

Ms Kiersten Fishburn
Secretary
NSW Department of Planning and Public Spaces
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22 February 2024

Dear Ms Fishburn

RE: Low and Mid-Rise Housing Policy SEPP – Friends of Ku-ring-gai Environment Inc (FOKE) submission FINAL

Thank you for the opportunity to make a submission on the NSW Government's proposed Housing State Environmental Planning Policies (SEPPs).

Friends of Ku-ring-gai Environment Inc (FOKE) is a community group dedicated to protecting and conserving the built and natural environment of the Ku-ring-gai local government area in northern Sydney. FOKE was established in 1994 and celebrates its 30th Anniversary this year.

Friends of Ku-ring-gai Environment Inc (FOKE) Recommendation:

FOKE recommends that the NSW Government immediately withdraw its [Changes to create low and mid-rise housing](#) and [Transport Orientated Development TOD](#) and begin a process of genuine consultation with local governments across the Six Cities Regions.

Explanation

FOKE takes the view that the NSW Government's *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the Objects of the NSW [Environmental Planning and Assessment Act 1979 \(EPAA\)](#) and fails to:

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

- (j) provide increased opportunity for community participation in environmental planning and assessment.

FOKE puts the case that the NSW's *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the Objects and *Transport Orientated Development TOD* are an abrogation of the NSW Government's responsibility to protect NSW's cultural heritage and environment.

Background

If implemented, these dramatic *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the Objects and *Transport Orientated Development TOD* will extinguish low density detached homes across Greater Sydney to the Central Coast, Newcastle and the Illawarra-Shoalhaven (Greater Sydney & Regions) and destroy NSW's natural, built and cultural heritage.

Nor will the housing crisis be solved. NSW growing population will continue to exert pressure on NSW's housing supply. The Greater Sydney & Regions will be in a permanent and perpetual state of 'housing starvation' and housing unaffordability.

NSW's population is expected to reach 10.57 million people by 2041. Most of this growth will be in Greater Sydney & Regions. Yet the NSW Government needs to address the main driver of Australia's housing and environmental crises - population growth.

In NSW, a rising population accompanied by growing urbanisation has led to greater demand for housing, land, energy, water, consumer products and transport services, and can increase energy, water and resource use, and the generation of waste and emissions.

By June 2020, 8.17 million people were living in NSW, 61% of whom resided in Greater Sydney. Over the five-year period from June 2015 to June 2020, the state's population grew by more than 550,000 people.

By 2041, the NSW population is expected to grow to 10.57 million with most of the increase in Greater Sydney. ([Population growth is a key driver of changes to the environment caused by humans, NSW State of the Environment Report, 2021](#))

The [NSW State of the Environment 2021](#) warns of increasing pressures on the environment, reduction in water availability and increasing frequency and intensity of climate change disasters as a result of population increases.

The *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the Objects and *Transport Orientated Development TOD* will also require massive vegetation clearing, with consequential weed infestation and proliferation of invasive species. This in turn will threaten species, drive poor water health and availability.

NSW Planning identifies NSW's mid-eastern coast as the "right place" for more housing densification but the environment of Greater Sydney to the Central Coast to Newcastle to the Illawarra-Shoalhaven faces enormous environmental pressures on its:

- 40 coastal [estuaries](#) (including Botany Bay, Sydney Harbour, Broken Bay), its lakes (including Parramatta, Narrabeen, Chipping Norton, Illawarra, Avoca, Budgewoi, Macquarie, Terrigal, Penrith, Tuggerah),
- rivers and catchments (including Parramatta, Hawkesbury, Nepean, Cooks River, Lane Cove, Duck, Woronora, Hacking),
- drinking water catchments (Warragamba, Shoalhaven, Upper Nepean, Woronora and Blue Mountains).

Unique Values of Sydney's Suburbs

NSW Planning SEPPs are a 'knee jerk', blunt 'one size fits all' planning instruments. They fail to consider the unique local character, heritage and environmental values of a local area and what makes Greater Sydney & Regions and the regions such unique and special places.

The whole character of Greater Sydney & Regions is under threat with the *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the *Objects SEPP* and *Transport Orientated Development TOD*. They will destroy the region's charming historic low density village suburbs.

Integrated Nature of SEPPs

FOKE remains deeply concerned that NSW Planning has denied the public's right to make a submission on the *Transport Orientated Development TOD*.

FOKE takes the view that this is a violation against the EPA & Act that enshrines public consultation. They remove citizens' democratic rights to object.

FOKE, thus asserts its 'public interest right' to comment on the *Transport Orientated Development TOD SEPP* and the *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the *Objects*. Both SEPPs are integrated and are effectively 'one and the same' policy. They dramatically transform land use planning across Greater Sydney based on one criteria i.e. distance from a railway station or shopping centre. The TOD high rise (400 metres) is followed by the medium to low rise (800 metres) followed by dual occupancies (800 metres and greater). This simplistic one-size-fits-all criteria ignores geographic, environmental and heritage constraints.

Anti-democratic

The SEPPs are authoritarian. By removing local government from the planning process the NSW Government is undermining Australian democracy. Local councils planning powers will be stripped away rendering them powerless to refuse inappropriate overdevelopments that negatively impact on a community's amenity, heritage the environment and liveability.

Public trust in government has already been compromised with NSW Planning refusing to release the evidence justifying the selection of TOD railway stations citing "Cabinet in confidence" as an excuse. This is particularly egregious to Ku-ring-gai where four 'TODS' have been identified in environmentally sensitive Heritage Conservation Areas which contain critically endangered remnant Sydney Blue Gum and Sydney Turpentine Iron Bark Trees.

The proposals were cynically released just prior to Christmas when most residents were on their summer holidays. Instead of announcing sound, evidence based, inclusive planning based on genuine consultation, the "one-size-fits-all" policies will produce poor planning outcomes.

Nor do the SEPPs have Parliamentary oversight as they can be introduced as a regulation to be signed off by the NSW Planning Minister.

Undermines NSW Planning System

FOKE considers that the SEPPs undermine the entire NSW planning system. They diminish and override the Objectives of the [Environmental Planning and Assessment Act 1979](#) (EP&A Act).

Local government's planning powers will be removed with the introduction of the SEPPs. This means they will not have the capacity to masterplan their own unique areas or uphold established controls that underpin EPA&A Act.

The [National Housing Accord 2022](#) contains a number of commitments for state governments to collaborate with local government including:

'Commit to working with local governments to deliver planning and land-use reforms that will make housing supply more responsive to demand over time, with further work to be agreed under the Accord.'

Yet this is ignored. Instead, the SEPPs are a top-down 'one size fits all' approach with a singular objective – to supply more housing. This contradicts other legislation and overrides local government planning.

The proposed SEPPs effectively impose higher density rezoning by stealth. They bypass established rezoning local government processes who take into consideration all relevant factors to achieve in good strategic planning.

Corruption Prone

Already the plans prove to be corruption prone with one referral to Independent Commission Against Corruption.

That a council cannot refuse a development because of the SEPPs 'non-refusable' standards means that developers can have everything they want.

NSW's planning proposals effectively abandon principles of good planning. They irresponsibly "turn off¹¹" heritage and environment protections. Nor do the proposed planning policies comply with other NSW legislation, especially **heritage and environmental legislation**. This creates the perception that NSW governance is dysfunctional, a sham and open to corruption.

The proposals also risk exacerbating money laundering through the property development industry.

Environment

For three decades FOKE has consistently expressed its concerns to successive NSW governments that urban consolidation policies have entrenched cumulative negative impacts on NSW's built, natural, and cultural heritage – as evidenced by the [NSW State of the Environment Report, 2021](#)

FOKE takes the view that the NSW's densification policies have also had an adverse impact on the Ku-ring-gai local government area, one of Sydney's most environmentally sensitive and biodiverse local government areas, that contains threatened and vulnerable ecological communities.

The TOD Program and the Low and Mid-rise SEPP include a "non-refusal" standard which disallows Ku-ring-gai Council from using its environmental controls to oppose buildings with a 3:1 FSR and/or the 21m height. The 3:1 FSR and/or the 21m height will destroy Ku-ring-gai's biodiversity on private land.

If the NSW Government proceeds with its SEPPs it will lead to significant and irreversible biodiversity extinction not just in Ku-ring-gai, but across the entire Greater Sydney & Regions.

Ku-ring-gai is a local government area that has outstanding biodiversity values with its iconic towering, critically endangered [Blue Gum High Forest](#), (BGHF) [Sydney Turpentine Ironbark](#)

[Forest](#) (STIF) and [Duffy's Forest](#). It is a place of endangered species and rare ecological communities and is something that should be protected, not destroyed.

Ku-ring-gai's natural heritage retains one of the last remaining patches of urban forests of Sydney, Sheldon Forest, and Dalrymple Hay Nature Reserve (BGHF) and several other endangered areas of Swamp Oak Floodplain Forest, Duffy's Forest Coastal Upland Forest, Estuarine Saltmarsh. Ku-ring-gai is also very protective of the habitat within these areas as well as the three National Parks which border the three sides of Ku-ring-gai.

Biodiversity is abundant in Ku-ring-gai. Ku-ring-gai is home to over 700 native plant species, 690 fauna species, over 300 vertebrate species, numerous invertebrate species and over 160 bird species.

Ku-ring-gai has the largest number of threatened species (plants and animals) in the bioregion for a local government area and has similar numbers of bird and animal species as the entire British Isles. The proposed zoning changes will lead to the extinction of fauna and plant species.

The proposal to allow dual occupancies (two dwellings on the same lot) in all R2 low density residential zones across Ku-ring-gai does not take account of Ku-ring-gai's remnant critically endangered Blue Gums High Forest and Sydney Turpentine Ironbark ecological communities on private property. Proceeding with this rezoning will lead to their extinction, and cascading impact on biodiversity and potential local extinction for the Flying Fox, Powerful Owl and migratory birds. The Bush Turkeys that have returned to Gordon Railway Station gardens during Covid will disappear.

The proposed *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* SEPPs are contrary to the Objects will not support the NSW Government's commitment to taking serious action on climate if it proceeds with its plans to decimate Ku-ring-gai's tree canopy.

Ku-ring-gai's canopy trees are vital for cooling Sydney's temperatures. Indeed, they are commonly referred to as the 'lungs of Sydney'. The SEPPs will drive carbon emissions up with the removal of Ku-ring-gai's remnant Blue Gum and Sydney Ironbark Turpentine forests, significant trees, gardens, the demolition of existing houses and rebuilding higher and more dense housing. Concrete is a major carbon emitter.

Ku-ring-gai is surrounded by three national parks – [Lane Cove National Park](#), [Garigal National Park](#) and [Ku-ring-gai Chase National Park](#). Their catchments are within the 400, 800 and >800 metres of North Shore Railway Line and shopping centres. Increases in hard surfaces will create higher volumes of stormwater runoff and pollution of local streams. This will cause permanent damage to the aquatic ecosystem of Lane Cove River, Cowan Creek and Ku-ring-gai's many creeks that are habitat for many species. The excess stormwater also has adverse impacts on the health of Sydney's swimming beaches.

The proposals will significantly increase fragmentation and loss of wildlife corridors that are vital for native animals across the North Shore Railway line from and to the Lane Cove National Park, Ku-ring-gai National Park and Garigal National Park.

The Ku-ring-gai Flying-fox Reserve is on the edge of the 400 metre radius from Gordon Railway Station and within the 800 metres radius of Gordon Railway Station. It is a nationally significant breeding camp for the Grey-headed Flying-fox, a species listed as vulnerable under both NSW and Commonwealth legislation. Grey-headed flying foxes play an important role in the survival and regeneration of NSW's native forests as critical pollinator and seed dispersers. The other species most at risk from the SEPP and Housing Policy is the Powerful Owl.

The proposed planning control reduces requirements for deep soil planting and tree targets from 50% to 7% of site area for mid-rise housing. This will result in net loss of trees, and replacement of native revegetation across Ku-ring-gai.

[Dalrymple-Hay Nature Reserve](#) & Browns Forest, at Pymble/St Ives forms one of the largest remnants of Sydney Blue Gum High Forest in the world. Only around 1% of the estimated original 11,000ha of Blue Gum High Forest remains in the world.

Sheldon Forest, situated along the North Shore Railway line and between Turramurra and Pymble is another highly valued remnant piece of Blue Gum High Forest and STIFF that would be under risk from the proposed SEPP Housing developments.

The reason why the SEPPs have such alarming consequences for Ku-ring-gai's remnant Blue Gum High Forest and STIFF is that most of this ecological community is on privately owned residential land 400 and >400 metres from a railway station and shopping centre.

Ku-ring-gai's Tree Canopy will be significantly denuded by the SEPPs. This will make it impossible for NSW to meet its tree canopy targets. The proposed planning control for mid-rise housing would reduce requirements for deep soil planting and tree targets from 50% to 7%. This would result in permanent loss of approximately 162 hectares of BGHF and approximately 217 hectares of STIF.

There is the risk that the increased building heights will interfere with flight paths of some protected animals, including migratory species. These species utilise the vegetated ridgeline along the North Shore Railway Line as they migrate north to south. The loss of the vegetation along this ridgeline could have a significant impact on migratory species through loss of foraging and shelter. The proposed increases in building height also risk birds and bats flying into buildings along the North Shore railway ridgeline.

NSW Rail identifies the railway corridor bushland in Ku-ring-gai as 'environmentally sensitive land'.

The SEPP and Housing Policy threaten to destroy hollow-bearing canopy trees, which is identified as a key threatening process listed under Schedule 4 of the NSW Biodiversity Conservation Act. Hollows take between 120 – 150 years to develop. Consequentially there will be a significant loss of beautiful native birds including the Crimson Rosella and Australian King Parrot, as well as the Laughing Kookaburra, Rainbow Lorikeet, Musk Lorikeet, Eastern Rosella, Sulphur-crested Cockatoo, Galah, Long-billed Corella, Little Corella, Sacred Kingfisher, Dollarbird and Australian Boobook Owl.

The proposed high-density housing for the Ku-ring-gai Area will potentially see an increase in feral animals and pests. The loss of tree canopy cover and vegetation will also open the areas to feral birds such as the Common Myna, Feral Pigeon, and the Australian Raven. With more people, more cats may come which is a threat to native animals and particularly birds.

Ku-ring-gai is a high bushfire prone area with its northern ridgeline (along the railway line) and its east-west bushland valleys extending to national park. This makes *Changes to create low and mid-rise Housing* and dual occupancies a dangerous proposition. Bush fires can burn in built up areas as a result of ember attack.

In a bushfire emergency it will be difficult for residents to evacuate and emergency services to enter with traffic congestion along key roads including the Pacific Highway.

More low to mid-rise density and dual occupancies risk encroaching on bushfire prone lands encroaching further because of the requirement for bushfire hazard clearing (Asset Protection Zones).

The proposed SEPPs ignore the fact that Greater Sydney & Regions were ravaged during the 2019-2020 Black Summer bushfires with [over one billion wildlife killed or displaced in the fires](#), including threatened animal, plant and insect species. NSW Planning argues that the mid eastern coastal edge of NSW is the "right place" to build more low and mid-rise housing, but this is in a bushfire prone region.

The speed of introducing these SEPPs will not create a climate resilient city. To achieve this requires detailed professional and expert planning as well as active engagement with the community. The SEPPs fail this. Buildings need to have good design, be well-insulated and powered by green renewable energy, with solar rooftop and batteries. There are no controls to reduce energy consumption in multi storey buildings which will require higher energy with lifts, air conditioning, and drying clothes. Nor do the plans implement low energy e.g. reverse cycle air conditioning, heat pumps, insulation and solar panels and community batteries, EV charging stations, composting, food gardens and sufficient deep soil landscaping.

Any degradation of the environment risks releasing new pathogens and endanger human health with disease, heat stress and pandemics.

The loss of trees, gardens, open spaces will also undermine existing and future residents' mental and physical health. The policy encourages a harmful separation between humans and nature, something that has been proven to affect our physical and mental health.

Before the March 2023 NSW election, Ms Penny Sharpe MLC [said](#) that Labor's priorities would be to "develop options to recognised and protect significant trees and urban bushland and wildlife corridors as part of the recognition of national heritage". Yet the SEPP controls abandon the protection of Ku-ring-gai's significant trees, urban bushland, wildlife corridors and outstanding biodiversity.

Instead, they override:

- Ku-ring-gai Council environmental controls and policies
- the [National Parks and Wildlife Act 1974](#) (NPW Act)
- the Commonwealth [Environment Protection and Biodiversity Conservation Act 1999](#)
- the [State Environmental Planning Policy \(Biodiversity and Conservation\) 2021](#)
- The [Biodiversity Conservation Act 2016](#) (BC Act) FOKE takes the view that this Act needs to be repealed as when it was introduced, it went against expert advice and has led to broadscale rural land clearing and loss of biodiversity
- principles of Ecologically Sustainable Development (ESD)
- NSW State of the Environment Report 2021
- Ecological connectivity across Greater Sydney & Regions

Heritage

The NSW Government has a responsibility to care for NSW 's heritage.

The proposed SEPPs undermine the principles of the NSW Heritage Act 1977 No 136, that was established to protect heritage.

All proposed SEPPs have an unacceptable impact on Ku-ring-gai's R4 high density zone, R3 medium density zones and all R2 low density zones – where Ku-ring-gai's heritage conservation areas (HCA) are located.

Ku-ring-gai is a place of outstanding natural, built and cultural heritage. It has possibly the best collection of 20th Century domestic architecture in Australia which has been attributed as being of national significance.

Ku-ring-gai's environment and heritage are inseparable. It is characterised as a place where the "natural" dominate the "built". Ku-ring-gai comprises a rare blend of fine domestic architecture within a landscape of indigenous forests and established gardens.

Ku-ring-gai was historically established along the strip of Blue Gum High Forest where the North Shore Railway line is today. Ku-ring-gai is an expression of the 'garden suburb movement' with its aesthetically beautiful built and natural values.

FOKE has led many guided walking tours across Ku-ring-gai's suburbs highlighting Ku-ring-gai's extraordinarily outstanding heritage for the Australian National Trust Heritage Festivals Awards which the NSW Government supports.

The SEPPs will have significantly devastating and irreversible adverse impacts on Ku-ring-gai's character on its heritage items and heritage conservation areas that are located within an 800m radius of a train station or local centre.

The disparity between the proposed height limits (6-7 storey and up to 10 storeys with affordable housing) adjoining existing low-scale historic buildings and heritage streetscapes is not compatible for respectful or orderly planning.

As such, the proposals will have a devastating and irreversible impact on the character and significance on Ku-ring-gai's 46 Heritage Conservation Areas. Cumulatively, they will have a major adverse impact on the heritage significance of Ku-ring-gai as a whole.

They will also have dramatic impacts on the character of contributory heritage areas surrounding Ku-ring-gai's eight railway stations.

Intact Inter War heritage will be degraded and destroyed irrevocably around Roseville, Lindfield, Killara and Gordon stations. Nor is there any evidence provided to show that Roseville, Lindfield, Killara and Gordon have the necessary infrastructure to cope with such densification.

Ku-ring-gai has over 950 heritage items, 24 of these are recognised on the NSW State Heritage Register. Ku-ring-gai's 46 Heritage Conservation Areas, cover some 627 hectares or 7% of Ku-ring-gai.

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 Ku-ring-gai Council 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 that have no local provenance but are ubiquitous to every other global city around the world.

The proposed reforms have not been assessed on their heritage and environmental merit-based impact. Understanding of local context is essential to good planning and the creation of sustainable and liveable cities. It is vital that NSW Planning halt the imposition of these proposed plans until detailed strategic investigations can take place from Ku-ring-gai Council. Without local master planning it risks extensive, widespread, permanent and irreversible loss of heritage values and the loss of connections to the past.

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.

The SEPP Housing proposals are inconsistent with the NSW government's heritage conservation objectives across NSW. NSW Heritage listing and Heritage Conservation Areas recognise the value of NSW's built, cultural and natural heritage. They recognise the historic development of an area and contribute to its unique values and 'sense of place'.

The “one size fits all” approach fails to account for this ‘sense of place’. If implemented, large areas of heritage significance across Ku-ring-gai and NSW will be irreversibly changed.

Multi-storey housing, town houses, terraces and mid-rise housing which are permissible on much smaller lot sizes, with significantly greater height and FSR will be permitted that are contrary to the protection of heritage conservation areas. These new proposed heights and FSR are inconsistent and incompatible to the values of the HCAs and will effectively override them.

The SEPPs ‘non-refusal’ controls will lead to irreversible heritage loss.

FOKE has always been a strong advocate and promoted [Ku-ring-gai's heritage significance](#):

- i) The evidence provided by its rich history and all its sequential layers - from Aboriginal occupation, very early timber getting, 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 and twenty-first century architects and these have in turn influenced the mainstream of Australian domestic architecture e.g. William Hardy Wilson, James Peddle, Walter Burley Griffin, Waterhouse and Lake, Sydney Ancher, Harry Seidler and Glen Murcutt.
- 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.

The proposed SEPPs fail to respect Ku-ring-gai’s cultural heritage as the birthplace of the conservation movement with many conservation pioneers living within 400, 800 and >800 metres from the railway station including:

- Annie Forsyth Wyatt (1885-1961), resident of Gordon, who founded the National Trust of Australia (NSW)
- Dr J.C.C. Bradfield (1867-1943), resident of Gordon, who pioneered public transport systems and oversaw the design and building of the Sydney Harbour Bridge.
- Paddy Pallin (1900-1991), resident of Lindfield, who was a bushwalking entrepreneur that contributed to the rise of the bushwalking and national parks movement.
- Eccleston du Faur (1832-1915) resident of Turramurra, who was pivotal in establishing NSW’s second national park, Ku-ring-gai National Park and one of the first in the world to create a national park for the intrinsic values of nature.
- Professor E.G. Waterhouse (1881-1977), resident of Gordon, who championed the aesthetic of gardens.
- Charles W Bean (1879-1968), resident of Lindfield, Lawyer, Author, War Historian, who championed parks and gardens and national parks as President of the Parks and Playground Movement NSW, and founder of the Australian War Memorial Canberra.
- Alex Colley, resident of Turramurra, who with the bushwalking movement led the campaign to World Heritage List the Greater Blue Mountains National Park.

- Gustavus Waterhouse (1877-1950), resident of Killara, who was a pioneer entomologist recognising the importance of habitat.
- Harold Cazneaux (1878-1953), resident of Roseville and pioneer photographer who celebrated the beauty of Sydney.

The TOD SEPP will impact on more than 530 listed properties, including more than 100 heritage items. The *Changes to create low and mid-rise Housing* will impact on 2,000 heritage listed properties.

Some of Ku-ring-gai's significant homes and buildings that will be impacted by the SEPP:

Some significant properties to note:

- Annie Wyatt's home. Founder of the National Trust. 26 Park Avenue, Gordon.
- *Kholo* - Sir John Crew Bradfield's home (Harbour Bridge fame). 23 Park Avenue, Gordon.
- *Woodlands formerly Inglewood* – Author Ethel Turner's childhood home where she wrote *Seven Little Australians*. 1 Werona Avenue, Killara.
- Charles W Bean's homes – 5 Ortona Road Lindfield and 17 Eton Road, Lindfield. Lawyer, Author, War Historian, President of the Parks and Playground Movement NSW, Pivotal role in the formation of what was to become the National Archives and Founder of the Australian War Memorial, Canberra.
- *Eryldene* – William Hardy Wilson architect – 17 McIntosh Street, Gordon. Home of Prof. Eben Gowrie Waterhouse. Photographed by Max Dupain.
- *Tulkiyan* - B J Waterhouse architect (Waterhouse and Lake) 1914. 707 Pacific Highway, Gordon.
- *Mandalay* – G M Pitt architect built 1902. 32 Nelson Street, Gordon.
- *Coromandel/Caringal* - 47 Treatts Road, Lindfield.
- *Athol* – 3-5 Pymble Avenue, Pymble.
- *Grandview* – 1178 Pacific Highway, Pymble. The first bank in Pymble in 1883.
- *Gortgowan/ Aberdour* – 23 Nelson Street, Gordon built 1901.
- *Ilkley/Viti/Brentwood* – 2A Park Avenue, Gordon built 1892-1893. Now, Gordon Pre-School. Lost its garden to former Gordon Library designed by Sydney Ancher in 1964.
- *Walbrook* – 43 Nelson Road Lindfield built 1924. Childhood home of Dame Joan Hammond and from 1938 to his death in 1952, Prime Minister William Morris (Billy) Hughes (who from 1924, resided at 14 Nelson Road, Lindfield which is not on the heritage list).
- *Westwood Ho* - John Burcham Clamp & Clifford Finch architects, (a Ku-ring-gai resident who also designed Roseville Gold Club and Roseville Anglican Church. Firm also architects of Tattersals, Berk House, and Callaghan House.
- *The Briars* – Architect Charles H Halstead. Built for the pioneering Balcombe family, built in 1895. 14 Woonona Avenue, Wahroonga.
- *Cossington* – former home of Grace Cossington Smith. 43-47 Ku-ring-gai Avenue, Turramurra.
- *Killarney Castle* – 3 Glenview Street Gordon.
- Harry and Penelope Seidler's home – 13 Kalang Avenue, Killara.
- *Roscombe* – 29 Karranga Avenue Killara.
- *Lynwood* – 10 Lynwood Avenue, Killara.
- *The Tudors* – 29 Lynwood Avenue, Killara.
- *Cheppywood* – 61 Ku-ring-gai Avenue, Turramurra.
- *The Grange* – 73 Ku-ring-gai Avenue, Turramurra.
- *Rose Seidler House* – 69 Clissold Road, Wahroonga. Harry Seidler architect.
- *Purulia* – 16 Fox Valley Road, Wahroonga.
- *Parklands* – Clive Evatt's home - 69 Junction Road Wahroonga - Georgian Revival two-storey residence and garage, architect Stuart John Traill (1892-1965) approved for building 16 April 1940. Traill worked with Cyril Ruwald on the design of The Greengate Hotel. When in 1938 he applied to council to build a brick dwelling and garage in Water Street

(Wahroonga) he was living in 32 Tryon Rd, Lindfield. There is more on Traill in *The Historian* Vol 35, 2006.

- *The Greengate Hotel* – corner of Greengate Road and Pacific Highway, Killara.
- *Ku-ring-gai Council Chambers* – 818 Pacific Highway, Killara. William Hardy Wilson Architect.

The SEPP's will severely impact Ku-ring-gai's heritage because of Ku-ring-gai's distinct history and heritage, where Ku-ring-gai's listed buildings are concentrated along the train line and built as single dwelling garden suburbs.

Gordon Station and Wahroonga Railway Station are both State Heritage Listed. The North Shore Railway line exists within a corridor of NSW owned bushland that is identified as 'environmentally sensitive land'. The North Shore railway line opened in 1890 and has extraordinary historic significance to Sydney. It is also one of the most scenic railway vistas in Sydney. All these risks being lost.

With the SEPPs "non refusal standards" Ku-ring-gai Council will not have the capacity to refuse detracting development and protect heritage, as well as liveability, local character, environment and heritage.

This planning ensures the 'built form' will dominate the natural environment – which will fundamentally change Ku-ring-gai's unique heritage quality.

The National Trust of Australia (NSW) Inter War Study (1997) outlines in detail the incredible architecture and history of Ku-ring-gai's early subdivisions and pre railway homes and rail stations which FOKE have lobbied for over 30 years to protect.

The Ku-ring-gai Historical Society has done extensive research on Ku-ring-gai's heritage conservation areas.

The National Trust received a grant in 1992 in order to identify the extent and quality of NSW's inter-war housing and estate housing. The study identified a number of precincts in NSW considered to be worthy of listing, with housing built between 1918 and 1942 being of State heritage significance due to the enormous visual impact it had on the built form of today's suburbs and towns.

In Ku-ring-gai the main housing growth period was after the North Shore Railway was opened in 1890 and after World War 1. Compared to other areas in the Sydney region, Ku-ring-gai was found to contain one of the most extensive and intact inter-war housing areas in the State.

The National Trust's report was finalised in 1996 and recommended 28 precincts in Ku-ring-gai for possible listing. All 28 precincts were classified by the National Trust in 1997. Sadly, classification by the Trust carries no statutory implications.

21 of the Ku-ring-gai UCAs are currently listed on the National Estate Register as Indicative Places and the Australian Heritage Commission is assessing these for possible inclusion in their Register. Once again, listing on the National Estate carries no statutory implications for non-Commonwealth Government-owned properties.

Nonetheless, the National Trust listings of the 28 precincts reflects the fact that they are of National, State and Local cultural significance as a fine collection of 20th century domestic architecture with complementary gardens and landscapes.

This was reinforced in 2000, when, recognising the value of the precincts and the high pressure for development, the Australian Council of National Trusts declared all 28 precincts to be "Endangered Places" following the (FOKE) nomination.

The national significance and increasing vulnerability of the conservation areas in Ku-ring-gai were further underscored in 2007 when the National Trust of Australia (NSW) nominated *Ku-ring-gai's Urban Conservation Areas within the Context of the Original Blue Gum High Forest* for the inclusion on the list of the 'Top Ten Heritage at Risk Places in Australia'.

Ku-ring-gai as a place of National and State Significance is now under further threat by the Minns government authoritarian, 'one size fits all' SEPPs which override and disrespect the values of the natural and built heritage not just of Ku-ring-gai, but of all Sydney's 6 Regions.

The Hon Tom Uren AO, Federal Minister for Urban and Regional Development 1972-1975, Patron of the Defenders of Sydney Harbour Foreshores, Chair of the Parramatta Park Trust, and spokesperson for the Australian Council of National Trusts Endangered Places List 2000, stated "*You have something special here in Ku-ring-gai – Fight for it*" (FOKE AGM/Public Meeting 2001).

It is the government's duty and the duty of the custodians of Ku-ring-gai, to protect and preserve our natural and cultural heritage for future generations.

Infrastructure

The NSW Government does not have the capacity to provide adequate infrastructure for the population increases arising from the SEPPs housing policies. Nor do local governments have the financial capacity to provide the infrastructure to cope with the population densities that go with the housing densification.

The SEPPs provision of explosive additional housing will overwhelm existing infrastructure for sewerage, water, stormwater, energy, traffic, parking and demand for additional services and facilities, for example, parks, schools, hospitals, swimming pools, libraries and community centres that are required to service new residents.

If existing buildings and trees are demolished this will create massive pressure on landfill and achieve zero waste.

Water pressure has been lowered over much of Ku-ring-gai with the addition of approximately 16,000 dwellings over the past 15 years. There are no provisions to acquire land to create more parks and playgrounds or purchase environmentally sensitive bushland on private land.

The TODs are expected to build 4,452 new dwellings at Roseville, Lindfield, Killara and Gordon. There is no evidence provided to justify these rezonings has the necessary infrastructure to cope with this population explosion.

The TOD Part 2 SEPPs are expected to build 4,450 new dwellings at Roseville, Lindfield, Killara and Gordon. This is based on the calculation that the TOD SEPP 2 will create 138000 new homes – 4450 at each of 31 x 400 m radius stations. These stations are currently mostly low density residential. Each 400 m radius station catchment represents 500000 m² and hence the absolute increase in density at each station is 8.86 homes / 1000 m².

The four TODs in Ku-ring-gai are proposed for the strip of land along the railway line between Roseville and Gordon (approximately 5 km). But in fact – the proposed additional housing is approximately 18000 (4450 x 4) which is the equivalent of 3 major Part 1 hubs, in an area that is approximately 35% of a single major hub.

The relative increase in density is therefore massively bigger for TOD SEPP Part 2, compared to TOD SEPP Part 1. The absolute increase in the narrow strip of Roseville to Gordon is equivalent to 3 major hubs. The TOD SEPP Part 1 will receive the benefit of a proper masterplan process. However, master planning is deemed unnecessary for TOD SEPP Part 2 locations.

Using publicly available demographic data on typical occupancy rates of apartments and age profile distributions, TODD SEPP Part 2 could deliver an extra 36000 residents just along this narrow strip (not including the extra residents' other changes might yield), of which approximately 5500 would be school age.

Typically, the public and private senior schools (7-12) in this area have enrolments of the order 1000-1500. The primary schools (K-6) are of the order 500-700. The equivalent of 5-6 new schools or the creation of 'vertical high rise' schools would be required just for this narrow strip alone. Children need playgrounds to grow into healthy adults but there is no capacity to ensure this future.

It would be expected from this population increase analysis that other additional services would be required including medical facilities, schools, fire engines, supermarkets to house this population increase.

The TODD SEPP Part 2 lack of master planning provision and claims that Roseville, Lindfield, Killara and Gordon have the capacity to support the growth is fundamentally flawed and wrong.

There is no evidence provided to justify these rezonings has the necessary infrastructure to cope with this population explosion. We require the analysis on which the State Government is hiding behind closed doors as 'Cabinet in confidence,' to be publicly released for scrutiny and consultation in the public interest.

They will place enormous pressure on infrastructure including water, sewerage, and energy. The commensurate population explosion will require the NSW Government to massively fund additional schools, hospitals, emergency services, TAFEs, more energy sources, trains and buses as well as employ more teachers, doctors, nurses and health professions, police, bus and train drivers. Traffic gridlock will intensify and make parking impossible. The plans lack provision of additional green open space - parks and playgrounds and sports fields - as well as other community services.

The traffic generated from the SEPPs will result in gridlock, especially around Gordon, Lindfield, Killara and Roseville railway stations and town centres due to limited railway crossings. Ambulances and other emergency services will not be able to transport those with life cases to hospitals due to the congestion particularly on main arterial roads and the Pacific Highway.

No information has been provided regarding the train capacity along the North Shore Railway line or indeed across Sydney with the proposal of TODs.

The proposal to allow mid-rise apartment blocks near transport hubs and town centres in R3 medium density zones across Ku-ring-gai. If the assumption is that people will abandon their cars and walk to the transport hubs, shops, and amenities is wrong then there will be massive numbers of cars parked on roads meaning driving through streets may become impossible.

The provision of open space and recreational facilities that include parks, sports ovals cannot be provided to service the population resulting from the SEPPs. Ku-ring-gai Council does not have the financial capacity to purchase land to make more open space. Without this the SEPPs will undermine the mental and physical health of existing and future residents. Residents need open, green and community spaces to make social connections. This relies on extraordinary investment and considerable funding.

Unaffordable Housing

Providing more affordable housing for Sydney is more complex than simply setting targets and building houses. It involves many complex Federal and State factors including the Federal Government's record high levels of immigration and lack of investment in public housing. The market cannot and will not create affordable housing because it is profit driven. It is time the NSW government challenged its creed that "the market" will solve our housing crises. Instead, the NSW

Government has handed over the NSW planning system to the development industry carte blanche.

The Minns' housing proposals will exacerbate affordability issues. Some portion of current housing stock is being purchased by wealthy foreign and local investors and left vacant, exacerbating scarcity of available residential properties leading to rental stress and increases and affordability of home ownership across Sydney. Without changes to occupancy use of properties this policy outcome will continue. Minns' housing policy does not address this problem.

There is insufficient justification for changes. While the "housing crisis" is acknowledged, no analysis has been provided to Council or residents to justify the detailed changes proposed and no estimates of the additional population likely to result has been provided. (Ku-ring-gai has already experienced a population increase of at least 21% over the last fifteen years).

Housing supply will not resolve the housing shortfall and affordability. Blaming lack of progress on local councils is similarly simplistic. Removing proper assessment processes and rushing through residential rezonings is guaranteed to create poorly designed and built housing. Speed will not increase affordability. It will, however, result in housing that is isolated, car-dependent, poorly insulated and under-serviced. It is time the state government questioned its creed that "the market" will solve our housing crisis. It needs to pay due attention to the inherent complexities of housing a growing population of more than 5 million people.

The Productivity Commission estimates a 1% increase in overall housing supply (implicitly achievable through planning deregulation) could deflate rents by 2.5%. But what makes this scenario implausible is the development industry's time-honoured – but entirely rational – practice of drip-feeding new housing supply to keep prices buoyant. Even if planning relaxation could enable ramped-up construction, it's hard to imagine that being sustained in the face of any resulting market cooling.

Roseville, Lindfield, Killara and Gordon have been targeted with additional development under the Transport Oriented Development Programme and will be subject to a new SEPP to allow development of at least 6 storeys with 30% bonuses for affordable housing, commencing April 2024. Allowing affordable housing bonuses of up to 30% for floor space ratio and height, on top of the proposed new controls. The 'affordable housing' density bonuses are likely to be used simply as a cover by developers for a yet further increase of 30% in size and density, regardless of the unsuitability of individual sites, and when 'affordability' is relative only.

[Philip Oldfield, the head of the University of NSW's School of Built Environment, said developers are building apartments primarily for owner-investors, not for people that actually live in the apartments.](#)

Broader federal responsibilities that have led to the housing affordability crisis: overly generous tax concessions for investors; lax restrictions on property purchases by foreign buyers; reducing impact of short-term rentals, vacant properties; land banking foreign ownership, immigration.

The NSW Government needs to pressure the Federal Government to implement sustainable levels of immigration e.g. 70,000 per year. The extreme levels of immigration numbers are contributing to the housing crisis.

The NSW Leader of the Opposition Mark Speakman has said that the Minns Labor Government needs to work with Federal Labor to reduce the state's record high immigration rates in order to alleviate pressure on the housing market.

"Chris Minns continues to ignore one of the biggest contributing factors to our housing supply shortage, which is unsustainable rates of immigration. His announcements will have no short-term impact on rental stress and high house prices".

“New South Wales is expected to receive more than its population share of Australia’s net overseas migrants over the coming years. Net overseas migration will contribute almost 500,000 people to the State’s total expected population growth of 580,000 in the five years to 2026-27.” (Mr Speakman, 7 December, 2023, [Chris Minns must address housing demand](#))

The Minns Government and Department of Planning are refusing to meet at Ku-ring-gai Council with the Acting General Manager and Staff, and thus far have only allowed a 1-hour Teams Meeting with council staff to discuss the TOD proposals. Councillors were only given a 30-minute briefing with the Department on the TOD. This is totally inadequate consultation for such wide ranging, top-down planning policy changes, which undermine the existing statutory strategic planning framework in NSW.

Transport Orientated Development (TOD) SEPP’s Lack of Due Process with regard to Strategic Planning

The proposed changes from the TOD SEPP and the proposed inclusion of dual occupancies in R2 zones constitute massive changes within an unreasonably short timeframe in terms of town planning.

The TOD SEPP is inconsistent with existing government policies and strategies. It places increased housing density above other considerations including canopy retention, biodiversity conservation, infrastructure and stormwater capacity, heritage, liveability and sustainability.

The lack of detail offered to the community and councils is contrary to the tenets of the Environment Planning and Assessment Act 1979 (EPA). The proposed enormity of the changes and the lack of detail do not meet the mandatory requirements of:

- Encouraging effective and meaningful opportunities for community participation. The EPA, section 2.23, cites that Planning authorities should actively seek views that are representative of the community.
- Does not support the development of a local strategic plan to determine the best land use in the local area, preserving the special character and values of the area and how it will be managed into the future.
- The EPA recognises the critical role of councils in strategic planning for their local area.
- The timeframe is totally unreasonable in order to provide detailed responses from the community and council as to the impact of these changes across the four Ku-ring-gai railway stations – Roseville, Lindfield, Killara and Gordon.
- The information needs to include estimated target dwelling numbers to allow Council to determine the best planned land use taking into account the specific issues related to the topography, environment, heritage and biodiversity of Ku-ring-gai.
- Division 3.3 of the EPA sets out the legislative framework for strategic planning in NSW. This framework provides a clear progression from the regional level to planning and delivery at the local level.
- The EPA requires District Plans to include housing targets for the number of net additional dwellings required for each local government area in the district for the next 5, 10 and 20 years in order to determine the development of Local Strategic Planning Statements and local planning responses for the provision of the required housing numbers. However, no target dwelling numbers have been provided to undertake this analysis nor is any timetable been included for the development of revised Local Strategic Planning Statements.
- The TOD proposal is inconsistent with the principles of Ecologically Sustainable Development, which are stated objectives under the EPA 1.3(b) and 1.3(e) as follows:
 - To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment.
 - To protect the environment, including the conservation of threatened and

other species of native animals and plants, ecological communities and their habitats.

Without the lack of analysis across the TOD locations, the SEPP will be in contravention of other state Acts.

- Biodiversity Conservation Act 2016.
- NSW Heritage Act 1977 and its objectives of identification, conservation and protection of the State's Heritage is being totally ignored.
- Water Management Act 2000 requires that the principles of ecologically sustainable development are at the forefront of any planning. With the aim to protect, enhance and restore water sources and their ecosystems and water quality.
- Local Government Act 1993 emphasises that councils are expected to work cooperatively and collaboratively with the State Government to achieve good community outcomes. An approach with a heavily restrictive time frame to respond, much less to undertake required analysis does not meet this objective.

NSW Planning needs to fulfil its responsibilities under the various Acts and work collaboratively with Ku-ring-gai Council incorporating:

- A five, ten and twenty year estimated dwellings target with assumptions.
- Ensure requirements of ESD, heritage and biodiversity conservation, character, tree canopy retention and livability are met as per the various acts.
- Provide assessments for potential 30% population increase, including:
 - Infrastructure needs such as community services, medical and additional schools.
 - Traffic and congestion assessment.
 - Open Spaces analysis with location of new parks, especially close to high density locations.
 - Transport and parking infrastructure assessment.
 - Stormwater and sewage limitations and management which is a major issue in Ku-ring-gai's older network.
 - Physical constraints analysis such as bushfire and flood prone areas.

Friends of Ku-ring-gai Environment Inc. (FOKE) Recommendation:

FOKE recommends that the NSW Government immediately withdraw its *Changes to create low and mid-rise Housing and Transport Orientated Development TOD* and begin a process of genuine consultation with local governments across the Six Cities Regions.

Final words

The Albanese Government's Housing Accord is pushing the NSW Government to set ambitious new targets to unrealistically boost the supply of hundreds of thousands of new houses.

Record high net immigration have inflated demand for housing to the point that Australia's liveability, affordability, heritage and environment is severely compromised. Bringing in over 500,000, or even a reduced figure of 250,000 immigrants, creates demand pressures which will take generations of planning, resources and hundreds of billions of infrastructure dollars to satisfy. Supply will always lag demand. The only option is to remove the excess demand by reducing net overseas migration to around 70,000/year. This can be done with the stroke of a pen, with immediate impact and at no cost. Please find attached Sustainable Population Australia Briefing Paper on Population, Housing and Affordability.

Nor do the NSW Government or NSW local governments have sufficient funds to provide necessary infrastructure to support its implementation.

The SEPP housing policies have not done the proper baseline studies to assess the capacity of local government areas, including Ku-ring-gai, as to whether it has the capacity or infrastructure or heritage and environment constraints to sustain further densification.

Ku-ring-gai has exceeded its new dwelling targets of 10,000 set from 2004-2031 by the Labor Government (under Planning Minister Dr Andrew Refshauge in 2002) by approximately 60% and experienced a 21%+ population increase since that target was set. The current KLEP 2015 still has capacity for 3000+ new dwellings to meet the new 2026 dwelling target set in 2021-2022 by the Greater Sydney Commission for the North District Strategy target. Ku-ring-gai has never shirked its responsibility to provide additional housing to meet housing needs.

The implementation of NSW Government's Housing Policy is substandard, chaotic, environmentally irresponsible, and undemocratic.

It will dramatically impact not only Ku-ring-gai's but all Greater and Sydney suburbs' character, heritage, amenity, environment, sustainability, critically endangered species, liveability, carbon budget, and infrastructure in adverse ways.

Yours sincerely

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