

## **TOD Alternative Preferred Scenario**

### **Additional Information to Community Drop-in Session held on 14 Apr 2025**

#### **HERITAGE**

***Q: Is Council planning to de-list heritage items and heritage conservation areas (HCAs) that are within the Preferred Alternate Scenario and surrounded by sites with higher density development provisions?***

A: No. Heritage protections will remain in place, even if heritage sites or areas are located within or near proposed higher-density development.

Council is not proposing to de-list any heritage items or HCAs as context is not a criteria used in the assessment of heritage significance. The criteria used to assess heritage significance and the process undertaken to list or de-list a place or object is determined by the State, and Council must adhere to these requirements. Refer to: [Assessing heritage significance](#)

Council acknowledges the importance of heritage to Ku-ring-gai's identity and has made protecting these areas a priority in the Preferred Scenario. In cases where heritage items are located in higher density zones, adaptive reuse is encouraged — allowing the opportunity for heritage to be integrated respectfully into future development.

***Q: What if I want to individually pursue the de-listing of my heritage property?***

A: The process to list or de-list is a statutory process and requires a planning proposal and heritage assessment. To de-list a place or object a heritage specialist must prepare a heritage assessment that demonstrates why the place or object no longer has heritage significance. This assessment must reference the Heritage Council criteria and NSW heritage standards, not development or planning issues. More information is available at <https://www.krg.nsw.gov.au/Planning-and-development/Heritage/Listing-heritage> and <https://www.krg.nsw.gov.au/Planning-and-development/Planning-policies-and-guidelines/Planning-proposals>.

***Q: Why would developers consider amalgamating a heritage property into an adjacent development?***

A: Council's Preferred Scenario and minimum lot size/lot frontages for residential flat buildings in R4 zones encourage developers to amalgamate heritage properties into a development site. Additionally, the Ku-ring-gai DCP Part 3 – Section 3B Clause 4, addresses a site isolation planning principle established by the Land and Environment Court. The clause stipulates that where sites are being amalgamated developers must undertake a series of measures to ensure sites are not left isolated.

#### **BOUNDARY DETERMINATION**

***Q: How was the boundary of the Preferred Scenario determined?***

A: Initially, the State Government's TOD SEPP defined precincts roughly within a 400m radius of each station. Under Scenario 3b and carried into the Preferred Scenario, Council chose to

expand that radius to approximately 800m in certain directions, and conversely to contract or exclude some areas within the 400m perimeter if they were unsuitable for high density development. Boundary decisions were influenced by environmental, heritage, and feasibility considerations and sought to achieve a balanced and gradual transition of height and densities across the four centres. The new boundaries follow roads where possible to provide a clear delineation between lands included and excluded from the Preferred Scenario.

## STATE SIGNIFICANT DEVELOPMENT

***Q: I have been told that there is going to be a State Significant Development near my property. Does Council have any control over these developments? How can I voice my concerns?***

A: State Significant Developments (SSD) are assessed by the NSW Department of Planning, Housing and Infrastructure (DPHI), not by Ku-ring-gai Council. These developments are considered important to the state due to their economic, environmental, or social significance.

While Council is not the consent authority and cannot approve or refuse an SSD, it can provide feedback during the public exhibition stage and advocate for community interests.

If you have concerns or comments about a proposed SSD near your property, you can:

- Make a submission during the public exhibition period for the development. The exhibition period and all relevant documents are published on the NSW Government's Planning Portal: <https://www.planningportal.nsw.gov.au/major-projects>
- Review the Environmental Impact Statement (EIS) associated with the proposal, which must address issues such as traffic, heritage, environment, and social impacts
- Contact DPHI directly for more information or clarification.

## INFORMATION SOURCES

***Q: I am receiving letters from developers. Are these letters a true source of information about the changes happening in my neighbourhood?***

A: Council cannot comment on the veracity of information received from developers. Council encourages you to read the information published on its webpage and to seek professional advice before making any financial decisions based on information regarding your property.

## AFFORDABLE HOUSING

***Q: Do the Height of Buildings and Floor Space Ratio maps include the bonus height and FSRs granted by State legislation to developments providing 15% of Gross Floor Area (GFA) for affordable housing?***

A: No, the Height of Buildings and Floor Space Ratio (FSR) maps do not include the bonus height and FSRs available through State legislation for developments that provide up to 15% of their

GFA as affordable housing. These developments are eligible for FSR and height bonuses of 20–30%. The bonuses are proportional to the amount of affordable housing provided.

For a development to qualify for the NSW Government's FSR or Height bonus, the site must be at least 2000sqm in area and the affordable housing portion of any development must remain affordable for at least 15 years and be managed by a registered community housing provider.

***Q: Will Council's affordable housing maps cancel the State Government's affordable housing bonus for FSR and height?***

A: No. The State's bonus heights and FSR cannot be cancelled. All developers will continue to be entitled to take up those bonuses if they wish.

The difference between the State and Council's affordable housing provision is that the State provision is temporary (for 15 years) and then reverts back to private housing, whereas the Council's provision is in perpetuity (the affordable housing provided under Council's controls has no time limit imposed and will be retained as affordable housing permanently).

Council's proposed affordable housing maps for the TOD areas put forward mandated affordable housing amounts that must be provided within the development. Where the State Government bonus entitlements are taken up, this affordable housing will be in addition to Council's affordable housing requirements. Where the bonus is not taken up, the site must still deliver Council's mapped affordable housing as a minimum amount.

## **TRANSITION IMPACTS**

***Q: What does Council mean by a transition impact?***

A: Council characterises transition impacts into two categories:

1. Direct Transition Impacts:

This occurs when a neighbouring property is subject to increases in height or density controls, and this change has the potential to directly affect you. This typically happens when there is no road separation between your property and the area with increased height. For example, if you are located to the south of a property zoned for denser development, you may face issues such as privacy loss in your backyard or overshadowing. These impacts are the most significant and Council works to avoid them where possible.

2. Character Transition Impacts:

This type of impact occurs when a road separates your property from the area with increased height. Although this change in height might alter the visual character of the street, it does not directly affect your privacy and minimises amenity impacts.

The general rule of thumb for managing direct transition impacts is a 2:1 ratio — For example, if the height limit for your property is two-storeys, a neighbouring development would typically be limited to no more than four storeys to maintain a gradual transition.

***Q: My 2-storey house is across the road from 5-8 storey buildings? How is Council managing the impacts of this transition?***

A: The State Government's TOD provisions did not provide transition zones between 6-7 storey residential flat buildings and surrounding low density residential dwellings. Council through the Preferred Scenario has worked to ensure that where possible changes between residential density are divided by roads or where this was not possible they have worked to graduate increases in density to minimise impacts.

***Q: Has Council completed detailed shadow and privacy modelling to inform and minimise transition impacts?***

A: The Preferred Scenario is a large-scale strategic planning process undertaken in response to the State Governments TOD legislation and as such, detailed modelling for every site has not been completed. However, Council's consultants, SJB Urban, conducted built form modelling across the four centres to ensure that all sites can accommodate development that meets the Apartment Design Guide (ADG), which helps manage issues such as overshadowing. It is standard practice for detailed amenity concerns to be addressed at the Development Application (DA) stage. Developers will need to demonstrate compliance with the Ku-ring-gai Development Control Plan (DCP), which includes more detailed requirements, such as setbacks and landscaping, to mitigate privacy and shadowing impacts.

## **PREVIOUS SUBMISSIONS**

***Q: What happened to Scenario 3b and why has it changed?***

A: Council's Preferred Alternate Scenario is a refined version of Scenario 3b that has been developed using extensive community input and a range of technical and planning studies conducted over the past year.

The refinement process by Council and consultants SJB Urban involved:

- Built form modelling to ensure consistency with Council's DCP, minimise overshadowing, address interface impacts and comply with the Apartment Design Guide (ADG)
- Feasibility analysis
- Review of site specific and area specific submissions
- Consideration of Development Applications and State Significant Development applications
- Consultation with the Department of Planning, Housing and Infrastructure

***Q: In the previous consultation round, I raised several issues. Why haven't these been taken into account in developing the Preferred Scenario?***

A: Council received 514 written submissions during the exhibition of the 'Alternate Scenarios to the TOD SEPP.' All of these submissions were summarised in a table attached to the Extraordinary Meeting of Council 31 March 2025. Site-specific submissions were reviewed and considered if aligned with Council's seven planning principles.

## **FEASIBILITY**

***Q: Developers tell me that FSR 1.3 and 1.8 are not feasible. Is this correct?***

A: Council cannot comment on the specific feasibility of developments. However, the majority of R4 zoned land in Ku-ring-gai currently has a Floor Space Ratio (FSR) of 1.3:1. This FSR is designed to ensure that developments include 50% deep soil, which supports tree canopy and green spaces. Across Ku-ring-gai there are many properties developed with this FSR, which suggests that it is likely feasible for similar projects. However, the feasibility of any project can fluctuate based on market conditions, construction costs, and other factors.

## **INFRASTRUCTURE PROVISION**

***Q: The increased population will establish demand for additional services. How will Council afford this?***

A: Council will review its local infrastructure contributions plan, which outlines requirements for the development industry to contribute to the cost of delivering infrastructure to support new development. By undertaking this review, Council will seek to ensure that the plan is aligned with the infrastructure needs of new residents across the four centres.

This contributions plan will support new parks, upgrades to existing parks and upgrades to streets, roads and pedestrian areas. A revised local infrastructure contributions plan will also levy for improvements to local streets and roads including the pedestrian footpaths. The need for intersection upgrades will be informed by traffic impact studies which are currently being undertaken.

## **TRAFFIC**

***Q: Why has Council prepared the housing scenarios prior to having traffic studies completed?***

A: Council was given minimal warning before the NSW Government's TOD provisions commenced in May 2024. Accordingly, due to time constraints Council commenced supporting studies including Traffic Impact Assessments while simultaneously investigating alternate housing scenarios. The Traffic studies are expected to be completed later this year subject to TfNSW's time to review and respond.

## **CONSULTATION**

***Q: How will we be kept informed about what changes have been made to the Preferred Scenario? Will Council respond to my survey?***

A: Council and its consultants will review the survey results and any submissions received during the exhibition period. Based on this feedback, decisions will be made to revise specific LEP maps where errors or inconsistencies with the planning principles are identified.

Due to resource and timing constraints, it is not feasible to provide individual responses to every issue raised. However, all changes made to the Preferred Scenario will be documented in a

public report to Council. This report on the results of the exhibition period will provide an explanation for each adjustment to the Preferred Scenario.