

Clr Jim SANDERSON

Hunter's Hill Councillor

Newsletter 29 May 2022



Dear Community,

We had a few successes in the early meetings of the new Council but recent developments emphasise that we all must remain vigilant.

Local Planning Panel

In February, my Notice of Motion, the first of this Council's term, seconded by Ross Williams and supported by other Independents, has seen Councillors involved as the selection panel for the new Local Planning Panel (LPP), rather than the process proposed by the former Acting General Manager, where he would have chosen the selection panel. I am pleased that the process I set out has resulted in the replacement of one expert member of the LPP with three expert members with stronger heritage credentials. Although we have two capable alternate Chairs, it remains unacceptable that LPP Chairs are appointed by the Planning Minister rather than by a Council with some understanding of community expectations.

Strategic Planning

The most recent meeting of Council on 16 May has undoubtedly been one of the most important of this short term. It considered matters that will be the foundation for coming years, including drafts of the: Community Strategic Plan (CSP); Long Term Financial Plan; Delivery Program; Operational Plan & Budget; Fees and Charges; and Community Engagement Strategy.

These documents will be on public exhibition until Monday 13 June – I encourage everyone to make submissions.

It is accepted that the delay in the Local Government elections, meaning the new Council was sworn in in January instead of the previous October, has reduced the time available for drafting of these critical plans.

Community Strategic Plan

If adopted by the new Council at its meeting on 20 June, the draft CSP will replace the CSP adopted by the former Council in 2018 and revised in 2020. The draft CSP will remove the Key Directions of the former CSP, which set out strategic objectives and actions, and replace them with a series of vague objectives.

In particular, it is of concern that the Objective of 'Places for People', which it is proposed will replace the former Key Direction of 'Maintain Character & Manage Growth Planning', in respect of heritage, is confined to stating: 'Neighbourhoods reflect local character, heritage and create a sense of belonging.' More needs to be said about protecting our character and heritage.

The former CSP Key Direction of 'Maintain Character & Manage Growth Planning' posed that:

Hunter's Hill Council is a champion in heritage conservation. The Hunters Hill local government area is preserved in history, heritage, and character. Residents feel strongly about maintaining the look and feel of

Hunters Hill and are committed to retaining the existing visual amenity. Our lifestyle is matched by our desire to retain the beauty of our garden suburb.

It is odd that, just four years later, the 'Places for People' vague objectives prioritise:

Urban environments that attract business investment, economic activity and place making initiatives.

Development application, regulation and monitoring services are streamlined.

Place making must conserve our 'history, heritage, and character', not forget them as the draft CSP appears to do, putting these elements of the place we all love at risk, in favour of attracting business investment and streamlined development applications that may not sufficiently analyse issues.

For those wishing to make submissions about the CSP or other strategic plans, these plans can be found on Council's website at: <https://www.huntershill.nsw.gov.au/participate/draft-ipr/>

My covering email will also attach a copy of the former CSP to allow you to make a comparison.

Community Engagement Strategy

At Council's May meeting, I moved to amend the Community Engagement Strategy so that the minimum level of public participation under the International Association of Public Participation (IAP2) Spectrum was raised to 'inform and consult' for a range of Council activities listed in the Strategy.

Liberal Councillors did not support my other amendments to have Council's General Policies go on public exhibition or to specifically include public meetings as part of Council's 'Engagement Options'.

For those wishing to make submissions about the Community Engagement Strategy, it can be found on Council's website at: <https://www.huntershill.nsw.gov.au/participate/re-exhibited-draft-community-engagement-strategy/>

On a positive note, the Community Engagement Strategy sets the IAP2 level of engagement for Plans of Management and Masterplans to inform, consult, involve, collaborate and empower.

Plans of Management

Regrettably, I don't believe there was collaboration with nor empowerment of the community in relation to the adoption of two Plans of Management (PoM) at Council's March Meeting, given that these PoMs were developed without the benefit of Community Advisory Groups.

Ross Williams and I both opposed the adoption of the PoMs for the Henley Precinct Open Space and Figtree Park, for a number of reasons.

Among other things, Ross and I believe the use of artificial turf (except for cricket pitches) should have been prohibited in the Henley Precinct Open Space PoM.

With respect to the Figtree Park PoM, Ross and I reasoned that it is not appropriate for a PoM for community land to foreshadow Potential Future Development of parts of that land including for residential development. Ross was the only other Councillor to support my amendment to remove the section of the PoM foreshadowing Future Uses.

Disposal of Council Land

At its meeting in February, Council considered a staff report recommending the sale of 151.9 square metres of nature strip in Lloyd Avenue Hunters Hill. The matter was deferred following strong criticism

from Councillors Ross Williams, Richard Quinn and myself. At that time, in the absence of any policy to guide the disposal of Council land, I criticised the four page report, which provided too little information, made misleading comparisons with other Council land sales and did not answer the questions that should be put before such sales are even contemplated.

At its meeting in March, Council considered another staff report recommending the subdivision and recategorisation of land at the back of the Henley Long Day Care Centre to prepare this land for sale. This land together with a piece of adjoining unformed road known as Bland Street provides pedestrian access between the northern end of Gray Street and the top end of Crown Street, which is used extensively by residents of the north western part of Henley for access to Gladesville Reserve and public transport. Council has in the past also worked with Henley residents to improve plantings in this area as its location between the grounds of Gladesville Hospital and Gladesville Reserve makes this land an important biodiversity corridor. None of this was mentioned in the report proposing that the land be prepared for sale. Fortunately, Council resolved to defer this matter. Although Mayor Miles and Councillor Virgara opposed the deferral, presumably because they wanted to proceed with the process of readying the land for disposal.

Policy for Disposal of Council Land

As Council clearly needs a policy to guide any sale of Council land, our new General Manager sought legal advice to draft such a policy. The draft Policy for the Disposal of Council Land was first distributed to Councillors in confidence on 9 May and was considered by Council at its Meeting on 16 May. While this policy is sound in terms of the process to be followed after a decision has been made to sell land, it is sadly lacking in regard to the process that should be followed in determining whether the land should be sold.

The policy has a non-exhaustive list of ten matters to 'have regard to' in 'determining whether land has potential for disposal,' including: 'Whether the land has cultural, natural or heritage value that should be maintained'; or 'Whether disposal of the land would create an access issue for adjoining land holders'. Clearly, having regard to these matters is inadequate in the unique environment of our Municipality, as there is no guidance as to what should be considered in determining whether the land has cultural, natural or heritage value that should be maintained. Further the policy is silent on retaining view corridors and access for other than adjoining land holders.

At the Ordinary Meeting of Council on 16 May, I moved the alternate motion:

That:

1. The report be received and noted.
2. The Policy for Disposal of Council Land be amended to: ensure the Policy prioritises public interest over all other interests; and, in addition to the provisions of Clause 3 of the draft, ensures that:
 - a. If the land has current or foreseeable future uses to Council, it will not be sold or encumbered in a manner that will limit that use; and
 - b. Land will not be sold if it currently provides, or can in the future provide, a discernible contribution to:
 - i. Public access to foreshores, natural areas, parks, sportsgrounds or land for general community use;
 - ii. Linkages between streets, lanes, and other areas or access between lands;
 - iii. Maintenance and/or improvement of view corridors;

- iv. Maintenance and/or improvement of the curtilage around heritage items; or
 - v. Existing plantings and/or opportunities for plantings to improve, the tree canopy or biodiversity corridors.
3. To further avoid and mitigate concerns about direct negotiation provided for in clause 4.3.4 of the draft:
 - a. Consideration be given to the Policy providing for a minimum value for such disposals, such as the rateable value of the land; and
 - b. Council prepare a list of land it may wish to dispose of.
 4. Following amendment, Council place the Policy for Disposal of Council Land on public exhibition for 28 days.

As Councillor Elizabeth Krassoi was an apology at this meeting, Liberal Councillors were able to amend this motion, resulting in the adoption of the flawed Policy for the Disposal of Council Land, by and large as drafted, with Ross Williams and myself the only Councillors voting against its adoption.

Liberal amendments to my motion also mean the Policy was adopted immediately without the public exhibition that I had proposed but don't let this stop you having your say!

The Policy as originally drafted can be found at Item 4.5 of Council's May business paper, available at: <https://www.huntershill.nsw.gov.au/wp-content/uploads/2022/05/Ordinary-Meeting-16-May-4507.pdf>

I remain concerned that as this policy stands, it will do little to stop ill-considered proposals to sell Council land, such as the two examples cited above. At the time of writing, I am waiting to hear whether other Councillors will support a rescission motion that Ross Williams and I would like to move.

If this policy is not amended, I expect we will see a succession of proposals to sell Council land, many of which I fear this Council will approve without proper analysis of the value of the land to the community.

Conservation Advisory Panel (CAP)

For over 50 years Council's Conservation Advisory Panel (CAP), a panel that includes members with substantial heritage expertise who volunteer their valuable time, has provided advice to Council on heritage and conservation matters including advice on development applications affecting heritage items or in heritage conservation areas. CAP has also provided free advice to applicants to assist them to find solutions that respect the surrounding character of their neighbourhood.

CAP, although only an advisory committee of Council, has played a substantial part in the preservation of the unique character of our Municipality.

At an early briefing of the new Council, staff revealed plans to narrow the function of CAP to consider and provide advice on: development proposals that include 'demolition of a building in a heritage conservation area'; 'demolition, or part demolition of an item of heritage significance and/or significant alterations and additions to an item of heritage significance'; or 'plans or policies referred to it by Council or the General Manager.'

Although I pointed out that the functions of CAP cannot be narrowed to exclude any functions assigned to it by the Development Control Plan (DCP), the functions of CAP have still been narrowed in the draft terms of reference under which it will operate until Committee terms of reference are adopted by Council at its August meeting.

It is therefore important that CAP and other Council Committees review and make recommendations about their terms of reference in time for Council to consider them at its August meeting.

It is also essential, that we remain vigilant about changes to our planning instruments and controls, the Local Environmental Plan (LEP) and DCP, which are currently under review. I fear there are some who would like to see CAP weakened by removing reference to it in the DCP.

LEP & DCP Review

Council officers had been working for some time on amendments to Council's Local Environmental Plan (LEP) and Development Control (DCP) without there being a lot of reporting back to Council or the community about this important process.

A series of motions or amendments to recommendations I have put, which have had the unanimous support of Council, I hope will see better reporting of the process.

The first of these reports appears at Item at Item 4.4 of Council's May business paper, available at: <https://www.huntershill.nsw.gov.au/wp-content/uploads/2022/05/Ordinary-Meeting-16-May-4507.pdf>

I have a number of concerns about proposed amendments and in particular about how Clause 6.9 of the LEP will be made consistent with the standard LEP definition of 'landscaped area'. It is essential that the revised clause ensures there is no weakening of the current provision – our low density development should remain housing set in gardens contributing to tree canopy and biodiversity corridors not landscaping around buildings that occupy as much of the lot as the controls permit.

Conclusion

I hope my explanation of the issues above assists you in understanding what is happening at Council.

I am very concerned that in the term of the current Council, we could see erosion of some of the values we treasure about our unique Municipality.

We all have a role to play in local governance.

I therefore look forward to: hearing your addresses to Council; reading your submissions about the above matters; and talking to you about local issues that are important to you.

Best wishes,

Councillor Jim Sanderson

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