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## PLANNING PROPOSAL TO HERITAGE LIST 149 LIVINGSTONE AVENUE, PYMBLE

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### EXECUTIVE SUMMARY

**PURPOSE OF REPORT:**

To obtain the Ku-ring-gai Local Planning Panel's advice on the Planning Proposal to heritage list 149 Livingstone Avenue Pymble on Schedule 5 of Ku-ring-gai Local Environmental Plan 2015

**BACKGROUND:**

On 16 October 2018 Council resolved to prepare a Planning Proposal to heritage list 149 Livingstone Avenue Pymble on Schedule 5 of Ku-ring-gai Local Environmental Plan 2015

**COMMENTS:**

The listing is based upon the heritage assessment by Betteridge Heritage that found the property has historic, aesthetic and social significance, is a representative example of a Federation bungalow and has historical associations with the Hamilton family who were prominent developers and business people in the Pymble area in the early 1900s. The heritage listing has strong community support.

**RECOMMENDATION:**

That the Ku-ring-gai Local Planning Panel makes a recommendation that the Planning Proposal be submitted to the Department of Planning and Environment for a Gateway Determination.

## PURPOSE OF REPORT

To obtain the Ku-ring-gai Local Planning Panel's advice on the Planning Proposal to heritage list 149 Livingstone Avenue Pymble on Schedule 5 of Ku-ring-gai Local Environmental Plan 2015

## BACKGROUND

Early in 2018 Council received representations from the community that the historic house at 149 Livingstone Avenue, Pymble was under threat from demolition. Council subsequently received an application for the Development Application DA0152/18 for 149, 151 & 153 Livingstone Avenue Pymble - to demolish existing structures, consolidate lots (including 149 Livingstone Avenue - subject of Interim Heritage Order) and construct a multi-dwelling housing development comprising 19 dwellings, basement car parking and associated works - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

In response to community requests, at its meeting of 8 May 2018, Ku-ring-gai Council resolved to place an interim heritage order (Section 25 *Heritage Act 1977 (NSW)*) on the property at 149 Livingstone Avenue, Pymble (Lot 3, DP 607951) to enable full and proper evaluation of the heritage significance and prevent any harm to the site in the interim. The IHO was valid for a period of six months unless Council passed a resolution before this date.

Council engaged the heritage consultant Ms Anne Warr to undertake the heritage review of the property. When the findings of the consultant were reported back to Ku-ring-gai Council with the recommendations not to proceed, the local community countered with an alternate heritage assessment prepared by Betteridge Heritage Consultants which contested the property had cultural significance and was worthy of heritage listing. This Betteridge Heritage report highlighted the social value of the property and the strong regard it is held with by the local community. Members of the community made numerous presentations to the Council and to various State politicians and media outlets expressing the high value placed on this historic building and the community's strong opinion that 149 Livingstone Avenue, Pymble should be heritage listed and conserved.

On 16 October 2018 Council resolved:

- A. That Council proceed with the heritage listing of 149 Livingstone Avenue, Pymble; and*
- B. That in accordance with Section 3.31 of the Environmental Planning & Assessment Act 1979, Council prepares a Planning Proposal to list the property as a local heritage item and seeks a Gateway Determination accordingly.*

See the Council report at **Attachment A1**, the Council resolution at **Attachment A2** and the Heritage Assessment of 149 Livingstone Avenue, Pymble by Betteridge Heritage at **Attachment A3**.

## COMMENTS

The objective of this Planning Proposal at **Attachment A4** is to conserve the cultural heritage of Ku-ring-gai by including 149 Livingstone Avenue, Pymble as a local heritage item on Schedule 5 of the KLEP 2015, and on the accompanying heritage map.

## Strategic Merit

The Planning Proposal is consistent with the following objectives from the Greater Sydney Region Plan – A Metropolis of Three Cities and the North District Plan:

- *Objective 13 - Environmental heritage is identified, conserved and enhanced* (Greater Sydney Region Plan);

The Planning Proposal includes provisions for a new heritage listing being 149 Livingstone Avenue, Pymble leading to the protection and conservation of this locally significant place.

The Planning Proposal is consistent with the following objectives from Council's Community Strategic Plan "Our Ku-ring-gai 2038: Community Strategic Plan":

- *Issue P5 – Heritage that is protected and responsibly managed*
  - *Long term objective – P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed*

The Planning Proposal seeks to ensure that Ku-ring-gai's heritage is protected, through heritage listing a place of identified local heritage significance.

The Planning Proposal has addressed the following relevant Section 9.1 Ministerial Directions:

- *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 seeks to heritage list a place of environmental heritage significance.*

## 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 Ku-ring-gai's heritage is protected, promoted and responsibly managed	P5.1.1 Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai's heritage assets	P5.1.1.1 Implement, monitor and review Ku-ring-gai's heritage planning controls

## GOVERNANCE MATTERS

The process for the preparation and implementation of Planning Proposals is governed by the provisions contained in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*.

Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979* requires Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice, before it is forwarded to the Minister for Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*. A revised s9.1 Direction was made by the Minister on

**Item GB.1**

**S12202**

27 September 2018 which clarified that a Planning Panel must provide its advice on a Planning Proposal before Council resolves to forward it for a Gateway Determination under Section 3.34.

The proposal will need to be reported again back to Council subsequent to the Planning Panel providing its advice. Therefore, this Planning Proposal and the Local Planning Panel's advice will be reported back to Council for the Council's consideration before it is forwarded to the Minister for a Gateway Determination.

## **RISK MANAGEMENT**

Heritage listing enables Council to conserve places that are valued by our local community for now and for generations to come.

## **FINANCIAL CONSIDERATIONS**

The cost of preparing the Planning Proposal is covered by the Strategy and Environment 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**

The retention and conservation of heritage places has an important role in protecting the environment. The environmental sustainability benefits afforded by the retention of heritage places includes the substantial reduction in building, demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

## **COMMUNITY CONSULTATION**

Should the Planning Proposal be granted a Gateway Determination by the NSW Department of Planning and Environment, the Planning Proposal will be placed on statutory public exhibition in accordance with the requirements of the Gateway Determination and the Department's publication *'A Guide to Preparing Planning Proposals'* (August 2016).

During the statutory public exhibition, the community will be invited to make submissions on the proposal.

## **INTERNAL CONSULTATION**

Consultation has been undertaken with relevant internal sections of Council where required for the preparation of the Planning Proposal, and this report.

## **SUMMARY**

On 16 October 2018 Council resolved to prepare a Planning Proposal to heritage list 149 Livingstone Avenue, Pymble on Schedule 5 of Ku-ring-gai Local Environmental Plan 2015.

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**S12202**

The listing is based upon the heritage assessment by Betteridge Heritage which found the property has historic, aesthetic and social significance, is a representative example of a Federation bungalow and has historical associations with the Hamilton family who were prominent developers and business people in the Pymble area in the early 1900s.

There is sufficient strategic merit for the Planning Proposal to be submitted to the Department of Planning and Environment for a Gateway Determination.

**RECOMMENDATION:**

- A. That the Ku-ring-gai Local Planning Panel makes a recommendation as to whether the Planning Proposal to heritage list 149 Livingstone Avenue, Pymble on Schedule 5 of Ku-ring-gai Local Environmental Plan 2015 be submitted to the Department of Planning and Environment for a Gateway Determination.

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<b>Attachments:</b>	A1	Council report - Heritage Assessment of 149 Livingstone Avenue Pymble	2018/335399
	A2	Council resolution OMC318 - 16 October 2018	2018/356795
	A3	Heritage Significance Assessment Report - 149 Livingstone Ave Pymble - Betteridge Heritage	2018/335412
	A4	Draft Planning Proposal - 149 Livingstone Avenue Pymble	2018/356788