



Ku-ring-gai Council

PLANNING PROPOSAL

To heritage list 24 Dudley Avenue, Roseville

June 2016

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INTRODUCTION

This planning proposal contains the justification for the proposed amendments to the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) to list the building known as “*Ambleside*” (Harold Cazneaux house), located at 24 Dudley Avenue, Roseville (Lot 1 DP209190) as a local heritage item.

This planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning and Environment’s, “*A Guide to Preparing Planning Proposals*”(October 2012).

Council will request the plan making delegation under Section 23 of the Environmental Planning and Assessment Act 1979 for this planning proposal.

Background

A Development Application was lodged with Council for alterations and additions to 24 Dudley Avenue, Roseville, on 17 August 2015. As the property is located within the Clanville Heritage Conservation Area (C32) under the KLEP 2015, a Heritage Impact Statement (HIS) was submitted with the Development Application.

The detailed history in the HIS identified the property as the former long-time home and workplace of renowned photographer and artist Harold Cazneaux. The Development Application proposed to substantially alter/remove the interior fabric and other elements at the rear of the property that are not protected under the heritage provisions for a property located within a HCA. Council’s preliminary heritage assessment suggested that the property warranted investigation for potential local heritage listing

On 8 December 2015 Council considered a report on 24 Dudley Avenue, Roseville and resolved to request the Minister for Heritage make an Interim Heritage Order (IHO) over 24 Dudley Avenue, Roseville and that Council proceeds to prepare a planning proposal to amend the KLEP 2015 to include 24 Dudley Avenue as a potential heritage item. The report and resolution from the 8 December 2015 meeting is included at **Appendix A**.

On 22 December 2015, the Minister for Heritage resolved to make an IHO for the property, allowing Council time to assess the significance of the property and prepare a planning proposal should the property be found to be of local heritage significance. The letter from the Minister for Heritage is included at **Appendix B**.

The IHO was gazetted on 23 December 2015 in the Government Gazette No.118. The letter from the Heritage Division, Office of Environment and Heritage and copy of the gazette and curtilage map are included at **Appendix C**.

An independent heritage assessment of 24 Dudley Avenue, Roseville was undertaken by the heritage consultant Sue Rosen Associates. The heritage assessment found that “*Ambleside*” has historical state significance and a high degree of local historical significance as the home and workplace of Harold Cazneaux and his family. It also has national historical associative significance due to the connection with Cazneaux and his family with the overall form of building and important elements remaining intact. The assessment found that the heritage significance of “*Ambleside*” is enhanced by the supporting documentary information (letters, diaries, photographs) regarding Cazneaux, his family and their life there.

The assessment found the attic workroom, with its outlook and relationship to his studio and bedroom 3 (the former dark room) are particularly important in demonstrating how the studio functioned as a workplace.

The assessment also notes that “*Ambleside*” is also locally significant as a good example of a transitional Federation bungalow.

Overall, the assessment concludes that “*Ambleside*” is of state significance.

The heritage assessment is included at **Appendix D** and Heritage Inventory Sheet is included at **Appendix E**.

This planning proposal seeks to list “*Ambleside*” as a local heritage item within the KLEP 2015. It is up to the Heritage Division, Office of Environment and Heritage to assess whether the property should also be listed on the State Heritage Register.

Site Description and Existing Planning Controls

24 Dudley Avenue, Roseville (Lot 1 DP209190) has an area of 820.70sqm and is located on the northern side of Dudley Avenue, in the block between Archbold Road and Gregory Street. The area is characterised by low density residential dwellings, and mature street trees along the Council verge.

24 Dudley Avenue is a single storey (with attic) brick dwelling built on a sandstone base with a gabled terracotta tile roof. The brick walls are covered in rough-cast. A gabled-roofed porch with

timber decking and balustrades is accessed via a flight of stone steps. A single storey wing extends perpendicular to the western side of the house. A single garage with a gable roof is located within the front setback. The house stands in a suburban garden setting.

The site is currently zoned R2 Low Density Residential under the KLEP 2015. The site is located within the Clanville Heritage Conservation area (C32) (Schedule 5 Part 2 Heritage Conservation Areas of the KLEP 2015). The property was identified as a contributory item within the Heritage Conservation Area within the 2010 Heritage Conservation Areas Study – Southern Area prepared by Architectural Projects.



Image 1 – Property Location Map

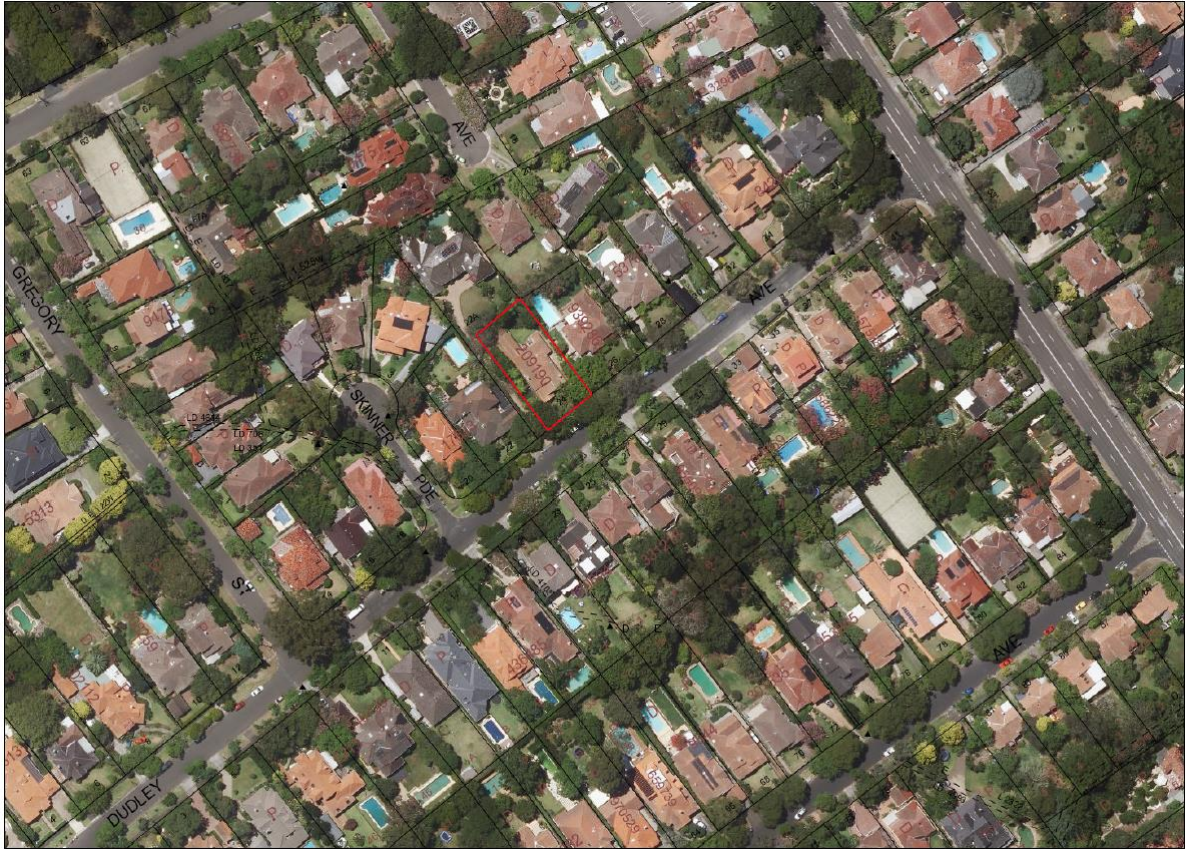


Image 2 – Aerial Photo



Image 3 – Photo front façade



Image 4 – Photo front facade



Image 5 – Single storey wing



Image 6 – Attic work room



Image 7 – Formal living room at front of house

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

A statement of the objectives and intended outcomes of the proposed instrument

The objective of this planning proposal is to list 24 Dudley Avenue, Roseville (Lot 1 DP209190) as an item of local heritage significance in the KLEP 2015.

The existing R2 Low Density Residential zoning and existing development standards currently applying to the site are not proposed to change as a result of this planning proposal.

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 of the KLEP 2015 by inserting the following:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Roseville	<i>“Ambleside”</i> Dwelling house including original interiors	24 Dudley Avenue	Lot 1 DP209109	Local	<i>(To be confirmed)</i>

This planning proposal will result in the amendment to heritage map by colouring the subject property so as to indicate a Heritage Item – General. The proposed revised map is shown in **Part 4 – Mapping**.

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 on the site following the making of an Interim Heritage Order. A copy of the Assessment of Heritage Significance report prepared by Sue Rosen Associates is included at **Appendix D**.

The heritage assessment outlines the statement of significance as follows:

Ambleside has historical state significance and a high degree of local historical significance as the home of and workplace of Harold Cazneaux and his family [Criterion (a) and (b)]. It also has national historical associative significance due to the connection with Cazneaux and his family with the overall form intact. While some spaces have been modified, important elements remain intact and other spaces are interpretable. The significance is enhanced by the supporting documentary information regarding Cazneaux, his family and their life there. These documents in the form of letters, diaries, photographs and artefacts are held by the family and in national collections – and more are likely to emerge into the public arena in the years ahead. These have not yet been applied to Ambleside, which in itself could be described as a Cazneaux ‘document’. The combined physical and documentary evidence is capable of demonstrating the NSW historic themes of ‘Creative Endeavour’, ‘Accommodation’ and ‘Domestic Life’ and ‘Persons’ all of which have been captured in Cazneaux’s photography. The attic workroom, with its outlook and relationship to his studio (now internally integrated into the rear informal living area) and bedroom 3, the former dark room, are particularly important in demonstrating how the studio functioned as a workplace. Bedroom 2 is also relatively intact and capable of demonstrating Cazneaux family life. The overall form of Ambleside, as developed to suit the needs of the Cazneaux family with the benefit of the documentary record remains to provide clear evidence of family use and lifestyle, as well as Cazneaux’s creative environment. Ambleside has both local rare and representative value. Overall Ambleside is of state significance.

Ambleside is also locally significant as a good example of a transitional Federation bungalow retaining many characteristics of the style including significant original and early external and internal fabric and spaces

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The site has been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance and the planning proposal is the best means of achieving the objective to conserve and 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 "A Plan for Growing Sydney" (December 2014). The planning proposal is assessed against the four goals contained within the strategy below:

Goal 1 - A competitive economy with world class services and transport

The planning proposal will not adversely impact on the directions and actions identified in the strategy to achieve a competitive economy and transport system.

Goal 2 – A city of housing choice, with homes that meet our needs and lifestyles

This planning proposal will have no impact on Ku-ring-gai's ability to meet the housing and employment targets and accordingly, the planning proposal is not inconsistent with this goal.

Goal 3 – A great place to live with communities that are strong, healthy and well-connected

This planning proposal will not adversely impact on the directions and actions identified in the in the strategy. The planning proposal is consistent with Direction 3.4 *Promote Sydney's heritage, arts and culture* and Action 3.4.4 *Identify and re-use heritage sites, including private sector re-use through the priority precincts program*.

Goal 4 – A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The planning proposal will not adversely impact on the directions and actions identified regarding the natural environment and sustainability.

Ku-ring-gai Council is located within the North Subregion. The planning proposal is considered to be not inconsistent with the priorities for the North Subregion, including:

- A competitive economy
- Accelerate housing supply, choice and affordability and build great places to live
- Protect the natural environment and promote its sustainability and resilience

The site the subject of the planning proposal is not located within an identified Strategic Centre within the North Subregion.

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 Strategy 2030". The planning proposal is consistent with the following objectives within the community strategic plan:

P1.1 Ku-ring-gai's unique visual character and identity is maintained

P2.1 A robust planning framework is in place to deliver quality design outcomes and maintain the identity and character of Ku-ring-gai

P5.1 Ku-ring-gai's heritage is protected, promoted and responsibly managed

The planning proposal is also consistent with the following aims of the KLEP 2015:

(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 recognise, protect and conserve Ku-ring-gai's indigenous and non-indigenous 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	Consistent. There is no evidence to suggest that the subject site could be affected by contamination from past land uses or activities being carried out on the land.
SEPP (Housing for Seniors or People with a Disability) – 2004	Consistent. The planning proposal is not inconsistent with the aims of the policy.
SEPP Building Sustainability Index : Basix 2004	Consistent. The planning proposal is consistent with the aims of the policy.
SEPP Infrastructure 2007	Consistent. The planning proposal is consistent with the aims of the policy.

SEPP	Comment on Consistency
SEPP Affordable Rental Housing 2009	Consistent. The planning proposal is consistent with the aims of the policy
SEPP Exempt and Complying Development Codes 2008	Consistent. The planning proposal is consistent with the aims of the policy.

SREPP	Comment on Consistency
SYDNEY REP (Sydney Harbour Catchment) 2005	Consistent. The planning proposal is consistent with the aims of the policy and will have no adverse impacts on the Sydney Harbour 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.	Consistent. The planning proposal is consistent with this direction and it will result in the conservation of a property that has been assessed to satisfy the NSW Heritage Council's criteria for local heritage significance.
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. The planning proposal relates to an established dwelling, and in this regard will have no effect on the housing choice, infrastructure or environment.

Directions under S117	Objectives	Consistency
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. The planning proposal does 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 LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The planning proposal will not result in the requirement for concurrence, consultation or referral of a future development application to a Minister or public authority as a result of the proposed local heritage listing.
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.	Consistent. The planning proposal will not adversely affect the directions and actions outlined in the strategy to achieve the four goals relating to economy, housing, environment and community.

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 will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of the heritage listing.

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 environmental effects envisaged as a result of the heritage listing proposed by the planning proposal.

Q9. *Has the planning proposal adequately addressed any social and economic effects?*

The planning proposal has positive social effects in recognising and protecting the local cultural heritage significance of the site within the Ku-ring-gai area.

The planning proposal is not expected to result in adverse economic effects. A review of numerous studies undertaken around Australia and the world looking at the effect of heritage listing and inclusion within a heritage conservation area on the value of houses has found the impact to be negligible. Other factors including locational factors such as proximity to schools and access to public transport and household attributes such as number of bedrooms and parking spaces, have been shown to have greater influence on price than heritage listing.

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 established 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?*

Council will consult with any agencies nominated by the Department of Planning and Environment as part of the requirements of the Gateway Determination.

Council's resolution of 8 December 2015 (see **Appendix A**) required consultation with the Heritage Division of the Office of Environment and Heritage prior to the planning proposal being sent to the Department of Planning and Environment for Gateway Determination.

The Heritage Division of the Office of Environment and Heritage provided comments to Council on the planning proposal on 6 June 2016, and advised:

The Heritage Council of NSW therefore supports the inclusion of 24 Dudley Avenue, Roseville, as a heritage item in Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015. Because it will provide 'Ambleside' (Harold Cazneaux House) and its setting with statutory protection vis-à-vis the heritage provisions of clause 5.10. The heritage provisions will also assist conservation and management of 'Ambleside' and its setting. The planning proposal does not seek any change to the existing zoning and site controls for the subject land under Ku-ring-gai LEP 2015.

The comments from Heritage Division, Office of Environment and Heritage are included at **Appendix F**.

PART 4 - MAPPING

Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

The Planning Proposal will require the amendment to the following KLEP 2015 map sheet:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER_020

The subject property will be coloured so as to indicate a Heritage Item – General.



Image 8 – Map showing existing non- heritage listed status of 24 Dudley Avenue, Roseville

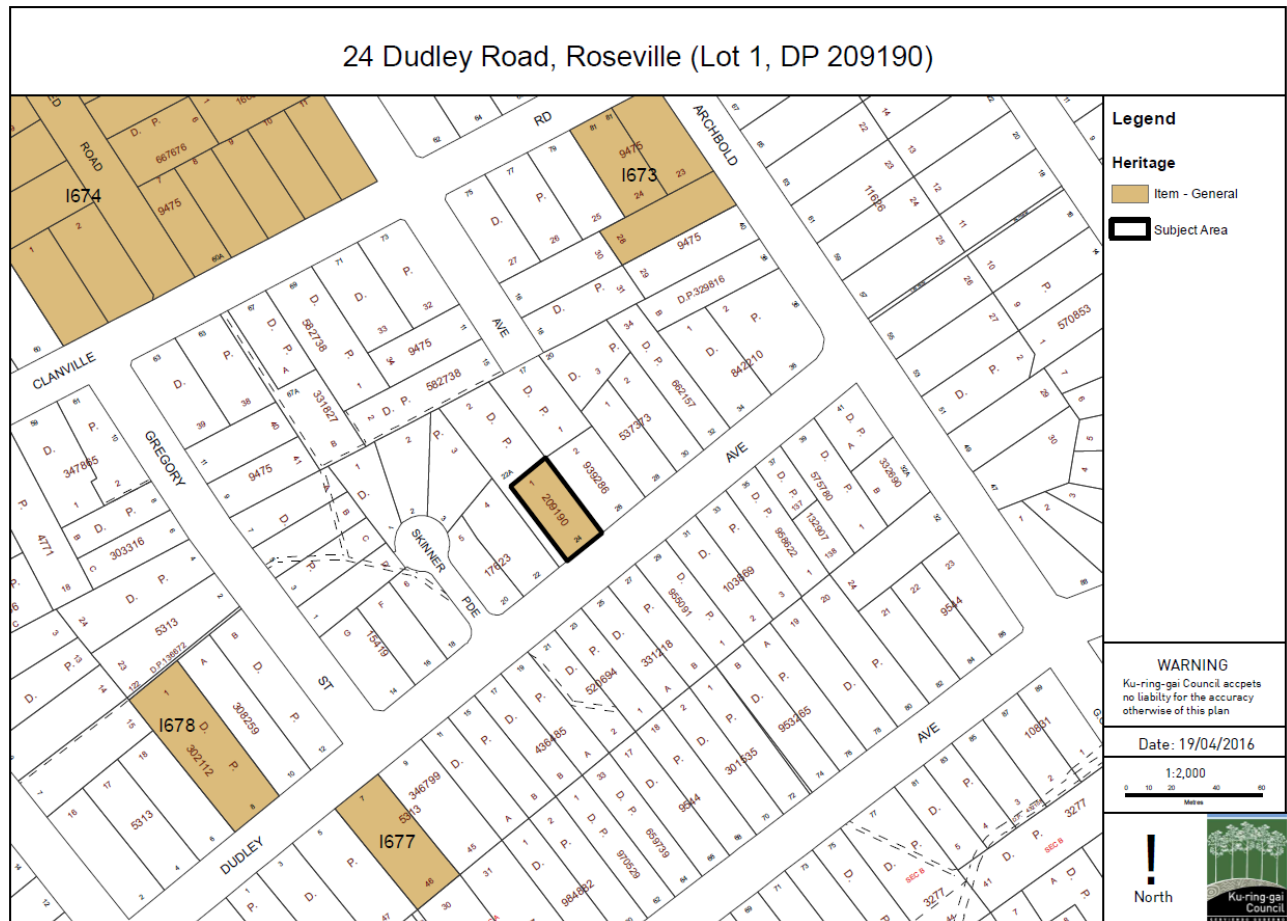


Image 9 – Map showing proposed amendment to heritage map to indicate 24 Dudley Avenue, Roseville identified as heritage item

PART 5 – COMMUNITY CONSULTATION

Details of the community consultation that is to be undertaken on the planning proposal

Community Consultation for this planning proposal will be consistent with the requirements of the Gateway Determination and the consultation guidelines contained in the Department of Planning and Environments “*A Guide to Preparing Local Environmental Plans*”(April 2013).

Public exhibition of the planning proposal is generally undertaken in the following manner:

- Notification in a newspaper that circulates the area affected by the planning proposal
- Notification on Council's website
- Notification in writing to the affected and adjoining land owners

During the exhibition period, the following material is made available for viewing:

- planning proposal
- Gateway Determination
- Information relied upon by the planning proposal (e.g. reports)

At the conclusion of the public exhibition, a report will be prepared and reported back to Council to allow for the consideration of any submissions received from the community.

PART 6 – PROJECT TIMELINE

Stage	Timing
Anticipated commencement date (date of Gateway determination)	July 2016
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	5 August 2016 – 2 September 2016 28 days - Run concurrently with exhibition period.
Commencement and completion dates for public exhibition period	5 August 2016 – 2 September 2016 28 days
Post exhibition review and reporting	2 September – 28 September 2016
Council meeting / consideration	11 October 2016
Legal Drafting LEP	October 2016
Anticipated date RPA will make the plan (if delegated)	October 2016
Notification of Plan on Legislation website	November 2016

APPENDIX A – Council report and resolution meeting 8 December 2015

APPENDIX B – Letter from Minister for Heritage

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