

The General Manager  
Ku-ring-gai Council

10 August, 2019

Dear Mr McKee

RE: Draft Local Strategic Planning Statement (LSPS) No. S12396

*“The language used by the consolidators is frequently Orwellian. Villages are to be preserved by destroying them. Congestion is to be reduced by increasing density. Housing will be made more diverse by making everything looks the same. Old people who settled in communities under the “Ageing in Place” government policy of the past decade are seeing those communities disintegrate and might have to move again. Urban consolidation is like socialism: the ideas are wonderful, the reality awful”.*

**Michael Duffy “To save the city, first they destroy it” Sydney Morning Herald, 1 April 2006**

We have reviewed the draft LSPS and believe that the Plan being put forward is flawed, and unsustainable and must be rejected for the following reasons.

The draft LSPS contains all motherhood statements which are not factual and cloud the real picture of what is happening on the ground in Ku-ring-gai. Council and government policies have continued to be weakened and not strengthened.

The new studies Council have proposed in this document should be completed to inform the framework of the draft LSPS, not after! This Plan is ‘putting the cart before the horse’!

The past 14 years of the State Government’s imposition of high density development through developer led urban consolidation policies have resulted in highly destructive impacts to Ku-ring-gai’s heritage character and environment. Overdevelopment in the form of high density development within the rail corridor and St Ives is impacting the long-term survival of the critically endangered Blue Gum High Forest, Sydney Turpentine Ironbark Forest, and Duffy’s Forest. Protection for these ecological communities is being continually weakened by State Government laws and policies. No recovery or management plans have been put in place to ensure their protection or long-term survival. With less than 1% left of the critically endangered Blue Gum High Forest even with the protection of the State Government Biodiversity Conservation Act there is no guarantee that these threatened species will be properly protected and conserved. If Council is being serious about protecting the tall tree environment of Ku-ring-gai then there should be no more high or medium density development occurring in mapped areas of remnant Blue Gum High Forest or Sydney Turpentine Ironbark if we are to protect these threatened ecological communities from further decline. Deep soil mining of sites removing precious seed bank and also the lack of provision of deep soil area within developments is jeopardising any regrowth or in allowing regeneration of the species.

Over the past 14 years Ku-ring-gai’s classified heritage areas have been highly degraded. The 28 National Trust urban conservation areas (UCAs) studied in 1997 have been greatly diminished by

State Government urban consolidation policies enabling high density and medium development to intrude into Ku-ring-gai's earliest historic subdivision areas. The North Shore rail line and Pacific Highway ridgeline contain most of Ku-ring-gai's earliest heritage listed items. By the time Council put in place heritage conservation areas a few years ago, the 28 National Trust classified UCA's were greatly diminished from overdevelopment. The State Government's push for increasing density in Ku-ring-gai has created a building boom in which new urban alien 'cookie cutter' development has been allowed to proliferate within the National Trust Classified UCAs. Due to the slow progress in Council putting in place heritage conservation areas (HCAs) and in undertaking additional heritage studies in the past five years, even more intrusive development has occurred. In part council has bowed to objectors over the recommendations of heritage experts in nominating additional areas for heritage protection. Council should continue the examination of potential future HCAs and actively promote a proper community understanding of the benefits of HCAs to this area and individual residents.

It is getting to the point with the proposals in the draft LSPS that the only urban areas in Ku-ring-gai that may be protected from State Government sanctioned development will be Ku-ring-gai Aboriginal declared sites. With development stretching 800 metres round rail stations, the Pacific Highway ridgeline, St Ives and local centres, 400 metres into single residential areas and neighbourhood centres, the proliferation of SEPP Seniors Living housing, boarding house development, dual occupancies and the allowance of secondary dwellings in fire prone areas, most of Ku-ring-gai will be under some form of medium or high density development within the next twenty years.

It is unacceptable to FOKE that the community is not being fully explained as to how these huge increases in population and associated densification will be accommodated through extensive new rezoning or government policies. Strategies and plans which will further negatively impact Ku-ring-gai's heritage, environment and local character – as have the destructive impacts of the Residential Development Strategy imposed by the NSW Labor Government over the past 14 years.

As the LSPS will be the foundation for the development of Ku-ring-gai over the next 20 years, it is extremely important that the whole of Ku-ring-gai be informed and involved in discussion and consultation as to the State Government's new controversial plans.

The LSPS provides a local response to the strategic guidelines from the North District plan of the Greater Sydney Commission, therefore council cannot argue that this plan has not been directed by the Greater Sydney Commission and the North District appointed Commissioner Dr Debra Dearing.

This Plan acknowledges that the population of Ku-ring-gai has increased by 20% from 2006 to 2018, with a concentration of this increase in Lindfield, Killara, Gordon and St Ives over the past 5 years. This plan now projects another increase of 25% up to 2036. This is a dramatic 50% population increase over 30 years and is not supported.

Ku-ring-gai has contributed many thousands of new dwellings in the past two decades and in particular the last 14 years. In 2004, the NSW Government demanded Ku-ring-gai's dwelling target to 2031 must deliver 10,000 new dwellings. From Department of Planning data, we know that 12,000 dwellings have been approved, with 9000 already completed in June 2018. The approval of over 12,000 dwellings in just 14 years has been alarmingly consequential as the impacts have eroded the character, heritage and environment of Ku-ring-gai. The National Trust studies in 1997 classified the Ku-ring-gai Municipality as one the most intact and important areas of Inter War housing in Australia. Ku-ring-gai's 28 National Trust classified urban conservation areas and the context

within the critically endangered Blue Gum High Forest have been twice recognised and declared by The Australian Council of National Trust as one of the Top Ten 10 Heritage Places at Risk in Australia.

This accelerated rate of delivery of new dwellings is not taken up in this Plan. As Ku-ring-gai have already met the earlier target, 12 years early, plus a further 4000+ dwellings available in the existing Local Environment Plans and current development proposals, this 25% increase is too high a impost on Ku-ring-gai in terms of the further impacts on our environment, infrastructure, heritage, character and amenity.

The draft LSPS significantly increases the potential for high and medium density rezoning across all local town and neighbourhood centres of Ku-ring-gai. High density zoning up to a radius of 800 metres around town centres is completely unacceptable as it will further erode the special elements of the Inter War character and streetscapes. Currently high density is generally located within 400 metres of rail stations and town centres. This should be maintained. Though we understand Heritage Conservation Areas are to be protected, most of the heritage natural and built environment is concentrated near and in and around Ku-ring-gai's town centres as confirmed in council's heritage studies by leading heritage experts such as Godden McKay Logan and Perumal Murphy Alessi who have studied Ku-ring-gai's heritage areas and items extensively within the past 20 years.

The recommendation that medium density will then be allowed as further development as an interface between high and low density will only extend the degradation of our streetscape and urban character when the draft LSPS principles state they will be protected. Both the high density and subsequent medium density interface need to be curtailed if Ku-ring-gai's renowned historic urban character is to preserved and maintained.

The medium density radius of 400m around neighbourhood centres in ensuing years is not supported and should be curtailed. As a number of Ku-ring-gai's neighbourhood centres are situated in fire prone zones, medium density development will only increase the population and exacerbate the safe evacuation of residents in the case of wildfire. The fact council is now allowing secondary dwellings in fire prone areas is bad enough without additional dwellings in the form of medium density within 400 metres of neighbourhood centres.

We endorse the statement on the key challenge of additional housing being 'its integration into the established fabric of the area and the retention of the dominant large lot low density, garden and tree canopy character.' Over the past fourteen years the new high density unit development has not integrated well and has been described as ugly, overbearing and alien to the area.

Liveability Planning Priority K4 is not supported as it recommends a model for complying medium density development. The current NSW complying medium density legislation has been strongly criticised, with over 50 councils requesting a reprieve from its introduction. No medium density development should be complying, which does not allow for input from, or negotiation with, surrounding residents.

The continued reclassification and sale of community assets is not supported. Inherent in this has been the loss of assets that could have been upgraded, repurposed or replaced while maintaining their community ownership status, example the Lindfield Library site. Once rezoned as commercial assets the funds and amenity to the local community is lost, with replacement assets at a higher cost to the community under Council's new self-funding plans. Council has had a deliberate policy of allowing community buildings and assets to become completely run down. Ku-ring-gai's

community buildings across Ku-ring-gai are in a shocking state of repair and neglect, a failure within council to manage Ku-ring-gai's assets in the interests of ratepayers.

The report on Sustainability cites that Council is 50% towards its Open Spaces program, however the parks mentioned appear to be overstated, with the Lindfield Village Green plan only showing 2,600m<sup>2</sup> of open space, and this will incorporate access roads, café and disabled parking. Larger parks, significantly greater than 3000m<sup>2</sup> are required for sport and recreational activities for the wellbeing of residents, one of the plan's objectives. With the 25% additional population projected in this plan, the Open Space strategy will need to significantly increased from its current levels.

Though the Plan states its strategy to protect our biodiversity and reduce bushland loss, our bushland reserves, nationally significant ecological communities, threatened flora and fauna and surrounding national parks will suffer from the impact of such an increase in population, infrastructure requirements and more medium and high density development.

FOKE fully supports the need for an Urban Forest Policy to increase, manage and protect our urban tree canopy in our streetscape and public land. We urge Council to involve the community and community groups in the development of this strategy.

The population growth and change that the LSPS is forecasting is not ecologically sustainable. It will put further pressure on infrastructure including community facilities, education, sporting and recreation facilities and open space, and increase traffic congestion.

FOKE fully supports the statements within the LSPS that highlight the need to protect our unique environment, our fauna and flora, our heritage, the tree canopy and the landscape character of our streetscape. We also applaud the stated objective of achieving urban design excellence. However, these objectives whilst often repeated in council policies, have not protected Ku-ring-gai as they should have over the past 14 years.

How this conservation and protection of Ku-ring-gai's character can be achieved with the issues highlighted above is our main and real concern. We remain concerned that it is not realistic to manage the rapid change with this level of population growth as well as conserving and enhancing Ku-ring-gai's unique visual and landscape character. The conservation of our natural and built heritage and environment should take priority in any compromise between these competing objectives.

In 2004, the NSW Government stated that Ku-ring-gai's dwelling target to 2031 was 10,000 new dwellings. From Department of Planning data, we know that 12,000 dwellings have been approved, with just over 9000 already completed as of 2018. This accelerated rate of delivery of new dwellings is not taken up in this Plan. As Ku-ring-gai has already met the earlier target, 12 years early, plus a further 4000+ dwellings available in the existing Local Environment Plans and current development proposals, we believe this 25% increase is too high an impost on Ku-ring-gai in terms of the further impacts on our environment, infrastructure, heritage, character and amenity.

To sum up Ku-ring-gai Council's Draft LSPS is a completely unsatisfactory response considering there are no current baseline or environmental studies on which to base the Plan for the next twenty years or for informing the preparation of the Draft LSPS.

Council's public exhibition notification which has, in our view, been a bare minimum of real community engagement for the preparation for laying the ground work for planning a new Local Environmental Plan which will determine land use and development over the next twenty years.

In our view every ratepayer needs to be urgently made aware of the State Government's imposition of a new 20 year land use plan. The approved LSPS will set the planning for the next twenty years, so rigorous and widespread consultation is essential to inform and canvass as many views as possible. However, Council have limited the direct contact to 11,000 people on the council's data base! With rate notices going out to every household in July why was not a letter included about the Draft LSPS?

Why has Council not had drop-in sessions after hours or on the weekend? If residents did not go into a Library or Council Customer Service during this timeframe then how would they get a leaflet? For such an important document, this does not auger well for future community engagement and transparency from Council.

Moreover, how can a State Government or council justify a 50% population increase in Ku-ring-gai within approximately 30 years? The ratepayers of Ku-ring-gai deserve an urgent public explanation from those directing this planning, including politicians, as to how a 50% population increase is not going to further detrimentally impact the urban character and environment of Ku-ring-gai.

It is completely ludicrous and blatant hypocrisy for planners to state that council policies will protect Ku-ring-gai, and that Ku-ring-gai can keep sustaining this kind of growth without more destructive impacts on our environment and character of the area. Ku-ring-gai's public infrastructure and services are under enormous strain already from the last 14 years of Labor's forced overdevelopment.

Sydney Water has just announced water pressure downgrading in East Killara – a fire prone area- for which Council and the State Government has recently approved and now gazetted an amendment to the KLEP for potentially thousands of secondary dwellings to be built within fire prone areas in Ku-ring-gai. We understand this was against the concerns and advice of the Rural Fire Service.

If the current LSPS Housing Strategy is adopted significant areas of Ku-ring-gai will be targeted for additional development whether it is high density development within 800 metres of the station and St Ives, or the additional 400 metres extension for medium density, the medium density areas being proposed round the smaller local centres such as West Lindfield, the mention of the possible introduction of the State Government's 'missing middle' (medium density policy) in R2 single residential areas, the continuing proliferation of SEPP Seniors Living applications, and the influx of boarding houses etc. Connecting all this development across the width and length of the municipality what will be left of the traditional built and natural character of Ku-ring-gai?

Importantly, how can planners state that the 10,000 dwelling figure from 2004-2031 be 'inconsequential'? This is the number Liberals supported as the target until 2031 again and again. It disappoints us that they may allow this target to be ignored!

Are we expected to wipe the slate clean and start as if nothing has occurred in the past fourteen years? The Labor's Residential Development Strategy was applied from 2004 to 2031. We have essentially reached these targets 11 years early. As such Ku-ring-gai requires a much needed 'breather' from development, as stated by the Premier Berejiklian in her pre-election campaigns in 2017.

We have not yet reached 2031 and now the State Government has moved the goal post yet again and is still imposing more growth and development. The only difference in this Plan is that it will be

introduced incrementally and stealthily so as to hide the full impact of the potential growth and numbers of new dwellings Ku-ring-gai will be expected to provide.

If the Council will not inform each household we believe Dr Dearing and our State Representatives should be doing so. It is the State Government imposing these development targets, so as our representatives we expect them to advocate for a lesser development expectation in Ku-ring-gai.

In the meantime, Council and our State representatives need to work together with residents to deliver a better result for Ku-ring-gai as the current Plan is completely unsustainable.

This 20 year plan fails to protect one of Sydney's most important bioregions and urban areas of important architectural heritage and only guarantees further destruction of Ku-ring-gai's heritage and environment. Council does not have a mandate to allow that to happen. The draft LSPS should be rescinded and baseline studies in environment, heritage, infrastructure and traffic and transport be urgently undertaken to assess the constraints and the cumulative impact of the past 14 years of development before planning a new LSPS.

Yours sincerely

Kathy Cowley  
PRESIDENT

cc the Hon Jonathan O'Dea MP Member for Davidson

cc The Hon Alister Henskens SC MP Member for Ku-ring-gai

cc The Hon Paul Fletcher MP Member for Bradfield

cc Dr Debra Dearing, North District Commissioner, Greater Sydney Commission

cc Mayor and councillors

*“ Other cities over the world retain their old buildings, but here we seem to pull everything down, as though we resent beauty and loathe our own past ”.*

Michael Duffy SMH journalist – April 2006