



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 28 JULY 2020 AT 7:00PM
LEVEL 3, COUNCIL CHAMBER**

A G E N D A

**** ** * ** * ** ***

NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

The Livestream can be viewed here:
http://www.kmc.nsw.gov.au/Your_Council/Meetings/Council_Meeting_livestream

Disclaimer: All Ku-ring-gai Council Ordinary Meetings of Council are livestreamed for on-demand viewing on the KMC website. Although Council will do its best to ensure the public is excluded from the livestream, Council cannot guarantee a person's image and/or voice won't be broadcast. Accordingly, attendance at Council meetings is considered consent by a person for their image and/or voice to be webcast. Council accepts no liability for any damage that may result from defamatory comments made by persons attending meetings. As per clause 15.21 of Council's Code of Meeting Practice, a person must not live stream or use an audio recorder, video camera, mobile phone or any other device to make a recording or photograph of the proceedings of a meeting of the council or a committee of the council without the prior authorisation of the council.

PROPOSED HERITAGE LISTING - 6 SPRINGDALE ROAD KILLARA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To re-present the matter of the proposed heritage listing of 6 Springdale Road Killara on Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 following a site inspection by Councillors held on Friday, 17 July 2020.

BACKGROUND:

6 Springdale Road, Killara, was identified as a potential heritage item by Council staff in November 2019. A Preliminary Heritage Assessment was considered by Council on 10 December 2019. Council resolved to request a Ministerial Interim Heritage Order ('IHO') for the site. An IHO was gazetted on 31 January 2020. Heritage Assessment reports have been completed by Patrick Wilson of *Touring the Past* (commissioned by the property owner) and Dr Scott Robertson of Robertson and Hindmarsh Pty Ltd (commissioned by Ku-ring-gai Council). A Council officer's report was prepared for the June 2020 OMC recommending the proposed listing of the property as a local heritage item. Consideration of the matter was deferred for a Councillor site inspection, which is scheduled for 17 July 2020.

COMMENTS:

A heritage assessment has been prepared on behalf of Council for the local heritage listing of 6 Springdale Road, Killara, by a heritage consultant specialising in the architecture of this era. It is considered the house meets the threshold for local heritage listing on the basis of its historic, associative, aesthetic, social, representative and rarity values. In particular its significance is through its association with its designer, renowned Australian architect Ken Woolley, as a rare and representative example of the hallmarks of a regional form of modernist architecture.

RECOMMENDATION:

That a Planning Proposal be prepared to list 6 Springdale Road, Killara as an item of local heritage significance under KLEP 2015.

PURPOSE OF REPORT

To re-present the matter of the proposed heritage listing of 6 Springdale Road Killara on Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015 following a site inspection by Councillors held on Friday, 17 July 2020.

BACKGROUND

6 Springdale Road, Killara is located within the Springdale Conservation Area (C21), a heritage conservation area ('HCA') under KLEP 2015. 6 Springdale Road, Killara is located within the Springdale HCA under KLEP 2015, between two heritage items (I366 and I368) and directly opposite a heritage item (I365). However, the significance of the Springdale HCA places emphasis on Federation and Interwar style housing, and because 6 Springdale Road does not fit this description, reliance on the 'protection' of the HCA is tenuous. The listing of Springdale Road as an individual item will ensure that its significance is recognised into the future and its vulnerability to intrusive changes or potential demolition, diminishes.

In mid-November 2019, the subject property was first brought to Council's attention as it was advertised for sale as an original Ken Woolley designed residence, offered for the first time since its 1976 construction. Staff viewed and conducted preliminary research of 6 Springdale Road, Killara during November and December 2019.

On 4 December 2019, the new owners lodged a Minor Heritage Works application to undertake to paint the existing face brick and construct a new front fence.

A preliminary heritage assessment was undertaken by Council staff and completed on 10 December 2019 (See **Attachment A1**). On 11 December 2019, Council resolved:

"That a letter be sent to the Special Minister of State and Minister for the Public Service and Employee Relations, Aboriginal Affairs and the Arts requesting a State Interim Heritage Order be placed over 6 Springdale Road, Killara."

On 11 December 2019 Council requested the Hon. Don Harwin, (then) Special Minister of State, and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts, to make an Interim Heritage Order ('IHO') over 6 Springdale Road, Killara.

Council did not have authority under s.25 of the NSW Heritage Act 1977 (Heritage Act) delegation to make an interim heritage order on the property. Schedule 2 of the Ministerial Order published in the NSW Government Gazette on 12 July 2013 states: "Council must not make an IHO where...the item is within a heritage conservation area identified in an environmental planning instrument."

On 31 January 2020 the IHO came into effect. The IHO has provided Council with time to undertake further historical research and an independent heritage assessment of the property to establish if it warrants a formal heritage listing.

Under the conditions of the IHO the order will lapse on 31 July 2020 unless Council passes a resolution to list the item on the Schedule 5 of the KLEP 2015 to protect and manage the item, or it nominates the item for inclusion on the State Heritage Register.

COMMENTS

Following the gazettal of the IHO, the property owners commissioned a heritage assessment ('Heritage Statement of Facts and Submissions') by Patrick Wilson (heritage consultant) of *Touring the Past* (See **Attachment A2**). It was received by Council on 2 March 2020. Following this, on 19 March 2020, Council staff were able to inspect the property, accompanied by heritage consultant and registered architect Dr Scott Robertson of Robertson and Hindmarsh Pty Ltd, as well as the owner's consultant and legal representative.

The owner's heritage consultant attests that the 6 Springdale Road does not meet the requirements for local listing as set out by the NSW Heritage Council. Their report disputes the heritage significance of the dwelling on the grounds of a lack of involvement from Ken Woolley during the dwelling's procurement from concept design to construction. The owner's consultant makes reference to correspondence and liaison with the former owner of the house (Mrs Eastment) to justify this assertion. Subsequent changes to the building fabric are also drawn on to outline the lack of significance of the dwelling.

Commissioned by Council, an independent heritage assessment of 6 Springdale Road, Killara [Lot 1, DP505522] was completed by Dr Scott Robertson of Robertson and Hindmarsh Pty Ltd. The final assessment was received 14 April 2020 (See **Attachment A3**). The assessment found that the property is of local heritage significance and should be included as a heritage item under Schedule 5 of the KLEP 2015.

The report prepared by Council's heritage consultant maintains that 6 Springdale Road warrants local listing on Schedule 5 of the KLEP 2015, satisfying the majority of the NSW Heritage Council's criteria for listing. This report outlines that 6 Springdale Road demonstrates significance particularly through its association with notable architect Ken Woolley and through its demonstration of a high degree of technical achievement. Importance is placed on the dwelling's relative intactness and on it being one of the few single residences that the firm agreed to take on during a time where commissions were much larger.

A heritage item is a place, which may include built structures, landscapes, moveable objects and relics, that have recognised cultural significance. In NSW, heritage items of local significance are assessed against 7 criteria:

- A. Historical significance – an item is important in the course, or pattern, of the cultural or natural history of the local area;
- B. Historical association significance – an item has strong or special association with the life or works of a person, or group of persons, of importance to the local area's cultural or natural history;
- C. Aesthetic significance – an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in the local area;
- D. Social significance – an item has a strong or special association with a particular community or cultural group in the local area, for social, cultural or spiritual reasons;
- E. Technical/research significance – an item has potential to yield information that will contribute to an understanding of the local area's scientific, cultural or natural history;
- F. Rarity – an item possesses uncommon, rare or endangered aspects of the local area's cultural or natural history; and
- G. Representativeness - an item is important in demonstrating the principal characteristics of a class of the local area's cultural or natural places; or cultural or natural environments.

6 Springdale Road, Killara fulfils several criteria for heritage significance. In particular, it has aesthetic, historic and technical significance to Ku-ring-gai. A summation of the findings of Dr Scott Robertson's Heritage Assessment Report follows.

Heritage Significance of 6 Springdale Road, Killara

Eastment House is a high-quality, rare and representative example of a regional form of modern architecture, designed by renowned architect Ken Woolley. Construction of Eastment House at 6 Springdale Road, Killara began in 1971 and was completed in 1976 for owners Barry and Margaret Eastment. The Eastment's were master builders, with their company *F.T. Eastment & Sons* known as a quality provider of master building services in the Ku-ring-gai and broader Sydney areas.

Eastment House was one of a small number that Ancher, Mortlock, Murray and Woolley designed for master builders (the other being the Pettit House) thus indicating the high regard builders held for the firm. Eastment House is also one of the very few individually-designed residential projects Woolley undertook in the Ku-ring-gai area, and one of the very few residential commissions he undertook in this phase of his firm's work.

The comprehensive Statement of Significance prepared by Robertson Hindmarsh for 6 Springdale Road, Killara, expounds this importance. It reads:

The Eastment House is of local historical significance in demonstrating the post-World War 2 process of subdividing the grounds of the larger suburban houses erected from the 1890s until World War 2 creating closer settlement and reflecting the historical pressures of economic downturns on owners of larger allotments.

The house is of local associative significance because of its strong association with renowned architect, Ken Woolley and his firm, Ancher, Mortlock, Murray & Woolley. The construction of a new residence within an existing suburban area demonstrates a desire by the Eastment family to continue to live in Killara, where the family had been since the 1930s.

This Eastment House is of local aesthetic significance as its design exhibits the hallmarks of the regional form of modernism (termed by some as the Sydney School) including its use of unpainted external brickwork, vertical timber boarding, high lighting through clerestory windows, and complex, broken roof forms as well as the use of split levels within the house to create a flow of both visual space and of cooling Summer breezes. The surviving architectural drawings and the completed Eastment House demonstrate the palette of materials and construction methods employed by the architectural firm of Ancher, Mortlock, Murray and Woolley that are recognised as forming a distinct regional variation of modern architecture.

The Eastment House contains a large, highly sculptural fireplace form comprising two brick and concrete fireplaces that rises up through the house from the lower Sunroom level, through the Living Room level and up past the Study to emerge through the roof as twin chimneys with opposing skillion concrete chimney cappings.

The Eastment House is one of a series of houses within the Ku-ring-gai municipality that demonstrate the regional variant of modern architecture known as the "Sydney School" of which the architect Ken Woolley was a leading proponent in NSW. Architectural historians have acknowledged that Woolley's greatest contribution as an architect was in the field of housing, raising the standard of suburban dwellings. The Eastment house demonstrates Woolley's key hallmarks that developed during the mid to late 1960s out of his award-winning design for his own house at Mosman.

Ken Woolley is one of two architects to receive multiple awards for residential designs during the 1960s and 1970s, and houses designed by Woolley have developed a strong following, demonstrated by publications, tours and the acquisition of his drawings by the State Library of NSW.

The Eastment house is a rare example of a substantial residence designed for master builders by the architectural practice of Ancher, Mortlock, Murray and Woolley in a period of the firm's work that primarily was occupied by large-scale commercial and institutional buildings as well as multi-residential and project homes, indicating the importance the firm placed on the project as one of the few single residential buildings the firm agreed to undertake for an existing / known client.

The Eastment House demonstrates the key characteristics of the domestic work of the firm of Ancher, Mortlock, Murray and Woolley in the late 1960s and early 1970s and demonstrates the firm's use of similar details in houses at the upper end of the real estate market as were then modified and used in the firm's work for the project home market.

On 21 May 2020, the matter of 6 Springdale Road, Killara was referred to Council's Heritage Reference Committee. This committee is comprised of representatives from the community, the local historical society, the Australian Institute of Architects and other qualified and experienced heritage professionals. The property owner, their heritage consultant, and legal representative made representations on the matter. All reports produced were provided to committee members. The Heritage Reference Committee moved unanimously to support the local heritage listing of this property.

An additional submission by Patrick Wilson was sent to Council one day prior to this meeting, by the legal representative of the property owner. This was supplied to the Heritage Reference Committee members (See **Attachment A4**). Dr Scott Robertson, on behalf of Council, commented as required on the matters raised in this submission verbally during the meeting, and has subsequently formalized a written response (See **Attachment A5**).

The above information was considered before the 30 June Council meeting and the Councillors decided to defer their decision pending a site inspection, which was subsequently undertaken on 17 July 2020.

A submission dated 24 June 2020 was received by Council from Weir Philips Heritage and Planning immediately following the 30 June Council meeting. The submission raises issue with the extent of the comparative analysis, Ken Woolley's involvement in the overall design of the dwelling and asserts that the current owners should have input into the heritage listing. More specifically, the submission raises concerns in relation to the required retention of the face brick and parameters around the construction of a front fence. However, proposals in relation to both of these elements would be relevant irrespective of the proposed local listing as they are covered within the assessment parameters for a Heritage Conservation Area. The submission also mentions additional information that has been provided by the former owner, which was not made available at the time of the preparation of the Robertson and Hindmarsh Report.

In support of the recognised heritage value, above and beyond that of a contributory building within a heritage conservation area, it is recommended that Council prepare a planning proposal to include 6 Springdale Road, Killara on Schedule 5 of KLEP 2015. To support the Planning Proposal a State Heritage Inventory form will also be prepared for Eastment House.

Council recognises that upgrades to the dwelling may be required to suit the changing needs of the occupants. The listing of 6 Springdale Road as a local heritage item does not preclude future alterations from being undertaken. Similar to the management of a dwelling within a conservation area, a qualified heritage professional can provide advice on changes that may be suitable both internally and externally and this has also been outlined in the report prepared by Council’s heritage consultant. The owners may also liaise with Council to discuss sympathetic changes that may be possible.

INTEGRATED PLANNING AND REPORTING

Theme 3: Places, Spaces and Infrastructure

Community Strategic Plan Long Term Objective	Delivery Program Term Achievement	Operational Plan Task
Ku-ring-gai’s heritage is protected, promoted and responsibly managed.	Strategies, plans and processes are in place to effectively protect and preserve Ku-ring-gai’s heritage assets.	Implement, monitor and review Ku-ring-gai’s heritage planning controls including the development of a heritage strategy.

GOVERNANCE MATTERS

This report addresses the first stage in obtaining a Gateway Determination for a Planning Proposal which seeks to list an item of local heritage significance under an amendment to Schedule 5 of the KLEP 2015. If the Planning Proposal is supported by the Department, the Planning Proposal will be placed on exhibition seeking further State agency and stakeholder feedback prior to being reported back to Council to decide if the property should be formally listed.

The process for the preparation and implementation of planning proposals is governed by the provisions of the *Environmental Planning and Assessment Act, 1979*. Council will seek the plan-making delegation under Section 3.36(2) of the EP&A Act to finalise the Planning Proposal.

RISK MANAGEMENT

There is a community expectation that places of heritage significance within the Ku-ring-gai Council LGA will be identified and protected. There is a strategic risk of damaging the reputation of Council if these culturally significant places are not identified and considered for protection.

FINANCIAL CONSIDERATIONS

The cost of preparing this report is covered by the Ku-ring-gai draft Principal Local Environmental Plan - Urban Planning & Heritage Budget – Strategy and Environment Department.

SOCIAL CONSIDERATIONS

The identification and protection of Ku-ring-gai’s heritage places contributes to the ongoing conservation of Ku-ring-gai’s community-valued historic landscape and garden suburbs.

ENVIRONMENTAL CONSIDERATIONS

The retention and conservation of heritage places has an important role in protecting the environment. The environmental sustainability benefits afforded by the retention of heritage places

includes the substantial reduction in building demolition and new construction waste, and the conservation of embodied energy in the existing buildings.

COMMUNITY CONSULTATION

As part of making the Interim Heritage Order for the site, the IHO was published in the NSW Government Gazette on 31 January 2020. Council advised the property owner on 31 January that the order had been approved and published in the NSW Government Gazette.

The purpose of the IHO was to enable a full assessment of the property's heritage significance to be conducted. Council representatives and Dr Scott Robertson visited the property and met with the representatives of the property owner on 19 March 2020. The property owner and their representatives were also given an opportunity to speak at the Heritage Reference Committee on the 21 May 2020 and to read all of the assessment reports that have been completed in relation to the property.

The affected property owner was notified of this report going before Council and will be further notified and have the opportunity to provide feedback if Council supports its listing in a planning proposal during the formal exhibition period.

Should the Planning Proposal receive a favourable Gateway Determination, it will be exhibited in accordance with the Department's Gateway Determination requirements and with explanatory heritage information. This will involve appropriate notification and receipt of submissions on the draft Planning Proposal from the relevant State agencies and the general community, and a further report back to Council regarding this matter.

INTERNAL CONSULTATION

Consultation with relevant Departments of Council has taken place in preparing this report, in particular, Development and Regulation. In addition, Council's Heritage Reference Committee has reviewed the proposed heritage item and moved a unanimous decision to support the listing.

SUMMARY

An assessment of heritage significance supports the finding that 6 Springdale Road, Killara is worthy of inclusion on Schedule 5 of the KLEP2015. The purpose of this report is to instigate Council's commencement of a Planning Proposal in relation to this listing.

RECOMMENDATION:







- A. That Council proceeds to prepare a Planning Proposal to amend KLEP2015 to include 6 Springdale Road, Killara [Lot 1, DP505522] as a local heritage item in Schedule 5.
- B. That the Planning Proposal is referred to the Ku-ring-gai Local Planning Panel ('KLPP') for advice in accordance with the Local Planning Panel Direction – Planning Proposals.
- C. That a report be brought back to Council following the advice from the KLPP for Council to consider whether or not to forward the Planning Proposal for a Gateway Determination under section 3.34 of the Environmental Planning & Assessment Act 1979.

Olivia Turner
Student Heritage Planner

Vanessa Holtham
Heritage Planner Specialist

Antony Fabbro
Manager Urban & Heritage Planning

Andrew Watson
Director Strategy & Environment

Attachments:	A1	Report by Council Staff - 6 Springdale Road, Killara - preliminary heritage assessment	2019/373548
	 Download		
	A2	Report by Patrick Wilson for Property Owners - Heritage Statement of Facts and Submissions for 6 Springdale Road Killara and Appendices 02/03/20	2020/160080
	 Download		
	A3	Report by Scott Robertson of Robertson and Hindmarsh Pty Ltd - 6 Springdale Road Killara Heritage Assessment report	2020/106975
	 Download		
	A4	Letter from Clare Collet (Mills Oakley) - 6 Springdale Road, Killara - regarding Heritage Reference Committee Meeting to be held on 21 May 2020	2020/160088
	 Download		
	A5	Response by Robertson & Hindmarsh 04 06 2020 - to Letter by Mills and Oakley to Heritage Reference Committee - Regarding 6 Springdale Road, Killara	2020/160643
	 Download		
	A6	Weir Phillips Heritage Report - 6 Springdale Road Killara - 24 June 2020	2020/199441
	 Download		

Resolved:

(Moved: Councillors Szatow/Smith)

That:

- A. Council proceeds to prepare a Planning Proposal to amend KLEP2015 to include 6 Springdale Road, Killara [Lot 1, DP505522] as a local heritage item in Schedule 5.
- B. The Planning Proposal is referred to the Ku-ring-gai Local Planning Panel ('KLPP') for advice in accordance with the Local Planning Panel Direction – Planning Proposals.
- C. A report be brought back to Council following the advice from the KLPP for Council to consider whether or not to forward the Planning Proposal for a Gateway Determination under section 3.34 of the Environmental Planning & Assessment Act 1979.

For the Resolution:

The Mayor, Councillor Anderson and Councillors Clarke, Greenfield, Smith and Szatow.

Against the Resolution:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The voting being EQUAL, the Mayor exercised her Casting Vote IN FAVOUR of the Resolution.