCP) that combines 16 existing DCPs into a single document that is in line with the new local Environment Plan (LEP). The White Paper proposes that most of these existing documents will be folded into their **new** local Plans.

Much is made of increasing the use of the electronic media as though this is a new idea even though most NSW councils already have planning information, DA tracking, electronic lodgement, customer support and a bunch of other information available on their websites.

Community Consultation

The White Paper promises to involve the community in the early planning stages. “Plans will be developed based on a vision shared by a well-informed and properly engaged community, industry and government”. Anyone who has ever endured a butchers paper, white board and yellow stick-it session of “community consultation” will not necessarily be champing at the bit to engage with the process.

Despite the emphasis on the need for community consultation, as a result of the changes to neighbour notification, individual property owners won’t know anything about what’s been proposed to be put up next door until it’s been built.

Currently the Environmental Planning and Assessment Act (EPA Act) requires neighbouring properties be advised about Development Applications for works in their vicinity. The White Paper proposes to abandon this in the name of speed and efficiency. It proposes that all community consultation only happens at the upfront “strategic” planning stage and not again at the individual proposal stage.

This is a deeply flawed and dangerous idea. It makes the following assumptions:

- that the community will be able to have a meaningful input into the planning process in the first instance,
- that the new local plans will have anticipated all foreseeable problems that might arise from a particular new development and
- that they will have all the required biodiversity mapping and ecological assessments, hydrological and stormwater impact studies, and all the relative information gathered and available; and
- that Code or Merit Assessment by council officers or certifiers of a proposal will pick up all possible adverse impacts of that proposal.

The reality is that only a handful of individuals from the community will be involved in the planning process and the so-called “community consultation”.

As Alan Miller from Hornsby wrote in a recent letter to the Herald, “the government proposes to strip this right in exchange for its assurance that locals will somehow help write new strategic planning documents, which are so complicated that specialist planners and lawyers spend months and reams of paper drafting them. All this from a government whose idea of community consultation thus far can be summed up by the image of a casino-heliport on top of a coalmine with hunters lurking under the poker tables.”

The dangers of the proposed new zoning categories

The White Paper proposes to simplify zoning categories by combining a number of different zones into one. For example it is proposed to collapse 6 different categories of residential zoning (General Residential, Low Density Residential, Medium density residential, large lot residential, Village, Environmental Living) into one single category to be called Residential. This category will also include Character Areas and areas with special ecological attributes.

This seems like a step back to the bad old days of spot rezoning. It means there will be an increased level of uncertainty about what can be built where. A block of land is worth more as a development site than for a single dwelling, so who will decide whether town houses can go up on the next-door lot?

This has a major potential to increase levels of corruption. Recent hearings of ICAC clearly show that there are plenty of people (even at the highest levels of government) who are prepared to act illegally when it comes to making illegal profits from land use rezoning.

Impact on Conservation and Heritage

The most recent reforms of the planning process, which introduced The Standard Instrument LEP, have already weakened controls on the protection of heritage by removing the classification of contributory buildings. As well, the NSW Department of Planning has been reluctant to allow for any additional conservation areas to be gazetted.

There is virtually no mention of the word ‘conservation’ in The White Paper and you have to look very hard to find ‘heritage’. The proposed new zoning categories will mean a reduced level of protection of existing heritage items from the impact of inappropriate development next door.

The use of the word *character*, as in Character Areas, instead of *conservation* clearly represents a downgrading of the protection currently afforded to the existing fabric of these areas. Also there is no guarantee that existing conservation areas will be automatically incorporated into the Character Areas. As well there is no mention of any mechanism for the creation of new conservation areas.

The White Paper’s clear pro-development bias does not augur well for heritage protection and conservation. Developers do not like heritage. They believe that having to deal with it cuts into their bottom line.

A new Part 3A that includes even more development

Honouring an election pledge, the Liberal Party repealed Part 3A of the EPA Act, which had allowed the minister to take over planning powers from local councils (it still applies to a number of projects submitted before this date as well as to the Urban

Activation Precincts, which are already causing deep concern to local government and nearby residents alike).

However, The White Paper proposes to take away even more powers from councils by promoting “expert decision making” through the use of various Review Panels, which are appointed by the Minister.

This means that local communities will have even less say in what happens in their areas and contradicts the idea of community involvement in the process.

The old system really isn't that broke

The White Paper makes the case that the assessment of development applications by councils is too slow. Most delays in the planning process occur either when proposed developments fail to comply with the planning controls or when insufficient information has been provided for Council to properly assess a proposal, or both. Generally properly documented proposals that comply with planning controls get approved in a reasonable time.

In the inner suburbs, which have small lots, higher densities, more mixed development and areas deemed worthy of conservation, a one-size-fits-all set of planning controls is impractical. In these circumstances, councils are given some leeway in the assessment of developments that do not strictly comply with the controls. The assessment of non-complying developments naturally takes a bit more time but this needs to be considered in the context of the lifespan of the development. What are a few weeks compared to fifty years or more?

Speed and efficiency

The White Paper has proposed that within 5 years, 80% of all development approvals will be by complying development or code assessment. It proposes these approvals will be completed within 10 days for straightforward complying developments and 25 days for code assessment approvals. This represents a massive change. For example, Hunters Hill Council has a mean gross determination time of 106 days for determining DAs, most of which are single dwellings. This in part represents the attention to detail that Hunters Hill Council gives to the impact of development proposals.

Clearly if these time frames are to be met, the assessment of development applications will become cursory and/or more assessment will be done by private certifiers. The latter is the preferred option of the Liberal Party, which does not see many votes coming from the public service and has an inbuilt belief that the private sector always does it better.

Inevitably this will lead to job losses and to the loss vital expertise within the public sector and this will be exacerbated by further job losses associated with proposed council amalgamations if these go ahead.

More work for private certifiers and lawyers

It is ironic that The White Paper proposals will result in so much more work for private certifiers when there has been so much negative press about them. It is also ironic that The White Paper proposes dramatically increasing the amount of building regulation and certification, which will now apply to the entire life cycle of the building and will mean more complex documentation of buildings and more complex and expensive contract administration. All this will have a substantial impact on a developer's bottom line.

Inevitably when private certifiers are involved in the administration of development there is less chance for the community to have an input into the process, particularly if something goes wrong – just ask anyone who has tried to make a complaint to Council about a construction site. “Oh there’s nothing we can do about that – you’ll have to speak to the private certifier.” This of course is completely wrong but it is what Councils tend to say.

What’s really driving the so-called reform?

The reform is being driven by a perceived housing shortage of 70,000 homes, unchallenged projections of increasing rates of population growth and the opportunity to, once again, use housing development to kick-start a sluggish economy.

Despite its claims to promote sustainability, The White Paper is all about accommodating the ruthless drive for continuing economic growth, which relies on an ever-expanding population of consumers who all need to be housed. It is an insult to call such policies sustainable.

Who likes The White Paper?

The main support for the New Planning System comes from developers and associated groups with a vested interest in more development like, for example, the Real Estate industry and The Institute of Architects. The main developer lobby group is The Urban Taskforce, whose CEO is a former government architect.

Inspirational planning

The White Paper emphasises the need to increase the speed of the development approval process, the need to improve efficiency and to encourage development by removing perceived barriers to it. *There is nothing in the document about making beautiful places to facilitate people leading happy, healthy and fulfilling lives and little about real planning.*

Conclusion

The Hunters Hill Trust cannot support the proposed changes to the planning system as set out in the White Paper because;

- It lacks any vision about creating wonderful places,
- It takes away the rights of individuals to object to developments,
- It is indifferent to heritage and conservation,
- It pays no heed to the idea of creating a truly sustainable society
- It gives priority to the interests of property developers’ plan.

The Trust believes that the impact of the White Paper will be to take planning back to the bad old days of the 1950s and 60s, when citizens had to form their own local groups to make a stand against the rampant redevelopment and rezoning that was tearing up the fabric of Sydney in the name of progress at that time.

To quote Yogi Berra: ***It’s déjà vu all over again.***

Tony Coote

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The Hunters Hill Trust