



IRF23/365

Gateway determination report – PP-2023-222

Planning Proposal to include 10 Park Crescent,
Pymble and interiors as a heritage item in Schedule 5
of the Ku-ring-gai Local Environmental Plan 2015

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Acknowledgment of Country

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

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal – January 2023
Heritage Assessment – TKD Architects – 21 October 2022

Ordinary Meeting of Council – 13 December 2022

Interim Heritage Order – 29 July 2022

1 Planning proposal

1.1 Overview

The subject planning proposal seeks to amend the Ku-ring-gai Local Environmental Plan (LEP) 2015 to list 10 Park Crescent, Pymble and interiors in the Ku-ring-gai local government area (LGA) as a heritage item.

The proposal is supported by a heritage assessment prepared by TKD Architects.

Table 2 Planning proposal details

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	Proposal to heritage list 10 Park Crescent, PYMBLE in Ku-ring-gai Council
NUMBER	PP-2023-222
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015)
ADDRESS	10 Park Crescent, PYMBLE
DESCRIPTION	<i>Covington</i> , dwelling house and interiors (Lot 26 of DP7427)
RECEIVED	1/02/2023
FILE NO.	IRF23/365
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

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

The objective of the planning proposal is to amend Part 1 (Heritage Items) under Schedule 5 (Environmental Heritage) of the KLEP 2015, to list 10 Park Crescent, Pymble and interiors as a local heritage item.

The proposal is based on the findings of the Heritage Assessment, dated 21 October 2022, prepared by TKD Architects. The Heritage Assessment finds that the subject property has sufficient heritage significance to warrant retention and listing as a local heritage item per the guidelines and criteria in the NSW Heritage Manual. The proposed heritage listing seeks to recognise the significance of the site and provide statutory protection.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Ku-ring-gai LEP 2015 to:

- Insert a local heritage listing in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage) for 10 Park Crescent, Pymble, as ‘Covington, dwelling house and interiors’; and
- Amend Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_007 by colouring the site to indicate a Heritage Item – General.


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

1.4 Site description and surrounding area

The planning proposal relates to the site identified and described in **Table 3** below.

Table 3 – Site Identification

Site Identification	
‘Covington’, dwelling house and interiors	
Address	10 Park Crescent, Pymble 2073 (Lot 26 DP7427)
Description	<p><i>Covington, dwelling house and interiors.</i></p> <p>10 Park Crescent, Pymble is a representative and largely intact example of a residence designed in the Interwar Old English style, exhibiting many of its key features. The high-quality and intact interior finishes and fixtures retained in key spaces internally are of particular aesthetic value. The retention of these interiors in key rooms include silver silkwood wall panelling, fine joinery including sliding doors, tapestry and leadlight glass windows, fibrous plaster ceilings and cornices, in-built radiators with decorative metal grills, and a Tudor style synthetic stone fireplace.</p> <p>The split-level nature of its original garden, set into the hill, is retained though the original rockery has been removed and the space relandscaped. The original brick fence and stone bank and steps from the drive up to the house remain in-situ.</p>

Site Identification	
Site Context	<p>The property is located on the western side of Park Crescent within the suburb of Pymble, a short distance north of the railway station and commercial centre. The site is identified as Lot 26 of DP7427. The property fronts Robert Pymble Park to the east. The property is set amongst similarly scaled residential development of various ages, including houses and apartments blocks, one to two storeys in height. The Park Estate Conservation area is located to the east of the property.</p>
Existing Controls	<p>The site is currently zoned R4 High Density Residential.</p> <p>The maximum height of buildings (HOB) is 11.5m.</p> <p>The maximum permissible floor space ratio (FSR) is 0.85:1.</p>
Map	 <p>The aerial photograph shows a suburban residential area. A red dashed line outlines a specific lot, Lot 26 of DP7427, which is situated on the western side of Park Crescent. The surrounding area includes various residential buildings, trees, and a large green park area to the east. The site is located near the intersection of Park Crescent and another street.</p>
<p>Figure 1. Aerial view of site and locality (<i>Source: Planning Proposal</i>)</p>	

Site Identification

Site Photos



Figure 2. External view of 10 Park Crescent as viewed from the street
(Source: Planning Proposal)



Figure 3. Interior views of lounge room, entry hall, dining room, and built-in timber panelled cupboard
(Source: Planning Proposal)

1.5 Mapping

The planning proposal includes mapping (**Figures 4 – 5**) showing the proposed changes to the Heritage map. The map identifies the proposed heritage items with indicative item numbers. The proposed mapping in the planning proposal is considered suitable for community consultation.

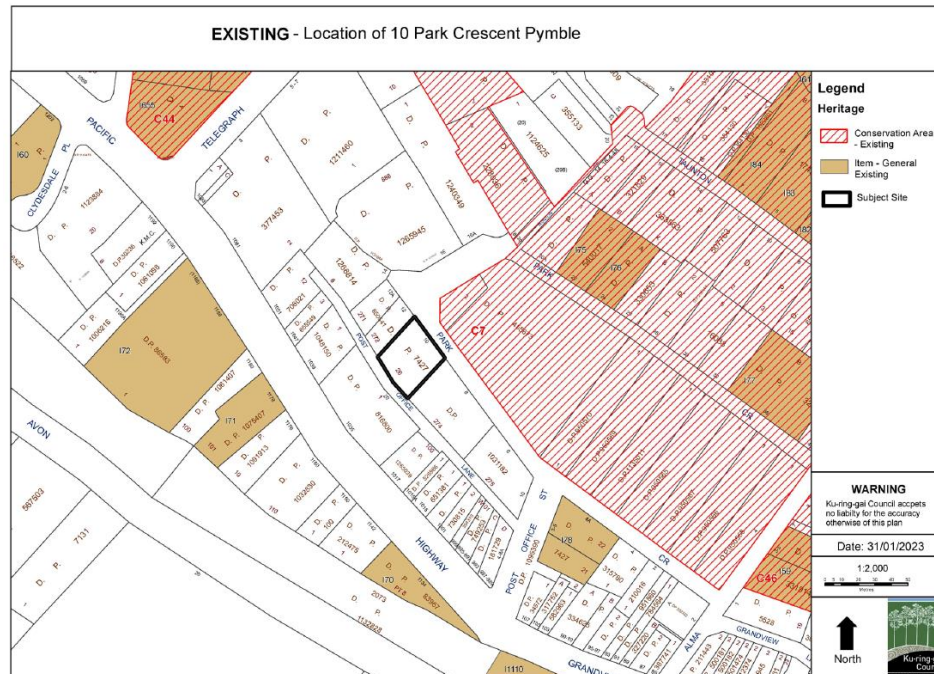


Figure 4. Current KLEP 2015 Heritage Map (Source: Planning Proposal)

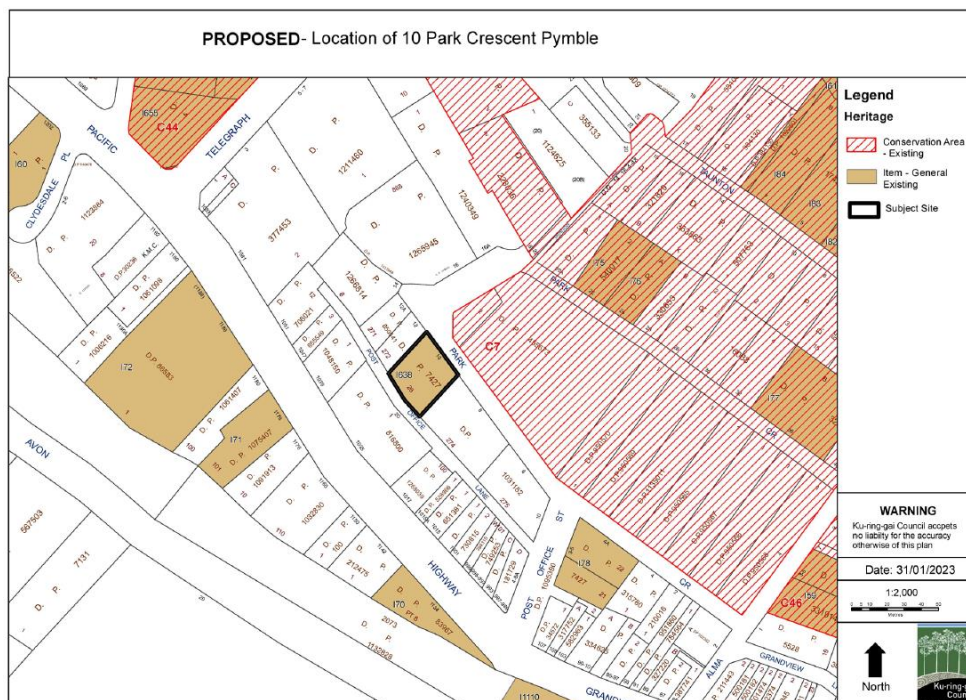


Figure 5. Proposed KLEP 2015 Heritage Map with 10 Park Crescent listed as a heritage item (Source: Planning Proposal)

1.6 Background

The following timeline summarizes the background to the planning proposal is shown in **Table 4**.

Table 4 – Planning proposal background

Date	Description	Outcome
1989	1989 Heritage Study was conducted.	<i>Covington</i> was identified as a heritage item and subsequently listed as a heritage item on the Ku-ring-gai Planning Scheme Ordinance 1971.
2006	Pymble Town Centre Heritage Review was conducted.	<i>Covington</i> was de-listed as a heritage item as Council's consultant deemed it was not worthy of retaining its heritage listing, although the consultant noted it may be reasonable to retain the listing had it not been a constraint to the planning for the area. No internal inspection was undertaken as part of this review.
27 April 2022	Development Application (DA) was lodged seeking consent for the demolition of <i>Covington</i> and construction of a new residential flat building containing five dwellings.	See below.
6 June 2022	A site inspection of the property, including the internals of <i>Covington</i> was undertaken.	The inspection revealed a number of key intact and original internal features which substantiated further investigation into the heritage significance of the property.
Late June 2022	A preliminary heritage assessment was undertaken by a heritage consultant on behalf of Council.	The preliminary assessment finds that the property is considered to be of sufficient potential heritage value and that an Interim Heritage Order (IHO) be placed over <i>Covington</i> to enable a full evaluation of the heritage significance.
26 July 2022	Interim Heritage Order	Council resolved to place an Interim Heritage Order under Section 25 of the NSW Heritage Act 1977.
October 2022	A heritage assessment was prepared by TKD Architects.	The assessment considered the significance of <i>Covington</i> against the NSW Heritage Criteria and maintains the property warrants local listing.

Date	Description	Outcome
13 December 2022	The planning proposal and supporting documents were reported to the full Council.	Council resolved to forward the proposal to the Department for a Gateway Determination, and to request delegation to be the local plan-making authority (LPMA). The proposal and supporting documents were subsequently lodged with the Department for a Gateway Determination.
1 February 2023	The planning proposal was lodged on the Planning Portal and received by the Department.	--

2 Need for the planning proposal

The planning proposal is the result of the findings and recommendations of the heritage assessment prepared by TKD Architects. The assessment of significance concludes that *Covington* warrants local listing on Schedule 5 of the KLEP 2015, satisfying the NSW Heritage Council's criteria for listing at a local level.

The planning proposal is the only means to alter Part 1, Schedule 5 of the KLEP 2015 and the Heritage Map to recognise the heritage significance of the site and allow provisions that facilitate its ongoing conservation and management.








Assessment of Heritage Significance

The heritage significance of the site has been assessed in accordance with the *Assessing Heritage Significance* manual published by the NSW Heritage Office (2001). The site was assessed against the seven listing criteria stipulated in the manual, being:

- a) Historic significance
- b) Historic association significance
- c) Aesthetic significance
- d) Social Significance
- e) Research potential
- f) Rarity
- g) Representativeness

If an item meets one of the seven criteria at a local level, it can be considered to have local heritage significance. The assessment of the subject site is summarised in **Table 5** below, which finds that the site satisfies multiple criteria, thus meeting the threshold for local heritage listing.

Table 5 – Heritage Assessment of 10 Park Crescent, PYMBLE against the NSW Heritage Office guideline

Site	(a) Historic	(b) Association	(c) Aesthetic	(d) Social	(e) Research potential	(f) Rarity	(g) Repr- sentativeness
10 Park Crescent, PYMBLE 2073							

The following section provides a summary of the Assessment of Significance undertaken by TKD Architects, on behalf of Council.

Criterion (a) – Historic Significance

Covington is illustrative of the suburban consolidation of Pymble over the early to mid-twentieth century. Development in the area began with grand residences in the late nineteenth century following the coming of the railway, but the suburb did not take on its suburban character with a variety of housing on smaller lots until this period. The house demonstrates the more modest scale of suburban development in the suburb, being designed for a young newly-married couple by friend and prominent architect Percy James Gordon.

Criterion (b) – Associative Significance

Covington has associations with architect Percy James Gordon and the firm of Morrow and Gordon as a residential commission during a period of growth for the firm, when a number of their most notable designs were produced. The design and planning of the residence represent Gordon's independent work in the first few years of his leadership of the practice after the departure of Morrow but reflects the continuation of the firm's emphasis on practicality in design and plan with modern fittings.

Criterion (c) – Aesthetic Significance

Covington is a representative and largely intact example of a residence designed in the Interwar Old English style, exhibiting many of its key features. Changes to its external form are sympathetic and do not detract from the aesthetic values of the place, with the house retaining a substantial degree of its integrity externally. The high-quality and intact interior finishes and fixtures retained in key spaces internally are of particular aesthetic value. The retention of these interiors in key rooms (including the hall, living room, dining room and master bedroom) include silver silkwood wall panelling, fine joinery including sliding doors, tapestry and leadlight glass windows, fibrous plaster ceilings and cornices, in-built radiators with decorative metal grills, and a Tudor style synthetic stone fireplace. The in-built radiators with decorative metal grilles (detailed to match the electro-copper designs on the door glazing) are of technical significance as evidence of 1930s central heating systems and their incorporation into house design in decorative ways. The survival of such evidence is rare, usually being removed with technical advancements. The intact interiors provide evidence of middle class lifestyle and aspirations during the 1930s.

The building retains much of its original setting, including its relationship with the adjoining park, with the house planned to capture views to the park from the two verandahs and porch, and to make the most of the sunlight from this aspect. The split-level nature of its original garden, set into the hill, is retained though the original rockery has been removed and the space relandscaped. The original brick fence and stone bank and steps from the drive up to the house remain in-situ.

Criterion (d) – Social Significance

TKD Architects did not undertake a full social assessment as part of their Heritage Assessment. *Covington* is unlikely to have strong or special associations with particular communities or groups in NSW.

Criterion (e) – Research Potential

Covington may retain some evidence of 1930s central heating systems of some technical significance; however, it is unlikely that the systems have research potential or would yield evidence of such systems which is not already well documented in archival and other sources.

Criterion (f) – Rarity

Covington is likely to have rarity value for the in-situ evidence of 1930s central heating systems it provides. The evidence of these systems, particularly the decorative metal grilles to the radiators, appears to be rare at a local level in houses of a similar age. Such evidence was not identified in any of the other 23 houses of the same style in Ku-ring-gai compiled in the comparative analysis. The level of integrity of its interiors in its key spaces generally also appear to be rare at a local level. It is also unusual because it is a single storey in height – other listed examples are mostly two storeys.

Criterion (g) – Representativeness

Covington is a largely intact example of an Interwar Old English style dwelling, retaining its key external features and typical form, as well as high-quality interior features and finishes. The condition and integrity of the largely intact suite of rooms at the front of the house, and their bespoke decorative elements, make it an important example of its type.

3 Strategic assessment

3.1 Regional Plan

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

Table 6 – Regional Plan assessment

Regional Plan Objectives	Justification
Objective 13: Environmental heritage is identified, conserved and enhanced	<p>The Region Plan emphasises the need to conserve items of heritage significance.</p> <p>Objective 13 notes that environmental heritage should be protected for its social, aesthetic, economic, historic and environmental values.</p> <p>The Heritage Assessment prepared by TKD Architects have provided an Assessment of Significance which indicates that the building reaches the threshold for listing at a local level.</p> <p>The proposal is consistent with the objectives of the Region Plan. It seeks to recognise the heritage significance of the building and facilitates its ongoing protection.</p>

3.2 District Plan

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

The planning proposal is consistent with the priorities for liveability in the plan as outlined below.

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

Table 7 – District Plan assessment

District Plan Priorities	Justification
<p>N6 Creating and renewing great place and local centres and respecting the District's heritage</p> <p>Action 21. Identify, conserve and enhance environmental heritage by</p> <ul style="list-style-type: none"> 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. 	<p>This priority seeks to identify, conserve, interpret, and celebrate Greater Sydney's heritage values.</p> <p>The proposal contributes to the protection of the district's heritage through the listing of the subject site, which in accordance with the TKD Heritage Assessment, has local heritage significance. The listing will recognise the buildings' significance and facilitate on-going conservation.</p> <p>The proposal is considered to be consistent with the District Plan.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as summarised in **Table 8** below.

Table 8 – Local strategic planning assessment

Local Strategies	Justification
Ku-ring-gai Local Strategic Planning Statement (2020) (LSPS)	<p>The planning proposal is consistent with the endorsed Ku-ring-gai LSPS. The relevant planning priorities are as follows:</p> <ul style="list-style-type: none"> • 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. <p>The planning proposal is consistent with these priorities as it seeks to recognise and facilitate the ongoing protection of the building, which the TKD Heritage Assessment indicates as being of local heritage significance.</p>
Ku-ring-gai Heritage Study (2021)	<p>The planning proposal is consistent with Ku-Ring-Gai's Heritage Study (2021) giving effect to the priority to identify new heritage items.</p>

Ku-ring-gai Community
Strategic Plan 2038
(CSP)

The planning proposal is consistent with Ku-ring-gai's CSP 2038 as it gives effect to the following priorities:

- 'Protecting Heritage Buildings and Historic Places'
- Theme 3, Places, Spaces, and Infrastructure which identifies the long-term objective P5.1 'Ku-ring-gai's heritage is protected, promoted and responsibly managed.'

3.4 Section 9.1 Ministerial Directions

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

Table 9 – 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	This Direction applies to the proposal as it seeks to give effect to the Greater Sydney Region Plan and North District Plan. The proposal is consistent with this Direction.
3.2 Heritage Conservation	Yes	<p>The Direction applies to the planning proposal as it seeks to conserve an item of heritage significance. The Direction requires that a planning proposal contain provisions that facilitate the conservation of items identified in a study of environmental heritage significance.</p> <p>The planning proposal is informed by a heritage assessment undertaken in accordance with the NSW Heritage Office manual. The assessment concluded that the subject sites satisfy the relevant criteria for local heritage listing and thereby the proposal is warranted. The proposal will facilitate the conservation and protection of these sites.</p> <p>The proposal is consistent with this Direction.</p>
6.1 Residential Zones	Yes	<p>This Direction applies as the site is located within existing a residential zone (R4). The proposal does not seek to alter the existing residential zoning or any development standards applicable to the site.</p> <p>Listing the site as a local heritage item would require any future development application for the sites to be assessed against the provisions of Clause 5.10 <i>Heritage Conservation</i> under the Ku-ring-gai LEP 2015.</p> <p>The proposal is consistent with this Direction.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

4 Site-specific assessment

4.1 Environmental

The proposal will not have any adverse effects on any critical or threatened species, populations or ecological communities, or their habitat.

The planning proposal seeks to provide statutory protection of a site which has been found to have local heritage significance. The proposal is informed by a heritage assessment undertaken by TKD Architects. The assessment of significance has been carried out in accordance with the NSW Heritage Manual.

4.2 Social and economic

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

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The planning proposal is unlikely to have any significant adverse social impacts.</p> <p>Listing the sites as heritage items will provide the community with greater certainty regarding the heritage significance of the sites and facilitate their ongoing protection.</p> <p>Through the community consultation process, the wider community will have an opportunity to voice their views regarding the value of the site and whether the proposed listing is warranted.</p>
Economic	<p>Whilst there would be an economic impact to the landowner, the intention of heritage listings is to conserve the heritage significance of items, as opposed to the full demolition of such sites and fully developing sites under current planning controls. An alternative development application involving preserving the site's heritage significance would likely require specialist heritage studies involving additional cost and the potential outcome may impact development yield.</p> <p>However, the planning proposal would not change the zoning or development standards of the site. As discussed above, the potential listing means that the consent authority will need to consider the effect of any future development on the heritage significance of the sites pursuant to Clause 5.10 of the KLEP 2015; it does not strictly prohibit future change or development.</p> <p>In light of this, the proposal is considered to have an acceptable economic impact.</p>

4.3 Infrastructure

The proposal does not seek to change any existing infrastructure or facilitate further infrastructure provision. The proposal will not alter the existing zoning or development standards applicable to the subject site.

The proposal would not facilitate intensified development and therefore would not generate additional demand for infrastructure.

5 Consultation

5.1 Community

Council proposes a community consultation period of 10 days.

Under the *Local Environmental Plan Making Guideline 2022*, the planning proposal is categorised as 'basic'. Consequently, the proposal will be exhibited for a minimum of 10 working days. To ensure consistency with the benchmark timeframes in the Guideline, a condition will be included in the Gateway Determination.

5.2 Agencies

Council has nominated the following agencies to be notified about the planning proposal:

- Heritage NSW
- Department of Planning and Environment (DPE).

It is recommended that the following agencies be consulted with under section 3.34(2) of the EP&A Act 1979:

- Heritage NSW

It is recommended each government agency be provided with a copy of the Planning Proposal and any relevant supporting material via the NSW Planning Portal. Each agency should be provided a minimum of 30 days to comment on the proposal.

5.3 Landowner Submission

The landowner of 10 Park Crescent, Pymble provided a submission on 6 February 2023 which does not support the heritage listing of the subject site. The concerns contained within the submission has been summarised and paraphrased below:

- The property was previously de-listed and the heritage listing would be a contradiction.
- The property would be impacted by newly developed high density neighbouring buildings
- There will be financial impacts to the landowners.
- The proposal was not reviewed by the Local Planning Panel.

The Department notes that Council have indicated in the proposal that the heritage consultant undertaking the previous heritage assessment in 2006 did not access the interior of the building. A more recent heritage assessment by TKD Architects in October 2022 has provided an updated assessment which includes a consideration of the interior of the building, concluding that the property warrants local heritage listing.

The planning proposal does not seek to amend the zone or development standards currently applicable to the site. The proposed listing of the site would enable consideration to be given to

any proposed changes, and the potential impacts to the heritage significance of the site through the application of Clause 5.10 of the KLEP 2015.

The proposed listing does not preclude any future development of the property including change of use, renovation, alterations and additions, or adaptation. The listing will ensure that the effect of any proposed development on the heritage significance will be considered prior to a development consent being granted.

As part of the development application process, the consent authority may require additional specialist heritage studies (e.g. heritage conservation management plan or heritage impact statement) to be prepared to assess the effect of the development, and to enable informed decisions. As such, the proposed heritage listing is not considered to unreasonably restrict future development of the site. It will ensure due process will be undertaken that considers the potential impacts on the heritage significance.

It is noted that the subject planning proposal was not referred to the Local Planning Panel. The referral criteria are set out within *Local Planning Panels Direction – Planning Proposals* which outlines the Minister's direction under Section 9.1 of the EP&A Act 1979. The onus is upon Council to apply this Ministerial direction and to determine which planning proposals are to be referred to the Local Planning Panel for advice.

As discussed in this report, the assessment of significance has been carried out in accordance with the process and criteria stated in the NSW Heritage Manual. During the exhibition of the planning proposal, any members of the community, including the homeowner, may make a submission to Council. Council as the planning proposal authority will consider any submissions made to inform its decision as to whether the planning proposal should be finalised.

6 Timeframe

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

The LEP Making Guideline recommends a timeframe of 115 working days to complete a 'basic' LEP following Gateway determination. In this instance, the completion date should be six months from the date of the gateway determination. This timeframe is recommended to ensure the proposal is completed in line with the Department's commitment or reduce processing times.

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

7 Local plan-making authority

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

As the site/planning proposal is related to matters of local heritage significance, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- It is supported by an assessment of significance prepared in accordance with the NSW Heritage Manual, *Assessing Heritage Significance 2001*, which finds that the site satisfies relevant listing criteria and reaches the threshold for local heritage listing.
- The proposal will recognise and provide on-going protection of the heritage significance of the site.
- The proposal is consistent with the relevant objectives, directions, and priorities of the Greater Sydney Region Plan, the North District Plan, the Ku-ring-gai LSPS, applicable SEPPs, and Section 9.1 Ministerial Directions.

9 Recommendation

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

1. Prior to exhibition, the planning proposal should be revised to update the project timeline in Part 6 of the planning proposal to align with the timeframe specified in the Gateway determination.
2. The planning proposal should be made available for community consultation for a minimum of 10 working days.
3. Consultation with Heritage NSW should be undertaken.
4. The timeframe for completing the LEP should be six months from the date of the Gateway Determination.
5. Council should be authorised to be the local plan-making authority.



22 February 2023

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