Fury at council's timely rezoning plan

Matthew Moore August 10, 2012

IN A series of votes after midnight, Ku-ring-gai Council has overturned recommendations from its own staff and slashed the size of 18 projects in decisions developers say will cost them millions of dollars.

One small developer, Wallace Zagoridis who owns Arkibuilt, said the council halved the value of his $8 million site opposite Lindfield station when at 1.45am it cut two-storeys off his seven-storey project, giving him no chance to voice his opposition.

Five years ago, when he bought the 4000-metre site that includes a service station, the Ku-ring-gai Local Environment Plan allowed him to build a seven-storey development - two storeys of shops and businesses with five floors of apartments.

''If I was allowed to build only five storeys, I would have paid $4 million, but I paid $8 million and I have had it for four years paying bank charges … the problem I have is the bank will now look at the zoning and say it's not zoned for anything viable,'' he said.

''We have lost millions of dollars on the whim of the council vote to rezone our land without discussion or any justification.''

Another developer, Barry Murphy, was equally furious with council's treatment of his site on the Pacific Highway at Pymble, part of which he bought in 1999 when it had already been approved for luxury units.

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He has since increased the size of the site, buying more properties after the NSW government forced the council to zone land to allow for 10,000 extra dwellings.

Council staff said his 7500 square-metres of land opposite Pymble station should be zoned for at least 70 units, but councillors last Tuesday, in a special meeting just ahead of next month's council election, accepted an amendment making it suitable only for five freestanding houses.

''It's ridiculous, the whole thing is unbelievable … my land is sitting between two, four-storey blocks of units,'' Mr Murphy said of the council decision.

''I have spent $300,000 on plans for the front of the site seven or eight months ago and I only did this on the basis of council telling me all this was going to be approved,'' he said.

Council's special meeting was supposed to end a decade-long fight between residents, the council and the state government which has been forcing all councils to accept more dwellings, as Sydney's population grows.

Last week's meeting was to ratify a draft local environmental plan which has been exhibited and debated by the community after an earlier plan was rejected by the Land and Environment Court because parts of it were different to the draft that had been publicly exhibited.

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The planning consultant Andrew Minto, who represents Mr Murphy, Mr Zagoridis and three other owners whose properties were rezoned, said he doubted whether the government could legally gazette the new plan given the late-night changes were never put on exhibition and the same problem would arise.

''How do you have a site on the highway that's only for single storeys, that's just where you should have residential flats,'' he said.''

The mayor of Ku-ring-gai, Jennifer Anderson, was one of three councillors who voted against all the rezonings and sympathised with the developers.

''I did not vote for it, I am very conscious of the requirements for viability on sites for development,'' she said.

Cr Steven Holland was part of a block of six councillors who voted to rezone all 18 sites. He said he sympathised with developers such as Mr Zagoridis.

''So many different people are affected in so many different ways, some people are going to be happy and some aren't,'' he said.

The Planning Minister, Brad Hazzard, will determine the plan approved by council but said he could not comment on it until he was briefed by his department which is awaiting a report from the council.

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