



HUNTER'S HILL COUNCIL

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21 February 2024

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124

Dear Sir/Madam,

RE: Explanation of Intended Effect: Changes to create low and mid-rise housing – Hunter's Hill Council Submission

I write with regard to housing reforms currently being proposed by the Department of Planning, Housing and Infrastructure (the Department), and specifically the document titled '*Explanation of Intended Effect: Changes to create low and mid-rise housing*' (EIE).

Whilst Council is supportive of diverse and well-located housing generally, Council raises significant concerns in relation to the aspects of the EIE as detailed under the following headings.

Undermining of the communities strategic planning framework

It is understood that the proposal would be implemented through the introduction of new non-refusal standards. It is understood that these non-refusal standards would effectively override Council's Local Environmental Plan (LEP) and Development Control Plan (DCP) to the extent of any applicable inconsistency, unless the LEP and DCP are more permissive.

Council has worked with the Hunters Hill community over a long period of time to ensure that Council's strategic planning framework and the provisions of the LEP and DCP seek to respect the built form, local character, extensive heritage qualities and sensitive natural environment of the Municipality.

Council seeks to continue to review and maintain its strategic planning framework to meet community expectations, including through a current review of Council's LEP and DCP. This process is significantly undermined through the introduction of 'one size fits all' state environmental planning policies which do not consider the communities local strategic planning framework.

The proposed changes outlined within the EIE do not recognise or respect the desired future character of the Municipality as outlined within Council's Community Strategic Plan, Local Strategic Planning Statement or Local Housing Strategy and subsequent LEP and DCP. In doing so, the EIE does not reflect the expectations of the Hunters Hill community.

Council is concerned in relation to any move away from long-term strategic planning processes which have been carefully developed with input from the community. If enacted, the proposal as outlined within the EIE would irrevocably alter the character of place established under the communities

strategic planning framework and represent a transformative change to the Municipalities physical and social environment.

Rushed planning decisions, in isolation and in defiance of existing controls and applied in a one size fits all manner, against the expectations of local communities and without the requisite infrastructure, would create significant issues for the community in perpetuity. Action should be in accordance with strategic planning processes, have regard for local circumstances and careful consideration for the amenity and well-being of the community. Matters such as heritage, traffic impacts, streetscape, loss of tree canopy and the urban heat island effect should not be ignored as is proposed with these reforms.

Such radical reforms should not be applied in a one-size-fits-all approach and consideration must be given to the individual circumstances of each local government area. The proposals as outlined within the EIE would result in development without transparent and well considered planning, the impacts of which will be recognised overtime when it is too late. Council would welcome working with the Department to implement changes that have regard for local circumstances. Only with such a collaborative and united approach can we meaningfully address the housing crisis in a manner that does not erode what we value about our local areas and the trust our communities have in the planning system.

Lack of meaningful community engagement

The lack of meaningful initial engagement with the community and Council in relation to the proposed reforms and the rushed nature of the preparation of the EIE may be acknowledged through the public exhibition of the EIE over the end of year period, the ambiguity in the content of the EIE and the surprising, significant and potentially poorly considered nature of the proposal.

Council urges the Department to engage with the Local Government sector and the community in the development of proposed housing reforms, rather than after the intended effect has already been determined. Council also requests that the Department provide specific information on the assessment that has been undertaken to inform the proposed changes, along with the specific intended nature and geographical application of the reforms and ensure that EIE documentation, proposed planning instruments and associated mapping are placed on public exhibition concurrently. This would ensure the community can have an adequate understanding of what is proposed and potential impacts on their community.

Ambiguous identification of town centre precincts

The proposed definition of a 'town centre precinct' fails to clearly define land affected by the reforms. Council does not have a mechanism to accurately map walking distance and it is ambiguous what local centres these reforms would apply to.

The land to which these reforms apply should not be left to assessment officers nor the Land and Environment Court to determine on a case by case basis. Rather, it is considered that clear and measurable provisions and mapping should be developed and placed on public exhibition to allow appropriate consideration of the location of the proposed changes. This would allow the community and Council to better understand the potential impacts of the proposal.

Potential lack of adequate environmental planning and assessment

It is understood that environmental planning which seeks to enact change would generally consider matters such as:

- Demographic trends and the need for change,
- Environmental, heritage and character qualities of a geographic location,
- Community needs, challenges and opportunities; and
- Existing infrastructure, services and facilities.

It is understood the above would generally be considered in consultation with the community in order to inform the decision making process. However, in this instance, it appears that the above have either not been considered in an appropriate level of detail (if at all) and have not been considered at a local level or have not been made available for public exhibition. As mentioned above, Council urges the Department to ensure proposed reforms have been adequately assessed and justified at a local level and that the community has the opportunity to review this assessment and justification.

Infrastructure and services

Council has significant concerns in relation to the impact of the proposal with regard to potential unplanned, unquantified and unmitigated impacts to:

- Traffic and transport,
- Natural and built heritage,
- Open space; and
- Community facilities and social infrastructure.

Significant increases to residential development that may be realised under the proposal would place additional strain on already stretched infrastructure and services. Local infrastructure planning has been based on low population growth within the Municipality and will need to be overhauled should these reforms be introduced. Concerningly, it is not known (and may not be understood for some time) what the magnitude of increased demand on infrastructure and services would be. Unfortunately, should the Department's reforms be introduced this year as intended by the Department, by the time adequate essential infrastructure planning is undertaken, it may already be too late to ensure a sustainably acceptable level of infrastructure and services can be provided to the community.

In addition to the above, the provision of State infrastructure and services (including schools, hospitals, public transport and emergency services) to accommodate the potentially increase in density also remains unclear.

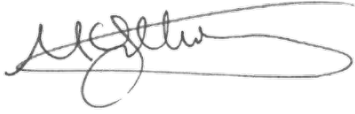
Recommendation

Council urges the Department to abandon the proposed reforms outlined within the EIE for the reasons detailed within this correspondence.

Council instead invites the Department to work with Council and the local community to identify opportunities for diverse and well-located housing in accordance with Council's strategic planning framework and in consultation with the local community.

Should you require any additional information in relation to this matter, please don't hesitate to contact me on 9879 9400 or gm@huntershill.nsw.gov.au.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Mitchell Murphy', with a large, sweeping flourish underneath.

Mitchell Murphy
General Manager