

## **Ku-ring-gai Council**

### **SECTION 3.36 PLANNING REPORT**

**To Amend the KLEP 2015 for the  
heritage listing of part of 11 Kywong  
Avenue, Pymble**

**June 2018**

#### **PLANNING PROPOSAL DETAILS:**

PP\_2017\_KURIN\_006\_00

#### **PLANNING PROPOSAL SUMMARY:**

To amend the Ku-ring-gai Local Environment Plan 2015 to include part of the site at 11 Kywong Avenue, Pymble, as a local heritage item

#### **DATE OF GATEWAY DETERMINATION:**

22 January 2018

## 1.0 SUMMARY

### **Relevant background issues and rationale for proceeding with the proposal:**

On 10 June 2014 Council resolved to place an Interim Heritage Order on a property known as “Lanosa” located at 62-64 Mona Vale Road Pymble following its consideration of a Notice of Motion. A heritage assessment was undertaken by heritage consultants Perumal Murphy Alessi in 2014. The heritage assessment report recommended that 62-64 Mona Vale Road, Pymble, be included as a local heritage item within the Ku-ring-gai Local Environmental Plan 2015. It further stated that:

*‘The early face brick gable roofed stable/ garage structure now located at the rear of No. 11 Kywong Avenue should also be retained and conserved due to its association with the site. It is recommended that the building also be considered as a potential heritage item.’*

The report noted that the stables were built simultaneously with the house at 62-64 Mona Vale Road Pymble. However, as a result of subsequent land subdivisions to the Lanosa estate, the former stables are now located on the north-eastern corner of 11 Kywong Avenue, Pymble (Lot 10 DP 855982).

On 3 February 2015, Council adopted the Planning Proposal to heritage list the property known as “Lanosa” at 62-64 Mona Vale Road, Pymble. However, the Planning Proposal did not include the former stables building (now located on land at 11 Kywong Road, Pymble).

At its meeting of 24 February 2015 Council considered a Notice of Motion and resolved to undertake an investigation of the heritage significance of the former “Lanosa” stables located at 11 Kywong Avenue, Pymble. Council engaged heritage consultants Perumal Murphy Alessi to undertake the heritage assessment. The assessment report was completed in October 2017 and concluded that the former stables at the rear of No. 11 Kywong Avenue, Pymble, are of local heritage significance for the following reasons:

- the building is one of the oldest remaining buildings and former stables in the area, associated with an early house and has local historic and aesthetic significance;
- It retains a strong sense of its early form, fabric and details and a garden setting; and
- It retains some visual relationship to Nos. 62-64 Mona Vale Road.



The Perumal Murphy Alessi heritage assessment was considered by the Ku-ring-gai Council Heritage Reference Committee on 27 April 2017, who resolved:

*'The recommendation in the Perumal Murphy Alessi Pty Ltd heritage assessment for 11 Kywong Avenue Pymble is supported by the committee for proceeding to a planning proposal. The committee supports the reasons for heritage listing'.*

At its meeting of 28 June 2017, Council adopted the Minutes from the 27 April 2017 meeting of the Heritage Reference Committee and the planning proposal to heritage list part of 11 Kywong Avenue, Pymble, was prepared and forwarded to the Department of Planning & Environment for a Gateway determination.

#### Zones/development standards to be amended:

Inclusion of part of 11 Kywong Avenue, Pymble, in Schedule 5 of the KLEP 2015 and on the Heritage Map as show in Image 1

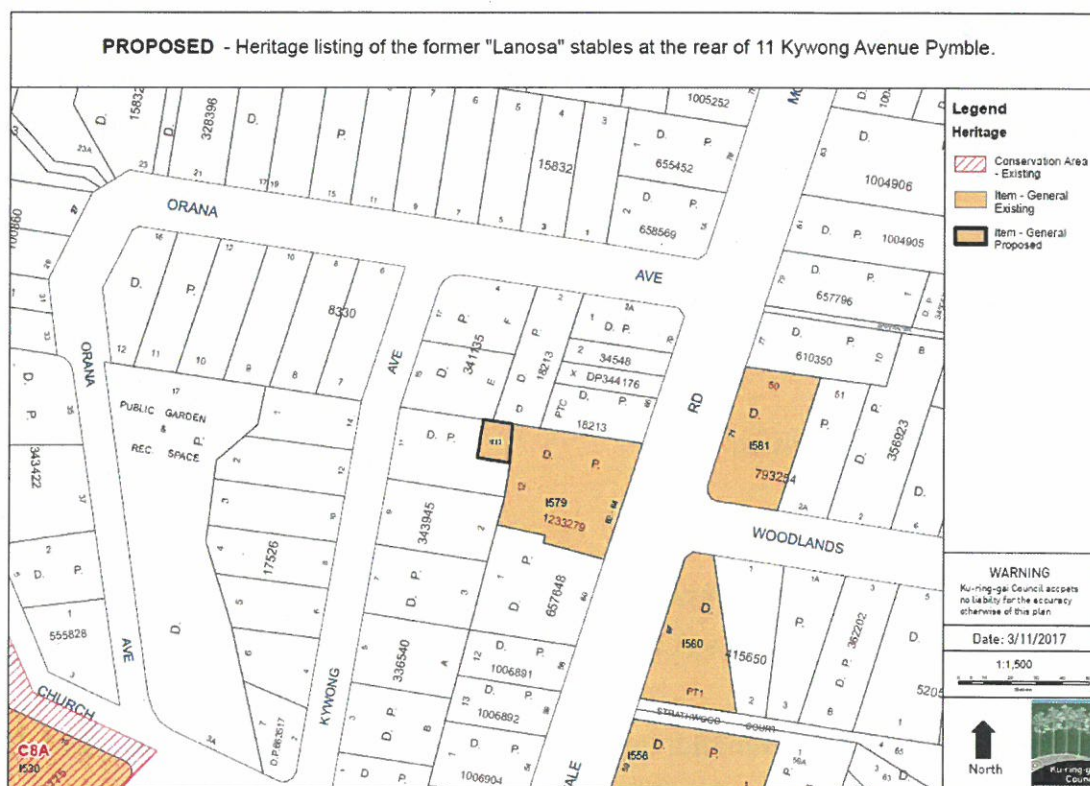


Image 1: Proposed location of heritage listing for 11 Kywong Avenue, Pymble (1553)

#### Key exhibition dates:

The planning proposal was placed on public exhibition from 23 February 2018 – 9 March 2018

**Main points raised in submissions:**

Consultation was undertaken with the NSW Office of Environment & Heritage as per the Gateway determination. In a response dated 28 February 2018, the NSW Office of Environment & Heritage advised that they raised no objections to the listing of the new heritage item in a local planning instrument as it was supported by a robust and up-to-date heritage assessment.

One submission was received in support of the planning proposal as part of the public exhibition process. No submission was received from the property owners.

**Summary of any key amendments made to the planning proposal as a consequence of public exhibition or agency consultation:**

No changes have been made to the planning proposal as a result of the public exhibition or agency consultation.

**Other relevant background:**

When the finalisation of the LEP amendment was considered by Council's at its meeting of 22 May 2018, the property owner addressed Council and raise objection to the proposal. However, Council resolved to adopt the Officer's recommendation to proceed with the LEP amendment.

## 2.0 GATEWAY DETERMINATION

**Date Determination issued:**

22 January 2018

**Timeframe for completion of proposal:**

Within nine months of the date of the Gateway determination.

**Was the Gateway determination subject to a review request, if so what were the outcomes of that request?**

No – the Gateway determination was not subject to a review request.

**Have the conditions included in the Gateway Determination been complied with, if not, what is the justification for the non-compliance, and what are the impacts non-compliance may/will have on the LEP?**



Yes – the conditions of the Gateway determination have been complied with as follows:

1. The planning proposal be amended prior to community consultation as follows:
  - (a) the response to Q7 (page 12 of the proposal) should be amended to clarify the proposal will not result in the removal of a heritage listing; and
  - (b) the heritage map reference title (page 5 of the proposal) should be corrected from '0013' to '013'.

**Council Comment:** The planning proposal was amended in accordance with Conditions 1(a)-1(b) prior to public exhibition.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

**Council Comment:** The planning proposal was placed on public exhibition between 23 February and 9 March 2018. Surrounding properties were sent notification letters advising them of the public exhibition. The exhibition was also notified in the North Shore Times and relevant material was made available on Council's website and in hard copy at Council's Administration Centre.

3. Consultation is required with the Office of Environment and Heritage – Heritage Division under section 56(2)(d) of the Act. The Office of Environment and Heritage - Heritage Division is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

**Council Comment:** Council forwarded all relevant information to the NSW Office of Heritage & Environment on 13 February 2018. In a response dated 28 February 2018, the NSW Office of Environment & Heritage advised that they raised no objections to the listing of the new heritage



item in a local planning instrument as it was supported by a robust and up-to-date heritage assessment.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

**Council Comment:** Noted. No public hearing was held.

5. The time frame for completing the LEP is to be nine months following the date of the Gateway determination.

**Council Comment:** The LEP is to be completed within the nine month timeframe.

### 3.0 COMMUNITY CONSULTATION

**Dates of exhibition:**

The planning proposal was public exhibited from 23 February to 23 March 2018.

**Number of submissions received:**

One submission was received in response to the public exhibition.

**Issues raised during exhibition:**

The submission was in support of the planning proposal.

**Responses to issues:**

No issues were raised. Support for the planning proposal was noted in the report to Council following conclusion of the public exhibition process.

**Was the Planning Proposal re-exhibited, if so, provide all relevant details as above?**

No - the planning proposal was not re-exhibited.

**Were the consultation requirements included in the Gateway Determination complied with?**

Yes – see response to question 2.0 for details.

**Were amendments made to the Planning Proposal in response to the issues raised during public exhibition?**

No – no amendments were made to the planning proposal in response to the public exhibition responses.

## **4.0 VIEWS OF PUBLIC AUTHORITIES**

**Which agencies were consulted?**

NSW Office of Environment and Heritage

**Which agencies provided a response?**

NSW Office of Environment and Heritage

**What were the views of those agencies?**

The NSW Office of Environment and Heritage supported the planning proposal as it was considered to be supported by a robust and up-to-date heritage assessment.

**How were any objections or issues resolved?**

No objections or issues were raised as a result of the public exhibition process.

**Did agency consultation occur in accordance with the requirements of the Gateway determination?**

Yes – see response to section 2.0 for details

**What amendments were made to the Planning Proposal to respond to the issues raised by agencies?**

No amendments were made as no issues were identified by the agency consulted.

## **5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS**

**Is the planning proposal consistent, justifiably inconsistent or inconsistent with all relevant s117 Directions?**

Directions under S117	Objectives	Consistency
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.3 Heritage Conservation</b>	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 as it seeks to identify and protect an item of local heritage significance.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.1 Residential Zones</b>	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.
<b>3.3 Home Occupations</b>	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.



Directions under S117	Objectives	Consistency
<b>6. LOCAL PLAN MAKING</b>		
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 heritage listing.
<b>7. METROPOLITAN PLANNING</b>		
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.

**Is the planning proposal consistent, justifiably inconsistent or inconsistent with all relevant SEPPs?**

SEPP	Comment on Consistency
SEPP 55 Remediation of Land	Consistent. The planning proposal does not seek to change the permissible land uses on the sites subject to the planning proposal.
SEPP (Housing for Seniors or People with a Disability) – 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 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.
--	---

**Is the planning proposal consistent, justifiably inconsistent or inconsistent with all other strategic planning documents?**

The relevant regional strategy is '*Greater Sydney Region Plan: A Metropolis of Three Cities*' which was released in March 2018. This document has been developed by the Greater Sydney Commission and contains a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney to the year 2056.

The following Directions and objectives contained within the '*Greater Sydney Region Plan: A Metropolis of Three Cities*' are relevant to this planning proposal and has been assessed against it as follows:

- *Liveability: A city of great places*

This Direction contains Objective 13: '*Environmental heritage is identified, conserved and enhanced*'. The objective is supported by Strategy 13.1 which states:

*Identify, conserve and enhance environmental heritage by:*

- *engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- *applying adaptive re-use and interpreting heritage to foster distinctive local places*
- *managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This planning proposal is consistent with objectives and strategies for this Direction. It aims to identify and protect an item of local environmental heritage for the Ku-ring-gai community. The planning proposal will protect a building associated with an existing heritage item on an adjoining site. Subsequent land subdivisions have resulted in these structures being located on separate lots, however their relationship remains historically important and requires protection. The planning proposal process provides an opportunity for community input as part of the public exhibition process which will further assist in community understanding of these sites, their relationship to each other and their heritage significance.

The '*Greater Sydney Region Plan: A Metropolis of Three Cities*' contains a number of other Directions and this planning proposal is assessed against them as follows:



- *Direction 1: A city supported by infrastructure*

This planning proposal will not have any impacts on Ku-ring-gai's current infrastructure or its ability to provide adequate infrastructure into the future.

- *Direction 2: A collaborative city*

This planning proposal does not compromise Council's ability to work collaboratively when planning for the future.

- *Direction 3: A city for people*

This planning proposal will not impact on Council's ability to create vibrant and resilient communities.

- *Direction 4: Housing the city*

This planning proposal only relates to a single property within the Ku-ring-gai local government area. Therefore, it will not impact on Council's ability to provide housing supply with improved affordability outcomes.

- *Direction 6: A well connected city*

This planning proposal will not impact on Council's transport initiatives or options.

- *Direction 7: Jobs and skills for the city*

This planning proposal relates to the listing of an individual property as a heritage item and, therefore, will not impact on this direction relating to employment and training options.

- *Direction 8: A city in its landscape*

This Direction relates to green spaces and landscaping. This Direction also discusses scenic and cultural landscapes. It is considered that the planning proposal is consistent with the aims of the Direction.

- *Direction 9: An efficient city*

This Direction relates to energy efficiency initiatives. This planning proposal will not impact on Council's ability to respond to this Direction.

- *Direction 10: A resilient city*

This Direction relates to resilience planning by local government for the future. It is not considered this planning proposal is inconsistent with this Direction.

The relevant district plan is the "North District Plan" (March 2018). Under the North District Plan, *Liveability Priority N6: Creating and renewing great places and local*



centres, and respecting the District's heritage requires relevant planning authorities to adhere to *Objective 13: Environmental Heritage is identified, conserved and enhanced*.

The planning proposal is consistent with this priority as it involves the heritage listing in Schedule 5 of the KLEP 2015 of a local heritage item which has undergone an independent heritage assessment. The assessment and listing of heritage items is the role of local government and is an ongoing process. The planning process is the formal process by which Council engages with the wider community regarding identification and protection of local heritage values.

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*

## **6.0 PARLIAMENTARY COUNSEL OPINION**

**Was an Opinion sought and given by Parliamentary Counsel?**

An opinion was issued by Parliamentary Counsel on 15 June 2018.

## **7.0 OTHER RELEVANT MATTERS**

**Have representations been received on the Planning Proposal from State or Federal members of Parliament?**

No representations were received on the planning proposal from State or Federal Members of Parliament.

**Has Council met with the Minister in relation to the Planning Proposal?**

No, Council has not met with the Minister in relation to the Planning Proposal.

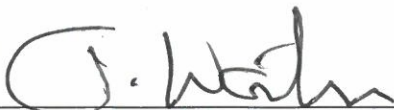
## 8.0 MAPPING

Proposed LEP Maps (PDFs) are attached in the Appendix to this Report and have been uploaded to the Planning Portal.

## 9.0 RECOMMENDATION

At Council's meeting on 22 May 2018, Council resolved the following:

- A. *That Council resolves to adopt the plan to list the former "Lanosa" stables and forecourt at 11 Kywong Avenue, Pymble, as identified in **Attachment A1** in Schedule 5 and on the Heritage Map of the Ku-ring-gai Local Environmental Plan 2015.*
- B. *That Council forwards the Planning Proposal to the Department of Planning and Environment in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979 with a request to make the plan.*
- C. *That those who made a submission be notified of Council's resolution.*



Andrew Watson

Director, Strategy and Environment



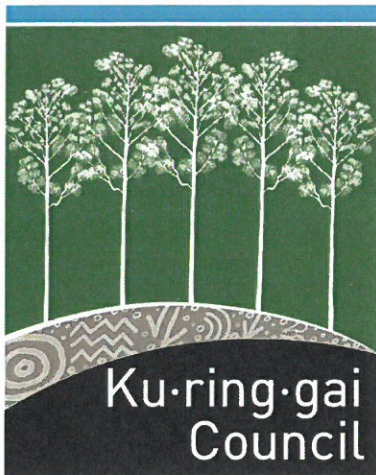
Date

## APPENDICES

1. Planning Proposal and appendices
2. Gateway Determination
3. PCO Legal Drafting - signed under delegation
4. Proposed LEP Maps
5. Map Cover Sheet – signed under delegation
6. Department's Attachment 5 - Delegated plan making reporting template
7. Responses from OEH 28 February 2018



**Appendix 1 – Planning Proposal and attachments**



## **Ku-ring-gai Council**

### **SECTION 3.36 PLANNING REPORT**

**To Amend the KLEP 2015 for the  
heritage listing of part of 11 Kywong  
Avenue, Pymble**

**June 2018**

#### **PLANNING PROPOSAL DETAILS:**

PP\_2017\_KURIN\_006\_00

#### **PLANNING PROPOSAL SUMMARY:**

To amend the Ku-ring-gai Local Environment Plan 2015 to include part of the site at 11 Kywong Avenue, Pymble, as a local heritage item

#### **DATE OF GATEWAY DETERMINATION:**

22 January 2018

## 1.0 SUMMARY

### **Relevant background issues and rationale for proceeding with the proposal:**

On 10 June 2014 Council resolved to place an Interim Heritage Order on a property known as “Lanosa” located at 62-64 Mona Vale Road Pymble following its consideration of a Notice of Motion. A heritage assessment was undertaken by heritage consultants Perumal Murphy Alessi in 2014. The heritage assessment report recommended that 62-64 Mona Vale Road, Pymble, be included as a local heritage item within the Ku-ring-gai Local Environmental Plan 2015. It further stated that:

*‘The early face brick gable roofed stable/ garage structure now located at the rear of No. 11 Kywong Avenue should also be retained and conserved due to its association with the site. It is recommended that the building also be considered as a potential heritage item.’*

The report noted that the stables were built simultaneously with the house at 62-64 Mona Vale Road Pymble. However, as a result of subsequent land subdivisions to the Lanosa estate, the former stables are now located on the north-eastern corner of 11 Kywong Avenue, Pymble (Lot 10 DP 855982).

On 3 February 2015, Council adopted the Planning Proposal to heritage list the property known as “Lanosa” at 62-64 Mona Vale Road, Pymble. However, the Planning Proposal did not include the former stables building (now located on land at 11 Kywong Road, Pymble).

At its meeting of 24 February 2015 Council considered a Notice of Motion and resolved to undertake an investigation of the heritage significance of the former “Lanosa” stables located at 11 Kywong Avenue, Pymble. Council engaged heritage consultants Perumal Murphy Alessi to undertake the heritage assessment. The assessment report was completed in October 2017 and concluded that the former stables at the rear of No. 11 Kywong Avenue, Pymble, are of local heritage significance for the following reasons:

- the building is one of the oldest remaining buildings and former stables in the area, associated with an early house and has local historic and aesthetic significance;
- It retains a strong sense of its early form, fabric and details and a garden setting; and
- It retains some visual relationship to Nos. 62-64 Mona Vale Road.



The Perumal Murphy Alessi heritage assessment was considered by the Ku-ring-gai Council Heritage Reference Committee on 27 April 2017, who resolved:

*'The recommendation in the Perumal Murphy Alessi Pty Ltd heritage assessment for 11 Kywong Avenue Pymble is supported by the committee for proceeding to a planning proposal. The committee supports the reasons for heritage listing.'*

At its meeting of 28 June 2017, Council adopted the Minutes from the 27 April 2017 meeting of the Heritage Reference Committee and the planning proposal to heritage list part of 11 Kywong Avenue, Pymble, was prepared and forwarded to the Department of Planning & Environment for a Gateway determination.

#### **Zones/development standards to be amended:**

Inclusion of part of 11 Kywong Avenue, Pymble, in Schedule 5 of the KLEP 2015 and on the Heritage Map as show in Image 1

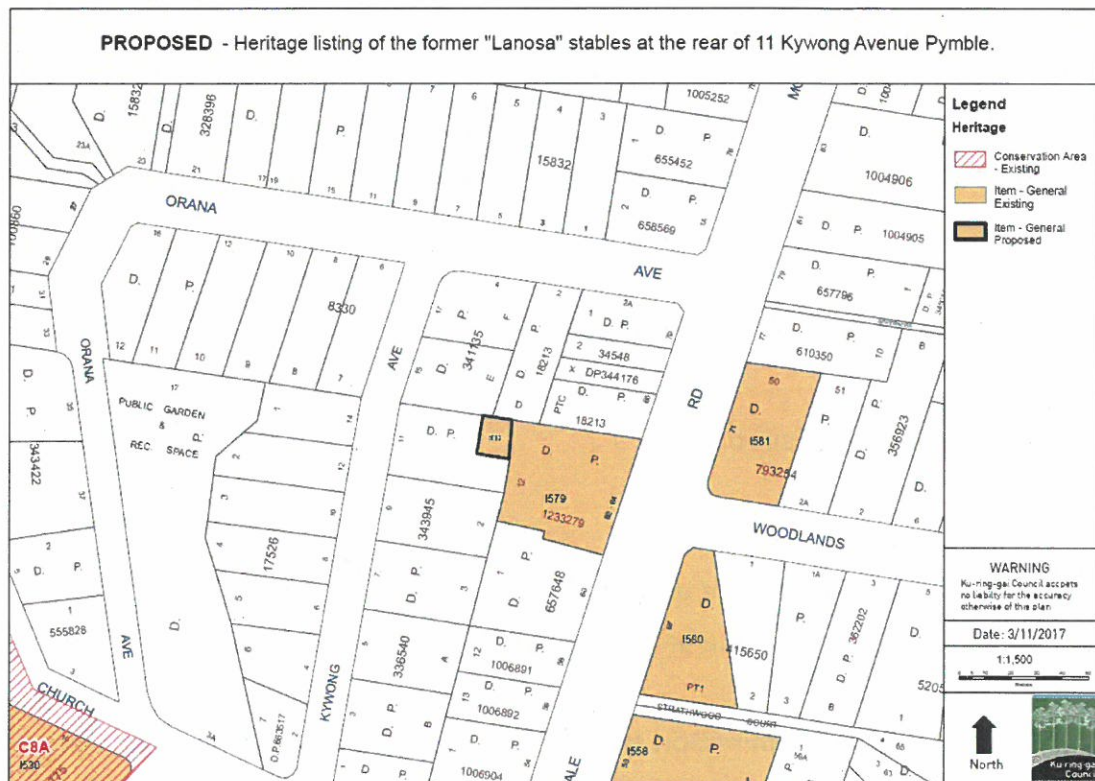


Image 1: Proposed location of heritage listing for 11 Kywong Avenue, Pymble (1553)

#### **Key exhibition dates:**

The planning proposal was placed on public exhibition from 23 February 2018 – 9 March 2018

**Main points raised in submissions:**

Consultation was undertaken with the NSW Office of Environment & Heritage as per the Gateway determination. In a response dated 28 February 2018, the NSW Office of Environment & Heritage advised that they raised no objections to the listing of the new heritage item in a local planning instrument as it was supported by a robust and up-to-date heritage assessment.

One submission was received in support of the planning proposal as part of the public exhibition process. No submission was received from the property owners.

**Summary of any key amendments made to the planning proposal as a consequence of public exhibition or agency consultation:**

No changes have been made to the planning proposal as a result of the public exhibition or agency consultation.

**Other relevant background:**

When the finalisation of the LEP amendment was considered by Council's at its meeting of 22 May 2018, the property owner addressed Council and raise objection to the proposal. However, Council resolved to adopt the Officer's recommendation to proceed with the LEP amendment.

## 2.0 GATEWAY DETERMINATION

**Date Determination issued:**

22 January 2018

**Timeframe for completion of proposal:**

Within nine months of the date of the Gateway determination.

**Was the Gateway determination subject to a review request, if so what were the outcomes of that request?**

No – the Gateway determination was not subject to a review request.

**Have the conditions included in the Gateway Determination been complied with, if not, what is the justification for the non-compliance, and what are the impacts non-compliance may/will have on the LEP?**



Yes – the conditions of the Gateway determination have been complied with as follows:

1. The planning proposal be amended prior to community consultation as follows:
  - (a) the response to Q7 (page 12 of the proposal) should be amended to clarify the proposal will not result in the removal of a heritage listing; and
  - (b) the heritage map reference title (page 5 of the proposal) should be corrected from '0013' to '013'.

**Council Comment:** The planning proposal was amended in accordance with Conditions 1(a)-1(b) prior to public exhibition.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

**Council Comment:** The planning proposal was placed on public exhibition between 23 February and 9 March 2018. Surrounding properties were sent notification letters advising them of the public exhibition. The exhibition was also notified in the North Shore Times and relevant material was made available on Council's website and in hard copy at Council's Administration Centre.

3. Consultation is required with the Office of Environment and Heritage – Heritage Division under section 56(2)(d) of the Act. The Office of Environment and Heritage - Heritage Division is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

**Council Comment:** Council forwarded all relevant information to the NSW Office of Heritage & Environment on 13 February 2018. In a response dated 28 February 2018, the NSW Office of Environment & Heritage advised that they raised no objections to the listing of the new heritage



item in a local planning instrument as it was supported by a robust and up-to-date heritage assessment.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

**Council Comment:** Noted. No public hearing was held.

5. The time frame for completing the LEP is to be nine months following the date of the Gateway determination.

**Council Comment:** The LEP is to be completed within the nine month timeframe.

### 3.0 COMMUNITY CONSULTATION

**Dates of exhibition:**

The planning proposal was public exhibited from 23 February to 23 March 2018.

**Number of submissions received:**

One submission was received in response to the public exhibition.

**Issues raised during exhibition:**

The submission was in support of the planning proposal.

**Responses to issues:**

No issues were raised. Support for the planning proposal was noted in the report to Council following conclusion of the public exhibition process.

**Was the Planning Proposal re-exhibited, if so, provide all relevant details as above?**

No - the planning proposal was not re-exhibited.

**Were the consultation requirements included in the Gateway Determination complied with?**

Yes – see response to question 2.0 for details.

**Were amendments made to the Planning Proposal in response to the issues raised during public exhibition?**

No – no amendments were made to the planning proposal in response to the public exhibition responses.

## **4.0 VIEWS OF PUBLIC AUTHORITIES**

**Which agencies were consulted?**

NSW Office of Environment and Heritage

**Which agencies provided a response?**

NSW Office of Environment and Heritage

**What were the views of those agencies?**

The NSW Office of Environment and Heritage supported the planning proposal as it was considered to be supported by a robust and up-to-date heritage assessment.

**How were any objections or issues resolved?**

No objections or issues were raised as a result of the public exhibition process.

**Did agency consultation occur in accordance with the requirements of the Gateway determination?**

Yes – see response to section 2.0 for details

**What amendments were made to the Planning Proposal to respond to the issues raised by agencies?**

No amendments were made as no issues were identified by the agency consulted.

## **5.0 CONSISTENCY WITH S.117 DIRECTIONS AND OTHER STRATEGIC PLANNING DOCUMENTS**

**Is the planning proposal consistent, justifiably inconsistent or inconsistent with all relevant s117 Directions?**

Directions under S117	Objectives	Consistency
<b>2. ENVIRONMENT AND HERITAGE</b>		
<b>2.3 Heritage Conservation</b>	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 as it seeks to identify and protect an item of local heritage significance.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
<b>3.1 Residential Zones</b>	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.
<b>3.3 Home Occupations</b>	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.



Directions under S117	Objectives	Consistency
<b>6. LOCAL PLAN MAKING</b>		
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 heritage listing.
<b>7. METROPOLITAN PLANNING</b>		
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.

**Is the planning proposal consistent, justifiably inconsistent or inconsistent with all relevant SEPPs?**

SEPP	Comment on Consistency
SEPP 55 Remediation of Land	Consistent. The planning proposal does not seek to change the permissible land uses on the sites subject to the planning proposal.
SEPP (Housing for Seniors or People with a Disability) – 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 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.
--	---

**Is the planning proposal consistent, justifiably inconsistent or inconsistent with all other strategic planning documents?**

The relevant regional strategy is '*Greater Sydney Region Plan: A Metropolis of Three Cities*' which was released in March 2018. This document has been developed by the Greater Sydney Commission and contains a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney to the year 2056.

The following Directions and objectives contained within the '*Greater Sydney Region Plan: A Metropolis of Three Cities*' are relevant to this planning proposal and has been assessed against it as follows:

- *Liveability: A city of great places*

This Direction contains Objective 13: '*Environmental heritage is identified, conserved and enhanced*'. The objective is supported by Strategy 13.1 which states:

*Identify, conserve and enhance environmental heritage by:*

- *engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place*
- *applying adaptive re-use and interpreting heritage to foster distinctive local places*
- *managing and monitoring the cumulative impact of development on the heritage values and character of places.*

This planning proposal is consistent with objectives and strategies for this Direction. It aims to identify and protect an item of local environmental heritage for the Ku-ring-gai community. The planning proposal will protect a building associated with an existing heritage item on an adjoining site. Subsequent land subdivisions have resulted in these structures being located on separate lots, however their relationship remains historically important and requires protection. The planning proposal process provides an opportunity for community input as part of the public exhibition process which will further assist in community understanding of these sites, their relationship to each other and their heritage significance.

The '*Greater Sydney Region Plan: A Metropolis of Three Cities*' contains a number of other Directions and this planning proposal is assessed against them as follows:



- *Direction 1: A city supported by infrastructure*

This planning proposal will not have any impacts on Ku-ring-gai's current infrastructure or its ability to provide adequate infrastructure into the future.

- *Direction 2: A collaborative city*

This planning proposal does not compromise Council's ability to work collaboratively when planning for the future.

- *Direction 3: A city for people*

This planning proposal will not impact on Council's ability to create vibrant and resilient communities.

- *Direction 4: Housing the city*

This planning proposal only relates to a single property within the Ku-ring-gai local government area. Therefore, it will not impact on Council's ability to provide housing supply with improved affordability outcomes.

- *Direction 6: A well connected city*

This planning proposal will not impact on Council's transport initiatives or options.

- *Direction 7: Jobs and skills for the city*

This planning proposal relates to the listing of an individual property as a heritage item and, therefore, will not impact on this direction relating to employment and training options.

- *Direction 8: A city in its landscape*

This Direction relates to green spaces and landscaping. This Direction also discusses scenic and cultural landscapes. It is considered that the planning proposal is consistent with the aims of the Direction.

- *Direction 9: An efficient city*

This Direction relates to energy efficiency initiatives. This planning proposal will not impact on Council's ability to respond to this Direction.

- *Direction 10: A resilient city*

This Direction relates to resilience planning by local government for the future. It is not considered this planning proposal is inconsistent with this Direction.

The relevant district plan is the "North District Plan" (March 2018). Under the North District Plan, *Liveability Priority N6: Creating and renewing great places and local*



centres, and respecting the District's heritage requires relevant planning authorities to adhere to *Objective 13: Environmental Heritage is identified, conserved and enhanced*.

The planning proposal is consistent with this priority as it involves the heritage listing in Schedule 5 of the KLEP 2015 of a local heritage item which has undergone an independent heritage assessment. The assessment and listing of heritage items is the role of local government and is an ongoing process. The planning process is the formal process by which Council engages with the wider community regarding identification and protection of local heritage values.

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*

## **6.0 PARLIAMENTARY COUNSEL OPINION**

**Was an Opinion sought and given by Parliamentary Counsel?**

An opinion was issued by Parliamentary Counsel on 15 June 2018.

## **7.0 OTHER RELEVANT MATTERS**

**Have representations been received on the Planning Proposal from State or Federal members of Parliament?**

No representations were received on the planning proposal from State or Federal Members of Parliament.

**Has Council met with the Minister in relation to the Planning Proposal?**

No, Council has not met with the Minister in relation to the Planning Proposal.

## 8.0 MAPPING

Proposed LEP Maps (PDFs) are attached in the Appendix to this Report and have been uploaded to the Planning Portal.

## 9.0 RECOMMENDATION

At Council's meeting on 22 May 2018, Council resolved the following:

- A. *That Council resolves to adopt the plan to list the former "Lanosa" stables and forecourt at 11 Kywong Avenue, Pymble, as identified in **Attachment A1** in Schedule 5 and on the Heritage Map of the Ku-ring-gai Local Environmental Plan 2015.*
- B. *That Council forwards the Planning Proposal to the Department of Planning and Environment in accordance with section 3.36 of the Environmental Planning and Assessment Act 1979 with a request to make the plan.*
- C. *That those who made a submission be notified of Council's resolution.*

---

Andrew Watson  
Director, Strategy and Environment

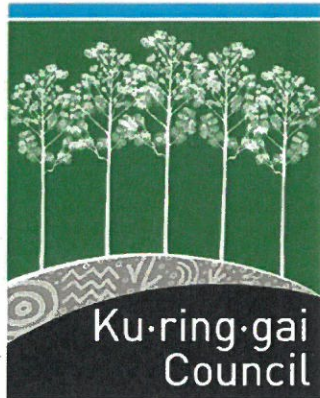
Date

## APPENDICES

1. Planning Proposal and appendices
2. Gateway Determination
3. PCO Legal Drafting - signed under delegation
4. Proposed LEP Maps
5. Map Cover Sheet – signed under delegation
6. Department's Attachment 5 - Delegated plan making reporting template
7. Responses from OEH 28 February 2018



**Appendix 1 – Planning Proposal and attachments**



## **Ku-ring-gai Council**

### **PLANNING PROPOSAL**

**Heritage listing of former “Lanosa” stables and forecourt  
located at 11 Kywong Avenue, Pymble**

**November 2017**

## Contents

INTRODUCTION .....	1
PART 1 – OBJECTIVE AND INTENDED OUTCOMES .....	13
PART 2 – EXPLANATION OF PROVISIONS .....	14
PART 3 - JUSTIFICATION .....	15
A. Need for the planning proposal .....	15
B. Relationship to strategic planning framework .....	15
C. Environmental, social and economic impact .....	20
D. State and Commonwealth interests .....	20
PART 4 - MAPPING .....	21
PART 5 – COMMUNITY CONSULTATION .....	27
PART 6 – PROJECT TIMELINE .....	28

APPENDIX A. Council Notice of Motion 24 February 2015

APPENDIX B. Heritage Assessment Report – Perumal Murphy Alessi

APPENDIX C. Heritage Reference Committee Minutes 27 April 2017 and Council Resolution  
18 July 2017

APPENDIX D. State Heritage Inventory Sheet – Former “Lanosa” stables at 11 Kywong  
Avenue, Pymble

---



## INTRODUCTION

This planning proposal contains justification for proposed amendments to Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 (KLEP 2015) and the corresponding Heritage Map to heritage list the remnant “Lanosa” stables located at 11 Kywong Avenue, Pymble (Lot 10 DP 855982).

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”(August 2016).

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

### Background

On 10 June 2014 Ku-ring-gai Council considered a Notice of Motion to place an Interim Heritage Order on a property known as “Lanosa” located at 62-64 Mona Vale Road Pymble and resolved:

*‘to place an Interim Heritage Order (NSW Heritage Act 1977) on 62 to 64 Mona Vale Road, Pymble (Lot 2 D.P. 573946 & Lot 11 D.P. 855982) to enable full and proper evaluation of heritage issues’*

A heritage assessment was undertaken by heritage consultants Perumal Murphy Alessi in 2014. The report recommended that 62-64 Mona Vale Road, Pymble, be included as a local heritage item within the Ku-ring-gai Local Environmental Plan. It further stated that:

*‘The early face brick gable roofed stable/ garage structure now located at the rear of No. 11 Kywong Avenue should also be retained and conserved due to its association with the site. It is recommended that the building also be considered as a potential heritage item.’*

The report noted that the stables were built simultaneously with the house at 62-64 Mona Vale Road Pymble. However, as a result of subsequent land subdivisions to the Lanosa estate, the former stables are now located on the north eastern corner of 11 Kywong Avenue, Pymble (Lot 10 DP 855982).

On 3 February 2015, Council adopted the Planning Proposal to heritage list the property known as “Lanosa” at 62-64 Mona Vale Road Pymble. However, the planning proposal did not include the former stables building now located on land at 11 Kywong Road, Pymble.

At its meeting of 24 February 2015 Council considered a Notice of Motion and resolved to undertake an investigation of the heritage significance of the former “Lanosa” stables located at 11 Kywong Avenue, Pymble. A copy of the Notice of Motion is included at **Appendix A**.

Council engaged heritage consultants Perumal Murphy Alessi to undertake a heritage assessment of the former “Lanosa” stables located at 11 Kywong Avenue, Pymble. The assessment report was completed in October 2017. The report concluded that the former stables at the rear of No. 11 Kywong Avenue, Pymble, are of local heritage significance for the following reasons:

- *the building is one of the oldest remaining buildings and former stables in the area, associated with an early house and has local historic and aesthetic significance;*
- *It retains a strong sense of its early form, fabric and details and a garden setting; and*
- *retains some visual relationship to Nos. 62-64 Mona Vale Road.*

A copy of the Perumal Murphy Alessi heritage assessment report is included at **Appendix B**. A State Heritage Inventory Sheet for the proposed item is included at **Appendix C**.

The Perumal Murphy Alessi heritage assessment was considered by the Ku-ring-gai Council Heritage Reference Committee on 27 April 2017, who resolved:

*‘The recommendation in the Perumal Murphy Alessi Pty Ltd heritage assessment for 11 Kywong Avenue Pymble is supported by the committee for proceeding to a planning proposal. The committee supports the reasons for heritage listing’.*

A copy of the Minutes from the 27 April 2017 Heritage Reference Committee is included at Council adopted the Minutes from the Heritage Reference Committee on 28 June 2017 to prepare a Planning Proposal to amend Schedule 5 of the KLEP 2015 to list the former stables located at 11 Kywong Avenue, Pymble, as a local heritage item. A copy of the Heritage Reference Committee and Council Resolutions are included at **Appendix D**.



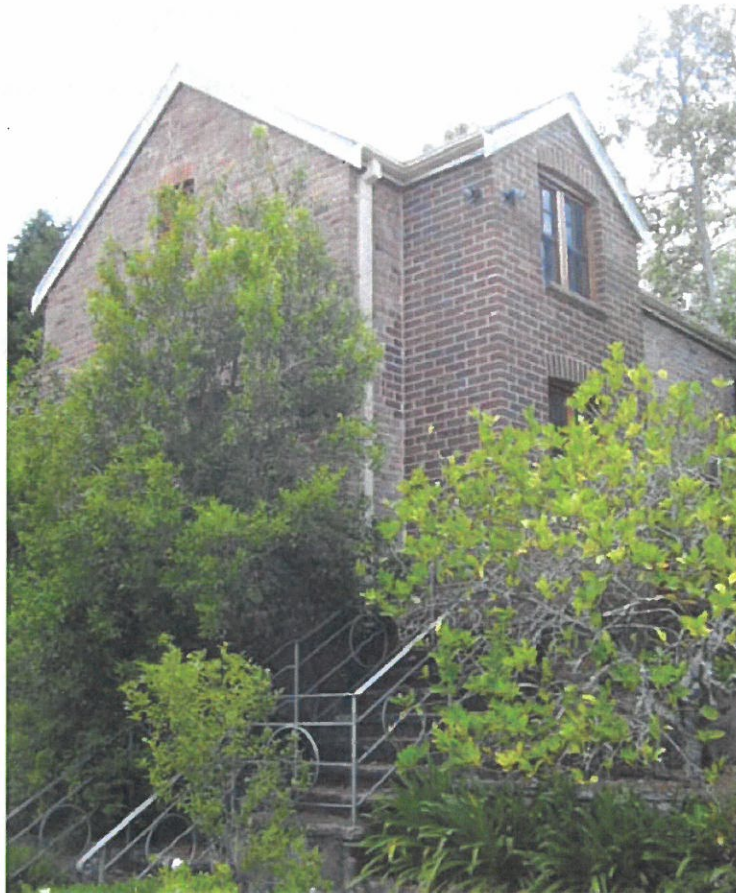


Image 1: Former "Lanosa" stables at 11 Kywong Avenue, Pymble



Image 2: Location of former stables (11 Kywong Avenue, Pymble) in relation to "Lanosa" (62-64 Mona Vale Road, Pymble)



## **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 include the former stables located on land at 11 Kywong Avenue, Pymble, (Lot 10 DP 855982) as a heritage item of local significance within Schedule 5 of the KLEP 2015:

The zoning and development standards 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 former stables located at 11 Kywong Avenue, Pymble, within Schedule 5 of the KLEP 2015 as follows:

Suburb	Item Name	Address	Property Description	Significance	Item No.
Pymble	Former "Lanosa" stables	11 Kywong Avenue	Part of Lot 10 DP 855982	Local	I553

This Planning Proposal will result in the amendment to the following map:

**Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_0013** to identify part of 11 Kywong Avenue, Pymble, with distinct colouring and black edging with the heritage reference number I553.

The heritage mapping is proposed to be limited to the significant part of the site at 11 Kywong Avenue, Pymble, that being the part of the site containing the former stables building. The remainder of the site, which contains a dwelling house, swimming pool, front setback and associated landscaping, is not mapped as it has no association with the proposed heritage item. The proposed heritage item is associated with the heritage item located at 62-64 Mona Vale Road, Pymble, but has been legally separated from this site as a result of more recent land subdivisions. Therefore, the property description for the proposed heritage item specifies that only part of the lot comprising 11 Kywong Avenue, Pymble, is listed as a heritage item.

## 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?*

The identification of 11 Kywong Avenue, Pymble as a potential heritage item occurred as a result of the heritage assessment of the adjoining site at 62-64 Mona Vale Road, Pymble. The heritage assessment identified the former stables as one of several outbuildings originally associated with the house (known as “*Lanosa*”) at 62-64 Mona Vale Road. However, as a result of subsequent land subdivisions, the former stables are now located on land at 11 Kywong Avenue, Pymble. Following this initial discovery, a heritage assessment report was commissioned and recommended that the former stables be listed as a heritage item of local significance.

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

Yes. A local heritage listing conserves and protects sites that have been assessed as satisfying the NSW Heritage Council's Criteria for local heritage significance. This property has been assessed as satisfying these criteria and therefore a Planning Proposal is the best means of including the property within Schedule 5 of the KLEP 2015.

### 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 draft ‘*Greater Sydney Region Plan*’ which was released for public exhibition on 22 October 2017. This document has been developed by the Greater Sydney Commission and contains a vision, objectives, strategies and actions for a metropolis of three cities across Greater Sydney to the year 2056.

The following relevant Direction and objective contained within the draft ‘*Greater Sydney Region Plan*’ is relevant to this planning proposal and has been assessed against it as follows:

- *Direction 5: A city of great places: designing places for people*

This Direction contains Objective 13: ‘*Environmental heritage is conserved and enhanced*’. The objective is supported by Strategy 13.1 which states:



*'conserve and enhance environmental heritage by:*

- *Engaging with the community early in the planning process to understand Aboriginal, European and natural heritage values*
- *Conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local places.*

This planning proposal is consistent with objectives and strategies for this Direction. It aims to identify and protect an item of local environmental heritage for the Ku-ring-gai community, which is associated with an existing heritage item. The planning proposal will protect a building associated with an existing heritage item on an adjoining site. Subsequent land subdivisions have resulted in these structures being located on separate lots, however their relationship remains historically important and requires protection. The planning proposal process provides an opportunity for community input as part of the public exhibition process which will further assist in community understanding of these sites, their relationship to each other and their heritage significance.

The draft '*Greater Sydney Region Plan*' contains a number of other Directions and this planning proposal is assessed against them as follows:

- *Direction 1: A city supported by infrastructure*

This planning proposal will not have any impacts on Ku-ring-gai's current infrastructure or its ability to provide adequate infrastructure into the future.

- *Direction 2: A collaborative city*

This planning proposal does not compromise Council's ability to work collaboratively when planning for the future.

- *Direction 3: A city for people*

This planning proposal will not impact on Council's ability to create vibrant and resilient communities.

- *Direction 4: Housing the city*

This planning proposal only relates to a single property within the Ku-ring-gai local government area. Therefore, it will not impact on Council's ability to provide housing supply with improved affordability outcomes.

- *Direction 6: A well connected city*

This planning proposal will not impact on Council's transport initiatives or options.

- *Direction 7: Jobs and skills for the city*

This planning proposal relates to the listing of an individual property as a heritage item and, therefore, will not impact on this direction relating to employment and training options.

- *Direction 8: A city in its landscape*

This Direction relates to green spaces and landscaping. This Direction also discusses scenic and cultural landscapes. It is considered that the planning proposal is consistent with the aims of the Direction.

- *Direction 9: An efficient city*

This Direction relates to energy efficiency initiatives. This planning proposal will not impact on Council's ability to respond to this Direction.

- *Direction 10: A resilient city*

This Direction relates to resilience planning by local government for the future. It is not considered this planning proposal is inconsistent with this Direction.

The relevant draft *district* plan is the revised "*Draft North District Plan*" (October 2017). Under the Draft North District Plan, *Liveability Priority N6: Creating and renewing great places and local centres, and respecting the District's heritage* requires relevant planning authorities to *conserve and enhance environmental heritage* by:

- (a) *Engaging with the community early in the planning process to understand Aboriginal, European and natural heritage values*
- (b) *Conserving and interpreting Aboriginal, European and natural heritage to foster distinctive local places.*

The planning proposal is consistent with this priority as it involves the heritage listing in Schedule 5 of the KLEP 2015 of a local heritage item which has undergone an independent heritage assessment. The assessment and listing of heritage items is the role of local government and is an ongoing process. The planning process is the formal process by which Council engages with the wider community regarding identification and protection of local heritage values.

**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. The planning proposal does not seek to change the permissible land uses on the sites subject to the planning proposal.
SEPP (Housing for Seniors or People with a Disability) – 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 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 20 Hawkesbury-Nepean River	Consistent. The Planning Proposal is consistent with the aims of the policy and will have no adverse impacts on the Hawkesbury-Nepean River.
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
<b>2. ENVIRONMENT AND HERITAGE</b>		
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 as it seeks to identify and protect an item of local heritage significance.
<b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b>		
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.
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.
<b>6. LOCAL PLAN MAKING</b>		

Directions under S117	Objectives	Consistency
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 heritage listing.
<b>7. METROPOLITAN PLANNING</b>		
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 removal of the heritage listings.~~

- 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 listing of the additional heritage item as proposed by the Planning Proposal.

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

The Planning Proposal has no expected social or economic effects.

**D. State and Commonwealth interests**

- Q10. Is there adequate public infrastructure for the planning proposal?**

The Planning Proposal relates to the listing of an additional heritage item. No additional demand for public infrastructure is anticipated as a consequence.

- 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.



## PART 4 - MAPPING

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

This Planning Proposal will result in the amendment to the following KLEP 2015 map sheets:

- Ku-ring-gai Local Environmental Plan 2015 – Heritage Map – Sheet HER\_013

Part of the subject property at 11 Kywong Avenue, Pymble, (Lot 10 DP 855982) is to be coloured to be identified as a heritage item



Image 3: Existing KLEP 2015 Heritage Map Sheet- Sheet HER\_013

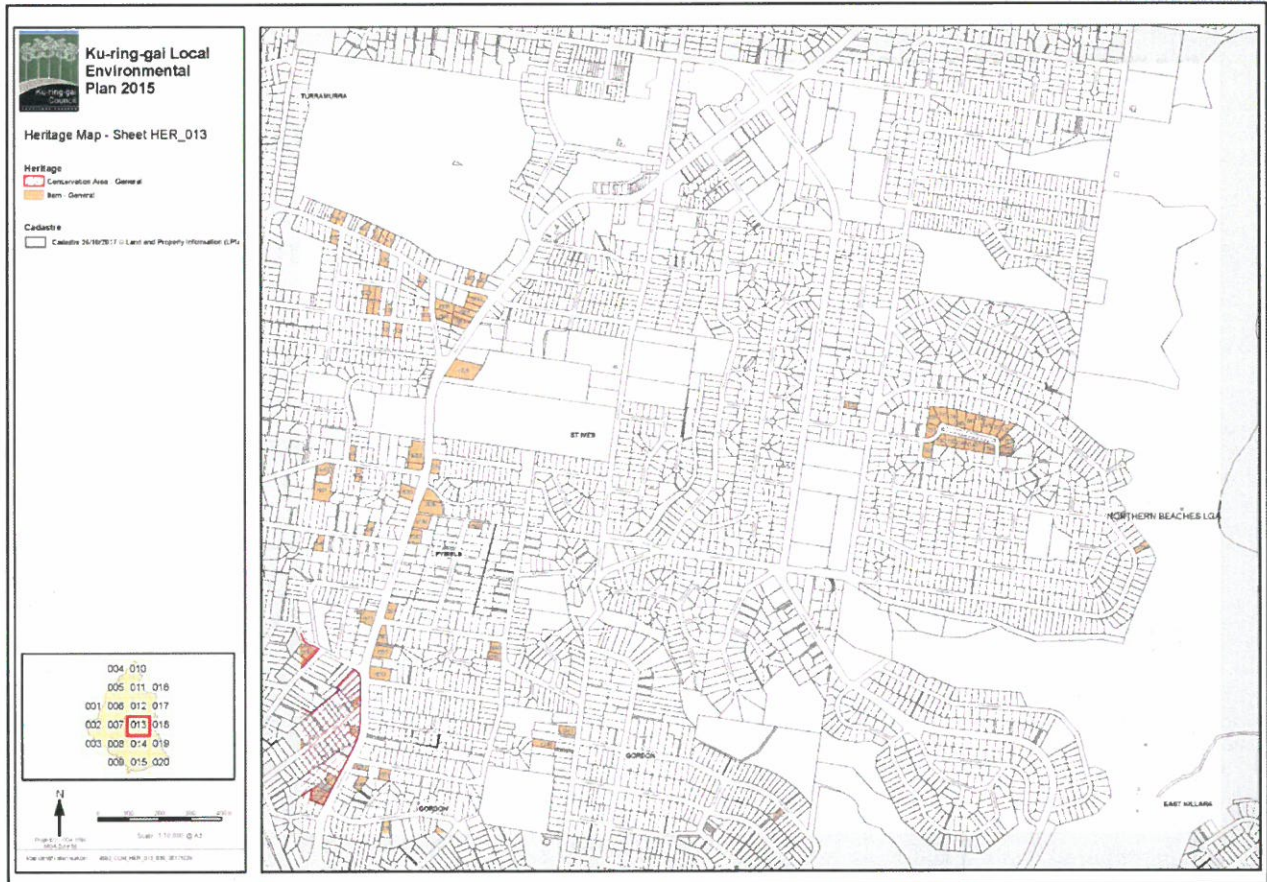


Image 4: Proposed KLEP 2015 Heritage Map Sheet- Sheet HER\_013



**EXISTING** - Location of the former "Lanosa" stables at the rear of 11 Kywong Avenue Pymble.



**Image 5: Existing KLEP 2015 Heritage Map showing the subject site**



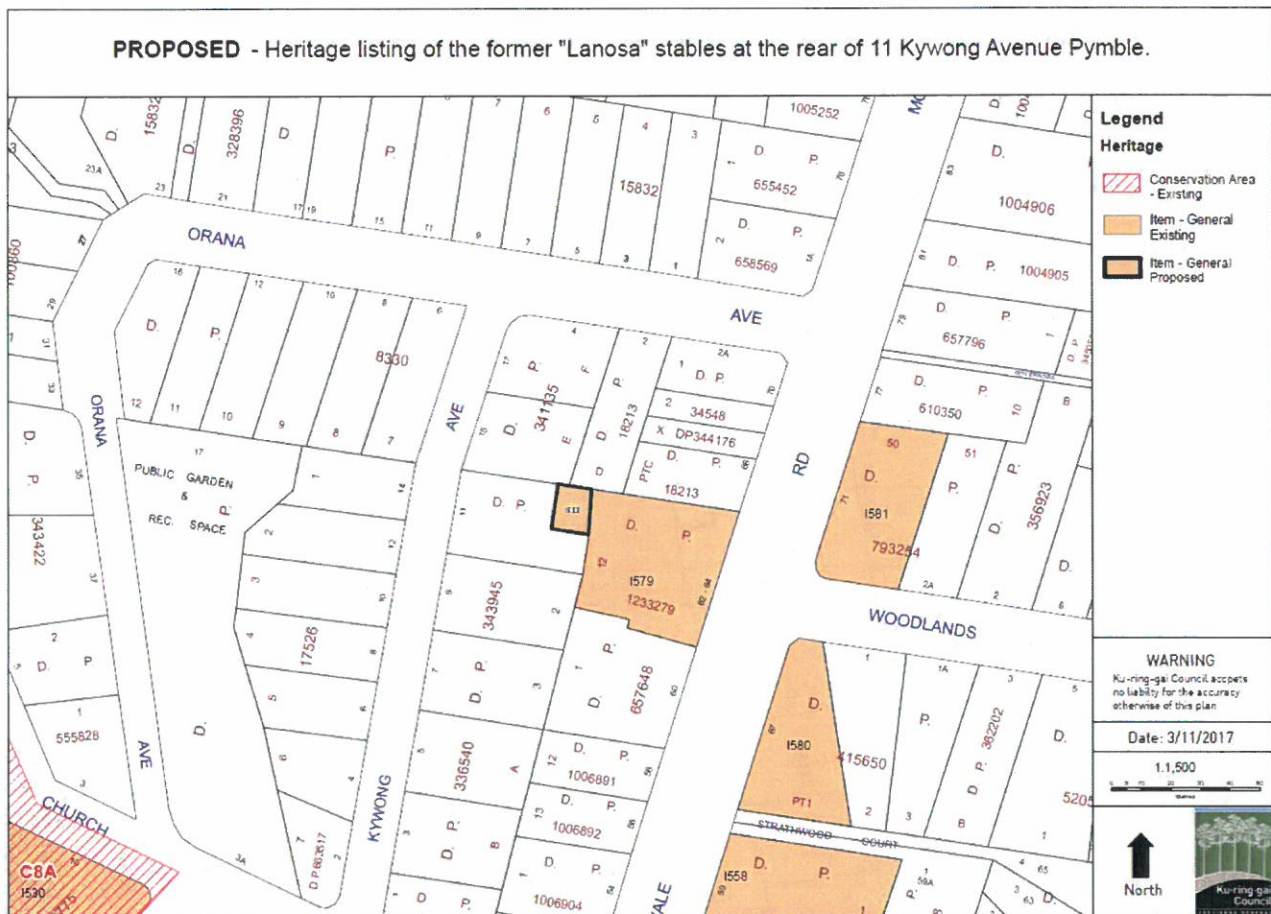


Image 6: Proposed KLEP 2015 Heritage Map showing subject site



Image 7: Aerial photograph of 11 Kywong Avenue, Pymble



## 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*” (August 2016). The Planning Proposal is considered to be a ‘low impact’ proposal in accordance with the requirements set out in “*A guide to preparing local environmental plans*” and should be subject to a 14 day public exhibition period.

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)	November 2017
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	November – December 2017 21 days
Commencement and completion dates for public exhibition period	30 November 2017 – 14 December 2017 14 days
Post exhibition review and reporting	February 2018
Council meeting / consideration	February 2018
Legal Drafting LEP	March 2018
Anticipated date RPA will make the plan (if delegated)	April 2018
Notification of Plan on Legislation website	April 2018

## APPENDIX A – Notice of Motion considered by Council of 24 February 2015

### Notice of Motion from Councillors Szatow and Berlioz dated 16 February 2015

On 3 February 2015, Council adopted the Planning Proposal to heritage list the property known as 'Lanosa' at 62-64 Mona Vale Road, Pymble.

Representations have been made by the community on the potential heritage significance of the former stables that were associated with 'Lanosa'. The stables were built simultaneously with the house at 62-64 Mona Vale Road, Pymble.

As a result of subsequent land subdivisions to the Lanosa estate, the stables are now located at 11 Kywong Avenue, Pymble but were originally part of Lanosa, 62-64 Mona Vale Road, Pymble.

The stables are considered to have potential heritage significance and should be investigated to further establish their heritage significance. The assessment could also identify an appropriate curtilage along with any heritage management plans for the stables.

We move:

- "A. That Council conduct a heritage assessment of the former stables at 11 Kywong Avenue, Pymble.
- B. That the heritage assessment also include appropriate conservation management options for the stables if they are assessed as being significant.
- C. That the report be considered by Council's Heritage Reference Committee for review, prior to being considered by Council."

### RECOMMENDATION:

That the above Notice of Motion as printed be adopted.

## FOR ACTION

ORDINARY COUNCIL – 24/02/2015

TO: Director Strategy & Environment (Andrew Watson)

---

<b>Subject:</b>	OMC31 - Heritage Investigation of 11 Kywong Avenue, Pymble (former stables) - Notice of Motion by Councillors Szatow and Berlioz
<b>Minute Number:</b>	31
<b>Notes:</b>	
<b>File Reference:</b>	S10245 2015/036743

---

### Resolved:

[Moved: Councillors Szatow/Berlioz]

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

## APPENDIX B – HERITAGE ASSESSMENT OF FORMER STABLES AT 11 KYWONG AVENUE, PYMBLE



PERUMAL  
MURPHY ALESSI  
Heritage Consultants

PM-16063

### HERITAGE ASSESSMENT



**Former Stables**  
**No. 11 Kywong Avenue, Pymble**

October 2017



## Table of contents

<b>1.0</b>	<b>Introduction.....</b>	<b>3</b>
1.1	Context of the report .....	3
1.2	Background and heritage listing status .....	3
1.3	Methodology and objectives.....	3
1.4	Authorship .....	4
1.5	Site Identification.....	4
<b>2.0</b>	<b>Historical Overview .....</b>	<b>5</b>
2.1	Early development & construction .....	5
2.2	Further subdivision & development of No. 11 Kywong Avenue.....	10
<b>3.0</b>	<b>Description.....</b>	<b>15</b>
3.1	The stables building and context .....	15
3.2	Summary analysis.....	21
<b>4.0</b>	<b>Assessment of Significance.....</b>	<b>23</b>
4.1	Evaluation criteria.....	23
4.2	Statement of Significance .....	24
4.3	Significant elements .....	25
4.4	Curtilage .....	25
<b>5.0</b>	<b>Conclusion.....</b>	<b>27</b>
5.1	Summary & recommendations .....	27

## 1.0 Introduction

### 1.1 Context of the report

This report has been prepared on behalf of Ku-ring-gai Municipal Council to assess the cultural significance of the former stables building located at the rear of No. 11 Kywong Avenue, Pymble.

### 1.2 Background and heritage listing status

The former stables building was initially constructed in c. 1897-1898 as one of several outbuildings associated with the house known as "*Lanosa*" at Nos. 62-64 Mona Vale Road. The house and stables were constructed by prominent local identity CM Buck. The buildings originally occupied a much larger area which has now been reduced and successively subdivided. The house remains on what is left of the original site and retains a wide frontage to Mona Vale Road. The building is currently being converted into a Child Care Centre. The works also include modification of the surrounding curtilage for car parking and play areas.

The stables building was finally subdivided from the main site in the 1990s and is now located on the neighbouring site to the west, No. 11 Kywong Avenue.

A Heritage Assessment of Nos. 62-64 Mona Vale Road was undertaken by this office for Ku-ring-gai Council in 2014. The report identified the house, *Lanosa* and former stables as potential heritage items. The house *Lanosa* was subsequently listed and is a local item (1579) under Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015.

The former stables, now used as a home office and house at No. 11 Kywong Avenue have not been listed on the State Heritage Register (SHR) or classified by the National Trust of Australia (NSW). The site has not been listed as a heritage item under Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015. The house has not been identified as a potential item.

Council has now requested a heritage assessment of the former stables be undertaken also in light of a State and Local heritage nomination prepared by JM Cottee.

### 1.3 Methodology and objectives

This report been prepared in accordance with the guidelines for Heritage Assessments as outlined in the NSW Heritage Manual produced by the NSW Heritage Council.

The assessment is restricted to the stables building only and not the house occupying No. 11 Kywong Avenue which has not been identified as a potential item and is based on an external inspection of the stables building and analysis of the context.

The history is based the historical outline prepared for the previous assessment and additional material sourced from Ku-ring-gai Council files, Ku-ring-gai Local Studies and Historical Society, Land and Property Information Office and Sydney Water Plan room. A Heritage Inventory Sheet prepared by JM Cottee (January 2015) has also provided some background material and should be referred to for a detailed social history and background to the place.

The main objective of this report is to assess the cultural significance of the former stables building and provide preliminary guidelines and recommendations to ensure that any identified values are retained.

## 1.4 Authorship

This report has been prepared by Luisa Alessi of Perumal Murphy Alessi, Heritage Consultants.

All contemporary photographs included in this report, unless otherwise stated, were also taken by Luisa Alessi in November 2016, specifically for the preparation of this report.

## 1.5 Site Identification

The former stables building is located in the north eastern corner of No. 11 Kywong Avenue, Pymble. The site is located on the eastern side of street which is bounded by Church Street to the south and Orana Avenue to the north.

The real property description is Lot 10, DP 855982.

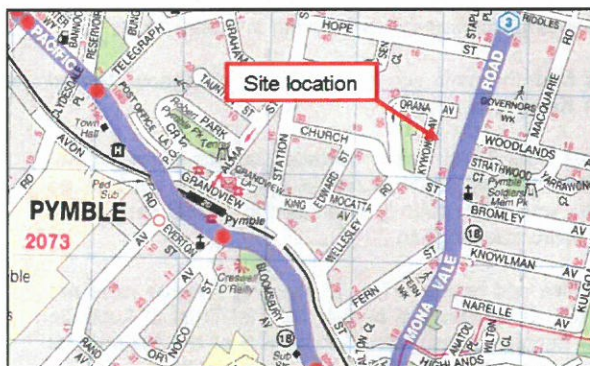


Figure 1.1 Location plan



## 2.0 Historical Overview

The following historical background is largely sourced from the history prepared as part of the Heritage Assessment of Nos. 62-64 Mona Vale Road, Pymble (PMA 2014) with additional material as noted.

### 2.1 Early development & construction

The earliest land grants occurred in the area in the 1820s at which time timber getters occupied the area. The early settlers in the area including Robert Pymble, after whom the suburb is named, established timber businesses and orchards, which provided much of the city's early timber and fruit supplies. The area remained rural with primary access being a dirt track known as Lane Cove Road (later the Pacific Highway), until the coming of the railway in 1890. The railway line crossed Pymble's land and signalled a period of change with subdivision of larger land holdings occurring in anticipation of and as a result of improved access to the area.

The site is part of 800 acres granted to Daniel Dering Mathew in November 1838. Mathew subsequently subdivided his land into rural lots. In 1841 just over 30 acres of the land was conveyed to Richard Hill, who had established a large orchard on the Lane Cover River by this time and was later a member of Legislative Council.<sup>1</sup> In 1852 Hill purchased another 23 acres and established an orchard. In 1862 this land was conveyed to another "farmer", William Henry McKeown who had also purchased part of the Mathew grant in 1852.<sup>2</sup> By 1887 the site was part of over 81 acres consolidated by McKeown and part of the "Pymble Heights Estate" (Figure 2.1) an area of over 80 acres subdivided by McKeown in c. 1890 for residential development. Land titles indicate that sales of various allotments occurred from 1894 and continued until 1904.<sup>3</sup>

In a conveyance dated 20 January 1897, Lots 18 to 21, an area of over 7 acres was purchased by Charles Martin Buck and Horace Walter Buck. The land, located on the western side of what was Stoney Creek Road (later Pittwater now Mona Vale Road) was also bounded by Church Street to the south and a laneway to the west (now Orana Avenue).<sup>4</sup> It would appear that Charles Buck constructed the house, *Te Whare* ("House" in Maori) and stables on the northern portion of the site (on Lot 21) in 1897-1898. CM Buck is listed in the *Sands Directory*, occupying *Te Whare*, from 1903.

Charles Martin Buck was the manager of the New South Wales Land Mortgage and Agency Company. He was prominent in the pastoral industry and was an executive of the Country Party of NSW. He was also President of the Pymble Progress Association and was instrumental in the civic improvement of the area (sealing of roads, addition of street lights etc) and extension of Robert Pymble Park.<sup>5</sup> In 1913 Charles became the sole owner of the estate. His family continued to reside on the property until 1919 when the land was transferred to Mabel Reichard, wife of Albert Emile Reichard of Sydney, a wool broker.<sup>6</sup>

Albert Emile Reichard came to Australia in 1896 as an agent to buy wool for his family owned and managed wool mill in Alsace-Lorraine, France. He decided to stay in Australia and became a naturalised citizen in 1902. In 1918 he was appointed Commonwealth Government Wool

<sup>1</sup> Australian Dictionary of Biography, Hill, Richard (1810-1895).

<sup>2</sup> Land and Property Information, Primary Application No. 5930.

<sup>3</sup> Godden Mackay Logan Keys Young, *Ku-ring-gai Heritage and Neighbourhood Study* (2001), p. 406, Land and Property Information, Certificate of Titles, Volume 846 Folio 150, Volume 894 Folio 182, Volume 988 Folio 77, Volume 1113 Folio 165, Volume 1132 Folio 238, Volume 1150 Folio 32, Volume 1156 Folio 145 & DP 2993.

<sup>4</sup> Land and Property Information, Certificate of Title, Volume 1211 Folio 199.

<sup>5</sup> Dutton, Heritage Inventory Sheet 2014.

<sup>6</sup> Land and Property Information, Certificate of Title, Volume 1211 Folio 199.

Appraiser and soon after took up residence with his family, his wife Mabel and three daughters, Suzanne, Marguerite (Margot) and Louise, at Nos. 62-64 Pittwater Road. They renamed the house "*Lanosa*", meaning "wool" in Portuguese. During the War years Reichard was a member of the French-Australian League of Help and was a generous donor. He was member of the first organising committee of the St Ives Showground and entered his horses in a number of events. He also later donated land that became the Orana Avenue Bird Sanctuary.<sup>7</sup>

A Sydney Water plan, dated May 1929 (Figure 2.2) shows the house, constructed relatively close to the street frontage. A number of outbuildings are also shown, including the stables constructed close to the northern site boundary to the north west of the house. The stables has a rectangular footprint, with length extending parallel to the northern site boundary and projecting bay extending from the south eastern corner of the building. The plan also indicates the four allotments purchased. The buildings all occupy what was Lot 21. A tennis court is also shown with fence lines separating part of Lots 18 and 19, possibly a paddock, at the corner of Church Street and Stoney Creek Road. The plan also shows that a number of substantial houses had also been constructed by this time to the west of the site.<sup>8</sup>

Photographs of the house and its immediate surrounds, dated 1920 (Figures 2.3-2.4), shows the one and two storey face brick dwelling with gabled and hipped roof clad in slates and decorative brick chimneys. The building facades have contrasting brick bands and details. One of the other outbuildings is clear and has a corrugated steel roof. The stables is not shown, however, other family photographs dated the same time (Figure 2.5) show part of the brick stables with large openings on what appears to be the southern façade. The image shows a gabled shadow line and alteration of the opening at the eastern end of the southern façade of the building with separate doorway at the western end. A sealed area is also indicated in front of the building and was used for the family car.

The Reichard family continued to reside at *Lanosa*. In 1932 the middle daughter, Marguerite (Margot) was apparently seen riding her horse, Mick, in one of the paddocks fronting what was now Pittwater Road by Francis De Groot. De Groot, a decorated officer and well known furniture designer and manufacturer, was known to the family through mutual association with the New Guard and the All for Australia League, royalist groups strongly opposed to the socialist policies of the newly appointed Lang Labor State Government. De Groot borrowed Mick in order to participate in the official opening of the Sydney Harbour Bridge. The family was unaware of the exact nature of his participation, but it turned out De Groot, in his military uniform riding Mick, cut the ribbon officially opening the Bridge before the intended official, Premier Jack Lang as a form of protest. After the event De Groot visited *Lanosa* several times and was photographed on Mick by renowned photographer Harold Cazneaux.<sup>9</sup>

Meanwhile Reichard had purchased additional land in the area and proceeded to subdivide and sell the various allotments from 1935. The house continued to occupy a large site, Lot 18 (of DP 17526, refer to Figure 2.6) which extended between Pittwater Road (now Mona Vale Road) and Kywong Avenue. In 1937 Albert Reichard became the registered proprietor of the land. He continued to sell the various allotments until 1940 when Lot 18 including the house was also transferred to Enid Marie Raz of Lindfield.<sup>10</sup> Lot 18, an area of over 1 acre was subdivided into four lots in the same year. Three lots were created along its western boundary facing Kywong Avenue (Figure 2.7). *Lanosa* remained on the larger site, its western boundary was kinked around the stables and outbuildings at the rear of the building. The reduced Lot 18 with frontage to Pittwater Road was subsequently transferred to members of the Raz family who retained ownership of the property until 1954 when it was transferred to Joseph Salvat.<sup>11</sup>

<sup>7</sup> Dutton, Heritage Inventory Sheet 2014.

<sup>8</sup> Sydney Water Plan Room, DWS Ku-ring-gai Plan No. 129

<sup>9</sup> Dutton, Heritage Inventory Sheet 2014.

<sup>10</sup> Land and Property Information, Certificate of Titles, Volume 1211 Folio 199, Volume 4900 Folio 220, Volume 5190 Folio 220 & DP 17526.

<sup>11</sup> Land and Property Information, Certificate of Title, Volume 5230 Folio 205.



Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017

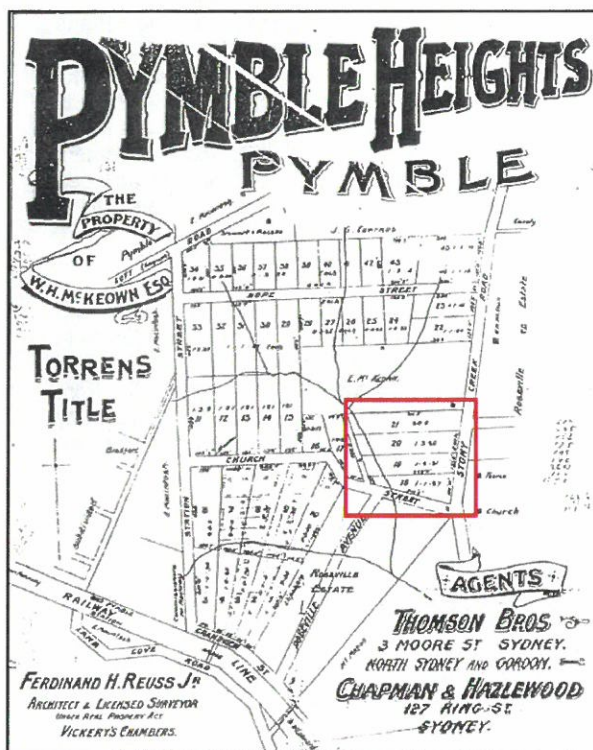


Figure 2.1 Pymble Heights subdivision plan (also known as the Roseville Estate, DP 2993)

(Source: Godden Mackay Logan Keys Young (2001), p. 412)

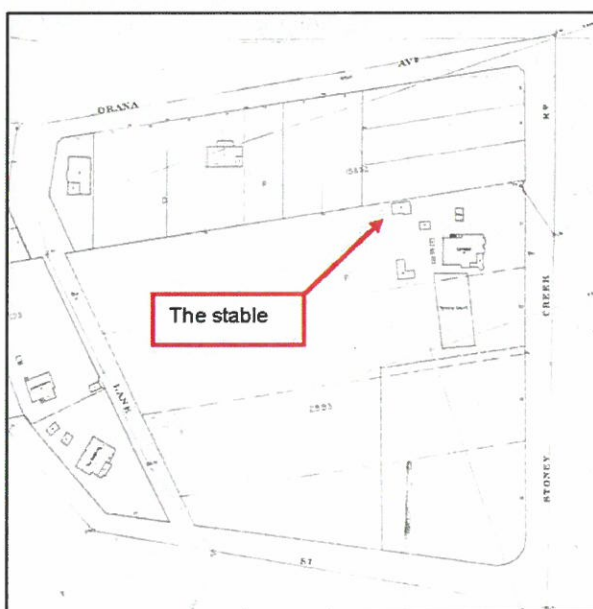
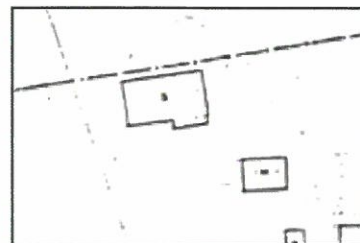


Figure 2.2 The 1929 plan showing the house Lanosa, surrounding outbuildings including the brick stable which is shown with a projecting bay (possibly with gabled roof indicated by the shadow line) at the south eastern corner of the building.

(Source: Sydney Water Plan Room, DWS Ku-ring-gai No. 129)





It is during this period that some changes were also undertaken to the main dwelling. Plans were submitted to Ku-ring-gai Council on 14 February 1941, approved on 4 March 1941 with estimated cost of £1000. The applicant was SC Molineaux, a builder, 1007 Pacific Highway Roseville on behalf of the owner, O Raz whose address was 14 Russel Avenue, Lindfield. It is assumed that Molineaux was the builder for the works at 64 Pittwater Road, Pymble (as Mona Vale was called at the time) and that these were major works that included the cement rendering and works to the front verandah and additions (at the time a house cost between £2000-3000 and minor alterations and additions cost £50-200).<sup>12</sup> The stable was apparently also rendered at this time.<sup>13</sup>



**Figure 2.3** *Lanosa*, 1920. The original face brick facades with contrasting brick details are evident. The original front verandah and single storey bay window with hipped roof over are also clear.

(Source: Dutton, p. 23)



**Figure 2.4** *Lanosa*, 1920. One outbuilding is shown close to the house and has a corrugated steel roof.

(Source: Dutton, p. 25)

<sup>12</sup> KMC Building Registers

<sup>13</sup> JM Cottey, Heritage Data Form, January 2015.

Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017



**Figure 2.5** Family images dated 1920 showing part of the southern facade of the former stables and associated sealed forecourt.

(Source: JM Cottey, Heritage Data Form, January 2015)



**Figure 2.6** Reichard's 1935 subdivision. *Lanosa* and associated outbuildings continued to occupy Lot 18.

(Source: Land and Property Information, DP 17526)



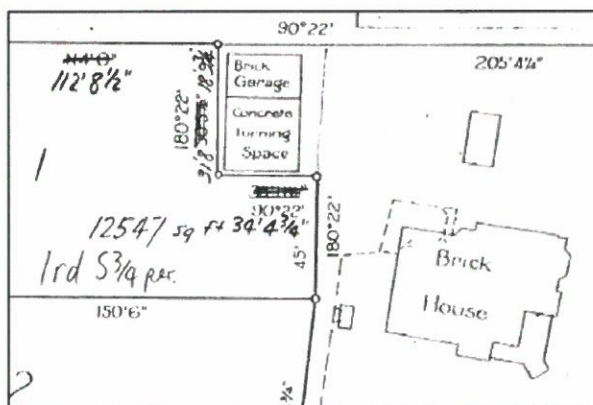
## 2.2 Further subdivision & development of No. 11 Kywong Avenue

Lot 1 of the subdivision, now No. 11 Kywong Avenue, was transferred to William Frederick Omedei, an importer of Haberfield in February 1941. The north eastern corner of the lot was kinked around the brick garage and a concrete turning area (Figures 2.7-2.8) that remained part of Lot 4 of the subdivision which was occupied by *Lanosa*. The garage is shown with simple rectangular footprint indicating that the south eastern bay/ projection had been removed some time between 1929 and 1940, possibly to allow the clear access for vehicles.



**Figure 2.7** 1940 subdivision of Lot 18 which was occupied by the brick house, *Lanosa* and various outbuildings including the stable now a brick garage with concrete turning space.

(Source: Land and Property Information, DP 343945)

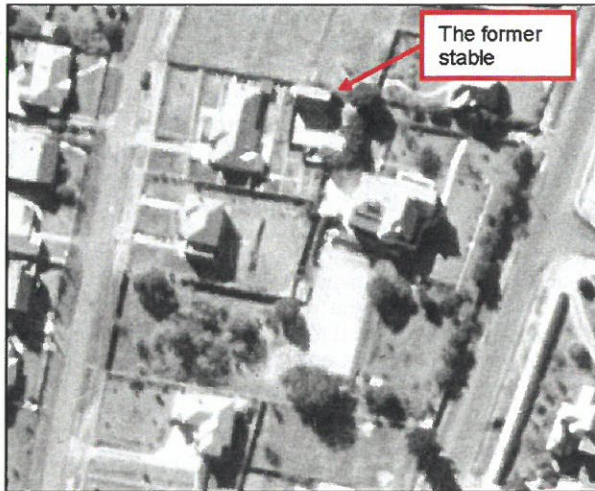


**Figure 2.8** The brick garage is shown as a simple rectangular structure with concrete turning space to its south.

(Source: Land and Property Information, DP 343945)

An aerial photograph dated 1943 (Figures 2.9-2.10) clearly shows the subdivided allotment with kinked central boundary line between the larger, house site and three portions along Kywong Avenue. The rectangular footprint of the former stables is clear with the sealed turning area and surrounding fence and tree line. The roof form is not clear, however, there appears to be no wings or projections. The building shadow indicates that it was a tall structure. A driveway extends from the Mona Vale frontage along the northern boundary of Nos. 62-64 Mona Vale Road to the building and surrounding area. The aerial photograph also shows the house, No. 11 Kywong Avenue which appears to have been constructed between 1941 and 1943. The house is setback from the street frontage and extends across the site. The hipped roof form with several projecting wings are clear.

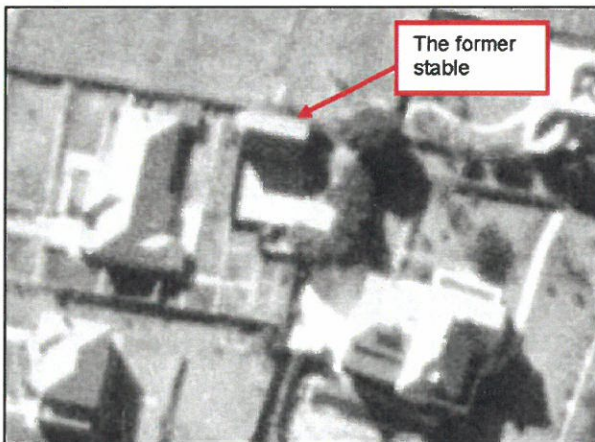




**Figure 2.9** 1943 aerial showing the subdivision of Lot 18. The house *Lanosa* and stables remained on the one lot with tennis court and open garden area.

Two of the three lots created in 1940 along the Kywong Avenue frontage were developed by this time.

(Source: SIX Maps)



**Figure 2.10** 1943 detail of the stable and turning area accessed via a driveway extending along the northern site boundary of Nos. 62-64 Mona Vale Road.

(Source: SIX Maps)

The southern portion of the lot retaining the house, *Lanosa* and brick garage was subdivided and sold and remaining northern portion, Lot Y was sold to Woodward Brown (Holdings) Pty Ltd in 1958. Lot Y, now with 155 feet frontage to Mona Vale Road was sold again in 1959 to David Keith Donald and his wife Harriet and then to Eva Margaret Meister in 1969.<sup>14</sup>

In 1974 Lot Y was subdivided into four lots (**Figure 2.11**).<sup>15</sup> The house occupied Lot 2 whilst Lots 3 and 4 comprised of long narrow sections along the Mona Vale Road frontage. These two lots were resumed for the purposes of main roads in March and April 1976.<sup>16</sup> Lot 1 retained a brick garage (former stables) and small weatherboard "cottage". Lot 2 was transferred in 1975 and in 1976 was purchased by John Michael Fitzgerald, a solicitor of Pymble and his wife Jan as joint tenants.<sup>17</sup>

<sup>14</sup> Land and Property Information, Certificate of Titles, Volume 7635 Folio 228, Volume 7887 Folio 68 & Volume 11117 Folio 89.

<sup>15</sup> Land and Property Information, Certificate of Titles DP 573946.

<sup>16</sup> Ku-ring-gai Council Property files, File No. P14101.

<sup>17</sup> Land and Property Information, Certificate of Titles, Volume 11117 Folio 89, Volume 12637 Folios 3 & 4.

Perumal Murphy Alessi, Heritage Consultants - PM-16063

Mrs Meister retained Lot 1 and subsequently sought Council's support in an application for modification of the Ku-ring-gai Planning Scheme Ordinance to permit the construction of a dwelling on the site. The frontage was to a main road, however, the 40 feet frontage did not meet the requirements of the Ordinance. Council and the Local Government Appeal Board supported the application, however, it would appear that the matter was not progressed.<sup>18</sup> The Fitzgerald's reconsolidated Lots 1 and 2 when they purchased Lot 1 in 1979.<sup>19</sup> The stables building also remained on the reconsolidated lots until 1995. In 1994 a Development Application was submitted to Council by the new owners of the site to subdivide and relocate the common boundary between No. 64 Mona Vale Road and No. 11 Kywong Avenue.

The DA was approved in March 1995<sup>20</sup> when the north western portion was subdivided and amalgamated with the site to the west (No. 11 Kywong Avenue, see Figure 2.12). This effectively created the boundary line between the two properties that remains today. The former stable (noted on the Deposited Plan as "old brick garage") remains on No. 11 Kywong Avenue, close to the shared boundary.

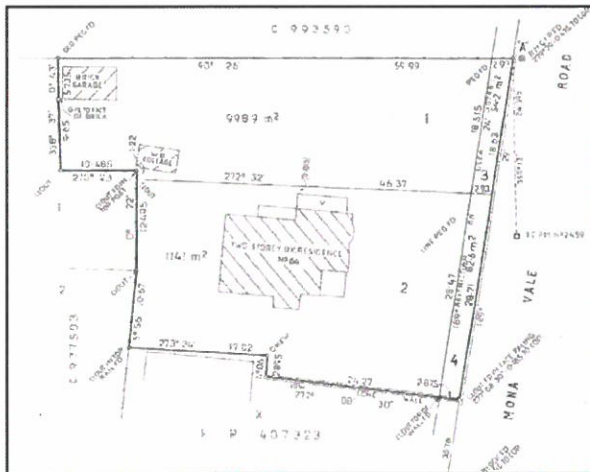


Figure 2.11 The 1974 subdivision of Lot Y.

(Source: Land and property information, DP 573946)

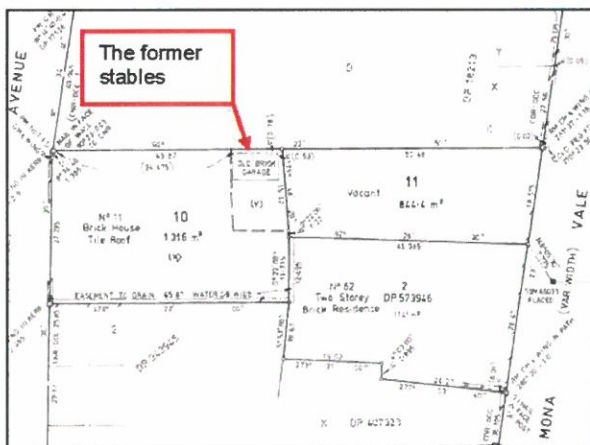


Figure 2.12 The 1995 subdivision of Lot 1 which effectively created the site boundary between Nos. 62-64 Mona Vale Road and No. 11 Kywong Avenue that remains today.

(Source: Land and Property Information, DP 855982)

<sup>18</sup> Ku-ring-gai Council Property files, File No. P14101.

<sup>19</sup> Land and Property Information, Certificate of Titles, Volume 11117 Folio 89, Volume 12637 Folios 3 & 4, DP 573946.

<sup>20</sup> Ku-ring-gai Council Property files, File No. P13998, DA4325/94.



The current owners purchased No. 11 Kywong Avenue in 1996. In 2002 they undertook works to the building which was in a poor condition by this time. The works included structural underpinning and other structural works to the building and roof, addition of new windows and doors, addition of new services and fitout for use as a home office. A new projection with gable over was added to the south western façade and roof has also been renewed and reclad with replica slate tiles.<sup>21</sup> The area around the structure, which remains close to the eastern and northern site boundary has also been modified with concrete paving, stone flagging and steps added around the building. New landscaping and a swimming pool has also been added to the area to the south of the structure.

A recent aerial (Figure 2.13) confirms these changes and shows the new roof and landscaping, trees and plantings around the structure. The aerial also indicates the mature trees and plantings on the neighbouring *Lanosa* site between the structure and house. Significant landscape and construction works are currently being undertaken on this site to convert the building and site for use as a Child Care Centre.



Figure 2.13 Recent aerial showing the changes to the structure and surrounding area.

(Source: SIX maps)

<sup>21</sup> Owner of No. 11 Kywong Avenue.



Pages have been left blank for double sided printing.

### 3.0 Description

#### 3.1 The stables building and context

The former stables is located on the site of No. 11 Kywong Avenue which located on the eastern side of the street which is bounded by Church Street to the south and Orana Avenue to the north. Kywong Avenue is a relatively quiet dual carriageway with wide grassed verges and street trees on both sides of the street. The built context is characterised by one and a number of substantial two storey detached dwellings generally dating from the 20<sup>th</sup> century with mature gardens, trees and plantings.

No. 11 Kywong Avenue is a single storey with lower ground garage face brick and stone Post-war period dwelling with hipped roof clad in terracotta tiles. The building is setback from the street frontage which has a stone retaining wall/ fence. Like most of the dwellings on the eastern side of the street, the dwelling is elevated well above street level. A brick paved driveway extends from the street frontage to the garage which is located below the southern end of the house. A pathway and steps extend up to a paved verandah and central building entry. The front garden has open lawns and perimeter garden beds with stone flagging and mature ornamental trees, shrubs and plantings.

The former stables building is located at the rear of No. 11 Kywong Avenue and is detached and setback from the rear of the house and street frontage. Part of the structure (western end gable) is visible from Kywong Avenue due to the rise of the site to the east, however, it is largely screened by the house, garden plantings and two storey addition to the neighbouring dwelling to the north.

The stables building is a small, two storey face (common) brick structure with gabled roof clad in modern slates and modern timber framed windows and door. Glass blocks have been added a window opening on the eastern façade. A small projection also with gable over extends from the south western corner of the structure which is a recent addition. Some of the openings retain contrasting brick arches over. Some infill and alteration of openings, patching, repointing and repairs to the brickwork is generally evident.

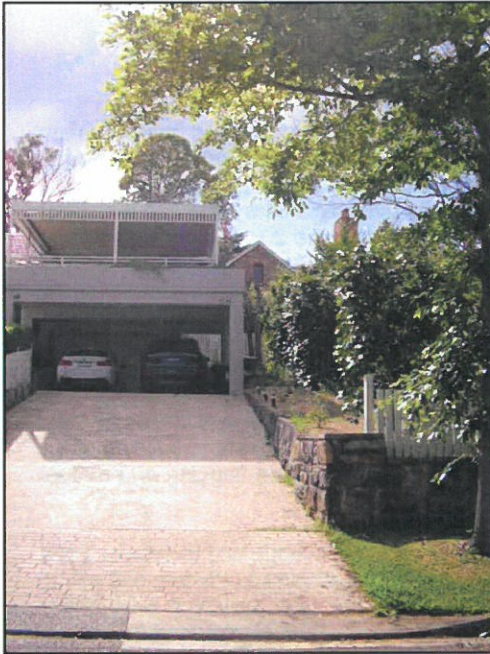
The rear yard of No. 11 Kywong is terraced with brick and stone retaining walls separating the levels. A swimming pool and landscaped garden occupy the upper terrace to the south of the former stables which is elevated well above the rear of the house close to the north eastern and rear site boundaries. Stone flagged steps with steel balustrade extend up to a paved and concreted apron which extends around the "front" (southern), eastern and western side of the building. A high timber paling fence runs along the site boundaries and shared boundary with Nos. 62-64 Mona Vale Road.



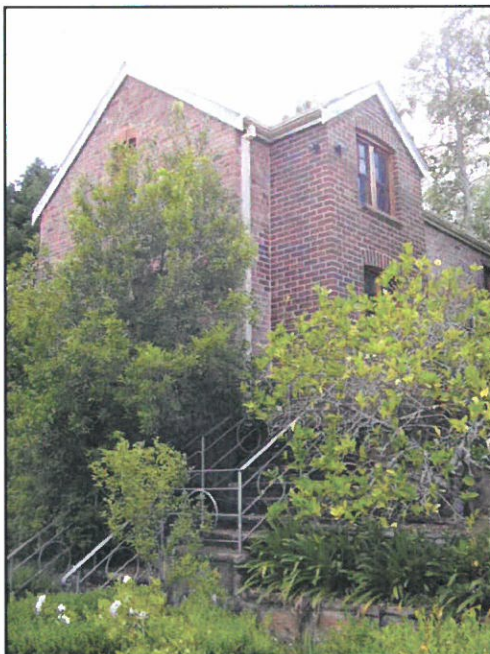
**Figure 3.1** The stables building is located at the rear of No. 11 Kywong Avenue and is set well back from the street.

Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017



**Figure 3.2** Part of the western gable is visible due to the rise and topography of the site and area, however, the building is largely screened by the existing built context and garden trees and plantings.

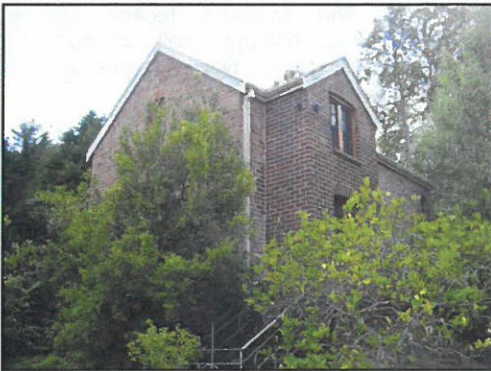


**Figure 3.3** The two storey face brick stable structure from the rear of the house, No. 11 Kywong Avenue.





**Figure 3.4** The western façade which has two window openings with modern (western red cedar) timber framed windows. The upper window retains a contrasting brick arch over.



**Figure 3.5** Oblique view of the western and southern facades. A two storey gabled projection has been added to the south western façade.



**Figure 3.6** The rear garden of No. 11 Kywong Avenue is terraced. Stone flagged steps extend up to the structure and surrounding paved terrace and pool to the south (below). The rear lantern and roof of *Lanosa* is just visible from the rear of No. 11 Kywong Avenue



Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017



**Figure 3.7** The south western façade from the rear of No. 11.



**Figure 3.8** The southern façade has undergone some change, infill of early openings and adaption. New windows and door have been added.



**Figure 3.9** Detail of the south eastern façade. A large brick arch remains evident.



Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017



**Figure 3.10** The eastern façade of the building was partly visible from the site of Nos. 62-64 Mona Vale Road. Note the proximity to the fence.



(Source: PMA 2014)



**Figure 3.11** View to the rear of *Lanosa* from the shared boundary. The building is currently undergoing works.

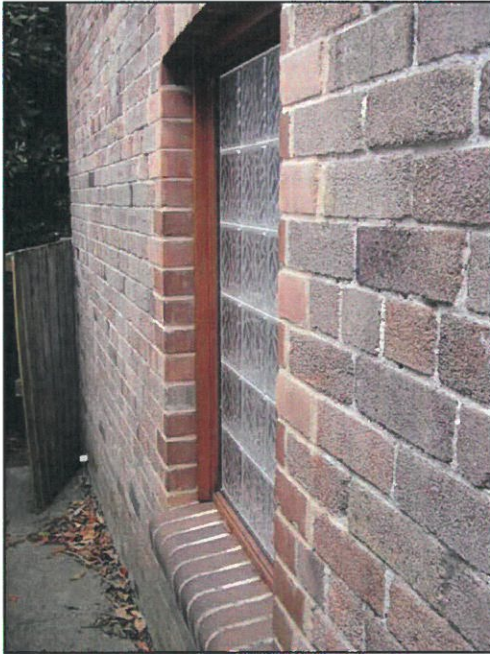


**Figure 3.12** The northern driveway and garden area have now been cut and altered. An elevated car parking area, landscaping and play areas will be located on Nos. 62-64 Mona Vale Road to the east of the structure.

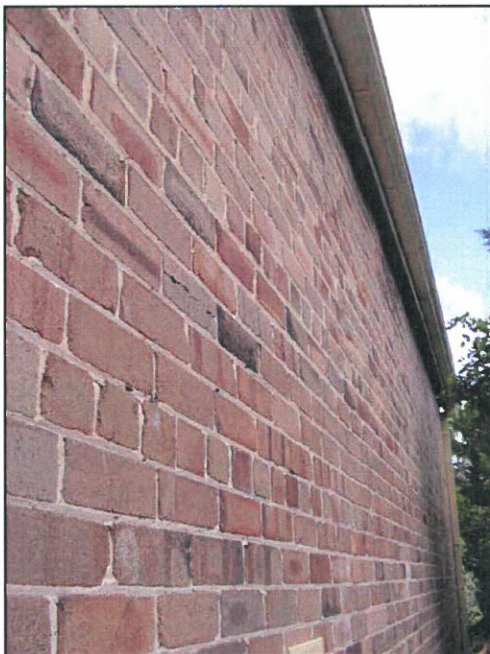


Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017



**Figure 3.13** The glass block filled opening on the eastern façade.



**Figure 3.14** The northern façade is located close to the northern site boundary and has no openings.

### 3.2 Summary analysis

The stables appears to have been constructed concurrent with the house, *Lanosa*, now occupying the neighbouring site to the east, Nos. 62-64 Mona Vale Road in 1897-1898.

An early plan indicates that the building had a simple rectangular footprint with projecting wing extending from the south eastern façade. It was one of a number of outbuildings constructed on a much larger estate associated with prominent local identities and families. The building was used as a stables and was home to "Mick" the horse who was ridden by Captain De Groot to stage a protest against the Lang State Government.

Subsequent plans indicate that the building was altered and bay was removed, possibly as a result of its conversion and use as a garage. One source indicates that the building was rendered and render was later removed. A driveway was added to the site by 1943. The access extended from Mona Vale Road parallel to the northern site boundary.

By this time the site of *Lanosa* had been reduced and subdivided. The site of No. 11 Kywong Avenue was formed as a result of another subdivision in 1940. At this time, however, the stables/ brick garage remained as part of the *Lanosa* site and shared boundary between the two properties was kinked around the structure and an associated sealed turning area. The Mona Vale Road site was subdivided again in the 1960s and 1970s and the present boundaries were formed in the 1990s when the area occupied by the former stables and turning was subdivided and became part of No. 11 Kywong Avenue.

By 2002 the stables building was in poor condition and current owners undertook various structural works including underpinning, repairs and additions to the roof and building structure. The main brick facades have been retained, however, some patching, repointing and alteration of openings, infill and addition of new timber framed windows and door have been undertaken.

The visual relationship between the house *Lanosa* and stables building remained in 2014, however, the current approved works to Nos. 62-64 Mona Vale Road will change the use of the building and construction works have already altered and terminated the driveway and visual relationship between the *Lanosa* and former stables building.

The building appears in sound and very good condition. Despite the various changes the main form of the building remains intact. The east and west facing gables and simple brick details relating to the original structure remain discernible. The building is enhanced by its garden setting.





## 4.0 Assessment of Significance

### 4.1 Evaluation criteria

The following assessment of heritage significance has been prepared utilising the current evaluation criteria established by the New South Wales Heritage Council.

**Criterion (a) – An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)**

The former stables building is of some local historic significance as part of the early Federation period of development in the local area. Constructed in c. 1897-98 as an outbuilding associated with the gentleman's residence *Te Whare/ Lanosa* (Nos. 62-64 Mona Vale Road) it remains one of the oldest buildings in the area. The various changes to the building, conversion into a garage and recently home office reflect the development and changes to the area and changing user requirements. The various subdivisions and changes to the original house and site have changed its relationship and connection to the original house and site.

**Criterion (b) - An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)**

The former stables is associated with the development of Nos. 62-64 Mona Vale Road and prominent local identities CM Buck, who constructed the buildings and Albert Reichard who also developed and subdivided that site. It is through Reichard and his association with the New Guard and Captain De Groot that there is a link with the opening of the Sydney Harbour Bridge that is of some historic interest.

**Criterion (c) - An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the cultural or natural history of the local area)**

The building was constructed as a utilitarian outbuilding and stables and as such retains simple aesthetic character and Federation period structure that despite some additions and alterations retains a sense of its original form and simple details including face brick facades, contrasting brick details and brick arches and main gabled roof.

The building has been modified and interior converted for use as a home office. Its physical and visual association with the house and site of Nos. 62-64 Mona Vale Road has also been affected and reduced by subdivision and development of the sites, which is continuing to the present. The structure is not visible from Mona Vale Road. The building is partly visible from Kywong Avenue, however, makes limited visual contribution to the area.

**Criterion (d) - An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons**

The building has no strong or special association with any particular community or group.

The stables was home to "Mick" the horse which is of some social interest through the brief association with the New Guard, All for Australia League and Captain De Groot who played an unofficial but significant role in the opening of the Sydney Harbour Bridge.

The community nomination for heritage listing and recognition of its association with Nos. 62-64 Mona Vale Road indicates its significance to the local community.

**Criterion (e) - An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)**

The building generally incorporates standard construction materials and techniques and has been modified with roof and floor structure renewed and replaced.

The building appears to be the first to be constructed on the site, however, the archaeological potential is considered to be low with any early resources likely to have been disturbed by the successive subdivision of the area, construction of buildings, terracing and landscaping around the building. Any potential early remains are not likely to reveal any new information which is not available elsewhere.

**Criterion (f) - An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)**

The style of the building is not rare and there are other Federation period buildings in the area, however, the building is one of the oldest in the area and is a former stables building which is now rare in the local area.

**Criterion (g) - An item is important in demonstrating the principal characteristics of a class of NSW's**

- cultural or natural places; or
- cultural or natural environments.

**(or a class of the local area's**

- cultural or natural places; or
- cultural or natural environments)

The building is part of the early, Federation period of development in the local area.

## 4.2 Statement of Significance

The former stables building located at the rear of No. 11 Kywong Avenue is of local historic and aesthetic significance as part of an early estate and Federation period of development of the local area. Constructed in c. 1897-98 as an outbuilding associated with the gentleman's residence *Te Whare/ Lanosa* (Nos. 62-64 Mona Vale Road) it remains one of the oldest buildings and rare remaining example of a stables in the area. The various changes to the building, conversion into a garage and recently into a home office reflect the subdivision and development of the area and changing user requirements.

The various subdivisions and changes to Nos. 62-64 Mona Vale Road and site have changed its relationship and connection to the original house and site. The building makes no particular visual contribution to the area and has also undergone some change and modification, however, despite this, it retains a strong sense of its early form, fabric and simple utilitarian details including common, face brick facades, some contrasting brick details and arches and main gabled roof.



The archaeological potential of the site is considered to be low. The building incorporates standard construction materials, techniques and details that may illustrate Federation period details, however, has been modified with building fabric renewed and replaced.

The stables is of some historic and social interest by its very brief and minor association with the opening of the Sydney Harbour Bridge.

#### 4.3 Significant elements

The following elements are considered to be of high significance and make a contribution to the significance of the place and should be retained and conserved:

- the overall form and scale of the building and its main gabled roof form;
- the common, face brick facades and remaining contrasting brick details and arches and early pattern of windows;
- some visual relationship with Nos. 62-64 Mona Vale Road; and
- its garden setting.

The following elements make some contribution to the significance of the place and are considered to be of moderate significance and should be retained, however, some alterations or adaptation is permissible;

- timber framed windows (whilst the existing timber windows are modern, timber framed windows and doors should ideally be retained); and
- the fence along the eastern site boundary which allows some views to and from the building from Nos. 62-64 Mona Vale Road,

The following elements make no particular contribution to the significance of the place and are considered to be of relatively low significance and may be retained or replaced with care to the significant features;

- concrete paving and apron around the building;
- the slate roof cladding;
- internal linings and finishes;
- modern services, lighting, fixtures and fittings; and
- the existing fence, landscaping and steps around the building.

There are no intrusive elements.

#### 4.4 Curtilage

The building is located very close to the northern and eastern site boundaries of No. 11 Kywong Avenue. An open garden setting and setback, particularly to the south of the building should be retained. Any additions to No. 11 Kywong Avenue should preferably retain a setback and continue to be detached from the stables structure.

The recommended curtilage is the north eastern site boundaries and alignment of the surrounding terraced garden and former subdivision line (refer Figure 4.1 and Figure 4.2). The extended and visual curtilage also includes the garden area at the rear of Nos. 62-64 Mona Vale Road in recognition of its original association.



Heritage Assessment • Former Stables, No. 11 Kywong Avenue, Pymble

October 2017

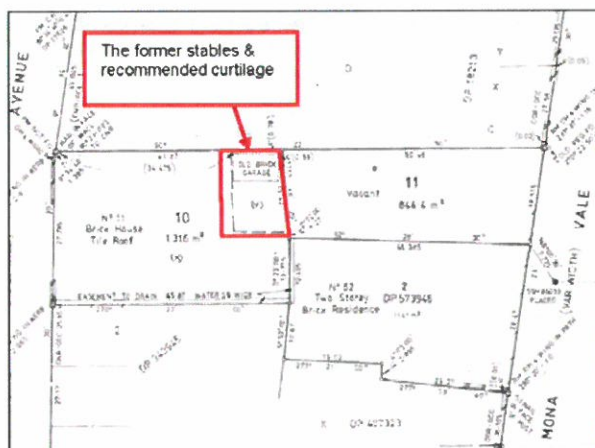


Figure 4.1 The 1995 subdivision of Lot 1 which effectively created the site boundary between Nos. 62-64 Mona Vale Road and No. 11 Kywong Avenue that remains today. The dotted line indicates the former subdivision which it is recommended should form part of the recommended curtilage.

(Source: Land and Property Information, DP 855982)



Figure 4.2 Recent aerial indicating the recommended curtilage which may also include part of the existing terraced area around the building.

(Source: SIX maps)

## 5.0 Conclusion

### 5.1 Summary & recommendations

In summary the former stables building at the rear of No. 11 Kywong Avenue, Pymble, is considered to be of local cultural significance and should be listed as a local heritage item in the Ku-ring-gai area due to its association with Nos. 62-64 Mona Vale Road, which has been listed as a local item.

The reasons for listing are as follows:

- the building is one of the oldest remaining buildings and former stables in the area, associated with an early house and has local historic and aesthetic significance;
- it retains a strong sense of its early form, fabric and details and a garden setting; and
- retains some visual relationship to Nos. 62-64 Mona Vale Road.

The association with De Groot and the opening of the Sydney Harbour Bridge is of some historic and social interest, however, had no real impact on the development of the building or the site or history and development of the local area. It would appear that Mr Reichard and De Groot were acquaintances and De Groot visited the site, however, no major events actually took place on the site. The use of the Reichard's horse, Mick, is interesting and displays the association between the two men and their affiliation with the New Guard, however, also is of relatively minor significance.

The existing building height, form and character should be retained and conserved. Elements identified as being of high and moderate significance should be retained, with works restricted to repair and reconstruction to match with like materials and details. Elements identified as being of moderate significance may be adapted, provided any changes are carefully considered and that there is no impact to any highly significant elements or features. Elements identified as being of low significance may be retained or replaced as required with care.

The identified significance does not preclude any further changes to No. 11 Kywong Avenue and site, however, the former stables building should remain detached and separate to the dwelling and open or landscaped garden area to the south of the structure is retained.

The face brick facades and details should also be retained and changes to the structure should be identifiable and continue to be visible. The use as a home office is considered highly appropriate. Use as a granny flat is also considered appropriate provided there are no major additions to the building structure or adverse impacts for the addition of services.

## **APPENDIX C - MINUTES OF HERITAGE REFERENCE COMMITTEE HELD ON THURSDAY, 27 APRIL 2017**

**Present:** Councillor J Anderson (Chairperson) (Roseville Ward)  
Joanne Martens (Community member)  
Robert Moore (National Trust)

**Staff Present:** Antony Fabbro (Manager Urban and Heritage Planning)  
Andreana Kennedy (Heritage Specialist Planner)

**Others Present:**

**Apologies:** Councillor D Citer (Gordon Ward)  
Jennifer Harvey (Ku-ring-gai Historical Society)  
Hector Abrahams (Australian Institute of Architects)

*The Meeting commenced at 6.15 pm.*

### **DECLARATIONS OF INTEREST**

None.

### **MATTERS ARISING FROM PREVIOUS MEETING**

None.

### **CONFIRMATION OF MINUTES**

None.

### **MINUTES OF HERITAGE REFERENCE COMMITTEE**

File: CY00413/5 2017/155874

#### **1. Welcome to returning committee member Joanne Martens**

The chair welcomed Joanne, and thanked her and the other committee members for volunteering their time to the committee.

#### **2. Requested delistings: 16 Kintore Street Wahroonga and 5 Womerah Street Turramurra.**

Following a recap on discussions at previous meetings the committee resolved the following:

*The arguments for delisting 16 Kintore Street Wahroonga are not accepted and no substantive case for delisting has been made and it should remain a*



*heritage item.*

And

*Having heard the argument for delisting the house at 5 Womerah Street Turramurra it is the view of the Committee it is a work by Professor Wilkinson, notwithstanding it is an overwork, it is a significant work and should remain a heritage item.*

Both passed unanimous.

### **3. Heritage assessment - 11 Kywong Avenue Pymble (Lanosa Stables)**

The committee considered the heritage assessment prepared by Perumal Murphy Alessi Pty Ltd for 11 Kywong Avenue Pymble and resolved the following:

*The recommendation in the Perumal Murphy Alessi Pty Ltd heritage assessment for 11 Kywong Avenue Pymble is supported by the committee for proceeding to a planning proposal. The committee supports the reasons for heritage listing.*

Passed unanimous.

### **4. Ku-ring-gai Council's Architecture Awards**

The committee viewed the finalists for the heritage category of the Ku-ring-gai Council's Architecture Awards.

### **Other business**

The Chair commented on the Charles Bean exhibition at the Gordon Library. Discussion was had about a direction for future heritage listings possibly focussing on historical association with key historical figures to Ku-ring-gai.

The meeting closed at 7.30 pm.

## FOR ACTION

ORDINARY COUNCIL – 18/07/2017

TO: Heritage Specialist Planner (Andreana Kennedy)

---

**Subject:** OMC171 - Minutes of the Heritage Reference Committee  
**Minute Number:** 171  
**Notes:**  
**File Reference:** CY00413/5 2017/180234

---

**Resolved:**

[Moved: Councillors Berlioz/Armstrong]

That Council receives and notes the Heritage Reference Committee Meeting Minutes of 13 October 2016, 16 February 2017 and 27 April 2017.

**CARRIED UNANIMOUSLY**

## APPENDIX D- STATE HERITAGE INVENTORY FORM – FORMER “LANOSA” STABLES AT 11 KYWONG AVENUE, PYMBLE

ITEM DETAILS							
Name of Item	Former "Lanosa" stables						
Other Name/s Former Name/s							
Item type (if known)	Built						
Item group (if known)							
Item category (if known)							
Area, Group, or Collection Name							
Street number	11						
Street name	Kywong Avenue						
Suburb/town	Pymble					Postcode	
Local Government Area/s	Ku-ring-gai						
Property description	Lot 10 DP 855982						
Location - Lat/long	Latitude				Longitude		
Location - AMG (if no street address)	Zone		Easting		Northing		
Owner	Private						
Current use	Residential						
Former Use	Residential						
Statement of significance	<p>The former stables building located at the rear of No. 11 Kywong Avenue is of local historic and aesthetic significance as part of an early estate and Federation period of development of the local area. Constructed in c. 1897-98 as an outbuilding associated with the gentleman's residence <i>Te Whare/ Lanosa</i> (Nos. 62-64 Mona Vale Road) it remains one of the oldest buildings and rare remaining example of a stables in the area.</p> <p>The various changes to the building, conversion into a garage and recently into a home office reflect the subdivision and development of the area and changing user requirements.</p> <p>The various subdivisions and changes to Nos. 62-64 Mona Vale Road and site have changed its relationship and connection to the original house and site. The building makes no particular visual contribution to the area and has also undergone some change and modification, however, despite this, it retains a strong sense of its early form, fabric and simple utilitarian details including common, face brick facades, some contrasting brick details and arches and main gabled roof.</p> <p>The archaeological potential of the site is considered to be low. The building incorporates standard construction materials, techniques and details that may illustrate Federation period details, however, has been modified with building fabric renewed and replaced.</p> <p>The stables is of some historic and social interest by its very brief and minor association with the opening of the Sydney Harbour Bridge.</p>						
Level of Significance	State <input type="checkbox"/>				Local <input checked="" type="checkbox"/>		



DESCRIPTION						
Designer	Unknown					
Builder/ maker	Unknown					
Physical Description	<p>The former stables building is located at the rear of No. 11 Kywong Avenue and is detached and setback from the rear of the house and street frontage. Part of the structure (western end gable) is visible from Kywong Avenue due to the rise of the site to the east, however, it is largely screened by the house, garden plantings and two storey addition to the neighbouring dwelling to the north.</p> <p>The stables building is a small, two storey face (common) brick structure with gabled roof clad in modern slates and modern timber framed windows and door. Glass blocks have been added a window opening on the eastern façade. A small projection also with gable over extends from the south western corner of the structure which is a recent addition. Some of the openings retain contrasting brick arches over. Some infill and alteration of openings, patching, repointing and repairs to the brickwork is generally evident.</p> <p>The rear yard of No. 11 Kywong is terraced with brick and stone retaining walls separating the levels. A swimming pool and landscaped garden occupy the upper terrace to the south of the former stables which is elevated well above the rear of the house close to the north eastern and rear site boundaries. Stone flagged steps with steel balustrade extend up to a paved and concreted apron which extends around the "front" (southern), eastern and western side of the building.</p> <p>A high timber paling fence runs along the site boundaries and shared boundary with Nos. 62-64 Mona Vale Road.</p>					
Physical condition and Archaeological potential	<p>Good. Structural works undertaken in 2002 including underpinning and other structural works to the building and roof, addition of new windows and doors, addition of new services and fitout for use as a home office.</p> <p>The archaeological potential is considered to be low with any early resources likely to have been disturbed by the successive subdivision of the area, construction of buildings, terracing and landscaping around the building. Any potential early remains are not likely to reveal any new information which is not available elsewhere.</p>					
Construction years	Start year	c1897	Finish year		Circa	<input type="checkbox"/>
Modifications and dates	<p><b>Former stable</b> In 2004 Council approved a DA for the conversion of the former stable building for use as a study and storage/recreation. The works generally involved underpinning, repairs to the brickwork and weatherproofing. Also, the addition of internal stairs, a bathroom and a gabled entrance bay on the south elevation; the infill of existing openings; and new windows installed. The area around the structure, which remains close to the eastern and northern site boundary, has also been modified with concrete paving, stone flagging and steps added around the building. New landscaping and a swimming pool has also been added to the area to the south of the structure.</p> <p><b>Site/Main dwelling</b> 1998 DA for alterations to the driveway (off Kywong Avenue) and garage to accommodate two vehicles, including resurfacing and repairs to the retaining wall.</p> <p>1994 Development Application submitted to Council to subdivide and relocate the common boundary between No. 64 Mona Vale Road and No. 11 Kywong Avenue. The DA was approved in March 1995 when the north western portion was subdivided and amalgamated with the site to the west (being No. 11 Kywong Avenue). This created the boundary line between the two properties.</p>					
Further comments						

## HISTORY

## Historical notes

The earliest land grants occurred in the area in the 1820s at which time timber getters occupied the area. The early settlers in the area including Robert Pymble, after whom the suburb is named, established timber businesses and orchards, which provided much of the city's early timber and fruit supplies. The area remained rural with primary access being a dirt track known as Lane Cove Road (later the Pacific Highway), until the coming of the railway in 1890. The railway line crossed Pymble's land and signalled a period of change with subdivision of larger land holdings occurring in anticipation of and as a result of improved access to the area.

The site is part of 800 acres granted to Daniel Dering Mathew in November 1838. Mathew subsequently subdivided his land into rural lots. In 1841 just over 30 acres of the land was conveyed to Richard Hill, who had established a large orchard on the Lane Cover River by this time and was later a member of Legislative Council. In 1852 Hill purchased another 23 acres and established an orchard. In 1862 this land was conveyed to another "farmer", William Henry McKeown who had also purchased part of the Mathew grant in 1852. By 1887 the site was part of over 81 acres consolidated by McKeown and part of the "Pymble Heights Estate" an area of over 80 acres subdivided by McKeown in c. 1890 for residential development.

Land titles indicate that sales of various allotments occurred from 1894 and continued until 1904.

In a conveyance dated 20 January 1897, Lots 18 to 21, an area of over 7 acres was purchased by Charles Martin Buck and Horace Walter Buck. The land, located on the western side of what was Stoney Creek Road (later Pittwater now Mona Vale Road) was also bounded by Church Street to the south and a laneway to the west (now Orana Avenue). It would appear that Charles Buck constructed the house, *Te Whare* ("House" in Maori) and stables on the northern portion of the site (on Lot 21) in 1897-1898.

Charles Martin Buck was the manager of the New South Wales Land Mortgage and Agency Company. He was prominent in the pastoral industry and was an executive of the Country Party of NSW. He was also President of the Pymble Progress Association and was instrumental in the civic improvement of the area (sealing of roads, addition of street lights etc) and extension of Robert Pymble Park. In 1913 Charles became the sole owner of the estate. His family continued to reside on the property until 1919 when the land was transferred to Mabel Reichard, wife of Albert Emile Reichard of Sydney, a wool broker.

Albert Emile Reichard came to Australia in 1896 as an agent to buy wool for his family owned and managed wool mill in Alsace-Lorraine, France. He decided to stay in Australia and became a naturalised citizen in 1902. In 1918 he was appointed Commonwealth Government Wool Appraiser and soon after took up residence with his family, his wife Mabel and three daughters, Suzanne, Marguerite (Margot) and Louise, at Nos. 62-64 Pittwater Road. They renamed the house "*Lanosa*", meaning "wool" in Portuguese. During the War years Reichard was a member of the French-Australian League of Help and was a generous donor. He was member of the first organising committee of the St Ives Showground and entered his horses in a number of events. He also later donated land that became the Orana Avenue Bird Sanctuary.

A Sydney Water plan, dated May 1929 shows the house, constructed relatively close to the street frontage. A number of outbuildings are also shown, including the stables constructed close to the northern site boundary to the north west of the house. The stables has a rectangular footprint, with length extending parallel to the northern site boundary and projecting bay extending from the south eastern corner of the building. The plan also indicates the four allotments purchased. The buildings all occupy what was Lot 21. A tennis court is also shown with fence lines separating part of Lots 18 and 19, possibly a paddock, at the corner of Church Street and Stoney Creek Road. The plan also shows that a number of substantial houses had also been constructed by this time to the west of the site.

Photographs of the house and its immediate surrounds, dated 1920, shows the one and two storey face brick dwelling with gabled and hipped roof clad in slates and decorative brick chimneys. The building facades have contrasting brick bands and details. One of the other outbuildings is clear and has a corrugated steel roof. The stables is not shown, however, other family photographs dated the same time show part of the brick stables with large openings on what appears to be the southern



façade. The image shows a gabled shadow line and alteration of the opening at the eastern end of the southern façade of the building with separate doorway at the western end. A sealed area is also indicated in front of the building and was used for the family car.

The Reichard family continued to reside at *Lanosa*. In 1932 the middle daughter, Marguerite (Margot) was apparently seen riding her horse, Mick, in one of the paddocks fronting what was now Pittwater Road by Francis De Groot. De Groot, a decorated officer and well known furniture designer and manufacturer, was known to the family through mutual association with the New Guard and the All for Australia League, royalist groups strongly opposed to the socialist policies of the newly appointed Lang Labor State Government. De Groot borrowed Mick in order to participate in the official opening of the Sydney Harbour Bridge. The family was unaware of the exact nature of his participation, but it turned out De Groot, in his military uniform riding Mick, cut the ribbon officially opening the Bridge before the intended official, Premier Jack Lang as a form of protest. After the event De Groot visited *Lanosa* several times and was photographed on Mick by renowned photographer Harold Cazneaux.

Meanwhile Reichard had purchased additional land in the area and proceeded to subdivide and sell the various allotments from 1935. The house continued to occupy a large site, Lot 18 (of DP 17526) which extended between Pittwater Road (now Mona Vale Road) and Kywong Avenue. In 1937 Albert Reichard became the registered proprietor of the land. He continued to sell the various allotments until 1940 when Lot 18 including the house was also transferred to Enid Marie Raz of Lindfield. Lot 18, an area of over 1 acre was subdivided into four lots in the same year. Three lots were created along its western boundary facing Kywong Avenue. *Lanosa* remained on the larger site, its western boundary was kinked around the stables and outbuildings at the rear of the building. The reduced Lot 18 with frontage to Pittwater Road was subsequently transferred to members of the Raz family who retained ownership of the property until 1954 when it was transferred to Joseph Salvat.

It is during this period that some changes were also undertaken to the main dwelling. Plans were submitted to Ku-ring-gai Council on 14 February 1941, approved on 4 March 1941 with estimated cost of £1000. The applicant was SC McIneas, a builder, 1007 Pacific Highway Roseville on behalf of the owner, O Raz whose address was 14 Russel Avenue, Lindfield. It is assumed that McIneas was the builder for the works at 64 Pittwater Road, Pymble (as Mona Vale was called at the time) and that these were major works that included the cement rendering and works to the front verandah and additions (at the time a house cost between £2000-3000 and minor alterations and additions cost £50-200). The stable was apparently also rendered at this time.

Lot 1 of the subdivision, now No. 11 Kywong Avenue, was transferred to William Frederick Omedei, an importer of Haberfield in February 1941. The north eastern corner of the lot was kinked around the brick garage and a concrete turning area that remained part of Lot 4 of the subdivision which was occupied by *Lanosa*. The garage is shown with simple rectangular footprint indicating that the south eastern bay/ projection had been removed some time between 1929 and 1940, possibly to allow the clear access for vehicles.

An aerial photograph dated 1943 clearly shows the subdivided allotment with kinked central boundary line between the larger, house site and three portions along Kywong Avenue. The rectangular footprint of the former stables is clear with the sealed turning area and surrounding fence and tree line. The roof form is not clear, however, there appears to be no wings or projections. The building shadow indicates that it was a tall structure. A driveway extends from the Mona Vale frontage along the northern boundary of Nos. 62-64 Mona Vale Road to the building and surrounding area. The aerial photograph also shows the house, No. 11 Kywong Avenue which appears to have been constructed between 1941 and 1943. The house is setback from the street frontage and extends across the site. The hipped roof form with several projecting wings are clear.

The southern portion of the lot retaining the house, *Lanosa* and brick garage was subdivided and sold and remaining northern portion, Lot Y was sold to Woodward Brown (Holdings) Pty Ltd in 1958. Lot Y, now with 155 feet frontage to Mona Vale Road was sold again in 1959 to David Keith Donald and his wife Harriet and then to Eva Margaret Meister in 1969.



In 1974 Lot Y was subdivided into four lots. The house occupied Lot 2 whilst Lots 3 and 4 comprised of long narrow sections along the Mona Vale Road frontage. These two lots were resumed for the purposes of main roads in March and April 1976. Lot 1 retained a brick garage (former stables) and small weatherboard "cottage". Lot 2 was transferred in 1975 and in 1976 was purchased by John Michael Fitzgerald, a solicitor of Pymble and his wife Jan as joint tenants.

Mrs Meister retained Lot 1 and subsequently sought Council's support in an application for modification of the Ku-ring-gai Planning Scheme Ordinance to permit the construction of a dwelling on the site. The frontage was to a main road, however, the 40 feet frontage did not meet the requirements of the Ordinance. Council and the Local Government Appeal Board supported the application, however, it would appear that the matter was not progressed.<sup>18</sup>

The Fitzgeralds reconsolidated Lots 1 and 2 when they purchased Lot 1 in 1979. The stables building also remained on the reconsolidated lots until 1995. In 1994 a Development Application was submitted to Council by the new owners of the site to subdivide and relocate the common boundary between No. 64 Mona Vale Road and No. 11 Kywong Avenue.

The DA was approved in March 1995<sup>20</sup> when the north western portion was subdivided and amalgamated with the site to the west (No. 11 Kywong Avenue). This effectively created the boundary line between the two properties that remains today. The former stable (noted on the Deposited Plan as "old brick garage") remains on No. 11 Kywong Avenue, close to the shared boundary.

The current owners purchased No. 11 Kywong Avenue in 1996. In 2002 they undertook works to the building which was in a poor condition by this time. The works included structural underpinning and other structural works to the building and roof, addition of new windows and doors, addition of new services and fitout for use as a home office. A new projection with gable over was added to the south western façade and roof has also been renewed and reclad with replica slate tiles. The area around the structure, which remains close to the eastern and northern site boundary has also been modified with concrete paving, stone flagging and steps added around the building. New landscaping and a swimming pool has also been added to the area to the south of the structure.

A recent aerial confirms these changes and shows the new roof and landscaping, trees and plantings around the structure. The aerial also indicates the mature trees and plantings on the neighbouring *Lanosa* site between the structure and house. Significant landscape and construction works are currently being undertaken on this site to convert the building and site for use as a child care centre.

#### THEMES

National historical theme	4. Building settlements, towns and cities
State historical theme	10. Townships: may include present, former or aborted settlements, streetscapes 24. Housing

APPLICATION OF CRITERIA	
<b>Historical significance</b> SHR criteria (a)	The former stables building is of some local historic significance as part of the early Federation period of development in the local area. Constructed in c. 1897-98 as an outbuilding associated with the gentleman's residence <i>Te Whare/ Lanosa</i> (Nos. 62-64 Mona Vale Road) it remains one of the oldest buildings in the area. The various changes to the building, conversion into a garage and recently home office reflect the development and changes to the area and changing user requirements. The various subdivisions and changes to the original house and site have changed its relationship and connection to the original house and site.
<b>Historical association significance</b> SHR criteria (b)	The former stables is associated with the development of Nos. 62-64 Mona Vale Road and prominent local identities CM Buck, who constructed the buildings and Albert Reichard who also developed and subdivided that site. It is through Reichard and his association with the New Guard and Captain De Groot that there is a link with the opening of the Sydney Harbour Bridge that is of some historic interest.
<b>Aesthetic significance</b> SHR criteria (c)	<p>The building was constructed as a utilitarian outbuilding and stables and as such retains simple aesthetic character and Federation period structure that despite some additions and alterations retains a sense of its original form and simple details including face brick facades, contrasting brick details and brick arches and main gabled roof.</p> <p>The building has been modified and interior converted for use as a home office. Its physical and visual association with the house and site of Nos. 62-64 Mona Vale Road has also been affected and reduced by subdivision and development of the sites, which is continuing to the present. The structure is not visible from Mona Vale Road. The building is partly visible from Kywong Avenue, however, makes limited visual contribution to the area.</p>
<b>Social significance</b> SHR criteria (d)	<p>The building has no strong or special association with any particular community or group. The stables was home to "Mick" the horse which is of some social interest through the brief association with the New Guard, All for Australia League and Captain De Groot who played an unofficial but significant role in the opening of the Sydney Harbour Bridge.</p> <p>The community nomination for heritage listing and recognition of its association with Nos. 62-64 Mona Vale Road indicates its significance to the local community.</p>
<b>Technical/Research significance</b> SHR criteria (e)	<p>The building generally incorporates standard construction materials and techniques and has been modified with roof and floor structure renewed and replaced.</p> <p>The building appears to be the first to be constructed on the site, however, the archaeological potential is considered to be low with any early resources likely to have been disturbed by the successive subdivision of the area, construction of buildings, terracing and landscaping around the building. Any potential early remains are not likely to reveal any new information which is not available elsewhere.</p>
<b>Rarity</b> SHR criteria (f)	The style of the building is not rare and there are other Federation period buildings in the area, however, the building is one of the oldest in the area and is a former stables building which is now rare in the local area.
<b>Representativeness</b> SHR criteria (g)	The building is part of the early, Federation period of development in the local area.
<b>Integrity</b>	The building has been modified but retains its overall original form. Although the building has been subdivided from "Lanosa" at 62-64 Mona Vale Road, Pymble, it retains some visual relationship to Nos. 62-64 Mona Vale Road.



**HERITAGE LISTINGS**

Heritage listing/s	

**INFORMATION SOURCES**

Include conservation and/or management plans and other heritage studies.

Type	Author/Client	Title	Year	Repository
Written	Perumal Murphy Alessi	62-64 Mona Vale Road, Pymble, Heritage Assessment	2014	Ku-ring-gai Council
Written	Perumal Murphy Alessi	Heritage Assessment: Former Stables No. 11 Kywong Avenue, Pymble	2017	Ku-ring-gai Council

**RECOMMENDATIONS**

Recommendations	<p>The existing building height, form and character should be retained and conserved. Elements identified as being of high and moderate significance should be retained, with works restricted to repair and reconstruction to match with like materials and details. Elements identified as being of moderate significance may be adapted, provided any changes are carefully considered and that there is no impact to any highly significant elements or features. Elements identified as being of low significance may be retained or replaced as required with care.</p> <p>The identified significance does not preclude any further changes to No. 11 Kywong Avenue and site, however, the former stables building should remain detached and separate to the dwelling and open or landscaped garden area to the south of the structure is retained.</p> <p>The face brick facades and details should also be retained and changes to the structure should be identifiable and continue to be visible. The use as a home office is considered highly appropriate. Use as a granny flat is also considered appropriate provided there are no major additions to the building structure or adverse impacts for the addition of services.</p>
-----------------	---

**SOURCE OF THIS INFORMATION**

Name of study or report	Heritage Assessment: Former Stables No. 11 Kywong Avenue, Pymble	Year of study or report	2017
Item number in study or report			
Author of study or report	Perumal Murphy Alessi		
Inspected by			
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>



This form completed by	Ku-ring-gai Council	Date	2017

DRAFT

**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	The two storey face brick stable structure from the rear of the house, No. 11 Kywong Avenue, Pymble				
<b>Image year</b>	2016	<b>Image by</b>	Perumal Murphy Alessi	<b>Image copyright holder</b>	Perumal Murphy Alessi



**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	The western façade which has two window openings with modern (western red cedar) timber framed windows. The upper window retains a contrasting brick arch over.				
<b>Image year</b>	2016	<b>Image by</b>	Perumal Murphy Alessi	<b>Image copyright holder</b>	Perumal Murphy Alessi

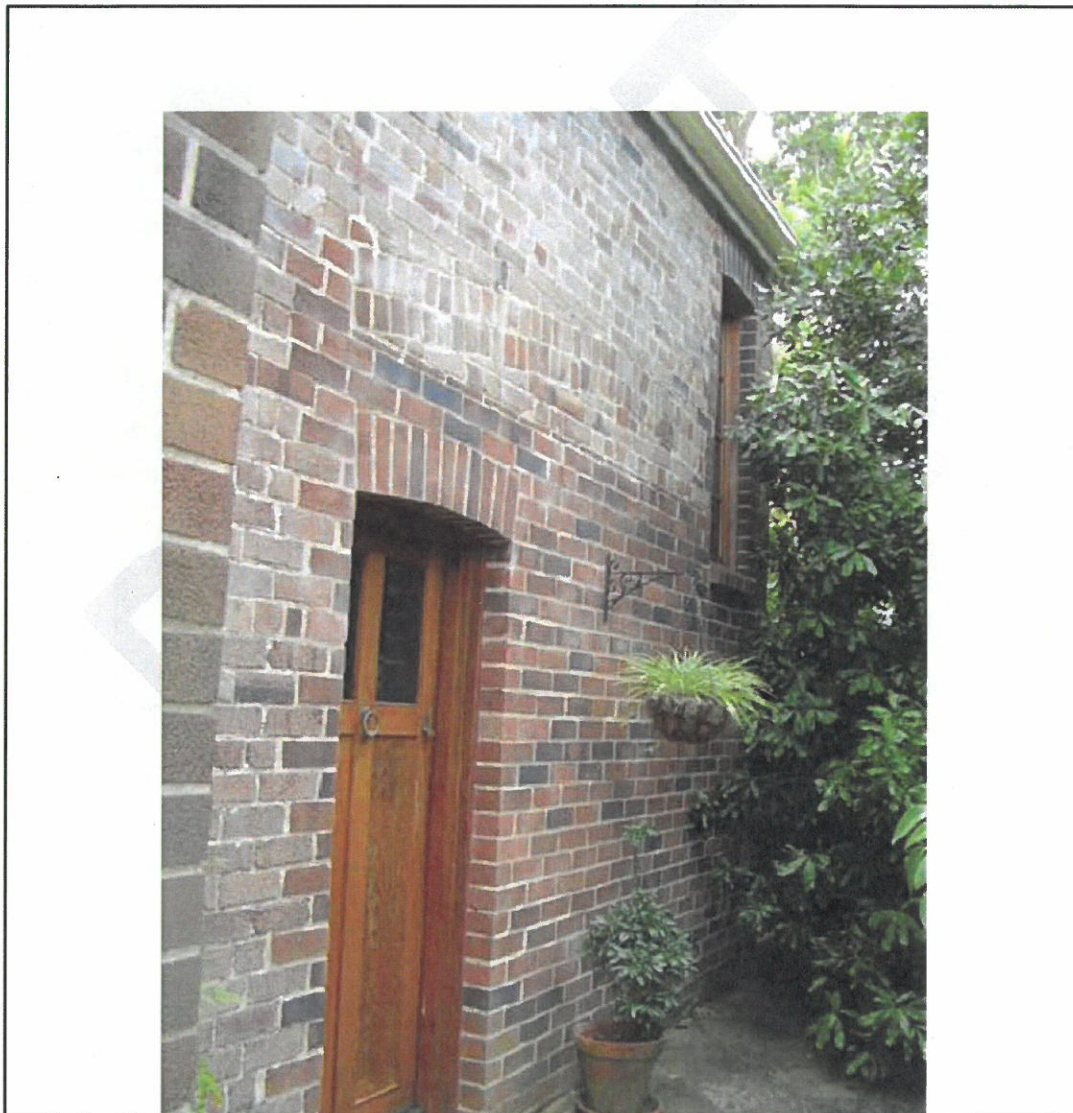




**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	The southern façade has undergone some change, infill of early openings and adaption. New windows and door have been added.				
<b>Image year</b>	2016	<b>Image by</b>	Perumal Murphy Alessi	<b>Image copyright holder</b>	Perumal Murphy Alessi



**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	The eastern façade of the building was partly visible from the site of Nos. 62-64 Mona Vale Road. Note the proximity to the fence.				
<b>Image year</b>	2016	<b>Image by</b>	Perumal Murphy Alessi	<b>Image copyright holder</b>	Perumal Murphy Alessi

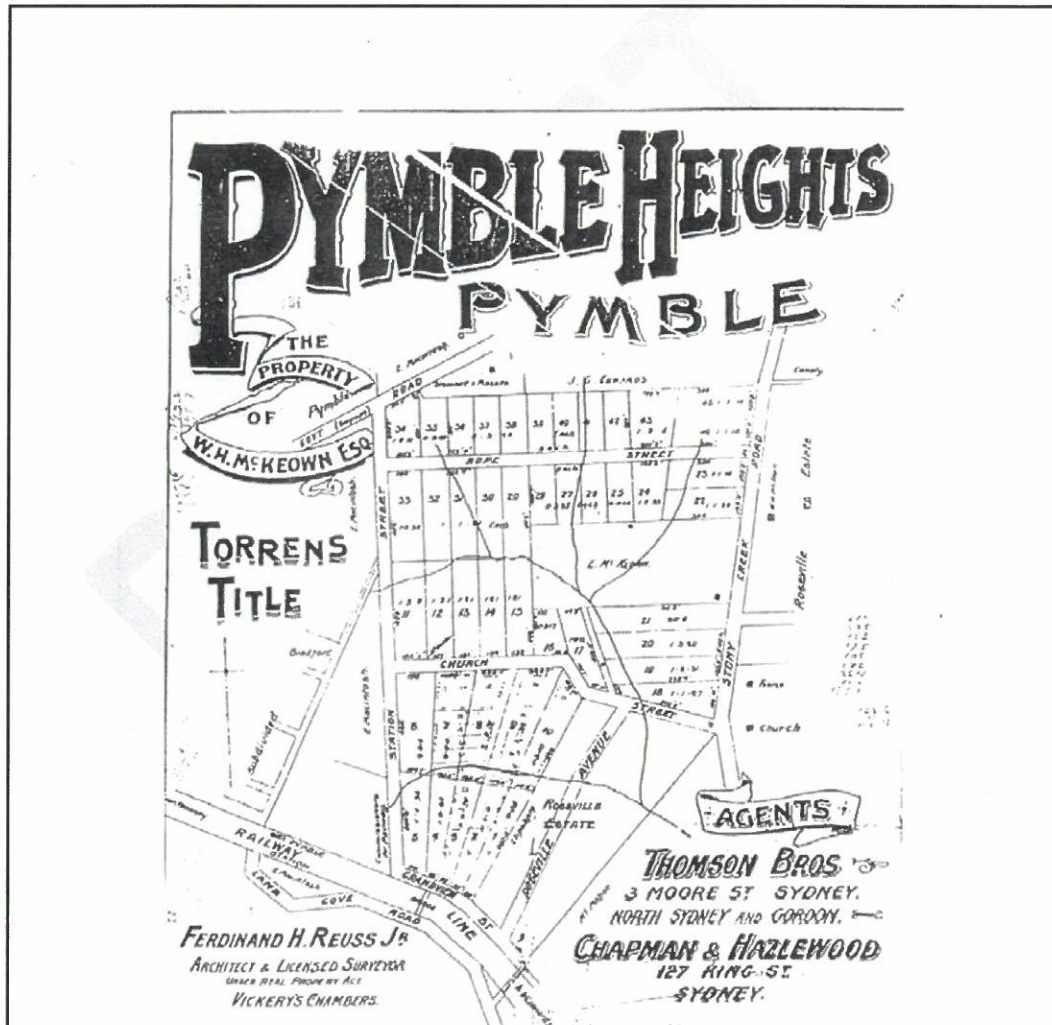




## IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	Pymble Heights subdivision plan (also known as the Roseville Estate, DP 2993)				
Image year		Image by	Godden Mackay Logan Keys Young (2001)	Image copyright holder	

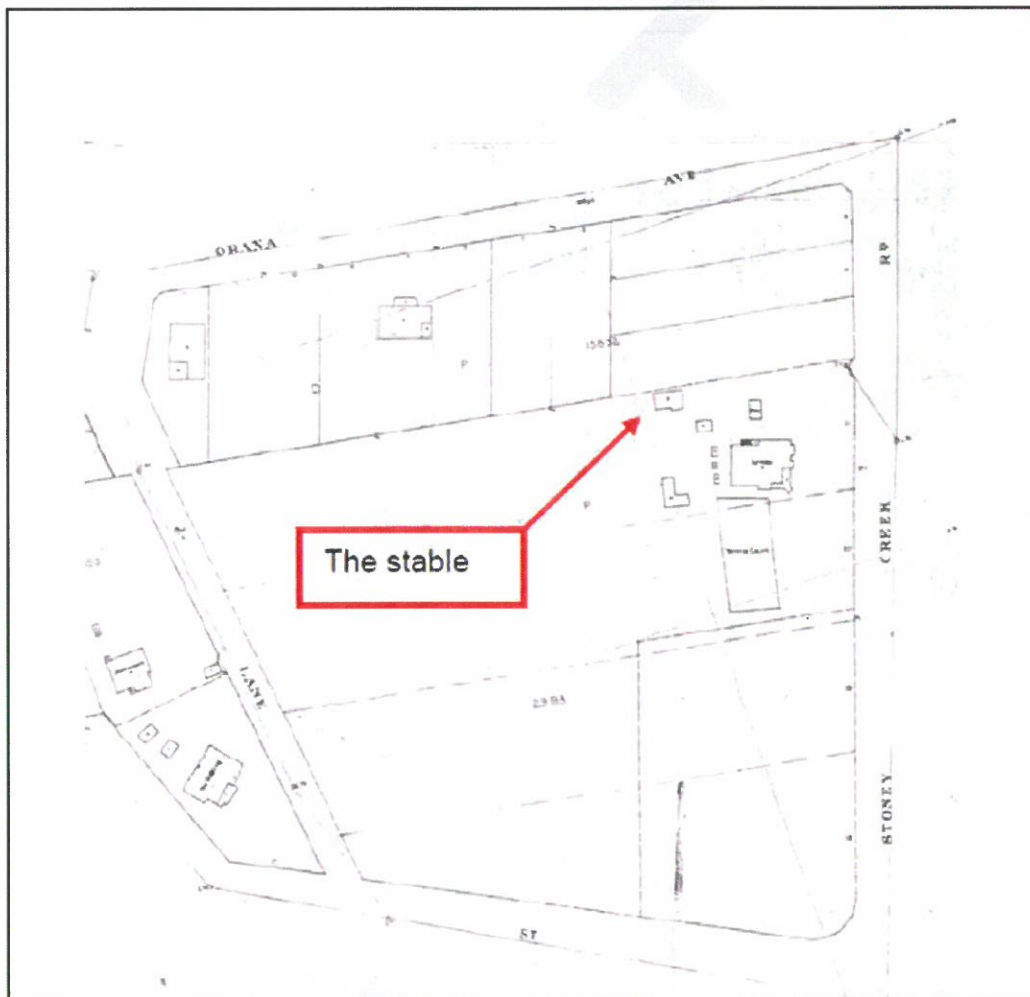




**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	The 1929 plan showing the house <i>Lanosa</i> , surrounding outbuildings including the brick stable which is shown with a projecting bay (possibly with gabled roof indicated by the shadow line) at the south eastern corner of the building.				
<b>Image year</b>	1929	<b>Image by</b>	Sydney Water	<b>Image copyright holder</b>	Sydney Water



**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

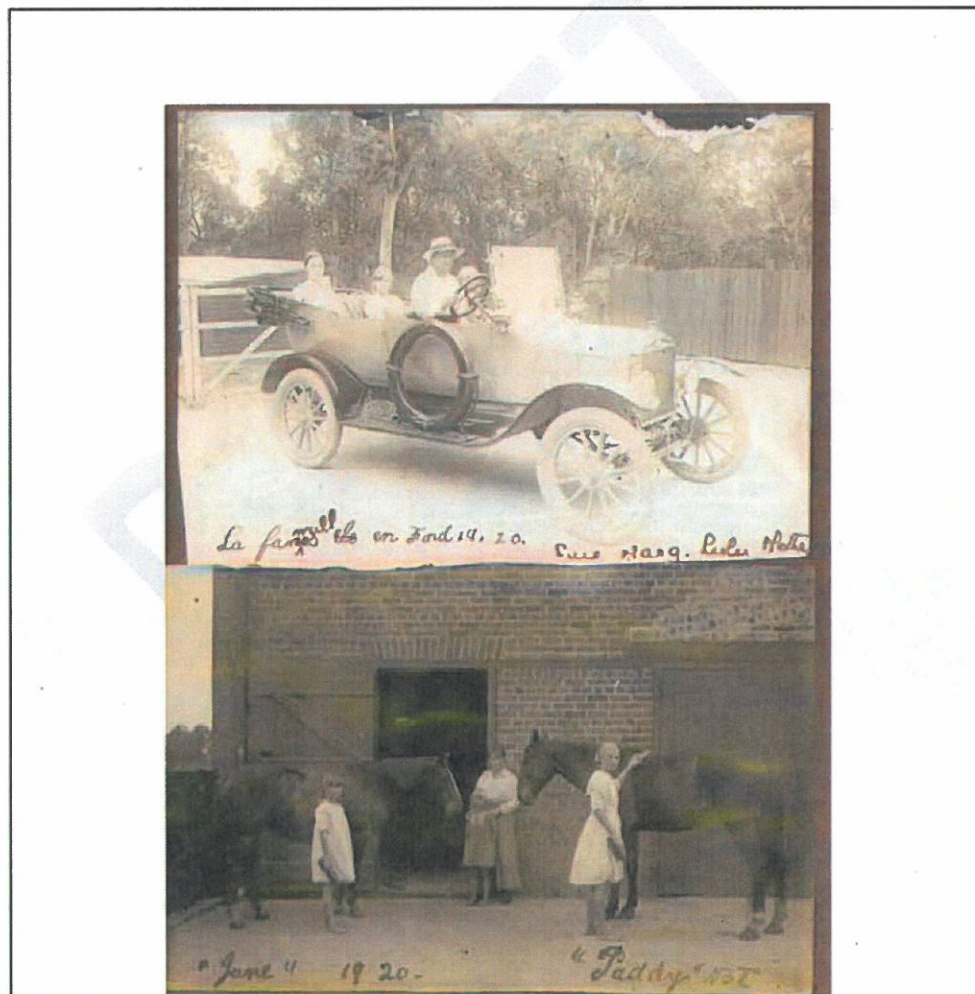
Image caption	"Lanosa", 1920. The original face brick facades with contrasting brick details are evident. The original front verandah and single storey bay window with hipped roof over are also clear.				
Image year	1920	Image by		Image copyright holder	Harry Dutton



**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

Image caption	Family images dated 1920 showing part of the southern facade of the former stables and associated sealed forecourt.				
Image year	1920	Image by		Image copyright holder	Harry Dutton

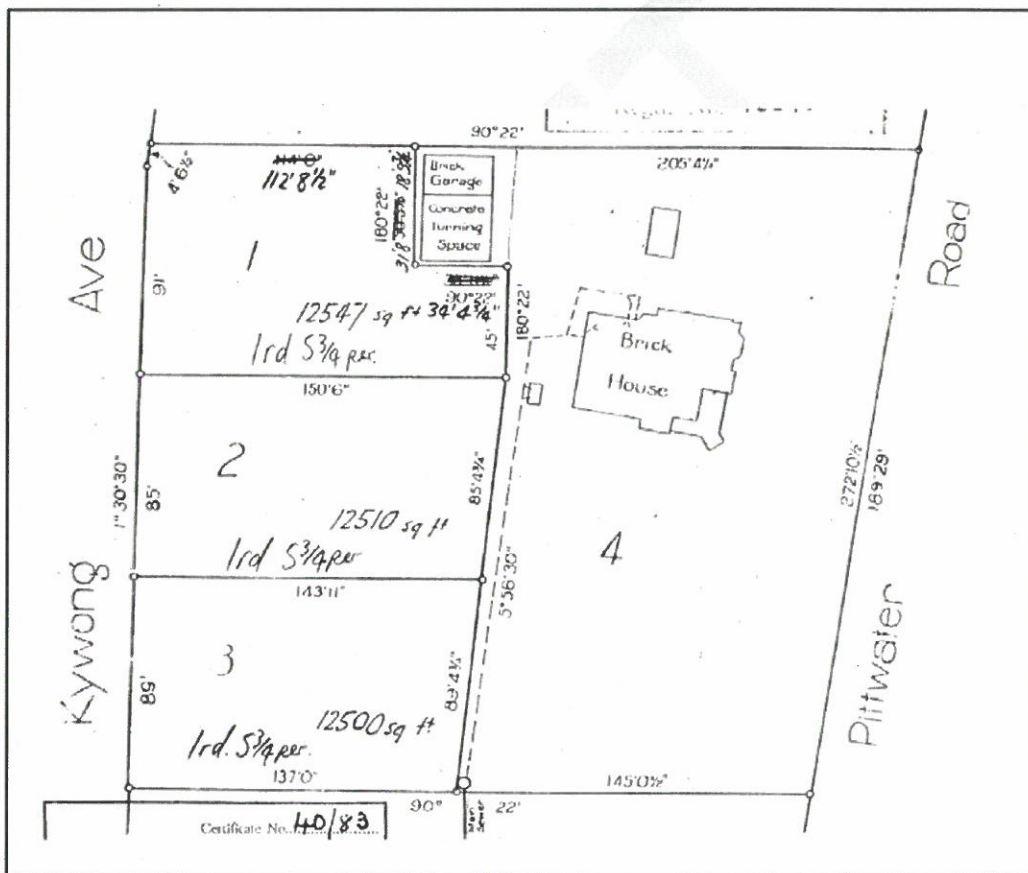




## IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

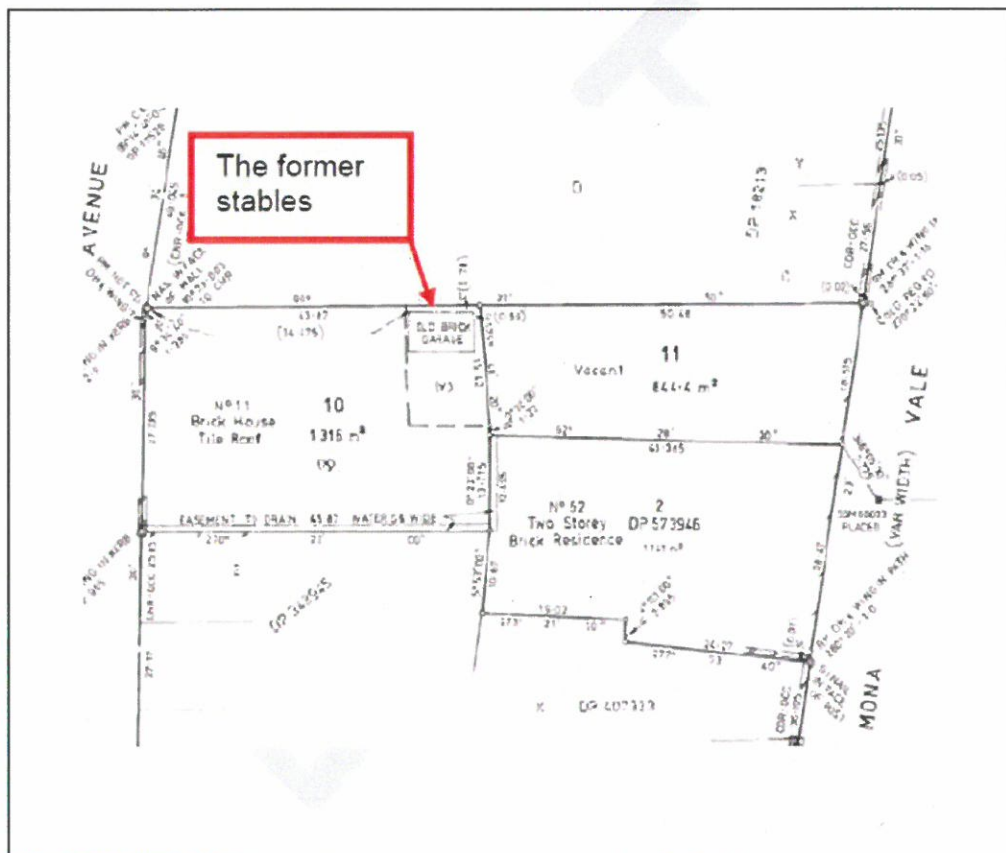
Image caption	1940 subdivision of Lot 18 which was occupied by the brick house, "Lanosa" and various outbuildings including the stable now a brick garage with concrete turning space.				
Image year	1940	Image by	Land and Property Information, DP 343945	Image copyright holder	Land and Property Information



## IMAGES - 1 per page

Please supply images of each elevation, the interior and the setting.

Image caption	The 1995 subdivision of Lot 1 which effectively created the site boundary between Nos. 62-64 Mona Vale Road and No. 11 Kywong Avenue that remains today.				
Image year	1995	Image by	Land and Property Information, DP 855982	Image copyright holder	Land and Property Information



**IMAGES - 1 per page**

Please supply images of each elevation, the interior and the setting.

<b>Image caption</b>	De Groot mounted on Mick in Pymble				
<b>Image year</b>	1932	<b>Image by</b>	Harold Cazneaux	<b>Image copyright holder</b>	J.M. Cottee Collection courtesy of the Cazneaux family





## Appendix 2 – Gateway Determination



PP\_2017\_KURIN\_006\_00 (IRF17/65)

Mr John McKee  
General Manager  
Ku-ring-gai Council  
Locked Bag 1006  
GORDON NSW 2072



Dear Mr McKee

**Planning Proposal PP\_2017\_KURIN\_006\_00 to amend Ku-ring-gai Local Environmental Plan 2015**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to list part of 11 Kywong Avenue, Pymble as an item of local heritage significance.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan-making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within nine months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The state government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Mark Dennett at the Department to assist you. Mr Dennett can be contacted on 9860 1534.

Yours sincerely

 22 January 2016  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl: Gateway determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template





## Planning & Environment


### WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ku-ring-gai Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012 in relation to the following planning proposal:

Number	Name
PP_2017_KURIN_006_00	Planning proposal to list part of 11 Kywong Avenue, Pymble as an item of local heritage significance.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, Council must comply with the Department's *A guide to preparing local environmental plans 2016* and *A guide to preparing planning proposals 2016*.

Dated *22nd January* 2018

  
Stephen Murray  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment

Delegate of the Secretary  
of the Department of Planning and Environment

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2017_KURIN_006_00
Date Sent to DP&E under s56	7 November 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

#### Additional relevant information:



## Gateway Determination

***Planning Proposal (Department Ref: PP\_2017\_KURIN\_006\_00): to list part of 11 Kywong Avenue, Pymble as an item of local heritage significance.***

I, the Executive Director, Regions, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ku-ring-gai Local Environmental Plan (LEP) 2015 to list part of 11 Kywong Avenue, Pymble as an item of local heritage significance should proceed subject to the following conditions:

1. The planning proposal be amended prior to community consultation as follows:
  - (a) the response to Q7 (page 12 of the proposal) should be amended to clarify the proposal will not result in the removal of a heritage listing; and
  - (b) the heritage map reference title (page 5 of the proposal) should be corrected from '0013' to '013'.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the Office of Environment and Heritage – Heritage Division under section 56(2)(d) of the Act. The Office of Environment and Heritage – Heritage Division is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



5. The time frame for completing the LEP is to be nine months following the date of the Gateway determination.

Dated 22<sup>nd</sup> day of January 2018.

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**

**Appendix 3 – PCO Legal Drafting – signed under Delegation**



## PARLIAMENTARY COUNSEL

---

### *Opinion*

Environmental Planning and Assessment Act 1979  
Proposed Ku-ring-gai Local Environmental Plan 2015 (Amendment No 17)

Your ref: PP\_2017\_KURIN\_006\_00  
Our ref: e2018-146.d03 EL

---

In my opinion the attached draft environmental planning instrument may legally be made.

When the environmental planning instrument is made, a map cover sheet that lists the final form of the maps adopted by the instrument should be signed by the person making the instrument.

A handwritten signature in black ink, appearing to be 'R Hodge'.

(R HODGE)

Acting Parliamentary Counsel

15 June 2018





New South Wales

## **Ku-ring-gai Local Environmental Plan 2015 (Amendment No 17)**

under the

**Environmental Planning and Assessment Act 1979**

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

.....  
A. Watson

21 June 2018

Andrew Watson, Director Strategy & Environment

Ku-ring-gai Council

Delegate of Ku-ring-gai Council, the local plan making authority

## **Ku-ring-gai Local Environmental Plan 2015 (Amendment No 17)**

under the

Environmental Planning and Assessment Act 1979

### **1 Name of Plan**

This Plan is *Ku-ring-gai Local Environmental Plan 2015 (Amendment No 17)*.

### **2 Commencement**

This Plan commences on the day on which it is published on the NSW legislation website.

### **3 Land to which Plan applies**

This Plan applies to part of Lot 10, DP 855982, being 11 Kywong Avenue, Pymble.

### **4 Maps**

The maps adopted by *Ku-ring-gai Local Environmental Plan 2015* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

### **5 Amendment of Ku-ring-gai Local Environmental Plan 2015**

#### **Schedule 5 Environmental heritage**

Insert in appropriate order in Part 1:

Pymble	Former "Lanosa" stables	11 Kywong Avenue	Part of Lot 10, DP 855982	Local	I553
--------	-------------------------	------------------	---------------------------	-------	------

## **Appendix 4 – Proposed LEP Map Sheets**





# Ku-ring-gai Local Environmental Plan 2015

## Heritage Map - Sheet HER\_013

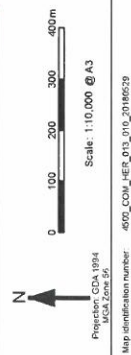
### Heritage

- Conservation Area - General
- Item - General

### Cadastral

- Cadastral 01/06/2016 © Land and Property Information (LPI)

004 010	005 011 016
001 006 012 017	002 007 013 018
003 008 014 019	009 015 020



**Appendix 5 – Map Cover sheet – signed under Delegation**

## Ku-ring-gai Local Environmental Plan 2015 (Amendment 17)

**Ku-ring-gai Council**

818 Pacific Highway  
Gordon NSW 2072

### Map Cover Sheet

The following map sheets are revoked:

Map Sheet	Map Identification Number
Heritage Map	
HER_013	4500_COM_HER_013_010_20160812

The following map sheets are adopted:

Map Sheet	Map Identification Number
Heritage Map	
HER_013	4500_COM_HER_013_010_20180529

Certified



Director, Strategy & Environment 21/06/18

[Title of Council Delegate]

[Date]

[As Delegate for the Greater Sydney Commission]

[Date]



**Appendix 6 - Attachment 5 Delegated plan making reporting template**

## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2017_KURIN_006_00
Date Sent to DoP&E under s56	7 November 2017
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	22 January 2018

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited	23 February to 23 March 2018	
Date of public hearing (if held)	N/A	N/A
Date sent to PCO seeking Opinion	29 May 2018	29 May 2018
Date Opinion received	15 June 2018	
Date Council Resolved to Adopt LEP	22 May 2018	
Date LEP made by GM (or other) under delegation	19 June 2018	
Date sent to DoP&E requesting notification	19 June 2018	19 June 2018

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**

**Appendix 7 – Response from OEH 28 February 2018**





Mr Antony Fabbro  
Manager Urban & Heritage Planning  
Ku-Ring-Gai Council  
Locked Bag 1006  
GORDON NSW 2072

Dear Mr Fabbro

**PLANNING PROPOSAL REFERRAL FOR 'LANOSA STABLES' 11 KYWONG AVENUE PYMBLE**

I refer to your letter dated 13 February 2018 seeking comment on the abovementioned planning proposal (the proposal) which has received Gateway Determination from the Department of Planning and Environment.

I understand that the proposal seeks to amend Ku-Ring-Gai Local Environmental Plan 2015 (KLEP 2015) to:

- include the former 'Lanosa stables' and forecourt in Schedule 5 of the KLEP 2015 as a heritage item of local significance (Item 553), real property description Part of Lot 10 DP 855982
- alter the heritage map (Sheet HER\_013), by adding that part of the site containing the former 'Lanosa stables' but excluding the remainder of the site containing a dwelling house and pool.

The proposal is accompanied by a heritage assessment report undertaken on behalf of Council by Perumal Murphy Alessi (October 2017). It is noted that the heritage assessment report has been prepared using the NSW State Heritage Inventory criteria and is consistent with the guidelines for assessing heritage significance accepted by the Heritage Division. The report finds that the former 'Lanosa stables' have local heritage significance, and recommends that the item be listed in the KLEP

2015 as a heritage item. We advise that no objections are raised to the listing of a new heritage item in a local planning instrument where it is supported by a robust and up-to-date heritage assessment.

If you have any questions regarding the above matter please contact Sarah Cameron, Senior Heritage Programs Officer, Statewide Programs at the Heritage Division, Office of the Environment and Heritage by telephone on 02 49273146 or email at [sarah.cameron@environment.nsw.gov.au](mailto:sarah.cameron@environment.nsw.gov.au).

Yours sincerely



**Rochelle Johnston**  
Manager Statewide Programs  
Heritage Division  
Office of Environment & Heritage

28 February 2018