



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 20 FEBRUARY 2024 AT 7:00PM
LEVEL 3, COUNCIL CHAMBER**

ATTACHMENTS EXCLUDED FROM AGENDA

**** ** * * * * ***

NOTE: For Full Details, See Council's Website –
www.krg.nsw.gov.au under the link to business papers

The Livestream can be viewed here:
http://www.krg.nsw.gov.au/Your_Council/Meetings/Council_Meeting_livestream

Disclaimer: All Ku-ring-gai Council Ordinary Meetings of Council are livestreamed for on-demand viewing on the KRG website. Although Council will do its best to ensure the public is excluded from the livestream, Council cannot guarantee a person's image and/or voice won't be broadcast. Accordingly, attendance at Council meetings is considered consent by a person for their image and/or voice to be webcast. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. As per clause 15.21 of Council's Code of Meeting Practice, a person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording or photograph of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council.

GB.18 Transport Oriented Development Program and Low and Mid-Rise Housing Provisions

Attachment A5: Hill Thalys Architecture & Urban Projects Pty Ltd report3

Attachment A6: Lisa Trueman heritage consultant report 17

Hill Thalís

Architecture + Urban Projects

16th February 2024
Project No. 10.34 PT/ST/KH

Hill Thalís opinion –

TOD SEPP: Transport Oriented Development Program

Explanation of Intended Effect: Changes to create low-and mid-rise housing

Ku-ring-gai Council

Attn: Craig Wyse • Team Leader Urban Planning
Email: cwyse@krg.nsw.gov.au

Dear Client,

We write in response to Ku-ring-gai Council's request for Hill Thalís to prepare a written opinion on Planning NSW's *TOD SEPP: Transport Oriented Development Program* and the accompanying *Explanation of Intended Effect: Changes to create low-and mid-rise housing (December 2023)* associated with Part 2 of the TOD program.

Hill Thalís supports the government's primary objective to increase the range of housing types and the need to increase densities within the Greater Sydney and Six Cities existing urban footprints.

We support sound policy founded on evidenced-based testing that demonstrates high-quality urban outcomes essential for realising the vibrant cities intended; and promotes healthy living environments that are critical for all people that our cities house.

We support inclusionary zoning and a levy to provide affordable housing. However, blunt policy mechanisms that are poorly aligned, or inconsistent with evidence-based testing is considered a poor public policy approach. An approach that historically has demonstrated poor urban outcomes and generates adverse public reaction.

Hill Thalís agrees there are opportunities for low- and mid-rise development for the 31 TOD precincts.

However, the TOD SEPP and EIE is not supported given the significant improvements to the policy settings and mechanisms required to support appropriate building typologies consistent with essential human amenity – natural ventilation and cross-ventilation, solar access and daylight, deep soil and canopy landscape required by successful NSW and local policies and expected by communities.

Need for government to introduce value capture for all upzonings

Australia has been a laggard in capturing adequate public benefit available through the privilege granted to develop land. This is wide-ranging from mining natural resources to land development. Australia has failed to introduce policies that benefit future generations such as have countries like Norway and UAE with the sovereign future funds and effective tax and royalty settings.

Urban development policy continues to direct financial benefits to a few, with private individual land-owners receiving disproportionate monetary gain of any uplift. This is poor public policy in our view.

The TOD SEPP and EIE for low- and mid-rise development marks a turning point of opportunity for government (the public) to share some of the monetary gains through direct value capture of all land sales arising through this policy.

While the intent to increase supply is welcome, there remains a little discussed obligation on government to direct fund public housing. This policy could present opportunities to help source the needed funding.

It is unrealistic and unreasonable for the housing crisis to be dependent on the private sector solving it. The sectors long-known to be failed by the market will not be served by continuing along the same path. This is not best practice when compared to many overseas examples.

Gadigal Lands
Level 4, 15 Foster Street Surry Hills, NSW 2010
+61 2 9211 6276
hillthalis.com.au

Philip Thalís NSW ARB #6780
Sarah Hill NSW ARB #5285
Nominated Architects
ABN 36 002 939 406

We urge government to introduce a mechanism for value capturing that over time changes the expectations of all stakeholders so public housing again can be seen as critical infrastructure as it is in many European and Asian jurisdictions.

Objects of the Environmental Planning and Assessment Act 1979 No 203

We draw attention to the fundamentals of what these policies must demonstrate:

1.3 Objects of Act

The objects of this Act are as follows—

- (a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) to promote good design and amenity of the built environment,*
- (h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) to provide increased opportunity for community participation in environmental planning and assessment.*

As proposed, significant work is needed for a final policy to be consistent with these objectives.

Our focus on sound city-making is the alignment between building type, FSR, Height, and deep soil landscape.

The following response should be understood in context of most of the detail and implications arising from the TOD: SEPP information provided by the Department, are located in the EIE: Changes to create low-and mid-rise housing. Our opinion therefore is structured that way.

This letter provides comments on the following:

TOD SEPP: Transport Oriented Development Program:

Non-refusal standards and mechanisms

EIE: Changes to create low-and mid-rise housing:

Chapter 2

Chapter 3

Chapter 4

TOD SEPP: Transport Oriented Development Program:

Non-refusal standards and mechanisms

What will the SEPP include?

From April 2024, new planning controls will apply within 400 metres of 31 well located and well-connected stations and town centres.

The changes will allow:

- Residential apartment buildings in all residential zones (R1, R2, R3, and R4) within 400m of identified stations
- Residential apartment buildings and shop-top housing in local and commercial centres (E1 and E2) within 400m of identified stations

Proposed changes to planning controls:

- Maximum building height 21m (approx. 6 storeys)
- Floor space ratio 3:1
- No minimum lot size or lot width
- Minimum active street frontage controls in E1 and E2 zones
- Maximum parking rates

It also proposes to introduce new design criteria for mid-rise residential apartment buildings:

- Building separations
- Setbacks
- Vehicle access
- Visual privacy
- Communal open space

In our experience, these combinations of proposed non-refusal development standards are simultaneously enabling very poor outcomes with no prospect of facilitating high quality urban outcomes.

They are incompatible with residential building types needed to deliver fundamental resident amenity – natural ventilation and cross ventilation, solar access, daylight and outlook; and any meaningful deep soil landscape and canopy. They result in excessive, large building footprint types that evidence continues to demonstrate delivers very poor amenity on those metrics.

The combination of proposed building height with excessive, misaligned FSR results in outcomes contrary to best practice, and the Objects of the EP&A Act.

In our experience the proposed mechanisms are not supported by research and urban testing previously carried out by the Department, GANSW and numerous professional urban studies. Based on our experience, the ADG amenity standards will be very difficult to achieve on all but a few sites (likely corner sites). We consider this to represent poor policy outcomes.

As a general comment, the proposal to relax any ADG provision is not supported. While we support in principle, opportunities to improve policies, the ADG remains an exemplar and the most effective public policy in Australia for delivering residential amenity in apartment development. It should not be weakened to reduce the *minimal* amenity objectives and metrics it currently delivers in delivering the proposed housing.

Ku-ring-gai's existing LEP controls for FSR in R4 and R3 zones are exemplars for consistency with ADG, NSW urban canopy protection and targets and should be the model from which the TOD SEPP allows local Councils to deliver the intended housing. The community should expect that councils' regular required reviews of local controls will equal or improve on urban and amenity outcomes, they should not decrease these outcomes.

Hill Thalys notes that the TOD SEPP definition Height - inclusions and exclusions need to be based on floor-to-floor heights to satisfy the requirements of the ADG, NSW Building Commission, building envelope waterproofing, and AC plant plus an allowance for accessible communal open space roof gardens to accommodate the lift over run, planting, and waterproofing. (Also see Hill Thalys's height study excerpts Figures 1 to Figure 4 conducted for the City of Sydney at Appendix 1).

TOD SEPP fails to include a mandated requirement of approval that the development must demonstrate the design is founded on proper place and site analyses, and that the design response is appropriate for the site's specific conditions. In Hill Thalís's opinion, a requirement to demonstrate design excellence should apply to any policy of such reach and urban scale.

However, the requirements for competitions should be waived.

Merit assessment pathway needs to prevail for all apartment proposals/applications so that appropriate due diligence is carried out by developers conducting their feasibility studies in land purchases; and the community can be confident all housing is demonstrating appropriate typologies that achieve the essential fundamental high-quality amenity expected. In this regard the TOD SEPP and its proposed controls fail the public. See EIE opinion on implications of the non-refusal standards.

The proposal to further reduce amenity provisions covered by the Apartment Design Guide for mid-rise apartment development should be understood in context of former SEPP 65 (now SEPP Housing Chapter 4) and continuing application of the Apartment Design Guide:

- a) The Apartment Design Guide objectives and metrics have been the most effective and successful of development policies nationally in delivering residential amenity over the past two decades (since its inception as the Residential Flat Design Code)
- b) The existing provisions with the Apartment Design Guide are *minimum* amenity standards.

Weakening a highly successful and exemplar policy by lowering performance metrics represents poor public policy and cannot be supported. Implications of reduced building separation goes to deep soil, outlook, solar access and overshadowing, visual and acoustic privacy, urban scale and is not supported.

There already exists a strong pathway within the *Environmental Planning and Assessment Act 1979* enabling 'flexibility' with the effect that all development standards and controls within SEPPs, LEPs, DCPs and the Apartment Design Guide may be varied through individual planning justification and merit consideration of a development and its specific circumstances. The proposed SEPP should retain the application of the ADG with its existing performance metrics and enable the existing mechanisms to operate if departures are sought. This requires a merit assessment pathway which in our experience is essential for good public policy and achieving higher density urban outcomes that make a positive contribution to the cities we make and provide the amenity needed to house the population.

EIE: Changes to create low-and mid-rise housing

The proposed non-refusal standards for residential flat buildings and shop top housing in the station and town centre precincts are:

In the inner part of the precincts within 400 metres of the stations/centres:

- Maximum Building Height: 21m
- Maximum FSR: 3:1

In the outer part of the precincts from 400 to 800 metres of the stations/centres:

- Maximum Building Height: 16m
- Maximum FSR: 2:1

The non-refusal standards will apply to any residential flat building and shop top housing development on land in station and town centre precincts (with the exception of land zoned R2).

For residential flat buildings, the non-refusal standards apply to land where this land use is currently permitted or proposed to be permitted. For shop-top housing, the non-refusal standards apply where this land use is currently permitted.

Station and town centre precincts

The Station and town centres precincts are proposed to be:

- within the Six Cities Region; and
- 800m walking distance of a heavy rail, metro or light rail station; or
- 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre; or
- 800m walking distance of land zoned E1 Local Centre or MU1 Mixed use but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.
 - The Department is seeking input from councils to determine which E1 and MU1 centres contain an appropriate level of goods, services and amenities to be included.

EIE: Changes to create low-and mid-rise housing

Chapter 2 The Housing Crisis

2.3 Well-located infill housing

We support the government's intent recognising the key to successful increased density is that it is located in areas with high amenity. As a statement of principle, we believe that higher densities should always be located in areas of higher amenity and environmental quality.

The failure of housing policies to date has resulted in perverse outcomes, focusing the highest density where there is the lowest amenity – primarily along noise corridors often with poor existing urban structure and essential supporting amenity – such as dysfunctional block sizes incompatible with walkability, no public open space network, little opportunity for tree canopy, poor pedestrian/cyclist amenity, and inadequate focus on critical urban repair to support the densities or building types to address challenging conditions.

NSW has the opportunity to make our cities fabulous places, but it is critical that public policies are well-aligned to deliver them. Historically, too frequently this has not been communities' experience and continues to instil distrust of public planning and creates avoidable conflict.

The Government's intent to align the currently disparate quality of LEPs is logical, but critically must be founded on the findings of evidence-based urban studies and testing; and must work with communities rather than inflict what may appear easy or lazy policy solutions to address crises conditions.

Blunt, poorly conceived mechanisms, not informed by evidence will be doomed to fail.

Enabling additional supply of itself will not equate to delivery nor desirable outcomes.

Enabling supply by poor quality mechanisms is not acceptable for public policies that have such wide reaching impacts to the look and functioning of our cities for decades to come.

The Objects of the Act demand proper planning that enables our cities to grow to support the health and well-being of all residents and is economic and orderly.

Delivering the intended housing targets needs the community to support it.

Ku-ring-gai remains an exemplar of well-aligned FSR, height and landscape controls amongst its suite of LEP and DCP policy.

It has very successfully delivered all the state's housing targets within its existing local control mechanisms. Ku-ring-gai's high- and multi-density development controls continue to deliver high- and medium- density housing with critical high-quality amenity, urban canopy and deep soil landscape outcomes.

We agree there are opportunities in Ku-ring-gai for increasing high-, mid-rise and low-rise multi-dwelling housing that can be supported by commensurate open space, walkable distances to schools and services in neighbourhood centres, located on bus routes with frequent transport to heavy rail/Sydney city centre, existing or potential for walkable blocks and understanding subdivision, topography and the like.

We do not support the proposed non-refusal development standards have the effect of voiding councils' ability to define their Desired Local Character and the policies to deliver them under the Act. The local character established for where they choose to live is aligned with the specifics of the place and rightly is highly valued by communities.

We do not support the approach to heritage (discussed elsewhere) that fails to value heritage with mechanisms that appears are intended to enable ill-considered wholesale demolition.

The expectation that the uptake will see development applications for apartment development lodged within months is also unrealistic. Feasibility studies, planning analyses, acquiring sites, financial institutions' lending requirements to developers (including the limitations of who qualifies for finance), the time needed to engage consultants and prepare designs to DA stage is highly unlikely to be completed in 2024.

EIE: Changes to create low-and mid-rise housing

Chapter 3 What's preventing more low-and mid-rise houses being built

3.1 Mid-rise housing

Much is made in the EIE of the R3 and R2 zones 'preventing' certain housing types as the root cause of the housing crisis.

We consider this to be a flawed contention, not sufficiently supported by either data or place specific analyses.

The purpose of these different residential land use zones is deliberately intended to identify different urban outcomes matched to the population needs of a city by enabling housing to be delivered by specific building types. Low density detached dwellings inevitably will play a role in all cities. The effect of the EIE essentially removes this housing type through the inclusion of blanket application of dual occupancy to the zone. Should this occur, local controls must prevail for lot size and requirements that both dwellings provide a minimum street frontage. Poor amenity and deep soil outcomes are continuing to result with subdivided battle-axe dual occupancy lots types.

The problem is not the 'zonings' restricting housing supply per se, but the need for land to be rezoned to align with the types of housing desired, and intended, to increase density as dwellings per hectare enabled by a different land-use zone.

Local councils have the ability to identify areas with the highest amenity. They have the critical local knowledge regarding available city-making infrastructure – including green, blue and cultural networks; open space; topography; schools and hospitals; transport; and urban structure of street patterns/types and subdivision patterns to identify opportunities for change that will deliver high quality housing with excellent amenity.

This level of detailed, holistic consideration is fundamental to bringing less expensive types housing along with the proposed scale of changes that will need to be met. This recognises cities must deliver housing for younger generations that will sustain them over their lives and retain the mix and vitality of neighbourhoods.

The TOD SEPP and wider proposed low- and mid-rise housing in its current form cannot deliver=.

Where building heights above 4 storeys and FSR is higher, intended to deliver apartment types, these should be delivered through the R4 zone mechanism rather than changing mechanisms throughout R3 zones. This does not shy away from nuanced consideration of R3 housing types or the intent of the EIE but uses the right mechanisms to deliver the right urban outcomes.

Hill Thalys points to the excellent research carried out by McGregor Westlake and Redshift AA for GANSW as regards mid-rise and low-rise medium density housing. The following link provides an overview of this work. (Copy and paste to browser if link not directed):

<https://www.redshiftaa.com.au/research-advocacy/what-is-the-missingmiddle>

Hill Thalys also points to the submission prepared by Redshift AA in response to this EIE.

It provides an excellent explanation of reasons why the mid-rise and low-rise housing typologies have not been delivering. It details the importance of well-aligned FSR, height, site coverage and deep soil landscape controls, and identifies the unintended outcomes where controls are poorly aligned:

https://redshiftaa-my.sharepoint.com/:b/g/personal/angelo_redshiftaa_com_au/EawvK-koUfZBr2wdSh-13ZsB91oS33UuegDHmcFYGpRLA?e=bgKnZc

3.2 Low-rise housing – multi-dwelling housing

There remains a current pathway with the effect of enabling multi-dwelling housing in low Density R2 zones is via the Housing SEPP – Chapter 3 for Housing for seniors and people with a disability.

The continuing failure of the Housing SEPP remains in all its residential non-refusal landscape controls.

The EIE is also self-contradictory as the non-refusal development standards and their proposed mechanism of non-refusal prevent any merit consideration that simultaneously is claimed can occur. Failure to mandate a requirement to address constraints of a site prevents any fact-based assessment of development potential of individual sites and appropriate design response founded on the specifics of a site facilitating and favouring poor design outcomes rather than promoting best practice urban outcomes. Experience of existing SEPPs with non-refusal development standards demonstrates this facilitates inadequate due diligence in land purchases that becomes embedded at concept design as a pathway to poor urban outcomes.

We return to one of the tenets of the Act being:

(g) to promote good design and amenity of the built environment,

Landscape

SEPP one-size-fits-all non-refusal controls with no mandated provisions for merit assessment over-riding effective local controls are not fit for purpose in delivering the needed deep soil and canopy that must be protected and delivered to meet NSW canopy targets and address urban heat. There remain cumulative impacts of existing SEPPs resulting in the constant loss of canopy and deep soil. The proposed TOD SEPP will accelerate deep soil and canopy loss.

The combination of inadequate settings and non-refusal consideration further limits the ability to replace lost canopy and prevents urban repair where it may be critical for sound city-making and managing essential green infrastructure over the long term.

We consider this to be unsustainable outcome across NSW.

The notable exception to this has been SEPP 65 (now SEPP Housing – Chapter 4) that has been such a success specifically because the SEPP enabled landscape controls to defer to local policies. The Apartment Design Guide sets a helpful guide for Councils without well-developed landscape and deep soil controls, however, the ADG deep soil and landscape provisions are accepted by most stakeholders and urbanists as far too low. See further comments on Ku-ring-gai's deep soil at Appendix 1.

In our opinion, SEPPs would deliver improved and sustainable deep soil landscape and canopy outcomes across urban areas where landscape provisions are elevated within LEPs, supported by local DCPs, and SEPPs enable local landscape policies to prevail similarly to mechanisms currently successfully operating under the former SEPP 65, now SEPP Housing Chapter 4.

Heritage

Ku-ring-gai's pattern of settlement has produced areas of high heritage significance of a particular character - with large blocks, large lots comprising deep soil and canopy landscape as the setting for dwelling houses. These areas have not prevented development yet successfully retain the high values of significance through considered, and effective local controls. State policies should be supporting and encouraging the recognition and celebration of heritage in all council areas throughout NSW that balances with well-aligned development policies.

Blunt rezonings in combination with non-refusal development standards promote demolition rather than retention and adaption as a priority. Re-use must be encouraged and supported by policy.

There is scope for a review of heritage conservation areas so that genuine high quality values are retained, to ensure there remains the vibrancy of development types as well as provisions that can encourage more retention and adaption.

The approach assumed by the TOD SEPP around stations and town centres is wholesale demolition. This is the effect of the combination of non-refusal development standards and inability for a merit assessment that considers heritage. The proposed form of the policy is incompatible with heritage conservation and contrary to sustainability and climate policies that need to promote retention and re-use of existing buildings. Hill Thalys considers this represents poor public policy.

Affordable housing

a) TOD SEPP

Hill Thalys supports the intent for inclusionary zoning for affordable housing.

The targeted 15% affordable housing in the 8 TOD SEPP Accelerated Precincts is a positive inclusion. However, the qualifying statements that this maximum is subject to feasibility testing is concerning. The EIE does not specify who will undertake the feasibility studies and represents a failure of the intent. The proposed upzonings should mandate the affordable component as a condition of the development.

All affordable housing must be held in perpetuity to prevent the constant leakage of supply continuing to be enabled by inadequate settings in SEPP Housing. Hill Thalys does not support policy that limits the time affordable housing is held before being released back to the market as private housing.

Delivering affordable housing for key workers should be a paramount to the housing targets. Supply alone is not the solution despite some dominant voices in the public debate.

There is a primary responsibility on government to invest in direct public funding to supply the specific areas so well identified in all studies of which we are aware as being failed by 'the market': public housing, crisis housing, domestic violence, single parents with families, older women, disability housing, and key workers.

b) Low- and mid-rise development

The proposed commencement of a mechanism to include affordable housing is supported in principle.

The 2% target is far too low and will not deliver any meaningful contribution. This is inconsistent with good practice outcomes in our view.

As a general principle, we consider any proposed up-zoning in NSW should be mandated to commence for all development types at 15% increasing to 25% over the next decade. This is consistent with overseas practice and redresses previous decades impacts of diminishing public investment.

All affordable housing must be retained in perpetuity.

The avoidance of all governments to direct public investment into delivering public housing, treated as essential infrastructure - as Australia has done so well in previous decades - remains disappointing.

EIE: Changes to create low-and mid-rise housing

Chapter 4 Proposals to build more low- and mid-rise housing

4.1 Mid-rise housing

As a statement of principle, we believe that higher densities should always be located in areas of higher amenity and environmental quality. This includes town centres with high quality parks and open spaces and provides councils with opportunities to identify the potential to create more vibrant smaller local centres with smaller scaled increased density to complement the transport node precincts.

Further clarification and detail around the application of this component of the policy is required. The EIE lacks clarity as to the size of E1 or MU1 and definitions around exact types and scale of services as well as supporting infrastructure such as high quality open spaces and parks in walking distance (which should be no more than 200m). Outcomes where one or two mixed use developments may have a tokenistic retail/commercial use at ground floor to 'tick a box' as mixed use development should not be permitted as being sufficient to trigger the 800m walking distance provision.

Previous comments in this letter regarding the non-refusal development standards and mechanisms that prevent merit assessment to achieve the maximum permitted FSRs apply to this component of the proposed SEPP.

The proposal lacks essential local knowledge to deliver well-located housing and needed supporting infrastructure. There is no capacity for local strategic planning and represents a failure of the TOD SEPP and EIE in our opinion.

Achieving economic and orderly development of land is facilitated by rigorous, well-considered and integrated strategic planning that councils are best placed to deliver.

4.2 Low-rise Housing

Further clarification and detail around the application of this component of the policy is required. The EIE lacks clarity as to the size of E1 or MU1 and definitions around exact types and scale of services as well as supporting infrastructure such as high quality open spaces and parks in walking distance (should be no more than 200m). Outcomes where a one or two mixed use developments may have a tokenistic retail/commercial use at ground floor to 'tick a box' as mixed use development should not be permitted as being sufficient to trigger the 800m walking distance provision.

Previous comments in this letter regarding the non-refusal development standards and mechanisms that prevent merit assessment to achieve the maximum permitted FSRs apply to this component of the proposed SEPP.

Villa Housing

While it is noted villa housing is not specifically identified in the EIE, by implication, we consider it may be a housing type enabled because it falls under the Low-rise Housing Diversity Code (LRHD).

Villa type housing must be removed as a permissible housing type with the LRHD Code. Urban outcomes are unacceptable due to the impacts of driveways, vehicle swept paths and at-grade parking. Impacts continue to devastate existing urban canopy, prevent replacement canopy, result in poor resident amenity with poor daylight, natural ventilation, open space, landscape provisions.

Dual occupancy

Permitted types of dual occupancy should be defined by councils. Battle-axe types are not supported as they facilitate poor urban outcomes with the loss of canopy trees, too much of a site being given to hardstand accommodating rear access and swept paths.

Dual occupancy types must require both dwellings directly address the street main entry to the dwelling and vehicle access. Garages and car parking must not dominate the frontage, which requires a site frontage greater than the proposed 12 metres in the Ku-ring-gai context.

In principle, Hill Thalys supports reduced car parking – limiting to 1 x car space per dual occupancy - to reduce the dominance and negative impacts of garages in street frontages.

Local councils are best placed to identify and manage locations for dual occupancy consistent with their delivering their Desired Local Character, tested and directly tied to delivering their housing targets.

Minimum lot size, Site frontage and FSR

To achieve positive urban outcomes appropriate to, and well-aligned with, Desired Local Character, both minimum lot size and site frontage requirements need to be set in LEP controls. Blunt one-size-fits-all development standards proposed through the TOD SEPP and EIE do not allow for the nuance of existing subdivision patterns, urban structure, or adequate consideration of deep soil. All essential for sound city-making

Minimum lot width of 12 metres is not clarified as being per sub-divided lot or the parent lot. If a parent lot, 12 metres is considered inadequate in Ku-ring-gai context and conducive to poor urban outcomes with vehicles dominating the street frontage and no provision for meaningful side setback landscaping as is the experience of council with provisions that currently enable dual occupancies with poorly-aligned landscape controls.

FSR and maximum site coverage provisions need to be well-aligned with deep soil provision that should be a minimum 40% for dual occupancy types in Ku-ring-gai given the larger lot sizes and noting current multi-dwelling housing already achieves this as does apartment development ranging from 40% to 50% dependant on lot size.

See Appendix 1 for further comments on deep soil in Ku-ring-gai.

Yours faithfully,



Philip Thalys LFRAIA

Director Hill Thalys Architecture + Urban Projects Pty Ltd
B Sc Arch, B Arch, USyd, CEAA Arch Urb (Paris)
NSW Design and Building Practitioners Act #0001821



Kerry Hunter
Senior Urban Designer Hill Thalys Architecture + Urban Projects Pty Ltd
BArch, (Hons) UNSW

See Appendix 1 - City of Sydney – Height, FSR and Deep Soil Alignment Study

See Appendix 2 – Hill Thalys residential housing types matrix

Appendix 1

City of Sydney – Height, FSR and Deep Soil Alignment Study

Evidence Base

Last year Hill Thalys was engaged by the City of Sydney Strategic Planning and Urban Design, to prepare a Height & FSR Alignment Study. Our focus was on the alignment of height and FSR and deep soil landscape outcomes.

The work and recommendations were founded on evidence comprising:

- A suite of 24 exemplary projects were showcased to demonstrate design integration of key values, and report on key site characteristics and graphically demonstrate the ability of the project to incorporate Council's proposed deep soil landscape controls.
- Built proposition site studies were prepared for 21 sites with 33 propositions. The studies tested the existing LEP FSR, LEP HOB, DCP storey height controls, draft deep soil landscape controls, requirements for noise barrier buildings on heavily trafficked streets and the requirements of the Apartment Design Guide (ADG).

We found that most sites required additional LEP building height to achieve the LEP FSR.

LEP HOBs were reviewed to anticipate appropriate floor-to-floor heights to satisfy the requirements of the ADG, Building Commissioner, building envelope waterproofing, and AC plant. Accessible communal open space roof gardens required an additional allowance to contain the lift over run, planting, and waterproofing.

Section drawings were prepared to demonstrate necessary inclusions. The impact of flooding, differing from site to site, needed to be excluded from HOB. (See excerpts on following pages.)

Two tables were prepared, one for mixed use buildings and one for exclusively residential buildings. (See excerpts on following pages)

Flooding

We note that HOB needs to be measured from the flood design level. When flood design levels are forced into HOB, without loss of FSR, less optimal layouts with increased building footprint, built site coverage and building depth compromises design quality.

Height, FSR, and Deep Soil Relationship

The exemplars and site studies demonstrated that to satisfy the requirements of the ADG, Building Commissioner, building envelope waterproofing, roof top AC plant, HOB needs to be calibrated to FSR. This is evident in the Height and FSR relationship tables on the previous page.

In the study, we concluded that FSR of 2.5:1 required a base building height of HOB 27m for 7 storeys.

The study also demonstrated that it was not possible to consistently achieve design quality and amenable apartments, across a grouping of neighbouring sites for FSRs of 3.0:1. Site exceptions were on corner sites.

Accessible communal open space roof gardens required an additional allowance to contain the lift over run.

Consistent with achieving deep soil landscape and high apartment amenity, non-residential ground floor uses - generally need to approximate the residential footprint above.

Deep soil Landscape

Ku-ring-gai Council actively promotes deep soil landscape with controls for building footprint (40% max), deep soil landscape (40% min), supported by effective definitions, which intentionally values and protects the existing urban tree canopy. This is consistent with the Greater Sydney Commission's target for urban tree canopy in order to temper increasingly frequent climate extremes. As well as making an amenable city, urban tree canopy will moderate the loss of life during heat waves, reducing ground temperatures by 10-15 degrees on excessively hot days.

The Hill Thalys studies tested a 15% deep soil landscape proposed by the City of Sydney, significantly less than Ku-ring-gai's controls while being directly relevant to the relationship of FSR, height and amenity. The report findings proposed a *minimum* 25% deep soil landscape control in proximity to well served centres, consistent with Sydney's amenable eastern suburbs and LGA's of Randwick and Woollahra in context of their lot sizes and subdivision patterns.

It is noted in recent media reporting on 2nd January 2024, that Ku-ring-gai has suffered one of the greatest losses of canopy of LGAs in Sydney (8.2% loss). However, Council's own audit demonstrates this is incorrect.

The following is a summary of Council's calculations provided to the media to correct the figures:

Our data considered 'Total Canopy' meaning all vegetation >3m. We also considered "Urban Canopy" which is all vegetation >3m but excluding National Parks (Zone C1).

- In 2020, Total Canopy (vegetation >3m in height) was 51.4%, and the Urban Canopy (excluding land zoned C1 – National Parks) was 44.8%.*
- In 2022, Total Canopy (vegetation >3m in height) was 50.0%, and the Urban Canopy (excluding land zoned C1 – National Parks) was 43.6%*

As per the above, from 2020 – 2022 we [Ku-ring-gai] lost 1.4% of Total Canopy and 1.2% of Urban Canopy. Noting the slightly different time period (Council's data is from 2020-2022 as opposed to the SMH article which is 2019-2022) the results are still very different.

Total Canopy and Urban Canopy display a downward trend which is something we want to turn around. Our Urban Forest Strategy seeks to increase canopy cover to 49% by 2036. In order to achieve this increase in Urban Canopy, based on an average crown area of 70m² per tree, an additional 44,043 trees will be needed.

Ku-ring-gai's experience has been that this loss has been a result of existing SEPP policies and their interactions with other policies with inadequate deep soil, site coverage, and tree protection controls that override Ku-ring-gai's well-modelled local DCP controls. It is noted that the exception was SEPP 65 (now Chapter 4 of SEPP Housing) where local deep soil and landscape policies continued to apply.

The TOD SEPP proposes to override effective local controls and will result in significant further canopy loss where it is critically needed in major local centres and fails to recognise the value of urban character as a public asset in an evolving city.

Attention is drawn to Ku-ring-gai's well-established outcomes for residential apartment and medium density developments where the local DCP controls prevail, that continue to deliver on all state housing targets while protecting the LGA's landscape character and critical canopy assets.

The proposed TOD SEPP fails to aspire to this achievement.

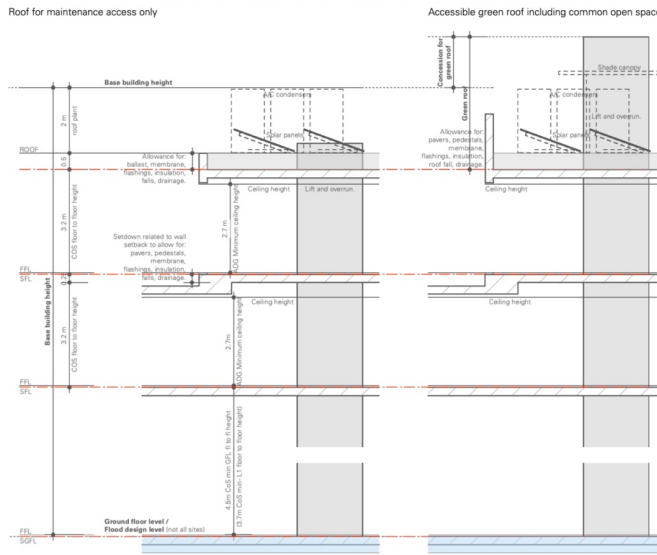
We support Ku-ring-gai Council's ambition for deep soil landscape and urban tree canopy. The controls protect the green character of the LGA and critically needed urban canopy, contribute to the ecology of the place, promote public health and well-being, and promote points of difference across the metropolitan area.

We understand that the City of Sydney has shared Hill Thalís's report with Planning NSW. They have given permission for us to share the report, which can be found at this link:

<https://cloud.hillthalis.com.au/index.php/s/8KHAnkfd2XztRFq>

Excerpts of the report in Figures 1 to 4 following.

RECOMMENDATIONS
Base building height **4.2**



The site studies inform appropriate LEP HOB.
The drawing opposite describes inclusions and allowances to establish base building height as indicated on the site studies.

A Inclusions in Base building height

- The following are included in the Base building height:
 - Roof top building plant**
The roof is the most energy efficient location for the buildings thermal plant, keeping heat output, outside of the primary building envelope.
 - Roof top water resistance**
Ballast, membrane, flashings, insulation, roof fall and drainage.
 - Structural floor set downs**
Toward achieving a water resistant building envelope, wall set backs above internal rooms, require structural floor set downs for membranes, flashings, insulation, fall and drainage.
 - Storey height**
City of Sydney DCP floor to floor height for mixed use buildings.

B Exclusions from the base building height

- The following are excluded from the Base building height:
 - Flood affectation; and
 - Green roofs

Figure 1 - Section demonstrating base building height

RECOMMENDATIONS
Building height **4.3**

Issue
Building height controls need to align LEP HOB in metres with ADG & DCP floor to floor heights and DCP storey heights.

Commentary
The calculation of appropriate building height in this study is based on residential buildings with non residential ground floor uses such as retail or community, in zones which permit a mix of uses. These studies show :
- Limited residential building depth;
- DCP floor to floor heights at ground and first floor levels; and
- On sites with the same floor space ratio, these building heights would also be suitable for most commercial buildings.

Table 8 Calculation of HOB - Mixed use

recommended SDOF H (storeys)	allowance for wall set back (m)	base building height (BBH) (m)	recommended LEP HOB (m)	LEP HOB (m)	BBH (m)
10	3.20	36.95	37	34.65	
9	3.20	33.75	34	30.45	
8	3.20	30.55	31	26.25	
7	3.20	27.35	27	22.05	
6	3.20	24.15	24	17.85	
5	3.20	20.95	21	13.65	
4	3.20	17.75	18	9.45	
3	3.20	14.55	15	5.25	
2	3.20	11.35	12	1.05	
Roof plant	2.00				
Roof allowance-fall/ballast	0.50				
Set down for wall setback	0.25				
Ground	4.50				

Zonings in Site studies MU1 B2 B7
xx new LEP HOB designation may be required

Table 9 Calculation of HOB - Apartments

recommended SDOF H (storeys)	allowance for each storey height (m)	base building height (BBH) (m)	recommended LEP HOB (m)	LEP HOB (m)	BBH (m)
10	3.20	34.75	35	31.55	
9	3.20	31.55	32	27.35	
8	3.20	28.35	29	23.15	
7	3.20	25.15	26	18.95	
6	3.20	21.95	22	14.75	
5	3.20	18.75	19	10.55	
4	3.20	15.55	16	6.35	
3	3.20	12.35	13	2.15	
2	3.20	9.15	10	-1.05	
Roof plant	2.00				
Roof allowance-fall/ballast	0.50				
Set down for wall setback	0.25				
Ground	3.20				

Residential zonings in Study areas R1

The calculation of the base building height is derived from the required minimum DCP floor to floor heights with the addition of an allowance for bulkability and roof plant. HOB is derived from base building height. New whole metre increments may need to be added to the existing LEP HOB increments.

Some sites may not enable achievement of ADG solar access requirements, requiring non residential uses at ground and first floor levels.

Table 8 Calculation of HOB - Mixed use buildings table has been prepared for buildings in mixed use zones including MU1, B2, B4 and B7.

There are several R1 General Residential Areas in the south of the LGA in proximity to Botany Road Study Area with FSR of 1:1 and 12m HOB. Other parts of the LGA have 3:0:1 FSR paired with 20m HOB (North of Crescent Street at South Dowling Street). A comparative table for Apartment buildings in R2 zones would require 1.0 - 2.0m less height. Refer to Table 9 Calculation of HOB - Apartment buildings. New LEP HOB increments are shown in red text.

Recommendations

- Adopt HOB in mixed use zones based on Table 8 Calculation of HOB - Mixed use.
- Confine ground floor uses to the building footprint above, to enable achievement of deep soil landscape, unless significant other uses (such as retail or community) serving the local area are proposed.
- Adopt alternate HOB in R1 zones based on Table 9 Calculation of HOB - Apartments.

Figure 2 - Tables calculating appropriate HOB for Mixed Use and Apartment buildings.

Appendix 2

Hill Thalys - Residential housing types matrix – Excerpt

Public Domain	Dwelling/ha NET <small>based on site area (excludes allowances for public space)</small>	FSR <small>Corner sites +0.2 * transferable to commercial ** transferable to residential Residential Commercial</small>	Height		Building Footprint	Building Typology	Deep soil landscape
			Stores	Metres			
30%+	A 25 - 60	0.5 - 1.0	Up to 3	11m	30 - 35%	Paired Housing Terrace/ Courtyard Walk-up Apartment	30 - 40%
35%+	B 60 - 100	0.9 - 1.3	4 - 4.5	14 - 18m	35 - 40%	Terrace Walk-up and Lifted + Garden Apartment	20 - 35%
40%+	C 80 - 125	1.2 - 1.8	5 - 5.5	14 - 20m	40 - 45%	Walk-up and Lifted + Garden Apartment	20 - 35%
40%+	D 120 - 160	1.2 - 1.8* 0.5 - 1.0**	5 - 5.5	14 - 22.5m	100% max 2 storeys 45 - 50% above 2 storeys	Shop Top Housing Town Centre	0 - 10%
45%+	E 150 - 200	1.8 - 2.4	6 - 6.5	17 - 22.5m	50 - 55%	Lifted Apartment Street Walk/Park Front Garden Apartment	20 - 30%
45%+	F 200 - 250	2.2 - 3.6	9 - 12	20 - 30m	Max footprint 600m ²	Point Towers Lifted Apartment Park Front Ensembles	20 - 30%

Note: Noise attenuated building design required for all Canterbury Road frontages

Source: Hill Thalys



RE IMAGINING CANTERBURY ROAD
City of Canterbury Bankstown



53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

8 February 2024

Mr Antony Fabbro
Manager Urban Planning
Ku-ring-gai Council
818 Pacific Highway
Gordon NSW 2072

Re: Independent Heritage Advice – Proposed changes to NSW Planning System – Implications for Ku-ring-gai’s heritage

1. Background

Ku-ring-gai Council (Council) has engaged me to provide independent heritage advice about the impacts of the proposed changes to the NSW planning system on heritage items and heritage conservation areas in Ku-ring-gai. This independent advice has been prepared to assist Council to understand the implications of the proposed changes to the heritage of the Ku-ring-gai local government area (Ku-ring-gai).

I am a heritage consultant with over 30 years’ experience in heritage conservation, including 15 years as a heritage adviser in local government. I have qualifications in architecture and specialise in providing design advice and statutory guidance to local and state government agencies in order to facilitate outcomes based on heritage best practice. I have extensive knowledge of conservation practice and heritage legislation at both local and state level. I also have over 20 years’ experience as an independent expert witness on heritage issues in the Land and Environment Court of NSW (LEC). I am a member of several Local Planning Panels and the State Heritage Register Committee of the NSW Heritage Council.

In preparing this advice, I have reviewed the publicly available information in relation to the proposed changes, and the heritage context of the areas of the Ku-ring-gai that would be impacted by the changes.

The NSW Government is currently proposing widespread changes to the existing planning system in an effort to increase housing to address a shortage of housing across the Sydney area. The changes are contained into two separate proposals:

- Changes to create low and mid-rise housing; and
- Transport Oriented Development (TOD)

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

2. Proposed changes to create low and mid-rise housing

The Department of Planning and Environment (DPE) document 'Explanation of intended effect: Changes to create low and mid-rise housing' (December 2023) provides the background and details of the proposed changes to the current planning system to increase low and mid-rise housing. The proposed changes aim to create more diverse, well-designed low and mid-rise housing near established town centres and in areas where there is good public transport. The proposed changes aim to provide more housing choice and '*promote vibrant, sustainable and liveable communities.*'

The proposed changes are summarised as:

- Allow dual occupancies (two dwellings on the same lot) in all R2 low density residential zones across NSW.
- Allow terraces, townhouses and 2 storey apartment blocks near transport hubs and town centres in R2 low density residential zones
- Allow mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones across the six cities region.

The proposed changes will apply within heritage conservation areas and to heritage listed sites.

2.1 Mid-rise housing

The proposed planning changes include changes to allow mid-rise housing (residential flat buildings and shop-top housing) in station and town centre precincts. The proposal includes non-refusal standards for mid-rise housing which will overrule LEP or DCP provisions where the current standard is less permissive than the proposed standards. The proposed non-refusal standards for mid-rise housing residential flat buildings and shop-top housing in station and town centre precincts relate to maximum building heights and floor space ratio for sites within 400 and 800m of railway stations and town centres.

The proposal will apply to heritage items and conservation areas within the identified areas. Current LEP and DCP heritage and environmental considerations will continue to apply '*to the extent that they are not inconsistent with these provisions.*' In addition, the proposal involves '*turning off*' local LEP controls for minimum site area and widths.

2.2 Low-rise housing

The proposed planning changes include changes to make multi-dwelling housing (terraces) and manor houses (two storey residential flat buildings) permissible in low density residential zones within 800m of train stations and town centre precincts. The number of dwellings in a manor house will not be limited. The proposed changes also propose to expand the

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

permissibility of dual occupancies to all low density residential zones in NSW, including heritage conservation areas.

As with mid-rise housing, non-refusal standards will apply to building height and FSR. Additional non-refusal standards would apply to minimum site area, minimum lot width and minimum car parking, over-riding current LEP and DCP controls. Current LEP and DCP heritage and environmental considerations will continue to apply *'to the extent that they are not inconsistent with these provisions.'*

3. Transit Oriented Development Program (TOD SEPP)

The DPE is also currently progressing the Transport Oriented Development Program (TOD), which aims to fast track rezoning in 8 key precincts and introduce new planning standards in 31 identified station precincts. The TOD includes new permissibility settings, built form controls, social and affordable housing provisions and heritage arrangements. The TOD changes will be included within a new State Environmental Planning Policy (TOD SEPP). The TOD SEPP would work in tandem with the changes to low and mid-rise housing described above. However, the TOD SEPP will prevail over the low and mid-rise controls where the controls overlap.

The TOD program focusses on identified areas located within 400m of railway stations. In Kuring-gai, four such locations have been identified for these changes: Roseville, Lindfield, Killara and Gordon. The TOD SEPP will switch on new planning controls including making residential flat buildings (RFBs) permissible in R1, R2, R3 and R4 residential zones and RFBs and shop top housing in E1 and E2 zones. The proposed development standards are:

- Max building height: 21m (six storeys)
- FSR 3:1
- No minimum lot size or width
- Minimum active street frontage controls in E1 and E2 zones
- Maximum parking rates

The TOD SEPP may also include design standards for building separation and setbacks, landscaping, privacy etc. Until these standards are provided, the ADG remains the guiding document for RFBs. The TOD SEPP will eventually be supported by a 'pattern book' of endorsed housing designs.

The TOD SEPP will apply in Heritage Conservation Areas (HCAs) and the supporting document states *'that the proposed changes will result in significant change in these locations as additional housing is delivered'*. A merit based assessment will apply to developments in

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

HCA's and, as with the low and mid-rise planning reforms, local heritage controls will apply 'to the extent that they are not inconsistent with the new standards'

4. The Heritage of Ku-ring-gai

In NSW, heritage items and heritage conservation areas are protected through statutory listing because they have been assessed as having significance to communities. Heritage listings are the subject of thorough assessment to determine their level of significance and supported by detailed strategic planning and community consultation. The heritage of each local government area in NSW is special and unique, representing the historic development of the local area and defining local character. Heritage places are significant to and highly valued by local communities.

Strategic planning since the start of the current planning system has acknowledged the special value and significance of heritage places and provided a planning framework that ensures these places and areas are retained for current and future generations along with our understanding of the history and development of our cities and suburbs.

According to Ku-ring-gai's Local Strategic Planning Statement, '*Ku-ring-gai has a strong legacy of heritage fabric including items and places of strong historical, social and architectural value. Both European and Aboriginal heritage is respected and provides a sense of living history and a physical link to the work and way of life of earlier generations.*' In Ku-ring-gai there are over 950 heritage items, 24 of these are recognised on the NSW State Heritage Register, and there are 46 heritage conservation areas, covering some 627 hectares or 7% of Ku-ring-gai. The heritage of Ku-ring-gai comprises a rare blend of fine domestic architecture within a landscape of indigenous forests and established gardens.

Ku-ring-gai's heritage is distinguished by the uncommon consistency, quality and integrity of its primarily twentieth-century residential development. Ku-ring-gai's conservation areas and heritage items are characterised by largely intact single and two-storey houses from the Federation and inter-war periods, mature garden settings and original subdivision patterns. Many listed buildings are designed by architects and display quality of craftsmanship and detail. These historic buildings, sites and areas represent the historical development of Ku-ring-gai and its suburbs, development that followed the construction of the train line with residential proclamations restricting other uses and land covenants commonly requiring high quality construction, well ahead of contemporary town planning or zoning.

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

All statutory heritage listings, including heritage items and HCAs, are underpinned by their significance. Ku-ring-gai DCP Section N Part 19 provides the following **Statement of Heritage Significance for Ku-ring-gai**.

The heritage significance of Ku-ring-gai lies in:

- i) The evidence provided by its rich history and all its sequential layers - from Aboriginal occupation, very early timbergetting, the long period of relative isolation from built suburbia, orcharding and farming followed by the rapid growth of suburban development in response to elevated topography, "clean air" and the establishment of the railway.
- ii) The outstanding quantity, quality, depth and range of its twentieth-century architecture. It contains houses designed by many of Australia's prominent twentieth-century architects and these have in turn influenced the mainstream of Australian domestic architecture.
- iii) The evidence it provides of twentieth-century planning and conservation philosophies: the segregation of residential areas from other urban uses, subdivision patterns which reflect a range of suburban aspirations, the use of residential district proclamations to create and retain domestic environmental amenity, street tree planting and post-war neighbourhood planning.
- iv) The evidence offered by its built landscape and garden design incorporating a variety of horticultural styles and in harmony with the natural landscape, such as those in the large estate private gardens, the gardens at railway stations and well designed gardens of cultivated botanical species such as at Eryldene.
- v) The evidence of the area's natural heritage retained in its surrounding national parks, along its creek lines and in its public and private gardens, remnants of the original Turpentine, Blackbutt and Blue Gum forests and associated woodlands, under-storeys and dependent fauna.

5. What is a Heritage Conservation Area?

HCAs are streetscapes, suburbs, areas and precincts that are recognised by a community for their distinctive historical character. HCAs most often provide evidence of the historical development of an area through their high proportion of original historic buildings. HCAs are protected through statutory listings because they demonstrate a distinctive identity, a particular sense of place and character that is valued by the community. The significance of an HCA is usually demonstrated in its subdivision layout and street pattern, and buildings that share common periods of development, with historical associations, and consistent typology,

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

form, scale, materials and details. They often include trees and landscaping, and public domain elements.

Heritage Conservation Areas are listed within Schedule 5 of Local Environmental Plans. This statutory listing is underpinned by detailed heritage assessments against the NSW standard criteria for heritage assessment and supported by thorough strategic planning and extensive community consultation. They are highly regarded by communities and visitors and provide NSW with historic layers that are evident for current and future generations. Without heritage conservation areas, NSW would lose its layers of history and the understanding of how our city and suburbs have developed over time. New layers of development are important, but not at the cost of the historic layers of development that are identified and assessed as being significant, for which they are afforded statutory protection.

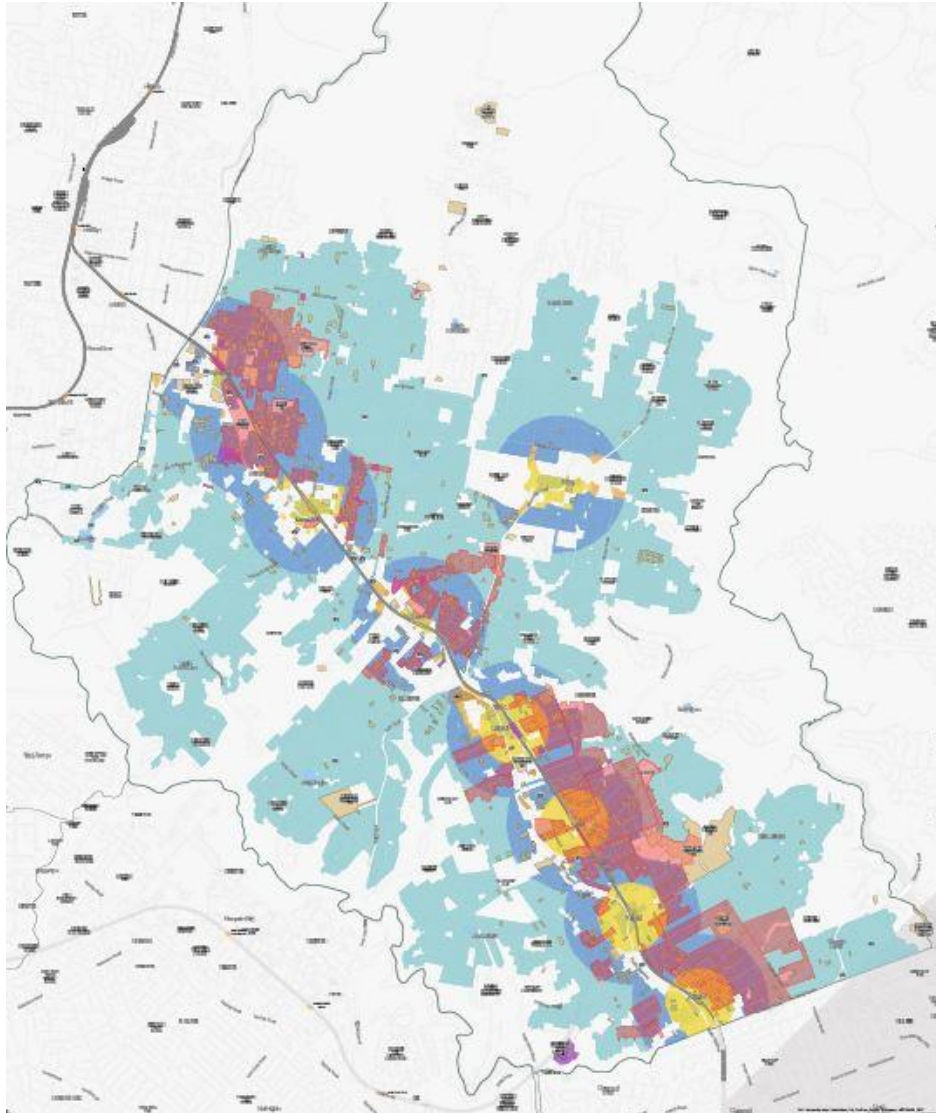
The maps on the following pages indicate the extent of the proposed planning reforms on heritage conservation areas in Ku-ring-gai:








ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM



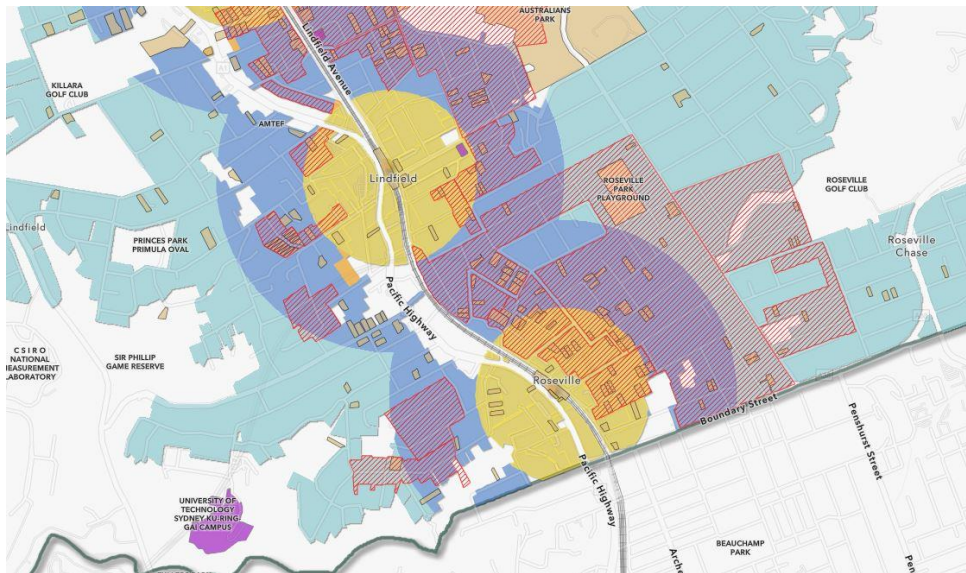
-  HCA - Heritage Conservation Areas
 -  State Heritage Register Item (NSW SEED)
 -  Item - General
- Selection layer [circle] - Development Type
-  Residential apartments and shop top housing up to 21m high (approx 6 to 7 storeys) and floor space ratio 3:1
 -  Residential apartments and shop top housing up to 16m high (approx 4 to 5 storeys) and floor space ratio 2:1
 -  Multi dwelling housing (terraces and townhouses) up to 9.5m high at floor space ratio 0.7:1, plus manor houses up to 9.5m high and floor space ratio 0.8:1
 -  Dual Occupancy up to 9.5m high and floor space ratio 0.65:1 (minimum site area 450 sqm)

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU

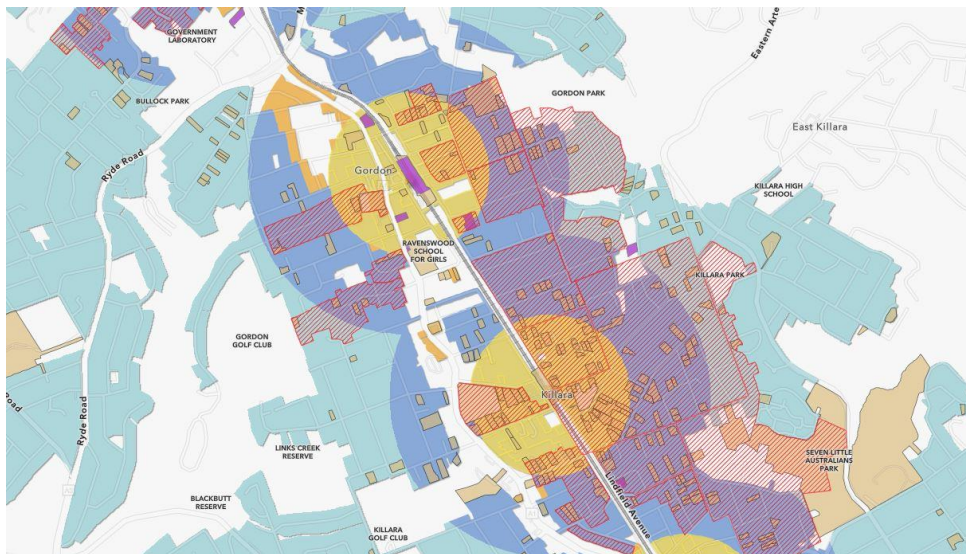


LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM



Above: Roseville and Lindfield stations and some surrounding affected R2 land



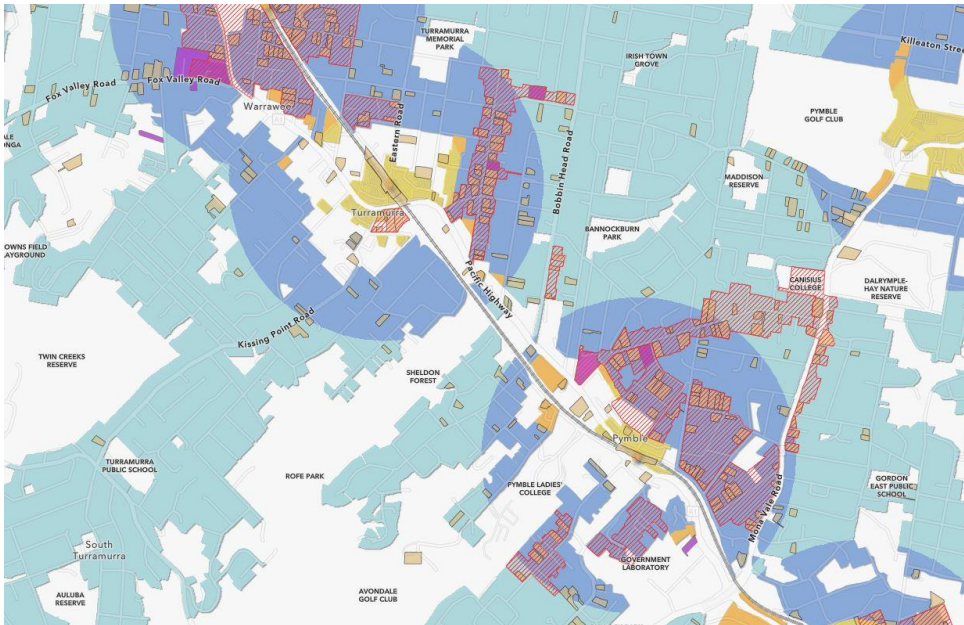
Above: Killara and Gordon stations and some surrounding affected R2 land

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU

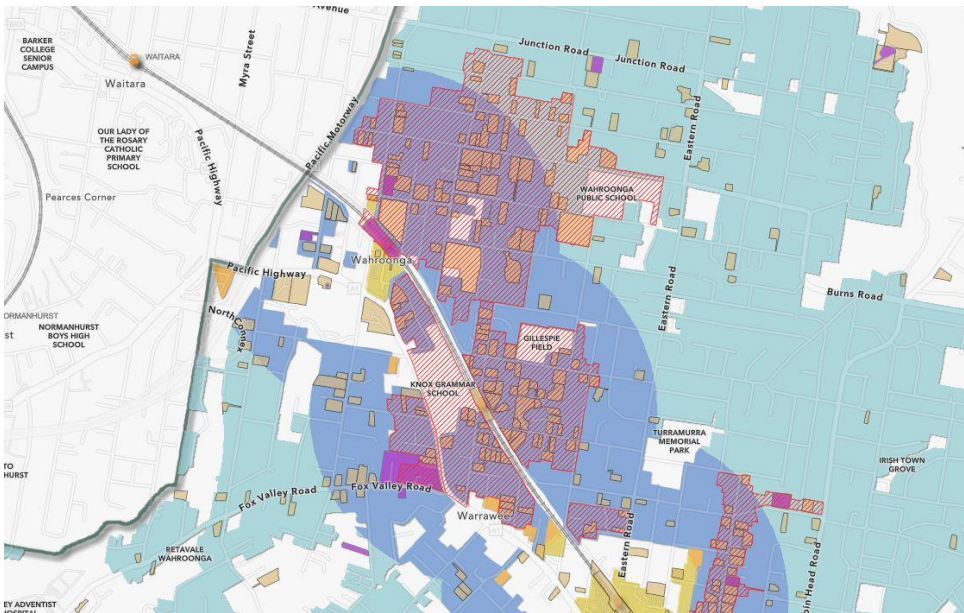


LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM



Above: Pymble and Turramurra stations and some surrounding affected R2 land



Above: Warrawee and Wahroonga stations and some surrounding affected R2 land

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM



Above: St Ives and some surrounding affected R2 land

6. Impacts of the proposed changes on the heritage of Ku-ring-gai

As noted previously, the proposed TOD SEPP and changes to low and mid-rise housing apply to all heritage items and heritage conservation areas across Ku-ring-gai that are located within an 800m radius of a train station or local centre. The proposal directly affects all of Ku-ring-gai's 46 HCAs.

Council estimates that 40% (over 4,000 properties) of the properties impacted by the proposed planning changes are currently protected by an individual heritage listing or listing within an HCA. More than 530 properties listed as heritage items and within heritage conservation areas are within the proposed highest density areas designated for uplift under the TOD SEPP, including more than 100 individual heritage items. This increases to more than 2,000 properties (heritage items or properties in heritage conservation areas) located within 800 metres of the same stations which would be impacted by the low and mid-rise housing proposal. In Killara, 83% of properties within 400m radius of the station, and subject to the TOD SEPP, are heritage listed.

Although the proposed changes indicate that local heritage controls and Clause 5.10 of the LEP would apply, that would only be 'to the extent that they are not inconsistent with the new standards.' As the new standards seek height and density that is entirely inconsistent with the

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

significance of each of the HCAs, it is very unclear how Clause 5.10 could be applied to protect the heritage values of Ku-ring-gai's HCAs.

As with other local government heritage controls, the local heritage controls in Ku-ring-gai seek to conserve and retain heritage fabric, setting and views, as required by Clause 5.10 of the standard instrument LEP. For heritage items, this includes individual buildings and their curtilage, which is usually their lot boundary, and setting. For HCAs, it includes contributory buildings, subdivision patterns, scale, setting, form and character.

As the new standards seek specifically to increase density, they will lead to substantial changes to scale, subdivision patterns, landscaping, streetscapes, building typology and character within HCAs. As such, the proposed planning changes are entirely inconsistent with Ku-ring-gai's LEP and DCP heritage controls.

Given the non-refusal policies of the new controls, it seems likely that local heritage controls will be unable to be enforced, with irreversible loss of heritage. The proposals, if implemented without further consideration, will have a devastating and irreversible impact on the character and significance of large numbers of individual heritage items and HCAs across Ku-ring-gai.

Furthermore, the proposal is silent on how the new controls will interact with the Heritage Act and National Parks and Wildlife Act. As such, the potential impacts on heritage items of State significance and Aboriginal places are unknown and could be similar to the impacts on local heritage items. It is also uncertain and unclear how development for increased density in the vicinity of State heritage items will be assessed and how the settings and views of these items will be protected.

Owners and residents of heritage items and properties in HCAs have a reasonable expectation that the heritage significance of their property will be maintained through well considered urban planning, as provided for in existing LEP controls for heritage items, conservation areas, development in the vicinity of heritage items and conservation areas, zoning and development standards.

The current proposals give no consideration or evaluation of the impact of the increased density on the heritage significance of those areas and sites to which they apply. This is inconsistent with the NSW government's local planning direction for heritage conservation and the heritage objectives of standard planning instruments across NSW. The blanket approach to density does not allow for the consideration of local context and heritage significance or consider alternative locations for increased density with lesser environmental impacts. If implemented without proper consideration, large areas of heritage significance across NSW will be irreversibly changed and historic layers of development will be permanently lost.

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU



LISA TRUEMAN
HERITAGE ADVISOR

53A ALEXANDER STREET, MANLY 2095
T: 0403 823 403 E: LJTRUEMAN@HOTMAIL.COM

In planning for increased housing in NSW, proper consideration should be given to retaining significant heritage properties and heritage conservation areas. Alternative approaches and locations should be sought for increased development in areas of lesser environmental impact. A more nuanced and well-planned approach is needed for HCAs, where significant places and contributory elements are retained, and non-contributory elements may be allowed to be sensitively redeveloped. Detailed, strategic investigations should be undertaken to inform how housing density can be increased in these areas without loss of heritage values.

7. Conclusion and Recommendations

The planning changes as proposed in the TOD SEPP and for low and mid-rise housing will have a devastating and irreversible impact on the character and significance on all 46 of Ku-ring-gai's heritage conservation areas and up to 900 individually listed heritage items, and a major adverse impact on the heritage significance of Ku-ring-gai as a whole. The proposed changes would see widespread loss of significant buildings and their settings, loss of historic subdivision patterns, changes to scale, form, character, landscaping and significant streetscapes.

The proposed changes are entirely incompatible with the local heritage controls and Local Strategic Planning Statement, which have been informed by robust strategic planning and community consultation. The proposed planning changes, if implemented, could see historically significant buildings and areas that are highly regarded by the community removed and replaced with new buildings of unknown value or appeal.

The proposed reforms have not been supported by an evaluation or assessment of their heritage and environmental impact. An understanding of local context is essential to good urban planning and the creation of sustainable cities. Detailed strategic investigations, with input from Council and an understanding of local context should be undertaken to inform how housing density can be increased in Ku-ring-gai and NSW without extensive, widespread and irreversible loss of heritage values and connection to the past.

Yours sincerely



LISA TRUEMAN

BSc(Arch)BArch(Hons) M. ICOMOS, M.PIA, Associate RAlA

ABN 40343086137
LISATRUEMANHERITAGE.COM.AU