



Legislative Assembly Hansard (Extract)

Channel 7 Former Epping Site Protection Bill

Extract from NSW Legislative Assembly Hansard and Papers Thursday 31 August 2006.

Second Reading

Mr ANDREW TINK (Epping) [10.05 a.m.]: I move:

That this bill be now read a second time.

The object of the Channel 7 Former Epping Site Protection Bill is to protect the site at Epping by ensuring that Parramatta City Council remains the consent authority for any application to carry out development on the site, by prohibiting the carrying out of excessive development on the site and by requiring community consultation in relation to the carrying out of development on the site. Part 2 of the bill provides that the council is the consent authority in relation to the carrying out of any development. Part 3 provides that the development of the site is to require the consent of Parramatta council. Part 4 requires that a concept plan for the site be developed by the council. Part 5 requires that community consultation be undertaken by the council in finalising that plan. A decision has already been taken by the Minister for Planning to take over control of this site, and a legal declaration to that effect has been made. In particular, clause 5 of the bill states:

... prevents the making or operation of any declaration under the *Environmental Planning and Assessment Act* 1979 that the carrying out of development on the site is a project to which Part 3A of that Act applies or that has the effect of making development on the site a project or part of a project to which Part 3A of that Act applies.

Most crucially:

Any such declaration that has been made—

I understand one has been made—

or is made has no effect to the extent to which it applies to the site.

In part, this bill follows an excellent precedent that was introduced by the honourable member for Lane Cove under which the site was to remain substantially for existing use with existing buildings. However, under this bill the whole site is up for development. This bill is based on the one introduced by the honourable member for Lane Cove but it is essentially a simpler bill. The need for the bill goes back some little time, and the antecedents go back at least to last year. I will read part of a letter dated 16 December 2005 from a constituent, R. N. Burwood, of 6 Marook Street, Carlingford, to the acting director, Department of Planning, in response to a letter he received in his letterbox:

I am writing in regard to your letter dated 17th November, 2005 covering the above matter—

that is, the site development concept proposal plan for Channel 7, 61 Mobbs Lane, Epping—

It was with some amazement that I should receive a letter from your department about a development on this site as one would think that this should be first processed through Parramatta City Council. This site falls in the Parramatta City Council zone and one would think that the local Council would have a better insight into this area than a centralised department in the city. Parramatta City Council would also know the impact on the local area, which would be made by such a large development on this site.

That interesting letter expresses surprise that the Department of Planning has jumped into this matter from day one. From day one the department has not given a toss about Parramatta council. I expect looking back on this matter now with hindsight the department always had the express intention of taking over this site and leaving Parramatta City Council completely out of the picture. On 7 November last year I wrote a lengthy letter to the Minister for Planning. In that letter, I said that I understood there were rumours that he was considering the former Channel 7 site as a potential State significant site under the State environmental planning policy for major projects and that there was a proposal to put 900 residential dwellings on the site. In the letter, I asked the Minister to determine that the site is not of State and regional importance and to allow Parramatta City Council to undertake its normal decision making in relation to development applications.

In the reply I received in December 2005 the Minister said that following an approach from Channel 7, he had agreed to consider the potential to declare the site a State significant site and to consider a concept plan. In the letter he indicated that he had not made a decision, and that he had forwarded my letter to the department for its

information. After further pressing, in January of this year I received a letter from the Parliamentary Secretary—the Minister did not seem to think that it was important to continue direct correspondence so he replied through his Parliamentary Secretary. With no disrespect to that office holder, it indicated to me that in the Minister's mind the matter was being downgraded and pushed aside as an irritant. I was advised by the Parliamentary Secretary that the Minister had agreed to consider a concept plan for the site and that public submissions were being reviewed. And that was where the matter stood: the Minister had not made a decision.

Apart from a large number of letters in similar or identical terms as responses to constituents, I have heard nothing more from the Minister. In addition to writing to the Minister, I raised the matter in a private member's statement in the House on 17 November. At that time I outlined a number of issues of concern, apart from the bulk of this development. I said that the site had a history of major life-threatening flooding down into the Eastwood area under the control of Ryde City Council, that there had been two massive flood events, and that run-off from the high ground that the Channel 7 site occupies acts as a natural accelerator in major flooding to create problems.

I simply thought that problems attendant on the development of a largely open greenfield site, which would be substantially covered by dwellings that act as mini accelerators during heavy rain events, would be better considered by councils rather than a department in the central business district or wherever it is located these days. Another major issue is traffic generation, especially along Mobbs Lane. The development site has a street address of 61 Mobbs Lane. The street—when I say "street" I mean the actual road paving—has not developed much from when it was originally laid some time around 1900 as access to a dairy. The road is barely coping with current traffic volumes, let alone what would be generated by a development of many hundreds of units. A number of other issues also need to be taken into account.

Epping Civic Trust, under the leadership of its president, Graham Lovell, has taken an active part in this issue. It first raised the matter in its October 2004 newsletter under the heading, "What type of residential development for the Channel 7 site?" It has followed through pretty assiduously ever since. A meeting organised by the trust was held on 27 June this year. A large number of people attended that significant meeting and a number of resolutions were passed. In July this year, I received a letter from constituents of mine, Barbara and John Buzio, who live in Valley Road Epping near this development. They said that they had attended the public meeting organised by the Epping Civic trust. The letter stated:

As the Parramatta Council can no longer successfully represent the concerns of the community in this matter I ask you to take up the battle on our behalf and use the strength of the opposition to block the move of having the decision on the development of that Channel 7 site left to the Planning Minister, Mr Frank Sartor, but instead have it referred back to Parramatta Council where it rightfully belongs.

I do not think they are criticising the council, and I do not read it that way. The letter became a request for me to introduce a private member's bill—that is what it amounts to—and that is what I have done. I refer to other letters from constituents that reflect the type of comments that have been in a large number of representations I have received from individuals. Most have been individual representations, not roneoed or copied letters—they number about 100 at this time. In a letter dated 8 August 2006 N. and A. Cartwright said:

I feel quite strongly that the approval power has been taken away from our local Parramatta City Council into your department's hands—

The letter was addressed to the Minister but sent care of me, and I passed it on. It continued:

Our local council knows our area and because the Councillors live locally they voice the residents' opinions. They have our interests and what is best for our area at heart. Do you?

That question is directed at the Minister. It continued:

How long have you lived in the area, Mr Sartor? I don't believe that you ever have! You can't be an expert on everything—leave local Councils to deal with proposed developments in their area. They know the local area best.

In a letter dated 7 August—again, it was addressed to the Minister but sent care of me—Mr Eric Bentley said:

Our Council, consisting of local representatives, is in the best position to judge the appropriate level of development on the site and will involve the local community in its deliberations.

It is my view that the current development proposal before you for this site is a gross overdevelopment for the following reasons:

1. Density of units too many and far in excess of Council's planning controls.
2. Height too high and out of character with the surrounding area.

3. Traffic chaos in neighbouring streets never designed to take the levels of traffic predicted to be generated by the development.

Recently I received an email from Darryl Lance of the Loftus Square Park Committee in Epping which stated:

We have heard from our Councillors that Mr Sartor has control over this development and that no consultation will be had.

If that is the case it is a travesty ...

What right does Mr Sartor think he has to take control of something that should be under our Council's jurisdiction?

We **elected** our very capable councillors and demand that they are allowed to do what they were elected for, look after our interests.

As I said, I have received a large number of what I consider high-quality representations from constituents who have considered this matter carefully and are disturbed about it. I have sent those representations to the Minister as and when they arrived. I am more than a little irritated that after the letter I received from the Parliamentary Secretary on 6 January I have not officially heard anything more, except a repeat of the contents of that letter. Indeed, I had to read in the local paper that apparently the Minister had made a decision, which as best I can tell was gazetted on or about 16 August 2006, that the site was to be a State significant site under the New South Wales environmental planning policy.

Not only have my constituents, Parramatta City Council and I been ignored, but we have not even been paid the elementary courtesy of being told that the Minister had made a decision. We had to read about it in the local paper. That is typical of the Minister's arrogance. The Premier needs to look out for the Minister for Planning. I think a large number of people around this State are sick to death of that Minister and the way he exercises his powers. Right around the State people have just about had enough of not being given the courtesy of being told when a decision has been made.

I now speak about Parramatta councillors. As many honourable members are aware, the Parramatta City Council reflects the views of the major political parties to varying degrees. The council has for many years returned a Labor administration. As with councils of that persuasion and others, I do not always see eye to eye with them. But I have to say this in relation to Parramatta council: as far as I can tell, I believe it has always tried to do the right thing in exercising its powers to assess developments. Some councils struggle to do that; some councils simply struggle to exist.

Parramatta council still has under its control one of the largest central business districts in the whole of Australia. It would be assessing, on a regular basis, some of the most complex development applications to come before any council anywhere in Australia. As far as I can tell, the council has always conducted itself in what appears to me to be a fair, reasonable and professional fashion. Therefore, it is eminently capable of carrying out all assessments required on this site. There is no reason whatever to take away from Parramatta City Council its powers over this site.

The Minister could have said that he had identified certain problems with the Parramatta council and attempted to make out a case that he did not believe Parramatta council was capable of determining this development application. He has not made out such a case, because I do not think he is capable of making out that case. By that, I mean I do not think there is any evidence that would justify his making out the case. There is no basis whatever for the department taking over planning in this area. In fact, I would invite whoever will, down the track, write the speech in response to the debate on this bill—whether that be the Minister or the department—to itemise and particularise exactly where Parramatta City Council has fallen short and thus justify the Minister taking this step. What elements, what allegations, what issues go to the Parramatta City Council being incompetent—in the Minister's eyes, apparently—or unable to properly consider this development application?

There had better be a pretty good answer to that question made in the Government's reply to debate on this bill, which I suspect it will oppose and reject. The least the Government can do, if it opposes the bill, is identify where Parramatta City Council has fallen short in this matter. I do not believe the Government can demonstrate that. If it cannot, why is the Minister taking this power from the council? On what basis could the Minister possibly justify stripping a council of its powers to consider a development application, in the absence of any evidence that the council is incapable of doing so?

Parramatta City Council has considered the most extraordinarily complex applications, particularly relating to the Parramatta central business district. This is one of the major growth central business districts in Australia. I have never heard it said that there is a problem with the Parramatta council considering such applications—apart from, in the ordinary course, people from time to time having a difference of opinion about whether a particular project is a good one or a bad one, or whether this is right or that is right. Within the parameters of that type of

debate, I have never heard of Parramatta City Council's competence, under Labor or non-Labor administrations, ever being seriously questioned on these issues.

I ask the Minister to provide the evidence, if there be any, of where Parramatta City Council has fallen down to such an extent to warrant his intervention. If he cannot particularise that, I ask him to reconsider—given what he will do with this legislation—and to back off and let the Parramatta council consider this application like it does every other matter. Who knows, it may well be that having council consider the application would result in a much more acceptable local resolution of the issues than the Minister ever will. I would say to the developers that they might like to think about that too. Why is it that the developers have rushed in to get the Minister involved? Are they trying to do something here that they know the local council would not approve of? If they are, what is it? Maybe Mr Sartor could tell us that. Have any instructions or requests come from the developers to the Government to bypass the council on this matter? What is there at that level that has caused the triggering of this Government action?

I would have thought if the developers and a Minister of the Crown in this State were trying to settle upon an outcome that is acceptable to the public and is balanced against the local public interest and the developer interests, Parramatta City Council is the way to go. The Minister cannot possibly assess local concerns from some office in the Sydney CBD, or wherever he is. That is, and always has been, best done through local councils and local councillors. They are in a unique position to do that. It is interesting that all three Government members in the Chamber now—I think I am right in saying this—have had quite significant local government experience. I am told that two have; but I was right, there are three.

Mr David Campbell: The Speaker is not a member of the Government.

Mr ANDREW TINK: I will leave it to my illustrious successor as shadow Leader of the House to deal with that allegation! People understand that councils are best able to deal with this sort of conflict resolution.

Mr David Campbell: Not any more.

Mr ANDREW TINK: They are in a unique position—

Mr David Campbell: Not any more.

Mr ANDREW TINK: I take up the remark made by the Minister, who said, "Not any more." That reflects the type of attitude that the Minister responsible for this bill is demonstrating. I ask them both to reconsider their attitude on this sort of issue. Councillors are both elected representatives and people who exercise considerable executive authority in the sense of ultimately voting on these sorts of issues, and they ought to be left to get on with that. I commend the bill to the House. I ask the Minister, for a third and final time, to justify why he is refusing to allow Parramatta City Council to determine this matter. If he cannot come up with some damned good reasons, he ought to back off and leave this matter to the council—unless and until it demonstrates that it has made major mistakes. I say again: I do not believe Parramatta City Council, with its track record under whatever administration, has any history whatever of bad mistakes in these sorts of matters—even if, from time to time, we disagree with a particular decision. They are made honestly and competently, and the Minister has no reason to intervene.