

**Submission
No 172**

**INQUIRY INTO ELECTORAL AND POLITICAL PARTY
FUNDING**

Name: Ms Janet Harwood

Date received: 29/02/08

Date 29th February, 2008

Submission by Janet Harwood – to fundinginquiry@parliament.nsw.gov.au

27/06/2007

Electoral and Political Party Funding

Note: This submission criticizes two political parties impacting land use planning in the ecologically significant LGA of Ku-ring-gai. It is extremely unfortunate that the funding inquiry panel does not have functional ecological representation (an ecologist or biological scientist) to cover the urgent perspective of: Biodiversity Depletion and Climate Change impacts of development donations. *Since the scope of the Inquiry may exclude the ecological consideration – this submission is sent to the Federal Environment Departments - excluding Points 12,13&14.*

The problem with political donations is that corruption may never be proved - but the capacity for Funding/Donation to influence the particular direction of decision making and also to shape a decision outside a context within which a decision ought to be made - is enough to create the effect of "corruption" of the way the system ought to work. The implication of this "corruption" on plant and animal survival, and eventually human survival, is more complex and immense than is comprehensible at first glance.

Protection of environment and heritage in the face of donation "assisted" development and private funding "directed" Land use planning – is dismal. What the General Public knows and what the Concerned Public can therefore do to protect environment and natural and built heritage - in the face of pressure to influence Land Use planning - is PITIABLE. It affects critical local and national biological infrastructure.

In the environmentally biodiverse, heritage rich LGA of Ku-ring-gai, it is possible but not provable to show *not one, but two political parties are busy collecting donations / funding from developers*, who are drawn like magnets to a LGA replete with speechless & defenceless species of flora and fauna. Developers are bees to a honeypot in Ku-ring-gai. Why? The inconvenient protection of natural and built heritage has been successfully stalled – regulatory restrictions of BioBanking have not come into force and, indeed, very conveniently, not one UCA has been gazetted.

Please find below an example to show the connection between: The corruption of process from possible and probable unproved Private Funding & The Planned Sale of Public Land before Reclassification & and The complete disregard for loss of Biodiversity in an "area of significance" - in a time of irreversible Biodiversity Depletion and Climate Change.

1. Months before Ku-ring-gai Council held its Public Hearings into Reclassification of Public Land in November 2006, observing the desperate loss of environment and heritage already occurring across Ku-ring-gai, the community sought to protect Public Land in Turrumurra from being sold off for an Acquatic Leisure Center [then] proposed to be built in the heart of Turrumurra "village" - through a Petition (August 2006) to be signed by "notable" individuals. (Please note the Acquatic Leisure Centre is dead but the threat of massive development on potential Green Open Space, vital for corridor ecology and public amenity 25 years from now, has not yet gone).
2. It is well known that the modus operandi for developers is to push Government to rezone as silently as possible, then swiftly build massive retail /shopping malls and supporting residential dwelling – this was done in Waitara, Hornsby and Chatswood and has been happening in Ku-ring-gai for some years. The destructive psychological process of rezoning and its impact on home owners – turning ordinary residents into

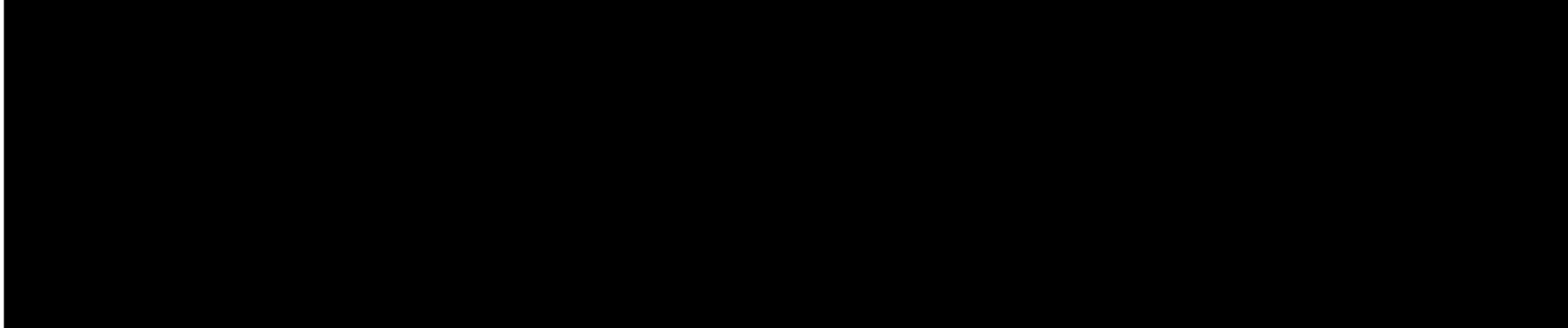
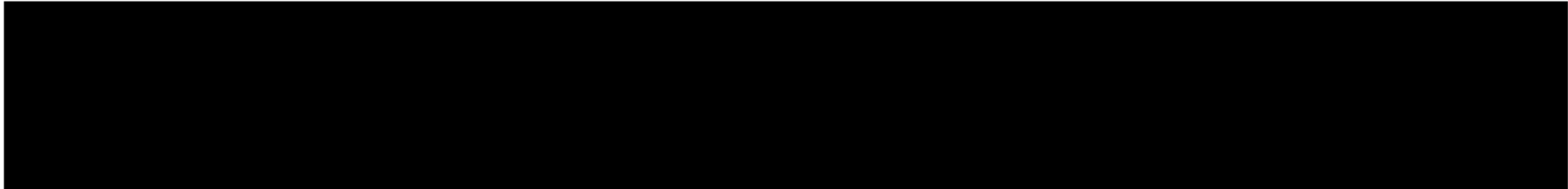
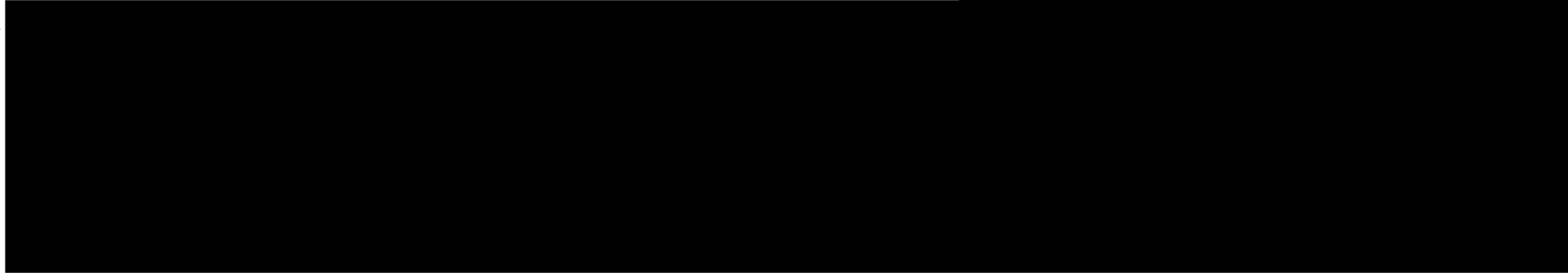
small developers as they rush to sell their homes to developers or develop their land themselves - is now well known and visible in this LGA.

3. Decisions were being made, with regard to Ku-ring-gai, which residents knew nothing of¹, and which in effect were changing the face of the LGA with great speed and without regard to protection of significant Urban Conservation Areas, which if gazetted, may have saved some natural and built heritage of the State and Local Area.
4. Ku-ring-gai had already suffered the effect of SEPP55 and LEP 194 rezoning PLUS six Minister's sites had been seized and construction begun on these (2003– 2005); yet more massive dwelling numbers were being discussed in Council which took the initially possible 8500 dwellings to 10,000 new dwellings for *the Metro Strategy* target for 2031 (**on top of 2003 – 2005 re-zonings mentioned above**); - yet the Minister took another site (**UTS = 500 dwellings**) under his wing; Local Councillors bent over backwards to give even more dwellings (see "show cause" letter from Mayor November 2007) and yet the Minister took another site (**the SAN = 1500 dwellings**) under his wing².
5. Notwithstanding the above numbers given to the Local Government Area, (the Mayor correctly remarked there were 27 cranes active in Ku-ring-gai at the one time), and the still-required community action to petition against the strange phenomenon of an "on again / off again Reclassification" - **fuelled by whatever the reason was behind the need to Reclassify at all, Public Land which initially equaled a total area of 9 football fields** – the Planning Minister appointed a Planning Panel (Dec 2007) for Ku-ring-gai, under highly suspicious, completely disingenuous and spurious grounds³.
6. With deceptive simplicity, the "show cause letter" from Minister Sartor asked the Mayor to justify why a Planning Panel should not be installed and cleverly labeled Ku-ring-gai as "*an area of significance*".
7. With singular arrogance, this classification was not explained, nor was the brief to the Planning Panel given to the Public. The grounds for appointment of a Planning Panel to an area of ecological sensitivity and an area with extensive value to current and potential corridor ecology **was not extrapolated or discussed within any context - let alone any hint of the need for extraordinary ecological grounds for protection in the domain of Biodiversity Depletion and Climate Change.**
8. It is worth noting - a Northern Sub Regional Strategy had not even been published at the time of the Planning Forum in August 2007 and "submissions" for this strategy, not widely advertised as being open for submission, closed 8th February 2008 – well after the environmental and heritage devastation of the LGA through the destructive process of rezoning, rapid demolition and inappropriate construction had already begun.

¹ See Public Hearing Submission by Councillor Laura Bennet.

² See "*August (2006) Friends of Ku-ring-gai Environment (FOKE) Newsletter Insert*" - Local Community efforts to protect environment and heritage produced the following Newsletter which proved remarkable correct in its estimates and statements – yet community efforts appear to be weak in the face of development being foisted on an LGA which should be protected as "corridor ecology" for a large urban area like Sydney. Further its UCAs remain un-gazetted to protect heritage - Why?

³ This point shows the multiple pressures from rezoning, potential reclassification and approved development applications - on an environmentally sensitive Local Government Area, which no one in Planning had even distantly considered for Special LEP Protection. Seen primarily as Land for Development and not for Ecological Protection - the grounds for appointment of a Planning Panel to Ku-ring-gai now need to be re- designed and the LGA immediately considered for its value to BioBanking and Heritage protection - for Intergenerational Equity and value to Biodiversity Conservation and Climate Change mitigation.

9. While the Planning Minister may now state the general “nuisance” factor of developer donations – it is worth repeating that the Minister’s brief to the Planning Panel appointed to Ku-ring-gai as “an areas of significance” was never spelled out. Was it therefore a brief to protect the ecology of the LGA at a time of globally accepted Biodiversity Depletion and Climate Change - or was it a brief to continue the demolition of environment and heritage of “an area of significance” to DEVELOPMENT
10. I challenge the Funding Enquiry to physically view the extent of development in the LGA and decide what “might be fuelling” the development now occurring on ecologically sensitive soils - in a period of Biodiversity Depletion and Climate Change.
11. To a Government conscious of the crisis for Biodiversity Conservation, “an area of significance” would signify recognition within the domains of ecological protection and environmental regeneration and “an area of significance” would entail the associated ecological and social implications of natural and built heritage conservation – to conserve the cultural memory of a young and changing country. **None of this was even vaguely specified – thus conveniently accommodating the economic viabilities of developers⁴.**
12. 
13. 
14. 
15. **Over-development is happening in almost all the suburbs in Ku-ring-gai. Many feel the sum total of development and the domino effect of re-zoning are the “impossible to prove” result of developer donation to both parties and an over consideration of “viability” for developers⁵ - rather than the ecological viability of Biodiversity Conservation and the viability of Climate Change mitigation.**

⁴ See “August (2006) Friends of Ku-ring-gai Environment (FOKE) Newsletter Insert” - Local Community efforts to protect environment and heritage produced the following Newsletter which proved remarkable correct in its estimates and statements – yet community efforts appear to be weak in the face of development bring foisted on an LGA which should be protected as “corridor ecology” for a large urban area like Sydney. Why the weakness of community effect and strength of development?

⁵ See attached “Overdevelopment and ‘viability’ FOKE Newsletter August 2006” & August (2005) FOKE Newsletter.

What does this show?

Though it can not be proven, it is almost certain that a “thank you” commitment has been given re the sale/acquisition of Public Land in the heart of Turrumurra’s proposed massive over-development. This development is still driving the possible sale of Public Land in Turrumurra and, in concert with other massive development already approved and still to be approved, will change Turrumurra from a “village” to a massive commercial hub, equivalent to Hornsby or Chatswood.

1). If there is any doubt regarding these intentions –

just look at the currently occurring disproportionate development and character assassination of Turrumurra Station. The modern upgrade of this old historic station for the projected massive population increase to support proposed massive over-development – (community models are available to show that 80% of Turrumurra’s current town-center is planned to go to development) and clearly shows that the Public Land precincts surrounding Turrumurra Station were determined and destined to be reclassified and sold – no matter what.....**WHY?**

2). If there is still doubt –

then look at the massive 5, 6 & 7 storey apartments being put within a kilometer radius of Turrumurra Station. They have been placed on environmentally sensitive soils which could have been reserved for Biodiversity Conservation for the recovery and regeneration of critically endangered Blue Gum communities. **Political pressure has pre-empted** the inconvenient threat of imminent BioBanking regulations by swift rezoning, rapid un-sustainable demolition and massive, out-of-character development of apartment blocks, which have totally destroyed the corridor ecology and natural and built heritage of an “area of significance”.....WHY?

3). The issue of developer “viability” is a smoke screen for the speed of development occurring behind it. Buildings built on ecologically sensitive soils and precious regenerative capacity for Blue Gums and other critically endangered ecological communities – cannot be knocked down once they are built and besides – who is listening anyway? Viability becomes an academic exercise once apartments are sold and residents move in – but biological loss remains a serious unaddressed consequence of decision making “assistance” in return for “favours” done to both political parties.

The immense loss to critical vegetation regenerative capacity, habitat protection for struggling species and inappropriate use of soils of extreme value to Biodiversity Conservation in a period of Climate Change impact⁶ – this has not touched the consciousness of Panels, Investigators, developers, planners, busy residents and many exhausted community “fighters” for the protection of Environment and Heritage. That this negative aspect of Private Funding has obviously not been considered – is clear from the composition of the Inquiry Panel – not one ecologist or biological scientist is visible.

Many other points may be made but one remains – the perception of broad misconduct is perhaps best supported as being plausible, by the fact that...it is clear *the Metro Strategy* target for 2031 did not envisage the development effects that are now occurring and coming with increasing speed and strength to “an area of [ecological] significance”.

Submitted by: Janet Harwood.

⁶ See “On Borrowed Time: Australia’s environmental crisis and what we must do about it” (2007) Prof David Lindenmayer and Sydney Morning Herald article Saturday 23rd Feb 2008 “Building a second Ark” Pg 15.

KU-RING-GAI PLANNING STRATEGIES

WHAT ARE THE STATE GOVERNMENT'S METROPOLITAN STRATEGY REQUIREMENTS?

IS KU-RING-GAI COUNCIL EXCEEDING THOSE REQUIREMENTS?

WHAT DOES A DEVELOPER CONSIDER "VIABLE"?



FRIENDS OF
KU-RING-GAI
ENVIRONMENT INC.

BACKGROUND

The State Government's Metropolitan Strategy estimates that Sydney's population will grow by 1.1 million people by 2031. To accommodate this growth, Sydney must provide 640,000 new dwellings and 500,000 new jobs.

The Greater Sydney Region is divided into Sub-regions with Ku-ring-gai and Hornsby being the Northern Sub-region. The targets for this Northern Sub-region are 20,000 new dwellings and 8,000 new jobs. Currently, the Dwelling and the Population distribution in the Northern Sub-region is Hornsby 60% and Ku-ring-gai 40%. (Australian Bureau of Statistics "Census of Population and Housing" and "Estimated Resident Population" statistics over the past 10 years.)

Dwelling Increases:

Assuming the distribution of new dwellings will be similar to the existing distribution the State Government's Metropolitan Strategy will require Ku-ring-gai to provide at least 8 thousand new dwellings. (40% of the 20,000 = 8,000 new dwellings.) Even if Ku-ring-gai's percentage were 50% (which some are arguing for) the Strategy would require Ku-ring-gai to provide at least 10,000 new dwellings.

Under the Metropolitan Strategy, each Council must prepare a Residential Development Strategy (RDS) to plan for future population growth. This is done essentially through Local Environment Plans (LEPs) that rezone land. In Ku-ring-gai's case, this involves rezoning existing housing areas to permit increased dwelling density (eg: villa housing, dual-occupancy housing and multi-unit apartment blocks.)

STAGES OF KU-RING-GAI PLANNING

STAGE 1 The Pacific Highway / Railway corridor and St. Ives area. This was mainly done in LEP194 and was gazetted in early 2004. When gazetting Stage 1 of the RDS, the State Government made significant changes to Council's proposals. The State Government increased the number of new dwellings planned and removed Council's buffer of stepped building heights between new apartment blocks and existing single storey homes. The State Government then issued a directive to Council to commence Stage 2.

STAGE 2 The "renewal"/redevelopment of the 6 centres of St. Ives, Turramurra, Pymble, Gordon, Lindfield & Roseville. The State Government has directed Council to plan multi-unit housing "consistent with the development standards contained in LEP194" and to "provide retail and commercial activities to cater for the local community" with "housing density standards that compliment (sic) those contained in LEP194".

STAGE 3 – A Possibility. There may also be a Stage 3 involving 16 additional local neighbourhood-shopping areas. Wahroonga, Wahroonga South, Warrawee, North Turramurra, South Turramurra, Princes Street (Turramurra), Eastern Road (Turramurra), Hampden Avenue (Wahroonga), West Pymble, St Ives North, St Ives Chase, West Gordon, East Killara, West Lindfield, East Lindfield, and Roseville Chase. This has been discussed in Council's Planning Meetings, but no decision has yet been made.

KU-RING-GAI RESIDENTIAL PLANNING

KU-RING-GAI COUNCIL'S RESIDENTIAL DEVELOPMENT STRATEGY PROVIDES:

FROM STAGE 1 - POTENTIAL YIELD NEW DWELLINGS = 10,302
 (Source: Letter from Mayor to Minister for Planning 12 October 2005 p15)

FROM STAGE 2 - POTENTIAL YIELD NEW DWELLINGS = 4,658
 (Source: Ordinary Meeting of Council May 2006 GB 9 p 22)

COUNCIL'S TOTAL NUMBER OF NEW DWELLINGS (Stage 1+2) = 14,960
 (This total does not include the potential new dwellings yielded from Stage 3)

CONCLUSION

As stated in "BACKGROUND" above, Ku-ring-gai is required by the State Government's Metropolitan Strategy to provide approx 8,000 new dwellings (or 10,000 if Ku-ring-gai's percentage is 50% and not 40%). From the above figures it is evident that Council is providing almost 7,000 new dwellings in excess of the State Government's requirement (14,960 – 8000= 6,960) or is APPROACHING DOUBLE the State Government's requirement. Even if Ku-ring-gai's percentage was 50% and the requirement were 10,000 new dwellings, the Council is providing almost 5,000 more than that number, or 50% more than required. Why is Council doing this?

KU-RING-GAI RETAIL CENTRES PLANNING

WHY IS KU-RING-GAI COUNCIL PLANNING AN AVERAGE 80% MORE RETAIL SPACE IN OUR CENTRES WHEN THE STATE GOVERNMENT'S METROPOLITAN STRATEGY PLANS LESS THAN 20% POPULATION INCREASE? IS THERE A SEPARATE "AGENDA" WITHIN COUNCIL? IF SO, WHAT AND WHY, AND WHO IS DRIVING IT?

BACKGROUND

The Government's Metropolitan Strategy requires Council to "provide retail and commercial activities to cater for the *local* community" (emphasis added)

Table 1: The table below shows the State Government's Metropolitan Strategy definition of the categories of retail centres and what is required in each centre.

Metropolitan Strategy - Centre Definitions and Requirements			
Description	Town Centre	(Medium) Village	Neighbourhood Centre
Functions	Major retail and civic functions including 2-3 supermarkets, discount department stores, 50+ shops, library, community facilities, bank, medical centres, small civic square.	Varying sized retail, health and other services 11- 50 shops, 1 supermarket.	Local centre within walking distance of neighbourhood residents with shops combined with low density residential and servicing daily needs of residents.
Type of Development	Mid-high rise residential.	Town houses and generally up to 4 storey flats and shop top dwellings.	Up to 2.5 storeys in centre. Some townhouses home offices, villas and detached houses around.
Number of Jobs	1000 - 8,000 employees	50 - 1000 employees	Up to 50 employees
Current Examples	Crows Nest, Bondi, Auburn, Cabramatta	Eastwood, Castlecrag, St. Ives, Bronte, Granville, Lane Cove	Any corner shops eg. On the hill at North Bondi, Concord North
Transport	Focus for sub-regional roads and public transport	Frequent bus services or train.	Walking, local bus service. 5 min walk to local parks
Catchment Population	Approx 10,000 people.	Serving approx 2,000-4,000 people nearby.	N / A

Source: Department of Planning presentation to the Property Council, 14 February 2006.

Table 2: The table below shows the classification of the six Ku-ring-gai centres that make up Stage 2 of the Residential Development Strategy. The largest is "Town Centre" the smallest is "Small Village."

Ku-ring-gai Centre Classification	
Centre	Classification
St. Ives	Town Centre
Turramurra	Large Village
Pymble	Small Village
Gordon	Town Centre
Lindfield	Medium Village
Roseville	Small Village

Source: Ku-ring-gai Council, July 2006.

Table 3: The table below shows the current and planned Net Leasable Area (NLA) in each Stage 2 centre

Retail Net Leasable Area (m ²)			
Town Centre	Current*	Planned	% Increase
St Ives ¹	21800	38000	75
Turramurra ²	16150	26500	64
Pymble ³	5800	9000	55
Gordon ⁴	17025	46000	170
Lindfield ⁵	14760	20000	36
Roseville ⁶	7850	9000	15
TOTAL	83385	148500	78

Source:

Current: Ku-ring-gai Council Retail Study by HillPDA July 2005.

Planned: 1 OMC 14 March 2006, G.B.12

2 EMC 27 March 2006, G.B. 1

3 OMC 20 April 1006, G.B.10

4 OMC 20 April 1006, G.B.11

5 OMC 23 May 2006, G.B 9

6 OMC 23 May 2006, G.B 10

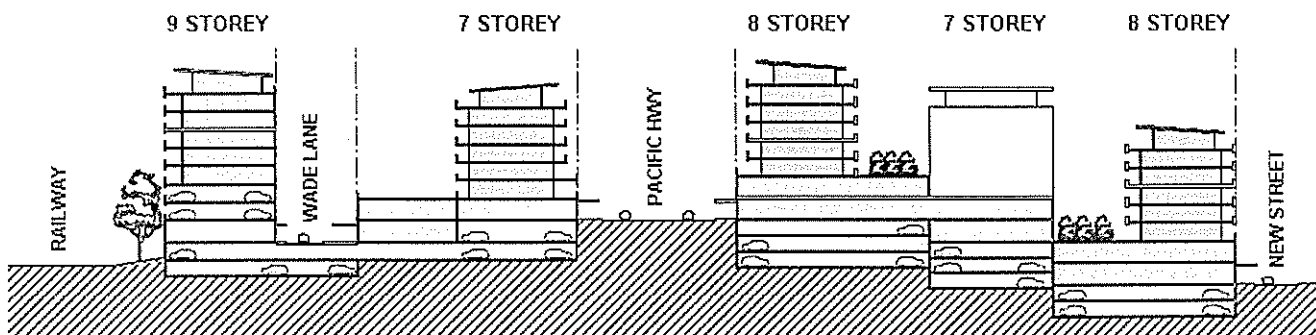
Note: OMC = Ordinary Meeting of Council
EMC = Extraordinary Meeting of Council

CONCLUSION AND QUESTIONS

The required population increase under the Metropolitan Strategy is 15 to 20%, yet Council has planned average retail NLA (not incl. Commercial NLA) increases in the 6 centres of almost 80%. This retail increase is planned in centres that already struggle for business. Is it required? Does it make sense? Please see "OVERDEVELOPMENT AND VIABILITY" overleaf on page 4 of this Insert.

Where is the published data that requires Council to increase existing retail space by almost DOUBLE (80%) when the required population increase is below 20%?

Why should community/public lands (car parks, community facilities, open space and parkland) be incorporated into private developments? Do we want our public assets sold?



GORDON – PROPOSED "TOWN CENTRE" - SECTIONAL VIEW 25.7.06

Insert with Newsletter August 2006

Friends of Ku-ring-gai Environment Inc (FOKE) P. O. Box 403 Killara 2071

FOKE, WINNER, KEEP AUSTRALIA BEAUTIFUL COUNCIL (NSW) 2000 METRO PRIDE AWARDS, NSW HERITAGE OFFICE CULTURAL HERITAGE CONSERVATION AWARD "HERITAGE WATCH OVER OUR PLACE OF NATIONAL SIGNIFICANCE –KU-RING-GAI"

OVER-DEVELOPMENT AND “VIABILITY”

Council has been claiming that the “need” to “develop” Ku-ring-gai’s village and town centres beyond the State Government’s metropolitan strategy requirements arises from the need to demonstrate commercial “viability”. In other words, to an extent that will give developers an opportunity to earn, one would assume, a suitable level of profit for the risks any development involves.

One might well ask, why should Government require councils, or anyone else, to guarantee a level of profit to any business? The *market* decides prices and profit levels in every other area of commercial activity. In fact, from the level of building activity going on in Ku-ring-gai right now, it’s clear that the profit levels under LEP194 are *already* very attractive!

But what sort of profit levels do the large developers consider “viable”. Well, we can’t speak for all of them, but back in 2000 Mirvac, which is a significant developer in Ku-ring-gai, prepared a viability study for the then Minister’s Advisory Committee. An executive of Mirvac was a member of that Committee.

They took five actual Ku-ring-gai sites and applied the development rules that Council was *then* proposing and assessed their development potential, projecting all the development costs and revenue, month by month until completion. They then calculated the “return on cost” available, as follows:

Building type, address	Mirvac's Return on Cost	Mirvac's conclusion
Type 2A rezoning - Small two storey developments 3-5 Newhaven Pl, St Ives	17.1%	NOT VIABLE!
Type 2A rezoning - Small two storey developments 15-15a Memorial Ave, St Ives	17.1%	NOT VIABLE!
Type 3A rezoning - Three storey apartments 28-30 Marion St, Killara	17.0%	VIABLE
Type 3A rezoning - Three storey apartments 1-5 Bannockburn Rd, Pymble	17.0%	NOT VIABLE!
Type 5 rezoning - Larger three storey apartments 1211-1213 Pacific Hwy, Turramurra	17.0%	JUST VIABLE!

Source: *Ku-ring-gai Residential Strategy: Report on Financial Viability of Draft Planning Controls*, Mirvac Limited, November 2000.

One couldn’t really argue with those conclusions based on those returns – or could you? If they were right, why then was so much development already proceeding, under planning controls *less* generous than those Mirvac was assessing? So we looked more closely at Mirvac’s figures and prepared a rigorous “discounted cash flow analysis”.

We found that the returns claimed were misleading. The developments were all planned to be funded using 80% bank finance, borrowed at just 8%. *Using Mirvac’s own data*, sourced as before, we calculated the levels of “internal rate of return” *on the 20% of funds Mirvac itself would have invested* in each of the above developments. Result, very different:

Address	Mirvac's Return on Cost	Return on Developer's Funds Employed
3-5 Newhaven Pl, St Ives	17.1%	127% p.a.
15-15a Memorial Ave, St Ives	17.1%	122% p.a.
28-30 Marion St, Killara	17.0%	85% p.a.
1-5 Bannockburn Rd, Pymble	17.0%	94% p.a.
1211-1213 Pacific Hwy, Turramurra	17.0%	95% p.a.

We think the returns shown in the last column indicate why the amount of development in Ku-ring-gai in 2000 was already significant. Notwithstanding that, it appears that the Minister’s Advisory Committee accepted the figures in Mirvac’s report at face value, rejected Council’s strategy and eventually imposed LEP194. It may be assumed with confidence that the real returns available under LEP194 are very much higher than the figures above.

To consider allowing development beyond LEP194 levels – beyond the Metropolitan Strategy – in the name of “viability” is therefore ridiculous. The argument simply does not stand up to proper examination.

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To consider allowing development beyond LEP194 levels – beyond the Metropolitan Strategy – in the name of “viability” is therefore ridiculous. The argument simply does not stand up to proper examination.

IT IS TIME FOR QUESTIONS TO BE ANSWERED.
People are concerned about the influence of developers in shaping the State Government's residential development strategy for Ku-ring-gai.



Left: Mirvac's site at 1500-1502 Pacific Highway, 2-2A Marshall Avenue Warrawee was forcibly rezoned by the NSW Government. State Planning, not Ku-ring-gai Council, was the consent authority for the 6-storey development.

Right: The development towers above the neighbouring single storey dwellings. Historic "Wivenhoe" was demolished to make way for the development. (Photos A. Warner July 2005).

Background information.

➤ Mirvac was represented on the State Government's six member Ministerial Residential Advisory Committee (MRAC) to review Draft Ku-ring-gai's Residential Development Strategy (KRDS).

➤ Whilst represented on the MRAC, Mirvac submitted a report on the financial viability of the KRDS to the Department of Urban Affairs and Planning. Mirvac's report found the KRDS to be financially unviable i.e. Ku-ring-gai's proposed 3-4 storey development.

➤ After an eleven month delay, the State Government made a decision on the KRDS just prior to the last State Government elections. It seized planning control over 6 sites in Ku-ring-gai to enable their rezoning for 5-7 storey high-rise development. These 6 sites were:

9-25 Tryon Road LINDFIELD

1500-1502 Pacific Highway, 2-2A Marshall Avenue WARRAWEE

23 - 55A Lindfield Avenue, 2 Kochia Lane LINDFIELD

4-14 Merriwa Street, 3-11 McIntyre Street GORDON (Stockland)

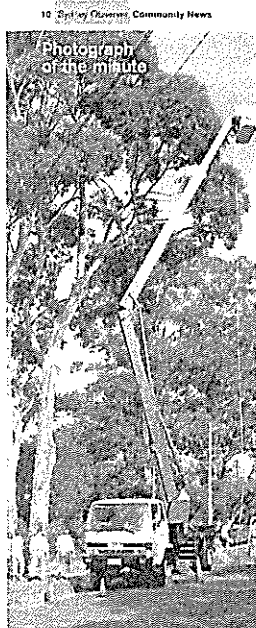
2-12 Avon road, 1 1A, 3, 5, 5A Pymble Avenue PYMBLE

1, 1A, 5 & 7 Avon Road, 1 Arilla Avenue, 12 Mayfield Avenue, 2-8 Beechworth Road PYMBLE.

> Since the State Government's assumption of specific zoning powers over the 6 sites, Mirvac has emerged as the developer of TWO of those sites namely the Marshall Ave site at Warrawee (shown above) and 9-25 Tryon Road Lindfield (74 luxury apartments), and of two other sites namely 10-16 Marian Street Killara, (see over page) and possibly Burns Road, Wahroonga.

> The Mirvac sites lie in, or near, Ku-ring-gai's National Trust Urban Conservation Areas. The State Government has frustrated Ku-ring-gai Council's attempts to declare them as State Urban Conservation Areas arguing that to do so would be inappropriate to the State Government's Urban Consolidation policy.

From Sydney Observer May 2005



Both sites are to be developed by Mirvac. Both sites lie in National Trust UCAs.

Left: Page 10 of Sydney Observer May 2005. "Residents of Marian St Killara hired a cherry picker in order to show Ku-ring-gai Council's site inspection team just how high 21 metres is."

Right: Front cover of Sydney Observer May 2005 shows demolition in progress at 9-25 Tryon Rd Lindfield, one of the "seized" sites. Former Premier Mr Carr is quoted as saying that the seizure of the 6 sites in Ku-ring-gai was an intervention to address "housing affordability." Now, on-site notices advertise "luxury 2 + 3 bedroom apartments." (Our emphasis).

QUESTIONS AND DISCUSSION POINTS.

1. Why did the Carr Government allow Mirvac to have such a crucial role on the key committee advising the Minister on Ku-ring-gai local government zoning policies (under SEPP 53 in particular) while having 9 current development proposals before Ku-ring-gai Council?

2. Why did the Carr Government, as the consent authority, permit the inappropriate Mirvac development at Marshall Avenue, which appears to breach a number of the SEPP 65 design principles?

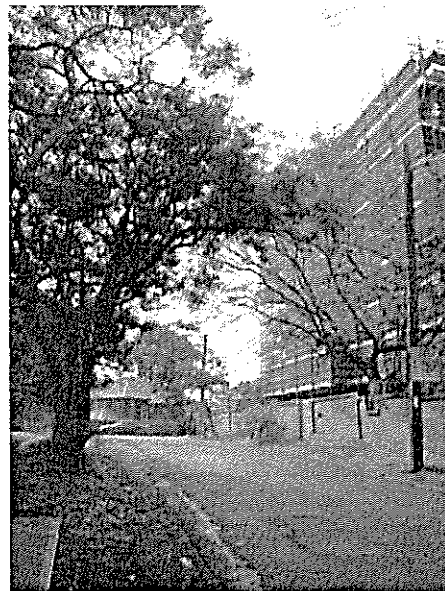
The SEPP 65 design principles are:

Principle 1: Context: Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.

Principle 2: Scale: Good design provides an appropriate scale in terms of bulk and height that suits the scale of the street and the surrounding buildings.

Principle 3: Built Form: Good design achieves an appropriate built form for a site and the buildings purpose, in terms of building alignments, proportions, building type and the manipulation of building elements

Principle 4: Density: Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).



Does Mirvac's development at 1500-1502 Pacific Highway/ 2-2A Marshall Avenue Warrawee for 50 luxury apartments, satisfy the SEPP 65 design principles of Context, Scale, Built Form & Density?

3. Why did former Premier Carr, (according to Anne Davies SMH Nov 1-2 "Greed & Glitter" 2003) justify the seizure of the 6 sites on the basis that it was an intervention to achieve housing affordability? It is strongly arguable that the Marshall Avenue development, for example, will not achieve that stated purpose. The Urban Consolidation Policy is not providing housing diversity in styles or prices.
4. Will the State Government acknowledge that the Marshall Avenue development breaches as least some of the key design principles in SEPP 65?
5. Will the State Government undertake that developments on the remaining "seized" sites in Ku-ring-gai will be independently assessed for compliance with SEPP 65, and rejected if they do not comply?

6. Will the State Government now allow Ku-ring-gai's long recognised UCAs to be exhibited and gazetted in accordance with its earlier promise?



Mirvac development at 1500-1502 Pacific Highway, 2-2A Marshall Avenue Warrawee. Marshall Avenue is a narrow steeply sloping street without footpaths, characterised by predominantly single storey homes set amongst the trees. The homes lie down hill from the multi storey development on the site seized by the State Government and will be dominated by it.

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FOKE, WINNER, KEEP AUSTRALIA BEAUTIFUL COUNCIL (NSW) 2000 METRO PRIDE AWARDS, NSW HERITAGE OFFICE CULTURAL HERITAGE CONSERVATION AWARD, "HERITAGE WATCH OVER OUR PLACE OF NATIONAL SIGNIFICANCE –KU-RING-GAI"

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