

818 Pacific Highway, Gordon NSW 2072  
Locked Bag 1006 Gordon NSW 2072  
T 02 9424 0000 E [krg@krg.nsw.gov.au](mailto:krg@krg.nsw.gov.au)  
DX 8703 Gordon TTY 133 677  
W [www.krg.nsw.gov.au](http://www.krg.nsw.gov.au)  
ABN 86 408 856 411



Reference: S14427 / 2025/207955  
26 June 2025

  
The Hon Paul Scully MP  
Minister for Planning and Public Spaces  
GPO Box 5341  
SYDNEY NSW 2001

Dear Minister

**Collaborative Process for Addressing “Stranded” Local Heritage Items in the Context of Transport Oriented Development Planning**

I refer to our brief discussion at the Marsdens Law Group Conference in Campbelltown last Friday and write further to Ku-ring-gai Council’s resolution of 5 June 2025 in relation to its Preferred Transport Oriented Development (TOD) Alternative, adopted at an Extraordinary Meeting held on that date.

In particular, Council resolved, in part, that Council:

*“Commission a preliminary assessment of heritage items proposed to be retained in the TOD or alternative scenario areas envisaged to have controls varied from those under KLEP 2015, or items that are impacted directly by development applications including for SSDs that rely on controls contained in the TOD SEPP as described in this report. This assessment will be commissioned in the month following the gazettal of Council’s scenario”;*

and

*“That as part of consideration of Council’s Preferred TOD Alternative, the Minister for Planning be requested to work collaboratively with Council to develop a process and solutions for current owners of listed local heritage items “stranded” as a consequence of the TOD planning controls, Council’s alternate option to those controls, and SSDAs, on a case by case basis. Council has sought advice on whether the DPHI will consider bulk de-listings of heritage-listed properties in response to heightened concerns from residents. The DPHI has advised that unjustified de-listings will not be considered and that the process for Council or the Department to unilaterally delist heritage items requires a justified position through a full planning proposal process.”*

As you are aware, Council has received growing community concern regarding the viability and long-term prospects for these properties. In response, Council has sought advice from the Department as to whether bulk de-listings might be considered. We acknowledge the Department’s verbal position understandably was that unjustified de-listings would not be supported, and that any such proposal would need to be progressed through a justified planning proposal process.

**OFFICE OF THE MAYOR**  
Council Chambers  
Telephone:- 02 9424-0709



Council greatly values the ongoing collaboration with officers of the Department over many months throughout the development of its TOD Alternative. This engagement has been critical to the shaping of a scenario that reflects both strategic planning objectives and community values.

In continuation of that collaboration - and further to your recent verbal advice - we are seeking your guidance on how a transparent, case-by-case process might be established to address the concerns of heritage property owners affected by this evolving policy context. Council remains committed to working closely with the Department to find constructive and fair outcomes.

I understand that Council staff raised this matter with their Departmental counterparts at a meeting earlier this week.

I would welcome the opportunity to discuss this with you further, should you be available for a meeting in the near future.

Thank you again for your time and insight at last week's conference and for your continued support.

Yours sincerely



Cr Christine Kay  
**Mayor**

OFFICE OF THE MAYOR

Council Chambers

Telephone:- 02 9424-0709