



Planning,
Industry &
Environment

IRF21/4940

Gateway determination report – PP-2021-7032

Killara Bowling and Lawn Tennis Club

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	Killara Bowling and Lawn Tennis Club
NUMBER	PP-2021-7032
LEP TO BE AMENDED	Ku-ring-gai LEP 2015
ADDRESS	Locksley Street, Arnold Street and Werona Avenue, Killara
DESCRIPTION	Lot 3 DP 817195 Lot 2 DP 817195 Lot B DP 380305 Lot 11 DP 1083606
RECEIVED	26/11/2021
FILE NO.	IRF21/4940
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Preserve and protect the current recreational use of the Killara Bowling and Lawn Tennis Clubs, that have been operating for over 100 years;
- Recognise the heritage significance of the site by listing it as an item of local significance; and
- Remove the height of building and floor space ratio development standards, to ensure a merit-based approach to potential future development.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 per the changes in **Table 2** below:

Table 2 Current and proposed controls

Control	Current	Proposed
Heritage status	Not listed In Springdale Heritage Conservation Area	Locally listed In Springdale Heritage Conservation Area
Zone	R2 – Low Density Residential	RE2 – Private Recreation
Maximum height of the building	9.5m	None – to be removed
Floor space ratio	0.3:1	None – to be removed
Minimum lot size	840sqm	840sqm – no change
Number of dwellings	N/A	N/A
Number of jobs	N/A	N/A
Reclassify land from	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is bounded by Locksley Street to the north, Arnold Street to the east and south, and a small driveway entry is located off Werona Avenue to the west. The Locksley Street entry contains an at-grade car park, and a pedestrian entry is off Arnold Street (**Figure 1**).

While the sites operate independently, they share a common boundary towards the centre of the site. In the centre of the site is a tennis club building that faces east over the tennis courts, with a larger Bowling Club complex looking west over the bowling greens (**Figure 2**). As both operations have been active for over 100 years, the site also has several other small built structures and extensions, including a women's locker and extended clubhouse. Further details on the structures are located in the heritage assessment (**Attachment B**) and below in **Section 4.2** of this report.

Killara Station is approximately 150m north-west of the site, with the locality characterised primarily by low density detached dwelling houses with large landscaped yards.

The site is situated in Springdale Heritage Conservation Area, which is characterised by its aesthetic value relating to a high number of intact Federation and Inter-war buildings with well-established gardens. Many houses retain period landscape features including sweeping drives, shrubberies and planted out beds (**Figure 3**).



Figure 1 Subject site outlined in red – Killara Bowling and Lawn Tennis Club (Source: NearMap – Overlay by DPIE).



Figure 2 Site context (source: NearMap)

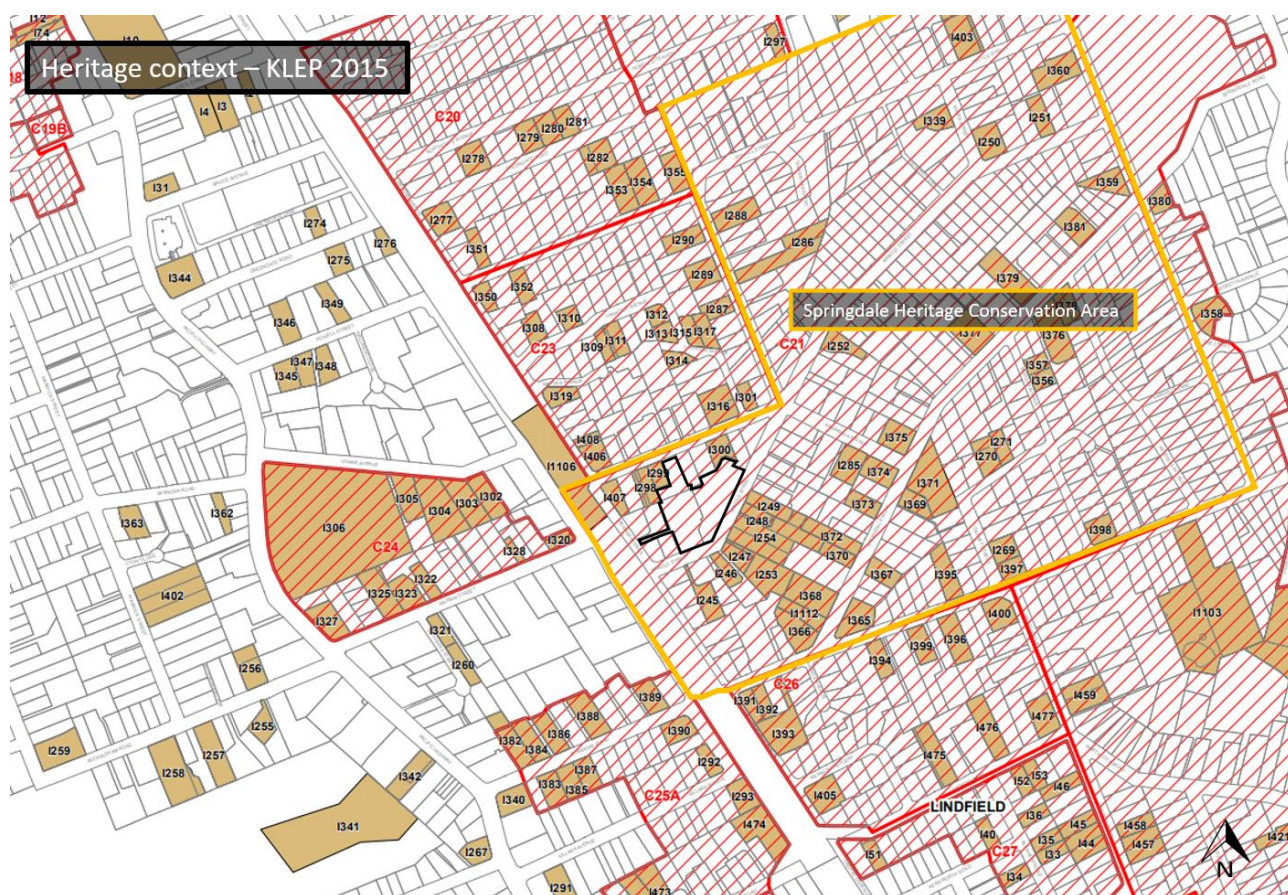


Figure 3 Heritage context under KLEP 2015, with the site outlined in black (source: NSW Legislation)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the land zoning, heritage, height of building and floor space ratio maps. **Figures 4-7** contain comparisons of the existing and proposed maps for each map, which are suitable for community consultation.

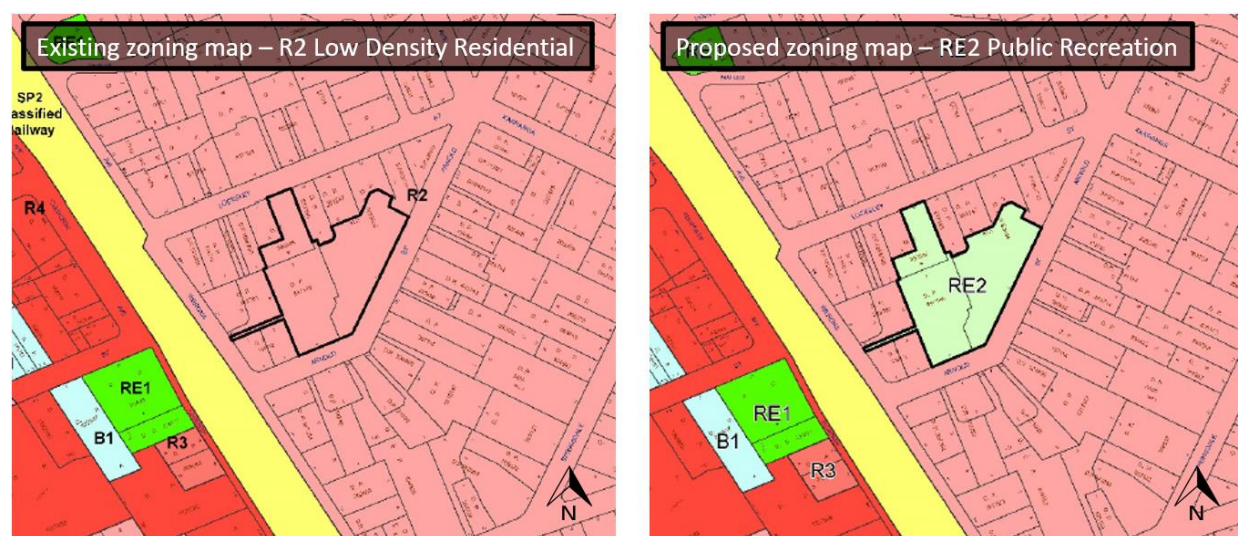


Figure 4 Existing and proposed zoning map (Source: Ku-ring-gai planning proposal)



Figure 5 Existing and proposed height of building map (Source: Ku-ring-gai planning proposal)

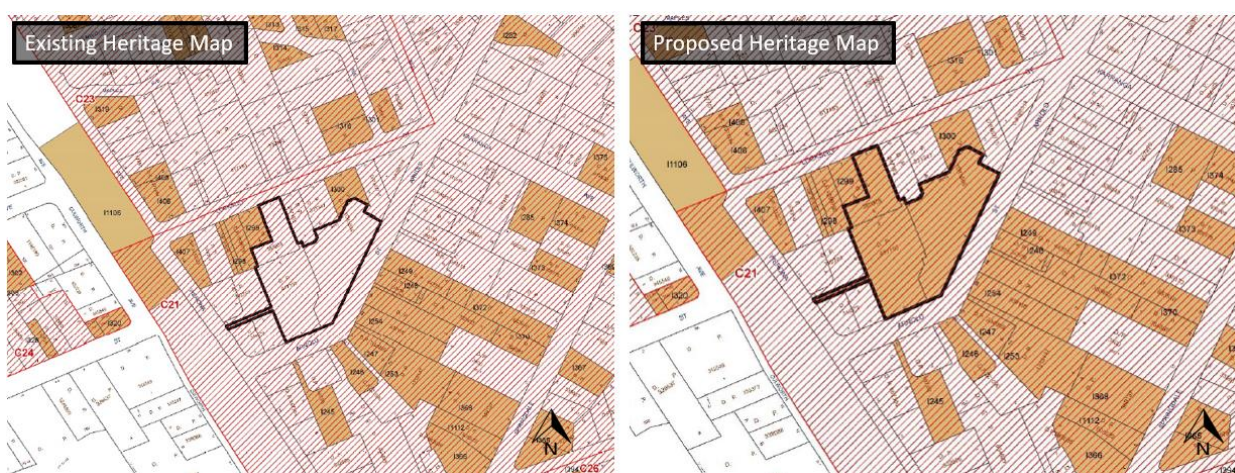


Figure 6 Existing and proposed heritage map (Source: Ku-ring-gai planning proposal)



Figure 7 Existing and proposed floor space ratio map (Source: Ku-ring-gai planning proposal).

1.6 Background

- February 2021 – Council received correspondence from a community member requesting that an Interim Heritage Order (IHO) be placed over the site to protect the site from development

- 2 March 2021 – NSW Heritage requested further information from Council regarding the heritage significance of the site. Council responded and included a Heritage Inventory Sheet for the site (**Attachment C4**)
- 15 March 2021 – NSW Heritage responded to Council detailing that the site does not meet the threshold for listing the site for state significance and suggested that the site was not under any imminent threat of development. NSW Heritage also recommended that Council look to review the site in a local heritage context (**Attachment C1**).
- 18 May 2021 – The matter was raised at the ordinary meeting of Council, where Council resolved to carry out a review of the heritage significance of the site.
- 20 May 2021 – A preliminary heritage assessment was prepared on behalf of Council and presented to the Ku-ring-gai Heritage Reference Committee (HRC). The HRC supported the preliminary heritage assessment (**Attachment C2**).
- 15 June 2021 – Council considered the proposal at an ordinary meeting and resolved to prepare a planning proposal to list the site as an item of local heritage significance (**Attachment C3**).
- 16 August 2021 – The proposal was referred to the Ku-ring-gai Local Planning Panel (KLPP), where the issue was deferred. The KLPP recommended that further information was required to determine the heritage significance of the site and whether a planning proposal was the best means to meet the objectives of the planning proposal (**Attachment E2**).
- 18 October 2021 – The proposal was reconsidered by the KLPP. The KLPP supported the proposal and recommended that the proposal should also include details around rezoning the site to RE2 – Private Recreation, as well as list the site as an item of local heritage significance. The rationale behind the rezoning was due to the KLPP opinion that the objectives of the RE2 zone better reflect the current and historic use of the site rather than the existing R2 zone (**Attachment E1**).

2 Need for the planning proposal

The proposal is a result of local resident correspondence that raised concerns about the protection of the site as an item of heritage significance.

A Heritage Assessment Report was prepared by Vanessa Holtham (**Attachment B**), on behalf of Ku-ring-gai Council, that suggested that the site reaches more than one of the criteria required under NSW Heritage for a local listing under Schedule 5 of KLEP 2015.

Further details regarding the heritage assessment is in **Section 4.2**, below.

3 Strategic assessment

3.1 District Plan

The site is within the North District and the Greater Sydney Commission released the North District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan Priorities	Justification
Planning Priority N4 – Fostering healthy, creative, culturally rich and socially connected communities	The proposal identifies the social significance of the site, as it has served as a place of recreation for over 100 years. The proposal intends to protect and preserve the existing local significance of the site by listing the site as an item of local heritage significance.
Planning Priority N6 – Creating and renewing great places and local centres and respecting the District's heritage	The Heritage Assessment Report identifies that the site has been operating as both a Bowling and Tennis Club; serving the local community for over 100 years. The proposal intends to protect the recreational use and heritage significance by rezoning to RE2 - private recreation and listing the site as an item of local heritage significance.

3.2 Local plans & strategies

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The proposal gives effect to Council's Local Strategic Planning Statement (LSPS), specifically priorities surrounding the protection of landscape character and managing growth (K12), as well as preserving the open space, sporting and leisure facilities to meet the community's diverse and changing needs (K17).
Ku-ring-gai's Community Strategic Plan 2038 (CSP)	The proposal gives effect to the CSP's priority surrounding the protection of heritage buildings and historic places.

3.3 Ku-ring-gai Local planning panel recommendation

The KLPP considered the proposal on 16 August 2021 and determined that further information was required to establish the site had heritage significance. The proposal also required further information to outline how a planning proposal was the best means of achieving the objectives of Council (**Attachment E2**).

The proposal was re-referred to the KLPP 18 October 2021 (**Attachment E1**). In its support for the proposal, the Panel recommended that the proposal be updated to include a rezoning from R2 to RE2. At the time, the proposal only involved listing the site as an item of local significance.

The Panel suggested that the rezoning, in tandem with the heritage listing, would more comprehensively protect the recreational values against development. In particular, the Panel noted that the development opportunities under an R2 zone are inconsistent with the objectives surrounding the protection of the recreational use of the site.

For context, a comparison of the permitted uses is below in **Table 5**, below.

Table 5 – Comparison of land use tables for the existing (R2) and proposed (RE2) zones.

Land zone	Permissible uses under KLEP 2015
R2 – Low Density Residential	<p>Permitted with consent</p> <p>Bed and breakfast accommodation; Boarding houses; Building identification signs, Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Environmental protection works; Exhibition homes; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Tank-based aquaculture</p> <p>Prohibited</p> <p>Any development not specified in item 2 or 3</p>
RE2 – Private Recreation	<p>Permitted with consent</p> <p>Aquaculture; Bee keeping; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Forestry; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Roads; Signage; Water recycling facilities; Water supply systems</p> <p>Prohibited</p> <p>Any development not specified in item 2 or 3</p>

The Panel also suggested that Council update the statement of significance for the Springdale Conservation Area, to include more emphasis on the heritage significance of the Bowling and Lawn Tennis clubs. Further details on the update to the statement is at **Attachment C5** and in **Section 4.2**, below.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.3 – Heritage Conservation	Consistent	The proposal intends to protect and conserve a site that has been identified as having met several criteria of NSW Heritage criteria for local listing. The proposal will ensure the protection of the heritage and recreational character into the future.

3.1 – Residential Zones	Justifiably inconsistent	The proposal reduces land zoned for residential purposes; however, the site has been operating as a bowling and lawn tennis club for over 100 years. The rezoning to RE2 will ensure ongoing protection of the existing recreational use. No further assessment of the inconsistency of this Direction is required.
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3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP 55	Remediation of Land	Consistent	Council's proposal states that there is no evidence to suggest that the site may be potentially contaminated. In any case, the proposal does not propose development that would warrant further investigations into the potential contamination of land, as this would be more appropriate through a development application.

4 Site-specific assessment

4.1 Environmental

The proposal does not propose development of the site and looks to preserve the existing recreational character and local heritage significance. The proposal will not have any impact on critical habitat or endangered ecological communities.

The Bowling and Lawn Tennis Clubs have been operating harmoniously within a predominantly residential setting for over 100 years, and the current recreational use is not known to be under threat of change or development.

The removal of the floor space ratio and height of building will allow for a merit assessment for any future development, including further extensions to existing facilities and other ancillary structures or uses. The proposed local listing will also provide further protection from development by consolidating the significance to the local community as a place of recreation.

Further, if the site was listed as an item of local heritage significance, any nearby development must have regard to the protection and enhancement of the heritage value the site possesses.

4.2 Social and economic

Heritage Significance

A Heritage Assessment Report (The Report) was carried out by Vanessa Holtham, on behalf of Council, in September 2021 (**Attachment B**) after a preliminary assessment was completed in May 2021.

The report highlighted that while a site inspection was carried out, a children's sporting event prevented the taking of photos to inspect the structure on the site. The report notes this limitation and recommends further forensic analysis of the built landscape to determine further heritage significance.

The Report contains details surrounding the history of the site prior to its recreational use, that being a site '*...covered by trees on the banks of a watercourse.*'

By 1910, J.G Edwards, after years of trying to form a company to help drain the site, had established 6 tennis courts, a croquet lawn, a bowling green and built a small wooden clubhouse.

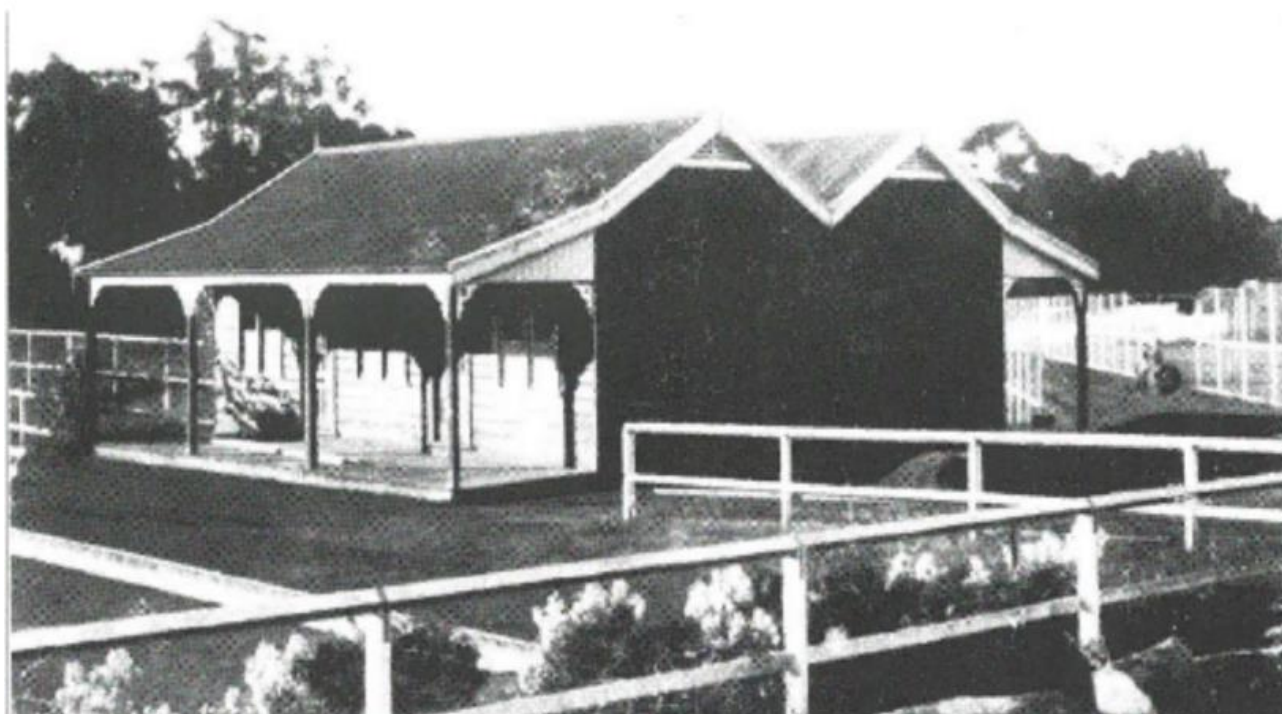


Figure 8 The original clubhouse, built around 1910. The clubhouse served tennis players on its eastern side and bowlers on its western side (source: Council Planning Proposal Heritage Assessment).

The Report also had a comparative analysis to illustrate the significance of other recreational sites and precincts in greater Sydney, that served to highlight the appropriateness of listing the Bowling and Lawn Tennis Clubs.

The central section of the Report contained an examination of the site against NSW Heritage criteria for local listing, and suggested that the site did meet several criteria, including:

a) an item is important in the course, or pattern, of NSW's cultural or natural history:

Report analysis: The Report suggests that the site meets this criterion as the site has had strong links to Australian sporting culture for over a century, including a Bowling Club operating since 1916 and a Tennis Club since 1910.

b) an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history:

Report analysis: The Report suggests that the site meets this criterion as the site has strong historical links to the founder JG Edwards, who resided in the area since the 1850's. Edwards acquired 160 acres in the area, which became known as the Springdale Estate in the late nineteenth century, and was known as the 'King of Killara'.

The report also reiterates that the site has been serving the local area, and more broadly the North Shore community for over 100 years.

c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW:

Report analysis: The Report suggests that the site meets this criterion as both the Bowling and Tennis Club provide landmark qualities through their recreational and open space characteristics. The report states that the garden elements are notable, as well as the regularity of the tennis courts and bowling greens that are flanked by the clubhouses.

d) an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons:

Report analysis: The Report suggests that the site meets this criterion as it has provided a recreational facility to the North Shore community for over a century and has been associated with notable Australian tennis players.

e) an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history:

Report analysis: The report suggests further examination is required to determine whether the site would satisfy this criterion.

f) an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history:

Report analysis: The Report suggests that the site may meet this criterion as it represents an early and possibly rare example of a sporting precinct within a residential setting that has been unaffected by pressures of surrounding development.

The report also suggests that further examination is required to completely determine whether the site meets this criterion.

g) an item is important in demonstrating the principal characteristics of a class of NSW's:

- *cultural or natural places; or*
- *cultural or natural environments.*

Report analysis: The Report suggests that the site meets this criterion as the clubs represent early entrepreneurialism of JG Edwards, who created the sites primary open space and recreational uses that still exist today.

The Report included the adjustment to the statement of significance for the Springdale Conservation Area after advice from the KLPP recommendation (**Attachment C5 and E1**). The rationale of the recommendation of the Panel was that it would supplement the rezoning and heritage listing of the site and would further protect the significance of its recreational use. The amended statement contained the following additional remarks at the end of the existing statement:

A significant landmark within the conservation area, the Killara Bowling and Lawn Tennis Club sites have strong links to the historical development of the area, notably the work of J G Edwards. They also represent a continued and historic use of the land for recreational purposes.

Department comment:

The matter of heritage significance is primarily a local matter, and the Department supports Council taking measures to protect the heritage significance of sites within its Local Government Area (LGA). In this case, the proposal is supported by a heritage assessment that analyses its significance to the local community, with an intention to preserve a Bowling Club and Lawn Tennis Club. Both sites have been serving the local community for over 100 years with a documented history.

The local community should have certainty around the future of the site and the pressures of development, and the rezoning and heritage listing assists in providing that certainty.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

5.2 Agencies

As part of the IHO request process, and prior to the creation of a planning proposal, details of the site were referred to NSW Heritage, were supported by a Heritage Inventory Sheet **(Attachment C4)**. NSW Heritage determined that the site did not satisfy its criteria to be recognised as an item of State significance and did not proceed with an IHO. However, NSW Heritage did suggest that Council further examine the potential local significance of the site **(Attachment C1)**.

As such, the proposal does not require further referral or discussion with NSW Heritage. Due to the nature of the proposal, no further agency referral or discussion is required.

6 Timeframe

Council did not provide a timeline, however, did discuss verbally a timeframe of 9 months with Department staff being appropriate.

The Department recommends a time frame of **9** months to ensure it is completed in line with its commitment to reduce processing times and allow for the potential Council delays early in 2022.

It is recommended that if the gateway is supported it also includes a condition for Council to provide a timeline with milestone dates for exhibition and final reporting to Council, which will help both Council and the Department reach finalisation within the nine month timeframe.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal is a local matter, the Department recommends that Council be authorised to be the local plan-making authority for this proposal. A local plan-making report template will be sent with the Letter to Council, should the proposal be supported.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal looks to preserve and protect the recreational character and function of the site, with the Bowling and Lawn Tennis clubs both having operated for over 100 years in the local community;
- The proposal is supported by a heritage assessment report that identifies and demonstrates the local significance of the site;
- The proposal gives effect to the North District Plan, as it identifies and intends to conserve a site of local significance;
- The proposal gives effect to Council's LSPS.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Include a comprehensive timeline to monitor its progress to exhibition and to ensure completion of the proposal within the nine-month timeframe.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions, Direction 2.3 – Residential Zones are minor and do not require further assessment.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to exhibition to:
 - a) Provide a timeline to monitor its progress to completion. Including a date for exhibition and final recommendation in line with Condition 2 and Condition 5 of the Gateway determination.
2. The planning proposal should be made available for community consultation for a minimum of 28 days
3. The planning proposal must be exhibited within 4 months from the date of the Gateway determination.
4. The planning proposal must be reported to council for a final recommendation within 7 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



21 December 2021
David Hazeldine
Manager, North District



23 December 2021
Brendan Metcalfe
Director, North District

Assessment officer

Michael Cividin
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Attachments

Council	Letter to Council
A	Gateway Determination
B	Heritage Assessment – Killara Bowling and Lawn Tennis Club - September 2021
C1-C5	Appendices to Proposal
D	Council Report and Resolution – 16 November 2021
E1	KLPP Report and advice – 18 October 2021
E2	KLPP Report and Advice – 16 August 2021