



# Double standards & the 3A process

The 3A process, introduced by the NSW Department of Planning in October 2005, was initially proposed to address the chronic 'planning backlog' and better address projects of state significance. In dealing with the planning backlog it did not, however, address the underlying problem – the strategic aspect of planning and the need for improved and consistent controls such as the model LEP. Instead, the 3A process proposed a 'fast track' method to development approval, without community consultation or regard for local council policy. Some say it simply provides a method to approve development applications refused by local councils and the Land and Environment Court.

The 3A process provides an opportunity for the Department of Planning to disregard groups like the Heritage Office who are the consent authority for State Listed Items. Advisors can inform the Minister, but play no crucial role in the decision-making process. Long-term strategic planning goals developed at local council and state planning levels can be, and often are, disregarded. Land and Environmental Court judgements are set aside where they conflict with the proposed development and the community only gets to 'tinker with the edges'.

One year into its term, the 3A process is in need of urgent review. Adopted at record speed, the 3A process was not developed in response to professional debate. Since the RAIA was established, professional discussion has always been the forerunner of changes to planning legislation in NSW.

Historically, fast-tracked planning has not produced ideal outcomes. Darling Harbour, at the time of its inception and despite numerous makeovers, is still discussed in negative terms. Taken out of the hands of the approving authority, the project was rushed through the approval process to be part of the bicentennial celebrations. The possibility of a great opportunity became a white elephant. Likewise, the State Rail corridor to Green Square, rushed through to meet an Olympic deadline, has never realised the potential it promised. So why, with no pressing deadline beyond a state election, has the 3A legislation been introduced?

While we are awaiting comment from the profession of architects and planners, concern with the legislation has been voiced by other groups. Community groups such as REDwatch, the councils who have been marginalised, and newspaper articles, most notably by Elizabeth Farrelly, have voiced disapproval. Nonetheless this criticism has had little impact on the process to-date. It is now necessary to combine the efforts of these affected groups. The **3A Alliance** has been formed so that communities who first encounter the process can benefit from the experience and disappointment of others.

What communities rarely understand in the early stages of the process is the lack of meaningful and effectual involvement and consultation that will be made available to them. The Major Projects List, posted on the Department of Planning website, requires constant surveillance to identify new projects that may affect a community.

Many communities are not alerted to proposed 3A developments in their areas – the Darlinghurst community was excluded from the process for the Garvan Institute. Community consultation was limited to a briefing of what was a 'fait accompli'. Prior to the 3A process, detailed heritage and planning guidelines had been prepared by the City of Sydney and discussed in Land and Environment Court judgements. An extensive community

consultation had occurred in July 2005, prior to the 3A process commencing. These various guidelines, that provided a clear summary of issues, were disregarded in the outcome for the site.

As soon as a community is alerted, their time to respond is limited. *The Community Guide* produced by the Department of Planning provides guidelines for involvement. Raising all the issues at the start is essential, as they cannot be added at a later stage, therefore a sophisticated professional response is required quickly. Once the Director General's Guidelines are established, consultation is limited to community briefing and the development response is limited to how, if at all, they can accommodate community concerns within the agreed framework.

Where communities have been involved, via their local government authority, the results have been less than satisfactory. The Ryde Rehabilitation and Macquarie University commercial sites have been developed with little regard to issues raised.

The normal funding benefits of development are also restricted. The cost of additional infrastructure resulting from development is normally funded through Section 94 contributions. The intent of these contributions is to limit the impact on ratepayers who have not generated the need for this infrastructure improvement. In the 3A approval for the interchange in Chatswood, Willoughby Council's entitlement to Section 94 contributions was reduced from \$18 million to \$1.2 million. Council owned land valued at \$13 million was purchased for \$2.7 million.

## Redfern Eveleigh Darlington

The community group REDwatch (Redfern Eveleigh Darlington) question the need to separate the Redfern Waterloo Authority (RWA) or the Carlton United Brewery (CUB) areas from the City of Sydney, which already has detailed strategic approaches for its planning and heritage controls. These approaches have been set aside as part of the segregation of the RWA. It was recently announced that on sites affected by the 3A process, such as Redfern School, the heritage principles established by the RWA would not apply. While advice is taken on heritage matters from various authorities, it is not binding. Heritage controls that inhibit development opportunities can be disregarded. Large site developments in the city are generally more than capable of accommodating heritage and planning requirements. They have been bound by such limitations since the Heritage LEP was introduced. Why is it now different?

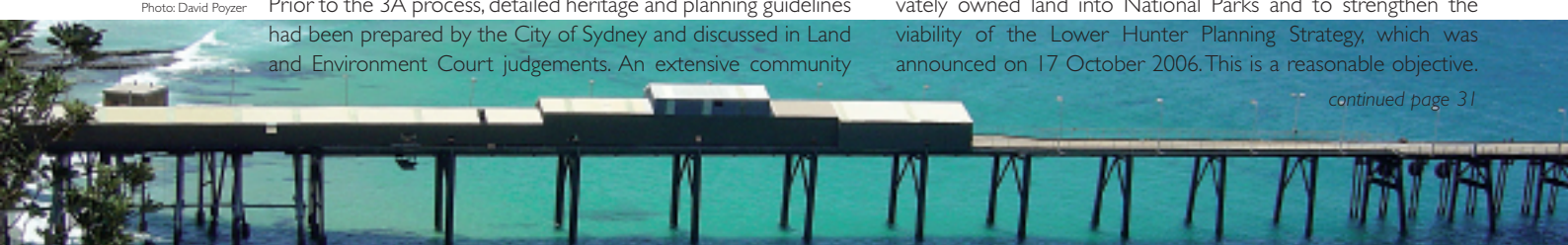
## Catherine Hill Bay

The 3A process is also characterised by non-compliance with state authority controls. In the case of Catherine Hill Bay, a north coast unique rural mining town, 20 years of documented planning policies, including various forms of conservation zoning because of the area's environmental significance, have been overturned.

A proposed development by Rose Corp was refused by Lake Macquarie Council and was heading towards refusal by Wyong Shire Council. Undaunted, Rose Corp appealed to the Land and Environment Court, which rejected all the company's claims and dismissed the appeal.

Enter the 3A process. The Minister has explained that his priority is to take advantage of an 'historic opportunity' to turn privately owned land into National Parks and to strengthen the viability of the Lower Hunter Planning Strategy, which was announced on 17 October 2006. This is a reasonable objective.

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Top & below  
Catherine Hill Bay

Photo: David Poyzer

## Welcome new members

### Student

Neil Brown

### Graduate

Dong Wei Wang  
Calvin Kwan  
Olivia Hyde  
Samik Waiz

### Affiliate level I

Thomas Rivard

### Member level I

Jeffrey Leung  
Naomi Fry  
Mark Pearse

## Deceased members

Bill Johnson (Sept)  
William H Johnson (Sept)  
Osmond Jarvis (August)

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The actual scale of what is intended is hidden within an unspecified 'development footprint' which will increase the number of houses from 115 to 1,015.

Is the benefit of such an aim – where details are scant, consequences sidelined and established planning policies cast aside – consistent with open government in the interests of the community? Many people believe that the NSW Coastal Policy guards against this type of deal. It hasn't and the precedent it sets for the Coastal Policy is disastrous. At Catherine Hill Bay the State Government is about to permit an 'historic opportunity' which a year ago was correctly defined as being 'not in the public interest'.

### Who pays and who gains?

Will we look back on the results of a year of the 3A process with the same dissatisfaction as the Darling Harbour experience? In the case of Darling Harbour the site was contained and largely in government hands. This facilitated the various makeovers required to reduce the impact of the development and achieve some compatibility with the existing urban structure. The scale of development applications being approved under the 3A process is well beyond this. Solutions to the problems they generate will largely be at the expense of the community. The benefits of short-term approvals that assist the initial developers will become the long-term legacy for residents and authorities left with dysfunctional developments. Who pays and who gains?

3A Alliance

## OPINIONATED REPLY

Dear Sam,

### Heartfelt comment

\$100,000 ... WOW!! That is an extraordinary achievement. Well done!

However, I am one of those 'self-interested, navel gazing, tight arses' who didn't contribute despite the extensive promotion. Though I am probably not so much a 'pawn of the rich individual' as a thorn in the side of mediocrity. But anyhow, that is not the reason for my letter.

Your Latham-like tirade against us recalcitrants left an odd taste in my mouth given the enormous success of your campaign. Was it meant as a wake-up call or as a bullet to the head? I don't know whether to quietly disappear and take my embarrassment with me, or to drop a cheque in the post to you (anonymously, of course) or to loudly tell you to get f....d and don't be so bloody ungrateful!

Maybe I should just bite my tongue – deep breath – and politely explain that I have my ways of paying it forward and that it is my business how and to whom I do this and I ask for nothing in return.

That being said, for all those self-serving mongrels out there who think of no one but themselves, get off your backside and pay up – or else Sam will get ya!

There you go – a foot in each camp and my head out of the sand. I am awake with only a minor graze from the bullet. A cheque is in the mail.

Regards,

Anonymous

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