



17th November 2015

Department of Planning and Environment
Housing Land Release
GPO Box 39, Sydney NSW 2001

Sent by email: community@planning.nsw.gov.au

Dear Sir/Madam:

Re: Greater Macarthur Preliminary Land Release Strategy and proposed changes to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

I write to you on behalf of the Scenic Hills Association, with our commentary mostly confined to the Campbelltown Local Government Area (Campbelltown) within the Greater Macarthur Land Release Investigation Area (GMLRIA) where most of our supporter base resides.

Preliminary Comment

Campbelltown is experiencing a developer 'feeding frenzy', with public exhibitions, both local and state, coming thick and fast on the heels of the extensive community consultation of the Campbelltown Local Environment Plan 2014 (CLEP14) last year. This is confusing to many people, who have very little time to respond, let alone understand. Further, our Association does not have the resources to provide guidance to others in time to meet the sort of deadlines being set for these exhibitions. When we then write endless submissions that are seemingly ignored, we could be forgiven for wondering whether the NSW Department of Planning & Environment (DOPE) really cares about community views.

We also note that this 'consultation' is happening *after* the Minister for Planning and two Macarthur MPs (neither of whom represent Campbelltown in this matter) have already announced this land release to the media as an apparent 'fait accompli'.

We thus decided to *not* forward this particular public exhibition on to our supporter base as it is prejudicial to expect the community to 'buy into' a decision they had no part in, with inadequate time to properly consider the issues, when people are worn down by previous exhibitions and when the supporting studies are all 'preliminary'.

Our own decision to comment now is primarily driven by the DOPE's decision to extend its deadline, and by the release two weeks ago of the Strategic Plan from the new statutory authority *Cemeteries & Crematoria NSW (CCNSW)*. The CCNSW's plan deems cemeteries to be 'critical community infrastructure' with one of its priorities being to 'ensure that cemeteries and crematoria are considered

during land use planning’. The absence of cemetery planning in this land release is a glaring omission, particular when there is so much opposition to the 100 year cemetery the size of Rookwood proposed for Campbelltown’s Scenic Hills – a highly valued Environmental Protection area that overlooks the entrance to Campbelltown along the Hume Highway but without direct access to it, and with severe environmental and land use constraints. A less strategic location could not have been selected for this absurdity. So if there is to be a strategic land release nearby, why would the relocation of this cemetery not be considered as part of it?

The GMLIA with its plans for major roads and rail connections offers a major opportunity to get the planning for the next ‘Rookwood’ right, and to manage land use conflicts in advance. We discuss this in more detail below, along with other issues that arose as part of our latterly investigation into the GMLRIA.

Land speculation, urban sprawl and the use of the Growth Centres SEPP

In our submission to the DOPE on the *Glenfield to Macarthur urban renewal corridor - draft strategy* we stated:

*‘We are committed to excellence in strategic planning. As part of that, we support the general concept of urban consolidation and job creation around existing infrastructure (particularly public transport) where this means that **our important greenspaces, including Campbelltown’s Scenic Hills**, can be preserved from such development (or related development) in perpetuity.’*

Yet no sooner had that public exhibition closed then this greenfield land release was announced which includes development of the southern end of Campbelltown’s Scenic Hills, and is ostensibly at odds with the previous strategy and our tentative support for it.

On the other hand we note that some of the GMLRIA was already the subject of a number of controversial spot rezonings run by local councils that were ignoring valid community concerns and not allowing an early consultation before committing to the Gateway process. If the DOPE is merely trying to get control of this process and is genuine about stopping urban sprawl and land speculation, then we would support this, providing that:

- there is genuine and early community consultation (rather than what currently poses as ‘community engagement’, which is more akin to selling a pre-determined outcome);
- dubious or low priority projects are rejected;
- the process is carried out by fully qualified and experienced planners who have the skills and resources to verify the information (rather than ‘box ticking’ as now);
- ICAC is engaged to advise on the prevention, or perception, of corruption/perversion of the process;
- there are severe penalties for proponents of developments providing false or misleading information where that information could affect the development outcome;
- all projects are prioritised according to accepted community criteria, and

- there is the real possibility of rejecting further large scale development in the Macarthur area until certain problems are solved.

Will the GMLRIA come with legislation preventing further spot rezonings of greenfield sites in the Macarthur area until the growth centres are completely filled and other problems resolved (assuming they can be)? So far this has not happened, and the very success of the political lobbying that produced the GMLRIA - before the South West Growth Centre and the Glenfield-Macarthur Urban Renewal areas were finished (or even started) - will only fuel further land speculation and land banking. The GMLRIA also risks ‘sucking the air’ out of the other plans.

The strategy behind this land release remains opaque and needs more work before we can accept it.

Specific problems with the GMLRIA

1. Lack of cemetery planning.

Cemeteries and Crematoria NSW (CCNSW) is the new government agency set up to oversee the interment industry. Two weeks ago it released its Strategic Plan¹ where it noted that cemeteries and crematoria are ‘critical community infrastructure’ (p.8) with one of its priorities being to ‘ensure that cemeteries and crematoria are considered during land use planning’ (p.21).

This has not been incorporated into the GMLRIA. The GMLRIA *Land Use and Infrastructure Analysis* notes that ‘There are no cemeteries within the GMLRIA...’ (p.27) but there is no demand analysis and no recommendation to include cemeteries in the *GMLRIA Preliminary Strategy and Action Plan*. This would appear to be a major omission, particularly as the strategy consultancy for the GMLRIA (Urbis)² is the same as for the Catholic Metropolitan Cemeteries Trust’s controversial 136,000 grave Varroville cemetery located in Campbelltown’s Scenic Hills (due to go on Public Exhibition). This presents a potential conflict of interest and undermines the strategy for the GMLRIA as a whole. The reasons for selecting the Varroville site for a cemetery are opaque: it has access problems, conflicting planning roles, and is opposed by adjoining landowners (in particular from our Association), the local media, local State MPs (Macquarie Fields and Campbelltown), Campbelltown City Council, the National Trust (NSW) and the NSW Heritage Council.

Yet the cemetery’s relocation to the GMLRIA is strongly supported as follows:

- It is now a priority of the NSW government to include this infrastructure in land releases.
- The GMLRIA will have better roads to service a 100 year cemetery the size of Rookwood, including better access to the Hume Highway: (e.g. the interchange at Spring Farm Link Road and the M9).
- It can be planned to minimise land use conflicts, and incorporated into the infrastructure agreements with developers.

¹ <http://www.dpi.nsw.gov.au/lands/cemeteries-crematoria>

² See GMLRIA *Land Use and Infrastructure Analysis*, p.3.

- It would appear to be consistent with a survey of potential burial sites in the Sydney Greater Metropolitan Area conducted by the NSW Government (Primary Industries – Cemeteries) in 2011.³
- The CCNSW is gathering information and putting in place guidelines over the next two years for the proper planning of cemeteries (see its plan). No major cemetery such as that proposed at Varroville should proceed without that in place. Putting the cemetery in GMLRIA enables it to be properly planned.
- According to the CCNSW Strategic Plan, cemetery space in Sydney will not be exhausted until 2050 (or 2041 in the local catchment area, according to Urbis), with critical shortages evident by 2036. In other words ***there is time to get it right***.

Given the relative advantages of relocating the proposed Varroville cemetery out of the Scenic Protection Area and into the GMLRIA, this should be done irrespective of whether the GMLRIA goes ahead or not.

2. Loss of alternative land use opportunities

The GMLRIA *Land Use and Infrastructure Analysis* appears to describe *what is*, based on fairly preliminary studies, and with a narrow focus on solving a housing crisis rather than looking at what the land would be best used for. It does not examine the land's potential for alternative land use, or at the very least, planning for rich and diverse communities rather than wall-to-wall housing. As a consequence it is not true strategic planning and it risks our losing precious assets, including economic ones, to a poorly thought-out growth strategy. If growth is to be the policy under this government, why does growth have to be in the Sydney Basin? Why not in other regional areas across NSW?

Good strategic planning would look at not only '*conservation*', but '*restoration*' opportunities for heritage and biodiversity, particularly where there are critically endangered ecological communities such as is found in the Macarthur area. It would look at not just what heritage and environment tourism *exists already*, but what could be generated with some forethought. Once heritage has gone it has gone forever and can only be remembered through some poorer Disneyland version that anyone can replicate anywhere. The same applies to lost biodiversity when it is so endangered. Unique propositions with integrity provide greater opportunities for tourism. In turn, tourism might offer a much higher value proposition for the land than housing.

3. The Scenic Hills.

The GMLRIA includes the southern end of Campbelltown's Scenic Hills, an Environmental Protection Area with minimum subdivision of 100 hectares. The GMLRIA landscape analysis describes this area as being of low to moderate scenic quality (p. 20) and thus '*developable*'.

³ No sites were identified in the Scenic Hills Environmental Protection Area but three sites were identified in locations that appeared to be inside the GMLRIA or close by. The DOPE would not reveal the exact location of these sites so we have no way of assessing their land use conflicts.

We reject this. The Scenic Hills as a whole have an extraordinary quality that causes them to vary in apparent height and grandeur depending on where they are viewed from. What appears low from one location can be magisterial from another. The valleys give the hills their definition. There has been a tendency for developers' consultants to misunderstand this and narrowly define their worth from outside and from only certain viewpoints, seeing any low land as 'developable'. We note that the conclusions in the GMLRIA *Land Use and Infrastructure Analysis* contradict those of Campbelltown City Council's visual study, commissioned as input to the CLEP14⁴, which noted, among other attributes that:

'...the character [of that portion of the Scenic Hills within the GMLRIA] is that of a physical transitional landscape that:

- *provides a strongly expressed containment to the urban area of the Campbelltown LGA in accordance with the original planning principles of a compact urban footprint within a rural and scenic landscape...*
- *ensures the uninterrupted continuity of the landscape of the Scenic Hills from Denham Court to Mount Sugarloaf...*
- *provides the main gateway to the Campbelltown LGA from the south...*

The report also noted that the area

- *...forms an important part of the views from the ridge and summit of the publicly accessible Mount Annan Botanic Garden [an important local and state tourism attraction].*

The author of that report, however, also noted that the plans for the Menangle Park Urban Release Area were already well advanced thus limiting his recommendations. We strongly recommend that if the DOPE intends to take over this development it revisits the treatment of this part of the Hills to ensure a better planning outcome for this important green space.

4. Treatment of Heritage

Although the supporting heritage report for the GMLRIA claims to have searched local and National Trust listings, it appears that the *only* European heritage that is to be protected in GMLRIA is that which is *currently listed* on the *State Heritage Register (SHR)* or higher (National and World lists). This is a flawed approach as it wrongly assumes that all state significant heritage is already listed on the SHR. Land releases present opportunities to identify heritage that has 'fallen between the cracks'. Local and National Trust registers are a starting point for identifying these. For example, within the GMLRIA, Mount Gilead (or part thereof) is listed on both registers and has twice been formally identified in government studies as being of potential state significance (including in Campbelltown City Council's 2011 heritage study⁵ commissioned as input to its CLEP14), yet there is no mention of Mount Gilead in the heritage section of the GMLRIA *Land Use and Infrastructure Analysis* (p.16).

⁴ *Visual and Landscape analysis of Campbelltown's Scenic Hills and East Edge Scenic Protection Lands, Final Report*, prepared for Campbelltown City Council by Paul Davies Pty Ltd and Geoffrey Britton, March 2010.

⁵ *Campbelltown Local Government Area Heritage Review*, prepared for Campbelltown City Council by Paul Davies Pty Ltd, April 2011.

5. Coal Seam Gas (CSG) mining

We interpret the GMLRIA *Preliminary Strategy and Action Plan* as saying that development within 200 metres of CSG wells can *only* occur once AGL has terminated its operations in full (p.9). This is consistent with the 2km ban of CSG mining from residential areas which we support as a precautionary approach. Even then, more work is required before intensive housing developments can be put over the top of a former CSG field.

6. Biodiversity

We are deeply concerned that development in the GMLRIA is converging on important habitats and wildlife corridors. Urban development does not fit comfortably with the conservation of these areas, no matter how much care is taken. Further while we note that there appears to be a recommendation to protect certain existing east-west fauna corridors between the Georges and Nepean Rivers, we also note that the widening of Appin Road would affect a major corridor. We do not support the destruction of this historic road particularly as it links key heritage properties along this road. Should it happen, however - along with other development - there must be compensation as a minimum by preserving and expanding all existing corridors and the rehabilitation of low-medium wildlife conservation corridors to provide alternative routes for the safe migration of wildlife.

7. Lack of employment opportunities

Since the GMLRIA was announced there have been a lot claims in the media that Campbelltown does not have a good track record of generating employment locally. Campbelltown City Council now has a plan to become a centre of excellence in health, drawing on two key assets: its hospital and its university. This would appear to be strategically sound, generating employment at a professional level while creating aspiration and diversity of employment. It would be strategically wiser then for the DOPE to wait until Campbelltown has a net intake of people coming to the area for work, rather than a net export as currently, before putting more housing here.

8. Air quality

Since the release of the Johnson and Hyde study into air quality in the Macarthur area in 1990⁶, very little would appear to have changed in the dynamics of the problem. Contrary to the claim in the GMLRIA *Land Use and Infrastructure Analysis* (p.22) that air pollution is a problem for the whole of the Sydney Basin, studies have consistently shown that Sydney's West, where the growth centres are located, is significantly more affected. Our association sits on the Camden Gas Project Community Consultative Committee where AGL has gone to some lengths to argue that its CSG mining contributes little locally when compared with other sources. The EPA has confirmed to us that ozone levels can exceed WHO standards in summer in the Macarthur area. AGL's technical reports show that this is

⁶ *Pilot Study: Evaluation of Air Quality Issues for the Development of Macarthur South and South Creek Valley Regions of Sydney. Final Report*, by GM Johnson and R. Hyde, CSIRO and Macquarie University 1990.

almost wholly attributable to car emissions of nitrous oxides. More cars on the roads will make this worse. Further studies in 2010 reaffirmed this.⁷ What has changed since then?

If the answer to that question is ‘nothing’ or ‘little’, then it is hard to see how a technical working group, as proposed in the GMLRIA *Preliminary Strategy and Action Plan*, can solve the problem of air quality *until* everyone is driving electric cars or we have a world class public transport system (or both).

In Conclusion

It would appear that there are major constraints to large scale housing development in the Macarthur area generally and Campbelltown specifically: declining air quality, lack of infrastructure, low diversity of employment, active mining, and an incomplete public transport network. The area is also home to increasingly devalued heritage and environment that is rare and/or endangered. A new approach to value-adding is needed, as suggested above, that maximises the potential of the strategic assets that the area has: its landscape qualities, its heritage and environment, and the job diversification that Campbelltown City Council is currently pursuing...rather than using the area as a dumping ground for Sydney’s expanding population.

It is hard not to feel that the DOPE’s use of consultants who also work for developers, may be limiting the vision for the area...or perhaps it is just the narrow brief from the DOPE that has produced this result. We would like to see the investigation redone, with a broader strategic approach and less conflicted sources for the analysis and strategy development before considering our final response.

Yours sincerely



Jacqui Kirkby
Scenic Hills Association

⁷ See <http://www.smh.com.au/environment/ozone-levels-to-worsen-over-next-15-years-20100308-psuy.html>