

July 2012

Dear FOKE Members

**STOP PRESS
URGENT &
IMPORTANT**

DRAFT KU-RING-GAI LOCAL ENVIRONMENT PLAN (LOCAL CENTRES) 2012

TO COME TO COUNCIL "LATE JULY"- MOST LIKELY 24 JULY 2012

Council's website advises that Staff are currently reviewing submissions on the draft Plan in preparing a Report to Council following the public exhibition. A decision on the draft Plan will be made at Council meeting in "late July 2012". The Plan, as adopted by Council, will then go to the NSW Minister for Planning and Infrastructure for final decision.

FOKE asked Council at which July meeting this important matter would be considered and was advised by Council's Director of Strategy and Environment that "there are two ordinary meetings scheduled for July 2012, they are 17th and 24th respectively. Both start at 7.00pm. The agenda for each will be published in the usual fashion, and advance notice of the content of each agenda is not usually given." !!! As the 17th July is closer to mid July than late July, we are assuming it will be the 24th July Meeting - but stay alert.

Spread the word - it is most important that we:

- Review the Report prior to the meeting (available on www.kmc.nsw.gov.au from the Friday before the meeting).
- Email Councillors at councillors@kmc.nsw.gov.au with any concerns which you have with the Report.
- Attend the Council meeting at 818 Pacific Highway Gordon. If you wish to address Council, you will need to register by 6.50 pm for the 7.00 pm start.

**COMMUNITY GROUPS QUESTION COUNCIL'S CALCULATION OF
DWELLING YIELDS for the DRAFT KU-RING-GAI LOCAL ENVIRONMENT
PLAN (LOCAL CENTRES) 2012 – SEE BELOW**

FOKE was among Community Groups which commissioned Architect and Town Planner, Mr James Colman FPIA FAIA, to provide a "STATEMENT OF OPINION" on the key assumptions underpinning the draft Ku-ring-gai Local Environment Plan (Local Centres) 2012, and on Council's dwelling yield calculations. See www.foke.org.au for full document.

The “STATEMENT OF OPINION Review of exhibited draft Ku-ring-gai Local Centres LEP 2012 Dwelling yields and related matters June 2012” was submitted by the various Community Groups as a supporting document to their own submissions. The “STATEMENT OF OPINION” was also sent to Councillors.

We are delighted to have subsequently learnt that the Statement of Opinion’s author, Mr James Colman, was inducted as the first member of the Planning Institute of Australia’s Hall of Fame at its Congress in May 2012.

“STATEMENT OF OPINION” CONCLUSIONS – Mr JAMES COLMAN

The “Statement of Opinion”, responded to the Community Groups’ questions and noted that the answers of which “will have a bearing on the extent to which the new LEP can be relied upon as a robust and properly justified instrument for future planning.” Based on Ku-ring-gai Local Centres Plan materials provided to the Consultant, the following conclusions were made:

- a. “Calculation of potential dwelling yields for a large local government area over a lengthy future time horizon is never going to be a simple process, given the number of unknowns and the unavoidable need to adopt assumptions whose validity (by definition) cannot be proven until after the event. Notwithstanding these difficulties, in the particular case of Ku-ring-gai I find that the process has been diligently undertaken by Council staff and that their conclusions constitute a valuable input to the current debate relating to future dwelling numbers in Ku-ring-gai over the life of the new LEP.
- b. However, the Council Proposal is weakened by an apparent reluctance to consider alternatives relating to take-up rates, density options, and other matters. In my professional opinion, this should have been done if only to highlight the fact that there can be no absolutes in an exercise of this kind. The Ku-ring-gai community has a right to be presented with alternative scenarios, and to be involved in a properly orchestrated and managed consultation process leading to agreed outcomes. It is a matter of concern for me to note that on the matter of consultation, my advice was that the process was flawed and did not produce a conclusion acceptable to the parties.
- c. Despite the importance of the topic, it appears that there has never been a “key study” of housing as an input into the LEP process.
- d. In my opinion, community lands should be removed from consideration as to their potential for housing unless and until that potential has been identified by due process in compliance with the requirements of the Local Government Act 1993. Once converted from community use to a private commercial purpose (for example) such lands will never return to public ownership. They should not be regarded as ‘stand-by’ real estate. In the present case, a figure in the range 450-900 units (depending on density) could be achieved if all the Council sites under consideration for re-classification were to be developed for residential use.
- e. Development Control Plans provide important support to LEPs. Like their parent documents they must reflect community preferences and respond to the public interest. In my opinion their primary purpose is to ensure that development takes place in ways which reflect a commitment to sustainability principles, good design, and the public interest generally.

- f. With regard to average unit size and its importance as a factor in the calculation of future dwelling yield, my opinion is that over the life of the plan there will be many shifts in market preferences and demands in parallel with changes in household size and locational choice. It follows that there are risks in a categorical adoption of fixed assumptions about dwelling size. As already suggested, alternatives should have been explored. Additionally, the list of dwelling types presented in the proposal should have been expanded.
- g. With regard to take-up rates, my position is that the community should have been presented with authoritative research in support of the various rates arbitrarily adopted by the Council as the basis for its calculations of potential yield. In addition, Council should have considered one or more alternative scenarios, including the “100%” option. This scenario may be hypothetical at the present time but it cannot be ruled out and should have been considered. If it is applied to the baseline data in the Council’s Attachment C, it produces a future yield in the order of 5700 units in comparison to the Council’s figure of around 4000.
- h. Some church lands, service station sites, and certain other properties have clear potential for future conversion to residential use and this potential should have been taken into account in the calculation of future dwelling yields.”

“STATEMENT OF OPINION” – ADDITIONAL COMMENTS (page 4)

(The NSW Department of Planning engaged The Treadstone* Company Pty Ltd., see below, to conduct a review of the dwelling yield estimates prepared by Ku-ring-gai Council, October 2009).

“A related question (here) – not raised by Treadstone* or the Council – is more to do with the fundamental purpose of local environmental planning. Should LEPs be designed to serve and stimulate the development industry, OR to pursue community-based objectives which address such matters as affordability, equity, housing choice, and responsibility for the environment? And further: should LEPs simply reflect and follow past trends, OR should they lead by stimulating new development models and promoting new standards which may possibly be at odds with those trends? Treadstone appears to be supportive of the view that LEPs should be shaped (at least in part) by the demands and opinions of developers; and that is a highly questionable proposition in my opinion. “

- “On p20 Treadstone discusses 'barriers to dwelling yield increases' in the Development Control Plan. Their report cites other research which deals with barriers faced by developers as they seek to achieve ‘estimated dwelling yields’. Barriers which might reduce financial viability including boundary setbacks, solar access requirements, deep soil planting requirements, and underground parking. Treadstone goes on to suggest that “without appropriate standards for some of these controls, development has the potential to become more difficult “– i.e. the likelihood of achieving target dwelling yields and profits will be reduced.

Comment: In my opinion, DCP standards should be seen as safeguards against insensitive or poorly designed proposals, and as a means of achieving desired environmental outcomes. If they are seen as “barriers “to financial viability, that should not be a matter of concern to a council. In my view it is not the business of council to concern themselves with the question as whether or not a private development project is financially feasible or profitable. With regard to the so called 'barriers' my view is that there is no case for these barrier to be diluted or removed from DCPs in order to ensure that dwelling yields and profit margins can be achieved. What is a ‘barrier’ to a developer may well be a guarantee of environmental quality to a local Council or resident. Indeed if project profitability was the driver of DCPs, design standards would dissolve and the environment would suffer irrevocably.” (Emphasis added).

Based on the opinions contained in the “STATEMENT OF OPINION”, FOKE believes that assumptions underlying the draft Local Centres Local Environment Plan 2012 can be validly questioned and that the “STATEMENT OF OPINION” provides a much firmer basis for planning in Ku-ring-gai's local centres than the exhibited draft Plan.

FOKE’S SUBMISSION: DRAFT KU-RING-GAI LOCAL ENVIRONMENT PLAN (LOCAL CENTRES) 2012

EMPHASISED GENERALLY:

- That the previous Town Centres Plan on which the draft Local Centres Plan 2012 is based failed to have regard to the character of Ku-ring-gai, which is defined in Council’s “Character Statement” and its “Statement of Heritage Significance”, and that the draft Local Centres Plan must have regard for Ku-ring-gai’s character;
- That this is a requirement of the Hon Brad Hazzard, Minister for Planning, who stated that: Ku-ring-gai Council produce a Plan that complies with State Government policies and strategies and delivers growth and change ...but which “CHANGE MUST BE EFFECTED HAVING REGARD TO THE CHARACTER OF KU-RING-GAI” (Emphasis added. October 2011, recorded subsequently in Council Minutes).

EMPHASISED SPECIFICALLY:

- That the proposed 12 storey building for the Gordon Centre is unacceptable, giving numerous reasons.
- That building heights, generally, must be lowered.
- That greater heritage recognition is required.

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.

July 2012

Dear FOKE Members

Please see "STOP PRESS, URGENT & IMPORTANT" inclusion.

FOKE 2012 AGM and PUBLIC FORUM:

Also included in this mail-out is the PRESIDENT'S REPORT 14 June 2012 which dedicates considerable space to the critical issue of the making of a new plan for Ku-ring-gai.



Forum Guest Speaker,
Mr Jeff Angel AO.



FOKE Committee Members with
Jeff Angel at FOKE's Annual Forum.



Members of the Community enjoy
supper following the AGM & Forum

“Jeff Angel, the Executive Director of the Total Environment Centre, is no stranger to environment and heritage protection issues. For some three decades, Jeff has been campaigning for a more sustainable future. As the author of several books on environmental issues, Jeff is also regularly called upon by major media outlets such as the Sydney Morning Herald and the ABC to offer opinion on these issues.

Therefore, it was no surprise that many FOKE members and interested members of the general public made their presence felt at FOKE's AGM on a blustery evening on 14th June. FOKE's AGMs have garnered a reputation as being one of the most thought provoking and interesting community group gatherings on the North Shore and 2012's was no exception.

As someone who has experience in more than 100 campaigns – many of them ground breaking – Jeff had some sage advice and absorbing insights for the FOKE membership, Committee and Ku-ring-gai residents. He advised that campaigns such as ours should never become “institutionalised”, should retain vigour and relevance, and maintain its commitment to its grassroots. Jeff warned that issues such as those FOKE is grappling with are now mainstream issues but are also more complex and the opponents more formidable than in decades past. These factors, he said, would only become more pronounced as time goes on – nobody in the room would have disagreed but it was a sobering thought brought into sharp relief by this very experienced campaigner.

As urban development is what FOKE is most concerned with, Jeff focussed on this area for a significant section of his talk. He said that these issues are extremely complex to resolve given the multi stakeholder nature of it, the consultation that needs to take place, and also the political aspect of it. Politicians rarely think beyond the next election cycle, yet that is exactly what we need – politicians with a vision

beyond the next 3-4 years. Again, foes are cashed up and just as energetic, so groups such as FOKE and similar groups around the North Shore (and beyond) are vital to remind all stakeholders that community consultation is vital and needs due consideration.

Jeff rounded off his talk with some reflections on the ingredients of successful campaigns and how enthusiasm can be and should be maintained. Jeff also reminded the audience that when good intentions are on both sides, then favourable outcomes for all stakeholders can be found.

FOKE and all others who value quality urban development in our unique area will be there to ensure the community's end of the bargain is kept." (Forum Attendee. Name supplied).

MULTI-UNIT DEVELOPMENT IN MERRIWA STREET, GORDON.



Before: Gordon Merriwa St streetscape E to W from Hwy



Before: 18 St Merriwa St Gordon



Before: Gordon Merriwa St 4-14 Streetscape



Left : 16-24 Merriwa St Gordon during construction showing healthy tree.



Left: June 2012 Tree at 16-24 Merriwa Street Gordon is dead.

AN ARTICLE IN THE SYDNEY MORNING HERALD MAY 26 /27 2012 NOTED THAT

"Foreign ownership rules allow off shore investors to buy as many off-the-plan apartments as they like."

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- off- the- plan 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.

Sincerely FOKE Committee

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