



Ku-ring-gai Council

PLANNING PROPOSAL

To include 62-64 Mona Vale Road, Pymble as an item of local environmental heritage.

DATE: September 2014

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INTRODUCTION

Background

This Planning Proposal contains the justification for a proposed amendment to the draft Ku-ring-gai Local Environmental Plan 2013 (KLEP 2013) to list the building known as 'Lanosa' located at 62-64 Mona Vale Road, Pymble (Lot 1 DP 573945 & Lot 11 DP 8555982) as a local heritage item.

1. This Planning Proposal has been prepared in accordance with section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and NSW Department of Planning and Infrastructure (DP&I), A guide to preparing planning proposals, October 2012.

A development application was submitted to Ku-ring-gai Council on the 5th of December 2013 proposing alterations and additions to the internals and externals of the property to facilitate a child care facility on the site. The application was advertised for 30 days from the 20th of December 2013. Arising from the exhibition of the development application, Ku-ring-gai Council received a number of submissions in relation to the subject property requesting and/or supporting its listing as a heritage item.

As a result of the public exhibition of the application raising concerns about the heritage values of the property, Council resolved to obtain an independent heritage report assessment of the property. An assessment of the property, including the internal layout, external structure and the gardens was prepared by Perumal Murphy Alessi Heritage Consultants. This assessment recommends that the property be protected as an item of local heritage significance.

Ku-ring-gai Council at its meeting held on 10 June 2014 resolved to place an interim heritage order (Section 25 NSW Heritage Act 1977) for the property known as 'Lanosa' 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. The Interim Heritage Order was published in the NSW Government Gazette on Friday 13 June 2014. (Appendix A)

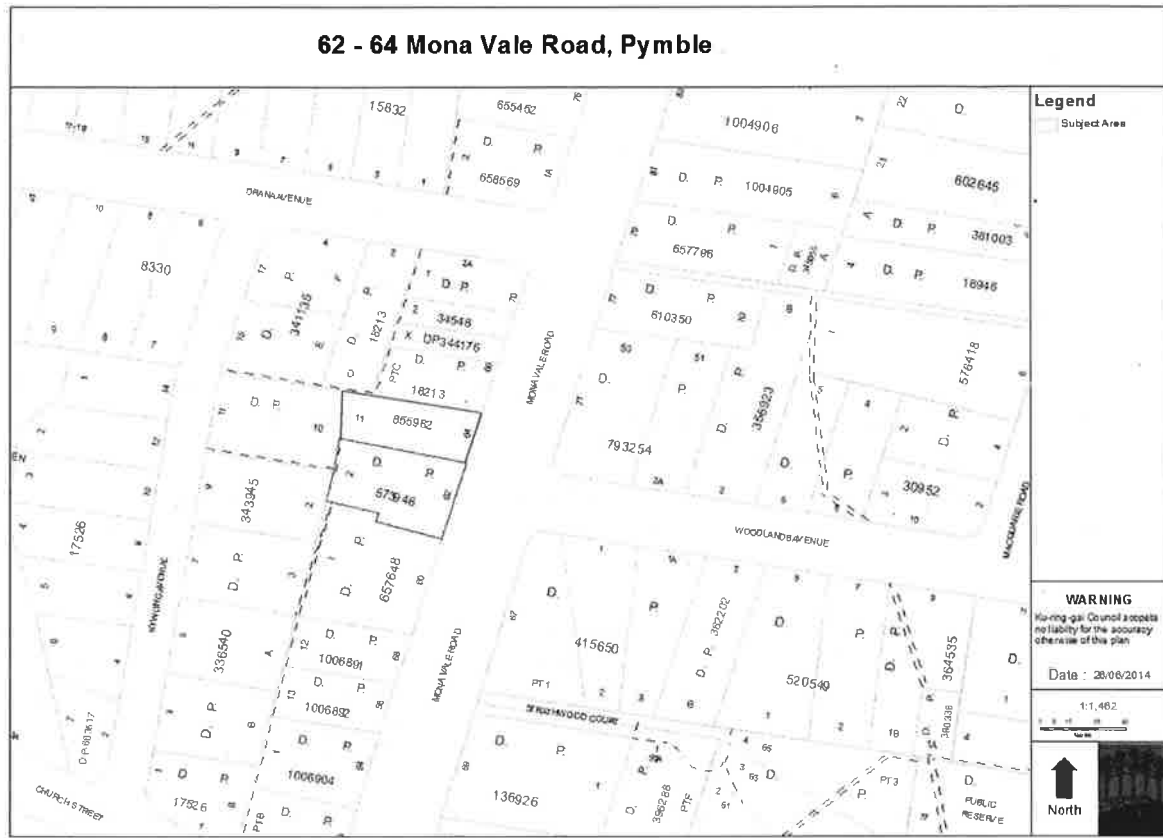
Site Description and Location

The property subject to this planning proposal is located at 62-64 Mona Vale Road, Pymble being Lot 1 DP 573945 & Lot 11 DP 8555982.

The property is located on Mona Vale Road at Pymble, opposite where Mona Vale Road is intersected by Woodlands Avenue.

Photographs of the building are included within the Heritage Assessment Report prepared by Perumal Murphy Alessi Heritage Consultants included at Appendix B. A Landscape Heritage Assessment of the property has also been undertaken by Colleen Morris, landscape heritage consultant. The land scape assessment is included as Appendix C.

Figure 1: Property information map



Source: Ku-ring-gai Council

Figure 2: Property Photos



Source: Perumal Murphy Alessi Heritage Consultants

Figure 3: aerial photo



Source: Dekho. Aerial Photo Date: June 2011

Existing Planning Controls

The site is currently zoned 2(c) under the Ku-ring-gai Planning Scheme Ordinance. However it is the subject of a draft exhibited principal LEP entitled Draft KLEP 2013. As this instrument is expected to be imminently made, this planning proposal has been prepared to relate to the draft LEP. The proposed zoning under the draft instrument is R2 Low Density Residential.

PART 1 – OBJECTIVE AND INTENDED OUTCOMES

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

Objectives

The objective of this planning proposal is to list 62-64 Mona Vale Road, Pymble being Lot 1 DP 573945 & Lot 11 DP 8555982, as an item of local significance on the draft KLEP 2013.

Proposed Planning Controls

The zoning and site controls are not proposed to change as a result of this planning proposal. The sole intent of the planning proposal is to add the property as an item on Environmental Heritage to Schedule 5 of the draft KLEP 2014 and to identify the property on the Heritage Map.

PART 2 – EXPLANATION OF PROVISIONS

An explanation of the provisions that are to be included in the proposed instrument

This planning proposal seeks to amend Schedule 5 Environmental Heritage as follows:

Suburb	Item name	Address	Property description	Significance
Pymble	"Lanosa" Dwelling House, interiors and garden setting	62-64 Mona Vale Road	Lot 1 DP 573945 & Lot 11 DP 8555982	Local

This planning proposal will result in the amendment of the following map:

Draft Ku-ring-gai Local Environment Plan 2013 – Heritage Map – Sheet HER_019 by colouring the subject property so as to indicate a Heritage Item – General.

PART 3 - JUSTIFICATION

The justification for those objectives, outcomes and the process for their implementation

A. Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

Yes. An independent heritage assessment was carried out for the site after objections were raised to a development application for the site raising concerns that the proposed changes would detract from the character and significance of the building, and as such the building should be protected by way of being listed as an item of local heritage significance. Please refer to Appendix B for the full assessment report.

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

Yes. Given Council's recent consideration of the draft KLEP 2013, this approach to include an additional heritage item is considered appropriate to meet Council's requirements and objectives to protect Ku-ring-gai's heritage.

B. Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The relevant subregional strategy is the exhibited Draft Metropolitan Strategy for Sydney to 2031 (March 2013).

A liveable city

The protection of a building of historical and cultural significance to the local area is not inconsistent with this objective.

Productivity and prosperity

This proposal will have no effect on Ku-ring-gai's ability to meet their housing and employment targets therefore, this proposal is not inconsistent with this objective.

Healthy and resilient environment

The retention of this existing residential site does not involve disturbing ground that may have been used for other residential purposes in the past. It is not in an ecologically sensitive area.

Accessibility and connectivity

The existing building is well served by the road and rail network. The planning proposal does not alter this status.

Subregions – North

The draft sub-regional strategy highlights the need to protect significant cultural heritage within these urban areas whilst enabling future urban growth to be accommodated. This proposal to protect an architecturally and culturally significant building is consistent with the aims of the strategy.

Site Specific Merit

Nos. 62-64 Mona Vale Road is of local historic and aesthetic significance as part of an early subdivision and as a largely intact example of Federation period gentleman's residence and Federation period development in the local area. Constructed in c. 1897-98 it remains one of the oldest dwellings in the area. Despite subdivision of the original estate, alterations and additions, the building significantly retains a relatively wide street frontage and large garden setting. Whilst the original face brick facades have been rendered, the building retains its original one and two storey form, character and details, particularly roofscape and street facing gable, main chimneys, an open front verandah, front bay window and projecting entry also the original form and details of the rear wing including unusual raised roof section and original clerestory windows and original side entry and porch.

The building also significantly retains its original internal layout, including four main rooms about the central hall on the ground and first floor and large room with the high, double height ceiling and clerestory windows also original and early ceiling linings, timber windows, doors and joinery and details. The rendered details on the front façade also reflect the original brick details and features.

The various changes to the site and building represent the development of the local area and changing trends, standards of living and occupant requirements.

The overall form and character of the building relates to other early buildings, notably prominent Federation period dwellings located opposite the site (Nos. 67 and 71 Mona Vale Road). Whilst largely screened by the high front fence and plantings, the upper level, roofscape and street facing gable are visible on approach and when travelling along Mona Vale Road and with Nos. 67 and 71

forms part of a visible group of large imposing villas within garden settings which make a positive contribution to the streetscape and area in general.

The site is of some historic and social interest by its association with the opening of the Sydney Harbour Bridge.

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 protection of an item of local architectural and cultural heritage is consistent with the vision and objectives of this document.

The planning proposal seeks to amend the current Draft KLEP 2013 to add the item to Schedule 5 Environmental Heritage. This inclusion is consistent with the aim of the Draft LEP especially:

(2) *The particular aims of this Plan are as follows:*

- (a) *to guide the future development of land and the management of environmental, social, economic, heritage and cultural resources within Ku-ring-gai*
- (f) *to recognize, protect and conserve Ku-ring-gai's indigenous and nonindigenous cultural heritage.*

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The following table identifies the key applicable SEPPs and outlines this Planning Proposal's consistency with those SEPPs.

SEPP	Comment on Consistency
SEPP 55 Remediation of Land	This proposal does not facilitate any building works or disturbance of land
SEPP Infrastructure 2007	This proposal is not inconsistent with the SEPP.
SEPP (Exempt and Complying Development Codes) 2008	This proposal is not inconsistent with the SEPP.
SEPP (Sydney Harbour Catchment) 2005	Consistent. The proposal will have no effect on the harbour or the catchment

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following table identifies applicable Section 117 Directions and outlines this Planning Proposal's consistency with those Directions.

Directions under S117	Objectives	Consistency
2. ENVIRONMENT AND HERITAGE		
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental Heritage significance and indigenous heritage significance.	The Planning Proposal is consistent with the Planning Direction. The purpose of the Planning Proposal is to protect an item of environmental heritage.
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1 Residential Zones	The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Consistent. As the proposal relates to an existing dwelling, it will have no effect on housing choice in the area
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. This planning proposal would not preclude the carrying out of a home occupation
6. LOCAL PLAN MAKING		
Approval and Referral Requirements	The objective of this direction is to ensure that	Consistent. This planning proposal would result in the

Directions under S117	Objectives	Consistency
	LEP provisions encourage the efficient and appropriate assessment of development.	building becoming a local heritage item but not a State Heritage Item.
Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Consistent. This Planning Proposal is not for the purpose of facilitating a particular development proposal. It relates solely to the heritage listing of a new item of environmental heritage.
7. METROPOLITAN PLANNING		
7.1 Implementation of the Metropolitan Strategy	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.	The planning proposal is not inconsistent with the Direction. The planning proposal does not change the zoning or development controls applicable to the site.

C. Environmental, social and economic impact**Q7. Is there any likelihood that *critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

The Planning Proposal is for the purposes of retaining an existing building.

This site is not identified as being of ecological significance, nor has it been identified as biodiversity significant or riparian land under the draft KLEP 2013.

Q8. Are there any other likely *environmental effects as a result of the planning proposal and how are they proposed to be managed?*

There are no additional environmental effects envisaged as a result of heritage listing the current property.

This planning proposal is solely for the purpose of identifying the current building as an item of local environmental heritage and this proposal will not have an adverse effect.

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

The planning proposal is facilitating the conservation of an item of local architectural and cultural heritage that has significance for the local community.

D. State and Commonwealth interests**Q10. Is there *adequate public infrastructure for the planning proposal?***

The planning proposal relates to the heritage listing of an existing building. No additional demand for public infrastructure is anticipated as a consequence of this listing.

Q11. What are the views of state and *Commonwealth public authorities consulted in accordance with the Gateway determination?*

This planning proposal relates to the retention of an existing heritage item and arises from the public exhibition process of the Draft KLEP 2013. The Heritage Division of the Office of Environment & Heritage (OEH) has been consulted prior to the submission of this planning proposal for Gateway.

OEH support the listing of 'Lanosa' as a heritage item of local significance in Schedule 5 of draft *Ku-ring-gai LEP 2013*, because it will provide 'Lanosa' and its setting with statutory protection vis-à-vis the heritage provisions of clause 5.10. The heritage provisions will also assist conservation and management of 'Lanosa' and its setting. A copy of the submission from OEH is included as Appendix D.

Council will undertake to consult with any other agencies nominated by the Department of Planning and Infrastructure as part of the issuing of a Gateway.

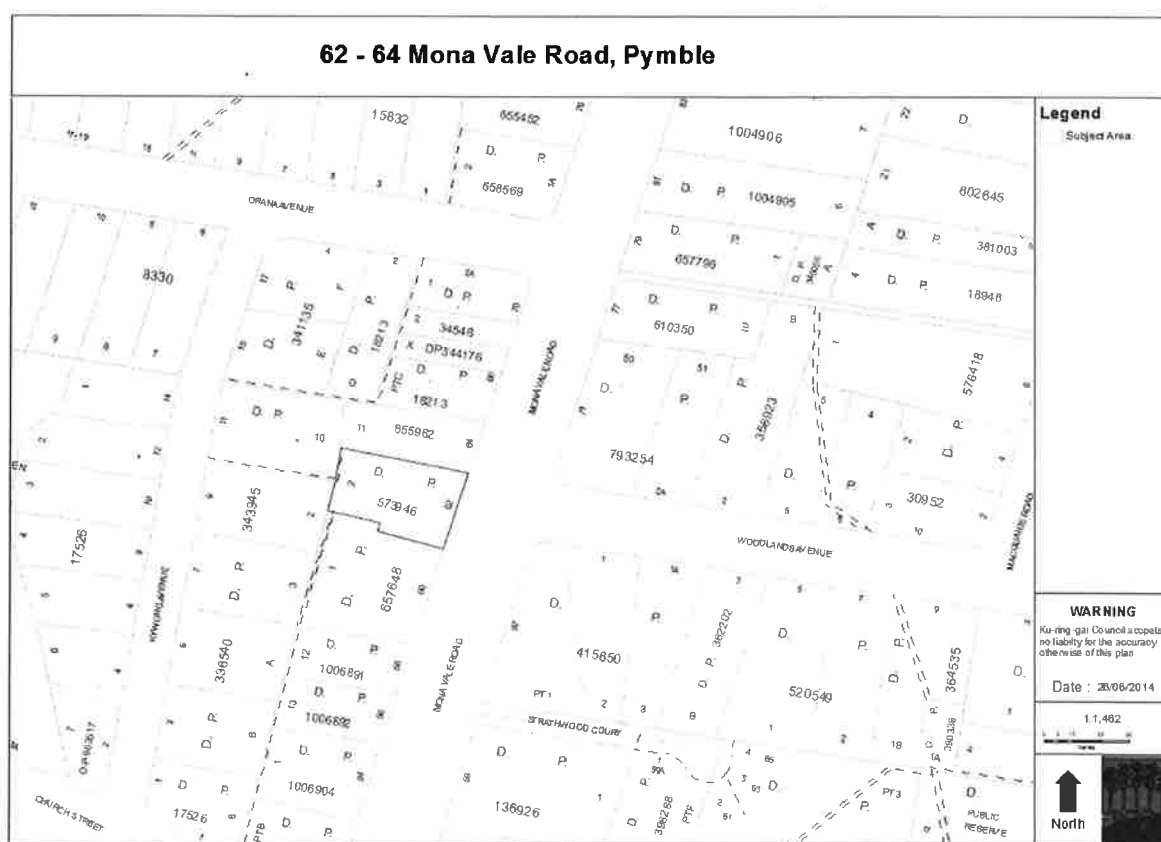
Council will seek the plan making delegation under Section 23 of the Environmental Planning and Assessment Act to finalise the Planning Proposal. This involves Council taking on the Director General's function under s59(1) of the EP&A Act in liaising with the Parliamentary Counsel's Office (PCO) to draft the required local environmental plan to give effect to the Planning Proposal as well the Minister's function under s59(2) of the EP&A Act in making the Plan.

PART 4 - MAPPING

The land subject to the planning proposal

The address of the subject site is 62-64 Mona Vale Road, Pymble being Lot 1 DP 573945 & Lot 11 DP 8555982.

Figure 4: Site Location Map



Current land use zone applying to the land

The property is currently zoned under the *Ku-ring-gai Planning Scheme Ordinance* as 2(c) Residential. However the property is also affected by an exhibited Draft Local Environmental Plan being *Draft KLEP 2013*. The proposed zoning of R2 Low Density Residential is retained in the map below:

**Draft
Ku-ring-gai Local
Environmental
Plan 2013**

Heritage Map - Sheet HER_019

Heritage
 Heritage Item - General
 Conservation Area - General

Cadastre
 Cadastre 1303/2219 @ Land & Property Management Authority

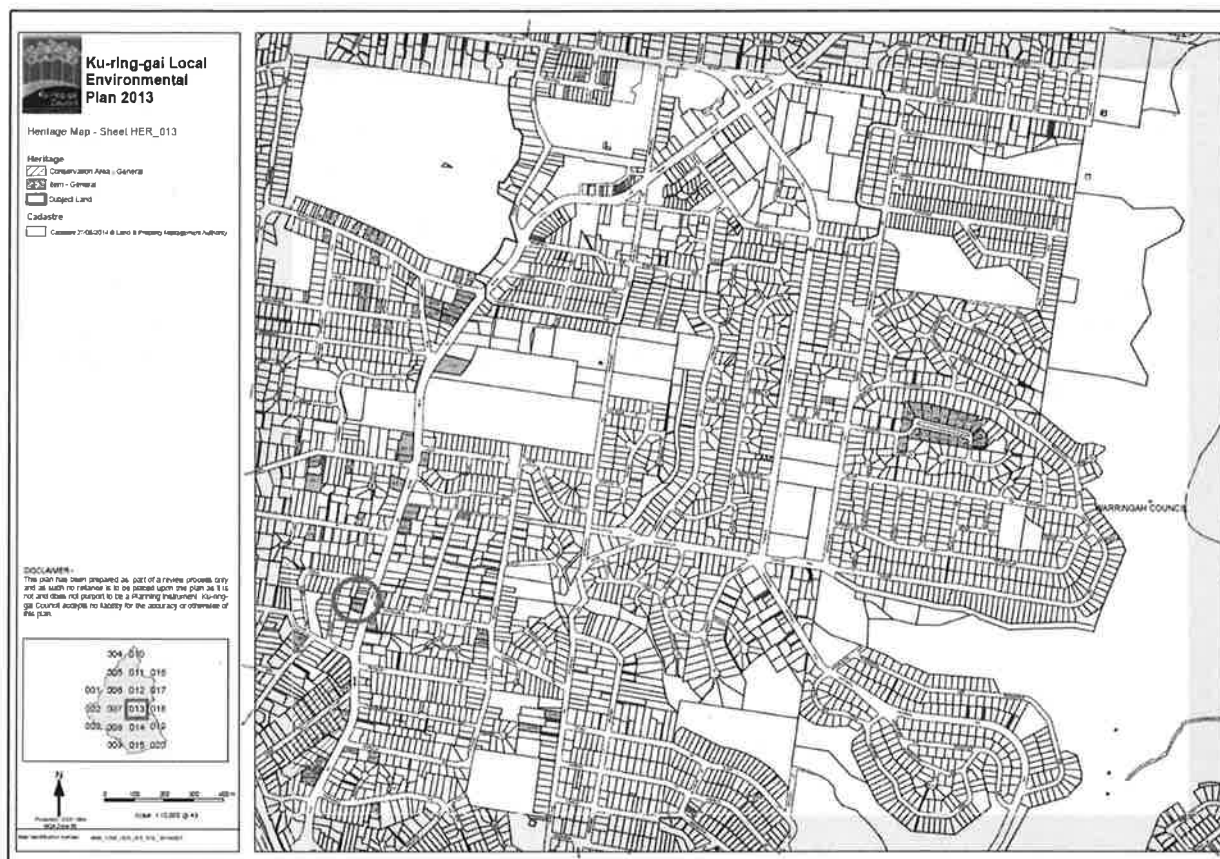
EXHIBITION COPY

DISCLAIMER -
 This plan has been prepared as part of a review process only and as such no reliance is to be placed upon this plan as it is not and does not purport to be a Planning Instrument, Ku-ring-gai Council accepts no liability for the accuracy or otherwise of this plan.

Scale 1:80,000 @ A3
 Prepared by: J. L. L. Ltd.
 Date: 10/10/12

MARRISBACH COUNCIL

Figure 6: PROPOSED Draft Ku-ring-gai Local Environment Plan 2013 – Heritage Map – Sheet HER_019



The property is shown in the bottom left-hand corner of the map shaded: Heritage Item – General, and circled for ease of identification.

The proposed alternative zone (if applicable)

The zoning is not proposed to be changed under this planning proposal.

A map illustrating the extent of the proposed revised development standard (if applicable)

There is no proposed change to the development standards under this planning proposal.

The proposed amendment to the Heritage Schedule is intended to relate to this property only as illustrated by the red outline in this series of maps.

Other relevant maps / figures (proposed heritage conservation area, location of heritage item, extend of environmental conservation area, area to which local provision will apply and the like)

The location of the heritage item is best illustrated by the aerial photo below.

The setting including driveway and curtilage are important to the context of the building and is an integral part of its heritage significance. The heritage listing would apply to the whole property.

PART 5 – COMMUNITY CONSULTATION

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

This planning proposal arises as a direct result of submissions made during the public exhibition period of the development application for alterations and additions to the existing building.

Where relevant the Planning Proposal has been referred to relevant internal sections of Council.

If the planning proposal submitted is supported by the NSW State Government, the draft plan will be placed on public exhibition in accordance with the DP&I's Gateway Determination requirements. This will involve seeking further State agency, stakeholder and general community feedback prior to being reported back to Council.

PART 6 – PROJECT TIMELINE

Stage	Timing
Anticipated commencement date (date of Gateway determination)	< 10/10/14
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	17/10/14 – 7/11/14
Commencement and completion dates for public exhibition period	24/10/14 – 21/11/14 - 28 days exhibition
Post exhibition review and reporting	24/11/14 – 12/12/14
Council meeting / consideration	03/02/2015
Legal drafting of LEP	06/02/2015 – 27/02/2015
Anticipated date RPA will make the plan (if delegated)	02/03/2015 – 13/03/2015
Notification of Plan on Legislation website	27/03/2015

APPENDIX A – Interim Heritage Order Published in Government Gazette 13 June 2014

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PRIVATE ADVERTISEMENTS

13 June 2014

PRIVATE ADVERTISEMENTS

COUNCIL NOTICES

GREATER TAREE CITY COUNCIL

Roads Act 1993

Roads (General) Regulation 2008

Section 162 – Naming of Public Roads

NOTICE is hereby given that Greater Taree City Council, in pursuance of the above act and regulations, of the formal adoption of the following road name as shown hereunder:

Description	Name
A lane running off Miss Careys Road, Killabakh, DP 754436, at a location being (approx.) 1.5k from Comboyne Road.	Yazbaak Lane, Killabakh.

GERARD JOSE, General Manager, Greater Taree City Council, PO Box 482, Taree NSW 2430. [7524]

KU-RING-GAI COUNCIL

Heritage Act 1977

Interim Heritage Order No. 1

UNDER section 25 of the Heritage Act 1977, Ku-ring-gai Council does by this order:

- make an interim heritage order to cover the item of the environmental heritage specified or described in Schedule "A"; and
- declare that the Interim Heritage Order shall apply to the curtilage or site of such item, being the land described in Schedule "B".

This Interim Heritage Order will lapse six months from the date that it is made unless the local Council has passed a resolution before that date either:

- in the case of an item which, in the Council's opinion, is of local significance, to place the item on the heritage schedule of a local environmental plan with appropriate provisions for protecting and managing the item; and
- in the case of an item which in the Council's opinion, is of State heritage significance, nominate the item for inclusion on the State Heritage Register.

Dated: Sydney, 11 June 2014.

JOHN McKEE, General Manager, Ku-ring-gai Council, Locked Bag 1056, Pymble NSW 2073.

SCHEDULE "A"

The property known as Lanosa, situated a 62-64 Mona Vale Road, Pymble, on land described in Schedule "B"

SCHEDULE "B"

All those pieces or parcels of land known as Lot 2, DP 573946 and Lot 11, DP 855982, in Parish of Gordon, County of Cumberland. [7525]

MANLY COUNCIL

Roads Act 1993, Section 162

NOTICE is hereby given that Manly Council, pursuant to section 162 of the Roads Act 1993, has named the following private road:

Peppermint Grove.

This proposed road is in Seaforth, bounded by Castle Circuit and Wakehurst Parkway. The attached diagram shows the layout of the road.



HENRY T. WONG, General Manager, Manly Council, 1 Belgrave Street, Manly NSW 2095. [7526]

MANLY COUNCIL

Roads Act 1993, Section 162

NOTICE is hereby given that Manly Council, pursuant to section 162 of the Roads Act 1993, has named the following private road:

Spring Cove Avenue.

This proposed road is in Manly, bounded by Osborne Road, Wood Street and Carey Street. The attached diagram shows the layout of the road.



HENRY T. WONG, General Manager, Manly Council, 1 Belgrave Street, Manly NSW 2095. [7527]

APPENDIX B – Heritage Assessment Report - Perumal Murphy Alessi

APPENDIX C - Landscape Heritage Assessment Report - Colleen Morris

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