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Contact: Andreana Kennedy

Reference: S11437 2018/320626

24 October 2018

Ann-Maree Carruthers  
Director, Sydney Region West  
Planning Services  
Department of Planning and Environment

Dear Ms Carruthers

**Planning Proposal to amend KLEP 2015 and KLEP (LC) 2012 to include several Heritage Conservation Areas (PP\_2017\_KURIN\_002\_00)**

I refer to the planning proposal prepared by Ku-ring-gai Council to include the several heritage Conservation Areas in Pymble, Wahroonga and Turramurra on Schedule 5 and the Heritage Map of Ku-ring-gai Local Environmental Plan 2015 and the Ku-ring-gai Local Environmental Plan (Local Centres) 2012 (KLEP (Local Centres) 2012). Council received a Gateway determination dated 9 May 2017 and a subsequent gateway extension dated 5 April 2018 to finalise the planning proposal by 2 November 2018.

**Council Reports and Resolutions**

Council considered several reports on the submissions received during the public exhibition (15 September 2017 – 23 October 2017). The initial report of 8 May 2018 (see **Appendix M**) recommended that:

- Several HCAs not be adopted and removed from the planning proposal being: Mona Vale Road, Lanosa Estate, Pymble Heights (extension), Fernwalk (extension), Orinoco (extension) and Hillview (extension)
- The boundaries of several conservation areas be amended being: Gilroy Road, Telegraph Road, Athol, West Pymble and
- One HCA remain as exhibited: Mahratta (extension)

The recommended amendments were based upon the assessment of submissions, field work by Council staff and reviews of historic documents which highlighted that parts of the exhibited conservation areas can no longer be considered significantly intact as representative examples of historic development in Ku-ring-gai. The removed areas were dominated by more recent architecture not from the key development periods of the previously identified heritage conservation areas.

Following consideration of the report over several meetings (8 May 2018, 12 June 2018, 26 June 2018, 14 August 2018, 28 August 2018, 25 September 2018 and 16 October 2018), Council resolved:

**12 June 2018 (see Appendix O)**

- That Council resolves to adopt the Planning Proposal to list the Telegraph Road Heritage Conservation Area as statutorily exhibited during the period 15/09/2017 – 23/10/2017.
- That Council resolves to adopt the Planning Proposal to list the Hillview Heritage Conservation Area as statutorily exhibited during the period 15/09/2017 – 23/10/2017.

**26 June 2018 (see Appendix N)**

- That Council resolves to adopt the Planning Proposal to list the amended heritage conservation area Athol Conservation Area as identified in **Attachment A9** in Schedule 5 and the Heritage Map of the Ku-ring-gai Local Environmental Plan (Local Centres) 2012.
- That Council does proceed with the inclusion of the Lanosa Conservation Area, Pymble Heights Conservation Area and Fern Walk Conservation Area (as exhibited) in the adopted Planning Proposal. *NB: at 16 October 2018 Ordinary Meeting of Council, Council rescinded inclusion of Lanosa and Fernwalk.*

**On 25 September 2018 (see Appendix O)**

- That Council rescinds the part of its decision of the Ordinary Meeting of Council of 26 June 2018 to include 3 Mona Vale Road to 1a Bromley Avenue Pymble and 78 Mona Vale Road to 96 Mona Vale Road Pymble within the Mona Vale Conservation Area and the adopted Planning Proposal.
- That Council does not proceed with the Mona Vale Road Conservation Area as exhibited except for the properties from 98 Mona Vale Road to 102 Mona Vale Road Pymble and 55a Mona Vale Road to 117 Mona Vale Road Pymble, however, excluding Strathwood Court.
- That those who made a submission be notified of Council's resolution.

**16 October 2018 (see Appendix O)**

- A. That Council does not proceed with the following Heritage Conservation Areas in the final adopted Planning Proposal:
1. Gilroy Road HCA
  2. Mahratta HCA extension
  3. Lanosa Estate HCA
  4. Fernwalk HCA extension
  5. Orinoco HCA extension
- B. That Council adopts the Planning Proposal to list an extension to the Pymble Avenue Heritage Conservation Area identified as the yellow striped area referred to as the "Recommended to Proceed by Council Officers" in **Attachment A7** in schedule 5 and the heritage map of the Ku-ring-gai Local Environmental Plan 2015.
- C. Due to the substantial changes that are being proposed to this planning proposal and the added complexity and conflicting issues surrounding the multiple HCAs, Council returns its delegation to the Department to finalise the planning proposal.
- D. That those who made a submission be notified of Council's resolution.



### **State Agency Consultation**

Council undertook consultation with the Office of Environment and Heritage. The Planning Proposal was sent to the NSW Heritage Office, Office of Environment and Heritage on 6 March 2017. The NSW Heritage Office provided a response on 16 March 2017 and commented that:

*No objection is raised to the listing of heritage conservation areas where they are supported by a robust and up-to-date heritage assessment. In this instance, it is noted that such assessments have been carried out by Paul Davies Pty Ltd in 2010, Sue Jackson-Stepowski Pty Ltd, Carste Studios and John Oultram Heritage and Design in 2013, and peer reviewed by Perumal Murphy Alessi Pty Ltd in 2015.*

*Listing of heritage conservation areas in the local environmental plans will provide those places of heritage significance with statutory protection to assist with their conservation and management.*

The correspondence from the state agencies is contained with the relevant attachments. See **Appendix K** for details.

### **Finalisation of the LEP**

Please find attached a copy of the planning proposal amended as per the 12 June 2018, 26 June 2018, 25 September 2018 and 16 October 2018 Council resolutions. Information on the following no longer proposed conservation areas has been removed from the planning proposal: Mahratta, Gilroy Road, Lanosa, Fernwalk and Orinoco. Information within the planning proposal on the amended conservation areas being Athol, Mona Vale Road and Pymble Avenue (previously part of West Pymble) reflect the adopted changes and includes changes to relevant maps (location maps, LEP sheets), statements of significance and attached inventory sheets. Information on the following conservation areas remains unaltered in the planning proposal: Hillview, Telegraph Road and Pymble Heights.

The maps and map cover sheet have been uploaded to the Planning Portal. Council requests that in accordance with Section 3.35 of the *Environmental Planning and Assessment Act 1979*, arrangement be made for the drafting of the required LEP to give effect to the planning proposal. Council also requests that the Greater Sydney Commission make the LEP in accordance with Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

If you have any enquiries on this matter please contact Andreana Kennedy, Heritage Specialist Planner, on 9424 0929 (Monday – Wednesday).

Yours sincerely



Antony Fabbro  
**Manager Urban Planning and heritage**