



Planning Proposal

Amendments to the Ku-ring-gai Planning Scheme Ordinance to incorporate provisions for Biodiversity and Riparian land and Heritage Conservation Areas

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Background

The NSW Land & Environment Court declared the *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* invalid on 28 July 2011 creating much planning uncertainty in Ku-ring-gai. Since that time Council has been in discussions with the Minister for Planning & Infrastructure and the Department and has now agreed on a proposal for the best way forward to resolve the strategic planning issues in Ku-ring-gai.

As part of its overall strategic planning, Council is seeking the preparation of an Interim Biodiversity and Heritage LEP. The matter of the development of an interim LEP (dealing with biodiversity and heritage issues) has been also discussed with the Minister and the Department. It has been agreed that the LEP should be prepared on the basis that development of the interim LEP did not divert Council resources from development of a fresh town centres LEP or lengthen the overall timeframe for a new Town centres LEP and Council's Principal LEP.

The Minister has written to Council expressing his support for the prospered time lines for the Ku-ring-gai LEPs. A copy of the Minister's letter and the endorsed timeline for the preparation of the interim Biodiversity and Heritage LEP is included as **Attachment A**.

It is essential that Council initiate a draft Biodiversity and Heritage LEP in order to protect the specific character of Ku-ring-gai, its heritage and natural landscapes and to form a basis for future residential, retail and commercial planning in our LGA.

The proposed Biodiversity and Heritage LEP is to be based solely on work already undertaken by the Council. The biodiversity and riparian provisions will be based on the draft natural resource strategies on bushfire, biodiversity and riparian lands previously exhibited (in non-statutory form) as part of the Principal LEP, including the biodiversity and riparian lands identified in the Ku-ring-gai Town Centres LEP. The identified Heritage Conservation Areas (HCAs) are a result of previously exhibited (in non-statutory form) studies as part of the Comprehensive LEP and the 14 HCAs of the former (gazetted) *Ku-ring-gai Local Environmental Plan (Town Centres) 2010* and take into consideration public submissions received during the exhibitions.

1. Objectives or intended outcomes

The intended outcome of the planning proposal is to implement an LEP to amend the Ku-ring-gai Planning Scheme Ordinance to incorporate biodiversity and riparian lands provisions and Heritage Conservation Areas to:

- protect, maintain and improve biodiversity
- maintain or improve waterways and riparian lands
- protect the specific character of Ku-ring-gai: its heritage and natural landscapes, and
- form the basis for future residential, retail and commercial planning in our LGA.

2. Explanation of the provisions to be included in the proposed local environmental plan.

This planning proposal seeks to amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) to:

- i. include a clause and associated map relating to biodiversity protection;
- ii. include a clause and associated map relating to riparian lands and waterways
- iii. delete existing heritage clauses and replacing them with the standard instrument LEP heritage conservation clause;
- iv. include a heritage conservation areas map
- v. add additional definitions and amend existing definitions to support the new clauses.

Details of the proposed provisions are as follows:

Biodiversity Protection

The proposed biodiversity provisions seek to protect, maintain and enhance biodiversity in the LGA and beyond. The objectives of the proposed clause relate to the protection and recovery of native flora and fauna, (including species and ecological communities listed as threatened in state or federal legislation), their habitat and linkages between habitat areas.

The clause relates to a map which identifies areas of strategic biodiversity significance, based on a conservation significance assessment. The focus is on the consideration of strategic landscape scale biodiversity processes. For example, the map includes areas that do not include vegetation, but that are important to link habitat areas. It also excludes some areas where isolated small stands of a threatened ecological community occur, as these will still be covered under threatened species legislation.

The provisions outline considerations for the consent authority and matters about which the consent authority must be satisfied. These relate to:

- the vegetation or habitat significance;
- the function of the vegetation, habitat or site within the landscape;
- the potential impacts of the development on the above;
- measures proposed to mitigate unavoidable impacts;
- opportunities for restoration, considering 'no net loss' as a guide.

The proposed clause has been previously approved by Parliamentary Counsel and was included within former gazetted *Ku-ring-gai LEP (Town Centres) 2010* (See **Attachment B1**). The proposed Natural Resource Biodiversity Map is included as **Attachment B2**.

Riparian land and waterways

The proposed riparian provisions seek to protect or enhance waterways and riparian land in the LGA and downstream catchments. The objectives of the proposed clause relate to the protection and enhancement of water quality, aquatic and riparian habitats, (including for species and communities listed as threatened in state or federal legislation), bed and bank stability and the processes which support these. Scenic and cultural values are also sought to be protected.

The clause relates to a map which identifies riparian lands (including the waterways) in four categories, based on a conservation significance assessment.

The provision outlines considerations for the consent authority and matters about which the consent authority must be satisfied. These relate to:

- the natural values of the waterway and riparian land;
- the hydrological and ecological processes that support the above;
- the potential impact of the location and design of development;
- integration of riparian, stormwater and flooding measures;
- measures proposed to mitigate unavoidable impacts;
- opportunities for restoration.

The proposed clause has been previously approved by Parliamentary Counsel and was included within former gazetted *Ku-ring-gai LEP (Town Centres) 2010* (See **Attachment B1**). The proposed Natural Recourse Riparian Map is included as **Attachment B3**

Heritage Conservation Areas

The proposed heritage conservation area provisions seeks to protect heritage in Ku-ring-gai through amending the KPSO to introduce 38 new heritage conservation areas and include the standard heritage clause (CI 5.10) from the standard instrument LEP template.

Specifically, the proposed LEP is seeking to amend the KPSO as follows:

1. Amend clause 4.(1) *Interpretation* to include definitions consistent with the standard instrument LEP template.

New definitions to be added:

- Aboriginal object
- Aboriginal place of heritage significance
- archaeological site
- curtilage
- demolish
- excavation
- heritage conservation area
- heritage conservation management plan
- heritage impact statement
- heritage management document
- maintenance
- nominated State heritage item

Definitions to be omitted and a new definition added:

- heritage item

- heritage significance
 - relic
2. To omit the clauses 61D, 61E, 61F, 61G and 61H pertaining to:
- Development of heritage items;
 - Development in the vicinity of heritage items;
 - Conservation areas; and
 - Conservation incentives relating to heritage items.

And insert from the standard instrument LEP template new clauses being clause 5.10 (1) - (10) Heritage conservation.

3. Amend Schedule 7 *Heritage Items* to include Part 3 - *Heritage conservation areas* and list the following 38 heritage conservation areas:
1. Wahroonga Conservation Area
 2. Heydon Avenue, Warrawee/Woodville Avenue, Wahroonga Conservation Area
 3. Warrawee Conservation Area
 4. Mahratta Conservation Area
 5. Laurel Avenue/King Street Conservation Area
 6. Ku-ring-gai Avenue Conservation Area
 7. Park Estate Conservation Area
 8. Pymble Heights Conservation Area
 9. Fernwalk Conservation Area
 10. Orinoco Street Conservation Area
 11. Pymble Avenue Conservation Area
 12. Gordondale Estate Conservation Area
 13. Roberts Grant Conservation Area
 14. Love Estate/Thorne/Oatley Grant Conservation Area
 15. Gordon Park Estate McIntosh/Ansell Grant Conservation Area
 16. St Johns Avenue Conservation Area
 17. Gordon Park Conservation Area
 18. Yarabah Avenue Conservation Area
 19. Smith Grant Conservation Area
 20. Greengate Estate Conservation Area
 21. Springdale Grant Conservation area
 22. Crown Blocks Conservation Area
 23. Lynwood Avenue Conservation Area
 24. Marian Street Conservation Area
 25. Stanhope Road Conservation Area
 26. Oliver Grant Conservation Area
 27. Blenheim Road Conservation Area
 28. Wolseley Road Conservation Area
 29. Balfour Street/ Highfield Road Conservation Area
 30. Lindfield West Conservation Area
 31. Trafalgar Avenue Conservation Area
 32. Clanville Conservation Area
 33. Earl of Carnarvon Conservation Area
 34. Archbold Farms Conservation Area
 35. The Grove Conservation Area
 36. Lord Street/Bancroft Avenue Conservation Area
 37. Garden of Roseville Estate Conservation Area
 38. Shirley Road Conservation Area

4. Incorporate a new map titled '*Heritage Conservation Area Map*' that identifies the new heritage conservation areas as listed in the Schedule 7 amendment above.

The proposed clauses for Heritage Conservation may be found in **Attachment C1**. The proposed Heritage Conservation Area Map is included as **Attachment C2**.

3. Justification for those objectives, outcomes and provisions and the process for their implementation.

A. Need for the planning proposal.

A1. Is the planning proposal a result of any strategic study or report?

Yes, the planning proposal results from extensive studies undertaken by Ku-ring-gai Council for biodiversity, riparian and heritage matters. The details of these studies are outlined below.

Biodiversity and Riparian studies

A number of studies have identified the need for land use planning to address the pressures on biodiversity and riparian lands resulting from urbanisation in Ku-ring-gai.

The *Ku-ring-gai Residential Development Strategy: Environmental Baseline Study, for Ku-ring-gai Municipal Council* (Conacher Travers Pty Ltd, 2000) identified a number of key natural environmental values within the LGA. These include:

- the three surrounding National Parks,
- remnant pockets of native vegetation within the urban environment providing refuges for many flora and fauna species as well as critical last vestiges for threatened ecological communities
- waterways and riparian lands
- linkages between the major reserves of the local area
- the range of topographical representations, elevations, aspects and soils which have resulted in a diversity of habitats, supporting a range of threatened flora and fauna.

Conacher Travers (2000) identified the key pressures from urbanisation, including clearing and fragmentation, stormwater runoff, increased nutrients, bushfire and bushfire management and introduced species. The study identified a range of environmentally sensitive areas that need consideration in land use plans, including broad 'bio-links' containing existing tree canopy, riparian lands and lands adjacent to open space or bushland.

In 2004, Council, in conjunction with Macquarie University and the NSW Department of Infrastructure, Planning and Natural Resources (DIPNR), undertook a mapping (desktop) and categorisation of riparian lands in the LGA. The categories were based on the approach developed in 2004 by DIPNR in *Riparian Corridor Management Study: Covering all of the Wollongong Local Government Area and Calderwood Valley in the Shellharbour Local Government Area*, which defines the core functions as well as the current and predicted environmental significance. This was used to develop Council's Riparian Policy.

Ku-ring-gai Council's *Lands of High and Special Ecological Value, Draft Methodology* (2008) built on the Conacher Travers study and riparian study outlined above and incorporated a conservation significance assessment of vegetation and riparian mapping for the 6 centres covered in the former *Ku-ring-gai LEP (Town Centres) 2010*. This was undertaken in conjunction with extensive field validation of riparian lands and vegetation mapping of the

LGA, starting with the Town Centre areas. The study was designed to integrate with broader regional mapping and inform the protection of important natural resources under the LEP. The conservation significance assessment led to the development of map overlays and accompanying LEP provisions for the protection of biodiversity significance and riparian lands, similar to that proposed in the current planning proposal. This was incorporated within the LEP at that time. The land use recommendations also included the use of environmental zones within the centres covered by the LEP, resulting in the application of E2 Environmental Protection and E4 Environmental Living to a number of sites within the former LEP.

The *Biodiversity and Riparian Lands Study, Ku-ring-gai Principal LEP Draft Background Study* (Ku-ring-gai Council, 2011) used the detailed vegetation and riparian mapping as for the previous study, but for the rest of the LGA. It refined the conservation significance methodology to take into account the broader vegetation and riparian mapping and an analysis of the outcomes of the previous conservation significance assessment methodology, as applied at the LGA scale. Areas of strategic ecological significance are mapped and categorised. The study recommends a map overlay and local provisions for the Principal LEP, with a more detailed breakdown of categories and controls within the accompanying DCP. This approach is in line with the planning proposal.

As in the previous study, the land use recommendations also include the use of environmental zones. All four environment zones under the Standard LEP Instruments are recommended for inclusion in the Principal and Town Centres LEPS. This work is continuing.

Subsequent to the exhibition of the *Draft Biodiversity and Riparian Lands Study* further minor refinements of the methodology and mapping have been undertaken and incorporated within the Biodiversity and Heritage LEP proposed by the Planning Proposal.

Heritage studies

Numerous studies have been conducted in Ku-ring-gai Council over many years to ascertain the cultural significance of heritage conservation areas. The most recent studies undertaken being:

- Paul Davies Pty Ltd (2008) Ku-ring-gai Town Centres Heritage Conservation Area Review;
- Paul Davies Pty Ltd (2010) Northern Heritage Conservation Area Review; and
- Architectural Projects (2010) Southern Heritage Conservation Area Review.

Each study reviewed areas previously identified in other studies as potential heritage conservation areas, in particular the Urban Conservation Areas Studies undertaken by Godden Mackay Logan from 2001-2005. The objective of the most recent studies was to assess the degree of change that had occurred in the last 6-10 years and determine the intactness of the potential heritage conservation areas.

Heritage conservation areas were assessed in accordance with the 'Burra Charter' and the associated 'Guidelines' and the NSW Heritage Office 'Heritage Manual'. The reports and associated inventory sheets were publicly exhibited. Some amendments were made to the proposed HCAs based upon consideration of community submissions and the results of further assessment. The Ku-ring-gai Town Centres Heritage Conservation Area Review was presented to the (former) Ku-ring-gai Planning Panel who adopted the recommendations for the proposed heritage conservation areas within the Ku-ring-gai Town Centres. The Northern and Southern Heritage Conservation Area Reviews were presented to Ku-ring-gai Council who adopted the recommendations for the proposed heritage conservation areas in Ku-ring-gai outside of the Town Centres.

Attachment D includes a Statement of Significance for each of the HCAs adopted by the (former) Ku-ring-gai Planning Panel and Ku-ring-gai Council and are now recommended for inclusion in the Ku-ring-gai Planning Scheme Ordinance.

A2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Biodiversity and Riparian

If the biodiversity and riparian areas were required to wait for the Principal and Town Centre LEPs, this would leave the identified areas unnecessarily unprotected for a continued extended timeframe. This could be detrimental as these areas were already identified through the former *Ku-ring-gai LEP (Town Centres) 2010* (exhibited as a draft in 2008) and Council's *Draft Biodiversity and Riparian Background Study* exhibited early in 2011.

Another method may be relying on state and federal legislation and Council's existing policies; in particular, the *Environmental Protection and Biodiversity Conservation Act 1999*, the *NSW Threatened Species Conservation Act 1995*, the *Ku-ring-gai Riparian Policy 2004* and *DCP 47 - Water Management*.

However, the lack of a strategic framework means that decisions are made only on a reactive basis, while the complexity and intertwining of the natural and urban environments in Ku-ring-gai has also contributed to fairly ad hoc decision-making in respect to the protection of biodiversity and riparian lands.

Another method may be the use of land use zones to restrict uses in environmentally sensitive areas. This method will be used in the future Principal and Town Centres LEPs, however, it is intended to limit their use to ensure that environmental zones are only applied to an entire site or area where there are severe or a range of constraints, relying on the biodiversity and riparian mapping (supplemented by DCP provisions) across other lands. Reliance on environmental zones alone would either unnecessarily limit development opportunities at one end of the scale, or provide inadequate biodiversity and riparian protection across the LGA at the other end.

It should be noted that more detailed provisions will be included in a development control plan (DCP).

The planning proposal offers a strategic framework to trigger the consideration of biodiversity and riparian values regardless of the zone, especially in the period prior to the gazettal of the Principal and Town Centre LEPs. As such, the most appropriate means to protect biodiversity and riparian lands, at this time, is to identify areas of strategic biodiversity and riparian significance on a map, with accompanying provisions within the LEP.

Heritage

The existing statutory mechanism for the protection of local heritage in New South Wales is inclusion on the heritage schedule and heritage map of a given local government area's local environmental plan. The amendment of the KPSO to include the recommended heritage conservation areas will enable Council to conserve these culturally significant areas and protect them from further erosion through demolition and unsympathetic development.

At this stage, Ku-ring-gai has no gazetted heritage conservation areas. If the heritage conservation areas were required to wait for the gazettal of the Town centres and Principal

LEPs, this would leave the identified areas unnecessarily unprotected and susceptible to demolition.

A3. Is there a net community benefit?

This Planning Proposal does not involve a rezoning and therefore the 'Net Community Benefit Test' is not applicable. However, this Planning Proposal will provide a community benefit via the opportunity to update our planning controls, retain the values of Ku-ring-gai's built and natural heritage whilst also providing a basis for the future implementation of plans to respond to the Metropolitan Strategy and sub-regional planning.

Biodiversity and Riparian

The proposed biodiversity and riparian clauses will protect and enhance the natural environment. These clauses are aimed at improving biodiversity, waterways and their buffers, which benefits the whole community by sustaining a healthy natural environment to live in. There is also an overall community benefit through the implementation of a strategic and consistent approach to biodiversity management.

Heritage

Protecting a conservation area has the benefit of conserving for current and future generations the aesthetic and social qualities which give the area its cultural value and make it an appealing place to live. Other benefits include certainty as to the types of and form of development that occurs in a conservation area, ensuring the character of an area is retained.

It is acknowledged that some restrictions and additional development costs may result from inclusion in a heritage conservation area. However, on balance the community benefit from the conservation of Ku-ring-gai's heritage areas including the buildings, gardens and streetscapes provides a net community benefit.

B. Relationship to strategic planning framework.

B1. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

Yes, the Planning Proposal is consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the draft North Subregional Strategy. The most applicable objectives and actions in the draft North Subregional Strategy are those related to Environment, Heritage and resources.

The biodiversity and riparian clauses will support the following aims of the Draft North Subregion: Draft Subregional Strategy:

- the protection of Sydney's unique plants and animals;
- improvement of the health of waterways;
- improvement in the sustainable use of resources;
- addressing and responding to climate change.

The proposed instrument will include specific provisions and mapping layers which address biodiversity and riparian issues. It will not compromise the potential to achieve the other aims of the Draft Strategy.

An aim of the Draft North Subregional Strategy of the Metropolitan Strategy is to protect the environment and a key action to conserve Sydney's cultural heritage. The conservation of culturally significant heritage conservation areas in Ku-ring-gai is consistent with this objective.

B2. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, Council adopted the Community Strategic Plan 2030 on 13 October 2009. This Strategic Plan is based around the following principal activity areas:

- community development
- urban environment
- natural environment
- planning and development
- civic leadership and corporate services
- financial sustainability

The planning proposal is not inconsistent with this Strategic Plan, specifically the following objectives:

- *Comprehensive Integrated Principal LEP and Development Control Plan (DCP) completed for the local government area (LGA) that addresses the Metropolitan Strategy and North Subregion objectives*
- *Protect, enhance and where appropriate increase local biodiversity and terrestrial, habitats and connectivity between reserves*
- *Council planning systems apply the principles of sustainability, best practice urban design and place making to meet the needs of the community*

B3. Is the planning proposal consistent with applicable state environmental planning policies?

The following table identifies the key applicable SEPPs and outlines the planning proposal's consistency with those SEPPs. A checklist of compliance with all applicable SEPPs is contained at **Attachment E**

SEPP	Comment on Consistency
SEPP No. 19 Bushland in Urban Areas	When preparing draft local environmental plans for any land to which SEPP 19 applies, other than rural land, the council shall have regard to the general and specific aims of the Policy, and give priority to retaining bushland, unless it is satisfied that significant environmental, economic or social benefits will arise which outweigh the value of the bushland. Compliance with SEPP 19 is one of the considerations addressed through the biodiversity mapping and the <i>Biodiversity and Riparian Lands, Draft Background Study</i> (Ku-ring-gai Council, 2011). These have guided the implementation of planning provisions for SEPP 19 bushland.
SEPP No.44 - Koala Habitat Protection	In order to give effect to the aims of this Policy, a council should survey the land within its area so as to identify areas of potential koala habitat and core koala habitat, and make or amend a local environmental plan to include land identified as a core koala habitat within an environmental protection zone, or to identify land that is a

SEPP	Comment on Consistency
	core koala habitat and apply special provisions to control the development of that land. Feed trees identified within SEPP 44 are found in Ku-ring-gai. Any potential habitat is likely to be within the areas identified as Regional Fauna Habitat in the <i>Biodiversity and Riparian Lands Draft Background Study</i> (Ku-ring-gai Council, 2011) proposed for inclusion in the <i>Natural Resource – Biodiversity Protection Map</i>, with its associated provisions. However, no core koala habitat has been identified in the LGA in the land to which this SEPP applies, and the most recent koala sighting within the LGA of which Council is aware was over 40 years ago.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The Codes SEPP aims to provide streamlined assessment processes for development certain types of development that are of minimal environmental impact and identifying types of complying development that may be carried out in accordance with complying development codes. The biodiversity provisions contained in the planning proposal will not affect the application of the SEPP as it does not identify land as an “<i>environmentally sensitive area</i>” as defined by the Codes SEPP. The planning proposal does include the implementation of “<i>heritage conservation area(s)</i>” as defined by the Codes SEPP. This will limit the application of the codes under the SEPP on the land identified as <i>heritage conservation areas</i> in this planning proposal.
SREP No.20 Hawkesbury-Nepean River	The deemed SEPP requires consideration be given to the impact of future land use in Hawkesbury-Nepean River catchment in a regional context. It also requires an environmental planning instrument to have regard to general and specific considerations, policies and strategies related to total catchment management, water quality and quantity, environmentally sensitive areas, flora and fauna, riverine scenic quality, agriculture, aquaculture and fishing, urban and rural residential development, recreation and tourism and the Metropolitan Strategy. Considerations under the SEPP have been taken into account when developing provisions under the planning proposal. The proposal particularly addresses water quality and quantity, environmentally sensitive areas and flora and fauna within the Hawkesbury-Nepean River catchment.
SREP (Sydney Harbour Catchment) 2005	The deemed SEPP aims to establish a balance between maintaining and restoring the natural, heritage and scenic values of the Sydney Harbour catchment, promoting recreational access to the foreshore and waterways and promoting a prosperous working harbour. It establishes planning principles and controls for the catchment as a whole that are to be considered and, where possible, achieved in the preparation of environmental planning instruments. The planning proposal is consistent with the SEPP as it aims to protect and enhance identified environmentally sensitive lands and waterways and implement appropriate planning provisions. No changes in heritage status are proposed for sites identified within the Sydney Harbour Catchment.

B4. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies applicable Section 117 Directions and outlines the planning proposal's consistency with those directions. A checklist of compliance with all Section 117 Directions is contained at **Attachment A**

Directions under S117	Objectives	Consistency
1.1 Business and Industrial Zones	The objectives of this direction are to: (a) Encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres.	Consistent. The planning proposal does not reduce the area or the floor space potential of existing business zones.
2.1 Environment Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent. While no changes are proposed to zoning, it is proposed that the LEP include provisions that facilitate the protection and conservation of environmentally sensitive areas. The planning proposal proposes to identify land for environment protection purposes in the LEP and introduce provisions with improved environmental protection standards applying to the land.
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. The LEP will include the provisions to conserve items, areas, objects and places of environmental heritage significance. This will take the form of the standard instrument heritage conservation clause and will also include the introduction of heritage conservation areas.
2.4 Recreation Vehicle Areas	The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Consistent. The planning proposal does not propose to enable land to be developed for the purpose of a recreation vehicle area.
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of	Consistent. The planning proposal does not contain any provisions that will reduce the area of land zoned for housing or reduce permissible residential density

Directions under S117	Objectives	Consistency
	existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	of land. It does propose to minimise the impact of residential development on the environment.
3.2 Caravan Parks and Manufactured Home Estates	The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	Consistent. The planning proposal does not propose any rezoning or changes in provisions relating to caravan parks.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses	Consistent. The planning proposal does not propose any changes to the provisions relating to home occupation
3.4 Integrating Land Use and Transport.	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	Consistent. The planning proposal does not propose any changes to zoning or land use. The natural resource and heritage provisions will not prevent the achievement under the future Town Centres and Principal LEPs of zoning and land uses consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> and <i>The Right Place for Business and Services – Planning Policy</i>.
4.1 Acid Sulfate Soils	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Consistent. There are small areas in Ku-ring-gai with a probability of containing acid sulfate soils. These areas are identified for their natural values within the proposed environmentally sensitive lands maps, affording them greater protection. The planning

Directions under S117	Objectives	Consistency
		proposal does not propose an intensification of land uses on this land.
4.4 Planning for Bushfire Protection	The objectives of this direction are: (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	Consistent. The planning proposal does not propose any alterations to zoning or land use, and nothing in the proposed instrument would prohibit the carrying out of bushfire hazard reduction works in asset protection zones. Significant portions of the areas identified as environmentally sensitive are bushfire prone lands. The identification of the core environmentally sensitive lands, which are the backbone of the biodiversity map, was reduced in many areas as a result of the consideration of the need for bushfire protection measures. Consultation with the NSW Rural Fire Service is proposed as outlined in D2.
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The planning proposal does not seek to incorporate additional provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, or identify development as designated development.
6.2 Reserving Land for Public Purposes	The objectives of this direction are: (c) to facilitate the provision of public services and facilities by reserving land for public purposes, and (d) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition	Consistent. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. However, by identifying areas of natural resource and heritage significance, it will support future considerations in relation to the reservation of land for public purposes.
7.1 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. The planning proposal is consistent with the NSW Government's Metropolitan Strategy and the related Draft North Subregional Strategy. Details are contained under Section 3- B1 above.

C. Environmental, social and economic impact.***C1. 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?***

There is no identified critical habitat within or directly adjoining the LGA at this time.

The planning proposal will actually have a positive affect on the protection of threatened species, populations and ecological communities, and their habitats, through the application of two maps identifying environmentally important areas; the '*Natural resource – biodiversity protection map*' and the '*Natural resource-Riparian land and waterways map*' and provisions to protect and enhance the natural values of these lands.

C2. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There will be positive environmental effects through the protection of the existing natural and built environment.

C3. How has the planning proposal adequately addressed any social and economic effects?

Due to the nature of this planning proposal, it is not possible to undertake a definitive study on its social and economic effects. However, it is considered that the proposed clauses adequately address any social and economic effects.

Biodiversity and Riparian

The proposed biodiversity and riparian clauses will protect and enhance the natural environment. In seeking to improve biodiversity, waterways and their buffers, there are the social and economic benefits for the whole community of living in a healthy natural environment. The character of the LGA is formed to a large extent through the retention of vegetation within the urban setting.

The proposed provisions may mean that individual development proposals are restricted in some way or have additional economic costs associated with vegetation or riparian management or offsets in order to develop. However, the use of an overlay with the biodiversity and riparian clauses means that the underlying zoning will continue to permit development in accordance with the zone. The proposed riparian and biodiversity LEP provisions provide for instances where adverse impacts are unavoidable, in which circumstances the proposed development must be designed and sited to have a minimum adverse impact and include mitigation measures.

On balance the overall the social and economic benefits of a strategic and consistent approach to biodiversity management outweighs possible additional costs and/or loss of perceived development potential.

Heritage

There are social and economic costs and benefits to the introduction of heritage conservation areas, both to the individual and to the community. Protecting a conservation area has the benefit of conserving for current and future generations the aesthetic and social qualities which give the area its cultural value and make it an appealing place to live. Other benefits

include certainty as to the types of and form of development that occur in a conservation area to ensure the character of the area retained.

It is also acknowledged that some restrictions and additional development costs may result from inclusion in a heritage conservation area. These include additional development controls and more rigorous scrutiny certain types of development such as demolition for new builds of contributory sites and lot subdivision or amalgamations. Heritage items or places within heritage conservation areas that are deemed as meeting the criteria for being heritage restricted under section 14G of the Valuation of Land Act, 1916 may be eligible for a heritage restricted valuation for the purposes of land tax.

On balance the overall the social and economic benefits from the conservation of Ku-ring-gai's heritage areas including the buildings, gardens and streetscapes provides outweighs possible additional costs and/or loss of perceived development potential of properties in heritage conservation areas.

D. State and Commonwealth interests.

D1. Is there adequate public infrastructure for the planning proposal?

As the planning proposal will not result in any increases in residential density or intensity of land uses and as such will not place additional demands or pressures on existing infrastructure.

D2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. It is proposed that the following State and Commonwealth Public Authorities will be consulted:

- NSW Office of Environment and Heritage
- Land and Property Management Authority
- NSW Office of Water
- NSW Rural Fire Service
- National Parks & Wildlife Service
- NSW Heritage Office
- Aboriginal Heritage Office
- Hornsby Shire Council
- Ryde City Council
- Warringah Council
- Willoughby City Council
- Hawkesbury Nepean Catchment Management Authority
- Sydney Metropolitan Catchment Management Authority

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

Community consultation will be conducted in accordance with the publication "A guide to preparing local environmental plans" released by the Department of Planning.

The planning proposal will also be exhibited in accordance with the requirements of section 57 of the EP&A Act and/ or any other requirements as determined by the Gateway process under section 56 of the EP&A Act.

ATTACHMENT A – Letter from Minister for Planning and Infrastructure



The Hon Brad Hazzard MP
Minister for Planning and Infrastructure
Minister Assisting the Premier on Infrastructure NSW

Councillor Jennifer Anderson
Mayor
Ku-ring-gai Municipal Council
Locked Bag 1056
PYMBLE NSW 2073

11/18968

Dear Councillor Anderson

I refer to our meeting of 19 October 2011 and Council's subsequent submission of its proposed timetable for proceeding with various draft Local Environmental Plans (LEPs).

The proposed timeframes for the progression of the draft Town Centres, and other LEPs, provided by Council (as attached) are supported.

I have asked the Sydney West Regional Office to work closely with Ku-ring-gai Council to ensure that these LEPs are progressed in accordance with the proposed timelines and that relevant assistance is provided at all stages.

If you have any further queries in relation to the LEPs please contact Mr Peter Goth, Regional Director, Sydney Region West, on 9873 8589 or via email at peter.goth@planning.nsw.gov.au

Yours sincerely

HON BRAD HAZZARD MP
Minister

2 NOV 2011

Encl: Three LEPs - timetable

TOWN CENTRES LEP

Task Name	Duration	Start	End
Council meeting no 2 with Minister for Planning	0 days	Wed 19/01/11	Wed 19/01/11
Staff prepare report to Council - Statement of Commitment	2 days	Mon 24/01/11	Mon 24/01/11
OMC - Council report to Council - Statement of Commitment	0 days	Tue 8/1/11	Tue 8/1/11
Council prepare draft LEP within instrument - land use table	28 days	Tue 8/1/11	Tue 8/1/11
Issue section of draft plan to DOP for review	0 days	Fri 19/01/11	Fri 19/01/11
Council prepare draft LEP within instrument - draft Local Provisions	20 days	Mon 19/01/11	Mon 19/01/11
Issue section of draft plan to DOP for review	0 days	Wed 18/01/12	Wed 18/01/12
Council finalize within instrument	20 days	Mon 20/12/11	Mon 20/12/11
Prepare consultation strategy and consultant brief	5 days	Mon 31/01/11	Mon 31/01/11
Engage consultation consultant	31 days	Mon 7/1/11	Mon 7/1/11
Consultant undertake preliminary consultation (pre-consultation)	30 days	Tue 20/12/11	Tue 20/12/11
School holidays	15 days	Tue 31/01/12	Tue 31/01/12
Consultant undertake preliminary consultation (post-consultation)	20 days	Mon 20/12/11	Mon 20/12/11
Council prepare maps	18 days	Tue 24/01/12	Tue 24/01/12
Staff prepare Council Report and Planning Proposal	5 days	Tue 20/01/12	Tue 20/01/12
Staff finalize Council report and Planning Proposal	0 days	Tue 21/02/12	Tue 21/02/12
OMC - draft LEP applied for exhibition	0 days	Fri 9/03/12	Fri 9/03/12
Formal referral to DOP - Planning Proposal with draft LEP	30 days	Fri 9/03/12	Fri 9/03/12
DOP - Gateway determination process	30 days	Fri 9/03/12	Fri 9/03/12
State Agency consultation (by council)	0 days	The 18/04/12	The 18/04/12
Council receives Gateway Determination	0 days	Mon 23/04/12	Mon 23/04/12
Commence LEP exhibition	20 days	Wed 25/04/12	Wed 25/04/12
Reclassification notification period	16 days	Fri 25/05/12	Fri 25/05/12
Reclassification hearing (by others)	0 days	Fri 15/06/12	Fri 15/06/12
Prepare Hearing Report (by others)	17 days	Mon 18/06/12	Mon 18/06/12
Review submissions	40 days	Wed 16/05/12	Wed 16/05/12
Staff prepare Council report - final LEP	24 days	Tue 7/06/12	Tue 7/06/12
EMC Report to Council - adopt final LEP	0 days	Tue 24/07/12	Tue 24/07/12
Council issue adopted LEP to DOP for gazetting	0 days	Wed 15/07/12	Wed 15/07/12

INTERIM HERITAGE & BIODIVERSITY LEP

Task Name	Duration	Start	End
Finalize mapping and background studies	28 days	Mon 17/10/11	Mon 17/10/11
Prepare LEP maps and clauses (amendment to KPRC)	28 days	Mon 17/10/11	Mon 17/10/11
Prepare LEP maps and clauses (amendment to KPRC)	3 days	Wed 16/10/11	Wed 16/10/11
OMC - Notice of Motion	0 days	Tue 8/1/11	Tue 8/1/11
Prepare Planning Proposal	0 days	Fri 11/11/11	Fri 11/11/11
Submit PP to Department of Planning	0 days	Fri 22/11/11	Fri 22/11/11
Gateway Process	15 days	Fri 25/11/11	Fri 25/11/11
Gateway determination	0 days	The 15/12/11	The 15/12/11
Issue draft LEP to DOP for review prior to exhibition	30 days	Mon 19/12/11	Mon 19/12/11
Agency consultation	28 days	Tue 20/12/11	Tue 20/12/11
Commence LEP exhibition	0 days	Mon 30/01/12	Mon 30/01/12
LEP exhibition	20 days	Mon 30/01/12	Mon 30/01/12
Council reviews submissions	33 days	Mon 21/02/12	Mon 21/02/12
OMC - report draft LEP to Council	0 days	Tue 24/04/12	Tue 24/04/12
Council issue adopted LEP to Department of Planning	0 days	Sat 20/04/12	Sat 20/04/12

PRINCIPAL LEP

Task Name	Duration	Start	End
Finalize mapping and background studies	19 days	Tue 1/11/11	Tue 1/11/11
GIS mapping draft LEP maps	48 days	Mon 28/11/11	Mon 28/11/11
Prepare Draft LEP report	48 days	Mon 28/11/11	Mon 28/11/11
OMC - Draft LEP report	0 days	Tue 14/02/12	Tue 14/02/12
Issue draft LEP to DOP for review prior to exhibition	100 days	Mon 20/02/12	Mon 20/02/12
State Agency consultation (by council)	116 days	Mon 20/02/12	Mon 20/02/12
Commence exhibition	0 days	Fri 10/04/12	Fri 10/04/12
Exhibition	20 days	Fri 10/04/12	Fri 10/04/12
Reclassification notification period	16 days	Fri 7/05/12	Fri 7/05/12
Reclassification hearing (by others)	0 days	Mon 11/05/12	Mon 11/05/12
Prepare Hearing Report (by others)	32 days	Fri 1/06/12	Fri 1/06/12
Review submissions	48 days	Wed 14/11/12	Wed 14/11/12
Staff prepare Council report - LEP for adoption	12 days	Wed 14/11/12	Wed 14/11/12
EMC - report draft LEP to Council	0 days	Fri 14/12/12	Fri 14/12/12
Council issue adopted LEP to Department of Planning	0 days	Wed 15/12/12	Wed 15/12/12

ATTACHMENT B1 – Proposed Biodiversity and Riparian Land LEP provisions

Biodiversity Protection

- (1) The objective of this clause is to protect, maintain and improve the diversity and condition of native vegetation and habitat, including:
 - (a) protecting biological diversity of native flora and fauna, and
 - (b) protecting the ecological processes necessary for their continued existence, and
 - (c) encouraging the recovery of threatened species, communities, populations and their habitats, and
 - (d) protecting, restoring and enhancing biodiversity corridors.
- (2) This clause applies to development on land that is identified as “Areas of Biodiversity Significance” on the Natural Resources - Biodiversity Map.
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider:
 - (a) the impact of the proposed development on the following:
 - (i) any native vegetation community,
 - (ii) the habitat of any threatened species, population or ecological community,
 - (iii) any regionally significant species of plant, animal or habitat,
 - (iv) any biodiversity corridor,
 - (v) any wetland,
 - (vi) the biodiversity values within any reserve,
 - (vii) the stability of the land, and
 - (b) any proposed measure to be undertaken to ameliorate any potential adverse environmental impact, and
 - (c) any opportunity to restore or enhance remnant vegetation, habitat and biodiversity corridors.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is consistent with the objectives of this clause, and
 - (b) is designed, and will be sited and managed, to avoid any potential adverse environmental impact or, if a potential adverse environmental impact cannot be avoided:
 - (i) the development minimises disturbance and adverse impacts on remnant vegetation communities, habitat and threatened species and populations, and
 - (ii) measures have been considered to maintain native vegetation and habitat in parcels of a size, condition and configuration that will facilitate biodiversity protection and native flora and fauna movement through biodiversity corridors, and
 - (iii) the development avoids clearing steep slopes and facilitates the stability of the land, and
 - (iv) measures have been considered to achieve no net loss of significant vegetation or habitat.

- (5) In this clause:

biodiversity corridor means an area to facilitate the connection and maintenance of native flora and fauna habitats. Within the urban landscape, biodiversity corridors may be broken by roads and other urban elements and may include remnant trees and associated native and exotic vegetation.

Riparian land and waterways

- (1) The objectives of this clause are:
- (a) to protect or improve:
 - (i) water quality in waterways, and
 - (ii) stability of the bed and banks of waterways, and
 - (iii) aquatic and riparian habitats, and
 - (iv) ecological processes in waterways and riparian areas, and
 - (v) threatened aquatic species, communities, populations and their habitats, and
 - (vi) scenic and cultural heritage values of waterways and riparian areas, and
 - (b) where practicable, to provide for the rehabilitation of existing piped or channelised waterways to a near natural state.
- (2) This clause applies to development on land that is identified on the Natural Resources - Riparian Lands Map as:
- (a) Category 1, or
 - (b) Category 2, or
 - (c) Category 3, or
 - (d) Category 3a.
- (3) Before granting development consent for development on land to which this clause applies, the consent authority must consider the impact of the proposed development on the following:
- (a) water quality in the waterway, and the natural hydrological regime,
 - (b) aquatic and riparian habitats and ecosystems,
 - (c) stability of the bed, shore and banks of the waterway,
 - (d) the movement of aquatic and terrestrial native species,
 - (e) habitat of any threatened species, population or ecological community,
 - (f) public access to, and use of, any public waterway and its foreshores,
 - (g) any opportunities for maintenance, rehabilitation or re-creation of watercourses, aquatic and riparian vegetation and habitat.
- (4) Development consent must not be granted for development on land to which this clause applies unless the consent authority is satisfied that the development:
- (a) is consistent with the objectives of this clause, and
 - (b) is designed, and will be sited and managed, to avoid any potential adverse environmental impact or, if a potential adverse environmental impact cannot be avoided, the development:
 - (i) is designed and sited so as to have minimum adverse impacts, and
 - (ii) incorporates effective measures so as to have minimal adverse environmental impact, and
 - (iii) mitigates any adverse environmental impact through the rehabilitation or remediation of any existing disturbed or artificially modified riparian area on the site.

ATTACHMENT C1 – Proposed Heritage Conservation LEP Provisions

Proposed amendments to the Ku-ring-gai Planning Scheme Ordinance

Make amendments to clause 4.(1) Interpretation to be consistent with the standard LEP template:

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

archaeological site means a place that contains one or more relics.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

heritage conservation area means an area of land of heritage significance:

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

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and

- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 7.

Note. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

relic has the same meaning as in the *Heritage Act 1977*.

To omit the clauses 61D, 61E, 61F, 61G and 61H and insert from the standard LEP template new clauses being clause 5.10 (1) - (10) Heritage conservation:

Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 7. Heritage conservation areas (if any) are shown on the Heritage Conservation Area Map as well as being described in Schedule 7.

61D (1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Ku-ring-gai Council,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):

- (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 7 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the

proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected,

or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

To include in Schedule 7 *Heritage Items*, Part 3 - *Heritage conservation areas* an additional 38 heritage conservation areas being:

Part 3 - Heritage Conservation Areas

Description	Identification on Heritage Map	Significance
Wahroonga Conservation Area	Shown by red hatching and labelled "C1"	Local
Heydon Avenue, Warrawee/Woodville Avenue, Wahroonga Conservation Area	Shown by red hatching and labelled "C2"	Local
Warrawee Conservation Area	Shown by red hatching and labelled "C3"	Local
Mahratta Conservation Area	Shown by red hatching and labelled "C4"	Local
Laurel Avenue/King Street Conservation Area	Shown by red hatching and labelled "C5"	Local
Ku-ring-gai Avenue Conservation Area	Shown by red hatching and labelled "C6"	Local
Park Estate Conservation Area	Shown by red hatching and labelled "C7"	Local
Pymble Heights Conservation Area	Shown by red hatching and labelled "C8"	Local
Fernwalk Conservation Area	Shown by red hatching and labelled "C9"	Local
Orinoco Street Conservation Area	Shown by red hatching and labelled "C10"	Local
Pymble Avenue Conservation Area	Shown by red hatching and labelled "C11"	Local
Gordondale Estate Conservation Area	Shown by red hatching and labelled "C12"	Local
Roberts Grant Conservation Area	Shown by red hatching and labelled "C13"	Local
Love Estate/Thorne/Oatley Grant Conservation Area	Shown by red hatching and labelled "C14"	Local
Gordon Park Estate McIntosh/Ansell Grant Conservation Area	Shown by red hatching and labelled "C15"	Local
St Johns Avenue Conservation Area	Shown by red hatching and labelled "C16"	Local
Gordon Park Conservation Area	Shown by red hatching and labelled "C17"	Local

Yarabah Avenue Conservation Area	Shown by red hatching and labelled "C18"	Local
Smith Grant Conservation Area	Shown by red hatching and labelled "C19"	Local
Greengate Estate Conservation Area	Shown by red hatching and labelled "C20"	Local
Springdale Grant Conservation area	Shown by red hatching and labelled "C21"	Local
Crown Blocks Conservation Area	Shown by red hatching and labelled "C22"	Local
Lynwood Avenue Conservation Area	Shown by red hatching and labelled "C23"	Local
Marian Street Conservation Area	Shown by red hatching and labelled "C24"	Local
Stanhope Road Conservation Area	Shown by red hatching and labelled "C25"	Local
Oliver Grant Conservation Area	Shown by red hatching and labelled "C26"	Local
Blenheim Road Conservation Area	Shown by red hatching and labelled "C27"	Local
Wolseley Road Conservation Area	Shown by red hatching and labelled "C28"	Local
Balfour Street/ Highfield Road Conservation Area	Shown by red hatching and labelled "C29"	Local
Lindfield Park Estate Conservation Area	Shown by red hatching and labelled "C30"	Local

ATTACHMENT D - Heritage conservation area statements of significance

1. Wahroonga Conservation Area

Wahroonga Heritage Conservation Area is of heritage significance for its distinctive residential streetscapes which evidence the transformation of early subdivisions of the 1890s into the later rectilinear grid lot street and lot pattern of later subdivisions including the Wahroonga Heights Estate. The area contains a significant collection of grand residences from the Federation and Inter-war periods, built following the opening of the North Shore railway line in 1890, many of these the residences of prominent families of this period, and often designed by prominent architects, for example the 1894 Ewan House (formerly Innisfail) designed by architect Herbert Wardell for John Thomas Toohey, and eleven houses designed by the architect Howard Joseland. The western end of Burns Road and western side of Coonanbarra Road are representative streetscapes of intact more modest Federation period houses.

The through-block pathways and formal avenues of street trees within the area (in Burns Road, Water Street and Coonanbarra Road) along with the formal landscaping of Wahroonga Park, and its distinctive John Sulman-designed shops in Coonanbarra Road facing the Park, are a tribute to the work of the Wahroonga Progress Association in the early 20th century (which included Sulman as a member), and have resulted in a high-quality and distinctive residential landscape.

2. Heydon Avenue, Warrawee/Woodville Avenue, Wahroonga Conservation Area

The Heydon Avenue Warrawee/Woodville Avenue Wahroonga Heritage Conservation Area is a distinctive residential area of historical and aesthetic significance for its fine Federation and Interwar period streetscapes, including Yosefa Avenue, which contains houses designed by architect Augustus Aley. The area contains a number of heritage items by notable architects including *Redleaf* and *Inglewood*, both designed by Howard Joseland. Significantly, the area retains its oldest house, *Reaycroft* at 17 Heydon Avenue, built in the Federation Queen Anne style in 1895 to a design by architects Castleton and Lake for Judge Heydon, after whom Heydon Avenue is named.

3. Warrawee Conservation Area

Warrawee Heritage Conservation Area is of aesthetic significance for its remarkable concentration of architecturally distinguished houses set within fine landscaped garden settings on large sites, many of the houses designed by notable architects including Eleanor Cullis-Hill, John Horbury Hunt, H. Joseland, Joseland & Gillings, Maurice B. Halligan, John Sulman, Hugh Venables Vernon, Waterhouse & Lake, and Wilson, Neave & Berry. Fine gardens blend with regenerated native trees and the undulating topography to create an aesthetically fine residential landscape. Warrawee Heritage Conservation Area is of historical significance as an exclusively residential area, which retains evidence of its early settlement, subdivision and continuing development, in its main road pattern created in the 1890s, and evidence of later subdivision of earlier estates such as the Pibrac Estate subdivision of 1920, which created Pibrac Avenue. A notable feature of the area's layout, which is of historical significance, is the early creation of battleaxe allotments from the 1917 subdivision of the Warrawee Garden Estate.

The area is also of historical significance for its collection of early houses associated with prominent historical figures including *Pibrac*, the home of Frederick Eccleston Du Faur (1832 - 1915); *Roseburn* and *Kooyong* designed for two of the Gillespie brothers, proprietors of

Anchor Flour Mills and prominent benefactors of Knox Grammar School, and *Audley*, designed for Preston L. Gowing of Gowings department stores.

4. Mahratta Conservation Area

The Mahratta Heritage Conservation Area is of historical and aesthetic significance for its largely intact fabric (houses, gardens, street layout) dating from the 1890s through to the inter war period into the 1940s. The area is of aesthetic significance as: it encompasses the State Heritage Listed Mahratta built 1941 on the corner of the Pacific Highway and Fox Valley Road with its substantial gardens designed by Paul Sorenson; the 1924 subdivision of Myall Avenue as a rare early cul-de-sac design, distinctive for its Inter war period housing and circular planting bed; the 1912 subdivision of the eastern end of Gilda Avenue, with its collection of Federation period to inter-war period housing.

The area is of historical significance as one of the earliest areas of housing development on the western side of the Pacific Highway at Wahroonga, encompassing the 1912 Warrawee View Estate (eastern end of Gilda Avenue) and the Myall Avenue (a subdivision of part of Toohey's Estate). The 1943 aerial photo of the area shows the eastern end of Gilda Avenue with unified formal street tree plantings (likely brush box), indicating the influence of the Wahroonga Progress Association in the early 20th century.

5. Laurel Avenue/King Street Conservation Area

The Laurel Avenue/King Street Heritage Conservation Area is a small distinct area which contains a collection of Federation and Inter-war period buildings of high aesthetic and historical significance. These buildings illustrate the complex subdivision history of the area following the opening of the railway in 1890 and the intensification of suburban development in the Inter-war period. Laurel Avenue contains a collection of Inter-war Georgian Revival style housing, including two houses designed by the architect Leith McCredie. St. James Anglican Church at 5 King Street is considered to be of social, historical and aesthetic significance.

6. Ku-ring-gai Avenue Conservation Area

The Ku-ring-gai Avenue Heritage Conservation Area is of historic, aesthetic, social and technological significance as one of the most socially prestigious Federation period streets in Sydney and potentially New South Wales. Ku-ring-gai Avenue derives its fine aesthetic qualities from its collection of grand Federation period residences set in generous and well-proportioned garden settings which blend into the mature brush box avenue street tree planting. Many of these residences were designed by prominent Sydney architects, including Thomas Frame Cosh (of Slatyer & Cosh, Spain & Cosh), Arthur Stanton Cook, G.M. Pitt junior, Robertson & Marks and Sir John Sulman.

The Avenue is also of historical and social significance for its association with the important artist Grace Cossington Smith, whose works were inspired by her home and its setting; and for its association with prestigious and influential early residents including the Penfold family (stationers) and many of Sydney's most prominent early twentieth century architects, including Charles Slatyer, Thomas Frame Cosh, John Spencer Stansfield, Sir John Sulman and Arthur Stanton Cook.

7. Park Estate Conservation Area

The Park Estate Heritage Conservation Area is historically and aesthetically significant as an intact portion of the Park Estate subdivision associated with Robert Pymble and his descendants, for Robert Pymble Park, and as an area of fine substantial houses of the

Federation and the Inter-war period, in a variety of architectural styles, many of which are listed heritage items and exemplars of their various architectural styles.

8. Pymble Heights Conservation Area

A largely intact portion of the 1892 Pymble Heights Estate subdivision encompassing a large number of heritage items, particularly intact Victorian, Federation and Inter-war period housing. The area 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 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.

9. Fern Walk Conservation Area

The Fern Walk Heritage Conservation Area is of historical significance as an area developed from later subdivision of land once part of McKeown's land in the 19th century. The area encompasses a largely intact mix of Federation, Inter-war and 1940s period housing, with some later housing. The area is of historical significance for its pattern of subdivision, re-subdivision and development from November 1892 through to the 1940s.

The area is of aesthetic significance for its fine groups of Federation period, Inter war period and 1940s houses, illustrating a variety of architectural styles of those periods including Federation Queen Anne, Federation Arts & Crafts, Inter War California Bungalow, Inter War Mediterranean, Inter War Spanish Mission, and Inter War Georgian Revival. Housing within the area includes modest c. 1900 cottages (18 and 20 Mona Vale Road), larger heritage-listed Federation period houses, and, in Fern Street, groups of Inter war California Bungalows and later 1940s houses.

10. Orinoco Street Conservation Area

Orinoco Street is significant historically and aesthetically as an highly intact portion of the 1894 Hamilton Estate subdivision developed from the early 20th century, and for its collection of Peddle Thorp designed bungalows. The Heritage Conservation Area boundary also encompasses 16 Livingstone Avenue, a house designed 1956-57 by architects Morrow & Gordon for Grace Irene Gordon, wife of Percy J. Gordon architect, principal of the firm at the time, as his family residence. The area is considered rare for its concentration of housing designed by a single architectural firm (Peddle Thorp later Peddle Thorp & Walker) between 1913 and 1930, and for its collection of fine inter war period housing at the southern end of Orinoco Street, wrapping around into Livingstone Avenue.

11. Pymble Avenue Conservation Area

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, Federation

to inter-war period houses in generous garden settings within a spectacular mature blue gum high forest streetscape. The area contains a representative collection of fine houses including:

- *Grey House* 59 Pymble Avenue constructed c. 1916 to the design of architect Hedley Vicars Graham for Jane and Oscar Curtis, exporter, built on Lot 41 of the *Pymble Station Estate* (heritage listed). In 1918 Jane Curtis sold the property to the Presbyterian Church, which used it as a residence for the Principal of its Ladies College (PLC). Dr. Marden, Miss Everett and Miss Nancy Jobson, all lived there. This property is historically associated with PLC school.
- *Elderslie* 41 Pymble Avenue, designed by architects Peddle Thorp & Walker in 1939 with innovative design features (heritage listed)
- 37 Pymble Avenue, constructed 1940 to the design of architect J. Aubrey Kerr for Jean and Colin Milne
- *Grenier* aka *Brambledene*, 61 Pymble Avenue, constructed c. 1918 for Millicent and Edward Bryant, reputed to have been designed by architects Waterhouse & Lake, built on Lot 40 of the *Pymble Station Estate*. Millicent Bryant became the first Australian woman to gain a pilot's license on 28 March 1927.
- *Boongala*, 56 Pymble Avenue, built 1939 for Geoffrey Phillip Stuckey, a fellow of St. Paul's College, Sydney University, admitted to the NSW Bar in 1924, and joint editor for the 2nd edition of *Parker's Equity Practice in NSW* 1949.
- *Orana*, 60 Pymble Avenue, designed 1937 by architects Peddle Thorp & Walker for Claude Robinson Cornwell, company manager. The house was the subject of an article in the *Sydney Morning Herald Women's Supplement* on 16 January 1939.

12. Gordondale Estate Conservation Area

Gordondale Estate Conservation Area is historically significant as part of the late nineteenth century subdivision of Gordondale Estate. The subdivision reflects anticipated improved transport connections due to the construction of the North Shore Rail line. The area is aesthetically significant with fine examples of substantial Federation and Inter-war style houses on large blocks with well established garden settings.

13. Roberts Grant Conservation Area

Roberts Grant Conservation Area is historically significant as an intact portion of the Roberts' 1856 25 acre land grant whose boundaries are evident through the following streets; Nelson, Melkin End, and Rosedale Road. The Conservation Area has aesthetic significance for the large number of intact Federation and Inter-war houses. The setting of the houses is complemented by the substantial gardens, and significant native and introduced trees.

14. Love Estate/Thorne/Oatley Grant Conservation Area

The conservation area Love Estate/Thorne/Oatley Grant Conservation Area has historic significance as part of the Thorne 1856 100 acre land grant and the 1882 19 Choice Farms subdivision. The area has high aesthetic significance as a highly intact and consistent Interwar development and for the high proportion of quality houses including Stonyhurst at 4 Matang Street. The streets in the area derived their names from the owners at the time of the subdivision the Love family.

15. Gordon Park Estate McIntosh/Ansell Grant Conservation Area

The Gordon Park Estate McIntosh/Ansell Grant Conservation Area Conservation Area has historic significance as the part of the 1823 Ansell 40 acre land grant purchased by McIntosh and the late nineteenth century subdivision of Gordon Park Estate evident in McIntosh Street.

The area is aesthetically significant for its intact Inter-war houses representing a mix of styles from the Inter-war period.

16. St Johns Avenue Conservation Area

St. Johns Avenue Conservation Area is of heritage significance for its intact Federation and Inter-war period housing, its dramatic streetscape derived from the narrow paved carriageway, wide grassed verges and mature brush box avenue planting, as the first paved road in Ku-ring-gai, and for its association with and the heritage significance of St. Johns Church, manse and cemetery, which encompass significant historical and social values for Ku-ring-gai. The Pacific Highway section of the proposed HCA is of aesthetic and historical significance for its collection of fine Federation and Inter-war period housing.

17. Gordon Park Conservation Area

The Gordon Park Heritage Conservation Area is of historical and aesthetic significance as an intact portion of the Gordon Park and Brown's Estates developed from 1895, illustrative of the 1890s post railway development in Gordon, with a predominant Federation to Interwar period character. The area features key heritage items Eryldene 17 McIntosh Street (listed on the State Heritage Register) and 49 and 51 Werona Avenue Gordon.

18. Yarabah Avenue Conservation Area

Yarabah Avenue is significant as part of a 1920s subdivision which retains its inter-war character of single storey Inter-war California Bungalows, including the remarkable heritage-listed bungalow Nebraska designed by architect Alexander S Jolly at 17 Yarabah Avenue.

19. Smith Grant Conservation Area

The Smith Grant Conservation Area has historic significance as an intact portion of the Joseph Smith 40 acre land grant whose boundaries are evident through Essex Street and the Pacific Highway. The area evidences an overlay of Inter-war subdivision after an earlier land release, including the Open View Estate 1921, and the Fairmont Estate 1928. The area has aesthetic significance as a reasonably intact and consistent early Twentieth Century subdivision and for the high proportion of quality houses.

20. Greengate Estate Conservation Area

The Greengate Estate Conservation Area has historic significance as a portion of the Foster 70 acre land grant. The area has aesthetic significance as a highly intact early Twentieth Century subdivision with buildings from the Federation and Inter-war period. In particular, the Arts and Craft and Bungalow styles are well represented.

21. Springdale Grant Conservation Area

The Springdale Grant Conservation Area has historic significance as part of the Jane Bradley's 1839 160 acre land grant whose boundaries are evident through the following streets: Karanga Avenue, Locksley Street, Roseberry Road and Stanhope Rd. The area has aesthetic value for the high number of intact Federation and Inter-war buildings. The area is characterised by medium to large lots with well established gardens. The houses are almost exclusively detached residences, with only few exceptions. The area has groupings of Federation and Interwar housing. Architectural styles present include Federation Queen Anne, Arts and Crafts and Bungalow, and Inter-war Old English, Spanish Mission, Mediterranean and Californian Bungalow. Many houses retain period landscape features including sweeping drives, borders of mixed shrubberies and planted out beds.

22. Crown Blocks Conservation Area

The Crown Blocks Conservation Area has historic significance as Crown Blocks which sold in the 1890s whose boundaries are evident through the following streets: Tryon Road, Nelson Road and the boundary of original large lots. The area has historic significance for the further subdivision of Crown Blocks as Mackenzie Estate in 1907, Lightcliff Avenue and Slade Avenue in 1916 and Belhelvie Estate in 1919. The area has aesthetic significance for the intact Federation and Inter-war houses. Nelson Road consists mainly of Federation period houses with consistent siting, massing and architecture. Lightcliff Avenue represents a significant example of cohesive subdivision and development with housing styles including Inter-war Mediterranean and Old English. The Seven Little Australians Park and Killara Oval are important inclusions to the HCA, providing large landscape elements of high visual amenity.

23. Lynwood Avenue Conservation Area

The Lynwood Avenue Conservation Area has historic significance as part of the Edwin Booker 80 acre land grant purchased by Captain Pockley who established his home Lorne and an orchard here. The boundary of the land grant is evident through Karranga Avenue and Locksley Street. The area has aesthetic significance for the highly intact and cohesive late Nineteenth Century and early Twentieth Century development. The area includes a large number of heritage items. It is characterised by mostly intact Federation and Inter-war development. Housing types present represent the varied architectural styles of the periods, including Old English, Spanish Mission, Mediterranean and Californian Bungalows, many of the homes architecturally designed. Mature native and introduced trees, on private property and as street trees, add to the high visual quality of the area.

24. Marian Street Conservation Area

The Marian Street Heritage Conservation Area is of high local historic and aesthetic significance as a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses from the Federation, Inter-war and Post-war periods. The built context is enhanced by large garden settings, wide street proportions, street plantings and remnant and planted native trees; elements which are synonymous with the Ku-ring-gai area. The early grant boundaries, estates and subdivision pattern significantly remain visible in the current layout and pattern of development and late 19th and early to mid 20th century building stock retains a high level of integrity. The early development is also overlayed by later land subdivisions and some consolidation and later development which reflect changes in the wider rail and road networks and ongoing evolution of the local and wider area. Despite these changes the area significantly retains part of the original vision for the area with emphasis on residential, recreational and cultural development.

25. Stanhope Road Conservation Area

The Stanhope Road Conservation Area has historic significance as part of the Jane Bradley's Springdale 1839 160 acre land grant whose boundaries are evident through Stanhope Rd and the Pacific Highway. The area has aesthetic significance a good and largely intact residential precinct characterised by streetscapes of good, high quality examples of single detached houses from the Federation, Inter-war and Post-war periods. The built context is enhanced by large garden settings, wide street proportions, street plantings and remnant and planted native trees; elements which are synonymous with the Ku-ring-gai area. The early grant boundaries, estates and subdivision pattern significantly remain visible in the current layout and pattern of development and late 19th and early to mid 20th century building stock retains a high level of

integrity. The early development is also overlayed by later land subdivisions and some consolidation and later development which reflect changes in the wider rail and road networks and ongoing evolution of the local and wider area. Despite these changes the area significantly retains part of the original vision for the area with emphasis on residential, recreational and cultural development.

26. Oliver Grant Conservation Area

The Oliver Grant Conservation Area has historic significance as part of the Henry Oliver 45 acre land grant which was later divided into 3 farms. The grant boundaries are evident through Stanhope Road and the Pacific Highway. The area has aesthetic significance for the high quality intact buildings from the Federation and Inter-war periods.

27. Blenheim Road Conservation Area

Blenheim Road Heritage Conservation Area has historical and aesthetic significance as an intact area of Federation Queen Anne and Inter-war California Bungalow style housing with mature street tree planting, including three listed heritage items, which represents an intact portion of the 1911 *Heart of Lindfield* subdivision.

28. Wolseley Road Conservation Area

Wolseley Road is of aesthetic and historical significance for its collection of Federation and Inter-war period housing, built following subdivision as part of the 1911 Heart of Lindfield Estate, and for its magnificent avenue of mature brush box trees.

29. Balfour Street/ Highfield Road Conservation Area

The area is of aesthetic and historical significance as an intact area of Federation Queen Anne style housing, including a presbytery (10 Highfield Road), representative of the development of the 1884 Gordon Park Estate subdivision. The area also includes the c. 1940s Holy Family Catholic church and school at 2-4 Highfield Road (corner Pacific Highway), which is a property which includes 7 Balfour Street, one of the intact group of Balfour Street Federation Queen Anne style houses.

30. Lindfield West Conservation Area

The Lindfield West Conservation Area has historic significance as part of the late nineteenth century subdivision Gordon Park Estate (1884) evident in the following streets: Beaconsfield Parade, Norwood Avenue and Gladstone Avenue lots and some houses. The area has aesthetic significance as a mostly intact and consistent late nineteenth century development consolidated in the Inter-war period and several quality houses from the Federation and Inter-war periods. Frances Street has a large number of heritage items and the street consisting of predominantly single storey Inter-war Bungalows is of high aesthetic significance.

31. Trafalgar Avenue Conservation Area

The Trafalgar Avenue area is of aesthetic and historical significance as it encompasses intact portions of the Clanville, Seldon and Runnymede Estate subdivisions, containing Federation and Inter-war housing.

32. Clanville Conservation Area

The Clanville Conservation Area has historic significance as the part of the David Dering Mathew 400 acre land grant "Clanville". The area has further historic significance for the

successive subdivision of “Clanville” in the late nineteenth century subdivisions of Roseville Park Estate (1893) and Roseville Station Estate (1896), and the early twentieth century subdivisions of Clanville Estate (1903); Clanville Heights Estate (AKA Lindfield Heights Estate of 1906) (1905); Terry’s Hill Estate (1908); Clermiston Estate (1912); Taraville Estate (1914); The First Estate (1918); The Garden Estate (1920); Horden’s Roseville Estate (1922) and Archbold Hill Estate (1923). The area has aesthetic significance for the highly intact and quality Federation and inter-war houses. Architectural styles present from the Federation period include Federation and transitional Bungalows, Queen Anne, and Arts and Crafts, and present from the Inter-war period mostly Californian Bungalows but also Old English, Art Deco and Spanish Mission.

33. Earl of Carnarvon Conservation Area

The Earl of Carnarvon Conservation Area has historic significance as the John Jamieson 49 acre land grant, whose boundaries are evident through the following streets: Carnarvon Road, Earl Street and Archbold Road. The area has high historic significance as 1922-3 Earl of Carnarvon subdivisions evident in the following streets: Merlin Street, Roseville Avenue, Luxor and Amarna Parade. The subdivisions were developed by Arthur Rickard as the ‘ideal Bungalow Estate’. The area was fully developed by 1943. The naming of the Estate and streets reflects the discovery of Tutankhamen’s tomb in 1922. The area has high significance as a highly intact and consistent Inter-war development.

34. Archbold Farms Conservation Area

The Archbold Farms Conservation Area has historic significance as the James Archbold 33 acre land grant whose boundaries are evident through Archbold Road and Earl Street and divided into four farms in the 1880s. The area has historic significance for its early twentieth century subdivision of the 1880s farms as the Winifred Estate (1903), the Roseville Heights Estate (1906) and the Upper Clanville Estate (1911), evident in the following streets: Duntroon Avenue, Addison Avenue and Park Avenue lots and houses. The conservation area has aesthetic significance for the intact and consistent Inter-war development throughout the conservation area and the high quality Federation transitional period architecture in Duntroon Avenue. The houses are aesthetically enhanced by established garden settings and streetscapes with significant street trees.

35. The Grove Conservation Area

The Grove Heritage Conservation Area is of historical and aesthetic significance as it encompasses intact streetscapes of Federation to Inter-war period housing, largely single storey, with mature street tree planting (predominantly brush box) characteristic of the same period. The area reflects its historical development following both the 1903 Clanville Estate subdivision and re-subdivision in 1922 as part of Hordern’s Roseville Estate.

36. Lord Street/Bancroft Avenue Conservation Area

The Lord Street/Bancroft Avenue Heritage Conservation Area is of historical and aesthetic significance as an area of Federation Queen Anne style housing which represents an intact portion of the 1903 Clanville Estate subdivision.

37. Garden of Roseville Estate Conservation Area

The Garden of Roseville Estate Conservation Area has historic significance as part of the William Henry land grant. The area has historic significance as an early twentieth century subdivision of the Garden of Roseville Estate (1914), evident in street layouts, lots and some houses. The conservation area has high aesthetic significance as a highly intact and

consistent early twentieth century development, whose Inter-war streetscapes are enhanced by the consistent architectural style, mostly Inter-war Californian, and Arts and Crafts Bungalows.

38. Shirley Road Conservation Area

The Shirley Road Conservation Area has historic significance as part of the Henry Fitzgerald and Jenkins land grants. The conservation area has historic significance as a collection of early twentieth century subdivisions including the Shirley Road Estate (1909), Jenkins Estate (Glennearn) (1909), Jenkins Estate 1st Subdivision (1912), Lynwood Estate (1915), and a collection of Inter-war subdivisions including Recreation Park Estate (1925), Toongarah Estate (1931), Millwood Estate (DP 17798) (1936) evident in the lots and some houses. The conservation area has aesthetic significance as it is highly intact Federation and Inter-war development. Federation residences on Shirley Road have fine architectural detailing and are set in generously landscaped gardens. The type of buildings on Shirley Road range from large and notable residences, to smaller examples of both the Federation and the Inter-war periods.

ATTACHMENT E - Assessment of Planning Proposal Consistency with Section 117 Direction and State Environmental Planning Policies

PART A: STATE ENVIRONMENTAL PLANNING POLICIES		Not relevant	Consistent
SEPP1	Development Standards	✓	
SEPP4	Development Without Consent	✓	
SEPP6	Number of Storeys in a Building	✓	
SEPP19	Bushland in Urban Areas		✓
SEPP21	Caravan Parks	✓	
SEPP22	Shops and Commercial Premises	✓	
SEPP30	Intensive Agriculture	✓	
SEPP32	Urban Consolidation (Redevelopment of Urban Land)	✓	
SEPP33	Hazardous and Offensive Development	✓	
SEPP44	Koala Habitat Protection		✓
SEPP55	Remediation of Land	✓	
SEPP60	Exempt and Complying Development	✓	
SEPP62	Sustainable Aquaculture	✓	
SEPP64	Advertising and Signage	✓	
SEPP65	Design Quality of Residential Flat Development	✓	
SEPP70	Affordable Housing (Revised Schemes)	✓	
SEPP	(Affordable Rental Housing) 2009	✓	
SEPP	(Housing for Seniors or People with a Disability) – 2004	✓	
SEPP	Building Sustainability Index : Basix 2004	✓	
SEPP	Major Development 2005	✓	
SEPP	Mining, Petroleum Production and Extractive Industries 2007	✓	
SEPP	Temporary Structures 2007	✓	
SEPP	Infrastructure 2007	✓	
SEPP	Affordable Rental Housing 2009	✓	
SEPP	Exempt and Complying Development Codes 2008		✓
SEPP	(State and Regional Development) 2011	✓	

PART B: REGIONAL ENVIRONMENTAL PLANS		Not relevant	Consistent
SYDNEY REP20	Hawkesbury-Nepean River		✓
SYDNEY REP	(Sydney Harbour Catchment) 2005		✓

PART C: DIRECTIONS UNDER S117(2)		Not relevant	Consistent
PART 1 – GENERAL DIRECTIONS			
1. Employment and Resources			
1.1 Business and Industrial Zones			✓
1.2 Rural Zones	✓		
1.3 Mining, Petroleum production and Extractive Industries	✓		
1.4 Oyster Aquaculture	✓		
1.5 Rural Lands	✓		
2. Environment and Heritage			
2.1 Environment Protection Zones			✓
2.2 Coastal Protection	✓		
2.3 Heritage Conservation			✓
2.4 Recreation Vehicle Areas			✓
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones			✓
3.2 Caravan Parks and Manufactured Home Estates			✓
3.3 Home Occupations			✓
3.4 Integrating Land Use and Transport			✓
3.5 Development Near Licensed Aerodromes	✓		
4. Hazard and Risk			
4.1 Acid Sulfate Soils			✓
4.2 Mine Subsidence and Unstable Land	✓		
4.3 Flood Prone Land	✓		
4.4 Planning for Bushfire Protection			✓
5. Regional Planning			
5.1 Implementation of Regional Strategies	✓		
5.2 Sydney Drinking Water Catchments	✓		
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.8 Second Sydney Airport: Badgerys Creek	✓		
6. Local Plan Making			
6.1 Approval and Referral Requirements			✓
6.2 Reserving Land for Public Purposes			✓
6.3 Site Specific Provisions	✓		
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Strategy			✓