



Ku-ring-gai Council

PLANNING PROPOSAL

To include 17a Edward Street, Gordon (including interiors) as a heritage item in Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015.

March 2024

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INTRODUCTION

This Planning Proposal contains the justification for the proposed amendments to Schedule 5 of the *Ku-ring-gai Local Environmental Plan* ('KLEP 2015') to list 17A Edward Street, Gordon (including interiors) as a local heritage item.

This Planning Proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment's '*LEP Making Guideline*' (August 2023).

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
- Existing planning controls applying to the site
- The objective of the amendment to the *Ku-ring-gai Local Environment Plan 2015*
- An explanation of provisions that are to be included in the amendment to the *Ku-ring-gai Local Environment Plan 2015*
- Justification for the objective and provisions to be included in the amendment to the *Ku-ring-gai Local Environment Plan 2015*
- Mapping for the heritage listing
- Community Consultation
- Project Timeline

Background

The subject property is located at 17a Edward Street, Gordon and known as 'Denholm'. A Development Application was lodged for the site on 24 November 2022 which sought extensive alteration and additions to the property. Council officers inspected the property on 18 January 2023, and a preliminary heritage assessment to investigate the heritage significance was conducted. The preliminary heritage assessment recommended that an Interim Heritage Order ('IHO') be placed over the dwelling. The IHO would act as a temporary measure to allow a more detailed assessment to be undertaken to determine if the dwelling, including its interior, warrants protection as a heritage item.

The Site at 17A Edwards Street is located within the Robert Grant Heritage Conservation Area (C13). As such, Council could not use its delegation to make an interim heritage order for this property and was required to request the Minister for Heritage to make the IHO.

On 21 March 2023 Council resolved to request the Minister for Heritage place an IHO on the property under Section 24 of the *Heritage Act 1977*.

On 28 April 2023 the IHO was made by the Minister for Heritage, published in the NSW Government Gazette. The order is effective for 12 months to enable Council to investigate the property's heritage significance and listing.

In June 2022, Council refused the development application. Council staff subsequently met with the owners to discuss a new development application.

A heritage assessment was prepared by HeriCon Consulting in September 2023. The assessment considered the significance of 17a Edward Street, Gordon against the NSW Heritage criteria and concluded that the property reaches the threshold for local listing on Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015*. The heritage assessment is included at **Appendix A**.

Under the conditions of the IHO, the order will lapse on 28 April 2024 unless Council passes a resolution to list the item on the Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 ('KLEP 2015') to protect and manage the items, or it nominates the item for inclusion on the State Heritage Register. A copy of the IHO is included at **Appendix B**.

On 17 October 2023, the matter was considered at the Ordinary Meeting of Council ('OMC') and was deferred for a site inspection. Following the site inspection, the matter was reported back on 21 November 2023. At this meeting, Council resolved:

“That:

- A. A Planning Proposal be prepared to include Schedule 5 of the KLEP 2015 - Lot 2 DP 504958, 17A Edward Street, Gordon.*
- B. The Planning Proposal be forwarded to the Department of Planning and Environment for Gateway Determination.*
- C. Council requests 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 EP&A Act.*

The Council Report and Resolution from the November OMC is included as **Appendix C**.

This planning proposal has not been referred to the Ku-ring-gai Local Planning Panel for advice. In accordance with the delegations under *Ministerial Direction Local Planning Panels Direction – Planning Proposals*, the General Manager has determined that, as the proposed heritage listing is for an existing house within an established low density residential zone, the proposed heritage listing will not have any significant adverse impact on the environment or adjoining land.

Site and context

The subject property is at 17a Edward Street, Gordon (Lot 2 DP504958). The site is a battle-axe lot located approximately 450m east of the Gordon Station. The site is located within the Robert Grant Heritage Conservation Area (C13).

The property contains a brick dwelling constructed in 1915 which exhibits key characteristics of the American Dutch Colonial Revival style. The dwelling presents as two storeys, with the upper storey contained within a distinctive gambrel roof with dormers and tiled with terracotta shingles. The façade is symmetrical, with a central projecting entrance porch, multipaned windows with colonial shutters and decorative timber fretwork railings. A squat wide brick chimney with terracotta pots is situated in the middle of the roof. Square porches are located on the eastern and western sides with flat trafficable roof terraces. The property also contains a circular drive, tennis court, tennis pavilion and swimming pool.



Figure 1. Location Plan of 17a Edward Street, Gordon (Source: Geocortex)



*Figure 2. Exterior – Northern Elevation of 17a Edward Street, Gordon (Source: Heritage Assessment – see **Appendix A**)*



*Figure 3. Exterior 17a Edward Street, Gordon (Source: Heritage Assessment – see **Appendix A**)*



Figure 4. Exterior – South Elevation 17a Edward Street, Gordon (Source: Heritage Assessment – see **Appendix A**)



Figure 5. Interior views of the house showing built-in display cabinet, stairs and front door to the entry hall (Source: Heritage Assessment – see **Appendix A**)

Existing planning controls

The site is 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
17A Edward Street, Gordon	R2 Low Density Residential	9.5m	0.3

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

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

The site is within the Robert Grant Heritage Conservation Area (C13) and is not currently heritage listed as a State or Local Heritage Item.

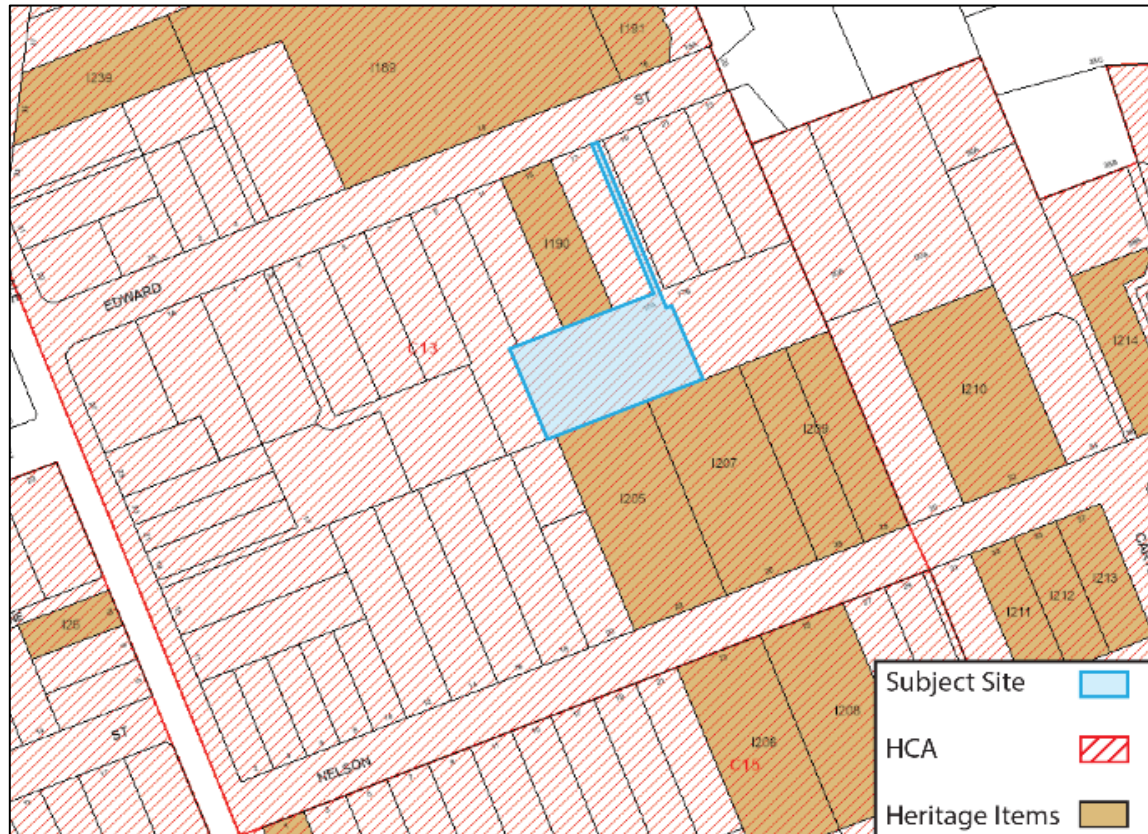


Figure 6 - 17A Edward Street, Gordon (Blue) within the Robert Grant Heritage Conservation Area

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 list 17A Edward Street, Gordon and interiors as a local heritage item.

Heritage listing of this property will ensure recognition of its significance, as well as protection through 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.

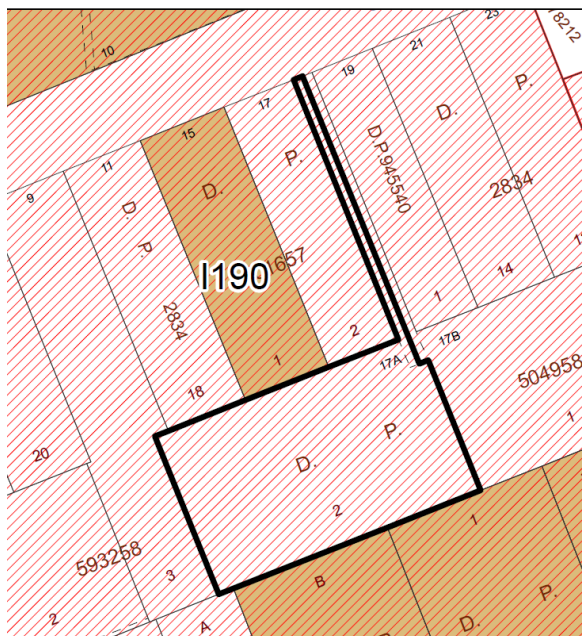
The Planning Proposal seeks to amend Part 1 of Schedule 5 Environmental Heritage of the KLEP 2015 to insert the following:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Gordon	'Denholm', dwelling house and interiors	17A Edward Street, Gordon	Lot 2 Deposited Plan 504958	Local	I1114

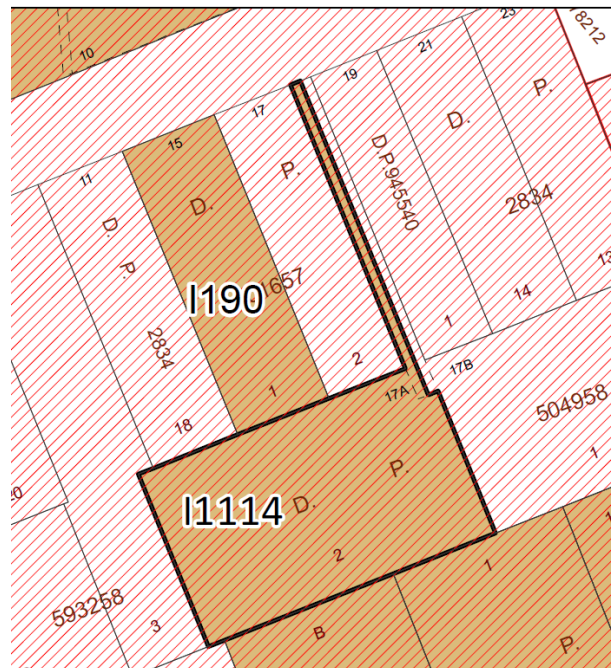
The Planning Proposal seeks to make amendments to the following map:

Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014 by colouring the Site so as to indicate a Heritage Item – General. Refer to **Part 4 – Mapping** of this Planning Proposal for additional mapping.

Existing



Proposed



PART 3 – JUSTIFICATION OF STRATEGIC AND SITE SPECIFIC MERIT

The justification for those objectives, outcomes and the process for their 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. A Heritage assessment was prepared in September 2023 (see **Appendix A**). The Report considered the significance of 17A Edward Street, Gordon through the framework for the assessment of significance advocated by the NSW Heritage Office in the guidelines included in the NSW Heritage Manual. In this framework places are assessed in accordance with the defined criteria.

The assessment maintains that the property warrants local listing on Schedule 5 of the KLEP 2015, as it satisfies four of the seven NSW Heritage Council's criteria for listing. A potential heritage item only requires one of the seven criteria to be met for it to have heritage significance. A summary of the assessment can be found in the table below, with the full Heritage Significance Assessment following.

NSW Heritage Council's Criteria for local heritage significance 17a Edward Street, Gordon		
Criteria a.	Historical	Does not meet the criteria at a local level
Criteria b.	Historical Association	Meets the criteria at a local level
Criteria c.	Aesthetic/Technical	Meets the criteria at a local level
Criteria d.	Social/Cultural	Further investigation required
Criteria e.	Research Potential	Further investigation required
Criteria f.	Rarity	Meets the criteria at a local level
Criteria g.	Representative	Meets the criteria at a local level

Heritage Significance Assessment

The following has been extracted from the *Denholm, 17A Edward Street, Gordon Assessment of Heritage Significance*, prepared by HeriCon Consulting, dated September 2023 (see **Appendix A**):

Statement of Significance

Denholm, 17A Edward Street, Gordon is an important Colonial Revival style house in Ku-ring-gai that demonstrates characteristics and is representative of the American Dutch Colonial Revival style, which is rare in Ku-ring-gai. The house is aesthetically

significant for its confident use of building materials and is enhanced by its open garden setting. It has retained a relatively high level of integrity. The house is associated with architect John L Berry, who is notable for his contribution to the architecture of the firms of Wilson Neave & Berry and Neave & Berry during the 1920s and for his role in architectural discourse during the 1920s. It served as his family home for some 15 years from 1915 to 1930 and is a rare known example of his residential design. The tennis pavilion has aesthetic significance for its overall form, scale and detailing, and is an important element within the setting of the house.

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).

Denholm is not considered to fulfil this criterion. It is not associated with significant historical events within Ku-ring-gai or with important cultural phases or movements. While its construction is evidence of the consolidation of population in Ku-ring-gai during the second decade of the twentieth century, there are many buildings across the local government area that provide similar evidence.

- *Denholm does not meet the State or Local significance threshold for Criterion A.*

Criterion B: An item has strong or special association with the life or works of a person, or group of persons, of importance to NSW's cultural or natural history (or the cultural or natural history of the local area).

Denholm is associated with architect John L Berry, who is notable for his contribution to the architecture of the firms of Wilson, Neave & Berry and Neave & Berry during the 1920s. The three architects shared a common aesthetic approach to design. Although contemporary houses by William Hardy Wilson are better known and celebrated, Denholm indicates that Berry had, in the same period, a firm and confident grasp on Colonial Revival architecture. Although Berry's contribution to Wilson Neave & Berry and Neave & Berry has not been ascertained, he is likely to have been involved in notable projects such as Peapes Building and Ku-ring-gai Council Chambers. Berry also made a large contribution to popular architectural discourse during the 1920s.

- *Denholm meets the Local significance threshold for Criterion B because of its associations with John L Berry, who made an important contribution to the history of the local area through his architecture.*

Criterion C: An item is important in demonstrating aesthetic characteristics and/or high degree of creative or technical achievement in NSW (or the local area).

Denholm is an important Colonial Revival style house in Ku-ring-gai that demonstrates characteristics of the American Dutch Colonial Revival style. This distinguishes it from other Colonial Revival, Georgian Revival style houses and houses in associated styles

such as the Inter War Mediterranean style in the local government area and other parts of metropolitan Sydney, such as those designed by Wilson & Neave (Eryldene, Purulia), Eric Apperly, Robin Dods, Leslie Wilkinson, Frederick Glynn Gilling and others. The house is aesthetically significant for its use of materials such as terracotta shingles and its refined timber joinery, and is enhanced by its open garden setting. It has retained original spaces and internal fabric including timber joinery doors, architraves and skirting boards, fireplaces, ceilings and cornices. The tennis pavilion has aesthetic significance for its overall form, scale and detailing. It is understood to predate the better known tea house/tennis pavilion at Eryldene, which is generally attributed to William Hardy Wilson.

- *Denholm meets the Local significance threshold for Criterion C. It is a distinctive Dutch Colonial Revival residence, distinguishing it from other Colonial Revival houses in Ku-ring-gai.*

Criterion D: An item has strong or special associations with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

- *Denholm is unlikely to fulfil this criterion. However, further investigation is required to confirm this.*

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).

- *Denholm is unlikely to fulfil this criterion. The evidence it reveals about the architectural history of NSW is already revealed by the form, appearance and fabric of the building. Any further information that it can yield can also be obtained from other sites in the local government area. However, further investigation is required to confirm this.*

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).

Denholm is a rare surviving example of a house in Ku-ring-gai demonstrating the direct influence of American domestic architectural design, in this case the Dutch Colonial Revival style, on local domestic architecture in the first quarter of the twentieth century. It is distinguished by its adaptation of the style to local conditions and confident use of building materials.

Denholm is a rare surviving example of residential architecture that can be directly attributed to architect John L Berry. As part of the firm of Wilson, Neave & Berry and then Neave & Berry, he was part of partnerships that designed notable buildings across the state but his contribution to these buildings is difficult to verify.

- *Denholm meets the Local significance threshold for Criterion F. It demonstrates a distinctive attribute that is rare within the local area.*

Criterion G: An item is important in demonstrating the principal characteristics of a class of NSW's (or the local areas) cultural or natural places; or cultural or natural environments.

Denholm is representative of Dutch Colonial Revival Style architecture in NSW. It features many of the characteristics of the style and is given a local character through the use of building materials externally.

- *Denholm meets the Local significance threshold for Criterion G. It is a particularly fine example of a Dutch Colonial Revival style house in the local area, demonstrating a range of characteristics that are typical of the class.*

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

Yes. The Planning Proposal seeks to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the KLEP 2015, to list the site as a local heritage item. 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.

This planning proposal actions the purpose of the Minister-made Interim Heritage Order under the Heritage Act 1977. Council is required to commence listing consideration where the place is found to satisfy the listing criteria before the Interim Heritage Order expires in April 2024.

It is noted that the site is located within a Heritage Conservation Area, however this does not provide the required heritage protection for the site, noting that alterations and additions to the property would be permitted under the Exempt and Complying Development Codes.

The site has been determined to have heritage significance and warrants retention and listing through satisfying the NSW Heritage Council's Criteria for local heritage significance. A heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

Other options such as adding site-specific objectives and controls to the *Ku-ring-gai Development Control Plan* will not provide the same level of heritage protection and recognition.

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

The Planning Proposal is generally consistent with the directions, priorities and objectives of the *Greater Sydney Region Plan*, and more specifically with:

<i>Greater Sydney Region Plan: A Metropolis of Three Cities</i>	
Objective	Justification
Objective 13: Environmental heritage is identified, conserved and enhanced.	Including the property Denholm at 17A Edward Street, Gordon in Schedule 5 of the KLEP 2015 will provide ongoing protection and recognition of the heritage significance of the item.
Objective 28 – Scenic and Cultural Landscapes are Protected	The heritage listing will ensure the retention of Denholm, 17A Edward Street, Gordon within its setting. This will maintain the sites cultural value to the local area through its association with architect John L Berry and rarity, aesthetic and representative values as an American Dutch Colonial revival style dwelling within NSW.

North District Plan

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.

Justification

The heritage listing of Denholm, 17A Edward Street, Gordon identifies the heritage significance of the site and assures any potential future development onsite respects the heritage significance of the site.

- **Planning Priority N17**

Protecting and enhancing scenic and cultural landscapes.

Action 67

Identify and protect scenic and cultural landscapes.

Action 68

Enhance and protect views of scenic and cultural landscapes from the public realm.

Justification

The heritage listing will ensure the ongoing retention of Denholm, 17A Edward Street, Gordon within its setting. This will maintain the sites cultural value to the local area through its association with architect John L Berry and rarity, aesthetic and representative values as an American Dutch Colonial revival style within NSW.

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 the following endorsed Strategic Plans:

- *Ku-ring-gai Community Strategic Plan 2032*
- *Ku-ring-gai Local Strategic Planning Statement, March 2020*
- *Ku-ring-gai Heritage Strategy, August 2021*

Ku-ring-gai Community Strategic Plan

The *Ku-ring-gai Community Strategic Plan 2032* sets out Council's strategic plan till 2032. The Planning Proposal is consistent with *Ku-ring-gai's Community Strategic Plan*, and gives effect to the following priorities.

Priority 1

Preserving Ku-ring-gai's character

Justification

The heritage listing is consistent with Ku-ring-gai's predominate character of suburban, single detached dwellings within a garden setting.

Priority 2

Managing urban change

Justification

The heritage listing will ensure that any potential future changes to Ku-ring-gai's built environment respects the heritage significance of the site.

Priority 5

Heritage that is protected and responsibly managed.

Justification

The heritage listing assures any potential future development onsite is properly managed to protect the heritage significance of the site.

Ku-ring-gai Local Strategic Planning Statement

The *Ku-ring-gai Local Strategic Planning Statement Plan* is Council's overarching land-use planning document setting out the overall land use vision for Ku-ring-gai. The Planning Proposal is consistent with *Ku-ring-gai's Local Strategic Planning Statement* and gives effect to the following local planning priorities.

Local Planning Priority K12

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

Justification

The heritage listing will ensure that the landscape character of single-detached dwellings within a garden setting is maintained for future generations.

Local Planning Priority K13

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

Justification

The heritage listing will formally recognise the heritage significance of the site through legislation and ensure that its heritage significance is maintained and properly managed into the future.

Ku-ring-gai Heritage Strategy

The Ku-ring-gai Heritage Strategy supports Council to measure, plan and report on heritage management in Ku-ring-gai.

The Planning Proposal is consistent with *Ku-ring-gai's Heritage Strategy*, and gives effect to the following local planning priorities.

6.1 Heritage Identification and Documentation

6.2 Heritage Protection

Justification

The heritage listing will formally recognise the heritage significance of the site through legislation and provide ongoing heritage protection indefinitely.

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

Not 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 (Exempt and Complying Development Codes) 2008	<p>Consistent.</p> <p>The Codes SEPP seeks to provide a streamlined assessment process for certain types of development.</p> <p>The heritage listing of properties may alter whether development under the Codes SEPP may be carried out on</p>

SEPP	Comment on Consistency
	that site, however this planning proposal would not contravene the SEPP in any way.
SEPP (Housing) 2021	<p>Consistent.</p> <p>The Housing SEPP seeks to facilitate development of affordable and diverse housing.</p> <p>The heritage listing of properties may alter whether development under the Housing SEPP may be carried out on that site, however this planning proposal would not contravene the SEPP in any way.</p>
SEPP (Sustainable Buildings) 2022	<p>Consistent.</p> <p>The Basix SEPP seeks to ensure new and renovated buildings are more sustainable and resilient for future climate conditions.</p> <p>The Planning Proposal does not contravene the operation of this policy.</p>
SEPP (Transport and Infrastructure) 2021	<p>Consistent.</p> <p>The Transport and Infrastructure SEPP seeks to provide a clearer planning framework for infrastructure in NSW.</p> <p>The Planning Proposal does not contravene the operation of this policy.</p>
SEPP (Biodiversity and Conservation) 2021	<p>Consistent.</p> <p>The Biodiversity and Conservation SEPP seeks to provide a more in depth planning framework to protect and manage the natural environment.</p> <p>The heritage listing of the site will provide further protection to the landscaping and canopy trees onsite.</p>

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.

Focus Area	Directions	Consistency
1. PLANNING SYSTEMS		
1.1 Implementation of Regional Plans	(1) Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	<p>Consistent.</p> <p>The Planning Proposal does not undermine the vision, goals, directions or actions of the <i>Greater Sydney Region Plan</i>.</p> <p>The Planning Proposal gives effect to objective 13 and objective 28 of the <i>Greater Sydney Region Plan</i>.</p>
<p>1.3 Approval and Referral Requirements</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>(1) A planning proposal to which this direction applies must:</p> <p>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</p> <p>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of:</p> <p>i. the appropriate Minister or public authority, and</p> <p>ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act, and</p> <p>(c) not identify development as designated development unless the</p>	<p>Consistent.</p> <p>The planning proposal does not contain a provision which is contrary to the operation of this direction.</p>

Focus Area	Directions	Consistency
	<p>relevant planning authority:</p> <p>i. can satisfy the Planning Secretary (or an officer of the Department nominated by the Secretary) that the class of development is likely to have a significant impact on the environment, and</p> <p>ii. has obtained the approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act.</p>	
<p>1.4 Site Specific Provisions 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>(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:</p> <p>(a) allow that land use to be carried out in the zone the land is situated on, or</p> <p>(b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning</p>	<p>Consistent.</p> <p>This Planning Proposal is not for the purpose of facilitating a particular development proposal. It relates solely to the heritage listing of a new item of environmental heritage.</p>

Focus Area	Directions	Consistency
	<p>instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>	
3. BIODIVERSITY AND CONSERVATION		
3.1 Conservation Zones	<p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands"</p>	<p>Consistent.</p> <p>The Planning Proposal seeks to heritage list the site. This will provide heritage protection to the dwelling, vegetation and canopy trees that are onsite.</p>
<p>3.2 Heritage Conservation</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical,</p>	<p>Consistent.</p> <p>The Planning Proposal is consistent with this direction and it will result in the conservation of a property that has satisfied the NSW Heritage Council's criteria for local heritage significance.</p>

Focus Area	Directions	Consistency
	<p>scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	
<p>3.5 Recreation Vehicle Areas</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>(1) A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983):</p> <p>(a) where the land is within a conservation zone,</p> <p>(b) where the land comprises a beach or a dune adjacent to or adjoining a beach,</p> <p>(c) where the land is not within an area or zone</p>	<p>Consistent.</p> <p>The Planning Proposal does not seek to enable land to be developed for the purpose of a recreation vehicle area.</p>

Focus Area	Directions	Consistency
	<p>referred to in paragraphs (a) or (b) unless the relevant planning authority has taken into consideration:</p> <p>i. the provisions of the guidelines entitled Guidelines for Selection, Establishment and Maintenance of Recreation Vehicle Areas, Soil Conservation Service of New South Wales, September, 1985, and</p> <p>ii. the provisions of the guidelines entitled Recreation Vehicles Act 1983, Guidelines for Selection, Design, and Operation of Recreation Vehicle Areas, State Pollution Control Commission, September 1985.</p>	
4. RESILIENCE		
<p>4.3 Planning for Bushfire Protection</p> <p>This direction applies to all local government areas when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to, land mapped as bushfire prone land.</p>	<p>(1) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>(2) A planning proposal must:</p>	<p>Consistent.</p> <p>Partial land of the subject site is mapped as Bushfire prone land.</p> <p>The Planning Proposal will be referred to NSW RFS following the receipt of a gateway determination and will consider any comments made.</p> <p><i>Planning for Bushfire Protection 2019</i> recognises that potential conflicts may occur between heritage conservation and bushfire protection. Any potential future development onsite</p>

Focus Area	Directions	Consistency
	<p>(a) have regard to Planning for Bushfire Protection 2019,</p> <p>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</p> <p>(c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).</p> <p>(3) A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:</p> <p>(a) provide an Asset Protection Zone (APZ) incorporating at a minimum:</p> <p>i. an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and</p> <p>ii. an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,</p> <p>(b) for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal</p>	<p>will have to be consistent with 8.2.3 of <i>Planning for Bushfire Protection 2019</i>.</p> <p>As the Planning Proposal is for a heritage listing there is no additional development proposed onsite and no impacts on any potential APZ.</p>

Focus Area	Directions	Consistency
	<p>permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,</p> <p>(c) contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,</p> <p>(d) contain provisions for adequate water supply for firefighting purposes,</p> <p>(e) minimise the perimeter of the area of land interfacing the hazard which may be developed,</p> <p>(f) introduce controls on the placement of combustible materials in the Inner Protection Area.</p>	
5. TRANSPORT AND INFRASTRUCTURE		
<p>5.1 Integrating Land Use and Transport</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p>	<p>(1) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</p> <p>(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>	<p>Consistent</p> <p>The Planning Proposal relates to the heritage listing of an established site. The Planning Proposal will not facilitate increased development and is not inconsistent with the aims, objectives and principles of improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).</p>
<p>5.2 Reserving Land for Public Purposes</p>	<p>(1) A planning proposal must not create, alter or reduce existing zonings or reservations of land for</p>	<p>Consistent</p> <p>This direction seeks to provide public services and</p>

Focus Area	Directions	Consistency
<p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).</p> <p>(2) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:</p> <p>(a) reserve the land in accordance with the request, and</p> <p>(b) include the land in a zone appropriate to its intended future use or a zone advised by the Planning Secretary (or an officer of the Department nominated by the Secretary), and</p> <p>(c) identify the relevant acquiring authority for the land.</p> <p>(3) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:</p> <p>(a) include the requested provisions, or</p>	<p>facilities for public purposes.</p> <p>This Planning Proposal is not inconsistent with the requirements of the direction.</p>

Focus Area	Directions	Consistency
	<p>(b) take such other action as advised by the Planning Secretary (or an officer of the Department nominated by the Secretary) with respect to the use of the land before it is acquired.</p> <p>(4) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>	
6. HOUSING		
<p>6.1 Residential Zones</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.</p>	<p>6.1 Residential Zones</p> <p>(1) A planning proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p>	<p>Consistent.</p> <p>The site is currently zoned R2 Low Density Residential, and the Planning Proposal does not seek to rezone the site. The Planning Proposal will not reduce the permissible residential density of the site.</p>

Focus Area	Directions	Consistency
	<p>(d) be of good design.</p> <p>(2) A planning proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</p> <p>(b) not contain provisions which will reduce the permissible residential density of land.</p>	
<p>6.2 Caravan Parks and Manufactured Home Estates</p> <p>This direction applies to all relevant planning authorities when preparing a planning proposal.</p>	<p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP zone the land in accordance with an appropriate zone under the Standard Instrument (Local Environmental Plans) Order 2006 that would facilitate the retention of the existing caravan park.</p> <p>(2) In identifying suitable zones, locations and provisions for manufactured home</p>	<p>Consistent.</p> <p>The Planning Proposal seeks to heritage list a site. It does not seek to identify suitable locations for caravan parks or manufactures home estates.</p>

Focus Area	Directions	Consistency
	<p>estates (MHEs) in a planning proposal, the relevant planning authority must:</p> <p>(a) take into account the categories of land set out in Schedule 6 of State Environmental Planning Policy (Housing) 2021 as to where MHEs should not be located,</p> <p>(b) take into account the principles listed in clause 125 of State Environmental Planning Policy (Housing) 2021 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals), and</p> <p>(c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent</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 as a result of the proposal?*

The Planning Proposal is for the purposes of retaining an existing site. 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.

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

There are no environmental effects envisaged as a result of the heritage listing proposed by the Planning Proposal. Protection of the site will be required if development is proposed for the Site 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 construction waste, and the conservation of embodied energy in the existing buildings.

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

The Planning Proposal will result in positive social effects by facilitating the conservation of an item of cultural heritage that has significance to the local community. 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.

An assessment of economic effects as a result of the Planning Proposal has not been formally undertaken. However, 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 an established site 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.

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?*

Should the Planning Proposal proceed to public exhibition, consultation with the relevant public authorities will be conducted. Council intends to notify NSW RFS and Heritage NSW, Department of Planning and Environment, 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.

This planning proposal actions the purpose of the Interim Heritage Order made by the Minister for Heritage under the Heritage Act 1977 in April 2023. Council is required to commence listing consideration where the place is found to satisfy the listing criteria before the Interim Heritage Order expires in April 2024.

PART 4 - MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The land subject to the Planning Proposal is 17a Edward Street, Gordon (Lot 2 DP504958). The Planning Proposal will require amendment to the following KLEP 2015 map sheet:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_014

The subject Site will be coloured to indicate a Heritage Item – General.

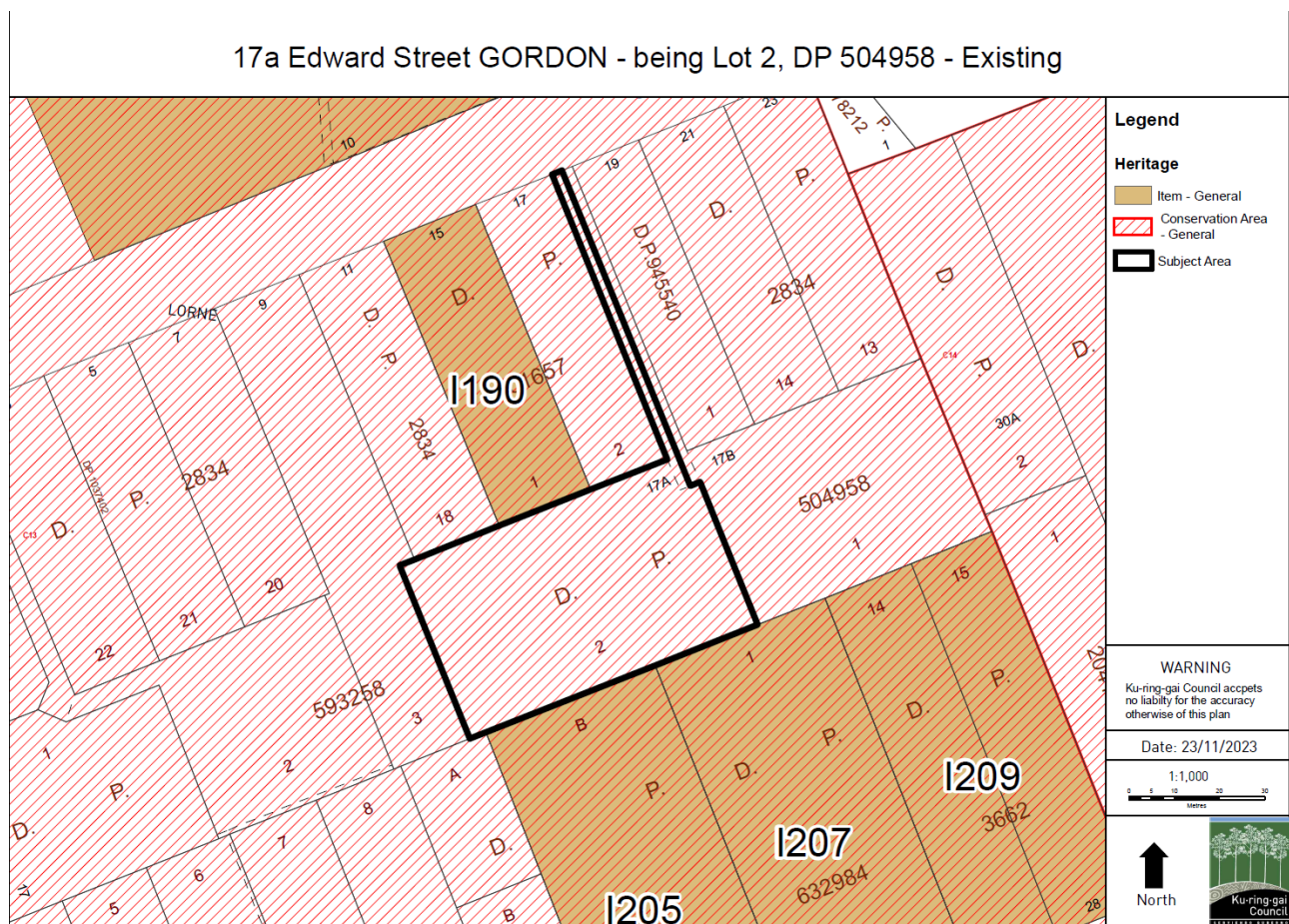


Figure 7. Existing Heritage Map – 17a Edward Street, Gordon

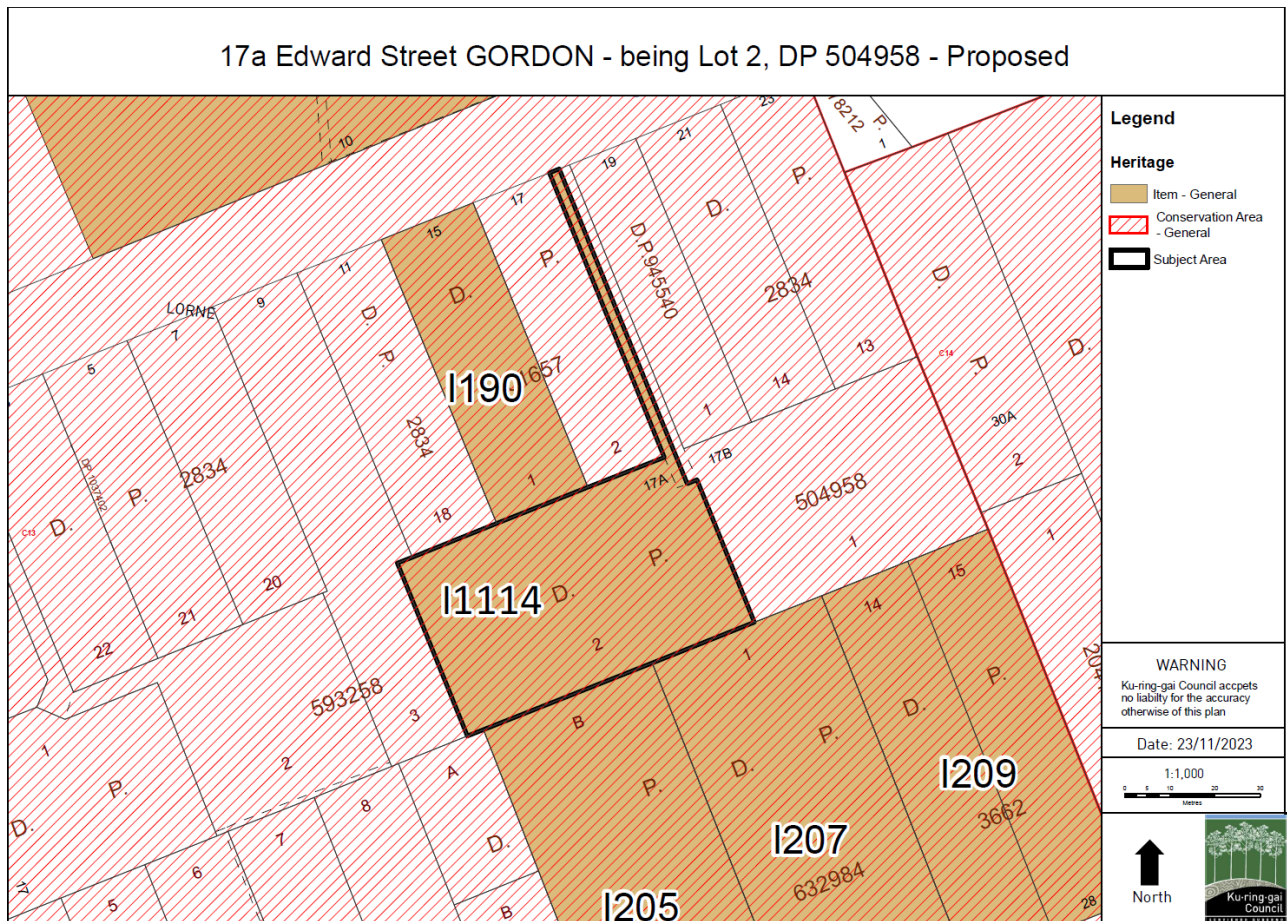


Figure 8. Proposed Heritage Map showing 17a Edward Street, Gordon as Heritage Item

PART 5 – COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the planning proposal

Community consultation for this Planning Proposal will be consistent with the requirements of the Gateway Determination, the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, the consultation guidelines contained within the NSW Department of Planning, and Environment's '*LEP Making Guideline*' (August 2023) and *Ku-ring-gai's Community Participation Plan*.

The following agencies will be consulted during the Planning Proposal:

- NSW RFS (to be consulted following the receipt of a gateway determination as indicated in Direction 4.3)
- Heritage NSW

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 'Your 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 Relevant Planning Authority 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:

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

The Planning Proposal is categorised as a 'basic' planning proposal in the *LEP Making Guideline* (August 2023). Consequently, the Proposal will be exhibited for a minimum of 10 working days.

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

Stage	Timing
Anticipated commencement date (date of Gateway determination)	8 March 2024
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	March – April 2024 Concurrently with public exhibition
Commencement and completion dates for public exhibition period	22 March – 12 April 2024
Post exhibition review and reporting	April - May 2024
Council meeting / consideration	May 2024
Legal drafting of LEP	May - June 2024
Anticipated date RPA will make the plan (if delegated)	June 2024
Notification of Plan on Legislation website	June 2024

**APPENDIX A – Heritage Assessment – 17a Edward Street, Gordon prepared by
HeriCon Consulting September 2023**

APPENDIX C – OMC Report and Resolution – 21 November 2023