

INQUIRY INTO NEW SOUTH WALES PLANNING FRAMEWORK

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The Hon Tony Catanzariti MLC
Committee Chair
Standing Committee on State Development
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Catanzariti,

Inquiry into the NSW planning framework

As invited in your letter of 17 November, 2008, the National Trust is pleased to make the following submission to the Standing Committee on State Development's Inquiry into the NSW planning framework.

Since the introduction of the Environmental Planning and Assessment Act in 1979 its administration has been hampered by a lack of adequate resources.

In the first years, initially under Minister for Planning and Environment Paul Landa, funding was provided for heritage studies across most Local Government Areas in NSW.

However, there was little commitment by successive NSW Governments to fund Regional and Local Environmental Studies which were fundamental to the implementation of the Environmental Planning & Assessment Act as it was then intended to operate.

Consequently these vital studies were piecemeal and limited in their application. Many local government areas lack these fundamental studies to guide and underpin their Local Environmental Plans.

For example, flora and fauna studies across the state have been carried out on an ad hoc basis. Some have been funded by the NSW Government, others by Councils and many by developers as components of Environmental Impact Statements or Reviews of Environmental Factors in conjunction with development applications.

Such information should be in place as a component of Local or Regional Environmental Studies leading to the preparation of Local or Regional Environmental Plans. It is far too late to be finding significant populations of endangered species at the development assessment stage.

Much of the existing information could be coordinated and knowledge gaps identified as a firmer foundation for Local Environmental Plans currently under preparation.

This principle also applies to masterplans for "State Significant Sites" which require this basic data for their future planning and management.

The Trust is deeply concerned at the erosion of local government responsibility for many of the major developments affecting local populations. Part 3(A) of the planning legislation has removed far too many developments from the jurisdiction of local councils and proper consultation with and involvement of local communities.

Worse, Part 3(A) regularly over-rides the proper operation of endangered species and heritage legislation and even flooding and bush-fire hazard considerations. This is a recipe for ultimate environmental disaster, totally out of keeping with the aims of the legislation to protect the environment and to prepare for orderly development and wise use of resources.

As well as major developments and their impacts on the environment, historic properties are also under threat from destruction of their settings, view lines and context and inappropriate re-development.

A case study is the late Nora Heysen's home "The Chalet" at 2 Yerton Avenue, Hunters Hill. Listed on the National Trust Register in 2003, this prefabricated Baltic pine timber cottage purchased in Hamburg, Germany was shipped to Sydney in 1854 as one of a batch of four such buildings, but is now the only survivor.

This building's rare status and its historic association as the residence of Nora Heysen since 1954 was recognized in its listing on the State Heritage Register in June, 2005.

The Statement of Significance for the State Listing included: -

" 'The Chalet' is a very rare and distinctive example of an early prefabricated timber Swiss cottage in Australia....

Aesthetically, The Chalet is distinctive and rare in Australia....

Historically, The Chalet represents a remarkable aspect of Australia's early history of immigration and settlement by European immigrants during the 19th Century, associated with the 1850s gold rush....

The subdivision, house and gardens also provide evidence of one of the first examples of Garden Suburb development in Australia's oldest Garden Suburb, Hunters Hill, which predated the Garden Suburb movement....

The only other known timber example from Hamburg is located in Geelong, Victoria....

The property is also significant for its association with artist Nora Heysen, who lived and worked at The Chalet from 1954 until her death in 2003. Nora Heysen (1911-2003) is recognised as one of Australia's foremost female painters and was the first woman war artist in World War 2 and the first female recipient of the coveted Archibald Prize in 1938 at age 27.

The garden complements the house and contains a wide variety of interesting plants. An unusually large indigenous cheese tree (Glochidion ferdinandii) stands to the west of the house. Many roses that appear to be from the Federation period may be significant in their own right. Many cottage garden flowers (shrubs, bulbs, perennials) reflect Nora Heysen's period of occupation and interests, being often depicted in her paintings of flowers from the garden, especially roses. Cottage bunches of flowers composed of whatever was in season were common subjects."

The current planning system at state and local level has totally failed this property and clearly demonstrates that major changes are needed to be implemented in the NSW planning framework to make this happen.

A new development has been approved that has totally cleared the garden and a new building of a height, scale and bulk out of keeping with "The Chalet" has been approved for construction in the former garden area. This has taken place within a Conservation Area and will degrade views of Sydney Harbour from and through the Area.

Flooding on the site, as a consequence of recent heavy rain, has resulting in water entering the historic building. The Heritage Impact Statement for this development stated "there will be no impact to the heritage item...."

At the present time, development appears to be having a totally free rein with many instances of damaging and inappropriate development bypassing environmental and heritage protection legislation or being approved despite major adverse impacts.

The National Trust urges the Committee to inspect the development at 2 Yerton Avenue, Hunters Hill from the adjoining property at 8 Ferry Street whose owners have fought a long and costly battle against the development proposal and the adverse impacts on their own property.

There are numerous other examples of the current planning systems failures, often despite many councils, residents and community groups earnestly seeking better outcomes. The National Trust would be only too please for an opportunity to address the Committee and to suggest additional examples and site visits to illustrate our concerns.

Yours sincerely,



Graham Quint
Conservation Director