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12 July 2025

Dear Sir/Madam

FOKE Submission on the Draft Heritage Strategy – Sustaining the past for the future

Friends of Ku-ring-gai Environment Inc (FOKE) welcome the opportunity to comment on the NSW Heritage Strategy – Sustaining the past for the future (May 2025).

FOKE is a community volunteer group dedicated to protecting and conserving the built, natural and cultural environment of the Ku-ring-gai Local Government Area in northern Sydney.

As a community group dedicated to preserving Ku-ring-gai's natural, built, and cultural heritage, FOKE advocates for planning policies that protect the Ku-ring-gai's unique heritage - with its outstanding aesthetic landscape that combines some of the nation's best 20th Century domestic architecture within a unique tree canopy containing critically endangered ecological communities of Blue Gum High Forest and Sydney Turpentine Ironbark Forest. It also has significant Aboriginal sites on Guringai/Gammeregal/Darramarragal/Darag Country.

FOKE was established in 1994 and celebrated its 30th Anniversary in 2024. Over these past 30 years FOKE has and continues to research, record, articulate, advocate and celebrate Ku-ring-gai's unique heritage and exceptionally biodiverse urban environment. In May 2025 it ran four 'Heritage in Peril' walks for [Roseville](#), [Lindfield](#), [Killara](#) and [Gordon](#).

It is thus with great disappointment, that despite recent and three decades of heritage advocacy, successive NSW governments have discounted Ku-ring-gai's significant heritage. Instead, the NSW Government's urban consolidation policies have had adverse impacts on Ku-ring-gai's built, natural, and cultural heritage as well as a dire impact on NSW's environment as outlined in the [NSW State of the Environment Report, 2024](#).

It remains disconcerting for FOKE to understand why the NSW Heritage Strategy remains steadfastly committed to the NSW Planning reforms and introduction of blunt 'top down' developer led housing policies when these poor planning 'reforms' are poised to accelerate NSW's heritage and environment destruction.

FOKE have been strong heritage advocates for recognising Ku-ring-gai's North Shore railway corridor. Its Local Heritage listed railway stations and railway gardens and State Heritage listed

2016 NATIONAL TRUST HERITAGE AWARDS HIGHLY COMMENDED

2009 NATIONAL TRUST HERITAGE AWARDS HIGHLY COMMENDED

2008 NSW GOVERNMENT HERITAGE VOLUNTEERS AWARD

2000 FOKE, WINNER, NSW HERITAGE OFFICE CULTURAL HERITAGE CONSERVATION AWARD

"HERITAGE WATCH OVER OUR PLACE OF NATIONAL SIGNIFICANCE –KU-RING-GAI"

KEEP AUSTRALIA BEAUTIFUL COUNCIL (NSW) METRO PRIDE AWARDS.

Gordon and Wahroonga Railway Station are surrounded by an outstanding quantity, quality, depth and range of housing that has been attributed as being of national significance with its collection of 20th and 21st Century domestic architecture many designed by prominent Australian architects. *See attached Roll Call of Australian architects who have designed homes in Ku-ring-gai.

This railway corridor is also an environmentally sensitive place with its NSW and Federally listed critically endangered Blue Gum High Forest and Sydney Turpentine Ironbark Forest. These urban forests and their canopies are the core of Ku-ring-gai's environmental character as well as the keystone for Ku-ring-gai's outstanding biodiversity. Ku-ring-gai's 'environmental splendour' is something that belongs to the city of Sydney and is ecologically connected to Greater Sydney's biodiversity. *See attached map of Ku-ring-gai's National Trust Urban Conservations Areas declared in 1997 intertwined with the mapping of the critically endangered Blue Gum High Forest (BGHF) and the now small highly important remnant patches of forest.

Ku-ring-gai also exists within the catchment of three national parks and as such plays a vital role in maintaining a resilient and strong national park estate for NSW.

Ku-ring-gai is also located in a high bushfire area being surrounded by three National Parks and is now even more susceptible to catastrophic bushfires with climate change.

FOKE considers Ku-ring-gai as having a nascent role in the formation of the NSW environment movement with many pioneer conservationists living in Ku-ring-gai including Eccleston du Faur (1832–1915) advocate and first managing trustee of NSW's second national park, Ku-ring-gai Chase; Annie Forsyth Wyatt (1885–1961) founder of the Ku-ring-gai Tree Lovers' Civic League (1927) and NSW National Trust (1945); Charles Bean (1879–1968) Anzac historian and founder of the Parks and Playground Movement; Paddy Pallin (1900-1991) bushwalker and leader in the national park movement that led to the establishment of the NSW National Parks & Wildlife Act (1967); Alex Colley (1909-2014) for his role in achieving the World Heritage listing for the Blue Mountains and whom former premier Bob Carr acknowledged as "without Alex there would be little wilderness protected in this State."

FOKE, over the years, has led many heritage walks and tours, during the Australian Heritage Festival (supported by the NSW Government) to celebrate Ku-ring-gai's natural, built and cultural heritage. These FOKE heritage walks have all occurred around the designated NSW Government Transport Oriented Development (TOD) precincts of Roseville, Lindfield, Killara and Gordon. They have highlighted the inseparability of Ku-ring-gai's environment and heritage where the "natural" dominates the "built". The heritage tours have also highlighted Ku-ring-gai's rare blend of fine domestic architecture set within a landscape of critically endangered indigenous forests and established gardens. Historically Ku-ring-gai is an aesthetic expression of the 'garden suburb', twentieth century town planning and conservation movements.

Ku-ring-gai's heritage was first recognised by the National Trust (NSW) in 1997, following a statewide survey of inter-war and estate housing. In that year, the National Trust (NSW) recommended that twenty-eight (28) precincts be classified as Urban Conservation Areas (UCAs) in Ku-ring-gai. This was a significant step, as it represented more UCAs than any other local government area in NSW and Australia at the time.

The Labor Government in 2004 prevented Ku-ring-gai Council from proceeding to gazette the National Trust urban conservation areas to allow for the NSW government's policy of urban consolidation, namely the Residential Development Strategy (RDS), to be put in place to develop 10,000 new dwellings and to allow 5-7 storey apartment blocks to proceed in what were proposed heritage conservation areas.

Ku-ring-gai was one of the last areas of Sydney to gazette several heritage conservation areas following the election of the Liberal government in 2012.

In 2007 the National Trust of Australia (NSW) nominated Ku-ring-gai's Urban Conservation Areas within the Context of the Original Blue Gum High Forest (BGHF) for the inclusion on the list of the 'Top Ten Heritage at Risk Places in Australia'. All these environment and heritage constraints were completely ignored when Roseville, Lindfield, Killara and Gordon were selected as NSW Government's imposed Transport Oriented Development (TOD) precincts. If the TOD program proceeds it will significantly degrade the natural, built and cultural heritage surrounding Roseville, Lindfield, Killara and Gordon Railway Stations and NSW will lose this outstanding Inter-War and Federation Australian heritage.

In late 2023, the NSW Government announced its 'one size' Transport Oriented Development (TOD) controls for four rich heritage conservation suburbs - Roseville, Lindfield, Killara and Gordon. The TOD controls would effectively wipe out, not only Ku-ring-gai Heritage Conservation Areas, but also endanger the high biodiversity values of these environmental sensitive suburbs, which have been protected at local, state and federal levels. Despite Ku-ring-gai Council resolving an alternative TOD draft LEP (June 2025), the NSW Government continues a parallel development approval system with State Significant Developments which will further undermine Ku-ring-gai's heritage.

The mandated TOD target of 23,200 dwellings is excessive and unrealistic and will not only overwhelm Ku-ring-gai's infrastructure capacity but erase Ku-ring-gai's unique heritage, character and environment. Consequently, Ku-ring-gai Council took legal action against the NSW Government. As a mediation outcome Ku-ring-gai Council resolved an alternative preferred TOD draft LEP that introduces heights at a scale never seen before (8-28 storeys) and where only eight (8) out of forty-six (46) HCAs are protected. FOKE continues to have strong reservations regarding the untenable TOD dwelling targets with Ku-ring-gai Councils protection of just eight (8) HCAs.

FOKE is deeply concerned about the ability of the Draft Heritage Strategy to provide heritage protection. In fact, it the draft strategy endorses the ongoing assault on Ku-ring-gai's heritage because of the eroding NSW housing and planning policies.

The TOD program will effectively deforest, destroy and diminish Ku-ring-gai which in turn will have cascading negative consequences for the rest of Greater Sydney's environment – including biodiversity extinction, reduced air quality, carbon emissions, heat stress and loss of heritage. The majority of BGHF remnant trees are on private land.

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, once spoke to a FOKE annual meeting. There he said: "You have something special here in Ku-ring-gai – Fight for it" (FOKE AGM/Public Meeting 2001).

In FOKE's submission to the Portfolio 7 Committee Parliamentary Inquiry into the development of the Transport Oriented Development Program submission (27 March, 2024) it called on the NSW Government to immediately withdraw the Transport Oriented Development program because of the devastation it will cause to the natural, built and cultural heritage of Roseville, Lindfield, Killara and Gordon and other Greater Sydney and regional sites.

FOKE comments regarding Heritage NSW's communications about the draft NSW Heritage Strategy

Heritage NSW's website communications announced an 'exciting opportunity' for the public to influence the final shape of the draft NSW Heritage strategy and that the NSW Government is 'eager to hear your thoughts'. However, FOKE remains disappointed with the failure of the NSW Government to acknowledge the heritage devastation caused by its undemocratic imposition of four TODs in Ku-ring-gai and Low and Mid-Rise housing policy for eight suburbs. FOKE has seen no evidence that the NSW Government is "eager" to hear from Ku-ring-gai residents and community groups about their concerns regarding the imminent destruction of Ku-ring-gai's heritage that is being caused as a consequence of the NSW Planning reforms (Transport Oriented Development TOD; State Significant Development SSD; Low and Mid-Rise housing (LMRH) SEPP and Housing Delivery Authority (HDA)) developments.

It notes that the wellbeing of residents who live in Ku-ring-gai's rich heritage conservation areas are suffering from mental, emotional and financial anguish over the rampant destruction that the TOD and the Low and Mid-Rise housing policies pose.

It is also noted that despite Ku-ring-gai Council sought an Interim Heritage Order (IHO) for its twenty-three Heritage Conservation Areas within Transport Oriented Development (TOD) precincts from Roseville to Gordon, and this was denied by Heritage NSW.

FOKE maintains the 'one size 'blunt' NSW Housing reforms undermine NSW's heritage protection. The reforms prioritise housing supply regardless of its devastating impacts on heritage, environment, neighbourhood character, liveability and ecological sustainability. The 5-year target of delivering 377,000 new dwellings across NSW by 2029 as part of NSW's commitment to the National Housing Accord has been made without due consideration of the costs to heritage, the environment, neighbourhood character, liveability, ecological sustainability and provision of infrastructure (including water, sewerage, energy, open space, community services, hospitals, schools etc).

The Transport Oriented Development (TOD) and the Low and Mid-Rise Housing (LMRH) SEPPs aim to increase the number of well-located homes close to transport and deliver the government's housing targets. Yet, this will have a devastating impact on Ku-ring-gai's heritage, with the non-transparent imposition of four TODs - Roseville, Lindfield, Killara and Gordon - where most of its Heritage Conservation Areas and Heritage listed homes are within 400-800 metres from these railway station. The North Shore Railway Line 'created' Ku-ring-gai's garden heritage suburbs, and now with the NSW's TOD and Low to Mid Rise Housing SEPPs and SSDs a tsunami of heritage destruction has been put in motion. The North Shore Railway Line itself is one of Sydney's most scenic railway lines and one that is identified as environmentally sensitive due to the tall canopy endemic vegetation along the corridor. Regardless, it now faces imminent scarring of its treed green landscape along with its Federation and Inter-War housing.

The draft Heritage Strategy puts the case that the NSW Government is committed to delivering both new housing **and** heritage protections, yet the mandatory 23,200 TOD dwellings is so intense that it makes it impossible to protect its heritage. Heritage listed homes are exempt from development but will be potentially surrounded by 8-10 storey apartment blocks.

The draft NSW Heritage Strategy is a highly compromised strategy because it endorses by the NSW Housing reforms. NSW Planning is unleashing poorly thought out, ad hoc and developer driven planning, not only in Ku-ring-gai but across Greater Sydney. Housing policies that make it impossible for development to be sensitively integrated into neighbourhoods. They undermine and devalue heritage and suburbs' sense of place, identity and liveability.

FOKE still asks the question – why was Ku-ring-gai's 's heritage targeted with four TODs? How can this heritage destruction be justified?

FOKE also notes that the four TODs for Roseville, Lindfield, Killara and Gordon are 'Tier 2' TODs. These receive no master planning and no infrastructure support. Yet these four 'Tier 2' TOD equates to three 'Tier 1' TODs which do include the provision for master planning and additional infrastructure funding to support intense densification.

FOKE remains critical of NSW Planning and its lack of transparency in planning decisions that sets to demolish Ku-ring-gai's outstanding heritage. The evidence to justify four TODs in Ku-ring-gai have never been made available for public scrutiny and remain as 'Cabinet in Confidence'. This lack of transparency undermines confidence and trust in the NSW Government's planning system and disempowers heritage owners to conserve their heritage when they will have 8-10 storey apartments next to them, overshadowing them and destroying their heritage and property values.

The NSW Government's TOD is a 'one size fits all plan' and threatens Ku-ring-gai's outstanding natural, built and cultural heritage.

On 5 June 2025, Ku-ring-gai Council submitted a draft TOD Preferred Scenario amendment to Ku-ring-gai LEP 2015 to the NSW Minister of Planning and is awaiting his gazettal. The plans have been forced on the community because of the mandated 23,500 dwelling target. They too will fundamentally transform Ku-ring-gai with skyscraper high rise of 8-28 storeys high, towering over its heritage. Only eight (8) Heritage Conservation Areas out of forty-six (46) across Ku-ring-gai have been protected in this plan.

Already in the past six months there have been thirty-four (34) SSD proposals proceeding for approximately 4700 new dwellings threatening Ku-ring-gai's heritage streetscapes and environment.

The draft NSW Heritage Strategy needs to address the urgency to protect Heritage Conservation Areas. A major failing of the draft NSW Heritage Strategy is its omission of the legal instrument - "heritage conservation area" - even though it is a legislative instrument to protect heritage.

The key question that must be addressed by community heritage groups like FOKE is why is NSW Heritage 'gaslighting' the NSW public about its goal to protect heritage when it is silent on the NSW Planning reforms that is poised to destroy so much of Ku-ring-gai's and NSW's heritage?

Key Concerns with the NSW Draft Heritage Strategy

1. Insufficient Protection for Heritage Conservation Areas

The Draft Heritage Strategy does not provide robust mechanisms to protect Ku-ring-gai's 46 Heritage Conservation Areas (HCAs), which include some of Australia's finest examples of 20th-century domestic architecture. The strategy's vague commitments to heritage preservation are undermined by its commitment to NSW planning policies, including the TOD and SSD and HDA program, that override local government controls that abandons HCA protections. NSW Planning SEPPs threaten Ku-ring-gai's unique character, replacing garden suburbs with high-density developments that erode heritage significance and isolate heritage items. We urge the strategy to explicitly reinforce the integrity of all HCAs and prevent state-led planning instruments from bypassing local heritage protections.

2. Failure to Address Environmental Heritage

Ku-ring-gai's natural heritage, including its critically endangered Blue Gum High Forest,

Sydney Turpentine Ironbark Forest, and Duffy's Forest, is under severe threat from NSW Government planning policies. The Draft Heritage Strategy does not adequately recognise the interplay between built and natural heritage, ignoring the ecological and cultural significance of Ku-ring-gai's tree canopy and biodiversity. The area supports over 800 native plants, 170 fungi, and 690 fauna species, including threatened species like the Grey-Headed Flying Fox and Powerful Owl. The strategy must include specific measures to protect these ecological communities, such as mandating Environmental Impact Assessments (EIAs) for all major developments and prohibiting rezonings that increase density in ecologically sensitive areas.

3. Undermining Local Planning Authority

The Draft Heritage Strategy fails to address the removal of local government authority in heritage protection. State-led initiatives, such as the TOD program and the Housing Delivery Authority (HDA), bypass Ku-ring-gai Council's ability to enforce heritage and environmental controls. This undermines community input and local expertise, leading to developments that prioritise developer interests over heritage preservation. We call for the strategy to empower local councils with greater decision-making power and ensure that state planning instruments, such as State Significant Developments (SSDs), are subject to rigorous heritage and environmental assessments that align with local priorities.

4. Lack of Commitment to Sustainable Development

The strategy does not sufficiently integrate principles of Ecologically Sustainable Development (ESD). Ku-ring-gai's heritage is inseparable from its natural environment, yet policies like the TOD program and Low and Mid-Rise Housing SEPP promote deforestation, habitat destruction, and loss of tree canopy, which has already declined by 8-9% in Ku-ring-gai. The strategy should mandate baseline studies (e.g., heritage, environmental, and infrastructure assessments) before approving developments, as FOKE has consistently advocated. Without these, the cumulative impact of urban consolidation threatens irreversible damage to Ku-ring-gai's heritage and environment.

5. Neglect of Aboriginal Cultural Heritage

Ku-ring-gai contains some of Sydney's most significant Aboriginal cultural sites, yet the Draft Heritage Strategy fails to acknowledge or prioritise their protection. The strategy must include specific actions to collaborate with Aboriginal communities and integrate their heritage into planning frameworks, ensuring that development does not encroach on culturally significant sites or landscapes.

6. Inadequate Response to Climate and Bushfire Risks

The strategy does not address the heightened risks of climate-fueled bushfires, wild storms, and flash flooding in areas like Ku-ring-gai, which is mapped as a high bushfire-prone zone. Increased density from state-led developments exacerbates these risks by straining aging infrastructure and increasing hard surfaces, leading to flash flooding and environmental degradation. The strategy should incorporate climate resilience as a core component of heritage protection, ensuring that developments preserve natural features like tree canopies and wildlife corridors that mitigate these risks.

Recommendations

To address these concerns, FOKE proposes the following actions for inclusion in the NSW Heritage Strategy:

- 1. Strengthen Protections for Heritage Conservation Areas:** Enforce mandatory protections for all 46 of Ku-ring-gai's HCAs, preventing state planning policies from overriding local controls. Require heritage impact assessments for all developments within or adjacent to

HCAAs.

2. **Integrate Natural Heritage into the Strategy:** Explicitly recognise and protect Ku-ring-gai's critically endangered ecological communities as heritage assets. Mandate Environmental Impact Statements for all major developments and prohibit rezonings in ecologically sensitive areas.
3. **Empower Local Councils:** Restore local government authority in heritage and planning decisions, ensuring that SSDs and other state-led developments align with local heritage and environmental priorities.
4. **Mandate Ecologically Sustainable Development:** Require baseline studies (heritage, environmental, infrastructure, and traffic) for all major planning proposals, as FOKE has advocated since 2002.
5. **Protect Aboriginal Cultural Heritage:** Partner with Aboriginal communities to identify and protect significant cultural sites, integrating their input into all planning processes.
6. **Address Climate and Bushfire Risks:** Incorporate climate resilience into heritage protection, prioritizing the preservation of tree canopies, wildlife corridors, and green spaces to mitigate environmental risks.
7. **Enhance Community Engagement:** Ensure meaningful community consultation in heritage planning, with transparent processes and adequate timeframes for submissions, unlike the rushed timelines often imposed by state-led initiatives.
8. **Place a Moratorium on the TOD SEPP, Low to Mid-Rise Housing SEPP, State Significant Developments and Housing Delivery Authority (HDA).**
9. **Allow Ku-ring-gai Council to prepare an alternative LEP for more housing, but with no mandated 23,500 target.**

FOKE Comment on NSW's communications about the draft NSW Heritage Strategy:



The NSW Government says it "would like to hear your thoughts on a new draft heritage strategy for NSW" and that the "[draft strategy](#) aims to ensure heritage is valued as an integral part of the culture and wellbeing of our communities and our sense of place" and that "Heritage includes the places, objects and stories we have inherited from the past and want to protect for generations to come.



FOKE welcomes the above statement.

FOKE notes Ku-ring-gai has significant local, NSW and National heritage significance relating to:

- Aboriginal culture and landscapes spanning tens of thousands of years

- Natural heritage such as landscapes and ecosystems
- Historic buildings and structures
- Gardens, precincts and cultural landscapes
- Archaeological sites and shipwrecks
- Moveable heritage such as collections and objects
- Intangible heritage such as cultural practices and traditions.

The NSW Government says that is "engaged and listened to the views of people from across NSW in the development of the strategy, including the heritage sector, advocacy groups, government and the broader community via workshops, focus groups and a public survey". However, community groups have repeatedly expressed the need for stronger heritage protections, not weaker ones - particularly the abandonment of heritage protection in Heritage Conservation Areas and isolating single heritage items surrounded and overshadowed by towering apartment blocks.

FOKE Comments on 'Frequently asked questions'

What is the purpose of the draft strategy? ^

The draft NSW Heritage Strategy sets out a vision and strategic direction for protecting, conserving and activating the heritage of NSW. It outlines a series of high-level actions designed to achieve this vision. Actions will be refined based on public feedback and greater detail will be provided in the final strategy.



FOKE argues that the draft NSW Heritage Strategy fails as a strategic direction to protect and conserve NSW's heritage. Many of its high-level actions will undermine NSW's heritage protection.

Disappointedly FOKE notes that actions will only be 'refined' rather than rejected, even if they undermine heritage protection. Cynically one can assume this public consultation is a tokenistic consultation document.

How was the draft strategy developed? ^

The draft NSW Heritage Strategy was developed through an extensive engagement process that began in August 2023. To understand the challenges and opportunities for heritage in NSW, the NSW Government talked to key stakeholders from across the heritage, planning, property, and local government sectors. We also met with a range of community advocacy organisations. A public survey was conducted on the Have Your Say webpage and a series of focus groups with diverse community members were held to better understand how the community views heritage. The draft strategy also draws on the report and recommendations from the [2021 Standing Committee on Social Issues' Inquiry into the Heritage Act 1977](#), and the more than [300 submissions](#) made to that Inquiry.



FOKE made a submission to the 2021 Standing Committee on Social Issues' Inquiry into the Heritage Act 1944. It can be read [HERE](#). FOKE also provided a [submission](#) and evidence at the

2024 TOD Inquiry that highlighted its concerns about the negative impacts on heritage as a result of the TOD. These have been ignored.

How does the draft strategy consider Aboriginal cultural heritage? ^

The draft NSW Heritage Strategy acknowledges that Aboriginal cultural heritage is the foundation of all heritage in NSW. Actions under the draft strategy focus on recognition and protection of Aboriginal cultural heritage under the Heritage Act 1977 (e.g. state significant Aboriginal cultural heritage sites) and associated programs, such as the NSW Blue Plaques program.



FOKE notes that the Blue Plaques program has been contentious as outlined in the article by the Guardian "NSW accused of politicisation history schemas Labor seats miss out on first found of plaques" (19.4.2022) [HERE](#)

FOKE is aware of a Blue Plaque at “Woodlands”, the former Ethel Turner home, 1 Werona Avenue, Killara is State Heritage Listed but will be impacted by the Low to Mid Rise Housing reforms.

What does the draft strategy mean for the Aboriginal cultural heritage reforms? ^

The NSW Government is committed to reforming Aboriginal cultural heritage legislation, currently managed under the National Parks and Wildlife Act 1974. Aboriginal cultural heritage reforms are being carried out separately to the development of the NSW Heritage Strategy. The strategy will complement any future changes to the system for identifying and protecting Aboriginal cultural heritage. Further information about the Aboriginal cultural heritage reforms can be found [here](#).



FOKE supports reforming Aboriginal cultural heritage legislation.

How does the draft strategy support the NSW Government's housing reforms? ^

The Transport Orientated Development program and the Low and Mid-rise Housing Reforms aim to increase the number of well-located homes close to transport and deliver the government's housing targets. The NSW Government is committed to delivering both new housing and heritage protections.

The NSW Heritage Strategy will support the housing reforms by considering ways to improve the alignment between the heritage and planning systems. With careful planning, development can be sensitively integrated into our neighbourhoods, protecting heritage character and enhancing the sense of place and liveability of our suburbs. Further information about the housing reforms can be found [here](#).



FOKE argues that the Department of Climate Change, Energy, the Environment and Water that has the oversight for NSW's heritage protection 'silence' on the destructive impact of the NSW Government's housing reforms makes it complicit in the destruction of NSW's and Ku-ring-gai's heritage.

Ku-ring-gai's Heritage Conservation Areas will be negatively impacted by the Low to Mid Rise Housing Reforms.

FOKE challenges the assertion that "the NSW Government is committed to delivering both new housing and heritage protections". FOKE takes the view that in the NSW Government's singular focus on housing supply abandons heritage protection.

How does the strategy take local heritage into consideration? ^

Local heritage is managed by local councils across New South Wales and is protected under the Environmental Planning & Assessment Act 1979. The strategy considers local heritage within the context of considering ways to improve the alignment between the heritage and planning systems.



Local councils power to protect local heritage has effectivity been removed by the TOD, Low to Mid-Rise Housing, SSDs and the HDA. The TOD and LMRH as State Environmental Planning Policies (SEPPs) override the provisions of the EPAA Act.

The consideration of local heritage within the context of 'improving alignment between the heritage and planning systems is a fundamentally flawed strategy in protecting heritage that is valued by the community.

How does the strategy relate to the 2021 Inquiry into the Heritage Act? ^

The 2021 Upper House Inquiry into the Heritage Act 1977 made [26 recommendations](#) for legislative and non-legislative reform to the heritage system in NSW. The strategy provides an overarching framework for delivering on many of these recommendations.



FOKE notes that the following recommendations from the 2021 Upper House Inquiry into the *Heritage Act 1977* have been ignored:

Recommendation 6 : That State Significant Developments are only able to override heritage concerns after the Minister has consulted with the Heritage Council of NSW and is satisfied that

there is a clear net benefit to the community for proceeding with a State Significant Development which results in a diminution of an item's heritage value.

Recommendation 9: That the NSW Government introduce, on a trial basis, a community-driven, early round nomination process calling for potential State Heritage Register nominations for preliminary consideration by the Heritage Council of NSW.

Recommendation 11: That the NSW Government amend the Heritage Act 1977 to provide for an abridged delisting process for removing items from the State Heritage Register, to cater for situations where an item's significance has been significantly diminished, for example, as a result of fire or some natural calamity. This recommendation does not include when a State Heritage item is devalued by inappropriate overdevelopment impacting on it.

Recommendation 19: That the NSW Government improve the support it provides to owners of State-listed heritage items, in order to incentivise ownership and make activation and adaptive re-use of heritage items easier and more viable, without compromising the protection of the item's heritage value. FOKE notes that the draft Heritage Strategy when talking about 'activation' omits "without compromising the protection of the item's heritage value."

Does the NSW Government intend to amend the Heritage Act?

The NSW Government proposes to pursue amendments to the Heritage Act 1977, in line with the recommendations of the 2021 Inquiry, as part of implementing the strategy.



The NSW Government appears to be intent on pursuing amendments to the *Heritage Act 1977*, in line with some of the recommendations of the 2021 Inquiry. However, this now seems misdirected with the embrace of the 2023 NSW Housing Reforms. It appears that the spirit of reform as expressed in the terms of reference for the Review of the Heritage Act 1977 has been abandoned. See Terms of Reference [HERE](#)

FOKE Comment specific comments on draft NSW Heritage Strategy statements:

Page #	NSW Heritage Strategy - Draft for public consultation	FOKE's views
3	<i>Illustrations regarding 'Why is heritage important to you?'</i> <i>• It connects us to the past</i> <i>• It creates a sense of belonging to a place or country</i> <i>• Retaining and reusing heritage places contribute to sustainable development</i> <i>• it should be preserved for future generations</i>	FOKE agrees with these illustrations and comments about why heritage is important. These are the values that FOKE has advocated for. However, FOKE is witnessing the destruction of these values with the introduction of the NSW Planning reforms.

	• <i>It adds to the character of a place</i> • <i>I appreciate architectural features and/ or design</i>	
5	<i>Snapshot of State Heritage Register</i>	Snapshot of State Heritage Register Ku-ring-gai items that will be negatively affected by the TOD, Low to Mid-Rise Housing and State Significant Developments: This will have a negative impact on State Heritage Register listed items including: • Gordon Railway Station • “Eryldene” House and Garden • Roseville Cinema • St Johns Cemetery • Old Gordon Primary School, 799 Pacific Highway, Gordon • “Iolanthe”, 681 Pacific Highway, Gordon • “Tulkiyan”, 707 Pacific Highway, Gordon • “Woodlands”, 1 Werona Avenue, Killara • Lindfield Uniting Church, 33 Tryon Road, Lindfield • Pymble Reservoir No. 1 and No. 2, 2c
6	NSW Housing Reforms <i>The NSW Government has committed to a 5-year target of delivering 377,000 new dwellings across the state by 2029 as part of its commitment to the National Housing Accord. Led by the Department of Planning, Housing and Infrastructure, new planning controls and approval pathways have been introduced to support the delivery of well-designed and sustainable homes across New South Wales. State Heritage Register listed items will continue to be protected by the Heritage Act 1977, while individual local heritage items will continue to be protected under the Environmental Planning and Assessment Act 1979.</i>	The NSW Housing Reforms threatens NSW's heritage. The new planning controls and approval pathways - particularly the Transport Oriented Development (TOD) and Low to Mid-Rise Housing have a detrimental impact on NSW's heritage. The NSW Housing ‘reforms’ will have a negative impact on State Heritage Register listed items including their curtilage, values and context. It is unacceptable to have high rise next to these State Heritage listed items: • Gordon Railway Station • “Eryldene” House and Garden • Roseville Cinema • St Johns Cemetery • Old Gordon Primary School, 799 Pacific Highway, Gordon • “Iolanthe”, 681 Pacific Highway, Gordon • “Tulkiyan”, 707 Pacific Highway, Gordon • “Harry and Penelope Seidler House”, 13 Kalang Avenue, Killara • “Woodlands”, 1 Werona Avenue, Killara

		• Lindfield Learning Village, former William Balmain Teachers College, 100 Eton Road, Lindfield • Lindfield Uniting Church, 33 Tryon Road, Lindfield • Substation, 982 Pacific Highway, Pymble • Pymble Reservoir No. 1 and No. 2, 2c Telegraph Road, Pymble • "Eric Pratten House" (aka "Coppins"), 29 Telegraph Road, Pymble • "Ingleholme", dwelling house and garage, 17 Boomerang Street, Turramurra • "Cossington", 43–47 Ku-Ring-Gai Avenue, Turramurra • "Jack House" house, 62 Boundary Road, Wahroonga • "Rose Seidler House", 69–71 Clissold Road, Wahroonga • St John's Uniting Church, Hall and Manse, 61 Coonanbarra Road, Wahroonga • "Purulia", 16 Fox Valley Road, Wahroonga • Mahratta dwelling house, including interiors and grounds, 25 Fox Valley Road, Wahroonga • "Mahratta", Curtilage Park, 1536 Pacific Highway, Wahroonga • "Evatt House", 69 Junction Road, Wahroonga • Sydney Water Reservoir—Wahroonga, 1676 Pacific Highway • Simpson-Lee House I, 23 Roland Avenue, Wahroonga • "The Briars", 14 Woonona Avenue, Wahroonga
Page 6	<i>Heritage in NSW is protected through a framework of legislation and policy administered by the NSW and local councils.</i>	FOKE notes that the Strategy fails to acknowledge the Heritage conservation area A heritage conservation area is a locality defined by a Council in its Local Environmental Plan (LEP) as having cultural significance The importance of heritage 'context' and 'curtilage' is also not acknowledged.
Page 7	<i>The value of heritage extends beyond conserving the past. It contributes to our sense of identity and belonging and to our health and well being</i>	It is alarming how desensitive NSW Heritage is to the suffering, distress, anxiety, indeed grief amongst many residents living in Ku-ring-gai because of the TOD and SSD rezonings which will sever people's sense of identity and belonging to place. The stress of the rezonings is affecting many residents' health and well being.
Page 7	<i>...environmental sustainability through embodied energy and green space.</i>	The seismic amount of demolition that will occur as a result of the TOD, SSD and Low to Mid-Rise Housing is incomprehensible. The demolition of Ku-ring-gai will create massive and intractable waste problems for Greater Sydney.

		The rezonings for high rise will be through the construction of concrete greenhouse emitting buildings and add to the challenge of NSW meeting its net zero emissions targets. The green space from gardens will be removed with no compensation for additional new green spaces as land prices are exorbitantly high. It will have a negative impact on biodiversity.
Page 7	<i>The draft strategy sets out a vision and direction for protecting heritage in NSW.</i>	FOKE disputes this.
Page 8	Your feedback on this draft strategy will help to us develop a final strategy that meets the aspiration to needs of the NSW community and sets the framework for protecting heritage in the years to come	FOKE welcomes this commitment to consider FOKE's feedback on the existential threat to its heritage as a result of the NSW Planning reforms.
Page 9	<i>Community voices are critical to understanding heritage significant</i>	FOKE supports this statement
Page 9	<i>Empowers owners to conserve heritage 2.1 Support owners and the community to care for heritage</i>	FOKE argues that the current NSW planning reforms disempower owners to conserve their heritage because their heritage will be compromised by high rise apartments next to them. Currently heritage owners in Ku-ring-gai are calling for their heritage properties to be delisted.
Page 9	<i>3.1 Promote activation at adaption reuse and sustainability</i>	Activation can devalue heritage.
Page 9	<i>3.2 Strengthen the alignment between the heritage and the planning systems</i>	FOKE argues that this 'alignment' is 'gaslighting' the community. The alignment between heritage and the planning systems will destroy NSW's heritage.
Page 15	<i>Initiating administers thematic nominations programme</i>	There is insufficient information about these thematic nominations programme. One of the key concerns of FOKE is the powers of the Minister to make political decisions rather than evidence-based heritage decisions
Page 16	<i>Empower owners to conserve heritage</i>	Many residents living in heritage properties have, over the years, spent enormous amounts of money caring for their heritage. Yet these properties are now devalued with the rezoning of 8-10 storey apartment blocks next to them.

Page 16	<i>Cost is a disincentive to owning and looking after heritage and contributes significantly to disrepair.</i>	Heritage owners have no incentive to look after heritage with rezonings for 8-10 storey apartment blocks next door. Developers can now buy numerous blocks within Heritage Conservation Areas. They have no incentive to look after this heritage as the land within the TOD is upzoned to 8-10 storeys. Instead, they will demolish the heritage and reap super profits.
Page 18	<i>investigating options to support activation and adaptive reuse of NSW Government owned heritage, including a framework to secure ongoing use of assets that no longer meet the agency's service delivery needs.</i>	This is concerning, as it indicates rezoning for overdevelopment of NSW Government owned heritage and selling off public heritage assets.
page 18	<i>Helping NSW governments agencies prioritise their heritage assets for conservation and funding to ensure limited resources are focused on delivering the best heritage outcome</i>	This infers that some heritage 'assets' are more important than others. This is contrary to legislated heritage listings. FOKE recommends removing this concept of "prioritising" heritage.
Page 18	<i>Ensure the most significant state-owned heritage assets are well conserved and maintained</i>	FOKE is alarmed that some state significant heritage assets will be given priority for protection, but others will not. State significant heritage should not have different levels of protection.
Page 18	<i>Ensure that limited agency resources are used to deliver the greatest public benefit in conserving the state's most important stories.</i>	All stories are important. There should not be a hierarchy of 'importance'.
page 19	<i>The places we live in have evolved over time to respond to the needs and circumstances of successive generations. Tensions sometimes exist between what can be seen as the competing priorities of retaining heritage and new development. Yet with good planning this tension can lead to innovative, well-designed solutions that respect the heritage and character of an area while delivering new homes and services.</i>	Innovative, well-designed solutions that respect the heritage and character is not occurring in Ku-ring-gai

Page 19	There is a need to shift public narratives about heritage to recognise and emphasise the broader urban amenity social cultural and wellbeing benefits of heritage and how heritage can work with rather than against future growth	This view is contrary to the public's value of heritage.
page 19	<i>More than 74% of NSW Heritage Strategy survey respondents identified urban development/land-use pressure as a challenge for heritage.</i>	Yet this was not addressed in the NSW Heritage Strategy. Why?
Page 21	<i>Promote and incentivise activation and sustainability to realise the opportunities of state heritage items</i>	FOKE is alarmed that this may lead to overdevelopment and the devaluing of State Heritage Listed properties.
Page 21	<i>Supporting heritage activation through changes to the Heritage Act</i>	FOKE does not support this.
Page 21	<i>3.2 Improve the alignment between heritage and the planning system to increase community confidence in decisions affecting state and local heritage</i>	FOKE argues that this is increasing the lack of trust and confidence in decisions affecting state and local heritage.
Page 21	<i>supporting implementation of housing reforms to achieve a positive benefit for heritage</i>	The implementation of housing reforms for Ku-ring-gai achieves a negative benefit for heritage
Page 21	<i>These actions will:</i> <i>• better support local councils to protect the character of their areas while allowing for growth and change</i> <i>• improve development certainty and timeframes through stronger integration of heritage into strategic planning processes</i> <i>• strengthen opportunities for heritage to contribute to local character of precincts and neighbourhoods, including new development.</i>	FOKE does not support these actions.
Page 21	<i>allow heritage to be accurately valued for its social, economic and environmental benefits.</i>	FOKE agrees heritage should be valued for its social, historic, cultural and environmental benefits. FOKE disagrees that heritage should not be valued for its economic benefits.

Page 22	<i>More than 40% of respondents to the Heritage Strategy survey identified legislation and policy as a challenge for heritage in New South Wales. Around half thought government should focus on controls for protecting heritage from development.</i>	FOKE asks why these concerns were were ignored?
Page 24	<i>Defining a clear and relevant purpose for the State Heritage Register</i>	FOKE argues that this needs to be fully explained in the draft Heritage Strategy and should have been made available for public comment.
Page 24	<i>Allow for accessibility upgrades</i>	FOKE notes that one of its achievements to ensure that the accessibility upgrade for State Heritage listed Gordon Station was referred to the Heritage Council for final approval. If this had not occurred, the initial proposed accessibility upgrade would have destroyed the State Significance of Gordon Railway Station in 2024.
Page 24	<i>Establish a more robust State Heritage register to protect to improve the protection of state-significant heritage NSW</i>	FOKE has reservations that the powers of the State Heritage Register will be weakened and will not improve the protection of state-significant heritage in NSW
Page 24	<i>increase community confidence in heritage regulation</i>	FOKE believes that there is now a decrease in "community confidence in heritage regulation". Many heritage owners are calling for the delisting of their heritage homes in the TOD areas
Page 24	<i>Clarifying and simplifying approval systems and guidance</i>	FOKE is alarmed at this, as it appears there will be deregulation of the heritage framework that will deteriorate community confidence in NSW's heritage protection

Conclusion

The NSW Draft Heritage Strategy, in its current form, fails to address the urgent need to protect Ku-ring-gai's unique natural, built, and cultural heritage. The strategy must be revised to prioritise local control, environmental sustainability, and robust heritage protections in the face of aggressive urban consolidation policies. FOKE urges the NSW Government to ensure that Ku-ring-gai's heritage—its garden suburbs, critically endangered forests, and Aboriginal cultural sites—remains intact for future generations.

Yours faithfully,

Kathy Cowley

Kathy Cowley

PRESIDENT

cc Ku-ring-gai Council Mayor and Councillors

cc Matt Cross MP Member for Davidson

cc The Hon Scott Farlow MLC NSW Shadow Minister for Planning

cc Nicolette Boele, MP Member for Bradfield

