



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 5 APRIL 2016 AT 7:00 PM
LEVEL 3, COUNCIL CHAMBER**

A G E N D A

**** ** * ** ** ***

NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

NOTE:

- A. That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of the following Confidential reports and their respective attachments:
 - C.1 **North Turramurra Golf Course - Extension of Contract for Professional Golf**
In accordance with s10A(2)(d)
 - C.2 **Gordon Golf Course - Contract Fee Review**
In accordance with s10A(2)(d)
- B. That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of the confidential attachments to the following General Business items:
 - GB.1 **Tulkiyan Heritage House - Expressions of Interest**
 - Attachment A1:** Historic Houses Combined Files
In accordance with s10A(2)(d)(ii)
 - Attachment A2:** Scorecard Evaluation Worksheet – Tulkiyan
In accordance with s10A(2)(d)(ii)

GB.5 Tender RFT 03-2016 - Gordon Library Lighting Upgrade

Attachment A1: List of Tenderers for the Gordon Library Lighting Upgrade

In accordance with s10A(2)(c)

Attachment A2: RFT 03-2016 - Weighted Evaluation Scores - Gordon Library Lighting Upgrade

In accordance with s10A(2)(c)

Attachment A3: Corporate Scorecard Performance and Financial Assessment

In accordance with s10A(2)(c)

Attachment A4: RFT 03-2016 - Weighted Evaluation Scores - Gordon Library Lighting Upgrade - Full Form

In accordance with s10A(d)(i) and s10(d)(ii)

GB.6 Renewal of road lease - North Shore Synagogue - Treatts Road, Lindfield

Attachment A2: Valuation

In accordance with s10A(2)(c)

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

7

File: S02131

Meeting held 22 March 2016

Minutes numbered 39 to 48

MINUTES FROM THE MAYOR

PETITIONS

GENERAL BUSINESS

- i. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.*

GB.1	Tulkiyan Heritage House - Expressions of Interest	16
	File: S10798	
	For Council to note the results of the Expressions of Interest process for the management of Tulkiyan Heritage House, and for Council to authorise staff to undertake further negotiations with the Historic Houses Association of Australia Inc.	
	Recommendation:	
	It is recommended that Council reject the Expression of Interest from the Historic Houses of Australia Inc. and staff be authorised to negotiate directly with the Historic Houses Association of Australia Inc,. A report on the outcomes of the negotiations will then come to back to Council for further determination.	
GB.2	2016 National General Assembly of Local Government - Nomination of Delegates and Submission of Motions	22
	File: S02133	
	For Council to determine the voting delegate for the 2016 National General Assembly of Local Government and to confirm that Ku-ring-gai Council will not be submitting any motions for debate.	
	Recommendation:	
	A. That Council determines one voting delegate for the 2016 National General Assembly of Local Government and confirms that no motions will be submitted.	
	B. That other councillors interested in attending notify the General Manager by Friday 29 April 2016.	
GB.3	Amendment to Council's Code of Conduct	42
	File: S06339	
	To update Council's Code of Conduct following amendments to the Local Government Act 1993.	
	Recommendation:	
	Council adopts the amended Code of Conduct	
GB.4	Consideration of Submissions on the Planning Proposal to list 28 Cook Road Killara as a heritage item	68
	File: S10812	
	For Council to consider the submissions received during the public exhibition of the Planning Proposal to list 28 Cook Road, Killara (formerly known as 'Glen Brae'), as a local heritage item.	

Recommendation:

That Council proceeds with the Planning Proposal to heritage list the property known as 'Glen Brae' at 28 Cook Road, Killara without variation, and resolve to make the Plan under S59(2) of the *Environmental Planning & Assessment Act 1979*.

GB.5 **Tender RFT 03-2016 -
Gordon Library Lighting Upgrade** **252**

File: S10872

To consider the tenders received for the installation of the Gordon Library lighting upgrade.

Recommendation:

In accordance with Section 55 of the Local Government Act and Tender Regulations, it is recommended Council accept the Tender submitted by Tenderer 'A'.

GB.6 **Renewal of road lease - North Shore Synagogue - Treatts Road,
Lindfield** **259**

File: S07457/7

To consider a request from the North Shore Synagogue for the grant of a new lease for its continued occupancy of Council's road reserve along Treatts Road, Lindfield.

Recommendation:

That Council grants a new lease of the road reserve at Treatts Road, Lindfield to the North Shore Synagogue for a term of five (5) years on the terms set out in this report.

GB.7 **Creation of Right of Way on Council Land at St Ives - Receipt of public
submissions** **266**

File: CY00470/3

To advise Council on public submissions made in relation to Council's intention to grant a Right of Way over Council land benefitting a private property at 15 Stratford Place, St Ives.

Recommendation:

That Council receive and the note the submissions associated with the granting of the Right of Way and proceed on the basis set out in this report.

File: S09625

To report the outcomes of the site inspection for a Regional Park at the Gordon Golf Course.

Recommendation:

That the Masterplan for the Gordon Golf Course be deferred until the Gordon Golf Club lease expires in November 2023 with the golf course then converted to a Regional Park.

EXTRA REPORTS CIRCULATED TO MEETING

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE – SETTING OF TIME, DATE AND RENDEZVOUS

CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING

C.1 North Turramurra Golf Course - Extension of Contract for Professional Golf Services

File: S07446

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(d)(i), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Report by Director Community dated 21 March 2016

C.2 **Gordon Golf Course - Contract Fee Review**

File: S07447

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(d)(i), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Report by Director Community dated 23 March 2015

John McKee
GENERAL MANAGER

**** ****

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 MARCH 2016

Present: The Mayor, Councillor C Szatow (Chairperson) (Gordon Ward)
Councillors E Malicki & J Pettett (Comenarra Ward)
Councillor D Citer (Gordon Ward)
Councillors C Berlioz & D Ossip (St Ives Ward)
Councillors J Anderson & D Armstrong (Roseville Ward)
Councillors C Fornari-Orsmond & D McDonald (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (David Marshall)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Manager Records and Governance (Amber Moloney)
Minutes Secretary (Sigrid Banzer)

Others Present: Manager Urban & Heritage Planning (Antony Fabbro)

The Meeting commenced at 7:00 pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public with the exception of confidential attachments to the following General Business Report:

GB.4 Tender RFT01-2016 – Carcoola (Lapwing Reserve) Park

Attachment A1 List of Tenderers received
In accordance with s10A(2)(d)(ii)

- Attachment A2 Tender Evaluation Panel's recommendation
In accordance with s10A(2)(d)(ii)
- Attachment A3: Corporate Scorecard Performance and Financial
Assessment
In accordance with s10A(2)(d)(ii)

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Councillors Agenda Information: Refer GB.2 – Consideration of submissions to the public exhibition for the planning proposal to list additional heritage items and additional heritage conservation area

Memo from Director Strategy & Environment dated 15 March 2016 advising that a hardcopy of the submissions made in relation to the public exhibition of the abovementioned planning proposal is available for inspection in the Councillor's room.

Refer GB.2 – Consideration of submissions to the public exhibition for the planning proposal to list additional heritage items and additional heritage conservation area – Corrections

Memo from Manager Urban & Heritage Planning dated 21 March 2016 advising some minor typographical errors and corrections in the report and recommendation.

Refer GB.4 – Tender RFT01-2016 Carcoola (Lapwing Reserve) Park

Memo from Director Operations dated 17 March 2016 advising a change in Part A of the recommendation referring to the incorrect location.

Confidential Attachments

GB.4 Tender RFT01-2016 – Carcoola (Lapwing Reserve) Park

- Attachment A1 List of Tenderers received
In accordance with s10A(2)(d)(ii)
- Attachment A2 Tender Evaluation Panel's recommendation
In accordance with s10A(2)(d)(ii)
- Attachment A3: Corporate Scorecard Performance and
Financial Assessment
In accordance with s10A(2)(d)(ii)

CONFIRMATION OF MINUTES39 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 8 March 2016
Minutes numbered 30 to 38

Resolved:

(Moved: Councillors Citer/McDonald)

That Minutes numbered 30 to 38 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

For the Resolution: *The Mayor, Councillor Szatow,
Councillors , Citer, McDonald, Pettett,
Malicki, Armstrong, Berlioz, Anderson
and Ossip*

Against the Resolution: *Councillor Fornari-Orsmond*

40 **SITE INSPECTION**

File: S10654

Resolved:

(Moved: Councillors Malicki/Pettett)

That in relation to GB.2 Consideration of submissions to the public exhibition for the Planning Proposal to list additional heritage items and additional heritage conservation area – a site inspection be held for 54 Kissing Point Road Turramurra.

CARRIED UNANIMOUSLY

GENERAL BUSINESS41 **Investment Report as at 29 February 2016**

File: S05273
Vide: GB.1

To present Council's investment portfolio performance for February 2016.

Resolved:

(Moved: Councillors McDonald/Anderson)

- A. That the summary of investments and performance for February 2016 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

42

Tender RFT01-2016 - Carcoola (Lapwing Reserve) Park

File: S10536

Vide: GB.4

To consider the tenders received for the construction of the new park at Carcoola (Lapwing Reserve) Park and appoint the preferred tenderer.

Resolved:

(Moved: Councillors McDonald/Anderson)

- A. That Council accept the tender submission from Tenderer 'A' to carry out the construction of a new playground, at Carcoola Park.
- B. That Council approve the transfer of funds required from Section 94 2010 Contributions Plan (Local Parks and Sporting Facilities – North) to the project.
- C. That the Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- D. That the Seal of Council be affixed to all necessary documents.
- E. That all tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government Tendering Regulation.

CARRIED UNANIMOUSLY

43

Consideration of submissions to the public exhibition for the Planning Proposal to list additional heritage items and additional heritage conservation area

File: S10654

Vide: GB.2

For Council to consider the submissions received during the public exhibition of the planning proposal to list additional heritage items and 1 heritage conservation

area.

The following members of the public addressed Council on this matter:

R Shankland
S Mavros
T Lyndon-Ross
H Hovey
K O'Malley
G Davidson
Y Deng
W Knight

Resolved:

(Moved: Councillors Anderson/Berlitz)

A. That Council resolve to adopt the planning proposal to list additional heritage items and a heritage conservation area in Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan 2015 subject to the following amendments:

- a. the properties identified within **Attachment A5** be removed from the planning proposal and not proceed to heritage listing.
- b. the following properties be deferred from the Planning Proposal;
 - i. 73 Braeside Street, Wahroonga;
 - ii. 102 Mona Vale Road, Pymble; and
 - iii. 69 Kissing Point Road, Turramurra.

and three additional properties be deferred pending a site inspection

- i. 54 Kissing Point Road, Turramurra
- ii. 57A Lucinda Avenue, Wahroonga
- iii. 7 Kimbarra Road, Pymble

B. That Council proceeds to make the Plan using its delegated authority under Section 59(2) of the *Environmental Planning and Assessment Act 1979*, to give effect to the amended Planning Proposal.

C. That those who made a submission be notified of Council's resolution.

For the Resolution:

*The Mayor, Councillor Szatow,
Councillors , Citer, McDonald, Malicki,
Berlitz, Anderson and Fornari-Orsmond*

Against the Resolution:

Councillors Pettett, Armstrong and Ossip

The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:

(Moved: Councillors Armstrong/Ossip)

- A. That Council resolve to adopt the planning proposal to list additional heritage items and a heritage conservation area in Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan 2015 subject to the following amendments:
- a. the properties identified within **Attachment A5** be removed from the planning proposal and not proceed to heritage listing.
 - b. the following properties be deferred from the Planning Proposal;
 - i. 73 Braeside Street, Wahroonga;
 - ii. 102 Mona Vale Road, Pymble; and
 - iii. 69 Kissing Point Road, Turramurra.

and five additional properties be deferred pending a site inspection

 - i. 54 Kissing Point Road, Turramurra
 - ii. 57A Lucinda Avenue, Wahroonga
 - iii. 7 Kimbarra Road, Pymble
 - iv. 52 Telegraph Road Pymble
 - v. 45 Warrangi Street Turramurra
- B. That Council proceeds to make the Plan using its delegated authority under Section 59(2) of the *Environmental Planning and Assessment Act 1979*, to give effect to the amended Planning Proposal.
- C. That those who made a submission be notified of Council's resolution.

For the Resolution:

Councillors Armstrong and Ossip

Against the Resolution:

*The Mayor, Councillor Szatow,
Councillors Citer, McDonald, Pettett,
Malicki, Berlioz, Anderson and Fornari-
Orsmond*

*No decision was taken in respect of the above matter as
the Motion when put to the vote was LOST*

44

Ku-ring-gai Development Control Plan and Ku-ring-gai Local Centres Development Control Plan Review

File: S10608

Vide: GB.3

The following members of the public addressed Council on this matter:

P Moate
T Tyler
M Thomas

For Council to consider the draft Ku-ring-gai Development Control Plan and the draft Ku-ring-gai Local Centres Development Control Plan for public exhibition.

Resolved:

(Moved: Councillors Berlioz/Ossip)

- A. That Council endorses the draft Ku-ring-gai Local Centres Development Control Plan included in Attachment A for the purpose of public exhibition.
- B. That Council endorses the draft Ku-ring-gai Development Control Plan included in Attachment B for the purpose of public exhibition.
- C. That the draft Ku-ring-gai Development Control Plan and the draft Ku-ring-gai Local Centres Development Control Plan be placed on public exhibition in accordance with the requirements of the EP and A Act 1979 and Regulations.
- D. That a report be brought back to Council outlining recommendations resulting from the exhibition.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

45

Camping At St Ives Showground

File: S10646

Vide: QN.1

Question Without Notice from Councillor Jennifer Anderson:

Several years ago camping was closed at the St Ives Showground due to safety issues. I was wondering if the staff is able to update Councillors on the future for camping at the showground.

Answered by Director Community

The Director Community advised she will take the question on notice and give an update on the position of camping at the showground.

The Director advised she understood there was going to be a study done to look at the feasibility of camping at the showground. It was closed because of a safety concern.

46 **Aircraft Noise**

File: S02511

Vide: QN.2

Question Without Notice from The Mayor, Councillor Cheryl Szatow

A resident has drawn my attention to the fact that there seems to be a lot more aircraft noise at unfavourable times.

Answered by Director Operations

The Director Operations advised he would take the question on notice but would like more details of the specific locations so he could write to the appropriate bodies trying to get any information in regards to any changes.

47 **Housekeeping - Ante Room and Council Chamber Door Unlocked**

File: S05195

Vide: QN.3

Question Without Notice from Councillor Elaine Malicki

Is it possible to leave the door between the Chamber and Ante Room unlocked on Council nights please?

Answered by General Manager

The General Manager advised that it would be possible.

48 **Housekeeping - Cleaning on Council Meeting Nights**

File: S05195

Vide: QN.4

Question Without Notice from Councillor Elaine Malicki

Can we ask the cleaners not to clean and especially vacuum in the vicinity of the Council Chambers during a meeting, and can they also be asked not to clean the Ante Room when Councillors are present after a meeting or briefing.

Answered by Director Operations

The Director Operations will advise the appropriate staff.

INSPECTIONS COMMITTEE – SETTING OF TIME, DATE AND RENDEZVOUS

Director Watson advised that site inspections will be held for the follow properties at a date and time to be advised:

- 73 Braeside Street, Wahroonga;
- 102 Mona Vale Road, Pymble; and
- 69 Kissing Point Road, Turramurra.
- 54 Kissing Point Road, Turramurra
- 57A Lucinda Avenue, Wahroonga
- 7 Kimbarra Road, Pymble

The Meeting closed at 8.22 pm

The Minutes of the Ordinary Meeting of Council held on 22 March 2016 (Pages 1 - 15) were confirmed as a full and accurate record of proceedings on 5 April 2016.

General Manager

Mayor / Chairperson

TULKIYAN HERITAGE HOUSE - EXPRESSIONS OF INTEREST

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to note the results of the Expressions of Interest process for the management of Tulkiyan Heritage House, and for Council to authorise staff to undertake further negotiations with the Historic Houses Association of Australia Inc.

BACKGROUND:

Tulkiyan Heritage House, situated at 707 Pacific Highway, Gordon, was given to Ku-ring-gai Council under a Deed of Gift in 1985.

In 2015 Council commissioned a feasibility study to provide options for the management of Tulkiyan as a Heritage House Museum.

COMMENTS:

An Expression of Interest process was conducted in 2015 to attract suitably qualified organisations to develop a sustainable management or business model that would deliver a demonstration of Council's commitment to the spirit of the gift, and a return (economic, social, cultural and environmental) on Council's investment, whilst encouraging cultural vitality and innovation.

One submission was received and assessed by Council officers.

RECOMMENDATION:

It is recommended that Council reject the Expression of Interest from the Historic Houses of Australia Inc. and staff be authorised to negotiate directly with the Historic Houses Association of Australia Inc.,. A report on the outcomes of the negotiations will then come to back to Council for further determination.

PURPOSE OF REPORT

For Council to note the results of the Expressions of Interest process for the management of Tulkiyan Heritage House, and for Council to authorise staff to undertake further negotiations with the Historic Houses Association of Australia Inc.

BACKGROUND

Tulkiyan Heritage House, located at 707 Pacific Highway, Gordon, was designed by architect B.J. Waterhouse, and was built in 1914 for the Donaldson family. The Donaldson family lived in the house until 1993, although the property was given to Ku-ring-gai Council under a Deed of Gift in 1985.

Tulkiyan is a State Heritage listed property. It has been operating as a house museum with the assistance of community volunteers since 2000. Tulkiyan was closed to the public in 2012 due to public safety and non-compliance matters. As the owner of Tulkiyan, Council is entrusted by the community to provide stewardship and to ensure the property's efficient and effective management.

In mid-2014 Council engaged Sue Boaden, Cultural Planner, to prepare a feasibility study for Tulkiyan Heritage House. The study was titled, *In from the Margins: embedding Tulkiyan into Ku-ring-gai's Cultural Life*.

Following the receipt of this study, Council resolved on 9 December 2014 to adopt Option 1 of the recommendations, namely for the house to remain Council owned, and for the premises to be utilised as a house museum with integrated management by Council staff or specialist contract management, to deliver a quality program of interpretive displays.

In 2015 Council called for Expressions of Interest (EOI) to attract submissions from interested parties for the specialist contract management of Tulkiyan as a house museum.

COMMENTS

The original EOI submissions closure deadline was 16 October 2015. Four (4) organisations had downloaded the documentation however none of these organisations contacted Council or attended the compulsory site visit that was scheduled for Friday 2 October 2015.

Given the non-attendance of interested parties on the inspection day, Council officers initiated extending the closing date for the EOI and re-scheduled the compulsory inspection time. This resulted in the inspection date being 22 October 2015, and the closing date for the EOI extended to 6 November 2015.

Whilst four (4) different groups downloaded the EOI documentation in interest, following closure of the EOI, only one (1) respondent application was received by Council, namely the Historic Houses Association of Australia Inc. **(See Confidential Attachment A1)**

On 16 November 2015 the Evaluation Committee met to discuss and assess the EOI submission. The Evaluation Committee scored the submission. **(See Confidential Attachment A2)**
The evaluation took into account:

Item GB.1

S10798
22 November 2015

- Management Plan
- Support of Public Value Objectives
- Work Experience
- Capability and Capacity
- Specified Personnel

The Historic Houses Association of Australia Inc. (HHAA) submission was scored and the Committee resolved that the HHAA submission met all the essential criteria for the future management of Tulkiyan Heritage House. The Evaluation Committee concluded that as one (1) submission was received, there were exceptional circumstances for this particular assessment in terms of a demonstrated poor interest in the management of Tulkiyan by professional organisations.

The Committee resolved that a report be prepared for Council requesting authorisation for staff to negotiate directly with HHAA to obtain the best possible management model for Tulkiyan, both in terms of public access to the building, and cost effectiveness to Council.

INTEGRATED PLANNING AND REPORTING

Community, People and Culture

Tulkiyan Heritage House is a cultural asset included in Council's Delivery Operational Plan 2013 - 2017, primarily under the theme Community People and Culture.

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
C1 - Community Wellbeing	C1.1 An equitable and inclusive community that cares and provides for its members.	Our community facilities are accessible and function as cultural hubs to attract a range of users.
C2 - Cultural Diversity and Creativity	C2.1 A harmonious community that respects, appreciates, celebrates and learns from each other and values our evolving cultural identity.	Ku-ring-gai's rich cultural diversity and creativity is celebrated through programs and events.
C4 - Healthy Lifestyles	C4.1 A community that embraces healthier lifestyle choices and practices.	A range of cultural, recreational and leisure facilities and activities are available to encourage social interaction and stimulate everyday wellbeing.
P7 Enhancing community buildings and facilities	P7.1 Multipurpose community buildings and facilities are available to meet the community's diverse and changing needs.	Standards are developed to improve the condition and functionality of existing and new assets.
P8 Improving the standard of	P8.1 An improved standard of	Usage of existing community

Item GB.1

S10798
22 November 2015

our infrastructure	infrastructure that meets the community's service level standards and Council's Obligations as the custodian of our community assets.	buildings and facilities is optimised. Our public infrastructure and assets are planned, managed and funded to meet community expectations, defined levels of service and address inter-generational equity.
E3 Visitation opportunities	E3.1 Ku-ring-gai has a range of activities and experiences that attract visitors.	Tourism business has been strengthened and expanded. Ku-ring-gai is marketed as a provider of a range of visitor activities and experiences.

GOVERNANCE MATTERS

EOI documents were prepared and released through Tenderlink with closing date of 16 October 2015. At the close of EOIs one (1) EOI was received. All submissions were recorded in accordance with Council's tendering policy. An EOI Evaluation Committee consisting of staff from the Operations and Community Departments was formed to assess the one (1) EOI received. The evaluation took into account the evaluation methodology, criteria and weighting as predetermined by the EOI Evaluation Committee.

RISK MANAGEMENT

Tulkiyan was closed in 2012 because of public safety and non-compliance issues. Should Council determine to re-open Tulkiyan as a House Museum, all Building Code of Australia (BCA) requirements and public safety matters would be need to be rectified.

It was anticipated that management and maintenance costs would increase following the adoption of an outsourced management model for Tulkiyan, however with professional management and informed public programs Tulkiyan's profile will significantly improve, further contributing to social and cultural values within the community.

FINANCIAL CONSIDERATIONS

There are no funds currently set aside in the 2016/17 or 2017/18 budgets for management fees for Tulkiyan.

On 9 December 2014 Council resolved that staff identify and report back to Council on possible staged capital funding source of \$1.5M in the Long Term Financial Plan over 5 years. Funds would need to be identified in the 2016/17 Financial Year and future years. Further financial details will be included in the report back to Council following staff negotiations with the HHAA.

SOCIAL CONSIDERATIONS

The feasibility study identified Tulkiyan as a highly regarded heritage house with the capacity to develop as a cultural resource that compliments and could work closely with nearby house museums, whilst also providing enjoyment and engagement as a separate entity.

The EOI requested consideration of the capacity to provide community access to the facility which would result in a memorable experience for diverse groups of visitors. Also, to engage with community organisations and other house museums where appropriate, in the delivery of programs and events.

It is expected that professional management of Tulkiyan house would also make a contribution to the local economy including cultural tourism in the region.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental issues associated with the writing of this report. Any non-exempt or non-complying development occurring on the property would be subject to the lodgement of a Development Application, ensuring all environmental matters associated with Tulkiyan were considered.

COMMUNITY CONSULTATION

The EOI was undertaken in consultation with as many interested groups as possible. There was no requirement by Council to seek community consultation prior to the EOI being advertised, since the EOI itself constitutes community consultation.

INTERNAL CONSULTATION

Staff from Council's Operations, Corporate and Community Departments have been consulted during the EOI process, and in the writing of this report.

SUMMARY

The future management of Tulkiyan Heritage House as a community museum open for public access was determined by Council in December 2014 as the most desirable outcome for the property. However, professional management of Tulkiyan will have financial implications in terms of capital works, on-going cleaning and maintenance, and management costs.

The preservation and accessibility of this asset, with the best available management model, requires further discussion and negotiation with the Historic Houses Association of Australia Inc., the only association that submitted an EOI for the management of Tulkiyan.

The Evaluation Committee concluded that as only one (1) submission was received, there were exceptional circumstances for this particular assessment in terms of the limited interest in the management of Tulkiyan. It is in Council's interest to further negotiate directly with HHAA to ascertain the best possible management model for Tulkiyan, both in terms of public access to the building and cost effectiveness to Council.

RECOMMENDATION:

- A. That Council note the outcome of the Expressions of Interest process for the management of Tulkiyan Heritage House, and that Council reject the submission from the Historic Houses Association of Australia Inc. and not proceed to tender.
- B. That staff negotiate directly with Historic Houses Association of Australia Inc to determine the best possible management model for Tulkiyan Heritage House in terms of preservation of the building, improved public access and cost effectiveness to Council.
- C. That a report come to Council providing details of re-negotiated management fees with the Historic Houses Association of Australia Inc., capital works repairs required, the cost of any proposed alterations to the building, and ongoing costs for maintenance of the property and the garden.

Mark Taylor
Manager Community & Recreation Services

Michael New
Property Officer Recreational Facilities

Janice Bevan
Director Community

Attachments:	A1	Historic Houses Combined Files	<i>Confidential</i>
	A2	Scorecard Evaluation Worksheet - Tulkiyan	<i>Confidential</i>

2016 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - NOMINATION OF DELEGATES AND SUBMISSION OF MOTIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to determine the voting delegate for the 2016 National General Assembly of Local Government and to confirm that Ku-ring-gai Council will not be submitting any motions for debate.

BACKGROUND:

The National General Assembly of Local Government (NGA) is held annually and provides an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues.

At its meeting on 8 March 2016, Council received a report regarding an invitation to submit motions for the 2016 NGA to the ALGA. Councillors resolved to submit any proposed motions to the Manager Records and Governance by Wednesday 23 March 2016 so that they could be approved by Council at its meeting on the 5 April 2016.

COMMENTS:

The theme for the 2016 NGA is *Partners in an Innovative and Prosperous Australia*. The program will be focused on debating and discussing the role that local government plays in boosting productivity and showcasing innovation and best-practice. Full program details can be found in **(Attachment A1)**.

No proposed motions for submission were received by the Manager Records and Governance in relation to the report received by Council at its meeting on 8 March 2016.

RECOMMENDATION:

A. That Council determines one voting delegate for the 2016 National General Assembly of Local Government and confirms that no motions will be submitted.

B. That other councillors interested in attending notify the General Manager by Friday 29 April 2016.

PURPOSE OF REPORT

For Council to determine the voting delegate for the 2016 National General Assembly of Local Government and to confirm that Ku-ring-gai Council will not be submitting any motions for debate.

BACKGROUND

The National General Assembly of Local Government (NGA) is held annually and provides an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues.

The NGA typically attracts more than 700 mayors, councillors and senior officers from councils across Australia. The 2016 NGA will be held at the National Convention Centre in Canberra between 19 and 22 June 2016.

At its meeting on 8 March 2016, Council received a report regarding an invitation to submit motions for the 2016 NGA to the ALGA. Councillors resolved to submit any proposed motions to the Manager Records and Governance by Wednesday 23 March 2016 so that they could be approved by Council at its meeting on the 5 April 2016.

COMMENTS

The theme for the 2016 NGA is *Partners in an Innovative and Prosperous Australia*. The program will be focused on debating and discussing the role that local government plays in boosting productivity and showcasing innovation and best-practice. Full program details can be found in **(Attachment A1)**.

While there are no restrictions on the number of Councillors who may attend the NGA, each Council is entitled to only one voting delegate in the debating session. The voting delegate will need to be chosen by Council.

No proposed motions for submission were received by the Manager Records and Governance in relation to the report received by Council at its meeting on 8 March 2016.

INTEGRATED PLANNING AND REPORTING

Leadership and Governance

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Council leads the community by advocating, influencing and participating in policy development to the benefit of the local area	Council actively engages with stakeholders to inform the development of Council's strategies and plans as appropriate	Pursue opportunities to contribute to policy development affecting Ku-ring-gai at state and regional levels

GOVERNANCE MATTERS

The *Payment of Expenses and Provision of Facilities to Councillors Policy* provides for Council to meet the reasonable costs of Councillors attending conferences authorised by resolution of Council.

RISK MANAGEMENT

There are no risk management considerations associated with the recommendations in this report.

FINANCIAL CONSIDERATIONS

Early bird registration (until 6 May 2016) for the 2016 NGA is \$929. Travel, accommodation and social event costs will be additional.

Attendance is provided for in the Councillor's conference budget in accordance with the *Payment of Expenses and Provision of Facilities Policy*.

Council has an annual budget of \$30,700 for Councillors' attendance at conferences with \$16,788 remaining in the 2015/2016 financial year.

SOCIAL CONSIDERATIONS

The National General Assembly of Local Government aims to provide an opportunity for councils to identify and discuss national issues of priority for the sector and to agree on possible steps which could be taken to address these issues.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations associated with the recommendations in this report.

COMMUNITY CONSULTATION

None undertaken or required.

INTERNAL CONSULTATION

None undertaken or required.

SUMMARY

The 2016 National General Assembly of Local Government (NGA) will be held at the National Convention Centre in Canberra between 19 and 22 June 2016. The theme for the 2016 NGA is *Partners in an Innovative and Prosperous Australia*.

Council is asked to nominate any delegates to attend the NGA, determine its voting delegate (if any), and confirm its submission of motions for debate.

RECOMMENDATION:

- A. That Council determines one voting delegate for the 2016 National General Assembly of Local Government and confirms that no motions will be submitted.
- B. That other councillors interested in attending notify the General Manager by Friday 29 April 2016.

Amber Moloney
Manager Records and Governance

David Marshall
Director Corporate

Attachments: A1 Program - 2016 National General Assembly of Local Government 2016/078197

PARTNERS IN
AN INNOVATIVE
AND PROSPEROUS
AUSTRALIA

NGA16 PROGRAM & REGISTRATION
NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016

REGISTER ONLINE
WWW.ALGA.ASN.AU

AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION

PRESIDENT'S WELCOME

Key drivers of success for the councils of the future will include the ability to innovate and adapt to change. Today's councillors must be open to new ideas, innovative ways of engaging citizens and making interactions with councils simpler, faster and easier.

Under the theme **Partners in an Innovative and Prosperous Australia**, delegates at this year's National General Assembly of Local Government (NGA) will look at the many ways local government is being innovative both here and overseas. As a responsive, pragmatic and dynamic level of government, councils innovate with technology, with their resources and in practical ways within their organisations and communities. Through the NGA, delegates will be able to learn from the ideas and experiences of other councils and gain valuable ideas for their own councils.

Our theme also underlines the contribution local government makes to national economic prosperity and productivity, a contribution which often goes unacknowledged. We have a significant role to play in fostering

and enhancing the prosperity of our communities. Nationally, local government:

- employs 189,000 Australians (around 10 per cent of the total public sector);
- owns and manages non-financial assets with a replacement value of \$437 million;
- raises around 3.4 per cent of Australia's total taxation revenue per annum; and
- has annual operational expenditure of around \$33 billion, or just under 6 per cent of total public sector spending.

Local government plays a significant role in the national economy and councils play critical roles in their local economies. I encourage you to attend the NGA, and to work with myself and the ALGA Board, as we explore opportunities to strengthen the contribution that local government makes.

With a Federal election due this year, the NGA offers an opportunity to elevate local government issues to the Federal level. In the lead up to this election, ALGA, in conjunction with State and Territory Associations, will undertake a significant

advocacy program to ensure that the promises made by the major political parties address the needs of our councils and our communities. The influence of local government is reflected in the ongoing high level political engagement the NGA receives, and this year will be no different. I have invited the Prime Minister, Leader of the Opposition, Leader of the Australian Greens, Minister for Local Government and Shadow Minister for Local Government to address the NGA and to give you the opportunity to hear directly from them in the lead up to the election.

The NGA program this year features a number of preeminent speakers who will share their views and encourage our thinking on the two key areas of our theme: innovation and prosperity. We have panel sessions that allow for interaction with these presenters and other thought leaders, as well as breakout sessions to give you the maximum opportunity to gain insights which you can take back to your council.

I invite you to join me and your colleagues at this year's NGA held from 19-22 June in Canberra.




Mayor Troy Pickard
PRESIDENT

CONTENTS

President's welcome	2	Regional Cooperation & Development Forum 2016...	8	Social functions.....	11
Provisional program.....	3	Key dates.....	9	Partner tours	12
Panel sessions.....	4	Motions for debate.....	9	Accommodation	12
Concurrent sessions.....	4	Voting procedures	9	Coach transfers.....	14
Associated events	5	Registration details	10	Car parking.....	14
Speaker profiles	6			Registration form	15

NGA16

NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016

PROVISIONAL PROGRAM PARTNERS IN AN INNOVATIVE AND PROSPEROUS AUSTRALIA

SUNDAY 19 JUNE

5.00-
7.00pm Welcome Reception

MONDAY 20 JUNE

9.00 am Opening Ceremony
9.20 am Prime Minister, *the Hon Malcolm Turnbull MP* (invited)
10.00 am KEYNOTE SPEAKER
George Megalogenis
10.30 am MORNING TEA
11.00 am PANEL SESSION The future
of Local Government
12.30 pm LUNCH
1.30 pm PANEL SESSION Surfing the
wave of disruption
2.30 pm Leader of the Australian
Greens, *Senator Dr Richard
Di Natale*
3.00 pm AFTERNOON TEA
3.30 pm Debate on Motions
5.00 pm CLOSE

TUESDAY 21 JUNE

9.00 am Minister for Major Projects,
Territories and Local
Government, *the Hon Paul
Fletcher MP* (invited)
9.30 am KEYNOTE SPEAKER
Pip Marlow, Managing
Director, Microsoft
10.00 am Speaker Q&A
10.30 am MORNING TEA
11.00 am PANEL SESSION Digital
transformation at the Local
Government level
12.30 pm LUNCH
1.30 pm CONCURRENT SESSIONS
• New approaches to
improve your business
• The infrastructure
challenge
• Innovative approaches
to the environment
• Northern Australia
3.00 pm AFTERNOON TEA
3.30 pm Leader of the Opposition,
the Hon Bill Shorten MP
(invited)
4.00 pm Debate on Motions
5.00 pm CLOSE

WEDNESDAY 22 JUNE

9.00 am Shadow Minister for
Regional Development
and Local Government,
the Hon Julie Collins MP
(invited)
9.30 am Debate on Motions
10.30 am MORNING TEA
11.00 am PANEL SESSION Local
Government's role in
facilitating prosperity
12.30 pm KEYNOTE SPEAKER
Robert de Castella AO MBE
1.00 pm LUNCH/CLOSE

SPONSORS



Australian Government
Department of Infrastructure
and Regional Development



PANEL SESSIONS

MONDAY 11.00-12.30PM

The future of Local Government

As the role of local government continues to change, anticipating the challenges of the next 20 years and determining how councils are best placed to respond is critical. As the level of government closest to Australians, local government must continue to provide high quality services and respond to the myriad of challenges faced by local communities. External factors such as rate capping, amalgamation processes, reductions in grant funding and changing expectations of local government's role are placing increasing pressure on councils' ability to perform. However, it is often under these conditions that innovation thrives as councils look to deliver more with less. How are councils responding to these challenges?

MONDAY 1.30-2.30PM

Surfing the wave of Disruption

Traditional service delivery and business models are changing – recently we've seen the rapid growth of AirBnB and Uber which are challenging how the hotel and the taxi industries operate. The capacity for organisations to accommodate change is increasingly becoming an important determinant of their success. As the pace of change increases and the length of time strategic planning activities can cover reduces, councils are being forced re-examine their planning processes, regulatory frameworks and their basic assumptions as well as their ability to respond to changes within the community.

TUESDAY 11.00-12.30PM

Digital transformation at the Local Government level

Local government has a long history of being an early-adopter of new technologies and of using its own resources to drive innovation based on local knowledge and expertise. Technology can improve collaboration between the public, private and the not-for-profit sectors to drive innovation, solve complex problems, and enhance community engagement. How can technology be used to transform council businesses and enable innovation in your community?

WEDNESDAY 11.00-12.30PM

Local Government's role in facilitating prosperity

Strong leadership and the ability to access social and economic capital are crucial preconditions for prosperity. Local government strives, wherever possible, to assist communities to enhance their capacity to respond to challenges and identify opportunities to build resilience and increase overall prosperity. Being able to grow social capital, support entrepreneurs and attract investment are fundamental to the growth in local and regional productivity. What strategies can councils employ to foster prosperity in their community and region?

TUESDAY 1.30-3.00PM

CONCURRENT SESSIONS

New approaches to improve your business

Smart councils are required to use information and communication technologies to enhance quality services and infrastructure. The application of new information, data and knowledge generated through the application of new technologies will improve performance, interactivity with community and reduce costs. As our cities become smarter, councils need more careful consideration of three main areas: technologies; infrastructure and planning; and regulation and markets. In this session delegates will have the opportunity to explore the content covered in the Digital Transformation at the Local Government Level panel session and interact further with our highly experienced international colleagues from Boston.

The infrastructure challenge

Local government community infrastructure underpins and binds many communities. For many Australians, council managed facilities are where their club meets, their kids play and their families learn to swim. In addition to this it is well recognised that every journey starts and ends on a local road. In February Infrastructure Australia published the Australian Infrastructure Plan which sets out a blueprint for infrastructure development and priorities for the next 15 years. This session will provide the opportunity for delegates to explore the role of community infrastructure in supporting productivity, community development and in enhancing social cohesion. It will also examine the challenge we face in maintaining infrastructure at the local and national level.

NGA16

NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016

Innovative approaches to the environment

Managing climate change and the environment are some of the most significant issues many councils are facing. Developing appropriate strategies to reduce emissions at a local government level will be critical if Australia is to meet the global commitments reached in Paris in 2015. Reduction of emissions from council and community activities, improved design of cities and towns, buildings and facilities, transport systems, and the management of water resources and municipal waste are important considerations in reducing carbon emissions. In this session delegates will have access to key leaders in the field to explore innovative approaches to addressing climate change and improving environmental management.

Northern Australia

Advancing sustainable economic outcomes for communities in Northern Australia through existing programs and services, knowledge sharing and new business development opportunities is important not only for Northern Australia but for all of Australia. The session will address some of the many issues regarding economic development and opportunity in Northern Australia. It will also draw on the recent report of the Council of Australian Government's investigation into issues of importance to Indigenous communities, especially land administration. The report, among other things, addresses how the Indigenous land administration systems could effectively support Indigenous land owners and native title holders to leverage their land assets for economic development. This session will provide delegates with the opportunity to discuss and explore key issues facing Northern Australian and Indigenous communities.

ASSOCIATED EVENTS



Australian Local Government Women's Association Breakfast

MONDAY 20 JUNE 2016

7:30am-8:30am

The ALGWA National President is pleased to invite members, friends and colleagues to the 5th Annual Networking Breakfast as part of the National General Assembly.

The Breakfast will be held in the Murray Room on Monday 20 June from 7:30-8:30 am.

Seating is strictly limited, so book early. More details on www.algwa.net.au



Regional Capitals Australia Networking Breakfast

WEDNESDAY 22 JUNE 2016

7:00 am-8:45 am

Regional Capitals Australia (RCA) is an alliance of local government associations and councils from around Australia. The alliance is working to create a strong network of regional capitals that are at the forefront of federal policy and the national identity.

RCA will be holding a networking breakfast on Wednesday 22 June at the National Convention Centre during the ALGA conference. RCA's annual networking breakfast is a chance for attendees to hear directly from government and engage with their regional capitals colleagues from across Australia.

To register for the event and for enquiries about RCA, please contact:

Email secretariat@regionalcapitalsaustralia.org

Phone (03) 9614 7302

Visit our website at www.regionalcapitalsaustralia.org

SPEAKER PROFILES



George Megalogenis

George Megalogenis is an author and journalist with three decades' experience in the media. His books include *The Australian Moment*, which won the 2013 Prime Minister's Literary Award for Non-fiction and the 2012 Walkley Award for Non-fiction, and formed the basis for the ABC documentary series *Making Australia Great*.

Annabel Crabb said "George Megalogenis is Australia's best explainer", David Marr posits "this man is perhaps the sanest journalist in Australia. He believes in facts and figures. He has a unique grasp of politics in all its messy detail. The result is this splendid account of the great reforms of the last 40 years that have made Australia".

George is also the author of *Faultlines*, *The Longest Decade* and *Quarterly Essay 40: Trivial Pursuit - Leadership and the End of the Reform Era*. His most recent book *Australia's Second Chance* was launched by Prime Minister Malcolm Turnbull.

This year George will publish *Quarterly Essay 61: Balancing Act: Australia Between Recession and Renewal*.

Pip Marlow

Managing Director, Microsoft Australia

As Managing Director, Pip Marlow is responsible for Microsoft's overall business in Australia. She ensures the company meets the needs of its customers and more than 11,000 partners and independent software vendors that sell or build on the Microsoft platform.

Pip began her 18-year career with Microsoft in 1995, working in the Australian Partner team on anti-piracy efforts, and the system builder channel and distribution strategy. She then moved

to Microsoft's head office in Seattle, US, where she held a succession of senior roles, including General Manager for US channel sales.

After eight years in the US, Pip returned to Microsoft Australia. She worked in various positions across the business, including as Director of Small and Medium Business Solutions, and Partners. Before being appointed Managing Director in January 2011, Pip held the joint role of Enterprise and Partner Group Director and Public Sector Director.

Robert de Castella AO MBE

Robert de Castella is recognised as one of Australia's greatest athletes after dominating the world in the gruelling event of the marathon. He was the first person to win the Commonwealth Games marathon twice and set the course record at the Boston Marathon.

Robert started running aged eleven at Xavier College in Melbourne, where one of his teachers was 1962 Commonwealth Games athlete Pat Clohessy. Pat continued as his coach throughout his career. Robert won the Canberra Pan Pacific Conference Games in 1977 over 10,000m and the 1978 Australian Cross-Country title. He finished 10th at the Moscow Olympics in 1980, then won Gold at the 1982 Commonwealth Games in a tight battle with Juma Ikangaa from Tanzania. He soon won the Rotterdam marathon and the IAAF World Championships in Holland but finished in fifth place in the 1984 Olympics. In the 1988 Olympics he finished fourth, then at the 1992 Olympics finished in 26th place.

Robert became Director of the Australian Institute of Sport from 1990 to 1995, and has since continued his advocacy and support for athletics and marathon running in particular. He was awarded the Australian Sports Medal in 2000.

The Hon Malcolm Turnbull MP Prime Minister

Malcolm Turnbull was sworn in as the 29th Prime Minister of Australia on 15 September 2015.

Malcolm was a Cabinet Minister in the Howard and Abbott Governments. He served as Minister for the Environment and Water Resources in the Howard Government and Minister for Communications in the Abbott Government.

Malcolm also served as Leader of the Opposition from 2008 to 2009.

Malcolm was educated at Vaucluse Public School and Sydney Grammar School. Malcolm's high school education at Sydney Grammar was assisted by a scholarship. In later life Malcolm arranged for an additional means-tested scholarship to be established at Sydney Grammar in memory of his late father. Malcolm graduated from Sydney University with a BA LLB. He won a Rhodes Scholarship and completed a further law degree at Oxford.

After a successful career in journalism Malcolm began practicing law in 1980. He quickly established a reputation as an effective advocate, most notably when he successfully defended former MI5 agent Peter Wright against the British Government in the "Spycatcher" trial.

Malcolm left law for business in 1987 where he has since been responsible for the establishment and success of many Australian businesses. In particular he has been a determined supporter of Australian technology. He co-founded OzEmail in 1994. His software companies have won many awards for exporting Australian technology.

NGA16

NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016



The Hon Bill Shorten MP

Leader of the Opposition

Bill Shorten is the Federal Member for Maribyrnong and was elected leader of the Australian Labor Party and Leader of the Opposition on 13 October 2013.

Mr Shorten completed a Bachelors degree in Arts and Law from Monash University, as well as an MBA from the Melbourne Business School.

Bill has since worked as a union organiser, union secretary, as a member of the ACTU executive, as a Member of Parliament and as a Minister in a Labor Government.

As a senior member of the Rudd/Gillard Labor Governments, Bill played a key role in securing a number of historic reforms including establishing the National Disability Insurance Scheme and increasing universal superannuation to 12 per cent.

As Minister for Workplace Relations, Bill continued the Labor Government's ongoing commitment to a fair and productive workplace relations system and during his time as Minister for Education helped secure the Better Schools reforms.

Prior to entering Parliament, Bill worked at the Australian Workers Union, holding key leadership positions including State Secretary of the AWU Victoria Branch from 1998 to 2006 and the National Secretary from 2001 to 2007.

Senator Dr Richard Di Natale

Leader of the Australian Greens

Dr Richard Di Natale is the leader of the Australian Greens. He was elected to the Federal Parliament in 2010 and is the Greens' first Victorian senator. His portfolios include health, multiculturalism, youth, gambling and sport.

Prior to entering parliament, Richard was a general practitioner and public health specialist. He worked in Aboriginal health in the Northern Territory, on HIV prevention in India and in the drug and alcohol sector. His key health priorities include preventative health, public dental care and responding to the health impacts of climate change.

Richard's achievements in parliament so far include securing almost \$5 billion towards Medicare-funded dentistry, winning a campaign to divest \$250 million worth of tobacco stocks from the Future Fund, and spearheading senate inquiries into many issues of public significance such as dying with dignity, superbugs, hospital funding, budget cuts, medicinal cannabis, air pollution, pharmaceutical transparency, sports science and gambling reform.

The Hon Paul Fletcher MP

Minister for Major Projects, Territories and Local Government

Paul Fletcher is the Minister for Territories, Local Government and Major Projects.

He entered parliament in December 2009 as the Member for Bradfield, was appointed Parliamentary Secretary to the Minister for Communications in September 2013, and was appointed to his present role in September 2015.

Before entering parliament, Paul was Director, Corporate and Regulatory Affairs at Optus for eight years; established a consulting firm serving the communications sector; and in 2009 his book about broadband, *Wired Brown Land* was published by UNSW Press.

Earlier in his career Paul was Chief of Staff to the Minister for Communications in the Howard Government, Senator Richard Alston.

He has dual first class honours degrees in law and economics from The University of Sydney and an MBA from Columbia University in New York where he was a Fulbright Scholar.

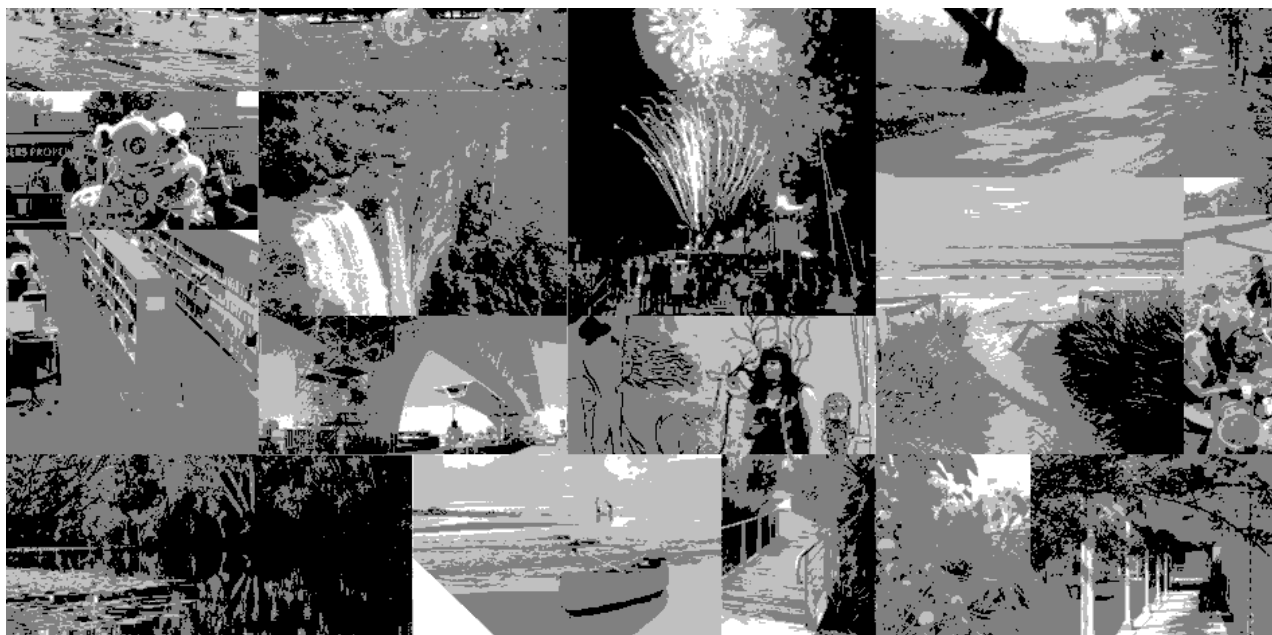
The Hon Julie Collins MP

Shadow Minister for Regional Development and Local Government

Julie Collins was born in Hobart. She was State Secretary of the Tasmanian Labor Party between 2006 and 2007.

Ms Collins was first elected the Member for Franklin in 2007. She successfully held her seat in the 2010 federal election and was sworn in as Parliamentary Secretary for Community Services on 14 September 2010 in the first Gillard Ministry. In 2011, Ms Collins became Minister for Community Services, Minister for Indigenous Employment and Economic Development, and Minister for the Status of Women in the second Gillard Ministry. In 2013, she gained additional responsibilities as the Minister for Housing and Homelessness and promoted to the Cabinet in the second Rudd Ministry.

Ms Collins now serves as Shadow Minister for Regional Development and Local Government and Shadow Minister for Employment Services.



REGIONAL COOPERATION & DEVELOPMENT FORUM 2016

Supporting a prosperous visitor economy

The 2016 Regional Forum is a vital opportunity for mayors, councillors and other decision-makers from regional councils to share their ideas, knowledge and experience and to work to further develop the capacity of regional Australia to adapt to the pressures of a rapidly changing global economy.

This year's State of the Regions Report investigates two critical yet interrelated issues relevant to all local governments around the country. One is the importance of ongoing financial commitment to local government through the Commonwealth Financial Assistance Grants and how the diverse investments by local government support the growing and increasingly important visitor economy.

The Forum will see the launch of the 2016-17 State of the Regions Report. The State of the Regions Report is commissioned by ALGA, prepared by National Economics and published with the support of Jardine Lloyd Thompson.

3

RCDF16

RCDF Program • SUNDAY 19 JUNE 2016

- 9:30 AM Welcome and Introduction: ALGA President, *Mayor Troy Pickard*
- 9:45 AM Keynote Address
- 10:15 AM Launch of the State of the Regions Report
- 10:45 AM **MORNING TEA**
- 11:15 AM Department of Infrastructure and Regional Australia - Policy and Programme Update
- 11:45 AM *The Hon Julie Collins MP* Shadow Minister for Regional Development and Local Government (invited)
- 12:15 PM Capacity Building Insights Project - Regional Australia Institute
- 12:45 PM **LUNCH**
- 1:30 PM Importance of Local Government - Australian Regional Tourism Network
- 2:00 PM Workshop Discussion: Leveraging the Visitor Economy - Challenges and Opportunities
- 2:45 PM **AFTERNOON TEA**
- 3:15 PM Panel Session: Tourism in my region
- 4:00 PM *The Hon Barnaby Joyce MP* Deputy Prime Minister and Minister for Agriculture and Water Resources (invited)
- 4:30 PM **CLOSE**

NGA16

NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016

KEY DATES

- **Submission of Motions for Debate 22 April 2016**
- **Early bird registration on or before 6 May 2016**
- **Standard registration on or before 3 June 2016**
- **Late registration after 3 June 2016**



MOTIONS FOR DEBATE

The NGA is your opportunity to contribute to the development of national local government policy.

The ALGA Board is calling for motions for the 2016 NGA under the theme Partners in an Innovative and Prosperous Australia. To assist Councils in preparing motions a Discussion Paper has been prepared and is available via www.alga.asn.au.

To be eligible for inclusion in the NGA Business Papers motions must follow the principles:

1. be relevant to the work of local government nationally;
2. be consistent with the themes of the Assembly;
3. complement or build on the policy objectives of your state and territory local government association;
4. propose a clear action and outcome; and
5. not be advanced on behalf of external third parties which may seek to use the NGA to apply pressure to Board members, to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Motions should be submitted electronically through the online form via www.alga.asn.au and should be received by ALGA no later than 11:59pm AEST, Friday 22 April 2016.

Motions submitted will be reviewed by a committee of the ALGA Board as well as by State and Territory Local Government Associations, to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Committee considers the importance and relevance of the issue to local government.

Please note that motions should not be prescriptive in directing how the matter should be pursued. Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state/territory local government association, and will not be included in the Business Papers.

Motions that are agreed to at the National General Assembly become Resolutions. These Resolutions are then considered by the ALGA Board when setting national local government policy and when the Board is making representations to the Federal Government at Ministerial Councils, during meetings and in ALGA publications. The ALGA Board is not bound by any resolutions passed at the NGA.

VOTING PROCEDURES

Each council is entitled to one voting delegate in the debating session. Councils will need to determine who their voting delegate will be. Voting cards can be collected at the Assembly. Councils do not need to advise ALGA of the name of the voting delegate prior to collecting voting cards.

REGISTRATION DETAILS

General Assembly registration fees

EARLY BIRD REGISTRATION

🔗 **\$929**

Payment received by Friday 6 May 2016

STANDARD REGISTRATION

🔗 **\$1,029**

Payment received on or before Friday 3 June 2016

LATE REGISTRATION

🔗 **\$1,250**

Payment received on or after Friday 3 June 2016

General Assembly registration includes:

- Attendance at all General Assembly sessions
- Morning tea, lunch and afternoon tea as per the General Assembly program
- One ticket to the Welcome Drinks, Sunday
- General Assembly satchel and materials.

Day registration fees

MONDAY 20 JUNE 2016

🔗 **\$489**

TUESDAY 21 JUNE 2016

🔗 **\$489**

WEDNESDAY 22 JUNE 2016

🔗 **\$280**

Day registration includes:

- Attendance at all General Assembly sessions on the day of registration
- Morning tea, lunch and afternoon tea as per the General Assembly program on that day
- General Assembly satchel and materials.

Regional Development Forum

SUNDAY 19 JUNE 2016

FORUM ONLY

🔗 **\$425**

NGA DELEGATE

🔗 **\$225**

Accompanying partners registration fees

ACCOMPANYING PARTNERS
REGISTRATION FEE

🔗 **\$260**

Accompanying partners registration includes:

- 1 ticket to the Welcome Reception, Sunday 19 June
- Day tour Monday 20 June
- Day tour Tuesday 21 June
- Lunch with General Assembly delegates on Wednesday 22 June.

Payment procedures

Payment can be made by:

- Credit card – MasterCard, Visa
- Cheque made payable to ALGA
- Electronic funds transfer:
Bank: Commonwealth
Branch: Curtin BSB No: 062905
Account No: 10097760.

NOTE: If paying via EFT you must quote your transaction reference number on the registration form.

Cancellation policy

All alterations or cancellations to your registration must be made in writing and will be acknowledged by post, facsimile or email.

Notification should be sent to:

Conference Co-ordinators
PO Box 4994, Chisholm ACT 2905
Fax (02) 6292 9002
Email conference@confco.com.au

An administration charge of \$110 will be made to any participant cancelling before Friday 6 May 2016.

Cancellations received after Friday 6 May 2016 will be required to pay full registration fees. However, if you are unable to attend, substitutes are welcome at no additional cost.

By submitting your registration you agree to the terms of the cancellation policy.

Privacy disclosure

ALGA collects your personal contact information in its role as a peak body for local government. ALGA may disclose your personal contact information to the sponsors of the event for the purposes of commercial business opportunities. If you consent to ALGA using and disclosing your personal contact information in this way, please tick the appropriate box on the registration form. Importantly, your name may also be included in the General Assembly List of Participants. You must tick the appropriate box on the registration form if you wish your name to appear in this list.

NGA16

NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016

SOCIAL FUNCTIONS

Photographs

During the National General Assembly there will be a contracted photographer, the photographer will take images during the sessions and social functions. If you have your picture taken it is assumed that you are giving consent for ALGA to use the image.

Images may be used for print and electronic publications.

Welcome reception and exhibition opening

SUNDAY 19 JUNE 2016

National Convention Centre

5:00–7:00 pm

\$50 per person for day delegates and guests.

No charge for full registered delegates.

No charge for registered accompanying partners.

DRESS CODE Smart casual.

Buffet dinner

MONDAY 20 JUNE 2016

The Ballroom, National Convention Centre

7:00–11:00 pm

\$100 per person.

DRESS CODE Smart casual.

Coaches will depart Assembly hotels (except Crowne Plaza) at approximately 6:45 pm with return shuttles commencing from 10:15 pm.

General Assembly dinner

TUESDAY 21 JUNE 2016

The Great Hall, Parliament House

7:00–11:00 pm

\$130 per person.

DRESS CODE Lounge suit/collar and tie for men and cocktail style for women.

Tickets to the prestigious General Assembly Annual Dinner at Parliament House are always highly sought after. Due to the size of the Great Hall, places are limited and therefore booking early is highly recommended to ensure your place. Coaches will depart all Assembly hotels at approximately 6:45pm with return shuttles commencing from 10:15 pm.

Note: Bookings are accepted in order of receipt.

Canberra weather in June

Winter days in Canberra are characterised by clear sunny skies but the days are cool at around 12–15°C and temperatures do drop to 1°C on average in the evenings, so be sure to bring a warm jacket. Mornings can be foggy so keep this in mind when booking flights.

It is best to avoid early arrivals or departures in case of delays due to fog.

Venue and dress code

EXHIBITION OPENING AND WELCOME RECEPTION

VENUE National Convention Centre, Constitution Ave, Canberra City.

DRESS CODE Smart casual.

GENERAL ASSEMBLY BUSINESS SESSIONS

VENUE National Convention Centre, Constitution Ave, Canberra City.

All plenary sessions will be held in the Royal Theatre at the National Convention Centre.

DRESS CODE Smart casual.

EXHIBITION

VENUE National Convention Centre, Constitution Ave, Canberra City.

The exhibition is being held in the Exhibition Hall of the National Convention Centre.

DRESS CODE Smart casual.

BUFFET DINNER

VENUE The dinner is being held in the Ballroom at the National Convention Centre.

DRESS CODE Smart casual.

GENERAL ASSEMBLY DINNER

VENUE Parliament House.

The General Assembly Dinner is being held in the Great Hall.

DRESS CODE Lounge suit/collar and tie for men and cocktail style for women.



PARTNER TOURS

MONDAY 20 JUNE

Canberra Celebrates 2016

To commemorate the 50th anniversary of decimal currency in Australia we will visit the Royal Australian Mint. A guided tour will be offered and the opportunity to make your own \$1 coin.

A visit and lunch will be at Old Parliament House in anticipation of the upcoming Federal Election prior to visiting the National Portrait Gallery. At the Gallery guests will be able to see the 2016 National Photographic Portrait Prize Exhibition which features a large range of talented Australian photography.

TUESDAY 21 JUNE

Canberra Truffle Farm

Canberra is celebrating its annual eight-week truffle festival. Today you will travel to The Canberra Truffle Farm and enjoy a truffle cleaning demonstration, a short walk through some of the farm areas (weather permitting) and a truffle tasting. Produce from the farm will be available for purchase prior to departing.

The group will then venture to Bungendore for lunch with time to visit the well known Bungendore Wood Works.

ACCOMMODATION

To book your accommodation at the rates listed below complete the appropriate section of the registration form. Bookings are subject to availability and should be made prior to Friday 6 May 2016. All cancellations or amendments must be made in writing to Conference Co-ordinators and will be acknowledged by email. Please note your credit card details are required to guarantee your room. Neither Conference Co-ordinators nor the hotel will make any charges against your credit card unless you fail to give 21 days notice in writing of your cancellation. Full payment of your account will be required at the time of your departure.

Note: All Canberra hotels have a complete non-smoking policy.

CROWNE PLAZA

1 Binara Street, Canberra

The Crowne Plaza is adjacent to the Convention Centre and only a short walk from restaurants, bars and the main shopping district. Featuring a contemporary design, the Crowne Plaza provides guests with an outdoor pool, sauna, health/fitness centre, 24-hour reception, concierge, undercover parking and onsite dining at the RedSalt Restaurant. All rooms are non-smoking and include iron/ironing board, tea/coffee making facilities, hairdryer and room service is available.

Superior Room: **\$295** per night
single/twin/double

Deluxe Room: **\$345** per night
single/twin/double

AVENUE HOTEL

80 Northbourne Avenue, Canberra

A brand new property which recently opened in November 2014, the Avenue Hotel is Canberra's newest and only 5-star hotel in the CBD. The hotel has an onsite restaurant and bar, 24-hour reception and room service, gymnasium, undercover parking (charges apply per night) and guest lounge with free wifi. Offering hotel rooms, 1 and 2 bedroom apartments, all rooms have king size beds, rainfall showers, balconies and mini bar. The apartments also have full kitchen facilities, the Avenue is a 15-20 minute walk from the Convention Centre.

Hotel Room: **\$230** per night
single/twin/double

1 Bedroom Apartment: **\$280** per night
single/double

MANTRA

84 Northbourne Avenue, Canberra

Mantra on Northbourne is centrally located and approximately a 15-20 minute walk from the National Convention Centre. The hotel features a heated indoor pool, sauna, fully-equipped gymnasium and the Zipp restaurant bar onsite. All rooms offer voice mail, individually controlled air-conditioning, pay per view movies, mini bar, tea/coffee making facilities, hairdryer and complimentary toiletries. One and two bedroom apartments also offer a separate lounge and dining area, fully-equipped kitchen and a laundry with washing machine, dryer, iron and ironing board.

Hotel Room: **\$219** per night
single/twin/double

1 Bedroom Apartment: **\$259** per night
single/twin/double

NGA16

NATIONAL GENERAL ASSEMBLY
CANBERRA 19-22 JUNE 2016

MEDINA APARTMENT HOTEL JAMES COURT

74 Northbourne Avenue, Canberra

The Medina Apartments Hotel James Court is approximately a 15-20 minute walk from the National Convention Centre and is close to cafes, restaurants, gyms and shopping. The hotel offers reception, undercover parking, outdoor heated swimming pool, sauna, gymnasium and a restaurant delivery service. All rooms feature private balconies, climate controlled air conditioning, separate lounge/dining areas, broadband access (for a fee), spa bath, mini bar, fully equipped kitchen facilities and an in-room safe.

Note: Reception operates between the hours of 6.30am and 11.30pm.

1 Bedroom Apartment: **\$210** per night
single/twin/double

2 Bedroom Apartment: **\$260** per night
single/twin/double

NOVOTEL

65 Northbourne Avenue, Canberra

Located on Northbourne Avenue, one of Canberra's main thoroughfares, the Novotel is a 15 minute walk from the National Convention Centre. The hotel offers 24-hour reception and room service, an onsite restaurant and bar, gymnasium and undercover parking (charges apply per night). In-room facilities include mini bar, tea/coffee making facilities, broadband (for a fee), Fox Sports and News, pay per view movies, climate control airconditioning, hairdryer, iron and ironing board. Executive rooms have a king size bed.

Standard Room: **\$265** per night
single/twin/double

Executive Room: **\$295** per night
single/twin/double

PEPPERS GALLERY HOTEL

15 Edinburgh Place, Canberra

Peppers Gallery Hotel (formally Diamant Hotel, re-branded in 2014) is a boutique 80 room hotel located at the intersection of Marcus Clarke St and Edinburgh Ave, 15 minutes walk from the Convention Centre. Peppers Gallery Hotel features 24-hour reception, a restaurant and a bar. The rooms have a mini-bar, tea/coffee making facilities, plasma TVs, CD and DVD players, broadband (for a fee), and in-room safe.

Standard Room: **\$264** per night
single/twin/double

QT HOTEL

1 London Circuit, Canberra

Qt Hotel Canberra (formally Rydges Lakeside) has recently been renovated throughout the foyer and restaurants. The rooms have been updated and offer balconies and high speed internet (for a fee), pay per view movies, mini bar, hairdryer, iron and ironing board. The hotel is a 15 minute walk to the National Convention Centre and has 24-hour reception, room service, onsite restaurant and bar.

Standard Room: **\$249** per night
single/twin/double

WALDORF

2 Akuna Street, Canberra

Located in the heart of Canberra's CBD, the Waldorf is only a couple minutes walk from the National Convention Centre. This hotel has 24-hour reception and provides guests with a gymnasium, indoor heated lap pool and onsite dining at the Waldorf London Restaurant.

All rooms have kitchen and laundry facilities, in room safe, dining table and chairs, complimentary cable TV, pay per view movies, high speed internet service (for a fee) and room service is available. One bedroom apartments also offer a separate lounge/dining area.

Studio Room: **\$200** per night
single/twin/double

1 Bedroom Apartment: **\$220** per night
single twin/double



COACH TRANSFERS

Welcome Reception and Exhibition Opening

SUNDAY 19 JUNE 2016

Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 4:45 pm. The return coaches will depart at 7:00 pm.

Daily Shuttles to and from the National Convention Centre

A shuttle service between all General Assembly hotels (except Crowne Plaza Canberra) and the National Convention Centre will operate between 8:00 am and 8:30 am. Return shuttles will depart the National Convention Centre at 5:00 pm.

Buffet Dinner National Convention Centre

MONDAY 20 JUNE 2016

Coaches will collect delegates from all General Assembly hotels (except Crowne Plaza Canberra) at approximately 6:45 pm. A return shuttle service will commence at 10:15 pm.

General Assembly Annual Dinner Parliament House

TUESDAY 21 JUNE 2016

Coaches will collect delegates from all General Assembly hotels (including Crowne Plaza Canberra) at approximately 6:45 pm. A return shuttle service will operate between 10:15 pm and 11:15 pm.

CAR PARKING

Parking for delegates is available underneath the National Convention Centre for a cost of approximately \$18.00 per day. Alternative parking is available to the rear of Civic Pool at a cost of approximately \$14.90 per day. It is a seven minute walk from this location.

REGISTRATION FORM

REGISTER ONLINE
WWW.ALGA.ASN.AU

Multiple delegates > photocopy form

Register online, download PDF or return
this form to:

Conference Co-ordinators
PO Box 4994 Chisholm ACT 2905
Phone (02) 6292 9000 Fax (02) 6292 9002
Email nga@confco.com.au

By submitting your registration you agree to the
terms and conditions of the cancellation policy

NGA16 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 19-22 JUNE 2016
Australian Local Government Association ABN 31 008 613 876

PERSONAL DETAILS

TITLE	NAME	SURNAME
<small>(Cr/Ald/Mayor/Other)</small>		
POSITION		
COUNCIL/ORGANISATION		
ADDRESS		
SUBURB	STATE	POSTCODE
PHONE	MOBILE	FAX
EMAIL		
NAME FOR BADGE		

How did you find out about the General Assembly? ☐ ALGA ☐ State/Territory Association ☐ Council Other: _____

PRIVACY DISCLOSURE ☐ I DO consent to my name appearing in the 2016 General Assembly List of Participants booklet (name, organisation and state only disclosed) as outlined in the privacy disclosure on page 10.
☐ I DO consent to ALGA disclosing my personal contact information as outlined in the privacy disclosure on page 10.

REGISTRATION FEES

GENERAL ASSEMBLY REGISTRATION FEES

Please note registration does NOT include attendance at the Regional Cooperation and Development Forum

EARLY BIRD REGISTRATION FEES (payment received on or before 6 May 2016) ☐ \$929.00
STANDARD REGISTRATION FEES (payment received on or before 3 June 2016) ☐ \$1,029.00
LATE REGISTRATION FEES (payment received after 3 June 2016) ☐ \$1,250.00
DAY REGISTRATION FEES ☐ Monday 20 June \$489.00 ☐ Tuesday 21 June \$489.00 ☐ Wednesday 22 June \$280.00

REGIONAL CO-OPERATION AND DEVELOPMENT FORUM REGISTRATION FEES

REGIONAL DEVELOPMENT FORUM ONLY Registration fee ☐ \$425.00
GENERAL ASSEMBLY DELEGATE Registration fee ☐ \$225.00
STATE OF THE REGIONS REPORT 2016-17 (Single licence) ☐ \$240.00
STATE OF THE REGIONS REPORT 2016-17 (Organisational licence) ☐ \$700.00

ACCOMPANYING PARTNERS REGISTRATION FEES

REGISTERED ACCOMPANYING PARTNER Name for label badge: _____ . . ☐ \$260.00

SOCIAL FUNCTIONS INCLUDED IN FEES

One ticket to each of the following functions is included in the full General Assembly registration and/or accompanying partners registration fee. Please confirm if you will be attending by placing a tick in the appropriate boxes. To purchase additional tickets to any of the following functions please indicate the number required and complete the total amount payable.

REGISTERED DELEGATES AND PARTNERS

WELCOME RECEPTION AND EXHIBITION OPENING (SUNDAY 19 JUNE 2016)

I/we will attend: ☐ Delegate ☐ Partner Number of additional tickets @ \$50.00 each Total \$

REGISTERED PARTNERS

Day 1 - Canberra Celebrates 2016 (Monday 20 June 2016)

☐ I will attend: ☐ Partner Number of additional tickets @ \$110.00 each Total \$

Day 2 - Canberra Truffle Farm (Tuesday 21 June 2016)

☐ I will attend: ☐ Partner Number of additional tickets @ \$110.00 each Total \$

Registration form continues over the page 15

ITEM NO: GB.2

AMENDMENT TO COUNCIL'S CODE OF CONDUCT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To update Council's Code of Conduct following amendments to the Local Government Act 1993.

BACKGROUND:

On the 17 December 2015, the Office of Local Government issued Circular 15-41 to detail amendments to the Local Government Act 1993. These amendments impact on the Code of Conduct requiring it to be updated.

COMMENTS:

Councils Code of Conduct has been amended accordingly.

RECOMMENDATION:

Council adopts the amended Code of Conduct

PURPOSE OF REPORT

To update Council's Code of Conduct following amendments to the Local Government Act 1993.

BACKGROUND

On the 17 December 2015, the Office of Local Government issued advice that amendments to the *Local Government Act 1993* made by the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015* commenced on 13 November 2015.

The amendments relate to the following;

As of the commencement date, Councillors who have previously been suspended on two or more occasions will be automatically disqualified from holding office in a Council for 5 years if they are suspended on a further occasion. The Office has written directly to Councillors who have been suspended on two or more occasions to inform them of this change.

The definition of "misconduct" has been expanded to include acts or omissions by Councillors that are intended to prevent the proper or effective functioning of a Council or a committee of a Council (e.g. by disrupting decision making). Penalties for Councillor misconduct include suspension and disqualification from holding office.

Councillors will no longer be permitted to participate in the consideration of the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area they have pecuniary interests in unless:

- the only interests affected by the changes are the interests they or their relatives have in their principal places of residence; and
- they have made a special disclosure of the affected interests.

The amendments are also designed to:

- ensure a faster but fair investigation process for Councillor misconduct;
- remove impediments to effective action in response to serious corrupt conduct;
- maximise the effectiveness of Performance Improvement Orders issued by the Minister for Local Government to a Council; and
- more effectively address Council maladministration.

COMMENTS

To address these amendments, the Office of Local government has provided additional information to be added to the model Code of Conduct, and as such the following changes have been made Councils Code of Conduct;

1. Additional sentence added to Part 1 Introduction "A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years".

Item GB.3

S06339
15 March 2016

2. Addition of part (b) to Clause 4.29 Conflicts of Interest “the non-pecuniary conflict of interests arises only because of an interest that a person has in that person’s principal place of residence”.

In addition to this a number of administrative changes have been made to Council’s Code of Conduct. These include;

- Removal of the Office of Local Government logo from the cover page and replacement with the Ku-ring-gai Council logo.
- Removal of the use of the word “model” from the title and throughout the Code of Conduct and identify it as the “Ku-ring-gai Council Code of Conduct”.
- Inclusion of Ku-ring-gai Council contact details in the Access to Services section.
- Inclusion into Clause 5.7 of Gifts and Benefits, where they are surrendered to Council, of “The Mayor or the general manager will decide the disposition of the gift or benefit and ensure the disposition is recorded in the gifts and benefits register”.

INTEGRATED PLANNING AND REPORTING

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L3.1 The organisation is distinguished by its ethical decision making, efficient management, innovation and quality customer service	Council’s governance framework is developed to ensure probity, transparency and the principles of sustainability are integrated and applied into our policies, plans, guidelines and decision making processes	Comply with the requirements of the Local Government Act and Regulations.

GOVERNANCE MATTERS

The amendments to the Code of Conduct are required to be implemented by Circular 15-41 issued by the Office of Local Government, and the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*.

RISK MANAGEMENT

The *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015* expands on the definition, context and sanctions associated with misconduct by Councillors.

FINANCIAL CONSIDERATIONS

There is no financial cost to Council related to these amendments.

SOCIAL CONSIDERATIONS

Not applicable to this matter.

ENVIRONMENTAL CONSIDERATIONS

Not applicable to this matter.

COMMUNITY CONSULTATION

Not applicable to this matter.

INTERNAL CONSULTATION

Not applicable to this matter.

SUMMARY

Council's Code of Conduct has been reviewed and updated to reflect the requirements of the *Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015*

RECOMMENDATION:

That Council adopts the amended Code of Conduct.

Rodney Kidd
Team Leader - Corporate Risk & Assurance

Jennie Keato
Manager People and Culture

Attachments: A1 KMC Code of Conduct - Dec 2015 - s451 amendment 2016/069457



CODE OF CONDUCT

DECEMBER 2015

ACCESS TO SERVICES

Ku-ring-gai Council is located at:

818 Pacific Highway
GORDON NSW 2072

Locked Bag 1006
Gordon NSW 2072

Phone 02 9424 0000 Fax 02 9424 0001 TTY 02 9424 0875
Email: kmc@kmc.nsw.gov.au Website: www.kmc.nsw.gov.au

OFFICE HOURS

Monday to Friday 8.30am to 5.00pm
(Special arrangements are available for Telephone Interpreter and National Relay Service.
Refer to Ku-ring-gai Website). All offices are wheelchair accessible.

The Office of Local Government is located at:

Levels 1 & 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100 Fax 02 4428 4199 TTY 02 4428 4209

Level 9, 6 – 10 O'Connell Street
SYDNEY NSW 2000

PO Box R1772
ROYAL EXCHANGE NSW 1225

Phone 02 9289 4000 Fax 02 9289 4099

Email olg@olg.nsw.gov.au Website www.olg.nsw.gov.au

OFFICE HOURS

Monday to Friday 8.30am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for OLG publications to be provided in large print or an alternative media format. If you need this service, please contact their Executive Branch on (02) 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government and Ku-ring-gai Council expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Office of Local Government 2014
ISBN 978-1-922001-38-2



CONTENTS

PART 1	INTRODUCTION	4
PART 2	PURPOSE OF THE CODE OF CONDUCT.....	5
PART 3	GENERAL CONDUCT OBLIGATIONS	6
PART 4	CONFLICT OF INTERESTS	8
PART 5	PERSONAL BENEFIT	12
PART 6	RELATIONSHIP BETWEEN COUNCIL OFFICIALS	14
PART 7	ACCESS TO INFORMATION AND COUNCIL RESOURCES	16
PART 8	MAINTAINING THE INTEGRITY OF THIS CODE	19
PART 9	DEFINITIONS.....	21

PART 1 INTRODUCTION

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct, developed by the Office of Local Government. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including a conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Code is prescribed by regulation.

The Code of Conduct has been developed to assist council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

- 4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

- 4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

- 4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years, and
- b) where the major political donor has a matter before council,

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

- 4.22 For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*,
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

- 4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

- 4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

- 4.25 Where a majority of councillors are precluded under this Part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.

- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to
 - i) the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area, or
 - ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area, and
 - b) the non-pecuniary conflict of interests arises only because of an interest that a person has in that person's principal place of residence, and
 - c) the councillor declares the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (*section 353*)
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or council resources obtained through your work with the council
 - c) require you to work while on council duty
 - d) discredit or disadvantage the council.

Personal dealings with council

- 4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.

- 5.6 For the purposes of clause 5.5(e), a “cash-like gift” includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. The Mayor or the general manager will decide the disposition of the gift or benefit and ensure the disposition is recorded in the gifts and benefits register.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS

Obligations of councillors and administrators

6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.

6.2 Councillors or administrators must not:

- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
- c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
- d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

6.4 Members of staff of council must:

- a) give their attention to the business of council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them
- e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

6.5 You must act in accordance with council's Code of Meeting Practice and the *Local Government (General) Regulation 2005* during council and committee meetings.

- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues.
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor.
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
 - e) Councillors and administrators being overbearing or threatening to council staff.
 - f) Councillors and administrators making personal attacks on council staff in a public forum.
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES

Councillor and administrator access to information

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
- a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.10 In addition to your general obligations relating to the use of council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
- f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

7.11 When dealing with personal information you must comply with:

- a) the *Privacy and Personal Information Protection Act 1998*
- b) the *Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) council's privacy management plan
- e) the Privacy Code of Practice for Local Government

Use of council resources

7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.

7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.

7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:

- a) the purpose of assisting your election campaign or the election campaign of others, or

b) for other non-official purposes.

7.18 You must not convert any property of the council to your own use unless properly authorised.

7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, Mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.

7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

- a) to intimidate or harass another council official
- b) to damage another council official's reputation
- c) to obtain a political advantage
- d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
- e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
- f) to avoid disciplinary action under this code
- g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code
- h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code
- i) to prevent or disrupt the effective administration of this code.

Detrimental action

8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.

8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.

8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:

- a) injury, damage or loss
- b) intimidation or harassment
- c) discrimination, disadvantage or adverse treatment in relation to employment
- d) dismissal from, or prejudice in, employment
- e) disciplinary proceedings.

Compliance with requirements under this code

8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.

8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.

8.9 You must comply with a practice ruling made by the Office of Local Government.

8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

Disclosure of information about the consideration of a matter under this code

8.11 You must report breaches of this code in accordance with the reporting requirements under this code.

8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.

8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Office of Local Government.

8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

PART 9 DEFINITIONS

In the Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the Local Government (General) Regulation 2005
administrator	an administrator of a council appointed under the Act other than an administrator appointed under section 66
Chief Executive	Chief Executive of the Office of Local Government
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
“council committee member”	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

the Regulation the Local Government (General) Regulation 2005

The term “you” used in the Code of Conduct refers to council officials.

The phrase “this code” used in the Code of Conduct refers also to the procedures for the administration of the Code of Conduct prescribed under the Local Government (General) Regulation 2005.

CONSIDERATION OF SUBMISSIONS ON THE PLANNING PROPOSAL TO LIST 28 COOK ROAD KILLARA AS A HERITAGE ITEM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

For Council to consider the submissions received during the public exhibition of the Planning Proposal to list 28 Cook Road, Killara (formerly known as 'Glen Brae'), as a local heritage item.

BACKGROUND:

On 8 September 2015, Council resolved to proceed with a Planning Proposal in respect of an amendment to the *Kuring-gai Local Environmental Plan 2015* (KLEP 2015), to include 28 Cook Road, Killara, as a local heritage item. The Planning Proposal was placed on public exhibition between 12 February and 11 March 2016. This report provides an overview of the outcomes of the public exhibition and recommends proceeding to list the property as a local heritage item.

COMMENTS:

A total of two submissions were received. All submissions support the listing of the property in Council's Local Environmental Plan as a local heritage item.

RECOMMENDATION:

That Council proceeds with the Planning Proposal to heritage list the property known as 'Glen Brae' at 28 Cook Road, Killara without variation, and resolve to make the Plan under S59(2) of the *Environmental Planning & Assessment Act 1979*.

PURPOSE OF REPORT

For Council to consider the submissions received during the public exhibition of the Planning Proposal to list 28 Cook Road, Killara (formerly known as 'Glen Brae'), as a local heritage item.

BACKGROUND

On 21 April 2015 Council resolved to make an interim heritage order (IHO) over 28 Cook Road, Killara. On 24 April 2015 the IHO came into effect. The IHO provided Council with time to undertake further historical research of the property to establish if it warrants a formal heritage listing.

An independent heritage assessment of 28 Cook Road Killara (Lot 3, DP 516966) has been undertaken by the heritage consultants Conroy Heritage Planning and found it is of local heritage significance and should be included as a heritage item under Schedule 5 and on the heritage map of the *Ku-ring-gai Local Environmental Plan 2015* (KLEP 2015).

At its meeting of 8 September 2015 Council considered a report on the heritage assessment of the property and resolved the following:

- A. *That Council proceed to prepare a planning proposal to amend KLEP 2015 to include:*
 - *28 Cook Road Killara (Lot 3, DP 516966) as a potential heritage item in Schedule 5 and on the Heritage Map.*
- B. *That the Planning Proposal be forwarded to the Department of Planning and Environment for a Gateway Determination in accordance with the provisions of the EP&A Act and Regulations.*
- C. *That in order to facilitate an expedient gateway determination, the NSW Heritage Office be consulted prior to submitting the Planning Proposal to the Department of Planning and Environment. Should comments not be received within 21 days, the Planning Proposal is to be submitted regardless.*
- D. *That Council request the plan making delegation under Section 23 of the EP&A Act for this planning proposal.*
- E. *That upon receipt of a Gateway Determination, the exhibition and consultation process is carried out in accordance with the requirements of the Environmental Planning and Assessment Act, 1979 and with the Gateway Determination requirements.*
- F. *That a report be brought back to Council at the conclusion of the exhibition period.*

The matter was referred to the Heritage Division of the NSW Office of Environment and Heritage (OEH) for comment prior to submitting the Planning Proposal to the NSW Department of Planning and Environment for Gateway Determination. The OEH submission provided support to the Planning Proposal in its letter dated 30 October 2015 (**Attachment A1**). A copy of the Planning Proposal is included as **Attachment A2**.

Item GB.4

S10812
15 March 2016

The NSW Department of Planning and Environment issued a Gateway Determination under Section 56 of the EP&A Act on 28 January 2016 (**Attachment A3**).

The Planning Proposal was placed on public exhibition in accordance with the requirements of the Gateway Determination from Friday 12 February to Friday 11 March 2016.

COMMENTS

A heritage item is a place, which may include built structures, landscapes, moveable objects and relics that have recognised cultural significance. In NSW, heritage items of local significance are assessed against 7 criteria:

- a) **Historical significance** – an item is important in the course, or pattern, of the cultural or natural history of the local area;
- b) **Historical association significance** – an item has strong or special association with the life or works of a person, or group of persons, of importance to the local area's cultural or natural history;
- c) **Aesthetic significance** – an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area;
- d) **Social significance** – an item has a strong or special association with a particular community or cultural group in the local area, for social, cultural or spiritual reasons;
- e) **Technical/research significance** – an item has potential to yield information that will contribute to an understanding of the local area scientific, cultural or natural history;
- f) **Rarity** – an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history; and
- g) **Representativeness** – an item is important in demonstrating the principal characteristics of a class of the local area's cultural or natural places; or cultural or natural environments.

28 Cook Road, Killara fulfils all seven criteria for heritage significance. In particular, it has historical and architectural significance to Ku-ring-gai. A heritage assessment for 28 Cook Road, Killara can be found in **Attachment A4** and the completed State Heritage Inventory form in **Attachment A5**.

As a result of the public exhibition of the Planning Proposal, a total of 2 submissions were received (**Attachment A6**). Both submissions were in support of the proposal to list 28 Cook Road, Killara as a local heritage item. One of these submissions was from the current owner.

INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
P5.1.1 Strategies, Plans and Processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets	Implement, monitor and review Ku-ring-gai's heritage planning provisions	Identify gaps in existing strategies and plans

GOVERNANCE MATTERS

The process for the preparation and implementation of planning proposals is governed by the provisions of the *Environmental Planning and Assessment Act, 1979* and the *Local Government Act, 1993* (where relevant).

Council sought the plan-making delegation under Section 23 of the EP&A Act to finalise the Planning Proposal in its letter to the Department seeking a Gateway Determination dated 14 October 2015. The Gateway Determination, issued on 28 January 2016 authorised Council to exercise the functions of the Minister under Section 59 of the *Environmental Planning and Assessment Act 1979* to finalise the Planning Proposal.

Submissions made during the public exhibition of the Planning Proposal have been considered as part of this report. Council can now resolve to make the plan in accordance with Section 59(2) of the Act and liaise with the Parliamentary Counsel's Office (PCO) to draft the required Local Environmental Plan to give effect to the Planning Proposal as well the Minister's function in making the Plan.

RISK MANAGEMENT

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

FINANCIAL CONSIDERATIONS

The costs associated with this matter are covered by the Strategy and Environment Department, Urban Planning and Heritage Planning budget.

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

Council is responsible for the identification and management of Ku-ring-gai's local environmental heritage. Consideration of this matter will assist Council in meeting this requirement.

COMMUNITY CONSULTATION

Council is required to comply with the community consultation requirements under Section 56 and 57 of the *Environmental Planning and Assessment Act 1979*, as outlined in the Gateway Determination.

The Planning Proposal was exhibited from 12 February to 11 March 2016. Advertisements were placed on Council's website and the North Shore Times. The affected and adjoining property owners were notified in writing and had the opportunity to provide feedback during the formal

Item GB.4

S10812
15 March 2016

exhibition period. The Planning Proposal and related materials was made available for inspection during the exhibition period.

Submissions received support the listing of the property as a local heritage item on Council's LEP.

INTERNAL CONSULTATION

This report has been referred to the relevant internal sections of Council.

SUMMARY

On 28 January 2016, the NSW Department of Planning and Environment issued a Gateway Determination under Section 56 of the EP&A Act, in respect to an amendment to the KLEP 2015, to list 28 Cook Road, Killara as a heritage item. The Planning Proposal was placed on exhibition between 12 February and 11 March 2016. The submissions support the listing of the property as a local heritage item on Council's LEP.

RECOMMENDATION:

- A. That the Planning Proposal to list the property known as 'Glen Brae' at 28 Cook Road, Killara as a local heritage item under the Ku-ring-gai Local Environmental Plan 2015 proceed without variation.
- B. That Council proceed to make the Plan, using its delegated authority, under Section 59(2) of the Environmental Planning & Assessment Act 1979.
- C. That those who made submissions be notified of Council's decision.

Andreana Kennedy
Heritage Specialist Planner

Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments:	A1	Submission from Office of Environment and Heritage	2016/032348
	A2	Planning proposal to heritage list 28 Cook Road Killara	2015/274825
	A3	Gateway Determination - for planning proposal to heritage list 28 Cook Road Killara	2016/030591
	A4	Heritage assessment of 28 Cook Road Killara	2015/242769
	A5	Heritage inventory form for 28 Cook Road Killara	2015/226169
	A6	Submissions	2016/077954



Heritage Council

of New South Wales

3 Marist Place
Parramatta NSW 2150

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599

heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

File no. DOC15/380227

Mr Craig Wyse
Acting Manager Urban & Heritage Planning
Ku-ring-gai Council
Locked Bag 1056
PYMBLE NSW 2073

Dear Mr Wyse

**RE: INTENTION TO LIST GLEN BRAE, 28 COOK ROAD, KILLARA, AS A LOCAL
HERITAGE ITEM**

Thank you for referring the abovementioned proposal to the Heritage Division, Office of Environment & Heritage (OEH). As delegate of the Heritage Council of NSW, I provide the following comment:

Heritage listings provide statutory protection to assist with conservation and management of significant places. The Heritage Council of NSW supports the listing of items of local heritage significance where they are supported by a robust heritage assessment.

In this regard, the proposal is based upon a comprehensive heritage assessment that sufficiently demonstrates how the property meets the significance criteria for local heritage listing. The Heritage Council of NSW therefore supports the inclusion of Glen Brae as a heritage item in Schedule 5 of the *Ku-ring-gai Local Environmental Plan 2015*.

It is recommended that the Statement of Significance in the draft State Heritage Inventory Form is summarised to succinctly describe the key values of the property.

If you wish to discuss this matter further, please contact Nina Pollock, Acting Senior Planning Officer, at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8520 or by email at nina.pollock@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rajeev Maini'.

Rajeev Maini
Manager, Conservation
Heritage Division
Office of Environment & Heritage

AS DELEGATE OF THE NSW HERITAGE COUNCIL
30 October 2015



Ku-ring-gai Council

PLANNING PROPOSAL

**To include 28 Cook Road Killara as an item of local
environmental heritage.**

DATE: October 2015

Contents

INTRODUCTION	1
Background	1
Site Description and Location	1
<i>Figure 1: Property information map</i>	2
<i>Figure 2: Property Photos</i>	2
<i>Figure 3: aerial photo</i>	3
Existing Planning Controls	3
PART 1 – OBJECTIVE AND INTENDED OUTCOMES	4
Objectives	4
Proposed Planning Controls	4
PART 2 – EXPLANATION OF PROVISIONS	5
PART 3 - JUSTIFICATION	5
A. Need for the planning proposal	5
B. Relationship to strategic planning framework	5
C. Environmental, social and economic impact	10
D. State and Commonwealth interests	10
PART 4 - MAPPING	11
<i>Figure 5: Ku-ring-gai Local Environment Plan 2015 – Heritage Map – Sheet HER_015</i>	12
<i>Figure 6: PROPOSED Ku-ring-gai Local Environment Plan 2015 – Heritage Map – Sheet HER_015</i>	13
PART 5 – COMMUNITY CONSULTATION	14
PART 6 – PROJECT TIMELINE	15

Appendices

- APPENDIX A - Interim Heritage Order Published in Government Gazette
APPENDIX B - Council Report and Resolution 8 September 2015
APPENDIX C - Heritage Assessment Report – Conroy Heritage Planning

INTRODUCTION

Background

This Planning Proposal contains the justification for a proposed amendment to the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to list the building known as 'Glen Brae' located at 28 Cook Road, Killara (Lot 3, DP 516966) as a local heritage item.

1. This Planning Proposal has been prepared in accordance with section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and NSW Department of Planning and Environment, A guide to preparing planning proposals, October 2012.

A development application was submitted to Ku-ring-gai Council on the 26th of March 2015 proposing demolition of existing structures to construct new dwelling including garage, pool and associated landscaping. Ku-ring-gai Council received a number of submissions in relation to the subject property requesting and/or supporting its listing as a heritage item.

On 21 April 2015 Council resolved to make an interim heritage order over 28 Cook Road, Killara. The interim heritage order came into effect on 24 April 2015. The IHO provided Council with time to undertake further historical research of the property to establish if it warrants a formal heritage listing.

An independent heritage assessment of 28 Cook Road Killara (Lot 3, DP 516966) has been undertaken by the heritage consultants Conroy Heritage Planning and found it is of local heritage significance and should be included as a heritage item under Schedule 5 and on the heritage map of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015).

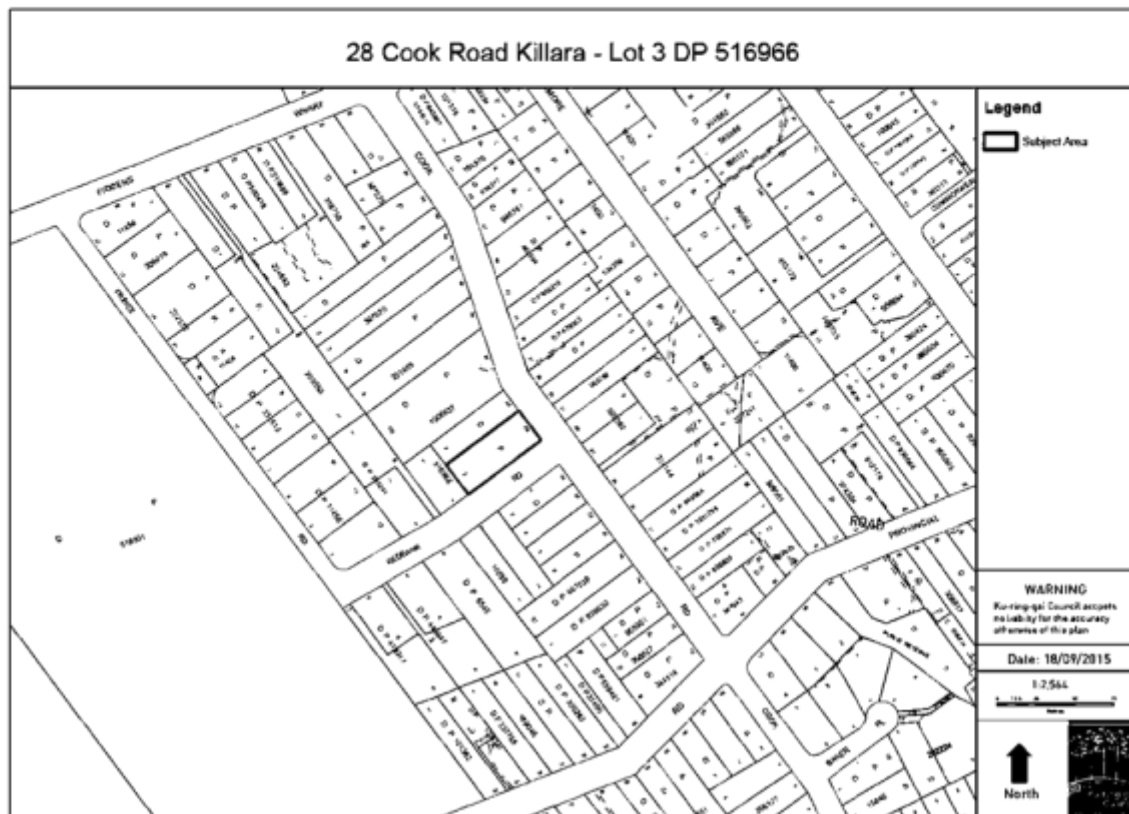
At its meeting held on 8 September 2015, Council resolved to prepare a planning proposal to include the property in Schedule 5 of the KLEP 2015 as an item of local environmental heritage.

Site Description and Location

The property subject to this planning proposal is located at 28 Cook Road, Killara being Lot 3 & DP 516966. The site is on the western side of Pacific Highway near the Killara Golf Course.

Photographs of the building are included within the Heritage Assessment Report prepared by Conroy Heritage Planning Consultants included at Appendix C.

Figure 1: Property information map



Source: Ku-ring-gai Council

Figure 2: Property Photos



Source: Conroy Heritage Planning Consultants

Figure 3: aerial photo



Source: Dekho. Aerial Photo Date: April 2014

Existing Planning Controls

The site is currently zoned R2 – Low Density Residential under the Ku-ring-gai Local Environmental Plan 2015.

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

Objectives

The objective of this planning proposal is to list 28 Cook Road, Killara being Lot 3 & DP 516966, as an item of local significance on the KLEP 2015.

Proposed Planning Controls

The zoning and site controls are not proposed to change as a result of this planning proposal. The sole intent of the planning proposal is to add the property as an item on Environmental Heritage to Schedule 5 of the KLEP 2015 and to identify the property on the Heritage Map.

PART 2 – EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

This planning proposal seeks to amend Schedule 5 Environmental Heritage as follows:

Suburb	Item name	Address	Property description	Significance
Killara	"Glen Brae" Dwelling House	28 Cook Road	Lot 3 & DP 516966	Local

This planning proposal will result in the amendment of the following map:

Ku-ring-gai Local Environment Plan 2015 – Heritage Map – Sheet HER_015 by colouring the subject property so as to indicate a Heritage Item – General.

PART 3 - JUSTIFICATION

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 any strategic study or report?

Yes. An independent heritage assessment was carried out for the site after objections were raised to a development application for the site raising concerns that the proposed demolition of the dwelling house would remove the heritage significance on site, and as such the building should be protected by way of being listed as an item of local heritage significance. Please refer to Appendix C for the full assessment report.

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

Yes. This approach to include an additional heritage item is considered appropriate to meet Council's requirements and objectives to protect Ku-ring-gai's heritage.

B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The relevant regional strategy is the 'A Plan for Growing Sydney' (December 2014).

1. A competitive economy with world class services and transport

The existing building is well served by the road and rail network. The planning proposal does not alter this status.

2. A city of housing choice, with homes that meet our needs and lifestyles

This proposal will have no effect on Ku-ring-gai's ability to meet their housing and employment targets therefore, this proposal is not inconsistent with this objective.

3. A great place to live with communities that are strong, healthy and well connected

The protection of a building of historical and cultural significance to the local area is not inconsistent with this objective. Consistent with direction 3.4 – promote Sydney's heritage, arts and culture

4. A sustainable and resilient city

The retention of this existing residential site does not involve disturbing ground that may have been used for other residential purposes in the past. It is not in an ecologically sensitive area.

Site Specific Merit

The heritage assessment provides the following summary statement of significance.

The property at 28 Cook Road Killara, known as Glen Brae, was constructed in 1904 by Robert Baker, a retired orchardist. Robert Baker's parents, William and Jane Baker were among the earliest European settlers in the district. Robert Baker spent his adult life working the land in Killara. He erected Glen Brae as a place to live out his years of retirement from farming life. The building is a very rare and surviving example of a dwelling in the Ku-ring-gai LGA that provides evidence of the historically significant transition of the area from the semi-rural cultural landscape of the nineteenth century, to the emergent pattern of suburban development that came to dominate the twentieth century.

Its built form is consistent with the traditional Australian 'farmhouse', in particular it has simple floor plan and wide verandahs, beneath a simple and prominent roof form. It is also significant because it is a late example of the farmhouse style, while also exhibiting the principal characteristics of the Federation bungalow style.

The house has retained most of its original fabric, both internal and external, in situ. No major additions have been carried out since construction. The attention to detail of the interior and external finishes of this property are high. Examples include the original fireplaces with intact tiling and marble mantles (unique to each room), the joinery throughout and the range of pressed metal ceilings that have retained original details such as leaf-patterned covers over the joins in the cornice-sheets in the corners of each room.

The property setting to Cook Road, while altered, retains the open character and is evocative of the rural garden, allowing the original setting of the house to continue to be interpreted from the public domain.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Ku-ring-gai Community Strategic Plan is called *Our Community. Our Future. Community Strategic Plan 2030*. The protection of an item of local architectural and cultural heritage is consistent with the vision and objectives of this document.

The Planning Proposal seeks to amend the current KLEP 2015 to add the item to Schedule 5 Environmental Heritage. This inclusion is consistent with the aim of the KLEP especially:

(2) *The particular aims of this Plan are as follows:*

- (a) *to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai*
- (f) *to recognize, protect and conserve Ku-ring-gai's indigenous and nonindigenous cultural heritage.*

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

SEPP	Comment on Consistency
SEPP 55 Remediation of Land	This proposal does not facilitate any building works or disturbance of land
SEPP Infrastructure 2007	This proposal is not inconsistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	This proposal is not inconsistent with the SEPP.
SEPP (Sydney Harbour Catchment) 2005	Consistent. The proposal will have no effect on the harbour or the catchment.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies applicable Section 117 Directions and outlines this Planning Proposal's consistency with those Directions.

Directions under S117	Objectives	Consistency
2. ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	The Planning Proposal is consistent with the Planning Direction. The purpose of the Planning Proposal is to protect an item of environmental heritage.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent. As the proposal relates to an existing dwelling, it will have no effect on housing choice in the area.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. This planning proposal would not preclude the carrying out of a home occupation.
6. LOCAL PLAN MAKING		
Approval and Referral Requirements	The objective of this direction is to ensure that	Consistent. This planning proposal would result in the

Ku-ring-gai Council

Planning Proposal

Directions under S117	Objectives	Consistency
	LEP provisions encourage the efficient and appropriate assessment of development.	building becoming a local heritage item but not a State Heritage Item.
Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. 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.
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The planning proposal is not inconsistent with the Direction. The planning proposal does not change the zoning or development controls applicable to the site.

C. Environmental, social and economic impact

Q7. 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 building.

This site is not identified as being of ecological significance, nor has it been identified as biodiversity significant or riparian land under the KLEP 2015.

Q8. 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 additional environmental effects envisaged as a result of heritage listing the current property.

This planning proposal is solely for the purpose of identifying the current building as an item of local environmental heritage and this proposal will not have an adverse effect.

Q9. Has the planning proposal adequately addressed any *social and economic effects?*

The planning proposal is facilitating the conservation of an item of local architectural and cultural heritage that has significance for the local community.

D. State and Commonwealth interests

Q10. Is there adequate *public infrastructure for the planning proposal?*

The planning proposal relates to the heritage listing of an existing building. No additional demand for public infrastructure is anticipated as a consequence of this listing.

Q11. What are the views of state and *Commonwealth public authorities consulted in accordance with the Gateway determination?*

The Heritage Division of the Office of Environment & Heritage (OEH) has been consulted prior to the submission of this planning proposal for Gateway and has given support to listing 'Glen Brae' as a heritage item of local significance in Schedule 5 of the KLEP 2015.

Council will undertake to consult with any other agencies nominated by the Department of Planning and Infrastructure as part of the issuing of a Gateway.

Council will seek the plan making delegation under Section 23 of the Environmental Planning and Assessment Act to finalise the Planning Proposal. This involves Council taking on the Director General's function under s59(1) of the EP&A Act in liaising with the Parliamentary Counsel's Office (PCO) to draft the required local environmental plan to give effect to the Planning Proposal as well the Minister's function under s59(2) of the EP&A Act in making the Plan.

PART 4 - MAPPING

The land subject to the planning proposal

The address of the subject site is 28 Cook Road, Killara being Lot 3 & DP 516966.

Figure 4: Site Location Map



Current land use zone applying to the land

The property is currently zoned under the *Ku-ring-gai Local Environmental Plan 2015* as R2 - Low Density Residential. The zoning is not proposed to change as a result of this planning proposal.

Figure 5: Ku-ring-gai Local Environment Plan 2015 – Heritage Map – Sheet HER_015

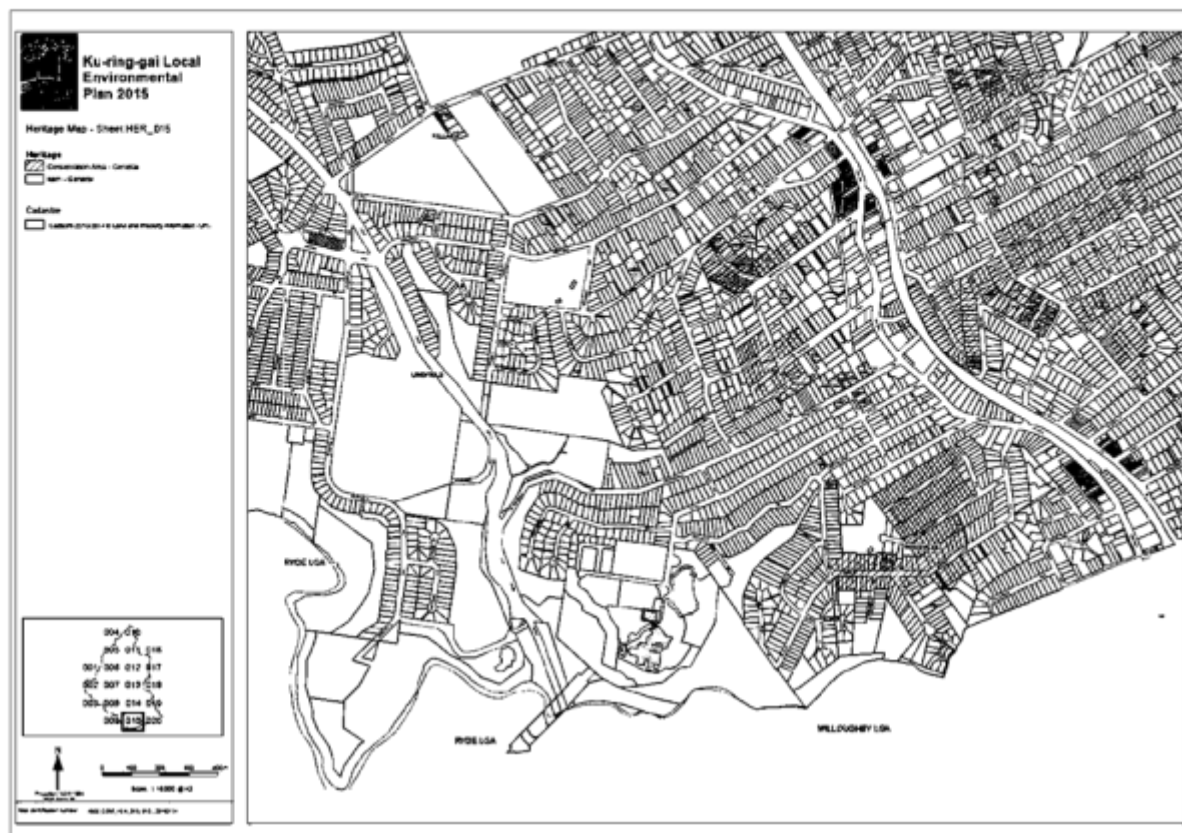
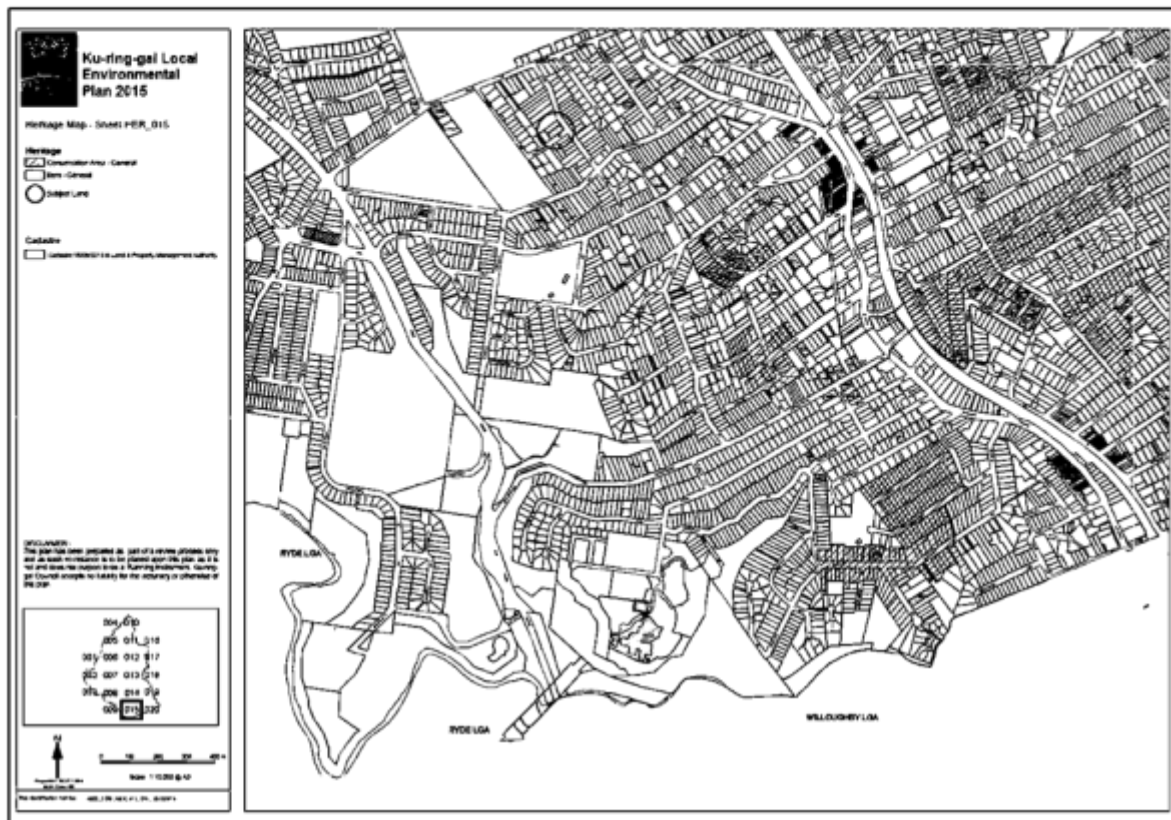


Figure 6: PROPOSED Ku-ring-gai Local Environment Plan 2015 – Heritage Map – Sheet HER_015



The property is shown on the map shaded: Heritage Item – General, and circled for ease of identification.

The proposed alternative zone (if applicable)

The zoning is not proposed to be changed under this planning proposal.

A map illustrating the extent of the proposed revised development standard (if applicable)

There is no proposed change to the development standards under this planning proposal.

The proposed amendment to the Heritage Schedule is intended to relate to this property only as illustrated by the red outline in this series of maps.

Other relevant maps / figures (proposed heritage conservation area, location of heritage item, extend of environmental conservation area, area to which local provision will apply and the like)

The location of the heritage item is illustrated in Figure 4. The heritage listing would apply to the whole property.

PART 5 – COMMUNITY CONSULTATION

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

Where relevant the Planning Proposal has been referred to relevant internal sections of Council.

If the planning proposal submitted is supported by the NSW State Government, the draft plan will be placed on public exhibition in accordance with the DP&I's Gateway Determination requirements. This will involve seeking further State agency, stakeholder and general community feedback prior to being reported back to Council.

The affected property owners will be notified and have the opportunity to provide feedback during the formal exhibition period.

PART 6 – PROJECT TIMELINE

Stage	Timing
Anticipated commencement date (date of Gateway determination)	< 17/11/15
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	23/11/15 – 14/12/15
Commencement and completion dates for public exhibition period	18/12/15 – 15/01/16 - 28 days exhibition
Post exhibition review and reporting	18/01/16 – 23/02/16
Council meeting / consideration	08/03/2016
Legal drafting of LEP	14/03/2016 – 28/03/2016
Anticipated date RPA will make the plan (if delegated)	04/04/2016 – 14/04/2016
Notification of Plan on Legislation website	April/May 2016

APPENDIX A – Interim Heritage Order Published in Government Gazette 24 April 2015

Council Notices

COUNCIL NOTICES

ALBURY CITY COUNCIL

ROADS ACT 1993
Section 162

Road Naming

Notice is given that Albury City Council has named a road in a subdivision off the eastern side of Kerr Road, Thurgoona. The adopted road name is Stirling Way.

Stirling Way runs east off Kerr Road at a point approximately 130m north of the Kerr Road & Pickworth Street intersection.

Mr FRANK ZAENICH, General Manager, Albury City Council, PO Box 323, Albury NSW 2640. [7942]

BEGA VALLEY SHIRE COUNCIL

ERRATUM

The following notice replaces one published on page 987 of NSW Government Gazette No 31 of 10 April 2015. The Gazetted date remains 10 April 2015.

LOCAL GOVERNMENT ACT 1993

LAND ACQUISITION (JUST TERMS COMPENSATION) ACT 1991

Notice of Compulsory Acquisition

Bega Valley Shire Council declares with the approval of His Excellency the Governor that the easement described in the Schedule below, excluding any mines or deposits of minerals in the land, are acquired by compulsory process in accordance with the provisions of the *Land Acquisition (Just Terms Compensation) Act 1991* for utilities associated with the Acacia Ponds Sewer Pump Station and Rising Main.

Dated at Bega this 16th day of December 2014.

LEANNE BARNES, General Manager, Zingel Place, Bega NSW 2550

Schedule

Easement (A) for utilities 6 wide & variable in DP 1192148 over Lot 356 DP 41837

Easement (A) for utilities 6 wide & variable in DP 1192148 over Lot 477 DP 729170

Easement (A) for utilities 6 wide & variable in DP 1192148 over Lot 501 DP 821437

Easement (A) for utilities 6 wide & variable in DP 1192148 over Lot 527 DP 47546

Easement (A) for utilities 6 wide & variable in DP 1192148 over Lot 528 DP 47546 [7943]

CAMPBELLTOWN CITY COUNCIL

ROADS ACT 1993
Section 162

ROADS REGULATION 2008

Notification of the Naming of Roads

Notice is hereby given in accordance with Division 2, clauses 7-10 of the *Roads Regulation 2008* that Campbelltown City Council resolved on Tuesday 9 December 2014 that the bridges on Henderson Rd, Ingleburn will now be known

as "Gallipoli" (being the bridge over the rail corridor) and "BeerSheba" (being the bridge over Bunbury Curran Creek).

LINDY DEITZ, Acting General Manager, Campbelltown City Council, PO Box 57, Campbelltown NSW 2560. [7944]

COFFS HARBOUR CITY COUNCIL

Naming of Roads

Notice is hereby given that Coffs Harbour City Council, in pursuance of section 162 of the *Roads Act 1993*, has named roads as follows

Location	New name
Un-named laneway off Camperdown Street, Coffs Harbour	Jetty Lane
Un-named laneway off Dorrigo Street, Coramba	Summerhill Lane

STEPHEN MCGRATH, General Manager, Coffs Harbour City Council, Locked Bag 155, Coffs Harbour NSW 2450 [7945]

KU-RING-GAI COUNCIL

INTERIM HERITAGE ORDER NO 3

Under Section 25 of the *Heritage Act 1977* Ku-ring-gai Council does by this order:

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

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

- in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- in the case of an item which in the Council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Dated at Sydney, 22 April 2015

JOHN MCKEE, General Manager, Ku-ring-gai Council

Schedule "A"

The property known as Glenbrae, situated at 28 Cook Road, Killara on land described in Schedule B.

Schedule "B"

All those pieces or parcels of land known as Lot 3, DP 516966 in Parish of Gordon, County of Cumberland. [7946]

**APPENDIX B – COUNCIL REPORT AND RESOLUTION
8 SEPTEMBER 2015**

APPENDIX C – Heritage Assessment Report - Conroy Heritage Planning



Planning &
Environment

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Our Ref: 15/16862



Attention: Mr Craig Wyse

Dear Mr McKee

**Gateway Determination – Ku-ring-gai Local Environmental Plan 2015
(Amendment No. 9) – Addition of “Glen Brae” 28 Cook Road, Killara, to Schedule
5 and Heritage Map.**

I am writing in response to Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of a planning proposal to include "Glen Brae" 28 Cook Road, Killara to Schedule 5 of Ku-ring-gai Local Environmental Plan 2015.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to Council in October 2012. It is noted that Council has requested the use of delegation in this instance. Having considered the nature of Council's planning proposal, I have decided to issue an authorisation for Council to exercise the delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected notification date. A copy of the request should be forwarded to the Metropolitan (Parramatta) Office of the Department for administrative purposes.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage.

In order to meet these commitments, the Greater Sydney Commission may take action under s54(2)(d) of the Environmental Planning and Assessment Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Tai Ta, of the Metropolitan (Parramatta) Office of the Department of Planning and Environment on (02) 9860 1560.

Yours sincerely

R Cumming
28/1/2016

Rachel Cumming
Director Metropolitan (Parramatta)
Planning Services

Encls (3):

Gateway Determination
Authorisation
Attachment 5 - Delegated plan making reporting template



Planning &
Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2015_KURIN_005_00) to include "Glen Brae" 28 Cook Road, Killara, in Schedule 5 and Heritage Map of Ku-ring-gai Local Environmental Plan 2015.

I, the Director Metropolitan (Parramatta), as delegate of the Greater Sydney Commission, have determined under section 56(2) of the Environmental Planning and Assessment Act that an amendment to the Ku-ring-gai Local Environmental Plan 2015 should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, as follows:
 - (a) the planning proposal must be made available for 28 days; and
 - (b) the relevant planning authority must comply with notice requirements for public exhibition of planning proposals and the specifications for material that must be available along with planning proposals.
2. No consultation is required with public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act.
3. The letter of 30 October 2015 from the Heritage Council in support of the planning Proposal is to be included with the public exhibition material.
4. The timeframe for completing the LEP is 6 months from the week following the date of the Gateway determination.

Dated 28th day of January 2016.

A handwritten signature in black ink, appearing to read 'RCumming'.

Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services

Delegate of Greater Sydney Commission



Planning &
Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ku-ring-gai Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_KURIN_005_00	Planning proposal to include "Glen Brae" 28 Cook Road, Killara, in Schedule 5 – Environmental Heritage, and amend the heritage map accordingly, of Ku-ring-gai Local Environmental Plan 2015.

In exercising the Commission's functions under section 59, the Council must comply with the Department's "*A guideline for the preparation of local environmental plans*" and "*A guide to preparing planning proposals*".

R Cumming
28/1/2016

Rachel Cumming
Director
Metropolitan (Parramatta)
Planning Services

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP 2015_KURIN_005_00
Date Sent to Department under s56	28/10/2015
Date considered at LEP Review Panel	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

ASSESSMENT OF HERITAGE SIGNIFICANCE

Glen Brae

28 Cook Road, Killara



Prepared for Ku-ring-gai Council

August 2015

Robyn Conroy - Heritage Planning
conroyheritageplanning@iinet.net.au

Issue		
1	Working draft	13 June 2015
1.2	Final draft for Council review.	8 August 2015
2	Final	25 August 2015

Copyright 2015 Robyn Conroy. Conroy Heritage Planning.

1.0 BACKGROUND

Conroy Heritage Planning has been commissioned by Ku-ring-gai Council to assess the heritage significance of the property at 28 Cook Road, Killara to determine whether it demonstrates heritage values that satisfy the NSW Heritage Council's criteria for heritage significance, and if so, whether this significance is at the local or state level.

Glen Brae, the property at 28 Cook Road, Killara is an early 20th Century house built in a traditional vernacular 'farmhouse' style with a sheltering verandah to three sides and detailing typical of the late Victorian/early Federation period. It is situated to the north of the intersection of Cook and Redbank Roads and addresses the corner strongly over a simple garden with perimeter planting and a slightly curved path from street to the front door. The rear garden is devoted to a later 20th Century concrete block garage and swimming pool.

The area is low-density residential in character, with housing styles ranging from the early 20th to early 21st Centuries.

1.1 METHOD

This assessment of heritage significance has been carried out in accordance with the requirements of the NSW Heritage Branch, Office of Environment and Heritage and in accordance with the principles of the Australia ICOMOS' Burra Charter 2013. Particular reference was made to the publication Assessing Heritage Significance (NSW Heritage Council 2001).

The assessment was informed by a detailed site inspection of the exterior and interior fabric of the property, the local urban context and streetscapes. It was also informed by the history of the property prepared by historian Nicholas Jackson.

The information contained in previous heritage studies of the Ku-ring-gai local government area was also used to assist in the comparative analysis of the property.

1.2 LIMITATIONS

The site inspection was limited to the viewing and photography of visible parts of the building only and did not include structural or sub-surface fabric analysis.

1.3 AUTHOR IDENTIFICATION

This report has been prepared by Robyn Conroy, Heritage Specialist in association with Paul Davies of Paul Davies Heritage Architects Pty Ltd. All photographs were taken by Robyn Conroy unless identified otherwise. The aerial images used are the copyright of the NSW Department of Lands. The history of the property was prepared by Nicholas Jackson, Historian.

1.4 ACKNOWLEDGEMENTS

The assistance of the owners of the property and of Andreana Kennedy, Strategic Heritage Planner at Ku-ring-gai Council, is gratefully acknowledged.

1.5 STATUTORY CONTEXT

The property is zoned R2 Low Density Residential under the Ku-ring-gai Local Environmental Plan 2015.

It is not currently listed as an individual heritage item nor is it within a heritage conservation area. It is understood that its heritage value and significance has not been assessed in any of the earlier heritage studies undertaken by Ku-ring-gai Council.

1.6 LOCATION OF THE PROPERTY

Glen Brae is located at 28 Cook Road, Killara which is on the western side of the Pacific Highway near the Killara Golf Course.

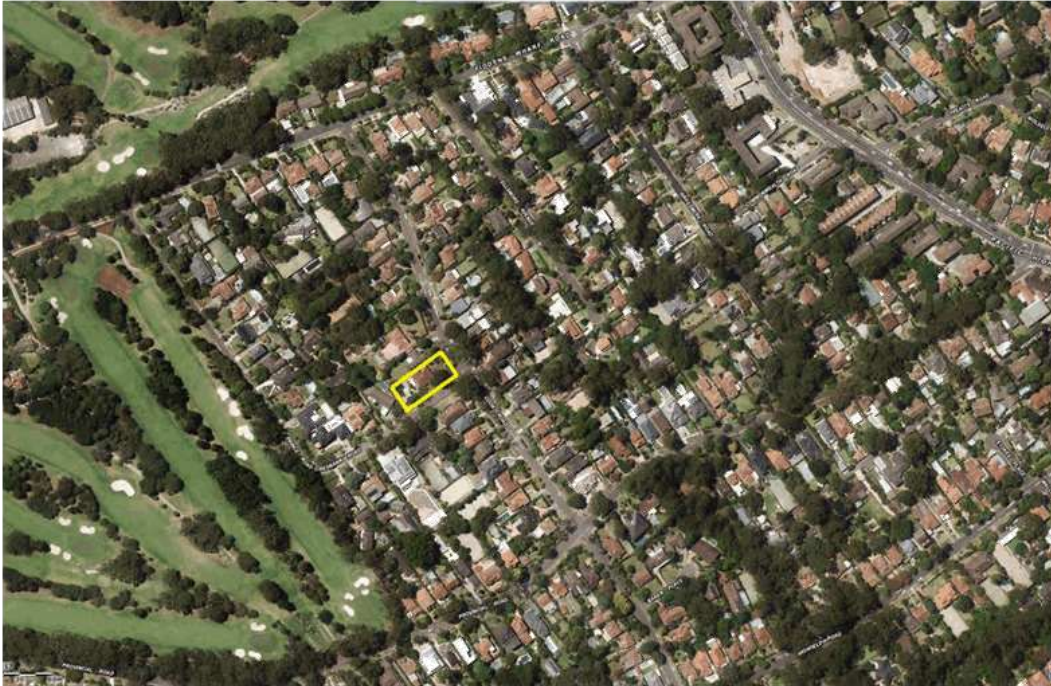


Figure 1. Location of 28 Cook Road. The property is situated between the Killara Golf Course and the Pacific Highway.



Figure 2: (detail) The house addresses both Cook and Redbank Roads



Figure 3. Aerial photograph of the property taken in 1943 prior to its subdivision.



Figure 4. Detail of the 1943 aerial photograph with the contemporary subdivision marked (note that the alignment of the boundaries shown on this image is not exact). The north-western side of the house overlooked a well-planted garden and the rear of the property included several substantial sheds. The property was occupied by a vet at this time and the sheds may have been associated with his practice. The curved alignment of the existing front path can be seen in this image. The boundary was marked by a disciplined row of young trees in the verge. These are not seen to the other properties nearby, suggesting that they were planted by the occupants of Glen Brae.

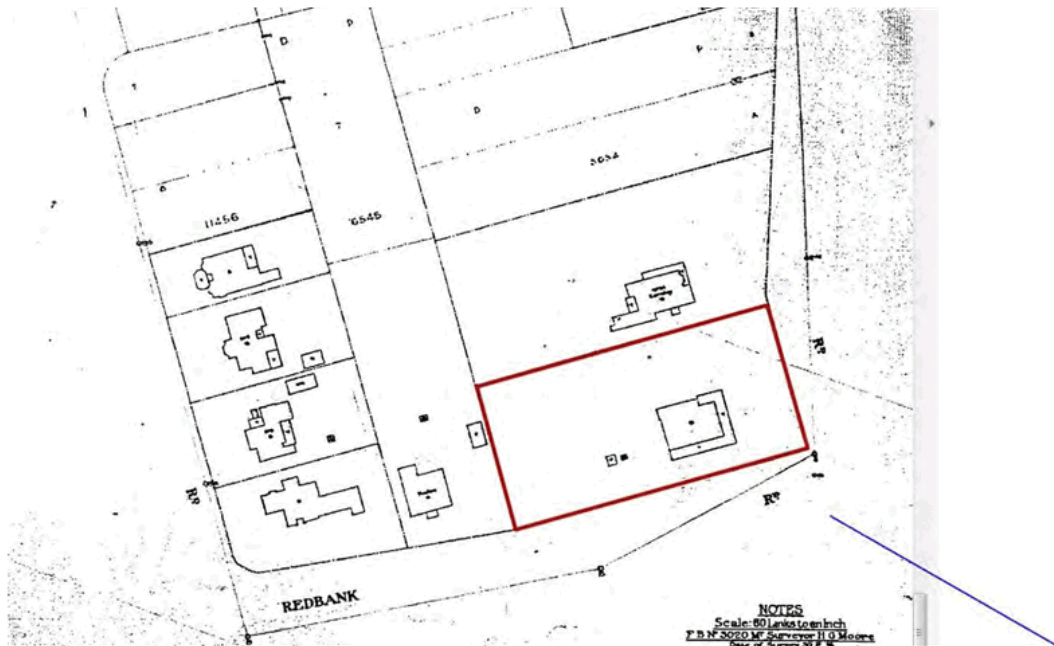


Figure 5. Extract from the 1936 Sydney Water Board plan for the area showing that at that time the only structures on the site were the house and external WC; and that the sheds visible in the 1943 aerial photographs had not been constructed. Ku-ring-gai Sheet 266.

2.0 ASSESSMENT OF HERITAGE VALUES: HISTORICAL RESEARCH

A detailed investigation of the early historical development and evolution of the property has been prepared by historian Nicholas Jackson and is attached to this Report at Annexure A. The following summary provides an overview of the historical findings.

The house known as Glen Brae was built in 1904 by Robert Baker, a retired orchardist. Baker was the son of some of the earliest European settlers in the area, William and Jane Baker. The Bakers lived in a cottage near the Lane Cove River from 1830, where Robert Baker was likely to have been born in 1856.

The Baker and Cook families were significant land owners in the area by the 1870s, with Robert owning 20 acres and his mother Jane Baker the adjoining 10 acres, both of which were planted as orchards. Robert grew oranges and his brother Henry (who inherited his mother's 10 acre lot in 1878) grew peaches, grapes and strawberries.

Robert Baker purchased what was known as lot 34 of the Grand View Estate in 1893. This estate was formed by the subdivision of the neighbouring farms owned by the Cook family, with lot 34 straddling the boundary between the two original land grants in the area made in 1821 to Joseph Holt and Thomas Wilson.

The site was originally three-quarters of an acre in area, and by 1904 Baker had sold his 20 acre orchard and had built Glen Brae to live in for his retirement. He is shown in the Sands Directory as one of the two residents of Cook Street, the other being at lot 25 (the original house on the site having been demolished).

Robert Baker's brother Henry continued operate his orchard on the land adjoining Glen Brae until the sale of the orchard and its subdivision for residential development in 1913.

Following Robert Baker's death in 1935 the land passed to his (and wife Catherine's) son John Bede Baker, who is understood to have operated a veterinary practice from the property for several years until his death in 1938. The property remained in the hands of executors for approximately 25 years, being used as a women's refuge for at least part of this time. In 1965 it was purchased by Walter Maurer, a wall tiler, who then subdivided the land into three. The remnant part of Lot 35 was then sold several times until its purchase by the current owners in 2014.

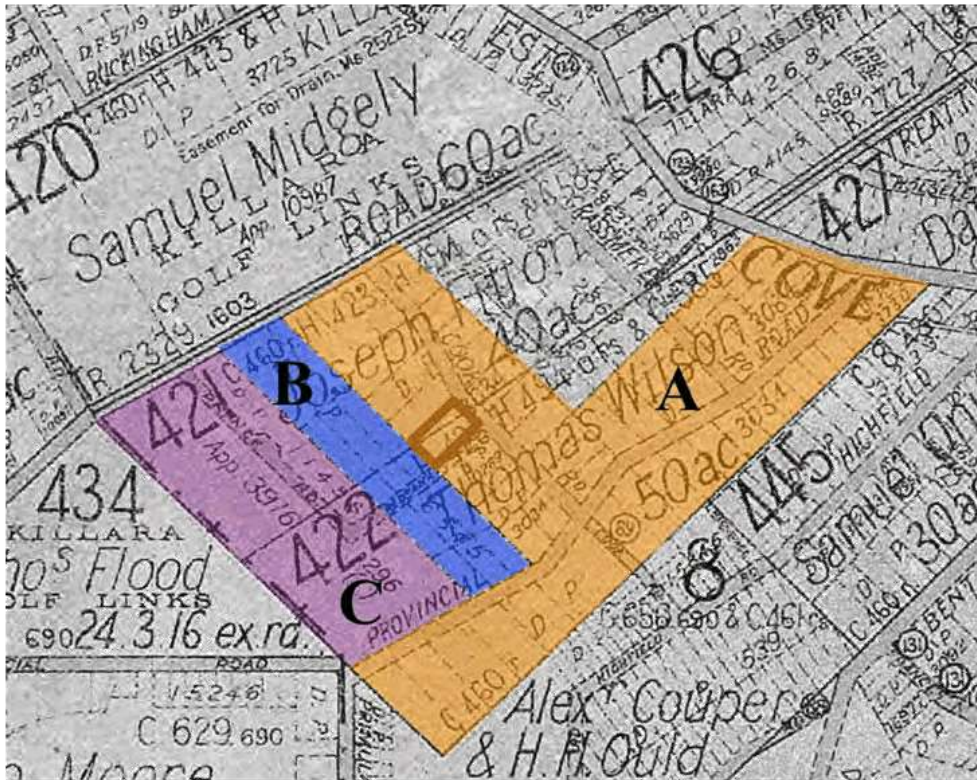


Figure 6. Subdivision of the land surrounding the property. Area A is the Grandview Estate (DP3034) which was subdivided in 1893 from the former Cook family farms. Glen Brae, 28 Cook Road, is former Lot 34 in this subdivision (highlighted). Area B is Henry Cook's 10 acres of orchard, which was subdivided in 1913 (DP6545). Area C is Robert Cook's 20 acres of orchard; this was first offered for sale in 1904 and in 1911 it was purchased by the Killara Golf Club. Also within Area C is the Niblick Estate subdivision of 1921. (Extracted from the History of the property by Nicholas Jackson (Annexure A).)

HISTORIC THEMES ARISING FROM THE HISTORICAL RESEARCH

The NSW Heritage Branch, Office of Environment and Heritage, has identified a series of historic themes for use when assessing the heritage significance of heritage places. These themes are wide in scope and within these, the following sub-themes relevant to the development of Ku-ring-gai have been identified as being relevant to the historical evolution of the property at 28 Cook Road, Killara.

Land grants and early settlement 1789-1830 (Land Tenure):

The property straddles the boundary between two of the earliest land grants in the Ku-ring-gai Council area, the 40 acres to Joseph Huon and 50 acres to Thomas Wilson, both made in 1826.

The house was built and occupied by Robert Baker, who was the youngest son of William and Jane Baker, who were one of the pioneering families of the Lindfield area, settling nearby in the Lane Cove River Valley from 1830. The Baker family, including William and Jane (who built Glen Brae) and then sons Robert and his brother Henry were prominent local orchardists, and the family continued to own the property until 1965.

Growth of settlement 1855-1900 (Orcharding):

The property was created by the subdivision of an orchard for large residential lots and then re-subdivision to establish the pattern of suburban settlement seen today. This pattern of layering of use is characteristic of the development of Ku-ring-gai, where the land cleared by the original timber-getters was used for orcharding before subdivision for suburban housing.

Suburban development 1900-1945 and 1946-1975 (Accommodation)

The property was built as a place of retirement for the patriarch of the Baker family on a large and newly formed suburban block adjacent to the family orchards. Its garden was later re-subdivided to form additional suburban lots to its north and west in a pattern of re-subdivision characteristic of the second layer of infill development of the large Ku-ring-gai residential properties in the mid-20th century.

Social welfare (provision of social services)

(Potential theme) Glen Brae is understood to have been used as a women's refuge for several years in the mid-20th century. This is a minor theme in the overall historical development of the property, but if it is able to be established this theme is also relevant.

The Australian Heritage Commission has also published National themes for use in heritage assessment and management. Those relevant to the settlement and development of Glen Brae include:

- 3. Developing local, regional and national economies
 - 3.5.3 Developing sources of fresh local produce
 - 3.22 Lodging people (potential theme)
- 4. Building settlements, towns and cities
 - 4.1.2 Making suburbs
- 8. Developing Australia's cultural life
 - 8.12 Living in around Australian homes
 - 8.13 Living in cities and suburbs
 - 8.14 Living in the country and rural settlements

3.0 ASSESSMENT OF HERITAGE VALUES: THE FABRIC

The property was visited on 28 May 2015 and the site and the exterior and interior of the house was inspected. This inspection was limited to readily visible elements of the house and focused on evidence of original construction, the survival of original fabric and evidence of later modifications to the property.

CHARACTER OF THE STREETScape IN THE VICINITY OF GLEN BRAE

The character of Cook Road is suburban with a low density streetscape character. Its subdivision pattern reads as relatively consistent even though it was established by the re-subdivision of the original ¾ to 1 acre lots of the Grand View Estate to the smaller lots seen today.

Houses include both bungalows and two-storey built forms and range in style from the early Federation to contemporary, reflecting the pattern of development. Most properties have remained true to their period of original construction, with relatively little evidence of unsympathetic additions, gentrification, cultural layering or demolition and rebuilding.

Most homes are surrounded by established gardens, with garaging set to the rear of the lot, although examples are found of vehicular accommodation under the main roof or in the front garden of some properties. Glen Brae's garage is set in the rear garden area addresses the street through the

Street tree plantings are generally mature but their pattern and spacing is irregular. The topography slopes from the north to the south and then also up to a small ridge on Redbank Road to a high point near the back verandah of Glen Brae. Views to the Chatswood CBD are available from Cook Road and the front garden of the property – giving veracity to Alf Baker's memory of the birth of his brother in Willoughby being communicated to his grandfather Henry and great-uncle Robert Baker at Cook Road by a white sheet being hung on the clothes line of his home in Penshurst Street.



Figure 7 and 8. The property has retained its encircling verandah – giving it a traditional rural character that is rare in the context of the development of Ku-ring-gai. (left: Cook Road elevation; right: Redbank Road elevation).



Figure 9. The lack of boundary fences to the front garden allows the property to address the local streetscape strongly (view from the intersection of Cook and Redbank Roads).



Figure 10. The topography of Cook Road falls away from the site and the garden, the footpath and the carriageway levels are separated by rockery terraces.



Figure 11. The boundary to the adjoining property at 30 Cook Road (originally part of the garden of Glen Brae) is also unfenced, allowing the original garden to be interpreted when looking over the site.



Figure 12. The house is largely obscured by the outbuildings and vegetation when viewed from the south-west (Redbank Road)



Figure 13. Looking to the south-west along Redbank Road from opposite Glen Brae. This area was originally within the Baker family's orchards.



Figure 14. The view over the property from the south (along Redbank Road) is dominated by the garage and fence to the rear part of the garden, the eye being directed to Cook Road by the planting on the verge.



Figure 15. Looking to the property from Cook Road. The mature pines of the original garden are now within 30 Cook Road and screen Glen Brae in casual views from this direction.



Figure 16. The Chatswood skyline remains clearly visible from the front path of Glen Brae. The grandson of Robert Baker who built and lived in the property recalled that the news of the birth of his brother at Penshurst Street Chatswood was communicated to the rest of the family at Glen Brae via the display of a sheet on the clothesline visible from Cook Road.



Figure 17 and 18. Development in the vicinity of Glen Brae includes a wide range of residential styles of the 20th Century, ranging from Federation (above) to contemporary. This superficially erratic pattern of development is largely a result of the successive re-subdivision of the large original blocks of the early residential subdivisions. These two Federation homes originally abutted Glen Brae, but later re-subdivision has now separated them in the streetscape. The property at 32 Cook Road (Figure 17) has been well-screened by a high perimeter hedge, forming a strong contrast to the open character of Glen Brae and its setting.



Figure 19. Redbank Road also includes a wide range of more contemporary homes including this recent infill development at 6 Redbank Road.



Figure 20. The prevailing built forms are from the middle decades of the 20th Century.



Figure 21. A modest bungalow located opposite Glen Brae in Cook Road.



Figure 22. Looking over the edge of the garden and verge to Cook Road.

3.1 THE SITE OF GLEN BRAE

The property at 28 Cook Road is located at the north-western corner of the intersection of Cook and Redbank Roads.

The lot is generally consistent in scale and alignment with those in the surrounding streetscapes.

The house is set well back from Cook Road and its wide verandah returns around the sides of the house (the northern return being enclosed by a later addition) and addresses the corner of its site and the intersection in a prominent manner that is emphasised by the lack of boundary fencing to the garden or even planting to define the edges of the space.

Early maps of the area show the whole area as densely timbered land (Figure 23), and the 1893 subdivision plan (Figure 6) shows that part of the land had been cleared for orchard planting. This is confirmed by the undated sketch attached to early resident Alf Baker's (nephew of Robert Baker) recollections of the early character of the area, which shows the area east of Cook Road as cleared paddock between the new houses, with Henry Baker's peach orchard to the west and dense scrub to the north and south.



Figure 23. Extract from T.S. Parrott's 1881 map of the Sydney basin – the approximate location of the property is shown circled. The area is devoid of any significant structures, with only a scattering of cottages along the only road, Lane Cove Road (now the Pacific Highway).

Map: Parrott, T.S.. 1881. Map of the country around Sydney 1881. National Library of Australia. <http://nla.gov.au/nla.map-f260-a2>

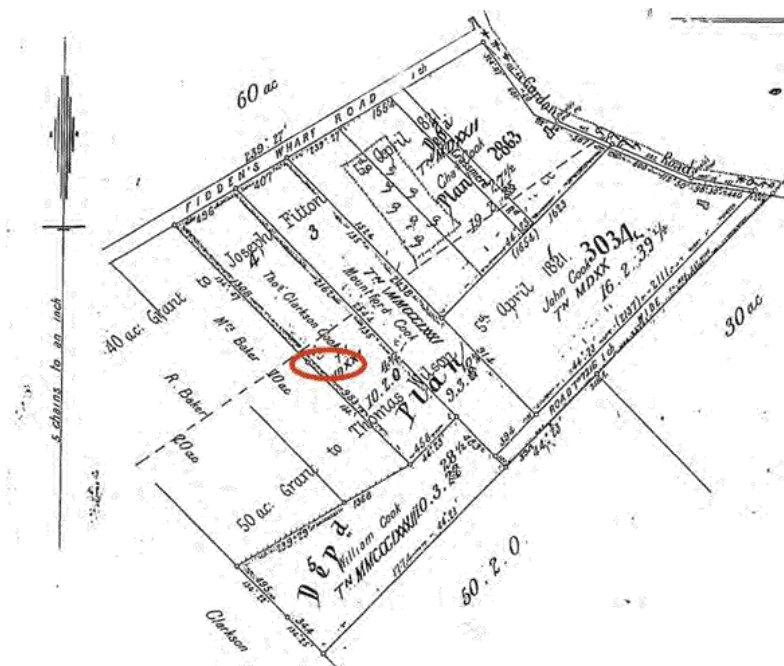


Figure 24. 1883 Plan for the subdivision of the Cook family's farm (DP1173). The location of Glen Brae abutted the Baker family's orchards (circled). Refer to Annexure A (History of the property) for a more detailed description of the subdivision and of the area.

The site is relatively level, with the house set on a slight ridge and garden falling gently to the street and rear boundaries, with the pool and garage being set below (c800mm) the level of the rear deck. The garden surrounding the house is simple but the layout and most plantings are consistent with the early 20th century development of the property visible in the 1943 aerial photographs of the site. The elevations to Cook and Redbank Roads consist of substantial grassed lawns with perimeter tree planting with rockery terrace retaining walls to part of the Cook Road boundary. It is understood that more substantial planting along the boundary to Redbank Road was removed recently. The rear

garden of the adjacent property at 30 Cook Road has been cleared of the densely planted garden adjacent to the vegetation and service areas visible on the 1943 aerial.



Figure 25 and 26. The 1943 aerial photographs reveal that the underlying landscape principle of the original development has survived substantially intact even though much of the original planting has been lost through removal or subdivision. The house continues to be set against a wide swathe of grass with curved path (the alignment of which was replicated by the edge of the planted area) and no evidence of feature planting of the specimen trees or garden beds that were common in the era.

The 1943 image suggests that the perimeter was planted with a hedge or wall of shrubbery and street trees had been planted in the verge, although these do not continue beyond the boundaries along Cook and Redbank Roads. The pair of conifers either side of the entrance path are consistent with the small plantings visible in the 1943 image, but the large tree at the eastern corner of the house visible in the recent (2014) aerial had been removed by the time of the site visit. This tree had been planted after 1943.

The austerity of the open setting was relieved by the dense vegetation along the north-western boundary. Although the Norfolk Island Pine and most of the other large trees now in the garden of 30 Cook Road had not been planted in 1943, they are substantial trees that continue to frame views of the house from Cook Road.

The more utilitarian areas including the kitchen garden, clothes line area and a collection of large sheds have all been demolished and incorporated in the infill development of the subdivided lots in the 1960s. A shed also abutted the boundary to Redbank Road which may have been used by a vehicle (some evidence of an informal driveway crossing can be seen). The current garage is not built on the footprint of this earlier shed.





Figure 27-29. The property is prominent within its setting. The house is low in form but the modest slope and prominent roof form in the local topography is sufficient for it to read as being set in a commanding position within the local streetscape.

The strong sense of connection with the surrounding landscape is facilitated by the traditional vernacular rural built form and in particular the wide return verandah addressing both street elevations.

The garden surrounding the house is very simple in its form, a characteristic consistent with the original landscaping of the property. The footprint of the house is set well back from both Cook and Redbank Roads and is surrounded by expansive lawn areas with no significant planting between the boundary planting and the house.



The main structural element of the garden is the gently curved red gravel path with brick edging that leads from Cook Road to the front door. The alignment of this path provides an interesting counterpoint to the strict symmetry of this elevation. The 1943 aerial photographs reveal that the edge of the main planted area of the garden (now part of 30 Cook Road) followed the same alignment, revealing purpose to the site planning of these elements.



The adjacent property to the north (30 Cook Road) was formed through the excision of Glen Brae's original garden, and includes mature vegetation that continues to read as a densely planted part of Glen Brae's garden even though not all were planted whilst this area was part of the site of Glen Brae. The close connection is continues to be legible through the lack of a dividing fence forward of the building line which allows both properties to enjoy the spacious qualities of the combined garden.



Figure 30. The site slopes down to both Cook and Redbank Roads which increases the aesthetic prominence of the house in streetscape views, particularly from Redbank Road. The lack of boundary fencing or demarcation other than the row of young sweet pittostem trees further enhances the sense of connectivity of Glen Brae as an important element of the streetscape.



Figure 31. The grounds surrounding the house today are very simple in character and are marked by perimeter planting rather than fencing.



Figure 32. The footpath is set above the level of the carriageway of Cook Road and is reached by stone steps. A rockery wall separates the footpath and roadway levels.



Figure 33-35. The boundary to Cook Road is defined by a low rockery garden



The rockery fence also extends across the frontage of 30 Cook Road.



The iron post supporting the letterbox may be from the original front fence.



Figure 36-38. The boundary between 28 and 30 Cook Road is not marked by fencing, and allows the original extent of the front garden to still be interpreted. Consistent approaches to garden care and planting have further facilitated the impression of a generous garden setting shared and enjoyed by both properties. The maturing pines in this area were planted after 1943, but potentially prior to 30 Cook Road being excised.



The paired planting either side of the front gate are visible on the 1943 aerial photographs and continue to mark the formal entrance to the property. The gravel path has not been maintained recently and weeds are establishing.

REAR AND NORTHERN SIDE GARDEN AREAS

The outbuildings visible in the 1943 aerial photograph have been demolished. The surviving rear garden space is characteristic of a mid-late 20th Century suburban dwelling. It is overlooked by the large timber deck that extends across the rear of the house under a pergola with translucent sheeting and is dominated by the triple garage and swimming pool, both of which are of later 20th construction. The garage is a simple cement block structure with some detail introduced through the inclusion of curved profile blocks for details which adds a slightly streamlined character to the utilitarian structure. The roof is a flat metal deck. It currently provides space for two vehicles and a recreation room with a carport/work area under an attached skillion roof to the south. The swimming pool is an in-ground concrete pool of typical mid-late 1970s design with brick coping and is surrounded by an aluminium

safety fence. The space, which is screened from street view by a timber paling fence, also includes the area to the side of the house behind the rear building line.



Figure 39. The garage is built of pre-cast concrete blocks with a flat metal deck roof. The main distinguishing characteristic of this garage is the curved profile of the blocks to some of the attached pillars.



Figure 40. View of the rear of the house from the current south-western boundary.



Figure 41. The in-ground pool is typical of those built in many of the properties in Kuring-gai in the second half of the 20th Century.



Figures 42-44. The garden structure includes accommodation for two cars and a recreation room that opens to the swimming pool area via glazed doors.

A carport/storage area has been created by adding a skillion roof with green polycarbonate sheet roofing to the space between the garage and the western fence.

The northern side garden is now a simply planted separation between the house and the fence to 30 Cook Road.

ADJACENT INFILL DEVELOPMENT

The subdivision of the property in 1965 created two additional lots over the original side and rear gardens. The lot to the north-west, now known as 30 Cook Road, has been developed with a late 1960's era bungalow but has retained some of the original garden plantings forward of the house including several significant trees. The front gardens of 28 and 30 Cook Road are not separated by fencing and a low rockery garden bed extends across both front boundaries and allows the garden to read as a single open area.

The rearmost part of the original garden was also subdivided and is now occupied by a single storey ranch-style house set obliquely on its site with a prominently located double garage dominating the street elevation. This part of the original site now demonstrates no evidence of connection with the contemporary Glen Brae property, the two separated in street views by a tall side boundary fence, vegetation and by the bulk of the garage at the rear of Glen Brae. The minimal impact on the streetscape qualities of Glen Brae is also a result of the ground-hugging built form of the house at 1-3 Redbank Road.



Figure 45. House constructed on the former northern garden of Glen Brae, subdivided and developed in the 1960s.

Its scale and form are modest and the shared garden space allows this property to read as a sympathetic neighbour to Glen Brae.



Figure 46. Rear garden to 30 Cook Road. The garden and utility activities evident in this area in the 1943 aerial have been replaced by a simple grassed space.



Figure 47. The adjoining property at 1-3 Redbank Road was formed from land subdivided from the back garden of 28 Cook Road in 1965.

The house on this site is modest in its scale and street presentation. It is a ranch-style house that has been set obliquely on the lot to present its main elevation to the north-east and minor elevation to Redbank Road. This oblique alignment is generally consistent with that of the collection of sheds on this part of the site when it was part of Glen Brae's garden.

Although not an outstanding example of its type, the low scale and downhill siting of this infill house have minimised the impact on the setting of Glen Brae.

4.0 THE FABRIC OF THE HOUSE

4.1 EXTERIOR

The house Glen Brae is a very clearly expressed example of a simple traditional farmhouse bungalow with late Victorian/early Federation detailing. It sits low to the ground with brick infill of approximately two courses at the northern corner and approximately eight courses at the southern to the outer verandah edge. The northern wall that is not protected by the verandah has sandstone block footings. It is not possible to determine without access to the subfloor areas whether they extend under all the perimeter walls.

On first inspection the house appears to be somewhat austere, lacking the decorative detailing usually associated with the Federation/Queen Anne style that is common in much of Ku-ring-gai, but closer inspection reveals evidence of considerable care and a high degree of attention having been given to the quality of craftsmanship and finishes even though the extent of decorative detail is notably modest.

The street elevation is dominated by the hipped roof form which covers most of the house and breaks its line slightly to extend over the return verandahs, enclosing them in the main composition and establishing the strongly grounded built form. Although this roof reads as symmetrical from most publicly accessible viewing points, it includes a short ridge to the Redbank Road elevation and a modestly scaled hipped roof that extends over the rear rooms in the north-western corner. A pair of original chimneys dominate the roofscape and emphasise the symmetry of the elevation to Cook Road. The original kitchen chimney at the north-western corner of the house has been removed. The roof has been re-tiled in deep red-brown terracotta with matching ridge capping. This work was done recently (after 2009) and replaced a darker brown tiled roof (evidence of Google Streetview time series photographs).

The wide return verandah is a traditional rural form that provides deep shade around the house and plays an important role in defining the aesthetic qualities of the house. The verandah has retained original hardwood timber flooring although the vertical railing appears to have been replaced in parts. Remnants of what may be the original finish can be seen at the rear of the verandah and potentially in the weathered shingled finish to the now enclosed original back verandah. The underside of the verandah roof has been lined and battened in fibrous sheeting.

Although the verandah reads as an encircling structure the return to the north-western elevation has been enclosed in line with the front wall to create a sunroom overlooking the original garden, most likely (from the evidence of the fabric) in the inter-War period. The return to the south-eastern elevation is intact, with an earlier lightweight enclosure having been reversed. The rear verandah has also been enclosed to create a large second sunroom, with a deck being added beyond to provide an outdoor entertaining space.



Figure 48. The whole of the original roof form, including the two main chimneys, are intact.

The traditional pyramidal roof form is an important part of the composition of the building and, together with the deep encircling verandah, is evocative of the traditional vernacular dwellings of the rural landscape. This is not inconsistent with the purpose of the dwelling as a residence for the retirement years of the senior member of the Baker family, prominent local orchardists in the decades before broadacre subdivision.



Figure 49. Redbank Road elevation showing the exposed rafter ends characteristic of the Federation period



Figure 50. The roof cladding has been replaced with a traditional low-glazed terracotta tile in a red-toned simplified Marseilles pattern. The 2009 image on Google StreetView suggests that the previous roof was also tiled in a dark brown finish. It was not possible to access the roof space to inspect the roof carpentry and determine the original roof cladding material.



Figures 51-53. The verandahs are deep and sheltering. Floorboards are hardwood and most appear to be original except some replacement where weathered at the outer edges.



The verandah roof is steeply raked and lined in battened sheeting.



The verandah railing has been replaced in a traditional manner and reads as being sympathetic to the style of the property.



Figures 54-56. The main elevation to Cook Road is distinguished by a pair of simple-bay-light windows that protrude slightly from the façade and flank the front door. This window form allows extra light into the interior and better oblique views from the rooms within. Glazing patterns are characteristic of the Federation period, with multi-paned detailing and plain casement openings. The transom is clad in timber shingles.



Other windows are double-hung timber framed sash openings with the arched headers and cast cement sills characteristic of the early 20th Century.



The front door is simple with arched brick header, a leadlight highlight and simple geometric glazing to the main door. The hardware is original to the door.



Figures 57-59. The enclosed verandah spaces also have timber-framed windows consistent with their period of installation. The original sawn rafters have remained in situ.



The rear verandah has also been enclosed to create a sunroom. The entrance to this space is modestly but carefully detailed in a manner similar to that of the northern enclosure, suggesting that they may have been made at a similar time.



The northern return of the verandah has been enclosed in the Inter-War period with lightweight glazing and panelled doors characteristic of the period. The original verandah floor of this enclosed space is intact, although the boards have been polished.



Figures 60-61. The Cook Road elevation is finished in tuck-pointed face brickwork.



The side elevations provide evidence of both the modesty of design and the high level of attention to detail and finishes.

Each room has only one window, with the front rooms (originally the parlour and main bedroom) opening only to the Cook Road elevation, and presenting a blank wall to Redbank Road and the original verandah overlooking the garden to the north. Brickwork to the side and original rear elevations is commons laid in stretcher bond, but in an atypical detail, are tuck-pointed, a detail rare on common brick walls to secondary elevations.



Figures 62-64. The rear half of the north-western elevation has a more utilitarian character, with most windows, other than this pair to the original dining (now main living) room serving utility rooms.



The North-western elevation has been painted, possibly to hide the evidence of the addition and alteration to the bathroom and kitchen at the rear.



The most recent addition was that of the rear bathroom and laundry wing at the rear of the house. This addition is noticeably cruder in design and detailing than the remainder of the property but is set unobtrusively at the rear corner of the footprint and is not visible from the street.



Figures 65-67. Evidence of disturbance to the space now occupied by the bathroom: stonework has been removed to provide access to the subfloor space.



Northern elevation now painted over, but tuck-pointing extant beneath the paint. Not known if originally common or face bricks to this elevation



Evidence suggestive of the windows being removed and re-inserted in the space (brickwork jointing), but impact on integrity of fabric minimal. Likely as part of the rearrangement of uses to utility rooms



Figure 68. Rear elevation from the garden area. The timber deck has been added to the original rear elevation and the area at the base paved in bricks.



Figure 69. The original rear wall of the verandah has retained what may be original timber shingle cladding to partially enclose the space. The shingles were individually cut and affixed to the wall and are well-weathered.



Figure 70. A timber deck has been added to the rear of the original verandah/sunroom to provide an outdoor entertaining area on the same level as the house. A translucent polycarbonate roof has been added.



Figure 71. Enclosed verandah and deck.



Figure 72. The new deck includes a bench suitable for potting plants etc adjacent to the laundry.

4.2 INTERIOR

The interior is substantially intact both spatially and fabric. A more detailed survey of each room is at Appendix B.

Alterations are minor in scale and impact on the fabric and spatial qualities of the house, are made to their period, sympathetic in scale and form and are legible in the fabric. No evidence of significant deterioration or damage was found.

Particularly contributory interior fabric includes:

1. The simple, traditional configuration of internal rooms
2. Intact features (eg fireplaces, pressed metal ceilings, doors)
3. Intact detailing (eg plasterwork, switches, window hardware etc)
4. Alterations done carefully and sympathetically but true to their period



Figure 73. The house has retained its original and traditional floorplan, with rooms accessed via the central hallway.



Figure 74. Detail of the leadlight highlight above the front door. This appears to be in very good condition, although some of the glass pieces are slightly cracked, all are original and in position.



Figures 75-78. Fireplaces – all fireplaces are intact throughout the house and are in excellent condition, with iron grates, marble mantles and encaustic tiles unique to each room. The living room fireplace has been converted to gas operation but all others appear to be unaltered.





Figures 79-81. Original pressed metal ceilings have survived to all rooms under the main roof with the exception of the utility rooms (kitchen and bathroom) which have timber lining board ceilings; and the rooms created through the enclosure of the verandah which have retained the steeply raked underside of the verandah roof.

The patterns to the pressed metal ceilings are unique to each room, and are notable for their intact condition and survival of the original leaf-fashioned covers to each join in the corners. The main rooms include metal ceiling roses with ventilation holes.

Note also the original cord pull light switches to each room. These have survived intact and operational to each of the main rooms. No wall-mounted switches have been installed in the main house.



Figure 82-84. The internal joinery appears to be original and is intact throughout the house – including doors hung in the traditional manner to allow privacy to the room beyond (with opening highlight windows). The survival of this detail is rare. In most houses the doors have been re-hung to swing against the wall in the contemporary fashion.



Figures 85-87. Details such as the decorative plaster to the hallway including the archway is intact and of good quality. The original hardware for opening the highlight windows above each door is also intact throughout. Door knobs and finger plates are intact.



Figures 88-90. Some light fittings appear (from ground level inspection) to be original, others are period-style reproduction. Electric-powered struck door chime in the hallway (cover also extant). The hallway floor is polished timber, the main rooms are all carpeted with carpet in good condition.

Evidence of internal layering (alterations to fabric)

The internal fabric is substantially intact with only minor alterations made over the years. Most of these have been made carefully and with attention to detail and add to the story of the property. These include:



Figures 91-93. The enclosure of the northern return to create a sunroom accessed from the front verandah and the dining/living room was likely carried out in the Inter-War period. The original verandah form to this space remains clearly legible, with the steeply raked roof form retained and the original hardwood boards in situ and polished. The windows are lightweight timber with obscure glazing. The walls to the external faces are battened sheets – potentially asbestos cement. Note that the sheets are sealed by paint and appear to not be damaged.

The arched header to the door to the main house and step down to the verandah set into the original brickwork reveals that it was originally an external door, although note that the door leaf has been replaced. The original door is likely to be one of those re-used elsewhere in the house. The two current doors to the sunroom are characteristic of the Inter-War bungalow style, and represent the two most popular styles with timber framing, obscure glazing and circular/diamond motifs.



Figures 94-95. Built-in cupboards have been added to the front two rooms consistent with their use as bedrooms. The room in the right hand image was originally the parlour/living room, and the current living room was intended originally as the dining room, the most important room in the early 20th Century family home. The cupboards to this room would also have been suitable for storage of glassware etc, and may have been built when still a living room.



Figures 96-98. The original kitchen and bathroom spaces have been swapped to reflect the changing role of the kitchen in family life in the latter half of the 20th Century. The works have been done neatly and the layer reads as a sympathetic one. The original timber lining to the ceiling of each space appears to have been retained (closer inspection would confirm). This work was likely carried out in the latter decades of the 20th Century (c.1990 from the evidence of the tiles and fittings used).



Figures 99-101. Hallway created to provide access to the new bathroom. This space was originally the servery for the kitchen, and provided direct access to the original dining room (now the living room) through the connecting door. The work has been carried out neatly with careful attention to the integration of original and altered fabric. The only readily legible evidence is the neatly cut skirting and change in the wall material from masonry to lightweight.



Figures 102-104. The original window to the space was retained as part of the alteration. The joinery and glazing to the door now used to the bathroom matches that of the original front door but the current latch is that of an internal door.

Inter-War period door to the opening between the original kitchen and the dining (now living) room.



Figures 105-107. The sunroom was created by the enclosure of the back verandah by lightweight glazing. Note the retention of the raked verandah roof line. This alteration was likely to have been made pre-1936 since it is shown as part of the enclosed footprint of the house on the Water Board plans of that year (see Figure 5). The original rake of the roof has been retained and the floorboards covered by cork tiles.



Figures 108-109. Considerable changes have been made to the original rear wall. An arched opening has been formed to the dining room (originally the back bedroom) and the rear wall to the new kitchen has been removed to allow it to integrate with the rear sunroom space. The workmanship of the arched opening reveals that it is not an original detail, although the alteration, which included the partial re-laying of this part of the wall using radius brickwork, has been made relatively neatly. The cutting of the wall to the kitchen space is well concealed by the tiling and cupboards.



Figures 110-112. A second bathroom and laundry were added as a wing to the rear of the house under a skillion roof, potentially when the deck was added. The windows to these two rooms are timber framed sash but are of uncomfortable proportions and much lighter construction than in the remainder of the house.



Figures 113-115. Lightweight security bars have been added to the centre casement on the interior face of the windows addressing Cook Road. This allows the casements to open freely to provide security and ventilation to the bedrooms whilst minimising impacts on the aesthetic qualities of this important elevation.

Bars to the sash windows of the rear bedroom are fitted to the exterior but have been constrained within the window recess, helping to minimise the impact on the oblique views of the elevation.

Modest weight screen/security doors have been added to the front door and entrance to the rear sunroom.

4.3 CHRONOLOGY OF THE ALTERATIONS TO THE USES OF ROOMS AND THE FABRIC

A chronology of the evolution of use and major spatial changes has been prepared by Suzanne Grey, a descendant of early residents in 1995. It is included as Appendix 1 to the historical analysis attached to this report, but the drawings are reproduced here for ease of reference.

Note that it is not known if her research was based on fabric investigation or knowledge of the former uses of the spaces by earlier occupants. Her chronology is however consistent with the fabric investigation and analysis carried out as part of this heritage assessment.

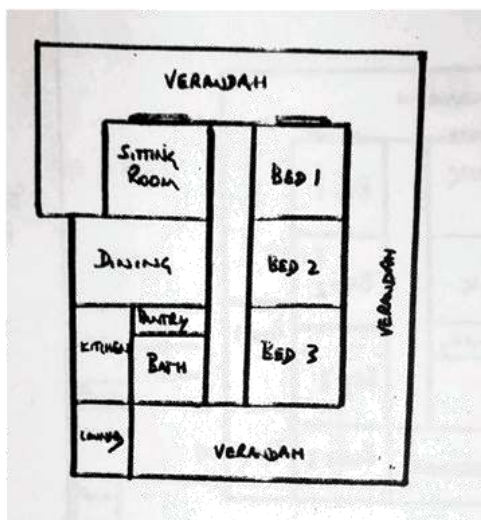


Figure 116. Original construction and use of rooms to c1940. Note that the small room at the northern end of the back verandah is described as a laundry.

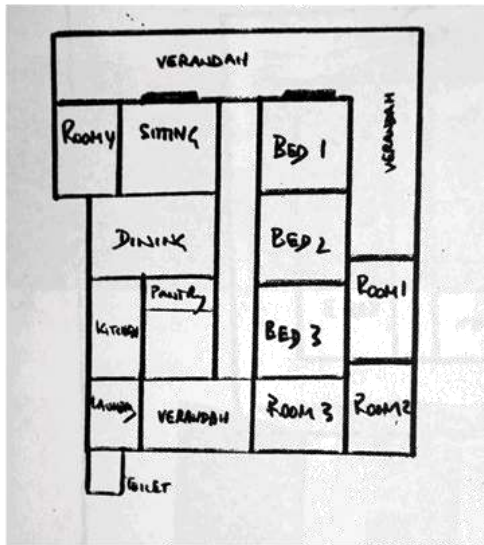


Figure 117.

c.1940 – c.1970

The northern return to the verandah had been enclosed and three new rooms had been created at the south-western corner of the verandah.

A toilet had been added to the rear of the building adjacent to the laundry.

These three rooms are likely to have been very lightweight structures, the only evidence found today being paint marks on the outer wall along the verandah.

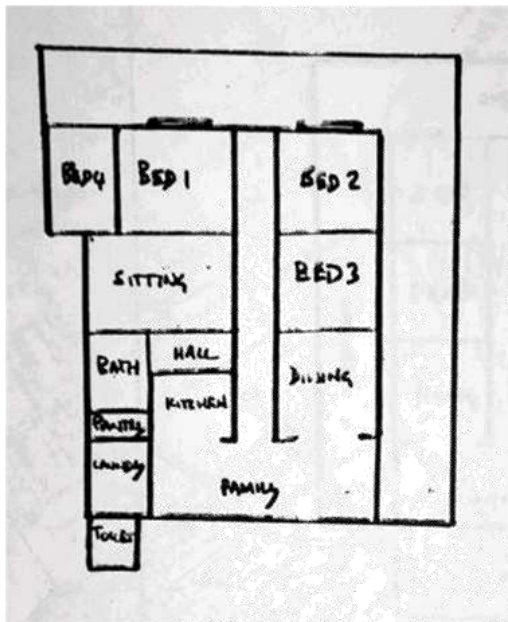


Figure 118.

c.1970-c.1980

The contemporary arrangement of rooms was established during this time. The three rooms at the rear corner of the verandah had been removed and the rear verandah had been enclosed to create the family/sunroom. The kitchen and bathroom spaces were swapped and the large central room was designated the sitting room and the dining room was created off the family/sunroom, including the opening to the wall.

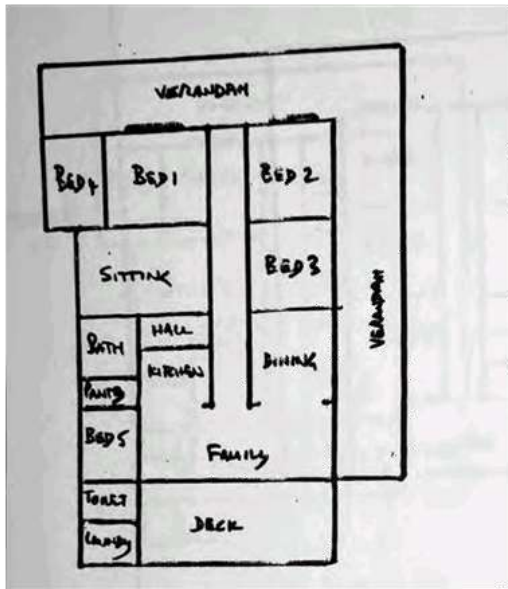


Figure 119.
c.1980-c1990

The rear deck, bathroom and laundry were added.

4.4 GENERAL CONDITION OF THE FABRIC

Inspection of the readily visible fabric revealed that the structure appears to be in excellent condition, with only minor cracks evident to some walls. No evidence of major damage such as movement in wall alignment was seen.

The building as a whole appears to have been very well maintained with no evidence of earlier (repaired) structural damage or deterioration. The early layers of alteration including the creation of the sunrooms and the changes to the kitchen/bathroom areas appear to have been carried out professionally and to a high level of finish. The only addition showing deterioration due to lesser quality workmanship is the back bathroom/laundry addition under the skillion roof at the rear of the property, where the sash window is mis-aligned and the join to the original fabric was made somewhat crudely.

Similarly, the garden also appears to have been well maintained since its establishment, although evidence of a lesser attention to maintenance of elements such as the swimming pool and gravelled pathways can be seen through the growth of algae and weeds in recent months.

Note that the roof and subfloor spaces were not accessible for any detailed inspection of hidden parts of the structure. A detailed building inspection by an appropriately qualified surveyor or structural engineer may reveal other structural issues.



Figures 120-121. Fine crack to the wall and cornice above the doorway in the living room. No corresponding crack to the other side of the wall (to the hallway) could be seen.

Detail. The cracking is minor (0-1mm) and does not appear to extend lower on the wall, nor could it be seen on the other side of the wall (in the hallway).



Figures 122-123. Fine settlement crack above the central arch in the hallway.

(detail) The width of the crack is 0-c1mm and there is no evidence of lateral movement of the wall.



Figures 124-125. Fine cracks to bedroom 3 above door. The slight discolouration of the adjacent cornice suggests that this may have been/is due to water penetration. This should be investigated. (detail)



Figures 126-127. Minor settlement crack above the arch cut in the back wall.



Figure 128. Stone footing stones removed to allow access to the subfloor area – likely as part of kitchen/bathroom works.



Figure 129. The rear utility wing addition is not built to the same quality as the remainder of the house and elements such as the window sash may need repair.

4.4 SUMMARY OF THE FABRIC

The house at 28 Cook Road is stylistically consistent with the traditional Australian vernacular farmhouse-style bungalow.

In keeping with its conservative form, it is stylistically consistent with the Victorian Regency (1840-1890) as identified in the core reference for Australian architecture, Apperly, Irving and Reynolds' Identifying Australian Architecture (page 48-49). It is a very late example of the style however and has incorporated elements and details of the then-contemporary early Federation architectural period. It includes:

1. Symmetrical façade
2. Façade features framed by subtle projections
3. Smooth-textured walling of fine face brickwork
4. A medium-pitched roof
5. Verandah colonnade
6. Casement windows to the verandah and sash elsewhere
7. Margin glazing to the main façade windows

Apperly, Irving and Reynolds do not address vernacular styles in any depth, but it is noted that the property also demonstrates the following features that are characteristic of the 19th Century vernacular farmhouse:

1. Single storey with strong horizontal character
2. Prominent pyramidal roof (with minor adjustment to accommodate the floorplan) with chimneys
3. Wide encircling verandah
4. Symmetrical presentation to the main street elevation
5. Simple timber detailing
6. A simple floor plan with central hallway

Federation details include:

1. The exposed rafters
2. Main windows casements with small-paned coloured glazing in timber frames
3. Double-hung sash windows with cast cement sills
4. Half-glazed front door with leadlight highlight
5. Chimney detailing

Inter-War details include:

1. The fabric, form and detailing of the enclosed verandah returns including timber-framed glazed doors in lozenge and circular form, obscured glass and lightweight framing to maximise illumination to the room.

Garden fabric: the house originally overlooked a substantial garden on its northern side, and some remnant trees from this phase have survived in the front garden. The historic link between the two gardens is readily interpretable through the continuity of the space due to the lack of a dividing space forward of the two houses, allowing the garden to still read as a single unit. The original rear garden fabric has been overwritten by later development and use.

The open expanse of the garden when viewed from the street allows the house, and in particular the return verandah, to address the street corner strongly and lack of fencing or traditional garden planting emphasises the open 'rural' character of the house and its setting.

The property as a whole demonstrates evidence of three main phases of construction and occupation:

Original house and garden

Inter-War: enclosure of side verandah to create sunroom overlooking the garden

Late 20th Century: subdivision of the site, erection of dwellings on the new lots and alterations including the enclosure of the rear verandah, exchange of kitchen and bathroom and construction of the garage and swimming pool.

The key period of significance for the property is the first phase of development, being 1900-1914.

4.5 COMPARATIVE ANALYSIS:

GLEN BRAE IN THE CONTEXT OF OTHER SIMILAR HOUSES IN THE KU-RING-GAI LOCAL GOVERNMENT AREA

The 1936 Sydney Water Board plans and 1943 aerial photographs for the whole of the Ku-ring-gai LGA were searched to identify any other examples of a similar built form in the local area; and therefore to determine whether this property was unique, rare or common in the context of the LGA. Given the vernacular qualities and lack of known professional architectural involvement, this analysis focused on the design and curtilage characteristics of the properties identified.

The determinant characteristics of this search were a square or almost square building footprint and continuous verandah on at least three sides of the footprint. Potential examples were then compared against the 1943 aerial photographs to determine the form of the roof, with pyramidal or short-ridged hipped forms that extended over the verandah footprint considered the most consistent. The current built form of these properties was then examined via the aerial, site inspection (from the street only) and google street view imagery to develop a list of similar surviving properties in the LGA. Note that other examples may have survived outside the area mapped in the 1936 Water Board Plans.

The traditional rural farmhouse-style house was found to be very rare in the Ku-ring-gai LGA, with only 16 early examples identified, of which five have survived in legible form and setting as a traditional, vernacular style dwelling of a scale, form and level of integrity of fabric and curtilage consistent with 28 Cook Road. One was found to have a significantly different pattern of fenestration that was not consistent with the vernacular form. A further two have survived in part but have undergone extensive alteration and/or addition. The remaining examples have been demolished. Although properties with return verandahs to two sides only were not sought in this analysis, two examples that in other respects demonstrate particular consistencies of roof form with 28 Cook Road were also included in this analysis for purposes of comparison.






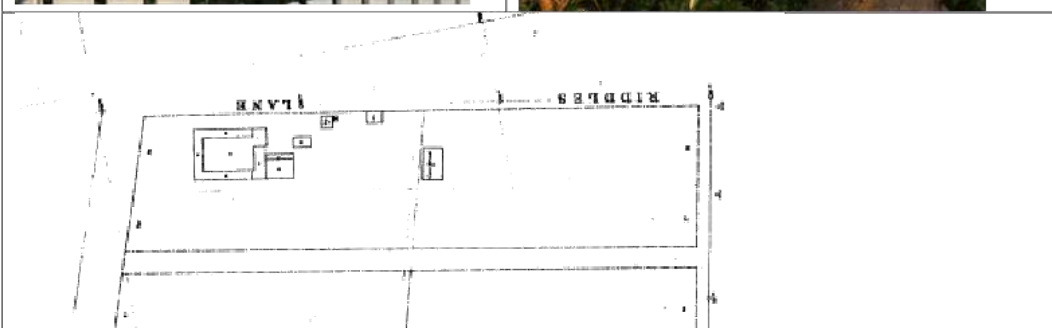
Glen Brae is one of six surviving properties identified in the Ku-ring-gai area that are in substantially intact form and have retained their original simple detailing consistent with the vernacular tradition without overt gentrification. All except one has survived without major alteration or addition, and the addition to the layered property is sympathetic in its scale and form. The remaining properties of the six, including Glen Brae, have only been subjected to minor wing additions to the rear and lightweight enclosure of parts of the return verandahs. Three of the six (including Glen Brae) are situated in

prominent streetscape positions; and each of these properties has had its original curtilage reduced by the excision and development of parts of the site for infill development. The other three properties are set on standard suburban street blocks and have not been re-subdivided. 28 Cook Road is the only one of these known to demonstrate a close association with earlier layers of rural settlement in the area. 29 Finlay Road is also associated with productive land uses as part of the first layer of residential development (as a gardener's cottage to the early property Blytheswood).


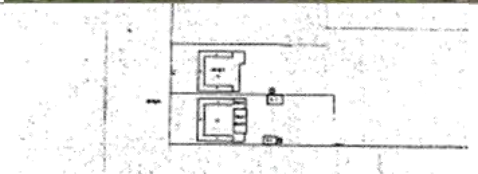
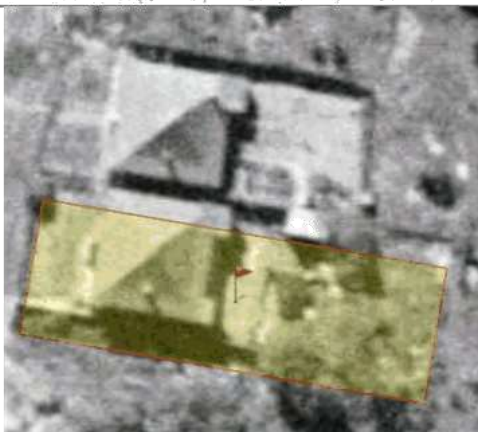

The properties identified were:





- 29 Macquarie/Riddles Lane Pymble: very similar built form, more sophisticated detailing including timber valance and slate roof. Main building is substantially intact (although rear wing has been demolished). Set on corner site with minimal side setbacks. Front garden consistent with 1943 form. Whole of rear garden has been subdivided and a new dwelling has been built very close to the common boundary. Local Heritage Item.
- 125 Coonanbarra Road, Wahroonga: Good traditional rural vernacular form and character. Timber construction with iron roof. Both house and curtilage (as at 1936) appear to be substantially intact. Set on standard-sized lot (not corner site). Local Heritage Item.
- 29 Finlay Road Warrawee. Timber cottage. Traditional rural vernacular form and character. Extended in sympathetic manner. Curtilage (as at 1936) intact. Appears to have retained original garden area. Not on a corner lot. Local Heritage Item
- 20 Mona Vale Road. Timber and brick cottage. Traditional vernacular form intact. Curtilage (as at 1936) intact. Visually recessive in the streetscape – well hidden by vegetation and topography. Local Heritage Item
- 57 Merrivale Road, Pymble. Simple vernacular cottage with strong street presence. Appears to be substantially intact, with modest layering including traditional verandah enclosures in part. Situated on a large triangular lot which reads as a corner lot (side views of house readily visible from the street). Local Heritage Item.
- 54 Burns Road Wahroonga (Queen Anne interpretation) – extensive additions, but core intact (brickwork painted)
- 32 Northcote Avenue, Killara – very unsympathetically layered. Original form illegible. No longer a comparable example.
- 10 Northcote Avenue, Killara. Roof form vernacular in character, fenestration not. No central door. Not a comparative example.
- 29 Spencer Road Killara. Extensive additions.
- 23 Cook Road – almost opposite Glen Brae (demolished)
- 37 Nelson Road, Lindfield (demolished)
- 41 Springdale Road, Killara (demolished)
- 64-66 Stanhope Road, Killara (demolished)
- 19 Wellesley Road, Pymble (demolished)
- 2 Moree Street (demolished)
- 127 Coonanbarra Road Wahroonga (demolished)
- 21 Cecil Street Gordon. (single return verandah, vernacular form) Substantially intact core, additions.
- 12-14 Forsyth Street, Killara (single return to verandah, vernacular form). Substantially intact house and garden.






Table 1: comparative assessment of other pre 1936 traditional rural/farmhouse style properties with encircling verandahs based on 1936 Water Board Plans, 1943 Aerial photographs and contemporary aerial and street photographs.

<p>29 Macquarie Road/Riddles Lane, Pymble.</p> <p>Substantially intact, although a pre-1943 rear addition has been demolished. The site was originally substantial but has been eroded by subdivision. Traditional vernacular form. Verandah under main roof and returns to each side (now partially enclosed). Fabric includes slate roof and timber detailing and valances.</p> <p>Local Heritage Item.</p>	
<p>Sheet 131</p>	<p>(Google Street view image)</p>
	
	
	


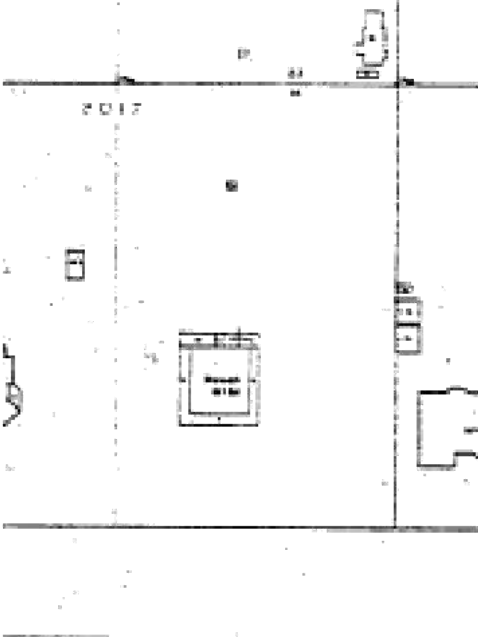
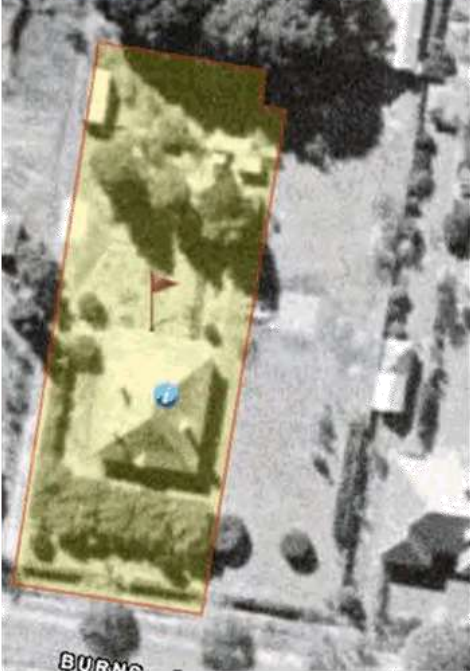

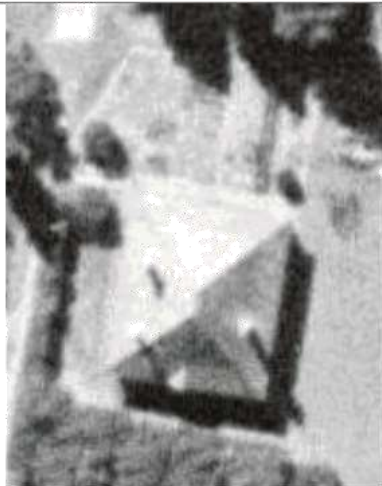



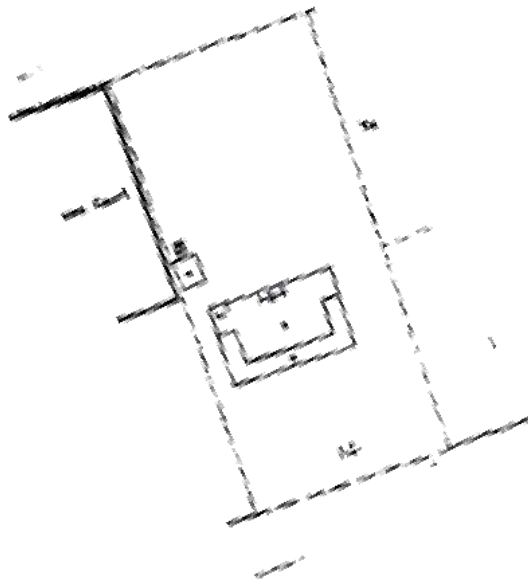
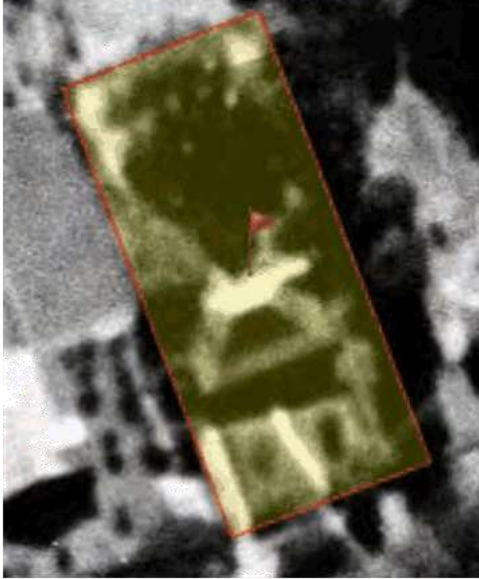


<p>125 Coonanbarra Road, Wahroonga.</p> <p>Strong traditional vernacular form and character. Return verandahs. Timber/iron construction with masonry wall to verandah. Set on a standard lot (original) with narrow side setbacks.</p> <p>Local Heritage Item (Sheet 184)</p>	<p>(127 was originally similar but has been demolished).</p>
	
	
	


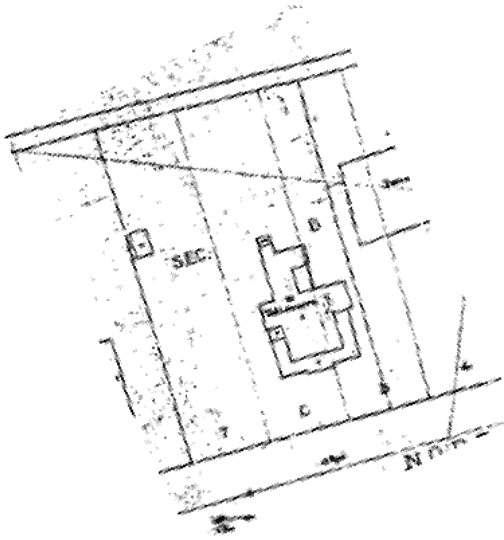
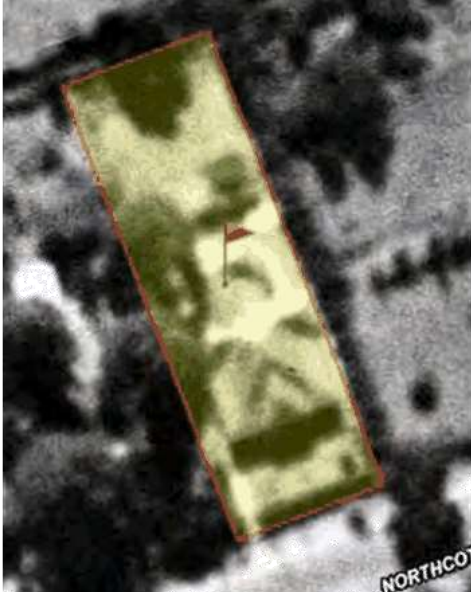


<p>29 Finlay Road, Warrawee</p> <p>Vernacular timber cottage with return verandahs. Substantially intact, timber construction. Sympathetically scaled and formed addition. Known rural association: built for the gardener of Blytheswood.</p> <p>Local Heritage Item</p> <p>(Note: not within the area covered by the 1936 Water Board Plans)</p>	
	
	<p>(image Google Street view)</p>

<p>20 Mona Vale Road, Pymble</p> <p>Difficult to see from the public domain but appears to be a comparative example of a pyramid-roof farmhouse with return verandahs. Timber construction with brick to rear.</p> <p>Local Heritage Item</p>	
 <p>Sheet 123</p>	
	


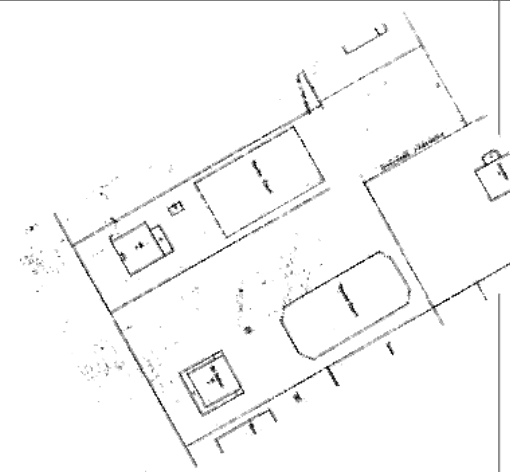




<p>57 Merrivale Road, Pymble</p> <p>Simple cottage in common brick. Substantially intact with some infill of verandahs but has retained a simple rural aesthetic with differentiation due to the prominent roof vent at the apex. Strongly expressed vernacular roof form and traditional character. Very simple materials and detailing. The width of the street frontage allows side elevation to also read clearly in street views.</p> <p>The original curtilage has been eroded by subdivision of a lot to the south but the strong street presence due to its atypical built form and position and triangular lot shape has survived.</p> <p>Local Heritage Item</p>	
 <p>Sheet 232.</p>	
	

<p>54 Burns Road, Wahroonga</p> <p>Queen Anne variant of traditional vernacular form. Large-scaled additions and gentrification including painting/rendering (?) of brickwork. Core fabric appears to be reasonably intact.</p>	
 <p>Sheet 177</p>	
	

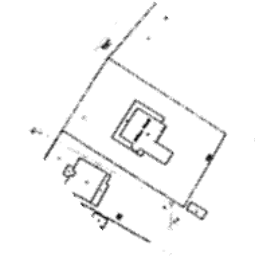






<p>32 Northcote Avenue, Killara</p> <p>Original cottage has been lost under large scaled and unsympathetic additions and alterations. Original form no longer legible.</p> <p>Not a comparable example.</p> <p>(Image Google streetview)</p>	
 <p>Sheet 91</p>	
	


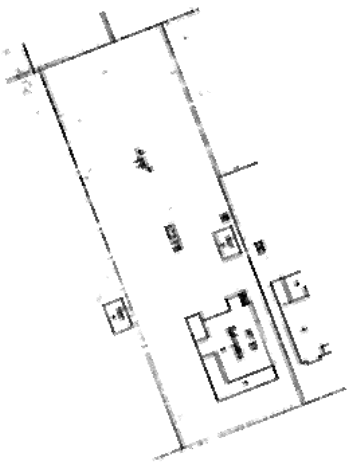



<p>10 Northcote Avenue, Killara</p> <p>Atypical form that does not read as vernacular due to atypical façade configuration and prominence of the central hipped detail.</p> <p>Façade does not include front door as central feature. Has retained return verandahs but has had a large addition to the rear.</p> <p>Limited comparative value.</p> <p>(Image Google streetview)</p>	
	
<p>Sheet 91</p> 	



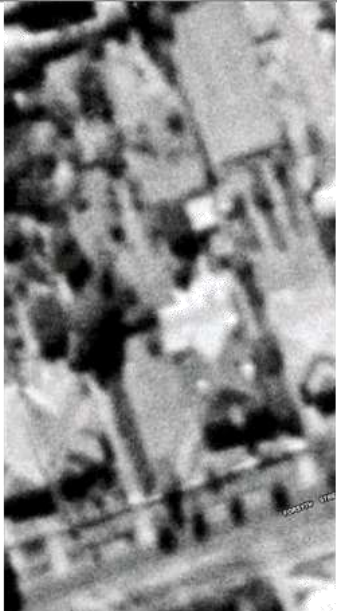

DEMOLISHED EXAMPLES

23 Cook Road, Killara DEMOLISHED	
	
	
Sheet 116	
37 Nelson Road, Lindfield - DEMOLISHED	
	
	Sheet 75

41 Springdale Road, Killara DEMOLISHED prior to 1943	
	(sheet 84)
	
64-66 Stanhope Road, Killara – DEMOLISHED prior to 1943	
	(sheet 84)
	

19 Wellesley Road, Pymble – DEMOLISHED	
	
(sheet 125)	
	
2 Moree Street, Gordon - DEMOLISHED	
	(sheet 196)
	

<p>29 Spencer Road Killara.</p> <p>Appears to have originally included deep verandahs under the main roof form (two sides only). Has been layered heavily with a large addition, painted brickwork and a large carport dominating the street presentation. Front façade either altered or was not symmetrical.</p> <p>Not a comparable example.</p>	
	
<p>Sheet 149</p> 	

<p>12-14 Forsyth Street, Killara</p> <p>Similar form with return verandah (to one side only). Similar simple federation detailing to façade, slate roof with gable over front door.</p> <p>Set in street run, not corner lot. Has retained wide lot setting and traditional streetscape presentation.</p> <p>(Image Google streetview)</p>	
	<p>(Forsyth Street was formerly known as Thomas Street)</p>
	

5.0 ASSESSMENT OF HERITAGE VALUES

The findings of the historical and fabric research and analysis were then assessed against the NSW Heritage Council's Criteria for the Assessment of Heritage Significance using the Guidelines described in their publication *Assessing Heritage Significance* (NSW Heritage Office 2001).

The Criteria to be used (for local heritage significance) are as follows:

- (a) An item is important in the course or patterns of the local area's cultural or natural history.
- (b) An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.
- (c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area.
- (d) An item has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons.
- (e) An item has the potential to yield information that will contribute to an understanding of the area's cultural or natural history.
- (f) An item possesses uncommon, rare or endangered aspects of the area's cultural or natural history.
- (g) An item is important in demonstrating the principal characteristics of a class of the area's cultural or natural places.

Note that a property only has to satisfy ONE of these criteria to be considered of local heritage significance.

The following table identifies the ways in which the heritage values of the property satisfy the Criteria:

5.1 ASSESSMENT OF HERITAGE VALUES AGAINST THE NSW HERITAGE COUNCIL'S CRITERIA

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
A (historic)	The property shows evidence of a significant historical phase of significance to the development of Ku-ring-gai	<p>The property at 28 Cook Road provides physical and spatial evidence of the start of the transition between the 19th Century settlement of the area as a semi-rural landscape of orchards to the subdivision and residential development that characterises the contemporary cultural landscape of Ku-ring-gai.</p> <p>Glen Brae was one of the first properties created on the 1893 subdivision of the Grandview</p>	<p>The underlying subdivision pattern</p> <p>The substantially intact farmhouse-form and Federation Bungalow-style house and the way that it continues to address the surrounding landscape openly without devices commonly associated with suburban cultural landscapes such as physical separation between the public and private domains (ie lack of boundary fences forward of the house).</p> <p>The choice siting of the house at the highest point of the original subdivision from where</p>

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		<p>Estate and is significant for its substantially intact traditional vernacular form that includes deep and encircling verandahs included under a sheltering roof with prominent chimneys, establishing a built form that provides physical evidence of the transformation of Ku-ring-gai from rural backwater into a prestigious suburban cultural landscape.</p> <p>The strongly expressed rural-residential transition of the built form is enhanced by the open landscaping of the site and the siting at the most prominent part of the local streetscape, terminating views to the south along Cook Road and set above the intersection of Cook and Redbank Roads.</p>	<p>good views over the surrounding area were available (noting that many of these are now obscured by later development and vegetation).</p>
		<p>The form and garden of the house is consistent with that of a traditional rural farmhouse.</p>	<p>The traditional symmetrical floor plan and street elevations dominated by the deep, shady return verandahs and pyramidal roof form.</p>
	<p>The property shows evidence of a significant human activity</p>	<p>The conservative form of the house, the careful attention to detailing and the siting of the property adjacent to the family's farmlands provides evidence of the stylistic and architectural qualities desired by a mature and long-term resident associated with the rural phase of Ku-ring-gai's development area as a place suitable for retirement.</p> <p>Although substantially intact to its original period of construction, the property also provides evidence of the adaptation of fabric and spaces</p>	<p>The traditional rural character of the house and its setting.</p> <p>Evidence of successive subdivision. Through the major periods of layering to the fabric, including the pre WW2 enclosure of the northern and back verandahs, the reconfiguration of the utility and family living areas (including the deck) to reflect the changing focus on the kitchen and informal living areas in the latter years of the 20th Century and through the addition of facilities such as the swimming pool and recreation room in the garage.</p>

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		to accommodate the changing needs of its occupants throughout the 20th Century.	
B (associational)	Association with significant figures	<p>Strong association with prominent local pioneering families the Bakers and (to a lesser extent) the Cooks.</p> <p>Glen Brae was built by Robert Baker who was the son of pioneering settlers in the area, William and Jane Baker who were timber-getters and orchardists in the Lane Cove River valley from c.1830. Robert Baker had a life-long association with the valley. He was likely to have been born in the area, and established one of the family's orchards in the latter half of the 19th century which he operated until retiring to Glen Brae and living there until his death in 1935, after which the property remained in the ownership of the Baker family until it was sold in 1965.</p> <p>The Baker family owned at least three well-known orchards in west Lindfield/Killara, including the land adjacent to Glen Brae, which was held by Robert Baker's mother and then his brother, William Jnr. The site on which the property stands was part of the farm held by their neighbours, the Cook family and its purchase allowed Robert to continue the family's association with the area even after its subdivision and development for residential housing.</p> <p>The evidence of the historic association between the Baker</p>	<p>Though the rural form and character of the dwelling at 28 Cook Road including the open address of the return verandah to the public domain.</p> <p>The boundaries of the original lot can still be read by those familiar with the early history of the area and an appreciation of the physical patterns of development resulting from the re-subdivision of larger lots (via the surviving original trees in the front garden of 30 Cook Road and the 1965-1975 form and detailing of the infill development on the excised lots).</p>

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		family and the local area is also demonstrated by the survival of Robert Baker's cottage on the banks of the Lane Cove River to the south of their orchards. This cottage is reputed to be one of the earliest surviving structures associated with the first European occupation of the Ku-ring-gai area.	
C (aesthetic)	The property exemplifies a blend of the vernacular 19 th Century rural farmhouse overlaid with detailing demonstrative of the Federation Bungalow style.	<p>Glen Brae demonstrates strongly expressed aesthetic values. These values respond to the overlaying of the principal characteristics of the Federation Bungalow on the form of the traditional 19th Century Australian vernacular farmhouse, with a prominent roof sheltering a simple built form and deep, sheltering verandahs set within a large garden that addresses the surrounding streetscape strongly and detailing consistent with the fashions associated with the Federation stylistic era. This provides physical evidence of the transition of building form and purpose in the LGA in the early years of the 20th Century that is rare in the Ku-ring-gai area.</p> <p>The fabric of the house is generally simple but is well built, with quality materials and evidence of a high level of attention to detail being given to building elements such as the brickwork (which is well-laid with tuckpointing to not only the face bricks of the entrance façade but also to the common brickwork of the 'side' elevations); the fenestration and also the later detailing of the enclosure of the northern return of the verandah.</p>	<p>Intact footprint of the building and surviving garden area.</p> <p>Open presentation of the house to the public domain including lack of boundary fencing except in the rear garden area.</p> <p>All surviving original fabric and qualities of the setting including:</p> <ul style="list-style-type: none"> • symmetrical design to the primary street elevation, • prominent bungalow-style roof form, • original deep and encircling verandah set under the main roof with a broken-back profile, • original joinery including windows and doors, • Federation-casement windows set in a shallow bay to the primary elevation and traditional double-hung sash to the secondary windows; • Fabric and detailing associated with the Inter-War enclosure of parts of the verandah whilst retaining the integrity of its form as a wide, sheltering space. • General lack of unsympathetic alterations or additions <p>Reversibility of most of the later layers.</p>

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		<p>The interior spaces also demonstrate strongly expressed aesthetic values consistent with the period of construction and provide evidence of the historical influences that have shaped Glen Brae's built form. Detailing throughout is simple but demonstrates careful attention to the quality of workmanship and is notable for its degree of intactness, with most elements surviving from the original construction of the house. The main rooms present intact assemblages including pressed metal ceilings with roses and metal join-cappings; fireplaces, marble mantles and encaustic tiles (both the ceiling and tile patterns being unique to each room), doors with highlights opened by original hardware and details such as lights continuing to be operated by pull-cord switches rather than wall-mounted.</p> <p>The extent of building modifications is modest, with earlier layers revealing attention to detail and careful integration with the original fabric. Most of the later work is also reasonably well resolved, but the quality of materials and workmanship is generally more lightweight than the earlier layers.</p> <p>The existing layout of the garden areas to Cook and Redbank Roads continues to demonstrate the aesthetic principles of the setting of the property that were established by the original owner of the</p>	

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		<p>property (as evidenced by the 1943 aerial photographs of the site which show the two street frontages bare of significant planting other than along the boundaries in the same pattern as seen today).</p> <p>The impact of the 1960s subdivision of the northern part of the original lot has been minimised in street views through the maturing tall trees in the front garden of the infill development (30 Cook Road) and the lack of a dividing fence or boundary plantings that allow the two gardens of the two properties to still read as a single space shared by both when viewed from both Cook and Redbank Roads.</p> <p>The built forms of the rear garden area including the added deck, garage, swimming pool and vegetation are characteristic of late 20th century garden development but do not demonstrate the aesthetic qualities of the remainder of the site in any notable manner.</p>	
	The property plays an important role in the local streetscape.	Glen Brae is sited in a commanding position, being set above street level on a wide corner lot that commands good local views and terminates local views south along Cook Road. The atypical built form is also distinctive, with the deep and shady verandah addressing the corner strongly. The relationship between the property and the	<p>The built form and siting of the house on its lot.</p> <p>The open character of the garden with expanses of grass and substantial planting limited to the boundaries of the site.</p> <p>The lack of formal boundary fencing which allows the visual curtilage of the property to integrate with the public domain.</p>

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		streetscape is facilitated by the lack of boundary fences or planting and the simple landscaping of a wide lawn and perimeter planting allows the verandah to address the surrounding landscape in the manner of a traditional rural property and emphasises the aesthetic qualities of the streetscape in views from the public domain.	
	The property exemplifies the technologies used in vernacular domestic construction in the early 20 th Century	The building technologies evidenced by the surviving original fabric are highly representative of those used in the period and provide evidence of a high level of care and attention to detail in the original construction by an experienced builder.	Original footprint and fabric; including in particular the interior elements such as the intact marble and tiled fireplaces, pressed metal ceilings, pull-cord light fittings and details such as highlight window-winders throughout the property. Also demonstrated through the inclusion of original tuck-pointing to the common faces of the side elevations.
D (social)	The property has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons	<p>The property is understood to be valued by the local community (the Friends of Glen Brae) for cultural reasons as a very early house in the area that has local landmark value for its form, integrity and association with the pioneer Baker family. This value is evidenced by the community's request to investigate the heritage significance of the property including the making of an Interim Heritage Order.</p> <p>The community's traditional recognition of the two families and their association with the local area is also demonstrated through the naming of local streets Cook Road and Baker Place (at Lindfield).</p>	<p>All pre-1943 fabric and spatial qualities of the site has the potential to provide evidence of this value.</p> <p>No fabric associated directly with this possible phase of use has been identified.</p>

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
		The property is also understood to have been used as a women's refuge in the mid-20th Century, and it may have remnant value to those who used the services offered. Verification of this would require detailed and targeted research. This potential value is not considered to be of a level that would be sufficient to establish local heritage value in its own right.	
E	Technological or research potential.	The exterior fabric of the house has the potential to provide information about early Federation design and construction techniques by a skilled builder without (known) professional architectural advice.	All extant original fabric.
		The continuous occupancy of the site for residential and rural uses for over 170 years, together with the lack of excavation (other than the swimming pool) or addition means that there is the potential for modest archaeological finds associated with these uses. This potential value is not considered to be of a level that would be sufficient to establish local heritage value for archaeological reasons.	Original building footprint is intact and sits above natural ground level. Open and uncultivated grassed areas surrounding the house.
F	The house at 28 Cook Road is a very rare surviving example of a dwelling in the Ku-ring-gai LGA that provides evidence of the historically significant point of transition from the semi-rural cultural landscape of the 19 th	The house at 28 Cook Road is a very rare surviving example of a dwelling in the Ku-ring-gai LGA that provides evidence of the historically significant point of transition from the semi-rural cultural landscape of the 19th Century to the emergent pattern of suburban development of the 20th.	Through the scale, form and setting of the house. Through the intact footprint. Through the substantially intact street elevations (with all visible changes potentially readily reversible). Through the survival of the landscape character of the original property as a house

Criterion	Heritage Council Guideline for Inclusion Satisfied	Heritage Value	How this value is demonstrated by the fabric and setting of the property
	Century to the emergent pattern of suburban development of the 20 th .	<p>Only six vernacular rural-style Federation Bungalows demonstrating similar historic and aesthetic heritage values are known to have survived in the LGA in either a substantially intact or sympathetically and modestly altered form. Only one of these is known to have been associated with the active use of land in the adjacent area for agricultural purposes (29 Finlay Road, Warrawee).</p> <p>The interior of the property includes a full suite of domestic detailing and hardware including original fireplaces, mantles and tiling unique to each room, pressed metal ceilings with decorative acanthus leaf joint covers to each room, intact ceiling mounted light cord pulls and intact door hardware and joinery. The survival of this early 20th Century domestic technology to all main rooms of the house is potentially rare in the Ku-ring-gai area.</p>	<p>set in an open grassland area with perimeter tree planting (note that much of the original planted garden area has been excised through subdivision).</p> <p>Through the lack of similar properties in the local government area.</p>
G	The cottage demonstrates the principal characteristics of the vernacular Federation Bungalow style of architecture based on the form of a traditional Australian farmhouse.	The cottage demonstrates many of the essential characteristics of the Federation Bungalow style overlaid on the form of a traditional Australian farmhouse.	Through all surviving original/early fabric and the footprint of the house, including (but not limited to) the aesthetically balanced composition, well-considered proportions, prominent hipped roof form incorporating encircling verandahs which are set above natural ground level and details such as the pattern and details of brickwork and fenestration.

6.2 SUMMARY OF THE HERITAGE SIGNIFICANCE OF GLEN BRAE

The property Glen Brae at 28 Cook Road is of local heritage significance because it is a very rare surviving example of a property in the Ku-ring-gai LGA that provides evidence of the historically

significant transition of the area from the semi-rural cultural landscape of the 19th Century to the emergent pattern of suburban development that came to dominate the 20th.

The property Glen Brae provides rare and well-expressed evidence of the earliest phase of suburban development in Ku-ring-gai. It is associated with the Baker Family, being built by Robert Baker who was the son of pioneer orchardists who settled in the area in the 1830s and who owned several well-recognised orchards that grew oranges, peaches, grapes and strawberries for the local and international markets. Robert Baker remained an orchardist in the area until his retirement, when he purchased a lot in the newly subdivided land of the Grand View Estate adjacent to his brother's orchard and built the house. Its vernacular form that reads as characteristic of a traditional rural farm dwelling provides evidence of the soon to be overwritten rural cultural landscape of the Ku-ring-gai area. The siting of the property with its views across the valley to Chatswood ridge and the open character of the garden surrounding the house enhances the legibility of the property as one that demonstrates rural traditions within what has become a suburban cultural landscape.

Glen Brae demonstrates aesthetic significance through its distinctive form, simple composition and the high level of attention given to internal and external details and finishes. Its traditional vernacular built form is consistent with the traditional Australian 'farmhouse', in particular its simple floor plan and wide verandahs all protected by a simple and prominent roof form that provides a strong sense of shelter to the street elevations. This roof form has been manipulated skilfully to accommodate the footprint of the building whilst retaining symmetry of façade in views over the property.

The built form of Glen Brae is also historically significant because it is a late example of the style and incorporates the principal characteristics of the Federation Bungalow style of residential architecture to a high level of finish but very modest expression. The Federation Bungalow style is more commonly expressed in a much more decorative manner in the Ku-ring-gai LGA.

The house and its relationship with the streetscape has survived in substantially intact form, with additions such as the enclosure of part of the northern return of the verandah and the addition of the rear verandah and deck each being true to its period, of modest scale and being potentially reversible; i.e. having been achieved with minimal impact on the integrity of the fabric. The configuration of the interior has undergone some change to the fabric to the rear, including the rear verandah and the utility rooms, but the property has retained a full suite of original detailing, much of which is of high quality. Examples include the original fireplaces with intact tiling and marble mantles (unique to each room), the joinery throughout and the range of pressed metal ceilings that have retained original details such as leaf-patterned covers over the joins in the cornice-sheets in the corners of each room.

The house has retained most of its original fabric, both internal and external, in situ. No major additions have been carried out since construction. Minor additions include the enclosure of part of the northern return of the verandah in the Inter-War period and a new deck to the rear. The roof has been re-clad in traditional low-glazed dark red terracotta tiles in recent years. This work included the re-lining of the underside of the verandah. These changes have had limited impact on original fabric or the spatial integrity of the structure and/or are reversible. Significant fenestration patterns, including the shallow bay windows on the Cook Street elevation are intact in their scale, proportions, form and detailing. Exterior alterations are similarly modest and limited to the less-visible parts of the house, such as the painting of the brickwork to the northern elevation (behind the enclosed verandah).

Although the original garden setting has been eroded somewhat by subdivision and construction of two new houses on the created adjacent lots, the survival of trees in front of 30 Cook Road and lack

of dividing fences in particular allows the original setting of the house to continue to be interpreted from the public domain.

The rear of the property, including the garage, games room and swimming pool are all consistent with the pattern of development in Ku-ring-gai in the latter part of the 20th Century but do not contribute to the identified heritage values of the property.

6.3 THE SIGNIFICANT SETTING OF GLEN BRAE: THE CURTLAGE

The NSW Heritage Council has identified a range of types of curtilage, or areas surrounding a place that are important to understanding its heritage values. The analysis of heritage values of Glen Brae revealed that three types of curtilage are associated with the property.

1. The current lot curtilage (figure 130).
2. The historic curtilage (figure 131).
3. The expanded curtilage (streetscape setting) (figure 132).



Figure 130. Current legal curtilage. The current lot boundary is the essential curtilage of the site. It is the core of the contemporary significance as it is represented in the local streetscape and is the area recommended for inclusion in any heritage listing.



Figure 131. Historic curtilage. The historic curtilage extends over the whole of the original lot and includes the properties now known as 30 Cook Road and 1-3 Redbank Road, including the large trees planted in the garden to the north of the original house but now within the area of 30 Cook Road.



Figure 132. Expanded (visual/streetscape) curtilage. The expanded curtilage responds most clearly to the historic and aesthetic heritage values of the house. It extends over the immediate streetscape to include views to and from the property and in particular the verandahs. The character of this curtilage is derived from its low density detached streetscape quality with single and two-storey homes set on sites dominated by gardens and natural vegetation. The expanded curtilage effectively describes the area within which future development can be considered to be 'in the vicinity of' the property as defined in the Ku-ring-gai LEP 2015.

7.0 RECOMMENDED MANAGEMENT APPROACH

It is recommended that the property be included as a heritage item in the Ku-ring-gai LEP 2015.

Not all parts of the property contribute equally to its heritage significance however, and any decision about its future management, or of development in its vicinity, should focus on the conservation of those elements that provide evidence of the heritage values; in other words, contribute to its heritage significance.

In the case of the property at 28 Cook Road, the following elements particularly contribute to the significance of the property and should be preserved in any development:

- The ability to read the building from the public domain as a substantially intact early Federation Bungalow with strong traditional vernacular farmhouse character.
- The original footprint of the building.
- The form of the building (traditional vernacular farmhouse references; being a single storey with central hallway and with simple detailing and surrounded by deep, shady verandahs under a prominent hipped roof).
- The sensitive manner in which the fabric has been adapted to the changing needs of the occupants whilst retaining the essential qualities of the original built form, including the two sunrooms created from the enclosure of the north-western and rear (south-western) verandahs.
- All surviving fabric from the original period of construction (interior and exterior) including (but limited to) the doors, windows, brickwork, tuck pointing, interior woodwork and fittings.
- The simple and intact detailing throughout the property.
- The fabric associated with the inter-War enclosure of the north-western verandah return.
- The spatial qualities of the site and its setting, including the exterior form and fabric of the building including the visibility of the main elevations from the public domain across the open front garden.
- The curved alignment of the front path that contrasts with the symmetry of the house and introduces tension into the composition of the street elevation.
- The scale of the adjacent and nearby properties that allow the scale and form of the property at 28 Cook Road to read as the most prominent element in the immediate streetscape (ie in the vicinity of the intersection of Cook and Redbank Roads).
- The visual and spatial relationship between the house and its setting including the vista to Chatswood's CBD.

The elements that do not contribute to the heritage significance of the property and which could be altered or removed without likely adverse impact on the heritage significance of Glen Brae include:

- The houses built on the land subdivided in the 1960s
- The garage and games room to the rear of the property
- The late 20th Century swimming pool in the rear garden
- Plantings in the rear garden area (although the presence of vegetation that extends above fence height should be encouraged)
- The paint applied to the northern elevation of the property over the original brickwork.
- Interior alterations post 1945.
- The paint to the brickwork on the north-western elevation does not contribute to the heritage significance of the property and could be removed using a non-invasive process. Any damage to the underlying tuck pointing should be repaired using traditional techniques.

It is recommended also that the owners of the property both present and in the future be encouraged to maintain the significant fabric and heritage values of the property. Any alteration or addition should be designed to conserve the historic values whilst providing high quality and visually and spatially appropriate new work. In this regard it is noted that any future addition would be most appropriately be sited to the rear of the original house and not impact on the integrity or ridge lines of the existing roof, particularly where visible from the street. Such an alteration may provide opportunity to link to an addition to the rear in the form known as “pavilion style”.

Verandahs should not be further enclosed, although the earlier enclosures do not have to be required to be reversed unless the owner wishes it. If the fabric of the enclosure is replaced any new works should also read as light and transparent.

Major additions to the roof form, including a second storey or dormer windows will not be consistent with the heritage values of the property and should not be considered or supported.

Other works that may affect the structural integrity or significant original fabric should be discussed with Council’s Heritage Advisor at an early stage in the planning process.

ANNEXURES: A: HISTORICAL ANALYSIS

B: PHOTO SURVEY OF THE HOUSE AND ITS SETTING

ANNEXURE A: HISTORY OF GLEN BRAE

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

Glen Brae

28 Cook Road, Killara
Historical Background
Prepared by Nick Jackson
June 2015 - Issue 2

1. Settlement at Killara

Non-indigenous settlement of the area around the Killara Golf Links began in the nineteenth century by the making of Crown grants. The grantees were William Moore (multiple land holdings comprising 62 acres, 38 acres, 25 acres and 41 acres), John Griffith (100 acres), Samuel Midgley (60 acres), Joseph Fitton (Fidden) (40 acres), Thomas Flood (24 acres) and Thomas Wilson (50 acres). The eastern boundary of the grants to Wilson, Fitton (Fidden), Midgley and Griffith was the Pacific Highway (formerly Lane Cove Road), and to the west of these grants was Moore's large land holding.

The timber on these grants was felled from the 1810s through to the 1840s. Orchardring then predominated until the coming of the railway provided the incentive to sell and subdivide the farms for housing.

Fiddens Wharf Road was a major road route connecting the farms along Lane Cove Road (Pacific Highway) with the wharf on Lane Cove River and thence by boat to Sydney. This road was in existence from about 1805. It was used by the timber getters and then the orchardists that followed; its role was supplanted by the railway.

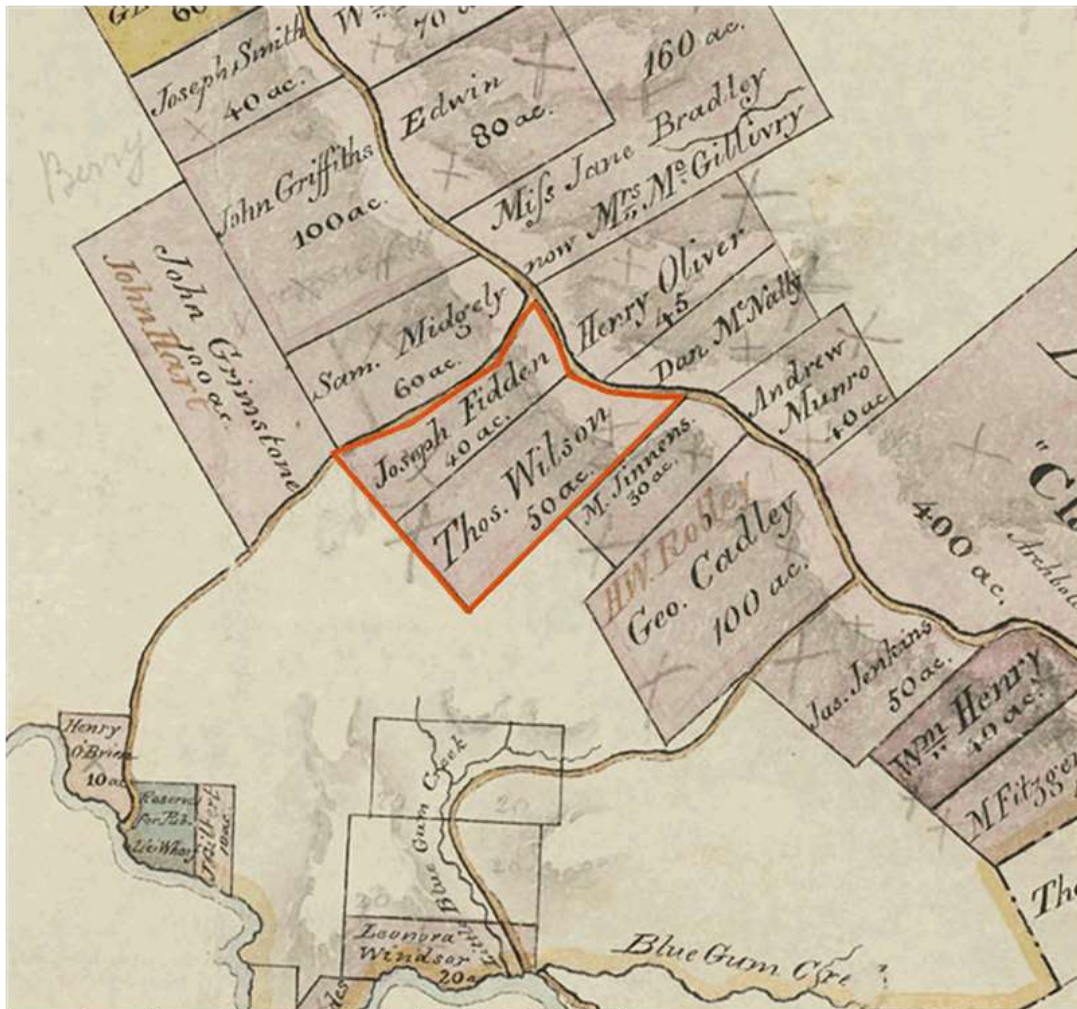
The north shore railway from Hornsby to St Leonards was opened for traffic in 1890, and was extended to the first station at Milsons Point in 1893. In 1927 the line was electrified. The railway station at Lindfield was opened in 1890, and Killara followed in 1899.

2. Cook family farm

Of the above grantees, the property is historically associated with the grants made to Joseph Fitton (Fidden) and Thomas Wilson, both registered in April 1821. Fidden was an early timber getter in

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

the district who resided at the wharf on Lane Cove River. He never occupied the grant and sold it to B Williams in 1821.¹ Wilson was probably the son of Thomas Wilson of Kissing Point.²



Source: State Library of New South Wales (Z/M2 811.144/1843/1)

Figure 1. Detail from the map of the parish of Gordon published in 1843. Fidden and Wilson's grants are highlighted, which at that time were owned by Michael Cook. The advantage of Fidden's grant having frontage to the road connecting the main district road to the the cargo wharf on the river is evident.

Both grants (ie. the 90 acres) came into the possession of former convict Michael Cook in 1825.³ Cook (1798-1853) maintained a farm, which by the census of 1828 consisted of a modest eight

¹ Brown, John and Margaret Wyatt, 'Fiddens Wharf Historic Site', *The Historian*, December 2014, p.98

² State Records of New South Wales Index to Colonial Secretary Index 1788-1825

³ Stated in Primary Application 296

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

acres of cleared land, with five acres under cultivation, and ten head of cattle.⁴ By a survey dated 1883 (see Figure 2) there was an orchard in the vicinity of Ellsmere Avenue, and farm houses on Lane Cove Road near the intersection with Commonwealth Road and with Provincial Road.⁵ Cook had married Sarah Clarkson (1804-1877) in 1824 and the children of this marriage were many (possibly about 15).⁶

Following the death of Michael Cook in 1853⁷ the farm passed to his widow, Sarah. Sarah died in 1877,⁸ and in 1883 the farm, then comprising 60 acres, was divided between the sons Charles (1847-1914), John (1844-1931), Mountford (1838-1891), Thomas Clarkson (1825-1888), and William (1845-1914).⁹ The subject property is located within the portion (Lot 4 in Deposited Plan 1173) acquired by Thomas Clarkson Cook, then working as a timber getter at Nambucca.¹⁰

⁴ Sainty, MR, and KA Johnson, *Census of New South Wales, November 1828*, Library of Australian History, Sydney, 1985, entry C2243

⁵ Torrens Title Deposited Plan 1173

⁶ New South Wales Birth, Death and Marriage Indexes

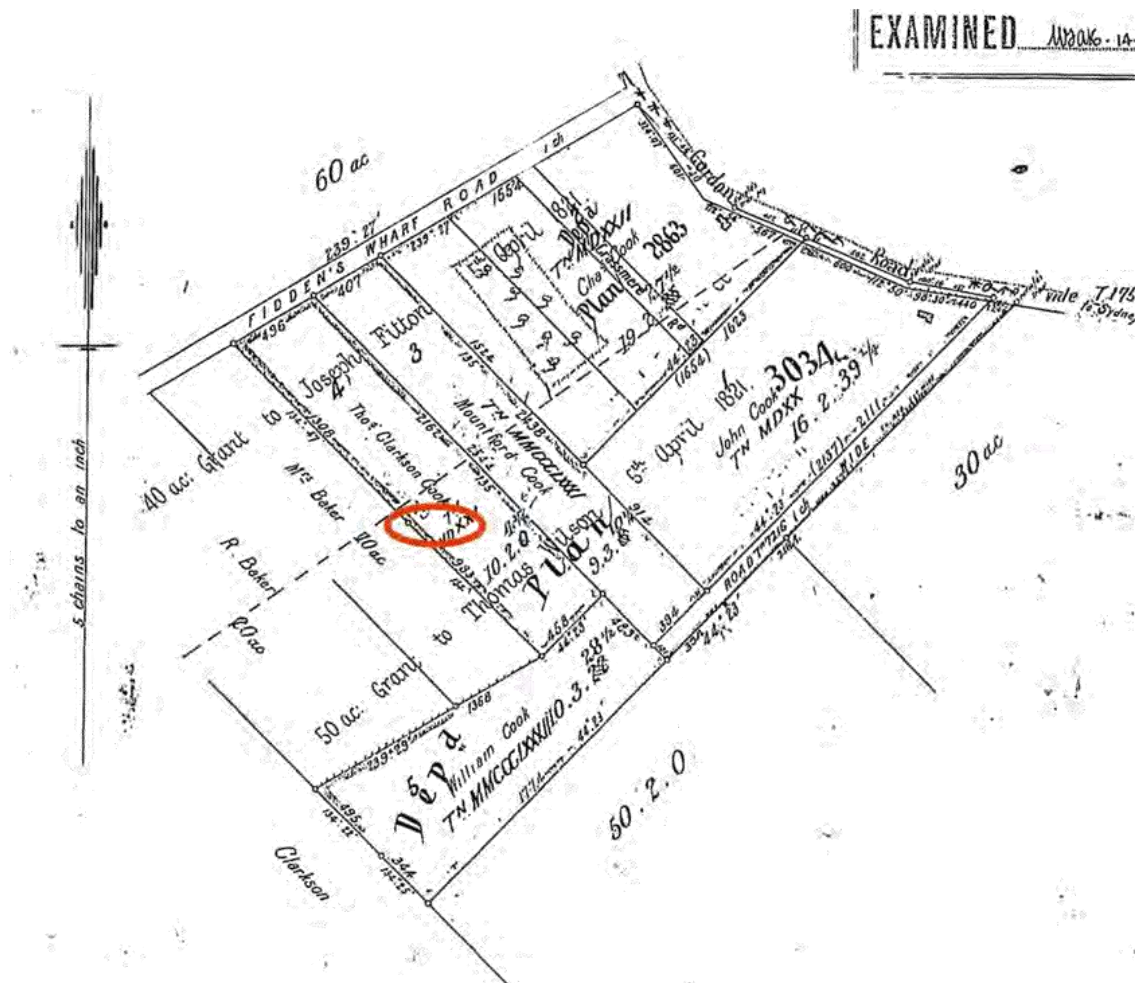
⁷ Funerals, *Sydney Morning Herald*, 6/7/1853, p.3

⁸ Funerals, *Evening News*, 17/8/1877, p.3

⁹ Torrens Title Vol. 690 Fol. 8

¹⁰ Torrens Title Vol. 702 Fol. 59

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2



Source: Land and Property Information (DP1173)

Figure 2. The plan prepared in 1883 for the partition of the Cook family farm between the five brothers. The approximate location of Robert Baker's Glen Brae is circled within a later re-subdivision. Also depicted was the Bakers' 30 acres of orchards. This land had been purchased from the Cook family in 1872.

3. Grandview Estate

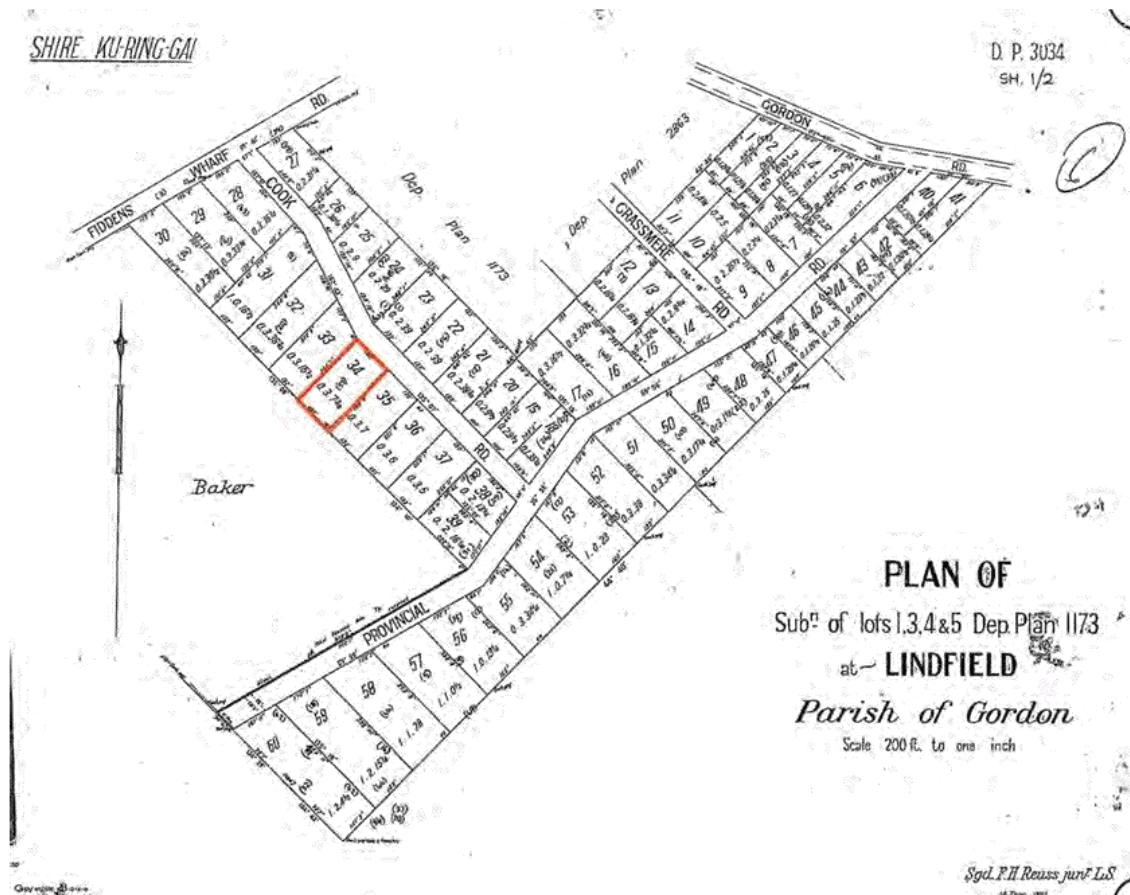
In 1885 Thomas Clarkson Cook's portion of the family farm, about 10½ acres, was purchased by the Sydney and Provincial Land and Building Company Ltd.¹¹ By the early 1890s this company had also acquired neighbouring portions of the former Cook family farm (John's Lot 1, Mountford's Lot 3, and William's Lot 5). The company had been formed in 1882 to buy and subdivide land in the emerging suburbs of Sydney.¹²

¹¹ Torrens Title Dealing 104317

¹² Advertisement, *Sydney Mail*, 16/12/1882

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

The company subdivided the land at Killara in late 1893 into 60 large suburban blocks and formed Cook Road and Provincial Road, and extended the existing Grassmere Road south.¹³ The estate was named Grand View. By early 1893 the company was insolvent,¹⁴ but allotments were available for purchase from 1894.¹⁵ In 1897 the remaining unsold lots were put up for sale at bargain price by the liquidators.¹⁶



Source: Land and Property Information (DP3034)

Figure 3. The plan of the subdivision of part of the Cook family's former farm undertaken by the Sydney and Provincial Land and Building Company Ltd. in late 1893. Glen Brae is located within former Lot 34 (it was subdivided in 1965). Prior to 1913 Lot 34 had absolute frontage to Henry Bakers' 10 acres of orchard.

4. Robert Baker's Glen Brae

¹³ Torrens Title Deposited Plan 3034

¹⁴ 'Sydney and Provincial Land and Building Company Ltd', *Sydney Morning Herald*, 17/1/1893, p.7

¹⁵ Advertisement, *Sydney Morning Herald*, 27/10/1894, p.15

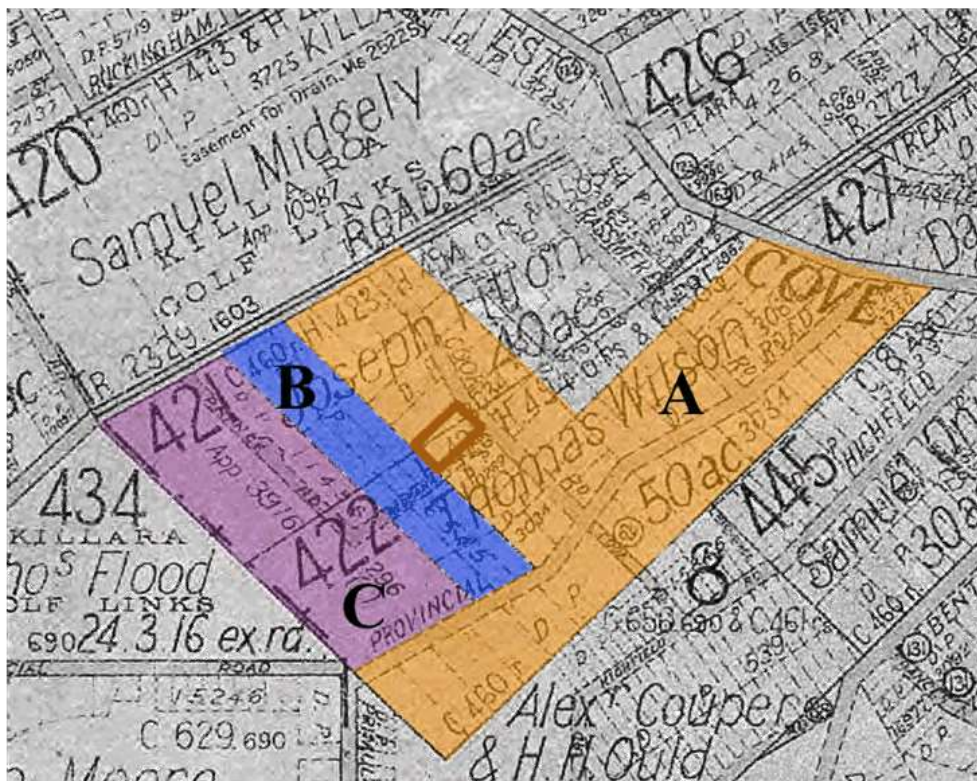
¹⁶ Advertisement, *Sydney Morning Herald*, 12/5/1897, p.8

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

The dwelling Glen Brae at No. 28 Cook Road was erected for Robert Baker about 1904.¹⁷ Baker had purchased the land in 1895, then being Lot 34 in the estate (DP 3034) and comprising an area of about three quarters of an acre.¹⁸ According to family tradition, the house cost 750 pounds to build and the builder was one 'Jacky Mair'.¹⁹

The house was one of the first erected in Cook Road following the land release.²⁰ The other early house was George James Latter's now demolished Winborn at present day No. 45 Cook Road (formerly Lot 25). Latter had purchased this allotment from the land developer in 1898.²¹

Robert Baker (1852-1935) had acquired 20 acres of Sarah Cook's farm in 1872,²² and at the same time Robert's mother, Jane, acquired another 10 acres neighbouring on the north.²³



¹⁷ Suzanne Gray, 'Glen Brae, 28 Cook Road', prepared as a Historical Study for unit History of Urban Environment, University of New South Wales School of Town Planning, April 1995, Figure 16 (Gray 1995); first listed in the 1906 edition of *Sands Directory*.

¹⁸ Torrens Title Vol. 1164 Fol. 206

¹⁹ Gray 1995, Figure 16

²⁰ *Sands Directory*, 1905

²¹ Ku-ring-gai Council Rate Valuation, Ward Riding C, 1916, entry 1161; Torrens Title Vol. 1264 Fol. 36, Auto Consolidated folio A/404594

²² Torrens Title Dealing 9104

²³ Torrens Title Dealing 9103

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

Figure 4. The areas of land discussed in the text. Area A is the Grandview Estate (DP3034) which was subdivided in 1893 from the former Cook family farms. Glen Brae, 28 Cook Road, is former Lot 34 in this subdivision (highlighted). Area B is Henry Cook's 10 acres of orchard, which was subdivided in 1913 (DP6545). Area C is Robert Cook's 20 acres of orchard; this was sold first in 1904 and in 1911 it was purchased by the Killara Golf Club. Within Area C is the Niblick Estate subdivision of 1921.

Mrs Baker's 10 acres passed to her son Henry in 1878.²⁴ Henry (1848-1926) retained this 10 acres until 1913 when subdivision commenced in Deposited Plan 6545.²⁵ Henry had an orchard of peaches aside from a few acres set aside for vineyard and strawberries.²⁶ The farm was named Minore apparently.²⁷

Robert Baker (1852-1935) married Catherine O'Toole in 1875 and their children were Jane Ann (1876), Robert (1877), Alfred James (1879), William Henry (1880), Ann (not known), John Bede (1883), Rebecca (1885), and Charles (1888).²⁸ Baker's 20 acres (usually given in historical accounts as 30 acres) was also an orchard. The farm was named Avoca apparently.²⁹

Over the following three decades Robert maintained his commercial orchard before selling the land in 1904 to Mrs Smith, wife of the bookseller Arthur Kingdom Smith.³⁰ In 1911 Mrs Smith sold to 20 acres to the Killara Golf Club.³¹ The land became part of the extended links of the club, which was founded in 1899 with the first links being the area north of Fiddens Wharf Road.³² Part of the purchase of the 20 acres was subdivided in 1921 as the Niblick Estate that formed Princes Road, presumably this was done by the golf club.³³

Baker erected Glen Brae at No. 28 Cook Road as a place to live out his years of retirement from farming life.³⁴ At the time and until subdivision in 1913 the rear of Glen Brae was his brother's (Henry) orchard. (A section of Redbank Road was formed in this 1913 subdivision, and was extended to Princes Street in 1921 by the Niblick Estate subdivision.³⁵ The intersection with Cook

²⁴ Torrens Title Dealing 29620

²⁵ Torrens Title Vol. 153 Fol. 217

²⁶ Hickman, Robert and Ron Swarzes, 'William Baker', *The Historian*, December 2014, p.111 (Hickman & Swarzes 2014); Gray 1995, Figure 16

²⁷ *Sands Directory*, 1905

²⁸ New South Wales Birth, Death and Marriage Indexes; Deaths, *Sydney Morning Herald*, 22/6/1935, p.14

²⁹ *Sands Directory*, 1905

³⁰ Torrens Title Vol. 153 Fol. 218

³¹ Torrens Dealing A76106

³² Dwyer, DH, *Killara Golf Club; a history*, 196-, page 20 - Plan 1

³³ Suburban Subdivision Plan K2/19

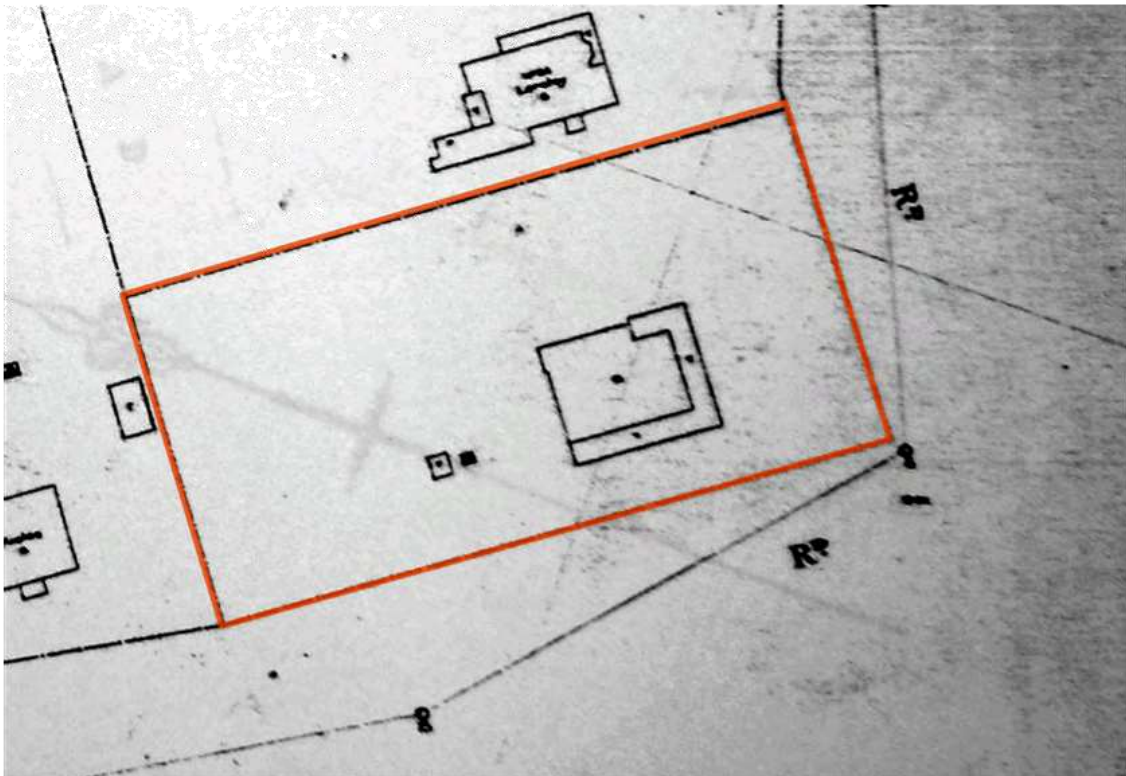
³⁴ Baker, Alf, 'Some Recollections of Old Lindfield', manuscript of recollections, p.1

³⁵ Suburban Subdivision Plan K2/19

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

Road was listed as being made from the 1917 edition of *Sands Directory*. However, the road was cut through Lot 35 of the Grand View subdivision, which was re-subdivided in the Niblick Estate subdivision of 1921).

Robert Baker was a son of William (1792-1866) and Jane (nee Wood) (1811-1882). Both had been convicts. The couple married in 1851, but had been living together since 1830 when he was a labourer and residing near Lane Cove River.³⁶ The couple lived beside the river and Baker's Cottage in Lane Cove National Park formed part of their homestead. Today it is one of the very few surviving relicts of the early settlers in the district.³⁷



Source: Ku-ring-gai Library

Figure 5. Detail from Sydney Water's Ku-ring-gai Sheet 266, dated 1936. The early footprint of Glen Brae and the extent of the original land area of Lot 34 were depicted.

³⁶ Hickman & Swarzes 2014

³⁷ Proudfoot, Helen, 'Implications of Pre-Railway Pattern of Development', *The Historian*, December 2014, p.77

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2



Source: Bastian, E, *The Killara Golf Club 1899-1999*, Killara Golf Club, 1999

Figure 6. Detail from an oblique aerial photograph (hand coloured) of the golf links at Killara dated 1935. Circled is Glen Brae, 28 Cook Road.



Source: Land and Property Information

Figure 7. Detail from vertical aerial photograph of Sydney dated 1943. The footprint of Glen Brae, extent of the original land area of Lot 34, and garden landscaping were depicted. Note also the cluster of outbuildings at the rear of the property (present day Lot 1 in DP516966) that had been erected post 1936.

5. Glen Brae in later years

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

Robert Baker died in 1935, while his wife, Catherine, had died in 1932. In 1934 the property was conveyed to son John Bede Baker.³⁸ Baker, a veterinary surgeon, had been listed in *Sands Directory* as the occupier of Glen Brae since 1927 and for a few years before that, from 1924, it listed 'Robert Baker, vet. surgeon'. Presumably, John Bede was operating a veterinary surgery in the house from around 1924; this undertaking was mentioned also in the history put together in 1995 based on Baker family recollection.³⁹

John Bede Baker died in 1938 at Glen Brae⁴⁰ and the property passed to his executors. His widow, Margaret Eileen (nee Reynolds) and married in 1927)) seems to have died in 1940.⁴¹ Between 1940 and 1965 the property was owned by the executors of the estate.⁴² It has been reported that Glen Brae in this period was tenanted, and inclusive of a period in the 1940s when it was women's refuge of some form.⁴³ Aerial photograph of the property dated 1943 (see Figure 7) depicted a cluster of outbuildings at the rear of the property (present day Lot 1 in DP516966) that had been erected post 1936 (see Figure 5) possibly for this use.

In 1965 Walter Maurer, a wall tiler, purchased the property from the Baker family,⁴⁴ and subdivided the allotment into three portions in Deposited Plan 516966. The house, on Lot 3 with a reduced land area, was purchased in 1966 by Ivan Gregory Stien, a company representative.⁴⁵ Later owners have included builder Bruce Henry Barber (1970-1979),⁴⁶ and engineer Brian Richard Gray (from 1979).⁴⁷ Gray's daughter, Suzanne, wrote a history of the house as a student assignment in 1995, and produced a number of floor plans demonstrating how little it had changed.⁴⁸ These are reproduced in Appendix 1.

³⁸ Torrens Title Dealing C23361

³⁹ Gray 1995, p.3

⁴⁰ Deaths, *Sydney Morning Herald*, 9/6/1938, p.10

⁴¹ New South Wales Birth, Death and Marriage Indexes

⁴² Ku-ring-gai Council Rate Valuation, Killara Ward, 1940 entry 523; and Killara Ward, 1954, entry 586

⁴³ Gray 1995, p. 3

⁴⁴ Torrens Title Dealing K73459

⁴⁵ Torrens Title Dealing K435567

⁴⁶ Torrens Title Dealing M83949

⁴⁷ Torrens Title Dealing R222172

⁴⁸ Gray 1995

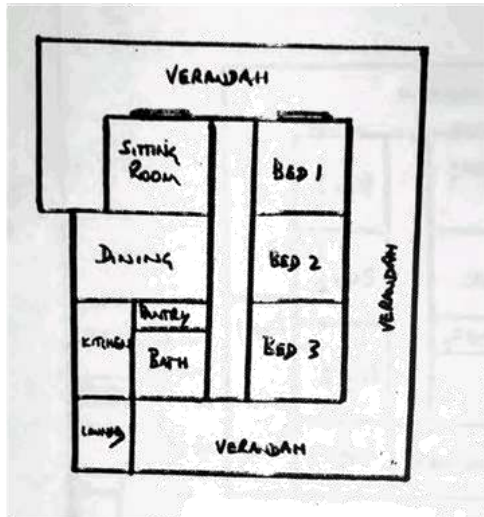
[illegible]

Figure 6. The plan of the subdivision of Lot 34 undertaken in 1965. The survey was prepared for conveyancing and it is not known if the house on Lot 3 (Glen Brae) was the only standing structure at the time.

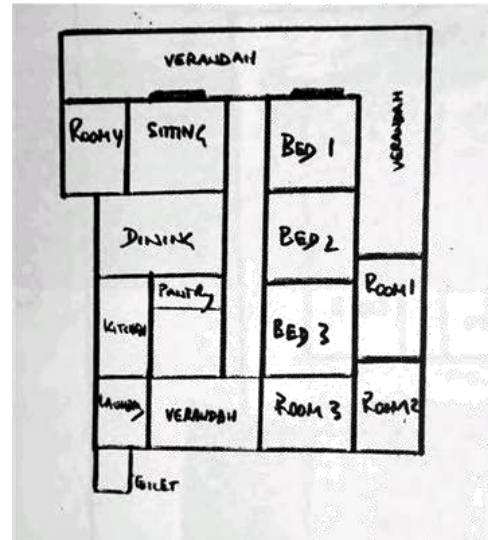
Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

Appendix 1 - Evolution of floor plan

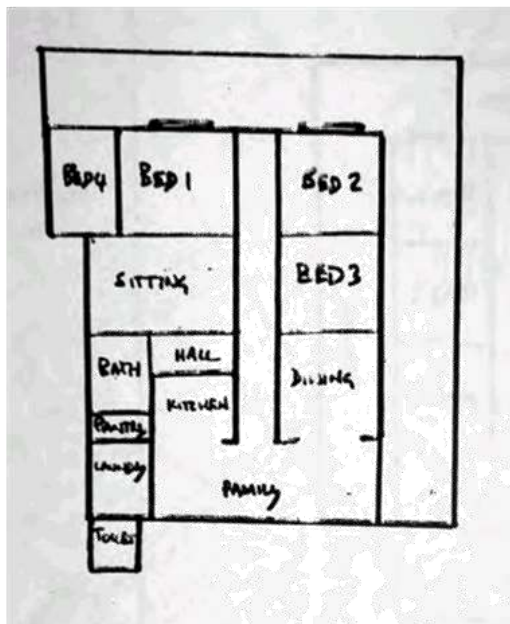
Original drawing by Suzanne Gray and sourced from Suzanne Gray's 'Glen Brae, 28 Cook Road', prepared as a Historical Study for unit History of Urban Environment, University of New South Wales School of Town Planning, April 1995



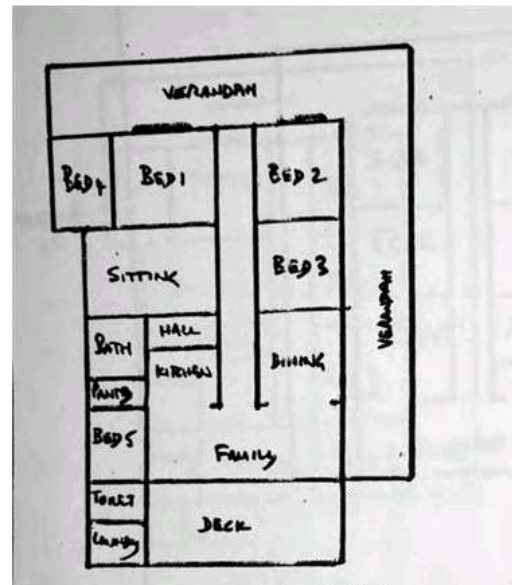
c.1904-c.1940



c.1940-c.1970



c.1970-1980



c.1980-1990s

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

Appendix 2 - Owners 1825-1990s (Source: Land and Property Information)
Auto Folio 3/516966

Year	Owner
1821	5th April CROWN GRANTS 42 acres - Joseph Fitton (Fidden) (Parish Portion 421) 50 acres - Thomas Wilson (Parish Portion 422)
1825	Stated in Primary Application 296 Sale of above grants to Cook family
1863	4th November PRIMARY APPLICATION 296 90 acres Sarah Cook, Lane Cove, widow Value £180
1868	22nd May CERTIFICATE OF TITLE Vol. 67 Fol. 165 90 acres Sarah Cook, Lane Cove, widow
1872	27th August Dealing 9103 Transfer of part to Jane Baker
1872	27th August Dealing 9104 Transfer of part to Robert Baker
1874	9th May CERTIFICATE OF TITLE Vol. 181 Fol. 57 60 acres Sarah Cook, Lane Cove, widow
1884	18th March CERTIFICATE OF TITLE Vol. 690 Fol. 8 60 acres Sarah Cook, Lane Cove
1884	Subdivision in Deposited Plan 1173
1884	4th July CERTIFICATE OF TITLE Vol. 702 Fol. 59 Lot 4 in Deposited Plan 1173 10 acres 2 roods 4¾ perches Thomas Clarkson Cook, Nambucca, sawyer
1884	26th August Dealing 83810 Transfer Alfred James Hordern, Sydney, draper
1885	30th December Dealing 104317 Transfer Sydney and Provincial Land and Building Company Ltd.
1893	Subdivision in Deposited Plan 3034

Glen Brae, 28 Cook Road, Killara
Historical Background prepared by Nick Jackson
June 2015 - Issue 2

1895	22nd April Dealing 238928 Transfer of Lot 34 in DP 3034 Robert Baker
1895	18th June CERTIFICATE OF TITLE Vol. 1164 Fol. 206 Lot 34 in Deposited Plan 3034 3 roods 7¾ perches Robert Baker, Lindfield, fruitgrower
1934	23rd January Dealing C23361 Transfer John Bede Baker, Lindfield, veterinary surgeon
c.1955	Dealing G186059 Transfer
1955	23rd February CERTIFICATE OF TITLE Vol. 6934 Fols. 181-183 Lot 34 in Deposited Plan 3034 3 roods 7¾ perches John Robert Baker, Pymble, civil servant Nerida Maria Baker, Molong, spinster Coralie Margaret Smith, wife of Geoffrey Albert Smith, Molong
1965	29th June Dealing K73459 Transfer Walter Maurer, and wife Theresa
1965	14th September CERTIFICATE OF TITLE Vol. 10113 Fol. 92 Lot 34 in Deposited Plan 3034 3 roods 7¾ perches Walter Maurer, Hornsby, wall tiler, and wife Theresa
1965	Subdivision in Deposited Plan 516966
1965	13th December CERTIFICATE OF TITLE Vol.10188 Fol. 182 Lot 3 in Deposited Plan 516966 1 rood 14¼ perches Walter Maurer, Hornsby, wall tiler, and wife Theresa
1966	18th August Dealing K435567 Transfer Ivan Gregory Stien, Engadine, company representative, and wife Thelma
1970	3rd December Dealing M83949 Transfer Bruce Henry Barber, Crows Nest, builder, and wife Dion Ruth
1979	21st May Dealing R222172 Transfer Brian Richard Gray, Pymble, engineer, and wife Marguerite Helen
Dealings in Auto Folio 3/516966 not searched	

ANNEXURE B: PHOTO SURVEY

The following photo survey documents each of the main elevations and interior rooms. It is not intended to be exhaustive, but rather to provide a contextual understanding of the structure and its component spaces.

EXTERIOR

COOK ROAD VERANDAH



Verandah addressing Cook Road. Note the battened rake of the underside of the roof as it extends over the verandah and the hardwood timber floorboards.



Window detail – showing shallow profile of the bays projecting from the main facade. These allow additional light to enter the rooms whilst retaining the depth of shade afforded by the verandah in summer.



The enclosure of the northern return to the verandah is characteristic of the Inter-War era and has retained the fabric and detailing of the period, including the glazed front door with circular detail.



Brickwork throughout is well-laid, and all original external elevations, including those of common brick, were tuck-pointed. Detail of tuck-pointing to Cook Road elevation



The front door is simple, with transom light but no side-lights, enhancing the simplicity of the built form.



REDBANK ROAD VERANDAH



Southern verandah to Redbank Road with simple stairs providing access to the garden.



The southern wall is of common brick with no openings other than two simple windows to the rear rooms and a door to the original return to the rear elevation (now enclosed).



The original rear return of the verandah has been enclosed to create a large sunroom across the back of the house.



The main front room (now a bedroom) does not open to this elevation. This provides evidence of the compositional role of the verandah as a shady space and not as a device to integrate indoor and outdoor activities.



A section of the original vertical timber fencing to the verandah edge has survived at the rear of the side verandah. It is almost hidden by vegetation, but the wider timbers used are clearly evident.



The timber hardwood boards are laid on a rake to facilitate drainage of surface water. The vertical railing in this image is not original.



REAR ELEVATION



The original rear verandah has been enclosed by lightweight glazing and shingles and a large roofed deck has been added across part of the rear elevation.



The shingle cladding to the rear wall (formerly the back verandah) is well weathered and is consistent with the detailing of lightweight verandah enclosures in the early 20th Century.



Rear elevation showing the deck addition and steps leading to the back garden. Note the original tiled roof extending over the original back verandah.



This door was likely to have been the original back door, its hardware matching the front door. Now located at the entrance to the rear sunroom.



detail of door handle

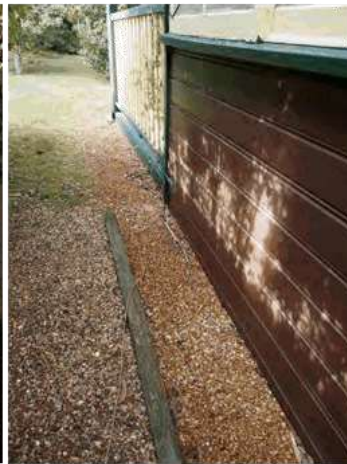


Potting area on the rear deck adjacent to the laundry.



Mid-late 20thC addition to the rear of the property provided a laundry and adjacent plant potting area on the new deck. The swimming pool is in the foreground.

NORTH-WESTERN ELEVATION



Northern elevation – original verandah return overlooking the wide side garden, enclosed pre WW2.



Windows to the living room

Window to the bathroom



Window to the bathroom showing evidence of bricks to the window being carefully removed and re-inserted.

Evidence of original tuck-pointing to this wall can be seen clearly under the paintwork.

Window to the small back bedroom off the verandah sunroom.

OUTBUILDING – GARAGE/GAMES ROOM



Access to the games room



Pool pump



Lean-to workshop/BBQ/carport

INTERIOR

ROOM 1: Hall



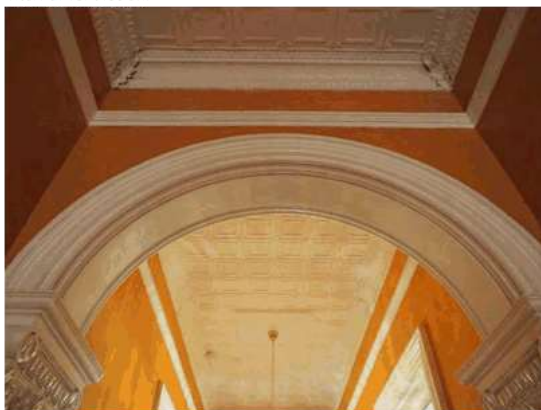
Front door – with leadlight glazing to the highlight. Note also the original winder to open the highlight window to facilitate internal ventilation.



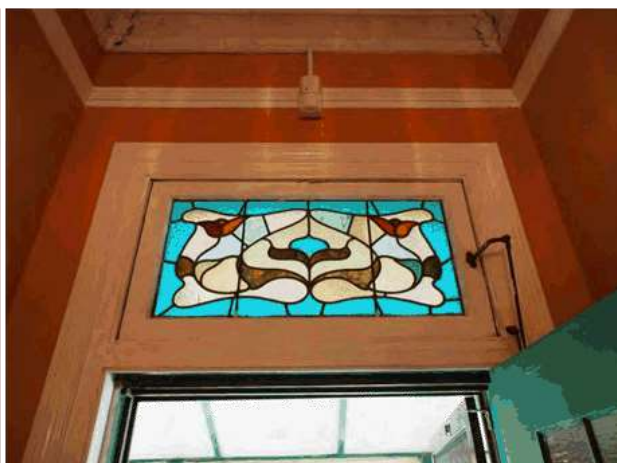
Main hall. The floors are polished timber boards and the space is divided by a simple arch with plaster detailing.



Rear section of hall. The ceilings are pressed metal throughout.



Dividing arch to hallway



Detail of glazing to the front door: main panel (L) and leadlight in highlight window (R)

ROOM 2: bedroom 1 (originally the drawing room)



Interior of the room showing the narrow bay window recess, pressed metal ceiling and carpeted floor. Note also the patterned ceiling and central pendant light. See images for Room 3 (the other front room) for details of the window glazing. The bay windows are shallow with very narrow sidelights that still maximise the amount of light able to enter the room even though the windows are heavily shaded by the wide front verandah. The original timber curtain bracket that screened the bay can also be seen. Cupboards with louvre doors have been added to each side of the chimney.



Fireplace and mantle. The mantle is marble and the cast iron fireplace and decorative glazed tiles are intact.

ROOM 3: bedroom 2 (original main bedroom)



Window showing the highlight glazing. As in Room 2 (the other front bedroom) the shallow bay adds to the aesthetic qualities of the space and allows additional light to enter the room.

Patterned (pressed metal) ceiling and central pendant light.



Built-in cupboards have been added.

Fireplace and mantle. The mantle is marble and the cast iron fireplace and decorative glazed tiles are intact.



ROOM 4: Living Room

Note: this room was originally used as the dining room. The date of its change of use to living room is not known.



Main living room looking to the windows. This space was originally used as the family dining room, and included direct access to the servery and kitchen via the door on the left of this view.

The windows overlooked the original main garden.

The Inter-War door in the rear corner leads to the room created by the enclosure of the verandah return on the north-western elevation. The evidence of the fabric suggests that it was originally formed as an external door, likely to provide a direct link between the room and garden.





The fireplace is original and intact.

Detail showing grate and encaustic tiles. This fireplace has been converted to gas operation.

ROOM 5: sunroom off Living room (originally part of the verandah, enclosed in Inter-War period)



Note raked ceiling, characteristic Inter-War door to verandah, lightweight glazed enclosure and polished original verandah boards. Note also painted external brickwork to wall.

ROOM 6: bedroom 3



This is a simple room used as a minor bedroom. The window is a simple sash and it does not have a fireplace, but details such as the pressed metal ceiling and door hardware are intact. A built-in cupboard has been added. The light fitting is not original although it is operated by a pull-cord, as are all the lights in the main house.

ROOM 7: side hall (formerly the servery between kitchen and dining room)



Doors to the bathroom and original dining (now living) room from the side hall. This space was originally partly bathroom and partly servery between the kitchen and the dining rooms. The alteration can be seen in the nail holes to the floorboards and in the raised floor to the bathroom, where the tiles have been laid over the earlier floor surface.



The rear part of the hall has been altered to allow the reconfiguration of original kitchen and bathroom areas. These alterations can be seen through the cut in the skirting and changes in wall materials at the entrance to the secondary hall.

Room 8: Bathroom (former kitchen)



This room was originally used as the kitchen but was converted to a bathroom in the 1970s. The original sash window was removed during the building works and then replaced.



Timber v-groove ceiling lining (the light fitting is not original)



Room 9: Kitchen (former bathroom)



The space was originally used as a utility room/bathroom and opened to the exterior prior to enclosure of the back verandah. It was converted to a kitchen and integrated with the informal living area in the late 20th Century. The rear wall was removed to facilitate this alteration.



The space beside the kitchen has been adapted for use as a store room/pantry. The ceiling to this space is also (like the kitchen and bathroom) lined with stained timber lining boards.

Room 10: Dining (formerly bedroom)



This space was originally used as a bedroom. It was converted to a dining room at an unknown time. The main fabric change associated with the new use was the creation of an arched opening in the original back wall (by partial demolition of the rear wall and re-laying the bricks). The other details of the room remain intact.



Detail of the opening to the room from the sunroom. The arch has been formed by brickwork, but the craftsmanship is noticeably cruder than the original construction and it is likely that this wall was re-built when the opening was created.

Room 11: Rear Sunroom (former verandah)



The space is long and narrow and still reads clearly as an adapted verandah with its raked ceiling and lightweight glazing.



Door to the rear sunroom. This is an external door of similar design to that now on the back door, although the hardware is simpler and it does not include a central handle as is seen on the main doors.

Door to the central hallway. This door was also an external door.

Pair of French doors providing access to the deck.

Room 12: Back bedroom/study



A small room at the northern end of the sunroom has been created for use as a study/additional bedroom. Note the steep rake following the alignment of the original verandah ceiling.



This window is original and consistent with the other windows to the modest rooms, revealing that this room was created at the end of the original back verandah.



Changes in the floor angle mark the slope of the original floor.

Room 13: Laundry and back bathroom



These rooms were added in the late 20th Century under a skillion room. They are functional but do not demonstrate the quality of workmanship found in the main house.



Heritage Data Form

ITEM DETAILS						
Name of Item	GLEN BRAE					
Other Name/s Former Name/s						
Item type (if known)						
Item group (if known)						
Item category (if known)						
Area, Group, or Collection Name						
Street number	28					
Street name	Cook Road					
Suburb/town	Killara				Postcode	2071
Local Government Area/s	Ku-ring-gai					
Property description						
Location - Lat/long	Latitude				Longitude	
Location - AMG (if no street address)	Zone		Easting		Northing	
Owner						
Current use	Residence-vacant					
Former Use	Residence					
Statement of significance	<p>The property Glen Brae at 28 Cook Road is of local heritage significance because it is a very rare surviving example of a property in the Ku-ring-gai LGA that provides evidence of the historically significant transition of the area from the semi-rural cultural landscape of the 19th Century to the emergent pattern of suburban development that came to dominate the 20th.</p> <p>The property Glen Brae provides rare and well-expressed evidence of the earliest phase of suburban development in Ku-ring-gai. It is associated with the Baker Family, being built by Robert Baker who was the son of pioneer orchardists who settled in the area in the 1830s and who owned several well-recognised orchards that grew oranges, peaches, grapes and strawberries for the local and international markets. Robert Baker remained an orchardist in the area until his retirement, when he purchased a lot in the newly subdivided land of the Grand View Estate adjacent to his brother's orchard and built the house. Its vernacular form that reads as characteristic of a traditional rural farm dwelling provides evidence of the soon to be overwritten rural cultural landscape of the Ku-ring-gai area. The siting of the property with its views across the valley to Chatswood ridge and the open character of the garden surrounding the house enhances the legibility of the property as one that demonstrates rural traditions within what has become a suburban cultural landscape.</p> <p>Glen Brae demonstrates aesthetic significance through its distinctive form, simple composition and the high level of attention given to internal and external details and finishes. Its traditional</p>					

Heritage Data Form

	<p>vernacular built form is consistent with the traditional Australian 'farmhouse', in particular its simple floor plan and wide verandahs all protected by a simple and prominent roof form that provides a strong sense of shelter to the street elevations. This roof form has been manipulated skilfully to accommodate the footprint of the building whilst retaining symmetry of façade in views over the property.</p> <p>The built form of Glen Brae is also historically significant because it is a late example of the style and incorporates the principal characteristics of the Federation Bungalow style of residential architecture to a high level of finish but very modest expression. The Federation Bungalow style is more commonly expressed in a much more decorative manner in the Ku-ring-gai LGA.</p> <p>The house and its relationship with the streetscape has survived in substantially intact form, with additions such as the enclosure of part of the northern return of the verandah and the addition of the rear verandah and deck each being true to its period, of modest scale and being potentially reversible; i.e. having been achieved with minimal impact on the integrity of the fabric. The configuration of the interior has undergone some change to the fabric to the rear, including the rear verandah and the utility rooms, but the property has retained a full suite of original detailing, much of which is of high quality. Examples include the original fireplaces with intact tiling and marble mantles (unique to each room), the joinery throughout and the range of pressed metal ceilings that have retained original details such as leaf-patterned covers over the joins in the cornice-sheets in the corners of each room.</p> <p>The house has retained most of its original fabric, both internal and external, in situ. No major additions have been carried out since construction. Minor additions include the enclosure of part of the northern return of the verandah in the Inter-War period and a new deck to the rear. The roof has been re-clad in traditional low-glazed dark red terracotta tiles in recent years. This work included the re-lining of the underside of the verandah. These changes have had limited impact on original fabric or the spatial integrity of the structure and/or are reversible. Significant fenestration patterns, including the shallow bay windows on the Cook Street elevation are intact in their scale, proportions, form and detailing. Exterior alterations are similarly modest and limited to the less-visible parts of the house, such as the painting of the brickwork to the northern elevation (behind the enclosed verandah).</p> <p>Although the original garden setting has been eroded somewhat by subdivision and construction of two new houses on the created adjacent lots, the survival of trees in front of 30 Cook Road and lack of dividing fences in particular allows the original setting of the house to continue to be interpreted from the public domain.</p> <p>The rear of the property, including the garage, games room and swimming pool are all consistent with the pattern of development in Ku-ring-gai in the latter part of the 20th Century but do not contribute to the identified heritage values of the property.</p>	
Level of Significance	State <input type="checkbox"/>	Local x <input type="checkbox"/>

Heritage Data Form

DESCRIPTION	
Designer	Not known
Builder/ maker	Jacky Mairs (according to Suzanne Gray's research, TBC)
Physical Description	<p>Glen Brae is a very clearly expressed example of a simple traditional farmhouse bungalow with early Federation detailing set within the remaining portion of its original garden setting.</p> <p>The built form is dominated by the prominent roof form including original chimneys and the deep shadow cast by the surrounding verandah. The street elevation is dominated by the hipped roof form which covers most of the house and breaks its line slightly to extend over the return verandahs, enclosing them in the main composition and establishing the strongly grounded built form. Although this roof reads as symmetrical from most publicly accessible viewing points, it includes a short ridge to the Redbank Road elevation and a modestly scaled hipped roof that extends over the rear rooms in the north-western corner. A pair of original chimneys dominate the roofscape and emphasise the symmetry of the elevation to Cook Road. The original kitchen chimney at the north-western corner of the house has been removed. The roof has been re-tiled in deep red-brown terracotta with matching ridge capping. This work was done recently (after 2009) and replaced a darker brown tiled roof (evidence of Google Streetview time series photographs).</p> <p>The wide return verandah is a traditional rural form that provides deep shade around the house and plays an important role in defining the aesthetic qualities of the house. The house sits low to the ground with brick infill of approximately two courses at the northern corner and approximately eight courses at the southern to the outer verandah edge. The northern wall that is not protected by the verandah has sandstone block footings. It is not possible to determine without access to the subfloor areas whether they extend under all the perimeter walls.</p> <p>On first inspection the house appears to be somewhat austere, lacking the decorative detailing usually associated with the Federation/Queen Anne style that is common in much of Ku-ring-gai, but closer inspection reveals evidence of considerable care and a high degree of attention having been given to the quality of craftsmanship and finishes even though the extent of decorative detail is notably modest.</p> <p>The verandah has retained original hardwood timber flooring although the vertical railing appears to have been replaced in parts. Remnants of what may be the original finish can be seen at the rear of the verandah and potentially in the weathered shingled finish to the now enclosed original back verandah. The underside of the verandah roof has been lined and battened in fibrous sheeting.</p> <p>Although the verandah reads as an encircling structure the return to the north-western elevation has been enclosed in line with the front wall to create a sunroom overlooking the original garden, most likely (from the evidence of the fabric) in the inter-War period. The return to the south-eastern elevation is intact. The rear verandah has also been enclosed to create a large second sunroom, with a deck being added beyond to provide an outdoor entertaining space.</p> <p>The interior is substantially intact both spatially and fabric. Alterations are minor in scale and impact on the fabric and spatial qualities of the house, are made to their period, sympathetic</p>

Heritage Data Form

	<p>in scale and form and are legible in the fabric. No evidence of significant deterioration or damage was found during inspection of visible fabric.</p> <p>Particularly contributory interior fabric includes:</p> <ol style="list-style-type: none"> 1. The simple, traditional configuration of internal rooms 2. Intact features (eg fireplaces (including mantles, grates and tiles), pressed metal ceilings, doors, glazing, windows) 3. Intact detailing (eg plasterwork, pull cord light switches, door and window hardware etc) 4. Alterations done carefully and sympathetically but true to the period in which each was made. 				
Physical condition and Archaeological potential	<p>Appears to be very good throughout with only minor settlement cracking of limited extent. Substantially intact fabric. Alterations are generally well resolved. Modest archaeological potential associated with occupation of the house since early 20th Century. No known wider archaeological potential.</p>				
Construction years	Start year		Finish year		Circa <input type="checkbox"/>
Modifications and dates	<p>Pre 1945: enclosure of verandah return to north-west elevation in lightweight materials to form a sunroom.</p> <p>1945-1970:</p> <ol style="list-style-type: none"> 1. Enclosure of the rear verandah to form a sunroom/family living area. 2. Reconfiguration of utility rooms at the rear of the house to create a kitchen linked to the enclosed rear verandah. 3. Creation of arch opening to link rear room to the sunroom/family room. 4. Enclosure of the rear of the southern verandah to create two rooms (now re-opened) <p>1965: Subdivision of the northern and western portions of the original lot and erection of a single storey residence on each lot.</p> <p>1970-1990:</p> <ol style="list-style-type: none"> 1. Installation of swimming pool 2. Erection of garage and games room with access from Redbank Road. 3. Addition of covered deck and bathroom/laundry to rear of the house 				
Further comments					

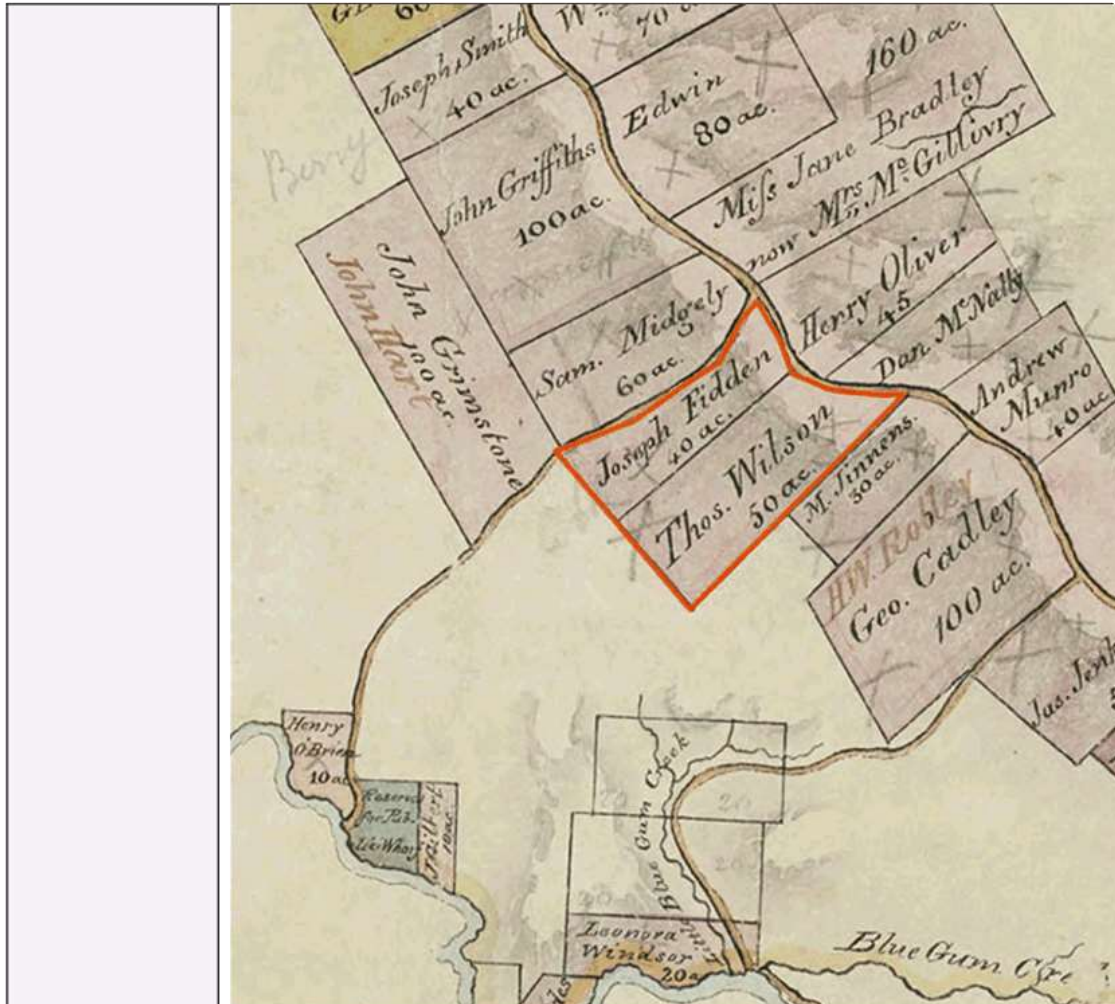
Heritage Data Form

HISTORY	
Historical notes	<p>Glen Brae 28 Cook Road, Killara Historical Background Prepared by Nick Jackson June 2015</p> <p>1. Settlement at Killara</p> <p>Non-indigenous settlement of the area around the Killara Golf Links began in the nineteenth century by the making of Crown grants. The grantees were William Moore (multiple land holdings comprising 62 acres, 38 acres, 25 acres and 41 acres), John Griffith (100 acres), Samuel Midgley (60 acres), Joseph Fitton (Fidden) (40 acres), Thomas Flood (24 acres) and Thomas Wilson (50 acres). The eastern boundary of the grants to Wilson, Fitton (Fidden), Midgley and Griffith was the Pacific Highway (formerly Lane Cove Road), and to the west of these grants was Moore's large land holding.</p> <p>The timber on these grants was felled from the 1810s through to the 1840s. Orchardng then predominated until the coming of the railway provided the incentive to sell and subdivide the farms for housing.</p> <p>Fiddens Wharf Road was a major road route connecting the farms along Lane Cove Road (Pacific Highway) with the wharf on Lane Cove River and thence by boat to Sydney. This road was in existence from about 1805. It was used by the timber getters and then the orchardists that followed; its role was supplanted by the railway.</p> <p>The north shore railway from Hornsby to St Leonards was opened for traffic in 1890, and was extended to the first station at Milsons Point in 1893. In 1927 the line was electrified. The railway station at Lindfield was opened in 1890, and Killara followed in 1899.</p> <p>2. Cook family farm</p> <p>Of the above grantees, the property is historically associated with the grants made to Joseph Fitton (Fidden) and Thomas Wilson, both registered in April 1821. Fidden was an early timber getter in the district who resided at the wharf on Lane Cove River. He never occupied the grant and sold it to B Williams in 1821.¹ Wilson was probably the son of Thomas Wilson of Kissing Point.²</p>

¹ Brown, John and Margaret Wyatt, 'Fiddens Wharf Historic Site', *The Historian*, December 2014, p.98

² State Records of New South Wales Index to Colonial Secretary Index 1788-1825

Heritage Data Form



Source: State Library of New South Wales (Z/M2 811.144/1843/1)

Figure 1. Detail from the map of the parish of Gordon published in 1843. Fidden and Wilson's grants are highlighted, which at that time were owned by Michael Cook. The advantage of Fidden's grant having frontage to the road connecting the main district road to the cargo wharf on the river is evident.

Both grants (ie. the 90 acres) came into the possession of former convict Michael Cook in 1825.³ Cook (1798-1853) maintained a farm, which by the census of 1828 consisted of a modest eight acres of cleared land, with five acres under cultivation, and ten head of cattle.⁴ By a survey dated 1883 (see Figure 2) there was an orchard in the vicinity of Ellsmere Avenue, and farm houses on Lane Cove Road near the intersection with Commonwealth Road and with

³ Stated in Primary Application 296

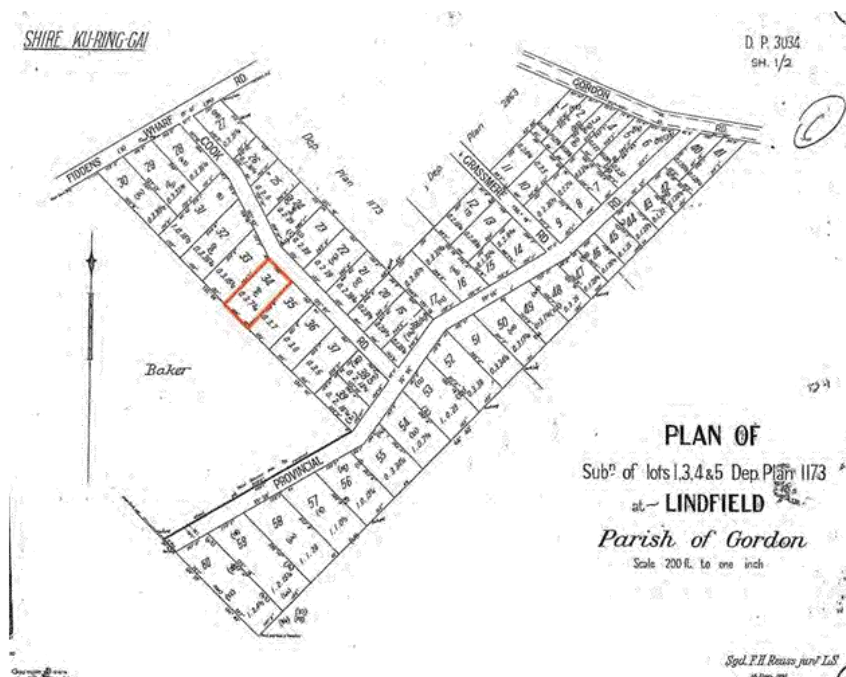
⁴ Sainty, MR, and KA Johnson, *Census of New South Wales, November 1828*, Library of Australian History, Sydney, 1985, entry C2243

Heritage Data Form

3. Grandview Estate

In 1885 Thomas Clarkson Cook's portion of the family farm, about 10½ acres, was purchased by the Sydney and Provincial Land and Building Company Ltd.¹¹ By the early 1890s this company had also acquired neighbouring portions of the former Cook family farm (John's Lot 1, Mountford's Lot 3, and William's Lot 5). The company had been formed in 1882 to buy and subdivide land in the emerging suburbs of Sydney.¹²

The company subdivided the land at Killara in late 1893 into 60 large suburban blocks and formed Cook Road and Provincial Road, and extended the existing Grassmere Road south.¹³ The estate was named Grand View. By early 1893 the company was insolvent,¹⁴ but allotments were available for purchase from 1894.¹⁵ In 1897 the remaining unsold lots were put up for sale at bargain price by the liquidators.¹⁶



Source: Land and Property Information (DP3034)

Figure 3. The plan of the subdivision of part of the Cook family's former farm undertaken by the Sydney and Provincial Land and Building Company Ltd. in late 1893. Glen Brae is

¹¹ Torrens Title Dealing 104317

¹² Advertisement, *Sydney Mail*, 16/12/1882

¹³ Torrens Title Deposited Plan 3034

¹⁴ 'Sydney and Provincial Land and Building Company Ltd', *Sydney Morning Herald*, 17/1/1893, p.7

¹⁵ Advertisement, *Sydney Morning Herald*, 27/10/1894, p.15

¹⁶ Advertisement, *Sydney Morning Herald*, 12/5/1897, p.8

Heritage Data Form

	<p>located within former Lot 34 (it was subdivided in 1965). Prior to 1913 Lot 34 had absolute frontage to Henry Bakers' 10 acres of orchard.</p> <p>4. Robert Baker's Glen Brae</p> <p>The dwelling Glen Brae at No. 28 Cook Road was erected for Robert Baker about 1904.¹⁷ Baker had purchased the land in 1895, then being Lot 34 in the estate (DP 3034) and comprising an area of about three quarters of an acre.¹⁸ According to family tradition, the house cost 750 pounds to build and the builder was one 'Jacky Mair'.¹⁹</p> <p>The house was one of the first erected in Cook Road following the land release.²⁰ The other early house was George James Latter's now demolished Winborn at present day No. 45 Cook Road (formerly Lot 25). Latter had purchased this allotment from the land developer in 1898.²¹</p> <p>Robert Baker (1852-1935) had acquired 20 acres of Sarah Cook's farm in 1872,²² and at the same time Robert's mother, Jane, acquired another 10 acres neighbouring on the north.²³</p>
--	--

¹⁷ Suzanne Gray, 'Glen Brae, 28 Cook Road', prepared as a Historical Study for unit History of Urban Environment, University of New South Wales School of Town Planning, April 1995, Figure 16 (Gray 1995); first listed in the 1906 edition of *Sands Directory*.

¹⁸ Torrens Title Vol. 1164 Fol. 206

¹⁹ Gray 1995, Figure 16

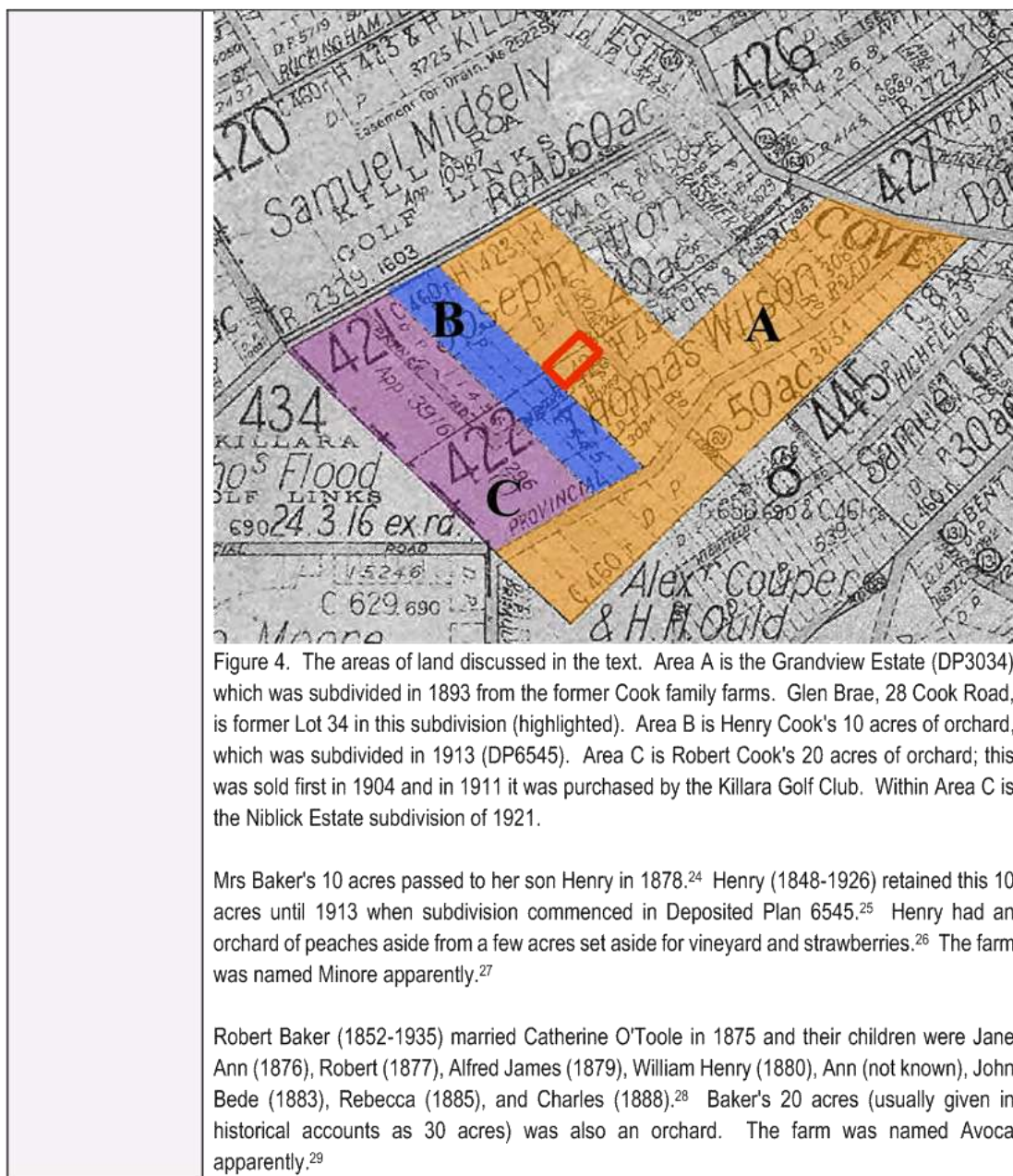
²⁰ *Sands Directory*, 1905

²¹ Ku-ring-gai Council Rate Valuation, Ward Riding C, 1916, entry 1161; Torrens Title Vol. 1264 Fol. 36, Auto Consolidated folio A/404594

²² Torrens Title Dealing 9104

²³ Torrens Title Dealing 9103

Heritage Data Form



²⁴ Torrens Title Dealing 29620

²⁵ Torrens Title Vol. 153 Fol. 217

²⁶ Hickman, Robert and Ron Swarzes, 'William Baker', *The Historian*, December 2014, p.111 (Hickman & Swarzes 2014); Gray 1995, Figure 16

²⁷ *Sands Directory*, 1905

²⁸ New South Wales Birth, Death and Marriage Indexes; Deaths, *Sydney Morning Herald*, 22/6/1935, p.14

²⁹ *Sands Directory*, 1905

Heritage Data Form

	<p>Over the following three decades Robert maintained his commercial orchard before selling the land in 1904 to Mrs Smith, wife of the bookseller Arthur Kingdom Smith.³⁰ In 1911 Mrs Smith sold to 20 acres to the Killara Golf Club.³¹ The land became part of the extended links of the club, which was founded in 1899 with the first links being the area north of Fiddens Wharf Road.³² Part of the purchase of the 20 acres was subdivided in 1921 as the Niblick Estate that formed Princes Road, presumably this was done by the golf club.³³</p> <p>Baker erected Glen Brae at No. 28 Cook Road as a place to live out his years of retirement from farming life.³⁴ At the time and until subdivision in 1913 the rear of Glen Brae was his brother's (Henry) orchard. (A section of Redbank Road was formed in this 1913 subdivision, and was extended to Princes Street in 1921 by the Niblick Estate subdivision.³⁵ The intersection with Cook Road was listed as being made from the 1917 edition of Sands Directory. However, the road was cut through Lot 35 of the Grand View subdivision, which was re-subdivided in the Niblick Estate subdivision of 1921).</p> <p>Robert Baker was a son of William (1792-1866) and Jane (nee Wood) (1811-1882). Both had been convicts. The couple married in 1851, but had been living together since 1830 when he was a labourer and residing near Lane Cove River.³⁶ The couple lived beside the river and Baker's Cottage in Lane Cove National Park formed part of their homestead. Today it is one of the very few surviving relicts of the early settlers in the district.³⁷</p>
--	---

³⁰ Torrens Title Vol. 153 Fol. 218

³¹ Torrens Dealing A76106

³² Dwyer, DH, *Killara Golf Club; a history*, 196-, page 20 - Plan 1

³³ Suburban Subdivision Plan K2/19

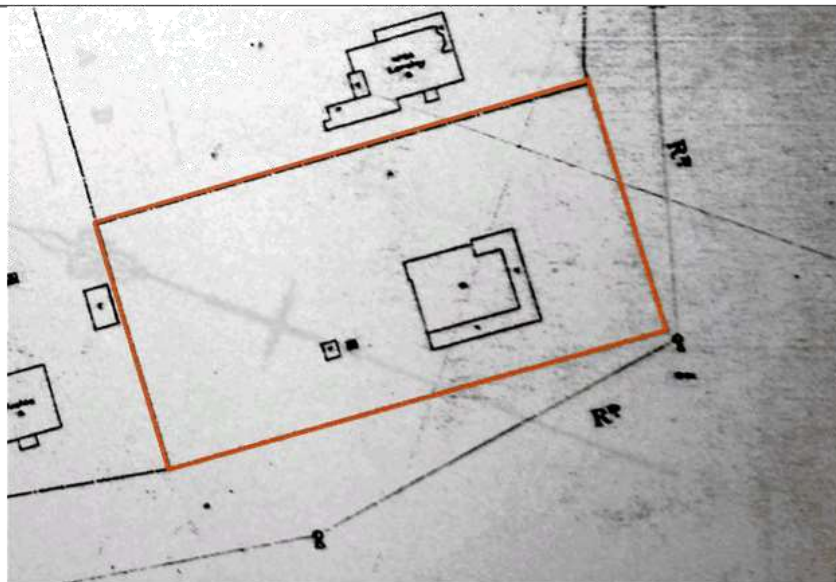
³⁴ Baker, Alf, 'Some Recollections of Old Lindfield', manuscript of recollections, p.1

³⁵ Suburban Subdivision Plan K2/19

³⁶ Hickman & Swarzes 2014

³⁷ Proudfoot, Helen, 'Implications of Pre-Railway Pattern of Development', *The Historian*, December 2014, p.77

Heritage Data Form



Source: Ku-ring-gai Library

Figure 5. Detail from Sydney Water's Ku-ring-gai Sheet 266, dated 1936. The early footprint of Glen Brae and the extent of the original land area of Lot 34 were depicted.



Source: Bastian, E, The Killara Golf Club 1899-1999, Killara Golf Club, 1999

Figure 6. Detail from an oblique aerial photograph (hand coloured) of the golf links at Killara dated 1935. Circled is Glen Brae, 28 Cook Road.

Heritage Data Form



Source: Land and Property Information

Figure 7. Detail from vertical aerial photograph of Sydney dated 1943. The footprint of Glen Brae, extent of the original land area of Lot 34, and garden landscaping were depicted. Note also the cluster of outbuildings at the rear of the property (present day Lot 1 in DP516966) that had been erected post 1936.

5. Glen Brae in later years

Robert Baker died in 1935, while his wife, Catherine, had died in 1932. In 1934 the property was conveyed to son John Bede Baker.³⁸ Baker, a veterinary surgeon, had been listed in Sands Directory as the occupier of Glen Brae since 1927 and for a few years before that, from 1924, it listed 'Robert Baker, vet. surgeon'. Presumably, John Bede was operating a veterinary surgery in the house from around 1924; this undertaking was mentioned also in the history put together in 1995 based on Baker family recollection.³⁹

John Bede Baker died in 1938 at Glen Brae⁴⁰ and the property passed to his executors. His widow, Margaret Eileen (nee Reynolds) and married in 1927)) seems to have died in 1940.⁴¹ Between 1940 and 1965 the property was owned by the executors of the estate.⁴² It has been reported that Glen Brae in this period was tenanted, and inclusive of a period in the 1940s when it was women's refuge of some form.⁴³ Aerial photograph of the property dated 1943 (see Figure 7) depicted a cluster of outbuildings at the rear of the property (present day Lot 1 in DP516966) that had been erected post 1936 (see Figure 5) possibly for this use.

In 1965 Walter Maurer, a wall tiler, purchased the property from the Baker family,⁴⁴ and subdivided the allotment into three portions in Deposited Plan 516966. The house, on Lot 3

³⁸ Torrens Title Dealing C23361

³⁹ Gray 1995, p.3

⁴⁰ Deaths, *Sydney Morning Herald*, 9/6/1938, p.10

⁴¹ New South Wales Birth, Death and Marriage Indexes

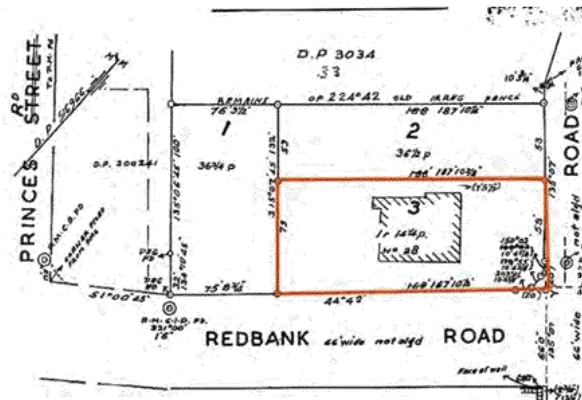
⁴² Ku-ring-gai Council Rate Valuation, Killara Ward, 1940 entry 523; and Killara Ward, 1954, entry 586

⁴³ Gray 1995, p. 3

⁴⁴ Torrens Title Dealing K73459

Heritage Data Form

with a reduced land area, was purchased in 1966 by Ivan Gregory Stien, a company representative.⁴⁵ Later owners have included builder Bruce Henry Barber (1970-1979),⁴⁶ and engineer Brian Richard Gray (from 1979).⁴⁷ Gray's daughter, Suzanne, wrote a history of the house as a student assignment in 1995, and produced a number of floor plans demonstrating how little it had changed.⁴⁸ These are reproduced in Appendix 1.



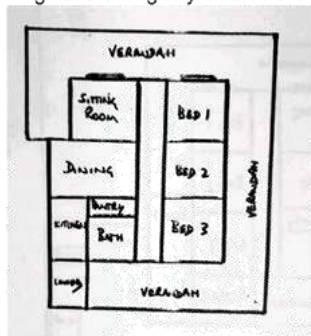
Source: Land and Property Information (DP516966)

Figure 6. The plan of the subdivision of Lot 34 undertaken in 1965. The survey was prepared for conveyancing and it is not known if the house on Lot 3 (Glen Brae) was the only standing structure at the time.

Appendix 1 - Evolution of floor plan

Extracted from Suzanne Gray's 'Glen Brae, 28 Cook Road', Report prepared for History of Urban Environment, University of New South Wales School of Town Planning, April 1995

Original drawings by Suzanne Gray



c.1904-c.1940

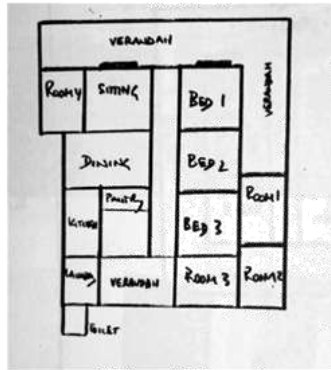
⁴⁵ Torrens Title Dealing K435567

⁴⁶ Torrens Title Dealing M83949

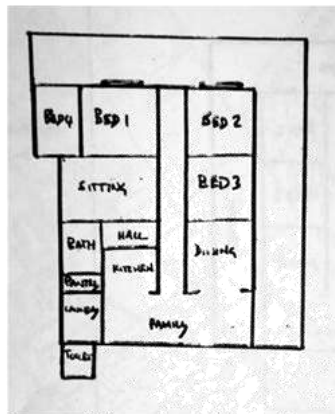
⁴⁷ Torrens Title Dealing R222172

⁴⁸ Gray 1995

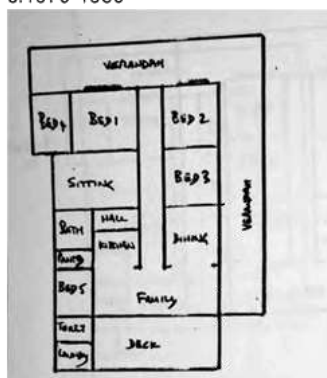
Heritage Data Form



c.1940-c.1970



c.1970-1980



c.1980-1990s

Appendix 2 - Owners 1825-1990s (Source: Land and Property Information)
Auto Folio 3/516966

Heritage Data Form

Year	Owner	
1821	5th April CROWN GRANTS 42 acres - Joseph Fitton (Fidden) (Parish Portion 421) 50 acres - Thomas Wilson (Parish Portion 422)	
1825	Stated in Primary Application 296 Sale of above grants to Cook family	
1863	4th November PRIMARY APPLICATION 296 90 acres Sarah Cook, Lane Cove, widow Value £180	
1868	22nd May CERTIFICATE OF TITLE Vol. 67 Fol. 165 90 acres Sarah Cook, Lane Cove, widow	
1872	27th August Dealing 9103 Transfer of part to Jane Baker	
1872	27th August Dealing 9104 Transfer of part to Robert Baker	
1874	9th May CERTIFICATE OF TITLE Vol. 181 Fol. 57 60 acres Sarah Cook, Lane Cove, widow	
1884	18th March CERTIFICATE OF TITLE Vol. 690 Fol. 8 60 acres Sarah Cook, Lane Cove	
1884	Subdivision in Deposited Plan 1173	
1884	4th July CERTIFICATE OF TITLE Vol. 702 Fol. 59 Lot 4 in Deposited Plan 1173 10 acres 2 roods 4¾ perches Thomas Clarkson Cook, Nambucca, sawyer	
1884	26th August Dealing 83810 Transfer Alfred James Hordern, Sydney, draper	
1885	30th December Dealing 104317 Transfer Sydney and Provincial Land and Building Company Ltd.	
1893	Subdivision in Deposited Plan 3034	

Heritage Data Form

	1895	22nd April Dealing 238928 Transfer of Lot 34 in DP 3034 Robert Baker	
	1895	18th June CERTIFICATE OF TITLE Vol. 1164 Fol. 206 Lot 34 in Deposited Plan 3034 3 roods 7¾ perches Robert Baker, Lindfield, fruitgrower	
	1934	23rd January Dealing C23361 Transfer John Bede Baker, Lindfield, veterinary surgeon	
	c.1955	Dealing G186059 Transfer	
	1955	23rd February CERTIFICATE OF TITLE Vol. 6934 Fols. 181-183 Lot 34 in Deposited Plan 3034 3 roods 7¾ perches John Robert Baker, Pymble, civil servant Nerida Maria Baker, Molong, spinster Coralie Margaret Smith, wife of Geoffrey Albert Smith, Molong	
	1965	29th June Dealing K73459 Transfer Walter Maurer, and wife Theresa	
	1965	14th September CERTIFICATE OF TITLE Vol. 10113 Fol. 92 Lot 34 in Deposited Plan 3034 3 roods 7¾ perches Walter Maurer, Hornsby, wall tiler, and wife Theresa	
	1965	Subdivision in Deposited Plan 516966	
	1965	13th December CERTIFICATE OF TITLE Vol.10188 Fol. 182 Lot 3 in Deposited Plan 516966 1 rood 14¼ perches Walter Maurer, Hornsby, wall tiler, and wife Theresa	
	1966	18th August Dealing K435567 Transfer Ivan Gregory Stien, Engadine, company representative, and wife Thelma	
	1970	3rd December Dealing M83949 Transfer Bruce Henry Barber, Crows Nest, builder, and wife Dion Ruth	
	1979	21st May Dealing R222172 Transfer Brian Richard Gray, Pymble, engineer, and wife Marguerite Helen	

Heritage Data Form

	Dealings in Auto Folio 3/516966 not searched
--	--

THEMES	
National historical theme	<p>3 Developing local, regional and national economies</p> <p>3.5.3 Developing sources of fresh local produce</p> <p>3.22 Lodging people (potential theme)</p> <p>4. Building settlements, towns and cities</p> <p>4.1.2 Making suburbs</p> <p>8. Developing Australia's cultural life</p> <p>8.12 Living in around Australian homes</p> <p>8.13 Living in cities and suburbs</p> <p>8.14 Living in the country and rural settlements</p>
State historical theme	<p>Land grants and early settlement 1789-1830 (Land Tenure):</p> <p>The property straddles the boundary between two of the earliest land grants in the Ku-ring-gai Council area, the 40 acres to Joseph Huon and 50 acres to Thomas Wilson, both made in 1826.</p> <p>The house was built and occupied by Robert Baker, who was the youngest son of William and Jane Baker, who were one of the pioneering families of the Lindfield area, settling nearby in the Lane Cove River Valley from 1830. The Baker family, including William and Jane (who built Glen Brae) and then sons Robert and his brother Henry were prominent local orchardists, and the family continued to own the property until 1965.</p> <p>Growth of settlement 1855-1900 (Orcharding):</p> <p>The property was created by the subdivision of an orchard for large residential lots and then re-subdivision to establish the pattern of suburban settlement seen today. This pattern of layering of use is characteristic of the development of Ku-ring-gai, where the land cleared by the original timber-getters was used for orcharding before subdivision for suburban housing.</p> <p>Suburban development 1900-1945 and 1946-1975 (Accommodation)</p> <p>The property was built as a place of retirement for the patriarch of the Baker family on a large and newly formed suburban block adjacent to the family orchards. Its garden was later re-subdivided to form additional suburban lots to its north and west in a pattern of re-subdivision characteristic of the second layer of infill development of the large Ku-ring-gai residential properties in the mid-20th century.</p> <p>Social welfare (provision of social services)</p> <p>(Potential theme) Glen Brae is understood to have been used as a women's refuge for several years in the mid-20th century. This is a minor theme in the overall historical development of the property, but if it is able to be established this theme is also relevant.</p>

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>The property shows evidence of a historical phase of significance to the development of Ku-ring-gai:</p> <p>The property at 28 Cook Road provides physical and spatial evidence of the start of the transition between the 19th Century settlement of the area as a semi-rural landscape of orchards to the subdivision and residential development that characterises the contemporary cultural landscape of Ku-ring-gai.</p>

Heritage Data Form

	<p>Glen Brae was one of the first properties created on the 1893 subdivision of the Grandview Estate and is significant for its substantially intact traditional vernacular form that includes deep and encircling verandahs included under a sheltering roof with prominent chimneys, establishing a built form that provides physical evidence of the transformation of Ku-ring-gai from rural backwater into a prestigious suburban cultural landscape.</p> <p>The strongly expressed rural-residential transition of the built form is enhanced by the open landscaping of the site and the siting at the most prominent part of the local streetscape, terminating views to the south along Cook Road and set above the intersection of Cook and Redbank Roads.</p> <p>The property shows evidence of a significant human activity: The conservative form of the house, the careful attention to detailing and the siting of the property adjacent to the family's farmlands provides evidence of the stylistic and architectural qualities desired by a mature and long-term resident associated with the rural phase of Ku-ring-gai's development area as a place suitable for retirement.</p> <p>Although substantially intact to its original period of construction, the property also provides evidence of the adaptation of fabric and spaces to accommodate the changing needs of its occupants throughout the 20th Century.</p>
<p>Historical association significance SHR criteria (b)</p>	<p>Association with significant figures: Strong association with prominent local pioneering families the Bakers and (to a lesser extent) the Cooks. Glen Brae was built by Robert Baker who was the son of pioneering settlers in the area, William and Jane Baker who were timber-getters and orchardists in the Lane Cove River valley from c.1830. Robert Baker had a life-long association with the valley. He was likely to have been born in the area, and established one of the family's orchards in the latter half of the 19th century which he operated until retiring to Glen Brae and living there until his death in 1935, after which the property remained in the ownership of the Baker family until it was sold in 1965.</p> <p>The Baker family owned at least three well-known orchards in west Lindfield/Killara, including the land adjacent to Glen Brae, which was held by Robert Baker's mother and then his brother, William Jnr. The site on which the property stands was part of the farm held by their neighbours, the Cook family and its purchase allowed Robert to continue the family's association with the area even after its subdivision and development for residential housing. The evidence of the historic association between the Baker family and the local area is also demonstrated by the survival of Robert Baker's cottage on the banks of the Lane Cove River to the south of their orchards. This cottage is reputed to be one of the earliest surviving structures associated with the first European occupation of the Ku-ring-gai area.</p>
<p>Aesthetic significance SHR criteria (c)</p>	<p>Glen Brae demonstrates strongly expressed aesthetic values. These values respond to the overlaying of the principal characteristics of the Federation Bungalow on the form of the traditional 19th Century Australian vernacular farmhouse, with a prominent roof sheltering a simple built form and deep, sheltering verandahs set within a large garden that addresses the surrounding streetscape strongly and detailing consistent with the fashions associated with the Federation stylistic era. This provides physical evidence of the transition of building form and purpose in the LGA in the early years of the 20th Century that is rare in the Ku-ring-gai area.</p>

Heritage Data Form

	<p>The fabric of the house is generally simple but is well built, with quality materials and evidence of a high level of attention to detail being given to building elements such as the brickwork (which is well-laid with tuckpointing to not only the face bricks of the entrance façade but also to the common brickwork of the 'side' elevations); the fenestration and also the later detailing of the enclosure of the northern return of the verandah.</p> <p>The interior spaces also demonstrate strongly expressed aesthetic values consistent with the period of construction and provide evidence of the historical influences that have shaped Glen Brae's built form. Detailing throughout is simple but demonstrates careful attention to the quality of workmanship and is notable for its degree of intactness, with most elements surviving from the original construction of the house. The main rooms present intact assemblages including pressed metal ceilings with roses and metal join-cappings; fireplaces, marble mantles and encaustic tiles (both the ceiling and tile patterns being unique to each room), doors with highlights opened by original hardware and details such as lights continuing to be operated by pull-cord switches rather than wall-mounted.</p> <p>The extent of building modifications is modest, with earlier layers revealing attention to detail and careful integration with the original fabric. Most of the later work is also reasonably well resolved, but the quality of materials and workmanship is generally more lightweight than the earlier layers.</p> <p>Glen Brae is sited in a commanding position, being set above street level on a wide corner lot that commands good local views and terminates local views south along Cook Road. The atypical built form is also distinctive, with the deep and shady verandah addressing the corner strongly. The relationship between the property and the streetscape is facilitated by the lack of boundary fences or planting and the simple landscaping of a wide lawn and perimeter planting allows the verandah to address the surrounding landscape in the manner of a traditional rural property and emphasises the aesthetic qualities of the streetscape in views from the public domain.</p> <p>The existing layout of the garden areas to Cook and Redbank Roads continues to demonstrate the aesthetic principles of the setting of the property that were established by the original owner of the property (as evidenced by the 1943 aerial photographs of the site which show the two street frontages bare of significant planting other than along the boundaries in the same pattern as seen today).</p> <p>The impact of the 1960s subdivision of the northern part of the original lot has been minimised in street views through the maturing tall trees in the front garden of the infill development (30 Cook Road) and the lack of a dividing fence or boundary plantings that allow the two gardens of the two properties to still read as a single space shared by both when viewed from both Cook and Redbank Roads.</p> <p>The built forms of the rear garden area including the added deck, garage, swimming pool and vegetation are characteristic of late 20th century garden development but do not demonstrate the aesthetic qualities of the remainder of the site in any notable manner.</p>
<p>Social significance SHR criteria (d)</p>	<p>The property is understood to be valued by the local community (the Friends of Glen Brae) as a very early house in the area that has local landmark value for its form, integrity and association with the pioneer Baker family. This value is evidenced by the community's</p>

Heritage Data Form

	<p>request to investigate the heritage significance of the property including the making of an Interim Heritage Order.</p> <p>The community's traditional recognition of the two families and their association with the local area is also demonstrated through the naming of local streets Cook Road and Baker Place (at Lindfield).</p> <p>The property is also understood to have been used as a women's refuge in the mid-20th Century, and it may have remnant value to those who used the services offered. Verification of this would require detailed and targeted research. This potential value is not considered to be of a level that would be sufficient to establish local heritage value in its own right.</p>
Technical/Research significance SHR criteria (e)	<p>The exterior fabric of the house has the potential to provide information about early Federation design and construction techniques by a skilled builder.</p> <p>The continuous occupancy of the site for residential and rural uses for over 110 years, together with the lack of excavation (other than the swimming pool) or addition means that there is the potential for modest archaeological finds associated with these uses. Note that this potential value is not considered to be of a level that would be sufficient to establish local heritage value for archaeological reasons.</p>
Rarity SHR criteria (f)	<p>The house at 28 Cook Road is a very rare surviving example of a dwelling in the Ku-ring-gai LGA that provides evidence of the historically significant point of transition from the semi-rural cultural landscape of the 19th Century to the emergent pattern of suburban development of the 20th.</p> <p>Only six vernacular rural-style Federation Bungalows demonstrating similar historic and aesthetic heritage values are known to have survived in the LGA in either a substantially intact or sympathetically and modestly altered form. Only one of these is known to have been associated with the active use of land in the adjacent area for agricultural purposes (29 Finlay Road, Warrawee).</p> <p>The interior of the property includes a full suite of domestic detailing and hardware including original fireplaces, mantles and tiling unique to each room, pressed metal ceilings with decorative acanthus leaf joint covers to each room, intact ceiling mounted light cord pulls and intact door hardware and joinery. The survival of this early 20th Century domestic technology to all main rooms of the house is potentially rare in the Ku-ring-gai area.</p>
Representativeness SHR criteria (g)	<p>The cottage demonstrates the principal characteristics of the vernacular Federation Bungalow style of architecture overlaid on the form of a traditional Australian farmhouse.</p>
Integrity	<p>The fabric of the property and core garden area is substantially intact and continues to read clearly as a late 19th/ early 20th Century farmhouse-style bungalow from the public domain, within the setting and within the building. The only part of the site not demonstrating this integrity is the existing rear garden area which is dominated by the garage and swimming pool.</p>

Heritage Data Form

HERITAGE LISTINGS	
Heritage listing/s	Interim Heritage Order

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Heritage Assessment	Robyn Conroy Heritage Planning for Ku-ring-gai Council	Assessment of the heritage significance of Glen Brae, 28 Cook Road, Killara	2015	
Historical Analysis	Nicholas Jackson for Ku-ring-gai Council	Historical Analysis (included as annexure to the Assessment of Heritage Significance)	2015	
Summary Chronology	Suzanne Gray	History of Glen Brae. Prepared as a student research project for the Bachelor of Town Planning Degree (UNSW)	1995	Ku-ring-gai Library
Historical background	The Historian – Journal of the Ku-ring-gai Historical Association. Vol.43 No.1, pp109-113	William Baker	2014	Ku-ring-gai Local History Society Collection
Memoir	A.J. (Alf) Baker	"Glenbrae" 100 years.	nd	Ku-ring-gai Local History Society Collection

RECOMMENDATIONS	
Recommendations	<p>It is recommended that the property be included as a heritage item in the Ku-ring-gai LEP 2015.</p> <p>Not all parts of the property contribute equally to its heritage significance however, and any decision about its future management, or of development in its vicinity, should focus on the conservation of those elements that provide evidence of the heritage values; in other words, demonstrate its heritage significance.</p> <p>In the case of the property at 28 Cook Road, the following elements particularly contribute to the significance of the property and should be preserved in any development:</p> <ul style="list-style-type: none"> • The ability to read the building from the public domain as a substantially intact early Federation Bungalow with strong traditional vernacular farmhouse character. • The original footprint of the building. • The form of the building (traditional vernacular farmhouse references; being a single storey with central hallway and with simple detailing and surrounded by deep, shady verandahs under a prominent hipped roof). • The sensitive manner in which the fabric has been adapted to the changing needs of the occupants whilst retaining the essential qualities of the original built form,

Heritage Data Form

	<p>including the two sunrooms created from the enclosure of the north-western and rear (south-western) verandahs.</p> <ul style="list-style-type: none"> • All surviving fabric from the original period of construction (interior and exterior) including (but not limited to) the doors, windows, brickwork, tuck pointing, interior woodwork, fireplaces/mantles and tiles, plasterwork and fittings/hardware. • The simple and intact detailing throughout the property. • The fabric and form of the inter-War enclosure of the north-western verandah return. • The spatial qualities of the site and its setting, including the exterior form and fabric of the building and the visibility of the main elevations from the public domain across an open front garden. • The curved alignment of the front path that contrasts with the symmetry of the house and introduces tension into the composition of the street elevation. • The scale of the adjacent and nearby properties that allow the scale and form of the property at 28 Cook Road to read as the most prominent element in the immediate streetscape (ie in the vicinity of the intersection of Cook and Redbank Roads). • The visual and spatial relationship between the house and its setting including a vista to Chatswood's CBD. <p>The elements that do not contribute to the heritage significance of the property and which could be altered or removed without likely adverse impact on the heritage significance of Glen Brae include:</p> <ul style="list-style-type: none"> • The houses built on the land subdivided in the 1960s • The garage and games room to the rear of the property • The rear wing (laundry and bathroom) and timber deck • The late 20th Century swimming pool in the rear garden • Plantings in the rear garden area (although the presence of vegetation that extends above fence height should be continued) • The paint applied to the northern elevation of the property over the original brickwork. • Interior alterations post 1945. • The paint to the brickwork on the north-western elevation does not contribute to the heritage significance of the property and could be removed using a non-invasive process. Any damage to the underlying tuck pointing should be repaired using traditional techniques. <p>It is recommended also that the owners of the property both present and in the future be encouraged to maintain the significant fabric and heritage values of the property. Any alteration or addition should be designed to conserve the historic values whilst providing high quality and visually and spatially appropriate new work. In this regard it is noted that any future addition would be most appropriately be sited to the rear of the original house and not impact on the integrity or ridge lines of the existing roof, particularly where visible from the street. Such an alteration may provide opportunity to link to an addition to the rear in the form known as "pavilion style". Given the limited space of the back garden the scale of any addition will need to be modest.</p> <p>Verandahs should not be further enclosed, although the earlier enclosures do not have to be required to be reversed unless the owner wishes it. If the fabric of an existing enclosure is replaced any new works should also read as light and transparent.</p>
--	---

Heritage Data Form

	Major additions to the roof form, including a second storey or dormer windows will not be consistent with the heritage values of the property and should not be considered or supported. Other works that may affect the structural integrity or significant original fabric should be discussed with Council's Heritage Advisor at an early stage in the planning process.
--	---

SOURCE OF THIS INFORMATION			
Name of study or report	Assessment of the heritage significance of Glen Brae: 28 Cook Road, Killara	Year of study or report	2015
Item number in study or report			
Author of study or report	Robyn Conroy – Conroy Heritage Planning		
Inspected by	Robyn Conroy and Andreana Kennedy		
NSW Heritage Manual guidelines used?		Yes x <input type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Robyn Conroy	Date	23 August 2015

Heritage Data Form

IMAGES - 1 per page

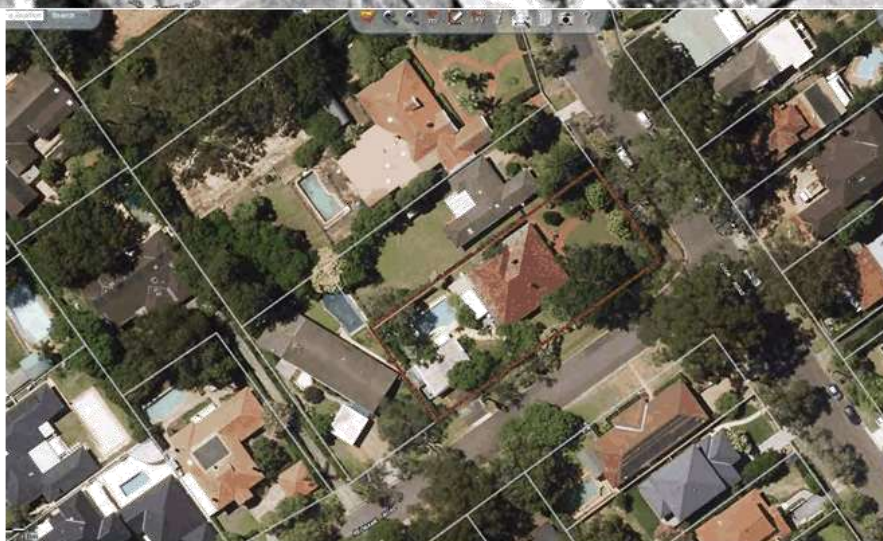
Please supply images of each elevation, the interior and the setting.

Image caption	Glen Brae- viewed from Redbank Street near the intersection with Cook Road. The property has retained its encircling verandah – giving it a traditional rural character that is rare in the context of the development of Ku-ring-gai.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Comparison of original curtilage in 1943 (upper) and existing curtilage (lower) in 2015.				
Image year	2015	Image by	NSW Dept of Land and Property Information/RC	Image copyright holder	NSW Dept of Land and Property Information



Heritage Data Form

Image caption	The setting showing the visual catchment (dotted) and main viewing points to the property.				
Image year	2015	Image by	RC (base NSW Dept of Land and Property Information)	Image copyright holder	NSW Dept of Land and Property Information (base)



Heritage Data Form

Image caption	Glen Brae - Cook Road elevation. The gently curving crushed gravel path from Cook Road follows its original alignment and provides a counterpoint to the symmetrical façade to this elevation.				
Image year	2015	Image by	RC	Image copyright holder	



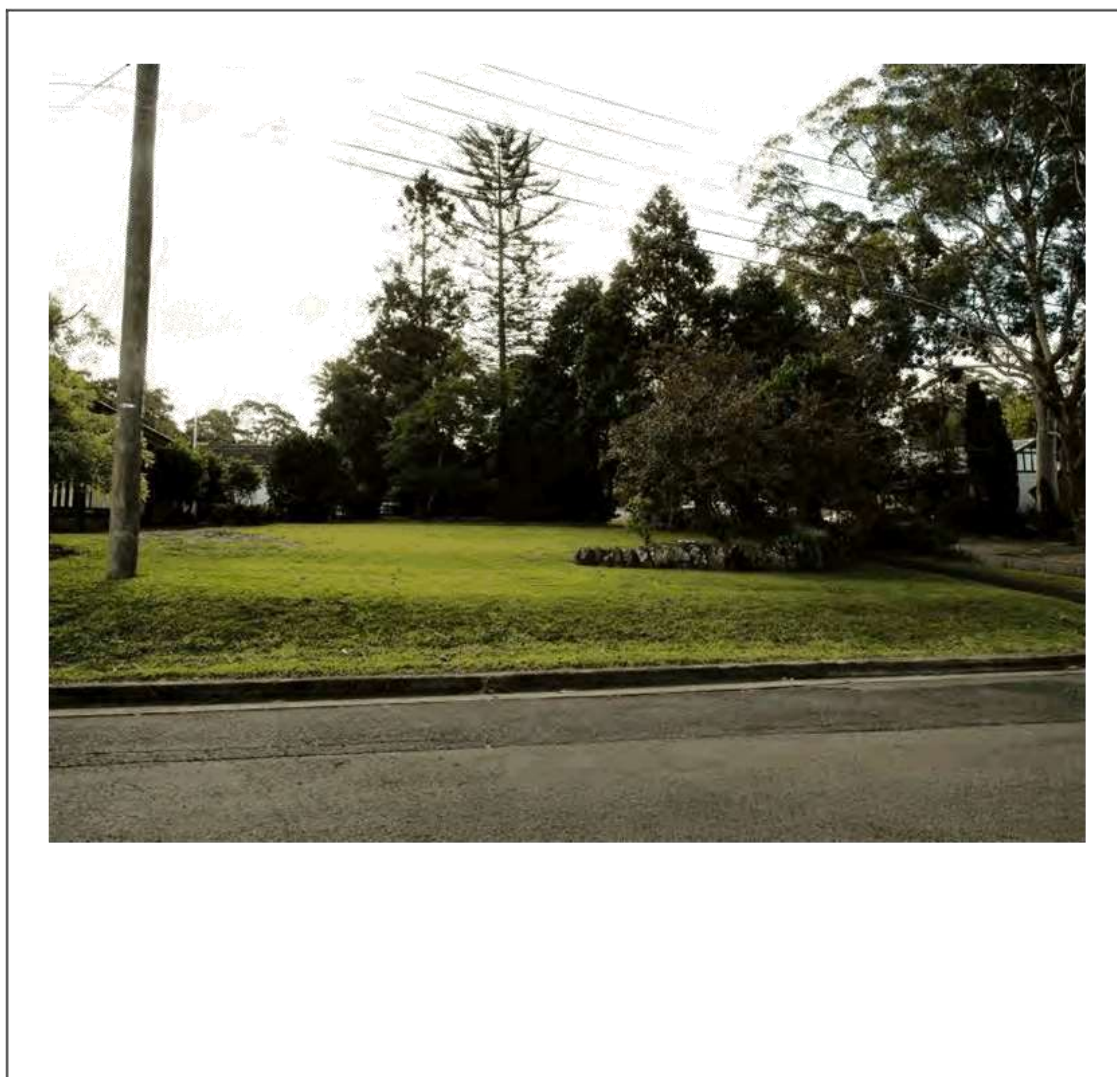
Heritage Data Form

Image caption	Glen Brae- viewed from Redbank Street. The planting to the boundary provides some definition of the edge of the garden but allows the side elevation to read as a prominent element in the streetscape.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	The north-western boundary of the current property is defined by maturing trees that are within the original garden of Glen Brae. The lack of fencing to this and each of the boundaries forward of the house has retained the historic spatial qualities of the setting of Glen Brae.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Although the northern part of the original site has been subdivided and developed, the scale of this development is modest and the impact on the setting and traditional aesthetic qualities of the garden of Glen Brae has been ameliorated by the lack of dividing fences and presence of tall trees with open grasses below, allowing the street frontage of the two to continue to read as a continuous space in casual street view.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- viewed from Redbank Road near the intersection with Cook Road. The house is sited above the level of the road and dominates its setting.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- Rear view to house over the swimming pool. Although characteristic of development in the back gardens of Ku-ring-gai in the 1970s the elements in this space do not contribute notably to the early 20 th Century heritage significance of the property.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Garage and games room. This utilitarian structure is located at the rear of the property and provides direct access to Redbank Road. It does not make a notable contribution to the heritage values of the property.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- detail of veranda to Cook Road elevation. Note the shallow box bay windows and steep rake to the verandah roof.				
Image year	2015	Image by	RC	Image copyright holder	



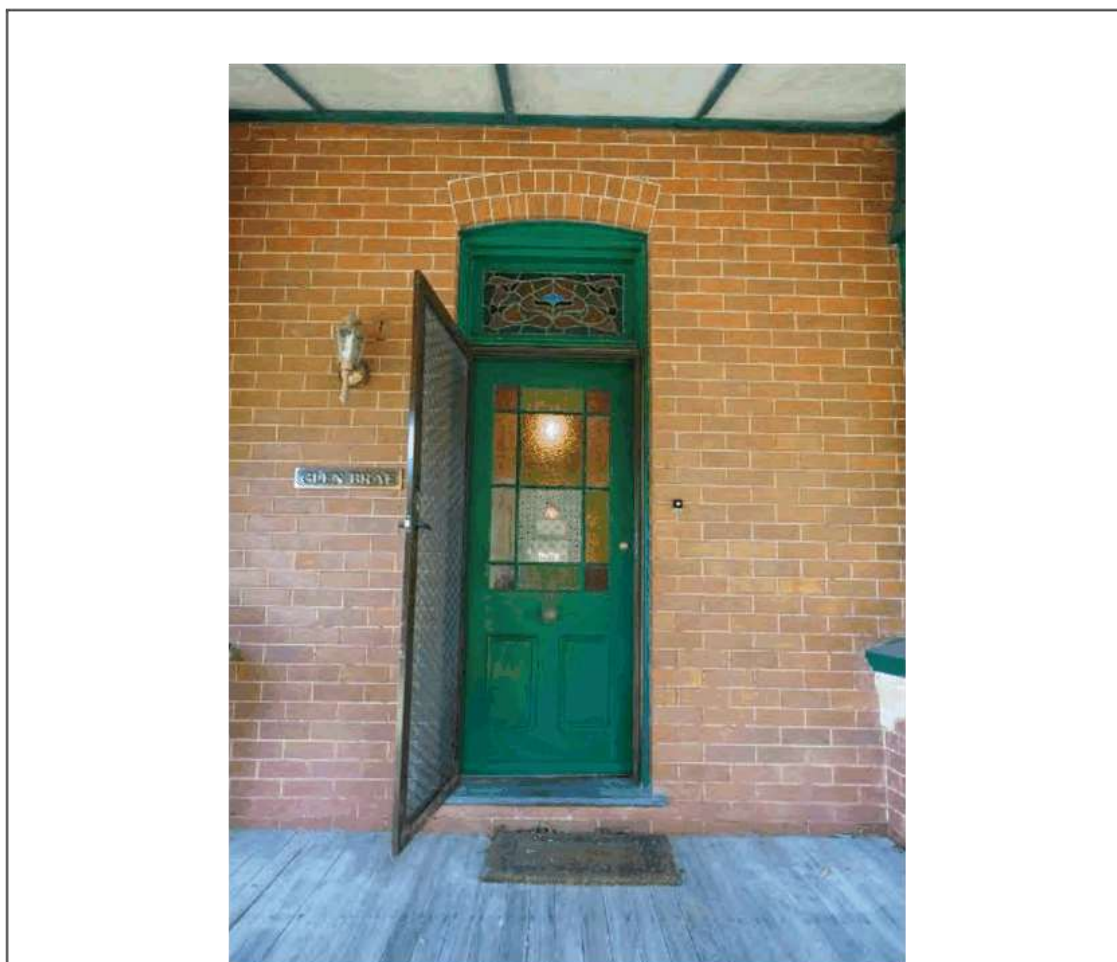
Heritage Data Form

Image caption	Glen Brae- Redbank Road verandah elevation with steps to the side garden. Note the simplicity of the façade beyond: each room originally had only one window, even when two external walls were available. The main room (originally the dining room) had a pair of windows to the same elevation.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- Detail of the front door. Note the simplicity of form and lack of sidelights etc, but also the quality of bricks and brickwork. The leadlight highlight window is one of the few external details of a decorative nature.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- both face and common brick elevations were tuckpointed, also demonstrating attention to detail in the original fabric even though form and materials are notably simple.				
Image year	2015	Image by	RC	Image copyright holder	



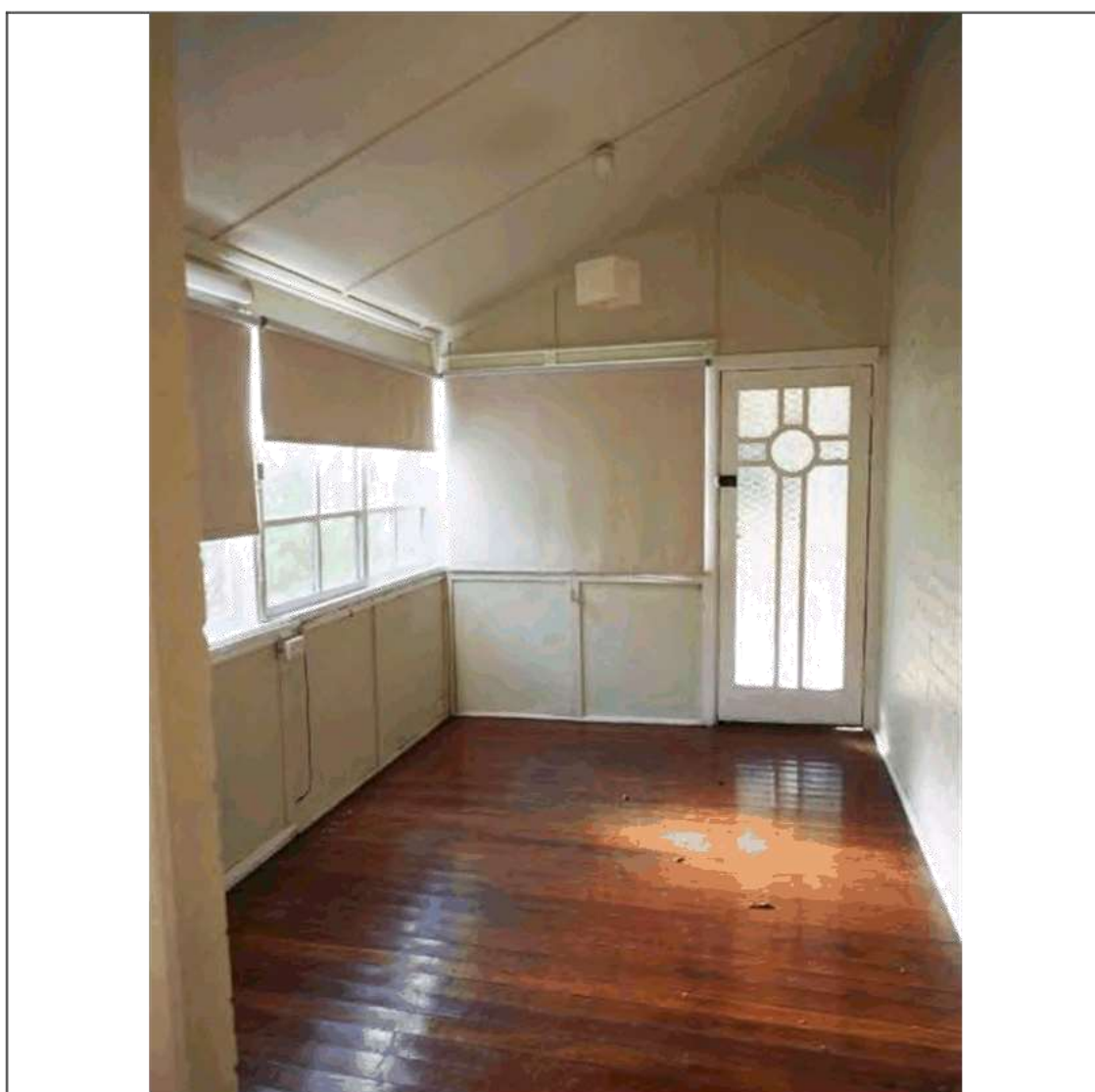
Heritage Data Form

Image caption	Glen Brae- Interior. Main hallway. The original rooms were symmetrically arranged around a central hall in the configuration more typical of 19 th century house design than early 20 th .				
Image year	2015	Image by	RC	Image copyright holder	



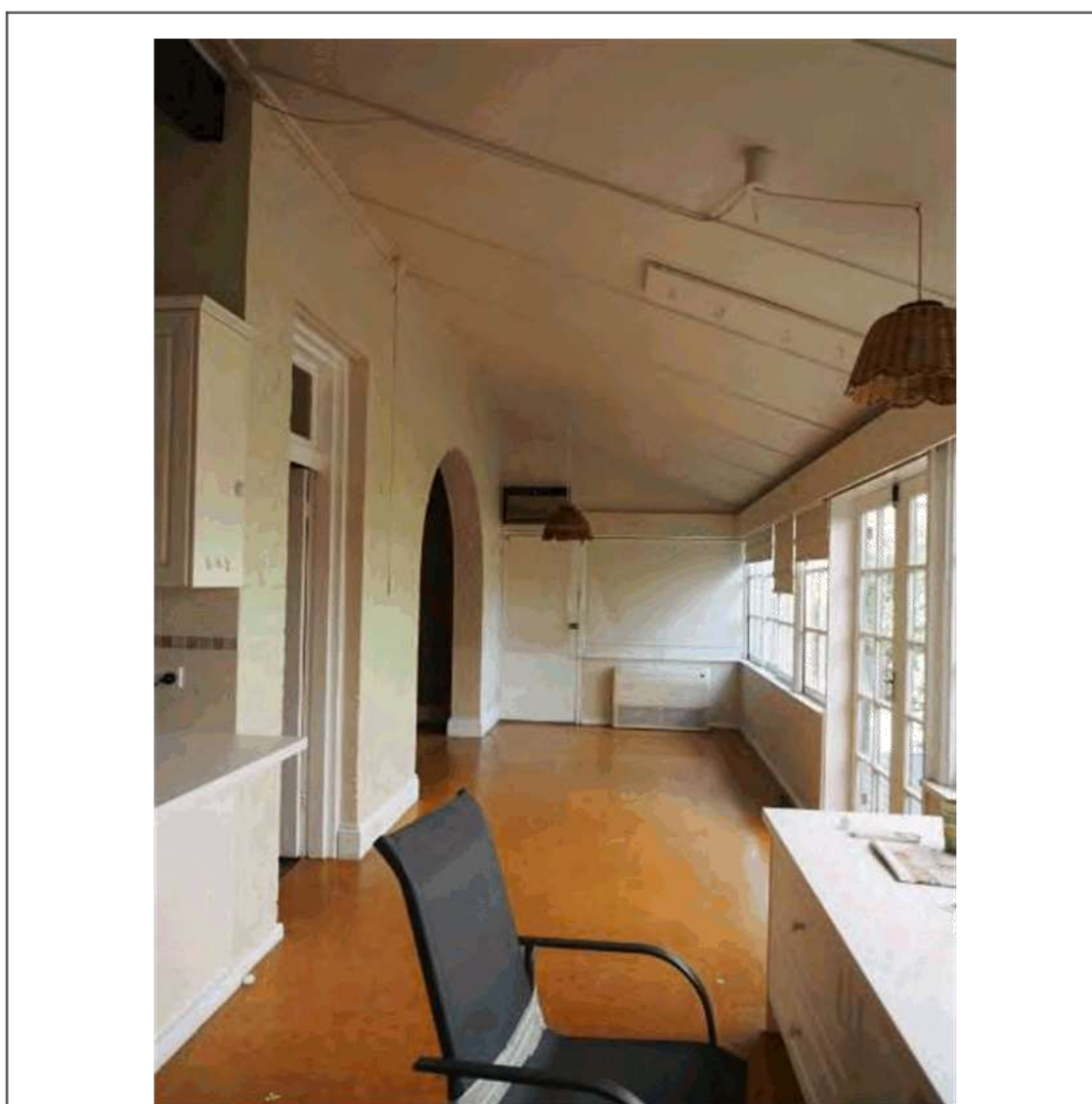
Heritage Data Form

Image caption	Glen Brae- the verandah return on the north-western elevation was enclosed to create a sunroom in the Inter-War period. Although simple in form and materials, the layer is characteristic of the Inter-War period and is readily legible as such. The original verandah floorboards were polished and retained in situ. The lightweight character of the enclosure with timber-framed windows is characteristic of the typology. This layer adds to the story of Glen Brae and the heritage significance of the property.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- the original back verandah was also enclosed in a similar way but has undergone further alterations over the years, such as the partial removal of walls to create a family/sunroom area. The external form of this space has remained substantially intact. Note the light switches operated by pull-cords – an early 20 th century feature that often doesn't survive in working order without ancillary wall-mounted light switches.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- detail of the fireplace to the main living room, including grate and original tiles surrounded by a marble mantle. The form and detailing of each of the three decorative fireplaces is different.				
Image year	2015	Image by	RC	Image copyright holder	



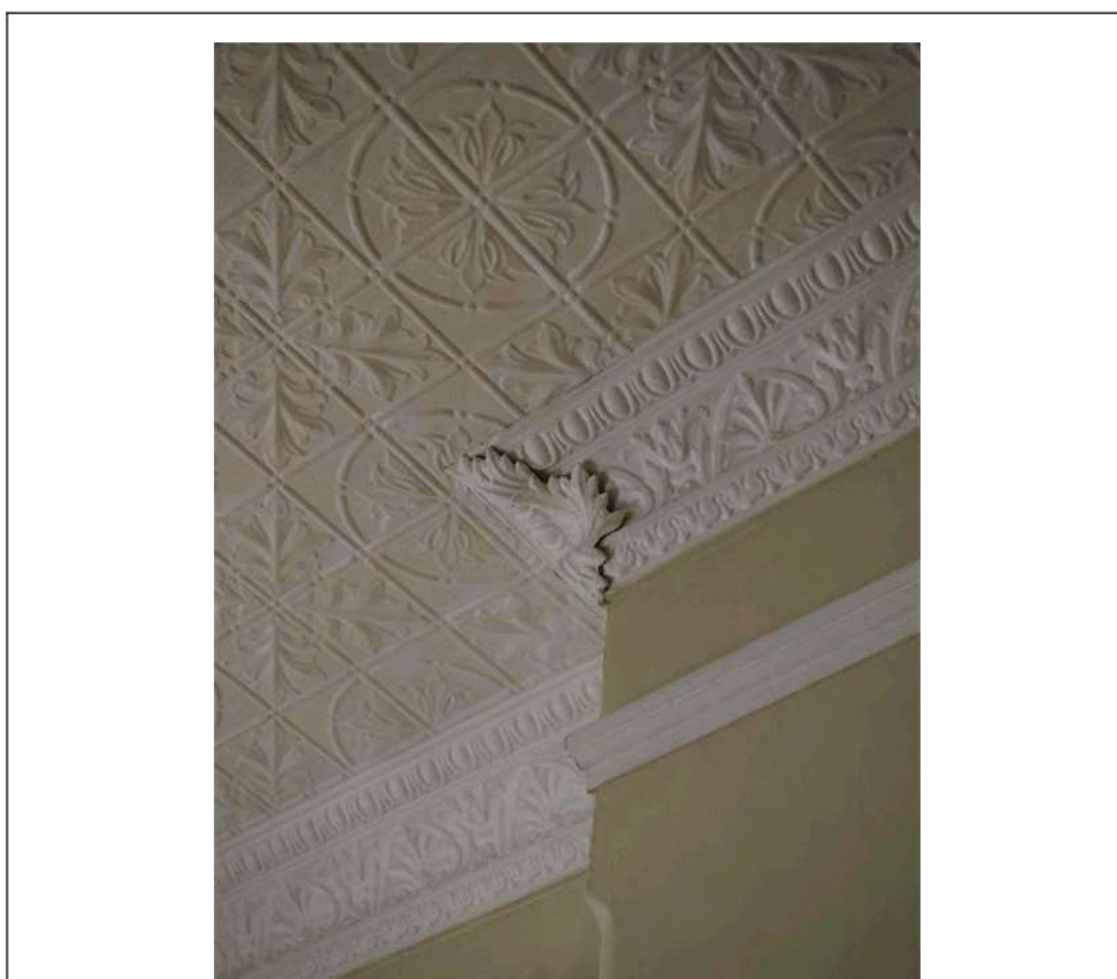
Heritage Data Form

Image caption	Glen Brae- internal hardware including openers to the highlight windows over each door is extant.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- detail of pressed metal ceiling and decorative join covers. The ceiling to each room is different and all appear to be in good condition.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Image caption	Glen Brae- Detail to plaster capital to hall arch.				
Image year	2015	Image by	RC	Image copyright holder	



Heritage Data Form

Submission 1

Hi,

We fully support the Planning Proposal S10812.

Regards

[REDACTED]
[REDACTED]
[REDACTED]

Submission 2

Page Title	Planning proposal to include 28 Cook Road, Killara as an item of local environmental heritage
------------	---

[REDACTED]	[REDACTED]
------------	------------

[REDACTED]	[REDACTED]
------------	------------

Comment - 300 words max	As owners of the subject property, we have no objection to the proposed listing. We look forward to working with council on a development application that maintains and enhances the heritage fabric of the property while providing contemporary owner amenity and continued local community enjoyment.
-------------------------------	---

TENDER RFT 03-2016 - GORDON LIBRARY LIGHTING UPGRADE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider the tenders received for the installation of the Gordon Library lighting upgrade.

BACKGROUND:

As part of Council's Environmental Levy energy reduction program, it was identified that the energy consumption of the Gordon Library would be significantly improved by upgrading the existing fluorescent lighting to LED based lighting. Design work also identified further benefits for energy reduction and indoor lighting quality that could be realised if intelligent lighting controls were installed as part of the upgrade.

Council undertook a detailed design for the upgrade in 2015. An innovative solution was developed for the lighting control using the Organic Response lighting control system.

The expected annual energy reduction from the upgrade is 97 MWh per annum, which is equivalent to approximately 20% of the library's existing consumption.

Tender documents were prepared for supply and installation of the design. The tender documents were released through Tenderlink on 27 January 2016 and submissions for the tender closed on 24 February 2016.

COMMENTS:

Tender documents were produced with four (4) submissions received. The submissions were assessed using agreed criteria which identified the best value and lowest implementation risk to Council.

RECOMMENDATION:

In accordance with Section 55 of the Local Government Act and Tender Regulations, it is recommended Council accept the Tender submitted by Tenderer 'A'.

PURPOSE OF REPORT

To consider the tenders received for the installation of the Gordon Library lighting upgrade.

BACKGROUND

As part of Council's Environmental Levy energy reduction program, it was identified that the energy consumption of the Gordon Library would be significantly improved by upgrading the existing fluorescent lighting to LED based lighting. Design work also identified further benefits for energy reduction and indoor lighting quality that could be realised if intelligent lighting controls were installed as part of the upgrade.

Council undertook a detailed design for the upgrade in 2015. An innovative solution was developed for the lighting control using the Organic Response lighting control system.

The expected annual energy reduction from the upgrade is 97 MWh, which is equivalent to approximately 20% of the library's existing consumption.

As the cost of the works was estimated to be over \$150,000, tenders were called using Tenderlink, in accordance with the tender requirements of the Local Government Act and Regulation.

Tender documents were prepared for supply and installation of the design. The tender documents were released through Tenderlink on 27 January 2016 and submissions for the tender closed on 24 February 2016.

COMMENTS

Four (4) tenders were received and recorded in accordance with Council's tendering policy. Tenders were received from the following companies:

- Ryan Wilks Pty Ltd Raven;
- Kerfoot Electrics Pty Ltd.
- Electrical Pty Ltd;
- Programmed Property Services;

It should be noted the order above does not correspond to the order of the list of tenderers named from 'A' to 'D' in the list of tenders received.

A Tender Evaluation Panel consisting of staff from the Operations and Strategy & Environment Departments was formed to assess the four (4) tenders received. The evaluation took into account:

- conformity of submission;
- lump sum fee;
- company and staff experience;
- resources and availability;
- methodology;
- risk management and environmental management; and
- the company's financial capacity.

Item GB.5

S10872
16 March 2016

Confidential attachments to this report include:

- List of tenders received and additional financial information (**Attachment A1**).
- Tender Evaluation Panel's weighted scoring of submissions and recommendation (**Attachment A2**).
- An independent Performance and Financial Assessment which was carried out by Corporate Scorecard Pty Ltd (**Attachment A3**).
- Full version of Tender Evaluation Panel's weighted scoring of submissions and recommendation, including pricing (**Attachment A4**).

From the four (4) submissions received and the available information taken into account during the evaluation and scoring of each element of the assessment, Tenderer 'A' was identified as providing the best value to Council.

In order to ensure Council is not exposed to financial risk and that Tenderer 'A' is trading in a sound and profitable manner, an independent Performance and Financial Assessment was carried out by Corporate Scorecard Pty Ltd.

INTEGRATED PLANNING AND REPORTING

Theme 3 Places, Spaces and Infrastructure
P7 Enhancing community buildings and facilities

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
N5.1 A community progressively reducing its consumption of resources and leading in recycling and reuse.	P7.1.1 Standards are developed to improve the condition and functionality of existing and new assets.	P7.1.1.3.1 Implement prioritised energy and water conservation and efficiency works program.

FIT FOR THE FUTURE IMPROVEMENT ACTION PLAN

The NSW Government's Fit for the Future initiative required all councils to prepare an Improvement Proposal and supporting Implementation Plan demonstrating how all seven Fit for the Future benchmarks would be met by 2016/17, and maintained or improved thereafter.

Council's *Fit For the Future Improvement Proposal* and supporting *Implementation Plan* underpins the decision to stand alone and not merge with Hornsby Council. The objectives established in the Improvement Proposal and Implementation Plan are embedded in Council's adopted Integrated Planning and Reporting documents including the *Revised Delivery Program 2013-2017* and *Operational Plan 2015-2016*, *Long Term Financial Plan 2015/16 to 2024/25* and *Asset Management Strategy 2015/16 to 2024/25*.

The Gordon Library lighting upgrade is a component of Council's existing Delivery Program and Operational Plan and does not have any impact on Council's FTF Improvement Action Plan.

GOVERNANCE MATTERS

Tender documents were prepared and released through Tenderlink on 27 January 2016 with a closing date of 24 February 2016. At the close of tender, four (4) tenders were received. All submissions were recorded in accordance with Council's tendering policy. A Tender Evaluation Panel consisting of staff from the Operations Department and Strategy & Environment Department was formed to assess the four (4) tenders received.

Confidential attachments to this report include the list of tenders received, the Tender Evaluation Panel's weighted scores and recommendation, and the independent Performance and Financial Assessment carried out by Corporate Scorecard Pty Ltd. The attachments are considered to be confidential in accordance with Section 10A (2)(d)(iii) of The Local Government Act 1993 as they are considered to contain commercial in confidence information.

RISK MANAGEMENT

Prior to the release of the tender, three (3) key areas of risk were identified in relation to the proposed work:

- That work needed to be carried out by a suitably qualified company with experience of installing intelligent lighting systems.
- That the company needed to be available to carry out the work during the nominated time windows and have the resources to complete the work within the nominated timeframes.
- That Council should not be exposed to financial risk.

As part of the evaluation process, tenderers were assessed on providing all information and costs requested within the tender document and an independent Performance and Financial Assessment was carried out on Tenderer 'A' by Corporate Scorecard Pty Ltd, to ensure that they were trading responsibly and had the financial capacity to undertake the work as detailed within the tender documents.

As part of the independent Financial and Performance Assessment the following conclusions were noted:

- "The subject is trading in a profitable manner and the size of its annual revenue indicates that the contract in question is within appropriate capacity and risk based thresholds."
- "On the basis of information obtained, the subject has been assigned with a Score of 7.35, indicating that it has a strong financial capacity to undertake the contract in question."
- "Following a review of the financial data obtained, the subject is considered to meet the minimum desired financial criteria for the contract in question."

The financial aspect of the assessment shows Tenderer 'A' is able to satisfy all requirements and is unlikely to expose Council to any financial risk if awarded the tender as detailed within Council's tender documents.

FINANCIAL CONSIDERATIONS

The project is to be funded by the Environmental Levy in line with the Council's Delivery Program and Operational Plan (2015/2016).

The design work has estimated the lighting upgrade to have a simple payback of 15 years, equating to a return on investment that meets Council's cost of emissions abatement criteria for energy efficiency projects of this nature.

Annual energy savings costs are estimated to be \$12,526 per annum.

SOCIAL CONSIDERATIONS

Automatic dimming of lighting levels according to availability of natural light and the presence of occupants throughout the library will provide greater amenity to natural light, meaning library users experience a healthier and more comfortable indoor environment.

The lighting upgrade will also complement the recent refurbishment of the Gordon Library and contribute to making the library a high performing community asset that showcases modern, functional and sustainable design. A high quality indoor environment and lighting amenity is expected to ensure high rates of community participation with Library services/activities/programs.

ENVIRONMENTAL CONSIDERATIONS

The energy consumption savings are estimated to be 97 MWh per annum, leading to a reduction of Council greenhouse gas emissions of approximately 97 tonnes of CO₂ each year. This is approximately 20% of the Gordon Library's total annual emissions, representing a significant overall reduction.

The preferred supplier is required to recycle all existing fittings and fluorescent tubes.

COMMUNITY CONSULTATION

The objectives of the project meet the objectives of Council's Delivery Program and Operational Plan and Environmental Levy program. Hence, in this case community consultation for the project is not required.

INTERNAL CONSULTATION

Consultation was undertaken by officers from the Strategy & Environment Department for the proposed works with staff from the Operations and Community departments.

SUMMARY

As part of Council's Environmental Levy energy reduction program, it was identified that the energy consumption of the Gordon Library would be significantly improved by upgrading the existing fluorescent lighting to LED based lighting. Design work also identified further benefits for

Item GB.5

S10872
16 March 2016

energy reduction and indoor lighting quality that could be realised if intelligent lighting controls were installed as part of the upgrade.

Council undertook a detailed design for the upgrade in 2015. An innovative solution was developed for the lighting control using the Organic Response lighting control system.

The expected annual energy reduction from the upgrade is 97 MWh, which is equivalent to approximately 20% of the library's existing consumption. Annual energy savings costs are estimated to be \$12,526 per annum.

Tender documents were prepared for supply and installation of the design. The tender documents were released through Tenderlink on 27 January 2016 and submissions for the tender closed on 24 February 2016.

From the four (4) submissions received and the available information taken into account during the evaluation and scoring of each element of the assessment, Tenderer 'A' was identified as providing the best value to Council.

In order to ensure Council is not exposed to financial risk and that Tenderer 'A' is trading in a sound and profitable manner, an independent Performance and Financial Assessment was carried out by Corporate Scorecard Pty Ltd.

Following the evaluation and independent performance and financial check, it is recommended Tenderer 'A' be appointed on the basis of providing the best value to Council.

RECOMMENDATION:

- A. That Council accept the tender submission from Tenderer 'A' to carry out the installation of the Gordon Library lighting upgrade.
- B. That the Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- C. That the Seal of Council be affixed to all necessary documents.
- D. That all tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government Tendering Regulation.

Peter Vun
Sustainability Planner

Marnie Kikken
Manager Environment & Sustainability

Item GB.5

S10872
16 March 2016

Andrew Watson
Director Strategy & Environment

Attachments:	A1	List of Tenderers for the Gordon Library Lighting Upgrade	<i>Confidential</i>
	A2	RFT 03-2016 - Weighted Evaluation Scores - Gordon Library Lighting Upgrade	<i>Confidential</i>
	A3	Corporate Scorecard Performance and Financial Assessment	<i>Confidential</i>
	A4	RFT 03-2016 - Weighted Evaluation Scores - Gordon Library Lighting Upgrade - Full Form	<i>Confidential</i>

RENEWAL OF ROAD LEASE - NORTH SHORE SYNAGOGUE - TREATT'S ROAD, LINDFIELD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a request from the North Shore Synagogue for the grant of a new lease for its continued occupancy of Council's road reserve along Treatts Road, Lindfield.

BACKGROUND:

The North Shore Synagogue has occupied a portion of road reserve since 1956 under a succession of leases from Council. The subject portion of road reserve comprises 839.5m² and is used in conjunction with the North Shore Synagogue for a garden, landscaping and access purposes.

The last lease expired on 23 May 1986 and since that time the North Shore Synagogue has remained in occupation as a "tenant at will". Rental, to date, has been at a nominal rate given the permitted use and the status of the lessee.

It is now proposed to formalise this occupation by the granting of a new lease for a further five (5) years term.

COMMENTS:

The North Shore Synagogue has been an integral part of Sydney's Jewish community since its foundation in 1947. It is desirous of continuing to occupy Council's road reserve under a new road lease.

RECOMMENDATION:

That Council grants a new lease of the road reserve at Treatts Road, Lindfield to the North Shore Synagogue for a term of five (5) years on the terms set out in this report.

PURPOSE OF REPORT

To consider a request from the North Shore Synagogue for the renewal of its lease for continued occupancy of Council's road reserve along Treatts Road, Lindfield

BACKGROUND

The North Shore Synagogue (NSS) was founded in 1947 and its current premises at 15 Treatts Road, Lindfield were constructed in 1956. As well as its regular services, the NSS has a Bar Mitzvah program and conducts functions and events to celebrate Jewish holidays and festivals.

A triangular area of Council's road reserve, comprising 839.3m², immediately borders the front of the Synagogue. Treatts Road widens substantially at this point and, since the dedication of the road, this portion of road reserve has not been required for road traffic (refer to location plan **Attachment A1**). The NSS has been in occupation of the subject road reserve since 1956 under a succession of leases from Council for a garden, landscaping and access purposes and has maintained the lease area to a high standard at its own cost.

Currently, the NSS remains in occupancy under the holdover provisions of an expired lease. The previous lease expired on 23 May 1986. The previous leases were granted under the *Local Government Act*, 1919 prior to the enactment of the *Roads Act* 1993.

Council staff have made numerous attempts over prolonged periods to renew the lease with the NSS without success. Successive changes to the executive board of the NSS, indecision and failure to accept lease terms proposed by Council have been contributing factors to the lack of progress on a new lease. At one stage, the NSS also expressed an interest in purchasing the site from Council but those negotiations also failed when the NSS indicated it was not in a position to pay the market value assessed for the "land".

In 2014, the NSS approached Council with a proposal to upgrade security for the Synagogue. The NSS indicated that it had been successful in securing Federal Government funding for the installation of a new security fence, part of which was intended to traverse the road reserve. In an attempt to re-open lease renewal negotiations, Council staff advised the NSS that Council was not in a position to consider any proposal involving the use of the road reserve without a new lease being in place.

On 28 September 2015, following the lack of a definitive response from the NSS, Council staff formally notified the executive of the NSS that unless agreement on a new lease was entered into between the parties, action would be taken by Council to bring the NSS' monthly tenancy arrangement to an end. Consistent with the terms of the expired lease, the NSS would have been required to vacate the site on termination and restore the area to its original condition at lease commencement.

The NSS has now agreed to Council's terms to formalise its ongoing occupation of the road reserve and enter into a new lease with Council pursuant to section 153 of the *Roads Act* 1993. The NSS has also brought all its current lease obligations up to date including the payment of the nominal rental of \$60.00 per annum that applied pursuant to the holding over provisions of its expired lease.

Item GB.6

S07457/7
10 March 2016

A new lease would also allow Council to consider the NSS' proposal for a perimeter security fence to be located on part of the road reserve. This would be the subject of a DA to Council if the lease is approved.

COMMENTS

A new lease of the road reserve has been negotiated with the NSS for a further period of five (5) years.

The proposed lease is to be based on contemporary terms and conditions including the requirement to pay a market based rent assessed by independent valuation.

The NSS is agreeable to the proposed terms and conditions of the new lease but has requested that Council give consideration to applying a rental rebate to the market rent assessed. The NSS is aware of Council's Policy for the Management of Community and Recreational Land and Facilities and that it contains a rebate assessment schedule for community based/not-for-profit groups using Council's community and recreation land and facilities.

Council's policy does not apply to Council's road reserves, however, Council staff consider the intent and spirit of the policy should be applied on this occasion on an exception basis given the community and not-for-profit status of the NSS and the non-commercial nature of the lease. The NSS is considered to satisfy the eligibility criteria within the Category Three community service groups and, subject to Council's approval to apply the policy in this case, a maximum rebate of 50% of the current market rent would apply.

Under section 153 of the *Roads Act 1993*, Councils are the owners and roads authority for public roads (other than a Crown road) and may lease a public road to the owner or lessee of adjoining land if it is not required to be used by the public.

The provisions of the *Roads Act 1993* also provides for a maximum lease term of five (5) years and a legal right by the Lessor for early termination and removal of improvements without compensation.

INTEGRATED PLANNING AND REPORTING

Theme – Leadership and Governance L2 - Financial capacity and sustainability

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Council rigorously manages its financial resources and assets to maximise service delivery	Council maintains and improves its long term financial position and performance	Continue to analyse opportunities to expand the revenue base of Council Ensure the commercial property portfolio provides market returns

GOVERNANCE MATTERS

The granting of the lease is in accordance with section 153 of the *Roads Act* 1993.

The market rental for the proposed lease has been assessed by an independent valuer.

Consideration of a rental rebate has been assessed in line with Council's Policy for the Management of Community and Recreational Land and Facilities.

RISK MANAGEMENT

Council's solicitor will prepare the lease and the opportunity will be taken to contemporise the terms and conditions to reflect best practice particularly in terms of protecting Council's interest, as Lessor.

The NSS will be required to indemnify Council as a consequence of its use and occupation of the road reserve.

FINANCIAL CONSIDERATIONS

The proposed lease provides for the payment of an annual rental as determined by Council's Valuer, a copy of which is attached (**CONFIDENTIAL Attachment A2**).

Following representations from the NSS for consideration of a rental rebate, it is considered appropriate to apply, on an exception basis, a rebate that is consistent with Council's Policy for the Management of Community and Recreational Land and Facilities.

In consultation with Council's Community Department it is felt that a 50% discount should apply in this instance.

Council's legal, valuation and associated costs with the preparation and granting of the lease are to be borne by the NSS.

SOCIAL CONSIDERATIONS

The continued occupation of the Council-owned closed road reserve by the NSS permits the Synagogue to beautify the area with landscaping and the planting of trees, shrubs and gardens which enhances the frontage of the Synagogue and security of the premises. The portion of road reserve is fully maintained by the NSS at its expense and relieves Council of the cost that would be associated with maintaining the area.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental impacts associated with the lease renewal. The lease has been in existence since 1956 with no adverse public reaction.

COMMUNITY CONSULTATION

Public notification of the proposed lease will be undertaken in accordance with section 154 of the Roads Act 1993. The notice will also foreshadow the NSS' intention to erect a new security fence (subject to DA) on part of the road reserve.

This will provide an opportunity for the community to directly comment on the proposed lease. Any submissions made must be considered before a decision is made to grant the lease.

INTERNAL CONSULTATION

Discussion has been undertaken with staff from Community & Recreational Services regarding the level of rental rebate which is appropriate having regard to Council's Policy for the Management of Community and Recreational Land and the status of the NSS as a not-for-profit community organisation.

SUMMARY

The NSS has been occupying a portion of road reserve, comprising 839.3m², in Treatts Road, Lindfield for garden and landscaping purposes since 1956 under a series of leases.

Currently, the NSS remains in occupancy under the holdover provisions of a lease which expired on 23 May 1986. The previous leases were granted under the *Local Government Act*, 1919 prior to the enactment of the *Roads Act* 1993.

New lease arrangements have been negotiated with the NSS which are on terms acceptable to Council and consistent with the *Roads Act* 1993 including a lease term of five (5) years and provision for early termination by the Lessor without compensation.

The rental has been assessed on the basis of an independent market valuation. Subject to Council's approval, it is proposed to apply a 50% rebate to the rent in line with Council's Policy for the Management of Community and Recreational Land. The policy does not specifically incorporate rebates applying to road reserves and Council's decision is to be on an "exception basis" for this particular application only given the NSS' status as a not-for-profit community organisation and the non-commercial nature of the lease.

It is now proposed to formalise the NSS' occupation of a portion of Council's road reserve at Treatts Road, Lindfield by the granting of a new lease on the foregoing terms.

RECOMMENDATION:

- A. That Council approve of a Deed of Lease between Council and the North Shore Synagogue over a portion of the road reserve in Treatts Road, Lindfield for a term of five (5) years from 1 May 2016. Permitted use of the lease is to be for landscaping, gardens, access and security.
- B. That Public Notice of the proposed lease be given in accordance with the provisions of Section 154 of the *Roads Act* 1993.
- C. That the Mayor and General Manager be authorised to execute all documentation

Item GB.6

S07457/7
10 March 2016

associated with Deed of Lease.

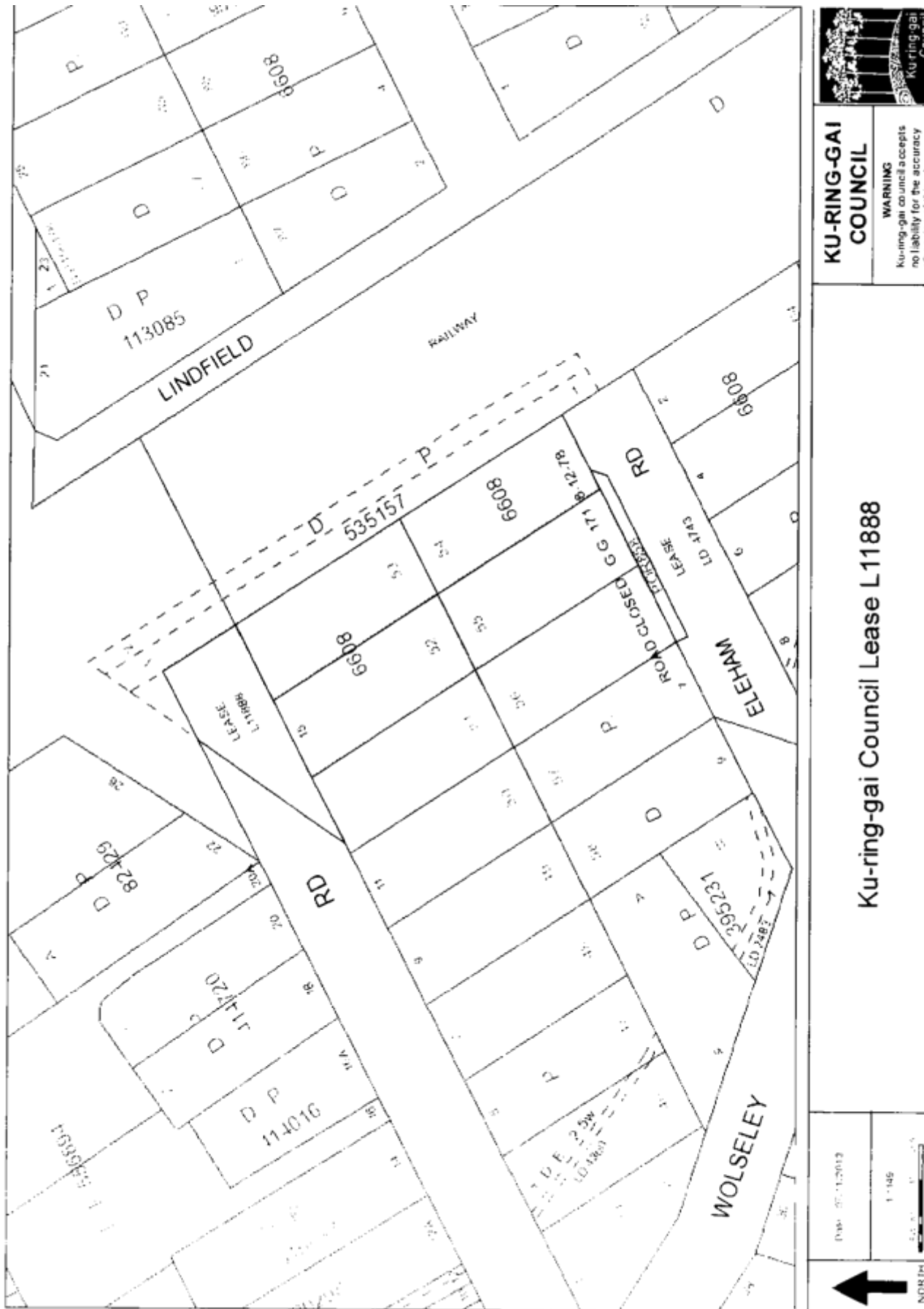
- D. That Council endorse, on an “exception basis”, a rental rebate of 50% to apply in line with Council’s Policy for the Management of Community and Recreational Land and Facilities in recognition of the Lessee’s not-for-profit status and the non-commercial nature of the lease. Council’s policy does not specifically incorporate the leasing of road reserves hence the approval on an “exception basis” for this Lease only.
- E. That Council authorise the Common Seal of Council to be affixed to the Lease.

Vince Rago
Property Program Co-ordinator

Helen Lowndes
Integrated Planning Co-ordinator

Andrew Watson
Director Strategy & Environment

Attachments: A1 Location Plan 2016/072329
 A2 Valuation *Confidential*



CREATION OF RIGHT OF WAY ON COUNCIL LAND AT ST IVES - RECEIPT OF PUBLIC SUBMISSIONS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council on public submissions made in relation to Council's intention to grant a Right of Way over Council land benefitting a private property at 15 Stratford Place, St Ives.

BACKGROUND:

On 8 December 2015, Council considered a report to formalise non-exclusive access over a Council bushland track at Degotardi Park to the property owners through the grant of a Right of Way in lieu of an existing Deed and Caveat arrangement that has been in place since 1969.

COMMENTS:

Public notification of the proposed Right of Way was carried out between the period 22 January 2016 and 22 February 2016. At the close of submissions, two (2) responses were received. One submission supported the grant of the Right of Way to the subject property while the other objected to the proposal.

RECOMMENDATION:

That Council receive and the note the submissions associated with the granting of the Right of Way and proceed on the basis set out in this report.

PURPOSE OF REPORT

To advise Council on public submissions made in relation to Council's intention to grant a Right of Way over Council land benefitting a private property at 15 Stratford Place, St Ives.

BACKGROUND

On 8 December 2015, Council considered a report to formalise non-exclusive access over a Council bushland track at Degotardi Park benefitting 15 Stratford Place, St Ives through the grant of a Right of Way (refer to **Attachment A1**) in lieu of an existing antiquated Deed and Caveat arrangement that has been in place since 1969. Council subsequently resolved:

- A. That Council approve of a Right of Way being granted in favour of 15 Stratford Place, St Ives (Lot 2 DP 525518) over Council's land (Lot 36 DP226375) for pedestrian and vehicular access only subject to the payment of compensation as assessed by Council's valuer. The current Deed and Caveat (X225689) will be rescinded on the registration of the Right of Way.*
- B. That the Mayor and General Manager be delegated authority to execute all documentation associated with the Right of Way including the signing survey plans and administration sheets.*
- C. That public notification of the proposed Right of Way be undertaken in accordance with section 47 of the Local Government Act 1993.*
- D. That, in the event no public submissions are received objecting to the proposal, the General Manager or his delegate be authorised to negotiate the final terms of the Right of Way consistent with this report.*
- E. That, pursuant to section 47(5) of the Local Government Act 1993, if a person makes a submission by way of objection to the proposal, Council note that it will only be able to grant the Right of Way with the Minister's consent.*

In accordance with Council's resolution, Council staff arranged for public notification of the proposal with an advertisement in the North Shores Times and notification of neighbouring property owners by direct letter.

COMMENTS

Public notification was carried out between 22 January 2016 and 22 February 2016 and, at the conclusion of the process, two (2) submissions were received. Of the submissions, one supported the grant of the Right of Way while the other objected to the proposal.

Due to Privacy and Personal Information Protection Act 1998, a copy of each submission will be provided to Councillors under separate Memorandum. The two (2) submissions are summarised overleaf:

Submission	Submitter Comment	Staff Response
Support	Supports the grant of Right of Way in lieu of existing access arrangements with Council.	The existing Deed and Caveat arrangement is an outdated property practice. The creation of an easement, in the form of a Right of Way, represents a more contemporary approach to formalising access arrangements of this nature.
Object	The submitter asserts the Right of Way will be exclusive and restrict the right of access to his property and have the potential to jeopardise and devalue his current access. Submitter wants his property and those downstream from 15 Stratford, St Ives to have similar rights.	<p>Proposed Right of Way to benefit 15 Stratford Place, St Ives will not confer exclusive possession of the current access track or permit the benefitted property to restrict access to other properties.</p> <p>15 Stratford Place is the only property that is subject to a Council Deed and Caveat. The property owners were unsuccessful in convincing the adjoining property owners to make a collective application and hence lodged a sole application pursuant to Council's Easement Management Policy.</p> <p>In the interests of transparency and equity, Council staff have extended an offer to the party who lodged the objection to make a formal application for a Right of Way for Council to consider. This procedure accords with Council's Easement Management Policy. Council would assess any application received in the same manner as that for 15 Stratford Place.</p> <p>The objection is considered to be without foundation.</p>

INTEGRATED PLANNING AND REPORTING

Theme – Leadership and Governance - L2 Financial capacity and sustainability

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Council rigorously manages its financial resources and assets to maximise service delivery	Council maintains and improves its long term financial position and performance	Continue to analyse opportunities to expand the revenue base of Council

GOVERNANCE MATTERS

Council is permitted to deal with property, including easements, in accordance with the *Local Government Act 1993*.

Section 6.4 of the Ku-ring-gai Bushland Reserves Plan of Management also has an express provision enabling the grant of an easement for individuals in favour of private lands over lands

Item GB.7

CY00470/3
21 March 2016

identified in the plan where there is no reasonable alternative, that appropriate benefits are obtained for the community land and any adverse impacts on the bushland is remedied at the cost of the easement holder. The property owners of 15 Stratford Place, St Ives do not have alternate access to their property and have agreed to pay compensation for the Right of Way. Additionally, the access track is already formed in bitumen and will not result in any adverse impacts on the bushland.

Section 47 of the *Local Government Act* 1993 provides that the grant of leases, licences and other estates in respect of community land for a term greater than 5 years must be publicly notified for at least 28 days and allow for public submissions to be made and considered before any lease, licence or other estate such as an easement is granted.

Public notification was carried out between 22 January 2016 and 22 February 2016 and, at the conclusion of the process, two (2) submissions were received. One submission supported the grant of the Right of Way while the other objected to the proposal.

Section 47(5) provides that if a person makes a submission by way of objection to the proposal, Council can only grant the Right of Way with the consent of the Minister for Local Government. Section 47(6) further sets out the requirements Council must follow in seeking the Minister's consent.

RISK MANAGEMENT

Subject to Council securing the Minister's consent pursuant to section 47(5) of the *Local Government Act* 1993, Council will be permitted to grant the Right of Way.

If approved, Council's solicitors will prepare the documentation which will include the appropriate protections for Council such as releases and indemnities.

FINANCIAL CONSIDERATIONS

The property owners will be responsible for all costs associated with the creation of the Right of Way, including legal, valuation costs, lodgement and registration fees etc., and payment of compensation as assessed by Council's independent valuer.

SOCIAL CONSIDERATIONS

The property at 15 Stratford Place, St Ives is landlocked and requires Council's approval to legally access their property. Council would be acting in a socially responsible manner if it contemporised the nature of the access arrangements from the existing Deed and Caveat to a Right of Way.

Council and its officers also have a responsibility to the community to deal with Council's interests in property in an objective and fair manner.

ENVIRONMENTAL CONSIDERATIONS

The Right of Way would replace the formalisation of existing access rights to the property through a Deed and Caveat arrangement. There are no detrimental environmental impacts associated with the creation of the Right of Way as access will continue to be along a formed track.

COMMUNITY CONSULTATION

Public notification of the proposed Right of Way has been undertaken in accordance with section 47 of the *Local Government Act 1993*.

INTERNAL CONSULTATION

Consultation has been held with staff from Council's Operations and Strategy and Environment Departments.

SUMMARY

The property owners of 15 Stratford Place, St Ives currently access their property over Council land (Lot 36 DP226375) pursuant to a Deed and Caveat entered into between the parties on 13 August 1987.

The existing Deed and Caveat arrangement is an out dated property practice which becomes problematic each time a transaction occurs which requires a notion on title such as a sale or mortgage. The creation of an easement, in the form of a Right of Way, represents a more contemporary approach to addressing access arrangements of this nature and enables the right of access to be noted on the title of the land that is benefitted by the Right of Way. In this way successive owners of the property do not need to enter into separate arrangements with Council for future access.

The current 2013 Ku-ring-gai Bushland Reserves Plan of Management has an express provision enabling the grant of an easement for individuals in favour of private lands over lands identified in the plan where there is no reasonable alternative access available. The subject property is landlocked and has no other practical means of access.

At its meeting of 8 December 2015, Council resolved to grant a Right of Way over Council land (Lot 36 DP226375) to benefit 15 Stratford Place, St Ives (Lot 2 DP 525518) subject to the required public notification as required by Section 47 of the *Local Government Act 1993*.

Public notification was carried out between 22 January 2016 and 22 February 2016 and, at the conclusion of the process, two (2) submissions were received. One submission supported the grant of the Right of Way while the other objected to the proposal.

The parties who lodged comments have had their submissions acknowledged in writing and advised that their views would be considered by Council.

Section 47(5) of the *Local Government Act 1993* provides that if a person makes a submission by way of objection to the proposal, Council will only be able to grant the Right of Way with the consent of the Minister for Local Government. Section 47(6) sets out the information that Council has to provide to the Minister in seeking the consent.

Subject to securing the Minister's consent, it is proposed that Council proceeds with the granting of a Right of Way over Council land to benefit 15 Stratford Place, St Ives for pedestrian and vehicular access purposes on a non-exclusive basis.

RECOMMENDATION:

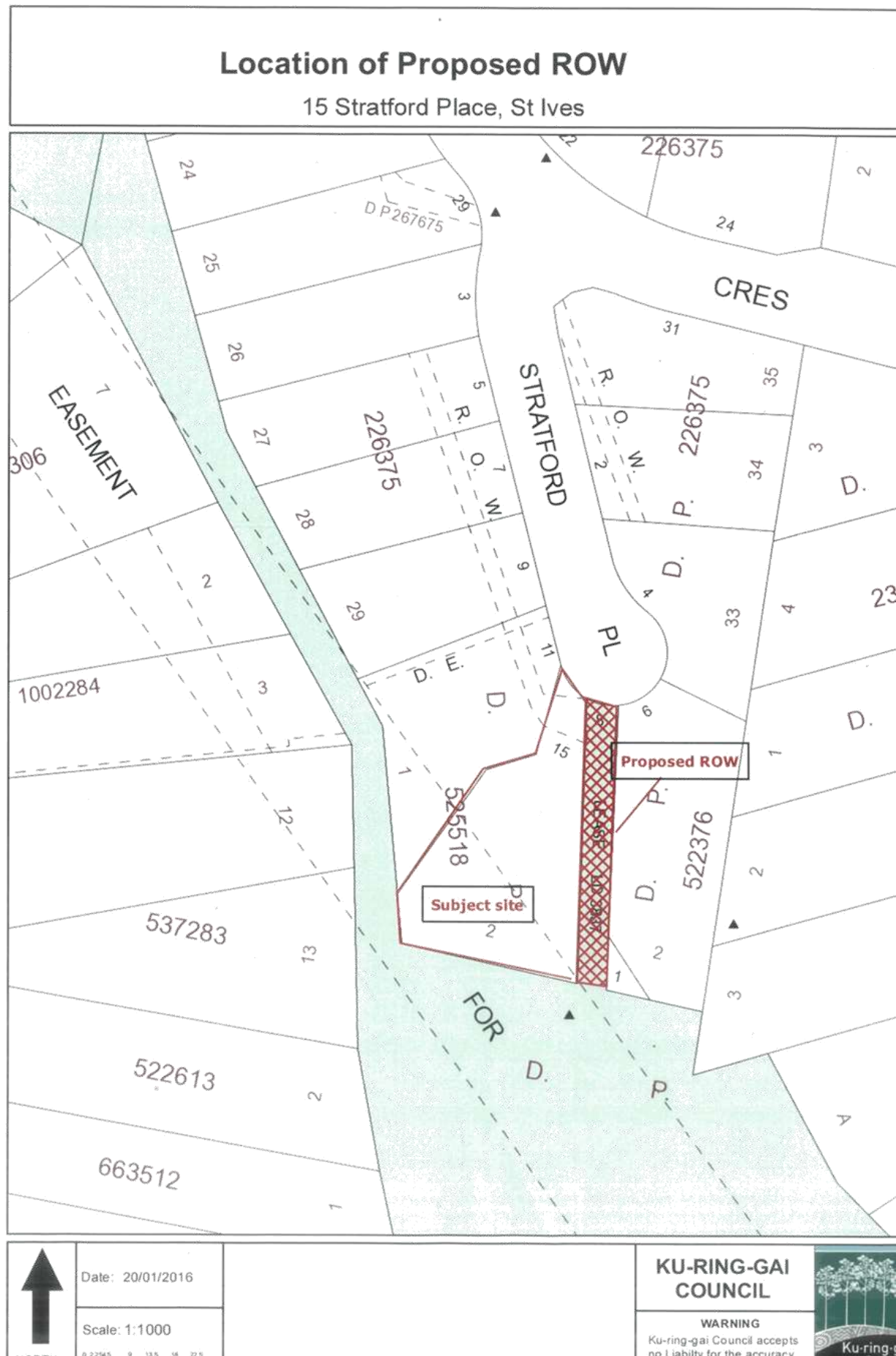
- A. That Council receive and note the submissions made in respect of the proposed granting of a Right of Way over Council land to benefit 15 Stratford Place, St Ives.
- B. That Council seeks the consent of the Minister for Local Government to grant the Right of Way as required by section 47(5) of the *Local Government Act 1993*.
- C. That, subject to the Minister's consent being obtained, Council grants the Right of Way to benefit 15 Stratford Place, St Ives (Lot 2 DP 525518) Way over Council land (Lot 36 DP226375) for pedestrian and vehicular access purposes on a non-exclusive basis. Compensation assessed by Council's valuer to be paid by the applicant along with other costs incurred by Council including legal, survey and valuation fees.
- D. That Council, subject to securing the Minister's consent, delegate to the Mayor and the General Manager the authority to execute all documentation associated with the Right of Way.
- E. That Council affix the Common Seal to all necessary documents where legally required.

Vince Rago
Property Program Co-ordinator

Helen Lowndes
Acting Manager Integrated Planning Property
and Assets

Andrew Watson
Director Strategy & Environment

Attachments: A1 Locaiton plan 2016/015437



GORDON GOLF COURSE DRAFT MASTERPLAN CONCEPT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report the outcomes of the site inspection for a Regional Park at the Gordon Golf Course.
BACKGROUND:	Council adopted a Communications and Consultation Program on 29 July 2014. The program was implemented from August 2014 and concluded in June 2015. A report on the consultation was tabled at Council's meeting of 8 September 2015. Council resolved to receive and note the consultation report and defer the draft Masterplan concept for a site inspection.
COMMENTS:	Council undertook a detailed consultation program with the local and broader community. A draft concept for the Masterplan for the Gordon Golf Course has been developed based on the outcomes of the consultation with the community.
RECOMMENDATION:	That the Masterplan for the Gordon Golf Course be deferred until the Gordon Golf Club lease expires in November 2023 with the golf course then converted to a Regional Park.

PURPOSE OF REPORT

To report the outcomes of the site inspection for a Regional Park at the Gordon Golf Course.

BACKGROUND

Council moved a Notice of Motion at the Ordinary Meeting of Council on 30 May 2014 to prepare a Communications and Consultation Strategy. It was to set out how all stakeholders would be engaged and to contribute to the master planning for a regional park and recreation space at the Gordon Golf Course.

Attached as **Attachment 1**, is a copy of the adopted Notice of Motion and Council resolution.

Council adopted the Communications and Consultation Strategy for Gordon Golf Course Master Planning Project on 29 July 2014. The program was implemented from August 2014 and concluded in June 2015.

A report on the consultation was presented to Council at its meeting of 8 September 2015. Council adopted to receive and note the consultation report on the Gordon Golf Course Masterplan for a regional park and recreation space.

Council resolved to defer the proposed concept for the Masterplan of the site for a site inspection.

COMMENTS

The outcomes of the community consultation are covered in the community consultation section of this report.

A site inspection of the Gordon Golf Course was held on 8 October 2015. A follow up discussion session was held on 26 October 2015.

At the site inspection, there was concern about the area considered for a sportsfield with a running track and the impact on the trees on the golf course.

Generally it was considered a Regional Park consisting of the facilities proposed in the Notice of Motion were the best options for the site.

Attachment 2 is a map of the Ku-ring-gai area showing the extent of all golf courses in the area compared to other open space areas.

As this local government area is well serviced by golf courses, it was considered important to provide for open space in this area of Gordon particularly with the proposed increase in development around the town centres. The resolution from the Notice of Motion was to establish a Regional Park but this will have an impact on the operation of the Golf Club as there was no timeframe indicated.

Gordon Golf Club has expressed concern about the establishment of the whole area as a Regional Park. With the current lease to expire in 2018 with an option to extend to 2023, Council would need

Item GB.8

S09625
4 November 2015

to negotiate a change in the lease or wait until 2023 before for the course would be turned into a Regional Park. A copy of the letter from the Gordon Golf Club is attached as **Attachment 3**.

The community expressed concern about the loss of the golf course and funding for any new facilities proposed for the site.

Proposed Masterplan Concept

Council currently has a budget deficit of approximately \$1,000,000 per annum for both Gordon and North Turramurra golf courses as shown in **Attachment 4**.

In the Ku-ring-gai Council area, there are currently six (6) golf courses. With the decline in golf, the private clubs are lowering their fees to attract new members. This places additional competition on Council owned courses.

The current declining interest in golf with continued loss of revenue, any change in this trend is not expected.

However, with increased residential development around the Gordon town centre, there is a need for additional open space for both active and passive recreation. Therefore, it is considered necessary to create more open space for future population that all members of the community can use.

INTEGRATED PLANNING AND REPORTING

Leadership

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
L4.1 The community is informed and engaged in decision-making processes for community outcomes	Community engagement utilises effective and varied communication channels to reach all sections of the community.	Revise Engagement Policy and ensure promotion and education throughout the organisation.
	Contribute to enhancing and protecting Council's reputation and public image	

GOVERNANCE MATTERS

The development and subsequent delivery of the Communications and Engagement Strategy adheres to the guidelines and principles of Ku-ring-gai Council's Consultation Policy, the International Association of Public Participation (IAP2) and NSW Social Justice Principles.

RISK MANAGEMENT

The outcomes of the Communications and Consultation Strategy will ensure a Masterplan for Gordon Golf Course is guided by the vision and values of the community.

Item GB.8

S09625
4 November 2015

The failure to deliver on this strategy may have negative reputational risk for Council to deliver any Masterplan outcomes not endorsed by stakeholders.

FINANCIAL CONSIDERATIONS

Council is currently subsidising golf at approximately \$1,000,000 per annum. This is likely to increase in the future as the trend in golf continues to decline. The current contractors are experiencing difficulties with lease fee payments to Council and seeking financial relief.

Council has had to reduce green fees in order to attract more players. The competition from other nearby courses places additional pressure on Council's finances.

The cost of maintaining a park and facilities would be less than a golf course, and would enable a greater number of people in the community to benefit from the proposed facilities.

SOCIAL CONSIDERATIONS

The Communications and Engagement Strategy reached a broad section of the Ku-ring-gai community. Council ensured the engagement program was inclusive, transparent and equitable to all in the community. These considerations have been factored into the outcomes.

ENVIRONMENTAL CONSIDERATIONS

There are no environmental considerations to be addressed in the outcomes of the Communications and Engagement Strategy.

However, a number of environmental issues were highlighted throughout the engagement with community, regarding any change to the use of Gordon Golf Course.

COMMUNITY CONSULTATION

The Communications and Engagement Strategy undertook an extensive program of informing and engaging residents and stakeholders in the planning and design of the Masterplan for Gordon Golf Course.

The strategy :

- engaged residents and stakeholders an early stage to identify and articulate a vision and set of values for a Regional Park;
- to establish a high degree of understanding and awareness of the master planning process across all stakeholder groups; and
- to comprehensively involve our residents and other stakeholders in the decision making process for the Masterplan.

Extensive, multi-channel communication programs were implemented to inform residents and stakeholders on the master planning process.

Multi-model engagement processes, consulting with all stakeholders, incorporated the following engagement activities:

Item GB.8

S09625
4 November 2015

- Four (4) workshops -3 opt in and 1 randomly recruited;
- 400 randomly selected telephone survey of Ku-ring-gai residents;
- “Have your say” survey on Council’s website; and
- Meetings with Gordon Golf course management and Board.

Key outputs of the engagement 2014

This engagement consisted of feedback from predominantly motivated communities. Opt in and self-selected participants consisted of affected stakeholders and interested community members e.g. neighbours, golfers, club members etc. Their feedback indicated a strong desire to keep the golf course as is.

The online forum and community visioning workshops identified a number of issues and concerns:

- scepticism about the economic benefits or need for a new Regional Park;
- concerns about the impact of traffic congestion, parking and access for local residents;
- commercialisation of the space – ‘no cafes, no shops, no markets’;
- impact on the environment; and
- people from outside the area using the park and potential anti-social behaviour.

The aspirations of the workshop participants who chose to give their suggestions for a new park were as follows:

- a range of sporting fields including soccer, football, athletics;
- a driving range and 12 hole golf course;
- picnic, barbecue and families amenities;
- outdoor fitness equipment;
- green space with multiple walking and bike tracks; and
- performance space for drama and open-air cinema.

It should be noted that those opposed to the Regional Park chose not to be part of this part of this exercise in the workshop or made a point of saying that the golf course was all that they wanted.

When asked about playing golf and Gordon Golf Course, the following statistics are relevant.

The majority of respondents had not played golf in the last three (3) or so years (70%). Some had played golf in the last six (6) months (20%) whilst a smaller number played less recently, within only the last three (3) years (10%).

- A large majority of respondents (91%) had heard of Gordon Golf Course.
- Only 2% of respondents were members of the Gordon Golf Course.
- 10% of respondents had played golf at the Gordon Golf Course in the previous 12 months.

The randomly recruited workshop was more attuned to the diversity of the community and the needs of people with disabilities, children and young people, older people and young adults.

When identifying opportunities for leisure/recreational facilities they indicated:

Item GB.8

S09625
4 November 2015

- a preference for more active recreation facilities in the area including;
- quality bike tracks (for range of ages and activities);
- accessible walking tracks for a range of abilities including people with disabilities and elderly;
- new multipurpose indoor sports facilities. This is at present not available Ku-ring-gai.
- additional skate park facilities;
- additional dog off-leash areas;
- new and upgraded playground for all abilities including those with disabilities;
- a need for additional cultural recreational space including facilities for live entertainment both indoor and outdoor with leasable indoor community facilities for art and cultural activities;
- concern about funding options in terms of equity.
 - A rate increase would be funded by everyone, even those who don't use the park;
 - A special levy specifically identifying what it would be used for; and
 - A user pay would restrict who could access and use facilities.

Where the motivated communities did engage with the concept of a Regional Park, it was considered a park should contain:

- open space and walking facilities;
- cycling tracks;
- areas for barbecues and picnics;
- children's playgrounds;
- sports facilities; and
- other highlighted issues were a lack of both indoor sporting facilities and sports grounds in the area.

INTERNAL CONSULTATION

Consultation was undertaken with the staff from Operations, Community, Strategy & Environment, and Corporate departments.

SUMMARY

In May 2014, Council resolved to prepare a Communications and Consultation Strategy to engage the community in the master planning for a Regional Park and Recreation Space at the Gordon Golf Course.

In July 2014, Council adopted the Communications and Consultation Strategy for Gordon Golf Course Master Planning Project.

The program was implemented from August 2014 and concluded in June 2015. During this time Council undertook a detailed consultation program with the local and broader community.

A site inspection of the Gordon Golf Course was held on 8 October 2015 with a follow up discussion session being held on 26 October 2015.

At the site inspection, there was concern about the area considered for a sportsfield with a running track and the impact on the trees on the golf course.

Item GB.8

S09625
4 November 2015

Generally, it was considered a Regional Park consisting of the facilities proposed in the Notice of Motion were the best options for the site.

Gordon Golf Club has expressed concern about the establishment of the whole area as a Regional Park. With the current lease to expire in 2018 with an option to extend to 2023, Council would need to negotiate a change in the lease or wait until 2023 before for the course would be turned into a Regional Park .

Some members of the community also expressed concern about the loss of the golf course and funding for any new facilities proposed for the site.

Given that the Gordon Golf Club wishes to see out its lease and that additional funding would be required to establish a new club at North Turrumurra, it is recommended that the Masterplan for the Gordon Golf Club site be deferred and to allow the club to operate until the end of its lease and then establish a Regional Park at the expiration of the lease.

Council would require to consider funding options and opportunities to allow for the relocation of the club prior to the expiration of the lease.

RECOMMENDATION:

- A. That Council advise the Gordon Golf Club of its support for the Gordon Golf Course to remain a golf course until the lease option expires in November 2023.
- B. That the Masterplan be deferred and consulted with the community prior to the expiration of the lease for the Gordon Golf Club.
- C. That, following the expiration of the lease, the golf course be converted to a Regional Park in accordance with the adopted Masterplan.

Greg Piconi
Director Operations

Attachments:	A1	Notice of Motion - Masterplanning for a regional park and recreation space at Gordon Golf Course	2014/131619
	A2	Ku-ring-gai LGA - golf courses	2015/301047
	A3	Letter from Gordon Golf Course	2016/051842
	A4	Expenditure and revenue	2015/301025

NOTICE OF MOTION

MASTERPLANNING FOR A REGIONAL PARK AND RECREATION SPACE AT THE GORDON GOLF COURSE

Notice of Motion from Councillors Malicki, Szatow, Citer, Berlioz, Pettett and Armstrong dated 30 May 2014

We are all aware that there has been a significant population increase foisted on Ku-ring-gai in recent years and we recognise that there will no doubt be pressure for continued growth in future.

With population growth comes a requirement for additional infrastructure, one of the most important being open space which is needed for the wellbeing of present and future residents.

With limited land available for new open space in Ku-ring-gai we believe that it is in the best interests of the residents for council to develop the Gordon Golf Course for active and passive recreational use to serve the needs of present and future generations. To that end we consider that council should begin the masterplanning process afresh and commence consultation with local residents with a focus on recreation facilities for all our residents on the Gordon Golf course site.

We envisage a new Regional Park on the city side of the council area similar to the Bicentennial Park in the north. This area should be multi use, and could incorporate multi age playgrounds, picnic areas, an off leash area, on-site parking and walking and cycling trails linking to Lady Game Drive through the bushland area. A precinct could be set aside for concerts and another for events such as markets and cultural activities. There is also the opportunity to provide playing fields or courts for active recreation, and an indoor leisure centre.

While as part of the masterplanning process it may be possible to consider small sections of the golf course land for divestment to serve other community needs, the bulk of the golf course land should be preserved as open space.

We are mindful that projects of this size are costly and to that end we consider it would be prudent to propose staging any works. A funding strategy needs to be developed, and consideration should be given to setting up a regular programme of events on the site such as markets, concerts and so on, to help the new regional park to pay for itself.

The ESDAC, which has needed a focus and a project on which to concentrate, could examine this aspect. Community and sporting groups should be involved in the masterplanning and could assist council by contributing funds or applying for grants for development of the various precincts of the park.

We therefore move:

- "A. That Council undertake a master planning process for the Gordon Golf course, aiming to develop a regional recreation area over the bulk of the site to serve the needs of future generations of Ku-ring-gai residents for active and passive recreation. The master planning process should involve the following steps:
- i. Identifying issues, constraints and limitations;
 - ii. Establishing a goal and a vision;
 - iii. Collecting and analysing information;
 - iv. Preparing options for the various precincts;
 - v. Evaluating options;
 - vi. Selecting a preferred option;
 - vii. Adopting a final master plan;
 - viii. Incrementally implementing and monitoring the plan.
- B. That Council prepare a communications and consultation strategy which sets out clearly how council will engage with the community, both individuals and groups, and the opportunities that will be available for the community to contribute to the development of the master plan. The community engagement process should produce planning and design outcomes that are informed, accepted and owned by the community.
- Community engagement should occur at an early stage to identify and articulate the community's vision and values for a Regional Park.
- The consultation strategy must ensure community feedback through the process informs the vision and place-making principles that will underpin planning and design.
- C. That a Term Achievement be incorporated into the Delivery Programme and Operational Plan which enables staff to commence preparation of the master plan.
- D. That an amount of \$150,000 be made available in the 2014/5 Budget for planning and consultation.
- E. Once the master planning is established a funding strategy should be brought to council together with a staged timetable for works.
- F. The Economic and Social Development Advisory Committee (ESDAC) investigate the viability of developing a regular schedule of events and activities for the new Regional Park as a major project. This will give a focus to ESDAC and possibly be a means for the new recreational area to provide an income to assist in paying maintenance costs in future years. Community consultation would identify the activities sought by the community and will ensure that the community can enjoy a variety of cultural and social activities in the park."

RECOMMENDATION:

That the above Notice of Motion as printed be adopted.

**APPENDIX NO: 1 - NOTICE OF MOTION - MASTERPLANNING FOR
A REGIONAL PARK AND RECREATION SPACE AT GORDON GOLF
COURSE**

ITEM NO: GB.8

Councillor Elaine Malicki
Councillor for Comenarra Ward

Councillor Cheryl Szatow
Councillor for Gordon Ward

Councillor David Citer
Councillor for Gordon Ward

Councillor Christiane Berlioz
Councillor for St Ives Ward

Councillor Jeff Pettett
Councillor for Comenarra Ward

Councillor David Armstrong
Councillor for Roseville Ward





Gordon Golf Club Limited

Since 1936

18th December 2015

Mr John McKee
General Manager
Ku-Ring-Gai Council
Locked Bag 1056,
PYMBLE NSW 2073

RE: Gordon Golf Club's position on Gordon Golf Course Masterplan and NTRA

Dear Mr McKee

Following the meeting with Councillors and Council Staff on 24th November 2015, The Board of Gordon Golf Club thought it prudent to follow up with the Board's thoughts as a result of that meeting and outline issues that were not covered.

Gordon Golf Course

The preference of the Gordon Golf Club is to see the existing Gordon Golf Course stay in its current state beyond the term of the Club's lease (currently November 2023). This point was made at the meeting. The Club believes that the provision of a golf course at Gordon will benefit the entire community and not be a selfish use of space in Ku-ring-gai.

- Golf is a sport played by vast segments of the community. A large proportion of the population of Ku-ring-Gai are an exact demographic match for the sport of golf. Those post retirement are the current primary users of the golf course who will be disadvantaged by the altering of the existing course.
- Although it is theorised that shorter golf courses (9 or 12 hole facilities) will be more popular in the future due to 'time poor' cliental, there is no existing evidence for that. Balgowlah, Lane Cove and Cammeray golf courses are evidence that 9 hole facilities struggle immensely from a financial point of view.
- The Clubhouse at Gordon is currently used by an enormous amount of different social groups and presents more as a social hub than a golf club. Six different Probus groups gather each month at the Club as well as a Bridge Club, Book Club and Gordon Soccer Club. Local businesses also frequent the Club for business meetings and social events.
- Although the open space of the course has been earmarked for park area, a visit to the course any morning and afternoon will find the exact activities that are being proposed happening in coexistence with the sport of golf. Scores of dog walkers, both on and off leash, as well as bushwalkers and general walkers are using the course and quite happily co existing with golfers playing their sport.

2 Lynn Ridge Ave Gordon NSW Australia 2072 Tel: 9498 1913 Fax: 9880 2337
Email: info@gordongolfclub.com.au
A.B.N 97 001 045 478



Gordon Golf Club Limited

Since 1936

- The Club completely understands that there are concerns around the financial impact both courses are having on Council. Our argument is simple, the Club has never in its past 80 years been afforded the opportunity to run the course and provide the Council with a stable income stream from its operation. A staged change to the existing operating model will improve the financial impact to the Council at the Gordon site and return the operation to profit over a short space of time.

North Turramurra Golf Course

With respect to the North Turramurra Golf Course (NTGC), Councillors may have left the meeting unclear about the Club's intentions. As was expressed in our letter dated 26th June 2015, the Club is still interested in having involvement in the operations of the North Turramurra Golf Course, as we believe that efficiencies will be achieved by streamlining golf in the area and some economies of scale can be achieved.

Some concerns over the operation of the NTGC cloud the Club's thinking when it comes to jumping into the project.

1. The Club has discussed the potential operating of the NTGC numerous times with Council Staff, however no firm proposal has been tabled.
2. The new parts of the golf course are well designed and play very well however the older nine holes do not match the quality of the new holes and leave golfers uninspired. It is also unclear if the full golf course redevelopment will ever be completed.
3. Despite discussions about the construction of a clubhouse at NTGC which would finish off the project and provide an excellent facility for the Club and local residents, it is understood that there will be significant obstacles and opposition to any construction which would ultimately leave GGC homeless.
4. The cost of maintenance of the golf course against potential revenues is a worry for GGC in regards to making the facility financially viable.

The concerns noted above, as well as constant disappointments over the past two year in relation to the Gordon masterplanning, stop GGC from being enthusiastic about NTGC and Council plans. The Club has felt it has assisted Council by remaining level headed and in the majority silent in public on the proposal and allowed Council to go through its processes. The Club, for its part, feels as though it has held up its end of the deal and would like to move forward with Council in a constructive way. Having come two years down the track the Club would ask that firm negotiations be put in place in regards to a leasing arrangement for the NTGC and a proposal be put in relation to any other clubhouse/proshop facility be made. In addition the Club would ask that it present a submission for the operation of Gordon golf course as a viable alternative to the current plan being considered by Council.

2 Lynn Ridge Ave Gordon NSW Australia 2072 Tel: 9498 1913 Fax: 9880 2337

Email: info@gordongolfclub.com.au

A.B.N 97 001 045 478



Gordon Golf Club Limited

Since 1936

Yours sincerely,

Geoffrey White
President
Gordon Golf Club

2 Lynn Ridge Ave Gordon NSW Australia 2072 Tel: 9498 1913 Fax: 9880 2337
Email: info@gordongolfclub.com.au
A.B.N 97 001 045 478

Golf Course Expenditure and Revenues 2014/15				
Gordon Golf Course				
Resource	Resource Description	Expenditure	Revenue	Difference
1001	Wages	186361		
1003	On costs wages	53063		
1005	Wages leave	8125		
1006	Allowances	394		
1008	Overtime	43842		
1026	Personal Protective Equipment	309		
1150	Non PABX Charges	370		
1152	Electricity charges	9952		
1155	Trade Waste charges	3191		
1156	Water charges	5486		
1188	Agency Wages	68416		
1250	Materials - general	106593		
1260	Contractors General	163850		
1261	Contractors grass cutting	2698		
1263	Fuel	5842		
1400	Depreciation Buildings	41230		
1403	Depreciation - Recreational areas	81593		
1418	Depreciation - Land Improvements	764		
4001	Internal expenses - Operational Plant	141300		
2104	Rental Income		129161	
2143	Fees - golf course		283508	
2144	Fees - Golf Course Improvement		145763	
4003	Printing	227		
Total Gordon Golf Course		923606	558432	365174
North Turramurra Golf Course				
Resource	Resource Description	Expenditure	Revenue	Difference
1001	Wages	187323		
1003	On costs wages	71208		
1005	Wages leave	10413		
1006	Allowances	1189		
1008	Overtime	47367		
1016	Study - exam leave	3504		
1026	Personal Protective Equipment	453		
1150	Non PABX Charges	302		
1152	Electricity charges	1273		
1155	Trade Waste charges	10684		
1156	Water charges	41508		
1188	Agency Wages	32300		
1250	Materials - general	96177		
1260	Contractors General	132285		
1261	Contractors grass cutting	1624		
1263	Fuel	2340		
1400	Depreciation Buildings	47192		
1403	Depreciation - Recreational areas	45968		
1418	Depreciation - Land Improvements	148737		
4001	Internal expenses - Operational Plant	103300		
2104	Rental Income	1884		
2143	Fees - golf course		236510	
2144	Fees - Golf Course Improvement		59503	
1106	Commission	34058		
Total North Turramurra Golf Course		1021089	296013	725076
Total both courses		1944695	854445	1090250