

OFFICIAL

The Hon Penny Sharpe MLC

Minister for Climate Change, Minister for Energy,
Minister for the Environment, Minister for Heritage,
Leader of the Government in the Legislative Council



Your ref: 2024/207253
Our ref: HMD24/468

Mr David Marshall
General Manager
Ku-ring-gai Council

By email: krg@krg.nsw.gov.au

Dear Mr Marshall

Thank you for your letter regarding heritage protection for 23 heritage conservation areas in the Ku-ring-gai local government area. I appreciate you bringing this matter to my attention.

I note that the area you seek an interim heritage order over aligns with Transport Oriented Development areas.

I wish to advise that I am not currently considering granting an interim heritage order (IHO).

The Transport Oriented Development amendments to the State Environmental Planning Policy (Housing) 2021 to allow for increased density in the heritage conservation areas within 400 metres of Gordon, Roseville, Killara and Lindfield train stations. This has been balanced with requirements to comply with design guidelines, which specify they must not adversely affect the heritage conservation areas.

I note that in developing the Transport Oriented Development amendments, the Department of Planning, Housing and Infrastructure consulted with the independent Heritage Council of NSW. The Heritage Council provided in principle support to the amendments and continues to work with DPPI to develop guidance materials.

I further note that in May 2024, Council voted to commence legal action against the TOD amendments to the HSEPP, believing them invalid. I understand this is ongoing.

If you have any further questions, you may contact Ms Anna London, A/Director Heritage Programs, Heritage NSW on 9873 8500 or at heritagemailbox@environment.nsw.gov.au.

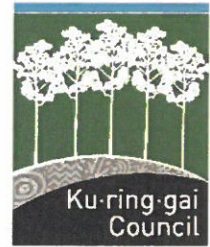
Sincerely

Penny Sharpe MLC

Minister for Climate Change, Minister for Energy,
Minister for the Environment, Minister for Heritage

27/8/24

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Contact: Antony Fabbro

Reference: 2024/207253
17 July 2024

The Hon. Penny Sharpe, MLC
Minister for Heritage
52 Martin Place
SYDNEY NSW 2000

Dear Minister

23 HERITAGE CONSERVATION AREAS OF GORDON, KILLARA, LINDFIELD AND ROSEVILLE - URGENT INTERIM HERITAGE ORDER REQUEST

Ku-ring-gai Council is requesting that you as the Minister for Heritage make an Interim Heritage Order (IHO) under section 24 of the Heritage Act 1977 for the land of 23 heritage conservation areas in the Ku-ring-gai local government area subject to the Transit Orientated Development SEPP, as a matter of urgency. This comprises approximately 410 historic sites in conservation areas, excluding 106 heritage items.

At its meeting of 16 July 2024, Ku-ring-gai Council resolved to request the Minister make an IHO for this land to provide time for Council to undertake further investigation of the significance of the conservation areas. Council is unable to use its authorisation to make this order because the land is located within heritage conservation areas. The reasons for the requested action are outlined below and in the attached preliminary heritage assessment.

These 23 conservation areas represent fine collections of primarily Federation and Inter-war housing and established gardens on the original subdivisions. These historic buildings, sites and areas demonstrate the historical development of Ku-ring-gai and its suburbs; development that followed the construction of the train line. Maps and illustrations of these areas are attached.

These conservation areas, representing half the total heritage areas of Ku-ring-gai, are considered at risk of harm because of the Transport Orientated Development amendment to the State Environmental Planning Policy (Housing) 2021 (the "TOD SEPP") that came into effect on 13 May 2024. The planning changes under the TOD SEPP permit a density and form of development that is incompatible with conservation of historic houses and gardens. Evidence of the risk of harm includes:

1. **Market response:** Advertised sale of heritage properties including for groups, strongly marketing these sites for their development potential as apartments under TOD without reference to the conservation area listing or heritage consideration. An example for Oliver Road is attached with expressions of interest closing in mid June.
2. **Lisa Trueman:** Independent assessment of heritage impacts of 8 February 2024, attached, concludes *"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."*

3. **Heritage Council of NSW:** Resolution of 2 February 2024 for the Heritage Council to
“Record our considerable concern about the impact on existing heritage conservation areas given their important contribution to local communities’ heritage, character and sense of place.”

The Planning Minister has indicated a willingness to consider alternative housing increases within the station precincts. Council resolved in May 2024 to investigate options, to be determined by early 2025.

While alternative options are investigated, applications for demolition and 6-7 storey apartments within these conservation areas can still be lodged under the SEPP now.

If an Interim Heritage Order is made, Council can then undertake further investigation to establish the local or state heritage significance of these areas. This can inform appropriate changes to listing and alternative options for planning for additional housing that conserve the environmental heritage of the State in line with the objectives of the Heritage Act and the local heritage provisions.

If you would like to discuss this matter, please contact Council’s Manager Urban and Heritage Planning, Antony Fabbro, on 0438170423 or afabbro@krq.nsw.gov.au or Claudine Loffi, Heritage Specialist, on 02 9424 0860 or cloffi@krq.nsw.gov.au.

Yours sincerely

David Marshall

David Marshall (Jul 19, 2024 16:06 GMT+10)

David Marshall
General Manager

cc. Mr Frank Howarth, Chair, Heritage Council of NSW
cc. Sam Kidman, Executive Director, Heritage NSW

By email: heritagemailbox@environment.nsw.gov.au;
MaryAnn.Hamilton@environment.nsw.gov.au

Attachments:

- Maps and illustrations of the subject conservation areas
- Preliminary heritage assessment
- Heritage inventories for 23 conservation areas