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Ku-ring-gai Council
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14 April 2024

Dear Sir

RE: Planning Proposal - 1192 Pacific Highway, Pymble (Lot 8 in DP 30236)

We thank council for the opportunity to send a submission. We are writing to **object** to the Planning Proposal.

The land at 1192 Pacific Highway is referred is known as the ‘Secret Park’.

With the proposed Minns Housing Policy TOD SEPP to be gazetted later this month, anticipated to provide thousands of new homes/ apartment dwellings in Ku-ring-gai over the next five years, the retention of council owned public land, parkland and or open space it is highly important to retain for the future to cater for and support the anticipated huge increase in population in Ku-ring-gai. With significant population increases there will be pressure for added parks and passive open space as recreation areas for the community. The Secret Park provides that option.

We understand the objectives of the ‘Secret Park’ Planning Proposal are to:

“• Reclassify the site to enable orderly and economic use of the sites including, at a later time, possible divestment and the use of funds from the sale of various property assets to fund renewal of existing infrastructure assets, and to construct new assets.

• Ensure that planning within the Ku-ring-gai LGA appropriately supports the objectives of relevant planning policies and plans, including the Greater Sydney Region Plan: A Metropolis of Three Cities, and the North District Plan and Council plans and strategies including Community Strategic Plan 2038, Local Strategic Planning Statement, Community Facilities Strategy and the Open Space Acquisition Strategy.”

Our reasons for rejecting the reclassification from ‘community’ classification to ‘operational’ classification are:

1. We believe the timing of the Planning Proposal is premature in reclassifying the land as ‘operational land’ as the State Government has not provided the council with the new housing targets for Ku-ring-gai in 2024. The housing targets are needed to ascertain the infrastructure, services and range and amount of recreational/passive open areas such as parks and playgrounds etc that will be required for what is anticipated a growing population.
2. The State Government with the announcement of the TOD and the Low and Mid-Rise Housing Reforms has essentially overturned the Greater Sydney Region Plan: A Metropolis of the Three Cities, the North District Plan and other Council plans including the Community Strategic Plan, Local Strategic Planning Statement, Community Facilities Strategy and the Open Space Acquisition

Strategy. All documents and strategies which could be made redundant due to the TOD and Low- and Mid-Rise Housing reforms and the dissolution by the State Government of the Greater Sydney Commission along with the planning agreements made with the previous State Government.

3. The land has significant constraints for future development for housing: “The site is burdened by and benefits from a number of easements (Appendix A):
 - C442786 easement for water supply affecting the land 10 feet wide shown in the title diagram
 - W476495 Easement for watermain affecting the part of the land within described shown 10 feet wide in DP597101
 - W476495 easement for sewer affecting the part of the land within described shown 2.44 metres wide in DP597101
 - H558105 easement for drainage appurtenant to the land above described affecting the land 6 feet wide shown in lot 4 in the title diagram
 - DP1130583 easement to drain water 1.22 metre(s) wide appurtenant to the land above described. Approximately half of the site is affected by easements for water and sewerage purposes. The site benefits from easements for drainage. These interests will not be extinguished.”
4. The topography of the site is not ideal for residential housing. The report states “The site falls gradually to the west with a slope of 22% and with a drop of about 1metre from the Pacific Highway with access only available by steps from the rear of a parking platform to Pacific Highway.” Although a dangerous site for vehicular access or egress particularly located at traffic lights, with existing steps to the site and upgrade for a ramp, existing pedestrian access to the site could be improved to accommodate the wider public. The Report states “Access is only available from Pacific Highway. An open parking platform/garage structure provides parking for two vehicles that would need to reverse in or out from the highway. Steps to the rear of the car park provide the only means of pedestrian access to the site.” Its poor vehicle and parking access is probably the reason why the Secret Park still exists today, and Council has not reclassified the site to date.
5. The park is mapped biodiversity lands with stands of Blue Gum trees present and as the lot has remained undeveloped, it must contain sensitive soils and seedbank. According to council’s Greenweb map the vegetation on the lot provides links to two significant areas of Category 2 Core Biodiversity lands downhill.
6. Mapped biodiversity is important to mitigate climate change and to protect the habitat for birdlife and wildlife and to provide connectivity for conservation of the existing biodiversity and sensitive ecology within Ku-ring-gai.
7. Local residents have advocated to keep the park, as it is the only easily accessible green space on the West side of the Pacific Highway and Pymble rail station. The nearest open space is 500m away but it requires crossing the busy 4-lane Pacific Highway. Once parkland and open space is sold it can never be replaced.
8. We understand that Ku-ring-gai council has neglected and failed to maintain the park since 2011. By neglect the council describes public land and council facilities in general as being ‘surplus’ to its needs. We have read this in so many Planning Proposal reports to reclassify council owned lands and facilities (e.g. Lindfield Library site, Ku-ring-gai Town Hall etc.) which have been described in similar consultancy reports by BBC Consulting since 2011, following a list of 26 council owned facilities were proposed by Council to be reclassified from community to operational classification.
9. Surrounding residents have witnessed or seen no reports of ‘social disturbance’ on the site nor ‘homelessness’ as described in the council report. The council should be forced to provide evidence.

10. It is doubtful if the Secret Park is sold to a developer due to all the constraints and burdens on the site that the money yielded from the sale of the land would be insufficient to purchase an equivalent area of open space or biodiversity lands anywhere else in Pymble or Ku-ring-gai. Value for money should include the inherent value of the site in terms of its biodiversity contribution and its ideal location for existing and future residents on the west side of Pacific Highway.

We thank you for the opportunity to make a submission.

Yours faithfully

Kathy Cowley
PRESIDENT
cc Mayor and councillors