

1. Planning

- vision for achieving sustainable growth in Sydney

I believe our current trajectory in New South Wales where growth is so dependent on building housing for an ever increasing population is unsustainable both economically and environmentally, particularly at this time in history when all developed economies are struggling to achieve any growth.

We must have a realistic vision about what it is our planning system should deliver.

The future prosperity of Australia depends on far more than being able to efficiently extract and export minerals and energy. Without new industries with the capacity to suitably reward a more highly skilled workforce, it will be difficult for Australian standards of living to be maintained. Education and research which is responsive to the demands of new industries will play a vital role in our economy of the future.

Our future cities must cater for these new industries, which will generally be of a far smaller scale than the heavier industries in fields where we can no longer compete. We must have the foresight to plan how future work places will be distributed through our metropolitan areas.

If jobs are better distributed throughout our metropolitan areas, this should reduce the distances people will need to travel to work. This is also conducive of the growth of communities around employment centres. A great example of a precinct in our area, where many staff live nearby and others can travel by train, is Royal North Shore Hospital ('RNSH'). This is one of the many reasons why I oppose any divestment of RNSH land that could in any way hamper the future development of this hospital. Medical research and the development of medical technologies have to be parts of our future growth.

The Government's *A Plan for Growing Sydney* advocates urban renewal, or higher density residential development, in transport corridors but we are seeing high density residential development near arterial roads that are already struggling to cope. Cases in our area include: the Mowbray Road Precinct; development around Burns Bay; and particularly in the City of Ryde along Victoria Road, which already has average travel speeds in peak periods well below that of other major routes into the city.

Higher density development near transport corridors will only work if all infrastructure required to support that development is in place by the time the development is complete. There must be mechanisms to ensure, that particularly for larger developments, developer contributions actually deliver appropriate: street setbacks and open spaces; transport infrastructure; vehicle, pedestrian and disabled access around the development; access to

community facilities; and upgrading of services like sewerage, water, gas and electricity supplies necessitated by the development.

Strategic planning should also be separated from development approval and the latter should not be able to override the former. This should help alleviate the problem of development decisions being made on a one off basis and one bad decision being used as precedent for the next. It should also help alleviate the problem of one bad decision after another having the cumulative effect of destroying the amenity of existing communities. Community input is essential at all stages of both strategic planning and development decisions.

As is occurring in other countries, I see a movement away from the Westfield style shopping malls and the re-emergence of local shopping strips, where I would like to see the control of development at local government level with strong community input in the process. It is important here that Local Government Areas are kept small enough for individuals and communities to have genuine and effective input into LEPs, DCPs, and development decisions.

Future development should be guided by the principles of ecologically sustainable development, being: the precautionary principle; inter-generational equity; conservation of biological diversity; and the inclusion of external costs in the development (costs of dealing with pollution, use of natural resources and disposal of waste).

- o position on achieving real community & local input (that is not over-ridden by State Government planning instruments)

State Significant Development ('SSD'), the Gateway Process and State Environmental Planning Policies (SEPPs) are big issues here. Community input is an essential element of creating Local Environmental Plans ('LEPs'), which should not be overridden without equivalent community review.

State Significant Development

The SSD process is not quite as bad as the old Part 3A, which is not saying much, but the system still lacks openness and transparency and the Planning Assessment Commission ('PAC') tends to rubber stamp proposals, with decisions often based on low quality reports. These processes should be open to public scrutiny and input from the outset and this should continue throughout the process. There needs to be a process by which detrimental aspects of proposed development are properly examined and considered.

An example of the paucity of this process is the approval of the Shell Clyde Refinery Conversion before lodgement of an application, which will be required for alterations to the Gore Bay Terminal. The Gore Bay port facility

will continue to unload ships and pump petroleum products to the Clyde facility via the pipeline which has since the early 1960s run for most of its length through what is now the electorate of Lane Cove, including the Municipality of Hunter's Hill. Modification work is being performed at the Gore Bay Terminal but, at the time of writing, no form of development application has been lodged, leaving Greenwich residents in the dark. Clearly the change of use from a port that largely handled crude oil to one which handles finished petroleum products has altered or will alter the environmental impact, particularly if it is necessary to store any gasoline at the Gore Bay facility for any time. In the interests of openness there should have been a single SSD application dealing with the Clyde Refinery Conversion, the Pipeline and the Gore Bay Terminal. However, as an engineer, I must say that the change of use of the pipeline from principally carrying crude to only carrying finished petroleum products should not of itself have a significant effect on risks associated with the pipeline – I hope others will not attempt to fear monger with regard to this issue. My argument is that greater openness about the entire process could have allayed many of the concerns, at the same time as properly informing the Greenwich community of matters about which they undoubtedly will have justifiable concerns.

The Gateway Process

Local Environmental Plans ('LEPs') are developed with considerable community input and should reflect the kind of development communities will accept in their precincts. The Gateway Process allows others to amend LEPs with limited community consultation. If LEPs are to be altered the process of their alteration should be just as rigorous as the process of their creation.

State Environmental Planning Policies

If SEPPs are to remain part of the planning landscape, there needs to be a review of existing SEPPs with the disallowance of those that are unsuitable or outdated. For example, the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* should be amended to further protect the amenity of adjacent property – neighbours should also have rights beyond notification, to review plans of complying development to ensure that it does actually comply and to suggest modification that might lessen impact.

It is of great concern that SEPPs, which can be created at the whim of the Planning Minister, who only needs to have the Governor sign off on them, can override other planning instruments like Council LEPs. While we have SEPPs, they should be subject to the same tabling requirement as other subordinate legislation and be subject to disallowance motions.

- o position re achieving balanced government advice - community, heritage and environmental representation on planning authorities

As an engineer, I am very sceptical about the quality of advice that is relied on in the assessment of development and other applications. We should ensure there is independent advice. So for example with development applications, while the developer should pay for the Environmental Impact Statement ('EIS'), it should be prepared by a suitably qualified and insured independent assessor either appointed by a statutory authority or agreed to by all parties – the design of such a system will need to ensure the process cannot be corrupted. If developers wish to include with their application additional reports that show the development in a favourable light, the developer should make equal funding available to fund reports examining the detriment impacts of the development on the local community, surrounding environment and nearby heritage items.

- o vision for achieving social infrastructure to meet increased density - schools, green space, public transport

Again, consistently with the principle that developers should pay the full cost of development, developers must make realistic contributions toward the provision of schools, public transport infrastructure, green space, roads, bikeways and pedestrian and disabled access.

- o position on transport infrastructure

Transport infrastructure must be delivered in time to meet increases in demand created by new development, again with developers making appropriate contributions.

- o planning controls imposed on Victoria & Ryde Road corridors

Although at the time of writing Hunter's Hill Council had no Development Application before it, any redevelopment of the Gladesville Shopping Village should not be anything like the 25 stories that has been proposed. It should also have decent setbacks from both Flagstaff and Cowell Streets. I am pleased that Council has now amended the DCP to provide a 4 metre setback from Flagstaff Street and 'ensure adequate landscaping, deep soil planting, pedestrian amenity and buffering between Key Site and surrounding residential areas.' Although, having these provisions in the DCP, is unfortunately no guarantee that they will be followed. The timber cottage at 10 Cowell Street should be heritage listed as soon as possible – it is regrettable that the proposal to place an interim heritage order on the cottage was not passed at Council on 9 March. Any development behind the cottage must provide a suitable backdrop (landscaping including deep soil planting).

The density of new development along Victoria Road is hugely damaging of local communities. Additionally, the density of this development is too high for a road that already has average travel speeds in peak periods well below that of other major routes into the city.

Clearly, the planning controls over the Victoria corridors have not adequately protect community interests.

- o position on community involvement & outcomes for the Bays precinct

I was appalled when Treasurer, Andrew Constance, revealed that The State Government wants to build 16,000 new homes in the Bays Precinct [See, Leesha McKenny and Deborah Snow, 'Bays Precinct redevelopment expected to include 16,000 homes', *Sydney Morning Herald* (online), 19 November 2014 <<http://www.smh.com.au/nsw/bays-precinct-redevelopment-expected-to-include-16000-homes-20141119-11p2e6.html.html>>.]

The process of holding an international summit on the future of the precinct was a 'sham' as it was described by Leichhardt's mayor Rochelle Porteous.

The Treasurer's comments are also totally at odds with Bays Precinct Taskforce Report of August 2012, which suggests:

'residential use is not a priority in the Precinct, due to the potential impact such use would have on port and industrial type uses, and the inherent long-term alienation of public land involved with residential development. Significant buffers exist between the port and industrial uses and surrounding residential communities, in most areas, which is unusual in Sydney Harbour.

Residential development is not consistent with the objectives of the current land use zoning for Bays Precinct, and rezoning to allow residential development at this time is not supported by the Taskforce.'

There was significant community consultation in the development of the Bays Precinct Taskforce Report of August 2012, which has resulted in a balanced report. The recommendations of this report should not be overridden without greater community involvement.

- o position on preserving local industry - diverse community, local resources - not just housing

The preservation of local industry as well nurturing new industry that both use local resources (in particular human resources) are an important part of strong diverse communities.

2. Environment

- position on 10/50

As we are nearing the end of the fire season, I support placing a moratorium on the use of the 10/50 code. It must be reviewed. While residential properties, and 'high risk facilities' including childcare centres, schools and hospitals that are genuinely at risk from bush fire must be allowed clear vegetation to adequately protect such facilities, locations in suburban areas where clearing to this extent is justifiable would be rare.

- position on crown lands review

The withdrawn Crown Lands Amendment (Multiple Land Use) Bill 2013, which was to have inserted s 34AA into the *Crown Lands Act 1989* (NSW), would have given the minister too much power 'to grant a lease, licence or permit in respect of, or an easement or right-of-way over, Crown land' because of the doubt about interpretation of 'materially harm its use or occupation for the reserved purpose.'

There are also concerns about proposals that could see the alienation of Crown land and shifting costs to Local Government by making them responsible for Crown land.

- position on protection of water resources

Water is our most important resource – the integrity of our water resources should not be put at risk by inappropriate mining. One issue that particularly concerns me in this area is the continued destruction of aquifers by removing sandstone that is crushed to produce sand for concrete.

- position on powers of EPA

The Protection of the Environment Legislation in places limits the issues the NSW Environment Protection Authority can deal with – these limitations should be reviewed.

- position on supporting renewable energy industries

It is sad that the Abbott Government's indecision about the Renewable Energy Target ('RET') has cut investment in the renewable energy sector. If the RET is to change it should be increased.

I support the existing arrangements for those installing small scale solar photovoltaic ('PV') generators.

- position on global warming and the implications of continuous population growth.

Australia's undertaking to reduce carbon emissions by at least 5 per cent by 2020, compared with 2000 levels, is insufficient. To limit the impact of global warming on Australia, we must limit global warming to not more than 2 degrees above pre-industrial levels. Insufficient action on climate change at the present time only makes this target more difficult to achieve. Climate change is a global issue but as Australia has so much to lose from its impact, we should be leading the world in the reduction carbon emissions rather than moving away a system where those who create carbon emissions at least pay some contribution. To properly address climate change, the Australian Climate Change Authority recommends reducing carbon emissions by 19 per cent by 2020, compared with 2000 levels. It is difficult to see how this could be achieved but this does not mean we should not be doing more particularly with renewable energy.

We used to be constantly reminded about the user pays principle when it came to individuals paying tolls for road use etc. This principle seems to be forgotten when it comes to developer contributions, and paying for other externalised costs like carbon emissions.

As I suggested at the outset, I am concerned about the NSW economy, which is presently so dependent on building housing for an ever increasing population – clearly this is unsustainable. Other developed economies are struggling to achieve any growth and Australia is starting to see unemployment rise so we need to consider policy on population. The Australian economy needs other strengths. As I have suggested elsewhere, we must build the capabilities required for the jobs of the future by encouraging research and development that has some prospect of reward and developing education at all levels, particularly in the Science, Technology, Engineering and Mathematics ('STEM') disciplines. Moving the Australian economy in the direction of industries dependent on a highly skilled workforce will become more difficult as population increases.

3. Heritage

- support for the Heritage Council & its authority

I support the Heritage Council and the powers it is given.

- position on Gladesville Hospital

The remaining parts of Gladesville Hospital contain one of the most remarkable collections of built heritage in the Sydney metropolitan area. Any future use must not in any way detract from its heritage value.

- position on the preservation of Thompson Square, Windsor

Should be preserved.

- position on heritage controls

4. Council amalgamations

- o Position

For convenience refer to my response to the Save Hunters Hill Municipality Coalition, to which I replied:

a) There will be no forced amalgamations of Councils. Answer:

Yes.

I am absolutely opposed to forced Council Amalgamations.

b) There will be no incentives to Councils to amalgamate given that 'bigger is not better'. Answer:

Yes.

I am opposed to incentives to induce Councils to amalgamate. The package of up to \$ 1 billion offered in the 'Fit for the Future' reforms, which will not be available to Councils below a given 'scale and capacity' that do not agree to 'voluntarily' merge, is a massive distortion of funding to Local Government. As I have Tweeted: 'The NSW Government's 'Fit for the Future' reforms for Metropolitan Councils are forced amalgamation by another name.'

c) 'Rate-pegging' and 'cost-shifting' by Government in relation to councils to end. Answer:

Yes.

Rate-Pegging has contributed to a lower rate of revenue growth for Councils in NSW compared with Councils in in other mainland States. This has made Councils more dependent on grant funding and has contributed to infrastructure backlog, which state wide is estimated to be over \$ 7 billion. Obviously rate pegging should be replaced with a more flexible system that allows Councils to increase rates where required to fund maintenance and necessary infrastructure.

Cost-shifting should end. Higher levels of Government should be bear the cost of: waste disposal levies; contributions to emergency services; and pensioner rebates. Developers should pay the true cost of services they use like applications, approvals and inspections relating to their development.

d) Government to support regional groupings of existing councils within the Sydney area, in a way that respects the independence of each Council.

Answer:

Yes. See my website [<http://jimsanderson.id.au/>], where I say:

‘Rural councils will be able to form ‘Joint Organisations’, which will perform some functions and deliver some services currently carried out by the member councils. Metropolitan councils have not been offered this option, which will make assessment as being ‘Fit for the Future’ unattainable for some councils, even if only because of their size, although ILGRP itself has rejected the ‘one-size-fits-all’ approach.

...

As the *Revitalising Local Government* report suggests, local government could work to far greater effect. The scope for sharing of resources among metropolitan councils is even greater than in regional NSW so the NSW Government should support the formation of metropolitan ‘Joint Organisations’, which in our area could see the Local Government Areas (‘LGAs’) of Hunter’s Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby form a Joint Organisation. By sharing resources on a larger scale, smaller councils can remain viable and small enough to represent the diverse interests of their communities.’

e) The historic Hunters Hill Municipality (1861) will be preserved and its heritage properly protected. Answer:

Absolutely yes!

- o research to support position

NSW Independent Local Government Review Panel, *Revitalising Local Government: Final Report* (October 2013).

NSW Office of Local Government, *Fit for the Future*
<<http://www.fitforthefuture.nsw.gov.au/>>.

Other material regarding difficulties with large councils.

5. Sale of public assets

- o position on lease/sale of electricity assets

I do not oppose asset sales per se.

The poles and wires selloff is complicated by the unfortunate history of legislation and the Australian Energy Regulator allowing electricity network owners to charge the cost of unnecessary upgrading of the network (gold plating) to consumers. The value of the network will be determined by the

return on the asset to the owner or lessee. If electricity prices are contained and electricity consumption continues to fall (which is possible with lower growth) the value of the asset will decline – an argument in favour of sale. On the other hand at a time of low interest rates there is an argument for borrowing funds for infrastructure development. The issue is further complicated because the country energy distributor, Essential Energy has been quarantined from the sale/lease, meaning the Government will be left holding the least profitable part of the network.

The comments of Prime Minister Abbott in this area are also unhelpful – the Carbon Tax had far less impact on electricity pricing than did the upgrades to network infrastructure.

- position on the move of the Powerhouse Museum & its city site

The Powerhouse should stay where it is.

6. Political donations & prosecutions out of ICAC

- position on pursuing outcomes from ICAC

In all cases where there is a reasonable chance of successful prosecution, ICAC evidence should be provided to the DPP to prepare a case for prosecution.

As someone who has closely studied Constitutional Law, I am inclined to believe that Jeff McCloy will be successful in the matter before the High Court and that provisions in the *Election Funding, Expenditure and Disclosure Act 1981* (NSW) that outlaw developer donations will be struck down. While I am a strong advocate of the implied freedom of communication regarding political or governmental matters, it is unfortunate that they are likely to result in an end to outlawing political donations from any proscribed group.

As a result, in the future, the best way to control political donations is likely to be the placement of a quite low cap on the amount of any political donation from any source and more public funds being made available.

7. Mining

- position on achieving protection for agricultural production & water resources

Where there is any risk to agricultural production or water resources, these interests should prevail over mining.

- position on achieving protection of environment & biodiversity

Environment and biodiversity should be restored

- position on coal seam gas

Coal Seam Gas extraction should only occur where there is scientific certainty that there will be no damage to agricultural production, water resources or communities. At the present time the technology does not exist for this to occur.

- position on achieving effective controls

The NSW Government controls on CSG are inadequate.