



WARRINGAH
COUNCIL

ATTACHMENT BOOKLET 4

ORDINARY COUNCIL MEETING

TUESDAY 27 AUGUST 2013



PLANNING PROPOSAL
ASSESSMENT REPORT

WARRINGAH LOCAL ENVIRONMENTAL PLAN 2011

20-24 Tralee Avenue, Killarney Heights

June 2013



Planning Proposal – 20 -24 Tralee Avenue, Killarney Heights

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1. Executive Summary

An amendment to Warringah Local Environmental Plan 2011 (WLEP 2011) is sought via the submission of this Planning Proposal prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

This Planning Proposal seeks to rezone the site known as the Killarney Heights Tennis Centre from the current zoning designated as RE2 - Private Recreation under the provision of WLEP 2011 to R2 - Low Density Residential to permit the use of the site for future residential subdivision and the provision of low density housing.

The intended outcome of this Planning Proposal is to enable the redevelopment of the subject site for residential purposes and in accordance with the objectives of the R2 - Low Density Residential zone.

The assessment has found that the following attributes of the proposal endorse its suitability as a Low Density Residential zone:

- The subject site is within an established urban area and is within proximity to a range of services and could be developed in a manner which would be sympathetic to the character of the locality.
- The site is suitable for residential development as it is free from natural hazards such as flooding, bushfire and landslip.
- The site is located within walking distance of public transport along Starkey Street and the shopping/commercial area.
- Future development on the site will avail itself of existing services and infrastructure already servicing the locality.
- Residential development of the site is entirely compatible with surrounding land uses and will not have a detrimental impact of the surrounding area.

Key Issues

A number of key issues that have been identified within the assessment of this application, which are as follows:

Loss of Recreation Facilities

The loss of recreation facilities was a major concern expressed in large number of submissions received. However, in the case of recreation facilities provided on land zoned for Private Recreation, it is necessary to recognise that these facilities rely on commercial success to continue operating. The applicant has argued that the tennis centre is no longer viable, and perhaps the closure of the tennis centre is a stronger evidence of this and therefore the applicant's submission that court occupancy rates have declined is not without merit.

Further, Land zoned Private Recreation forms a small proportion of the land that supplies recreational opportunities in the area. There is sufficient supply of recreation opportunities within the area as well within the Warringah LGA as a whole. Notably, in terms of tennis, the Forestville Park Tennis club is approximately 1.5km walking distance from the subject site, and has capacity to supply the demand left over from the closure of the site.

The assessment has concluded that there is sufficient land available within the area and within Warringah LGA to meet demand for recreational purposes and therefore the refusal of the application based on the loss of recreation facilities will not be warranted.

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Heritage Status

The Tennis centre is located on land which is included as part of the Killarney Heights Village centre heritage conservation area. This heritage conservation area is included as item C7 within Schedule 5 of WLEP 2011. The Village Centre (which includes the tennis courts) has been heritage listed since December 2000, with the gazettal of Warringah LEP 2000. The Killarney Heights Village Centre is of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960s "garden suburb" of Killarney Heights.

The Centre is also of social significance at a local level as its general character and function is considered to be crucial to the identity of the Killarney Heights community. Further, details of this heritage conservation area are contained within the Warringah Heritage Inventory, but the main details are provided within the context of this report (refer to Section 6.3.2 of this report).

A number of submissions received from the public have expressed concerns that the removal of the tennis centre will extinguish the heritage significance of the area.

This issue has been investigated by Council during assessment process as evidenced by the number of studies undertaken by three (3) different consultants reviewing the heritage significance of the tennis courts. Following the review of all the studies, the assessment has found that the removal of the tennis courts will not significantly impact the viability of the heritage area.

The rezoning and development of the peripheral sites such as the squash courts and service station has deteriorated the original heritage value of the site. As a result, while the tennis courts may have been part of the original concept of the Village Centre, they are now a distinctly different satellite of the core shopping centre. As a whole, the southern 'arm' of the Village Centre, of which the tennis courts are part, has transitioned from recreation to residential, mirroring the northern periphery of the area (refer to diagram below).



Figure 1 – Heritage Map showing conservation area

Finally, the tennis courts themselves are of no architectural significance, and removal of the tennis courts will not have an adverse visual change to the area, due to the residential nature of the site. Accordingly, it is concluded that the matters relating to Heritage are of not such significance to warrant the refusal of the application.

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Conclusion

Taking the above matters into account, the assessment has found that a change in the land's zoning is appropriate as the subject site is capable of accommodating residential development, given its location and compatibility with surrounding land uses.

Accordingly, it is recommended that Council support the Planning Proposal and refer the matter to the Department of Planning and Infrastructure for Gateway consideration and determination.

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2 The Site and surrounding area

2.1 Site description

The subject site is located on the northern side of Tralee Ave, Killarney Heights and is directly south of the Killarney Heights Village Centre, across Tramore Place. The site is approximately 2km south of Warringah Road, which is accessed via Melwood Ave and Starkey Street to the north of the Village Centre.

Site context and location

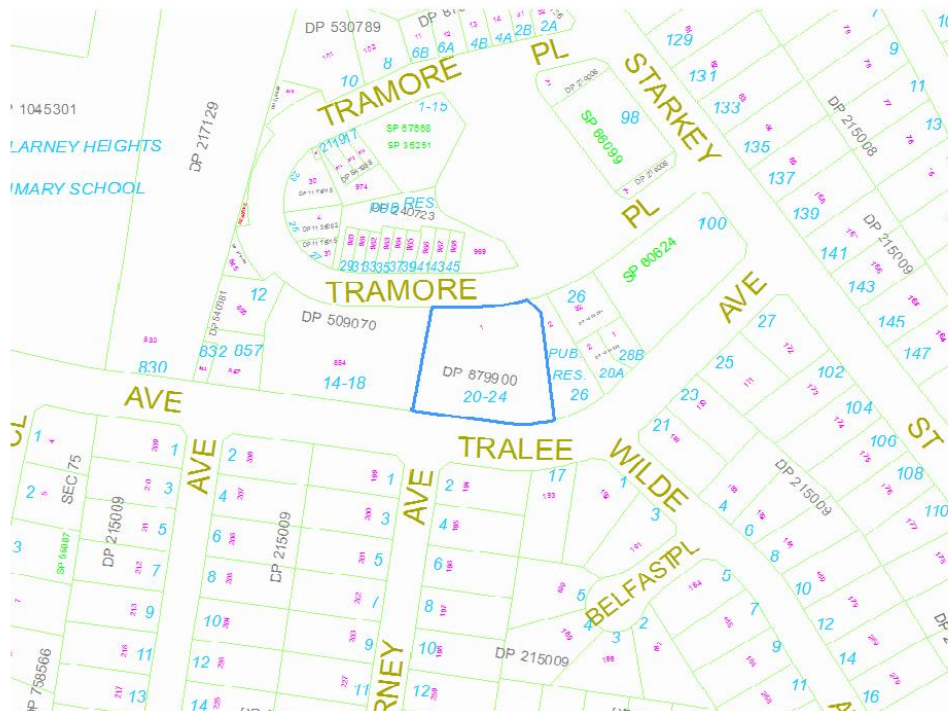


Figure 2 - Site context and location

2.2. Site details and features

Key features of the site include:

- The site is legally described as Lot 1 in DP 879900 and it has an area of 2617.85m².
- The site includes the following development:
 - 2 tennis courts
 - a brick building – containing residential development and a commercial space supporting the tennis courts;
 - vehicular access from Tralee Avenue; and
- A number of established trees are present, principally around the perimeter of the site.

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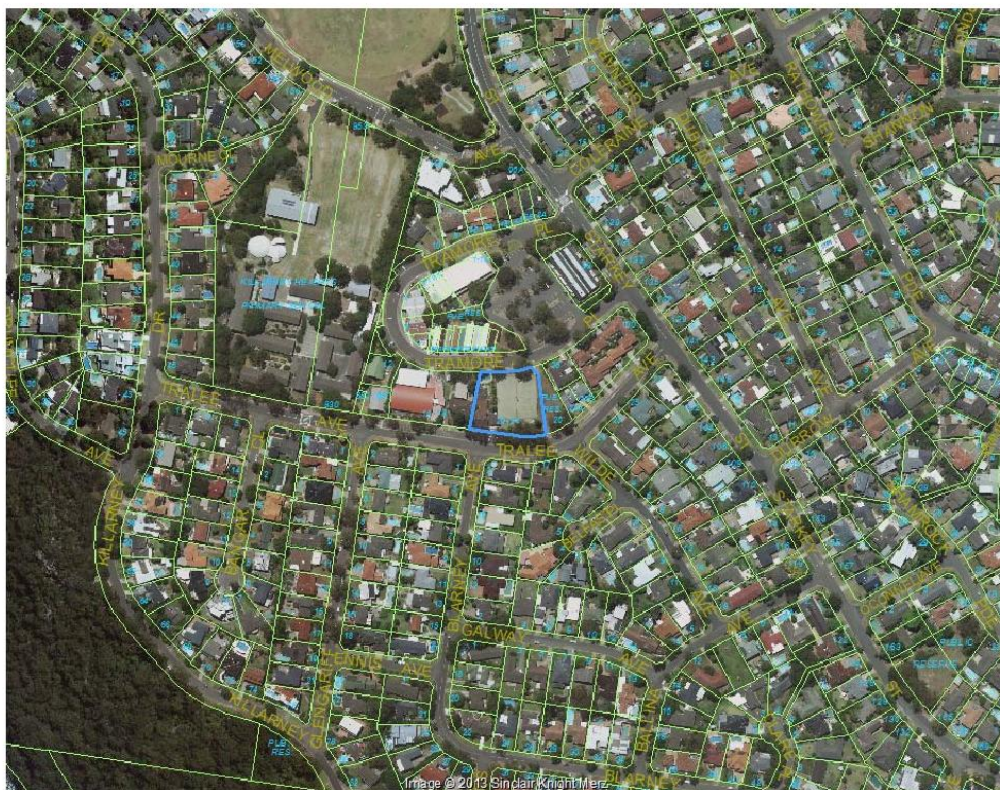


Figure 3 - Aerial photograph of the site and its surrounds

2.3. Site Context

As a suburb, Killarney Heights is generally comprised of low density residential housing, with supporting infrastructure and services in the form of reserves, playgrounds, and local retail establishments. As of the 2011 Census, the suburb was home to 4,291 residents across 435 hectares of land. The population was comprised of 1,373 households. There were 1,438 dwellings counted during the 2011 Census, with 1,365 of those being categorised as “separate houses”.

The site is located south of Killarney Village, a local retail cluster consisting of small businesses servicing the local area. This includes businesses such as a general store, laundry, restaurants, and cafes, as well as a small playground and public gathering space.

Nearby recreational facilities include:

Killarney Swim Centre:

- Located directly to the west
- Private swimming facility
- Zoned RE2 – Private Recreation

Killarney Heights Oval

- Approximately 300m to the north west
- Public cricket, soccer, and rugby facilities
- Public playground
- Zoned RE1 – Public Recreation

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Forestville Playing Fields

- Approximately 1500m to the north west
- Public cricket, soccer, rugby, and tennis, basketball and netball facilities
- Public playground
- Zoned RE1 – Public Recreation

Other nearby facilities include:

- Killarney Heights Public School – approximately 200m west
- Killarney Heights High School – approximately 500m north west
- Forestville Youth Centre – approximately 1700m north west
- Forestville Library – approximately 1700m north

2.4. Historical Context

The Killarney Heights tennis centre was originally constructed in 1964/65, and comprised of 3 tennis courts. At the time, it included the following parcels:

- Lot 1 DP 879900
- Lot 2 DP 879900 (now a park)
- Lot 32 DP 1005291 (now residential)
- Lot 1 DP 1063635 (now residential)
- Lot 2 DP 1063635 (now residential)

Since 1988, the owners of the site have lodged a number of rezoning applications and as result, the tennis centre have been reduced to only two (2) courts on the subject site. The tennis courts have been closed since January 2013.

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3. The Planning Proposal**3.1 Overview**

The Department of Planning and Infrastructure (DP&I) sets the form and structure for Planning Proposal reports in the publication 'A Guide to Preparing Planning Proposals'. Accordingly, this report is set out in four main parts, as follows:

- Part 1 - A statement of the objectives or intended outcomes of the proposed LEP;
- Part 2 - An explanation of the provisions that are to be included in the proposed LEP;
- Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation:
 - A. Need for the Planning Proposal
 - B. Relationship to strategic planning framework
 - C. Environmental, social and economic impact
 - D. State and Commonwealth interests
- Part 4 - Details of the community consultation that is to be undertaken on the Planning Proposal.

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4. Part 1 - Objectives or intended outcomes of the proposed LEP [EPA Act s.55 (2) (a)]**4.1. Intention of the Planning Proposal**

The intended outcome of this Planning Proposal is to rezone the site known as the Killarney Heights Tennis Centre from the current zoning designated as RE2 - Private Recreation under the provision of WLEP 2011 to R2 - Low Density Residential to permit the use of the site for future residential subdivision and the provision of low density housing.

The proposed zoning to R2 - Low Density Residential will render the following uses permissible with consent of the subject site

Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dwelling houses; Educational establishments; Emergency services facilities; Environmental protection works; Exhibition homes; Group homes; Health consulting rooms; Home businesses; Hospitals; Places of public worship; Recreation areas; Respite day care centres; Roads; Veterinary hospitals

The applicant has indicated within the Planning Proposal (refer to Attachment 1) report that the intension of the Planning Proposal once re-zoned is to subdivide the land into four (4) residential lots. To support this, the applicant has provided indicative plan of the proposed subdivision plan as part of the documentation submitted with the application.

The subdivision component is not being considered or assessed as part of this application. The subdivision of the land will need to be lodged separately in the form of a Development Application, should the land be rezoned.

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5. Part 2 - An explanation of the provisions that are to be included in the proposed LEP [EPA Act s.55 (2)(b)]

The site is currently zoned RE2 - Private Recreation under the current provisions of the WLEP 2011, which prohibits any form of residential development on the site.

At the time of preparing this report, the environmental planning instrument that requires amendment is:

- WLEP 2011

This matter is outlined below.

5.1. Current Status:

WLEP 2011 – Land Zoning Map: RE2 – Private Recreation

WLEP 2011 – Lot Size Map: No Control

WLEP 2011 – Building Height Map: 8.5m

5.2. Description of Proposed Change:

WLEP 2011 – Land Zoning Map: R2 – Low Density Residential

WLEP 2011 – Lot Size Map: 600 square metres

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6 Part 3 - Justification for those objectives, outcomes and provisions and the process for their implementation [EPA Act s.55 (2)(c)]

6.1 Section A - Need for the Planning Proposal

6.1.1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not the subject of any State Government or Council endorsed strategic study or report. The reason for this Planning Proposal as indicated by the applicant is due to the fact that the two tennis courts on the site are not economically viable.

The applicant has prepared a Planning Proposal report and technical studies that support the proposed zoning change. These technical studies include:

- Planning Proposal Report by Don Fox Planning Consultants, dated November 2012;
- Statement of Heritage Impact, prepared by Archnex Designs, dated November 2011;
- Supplementary Heritage impact Letter, prepared by Archnex Designs, dated 28 February 2013; and
- Heritage Peer Review, prepared by NBRS + Partners, dated March 2013.

These reports support the rezoning of the site for residential purposes.

Justification for Provisions

The proposed WLEP 2011 provisions (detailed in section 5 of this report) are needed to deliver the changes in zoning to facilitate the development of the site.

Further built form controls that are not included in the WLEP 2011 (for example, building setbacks, building envelope and landscaped space), are required to guide the housing outcome foreshadowed for the site. If the Planning Proposal was approved, the Warringah DCP controls relating to R2 – Low Density Residential zones will apply to the subject site.

6.1.2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes - this Planning Proposal seeks to change the controls of development from RE2 - Private Recreation to R2 - Low Density Residential on site which is not used for recreational purposes. It is considered that the rezoning of the subject site from RE2 - Private Recreation to R2 - Low Density Residential is appropriate for the site for the following reasons:

- The location is by virtue of its topography and location is ideally suited to accommodate residential development;
- There is sufficient recreation land available in the Warringah LGA to satisfy demand for recreational purposes
- Infrastructure is available to support residential use
- residential use is compatible with surrounding land uses
- residential use will supply housing for which there is strong and growing demand

6.1.3. Is there a net community benefit?

Yes - the Planning Proposal, if supported, will result in improvements to the urban environment by enabling the facilitation of residential development on a site that is currently under utilised.

The subject site by virtue of its typography and location is ideally suited to residential development which will facilitate the following community benefits:

- Provide additional residential development which will be consistent with adjoining surrounding developments;

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- Enable new housing to be provided in a locality which will facilitate the support of local business.
- Enable urban development that will incorporate energy efficient design, water conservation and higher standards of environmental performances.

The Planning Proposal will also facilitate Council being able to meet the likely housing demand imposed by the Metropolitan Strategy and subsequent strategies and studies in a manner that does not result in the loss of any existing housing stock.

6.2. Section B - Relationship to strategic planning framework

6.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the Sydney Metropolitan Strategy for 2036 of the draft North East Subregional Plan?

The Planning Proposal is consistent with aims of the Sydney Metropolitan Strategy and the North East Subregional Plan as discussed below.

The Metropolitan Strategy envisages that Sydney's population will grow by around 1.1 million and states that:

Over three quarters of new housing will be located in strategic centre, smaller centres, and corridors with walking distance of shops, jobs and other services concentrated around public transport nodes. As housing density increases on these places the character of Sydney suburbs will be protected.

The vision of the Metropolitan Strategy was bolstered by themes that the growth of urban areas should be constrained to protect the natural environment with smarter urban planning and development.

The rezoning of the site satisfies the criteria in that it will accommodate the forecast growth of the area by providing additional housing for residential purposes. The following attributes of the Planning Proposal consistency with the Metropolitan Strategy:

- The site has immediate, convenient access to public transport via bus services operating along Starkey Street. It is also approximately 2km to Warringah Road which is the major bus transport route for the Region.
- The proposed dwelling density affords Council the opportunity to increase housing stock in the area, and to meet the changing housing needs of the local community.
- The site is located within walking distance of public transport and local shops.
- Future development on the site will avail itself of existing services and infrastructure already servicing the locality.

Draft North East Sub-Regional Strategy

The draft North East Subregional Strategy translates the objectives of NSW Government's Metro Strategy to the local level and sets out the aims and objectives for the North East Subregion, including a housing density of 9-12 dwellings per hectare in the Killarney Heights locality and an additional 17,300 extra dwellings by 2031 within the subregion. Warringah's dwelling target of an additional 10,300 homes by 2031 is established in the companion Strategy - the draft North East Subregional Plan.

This Planning Proposal is consistent with the aims and objectives of this Strategy in that the proposed rezoning will provide an opportunity to provide additional housing in the Killarney Heights locality which will meet the housing needs of the local community.

Draft Housing Strategy 2010

The draft housing strategy 2010 is Council's response to the housing challenge facing Warringah. It is also a strategic planning response to the:

- Metropolitan Strategy

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- Draft North East Subregional Plan
- Ministerial Direction 7.1 Implementation of Metropolitan Plan for Sydney 2036.

Development of the draft strategy took place during 2010. The draft strategy foreshadows growth levels of residential dwellings ranging between 10,300 and 16,000 be gradually developed over the next 25 or so years.

However in July 2011 Council resolved to undertake no further development of the strategy until to State Government commits to funding infrastructure upgrades commensurate with the growth levels that have been forshadowed.

Although, the draft housing strategy has been deferred, it is relevant to identify the strategy sets a target of 10,300 additional dwellings within Warringah LGA, consistent with the North East Subregional Strategy.

The Planning Proposal is considered to be consistent with the finding of the draft housing strategy as the site is well located to benefit from a established infrastructure provisions including proximity to: open space, public transport, nearby shops, services and employment areas. The advantages of the site's location and level of infrastructure available do not trigger the need for a larger scale, strategic assessment of these issues.

There is sufficient strategic planning justification to support the proposal. The development of housing on the site is consistent with the principles of concentrated growth in and around town centres, and within close proximity to public transport links/corridors.

6.2.2. Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

There are two plans of particular relevance to consider in responding to this question:

- Living Warringah Strategic Plan
- The Strategic Community Plan 2011

These are addressed as follows:

Strategic Community Plan 2011

The Warringah Strategic Community Plan 2011 is the Council's primary forward planning document. The plan contains a number of objectives/goals, the one which is relevant to housing and the Planning Proposal states:

- *Plan appropriately for future housing in Warringah, balancing State Government growth targets, the changing demographic profile of the community, local needs and expectations and the need to reduce carbon emissions and resource consumption and the challenges of infrastructure limitations.*
- *Ensure housing development is sensitive to the natural and built environments.*

This Planning Proposal is consistent with this plan in that it will provide additional housing, which will assist in addressing some of the demographic and housing affordability challenges that the plan identifies in an area that is sufficiently supplied with infrastructure.

6.2.3. Is the Planning Proposal consistent with applicable state environmental planning policies?

The following State Environmental Planning Policies are relevant to the Planning Proposal:

SEPP	Requirement	Planning Proposal	Comply
SEPP 32 – Urban Consolidation	The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.	The Planning Proposal is consistent with SEPP 32 in providing the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport and community facilities, close to employment, leisure and other opportunities.	Yes

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SEPP	Requirement	Planning Proposal	Comply
SEPP 55 – Remediation of Land	SEPP 55 requires consent authority to consider the possibility that a previous land use may have created contamination of the site as well as the potential risk to health or the environment from that contamination	<p>Council records show that the site has been used as tennis centre from 1960's. Due to the historical private recreational use of the land, and surrounding residential development, it is considered unlikely that the subject site would be contaminated by any previous use.</p> <p>Further investigation of potential contamination issues would be required at later stages of the planning approval process. This may be needed following the Gateway Determination of the Planning Proposal.</p>	Yes

6.2.4. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The following Ministerial Directions are applicable to the Planning Proposal:

S.117 Direction No. and Title	Contents of S117 Direction	Planning Proposal	Comply?
3.1 Residential Zones	The Planning Proposal must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and are of good design.	The Planning Proposal allows an opportunity for development to provide more housing choices, efficient use of infrastructure and services, direct some demand for housing away from the fringe, and provide opportunity for quality urban design to improve the locality.	Yes
Direction 3	<i>Is the LEP located in a global-regional city, strategic centre nominated within the metropolitan strategy or other regional sub-regional strategy?"</i>	The subject site is not located within a global-regional city or strategic centre nominated within the North East Subregional Strategy. The site is located within an established residential area and capable of providing additional housing.	Yes
Direction 4	<i>Will the LEP facilitate permanent employment generating activity or a result in a loss of employment lands?</i>	While removal of the tennis courts will result in a loss of employment, this loss is insignificant and on balance justified, given the importance of increasing housing supply as an objective. The jobs associated with the site have been 'lost' already as the tennis court have been closed since January 2013 and the lack of viability of the site for private recreation facilities as allowed by the current RE2 – Private Recreation zone.	No
Direction 5	<i>Will the LEP be compatible – complementary with surrounding land uses?</i>	The proposed R2 – Low Density Residential zone would result in residential development of the site that is compatible with, and complementary to, the surrounding land uses.	Yes

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S.117 Direction No. and Title	Contents of S117 Direction	Planning Proposal	Comply?
Direction 6	<i>Is the LEP likely to create a precedent, or create or change the expectations of the land owner or other land holders?</i>	The Tennis Centre is located on land which is included as part of the Killarney Heights Village Centre heritage conservation area. As discussed in (section 6.3.2) of the report, the removal of the tennis courts will not have an adverse visual change to the area, due to the residential nature of the site.	
Direction 7	<i>Will the LEP deal with a deferred matter in an existing LEP?</i>	No, this site is not proposed to be deferred in the WLEP 2011	Yes
Direction 8	<i>Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations</i>	As indicated in the applicant's submission the economic viability of the tennis courts has declined and therefore maintaining the tennis courts is no longer viable option for the owners of the land. In fact, the decrease in the use of sports courts is evident through the rezoning and redevelopment of the squash court site on the corner of Tralee Ave and Starkey Street and proposed rezoning of the tennis courts. The Planning Proposal for the tennis courts will not result in any adverse impact on any other spot rezoning in the Killarney Heights locality as the rezoning of the site to R2 Low Density Residential is entirely consistent with the zoning of the surrounding developments.	Yes
Direction 3.4 Integrating Land Use and Transport	Planning Proposal must be consistent with DUAP publications "improving Transport Choice" and "The Right Place for Business and Services".	The Planning Proposal is consistent with the aims and objectives of the Direction because it provides additional housing in area that close to public transport.	Yes
Direction 4.1 Acid Sulfate Soils	The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a Planning Proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.	Acid sulfate soils analysis has concluded a low probability of acid sulfate soils occurring within this site.	Yes
Direction 6.2 Reserving Land for Public Purposes	Planning Proposal (where relevant) is to facilitate the provision of	The Planning Proposal does not reduce the area of land reserved for public	Yes

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S.117 Direction No. and Title	Contents of S117 Direction	Planning Proposal	Comply?
	public services and facilitates by reserving land for public purposes.	purposes.	

6.3. Section C - Environmental, social and economic impact.

6.3.1. 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 Planning Proposal?

The subject site has not been identified as containing critical habitats or threatened species, populations or ecological communities.

6.3.2. Are there any other likely environmental effects as a result of the Planning Proposal and how they are proposed to be managed?

The only environmental constraint arising from this Planning Proposal would be in the area of Heritage impact, which is addressed in detail below:

Heritage

As a result of community consultation, a large number of submissions received from the public have expressed concerns that the removal of the tennis centre will extinguish the heritage significance of the area.

The Killarney Heights Tennis Centre is located on land which is included as part of the Killarney Heights Village Centre heritage conservation area. This heritage conservation area is included as Item C7 within Schedule 5 of WLEP 2011. The Village Centre has been heritage listed since December 2000, with the gazettal of Warringah Local Environmental Plan 2000.

Further details of this heritage conservation area are contained within the Warringah Heritage Inventory, the main details being:

Statement of Significance: The Killarney Heights Village Centre is of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960s "garden suburb" of Killarney Heights. The Centre is also of social significance at a local level as its general character and function is considered to be crucial to the identity of the Killarney Heights community

Physical Description: A planned village centre facing a small park. A substantial parking area with islands of native trees provides the forecourt to the centre. The single and two-storey commercial buildings are typical 1960s design and make extensive use of concrete block walls, aluminium framed curtain walls and shop windows.

Historical Notes: The suburb of Killarney Heights was planned in the early 1960s as a private venture by the Real Estate firm Hooker-Rex (now LJ Hooker). An exhibition of 17 display homes was opened in 1963. The 1960s promotional brochures produced by Hooker-Rex refer to the Killarney Heights Village Centre as a "regional shopping centre that is centrally situated, with easy access from every allotment... and will include shops for all essential daily needs, such as a supermarket and parking for 120 or more cars. Also within this area will be sites for two churches, a service station, baby health centre, kindergarten, library, scouts hall, three tennis courts and children's play area." Many of the original community facilities have since been replaced by private residences and the original service station has been redeveloped for a mixed use development.

As evident from the historical notes, the original plan was for a shopping centre to provide easy access to services for the surrounding residential subdivision, including access to recreational and community facilities. When the heritage conservation area was gazetted (2000), the village centre had already lost a number of these recreational and community facilities, including the squash courts, one (1) tennis court and a service station. This current application proposes rezoning of the remaining two (2) tennis courts for residential use.

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Supporting Heritage Information

The application was supported by a Statement of Heritage Impact, prepared by Greg Patch of Archnex Designs, dated November 2011. This report concluded that *"the proposed subdivision.... will have no impact on the heritage significance of the item 'Killarney Heights Village Centre.'"* This was primarily based on the fact that the many of the original elements of the planned centre were either not realised or had been replaced by residential development and that the essence of the town planning principles for the village centre remain.

After feedback from Council, the applicant's submitted supplementary advice from Greg Patch, dated 28 February 2013. Mr Patch confirmed his previous conclusions, asserting that *"it is apparent that the initial planning concept may have been somewhat commercially inept or that circumstances have changed to an extent that have led to its diminished viability and decline"*.

An additional heritage peer review report, prepared by Robert Staas of NBRSPARTNERS Architects was also submitted by the applicant, which reviewed the Archnex Designs Statement of Heritage Impact and also the feedback from Council's heritage consultant. This review report focused on the transformation of the Killarney Heights Village Centre and the unsustainability and eventual closure of the original businesses that were in the area (supermarket, post office, amongst others).

In this report, the author finds that, in heritage terms, cessation of recreational use would not significantly affect any local heritage values.

Copies of all of the Heritage information submitted by the applicant is attached to this report (refer to Attachment 2)

Heritage Comments

As this application is for a property within a listed heritage conservation area, comments were sought from Robert Moore of Robert A. Moore Pty. Ltd, a heritage consultant on the Warringah Heritage Panel. After reviewing the Planning Proposal and the Statement of Heritage Impact provided by the applicant, Robert Moore provided his initial comments on 17 January 2013 which stated that Council should not support the rezoning application as it was not ideal for the heritage conservation area.

These comments were relayed to the applicant for an opportunity to respond – which prompted the additional comments and peer review report, as outlined above.

Robert Moore then provided additional heritage advice to Council, in response to the applicant's supplementary submissions. Mr Moore, in his comments dated 16 April 2013, maintained his opinion that the economic viability of the tennis courts is not a heritage concern, but rather a question of management, and that their removal and redevelopment was not ideal for the heritage conservation area. He also questioned whether or not the heritage significance attributed to this conservation area was substantive and if yes, whether the Planning Proposal would detrimentally affect the significance to an unacceptable degree.

He also stated the original planning and development intent of the centre included tennis courts as part of the recreation facilities and that those recreational facilities contribute to the character and amenity of the centre.

In addition to the above, Mr. Moore submitted supplementary advice dated 18 April 2013 in which he suggests that if Council were to determine that the tennis courts were not of social significance, that a review of the heritage significance of the centre should be undertaken, with a focus on confirming the listing and its boundaries, taking into account the incremental changes which have occurred since it was first established in 1950's.

Mr. Moore also offered his opinion that the core of the centre (within the bounds of the service road) should be the focus of any future review of the heritage significance of the area, given the architectural design and layout of the buildings.

Finally, Mr. Moore concluded that approval of the rezoning and redevelopment of the tennis courts, while regrettable, will not extinguish the heritage significance of the centre, though it would result in an adverse impact via the loss of another one of the original design concepts.

Planning Proposal – 20 -24 Tralee Avenue, Killarney Heights

Copies of the all the comments provided by Mr. Moore is attached to this report (refer to Attachment 3)

Conclusions

Taking all matters into consideration, it is the opinion of Council that the loss of the tennis courts and replacement with residential development, will not affect the future viability of the heritage conservation area. While it will remove one of the supporting recreational uses originally envisaged with the original village centre concept, the degree of impact on the heritage significance of the conservation area is not of such a degree that would warrant refusal of the application on heritage grounds.

The previous loss of other ancillary centre facilities, such as the squash courts and the service station, has already eroded the heritage value of the original concept for the centre. As a result, while the tennis courts may have been part of the original concept of the Village Centre, they are now distinctly different to the core shopping village. The northern part of the centre is now almost entirely residential and the southern side, of which the tennis courts are part, is now largely residential (with the exception of these courts and the swim centre).

The tennis courts themselves are of no architectural significance, and removal of the tennis courts will not have any adverse visual impact on the heritage conservation area, as residential development already predominate in the area. Access to the village centre will be maintained from the south, via the reserve to the east of the site.

The Killarney Heights Village Centre heritage conservation area will still be of heritage significance, as the subdivision pattern and design of the commercial centre are still evidence of the town planning concept for the Killarney Heights Village Centre. In conclusion, it is the opinion of Council that the impact of the removal of the tennis courts on the heritage significance of the heritage conservation area is not of such a degree that would warrant refusal of the application on heritage grounds.

It is also noted that the subdivision design and subsequent proposed residential development, will be referred for separate heritage comments as part of the standard development application process.

6.3.3. *How has the Planning Proposal adequately addressed any social and economic effects?*

The key social and economic considerations of the Planning Proposal are addressed below.

Economic Effects

Positive economic effects stemming from the Planning Proposal include: employment during the construction phase.

Social Effects

In relation to social effects, there is sufficient social infrastructure and services to support the future residents of the site.

Availability of Recreational Land

Another social and economic consideration is the availability of recreational land in light of the proposed zoning change.

Under the present zoning controls applicable to the site there is no requirement for it to operate as a tennis centre. As such it is appropriate to consider the proposed zoning change in light of the wider spectrum of land uses permitted by the zone.

There are a variety of recreational land uses permissible (with development consent) on the site within the Private Recreation zone, for example:

- (i) *Recreation facilities (indoor)* which includes for example, indoor swimming pool, bowling alley, ice rink

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- (ii) *Recreation facilities (outdoor)* which includes for example, golf driving range, skate board ramp, go-kart track, rifle range.
- (iii) *Community facilities;*
- (iv) *Kiosks*
- (v) *Recreation areas*
- (vi) *Emergency services facilities*
- (vii) *Registered clubs*

In considering whether a change in zoning on the site is appropriate it is necessary to consider the availability of land and range of opportunities within Warringah LGA, available for recreational pursuits.

Recreation – supply and demand

As a result of community consultation, the issue relating to the loss of the tennis courts from the subject site has been raised as one of the major concerns from the public. Accordingly, further consideration is given to the role that the land currently plays in servicing a recreational function and the availability of more broadly of recreational land within Warringah LGA.

Warringah has access to a wide range of indoor and outdoor recreation facilities, supported by a number of different land tenures and zonings as identified in Council's Recreation Strategy 2009. These recreational facilities include the large assets like the beaches, Manly Dam, Brookvale Park, Warringah Aquatic Centre and Cromer Park as well as many children's playgrounds, playing fields, parks, walking trails etc. These facilities are the most visited recreation assets, ahead of outdoor sporting facilities, such as tennis courts.

Outside of the sport of tennis, the 2009 Recreation Strategy has identified beaches, parks and walking trails/bushland as being the most visited recreation assets in the Warringah LGA, ahead of outdoor sporting facilities and playing fields. Killarney Heights is well positioned for access to bushland (e.g. Garigal National Park and Manly Warringah War Memorial Park) and developed Parks such as Killarney Heights oval and Forestville War Memorial Playing fields that are well suited for structured and unstructured recreation activities.

Tennis specifically

The applicant in the Planning Proposal report has asserted that court occupancy rates have declined over the course of several years, which has resulted in a financial loss prior to the centre's closure.

The applicant has assisted regular patrons in transitioning to Forestville Park Tennis Club, which operates 6 tennis courts. Forestville Park Tennis Club is approximately 1.5km walking distance north west of the site, and adjacent to public transport. It appears that Forestville Park Tennis Club has capacity to supply the demand left over from the closure of the site.

An extensive research into the supply and demand of tennis facilities in the Warringah LGA was undertaken and published in the Warringah Council Business Case for District Park Tennis Centre. This document was adopted by Council in April 2013 and has demonstrated that the participation trends in Tennis have dropped steadily between 2001 and 2010. According to Tennis NSW, Tennis participation in Warringah in 2009 was estimated at 4%, compared to the 2010 State and National Averages of 8.4% and 7.5%.

The 2013 Business Case identifies 74 tennis courts in the Warringah area, 6 of which are within 1.5km of the subject site at the Forestville Park Tennis Club. It is assessed that the Forestville Park Tennis Club will be able to absorb the demand generated by the removal of the site. At the time of writing this report, the applicant has reported closing the Killarney Heights Tennis Centre and successfully relocating regular patrons to the Forestville Park Tennis Club without incident.

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In summary

There has been no significant evidence produced to indicate that there is an undersupply of recreational opportunities or an unmet demand created by the proposed removal of the two (2) courts.

As evidenced in Council's Recreation Strategy 2009 beaches, parks, walking trails/bushland are the most visited recreation assets, ahead of outdoor sporting facilities and playing fields.

It is assessed that the Forestville Park Tennis Club will be able to absorb the demand generated by the removal of the site. This is supported by the successful relocation of regular patrons to the Forestville Park Tennis Club without incident since the closure of the centre

For these reasons, and given the site's compatibility with adjoining residential development and capability to accommodate residential development a change in the land's zoning is appropriate.

6.4. Section D - State and Commonwealth Interests**6.4.1 Is there adequate public infrastructure for the Planning Proposal?**

Yes:

- Being within an existing urban area, key utilities such as water, electricity, sewer, storm water, and telephony are available to the site.
- The site is located approximately 2km from Warringah Road, a major regional transport corridor.
- In terms of transport:
- Bus stops adjoin the site and are serviced regular services providing access local access as well as direct services to locations such as Chatswood and the Sydney CBD.
- Employment areas exist within convenient distances around the site in the areas of Chatswood, Frenchs Forrest, and Brookvale.

6.4.2. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

The following Government agencies were consulted as part of Council's initial phase of public exhibition:

Ausgrid-Energy Australia

No Referral response has been received from Ausgrid at the time of writing this report.

There will be further consultation with the relevant Government agencies should the Planning Proposal proceed to become a statutory LEP amendment.

Planning Proposal – 20 -24 Tralee Avenue, Killarney Heights

7. **Part 4. Details of the community consultation that is to be undertaken on the Planning Proposal [EPA Act s. 55(2)(e)]**

The Planning Proposal was publicly exhibited for a period of 30 days commencing 17 December 2012 and ending on 18 January 2013. The community consultation has involved:

- A notice in the local newspaper at the start of the exhibition period;
- Notice on Council's web site for the duration of the exhibition period;
- Notice placed on site; and
- Written notification sent to 222 landowners within the surrounding area.

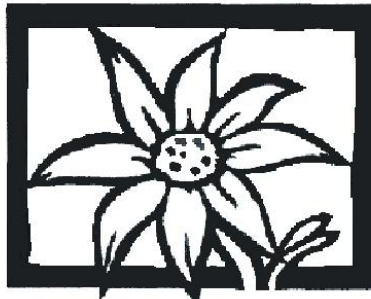
As result of the public exhibition, a total of 106 submissions were received, which included 94 letters objecting outright to the Planning Proposal, and 12 letters supporting the rezoning.

A table which summarises all of submissions is attached to this report (refer to Attachment 4). A summary of the key issues raised in the submissions are outlined below:

- Key issues raised in objection, include:
 - Loss of publicly accessible tennis courts
 - Loss of recreational space more generally
 - Undesirable precedent
 - Traffic and parking related impacts
 - Heritage
- Key issues raised in support, principally centred on the details relating to the proposed residential outcome on the site:
 - Reduced demand for tennis facilities
 - Site is suitable for residential development
 - Availability of recreation facilities nearby

In summary:

- Submissions raised have been assessed and taken into account in the consideration of the Planning Proposal.
- A number of submissions in support of the Planning Proposal came from surrounding residents.
- There have been no submissions raising matters of such substance or significance as to be given determining weight or that should influence the recommendation for support of the Planning Proposal
- There will be further community consultation as part of the statutory assessment of the Planning Proposal if Council and the Department resolve to support the proposed draft LEP.

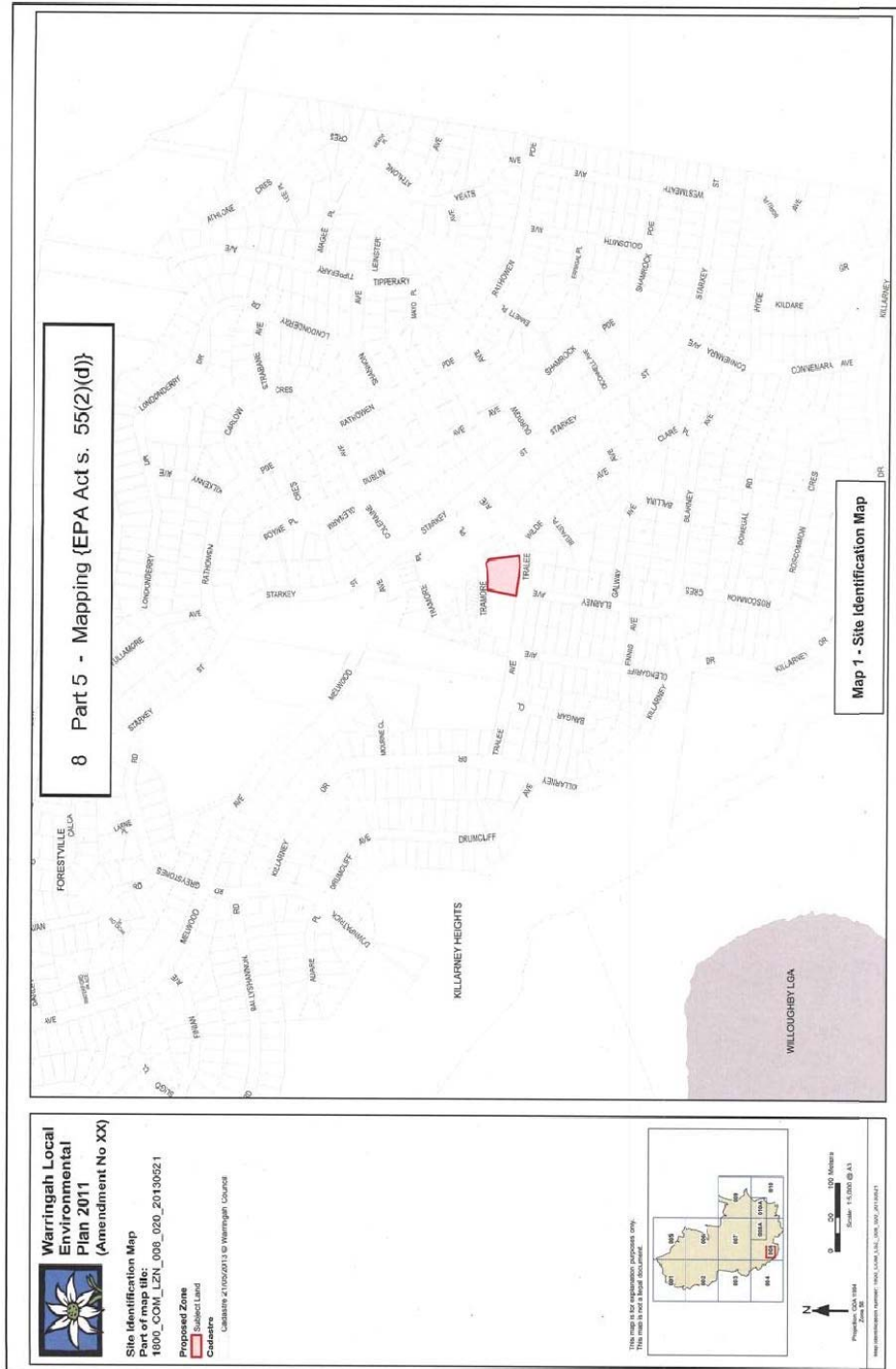


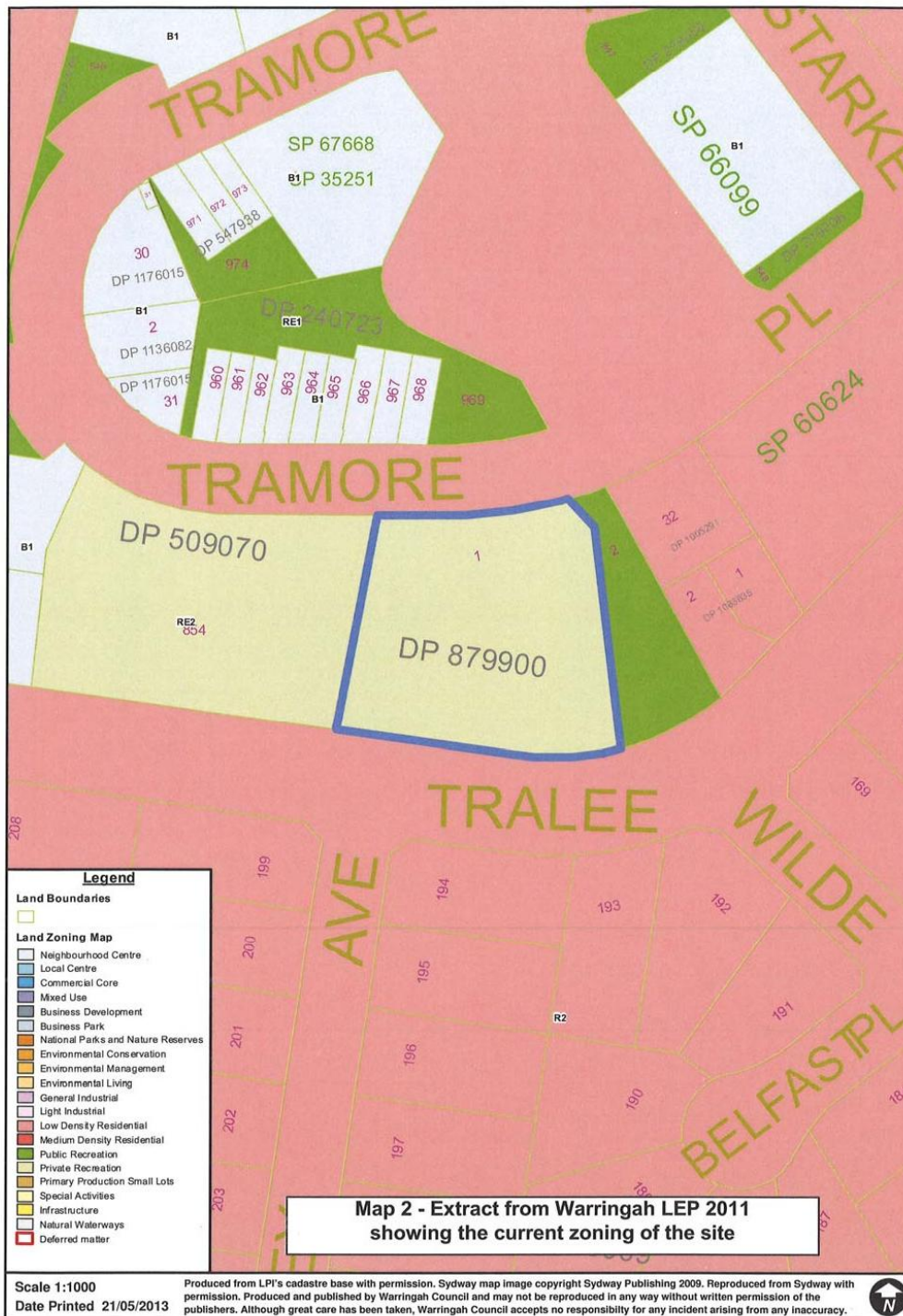
Warringah Council

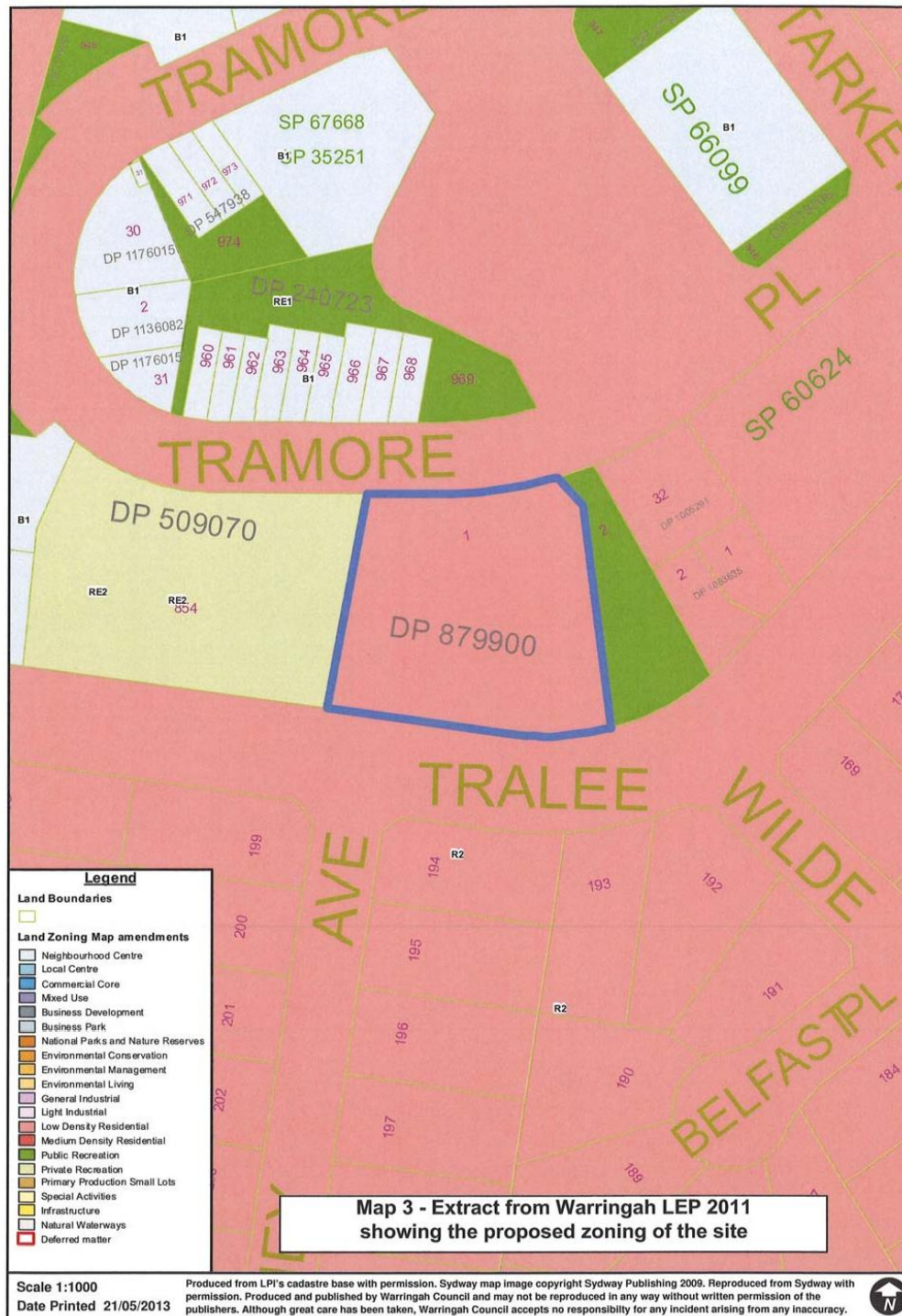
Appendix 1

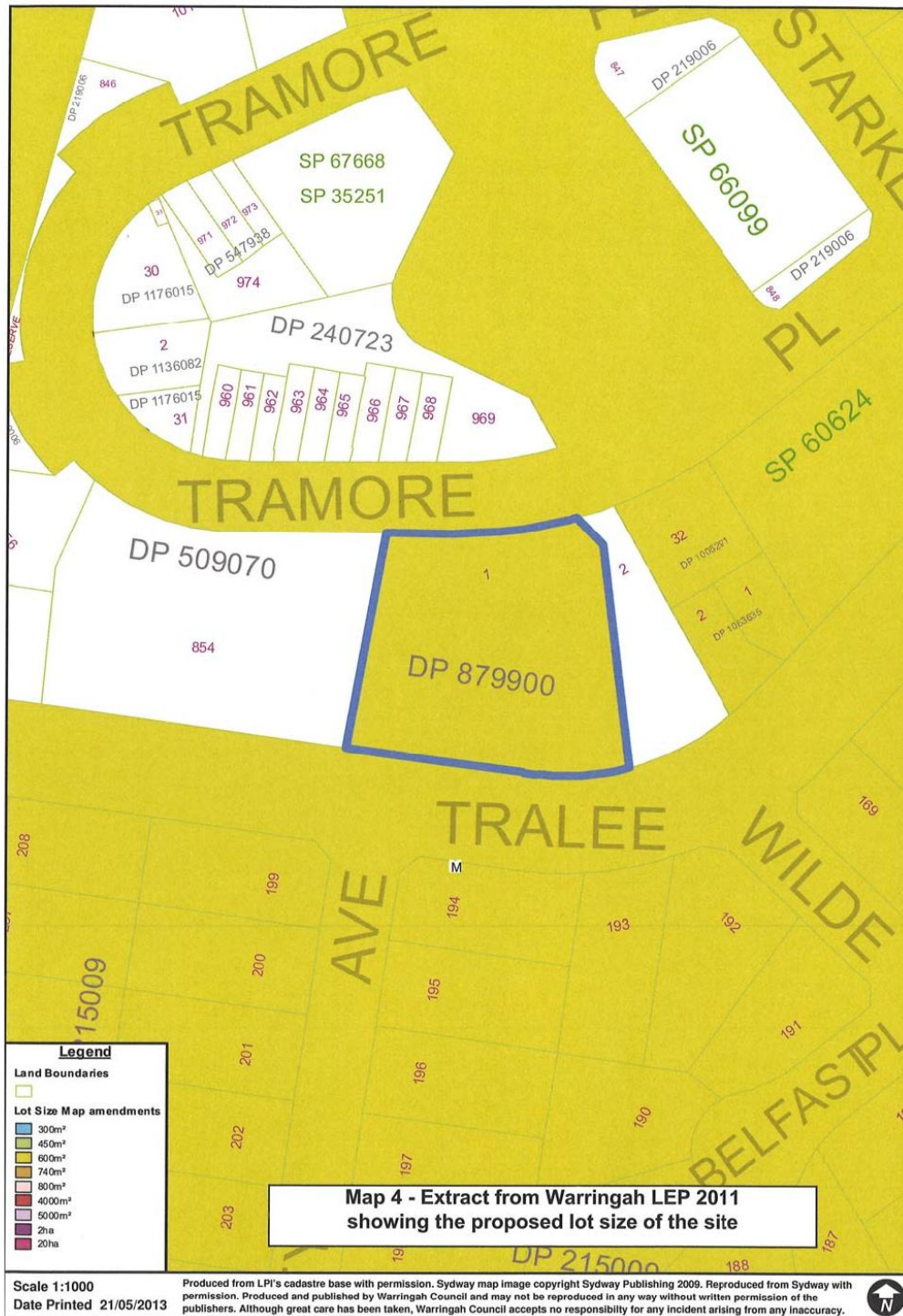
Part 5 Mapping

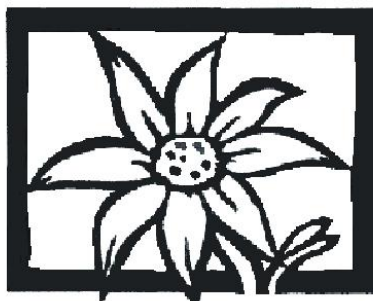
8. Part 5. Mapping











Warringah Council

Attachment 1

Applicants Planning Proposal

Prepared by Don Fox Planning Consultants



planning consultants

Planning Proposal



Lot 1 DP 879900
20 Tralee Avenue, Killarney Heights
Rezoning from RE2 Private Recreation to
R2 Low Density Residential

Prepared for: Mark Lawrence
Project No: 8042A
Date: November 2012



Planning Proposal

20-24 Tralee Ave, Killarney Heights

Printed: 27 November 2012
File Name: P:\PROJECTS\8042A, 20-24 Tralee Avenue, Killarney Heights\Report\8042A.doc
Project Manager: Warwick Gosling
Client: Mark Lawrence
Project Number: 8042A

Document history and status

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Planning Proposal

20-24 Tralee Ave, Killarney Heights

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- A. Pre-Lodgement Meeting Minutes from Meeting on 8 December 2008
- B. Summary of Usage Statistics
- C. Survey Plan
- D. Plan of Proposed Subdivision
- E. Statement of Heritage Impact

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1 Introduction

Don Fox Planning Pty Ltd (DFP) has been commissioned by Mark Lawrence, the owner of 20-24 Tralee Avenue, Killarney Heights, the subject site, to prepare a submission to Warringah Council which justifies the rezoning of the land at 20-24 Tralee Ave, Killarney Heights. It is requested that Council rezone the subject site from RE2 Private Recreation to R2 Low Density Residential under the provisions of Warringah Local Environmental Plan 2011 (WLEP 2011).

The purpose of the rezoning is to allow, with development consent, the subdivision of the subject site that will facilitate a subdivision into four (4) allotments and accommodate the construction of three new residential dwellings. The proposed RE2 Private Recreation zone pursuant to WLEP 2011 does not allow residential development. This submission will demonstrate why it is appropriate to rezone the site R2 Low Density in order to facilitate the subdivision of the site for residential purposes.

2 Background

The subject site contains a dwelling house, 2 tennis courts and a booking office which also sells products ancillary to the tennis courts.

The applicant held a pre-lodgement meeting with Warringah Council (Council) on 8 December 2008, relating to the Torrens title subdivision of one lot into four, retention of the existing dwelling, and construction of three (3) new dwellings on proposed Lots 2-4, pursuant to the provisions of WLEP 2000.

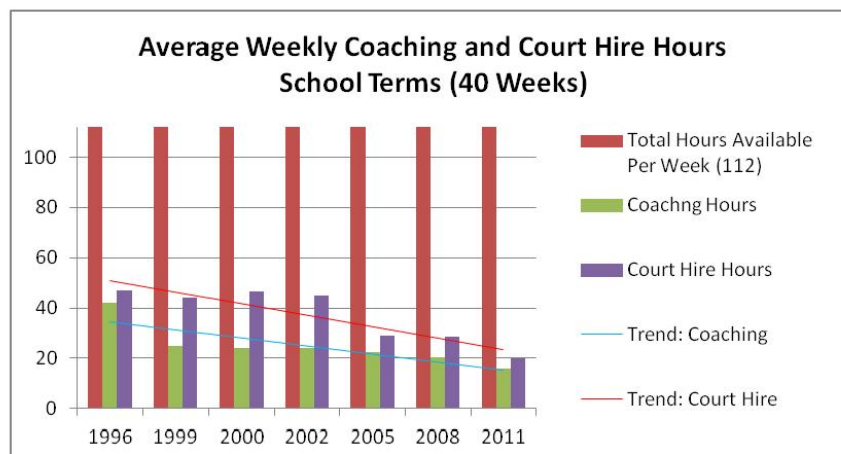
Council were of the opinion that the subdivision of the site would not be supported as any development that did not incorporate the recreational use would be inconsistent with the desired future character statement for the site pursuant to the WLEP 2000. Council advised to lodge a planning proposal to rezone the land to R2 Low Density Residential if a subdivision of the land was to be pursued.

A copy of the minutes from the pre-lodgement meeting is attached at **Appendix A** of this Planning Proposal.

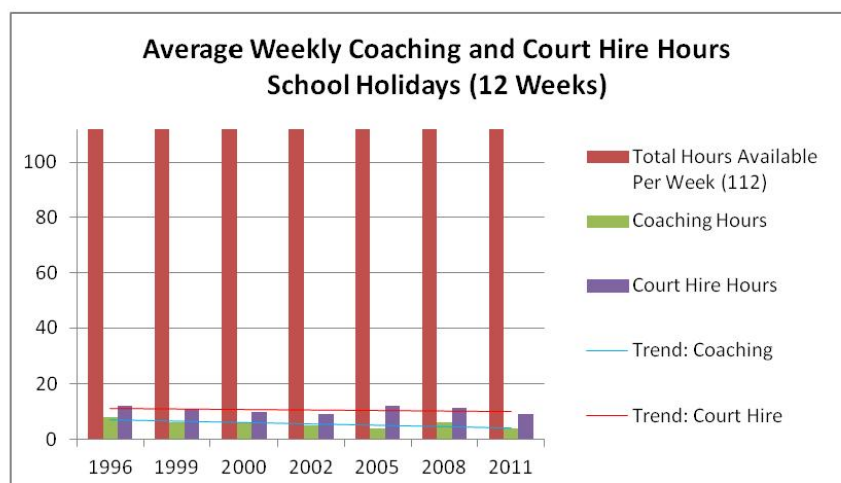
A documented decline in demand for the tennis courts on the site has rendered the continued operation of the tennis courts financially unviable. It is considered that the best use of the site given the low density residential uses that exist in the street, is low density residential. Accordingly, this Planning Proposal is necessary to facilitate a future low density residential development on the site. Our client has provided a summary of court hire information that indicates a steady decline in demand for the courts at **Appendix B**. The court hire summary includes court hire statistics from 1996 to present and resident usage statistics in 2011. The subject tennis facility is open seven (7) days a week between the hours of 7am and 11pm. **Graph 1** and **2** below summarise the decline in demand (in hire hours) since 1996 by comparing average weekly coaching and court hire hours against the total hours of operation each week (i.e. 112 hours a week):

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Graph 1: Average Weekly Coaching and Court Hire Hours During School Terms.



Graph 2: Average Weekly Coaching and Court Hire Hours During School Holidays.

The following events provide an indication of the decrease in demand within the Killarney Heights and surrounding communities:

- Forestville Park Tennis Club stopped hiring the subject courts for the Wednesday night competition in 1996 as their numbers had also declined;
- Killarney Heights Primary School stopped hiring the subject courts in 1999;
- Killarney Heights High School stopped hiring the subject courts in 2003; and
- Australian Tennis Academy at Oxford Falls stopped hiring the courts in 2004 for both Monday night and Friday morning competitions as their numbers had also declined and continue to do so.

It is clear that the demand for tennis facilities within the Killarney Heights locality has steadily declined over the last 16 years and is not likely to improve due to the cessation of court hire by local community and school organisations. It is considered that the decrease in demand for tennis courts is not limited to just the subject tennis facility at Killarney

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Heights, rather it is resultant from a decline in the popularity of tennis as a sport and demand for tennis court facilities throughout the state and beyond.

3 The Subject Site and Surrounds

3.1 The Subject Site

The subject site is located on the northern side of Tralee Avenue, Killarney Heights and is directly south of the Killarney Heights Village Centre, across Tramore Place. The site adjoins residential dwellings and the Carile Swimming Centre to the west, and a public access reserve and dwelling houses to the east.

The site is approximately 2km south of Warringah Road, which is accessed via Melwood Avenue or Starkey Street to the north of the Village Centre. The location of the site is provided in **Figure 1**.

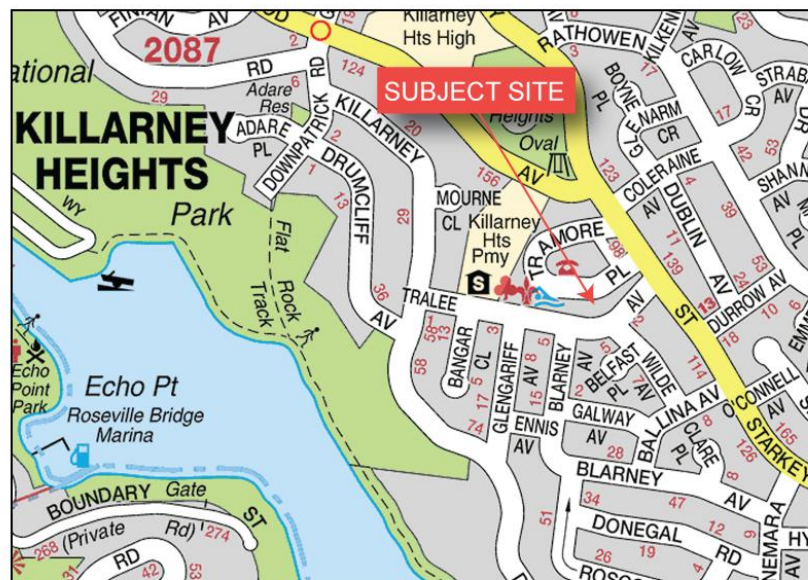


Figure 1: The subject site.

The legal description of the site is Lot 1 DP 879900. As shown in the aerial photograph at **Figure 2**, the subject site is irregular in shape.

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Figure 2: Aerial Photograph.

The site has the following dimensions:

- Southern frontage to Tralee Avenue 49.28m
- Eastern frontage to public reserve/pedestrian walkway 56.20m
- Northern frontage to Tramore Place 40.09m
- Western frontage to residential dwellings 46.53m

The site area is 2,617.85m². A copy of the survey prepared by Bee & Lethbridge Pty Ltd is attached at **Appendix C**.

Site Topography

The site is generally flat, dropping 1.08m from RL107.58 in the south to RL106.50 in the north across 51m, representing a gradient of 2.1%. The primary change in ground level occurs at the southern end of the site where the ground level of Tralee Avenue (RL107.58) changes to that of the tennis court (RL106.54) (see **Figures 3 and 4**).

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Figure 3: View of eastern edge of tennis courts adjoining the public footpath.



Figure 4: View of seating area immediately south of the tennis courts.

Vegetation

The site contains a small mix of vegetation on the northern, western and southern edges of the site including a variety of palms and eucalypts located both on the site and immediately adjacent to the site. The likely footprints of residential dwellings on the site are located in the vicinity of the existing tennis courts, and are therefore unlikely to necessitate removal

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of the vegetation on the site. The exact location of all trees on and immediately adjoining the site is detailed in the survey plan at **Appendix C**.

Site Improvements

The site currently contains:

- Two astro-turf tennis courts that are floodlit and surrounded by a high chain-link fence, with an associated hard-stand seating area including covered rotundas with tables and chairs;
- A part one, part two storey dwelling with double garage and integrated shop area currently containing a booking office and pro-shop for the tennis courts, with associated landscaping and in-ground pool at the rear.

3.2 The Surrounds

Directly north of the subject site is the Killarney Heights Village Centre commercial area which is defined and bound by Tramore Place. The Village Centre comprises a retail/commercial group of buildings to the west (including a café, dance studio, grocery shop, patisserie, bottle shop, hair studio and shoe shop), a large open car parking area in the centre of the Village Centre, and a two storey commercial building to the east including an aquarium and offices at ground level and residential units above (see **Figure 5, 6 and 7**).



Figure 5: View south from within car park looking towards tennis courts.

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Figure 6: View of primary retail/commercial Village Centre.



Figure 7: View of two storey commercial building to the east of the Village Centre.

A townhouse complex is located at the eastern end of Tralee Avenue at 100 Starkey Street, east of the subject site (**Figure 8**). This site was originally a squash court development located within the Killarney Heights Village Centre; however the site was rezoned and redeveloped for residential purposes in the late 1990's due to changes in demand and use of the facilities. The townhouse complex adjoins a two storey duplex dwelling at 26A and 26B, Tralee Avenue (**Figure 9**).

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Figure 8: View east of townhouse complex.



Figure 9: View of two storey duplex to west of subject site.

Residential development is located to the south of the subject site across Tralee Avenue. A single dwelling is located immediately west of the subject site, while a private indoor swimming school is located further to the west. Tralee Avenue provides approximately 54 car parking spaces generally at 90° to the kerb, on the northern side of the road which provide parking for the swimming school, tennis pro shop and tennis courts (**Figure 10**). There are no parking spaces associated with the tennis courts on the site.

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Figure 10: View of parking spaces along Tralee Avenue.

The Forestville Park Tennis Club complex is located less than 1.5km north of the subject site (**Figure 11**) and is centrally located between Forestville and Killarney Heights. The Forestville Park Tennis Club comprises six (6) floodlit artificial grass surface tennis courts with club house/facilities, gazebo and open car parking for approximately 23 car parking spaces.



Figure 11: Aerial Photograph of Surrounding Development

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3.3 Site Analysis

A site analysis has been prepared by DFP and is depicted at **Figure 12** below.

The site analysis shows the following:

- Adjoining and surrounding residential development;
- Areas of open space;
- Solar access path;
- Directions of prevailing winds;
- Location of nearby educational facilities; and
- Surrounding national park.

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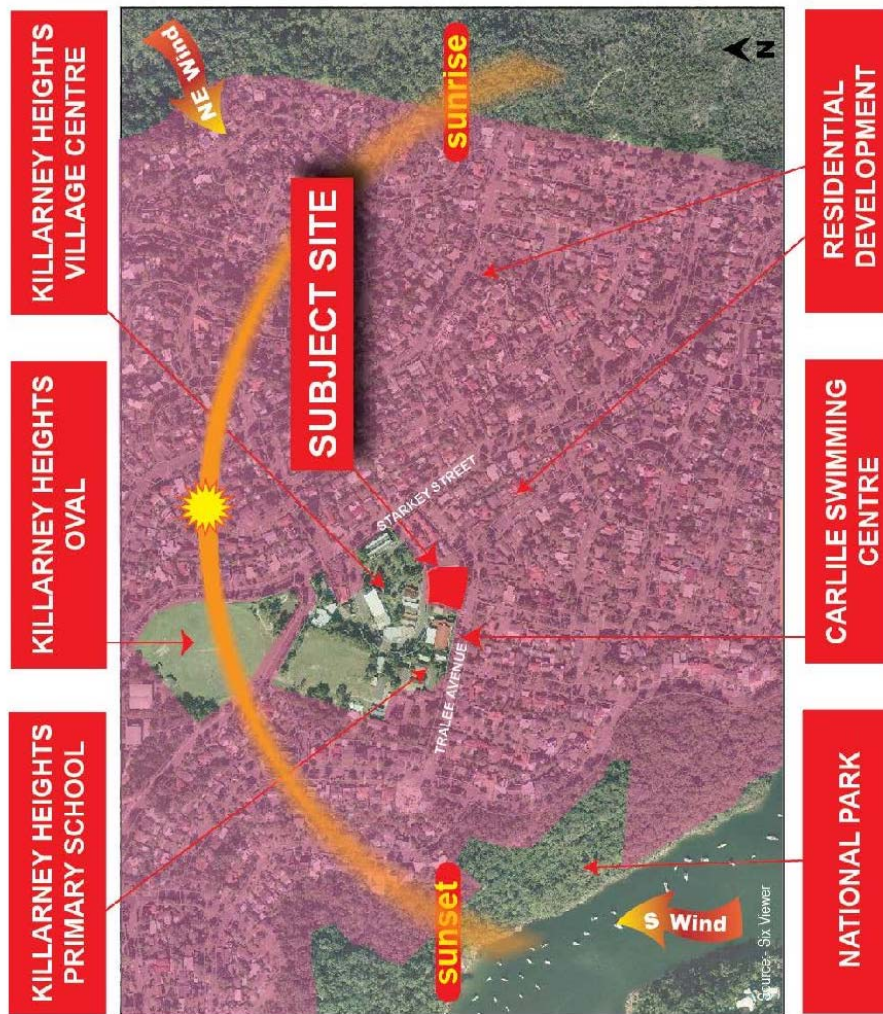


Figure 12: Site analysis

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4 Existing Zoning

4.1 Warringah Local Environmental Plan 2011

WLEP 2011 was adopted by Warringah Council on 9 December 2011. WLEP 2011 identifies the subject site within the RE2 Private Recreation Zone (**Figure 13**).

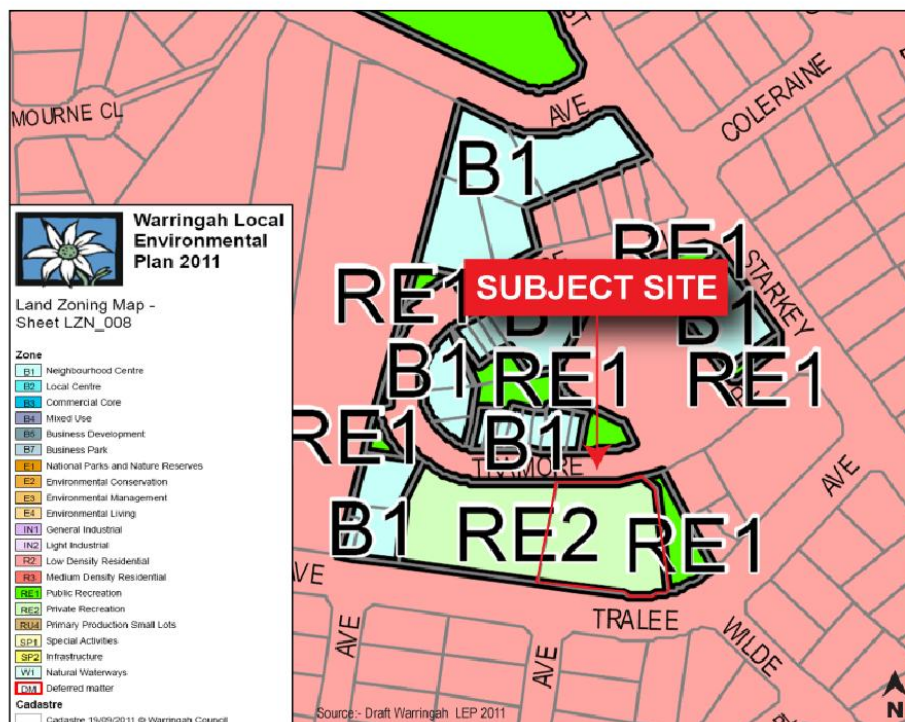


Figure 13: WLEP 2011 Zoning Map Extract

The RE2 Private Recreation Zone prohibits all forms of residential development, including dwelling houses. Pursuant to Clause 2.6 of WLEP 2011, development for the purpose of subdivision is permissible on land to which the Plan applies, with the consent of Council. However if the subdivision is to facilitate residential development, the application is not likely to be supported by Council.

5 Proposed Zoning

It is requested that Council rezone the subject site from RE2 Private Recreation to R2 Low Density Residential pursuant to WLEP 2011. As discussed above, it is intended to subdivide the site for the purpose of accommodating residential dwellings, which is currently prohibited within the RE2 Private Recreation Zone.

An indicative plan of proposed subdivision is provided at **Appendix D** that specifies the proposed subdivision pattern of the site, achieving lot sizes that are in keeping with the prevailing subdivision pattern of the Killarney Heights locality.

The proposed future residential subdivision will retain the existing dwelling and associated pool on a smaller block site, and will provide for three new residential dwellings generally in the location of the existing tennis courts. Lot 2 would be accessed from Tramore Place, while Lots 3 and 4 would be accessed from Tralee Avenue.

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The indicative lot sizes are as follows:

• Lot 1 (existing dwelling)	805.9m ²
• Lot 2	670.5m ²
• Lot 3	571.2m ²
• Lot 4	571.2m ²

6 A Guide to Preparing Planning Proposals

This section of the report addresses the criteria to be considered in the NSW Department of Planning and Infrastructure's "A Guide to Preparing Planning Proposals" publication.

6.1 Part 1 – Objectives or Intended Outcomes

The objective of this Planning Proposal is to rezone the subject site from RE2 Private Recreation to R2 Low Density Residential pursuant to WLEP 2011. The proposed rezoning is necessitated due to the decline in demand for use of the tennis court recreation facility currently located on the site. The use of the site for recreational purposes is no longer economically viable due to the decrease of demand for tennis facilities for the reasons discussed in Section 2.

The intended outcome would be to enable a development application to be lodged for the subdivision of the subject site to create a total of four (4) residential lots. The proposed subdivision would allow for the retention of the existing dwelling with associated swimming pool, and construction of three (3) new residential dwellings on the site.

The proposed R2 Low Density Zone is consistent with the adjoining residential development to the east and south. Therefore a future residential development on the site under an R2 Zone would ensure the development would provide a build outcome that was consistent with the detached housing which is the prevailing housing form in the locality.

The Plan of Proposed Subdivision over Lot 1 DP 879900 prepared by Bee & Lethbridge Pty Ltd attached at **Appendix D** of this proposal outlines the indicative layout and lot size of the four (4) allotments.

6.2 Part 2 – Explanation of Provisions

To facilitate the proposed amendment to WLEP 2011, it will be necessary to amend the zoning map by colouring the subject site pink and labelling it R2 Low Density Residential to match the zoning of surrounding residential development.

As discussed above, rezoning of the subject site to R2 Low Density Residential will facilitate the subdivision of the site for the purpose of creating four (4) residential lots. A copy of the indicative Plan of Proposed Subdivision is provided at **Appendix D**.

6.3 Part 3 - Justification

Part 3 - Justification addresses the questions that the Department of Planning applies to Gateway Determinations for the rezoning of land. Each of these questions is addressed individually below.

1. Is the Planning Proposal a result of any strategic study or report?

This Planning Proposal is not the subject of any State Government or Council endorsed strategic study or report. However the proposed rezoning of the land is proposed as the two existing tennis courts on the site are not economically viable.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Rezoning of the subject site from RE2 Private Recreation to R2 Low Density Residential is considered to be the best option available to facilitate new the orderly development of the

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site as the R2 Zone will enable future development on the site that is consistent with the prevailing residential development in the locality.

As discussed above, the subject site currently contains two floodlit tennis courts which have operated on the site for over three decades. Demand for the tennis courts has fallen considerably due to a variety of factors as outlined in Section 2 of this report. In order to undertake development for a non-recreational purpose on the site, the land is required to be rezoned under the proposed provisions of WLEP 2011.

The site is identified as being within the Killarney Heights Village Centre heritage item, which is described in the NSW State Heritage Register (SHR) heritage inventory sheet as an item:

"...of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960's 'garden suburb' of Killarney Heights."

Archnex Designs has prepared a Statement of Heritage Impact (**Appendix E**) that outlines that the significance of the Killarney Heights Village Centre is stated as a matter of history relating to the planning significance of the place. The Statement concludes that the proposal is supportable in both heritage and conservation terms, as:

"It would appear to follow that if the tennis courts are of such significance in the context of the Centre, they would be viable and there would be no desire to subdivide and redevelop the land."

It is therefore reasonable to consider that the role of the tennis courts as a recreational facility within the Killarney Heights Village Centre has become redundant from the primary land-use functions of the Centre as intended in the 1960's. The use of the land for residential purpose is recognised as the most suitable and compatible use of the land. Rezoning the subject site for residential purposes is considered to be the most suitable means of achieving this outcome.

The proposed R2 zoning of the site would be in keeping with the zoning and development controls applicable to the surrounding residential development within the Killarney Heights locality. Further, the proposed zoning will not detract from the recreational qualities of the area as popular and developed public tennis facilities are located approximately 1.5 kilometres to the north.

A public reserve and walkway adjoins the subject site so there will still be a physical and visual connection from Tralee Avenue to the Village Centre.

3. Is there a net community benefit?

It is considered that there will be a number of benefits to the Killarney Heights and Forestville communities and to the Warringah LGA. The net community benefits are discussed below:

• Increased housing supply

Should the subject site be rezoned R2 Low Density Residential it would be capable of supporting residential subdivision and the subsequent construction of three (3) new detached dwellings. The site is serviced with all necessary public utility services including electricity, water and sewer and accordingly there are no impediments to future residential development on the site.

The site is not affected by flooding, bush fire, mine subsidence, acid sulfate soils, coastline hazards or significant land slip (identified with slope less than 5 degrees), and is thus suitable for and capable of supporting residential development.

The locality is serviced by the Forest Coach Lines bus company (Service 278) which stops at the northern intersection of Starkey Street and Tramore Place. The bus stop is located 120 metres north of the subject site, and level access to the bus stop is achieved via Tramore Place.

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The Plan of Proposed Subdivision prepared by Bee & Lethbridge Pty Ltd (**Appendix D**) outlines that the subject site is capable of supporting residential subdivision into four (4) allotments.

- **Minimal economic loss to Killarney Heights Village Centre**

As discussed above, the demand for tennis court facilities on the subject site is declining, with the demand for tennis facilities within the locality fully capable of being met by the Forestville Park Tennis Club.

The operation of the subject tennis facilities is not considered to provide a direct or significant positive economic impact upon the Killarney Heights Village Centre or neighbouring Killarney Heights Swim Centre as a result of the generation of economic activity. Further, the costs associated with the upkeep and maintenance of the tennis court facilities restricts improvement of the site or site facilities in order to attract new business.

Notwithstanding the loss of the tennis courts, the construction of three (3) new residential dwellings on the subject site would generate additional economic activity within the Killarney Heights locality, specifically in relation to the demand to goods, services and facilities from the adjoining Killarney Heights Village Centre.

The proposed rezoning of the site would not therefore result in an economic loss to the Killarney Heights locality, or Killarney Heights Village Centre.

- **Improvement to landscaped character**

Rezoning of the subject site to R2 Low Density Residential would enable development for the purpose of residential dwellings to be accommodated on the site in accordance with the provisions of Council's Development Control Plan. As such, additional landscaping treatment would be required to the site in order to satisfy Council's landscaping design controls.

It is considered that the proposed rezoning and subsequent residential subdivision of the site would result in a development that was consistent with the residential streetscape character of Killarney Heights and Tralee Avenue respectively.

In order to provide a balanced assessment of the net community benefit of the proposed rezoning and subsequent residential subdivision of the site, potential detrimental impacts of the proposal are discussed below:

- **Loss of recreational facilities**

The Planning Proposal would result in the removal of the existing tennis courts, which have operated from the site for three decades. The two tennis courts are privately owned and operated and charge a hire fee and accordingly must not be run at a loss to ensure its continued operation. As discussed in Section 2 above, the demand for the court facilities has steadily declined since 1996 (when records were available) as has demand from local residents (**Appendix B**) to a point where the tennis courts are not economically viable to operate.

The tennis courts have ceased being hired from a variety of local organisations including Killarney Heights Primary School and High School, the Australian Tennis Academy and Forestville Park Tennis Club and demand for the use of the courts by the general public is in decline.

It is considered that the removal of the tennis courts from within the Killarney Heights would not result in a significant loss of recreational (tennis) facilities within the locality due to the location and facilities at the Forestville Park Tennis Club approximately 1.5 kilometres to the north.

The significance of the tennis courts within the Killarney Heights Village Centre is derived from its role within the centre. This role as a recreational facility within the Centre has steadily declined for the past 15 years. It is therefore considered that the loss of the

Planning Proposal

20-24 Tralee Ave, Killarney Heights

recreational facilities will not result in a significant negative impact upon the social fabric of the Killarney Heights locality.

• Impact upon Killarney Heights Village Centre Heritage Item

The Statement of Heritage Impact provided at **Appendix E** has identified the heritage listing of the Killarney Heights Village Centre is *"by virtue of its significance in terms of town planning practices during the mid-20th century and its role in the identity of the Killarney Heights community"*.

The planned village centre incorporated a range of commercial, residential and recreational uses featuring as an early 'garden suburb'. It is noted that *"while the general layout appears to have been maintained as designed, it is apparent that there has been significant change within the originally planned allotments"*. Changes include modifications to, or new commercial and residential development, and redevelopment of recreational facilities for residential purposes.

The Statement outlines that while the proposed subdivision will have no physical impact on the item, the views and internal 'setting' of the heritage item will change due to the implied redevelopment of the subject site. This is not considered to result in a negative impact upon the heritage significance of the Killarney Heights Village Centre, *"which is in essence an historical fact"*.

The Statement goes on to outline that the physical manifestation of the heritage significance of the Village Centre "appears to have changed over time in terms of the specific uses of the various allotments". It is therefore considered that modifications and additions to the nature and characteristics of a planned village such as Killarney Heights are expected to change over time to reflect current demands and trends.

The Statement concludes:

"It would appear to follow that if the tennis courts are of such significance in the context of the Centre, they would be viable and there would be no desire to subdivide and redevelop the land."

As discussed above, the role of the tennis courts as a recreational facility within the Killarney Heights Village Centre has become redundant from the primary land-use functions of the Centre as intended in the 1960's. The Statement concludes that the proposal *"will have no impact on the heritage significance of the item"* and *"is supportable in both heritage and conservation terms"*.

4. Is the Planning Proposal consistent with the objectives and actions contained with the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited Draft Strategy)?

Yes the proposal is consistent with the aims of the Sydney Metropolitan Strategy as discussed below.

The Sydney Metropolitan Strategy has identified that the population of Sydney will grow by 1.1 million people by the year 2031. This has been revised in the Sydney Towards 2036 publication which indicates that the population is forecast to reach 6 million people by 2036, an increase of 1.7 million people since 2006. To accommodate the additional population, it will be necessary to construct approximately 770,000 new homes by 2036. The Sydney Metropolitan Strategy aims to provide 70% of new housing in existing urban areas. It is considered that the rezoning of the subject site from RE2 Private Recreation to R2 Low Density Residential is consistent with the aims of the Sydney Metropolitan Strategy.

• North East Sub-Regional Strategy

The North East Subregional Strategy sets out the aims and objectives for the North East subregion, including a housing density of 9-12 dwellings per hectare in the Killarney Heights locality and an additional 17,300 extra dwellings by 2031 within the subregion.

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10,300 of those extra dwellings are to be located within the Warringah LGA. It is considered that the rezoning of the subject site from RE2 Private Recreation to R2 Low Density Residential is consistent with the aims of the North West Subregional Strategy.

5. Is the Planning Proposal consistent with the local community strategic plan or other local strategic plan?

Warringah Council has made available for public reference the Draft Housing Strategy, which was developed with extensive community consultation, including focus groups, stakeholder meetings, online forums and the Talk of the Town Community Summit.

At the Council Meeting on 28 June 2011, Council passed a motion to stop all work on the Draft Housing Strategy, stating:

"Warringah Council immediately cease any exhibition or further work on its Housing Strategy until the NSW Government confirms Council's dwelling target of 10,300 new dwellings and provides its commitment to funding additional infrastructure requirements to support the new development."

Although the Draft Housing Strategy is no longer in active preparation, it is relevant to identify that the Strategy sets a target of 10,300 additional dwellings within the Warringah LGA, in line with the provisions of the North East Subregional Strategy.

The Planning Proposal is considered to be consistent with the preliminary findings of the Draft Housing Strategy as the rezoning and subsequent subdivision would allow for the conversion of underutilised recreational facilities into four (4) low density residential allotments (3 new dwellings).

The indicative Plan of Proposed Subdivision (**Appendix D**) identifies how the subject site is capable of supporting four (4) allotments and can provide for low density residential dwellings in keeping with the surrounding low density development.

6. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

When considering an amendment to an LEP, it is necessary to consider the provisions of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55). Clause 6 of the SEPP requires the planning authority to consider whether the land is contaminated, requiring the preparation of a preliminary investigation for the classes of land identified within the clause.

However, Clause 6(4)(c) sets out the following provisions relating to the classes of land for the purposes of this clause, specifically to the extent to which it is proposed to carry out development for residential purposes:

- (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
- (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

Table 1 of the *Managing Land Contamination Planning Guidelines* identifies activities such as:

- Agricultural activities;
- Airports;
- Defence works;
- Gas works;
- Landfill sites;
- Power stations;
- Sheep and cattle dips; and

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20-24 Tralee Ave, Killarney Heights

- Waste storage and treatment.

As the subject site has historically been used for the purpose of recreational facilities within a residential locality pursuant to the establishment of the Killarney Heights 'garden suburb' in the 1960's (refer **Appendix E** for history of land), the likelihood of development for a purpose listed in Table 1 of the *Managing Land Contamination Planning Guidelines* is considered to be low.

Therefore the risk of contamination of the land is considered low and it is considered reasonable that the planning authority would not require a Phase 1 Preliminary Assessment Report pursuant to the provisions of Clause 6 under SEPP 55.

However, should the NSW DoPI require additional information on this matter as part of the Gateway assessment process then a Phase 1 Assessment Report can be prepared accordingly.

The Planning Proposal would result in the conversion of recreational facilities into new allotments for low density residential purposes. The proposed rezoning and intended residential subdivision of the land is not therefore considered to be inconsistent with the aims and relevant provisions of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)?

Yes, the proposal is consistent with the relevant Section 117 Directions – 3.1 Residential zones as discussed below.

Direction 3.1 - Residential Zones

Requires LEPs to include provisions consistent with the broad housing choice objectives. These objectives are as follows:

- “(a) to encourage a variety and choice of housing to provide for existing housing needs.*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services.*
- (c) to minimise the impact of residential development on the environment and resource lands.”*

The proposed rezoning is consistent with the objectives of the Section 117 Direction as it will provide for identified housing needs within the North East Metropolitan Subregion, makes efficient use of fully serviced land that is suitable for residential development and is located centrally within the established Killarney Heights residential community.

The subject site is capable of supporting four (4) residential lots that are in keeping with the prevailing subdivision pattern of the surrounding locality and thus will minimise the impact of the intended residential development on the environment and resource lands.

Direction 3

“Is the LEP located in a global-regional city, strategic centre nominated within the metropolitan strategy or other regional sub-regional strategy?”

While the subject site is not located within a global-regional city or strategic centre nominated within the North East Subregional Strategy, the site is located within an established residential community that is bound by National Park and is incapable of further growth. The conversion of redundant recreational land into residential land within close proximity to community facilities and public transport is considered a positive outcome and is consistent the objectives of the North East Subregional Strategy and Draft Housing Strategy.

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Direction 4

"Will the LEP facilitate permanent employment generating activity or a result in a loss of employment lands?"

While the subject site represents a minor private recreational employment opportunity within Killarney Heights, as discussed above the local demand for tennis court facilities is in a consistent decline (**Appendix B**), with existing demand capable of being met by the Forestville Park Tennis Club less than 1.5km north of the subject site. This has resulted in the redundancy of the subject land as a recreational facility within the Killarney Heights Village Centre. The long term implications of maintaining the recreational use of the site will not result in a positive contribution to the employment opportunities of the locality.

Direction 5

"Will the LEP be compatible – complementary with surrounding land uses?"

As indicated in the site analysis at Section 3.3 of this report, the subject site is surrounded by low density residential development throughout the Killarney Heights locality with the exception of the Killarney Heights Village Centre. The proposed R2 Low Density Residential zone would result in residential development of the site that is compatible with, and complimentary to, the surrounding land uses.

Direction 6

"Is the LEP likely to create a precedent, or create or change the expectations of the land owner or other land holders?"

The subject site is included in the heritage listing of the Killarney Heights Village Centre under the provisions of Warringah LEP 2000, as the Centre was planned and developed throughout the 1960's and 1970's as a new 'garden suburb' providing a mixture of commercial, retail and recreational uses to service the Killarney Heights community.

It is considered that modifications and additions to the nature and characteristics of a planned village such as Killarney Heights are expected to change over time to reflect current demands and trends.

As discussed above, the role of the tennis courts as a recreational facility within the Killarney Heights Village Centre has become redundant from the primary land-use functions of the Centre as intended in the 1960's. The decrease in demand for recreational facilities within the Village Centre is further exemplified through the rezoning and redevelopment of the squash court site on the corner of Tralee Ave and Starkey Street in the 1990's.

It is reasonable to consider that the proposed rezoning of land is therefore consistent with the expectations of land holders within the Killarney Heights Village Centre, as the proposal is a response to changes in demand and trends relating to the operation of tennis courts on the site. There are few sites in the Warringah Local Government Area proposed to be zoned RE2 Private Recreation and accordingly this request is unlikely to change the expectations of surrounding land holders.

Direction 7

"Will the LEP deal with a deferred matter in an existing LEP?"

No, this site is not proposed to be deferred in the WLEP 2011.

Direction 8

"Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?"

The proposed rezoning is considered to be compatible and complimentary to the surrounding low density residential development of the Killarney Heights locality. In addition, the removal of the existing tennis courts as a result of the proposed residential subdivision will not result in a negative impact upon the heritage significance of the

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Killarney Heights Village Centre heritage item as the heritage significance relates to the establishment of the Centre at that time.

Notwithstanding the positive outcomes that would result from the proposed rezoning and subsequent residential subdivision of the subject site, it is unlikely that cumulative effects of other spot rezoning proposals in the Killarney Heights locality would be negative due to the established low density residential character of the locality.

Council has considered a number of submissions in relation to the new LEP, however there are not any rezoning proposals that have been supported by Council officers on land adjoining or in the vicinity of the site. The proposed R2 Low Density Residential zone is therefore consistent with recent Council land use zoning decisions.

Direction 9

"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 this Planning Proposal?"

The proposed rezoning, and intended residential subdivision of the subject site would not result in any potential negative impacts upon critical habitat, or threatened species, populations or ecological communities or their habitats as the proposed works would not impact upon the bushland that surrounds the Killarney Heights community.

Direction 10

"Are there any likely environmental effects as a result of the Planning Proposal and how are they to be managed?"

The subject site is not constrained by any of the following:

- Flooding;
- Bushfire
- Mine subsidence;
- Acid sulfate soils;
- Coastline hazards; or
- Significant land slip (identified with slope less than 5 degrees);

Due to the historical private recreational use of the land, and surrounding residential development, it is considered unlikely that the subject site would be contaminated by any previous use.

The subdivision would result in the loss of two (2) on street parking spaces. On street parking spaces adjacent to the site are 90°. The loss of two (2) parking spaces will not generate adverse parking impacts as the demand for on street parking will be reduced by the loss of the tennis courts.

The subject site is unconstrained and would not result in any significant environmental impacts on the locality. The site is therefore suitable for development for low density residential purposes.

Direction 11

"Has the planning proposal adequately addressed any social or economic effects?"

Social and economic effects associated with the proposed rezoning and subdivision of the subject site for low density residential purposes have been addressed within this Planning Proposal, including the likely impacts of the removal of private recreational (tennis) facilities from the Killarney Heights Village Centre upon the recreational/social amenity and economic activity of the Killarney Heights community.

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The Council-owned Forestville Park Tennis Club is located less than 1.5km north of the subject site and comprises six (6) artificial grass surface tennis courts which service the Killarney Heights and Forestville communities. The removal of the subject tennis facilities is not considered to result in a significant negative impact upon the private recreational/social amenity of the locality.

It has been identified that the subject site does not have a direct or significant positive economic impact upon the Killarney Heights Village Centre or neighbouring Killarney Heights Swim Centre as a result of the generation of economic activity. It is therefore considered unlikely that the Planning Proposal and intended residential subdivision would not have a negative economic effect upon the locality.

Direction 12

"Is there adequate infrastructure for the Planning Proposal?"

The subject site is well serviced by all public utility services including:

- Electricity;
- Water;
- Sewer;
- Telephone and internet service; and
- Public transport.

Direction 13

"What are the views of State and Commonwealth public authorities in accordance with the Gateway Determination?"

There has been no consultation with Commonwealth public authorities or State Government authorities, however this consultation will be undertaken during the planning proposal process, once the matter has been referred for a Gateway determination.

7 Conclusion

This Planning Proposal includes an assessment of the subject site and surrounding development and has provided a detailed justification for the rezoning proposal against the criteria provided in "A Guide to preparing Planning Proposals" published by the Department of Planning.

The subject site is located centrally within the Killarney Heights locality, and has immediate access to the goods, services and facilities available from the Killarney Heights Village Centre. The site is located within a predominantly residential locality, and is capable of supporting a residential subdivision into four (4) allotments to create three (3) new dwelling lots that is compatible with the prevailing subdivision pattern and built form of the surrounding locality (Plan of Proposed Subdivision at **Appendix D**).

Demand for the tennis court facilities has declined significantly in the past 15 years (**Appendix B**) and has called into question the use of the site for recreational purposes. As it is no longer economically viable to operate the tennis courts it is considered the most appropriate use would be residential development consistent with the prevailing residential character of the locality which is low density dwellings.

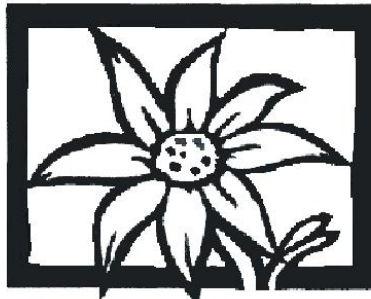
The site is not constrained by any environmental hazards, is generally flat, clear of significant vegetation through the middle of the site and is capable of supporting development for the purpose of low density residential development.

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20-24 Tralee Ave, Killarney Heights

The Statement of Heritage Impact prepared by Archnex Designs (**Appendix E**) concludes that the proposed development will have no impact on the heritage significance of the Killarney Heights Village Centre heritage item, and is supportable in both heritage and conservation terms.

Accordingly, it is considered appropriate by DFP for the subject site to be rezoned to R2 Low Density Residential zone pursuant to the Warringah Local Environmental Plan 2011 and recommend that this Planning Proposal be forwarded to the Department of Planning for a Gateway determination.



Warringah Council

Attachment 2

Heritage Studies

Prepared by Applicant

Statement of Heritage Impact

20 Tralee Ave, Killarney Heights

for

Mr & Mrs M & S Lawrence



Existing House

Prepared by:

Archnex Designs

Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.

November 2011

Phone: 9716 0541/0425 228176

14 Wincombe Ave, Haberfield NSW 2045

Fax: 9716 6083

20-24 Tralee Ave, Killarney Heights
(Proposed Subdivision)

**Statement of Heritage Impact
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Statement:

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Appendix:

Documents

- (i) Proposed Subdivision
- (ii) Inventory Sheet: Killarney Heights Village Centre
- (iii) DP 879900 (1998)
- (iv) DP 219006 (1963)
- (v) DP 215009 (1962)
- (vi) DP 215538 (1962)
- (vii) DP 216441 (1962)
- (viii) DP 217129 (1962)
- (ix) CT 1034-196 (1891)
- (x) PA 7438 (1888)
- (xi) CT 6274-106 (1951)
- (xii) PA 38505 (1953)
- (xiii) CT 7506-102 (1958)

Archnex Designs

Nominated Architect: Greg Patch (Reg. No. 4820)
Wentech Pty Ltd (ABN 310 735 41803) trading as Archnex Designs.
Architects, Heritage Building Consultants, Interior Designers

STATEMENT OF HERITAGE IMPACT [SoHI]:

Date: 26 October 2011
Premises: 20 Tralee Ave, Killarney Heights
Property Description: Lot 1, DP879900
Prepared By: Greg Patch
B Sc Arch, B ARCH (Hons), M Herit Cons (Hons), RAIA
14 Winchcombe Ave,
Haberfield NSW 2045
For: Mr & Mrs M & S Lawrence

A. PURPOSE OF STATEMENT

This statement has been prepared to assess potential heritage impacts of a proposed subdivision of the above land.

B. GROUNDS OF STATEMENT

Killarney Heights Village Centre is listed as a heritage item. This has been established through examination of Appendix C. Middle Harbour Locality Statements of Warringah Local Environmental Plan 2000, and the State Heritage Inventory [SHI] schedules.

C. LIMITS OF STATEMENT

This statement is based on SHI data sheet 2610139, and an inspection of the site in early November 2011.

D. LOCATION



1. Location of 20 Tralee Ave (Source: <http://imagery.maps.nsw.gov.au>).

Phone: 9716 0541/0425 228176

14 Winchcombe Ave, Haberfield NSW 2045

Fax: 9716 6083

20 Tralee Ave, Killarney Heights- SoHI

Issue: (14/11/11)

Page: 1

E. CONTEXT

E1. DOCUMENTARY

Titles

A brief search of the background to land ownership and subdivision of the area was made.

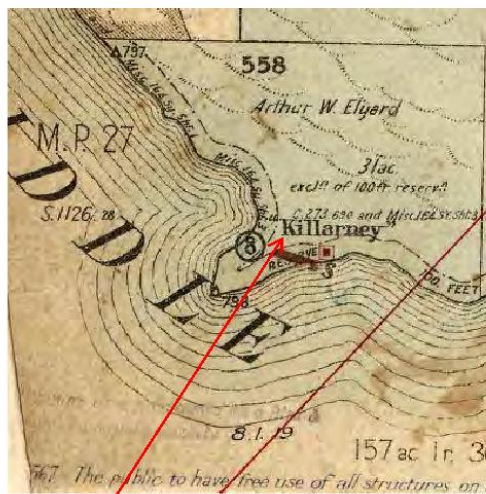
Primary Application [PA] 7438 (1888) indicates that the property is part of 125 acres originally granted to John Lewis Spencer in December 1837. The Spencer Grants are shown on 19th century charting maps, (NSW Lands Department LPI Parish Maps) though the dates of the maps are unclear:



2. Spencer Grants (140660_4_PMapMN04_14066002)



3. Spencer Grants- detail



4. "Killarney" shown on foreshore- late 19th century.



5. Spencer Grants- 1923

It appears a parcel of land to the east of the Spencer grants, adjacent Bantry Bay was used for the storage of explosives from 1913 onwards and possibly precluded earlier subdivision and development of the land.

It was converted to Real Property by Charles Jackson Campbell of Sydney under PA 7438 and was valued at £1,000 at the time. Certificate of Title Volume 1034, Folio 196 [CT 1034-196] was issued following the conversion, and there was little transaction activity until a transfer to the Public Trustee in September 1950. It was subsequently transferred to John Robert Goldston and Maureen Gertrude Alice Goldston and then to "Constructions (Engineering and Industrial) Pty Ltd, which became Hooker Town Development Ltd according to an endorsement to CT 6274-106 of January 1963. The laying -out of Killamey Heights took place through a series of complex amalgamation/ subdivisions around this time, with some remnant surveyed roads (Charles, Edwin and Colin Sts) surviving from 19th century subdivisions initially (see DPs 216441&215009), but later re-aligned and dispensed with.

Inventory Sheet

SHI data sheet 2610139 explains the background to Killarney Heights as:

*The suburb of Killarney Heights was planned in the early 1960s as a private venture by the Real Estate firm Hooker-Rex (now LJ Hooker). An exhibition of 17 display homes was opened in 1963. The 1960s promotional brochures produced by Hooker-Rex refer to the Killarney Heights Village Centre as a "regional shopping centre that is centrally situated, with easy access from every allotment... and will include shops for all essential daily needs, such as a supermarket and parking for 120 or more cars. Also within this area will be sites for two churches, a service station, baby health centre, kindergarten, library, scouts hall, **three tennis courts** and children's play area." Many of the original community facilities have since been replaced by private residences and the original service station has been redeveloped for a mixed use development. (my emphasis).*

It is described as:

A planned village centre facing a small park. A substantial parking area with islands of native trees provides the forecourt to the centre. The single and two-storey commercial buildings are typical 1960s design and make extensive use of concrete block walls, aluminium framed curtain walls and shop windows.

And is ascribed construction years: 1951-1975.

Its significance is stated as:

The Killarney Heights Village Centre is of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960s "garden suburb" of Killarney Heights. The Centre is also of social significance at a local level as its general character and function is considered to be crucial to the identity of the Killarney Heights community.

Wikipedia

The Wikipedia information (at: http://en.wikipedia.org/wiki/Killarney_Heights,_New_South_Wales) is derived from the Francis Pollen (Ed), *The Book of Sydney Suburbs* [Angus & Robertson, Sydney]:

The suburb was originally part of Forestville and the area was developed from the 1950s as South Forestville and Heidelberg. The suburb east of Starkey Street became the site of considerable development by LJ Hooker in the early 1960s after the second Roseville Bridge was completed. West of Starkey Street was Crown land.

In the early part of the 20th century, a picnic ground was developed around the edges of Middle Harbour, on the site where Mosman Rowing Club now stands [sic]. Boats would arrive for gatherings, carrying elegantly attired men in red and white striped jackets, pressed white pants and the requisite straw boater hat. Women were often dressed in accompanying white muslin frocks.

The picnic grounds were given the name 'Killarney' after Killarney in Ireland. The suburb later gained its name from this such picnic area. Each street in the development has an Irish placename (e.g. Galway Avenue, Blarney Avenue, Dublin Avenue, Donegal Road, Tipperary Avenue, Ballyshannon Road).

E2. PHYSICAL



6. Tramore Place- Tennis Courts



7. Tramore Place- Central parking area



8. Tralee Ave- Tennis Courts



9. Tralee Ave- connection through to village centre.



10. Tralee Ave- Tennis Courts



11. 20 Tralee Ave.



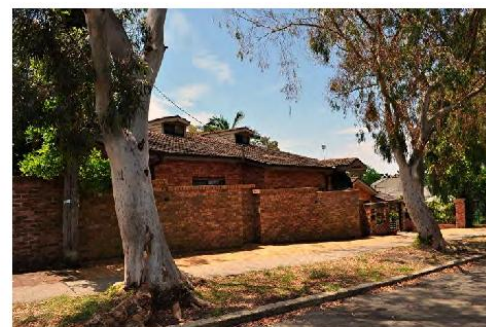
12. 20 Tralee Ave- Tennis Courts



13. 20 Tralee Ave. from the south-west



14. Carlile swimming centre



15. 20 Tralee Ave. from the south-west



14. 20 Tralee Ave- tennis courts beyond



15. Signage- Killarney Heights Tennis Centre



16. Landscaping fronting Tralee Ave. 20



17. Tennis courts and access to village centre.



18. Tennis courts from village centre



19. 20 Tralee Ave from village centre.



20. Village centre - north



21. Village centre.

F. PROPOSED DEVELOPMENT

I have examined drawings N^o. 16709 prepared by Bee & Lethbridge Pty Ltd, dated 28.10.2011. It shows a proposed subdivision of the land that is currently Lot 1 in DP 879900 (1998) into 4 lots (Lot 1: 805.9 m² – on which the house shown in images 11, 12, 13 & 15, p 4 sits; Lot 2: 670.5 m²; Lot 3: 571.2 m²; & Lot 4: 271.2 m²).

G. HERITAGE IMPACT OF THE PROPOSED DEVELOPMENT

The “Killarney Heights Village Centre Area” is identified on the Warringah LEP Map 7:



22. Clip from Warringah LEP Map 7. Killarney Heights Village Centre (NTS)

It is listed at Appendix C of the Warringah LEP 2000:

Appendix C Middle Harbour Suburbs Locality Statements

LOCALITY C1 MIDDLE HARBOUR SUBURBS

HERITAGE ITEMS

The following items of local heritage significance are within this locality:

- Killarney Heights Village Centre

The relevant provisions of the Warringah LEP 2000 in relation to the proposal are:

Part 4 General principles of development control

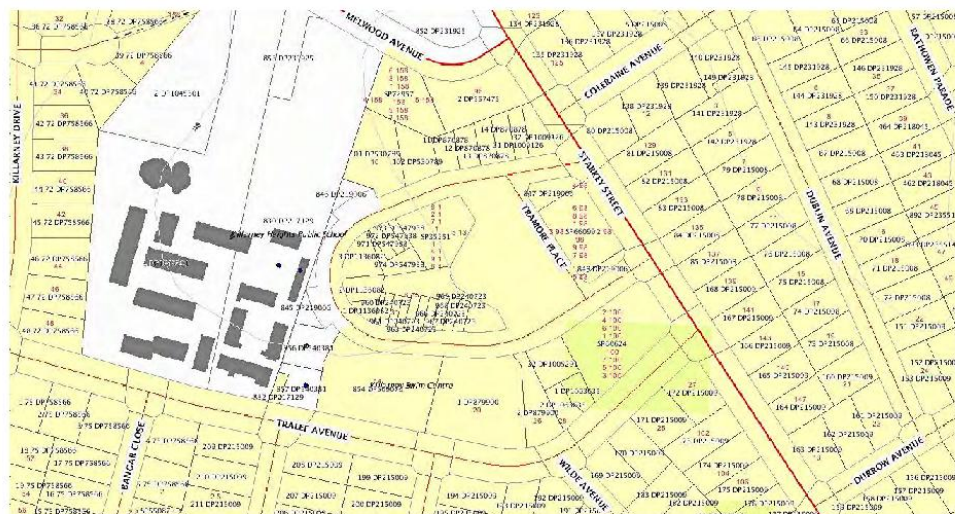
Division 7 Heritage

79 Heritage control

In relation to heritage, development is to:

- conserve the environmental heritage and cultural significance of Warringah, and

Comment: the Killarney Heights Village Centre is listed as a heritage item by virtue of its significance in terms of town planning practices during the mid-20th century and its role in the identity of the Killarney Heights community. While the general layout appears to have been maintained as designed, it is apparent that there has been significant change within the originally planned allotments:



23. Current cadastre- Killarney Heights Village Centre and environs (Source: <http://imagery.maps.nsw.gov.au>)

Two of the originally planned allotments under DP 219006 (1963) remain and these are those designed and designated as “Public Garden and Recⁿ Space” (Lots 846 & 847). The remainder have been re-subdivided.

- *conserve existing significant fabric, settings, relics and views associated with the heritage significance of heritage items and heritage conservation areas, and*

Comment: the proposed subdivision will have no physical impact on the item *per se*. The views and the internal ‘setting’ of the item will change due to the implied redevelopment of the tennis courts, although the open access area from Tralee Ave through to the interior of the “Village Centre” will serve to mitigate the impacts of built form to some extent.

- *not adversely affect the heritage significance of heritage items and heritage conservation areas and their settings, and*

Comment: the proposed subdivision will have no impact on the town planning significance of the Killarney Heights Village centre, which is in essence an historical fact. It will have potential impacts on the appearance of the Centre through some implicit future development of the lots to be created under the proposed subdivision.

- *ensure that archaeological sites and places of Aboriginal significance are conserved, and*

Comment: the place is not identified as being of archaeological or Aboriginal heritage significance.

- *ensure that the heritage conservation areas throughout Warringah retain their heritage significance.*

Comment: the place is not within a heritage conservation area.

- *In particular, before consent is granted for development that affects a heritage item or will be carried out within a heritage conservation area, the extent to which development would affect the heritage significance of the heritage item or heritage conservation area, including its setting, is to be assessed, including:*

Comment: the place is not within a heritage conservation area.

- *its significance in Warringah, and*

Comment: the place is significant as an example of the planning principles effected by Hooker Town Development Ltd (later Hooker Rex and LJ Hooker Pty Ltd). The proposed development will not have an impact on this significance, which, as discussed above, is essentially an historical

fact- and the physical manifestation of which appears to have changed over time- in terms of the specific uses of the various allotments.

- *the contribution which any building, work, relic, tree or place affected by the proposed development makes to this heritage significance, and*

Comment: the proposal will have no physical affects on the significance of the place. Subdivision implies future development which is to be assessed once it is proposed. The tennis courts may be considered a “work” which is by implication to be dispensed with. The impact of the removal of such a facility on the heritage significance of the place is a matter that has to be weighed against the commercial imperatives of the operation of such a facility- defunct tennis courts may just as well make a negative contribution.

- *the measures proposed to conserve the heritage significance of the heritage item or heritage conservation area, and*

Comment: no measures are proposed at this juncture, the proposed subdivision having no physical affects.

- *whether any archaeological site or potential archaeological site would be adversely affected, and*

Comment: the place is not identified as being of archaeological significance.

- *whether any landscape or horticultural features of heritage significance would be affected.*

Comment: the proposed subdivision implies that the tennis courts – as a “landscape” feature- are to be dispensed with at some future time.

Applications for consent to development relating to heritage items classified by this plan as being of State or regional significance must not be granted unless the consent authority has considered a conservation management plan prepared by an appropriately qualified person.

Comment: the place is not identified as being of State or regional significance.

Applications for consent to development relating to heritage items classified by this plan as being of local significance must not be granted unless the consent authority has considered a statement of heritage impact prepared by an appropriately qualified person, except where the consent authority is of the opinion that the proposed development constitutes extensive alterations or additions to the heritage item, in which case consent must not be granted unless the consent authority has considered a conservation plan.

Comment: this document has been prepared having general regard to the guideline document “Statements of Heritage Impact” published by the NSW Heritage Office/ Branch of the Department of Environment and Planning.

*In this clause, a reference to an **appropriately qualified person** is to a person considered by the Council to be appropriately qualified.*

Note. The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, Statements of Heritage Impact).

Comment: the author of this document holds a Master of Heritage Conservation (Hons) form the University of Sydney and has had some 27 years of experience in the practice of heritage conservation.

80 Notice to Metropolitan Aboriginal Land Council

On receipt of an application for consent to development that is likely to have an impact on an Aboriginal site, Aboriginal place or place of Aboriginal cultural significance, the consent authority must notify the Metropolitan Aboriginal Land Council and take into consideration any comments received in response within 21 days after the notice is sent.

Comment: the place is not identified as being of Aboriginal heritage significance.

81 (Repealed)

82 Development in the vicinity of heritage items

Development in the vicinity of heritage items or heritage conservation areas is to complement the character of the heritage item or buildings of heritage significance within that area in terms of its architectural style, scale, setback, siting, external materials, finishes, colours and setting. Significant views to and from heritage items or heritage conservation areas, are not to be adversely affected.

Comment: the place is not in the vicinity of an item of heritage significance.

83 Development of known or potential archaeological sites

Before granting an application for consent to development on an archaeological site or a potential archaeological site (except if such development does not disturb below-ground relics and any above-ground relics would not be adversely affected), the consent authority must consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site.

Comment: the place is not identified as being of potential archaeological significance.

H. CONCLUSION

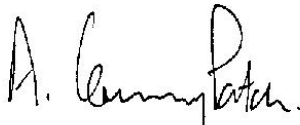
The inspection of the place and the above research, analysis and assessment has revealed that the proposed subdivision of the Lot 1, DP 879900 (1998) will have no impact on the heritage significance of the item "Killarney Heights Village Centre". There is potential for change as a result of the proposed subdivision, but this is a matter that is subject to the conventional process of development assessment and of itself, will have no implications in terms of the planning significance of the place. It would appear that many of the elements originally intended: "...regional shopping centre that is centrally situated, with easy access from every allotment... and will include shops for all essential daily needs, such as a supermarket and parking for 120 or more cars. Also within this area will be sites for two churches, a service station, baby health centre, kindergarten, library, scouts hall, three tennis courts and children's play area." were either not realised and/or the allotments have given way to residential and other mixed use developments. The significance is stated as a matter of history:

The Killarney Heights Village Centre is of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960s "garden suburb" of Killarney Heights. The Centre is also of social significance at a local level as its general character and function is considered to be crucial to the identity of the Killarney Heights community.

It would appear to follow that if the tennis courts are of such significance in the context of the Centre, they would be viable and there would be no desire to subdivide and redevelop the land.

In my opinion, the proposal is supportable in both heritage and conservation terms.

Prepared by



Greg Patch
Architect/Heritage Consultant

Appendix: Documents

20-24 Tralee Ave Killarney Heights-SoHI

App. B



Killarney Heights Village Centre

Item

Name of Item: Killarney Heights Village Centre
Type of Item: Complex / Group
Primary Address: Tramore Place, Killarney Heights, NSW 2087
Local Govt. Area: Warringah
Property Description:

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
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All Addresses

Street Address	Suburb/Town	LGA	Parish	County	Type
Tramore Place	Killarney Heights	Warringah			Primary

Statement of Significance

The Killarney Heights Village Centre is of historical significance at a local level as a mostly intact, representative example of a planned commercial and community precinct servicing the 1960s "garden suburb" of Killarney Heights. The Centre is also of social significance at a local level as its general character and function is considered to be crucial to the identity of the Killarney Heights community.

Note: There are incomplete details for a number of items listed in NSW. The Heritage Branch intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Construction Years: 1951 - 1975

Physical Description: A planned village centre facing a small park. A substantial parking area with islands of native trees provides the forecourt to the centre. The single and two-storey commercial buildings are typical 1960s design and make extensive use of concrete block walls, aluminium framed curtain walls and shop windows.

History

Historical Notes: The suburb of Killarney Heights was planned in the early 1960s as a private venture by the Real Estate firm Hooker-Rex (now LJ Hooker). An exhibition of 17 display homes was opened in 1963. The 1960s promotional brochures produced by Hooker-Rex refer to the Killarney Heights Village Centre as a "regional shopping centre that is centrally situated, with easy access from every allotment... and will include shops for all essential daily needs, such as a supermarket and parking for 120 or more cars. Also within this area will be sites for two churches, a service station, baby health centre, kindergarten, library, scouts hall, three tennis courts and children's play area." Many of the original community facilities have since been replaced by private residences and the original service station has been redeveloped for a mixed use development.

Assessment Criteria

Items are assessed against the  **State Heritage Register (SHR) Criteria** to determine the level of significance. Refer to the Listings below for the level of statutory protection.

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan			05 Dec 00		

Study Details

Title	Year	Number	Author	Inspected by	Guidelines Used
Warringah Heritage Study	2001	Major Local Significance	Warringah Council		No

