
MAYORAL MINUTE

DRAFT HOUSING STRATEGY FOR KU-RING-GAI

This Mayoral Minute seeks to advise the Ku-ring-gai community of the facts regarding the draft housing strategy and to provide a recommendation based on new information that Council has received from the NSW Minister for Planning and Open Spaces, Dr Stokes.

Over the last two weeks I have received hundreds of emails and letters from our community in relation to the housing strategy.

It is heartening to hear how much our residents share my love of Ku-ring-gai's heritage, its special character and the lifestyle that we all enjoy here and want to protect.

I would like to commence with a timeline of key dates and facts to provide important background to the draft housing strategy.

In 2015 the NSW State Government established the Greater Sydney Commission "by an Act of Parliament with specific roles and responsibilities for planning for Greater Sydney", with "a direct reporting line to the NSW Government". (GSC website).

In 2016 the Commission started working with Council, led by Dr. Deborah Dearing, the Greater Sydney Commission's North District Commissioner.

In 2017 the Greater Sydney Commission released its North District Plan, incorporating Ku-ring-gai and eight other local government areas Hornsby, Hunter's Hill, Lane Cove, Northern Beaches, Mosman, North Sydney, Ryde and Willoughby.

The Greater Sydney Regional Plan included a 20 year housing target of 92,000 new private dwellings across northern Sydney, to be built between 2016 and 2036.¹

The NSW Department of Planning's projection – was that Ku-ring-gai needed to provide 10,660 new dwellings by 2036, or 11.5% of the North District Plan's 20 year target.²

All metropolitan councils were then required to prepare both a local strategic planning statement and a draft housing strategy to meet these targets, by working with the NSW Department of Planning and the Greater Sydney Commission.

The act requires Councils to prepare a Local Strategic Planning Statement.³

On 19th November 2019, following public exhibition, Council endorsed its Local Strategic Planning Statement.

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The NSW Environmental Planning and Assessment Act states that Councils *“must not make a local strategic planning statement unless the Greater Sydney Commission has advised the council in writing that the Commission supports the statement.”*

On 4th March 2020 Council received the Greater Sydney Commission’s written Letter of Support, which, without warning or prior agreement, stated for the period 2021-2026.

“Council is to show how they can meet an indicative draft range for a 6-10 year housing target of 3,000 to 3,600 dwellings as part of its Local Housing Strategy”. [Attachment 1 [page5]]

On 17th March 2020 Council resolved that the draft Housing Strategy, incorporating the Greater Sydney Commission’s new target be placed on public exhibition for 42 days.

On 7th May 2020 Council received a submission to the exhibition from Jonathan O’Dea MP, Member for Davidson.

Mr. O’Dea’s submission stated: *“With the exception of Gordon Town Centre, I believe high density housing zones should not permit developments over the maximum of 7/8 storeys”* and he further stated: *“I believe greater acknowledgement of Council’s positive performance against previous new dwelling targets should be properly recognised in setting future targets and plans. In that respect, [sic] intend to support Ku-ring-gai Council in resisting any State Government or Greater Sydney Commission pressure for Council to act beyond what the community might reasonably accept.”*

On 8th May 2020 Council received a submission to the exhibition from Alister Henskens MP, Member for Ku-ring-gai.

Mr. Henskens’ submission stated: *“the population projections upon which the Strategy is based have been rendered significantly erroneous by reason of a major intervening event, namely the COVID-19 epidemic which, with other matters means, that the policy recommends excessive new dwelling numbers”* and he further stated that the Strategy: *“does not explore as it should have the potential for increasing the population load of Roseville as well as Lindfield”* and that: *“The focus on the town centres of Gordon and Turramurra will do particular damage to the cultural heritage of this area”*. With regard to targets, Mr. Henskens’ submission stated: *“If the Council does not believe it has the ability to abandon the population targets entirely, I would suggest that it clearly heavily weights the Strategy into the future as follows:*

2021-2026 250 dwellings

2026-2031 250 dwellings; and

2031-2036 balance of dwellings required after taking into account revised population projections and the use of existing underutilised zonings.

This will allow a proper assessment to be made of the true likely population increases having regards to recent events. I am not aware of any current legislative mechanism for the Greater Sydney Commission to force the Council to accept inappropriate increases in our number of dwellings and our local population.”

Based on the MPs’ concerns, Council promptly sought clarification on its obligations from the NSW Department of Planning, Industry and Environment and the Greater Sydney Commission.

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On 9th July 2020 Council received a letter from the Greater Sydney Commission by email stating: *"As outlined in the Commission's Letter of Support for Ku-ring-gai's Local Strategic Planning Statement (LSPS), dated 4 March 2020, Council is to show how it can meet an indicative draft housing target range for the period 2021/22 – 2026/27 of 3,000 to 3,600 dwellings as part of its Local Housing Strategy" and "Projections are updated at regular intervals in response to a range of factors". "These projections do not change the vision set out in Regional Plans or affect local plans and strategies such as the Local Strategic Planning Statements and Local Housing Strategies."* (Attachment 2)

On 22nd June 2020 Council received a letter from the NSW Department of Planning, Industry & Environment by email acknowledging Council's letter as *"seeking comment on the draft and clarification on housing targets and potential COVID-19 impacts" and responded stating: "Housing targets for the 2021-2026 period (also referred to (sic) the 6-10 year housing targets) have been established by the Greater Sydney Commission (GSC) for each of Sydney's councils. The 6-10 year target range set for Ku-ring-gai local government area is from 3,000 to 3,600 dwellings as stipulated in the GSC's letter of Assurance to Council dated 4 March 2020. In the interim, Councils are still required to develop their strategies in accordance with the Department's guidelines – To confirm, there hasn't been a change by the Government, Greater Sydney Commission (GSC) or Department to housing policy that is required to be considered before Council finalises its Local Housing Strategy."* (Attachment 3)

Disappointing as these official responses were, Mr. O'Dea and Mr. Henskens' submissions had only provided anecdotal comments without supporting Government documentation.

On 27th July 2020 Councillors received an email from Mr. O'Dea stating: *"While every Council area in Sydney has an obligation to provide for some future housing given growing population, the characteristics and appropriate loads of each are not uniform. Further, the 'targets' suggested by the Greater Sydney Commission are not actual NSW Government policy and there is strictly no current requirement to rezone for more dwellings, despite a need for each Council to formulate an appropriate Housing Strategy"*.

Mr. O'Dea stated: *"I will conclude by emphasising two points made in my earlier submission: 1. In Lindfield Town Centre, the high density zones should not permit developments over the 7/8 storeys already experienced. Heights of 10-15 storeys should not even be seriously contemplated for Lindfield (Gordon Town Centre is different). 2. I reiterate my intention to support Ku-ring-gai Council and/or others in resisting any pressure to act beyond what the community might reasonably expect in the circumstances, both in terms of dwelling numbers and maximum heights."*

On 28th July 2020 Councillors received an email from Mr. Henskens stating: *"As stated in my submission dated 8 May 2020 and since confirmed with the relevant persons in the State Govt., the targets that this Strategy assumes are not binding on the Council or 'required' as the Report to Council states."*

Again, presented with only anecdotal but concerning contrary information, Council resolved at its meeting of 28th July 2020 to defer consideration of the draft housing strategy and for the Mayor to write to Premier Berejiklian seeking clarification of its obligations. (Attachment 4)

On 17th August 2020 I received a letter by email from the Premier's Office indicating she had passed our inquiry to NSW Planning Minister Rob Stokes.

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On 8th September 2020, I received a letter by email from Minister Stokes which stated *“Ultimately, Council is responsible for deciding the number of dwellings in its local housing supply target”* and *“that the target discussed with the Greater Sydney Commission is not a legal requirement upon Council by the Government.”* (Attachment 5)

Finally, Council is in possession of official correspondence upon which it can rely, from the NSW Minister for Planning. I am delighted with the clarity it now provides to Council for its decision-making.

It vindicates our cautious approach in deferring the housing strategy in July and writing to the Premier.

The basis of the draft housing strategy for Ku-ring-gai has now been refuted by the NSW Minister for Planning. The only tragedy is that it took many years of apparently incorrect information from the NSW Department of Planning and the Greater Sydney Commission and many years of work by Council and the community, as well as ratepayer funds, expended on a Strategy that neither councillors nor our community ever wanted.

It is clear from the correspondence that I and my Councillor colleagues have been receiving in recent weeks that the overwhelming majority of our community does not want more development beyond that already existing in current zonings. The hundreds of emails we have received prove that the current pandemic conditions have not prevented residents communicating their views to Council.

I want to thank those residents who have written to the Council expressing their love of Ku-ring-gai and their wish to retain its cherished character. That sentiment is the reason I have served as a Councillor for the past 14 years and particularly as Chair of Council’s Heritage Committee for over a decade, along with the many dedicated community members on the Committee, in the sometimes challenging task of protecting what we value most here.

Ku-ring-gai Council Planning Officers have confirmed that the 250 new dwellings proposed by Mr. Henskens for 2021-2026 and also for 2026-2031 are able to be achieved within our existing planning controls.

I, therefore, put forward the following recommendation:

RECOMMENDATION:

- A. That Council’s Housing Strategy be amended to reflect provision of new dwellings to 2036 from capacity within current planning instruments.
- B. That amendments to the Draft Housing Strategy documents be made in accordance with **Attachment A7** of GB15, where they are not in conflict with A (above).
- C. That Council adopt the Housing Strategy (as amended).
- D. That the Housing Strategy (as amended) be submitted to the Department of Planning, Industry and Environment for approval.

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- E. That delegation be given to the General Manager and Director Strategy and Environment to correct any inconsistencies or errors in the Housing Strategy prior to submission to the Department of Planning, Industry and Environment.
- F. That the Council write to the Greater Sydney Commission, the NSW Premier, the NSW Minister for Planning and local state MPs advising them of the Council decision.
- G. That the Mayor contacts the Ku-ring-gai community advising them of the Council's decision.

Councillor Jennifer Anderson
Mayor

Attachments:	A1	GSC Letter of Support - 4 March 2020	2020/279328
	A2	Letter from Greater Sydney Commission - 9th July 2020	2020/279274
	A3	Letter from DPIE - 22 June 2020	2020/279276
	A4	Letter Mayor Anderson to Premier Gladys Berejiklian - Ku-ring-gai Council Housing Strategy	2020/236038
	A5	Letter from Minister Stokes - 8 September 2020	2020/279279

¹ *Greater Sydney Region Plan, A Metropolis of Three Cities – connecting people, table 3, page 62.*

² *Adapted from the Department of Planning, Industry and Environment – 2019 Population, Household and Implied Dwellings Projections by LGA.*

³ *Section 3.9 (1) of the Environmental Planning and Assessment Act, 1976, viz:*

3.9 Local strategic planning statements of councils

(1) The council of an area must prepare and make a local strategic planning statement and review the statement at least every 7 years

The preparation of housing strategies is a required action from the North District plan (Action 17 p.44)