

North District Plan submission

Thank you for the opportunity to make a submission to the Greater Sydney Commission's draft plan for the North District.

The Greens NSW, our members and supporters understand the importance of good planning. We also know the very real damage that poor planning decisions have had on our city. Community consultation is one way that bodies like the Greater Sydney Commission can seek to work collaboratively with communities across NSW to seek to develop a shared planning vision and instruments to implement such vision well into the future.

Strategic planning is seriously lacking in the planning system in NSW and these plans attempt to go some way towards rectifying that. However, we have a number of substantial and ongoing concerns about the draft district plans and unless these are remedied believe that these plans will be an incomplete and imbalanced set of tools for guiding planning across Greater Sydney.

Substantial concerns with the North District plan include:

- Climate change objectives are not backed up by any concrete planning or measurable outcomes: meaning they will almost certainly not be achieved
- Only minimal consultation with Aboriginal communities, Aboriginal elders or traditional owners
- Failure to properly plan to protect and enhance green open space, and tree canopy within the area
- The lack of true independence and accountability of the Greater Sydney Commission (the Commission)
- The failure to consult appropriately with local councils in developing these plans
- Insufficient detail and specificity in plans, meaning

it is harder for the public and stakeholders to properly assess their impact

- Simplistic approaches to housing affordability with targets of 5-10% of housing yield to be affordable being both too low and too restrictive
- Lack of enforcement mechanisms to actually require developers to deliver affordable housing
- Insufficient measures to protect our coast and maintain and enhance access to green open space across greater Sydney

The North District has a number of unique features that must be adequately considered in planning for the area.

This includes the fact that a number of councils in the area covered by the plan have recently been subject to forced amalgamation as part of the new Northern Beaches Council, meaning there are no elected representatives in that whole area currently able to provide input on these plans. This is a substantial concern and reduces the overall level of engagement with the draft plans.

The North District also faces unique climate related issues, such as the potential for sea level rise and the impact of storm events on the coastal areas and around the harbour. In particular the coastal erosion we saw at Collaroy Beach after the June 2016 storms is something that must be factored into plans for the region. Credible plans must include plans for coastal retreat in some of this district, as well as strategies to protect crucial public infrastructure and environmentally sensitive lands.

The Chatswood and North Sydney CBDs are important employment hubs for the whole state, but housing costs in the district, combined with the very restricted amount of social and affordable housing, greatly limits the ability of people on average weekly earnings, or any income level below

that, to live in the area. This is a key concern that the draft plan fails to address adequately.

Greens members in North District have expressed concern that the growth orientated agenda of this plan - both economic and population - will impose enormous development pressure on our area. Areas in the North District such as the Hills, Hornsby, Pittwater, Ku-ring-gai, Warringah and Manly have significant tree canopy coverage, this must be retained and protected. Recent development combined with the 10/50 vegetation clearing rules have already had a substantial impact on the tree canopy in the area and there are serious concerns that this will continue.

There are huge developments proposed for the North District, including at Ingleside with 3,400 new homes and intensified development in Warriewood. Traffic problems in the area are already significant, and seem likely to worsen under the planned increases in population. Impacts further downstream such as on the increased sewage input to the Warriewood treatment plant and significant worsening of pollution from the effluent disposal pipeline from cliffs at Turimetta Head.

The Commission has quite rightly recognised that the North District of Sydney is an area rich in environmental value with many National Parks and Nature Reserves. Planning for the region must preserve and enhance these values. We would be concerned at any proposal to downgrade the environmental protections of these areas in order to speed up development or meet housing targets.

With such substantial shortcomings, it is our belief that major revisions must be undertaken before this plan can appropriately guide development across the North District.



David Shoebridge
Greens MP and Planning Spokesperson



Climate Change

The draft plan includes a statement that climate change is a significant issue and commits to making Sydney a zero emissions city by 2050. But the objective rings hollow with no detail provided about how the District Plans will deliver this important goal.

The Greens support the objective of carbon neutrality and note that the council of the City of Sydney has made significant strides toward carbon neutrality over the last few years. The progress that the City of Sydney has made has only been achieved by clear targets, detailed strategies and committed monitoring.

The draft plan by contrast provides no clear interim targets or strategies to move toward the goal nor commitment to regular publicly-available and transparent monitoring. The Greens call for the Commission to put forward initiatives to transform the design of housing to minimize energy use and requirements to set clear objectives to increase renewable energy sources in all new dwelling proposals. A major overhaul of BASIX is also warranted. Whole of life greenhouse gas emissions ratings for new housing should be required as well as clear strategies to encourage adaptive reuse rather than demolition.

It is also concerning that no information is provided about the main climate related issues for the North District. For example there is no mention of the potential for sea level rise to have significant implications for utilities such as the Sydney sewerage system and other exposed low-lying and coastal development and infrastructure. Increased bushfire risk or flooding risks are equally not mentioned.

These and other climate change related impacts should be identified and prioritised for planning responses in any serious 20 year planning process.

Protecting the coast

The North District includes some of Sydney's most precious coastal areas. While the Commission has identified coastal management as a key issue, it is remarkable that proper consideration has not

been given to climate change mitigation plans. Internationally accepted projections of sea level rises as a result of climate change will dramatically erode these beaches and impact adjacent low lying areas. Planning for this, including through implementing strategies for planned retreat, should be a part of this District Plan.

Coastal erosion is a serious issue and it requires coordinated planning between state and local Governments. The Commission could play a significant role in developing planning laws that set clear sea level rise guidelines and restrict inappropriate coastal development. Unfortunately this is not prioritised in the draft plan and seriously compromises billions of dollars of coastal infrastructure.

Preventing inappropriate coastal development makes economic, environmental and social sense because it saves residents and council the cost of repairing, defending and rebuilding public and private infrastructure in the future. It protects our coast as a precious public asset. This should be prioritised in the District Plan.

The coastal erosion at Collaroy Beach after storms last year demonstrate the immediacy of the problem in this District. Many streets and shopping centres (eg Avalon, Narrabeen) already flood when it rains. Pittwater and Warringah Councils (before amalgamation) had done a lot of work planning for this issue. The District Plan must include clear and comprehensive planning for new developments, rehabilitation and retreat in coastal areas that will be affected by sea level rise and flooding as climate change impacts continue.

Open Space and the Green Grid

With the passage of the Crown Lands Management Act 2016 a large part of the Crown land estate will be transferred from the State government to councils. Any Crown land can be transferred provided the council agrees and there is no outstanding Aboriginal land claim over the land.

At the point of transfer it will be protected from sale or private development because it will be classified as Community Land under the Local Government Act. However upon receipt there will

be nothing to prevent the council from reclassifying it to Operational Land and subsequently selling, developing or leasing it.

The government has the power to make any transfer subject to 'reservations and exceptions'. NSW Greens are concerned that all public green open space that is Crown land should be required to be maintained as green open space.

Greens members in North District have expressed concern that the growth orientated agenda of this plan - both economic and population - will impose enormous development pressure on the area. There is a very real possibility that this pressure will mean that transferred Crown Land particularly vulnerable. It is vital to ensure the availability of an open public register of Crown Land so that the community can monitor its protection.

Biodiversity and Tree Canopy

There is insufficient acknowledgement from the Commission that our cities must play a key role in maintaining and enhancing biodiversity. This benefits residents every bit as much as our native flora and fauna.

The draft acknowledges the ecological communities include Duffy's Forest, Sydney Turpentine-Ironback Forest and Blue Gum High Forest but does not refer to the outstanding significance of the Glenorie Maroota Cattai Subregion which contains some of the most bio-diverse and intact areas in the Sydney basin. Biodiversity rich wetlands in this area such as the Broadwater wetland, Jackson's swamp and Clarke's swamp are not adequately protected from uses and development which could threaten their biodiversity.

We know that Sydney has been sweltering over the past few summers and that with climate change extreme heat will become more common. It is therefore remarkable that the draft plan has no analysis of the district's tree canopy cover, let alone specific targets for increased tree cover.

Areas in the North District such as the Hills, Hornsby, Pittwater, Ku-ring-gai, Warringah and Manly have significant tree canopy coverage, this

must be retained and protected. Recent changes such as the 10/50 clearing rule have had a substantial impact on canopy cover in this area and further monitoring, and a restriction on the use of these laws is needed.

Studies including the comprehensive [2016 US EPA study on urban heat islands](#) demonstrate that increased tree canopy:

- *Moderates temperature, windspeeds and noise.*
- *Improves air quality and lower greenhouse gas emissions due to shade reducing the need for air conditioning, energy demand and the associated air pollution and greenhouse gas emissions. Trees also remove air pollutants and store and sequester carbon dioxide.*
- *Enhances stormwater quantity and water quality as vegetation reduces runoff and improves water quality by absorbing and filtering rainwater.*
- *Reduces pavement maintenance as shade can slow deterioration of street pavement, decreasing the amount of maintenance needed.*
- *Improves quality of life by providing aesthetic value, habitat for many species, and reducing noise.*
- *Improves life expectancy with studies showing beneficial cardio-metabolic rates in tree rich areas.*

Urban tree canopy also provides critical habitat for native species and green corridors that link the many otherwise isolated reserves and parks throughout the city.

Specific targets, indicators and actions to increase urban tree canopy should be a part of the district plans. Although suburbs such as Pittwater have relatively higher tree density compared to other suburbs in the district, it would be broadly achievable to seek a 10% increase in tree canopy every five years with rolling annual targets being set and monitored by satellite observation.

This should include city-wide guidelines for suitable plantings with a focus on the extent of tree cover, encouraging native flora and fauna and asset protection.

Concerns with the role of the Commission

The Greens remain concerned that the Commission



is an undemocratic body populated by appointees of the Planning Minister. Commissioners have no statutory responsibility to genuinely engage with local communities or councils and are not democratically accountable to the communities they are making significant planning decisions about.

The Commission holds significant power in prompting, approving or rejecting Local Environment Plan amendments, approving and rejecting significant development proposals and conducting pre-gateway reviews to approve or reject rezonings. We believe that the Commission's role in producing District Plans with enforceable housing and development quotas on local councils inappropriately overrides local councils planning powers. Planning should be far more collaborative than this top-down process.

The Greens acknowledge that Sydney does need far more comprehensive strategic planning, but it must also be democratic. The Commission, and therefore this planning process, ultimately fails the test of democratic accountability.

It is noted that the Draft Plan expressly states that it is unable to guarantee a number of crucial infrastructure and whole of government decisions that are essential to the plans success. Some of the Commission's outcomes and priorities are not government policy and may require a business plan.

It would be helpful for a clear indication of which of the Commission's policies and priorities sit outside government policy, or are within policy but unfunded, so that some judgement may be made about the likelihood of their implementation.

Consultation with local councils

The draft plan will affect the local government areas of Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, Northern Beaches, North Sydney Ryde and Willoughby.

Under the current consultation timeline the Northern Beaches area will not be properly involved in responding to the North District Plan. Northern Beaches Council has been forcibly amalgamated,

does not have any elected representation and is currently being overseen by government appointed Administrators. It is unclear how this consultation process can be considered genuine when this community is not being democratically represented.

The Greens believe that the consultation on these initial draft plans must be extended until March 2018 to ensure that councilors elected in September 2017 are able to understand the detail and impact of the draft District Plans, properly consult with their local communities and respond to the proposals.

Lack of specific proposals

The draft plan and its supporting documentation include only general, non-specific statements. For example the targets to increase housing density mention numerical targets (25,950 in the next 5 years) and allocate targets for each council but with little explanation as to how the numbers were arrived at or how they will be achieved.

Elsewhere it states an objective to "plan to meet the demand for school facilities" with little specificity about where schools will be required or how they will be provided. This level of detail makes these aspects of the plans aspirational at best, and unaccountable and unachievable at worst.

There is little discussion of major developments such as at Ingleside on the Northern Beaches, Cherrybrook Station and Macquarie Park - all of which will inevitably have major planning implications. The lack of specific information about infrastructure enhancements that will need to be provided provides no confidence that the Commission has the expertise or administrative power to ensure that the growth it is calling for is adequately serviced.

Housing affordability

Only 9% rated the affordability of housing in the Northern District as 'excellent/very good'. This is demonstrably lower than every other District across Greater Sydney.

The plan outlines four livability actions aimed to



address housing affordability:

L5: Independently assess need and viability

L6: Support councils to achieve additional affordable housing

L7: Provide guidance on Affordable Rental Housing Targets

L8: Undertake broad approaches to facilitate affordable housing

In addition to increasing supply there is recognition of the importance of diversity in housing choice, creating cohesive communities and matching supply to needs.

Supply alone will not fix Sydney's dysfunctional and unaffordable housing market. Arbitrary housing targets such as the Commission's proposed five year target of 25,950 new dwellings for the North District will not produce cheaper housing. Sydney has had five years of near record housing growth since 2011 and prices have continued to skyrocket. In fact our city is less affordable now than ever before. The median cost of housing in Sydney increased by 2.5% in the month of February 2017 alone.

Housing targets need to be backed up by enforceable provisions that require developers to provide genuinely affordable housing as well as inclusionary rezoning and powers that compel a significant portion of new developments to be allocated as social and public housing.

We do acknowledge a small movement in support of genuinely affordable housing in the draft plan, but the proposal for 5-10% of housing yield to be affordable is both too low and too restrictive. It should be nearer 30% which would bring Sydney closer to the targets in comparable global cities such as New York and London. Further the requirement for affordable housing should apply to all major development sites not just those that have been up-zoned.

The Commission has not specified what measures apart from these targets must be implemented to genuinely reduce the cost of housing in the district. Housing stress is a significant issue in the North District, occurring when a household or individual spends 30% or more of their income on housing.

By way of example we compared the average cost of housing in Chatswood with the average weekly earnings of Australians, who are both full-time and/or casual/part-time.

| | Median house price | Median house rent | Median unit price | Median unit rent |
|-----------|--------------------|-------------------|-------------------|------------------|
| Chatswood | \$2,370,000 | \$900 | \$920,000 | \$630 |

| | Weekly earnings | Housing stress | Extreme housing stress |
|-------------------------|-----------------|----------------|------------------------|
| Full-time adult average | \$1,533.10 | \$459.93 | \$766.55 |
| All employees average | \$1,164.60 | \$349.38 | \$582.30 |

These show that any household trying to live in Chatswood on the average wage will be in housing stress, many will be in extreme housing stress.

The extraordinary cost of housing in Chatswood and the North District combined with the very restricted amount of social and affordable housing, greatly limits the ability of people on average weekly earnings, or any income level below that, to live in the area. Given this is a substantial employment hub this is particularly troubling.

The provision of affordable housing could be significantly improved if councils were empowered to collect S.94F contributions under the Environmental Planning and Assessment Act for affordable housing via SEPP 70.

Rural residential development

While it is acknowledged that rural residential living offers a high amenity housing choice, it is vital that in such close proximity to Sydney this form of development not be prioritized over biodiversity protection, viable agricultural production or landscape protection. Rural Residential - Cluster Subdivision is permissible across an extensive area zoned RU2 Rural Landscape in The Hills yet there is little strategic planning controls to protect nearby wetlands, protect biodiversity, maintain wildlife corridors, or manage bushfire hazard.

In areas where there is productive agricultural



land it is important to ensure that rural residential development does not create land use conflicts due to heightened sensitivity to noise, smell or seasonal activities. A moratorium should be placed on rural residential cluster housing until adequate strategic protections are in place.

Delivering on infrastructure must not be linked to ever higher housing prices

This draft plan, like each of the Commission's Draft District Plans, notes the historic failure of Sydney's development to be accompanied by adequate infrastructure. It identifies what many see as a free-loader problem. When significant new infrastructure is delivered to an area, local land values increase and to date none of this increase has been captured by local or state authorities to help defray the cost of the infrastructure investment.

To seek to address this problem the draft plan talks of the need to have "value sharing" or "value capture" in the planning system. The asserted benefits of such a scheme are said to be to:

- *unlock new funding to make economically beneficial infrastructure more affordable*
- *spread the costs of new infrastructure more equitably among its beneficiaries*
- *improve projects by providing incentives for governments to plan and design infrastructure with wider land use benefits in mind.*

While there clearly is some benefit in exploring such measures to allow for increased infrastructure in the greater Sydney region, a scheme that relies primarily on a further increase in Sydney's land values as the means of paying for infrastructure is deeply problematic. Sydney housing prices are already crippling high.

The idea that the main planning authority in Sydney is proposing measures that will further increase land values to deliver infrastructure for what will, even at current prices, primarily be new development for a wealthy elite, is surely not the solution to the city's infrastructure or housing affordability problems.

We would however support value capture that allows a proportion of any increase in land value as a result of a rezoning decision to be captured for infrastructure payments. Where land is rezoned from low density residential to high density residential then the owner receives an enormous capital gain solely as a result of the planning decision.

This increase in value is created by society, not the owner, through the planning decision making it only appropriate that a share of this uplift is captured by the local and/or state government. This form of value capture would do three main things:

1. It would be a fair method that allows society to recoup a fair proportion of the increased capital value that was created solely by society's planning decision
2. It is closely targeted to those properties that have received the benefit from a rezoning and is viewed by broader society as fair, and
3. It works to reduce land speculation and therefore housing prices by limiting the benefit land speculators receive by land banking and rezoning activities.

What is even more problematic in the draft plan is the absence of a viable mechanism to allow for value capture. As the draft plan notes:

"We will continue to work across government on the amount, mechanisms and purpose of value sharing to create a more consistent approach to capturing value for public benefit, complementary with other existing mechanisms."

This is not a solution so much as a statement of intent. If value capture is to be successful it must include specific details about implementation including a timeframe for implementation. The alternative is a clear incentive to developers to increase speculative land-banking while the opportunity to make a windfall is still available.

For these reasons we urge the Commission to redirect its attention from seeking value capture from land value increases caused by infrastructure delivery to value capture from land value increases created by rezoning and other financially beneficial planning decisions.

Making developers pay the real social cost of development

In addition to seeking value capture through new value capture mechanisms, the Commission and the District Plans should look to existing mechanisms to recover from developers the real social cost of increased development. S.94 is the primary legislative mechanism to make developers contribute to the social costs of development.

Following years of pressure from the development industry, local councils have been capped in the amounts they can seek from developers under s94. The current caps are \$30,000 per residential dwelling in greenfield areas and \$20,000 per residential dwelling in all other areas. These caps are both arbitrary and damaging to Sydney's development. The current mechanism to seek modest variations on these caps through IPART is slow, bureaucratic and unreasonably constrained.

Not only is the current s94 mechanism ridiculously complex and unreasonably limited in quantum, it is also unreasonably constrained. It limits councils to seeking contributions for facilities on the "essential works list." This list includes only the following:

- *land for open space (for example, parks and sporting facilities) including base level embellishment*
- *land for community services (for example, childcare centres and libraries)*
- *land and facilities for transport (for example, road works, traffic management and pedestrian and cyclist facilities), but not including carparking*
- *land and facilities for stormwater management, and*
- *the costs of plan preparation and administration*

One of the most notable gaps in this list is the acquisition of land and the undertaking of works for environmental purposes e.g., bushland regeneration or riparian corridors. These works are expressly excluded from the definition of essential works. Equally problematic is the inability of councils to recover funds for commuter parking at train stations or any other new transport infrastructure.

The Greens would hope that the Commission would take active steps to advocate for bushland protection, riparian works and development of commuter car parking and publicly calling for the removal of artificial restrictions on s94 developer contributions. The basic premise should be that development pays for the social costs that it imposes on the community. This should not be controversial.

Including Aboriginal Communities

The draft plan indicates minimal consultation with Aboriginal communities, Aboriginal elders or traditional owners.

The Greens believe that this is an unacceptable omission and that Aboriginal communities must be a central part of the Commission's consultation and planning process. The Commission could have used this as a unique opportunity to outline special measures to ensure that there are statutory measures that involve Aboriginal people in planning decisions.

A livable district

We note that the Commission has specified medium density infill development as the preferred scale for the district and support this as an alternative to out of scale high rise development.

We are pleased to see that the Commission has outlined the need for planning authorities to consider walkable neighbourhoods with good cycling connections, social infrastructure and shared community spaces when determining planning proposals. We would also like to see consideration given to incentivising innovative design and eco-friendly apartments in development proposals. Much of this would relate back to climate change planning priorities identified earlier in this submission.

Active transport options need to be a priority in the North District. Cycleways along rail corridors should be prioritized as an important as a public health initiative as well as a way of tackling pollution and greenhouse emissions at a local level. Road widening must be a last resort. Even given heavy loads on existing roads in Sydney's North,

for example New Line Road, there is no place for widening. Increasing road capacity is widely acknowledged to induce traffic. Once roads are widened the choke points are simply shifted from one point to another.

Strategic centres

Development at Ingleside (with 3,400 new homes) concerns the NSW Greens because development will cut an enormous hole into bushland that includes Coastal Upland Swamp communities with endangered fauna and flora. Ingleside is already a traffic nightmare (it takes two hours to travel from Mona Vale to Macquarie University in peak hour) due to congestion on Mona Vale Road. Bushfire risk would be a major concern for new development at Ingleside because of the amount of surrounding bush and restricted road access.

Northern District locals have expressed concern about the large scale of residential development proposed for Warriewood where six-storey buildings are planned for areas in Warriewood where free standing houses now predominate. They are opposed to high-rise development taking over the northern beaches and want rules preventing it.

They are concerned that they should not have to fight individually to block development that is out of scale and character with the area. One particular implication of intensifying the population in the Ingleside/Warriewood area is the inevitable increase of sewage input to the Warriewood treatment plant and significant worsening of pollution from the effluent disposal pipeline from cliffs at Turimetta Head.

The Commission has quite rightly recognised that the North District of Sydney is an area rich in environmental value with many National Parks and Nature Reserves. We would be concerned at any proposal to downgrade the environmental protections of these areas in order to speed up development or meet housing targets. Cherrybrook in particular is a poor choice for more intense development because of its poor transport links and significant bushland reserves.

Specifically the Greens reject the rationale (economic and population growth) behind the

development of the Northern Beaches hospital. People on the northern beaches were told this would be a medical facility - not the centre of a commercial development involving major road construction with destruction and relocation of community facilities (Forest High School and Warringah Aquatic Centre). The proposed development has already destroyed a forest, housing, an avenue of very old eucalypts along Warringah Road and will continue to eat into surrounding open space and bushland.

The North District also contains land that is unique in its rural zoning and character, particularly in the South Dural area. This critical bushland has already come under threat from a proposal to a proposal to rezone 240 hectares in order to facilitate a 3000 dwelling subdivision. We stress that it is in the interests of the local community, local environment and future of rural land in Sydney that this land is protected.