

Mayor Christine Kay  
Ku-ring-gai Council  
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13 November 2024

Dear Mayor Kay

Thank you for our meeting with you, the General Manager David Marshall and Virginia Leafe on Monday 11 November 2024.

We are pleased to hear your confirmation that Council is proceeding with the legal action against the NSW Government's Transport Oriented Development (TOD) SEPP, and the General Managers confirmation that the public exhibition of the TOD Scenarios will not impact the legal action.

To reiterate:

FOKE remains concerned that Council has acted prematurely in proceeding to put out five Alternative Scenarios on public exhibition before the legal case has been resolved.

In particular, holding a public exhibition from 15 November to 17 December 2024 leading up to Christmas and one of the most unsuitable times to engage residents is most concerning.

FOKE requests that for the exhibition of the scenarios:

- The council clearly note for each scenario that a 30% uplift is possible. For example, Scenario 3a, 45 storeys in Gordon could be increased to 60 stories.
- Information provided, allows residents to consider each Scenario in context of the mid-rise and dual occupancy around the TODs.
- Reference to all supporting Maps and documentation must be legible and accessible by the public. For example, Green web mapping or overlay, Constraints Mapping & Housing Potential, Attachment 2, (Map 1 TOD SEPP Extent; Map 2 Low and mid-rise housing SEPP areas; Map 3 Heritage Constraints; Map 4 Heritage Conservation Areas; Map 5 Environmental Constraints (Questions – this map needs more explanation e.g. BGHF, STIFF – critically endangered ecological community; wildlife corridors, Powerful Owl roosting sites; Flying Fox Reserve; Bushfire Maps; Bird flying paths; Map 6 Tree Canopy Coverage; Map 7 Current Expressions of Interest; Map 8 Housing Potential.
- The community should be made aware that any scenario sets a precedent for touted future TODs around stations at Pymble, Turramurra, Warrawee and Wahroonga Railway Stations.
- The community should be made aware that any scenario that includes TOD standards (5-8 storeys) in the 800m or Low and Mid-Rise areas could undermine council's efforts to protect HCAs and urban canopy outcomes across Ku-ring-gai.
- Provisions for infrastructure other than potential roads is not planned.

- That the community be provided one map showing the overlay of all the constraints which council has identified in the planning and analysis of the Scenarios.

On 9 May 2024 the then Mayor Cr Sam Ngai is [quoted as saying](#) "Council is best placed to decide where the housing should go, what infrastructure to build and how to minimise impacts on the natural environment and heritage". Yet the decision of the Extraordinary Meeting of Council now places the burden on residents who are asked to select a preferred scenario.

Finally, could you please advise, whether the \$210 million that residents will pay in housing contributions still go to the NSW Government and are not allocated to local infrastructure and future residents?

Thanking you again for your time.

Yours sincerely

*Kathy Cowley*

Kathy Cowley  
PRESIDENT  
cc David Marshall General Manager  
cc Virginia Leafe Corporate Communications Manager  
cc Councillors