



FRIENDS OF  
KU-RING-GAI  
ENVIRONMENT INC.

January/February 2010

*Dear FOKE Members*

**WE BEGIN THIS NEWSLETTER BY SAYING, YET AGAIN, HOW MUCH WE VALUE YOUR MEMBERSHIP.  
WITHOUT YOU, WE WOULDN'T BE ABLE TO DO THE THINGS WE DO!  
WE RELY ON YOUR FEES AND, ESPECIALLY, DONATIONS.  
PLEASE FIND ENCLOSED YOUR RENEWAL FORM FOR 2010.**

**THE FIGHT FOR KU-RING-GAI GOES ON – WE NEED MORE FIGHTERS. PLEASE RECRUIT NEW  
MEMBERS – NEW MEMBERSHIP FORMS CAN BE DOWNLOADED FROM [www.foke.org.au](http://www.foke.org.au)**

### WIDESPREAD PLANNING OUTRAGE – CALLS FOR A ROYAL COMMISSION

Mr John Hatton AO, the former Independent MP who successfully moved for a Royal Commission into police corruption in 1994, re-emerged on ABC's *Stateline* program 6.11.09 to demand a Royal Commission into property and planning corruption in NSW. Mr Hatton's authorised biography, *The Stench in this Parliament*, was launched recently by the Speaker of Parliament, The Hon Richard Torbay MP. At short notice, following the *Stateline* program, FOKE hosted a public meeting on 24.11.09 at which Mr Hatton was the guest speaker.

Mr. Hatton told the Ku-ring-gai meeting: "The issue of planning is just as important, if not more so, than the Wood Royal Commission. It is as serious as that because your business, your property, your investment, is no longer safe in this State. No longer can you gain appeal to the court, no longer are the tenets of basic justice available to you (the citizens) in the developer market". Mr. Hatton quoted Mr John Mant, a planner, lawyer and ex ICAC Commissioner: "Due process in planning should conform to the same principles as law, to be heard, to know the case that you're contesting, to a decision by an independent hearing body, to question and respond, written reasons, and the appeal on its merits".



Above: John Hatton AO (centre) at the meeting on 24.11.09 which attracted an audience beyond Ku-ring-gai residents.

**"THE STARTING POINT IS A ROYAL COMMISSION, I AM ABSOLUTELY CONFIDENT (ABOUT THE NEED FOR ONE), BECAUSE I KNOW WHAT THE SIGNS OF CORRUPTION ARE."**

**Left : John Hatton AO (centre) is now set to take the big stick to political donations, lobbyists, the lack of transparency, and the stench of corruption in planning and development in NSW. He told *Stateline* "Everywhere we go in NSW, I'm going to collect the outrage, and I'm going to collect the evidence, and I'm going to build the pressure into establishing a Royal Commission into Planning in NSW"**

**"We (the community) need to combine to force the reestablishment of the principles of access to the system, those principles that have been trashed by successive Governments over the last decades, the freedom of information, the right to know..... and to reinstate Local government as the representative of the people in local planning."**

**"So we have the basic tenets of our justice system, for which people have lost their lives, going way back to the Magna Carta which now, in the area of planning, do not exist. You can now have your total investment and life savings in a house destroyed because somebody has bribed somebody. And if the principles of corruption-prevention are not in place, if there is secrecy, failure to keep accurate and proper records, no independent observers to meetings, if there are unusual and partial decision-making processes, they are all symptoms of corruption. Those, and more, are glaring at us in what is now happening in NSW".**

## WIDESPREAD PLANNING OUTRAGE – CALLS FOR A ROYAL COMMISSION (continued)

At the DEATH OF DEMOCRACY RALLY held on 27th September 09, which attracted thousands of protestors from across NSW, a motion was passed also calling for a Royal Commission into NSW Planning decisions.

### THE DESTRUCTION OF KU-RING-GAI ATTRACTS WIDESPREAD MEDIA ATTENTION

The Sydney Morning Herald letters' Editor reported on 26.12. 09 that their records showed that the big themes and most regular subjects for the year were climate change, the CBD Metro and complaints about the State Government.

### THE NEXT CATEGORY OF INTEREST INCLUDED PLANNING IN KU-RING-GAI!

### APARTMENT BLOCKS HAVE TARGETED A DEMOGRAPHIC THAT ISN'T THERE.

An article in the Sydney Morning Herald 16.1.10 entitled *Vacancy rates paint mixed rental picture* reported that the research company SQM Research found that "Some of the highest vacancy rates in Sydney are in the upper north shore, where a glut of dwellings sits empty: 7.5 percent in Gordon and 7 percent in Pymble.

An SQM property analyst stated: "*The construction of large expensive units and townhouses in the Ku-ring-gai area was a factor in the high vacancy rates there. I think a number of these blocks have targeted a demographic that isn't there. If I had a choice between a house with a large backyard or an apartment, both for around \$700,000, I know what I would pick.*"

The article also refers to the recent Ku-ring-gai Council Housing Survey which found "*that while 40% of people in the local government area wanted to move house at some point, only 5% wanted to move into a unit.*"

Here is a sample of the responses provided to the Council Housing Survey:

"like to have a garden and be away from the problems of unit living," "do not like apartment living," "noise, unpredictability of neighbours, units owned mainly by investors with little concern for standards," "too noisy, no privacy, too small, too costly, no garden". "... backyard for kids."

*I am an empty nester but would only consider moving to a town house or villa with adequate outdoor space, certainly not to a glass box four storeys from the ground. (Letter to press Nov 09)*



Many of the units built for Stage 1 are being purchased off the plan by overseas investors 'land banking' these units for investment purposes.

*I was in Ku-ring-gai today and was appalled at the amount of high-density going up. Keep up the fight. (Letter to FOKE from a non resident 21.01.10 expresses widespread opinion.)*

## PETITION – THOUSANDS SAY NO TO KU-RING-GAI TOWN CENTRES PLAN – (Stage 2)

A petition containing in excess of 3000 signatures calling for the Legislative Assembly to ensure that the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 does not come into force was delivered by FOKE to Mr Jonathan O'Dea MP for presentation to the NSW State Parliament. The signatories, residents and non residents, registered their objection to the corrupted planning policies and processes inflicted on Ku-ring-gai by successive State Governments, and in particular the draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008 because it:

- Remains inconsistent with the stated objectives and definitions of the Metro Strategy & Subregional Strategy.
- Represents gross over-planning, and exceeds Ministerial directions, the North Sub-region Metro Strategy, and the Minister's agreed dwelling targets of 10,000 dwellings by over 40%.
- Ignores the recommendations of economic studies by Hill PDA and SGS Economics by providing development in excess of recommendations.
- Has been formulated without a Local Environmental Impact Study (LES) – in an area containing endangered and threatened species and ecological communities. It will destroy critically endangered habitat.
- Inadequately protects heritage areas. It will destroy swathes of nationally recognized Inter-War and Federation heritage.
- Fails to adequately address traffic and infrastructure issues (with a 26% increase in population.)
- Pays scant regard, if any, to submissions from experts and the community.

The Petition was commenced at the controversial 1,000 strong UTS meeting (27.05.09) at which the KPP approved the excessive Town Centres Plan to cries of “Sham Plans” and the eviction of a video camera operator.

### **COSTLY, UNDEMOCRATIC & “ABSENT” KU-RING-GAI PLANNING PANEL (KPP)**

**Why should Ku-ring-gai ratepayers be forced to endure and continue to fund the undemocratically imposed KPP? The 3-member Panel, with 1 additional alternate member, has cost Ku-ring-gai ratepayers hundreds of thousands of dollars which could have been better spent on essential and other services.**

Of the 23 scheduled KPP meetings held in 2009, 11 were cancelled; of the remaining 12 meetings, **Ms Elizabeth Crouch (Chair)** attended 6, **Ms Kerry Bedford 3**, both citing “illness” for the majority of meetings for which they were absent. As a consequence, **Mr Vince Berkhout** (the alternate Panel member) and **Mr Bill Tsakalos** were left to run at least half of the meetings with Council staff. Whoever happens to be the Planning Panel Chair on the night occupies the Mayoral Chair which is a further affront to the democratic process!

The majority of the Planning Panel meetings which determined high density development applications (for which Council staff had prepared a report and recommendations) lasted, on average, 25 minutes.

### **SECOND MEETING WITH MR SAM HADDAD, THE DIRECTOR GENERAL FOR PLANNING IN NSW.**

At the first meeting on 16.12.08 with Mr Haddad, FOKE raised poor planning outcomes in Ku-ring-gai from the application of the Government's densification policies and presented the Department of Planning with a copy of FOKE's photographic record of sites and streetscapes impacted by Stage 1 of those policies.

At the second meeting (4.11.09), FOKE re-confirmed its deep, ongoing and growing concerns with Stage 1 planning outcomes affecting Ku-ring-gai and with the KPP Stage 2 Town Centres Plan as they will affect Ku-ring-gai. Both Stages severely and adversely impact on Ku-ring-gai's potential Conservation Areas. From the meeting we understood that Mr. Haddad was aware of the poor planning outcomes resulting from Stage 1 LEP 194.

FOKE stated for the last 10 years there has been a concerted resistance to recognition of Conservation Areas in Ku-ring-gai despite repeated requests for their recognition.

FOKE drew attention to the increasing media and public attention to the adverse impacts on the valued and valuable Ku-ring-gai context as more existing dwellings are demolished, predominantly in the potential Conservation Areas, and are replaced by inappropriate, bulky buildings. We stressed that at this point these manifestations are *only* from *Stage 1*. KPP's *Stage 2* is yet to come with buildings 9 storeys high to unacceptably tower above the nationally significant tree canopy.

FOKE predicted that given the public and media reaction to Stage 1 zoning and developments there will be significantly greater public dismay if the KPP's inappropriate Draft Town Centres Plan Stage 2, also involving the unrecognised Conservation Areas, is approved by the Planning Minister.

FOKE pointed out that it is disturbing that the former Minister for Planning (now Premier) and the KPP Chair have used “percentages” which demonstrate a disregard for the valued and valuable Ku-ring-gai context. Viz:

It is not an acceptable argument to attempt to justify the Town Centre Plan (as the Chair of the KPP and the former Minister for Planning have done) by saying only 6 percent of the total land area of the

municipality is affected. This is not a proper test. If it were, then the rezoning of development of the historic Macquarie Street precinct or Hyde Park or The Rocks could be justified on the basis that each one of them represents only a small percentage of the total land area of the City of Sydney.

If a percentage test were considered appropriate, and we do not concede that it is, a more appropriate percentage would be the percentage of the Conservation Areas which will be impacted. On this basis approximately a massive 79% of The National Trust Urban Conservation Areas in Ku-ring-gai within the context of the Original Blue Gum High Forest are impacted and in jeopardy. Seed-bearing soils are removed with moonscaping and extensive excavations of sites.

FOKE provided Mr Haddad with a copy of the NRMA submission stating its concerns with the KPP Town Centres Plan. (Submission available on NRMA website).

The Planning process should be based on the identification and protection of the significant natural and cultural items and areas. The Government's repeated failure to adopt this process is the basis of its flawed planning process for Ku-ring-gai. Overall, there has been and continues to be a serious lack of appreciation of the Ku-ring-gai context.

**Generally, the issues raised at the meeting with the Director General (a Department of Planning representative was also in attendance) are listed in the prayer of the Petition ( p 2/3.). To support our position FOKE tabled and spoke to reports from experts.**

#### **WANTED: CONSISTENCY IN PLANNING DECISIONS IN NSW.**

**EVERYONE! PLEASE ASK PREMIER KENEALLY & PLANNING MINISTER KELLY FOR CONSISTENCY IN PLANNING DECISIONS IN NSW: INVOLVE THE MEDIA!**

The Hon K Keneally Premier of NSW Governor Macquarie Tower, 1 Farrer Place Sydney 2000 – premier@nsw.gov.au  
The Hon T Kelly MLA Governor Macquarie Tower, 1 Farrer Place Sydney 2000 – sharon.armstrong@lands.nsw.gov.au

#### ***WHERE'S THE CONSISTENCY IN PLANNING DECISIONS?***

The NSW Government recognises the value of canopy trees & green understorey (canopy protection & improved micro climate) with plans to plant both as part of its "Green Street" program launched on 29.11.2009 in Bidwell, in Sydney's west.

Yet, at the same time as the \$30 million tree planting and landscaping program is praised and promoted, Ku-ring-gai's urban consolidation sites are moonscaped with thousands of canopy trees torn down and understorey plants removed. Eave-less buildings with massive areas of glass and thousands of air-conditioning units take their place. The Town Centre buildings, 9 storeys high, will further shred the protective canopy and tower above it. In excess of 3000 mature trees have been lost over the last four years in Ku-ring-gai .

Adverse impacts of the Government's policies on Ku-ring-gai's, & therefore NSW's natural environment were highlighted during a visit by the former Minister for the Environment & Climate Change, Hon John Robertson (30.11.09.) Following the Cabinet change FOKE has written to the new Minister, Hon Frank Sartor MP, inviting him to also visit Ku-ring-gai.

#### ***WILL THERE BE CONSISTENCY IN DECISION MAKING ?***

FOKE's Nov 09 Newsletter detailed the decision made by Premier Keneally (then Minister of Planning) to refuse the Stamford Plaza development in Double Bay.

Ms Keneally's reasons for the refusal are the *same reasons* that support *refusal of the Ku-ring-gai Town Centres Plan*. Indeed, there are *additional* reasons based on heritage factors for refusal as exemplified by the Australian Council of National Trusts listing the Ku-ring-gai Town Centres on Australia's 2009 Top Ten Heritage Places at Risk.

More recently, as Premier, Ms Keneally has said she has listened to the residents before reversing decisions about the Sydney Ferries saying that there were thousands of petitions, submissions and arguments from the community.

***HUGE PUBLIC RALLIES, SUBMISSIONS, PETITIONS, EMAILS IN THEIR THOUSANDS AND REPORTS FROM EXPERTS ON BEHALF OF KU-RING-GAI SHOULD ALSO BE LISTENED TO!***

*Sincerely FOKE Committee*

A Carroll 9498 1807, K. Cowley 9416 9007, J. Langley (Treasurer) R Maltby (Minutes Secretary), J. Johnston, M. Galloway, J. Harwood, D. Mobberley, K. Pickles, J. Posen, D. Warner.