

FOKE Talk

Baird's Heavy-Handed approach to Planning



Sydney and NSW has seen an unprecedented rush for control of planning powers by the various departments of this Liberal Government during 2015. These legislative reforms are happening with limited community, Council or resident consultation.

The Government remains determined to progress changes to NSW's planning laws, which dilute community input so as to expedite development and the Government's high growth

agenda. These reforms highlight a lack of good governance, no respect for the various stakeholders, especially the community and their representative Councils.

This lack of accountability to the community, the concentration of power into too few hands, and lack of good governance will enhance the potential for corruption, as Independent Commission Against Corruption (ICAC) noted with regard to the 2013 proposed Planning Bills. And these reforms are no different.

Greater Sydney Commission

This legislation was fast tracked through the Liberal dominated Legislative Assembly and in November passed by the Upper House with few amendments. There was no White Paper exhibition period to provide input from a range of interested parties or experts, with much of the detail yet to be finalised.

The Greater Sydney Commission (GSC) Bill fundamentally shifts planning in NSW away from communities to a government-appointed panel, who are required to meet pre-set objectives for the State.

The GSC will have the powers to write Local Environment Plans (LEPs) and override current LEPs. Both State Liberals and Labor supported the GSC Bill, a virtual replacement of Labor's Planning Panel bureaucracy previously foisted on Ku-ring-gai.

Without consultation with Council or residents, and with the possibility of no exhibition period, the Greater Sydney Commission can rezone areas or complete districts around Sydney, establishing a new strategic plan for the area, reporting directly to the Minister for Planning. *Continued page 2*

Pre-Gateway Reviews

Minister Stokes announced changes in September to the controversial Pre-Gateway Reviews.

The current process allows a review where a council has refused or failed to respond to a developer's application to amend local planning rules. The Minister has reformed, simplified and sped up the process of reviewing a council's decision with a presumption against rezoning unless there is a compelling reason for change.

Pre-Gateway has enabled developers to change the zoning of single blocks and therefore 'open' an area to development that was not part of the local LEP. The Pre-Gateway ALDI proposal for Parkers Nursery, Turramurra, is being proposed in a single residential area to be determined by Council in a meeting on 8 December.

We now have Infrastructure NSW, Urban Growth (formerly Sydney Metropolitan Authority), the Sydney Metro Strategy, the Planning Assessment Commission, Pre-Gateway Reviews and the Joint Regional Planning Panels that are all currently acting on behalf of the NSW Government to make decisions to meet pre-set planning objectives for the State. And now we add the wide ranging powers of the Greater Sydney Commission.

And within all these powerful entities, the lack of consultation with the community which they are charged with serving is diminishing.



LINDFIELD LIBRARY SITE AT RISK

Ku-ring-gai Council has determined that the Lindfield Library Site is to be reclassified and sold for high-rise development prior to building a replacement Library, Senior Citizen or community facilities within Lindfield.

It is predicted to be worth 20-30 million with an approved rezoning for 4-7 storey residential development.

The Council decision to sell the Lindfield Library Precinct is not in the community interest. It is contrary to the KLEP (Local Centres) 2012 plans. The intention is for the sale proceeds to go towards paying council debt or for infrastructure projects outside Lindfield.

If you agree this community infrastructure is important to retain for a growing and ageing population, write to your Councillors, Mayor Cheryl Szatow or email on councillors@kmc.nsw.gov.au. Also keep sending the signed Save Lindfield Library Precinct Petitions available on our website.

PRESIDENT'S MESSAGE

Since the election of a Liberal government in 2011, the NSW Government has been rolling out a series of inter-related 'big growth' 'reforms' that are designed to transform Sydney and expedite development as part of the Government's high-growth agenda.

There has been minimal, if any, community consultation and these reforms point to a diminution of the democratic process and parliamentary accountability in planning.

It is obvious the Liberal Government has no intention of honouring its election promise " to return planning powers back to local communities".

This is the most radical and far-reaching series of changes to be imposed on Sydney (and NSW) that has ever occurred. These changes are being pushed in the name of population growth and economic development. They are being imposed without including the people of Sydney and the citizens of NSW in the process and the outcomes.

FOKE has written to both Jonathan O'Dea MP and Alister Henskens SC MP, outlining our concerns with the Local Government Reforms and forced council amalgamations, Pre-gateway reviews, the Greater Sydney Commission and the Strata Schemes Development. We understand that our two MPs support ALL these legislative reforms.

We are most concerned at the continuous erosion of democracy and the destruction of our residential amenity, environment, heritage and Australian way of life.

On a lighter note, FOKE welcomes and congratulates our new Mayor Cheryl Szatow who has shown a strong commitment to the community and leadership during these difficult times.

Kathy Cowley

What can we do? SPEAK OUT

Use our Contact Sheet and continue emailing or phoning our local MPs! Let them know we oppose this loss of democracy, lack of transparency and potential for corruption. Contact the members of the Upper House and keep the pressure ongoing for a repeal of this undemocratic legislation.

If we stop speaking out nothing will change. Our representatives should listen to our community!

NSW Liberal Government continues to pressure Councils



At an extraordinary Ku-ring-gai Council meeting eight out of ten councillors voted to support the Ku-ring-gai community on 17th November, 2015.

Ku-ring-gai Councillors courageously rejected the Baird's Government's pressure to merge with Hornsby Council. Only two councillors voted to support amalgamation— Jennifer Anderson and David Citer.

Pleasingly some Ku-ring-gai Councillors joined Friends of Ku-ring-gai Environment (FOKE) members at a well-supported rally in Martin Place organised by Save Our Councils. Across NSW there is increasing opposition to forced amalgamations and the reduction of local democratic rights.

FOKE continues to request our two state government MPs to publicly support their constituents and take a stand against forced council amalgamations.

The tests for councils to be deemed 'Fit for the Future' have changed from financial sustainability and operational efficiency to purely one of Scale and Capacity.

This means well-run Councils count for nothing unless they have a population of 250, 000 or more.

This manipulation of criteria suits a pre-determined outcome, with no evidence or cost analysis to support this number as providing any better services to residents.

The Government's Independent Pricing Regulatory Tribunal (IPART's) recommended that Ku-ring-gai Council is not 'Fit for the Future' and will be recommended to merge with Hornsby Council.

This is in spite of the fact that Ku-ring-gai Council has made a lengthy submission to IPART which endorses that the council is "Fit for the Future' and can stand alone.

The Chair of the Parliamentary Committee Inquiry on the NSW Government's 'Fit for the Future' reform, the Hon Paul Green MLC, called 'on the NSW Government to withdraw its statements that 71 per cent of Sydney councils and 56 per cent of regional councils are 'unfit' for the future and he also 'recommended that the Government commit to a policy of no forced amalgamations other than in exceptional circumstances.'

The Baird Government appears hell bent on ignoring the voices of residents and their communities. The only group to benefit from mega councils will be the development industry who have been lobbying the Government to considerably reduce the number of councils.

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*Our very best
wishes to you and
your
families for the
Festive Season &
the
New Year!*



Strata Owner Rights Diminished

The NSW Government has approved the Strata Schemes Development Bill 2015.

In summary, Part 10 will make redevelopment of apartments easier by essentially facilitating the buy-out of existing strata units through a 75% (formerly 100%) approval rate. This reform dilutes the legal rights of strata owners and will inevitably result in large swathes of medium to high value housing stock targeted, regardless of their age or condition.

Consequently, long term resident strata owners and long term renters of affordable housing are most likely to be the casualties in Ku-ring-gai and elsewhere in NSW.

Shelter NSW has recommended that Part 10 of the Strata Schemes Development Bill 2015 be removed: “The notion that freeing up the process for collective selling of strata-title schemes to developers, .. and badging this as ‘renewal’, as a useful public-policy intervention is bogus.”

The legislation is overly simplistic, without a clearly defined purpose of urban renewal and consolidation, no protections for buildings of unique character, craftsmanship and/or actual heritage value and no distinction between residential and commercial blocks.

Overall this is a blunt instrument for larger scale development, under the guise of renewal without any parameters or criteria for such renewal targets. It remains an open policy that will force residents to move outside of their known communities irrespective of age, vulnerability or income, with the benefits to be reaped by a few.



Another Battering for Nature

The NSW government continually talks about how it is investing in infrastructure. Yet it turns a blind eye to ‘environmental infrastructure’ of protecting and restoring its urban forests – so essential to a healthy, thriving society and a secure economy.

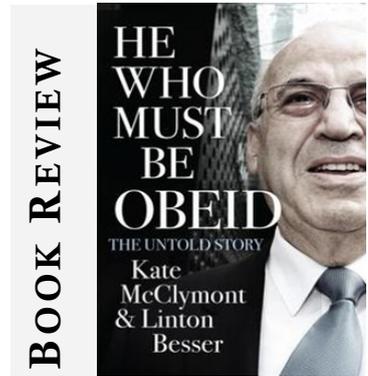
However, recent legislative changes show Government is ramming through many laws to secure economic growth at the expense of democracy and nature. Environmentally sensitive areas like Ku-ring-gai need to be protected.

The new Greater Sydney Commission and 11 boards of the Local Land Services, are two new levels of un-elected government that have the backing of rushed legislation. New bureaucracy has been added to current powerful Departments of Planning, Trade and Investment, Primary Industries while the Departments of Environment are shrinking.

The 2014 Biodiversity Legislative Review has placed Economic Growth ahead of true Biodiversity Conservation. It has recommended the repeal of the Native Vegetation Act and the Threatened Species Act. Overall it will be easier for governments to make decisions detrimental to the environment in order to facilitate economic growth.

What is to become of the ecological bedrock of society – the Environment? Will legislation favouring un-elected government “facilitate” the commodification and “use” of Nature?

We need to speak up and voice our concerns and opposition to these changes NOW.



He Who Must be Obeid, the Untold Story by Kate McClymont and Linton Besser shines a light on NSW’s decades of political corruption.

The book is about Eddie Obeid and his family’s lucrative financial dealings. Eddie Obeid was a Member of the NSW Legislative Council [1991-2011] as well as being a Minister for Fisheries and Mineral Resources [1999-2003]. During his time, he was lauded by the rich and powerful for his political fundraising, influence and favours within the NSW Parliament and was even awarded an OAM.

The Independent Commission Against Corruption [ICAC] has since recommended the Director of Public Prosecutions consider prosecuting Obeid with misconduct in public office. One major misconduct revolves around the issuing of a coal exploration licence by Ian Macdonald, then Minister for Primary Industries and Minister for Resources that reaped \$30 million for the Obeid’s Hunter Valley property in 2008.

David Ipp, ICAC Commissioner, QC, who oversaw the Obeid probe said he was staggered by the amounts of money involved and by the factionalism that had allowed Obeid so much influence. During a *Four Corners* interview David Ipp said “**There were some people who regarded New South Wales as an enormous refrigerator, and whenever they felt hungry they could go into the refrigerator and take out a choice pie to eat**”.

Kate McClymont and Linton Besser’s book highlights the obscenity of profit seeking ministers who felt the public assets were theirs for the taking.