

South District Plan submission

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.

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

Substantial concerns with the South 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 to properly assess their impact
- Simplistic approaches to housing affordability with targets 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 South District has a number of unique features that must be adequately considered in planning:

Projected sea level rises for the area show substantial impacts at Caringbah, Kurnell and Cronulla, among others. The plan fails to adequately respond to these.

The area also includes a number of councils that have been subject to forced amalgamation and as a result will mean there are no elected representatives in those areas currently able to provide input on these plans.

Despite Rockdale and the South District appearing to be a more affordable area of Sydney, many average income earners would be in housing stress, many would be in extreme housing stress.

The South District includes large areas of National Park in the Heathcote and Royal National Parks and surrounding bushland that should be protected. Recent clearing under 10/50 laws must not be repeated, tree canopy in the area must be maintained.

We note that Bankstown, Campsie, Hurstville, Kogarah, Sutherland and Miranda have been identified as areas to concentrate additional housing supply. Any final plan must ensure infrastructure and green open space is provided in proportion to increases in density. The draft plan seeks to rely on the Sydenham to Bankstown Urban Renewal Corridor without providing practical and enforceable solutions for already congested roads, public schools, childcare facilities or hospitals.

With such substantial shortcomings, major revisions must be made before this plan can appropriately guide development in the 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 South 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 coastal development, specifically in the Sutherland area. 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 South District includes some of Sydney's most precious coastal areas, specifically within the Sutherland Local Government Area. 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 sea level rises as a result of climate change will dramatically reduce the size of these beaches. Planning for this, including through modifying land for planned retreat, should be a part of this district plan.

Projected sea level rises for the area show substantial impacts at Caringbah, Kurnell and Cronulla, among others. The plan fails to adequately respond to these, meaning property owners in these areas and their surrounds face an uncertain future.

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 the 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 final plan.

Protecting Open Space

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'.

The Greens are concerned that all public green open space that is Crown land should be required to be maintained as green open space.

Tree Canopy and Biodiversity

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.

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 District Plan has no analysis of the city's tree canopy cover, let alone specific targets for increased tree cover

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.*

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Specific targets, indicators and actions to increase urban tree canopy should be part of the District Plans. Although suburbs such as Sutherland have relatively high 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 South District Plan will affect the local government areas of Canterbury-Bankstown, St George and Sutherland.

Under the current consultation timeline Canterbury-Bankstown and St George Councils will not be properly involved in responding to the South District Plan. The councils have been forcibly amalgamated, do not have any elected representation and are currently being overseen by government appointed Administrators. It is unclear how this consultation process can be considered genuine when these communities are not being democratically represented.

We believe that the consultation on these initial draft plans must be extended until March 2018 to ensure that councillors 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 (23, 250 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 also inadequate discussion of major developments such as the Kogarah Town centre or Canterbury Road corridor - which will inevitably

have major implications. The lack of specific information about infrastructure enhancements needed provides no confidence that the Commission has the expertise or administrative power to ensure that the growth it is calling for is adequately serviced.

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.

Housing affordability

The draft plan outlines four 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 23, 250 new dwellings for the South 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 needs 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 South 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 Rockdale 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
Rockdale	\$1,080,000	\$600	\$626,000	\$520

	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

Despite Rockdale and the South District appearing to be a more affordable area of Sydney, it is still largely unaffordable for people on average weekly earnings, or any income level below that, to live in the area. Most households seeking to live in the South district on average weekly earnings will be in housing stress, many will be in extreme housing stress. This must be fixed.

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 and therefore it is only appropriate that a fair share of this uplift is captured by the local and/or state government at that time. 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 mechanisms the Commission and the District

Plans should look to existing mechanisms to recover from developers the real social cost of increased development. The primary legislative mechanism that is currently used to make developers contribute to the social costs of development is s94 of the Environmental Planning and Assessment Act.

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 the development of Sydney. 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 Commission, whether through an amended draft plan or in its other advocacy work with the



state government, should be 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.

Strategic centres

We note that the areas of Bankstown, Campsie, Hurstville, Kogarah, Sutherland and Miranda have been identified as areas to concentrate additional housing supply. This must be accompanied by increasing infrastructure to support local schools, hospitals and public transport and increasing the amount of green open space to meet the needs of increased residents.

This is an issue that Canterbury-Bankstown Council has identified, with concerns raised about whether the housing targets as set are realistic or viable given the lack of new infrastructure to support the growth. Much of the growth specified in the Canterbury-Bankstown area is predicated on the Sydenham to Bankstown Urban Renewal Corridor which seeks to accelerate new development approvals and higher density rezonings with no detailed solution for increased pressure on already congested local roads, public schools, childcare facilities or hospitals.

The only public justification for more intensive development in the area has been the government's privatisation of the existing rail line and conversion to a metro style service separated from the greater CityRail network. This privatisation cannot and should not facilitate this overdevelopment.

