



Ku-ring-gai Council

PLANNING PROPOSAL

To heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, and extend the boundary of the St Johns Heritage Conservation Area.

October 2022

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INTRODUCTION

This Planning Proposal contains the justification to heritage list 64 Rosebery Road, Killara (Lot 2 DP 1048632) and 64 St Johns Avenue, Gordon (Lot 2 DP 183731), and extend the boundary of the St Johns Heritage Conservation Area in Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015*.

This Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* and the New South Wales Department of Planning and Environment's '*Local Environmental Plan Making Guideline*' (September 2022).

Council will request the plan making delegation under section 3.36 of the Environmental Planning and Assessment Act for this Planning Proposal.

This Planning Proposal includes:

- existing site and surrounding context
- the objectives of the amendments to the *Ku-ring-gai Local Environment Plan 2015*
- an explanation of provisions that are to be included in the amendments to the *Ku-ring-gai Local Environment Plan 2015*
- justification for the objectives and the provisions to be included in the amendments to the *Ku-ring-gai Local Environment Plan 2015*
- mapping for the heritage listing and extension of the heritage conservation area boundary
- community consultation
- project timeline.

Background

The properties at 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon were the subject of independent heritage assessments commissioned by Council and completed by Hector Abrahams Architects. The final assessments for both properties were received in September 2022 and are included as **Appendix A** for 64 Rosebery Road, Killara, and as **Appendix B** for 64 St Johns Avenue, Gordon.

The Hector Abrahams Architects heritage assessments have been prepared in line with Heritage New South Wales ('NSW') and Heritage Council of NSW guidelines. Only one of potentially seven Heritage Council criteria needs to be satisfied to fulfil the threshold for heritage listing. The heritage assessments demonstrate that 64 Rosebery Road, Killara, and 64 St Johns Avenue, Gordon, meet the Heritage Council criteria of local heritage significance for local heritage listing for more than one criterion. As a result, the heritage assessments recommend both properties are listed as local heritage items and the St Johns Avenue Conservation Area is extended to include 64 St Johns Avenue, Gordon, in the Ku-ring-gai Local Environmental Plan 2015 ('KLEP 2015').

In March 2022, Council staff were made aware of two potential heritage items at threat of harm. Following an external site inspection of the properties, preliminary heritage assessments were undertaken by Council staff and completed in March 2022. The preliminary assessments considered both sites to be of sufficient potential heritage value to warrant an Interim Heritage Order ('IHO') to allow further heritage assessment to take place and prevent any harm to the sites in the interim. The sites were at threat of harm through development applications proposing demolition.

The sites were not protected under the heritage provisions of the KLEP 2015, other than part of the driveway and part of the detached garage of the 64 St Johns Avenue, Gordon site, which is located within the St Johns Avenue Conservation Area, noting that the remainder of the site, including the dwelling, has no heritage protection. For this site, it was proposed that the IHO was to apply to the unlisted land only.

On 7 April 2022, the preliminary heritage assessment for both sites were presented and considered by Council's Heritage Reference Committee ('HRC'). The Committee recommended that Council make Interim Heritage Orders under s25 of the NSW Heritage Act for 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon.

At the Ordinary Meeting of Council ('OMC') on 26 April 2022, Council resolved to:

A. Place an Interim Heritage Order under section 25 of the NSW Heritage Act 1977 on 64 Rosebery Road Killara, Lot 2 in DP 1048632 to enable a full and proper evaluation of the heritage significance and prevent any harm to the site in the interim.

B. Place an Interim Heritage Order under section 25 of the NSW Heritage Act 1977 on 64 St

Johns Avenue, Gordon, part of Lot 2 in DP 183731 (excluding that part of the site contained within St John Avenue Heritage Conservation area C16B) to enable a full and proper evaluation of the heritage significance and prevent any harm to the site in the interim.

The IHOs were published in the NSW Government Gazette on 29 April 2022 and are included as **Appendix C**

At the OMC on 18 October, 2022, Council considered the proposed heritage listing and heritage conservation area extension and resolved:

That:

A. A Planning Proposal be prepared to include 64 Rosebery Road, Killara, and 64 St Johns Avenue, Gordon, as local heritage items in Schedule 5 of Ku-ring-gai Local Environmental Plan 2015 and to extend St Johns Avenue Conservation Area to include 64 St Johns Avenue, Gordon.

B. The Planning Proposal be forwarded to the Department of Planning and Environment for Gateway Determination.

C. Council request the plan making delegation under Section 3.36(2) of the EP&A Act for this Planning Proposal.

D. Upon receipt of a favourable Gateway Determination, the exhibition and consultation process is to be carried out in accordance with the Gateway Determination and requirements of the Environmental Planning and Assessment Act, 1979.

The Council report and resolution from the October OMC is included as **Appendix D**.

Site and context

64 Rosebery Road, Killara

The subject site is 64 Rosebery Road, Killara and the boundary of the site is Lot 2 DP 1048632. The property faces both Rosebery Road and Montah Avenue. The dwelling is a two-storey English domestic style house, built of face brick of varied tones, set on a base of Sydney sandstone, multi-toned brown face brick and roofed in multi-coloured terracotta tiles of Marseilles pattern.

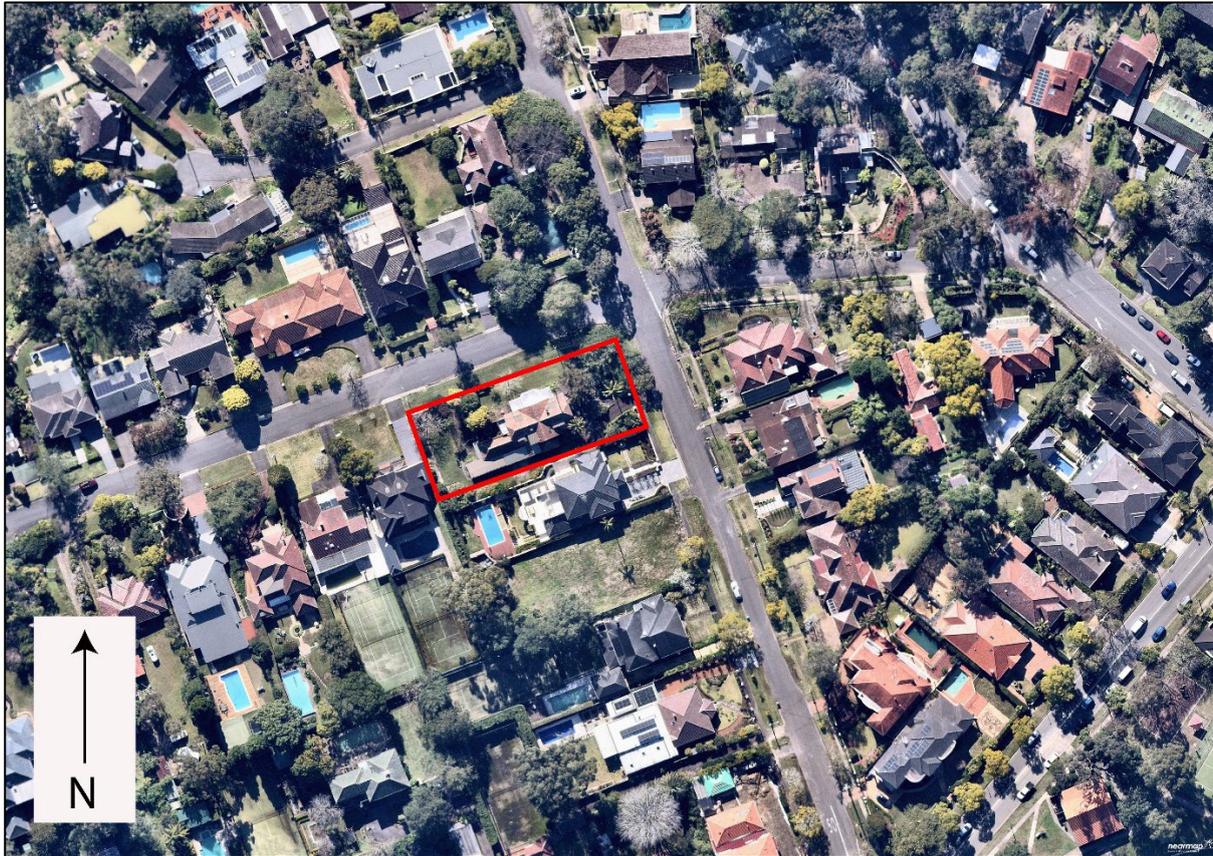


Figure 1. 64 Rosebery Road, Killara (Source: Hector Abrahams Architects Heritage Assessment – see Appendix A)



Figure 2. 64 Rosebery Road, Killara – photographed in August 2022 (Source: Hector Abrahams Architects Heritage Assessment – see **Appendix A**)



Figure 3. 64 Rosebery Road, Killara – photographed shortly after it was built (Source: Hector Abrahams Architects Heritage Assessment – see **Appendix A**)

64 St Johns Avenue, Gordon

The subject site is 64 St Johns Avenue, Gordon and the boundary of the site is Lot 2 DP183731. It is a battle axe lot to both St Johns Avenue and Vale Street. The driveway to St Johns Avenue is currently part of the St Johns Avenue Conservation Area. The dwelling is a medium sized masonry two-storey house. The style of the house is 'English Domestic' with prominent gables and steep roof, yet with colonial revival joinery and art deco detailing throughout. Its' walls are rendered and painted and the roof covering is terracotta tiles in Marseilles pattern and a single colonial style chimney.

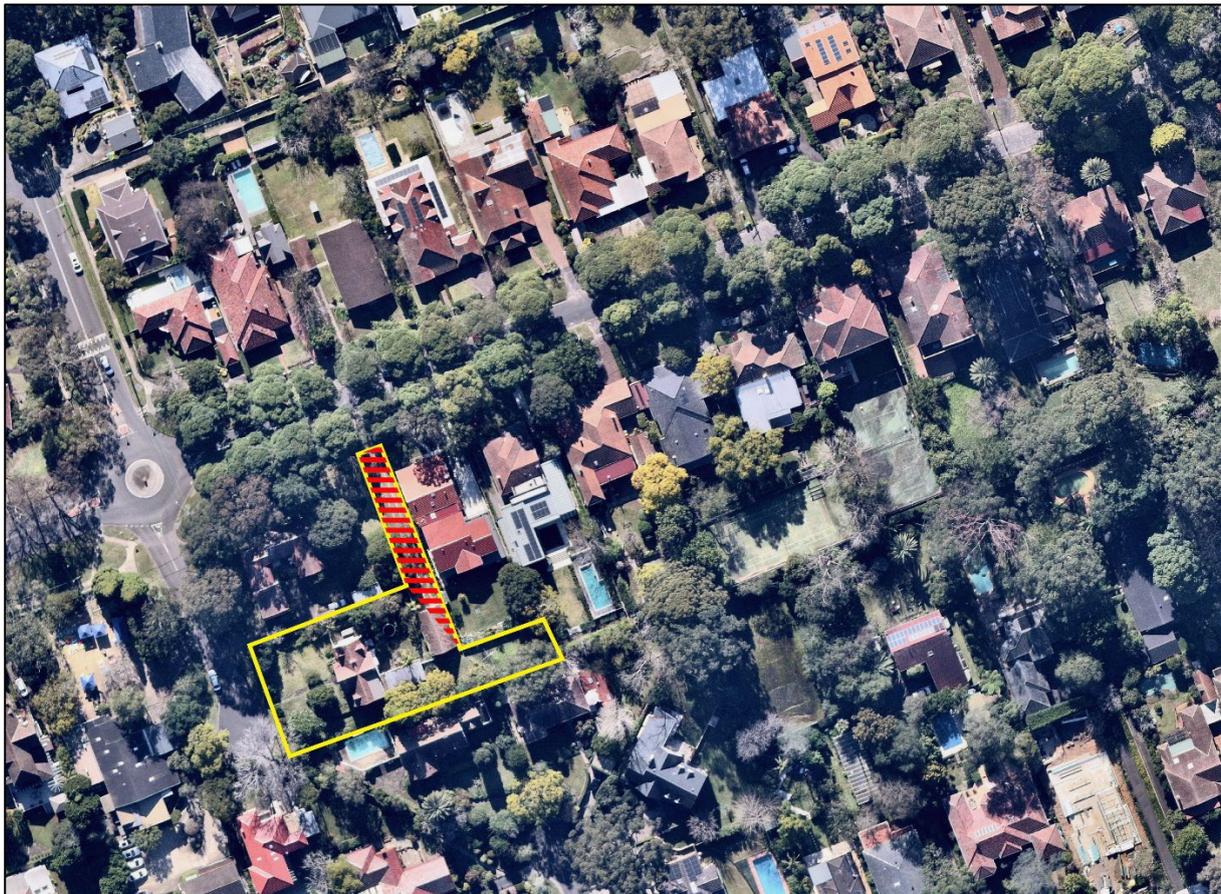


Figure 4. 64 St Johns Avenue – the section of the property which is part of the St Johns Avenue Conservation Area is indicated in red (Source: Hector Abrahams Architects Heritage Assessment – see Appendix B)



*Figure 5. 64 St Johns Avenue – photographed in August 2022 (Source: Hector Abrahams Architects Heritage Assessment – see **Appendix B**)*

Existing planning controls

The sites are subject to existing planning controls within the KLEP 2015, relating to land zoning, height of building and minimum lot size. These are as follows:

	Land Use Zone	Height of Building	FSR
64 Rosebery Road, Killara	R2 Low Density Residential	9.5m	0.3
64 St Johns Avenue, Gordon	R2 Low Density Residential	9.5m	0.3

The objectives for R2 Low Density Residential in the KLEP 2015 are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for housing that is compatible with the existing environmental and built character of Ku-ring-gai.

64 Rosebery Road, Killara

64 Rosebery Road, Killara is not located within a Heritage Conservation Area under the KLEP 2015. The site is not currently listed as a State or local heritage item. 64 Rosebery Road, Killara is in close proximity to the Springdale Conservation Area, and a number of heritage items including I335 and I361.

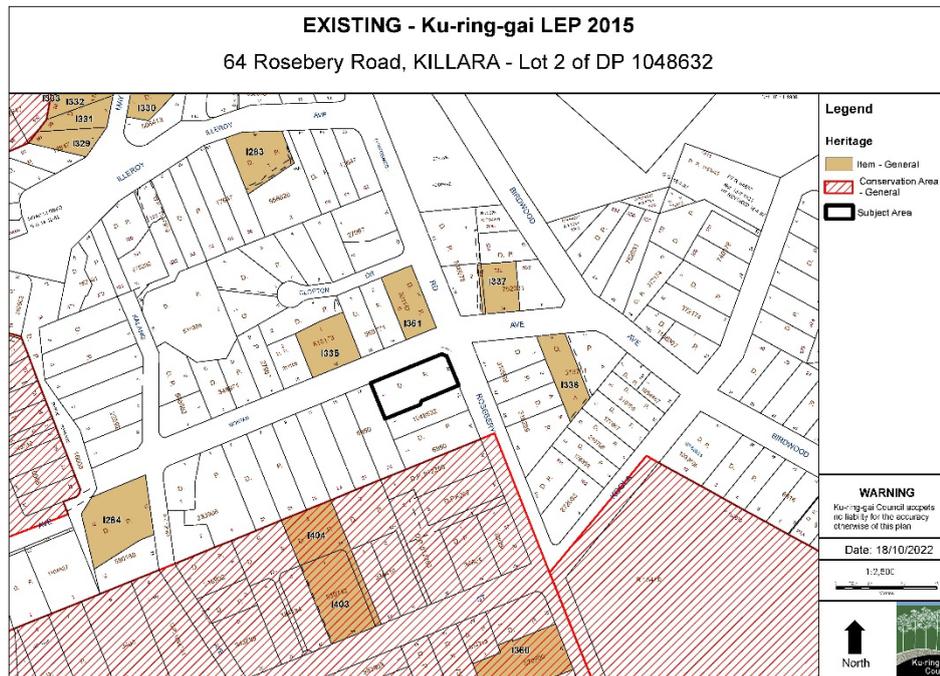


Figure 6. Map showing existing non-heritage listed status of 64 Rosebery Road, Killara

64 St Johns Avenue, Killara

64 St Johns Avenue, Gordon is currently partially included in the St Johns Avenue Heritage Conservation Area under the KLEP 2015. The site is not currently listed as a State or local heritage item.

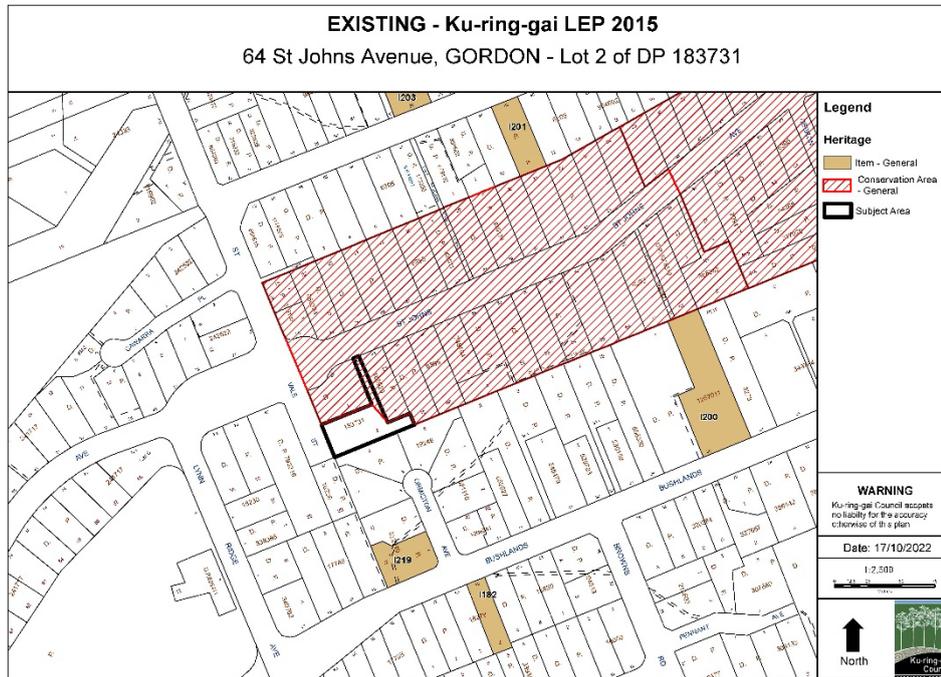


Figure 7. Map showing existing non-heritage listed status and partial inclusion in the HCA of 64 St Johns Avenue, Gordon

No changes to the principal development standards currently applicable to the site under the KLEP 2015 are proposed to change as a result of this planning proposal.

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

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

The objective of the planning proposal is to recognise the heritage significance of 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, and provide the appropriate level of statutory heritage protection that is consistent with the identified significance of the sites. Heritage listing and extending the heritage conservation area ('HCA') will ensure recognition of the heritage significance, as well as providing protection by ensuring any future modification proposals are assessed against heritage provisions in the KLEP 2015.

PART 2 – EXPLANATION OF PROVISIONS

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

The Planning Proposal seeks to make amendments to the following maps:

- **Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014** to identify a heritage item on the site of 64 Rosebery Road, Killara.
- **Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014 and HER_008** to identify a heritage item on the site of 64 St Johns Avenue, Gordon, and to extend the St Johns Heritage Conservation Area to include the property.

The Planning Proposal seeks to amend Schedule 5 Environmental Heritage of the KLEP 2015 to insert the following:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Killara	Buildings, interiors and grounds	64 Rosebery Road, Killara	Lot 2, DP 1048632	Local	I343
Gordon	Buildings, interiors and grounds	64 St Johns Avenue, Gordon	Lot 2, DP 183731	Local	I220

PART 3 - JUSTIFICATION

The justification of strategic and potential site-specific merit, outcomes, and the process for implementation

A. Need for the planning proposal

Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes. 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon were the subject of independent heritage assessments commissioned by Council, completed by Hector Abrahams Architects. The final assessments for both properties were received in September 2022 and are included as **Appendix A** for 64 Rosebery Road, Killara, and as **Appendix B** for 64 St Johns Avenue, Gordon. The Hector Abrahams Architects heritage assessments have been prepared in line with Heritage NSW and Heritage Council of NSW guidelines. Only one of potentially seven Heritage Council criteria needs to be satisfied to fulfil the threshold for heritage listing. The heritage assessments demonstrate that 64 Rosebery Road, Killara, and 64 St Johns Avenue, Gordon, meet the Heritage Council criteria of local heritage significance for local heritage listing for more than one criterion. As a result, the heritage assessments recommend both properties are listed as local heritage items and the St Johns Avenue Conservation Area is extended to include 64 St Johns Avenue, Gordon, on Ku-ring-gai Local Environmental Plan 2015.

Heritage Significance of 64 Rosebery Road, Killara

Hector Abrahams Architects concludes that 64 Rosebery Road, Killara, meets four criteria for local heritage listing for its associational, aesthetic, rarity and representative value. The summary statement of significance is as follows:

64 Rosebery Road is a highly intact English domestic style house with a distinctive arrangement of external elements and dramatic ground floor plan. Designed by Frank l'Anson Bloomfield, it exhibits a high degree of architectural ambition and successful resolution in blending modern planning with English domestic elements and is among the most distinctive of the architect's domestic work.

The houses interior is designed to have a constant connection with exterior spaces, most notably the ground floor axial arrangement that creates a planned vista from the sitting room to the courtyard. Despite later alterations including the enclosure of the

loggia, the courtyard and this visual relationship is generally intact. Throughout the house there is a high degree of integrity particularly joinery, cornices and skirting boards. Some notable intact elements include the upstairs 1930s bathroom, archways, porcelain laundry skins and timber fold down table. These elements demonstrate the aesthetic qualities of the house.

It is an expensive and ambitious house that on its elevated siting prominently displays the wealth of its owners. Its less distinctive architectural elements, namely the service quarters, are highly intact and have historical significance by demonstrating the live-in services of an upper-middle class household.

The elevated terraced garden is also distinctive and typical of expensive architecturally designed houses.

Heritage Significance of 64 St Johns Avenue, Gordon

Hector Abrahams Architects concludes that 64 St Johns Avenue Gordon, meets three criteria for local heritage listing for its historic, aesthetic and representative value. The summary statement of significance is as follows:

With its historical connection to the development of a distinctive street in Gordon, following its subdivision in 1912, this house is a good and intact example of an interwar to mid-century middle-class house on Sydney's North Shore. Its English Cotswold form mixed with good colonial revival and art deco detailing is highly intact and representative of housing trends amongst the middle class in the area. Likely designed in the interwar period but built post war the house is of an excellent quality despite supply shortages of the time. The house demonstrates technical achievement in its well-resolved centralised plan.

It has a strong historical relationship to Nos. 66 and 58 St Johns Avenue which were owned and built by Colin Campbell Jnr's brother and parents respectively. The proximity of the family to each is demonstrative of a common practice in the North Shore where the parents bought land, in close proximity to their own, that they later transferred to their children.

The previous ownership, subdivision pattern and house design of 64 St Johns Avenue is representative of the historical social context of the North Shore. The place has aesthetic and representative significance.

In support of the recognised heritage value as outlined above, it is recommended that Council prepare a planning proposal to include 64 Rosebery Road, Killara and 64 St

Johns Avenue, Gordon in Schedule 5 of KLEP 2015 as local heritage items and to extend the St Johns Avenue Conservation Area to include 64 St Johns Avenue, Gordon.

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

Yes. The best and only means of achieving the objective to recognise the heritage significance and provide the site with statutory protection is through the Planning Proposal process. The sites have been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance, heritage listing the sites and extending the boundary of the St Johns Conservation Area will provide ongoing protection and recognition of the heritage significance of the sites. Other options such as adding site-specific objectives and controls to the *Ku-ring-gai Development Control Plan 2016* will not provide the same level of heritage protection and recognition.

This planning proposal is the most appropriate means to action the findings of the interim heritage order investigation of heritage significance of these sites under the Heritage Act 1977. The timeframe for this decision is limited and dictated by the Heritage Act 1977. A resolution on significance and appropriate listing needs to be actioned within the 12-month timeframe of the interim heritage orders that lapse in April 2023. Otherwise, the sites will have no legal heritage protection or recognition. A further interim heritage order cannot be made for these sites. It is only through this planning proposal, including public exhibition and consultation, that the significance of the properties is determined with certainty.

B. Relationship to strategic planning framework

Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?*

Yes. The Planning Proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *North District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The Planning Proposal is consistent with the directions and objectives of the Plan, particularly Objective 13: *'Environmental heritage is identified, conserved and enhanced'*.

Heritage listing 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, and extending the St Johns Avenue Conservation Area to include the property at 64 St Johns Avenue, Gordon will provide ongoing protection and recognition of the heritage significance of the item.

North District Plan

Yes. The Planning Proposal is generally consistent with the directions, priorities and objectives of the *North District Plan*, and more specifically with:

Planning Priority N6. Creating and renewing great places and local centres and respecting the District's heritage

Action 21. Identify, conserve and enhance environmental heritage by:

- a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
- b. applying adaptive re-use and interpreting of heritage to foster distinctive local places
- c. managing and monitoring the cumulative impact of development on the heritage values and character of places.

Heritage listing 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, and extending the St Johns Avenue Conservation Area to include the property at 64 St Johns Avenue, Gordon will provide ongoing protection and recognition of the heritage significance of the item.

Q4. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

Yes. The Planning Proposal is consistent with Ku-ring-gai's Community Strategic Plan 2038 (2018) ('CSP'). In particular, the Planning Proposal gives effect to the identified priority of '*protecting heritage buildings and historic places*'. In addition, the Planning Proposal will give effect to Theme 3 of the CSP, 'Places, spaces and infrastructure' which identifies the long-term objective P5.1 '*Ku-ring-gai's heritage is protected, promoted and responsibly managed*'.

The Planning Proposal is consistent with Ku-ring-gai's Heritage Strategy (2021) giving effect to the priority to identify new heritage items.

The Planning Proposal is consistent with Ku-ring-gai's Local Strategic Planning Statement (2020) ('LSPS') giving effect to a number of Ku-ring-gai Local Planning Priorities identified within the LSPS, including:

Local Character and Heritage

K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character

K13. Identifying and conserving Ku-ring-gai's environmental heritage

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

None are applicable.

Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

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

SEPP	Comment on Consistency
<p>SEPP (Biodiversity and Conservation) 2021</p> <p>Chapter 2: Vegetation in non-rural areas</p> <p>Chapter 4: Koala habitat protection 2021</p> <p>Chapter 6: Bushland in urban areas</p> <p>Chapter 7: Canal estate development</p> <p>Chapter 9: Hawkesbury-Nepean River</p> <p>Chapter 10: Sydney Harbour Catchment</p>	<p>Applicable.</p> <p>Consistent. This SEPP contains provisions in respect to vegetation that is or forms part of a heritage item or that is within a heritage conservation area. The heritage listing of properties may alter whether development under the SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.</p>
<p>SEPP (Resilience and Hazards)</p> <p>Chapter 2: Coastal management</p> <p>Chapter 3: Hazardous and offensive development</p> <p>Chapter 4: Remediation of land</p>	<p>Applicable.</p> <p>Consistent. There is no indication that previous uses at the subject sites would trigger site remediation requirements.</p> <p>The subject properties are not located within the coastal areas identified by this SEPP.</p>
<p>SEPP (Industry & Employment)</p> <p>Chapter 3: Advertising and signage</p>	<p>Applicable.</p> <p>Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.</p>
<p>SEPP 65 Design Quality of Residential Flat Development</p>	<p>Applicable.</p> <p>Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.</p>
<p>SEPP Building Sustainability Index : Basix 2004</p>	<p>Applicable.</p> <p>Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.</p>
<p>SEPP (Transport and Infrastructure)</p>	<p>Applicable.</p>

SEPP	Comment on Consistency
Chapter 2: Infrastructure Chapter 3: Educational establishments and child care facilities	Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts-Eastern Harbour City) 2021 Chapter 2: State significant precincts	Applicable. Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Housing) 2021	Applicable. Consistent. The affected properties are not known to contain affordable housing. The heritage listing of properties may alter whether development under the former ARH SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.
SEPP Exempt and Complying Development Codes 2008	Applicable. Consistent. The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on that site, but this Planning Proposal would not contravene the SEPP in any way.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The following table identifies applicable section 9.1 Directions and outlines this Planning Proposal's consistency with those Directions.

Directions under S9.1	Objectives	Consistency
1. PLANNING SYSTEMS		
1.1 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	Consistent. The Planning Proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> .
1.3 Approval and Referral Requirements This direction applies to all relevant planning authorities when preparing a planning proposal.	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The Planning Proposal will not contain provisions which require the concurrence, referral or consultation of other public authorities, nor identify any use as designated development. The planning proposal does not

Directions under S9.1	Objectives	Consistency
		contain a provision which is contrary to the operation of this direction.
<p>1.4 Site Specific Provisions</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will allow a particular development to be carried out.</p>	<p>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</p>	<p>Consistent. This Planning Proposal is not for the purpose of facilitating a particular development proposal. It relates to the heritage listing of new items of environmental heritage.</p>
<p>3. BIODIVERSITY AND CONSERVATION</p>		
<p>3.1 Conservation zones</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>The objective of this direction is to protect and conserve environmentally sensitive areas.</p>	<p>Consistent. The Planning Proposal will not affect the conservation standards of any environmentally sensitive land.</p>
<p>3.2 Heritage Conservation</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p>	<p>Consistent. The Planning Proposal is consistent with this direction. The Planning Proposal is consistent with this direction and it will result in the conservation of sites that have satisfied the NSW Heritage Council's criteria for local heritage significance.</p>
<p>4. RESILIENCE AND HAZARDS</p>		
<p>4.1 Flooding</p> <p>This direction applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p>	<p>The objectives of this direction are to:</p> <p>(a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts</p>	<p>Consistent. The Planning Proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property.</p>

Directions under S9.1	Objectives	Consistency
	both on and off the subject land.	
<p>4.3 Planning for Bushfire Protection</p> <p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p> <p>This applies where the relevant planning authority is required to prepare a bush fire prone land map under section 10.3 of the EP&A Act, or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.</p>	<p>The objectives of this direction are to:</p> <p>(a) protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</p> <p>(b) encourage sound management of bush fire prone areas.</p>	<p>Consistent. The Planning Proposal will not rezone bushfire affected land or affect the application of controls that ensure that development on bushfire prone land will not result in risk to life or damage to property.</p>
<p>4.4 Remediation of Contaminated Land</p> <p>This direction applies when a planning proposal authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out</p>	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p>	<p>Consistent. The Planning Proposal does not rezone or permit a change of use of the land. The Planning Proposal does not contain a provision which is contrary to the objective of this direction.</p>

Directions under S9.1	Objectives	Consistency
<p>development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>		
<p>4.5 Acid Sulfate Soils</p> <p>This direction applies to all relevant planning authorities that are responsible for land having a probability of containing acid sulfate soils when preparing a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.</p>	<p>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.</p>	<p>Consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.</p>
<p>5. TRANSPORT AND INFRASTRUCTURE</p>		
<p>5.1 Integrating Land Use and Transport</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for</p>	<p>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:</p> <p>(a) improving access to housing, jobs and services</p>	<p>Applicable. Consistent. The Planning Proposal relates to the heritage listing of established sites and does not involve amendments to the planning controls that will facilitate intensified development. It is not envisaged that the use of the sites will change following the heritage listing.</p>

Directions under S9.1	Objectives	Consistency
residential, business, industrial, village or tourist purposes.	<p>by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p>	
6. HOUSING		
<p>6.1 Residential Zones</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>The objectives of this direction are to:</p> <p>(a) encourage a variety and choice of housing types to provide for existing and future housing needs,</p> <p>(b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</p> <p>(c) minimise the impact of residential development on the environment and resource lands.</p>	<p>Applicable. Consistent. The subject sites proposed for heritage listing and/or inclusion in the St Johns Avenue Conservation Area are zoned R2 Low Density Residential. The Planning Proposal does not seek to amend the zoning, development standards or permissible uses on these sites.</p>
<p>6.2 Caravan Parks and Manufactured Home Estates</p>	<p>The objectives of this direction are to:</p>	<p>Consistent. The Planning Proposal will not affect any caravan parks or manufactured housing estates.</p>

Directions under S9.1	Objectives	Consistency
<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>This direction does not apply to Crown land reserved or dedicated for any purposes under the <i>Crown Land Management Act 2016</i>, except Crown land reserved for accommodation purposes, or land dedicated or reserved under the <i>National Parks and Wildlife Act 1974</i>.</p>	<p>(a) provide for a variety of housing types, and</p> <p>(b) provide opportunities for caravan parks and manufactured home estates.</p>	
7. INDUSTRY AND EMPLOYMENT		
<p>7.1 Business and Industrial Zones</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).</p>	<p>The objectives of this direction are to:</p> <p>(a) encourage employment growth in suitable locations,</p> <p>(b) protect employment land in business and industrial zones, and</p> <p>(c) support the viability of identified centres.</p>	<p>Consistent.</p> <p>The Planning Proposal does not contain a provision which is contrary to the objective of this direction. The Planning Proposal does not seek to rezone business or industrial land or reduce permissible floor space in these zones.</p>

C. Environmental, social and economic impact

Q8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

The Planning Proposal does not propose any changes to the development standards applying to the sites. As such, the Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of the heritage listing and heritage conservation area boundary extension.

Q9. *Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?*

There are no likely environmental effects envisaged as a result of the heritage listing and heritage conservation area extension proposed by the Planning Proposal. Protection of the sites will be required if development is proposed for the sites or in the vicinity of the site. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process. The environmental sustainability benefits afforded by the retention and conservation of heritage places includes the substantial reduction in building demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

Q10. *Has the planning proposal adequately addressed any social and economic effects?*

Yes. The Planning Proposal will result in positive social effects by facilitating the conservation of items of heritage value and have a positive social impact for the local community that appreciates and enjoys local heritage in Ku-ring-gai. The identification and protection of Ku-ring-gai's heritage places contributes to the ongoing conservation of Ku-ring-gai's community-valued historic landscape and garden suburbs. The Planning Proposal will not adversely impact on existing social infrastructure, such as schools and hospitals.

It is unlikely that the heritage listing will place undue economic strain on any individual or group of individuals. Such impacts are not easily measured and must be considered in balance with benefits to the community.

D. Infrastructure (Local, State and Commonwealth)

Q11. *Is there adequate public infrastructure for the planning proposal?*

The Planning Proposal relates to the heritage listing of established sites and does not involve amendments to the planning controls that will facilitate intensified development. It is not envisaged that the use of the site will change following the heritage listing of the site. If required by the Gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

E. State and Commonwealth interests

Q12. *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

This section will be completed following consultation with public authorities identified in the Gateway determination. Should the Planning Proposal proceed to public exhibition, consultation with the relevant public authorities will be conducted. Council intends to notify Heritage NSW, Department of Premier and Cabinet during the public exhibition of the Planning Proposal. Any other authorities nominated by the Department of Planning and Environment as part of the requirements of the Gateway determination will be consulted.

PART 4 - MAPS

Existing and proposed maps, where relevant, to identify the effect of the planning proposal and the area to which it applies

The sites subject to the Planning Proposal are as follows:

- 64 Rosebery Road, Killara - Lot 2, DP 1048632
- 64 St Johns Avenue, Gordon - Lot 2, DP 183731

The Planning Proposal will require amendment to the following KLEP 2015 map sheets:

- **Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014** to identify a heritage item on the site of 64 Rosebery Road, Killara.

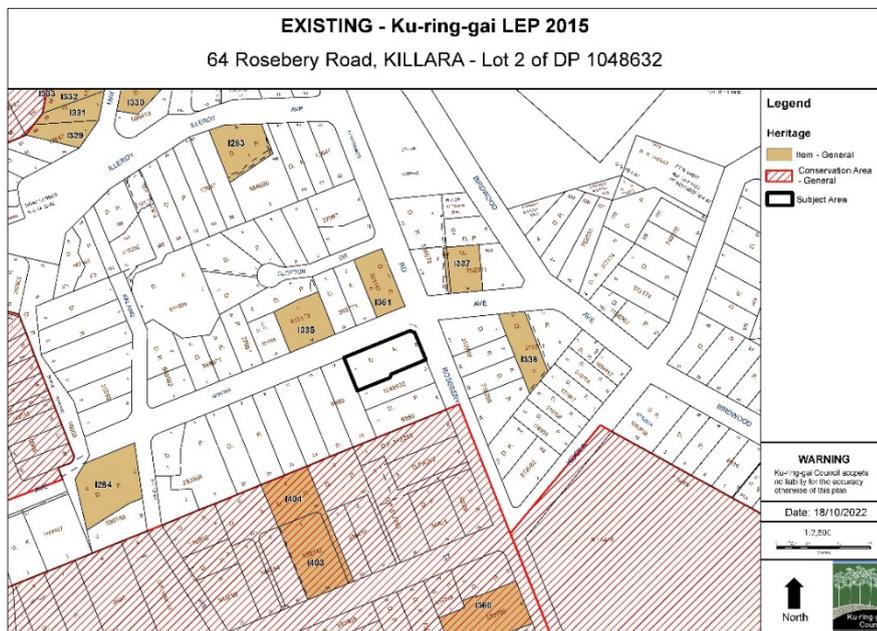


Figure 8. Map showing existing non-heritage listed status of 64 Rosebery Road, Killara

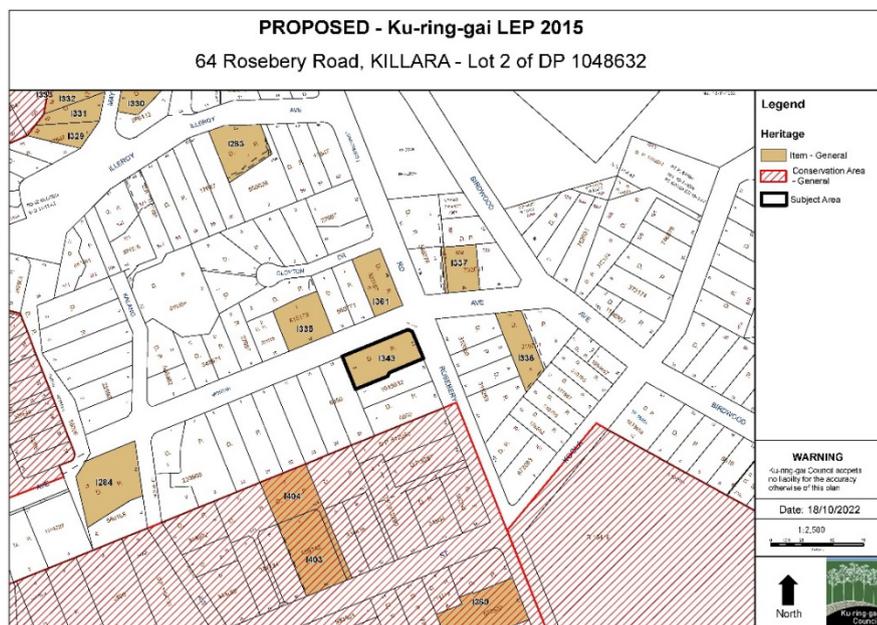


Figure 9. Map showing proposed heritage listed status of 64 Rosebery Road, Killara

- **Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014 and HER_008** to identify a heritage item on the site of 64 St Johns Avenue, Gordon, and to extend the St Johns Heritage Conservation Area to include the property.

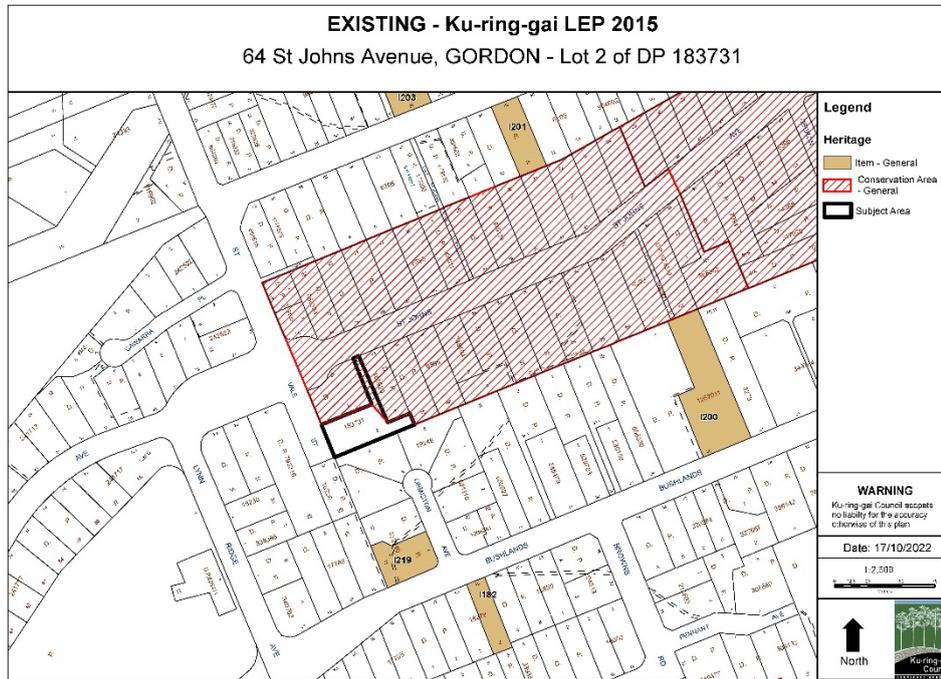


Figure 10. Map showing existing non-heritage listed status and partial inclusion in the HCA of 64 St Johns Avenue, Gordon

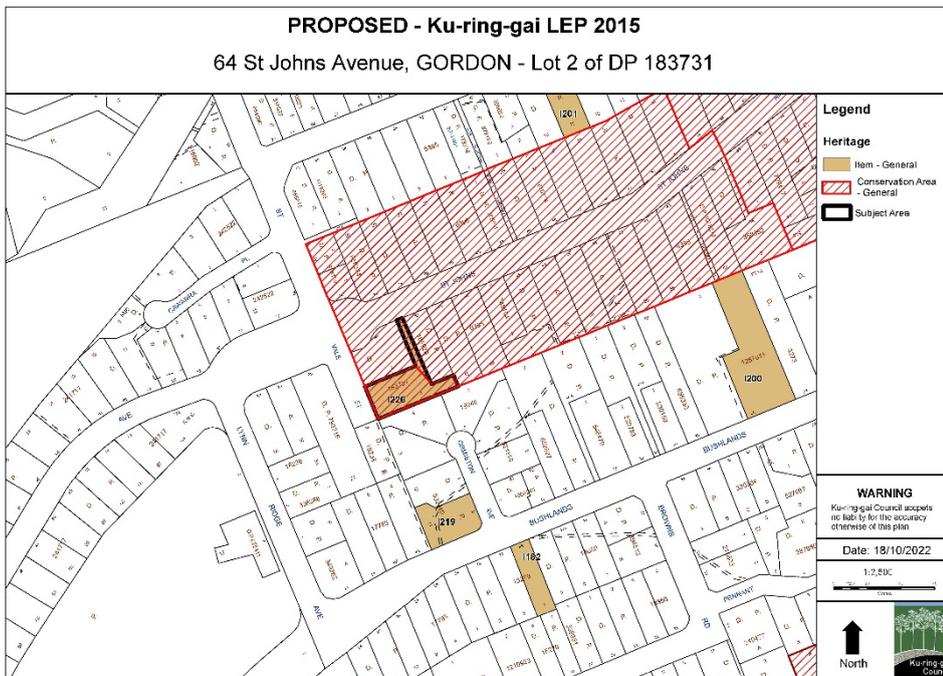


Figure 11. Map showing proposed heritage listed status and inclusion in the HCA of 64 St Johns Avenue, Gordon

PART 5 – COMMUNITY CONSULTATION

Details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken on the planning proposal post- Gateway and during exhibition

Community consultation for this Planning Proposal will be consistent with the requirements of Council's Community Participation Plan, the requirements of the Gateway determination, the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the consultation guidelines contained within the and the NSW Department of Planning and Environment's '*Local Environmental Plan Making Guideline*' (September 2022).

In accordance with the documents above, the public exhibition of a Planning Proposal is generally undertaken in the following manner:

- Notification on Council's website on the 'Have my say' exhibition page
- Notification in writing to the affected and adjoining landowners that:
 - gives a brief description of the objectives or intended outcomes of the planning proposal
 - indicates the land affected by the planning proposal
 - states where and when the planning proposal can be inspected
 - gives the name and address of the PPA for the receipt of submissions
 - indicates the last date for submissions
 - confirms whether delegation for making the LEP has been issued to Council.

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

- The Planning Proposal
- The Gateway determination
- Information and technical reports relied upon by the Planning Proposal

The Planning Proposal is considered to fall within the basic category and will be exhibited for 10 working days as recommended by the *Local Environmental Plan Making Guideline* (September 2022).

At the conclusion of the public exhibition period, a report will be prepared and presented to Council to allow for the consideration of submissions received from the community during the exhibition period.

PART 6 – PROJECT TIMELINE

Project timeline to detail the anticipated timeframe for the LEP making process

Stage	Timing
Anticipated commencement date (date of Gateway determination)	Mid November
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	December
Commencement and completion dates for public exhibition period	December
Post exhibition review and reporting	January – February 2023
Council meeting / consideration	February 2023
Legal drafting of LEP	March 2023
Anticipated date RPA will make the plan (if delegated)	April 2023
Notification of Plan on Legislation website	April 2023