

Draft Eastern District Plan

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Submission content: Thank you for the opportunity For Bayside Council to provide comments on the draft Eastern City District. Council's submission was adopted at the Council meeting of 13 December 2017 and can be found as an attachment. If you have any queries do not hesitate to contact Council's Coordinator Policy and Strategy, David Dekel, on [REDACTED] or at [REDACTED]

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Submission on the
Draft Eastern City District Plan



Submission

Bayside Council welcomes the opportunity to provide constructive feedback on the *Draft Eastern City District Plan* (ECDP).

Bayside Council continues to be a supporter of the District planning framework and was an active participant in the preparatory stages of the District Plans through the Working Groups. Council supports the approach taken by the Greater Sydney Commission (GSC) as well as the overall vision for the Eastern City District and Greater Sydney Region.

Council has reviewed the information currently on exhibition. Based on this review, Council has identified a number of key issues that were raised in Council's original submission to the draft Central District Plan and subsequent inputs to workshops that are addressed in the draft ECDP to varying degrees. These issues can be generally categorised as:

- Liveability;
- Centres and employment;
- Infrastructure and Funding;
- Public Transport
- Housing choice and affordability;
- Open Space; and
- Sustainability.

Bayside Council also supports the key issues raised by other councils in the draft Eastern City District that have surfaced in workshops with the GSC.

Liveability

One of the core principles of all the District plans is to achieve improvements to the liveability of places, centres and the overall Districts. Achievement of liveable places is proposed through a variety of actions that range from housing supply to design initiatives. However, the actions and priorities identified continue to fall short in delivering core results to achieve liveability outcomes.

Currently, Council's and the larger community's view of liveability, which was borne out of the Technical Working Groups and community consultation in the development of the draft District Plans, are places that:

- People live in that are close to:
 - Public transport;
 - High quality open space;
 - Health and education services; and
 - Community facilities, etc.
- Are easy to move around in sustainably; and
- Are in proximity to meaningful employment opportunities.

However, the key pressure on councils, which is reflected in government indicators, are meeting housing targets above all else. The ECDP continues this approach by quantifying future targets for housing but failing to be specific about setting targets for the social, open space, public transport, education, environmental, health and employment needs required to support the forecasted population growth.

Council acknowledges that certain measures, such as the Education and Child Care SEPP, may help facilitate the approval of educational and child care facilities. However, a key constraint to the creation of supporting infrastructure such as educational facilities or open space is land acquisition which remains prohibitively expensive.

Council also acknowledges the presence of some projection targets for employment in strategic centres. However, the dominance remains on housing.

The ECDP must move beyond the obligatory response to liveability (ie boosting housing supply) and focus on benchmarking activities that will lead to truly liveable places. This should include benchmarks on access to and provision of:

- Planning and land acquisition for the location of health and education services;
- Public and active transport modes – reducing the reliance on private vehicles
- Quality open space – beyond imposts on local Government to spend more on existing open space;
- Responses to protect Sydney’s natural environment
- Provision of community facilities; and
- Employment opportunities.

In its submission to the draft Central District Plan, Bayside Council referred to the work undertaken by the Southern Sydney Regional Organisation of Councils (SSROC) Liveability Indicators and Mapping project and recommended that the GSC adopt this or a similar model to establish effective liveability targets and indicators.

Bayside Council reiterates its recommendation that the GSC establishes a range of quantifiable objectives, targets and indicators for the other pillars of liveability that can sustainably support future population projections, including:

- Open space provision (including quality);
- Transport infrastructure and services;
- Social infrastructure including health, education and community facilities;
- Affordable housing;
- Meaningful employment; and
- Protection of the natural environment.

Centres and employment land

The role that centres will play, as well as the future use of employment land, will help shape the future structure of the Eastern City District. Bayside Council believes that further consideration is needed to ensure that identified centres can grow and employment opportunities can be retained and supported.

Strategic and other key centres

The ECDP identifies a number of centres within the Bayside LGA, including:

- The trade gateways of Sydney Airport and Port Botany.
- The strategic centres of Green Square-Mascot and Eastgardens-Maroubra Junction.

Trade Gateways

Council welcomes the additional information in the draft ECDP that acknowledges the importance of the Sydney Airport and Port Botany precincts, and supports the measures to

protect surrounding employment lands from residential development pressures until a strategy can be put into place. However, until an employment strategy can be completed for these areas, Council seeks assistance from the GSC to ensure that the Gateway process for planning proposals does not undermine the intent of the ECDP actions, leading to further loss of employment lands.

There is also a great deal of community concern, exacerbated by the more recent announcements of new Priority Precincts, that it may be only a matter of time before pressures on Government will lead to the release of more employment lands to meet housing targets. In monitoring the progress of the ECDP, the GSC will also need to track how certain agencies are buying into the overall vision at a local level.

While the ECDP identifies both international and domestic airport precincts, little priority and associated actions are afforded to the international airport precinct that suffers, and will continue to suffer, from ongoing traffic congestion, due to a lack of sustainable and affordable public transport options. A lack of cohesive planning continues to hamper cycling/pedestrian connectivity to Sydney's south. The ECDP needs to prioritise regional cycling networks that are not disrupted by black spot zones where Government partners cannot agree on an agreed way forward (eg international airport and Marsh St). Public transport options for employees at the Port Botany also remains a barrier to removal of conflicting transport uses in the area.

The refusal of the NSW Government to waive the station access fees at the airport train stations continues to be an impediment to increased utilisation of sustainable transport as a genuine transport option to the airports.

Strategic Centres

While the ECDP identifies the strategic centres of Green Square-Mascot and Eastgardens-Maroubra Junction, the GSC's response to them is quite generic. Council's concern is that without a genuine attempt to ensure that their productivity and character is retained and enhanced, through appropriate controls and actions, any future plans for improvements to linkages will be seen as a message for high density residential development opportunities to the building sector.

The identification of strategic centres offers a unique opportunity to work with adjoining councils, Government agencies and the private sector to better plan the activities within and between the centres, as well as identify improved transport infrastructure. While this is positive, Council recommends that the GSC develop a planning model that will facilitate cross-jurisdictional discussions and lead to better planning outcomes.

Infrastructure and Funding

The ECDP identifies Bayside Council as one of the major contributors to accommodating the forecast population growth in the Eastern City District. Bayside Council has been given the task of delivering 10,150 dwelling over the next five years –over 20% of the District's housing target. With the increased population, it will place significant pressure on existing infrastructure and the need to invest in new infrastructure. While Council understands that the GSC recognises this issue, the ECDP falls well short on identifying a way forward for councils to pay for supporting infrastructure.

Population Growth and Social and Community Infrastructure

The ECDP acknowledges that, with the forecasted population growth, there will also need to be an appropriate response to people's need for community and social infrastructure.

However, there is a concern that the delivery of the necessary social and community infrastructure will continue to be reactionary. Such an outcome will only place increasing pressure on existing infrastructure.

Council is also concerned that the general response for future infrastructure to meet future needs is to retrofit and renew existing infrastructure. With the level of population growth anticipated, existing infrastructure will fall way short of the demands needed to establish or maintain liveable places.

Given the statistical analysis undertaken to reach the forecast population growth, a comprehensive framework for the planning and delivery of social and community infrastructure within the District should be developed. This should include a review of the developer contributions framework, which currently limits Council's ability to collect funds for land acquisition only to be used for a community facility.

The framework should also inform health and education service providers on the future provision of necessary services (this includes schools, hospitals, etc.) and when those services should be provided. This will allow for better planning and more importantly, better delivery of much-needed social and community infrastructure.

Financing

In its submission to the draft Eastern City District Plan, Bayside Council identified the heavy restrictions on Councils to generate funds to finance infrastructure. This still has not been addressed by the ECDP and remains one of the biggest hurdles to achieving transformative change and liveable places. Therefore, these issues are repeated below.

A number of concerns have been identified in relation to Council's key funding mechanisms, which are detailed below:

Section 94 Contributions

Typically, it has been local government which has supported and facilitated growth, including using and applying section 94 to deliver infrastructure to its communities. Section 94 contributions have traditionally been used to provide essential services to new communities. These services include:

- Social facilities: libraries, child care facilities, community centres;
- Recreational facilities: playing fields, swimming pools, tennis courts; and
- Development infrastructure: trunk roads, trunk drainage, pollution control facilities.

In addition to providing these facilities, councils are required to purchase the land on which the facilities are located at prices which are reflective of the residential properties that they service. This makes the delivery of infrastructure difficult and, at times, financially prohibitive.

The NSW Government introduced the \$20,000 cap and the essential works list for Section 94 Contributions in 2010. Instead of assisting the councils which were actively supporting population growth, by introducing the cap, the State Government has penalised these councils and the incoming community financially through the introduction of an artificial cap. Section 94 Plans, which contain acquisition of land for open space and recreation purposes, have seen considerable growth in the value of the land to be acquired well above the Consumer Price Index (CPI). The growth in metropolitan Sydney has been extraordinary, yet, despite this growth, there has been no review of the Cap, nor any proposal to index it.

As such, delivery of the necessary infrastructure under Council's Section 94 Plan is becoming increasingly difficult. As noted above, this is a wider issue than just for the Bayside

Council. However, the pressure will be on Council to deliver the infrastructure identified as part of this process.

Council reiterates its recommendation that the GSC take the lead in developing a contributions framework that would allow for the appropriate delivery of infrastructure. This would be done in close consultation with the DPE. Without a comprehensive review of the current contributions framework, Council will find it difficult to deliver the infrastructure necessary to support the population growth forecast for Bayside.

Voluntary Planning Agreements

Value sharing is a potential way to help fund the delivery of necessary infrastructure. Council is currently reviewing its VPA policy and would recommend that further consideration is given in the ECDP to the following matters:

- The term 'value sharing' needs to be firmly defined;
- While Council agrees that consideration needs to be given to the financial feasibility of development, the uncertainty regarding the actual scope of value sharing results in land speculation which often leads to additional reductions in economic feasibility of development;
- The GSC and the DPE are encouraged to work together to establish a standard rule for the scope and appropriateness of value capture/value sharing. The *"Improving Voluntary Planning Agreements"* draft circular and ministerial direction proposes reducing councils' ability to utilise value uplift in the negotiation of VPAs.
- The GSC along with the DPE should consider a clause in the LEP Standard Instrument that deals with planning proposals and value sharing; and
- Value sharing and VPAs should not be confused with development contributions. Only a proper development contributions plan (or infrastructure schedule) can be used to identify and provide infrastructure at a precinct level. In areas where there are numerous land owners, such as within an Urban Renewal Precinct, VPAs can only be negotiated with individuals or small groups of land owners. Therefore, VPAs cannot be utilised to plan and provide for infrastructure at a precinct level and should be used to augment the development contributions strategy.

Public Transport

Council supports the objective and concept of a 30-minute city, as part of a metropolis of three cities. However, the majority of community experiences in Greater Sydney and especially the Eastern City District is that their travel times have doubled over the past decade, and that without a major injection of public transport investment into new active transport infrastructure, this trend will continue.

A major concern for Bayside Council is the absence of a plan to improve public transport infrastructure and access to support increasing housing densities and populations.

Council has supported the NSW Government in its approach to urban renewal and especially its focus on Transport Oriented Development. However, it is widely acknowledged that the heavy rail network is either at, or beyond, capacity during peak periods. This is especially the case for the Illawarra and East Hills lines that are intended to support the population growth in the DPE Bayside West Precinct. It is time to identify and plan for transport solutions beyond Sydney's heavy rail network.

The central and southern areas of the Eastern City District are important economic contributors and should be a key consideration in transport planning for the district. The GSC

has acknowledged that journey times on public transport from areas in Bayside Council can be longer than 30 minutes, despite the short journey distances, and are often longer than comparable journeys in other parts of Sydney. Council recommends that the NSW Government creates more affordable access to the airport rail link by the removal of the station access charge to Sydney's domestic and international airport railway stations.

With the development of a new District Plan, it is timely and appropriate to re-think how sustainable transport solutions can be achieved within in-fill areas such as the Eastern City District. While longer term solutions are being considered, Council encourages the NSW Government to improve priority bus services in the short term to facilitate greater patronage of public transport options.

Light Rail

Council welcomes the acknowledgement in the ECDP that an opportunity exists for the District Plan to introduce an objective to achieve a rapid transit solution that links Eastern City District's central and southern areas, connecting urban growth areas in the City of Sydney and Bayside Councils that may have previously been untapped and which are currently constrained by a lack of public transport.

However, Council is concerned about the lack of urgency attached to this planning and delivery work. Strategic centres identified in the ECDP like Green Square-Mascot and Eastgardens-Maroubra urgently require the planning and delivery of a rapid transit system like light rail to support the significant populations anticipated. The existing heavy rail network and bus network cannot support future population projections.

A light rail system network should be considered that takes into account the connections from the abovementioned centres to the airport, Port Botany and the Bayside West precinct suburbs of Wolli Creek and Cook Cove.

Within the Bayside LGA there is significant redevelopment and urban renewal that will benefit from a new light rail system. The existing Wolli Creek and Mascot developments are examples of residential land use that will be developed further. In addition, the NSW Government has acknowledged that future development at Cook Cove will provide up to 5,000 dwellings.

The anticipated population growth within the Arncliffe and Banksia priority precincts will also benefit from a comprehensive light rail network that has the potential to connect other suburbs and the Botany Bay foreshore.

Council supports the City of Sydney in recommending that the GSC include the introduction of a light rail network to service Green Square, the District and Strategic Centres of Eastern City District south, and expand the planning to create a light rail network that connects Bayside West growth areas.

Housing Choice and Affordability

The ECDP champions the preparation of local housing strategies as a key driver of informing housing need, choice and supply. The preparation of such documents is supported and, as a minimum, these documents should identify where the demand is coming from and formulate an appropriate strategy to provide the necessary housing choice. It should also be stressed that choice should not be shoehorned as something that supply alone can fix. Choice should also consider the availability of housing of varying size, type and location.

To achieve such an outcome, councils require support through the development of appropriate mechanisms that would allow Council to deliver on the ECDP objective of more housing choice. As part of housing choice, the ECDP identifies five year dwelling targets for the District as well as specific council areas. For Bayside, the five year dwelling target is 10,150, which is over 20% of the Eastern City District's housing target. Based on this, Bayside can be considered a significant contributor to the delivery of homes in the Eastern City District.

With increased development occurring, infrastructure (both hard and soft) is required to support the population growth. However, the ECDP does not offer any additional state or regional infrastructure to support this growth. The concern is that Council will be left with the legacy of poor infrastructure planning and investment.

The ECDP is clear that capacity to accommodate more housing should be focused around existing and planned infrastructure. While this is positive, more can be done. For instance, the Arncliffe and Banksia Priority Precincts are located on the Illawarra line. However, the line is currently well over capacity in the morning peak. When it comes to existing infrastructure, the ECDP should be clear that additional housing capacity should be considered where existing infrastructure has the capacity to accommodate the growth, or there is an absolute commitment to new or improved infrastructure.

The ECDP prescribes a target of 5% to 10% of new floor space to be allocated for affordable rental housing. The proposal to apply the target at the rezoning stage is a sound approach. This will allow its provision to be factored into the development equation, with developers being fully aware of their responsibility in the provision of such housing.

The commitment to independently assess the need and viability of affordable housing provision is a further step in the right direction. Any assessment of financial viability implications should be completely independent and applied consistently to all developments to ensure that any financial viability studies provided by developers present a realistic case.

To this end, this policy must be formalised through its inclusion in Local Environmental Plans as a standard control. Without such a mechanism, the application of an affordable housing policy could be compromised.

Furthermore, to ensure that the policy is yielding its intended outcomes, monitoring the delivery of such housing on a yearly basis (as a minimum) is also recommended. A review of the policy should also be undertaken 24 months after its introduction to identify any potential delivery issues, with the aim of increasing the targets.

Open Space

Provision of Open Space

The ECDP recognises the benefits that availability of and access to good open space provides. With the population in Bayside set to increase substantially over the next five years and beyond, open space provision will become even more critical. The cost of providing new open space is prohibitively expensive, particularly given the property market and significant pressure to convert available land to highest yield potential (i.e. high density residential).

For example, Bayside Council identified an area within the Wolli Creek Precinct for open space. This will cost tens of millions of dollars to realise Council's vision for the open space. Bayside Council has also considered alternatives to the provision of more open space by focusing on the provision of better quality open space.

However, the Independent Pricing and Regulatory Tribunal (IPART) has advised that Council can only charge the developer contributions basic embellishment – not higher quality. This will become an increasing problem, with councils unable to consider alternatives to providing more open space where its provision is not financially possible.

As stated earlier in this submission, Council is very concerned that the action responses in the ECDP to solve the open space issue is largely left to the optimisation of existing open space. With planned road infrastructure in the Bayside Council area, existing open space is threatened. Therefore, a serious commitment for future funding of land acquisition is needed by the NSW Government to enable for the acquisition and embellishment of land for open space.

Green and Blue Grids

Council supports the creation of the Blue and Green Grids and its success is critical to the growing population of Bayside and the wider District. The ECDP has identified a number of key green connections through Bayside Council, with the primary connections being north-south along existing corridors. While this is positive, they still do not offer any new or substantially different approaches to what Council is doing to ensure connection between open spaces.

To become a true networked grid the ECDP must introduce a new approach and the mechanisms to deliver the grid. This can include the consideration of incentives for the delivery of connections or mandated minimum standards that are supported by mechanisms that councils can easily implement to achieve Green and Blue Grid connectivity.

Biodiversity and the Green and Blue Grid

Sustainability priorities listed in the Sustainable City section of the CDP include:

- Managing coastal landscapes;
- Protecting and enhancing biodiversity; and
- Avoid and minimise impacts on biodiversity.

The section lists three highly interconnected elements: healthy waterways; areas of native vegetation, biodiversity and ecological communities; and a Green Grid of parks and open space. However, this interconnectedness is not reflected in the Sustainable Cities Priorities and Actions. Section 5.5 notes that for “the Eastern City District conservation planning will focus on opportunities to protect and enhance areas of valuable native vegetation close to existing national parks”.

With this focus the majority of potential urban areas for maintaining and enhancing biodiversity and the integral role of these urban areas in biodiversity corridors will be excluded. As an example, Bayside Council has several significant ecological areas, although none of these are a national park.

Additionally, although it has been stated that the protection and enhancement of biodiversity complements the delivery of Sydney’s Green Grid, the reverse appears to be the case, with none of the objectives reflecting a consideration of biodiversity. A Plan for Growing Sydney notes that:

‘...a city wide Green Grid would promote a healthier urban environment, improve community access to recreation and exercise, encourage social interaction, support walking and cycling connections and improve the resilience of Greater Sydney.’

Objectives for the Green Grid do not include any reference to biodiversity or their potential role for biodiversity or biodiversity corridors, despite the Plan stating that areas of biodiversity complementing the Green Grid.

Council requests that an appropriate objective be added to section 5.6 – Delivering the Green Grid, such as:

- Integrating planning and design to protect and enhance biodiversity; and
- Complementing the protection and enhancement of biodiversity.

Sustainability

Bayside Council commends the GSC on the emphasis it places on creating a sustainable future for Sydney and the inclusion of priorities and actions to guide and manage Sydney's future. However, the Plan's Sustainability Actions are of a generic or "motherhood" nature and do not reflect the characteristics of the Eastern City district. Most of the actions identified for the District are not new business and remain ill-defined. In Bayside Council, while there is acknowledgement of a number of key areas in Bayside Council there are no specific actions to focus on their future management and desired state.

It is also noted that the Planning Priority E14 does not acknowledge Botany Bay as a landmark water body (like Sydney Harbour), and consigns it to a District waterway.

Without any District Plan specific actions, areas such as wetland corridors and the Bardwell Valley/Wolli Creek natural parkland areas will remain under pressure from urban renewal and higher density developments.

Land and Water Contamination Including Groundwater

It is encouraging that the District Plan places a greater emphasis on sustainability principles. This is a welcome approach from the GSC. However, there is concern that the sustainability priorities and actions do not identify or address the impact of land and water contamination within the Eastern City District.

In the past, this District had some of Australia's most highly-intensive and polluting industries which has left a legacy of contaminated land, surface water and groundwater. In many cases the type, area and solution to contamination issues are complicated or unknown. This legacy not only has an impact on the natural environment but also impacts on the types of activities and developments that can occur within certain areas of the Eastern City District.

The current sustainability priorities and actions within the ECDP do not adequately address the impact of land and water contamination or the significant groundwater interaction and issues of the Botany Sands Aquifer located within the Eastern City District. Groundwater also interacts directly with natural environments and is a contributor to the surface water in the local area. It is, therefore, an important issue in water quality and biodiversity of wetlands and ponds including Botany Freshwater Wetlands and Sir Joseph Banks Park that adjoins Foreshore Road in Botany.

In the Bayside Council LGA, groundwater is as important as surface water or any other sustainability issue as it affects industry, local communities, current and future development as well as broad environmental quality.

Benchmarking Environmental Outcomes

As described in earlier sections, the ECDP has an absence of targets and benchmarks to focus or quantify the effectiveness of the ECDP in delivering change. Bayside Council recommends that the CDP includes priorities, actions and key performance indicators that better address the key influences impacting on the sustainability of Sydney's future.

Net Zero Emission Precincts

While Council supports such an aspirational approach to priority growth areas, it is unclear how these targets will be planned for or delivered given that the Department of Planning and Environment generally end their association with a precinct once a structure plan is completed and released.

There is a concern that expectations around this concept will be developed and promoted but councils will be left with managing unrealistic expectations or with no mechanisms to enable reduced or zero-emission outcomes. This is particularly relevant for Bayside Council with existing and emerging growth precincts that include Cook Cove, Arncliffe, Banksia, Turrella and Bardwell Park, as well as identified strategic centres.