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## POTENTIAL HERITAGE CONSERVATION AREAS IN PYMBLE, TURRAMURRA AND WAHROONGA

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To have Council consider potential heritage conservation areas for inclusion under the Ku-ring-gai Local Environmental Plan 2015 and the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

**BACKGROUND:**

On 26 November 2013 Council resolved to place 14 potential heritage conservation areas on non-statutory exhibition. These were exhibited from 7 March 2014 to 7 April 2014. On 26 May 2015 Council resolved to place a further 2 potential heritage conservation areas on non-statutory exhibition. These were exhibited from 5 June 2015 to 3 July 2015.

**COMMENTS:**

This report puts forward the additional potential heritage conservation areas for Council's consideration to include in a planning proposal.

**RECOMMENDATION:**

That several new heritage conservation areas be included in a planning proposal to amend KLEP 2015 and the KLEP (Local Centres) 2012 and be forwarded to the Department of Planning and Environment for a Gateway Determination.

## PURPOSE OF REPORT

To have Council consider potential heritage conservation areas for inclusion under the Ku-ring-gai Local Environmental Plan 2015 and the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.

## BACKGROUND

On 26 November 2013 Council resolved to place 14 potential heritage conservation areas on non-statutory exhibition. This was a peer review of the areas reviewed by Paul Davies Pty Ltd in 2010. These reviewed HCAs were exhibited from 7 March 2014 to 7 April 2014. This work was undertaken by Heritage Consultants Sue Jackson-Stepowski Pty Ltd, Carste Studios and John Oultram.

On 26 November 2013, members from the Pymble community addressed Council regarding the heritage significance of Pymble. Council resolved to seek quotations from a heritage consultant to undertake a further heritage review of Pymble.

Perumal Murphy Alessi Pty Ltd were engaged to undertake this review. On 26 May 2015 Council resolved to place this review of the Pymble East and West HCAs on exhibition. These were exhibited for a non-statutory period from 5 June 2015 to 3 July 2015.

## COMMENTS

Heritage Conservation Areas (HCAs) are areas identified as having recognised cultural significance and may include built and natural landscapes containing significant fabric, settings and views.

In NSW, HCAs are assessed against 7 criteria:

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

The Heritage Consultants Perumal Murphy Alessi Pty Ltd's (PMA) heritage assessment substantially reviewed the same Pymble areas as Sue Jackson-Stepowski Pty Ltd (SJS) and Caste Studios in Pymble. The recommendations of the two studies vary. SJS had a targeted approach creating HCAs where there were clusters of contributory properties and the historic key

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development layers were visually apparent. PMA took a broader approach embracing all development periods from the Victorian era to the present and tying the boundary of the HCA to that which was in the brief from Council and derived from a report commissioned by Pymble residents and produced by Architectural Projects- Heritage consultants.

As a result of the exhibition of the Sue Jackson-Stepowski Pty Ltd (SJS), Caste Studios and John Oultram heritage review there were one hundred and eleven (111) community submissions, seventy one (71) of these were in support and thirty eight (38) against, (two) 2 were comments neither in support nor against (**Attachment A1**). As a result of the exhibition of the Perumal Murphy Alessi heritage review there were seventeen (17) community submissions. Three (3) of these were in support and twelve (12) against, and 2 were comments about individual properties neither in support nor against (**Attachment A2**).

**Key issues**

The main themes of the submissions were:

- ***Support for the West Pymble HCA***

The majority of submissions were in support of the HCA proceeding for west Pymble. The submissions cited the heritage significance of the area and the relationship of the houses with the established blue gum canopy.

- ***Building restrictions***

Several submissions expressed concern over the development restrictions placed on properties within HCAs. Places within heritage conservation areas can still have alterations and additions subject to Council approval. New development is required to conserve the heritage significance of the heritage conservation area. For many places this means retaining and conserving original fabric that can be viewed from the street, with any new approved development responding to the context of the original buildings in terms of materials, form and scale. There are many buildings within heritage conservation areas in Ku-ring-gai that have through Council approved additions and modifications become contemporary family homes.

- ***Lost property value***

Rezoning from Residential High Density R4 to Residential Low Density R2 means lost development potential and will have a very real and immediate impact on property value. Many of the areas in Turramurra and Pymble that have been zoned R4 Residential High Density already have residential flat development or development approval. Development of these sites cannot be retrospectively downgraded to single dwellings. For those R4 sites without development approval the existing Local Environmental Plans and their current zoning were the result of long planning proposal processes informed by extensive strategic planning studies and the involvement of the community in the consultation and Council resolutions.

Any changes which would downzone the R4 Residential High Density zoning of these sites would require state government approval and if granted Council would need to find other areas to upzone to R4 Residential High Density. For these reasons it is not recommended to include R4 zones within the proposed HCAs.

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For single dwellings various studies have found the loss of property value when included in heritage conservation is negligible (see **Attachment A4**). This finding reflects that the factors which have the greatest impact on house pricing tend to be locational (proximity to schools and transport) and attributes like number of bedrooms and bathrooms, and land size.

- ***Gilroy Road, Turramurra***

There were several submissions against the Gilroy Road HCA proceeding. Many noted the impact of the new residential flat buildings on the dwelling houses and the subsequent loss in value if parts of the street were to be downzoned from R2 to R4. It is not recommended to include those areas zoned currently as R4. Instead the boundary will reflect the current zoning and provide a buffer between the R4 zoning and the proposed HCA. The proposed HCA is much reduced in size.

- ***Property not within the key development period***

Several submissions objected to the designation of an area as an HCA due to the absence of Federation and Victorian era properties.

A few of these submissions quoted PMA and the reference to the following quote:

*"Many of the identified contributory items within this study are aged between 80 and 100 years old"* with the qualifying statement their house was not contributory because it was built in a period after this time i.e. the 1950s.

The section of the PMA report from which this quote was obtained is entitled *Basis of assessment and conclusions*. It makes reference to the significance of buildings from the Victorian through to the Post-war and the above quote taken out of context misrepresents the intent of the author.

PMA's assessment of the east and west Pymble areas described the key development periods as:

*"streetscapes of good, high quality and mostly intact, representative examples of single detached houses from the Federation, Inter-war and Post War periods constructed following the late 19th and early 20th century subdivisions and establishment of the North Shore Railway line in 1890"*

Similarly SJS's assessments acknowledged the predominance of inter-war and post-war housing.

These assessments acknowledge the significance of the Inter-war and Post-war housing layers. These are not hard boundaries that end on a given date but instead are representative of housing type over an approximate time period. For example Apperly, Irving and Reynolds in their book *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present* define the Inter-war period as c.1915 to c.1940. Buildings early in this period may be described as transitional while those after 1940 may be described as late Inter-war.

Several houses from the Late Twentieth Century Period (post 1960) have been identified as contributory. In particular houses from the 1970s exhibiting characteristics of the Sydney

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Regional style. These houses have been described by SJS as “typical of the ‘Nuts and Berries’ Sydney style of the late 60s and 70s”.

### Boundaries of proposed heritage conservation areas

A recent inspection of the proposed areas by staff has found that several properties have been demolished since the field work for the heritage studies was undertaken. The mapping has been amended to change the rating of the demolished properties from contributory to neutral. In addition where a submission has claimed the contribution rating of a property is wrong and further research supports this claim the rating has been changed. A list of changes can be found in **Attachment A3**.

There are ten (10) proposed heritage conservation areas. Five of these are extensions of existing conservation areas. Table 1 below summarises the HCA names, their proposed numbers in the amended LEPs and the consultant's report on which these areas are based. It should be noted that the more recent studies have been given precedence, as such where Sue Jackson-Stepowski and Perumal Murphy Alessi have made recommendations over the same area, preference has been given to the Perumal Murphy Alessi review. **Attachment A6** has the proposed boundary maps, and includes existing heritage items and HCAS, and **Attachment A7** has the amended contribution rating maps.

Where R4 zoning was on the edge of the proposed HCA, this area has been excised. The objective of the R4 High Density Residential zone is to facilitate a change in housing stock to provide a variety of housing types in a high density residential environment close to public transport, services and employment. The future built form envisaged within the R4 zone is incompatible with the outcomes sought by the implementation of an HCA which is to preserve existing character with a built form compatible to the existing housing stock. The application of the HCA on the R4 land would also be inconsistent with ministerial Direction 4.1 under s117 (2) of the EP& A Act as it would potentially reduce the permissible residential density of land.

The boundaries of the proposed HCAs in east Pymble do vary from those in the report. The PMA report recommended one large HCA which rolled existing HCAS into the new area. Instead separate HCAs have been created. The new boundaries exist for the following conservation areas: Athol Conservation Area, Lanosa Estate Conservation Area and Mona Vale Road Conservation Area. The Statements of Significance (see **Attachment A5**) have been drafted to reflect the work and assessments by the consultants. Inventory sheets for the proposed HCAs can be found in **Attachments A8-A17**.

**Table 1: Proposed HCAs**

Type (new/extension)	Proposed name	Proposed number	LEP	Consultant
Extension	Mahratta Conservation Area	C4 extension	KLEP	John Oultram
New	Gilroy Road Conservation Area	C42	LCLEP	SJS and John Oultram
Extension	Hillview Conservation Area	C40 extension	LCLEP	SJS
New	Mona Vale Road Conservation Area	C43	KLEP	SJS and PMA

Type (new/extension)	Proposed name	Proposed number	LEP	Consultant
New	Telegraph Road Conservation Area	C44	LCLEP	SJS
New	Lanosa Estate Conservation Area	C45	KLEP	SJS
New	Athol Conservation Area	C46	LCLEP	PMA
Extension	Pymble Heights Conservation Area	C8A and C8B extension	KLEP and LCLEP	PMA
Extension	Fern Walk Conservation Area	C9 extension	KLEP	PMA
New	West Pymble Conservation Area	Includes <ul style="list-style-type: none"> <li>• C10A and C10B extension – Orinoco Street Conservation Area</li> <li>• C11 extension – Pymble Avenue Conservation Area</li> </ul>	KLEP and LCLEP	PMA

## INTEGRATED PLANNING AND REPORTING

### Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Heritage that is protected and responsibly managed	Implement, monitor and review Ku-ring-gai's heritage planning provisions	Identify gaps in existing strategies and plans

## GOVERNANCE MATTERS

The Greater Sydney Commission released draft District Plans on 21 November 2016 for exhibition to March 2017. The draft North District Plan maps a 20-year vision for the North District of Greater Sydney which includes the LGA's of Ku-ring-gai, Hornsby, Hunter's Hill, Lane Cove, Mosman, Northern Beaches, North Sydney, Ryde and Willoughby.

Councils are required to give effect to the District Plans as soon as practicable after they are made (finalised). Importantly the draft District Plans are also a consideration for planning proposals during the period that they are in draft. This is established by the Department of Planning and Environment's *Guide to Preparing Planning Proposals* (August 2016).

*Liveability Priority 7: Conserve heritage and unique local characteristics* of the draft north district plan requires relevant planning authorities to protect "aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community". The proposal to introduce additional HCA's is consistent with this priority under the draft North District Plan.

## **RISK MANAGEMENT**

This report provides the level of detail and the justification, including preliminary community consultation to ensure Council is meeting its requirements to identify and manage Ku-ring-gai's environmental heritage.

## **FINANCIAL CONSIDERATIONS**

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

## **SOCIAL CONSIDERATIONS**

There is a community expectation that places of heritage significance within the Ku-ring-gai Council local government area will be identified and protected.

## **ENVIRONMENTAL CONSIDERATIONS**

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

## **COMMUNITY CONSULTATION**

The proposal was exhibited from 20 March until 15 May 2015. It was advertised on Council's website, the North Shore Times and letters were sent to the owners of affected and adjacent properties inviting submissions.

Should the recommendation to proceed with a Planning Proposal be adopted by Council, a formal process of further statutory public consultation will be sought in accordance with the requirements under the *EP&A Act*. This will include notification, advertisements, display and information Council's website.

## **INTERNAL CONSULTATION**

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

## **SUMMARY**

Heritage assessments for the proposed areas have been prepared by Sue Jackson-Stepowski Pty Ltd, Carste Studios, John Oultram and Perumal Murphy Alessi Pty Ltd. On 26 November 2013 Council resolved to place 14 potential heritage conservation areas on non-statutory exhibition. These were exhibited from 7 March 2014 to 7 April 2014. On 26 May 2015 Council resolved to place a further 2 on exhibition. These were exhibited from 5 June 2015 to 3 July 2015. It is recommended a planning proposal be prepared and submitted to the Department of Planning and Environment for Gateway Determination to include several heritage conservation areas in schedule 5 and the heritage map of KLEP 2015 and the KLEP (Local Centres) 2012.

## RECOMMENDATION:

- A. That a Planning Proposal be prepared in accordance with s55 of the EP&A Act to amend KLEP 2015 and KLEP (Local Centres) 2012 to include several proposed conservation areas as potential heritage conservation areas 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 requests 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. A further report be brought back to Council at the end of the exhibition period.

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<b>Attachments:</b>	A1	Submission summary table - HCA review 2014	2015/207850
	A2	Submission summary table - East and West Pymble - 2015	2016/268875
	A3	Changes in the HCA	2016/324216
	A4	Brief literature review - effect heritage listing on house prices	2016/260958
	A5	Statement of Significance for the Proposed HCAs - Review 2016	2016/325997
	A6	Maps - proposed HCA boundaries	2016/327664
	A7	Maps - proposed HCAs with contribution ratings	2016/327658
	A8	Gilroy Avenue Turrumurra HCA - inventory sheet	2013/188150
	A9	Hillview HCA - inventory sheet	2013/168743
	A10	Telegraph Road - inventory sheet	2013/168740
	A11	Mona Vale HCA4 - inventory sheet (area proposed to be Lanosa Estate Conservation Area)	2013/168772
	A12	Combined Mona Vale Road HCA (1, 2, 3 and 5) - inventory sheets - HCA Inventory Sheets	2016/327560



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A13	Fox Valley Road HCA - Report and inventory sheet	2013/215787
A14	Eastern Road HCA - report and inventory sheet	2013/215784
A15	Report - Potential HCA - Pymble East and West 2015	2015/112003
A16	Pymble East Conservation Area - inventory sheet (includes proposed Athol Conservation Area and extensions to Pymble Heights and Fern Walk HCAs)	2015/112021
A17	Pymble West Conservation Area - inventory sheet	2015/112030