

25 May 2020

Dear Mayor and Councillors,

On 5 May 2020 I wrote to John McKee, General Manager asking for Council's timeframe for evaluating the two tenders in response to Council's RFT for the Hub project, and for announcing the successful tenderer. On 15 May 2020 Geoff Douglas, Group Lead, Major Projects, replied "*In relation to the assessment of tenders, I can advise that a timeframe for a report to Council is yet to be determined.*" This response did not answer my question – I asked about the timeframe for tender evaluation and announcement of the successful tenderer, not the timeframe for Council officers to report to Council on tender evaluation.

Mr Douglas' response implies there is no timeframe for tender evaluation and announcement of the successful tenderer. It is inconceivable for a project of this nature (particularly one with the history of delays that this project has had and where the tender process has already been drawn out) for there not to be a timetable, which covers tender evaluation, contract formation and project delivery. This should have been in place before Council commenced the tender process, and most certainly by the date of Mr Douglas' email, which was sent **six weeks** after the close of tenders. Whether there is a timetable that Council does not wish to share with the community or there is no timetable, this is another example of lack of transparency and accountability to the public.

Let me refresh your memory on some key facts relating to this project.

**1. Excerpts from minutes of OMC Tuesday 28 May 2013**

**RISK MANAGEMENT**

*The greatest risk for this project at this stage is to Council's reputation. As discussed below the project has become the catalyst for the establishment of a new community group called 'Support Lindfield' which is well organised and highly active. If Council is seen to be not proactive on this project and is not seeking the best possible outcome for the community then there would be a high risk of loss of reputation as a result.*

*There is also a risk for Council for the loss of potential for new and updated community facilities if the land is utilised for a car park.*

**RECOMMENDATIONS**

"...

- B. A project team be established to prepare a planning study and oversee and support the preparation of the Lindfield Community Hub master plan in partnership with TfNSW.
- C. Funds of \$250,000 are allocated to the project for the year 2013-2014 from the section 94 reserve.

...."

Carried unanimously.

Unfortunately, since that time, Council's reputation has been tarnished in many ways over this project. One only has to mention the Hub in conversation with a member of the community to be met with disbelief and incredulity at the time that has already elapsed with no end in sight.

## **2. First Masterplan**

Council prepared a Masterplan for the Hub in 2015 after extensive community consultation. The community, including our supporters, participated in that consultation and believe that it was a fair and thorough consultation process. We congratulated Council on the process.

The 2015 Masterplan was recommended by Council officers, supported in principle by the community and unanimously agreed by Councillors.

At the OMC on 10 November 2015, Council officers stated, "*Should the project not progress as planned, it will lead to irreparable damage to Council's reputation with the community and with the market*". That's true and it has.

Their recommendation was:

*"... that Council resolve to amend the EOI program as follows:*

- EOI release date late February 2016;*
- EOI submissions closure April 2016;*
- Selection of preferred EOI respondent by end June 2016;*
- Completion of negotiation with preferred development company by end August 2016;*
- Submission of development application by December 2016;*
- Development approval by late 2017; and*
- Commencement of construction by early 2018.*

...

*Carried unanimously."*

We know, of course, that this never happened. And there have never been adequate reasons provided to the community for abandoning the Masterplan that Council and the community had agreed on in 2015.

## **3. 2015 Masterplan Abandoned**

In 2018/2019 the reason given by Council officers for abandoning the 2015 Masterplan was the need to self-fund, meet Council's financial objectives for the Hub and deliver the community facilities. Now it's all about delivering housing. There has never been any clear communication to the community explaining the departure from the 2015 Masterplan.

In July 2019 Council officers recommended that Council agree to building heights of 8, 10 and 14 storeys on the Hub site. This was despite the fact that Council had already gone through the planning proposal process in relation to the 2015 Masterplan, resulting in the amendment to planning controls for the site, including to increase the maximum height permitted to 7 storeys. There was no proper community consultation nor explanation provided to the community for the radical change proposed in July 2019. It was only through lobbying by *Support Lindfield* on behalf of the community and intense community opposition that Council ultimately resolved that the maximum height should be increased to 9 storeys.

In 2019, the need to dramatically increase building heights was stated as being driven by the imperative to “self-fund”, while in April 2020, Council officers said that, in response to the population projections in the North District Plan and LSPS objectives, Council had reviewed the 2015 Masterplan and identified that the site was capable of accommodating additional density. Please see the extracts from Council reports that are provided in the Appendix.

The inconsistent statements about why Council has radically changed the project and the lack of any meaningful communication with the community about the changes are clear examples of Council’s lack of transparency and accountability to the public.

The community wants to be taken on the journey with Council. It does not want to be left in the dark and guessing what’s going on. That’s where we’re at now. Having not seen the RFT we don’t even know what the tenderers have tendered on. We still don’t know what Council’s financial requirements and development objectives for the project are. Nor do we have any real details about Council’s proposed project delivery method.

#### **4. And the Costs**

Costs of the project to date:

- July 2013 to July 2019: **\$6,289,615** (incl. staff salaries) (probably well over \$7m by now)
- July 2018 to July 2019: **\$3,021,818** (excl. staff salaries)

I note that Fabcot’s second unsolicited proposal was submitted in **May 2018** (its first proposal was submitted in April 2014) and immediately rejected by Council. Fabcot’s design included all the features the community wanted including a pedestrian bridge, a design that was similar to Council’s 2015 design, all at Fabcot’s expense other than fit-out of the community facilities. It’s now two years and well over \$3m later and there is one more tenderer, making the rejection of Fabcot’s proposal a rather expensive decision.

#### **5. Time for Good Leadership & Ku-ring-gai’s Contribution to Economic Recovery**

This project has been in the works for seven years now. There has never been any opposition from the community, the State Government, developers and certainly not the Federal Government. On the contrary, the community has been excited about the prospect of re-energising Lindfield and the surrounding suburbs, having new community facilities and a village meeting place. The State Government is still waiting for its 240 commuter parking spaces. It is mind boggling that it has taken this long and well over \$6 million and Council is still only at the stage of tender evaluation. Your constituents deserve better. And good governance appears to be sadly lacking.

The timing is ideal for fast-tracking the project to generate a new major construction project, providing jobs and helping to stimulate the economy. As this is a priority of both Federal and State Governments this is a prime opportunity for Ku-ring-gai to make its contribution to the economic recovery. Councillors, please show some leadership by grabbing this opportunity and leading the way.

The community will not accept the excuse that the lockdown period is hampering progress. Businesses are working quite productively through the lockdown. Zoom/Teams meetings are effective in replacing face to face meetings. After all, Council expected the community to comment on the KRG Draft Housing Strategy during the six weeks of lockdown.

We can see no reason why Council should not be in a position to announce the successful tenderer by the end of August, 2020 at the latest. That's five months after the closing date for tenders and receipt by Council of the two tenders, which is plenty of time for evaluating the bids and preparing a report for the August Council meeting. Any longer than this is unacceptable.

## **6. Our questions for you**

As Councillors, your role includes representing the collective interests of residents, ratepayers and the local community, and facilitating communication between the local community and the governing body. You are accountable to the local community for the performance of Council.

Our questions to each Councillor are:

1. What was the reason for the abandonment of the 2015 Masterplan and the decision in 2019 to increase the maximum building height on the Hub site?
2. Why are documents and information being withheld from the public? What are you going to do to demand greater transparency for the community? We expect to have access to all documents regarding the project unless there is a legitimate reason for not providing them.
3. What are you going to do to ensure that Council officers are held to account and that the Hub is delivered in a timely manner and includes all the features the community is expecting (including a pedestrian bridge) and has been promised?

We look forward to hearing from each of you. As a courtesy, we advise that we will be providing a copy of this letter to our supporters and posting it on our website.

Regards,

Linda McDonald  
President  
*Support Lindfield*

Copy to: The Hon. Paul Fletcher, MP, The Hon. Jonathan O'Dea, MP, Mr. Alister Henskens, MP

## **APPENDIX – EXPLANATIONS FOR ABANDONING 2015 MASTERPLAN AND PROPOSING AN INCREASE IN MAXIMUM BUILDING HEIGHT TO 8, 10 AND 14 STOREYS**

### **Extract from the report by Council officers attached to the agenda for the 23 July 2019 OMC**

*"Council has adopted project objectives for the Lindfield Village Hub which include the requirement for the project to be 'self-funding' (OMC 14 August 2018). Council has also acknowledged that it is not feasible to proceed with the adopted masterplan which has a Floor Space Ratio (FSR) of 1.3:1. (OMC 26 June 2018)*

*Council has been advised that site controls approaching an FSR of 2.5:1 would be required to meet Council's financial requirements for the Lindfield Village Hub and deliver the community infrastructure and services identified in Council's adopted masterplan. (OMC 26 June 2018)"*

### **Extracted from the report by Council officers regarding the planning proposal, which was attached to the agenda for the April 2020 OMC**

*"...The site is wholly owned by Ku-ring-gai Council and was previously subject to a site-specific master plan and LEP and DCP amendment. The previous amendment to KLEP Local Centres 2012 was published in March 2017 (Amendment No. 6) and included changes to the zoning, height and floor space ratio (FSR) provisions for the site.*

*The current Planning Proposal indicates that it has been prepared in response to the Ku-ring-gai Council Draft Local Strategic Planning Statement (LSPS) produced in 2019 which outlines Council's current planning priorities for the LGA and the Lindfield local centre specifically. The LSPS is now in place and came in to force on 19 March 2020. The Planning Proposal also notes that it responds to the Greater Sydney Commission North District Plan which came into effect in March 2018 and which requires Council to deliver 4,000 additional dwellings for the period 2016-2021.*

*The North District Plan and LSPS point to the need to provide new housing supply, choice and affordability on sites with good access to jobs, services and public transport. Further Council has identified that its residents seek greater choice in residential accommodation for all age groups. In light of this context, Council has identified the Lindfield Village Hub site as a location well suited to accommodate increased density in close proximity to an established train station and local centre. A review of the previous master plan was therefore undertaken and it was identified that the site is capable of accommodating an increase in the intensity of land use through changes to the maximum height of building and floor space ratio controls without resulting in significant adverse impacts in terms of overshadowing, visual massing and resident amenity....*

### **Development History**

*The Lindfield Village Hub site was the subject of a site specific Planning Proposal and master plan which resulted in a previous amendment to KLEP Local Centres 2012 published in March 2017 (Amendment No. 6) and included changes to the zoning, height and floor space ratio (FSR) provisions. Council has since reconsidered the site development potential in line with North District Plan and LSPS objectives. Subsequently, a report was put to the Council meeting of 20 August 2019 seeking Council's endorsement of the lodgement of a Planning Proposal seeking to amend the KLEP Local Centres 2012 to increase the maximum height and Floor Space Ratio (FSR) provisions applying the site. At the meeting the Council resolved:*

*..."*