

FOKE



FRIENDS OF
KU-RING-GAI
ENVIRONMENT INC.

PRESIDENT'S REPORT

20 March 2013

“*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 of *State of Siege*: “*The movie 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.*”

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 Coalition Government been satisfied or do the messages of *State of Siege* remain relevant? Although the Government has two years of its term remaining in which to honour its pledge and address the very real and serious concerns, the indications are not promising. This is best illustrated by controversial changes which are proposed to NSW planning legislation.

● **KU-RING-GAI LOCAL ENVIRONMENT PLAN (LOCAL CENTRES) 2012-THE PLAN**

The *Ku-ring-gai Town Centres Plan* was found to be invalid by the Land and Environment Court. The recycled and renamed draft *Ku-ring-gai Local Environment Plan (Local Centres) 2012* went on public exhibition from 21 May to 18 June 2012. FOKE Members were encouraged to make submissions. It was of the utmost concern that, on several occasions, a key Council decision-maker misrepresented Minister Hazzard's requirement that Ku-ring-gai Council produce a (Local Centres) Plan that complied with State Government policies and strategies for the delivery of growth and change. The decision-maker failed to add Minister Hazzard's important qualification that "*change must be effected having regard to the character of Ku-ring-gai* (9.10.2011). The repeated omission by the Council decision-maker of this significant qualification remains of the utmost concern.

Submissions on the Draft Plan raised, yet again, the Draft Plan's failure to satisfactorily recognise and protect Ku-ring-gai's character and its heritage and to reduce excessive building heights. Further, with no real solutions, inadequate infrastructure for an increased and increasing population remains an ongoing problem. The issue of the management of Council-owned community land continues to be of paramount and pivotal importance in any future Plans for Ku-ring-gai. Community lands must not be disposed of for private development purposes and should be the subject of relevant plans of management.

As there was dissatisfaction with Council Officers' key assumptions underpinning the Draft Plan, and concern with their calculation of dwelling yields, FOKE and other Community Groups commissioned eminent and highly regarded Architect and Town Planner, Mr James Colman FPIA FAIA, to provide a "*STATEMENT OF OPINION*" on the Draft Plan. Mr Colman was again retained by the Community Groups to prepare a *RESPONSE* to the Council Officers' subsequent Report on the Draft Plan (31st July 2012) that came before Councillors for their consideration. The reasons for seeking Mr. Colman's input on this second occasion were that the Councillors needed to be alerted to the Council Officers' unsatisfactory "silences" on some issues and their inadequate responses to other issues raised in the initial Colman "*STATEMENT OF OPINION*".

FOKE is among many who were dissatisfied with the "consultation process" conducted for the *Local Centres Plan* by the Council –retained consultants, Straight Talk Pty Ltd, particularly with the so called "Summit". In all of this and the above we are reminded of some of the *State of Siege* messages.

A Planner (name supplied) has written describing "*the implementation of flawed planning policies in Ku-ring-gai.... 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.*"

And has written further that:

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

[Since writing this Report (which was of necessity done some weeks ago before overseas family arrived for an extended visit) the Plan has been released and is being considered by the Committee and will be addressed by the incoming President at the Annual General Meeting.]

● **OVERSEAS INVESTORS IN RESIDENTIAL MARKET**

The NSW Government's urban densification policy under which the swathes of boxlike apartment blocks in Ku-ring-gai are being constructed was meant to provide "housing choice." However it seems, instead, to have become more of a financial scheme for overseas based investors as there is no limit to the number of apartments able to be bought off-the-plan by these investors. Ku-ring-gai has been impacted significantly. Two developers, with more than 20 massive multi-unit-apartment-blocks between them have actively marketed to overseas interests. The majority of apartments, on completion, are for rent. There is growing concern that "locals" are finding home ownership even more difficult with this overseas competition and the lack of real housing choice.

For some time now, FOKE has been raising this issue with Mr Paul Fletcher MP, Member for the Federal seat of Bradfield.

● A NEW PLANNING SYSTEM FOR NSW - GREEN PAPER

In July 2012 the NSW Government released its Green Paper - *A New Planning System for NSW*, which set out its proposals to reform the NSW planning system. A large number of submissions were lodged, mostly were critical of the Green Paper. In its submission, FOKE objected to the scant mention of ecologically sustainable development; the lack of protection for heritage and the environment; and the proposed restriction of community consultation to only the early strategic planning stage.

FOKE has joined *Better Planning Network*- BPN - a rapidly expanding affiliation of over 200 community groups across NSW established in August 2012 by professionals and community groups concerned with the Green Paper. It should be noted that a CEO of The Urban Task Force, a developers' lobby group, proudly announced of the Green Paper "*The Urban Taskforce listed 10 key ideas for a better planning system in our submission to the planning Review, and the government's Green Paper delivers on everyone of these*".

● ENVIRONMENTAL DEFENDERS OFFICE (EDO) NSW -GOVERNMENT CUTS FUNDING

FOKE opposes the NSW Government's reduction in funding to the EDO which will result in massive staff reductions." *We are the only organisation in NSW established to help people who want to protect the environment through law*" (EDO website).

In reporting the cuts, the Sydney Morning Herald (22.12.12) noted "*The office (EDO) has achieved wins on behalf of community groups, including reversing the Catherine Hill Bay housing development bordering Lake Macquarie, in which a Labor Party donor had been granted approval to build on environmentally sensitive land. Others have been stopping pollution in the Sydney drinking water catchment and improving remediation of the Barangaroo development site*".

Among the reasons given by the Government for the reduction in funding to the EDO is that future funding will be *directed to those in the community who are most in need* (Premier to FOKE 10 Dec 2012)

Cynics could be forgiven for thinking that the reduction in funding is because the EDO has been successful in slowing down development and causing a rethink on major environmental issues because proper procedures have not been followed.

The Shooters and Fishers Party website hosted a Petition headed "*Stop EDO funding*" and media investigations show that the mining industry lobbied the Government to cut EDO funding.

● POPULATION ISSUES

FOKE remains concerned about population issues. FOKE encouraged its membership to attend the Ku-ring-gai community group STEP-hosted lecture given by Professor Ian Lowe AO. Professor Lowe's contributions to environmental science have received much recognition including the Prime Minister's Environment Award for Outstanding Individual Achievement. Professor Lowe, the author of many publications including "*Bigger or Better? Australia's Population Debate*", calls for all Australians to realise "*The future is not somewhere we are going to but rather a place we create by our own actions – or inactions – now*". Governments must heed this expert.

● FOKE NEWSLETTERS

This year, as in previous years, FOKE's Newsletters and the 12 Enews Editions provided some information on the year's activities. FOKE's Newsletters continue to be deposited with NSW State Library where they, too, are kept as part of the documentary record of NSW. With their emphasis on planning issues the Newsletters are sent not only to FOKE members but to an additional list which includes some politicians, academic and other institutions and organisations. The Newsletters are available for all on www.foke.org.au.

● FOKE WEBSITE WWW.FOKE.ORG.AU

FOKE continues to be indebted to webmaster Graham Lewis. Under Graham's supervision FOKE's website provides a most valuable contact point for media and the public alike. The tragic story of the progressive destruction of Ku-ring-gai can be accessed by the world, through the website's PowerPoint presentation, videos, lists of developments, Annual Reports, Newsletters and other information

- **FOKE** has made submissions to Council in relation to some of its public documents. FOKE members have addressed Council on varying topics at numerous Council meetings.

- **FOKE** continues to highlight the plight of urban forests and the cumulative impact of zoning for development on environmentally sensitive areas. We submit that biodiversity loss, critical habitat and cumulative impacts should be urgent considerations for the new NSW planning legislation.

- **FOKE IN THE COMMUNITY.**

- FOKE liaises closely with other community groups including umbrella group, Ku-ring-gai Residents Alliance (KRA).

- FOKE continues to respond to requests, both from school and university students, seeking information on planning and development issues.

- FOKE sponsored sustainability and community involvement awards to selected students at Lindfield East Public School in honour of former FOKE Committee Member, Jan Langley, who, as a parent, had a long and dedicated association with the school.

- FOKE acknowledges Community Group BBK's generous donation which will greatly assist FOKE's ongoing work and has enabled it to make a donation to the Environmental Defenders Office (EDO).

FOKE COMMITTEE

As this is my last President's Report, I particularly wish to extend thanks to you, the FOKE membership, who have given great support and loyalty to what we all stand for. Without you, FOKE could not exist nor could it have done what it has done, since its inception 18 years ago. You have provided both the inspiration and the financial support for FOKE to continue to press its important aims and objectives.

I extend my deep appreciation to the FOKE Committee for their dedication and many years of service - Kathy Cowley, Rhondda Maltby, Carolyn Darby, Janet Harwood, Jill Johnston, Deborah Mobberley, Katrina Pickles, Jean Posen, and Dinah Warner. Without them and previous Committee Members FOKE could not exist.

On this occasion I make reference to fellow outgoing Committee Members, Jill Johnston, who has contributed in so many ways – preparing submissions, grant applications, creating PowerPoint “Our Place” and maintaining records; Committee Member and Minutes Secretary, Rhondda Maltby who has also created the graphic videos “*Ku-ring-gai for Sale*” and “*What we have lost*” also watched by thousands on FOKE's website; former Committee Member Robin Walsh, who formally left the Committee in 2005, but who has continued in the back ground with most valuable work in her efficient and methodical way. Robin was one of the “originals” in 1994 who first raised the McMansion issue in Ku-ring-gai.

I wish all strength to the incoming President and to Committee Members.

I repeat my concluding remarks from last year's Report ... *We all have a right to expect that Planning for Ku-ring-gai respects the fundamental principle of sustainability...our Sense of Place.* I now add a quote made in 1995 by the former Justice of the High Court of Australia, The Honourable Michael Kirby AC CMG that, since our early days, has been inspirational to FOKE “*Protecting our heritage – it's a human right.*” And finally, a comment from Robert Ingpen's book, “*Australia's Heritage Watch:*” *that past, present and future are all linked together in our environment, and that “Heritage Watch” is essential for the sake of our children and grandchildren.*”

Anne Carroll OAM President
(Prepared for 20 March 2013)