

PLANNING PROPOSAL

WAHROONGA (NORTH) HERITAGE CONSERVATION AREA



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BACKGROUND

In August 2005, Council considered a report concerning the establishment of the Wahroonga (North) Heritage Conservation Area. Council deferred the progression of the Conservation Area based on advice from the Department of Planning (DOP) that the establishment of heritage conservation areas should be investigated as part of a comprehensive Local Environmental Plan (LEP).

Council has submitted its *Housing Strategy* to the DOP to address its housing obligations under the *Metropolitan Strategy* and *North Subregional Plan*. The *Strategy* does not include the rezoning of lands within the Wahroonga (North) Area. Council is currently preparing its Comprehensive LEP, which is a translation of controls within the *Hornsby Shire Local Environmental Plan (HSLEP) 1994* in accordance with DOP's *Standard Instrument*. The establishment of a heritage conservation area as part of the Comprehensive LEP would be outside the scope of the translation.

Council's heritage consultant has reviewed the merits of progressing the Conservation Area and generally concurs that the area has local heritage significance. The *Review* recommends that the Wahroonga (North) area be listed as a heritage conservation area under *Schedule E (Heritage Conservation Areas)* of the *HSLEP 1994*.

At its meeting on 3 November 2010, Council considered Executive Manager's Report No PLN76/10 (Appendix A) concerning the progression of the *Wahroonga (North) Heritage Conservation Area Planning Proposal* and resolved to forward the *Planning Proposal* to the Minister of Planning, seeking "approval" to progress the preparation of the draft LEP in accordance with Section 56(1) of the Environmental and Planning Assessment Act 1979.

PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The purpose of this *Planning Proposal* is to amend the *HSLEP 1994* by establishing the *Wahroonga (North) Conservation Area* generally in accordance with the recommendations of the *Wahroonga (North) Conservation Area Review*.

PART 2 - EXPLANATION OF THE PROVISIONS

Amendment of the *HSLEP 1994* by:

Inserting in Schedule E of the *HSLEP 1994*, a new heritage conservation area map- "Wahroonga (North)" as shown in Appendix B.

PART 3 - JUSTIFICATION

Section A - Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The proposal is a result of the *Wahroonga (North) Heritage Conservation Area Review* undertaken by Godden Mackay Logan in 2005 (Appendix C) and the later *Wahroonga (North) Heritage Conservation Area Review* undertaken by Sue Haertsch Planning in 2010 (Appendix D). The reviews recommend the establishment of the *Wahroonga (North) Heritage Conservation Area*, being the area bounded by Myra Street, Alexandria Parade, Edgeworth David Avenue and F3 Freeway.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The *Planning Proposal* is the best means of achieving the protection of the heritage significant area in the long term. The *Planning Proposal* aims to conserve the heritage significance of the natural and built environment and ensure new development is sympathetic to the identified heritage values of the area.

3. Is there a net community benefit?

Yes. The proposal would contribute to the conservation of the Shires heritage resources and the quality of the environment, assisting to create attractive streetscapes and providing an appealing place to live.

Section B - Relationship to strategic planning framework

- 4. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

Yes. The *Planning Proposal* is consistent with the objectives and actions contained in the *Sydney Metropolitan Strategy* and the *draft North Subregional Strategy*. Wahroonga (North) is not an area identified for increased housing densities under the *Hornsby Shire Housing Strategy*.

- 5. *Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?***

Yes. The *Planning Proposal* is consistent with the *Hornsby Shire Management Plan 2009/10 - 2011/12*. The Plan outlines Council's strategic direction and summarises the key actions, performance measures, and resources required to deliver these activities each year.

- 6. *Is the planning proposal consistent with applicable state environmental planning policies?***

The *Planning Proposal* is consistent with State Environmental Planning Policies (SEPPs). For further details see Appendix E.

- 7. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?***

The *Planning Proposal* is consistent with Section 117 directions. For further details see Appendix F. The following Ministerial Directions are of particular relevance:

- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 5.1 Implementation of Regional Strategies; and
- 7.1 Implementation of the Metropolitan Strategy

Section C - Environmental, social and economic impact

- 8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No. The *Planning Proposal* is aimed at protecting the existing natural and built environment and as such, there is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected.

9. *Are there any other likely environmental effects as a result of the planning proposal and how they are proposed to be managed?*

No. There will be no adverse environmental effects as the proposal will be protecting the natural and built environment. There will be positive environmental affects through the protection of the existing natural and built environment.

The *Planning Proposal* aims to ensure that the identified heritage qualities are appropriately managed via the development application process and specifically Part 4 Development Assessment under the *Environmental Planning & Assessment Act 1979*.

10. *How has the planning proposal adequately addressed any social and economic effects?*

The *Planning Proposal* intends to protect a number of items and buildings of heritage significance by implementing a Heritage Conservation Area within Schedule E of the *HSLEP*.

Section D - State and Commonwealth interests

11. *Is there adequate public infrastructure for the planning proposal?*

Yes. The *Planning Proposal* does not propose to increase permissible residential densities or the scale of development. *The Planning Proposal* relates only to the conservation of the heritage qualities of the existing natural and built environment. Accordingly, no additional public infrastructure is required.

12. *What are the views of State and Commonwealth public authorities consulted in accordance within this gateway determination?*

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the gateway determination.

PART 4 - COMMUNITY CONSULTATION

It is proposed to publicly exhibit the *Planning Proposal* for a period of twenty-eight days.

It is proposed that consultation be carried out in accordance with the attached Consultation Strategy (Appendix G).

Appendix A

Executive Managers Report No. PLN76/10 and Council Minutes (excluding attachments)

3 PLN76/10 Wahroonga (North) Heritage Conservation Area

(F2004/07639)

RESOLVED ON THE MOTION OF COUNCILLOR EVANS, seconded by
COUNCILLOR HUTCHENCE,

THAT:

1. Council endorse progression of the *Planning Proposal* attached to Executive Manager's Report No. PLN76/10 to establish the *Wahroonga (North) Heritage Conservation Area*, by amending *Schedule E (Heritage Conservation Areas)* of the *Hornsby Shire Local Environmental Plan 1994*.
2. Pursuant to Section 56(1) of the Environmental Planning and Assessment Act 1979, Council forward the Planning Proposal to the Minister for Planning seeking "gateway" determination to progress the preparation of the Planning Proposal.
3. Should the Minister determine under Section 56(2) of the Environmental Planning and Assessment Act 1979 that the matter may proceed without significant amendment to the proposal, Council publicly exhibit the Planning Proposal in accordance with the Minister's determination.
4. Following the exhibition, a report on submissions be presented to Council.
5. Development controls for the area be prepared for inclusion in the heritage section of Council's Comprehensive Development Control Plan.

FOR: COUNCILLORS BERMAN, CHOPRA, EVANS, HUTCHENCE,
 MARTIN, MCMURDO, MILLS, RUSSELL AND SMART

AGAINST: NIL

3 WAHROONGA (NORTH) HERITAGE CONSERVATION AREA

EXECUTIVE SUMMARY

In August 2005, Council considered a report concerning the establishment of the Wahroonga (North) Heritage Conservation Area. Council deferred the progression of the Conservation Area based on advice from the Department of Planning (DOP) that the establishment of heritage conservation areas should be investigated as part of a comprehensive Local Environmental Plan (LEP).

Council's heritage consultant has reviewed the merits of progressing the Conservation Area and generally concurs that the area has local heritage significance. The *Review* recommends that the Wahroonga (North) area be listed as a heritage conservation area under *Schedule E (Heritage Conservation Areas)* of the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*.

It is recommended that Council endorse the *Wahroonga (North) Heritage Conservation Area Planning Proposal* attached to this report for submission to the DOP for gateway determination and exhibition.

PURPOSE

The purpose of this report is to present the findings of a review of the Wahroonga (North) Heritage Conservation Area Study and to seek Council's endorsement to submit the *Wahroonga (North) Heritage Conservation Area Planning Proposal* to the DOP for gateway determination and exhibition.

BACKGROUND

In September 2003, Council was presented with a petition from 128 local residents requesting that a draft LEP be prepared to protect the heritage and streetscape qualities of Wahroonga in the area bounded by Myra Street, Alexandria Parade, Edgeworth David Avenue and the F3 Freeway (locality plan attached). Council resolved (in part) that a report be prepared outlining the merits and process involved in preparing a draft LEP to protect the heritage and streetscape qualities of the area.

At its meeting on 5 November 2003, Council considered Executive Manager's Report No. PLN368/03 outlining the merits and process involved in undertaking a heritage study and sought endorsement of a *Study Brief* for the review. Council resolved (in part) that:

- a) Council undertake a heritage assessment to determine whether the Wahroonga (North) area is of heritage significance; and

- b) A report be submitted to Council recommending a consultant to undertake the study together with a further report on funding availability.

In August 2004, Council resolved to appoint heritage consultant Godden Mackay Logan (GML) to undertake a review of the heritage potential of the proposed Wahroonga (North) Heritage Conservation Area. On 17 August 2005, Council considered Executive Manager's Report No. PLN224/05 presenting the findings of the *Wahroonga (North) Heritage Conservation Area Review (GML Study)* assessing the heritage significance and streetscape qualities of the Wahroonga (North) Study Area. The *GML Study* (copy attached) recommends the establishment of a heritage conservation area including the identification of a number of potential heritage items. Council resolved (in part) to:

- a) Prepare a draft LEP to establish the Wahroonga (North) Heritage Conservation Area in accordance with the recommendations of the *GML Study*; and
- b) Seek the advice of the Department concerning whether the progression of the draft Plan was likely to be supported.

In accordance with Council's resolution, Council sought the Department's support for progression of the draft Plan. In September 2005, the Department advised that the establishment of the heritage conservation area should not be progressed as an amendment to the *HSLEP 1994*, rather that it should be investigated as part of Council's Comprehensive LEP. At its meeting on 2 November 2005, Council resolved (in part) to defer the establishment of the Wahroonga (North) Heritage Conservation Area and investigate the heritage conservation area for inclusion in Council's Comprehensive LEP.

In August 2006, the Minister for Planning advised that draft LEPs for Heritage Conservation Areas would not be progressed until Council's targets for the Subregion have been finalised as part of the *Metropolitan Strategy* and preparation of the *Subregional Strategy*. Council's *Housing Strategy*, to identify precincts for increased residential densities to meet Council's dwelling targets under the *Metropolitan Strategy*, is currently with the DOP awaiting gazettal.

Heritage Review Stage 4 was conducted in 2008 and reviewed items proposed for inclusion or deletion from heritage listing, including items recommended by the *GML Study*. The recommendations from *Heritage Review Stage 4* were incorporated into the *Annual Amendments 2009 Planning Proposal*. The *Planning Proposal* is currently with the DOP awaiting gazettal and includes the heritage listing of the following items within Wahroonga (North):

- 15 Ingalara Avenue (House);
- 22 Ingalara Avenue (House);
- 79 Alexandria Parade (House and fence);
- 58-60 Bundarra Avenue (House and garden); and

- 64 Bundarra Avenue (House).

Given the time that has elapsed since the *GML Study* was completed, Council's heritage consultant, Sue Haertsch Planning, was requested to review the findings and recommendations of the *GML Study* having regard to developments in the area since 2005, applying current best practice methods.

DISCUSSION

This report discusses the major findings of the review of the *GML Study* conducted by Council's heritage consultant and presents a planning proposal to implement the recommendations from the studies.

GML Study

The *GML Study* was conducted in 2005 and assesses the heritage and streetscape qualities of the Wahroonga (North) area using the criteria set out at that time by the Heritage Council of NSW. The *GML Study* determines that the area, as a whole, demonstrates local historic significance for its compact, representative demonstration of major themes and development periods in the history of the Shire.

The Statement of Significance prepared as part of the *GML Study*, refers to the distinctive qualities and retained integrity of the areas diverse subdivision pattern, streetscapes and houses, within a bush suburban setting. The Statement of Significance notes that these features support its recognition and management as a heritage conservation area. Furthermore, the Study Area retains its original subdivision pattern which contributes to the established streetscape of the area.

The area also retains an illustrative collection of housing periods and styles particularly between the 1930s and 1950s. Notable houses include the Horbury Hunt designed Hordern Family residence, *The Highlands*. The endurance of this large estate delayed further subdivision of the area and shaped the street pattern. Significant numbers of inter-war and post-war bungalows, such as those in Ingalara Avenue, also feature in the distinctive character of the area.

In addition to a number of existing heritage items contained within the Study Area, the *GML Study* identifies a significant number of contributory dwellings and potential items, which add to the overall significance and setting of the area. The *GML Study* recommends these contributory dwellings be retained within a designated heritage conservation area and the listing of the potential items.

The *GML Study* recommends that Council establish the area bounded by Myra Street, Alexandria Parade, Edgeworth David Avenue, Wahroonga and the F3 Freeway, as a heritage conservation area under *Schedule E (Heritage Conservation Areas)* of the *HSLEP 1994*. The *GML Study* also recommends that Council amend the development controls contained within the *Heritage Development Control Plan (DCP)* to ensure the controls reflect best practice and provide for the conservation of important heritage values within the area.

The Review

Council has submitted its *Housing Strategy* to the DOP to address its housing obligations under the *Metropolitan Strategy* and *North Subregional Plan*. The *Strategy* does not include the rezoning of lands within the Wahroonga (North) area. Accordingly, it is timely for Council to review the progression of the heritage conservation for the area. It is also prudent that the *GML Study* recommendations be reviewed for currency in the context of development approvals within the area since the *GML Study* was finalised in 2005. In addition to drawing upon the background information provided within the *GML Study*, the *Wahroonga (North) Heritage Conservation Area Review (Review)* by Council's heritage consultant also incorporates:

- recent inspections of the area;
- review of development approvals and court decisions since 2005;
- review of sites identified as contributory within the *GML Study*;
- review of opportunities and threats in the context of heritage and/or streetscape qualities of the area; and
- the application of current best practice heritage methods.

The *Review* (copy attached) generally concurs with the findings of the *GML Study*. However, in respect of character and streetscape, the *Review* identifies distinctions between the northern and southern areas of Wahroonga (North). This differs from the *GML Study*, which discusses the area as a whole. The *Review* identifies a Southern Precinct, bounded by the south side of Oleander Road, Fern Avenue, the F3 Freeway, Alexandria Parade and Myra Street, representing an earlier phase of development and history in the area. This precinct is predominately large, two story houses characteristic of Federation and Inter War styles on large irregular lots. A Northern Precinct bounded by Edgeworth David Avenue, the F3 Freeway, Fern Avenue, Myra Street and Oleander Road, is characterised by small, single storey houses characteristic of the Interwar/Post War style on regular lots.

Analysis of Heritage Significance

The statement of significance prepared as part of the *Review* includes those elements provided by the earlier *GML Study*. However, greater detail is provided concerning the heritage assessment criteria within the *NSW Heritage Manual*. The revised statement provides a stronger basis for the assessment of future works within the area.

The *Review* and the *GML Study* both use the criteria within the NSW Heritage Assessment Manual to determine the heritage significance of the area. The *Review* generally concurs with the *GML Study* that the area has local heritage significance in relation to historic significance, aesthetic/creative, research and rarity criterion. Although the *Review* finds the proposed conservation area has historic associative significance, little evidence was found to support the *GML Study*'s reference to the late Robert Klippel. The *Review* supports the *GML Study* findings that the proposed

conservation area has local representative significance, but makes more specific reference to the primary development and building phases of the area. In reviewing the social significance at a local level, the *Review* notes that there is insufficient evidence to meet this criterion.

Analysis of Contributory Items

The *Review* provides a building contribution analysis of heritage items, and confirms the location of potential heritage items and contributory items (map of Study area attached). The *Review* also identifies 'neutral' buildings which do not contribute to the significance of the area. The analysis undertaken for the *GML Study* bases the assessment on the elements and buildings that contribute to the significance of the area. The *Review* uses current best practice methods which rely on contribution ratings, placing greater emphasis on significant building phases and historical periods within the area.

The *Review* concurs with the recommendations for listing of potential heritage items in the *GML Study*. These potential items are currently being progressed as part of the *Annual Amendments 2009 Planning Proposal*. As a result of development having been completed since 2005, the *Review* identifies a smaller number of contributory buildings. However, the *Review* states that the reduced number still contribute significantly to the character of the area.

Review Recommendations

The *Review* confirms the recommendation of the *GML Study* that the Wahroonga (North) area should be listed as a heritage conservation area, as it meets the criteria and objectives for inclusion. The *Review* also recommends that the area be divided into two precincts, Northern and Southern, and that appropriate development controls be tailored to reflect the differing historic subdivision patterns and building stock of the precincts.

Along with the matters identified in the *GML Study*, the *Review* recommends appropriate controls be progressed to address housing form, gardens and streetscape, including:

- avoiding changes to driveways and the like where mature trees could be affected;
- retention of single storey, modest scale dwellings within the Northern Precinct; and
- flexibility to permit two storey dwellings within the Southern Precinct, where it can be demonstrated that the new building is complemented by an appropriate landscaped setting.

Planning Proposal

The *Review* and *GML Study* both recommend that the Wahroonga (North) area be listed as a heritage conservation area. Council is currently preparing its new

Comprehensive LEP, which is a translation of controls within the *HSLEP 1994* in accordance with DOP's *Standard Instrument*. The establishment of a heritage conservation area as part of the Comprehensive LEP would be outside the scope of the translation. Furthermore, the establishment of a conservation area has not been the subject of recent community consultation and the position of the Department is uncertain in relation to the progression of the conservation area. To ensure that consideration of the heritage qualities of the area does not delay the progression of Council's Comprehensive LEP, a separate planning proposal has been prepared for consideration by Council to progress the heritage conservation area.

CONSULTATION

Extensive community consultation was previously undertaken as part of the *GML Study*. However, it has been five years since the *GML Study* was finalised and there have been a number of changes in ownership within the area. Accordingly, it is appropriate to undertake further consultation with the community regarding the establishment of the heritage conservation area.

"A guide to preparing local environmental plans" has been prepared by the DOP (2009) to assist councils in preparing planning proposals and LEPs. In accordance with the *Guidelines*, the *Planning Proposal* is considered to be "low impact" and the *Guidelines* recommend exhibition for a period of 14 days. However, it has been a considerable time since the *GML Study* was finalised. Therefore, it is appropriate to exhibit the *Planning Proposal* for a period of 28 days. A consultation strategy relevant to the public exhibition of the draft LEP has been prepared as part of the *Planning Proposal* for endorsement by the DOP.

Following the exhibition period, a report on submissions would be presented to Council for its consideration.

STATUTORY CONSIDERATIONS

Statutory considerations are discussed below in relation to both the progression of a planning proposal and DCP amendments.

Planning Proposals

The draft *Wahroonga (North) Heritage Conservation Area Planning Proposal* (attached) outlines the objectives, intended outcomes and justification for the proposal, along with a map identifying the boundary of the proposed heritage conservation area and a consultation strategy for endorsement by the DOP. It is recommended that Council facilitate the exhibition of the attached *Planning Proposal* by forwarding it to the DOP seeking a gateway determination.

As part of the consideration of planning proposals, Council is required to consider the relevance of any State Environmental Planning Policy (SEPP) or Ministerial Direction under Section 117 of the *Environmental Planning and Assessment Act, 1979*. The proposal is not contrary to any SEPP or relevant Section 117 Directions. An assessment of relevant SEPPs and Section 117 Directions is contained in the Planning Proposal.

DCP Amendments

The *GML Study* and the *Review* recommend appropriate controls be progressed regarding housing form, gardens and streetscape, to support the heritage conservation area. As the position of the Department is uncertain in relation to the progression of the conservation area, it would be appropriate to receive gateway determination for the proposal prior to extensive work being undertaken on developing controls. Accordingly, it is recommended that controls for the area be incorporated into the heritage section of the Comprehensive DCP, which would be progressed concurrently with the proposal.

OPTIONS

Council has before it the following options:

Option 1 – Progress the Wahroonga (North) Heritage Conservation Area Planning Proposal

This option is to progress the *Planning Proposal* to establish a heritage conservation area for Wahroonga (North) in accordance with the recommendations of the *GML Study* and the *Review*, by forwarding the *Planning Proposal* to the DOP seeking a gateway determination.

Option 2 – Not progress the Wahroonga (North) Heritage Conservation Area Planning Proposal

This option is not to progress the *Planning Proposal* to establish a heritage conservation area within Wahroonga (North). This option would be in recognition of a number of alteration and additions to contributory items identified by the *GML Study*. An appropriate resolution for this option would be:

1. *Council note the contents of Executive Manager's Report No. PLN76/10 and the Review undertaken by Sue Haertsch Planning regarding the Wahroonga (North) Heritage Conservation Area Review.*
2. *Council not progress a Planning Proposal to establish the Wahroonga (North) Heritage Conservation Area due to recent developments within the area.*

Two reviews investigating the heritage significance of the area have been undertaken by heritage consultants. Both reviews recommend that the area be listed as a heritage conservation area under *Schedule E (Heritage Conservation Areas)* of the *HSLEP 1994*, as the area meets the criteria and objectives for inclusion. Accordingly, based on the recommendation of the reviews, option 1 is recommended.

TRIPLE BOTTOM LINE SUMMARY

Triple Bottom Line is a framework for improving Council decisions by ensuring accountability and transparency on social, environmental and economic factors. It does this by reporting upon Council's strategic themes.

- *Working with our community:* The *GML Study* involved community information meetings and Council sought comments and feedback concerning the preliminary fieldwork results, the Study and the potential heritage conservation area. A consultation strategy has been prepared as part of the *Planning Proposal* for endorsement by the DOP. It is proposed that public exhibition material would be readily accessible and understandable to all sectors of the community by providing a number of locations and means of communication. The community would be able to obtain hard copy information from Council or download information from Council or the DOP's website.
- *Conserving our natural environment:* The *Planning Proposal* would assist to conserve identified areas of heritage significance within the Shire.
- *Contributing to community development through sustainable facilities and services:* The *Proposal* to implement a heritage conservation area does not relate directly to the provision of services and facilities. Accordingly, no adverse impact on opportunities for community development would be expected.
- *Fulfilling our community's vision in planning for the future of the Shire:* The establishment of the heritage conservation area as recommended within the *Review* would ensure that important heritage values within the Shire are conserved.
- *Supporting our diverse economy:* The *Review* recommends the progression of the heritage conservation area to retain important character elements and heritage values to enhance the attractiveness of the Shire as a place to live and work.
- *Maintaining sound corporate and financial management:* The *Proposal* does not relate directly to corporate and financial management. Accordingly, no adverse impact on management principles would be expected.
- *Other Sustainability Considerations:* The *Proposal* would not have an adverse impact on the environment of the Shire.

CONCLUSION

In 2005, GML undertook a study to assess the heritage and streetscape qualities of the Wahroonga (North) area. Council's heritage consultant has completed a review of the *GML Study* to determine the relevancy of the previous recommendation in respect of recent developments within the area, using current best practice methods. The *Review* generally concurs with the findings of the *GML Study* that the area has local

significance in regard to historic, historic associative, aesthetic/creative, research, rarity and representativeness elements.

The *Review* supports the recommendation of the *GML Study* that the Wahroonga (North) area be listed as a heritage conservation area under *Schedule E (Heritage Conservation Areas)* of the *HSLEP 1994*, as it meets the criteria and objectives for inclusion. Accordingly, it is recommended that Council endorse the *Wahroonga (North) Heritage Conservation Area Planning Proposal* attached to this report for submission to the DOP for gateway determination and exhibition.

RECOMMENDATION

THAT:

1. Council endorse progression of the *Planning Proposal* attached to Executive Manager's Report No.PLN76/10 to establish the *Wahroonga (North) Heritage Conservation Area*, by amending *Schedule E (Heritage Conservation Areas)* of the *Hornsby Shire Local Environmental Plan 1994*.
2. Pursuant to Section 56(1) of the *Environmental Planning and Assessment Act 1979*, Council forward the *Planning Proposal* to the Minister for Planning seeking "gateway" determination to progress the preparation of the *Planning Proposal*.
3. Should the Minister determine under Section 56(2) of the *Environmental Planning and Assessment Act 1979* that the matter may proceed without significant amendment to the proposal, Council publicly exhibit the *Planning Proposal* in Accordance with the Minister's determination.
4. Following the exhibition, a report on submissions be presented to Council.
5. Development controls for the area be prepared for inclusion in the heritage section of Council's Comprehensive Development Control Plan.

JAMES FARRINGTON
Manager - Town Planning Services
Planning Division

SCOTT PHILLIPS
Executive Manager
Planning Division

Attachments:

- 1.[View](#) Locality Plan
- 2.[View](#) Wahroonga (North) Heritage Conservation Area Review - GML
- 3.[View](#) Wahroonga (North) Heritage Conservation Area Review - Sue Haertsch
- 4.[View](#) Map of Study Area

5.[View](#) Wahroonga (North) Heritage Conservation Area Planning Proposal

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Appendix B

Heritage Conservation Area Map for insertion in Schedule E of the *HSLEP*

Appendix C

***Wahroonga (North) Heritage Conservation
Area Review - Godden Mackay Logan –
2005***

(Separate attachment)

Appendix D

Wahroonga (North) Heritage Conservation Area Review – Sue Haertsch Planning - 2010

Wahroonga (North) Heritage Conservation Area

Review

**Final Draft Report
September 2010**

Sue Haertsch Planning

5 Orchard Street

THORNLEIGH NSW 2120

T. 9481 8052 M. 0418 966 185

Suehaertsch.planning@bigpond.com

John Oultram Heritage & Design

Level 2, 386 New South Head Road

DOUBLE BAY NSW 2028

T. 9327 2748

heritagedesign@bigpond.com

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1. INTRODUCTION

Background

In August 2004 Hornsby Council resolved to progress a study to assess the potential heritage significance of Wahroonga (North) as a heritage conservation area. The study resulted from a petition by local residents which sought protection of the heritage and streetscape qualities of Wahroonga in the area bounded by Myra Street, Alexandria Parade, Edgeworth David Avenue and the F3 Freeway.

Heritage consultants Godden Mackay Logan (GML) were appointed to undertake the *Wahroonga (North) Heritage Conservation Review*. The final report, dated July 2005, recommended (in part) that Council adopt a new heritage conservation area to be known as the Wahroonga (North) Heritage Conservation Area.

The process of establishing Wahroonga (North) as a Heritage Conservation Area required a draft Local Environmental Plan (LEP) to be prepared to amend the *Hornsby Shire Local Environmental Plan (HSLEP) 1994*. The draft LEP would include the proposed Heritage Conservation Area within Schedule E (Heritage Conservation Areas) of the *HSLEP 1994*. However, the draft LEP was delayed by advice from the Department of Planning in October 2004 that draft LEPs seeking to establish new heritage conservation areas would not be progressed until the Department had undertaken a review of these areas in consultation with the then NSW Heritage Office.

In 2005, Council resolved to prepare a draft LEP to establish the Wahroonga (North) Heritage Conservation Area in accordance with the recommendations of the GML study. The LEP process did not proceed as the Department would not support or progress the draft LEP amendment. Council was advised to allocate resources to the preparation of a comprehensive LEP in accordance with the NSW Government's *Standard Instrument*. This would allow the draft heritage conservation area to be considered in the context of the broader strategic planning objectives for Hornsby Shire rather than as a stand-alone proposal.

Purpose of report

It has been five years since the GML report was completed. Accordingly, it is appropriate to review the findings of the report in the context of development approvals within the area since the report was finalised. The findings of this review will provide input to Council's new principal LEP with a view to determining whether or not to proceed with the draft Wahroonga (North) Conservation Area in the Comprehensive LEP.

The Review utilises the background information contained in the GML report. This includes details about the area's history and development. The review process has also included:

- Site inspections of the area
- Review of development approvals granted within the area since 2005
- Review of court decisions affecting sites within the area
- Review of the threats and opportunities relevant to the area in the context of its particular heritage and/or streetscape qualities
- Review of sites identified as contributory in the GML report.

The Review's findings and recommendations are based on a reassessment of current conditions in the Wahroonga (North) area, and consideration of the NSW Heritage Office heritage assessment criteria including inclusion and exclusion guidelines.

2. DEVELOPMENT HISTORY

The earliest subdivisions in Wahroonga (North) were offered for sale from the 1890's coinciding with the opening of the North Shore Railway Line. This is consistent with the key historic themes and development patterns of the upper North Shore, where development typically followed the transport (road and rail) corridors, and the more accessible and level land along the ridges.

The Wahroonga (North) area is associated with the subdivisions of the following Estates:

- Bundarra Estate - 1892, 1893 and 1895
- Bundarra Estate (Ingalara portion) – 1913
- Wahroonga Heights Estate – 1926
- Highlands Estate – 1933
- Hordern Estate – 1938
- Neringla Estate - 1950.

Despite land in the area being offered for sale from the 1890's, the post War period is the predominant development phase represented in the area. This is noted in the GML report as follows:

“While there had been advertised sales in the area from the early 1890's, the focus of the subdivisions and development was to the south and west of the study area, between the railway line and the Lane Cove Road (now Pacific Highway), around the developing Wahroonga Village.”

“Highlands” (No 9 Highlands Ave), is one of the earliest remaining houses in the area. “Highlands” was built in 1892-93 for Alfred Horden and his wife, and was located on twenty-four acres of land in the area between Edgeworth David Avenue, Myra Street, the railway corridor and Bundarra Avenue.

A section of the Highlands Estate was sold to the Government in 1923 for the construction of a school (now Waitara Public). The first general subdivision of the Highlands estate was in 1933, following the death of Alfred Hordern. The subsequent 1938 subdivision of the Hordern Estate saw previously unsold lots along offered again for sale along Myra Street between Oleander Road and Alexandria Parade, together with lots fronting the new Highlands Avenue.

The 1930 and 1943 aerial photographs confirm that the Wahroonga (North) area was at the western fringe of Wahroonga village well into the post War period. The 1943 aerial shows the pattern of more formally developed land on the eastern side of Douglas Avenue, being the area now to the east of the F3 Freeway, and the effect of Spring Gully creek as a physical barrier to development. The pattern of development evident from the 1943 aerial includes:

- Groupings of houses in Ingalara and Churchill Avenues and to a lesser extent the northern end of Woonona Avenue
- Groupings of smaller lots with houses at the southern end of Bundarra Avenue (near Alexandria Parade)
- Houses on larger estates on the western side of Bundarra Avenue in the area of the 1933 Highlands Estate subdivision.

Figure 2.1 shows a composite map of the major subdivisions of the area. The major subdivisions are closely linked to the main building periods of the area. This is generally reflected in Victorian/Federation and some Inter War buildings in the southern half of the area, and Inter War and Post War buildings in the north.

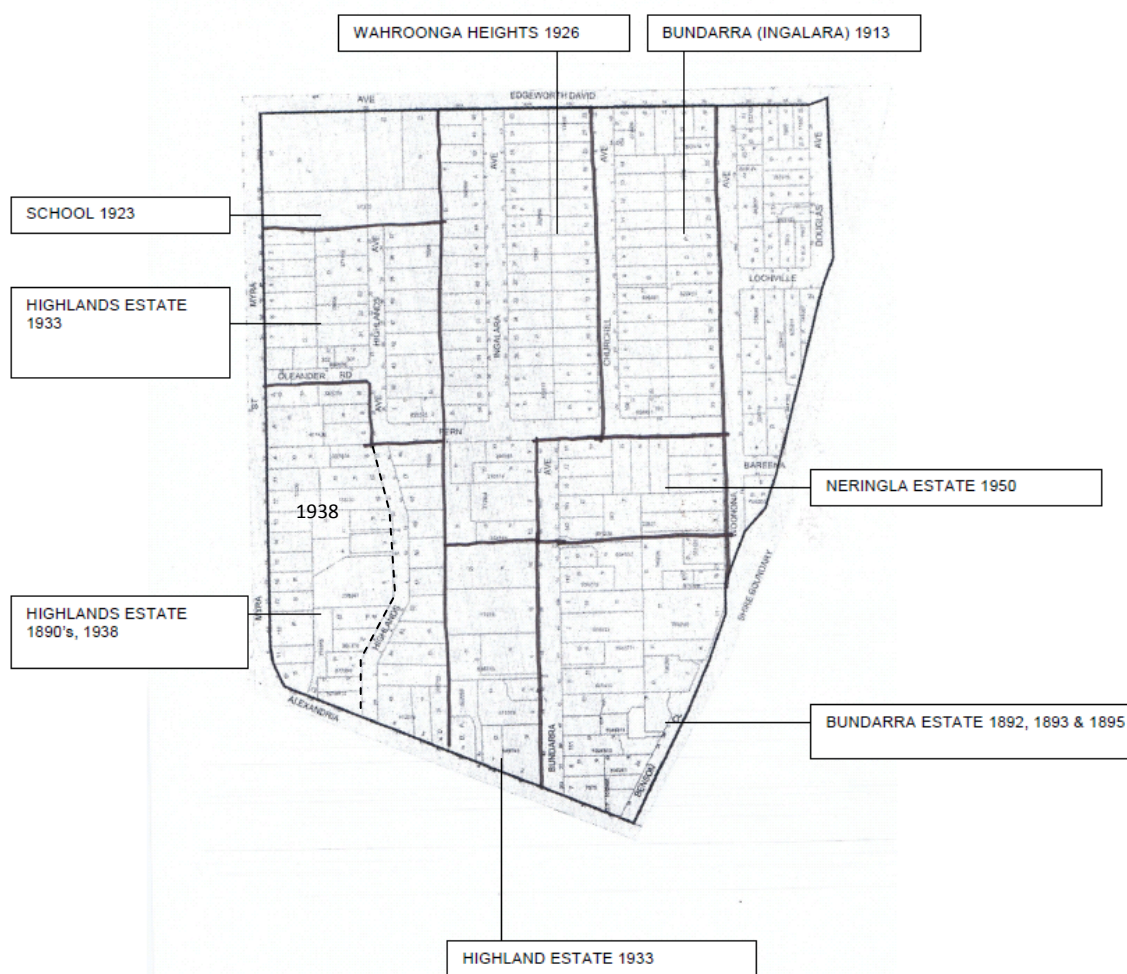


Figure 2.1 Major subdivisions – Wahroonga (North)

NOTE: There was some overlap in the area as part of the Bundarra Estate did not sell at the early auctions and was the subject of later subdivisions. The area to the east of Woonona Avenue was part of a larger land holding and was not part of the subdivision pattern of the other areas. The construction of the Freeway has placed it in the area.

SUMMARY

Details about the history and major subdivisions of Wahroonga (North) are derived from information contained in the GML report. Composite mapping of the historic estate boundaries (from the extracts of plans from the various estates as they were offered for sale included in the GML report) has highlighted relationships between the area's incremental subdivision and patterns of development.

The composite map (Figure 2.1) clarifies the physical boundaries between the major subdivisions thereby allowing insight to the underlying factors influencing the different major development periods within the area.

3. STREETScape AND CHARACTER

The Wahroonga (North) area has two distinct precincts with different streetscape characters. These are the areas to the north and south of Fern Avenue. This section considers the characteristic features of the streets within each precinct with reference to the underlying subdivision history and pattern, building stock, landform and landscape features.

Bundarra (Ingalara) and Wahroonga Heights Estates

The area north of Fern Avenue includes the land that was subdivided in the Ingalara (1913) and Wahroonga Heights (1926) subdivisions. The lots are representative of typical suburban building lots of the period (800-900sqm) with frontages typically 18.29m.

The predominance of buildings from the Inter War and Post War periods reflects the delay between subdivision and take up of land in the area. The buildings range from modest brick houses, some well detailed, to contemporary infill buildings.

Existing heritage items include:

- 27 Churchill Avenue (House)
- 31 Ingalara Avenue (House)
- Woonona Avenue (Street trees)

Items recommended for heritage listing by the GML report include:

- 15 Ingalara Avenue (House)
- 22 Ingalara Avenue (House)

The GML report also recommended listing of Nos. 58 and 60 Woonona Avenue. However, Council resolved not to progress with the heritage listings of these items. The Heritage Advisory Committee (HAC) did not support the heritage listing of No. 58 Woonona Avenue. The Committee commented that an approved subdivision involving the excise of the front garden of the parent property would negatively affect the streetscape presentation and setting of the property. Council also resolved that alterations and additions made to No. 60 Woonona Avenue detracted from its streetscape presentation and therefore heritage listing was not supported.

Douglas Avenue is a typical suburban street with development on the western side of the road. The land slopes down to the Freeway and houses are set into the landscape. The barrier of the Freeway is apparent in terms of disconnection with Wahroonga to the east and is comparable to the barrier to the area's development in the years post subdivision created by the creekline and steep topography.

Lochville Street is a short link road between Woonona Avenue and Douglas Avenue. New infill houses have been built on the southern side of the road. A group of single storey fibro Post War Austere buildings on the northern side of the road are representative of the area's later development.

Street trees, including a number of street tree heritage items, are dominant in the streetscape of **Woonona Avenue**. The landscape quality of the street is accentuated by the combination of topography, narrow road reserve and the subdivision pattern of long blocks to the western side of the street where houses typically have large setbacks. Between Fern Avenue and Lochville Street the character has been affected by the construction of contemporary dwellings which have replaced the original housing stock, and by subdivision creating infill sites.

Churchill Avenue marks the division between the Bundarra (Ingalara) Estate and the Wahroonga Heights Estate. The differentiation between the two estates is not apparent in the streetscape or building stock. The streetscape is characterized by a wider road reserve, with street trees a dominant and unifying feature.

Ingalara Avenue is characterised by a narrow road reserve with grass verges. New houses have been built at the southern end of the road at Nos. 20, 28 and 30. The most significant adverse impact on the street's character is from the removal of a substantial native street tree in front of No 30. This occurred during the course of the Review.

Bundarra, Highlands and Hordern Estates

The southern half of the Wahroonga (North) area comprises the earlier (1895) Bundarra Estate and the land progressively sold from the Highlands landholding (Highlands 1933 and Hordern 1938). Lots are typically larger, especially on the western side of Bundarra Avenue, where the area retains a character of larger estates with infill development. The character derives from the tree canopy, wider frontage of lots, more generous setbacks, low fencing and the irregular road layout of Highlands Avenue.

Existing heritage items include:

- 9 Highlands Avenue ("Highlands House" and garden)
- 34 Highlands Avenue (House)
- 43 Bundarra Avenue (Garden)
- 44 Bundarra Avenue (Garden and fence)
- 45 Bundarra Avenue (Garden)
- 46 Bundarra Avenue (Tree and fence)
- 48 Bundarra Avenue (Garden – "Landskrona")
- 50 Bundarra Avenue (House)
- 51 Bundarra Avenue (Garden)
- 54 Bundarra Avenue (Garden)
- 55, 57 and 57A Bundarra Avenue (Garden)
- Bundarra Avenue (Street trees)
- 42 Woonona Avenue ("Cherrygarth" and garden)
- 46 Woonona Avenue ("Neringala" and garden)

Items recommended for heritage listing by the GML report include:

- 79 Alexandria Parade (House and fence)
- 58-60 Bundarra Avenue (House and garden)
- 64 Bundarra Avenue (House)

The GML report also recommended listing of No. 80 Alexandria Parade and No. 4 Highlands Avenue. Council resolved not to progress with the heritage listing of these items. The HAC did not support the heritage listing of No. 89 Alexandria Parade as it acknowledged that the house has had substantial additions over time and therefore, its integrity has been compromised. The house at No. 4 Highlands Avenue recommended for listing by the GML report has been demolished.

The **northern end of Highlands Avenue** between Oleander Road and Waitara Public School is characterized by the consistent setbacks and scale of the buildings which are in garden settings

with mature landscaping. The land was used by the military as a field park regiment camp during World War 2. The 1943 aerial confirms that the land was undeveloped at the time.

The streetscape of the **southern end of Highlands Road** draws its character from the tree canopy, irregular road pattern and by the wider frontages of the lots. The buildings, particularly on the western side of the road are typically substantial in size, often two storeys and with larger setbacks. This section of the area retains the character of larger estates from the 1938 subdivision of the land.

Bundarra Avenue retains a pattern of long lots with regular frontages, particularly on the eastern (Bundarra 1895) side of the road. Houses on the western side of the road (within the Highlands 1933 subdivision) are typically larger in scale with substantial setbacks. The streetscape character derives from the wide, straight road reserve and the landscape setting, which is a combination of the bush setting and significant street trees, and the mature landscaping of front gardens and fences.

SUMMARY

GML noted that the area's streetscape "presented as two categories" being the "earlier grand estates and 'first subdivisions'" and "the later interwar subdivisions" (p.28). The character assessment in Section 3 of the GML report identifies stand-out examples of the streetscape and building stock. The report concludes that the "potential conservation area is of interest for the manner in which it illustrates the evolution of closer settlement on Sydney's Upper North Shore – from the initial land grants and timber-getting interests, to the grand estates of the merchant gentry, to the eventual subdivision of cottage lots" (pg. 30).

The Review has independently re-assessed the study area's streetscape and character through an evaluation of the characteristic features of each street. The analysis highlights connections between the building stock, street layout, landform and landscape elements in the context of the boundaries between the primary subdivisions of Wahroonga (North).

The approach is intentionally different to that used by GML and provides a platform to test the veracity of the GML findings in the sections that follow. In particular, there is a concern that the GML conclusions do not adequately reflect the importance of the distinctions between the northern and southern precincts of Wahroonga (North).

4. DETERMINING SIGNIFICANCE

Defining Heritage Conservation Areas

The Comprehensive LEP Standard Instrument defines heritage conservation areas as

“an area of land:

- (a) shown on the Heritage Map as a heritage conservation area or as a place of Aboriginal heritage significance, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area”.

This definition does not provide any insights to the qualities that make a conservation area. The NSW Heritage Act 1977 uses the term “heritage precinct” to mean:

“An area which contains one or more buildings, works, relics or places which are items of environmental heritage and which have a character which should be conserved”.

When the National Trust considers urban conservation areas for classification the factors set out below are considered. These factors are consistent with the considerations used in the current work:

- subdivision layout
- pattern of development
- parks and gardens
- style and form of buildings
- types and functional uses
- historical or symbolic sites
- streetscapes and skylines
- urban spaces
- landmarks and
- views within and towards the area.

It is accepted that not all elements within a heritage conservation area will have heritage value. The presence of elements with little or no heritage value does not diminish the value of the area.

Heritage assessment criteria and gradings of significance

An item or area can be considered to be of local heritage significance if it can be found to satisfy one or more of the NSW heritage assessment criteria. The criteria, and inclusions and exclusion guidelines are set out in Section 6 of this report.

The NSW Heritage Manual sets out criteria for gradings of heritage significance (below). The gradings acknowledge that different components of a place can make different relative contributions to heritage value. Loss of integrity or condition can also diminish significance.

Grading	Justification (local significance)	Status
EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local significance.	Fulfils criteria for local listing
HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local listing
MODERATE	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local listing
LITTLE	Alterations detract from significance. Difficult to interpret.	Does not meet criteria for local listing
INTRUSIVE	Damaging to the item's heritage significance.	Does not meet criteria for local listing

SUMMARY

This section responds to a concern that there was a need to provide further clarity on the types of considerations to be taken into account when determining whether the GML conclusions were valid for Wahroonga (North). The considerations which form the rationale for the Review are generally consistent with those that are implicit in the GML report.

The gradings to justify local heritage significance are extracted from the NSW Heritage Manual and are the same as used by GML. They are included for the purposes of clarity.

5. ANALYSIS

Characteristic elements

Analysis of the area's subdivision patterns and housing stock the area confirms that Wahroonga (North) can be split into two sections being the South and North Precincts. The Southern Precinct is described first as it represents the earlier phase of the area's development and history.

Southern Precinct: Bounded by Oleander Road (south side), Fern Avenue, the F3 Freeway, Alexandria Parade and Myra Street. The Southern Precinct includes the southern end of Highlands Avenue, Bundarra Avenue, Woonona Avenue (south of Fern Avenue) and Bareena Avenue.

Northern Precinct: Bounded by Edgeworth David Avenue, the F3 Freeway, Fern Avenue, Myra Street and Oleander Road. The Northern Precinct includes Ingalara Avenue, Churchill Avenue, the northern end of Woonona Avenue, Lochville Street and Douglas Avenue.



Figure 5.1 – Northern and Southern Precincts, Wahroonga (North)

The Southern and Northern Precincts are distinguished by their subdivision dates and patterns, built form, streetscape, landscaping and characteristic building period. The characteristic elements for each precinct are described below, and are key to understanding the potential conservation area's key qualities.

Later infill has occurred in both precincts. In the Southern Precinct this has taken the form of re-subdivision of earlier, larger landholdings. In contrast, the Northern Precinct has seen greater demolition of earlier buildings to make way for contemporary housing.

The heritage items in each precinct make an important contribution to the built character. The Southern Precinct includes three examples of substantial late Victorian/Federation houses while the Northern Precinct includes two Inter War examples. The characteristic development patterns are readily distinguishable, and are supported by the historic development of each area.

Southern Precinct – Characteristic Elements

Date of subdivision	Bundarra Estate 1892, 1893 and 1895 Includes Highlands Estate (1933) and Hordern Estate (1938)
Subdivision pattern	Large irregular lots with later subdivisions and battleaxe lots
Built form	Large, two storey houses on substantial landscaped lots
Streetscape	Winding or sloping streets with mature street plantings
Landscape	Large, well planted gardens with mature trees
Characteristic building period	1892-1939
Characteristic style	Federation, Inter War

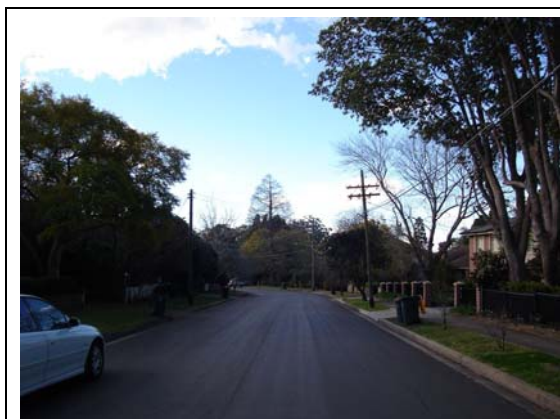


Image 1
Highlands Avenue



Image 2
Modern infill development, Highlands Avenue

	Image 3 “Highlands House”, a substantial Federation house built in 1895
	Image 4 Inter War infill, Highlands Avenue
	Image 5 Inter War infill, Highlands Avenue

Northern Precinct – Characteristic Elements

Date of subdivision	Bundarra Estate 1892, 1893 and 1895 Includes Bundarra (Ingalara) Estate (1913) and Wahroonga Heights Estate (1926)
Subdivision pattern	Regular lots with no later subdivisions
Built form	Small, single storey houses on landscaped lots
Streetscape	Level and sloping streets with street plantings
Landscape	Planted gardens with mature trees
Characteristic building period	1913-1950
Characteristic style	Inter War/Post War



Image 6
34 Highlands Avenue, substantial Inter War house



Image 7
Inter War house, Ingalara Avenue



Image 8
Heavily altered Inter War house, Ingalara Avenue



Image 9

Inter War colonial style house that has been subdivided with new two storey houses, Fern Avenue



Image 10

Inter War colonial style house that has been subdivided with new two storey house, Churchill Avenue



Image 11

Inter War fibro houses that were part of the larger development area to the east. Note loss of street trees in front of photo

Building contribution analysis

The GML investigation assessed the contribution of buildings within Wahroonga (North) in relation to the area's significance. The process was based on the conservation principle that a major objective of conservation management is "to retain evidence of (an area's) history, as well as other considerations such as aesthetic values" (pg 39).

Contributory items were defined as:

A place, building or other feature that contributes to the significance of the conservation area or precinct, usually for its historic or aesthetic values, or both. Upon further research and investigation, some may potentially be heritage items in their own right. Contributory items may also include some buildings whose appearance has been adversely altered but which still demonstrate historic values of significance.

The GML findings are shown in Figure 5.2 (being Figure 5.1 of the GML report).

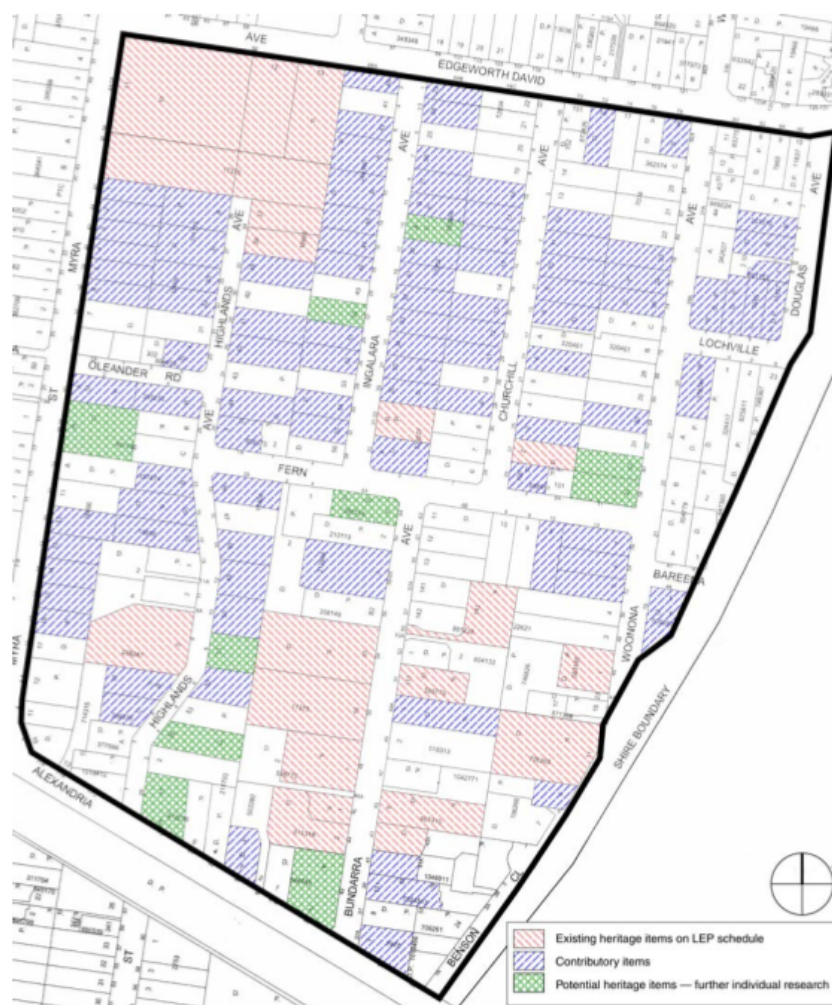


Figure 5.1 Study Area Wahroonga (North) Potential Heritage Conservation Area, showing existing heritage items, contributory items and potential heritage items.

Figure 5.2 (Figure 5.1 from GML report)

Current best practice uses contribution ratings to evaluate key aspects of an area's character or qualities that underpin the heritage significance, particularly in terms of key phases of development. That is, greater emphasis is placed on significant historical periods or building phases for the area.

Definitions developed for the City of Sydney by Paul Davies Pty Ltd, Architects and used by Davies for the Ku-ring-gai Town Centres Heritage Conservation Areas Review (September 2008) are considered current best practice. These definitions have been used to re-assess the Wharoonga (North) area for this report as shown in Figure 5.3:

Contributory	Significant historical period layer, highly or substantially intact
	Significant historical period layer, altered, yet recognizable and reversible
Neutral	Significant historical period layer, altered in form, unlikely to be reversed
	New sympathetic layer or representative of a new layer
Detracting	Non significant historical period layer
	Detracting (in either scale or materials/details)
	New detracting development
	Other detracting development

The revised mapping shows a smaller number of contributory items due to construction of new dwellings and/or alterations and additions. However, both assessments confirm that there are a large number of properties in each precinct that contribute to the significant character of the area.

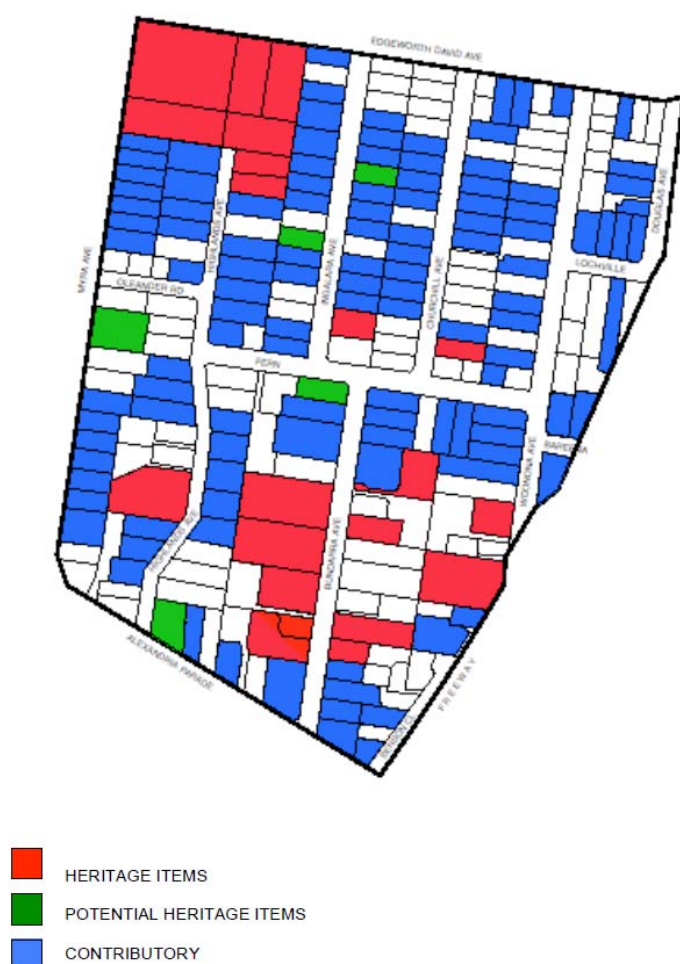


Figure 5.3 – Building contribution mapping, Wahroonga (North) 2010

Review of threats and opportunities

Myra Street Senior's Living Development

An appeal against the deemed refusal of a Seniors Living development proposal for 24-28 Myra Street and 25-27 Highlands Avenue was heard by the Land and Environment Court in April 2005. The case considered impacts on neighbourhood amenity and streetscape, heritage including impacts on heritage listed street trees in Myra Street, landscape and a range of general planning matters.

The court appointed heritage expert Jennifer Hill considered the potential heritage significance of the existing house at 26-28 Myra Street. The building had been recommended for listing as a local heritage item in a report prepared by Tropman Architects (18 January 2005) as part of Hornsby Council's Heritage Review Stage 3. A second report by Noel Bell Ridley Smith found that the building was not worthy of listing "due to its representative nature".

Hill notes in her evidence:

"The National Trust in its letter of 15 December 2004, notes that the site and building are worthy of listing. The Trust notes that "the building is not part of a cohesive streetscape but this is because many of the buildings in the area have clearly been demolished and replaced with fairly standard houses that bear no relationship to their immediate surroundings.

The NSW Heritage Office in its letter of 25 January 2005, considers that the property at 26-28 Myra Street is unlikely to meet the threshold of State Heritage significance."

The evidence provides the following comparative assessment of the Myra Street property:

"A preliminary assessment of the 800 inventory sheets in the Hornsby LEP would indicate a large number of representative examples. Many of the inventory sheets describe representative examples as good examples and typical examples as unusual. Overall, the thresholds used are lower than in equivalent local government areas. The recent listing by Tropman & Tropman would also suggest a lower threshold.

A review of Myra Street, Oleander Avenue and Highlands Avenue would suggest that the area does not meet the threshold for listing as a Conservation Area."

The Court appointed expert's opinion was accepted by the Commissioner, who found that the existing building at 26-28 Myra Street was "unexceptional in its quality and was unusual only in that it was a large building in a large setting." The application was approved although the applicant was required to revise the plans to delete one dwelling and alter the design to better reflect the character of the area. Importantly, the case highlights the importance of ensuring the thresholds for any future recommendation in response of the area is consistent with current best practice.

Contemporary infill housing and developments since 2005

A number of developments have been approved in the Wahroonga (North) area since completion of the GML report. Details of development approvals are included in Appendix A.

Field work confirms that some of the approved developments have affected (or have potential to affect) the special qualities of the area or its potential heritage significance. This includes:

- New dwellings, particularly two storey buildings that do not respect the established setbacks, materials, form and massing, landscaping or similar elements of the locality
- Subdivisions and infill development on newly created lots

- Works to heritage items that adversely affect their significance or setting, including demolition of heritage items
- Removal of significant trees and street trees, especially where they contribute to the area's bush character.

The analysis confirms that Wahroonga (North) retains sufficient integrity to satisfy the thresholds to support listing as a heritage conservation area. However, there are real concerns about the extent of change that has occurred. This includes changes documented in the GML report and subsequent developments. The area is considered to be close to the point where the significant qualities will be critically reduced should further unsympathetic incremental change occur.

Comparative analysis

The Wahroonga (North) area has been considered in relation to comparable areas to the north and west as a means to:

- ensure appropriate thresholds are used for this Review and
- determine whether the alternate areas have greater potential to demonstrate the qualities seen in Wahroonga (North).

No other areas were found to exhibit the same combination of underlying development history and built and landscape qualities as found in the proposed heritage conservation area as summarised below.

North Waitara

The area to the north of the railway exhibits some of the characteristics of Wahroonga (North) in terms of scale, use and housing styles, but lacks a recognizable, early subdivision pattern and the large residences that anchored the development of the Wahroonga (North) area. The larger, early houses are central to the character that derives from the early built form, subdivision pattern and landscape that distinguishes the proposed heritage conservation area.

Hornsby

The area to the north of Edgeworth David Avenue and west of the F3 Freeway has buildings from the same periods as the Wahroonga (North) area, but lacks the early subdivision pattern and large residences that anchored the development of the Wahroonga (North) area.

This area has been the subject of considerable post war and modern development, particularly in the western section, where a number of three storey apartments have been constructed. The Hornsby and Ku-ring-gai Hospital has overlaid the residential origins with a predominance of non-residential/special use/medical related uses, which have in turn distorted the street alignments through traffic management measures and the like.

SUMMARY

The GML report acknowledges the key characteristics and variations between what it describes as the “earlier grand estates and ‘first subdivisions’” and the later Interwar subdivisions, but does not differentiate between these areas in the description of the significant characteristics of Wahroonga (North). In comparison, the distinctions between the northern and southern sections are central to the Review’s support of the proposed heritage conservation area. The characteristic elements for the Northern and Southern Precincts are generally consistent with those noted in the GML report.

The building contribution analysis of the Review is similar in concept to that completed by GML. The key difference is the Review’s stronger connection to significant historical periods or building phases. The updated approach is consistent with current best practice, and further validates the need to consider Wahroonga (North) as two precincts within the one area. While the revised mapping shows a smaller number of contributory items, both assessments confirm that there are a large number of properties in the north and south precincts that contribute to the significant character of the area.

6. EVALUATION OF HERITAGE SIGNIFICANCE

Heritage criteria assessment

The Heritage Assessment Manual establishes the criteria for assessing the significance of potential heritage items and areas in NSW. This section includes extracts of the Inclusion and Exclusion guidelines from the Manual together with the examples of items that meet the criteria.

Section 4.3 of the GML report provides a response to each of the heritage assessment criteria. It is implicit in the text that the statements are derived from the Heritage Assessment Manual Inclusion guidelines.

An independent statement for each criterion has been prepared as part of the Review. The updated statements are set out beside the GML assessment and reflect the re-evaluation of the characteristic elements and contributory building analysis. The revised statements place emphasis on different aspects of the area's character and development history compared to the GML statements. While there are differences in the framing of the statements, there is only one instance where the revised statement is significantly at variance with the GML conclusion. Comments are included in the text.

The major differences arising are from the Review's assessment of the heritage significance of Wahroonga (North) are:

- the GML report finds that the area has social significance where the Review has not found any evidence to confirm that the area meets this criteria
- the Review has excluded references to an association with the late Robert Klippel as part of Historic Associative significance as it was not able to be corroborated
- the revised statement of significance for the area is structured to respond to the heritage assessment criteria rather than as a general descriptive statement. While both approaches are valid, the revised statement is considered to give a stronger foundation for the assessment of future works within the area.

Criterion (a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)

Guidelines for INCLUSION:

- Shows evidence of a significant human activity
- Associated with a significant activity or historical phase
- Maintains or shows the continuity of a historical process or activity

Guidelines for EXCLUSION:

- Has incidental or unsubstantiated connections with historically important activities or processes
- Provides evidence of activities or processes that are of dubious historical importance
- Has been so altered that it can no longer provide evidence of a particular association.

Types of items which meet criterion (a):

- Items which demonstrate strong associations to past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the item or any structure on the place
- Items associated with significant historical events, regardless of the intactness of the item or any structure on the place
- Significant cultural landscapes and other items demonstrating overlays of the continual pattern of human use and occupation and/or
- Items where the physical fabric (above or below ground) demonstrates any of the points described above.

GML Assessment	Review
The Wahroonga North area is important in the history of Hornsby Shire as part of the area's consolidation as a residential area of high quality and amenity. It reflects the evolution of the Shire from timber-getting through to merchants' retreats and estates to the bush suburb idyll it still represents. In that the area is associated with a significant activity or phase, it conforms with the inclusion guidelines.	The development of the area is closely associated with the opening of the North Shore Railway line in the 1890's. The area includes land in the Bundarra Estate (1892), an early subdivision of the locality. The area contains some important early houses including "Highland's House" (1892), "Neringla" (1895) and "Cherrygarth" (1897). The area is also important for the Inter War subdivisions of the Bundarra Estate (Ingalara) (1913), Wahroonga Heights Estate (1926), Highlands Estate (1933), Hordern Estate (1938) and the Inter War development of the area.
Local significance	Review assessment: High Local Significance

Comment

The Review finds that Wahroonga (North) meets this criterion through its association with the opening of the North Shore Railway line, subdivision history and physical links arising from the remaining early houses. The broader nature of the GML statement is reframed to identify the particular elements that are considered to contribute to meeting the criterion. This includes excluding references to timber getters and the early settlement of Hornsby which appear to be less directly relevant in this instance.

Criterion (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the cultural or natural history of the local area)

Guidelines for INCLUSION:

- Shows evidence of a significant human occupation
- Associated with a significant event, person or group of persons.

Guidelines for EXCLUSION:

- Has incidental or unsubstantiated connections with historically important people or events
- Provides evidence of people or events that are of dubious historical importance
- Has been so altered that it can no longer provide evidence of a particular association.

Types of items which meet criterion (b):

- Items which demonstrate strong associations to a particular event, historical theme, people or philosophies, regardless of the intactness of the item or any of its structures
- Items associated with significant historical events, regardless of the intactness of the item or any structure on the place and/or
- Items where the physical fabric (above or below ground) demonstrates any of the points described above.

GML Assessment	Review
The character of the potential Conservation Area has been strongly influenced by the long endurance, but eventual subdivision of, the Hordern Family Estate, the Highlands, largely because of the commitment to the Estate of the family matriarch Caroline Hordern. Typical of the upper North Shore, the area has had notable residents from the arts and politics; for example, the late Robert Klippel, an important noteworthy Australian sculptor, and Sir Howard Beale, local representative in parliament and cabinet minister. The area is therefore demonstrated to be associated with significant local persons.	The area is strongly associated with significant local persons including the Hordern family (who built Highlands House) and the Hordern Family Estate, and particularly the family matriarch Caroline Hordern.
Local significance	Assessment: High Local Significance

Comment

The Review agrees that Wahroonga (North) meets this criterion. However, the revised statement excludes references to the late Robert Klippel as they were unable to be corroborated. The statement should be updated should information confirming the relationship be found.

Criterion (c) An item is significant in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)

Guidelines for INCLUSION:

- Shows or is associated with creative or technical innovation or achievement
- Inspiration for a creative or technical innovation or achievement
- Aesthetically distinctive
- Landmark qualities
- Exemplifies a particular taste, style or technology

Guidelines for EXCLUSION:

- Not a major work by an important designer or artist
- Lost design or technical integrity
- The positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
- Only a loose association with a creative or technical achievement.

Types of items which meet criterion (c):

- Items which demonstrate creative or technical excellence, innovation or achievement
- Items which have been the inspiration for creative or technical achievement
- Items which demonstrate distinctive aesthetic attributes in form or composition
- Items which demonstrate a highly original and influential style, such as an important early (seminal) work of a major architect and/or
- Items which demonstrate the culmination of a particular architectural style (climactic).

GML Assessment	Review
The potential Conservation Area is aesthetically distinctive, owing to the presence of a fine collection of residential dwellings of different periods and styles, but unified and made complementary by their bushland setting.	The potential Conservation Area is aesthetically distinctive, owing to the presence of a fine collection of residential dwellings including “Highland’s House” (1892), “Neringla” (1895) and “Cherrygarth” (1897) with an overlay of Inter War houses unified and made complementary by their landscaped setting.
Local significance	Assessment: High Local Significance

Comment

The revised statement agrees in principle with the GML assessment. Details of the surviving early houses have been inserted, and attention is drawn to the importance of the overlay provided by development from the Inter War period.

Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

Guidelines for INCLUSION:

- Important for associations with an identifiable group
- Important to a community's sense of place

Guidelines for EXCLUSION:

- Only important to the community for amenity reasons
- Retained only in preference to a proposed alternative.

Types of items which meet criterion (d):

- Items which are esteemed by the community for their cultural values
- Items which if damaged or destroyed would cause the community a sense of loss; and/or
- Items which contribute to a community's sense of identity.

Items are excluded if they are only valued for their amenity (service convenience) or if the community seeks their retention only in preference to a proposed alternative.

GML Assessment	Review
The potential Conservation Area has demonstrated importance to its community's sense of place, expressed in the community consultation undertaken by Council to discover attitudes to the proposed implementation of the Conservation Area.	The area has no special associations for any particular group.
Indicated through community workshops and in submissions	Assessment: Does not meet the criteria

Comment

The Review has not found any evidence to demonstrate that Wahroonga (North) meets this criterion. This conclusion is at variance with the GML finding.

Criterion (e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)

Guidelines for INCLUSION:

- Potential to yield new or further substantial scientific and/or archaeological information
- Important benchmark or reference site or type
- Provides evidence of past human cultures that is unavailable elsewhere

Guidelines for EXCLUSION:

- The knowledge gained would be irrelevant to research on science, human history or culture
- Little archaeological or research potential
- Only contains information that is readily available from other resources or archaeological sites

GML Assessment	Review
The potential Conservation Area retains an important capacity to reveal more about its significance through research and physical surveying, contributing to the community's better understanding of its history. In this capacity, it is arguably an important reference site for Hornsby.	The potential Conservation Area is an important reference site for Hornsby in relation to the early development of the area after completion of the North Shore Railway line and the later development in the Inter War period. The area has potential to reveal its pre-Victorian development use through research.
Local significance	Assessment: Local Significance

Comment

The revised statement agrees in principle with the GML assessment. The statement has been reframed to be more specific about how the area is considered to meet the inclusion criteria through the major periods of subdivision and development.

Criterion (f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)

Guidelines for INCLUSION:

- Provides evidence of a defunct custom, way of life or process
- Demonstrates a process, custom or other human activity that is in danger of being lost
- Shows unusually accurate evidence of a significant human activity
- Is the only example of its type
- Demonstrates designs or techniques of exceptional interest
- Shows rare evidence of a significant human activity important to a community.

Guidelines for EXCLUSION:

- Not rare
- Numerous but under threat.

GML Assessment	Review
The potential Conservation Area demonstrates residential development exhibiting qualities that are rare within Hornsby and which are endangered by continuing unsympathetic development activity. In the Highlands and fine housing of Ingalara Avenue, it has a property of exceptional interest and a streetscape of rare quality, amenity and integrity for the Hornsby LGA.	The potential Conservation Area demonstrates the post 1892 residential development of the area exhibiting built and landscape qualities that are becoming rare within Hornsby, and which are endangered by continuing unsympathetic development activity. “Highlands House”, and the fine Inter War housing in Ingalara Avenue, includes properties of high interest and streetscapes of considerable quality, amenity and integrity for the Hornsby LGA.
Local significance	Assessment: Rare

SUMMARY

The revised statement agrees in principle with the GML assessment. The revised statement is reframed to include specific references to primary development phases of the area.

Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments

Guidelines for INCLUSION:

- A fine example of its type
- Has the principal characteristics of an important class or group of items
- Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity
- A significant variation to a class of items
- Part of a group which collectively illustrates a representative type
- Outstanding because of its setting, condition or size
- Outstanding because of its integrity or the esteem in which it is held.

Guidelines for EXCLUSION:

- Poor example of type
- Does not include or has lost the range of characteristics of a type
- Does not represent well the characteristics that make up a significant variation of a type.

GML Assessment	Review
In its collection of largely intact and harmonious housing, outstanding within Hornsby for their quality and integrity as a largely contemporary group, and complemented by their remarkable bushland suburban setting, the area is arguably of high local importance to Hornsby.	The area is representative of the residential development of the area following the establishment of the North Shore Railway with the early development of substantial houses on large lots followed by Inter War subdivision and development. The area is distinguished by its fine collection of Federation houses and good quality Inter War housing that provides a consistent built form in a landscaped setting.
Local significance	Assessment: Representative Historically at a Local Level Representative Aesthetically at a Local Level Representative Technically at a Local Level

SUMMARY

The revised statement is consistent with the GML statement but includes more specific references to the primary development and building phases of Wahroonga (North).

Statement of significance

The Wahroonga (North) Heritage Conservation Area is closely associated with the opening of the North Shore Railway line in the 1890's, and includes land in the early estates of the locality, Bundarra Estate (1892) and its subsequent Federation development. It also includes the pre War and Inter War subdivisions of the Bundarra (Ingalara) Estate (1913), Wahroonga Heights Estate (1926) and the two divisions of the Highlands Estate (1933 and 1938) that led to the Inter War development of the area.

The Heritage Conservation Area is strongly associated with significant local persons including the Hordern Family and particularly the family matriarch, Caroline Hordern and the Hordern Family Estate which centered on their mansion, "Highlands House. "

The Heritage Conservation Area is aesthetically distinctive, with a strong collection of Federation residential buildings. This includes "Highlands House" (1892), "Neringla" (1895) and "Cherrygarth" (1897). The overlay of Inter War houses is unified and made complementary by the landscaped setting.

The Heritage Conservation Area is important as a reference site for Hornsby, particularly in relation to the early development of the area. The area has potential to reveal its pre Victorian development and use through research.

The Heritage Conservation Area demonstrates the post 1892 residential development of the area, exhibiting built and landscape qualities that are becoming rare within Hornsby and which are endangered by continuing unsympathetic development.

7. SUMMARY AND RECOMMENDATIONS

The Wahroonga (North) area was first considered for possible listing as a heritage conservation area in 2004. A report commissioned by Hornsby Council and prepared by GML recommended that Council proceed with the listing of the area due to its heritage value. A draft LEP was prepared to facilitate the area's listing but did not proceed as Council was instructed to consider the matter as part of its Comprehensive LEP. The findings of this report will feed into the Comprehensive LEP.

The findings of this study confirm the previous findings of the GML report that the Wahroonga (North) area meets the objectives and criteria for inclusion as a heritage conservation area. The area is found to be of historic, aesthetic and technical scientific significance at a local level and represent the development of the Wahroonga area from the 1890's to the 1950's.

The current layout of the area represents the subdivision patterns from all major development periods and is clearly readable in the road pattern, built form and landscape of the area. The area contains a substantial number of characteristic buildings from the key development periods. This includes excellent examples of Federation and Inter War houses which are listed individually as heritage items. The review confirms the recommended heritage listing of the following items which were previously identified by the GML report:

- 15 Ingalara Avenue (House)
- 22 Ingalara Avenue (House)
- 79 Alexandria Parade (House and fence)
- 58-60 Bundarra Avenue (House and garden)
- 64 Bundarra Avenue (House)

It is noted that other properties recommended for further consideration in the GML report have been subject to review and are not recommended for listing.

The area is subject to ongoing threat from contemporary housing developments and loss of the native tree canopy on private land and in road reserves. A review of recent developments, including a number of approvals granted since the GML report, highlight the impacts to the area's integrity through unsympathetic alterations to characteristic buildings and in a few cases, demolition/redevelopment of buildings identified in the GML report as being characteristic. The loss of mature street trees and garden plantings compounds the impact of these changes.

Irrespective of the changes that have occurred since 2004, the area has been found to have a consistent development theme and sufficient integrity to justify listing as a heritage conservation area. The layout and built form reflects the major development periods in the area, being Federation and Inter War, and the shift from large houses in expansive, landscaped grounds to smaller homes on regular lots with well tended gardens. This is apparent in a north/south division of the area and it is recommended that the proposed heritage conservation area be split into two components. The precincts will allow controls to be tailored to reflect the historic and current subdivision pattern and primary building stock:

- | | |
|--------------------|--|
| Southern Precinct: | Bounded by Oleander Road (south side), Fern Avenue, the F3 Freeway, Alexandria Parade and Myra Street. Includes the southern end of Highlands Avenue, Bundarra Avenue, Woonona Avenue (south of Fern Avenue) and Bareena Avenue. |
|--------------------|--|

Northern Precinct: Bounded by Edgeworth David Avenue, the F3 Freeway, Fern Avenue, Myra Street and Oleander Road. Includes Ingalara Avenue, Churchill Avenue, the northern end of Woonona Avenue, Lochville Street and Douglas Avenue.

It is recommended that Council proceed to formalise the area's listing as part of the Comprehensive LEP. The Heritage Conservation Area should be supported by development controls which support the matters previously identified by the GML report and the following additional considerations:

- Some flexibility for two storey dwellings in the Southern Precinct, especially where it can be demonstrated that the new building will be complemented by a reasonable landscaped setting
- Retaining the single storey, more modest scale in the Northern Precinct
- Avoiding changes to driveways and the like where street trees or existing mature plantings could be affected.

APPENDIX A – Review of development approvals, 2005 to present

Bundarra (Ingalara) Precinct (1913 Subdivision)

Address	Heritage status Date of building	GML Notes	Development
58 Woonona Ave	Original house pre-1943	Potential heritage item - an example of the smaller, individual houses scattered through the area	DA/1617/2009 New 2 storey house on subdivided lot fronting Woonona Ave Note: Heritage listing not proceeding
60 Woonona Ave	Original house pre-1943	Potential heritage item - as for 58 Woonona Ave	DA/2347/2004 Alts and adds to dwelling including extension forward of the former building line and second floor addition Note: Heritage listing not proceeding
29 Woonona Ave	Post 1943	Garden of contributory dwelling	DA/1728/2008 New infill dwelling, part single and part 2 storey, double garage Constructed
27 Churchill Ave	Heritage item Simple Inter-war weatherboard constructed 1925/26		DA/1981/2006 Alts and adds to building, carport and garage to rear Constructed
29 Churchill Ave	Post 1943	Contributory	DA/862/2005 Second storey addition

Wahroonga Heights Precinct (1926 Subdivision)

Address	Heritage status	GML Notes	Development
6 Churchill Ave	N/A		DA/611/2005 Demolition of existing building and construction of new 2 storey dwelling Constructed
1 Ingalara Ave	N/A	Contributory	DA/761/2006 Demolition of existing building and construction of new 2 storey dwelling Constructed
25 Ingalara Ave	N/A	Contributory Former Post war austere brick building	DA/1732/2008 Alterations and additions including part 1 st floor addition, garage incorporated into façade and fence to 1500mm Constructed
35 Ingalara Ave	N/A	Contributory Former Inter war brick dwelling with Georgian detailing	DA/1198/2008 Demolition of existing house and construction of 2 new single storey dwellings (mulit unit housing) Constructed
14 Ingalara Ave	N/A	Contributory	CC/1382/2005 1 st floor addition Constructed
28 Ingalara Ave	N/A		DA/1295/2005 1 st floor addition Constructed
30 Ingalara Ave	N/A	Contributory	DA/1674/2007 Demolition of existing dwelling and construction new 2 storey dwelling Constructed – street tree removed from front verge

Bundarra Pre-1913 Subdivision

Address	Heritage status	GML Notes	Development
47A Bundarra Ave	N/A		DA/363/2006 New dwelling on rear battle axe lot
57A Bundarra Ave	Heritage item (garden)		DA/998/2008 Front fence and gate Substantial new large house. Confirm heritage listing does not apply to fence
63 Bundarra Ave	N/A		DA/2165/2004 Double garage to Fern Street Constructed

Highlands Precinct (1933 Subdivision)

Address	Heritage status	GML Notes	Development
89 Alexandria Pde		Potential heritage item	DA/1350/2005 Alts and adds to dwelling DA/96/2005 New front and side fence Note: Heritage listing not proceeding

Hordern Precinct (1938 Subdivision)

Address	Heritage status	GML Notes	Development
26-28 Myra Ave and 25 Highlands	N/A	Potential heritage item	DA/1563/2004 Demolition of 4 dwellings and construction of seniors living development DA/996/2009 Subdivision into 3 lots. Seniors Living development did not proceed. Three lot subdivision approved 27 May 2010
30 Myra Ave	N/A	Contributory	DA/1959/2004 Demolition of existing building and construction of child care centre Constructed
2A Highlands Ave	N/A	Potential heritage item	DA/2212/2004 Demolition of existing building and construct new dwelling Constructed
4 Highlands Ave	N/A	NIL	DA/1879/2005 Demolition of existing building and construct new dwelling Constructed
14 Highlands Ave	N/A	Contributory	DA/2408/2001 Construct new single garage
18 Highlands Ave	N/A	Contributory	DA/1493/2004 Alts and adds to existing house and subdivision to create new lot to Fern Street Constructed

Appendix E

Schedule of SEPPs

SCHEDULE OF SEPPs
WAHROONGA (NORTH) HERITAGE CONSERVATION AREA PLANNING PROPOSAL

State Environmental Planning Policies		
SEPP Title	Compliance	Comment
1. Development Standards	N/A	
1. Development Standards (Amend No. 1)	Draft	
2. Minimum Standards for Residential Flat Development	Repealed	
3. Castlereagh Liquid Waste Disposal Depot	Repealed	
4. Development Without Consent and Miscellaneous Complying Development	N/A	
5. Housing for Older People or People with a Disability	Repealed	
6. Number of Storeys in a Building	N/A	
7. Port Kembla Coal Loader	Repealed	
8. Surplus Public Land	Repealed	
9. Group Homes	Repealed	
10. Retention of Low-Cost Rental Accommodation	Repealed	
11. Traffic Generating Developments	Repealed	
12. Public Housing (Dwelling Houses)	Repealed	
13. Sydney Heliport	Repealed	
14. Coastal Wetlands	N/A	
15. Rural Land - Sharing Communities	N/A	
16. Tertiary Institutions	Repealed	
17. Design of Building in Certain Business Centres	Not Made	
18. Public Housing	Not Made	
19. Bushland in Urban Areas	N/A	
20. Minimum Standards for Residential Flat Development	Repealed	
21. Moveable Dwellings	N/A	
22. Shops and Commercial Premises	N/A	
23.	Not Allocated	
24. State Roads	Not Made	
25. Residential Allotment Sizes	Repealed	
26. Littoral Rainforests	N/A	
27. Prison Sites	Repealed	
28. Town Houses and Villa Houses	Repealed	
29. Western Sydney Recreational Area	N/A	
30. Intensive Agriculture	N/A	
31. Sydney (Kingsford Smith) Airport	Repealed	
32. Urban Consolidation (Redevelopment of Urban Land)	N/A	
33. Hazardous and Offensive Development	N/A	
34. Major Employment Generating Industrial Development	Repealed	
35. Maintenance Dredging of Tidal Waterways	Repealed	
36. Manufactured Home Estates	N/A	
37. Continued Mines and Extractive Industries	Repealed	
38. Olympic Games and Related Development Proposals	Repealed	

39. Spit Island Bird Habitat	N/A	
40. Sewerage Works	Not Made	
41. Casino/Entertainment Complex	N/A	
42. Multiple Occupancy and Rural Land (Repeal)	Repealed	
43. New Southern Railway	Repealed	
44. Koala Habitat Protection	N/A	
45. Permissibility of Mining	Repealed	
46. Protection and Management of Native Vegetation	Repealed	
47. Moore Park Showground	N/A	
48. Major Putrescible Landfill sites	Repealed	
49. Tourism Accommodation in Private Homes	Draft	
50. Canal Estates	N/A	
51. Eastern Distributor	Repealed	
52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
53. Metropolitan Residential Development	N/A	
54. Northside Storage Tunnel	Repealed	
55. Remediation of Land	N/A	
56. Sydney Harbour Foreshores and Tributaries	Repealed	
57. Not Made	N/A	
58. Protecting Sydney's Water Supply	Repealed	
59. Central Western Sydney Economic and Employment Area	N/A	
60. Exempt and Complying Development	N/A	
61. Exempt and Complying Development for White Bay and Glebe Island Ports	N/A	
62. Sustainable Aquaculture	N/A	
63. Major Transport Projects	Repealed	
64. Advertising and Signage	N/A	
65. Design Quality of Residential Flat Development	N/A	
66. Integration of Land Use and Transport	Draft	
67. Macquarie Generation Industrial Development	Repealed	
68. Not Allocated		
69. Major Electricity Supply Projects	Repealed	
70. Affordable Housing (Revised Schemes)	N/A	
71. Coastal Protection	N/A	
72. Linear Telecommunications Development – Broadband	Repealed	
73. Kosciusko Ski Resorts	N/A	
74. Newcastle Port and Employment Lands	N/A	
SEPP 2004. Housing for Seniors or People with a Disability	N/A	
SEPP 2004. Building Sustainability Index: BASIX	N/A	
SEPP 2004. ARTC Rail Infrastructure	Repealed	
SEPP 2004. Sydney Metropolitan Water Supply	Repealed	
SEPP 2005. Development on	N/A	

Kurnell Peninsula		
SEPP 2005. Major Development	N/A	
SEPP 2006. Sydney Region Growth Centres	N/A	
SEPP 2007. Mining, Petroleum Production and Extractive Industries	N/A	
SEPP 2007. Temporary Structures	N/A	
SEPP 2007. Infrastructure	N/A	
SEPP 2007. Kosciuszko National Park – Alpine Resorts	N/A	
SEPP 2008. Rural Lands	N/A	
SEPP 2008. Exempt and Complying Development Codes	N/A	
SEPP 2009. Western Sydney Parklands	N/A	
SEPP 2009. Affordable Rental Housing	N/A	
SEPP 2009. Western Sydney Employment Area	N/A	
Sydney Regional Plans (deemed SEPPs)		
SREP 1. Dual Occupancy	Repealed	
SREP 2. Dual Occupancy	Repealed	
SREP 3. Kurnell Peninsula	Repealed	
SREP 4. Homebush Bay	Repealed	
SREP 5. Chatswood Town Centre	N/A	
SREP 6. Gosford Coastal Areas	Repealed	
SREP 7. Multi-Unit Housing – Surplus Government Sites	Repealed	
SREP 8. Central Coast Plateau Areas	N/A	
SREP 9. Extractive Industry (No. 2)	N/A	
SREP 10. Blue Mountains Regional Open Space	Repealed	
SREP 11. Penrith Lakes Scheme	N/A	
SREP 12. Dual Occupancy	Repealed	
SREP 13. Mulgoa Valley	N/A	
SREP 14. Eastern Beaches	Repealed	
SREP 15. Terrey Hills	Repealed	
SREP 16. Walsh Bay	N/A	
SREP 17. Kurnell Peninsula	N/A	
SREP 18. Public Transport Corridor	N/A	
SREP 19. Rouse Hill Development Area	N/A	
SREP 20. Hawkesbury Nepean River (No. 2 – 1997)	N/A	
SREP 21. Warringah Urban Release Area	Repealed	
SREP 22. Parramatta River	Repealed	
SREP 23. Sydney and Middle Harbours	Repealed	
SREP 24. Homebush Bay Area	N/A	
SREP 25. Orchard Hills	N/A	
SREP 26. City West	N/A	
SREP 27. Wollondilly Regional Open Space	Repealed	
SREP 28. Parramatta	N/A	
SREP 29. Rhodes Peninsula	N/A	
SREP 30. St Marys	N/A	
SREP 31. Regional Parklands	Repealed	
SREP 33. Cooks Cove	N/A	
SREP 2005. Sydney Harbour Catchment	N/A	

Appendix F

Schedule of Section 117 Directions

**SCHEDULE OF SECTION 117 DIRECTIONS
WAHROONGA (NORTH) HERITAGE CONSERVATION AREA PLANNING PROPOSAL**

Ministerial Directions (s117)		
S117 Direction Title & Summary	Compliance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones A planning proposal shall encourage employment growth in suitable locations, protect employment lands and support the viability of “identified strategic centres”. A planning proposal shall retain the areas and locations of existing business and industrial zones. A planning proposal shall not reduce the total potential floor space area for employment uses and related public services in business zones. A planning proposal shall not reduce the total potential floor space area for industrial uses in industrial zones. A planning proposal shall ensure that proposed new employment areas are in accordance with an approved strategy.	N/A	
1.2 Rural Zones A planning proposal shall not rezone rural land for urban purposes, including residential, business or industrial purposes. A planning proposal shall not contain provisions which will increase the permissible density of rural zoned land. A planning proposal shall not include provisions that control access from traffic generating developments to classified roads in rural zones.	N/A	
1.3 Mining, Petroleum Production and Extractive Industries Council shall consult the Director-General of the Department of Primary Industries (DPI) to identify any resources of coal, petroleum and extractive materials of State or regional significance and existing mines or extractive industries occurring in the area subject to the	N/A	

draft LEP. Council shall seek advice from the Director-General of the DPI on the development potential of the identified resources. Council shall consider any likely conflict between the development of existing mines or extractive industries, or identified resources and other land uses. Where a planning proposal prohibits or restricts development of identified resources or is likely to conflict with other land uses, Council shall consult with the Director-General of the DPI concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.		
1.4 Oyster Aquaculture Council shall ensure the planning proposal is consistent with the <i>NSW Oyster Industry Sustainable Aquaculture Strategy (2006)</i>. Council shall identify any Priority Oyster Aquaculture Areas (POAA) and oyster aquaculture leases outside such an area to which the planning proposal would apply. Council shall identify any proposed land uses which could adversely impact on a POAA and oyster aquaculture leases outside such an area. Council shall consider any likely incompatibilities between oyster aquaculture and other land uses and evaluate ameliorative measures. Where a planning proposal could result in an impact on a POAA and oyster aquaculture leases outside such an area, Council shall consult the Director-General of the Department of Primary Industries (DPI) concerning the draft LEP and provide a copy of any comments received to the Director-General of the Department of Planning.	N/A	
2. Environment and Heritage		
2.1 Environmental Protection Zones A planning proposal shall include provisions that facilitate the protection and conservation of	N/A	

environmentally sensitive areas. A planning proposal that applies to environmental protection zoned land or land identified for environmental protection purposes shall not reduce the protection standards that apply to the land.		
2.2 Coastal Protection A planning proposal shall be consistent with the <i>NSW Coastal Policy: A Sustainable Future for the New South Wales Coast 1997</i>, the <i>Coastal Design Guidelines 2003</i> and the <i>NSW Coastline Management Manual 1990</i>.	N/A	
2.3 Heritage Conservation A planning proposal shall contain provisions to facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance. A planning proposal shall contain provisions that facilitate the conservation of areas, places, landscapes and objects identified of being of Aboriginal heritage significance.	Yes	The <i>Planning Proposal</i> retains the current provisions within the <i>HSLEP 1994</i> relating to the conservation of heritage significance. The draft Plan would ensure that that significant heritage values within the Shire are identified and conserved.
2.4 Recreation Vehicle Areas Planning proposals shall not zone or enable land to be developed for a recreational vehicle area where the land is in an Environmental Protection Zone, is a beach or dune, or in other areas unless the council has taken into consideration relevant guidelines listed in the Direction.	N/A	
3. Housing Infrastructure and Urban Development		
3.1 Residential Zones A planning proposal shall include housing provisions that broaden the choice of building types and housing locations, make more efficient use of existing infrastructure and services, reduce urban sprawl and be of good design. A planning proposal shall contain a requirement that residential development is not permitted until land is adequately services with water and sewerage. Planning proposals shall not contain provisions which reduce the permissible density on residential	Yes	The <i>Planning Proposal</i> retains the current density provisions of the <i>HSLEP 1994</i>. Accordingly, the Planning Proposal is not inconsistent with this direction.

zoned lands.		
3.2 Caravan Parks and Manufactured Home Estates Planning proposals shall retain existing zones of land or utilise an appropriate zone under the standard Instrument to permit caravan parks in LEPs When preparing planning proposals, Council shall consider the categories of land and principles in SEPP No. 36 to determine suitable zones, locations and provisions for Manufactured Home Estates.	N/A	
3.3 Home Occupations Planning proposals shall permit home occupations to be carried out in dwelling houses without the need for development consent.	N/A	
3.4 Integrating Land Use and Transport A planning proposal shall locate zones for urban purposes in areas in accordance with the identified guidelines and policies to reduce travel demand, including the number of trips generated by development and the distances travelled.	N/A	
3.4 Development Near Licensed Aerodromes For a planning proposal affecting land in the vicinity of a licensed aerodrome, the Council shall consult with the Department of Commonwealth responsible for aerodromes and the lessee of the aerodrome. A draft LEP shall take into consideration the Obstacle Limitation Surface (OLS) and for land affected by the OLS permit development compatible with the operation of an aerodrome and prepare appropriate development standards. A planning proposal shall not rezone land for certain purposes listed in the direction where the Australian Noise Exposure Forecast (ANEF) exceeds the levels specified in the direction. Draft LEPs which rezone lands for such purposes shall include a provision regarding interior noise levels.	N/A	
4. Hazard and Risk		
4.1 Acid Sulfate Soils Council shall consider the <i>Acid</i>	N/A	

<i>Sulfate Soils Planning Guidelines</i> adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Risk Maps prepared by the Department of Natural Resources. Planning proposals that regulate works in acid sulfate soils shall be consistent with the Acid Sulfate Soils Model LEP or such other provisions provided by the Director-General of the Department of Planning. Council shall not prepare a planning proposal that intensifies land uses on land having a probability of containing acid sulfate soils unless an acid sulfate soils study has been considered		
4.2 Mine Subsidence and Unstable Land Where the land is subject to mine subsidence, council shall consult the Mine Subsidence Board to ascertain if the Board has any objection to the Plan and the appropriateness of the development for the potential level of subsidence. A planning proposal shall not permit development on unstable land.	N/A	
4.3 Flood Prone Land A planning proposal shall include provisions that give effect to the <i>NSW Flood Prone Land Policy</i> and are consistent with the <i>Floodplain Development Manual 2005</i>. A draft LEP shall not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone. A planning proposal shall not permit development in floodway areas, permit development that will significantly impact on other properties, permit a significant increase in development, result in a substantial increase in the need for government spending on flood mitigation, permit specified development without the need for consent. A planning proposal shall not impose flood related development	N/A	

controls above the flood planning level for residential development. In preparing a planning proposal, Council shall not determine a flood level inconsistent with the Floodplain Development Manual 2005.		
4.4 Planning for Bushfire Protection Council shall consult with the Commissioner of the NSW Rural Fire Service in the preparation of any planning proposal following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made. A planning proposal shall have regard to Planning for Bushfire Protection 2006, avoid permitting inappropriate development in hazardous areas and ensure that hazard reduction is not prohibited in the asset protection zone (APZ). A planning proposal, where development is proposed, shall comply with specified provisions to minimise bushfire hazard risk, as appropriate.	N/A	This <i>Planning Proposal</i> does not apply to any bushfire prone land.
5. Regional Planning		
5.1 Implementation of Regional Strategies A planning proposal shall be consistent with a regional strategy released by the Minister for Planning.	Yes	The <i>Planning Proposal</i> is consistent with the objectives of the <i>Sydney Metropolitan Strategy</i> and <i>draft North Subregional Strategy</i>. In particular the <i>Planning Proposal</i> is consistent with the following directions: <i>E 6.1.2 Where heritage studies are out of date councils will be encouraged to update them as part of the preparation of their principal LEPs, including an update of heritage schedules. New heritage items included on these schedules should have statements of significance that describe the heritage significance of each item.</i> The <i>Planning Proposal</i> seeks to progress Council's most recent review of the proposed Wahroonga (North) Heritage Conservation Area. <i>E 6.2 Recognise where Sydney's cultural heritage contributes to its unique character and quality and manage change appropriately to reinforce local distinctiveness.</i> The <i>Planning Proposal</i> recognises the unique features of the proposed Wahroonga (North) Heritage Conservation Area.
5.2 Sydney Drinking Water Catchments	N/A	

A planning proposal shall be prepared in accordance with the general principle that water quality within the hydrological catchment must be protected and in accordance with specified principles. When preparing a planning proposal that applies to land within a hydrological catchment, Council, shall consider any strategic land and water capability assessment, or a settlement or rural residential strategy, consult the Sydney Catchment Authority (SCA) under Section 62 of the EP&A Act and zone SCA land in accordance with the specified zones from the Standard Instrument.		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast A planning proposal shall not rezone land identified as "State Significant Farmland", "Regionally Significant Farmland" or "Significant non-contiguous farmland" for urban or rural residential purposes.	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast A planning proposal that applies to land "within town" shall provide that new commercial or retail development shall be concentrated within distinct centres rather than spread along the Pacific Highway. A draft LEP that applies to land "out of town" shall provide that new commercial or retail development shall not be established near the Pacific Highway. Development with frontage to the Pacific Highway shall consider the impact the development has on the safety and efficiency of the Highway. A planning proposal shall permit a highway service centre beside the Pacific Highway where they are located close to the town bypassed, the local economy is considered and there is adequate separation from other service centres. A planning proposal shall limit the uses permitted in highway service centres to those specified in the Direction.	N/A	

5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)) Council shall not prepare a planning proposal that is inconsistent with relevant agreements and strategies that apply to the area.	N/A	
5.6 Sydney to Canberra Corridor A planning proposal shall include provisions that give effect to, and are consistent with, the publication entitled <i>The Sydney to Canberra Corridor Strategy 1995</i>.	N/A	
5.7 Central Coast A planning proposal shall be consistent with the Gosford-Wyong Structure Plan except as amended by the Sydney Regional Environmental Plan No. 6 – Gosford Coastal Areas.	N/A	
5.8 Sydney Second Airport: Badgerys Creek Planning proposals shall not contain provisions that enable development which could hinder the potential for development of a Second Sydney Airport.	N/A	
6. Local Plan Making		
6.1 Approval and Referral Requirements A planning proposal shall minimise provisions requiring concurrence, consultation or referral of development applications to a Minister or public authority. A planning proposal shall not identify development as designated development unless Council can satisfy the Director-General that such is warranted.	N/A	
6.2 Reserving Land for Public Purposes A planning proposal shall not create, alter or reduce existing reservations or zonings of land for public open space without the approval of the relevant public authority and the Director General. When a Minister or public authority requests a Council to reserve land for a public purpose, include provisions relating to the use of land reserved for a public purpose, rezone and/or remove a reservation, the council shall accede to the request.	N/A	

6.3 Site Specific Provisions A planning proposal that amends another LEP to allow a particular development to be carried out shall either: * allow that land use to be carried out in the zone; or * rezone the site to an existing zone without imposing any additional development standards or requirements applying to that zone; or * allow that land use on the land without imposing any development standards in addition to those already contained in the principal LEP being amended.	N/A	
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Strategy A planning proposal shall be consistent with the NSW Government's Metropolitan Strategy: City of Cities, A Plan for Sydney's Future, published in December 2005 ("the Metropolitan Strategy")	Yes	The <i>Planning Proposal</i> is consistent with the <i>Metropolitan Strategy</i>. The <i>Proposal</i> assists in fulfilling one of the aims of the <i>Strategy</i> by enhancing the liveability of the Shire through conservation of the Shires heritage resources and the quality of the environment, assisting to create attractive streetscapes and providing an appealing place to live. The <i>Planning Proposal</i> does not include land identified within the <i>Hornsby Shire Housing Strategy</i> which provides opportunities for new dwellings to assist in achieving Council's dwelling target under the <i>Metropolitan Strategy</i>.

Appendix G

Consultation Strategy

Consultation Strategy

The *Planning Proposal* will be exhibited for the minimum period set out in the gateway determination.

Public Authorities

Notification letters and a copy of the Planning Proposal will be sent to relevant public authorities.

Advertisement in local newspapers

An advertisement will be placed in the Hornsby Advocate. The advertisement will identify the purpose of the Planning Proposal and where the Planning Proposal can be viewed.

Advertisement on the Council website

The Planning Proposal will be exhibited on the Council website (www.hornsby.nsw.gov.au) under On Exhibition – Town Planning. Council's libraries have access to the website.

Letters to affected property owners

A letter will be sent to affected property owners advising of the exhibition of the Proposal and inviting submissions.

Letters to community and industry groups

A letter will be sent to Hornsby Shire Historical Society advising of the exhibition of the Proposal and inviting submissions.

Displays at the Council Administration Building and local libraries

The Planning Proposal will be displayed at the Council Administration Centre, 296 Pacific Highway, Hornsby and Hornsby Library.

Review of Consultation Strategy

Where submissions warrant, the consultation strategy may be reviewed to extend the exhibition period and/or the methods of consultation. This may occur where a submission provides reasonable justification for a request for an extension to the exhibition period or where Council is of the opinion an amendment to the consultation strategy would facilitate greater feedback on the draft Plan.

Following the exhibition period, a report on submissions will be presented to Council for its consideration.