

Let's get the Rules Right



Contents

Playing the Game By the Rules..... 1

 Rules Produce Results 1

 Equally Desired Results can Suggest Rules 1

Leading a Horse to Water 2

A Solution Orientation 3

PLAYING THE GAME BY THE RULES

Most endeavours in life have rules. They govern the way we act.

In fact if we understand the rules we can often predict the behaviours and outcomes that will result.

Rules Produce Results

We are just about to enter the winter football season. Usually at about this time there is a discussion of the interchange rules and the like. For example, if we reduce the number of players who can sit on the bench as interchange players, we inevitably introduce more fatigue and bring the faster nippier backs more into the game as big forwards tire. That would likely increase scoring opportunities later in the game. In fact coaches coach for this, and even select their teams to maximise their chances under the regime of rules for the season.

Similarly, there is a move to change the Senate Voting system, and most pundits concede that it will be much harder for minor parties to be elected under the proposed arrangements. Some might argue that this result was in fact what the major parties wanted and therefore they created the rules to achieve the desired result.

Equally Desired Results can Suggest Rules

The planning system is replete with rules. You can't build beyond the setbacks, you must have at least a minimum amount of green space, you may not build higher than ten metres, and the list goes on.

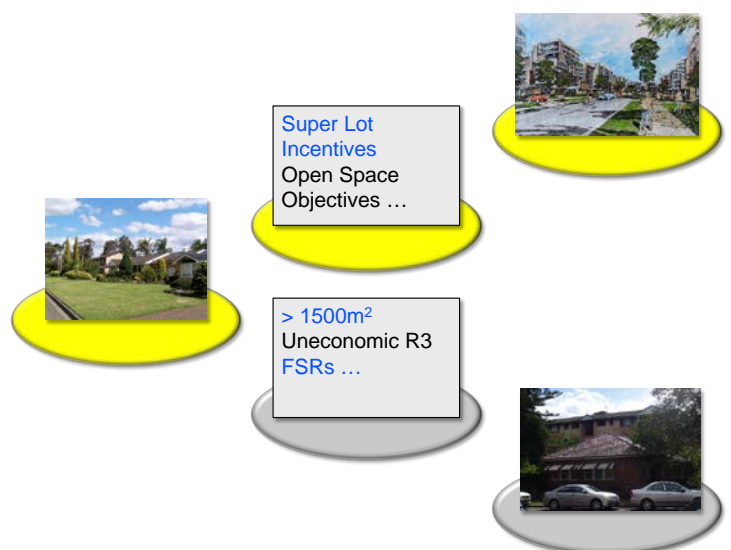
The danger is of course that if we over do the rules we end up with precisely the result we did not want. For example if we so restrict the building envelope, then we might just end up with big buildings wacked in the middle of each available block, and creativity and good design and good living go out the window.

The discussion needs to start with the results we want. These might include:

- Family friendly, health living
- Embracing public transport, especially rail
- An attractive master planned precinct

To achieve these sort of outcomes you need incentives to create super lots that can be master planned, rewards for design and the creation of public open space etc.

If we persist with the current suite of rules, especially in the R3 area, we risk ending up with a very different result.



LEADING A HORSE TO WATER

So how can you incentivise the behaviours and achieve the results that are wanted.

Before we look at this question let's look at the path that is easiest to adopt. Well the easy solution is to:

- Get together with enough neighbours to satisfy any minimum lot sizes (4,000m²). Typically that would involve just 4-6 properties and the odds are that you will know all these neighbours.
- Then engage an agent to market the property with the least effort and expense possible.
- Then sell the combined lot and each take about \$3m.

Along the way you might have to resolve some issues with your neighbours and tackle some difficult negotiations with wily developers. Not as easy as dealing with a real estate agent to sell a single property, but if the reward is big enough then it is all worth it.

What happens however if the easy option only yields \$2.3m? It all becomes a bit harder and not as many people will take up the challenges and the rewards at the end of the journey.

What happens however if you are told:

- if rather than 4-6 neighbours, if you can put together a group of 40 properties and generate a 1ha area of public open space
- then you can each earn, say \$3.5m



Well you are more than likely going to speak with a lot more neighbours. Just look now at how many people know each other across the Showground precinct, especially those with proposed zonings of R3.

So what else could help?

- A more liberal interpretation of setbacks provided key objectives are met, giving flexibility in design approaches i.e. make it easier to do the right thing.
- Allowing mixed use development bordering Showground Road (see below).
- Encouraging multiple developers to work together to achieve the same incentives, provided the overall objectives are achieved, and there are appropriate guarantees and risk management approaches in place.
- Run a design competition – it might help people appreciate the opportunities.
- Appeal to people's better natures – yes, people do have them. This can help even more if people can share the vision with you.

Of course you need to 'game play' the scenarios to establish what sort of perverse effects might happen. There are certainly some perverse effects from the current controls. They can be anticipated. So can the perverse effects of potential new controls. Of course this involves some different skill sets to what may be normally available in a planning environment, but a process like that described can certainly be facilitated.

A SOLUTION ORIENTATION

The Hills Shire Council has raised many issues. Some might suggest that is trying to hold back development. We daresay other people have raised issues too.

Rather than just raising problems, what is needed is a dialogue that:

- Properly understands the issues, and why they are being raised, and
- Fully exercises the solution options

When people do not talk, it is very difficult to do this however.

Ideally you need to get the right people together, some good ground rules and principles (e.g. must be economically viable), an independent facilitator and a process that helps everyone work through the discussions that are needed.

If you went on that journey what sort of issues and questions might you explore?

- What are the passenger estimates for the rail, and how fast should the passenger volumes be grown? After all the NWRL is an \$8.3bn investment.
- How might that inform the desired uptake rate?
- What housing mix is really required? There are a lot of statements about a need for family friendly options. How much has this been properly exercised? For Hills residents or for new residents from much further afield? How does the housing product mix match the needs? What about young adults and retirees who might prefer units? It is important that this issue is understood at the appropriate regional scale.
- If the theoretical capacity of the Showground precinct is 11,000 dwellings then how can the traffic network be expanded if extra capacity is needed? What sort of options might need to be preserved e.g. an extra lane here, a wider road there? At the moment the issues are raised as fears which feed scare mongering. If those fears can be shown to be unfounded then they are diminished. Rather than just reduce the 11,000 yield, are there ways of handling it? How far can you safely push the envelope? A football coach given a challenge like this would find a way.
- The flexibility of allowing mixed use on the lower floors of the buildings built along the Showground-Fishburn strip would make these buildings more attractive to developers. How might the value of these lower floors be enhanced if they could be used for office space and similar commercial purposes? This could be important as the lower floors facing Showground Road could be less valuable as residences. How much would that enhance the likelihood of the park (refer to Opportunity to Renew) and underground parking being built?
- How much parking space should be private and dedicated to particular buildings or residents and businesses? How much should be available to be shared?
- If the development will take 5+ years to play out, what is the case for enabling land banking of super lots now and enabling master planning now for building projects over time?
- How can the features such as the flat land along the Showground edge be best exploited? How can the relatively flat hill top along the Fishburn-Chapman strip be best used? The park idea seems to have merit there, but what might ideally be done on the down slope of the hill from Dawes to Hughes?

The trick is to work through these questions and 'game play' the scenarios that these issues raise. With the right people, the right attitudes and the right process and facilitation these kinds of questions can be resolved fairly quickly.

If your consultations and what we have been discussing over the last couple of months has caused a bit of a rethink then how can the rethinking best proceed to some better outcomes? We are sure a lot of this is in place. Is more needed?

It would appear that there is a case for some more time being spent on this. Just some reasons are:

- The size and scale of the investments (public and private)
- The fact that if we get this wrong, we will have to live with it for a long time
- There is a lot of investment in planning, but often in an unfortunately adversarial environment at times. Can that be better channelled?

We would be more than happy to discuss this further.