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FRIENDS OF
KU-RING-GAI
ENVIRONMENT INC.

PRESIDENT'S REPORT

14 June 2012

A great deal has happened since my last Report twelve months ago – some a cause of celebration, and some a cause for despair.

The day before the NSW elections on 25 March 2011, The Sydney Morning Herald's editorial, "*The Herald's View: Time for Renewal*," stated in relation to planning in NSW and, in particular, to what has been happening in Ku-ring-gai:

*"The Coalition must indeed end the bias towards Labor's heartlands in many areas: roads (think of subsidised tolls on the M4 and M5, **not** the M2); hospitals (think of the botched redevelopment at Royal North Shore Hospital, and the sale of land there); **planning (think of the brutal redevelopment around Ku-ring-gai)** and other areas. But once balance is restored, it must be maintained."* (Emphasis added)

It is now widely recognised that Ku-ring-gai has been "brutalised" by redevelopment. During the year, an international planning expert, Joel Kotkin, Professor of Urban Development and Fellow at Chapman University in California, USA, visited Ku-ring-gai and other areas being densified. He subsequently reported in an international journal that what was happening in Ku-ring-gai was amongst the worst he had seen.

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2009 NATIONAL TRUST HERITAGE AWARDS HIGHLY COMMENDED
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"HERITAGE WATCH OVER OUR PLACE OF NATIONAL SIGNIFICANCE –KU-RING-GAI"

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Densification has been carried out in Ku-ring-gai with scant regard to its character, environment and heritage. Densification in Ku-ring-gai has failed the basic principle of sustainability of which a CSIRO publication has said: *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.* (See “In Search of Sustainability” Jennie Goldie et al, CSIRO 2005.)

The “brutal redevelopment” in Ku-ring-gai which has resulted from LEP 194 – the multi -unit apartment dwelling policy - has failed the intent of that policy to provide real housing choice and to decrease car usage. The promise of its Department of Planning proponents, namely that densification would be tailor-made to the area, has proven to be a monumental falsehood.

The previously quoted Sydney Morning Herald editorial continued as follows:

“It is important in other ways, too, that an O’Farrell government not just be more of the same. That may seem unlikely, but the risk is real. A change of government is partly an illusion: though the personnel and the labels change, the problems do not. Nor in many cases do the solutions to them, and more importantly the interest groups which those solutions affect. The Coalition is already subject to the same pressures and incentives that Labor felt and was seduced by.... Developers will already be putting out feelers to see if an O’Farrell government can be influenced to sideline planning rules for profitable developments and ignore community protests in return for discreet donations. If all the Coalition can achieve is the same partisan, deal-driven winner-takes-all politicking, but with different personalities and a different brand name, it will have failed.”

On 26 March 2011, the night of his election victory, the new Premier announced: “*We will end Labor’s overdevelopment*”. Given that commitment, the destruction of Ku-ring-gai by redevelopment should and must now end.

At this stage, it must sadly be noted that the "new" Government has not revisited the "brutalising" LEP194 multi-unit apartment policy in any meaningful way. This is deeply disappointing as LEP 194 was not Ku-ring-gai's Plan for Ku-ring-gai. It was the Plan of the previous Government and its advisors within the Department of Planning, some of whom remain. There are still more LEP 194 sites to be developed, probably and tragically on the same pattern: bulldoze quality houses, moonscape the sites, remove canopied trees and seed bearing soils of the Critically Endangered Blue Gum High Forest Community and build more charmless boxes of apartments with cavernous car parks. Many of these apartment blocks would be out of character and context with any environment, let alone Ku-ring-gai.

There has, however, been some good news. In July 2011, the Land and Environment Court declared invalid the Ku-ring-gai Town Centres Plan, which had been endorsed by the former Ku-ring-gai Planning Panel (KPP) at the infamous UTS May 2009 meeting and subsequently gazetted by the former Minister of Planning Hon Tony Kelly. The Court challenge to the Town Centres Plan was conducted by Friends of Turramurra, generously backed by you, the membership of FOKE, and other community groups. There was a number of reasons the Town Centres Plan was struck down but its invalidity opened the way for a new Plan - one that would **not** facilitate more and unsympathetic overdevelopment, but one which would allow for development sensitive to the special qualities of Ku-ring-gai.

Regrettably, rather than starting the process afresh, Council decided that the invalidated Plan was to be used as the starting point for the new Plan, in its words, "*focussing on how it could be improved*". This approach downplayed the fundamental defects of the invalidated Town Centres Plan (2010). The 1,800 submissions previously lodged in relation to the invalidated Plan were declared to be of historic interest only. The previous Town Centres Plan was never a good plan. It was imposed by the previous Government and its representatives; it did not have the support of experts and it ignored Ku-ring-gai residents. It failed Ku-ring-gai. To use it as a base plate for the new Plan was akin to attempting to develop a valid argument from a false premise.

Community consultation for the new Plan has been conducted by consultants "Straight Talk". FOKE entered the consultation process

in good faith tabling experts' opinions on the need to respect the Ku-ring-gai character, registering concern with the political/bureaucratic context in which planning has been occurring - that the same architects of the old Plan were involved with the new Plan - and screening the documentary "*State of Siege*" for the benefit of the consultants .

FOKE's faith in the "consultation" process was misplaced. Others also formed a negative view of the process and of the role of the presenting "independent" Planner. "Straight Talk" was (at ratepayers' expense) a buffer between Council's Planning staff and the community, allowing Council staff to proceed with their planning and development policy intentions, undeterred and undistracted by the need to genuinely engage with the Ku-ring-gai community in a collaborative process.

Our worst fears became a reality on 3 April 2012 when the new Draft Local Centres Plan was presented to Councillors for consideration. Testimony to its inappropriateness was the number of community speakers who addressed Councillors and were critical of it and the number of amendments made to it by the majority of Councillors during the long meeting. Even with these amendments, the Draft Plan remains inappropriate and unacceptable.

The Draft Plan is now on exhibition for us to have our say. In the few days remaining of the exhibition period we must do so. Twelve storeys on the ridge at Gordon is a stand-out, literally, as well as an unacceptable precedent and benchmark for other parts of Ku-ring-gai. We remind all of Hon Brad Hazzard, Minister for Planning's requirement that Ku-ring-gai Council produce a Plan that complies with State Government policies and strategies and delivers growth and changebut which "***change must be effected having regard to the character of Ku-ring-gai (9.10.2011).***

In this regard, it is particularly disturbing that a key Council spokesperson/decision maker has on several occasions referred to Minister Hazzard's requirement but has OMITTED Minister Hazzard's qualification that "***change must be effected having regard to the character of Ku-ring-gai (9.10.2011).***" The repeated omission of this significant qualification is of the utmost concern.

The issue of the management of Council-owned community land continues to be of paramount and pivotal importance in any future Plans for Ku-ring-gai. Community lands must not be disposed of for private development purposes and should be the subject of relevant plans of management.

As FOKE has stated in its Newsletters: *For the Local Centres Plan to be acceptable there must be a major rethink - building heights must be lowered; bulk and scale must be reduced; real protection for endangered ecological communities must be provided; full and proper recognition of Ku-ring-gai's heritage must be given; overall respect for the distinctive Ku-ring-gai context and its nationally significant tree canopy must be evident and the major traffic problems e.g. the Pacific Highway, must be satisfactorily addressed.*

ADDITIONAL MATTERS

○ FOKE has made submissions to Council in relation to some of its public documents. FOKE is dismayed that the term “canopy,” meaning “covering”, “awning” “mantle” has disappeared from some Council’s documents and been replaced with the term “vegetation” which has quite a different meaning and airbrushes out the key character of Ku-ring-gai, which according to Ku-ring-gai’s published Character Statement *“is defined by large indigenous and exotic trees whose canopies form the skyline, line the streets and dominate garden spaces throughout the whole area;..”* (Emphasis added)

○ Council’s publication, *"Thinking Outside 'The Box': Key design elements for apartments in Ku-ring-gai* is claimed by Council to have been produced *“to promote the awareness of well-designed buildings that are responsive to community expectations and local character.”* Council’s website states that the *“publication aims to improve the standard of residential flat design by showcasing a range of good local buildings.”* Staggeringly, the publication uses as examples the very buildings that have attracted so much adverse comment. FOKE requested the withdrawal of the publication, citing in support a professional who stated: *“I read "Thinking Outside 'The Box'" with dismay. This document reduces the public debate over new apartment developments in the area to a series of superficial criteria, many of which are trivial indeed... For Council to issue such a document is*

insulting to many in the community because it ignores their most substantive and legitimate grounds for objection to the new developments". Council was unmoved. The contentious publication remains as a Guide. (See www.foke.org.au for full critique.)

- FOKE's submission to the NSW Planning Review cited Ku-ring-gai as an example of "How Not To Plan" and called for a review of the controversial Private Certification of developments in NSW.

- On a State and Federal level FOKE has drawn attention to the disturbing fact that many of the new apartment developments, both in Ku-ring-gai and elsewhere, are being directed to the overseas investor market rather than the domestic market. True it is, that many of the apartments sold to investors will become rental stock, but given the pricing of the units it will not be rental stock that is generally affordable, nor will it provide diversity of accommodation either for younger buyers with families or for downsizers.

- FOKE has highlighted the plight of urban forests and the cumulative impact of zoning for development on environmentally sensitive areas (ESA). Biodiversity loss, critical habitat and cumulative impacts are urgent considerations for the NSW Planning Act.

- FOKE has drawn attention to the inadequacy of current infrastructure to support the increasing density of Ku-ring-gai. Both an RTA Report and an NRMA Report found that the Pacific Highway in our northern suburbs is *already* "one of the worst." This should be taken most seriously by planning decision-makers, at Local and State levels, and real solutions found. It is not a solution to persist with a Local Centres Plan that proposes greatly enlarged, unnecessary and **undesirable** retail-commercial-residential developments straddling or adjacent to the Highway at 5 railway stations (and in St Ives), particularly as rail services have been reduced to service the Epping Chatswood line.

- Having hosted Dick Smith's "*Populate – Prosper or Perish?*" in 2010, FOKE remains concerned about population issues. This year FOKE published an excerpt from Step's excellent "*Position Paper on Population*" which argues strongly for population stability to deliver a

more sustainable future and to protect the fragile urban environment that remains. It addresses outmoded economic metrics, the absurdity of infinite population in a world of finite resources (the old 'growth at any cost' argument), overconsumption and climate change.

● **FOKE PHOTOGRAPHIC RECORDS**

FOKE's Award winning publication of 2,000 photographs continues to serve as a valuable reference point by which the loss of Ku-ring-gai's and New South Wales and Australia's heritage in Ku-ring-gai, can be measured. Of the rezoned homes earmarked for 5 storey development, 75% of these are situated within National Trust Urban Conservation Areas. One quarter of these Areas has already been destroyed.

"Before" and "After images" are a valuable source to show the extent and nature of the "brutalization" of Ku-ring-gai.

● **FOKE NEWSLETTERS**

During the year FOKE produced four Newsletters informing and urging our membership to act in the FOKE cause. Given the interest in and request for copies, FOKE's Newsletters are distributed beyond our membership including to academics, politicians and other organisations. They are also available on FOKE's website. We also issued 13 email newsletters on matters requiring urgent action. The mutual exchange of Newsletters continues to maintain important links with other community groups.

● **FOKE WEBSITE** www.foke.org.au

FOKE is indebted to webmaster Graham Lewis. Under Graham's supervision FOKE's website provides a most valuable contact point for media and the public alike. The tragic story of the progressive destruction of Ku-ring-gai can be accessed by the world, through the website's PowerPoint presentation, videos, lists of developments, Annual Reports, Newsletters and other information.

● **FOKE IN THE COMMUNITY.**

FOKE continues to respond to requests, both from school and university students, seeking information on urban densification and to address schools and community forums on this topic.

- **FOKE MEMBERSHIP**

Again you have remained loyal and generously supportive when the going was tough and tough it has been. As noted last year some of our members have been with us since 1994. Thank you. Thank you all. Ku-ring-gai continues to need you to show the “new” Government we have not gone away, nor will we, until our voices are heard and acted upon. Your voice can achieve a lot.

- **VALE JAN LANGLEY**

With heartfelt sadness we marked the passing of Jan Langley. An early member of FOKE, Jan joined the Committee in 2005. Jan gave her expertise, energies and talents to the community in many, many ways - to welfare programs, to her church, to education, to the arts, to conservation and to the environment. Jan was recognised with a number of community awards including the 2006 Ku-ring-gai Citizen of the Year for outstanding service to the Ku-ring-gai community.

- **FOKE COMMITTEE**

Given the challenges, few communities could have done more than has been done by the Ku-ring-gai community and its supporters in trying to achieve place-appropriate planning that respects Ku-ring-gai’s unique character and heritage. I extend my deep appreciation to the FOKE Committee - Kathy Cowley, Carolyn Darby Janet Harwood, Jill Johnston, Rhondda Maltby, Deborah Mobberly, Katrina Pickles, Jean Posen, and Dinah Warner.

We all have a right to expect that Planning for Ku-ring-gai respects the fundamental principle of sustainability...our Sense of Place. FOKE will continue to strive for that outcome.

Anne Carroll OAM
President
14 June 2012