

# Alister Henskens SC MP

## Member for Ku-ring-gai



29 September 2020

Mayor Jennifer Anderson  
Ku-ring-gai Council  
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Gordon NSW 2072

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Dear Mayor Anderson,

### Draft Housing Strategy for Ku-ring-gai – A Way Forward

Thank you for your letter dated 24 September 2020.

I appreciate your invitation to comment on local planning matters generally and in particular on the correspondence of 8 and 23 September 2020 from the Planning Minister.

I agree with Minister Stokes' most recent correspondence to you, that it is important for all levels of government to work collaboratively on strategic planning in order to deliver positive outcomes for the community. As the Minister said, the planning system is based on "principle rather than prescription". That is why Council had power to determine its local dwelling target to 2036 in 5 year increments. I also agree with the Minister, that giving greater independence for Councils to determine local strategic planning does entail responsibility.

For that reason, I spoke out so strongly against what I still view as a very irresponsible Draft Housing Strategy produced by the Council. That draft strategy proposed unnecessary and highly inappropriate 20 storey heights in Gordon, 15 storey heights in Turramurra and Lindfield and proposed to expand density from those town centres from the existing 500m to 800m with unacceptable impacts on our cherished heritage areas and general amenity. I am glad that all 10 Councillors last Tuesday night agreed with me that the Draft Housing Strategy should be rejected.

The flawed Draft Housing Strategy, in my opinion, arose because of an erroneous methodology for calculating the amount of excess capacity under the current Local Environment Plans (LEP) - the documents which define zonings and permissible development in Ku-ring-gai.

As I understand it, the Local Housing Target is based on housing capacity throughout the whole of the Ku-ring-gai Local Government Area (LGA).

But the March 2020 Housing Capacity Study by the Council for the Draft Housing Strategy (Appendix 3) did not assess that. Instead, it looked at only the housing capacity of four Local Centres (Gordon, Turramurra, St Ives and Lindfield). It also relied in part, upon a "development feasibility" analysis by property specialists Jones Lang LaSalle of those four Local Centres which contained certain assumptions as to what developers would do. Such an analysis would also appear to involve assumptions about the necessary commercial returns to property developers and obviously greater heights will give a greater return.

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As a consequence, the capacity analysis relied upon by Council for the Draft Housing Strategy assessed little further capacity for dwellings within the existing zonings in the Town Centres, even though many of the relevant premises do not have buildings constructed to the heights permitted by their zoning capacity (especially for B zoned premises).

By contrast, the figures given to me recently by the Planning Department tell a very different story. The Department projects that the number of constructed dwellings in the whole of Ku-ring-gai under the existing LEP will exceed 3,000 over the next 5 years. These projections are consistent with but go beyond the period of the projections referred to in recent correspondence by the Greater Sydney Commission to Council (Appendix 2 to GB.3 of the Council papers for the July Council Meeting).

Based on the Planning Department projections, Council is likely to meet its agreed local dwelling target for the 6-10 year period under its existing LEP – without more heights and without greater density than is currently in the capacity of the planning instruments. **Therefore, in my view, there is no need to adopt the flawed Draft Housing Strategy which all Councillors agreed to reject at the meeting of 22 September 2020.**

I agree with Hon Jonathan O'Dea's observation that Councillors might reasonably ask more questions of the Council staff who have been leading the formulation of the Housing Strategy.

If Mr O'Dea and myself had not intervened and the flawed Draft Housing Strategy had been passed by Council, the extra densities including up to 20 storeys would have been required to be included in future zonings within the LEP and could have permitted spot rezonings to those heights immediately after the Draft Housing Strategy was adopted - to the detriment of our community. This was made clear in the staff report to Council for its 17 March 2020 meeting which also noted that Council had "agreed 6-10 year Housing targets" with the Greater Sydney Commission.

Minds will differ as to the appropriateness of the Local Housing Target that Council has agreed to. I have previously given the Council my opinions critical of the adverse impacts upon our local amenity, heritage and infrastructure from too quick and excessive development. The fairness of the Local Housing Target should also take into account whether the population projections relied upon remain valid and the extent of recent local housing growth.

I have copied this letter to the Minister, Hon Jonathan O'Dea MP and Councillors to make clear the common ground between us all.

Yours sincerely,



Alister Henskens SC MP

cc Hon. Rob Stokes MP  
cc Ku-ring-gai Councillors  
cc State Member for Davidson