

June 2009

## FOKE Newsletter



The North Shore Times graphic front-page Wed June 3 2009 "Three jeers for the bulldozers of Ku-ring-gai" reminds of the bulldozer driver who said to a neighbour in a Ku-ring-gai street being flattened for ugly, out-of-context multi unit apartments "I can't believe we are knocking down such quality homes".

The pictured pile of soil represents the seed bank for Critically Endangered Blue Gum High Forest species being carted off on the back of trucks to oblivion. And the three red headings of ANGER, ALARM and APPALLING send a clear signal of opposition to the de-greening of Sydney where carbon absorbing, shade giving trees are being swapped for air-conditioned buildings towering above a nationally significant tree canopy.

**The North Shore Times article serves to spread the word throughout Sydney of what lies ahead for it and its citizens.**

Minister Keneally, who last year visited Ku-ring-gai, later said to a group of residents "Don't underestimate the power of a site inspection."

Therefore, we ask the North Shore Times to reinforce FOKE's urgent invitations to visit Ku-ring-gai which have been extended to Premier Rees, Deputy Premier & Minister for Climate Change and the Environment Tebbutt and Minister for Education Firth, who grew up in Ku-ring-gai and who should be disturbed that young people are growing up in a State without true democracy. There was little evidence of the democratic state on Wednesday 27th May 2009 when the imposed Planning Panel ignored the 1,000 people present and the 3 plus hours of verbal submissions and passed the Plan after only minutes of discussions!

### THE APPALLING PLAN

Minister Keneally will be the cause of irreparable harm if she gazettes the Ku-ring-gai Planning Panel's Town Centre Plan which has been condemned by town planners, developers, the community, parliamentarians and The National Trust of Australia (NSW).

- **The Plan** is inconsistent with the stated objectives and definitions of the NSW Government's Metro Strategy & Subregional Strategy.
- **The Plan** is not based on a Local Environmental Impact Study (LES) in an area of endangered and threatened species and ecological communities.
- **The Plan** inadequately recognises NSW's significant built, cultural and natural heritage.
- **The Plan** fails to adequately address significant traffic and infrastructure issues.
- **The Plan** is overly aggressive in its approach to rezoning which is not required for the proposed 10,000 additional dwellings;
- **The Plans** floor space ratios are excessive with seemingly unnecessary and ridiculous contingencies.

### THE PLAN MUST NOT GO AHEAD. IT WILL ADD TO THE DECAY & CHAOS OF NSW.

2009 NATIONAL TRUST HERITAGE AWARDS HIGHLY COMMENDED CERTIFICATE,  
2008 NSW GOVERNMENT HERITAGE VOLUNTEERS AWARD  
2000 FOKE, WINNER, NSW HERITAGE OFFICE CULTURAL HERITAGE CONSERVATION AWARD,  
"HERITAGE WATCH OVER OUR PLACE OF NATIONAL SIGNIFICANCE - KU-RING-GAI"  
KEEP AUSTRALIA BEAUTIFUL COUNCIL (NSW) METRO PRIDE AWARDS.

## THE APPALLING PLAN (cont)

Sydney should shudder as the Planning Panel's Town Centre Plan effectively treats the Pacific Highway - the main north-south route from the Bridge to the F3 - as a giant shopping mall with grossly enlarged, unwanted and unnecessary retail precincts which will rely on this major transport artery as the shopping "high street." Unacceptable!

The Planning Panel's Report has decreed that our collective Sense of Place will be changed, thereby violating a basic principle of sustainability. Whatever happened to the assurances that urban densification would be tailor-made to local government areas? And in the face of widespread and growing dissatisfaction with the ugly new buildings blighting Ku-ring-gai the Panel responded "*The quality of building design and construction is generally high when compared to other parts of Sydney that have undergone urban consolidation.*" Unacceptable!

Some of the Panel's defences of its Plan are extraordinary. An overwhelming number of public submissions expressed concern regarding the proposed building heights and the destruction of the nationally significant carbon absorbing, cooling, and shade-giving canopy. The Panel's response? ..... "*Within the centers the building heights are often greater (than the canopy) providing a clear indication that the centre is different from the areas surrounding. This is appropriate for the centres*" and "*Some of the buildings may be visible above the canopy!*" (Emphasis added).

The Town Centre Plan, despite its name, rezones but does not plan. A town planner has advised FOKE that the way forward is to have a **master plan** for each Town Centre which addresses all the issues associated with the proposed new centres – access, traffic etc - whereas the Panel's Plan relies very heavily on the Town Centre Development Control Plan (DCP) 2009, now being drafted, as the solution/answer to the multitude of negative comments raised in the Town Centre submissions.

Why would there be any confidence that the Town Centre Development Control Plan will provide positive and acceptable outcomes, given the horrific outcomes - so evident along the Highway and at St Ives - which previously adopted planning instruments have permitted and encouraged?

### FOKE ANNUAL GENERAL MEETING 2009, ANNUAL REPORT ENCLOSED.

FOKE's Annual General Meeting and the customary subsequent Public Forum were held in the Killara Uniting Church Hall on 11<sup>th</sup> May 2009. We were delighted to welcome to a full house the 2009 Guest Speaker, the Hon Catherine Cusack MLC Shadow Minister for Climate Change and Environmental Sustainability, who referred to the FOKE meeting in a speech made the following night in the NSW Legislative Council.



Above: The Hon Catherine Cusack addresses the Public Forum following the FOKE 2009 AGM.

Right: Extract from Hansard 12.5.09 of speech made by Hon Catherine Cusack to the NSW Legislative Council.

*Last night I attended a public meeting convened by the Friends of Ku-ring-gai Environment [FOKE] to speak in defence of the iconic tree canopy that has been lovingly sustained by the local community and encloses virtually the entire municipality. ... This (loss of the canopy) is a heartbreaking tragedy not only for Ku-ring-gai but also for Sydney.*

*There are many reasons why the Ku-ring-gai canopy is of significant local, state and national heritage value. It connects surrounding National Parks and local reserves for native fauna, especially birds. It cools the area by an estimated two degrees. The canopy encompasses the last cohesive fragments of the critically endangered Sydney Blue Gum High Forest. It defines Ku-ring-gai as a garden suburb and it works with the built environment to give a sense of place. Ku-ring-gai's iconic canopy is one of Sydney's great natural assets.*

*I have put questions to the Minister for Climate Change and the Environment, Carmel Tebbutt, in Parliament. In reply the Minister has said that the New South Wales Scientific Committee has listed the forest as critically endangered, but of the 23 actions in the recovery plan only 17 have been commenced. The Minister will not commit to visiting the area, making the depressing observation that the Minister for Planning is responsible for the final zoning decisions and the Department of Environment and Climate Change can only provide advice. That is not the response of a Minister trying to answer the deep fears and concerns of the community.*

## **COUNCIL'S 3RD ATTEMPT TO RECLASSIFY PUBLIC LAND IN OUR 6 VILLAGES FROM "COMMUNITY" TO "OPERATIONAL".**

The Panel's proposed Town Centre Plan incorporates community land.

What is community land? It is public land that has been gifted, acquired and managed by Councils for the past 100 years for the use and benefit of Ku-ring-gai residents. Two previous attempts to reclassify this land to operational status have failed due to Council's failure to observe legal requirements. On these two occasions, the community unanimously opposed the reclassification of the land from "community" to "operational" status. The main reasons for so doing were the following:

1. "Community" classified land is not free land and is not up for grabs. Moral and ethical issues must not be set aside by Council in dealing with this land.
2. "Operational" land is temporarily held and has no protection whatsoever. It can be sold or leased without restriction. The community does not even have to be consulted. Once the land is reclassified to "operational" all Plan of Management restrictions, the criteria for the land's management, are removed. "Operational" classification serves to perpetuate unaccountable short sighted planning and short term planning interests.

Community land is extremely valuable and strategically placed and is now being sought by commercial interests for incorporation into their development proposals, particularly in St Ives and Turramurra. This community land has already been incorporated into "concept" planning proposals and yet we, as a community, have not even decided to reclassify the land to operational. Is this not "putting the cart before the horse"? Further, it would appear discussions have been going on for sometime, "behind closed doors" and free from public scrutiny, about the inclusion of our community land (car parks) into proposed developments.

"Community" classification prevents the sale, exchange or disposal of community land by a Council, which may only grant a lease or license of community land in accordance with a Plan of Management that clearly sets out the criteria for its use and management. There are no restrictions on Council to develop community facilities etc. on community land provided this is set out in the Plan of Management. This classification also ensures long term planning interests are encouraged.

We ask that community groups be given the opportunity of briefing before Council makes any decision to proceed with the processes to reclassify community land to operational land.

### **PETITION SHEET ENCLOSED**

**Thank you to our members who have already collected hundreds of signatures. Your fantastic support is greatly appreciated. The first tranche of petitions has been tabled in Parliament by Jonathan O'Dea MP.**

**To our general membership, please make a concerted effort using the enclosed petition to collect signatures for the next tabling. e.g. photocopy; leave copies with local friendly shop keepers. The Prayer of the Petition will assist with the individual letter writing campaign. See over.**

### **Response to query at 2009 AGM regarding donations of \$670 made by FOKE.**

During the last financial year, FOKE made donations totalling \$670 to the following: \$500 to the Blue Gum High Forest Group, of which FOKE is a member, to help buy back the vital link in the Rosedale Rd St Ives site; \$100 to the Biodiversity Conference held in Turramurra 20-21<sup>st</sup> September and \$70 for FOKE's annual membership of the Nature Conservation Council of NSW.

*Sincerely FOKE Committee*

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

## **PANEL TOWN CENTRE PLAN PLEASE TAKE ACTION NOW –WHERE IS DEMOCRACY?**

The Ku-ring-gai Planning Panel adopted the Draft LEP Town Centres Plan on Wednesday 27 May 2009 despite overwhelming community concern and opposition. The Panel received over 1,800 submissions.

The Panel's Plan will now be sent to the Minister for Planning, The Hon Kristina Keneally MP, for gazettal.

Community groups across Ku-ring-gai are united in opposing the Plan and have called on the support of Ku-ring-gai Council and Ku-ring-gai's State representatives to oppose the gazettal of the Plan.

We are asking our members and friends to assist by:

- **Writing to Planning Minister Kristina Keneally asking her to stop the gazettal of the Plan - copy the letter to the Premier, the Deputy Premier and the Shadow Minister for Planning.**
- **Writing to our State representatives.**
- **Writing to the Press and talking on talk-back radio.**
- **Signing (along with family and friends) the enclosed Petition opposing the Plans.**

Please return Petition sheets before 30<sup>th</sup> July to:  
Rally Ku-ring-gai PO Box 302 KILLARA 2071.

### **The email and postal addresses for your letter/s are as follows:**

**Minister for Planning  
The Hon Kristina Keneally MP  
Level 35, GMT  
1 Farrer Place  
SYDNEY NSW 2000  
[office@keneally.minister.gov.au](mailto:office@keneally.minister.gov.au)**

Copy to: The NSW Premier  
The Hon Nathan Rees MP  
PO Box 5341  
SYDNEY NSW 2000  
[thepremier@www.nsw.gov.au](mailto:thepremier@www.nsw.gov.au)

Copy to:  
Shadow Minister for Planning  
Mr Brad Hazzard MP  
Shop 14, 637-641 Pittwater Rd  
DEE WHY NSW 2099  
[Brad.Hazzard@parliament.nsw.gov.au](mailto:Brad.Hazzard@parliament.nsw.gov.au)

Copy to:  
The Deputy Premier  
The Hon Carmel Tebbutt  
GMT Level 30,  
1 Farrer Place  
SYDNEY NSW 2000  
[Carmel.Tebbutt@parliament.nsw.gov.au](mailto:Carmel.Tebbutt@parliament.nsw.gov.au)

Copy to:  
Leader of the Opposition  
Mr Barry O'Farrell MP  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000  
[LOP@parliament.nsw.gov.au](mailto:LOP@parliament.nsw.gov.au)

Copy to:  
Mr Jonathan O'Dea MP  
Suite 8A, 12 Tryon Road  
LINDFIELD NSW 2070  
[davidson@parliament.nsw.gov.au](mailto:davidson@parliament.nsw.gov.au)

ALAN JONES 2GB [alanjones@2gb.com.au](mailto:alanjones@2gb.com.au)

[www.foke.org.au](http://www.foke.org.au) "How to help"- Resources -for additional general media addresses & contacts.

***SPREAD THE WORD:*** Ku-ring-gai Preservation Trust forthcoming public meeting  
***"Planning in NSW – Failure, Fury, and Reform"***  
Brad Hazzard MP, Shadow Minister for Planning  
8:00 pm, Thursday, 2 July 2009  
Killara Uniting Church Hall Corner Arnold St & Karranga Ave, Killara.