

24 April 2021

Dear Mr McKee

Ku-ring-gai Local Character Background Study submission

Thank you for the opportunity to respond to the public exhibition.

As council is aware Friends of Ku-ring-gai Environment (FOKE) is a volunteer community group, formed in 1994 to protect Ku-ring-gai's unique character, heritage and environment. Our mission has been a 25 year endeavour to date! So, we are particularly interested in any new council studies which outline ways of protecting Ku-ring-gai's built and natural heritage both of which has been greatly impacted by inappropriate State Government planning policies and weakened planning controls that have been foisted onto Council.

FOKE welcomes any effort by Ku-ring-gai Council to protect, enhance and restore the Local Character of Ku-ring-gai. The NSW Government's initiative to provide Ku-ring-gai with protective policies and exemption opportunities from intrusive and inappropriate development is something FOKE has called on for many years.

Unfortunately, the development which has occurred in Ku-ring-gai these past two decades has greatly diminished areas of built and natural heritage character particularly along the Pacific Highway ridgeline and the St Ives centre. Significant parts of Ku-ring-gai's early historic local character has been degraded with high density development which is not in scale with nor respects the local character. Despite council studies and consultants recommendations for protecting local character, the planning guidelines and standards put in place through LEPs have not been sufficient to avert major changes to parts of Ku-ring-gai. Despite resident surveys and submissions identifying Ku-ring-gai's environment and village scale as being important to protect, maximising viability of development has been a major determining factor in guiding the type of development that is built. Unfortunately, lobbying by the development industry has dominated the debate and heavily influenced State Government directions in planning and development to the detriment of local communities in being able to protect local character.

Although FOKE welcomes any planning initiative to protect Ku-ring-gai's Local Character and welcomes the current work council has undertaken, nevertheless, FOKE remains concerned that the State Government's stated proposed requirement for councils to prepare Local Character Statements and Local Character Overlays' is really a ruse to increase medium density development via the new 'Low Rise Housing Diversity Code' (LRHDC). If the LRHDC is forced to be adopted by Ku-ring-gai Council then Ku-ring-gai's local character, heritage and environment will continue to be eroded as in the past two decades!

Since 2006 Ku-ring-gai has seen a 25% increase in population. Ku-ring-gai's suburbs local character within 400 - 600 metres of the North Shore railway line and the St Ives local centre has been detrimentally impacted along with significant environment and biodiversity loss. The development is not ecologically sustainable.

FOKE understands that there will continue to be some change - but argues that this needs to be put in the context of not only established Local Character but an unprecedented biodiversity decline, climate change impacts with more extreme heat waves, storms and bushfires. The background study does not take into account how important sustainable local neighbourhood character is to the mental and physical wellbeing of residents since the onset and lockdown of the COVID-19 pandemic. Ku-ring-gai's neighbourhood and heritage character gives residents a sense of place - more important than ever during hard times. The retention and maintenance of established special Local Character and environment is also a critical contributor to habitat and wildlife survival.

Importantly the Ku-ring-gai rail corridor and St Ives local centre supports remaining stands of two critically endangered ecological communities – the Blue Gum High Forest and Sydney Turpentine Ironbark Forest and their habitat. There are currently no Recovery Plans in place to ensure the survival of these valued ecological communities.

What were are most concerned about are the next steps council is to take which is referred to in Council's Local Character Background Study i.e. "*Action 4. Prepare Local Character Mapping for LEP Overlay and Local Character Statements for DCP in collaboration with Department of Planning, Industry and Environment*" and how the Department of Planning will respond to the work council has undertaken.

FOKE highlighted some of our concerns in the submission to the Department of Planning last year when the Discussion Paper – Local Character Overlays was placed on public exhibition for comment. Whilst we agree the need for Local Character Statements and Local Character Overlays in protecting areas of special Local Character, however, there are a number of red flags which arise from examining the Departments' public exhibition documents.

The LRHDC Code where permitted by an LEP, will allow complying development in the form of dual occupancies, manor houses and terraces (up to two storeys). The 'missing middle' type of development has been roundly criticised by councils as being able to potentially destroy vast areas of established Local Character. The State Government's introduction of this Complying Code caused considerable outcry from many councils and caused the Planning Minister and NSW Government to pause the introduction for several months due to the criticisms and concerns from numerous Sydney Mayor's and Councils. The Minister has now pushed ahead with another Complying Code, which we believe will severely impact Local Character with little Council or community comment.

The Local Character Overlay documentation is, in reality, not really about preserving the Local Character but changing it to a "*desired future character*", whatever that may turn out to be depending on the level and strength of character statement and overlay prepared! It is clearly evident that developers over the past decades have been allowed to dictate the future character of local suburbs, despite local character studies being in place and resident's objections. Particularly the impacts of medium and high-rise development, which have intruded into what are predominantly 100+ year old single residential suburbs which have been rezoned to allow for development completely 'alien' to the established Local Character.

In fact, we believe it has been the State Government following pressure from the development industry, that has so weakened planning legislation to allow suburb's character to be detrimentally altered despite prescriptive standards being in place to manage development. The development which has been allowed is dictating the 'future character' and not respecting established Local Character. Our concern is that unless the use of Local Character Overlays are given more weight in the planning process through a higher adherence requirement, the degradation of suburbs will continue, despite new studies and local character overlays being put in place.

There are also warnings and threats in the public exhibition documents with respect to exemptions from the LRHDC. The threat that "***any consideration of an exclusion will need to demonstrate that without complying development, the housing needs can still be effectively met. If it is to be found that housing targets are not being met or a diverse range of housing is not being delivered in the area, the exempted areas will be reversed and the LRHDC will be reactivated in the area***" (our emphasis) is very concerning. Especially as we are now seeing a massive drop in population growth in Sydney that will impact housing requirements for years to come. Now is the time to review the approach and retain Local Character rather than destroying it, as do all the great cities of the world.

FOKE has deep concerns that the proposal encourages 'industry' to dictate the future character of local suburbs, particularly when the property industry are key donors to political parties that subvert local democratic planning decisions. FOKE asserts that already under the pressure of the property 'industry' much

planning legislation has been severely weakened - allowing not only the character, but heritage and environmental values to be diminished and destroyed.

It also appears there will be a lot riding on Council's Local Character Overlay/Statement, which **if** permitted by the Department, will modify the LEP and DCP. We also envisage much will depend as to how planners and certifiers will interpret the LRHDC Code and Council's Local Character Statement and Local Character Overlay in determining development and its compliance.

It appears a Council, even if there are considerable significant areas of Local Character within a local government area, that Councils will not be permitted to 'maintain' an entire local government area even if the whole LGA is considered of 'special character'. However, there will be LGAs where several aspects of a Local Character Overlays will in fact cover much of the LGA such as Ku-ring-gai! The documents state a LGA will not be allowed to categorise single areas that can be 'maintained' but to ascertain which areas should be enhanced or changed. Minimal change may be all that is required and hence across several character overlays covering an LGA this should be allowed.

The Discussion Paper- Local Character Overlays reveals that the Department of Planning is setting up LGA's to fail to meet the criteria for a Local Character Statement (LCS). The fact that the Discussion Paper in effect implies that it is "**optional**" ("*A LCS is an **optional** (our emphasis) standalone document to provide a statement of an area's existing and desired character*") really means, so far as the Department is concerned, not essential, nor even important, nor even something that an LGA should trouble the Department with!!

In the document Local Character and Place Collection, the reference is made to the Committee for Sydney's report into benchmarking Sydney's performance in livability rankings that show that Sydney is starting to fall behind and 'losing its livability edge'. This should be a wake-up call that the current planning regime, driven by the development lobby, will cause the destruction of more Local Character and fan even more resident dissatisfaction. More emphasis in the Planning regime needs to be given to Local Character, local Councils and communities, without all the roadblocks that this process currently provides.

The Local Character and Place Guideline document states that the Desired Future Character should reflect the extent of change that an area can accommodate, either

- Change
- Maintain, or
- Enhance.

However, this is not fully realised in the Draft Local Character Clause:

Hence FOKE has recommended that the Clause needs to be amended to reflect the Desired Future Character of an area can include purely the retention and maintenance of the existing Local Character.

The Clause also needs to increase the importance of Local Character Statements in the planning consent, rather than 'taken into account', replace with 'respected, met and addressed in a meaningful manner'.

FOKE remains concerned that in the current proposed form and direction, the Local Character Statement and Local Character Overlay, will allow the continuation of tokenistic community engagement - with 'business as usual' where the NSW Government continues to push ahead with its medium and high-density agenda. As such FOKE believes the Local Character Statements and Local Character Overlays are disingenuous in any commitment to protect Ku-ring-gai's character or that of other Sydney suburbs. We hope we are wrong!

There are a number of changes that we would ask to be incorporated in the Local Character Background Study with respect to the Broad Local Character Area Statements namely:

1.2 Green Fingers Character Area

Key characteristics to also include:

- Extends into important bushland
- Habitats for endangered and vulnerable fauna and flora on edges, gullies and extending onto Parks and vegetation
- Many mature trees
- High Bushfire prone zone

1.3 Ku-ring-gai ridge and Centres Character Area

Statement in paragraphs two and four be amended to:

“The Ku-ring-gai Ridge and Centres Character Area includes the important movement corridors through the LGA. It is an area through which residents interface on a daily basis. The Ku-ring-gai Ridge is dominated by the busy Pacific Highway which effectively separates the east and west sides of the town centres along it. On either side of the highway and rail corridor are hubs of activity in peak hours and before and after school hours as well as the weekend.”

“The Ku-ring-gai Ridgeline dominated by the Pacific Highway is flatter than surrounding areas on either side, and the town centres have less but significant protected mature tree canopy compared to the rest of Ku-ring-gai.”

Add under Key Characteristics:

- Dominated by the Pacific Highway and Rail Line
- Retains a high level of heritage buildings reflecting development from the advent of the rail in the late 1800's and Inter war period.

Add under Key Features:

- Numerous Primary Schools

1.4 Northern Plateau Character Area

Add under Key Characteristic:

- Bounded by the Pacific Highway to the east and Mona Vale Road to the south as key major traffic movement corridors.
- High level of architecturally significant 20th Century dwellings, subject of a Modern Heritage study (See Draft Heritage Study).
- Areas of high conservation status containing some of the last remnants of critically endangered ecological communities the Blue Gum High Forest and Sydney Turpentine Ironbark Forest.

1.5 Western Slopes Character Area

Add under Key Characteristics:

- Cool microclimate for vegetation and fauna habitat
- Biodiversity protection

1.6 West Pymble Character Area

Add under Key characteristics:

- Exceptional Bushland context and critically endangered ecological communities and fauna habitat
- Significant environmentally sensitive area

Under Key Features add:

- Sheldon Forest at 5.5 ha is a significant size and is an area of high conservation status containing some of the last remnants of the critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest in the Sydney Basin

1.7 Lower West Character Area

Add to Key Characteristics:

- High levels of tree canopy and significant bushland that supports biodiversity and habitat
- Areas of heritage significance
- Highly undulating topography
- Slope falls away quickly from the Pacific Highway ridgeline

1.8 Lower East

Add to Key Characteristics:

- Archbold and Eastern Arterial Roads bisect this area as a major traffic artery
- High levels of tree canopy
- Street layouts reflect the urban development of the early 1900's
- Undulating topography as it drops away quickly from the Pacific Highway
- Excellent areas of flora and fauna habitat

Add to Key Features:

- KOPWA and Lourdes Retirement Homes
- Four nursing homes
- Newington Preparatory School Lindfield
- Ravenswood School
- Swain Gardens

1.9 North Turrumurra Table:

Add to Key Features:

- Three nursing homes

We hope that our submission will be taken into account and that list of amendments above be incorporated into the Local Character Statements.

Yours sincerely

Kathy Cowley
PRESIDENT

cc Member for Davidson The Hon. Jonathan O'Dea MP
cc Member for Ku-ring-gai Mr Alister Henskens SC MP
cc Member for Bradfield The Hon Paul Fletcher MP
cc Mayor and Councillors Ku-ring-gai Council