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## PROPOSED HERITAGE LISTING - 17A EDWARD STREET, GORDON

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### EXECUTIVE SUMMARY

<b>PURPOSE OF REPORT:</b>	To have Council consider the proposed heritage listing of 17A Edward Street, Gordon in Schedule 5 of the <i>Ku-ring-gai Local Environmental Plan 2015</i> .
<b>BACKGROUND:</b>	On 21 March 2023 Council resolved to request an Interim Heritage Order to be made by the Minister for Heritage. On 28 April 2023 an Interim Heritage Order for 17A Edward Street, Gordon was made by the Minister for Heritage. The order is in effect for 12 months to enable Council to investigate the property's heritage significance and listing. At the 17 October 2023 Ordinary Meeting of Council this matter was deferred for a site inspection.
<b>COMMENTS:</b>	Council commissioned HeriCon Consultants to prepare a heritage assessment for the property at 17A Edward Street, Gordon. The assessment determines that the property has sufficient heritage significance to warrant retention and listing as a local heritage item.
<b>RECOMMENDATION:</b> (Refer to the full Recommendation at the end of this report)	That a Planning Proposal to heritage list 17A Edward Street, Gordon be prepared and submitted to the Department of Planning and Environment for a Gateway Determination.

## PURPOSE OF REPORT

To have Council consider the proposed heritage listing of 17A Edward Street, Gordon in Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015*.

## BACKGROUND

Denholm ('the site') is located at 17A Edward Street, Gordon (Lot 2 DP 504958). The site is a battle-axe lot located roughly 450m east of Gordon Station and contains a Dutch Colonial Revival style two storey dwelling. The site is within the Robert Grant Heritage Conservation Area (C13) and is not currently heritage listed as a Heritage Item.



Figure 1: Denholm, 17A Edward Street, Gordon ('The site')  
Source: HeriCon Consulting, Denholm, 17A Edward Street, Gordon Assessment of Heritage Significance, September 2023

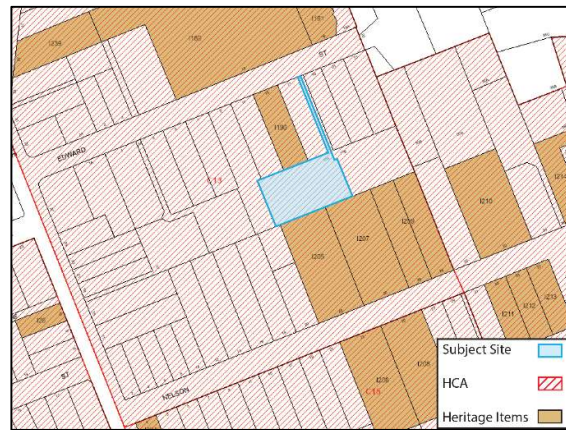


Figure 2: 17A Edward Street, Gordon located within the Robert Grant Heritage Conservation Area (C13)

A development application was lodged for the site on 24 November 2022 which sought extensive alterations and additions to the property. Council officers inspected the site on 18 January 2023. Council heritage officers conducted a preliminary heritage assessment of the property to investigate its potential heritage significance.

On 16 February 2023, a report was considered by Council's Heritage Reference Committee (HRC). The report recommended that the HRC advise Council to request the NSW Minister for Heritage to place an Interim Heritage Order (IHO) on the site. The HRC resolved to proceed with the recommendation.

On 21 March 2023, a report was considered by Council with the recommendation to request the Minister for Heritage to place an IHO on the site under section 24 of the *Heritage Act 1977*. Council resolved to proceed in the manner outlined in the report.

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

Under the conditions of the IHO, the order will lapse on 28 April 2024 unless Council passes a resolution to list the item in 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.

The initial development application was refused in June 2022. Council staff have met with the applicant to discuss a new development application. Heritage is a consideration in the assessment of any development application by virtue of the Interim Heritage Order under the Heritage Act 1977 until April 2024. The current proposal for heritage listing consideration does not alter the effect of this Interim Heritage Order. If the site is heritage listed at the conclusion of this planning process, this will extend consideration of heritage for development applications after the interim heritage order lapses.

At the 17 October 2023 Ordinary Meeting of Council this matter was deferred for a Councillor site inspection. At the time of writing, a site inspection is scheduled for Councillors for Friday, 10 November 2023.

## COMMENTS

Commissioned by Council, an independent heritage assessment of 17A Edward Street, Gordon was completed by HeriCon Consulting. The final assessment for the property was received on 21 September 2023 and is included as **Attachment A1**.

The HeriCon Consulting heritage assessment has been prepared in line with Heritage NSW and Heritage Council of NSW guidelines. The guidelines only require one of the seven Heritage Council criteria to be satisfied to fulfil the Heritage Council threshold for heritage listing.

The heritage assessment demonstrates that 17A Edward Street meets the Heritage Council threshold for local heritage listing under four criteria of local heritage significance for its associations, aesthetic, rare and representative values. As a result, the heritage assessment recommends that the property be added to Schedule 5 of the KLEP 2015 as 'Denholm, 17A Edward Street, Gordon and interiors,' with the curtilage defined as the land contained within Lot 2 Deposited Plan 504958.

## Statement of Heritage Significance

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

*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.*

## Assessment of Heritage Significance

The following assessment of heritage significance uses 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. A summary

of the HeriCon Consulting Heritage Significance Assessment is shown in Table 1, with the full Heritage Significance Assessment shown below Table 1.

Table 1 – Summary of HeriCon Consulting Heritage Significance Assessment

Heritage Significance Criteria	Assessment Outcome
Criterion A – Historical Significance	X
Criterion B – Historic Associations Significance	✓
Criterion C – Aesthetic or Technical Significance	✓
Criterion D – Social or Community Significance	X
Criterion E – Research Significance	X
Criterion F – Rarity	✓
Criterion G – Representative Significance	✓

*Note: A potential item only requires one of seven criteria to be met for it to have heritage significance.*

### 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*

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*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 a 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.*

**INTEGRATED PLANNING AND REPORTING**

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed.	P.5.1.1 Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets.	P5.1.1.1 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 heritage list an item 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* ('EP&A Act') 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 listing is for an existing house within an established low density residential zone and the proposed heritage listing will not have any significant adverse impact on the environment or adjoining land.

## **RISK MANAGEMENT**

There is a community expectation that places of heritage significance within the Ku-ring-gai Council Local Government Area 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**

The IHO made by the Minister for Heritage was published in the NSW Government Gazette on 28 April 2023. The Minister notified the owners. On 8 May 2023 Council also wrote to the property owners with additional information about the next steps to investigate the significance of the property while the order is in effect.

The affected property owners were notified of this report going before Council. The property owners will be further notified and have the opportunity to provide feedback during the formal exhibition period should Council support the listings in a Planning Proposal.

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 exhibition period 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, the matter was presented to Council's Heritage Reference Committee on 16 February 2023.

## SUMMARY

An assessment of heritage significance supports that the property at 17A Edward Street, Gordon is worthy of inclusion as a heritage item (including interiors) on Schedule 5 of the KLEP 2015. The purpose of this report is to instigate Council's commencement of a Planning Proposal in relation to this listing.

## RECOMMENDATION:

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.

Matthew Le Guay  
Student Urban Planner

Claudine Loffi  
Heritage Specialist Planner

Craige Wyse  
Team Leader Urban Planning

Antony Fabbro  
Manager Urban & Heritage Planning

Andrew Watson  
Director Strategy & Environment



**Attachments:** A1 Heritage Assessment - 17A Edward Street Gordon - HeriCon  
Consulting - final - September 2023

2023/304441

# FOR ACTION

ORDINARY MEETING OF COUNCIL – 21/11/2023

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**Subject:** Proposed Heritage Listing - 17A Edward Street, Gordon  
**Minute Number:** 201  
**Notes:**  
**File Reference:** S14078 2023/355087

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## Resolved:

(Moved: Councillors Spencer/A. Taylor)

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.

**CARRIED UNANIMOUSLY**

[Open Item in Minutes](#)

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