



FRIENDS OF
KU-RING-GAI
ENVIRONMENT INC.

**NB: Please find enclosed your
2013 Membership Renewal**

January/February 2013

Dear FOKE Members

FOKE'S 2013 ANNUAL GENERAL MEETING

Accompanying this Newsletter is the NOTICE of FOKE'S 2013 AGM. We look forward to seeing you at the AGM and at the Public Forum that follows. We value your support and attendance.

DATE: Wednesday 20 March 2013

TIME: 7.30 pm

VENUE: Uniting Church Hall corner Karranga Ave and Arnold St ("Fiveways") Killara

TO BE FOLLOWED AT 8.00 PM BY FOKE'S 2013 PUBLIC FORUM

MS KIRSTY RUDDOCK

Principal Solicitor: Environmental Defenders Office

The role of the EDO and successful litigation it has conducted on behalf of the community.

MS CORINNE FISHER

Convenor: Better Planning Network

BPN - established in mid 2012 and currently with over 200 affiliated groups – lobbying the NSW government to ensure that development protects public rights and interests - a Fair NSW Planning System.



**Kirsty Ruddock BA (Hons)/LLB
(Hons) Principal Solicitor
Environmental Defenders Office.**



**Corinne Fisher M Env Studies
Co-founder and Convenor of
Better Planning Network.**

The Environmental Defenders Office (EDO) and Better Planning Network (BPN) currently both have high profiles. FOKE is delighted that these community advocates have agreed to speak at our Public Forum which will follow FOKE's Annual General Meeting.

Kirsty Ruddock: As Principal Solicitor of the Environmental Defenders Office NSW, Kirsty is responsible for its legal advice and casework program. With her extensive experience in cases relating to administrative law, pollution, cultural heritage, biodiversity, mining and public interest costs, Kirsty will talk about the role of the EDO and successful litigation it has conducted on behalf of the community. She successfully led the case in

which Friends of Turramurra challenged the former Minister of Planning Tony Kelly and which saw the Ku-ring-gai Local Centres Plan invalidated. *The EDO is the only organisation in NSW established to help people who want to protect the environment through law.* (EDO website www.edo.org.au)

Corinne Fisher lit a community fuse when, in August 2012, she co-founded Better Planning Network in response to the NSW Government's proposed changes to the NSW planning legislation. The Network now has over 200 affiliated community groups and is attracting more daily as people learn about the proposed changes to the planning legislation. *"The Government's Green Paper proposes a significant increase in development that will not involve community notification or community say. This could include the automatic approval of entire buildings and even multi-storey blocks of flats in your street or neighbourhood, without you knowing about it, let alone having a say. Planning is about change. But planning is also about protecting what is most precious to us and what cannot be replaced: our environment, our heritage and the health and wellbeing of our communities."* (betterplanningnetwork@good.do)

Given the community concern for the environment and its need to know about the importance of the proposed new planning legislation and what action to take; and given the current funding threats to the EDO, we are sure that there will be widespread interest in our two speakers and what they have to say.

Come and encourage others not to miss this important Forum.

PLANNING IN KU-RING-GAI _ "WE WILL END LABOR'S OVERDEVELOPMENT."

"We will end Labor's overdevelopment." This was indeed music to the ears when announced by NSW Premier O'Farrell on 26 March 2011 the night of his election victory over the previous and discredited NSW Government.

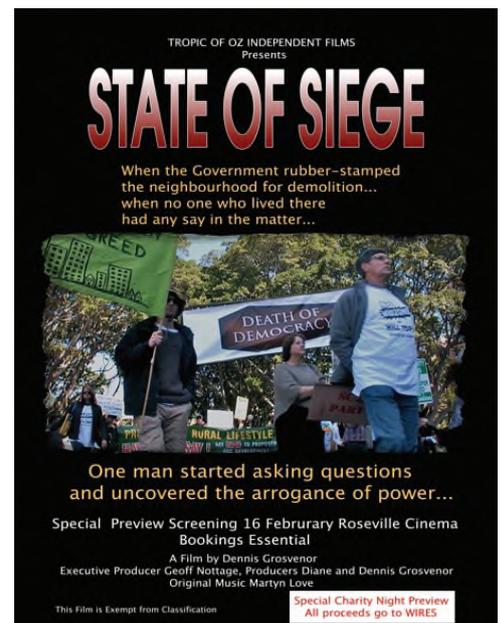
An end to *"Labor's overdevelopment"* means to Ku-ring-gai an end to the appalling planning and brutalising redevelopment that ignores our sense of place, demolishes Ku-ring-gai's heritage, blights its streetscapes and towers over its precious and iconic tree canopy. These destructive, unsustainable changes have been graphically portrayed in the documentary *State of Siege* released prior to the 2011 NSW elections and since updated to record Premier Barry O' Farrell's victory announcement

The website of the International Journal for the Arts, the Berkshire Review, says: *"The movie (State of Siege) starkly exposes the developers' and the NSW government's destructiveness. It begins with images ...in Roseville, a mostly leafy suburb...We see harrowing shots of beautiful, old, well designed (as is usually the case in houses built before the age of private air conditioning), sturdily-built double brick houses crushed by bulldozers (with not even the slightest attempt to recover, reuse or recycle any of the timber, glass or bricks), fertile gardens compacted under caterpillar treads, and enormous old trees chain-sawed."*

(See trailer of *State of Siege* on [YouTube](http://www.youtube.com/watch?v=ZZweE8esFR4) <http://www.youtube.com/watch?v=ZZweE8esFR4>)

***State of Siege* delivers some very disturbing messages including:**

- Arrogance of power
- Influence of political donations.
- Disregard of the environment, embodied energy and the principles of sustainability
- Need for a Royal Commission into property and the planning system
- Undue influence of lobbyists and property developers coupled with exclusion of the community
- Planning by politics
- Amendments to the Heritage Act- it is now harder to list items and easier to remove them
- Ignoring of the basic tenets of justice
- Non-adherence to principles, with secrecy and distancing of proper process
- Appointed panels putting through what the Government wanted in the first place
- People going through a determining process in which, either way, they are condemned



- Removal of democratic rights
- Travesty of democracy
- Government bureaucrats riding roughshod over the people
- Loss of confidence in the democratic process

HAVE OUR HIGH HOPES OF THE “NEW” NSW GOVERNMENT BEEN SATISFIED OR DO THE MESSAGES OF *STATE OF SIEGE* REMAIN RELEVANT?

PLANNING IN KU-RING-GAI – QUESTIONS OVER PLANNING AWARD

As part of formulating the Local Centres Plan, Ku-ring-gai Council Officers retained consultants, Straight Talk Pty Ltd, to conduct a series of workshops. FOKE’s Newsletter March 2012 www.foke.org.au recorded adverse feedback from many sources on the Straight Talk process particularly in relation to the so-called Summit. It therefore came as a surprise, as reported by the Hornsby Advocate, that Straight Talk had received a commendation award from the Planning Institute of Australia NSW (PIA) for this work.

When Straight Talk’s Report on the consultation process came to Council, the majority of Councillors voted that it **not** be “adopted,” that is, the majority of Councillors were **not** prepared to endorse Straight Talk’s Report. Straight Talk’s Report therefore **cannot** be properly regarded as a legitimate expression of community aspirations, as was clearly implied in the hastily removed press release which quoted a Council Officer’s fulsome praise of Straight Talk. The press release interestingly made **no** mention of Council’s non-acceptance vote and its resolution to simply note the Report.

QUESTIONS

1. Did the PIA talk directly to any of the ‘stakeholder’ groups whilst it was assessing the Straight Talk application for the Award?
2. If so, to whom did they speak?
3. Were any Council Staff /some Councillors involved in recommending Straight Talk for the Award?
4. If so, who and on whose authority?

Hornsby Advocate 6.12.12 Letters Page

*“Regarding the awarding of the Planning Institute of Australia award to Straight Talk (**“Surprise Over Plan’s Win”** Hornsby Advocate, 29 November). Clearly the PIA has the right to present its awards as it feels fit. However I struggle to reconcile the terms of the award with reality. The PIA Nomination Book states that to be considered for an award in the Public Engagement and Community Planning section, the winner is recognised for “initiatives in best practice public engagement that achieve an outstanding and innovative contribution to social planning practice and outcomes.”*

*While Straight Talk actively worked to achieve outcomes, **the fact most community participants observed obvious faults in the design of the community consultations that biased the results, Council was reluctant to do more than “note” the existence of the final report, and it is unclear that the final planning document sent by Ku-Ring-Gai Council to the NSW Government was influenced by the Straight Talk efforts belies the assumption that the Straight Talk’s report had any effect on the final outcome.***

Thus on this basis the Straight Talk report had very limited, if any, contribution to the planning outcome, as required for the PIA award. *Scott Marshall, Turramurra”* (Emphasis added)

A TOWN PLANNER’S OPEN LETTER - PLANNING IN KU-RING-GAI & THE AWARD

“Dear Editor

The community consultation process conducted by Straight Talk during the preparation of the draft Local Centres LEP did not, in my view, present planning options in an unbiased way nor represent a genuine attempt to canvass community opinions.

In fact, when the results of the six workshops for each of the Local Centres revealed support for low rise medium density growth in the Local Centres, a hastily arranged summit (Roseville) was called which elicited more pro-development responses, leaving many in the community feeling alienated by the process.

As a town planner who attended the six workshops for the Local Centres, **I am not surprised to find that the Planning Institute of Australia has commended Straight Talk at its awards for planning excellence. The Planning Institute has remained silent over the implementation of flawed planning policies in Ku-ring-gai, initially by the State Government, which has seen the unnecessary destruction of suburbs containing the most significant examples of Inter-war housing in the Nation. It is not the increasing of densities that is the issue here, it is the manner in which it has been done. Densities can be increased without causing destruction of the natural and built environment.**

The flawed approach to planning in Ku-ring-gai has however been recognised by the Australian Institute of Architects in a submission made to the then Minister for Planning during the exhibition of the draft Town Centres LEP in 2009:

A coherent planning process should begin by identifying and protecting significant natural and cultural items and areas. The government's repeated failure to follow this process despite the existence of authoritative studies forms the bedrock of its flawed planning process in the area.

As the pendulum now swings firmly in favour of the development industry, society would do well to remember that the genesis of the soon to be abolished Environmental Planning and Assessment Act was in the union led green bans of the 1960's and 1970's. In another era, when the then State Government of NSW walked hand in hand with the development industry a large part of the historic Rocks, Paddington and Woolloomooloo would have been demolished for high rise offices and apartment buildings.

On viewing the destruction brought about by inappropriately R4 zoned land in the Nola Road Precinct of Roseville, a world renowned geographer, Joel Kotkin commented that he had not seen such brutality anywhere else in the world, except perhaps in Singapore. To visit the most beautiful suburbs in Paris, New York or London and suddenly see magnificent houses demolished for five storey concrete apartment buildings that bear no relationship to the streetscape would be a shock but this is what you can find in Ku-ring-gai. Jane McMillan Town Planner B.App.Sc., MA, MPIA." (Emphasis added)

PLANNING IN KU-RING-GAI - OVERSEAS INVESTORS IN RESIDENTIAL MARKET

The unlimited number of apartments an overseas investor can buy off-the-plan has impacted significantly on Ku-ring-gai. Two developers have constructed well over 20 large multi-unit-apartment-blocks in the municipality for this particular market. On completion, the great majority of the apartments are "For Rent" only, with many of them remaining vacant. There is growing concern that "locals," who are struggling to enter the housing market by purchasing their own home in which to live are finding it even more difficult to do so in the face of the unlimited "competition" from overseas interests and the lack of real housing choice.

The urban densification policy under which these apartment blocks (many of them charmless) are being constructed was not intended to provide financial opportunities for overseas investors. FOKE has been pursuing this issue for some time with Mr Paul Fletcher MP, Member for the Federal seat of Bradfield.

IMPORTANT FOKE ACTION

- **For updates on the Government's Green Paper /White Paper on the new Planning System for NSW and for community action please see and respond to the Better Planning Network: betterplanningnetwork@good.do and to FOKE "enews" emails.**
- **Since writing this Newsletter, the amended Ku-ring-gai Local Environment Plan (Local Centres) 2012 has been gazetted. Please watch for further communications.**
- **Remember 7.30 pm Wednesday 20th March 2013 for FOKE AGM and topical Public Forum speakers. Spread the word.**

Sincerely FOKE