



Ku-ring-gai Council

PLANNING PROPOSAL

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

DATE: October 2015

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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).

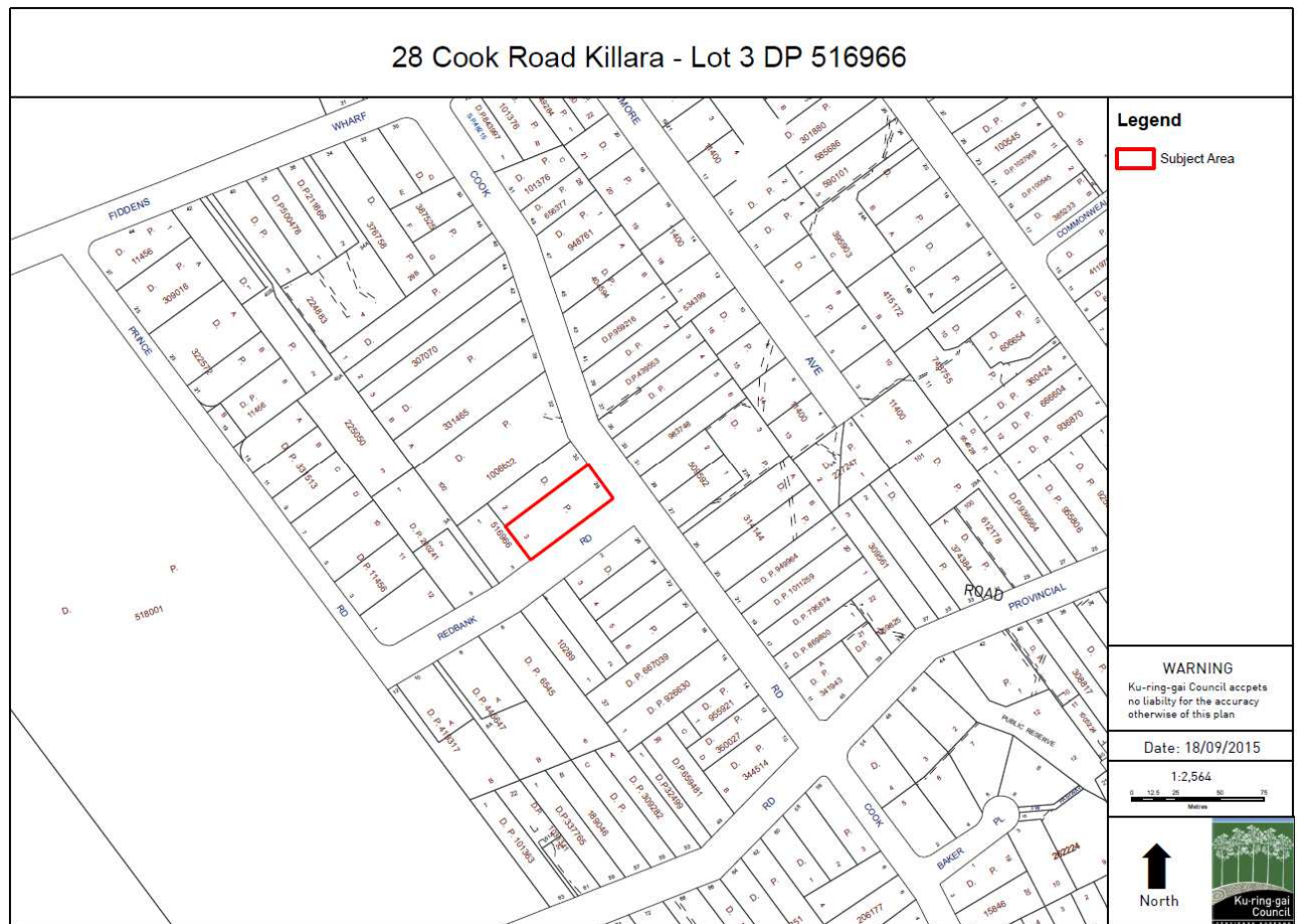
At its meeting held on 8 September 2015, Council resolved to prepare a planning proposal to include the property in Schedule 5 of the KLEP 2015 as an item of local environmental heritage.

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



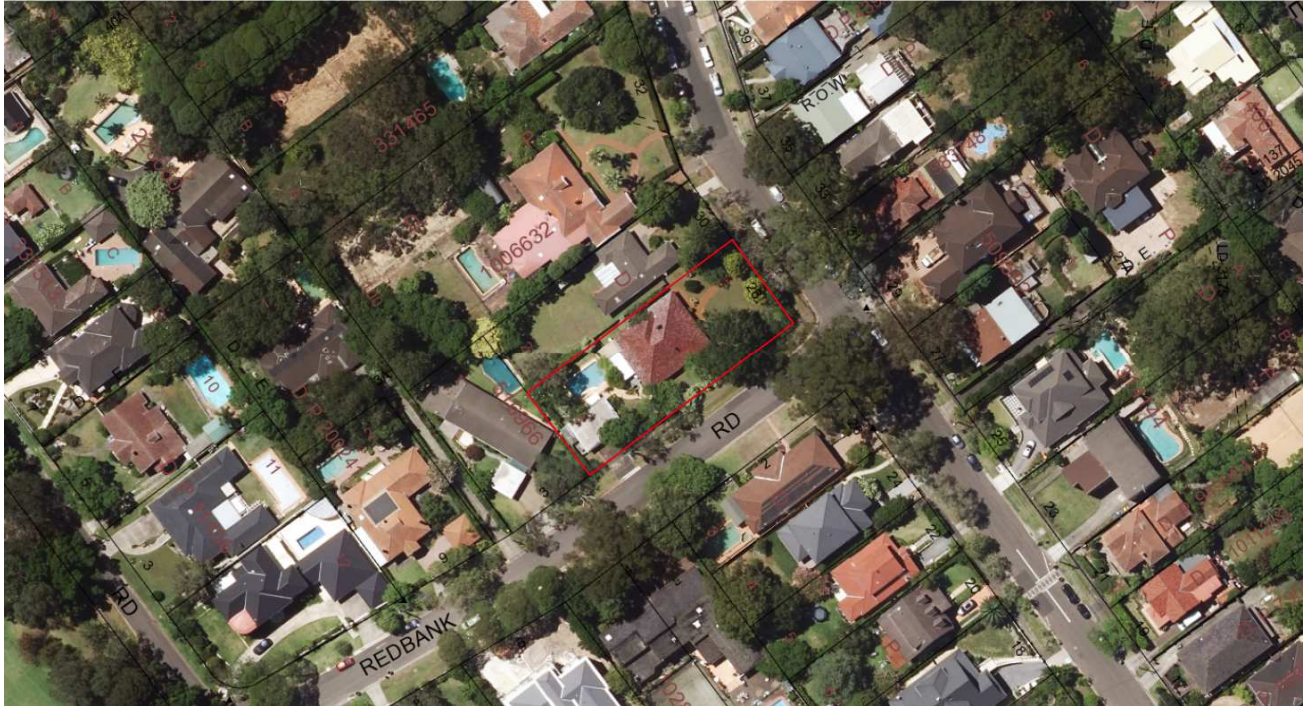
Source: Ku-ring-gai Council

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

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.

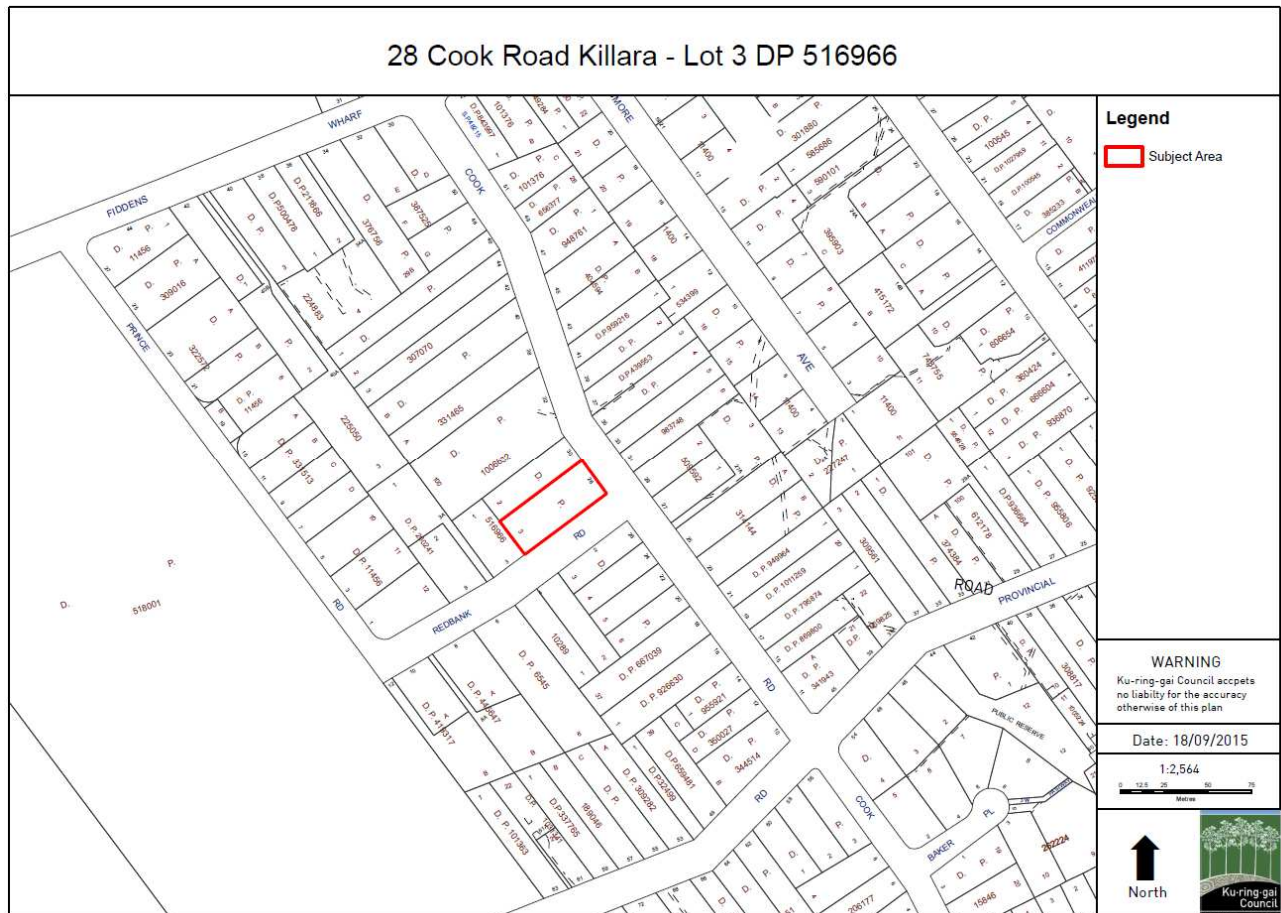
Council will seek the plan making delegation under Section 23 of the Environmental Planning and Assessment Act to finalise the Planning Proposal. This involves Council taking on the Director General's function under s59(1) of the EP&A Act in liaising with the Parliamentary Counsel's Office (PCO) to draft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

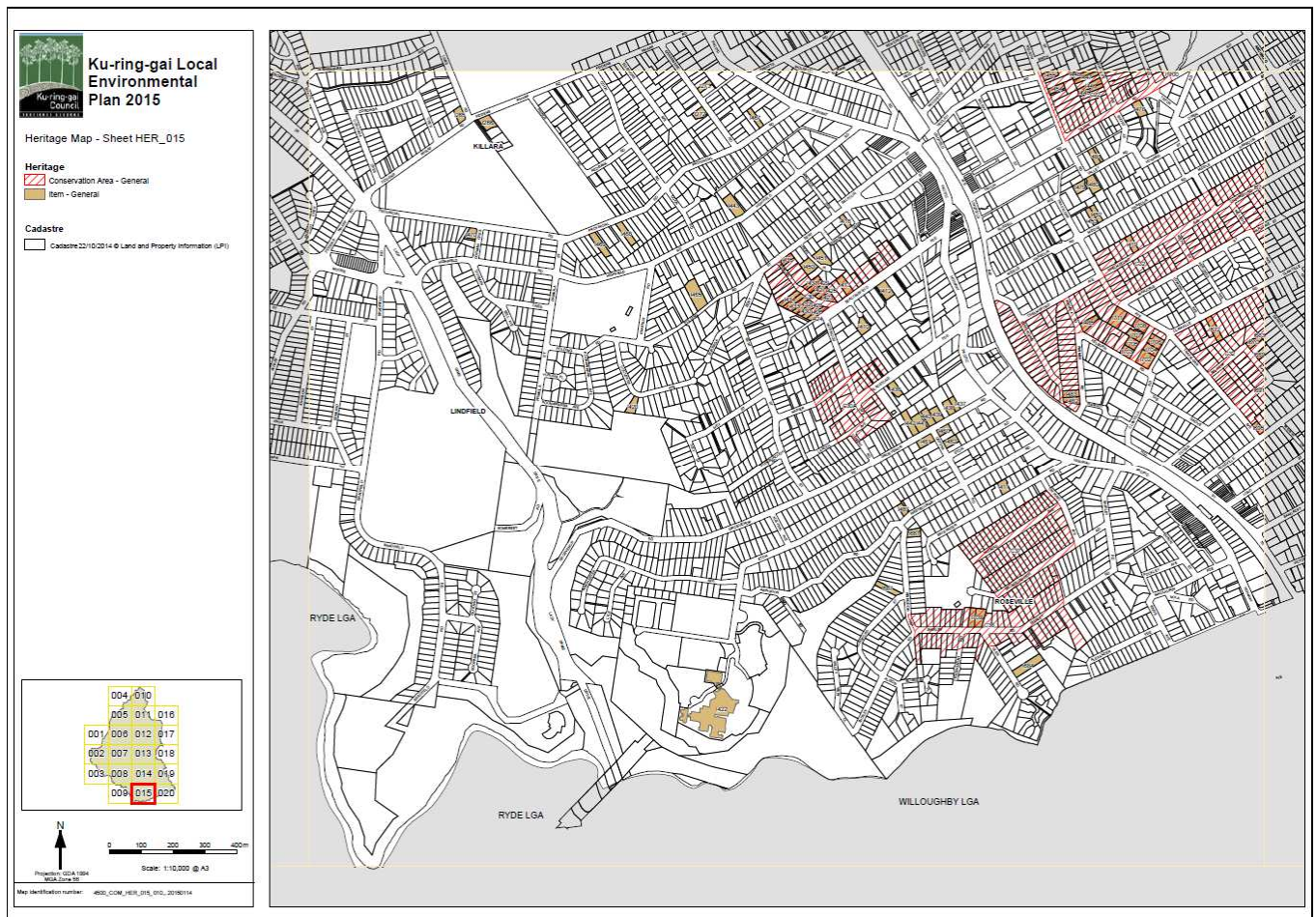
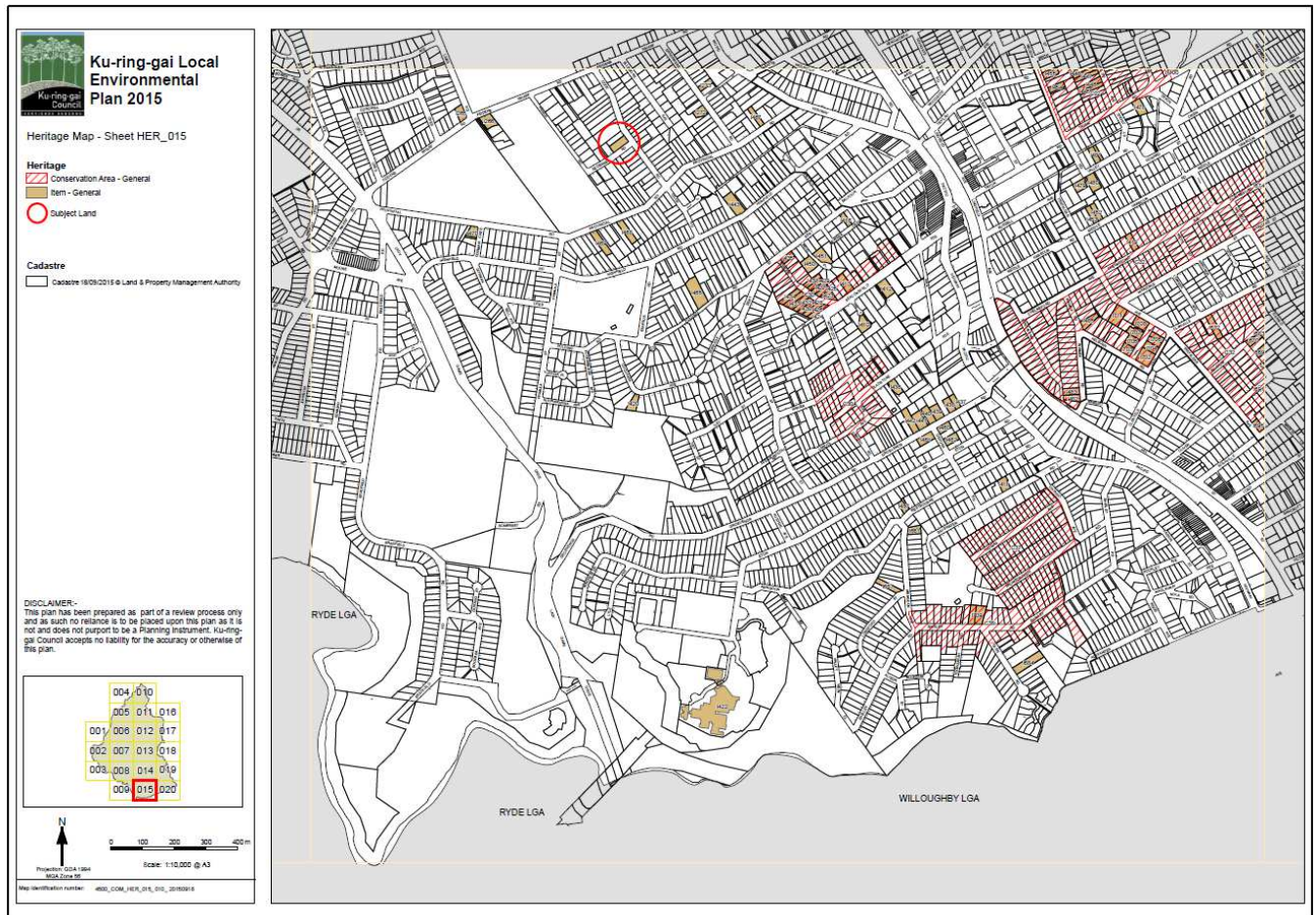


Figure 6: PROPOSED Ku-ring-gai Local Environment Plan 2015 – Heritage Map – Sheet HER_015



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 ZAKNICH, 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