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Gateway determination report – PP-2025-1656

Heritage Housekeeping Planning Proposal

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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
Attachment A – Planning Proposal
Attachment B – Table of proposed amendments
Attachment C – Heritage Impact Statement – 35 Water Street, Wahroonga
Attachment D – Heritage Impact Statement – 31-33 Cleveland Street, Wahroonga
Attachment E – Heritage Assessment – 32 Ku-ring-gai, Turramurra
Attachment F – SHI heritage inventory sheet data form – 58 Holmes Street, Turramurra
Attachment G – Council report dated 19 August 2025
Attachment H – Council Minutes dated 19 August 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	Heritage Housekeeping Planning Proposal
NUMBER	PP-2025-1656
LEP TO BE AMENDED	Ku-ring-gai Local Environmental Plan (LEP) 2015
ADDRESS	Multiple sites across the LGA
RECEIVED	28/08/2025
FILE NO.	IRF25/2251
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 (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to correct anomalies found within Schedule 5 Environmental Heritage, Part 1 Heritage Items and the associated heritage maps.

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 Schedule 5 – Environmental Heritage, Part 1 Heritage Items as per the changes below:

- Amend the property description and mapped extent of heritage item I1002 – Rippon Grange to remove 28 Young Street, Wahroonga as shown in **Table 3**;
- Remove two (2) heritage items and associated mapping of item I883 at 31 Cleveland Street, Wahroonga and Item I884 at 33 Cleveland Street, Wahroonga;
- Amend item name, property description and extent of heritage mapping for item I149 at 32 Ku-ring-gai Avenue, Turramurra to apply to only the front boundary wall as shown in **Table 3**; and
- Remove heritage item I772 at 58 Holmes Street, Turramurra and associated heritage maps.

Table 3 Proposed changes to remaining items

Suburb	Item name	Address	Property description	Significance	Item no
Wahroonga	“Rippon Grange” house, grounds and associated buildings	35 Water Street	~~Lots 1 and 2, DP375262~~ Lot 100, DP1278904; Lot 2, DP1235875	Local	I1002
Turramurra	~~Dwelling House~~ Front boundary wall	32 Ku-ring-gai Avenue	Part of Lot B, DP445910	Local	I149

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 applies to five sites within the Ku-ring-gai LGA as detailed in **Table 4**.

Table 4 Site details

Site 1 – 35 Water Street, Wahroonga						
Current heritage listing	Suburb	Item name	Address	Property description	Significance	Item no
	Wahroonga	“Rippon Grange” house, grounds and associated buildings	35 Water Street	Lots 1 and 2, DP375262	Local	I1002
Site description	The site is located within the Wahroonga Heritage Conservation Area (HCA) (C1) and comprises of 35 Water Street, 35A Water Street and 28 Young Street, Wahroonga. The Department notes 35 Water Street houses the ‘Rippon Grange’ house, grounds and associated buildings while 28 Young Street contains a modern home. Currently, 35A Water Street is a vacant block.					



Figure 1 Heritage item I1002- Outlined in white
(Source: Planning proposal)

Sites 2 and 3 – 31 and 33 Cleveland Street, Wahroonga

Current heritage listing	Suburb	Item name	Address	Property description	Significance	Item no
	Wahroonga	Dwelling House	31 Cleveland Street	Lot 153/ DP1060782	Local	I883
	Wahroonga	Dwelling House	33 Cleveland Street	Lot 152/ DP1960782	Local	I884
Site description	The sites are located within the Wahroonga HCA (C1) and adjoin local heritage item I1865 “Craignairn” dwelling house at 37 Burns Road. Both 31 and 33 Cleveland Street are developed.			 Figure 2 - Heritage items I883 and I884 outlined in white (Source: Planning proposal)		

Site 4 – 32 Ku-ring-gai Avenue, Turramurra

Current heritage listing	Suburb	Item name	Address	Property description	Significance	Item no
	Turramurra	Dwelling House	32 Ku-ring-gai Avenue	Lot B/ DP445910	Local	I149
Site description	The site at 32 Ku-ring-gai Avenue is located within the Ku-ring-gai HCA (C6) and adjacent to local heritage item I150 Ypriana dwelling house at 34 Ku-ring-gai Avenue. Currently, 32 Ku-ring-gai Avenue houses a modern dwelling.			 Figure 3 Heritage item I149 outlined in white (Source: Planning proposal)		

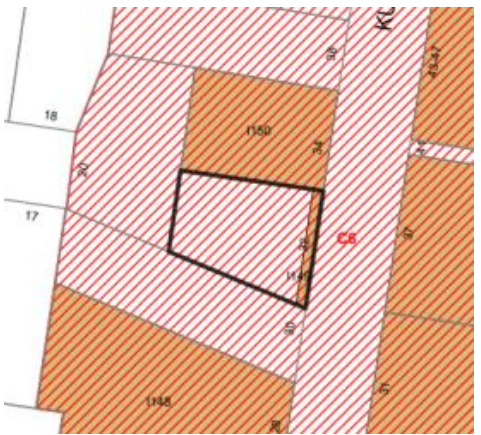
Site 5 – 58 Holmes Street, Turramurra						
Current heritage listing	Suburb	Item name	Address	Property description	Significance	Item no
	Turramurra	Dwelling House	58 Holmes Street	Lot 1/ DP229779	Local	I772
Site description	The site located at 58 Holmes Street, Turramurra and has a modern dwelling built with approval in the early 1990s.			 Figure 4 Heritage item I772 outlined in white (Source: Planning proposal)		

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the heritage maps, which are suitable for community consultation, see **Table 5**.

Table 5 Proposed mapping amendments

Site Number	Current heritage mapping	Proposed heritage mapping
1 Item I1002 (HER_006)		

Site Number	Current heritage mapping	Proposed heritage mapping
2 & 3 Items I883 and I884 (HER_006)		
4 Item I149 (HER_007)		
5 Item I772 (HER_007)		

1.6 Background

The planning proposal is the result of a review of existing heritage items listed on Schedule 5 of the KLEP 2015.

Council have clarified that is practice that with subdivided heritage sites, amendments to the original heritage listing will only take place when development on any new lot is complete.

1.6.1 History of site

Below is a detailed history of each including the need for the associated amendment, further detailed can be found in **Attachment B**.

Site 1 – 35 Water Street, Wahroonga

In 2020, DA0417/20 was lodged to subdivide 35 Water Street and excise land from the south-eastern corner of the lot to provision the erection of a dwelling house, pool and tennis court on the subdivided lot. This application was supported by a Heritage Impact Statement (**Attachment C**) that concluded the impact of the proposed development on the heritage significance of “Rippon Grange” (heritage item I1002) and the Wahroonga HCA were acceptable.

On 20 May 2021, approval was granted for DA0417/20 and “Rippon Grange” (I1002) was subdivided into 100 DP 127 8904 (35 Water Street, Wahroonga) and Lot 101 DP 1278904 (28 Young Street, Wahroonga). Construction of a dwelling house, pool and tennis court at No. 28 Young Street, was completed in 2022.

As a result, the planning proposal seeks the listing to be removed from 28 Young St.

Similarly, 35A Water Street was also subdivided from 35 Water Street in 2016 following Land and Environment Court approval, resulting in Lot 1 and Lot 2 DP 1235875 respectively.

In 2022, DA0143/22 was lodged to develop a dwelling and pool at 35A Water Street with approval being granted on 7 October 2022 with a development application approved for a dwelling and pool in 2022.

The Department understands no construction certificate has been issued for the site. As a result, the heritage listing will continue to apply.

Sites 2 and 3 – 31 and 33 Cleveland Street, Wahroonga

In 2002, DA1372/02 was lodged to subdivide the listed heritage property at 37 Burns Bay Road (‘Carrigan’ dwelling house I1865) into three lots. A Statement of Heritage Impact (**Attachment D**) supported the application and concluded that there would be low-level impact on the heritage value of the heritage property (37 Burns Road).

This application was approved and the two lots excised off the main ‘Carrigan’ property are now known as 31 and 33 Cleveland Street, Wahroonga (Lot (Lot 153/DP 1060782 and Lot 152/DP 1060782 respectively). It is noted the garage for the ‘Carrigan’ property remained at 31 Cleveland Street.

In 2004, Council approved DA1207/04 for the removal of the garage and erection of a two-storey dwelling at 31 Cleveland Street. In 2004, Council also approved DA0054/04 for the erection of a two-storey dwelling pool cabana at 33 Cleveland Street. Both developments have been completed on the sites.

In preparing Council’s Standard Instrument LEP, subdivided properties were mapped as part of the heritage item (‘Carrigan’ item I1865) and in error assigned individual listing and the descriptor ‘dwelling’ house in Schedule 5 of the KLEP 2015.

As a result of the subdivision and modern dwellings that exist on the site, the planning proposal seeks that the listings be removed.

Site 4 – 32 Ku-ring-gai Avenue, Turramurra

In 1960, the land including the dwelling Ypriana was subdivided into three lots (A, B and C/ DP445910). This included Lot A at 34 Ku-ring-gai Avenue (which houses ‘Ypriana’ home, item I150), Lot B at 32 Ku-ring-gai Avenue (which included the gardens of the house and listed as dwelling house, item I149) and Lot C at 20 Nulla Nulla Street.

In 1996, DA5142/96 was lodged for the erection of new dwelling and pool at 32 Ku-ring-gai Avenue (completed 2000). The development application was supported by a heritage assessment (**Attachment E**) which demonstrated the retention of the front boundary wall as heritage. Council’s

Heritage Specialist concluded that it was “reasonable to reduce the listing of 32 Ku-ring-gai Avenue to the front boundary wall on heritage grounds”.

As a result, the planning proposal seeks to reduce the extent of the heritage listing I149 to include just the front wall boundary of 32 Ku-ring-gai Avenue.

Site 5 – 58 Holmes Street, Turramurra

The planning proposal notes that the timber cottage that previously existed at 58 Holmes Street, was recommended for a heritage listing in a 1987 Heritage Study (**Attachment F**). On 14 November 1989, Council considered the recommended heritage listing and resolved the property not be included in the Ku-ring-gai (Heritage Conservation) Local Environmental Plan. In the early 1990s, the cottage was demolished with approval and replaced with a modern home (BA00009/90).

Despite the Council resolution, the planning proposal notes the property was retained on the list of recommended heritage items identified in the study. As a result, the property was listed in error when Council commenced preparation of its Principal LEP in 2008 as heritage item I772.

The planning proposal seeks to remove the listing.

1.6.2 The planning proposal was not referred to the Local Planning Panel (LPP)

The Department notes the planning proposal was not referred to the Ku-ring-gai Local Planning Panel.

The *Local Planning Panels Direction – Planning Proposals* identifies the types of planning proposals that are to be advised on by local planning panels on behalf of councils in the Greater Sydney Region and Wollongong and to establish the procedures in relation to those matters.

Under this Direction, a Council’s General Manager can determine that referral is unnecessary where the proposal relates to:

- (a) the correction of an obvious error in a local environmental plan,
- (b) matters that are of a consequential, transitional, machinery or other minor nature, or
- (c) matters that council’s general manager considers will not have any significant adverse impact on the environment or adjoining land.

Given the administrative nature of the planning proposal, the General Manager for Ku-ring-gai Council determined that referral of this planning proposal to the LPP was unnecessary.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is not the result of a strategic study or report. These amendments seek to address changes made to the built form environment identified through the development application process.

The planning proposal notes that these amendments are consistent with Council’s policy position and will ensure Schedule 5 and the associated heritage mapping within the KLEP 2015 are accurate so that Ku-ring-gai’s heritage items and conservation areas are protected appropriately.

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

A planning proposal is the best means of achieving the intended outcome. The proposed amendments will ensure listings within Schedule 5 and the associated mapping within the KLEP

2015 are accurate so that Ku-ring-gai heritage items and conservation areas are protected appropriately.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – *A Metropolis of Three Cities* (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney. The Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The Ku-ring-gai LGA is within the North District and the Greater Sydney 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 infrastructure and collaboration, liveability, productivity, and sustainability. In particular, the planning proposal is consistent with *Planning Priority N6 - Creating and renewing great places and local centres, and respecting the District's heritage*.

The planning proposal is consistent with the District Plan as it seeks to ensure heritage items listed on Schedule 5 and the associated mapping within the KLEP 2015 are accurate. Amendments to the listings in Schedule 5 of the LEP would facilitate conservation of the environmental heritage and provide ongoing protection of its values in the LGA.

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

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 stated in **Table 6**.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The Ku-ring-gai LSPS is a 20-year plan (2016 – 2036) which provides a road map and strategic direction on how the future visions for Ku-ring-gai can be achieved while also planning for the community's economic, social and environmental needs. The Ku-ring-gai LSPS has a Local Planning Priority under 'Liveability' that relates to 'Identifying and conserving Ku-ring-gai's environmental heritage' (K13).

	The planning proposal is consistent with the LSPS as the amendments to the local heritage items will improve the accuracy of Schedule 5 of the KLEP 2015 to ensure appropriate protection and conservations of heritage items with the LGA.
Ku-ring-gai Heritage Strategy	The Ku-ring-gai Heritage Strategy seeks to measure, plan and report on heritage management within Ku-ring-gai to ensure heritage places are protected and managed. The strategy identifies priorities to: • Review existing and identify new heritage items and HCA; and • Continue to identify and correct heritage anomalies. The planning proposal is consistent with these priorities as it has reviewed existing items and seeks to correct anomalies deemed necessary with within Schedule 5 of the KLEP 2015. This will ensure that heritage items are appropriately managed and conserved.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions, see **Table 7**.

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
3.2 Heritage conservation	Consistent	The objective of this direction is to conserve items, areas, objects and places of environmental and indigenous heritage significance. The proposal is consistent with this direction as it contains provisions that seek to correct anomalies or errors within Schedule 5 of the KLEP 2015 that have been raised through development application processes. The Department notes the proposed amendments to items I149, I883, I884 and I1002 are a result of land being subdivided and developed. The Department acknowledges the amendments align with Council's position that when heritage items are subdivided, amendment to the original heritage listing will only take place when development on the new lot is complete. The Department is satisfied the planning proposal is consistent with the Direction.

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.1 Residential zones	Consistent	This Direction seeks to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands. This Direction applies to as the proposal relates to land within existing R2 low density residential zone. The proposal is consistent with this direction as it does not seek to alter the existing residential zoning or development standards that currently apply to the sites. The proposed amendments seek to ensure accuracy within Schedule 5 of the KLEP 2015. All sites related to this proposal has been developed and house existing residential dwellings. The planning proposal will not hinder the provision of housing on site. The proposal is consistent with the Direction.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs, see **Table 8**.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP Housing (2021)	The SEPP contains provision to enable the development of diverse housing.	Yes	The proposal does not contain any provision which would contravene the application of the SEPP.

4 Site-specific assessment

4.1 Environmental

The planning proposal only relates to amendments to existing local heritage items and does not propose any changes to the LEP controls that would facilitate intensification of land use.

The proposal is not expected to have any adverse environmental impacts and is unlikely to adversely impact critical habitat areas or threatened species, populations or ecological communities, or their habitats within the Ku-ring-gai LGA.

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	The amendments proposed to local heritage listings are unlikely to generate any significant adverse social impacts. The proposal seeks to remove sites that have been subdivided and developed with modern homes from existing heritage items as well as correct clerical errors within Schedule 5 of the KLEP 2015 to ensure accuracy while still protecting and conserving items of heritage significance.
Economic	All amendments relate to sites that have been developed within the last 30 years. It is unlikely that this planning proposal will result in economic impacts to the land or owners of these sites. The proposal does not change the zoning or development standards applicable to the sites and will ensure appropriate conservation of items of heritage significance.

4.3 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The planning proposal does not involve any amendments to the planning controls that will facilitate intensified development.

5 Consultation

5.1 Community

Council proposes a community consultation period of 10 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

Given the proposal applies to local heritage matters, consultation on the proposal with authorities and public agencies is not required by the Gateway determination.

6 Timeframe

Council has not provided a timeframe to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a basic.

The Department recommends an LEP completion date of 1 May 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. 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 planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and Section 9.1 Directions, 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 consistent with the Greater Sydney Region Plan, Northern District Plan, the LSPS, the relevant SEPPs and Section 9.1 Ministerial Directions.
- The proposed amendments are the result of the subdivision and development of existing heritage items as well as clerical errors made during the preparation of Ku-ring-gai's Principal LEP in 2008.
- The proposal will ensure Schedule 5 of the KLEP 2015 is accurate to recognise and provide ongoing protection to items of local heritage significance and promote heritage conservation.

9 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

1. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as basic as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 10 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
2. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the Act
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 1 May 2026 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 1 May 2026.

Sarah Waterworth
 Manager Local Planning
 13.10.25



4 November 2025

Jazmin van Veen

Director, Local Planning (North, East and Central Coast)

Assessment officer

Jordan Clarkson

Planning Officer, Local Planning (North, East and Central Coast)

02 9407 2131