

Clr Sam Ngai
Mayor
Ku-Ring-Gai Council
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11 April 2024

Dear Clr Ngai, *Sam*

I write regarding the Transport Oriented Development State Environment Planning Policy (TOD SEPP) as it applies to four locations within your local government area – Gordon Station, Killara Station, Lindfield Station and Roseville Station.

Thank you for the technical commentary on the TOD SEPP which Council supplied in its submission on the policy. I note that this was a joint submission on the Low and Mid-Rise (LMR) housing reforms as well. The focus of this letter is the TOD SEPP.

You will recall that we met on 29 February 2024 and I made an offer to Council on the flexibility of the commencement date or delivery of the TOD SEPP, to allow for local planning to be undertaken by Council.

I understand that Department of Planning, Housing and Infrastructure (DPHI) officials have also met with Council staff on numerous occasions to discuss any concerns that Council had regarding the TOD SEPP with the hope of forming an agreement between Government and Council on the implementation of this policy.

I was disappointed to learn that Ku-Ring-Gai Council has not provided any options to the Department in response to my offer on flexibility of commencement, or options for local planning work to be completed prior to commencement of the SEPP.

I acknowledge that there were some specific concerns raised about the TOD SEPP in Council's submissions. I want to provide some detail to allay those particular concerns.

Heritage Conservation Areas

Heritage provisions in councils' Local Environmental Plans and Development Control Plans will continue to apply. These provisions will not allow for the demolition of heritage items and will generally not allow for demolition of buildings that contribute to the values of a heritage conservation area. There will be opportunities for well-designed new housing to be developed in heritage areas, provided they are consistent with or enhance the values of the area.

Traffic and local roads

The Department and Transport for NSW have assessed there is significant rail line capacity across Gordon, Killara, Lindfield and Roseville. Additionally, these areas will have further capacity available once the Metro North-West and City Southwest are complete later this year.

Tree Canopy

The Department recognises the impacts that development can have on our local environments. Council's tree canopy policy will remain in place and will continue to apply. As the relevant consent authority for most development applications in your local government area, you will be able to assess any application against your local policies and development control plans for controls not set out in the new TOD SEPP.

I understand that over \$330,000 has also been provided to support tree planting activities in the Ku-ring-gai local government area. I encourage Council to continue to participate in these types of greening activities and best use council-owned land and street verges to deliver additional tree canopy.

I am advised the Department has considered the factors that Ku-Ring-Gai Council have raised, however does not consider them to be substantial reasons for exclusion of the nominated stations from the TOD SEPP. All concerns raised have been addressed through further explanation of the policy or are considered matters which can be dealt with by Council at the development assessment stage.

All other matters raised in Council's submission regarding the specific control settings for the TOD SEPP will be considered in drafting the final instrument.

As such, I write to advise you that Gordon Station, Killara Station, Lindfield Station and Roseville Station will be included in the TOD SEPP and new controls will be in place from when the SEPP takes effect.

Council will continue as the consent authority for development in these areas and will continue to conduct merit-based assessments on development applications.

If you would like to discuss the details of any of the outcomes above, please contact Tom Loomes, Executive Director, Strategic Planning and Policy, [REDACTED] via email at tod.program@planning.nsw.gov.au.

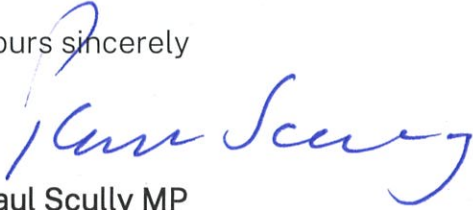
In relation to your joint submission on these reforms, the Department will be in contact with Council shortly to further discuss the implementation of the Low and Mid-Rise housing policy and make sure that a tailored approach is considered for local areas in collaboration with councils, as always intended.

The NSW Government has been clear on this matter from the outset – all levels of government, and communities, have a shared responsibility to address the housing crisis.

The Government has been willing, at all stages, to work collaboratively to achieve this goal. I note that all other councils which have TOD SEPP locations have collaborated with the Government on this process. In the absence of this collaboration, the Government has decided to proceed with the implementation of its new planning controls in the TOD SEPP locations.

I hope to continue to work with Ku-Ring-Gai Council to enable the delivery of more well-located, well-built, and well-designed homes for the people who would like the opportunity to live in your community.

Yours sincerely



Paul Scully MP

Minister for Planning and Public Spaces