31 January 2024

Ms Monica Gibson
Department of Planning, Housing, and Infrastructure
Via web-based submission portal

Dear Monica,

Submission on Transport Orientated Development (TOD) SEPP Program

Thank you for the opportunity to provide comment on the proposed Transport Orientated Development (TOD) SEPP program. Central Coast Council (Council) is included in the Six Cities Region and therefore the subject of these reforms.

Council staff have been involved in the 'targeted consultation' and attended a briefing with Department staff on 22 January 2024 to understand the proposed changes to planning controls within 400m of Tuggerah, Wyong and Gosford train stations.

Due to the expedited closing date of 31 January 2024 and timing of the targeted consultation during the December and January period, (with limited availability of Council and Department staff), it has not been possible for our elected Council to consider this matter within your deadline. As such, this is a staff submission.

The preparation of the Local Housing Strategy (LHS) for the Central Coast is nearing completion; the strategy proposes actions to increase housing supply across the Central Coast. These proposed actions will seek to assist with the delivery of housing across the LGA, similar to that proposed in the TOD SEPP and the Low and Mid-rise Housing Reforms. However, prior to implementation of LHS actions, further strategic evidence is required to ensure housing is provided in areas that can be serviced by sufficient local infrastructure such as open space, community facilities and transport and traffic infrastructure. Council is concerned at the blanket approach taken to all LGAs within the Six Cities Region as this misaligns with the strategic work undertaken to date within the *Central Coast Regional Plan 2041* (CCRP) and the LHS.

Council supports the desire for greater diversity of housing as well as targeting delivery in existing established areas that may have additional density capacity, particularly around our major transport networks and centres. Our vision is to create a diverse housing supply where people want to live. However, it is essential that a legacy of poor housing for future generations is not created..

Council considers that the information provided as part of the proposed TODD SEPP has not established that there is sufficient local community infrastructure to sustain the additional density proposed, nor does the current package provide detail on the proposed funding framework for infrastructure, specifically the purchase of land for open space.

Council is committed to prioritising housing delivery and in particular affordable housing and this is driven by the priorities and actions in the LHS and CCRP.

In summary, Council's key feedback on these reforms is as follows, with further specific feedback provided in Attachment 1:

- Any future instrument should be progressed through public consultation so that it is subject to appropriate public feedback. The released information document is too broad to provide sufficient feedback on future instruments that have both financial and legal implications for the LGA. A draft SEPP should be exhibited for consultation.

- There is inconsistency across definitions and accepted terminology with the Standard Instrument or the EP&A Act throughout the materials. The definitions and terminology need to be consistent with the Standard Instrument and EP&A Act.

- The location definitions and criteria of where the provisions apply need to be specific, clearly interpreted, and unchallengeable in the Court. Council's preference would be that the instrument includes mapping, which staff understand from the briefing session will be provided at a later date. Where this is not provided, the definition of '*walking distance*' should be clearly articulated as it creates ambiguity for a proponent or assessor and should be replaced with either mapping layers or a clearer definition as has been used by the Housing SEPP for '*accessible location*' or seniors housing.

- Due to the expedited manner in which the TOD SEPP has been developed, the supporting information has not given a clear structure to any proposed instrument, demonstrated its consistency with the existing planning framework, nor is likely to be easily interpreted by technical staff. Where this occurs, it typically leads to poor quality applications inundating the system, slowing assessing times, and increasing challenges through the Courts to interpret the legislation. The implementation should be delayed, and the TOD SEPP exhibited so that the proposed changes can be properly evaluated and wording of definitions and terms reviewed to ensure consistency with existing legislation.

- Council supports the provision of affordable housing through the TOD SEPP but it should be provided by the developer and managed through a Community Housing Provider. The provision of a 2% monetary contribution to Council is not sufficient to purchase land and build community housing within the 400m train station catchment . Council's preference would be for affordable housing to be constructed as part of the development by the developer. Clarification is sought on the interaction of the affordable housing requirements in the TOD SEPP, Council Affordable Housing Schemes (where the scheme applies to land within the TOD SEPP) and contributions for affordable housing in Section 48 of the SEPP Housing.

- Will assistance be provided from the DPHI to Council to assist with the delivery of local infrastructure such as open space, community facilities and local traffic and transport improvements to cater for the additional development and or assistance to update local infrastructure contribution plans? The TOD SEPP and Low and Mid Rise Housing changes are happening faster than Council can amend local infrastructure contribution plans. Where the population is proposed to change substantially Council will need to review its forward works program and funding stream (including local infrastructure contribution plans) to ensure adequate funding and resources are available to deliver local infrastructure.

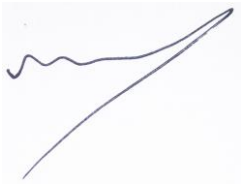
- In addition to the broader concerns outlined above, Council requests that the Gosford, Tuggerah and Wyong TOD locations be excluded from the future TOD SEPP application due to the low opportunity for housing yield (as demonstrated in the table below), limited land application for the provisions, and the existing approval frameworks in place that have a more locally based strategic direction for these centres.

While fundamentally Council supports the intent of the NSW Government to deliver actions that seek to accelerate housing delivery, Council believes the proposed reforms requires further work to address the issues raised by the local government sector. Additionally, no draft instrument has been provided for consultation.

In our view, the problems these reforms are seeking to address require far more complex and detailed direction than that provided to date. Council assesses the largest number of development applications in NSW, and would welcome the opportunity to work collaboratively with the NSW Government to address the critical housing situation on the Central Coast and elsewhere.

Should you require further information, please do not hesitate to contact Shannon Turkington, Unit Manager, Strategic Planning via Shannon.turkington@centralcoast.nsw.gov.au.

Yours sincerely



David Farmer
Chief Executive Officer
Our reference: D16031709

Attachment 1 – Central Coast Council Feedback on TODD SEPP

TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)	
1. No Public Exhibition	The consultation for this draft SEPP has been minimal as there has been no public consultation of the proposed instrument nor open public consultation for the program. Whilst the consultation requirements for SEPPs, as set out in s3.30 of the EP&A Act are at the Minister's discretion, concern is raised with a number of aspects of the proposed TOD SEPP and its application to centres in Gosford, Wyong, and Tuggerah. While Council has participated in a targeted consultation, information was not able to be provided to Council on why Wyong, Tuggerah and Gosford Stations were select and major land use planning constraints (such as flooding at Tuggerah) are to be overcome to provide additional housing. The fast tracking of the targeted consultation and limited publicly available information has not allowed Council and the public to effectively review the information. This includes public scrutiny of the proposed instrument by suitably qualified industry members and affordable housing providers.
2. Consistency of Development Standards for Gosford City Centre	Gosford is currently regulated by the SEPP (Regional) 2021 Chapter 5 Gosford City Centre and allows a strategic approach to height and FSR development within the city centre. The application of the TOD SEPP provisions will only have a limited effect in Gosford City Centre due to the existing zoning of these lands. Current height/FSR controls in place which are proximate to the station, exceed the TOD provisions (see mapping right where provisions will apply). Further, the topography of the land in the city centre is a limiter of height due to preservation of view corridors and cost of construction. Limited additional housing opportunities would be developed in response to the TOD SEPP in the Gosford City centre due to lands already having been developed, land tenure for government services and social housing, and given the extensive work undertaken to deliver a more strategic package of development standards for the centre.  *Application to Gosford Centre of TOD SEPP provisions (5.6Ha approx.) where height is 13m and FSR 1.5:1.*

TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)	
	Figures 1 and 2 identify housing emerging on sites to be included in the TOD SEPP. It will therefore be a redundant instrument and it is recommended that Gosford Centre be removed from the TOD SEPP. The Gosford city centre lands have recently been redeveloped by bonus provisions (30% height and FSR) enabled by the former Gosford LEP 2014 and currently support high density development (see Figures 1 and 2). It is our estimation that less than 50% of the land area nominated by the TOD SEPP provisions (5.6Ha including local roads) would be available for development, without any assessment of the viability or constraints of the land. The existing controls afford development opportunities for housing and are more strategically responsive to the attributes of Gosford City centre and the strategic vision for the various precincts than the TOD SEPP provisions. The SEPP (Precincts - Regional) Chapter 5 Gosford City Centre includes a different land use table and zoning to the Standard Instrument so the broadening of permissibility in this centre would require an amendment to this SEPP. This is further complicated by the SEPP including the previous zoning categories that are yet to be transferred to the new Standard Instrument category for employment lands. Where both the TOD and SEPP (Regional) 2021 Chapter 5 remain in place, it should be clear which is the prevailing instrument to avoid inconsistency and ensure that it is not a 'shopping list' of development standards that a future developer can pick and choose which apply to the site. On balance, the proposed TOD SEPP changes have the potential to complicate the development assessment process which will only lead to delays in development assessment and consequently delay in housing delivery.

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	Existing development in land application area in the Gosford city centre.  ***Figure 1: Emerging developments in Faunce Street (west) and Hargraves Street***

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	  ***Figure 2: Developments in Kendall Street***
3. Mapping or definitions of land application	Mapping should be provided with the TOD SEPP for each of the identified stations to clearly show the land application. Where mapping is not provided a clear definition needs to be included to measure: • 400m from the station so it cannot be subject to misinterpretation or result in further LEC disputes. For example, is 400m measured from the station platform, carparking, access infrastructure etc. • Whether the 400m relates to walking distance (as per the EIE for low and mid-rise housing), a radius, and is this accessible access as defined by the Housing SEPP etc. Mapping is Council's preferred option as this enables more location specific exclusions on the basis of environmental constraints (e.g topography, Biodiversity Mapped lands, bushfire prone lands, flooding etc.) and Council would welcome further opportunity to consult on the mapping for all of the centres. DPHI is seeking input to determine which E1 and MU1 centres contain an appropriate level of goods, services, and amenities to be included in a station and town centre precinct. Across the Central Coast LGA there are areas

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	of E1 and MU1 zoned land of various sizes and service levels. However, an assessment of each area (rather than a blanket application) will need to be undertaken to determine the appropriateness of their inclusion due to the infrastructure available, and significant environmental constraints that may affect access to these centres. The Central Coast LGA supports 89 identified centres and this does not include pockets of E1 and MU1 zoned land outside of these centres. This therefore needs considerable work before Council can provide DPHI relevant information for these provisions. Council would require further funding from the Department to undertake an analysis of these 89+ centres before being able to consult on mapping of these provisions. Concerns are raised with the uplift of 'centres' or E1 / MU1 zoned locations being used as centres where they do not sit within Council's identified retail centres strategy and may disrupt the hierarchy and financial marketplace of established centres. This cannot be achieved outside of the strategic planning framework. If DPHI chooses to progress the adoption of this instrument, it is suggested that the same locational criteria be applied which exists for seniors housing development that is required by Clause 93 of the Housing SEPP. This requires a minimum level of facilities and services and in demonstrated accessible locations. Land in proximity to these E1 and MU1 lands that are flood affected, bushfire or support areas of biodiversity value should also be excluded from the land application where safe and convenient access cannot be demonstrated. By including clear locational criteria, this places the onus on the proponent to demonstrate the site is well-located and does not unnecessarily burden Council with the task of mapping these areas.
4. Inconsistency with Standard Instrument Definitions	The TOD SEPP references *'residential apartment buildings'* which is not a defined land use in the Standard Instrument. For ease of assessment and clarification if this represents a new definition of housing then the Standard Instrument must be updated to adopt the definition. The TOD SEPP must use standard definitions to remove any ambiguity which would cause problems for the development assessment process. The proposed TOD SEPP also needs to ensure that *'mid-rise residential apartment buildings'* or *'mid-rise flat buildings'* are also clearly defined in the Standard Instrument and clearly align design criteria with only those housing typologies defined in the Standard Instrument. Consistency for terminology across all documents, both legislation and supporting guideline documents is also required.

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
5. Heritage	Within the Central Coast LGA, the TOD SEPP is proposed to apply to land within 400m of Gosford, Tuggerah, and Wyong Stations, some of which contain local heritage items. Without the draft instrument, it is difficult to provide feedback on the efficacy of heritage provisions proposed and how these items of value are to be preserved. Staff understand from the briefing session that heritage will continue to be protected via the provisions of Clause 5.10 of the CCLEP 2022 (as well as 5.36 of the SEPP Precincts – Regional as it applies to Gosford). Protection of merit-based assessments of heritage conservation areas must be upheld and clarity provided for future assessment against relevant SEPP provisions. Of particular concern is the intention to double up on bonus provisions (including the recent 30% bonus provisions for affordable housing (State Environmental Planning Policy (Housing) 2021. As the TOD SEPP applies to Heritage Conservation Areas, concern is raised that the height, including any bonus height provisions possible under the Housing SEPP will impact on heritage items. The Wyong Town Centre contains a Heritage Conservation Area (located on the western side of the Pacific Highway), which is wholly contained within 400m of the Wyong Station and will, therefore, be subject to the 6 storey heights within the TOD SEPP. A Draft Wyong District Place Plan has been prepared. Consultation undertaken to inform the preparation of that plan has highlighted the importance of preserving the heritage of the area to the community. Heights within the Heritage Conservation Area on land subject to the TOD SEPP (i.e. zoned E2 or R3) currently vary between 11m and 16m, with the majority of developable land being 16m. The TOD SEPP will enable a development application to maximise density by both the TOD and Housing SEPP incentives to achieve a height of 27m in a Heritage Conservation Area where urban design analysis supports a 16m height. Additionally, the heights without any minimum lot sizes will result in inadequate curtilages around heritage items and development of an inappropriate scale in context of those heritage items. A specific clause should be provided that ensures protection of these curtilages around heritage items. It is recommended that the pattern book of endorsed housing designs does not apply to Heritage Conservation Areas or heritage items. This is necessary to ensure an accelerated approval pathway is not applied in these instances so that an appropriate merit-based assessment can be undertaken.

<table>
<tr><th></th><th>TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)</th></tr>
<tr><td></td><td>Opportunities should be created where Council's strategic planning projects achieve the extent of residential intensification required by the DPHI, through increased heights (beyond 6m) outside of the Heritage Conservation Area to support withdrawing the TOD SEPP provisions to address heritage issues, such as the Wyong Town Centre Heritage Conservation Area.</td></tr>
<tr><td>6. Endorsed Pattern Book</td><td>Council supports the use of the endorsed pattern book as a guideline for the development community, however this is likely to be subject to market influences and will be reliant upon constant maintenance of the document to ensure it retains best practice.

An approach more in line with the Apartment Design Guideline document is a preferred approach where it is focused more on outcomes (i.e. measurable amenity criteria etc) than a pattern book. This will allow for more resilient housing outcomes, that are able to adapt to trends and are best practice. The pattern book, where introduced, should clearly identify what type of development it applies to, and include a variety of site criteria in its template (i.e. sloping sites, coastal locations, etc).

The pattern book should adopt a similar rigorous compliance criterion as with the Complying Development approval pathway and not allow for any variation, particularly where a Section 4.55 Application to modify a DA may later be sought to amend compliance with these standards.

It would assist in the delivery of affordable housing to include affordable housing options within the pattern book where it is adopted.</td></tr>
<tr><td>7. Height & FSR Density</td><td>Some specific comments are provided on the proposed TOD SEPP application in Wyong and Tuggerah – see below:

<table>
<tr><th>Centre</th><th>Comments</th></tr>
<tr><td>Tuggerah Railway Station</td><td>Due to the limited opportunity for development resulting from the TOD SEPP provisions, it is recommended that Tuggerah be excluded from the SEPP. Council challenges the selection criteria for this</td></tr>
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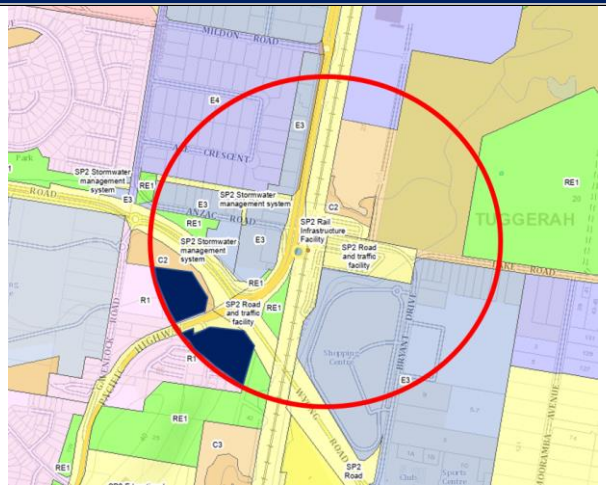
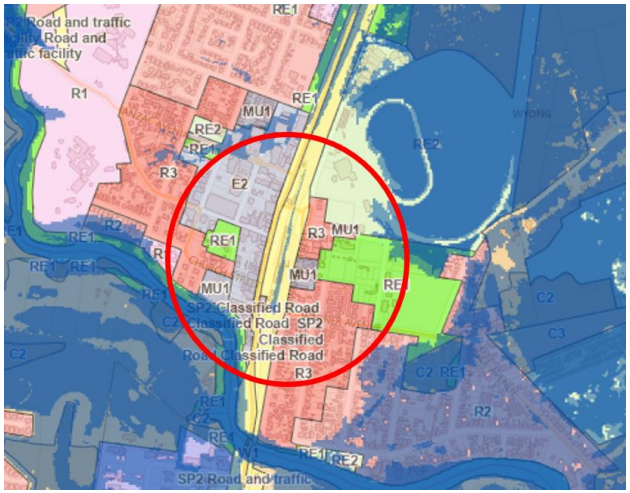
	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)	
	 Land application	site based on the *'capacity for dwelling increase'* criteria. Note the zoning in this location prevents greater application of the provisions in this centre, and the R1 site to the north of the site between the Pacific Highway and Gavenlock Road contains: • Swamp Oak Floodplain Forest of the New South Wales North Coast, Sydney Basin, and South East Corner Bioregions – listed as an endangered ecological community under the BC Act • Swamp Sclerophyll Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin, and South East Corner Bioregions – listed as a endangered ecological community under the BC Act • *Melaleuca biconvexa* – listed as vulnerable under the BC Act and EPBC Act The site to the south of the Pacific Highway represents 1.7Ha of land that is already developed with dwellings which would make redevelopment difficult. Further, DPHI is currently considering a Planning Proposal for expansion of the Tuggerah Gateway site (PP-2021-5416) that will result in approximately 2,200 dwellings and thus delivers greater housing than the TOD SEPP provisions which is approximately 1.2 km from the Tuggerah Railway Station.

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)	
		An additional layer to the development assessment process in these circumstances is not warranted in the example of the Tuggerah centre due to the limited nature of any additional development opportunities which would be created by the proposed TOD SEPP changes.
	Wyong Railway Station 	Wyong Town Centre has a large number of heritage items within the proposed TOPP SEPP application area which could be placed at risk by inappropriate development. DPHI should undertake a risk assessment to examine increased service levels of roads from increased population which would need to be accessible and flood free during a flood event. Flood affected lands are shown in the image along with land application of the subject provisions. An approximate land application area of between 15 – 17Ha applies in Wyong Town Centre. The current LEP provisions enable development of varying height from 13m – 25m and an FSR of 0.9:1 – 3:1 pursuant to the CCLEP 2022. Given that comparable height and FSR provisions already exist in Wyong Town Centre to that proposed under the TODD SEPP, with no significant redevelopment to date. The increased density provisions are unlikely to deliver significant housing, particularly given the market factors for the Wyong Centre.

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	As the Draft Wyong District Place Plan is current being prepared, Council would advocate for the exclusion of Wyong centre from the TOD SEPP provisions to enable this strategic work to drive change in this centre.
8. Car Parking Rates	While it is acknowledged that the provisions apply in centres and the intention is to deliver housing in well located and connected centres, the Central Coast covers a large geographical area with a high rate of car dependency. The Central Coast requires significant investment into public transport (i.e. bus services) to reduce car dependency and improve serviceability to the network. One car per household, as is suggested by the development standard, is not a realistic representation of the Central Coast population as confirmed by the 2021 Census where only 37.5% of the population owned 1 vehicle and >50% owned 2 or more vehicles. Until public transport is improved, a reduction in car parking requirements in new development will only increase utilisation of streets for parking and degrade the public domain. This is perfectly demonstrated in the Northern URA areas in the LGA in 'well serviced locations,' where the street network is dominated by parked cars due to less on-site parking. This is a poor outcome for an area that on paper appears 'well located' but does not have appropriate public transport infrastructure. The NSW Government must align investment in public transport on the Central Coast (additional routes, frequency, and smaller buses to access remote locations) to support the extent of residential intensification proposed by these reforms.
9. Pacific Highway Wyong Road Upgrades	The eastern side of the Pacific Highway in Wyong only has one ingress/egress to/from the Pacific Highway. This will not change as a result of the proposed TfNSW Pacific Hwy upgrade through the Wyong Town Centre, although the intersection will be upgraded. The TOD SEPP proposal will significantly increase the density and therefore the corresponding service levels of this road and its supporting infrastructure. Council requests the TfNSW modelling/design be updated to respond to the residential intensification proposed by the planning reforms (including the 30% height bonus provisions under the Housing SEPP) to ensure there is

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	no adverse impact upon the road network (existing or proposed) either on local streets or the Pacific Highway. If an adverse impact is identified, will the design of the Pacific Highway be updated to address?
10. Environmental Impact Assessment	As identified earlier, the Tuggerah land that would apply the TOD SEPP provisions only has limited redevelopment potential and some of this land has significant biodiversity constraints. The information provided in relation to the relationship between the new provisions and the environmental assessment framework is also incomplete. Further guidance is sought on how a merit-based assessment in accordance with the Act can be undertaken where the TOD program indicates '*relevant environmental controls will apply to the extent they are not inconsistent with the new standards'*. This is inconsistent with the current planning assessment framework and a clear hierarchy needs to be demonstrated in the legal of the SEPP. Where there is ambiguity with these new provisions, this will only result in delays and expense where the legal interpretation is disputed through the Court system.
11. No minimum lot size or lot width	Without minimum lot size or lot width, a heavy reliance is then placed on the amenity design criteria to ensure quality housing outcomes. Council's preference for lower density lands would be to introduce a minimum lot size and lot width to ensure that these amenity outcomes are consistent with a low-density environment and do not result in on-going nuisance complaints.
12. Inclusionary Zoning for Affordable Housing	<u>Affordable Housing Contribution Planning</u> While the inclusionary zoning for affordable housing is a theoretical possibility, the anticipated 2% contribution funding to be delivered will create an unworkable affordable housing outcome for our LGA. Council's own Affordable Housing Contribution scheme can deliver Affordable Housing without creating an additional planning assessment layer nor the resulting burden to Council to manage contributions without the appropriate contribution framework in place. Council's Affordable Housing Contribution Scheme is an action item from both the LHS and Central Coast Affordable and Adaptable Housing Strategy. Council's Affordable Housing Contribution Scheme is programmed for delivery in the 2024-25 financial year. Clarification is required if both the affordable housing provisions/contributions in the TOD SEPP and, also Council's Affordable Housing Scheme would apply.

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	The contribution framework should be attached to any future instrument adopted and developed by the Department in consultation with Council. It is more feasible for both Government and Council to impose contribution funding where the contribution planning has been undertaken. This enables good governance of the funds collected and transparency with the community. Any future contribution planning needs to be clear, have the works funded and programmed and specific on how the funding works alongside the Housing SEPP bonus incentives. <u>Affordable Housing Delivery through Contributions</u> Noting that the Housing SEPP Affordable Housing bonus provisions can be added to these reforms as a 'double up' the future instrument must clearly articulate the application of all provisions, and also which document prevails at any point of inconsistency. Affordable housing supply has long been proven to require a multi-modal response across affordable housing needs (including emergency housing, social housing and developer funded housing) and therefore these reforms are too limited in detail to provide a meaningful bonus. In the Central Coast LGA, the greatest opportunity for affordable housing delivery is through public housing delivered through a Community Housing Provider (CHP). Council's preferred outcome for Affordable Housing inclusionary zoning is that housing is dedicated to a recognised and accredited CHP. Council is not resourced to either manage or develop affordable housing utilising any funding collected by contribution funding. Additionally, Council's own Affordable Housing Land Proposal has identified that funding is typically insufficient to cover all site costs and see affordable housing actually delivered. This can only be absorbed by private developers. Though where Affordable Housing is delivered by a private developer, there is no certainty that this housing product is actually delivered to the market that meets the test for 'affordability' or that it can be retained in perpetuity in this market bracket.

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	Council would require further consideration of the following matters as part of any contribution planning: • Does the funding have to be spent in the TOD SEPP areas? • How is the funding to managed / earmarked where a proponent might be utilising both the TOD SEPP and Housing SEPP bonus incentives? • Can the collection of any TOD SEPP funding be added to any other Contribution Funding being collected for the purposes of Affordable Housing? <u>Affordable Housing and Infrastructure Delivery</u> Part of the complexity to this issue is the purchase of land to facilitate infrastructure and community facilities to support increased affordable housing. It is therefore evident that specific land in areas within 400m of train stations will need to be purchased to meet the minimum requirements of relevant contribution for community infrastructure (e.g. sports fields, playgrounds and recreation purpose facilities) as these are often unavailable in good locations, are insufficient for the populations that rely on them, do not support financial capture for these lands or are not funded. Similarly, additional land for infrastructure will be required to demonstrate equitable access to services and no information has been provided to demonstrate that infrastructure funding will be delivered on top of the affordable housing contributions. The Housing and Productivity Contributions priorities for each LGA are yet to be set due to it only coming into effect in October 2023. The infrastructure able to be provided also includes affordable housing, the Housing and Productivity Contribution should be used to delivery key trunk and regional community infrastructure to ensure new communities and growing populations have access to adequate infrastructure. <u>Local Infrastructure Framework</u> Council's existing infrastructure contribution framework is insufficient to address increased demand created by the expected growth. Noting comments in the TOD information package that '*the department will work with*

	TODD SEPP (Part 2 Only - Not identified in the accelerated precincts)
	councils to identify where further infrastructure planning and funding is required and accelerate that work to ensure it is in place at the right time'. Further detail on this program for infrastructure acceleration should be provided as part of the reforms as it is a key piece to housing delivery. In addition, given the timing of the reforms identified, it is unlikely that infrastructure can be in place to support these reforms. Access to open space is extremely important to apartment living, where communities will experience significant growth, there will not be adequate open space land available to cater for the growing community. Council does not have the funds to purchase land at residential rates to provide open space within the current local infrastructure framework. Council would recommend the following in terms of updating the local infrastructure contribution framework: • To remedy the unreasonable expectation that development contributions will be sufficient to meet the demand for delivery of infrastructure, the contribution caps should be lifted or at a minimum reviewed to ensure local infrastructure is able to be funded through local infrastructure contributions. • At a bare minimum, the contributions cap should be indexed annually to provide a slightly more realistic figure. The CPI should apply from 2010, when the cap was introduced. • The Essential Works List should be expanded to include social infrastructure, in line with previous representations from local government and from the Planning Institute of Australia (PIA). • It is often argued that the cost to developers of local infrastructure contributions risk making development financially unfeasible, thus limiting the production of new housing. However, numerous IPART determinations have shown that the *reasonable* infrastructure costs for greenfield development can far exceed the current caps, by three or four times. Funding of infrastructure relies on master planning and critical strategic planning to occur prior to the rezoning reforms, the TOD SEPP locations should be included in the master-planning process of Stage 1 of the TOD program.

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	The reforms as they relate to town centres and station precincts to increase residential density should take place in a context of state and locally led strategic planning. This should be demonstrated to align with infrastructure planning and the development of new infrastructure-funding mechanisms. These reforms cannot rely on local sources of funding for the necessary additional infrastructure without recognition of the inevitable financial shortfall created by the existing infrastructure funding framework.
13. Interaction with Council-led strategies around transit hubs	Council is of the view that both the current regional planning framework with the CCRP 2041 and detailed work which has been undertaken already provides an adequate local response to the matters which are proposed to be addressed under the blanket provisions proposed under the TODD SEPP. As such, it is recommended that the Wyong, Tuggerah, and Gosford centres be removed from the TOD SEPP. Additionally, Council is also proposing to finalise its Local Housing Strategy in 2024 which includes the implementation of numerous policy actions, such as the Affordable Housing Contribution Scheme.