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## **POST EXHIBITION CONSIDERATION OF SUBMISSIONS - PLANNING PROPOSAL TO HERITAGE LIST 64 ROSEBERY ROAD, KILLARA AND 64 ST JOHNS AVENUE, GORDON, AND EXTEND THE BOUNDARY OF THE ST JOHNS AVENUE HERITAGE CONSERVATION AREA.**

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### **EXECUTIVE SUMMARY**

#### **PURPOSE OF REPORT:**

For Council to consider the submissions received during the public exhibition for the Planning Proposal to heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Avenue Heritage Conservation Area.

#### **BACKGROUND:**

In October 2022, Council resolved to adopt and submit the Planning Proposal for a Gateway Determination under section 3.34 of the EP&A Act 1979.

A Gateway Determination was received on 18 November 2022. The Planning Proposal was placed on public exhibition from 24 November – 9 December 2022.

This report provides an overview of the outcomes of the public exhibition and recommends proceeding to heritage list both properties and to extend the boundary of the St Johns Heritage Conservation Area.

#### **COMMENTS:**

A total of four submissions were received from the community during the public exhibition period. All were in support of the proposal. Two State agency submissions were received raising no objections.

#### **RECOMMENDATION:**

That the Planning Proposal to heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Avenue Heritage Conservation Area proceeds and that Council resolves to make the Plan under section 3.36 of the *Environmental Planning & Assessment Act 1979*.

## PURPOSE OF REPORT

For Council to consider the submissions received during the public exhibition for the Planning Proposal to heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Avenue Heritage Conservation Area.

## BACKGROUND

This report provides an overview of the submissions received during the public exhibition of the Planning Proposal to heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Avenue Heritage Conservation Area. The Planning Proposal is included at **Attachment A1**.

The properties at 64 Rosebery Road, Killara (Lot 2 DP 1048632) and 64 St Johns Avenue, Gordon (Lot 2 DP183731) 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 **Attachment A2** for 64 Rosebery Road, Killara, and as **Attachment A3** 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 **Attachment A4**.

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 2022 is included as **Attachment A5**.

A Gateway Determination was received on 18 November 2022, authorising Council to exercise the functions of the Minister under section 3.36(2) of the EP&A Act to finalise the Planning Proposal if resolved to do so. The Gateway Determination is included at **Attachment A6**.

The Planning Proposal was placed on public exhibition in accordance with the requirements of the Gateway determination and the Ku-ring-gai Community Participation Plan between 24 November 2022 - 9 December 2022.

## COMMENTS

### Heritage Significance

#### 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:

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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.

### Public Exhibition

A total of six (6) submissions were received during the public exhibition period, including two (2) state agency submissions. The Submission Summary Table is included as **Attachment A7**.



**Support**

All four (4) of the submissions received from the community were in support of the Planning Proposal. Three (3) of these submissions were made specifically in support of heritage listing 64 Rosebery Road, Killara. The submissions outlined a desire for the property to be protected and to preserve the significant heritage value of the site

One (1) of these submissions was made specifically in support of heritage listing 64 St Johns Avenue, Gordon. The submission provided historical information regarding 66 and 64 St Johns Avenue, Gordon and indicated that the architect is 'Ashton' of Mosman. This historical information has been referred to a member of the Ku-ring-gai Historical Society and the Heritage Reference Committee. Once verified, some of this information may be included in the inventory form that will support the Planning Proposal.

A state agency submission was received by Heritage NSW which encouraged the identification and listing of this new local heritage item. A state agency submission was received by Crown Lands which acknowledged that the properties proposed for heritage listing are on privately owned land therefore no Crown land is understood to be associated with the properties.

**INTEGRATED PLANNING AND REPORTING**

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Ku-ring-gai's heritage is protected, promoted and responsibly managed.	Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets.	Cultural and heritage assets in open space areas are protected, preserved, restored and maintained.

**GOVERNANCE MATTERS**

The preparation and implementation of Planning Proposals is governed by the provisions within the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulation 2000*.

Under the Ministerial Direction Local Planning Panels Direction – Planning Proposals and the delegations granted to the General Manager, this matter was not required to be referred to Ku-ring-gai Local Planning Panel on the basis the proposed heritage listing is for two existing houses within established low density residential zones and the proposed heritage listings will not have any significant adverse impact on the environment or adjoining land.

Council's resolution from OMC 18 October 2022 requested that Council be authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to finalise the Planning Proposal. In issuing the Gateway Determination on 18 November 2022, the DPE considered the nature of the Planning Proposal and conditioned the Gateway determination for Council to be authorised as the local plan-making authority.

This report addresses the post exhibition stage of the planning proposal process, to consider State agency and stakeholder feedback. Council can resolve to make the plan in accordance with section

3.36(2) of the EP&A Act and liaise with Parliamentary Counsel's Office (PCO) to draft the required Local Environmental Plan to give effect to the Planning Proposal, as well as the Ministers function in making the plan.

## **RISK MANAGEMENT**

There is a community expectation that places of heritage significance within the Ku-ring-gai local government area will be identified and protected. There is a strategic risk to Council and its reputation if these culturally significant places are not identified and considered for protection.

## **FINANCIAL CONSIDERATIONS**

The cost of preparing this report is covered by the Urban Planning & Heritage Budget – Strategy and Environment Department.

## **SOCIAL CONSIDERATIONS**

The identification and protection of Ku-ring-gai's heritage places contributes to the ongoing conservation of Ku-ring-gai's historic landscape and the garden suburbs that are valued by the community.

## **ENVIRONMENTAL CONSIDERATIONS**

Council is responsible for the identification and management of Ku-ring-gai's local environmental heritage. Consideration of this matter will assist Council in meeting this requirement. The retention and conservation of heritage places has an important role in protecting the environment. The environmental sustainability benefits afforded by the retention of heritage places include the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

## **COMMUNITY CONSULTATION**

The Planning Proposal was placed on public exhibition from 24 November 2022 – 9 December 2022 in accordance with the requirements of the Gateway determination and Ku-ring-gai's Community Participation Plan. The affected property owners and 89 adjoining property owners were notified of the public exhibition in writing and had the opportunity to provide feedback during the formal exhibition period. The Office of Premier and Cabinet – Heritage NSW was notified in accordance with the requirements of the Gateway determination. The Planning Proposal and supporting information was made available on Council's website and was available to be viewed at the customer service desk in accordance with Ku-ring-gai's Community Participation Plan.

As a result of the public exhibition, a total of four (4) submissions were received from the community. All of the submissions were in support of the proposal. Two (2) submissions were received from state agencies, with no objections made regarding the planning proposal. All persons who made a submission were notified of this matter being reported back to Council.

## **INTERNAL CONSULTATION**

Consultation with the relevant internal sections of Council has been undertaken where required for this report, in particular, Development and Regulation. Council's Heritage Reference Committee supported the Interim Heritage Order in April 2022.

**SUMMARY**

On 18 October 2022, Council resolved to prepare the Planning Proposal 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 – and to forward the Planning Proposal to the Department of Planning and Environment for a Gateway determination.

A Gateway Determination was received on 18 November 2022. The Planning Proposal was placed on public exhibition between 24 November 2022 – 9 December 2022 in accordance with the requirements of the Gateway determination and the Ku-ring-gai Community Participation Plan. Four (4) submissions were received from the community and two (2) submissions were received from state agencies.

It is recommended that Council proceeds with the Planning Proposal 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 – and to resolve to make the Plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**RECOMMENDATION:**

- A. That Council adopt the Planning Proposal 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. That Council proceed to make the plan, using its delegated authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
- C. That those who made submissions be notified of Council's decision.

Angela Smidmore  
Urban Planner

Craig Wyse  
Team Leader Urban Planning









Antony Fabbro  
Manager Urban & Heritage Planning

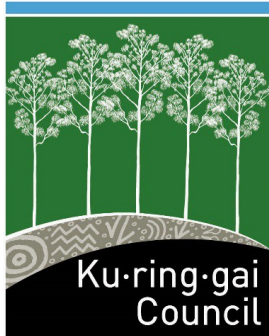
Andrew Watson  
Director Strategy & Environment

<b>Attachments:</b>	A1	Planning Proposal	2022/296390
			
	A2	64 Rosebery Road, Killara – Heritage Assessment – Hector	2022/274204
		Abrahams Architects – September 2022	
	A3	64 St Johns Avenue, Gordon – Heritage Assessment – Hector	2022/274203
		Abrahams Architects – September 2022	

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A4	Interim Heritage Orders – NSW Gazette	2022/279491
 		
A5	Council Report and Resolution – October 2022	2022/296379
 		
A6	Gateway determination - 18 November 2022	2022/349160
 		
A7	Submission Summary Table	2023/011587
 		



## **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**

2022/278438

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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:

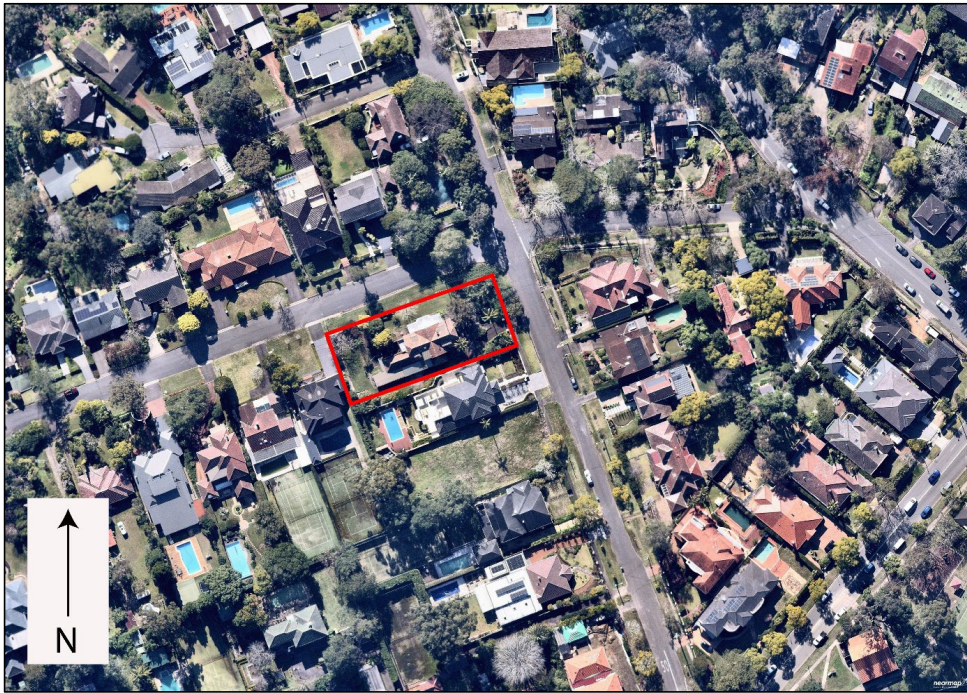
*That:*

- 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
<b>64 Rosebery Road, Killara</b>	R2 Low Density Residential	9.5m	0.3
<b>64 St Johns Avenue, Gordon</b>	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.

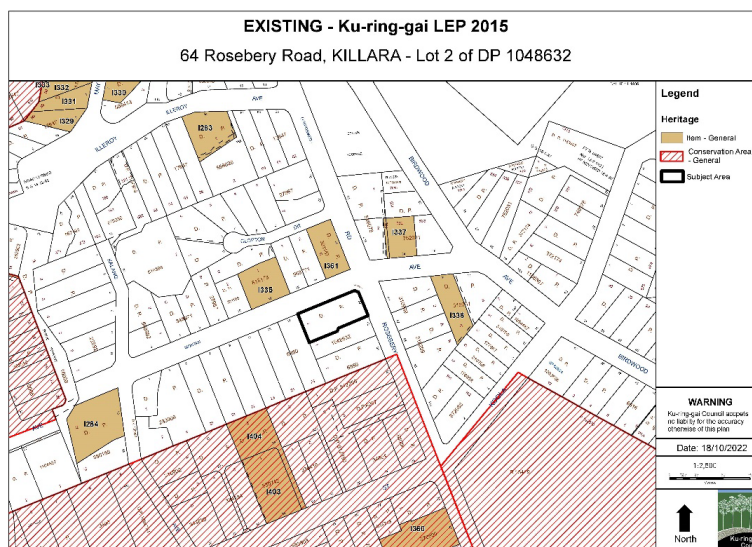
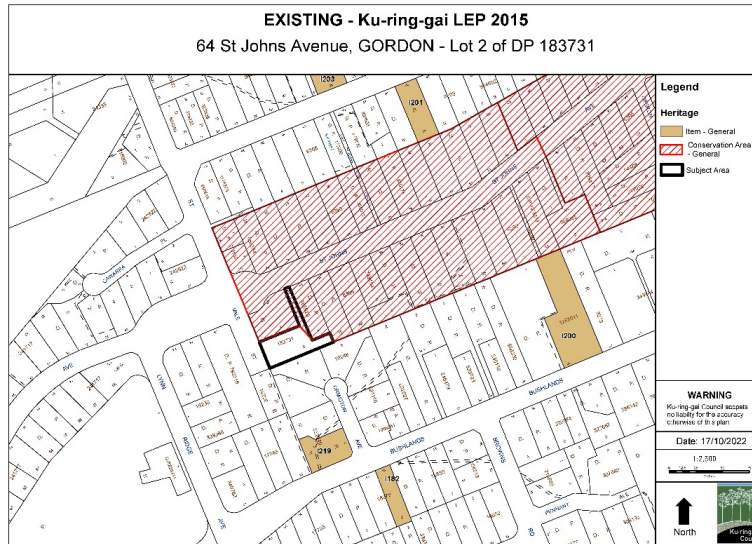


Figure 6. Map showing existing non-heritage listed status of 64 Rosebery Road, Killara



**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
SEPP (Biodiversity and Conservation) 2021  Chapter 2: Vegetation in non-rural areas  Chapter 4: Koala habitat protection 2021  Chapter 6: Bushland in urban areas  Chapter 7: Canal estate development  Chapter 9: Hawkesbury-Nepean River  Chapter 10: Sydney Harbour Catchment	Applicable.  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.
SEPP (Resilience and Hazards)  Chapter 2: Coastal management  Chapter 3: Hazardous and offensive development  Chapter 4: Remediation of land	Applicable. Consistent. There is no indication that previous uses at the subject sites would trigger site remediation requirements. The subject properties are not located within the coastal areas identified by this SEPP.
SEPP (Industry & Employment)  Chapter 3: Advertising and signage	Applicable.  Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.
SEPP 65 Design Quality of Residential Flat Development	Applicable.  Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.
SEPP Building Sustainability Index : Basix 2004	Applicable.  Consistent. The Planning Proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure)	Applicable.

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
<b>1. PLANNING SYSTEMS</b>		
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>
<b>3. BIODIVERSITY AND CONSERVATION</b>		
<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>
<b>4. RESILIENCE AND HAZARDS</b>		
<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><b>4.3 Planning for Bushfire Protection</b></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&amp;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><b>4.4 Remediation of Contaminated Land</b></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><b>4.5 Acid Sulfate Soils</b></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>
<b>5. TRANSPORT AND INFRASTRUCTURE</b>		
<p><b>5.1 Integrating Land Use and Transport</b></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>	
<b>6. HOUSING</b>		
<p><b>6.1 Residential Zones</b></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><b>6.2 Caravan Parks and Manufactured Home Estates</b></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>	
<b>7. INDUSTRY AND EMPLOYMENT</b>		
<p><b>7.1 Business and Industrial Zones</b></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.

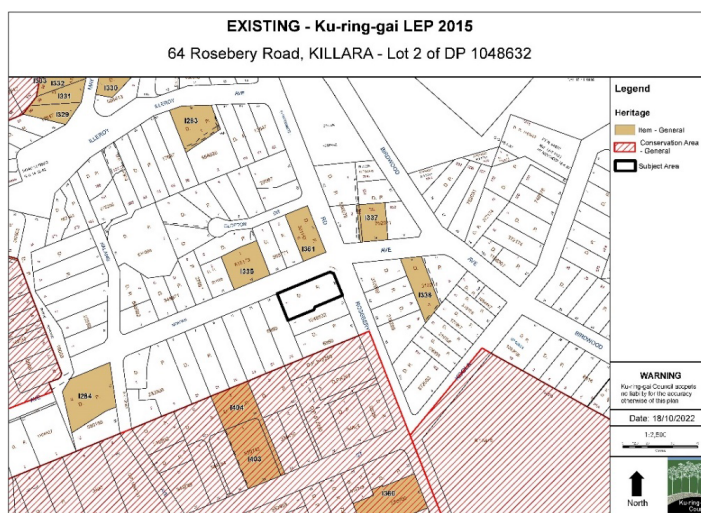


Figure 8. Map showing existing non-heritage listed status of 64 Rosebery Road, Killara

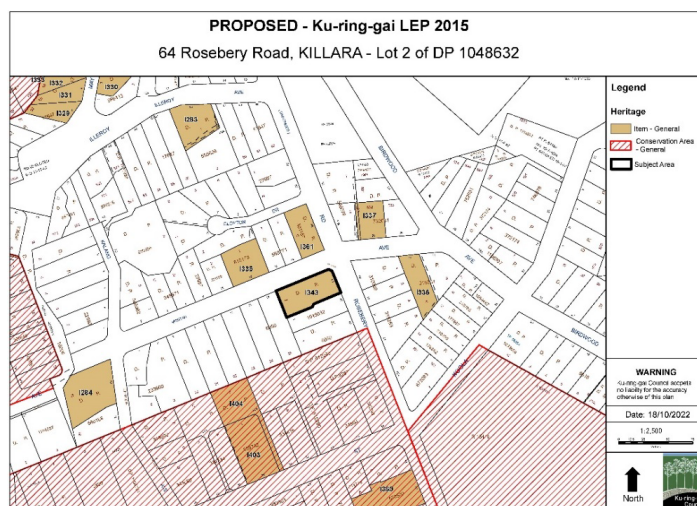


Figure 9. Map showing proposed heritage listed status of 64 Rosebery Road, Killara



- **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.

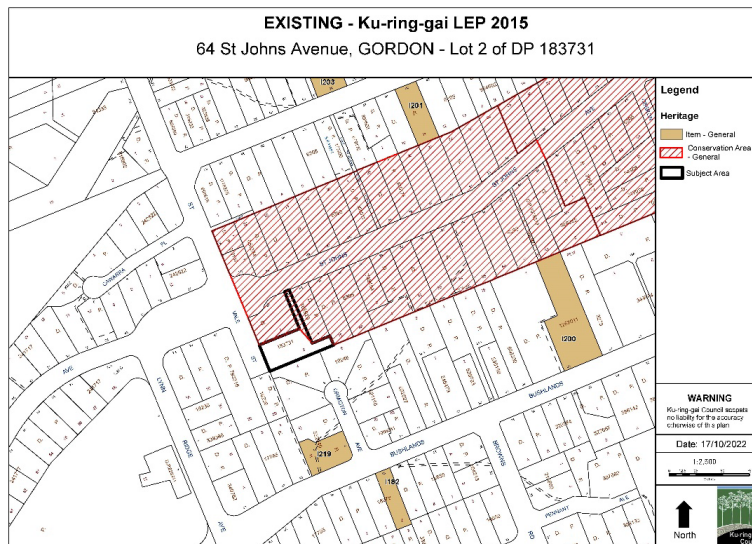


Figure 10. Map showing existing non-heritage listed status and partial inclusion in the HCA of 64 St Johns Avenue, Gordon

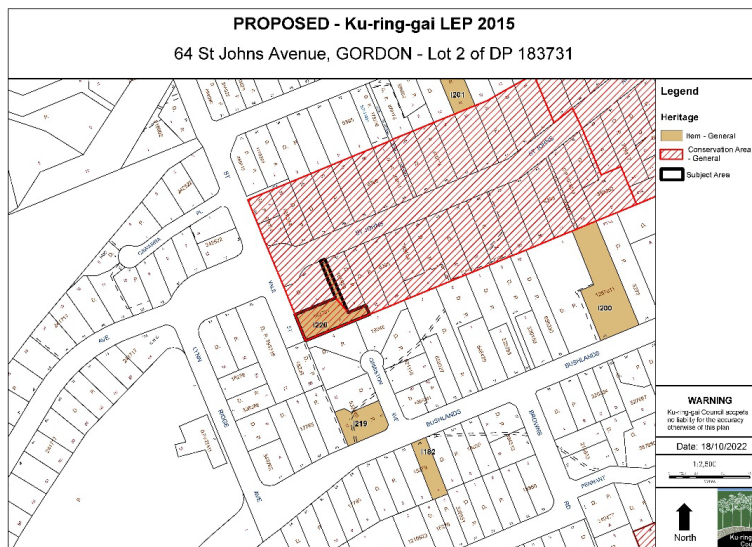


Figure 11. Map showing proposed heritage listed status and inclusion in the HCA of 64 St Johns Avenue, Gordon

## 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



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## 64 Rosebery Road

### Heritage Assessment

Version Draft V1.2

29 September 2022



for  
**Ku-Ring-Gai Council**

by  
**Hector Abrahams Architects**

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Sydney NSW 2000

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Version	Authors	Status	Date
Version 1.0	Hector Abraham Architects	Reviewed by Hector Abrahams	2022-09-07
Version 1.1	HAA	Issue to Client as draft no.1	2022-09-08
Version 1.2	HAA	Issue to client	2022-09-29

## **1. Introduction**

The following report is to determine if 64 Rosebery Road, Killara has heritage significance and if the place should be listed. The assessment includes a description of the site, history, physical analysis, comparative analysis, significance assessment, listing recommendations and management recommendations.

The report was prepared by Sioned Lavery, Tristan Ryan and Hector Abrahams of Hector Abrahams Architects. Sioned Lavery and Tristan Ryan visited the place in August 2022.



## 2. Description of Site

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.

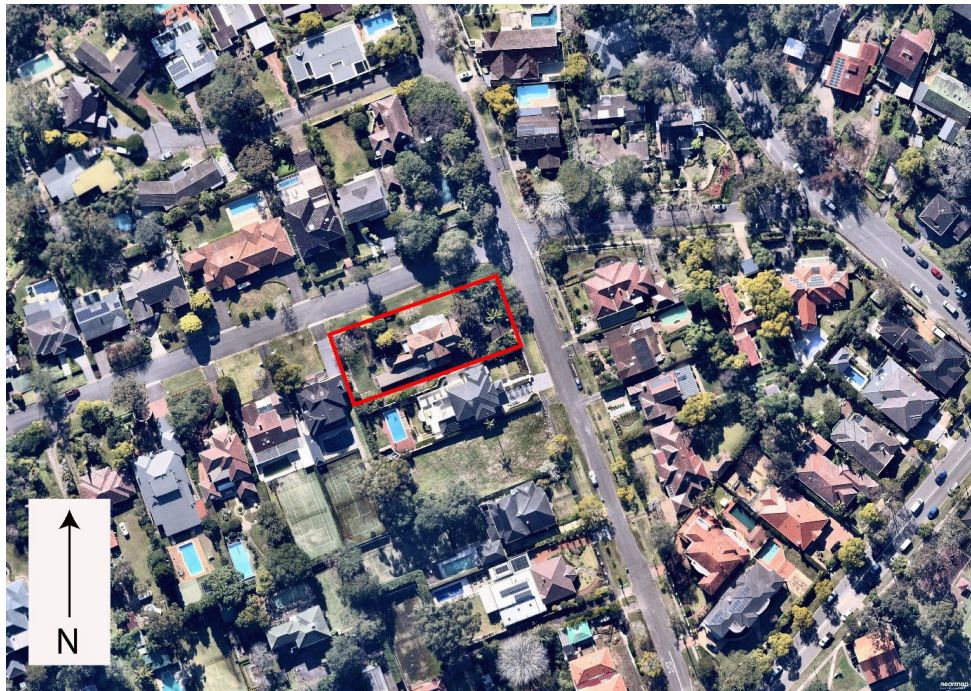


Figure 1 64 Rosebery Road indicated in red. Source Nearmaps with HAA overlay.

### 3. History

The following history describes the development of Killara and is based on Dictionary of Sydney article, *Killara*, by Zeny Edwards and Joan Rowland (2008).

In 1805, a convict timber getting camp was established near today's Fiddens Wharf Road and Lady Game Drive. The camp was closed in 1819 and the first land grants were granted in 1821 by Governor Macquarie. The first land grants were issued with the conditions that 20 acres would be cultivated and the land would not be resold for five years. Following these land grants, a second timber getting era developed in the 1820s and 1830s. Blackbutt, ironbark, stringybark and blue gum were the primary trees felled with the latter two being considered good for building and flooring.

A sixth land grant, known as Springdale, was given to Jane McGillivray in 1839. McGillivray ran a boarding house on the land but her death in 1861 delayed development of the area, as her family, who inherited the land, were scattered across Australia. The land was eventually subdivided and sold in the early 20<sup>th</sup> century.

George Edwards of the Progress Association, campaigned for the railway which opened in 1899 and for Killara to be established as a garden suburb with no shops and a retreat from the city. Subdivision of the area began in the 1880s and Killara developed as a middle to upper middle-class suburb.

Small retail began opening in Killara in the early twentieth century including a chemist, grocer, bank and post office. Today there are few shops in Killara with the primary shopping destination being Gordon. During the interwar period more modest houses on smaller blocks were built and apartment buildings along the highway were built in the post war period.

A site on Eleanor Oatley's Land Grants

The subject place is located on land originally granted to Eleanor Oatley in 1840.

Eleanor Oatley was the daughter of Francis Johnson Pass and Constable John Foster. Following the death of her first husband, that left her and her seven children destitute in England, Frances Johnson Pass, in 1815, was sentenced to seven years penal servitude in NSW for stealing two aprons, two caps, and a £10 note.<sup>1</sup> She was assigned to Constable John Foster to whom she had two children, William (b. 1818) and Eleanor (1820-1864). John Foster died in 1823 and Frances moved to the household of William Foster. She later married Capper Pass, and owned property in George and Sussex Street.<sup>2</sup>

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<sup>1</sup> Allan Rost, "Frances Johnson Pass nee Mills (1780-1837), businesswoman and landowner, and Ellinor/Eleanor Johnson Oatley (her daughter (1820-1864), early North Shore landowner," *The Historian*, (2013).

<sup>2</sup> Allan Rost, "Frances Johnson Pass nee Mills (1780-1837), businesswoman and landowner, and Ellinor/Eleanor Johnson Oatley (her daughter (1820-1864), early North Shore landowner," *The Historian*, (2013).



Foster owned 70 acres of land in Killara, 10 of which were placed under Eleanor Johnson's name in 1828.<sup>3</sup> These 10 acres included the Greengate Hotel. Located on Pacific Highway the first publican license in the North Shore was issued to the Greengate Hotel. In 1829, William Foster was granted an additional 50 acres north east of his initial grant. In 1837 the grant was issued under the name of Capper Pass which was transferred to his second wife, Ann, after his death. Foster contested Ann's title of the land and in 1840 the court granted the title to Eleanor Oatley.<sup>4</sup> It is unclear why the court issued the title to Eleanor Oatley rather than William Foster. It is on this land that 64 Rosebery Road is located.

In 1838 Eleanor Johnson had married James Oatley, later mayor of Sydney and member of the Legislative Assembly. Prior to their marriage Eleanor entered into a Deed of Marriage Settlement that ensured her land would pass to her children. However, in 1853 Eleanor Oatley sold her 60 acres in Killara to Thomas Waterhouse, a timber merchant, for £250.<sup>5</sup>

The 10 acres containing the Greengate passed to Waterhouse's son John and the 50 acres to his other three sons Henry, Joseph and Thomas. The three sons sold the land in 1885 and was purchased by Arthur Bruce Smith in 1891.<sup>6</sup> Smith was a lawyer and also served as the member for Glebe under the Parkes Government.<sup>7</sup>

Subdivision and construction of a large house for James Alexander Ronald Patrick

Ernest Robert Yates purchased 14 acres of the land from the Australian Joint Stock Bank in 1911.<sup>8</sup> It is unclear when the land had been transferred from Smith to the Bank. Yates subdivided and sold the land between Wattle Street and Clopton Drive as the Nyora Estate in 1913. William Barrat Haworth purchased lots 1, 2, and 3 on Rosebery Road.<sup>9</sup> In 1925 Haworth sold lots 2 and 3 to John, Violet, and Irene Nason of Killara.<sup>10</sup> Lot 3, the site of 64 Rosebery Road, was sold to James Alexander Ronald Patrick in 1935 who also purchased lot 2 in 1938.<sup>11</sup>

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<sup>3</sup> Allan Rost, "Frances Johnson Pass nee Mills (1780-1837), businesswoman and landowner, and Ellinor/Eleanor Johnson Oatley (her daughter (1820-1864), early North Shore landowner," *The Historian*, (2013).

<sup>4</sup> Allan Rost, "Frances Johnson Pass nee Mills (1780-1837), businesswoman and landowner, and Ellinor/Eleanor Johnson Oatley (her daughter (1820-1864), early North Shore landowner," *The Historian*, (2013).

<sup>5</sup> Allan Rost, "Frances Johnson Pass nee Mills (1780-1837), businesswoman and landowner, and Ellinor/Eleanor Johnson Oatley (her daughter (1820-1864), early North Shore landowner," *The Historian*, (2013).

<sup>6</sup> Allan Rost, "Eleanor Oatley and the Green Gate Hotel," *The Historian* 42 no. 1 (2013); Certificate of Title Vol 1018 Folio 156.

<sup>7</sup> Allan Rost, "Frances Johnson Pass nee Mills (1780-1837), businesswoman and landowner, and Ellinor/Eleanor Johnson Oatley (her daughter (1820-1864), early North Shore landowner," *The Historian*, (2013).

<sup>8</sup> Certificate of Title Vol 2167 Folio 82.

<sup>9</sup> Certificate of Title Vol 2410 Folio 193.

<sup>10</sup> Certificate of Title Vol 3778 Folio 147.

<sup>11</sup> Certificate of Title Vol 4714 Folio 86; Certificate of Title Vol 4979 Folio 25.



Figure 2 Subdivision of the Nyora Estate. The subject place is shown in red at lot 3. Source SLNSW Z/PS/K2/45.

The house at 64 Rosebery Road was designed by the prominent north shore architect Frank Bloomfield for James Alexander Patrick and his wife, and was built by T. Beer between 1935-1936.

The house is an adaption of the English Domestic style, and was featured in no less than four published articles: in *Decoration and Glass* (1 March 1936), the *Sydney*

*Morning Herald* (15 September 1936), *Building* (24 March 1938) and *Construction and Real Estate Journal* (13 April 1938).

The *Sydney Morning Herald* article, entitled *Features of an Unusual Home: Colourful Stone*, gives this detailed description of the house.

*The style of architecture chosen for this home is an adaption of the English domestic type, and the design... has been planned with the object of obtaining the maximum of sunshine and fresh air throughout...*

*An attractive feature of the exterior is a wide terrace... [which] has a remarkably spacious atmosphere about it... and commands an extensive view... There is also another terrace on the north side, which opens into an unusual courtyard. This is enclosed by a wall with arched opening on the terrace and has in the centre a fountain and fish pond. A stone seat catches the sunshine against the inner wall, and there are small flower beds and hanging ferns to give perfume and colour....*

*The dining room can be opened up into the drawing-room by means of wide connecting doors, and the far end has glass doors on the fountain court. This plan gives delightful vistas through the two rooms and provides for an unlimited supply of light and air...*

*Upstairs... the ceilings... have the quaint slopes which are inseparable to this particular type of house. They give the rooms attractively unexpected angles and... useful recesses.*

*The terraces are, perhaps, the outstanding [part] of the plan. They give a touch of Australian open-air spaciousness to the fundamentally English design... in a delightful setting of trees, the home gives an impression of comfort and appropriateness to its surroundings, which is becoming a marked feature of our Australian domestic architecture.*

The neighbouring lot, purchased by Patrick in 1938, was made use of for a driveway loop (Figure 2).



Figure 3 64 Rosebery Road shortly after it was built. Source Building (24 March 1938).

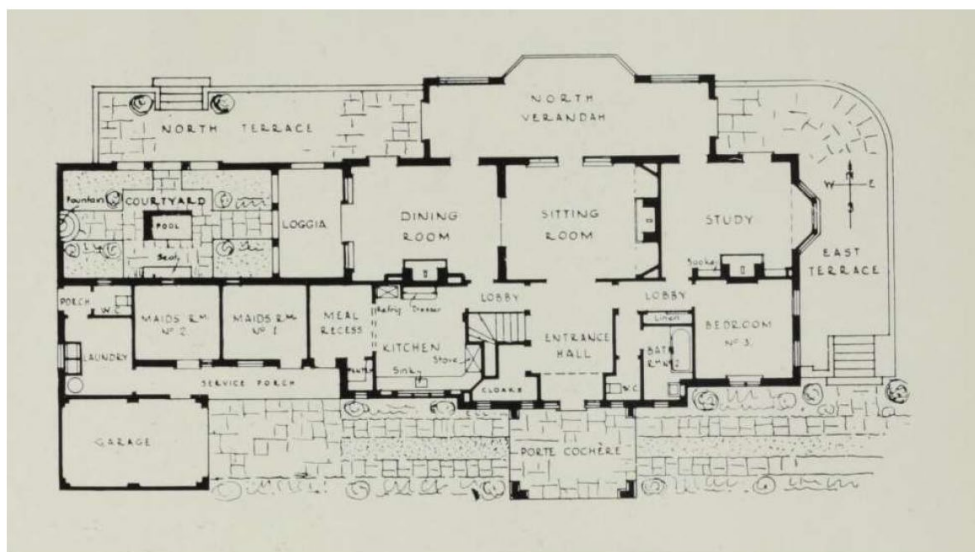


Figure 4 The original published floor plan. Source Decoration and Glass 1 March 1936.

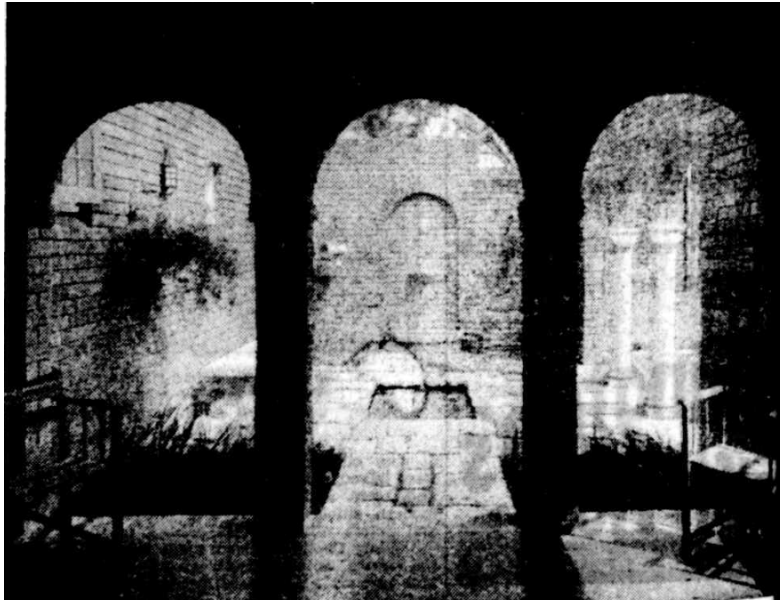


Figure 5 The courtyard shortly after the house's construction. Source Sydney Morning Herald (15 September 1936).

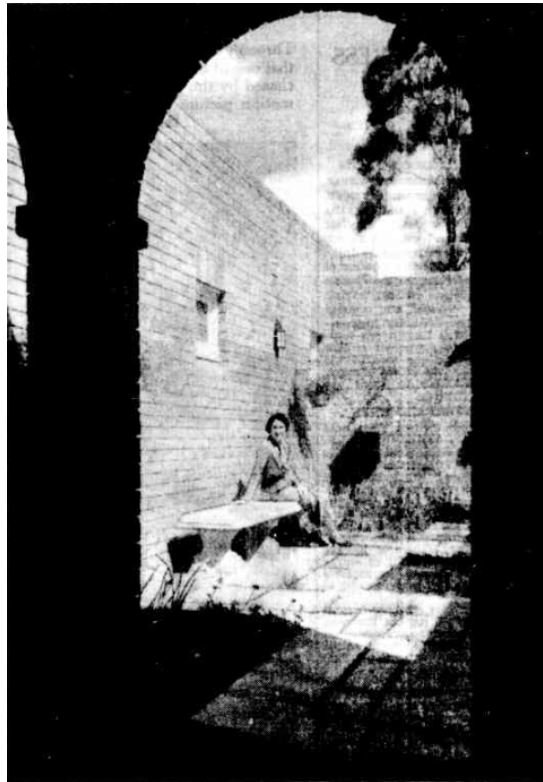


Figure 6 Mrs. J.A.R. Patrick enjoying the sun in the courtyard with garden beds and fish pond.





Figure 7 1943 aerial showing the neighbouring lot being used as a circular driveway to 64 Rosebery Road. Source Sixmaps with HAA overlay.

#### The Patrick Family

James Alexander Ronald Patrick (1905-1971) was the son of Captain James Ronald Patrick, shipowner and founder of Patrick's Steamships Co Ltd. James Patrick & Co., known today as Patrick Terminals, is one of Australia's largest container terminal operators. Captain James Patrick was born in Bothwell Scotland and ran away from home, aged 13. In 1901 he began working on steamships and by 1908 he was given command of a ship for the Currie Line. He later commanded ships trading between Australia, Java and India. After his marriage to Margret Reed he settled in Sydney.<sup>12</sup> During WWI he served in the Australian Navy and in 1919 founded the Patrick's Steamship Co Ltd.<sup>13</sup> James Patrick and Margret Reeds first son, James Alexander Ronald Patrick was born in 1905, and their second Kenneth Joseph Patrick was born in 1907.<sup>14</sup> James Alexander Patrick served in the Royal Australian Navy during WWII as

<sup>12</sup> "“Craigend”—house and interiors, grounds, gardens, stoneworks - Full LEP listing in Further Comments," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2711243>

<sup>13</sup> "“Craigend”—house and interiors, grounds, gardens, stoneworks - Full LEP listing in Further Comments," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2711243>

;"Patrick: A 100 years in Australia," Patrick, <https://patrick.com.au/about/history/>

<sup>14</sup> "James Patrick (Shipowner)," Wikipedia, [https://en.wikipedia.org/wiki/James\\_Patrick\\_\(shipowner\)](https://en.wikipedia.org/wiki/James_Patrick_(shipowner))

Lieutenant-Commander.<sup>15</sup> At the time Cpt James Patrick's death, his two sons, James Alexander and Kenneth Joseph Patrick, were on the company's board.<sup>16</sup>

Frank Bloomfield

The following biographical account of the architect is based on Kathie Rieth's (of Ku-Ring-Gai Historical Society) Frank l'Anson Bloomfield's biography (2022).

Frank l'Anson Bloomfield was born in Paddington, Sydney 15 July 1879 to Amelia l'Anson and Clement Bloomfield. He was one of seven children and likely attended Sydney High School.

In 1901 Bloomfield served in the Boer War as part of the British light horse unit Rimington's Guides (Damant's House). In 1902, he worked for the Military Stock Department of South Africa as a Quartermaster before returning to Australia in 1903.

On return to Australia, he worked as a clerk and studied architecture with B. J. Waterhouse and at Sydney Technical College. In 1908, he started work as an architectural draftsman with NSW Department of Works and transferred in 1908 to work on the housing board as part of Public Works. The following worked as an assistant Engineer on railway construction and qualified as an architect in 1916. He also worked as an assistant teacher at Sydney's Technical College.

In 1916, during WWI, Bloomfield enlisted in the 1<sup>st</sup> Battalion unit which was mainly tasked with constructing bridges, trenches and dugouts. He trained in Sydney and Liverpool before being posted in France in January 1918.

Following the end of the war, Bloomfield studied at the Architectural Association School in London and took town planning courses. He also travelled in the UK and Europe. He returned to Australia in 1920 and passed an exam to become an associate of the RIBA. In that same year he also joined the War Service Scheme as the chief architect. The scheme constructed houses, primarily 2–3-bedroom cottages, for returned servicemen in metropolitan Sydney, Newcastle and country centres.

Bloomfield worked for the scheme for two years before setting up a private practice. One of his first commissions was at Tudor House, Moss Vale designing pavilions, dormitories, classrooms and the master's residence. He also undertook some of his most notable works during this period, namely NSW's first crematorium in Rookwood cemetery and the Northern Suburbs Memorial Garden and Crematorium. Prior to the construction of the Rookwood crematorium, Bloomfield was sent to Europe by the NSW Crematorium Company Limited, to tour existing crematoria. The influence of this trip can be seen in the Rookwood and Northern Suburbs crematoria which are of a Mediterranean design.

Bloomfield was also known for his domestic architecture. Most notably in 1935, he designed Craigend in Darling Point for Captain James Ronald Patrick. In the same year

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<sup>15</sup> "Dynamic Personality: Captain James Patrick, Senate Candidate," *Dynamic Personality*, 05 September 1940, 3, <https://trove.nla.gov.au/newspaper/article/132621936>

<sup>16</sup> "Death of Captain J. R. Patrick," *Daily Commercial News and Shipping List*, 16 May 1945, 1, <https://trove.nla.gov.au/newspaper/article/162858523>

he also designed 64 Rosebery Road for Captain James Patrick's son, James Alexander Patrick. Both houses are of a very different design. Craigend is art deco and Rosebery Road, English domestic.

At the end of 1935 Bloomfield entered into partnership with Roy McCulloch. Together Bloomfield and McCulloch designed private homes and factories. An interview with a previous employee revealed that the firms work was generated by Bloomfield, who was described as "a very good designer" and McCulloch as "a magnificent draftsman."<sup>17</sup>

The partnership dissolved during WWII. McCulloch joined the RAAF and Bloomfield joined the Commonwealth Government's Department of Interior, Works and Service.

After the war Bloomfield entered into another partnership with John Raymond Spencer in a firm they called *Spencer, Spencer and Bloomfield*. The firm worked on the Ryde Housing Scheme constructing houses for middle income owners.

Bloomfield retired in 1938 due to ill health and died 4 October 1949.

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<sup>17</sup> Kathie Reith, "Frank l'Anson Bibliography," 4, 09 August 2022.



#### **4. Physical Analysis**

64 Rosebery Avenue is a two-storey English domestic style house.

It is 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. The house faces both Rosebery Road and Montah Avenue, but it is set back and elevated above both streets. Its grounds are bounded by a substantial sandstone wall to Rosebery Road and a sandstone retaining wall and high sandstone wall with an arched gate to Montah Avenue. The sandstone wall to Rosebery Road also extends No. 62, which was historically part of the subject place. The top of the retaining wall was historically stepped but now slopes with the natural fall of the land. The high sandstone wall adjacent the house is not original but it is unclear if the most western end with the arched gate is also a later addition.

The house is approached via a steep driveway from the Rosebery Road entrance, which is marked by two sandstone piers topped with metal lamps. A second entrance, a footpath and steps entered via a small decorative gate, faces the street corner.

The front garden is intact, with level terraces formed by extensive sandstone retaining walls. The terraces primarily face Rosebery Road and continue around the corner. The terraces towards the street are planted with small and medium sized shrubs and trees. Some terraces adjacent the house are not planted, enabling a view of the eastern elevation from the street. There are views of the northern elevation across an elevated lawn with limited plantings to Montah Avenue. Behind the high sandstone wall on Montah Avenue is a picturesque cluster of large and mature trees.

The northern front of the house, facing Montah Avenue, is particularly elevated and prominent. Its original semi-enclosed verandah, with multi-coloured shingle balustrade, has been fully enclosed. A stone paved terrace extends on either side of the verandah accessed by doors with white wooden shutters with a Scottish thistle motif. To the east, the terrace wraps around the corner of the house. To the west the terrace reaches a wall with three arches with decorative metal gates leading to a walled garden room. The gates are a later addition.

Above the northern verandah is a large central roof gable enclosing a recessed balcony accessed via a door in the gable. On either side of the gable are skillion roof dormer windows and east of the gable is a single brick chimney. The house originally had three chimneys two of which have since been demolished, though one original fireplace remains.

The eastern elevation presenting to Rosebery Road has a jerkinhead roof above a large asymmetrical bay window. Further to the composition is a large window, the opening is likely original but the window is more recent, and smaller multi-paned window with white wooden shutters and Scottish Thistle on the ground floor.



Figure 8 The northern elevation with sandstone retaining wall and level lower terrace of lawn. The higher sandstone wall can be seen to the right of the image in the background.



Figure 9 The eastern elevation and driveway entrance.





Figure 10 The arched doorway to Montah Avenue.



Figure 11 The north western terrace, the white timber shutter doors lead of the former verandah.

The southern elevation is, in general, not quite as architecturally bold as the elevations facing the street, but contain many diverse small features. The driveway leads to a porte-cochere which covers the main entry. The port-cochere is connected to an original garage by a car port, which is a later addition. The former service porch and maids' rooms are adjacent the carport. There are large areas of concrete pavements adjacent the south elevation which are not original. Above the port-cochere, a small gable is decorated with multi-coloured terracotta shingles to match those on the north elevation and there are small casement windows below. A flat roof intersects with the gable on its western side. To the west of the flat roof is a skillion dormer window and a recent skylight. There are small multi-paned windows along the ground floor. On the exterior wall of the kitchen are three small milk delivery doors, two of which appear as windows. Two windows on either side of the port cochere are recessed and bordered by polychromatic brick, with a chevron pattern above.

The western elevation, which faces the rear garden, is plain. A face brick wall, which forms the exterior wall to the courtyard abuts a single storey laundry with a hipped roof. The laundry is accessed by an original door and there are two multi paned windows. A verandah, which is a later addition, is adjacent the laundry.

The rear garden continues the terraced landscaping of the front on a smaller scale. A crazy paving path leads to the main entrance and there is an elevated lawn with a short retaining wall. In the south western corner is a small terraced garden with sandstone retaining wall. It is planted with small trees. Along the back walls of the rear garden is a mix of trees, small shrubs and grasses. Much of the landscaping appears to be original.



Figure 12 The southern elevation.





Figure 13 The western elevation.

The interior of the house has been designed to have a strong and constant relationship to the garden. The plan form is linear, with all principal rooms arranged to address the northern terraces and former verandah, principal rooms also link to form a long axis terminating in the loggia and walled courtyard. In a clear division on the ground floor, is a full set of service rooms located off the kitchen. They are primarily accessed from the outside and comprised of two maids' rooms, laundry and a water closet. The first floor accommodates three main bedrooms and bathrooms worked intricately into the big gabled roof. The interior style of the house is Georgian inspired with some art deco elements.

A boarded cottage door with strap hinges and Georgian revival back opens into a foyer. Three arches are located to the west of the foyer leading to a cloak room, the stairwell and kitchen. The well resolved dramatic modern linear plan is accessed through a central stair hall off the foyer. A corridor leads to the eastern part of the house where there is a study, bedroom and bathroom.

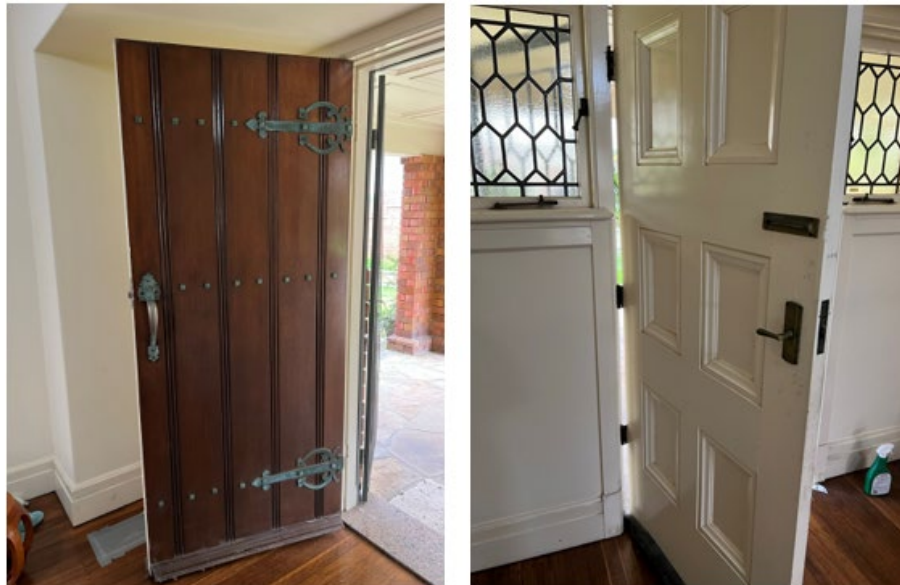


Figure 14 The front door with boarded front and Georgian revival back.



Figure 15 The three arches in the foyer.

The kitchen has been refurbished and extended into the former meal recess which has been converted into a hall. It features an electric service bell, unusual for the 1930s, above the kitchen door and two cupboards on either side of the multi-paned windows were used for milk delivery. A third delivery cupboard visible from the exterior is concealed behind the kitchen cabinets. A wall between the kitchen and dining room has been demolished creating an open plan space. The converted meal recess leads to the former service porch with original tiling and two small maids' rooms. The maids' rooms contain a picture rail, a small rippled glass window to the courtyard and double hung multi-paned windows to the porch. The window facing the courtyard in the western maid's room has been enlarged. At the end of the former service porch is the laundry and separate toilet. The space is highly intact with original tiling, doors, porcelain laundry basins and a fold-down table which may have been used for ironing.



Figure 16 The service bell in the kitchen.



Figure 17 The original laundry with porcelain basins.



Figure 18 The former service porch terminating in the laundry. The former maids' rooms are to the right of the image.



The lounge is at the centre of the ground floor and has a 1980s mantle and fireplace on the eastern wall. The purposeful axial ground floor plan creates a dramatic vista through the house from the sitting room, to the dining room, the former loggia and terminating at the Mediterranean inspired courtyard. The sitting room and dining room can be separated by sliding doors which when open are concealed within the door frame.

The dining room is now an open plan living space combined with the kitchen and the former loggia, now enclosed. The arches of former loggia have been enclosed to function as windows and a door. The demolition of the wall between kitchen and dining, including its fireplace, and demolition of the walls between dining room and loggia has somewhat altered the original plan. The procession of spaces from the sitting room to the courtyard, with the vista of the courtyard visible through the large openings connecting these spaces has, however, been retained. Shelving, a later addition, surrounds the dining room's eastern doorway, which retains its original concealed doors.

The courtyard is in some disrepair, but highly intact. It is contained by two brick walls to the south and west and two sets of three arches to the north and east. The western wall is stepped and contains a central recessed arch with small lion's head and stone basin. There is a central disused fish pond and disused garden beds in each corner. There is also a remnant of a former stone bench - a leg with grotesques.



Figure 19 View from the dining room to the sitting room.



Figure 20 View to the courtyard from the dining room.



Figure 21 The Mediterranean style courtyard where the axial plan of the house terminates.

The formerly open verandah can be accessed from the dining room, sitting room and study. The space is largely intact but it has been enclosed by windows.

The study contains the only original fireplace with brick chimney piece which was presumably polychromatic as with the exterior decoration, but is now painted white with the hearth enclosed. On either side of the fireplace are original recessed bookshelves. French doors to the north open onto the terrace and bay windows look out to Rosebery Road. A fifth downstairs bedroom contains a more recent wardrobe. The arrangement of the downstairs bathroom with a separate toilet is original but both have been refurbished. There are also original built-in cupboards in the hallway.

The first floor contains three bedrooms and separate bathroom and toilet. The western bedroom contains an original built-in wardrobe and wooden seat under the multi-paned casement windows. A balcony overlooking the courtyard leads off the bedroom. French doors open into the middle bedroom and a second door opens onto the northern balcony overlooking Montah Avenue. The eastern bedroom is the largest and contains two built-in wardrobes, one original and the other recent.

The first-floor bathroom and toilet are a highly intact elaborate 1930s bathroom. The basin of the bath is tiled and there are two Levithan spouts and built-in soap holder. The wash basin is a later addition and there is an original vanity cupboard above the basin.

There is a recent built-in wardrobe in the first-floor hallway.

Downstairs there are original floorboards except in the sitting room and study where there is a floating floor. The timber floor in the former loggia is unlikely original but designed to match the dining room. Upstairs is carpeted. There are also original cornices, skirting boards and doors throughout.





Figure 22 The former verandah.



Figure 23 The study with an original fireplace, now enclosed and original bookshelves.






Figure 24 Original built-in cupboards in the downstairs hallway.




Figure 25 The upstairs 1930s bathroom.

## 5. Comparative analysis

Image	Address	Description
Works by Bloomfield		
 Figure 26 Rookwood Crematorium. Source Google images.	Memorial Avenue, Rookwood	<p>Rookwood Memorial Gardens and Crematorium is part of Rookwood cemetery and is a state listed item as part of the cemetery (A00718).</p> <p>Constructed 1924-1929 Bloomfield designed the Spanish Mission style crematorium after his tour of European crematoria.</p>
 Figure 27 Northern suburbs crematorium. Source Google images.	197 Delhi Road, North Ryde	<p>The Northern Suburbs Memorial Garden and Crematorium is locally listed (No. 46). It is listed for its historical significance, associational significance with Frank l'Anson Bloomfield, its aesthetic, social, research, rarity and representative value.<sup>18</sup></p> <p>It was built in 1933 and like Rookwood it is of a Mediterranean Style.</p>
 Figure 28 86 Darling Point Road. Source Google Street View.	86 Darling Point Road, Darling Point	<p><i>Craigend</i> was built by Bloomfield for Captain James Patrick, the father of James Alexander Patrick. It was completed in 1935 the same year that construction of the subject place began.</p> <p><i>Craigend</i> is in the moderne style with some Moorish inspired elements and demonstrates the very different architectural tastes within the Patrick family and</p>

<sup>18</sup> "North Suburbs Crematorium," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2340067>

		<p>different design skills of the architect.</p> <p>The place is locally listed (102) for its historical and aesthetic significance and for its associations with James Ronald Patrick and Frank l'Anson Bloomfield.<sup>19</sup></p>
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Works by Bloomfield and McCulloch		
 <p>Figure 29 41 Nelson Street. Source: <a href="https://www.realestate.com.au/property/41-nelson-st-gordon-nsw-2072">https://www.realestate.com.au/property/41-nelson-st-gordon-nsw-2072</a></p>	<p>41 Nelson Street, Gordon</p>	<p>41 Nelson Street is locally listed as both an item (1215) and as part of the Love East, Thorne Grant HCA. There is no information in the State Heritage Inventory detailing its reasons for listing.<sup>20</sup></p> <p>Bloomfield designed the house and put out tenders for its construction in November 1935. The tender was awarded by Bloomfield and McCulloch, shortly after the partnership was formed.<sup>21</sup></p> <p>The house presents as a single storey face brick work in the Georgian Revival style. A lower second storey takes advantage of the sloping land to the rear.<sup>22</sup></p>




<sup>19</sup> ““Craigend”—house and interiors, grounds, gardens, stoneworks - Full LEP listing in Further Comments,” State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2711243>

<sup>20</sup> “Dwelling House,” State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1882336>

<sup>21</sup> Kathie Rieth, “No.41 Nelson Street, Gordon,” Ku-Ring-Gai Historical Society, 2007.

<sup>22</sup> Kathie Rieth, “No.41 Nelson Street, Gordon,” Ku-Ring-Gai Historical Society, 2007.




 <p>Figure 30 60 Nelson Street. Source: Google Street View.</p>	<p>60 Nelson Street, Gordon</p>	<p>60 Nelson Street is part of the Love Estate, Thorne Grant HCA. There is no inventory on the State Heritage Inventory for the HCA.</p> <p>The house was constructed in c.1938 and was designed by Bloomfield and McCulloch.<sup>23</sup> The house is of a more traditional English style than 64 Rosebery Road with the double gabled roofs evoking the English Cottage Revival style. Like the subject place, here Bloomfield used multi-toned bricks.</p>
 <p>Figure 31 19 Station Street shortly after it was built. Source <a href="https://trove.nla.gov.au/newspaper/article/222857430?searchTerm=Bloomfield%20and%20McCulloch">https://trove.nla.gov.au/newspaper/article/222857430?searchTerm=Bloomfield%20and%20McCulloch</a></p>	<p>19 Station Street, Pymble</p>	<p>The place is listed as an item (I626) and is listed for cultural, architectural and municipal significance.<sup>24</sup></p> <p>The rendered brick house was constructed c. 1940 and has a distinctive gable to the front porch. It was built for Bloomfields brother, Lindsay I'Anson Bloomfield, a local real estate agent.<sup>25</sup></p>
 <p>Figure 32 975-986 Pacific Highway. Source: Google Street View.</p>	<p>975-985 Pacific Highway, Pymble</p>	<p>This well detailed moderne shop building was constructed between 1939-1940. It is not listed as an item nor as part of a HCA.</p>

<sup>23</sup> <https://trove.nla.gov.au/newspaper/article/222925627?searchTerm=Bloomfield%20and%20McCulloch>

<sup>24</sup> "Dwelling House," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?id=1880350>.


<sup>25</sup> Kathie Reith, "The Sutton stores in Pymble: No 975-985," Ku-Ring-Gai Historical Society. 2008.



 <p>Figure 33 2 Railway Avenue. Source: Kathie Rieth of the Ku-Ring-Gai Historical Society.</p>	<p>2 Railway Avenue, Wahroonga</p>	<p>These art deco shops were constructed in 1937.<sup>26</sup> The cream and green bricks emphasise the distinctive art deco stepped and zigzag motifs. The place is locally listed as the <i>Red Leaf Chambers</i> (1977) for its architectural and municipal significance.<sup>27</sup></p>
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#### AIA Listings

The AIA has compiled a list of 20<sup>th</sup> century buildings which the institute considers to be notable. The lists are broken down by state and identified as the either public or residential. An AIA listing is non-statutory.

Nearby AIA listings		
 <p>Figure 34 8 Rosebery Road. Source Google Images</p>	<p>8 Rosbery Road, Killara</p>	<p>The house is part of the Springdale Conservation Area. In addition to the subject place, it is one of three places on Rosebery Road listed on the Australia Institute of Architects <i>Register of Significant Buildings</i>.</p> <p>It was built c. 1930-1935 in the interwar Spanish Mission style.<sup>28</sup> The architect is unknown.</p>

<sup>26</sup> "Tenders and contracts," *The Daily Telegraph*, 11, 30 March 1937, <https://trove.nla.gov.au/newspaper/article/247128858?searchTerm=Bloomfield%20and%20McCulloch>



<sup>27</sup> "Red Leaf Chambers," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1880183>

<sup>28</sup> Australian Institute of Architects, "Register of Significant Buildings," 25, [https://www.architecture.com.au/wp-content/uploads/NSW-Chapter\\_Australian-Institute-of-Architects\\_Register-of-Significant-Architecture\\_February2021.pdf](https://www.architecture.com.au/wp-content/uploads/NSW-Chapter_Australian-Institute-of-Architects_Register-of-Significant-Architecture_February2021.pdf); Richard Apperly, Robert Irving and Peter Reynolds, *Pictorial Guide to Identifying Australian Architectural Styles and Terms from 1788 to the Present*, (Angus&Robertson: 1995), 178.

	<p>66 Rosebery Road, Killara</p>	<p>66 Rosebery Road, is listed as a local item (I361) and on the Australia Institute of Architects <i>Register of Significant Buildings</i>. It is listed on the Ku-Ring-Gai LEP for its architectural and municipal significance.<sup>29</sup></p> <p>It was constructed in c. 1930 in a Mediterranean style.<sup>30</sup> The architect is unknown.</p>
	<p>3 David Street, Clifton Gardens</p>	<p>3 David Street designed by Edwin R Orchard. It is not locally or state listed but is listed in the Australian Institute of Architects <i>Register of Significant Buildings</i> (4702998).</p> <p>The place was built c.1915 in an English domestic style. Though the place is more traditional than 64 Rosebery Road, some similarities include the shingle detailing to the bay windows.</p>
	<p>24 David Street, Clifton Gardens</p>	<p>24 David Street is not locally or state listed but is included on the Australian Institute of Architects <i>Register of Significant Buildings</i> (4703004).</p> <p>The place was designed by Edwin R Orchard and built in 1917. It is an English style house and like the subject place, uses a mix of jerkinhead and gable roofs. The place has had some alterations including new front door and windows on the first-floor bay window.</p>

<sup>29</sup> "Rosedene, dwelling house," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1880564>

<sup>30</sup> Australian Institute of Architects, "Register of Significant Buildings," 26, [https://www.architecture.com.au/wp-content/uploads/NSW-Chapter\\_Australian-Institute-of-Architects\\_Register-of-Significant-Architecture\\_February2021.pdf](https://www.architecture.com.au/wp-content/uploads/NSW-Chapter_Australian-Institute-of-Architects_Register-of-Significant-Architecture_February2021.pdf)

Listed houses of a similar style		
 <p>Figure 38 33 Shellcove Road. Source: <a href="https://www.realestate.com.au/property/33-shellcove-rd-kurraba-point-nsw-2089">https://www.realestate.com.au/property/33-shellcove-rd-kurraba-point-nsw-2089</a></p>	33 Shellcove Road, Kurraba Point	<p>33 Shellcove Road, <i>Ailsa</i>, is locally listed (I0690) and is part of the Kurraba Point HCA. It is listed for its historical, aesthetic and representative value.<sup>31</sup></p> <p>The place was built in 1908 and was designed by B J Waterhouse.<sup>32</sup> The house has similar architectural elements to the subject place, most notably the former verandahs, with balconies on top, and the shingle detailing on the balustrades and skillion dormers. Waterhouse has also used a mix of gable and jerkinhead roofs.</p>
 <p>Figure 39 Source 5 Warrawee Avenue. Source: <a href="https://www.realestate.com.au/property/5-warrawee-ave-warrawee-nsw-2074">https://www.realestate.com.au/property/5-warrawee-ave-warrawee-nsw-2074</a></p>	5 Warrawee Avenue, Warrawee	<p>5 Warrawee Avenue is listed as an item (I1074) and is part of the Warrawee HCA.</p> <p>Designed by noted architect B. J. Waterhouse, the place is larger and grander than the subject place. It is also of a modern Arts and Crafts style, rather than an English domestic, whilst it has some modernist sensibilities in its design, has a more traditional plan.<sup>33</sup></p>

#### Comparative Analysis Conclusion

64 Rosebery Road is a rare and distinctive North Shore house of the 1930s. It is among the largest known of the domestic output of the prominent North Shore architect, Frank Bloomfield. His domestic practice worked across a range of styles and sizes, this place

<sup>31</sup> "Ailsa," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181250>

<sup>32</sup> "Ailsa," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=2181250>

<sup>33</sup> "5 Warrawee Avenue," realestate.com.au, <https://www.realestate.com.au/property/5-warrawee-ave-warrawee-nsw-2074>

is much larger and more elaborate than his other residential designs and includes a full landscape development of terraces and walls as part of its concept. It was extensively published on completion.

Compared to houses in a similar style his design for this house demonstrates a conscious development of the English type of house to Australian conditions. Its main rooms open out into the garden, centred on a verandah, worked into terraces for a complete functional integration. It also incorporates distinct features of the 1930's such as balcony sleepouts, a modern axial plan, art deco details, brickwork detailing, leaded glass, modern bathrooms and service hatches. It is a feature of the North Shore of Sydney that these are blended with traditional English domestic roof forms. Although appropriate for a quality house of its size, the full provision for staff service is an unusual feature of the 1930s in Sydney.

## 6. Assessment of Significance

### 6.1. Ability to demonstrate

Guidelines from the NSW Heritage Office emphasise the role of history in the heritage assessment process. A list of state historical themes has been developed by the NSW Heritage Council, in *New South Wales Historical Themes Table showing correlation of national, state and local themes, with annotations Dated 4 October 2001*.

The table below identifies fabric, spaces and visual relationships that demonstrate the relevant historic themes in evidence at [address].

Australian Theme	NSW Theme	Discussion
4 Building settlements, towns and cities	Towns, suburbs and villages	In the late 19 <sup>th</sup> and early 20 <sup>th</sup> century Killara developed as middle to upper middle-class suburb. 64 Rosebery Road is an expensive and ambitious house representing the upper-middle class status of Killara's residents through its dramatic plan and service quarters.
4 Building settlement, towns and cities	Land tenure	James Alexander Patrick owned both 64 Rosebery Road and the neighbouring lot at 62 Rosebery Road which was used as large circular driveway. The stone wall to Rosebery Road stretches across both lots providing evidence of their previous relationship.
4 Building settlement, towns and cities	Accommodation	The place is a large detached upper-middle class house and its scale is typical of the western parts of Killara. The place provided accommodation for both owners and maids.
5 Working	Labour	The former service quarters of 64 Rosebery Road are highly intact and demonstrate the live in services provided to the owners. These include the two maids' rooms, laundry and service porch, and elements within the kitchen specifically the service bell.
8 Developing Australia's cultural life	Domestic life	The arrangement of interior rooms reveals the how the household functioned. In particular, the separation of the main house and the service quarters. There is also a purposeful relationship between the interior and exterior spaces with most rooms having direct access either a verandah (now enclosed), balcony or terrace.

Australian Theme	NSW Theme	Discussion
8 Developing Australia's cultural life	Creative endeavour	64 Rosebery Road is a highly distinctive architectural piece. Its use of the English domestic style evokes a sense of traditional architecture but the linear plan with strong axial vistas is a modern and dramatic device. Other elements, such as the courtyard and large verandah represent the adaptation of the English style for Sydney's warmer climate. In general, the interior spaces also have a purposeful relationship between to the outdoors further demonstrating the adaption of the English domestic style to the Australian context.



## 6.2. Assessment against NSW heritage assessment criteria

**Criterion (a)** 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)

64 Rosebery Road is associated with the middle and upper middle-class development of the Killara. It was constructed well into the development of the suburb and is therefore not considered an important place in the development of Killara.

The place does not meet the criterion for historical significance.

Inclusion Guidelines	Check
Shows evidence of a significant human activity	No
Is associated with a significant activity or historical phase	No
Maintains or shows the continuity of a historical process or activity	No
Exclusion Guidelines	
Has incidental or unsubstantiated connections with historically important activities or processes	Yes
Provides evidence of activities or processes that are of dubious historical importance	No
Has been so altered that it can no longer provide evidence of a particular association	No

Level of Significance: Not Applicable

***Criterion (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)*

64 Rosebery Road is associated with the architect Frank l'Anson Bloomfield. Bloomfield is a notable architect of Sydney's North Shore. He primarily designed houses but some of this most notable work is early New South Wales Crematoria. Bloomfield was closely associated with the cremation movement in NSW designing the first crematorium in the state, located in Rookwood Cemetery, and another in North Ryde. One of his most notable residences is Craigend, Darling Point which he designed for James Ronald Patrick, the father of the James Alexander Patrick, the owner of the subject place.

Bloomfield does not appear to have a specialised style but the influence of his early training with B J Waterhouse, training at the AA School, and European travels is evident in much of his work. The subject place is much larger and more architecturally distinctive than much of Bloomfield's other domestic work.

Inclusion Guidelines	Check
Shows evidence of a significant human occupation	No
Is associated with a significant event, person, or group of persons	Yes
Exclusion Guidelines	
Has incidental or unsubstantiated connections with historically important people or events	No
Provides evidence of people or events that are of dubious historical importance	No
Has been so altered that it can no longer provide evidence of a particular association	No

Level of Significance: Local

***Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or in local area)***

64 Rosebery Road is architecturally distinctive and displays a high degree of creative achievement. The place is seated on a high elevation and its landscaping, eastern and, in particular its northern elevations makes a strong contribution to the streetscape. The application of the architectural elements and detailing, the jerkinhead and gable roofs, enclosed verandah, terraces, sandstone and multi-toned bricks and shingle tiling, create a distinctive English domestic style house.

Internally, elements of the English domestic style continue but within a modern axial plan. The axial arrangement on the ground floor creates a dramatic planned vista from the sitting room, terminating in the courtyard. The internal spaces of the house have a close relationship to external spaces with many of the rooms having direct access to the balconies, terraces, the courtyard or the former verandah. The integrity of the house plan, particularly the relationship between the main house and former service quarters, also demonstrates the live-in services of wealthy households.

The interior detailing, such as (but not limited to) arches, built-in wardrobes, and doors are highly intact throughout the house. The upstairs bathroom and toilet retain their 1930s tiling, bath spouts and built-in soap holders. The front door to the house also has a distinctive design with a boarded leaf and ornamental strap hinges to the exterior and colonial revival back.

Inclusion Guidelines	Check
Shows or is associated with, creative or technical innovation or achievement	Yes
Is the inspiration for a creative or technical innovation or achievement	Unknown
Is aesthetically distinctive	Yes
Has landmark qualities	Yes
Exemplifies a particular taste, style or technology	Yes



Exclusion Guidelines	
Is not a major work by an important designer or artist	No
Has lost its design or technical integrity	No
Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded	No
Has only a loose association with a creative or technical achievement	No

Level of Significance: Local

**Criterion (d)** *An item has strong or special association with a particular community or cultural group in NSW (or local area) for social, cultural or spiritual reasons*

The place does not meet the criterion for social significance.

Inclusion Guidelines	Check
Is important for its associations with an identifiable group	No
Is important to a community's sense of place	No
Exclusion Guidelines	
Is only important to the community for amenity reasons.	No
Is retained only in preference to a proposed alternative	No

Level of Significance: Not applicable

**Criterion (e)** *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)*

The place does not meet the criterion for research value.

Inclusion Guidelines	Check
Has the potential to yield new or further substantial scientific and/or archaeological information	No
Is an important benchmark or reference site or type	No
Provides evidence of past human cultures that is unavailable elsewhere	No
Exclusion Guidelines	
The knowledge gained would be irrelevant to research on science, human history or culture	Yes

Has little archaeological or research potential	Yes
Only contains information that is readily available from other resources or archaeological sites	Yes

Level of Significance: Not applicable

***Criterion (f) 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)***

The places scale and siting is unusual and distinctive. The axial arrangement of the ground floor internal spaces and courtyard and the creation of a vista through the rooms of the house to the courtyard, is rare in houses of this style. .

The highly intact former service quarters, including maids' rooms, laundry, service porch, and the electric service bell (unusual for the 1930s) in the kitchen provide evidence of a largely defunct way of life among middle class households on the North Shore.

Inclusion Guidelines	Check
Provides evidence of a defunct custom, way of life or process	Yes
Demonstrates a process, custom or other human activity that is in danger of being lost	No
Shows unusually accurate evidence of a significant human activity	No
Is the only example of its type	No
Demonstrates designs or techniques of exceptional interest	Yes
Shows rare evidence of a significant human activity important to a community	No
Exclusion Guidelines	
Is not rare	No
Is numerous but under threat	No

Level of significance: Local

***Criterion (g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments (or a class of the local area's cultural or natural places or environments)***

The house is a large elaborate example of the English domestic style and is representative of large architecturally designed houses found on the North Shore. The terraced garden is also typical of expensive houses.

Inclusion Guidelines	Check
Is a fine example of its type	Yes
Has the principal characteristics of an important class or group of items	Yes
Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity	Yes
Is a significant variation to a class of items	Yes
Is part of a group which collectively illustrates a representative type	No
Is outstanding because of its setting, condition or size	Yes
Is outstanding because of its integrity or the esteem in which it is held	Yes
Exclusion Guidelines	
Is a poor example of its type	No
Does not include or has lost the range of characteristics of a type	No
Does not represent well the characteristics that make up a significant variation of a type	No

Level of Significance: Local

### **6.3. Statement of Significance**

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.

## **7. Listing Recommendations**

64 Rosebery Road has associational, aesthetic, rarity and representative value and should be listed as an item on the Ku-Ring-Gai LEP.

The recommended curtilage for the listing is the lot boundary and includes the sandstone boundary walls and piers, landscaping elements, and the house including internal elements.

## **8. Management Recommendations**

The below recommendations are drawn solely from a consideration of the significance of the place. They do not consider, as similar recommendations in a Conservation Management Plan would, the owner's requirements or other factors such as financial implications.

### **8.1. Obligations arising from significance**

The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2).

The significance is embodied in the place. Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

### **8.2. Conservation of fabric**

All original internal and external elements contributing to the significance of the place, as an English domestic style house with a modern interior plan and strong relationship to the outdoors, should be retained and conserved.

The axial arrangement of the house and vista from the sitting room to the courtyard should be retained.

The existing relationship between the interior and exterior spaces should be retained and conserved. The courtyard, terraces and balconies should not be enclosed or removed.

All original joinery and other significant interior elements should be conserved. Where the opportunity arises the floating floors should be removed to reveal the original floor boards, or replace with more sympathetic flooring.

Where original interior or exterior fabric is to be demolished they should be replaced with similar or sympathetic material.

The main house including former service quarters is considered to have the greatest significance and must be retained (the tolerance for change is discussed below). The garage has lesser significance and can be altered.

The sandstone wall and piers adjacent the entry should be retained. The terraced form and sandstone walls and paving of the garden should be retained. Individual plantings are not considered significant they may be removed but the garden should continue to have plantings.

### **8.3. Tolerance for change**

Given the high degree of intactness and significance of the planning there is a relatively low tolerance for change to the interior and main frontages of the existing house. Areas with a high tolerance for change include the downstairs bathroom and kitchen, though evidence of former lifestyles, particular the service bell and cupboards should be retained. Consideration should be given to fully or partially restoring the historical plan form.

There is a medium tolerance for change to the rear particularly the south west corner of the house, though the historical significance and intactness of the former service quarters should be respected. Any changes to the former service quarters should retain an understanding of the size, function and detachment of the quarters from the main house. The laundry should remain intact including the porcelain basins and fold out table and any changes to the former maids rooms should ensure their original scale is interpretable. Any proposed additions to the house should be located on the western side. Additions need not be hidden from the street, but should be subservient and compositionally considerate of the existing house and sympathetic to its planning and style.

There is a low tolerance for change to the garden. The terraced form should be retained and inclusion of new plantings is encouraged. Some alteration to the terraced form maybe appropriate for accessibility.

The sandstone walls and retaining walls along the boundary should be retained. The wall to Montah Avenue has some tolerance for change.

Architectural details should in general remain visible from the street.

The carport may be retained or demolished.

### **8.4. Future use**

The place should continue to be used as a residence.



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## 64 St Johns Avenue, Gordon

### Heritage Assessment V 1.4 29<sup>th</sup> September 2022



for  
**Ku-Ring-Gai Council**

by  
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Version V1.3	HAA	Reviewed by Hector Abrahams	2022-09-29
Version V1.4	HAA	Issued to client	2022-09-29

## **1. Introduction**

The following report is to determine if 64 St Johns Avenue, Gordon has heritage significance and if the place should be listed. The assessment includes a description of the site, history, physical description, comparative analysis, significance assessment, listing recommendations and management recommendations.

The report was prepared by Sioned Lavery, Tristan Ryan and Hector Abrahams of Hector Abrahams Architects for Ku-Ring-Gai Council. Sioned Lavery and Tristan Ryan visited the place in August 2022.

## **2. Description of Site and relation to Heritage Conservation Area**

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 Heritage Conservation Area (HCA).



Figure 1 Boundary of 64 St Johns Avenue indicated in yellow. The section of the property which is part of the St Johns Avenue HCA is indicated in red. Source: Nearmap with HAA overlay.

### 3. History

Claudine Loffi's history from the *Preliminary Heritage Assessment: 64 St Johns Avenue Gordon* has been reproduced below (indicated by italics), where appropriate the authors have added to the history.

#### *Early area history*

*The land forms part of the 1816 grant of 60 acres to the Church of England. Nominated trustees for this land included Robert Pymble II, William Henry McIntosh, and John Brown, who were all orchardists in the district. In 1872, St John The Evangelist Church was built on this land grant, designed by architect, Edmund Blackett, and extended in later years. The 1872 establishment of this building marked the beginning of the Anglican expansion in Ku-ring-gai. As settlement extended, St John's became the mother church from which churches in other parts of the municipality originated.<sup>1</sup>*

On 2 September 1872 Robert Edward McIntosh was granted 25 acres of the Church and School Estate. The grant extended from what is today, Pacific Highway (formerly Lane Cove Road) to Vale Street (not yet formed at the time of the grant).<sup>2</sup>

*The street developed on land partially cleared and planted with orchards.*

*St Johns Avenue began as a track offering access to Ku-ring-gai's only cemetery, behind St John's Church, where burials were first recorded in 1867. The street, then named St John's Road, is first mentioned in Sands' postal directory in 1913. The interface of this road with the highway was the original civic precinct of the local area, comprising the first purpose-built Shire Council Chambers and Post Office, opposite the Church of St John the Evangelist, its rectory and pioneer cemetery.<sup>3</sup>*

*The street was originally unsealed adjacent to the southern end of the cemetery, as the roadway, still one of the narrowest in Ku-ring-gai, needed first to be widened. The road appears to have been completed by the early 1930s, with relocation of 18 graves from the affected cemetery corner at Council's cost. A number of unmarked graves are thought still to be in situ.*

*An early feature at the top of the street was a well, said to lie under the back portion of the shop building on the north west corner of the avenue and highway or under the present roadway closer to the rectory. The carved stone well cap thought to be of convict handiwork now lies in the rear grounds of St John's Rectory with a [Ku-Ring-Gai] Council plaque affixed. The plaque records that this well cap was saved by Burnside family in circa 1940, and relocated by Council in April 1986. "Clearing out the well" is recorded in the minutes of the Parochial Council of St John's Church, August 1890 when considering preparation of the site for the present rectory on the south west corner of the avenue.*

*Archaeological survey is required to establish whether the well remains on this site.*

<sup>1</sup> Heritage Draft Form [Inventory], St Johns Avenue Heritage Conservation Area (HCA C16A).

<sup>2</sup> Land Grant Vol. 167 Fol. 28.

<sup>3</sup> Helen Whitsed Davies, The evolution of a street: St Johns Avenue, Gordon, *The Historian* 38, No. 1, October 2009.

Robert McIntosh died in 1902 and his children, Grace Jane McIntosh and Edward Donald McIntosh subdivided the McIntosh Estate in 1906. *This has different parcels to what subsequently developed. The 1906 plan shows some existing uses and buildings at the time and the layout of Vale Street that are not shown in the subsequent subdivision plan. At this time, this plan shows Vale Street was named Short Street. This street name continued through to the current deposited plan.*



Figure 2 1906 subdivision of the McIntosh Estate. Source: Preliminary Heritage Assessment.

Only two lots were sold from the [1906] subdivision including Lot 43, later Te Roma at No 35, the first house built in the street, and Lot 8, later Rosny at No 25. The bulk of DP5962 was purchased on 3 February 1912 by the Reverend George Brown, Methodist Minister. Rev. Brown resided at Kinawanua, built on [the neighboring] Brown's Estate on the highway adjoining St John's Church.<sup>4</sup>

Rev. Brown immediately re-subdivided his purchased land as the St Johns Park Estate, DP6395, to more numerous, smaller lots.

The subject land forms part of this 1912 subdivision of the St Johns Park Estate. This subdivision produced most of the current built form of the St Johns Heritage Conservation Area during the first four decades of the twentieth century in the Federation and inter-war styles.

<sup>4</sup> Helen Whitsed Davies, The evolution of a street: St Johns Avenue, Gordon, *The Historian* 38, No. 1, October 2009.

*Covenants on St Johns Park Estate lots required houses and fences to be built of substantial materials of "brick or stone with slate or tiled roof" to a minimum value of £400. Only adjunct structures were permitted to use weatherboard. The majority of houses are mixed single-storey detached Federation and Inter-War homes. Impressive street planting and generous setbacks contributed to the establishment of a substantial middle class 'garden suburban' street.*

*Until 1924, St Johns Avenue was known as St Johns Road.<sup>5</sup>*

*In 1924, St Johns Avenue became the first paved road in the municipality. It was then planned as an access route "Broadway" between Lindfield and Wahroonga. The 1928 concrete paved roadway extended west as far as No. 65 St Johns Avenue (opposite No. 56 St Johns Avenue). The concrete was somewhat experimental at the time. The completed roadway was formally opened by John G Lockley, Shire President, before a large group of residents assembled outside No 24, Oberon. It was funded by the St Johns Avenue Improvement Group of residents through a special council levy. The brush box street trees were planted in the same year, funded by the residents. This explains the upgraded street name from a road to an avenue.<sup>6</sup>*

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<sup>5</sup> "Shire of Ku-Ring-Gai," *Government Gazette of State of New South Wales*, January 25, 1924, 707, <https://trove.nla.gov.au/newspaper/article/223593618?searchTerm=St.%20John%E2%80%99s%20road%20Gordon>.

<sup>6</sup> "New Road: Opened at Gordon: Community Spirit," *The Sydney Morning Herald*, April 28, 1924, 12, <https://trove.nla.gov.au/newspaper/article/28073926?searchTerm=St.%20John%E2%80%99s%20Avenue%20Gordon>; Heritage Draft Form [Inventory], St Johns Avenue Heritage Conservation Area (HCA C16A).



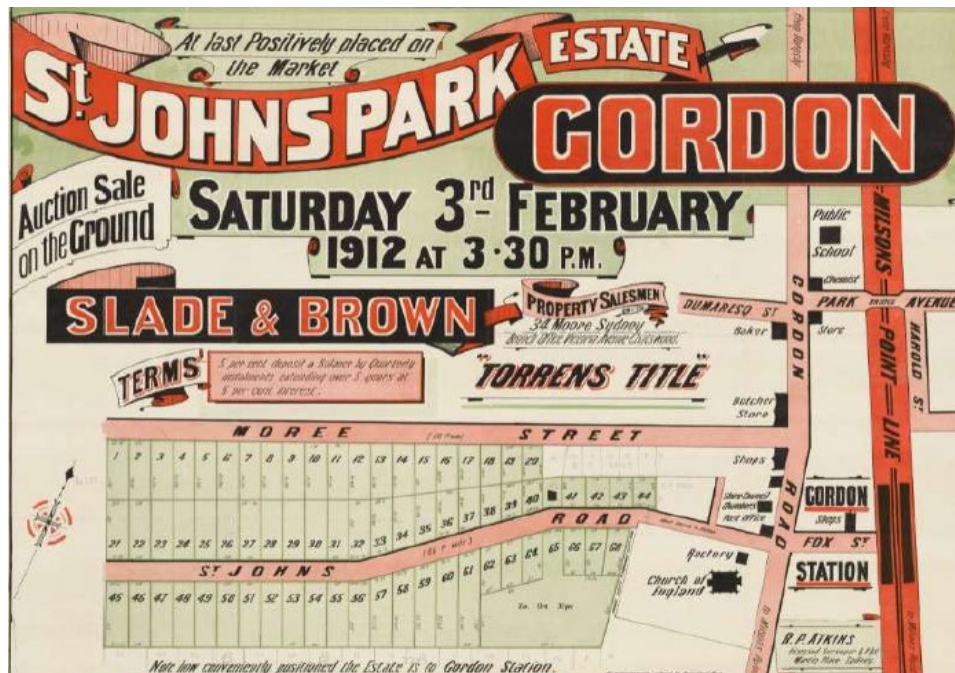


Figure 3 1912 Subdivision of the renamed St Johns Park Estate. Source: Preliminary Heritage Assessment.

#### Property and ownership

The land of 64 St Johns Avenue comprises parts of lots 45, 46 and 47 of DP 6495 of the St Johns Park Estate on the boundary with the Moore Estate.<sup>7</sup> It is unusual for this early estate development to cover multiple or parts of lots. It includes the corner land that was subsequently developed as No. 66.

In 1914 Tatsuzo Okamoto, a Sydney merchant, purchased lots numbered 46 and 47.<sup>8</sup> These two lots, and lot 45, were purchased in 1918 by Christopher Bowes Thistlethwayte.<sup>9</sup> Thistlethwayte subdivided lot 47 before transferring ownership to his wife Mary Wills Thistlethwayte in 1922.<sup>10</sup> Mary Wills Thistlethwayte further subdivided the lots creating the subject battle axe lot facing Vale Street with its driveway to St Johns Avenue.<sup>11</sup>

In 1917-18, CB Thistlethwayte, the owner occupier of No 68, "Lynn Ridge" purchased all three lots. Lot 45, the most westerly in the St John Park Estate included a right of way of one chain wide for forming Short Street – later Vale Street.<sup>12</sup>

<sup>7</sup> Certificate of Title Vol. 4434 Fol. 121.

<sup>8</sup> Certificate of Title Vol. 2542 Fol. 175.

<sup>9</sup> Certificate of Title Vol. 2542 Fol. 175; Certificate of Title Vol. 2857 Fol. 55.

<sup>10</sup> Certificate of Title Vol. 3345 Fol. 213.

<sup>11</sup> Certificate of Title Vol. 4434 Fol. 121.

<sup>12</sup> Helen Whitsed Davies, The evolution of a street: St Johns Avenue, Gordon, The Historian, Vol 38 No. 1, October 2009.

In 1930, Mary Catherine Burnside, of No 58 St Johns Avenue, purchased both the subject land and 66 St Johns Avenue. The land remained undeveloped and in 1946 Mary Catherine Burnside transferred ownership of 64 St Johns Avenue to her son Colin Campbell Burnside Jnr. She also transferred No. 66 to her other son Walter Ronald Burnside in 1947.<sup>13</sup>

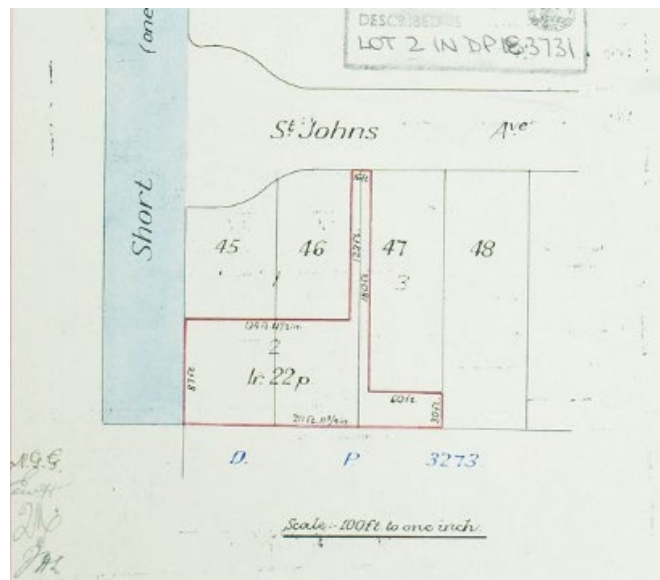


Figure 4 Mary Wills Thistlethwayte subdivision creating the battle axe lot for 64 St Johns Avenue that was bought by Mary Catherine Burnside. Source Certificate of Title Vol. 4434 Fol. 121

#### *House construction*

*The land title for No. 64 records building covenants from Tatsuzo Okamoto [and Christopher Bowes Thistlethwayte]. These required no more than one dwelling to be erected for each lot of a value of no less than 400 pounds. Covenants also specified building and fence materials were to be brick or stone, roofs to be tiles or slate, and did not permit weatherboard, wood or corrugated iron.*

*In October 1930, Mary Burnside mortgaged the land of both No. 64 and No.66. The mortgages were discharged in February 1943. The mortgage may have been for construction of the house or just the land purchase. No further mortgages are recorded on the title that could relate to the house construction.*

Historic 1930 and 1943 aerials show only cleared land at No.64 and no structure.

Construction of No. 64 St Johns Avenue was approved 2 July 1946 and is recorded as a two-storey brick dwelling with five rooms and to be constructed brick with a tiled roof.

<sup>13</sup> Certificate of Title Vol. 4434 Fol. 120.

At the time of approval Colin Campbell Burnside Jnr is recorded as living at his parents' house, No. 58 St Johns Avenue. The house was built by Armstrong and Swainson of 21 Rosebank Avenue, Epping.<sup>14</sup> The same builders are recorded for the construction of the Walter Ronald Burnside's house at No. 66 in 1947.<sup>15</sup>

The architect for No. 64 is unknown but the house could possibly have been designed by Colin Campbell Burnside Snr who was a civil engineer and draughtsman.<sup>16</sup> Other possible architects include William Ronald Richardson and Lieth McCredie. Lieth McCredie and William Ronald Robertson worked together in the 1920s and 1930s entering into a partnership in 1935, they both designed houses of a similar design in the North Shore area.<sup>17</sup> Another possible but less likely architect is Adrain Ashton. Ashton is recorded as working with Armstrong and Swainson on several occasions in the early 1940s but his designs are different to the subject place.<sup>18</sup>

*In 1949, CC Burnside proposed to build a garage.<sup>19</sup> For No. 64, no further ownership changes are recorded on the land title.*

*The land valuation appears to have lagged in recording the construction of the house at No. 64. The differing improved and unimproved land valuation is first noted in 1949 of 5,250 pounds compared to 850 unimproved land value. This was the same time when the house at No. 66 was first recorded in the land valuation as well. In 1949, the property at No. 66 was valued at 3,800 pounds.*

*In 1951, the constructed buildings at No. 64 and No. 66 are more clearly shown in the aerial photography.*

*By 1955, No. 64 was valued at 10,000 pounds and No. 66 was valued at 9,500 pounds. In 1962, the value was converted into dollars of \$24,000 improved value for No. 64 and \$26,000 improved value for No. 66. This was significantly more than for the Burnside parent house at No. 58 at the same time of \$16,700. No. 66 remained in the Burnside sons' ownership to 1972.*

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<sup>14</sup> Building Code Index, Vale Street, approved 2 July 1946.

<sup>15</sup> Building Code Index, St Johns Avenue, approved 1947.

<sup>16</sup> Claudine Loffi, Preliminary Heritage Assessment – 64 St Johns Avenue Gordon, March 2022,13; Certificate of Title Vol. 2636 Folio. 222.

<sup>17</sup> Zeny Edwards, *Six of the Best Architects of Ku-Ring-Gai*, 1998, 101.

<sup>18</sup> "Residence," *Construction*, 2 March 1942, page 3.

<https://trove.nla.gov.au/newspaper/article/222863191?searchTerm=Armstrong%20and%20Swainson;>

"Residence, Woodside Avenue," *Construction*, 7 January 1942, page 4,

<https://trove.nla.gov.au/newspaper/article/222862791?searchTerm=Armstrong%20and%20Swainson;>

"Residence," *Construction*, 22 July 1941, page 12,

<https://trove.nla.gov.au/newspaper/article/222864316?searchTerm=Armstrong%20and%20Swainson;>

"Cottage, Ellalong Road, Cremorne Sydney," *Construction*, 29 May 1940, page 20,

[https://trove.nla.gov.au/newspaper/article/222858621?searchTerm=Armstrong%20and%20Swainson.](https://trove.nla.gov.au/newspaper/article/222858621?searchTerm=Armstrong%20and%20Swainson;)

<sup>19</sup> Building application No. 83.



Figure 5 1930s aerial showing cleared land at the site of 64 St Johns Avenue. Source: Ku-Ring-Gai Council Preliminary Heritage Assessment.



Figure 6 1943 Aerial showing only cleared land at 64 St Johns Avenue. Source: Ku-Ring-Gai Council Preliminary Heritage Assessment.

#### The Burnside Family

*Colin Campbell Burnside (1894-1964), a civil engineer and draughtsman, married Mary Catherine Sawle in 1917. They had three sons, all of whom attended Knox Grammar School: (Dr) Colin Campbell Jnr, Walter Ronald and (Commodore) Ian Malcolm.*

Originally from Mascot the Burnsides moved to Chatswood before they purchased, in 1917, the land at No. 58 St Johns Avenue, Gordon. In 1919, Charles Henry Johnson of Chatswood, built the Burnsides a house at No. 58, *Kilbirnie*, which was a replica of their Chatswood home.<sup>20</sup>

The garden at no. 58 was well known for its “bird aviaries containing peacocks, pheasants, all types of finches and Java Sparrows. A [rainforest] effect was displayed, incorporating fishponds with every type of fish imaginable.” The flagstone for the boarder paths were “exotic stones” which were bought from trading of the fish and birds.<sup>21</sup>

The Burnside’s are also noted as the custodians of the stone well cap located behind the church.<sup>22</sup>

The eldest son, Colin Campbell Burnside Jnr (1918-2004), served in WWII in the Royal Australian Navy. He was discharged from the Navy as a Lieutenant in 1946 when he went on to study medicine. In 1947, Colin Campbell Burnside Jnr married Jane Eveline Gourlay of Hawthorn in Melbourne, and in 1952 he graduated from the University of Sydney with a Bachelor of Medicine and Bachelor of Surgery. In 1960, he received a post graduate diploma in Ophthalmology. In 1970, Dr Burnside registered as a doctor of Osteopathic medicine. Until at least 2009 a plaque was located at the front of 64 St Johns Avenue identifying Dr CC Burnside, Ophthalmology. Colin Burnside also served a justice of the peace. Dr Burnside died in 2004 and was interred at the columbarium of St John’s Church, Gordon.

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<sup>20</sup> Helen Whitsed Davies, The evolution of a street: St Johns Avenue, Gordon, *The Historian* 28, no. 1, October 2009.

<sup>21</sup> Helen Whitsed Davies, The evolution of a street: St Johns Avenue, Gordon, *The Historian* 28, no. 1, October 2009.

<sup>22</sup> Helen Whitsed Davies, The evolution of a street: St Johns Avenue, Gordon, *The Historian* 28, no. 1, October 2009.



#### **4. Physical Description**

64 St Johns Avenue, Gordon is a medium sized masonry two-storey house on a battle axe lot.

Whilst it has two driveway entrances, one to Vale Street and the other to St Johns Avenue, its main elevation faces west to Vale Street. A wall marks the boundary on both streets but they differ in design. To Vale Street there is a low red face brick wall with a colonial inspired wooden picket gate and to St Johns Avenue a low sandstone wall.

The front garden is informally planted with medium to large shrubs and some trees, arranged around lawn and against the house. The informal planting continues in the rear garden. The topography is generally even with the most significant difference being to the rear of No. 62 where the land slopes downward, where there is also a brick retaining wall.

The style of the house is English Domestic, to use a contemporary term, 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.

The front Vale Street elevation is symmetrical about its centralised steep gable and small sized Georgian divided sash windows on the ground floor and two smaller ones on the first floor. Two dormer windows are located on either side of the gable. A straight path leads from the colonial inspired gate and terminates with two steps at the front door, recessed in a curved art deco doorway with a fine metal lamp fixed above.

The rear eastern elevation also has a centralised steep gable. On one side of the gable is a dormer window and on the other is a skillion dormer window. The skillion dormer is likely a later addition. Georgian windows are continued on the ground and first floor of the gable. A low single storey rear extension extends from the south eastern end of the house.

The planning of the house is centralised about its stair hall, which is reached from the front door by a short passage focused on the curtail of the timber staircase. The ground floor contains the formal living room and formal dining room which are interconnected by an original curved art deco opening with curved jambs. Two colonial inspired arched recessed are located in the formal living room and another in the formal dining room. Its focus is an original fireplace and white painted timber mantle in the formal living room. The multi paned colonial inspired glass doors on the northern and eastern walls of the formal living room open directly into the garden.

The kitchen is part of the original envelope but has been substantially renovated. There are original folding doors leading from the kitchen to the stair hall cutting neatly under the rising stair. The wide doorway with a stepped art deco motif suggests that the kitchen was likely designed to be open to the air as a breezeway kitchen, though the door and infill appears to be a relatively early intervention.



The rear extension is likely 1960s or 1970s and is constructed of fibro cladding with a skillion roof. The extension contains an additional living room and laundry. A second original and face brick fireplace is located in the ground floor study, the surrounding shelving takes up the southern wall and the north western corner of the study accommodates the curved main entrance wall.

The downstairs bathroom is of a recent fit out, but the concaved wall (which comprised part of the curved entrance) in the south western wall has been concealed. A fourth bedroom is located on the ground floor.

The first floor is within the roof and contains three bedrooms and a bathroom arranged around the stair. A filled-in fireplace is located in the northern bedroom which has four original single door built-in wardrobes in each corner. The wardrobes have been designed to relate to the gables. Similarly, the middle bedroom has an original built in wardrobe under the gable. The built-in wardrobe in the southern bedroom is a recent addition.

A separate bathroom and toilet are located on the first floor. The configuration is likely original but they have been recently renovated.

The first floor is carpeted with what is presumed to be the original timber floor. The downstairs timber floor appears to have been replaced.

Other original details in the house are the cornices and colonial inspired interior doors. The cornices in the communal areas are decorative, and more reminiscent of the art deco features, compared to the more private spaces which are a much simpler design and of a style closer to a colonial revival.

A garage is located in the rear garden and opens onto the St Johns Avenue driveway. It has two steep gable ends and a terracotta roof. It is a later addition but has been purposefully designed to complement the house.



Figure 7 Vale Street elevation of 64 St Johns Avenue.



Figure 8 Rear of 64 St Johns Avenue. The original eastern elevation is the background, the single storey extension in the middle and the garage to the right.



Figure 9 One of two arched colonial inspired recesses in the formal dining room.



Figure 10 Built-in wardrobes under the gable in one of the bedrooms.



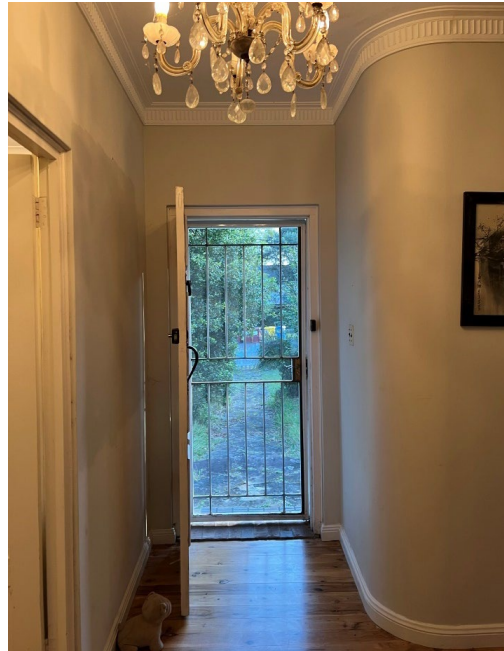




Figure 11 Art deco curved wall in the hallway.



Figure 12 The hallway with the original staircase.

## 5. Comparative analysis of relevant examples


Image	Address	Description
Within St Johns Avenue HCA		
 <p>Figure 13 St Johns Avenue HCA.</p>	St Johns Avenue HCA	<p>St Johns Avenue HCA is adjacent and includes part of the subject site. The subject site is also historically part of the St Johns Avenue subdivision. The HCA is comprised primarily of single storey face brick bungalows with small front gables. Some houses have small double gables and a porch.</p> <p>The lot boundaries date from the 1912 subdivision and are rectangular in shape.</p>
 <p>Figure 14 24 St Johns Avenue. Source: <a href="https://www.onthefhouse.com.au/property/nsw/gordon-2072/24-st-johns-ave-gordon-nsw-2072-2202301">https://www.onthefhouse.com.au/property/nsw/gordon-2072/24-st-johns-ave-gordon-nsw-2072-2202301</a></p>	24 St Johns Avenue, Gordon	<p>64 St Johns Avenue, <i>Oberon</i>, is an arts and craft federation style house and was built between 1900 and 1920. It is one of three individual heritage items within the St Johns Avenue HCA. The other two face Pacific Highway and No. 24 is the only item which faces St Johns Avenue.</p> <p>The place is listed (No. 127) for its cultural, architectural and rarity value.<sup>23</sup></p>


<sup>23</sup> "Oberon, dwelling," State Heritage Inventory.  
<https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1880483>

 <p>Figure 15 748 Pacific Highway. Source: Google Street View.</p>	<p>748 Pacific Highway, Gordon</p>	<p>Windsor House was constructed between 1900 and 1920 and is one of three items within the St Johns Avenue HCA.</p> <p>The place is listed for its historic, architectural, landmark value and municipal significance.<sup>24</sup></p> <p>Item No. I15</p>
 <p>Figure 16 58 St Johns Avenue.</p>	<p>58 St Johns Avenue, Gordon</p>	<p>The house, <i>Kilbirnie</i>, was built in 1919 by the Burnside family. Colin Campbell Burnside Jnr. lived here during construction of his home at 64 St Johns Avenue.</p> <p>The house is a single storey face brick building with a porch. The Burnside family made various additions to the house.</p>

<sup>24</sup> "Windsor House, dwelling house," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1880471>





 <p>Figure 17 66 St Johns Avenue.</p>	<p><b>66 St Johns Avenue, Gordon</b></p> <p>66 St Johns Avenue was built by the brother of Colin Campbell Burnside Jnr., Walter Burnside, after the land was transferred to him by his mother.</p> <p>The house was built by Armstrong and Swainson the same builders of 64 St Johns Avenue.</p> <p>The house is much simpler and more Georgian than the subject house. It does not have dramatic steep gables and like others on the street is single storey, though there are two storeys to the rear. The similarities are the render, terracotta roof and windows.</p>
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Others houses of a similar style in Ku-Ring-Gai (listed)		
	48 Earl Street, Roseville	<p>48 Earl Street is an item (No.1682) and part of the Earl of Canarvon HCA.</p> <p>Built in the late 1930s the house is a good example of a hybrid style. The house is principally English Cottage revival with art deco detailing. Some significant elements are intact but the rear of the house has been significantly altered</p>

 <p>Figure 19 28 Lynwood Avenue Killara. Source Google Street view.</p>	<p>28 Lynwood Avenue Killara</p>	<p>28 Lynwood Avenue was built in 1928 and designed by Leith McCredie.</p> <p>The place is listed as an item (No. I315) and is part of the Lynwood Avenue HCA. There is no information in the State Heritage Inventory detailing its reason for listing.<sup>25</sup></p> <p>The places envelope with its centralised gable and fenestration bares a strong resemblance to the subject site.</p>
 <p>Figure 20 34 Treatts Road. Source: <a href="https://www.realestate.com.au/sold/property-house-nsw-lindfield-137725654">https://www.realestate.com.au/sold/property-house-nsw-lindfield-137725654</a></p>	<p>34 Treatts Road, Lindfield</p>	<p>34 Treatts Road is part of the Oliver Grant HCA. There is no inventory on the state heritage inventory for the HCA.</p> <p>The steep gables are similar to the subject site but 34 Treatts Road does not appear (as seen in Real Estate photos) to have colonial revival and/or art deco detailing.<sup>26</sup></p>

<sup>25</sup> "Dwelling House," State Heritage Inventory, <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=1882445>

<sup>26</sup> "34 Treatts Road, Lindfield, NSW 2070," realestate.com.au, <https://www.realestate.com.au/sold/property-house-nsw-lindfield-137725654>.

Other houses of a similar style in Ku-Ring-Gai (not listed)		
 <p>Figure 21 27 Beechworth Road, Pymble. Source: <a href="https://www.realestate.com.au/property/27-beechworth-rd-pymble-nsw-2073">https://www.realestate.com.au/property/27-beechworth-rd-pymble-nsw-2073</a></p>	<p>27 Beechworth Road, Pymble</p>	<p>27 Beechworth Road was designed by William Ronald Richardson.</p> <p>The place is not listed.</p> <p>The house is an English Cottage revival with some Georgian Revival detailing.</p> <p>The original house appears largely intact (as seen in Real Estate photos).<sup>27</sup> There is a large contemporary extension to the rear.</p>
 <p>Figure 22 27 Wahroonga Avenue. Source: <a href="https://www.realestate.com.au/property/27-wahroonga-ave-wahroonga-nsw-2076">https://www.realestate.com.au/property/27-wahroonga-ave-wahroonga-nsw-2076</a></p>	<p>27 Wahroonga Avenue, Wahroonga</p>	<p>Design by William Ronald Richardson, 27 Wahroonga Avenue is not listed but its gabled design and Georgian revival windows have similarities to the subject place.</p> <p>The eastern half of the house is a later addition designed to look original.</p>



<sup>27</sup> "27 Beechworth Road," realestate.com.au, <https://www.realestate.com.au/property/27-beechworth-rd-pymble-nsw-2073>.

Houses by Armstrong and Swainson		
 <p>Figure 23 9 Adelaide Avenue. Source: <a href="https://www.onthefhouse.com.au/property/nsw/east-lindfield-2070/9-adelaide-ave-east-lindfield-nsw-2070-5901165">https://www.onthefhouse.com.au/property/nsw/east-lindfield-2070/9-adelaide-ave-east-lindfield-nsw-2070-5901165</a></p>	9 Adelaide Avenue, East Lindfield	<p>Designed by Adrian Ashton and built by Armstrong and Swainson the house has been sustainably altered since its construction having been recently rendered and shutters added.</p> <p>The house featured in the magazine <i>Construction</i> in 1942.<sup>28</sup></p> <p>The place is not listed.</p>
 <p>Figure 24 73 Woodside Avenue, Strathfield, Source: Google Street View.</p>	73 Woodside Avenue, Strathfield	<p>This art deco residence in Strathfield is very different to other works by Adrian Ashton and Armstrong and Swainson.</p> <p>It appears to the be highly intact.</p> <p>The place featured in <i>Construction</i> in 1942.<sup>29</sup></p> <p>The place is not listed.</p>

<sup>28</sup> "Residence," *Construction*, 2 March 1942, page 3, <https://trove.nla.gov.au/newspaper/article/222863191?searchTerm=Armstrong%20and%20Swainson>



<sup>29</sup> "Residence, Woodside Avenue," *Construction*, 7 January 1942, page 4, <https://trove.nla.gov.au/newspaper/article/222862791?searchTerm=Armstrong%20and%20Swainson>



 <p>Figure 25 House built by Armstrong and Swainson on Rickard Avenue, Mosman. Source: <i>Construction</i> 22 July 1941.</p>	<p>Rickard Avenue, Mosman</p>	<p>This residence in Mosman was designed by Adrian Ashton and built by Armstrong and Swainson in 1941.</p> <p>It was featured in the magazine <i>Construction</i>.<sup>30</sup> Its style is different to the subject site with a much smaller, off-centre gable, and is face brick.</p> <p>It is unclear if the building is extant. If extant the place is not listed.</p>
 <p>Figure 26 Residence at Ellalong Road built by Armstrong and Swainson. Source: <i>Construction</i> 29 May 1940.</p>	<p>Ellalong Road, Cremorne</p>	<p>This cottage in Cremorne was designed by Adrian Ashton and built by Armstrong and Swainson in 1940.</p> <p>It was featured in <i>Construction</i> in 1940.<sup>31</sup> The facade and building envelope are very different to the subject place in particular the smaller gable, verandah and brick piers.</p> <p>Part of Ellalong Road is within a HCA. It is unclear if the place is listed.</p>

<sup>30</sup> "Residence," *Construction*, 22 July 1941, page 12, <https://trove.nla.gov.au/newspaper/article/222864316?searchTerm=Armstrong%20and%20Swainson>

<sup>31</sup> "Cottage, Ellalong Road, Cremorne Sydney," *Construction*, 29 May 1940, page 20, <https://trove.nla.gov.au/newspaper/article/222858621?searchTerm=Armstrong%20and%20Swainson>

Demolished or possibly demolished houses of a similar style		
 <p>Figure 27 House by Lieth McCredie on Warrangi Street. Source: Six of the Best Architects of Ku-Ring-Gai, page 111.</p>	<p>Warrangi Street, Turramurra</p>	<p>It is unclear if this house designed by Leith McCredie is extant.</p> <p>The rendered house with two gable ends and centralised gable façade and dormer windows have a strong resemblance to the 64 St Johns Avenue.</p> <p>The design differs with the double gable and weatherboard to the front elevation.</p>
 <p>Figure 28 House designed by Leith McCredie, 15 Billyard Avenue. Source Six of the Best Architects of Ku-Ring-Gai, page 118.</p>	<p>15 Billyard Avenue, Wahroonga</p>	<p>This house, designed by Leith McCredie, appears to have been demolished but the building envelope with its centralised steep gable on a rectangular building is similar to the subject site.</p>

### Comparative Analysis Conclusion

Notwithstanding that 64 St Johns Avenue does not face St Johns Avenue the place is distinctive within the immediate area. The lack of address to St Johns Avenue and its two-storey plan, steep central gable, and lack of porch to its façade make it distinct to the street.

The limited information on the State Heritage register limited the ability to search for listed places of a similar style, but in general it appears that few places of this hybrid English Domestic, colonial revival and art deco styles with a high degree of integrity are extant and listed. But on the North Shore of Sydney several houses of this style are listed, some published examples are known, enough to suggest this is a type of house particular to the North Shore.



## 6. Assessment of Significance

### 6.1. Current listing

64 St Johns Avenue is currently partially included in the St Johns Avenue HCA. The HCA is listed for its historical association with St Johns Church and subdivision of church land, its intact Federation and inter-war housing, its streetscape defined by the brush box plantings, narrow street and historic association as the first paved road in Ku-Ring-Gai.

### 6.2. Ability to demonstrate

Guidelines from the NSW Heritage Office emphasise the role of history in the heritage assessment process. A list of state historical themes has been developed by the NSW Heritage Council, in *New South Wales Historical Themes Table showing correlation of national, state and local themes, with annotations Dated 4 October 2001*.

The table below identifies fabric, spaces and visual relationships that demonstrate the relevant historic themes in evidence at 64 St Johns Avenue.

Australian Theme	NSW Theme	Discussion
4 Building settlements, towns and cities	Towns, suburbs and villages	<p>It is possible that the Thistlethwayte family, who resided at No. 68, and bought the three lots in 1917, intended to pass them on to their children. The family re-subdivided the land creating the current battle axe at No. 64. The lots were never occupied or owned by the Thistlethwayte children and instead two of the lots sold to the Burnside. Mary Catherine Burnside later transferred the lots to two of her sons.</p> <p>Historically 64 St Johns Avenue is part of the St Johns Park Estate which was subdivided in 1912. Although Nos. 62, 64 and 66 St Johns Avenue have not retained their 1912 subdivision pattern, their current arrangement is demonstrative of common middle class land purchasing practices in the North Shore.</p>
4 Building settlements, towns and cities	Land tenure	<p>The shape of the battle axe lot is unusual for St Johns Avenue which is primarily comprised of rectangular lots. The lot therefore demonstrates the intentions of the Thistlethwayte and Burnside families. Although it is unclear exactly why the Thistlethwaytes re-subdivided 64 St Johns Avenue to the current arrangement, it may have been intended to pass the three lots to their children, or to create larger lots for an investment.</p>

<b>Australian Theme</b>	<b>NSW Theme</b>	<b>Discussion</b>
4 Building settlements, towns and cities	Accommodation	<p>Anecdotally, it was not uncommon for middle class families of the North Shore to live in close proximity to each other. Here, the Burnside family occupied Nos. 58, 64 and 66 St Johns Avenue.</p> <p>The house was built in 1946. The quality of construction is unusual for the immediate post-war period, when materials were generally scarce, and the design is more associated with the interwar period. With its hybrid design, English Domestic envelope with colonial revival and art deco fenestrations and detailing, is a good example of middle-class tastes and housing trends on the North Shore during the interwar to mid-century.</p>

### 6.3. Assessment against NSW heritage assessment criteria (Heritage Item)

*Criterion (a) 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).*

64 St Johns Avenue is associated with the middle-class development of Sydney's North Shore, and the practice of families buying land near their place of residence for their children but is not in itself an important place in the course of this history.

As an item the place does not meet the criterion for historical value. It does however fulfill the criterion for inclusion in the neighbouring Heritage Conservation Area due to its historical association with the church and St Johns Park Estate.

Inclusion Guidelines	Check
Shows evidence of a significant human activity	No
Is associated with a significant activity or historical phase	Yes (Heritage Conservation Area)
Maintains or shows the continuity of a historical process or activity	No
Exclusion Guidelines	
Has incidental or unsubstantiated connections with historically important activities or processes	No
Provides evidence of activities or processes that are of dubious historical importance	No
Has been so altered that it can no longer provide evidence of a particular association	No

Level of Significance: Local (Heritage Conservation Area)

*Criterion (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)*

The architect for 64 St Johns Avenue has not been identified but the place has design characteristics similar to notable architects of the North Shore in the period, particularly Leith McCredie and William Ronald Richardson.

The place does not meet the criterion for associative value.

Inclusion Guidelines	Check
Shows evidence of a significant human occupation	No

Is associated with a significant event, person, or group of persons	No
Exclusion Guidelines	
Has incidental or unsubstantiated connections with historically important people or events	Yes
Provides evidence of people or events that are of dubious historical importance	No
Has been so altered that it can no longer provide evidence of a particular association	No

Level of Significance: Not applicable

***Criterion (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or in local area)***

The house is a good example of an English Domestic style house with colonial revival and art deco detailing, one of a distinctive type in the North Shore during the interwar to mid-century. The planning of the house is well resolved around a central stair hall featuring a good quality timber stair with curtail. Its detailing niches, joinery and built-in cabinetry is also well resolved and uniformly intact.

Given the limited supply of building material in the post-war period the houses detailing and construction is of an unusually high quality.

The garden is a mature shrub-based garden with some specimen plants such as palms and magnolia arranged with lawn and integrated with the house. It appears to retain some original landscaping in its garden beds and paths, and possibly also some plantings, and is demonstrative of the gardens of the North Shore in this period.

As a heritage item 64 St Johns Avenue meets the criterion of aesthetic significance. It does not meet the criterion for listing with the St Johns Avenue HCA as it does not address the street.

Inclusion Guidelines	Check
Shows or is associated with, creative or technical innovation or achievement	Yes
Is the inspiration for a creative or technical innovation or achievement	No
Is aesthetically distinctive	Yes
Has landmark qualities	No
Exemplifies a particular taste, style or technology	Yes
Exclusion Guidelines	
Is not a major work by an important designer or artist	Yes (as far as is known)
Has lost its design or technical integrity	No

Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded	No
Has only a loose association with a creative or technical achievement	No

Level of Significance: LOCAL

***Criterion (d) An item has strong or special association with a particular community or cultural group in NSW (or local area) for social, cultural or spiritual reasons***

The place does not meet the criterion for social value.

Inclusion Guidelines	Check
Is important for its associations with an identifiable group	No
Is important to a community's sense of place	No
Exclusion Guidelines	
Is only important to the community for amenity reasons.	No
Is retained only in preference to a proposed alternative	No

Level of Significance: Not applicable

***Criterion (e) 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)***

The place does not meet the criterion for research value.

Inclusion Guidelines	Check
Has the potential to yield new or further substantial scientific and/or archaeological information	No
Is an important benchmark or reference site or type	No
Provides evidence of past human cultures that is unavailable elsewhere	No
Exclusion Guidelines	
The knowledge gained would be irrelevant to research on science, human history or culture	Yes
Has little archaeological or research potential	Yes
Only contains information that is readily available from other resources or archaeological sites	Yes

Level of Significance: Not applicable

**Criterion (f)** *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)*

St Johns Avenue HCA is listed for its rare residential subdivision of the church lands. The subject place is historically associated with this but in itself does not satisfy the criteria.

Inclusion Guidelines	Check
Provides evidence of a defunct custom, way of life or process	No
Demonstrates a process, custom or other human activity that is in danger of being lost	No
Shows unusually accurate evidence of a significant human activity	No
Is the only example of its type	No
Demonstrates designs or techniques of exceptional interest	No
Shows rare evidence of a significant human activity important to a community	No
Exclusion Guidelines	
Is not rare	Yes
Is numerous but under threat	No

Level of significance: Not Applicable

**Criterion (g)** *An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or environments (or a class of the local area's cultural or natural places or environments)*

The house is demonstrative of a English Domestic style, representative particularly on Sydney's North Shore. English in form, its colonial inspired detailing, most notably the Georgian revival windows and arched recesses, are typical of the adaption of this style in middle class homes during the interwar to mid-century. Similarly, the inclusion of art deco elements, curved walls and stepped motifs was common in such homes.

The design is a result of its social and historical context and is representative of middle-class housing trends in the area. These social and historical contexts are tangible in the architectural style, English Domestic as expressed on the north shore.

The house and grounds have a high degree of intactness. Its original plan has been largely retained and elements demonstrating the quality of detailing are intact including the doors, cornices, skirting boards, built-in wardrobes, recesses and windows. Together they form a cohesive style throughout the house.

64 St Johns Avenue and neighbouring No. 66, were initially purchased by Mary Catherine Burnside who later transferred the titles to her sons. This practice, of parents buying land for their children, was common on Sydney's North Shore.



Inclusion Guidelines	Check
Is a fine example of its type	Yes
Has the principal characteristics of an important class or group of items	Yes
Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity	Yes
Is a significant variation to a class of items	No
Is part of a group which collectively illustrates a representative type	Yes
Is outstanding because of its setting, condition or size	Yes
Is outstanding because of its integrity or the esteem in which it is held	Yes
Exclusion Guidelines	
Is a poor example of its type	No
Does not include or has lost the range of characteristics of a type	No
Does not represent well the characteristics that make up a significant variation of a type	No

Level of Significance: LOCAL

#### **6.4. Statement of Significance**

With its historical connection to the development of a distinctive street in Gordon, following its subdivision in 1912, this house is a good example of an interwar to mid-century middle-class house on Sydney's North Shore. Its English Domestic form mixed with good colonial revival and art deco detailing is highly intact. 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 some 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.

## 7. Listing Recommendations

In light of its significance, 64 St Johns Avenue is worthy to be listed as a heritage item in the Ku-ring-Gai LEP and that the St Johns Avenue Conservation Area be extended to include the entirety of the subject site.

It is recommended that the curtilage encompass the existing site boundary and includes, fencing and posts, the sandstone wall to St Johns Avenue and the brick wall and gate to Vale Street, landscaping and the house including its interior elements (Figure 29).



Figure 29 Recommended curtilage indicated in red. Source Nearmap with HAA overlay.

## **8. Management Recommendations**

The below recommendations are drawn solely from a consideration of the significance of the place. They do not consider, as similar recommendations in a Conservation Management Plan or other heritage management document would, the owner's requirements or other factors such as financial implications.

### **8.1. Obligations arising from significance**

The high cultural significance of the place identified in the statement of significance obliges its conservation and good management (Burra Charter Article 2).

The significance is embodied in the place. Place means site, area, land, landscape, building or other work, group of buildings or other works, and may include components, contents, spaces and views. Place also includes fabric, setting, use, associations, meanings, records, related places, and related objects. (Burra Charter Article 1).

### **8.2. Conservation of fabric**

All original fabric should be retained. Detailing which contains the essence of its hybrid architectural style should be retained, in particular but not limited to the staircase, arched recesses, built-in wardrobes, fireplaces, curved walls and stepped motifs, cornices and skirting boards and original windows.

If the opportunity arises the concaved wall in the downstairs bathroom should be revealed.

Other elements of the site to be retained include all fencing, the sandstone wall to St Johns Avenue and brick wall and gate to Vale Street. Paths, paving and garden beds can be altered but should where possible retain their present overall location and materiality. Where possible the garage should be retained.

Individual trees and shrubs are not considered significant and their retention is not required.

The fibro extension is not considered significant and its retention is not required.

Advice from a heritage professional should be sought when making changes to the place.

### **8.3. Tolerance for change**

The house itself has some tolerance for change. The original layout of the house is intact and should largely be retained. The kitchen and bathrooms interiors are not significant and can be replaced.

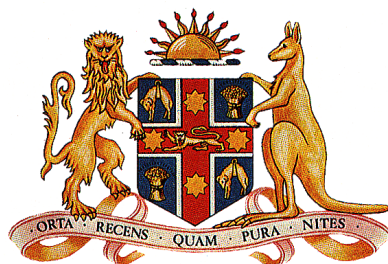
There is a high tolerance for change to the rear of the house. The fibro extension is not considered significant and can be retained or demolished. There is possibility for

further development to the rear of the house. Any development to the rear should not obscure significant architectural elements on the eastern façade.

The landscaping has a medium tolerance for change. The boundary walls and gate should be retained. Paths and garden beds may be altered but should retain their overall present location and materiality. Plantings can be replaced or added to but significant architectural elements should not be completely obscured from the street.

#### **8.4. Future use**

The place should be retained as a place of residence.



# *Government Gazette*

of the State of

New South Wales

**Number 186—Planning and Heritage**

**Friday, 29 April 2022**

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The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, non-government and other notices.

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**By Authority**  
Government Printer

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NSW Government Gazette No 186 of 29 April 2022



**Ku-ring-gai Council** NSW Heritage Act 1977. Interim Heritage Order No 12

Notice is hereby given, under Section 25 of the *Heritage Act 1977*, that Ku-ring-gai Council does by this order.

- i. make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule “A”; and
- ii. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule “B”.

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date; and

- (i) in the case of an item which, in the council’s opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or
- (ii) in the case of an item which, in the Council’s opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32(2) of the Heritage Act to include the item on the State Heritage Register.

John McKee General Manager Ku-ring-gai Council  
Sydney 27 April 2022

**Schedule “A”**

The property known as 64 Rosebery Road, Killara on land described in Schedule B.

**Schedule “B”**

All those pieces or parcels of land known as Lot 2 DP 1048632 in Parish of Gordon, County of Cumberland.

**Ku-ring-gai Council** NSW Heritage Act 1977. Interim Heritage Order No 13

Notice is hereby given, under Section 25 of the *Heritage Act 1977*, that Ku-ring-gai Council does by this order.

- i. make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule “A”; and
- ii. declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule “B”.

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date; and

- (i) in the case of an item which, in the council’s opinion, is of local significance, the resolution seeks to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; or
- (ii) in the case of an item which, in the Council’s opinion, is of State heritage significance, the resolution requests the Heritage Council to make a recommendation to the Minister for Heritage under section 32(2) of the Heritage Act to include the item on the State Heritage Register.

John McKee General Manager Ku-ring-gai Council  
Sydney 27 April 2022

**Schedule  
“A”**

The dwelling house known as 64 St Johns Ave, Gordon on land described in Schedule B.

**Schedule  
“B”**

The pieces or parcels of land known as part Lot 2 DP 183731 in Parish of Gordon, County of Cumberland, excluding that part of the site contained within the St Johns Avenue Heritage Conservation Area C16A under the Ku-ring-gai Local Environmental Plan 2015.

Ordinary Meeting of Council - 18 October 2022

GB.14 / 334

Item GB.14

S10066

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## **PROPOSED HERITAGE LISTING - 64 ROSEBERY ROAD, KILLARA AND 64 ST JOHNS AVENUE, GORDON**

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### **EXECUTIVE SUMMARY**

<b>PURPOSE OF REPORT:</b>	To have Council consider the proposed heritage listing of 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, in Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 ('KLEP 2015').
<b>BACKGROUND:</b>	On 26 April 2022, Council resolved to make an Interim Heritage Order ('IHO') for 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon using delegated authority, which was gazetted on 29 April 2022.
<b>COMMENTS:</b>	Council commissioned Hector Abrahams Architects to prepare a heritage assessment for the properties at 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon. The assessment considers that both properties meet the Heritage Council threshold for local heritage listing as heritage items and for an extension of the St Johns Avenue Conservation Area to include 64 St Johns Avenue, Gordon.
<b>RECOMMENDATION:</b>	That a Planning Proposal be prepared and submitted for heritage item listing of 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, and extension of St Johns Avenue Conservation Area to include 64 St Johns Avenue, Gordon.

**Ordinary Meeting of Council - 18 October 2022**

**GB.14 / 335**

**Item GB.14**

**S10066**

## **PURPOSE OF REPORT**

To have Council consider the proposed heritage listing of 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, in Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 ('KLEP 2015').

## **BACKGROUND**

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, a preliminary heritage assessment was undertaken by Council staff and completed in March 2022. The preliminary assessment considered both sites to be of sufficient 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 Council's Local Environmental Plan (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). The proposed IHO was to apply to the unlisted land.

On 7 April 2022, the preliminary heritage assessment for both sites were presented and considered by Council's Heritage Reference Committee. 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.

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.*

Under the above conditions of the IHO, the order will lapse on 29 October 2022 unless Council passes a resolution to list the items on the Schedule 5 of the KLEP 2015 to protect and manage the items, or it nominates the item for inclusion on the State Heritage Register.

## **COMMENTS**

Commissioned by Council, an independent heritage assessment of 64 Rosebery Road, Killara (Lot 2 DP 1048632) and 64 St Johns Avenue, Gordon (part of Lot 2 DP 183731) was completed by Hector Abrahams Architects. The final assessment for both properties were received in September 2022 and are included as **Attachment A1** for 64 Rosebery Road, Killara, and as **Attachment A2** for 64 St Johns Avenue, Gordon.

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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 Heritage Council 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

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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. To support the Planning Proposal a State Heritage Inventory form will also be prepared for each site based on the attached heritage assessments.

## **INTEGRATED PLANNING AND REPORTING**

Theme 3: Places, Spaces and Infrastructure

<b>Community Strategic Plan Long Term Objective</b>	<b>Delivery Program Term Achievement</b>	<b>Operational Plan Task</b>
Ku-ring-gai's heritage is protected, promoted and responsibly managed.	Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets.	Implement, monitor and review Ku-ring-gai's heritage planning controls including the development of a heritage strategy.

## **GOVERNANCE MATTERS**

This report addresses the first stage in obtaining a Gateway Determination for a Planning Proposal which seeks to list two items of local heritage significance under an amendment to Schedule 5 of the KLEP 2015. If the Planning Proposal is supported by the Department, the Planning Proposal will be placed on exhibition seeking further State agency and stakeholder feedback prior to being reported back to Council to decide if the property should be formally listed.

The process for the preparation and implementation of planning proposals is governed by the provisions of the *Environmental Planning and Assessment Act, 1979*. Council will seek the plan-making delegation under Section 3.36(2) of the EP&A Act to finalise the Planning Proposal.

Under the Ministerial Direction Local Planning Panels Direction – Planning Proposals and the delegations granted to the General Manager it is proposed this matter will not be referred to Ku-ring-gai Local Planning Panel on the basis the proposed heritage listings are for existing houses within an established low density residential zone and the proposed heritage listings will not have any significant adverse impact on the environment or adjoining land.

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## **RISK MANAGEMENT**

There is a community expectation that places of heritage significance within the Ku-ring-gai Council LGA will be identified and protected. There is a strategic risk of damaging the reputation of Council if these culturally significant places are not identified and considered for protection.

## **FINANCIAL CONSIDERATIONS**

The cost of preparing this report is covered by the Ku-ring-gai draft Principal Local Environmental Plan - Urban Planning & Heritage Budget – Strategy and Environment Department.

## **SOCIAL CONSIDERATIONS**

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.

## **ENVIRONMENTAL CONSIDERATIONS**

The retention and conservation of heritage places has an important role in protecting the environment. The environmental sustainability benefits afforded by the retention of heritage places includes the substantial reduction in building demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

## **COMMUNITY CONSULTATION**

As part of making the Interim Heritage Order for the sites, the IHOs were published in the NSW Government Gazette on 29 April 2022. Council advised the property owners on 29 April 2022 that the order had been approved and published in the NSW Government Gazette. The purpose of the IHOs were to enable a full assessment of the properties' heritage significance to be conducted.

The affected property owners were notified of this report going before Council and will be further notified and have the opportunity to provide feedback if Council supports the listings in a planning proposal during the formal exhibition period.

Should the Planning Proposal receive a favourable Gateway Determination, it will be exhibited in accordance with the Department's Gateway Determination requirements and with explanatory heritage information. This will involve appropriate notification and receipt of submissions on the draft Planning Proposal from the relevant State agencies and the general community, and a further report back to Council regarding this matter.

## **INTERNAL CONSULTATION**

Consultation with relevant Departments of Council has taken place in preparing this report. In addition, Council's Heritage Reference Committee reviewed the proposed heritage items and supported the listings with a recommendation for Council to make the Interim Heritage Orders.

## **SUMMARY**

An assessment of heritage significance supports that the properties at 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon are worthy of inclusion as heritage items on Schedule 5 of the KLEP 2015, and in an extension of St Johns Avenue Conservation Area for 64 St Johns Avenue,

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Gordon. The purpose of this report is to instigate Council's commencement of a Planning Proposal in relation to these listings.

**RECOMMENDATION:**

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.



Angela Smidmore  
**Urban Planner**

Craig Wyse  
**Team Leader Urban Planning**

Claudine Loffi  
**Heritage Specialist Planner**

Antony Fabbro  
**Acting Director Strategy & Environment**

**Attachments:**

A1		64 Rosebery Road Heritage Assessment	2022/274204
A2		64 St Johns Avenue Heritage Assessment	2022/274203

## **FOR ACTION**

### **ORDINARY MEETING OF COUNCIL – 18/10/2022**

**TO:** Urban Planner (Smidmore, Angela)

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**Subject:** Proposed heritage listing - 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon  
**Minute Number:** 231  
**Notes:**  
**File Reference:** S10066 2022/272195

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#### **Resolved:**

(Moved: Councillors Spencer/Kay)

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.

**CARRIED UNANIMOUSLY**

[Open Item in Minutes](#)

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Department of Planning and Environment

## Gateway Determination

**Planning proposal (Department Ref: PP-2022-3754):** to list 64 Rosebery Road, Killara, including 'building, interiors and grounds' and 64 St Johns Avenue, Gordon, including 'building, interiors and grounds' as local heritage items, and extend the boundary of the St Johns Avenue Heritage Conservation area to include 64 St Johns Avenue.

I, the Director, Agile Planning at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan 2015 to list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Avenue Heritage Conservation area to include 64 St Johns Avenue, should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
  - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022) and must be made publicly available for a minimum of **10 working days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2022).
2. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
3. The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
4. The time frame for completing the LEP is **6 months** from the date of the Gateway determination.

Dated 18 November 2022.

A handwritten signature in black ink, appearing to read 'Louise McMahon', is centered on the page.

**Louise McMahon  
Director  
Agile Planning  
Department of Planning and  
Environment**

**Delegate of the Minister for Planning**

PP-2022-3754 (IRF22/3946)

**SUBMISSION SUMMARY TABLE – Planning Proposal for 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon**  
**Exhibited 24 November – 9 December 2022**

MATTERS RAISED IN THE SUBMISSION	COMMENT	RECOMMENDATION
<b>Submission #1</b>		
<ul style="list-style-type: none"> <li>It is essential that 64 Rosebery Road, Killara is protected so the community can enjoy its heritage now and into the future</li> <li>The property has important heritage and cultural significance and should be protected under the law and the Burra Charter</li> <li>The property provides us with a glimpse into Australia's past and needs to be enjoyed by generations to come</li> </ul>	Support is noted.	<b>No changes recommended.</b>
<b>Submission #2</b>		
<ul style="list-style-type: none"> <li>In agreeance that 64 Rosebery Road, Killara has significant heritage value</li> <li>Strong support for listing as a heritage site to preserve an important part of Killara's history</li> </ul>	Support is noted.	<b>No changes recommended.</b>
<b>Submission #3</b>		
<ul style="list-style-type: none"> <li>Strong support for the heritage listing of 64 Rosebery Road, Killara</li> <li>Strong disapproval for the wanton demolition of the site</li> <li>The house is an invaluable architectural and historical site. The heritage listing of the home should be maintained, prioritised and protected over the whim of the new owners' renovations. It would be an unnecessary and disappointing loss for the community if the outcome is in favour of demolition.</li> </ul>	Support is noted.	<b>No changes recommended.</b>
<b>Submission #4</b>		
<ul style="list-style-type: none"> <li>Support for the proposal to heritage list 64 St Johns Avenue, Gordon</li> <li>Historical information provided regarding 66 and 64 St Johns Avenue, Gordon</li> <li>Indicates that the architect is 'Ashton' of Mosman</li> </ul>	Support is noted. The historical information provided has been referred to a member of the Ku-ring-gai Historical Society and the Heritage Reference Committee.	<b>Once verified, some information may be included in the inventory form to support the Planning Proposal.</b>
<b>STATE AGENCY SUBMISSIONS</b>		
<b>State Agency Submission #1</b>		
<i>Crown Lands</i> <ul style="list-style-type: none"> <li>The properties proposed for Heritage Listing are on privately-owned land.</li> <li>As no Crown land is understood to be associated with these properties, DPE Crown Lands does not propose to comment on the proposal at this time, but wishes Council well with the proposed listing process.</li> </ul>	Noted.	<b>No changes recommended.</b>
<b>State Agency Submission #2</b>		
<i>Heritage NSW</i> <ul style="list-style-type: none"> <li>As Local heritage items and Heritage Conservation Areas are protected under the Environmental Planning and Assessment Act 1979 and under Council LEPs, Council is the consent authority, and as such the listing of Local heritage rests with Council.</li> <li>HNSW encourage the listing of Local heritage, however it is noted that the Heritage Council of NSW, and Heritage NSW as its Delegate, do not have a role in the approval of Local heritage listings to LEPs.</li> </ul>	Encouragement is noted.	<b>No changes recommended.</b>



**Post exhibition consideration of submissions - Planning Proposal to heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon, and extend the boundary of the St Johns Avenue Heritage Conservation Area.**

File: S13920

*Vide: GB.15*

For Council to consider the submissions received during the public exhibition for the Planning Proposal to heritage list 64 Rosebery Road, Killara and 64 St Johns Avenue, Gordon and extend the boundary of the St Johns Avenue Heritage Conservation Area.

**Resolved:**

(Moved: Councillors Spencer/Wheatley)

- A. That Council adopt the Planning Proposal 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 Plan2015 and to extend St Johns Avenue Conservation Area to include 64 St Johns Avenue, Gordon.
- B. That Council proceed to make the plan, using its delegated authority under section 3.36(2) of the Environmental Planning and Assessment Act 1979.
- C. That those who made submissions be notified of Council's decision.

**CARRIED UNANIMOUSLY**