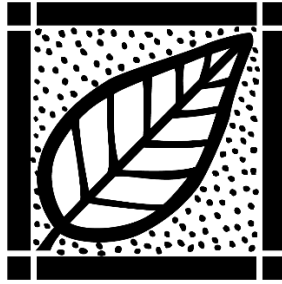


foke



F R I E N D S O F
K U - R I N G - G A I
E N V I R O N M E N T I N C .

FOKE NOTES FOR PRESENTATION TO SNPP, 15 December, 2023

Slide 1:

Thank you for the opportunity to speak today on behalf of FOKE.

We've been asked to focus our oral submission on how the Post-Exhibition Report has addressed our concerns. That is challenging to do in ten minutes as the post exhibition report does almost nothing to address our concerns. I will do my best to cover some key issues.

Slide 2:

While we welcome

- the inclusion of C2 zoning to protect ecologically significant vegetation, and
- the proposal to retain R2 zoning in the northern portion of the site,

we oppose

- the R3 zoning proposed for the southern portion of the site, and
- the very significant proposed increases in building height and floor space ratio. These changes are designed to enable the resident population to double and we consider that to be an inappropriate intensification of use on this high risk and difficult to evacuate site.

While we appreciate that there is pressure to provide additional housing capacity, this site is not the right place to do this. It is surrounded on three sides by steeply sloping bush and is accessed by a single, narrow, dead end road. Doubling the resident population will make evacuation more difficult and will put lives at risk – not just those of vulnerable elderly residents and townhouse residents but also those of neighbouring residents and – very importantly – emergency personnel.

We are strongly opposed to the proposal to site 59 townhouses in the flame zone on the southern and eastern perimeter of the site. These are projected to be home to more than 170 people. Analysis by Ku-ring-gai Council says that these parts of the site are the most at risk, yet the draft DCP proposes a minimum setback of just 3 metres between the bush and the rear of the townhouses. This is totally unacceptable and should not be allowed.

Every day there is growing evidence that climate change is already happening. We often see the RFS on the news talking about how climate change will drive more frequent and intense fires. Erratic winds and extreme weather are already causing havoc and sadly that is expected to worsen in coming decades.

Despite this, the RFS has accepted the advice of BlackAsh without question and has ignored the up to date modelling undertaken by KRG Council. This is totally unacceptable.

Slide 3

This proposal is to build a retirement village and medium density housing that will – or rather should - be in place for decades, so it is important to take a long term view. We are shocked to see that the post exhibition report does not mention climate change at all, much less give it careful consideration, even though climate change has been raised by Ku-ring-gai Council, FOKE and concerned residents. This is a major oversight.

It's ironic that, while there is currently a parliamentary inquiry under way into how the planning system deals with climate change impacts, this post exhibition report does not even mention climate change. We need planning decisions that build resilience in the face of climate change –ignoring it is not an option, or at least it should not be an option.

The Department of Planning's own document, "Planning for a more resilient NSW – A strategic guide to planning for natural hazards" talks about the importance of effectively incorporating natural hazard risks into land use planning decisions. [*no need to read the whole quote*]

Slide 4

In a similar vein, the Royal Commission into National Natural Disaster Arrangements recommended that State and Local governments "be required to consider present and future natural disaster risk when making land-use planning decisions for new developments". It noted: "Good land-use planning decisions can mitigate future risks. Decisions about new developments should be based on the best information available on current and future risks." (para 19.60)

We need to learn the lessons from these Royal Commissions, not make the same mistakes over and over. And the Department of Planning will no doubt want to heed its own advice to "incorporate natural hazard risk" when it decides whether to approve this proposal.

In the case of the Lourdes site, it is no exaggeration to say that lives will be put at risk if the decision on this proposal does not take into account the best possible information about natural hazards and future risks associated with bushfires and climate change. At the moment, the best possible information – set out in the Ku-ring-gai Council submission - is being ignored. That must change.

Slide 5

Unsurprisingly, the post exhibition report accepts the RFS advice that it has no objection to the proposal - but the RFS advice is based on out dated material which is superceded by the site specific and up to date modelling in the Ku-ring-gai Council submission.

If you look at Attachment K, page 5, you will see that the RFS advice to the Department of Planning is described as being – and I quote – “based on” the BlackAsh Addendum that was prepared in December 2022. The addendum is 345 pages long and the bulk of this – more than 300 pages – comprises two Ku-ring-gai Council reports from 2012 and 2015. BlackAsh describes these as “pertinent previous studies” which “provide critical context and evidence to support the analysis” (you can find this quote at Attachment K, p6). That description would be accurate if it was referring to Council’s 2022 analysis – not its analysis in 2012 and 2015.

Those Council reports are outdated and do not reflect recent fire behaviour, such as Tathra 2018 and the Black Summer Fires of 2019-20. Council is currently updating these studies.

Despite this, BlackAsh relies on these decade old studies to support its conclusion that the site can safely accommodate the proposed redevelopment.

BlackAsh’s Addendum – which was prepared after the Council submission was published on the portal - does not even mention the Council submission or its up to date and site-specific modelling. We made an application under the GIPA Act to see how the RFS had dealt with Council’s submission. We were shocked to receive no evidence at all that the RFS has considered Council’s submission. If it was considered at all, then nothing was written done or at least nothing was released to us.

It is totally unacceptable for BlackAsh, and the RFS in turn, to ignore the Council Submission. Doing so flies in the face of the Royal Commission and other recommendations to use the best available evidence regarding present and future risks.

We wrote to Commissioner Rogers to express our concern. Commissioner Rogers assured us that the SNPP “will be informed by all submissions and comments made throughout the gateway planning process in arriving at its determination”. We hope that that is the case and that you will carefully consider the Council submission. It is no exaggeration to say that lives depend on it.

Slide 6

The next slides seek to demonstrate that the Council submission comprehensively contradicts BlackAsh assertions regarding past fire impacts on the Lourdes site, and the degree of future risk.

The BlackAsh addendum includes errors. For example, the BlackAsh Addendum, as well as earlier BlackAsh documents, asserts that “the subject land and Retirement Village is in a locality that has not had widespread wildfire (nothing within 2km of the site)”.

This is simply not correct. As the Council submission notes, the site was impacted, and engulfed, by fire in the 1950’s” (p80). There are also articles in the Sydney Morning Herald dating back to the 1940s that clearly describe fires impacting this exact area.

Slide 7

This slide contrasts the findings of BlackAsh and Council with respect to fire risk. This is a centrally important issue. In the December 2022 Addendum on which the RFS based its advice to Planning, BlackAsh repeatedly says that the site is low risk. For example, the Addendum states at p16:

The plan will be based on the premise that given the relatively low bushfire risk to the site and the adequate protection incorporated into the proposed design of the development residents can safely shelter in place (on-site) during a bushfire emergency...

It goes on:

... shelter in place is the primary and optimal bushfire emergency response for low intensity bushfires. This is primarily because the site is only exposed to a relatively low bushfire risk

As you can see, the degree of fire risk is central in considering whether the proposed approach is adequate to protect lives, in accordance with PBP 2019.

In the left hand column of this slide, you can see the BlackAsh view that the site “is never likely to experience” widespread wildfire, as well as repeated statements that the site is low risk.

In the middle column, you can see the many evidence based findings in the Council submission that the site is high risk.

Despite this, the right hand column shows that – in the Response to Submissions - the Council findings are totally ignored. Instead, the Response to Submissions simply reiterates

– over and over – the views expressed by BlackAsh. Sadly, repeating over and over the same optimistic statement – that the site will never be impacted by significant fire – does not make that statement true.

The expert modelling commissioned by Ku-ring-gai Council takes into account the record-breaking fire behaviour observed during the Black Summer Fires. That modelling shows that the site is high risk.

This up to date and site specific analysis must not be ignored. It is critically important in deciding whether it is appropriate to double the resident population on this site and locate 59 townhouses in the flame zone.

It is simply not good enough for the RFS to base its advice on the BlackAsh material and in so doing ignore the Council submission. The SNPP must do better.

Slide 8

We residents and community groups are all dismayed to discover that the post exhibition report is not objective and accurate. This raises real concerns about professionalism and integrity.

The report glosses over complexities to a misleading disagree. For example, the report cites the 2018 SNPP decision that the proposal has strategic and site specific merit even though DPE knows, or ought to know, that the proposal has changed significantly and the basis of those decisions no longer applies.

In addition, the report fails to mention key Council conclusions and recommendations, including that **it would be negligent to approve the proposal**, that there **should be no development past First Ave**, and that **townhouses** on the southern portion **are not an appropriate building type**.

We are shocked to see the conclusion that “No issues raised by Council prevent the progression of the planning proposal to finalisation.” Our view is that the many issues raised by Council SHOULD prevent the proposal being finalised.

Very worryingly, the DPE report seeks to downplay Council’s concerns and portray BlackAsh and RFS views in a positive light.

It copies text from the Council submission but changes key words: for example “serious failings” in the Council submission becomes “inadequacies” in the post exhibition report.

On the other hand, it describes RFS as making “several submissions”. In fact, the RFS made 2 submissions and its advice in those submissions comprised just 6 dot points.

There has been a pattern throughout this process of glossing over difficult complexities and asserting that the proposal is compliant and acceptable. Please look at the Council submission yourselves and don't rely on clearly biased summaries and responses.

Slide 9

Another example of this is the assessment of compliance with Gateway Conditions. The report asserts that the gateway conditions have been met but we strongly dispute this.

The condition relating to RFS consideration of housing typology has clearly not been met, and this is a critical issue that creates risks to residents and firefighters.

The requirement to consult with Transport for NSW also has not been met. The Transport for NSW submission is based on a fundamental error about the nature of the proposed redevelopment. It concludes that there are no traffic issues because seniors don't drive in peak hour. This ignores the 59 townhouses and their 170 residents!

While this error was recently brought to the attention of the Agile Planning Team, it has chosen to ignore this inconvenient truth and simply accept the advice. This is not good enough.

Slide 10

To conclude:

We are not against all development on this site however we strongly oppose this proposal. It seeks to develop the Lourdes site in a way that is too intensive and will put lives at risk for the sake of developer profits.

We ask that you reject this proposal or at the very least require substantial changes.

Panel members will be held accountable if the proposal is approved and lives are lost, either at Lourdes or anywhere else where this proposal is relied on as a precedent.

Thank you for listening. I wish you well in your deliberations.