



**HERITAGE REFERENCE COMMITTEE
TO BE HELD ON THURSDAY, 1 FEBRUARY 2024 AT 12:30 PM
ZOOM / LEVEL 3 ANTE ROOM**

AGENDA

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WELCOME BY CHAIRPERSON COUNCILLOR WHEATLEY

APOLOGIES

DECLARATIONS OF INTEREST

NOTING OF MINUTES

Minutes of Heritage Reference Committee

File: CY00413/11
Meeting held 25 December 2023
GB.1 to GB.2

GB.1 Proposed NSW government planning changes for increased housing 2

File: S14428

Recommendation:

That the Heritage Reference Committee review the NSW government housing proposals Council's draft submission.

GB.2 Heritage assessments and listings update 12

File: CY00413/12

Recommendation:

That the Committee receive and note this update.

OTHER BUSINESS

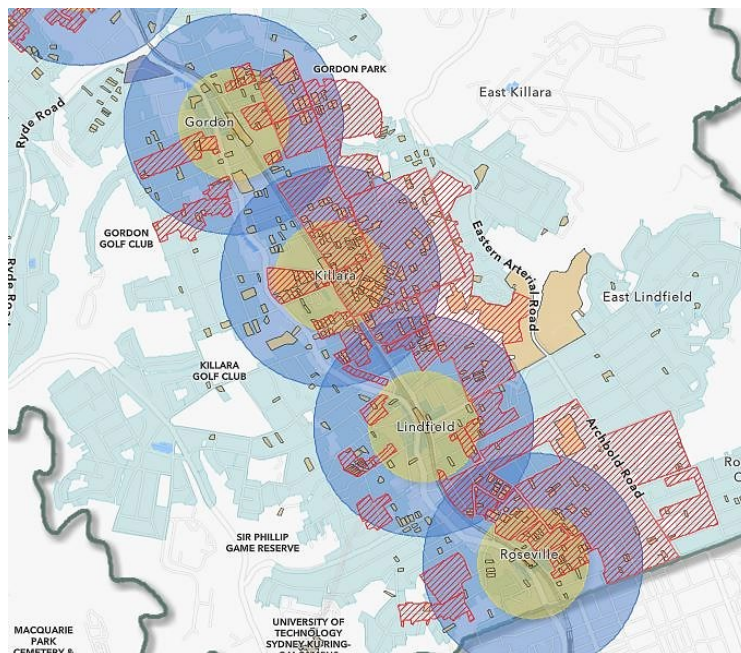
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PROPOSED NSW GOVERNMENT PLANNING CHANGES FOR INCREASED HOUSING

BACKGROUND:

The NSW Government is proposing far-reaching planning changes to increase housing in Ku-ring-gai and more broadly through the state. These are in two proposals for 'transport oriented development' (TOD) and 'low and mid rise housing'. These are currently on exhibition for Council and public comment by 31 January and 24 February, respectively.

The largest proposed increase in both building density and height is near train stations and local centres, on land shaded blue and yellow below and in attached maps. This is where Ku-ring-gai's conservation areas and most significant historic development is concentrated, as shown in red-hatched areas and brown or dots for heritage items in the map below. These proposed density increases throughout the council area **will** apply to conservation areas and heritage items and prevent refusal for heritage impacts.



In listed low-density residential zones, the proposal is to permit and prevent heritage impact refusal of:

- Apartments up to 6-7 storeys (21 metres), 9 storeys with bonus, for 400 metres from stations and local centres (St Ives and potentially others), on land shaded **yellow** above. Four southern stations (Roseville, Lindfield, Killara and Gordon) are covered by 'transport oriented' for Council comment only. Other stations have some exclusions or different measures. These are referred to as 'mid rise'.
- Terraces, town houses and manor apartments of 2-3 storeys (9.5 metre) and 0.7 or 0.8:1 floor space ratio –for 800 metres from all stations and local centres, on land shaded **blue** above. These are referred to as 'low rise'.
- Second dwelling per 450 sqm lot in all R2 zones shaded **pale blue** above, for 'dual occupancies'.

COMMENTS:

Council produced a webpage on these dual NSW housing proposals at [Proposed changes to NSW housing policy and its impacts on Ku-ring-gai Ku-ring-gai](#). Council is preparing a submission to the NSW government on both proposals. The draft heritage content for Council's submission is at Attachment A1.

The Committee is invited to review the proposal summarised on Council's above webpage and the attached draft heritage submission. Note the Council comments on highest proposed densities are due on 31 January ahead of this committee meeting.

RECOMMENDATION

That the Heritage Reference Committee review the NSW government housing proposals Council's draft submission.

Claudine Loffi
Heritage Specialist Planner

Antony Fabbro
Manager Urban & Heritage Planning

Craige Wyse
Team Leader Urban Planning

Attachments: A1 Draft heritage submission on NSW housing proposals 2024 2024/022011

NSW housing policy proposal – heritage issues

The NSW Government is proposing widespread planning changes to increase housing in Ku-ring-gai and more broadly through the state. These are in two proposals for 'transport oriented development' (TOD) and 'low and mid rise housing', currently on NSW Government exhibition for Council-only or community comment.

These NSW proposals for increased housing density have serious implications for the conservation of heritage in Ku-ring-gai, outlined below.

1. Direct heritage impact

The largest proposed increase in both building density and height is near train stations and local centres. This is where Ku-ring-gai's conservation areas and most significant historic development is concentrated. The distribution of the proposed density increase in relation to the heritage conservation areas and heritage items concentrated along the train line is shown in the map over the page.

This NSW proposal directly impacts the future conservation of all of Ku-ring-gai's 46 conservation areas and nearly 900 heritage items. The impact is two-fold by increasing densities that exceed existing built form, and removing Council's capacity to refuse development that detracts from the heritage significance of listed buildings and their setting.

The impact is in three tiers of proposed increased density across the council area. In areas currently zoned primarily for low density residential, the proposal is to permit: dual occupancies (locations shaded pale blue in following map), three-storey multi-dwelling developments (locations shaded blue in following map) and 6-7 storey apartments or 9 storeys with bonuses (locations shaded yellow in following map). Ku-ring-gai's listed heritage buildings in these areas are distinguished by their consistency as single one or two-storey residences with established garden settings.

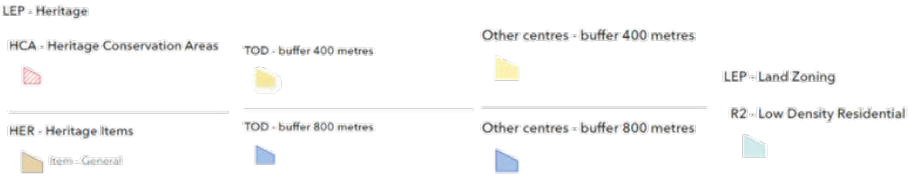
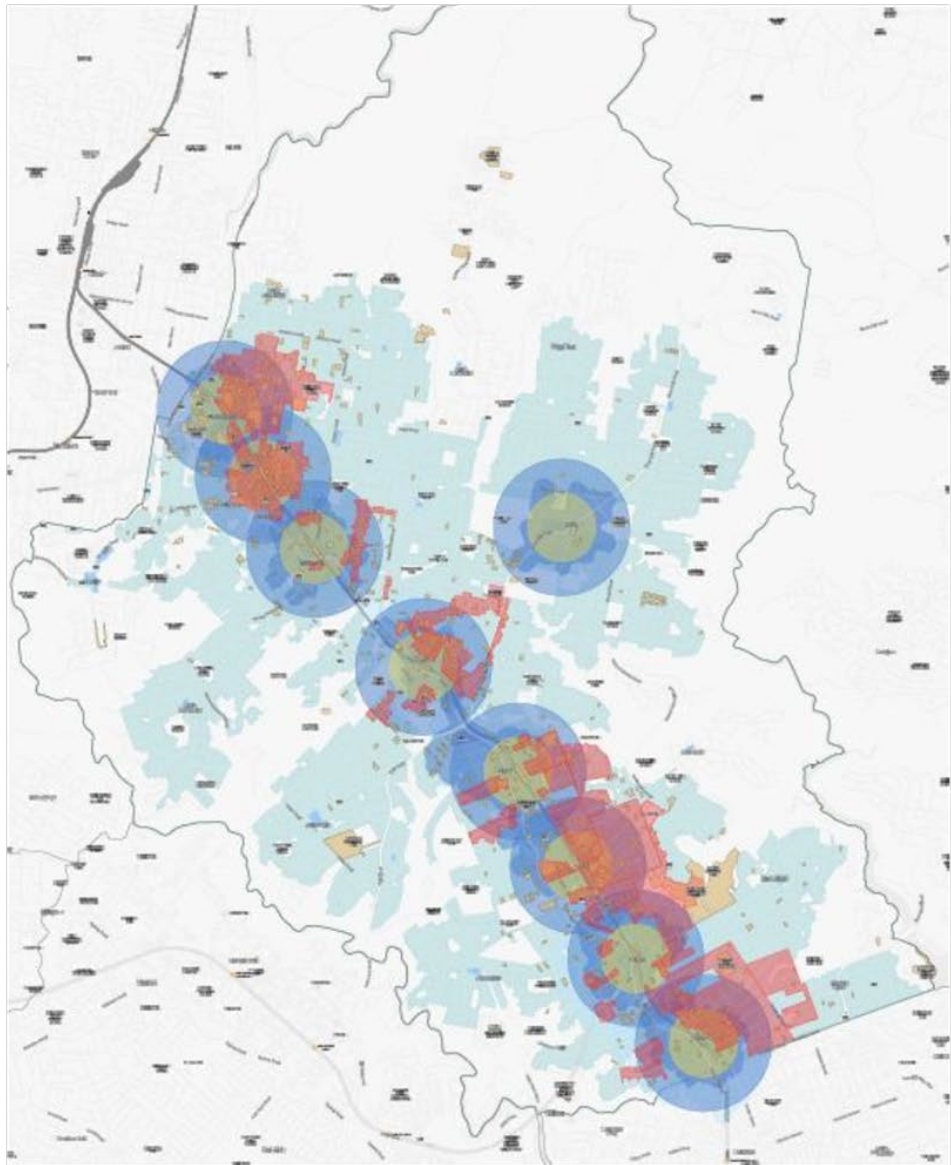
2. Scale of heritage impact

The two NSW proposals for 'transport-oriented development' and 'low and mid-rise housing' together endanger **more than 4,000 properties** in the Ku-ring-gai local area listed as a heritage item or within a heritage conservation area. This includes nearly 900 properties listed as heritage items. The term 'properties' here are counted land parcels.

More than 2,000 listed properties are within the proposed increased density around four stations designated 'transport-oriented development' alone, including more than 300 listed as heritage items.

The proposal will have an excessive impact on heritage listed sites within Ku-ring-gai, including heritage conservation areas and heritage items. Overall, **40% of land proposed for highest density redevelopment near stations and local centres is listed** as a heritage conservation area or a heritage item. A higher 53% of properties are heritage listed within the increased density proposed near four stations designated for 'transport oriented development' at Roseville, Lindfield, Killara and Gordon.

The proportion of impacted sites that is heritage listed is as high as 83% for the 400 metre radius around Killara station, where 6-7 storey apartments are proposed. The Killara proportion of listed land is shown in the detail map below. For these 243 properties, of which 200 are heritage listed, the proposed density will add close to 1,000 dwellings.



5. Removing community certainty

Owners and residents in listed heritage areas and sites have a reasonable expectation that the heritage values will be maintained through new and adjoining development, as provided for in existing planning instrument controls for heritage items, conservation areas, development in the vicinity of heritage items and conservation areas, zoning and development standards.

The proposal includes no measures to maintain this certainty of appropriate conservation. It provides no evaluation of the impact of the increased density on the heritage significance of these areas and sites. This is inconsistent with the NSW government's local planning direction for heritage conservation and the heritage objectives of standard planning instruments across NSW.

6. No local consideration

Heritage impacts of this proposal are heightened in Ku-ring-gai, compared to inner city or less established residential areas, because of the distinctive consistency, location and low scale of its heritage areas and items as a result of its historic pattern of development. Ku-ring-gai's early development is concentrated along the railway line and primarily single storey houses in garden settings.

Ku-ring-gai currently has approximately 25,000 dwellings, excluding strata, reflecting the history of its development as a low scale residential area and the geographic constraints with a large proportion of bushland. The proposal will potentially increase this to more than 167,000 dwellings.

7. Inappropriate controls

The proposed 'one-size-fits all' development standards across Sydney do not recognise differences in local physical constraints of street patterns (such as no rear lanes for car access for terrace development) and land parcel size that will produce greater impacts in areas like Ku-ring-gai.

Distance from a station or local centre is a narrow and inadequate basis for increasing housing density in established areas with major impacts as a result, particularly in areas like Ku-ring-gai with a distinctive and protected heritage in these locations.

8. Blanket increased density is not appropriate for heritage

The proposal is for the same density for heritage listed and unlisted sites despite different site constraints and conservation requirements.

Increased density or adaptive reuse in a sensitive heritage conservation area or item requires a site specific design response and merit assessment that is not contained in this NSW proposal. The proposed blanket increase in density eliminates capacity to properly evaluate and mitigate heritage impacts before this impact is irreversible.

Rather than a blanket increase as proposed, the existing site-specific planning proposal exercise is the appropriate mechanism for sensitive increases in density in heritage conservation areas and heritage items.

9. Irreversible heritage loss

The proposal will incentivise substantial demolition, facadism and new buildings though the disparity between existing and permitted density and inability to refuse detracting development. Once existing building fabric is demolished or a setting is degraded with over-scaled infill development, this impact on heritage significance is irreversible.

Case law in the NSW Land and Environment Court has established that the appeal process will permit a heritage impact, such as demolition or degraded setting if the proposal is within the maximum density set by planning controls. This assumes that relevant environmental issues have been taken into account in forming these controls, which has not formed part of this current proposal.

10. Absent heritage protection

The proposal contains no requirement to protect the fabric and garden setting of listed heritage conservation areas and heritage items. While sympathetic adaptive reuse of a listed building can be achieved, the proposed substantial increase in density without any conservation requirements makes no provision for this outcome. The removal of council's capacity to refuse unsympathetic development will instead invalidate current incentives and guidance for sympathetic adaptations and conservation in the environmental planning instrument and development control plan.

11. Detracting development

The proposal appears to assume that facadism or over-scaled infill development is appropriate conservation for listed heritage items and conservation areas. This will have an irreversible impact on the heritage significance of conservation areas through loss of both fabric and setting. This outcome does not satisfy the standard planning instruments objectives to conserve heritage significance of conservation areas, heritage items and adjoining sites (in the vicinity) specifically in relation to fabric, setting and views.

12. Devaluing conservation areas

The proposal implies that conservation areas have less value than heritage items and therefore do not warrant the same degree of conservation. However the planning protection and systems for both types of heritage listing are the same externally where they seek to retain the heritage significance for which the areas and items are listed.

Conservation areas have collective value as cohesive precincts, not less heritage value than a heritage item. Heritage item and conservation area listings together manage change to buildings, sites and cohesive areas as a whole because these embody their heritage significance as living local history and place-makers, not just facades or fragments.

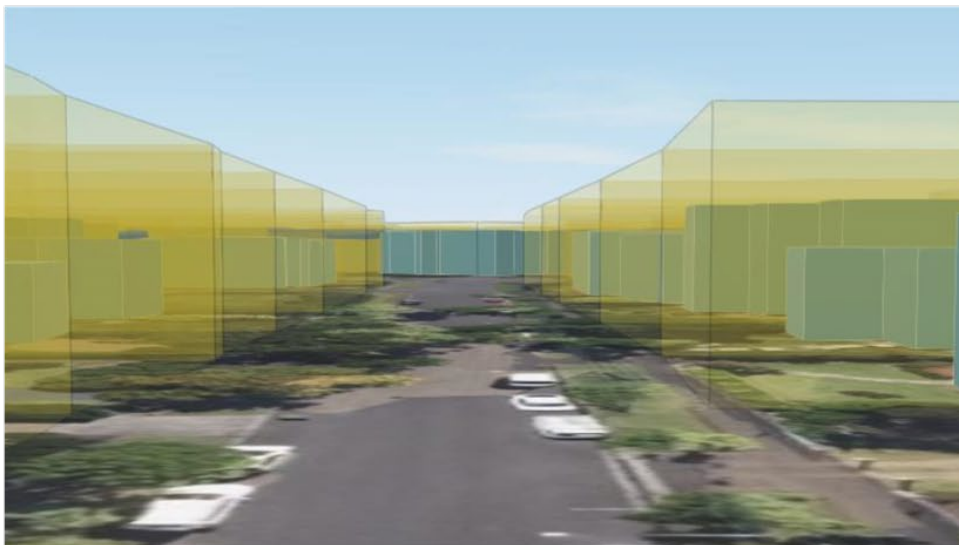
Where conservation areas are significant for their cohesive history, form, subdivision pattern and low scale, as found in Ku-ring-gai, these areas arguably have less capacity than some heritage item sites to accommodate more density without unreasonable loss of significance.

13. Degrading the significance of conservation areas and heritage items

As an example of the heritage impact of the proposed 6-7 storey apartments at 21 metres height within Ku-ring-gai's listed heritage conservation areas and heritage items, the following illustrates the scale of a typical listed street at Locksley Street, Killara, as currently and proposed.



Above: existing street view of a typical heritage conservation area in Ku-ring-gai



Above: proposed building heights in yellow for the same street.



Above: Reference example of built form resulting from proposed building height and lesser floor space ratio less than proposed (21 metre height, 2.75:1 floor space ratio).

Locksley Street forms part of two contiguous conservation areas in Killara for Lynwood Avenue and Springdale Heritage Conservation Area. These areas are identified as significant as evidence of Killara's early layout and subdivision, for its highly significant buildings, gardens, mature trees on private property and street planting. The area demonstrates a high degree of intact and cohesive early twentieth century development of mostly Federation and inter-war houses, many of which were architecturally designed. This street also includes individually listed heritage items of a consistent period and scale.

The proposed 6-7 storey or 21 metre building height (increased to 9 storeys with bonus, not shown), 3:1 floor space ratio and density of the proposed apartments would not retain these significant built and natural features for which the areas are significant. Even if existing buildings are retained with new infill development, the proposed scale and density of these buildings would dominate and degrade the garden setting, integrity and consistency of these heritage conservation areas.

14. Heritage listing is pro-conservation and appropriate development

The underlying assumption that heritage listing is 'anti-development' is not supported by the process or measures for listing. Instead, listing and heritage conservation are based on impartial State Government measures of heritage significance from the NSW Heritage Council. These measures establish what is worth retaining for current and future generations and eliminate the bias of anti-development reaction or amenity concerns. Further, the listing of existing heritage items and conservation areas have been approved by State Government as meeting these impartial conservation standards.

In the planning system, heritage listing operates principally as a demolition control and trigger for development merit assessment. The purpose of both is to retain heritage significance. As such, heritage listing operates more as an anti-destruction or pro-conservation mechanism for those places worth keeping. This process can and does accommodate sensitive development that respects the qualities of the listed place and/or area.

The existing planning system has appropriate capacity to assess additional density and changes for their impact on heritage significance through either a planning proposal or development application.

15. Heritage significance differs to character

The proposal is lacking consideration or protection for 'heritage significance' for which sites are listed under planning law, instruments and government policy. This differs to 'character' that can change. More than 'character', the protected heritage significance of heritage areas and items is core to local identity and links to history. Unlike 'character', 'heritage significance' is embodied in existing building form, features and setting that once lost, cannot be replaced.

16. Unjustified heritage loss for uncertain economic gain

The economic incentive to demolish for increased density will incentivise heritage loss, but does not guarantee improved housing affordability. The economic evidence that permitting increased housing will increase affordability has not been provided in order to justify the degree of heritage loss.

Economic drivers have more impact on supply and affordability than planning, such as taxation and negative gearing. While the planning system approves housing supply, it does not secure supply. Delivery is determined by developers, associated land value and market forces to maintain profitability, which do not benefit affordability. The proposed standards for higher density that conflict with other planning objectives and community needs may in fact slow and increase the cost of housing, as noted above.

17. Endangering unlisted heritage

The proposed increased development potential will impact on the capacity to heritage list and conserve further places of justified heritage significance. Not all significant sites are already heritage listed. Sites worthy of listing is a matter under regular review through heritage studies and the like because community understanding and values will change over time.

18. Alternatives are available

Conserving heritage and supplying housing are not mutually exclusive needs but can both be achieved through careful consideration and placement. There is no mandate to place the highest density in the most heritage-rich locations, as currently proposed. There is a community mandate, state government law and approved listings for protection of heritage conservation areas and heritage items.

Further investigation is required to find alternative locations with less heritage or environmental impacts.

HERITAGE ASSESSMENTS AND LISTINGS UPDATE

BACKGROUND:

This report updates the committee on strategic heritage projects underway for noting or comment.

COMMENTS:

1. St Ives Showground Precinct Conservation Management Plan – Council is reviewing the final draft submitted by consultants PTW Architects, together with other strategic plans underway for the site.
2. Modern heritage study – Consultants Robertson & Hindmarsh are researching Council records and inspecting properties for potential consideration within the stage 1 suburbs of Wahroonga and Turramurra. Council also has partial state funding for commencing the next stage 2 of this study.
3. 17A Edward Street, Gordon – Council adopted the consultant’s recommendation to consider this site for listing following the state IHO. The IHO remains in effect till April 2024. Council is awaiting the Department’s approval to exhibit the draft item for community comment. A second DA has been lodged.
4. ‘Her-story’ inventories – This project to complete Council’s online inventories for existing heritage items and conservation areas is well underway to enhance online information on the State Heritage Inventory about the history, features and significance for our area’s listed places. The first major batch of inventories for the 46 heritage conservation area are nearly complete, with just photos to be added in the near future.

RECOMMENDATION

That the Committee receive and note this update.

Claudine Loffi
Heritage Specialist Planner

Craige Wyse
Team Leader Urban Planning

Antony Fabbro
Manager Urban & Heritage Planning