



*Dear FOKE Members*

March 2012

## KU-RING-GAI: OLD PLAN WAS DISASTROUS. THE NEW PLAN?

The landmark win by Friends of Turramurra in the Land & Environment Court provided the opportunity for a new Plan. It is exceedingly disturbing that the starting point for Ku-ring-gai's new Town (Local) Centres Plan is the monstrous, over-the-top, invalidated Plan from the imposed, infamous Ku-ring-gai Planning Panel! The old Plan must be extensively modified to fully address its excesses and "oversights" by:

- Reducing building heights to respect the nationally significant tree canopy
- Providing real respect for Ku-ring-gai's character and context
- Providing real protection for its historic areas, heritage items & endangered ecological communities
- Providing real solutions to ever-worsening traffic congestion.

The following is a broad outline of the process:

- "Stakeholder" workshops. Held in Jan/Feb (non statutory process). **NB: CONCERNS SEE PAGE 6.**
- Public exhibition of the "New" Plan. Council will advise relevant dates which were not known at the time of publication of this Newsletter. As part of the statutory process, it is important that "Stakeholder" submissions are sent. Remember the 1,800 submissions made on the previous plan? They must happen again. Information contained in this Newsletter will assist *your* submission.
- Following the exhibition period, the Council Officers will prepare the replacement Plan for Councillors' consideration.
- The agreed Plan is to be submitted to Hon Brad Hazzard, the Minister for Planning, by August 2012 prior to NSW Council elections in September 2012.

### **"IT MUST NEVER HAPPEN AGAIN."**

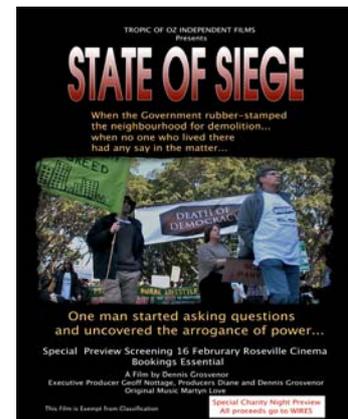
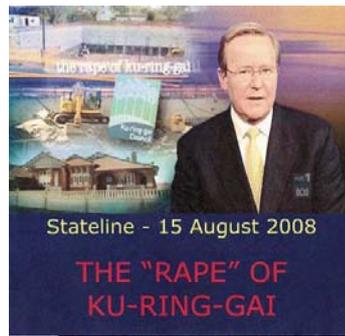
*"The destruction of Ku-ring-gai at the hands of state-appointed planners has been sad, unconscionably wasteful, unnecessary and irreversible. It has resulted not only in devastated streets, but in the complete disillusionment of local residents who were cynically ignored by their government. It must never happen again."* Planner, named supplied.

### **THIS NEWSLETTER:**

- reminds us of the background of the discredited old Plan - the disturbing starting point for the new Plan!
- provides experts' opinions highlighting the changes that *must* be made during the process (outlined above) in order that the new Plan provides for appropriate, sustainable, place-planning that respects the context and character of Ku-ring-gai.

*"The Institute objects to the manner in which the town centre draft LEP (viz. the old Plan) has been developed and imposed on the Council and citizens of the Ku-ring-gai local government area, despite well documented objections by residents and experts. ...The real failure of the government is in its refusal to acknowledge the legitimacy of the argument for heritage conservation as a starting point for the debate."* (The Australian Institute of Architects NSW).

## ► KU-RING-GAI DEVELOPMENT: DAMNING HEADLINES



Above: A selection from the wide coverage given by print and TV media to the vindictive, inappropriate, unsustainable, over-the-top “planning” meted out to Ku-ring-gai by the former NSW Government and its advisors.

The Government and the relevant Minister may have changed but some of their advisers and other key personnel involved with the old Plan remain. Will the new Plan be “theirs” or “ours”? The old Plan must be extensively modified to be acceptable.

## ► THE NEW PLAN MUST RESPECT THE FUNDAMENTAL PRINCIPLE OF SUSTAINABILITY - “SENSE OF PLACE”.

*Sustainability recognises the significance and diversity of community and regions for the management of the earth, and the critical importance of “sense of place” and heritage (buildings, townscapes, landscapes and culture) in any plans for the future.*

(“In Search of Sustainability” Jennie Goldie et al, CSIRO 2005.)

It is scandalous that the old Plan did not recognise this fundamental principle. Sustainability is now a key aim of the Government’s new over-arching “Metroplan” that replaces the former Metrostrategy. If the new Plan for Ku-ring-gai is not sustainable, then neither is the Government’s “Metroplan.”

## ► THE NEW PLAN MUST END (LABOR'S) OVER-DEVELOPMENT.

On election night March 2011, to resounding applause, new Premier O’Farrell said: **“WE WILL END LABOR’S OVER-DEVELOPMENT”** and so it *must* be with Ku-ring-gai’s new Plan.

**“STATE OF SIEGE”**: the appalling, planning debacle that has beset Ku-ring-gai was the catalyst for this powerful documentary. Universities, schools, associations, film festivals and individuals from all States are continuing to request copies. The film has been updated from its Roseville launch March 2011 and now includes footage of current Premier O’Farrell’s election night speech announcing the ending of Labor’s overdevelopment. [www.tropicofoz.com](http://www.tropicofoz.com).

► **THE NEW PLAN MUST FULLY REFLECT THE FOLLOWING:**



■ **KU-RING-GAI COUNCILLORS' SUBMISSION (Dec 2008):** which was critical of the discredited Plan. Criticism included: *“the draft LEP is not sustainable. The long term damage it will do to the environment and community in Ku-ring-gai cannot be justified.”*

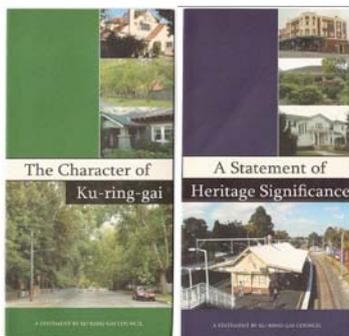
*“It will result in tall bulky buildings on the ridge of Ku-ring-gai with excessive bulk and totally out of scale with the surrounding neighbourhoods. The character of Ku-ring-gai will be changed irreversibly and detrimentally”.* (Emphasis added)



■ **PLANNING MINISTER, HON BRAD HAZZARD'S STATEMENT (9.10.2011):** **“CHANGE MUST BE EFFECTED HAVING REGARD TO THE CHARACTER OF THE AREA”** (Emphasis added)

Foreground: Ku-ring-gai *“Under the Canopy”* where the trees meet the skyline contrasted with Chatswood CBD in the background. *“Ku-ring-gai exhibits environmental splendour of such a scale it is of national significance”* (Planner)

Change occurring under the new Plan must ensure that building heights & developments respect the overarching, under-the-canopy, nationally significant character of Ku-ring-gai. Ku-ring-gai's natural environment provides vitally important wildlife habitat and corridors to its National Park surrounds.

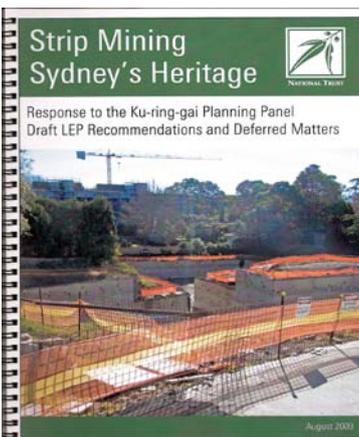


■ **KU-RING-GAI COUNCIL STATEMENTS:** *“The Character of Ku-ring-gai”* and *“A Statement of Heritage Significance”*

*“Its character is defined by large indigenous and exotic trees whose canopies form the skyline, line the streets and dominate garden spaces throughout the whole area;..”*

*“The heritage of Ku-ring-gai comprises a rare blend of fine domestic architecture within a landscape of indigenous forests and exotic plantings and garden.”*

*“Ku-ring-gai as a whole is of national and state heritage significance because of: the outstanding quantity, quality, depth and range of its twentieth century architecture.”* (Emphasis added)



■ **THE NATIONAL TRUST OF AUSTRALIA (NSW) SUBMISSION:** *“Strip Mining Sydney's Heritage”* (2009): the discredited Plan *‘fundamentally conflicts with the region's outstanding heritage value’* and that

- *“High rise is the antithesis of the garden suburbs*
- *it is strip mining of Ku-ring-gai's heritage*
- *Entirely detrimental to the region's sense of place”*

The new Plan must recognise Ku-ring-gai's “garden suburbs” heritage; and provide real protection for its historic areas, heritage items & endangered ecological communities. The old Plan did not - indeed it caused the Areas to be placed on the 2009 Top Ten Heritage Places at Risk in Australia by the Australian Council of National Trusts. (Emphasis added)

► **THE NEW PLAN MUST PROVIDE *REAL* SOLUTIONS TO EVER-WORSENING TRAFFIC CONGESTION.**



**Left:**

Cavernous car parks come with multi unit apartment blocks close to railway stations– courtesy of the densification policies - LEP 194 and the Town (Local) Centres Plan. Both Plans are aimed at *decreasing* car use! Generous car space allowances keep the developers happy because units with limited car spaces are not as saleable! To whom are the policies pandering?

**Centre:**

**NORTH SHORE TIMES CRUSH HOUR:** RTA Report 2011 finds the Pacific Highway – already “*One of the worst.*” Ku-ring-gai centres are at the mercy of the Highway traffic while the Highway as a mover of traffic is at the mercy of the shoppers. “*We need solutions to the Pacific Highway connection to the F3 along Northern Sydney.*” - NRMA 2011. Big increases in densities along the Highway are *not* a solution and will *add* to the State’s traffic woes.

**Right:**

Combine all of this with **THE BRIDGE** which has limited rail capacity. Rail services for increasing populations north of Chatswood have been reduced to accommodate train services on the Chatswood to Epping link. Big population increases in Ku-ring-gai & further north combined with reduced rail services and an already crowded Highway represents planning **URBAN INSANITY!**

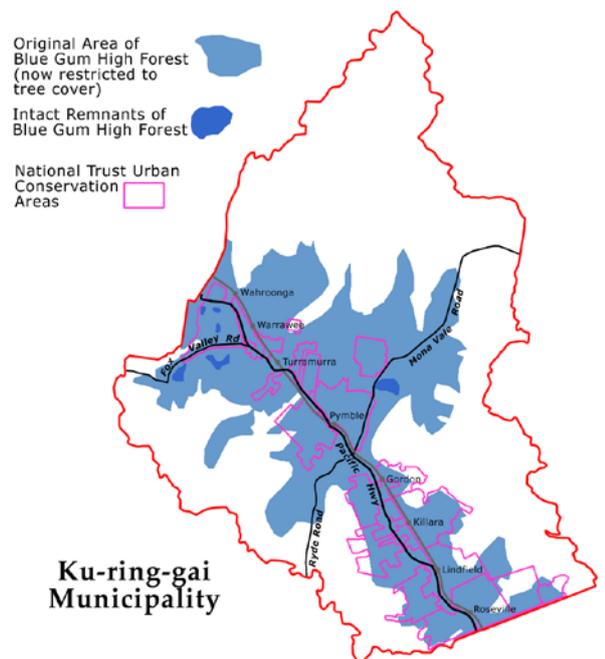
► **THE NEW PLAN’S IMPACTS ON THE PACIFIC HIGHWAY MUST BE ON THE AGENDA**

The ability of the Pacific Highway to function as the efficient and main connection between the F3 & Harbour Bridge is in jeopardy if Ku-ring-gai’s new Plan provides for greatly enlarged shopping/commercial/people precincts along it & fronting it.

Residents have indicated they want retail/business centres and surrounds aligned with the unique characteristics of the area- garden suburbs in a bushland setting, with an appropriate low-key residential/low rise commercial character.

**Consider:**

- Revamping of the main retail shopping areas
  - Increasing street tree plantings
  - Developing a co-ordinated street presentation
  - Enhancing worthwhile aspects of the Pacific Highway properties such as “The Beehive” cnr St John’s Ave in Gordon, encouraging less-appealing edifices to revamp/rebuild - these would also be candidates for any shop-top housing necessary to achieve dwelling targets... but must be in keeping with height restrictions.
- Sustainable development for Ku-ring-gai.



Above: Ku-ring-gai’s topography has dictated that both major transport routes run “in parallel,” for 12 km, along the central elevated ridge. This tight, relatively long configuration as it occurs in Ku-ring-gai exists nowhere else in Metropolitan Sydney unless the road is an EXPRESSWAY OR IN A TUNNEL.

**COUNCILLORS' SUBMISSION DECEMBER 2008 STATED:** *“Council objects to the increase in population proposed in the draft LEP because it exceeds the sustainable limits identified in the Traffic and Transport Base Study undertaken for Council as part of its Residential Development Strategy..... The Roads and Traffic Authority has not committed to purchasing land for widening the Pacific Highway, which is seen as an essential component of the draft LEP”* .

Without improved infrastructure, greatly enlarged Local Centres (formerly known as Town Centres Plan) will not lessen road and rail congestion. The basic aim of the Government's new over-arching Metroplan of "connectivity" will be jeopardised.

► **THE NEW PLAN'S “NUMBERS” MUST BE FULLY TRANSPARENT.**

At the current rate, the dwelling target of 10,000 dwellings will be reached in 2017 or 2018 that is some 18 years ahead of scheduled date of 2036. Developing Ku-ring-gai is obviously attractive to developers - given the speed. What then?

With regard to the New Plan there are a number of worrying, unanswered questions:

- lack of clarity and uncertainty in dwelling numbers assessment.
- uncertain retail and employment targets etc.
- issues as raised on page 7 *“Extract from Ku-ring-gai Presentation Trust Newsletter”*
- the Metro Plan/vs. Metro Strategy.

The community demands transparency. It needs to know how Council calculates the dwelling targets to 2036 and how many dwellings their Plan would yield. It is hard to plan when the parameters are not clearly defined and published. A proper Plan must be made that is integrated, consistent, and of appropriate scale; which properly protects heritage and the environment and will *not* result in the 10,000 dwelling target being exceeded.

<p>From: Andrew Watson          Sent: Wednesday, 29 October 2008 7:33 AM          To: Ku-ring-gai Mayor          Cc: John McKee; Sigrid Banzer          Subject: RE: Residential Yields</p>	
<p>These are Council's figures from late 2007 adjusted where they are known (Dual Occ, UTS and SAN):</p>	
LEP 194/200 and Town centres	14,500
UTS	342
SAN (net increase)	600 (approx)
Interface sites	1,800 ( <b>plus</b> )
Dual occupancy	1,000 (40 per year)
Seniors Living	750 (approx) 30/year)
<b>Total</b>	<b><u>18,992 (was previously 19,840)</u></b> Emphasis added

**Left: An internal Council email (October 2008) from Director Andrew Watson to the Mayor showing dwelling numbers, based on the supplied headings, to be nearly 19 thousand!**

**Crucially, there is likely to be no need for the Town Centres LEP to generate new dwelling capacity.**

**4,000 new dwellings over 25 years to 2036 requires an average of just 160 new dwellings per year. That will happen under all the existing planning instruments.**

► **THE NEW PLAN SHOULD *NOT* INVOLVE WHOLESALE RECLASSIFICATION OF KEY COUNCIL/COMMUNITY-OWNED SITES WITHIN THE TOWN (LOCAL) CENTRES AREAS.** Yield from these sites is not factored into number assessments. Some council/community-owned sites are ideally placed for attractive town squares to revitalise and increase the amenity of the Centres.

► **\$\$\$ MORE TO PLANNING? REVENUE TARGETS \$\$\$.**

Dwelling yield production generates stamp duty. A stamp duty on property transfers is the second highest tax revenue for the NSW government after payroll tax. With transfer duty presently

accounting for 18% or almost one fifth of all tax revenue this type of budgeting must influence planning. (Reference Nov 2011)

In July 2007 Ku-ring-gai Council had the second highest amount of development in Sydney chasing only the CBD and putting Parramatta to shame. There was \$1.7 billion worth of development in Ku-ring-gai in 2005 to 2006 (Department of Planning Report).

**► KU-RING-GAI: AN INVESTORS' HONEY POT?  
TWO MAJOR DEVELOPERS, WITH OVER 21 KU-RING-GAI SITES BETWEEN  
THEM, ACTIVELY MARKET AND SELL TO OVERSEAS INVESTORS.**

**► THE NEW PLAN "CONSULTATION" - A PROCESS INTENDED TO  
LEGITIMISE PRE-CONCEIVED OUTCOMES?**

It is notable that consultants, "Straight Talk", were engaged by and are working for Council's planning staff – not the Councillors, with Straight Talk describing itself as part of the staff's project team.

Despite misgivings, FOKE entered the consultation process with Straight Talk in good faith. At our meeting with them, we tabled experts' opinions on the need to respect the Ku-ring-gai Character and we registered concern with the political/bureaucratic context in which planning is occurring - that the same architects of the old Plan were involved with the new Plan. Additionally, we screened the film "*State of Siege*."

Our "good faith" in the consultation process has been undermined. Others have also formed a negative view of it and the role of the presenting "independent" Planner (see sample feedback below). Straight Talk was talking again of heights from 8 to 15 storeys for some of the centres! It seems that Straight Talk has become (at ratepayers' expense) a buffer between the planning staff and the community. The Council Staff has proceeded with *its* planning and development policy intentions, undeterred and undistracted by the need to genuinely engage with its community in a collaborative process.

**► THE NEW PLAN - FEEDBACK FROM THE "STRAIGHT TALK" JAN/FEB  
WORKSHOPS** (Names supplied)

- **INFORMATION:** "A request at the St Ives consultation workshop to be told the difference in height between a commercial storey and a residential storey was met by the presenting Planner and a Council Officer with "*They don't need to know that, we're not going to tell them*". (THE ANSWER IS 1.5 TIMES.)!!! (At subsequent workshops this information was provided). "A (Councillor Officers') map was misleading in that it showed the green for a proposed park but failed to show that there would be a high-rise building at one end if the park went ahead."
- **BIAS & POOR OPTIONS:** "The Planner's presentations were biased towards high-density. The downside of high-density and other planning options was not mentioned." "Options presented (at the workshops) had too many factors bundled together which could induce people to vote for more high-rise due to other changes being incorporated that they might desire." "The options were poor - akin to "*have your stopped beating your wife yet...that is, no choice at all*." "It's a tick- the- box exercise – so they can say they consulted with the community."
- **INFRASTRUCTURE:** "Given the proportion of the dwelling target already constructed, where is the consequential new or improved infrastructure? No wonder hollow laughter greeted suggestions from the consultants that such benefits would flow from future developments!" "Traffic is the 'elephant' in the room".

- **OVERALL:** “The overall subliminal message was that residents are being taken for fools, while council staff are in no way “letting go” of the invalidated TCLEP 2010, and will be drawing up whatever they have always intended.” “A smoke screen? ‘Straight Talk’s’ website header, especially designed for the Ku-ring-gai project, features plenty of green, blue skies and canopy trees. No pictures of congested roads or high-rise buildings!”

► **THE NEW PLAN WORKSHOPS WERE FOLLOWED BY A “SUMMIT.”  
REPORT: KU-RING-GAI PRESERVATION TRUST- AN EXTRACT.**

...“**Manipulation:** ...“Local community groups were not allowed to speak at the Summit in the way allowed at the workshops – apparently considered too effective in presenting views based on years of interest in and study of their local heritage, environmental and other planning issues. Community group representatives at the Summit also seemed to have been carefully clustered together, to limit their opportunity to “taint” the views of those attending as newbies – in particular to limit any opportunity to highlight some of the more manipulative statements being made by presenters.

At the workshops and summit there was general dissatisfaction that council planners appear intent on engineering a replacement LEP that largely mirrors the high rise future consistently rejected by residents over many years.

Residents have also been reminded that Premier O’Farrell (and our Member for Ku-ring-gai) committed ahead of his recent election that he would “return planning to councils”...many developments have been flicked instead to a Planning Assessment Commission (PAC), where faceless men are simply carrying on Labor’s destruction of our suburbs and local villages. So in Lindfield village a couple of weeks ago we saw the PAC approve an 8-storey development – yet “village” defines a centre with buildings up to three storeys. “Not happy, Barry!”

**Money talks...** “During the Summit voting there was continual highlighting of the level of developer contributions associated with each option, with clear statements that various prospective items of community infrastructure would depend on options involving up to 12-storey development being selected. In making such statements no recognition was given to other sources of development contributions, including other sites zoned for apartments. But in any event, Council’s planning for “better outcomes” should be driven by a vision of Ku-ring-gai, not by developer greed, nor even a greed for community infrastructure. Making a case for any such infrastructure should be the starting point, and we heard no attempt at that, saw no interest in that, by those spruiking the “benefit” of high contributions.

But perhaps the worst manipulation at both the workshops and summit was the use of an “independent” planning consultant, retained by council planning staff, supposedly to provide residents with appropriate “context”. But at the Summit and each of the workshops this planner stated that a State Government “audit” had decreed that it is appropriate that Ku-ring-gai should assume that only 80% of approved zonings will be redeveloped to the extent allowed. So, she said, we “need” to plan for 12,500 new dwellings to be built between 2004 and 2036, rather than the 10,000 the Minister and Premier have agreed! She regularly described that as a “slight buffer”!

Graham Lewis, a Lindfield resident said, “*20% might have been a reasonable assumption to make back in 2004, but by no stretch of imagination is it reasonable in 2012*”. Council’s own figures show that **5,694** of the required 10,000 had already been approved by the end of 2011. “*Those dwelling numbers warrant no discount whatsoever*”, Lewis said. A tiny discount might be appropriate to allow for the possibility that a particular developer might fail. “*But an across-the-board 20% discount, including those already built, is clearly Over The Top.*”

The use of this “audited” blanket 20% discount is nothing more than a disingenuous attempt by council planners and their tame consultant to con residents and councillors that we have no choice but to plan for 12,500 dwellings in order to be sure of reaching the required 10,000. But with at least 5,694 dwellings virtually in hand, **we now need fewer than 4,306 more dwellings to reach 10,000. And we have 24 more years to achieve them!** At the current rate we'll get there by 2018, *without* a new Local Centres LEP!

So, in spruiking the need to plan for another **6,806** dwellings, to give a total of 12,500 – as they have done at the Summit and each workshop – the planners who are paid to plan *in this community's interest*, were in effect assuming that any developments not already approved must be discounted using a blanket rate of **over 35% – almost double the rate they pretend to be using!**

By no stretch of imagination can this be styled as planning for better outcomes than we have already seen. Friends of Turramurra's successful challenge to the Town Centres LEP gave Ku-ring-gai the opportunity to start afresh and plan for Ku-ring-gai's future in a way that preserved what brought residents here – an attractive mix of streetscape, amenity and heritage, nestled under the tree canopy.

**Instead we see what can only be construed as an unholy alliance of developers, council planners and government planners – a testament to the cumulative effect of years of political donations. Certainly not the “straight talk” residents were told the recent consultations would be about. Certainly not the “vision of the future” that they said they were seeking from us! CAN OUR MAYOR AND COUNCILLORS PLEASE TAKE CHARGE....? ENOUGH OF THIS MANIPULATION!”** (Emphasis added)

**THE OPPORTUNITY FOR A NEW PLAN PROVIDED BY THE WIN BY FRIENDS OF TURRAMURRA IN THE LAND & ENVIRONMENT COURT *MUST NOT BE* HIGH-JACKED BY THE SAME ADVISERS TO THE OLD PLAN, VESTED INTERESTS & SHORT TERM GREED.**

*"Past Ku-ring-gai generations have left a legacy to Sydney of a unique blend of tall forest splendour, large areas of natural habitat (that accommodate a wide range of threatened species) and an extensive architectural heritage. It is incumbent on this generation to preserve and where possible improve upon this legacy for the future".*

Ku-ring-gai's Centenary History “*Under the Canopy*” - concluding paragraph.

**Most important: Please remember to send your submissions to Council and Councillors during the exhibition period of the new Plan.  
kmc@kmc.nsw.gov.au 818 Pacific Highway, Gordon 2071.**

*Sincerely* **FOKE Committee** A Carroll 9498 1807, K. Cowley 9416 9007, R. Maltby, C. Darby, J. Johnston, J. Harwood, D. Mobberley, K. Pickles, J. Posen, D. Warner.

**PLEASE FIND ENCLOSED YOUR RENEWAL FORM FOR 2012. WE CONCLUDE 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! MEMBERSHIP FORMS ALSO FROM [www.foke.org.au](http://www.foke.org.au)**