



IRF NUMBER

## Gateway determination report – PP-2022-3754

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Proposal to list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon as local heritage items and extend the boundary of the St Johns Heritage Conservation Area

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# Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal – October 2022
64 St. Johns Avenue Heritage Assessment – September 2022
64 Rosebery Road Heritage Assessment – September 2022
Ku-Ring Council OMC Report – 18 October 2022

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Ku-ring-gai</b>
<b>PPA</b>	Ku-ring-gai Council
<b>NAME</b>	To heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Heritage Conservation Area (HCA).
<b>NUMBER</b>	PP-2022-3754
<b>LEP TO BE AMENDED</b>	Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)
<b>ADDRESS</b>	64 Rosebery Road, Killara 64 St Johns Avenue, Gordon
<b>DESCRIPTION</b>	Lot 2, DP 1048632 Lot 2 DP 183731
<b>RECEIVED</b>	24/10/2022
<b>FILE NO.</b>	IRF22/3946
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	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 amend the KLEP 2015 to list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon as new local heritage items and extend the boundary of the St Johns HCA to include 64 St Johns Avenue, Gordon, consistent with the findings of the Heritage Assessments prepared by Hector Abrahams Architects (**Attachments B and C**), which have concluded that the sites possess heritage significance per *Assessing Heritage Significance* guideline published by NSW Heritage Office in 2001.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the KLEP 2015 to:

- insert a local heritage listing for 64 Rosebery Road, Killara, as 'Buildings, interiors and grounds' and for 64 St Johns Avenue, Gordon, as 'Buildings, Interiors, and grounds', in Part 1 *Heritage items* of Schedule 5 *Environmental Heritage*
- amend the Heritage Map to identify the land containing Lot 2 DP 1048632 (64 Rosebery Road) and Lot 2 DP 183731 (64 St Johns Avenue) as heritage items and extend the boundary of the St Johns Avenue HCA to include Lot 2 DP 183731 (64 St Johns Avenue, Gordon).

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 planning proposal relates to two sites, being 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, as identified and described in **Table 3** below.

**Table 3 – Site identification: 64 Rosebery Road and 64 St Johns Avenue, Killara**

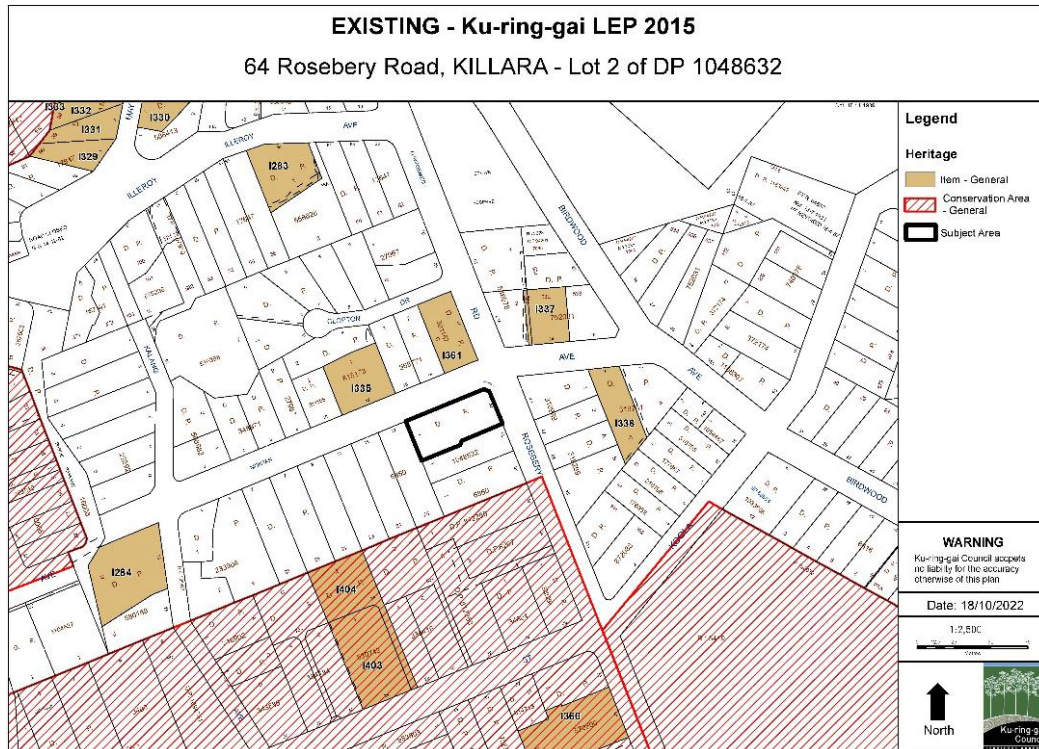
	64 Rosebery Road	64 St Johns Avenue
<b>Description</b>	<p>A two-storey English Domestic Style dwelling with a multi-toned brown brick façade and multi-coloured terracotta-tiled roof (<b>Figure 2</b>). Its grounds are surrounded by a sandstone wall to Rosebery Road and a taller sandstone wall with arched gate facing Montah Avenue. The house features an intact front garden.</p> <p>Internally, the house is of a linear form, with all principal rooms arranged to present to the northern terraces, linked to form an axis towards the walled courtyard. The ground floor accommodates a full set of service rooms linking to the kitchen, while the first floor contains three main bedrooms and bathrooms.</p>	<p>A two-storey medium-sized masonry house on a battle axe lot (<b>Figure 3</b>). The house is of English Domestic Style, with prominent gables, colonial revival joinery and art deco detailing. The walls are rendered and painted, and the building features a terracotta-tiled roof with a Marseilles pattern. The site features a front and rear garden with medium to large trees and shrubs.</p> <p>The floor plan of the house is centralised, with the ground floor containing the interconnected living room, dining room and kitchen. The first floor is within the roof and contains three bedrooms and a bathroom accessed via the stair.</p>
<b>Site context</b>	<p>The site faces Rosebery Road and Montah Avenue and is not listed within a heritage conservation area.</p> <p>The closest strategic centre is Chatswood (6km) and the closest local centre is Lindfield (3km). The site is situated within an established residential neighbourhood and is in within walking distance to Killara Park and Killara Park Preschool (300m).</p>	<p>The site is accessed via Vale Street and St Johns Avenue, with the main, west elevation, fronting Vale Street.</p> <p>The closest strategic centre is Macquarie Park (6km). The suburb of Gordon is a local centre, and the closest neighbouring local centre is Lindfield (4km). The site is within walking distance to Gordon golf club (200m) and near to Ravenswood School for Girls (1km).</p>
<b>Existing controls</b>	Both sites are zoned R2 - Low Density Residential and have a maximum permitted building height of 9.5m and maximum floor space ratio (FSR) of 0.3:1.	

	64 Rosebery Road	64 St Johns Avenue
Map	 <p><b>Figure 1: The site shown in red (source: Planning Proposal 2022)</b></p>	 <p><b>Figure 3: The site is shown in yellow outline, with the section of the site which is part of the St Johns Avenue HCA indicated in red (source: planning proposal 2022)</b></p>
Photo	 <p><b>Figure 2: The north elevation, viewed from Montah Avenue (source: Hector Abrahams Architects Heritage Assessment)</b></p>	 <p><b>Figure 4: The west elevation, viewed from Vale Street (source: Hector Abrahams Architects Heritage Assessment)</b></p>

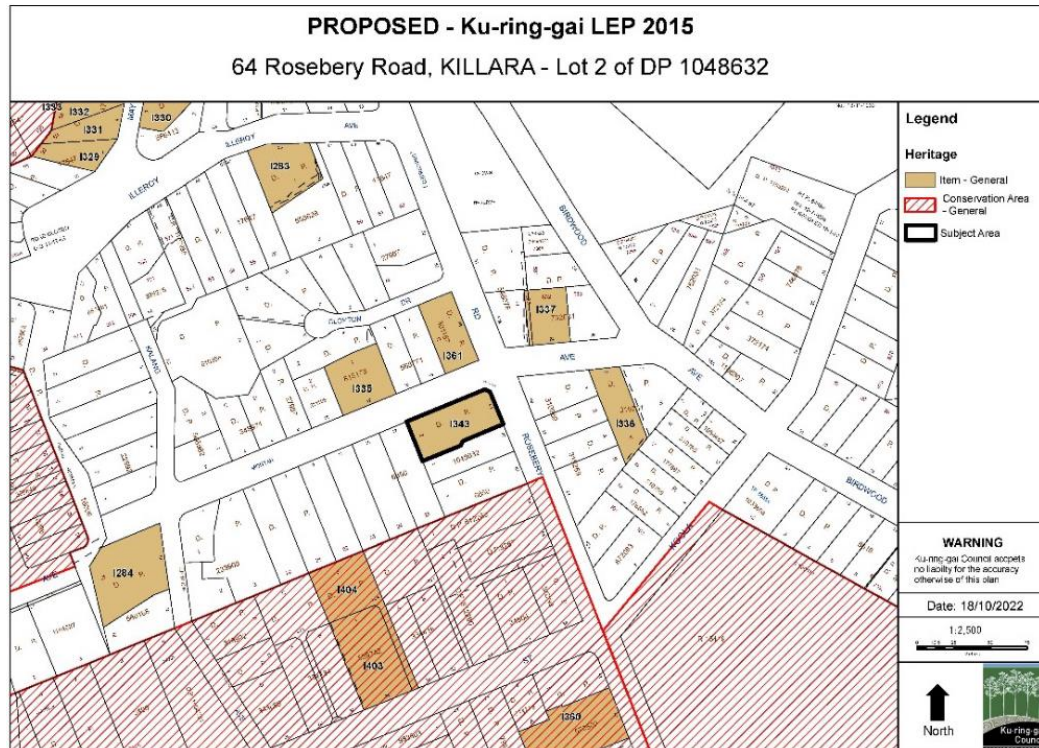


## 1.5 Mapping

The planning proposal includes mapping (**Figures 5 to 8**) showing the proposed changes to the Heritage maps, to identify the location of the proposed local heritage items and the extension of the St Johns HCA. The proposed mapping in the planning proposal is considered suitable for community consultation.

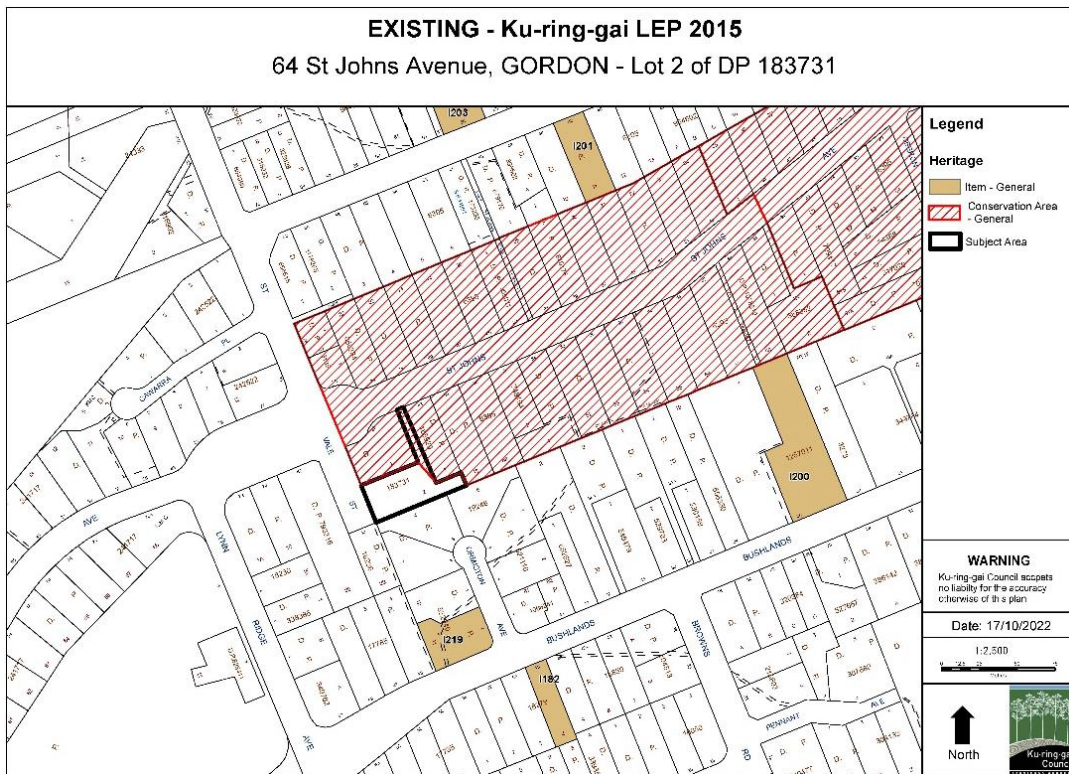


**Figure 5 Existing heritage map showing 64 Rosebery Road outlined in black**

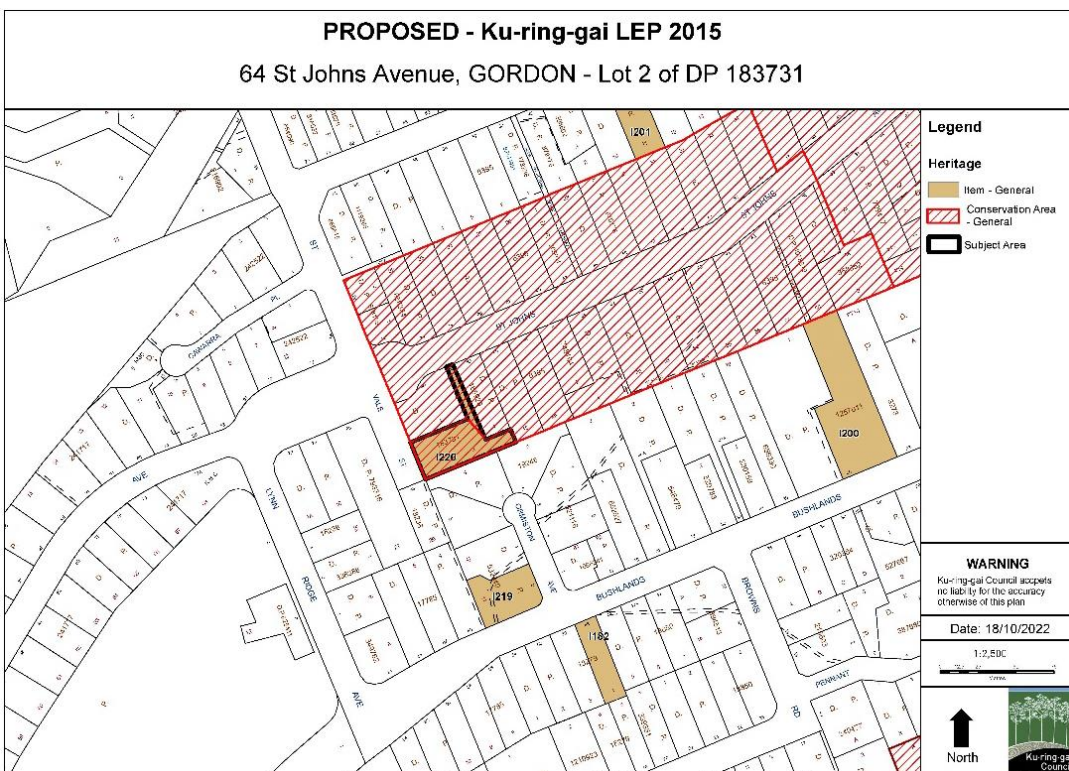


**Figure 6 Proposed heritage map showing the listing of 64 Rosebery Road in black**





**Figure 7 Existing heritage map showing 64 St Johns Avenue outlined in black**



**Figure 8 Proposed heritage map showing the listing of 64 St Johns Avenue and expansion of the St Johns Avenue HCA**



## 1.6 Background

The timeline for the planning proposal is shown in **Table 4**.

**Table 4 Overview of background to the planning proposal**

Date	Description	Outcome
<b>March 2022</b>	Council was made aware of two potential heritage items at threat due to development applications (DAs) proposing demolition. Site visits and preliminary heritage assessments were undertaken by Council.	The preliminary heritage assessments concluded the sites to be of sufficient heritage value to warrant an Interim Heritage Order (IHO) to apply to 64 Rosebery Road and 64 St Johns Avenue (outside the area of the HCA) to prevent further harm to the sites.
<b>7 April 2022</b>	The preliminary heritage assessments were presented to Council's Heritage Reference Committee (HRC).	The HRC recommended that Council make IHOs under s25 of the NSW Heritage Act for both sites.
<b>26 April 2022</b>	Council held an Ordinary Meeting of Council (OMC), at which they considered the heritage status of both sites.	Council resolved to apply an IHO to 64 Rosebery Road and 64 St Johns Avenue (outside the area of the HCA). This was published in the NSW Government Gazette on 29 April 2022.
<b>29 September 2022</b>	Hector Abrahams Architects prepared final heritage assessments for both properties, in line with Heritage NSW and Heritage Council of NSW guidelines.	The final assessments recommended that both properties are listed as local heritage items and that the St Johns Avenue HCA be extended to include the entirety of the property and lot.
<b>18 October 2022</b>	Council resolved that a planning proposal be forwarded to the Department for Gateway Determination ( <b>Attachment E</b> ) and, if proceeded, an exhibition process.	-

## 2 Need for the planning proposal

The planning proposal is the result of Council's intention for the potential local heritage listing of 64 Roseberry Road, Killara and 64 St Johns Avenue, Gordon, and the extension of the St Johns HCA, which are informed by the Heritage Assessments by Hector Abrahams Architects in 2022.

The planning proposal seeks to list both sites, including building, interiors and grounds, as local heritage items, as well as include 64 St Johns Avenue within the St Johns Avenue HCA, to enable the ongoing conservation of the items and their heritage values.

The planning proposal is considered the only means to alter Part 1 Schedule 5 of the KLEP 2015, to reflect the local heritage significance of the sites and allow provisions that facilitate their ongoing conservation and management.





### Assessment of heritage significance

The heritage significance of the sites has been assessed in accordance with the *Assessing Heritage Significance* guideline published by NSW Heritage Office in 2001. Both sites were assessed against the seven criteria in the Guideline. If an item meets one of the seven criteria at a

local level,

and does not apply for any exclusions, it can be considered to have local heritage significance. The assessment of the sites is presented in **Table 5** for 64 Rosebery Avenue, which satisfied four of the seven criteria, for (b) association significance, (c) aesthetic significance, (f) rarity and (g) representativeness; and **Table 6** for 64 St Johns Avenue below, which satisfied two of the seven criteria, for (c) aesthetic Significance, and (g) representativeness. 64 St Johns Avenue additionally fulfilled two criteria for inclusion in the HCA, for (a) historical significance, and (f) rarity.

**Table 5 Heritage assessment of 64 Rosebery Road, Killara, against NSW Heritage Office guideline**

Site	Criterion	Consideration	Consistent
<b>64 Rosebery Road, Killara</b>	<b>(a) Historic Significance</b> An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);	<ul style="list-style-type: none"> <li>Constructed well into the development of the suburb and therefore not considered significant in the development of the suburb.</li> <li>Guidelines allow its exclusion, due to incidental or unsubstantiated connections with historically important activities or processes.</li> </ul>	
	<b>(b) Association Significance</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 (or the cultural or natural history of the local area)	<ul style="list-style-type: none"> <li>Associated with Architect Frank l'Anson Bloomfield, who is a notable Architect of Sydney's North Shore.</li> <li>Bloomfield was associated with the cremation movement, for designing the first crematorium in the state.</li> </ul>	
	<b>(c) Aesthetic Significance</b> An item is important in demonstrating aesthetic characteristics and/or a high degree of create technical achievement in NSW (or the local area).	<ul style="list-style-type: none"> <li>Architecturally distinctive due to the application of the architectural elements and detailing, including the jerkinhead and gable roofs, enclosed veranda, terraces, sandstone and multi-toned bricks as a distinctive English Domestic Style house.</li> <li>Interior detailing such as arches, built-in wardrobes, doors and the upstairs bathroom are highly intact.</li> </ul>	
	<b>(d) Social Significance</b> An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons	<ul style="list-style-type: none"> <li>No strong association with any social or cultural group.</li> </ul>	


Site	Criterion	Consideration	Consistent
	<b>(e) Research potential</b> An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	<ul style="list-style-type: none"> <li>Not research value.</li> <li>Guidelines allow its exclusion, as knowledge gained would be irrelevant to research on science, human history or culture.</li> </ul>	
	<b>(f) Rarity</b> An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);	<ul style="list-style-type: none"> <li>Axial arrangement of the ground floor and courtyard is rare in houses of its style.</li> <li>Highly intact former service quarters, maid's rooms, laundry, service porch and electric service bell (unusual for the 1930s).</li> <li>Evidence of a largely defunct way of life among middle class households on the North Shore.</li> </ul>	
	<b>(g) Representativeness</b> An item is important in demonstrating the principal characteristics of NSW's or a local area's cultural or natural places or cultural or natural environments.	<ul style="list-style-type: none"> <li>House stands as a fine example of the English Domestic Style and large architecturally designed houses.</li> <li>Terraced garden is typical of expensive houses.</li> </ul>	

Table 6 Heritage assessment of 64 St John's Avenue, Gordon, against NSW Heritage Office guideline

Site	Criterion	Consideration	Consistent
<b>64 St John's Avenue, Gordon</b>	<b>(a) Historic Significance</b> An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);	<ul style="list-style-type: none"> <li>While the site does not meet the criterion for inclusion as an item, it does meet the guideline for the inclusion in the HCA with a significant activity or historical phase due to the neighbouring HCA and its association with the church and St Johns Park estate.</li> </ul>	 (HCA only)



Site	Criterion	Consideration	Consistent
	<b>(b) Association Significance</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 (or the cultural or natural history of the local area)	<ul style="list-style-type: none"> <li>While the property has design characteristics similar to notable architects of the North Shore from the period, the architect for St Johns Avenue has not been identified.</li> <li>Guidelines allow its exclusion, due to unsubstantiated connections with historically important people.</li> </ul>	✗
	<b>(c) Aesthetic Significance</b> An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	<ul style="list-style-type: none"> <li>Good example of an English Domestic Style house with colonial revival and art deco detailing.</li> <li>Detailing niches, joinery and built-in cabinetry are well intact.</li> <li>Mature shrub-based garden is demonstrative of gardens in the North Shore from this period.</li> <li>However, property is not known to be the work of a famous designer or artist.</li> </ul>	✓
	<b>(d) Social Significance</b> An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural, or spiritual reasons	<ul style="list-style-type: none"> <li>Does not meet criteria for social value and does not meet guidelines for inclusion due to lack of association with an identifiable group or being important to a community's sense of place.</li> </ul>	✗
	<b>(e) Research potential</b> An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	<ul style="list-style-type: none"> <li>Does not meet criteria for research value due to lack of archaeological or research potential that could contribute toward science, human history, or culture.</li> </ul>	✗
	<b>(f) Rarity</b> An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);	<ul style="list-style-type: none"> <li>While the St Johns HCA meets the guideline for listing, for its rare residential subdivision of the church lands, the property itself does not satisfy the criterion.</li> <li>Site is not considered rare.</li> </ul>	✓ (HCA only)

Site	Criterion	Consideration	Consistent
	<p><b>(g) Representativeness</b></p> <p>An item is important in demonstrating the principal characteristics of NSW's or a local area's cultural or natural places or cultural or natural environments.</p>	<ul style="list-style-type: none"> <li>House is demonstrative of an English Domestic Style from Sydney's North Shore.</li> <li>Inclusion of art deco elements, curved walls, stepped motifs and arched recesses are common in similar homes.</li> <li>Original plan has been largely retained with detailing intact.</li> </ul>	

## 3 Strategic assessment

### 3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the *Greater Sydney Regional Plan: A Metropolis of Three Cities*.

**Table 7 Regional Plan assessment**

Regional Plan Objectives	Justification
13: Environmental heritage is identified, conserved, and enhanced	<p>The Regional Plan emphasises the need to conserve items of heritage significance. Environmental heritage should be protected for its social, aesthetic, economic, historic and environmental values.</p> <p>The heritage assessments, prepared by Hector Abrahams Architects, note the sites have local heritage values in accordance with the NSW Heritage Office Guidelines.</p> <p>The proposal is consistent with the objectives of the Regional Plan, as it seeks to recognise the heritage significance and facilitate ongoing protection of the site.</p>

### 3.2 District Plan

The site is within the North District and the former Greater Sydney Commission (now the Greater Cities 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 liveability 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*. **Table 8** below provides an assessment of the planning proposal against relevant directions and actions.

**Table 8 District Plan assessment**

District Plan Priorities	Justification
N6: Creating and renewing great places and local centres, and respecting the District's heritage  Objective 13: Environmental heritage is identified, conserved, and enhanced.	This priority seeks to identify, conserve, interpret and celebrate Greater Sydney's heritage values.  The proposal seeks to protect the district's heritage by local heritage listing the sites, as well as extending the boundary of the St Johns Avenue HCA, thus providing greater certainty for the buildings' ongoing conservation and management.  The proposal is considered to be consistent with the District Plan.

### 3.3 Local

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 summarised in **Table 9** below.

**Table 9 Local strategic planning assessment**

Local Strategies	Justification
Ku-ring-gai Local Strategic Planning Statement (LSPS)	Planning Priority K13: Identifying and conserving Ku-ring-gai's environmental heritage.  The planning proposal is consistent with this priority as the proposal seeks to conserve two items of environmental heritage significance within the LGA.  The proposal is consistent with the objectives of the LSPS.
Ku-ring-gai Heritage Strategy 2021	Priority 4.2: Review existing and identify new heritage items and HCAs  The planning proposal is consistent with this priority as it seeks to assess and identify both sites as new heritage items and extend the boundary of the St Johns Avenue HCA to include the entire 64 St Johns Avenue site.  The proposal is consistent with the priorities of the Ku-ring-gai Heritage Strategy.

### 3.4 Section 9.1 Ministerial Directions

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

**Table 10 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	This Direction is relevant to the proposal as it seeks to give effect to the directions of the North District Plan.  As the proposal is consistent with the North District Plan, the proposal is consistent with this Direction.



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage Conservation	Yes	<p>This Direction is relevant as it seeks to conserve items of environmental heritage significance. It ensures that a proposal contains provisions to facilitate the conservation of items assessed to be of heritage significance.</p> <p>The planning proposal has identified the sites' environmental heritage significance through an assessment in accordance with the NSW Heritage Office Guidelines (<b>Table 5 and 6</b>). The proposal aims to ensure the ongoing protection of the sites through local heritage listings, as well as an amendment to the be boundary of a HCA, in the KLEP 2015.</p> <p>Therefore, the proposal is consistent with this Direction</p>
6.1 Residential Zones	Yes	<p>This Direction applies as the sites are located within existing residential zone (R2). The proposal does not seek to alter the existing residential zoning or any development standards applicable to the site.</p> <p>Listing the sites as local heritage items would require any future DA for the sites to be assessed against the provisions of Clause 5.10 <i>Heritage Conservation</i> per the KLEP 2015.</p> <p>The proposal is consistent with this Direction.</p>

## 3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

## 4 Site-specific assessment

### 4.1 Environmental

The planning proposal seeks to facilitate the statutory protection and conservation through local heritage listings and the extension of a HCA boundary, which is informed by heritage assessments undertaken by Hector Abrahams Architects. The sites have also been assessed against criteria for listing in the NSW Heritage Office Guidelines (**Table 5 and 6**).

Noting the above, the Department considers that the proposal will not have any adverse effects on any critical habitat, species, ecological communities or their populations.

### 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 11 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to have any significant or adverse social impacts. Listing the sites as heritage items, as well as extending the boundary of the St Johns Avenue HCA will provide increased certainty regarding the ongoing protection of historically significant items. Neither of the sites meet the criteria for social significance, and thus the protection of their heritage values will have a net social benefit.</p> <p>Through community consultation, the wider community will have an opportunity to voice their views regarding the appropriateness of the site as a local heritage item.</p>
Economic	<p>The proposal is not expected to generate any notable economic impacts. Any future DA will need to consider the heritage context of the buildings and their curtilage, pursuant to Clause 5.10 of the KLEP 2015. The proposal does not seek to alter existing zoning or development standards.</p> <p>The economic impact is considered reasonable for the given proposal.</p>

## 4.3 Infrastructure

The proposal does not seek to change existing infrastructure or facilitate further infrastructure provision. The proposal will not have any impacts on zoning or other development standards, and will neither generate additional demand for infrastructure nor does it facilitate intensified development on site.

## 5 Consultation

### 5.1 Community

Council proposes a community consultation period of 10 working days.

The exhibition period proposed is considered appropriate, as it reflects the *Local Environmental Plan Making Guideline 2022*. A condition has been included in the Gateway determination, consistent with the benchmark timeframes in the Guideline.

### 5.2 Agencies

It is not recommended that any agencies be consulted on the planning proposal.

## 6 Timeframe

Council proposes a six month time frame to complete the LEP.

The Department supports this request as it will ensure the planning proposal is completed in line with its commitment to reduce processing times.

A condition to the above effect is recommended in the Gateway determination.

## 7 Local plan-making authority

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

The Department supports this request as it relates to matters of local heritage significance.

## 8 Assessment summary

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

- It is supported by a heritage assessment report for each site, prepared by Hector Abrahams Architects, which identify the sites as satisfying the criteria for local heritage significance (in accordance with NSW Heritage Office Guidelines).
- The proposal is consistent with the directions and aims of the strategic planning framework on a regional, district, and local level, as well as Section 9.1 Ministerial Directions.
- The proposal has strategic merit as it provides ongoing protection for environmental heritage assets.

## 9 Recommendation

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

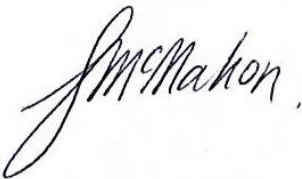
1. The planning proposal should be available for community consultation for a minimum of 10 working days.
2. The timeframe for completing the LEP is six months from the date of the Gateway determination.
3. Council should be authorised to be the local plan-making authority.



14/11/2022

Brendon Roberts

Specialist Planning Officer, Agile Planning



18/11/2022

Louise McMahon

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