

Planning and Assessment

IRF20/5623

Gateway determination report

LGA	Ku-ring-gai
PPA	Ku-ring-gai Council
NAME	6 Springdale Road, Killara
NUMBER	PP-2020-3921
LEP TO BE AMENDED	Ku-ring-gai LEP 2015
ADDRESS	6 Springdale Road, Killara
DESCRIPTION	Lot 1 DP 505522
RECEIVED	25.11.2020
FILE NO.	IRF20/5623
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Ku-ring-gai Local Environment Plan 2015 (KLEP 2015) by inserting “Eastment House” 6 Springdale Road, Killara, into Schedule 5 – Environmental Heritage and recognise the dwelling including the interior as an item of local heritage significance.

1.2 Site description

The site is situated on the western side of Springdale Road in a predominantly residential locality and comprises a single residential dwelling and lawn (**Figure 1**). A street view of the site shows an unfenced front setting with a mix of mature tree growth within a garden setting (**Figure 2**). The exterior of the house is finished in unpainted select common dry pressed bricks with dark brown Swiss patterned roof tiles and Mission Brown painted timber windows and vertical boarding (**Figure 3**).



Figure 1: Site aerial - 6 Springdale Road, Killara (Source: NearMap)



Figure 2: Street view - 6 Springdale Road, Killara (Source: Google Maps)



Figure 3: Street image - 6 Springdale Road, Killara (Source: Council Planning Proposal)

1.3 Existing planning controls

The site is zoned R2 – Low Density Residential (**Figure 4**), with a corresponding building height of 9.5m. The site is also recognised as being within the Springdale Heritage Conservation Area (C21) under KLEP 2015 and is bounded by two heritage items of local significance along its northern and southern side boundaries (**Figure 5**).

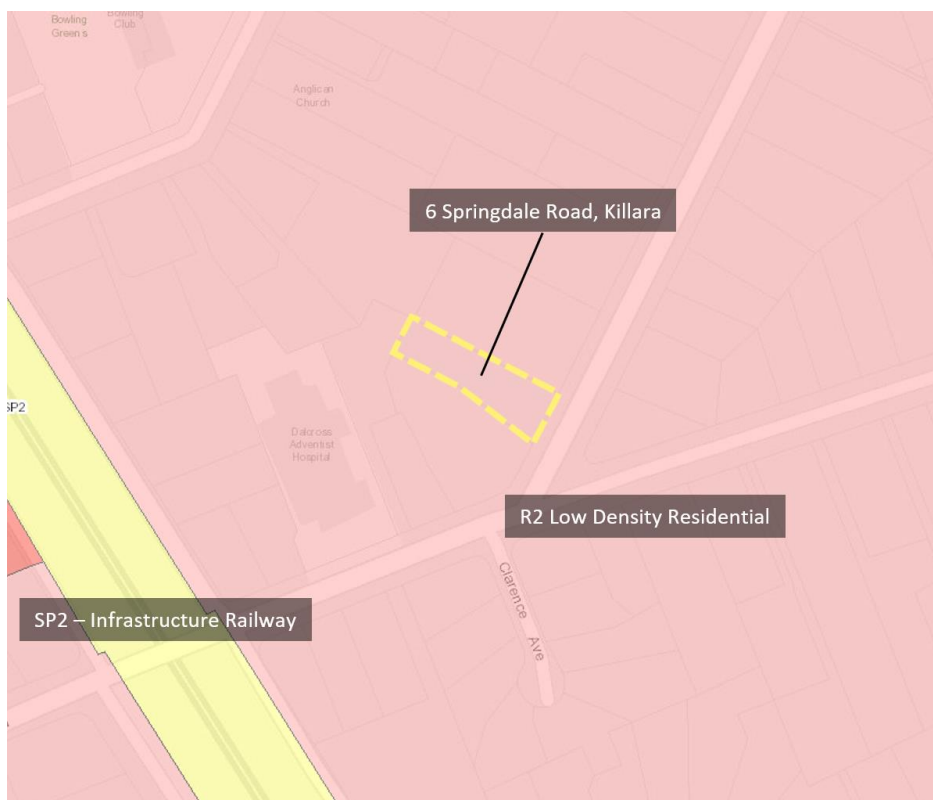


Figure 4: Existing land zoning under KLEP 2013 - R2 Low Density Residential (Source: NSW Planning Portal)

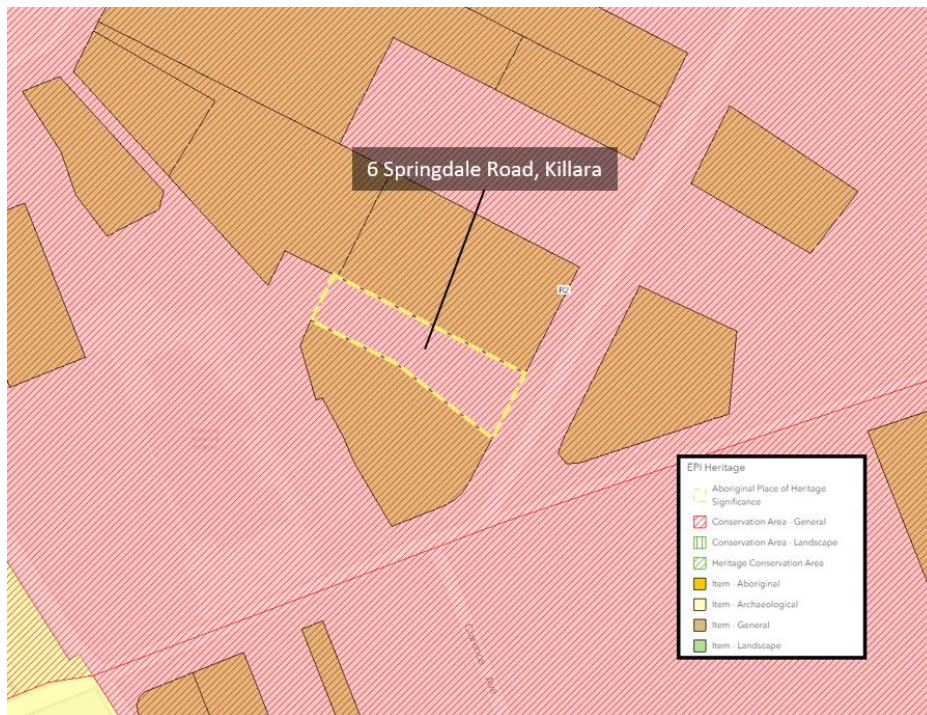


Figure 5: Heritage items/conservation areas under KLEP 2013 (Source: NSW Planning Portal)

1.4 Surrounding area

The surrounding locality is primarily a mix of one or two-storey low density residential dwellings with well-established garden settings. Killara Bowling Club is approximately 180 metres north-west of the site and Killara Railway Station, a heritage item, is situated a further 100m north-west. Three lots to the west of the site, along Stanhope Road, is Dalcross Wellness Hospital (**Figure 6**).



Figure 6: Surrounding area (Source: NearMap).

The locality has several heritage conservation areas occupying most of the eastern side of the railway line from Lindfield station, through Killara Station and north to Gordon Station (**Figure 7**). The site is located within a heritage conservation area (Springdale Conservation Area) and the site is surrounded by other heritage items (**Figure 8**).

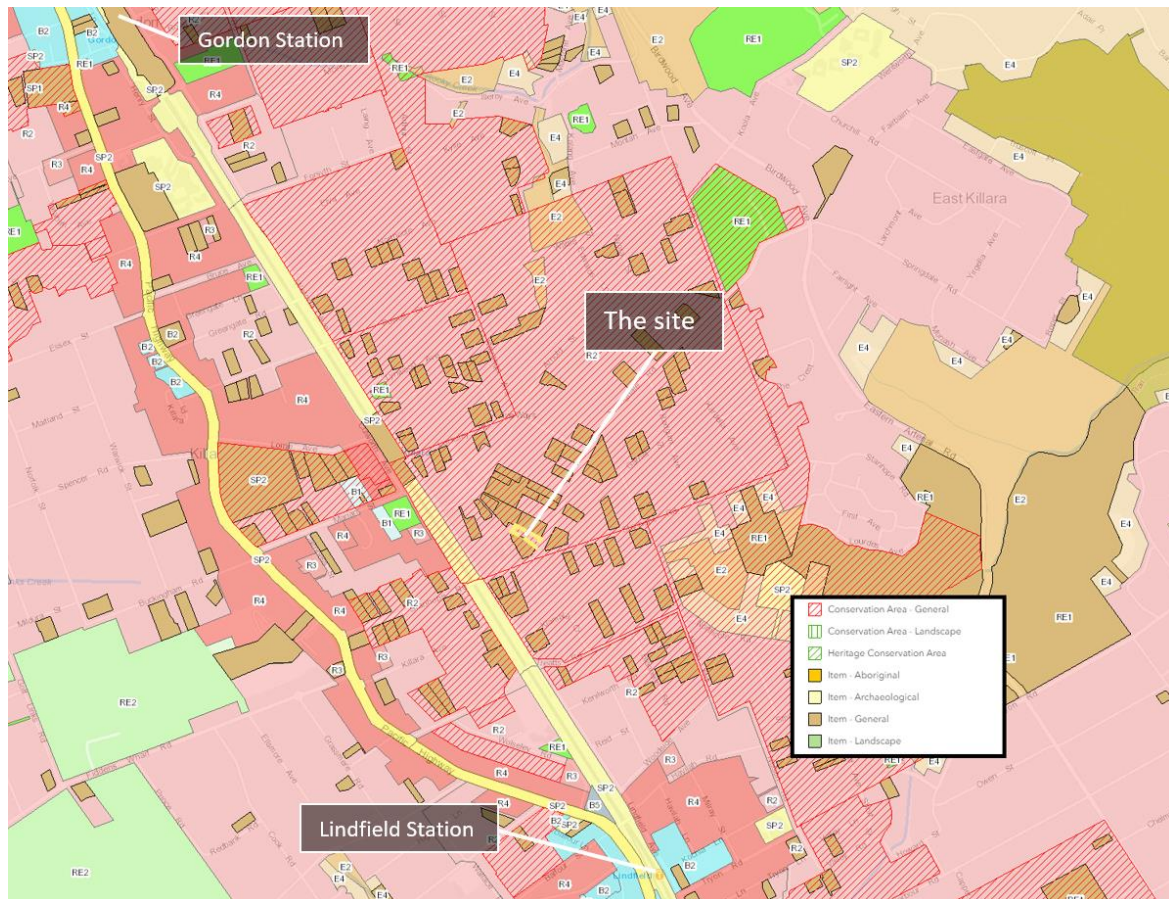


Figure 7: Extent of Heritage items/conservation areas under KLEP 2013 (Source: NSW Planning Portal)

Springdale Conservation Area extends from the railway line west of the site through to Rosebery Road to the west (**Figure 8**). The dwellings within this conservation area are characterised by the mostly in-tact federation or inter-war housing.



Figure 8: Springdale Conservation Area (Source: Ku-ring-gai Council DCP)

1.5 Summary of recommendation

It is recommended that the planning proposal to list 6 Springdale Road (including interiors) Killara as a local heritage item, be issued a gateway determination to proceed to the next stages of the process subject to conditions, based on the following:

- The proposal is supported by an independent heritage report and draft inventory sheet provided by Ku-ring-gai Council, which concludes that the dwellings and interiors meet the criteria for local heritage significance and therefore are recommended for local heritage listing;
- The proposal intends to recognise and provide further protection of the heritage significance of the dwelling, including its interiors;
- The proposal is not inconsistent with the objectives and planning priorities of the North District Plan, Section 9.1 Directions, SEPP's and Council's local strategic framework; and
- The Ku-ring-gai Local Planning Panel provided advice and supported the Planning Proposal unanimously on 21 September 2020 (**Attachment A3**).

Given this matter is primarily a local planning issue, it is recommended that Ku-ring-gai Council be given delegation to be the local plan-making authority to complete the planning proposal assessment and LEP process.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the KLEP 2015, to list the house known as “Eastment House” 6 Springdale Road, Killara and its interiors as a local heritage item. The proposal involves updating the corresponding heritage map under KLEP to identify the site as containing a heritage item.

The proposal does not require amendments to any planning controls or land zoning under Ku-ring-gai LEP 2015.

2.2 Explanation of provisions

The Planning Proposal seeks to amend Schedule 5 Environmental Heritage of the KLEP 2015 as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Killara	“Eastment House” Dwelling House and Interior	6 Springdale Road	Lot 1 DP 505522	Local	<i>To be prescribed when obtaining Parliamentary Counsel Opinion</i>

Table 1: Proposed amendments to KLEP 2015

2.3 Mapping

The proposed heritage listing would require an amendment to the Heritage Mapping (HER_014) under KLEP 2015 to identify the site as containing a heritage item. Existing and proposal mapping is below at **Figure 9** and **Figure 10**:

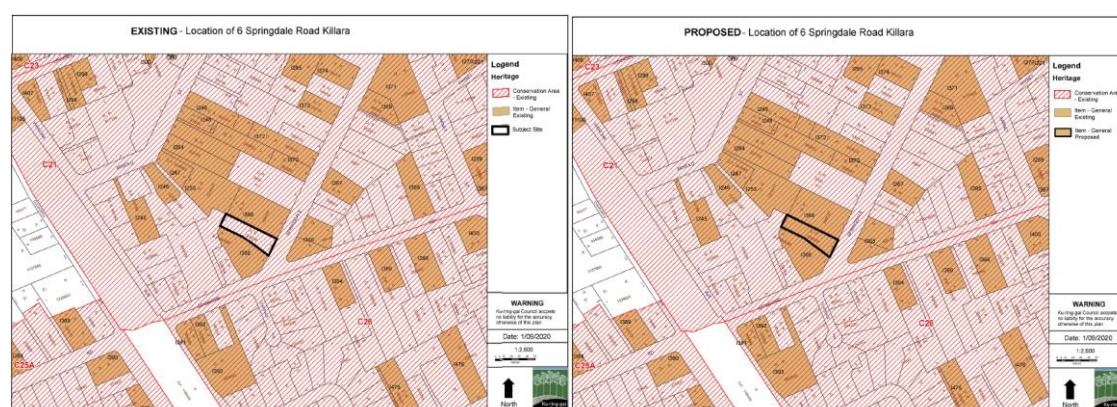


Figure 9 and Figure 10: Existing and proposed Heritage mapping.

3. NEED FOR THE PLANNING PROPOSAL

The Planning proposal intends to identify a detached dwelling as an item of local heritage significance under KLEP 2015, as Council is claiming that the dwelling has aesthetic, social, technical and historically associative significance, as well as more generally displaying rarity among other dwellings.

The proposal by Council is primarily in response to the landowner's request for approval and intention to paint the existing face brick of the dwelling and construct a front fence through a Minor Heritage Works application submitted to Ku-ring-gai Council 4 December 2019. These works require development consent as the dwelling is within the Springdale Heritage Conservation Area.

Council staff conducted a preliminary heritage assessment (**Attachment C**) of the dwelling 10 December 2019. Upon the results of the preliminary heritage assessment, Council resolved to send a letter "...to the *Special Minister of State and Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts requesting a State Interim Heritage Order be placed over 6 Springdale Road, Killara*". The request for an Interim Heritage Order (IHO) was submitted by Council on 11 December 2019.

On 31 January 2020 the IHO was issued, which has allowed Council to take further action in the assessment of the dwelling in the context of its heritage significance (**Attachment D**).

Given the above information, the next step for Council in the process to seek to protect the heritage significance of the dwelling is to amend KLEP 2015 Schedule 5 – Heritage Conservation, through a planning proposal, so as to list the dwelling as a local heritage item.

Further analysis of the associated heritage reports and assessment is contained at **Section 5.1** of this report.

4. STRATEGIC ASSESSMENT

4.1 North District Plan

The planning proposal is generally consistent with the North District Plan, and specifically aligns with:

- **Planning Priority N6** – *Creating and renewing great places and local centres and respecting the District's heritage.*
- **Action 21** – *Identify, conserve and enhance environmental heritage by:*
 - a. engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place;*
 - b. applying adaptive re-use and interpreting of heritage to foster distinctive local places; and*
 - c. managing and monitoring the cumulative impact of development on the heritage values and character of places.*
- **Action 55** – *Consider the following issues when preparing plans for tourism and visitation:*

e. protecting heritage and biodiversity to enhance cultural and eco-tourism.

- **Action 67 – Identify and protect scenic and cultural landscapes**

4.2 Local

Ku-ring-gai Community Strategic Plan (CSP) 2038 (2018)

The planning proposal report outlines that the proposal is generally consistent with Council's CSP. Within the CSP are priorities that centre on '*protecting heritage buildings and historic places*'.

The CSP also contains underlying themes around 'place', with the CSP having a long-term objective of ensuring '*Ku-ring-gai's heritage is protected, promoted and responsibly managed*'.

Ku-ring-gai Local Strategic Planning Statement (LSPS)

The proposal gives effect to Council's LSPS, specifically with the following Local Character and Heritage priorities:

- K12. Managing change and growth in a way that conserves and enhances Ku-ring-gai's unique visual and landscape character; and
- K13. Identifying and conserving Ku-ring-gai's environmental heritage.

4.3 Section 9.1 Ministerial Directions

The proposal is not considered to be inconsistent with any Ministerial Direction, and is generally consistent with the following:

Direction	Objective	Department comment
2.3 Heritage Conservation	<i>The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.</i>	The objective of the proposal is to conserve an item that has been identified by Council as having local heritage significance. The proposal is consistent with this Direction.
3.1 Residential Zones	<i>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.</i>	The proposal is not considered to be inconsistent with this Direction and does not impose changes to development controls or the existing land zoning.
6.4 Site Specific Provisions	<i>The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.</i>	The objective of the proposal is to protect a dwelling that has been identified by Council as

		having local heritage significance. The proposal is not inconsistent with this Direction.
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4.4 State environmental planning policies (SEPPs)

The proposal is not considered to be inconsistent with any SEPP.

5. SITE-SPECIFIC ASSESSMENT

5.1 Heritage

A Preliminary Heritage Assessment (**Attachment C**) was undertaken in 2019 by Kuring-gai Council to support Council's request for an Interim Heritage Order (IHO) to be placed over the site. Council provided a short history of the origin of the lot, and concentrated on the connection to Ken Woolley, a prominent architect that was active from the 1950's. This analysis led to an IHO being granted for 12 months (**Attachment D**).

Since the IHO has been placed over the site, Council has commissioned an independent report prepared by Robertson and Hindmarsh Pty Ltd (The Robertson Report) (**Attachment E**), which forms the main supporting document for this proposal.

The report provides an historical overview of the property and demonstrates the prominence of Ken Woolley and his influence over the design of the dwelling. The external and internal elements of the house are outlined in detail, with specific assessments of the significance of each element along with the associated specific management recommendations.



Figure 11: External image of the dwelling, showing the window openings in the brickwork that 'are an important part of the architect's original aesthetic' (Robertson and Hindmarsh Heritage Report page 25).



Figure 12 and 13: Internal images showing internal elements that have been described as major architectural details and should be retained (Robertson and Hindmarsh Heritage Report page 29).

The report also states that certain interior finishes are those intended by Woolley and “are of exceptional significance and should be retained”. The report concludes that 6 Springdale Road, Killara meets several aspects of the NSW Heritage Council's criteria for local heritage listing. The conclusions for each criterion as assessed in the Robertson Report are summarised below:

(a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

The Robertson Report concludes that No. 6 Springdale Road, Killara meets the requirements for the criterion of historical significance because it:

- Shows evidence of a significant human activity; and
- Is associated with a significant activity or historical phase.

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

The Robertson Report concludes that No. 6 Springdale Road, Killara meets the requirements for the criterion of historical association significance because it:

- Shows evidence of a significant human occupation; and
- Is associated with a significant person

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

The Robertson Report concludes that No. 6 Springdale Road, Killara meets the criterion of technical significance because it:

- Shows, or is associated with, creative or technical innovation or achievement: and
- Is the inspiration for a creative or technical innovation or achievement.

(d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

The Robertson Report states that houses designed by Ken Woolley have developed a strong following; demonstrated by publications including monographs and inclusion in architectural guides, tours to surviving examples and the acquisition of his drawings by the State Library of NSW.

(e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

The Robertson report concludes that No. 6 Springdale Road, Killara (Eastment House) is not significant under this criterion.

(f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

The Robertson Report concludes that No. 6 Springdale Road, Killara meets the criterion of rarity because it:

- Demonstrates designs of exceptional interest.

(g) An item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places, or cultural or natural environments (or a class of the local area's cultural or natural places, or cultural or natural environments).

The Robertson Report states that Eastment House demonstrates the key characteristics of the domestic work of the firm of Ancher, Mortlock, Murray and Woolley in the late 1960's and early 1970's, and demonstrates the firm's use of

similar details in houses at the upper end of the real estate market as were then modified and used in the firms work for the project home market.

The Robertson Report has been disputed through the following heritage reports and letters, prepared on behalf of the landowner:

- Weir Phillips Heritage and Planning letter dated 24 June 2020 (**Attachment G**);
- Heritage Statement of Facts and Submissions by Patrick Wilson of Touring the Past for 6 Springdale Road, Killara (**Attachment H**);
- Letter to advisory committee prepared by Mills Oakley dated 19 May 2020 (**Attachment I**).

The Statement of Facts and Submissions by Patrick Wilson disputes the contentions of the heritage reports commissioned by Council and justified this predominantly based on the following:

- The site is already subject to heritage controls due to the site being within Springdale Heritage Conservation Area;
- The site has not been identified on any previous heritage study commissioned by Council;
- The Australian Institute of Architects' Register of Significant Buildings in NSW does not recognise the subject dwelling, however, does note 12 other Ken Woolley designs;
- Ken Woolley's engagement and involvement of the design was limited to the exterior structure, with the owner's having the final say in the design;
- As part of the design, a front fence was intended to be constructed but, for reasons unknown, this has not been constructed;
- Various additions and alterations have been performed in and around the dwelling, including the replacement of kitchen benchtops and the replacement of roof cladding among other changes.

Patrick Wilson also concludes in his report that the subject building does not meet any of the 'tests' interwoven into the NSW heritage assessment criteria.

The letter to the Heritage Advisory Committee, prepared by Mills Oakley, also reviewed the Robertson Report and concludes similarly to the above from Patrick Wilson, including justification for each of the criteria not being reached or demonstrated.

A counter response to the Mills Oakley letter by Robertson and Hindmarsh is also contained at **Attachment J**.

Department Comment

Through the information provided, the Department considers that Council has provided enough specialist information and justification with the planning proposal to proceed to public exhibition to consider the submissions received and if required to resolve the matter through further analysis, before a decision is made of whether to proceed with the local listing through making the LEP.

It is noted that the Proposal is supported by a completed Draft Inventory Sheet **(Attachment F)**.

While not conditioned as part of the Gateway determination, it is recommended that all documents supporting or disputing the claim of heritage significance be made available throughout the exhibition period.

5.2 Social

The proposal is not anticipated to have adverse social impacts as it seeks to conserve local heritage.

5.3 Environmental

The proposal is not anticipated to have any adverse environmental impacts.

5.4 Economic

The proposal is not anticipated to have significant adverse economic impacts.

6. CONSULTATION

6.1 Community

Council has stated the intended community consultation will be consistent with the requirements of a Gateway determination, and in accordance with the *Guide to Preparing Local Environmental Plans* (December 2018). The Department agrees that the proposal is considered to be low-impact and requires a minimum 14 days for public exhibition.

6.2 Agencies

Consultation with the Office of Premier and Cabinet – Heritage NSW will be required as part of the Gateway determination to ensure consistency with NSW heritage listing policy. The proposal is supported by a State Heritage Inventory Sheet **(Attachment F)**.

7. TIME FRAME

The Department agrees with Council regarding the specified 6 months timeframe to make the LEP, from when a Gateway determination is issued.

8. LOCAL PLAN-MAKING AUTHORITY

Council has sought to exercise its plan-making authority delegation under Section 3.36(2) of the *Environmental Planning and Assessment Act, 1979*. Given the proposal is primarily a local matter, as well as being low-impact, it is recommended that Council be the local plan-making authority.

9. CONCLUSION

The planning proposal is supported to proceed subject to the conditions, as:

- The proposal is supported by an independent heritage report and inventory sheet provided by Ku-ring-gai Council, which concluded that the dwellings and interiors reached the threshold for listing;
- The proposal intends to recognise and provide further protection of the heritage significance of the dwelling, including its interiors;

- The proposal is not inconsistent with the objectives and planning priorities of the North District Plan, Section 9.1 Directions, SEPP's and Council's local strategic framework;
- The issue is primarily local in nature, and therefore Council should be granted delegation to complete the LEP.

10. RECOMMENDATION

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

1. The planning proposal should be made available for community consultation for a minimum of **14** days.
2. Consultation is required with the following public authorities:
 - Office of Premier and Cabinet – Heritage NSW
3. The time frame for completing the LEP is to be **6 months** from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council should be the local plan-making authority to finalise the LEP.



10 December 2020

David Hazeldine

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17 December 2020

Luke Downend

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Attachments

A-A3	Planning proposal and attachments
B	Gateway determination
C	Preliminary Heritage Assessment – Council 2019
D	IHO and IHO Notification letter – January 2020
E	Independent Heritage Assessment (Robertson & Hindmarsh) – April 2020
F	Draft Heritage Inventory Sheet
G	Weir Phillips - Heritage Report – June 2020
H	Patrick Wilson/Touring the Past – Heritage Statement of Facts and Submissions – March 2020
I	Mills Oakley letter to Heritage Advisory Committee – May 2020
J	Robertson and Hindmarsh response to Mills Oakley letter – June 2020