



PRESERVING AUSTRALIA'S OLDEST GARDEN SUBURB

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

28 May 2012

Barry Smith
General Manager
Hunter's Hill Council
Town Hall
Alexandra Street
Hunters Hill NSW 2110

Dear Barry,

Hunters Hill Council Draft LEP 2012

The Hunters Hill Trust congratulates Council on how it has translated the original LEP No. 1 into the standard template required by the NSW Department of Planning and, in particular, how it has managed to preserve and enhance the requirements for landscaped areas.

Notwithstanding this, The Trust reiterates its concerns, previously expressed, in relation to the planning controls contained in the approved LEPs for the Gladesville shopping centre and the Hunters Hill Village. In particular, the Trust is concerned about the rezoning of parts of Ryde Road, but we acknowledge that any changes to these LEP controls were not subject to discussion under this draft.

In relation to drafting the planning controls for the new LEP, we understand that Council has been somewhat constrained by the standard template and what the Department has been prepared to accept. The Trust is concerned about reassurances that much of the detail of how Council can achieve the objectives as set out in the plan, will rely on the subsequent development of an effective Development Control Plan. We would point out that this puts pressure on Council to ensure that the drafting of the new DCP is timely, consistent and comprehensive.

The Trust therefore takes a strong position on a number of issues in the Draft LEP that potentially weaken Council's planning controls, as outlined below.

- The deletion of any reference to the Conservation Advisory Panel
- The removal of the schedule of Contributory Items
- The increase in the maximum building height

- The provision for 50% landscaped areas
- The lack of identification of significant natural bushland (E2) and hence the potential lack of control in relation to the preservation of this bushland
- The heritage status of the Hillman Orchard
- Excessive sandstone removal
- Tree preservation and protection of private bushland
- The imposition of the standard government *complying* and *exempt* controls
- Dual occupancy provisions
- The identification and protection of Aboriginal heritage
- Provisions for sex services within areas zoned B4 zones.

1. Conservation Advisory Panel

The Trust is very concerned about the absence of any provision for the Conservation Advisory Panel in the Draft LEP and would urge that Council attempts to argue special circumstances for its inclusion with the Department of State Planning. Hunters Hill Council was the first local government area to provide for a conservation advisory panel and its role is both historic and seminal to the community's participation in the development control process within the Municipality. There is an urgency to have statutory recognition of its establishment, as it presently exists, with representatives from the community, The Hunters Hill Trust, The National Trust and the Australian Institute of Architects as soon as possible.

There is also an opportunity for Council to consider extending the role of the Panel to formally include its pre-DA advisory role for applicants considering development. Council should also ensure that it seeks the Panel's advice in relation to Council's own developments and planning policies. Finally Council should also consider widening the role of CAP to advise Council on any development it sees fit, rather than confining its role to developments in the conservation areas and heritage listed items within the Municipality.

2. Contributory Items

The Trust regrets the removal of Schedule 7 Contributory Items from the Draft LEP as this has weakened Council's control on developments outside the conservation areas. There is an urgency for Council to make good this omission by the provision of an equivalent schedule in a new DCP and simultaneously extend the advisory scope of CAP to include developments outside the conservation areas.

The category of contributory items further raises and highlights a need to extend this level of heritage control over all development on residential dwelling houses within R2 low density zones, that is development on contributory items within, as well as outside, the designated conservation areas.

3. Maximum Building Height

The Draft LEP provides for a new reading of the maximum building height as a measurement of 8.5 metres to the top of a building. The height of 8.5 metres readily allows for three storeys of a minimum ceiling height of 2.4 metres, capped with a low-pitched roof. Reference to a limit of two storeys needs to be clearly spelt out in a new DCP to ensure the new height control is not abused by landowners or developers.

4. Landscaped Areas

The provision for 50% landscaped areas for the growing of plants, grasses and trees, excluding any building, structure or hard paved area, for the R2 low density residential zoning is to be applauded. This provision is crucial as it highlights Council's firm and public position to protect the character of the garden suburb.

Following its meeting with Council planners this Thursday 24 May, the Trust supports the suggestion that the clause could be redrafted to ensure that the landscaped area and any "development" relating specifically to it shall not be less than 50% of the site area (and 60% for river front areas). An additional clause is required setting out that "development" relating to landscaped area shall be garden walls and structures, exposed natural sandstone or rock, ornamental pools, swimming pools and paved area, and this "development" shall in total be no more than 10% of the site area. The DCP can then stipulate controls over these items, such as the size of swimming pools and the nature of paved areas.

The Trust congratulates Council in making provision to counter the present practice whereby landscaping over structure becomes a substitute for deep soil planting. We strongly recommend further provision is made in the DCP to distinguish permeable paving from hard, non porous paving, the increase in the latter being hugely detrimental to ground water movement within the suburb.

5. E2 Zonings

Bushland areas that are ecologically significant and need to be properly protected have been zoned E2 Environmental Conservation. While this category protects local biodiversity and ensures an appropriate land use for a sensitive site, the Trust does not believe that the full extent of such lands, both private and public, have been zoned accordingly and much valuable bushland will remain vulnerable to inappropriate treatment and use. We believe that a number of areas that should be included in this zoning have been identified as RE1 Public Recreation, which allows for a much higher degree of adaptation and usage.

Again following discussions with Council's planners on 24 May, the Trust urges that the following sites be rezoned E2. Of state significance, Kelly's Bush should be zoned E2 as a matter of priority. Boronia Park has only limited areas mapped E2 and important sections, south and south east of High Street, should also be included. Similarly non recreational areas of Buffalo Creek, further north, should be included. Tarban Creek zoning boundaries on both public land and Villa Maria land should be extended north to include Murray Prior Reserve, while eastern sections of Riverglades Reserve should also be included. Additional areas of significant foreshore bushland that have not been identified include Clark's Point, the Goat Paddock and areas around Woolwich Dock, Pulpit Point Reserve, Fern Road Reserve, Ferdinand Reserve, Mornington Reserve, the area underneath Marist Sisters College (despite it currently being publicly inaccessible) and the foreshore area beneath Gladesville Oval and Huntley's Cove bushland. Non foreshore bushland reserves that should be included are Francis Street

Reserve above Pulpit Point and St John's Park at the corner of Ryde Road and Augustine Street.

The Ryde Hunters Hill Flora and Fauna Preservation Society have provided reference to the relevant documentation to substantiate all the above listings for zoning as E2 Environmental Conservation.

6. Heritage Listing of Hillman Orchard

Out of Thursday's discussions it further became apparent that the Hillman Orchard, alongside Vienna Cottage, at no. 40 Alexandra Street was not listed under Schedule 6 of LEP No.1 and therefore had not been identified as a heritage item under the new Draft LEP. The two blocks Vienna and the Hillman Orchard are listed together as numbers 38 to 40 Alexandra Street on the State Heritage Register. It is important to correct this oversight immediately.

7. Sandstone Removal

The Hunters Hill peninsula is defined by its sandstone geology, the topography of ridge tops, leading down to its harbour foreshores. In an effort to minimise the apparent scale of development, many new, large scale foreshore residences cut deeply into the bedrock of the peninsula. The excessive removal of sandstone severely impacts upon the ground water system and overloads the local stormwater system. Ideally the Draft LEP (and if not a subsequent DCP) should contain provisions that restrict the quantity or percentage in cubic metres of sandstone that can be excavated from a site.

8. Tree Preservation and Protection of Private Bushland

The Trust supports the preservation of trees and other vegetation on both private and public land. Irrespective of ownership, native flora provides a continuation of the planned ecological corridors linking public bushland. Foreshore private land is particularly vulnerable to the removal, both authorised and unauthorised, of trees.

Enforced penalties for removal, requirements for mature replacement specimens and timing expectations, together with recommendations concerning appropriate new species of plants, should be explored in a new DCP.

8. Exempt and Complying Development

While exempt and complying development is excluded in the new Draft LEP from "riverfront areas", it is not excluded from conservation areas. The siting and design of new buildings or structures can have a major negative impact, and the Trust strongly urges that this category of development is excluded also from conservation areas.

9. Dual Occupancy

The Trust believes that dual occupancy and other permitted housing types should comply with the provisions of height, density and landscaped areas that apply to single dwelling houses in R2 low density areas.

10. Aboriginal Heritage

While the Trust understands that Council is unable to list Aboriginal heritage items until it has followed through the necessary protocol of discussion of such items with the Aboriginal Land Council, with the adequate extension of E2 boundaries there is more certainty of protection of these items in the interim period.

11. Sex Services

Although the provision of sex services is restricted to areas zoned B4, there are clearly areas within the Hunters Hill village where such an activity is inappropriate. The Trust would recommend that such premises are not allowed within one kilometre of any school, preschool, childcare centre, sporting grounds or transport hub, to secure the amenity of the community.

It is extremely important that the drafting of the new DCP to accompany the Draft LEP is timely, comprehensive and sets firm standards that logically extend provisions within the LEP. It is an opportunity to review and strengthen guidelines and controls in DCP 15. Amongst the many concerns of the Trust, the retention of trees and (especially foreshore) bushland, maximising deep planted landscape area, and garage/carport and fence design policies are paramount.

Further the Trust would like to see, in addition to the reduction of sandstone removal, an initiative that discourages the unsustainable practice of demolishing existing houses, a method of discouraging inappropriate design that fails to acknowledge the character of the area, and strengthening of the provision that one cannot replace within Hunters Hill, unless the replacement building adds significantly to the quality of the building stock in the suburb. None of these practices need be restricted to the conservation areas.

The Trust appreciates the commitment of and time taken by Hunters Hill Council in preparing its Draft LEP and is grateful for this opportunity to comment. It is hopeful that the community's response can be adequately accommodated in amendments to the draft before finalisation and submission to the Department of Planning.

Yours sincerely,

Robyn Christie
President
Hunter's Hill Trust