



# **Ku-ring-gai Council**

## **PLANNING PROPOSAL**

### **Include additional heritage conservation areas in KLEP 2015 and KLEP (Local Centres) 2012**

**October 2018**

Updated as per Council resolutions of 12 June 2018, 26 June 2018, 25 September 2018 and 16 October 2018.



## Contents

|   |    |
|---|----|
| INTRODUCTION .....                                      | 1  |
| PART 1 – OBJECTIVE AND INTENDED OUTCOMES .....          | 23 |
| PART 2 – EXPLANATION OF PROVISIONS .....                | 24 |
| PART 3 - JUSTIFICATION .....                            | 26 |
| A.    Need for the planning proposal.....               | 26 |
| B.    Relationship to strategic planning framework..... | 26 |
| C.    Environmental, social and economic impact .....   | 32 |
| D.    State and Commonwealth interests .....            | 32 |
| PART 4 - MAPPING .....                                  | 34 |
| PART 5 – COMMUNITY CONSULTATION .....                   | 41 |
| PART 6 – PROJECT TIMELINE .....                         | 42 |

APPENDIX A – Hillview HCA Inventory Sheet

APPENDIX B – Mona Vale Road HCA Inventory Sheet

APPENDIX C – Telegraph Road Inventory Sheet

APPENDIX D – Athol HCA Inventory Sheet

APPENDIX E – Pymble Heights HCA Inventory Sheet

APPENDIX F – Pymble Avenue HCA Inventory Sheet

APPENDIX G – Council Report 6<sup>th</sup> December 2016

APPENDIX H – Council Resolution 6<sup>th</sup> December 2016

APPENDIX I – Submission Summary Table HCA Review 2014

APPENDIX J – Submission Summary Table East and West Pymble 2015

APPENDIX K – Comment from Heritage Division, Office of Environment and Heritage

APPENDIX L – Gateway determination and gateway extension

---

APPENDIX M – Council reports considering submissions (8 May 2018, 12 June 2018, 26 June 2018, 14 August 2018, 28 August 2018, 25 September 2018 and 16 October 2018)

APPENDIX N – All recommendations and resolutions for the planning proposal post public exhibition

APPENDIX O – Final adopted resolutions pertaining to the planning proposal

## INTRODUCTION

This planning proposal contains justification for proposed amendments to Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) and Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (Local Centres) 2012), and the corresponding Heritage Maps to include additional heritage conservation areas in Pymble and Turramurra.

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning and Environment's "A Guide to Preparing Planning Proposals" (August 2016).

Due to the substantial changes that have been made to this planning proposal post public exhibition, and the added complexity and conflicting issues surrounding the multiple HCAs, Council returns its delegation to the Department to finalise the planning proposal.

### Background

On 26 November 2013 Council resolved to place fourteen (14) potential Heritage Conservation Areas on non-statutory exhibition. The study commissioned by Ku-ring-gai Council was a peer review of the areas reviewed by *Paul Davies Pty Ltd* in 2010. The study was undertaken by Heritage Consultants *Sue Jackson-Stepowski Pty Ltd*, *Carste Studios* and *John Oultram Heritage and Design*. These HCA review studies were exhibited from 7 March 2014 to 7 April 2014. The summary of submissions received for this exhibition is included in **Appendix I**.

On 26 November 2013, members from the Pymble community addressed Council regarding the heritage significance of Pymble. Council resolved to seek quotations from a heritage consultant to undertake a further heritage review of Pymble. *Perumal Murphy Alessi Pty Ltd* were engaged to undertake this review. On 26 May 2015 Council resolved to place this review of Pymble East and West HCAs on exhibition. These were exhibited for a non-statutory period from 5 June 2015 to 3 July 2015. The summary of submissions received for this exhibition is included in **Appendix J**.

A recent inspection of the proposed areas found that several properties have been demolished since the field work for the heritage studies was undertaken. The mapping has been amended to change the rating of the demolished properties from contributory to neutral. In addition where a submission has claimed the contribution rating of a property is wrong and further research supports this claim the rating has been changed.

On 6<sup>th</sup> December 2016 Council adopted the resolution to prepare a Planning Proposal to amend Schedule 5 of KLEP 2015 and KLEP (Local Centres) 2012 to include additional heritage conservation areas. A copy of the Resolution is included at **Appendix H**.

This planning proposal includes amendments from the resolutions adopted by Council on 12 June 2018, 26 June 2018, 25 September 2018 and 16 October 2018 which:

- 1). Removed the proposed: Gilroy Road Conservation Area, Lanosa Conservation Area, extension to the Fernwalk Conservation Area, extension to the Mahratta Conservation Area, and extension to the Orinoco Conservation Area
- 2). Amended the boundaries of the proposed: Athol Conservation Area, Mona Vale Road Conservation Area and West Pymble Conservation Area (now an extension to the existing Pymble Avenue Conservation Area) and
- 3). Adopted as publicly exhibited: Telegraph Road Conservation Area and extension to the Hillview Conservation Area.

A copy of the relevant Council reports can be found at **Attachment M**, a copy of all recommendations and resolutions at **Attachment N** and of all final decisions and their corresponding adopted resolutions at **Attachment O**.

There are six (6) proposed heritage conservation areas, three (3) of which were extensions to existing heritage conservation areas, as outlined below.

#### Heritage Conservation Area Descriptions

| Type (new/extension) | Proposed Name                    | Proposed Number       | LEP                                     |
|----------------------|----------------------------------|-----------------------|---|
| New                  | Athol Conservation Area          | C46                   | KLEP (Local Centres) 2012               |
| Extension            | Hillview Conservation Area       | C40 extension         | KLEP (Local Centres) 2012               |
| New                  | Mona Vale Road Conservation Area | C43                   | KLEP 2015                               |
| Extension            | Pymble Avenue Conservation Area  | C11 extension         | KLEP 2015                               |
| Extension            | Pymble Heights Conservation Area | C8A and C8B extension | KLEP 2015 and KLEP (Local Centres) 2012 |
| New                  | Telegraph Road Conservation Area | C44                   | KLEP 2015                               |

**Hillview Conservation Area (C40 extension)**

Hillview Conservation Area as defined by Image 1, is bounded to the north by the Pacific Highway, to the west by Kissing Point Road, to the south by Boyd Street and to the east by the North Shore Railway Line. The proposed extension to the Hillview Conservation Area is to the west of the existing Conservation Area and bounded by Kissing Point Road and the Pacific Highway. The inventory sheet for the Hillview HCA is at **Attachment A**.



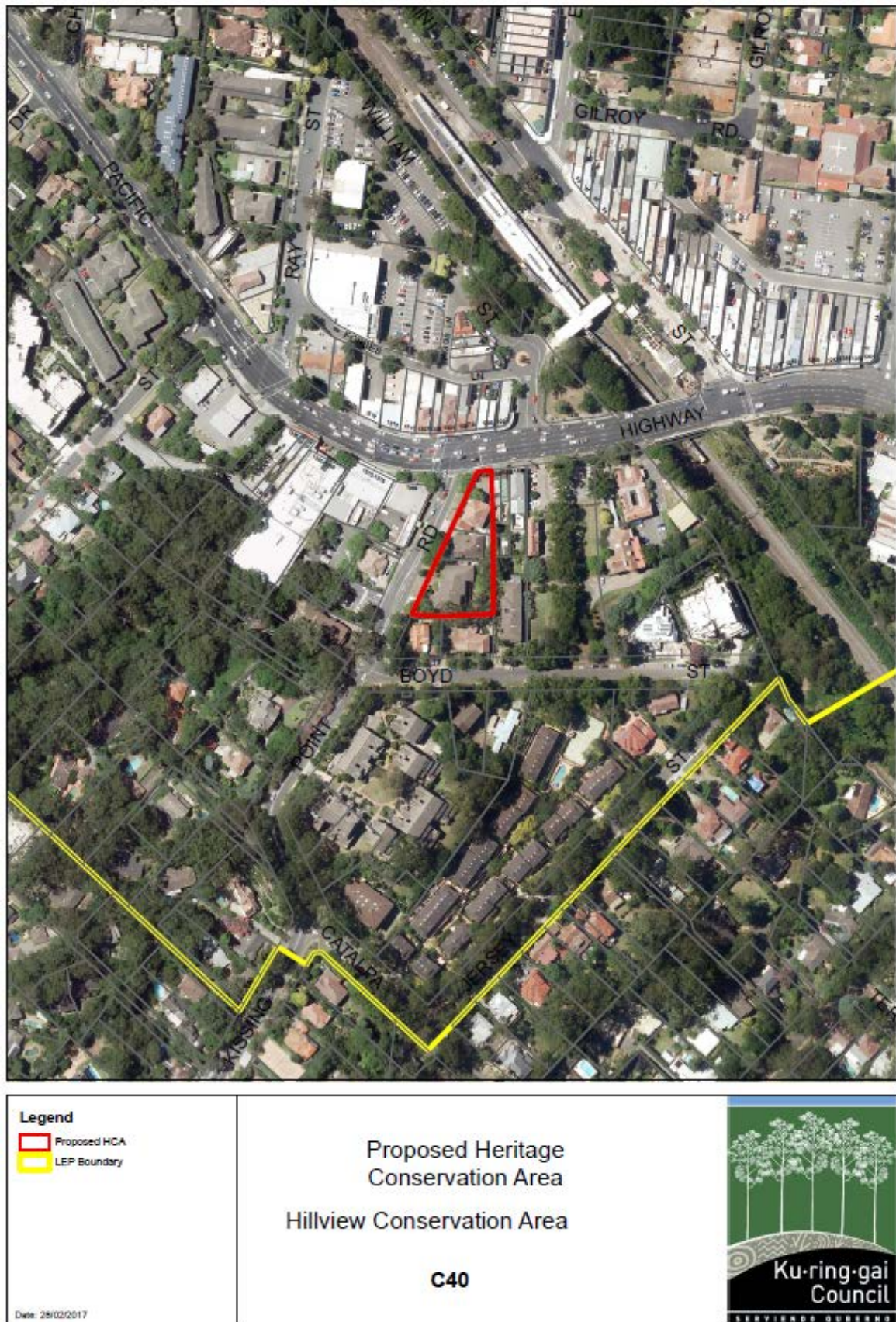


Image 1: Aerial Photo - Proposed boundary Hillview Conservation Area C40



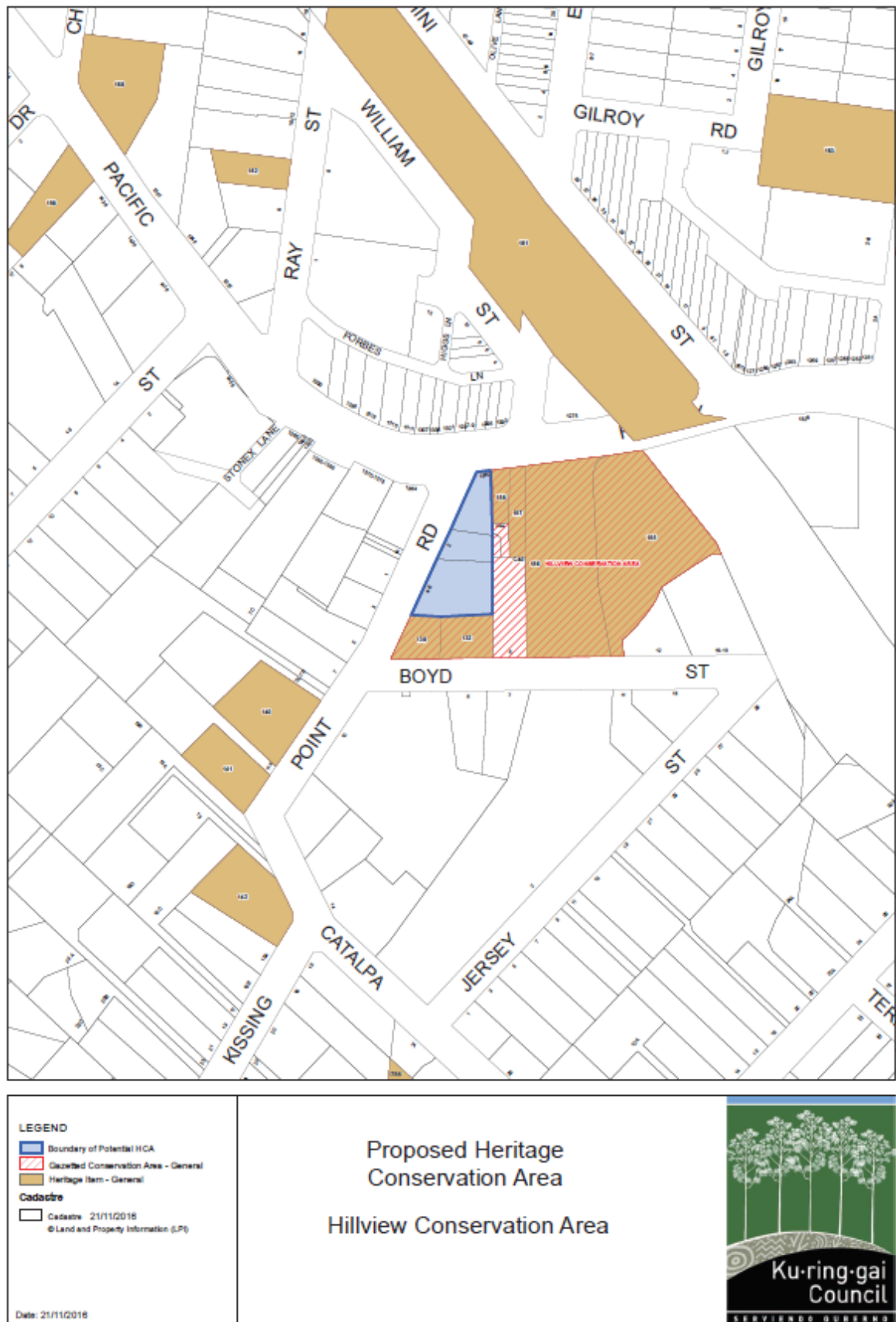


Image 2: Proposed boundary Hillview Conservation Area

The review undertaken by Heritage Consultant *Sue Jackson-Stepowski Pty Ltd* found:

*The whole of the Hillview Conservation Area is significant within Ku-ring-gai as a precinct that displays values such as a mature landscape setting, varied topography that creates vistas and distant views framed by trees and a predominant built form that contributes in scale and form to the streetscape.*

*The Hillview Heritage Conservation Area displays a layering of history of the North Shore. The precinct is an historical record of the growth of the North Shore, its attractiveness as a retreat from the inner city of Sydney and the building of the Railway which encouraged this growth. The current subdivision pattern of Hillview and surrounding properties display the continued investment by smaller business owners and wealthy businessmen.*

*The buildings within Hillview are significant examples of Federation style architecture from the earlier Queen Anne Federation style with elaborate and decorative details to the simpler garage building. The dominant siting of Hillview for display and to experience panoramic views enhances the architectural significance of these buildings. The mature trees and garden setting that is partially retained today also contributes to the setting and aesthetic significance of the Hillview complex.*

#### **Mona Vale Road Conservation Area (C43)**

The Mona Vale Road Conservation Area as defined in Image 3, is on the eastern side of Mona Vale Road from 55a to 117 Mona Vale Road, and the west side of Mona Vale Road 98 to 102 Mona Vale Road. The inventory sheet for the Mona Vale Road HCA is at **Attachment B**.

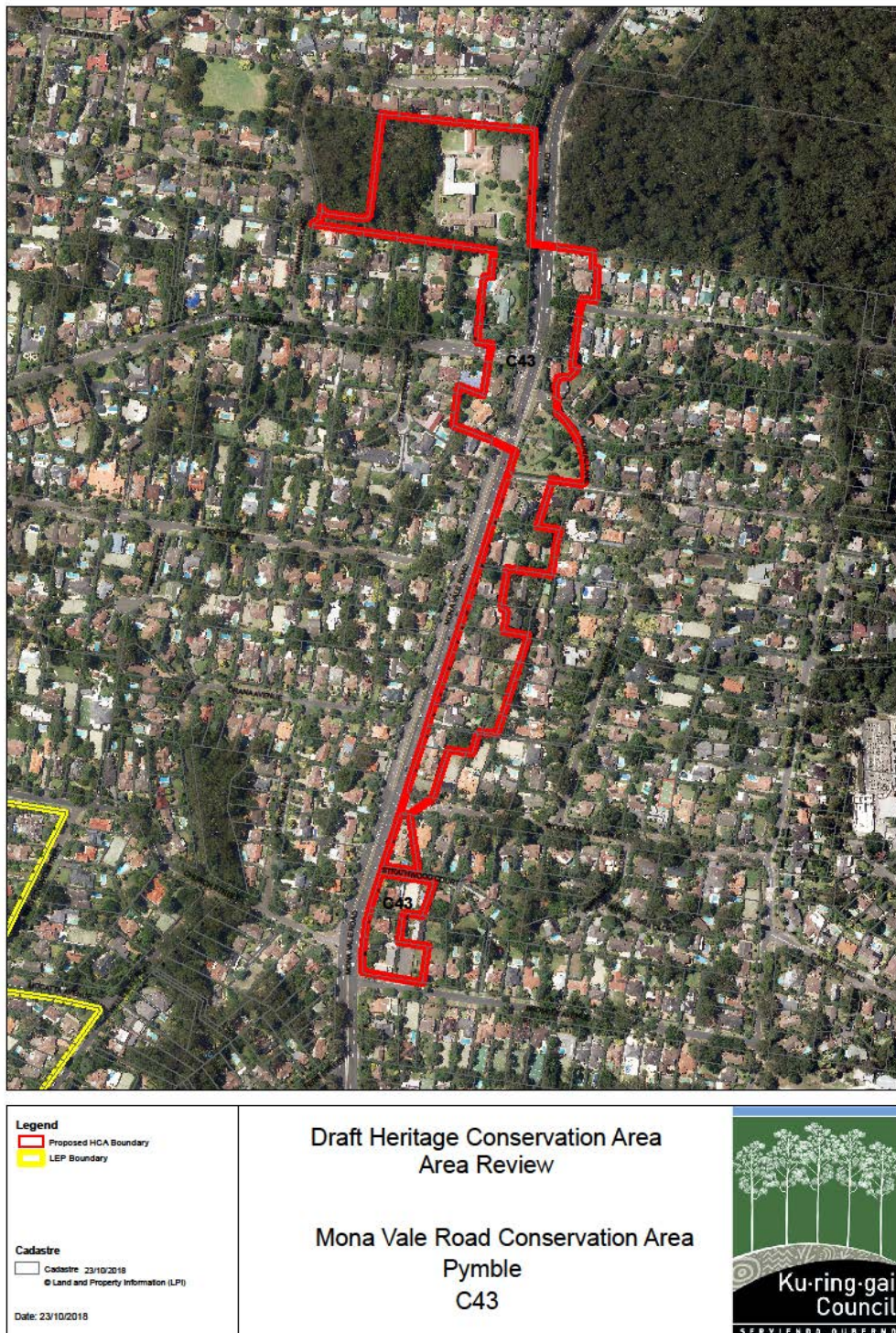


Image 3: Aerial Photo - Proposed boundary Mona Vale Road Conservation Area C43



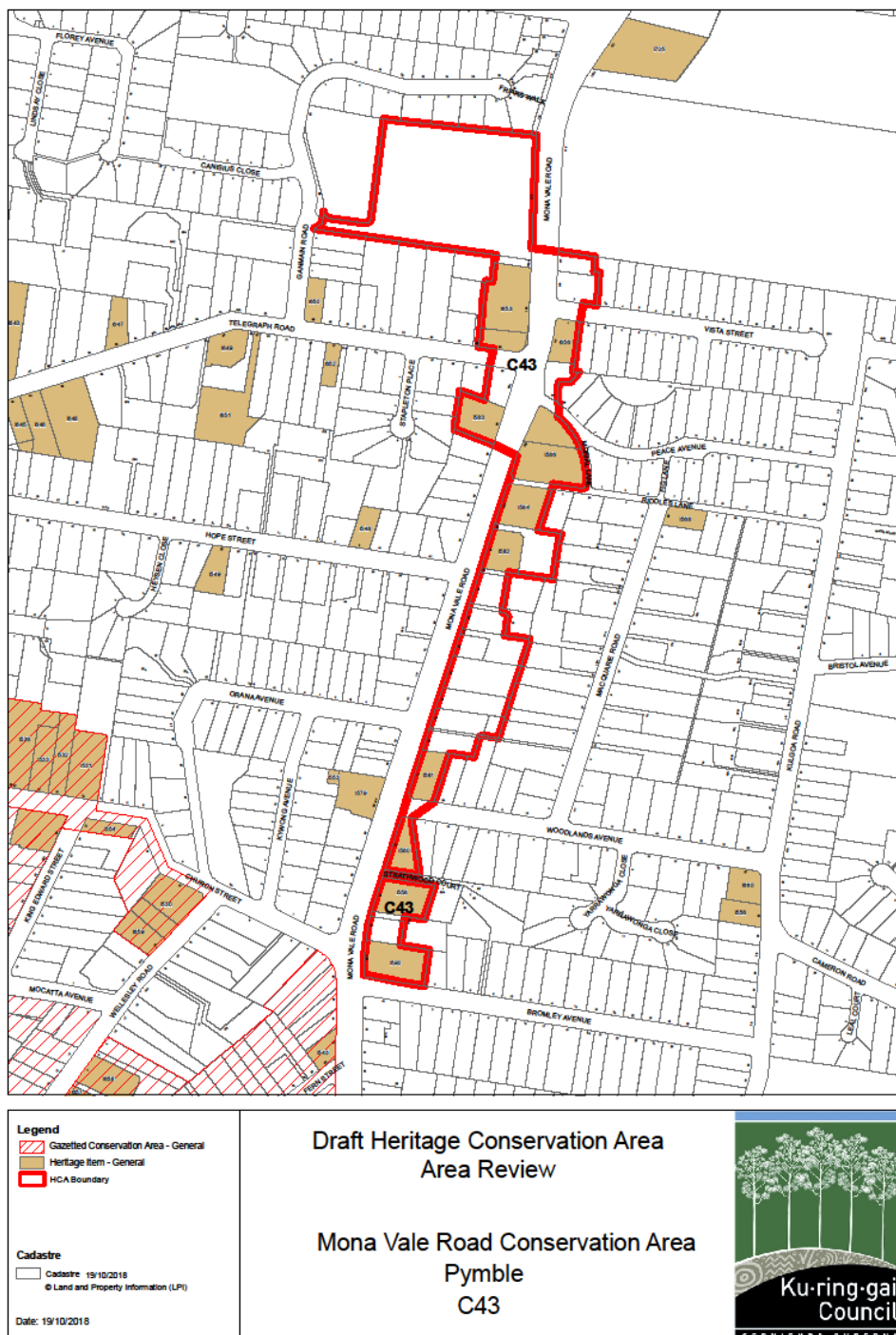


Image 4: Proposed boundary Mona Vale Road Conservation Area

The reports conducted by Heritage Consultants *Sue Jackson-Stepowski Pty Ltd* and *Perumal Murphy Alessi* outlines:

*The Mona Vale Road Conservation Area records the historical layer of subdivision of rural land used for orchards for the development of suburbs of Ku-ring-gai. The houses in the area were built predominantly in the early 1900s through to the immediate post war, which provides a consistency*

*of style, scale and materials. The setbacks from the street and between neighbouring houses allow for mature gardens and trees which creates a consistent suburban context that typifies Ku-ring-gai's suburbs. These elements in combination with street trees, a high tree canopy and the relief and backdrop of mature eucalypts provide a picturesque setting.*

#### **Telegraph Road Conservation Area (C44)**

The proposed Conservation Area as defined in Image 5, extends along Telegraph Road, Pymble, with the existing Park Estate Conservation Area (C7) to the south of the proposed area. The inventory sheet for the Telegraph Road HCA is at **Attachment C**.

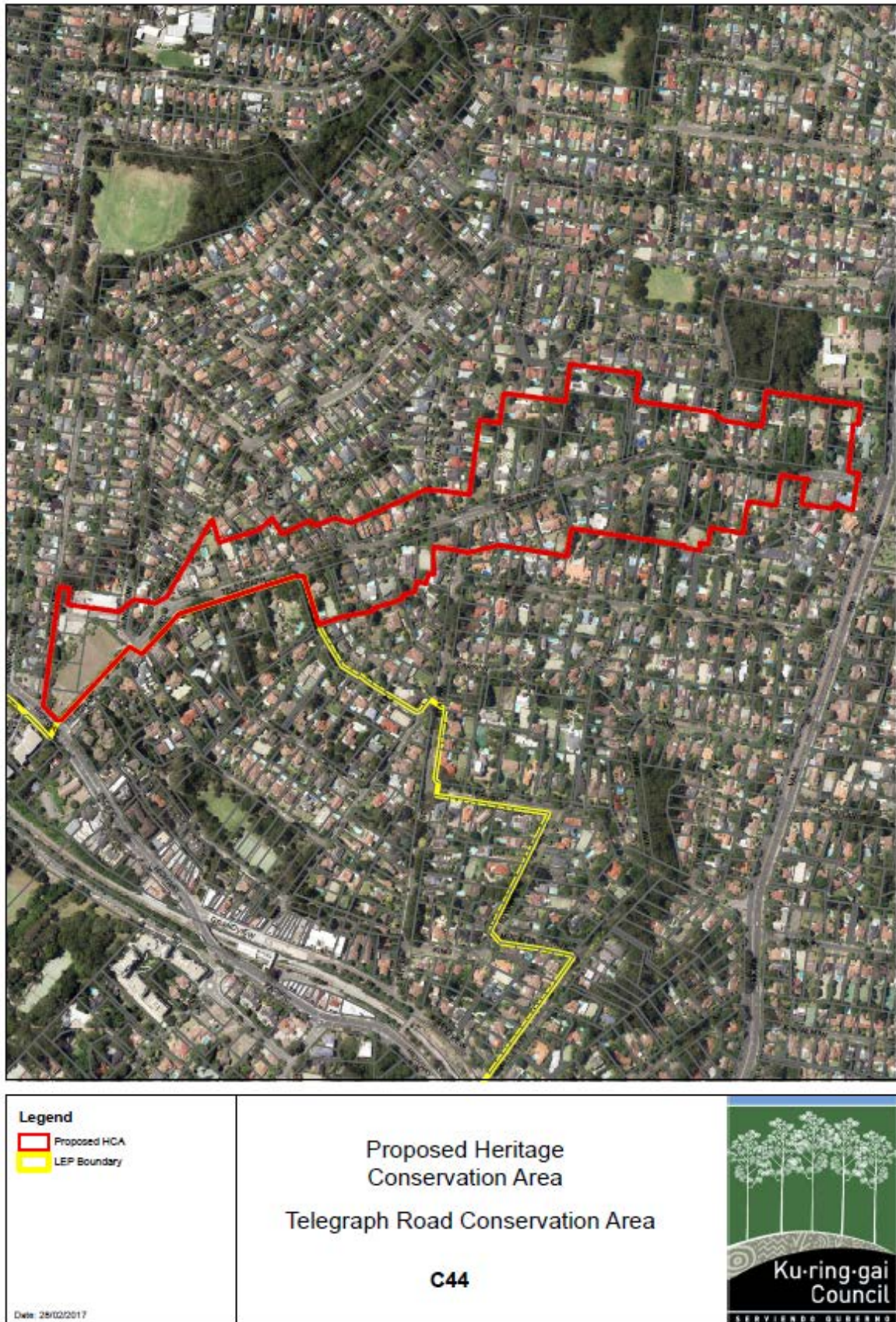


Image 5: Aerial Photo - Proposed boundary Telegraph Road Conservation Area C44



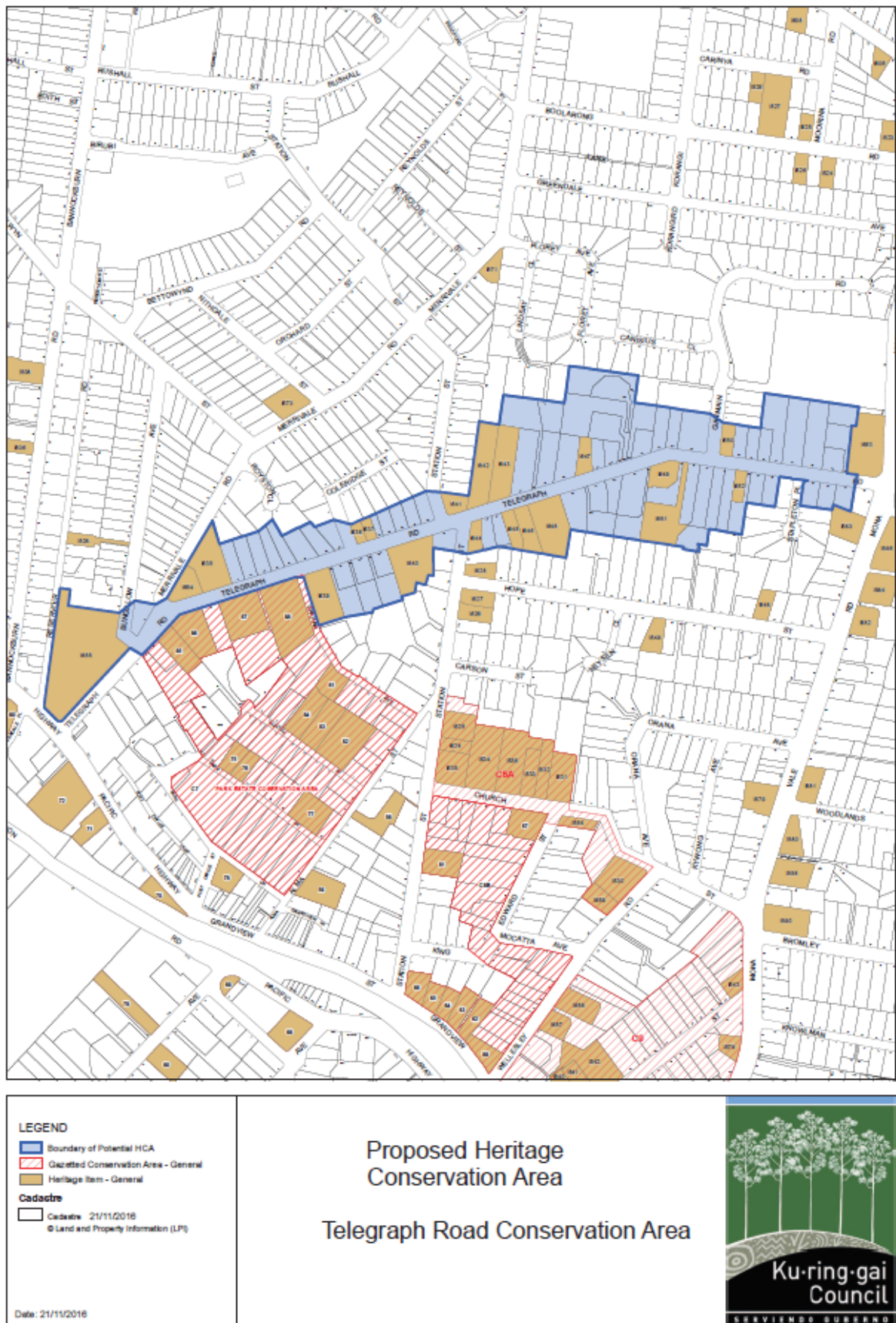


Image 6: Proposed boundary Telegraph Road Conservation Area

The review conducted by Heritage Consultant *Sue Jackson-Stepowski Pty Ltd* found:

*Telegraph Road is well layered with buildings dating from the 1890s through to the present with a good representation of pre 1943 residences. The materiality of buildings and their landscaped areas and fences (sandstone, timber and brickwork) generally reflect the natural materials and colour and texture of the area and so relate strongly to the character of the place. The landscaped setting and the soft street edge, even given some of the high fences along the street, still reveal a strong relationship between houses and their garden setting. The planting is ordered and provides a parklike setting in many instances*

*Telegraph Road has an ability to demonstrate the economic shifts over time with waves of subdivision and then further subdivision being clearly reflected in the building styles of later interventions. There are modest cottages interspersed with grander homes, possibly a reflection of economic circumstance and opportunity, but also represents a socio economic mix. This is particularly found on the northern side of Telegraph Road.*



**Athol Conservation Area (C46)**

The proposed Athol Conservation Area, as defined in Image 7, is from 3-27 Alma Street Pymble. The inventory sheet for the Athol HCA is at **Attachment D**.

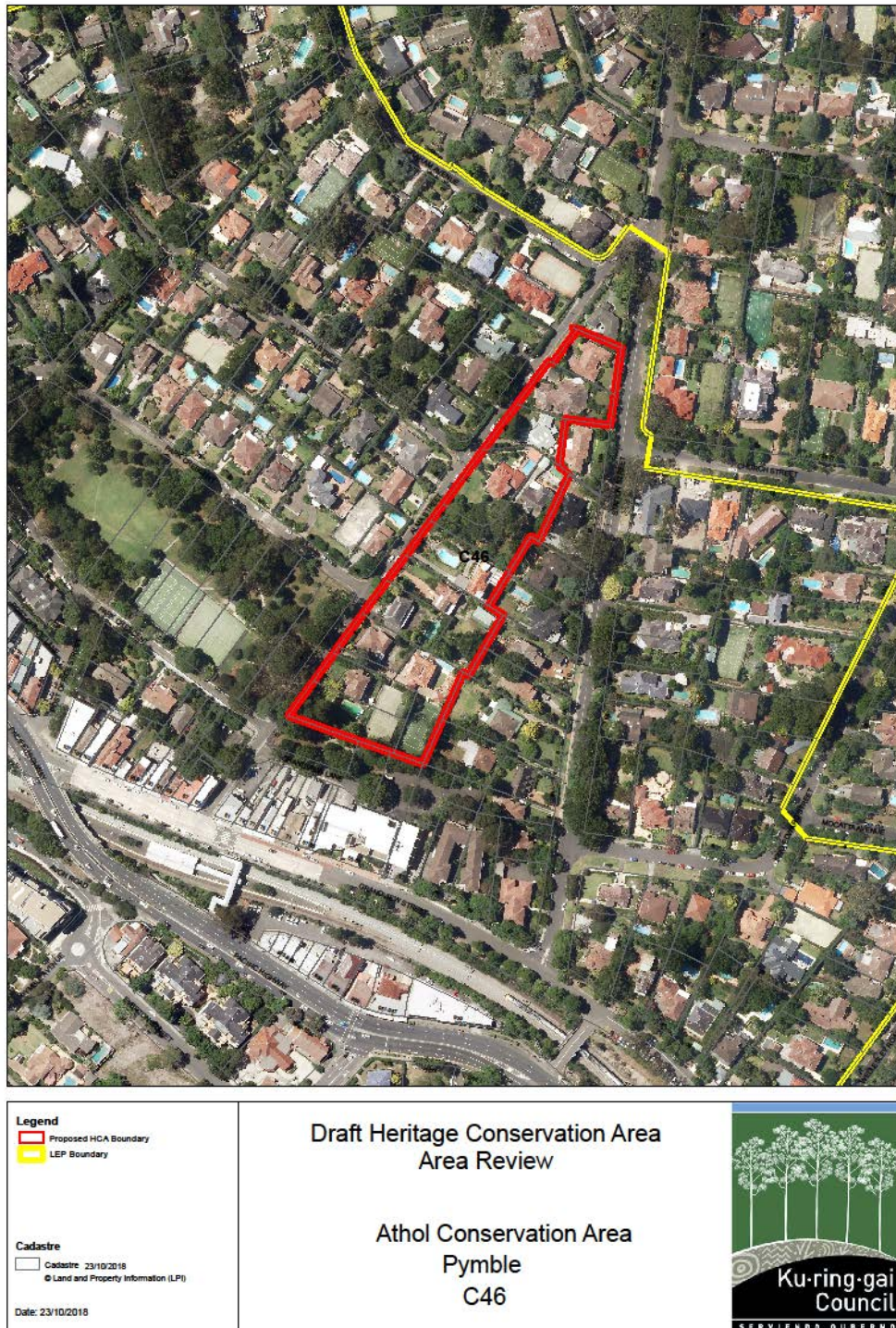


Image 7: Aerial Photo - Proposed boundary Athol Conservation Area C46



Image 8: Proposed boundary Athol Conservation Area

The revised assessment based upon the review undertaken by Perumal Murphy Alessi found:

*The Athol Conservation Area is of local historic and aesthetic significance retaining a streetscape of quality and mostly intact, representative examples of single detached houses from the Federation, Inter-war and Post War periods. Residential construction in this area followed the late 19th and early 20th century subdivisions and establishment of the North Shore Railway line in*

*1890. The street alignment and subdivision patterns significantly reflect the early boundary lines of land grants and estate subdivisions. The land is associated with the original land grant owner Robert Pymble and later owner, orchardist, Robert McIntosh.*

*The heritage listed Athol (formerly known as Marlboon) was built in c.1899 for Benjamin Richards. The subdivision of the Athol residence and grounds in 1941 is reflected in much of the current pattern of subdivision. The built context is enhanced by the natural topography, street proportions, established trees and individual garden settings which greatly contribute to the visual and aesthetic character of the area.*

**Pymble Heights Conservation Area (C8A and C8B extension)**

The proposed extension to the Pymble Heights Conservation Area as defined in Images 9 and 10, is bounded by Edward Street, Mocatta Avenue and Wellesley Avenue. The inventory sheet for the Pymble Heights HCA is at **Attachment E**.



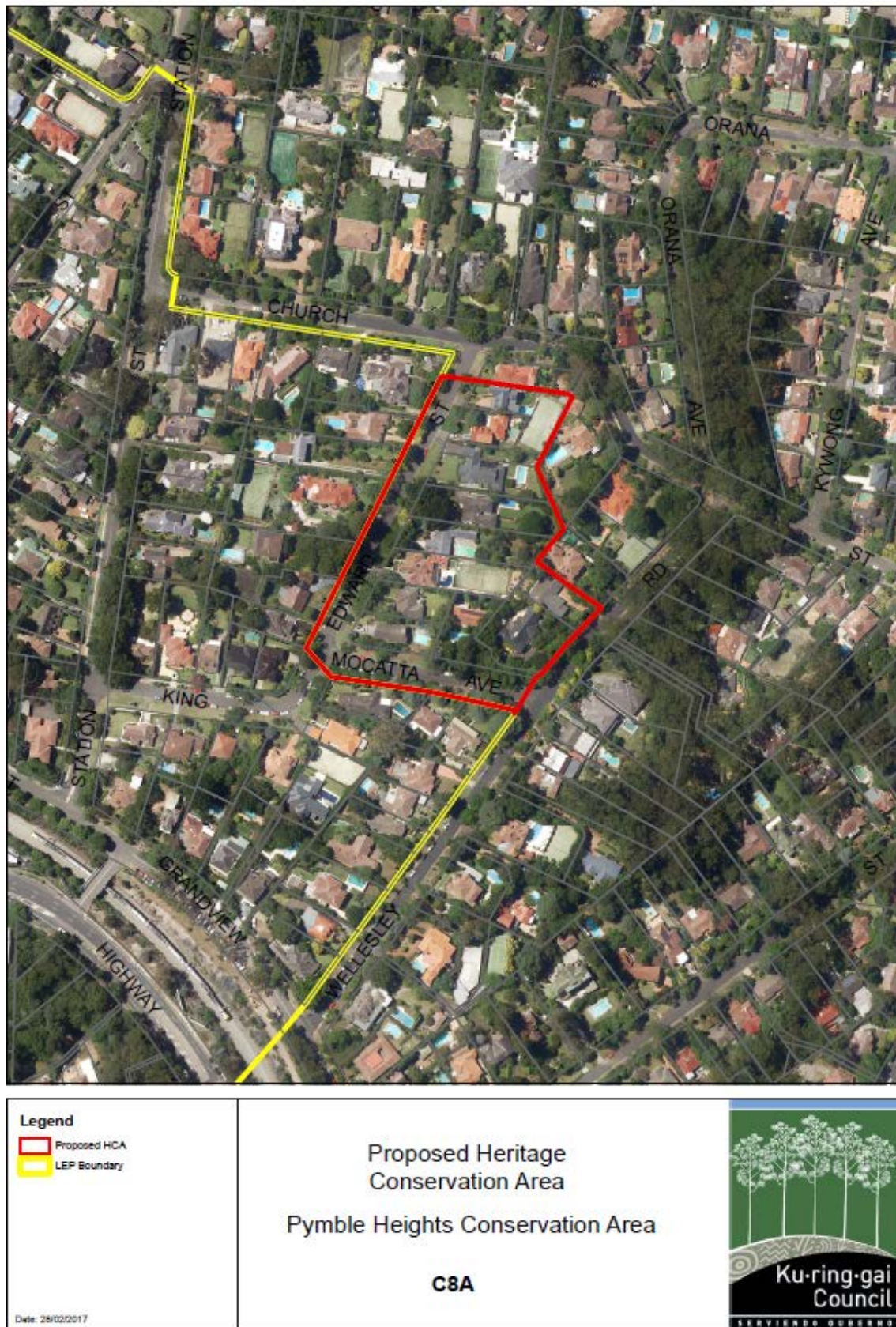


Image 9: Aerial Photo - Proposed boundary Pymble Heights Conservation Area C8A





Image 10: Aerial Photo - Proposed boundary Pymble Heights Conservation Area C8B



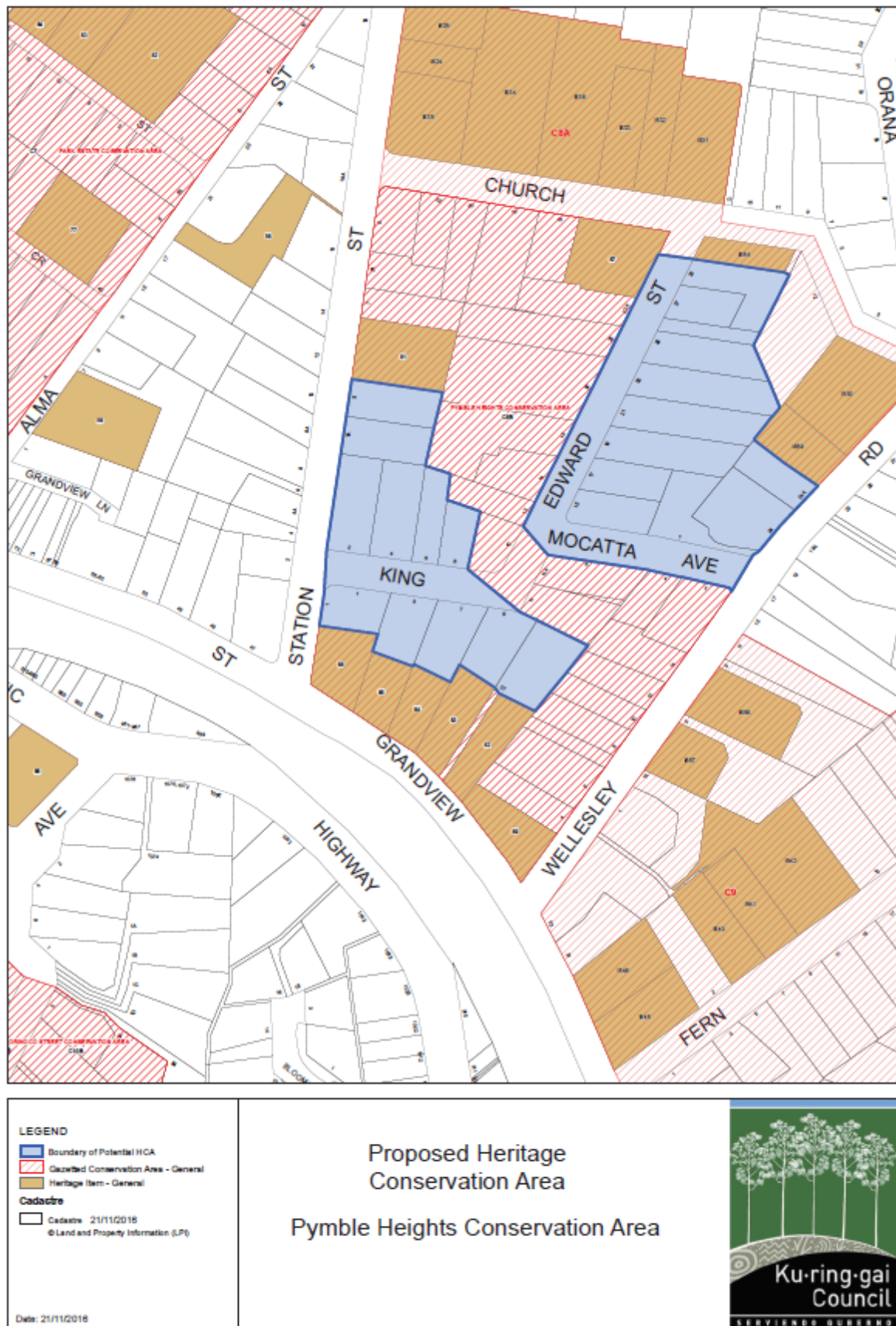


Image 11: Proposed boundary Pymble Heights Conservation Area

The study conducted by Heritage Consultant Perumal Murphy Alessi found:

*The conservation area demonstrates a largely intact portion of the 1892 Pymble Heights Estate subdivision, encompassing 18 listed heritage items, with particularly intact Victorian, Federation and Inter-war period housing. The HCA is of aesthetic significance for its fine groups of Victorian, Federation period and Inter war period houses, outstanding groups including the group of heritage items at Nos. 35-45 Grandview Street and 2 Wellesley Road (corner of Grandview Street) which illustrate the transition from Victorian to Federation period architectural styles; and the group of heritage items at 19-33 Church Street, an impressive group of high quality houses built from the 1890s on a ridge top affording district views: these Church Street houses were particularly prominent in historic photos c. 1900 taken from Grandview or King Edward Streets looking north.*

*The Pymble Heights heritage conservation area is of historical significance as it represents the high quality housing development for wealthy families which followed closely on the opening of Pymble railway station on 1 January 1890. Both Hoffbank at 33 Church Street and Kiewa at 29 Church Street, were constructed for the wealthy woolbroker Duncan Carson.*



### Pymble Avenue Conservation Area (C11 extension)

The Pymble Avenue HCA extension is as defined in Image 12, includes 65-77B Pymble Avenue (including the access handle only to 67 Pymble Avenue). The inventory sheet for the Pymble Avenue HCA is at **Attachment F**.




|   |   |   |
|---|---|---|
| <p><b>Legend</b></p> <p>Proposed HCA Boundary<br/>LEP Boundary</p> <p><b>Cadastral</b></p> <p>Cadastral: 23/10/2018<br/>© Land and Property Information (LPI)</p> <p>Date: 23/10/2018</p> | <p><b>Draft Heritage Conservation Area<br/>Area Review</b></p> <p><b>Pymble Avenue Conservation Area<br/>Pymble<br/>C11</b></p> |  |
|---|---|---|

Image 12: Aerial Photo - Proposed boundary Pymble Avenue Conservation Area C11

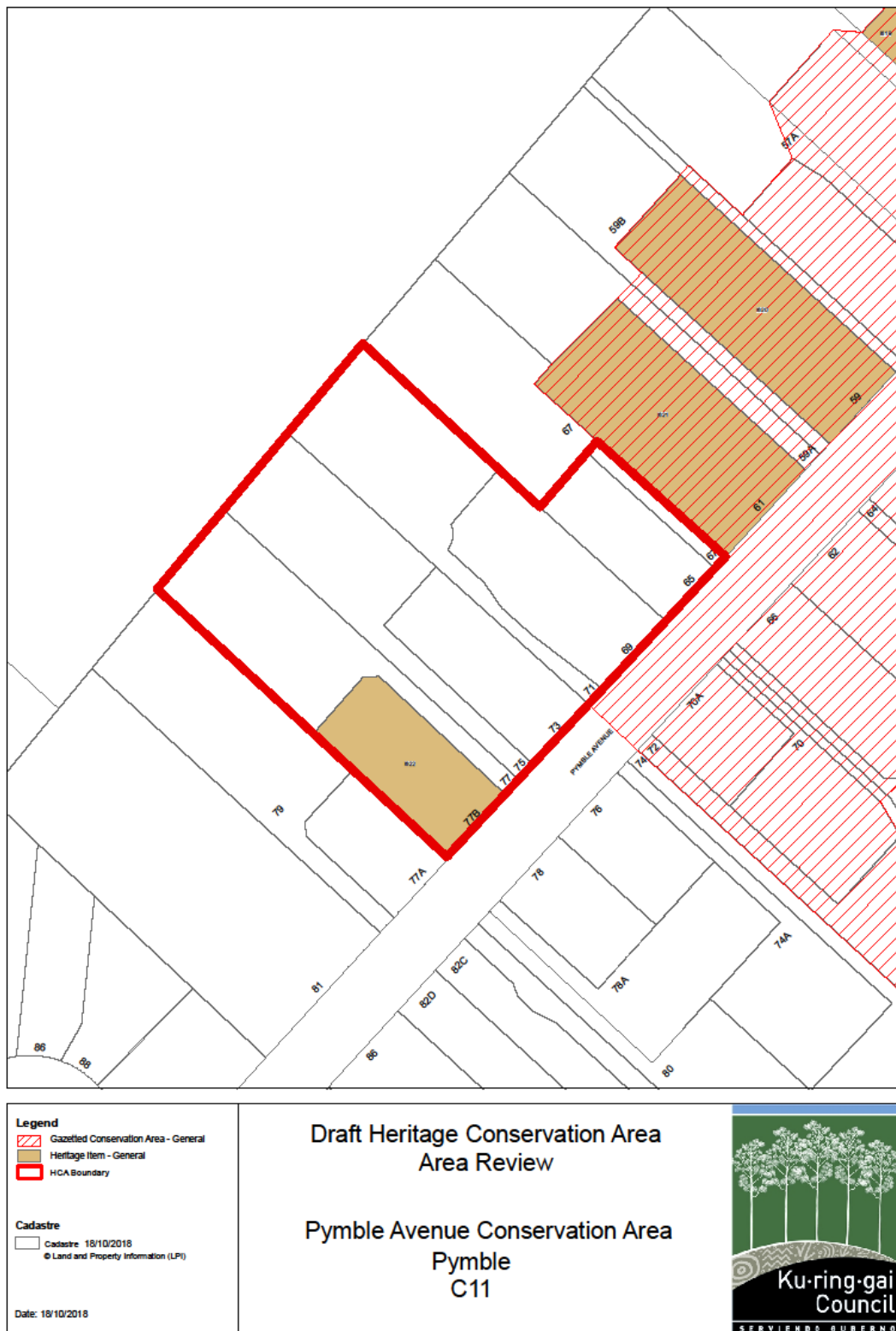


Image 13: Proposed boundary Pymble Avenue Conservation Area (C11)

The revised assessment based upon the report prepared by Heritage Consultants *Perumal Murphy Alessi* and Paul Davies Pty Ltd outlines that:

*Pymble Avenue Heritage Conservation Area is historically significant as a portion of Richard's Wall's 1824 land grant which became the Pymble Station Estate subdivision of 47 one-acre residential lots on either side of Pymble Avenue, advertised for sale between 1893 and 1910, developed in the Federation to inter-war period, with substantial one and two storey houses, often architect-designed. The area is of aesthetic significance for its group of fine, predominantly Federation to Post-war period houses, and including a 1970s Russell Jack designed modernist house. The houses are in generous garden settings within a spectacular mature blue gum high forest streetscape.*



## **PART 1 – OBJECTIVE AND INTENDED OUTCOMES**

### **A statement of the objectives and intended outcomes of the proposed instrument**

The objective of this Planning Proposal is to conserve the cultural heritage of Ku-ring-gai by including six (6) additional heritage conservation areas, three (3) of which are extensions to existing conservation areas, in Pymble and Turramurra in Schedule 5 of the KLEP 2015 and the KLEP (Local Centres) 2012, and on the accompanying heritage maps.

The zoning and development standards applying to the site are not proposed to change as a result of this Planning Proposal.

## PART 2 – EXPLANATION OF PROVISIONS

### An explanation of the provisions that are to be included in the proposed instrument

The Planning Proposal seeks to amend Schedule 5 Environmental Heritage of the KLEP 2015 by including additional HCAs as follows:

| <b>Name of Heritage Conservation Area</b> | <b>Identification on Heritage Map</b>    | <b>Significance</b> |
|---|--|---------------------|
| Mona Vale Road Conservation Area          | Shown by red hatching and labelled “C43” | Local               |
| Pymble Heights Conservation Area          | Shown by red hatching and labelled “C8A” | Local               |
| Pymble Avenue Conservation Area           | Shown by red hatching and labelled “C11” | Local               |
| Telegraph Road Conservation Area          | Shown by red hatching and labelled “C44” | Local               |

The Planning Proposal seeks to amend Schedule 5 Environmental Heritage of the KLEP (Local Centres) 2012 by including additional HCAs as follows:

| <b>Name of Heritage Conservation Area</b> | <b>Identification on Heritage Map</b>    | <b>Significance</b> |
|---|--|---------------------|
| Athol Conservation Area                   | Shown by red hatching and labelled “C46” | Local               |
| Hillview Conservation Area                | Shown by red hatching and labelled “C40” | Local               |
| Pymble Heights Conservation Area          | Shown by red hatching and labelled “C8B” | Local               |

This Planning Proposal will require the amendment to the following maps:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_007
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_008
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_013
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER\_007A
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER\_007C

The maps will be amended by representing the potential HCA in red hatching to indicate a Heritage Conservation Area.

Refer to **Part 4** for the proposed amended Heritage Map Sheets.

The planning proposal does not seek to change zoning or development standards for the area identified in this proposal.

## PART 3 - JUSTIFICATION

The justification for those objectives, outcomes and the process for their implementation

### A. Need for the planning proposal

#### Q1. *Is the planning proposal a result of any strategic study or report?*

The decision to list the additional heritage conservation areas is the result of several heritage assessments under taken by the following consultants:

*Paul Davies Pty Ltd (2010), Sue Jackson-Stepowski Pty Ltd, Carste Studios and John Oultram Heritage and Design (2013) and Perumal Murphy Alessi Pty Ltd (2015).*

The Heritage Inventory Sheets for the HCAs are included in **Appendices A - F**.

#### Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The planning proposal is the best means of achieving the objectives. A local heritage listing conserves and protects sites that have been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance. These heritage conservation areas do satisfy these criteria and therefore a Planning Proposal is the best means of conserving the heritage values of these places.

### B. Relationship to strategic planning framework

#### Q3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

The relevant *regional* strategy is "A Plan for Growing Sydney" (December 2014). The Planning Proposal is assessed against the four goals contained within the strategy below:

*Goal 1 - A competitive economy with world class services and transport*

The Planning Proposal will not adversely impact on the directions and actions identified in the strategy to achieve a competitive economy and transport system.

*Goal 2 – A city of housing choice, with homes that meet our needs and lifestyles*

This Planning Proposal will have no impact on Ku-ring-gai's ability to meet the housing and employment targets and accordingly, the Planning Proposal is not inconsistent with this goal.

*Goal 3 – A great place to live with communities that are strong, healthy and well-connected*

This Planning Proposal will not adversely impact on the directions and actions identified in the strategy.

*Goal 4 – A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources*

The Planning Proposal will not adversely impact on the directions and actions identified regarding the natural environment and sustainability.

The relevant draft *district plan* is “*Draft North District Plan*” (November 2016).

Under the Draft North District Plan, *Liveability Priority 7: Conserve heritage and unique local characteristics*, requires relevant planning authorities to protect “*aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community*”. The planning proposal is consistent with this priority as the heritage conservation areas to be included in Schedule 5 of KLEP 2015 and KLEP (Local Centres) 2012 are considered to have heritage value worthy of conserving and heritage listing.

**Q4. Is the planning proposal consistent *with a council’s local strategy or other local strategic plan*?**

The Ku-ring-gai Community Strategic Plan is called “Our Community. Our Future. Community Strategy 2030”. The Planning Proposal is consistent with the following objectives within the community strategic plan:

P1.1 *Ku-ring-gai’s unique visual character and identity is maintained*

P2.1 *A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai*

P5.1 *Ku-ring-gai’s heritage is protected, promoted and responsibly managed*

The Planning Proposal is consistent with the following aims of the KLEP 2015:

*(a) To guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai*

*(f) To recognise, protect and conserve Ku-ring-gai’s indigenous and non-indigenous cultural heritage*

The planning proposal is consistent with these objectives as inclusion on Schedule 5 of KLEP 2015 will conserve the cultural heritage of recognised heritage places.

The Planning Proposal is also consistent with the following aims of the KLEP (Local Centres) 2012:

*(b) to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources in Ku-ring-gai for the benefit of present and future generations*

*(f) to recognise, protect and conserve Ku-ring-gai's indigenous and non-indigenous cultural heritage*

The planning proposal is consistent with these objectives as inclusion on Schedule 5 of KLEP (Local Centres) 2012 will conserve the cultural heritage of recognised heritage places.

**Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

| SEPP  | Comment on Consistency  |
|---|---|
| SEPP 55 Remediation of Land                                   | Consistent.<br>The planning proposal does not seek to change the permissible land uses on the sites subject to the planning proposal. |
| SEPP (Housing for Seniors or People with a Disability) – 2004 | Consistent.<br>The Planning Proposal is consistent with the aims of the policy.   |
| SEPP Infrastructure 2007                                      | Consistent.<br>The Planning Proposal is consistent with the aims of the policy.   |
| SEPP Affordable Rental Housing 2009                           | Consistent.<br>The Planning Proposal is consistent with the aims of the policy.   |
| SEPP Exempt and Complying Development Codes 2008              | Consistent.<br>The Planning Proposal is consistent with the aims of the policy.   |

| SREPP         | Comment on Consistency |
|---------------|------------------------|
| SYDNEY REP 20 | Consistent.            |



| SREPP                                      | Comment on Consistency   |
|--|--|
| Hawkesbury-Nepean River                    | The Planning Proposal is consistent with the aims of the policy and will have no adverse impacts on the Hawkesbury-Nepean River.                 |
| SYDNEY REP (Sydney Harbour Catchment) 2005 | Consistent.<br>The Planning Proposal is consistent with the aims of the policy and will have no adverse impacts on the Sydney Harbour Catchment. |

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The following table identifies applicable Section 117 Directions and outlines this Planning Proposal's consistency with those Directions.

| Directions under S117                                   | Objectives  | Consistency  |
|---|---|--|
| <b>2. ENVIRONMENT AND HERITAGE</b>                      |   |  |
| 2.3 Heritage Conservation                               | The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.  | Consistent.<br>The planning proposal is consistent with this direction and it will result in the conservation of areas that have been assessed to satisfy the NSW Heritage Council's criteria for local heritage significance. |
| <b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b> |   |  |
| 3.1 Residential Zones                                   | The objectives of this direction are:<br>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,<br>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and<br>(c) to minimise the impact of residential development on the environment and resource lands. | Consistent.<br>The planning proposal relates to areas of established dwellings, and in this regard will have no effect on the housing choice, infrastructure or environment.   |
| 3.3 Home Occupations                                    | The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.   | Consistent.<br>The Planning Proposal does not preclude the carrying out of a home occupation.  |
| <b>6. LOCAL PLAN MAKING</b>                             |   |  |
| Approval and Referral Requirements                      | The objective of this direction is to ensure that LEP provisions encourage the efficient and  | Consistent.<br>The Planning Proposal will not result in the requirement for concurrence, consultation or   |

| Directions under S117                                  | Objectives   | Consistency   |
|--|--|---|
|  | appropriate assessment of development.   | referral of a future development application to a Minister or public authority as a result of the proposed removal of a local heritage listing.   |
| <b>7. METROPOLITAN PLANNING</b>                        |  |   |
| <b>7.1</b> Implementation of the Metropolitan Strategy | The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy. | Consistent.<br>The Planning Proposal will not adversely affect the directions and actions outlined in the strategy to achieve the four goals relating to economy, housing, environment and community. |

**C. Environmental, social and economic impact**

**Q7. 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?***

The Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of the heritage listings.

**Q8. Are there any other likely *environmental effects as a result of the planning proposal and how are they proposed to be managed?***

There are no environmental effects envisaged as a result of the inclusion of land within the HCAs proposed by the Planning Proposal.

**Q9. *Has the planning proposal adequately addressed any social and economic effects?***

The planning proposal has positive social effects in recognising and protecting the local cultural heritage significance of the site within the Ku-ring-gai area.

The planning proposal is not expected to result in adverse economic effects. A review of numerous studies undertaken around Australia and the world looking at the effect of heritage listing and inclusion within a heritage conservation area on the value of houses has found the impact to be negligible. Other factors including locational factors such as proximity to schools and access to public transport and household attributes such as number of bedrooms and parking spaces have been shown to have greater influence on price than heritage listing.

**D. State and Commonwealth interests**

**Q10. *Is there adequate public infrastructure for the planning proposal?***

The planning proposal relates to the heritage listing of potential Heritage Conservation Areas. No additional demand for public infrastructure is anticipated as a consequence of this listing.

**Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Council's Resolution of 6 December 2016 (see **Appendix H**) outlined:

*C. That in order to facilitate an expedient Gateway Determination, the NSW Heritage Office be consulted prior to submitting the Planning Proposal to the Department of Planning and Environment. Should comments not be received within 21 days, the Planning Proposal is to be submitted regardless.*

The Planning Proposal was sent to the NSW Heritage Office, Office of Environment and Heritage on 6 March 2017. The NSW Heritage Office provided a response on 16 March 2017, which is included in **Appendix K**.

In response to the Planning Proposal, the NSW Heritage Office commented that:

*No objection is raised to the listing of heritage conservation areas where they are supported by a robust and up-to-date heritage assessment. In this instance, it is noted that such assessments have been carried out by Paul Davies Pty Ltd in 2010, Sue Jackson-Stepowski Pty Ltd, Carste Studios and John Oultram Heritage and Design in 2013, and peer reviewed by Perumal Murphy Alessi Pty Ltd in 2015.*

*Listing of heritage conservation areas in the local environmental plans will provide those places of heritage significance with statutory protection to assist with their conservation and management.*

Council will consult with any agencies nominated by the Department of Planning and Environment as part of the requirements of the Gateway Determination.

Council's resolution of 6 December 2016 (see **Appendix H**) outlined:

*E. That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.*



## **PART 4 - MAPPING**

**Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies**

This Planning Proposal will require the amendment to the following KLEP map sheets:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_007
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_008
- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_013
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER\_007A
- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER\_007C

The area encompassed by the planning proposal will be represented by red hatching to indicate a Heritage Conservation Area.

The following maps represent the existing and proposed changes to the HCA mapping.

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_007

The subject area will be shown in red hatching to indicate a Heritage Conservation Area.

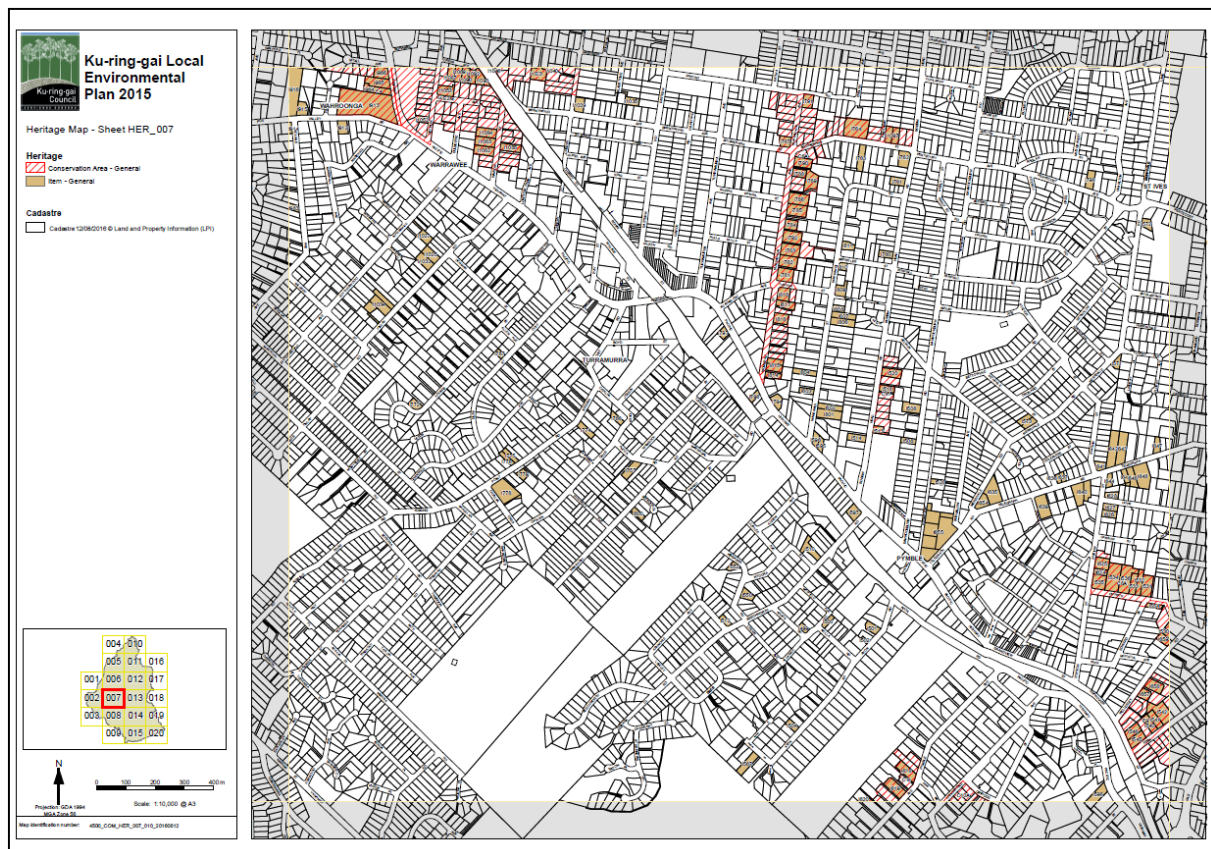


Image 14: Existing KLEP 2015 – Heritage Map – Sheet HER\_007

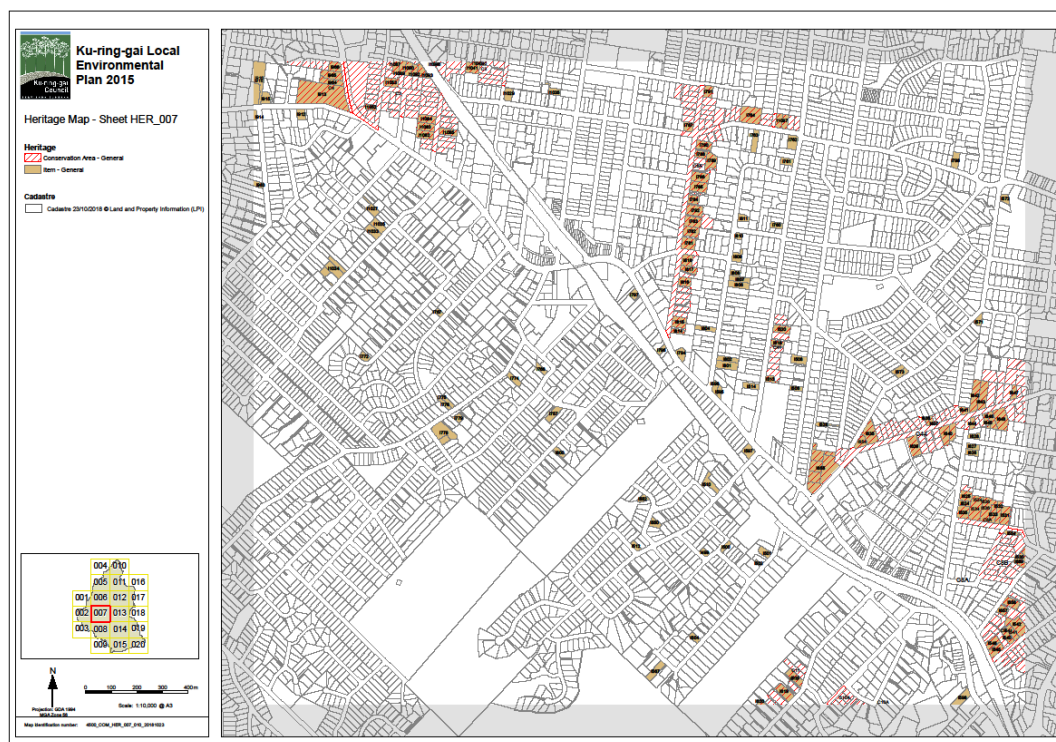


Image 15: Proposed KLEP 2015 – Heritage Map – Sheet HER\_007



- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_008

The subject area will be shown in red hatching to indicate a Heritage Conservation Area.

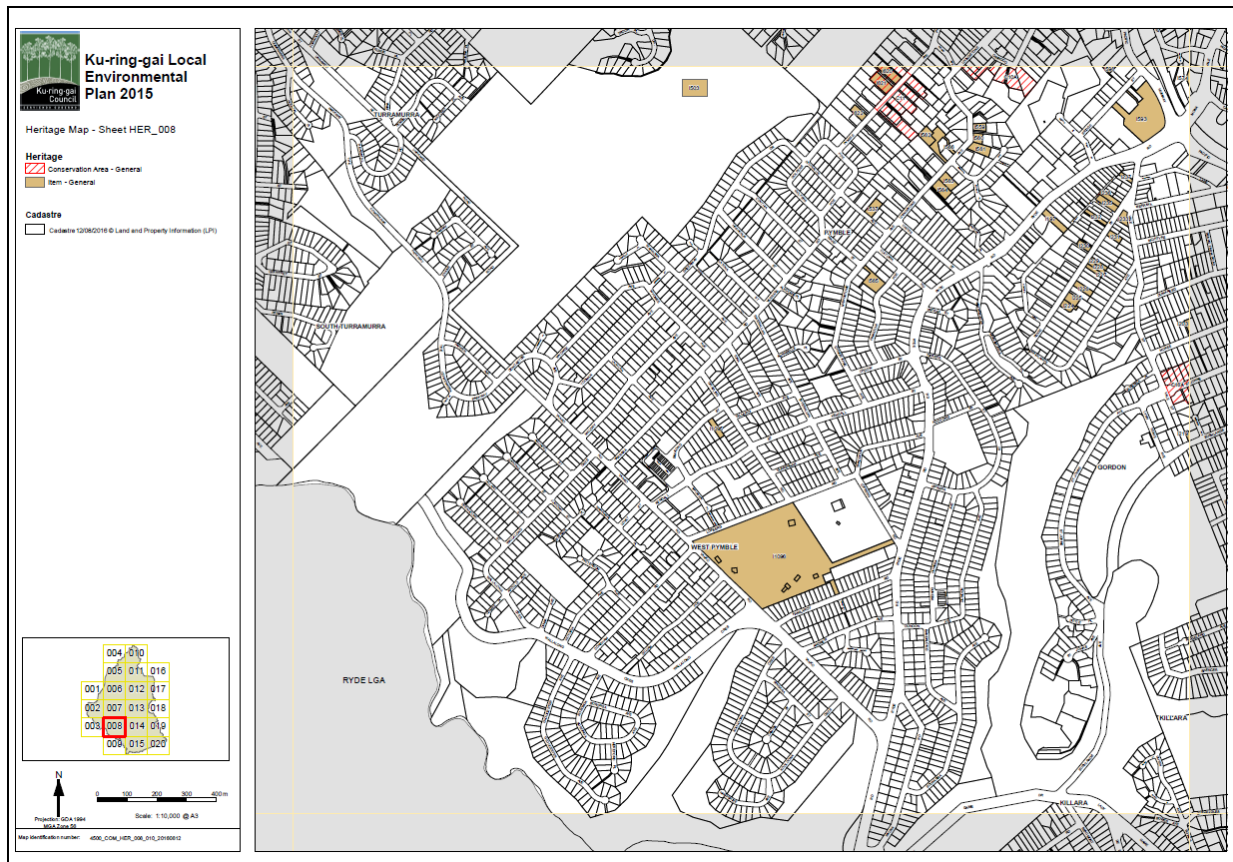


Image 16: Existing KLEP 2015 – Heritage Map – Sheet HER\_008

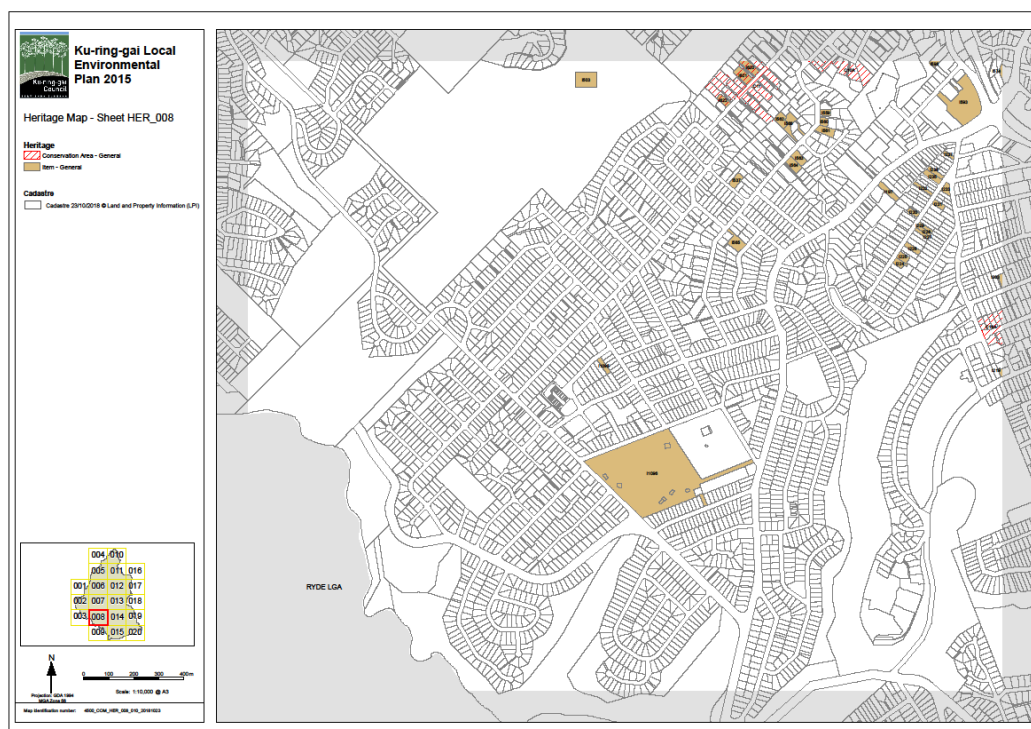


Image 17: Proposed KLEP 2015 – Heritage Map – Sheet HER\_008

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_013

The subject area will be shown in red hatching to indicate a Heritage Conservation Area.



Image 18: Existing KLEP 2015 – Heritage Map – Sheet HER\_013

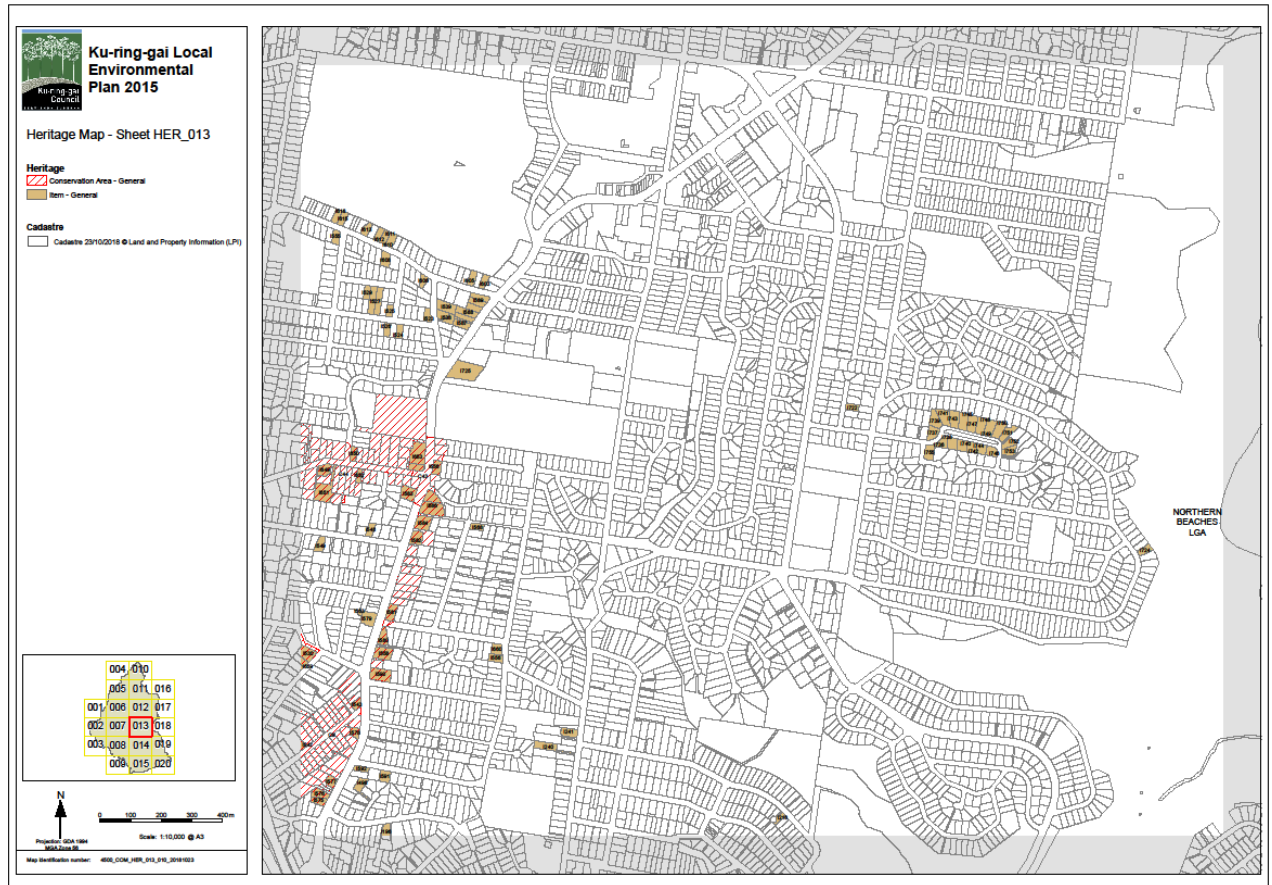


Image 19: Proposed KLEP 2015 – Heritage Map – Sheet HER\_013



- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER\_007A

The subject area will be shown in red hatching to indicate a Heritage Conservation Area.

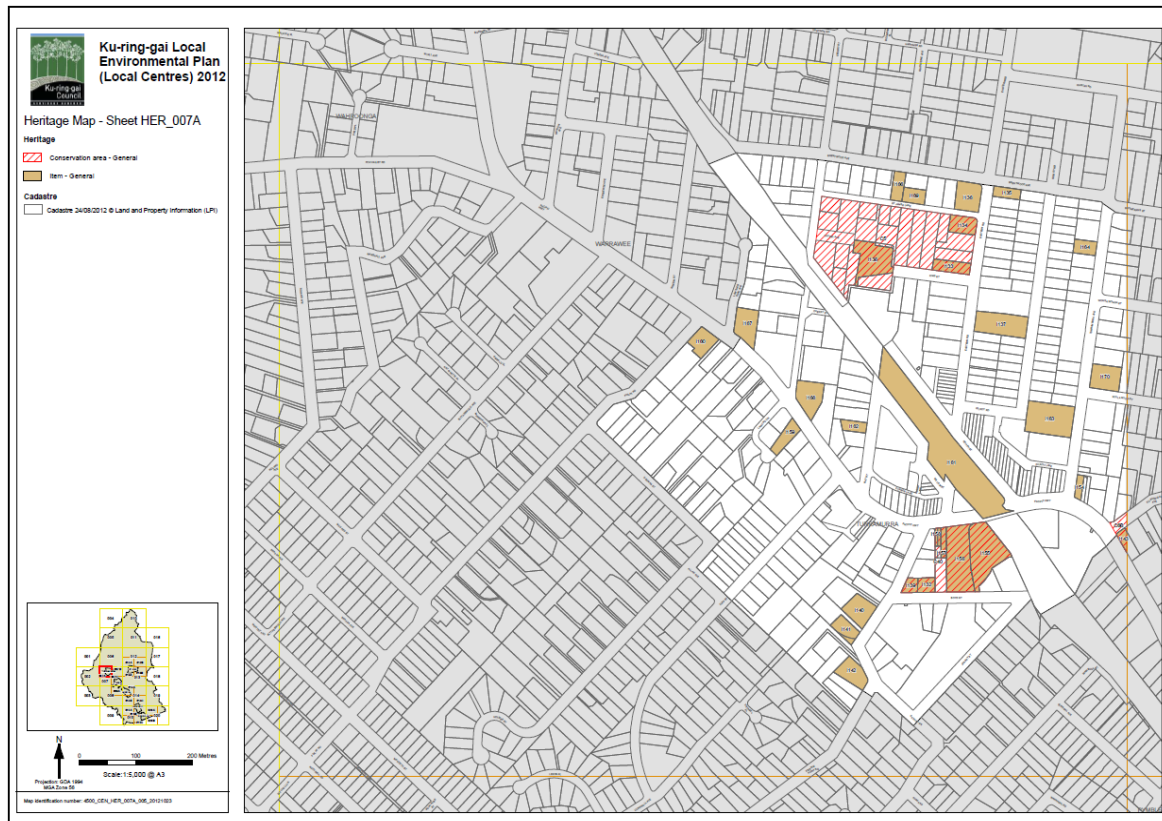


Image 20: Existing KLEP (Local Centres) 2012 – Heritage Map – Sheet HER\_007A

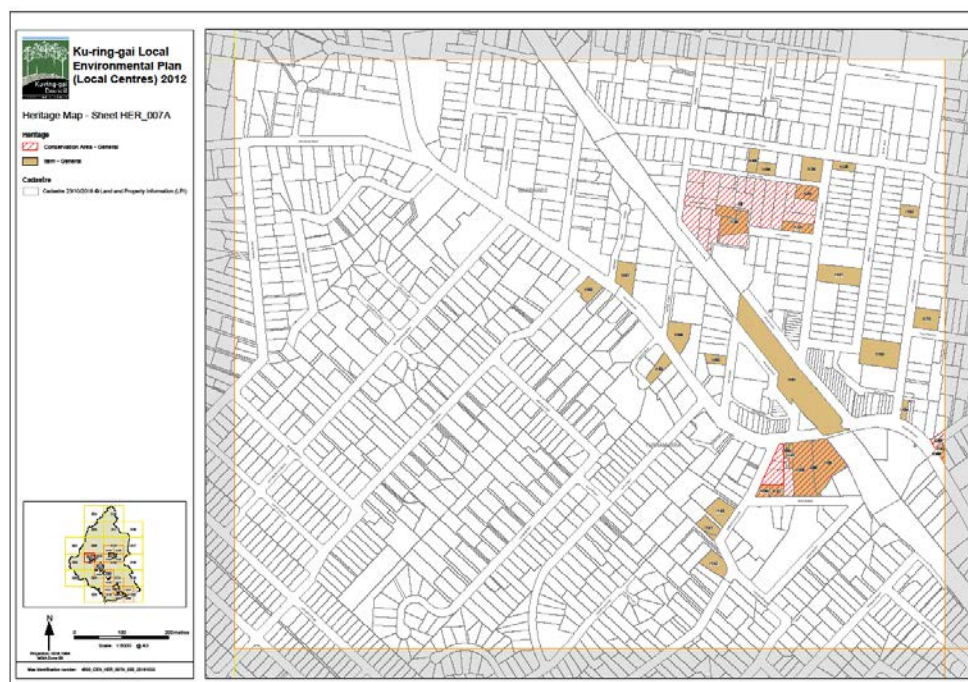


Image 21: Proposed KLEP (Local Centres) 2012 – Heritage Map – Sheet HER\_007A

- Ku-ring-gai Local Environmental Plan (Local Centres) 2012 – Heritage Map – Sheet HER\_007C

The subject area will be shown in red hatching to indicate a Heritage Conservation Area.

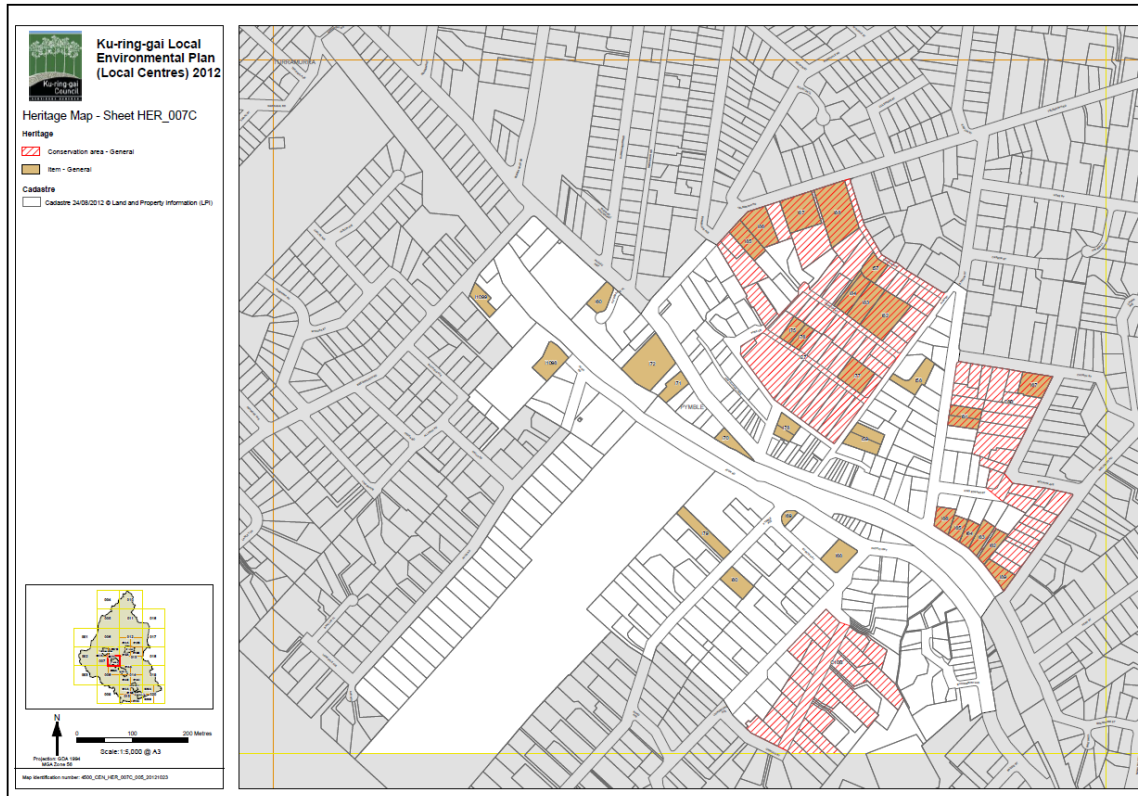


Image 22: Existing KLEP (Local Centres) 2012 – Heritage Map – Sheet HER\_007C

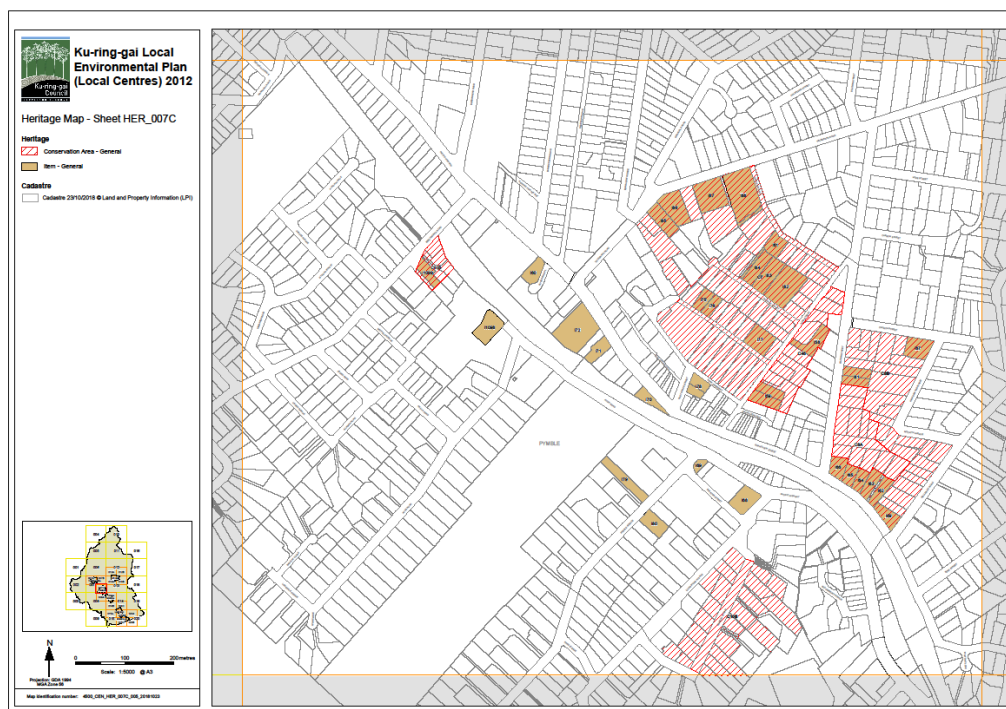


Image 23: Proposed KLEP (Local Centres) 2012 – Heritage Map – Sheet HER\_007C

## PART 5 – COMMUNITY CONSULTATION

### Details of the community consultation that is to be undertaken on the planning proposal

Community Consultation for this Planning Proposal will be consistent with the requirements of the Gateway Determination and the consultation guidelines contained in the Department of Planning and Environments “*A Guide to Preparing Local Environmental Plans*” (August 2016).

Public exhibition of the Planning Proposal is generally undertaken in the following manner:

- Notification in a newspaper that circulates the area affected by the Planning Proposal
- Notification on Council's website
- Notification in writing to the affected and adjoining land owners

During the exhibition period, the following material is made available for viewing:

- Planning Proposal
- Gateway Determination
- Information relied upon by the Planning Proposal (e.g. reports)

At the conclusion of the public exhibition, a report was prepared and reported back to Council to allow for the consideration of any submissions received from the community.

**PART 6 – PROJECT TIMELINE**

| Stage   | Timing   |
|---|--|
| Anticipated commencement date (date of Gateway determination)   | April 2017   |
| Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) | 22 April 2017-<br>19 May 2017<br><br>28 days                                       |
| Commencement and completion dates for public exhibition period  | 15 September 2017-<br>23 October 2017  |
| Post exhibition review and reporting  | November 2017 – April 2018   |
| Council meeting / consideration   | 8 May 2018<br>12 June 2018<br>26 June 2018<br>25 September 2018<br>16 October 2018 |
| Legal Drafting LEP  | November 2017  |
| Anticipated date RPA will make the plan (if delegated)  | December 2018  |
| Notification of Plan on Legislation website   | December 2018  |



