

FOKE Talk

Is this the TOD* of Ku-ring-gai?

TOD (Transport Oriented Development). *Tod, in German means 'DEATH'.



In German, the word 'tod' translates to 'death.' This resonates as we reflect on the past twenty years when the previous Labor Government's controversially rezoned Ku-ring-gai, some describing it as the 'rape of Ku-ring-gai.' Today, we ponder whether the proposed undemocratic rezoning for Transit-Oriented Development (TOD) and high density across vast areas of Ku-ring-gai could indeed mark the 'death of Ku-ring-gai.'

Ku-ring-gai Council is planning four alternative TOD scenarios for public exhibition, with the deadline set for December 17, 2024. Yet, skepticism looms. All proposed scenarios compromise the very essence of what makes Ku-ring-gai unique. The challenge remains: which option poses the least threat to our cherished heritage and environment? Despite intentions to safeguard Ku-ring-gai's 23 heritage conservation areas and its precious tree canopy, these aspirations are at odds with the NSW Government's demand

for 23,000 new dwellings over the next 15 years. With an estimated 2.5 residents per dwelling, we are looking at a staggering population increase of 50,000 in a mere five-kilometre stretch of 12,000 hectares.

The challenges are undeniable. More traffic congestion, overcrowded trains, schools & hospitals. Where will the new accessible open spaces and recreational facilities be?

The proposed State Environmental Planning Policies (SEPPs) raise serious doubts about their ability to create affordable housing for our children. Instead, local and overseas developers are likely to drive prices even higher, forcing residents to shoulder exorbitant strata fees, ultimately diminishing liveability and lifestyle standards.

Adding to the concern, the Minns Government's plans advocate for Low to Mid-Rise Housing within 800 meters of every railway station in Ku-ring-gai, coupled with dual occupancies beyond

these zones. In effect, nearly 90% of Ku-ring-gai will face government-imposed upzoning.

Fortunately, Ku-ring-gai Council's ongoing legal action remains a vital bargaining chip in the fight against these undemocratic high-density proposals.

However, all proposed alternative scenarios carry significant planning challenges. The suggested building heights threaten to disrupt the iconic tree canopy that stretches along the railway line from Roseville to Gordon. The picturesque green vistas that define Ku-ring-gai are at risk of being irrevocably altered. Over the past two decades, the area has already witnessed the addition of approximately 13,000 new dwellings along the rail and Pacific Highway corridor, underscoring the urgency of this issue.

As we stand at this critical juncture, the question remains: Will this be the 'tod' of Ku-ring-gai?

PRESIDENT'S MESSAGE

Dear Members

The 2024 Ku-ring-gai Council election was held on 14 September. By Christmas it will be the first 100 days of the new Council with new incumbents Councillors Indu Balachandran and Matt Devlin joining Council along with the re-elected Councillors Christine Kay, Martin Smith, Kim Wheatley, Cedric Spencer, Jeff Pettet, Sam Ngai and Alec Taylor.

Cr Christine Kay and Cr Kim Wheatley have been elected Mayor and Deputy Mayor respectively.

For the first time FOKE joined other local community groups and sent a set of questions to all candidates. All replied except for Cr Christine Kay, Cr Cedric Spencer and Cr Jeff Pettitt. All Councillors who sent replies supported the legal action except for Cr Indu Balachandran.

While council meetings are now held just once per month, it is also noticeable how little debate there is on important council issues. Most agenda matters are decided by a councillor declaring at the commencement of the meeting the matters on the agenda which are to be voted according to the officer's recommendation. We question as to how much in house caucusing or briefings are happening between councillors prior to the meeting, which is allowing a 'tick the box' unanimous vote on the agenda by councillors. The last council meeting lasted 17 minutes with no debate or questions to staff on any matter.

FOKE will be making a submission on the NSW Office of Local Government's "Councillor conduct and meeting practices - a new Framework" review, which is attempting to address the weaknesses in the current framework and in returning local democracy to councils.

With the Minns State Government

now halfway through its term and with the next election due in early 2027, there appears growing discontent across Metropolitan councils from its undemocratic SEPP rezoning. Recently Premier Minns announced that developers could bypass Council controls and request spot rezoning from a three person authority called the Housing Delivery Authority (HDA). One might describe it as a 'gang of three'.

There are real concerns about the brave new undemocratic world of planning by the NSW Government with the Local Government Association criticising its latest proposals to appoint the HDA.

FOKE remains disappointed that Ku-ring-gai Council pushed ahead with the public exhibition of the alternative TOD scenarios when the outcome of the legal action is still not decided. It is also the most challenging time when residents are winding down for their Christmas holidays and festivities.

FOKE understands the council's TOD legal case is strong. FOKE notes that Council won the legal action against the forced amalgamation with Hornsby council.

However, it appears some councillors are prepared to attempt to undermine or weaken the legal action, as evident by the voting pattern in the minutes of the confidential item listed for the Extraordinary Meeting agenda called by Mayor Christine Kay and Cr Sam Ngai.

There is also a Federal election looming and housing will be one of the key issues. Many Australians understand that migration levels are too high and exacerbating the housing crisis.

Council is required to review its Community Strategic Plan (CSP). The CSP is Council's key planning document and sets out Council's aspirations for at least the next ten years. From it flows Council's Delivery Program and Operational Plan which also need to be adopted. Given the cascading nature of the various documents, the timetable for the adoption of the CSP. FOKE committee members have been

attending community consultation sessions of the CSP. We strongly encourage members to be involved in the consultation which is ongoing and to have a look at the draft CSP once it's on exhibition, compare it with the CSPs of other councils, and provide feedback

I wish to thank Simon Lennon and Greg Taylor for their service as former Councillors and who both strongly advocated for the protection of Ku-ring-gai's heritage and canopy tree.

Kind regards

Kathy

PRESIDENT



Our very best wishes to you and your family for a Merry Christmas and a Happy New Year!

FRIENDS OF KU-RING-GAI ENVIRONMENT INC.

Established 1994

PO Box 584 Gordon NSW 2072 Tel: 9416-9007

Web: www.foke.org.au

Email: info@foke.org.au

President: Kathy Cowley

Vice-President: Janine Kitson

Treasurer: Tanya Wood

Minutes Sec: Katrina Pickles

Committee: Christiane Berlioz, Joy Bryan, Ursula Bonzol, Carolyn Darby, Janet Harwood

Denise Hendy, Dinah Warner

Facebook:

Friendsofkuringgai



Developer Led Planning

NSW Premier Minns has announced the establishment of a new 'Housing Delivery Authority' (HAD) to make it easier for developers to build major residential housing projects and fast track rezonings without council approval.

Minns has made it clear — developers rights' will be prioritized before community interests. The HAD is expected to come into effect in early 2025.

The NSW Local Government Association & Better Planning Network have condemned this undemocratic initiative.

The HAD will be led by Simon Draper, Secretary, Premier's Department; Kiersten Fishburn, Secretary, Department of Planning; and Tom Gellibrand, Infrastructure NSW CEO.

Developer lobby groups, the Property Council of Australia and the Urban Taskforce have been strong supporters of Draper, Fishburn & Gellibrand. The Property Council said they "looked forward to working" with Mr Simon Draper, "to confront the housing crisis" ([Media Release 23.8.24](#))

The Urban Taskforce praised Ms Kiersten Fishburn as "the right person for the job" and appreciated that "she has assisted with the unblocking of many significant development proposals" ([Media Release 7.9.21](#)).

Tom Forrest, CEO of the Urban Taskforce welcomed the HAD as a "high-calibre team" who would push "[big and bold reform](#)" commenting that Kiersten Fishburn had been central to the creation of the new HAD body.

When Peter Achterstraat was appointed as the NSW Productivity Commission the Urban Taskforce [said](#) it was "an excellent appointment" & "opens the way to drive economic reform" of the NSW planning system.

Paul Scully MP, Minister for Planning and Public Spaces was the keynote speaker at the Urban Taskforce Conference on TODs (10.10.24) along with Tom Gellibrand.



Photo: Hon Paul Scully, Minister for Planning & Public Spaces giving the keynote address at the 2024 Urban Taskforce 'TODs: The Future or Failure?' Conference that the Urban Taskforce hailed as a "[fantastic afternoon](#)".

**Minister for Planning & Public Spaces
2023 –2024**

[Disclosure Summary](#)

April 2023– Sept 2024

Paul Scully met with:

Urban Taskforce ([18.5.23](#)); Property Council of NSW ([22.5.24](#)); Urban Development Institute Australia ([6.6.23](#)); Property Council of Australia, Colliers, MMJ Real Estate ([9.6.23](#)); Meriton & Premier Minns ([26.6.23](#)); Mirvac ([13.7.23](#)); Stockland, Mirvac ([26.7.23](#)); Committee of Sydney (18.9.24); Lendlease, Mirvac ([27.9.23](#)); Sydney YIMBY ([6.12.23](#)); Meriton & Premier ([11.12.23](#)); Property Council ([20.2.24](#)); Property Council ([11.3.24](#)); Sydney Morning Herald ([21.3.24](#)); Lendlease ([27.3.24](#)); Mirvac ([27.3.24](#)); Stockland ([8.4.24](#)); Urban Taskforce ([23.4.24](#)); Urban Development Institute of Australia (UDIA) NSW ([8.7.24](#)); Mirvac, Stockland ([12.8.24](#)); Property Council ([21.8.24](#))



Peter Achterstraat, NSW Productivity & Equality Commissioner has made 32 recommendations to boost more housing in NSW as outlined in the [Review of housing supply challenges & policy options for NSW Final Report](#).

He recommended:

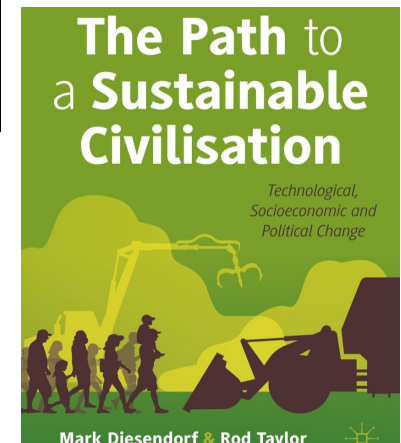
- Clearing barriers to more density in the northern suburbs
- legislating to clear development bottlenecks
- fast-tracking extra floors on already-approved apartment projects
- Implementing pro-housing regulations
- Extending the TODs

State Capture of the NSW Planning System?

Dr Mark Diesendorf and Rod Taylor have written 'The Path to a Sustainable Future' (2023) arguing that the principal driver of environmental decline is the influence of powerful vested interest groups influencing governments.

Governments – federal, state and local – opposition parties, the public service and other institutions have effectively been captured by vested interests or what is known as 'state capture'

These vested interests include the property and real estate industry. They are supported by neoliberal economics. State capture is undermining democratic decision-making around the world. Their methods involve revolving door jobs between decision-makers and vested interests, political dona-



tions and election expenditure, concentrated media ownership, so-called 'think tanks', and non-transparent meetings between politicians and vested interests.

Dr Diesendorf argues it is time to build a social movement to struggle for democratic reform by exposing, critiquing and weakening *all* these methods of state capture.

2024 CELEBRATES FOKE'S 30th ANNIVERSARY



In 1994 a group of Ku-ring-gai residents gathered concerned about the proliferation of 'McMansions' that undermined Ku-ring-gai's local character and environment. Kathy Cowley and Anne Carroll OAM were founding members. Here are some FOKE's achievements and memories . . . *always fighting for Ku-ring-gai.*

1. Awarded Bendigo Bank \$1000 grant to build Ku-ring-gai GeoRegion website, 2024
2. Awarded Ku-ring-gai Council grant of \$3,600 to establish a GeoRegion sign in Bicentennial Park, 2024
3. [Submission on the Low to Mid-Rise Housing SEPP Submission, 22 February 2024](#)
4. Supported [Save Greater Sydney Coalition's \(SGSC\) Stop Minns Wrecking Ball Rally, 12 March 2024](#)
5. [Submission to the Parliamentary Inquiry into the development of the Transport Oriented Development, 27 March 2024](#)
6. [Submission opposing the reclassification of Secret Park, Pymble to Operational Land, 14 April, 2024](#)
7. [Submission to the NSW Government on the Draft Guidelines for Synthetic Turf in Public Spaces, 15 April 2024](#)
8. [Evidence to Planning & Climate Change Inquiry, 10 May 2024](#)
7. [Evidence to Tod Inquiry, 20 May 2024](#)
9. [Objection to the issue of a lease for three groups of cabins in the Gardens of Stone State Conservation Area, 24 June 2024](#)
10. [Supplementary evidence re Bushfire SimTable Video affecting Roseville TOD, 23 July 2024](#)
11. Organised with Save Greater Sydney Coalition (SGSC) Forum 'Getting Housing Right: Why it Matters?' NSW Parliament Theatre, 7 August 2024
12. Submissions regarding the Lourdes Retirement Village redevelopment, 2023
13. Nominated the UTS Oval & Hall be named after Charles W. Bean and Major Blair Wark VC, 2021
14. Campaigned with council to stop forced amalgamation with Hornsby Shire, 2017
15. FOKE initiates the Annual Jean Posen Environment Award for Lindfield Public School students
16. Organised Australian Heritage Festival events, 2024, 2023, 2015, 2016
17. Supported the Better Planning Network's 'Hazard Tape' campaign that led to the withdrawal of the NSW Planning Bill (2013)
18. Held O'Farrell's 2011 NSW Government promise to account of handing back "planning powers to local communities"
19. Supported Friends of Turrumurra Inc v Minister for Planning (No. 2) NSW Land & Environment Court, where Justice Craig rejected NSW Planning Minister Frank Sartor's Planning Panel Town Centre, LEP, 28 July, 2011
20. FOKE initiates the Annual Jan Langley Sustainability Award for Lindfield East Public School students, 2011
22. Awarded National Trust Heritage Awards Highly Commended, 2016
23. Supported the 'Not So High Campaign—Death of Democracy Rally', with Ku-ring-gai Residents Alliance, 27 Sept 2009
24. Awarded National Trust Heritage Award Highly Commended, 2009
25. Awarded NSW Government Heritage Volunteers Award, 2008
26. Supported Residents Against Inappropriate Development (RAID) Rally, 19 Oct 2008
27. ABC TV *Stateline* Program, "The Rape of Ku-ring-gai", that interviewed NSW Planning Minister [Frank Sartor](#) about the NSW Government's reluctance to protect Ku-ring-gai's historic homes and endangered Blue Gum High Forest, 15 August 2008
28. National Trust nominates "Ku-ring-gai's Conservation Areas within the Context of the Blue Gum High Forest" for inclusion in the "Top Ten Heritage @ Risk Places in Australia", 2007
29. FOKE nominates Ku-ring-gai as an 'endangered place' when the Australian Council of National Trusts (ACNT) called for nominations in 2000. The ACNT listed the 28 Ku-ring-gai conservation areas that the National Trust of Australia (NSW) had studied, listed and classified in 1997
30. Supported 'Rally Ku-ring-gai—Fight the Height Rally', Nov 2002
31. Tom Uren AO speaks to FOKE's Annual Public Meeting saying "You have something special here in Ku-ring-gai. Fight for it!", 2002
32. Awarded Winner NSW Heritage Office "Heritage Watch Over our Place of National Significance—Ku-ring-gai", Keep Australia Beautiful Council (NSW) Metro Pride Awards, 2000
33. Opposed the NSW Government's Urban Consolidation 'one size fits all' planning policies, 1999
34. Highlighted Ku-ring-gai's conservation: Eccleston Du Faur (1832-1915), John Sulman (1849-1934), Annie Forsyth Wyatt (1885-1961), Charles Bean (1879-1968), Professor E.G. Waterhouse (1881-1977), Paddy Pallin (1900-1991), Alex Colley (1909-2014) & Charlie Veron (b1945)
35. Photographic Project, Stage 1 of Residential Development Strategy, homes & streetscapes impacted by high density development along the Pacific Hwy and rail corridor
36. Campaigned to stop the Ryde-Chatswood railway line going through Lane Cove National Park
37. Supported the acquisition of forest to enlarge the critically endangered St Ives Blue Gum High Forest.
38. Campaigned to protect the heritage of Gordon Railway Station and its heritage gardens
39. Submissions supporting the gazettal of Ku-ring-gai Heritage Conservation Areas
40. Submissions against reclassification and sale of public land
41. Submissions against developer donations
42. Submissions advocating for stronger NSW environmental, planning & heritage legislation including 10/50 Clearing Code, NSW Heritage Act (1977), NSW Biodiversity Conservation Act (2016), NSW Local Land Services Amendment Act (2016), Federal Environment Protection and Biodiversity Conservation Act (1999)
43. Submissions to support statewide NSW conservation campaigns including Lithgow's Gardens of Stone, Blue Mountains World Heritage Area, saving koalas, calling for an end of native logging of NSW forests
44. Worked with NSW Premiers, Ministers, MPs, Mayors, Ku-ring-gai Councillors & Directors, architects, planners & environmentalists
45. Worked with community groups including the The Archbold Estate, Friends of Lindfield, Ku-ring-gai Preservation Trust, Save Our Suburbs, St Ives Progress Association, North Turrumurra Resident Action Group, Friends of Turrumurra, Blue Gum High Forest Group, STEP, The Eryldene, Tulkiyan Heritage House, Ku-ring-gai Historical Society, FairGo, National Trust of Australia (NSW), Better Planning Network, Nature Conservation Council of NSW (NCC), the Environmental Defenders Office (EDO)

Join FOKE Now!