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Contact: Mayor

Clr Warren Welham  
Mayor  
Wyong Shire Council  
16 Hely Street  
Wyong NSW 2259

Dear Clr Welham

### Planning Panel in Ku-ring-gai

I write to you in your capacity as the leader of your community to seek your support regarding the recent gazettal of a planning panel in Ku-ring-gai.

I ask you to take the time to read this letter and politely request you consider how safe your community is from this State Government's proposed controls.

There is a push to remove the voice of our community from every major decision we make regarding planning particularly in relation to planning panels and Part 3A applications.

But what could be equally as devastating is the proposal to take away Section 94 funding from councils allowing decisions for spending these funds to be at the discretion of Macquarie St.

The Department of Planning and Treasury do not discriminate. No council is safe from intervention and to think otherwise is to leave your community at risk. Following is a very brief overview of the position we face at Ku-ring-gai Council and we are not unique.

It is time to say enough is enough and again I plead with you to offer your support in writing to the Premier and your State member asking them to desist the unnecessary planning intervention and unfair levy removal.

On 17 December 2007 the Government gazetted a planning panel for Ku-ring-gai Council to include the following heads of consideration:

- DAs over 90 days old
- DAs with a construction value exceeding \$30 million
- Town centres LEPs
- Dual Occupancy Code

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Whilst I do not intend to detail the entire chain of events, I should point out that we gave the Minister a copy of the town centres LEPs approximately 18 months ago. The integrated planning for the 6 town centres cost nearly \$2 million.

This included a complete overhaul mid process because the Department of Planning insisted we alter our LEP framework to accord with the new template. Our efforts in achieving this task were formally acknowledged by the Department at the end of 2006.

Some six months then passed before the Department had the courtesy of even responding. After two months of continual requests, we were finally given a detailed list of the Department's concerns.

These included issues that the Department had identified one year earlier (and addressed by Council), together with requirements for additional development based on representations from landowners / developers with no recognition of community concerns.

With the above in mind we met with the Department to address the remaining issues and for the main we had resolved most of them.

Their final concerns related to the viability of some sites despite the fact that Council had spent significant funds on independent feasibility studies.

I would like to make it clear that we, as a council, have most definitely accepted our fair share of growth. In 2006/07 we approved in excess of \$1.75 billion worth of development, more than any other council in NSW with the exception of the City of Sydney.

This level of development has continued to be approved in Ku-ring-gai over the last year and this is before our Town Centre plans are finalised. In addition we have also addressed the Department's concerns relating to development assessment.

Over the past three years we have reduced our DA backlog from 1000 to 298 now. Our median DA processing time had fallen from 135 days to 38 days and we have reduced our legal fees by some 70 percent.

As a council we have done everything humanly possible to address the concerns of the Department while still managing to maintain an extremely well managed council, characterised by sustainable financial management and high quality services.

However we have not been able to fight off the will of the Department of Planning to remove the voice of our community from planning decisions that will alter the characteristics of our community forever.

In addition to the proposed panel, Ku-ring-gai Council has now had two part 3a applications endorsed by the Department of Planning, providing more than 1000 units, with a further Part 3a Application now being considered. These sites do not accord with the methodology of the Metropolitan Strategy.

Notwithstanding the above, and most importantly, we believe the Department has seriously erred in the process it has undertaken in the gazettal of the planning panel.

After months of deliberation by the Minister, he gazetted plans that far exceed the Draft Town Centre LEPs we submitted over one year ago with no consultation or opportunity to comment.

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In fact the maps provide scope for the panel to plan areas up to 577% larger than our lodged plans. The process undertaken to achieve this outcome by the Minister and the Department is currently the subject of a legal challenge by Council.

As the matter has not yet been heard by the court, I am unable to give details of this case.

I seek the support of your council and community to assist not only our cause, but to jointly form a *united state-wide opposition to this Government's plans to deny local communities a say in their futures.*

In conclusion, the Department of Planning does not discriminate; and I again reiterate: NO council is safe from department intervention and to think otherwise is to leave your community at risk.

The time has come to say enough is enough and I believe all councils should speak as one voice and tell this State Government to back off.

I have spoken to the president of the LGSA who has offered her unconditional support to our plea in Ku-ring-gai along with support to protect the communities across our state.

I thank you for taking the time to read this letter and stress how important a united force is at the moment. Please consider writing to the Premier and your State member no matter what political persuasion he or she may be. This has gone beyond party politics and urgent action is required.

Yours sincerely



Cr Nick Ebbeck  
Mayor

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