



Environmental Planning Committee



Agenda

Monday 11 October 2021
6.00pm

Meeting to be held using
conferencing technology (refer to
details over page)

Compliance with social distancing requirements to limit the spread of COVID-19 virus at Council and Committee Meetings:

Amendments have been made to the *Local Government Act 1993* to allow councils to meet remotely to reduce the risk of COVID-19 and ensure compliance with the Public Health Order.

In line with social distancing requirements to limit the spread of the COVID-19 virus Woollahra Council will be webcasting Council (i.e. Ordinary and Extraordinary) and Committee meetings (i.e. Environmental Planning (EP), Finance, Community & Services (FC&S) and Strategic & Corporate (S&C) (until further notice).

The Mayor, Councillors and staff will be participating in meetings by **attending in person**, however given social distancing requirements members of the public are unable to attend meetings in person. Members of the public are invited to watch and/or listen to Council meetings live by either using conferencing technology or by teleconference. Public participation online or by phone will be managed in accordance with meeting procedures.

Meetings will be webcast and member of the public can watch and listen to meetings live (via Council's website) or dial in to listen to the meetings using a telephone.

You may also submit late correspondence. Instructions on how to do this are provided below:

- **To watch the meeting live (from 6.00pm)**
Details on how to watch the meeting live will be available at Environmental Planning Committee Agendas, Audio Recordings and Minutes – https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes
- **To submit late written correspondence (submit by 12noon on the day of the meeting)**
Members of the public may submit late written correspondence on an agenda item being considered at the Council meeting. If you wish to make a written submission on an item on the agenda, please email your submission to records@woollahra.nsw.gov.au by 12noon on the day of the meeting.
- **To register to address the meeting (submit by 12noon on the day of the meeting)**
Members of the public may register to speak on an agenda item being considered at the Finance, Community & Services Committee meeting, by registering via email records@woollahra.nsw.gov.au by 12noon on the day of the meeting. Following your registration you will be emailed the details and instructions on how to join the meeting.

If you are experiencing any issues in joining the meeting please call (02) 9391 7001.

An audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

Disclaimer:

By using conferencing technology or by teleconference, listening and/or speaking at Council or Committee Meeting members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website. Councillors, staff and members of the public are advised that meeting are being lived streamed, accessible via a link from Council's website.

By addressing and/or listening to a Council or Committee meeting, members of the public consent to their voice and personal information (including name and address) being recorded and publicly available on Council's website.

Accordingly, please ensure your address to Council is respectful and that you use appropriate language and refrain from making any defamatory statements or discriminatory comments.

Woollahra Council does not accept any liability for statements, comments or actions taken by individuals during a Council or Committee meeting.

Any part of the meeting that is held in closed session will not be recorded.

People connecting to this meeting by conferencing technology or teleconference are reminded that under the *Local Government Act 1993*, the recording of meetings by a member of the public using any electronic recording device including a mobile phone or video camera is not permitted. Any person found recording without the permission of Council may be expelled from the meeting.

The audio recording of each meeting will be retained on Council's website for a minimum period of 6 months. After that period has passed, recordings of meetings may be disposed of in accordance with the *State Records Act 1998*.

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For further information please visit www.woollahra.nsw.gov.au

Recommendation only to the Full Council ("R" Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic planning matters including those initiated at State and Federal Government level.
- Urban design studies.
- Planning proposals and local environment plans.
- Development control plans and guidelines.
- Development contribution plans.
- Heritage conservation studies, assessments and controls.
- Commercial centres' studies.
- Residential studies and strategies.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Flood Management Strategies.
- Recreation Policies and Strategies.
- Sustainability Policies and Strategies.
- Transport Strategies.
- Tree Policies and Strategies.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters requiring supplementary votes to Budget.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes

Delegated Authority to be determined at Committee level ("D" Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Statutory reviews of Council's Delivery Program and Operational Plan.
- Any other matter falling within the responsibility of the Environmental Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Environmental Planning Committee Membership:

7 Councillors

Quorum:

The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

6 October 2021

To: Her Worship the Mayor, Councillor Susan Wynne, ex-officio
Councillors Mary-Lou Jarvis (Chair)
Nick Maxwell (Deputy Chair)
Luise Elsing
Matthew Robertson
Isabelle Shapiro
Mark Silcocks
Toni Zeltzer

Dear Councillors,

Environmental Planning Committee – 11 October 2021

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held using teleconferencing technology, **on Monday 11 October 2021 at 6.00pm.**

Members of the public are advised that you may watch the meeting live via Council's website using conferencing technology. If you would like to register to address the Environmental Planning Committee meeting please email records@woollahra.nsw.gov.au by 12noon on the day of the meeting.

Watch and listen to the meeting live via Council's website:

https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes

A audio recording of the meeting will be uploaded to Council's website following the meeting by 5.00pm on the next business day.

The safety of our community, Councillors and our staff is Council's number one priority and we thank you for your patience and understanding at this time.

If you have any difficulties accessing the meeting please contact (02) 9391 7001.

Craig Swift-McNair
General Manager

Meeting Agenda

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Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 13 SEPTEMBER 2021**
Author: Sue O'Connor, Governance Officer
File No: 21/192363
Reason for Report: The Minutes of the Environmental Planning Committee of 13 September 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 13 September 2021 be taken as read and confirmed.

Annexures

1. Unconfirmed Minutes Environmental Planning Committee - 13 September 2021 [↓](#) 



Environmental Planning Committee



Minutes

Monday 13 September 2021

Environmental Planning Committee Minutes

Monday 13 September 2021

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13 September 2021



**Minutes of the Meeting held on
13 September 2021 at 7.08pm.**

Present:	Councillors:	Mary-Lou Jarvis	(Chair)
		Nick Maxwell	(D1, D2, R1 & R3)
		Luise Elsing	(D1, D2, R1, R2 & R4)
		Matthew Robertson	
		Isabelle Shapiro	
		Mark Silcocks	
		Toni Zeltzer	
Staff:		Petrina Duffy	(Coordinator Strategy & Performance) – via Zoom
		Paul Fraser	(Manager - Open Space & Trees) – via Zoom
		Micaela Hopkins	(Team Leader Environment & Sustainability) – via Zoom
		Gwen Hughes	(Governance Coordinator)
		Carolyn Nurmi	(Governance Officer)
		Scott Pedder	(Director Planning and Place)
		Flavia Scardamaglia	(Strategic Heritage Officer) – via Zoom
		Kristy Welfare	(Strategic Heritage Officer) – via Zoom
		Anne White	(Manager – Strategic Planning)
		Emma Williamson	(Strategic Planner) – via Zoom

Note: The Committee experienced technical issues and the meeting start time was delayed. We apologise for any inconvenience caused and thank Councillors, staff and members of the public for your understanding.

Note: Councillor Maxwell left the meeting, the time being 9.30pm.

Woollahra Municipal Council
Environmental Planning Committee Minutes

13 September 2021

Leave of Absence and Apologies

Nil

Late Correspondence

Late correspondence was submitted to the committee in relation to Items: R1 & R2

Declarations of Interest

Nil

Unconfirmed

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13 September 2021

Items to be Decided by this Committee using its Delegated Authority

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 12 JULY 2021**
Author: Sue O'Connor, Governance Officer
File No: 21/139264
Reason for Report: The Minutes of the Environmental Planning Committee of 12 July 2021 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

(Silcocks/Shapiro)

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 12 July 2021 be adopted, subject to voting on Item R5 'Amendment to Council' being amended to read:

For the Amendment

Councillor Jarvis
Councillor Zeltzer
Councillor Silcocks

Against the Amendment

Councillor Elsing
Councillor Robertson
Councillor Shapiro

3/3

Item No: D2 Delegated to Committee
Subject: **ECOLOGICAL SUSTAINABILITY TASKFORCE MINUTES - 16 AUGUST 2021**
Author: Micaela Hopkins, Team Leader Environment & Sustainability
Approver: Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/164051
Reason for Report: To circulate the minutes of the Ecological Sustainability Taskforce meeting held on 16 August 2021.

(Zeltzer/Shapiro)

Recommendation:

THAT Council receive and note the minutes of the Ecological Sustainability Taskforce meeting held on 16 August 2021.

Woollahra Municipal Council
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Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Elsing
Councillor Jarvis
Councillor Maxwell
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Zeltzer

Nil

7/0

Items to be Submitted to the Council for Decision with Recommendations from this Committee

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 165 O'SULLIVAN ROAD BELLEVUE HILL AND 16 BUNYULA ROAD, BELLEVUE HILL**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/106822
Reason for Report: To recommend that Council resolves to prepare a planning proposal to list 165 O'Sullivan Road, Bellevue Hill (including interiors and garage) and 16 Bunyula Road, Bellevue Hill (including interiors) as local heritage items in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

Note: Late correspondence was tabled by Ron Zucker of Henry William lawyers, Paola Di Berardino, & Vacluse West Residents Association.

Note: Stephen Davies, Heritage Consultant from Urbis Planning & Paola Di Berardino, addressed the Committee.

Motion moved by Councillor Silcocks
Seconded by Councillor Maxwell

THAT Council takes no further action on the heritage listing of the properties at 165 O'Sullivan Road, Bellevue Hill and 16 Bunyula Road, Bellevue Hill.

Amendment moved by Councillor Robertson
Seconded by Councillor Zeltzer

A. THAT a planning proposal be prepared to list the 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula

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Road, Bellevue Hill as local heritage items in Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014*.

- B. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- D. THAT Council hires independent heritage advice on this matter to review the staff recommendation.

The Amendment was put and lost.

The vote was 3 votes for the Amendment and 4 votes against the Amendment.

**A further Amendment was put by Councillor Robertson
Seconded by Councillor Zeltzer**

- A. THAT a planning proposal be prepared to list the 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill as local heritage items in Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

The further Amendment was put and carried.

The further Amendment became the Motion.

The Motion was put and carried.

(Robertson/Zeltzer)

Recommendation:

- A. THAT a planning proposal be prepared to list the 'House, including interiors and garage' at 165 O'Sullivan Road, Bellevue Hill and the 'House, including interiors' at 16 Bunyula Road, Bellevue Hill as local heritage items in Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal is referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Elsing
Councillor Jarvis
Councillor Robertson
Councillor Zeltzer

Against the Motion

Councillor Maxwell
Councillor Shapiro
Councillor Silcocks

4/3

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Item No: R2 Recommendation to Council
Subject: **POST-EXHIBITION PLANNING PROPOSAL - HERITAGE LISTING OF HILLCREST, 780-786 NEW SOUTH HEAD ROAD, ROSE BAY**
Authors: Emma Williamson, Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/146125
Reason for Report: To report on the public exhibition of the planning proposal to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.
To obtain Council's approval to proceed with the finalisation of the planning proposal and the preparation of a draft LEP.

Note: Late correspondence was tabled by Tony Moody & Vacluse West Residents Association.

Note: Jennifer Hill & Aaron Gadiel of Mills Oakley Lawyers, addressed the Committee.

Motion moved by Councillor Silcocks
Seconded by Councillor Shapiro

THAT Council finalise the planning proposal at **Annexure 1** of the report to the Environmental Planning Committee meeting of 13 September 2021 which seeks to amend Schedule 5 and the Heritage Map of *Woollahra Local Environmental Plan 2014* to list Hillcrest, including the Fig Tree, at 780-786 New South Head Road, Rose Bay (SP 30455) as a local heritage item.

Amendment moved by Councillor Elsing
Seconded by Councillor Robertson

- A. THAT Council finalise the planning proposal at **Annexure 1** of the report to the Environmental Planning Committee meeting of 13 September 2021 which seeks to amend Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014* to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay (SP 30455) as a local heritage item.
- B. THAT Council make the local environmental plan as the local plan making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* as authorised by the Gateway Determination issued on 9 June 2021.

The Amendment was put and carried.
The Amendment became the Motion.
The Motion was put and carried.

(Elsing/ Robertson)

Recommendation:

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- A. THAT Council finalise the planning proposal at **Annexure 1** of the report to the Environmental Planning Committee meeting of 13 September 2021 which seeks to amend Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014* to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay (SP 30455) as a local heritage item.
- B. THAT Council make the local environmental plan as the local plan making authority under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* as authorised by the Gateway Determination issued on 9 June 2021.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Elsing
Councillor Jarvis
Councillor Robertson
Councillor Zeltzer

Against the Motion

Councillor Maxwell
Councillor Shapiro
Councillor Silcocks

4/3

Item No: R3 Recommendation to Council
Subject: **COMMUNICATIONS STRATEGY FOR PUBLIC EXHIBITION OF THE DRAFT CROWN LAND PLANS OF MANAGEMENT, DRAFT RECREATION STRATEGY, & DRAFT PLAY SPACE STRATEGY**
Authors: Roger Faulkner, Team Leader - Open Space & Recreation Planning
Megan Holdsworth, Parks & Recreation Planner
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Infrastructure & Sustainability
File No: 21/168751
Reason for Report: Resolution from Council meeting held on 5/07/2021

Note: Councillor Elsing experienced technical issues and was not present at the time of the vote.

Note: The Committee added new Part B to the recommendation.

(Robertson/Silcocks)

Recommendation:

- A. THAT Council receive and note the Communications Strategy for Public Exhibition of the Draft Crown Land Plans of Management, Draft Recreation Strategy, & Draft Play Space Strategy.
- B. THAT Council staff circulate late correspondence to Councillors prior to the Council Meeting on 27 September 2021 in relation to the number of responses that were received during previous surveys relating to the Draft Crown Lands Plans of Management, Draft Recreations Strategy, & Draft Play Space Strategy.

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Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Jarvis
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Zeltzer

5/0

Item No: R4 Recommendation to Council
Subject: **DELIVERY PROGRAM 2018 - 2022 AND OPERATIONAL PLAN 2020/21 SIX MONTHLY PROGRESS REPORT - JUNE 2021**
Authors: Petrina Duffy, Coordinator Strategy & Performance
Cheryle Burns, Manager - Business Assurance & Improvement
Approvers: Sue Meekin, Director Corporate Performance
Tom O'Hanlon, Director - Infrastructure & Sustainability
Patricia Occelli, Director Community & Customer Experience
Scott Pedder, Director - Planning & Place
File No: 21/177542
Reason for Report: To review the status of the Priorities and Actions in Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 for the six months ending 30 June 2021.

(Elsing/Silcocks)

Recommendation:

THAT the June 2021 Progress Report on Council's Delivery Program 2018 to 2022 and Operational Plan 2020/21 be received and noted.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Against the Motion

Councillor Elsing
Councillor Jarvis
Councillor Robertson
Councillor Shapiro
Councillor Silcocks
Councillor Zeltzer

Nil

6/0

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13 September 2021

There being no further business the meeting concluded at 9.53pm.

We certify that the pages numbered 562 to 571 inclusive are the Minutes of the Environmental Planning Committee Meeting held on 13 September 2021 and confirmed by the Environmental Planning Committee on 11 October 2021 as correct.

Chairperson

Secretary of Committee

Unconfirmed

Item No: D2 Delegated to Committee
Subject: **WOOLLAHRA LOCAL PLANNING PANEL REGISTER OF PLANNING DECISIONS AND ANALYSIS**
Authors: Helen Tola, Manager - Governance & Council Support
Nick Economou, Manager Development Control
Approver: Scott Pedder, Director - Planning & Place
File No: 21/123902
Reason for Report: Woollahra Local Planning Panel – Register of Planning Decisions and Analysis – period 1 April 2021 to 16 September 2021.

Recommendation:

THAT the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 1 April 2021 to 16 September 2021 be received and noted.

1. Background:

The Woollahra Local Planning Panel (WLPP) assesses and determines development applications and provides advice to Council on planning proposals and other matters. The WLPP is established under Part 2, Division 2.5 of the *Environmental Planning and Assessment Act 1979*.

In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*, Council is required to maintain a register that records which panel members vote for and which panel members vote against each planning decision of the WLPP.

Councillors have requested that a report be prepared on the decisions made and that this be reported to the Environmental Planning Committee (EPC) on a regular basis. Staff have prepared this planning decisions register to provide a summary of the applications considered by the WLPP, including the staff recommendation and the final WLPP decision.

Following feedback from Councillors at the Environmental Planning Committee in August 2018 meeting, cost of works, full reasons of referral and key issues form part of this report and are included in the relevant annexure.

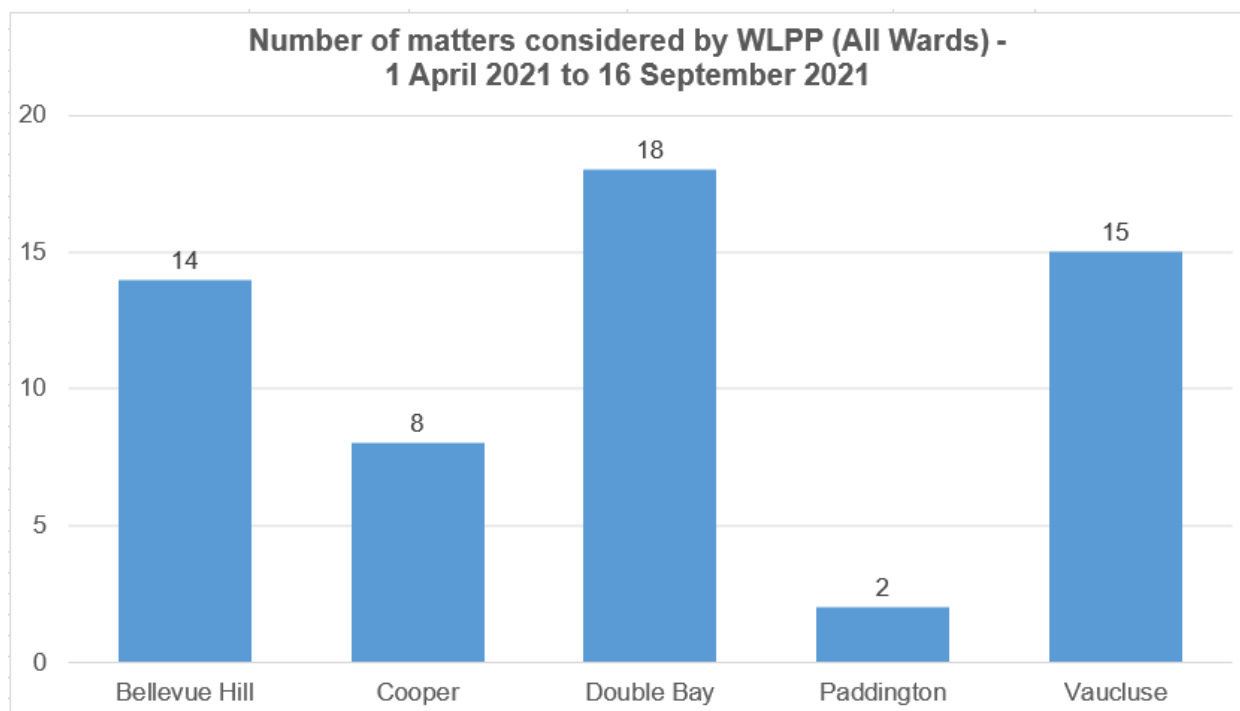
In total **57 Development Applications** and **5 Planning Proposals** were considered by the Woollahra Local Planning Panel during the period of 1 April 2021 to 16 September 2021.

Provided below is an analysis of the following:

- the number of development applications considered per ward
- staff recommendation vs WLPP Decision
- reason(s) for referral to WLPP.

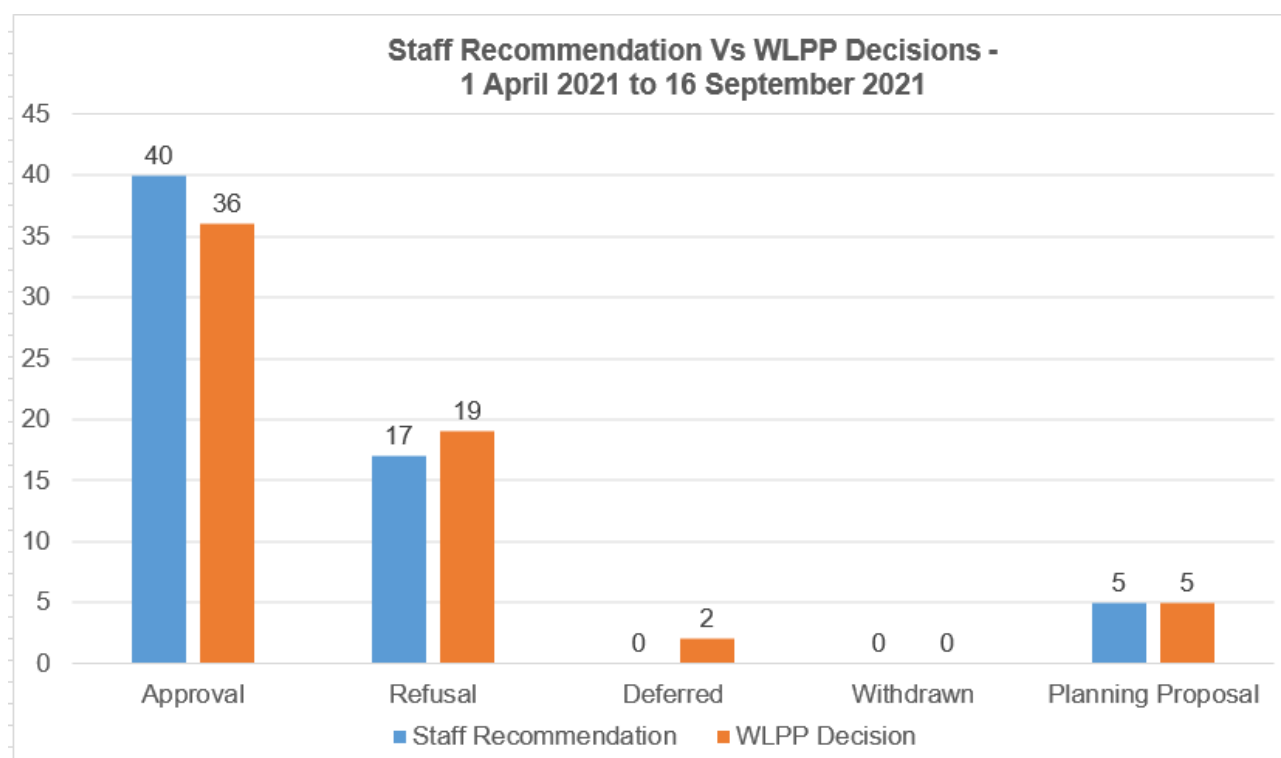
Number of Development Applications (excluding Planning Proposals) considered per ward:

The following graph illustrates the number of Development Applications (excluding Planning Proposals) considered by the Panel (per Ward).



Staff Recommendation vs WLPP Decision:

The graph below provides a comparison of the staff recommendation versus the WLPP decision.



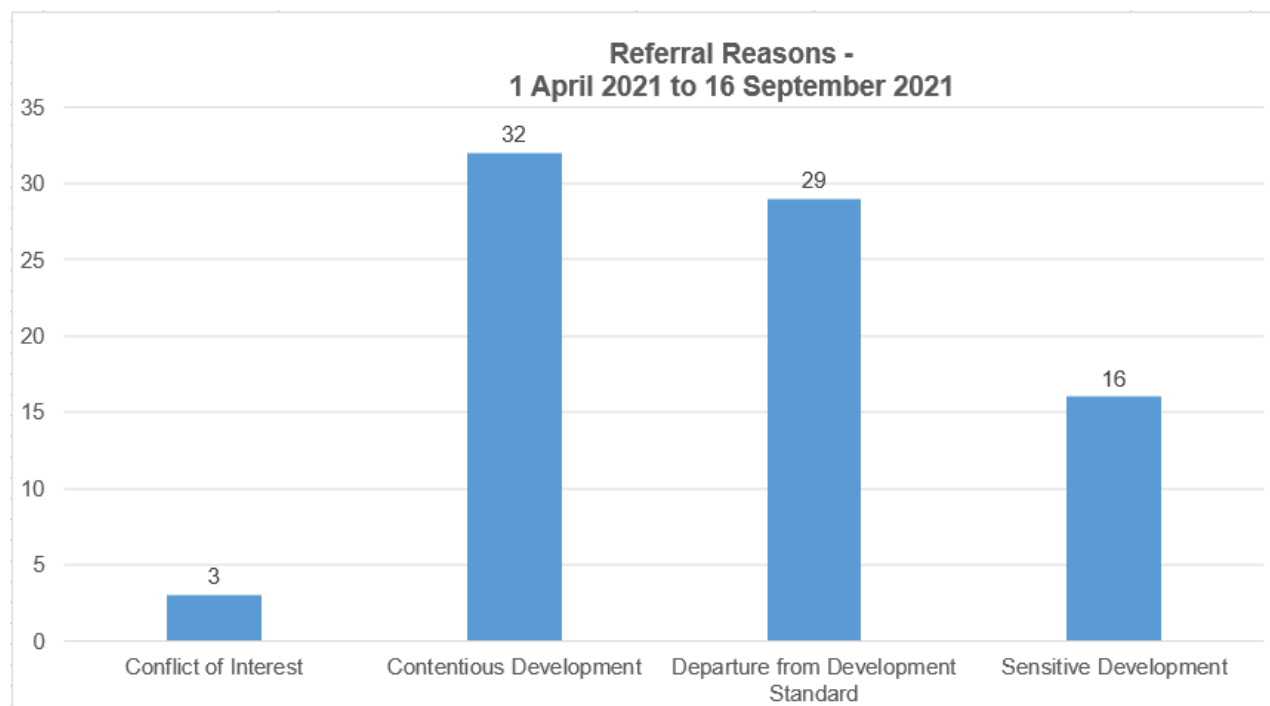
Reasons for Referral to WLLP:

The principal function of the WLPP is to determine local development applications (DAs) that fall within any of the following categories:

- conflict of interest;

- contentious development;
- departure from development standards (> 10%); and
- sensitive development.

The graph below indicates the reason for referral to the WLPP, noting that some applications fall within more than one category. Further details are available in **Annexure 1**.



Annexure 1 presents the Woollahra Local Planning Panel - Register of Planning Decisions, for the period 1 April 2021 to 16 September 2021.

2. Other relevant information – Appointment of Chairs, Experts and Community Representatives

On 13 November 2017, there were changes to the *Environmental Planning and Assessment Act* 1979 (the Act) introducing mandatory local planning panels for all Councils in the Greater Sydney Region and Wollongong, effective from 1 March 2018. Council at that time established the Woollahra Local Planning Panel.

The term of the initial Panel membership composition ceased on 30 June 2021.

Council at its Ordinary Council meeting on 28 June 2021 considered a report seeking the appointment of a new panel composition for the Woollahra Local Planning Panel for the period of 1 July 2021 to 29 February 2024.

Council resolved as follows:

Resolved:

- A. *THAT Council, pursuant to section 23K of the Environmental Planning and Assessment Act 1979, appoint the following persons to the Woollahra Local Planning Panel for the period 1 July 2021 to 30 June 2022 (unless the Minister determines otherwise):*

Chair and Alternate Chairs

<i>Ms Annelise Tuor</i>	<i>Chair</i>
<i>Mr Peter Wells</i>	<i>Alternate Chair</i>
<i>Ms Penelope Holloway</i>	<i>Alternate Chair</i>

Experts

Ms Sheridan Burke
Mr Graham Brown
Ms Sandra Robinson
Ms Gabrielle Morrish
Mr John McInerney
Prof. Helen Lochhead

- B. *THAT Council notes that the Community Representatives remain unchanged until a time frame within 3 months of 30 September 2021 and noting that the Community Representatives are as follows:*

Bellevue Hill Ward - Ms Nicola Grieve
Cooper Ward & Paddington Ward - Ms Keri Huxley
Double Bay Ward - Mr Andrew Petrie
Vaucluse Ward - Mr Graham Humphrey.

- C. *THAT Council set the following remuneration rates for panel members:*

<i>Chair</i>	-	<i>\$666 plus GST per item up to a maximum of \$2,000 and \$285 per hour for business that is undertaken outside of meetings</i>
<i>Experts</i>	-	<i>\$500 plus GST per item up to a maximum of \$1,500 and \$214 per hour for business that is undertaken outside of meetings</i>
<i>Community Reps</i>	-	<i>\$500 plus GST per item up to a maximum of \$1,500 plus GST and \$71 per hour for business undertaken outside of meetings.</i>

Note: *The above rates do not include GST.*

Note: *The per meeting rate is inclusive of all the work a panel member does for a meeting, including preparation, site visits, the meeting itself and any deliberation and voting by the panel on matters considered at the meeting once the meeting is closed. The hourly rate applies to any business such as electronic determinations that the panel conducts that are not connected to one of its meetings. All members are entitled to their reasonable travel and out of pocket expenses.*

- D. *THAT the Mayor be requested to write to the Minister for Planning to seek clarification that the new elected Council in March 2022 is given the ability to review the experts (strongly advocating that the term is only 12 months).*
- E. *THAT Councillors are given the opportunity to review the Experts proposed to be selected in the future to serve our community (i.e. 2024) - In future the elected members be to select them serve our community (taken on notice).*

A copy of the report as considered by Council is attached as **Annexure 2**.

3. Appeals:

The table below provides a brief snapshot of Applications determined by the Panel where Class 1 Appeals have been finalised within the period 1 April 2021 to 16 September 2021.

DA No.	Property Address	Staff Recommendation	Panel's Decision	L&E Court Decision/Outcome
274/2020/1	432-440 Oxford St PADDINGTON Amalgamation of 3 lots, alterations to 5 existing shops and residences above, construction of new shop top housing module fronting Elizabeth Place	Refusal	Refusal	Upheld with amended plans via a s34 agreement
105/2019/2	14 Boronia Road BELLEVUE HILL Internal and external modifications to an approved RFB	Refusal	Refusal	Upheld with amended plans via a s34 agreement
536/2020/1	23 Wolseley Road POINT PIPER Alterations and additions to an approved RFB (approved under DAs 2018/484 and 2017/369) to accommodate an additional level	Refusal	Refusal	Upheld with amended plans via a s34 agreement
44/2020/2	20 Boronia Road BELLEVUE HILL Modifications to an approved RFB	Refusal	Refusal	Upheld with amended plans via a s34 agreement
416/2020/1	117-119 O'Sullivan Road BELLEVUE HILL Demolition of a single dwelling and construction of a new Seniors Housing Development	Refusal	Refusal	Upheld with amended plans via a s34 agreement
233/2020/1	65 Village High Road VAUCLUSE Demolition of existing dwelling and construction of a new child care centre	Refusal	Refusal	Upheld with amended plans via a s34 agreement
108/2020/1	Lot A, 8-9 Hillside Avenue VAUCLUSE The construction of a new residential dwelling house, pool and landscaping works	Refusal	Refusal	Upheld with amended plans via a s34 agreement
110/2020/1	Lot B, 8-9 Hillside Avenue VAUCLUSE Construction of a new The construction of a new residential dwelling house, pool and landscaping works	Refusal	Refusal	Upheld with amended plans via a s34 agreement
111/2020/1	Lot C, 8-9 Hillside Avenue VAUCLUSE New attached dual occupancy, new pool and landscaping works	Refusal	Refusal	Upheld with amended plans via a s34 agreement
193/2020/1	3 Trelawney Street WOOLLAHRA Alterations and additions to the existing RFB to include a new level	Refusal	Refusal	Upheld with amended plans via a s34 agreement

DA No.	Property Address	Staff Recommendation	Panel's Decision	L&E Court Decision/Outcome
107/2020/1	8A Cooper St PADDINGTON External alterations and additions to the existing dwelling	Refusal	Refusal	Upheld with amended plans via a s34 agreement
563/2018/1	160 Wolseley Road POINT PIPER Alterations and additions to an existing ramp and pontoon	Approval	Refusal	Upheld
10/2020/1	37 Edward Street WOOLLAHRA Demolition of the existing buildings, Torrens title subdivision into 4 lots and the construction of a semi-detached dwelling on each lot	Refusal	Refusal	Upheld
515/2020/1	195-203 O'Sullivan Road BELLEVUE HILL Demolition of existing dwelling houses and construction of a new RFB	Approval	Approval	Discontinued
202/2018/2	16/325-335 New South Head Road DOUBLE BAY Modifications to previously approved pedestrian access	Approval	Refusal	Discontinued
209/2019/1	37 Newcastle Street ROSE BAY Alterations and additions to an existing RFB to include a new upper level and increase in the number of units from 4 to 9	Approval	Refusal	Discontinued
19/2020/1	780-786 New South Head Road ROSE BAY The demolition of an RFB	Refusal	Refusal	Discontinued

Note: Annexure 1 in the Legal Register Report tabled to the Environmental Planning Committee Agenda on 11 October 2021 provides further details in relation to the Development Applications and current legal status.

4. Commentary on planning controls:

On 7 September 2020, Council's Environmental Planning Committee resolved, in part, as follows:

- C. THAT Council requests that future reports include an analysis and commentary on the effectiveness of Council current planning controls*

In response to the above resolution, the following points are made:

- In the last review period, the Panel has not provided any feedback nor highlighted any shortcomings in the effectiveness of Council's current planning controls;
- Where issues are raised regarding the effectiveness of our current planning provisions, these are communicated to Council's Strategic Team. The Strategic Team will then research best practice, and where appropriate recommend amendments.


In this regard, the following issues have been identified by the Planning Assessment Team and referred to Council's Strategic Team for review:

- the absence of a view loss objective in Parts 3.2.2 (Front Setback) and 3.2.4 (Rear Setback) of WDCP 2015;
- the need to strengthen Objective 5 under Part B3.7.2 (Fences) of WDCP 2015 to address visual impacts;
- the need to update Control C10 under Part B3.5.4 (Acoustic and Visual Privacy) of WDCP 2015 to also include balconies;
- the inclusion of a control that specifically excludes car stackers in the Woollahra Heritage Conservation Area (Chapter 2 of WDCP 2015), similar to Control C4 under Part C1.5.6 of the Paddington Chapter.

5. Conclusion:

It is recommended that the Register of Planning Decisions for the period 1 April to 16 September 2021 be received and noted.

Annexures

1. Woollahra Local Planning Panel (WLPP) Register of Planning Decisions 1 April 2021 to 16 September 2021 [↓](#) 



Woollahra Local Planning Panel (WLPP)
Register of Planning Decisions 1 April 2021 to 16 September 2021

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
DEVELOPMENT APPLICATIONS																	
1-Apr-21	Public Item D1 DA105/2019/2	14 Boronia Road BELLEVUE HILL	BELLEVUE HILL	S4.56 modification to an approved RFB incorporating internal and external changes	\$0	✘	✓	✓		✘	Refusal	Refusal	The key planning issues related to a breach of the FSR Standard, resultant bulk, inconsistency with the Desired Future Character and residential amenity impacts (i.e. privacy, overshadowing, sense of enclosure). Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 26 March 2021. The Appeal was subsequently upheld with amended plans on 21 July 2021 via a s34 Agreement.	Sheridan Burke Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
1-Apr-21	Public Item D2 DA416/2020/1	117-119 O'Sullivan Road BELLEVUE HILL	BELLEVUE HILL	Demolition of a single dwelling and construction of a New Seniors Housing Development	\$11,371,744	✘	✓	✓		✓	Refusal	Refusal	The key planning issues related to a New Seniors Development in an R2 zone, inconsistencies with the objectives/controls of the Seniors Living SEPP, excessive height, scale/bulk, inadequate setbacks, streetscape presentation/character, excessive excavation, residential amenity impacts (i.e. privacy, views, overshadowing, sense of enclosure, traffic congestion) and insufficient information. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 7 January 2021. The Appeal was subsequently upheld with amended plans on 27 July 2021 via a s34 Agreement.	Sheridan Burke Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
1-Apr-21	Electronic Item D1 DA44/2020/2	20 Boronia Road BELLEVUE HILL	BELLEVUE HILL	S4.55 modification to an approved RFB incorporating additional GFA, and internal and external design changes	\$0	✘	✘	✓		✓	Refusal	Refusal	The key planning issues related to a breach of the FSR standard which was a fundamental reason to the initial DA being consented to and excessive excavation. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 1 April 2021. The Appeal was subsequently upheld with amended plans on 23 July 2021 via a s34 Agreement.	Sheridan Burke Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
1-Apr-21	Electronic Item D2 DA152/2020/1	30-32B Pacific Street WATSONS BAY	VAUCLUSE	Demolition of two existing dwellings and the construction of a new dwelling with associated landscaping and siteworks	\$7,553,615	✗	✗	✓		✗	Approval	Deferred	The key planning issues related to the demolition of two identified Contributory buildings, height and DCP Building Envelope non-compliances, excessive excavation, design (in a HCA), visual appearance from the harbour (Sydney Harbour SREP 2005) and residential amenity impacts (i.e. privacy, visual bulk). Panel's comments: The Panel considered that the bulk of the development as viewed from the harbour, in its current form, was unacceptable as it did not maintain the scale and separation of the existing building character of the precinct. The development did not have regard to Pacific Street desired future character. Deferred the DA to enable the applicant to submit revised plans addressing the above.	Sheridan Burke Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
22-Apr-21	Public Item D1 DA452/2020/1	10 Cross Street DOUBLE BAY	DOUBLE BAY	Partial demolition of existing structure and construction of a new Shop Top Housing Development	\$4,120,000	✗	✓	✓		✓	Approval	Refusal	The key planning issues related to height and FSR breaches, DCP building envelope non-compliances, SEPP 65, desired future character, excavation, design and residential amenity impacts (i.e. solar access, views, bulk/scale). Panel's comments: Refused the DA on the grounds the development was inconsistent with the development standards (height & FSR) and DCP building envelope objectives/controls, contrary to SEPP 65, inconsistent with the desired future character objectives for Double Bay and parking/traffic. Note: A Class 1 Appeal against the refusal of the DA was filed on 1 June 2021. The matter is listed for Hearing on 23 and 24 November 2021.	James Colman Nicola Grieve Annelise Tuor	Graham Brown	Annelise Tuor	Yes
22-Apr-21	Public Item D2 DA355/2019/1	14 Cross Street DOUBLE BAY	DOUBLE BAY	Demolition of the existing structures and construction of a Shop Top Housing Development	\$4,895,000	✗	✓	✓		✓	Approval	Refusal	The key planning issues related to height and FSR breaches, DCP building envelope non-compliances, SEPP 65, desired future character, excavation, design and residential amenity impacts (i.e. solar access, views, bulk/scale). Panel's comments: Refused the DA on the grounds the development was inconsistent with the development standards (height & FSR) and DCP building envelope objectives/controls, contrary to SEPP 65, inconsistent with the desired future character objectives for Double Bay and parking/traffic. Note: A Class 1 Appeal against the refusal of the DA was filed on 10 May 2021. The matter is listed for a s34 Conference on 28 September 2021.	James Colman Nicola Grieve Annelise Tuor	Graham Brown	Annelise Tuor	Yes
22-Apr-21	Electronic Item D1 DA310/2020/1	32 Wentworth Road VAUCLUSE	VAUCLUSE	Construction of a dwelling house with a new swimming pool and associated landscaping works	\$3,796,575	✗	✗	✓		✗	Refusal	Refusal	The key planning issues related to a breach of the height standard, DCP building envelope non-compliances, design/streetscape presentation and character, residential amenity impacts (i.e. privacy, views, landscaping and insufficient information). Panel's comments: Endorsed the staff recommendation	Graham Brown James Colman Nicola Grieve Annelise Tuor		Annelise Tuor	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
22-Apr-21	Electronic Item D2 DA535/2020/1	50 O'Sullivan Road ROSE BAY (aka Andrew Petrie Oval, Woollahra Park)	BELLEVUE HILL	Removal of the existing scoreboard and replacement with a new electronic scoreboard	\$90,000	✓	✗	✗		✗	Approval	Approval	No planning issues. Panel's comments: Endorsed the staff recommendation.	Graham Brown James Colman Nicola Grieve Annelise Tuor		Annelise Tuor	Yes
22-Apr-21	Electronic Item D3 DA254/2019/2	24 Bundarra Road BELLEVUE HILL	BELLEVUE HILL	\$4.55 modification to an approved RFB incorporating landscaping, roof form re-design and internal and external layout changes and the provision of mechanical plant on the roof	\$0	✗	✗	✓		✗	Approval	Approval	The key planning issues related to height, the provision of mechanical plant equipment on the roof, and residential amenity impacts (i.e. visual intrusion, acoustic privacy, solar access). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions requiring modification to the screening of the mechanical ducts/exhausts on the roof.	Graham Brown James Colman Nicola Grieve Annelise Tuor		Annelise Tuor	Yes
6-May-21	Public Item D1 DA277/2020/1	38-40 Newcastle Street ROSE BAY	VAUCLUSE	Demolition of two existing dwellings and construction of a new RFB	\$6,105,180	✗	✓	✗		✓	Approval	Approval	The new RFB primarily complied with the key development standards, DCP envelope controls and SEPP 65. The key issues related to SEPP No 65, consistency with the desired future character objectives of the precinct and residential amenity impacts (i.e. privacy, traffic, solar access and excavation). Panel's comments: Endorsed the staff recommendation.	Mark Carleton Gabrielle Morrish Andrew Petrie Peter Wells		Peter Wells	Yes
6-May-21	Public Item D2 DA115/2020/2	1 Moncur Street WOOLLAHRA (aka Phoenix Hotel)	COOPER	Modify Condition I.16 (Security Guard) to allow for one rather than two security guards on Fridays and Saturdays and no guards on Thursdays	\$0	✗	✓	✗		✗	Approval	Approval	The key planning issues related to the operation for the Hotel, the reduction in the number of security guards and the resultant impacts on the residential amenity of the locality. NSW Police supported the proposed modification. Panel's comments: Endorsed the staff recommendation.	Mark Carleton Gabrielle Morrish Andrew Petrie Peter Wells		Peter Wells	Yes
6-May-21	Public Item D3 DA74/2021/1	81 Queen Street WOOLLAHRA	COOPER	Alterations and additions to existing dwelling	\$286,000	✗	✓	✗		✗	Refusal	Refusal	The key planning issues related to heritage, design, inconsistency with the desired future character for the precinct and residential amenity impacts (i.e. privacy, solar access, visual intrusion). Panel's comments: Endorsed the staff recommendation.	Mark Carleton Gabrielle Morrish Andrew Petrie Peter Wells		Peter Wells	Yes
6-May-21	Public Item D4 DA536/2020/1	23 Wolseley Road (aka 2 Wentworth Street) POINT PIPER	DOUBLE BAY	Alterations and additions to an approved RFB (approved under DA369/2017 and DA484/2017) including an additional level comprising a 3-bed unit, internal reconfiguring to the layout of the approved Basement Level to include a car lift and basement Mezzanine Level	\$752,789	✗	✓	✓		✓	Refusal	Refusal	The key planning issues related to height and FSR breaches, inconsistency with the desired future character, DCP building envelope non-compliances and residential amenity impacts (i.e. privacy, views, solar access, sense of enclosure). Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 10 February 2021. The Appeal was subsequently upheld with amended plans on 13 August 2021 via a s34 Agreement.	Mark Carleton Andrew Petrie Peter Wells		Peter Wells	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
6-May-21	Public Item D5 DA484/2018/5	23 Walseley Road (aka 2 Wentworth Street) POINT PIPER	DOUBLE BAY	\$4.55 modification to the approved RFB incorporating various internal and external changes	\$0	✗	✓	✗		✗	Approval	Approval	The key planning issues related to the development as sought to be modified being constant with the built form (scale/bulk) initially approved and residential amenity impacts (i.e. privacy, views, solar access, visual intrusion). Panel's comments: Endorsed the staff recommendation.	Mark Carleton Andrew Petrie Peter Wells		Peter Wells	Yes
6-May-21	Electronic Item D1 DA515/2020/1	195-203 O'Sullivan Road BELLEVUE HILL	BELLEVUE HILL	Demolition of the existing dwelling houses and construction of a 3 storey residential flat building containing 15 apartments with associated basement parking and landscaping	\$15,358,190	✗	✗	✗		✓	Approval	Approval	The new RFB primarily complied with the key development standards, DCP envelope controls and SEPP 65. Key issues related to SEPP 65, consistency with the desired future character objectives for the precinct and residential amenity impacts (i.e. privacy, traffic, solar access, excavation). Panel's comments: Endorsed the staff recommendation subject to the modification of Condition C1(c) relating to the driveway width being reduced by 550mm. Note: A Class 1 Appeal filed on 19 March 2021 on the grounds of deemed refusal was subsequently discontinued on 14 May 2021.	Mark Carleton Gabrielle Morrish Andrew Petrie Peter Wells		Peter Wells	Yes
6-May-21	Electronic Item D2 DA91/2021/1	23 Victoria Road BELLEVUE HILL	BELLEVUE HILL	New roof terrace	\$30,000	✗	✗	✓		✗	Approval	Approval	The key planning issues related to the height non-compliance, design and the residential amenity impacts associated with a roof terrace. Panel's comments: Endorsed the staff recommendation.	Mark Carleton Gabrielle Morrish Andrew Petrie Peter Wells		Peter Wells	Yes
18-May-21	Electronic Item D1 DA152/2020/1	30-32B Pacific Street WATSONS BAY	VAUCLUSE	Demolition of two existing dwellings and the construction of a new dwelling with associated landscaping and siteworks	\$7,553,615	✗	✗	✓		✗	Approval	Approval	The DA was initially considered by the LPP at its meeting of 1 April 2021 (see above). The key planning issues related to the demolition of the two identified contributory buildings, inconsistency with the desired future character objectives for the precinct, visual appearance from the harbour (Sydney Harbour SREP 2005), height, design (in a HCA) and residential amenity impacts (i.e. privacy, visual bulk). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions requiring the deletion of the casual dining area and roof terraces above and the deletion of one car space within the front setback and its replacement with landscaping.	Annelise Tuor Sheridan Burke Gabrielle Morrish Andrew Petrie		Annelise Tuor	Yes
20-May-21	Public Item D2 DA169/2017/5	9A Cooper Park Road BELLEVUE HILL	BELLEVUE HILL	Modifications to the approved RFB to facilitate an additional W/C, modification/new service plant equipment in the roof of Buildings A and B	\$0	✗	✓	✗		✗	Approval	Approval	The key planning issues related to the provision of plant equipment on the roof and its associated impacts (i.e. visual amenity, privacy). Panel's comments: Endorsed the staff recommendation.	Graham Brown John McInerney Peter Webber	Keri Huxley	Peter Webber	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
20-May-21	Public Item D3 DA449/2020/1	14 Bay Street DOUBLE BAY	DOUBLE BAY	Demolition of existing building and construction of a new Shop Top Housing Development	\$3,572,870	✗	✓	✓		✗	Refusal	Refusal	The key planning issues related to height and FSR breaches, non-compliance with DCP building envelope controls, SEPP 65, inconsistency with the desired future character objectives for the precinct, heritage, residential amenity impacts (i.e. solar access, privacy, traffic/parking) and insufficient information. Panel's comments: Endorsed the staff recommendation.	Peter Webber Graham Brown John McInerney Keri Huxley		Peter Webber	Yes
20-May-21	Public Item D4 DA469/2020/1	357-359 New South Head Road DOUBLE BAY	DOUBLE BAY	Demolition of the existing building and construction of a new commercial building	\$3,996,247	✗	✓	✓		✗	Refusal	Refusal	The key planning issues related to the height and FSR breaches, non-compliance with the DCP building envelope controls, inconsistency with the desired future character objectives, shortfall in on-site parking, vehicular access and insufficient information. Panel's comments: Endorsed the staff recommendation.	Peter Webber Graham Brown John McInerney Keri Huxley		Peter Webber	Yes
20-May-21	Electronic Item D1 DA191/2019/3	22 Military Road WATSONS BAY	VAUCLUSE	Change of date for Cambridge Markets to 30th May 2021	\$0	✓	✗	✗		✗	Approval	Approval	There were no planning issues in changing the date of the already approved market to be held at Robertson Park. Panel's comments: Endorsed the staff recommendation.	Peter Webber Graham Brown John McInerney Keri Huxley		Peter Webber	No
20-May-21	Electronic Item D2 DA131/2021/1	48 Cranbrook Road BELLEVUE HILL	BELLEVUE HILL	The subdivision of a portion of Cranbrook Road Reserve to facilitate the transfer of ownership to the owner of the adjacent allotment 48 Cranbrook Road Bellevue Hill	\$0	✓	✗	✗		✗	Approval	Approval	Enables the transfer (sale) of the reserve (96.3m ²) to the adjoining property at 48 Cranbrook Road, Bellevue Hill. Council at its meeting of 23 April 2018 resolved to the closure and subsequent sale of the reserve. Panel's comments: Endorsed the staff recommendation.	Peter Webber Graham Brown John McInerney Keri Huxley		Peter Webber	No
20-May-21	Electronic Item D3 DA222/2020/1	20 New South Head Road VAUCLUSE	VAUCLUSE	Construction of a new dwelling house, modification to the existing swimming pool, and landscaping works	\$2,695,000	✗	✗	✓		✗	Approval	Approval	The key planning issues related to the breach of the height development standard, non-compliance with Council's DCP building envelope controls (setbacks, wall height), stormwater disposal and residential amenity impacts (i.e. views, privacy, solar access, sense of enclosure). Panel's comments: Endorsed the staff recommendation.	Peter Webber Graham Brown John McInerney Keri Huxley		Peter Webber	Yes
3-Jun-21	Public Item D1 DA118/2021/1	7 The Crescent VAUCLUSE	VAUCLUSE	Alterations and additions to the existing dwelling house including the demolition of the existing garage and construction of a new garage with office below	\$744,700	✗	✓	✗		✗	Approval	Approval	The key planning issues related to the development being in keeping with the character of the adjoining semi-detached dwelling, vehicular access and pedestrian safety, streetscape presentation (new garage) and residential amenity impacts (i.e. privacy, overshadowing, sense of enclosure). Panel's comments: Endorsed the staff recommendation.	Sheridan Burke James Colman Nicola Grieve		Sheridan Burke	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
3-Jun-21	Public Item D2 DA177/2020/1	132 Bellevue Road BELLEVUE HILL	BELLEVUE HILL	Demolition of the existing 3 storey dwelling and the construction of a new RFB	\$3,273,334	✗	✓	✗		✓	Approval	Approval	The new RFB primarily complied with the key development standards, DCP envelope controls. Key issues related to SEPP 65, consistency with the desired future character objectives of the precinct, extent of excavation, landscaping (tree removal) and residential amenity impacts (i.e. privacy, traffic, solar access, views/vistas, excavation, structural issues). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions reducing the size of the roof terrace to Unit 4, and the plant rooms not being used for habitable purposes.	Sheridan Burke Annelise Tuor James Colman Nicola Grieve		Annelise Tuor	Yes
3-Jun-21	Public Item D3 DA313/2020/1	8 Salisbury Street WATSONS BAY	VAUCLUSE	Alterations and additions to a single storey dwelling house, demolition of the existing ancillary structures, construction of a new swimming pool and associated landscaping works	\$1,134,000	✗	✓	✗		✗	Approval	Approval	The key planning issues related to heritage, design and residential amenity impacts (i.e. view loss, scale/bulk, visual intrusion, privacy, excavation/structural integrity). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions relating to the reinstatement of the original chimneys and the design of the proposed gablets being endorsed by Council's Heritage Officer.	James Colman Nicola Grieve Annelise Tuor		Annelise Tuor	Yes
3-Jun-21	Electronic Item D1 DA120/2021/1	406 Oxford Street PADDINGTON (and 56 Victoria Street, Paddington)	PADDINGTON	Alterations and additions to existing building including construction of a new rear module	\$338,973	✗	✗	✓		✗	Approval	Approval	The key planning issues related to the breach of the FSR standard, heritage, design of the rear module and non-compliances with the DCP (Infill development controls). Panel's comments: Endorsed the staff recommendation.	Sheridan Burke Annelise Tuor James Colman Nicola Grieve		Annelise Tuor	Yes
3-Jun-21	Electronic Item D2 DA209/2019/1 (s8.2)	37 Newcastle Street ROSE BAY	VAUCLUSE	Alterations and additions to an existing residential flat building including a new upper level and an increase in the number of units from 4 to 9	\$2,772,149	✗	✗	✗		✓	Approval	Approval	This DA was a s8.2 Review of Determination Application. The DA was initially refused by the Panel on 18 June 2020. The key planning issues related to the breach of the height development standard, SEPP 65, built form and context, DCP non-compliances (setbacks), streetscape presentation, garage design and residential amenity impacts (i.e. privacy, solar access). Panel's comments: Noted the s8.2 Application incorporated amendments to address the initial reasons for refusal. Endorsed the staff recommendation. Note: A Class 1 Appeal filed on 23 February 2021 was subsequently discontinued on 23 June 2021.	James Colman Nicola Grieve Annelise Tuor		Annelise Tuor	Yes
3-Jun-21	Electronic Item D3 DA278/2020/1	1 Thornton Street DARLING POINT	DOUBLE BAY	Demolition of the existing RFB and construction of a new RFB	\$4,737,230	✗	✗	✓		✗	Approval	Approval	The key planning issues related to existing use rights, height, FSR, consistency with the desired future character objectives of the precinct, design, heritage and residential amenity impacts (i.e. views, solar access, structural impacts). Panel's comments: Endorsed the staff recommendation.	Sheridan Burke James Colman Annelise Tuor		Annelise Tuor	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
17-Jun-21	Public Item D2 DA40/2021/1	55 Bay Street DOUBLE BAY	DOUBLE BAY	Substantial demolition of the existing commercial building, construction of new upper levels for a new commercial building	\$5,153,651	✗	✓	✓		✗	Refusal	Refusal	The key planning issues related to height and FSR breaches, non-compliance with DCP building envelope controls/objectives, inconsistency with the desired future character objectives of the precinct, traffic/parking and residential amenity impacts (i.e. solar access, view loss, traffic/parking, overdevelopment of the site). Panel's comments: Endorsed staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 30 April 2021. A s34 conciliation conference was held on 2 September 2021 The matter was adjourned to 23 September 2021 for mention. The Applicant to provide amended plans by 16 September 2021.	Graham Humphrey Gabrielle Morrish Sandra Robinson Peter Wells		Peter Wells	Yes
17-Jun-21	Public Item D3 DA146/2020/1	74 Kings Road VAUCLUSE	VAUCLUSE	Demolition of the existing dwelling and the construction of a new dwelling and swimming pool and landscaping works	\$2,691,997	✗	✓	✗		✗	Approval	Approval	The planning issues related to the height non-compliance, DCP building envelope non-compliances, streetscape presentation and residential amenity impacts (i.e. view loss, solar access, privacy, sense of enclosure). Panel's comments: Endorsed the staff recommendation.	Graham Humphrey Gabrielle Morrish Sandra Robinson Peter Wells		Peter Wells	Yes
17-Jun-21	Public Item D4 DA30/2021/1	780-786 New South Head Road ROSE BAY	VAUCLUSE	Site remediation and alterations and additions to a 6 unit residential flat building including 2 new side wings, an additional floor level within an altered roof level and 2 basement levels accessed via a car lift	\$9,986,798	✗	✓	✗		✓	Refusal	Refusal	The key planning issues related to height and FSR breaches, heritage, DCP building envelope non-compliances, inconsistency with the desired future character objectives of the precinct, landscaping and residential amenity impacts (i.e. solar access, traffic/parking, overdevelopment of the site). Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 15 April 2021. The matter is listed for for hearing on 14, 15 and 18 October 2021.	Graham Humphrey Gabrielle Morrish Sandra Robinson Peter Wells		Peter Wells	No
15-Jul-21	Public Item D1 DA14/2021/1	21, 23-25 & 27 Bay Street DOUBLE BAY	DOUBLE BAY	Demolition of the existing buildings and construction of a 5 storey commercial development	\$6,307,000		✓	✓	✓		Refusal	Refusal	The key planning issues related to the height and FSR breaches, DCP building envelope non-compliances, inconsistency with the character of the locality, parking/vehicular access and traffic, and inadequate/insufficient information. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 18 February 2021. The matter is currently within a s34 conciliation phase.	Annelise Tuor Graham Brown John McInerney		Annelise Tuor	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
15-Jul-21	Public Item D2 DA68/2021/1	2A Cooper Street DOUBLE BAY	DOUBLE BAY	Alterations and additions to the existing commercial building including two additional levels above the existing building	\$2,303,000		✓	✓			Refusal	Refusal	The key planning issues related to the height and FSR non-compliances, heritage, DCP building envelope non-compliances, inconsistency with the desired future character of the precinct, parking/traffic and residential amenity impacts (i.e. solar access, privacy, view loss) and inadequate/insufficient information. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 7 May 2021. The matter is listed for a s34 conference on 22 September 2021.	Annelise Tuor Graham Brown John McInerney		Annelise Tuor	Yes
15-Jul-21	Public Item D3 58/2021/1	53 Cross Street DOUBLE BAY	DOUBLE BAY	Alterations and additions to the existing four storey commercial building with including two new upper levels and basement parking	\$12,950,000		✓	✓			Refusal	Refusal	The key planning issues related to the height and FSR breaches, DCP building envelope non-compliances, inconsistency with the desired future character objectives, insufficient on-site parking/vehicular access, residential amenity impacts (i.e. view loss, overshadowing, privacy) and inadequate/insufficient information. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 28 May 2021. The matter is listed for a s34 conference on 30 September 2021.	Annelise Tuor Graham Brown John McInerney		Annelise Tuor	Yes
15-Jul-21	Public Item D4 DA300/2020/5	30-36 Bay Street DOUBLE BAY	DOUBLE BAY	Deletion of Condition 1.7(c) which related to external seating not being permitted (correction of an error)	\$0		✓				Approval	Approval	Condition 1.7(c) of the development consent was imposed in error given the initial DA did not propose any external footpath seating and therefore should not have been imposed. Panel's comments: Endorsed the staff recommendation.	Annelise Tuor Graham Brown John McInerney		Annelise Tuor	Yes
15-Jul-21	Electronic Item D1 DA123/2020/1	33 Edward Street WOOLLAHRA	COOPER	Alterations and additions to the existing dwelling including a new carport	\$161,000			✓			Refusal	Refusal	The key planning issues related to the height breach, unauthorised building works, heritage, design, inconsistency with the character of development in a HCA, parking/access and stormwater management. Panel's comments: Endorsed the staff recommendation. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 31 May 2021. The matter is listed for a s34 Conference on 20 and 21 September 2021.	Annelise Tuor Graham Brown John McInerney		Annelise Tuor	Yes
15-Jul-21	Electronic Item D2 DA494/2020/1	113-115 Victoria Road BELLEVUE HILL	BELLEVUE HILL	Demolition of a pair of semi-detached dwellings and double garages; construction of a new single dwelling and garage and landscaping works	\$2,397,219			✓			Approval	Approval	The key planning issues related to the height non-compliance, demolition of the existing dwellings (heritage), DCP building envelope non-compliances (setbacks, wall height) and residential amenity impacts (i.e. view loss, privacy). Panel's comments: Endorsed the staff recommendation subject to the inclusion of 2 conditional conditions relating to the retention of the original rear boundary sandstone wall and privacy screening to W08.	Annelise Tuor Graham Brown John McInerney		Annelise Tuor	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
22-Jul-21	Public Item D1 DA271/2020/1	30 & 32 Newcastle Street ROSE BAY	VAUCLUSE	Demolition of the buildings and the construction of a new Seniors Living Development	\$6,572,064		✓			✓	Approval	Approval	The key planning issues related to a new Seniors Living Development within a residential zone, the provisions of the Seniors Living SEPP, height, FSR, built form/context, streetscape presentation/character, traffic and residential amenity impacts (i.e. privacy, solar access, excavation structural concerns and terms of use). Panel's comments: Endorsed the staff recommendation subject to the inclusion of an additional condition reducing the height and design of the rear boundary fencing).	Penelope Holloway Graham Brown Sandra Robinson	Keri Huxley	Penelope Holloway	Yes
22-Jul-21	Public Item D2 DA389/2019/1	17-25 Ginahgulla Road BELLEVUE HILL (Scots College)	BELLEVUE HILL	Onsite student drop-off/pick-up zone with access from Ginahgulla Road, car parking, a waste management area and associated works	\$525,645		✓				Approval	Deferred	The key planning issues related to traffic, DA history pertaining to student numbers and residential amenity impacts (i.e. traffic congestion/issue, student numbers, streetscape presentation). Panel's comments: The matter was deferred due to the matters covered in the late submissions (late correspondence) and the School's filing of a Class 1 Appeal to DA No. 390/2019. The purpose of the deferral was to enable Council to seek formal legal advice.	Penelope Holloway Graham Brown Sandra Robinson Keri Huxley		Penelope Holloway	Yes
22-Jul-21	Public Item D3 DA496/2020/1	40A Fitzwilliam Road VAUCLUSE	VAUCLUSE	Extensive alterations and additions, essentially comprising the construction of a new dwelling	\$3,086,021		✓				Approval	Approval	The key planning issues related to DCP building envelope non-compliances (setbacks) and view loss. Panel's comments: Endorsed the staff recommendation subject to the inclusion of the 'conditions' which were the subject of an agreement between 40A & 40B Fitzwilliam Road, Vaucluse. These conditions related to the height of landscaping and the roof pebbles being green in colour.	Penelope Holloway Graham Brown Sandra Robinson Keri Huxley		Penelope Holloway	Yes
22-Jul-21	Electronic Item D1 DA468/2018/3	1 St Mervyns Avenue POINT PIPER	DOUBLE BAY	\$4.55 modification to the approved RFB including internal and external modifications	\$0		✓			✓	Approval	Approval	The key planning issues related to unauthorised works, height of landscaping, view loss and privacy. Panel's comments: Endorsed the staff recommendations.	Penelope Holloway Graham Brown Sandra Robinson Keri Huxley		Penelope Holloway	Yes
22-Jul-21	Electronic Item D2 DA539/2020/1	1 Bell Street VAUCLUSE	VAUCLUSE	Alterations and additions to an existing RFB	\$545,410		✓				Approval	Approval	The key planning issues related to existing use rights, height, design, heritage and residential amenity impacts (i.e. privacy, view loss, overshadowing, visual bulk/sense of enclosure). Panel's comments: Endorsed the staff recommendation.	Penelope Holloway Graham Brown Sandra Robinson Keri Huxley		Penelope Holloway	Yes
22-Jul-21	Electronic Item D3 DA464/2019/2	9 Neild Avenue PADDINGTON	PADDINGTON	\$4.55 modification to the approved scheme in order to reinstate a second car space within the front setback area, reintroduce a face brick façade and modify the glazing to the attic level	\$0			✓			Approval	Approval	The key planning issues related to heritage, streetscape character, design and the number of off-street parking spaces. Panel's comments: Endorsed the staff recommendation subject to the inclusion of a condition requiring the deletion of the proposed second car space and its substitution with soft landscaping (includes 1 x tree).	Penelope Holloway Graham Brown Sandra Robinson	Keri Huxley	Penelope Holloway	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
19-Aug-21	Public Item D1 DA162/2020/1	3 Clairvaux Road VAUCLUSE	VAUCLUSE	Alterations and additions to existing dwelling including new upper level	\$529,000		✓				Approval	Approval	The key planning issues related to height, scale and bulk, streetscape character and compatibility with other development in the locality, DCP building envelope non-compliances (setbacks, external wall height) and residential amenity impacts (i.e. privacy, loss of views, solar access). Panel's comments: Endorsed the staff recommendation.	Peter Wells Graham Brown Keri Huxley Gabrielle Morrish		Peter Wells	Yes
19-Aug-21	Public Item D2 DA331/2020/1	5A Vacluse Road VAUCLUSE	VAUCLUSE	The demolition of an existing dwelling house and ancillary structures and the construction of a new dwelling house with attached swimming pool and garaging, landscaping and site works	\$3,297,000		✓	✓			Refusal	Refusal	The key planning issues related to height, DCP building envelope non-compliances (floor plate, setbacks, excavation) and residential amenity impacts (i.e. view loss, privacy, visual bulk). Panel's comments: Endorsed the staff recommendation.	Peter Wells Graham Brown Keri Huxley Gabrielle Morrish		Peter Wells	Yes
19-Aug-21	Public Item D3 DA69/2021/1	2-10 Bay Street & 294-298 New South Head Road DOUBLE BAY	DOUBLE BAY	Demolition of the existing buildings and construction of a new Shop-top Housing Development	\$24,691,393		✓	✓		✓	Refusal	Refusal	The key planning issues related to the height and FSR breaches, DCP building envelope non-compliances, SEPP 65, inconsistency with the desired future character objectives for the precinct, parking/traffic, stormwater management, tree management and residential amenity impacts (i.e. views, overshadowing traffic congestion, privacy, excavation). Panel's comments: Endorsed the staff recommendation with an additional reason for refusal relating to the visual and acoustic impacts associated with the A/C and plant equipment. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 11 June 2021. The matter is set down for a s34 Conference on 11 October 2021.	Peter Wells Graham Brown Keri Huxley		Peter Wells	Yes
19-Aug-21	Electronic Item D1 DA368/2020/1	27 & 29 William Street DOUBLE BAY	DOUBLE BAY	Demolition of the existing building and construction of a new RFB	\$5,560,000					✓	Approval	Approval	New RFB which complied with the key development standards and DCP envelope controls. Key planning issues related to SEPP 65, consistency with the desired future character objectives for the precinct, landscape character, geotechnical issues and residential amenity impacts (i.e. views, privacy, solar access, excavation). Panel's comments: Endorsed the staff recommendation.	Peter Wells Graham Brown Keri Huxley		Peter Wells	Yes
19-Aug-21	Electronic Item D2 DA137/2019/2	19 Wunulla Road POINT PIPER	DOUBLE BAY	S4.55 modification to the approved new dwelling house and ancillary structures involving minor internal and external changes	\$0			✓			Approval	Approval	The key planning issues related to the height breach, visual appearance from the harbour (Sydney Harbour SREP 2005) and residential amenity impacts (i.e. views, sense of enclosure/visual bulk). Panel's comments: Endorsed the staff recommendation.	Peter Wells Graham Brown Keri Huxley Gabrielle Morrish		Peter Wells	Yes
19-Aug-21	Electronic Item D3 DA80/2021/1	31-33 Ocean Street WOOLLAHRA	COOPER	Demolition of the existing building's rear extensions, alterations and additions to the existing retail premises, construction of a new dwelling house and land subdivision to create a commercial lot and a residential lot	\$2,094,099			✓			Approval	Approval	The key planning issues related to the non-compliance of the minimum lot size standard, resultant subdivision pattern, heritage, design (new infill development), compatibility with the character of the HCA and residential amenity impacts (i.e. privacy, construction impacts, traffic, visual bulk). Panel's comments: Endorsed the staff recommendation.	Peter Wells Graham Brown Keri Huxley Gabrielle Morrish		Peter Wells	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
2-Sep-21	Public D1 DA15/2021/1	12 Harkness Street WOOLLAHRA	COOPER	Construction of a new three (3) storey dwelling-house on Lot 1 DP 725241	\$1,900,000		✓				Approval	Approval	The key planning issues related to the design and siting of the new infill development adjacent to Harbourview Park, heritage, consistency and compatibility with the character of development in a HCA and residential amenity impacts (i.e. privacy, visual bulk, views). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions requiring the upper most level being reduced in scale/bulk (reduced footprint, increased setback, additional landscaping).	Annelise Tuor Helen Lochhead Sandra Robinson Andrew Petrie		Annelise Tuor	Yes
2-Sep-21	Public Item D2 DA338/2020/1	92 & 92A Drumalbyn Road BELLEVUE HILL	BELLEVUE HILL	Substantial alterations and additions to the existing dwelling house to provide three attached dual occupancy buildings across Lots A, B and C, containing a total of six dwellings (effectively the construction of three new attached dual occupancy buildings) 12 car parking spaces, landscaping and siteworks, and a new vehicular access from Bundarra Road for Lot C	\$6,666,635		✓				Approval	Approval	The key planning issues related to the permissibility and lot size standard for dual occupancy development, DCP building envelope non-compliances (floorplate, setbacks), traffic/vehicular access, geotechnical/excavation issues and residential amenity impacts (i.e. privacy, traffic/pedestrian safety, views, solar access). Panel's comments: Endorsed the staff recommendation subject to an additional condition requiring the eastern side boundary fence being solid to reduce the potential for overlooking.	Annelise Tuor Helen Lochhead Sandra Robinson Andrew Petrie		Annelise Tuor	Yes
2-Sep-21	Public Item D3 DA85/2021/1	10 Spring Street DOUBLE BAY	DOUBLE BAY	New dual occupancy with swimming pool and strata subdivision	\$1,143,968		✓	✓			Approval	Approval	The key planning issues related to the breach of the height standard, DCP building envelope non-compliances (floorplate, unarticulated wall length), consistency with the desired future character objectives for the precinct and residential amenity impacts (i.e. privacy, views, construction/traffic impacts, excavation, visual bulk). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions relating to the relocation of the pool to accommodate perimeter planting, the submission of a Construction Management Plan and the deletion of a staff recommended condition requiring screening to a balcony.	Annelise Tuor Helen Lochhead Sandra Robinson Andrew Petrie		Annelise Tuor	Yes
2-Sep-21	Public Item D4 DA86/2021/1	10 Spring Street DOUBLE BAY	DOUBLE BAY	Alterations and additions to existing dwelling	\$1,143,698		✓	✓			Approval	Approval	The key planning issues related to the breach of the height standard, DCP building envelope non-compliances (floorplate, unarticulated wall length), consistency with the desired future character objectives for the precinct and residential amenity impacts (i.e. privacy, views, construction/traffic impacts, excavation, visual bulk). Panel's comments: Endorsed the staff recommendation subject to the inclusion of additional conditions relating to the BBQ being relocated to facilitate screen planting and the submission of a Construction Management Plan.	Annelise Tuor Helen Lochhead Sandra Robinson Andrew Petrie		Annelise Tuor	Yes

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
2-Sep-21	Electronic Item D1 DA196/2021/1	189 Edgecliff Road WOOLLAHRA	COOPER	Alterations and additions to existing building including a rear balcony to the upper floor and formalise the current use of the site as dual occupancy	\$19,800			✓			Approval	Approval	The key planning issues relates to the non-compliance with the minimum lot size standard for dual occupancy development and the DA history pertaining to the site including adjoining group of terraces (Nos. 183-191). Panel's comments: Endorsed the staff recommendation.	Annelise Tuor Helen Lochhead Sandra Robinson Andrew Petrie		Annelise Tuor	Yes
16-Sep-21	Public Item D4 DA256/2021/1	12 Small Street WOOLLAHRA	BELLEVUE HILL	Demolition of existing dwelling and construction of a new four level (maximum three storeys) dwelling with associated landscaping	\$1,152,642		✓				Approval	Deferred	The key planning issues related to the demolition of a contributory item, the design of the new infill development, heritage, design, streetscape and residential amenity impacts (i.e. views, privacy, solar access and sense of enclosure). Panel's comments: Deferred the DA to enable the applicant to submit revised plans better addressing the following: - The siting of the building - The relationship to the streetscape and conservation area - Impact on adjoining properties	Annelise Tuor John McInerney Sheridan Burke Keri Huxley		Annelise Tuor	Yes
16-Sep-21	Public Item D5 DA157/2021/1	3 Clarence Place DOUBLE BAY	COOPER	Demolition of existing structure and construction of attached dual occupancy, strata subdivision, swimming pools and associated landscaping works	\$1,947,000		✓				Approval	Approval	The key planning issues related to the permissibility of Dual Occupancy development, building envelope DCP non-compliances (floorplate, setbacks), consistency with the desired future character for the precinct, and residential amenity impacts (i.e. privacy, sense of enclosure, solar access). Panel's comments: Endorsed the staff recommendation subject to additional conditions requiring increased side setbacks (500mm), deletion of the roof balconies, privacy mitigation measures to windows and the tree protection measures.	Annelise Tuor John McInerney Sheridan Burke Keri Huxley		Annelise Tuor	Yes
16-Sep-21	Electronic Item D1 DA216/2021/1	142, 142A & 142B Bellevue Road BELLEVUE HILL	COOPER	Alterations and additions to the approved residential flat building (approved under DA344/2019)	\$1,963,500			✓		✓	Refusal	Refusal	The key planning issues related to the FSR breaches, SEPP 65, DCP building envelope non-compliances, excavation, parking/access and insufficient information. Panel's comments: Endorsed the staff recommendation with the inclusion of an additional reason for refusal being FSR breaches. Note: A Class 1 Appeal on the grounds on deemed refusal was filed on 28 July 2021. The matter is listed for a s34 conference on 13 October 2021.	Annelise Tuor John McInerney Sheridan Burke Keri Huxley		Annelise Tuor	Yes
PLANNING PROPOSALS																	
20-May-21	Public Item D1	Planning Proposal	N/A	To enhance the Existing Provisions related to Earthworks and Associated Groundwater Dewatering	N/A	✗	✗	✗	✗	✗	Approval	Approval	Planning Proposal supported.	Graham Brown Keri Huxley John McInerney Peter Webber		Peter Webber	No
17-Jun-21	Public Item D1	Planning Proposal	N/A	Heritage Listing of 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vaucluse	N/A	✗	✗	✗	✗	✗	Approval	Approval	Planning Proposal supported.	Graham Humphrey Gabrielle Morrish Sandra Robinson Peter Wells		Peter Wells	No
16-Sep-21	Public Item D1	Planning Proposal	N/A	Heritage Listing of the Cadry's building, including interiors at 133 New South Head Road, Edgecliff	N/A	✗	✗	✗	✗	✗	Approval	Approval	Planning Proposal supported.	Annelise Tuor John McInerney Sheridan Burke Keri Huxley			No

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Recco	WLPP Decision	Key Planning Issues & Commentary	Voting For	Voting Against	Chair	Site Visit (Yes / No)
						Conflict of Interest	Contentious Development	Departure from Development Standard	Pre-Existing	Sensitive Development							
16-Sep-21	Public Item D2	Planning Proposal	N/A	Removal of land acquisition reservations in Edgecliff Commercial Centre	N/A	✗	✗	✗	✗	✗	Approval	Approval	Planning Proposal supported.	John McInerney Sheridan Burke Keri Huxley	Annelise Tuor		No
16-Sep-21	Public Item D3	Planning Proposal	N/A	Bus shelter advertising as exempt development	N/A	✗	✗	✗	✗	✗	Approval	Approval	Planning Proposal supported.	Annelise Tuor John McInerney Sheridan Burke Keri Huxley			No

Item No: D3 Delegated to Committee
Subject: **REGISTER OF CURRENT LAND AND ENVIRONMENT COURT MATTERS FOR DEVELOPMENT APPLICATIONS AND REGISTER FOR COURT PROCEEDINGS FOR BUILDING, ENVIRONMENTAL AND HEALTH CONTROL MATTERS**
Authors: Nick Economou, Manager Development Control
Tim Tuxford, Manager - Compliance
Approver: Scott Pedder, Director - Planning & Place
File No: 21/123852
Reason for Report: To provide the EPC with an update of all legal matters

Recommendation:

THAT the attached register of current Land and Environment Court matters for Development Applications and for Court proceedings for Building, Environmental and Health Control matters for the period 1 April 2021 to 16 September 2021 be received and noted.

Background:

Prior to the introduction of the Woollahra Local Planning Panel (WLPP), which was mandated by legislation to be in force from 1 March 2018, Council's former Development Control Committee received a register of current Land and Environment Court matters for Development Applications and for Court proceedings for Building Control, Environmental Control and Health Control, monthly.

With the establishment of the WLPP, there was no forum for the Councillors to be updated on current legal matters relating to development applications and court proceedings relating to compliance matters.

At its meeting of 4 June 2019, Council's Environmental Planning Committee resolved as follows:

"That a register of current Land and Environment Court matters for Development Applications and for Court Proceedings for Building, Environmental and Health Control matters be tabled to the Environmental Planning Committee quarterly."

Conclusion:

Attached is a copy of the current register, listing active legal matters and finalised judgements for the period 1 April 2021 to 16 September 2021. A graph is also attached showing the number of Class 1 appeals lodged from 2010-2021.

Annexures

1. Legal Register [!\[\]\(eb2da236c8e866008a78d7aa69bcc6c9_img.jpg\)](#) 
2. Class 1 Appeals Lodged - 2010-2021 [!\[\]\(6a874697c11eea69ddd49691fc21e83d_img.jpg\)](#) 

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Development Control – Legal Matters				
Class 1 - Appealed Deemed Refusal				
s34 Conference				
Alexandra Lee Jakob v WMC	DA176/2020/1	Peter R Rigg Solicitor & Barrister	50 Wolseley Road POINT PIPER	<p>This is an appeal against the deemed refusal of an application for the change of use from a single dwelling to a residential flat building (three units) and the associated works. First directions hearing was held on 20 January 2021. The relevant directions made by the Court were:</p> <ol style="list-style-type: none"> 1. The parties to attend a without prejudice meeting by 10 March 2021; 2. A conciliation conference under s34 was arranged for 7 April 2021; 3. The respondent is to file and serve its SOFAC by 19 February 2021; 4. The applicant to file and serve their SOFAC in reply by 12 March 2021 5. Provision was made for any without prejudice amended plans 14 days prior to the conciliation conference; 6. If no agreement is reached at or after the conciliation conference, the proceedings to be listed for a second directions hearing on 11 April 2021. <p>The DA was refused by the LPP on 18 March 2021. Agreement was not reached at the conciliation conference. The appeal was listed by the Court for hearing on 5 and 6 August 2021. The matter is still within a s34 conciliation phase.</p>
Merman Investments Pty Ltd v WMC	DA325/2020/1	HWL Ebsworth Lawyers	3 Wiston Gardens DOUBLE BAY	<p>This is an appeal against the deemed refusal of an application for the demolition of existing structures and construction of a new residential flat building. First directions hearing was held on 16 December 2020. Further mention on 18 December together with Notice of Motion for amended plans. The DA was refused by the LPP on 17 December 2020. The matter was listed for a s34 conciliation conference on 11 May 2021. Agreement was not reached at the conciliation conference. The proceedings were listed for a 4-day hearing from 7 to 10 September 2021. The matter is still within a s34 conciliation phase.</p>

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Doonside Holdings Pty Ltd v WMC	DA40/2021/1	Lindsay Taylor Lawyers	55 Bay Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the substantial demolition of the existing commercial building, construction of new upper levels for a new commercial building. First directions hearing was held on 28 May 2021. Council's SOFAC was filed on 18 June 2021. A s34 conciliation conference was held on 2 September 2021. The DA was refused by the LPP on 17 June 2021. The matter was adjourned to 23 September 2021 for mention. Applicant to provide amended plans by 16 September 2021.
Pallas Development Management Pty Limited trading as Fortis Development Group v WMC	DA14/2021/1	Lindsay Taylor Lawyers	21-27 Bay Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of existing buildings and construction of a new five-storey commercial premises building including three basement levels, vehicular access via Gumtree Lane and provision of a through-site pedestrian link. First directions hearing was held on 9 June 2021. The Registrar made the following orders: 1. Council filed and served its Statement of Facts and Contentions on 19 July 2021. 2. The proceedings were listed for a s34 conciliation conference on 13 September 2021, 3. In the event that the parties do not reach an agreement at or before the conciliation conference, the matter is listed for a second directions hearing on 20 September 2021. The DA was refused by the LPP on 15 July 2021. The matter is still within a s34 conciliation phase.
Clutch 720 New South Pty Ltd v WMC	DA98/2021/1	HWL Ebsworth Lawyers	722-724 New South Head Road ROSE BAY	This is an appeal against the deemed refusal of an application for the Change of use of 2 x residential units to a commercial tenancy; associated alterations and additions and stratum subdivision. The DA was refused under staff delegation on 25 June 2021. First directions hearing was held on 23 June 2021. Council's SOFAC is due on 7 July 2021. The parties are to have a without prejudice meeting on outstanding matters by 30 July 2021. A s34 conference is set down for 20 September 2021.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Pallas Development Management Pty Limited trading as Fortis Development Group v WMC	DA68/2021/1	Lindsay Taylor Lawyers	2A Cooper Street DOUBLE BAY	<p>This is an appeal against the deemed refusal of an application for the alterations and additions to the existing commercial building including two additional levels above the existing building. First directions hearing was held on 9 June 2021. The DA was refused by the LPP on 15 July 2021. The Registrar made the following orders:</p> <ol style="list-style-type: none"> 1. Council is to file and serve its Statement of Facts and Contentions by 19 July 2021. 2. The proceedings are listed for a s34 conciliation conference on 22 September 2021, commencing onsite at 9:30am and returning to Council chambers. 3. In the event that the parties do not reach an agreement at or before the conciliation conference, the matter is listed for a second directions hearing on 29 September 2021.
Stephen Desmond Crowe v WMC	DA123/2021/1	HWL Ebsworth Lawyers	33 Edward Street WOOLLAHRA	<p>This is an appeal against the deemed refusal of an application for the alterations and additions to an existing dwelling including a new external lift shaft, a new carport and associated works. The DA was refused by the LPP on 15 July 2021. First directions hearing was held on 22 June 2021. The following orders were made:</p> <ol style="list-style-type: none"> 1. Council's SOFAC is due on 22 July 2021; 2. The Applicant's SOFAC in reply is due on 12 August 2021; 3. The matter is listed on 20 and 21 September 2021 for a s34AA conciliation conference and hearing.
Roche Group Pty Limited v WMC	DA58/2021/1	Lindsay Taylor Lawyers	53 Cross Street DOUBLE BAY	<p>This is an appeal against the deemed refusal of an application for the alterations and additions to the existing four storey commercial building with basement parking, including two new upper levels. First directions hearing was held on 28 June 2021. The DA was refused by the LPP on 15 July 2021. The following orders were made:</p> <ol style="list-style-type: none"> 1. The Applicant is required to file a SOFAC in reply by 5 August 2021. 2. Council is to serve on the Applicant a without prejudice draft SOFAC by 8 July 2021. 3. Council is to file and serve its final SOFAC by 19 July 2021. 4. The Applicant is to file and serve its SOFAC in reply by 5 August 2021. 5. The parties are to participate in a without prejudice meeting prior to the s34 but not less than two weeks after receiving amended plans or materials from the applicant. 6. The proceedings are listed for a section 34 conciliation conference on 30 September 2021 commencing onsite at 9:30am and returning to MS Teams.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
				7. If an agreement is not reached before or at the s34, the proceedings are listed for a second directions hearing on 7 October 2021.
Loftex Commercial Pty Limited v WMC	DA69/2021/1	Lindsay Taylor Lawyers	294-296 & 298 New South Head Road and 2 & 4-10 Bay Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of the existing buildings and construction of a new shop top housing. First directions hearing was held on 13 July 2021. Council's SOFAC was filed on 27 August 2021. A conciliation conference is set down for 11 October 2021.
Bellevue Road Holdings Pty Ltd v WMC	DA216/2021/1	Wilshire Webb Staunton Beattie Lawyers	142, 142A & 142B Bellevue Road BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the alterations and additions to the approved residential flat building (under DA344/2019) for 8 additional units, 2 new car lifts, removal of the approved swimming pool and associated works. First directions was held on 25 August 2021. The DA was refused by the LPP on 16 September 2021. Council to file and serve its SOFAC by 17 September 2021. The matter has been listed for a s34 conference on 13 October 2021.
Hearing				
Hillcrest Rose Bay Pty Ltd v WMC	DA30/2021/1	Wilshire Webb Staunton Beattie Lawyers	780-786 New South Head Road ROSE BAY	This is an appeal against the deemed refusal of an application for the site remediation and alterations and additions to a 6 unit residential flat building including 2 new side wings, an additional floor level within an altered roof level and 2 basement levels accessed via a car lift. First directions hearing was held on 13 May 2021. A Notice of Motion was also lodged seeking to run the previous proceedings 2020/363998 together with these proceedings - a hearing was set down for the Notice of Motion on 28 April 2021. Council filed and served its SOFAC on 28 May 2021. A without prejudice meeting was held on 2 June 2021. The DA was refused by the LPP on 17 June 2021. A s34 conference was held on 23 June 2021, and was terminated as the parties were unable to reach mutual agreement. The matter has been listed for hearing on 14, 15 and 18 October 2021.
Prominent Ventures Pty Ltd v WMC	DA143/2020/1	Wilshire Webb Staunton	40 Glendon Road DOUBLE BAY	This is an appeal against the deemed refusal of an application for the demolition of the existing dwelling and the construction of a new two storey multi-dwelling housing development with basement car parking, a swimming pool and associated landscaping works. The DA was refused

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
		Beattie Lawyers		by the LPP on the 19 November 2020. First directions hearing was held on 15 December 2020. Council's SOFAC was due on 22 December 2020. The matter was listed for a s34 conciliation conference on 7 May 2021. The applicant to submit amended plans. The matter was adjourned to 16 July 2021 with a further directions hearing on 11 August 2021. The matter is listed for a hearing on 22 and 23 November 2021.
Class 1 - Appealed Determination				
s34 Conference				
Xiaofen Lin v WMC	DA492/2019/2	Peter R Rigg Solicitor & Barrister	13 Nulla Street VAUCLUSE	This is an appeal against the conditions of consent of a s4.55 application for the modifications to the approved dwelling. First directions hearing was held on 11 June 2021. The matter was listed for a s34 conference on 6 September 2021. A s34 Agreement was filed with the Court on 16 September 2021.
Patrizia Askaro and Barnipal Askaro v WMC	DA448/2019/1	Peter R Rigg Solicitor & Barrister	4 Loch Maree Place VAUCLUSE	This is an appeal against the LPP refusal of an application for the demolition of the existing dwelling and the construction of new 3 storey dwelling, swimming pool and landscaping works. First directions hearing was held on 6 July 2021. A without prejudice meeting to be held by 27 July 2021. The matter was listed for a s34AA conciliation and hearing on 13 and 14 September 2021. The matter is still within the a s34 conciliation phase.
Stacey Thorpe v WMC	DA489/2020/1	HWL Ebsworth Lawyers	65 Beresford Road BELLEVUE HILL	This is an appeal against the refusal of an application for the alterations and additions to the existing dwelling including a new pool and carport. First directions hearing was held on 8 June 2021. At the directions hearing, the following orders were made: <ol style="list-style-type: none"> 1. Council filed and served its SOFAC on 7 June 2021 2. The matter was listed for a s34AA conciliation conference and hearing on 15 and 16 September 2021 3. The applicant's SOFAC in Reply is due 29 June 2021 4. The parties are to meet on a without prejudice basis to discuss the application by 29 July 2021 5. Expert reports will be due on 16 August 2021 6. Council's draft conditions of consent will be due on 1 September 2021.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
				The applicant has submitted amended plans, which have been exhibited on the NSW Planning Portal pursuant to clause 55 of the EP&A Regulation 2000.
Property Development Systems Australia Pty Ltd v WMC	DA355/2019/1	Lindsay Taylor Lawyers	14 Cross Street DOUBLE BAY	This is an appeal against the LPP refusal of an application for the demolition of the existing structures and construction of a new five storey shop top housing to accommodate a ground floor retail shop and resident parking with four apartments above. First directions hearing was held on 9 June 2021. Council filed and served its SOFAC on 18 June 2021. The applicant to file and serve its SOFAC in reply by 2 July 2021. A s34 conciliation conference is to be held on 28 September 2021.
Ben Moffat v WMC	DA419/2020/1	Wilshire Webb Staunton Beattie Lawyers	142 Glenmore Road PADDINGTON	This is an appeal against the refusal of an application for a new roof terrace over existing slab. First directions hearing was held on 10 August 2021. Council to file and serve its SOFAC by 17 August 2021. The matter has been set down for a s34AA conciliation conference on 22 and 25 October 2021.
Timothy Gavin Casey v WMC	DA410/2019/3	Lindsay Taylor Lawyers	8A Cooper Street PADDINGTON	This is an appeal against the conditions of consent of a s4.55 application for the modification of Condition A.3 of the development consent to include internal and external modifications. First directions hearing was held on 20 July 2021. Council filed its SOFAC on 4 August 2021. The matter has been listed for a s34 conference on 25 and 26 October 2021.
The Scots College v WMC	DA390/2019/1	Lindsay Taylor Lawyers	29-53 Victoria Road BELLEVUE HILL (Scots College)	This is an appeal against the conditions of consent of an application for the demolition of existing tennis courts at The Scots College, excavation to create underground car parking and associated facilities with new tennis courts above, a new (re-located) entry from Cranbrook Lane, and an increase in the approved student numbers from 1,120 to 1,520. First directions hearing was held on 6 August 2021. The applicant to file its SOFAC by 18 October 2021. The matter has been listed for a s34 conference on 16 November 2021.
Natalie King v WMC	DA86/2020/5	Wilshire Webb Staunton Beattie	2 Drumalbyn Road BELLEVUE HILL	This is an appeal against the conditions of consent of a s4.55 application for internal and external modifications to convert the approved double carport to a triple garage. First directions hearing to be held on 2 September 2021. The Applicant was granted leave to rely upon the amended Class 1 Application form dated 1 September 2021. Council's SOFAC in reply is due by 22 September 2021. The matter is listed for s34AA conciliation conference and hearing on 1 and 2 December 2021.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Hearing				
Kingsford Property Developments Pty Ltd v WMC	DA226/2019/1	Lindsay Taylor Lawyers	351 & 353 New South Head Road DOUBLE BAY	This is an appeal against the LPP Conditions of Consent of an application for the demolition of existing buildings, construction of a new residential flat building including provision of affordable rental housing (SEPP ARH 2009) with basement parking. First directions hearing was held on 29 January 2021. The proceedings were listed for a s34 conciliation conference on 9 June 2021. Council filed its SOFAC in reply on 24 February 2021. A without prejudice meeting to take place prior to the s34 conference. The matter was adjourned to 18 June 2021 as no 'in principle' agreement was reached. The applicant to provide amended plans. The applicant to file and serve a notice of motion to amend its application and amended SOFAC by 8 September 2021. Council to file and serve its SOFAC by 22 September 2021. The matter is listed for hearing on 28 and 29 October 2021. The applicant has submitted amended plans, which have been exhibited on the NSW Planning Portal pursuant to clause 55 of the EP&A Regulation 2000.
SF Ultimate Investment Pty Ltd v WMC	DA452/2020/1	Lindsay Taylor Lawyers	10 Cross Street DOUBLE BAY	This is an appeal against the LPP refusal of an application for the partial demolition of an existing structure and construction of a shop top housing development. First directions hearing was held on 30 June 2021. Council to file and serve its SOFAC by 14 July 2021. The applicant to file and serve its SOFAC in reply by 4 August 2021. The proceedings were listed for a s34 conciliation conference on 18 August 2021. The applicant to file a notice of motion to rely on amended plans by 8 September. The matter has been listed for a hearing on 23 and 24 November 2021.
Judgement Reserved				
Blainey North & Associates Pty Ltd v WMC	DA272/2019/2	Peter R Rigg Solicitor & Barrister	7 Paddington Street PADDINGTON	This is an appeal against the refusal of an application for the modification to the approved scheme (new external stairs to the rear to the garage/loft). First directions hearing was held on 27 January 2021. Council filed its SOFAC on 19 March 2021. The applicant to file and serve its SOFAC in reply by 2 April 2021. The proceedings were listed for a section 34AA conciliation and hearing on 14 and 15 July 2021, commencing on site at 9.30am. Judgement reserved.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Jasrina Pty Ltd (ABN 82 247 014 003) v WMC	DA10/2021/1	Wilshire Webb Staunton Beattie Lawyers	1A Benelong Crescent BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the construction of a 3 storey residential flat building containing 5 residential apartments, one level of basement, pool and associated landscaping works. First directions was held on 8 April 2021. The Court made the following orders: <ol style="list-style-type: none"> 1. Council to file and serve the SOFAC by 22 April 2021 2. Matter was listed for a s34 conciliation conference on 26 May 2021 3. Matter is listed for a second directions hearing on 13 July 2021 4. The proceedings are listed for hearing on 29-30 July 2021 Judgement reserved.
Judgement Finalised				
Graeme Shaw v WMC	DA216/2020/1	Peter R Rigg Solicitor & Barrister	62 Queen Street WOOLLAHRA	This is an appeal against the deemed refusal of an application for the alterations and additions to the existing dwelling. First directions hearing was held on 10 November 2020. Council's SOFAC to be filed by 4 December 2020. The matter was set down for a hearing on 25 and 26 March 2021. The appeal was upheld via a s34 conference on 8 April 2021 (amended plans)
Moshav Development Bondi Pty Ltd v WMC	DA108/2020/1	HWL Ebsworth Lawyers	Lot A 8 & 9 Hillside Avenue VAUCLUSE	This is an appeal against the deemed refusal of an application for the construction of a new residential dwelling including basement garage, new swimming pool, and associated landscaping and siteworks. First directions hearing was held on 6 October 2020. The Applicant filed a Notice of Motion to have all sets of proceedings consolidated and heard together. At the directions the Motion was consented to. The Court made the following orders: <ol style="list-style-type: none"> 1. all sets of proceedings be consolidated and heard together; 2. evidence in one set of proceedings is evidence in all sets of proceedings; and 3. the proceedings were listed for a s 34AA conciliation conference and hearing on 7, 8 and 9 April 2021. Council's SOFAC was filed by 27 October 2020 and a without prejudice meeting was held on 16 December 2020. It was noted that Council only needed to prepare a single SOFAC for all sets of proceedings. The DA was refused by the LPP on 29 October 2020. The appeal was upheld via a s34 conference on 16 April 2021 (amended plans).

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Moshav Development Bondi Pty Ltd v WMC	DA110/2020/1	HWL Ebsworth Lawyers	Lot B 8 & 9 Hillside Avenue VAUCLUSE	<p>This is an appeal against the deemed refusal of an application for the construction of a new residential dwelling with basement garage, new swimming pool and associated landscaping and siteworks. First directions hearing was held on 6 October 2020. The Applicant filed a Notice of Motion to have all sets of proceedings consolidated and heard together. At the directions the Motion was consented to. The Court made the following orders:</p> <ol style="list-style-type: none"> 1. all sets of proceedings be consolidated and heard together; 2. evidence in one set of proceedings is evidence in all sets of proceedings; and 3. the proceedings were listed for a s 34AA conciliation conference and hearing on 7, 8 and 9 April 2021. <p>Council's SOFAC was filed by 27 October 2020 and a without prejudice meeting was held on 16 December 2020. It was noted that Council only needed to prepare a single SOFAC for all sets of proceedings. The DA was refused by the LPP on 29 October 2020. The appeal was upheld via a s34 conference on 16 April 2021 (amended plans).</p>
Moshav Development Bondi Pty Ltd v WMC	DA111/2020/1	HWL Ebsworth Lawyers	Lot C 8 & 9 Hillside Avenue VAUCLUSE	<p>This is an appeal against the deemed refusal of an application for a new attached dual occupancy with basement garage, inground private spas, and associated landscaping and siteworks. First directions hearing was held on 6 October 2020. The Applicant filed a Notice of Motion to have all sets of proceedings consolidated and heard together. At the directions the Motion was consented to. The Court made the following orders:</p> <ol style="list-style-type: none"> 1. all sets of proceedings be consolidated and heard together; 2. evidence in one set of proceedings is evidence in all sets of proceedings; and 3. the proceedings were listed for a s 34AA conciliation conference and hearing on 7, 8 and 9 April 2021. <p>Council's SOFAC was filed by 27 October 2020 and a without prejudice meeting was held on 16 December 2020. It was noted that Council only needed to prepare a single SOFAC for all sets of proceedings. The DA was refused by the LPP on 29 October 2020. The appeal was upheld via a s34 conference on 16 April 2021 (amended plans).</p>
Nicholas Tang Holdings Pty Ltd ABN	DA10/2020/1	HWL Ebsworth Lawyers	37 Edward Street WOOLLAHRA	<p>This is an appeal against the deemed refusal of an application for the demolition of the existing building and structures, Torrens title subdivision of the site into four (4) allotments and the construction of a semi-detached dwelling on each allotment including landscaping and site</p>

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
36126 806 237 v WMC				works. First directions hearing was held on 9 April 2020. This matter was refused by the LPP on 21 May 2020. Council's SOFAC was filed on 22 June 2020. A without prejudice meeting was held between the parties' experts on 8 July 2020. The matter was listed for a s34 conciliation conference on 24 July 2020, an agreement was not reached. A Notice of Motion for amended plans was listed for 20 January 2021. The matter was set down for hearing on 11 & 12 March 2021. The appeal was upheld on 5 May 2021 (amended plans).
Marc Polese v WMC	DA357/2020/1	HWL Ebsworth Lawyers	4 Queens Avenue VAUCLUSE	This is an appeal against the refusal of an application amending a DA involving modifications to the basement level of the dwelling approved under DA279/2019. First directions hearing was held on 26 November 2020. Council to file and serve joint expert report by 22 March 2021. Council to file response to any without prejudice material by 6 April 2021. Draft conditions of consent to be filed by 12 April 2021. The Registrar set the matter down for conciliation and hearing on 19 and 20 April 2021. The appeal was upheld via a s34 conference on 20 May with amended plans.
Tim Casey	DA107/2020/1	Lindsay Taylor Lawyers	8A Cooper Street PADDINGTON	This is an appeal against the refusal of an application for the external alterations and additions to the existing dwelling. First directions hearing was held on 25 November 2020. The DA was refused by the LPP on 15 October 2020. Council's SOFAC was due on 8 December 2020. The matter was listed for a s34AA conciliation conference on 12-13 April 2021 – the conference was terminated as no agreement reached. A reconvened s34 conference was held on 5 May 2021. The applicant submitted amended plans on 7 May 2021. The appeal was upheld via a s34 conference on 9 June (amended plans).
Vaucluse Early Learning Pty Ltd ACN 63995467 v WMC	DA233/2020/1	Wilshire Webb Staunton Beattie Lawyers	65 Village High Road VAUCLUSE	This is an appeal against the deemed refusal of an application for the demolition of an existing dwelling and construction of a new childcare centre providing 86 places. First directions hearing was held on 14 October 2020. A without prejudice meeting was held on 7 December 2020. Amended plans have been submitted and are currently under review. Without prejudice plans submitted on 7 December 2020. The DA was refused by the LPP on 18 March 2021. A conciliation conference was set down for 15 April 2021. The conference was adjourned and listed to resume on 6 and 18 May 2021 and 1 June 2021. The 'without prejudice' amended plans were re-notified to residents who had previously lodged submissions. The appeal was upheld via a s34 conference on 15 June 2021 (amended plans).

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Andrew Griffin	DA193/2020/1	HWL Ebsworth Lawyers	3 Trelawney Street WOOLLAHRA	This is an appeal against the LPP refusal of an application for the alterations and additions to the existing residential flat building including a new level accommodating one additional unit. First directions hearing was held on 29 January 2021. The matter was listed for a s34 conciliation conference on 5 March 2021. A s34 agreement was signed on 10 March 2021 – the appeal was upheld via a s34 agreement on 18 June 2021 (amended plans).
Royal Prince Edward Yacht Club v WMC	DA563/2018/1	HWL Ebsworth Lawyers	160 Wolseley Road POINT PIPER	This is an appeal against the refusal of an application for the alterations and additions to an existing ramp and pontoon. The DA was refused by the LPP on 17 October 2019. First directions hearing was held on 19 May 2020. Council's SOFAC was filed on 3 August 2020. The applicant was required to file their SOFAC by 7 September 2020. The matter was listed for a section 34 conciliation conference on 20 November 2020. If no agreement reached at or after the conciliation conference, the proceedings are listed for a second directions hearing on 27 November 2020. A further conciliation conference was held on 16 December 2020. Amended plans submitted and the matter was listed for further directions on 20 January 2021. Further amended plans have been submitted. Council to file amended SOFAC by 5 March 2021. The appeal was listed for hearing on 15 & 16 June 2021. The appeal was upheld on 22 June 2021.
14 Boronia Pty Ltd (ACN 624 963 355) v WMC	DA105/2019/2	HWL Ebsworth Lawyers	14 Boronia Road BELLEVUE HILL	This is an appeal against the deemed refusal of a s4.55 application for internal and external modifications. First directions hearing was held on 27 April 2021 The s4.55 was refused by the LPP on 1 April 2021. The Court made the following orders: <ol style="list-style-type: none"> 1. Council is to file and serve its SOFAC by 30 April 2021. 2. The proceedings were listed for a section 34 conference on 1 June 2021 commencing on site and returning to Council chambers. 3. The proceedings were listed for a second directions hearing on 8 June 2021. The s34 conference was adjourned to allow the applicant to provide further information. The s34 resumed on 21 June 2021. The applicant to submit amended plans. The appeal was upheld via a s34 conference with amended plans on 21 July 2021.
Kenneth Keyser v WMC	DA44/2020/2	Lindsay Taylor Lawyers	20 Boronia Road BELLEVUE HILL	This is an appeal against the deemed refusal of a s4.55 application for modifications to an approved residential flat building. The DA was refused by the LPP on 1 April 2021. First directions hearing was held on 4 May 2021. The matter was listed for a section 34 conciliation

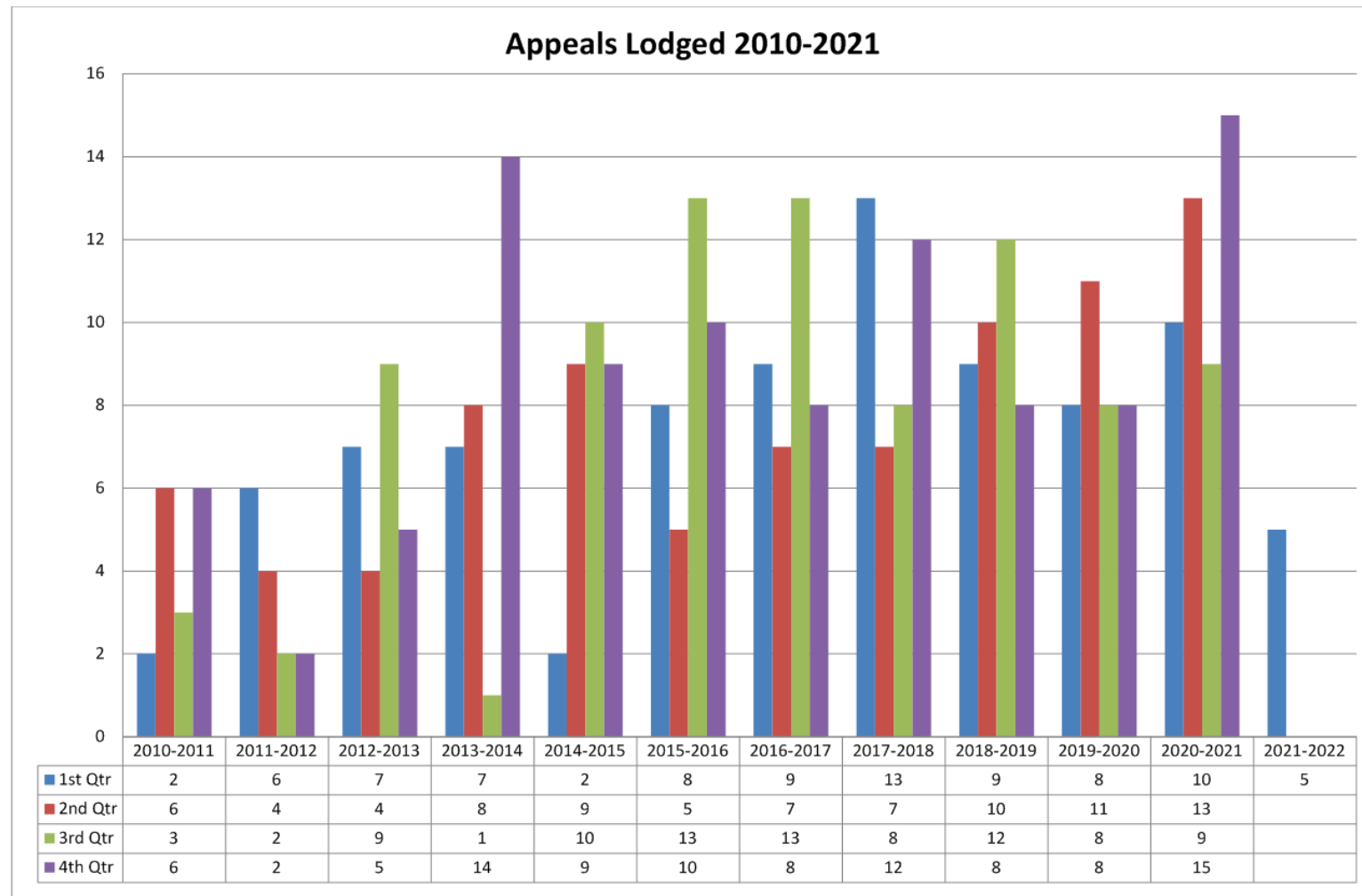
Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
				conference on 28 June 2021. Council's SOFAC was filed on 5 May 2021. The Applicant submitted amended plans on 21 May 2021. A without prejudice meeting to be held. A further directions hearing was held on 2 July 2021. The proceedings have been listed for hearing on 5 and 6 October 2021. The appeal was upheld on 23 July 2021.
117 O'Sullivan Pty Ltd (ACN 642 192 185) v WMC	DA416/2020/1	HWL Ebsworth Lawyers	117-119 O'Sullivan Road BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of a single dwelling and construction of a new seniors housing development for ten (10) apartments over three storeys with attic and basement parking for 21 car spaces. First directions hearing was held on 5 February 2021. The following orders were made: Council's SOFAC is due to be filed and served by 26 February 2021. The DA was refused by the LPP on 1 April 2021. A Without Prejudice Meeting to take place before 30 April 2021. The applicant submitted amended plans and re-notified to residents. A s34 conference was listed for 14 May 2021 commencing on site at 9:30am. The appeal was upheld via a s34 conference with amended plans on 27 July 2021.
Crooked River Land Holdings Pty Ltd v WMC	DA274/2020/1	Lindsay Taylor Lawyers	432-440 Oxford Street PADDINGTON	This is an appeal against the deemed refusal of an application for the amalgamation of 3 lots for strata-subdivision, alterations to 5 shops and shop top apartments, construction of a new shop top housing development with basement carpark and associated landscaping. First directions hearing was held on 18 December 2020. The DA was refused by the LPP on 18 February 2021. Council filed and served its SOFAC on 4 March 2021. The matter was listed for a s34 conference on 10 May 2021. The applicant submitted amended plans. The appeal was upheld via s34 conference with amended plans on 28 July 2021.
Hakoah Club Ltd v WMC	DA477/2019/1	Lindsay Taylor Lawyers	30 Alma Street PADDINGTON	This is an appeal against the deemed refusal of an application for the first stage of the development of White City for a multi-purpose sports centre and registered club facilities including site remediation. The matter was listed for a first directions hearing on 26 March 2020. Council's SOFAC was filed on 26 May 2020. Applicant's SOFAC in reply was to be filed by 8 June 2020. Leave was granted on 2 July 2020 to the Applicant's Notice of Motion to vacate hearing dates of 2-5 November 2020 and set the matter down for s34 conference on 2 November 2020. The DA will be considered by SECPP on 3 September 2020. The SECPP approved the DA on 3 September 2020. The s34 conference was terminated by Commissioner Chilcott and the matter was listed for directions before the registrar on 10 November 2020. The

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
				matter was listed for a further directions on 26 March 2021. The matter has been listed for a hearing on 2-4 August 2021. The appeal was upheld on 10 August 2021.
STM123 No. 16 Pty Ltd v WMC	DA536/2020/1	Lindsay Taylor Lawyers	23 Wolseley Road POINT PIPER	This is an appeal against the deemed refusal of an application for the alterations and additions to an approved residential flat building (approved under DA2018/484 and DA2017/369) including an additional level comprising a 3-bed unit (total of 7 x 3-bed units). Internal reconfiguring to the layout of the approved basement level to include a car lift and basement mezzanine level. First directions hearing was held on 10 March 2021. Council filed and served its SOFAC on 15 April 2021. The applicant to file and serve its SOFAC in reply by 6 May 2021. The DA was refused by the LPP on 5 May 2021. A s34 conciliation conference was held on 21 June 2021. The s34 conference was adjourned. The applicant to provide amended plans by 5 July 2021 and the proceedings are listed for online court on 12 July 2021 for the parties to provide an update to the Court. The appeal was upheld via a s34 conference with amended plans on 13 August 2021.
EMCON Group Pty Ltd v WMC	DA518/2018/3	Lindsay Taylor Lawyers	164 Victoria Road BELLEVUE HILL	This is an appeal against the deemed refusal of a s4.56 application for the internal and external modifications to the approved residential flat building. First directions hearing was held on 18 March 2021. Council filed its SOFAC on 21 April 2021. A s34 conciliation conference was set down for 7 July 2021. If no agreement reached, a second directions hearing to be held on 14 July 2021. The s4.56 was refused under staff delegation on 14 April 2021. The applicant has submitted amended plans which have been exhibited on the NSW Planning Portal pursuant to clause 121B of the EP&A Regulation 2000. The appeal was upheld with amended plans via s34 Conference on 1 September 2021.
Mary E Curtis v WMC	DA76/2020/1	Peter R Rigg Solicitor & Barrister	68E Caledonia Street PADDINGTON	This is an appeal against the refusal of an application for the alterations and additions including a new basement level. First directions hearing was held on 6 April 2021. Council filed and served its SOFAC on 19 April 2021. The applicant to serve and file its SOFAC in reply by 3 May 2021. The proceedings were listed on 17 and 18 August 2021 for a s34AA conciliation and hearing. The applicant has submitted amended plans, which have been exhibited on the NSW Planning Portal pursuant to clause 55 of the EP&A Regulation 2000. The appeal was upheld with amended plans via a s34 conference on 8 September 2021.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Discontinued				
Fortis Development Group	DA202/2018/2	Lindsay Taylor Lawyers	16/325-335 New South Head Road DOUBLE BAY	This is an appeal against the LPP refusal of a s4.55 application for the modifications to a previously approved pedestrian access easement. First directions hearing was held on 12 November 2020. Council's SOFAC was filed with the Court on 18 November 2020. The matter was listed for a s34 conference on 15 March 2021. The parties did not reach agreement, on that basis, the Commissioner adjourned the conciliation conference to 4:15pm on 6 April 2021. The applicant discontinued the appeal on 8 April 2021.
Ben Shaw v WMC	DA258/2019/1	Wilshire Webb Staunton Beattie Lawyers	157-159 Hargrave Street WOOLLAHRA	This is an appeal against the conditions of consent of an application for a new smoking area to the Bellevue Hotel, alterations to Taylor Street bin room and new entry from Taylor Street. First directions hearing was held on 20 January 2021. The applicant to file and serve its SOFAC by 27 January 2021; the Council filed and served its SOFAC in Reply on 5 February 2021. The matter was listed for its s34 conference on 8 March 2021. The appeal was discontinued on 26 April 2021.
Clutch O'Sullivan Pty Ltd v WMC	DA515/2020/1	HWL Ebsworth Lawyers	195-203 O'Sullivan Road BELLEVUE HILL	This is an appeal against the deemed refusal of an application for the demolition of existing dwelling houses and construction of a 3 storey residential flat building containing 15 apartments with associated basement parking and landscaping. First directions hearing to be held on 20 April 2021. The DA was approved by the LPP on 6 May 2021. The appeal was discontinued on 14 May 2021.
Medium Density Pty Ltd (ABN 19 003 631 810) v WMC	DA209/2019/1	Wilshire Webb Staunton Beattie Lawyers	37 Newcastle Street ROSE BAY	This is an appeal against the LPP refusal of an application for the alterations and additions to an existing residential flat building including a new upper level and an increase in the number of units from 4 to 9. First directions hearing was held on 18 March 2021. Council to file its SOFAC by 1 April 2021. The applicant to file its SOFAC in reply by 3 May 2021. A without prejudice meeting to be held by 31 May 2021. A s34 conciliation conference was set down for 8 July 2021. The applicant discontinued the appeal on 23 June 2021.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Europium Holdings Pty Ltd v WMC	DA19/2020/1	Wilshire Webb Staunton Beattie	780-786 New South Head Road ROSE BAY	This is an appeal against the LPP refusal of an application for the demolition of a residential flat building and ancillary structures and the Interim Heritage Order of the property. First directions hearing was held on 2 February 2021. The matter was listed for a s34 conciliation conference and hearing on 23 June 2021. The applicant has been directed to file its notice of motion to rely on amended plans by 10 February 2021. . On 25 June 2021 the applicant filed a notice of discontinuance with regards to this appeal, as it has essentially been superseded by the other appeal for this property.
SDHA Pty Ltd (ABN 18 141 145 511) v WMC	DA321/2020/1	Lindsay Taylor Lawyers	19-27 Cross Street DOUBLE BAY	<p>This is an appeal against the deemed refusal of an application for the demolition of an existing structure and construction of a shop top housing development. First directions hearing was held on 27 January 2020. The matter was listed for a s34 conciliation conference on 12 April 2021. Council filed and served its SOFAC on 1 March 2021. The Applicant to file and serve its SOFAC in reply by 15 March 2021. The matter was to return to Court for a further directions hearing on 20 April 2021. The applicant requested the s34 conference be moved to a different date. The following orders were made:</p> <ol style="list-style-type: none"> 1. the listing of the s34 conference on 12 April 2021 and the further directions hearing on 20 April 2021 were vacated; 2. the Council's statement of facts and contentions to be filed by 22 March 2021; 3. the Applicant to file their statement of facts and contentions in reply by 12 April 2021; 4. the matter is listed for a s34 conciliation conference on 26 July 2021, commencing on site at 9.30am; 5. the matter is listed for further directions on 3 August 2021. <p>The DA was approved by the SECPP on 23 July 2021. The appeal was discontinued on 26 July 2021.</p>

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Building Control - Legal Matters				
Class 4 - Orders & Civil Enforcement				
Awaiting Callover-Mention				
Robert Kaufmann v WMC	Order 271/2021	Wilshire Webb Staunton Beattie Lawyers	35 Glenview Street PADDINGTON	A Class 1 appeal has been lodged against Council's Order 271/2020 issued on 16 February 2021, requiring the removal of unauthorised work contrary to development consent DA 599/2000. Section 34 Conference held for 7 July 2021, with no agreement. Listed for mention on 30 September 2021.



Item No: R1 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING, INCLUDING INTERIORS, AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Kristy Wellfare, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/178381
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel.
To obtain Council's approval to proceed with the planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff, and the building at 549 Glenmore Road, Edgecliff including interiors as a local heritage items in Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 supporting a planning proposal to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff and the building at 549 Glenmore Road, Edgecliff including interiors as local heritage items in Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal, as contained in **Annexure 4** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Background:

On 10 February 2020 Council resolved the following:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

In response, an assessment of the heritage significance of the building was undertaken and on 15 June 2021, the matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 1**). This report included a recommendation to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) as a local heritage item in Schedule 5 of the Woollahra LEP 2014 (see **Figures 1 & 2** below). Subsequent to this, on 5 July 2021, Council resolved (in part):

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*



Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff (viewed from the north)



Figure 2: Cadry's Building, 133 New South Head Road, Edgecliff (viewed from the Glenmore Road to the west)

A planning proposal was prepared in accordance with the Council's decision of 5 July 2021. The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of the Cadry's building, including interiors at 133 New south Head Road, Edgecliff and provide it with statutory heritage protection.

Woollahra Local Planning Panel advice:

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 16 September 2021 (see **Annexure 2**), where they provided the following advice to Council:

Resolved:

THAT the Woollahra Local Planning Panel advises Council to proceed with a planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 2 in DP: 255233) and the building at 549 Glenmore Road, Edgecliff (Lot 37 in DP: 255233) as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

Reasons:

For the reasons in the report, the Panel supports the heritage listing of the Cadry's building. The Panel considers that the listing should also include the adjacent 2 storey sandstone building at 549 Glenmore Road, Edgecliff. As the assessment indicates that this building also meets the threshold for a heritage listing, appears to be associated with the Cadry's building and is in the same ownership. We note that the owner supports the listing of both buildings. The Planning Proposal should be updated to incorporate both buildings in the assessment of significance. Notwithstanding the property being affected by the road reservation, the Planning Proposal for the heritage listing should proceed independently.

The Panel also notes the need for further investigation of the heritage significance of the cottages at 543-547 Glenmore Road, Edgecliff (Lot 34, 35, 36 in DP: 255233).

Planning Proposal:

In response to this advice, the assessment of heritage significance, at **Annexure 3**, was updated to include an assessment of 549 Glenmore Road, Edgecliff. The assessment of this property found that the site accommodated a rare example of an early Victorian era two storey sandstone cottage that is contemporaneous with the Cadry's building and that the site fulfilled the criteria for heritage listing at a local level for historic, aesthetic, rarity and representative values. As such, the planning proposal has been amended to include the building at 549 Glenmore Road, Edgecliff (see **Figures 3, 4 & 5** below) as a local heritage item, including its interiors.

It is noted that both the Cadry's Building and 549 Glenmore Road are in the same ownership. This owner was present at the meeting of the Woollahra LPP on 16 September 2021 and spoke in support of the listing for both properties.

The amended planning proposal is at **Annexure 4** and the changes have been highlighted in yellow.



Figure 3: Cadastral map of both sites which are the subject of the planning proposal (Woollahra Council's GIS Maps)

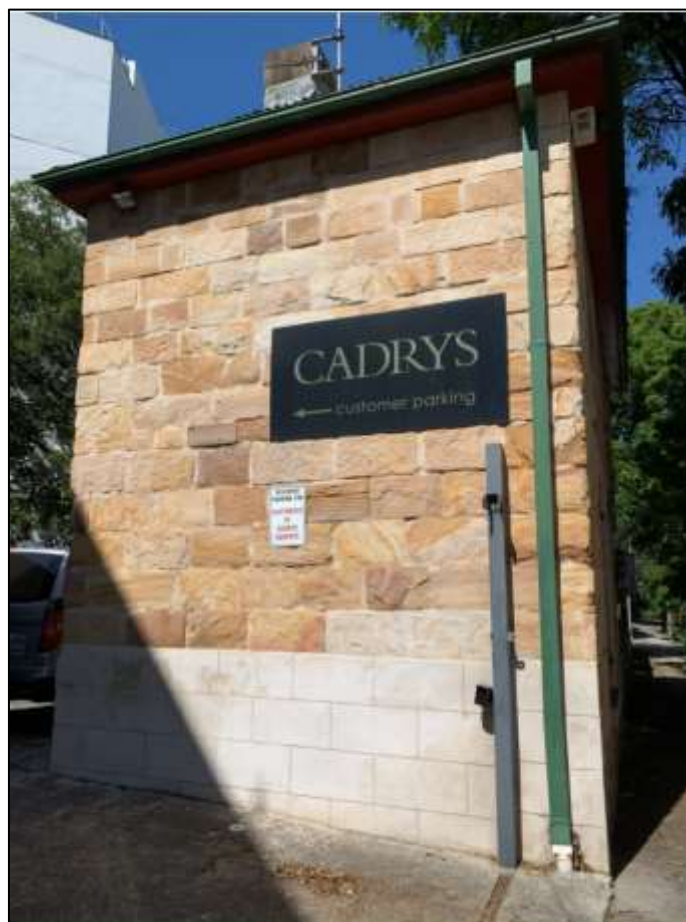


Figure 4: Northern elevation of the two storey sandstone building at 549 Glenmore Road, Edgecliff



Figure 5: Two storey sandstone building at 549 Glenmore Road, Edgecliff in the left of the picture (viewed from the Glenmore Road to the west))

Next Steps:

Subject to the Council's decision, the planning proposal (with updates to make reference to the Council decision) will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister.

The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A notice to the land owner of the site.
- A notice on Council's website.
- A notice to land owners adjoining and in the vicinity of the site.
- A weekly notice in the Wentworth Courier for the duration of the exhibition period (if a hardcopy is being published).
- A letter to local community groups.





To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

Conclusion:

The listing of the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item in Woollahra LEP 2014 is supported by an assessment of the heritage significance. On 16 September 2021, the Woollahra LPP provided advice to Council that it supported the planning proposal, subject to include the building at 549 Glenmore Road, Edgecliff. The assessment of heritage significance, and the planning proposal have been updated to incorporate this advice.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. Environmental Planning Committee Agenda - 15 June 2021 - Cadry's Building [↓](#) 
2. Woollahra Local Planning Panel Agenda - 16 September 2021 - Cadry's Building [↓](#) 
3. DRAFT Heritage Significance Assessment - Cadry's Buildings (Updated September 2021) [↓](#) 
4. Planning Proposal - Cadry's Buildings - Updated 28 September 2021 [↓](#) 

Woollahra Municipal Council
Environmental Planning Committee Agenda

15 June 2021

Item No: R1 Recommendation to Council

Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF & PLANNING PROPOSAL - REMOVAL OF THE LAND RESERVED FOR ACQUISITION ALONG NEW SOUTH HEAD ROAD, EDGECLIFF**

Author: Kristy Wellfare, Strategic Heritage Officer

Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place

File No: 21/73189

Reason for Report: To present the heritage significance assessment prepared by Council's Strategic Heritage Officer: Kristy Wellfare for the Cadry's building at 133 New South Head Road, Edgecliff.
To recommend that Council resolves to prepare a planning proposal to list the Cadry's building (including interiors) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.
To recommend that Council resolves to prepare a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

Recommendation:

- A. THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- C. THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT the heritage significance of the properties at 543-549 Glenmore Road be assessed and recommendations provided regarding the listing of these properties in Schedule 5 of the Woollahra LEP 2014 and on the State Heritage Register.

1. The Cadry's Building

On 10 February 2020 Council resolved the following:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

The following information was included as background on the relevant Council agenda:

I request our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

This building was constructed in 1856 and operated as a hotel for many years. Since 1952, the building has been owned and operated by the Cadry's family who have restored some of the building back to its original state over the years.

This includes removing the pub tiles on the outside walls that would have been added in the 1930's to reveal the original sandstone walls.

The building is located in a highly visible spot and sits at the gateway to Woollahra. It is unique and I strongly believe that it should have a permanent heritage listing to save it for future generations.

1.1. The Site

The subject site features the three storey building known as the Cadry's building located at 133 New South Head Road, Edgecliff, on the corner of Glenmore Road. Existing development on the site comprises a three storey commercial building with basement, of sandstone and rendered masonry construction. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson that was added during the period the site operated as the Rushcutters Bay Hotel.



Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff

The site is legally known as Lot 1 in DP: 255233. The site is irregular in shape and approximately 403m² in area with a frontage of 23.98m to New South Head Road, and an irregular frontage to Glenmore Road of 27.66m.

Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-549 Glenmore Road comprising a two storey sandstone cottage (No. 549) and three single storey brick cottages (Nos 543-547). As demonstrated in **Figure 2** below, the subject site and the adjoining sites at 543-549 Glenmore Road are located within the Paddington Heritage Conservation Area (HCA).

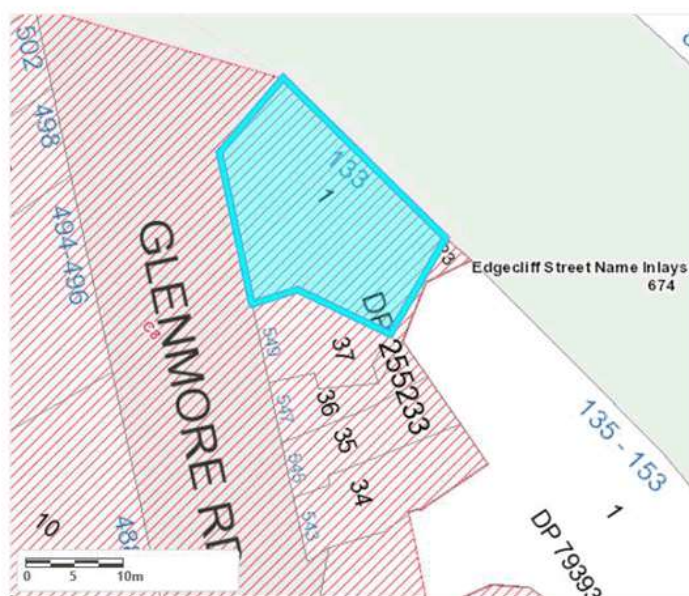


Figure 2: Cadastral map of the subject site (highlighted in blue) and the adjoining sites along Glenmore Road (HCA shown in red hatch)

As shown in **Figure 3** below, the subject site, along with the neighbouring sites at 543-549 Glenmore Road, is affected by the *Land Reserved for Acquisition Map* in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). The effect of the Land Reserved for Acquisition affectation is to enable the acquisition of these sites by a public agency for a specific purpose, which, if exercised, would result in the demolition of the buildings to facilitate that purpose.

2. Assessment of heritage significance

An assessment of heritage significance was carried out by Council's Strategic Heritage Officer: Kristy Wellfare, which was informed by site visits which took place on 20 March 2020, 9 June 2020 and 12 May 2021. The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001.

The building was assessed against the seven criteria in the guidelines. Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed. A copy of the assessment which includes the assessment against all criteria, is attached as **Annexure 1**.

Table 1 below provides a summary of the assessment of the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff against the seven criteria, at the local and State levels, and demonstrates that the site meets five of the seven criteria for local listing, with potential to fulfil two additional criteria.

Table 1: NSW Heritage assessment criteria summary

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	✗
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	✗	✗
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	May fulfil criterion	✗
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's • cultural or natural places; or • cultural or natural environments. or a class of the local area's • cultural or natural places; or • cultural or natural environments.	✓	✗

The heritage significance assessment provides the following statement of significance:

The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premises for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.

The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site topography. The building remains legible as a mid 19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.

As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories. The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".

The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development. The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.

2.1. Recommendations of the Assessment of Heritage Significance report

The heritage significance assessment report has assessed the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff in accordance with the NSW Heritage Manual. It has concluded that, based on the information available at the time of writing, the building meets the threshold for listing as an item of local heritage significance. The Cadry's building fulfils the criteria for listing for its historical, aesthetic, associational, rarity and representative significance. This report has concluded that the Cadry's building at 133 New South Head Road, Edgecliff does not meet the threshold for State heritage significance.

Through the historical investigations undertaken as part of the Heritage Significance Assessment for the Cadry's building, it was noted that the adjacent buildings at 543-549 Glenmore Road are contemporaneous with the subject site and appear to be relatively unchanged externally. As such, the heritage significance assessment has also recommended that the buildings at 543-549 Glenmore Road be investigated to determine whether these building fulfil the criteria for heritage listing.

3. Land Reservation Acquisition map

The Woollahra LEP 2014 identifies land reserved for acquisition on the *Land Reservation Acquisition Map*. By including these parcels (and part of parcels) in the Woollahra LEP 2014, this land may be acquired in the future by public agencies for a specific purpose. The purpose for which the land is to be acquired is identified on the Map, and this includes uses such as "road widening" and "open space". By being identified as land reserved for acquisition in the Woollahra LEP 2014 there is an implication that current development on that parcel (or part of parcel) will at some point be the subject of demolition to make way for the public purpose.

3.1. Land reserved for acquisition in Edgecliff

The Woollahra LEP 2014 currently identifies land reservation acquisition for road widening affecting a number of properties along New South Head Road and Glenmore Road in the Edgecliff Centre. **Figure 4** below identifies the three Areas in the Edgecliff Centre that are subject to a reservation for road widening. The properties affected in each Area, and what currently exists on the site is then summarised in **Table 2** below. This table also describes the significance of the properties affected (where applicable). It is noted that Chapter C1 Paddington HCA of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that all properties located in the Paddington HCA are contributory items.

As identified in the maps and table, the affected areas include properties located in the Paddington heritage conservation area (C8), listed heritage items, contributory items and the Cadry's building at 133 New South Head Road.

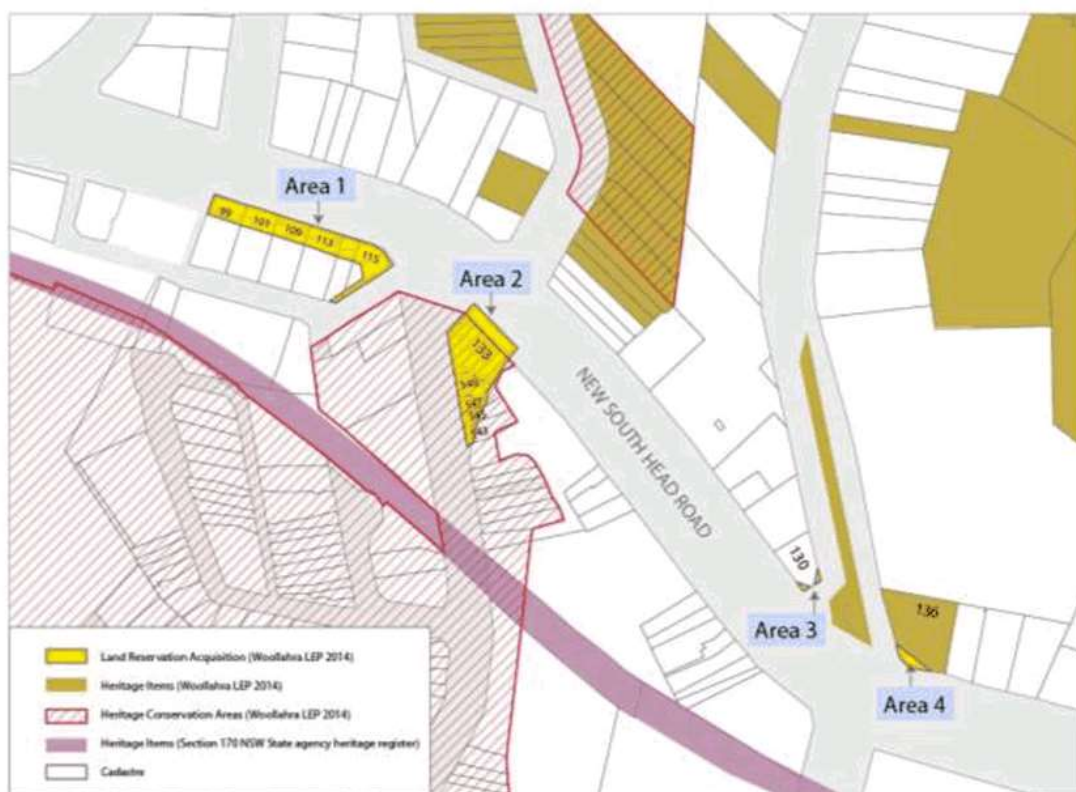


Figure 3: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations

3.2. Relevant acquisition authority

The relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS), which forms part of Transport for NSW. These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and at the time the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005.

When Council staff prepared the current LEP, we consulted with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that we had to retain these parcels on the Land Reservation Acquisition Map. This was despite the fact that the RMS has no plans to acquire the land and no proposal to carry out road improvement works on these parcels.

Table 2: Individual parcels affected by the land reserve for acquisition in the Edgecliff Centre, and relevant heritage affectations

Area	Property details	Property Description	Significance
Area 1: (Fig. 5)	• Part 99 New South Head Rd	Four-storey interwar residential flat building	Identified as significant in the Woollahra DCP 2015
	• Part 101 New South Head Rd	Four-storey strata titled interwar residential flat building (15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 109 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 113 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 16 units)	Identified as significant in the Woollahra DCP 2015
	• Part 115 New South Head Rd	Car service Centre	
Area 2: (Fig. 6)	• 133 New South Head Rd	Three-storey corner sandstone and masonry building "Cadry's"	Contributory item in Woollahra DCP 2015 & the subject of this report
	• 549 Glenmore Rd	Two-storey sandstone workers' cottage	Contributory item in Woollahra DCP 2015
	• Part 547 Glenmore Rd	Single storey brick workers' cottage	Contributory item in Woollahra DCP 2015
	• Part 545 Glenmore Rd	Single storey brick workers' cottage	Contributory item in Woollahra DCP 2015
	• Part 543 Glenmore Rd	Single storey brick workers' cottage	Contributory item in Woollahra DCP 2015
Area 3:	• 130 New South Head Rd	Three-storey corner shop-top housing building	
Area 4: ¹	• 136 New South Head Rd	Two-storey historic bank building and interiors	Local Heritage Item Woollahra LEP 2014

3.3. Purpose of the land reserved for acquisition

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening. In summary, these land reservations are now superfluous.

¹ The concrete balustrade and retaining wall located at the intersection of Darling Point Road and New South Head Road is a Local Heritage Item in Woollahra LEP 2014. Whilst it is not identified on the Land Reserved for Acquisition Map, given its location within the southernmost tip between Areas 3 and 4 as identified in **Figure 4** above, this item is also at risk from any road widening activities carried out in this part of New South Head Road.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years. Having land identified for acquisition (and ultimately demolition) is in conflict with the LEP objective to conserve the built and environmental heritage of Woollahra, which includes conserving the significance of the Paddington HCAs and heritage items. Should Council resolve to endorse the planning proposal to list the Cadry's building at 133 New South Head Road, Edgecliff as a local heritage item, the land reservations at this site will be in direct contradiction to Council's intention to protect the heritage significance of this building.

Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

Since the implementation of Woollahra LEP 2014, Council staff have been continuing to liaise with *Transport for NSW* (TfNSW) and the *Department of Planning, Industry and Environment* seeking support for the removal of the road reservations affectations. However, we have been unable to gain support from TfNSW. Furthermore, TfNSW have been unable to provide a clear or compelling reasons that would prevent the removal of these land reservations.

Staff recommend preparing a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff from the *Land Reservation Acquisition Map*.

Further discussions with relevant staff from TfNSW can occur once the planning proposal has been placed on public exhibition. It is anticipated that these discussions will be facilitated by representatives from the DPIE and the *Greater Sydney Commission*.

4. Woollahra Local Planning Panel advice

Section 2.19 of the *Environmental Planning and Assessment Act 1979* sets out the functions of local planning panels. One of those functions is "to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council".

Additionally, the *Local Planning Panel Direction – Planning Proposals* which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the *Department of Planning, Industry and Environment* for a gateway determination.

Under the terms of the Direction, should Council resolve to prepare a planning proposal this must be referred to the Woollahra LPP for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should Council decide to prepare one or both of these planning proposals.

5. Next steps

If Council supports the recommendations of this report, the next steps are:

- Prepare a planning proposal under section 3.33 of the Act to
 - list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff, as an item of local heritage significance in the Woollahra LEP 2014,
 - remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- Refer the draft planning proposals to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LPP to the Environmental Planning Committee.

6. Conclusion

The heritage significance of the Cadry's building, including interiors at 133 New South Head Road, Edgecliff has been assessed in accordance with the NSW Heritage guidelines. The assessment concludes that the Cadry's building, including interiors at 133 New South Head Road, Edgecliff Hillcrest, has local heritage significance and should be listed in Schedule 5 of the Woollahra LEP 2014.

Having recommended the listing of the Cadry's building as a local heritage item, staff also recommend removing the land identified for road reservation in the Edgecliff Centre. Having this land reserved for acquisition (and ultimately demolition) is in conflict with the recommendation to list the Cadry's building (including interiors) as a local heritage item. It is also in conflict with the Woollahra LEP 2014 objective to protect the significance of the Paddington HCA and heritage items.


To progress these two matters, planning proposals should be prepared to

- amend Schedule 5 of the Woollahra LEP 2014 by adding the Cadry's building, including interiors at 133 New South Head Road, Edgecliff to the list of heritage items, and
- remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

These two planning proposals should be referred to the Woollahra LPP for advice.

Staff also recommend that the heritage significance of the properties at 543-549 Glenmore Road be assessed, and recommendations provided to Council regarding the listing of these properties.

Annexures

1. Draft Heritage Significance Assessment - 133 New South Head Road, Edgecliff - June 2021 [!\[\]\(8355073e142dc50a1ca12e74a2b70822_img.jpg\)](#) 

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting) Agenda

16 September 2021

Item No: D1
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING, INCLUDING INTERIORS, AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF**
Author: Kristy Wellfare, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/172236
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff, as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

1. Reason for report to the Woollahra Local Planning Panel

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on the heritage listing of the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 and the Heritage Map of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) *the correction of an obvious error in a local environmental plan*
 - b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting) Agenda

16 September 2021

2. Background

On 10 February 2020 Council resolved the following:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

The following information was included as background on the relevant Council agenda:

I request our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

This building was constructed in 1856 and operated as a hotel for many years. Since 1952, the building has been owned and operated by the Cadry's family who have restored some of the building back to its original state over the years.

This includes removing the pub tiles on the outside walls that would have been added in the 1930's to reveal the original sandstone walls.

The building is located in a highly visible spot and sits at the gateway to Woollahra. It is unique and I strongly believe that it should have a permanent heritage listing to save it for future generations.

On 15 June 2021, the matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 2**) with a recommendation to include Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) as a local heritage item in Schedule 5 of the Woollahra LEP 2014. Subsequent to this, on 5 July 2021, Council resolved (in part):

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

3. The Site

The subject site features the three storey building known as the Cadry's building located at 133 New South Head Road, Edgecliff, on the corner of Glenmore Road. Existing development on the site comprises a three storey commercial building with basement, of sandstone and rendered masonry construction. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson that was added during the period the site operated as the Rushcutters Bay Hotel.



Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff

The site is legally known as Lot 1 in DP: 255233. The site is irregular in shape and approximately 403m² in area with a frontage of 23.98m to New South Head Road, and an irregular frontage to Glenmore Road of 27.66m.

Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-549 Glenmore Road comprising a two storey sandstone cottage (No. 549) and three single storey brick cottages (Nos 543-547). As demonstrated in **Figure 2** below, the subject site and the adjoining sites at 543-549 Glenmore Road are located in the Paddington Heritage Conservation Area (HCA).



Figure 2: Cadastral map of the subject site (highlighted in blue) and the adjoining sites along Glenmore Road (HCA shown in red hatch)

As shown in **Figure 3** below, the subject site, along with the neighbouring sites at 543-549 Glenmore Road, is affected by the *Land Reserved for Acquisition Map* in the Woollahra LEP 2014 (the site forms part of Area 2). The effect of the Land Reserved for Acquisition affectation is to enable the acquisition of these sites by a public agency for a specific purpose, which, if exercised, would result in the demolition of the buildings to facilitate that purpose.

As a consequence of a Council resolution from 5 July 2021, Council is proceeding with a planning proposal which seeks to amend Woollahra LEP 2014 by removing these land affectations.

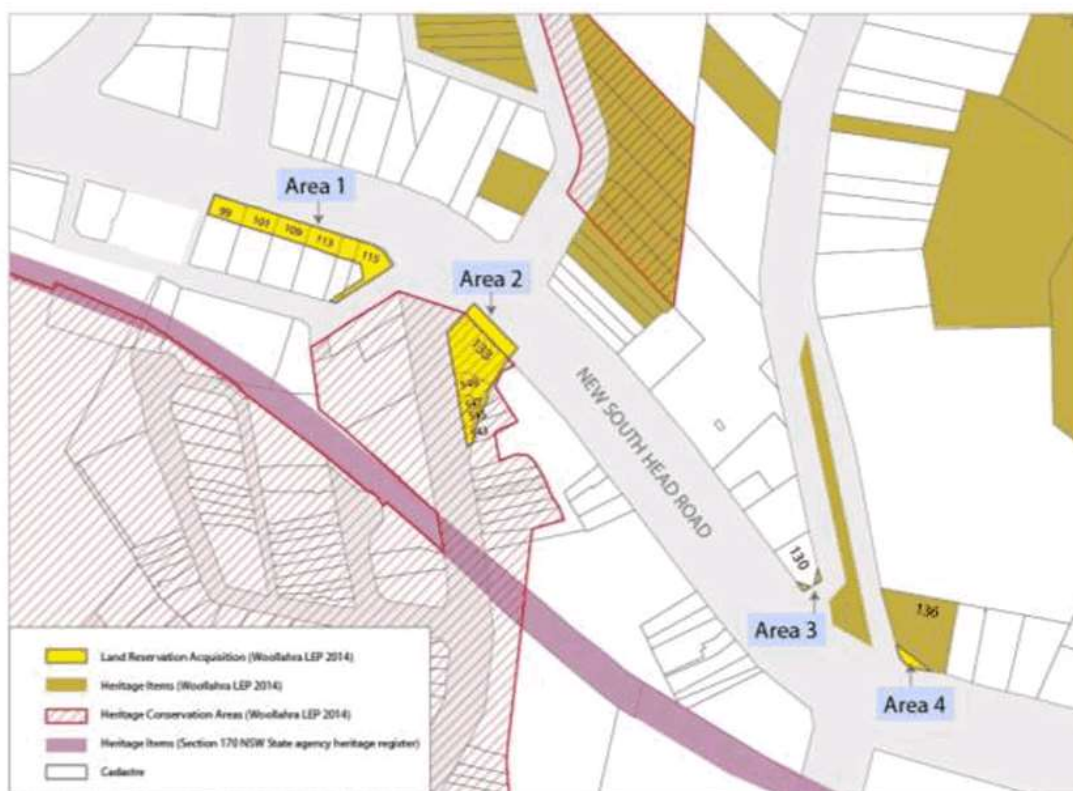


Figure 3: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations

4. Assessment of heritage significance

An assessment of heritage significance was carried out by Council's Strategic Heritage Officer: Kristy Wellfare, which was informed by site visits which took place on 20 March 2020, 9 June 2020 and 12 May 2021. The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001.

The building was assessed against the seven criteria in the guidelines. Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of

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the criteria, the item is of such particular significance to NSW that it should be listed. A copy of the assessment which includes the assessment against all criteria, is attached as **Annexure 3**.

Table 1 below provides a summary of the assessment of the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff against the seven criteria, at the local and State levels, and demonstrates that the site meets five of the seven criteria for local listing, with potential to fulfil two additional criteria.

Table 1: NSW Heritage assessment criteria summary

Criteria	Meets criteria for heritage listing and grading of significance	
	Local	State
(a) An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(b) An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(c) An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	✗
(d) An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	✗	✗
(e) An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	May fulfil criterion	✗
(f) An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(g) An item is important in demonstrating the principal characteristics of a class of NSW's • cultural or natural places; or • cultural or natural environments. or a class of the local area's • cultural or natural places; or • cultural or natural environments.	✓	✗

The heritage significance assessment provides the following statement of significance:

The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premises for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.

The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site

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topography. The building remains legible as a mid 19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.

As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories. The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".

The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development. The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.

5. Recommendations of the Assessment of Heritage Significance report

The heritage significance assessment report has assessed the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) in accordance with the NSW Heritage Manual.

It has concluded that, based on the information available at the time of writing, the building meets the threshold for listing as an item of local heritage significance. The Cadry's building fulfils the criteria for listing for its historical, aesthetic, associational, rarity and representative significance.

This report has concluded that the Cadry's building at 133 New South Head Road, Edgecliff does not meet the threshold for State heritage significance.

6. Planning proposal

Consistent with Council's resolution of 5 July 2021, a planning proposal has been prepared to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra LEP 2014 (see **Annexure 1**). The planning proposal has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

6.1. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item and provide it with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

6.2. Explanation of provisions

The planning proposal outlines the following amendments to Woollahra LEP 2014:

- Insert a listing for the Cadry's building, including interiors' in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_003A) to identify a heritage item on the site at 133 New South Head Road, Edgecliff.

6.3. Relationship to strategic planning framework

The planning proposal has strategic and site specific merit. The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018) (refer to section 6.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces:

- 4.3 Protect local heritage, including significant architecture and the natural environment.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement* (approved by Council 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

- Planning Priority 5 Conserving our rich and diverse heritage.

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to Schedule 1 of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to Schedule 2 of the planning proposal).

7. Conclusion

This report seeks the advice of the Woollahra LPP on a planning proposal to list the Cadrys Building, including interiors at 133 New South Head Road, Edgecliff, as a local heritage item in the Woollahra LEP 2014.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.




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- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

We recommend that the Woollahra LPP advise Council to proceed with the planning proposal at **Annexure 1** to list the Cadrys building, including interiors at 133 New South Head Road, Edgecliff, as a local heritage item in the Woollahra LEP 2014.

Annexures

1. Planning Proposal - Cadry's Building - 133 New South Head Road, Edgecliff - Heritage Listing (September 2021) [↓](#) 
2. Environmental Planning Committee Agenda - 15 June 2021 (Annexures removed) [↓](#) 
3. Draft Assessment of Heritage Significance - June 2021 (including Heritage Inventory Sheet) [↓](#) 



Assessment of Heritage Significance

Cadry's Buildings

133 New South Head Rd &

549 Glenmore Road, Edgecliff

June 2021

(Updated 22 September 2021 to include 549 Glenmore Road)

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Part 1 Introduction

1.1 Overview

This Heritage Significance Assessment (HSA) has been prepared to provide the basis for a Council decision on the heritage significance and potential heritage listing of the Cadry's Building located at 133 New South Head Road, Edgecliff as a local heritage item in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) and/or as an item of State significance in the State Heritage Register (SHR) under the *NSW Heritage Act 1977*.

On 10 February 2020 Council resolved:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

The following information was included as background on the relevant Council agenda:

I request our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

This building was constructed in 1856 and operated as a hotel for many years. Since 1952, the building has been owned and operated by the Cadry's family who have restored some of the building back to its original state over the years.

This includes removing the pub tiles on the outside walls that would have been added in the 1930's to reveal the original sandstone walls.

The building is located in a highly visible spot and sits at the gateway to Woollahra. It is unique and I strongly believe that it should have a permanent heritage listing to save it for future generations.

In response to the notice of motion, this heritage assessment has been prepared for the property known as the Cadry's Building located at 133 New South Head Road, Edgecliff. The property is not currently included in the State Heritage Register (SHR) nor in the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014). The property is located in the Paddington Heritage Conservation Area (C8). The site is in the vicinity of several listed heritage items, being the dwelling houses at the southern end of Mona Road (Items 149-166), and the Mona Road Heritage Conservation Area (C6). The subject site is not listed by the National Trust of Australia (NSW).

This Heritage Significance Assessment (HSA) was initially prepared in order to establish whether the Cadry's Building site fulfils the criteria for listing as a heritage item of local or State significance, and to make recommendations as to the ongoing management of the site. The historical information uncovered as part of the original HSA indicated that the neighbouring sites at 543-545 Glenmore Road were contemporaneous with the Cadry's Building and should be assessed to determine whether these buildings fulfil the criteria for listing as heritage items. In light of this recommendation and in accordance with the advice of the Woollahra Local Planning Panel of 16 September 2021, this assessment has been amended to include a high level assessment of the heritage significance for the property at 549 Glenmore Road, Edgecliff.

1.2 Project methodology

This HSA has been prepared in accordance with the heritage significance assessment guidelines published by the NSW Heritage Office in 2001.¹ It is also consistent with the relevant principles and guidelines of the *Australia ICOMOS Charter for Places of Cultural Significance 2013* (the Burra Charter).²

The following steps were undertaken in the preparation of this report:

- A search of the following relevant State and federal statutory and non-statutory heritage registers:
 - State Heritage Register
 - Woollahra Local Environmental Plan 2014 (WLEP 2014)
 - NSW State Heritage Inventory database
 - National Trust of Australia
 - Register of the National Estate
- Historical research
- Site inspection of the property and surrounding area
- Building fabric analysis
- Comparative analysis of pre-1860s buildings in the Woollahra Local Government Area (LGA).
- Assessment of heritage significance
- Recommendations
- Completion of a Heritage Inventory sheet

1.3 Authors and acknowledgements

This report was prepared by Kristy Wellfare (Strategic Heritage Officer) of Woollahra Municipal Council. It was reviewed by Anne White (Manager - Strategic Planning).

The author acknowledges the assistance provided by Barbara Swebeck and Jane Britten (Local History Librarians, Woollahra Council), Dr. Louise Trott (Anglican Church of Australia Sydney Diocesan Archives) and the staff at the Noel Butlin Archives at the Australian National University in the preparation of this report.

1.4 Limitations

This report provides an assessment of non-Aboriginal (historical) built heritage only, and does not provide an archaeological or Aboriginal heritage assessment.

¹ NSW Heritage Office, 2001. *Assessing Heritage Significance*.

² Australia ICOMOS Inc, 2013. *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance*.

Part 2 Background

2.1 Site identification

The Cadry's Building site is located at 133 New South Head Road, Edgecliff, in the Woollahra Local Government Area (LGA). The site is located on the corner of Glenmore Road and is legally identified as Lot 1 in Deposited Plan 255233 (Figure 1). The site is irregular in shape, approximately 403m² in area, with a street frontage of 23.98m on the north-western boundary to New South Head Road, an irregular secondary street frontage of 27.66m to Glenmore Road to the west and south-west, an irregular rear southern boundary of 16.946m, and an eastern side boundary of 7.79m.

Existing development on the site comprises a three storey commercial building with basement, of sandstone and rendered masonry construction. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson.

Development on adjoining sites includes a group of early Victorian era buildings at 543-549 Glenmore Road comprising a two storey sandstone cottage (No. 549, also considered in this report) and three single storey brick cottages legally identified, respectively, as Lots 34, 35, 36 and 37 in DP 255233. Adjoining development to the north and east comprises a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof, constructed circa mid-1980s.



Figure 1: Cadastral map of site (Source: Woollahra Council GIS Maps)

2.2 Site use

The Cadry's Building site contains a three storey commercial building with basement that is currently used for retail purposes. The building comprises showrooms at ground floor and first floor level and associated offices, workrooms and storage on the second floor level. 549 Glenmore Road contains a two storey sandstone building with metal roof. Until recently the building was used as offices in association with the retail use of the Cadry's Building and is currently used for storage.

The site and the neighbouring sites are zoned B4 Mixed Use under the Woollahra LEP 2014. The Objectives for the B4 zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide active ground floor uses to create vibrant centres.
- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.³

The Cadry's Building site and adjoining sites along Glenmore Road are identified as land reserved for acquisition for the purposes of road widening of the classified road (New South Head Road). The acquisition authority is identified in Clause 5.1 of the Woollahra LEP as Transport for NSW.

2.3 Heritage listings

2.3.1 Statutory

The Cadry's Building and 549 Glenmore Road are not identified as a heritage item on the NSW State Heritage Register (SHR). The site is not identified as a local heritage item, however, the site is located in the Paddington Heritage Conservation Area (C8), under Schedule 5 of the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).

2.3.2 Non-statutory

The Cadry's Building and 549 Glenmore Road are not listed on the NSW National Trust of Australia Register or on the Register of the National Estate.

2.4 Heritage in the vicinity

There are several listed heritage items in the vicinity of the site, including the Edgecliff Street Name Inlays (Item 674) and the houses at the southern end of Mona Road. There are no items of State heritage significance within the immediate vicinity of the site. The following locally significant Woollahra LEP 2014 heritage items are in the general locality (Mona Terrace— building and interiors (Item 149), 2A Mona Road

³ Woollahra Local Environmental Plan 2014

- Terrace house and interiors, front fencing, steps and balustrade (Item 153) - 9 Mona Road
- Terrace house and interiors, front fencing, steps and balustrade (Item 153) - 11 Mona Road
- Semi-detached house and interiors, grounds, and sandstone retaining wall to street—Mona Road heritage item group (see also 17 Mona Road) (Item 158) - 15 Mona Road
- Terrace house and interiors, front fencing, steps and balustrade (Item 159) - 15A Mona Road
- Semi-detached house and interiors, grounds and sandstone retaining wall to street—Mona Road heritage item group (see also 15 Mona Road) (Item 161) - 17 Mona Road
- “Greycliffe Flats”—house and interiors, grounds and sandstone retaining wall to street (Item 164) - 21 Mona Road
- “Greycliffe Flats”—house and interiors, grounds and sandstone retaining wall to street (Item 165) - 23 Mona Road

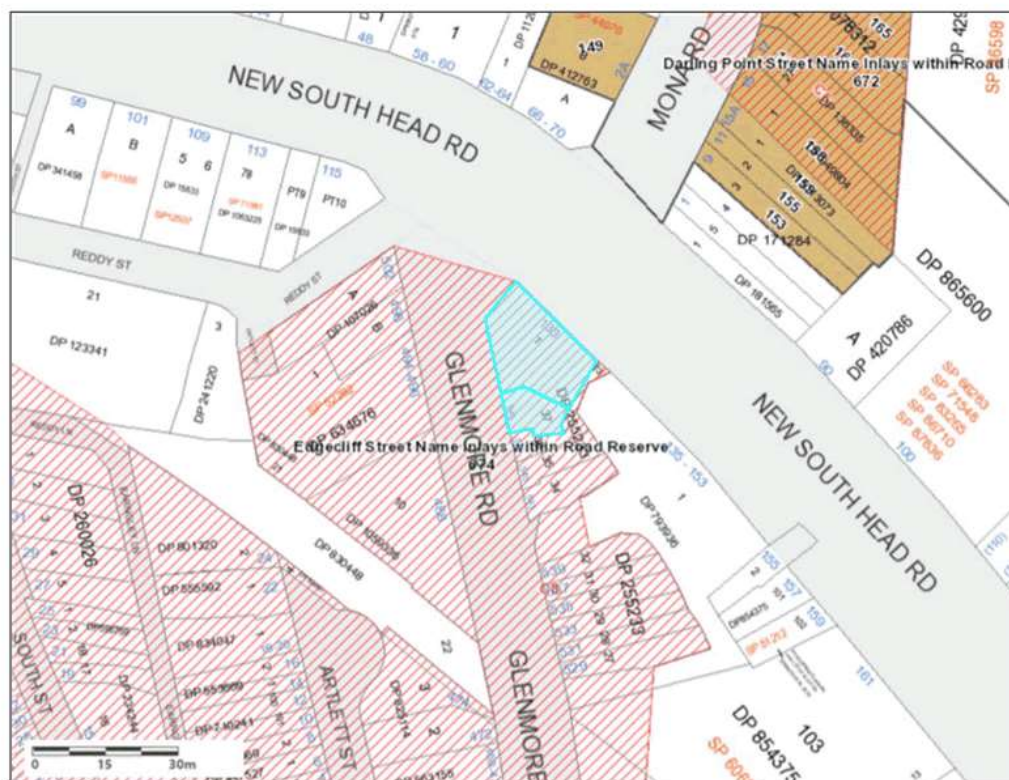


Figure 2: LEP Heritage items and conservation areas in the vicinity of the site (shown highlighted in blue). (Source: Woollahra Council GIS Maps)

Part 3 Historical context

3.1 Introduction

This section provides a historical context of the Cadry's building located at 133 New South Head Road, Edgecliff. It provides an overview of the history of Edgecliff **that is also applicable to the neighbouring property at 549 Glenmore Road**, and a history of the development of the site in its context.

3.2 Edgecliff & Paddington

The site of this assessment is located in the suburb of Edgecliff. A suburb in eastern Sydney located approximately 4km east of the CBD in the Woollahra Local Government Area (LGA). Historically, the site was located within the suburb and municipality of Paddington.

The original inhabitants of much of the land of the Woollahra LGA were the Gadigal (Cadigal) clan. The estate that covered Paddington was known as the *Cadi*, located on the southern side of Port Jackson, extending from South Head to Darling Harbour and covering most of the Eastern Suburbs of Sydney. The people with rights to those lands were known as the *Cadigal*, meaning people of the Cadi. ⁴ The local aboriginal people maintained connection with country following the seizure of their lands by the British colonisers. However, an aboriginal heritage assessment of the site has not been undertaken.

The name Paddington came about when James Underwood subdivided his land in October, 1839, 50 acres of the 100 acres granted to him, Robert Cooper and Francis Forbes for the purpose of setting up a distillery. Underwood called his subdivision the Paddington Estate after the London Borough of that name and it covered the land from Oxford Street down to present day Ocean Street. ⁵

The name 'Edgecliff' is derived literally from its topography, with the name being given by a pair of surveyors appraising the land for potential housing subdivision in 1857. Edgecliff became an official postal district in 1877 and a post office was built there in 1894. ⁶

Woollahra and Paddington Municipalities

A petition for the creation of a municipality of Paddington was signed by 172 local residents in 1859. The Municipality of Paddington was proclaimed on 20 April 1860. The first meeting of the Paddington Council was held at the Paddington Inn, on the corner of Oxford and William Streets, on 25 May 1860 when William Perry was elected the first mayor (then chairman). A purpose built council chambers designed by architect Thomas Rowe was built on Oxford Street between Brodie and Young Streets in 1864. A new town hall, designed by architect John Edward Kemp, was built at 247 Oxford Street in 1891.

⁴ Irish, Paul "Aboriginal Paddington" in *Paddington: A History* p.19-20

⁵ Woollahra Library Local History Centre and the Woollahra History and Heritage Society. N.d. *Local History Fast Facts - P* https://www.woollahra.nsw.gov.au/library/local_history/local_history_fast_facts/p

⁶ Sharpe, Alan. & Lawrence, Joan. 1999, *Pictorial history Eastern Suburbs* / edited by Joan Lawrence and Alan Sharpe Kingsclear Books Crows Nest, N.S.W p.14

The municipality of Paddington was absorbed into the City of Sydney Council in 1948 as part of the NSW Government's plans for a decreased number of local government areas. A portion of the old Paddington municipality, being that section north of Oxford Street, was transferred back to Woollahra municipality in June 1968.⁷

Grants and the Rushcutters Valley Gentry

Over 200 acres were granted by the Crown in the Paddington area between 1810 and 1822 for industrial purposes. William Thomas' 1817 grant was the second in the area, the first being to Captain John Piper in 1816.⁸ Thomas' grant occupied a frontage to Rushcutters Bay and extended across the swamplands up toward the subject site with an irregular, trapezoidal shape. Such was the abundance of space that each of the early grants took its own form, with little regard to access or the spaces in between.⁹ The odd shape of the St James' Glebe¹⁰ grant on which the subject site stands was dictated by the early land grants in the area that were laid out in an ad-hoc manner.

William Thomas' 1817 grant boundaries were not altogether clear or accurate and relied on a shoreline rock for a bearing point on its eastern boundary.¹¹ This lack of precision in the early grants of the area was borne out in the case of Thomas West, where the title of the land and the actual extent were only confirmed many years later after several extended court battles.¹²



Figure 3: Extract from Mrs. Darling's Point to South Head Road [cartographic Material] : Property Map. 1833-1837. Print. (Source: State Library NSW Mitchell Map Collection item M2 811.1811/1837/1)

New South Head Road and Glenmore Road

The site is located on the corner of Glenmore Road where it meets New South Head Road. Initially a foot track known as the 'Maroo' that led to South Head, New South Head Road was

⁷ Woollahra Library Local History Centre and the Woollahra History and Heritage Society. N.d. *Local History Fast Facts - P* https://www.woollahra.nsw.gov.au/library/local_history/local_history_fast_facts/p

⁸ Griffin, Robert "Early Paddington" in *Paddington: A History* p105

⁹ Morrison, Bill "Mapping Paddington" in *Paddington: A History* p.42

¹⁰ In the Roman Catholic and Anglican Church traditions, a "glebe" is land, in addition to or including the parsonage house/rectory and grounds, which was assigned to support the priest. Source: The Glebe Society Website, "What does "Glebe" mean?", <https://www.glebesociety.org.au/about-glebe/history-heritage/what-does-glebe-mean/> accessed 2 June 2021

¹¹ Morrison, Bill "Mapping Paddington" in *Paddington: A History* p.42

¹² Morrison, Bill "Mapping Paddington" in *Paddington: A History* p.42

designed by Surveyor-General Thomas Mitchell as an alternative shorter route to South Head than the Old South Head Road. Mitchell also saw it as a scenic drive that would 'open a constant succession of the most beautiful and picturesque scenery of Port Jackson'. The road is shown as unformed on the 1833-7 plan in Figure 3, and was built from 1834.¹³

The development of Glenmore Road was to serve the distillery on the Cooper, Forbes and Underwood grant, and, at its northernmost end, generally followed the line of Thomas' grant (Figure 4). Glenmore Road was formed from an on-grade track formed by bullock drays leading from the Distillery to Oxford Street in 1824.¹⁴ The formation of Glenmore Road allowed for a further phase of land grants in the area from 4 to 8 acres (1.6-3ha), mostly with frontages to Glenmore Road, that would transform the valley with gentry villas and estates for the wealthy administrators of the colony.¹⁵

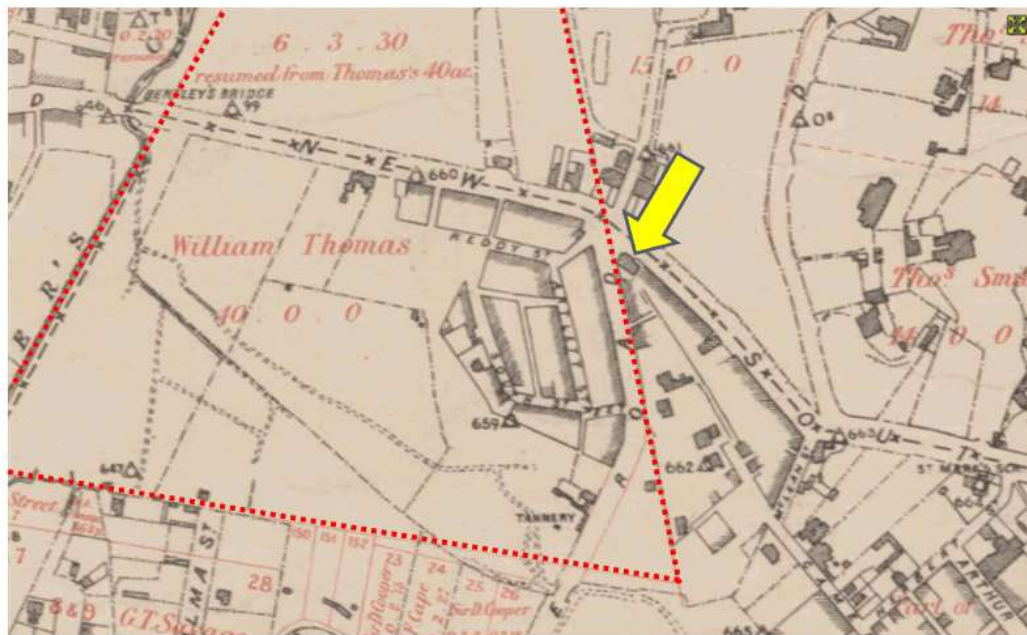


Figure 4: Extract from 1888 General Survey of the Colony. County of Cumberland, Parish of Alexandria. The site is shown by the arrow, with the line of Thomas' grant shown dashed in red. (Source: New South Wales. Surveyor-General. (1888). *General survey of the Colony. County of Cumberland, Parish of Alexandria* Retrieved March 6, 2020, from <http://nla.gov.au/nla.obj:229915560>)

¹³ Woollahra Library Local History Centre and the Woollahra History and Heritage Society. N.d. *Local History Fast Facts - N* https://www.woollahra.nsw.gov.au/library/local_history/local_history_fast_facts/n

¹⁴ Conybeare Morrison & Partners, 1997. *Paddington Townscape Study*

¹⁵ Morrison, Bill "Mapping Paddington" in *Paddington: A History* pp.42-45

3.3 St James' Glebe



Figure 5: Extract from the Parish of Alexandria Map dated 15 May 1900, with St James's Glebe shown bounded by red. The location of the subject site is shown with an arrow. (Source: NSW Historic Land Records Viewer, <https://hlrv.nswlrs.com.au/>)

The Cadry's buildings stand on land that formed part of the St James's Glebe lands. The St. James Glebe Grant consisted of 29 acres granted to the Church of England in 1842 in lieu of payment by the government for their services in providing schools.¹⁶ The notice of the grant (No. 42) was advertised in the Government Gazette of 19 July 1842.¹⁷ The Glebe Lands were subdivided into 34 leasehold allotments and offered for sale in 1842 and again in 1848, this time further subdivided into 47 allotments with a lease term of 28 years (Figure 6).¹⁸

The St James' Glebe Lands were developed from the 1850's on the leasehold allotments. Some remaining examples of those early leasehold developments remain in Herbert Rd, Cameron and Great Thorne Streets and are mostly original terrace and free standing houses built in the latter half of the 19th century. The Edgecliff Preparatory School was also originally located in the St James' Glebe lands. The St James' Glebe lands were also directly affected by the construction of the Eastern Suburbs Railway, which destroyed the commercial streetscape including the Horbury Hunt McLean's Butchery previously on the corner of McLean Street.¹⁹

¹⁶ Paddington History and Heritage: A Theme History (1997) p.20

¹⁷ CHURCH GRANTS. (1842, July 19). *New South Wales Government Gazette* (Sydney, NSW : 1832 - 1900), p. 1028. Retrieved March 6, 2020, from <http://nla.gov.au/nla.news-article230357298>

¹⁸ "Advertising" *The Sydney Morning Herald* (NSW : 1842 - 1954) 15 November 1848: 4. Web. 11 Sep 2020 <<http://nla.gov.au/nla.news-article12910617>>.

¹⁹ Woollahra Library Local History Centre and the Woollahra History and Heritage Society. N.d. *Local History Fast Facts - 5* https://www.woollahra.nsw.gov.au/library/local_history/local_history_fast_facts/5

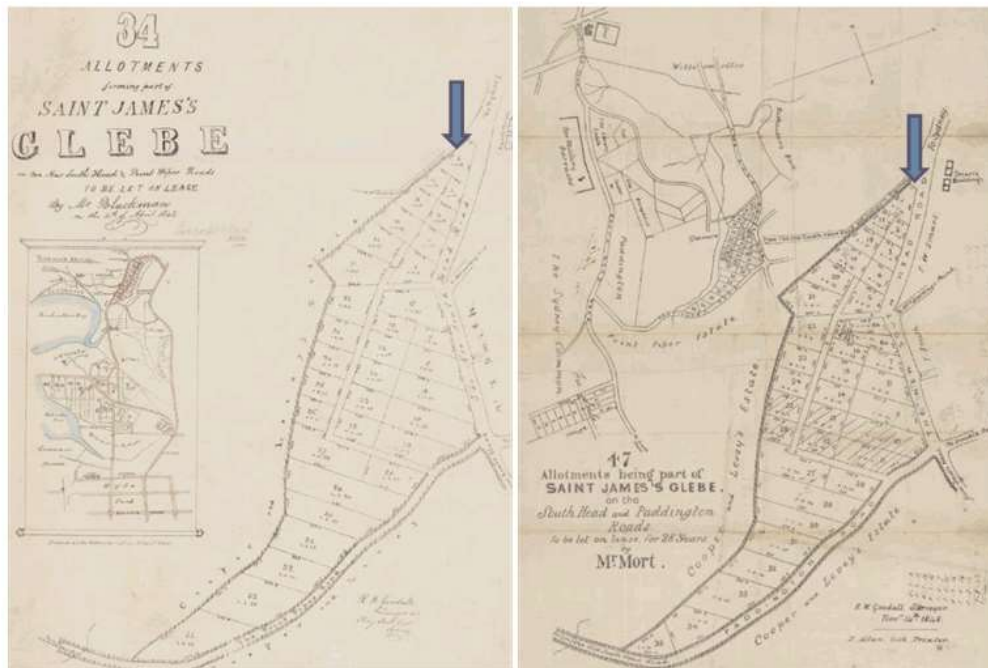


Figure 6: Leasehold subdivisions of the St James' Glebe in 1842 (L) and 1848 (R) with the location of the subject site identified by an arrow. (Source: (L) Goodall, R. H. 34 Allotments Forming Part of Saint James's Glebe on the New South Head & Point Piper Roads to Be Let on Lease by Mr. Blackman on the 4th of April 1842 [cartographic Material] / R. H. Goodall, Surveyor ... Sydney, NSW]. Mitchell Map Collection, State Library of New South Wales. (R) Goodall, R. W & Allan, John & Mort & Co. (1848). 47 allotments being part of St. James Glebe on the South Head and Paddington Roads, to be let on lease for 28 years, by Mr. Mort Retrieved February 28, 2020, from <http://nla.gov.au/nla.obj-229949703> [note: Paddington Road as shown on these plans is now known as Ocean Street].

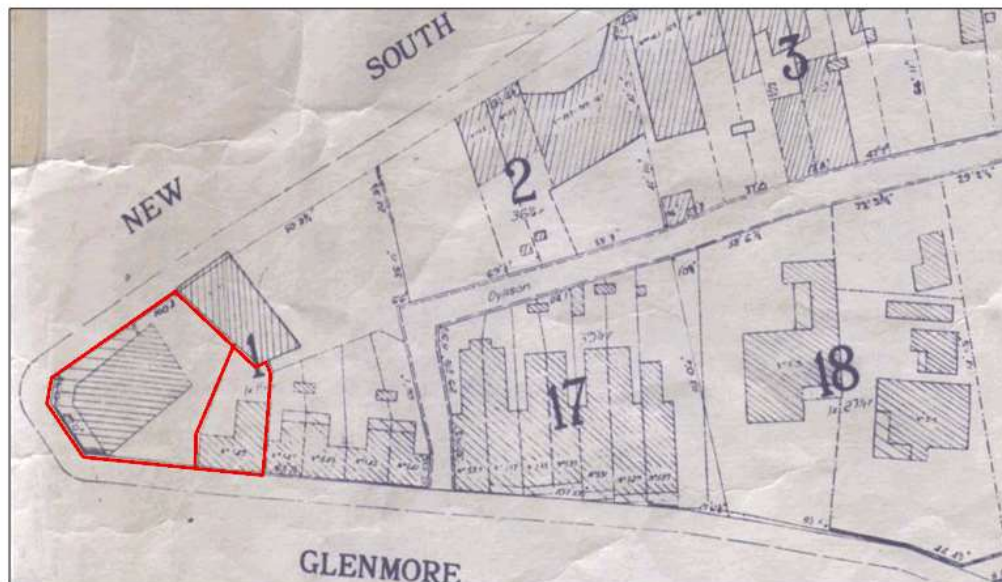


Figure 7: Extract from "Plan of St. James' Glebe, Municipality of Paddington" (undated) with the sites of 133 New South Head Road and 549 Glenmore Road shown in red. (Source: Woollahra Local History Library)

In addition to the former Rushcutters Bay Hotel, the two-storey sandstone building at 549 Glenmore Road and the three brick workers cottages at 543-545 Glenmore Road were all located on the Lot 1 of the St James' Glebe (Figure 7). The records held in the Anglican Archdiocese of Sydney Archives confirm that the trustees of the site, the Bishop of Sydney, The Reverend Robert Allwood Clark, Charles Nathan, Surgeon, John Piper MacKenzie, Official Assignee, and William Hemmery, Gentleman leased the site to John Walton, freeholder, of Sydney for a term of 99 years from 1 January 1866. John Walton subleased the site to Snowden McBurney and Nicholas McBurney, thus starting a long history of lease and sublease of the site for the 99 year terms of the leasehold.

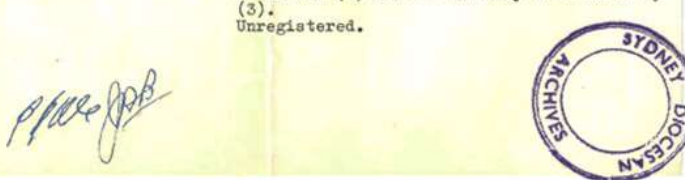
<u>THE SCHEDULE REFERRED TO.</u>	
(1) 30/8/1866	<u>Lease</u> Bishop of Sydney (1) Bishop of Sydney R. Allwood, C. Nathan, J.P. Mackenzie and W. Hemmery (2) and J. Walton (3). Regd. No. 949 Book 99.
(2) 30/8/1866	<u>Lease</u> Bishop of Sydney (1) Bishop of Sydney R. Allwood, C. Nathan, J.P. Mackenzie and W. Hemmery (2) and J. Walton (3). Regd. No. 950 Book 99.
(3) 3/8/1869	<u>Mortgage</u> J. Walton (1) W.B. Walford and W.E. Spark (2). Regd. No. 585 Book 115.
(4) 1/8/1873	<u>Surrender</u> endorsed thereon. Regd. No. 93 Book 137.
(5) 1/8/1873	<u>Mortgage</u> J. Walton (1) H.T. Rouse and R. Rouse (2). Regd. No. 94 Book 137.
(6) 11/11/1882	<u>Discharge</u> endorsed. Regd. No. 83 Book 261.
(7) 6/12/1878	<u>Indenture of Assignment</u> E.K. Holroyd (Walton (1) M. Holroyd (2) J. Tayler (3). Regd. No. 399 Book 186.
(8) 12/6/1869	<u>Lease</u> W.B. Walford & W.E. Sparke (1) J. Walton (2) and S. McBurney & N. McBurney (3). Unregistered.
	
(9) 28/12/1862	<u>Lease</u> E.K. Holroyd & H.W. Walton (1) M. Holroyd (2) and J. McInerney (3). Unregistered.
(10) 15/1/1883	<u>Indenture of Assignment</u> H.W. Walton & E.K. Holroyd (1) M. Holroyd & E.K. Holroyd (2) J. Tayler (3) R.A.E. Cooper and A. Cooper (4) H.W. Walton (5) The Commercial Building and Investment Co. Ltd. (6) T. Moore (7) Regd. No. 878 Book 262.
(11) 31/5/1915	<u>Indenture of Assignment</u> J.M. Moore & W.E. Smyth King (Executors T. Moore) (1) and V.H. Moore (2). Regd. No. 690 Book 1057.
(12) 19/8/1955	<u>Deed of Assignment</u> V.H. Shawe (Moore) (1) and J.A. Black & J. Black (2). Regd. No. 101 Book 2343.

Figure 8: Schedule of land dealings for the subject site as itemised in the 18th June 1958 Deed of Assignment. (Source: Anglican Archdiocesan Archives)

The Glebe Administration Board of the Church of England (now Anglican Archdiocese of Sydney) maintained ownership of the Cadry's site, on behalf of the Bishop of Sydney, until after the close of the 99 year lease in 1966. The site was first sold to Aquila Investments Pty Ltd on 10 November 1977 before being sold to Sterling Agencies P/L, a Cadry family company, on 25 August 1978.²⁰ Companies associated with the Cadry family remain the current owners and occupiers of the two sites. As shown in the 1958 deed of assignment found in the Anglican Archdiocesan Archives, Figure 8, above, the remnants of the original 99 year leases were regularly traded until the eventual sale of the freehold title.

3.4 Rushcutters Bay Hotel (c.1856-1964)

This section provides an outline of the history of the Cadry's Building site and its development in the time that it operated as the Rushcutters Bay Hotel.

3.4.1 Early years (c.1856-1930)

The building formerly known as the Rushcutters Bay Hotel is likely to have been constructed on the site within the St James' Glebe in the mid-1850s. The Sydney Morning Herald of 6 February



Figure 9: Advertising (1855, February 6). The Sydney Morning Herald (NSW : 1842 - 1954), p. 1. Retrieved March 9, 2020, from <http://nla.gov.au/nla.news-article12965262>

1855 advertised the sale, on building leases, of "building sites at the junction of the New South Head and Glenmore Roads" in Rushcutters Bay, which may refer to the subject sites and indicate the construction of the subject buildings post-date this advertisement.

The earliest mention of the Rushcutters Bay Hotel found in the Publican's Licenses Index dates from 5 December 1856 when a license for the Rushcutters Bay Hotel was granted to Mary Clarke, who held the license for several years.²¹ Following the death of her husband, Daniel Clarke, in 1857,²² the license was transferred from Mary Clarke to John Eustace on 12 March 1858.²³ The 1858 Sands Directory confirms John Eustace as the occupier of the Rushcutters Bay Hotel.²⁴ The license for the premises transferred many times throughout the use of the premise as a hotel between the mid-1850s and 1966. A chronology of the licensees based on the information available is provided in Appendix A.

The general form and materiality of the buildings as shown in the historic images and contemporary paintings such as the watercolour of George Martin (Figure 10) concur with this estimated date of construction. It is noted that the two storey sandstone building at 549 Glenmore Road and the four brick workers cottages at 543-547 Glenmore Road are also identifiable in this watercolour and indicate these buildings are also some of the oldest extant buildings in the locality.

²⁰ Woollahra Council Property File No. 191.549

²¹ Publicans' Licenses Index 1830-1861 NSW State Archives NRS 14403 [7/1507]; Reel 1239

²² ECCLESIASTICAL JURISDICTION. (1857, April 28). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 996. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article229956768>

²³ PUBLICANS' LICENSES. (1858, March 13). *The Sydney Morning Herald (NSW : 1842 - 1954)*, p. 5. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article13007473>

²⁴ John Sands Ltd, *Sands Sydney, Suburban and Country Commercial Directory, 1858* (01/01/1858 - 31/12/1858), [A-01136294]. City of Sydney Archives, accessed 07 May 2021, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1898994>



Figure 10: Watercolour by George Roberts, c.1859-63. The view looks down the Glenmore Road toward the site, which is shown within the square. The magnified inset of the site indicates the building and the three immediately adjacent buildings were present at the time. (Source: "Views mainly of the Eastern Suburbs of Sydney" Mitchell Library, State Library of NSW)

Following the proclamation of Paddington Council in April 1860, the Paddington Assessment book for 1860 describes the Cadry's site as a Public House with 10 rooms over 3 floors and being of stone construction with a shingle roof. William Watkinson was identified as the person rated, with Catherine Clarke nominated as the Land Owner. The building is described as being of Stone construction with a shingle roof, three storeys in scale and comprising 10 rooms.²⁵

1860

William Watkinson Catherine Clarke Public H. Stone | *Shingle 3 10 130.0.0 100.0.0*

1863

Henry Whitehead St. Michael's Public H. Stone | *3 11 125 100*

²⁵ Paddington Rate Book; Assessment Book (01/01/1860 - 31/12/1866), [A-00491848]. City of Sydney Archives, accessed 29 Apr 2021, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1069342>

In the 1872 the Paddington Assessment Book, the site is identified as being occupied by Henry Nicholson, Leased to Walton and the owner is noted as "Glebe".²⁶ It also indicates the site as being occupied by a dwelling house, albeit of 3 storeys of stone and shingle construction consistent with the previous rate book entries, although this is considered to be an administrative error in the rate book.

Recently, Woollahra Council commissioned Robert Allan Moore, Heritage Architect to undertake a study to assess the heritage significance of several pubs in Paddington, known as the Paddington Pubs Study. The study provided the following general information about the evolution of pubs within the Paddington area that was included in the inventory sheets for the listed items that is also relevant to the subject site:

"By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney (Kelly, M., Paddock Full of Houses : Paddington 1840-1890, Doak Press, Sydney 1978, pp.180-181). Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether any new publicans license's should be granted in the coming three years, and if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any (Kelly, op cit p.181). The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.

In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill" (from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill). Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.

Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean (Freeland J M The Australian Pub, MUP, 1996, p176).

External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent

²⁶ Paddington Assessment and Rate Book (01/01/1872 - 31/12/1873), [A-00491857]. City of Sydney Archives, accessed 29 Apr 2021, <https://archives.cityofsydney.nsw.gov.au/nodes/view/1069367>

architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old- style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.”²⁷

The internal and external changes to the building demonstrated in the available images of the site are consistent with the general types of works described above, with an additional storey added to the building from 1909, and subsequent changes made to the internal bar arrangements occurring in the early 1910s which predate the introduction of the 6pm closing time. A suspended awning was added in 1932, with external tiling carried out beneath the awning. Refer to Section 3.7 for further detail regarding works carried out on the site over time.

The prominence of the local hotel within society of the era, and the location of the site on New South Head Road has resulted in images being available that serve to document the changes to the building over time. In particular, the images of the *American & Australasian Photographic Company* give a detailed understanding of the form and materiality of the building in its early arrangements, and provide the context of its setting - with the vacant fields in the background being what would become the fine grain terrace development Paddington is known for. Furthermore, the location of the site on New South Head Road, a major arterial road controlled by the former Department of Main Roads, and the site's proximity to the Eastern Suburbs Railway project in the 1970s has provided images for the site and its context at several points throughout its history, shown in Figure 11 to Figure 17. The site is also depicted in Godfrey Rivers' 1889 painting of New South Head Road (Figure 15).

²⁷ Heritage NSW (2020) State Heritage Inventory entry - “Bellevue Hotel”
<https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=5067644>



Figure 11: Nicholson's Hotel on the south-eastern corner of New South Head Road & Glenmore Roads, Rushcutters Bay (with adjacent Billiard Bagatelle Room and William Harris's produce store). c.1870-1875 (Source: American & Australasian Photographic Company via Mitchell Library, SLNSW <https://archival.sl.nsw.gov.au/Details/archive/110040845>)

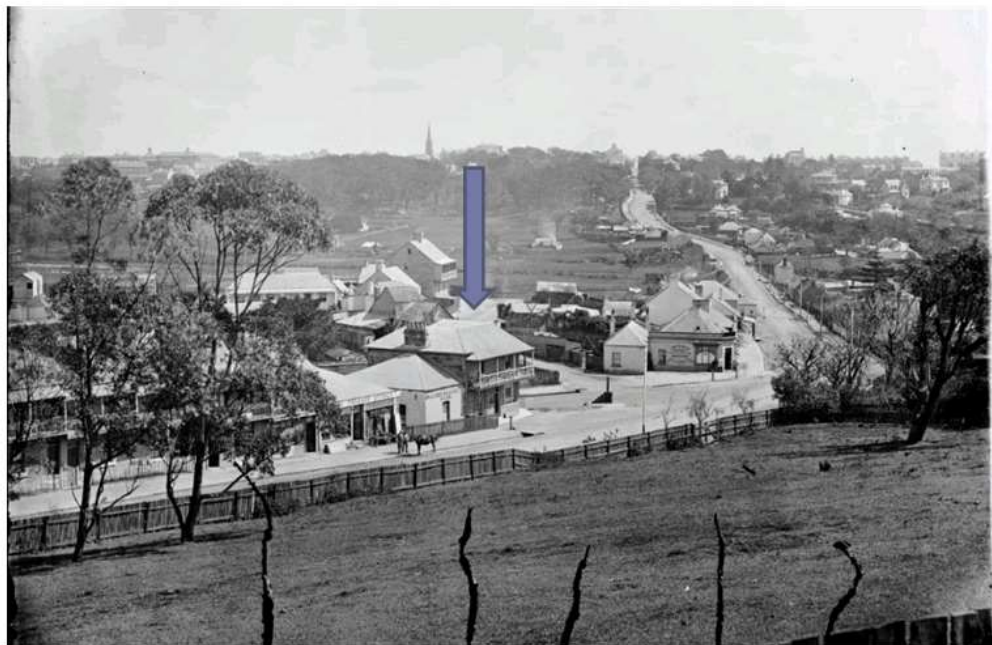


Figure 12: Toll road New South Head Road, looking west to Darlinghurst c.1870-1875, with subject site shown with an arrow. (Source: American & Australasian Photographic Company via Mitchell Library, State Library of New South Wales <https://archival.sl.nsw.gov.au/Details/archive/110041330>)

HPE: 21/118721

▶ 19



Figure 13: Toll road, Bayswater-New South Head Roads, Rushcutters Bay, c.1870-1875, with site identified with an arrow. (Source: American & Australasian Photographic Company via Mitchell Library, State Library of New South Wales
<https://archival.sl.nsw.gov.au/Details/archive/110041310>

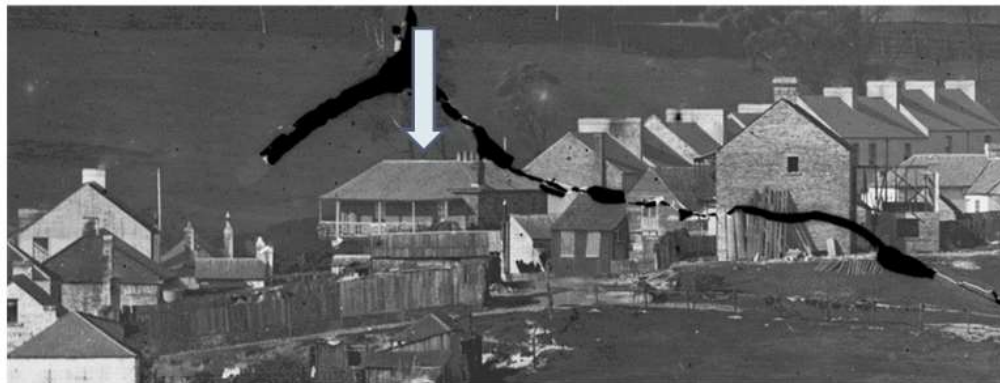


Figure 14: Detail of Figure 13, with site identified with an arrow. (Source: American & Australasian Photographic Company via Mitchell Library, State Library of New South Wales)



Figure 15: Painting "New South Head Road" by Godfrey Rivers, 1889, with the site shown in the right of the frame. (Source: National Gallery of Australia <https://searchthecollection.nga.gov.au/object?uniqueid=241374>)



Figure 16: New South Head Road, between Mona Road and Darling Point Road, looking east, 1919. Part of the Rushcutters Bay Hotel is visible on the right of the picture, indicated with an arrow. It is noted that the semi-circular element above the parapet shown on the proposed in the 1909 plans and as existing on the 1912 plans, which should be located where the arrow is shown, is not apparent on this 1919 photo. (Source: Woollahra Local History Library).



Figure 17: NRS-20224-1-[18/3067]-H1_H257-4 | H9 - M.R. 173 (Main Road) Near Rushcutters Bay. 1929. From the series "Photographs of metropolitan, country roads ferries etc., and miscellaneous operations, New South Wales. 01-01-1926 to 31-12-1946". (Source: State Records and Archives Authority)

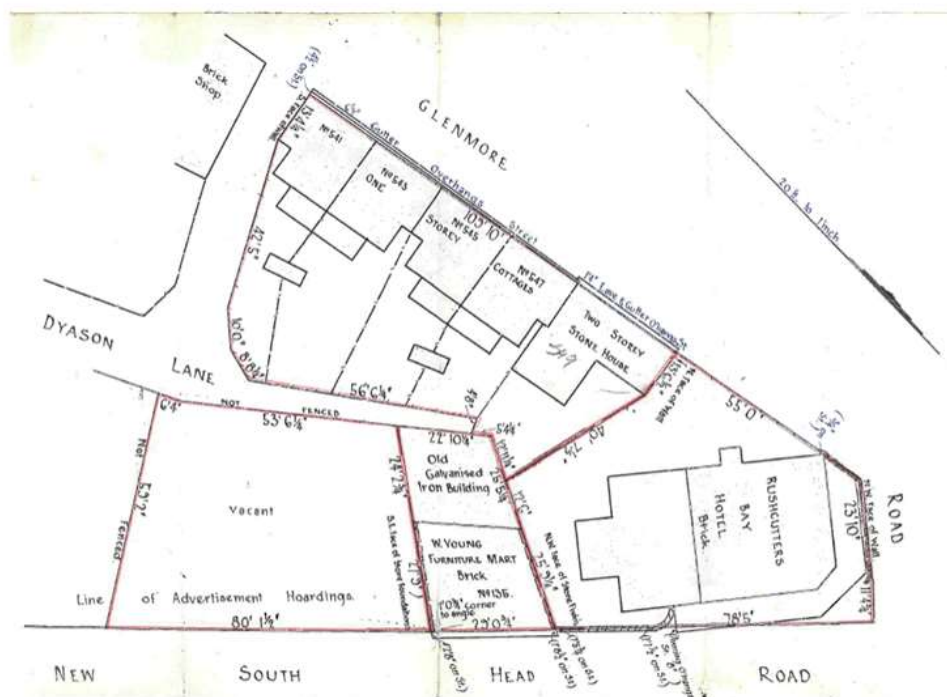


Figure 18: Survey certificate, Rushcutters Bay Hotel 133 New South Head Road, 541-549 Glenmore Road, 18 May 1955, showing the 8" encroachment over the New South Head Road road reserve. (Source: Anglican Archdiocese of Sydney Archives)

3.4.2 Tooth & Co

Records held at the Noel Butlin Archives indicate that Tooth & Co. took over the Rushcutters Bay Hotel in 1931 when Resch's became insolvent. Tooth's operated the hotel from 2 July 1931 until the closure of the Rushcutters Bay Hotel on 30 December 1965. From 10 February 1933, the underlease for the property was vested in Tooth's Ltd., with many licensees overseeing the everyday operation of the hotel.²⁸ Upon taking over the hotel, Tooth & Co. undertook renovation of the hotel, spending several hundred pounds within the first two years of possession, including replacing the 1912 posted awning with a new suspended awning and tiling the exterior.²⁹

Date	Description	Contractor	Cost (£)
14/10/1931	Floodlighting, concealed in ceiling of awning		
Undated	Exterior painting, interior renovations. Repairs to boundary fence, roofs, smoke stacks and gas stove, renewing bar sink and ice chest		91.1.0
7/6/1932	Providing and fixing bar sinks and other minor repairs	Mssrs J Stubbe & Sons	14.10.01

²⁸ Tooth & Co File archive folder N60/2422. Accessed via Noel Butlin Archives at the Australian National University, October 2020.

²⁹ Tooth & Co File archive folder N60/2422. Accessed via Noel Butlin Archives at the Australian National University, October 2020.

15/12/1932	Erecting new suspended awning and tiling the underside of the awning	Mr S. Featherstone	358.0.0
24/9/1934	Renewing whole of iron roof renewing box gutter and ridge capping, repairing flashing, covering flat roof with bituminous felt, & renewing eaves gutter on main roof	Messrs Blundell & Brown	49.10.0

This was the beginning of a documented history of works to the site that mostly involved cyclical maintenance of elements such as the exterior and interior painting, roof repairs and maintenance, and maintenance and upgrading of equipment and services within the building. A full list of these works is provided in Appendix 2.

Folders in the Tooth & Co. Archives indicate that in 1940, following a notice of intention to serve an order from the Licensing sergeant, Tooth's investigated options for rebuilding the Rushcutters Bay Hotel on the present site and/or relocating the hotel to an alternative location. Sites at 3-9 Mona Road and 498-502 Glenmore Road were considered but the hotel ultimately remained on the site due to the limitations of the alternative sites to provide appropriate cellar accommodation. The hotel remained on the site through to its eventual closure in 1965.



Figure 19: Rushcutters Bay Hotel 1949. (Source: Tooth & Co, Rushcutters Bay Hotel - card 4 side 2, accessed via Noel Butlin Archives <https://openresearch-repository.anu.edu.au/handle/1885/105406>)

In 1916 six o'clock closing was introduced for licensed premises, and remained in place in New South Wales until 1954. This ushered in a period where the exteriors of pub buildings were tiled and their internal arrangements reconfigured into more spartan interiors designed for maximum

dispensing of beer but with “little in the way of civilised comforts”.³⁰ Geoffrey Scharer, was the son of Bernie Scharer, Licensee of the Rushcutters Bay Hotel, himself a fourth-generation publican, was born in 1940 and recounted spending his early teenage years in his father's pub during the last days of the six o'clock swill:

“My old man ran an incredibly busy pub at Rushcutters Bay. The public bar had 12 different beer taps and they all poured the same beer - Reschs Draught - and there were no seats or stools in the bar at all. Everyone stood at the bar five and six deep and there was sawdust on the floor.

*My brother and I had the job of sweeping up the sawdust after closing. Dad would 'salt' it with two-bob coins which was our payment - and the sawdust was full of cigarettes and p*** and vomit. We swept it up with two broad brooms and Dad came behind us with a hose and then squeegeed the water out until the bar was all nice and clean and ready for opening the next day.”*³¹

The busy nature of the Rushcutters Bay Hotel during Scharer's time as licensee is evidenced by the petition received by Tooth & Co. on 11 March 1952 with patron signatures seeking an increase in the beer quota for the hotel, due to “the present quota not being sufficient for the number of patrons”.³²



Figure 20: Rushcutters Bay Hotel, 1960. (Source: Tooth & Co, Rushcutters Bay Hotel - Card 5 side 2 accessed via Noel Butlin Archives <https://openresearch-repository.anu.edu.au/handle/1885/105404>)

³⁰ Sydney Living Museums, 2018. *Sydney's Pubs: liquor, larrikins & the law* <https://sydneylivingmuseums.com.au/stories/sydneys-pubs-liquor-larrikins-law>

³¹ Sydney Living Museums, 2018. *Sydney's Pubs: liquor, larrikins & the law* <https://sydneylivingmuseums.com.au/stories/sydneys-pubs-liquor-larrikins-law>

³² Tooth & Co. Archive folder, Rushcutters Bay Hotel N60/2423. Accessed via Noel Butlin Archive at ANU, October 2020.

The Anglican Church noted its intention to close the Rushcutters Bay Hotel (and others) in 1964 "The Church is not concerned or interested in the sale of liquor"³³ The lease of John Antill Black and Jean Black held since August 1955 expired on 1/1/1965. The Rushcutters Bay Hotel ceased trading on 30/12/1964 with the final order for the removal of the license from the premises granted 26/9/1966. The license was relocated to the Taren Point Hotel-Motel on Parraweena Road Taren Point.³⁴



Figure 21: Aerial view of New South Head Road, Edgecliff, noon, 11/6/1967, with the subject site shown with an arrow. (Source: Woollahra Library Local History Digital Archive)

3.4.3 Community and Characters

The Rushcutters Bay Hotel, like many of the pubs in Paddington at this time, was used as a venue for many different aspects of community life, from the holding of coronial inquests, sporting club board meetings, to Old Boys' reunions, to the staging of political rallies. A selection of examples is provided below:

WINDEYER will address the Electors of PADDINGTON at the following places and dates. **THIS (Thursday) EVENING, May 31st, at Mr. Eli Hunting's Behive Hotel, Waterloo Estate. WEDNESDAY EVENING, at 7 o'clock, at Mr. Esmond's, Water Bays Hotel, Double Bay Hotel. WEDNESDAY EVENING, at 8 o'clock, at Mr. Eustace's, Rushcutters' Bay Hotel.**

ALEXANDRIA CRICKET CLUB.—A MEETING of the members of the above club will be held at the Club Rooms, Rushcutters' Bay Hotel, on **MONDAY, 8th** instant, to elect officers for ensuing season. A full attendance of members is requested. **J. RANDLE, hon. sec.**

³³ Church closes Sydney hotels (1964, September 8). *The Canberra Times* (ACT : 1926 - 1995), p. 6. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article131747682>

³⁴ Tooth & Co Building Card - Card 5, Side 1. Accessed via Noel Butlin Archive, Australian National University. <https://openresearch-repository.anu.edu.au/handle/1885/105405>

PADDINGTON MUNICIPALITY.—Mr. SAMUEL HUGHES MOORE respectfully solicits the attendance of the Electors of the municipality, to meet him at Mr. Henry Nicholson's, **Rushcutters Bay Hotel**, on **WEDNESDAY** (this day), at 8 p.m., for the purpose of securing his return as member of the council at the ensuing election.

Paddington.

Mr. R. T. Kirby, a protectionist candidate contesting the Paddington electorate, addressed a gathering of the electors at Scholes's **Rushcutters Bay Hotel**, Paddington, on Monday night. Mr. J. J. Curran occupied the chair. Mr. Kirby received a vote of confidence on the motion of Mr. W. Meacle, seconded by Mr. Donaldson.

RUSHCUTTERS BAY FOOTBALL CLUB.

A meeting was held at the **Rushcutters Bay Hotel** on the 14th inst. for the purpose of forming a Rugby League Football Club. About 50 members were present. Mr. Frank Dwyer was elected for the chair. It was decided to play two teams, and enter the Eastern Suburbs Junior Competition. Several donations were handed to the secretary, and every promise of success for the season. Being the first football club formed in **Rushcutters Bay**, great enthusiasm prevails, which augurs well for the success of the club.

WOOLLAHRA ELECTORATE.

ALDERMAN J. T. GANNON'S CANDIDATURE.

Alderman J. T. Gannon, one of the candidates contesting this electorate, on Saturday addressed a meeting of the electors from the balcony of the **Rushcutters Bay Hotel**, **Rushcutters Bay**. Mr. J. Mildwater occupied the chair. The candidate spoke at length on the political situation, and his remarks were well received.

WENTWORTH.

MR. VERNON'S CANDIDATURE.

The selected Labor candidate for Wentworth, Mr. A. J. L. Vernon, addressed the electors at the **Rushcutters Bay Hotel**, Glenmore-road and New South Head-road on Wednesday night. The chair was taken by Mr. R. Brown, who made a vigorous speech in support of the Labor platform.

WOODFORD ACADEMY

OLD BOYS' UNION.

On Monday, May 28, a meeting was held at **Rushcutters Bay Hotel**, Sydney, where Mr. Maguire had been kind enough to lend a meeting room, to institute a Woodford Academy Old Boy's Union. There were a considerable number of old boys present. Mr. J. F. McNamery B.A., was elect-

Table 1, L-R, top-bottom: (1) Advertising (1859, May 31). *Empire* (Sydney, NSW: 1850 - 1875), p. 1. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article60401411>; (2) Advertising (1862, September 6). *The Sydney Morning Herald* (NSW: 1842 - 1954), p. 1. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article13233865>; (3) Advertising (1863, February 25). *The Sydney Morning Herald* (NSW: 1842 - 1954), p. 1. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article13074769>; (4) WOOLLAHRA ELECTORATE. (1895, July 23). *The Sydney Morning Herald* (NSW: 1842 - 1954), p. 4. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article13981200>; (5) Paddington. (1894, July 11). *The Australian Star* (Sydney, NSW: 1887 - 1909), p. 3. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article227497813>; (6) WENTWORTH. (1910, March 18). *The Daily Telegraph* (Sydney, NSW: 1883 - 1930), p. 8. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article238354947>; (7) RUSHCUTTERS BAY FOOTBALL CLUB. (1912, March 20). *Sydney Sportsman* (Surry Hills, NSW: 1900 - 1954), p. 6. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article168587373>; (8) WOODFORD ACADEMY (1915, June 10). *Western Champion* (Parkes, NSW: 1898 - 1934), p. 33. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article112307183>

In addition to the venue being important within the community, some of the licensees were notable characters and became heavily involved in the broader community. This included Henry Nicholson, an early licensee who was granted an absolute pardon on 1 July 1842³⁵ before becoming the licensee of the **Rushcutters Bay Hotel** in 1866.³⁶ Henry Nicholson went on to become an Alderman for the

BOROUGH OF PADDINGTON.

NOTICE is hereby given, that Mr. Henry Nicholson, of **Rushcutters Bay**, has been elected an Alderman of this Borough, for the Glenmore Ward.

W. TAYLOR,
Returning Officer.

6354

8s.

³⁵ PARDONS. (1843, August 11). *New South Wales Government Gazette* (Sydney, NSW: 1832 - 1900), p. 1022. Retrieved March 4, 2020, from <http://nla.gov.au/nla.news-article230126223>

³⁶ Government Gazette Notices (1866, August 7). *New South Wales Government Gazette* (Sydney, NSW: 1832 - 1900), p. 1876. Retrieved March 4, 2020, from <http://nla.gov.au/nla.news-article225470295>

Glenmore Ward of the Borough of Paddington Council in 1868.³⁷ On 14 May 1873 Henry Nicholson died suddenly aged 44 at his residence, the Rushcutters Bay Hotel.³⁸ His death was reported in several publications and his funeral notice appeared in the Sydney Morning Herald on 19 May 1873.³⁹ He was survived by his wife and two sons.⁴⁰ His widow, Jessie Nicholson, took over the operation of the hotel, continuing the history of female licensees of the venue that started with Mary Clarke and continues through the records where women were a party to the license, took over the license from family members when they passed away like Julia Scholes in 1908 or, in the case of Ellen Mary Lyon in 1964, when her husband had sought leave to pursue other ventures as the closure of the hotel became imminent.

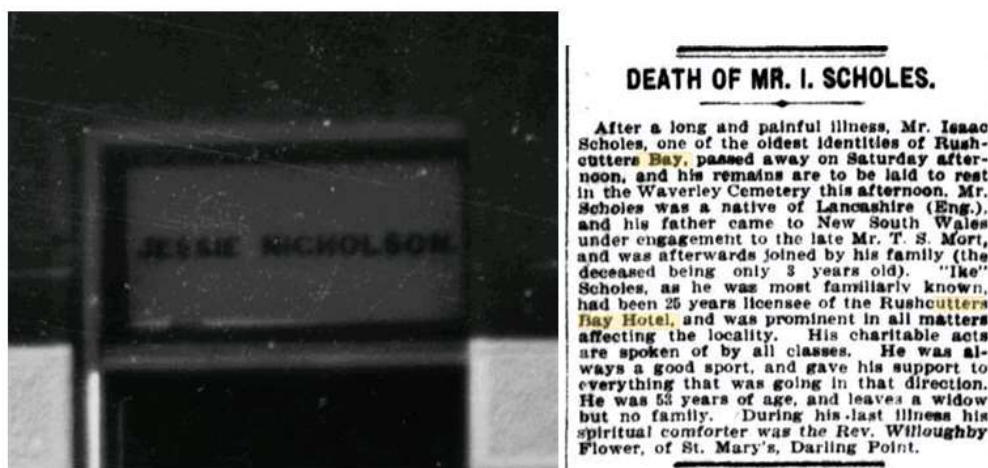


Figure 22 (L): Detail of fanlight above the main entry door on the splay corner of the Rushcutters Bay Hotel (shown in full in Figure 11), with the name "Jesse Nicholson" visible. (Source: American & Australasian Photographic Company. Nicholson's Hotel on the South-Eastern Corner of New South Head & Glenmore Roads, Rushcutters Bay (next to Billiard Bagatelle Room and William Harris's Produce Store), 1870). Figure 23 (R): DEATH OF MR. I. SCHOLLES. (1905, October 2). *The Australian Star* (Sydney, NSW : 1887 - 1909), p. 7 (LATE SPORTS). Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article228738403>

A full list of licensees is provided in Appendix 1. Among those is Bernard Geoffrey Scharer, the licensee for the majority of years from 1936-1956 and whose son is quoted in Section 3.4 above. The site card for the Rushcutters Bay Hotel for the 1940s indicates that the licensee, Bernard G Scharer, had an eventful decade, with convictions for carrying away liquor, and a good behavior bond for failing to close the bar (Figure 24). Another Licensee is Stanley Kelly, a colourful character who came to notoriety when attempting to lasso a shark in Rushcutters Bay (Figure 25). During his tenure as licensee, the hotel was known as Kelly's Hotel (Figure 26).

³⁷ BOROUGH OF PADDINGTON. (1868, December 18). *New South Wales Government Gazette* (Sydney, NSW : 1832 - 1900), p. 4559. Retrieved March 4, 2020, from <http://nla.gov.au/nla.news-article225581627>

³⁸ Family Notices (1873, May 19). *Empire* (Sydney, NSW : 1850 - 1875), p. 1. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article63230506>

³⁹ Family Notices (1873, May 19). *The Sydney Morning Herald* (NSW : 1842 - 1954), p. 8. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article13315476>

⁴⁰ Family Notices (1873, May 20). *The Sydney Morning Herald* (NSW : 1842 - 1954), p. 1. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-article13319668>

LICENSEE	LATE ADDRESS	TERM OF ORIGINAL LEASE	DATE OF SALE	TERM RE-SOLD	BONUS	RENT	LOAN BALANCE	DATE S/L SALE REGD.
SCHARER, BERNARD C.			20.4.38	25	3374	£12PW, 799		3.5.38.
" "			10.7.39			DISCHARGED ON 6 MONTHS BOND, CARRYING AWAY LIQUOR.		
			W.T. 2.11.40	EXT.		£30PW		
			12.2.41			RENT REDUCED TO £27.8W. Placed on £10 bond - good behaviour 6 months to close bar. Conviction not recorded.		feeling
			19/4/44			S-b-lease rental increased to £32 p.w.		
			26.4.44			" " " reduced to £30 p.w.		
			13/11/44	W.T.		" INCREASED TO £32 p.w.		
			12.5.47			RENT INCREASED TO £40 PW.		
						SEE PARAGRAPH RE HOA (OVER).		
			H/L To Coy			1.1.48. RENT INCR. TO £14PA LANDLORD & TENANT (AMO) ACT NOT EXTENDED.		
						2.9.48 RENT INCR. TO £60PW.		

Figure 24: The site card for the Rushcutters Bay Hotel for the 1940s with noted describing the matters arising during the decade. (Source: Rushcutters Bay Hotel card 3 side 1, Noel Butlin Archive, ANU)

IN WATER WITH TWO SHARKS

Man Tries to Lasso a Man-eater

When Stan Kelly, owner of the Rushcutters' Bay Hotel, drove up to his inn yesterday and heaved a 7ft. tiger shark on to the footpath, some hundreds crowded into the bar to hear the "fish tale."

[T was a true one. Stan had been fishing with Charlie Messenger and W. B. Harris. It was his first experience in a launch outside the Heads.

When Charlie hooked a 15-footer Stan lost it in the excitement. Next thing, a 7-foot tiger shark poked its wicked snout in sight.

Harris tried to tie a rope round the lashing tail of the brute. The rope slipped—and into the ocean went Harris, still making desperate efforts to lasso the shark!

Like a Whiting!

Meantime the 15ft. monster was crisscrossing about in a bad temper. The 7-footer and Harris were persuaded into the launch. Neither wanted to go!

On shore the intrepid Stan Kelly bundled the catch into his car, and took it home like a nice whiting.

A great day's fishing!



A SAVAGE MAW rendered harmless for ever yesterday when this shark was dragged from the deep by Mr. Stan Kelly.

HOW GOOD IS EMILY HOOD?

Tennis Stars Sit in Judgment

Figure 25: "In water with two sharks – Man Tries to Lasso a Man-eater (1930, February 6). Daily Pictorial (Sydney, NSW : 1930 - 1931), p. 2. Retrieved March 10, 2020, from <http://nla.gov.au/nla.news-page27026001>



Figure 26: "Kelly's Hotel", August 1930. (Source: Rushcutters Bay Hotel Card 2, Side 2. Accessed via Noel Butlin Archive)

3.5 Cadry's

Following the closure of the hotel, the City of Sydney Planning cards indicate that development applications were lodged for a boarding house (110/65), and a retail store (general)(905/65). A development application was lodged with the City of Sydney in 1967 (DA1014/67) to "use premises for selling carpets and floor coverings". The applicant was Sterling Agency P/L, a Cadry family company. The subject site has been in continuous use for these retail purposes since this date, originally as a tenant of the Glebe Administration Board and then as owner-occupiers following the purchase of the site from the church in the late 1960s.⁴¹ Figure 27 shows the site in 1982 as documented in the Paddington Field Survey.

⁴¹ Email from Robert (Bob) Cadry, 21 April 2021 (HPE21/75587)



Figure 27: Paddington Field Survey 1982, 133 New South Head Road, Edgecliff. (Source: Woollahra Library Local History Digital Archive)

HPE: 21/118721

▶ 31

Jacques Cadry (1910-2003)

Jacques Cadry, first arrived in Sydney in 1951. He was born in Tehran, Iran, and descended from Hajji Israel Cadry who started the family business during the 1860s in Tehran.⁴² Following the arrival of his wife and children in Australia in 1952, Cadry's was established at another site before moving to the New South Head Road premise in the late 1960s.



Figure 28: The Cadry family with Iraqi Jewish Friend Morris Joseph, rug in hand in Centennial Park, 1953. (Source: 'Tehrani tradition in Sydney', Sydney Jewish Museum website <https://sydneyjewishmuseum.com.au/news/tehrani-tradition-in-sydney/>)

The Cadry collection of historic and portrait carpets held on the site included at one time a portrait carpet of Kemal Ataturk at the Dardanelles. Jacques Cadry lent an image of his historic Gallipoli carpet, made for Enver Pasha to celebrate the Turkish victory in 1916, to historian Dr Kevin Fewster for use as endpapers for a new edition of *Gallipoli: The Turkish Story*. In the 1990s, there were exhibitions of his treasures at the State Library of NSW, the Wollongong City Gallery, St Mary's Chapter Hall Museum, the Garvan Institute and Government House. The 50th anniversary of the Cadry's business was celebrated in 2002 with an exhibition of the family's collection of rugs and antiquities in the Hordern Pavilion, Sydney.⁴³

Jacques Cadry is also described as a collector of people, welcoming a constant stream of artists, philosophers, judges, children of friends long passed for whom he acted as mentor, archbishops of obscure Eastern rite Christians, rabbis from Jerusalem universities, a catholic priest who was a leading Islamic scholar, as well as historians, museum curators, Francophones, Francophiles, and carpet lovers.⁴⁴ A notable visitor was renowned Australian designer Florence Broadhurst.⁴⁵

⁴² Antiques and Art in NSW p.110

⁴³ Antiques and Art in New South Wales, December 2010-May 2011 p110 <https://issuu.com/worldantiquesart/docs/aaa-nsw-dec-2010/112>

⁴⁴ Christine Hogan, 2003. "People were his greatest treasures" in *The Sydney Morning Herald* February 8, 2003. <https://www.smh.com.au/national/people-were-his-greatest-treasures-20030208-gdg8ma.html>

⁴⁵ Antiques and Art in New South Wales, December 2010-May 2011 p110 <https://issuu.com/worldantiquesart/docs/aaa-nsw-dec-2010/112>

Jacques Cadry was able to share his passion and expert knowledge and is credited with almost single-handedly introducing the Australian public to the beauty, artistic merit, lasting quality and value of Persian and Oriental rugs, creating awareness and appreciation that is credited to his perseverance and integrity.⁴⁶

He was legendary in the industry not only for his mastery of the craft, scholarly knowledge of the history and artistry of rugs, but his integrity and his concern for the artisans who made the rugs.⁴⁷ This concern for the artisans is followed through with the Cadry business practices, and Cadry's is a member of GoodWeave, an organization aimed at ending child labour in the production of handwoven rugs.⁴⁸ He has left a lasting legacy that continues to be carried on by his children and grandchildren.

Cadry's today is led by his son, Robert, along with his sons, Ari and Jared. Cadry have amassed Australia's largest collection of collectible and decorative antique rugs from Persian, Anatolian, Caucasian and European origins.⁴⁹

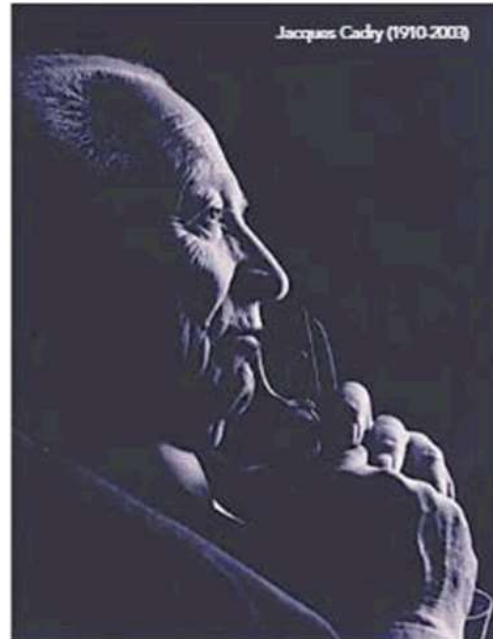


Figure 29: Jacques Cadry, undated. (Source: *Antiques and Art in New South Wales*, p110)

Upon his death in 2003, tributes to Jacques Cadry were published widely, including in the *Sydney Morning Herald* and *Antiques and Art in New South Wales*. The Cadry family are prominent within the Jewish community, as evidenced by their feature in the Sydney Jewish Museum exhibition, *Jews from Islamic Lands*.⁵⁰

The following series of images are dated from the time that Jacques Cadry owned and operated from the building.

⁴⁶ Sydney Jewish Museum, undated. *Tehrani tradition in Sydney*, <https://sydneyjewishmuseum.com.au/news/tehrani-tradition-in-sydney/>

⁴⁷ Sydney Jewish Museum, undated. *Tehrani tradition in Sydney*, <https://sydneyjewishmuseum.com.au/news/tehrani-tradition-in-sydney/>

⁴⁸ Cadry's website (2020) *The Cadry's Story*

⁴⁹ Cadry's website *The Cadry's Story*

⁵⁰ Sydney Jewish Museum, undated. *Tehrani tradition in Sydney*, <https://sydneyjewishmuseum.com.au/news/tehrani-tradition-in-sydney/>



Figure 30: New South Head Road, Edgecliff looking east from Oswald Street, showing the Cadry's building c. 1970s. Part of the Edgecliff Glebe survey during the construction of the Eastern Suburbs Railway (Source: Woollahra Local History Library)



Figure 31: Glenmore Road, Edgecliff c.1970s, looking north from the railway overpass, with site shown. Part of the Edgecliff Glebe survey during the construction of the Eastern Suburbs Railway (Source: Woollahra Local History Library)



Figure 32: Photos of the subject site viewed from the corner of Monar Road and New South Head Road, 1987. (Source: Woollahra Library Local History Digital Archive)

3.6 543-549 Glenmore Road

The research undertaken to inform the heritage significance assessment of the Cadry's building has established that the properties to the south of the site along Glenmore Road are historically contemporaneous with the Cadry's building. This is demonstrated in the George Martin watercolour and the photos of the site taken by the American & Australasian Photographic Company in Figure 10 and Figure 11 respectively.

The buildings at 543-549 Glenmore Road are single storey Victorian-Georgian era workers cottages of brick construction arranged in a 1+1 English bond pattern with a low metal pitched roof. The window openings feature curved soldier course and sandstone sills, wooden shutters and some remnant shutter stays. These buildings feature several original elements (Figure 35 to Figure 37), and also feature mortar that includes shell pozzolans in the same manner as the Cadry's building and corroborates the approximate age of the buildings as c.1860 (Figure 103 and Figure 36). 545 Glenmore Road has been the subject of substantial alterations and additions approved in 2003.

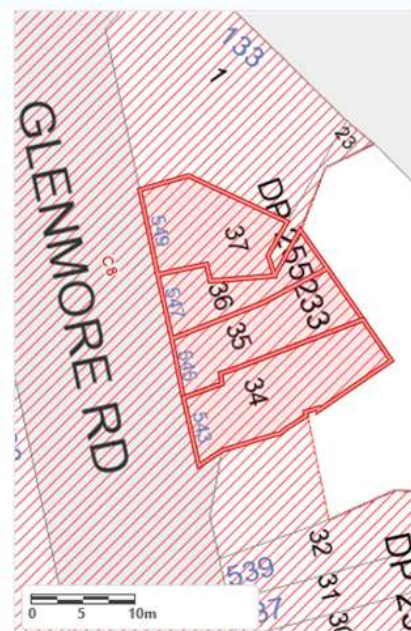


Figure 33: 543-549 Glenmore Road, shown bounded by red. (Source: Woollahra Maps)

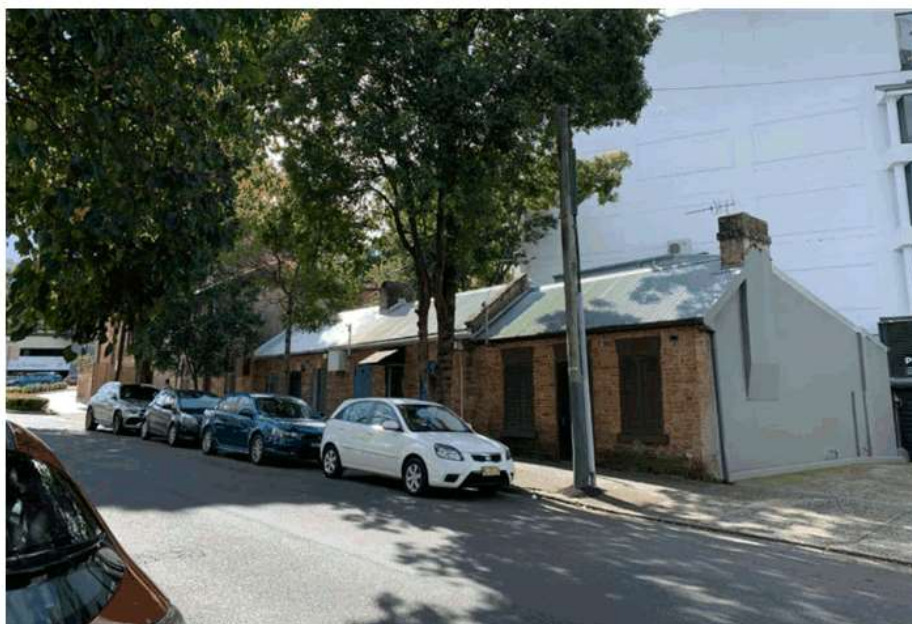


Figure 34: 549 (obscured) to-543 Glenmore Road, May 2021.



Figure 35: 547 Glenmore Road entry door with curved soldier course, May 2021



Figure 36: Shell pozzolans visible in the mortar of 549 Glenmore Road



Figure 37: Weathered sandstone windowsill of 545 Glenmore Road, March 2020.

549 Glenmore Road

The building at 549 Glenmore Road is a two storey sandstone cottage with a metal roof (Figure 99). Access was granted to the property at 549 Glenmore Road at the time of the site visit to the Cadry's Building, as it is within the same ownership. The building appears to be externally in relatively good condition, with some use of cement render on the northern elevation to create an ashlar scored panel (Figure 100). Internally, the building elements are in good to poor condition, with the internal flooring at first floor level having collapsed. This building was used as offices by Cadry's until the collapse of the first floor level flooring in recent years (Figure 101).

The heritage assessment for the Cadry's Building, dated June 2021, was presented to the Woollahra Local Planning Panel (WLPP) for advice on 16 September 2021 and noted on p.36 "Given the age and style of these buildings, they may have potential to fulfil the criteria for heritage listing and warrant further assessment. This may be carried out as part of a future heritage study."

In light of the evidence found identifying these immediately adjacent properties as being of a similar age to the Cadry's Building, the Panel considered whether the recommendation for the listing of the Cadry's Building as a local heritage item should be extended to the properties at 549 Glenmore Road, which is also owned by the Cadry family, and 543-547 Glenmore Road.

The panel subsequently recommended that the progression of the neighbouring properties be carried out in two stages, with the property at 549 Glenmore Road to progress as part of the planning proposal for the Cadry's building due to both buildings being under the same ownership and in light of the support shown by the owner at the WLPP meeting for the listing of 549 Glenmore Road. A second assessment is to be undertaken at a later stage investigating the significance of the brick cottages at 543-545 Glenmore Road, which are otherwise privately held. In response to the advice of the Woollahra Local Planning Panel, a high level assessment of the heritage significance of the building at 549 Glenmore Road Paddington has been undertaken. This assessment is included in Section 4.10.

The two storey sandstone cottage at 549 Glenmore Road and the row of brick cottages at 541-537 Glenmore Road (originally 4, now 3) have been visually captured in several ways over time. The following series of images dating from 1917 until the late 1980s were found while researching the site and the neighbouring Cadry's Building and demonstrate that little has changed in their presentation over this time.



Figure 38: "An old street in Paddington, Sydney in 1917" Harvey, John Henry, (Source: State Library of Victoria <http://handle.slv.vic.gov.au/10381/145398>)



Figure 39: "Houses, 549-545 Glenmore Road, 1958". (Source: Woollahra Local History Library)



Figure 40: 549 Glenmore Road, c.1958. (Source: Woollahra Local History Library)



Figure 41: "Glenmore Road, Edgecliff, looking south towards the railway viaduct from no.549." c.1970s in "St James Glebe, Edgecliff - Woollahra Municipal Council photographic survey 1970s". Source: Woollahra Local History Digital archive pf006360/0487)



Figure 42: Paddington Field Survey, 549 Glenmore Road, Edgecliff - 1982. (Source: Woollahra Local History Digital Archive)

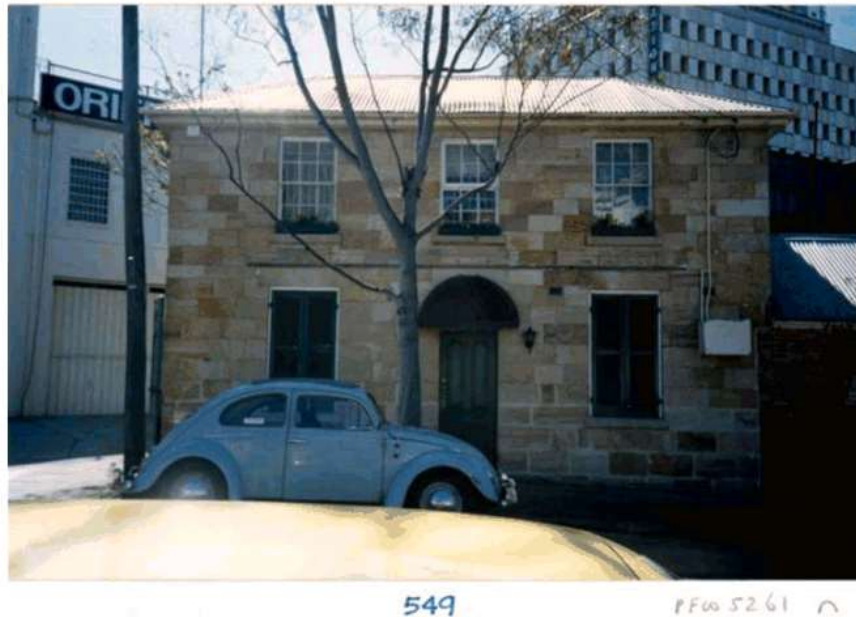


Figure 43: 549 Glenmore Road, 1987. From "Edgecliff streetscapes along New South Head Road and Glenmore Road," October 1987 (Source: Woollahra Local History Archive pf005261)



Figure 44: 543-547 Glenmore Road, 1987, with part of 549 visible to the left of the frame. From "Edgecliff streetscapes along New South Head Road and Glenmore Road," October 1987 (Source: Woollahra Local History Archive pf005261)

Part 4 Physical analysis

4.1 Site inspection

A site inspection of the general setting of the site visible from the street was conducted by Kristy Wellfare (Strategic Heritage Officer) on 20 March 2020. An additional site inspection was carried out on 9 June 2020 where access was granted to the interior of the buildings and on 12 May 2021 to take updated photos of the building exterior following minor works and painting.

4.2 The Cadry's Building

The subject site is located on the intersection of New South Head Road and Glenmore Road. The building is part single storey and part three storey, with the single storey element forming a split-level arrangement with the ground and first floor level showrooms. The building also features a basement level accessible from the Glenmore Road frontage. The site falls sharply away from the New South Head Road frontage and the building responds to the fall in the land through the elevated area around the ground floor level which continues around the Glenmore Road elevation and relates to the internal floor level of the ground floor and is significantly above the Glenmore Road footpath level. The building is of stone and brick masonry construction, rendered for the majority of the second floor level, with the basement, ground floor and first floor level having had the pub tiles and most of the previous surface render removed to expose the sandstone beneath. The second storey is constructed of brick masonry with an applied rendered and painted finish.

The ground floor consists of an open-plan carpet showroom with differing internal floor levels, with offices, and service areas located on the southern side of the building. The first floor consists of gallery and storage areas for carpets within the existing spaces of differing sizes. The second floor level consists of a work rooms, offices and amenities rooms. The basement level consists of a loading dock, storage rooms and strong rooms, including a Chubb strong room.

Two main sets of stairs are present within the building. One which accesses the basement level from the northern site of the ground floor level showroom and one at the rear of the building which services all levels. The eastern showroom is set at a relative level that lies between the ground and first floor levels of the sandstone core of the building, and two additional, smaller, stair flights are present connecting the eastern showroom to the ground floor level and first floor level showrooms with the sandstone core.

4.3 Exterior

The exterior of the building is made up of three distinct elements: the sandstone core comprising the two storey plus basement sandstone element, the second storey Federation free style addition c.1909, and the c.1980s showroom at ground floor level addressing New South Head Road. The building was inspected on 9 June 2020 and 12 May 2021. Exterior photos date from May 2021 unless otherwise stated.

The building features a parapet wall addressing the New South Head Road (northern) and Glenmore Road (western) frontages, with a skillion metal roof behind. It is noted that the curved decoration shown on the 1909 plans does not appear to have been constructed and thus is present

on the Glenmore Road frontage only (Figure 45, Figure 46). The exterior finishes of the building vary due to the different stages of construction for the ground and first floor compared with the second floor level, and following the removal of the rendered finish and tiling. The basement, ground floor and first floor level in the original pub section are comprised of sandstone that is mostly exposed, with the eastern part of the showroom on ground floor level being of rendered and painted concrete construction following alterations and additions in the 1980s.

The openings in the building vary from modern fixed glazing at ground floor level, to original double hung sash windows. Openings on the ground floor level are mostly comprised of full length modern fixed glazing, however, the location of these openings is consistent with that of the early window and door openings shown on the photographs from the 1860s. Ground floor level openings on the rear (southern) elevation are mostly original, with the recent removal of the previous rendered layer revealing two patches of rendered brickwork that are likely to have been window openings to the basement level (Figure 49). First floor level openings are mostly original, with the exception of the window opening to the splay corner which occupies a wider opening due to it being a former doorway to the original balcony. Second floor level openings are mostly original and are as per their original location and detailing as shown on the 1909 plans, however, some openings have accretions of services such as window-mounted air conditioning units.



Figure 45: Cadry's building viewed from the corner of New South Head Road and Glenmore Road, opposite the subject site, May 2021.



Figure 46: View of the site from the western corner of New South Head Road and Mona Road, May 2021.



Figure 47: Oblique view of the subject site from New South Head Road to the east of the site, May 2021



Figure 48: Cadry's building (right) as viewed from New South Head Road, looking towards the Edgecliff Commercial Centre



Figure 49: Southern (rear) elevation as viewed from Glenmore Road



Figure 50: Northern elevation, as viewed from Mona Road.



Figure 51: Ground floor level corner splay.



Figure 52: Eastern elevation of the 1980s showroom



Figure 53: Door opening to 1980s showroom and transition from sandstone to modern fabric, New South Head Road elevation.



Figure 54: Rear elevation window openings showing the original window arrangements of the basement, ground and first floor level, with some openings retaining their 4 pane glazing arrangements despite the addition of security bars. Second floor level windows show the 9+1 glazing of the c.1909 scheme.



Figure 55: Rear elevation of the 1980s showroom and transition from sandstone to modern fabric, as viewed from the car parking area.



Figure 56: Detail of the change in construction material and finishes between first floor and second floor levels



Figure 57: Glenmore Road frontage, including underside of awning and downpipe detail, and intrusive services such as air conditioning units, May 2021.



Figure 58: Detail of first floor level front elevation window openings, including on the splay corner (right) above the later awning.

4.4 Interior

The interiors of the building were inspected on 9 June 2020 and 12 May 2020 and this forms the basis of the description of the interiors in this section. All photographs in this section date from 9 June 2020 unless otherwise identified.

The interior of the building has been subject of several phases of development, with the interiors having been reconfigured, opened up and extended over time to accommodate the use of the site as a showroom, offices, repair workshop and storage rooms for high quality rugs.

The ground floor level comprises an open showroom on the northern side of the building, and offices on the southern side within the sandstone core of the building. The main entry showroom features low pressed metal ceilings, exposed sandstone walls and modern timber flooring. To the east of the core is an open showroom that dates from the 1980s and replaced the former structure on the site that likely dated from c.1870s.

The first floor level spaces feature exposed stone walls, egg and dart cornices and decorative plaster ceilings. Rails have been installed along the upper section of the interior walls on the first floor level to allow for gallery display of rugs (Figure 67 - Figure 69). The former fireplaces remain legible, although they are not in use and the flooring has been extended to cover the hearth (Figure 70). Some spaces have had ceilings and cornices replaced with modern fabric (Figure 68). Modern lighting, fire safety and security systems have been installed throughout with installation of cameras, heat and smoke detectors visible.

The second floor level retains much of its interior fabric, detail and configuration and is recognisable as pub accommodation from the early 20th Century. Features include skirtings and architraves, door openings with fanlights above, stair balustrade and turned newel posts, egg and dart cornices, decorative wall vents with waratah and feathers decorative ceilings with waratah and flannel flower motifs. Some ceilings include art nouveau and art deco motifs. Some changes have occurred to this level over time, but these changes are minor and do not alter the overall understanding of the space. (Figure 59 to Figure 66)

Basement level features a mix of interior finishes, with mass stone, painted brick, and concrete all present. The stone waling is in good condition despite some intrusive elements being introduced such as the exhaust fan shown in (Figure 82). The visible mortar present in this stone walling shows evidence of shell pozzolans consistent with the early mortars used in the 1850s. (Figure 87) There is a strong room in the basement level that was not able to be closely inspected, however this likely predates the use of the site by Cadry's and may date from the 1930s.

Some spaces have been converted to service areas, such as the kitchenette present at the base of the stairs (Figure 77). The southern stairway has a number of floor coverings present, from wide timber boards overlain with more than one layer of linoleum. The stair features simple low timber balustrade and newel posts. The ceiling above the stair void features geometric patterns arranged in panels with flower bosses with egg and dart cornices.



Figure 59: Level 2 workroom with original window and later air conditioning unit visible



Figure 60: Decorative plaster ceilings, level 2.



Figure 61: Decorative ceiling on Level 2. Prior water damage to the ceiling is evident in this space.



Figure 62: Level 2 decorative ceiling with waratah and flannel flower motifs. Accretion of modern fittings including fluorescent lighting and ceiling fans occur throughout.



Figure 63: Level 2 stair landing and hallway, with geometric patterned ceiling visible. Joinery, including fanlights, appear original to the c.1909 scheme.



Figure 64: Level 2 decorative ceiling and cornice elements, with water damage visible



Figure 65: Level 2 c.1909 door, with fanlight and joinery with original window also visible



Figure 66: Level 2 feathered room vent and egg and dart cornice.



Figure 67: First floor level decorative plaster ceilings



Figure 68: First floor level room with modern flat ceiling and standard curved cornice



Figure 69: First floor level exposed sandstone walls, with gallery rug display rails affixed to the top part of the wall



Figure 70: First floor level fireplace, with hearth covered by timber flooring



Figure 71: Pressed metal ceiling at ground floor level to the principal showroom space, formerly the main bar.



Figure 72: Pressed metal ceiling detail at ground floor level to the principal showroom space, formerly the main bar.



Figure 73: View from the ground floor level eastern showroom into the sandstone core, May 2021



Figure 74: Multiple floor finishes visible on the southern stair landing



Figure 75: Stair balustrade



Figure 76: Base of the southern stairwell



Figure 77: Service areas at the base of the southern stair



Figure 78: Ground floor level opening to the Glenmore Road frontage



Figure 79: Ground floor level opening to the New South Head Road frontage



Figure 80: Northern stair at the ground floor level showroom leading down to the basement level



Figure 81: Stair detail



Figure 82: Basement level walls and support columns, mix of materials present, with services and intrusive exhaust fan element shown.



Figure 83: Basement level brick supporting walls



Figure 84: Tiled walls in the basement level, likely c.1930s



Figure 85: Basement level Chubb safe, likely c.1930s



Figure 86: Basement level mass stone walling



Figure 87: Detail of existing mortar in the sandstone walling, with shell pozzolans visible

4.5 Moveable heritage items

A collection of historic rugs is held on site in secure storage. This collection may be found to be of heritage significance, whether in individual pieces or in its entirety and should be assessed by an appropriately experienced textiles expert. There was no indication from the inspection of the site that there were any other potential items of moveable heritage present.

4.6 Setting

The Burra Charter (Article 1.12) defines the setting of an item as “the immediate and extended environment of a place that is part of or contributes to its cultural significance and distinctive character.”⁵¹

The setting of the building is constrained due to the presence of modern development on the sites to the immediate east on New South Head Road that extends through to Glenmore Road. The building takes up much of the allotment and thus the setting is largely defined by the site boundaries. However, the setting is enhanced by the presence of the neighbouring buildings on Glenmore Road, comprising the two storey Sandstone cottage (also owned by the Cadry family) and the three single storey brick workers cottages that are shown in the very early images of the site. These buildings also help establish the scale of the development surrounding the former hotel building and reinforce its landmark presence on the corner of New South Head Road and Glenmore Roads.

Significant views of the site are available from New South Head Road to the west of the site, looking up at the prominent corner building that forms part of the gateway to the Edgecliff commercial centre. Other significant views of the site are available from Mona Road, with the subject site forming the termination of views south along Mona Road, and from Glenmore Road, where the fall of the land promotes the landmark qualities of the building.

⁵¹ ICOMOS, 2013. *Burra Charter*

4.7 Intactness

As identified in Section 4.9, the building has undergone several phases of development in addition to the cyclical maintenance carried out during its time as an operational hotel managed by Tooth's & Co. The c.1856 sandstone core of the building remains readily legible, however, the intactness of the internal and external arrangements varies due to the phases of works carried out over time. The bar arrangements from the 1911 plans remain legible through the reflected decoration in the pressed metal ceilings in the showroom area above the former bar.

When compared with the historic photos of the site, the c.1856 core of the building remains legible both internally and externally, despite alterations over time and changes to the length of the ground floor level openings and their modern fixed glazing. The 1909 second storey addition is legible as a discrete phase of development on the site and is intact both internally and externally, with little change from the original plans observed. The modern eastern extension to the showroom at ground floor level is similarly legible as a discrete element.

Windows at first and second floor levels are mainly original or date from early alterations to the building. While the ground floor level openings in the sandstone core of the building remain in their original positions, they have been altered over time in their length and glazing to their current arrangement of full-length fixed glazing. The original entry doorway to the Glenmore Road splay corner remains, although today it is a full-length, fixed pane window.

Many of the key elements of the federation era development phases remain, both internally and externally, including decorative ceilings and cornices, pressed metal ceilings at ground floor level above the former bar area in what is now the corner showroom. The interior joinery, fittings and fixtures at the second-floor level are mostly intact. The eastern portion of the showroom at ground floor level is of modern construction and connects to the first-floor level of the historic core by way of an internal stair on the southern side of the building.

While the building has undergone a series of alterations and additions over time, many of these phases contribute to the understanding of the building as a former corner pub in a prominent setting. The amendments made through the use of the building by the Cadry family have resulted in the loss of fabric on the eastern side through the construction of a new ground floor level showroom, however, works has also been undertaken to peel back the layers of development at the ground floor and first floor level to expose the original sandstone walls and permit a greater understanding of the phased history of the building. The building is well documented in its early years and where elements have been removed or otherwise altered, there is physical and/or documentary evidence that could inform its restoration or construction in accordance with Burra Charter principles.

4.8 Condition

Externally, the building appears to be in good and sound condition and has been recently painted (May 2021). The condition of the interiors varies on each level, with the ground floor and first floor in good condition and the second floor being fair to poor condition with evidence of water damage in most of the rooms.

4.9 Modifications and dates

The original plans for the building could not be located. However, it is likely that the building was originally constructed as a 2-storey building with basement level of sparrow pecked

sandstone masonry construction with a hipped timber shingle roof, splayed at the north western corner to address the intersection of Glenmore Road.

Photographs of the site from c.1870s (Figure 11, Figure 12) indicate the building featured a substantial 5-pot chimney on the eastern side and a second, smaller, 2 pot chimney on the southern side. These images also indicate the building featured window and door openings at ground floor level that consisted of two entry doors with fanlights above (one on the New South Head Road frontage and one to the splay corner), shuttered French doors with fanlight above, and double hung timber windows. The upper level openings consisted of double hung 6+6 pane timber windows and a French door to the splay corner, leading to the cantilevered timber balcony that wrapped around the New South Head Road and Glenmore Road frontages at the first floor level. The 1870s images of the site indicate the balustrade is of timber with simple detailing and decoration to the timber posts (Figure 88).



Figure 88: Magnified detail of the first floor level singled balcony support post from Nicholson's Hotel on the south-eastern corner of New South Head Road & Glenmore Roads, Rushcutters Bay (with adjacent Billiard Bagatele Room and William Harris's produce store). c.1870-1875 (Source: American & Australasian Photographic Company via Mitchell Library, SLNSW <https://archival.sl.nsw.gov.au/Details/archive/110040845>)

Alterations and additions

The site has had several phases of alterations and additions carried out to extend and modify the existing arrangements and was the subject of several applications to carry out works through its time as both the Rushcutters Bay Hotel and the subsequent use of the site by the Cadry family. While the additions have involved some large changes such as the second storey added in c.1909, the internal reconfigurations have largely been confined to the ground floor level.

1909-1912

The distinctive Federation era parapet on the building is a result of the addition of a second storey in 1909, designed by E. Lindsay Thompson, a prominent architect. The plans for these additions and the later 1912 scheme were available via the State Records and archives, however, a search of the City of Sydney archives was unable to locate the approval. Other works shown on the plans) include:

- Removal of existing hipped roof and construction of a new second floor level with parapet and skillion roof form accommodating four bedrooms, linen storage, bathroom and w.c.
- Alterations to the first-floor level verandah to include a new metal roof
- Filling in of window to accommodate new stairs to level 2
- Creation of new ground floor level parlor

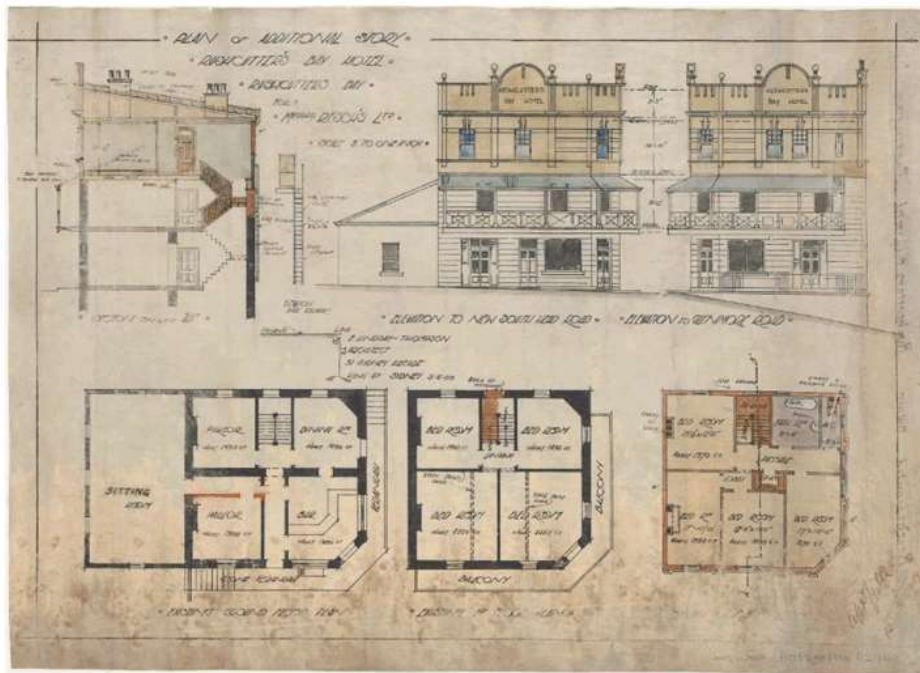


Figure 89: Plan of the additional storey to be added to the hotel by E Lindsay Thompson, May 1909. (Source: State Records and Archives NRS-9590-1-[Plan62948]-[342])

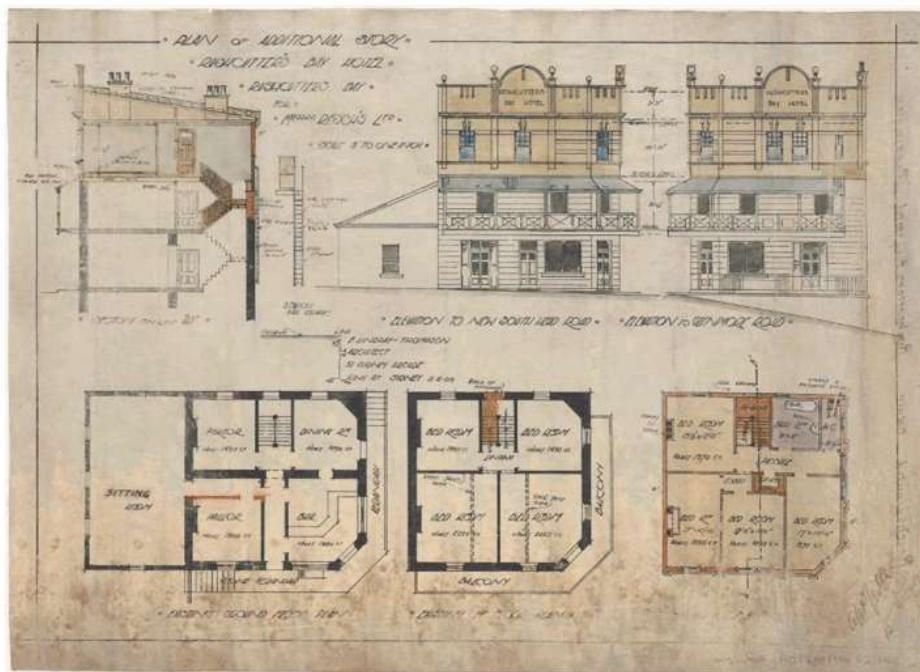


Figure 89: Plan of the additional storey to be added to the hotel by E Lindsay Thompson, May 1909. (Source: State Records and Archives NRS-9590-1-[Plan62948]-[342])



- additions and alterations to the ground floor plan including reconfiguration of the bar area, and conversion of the sitting room to a kitchen and dining area;
- changes to the New South Head Road and Glenmore Road elevation to New South Head Road ground floor level window openings to provide double doors,
- replacement of the first floor level cantilevered timber balcony with a new awning-supported by cast iron posts, cast iron decorative elements including balustrading to the Glenmore Road frontage, and new fascia signage,
- alterations to basement level and new bathroom facilities

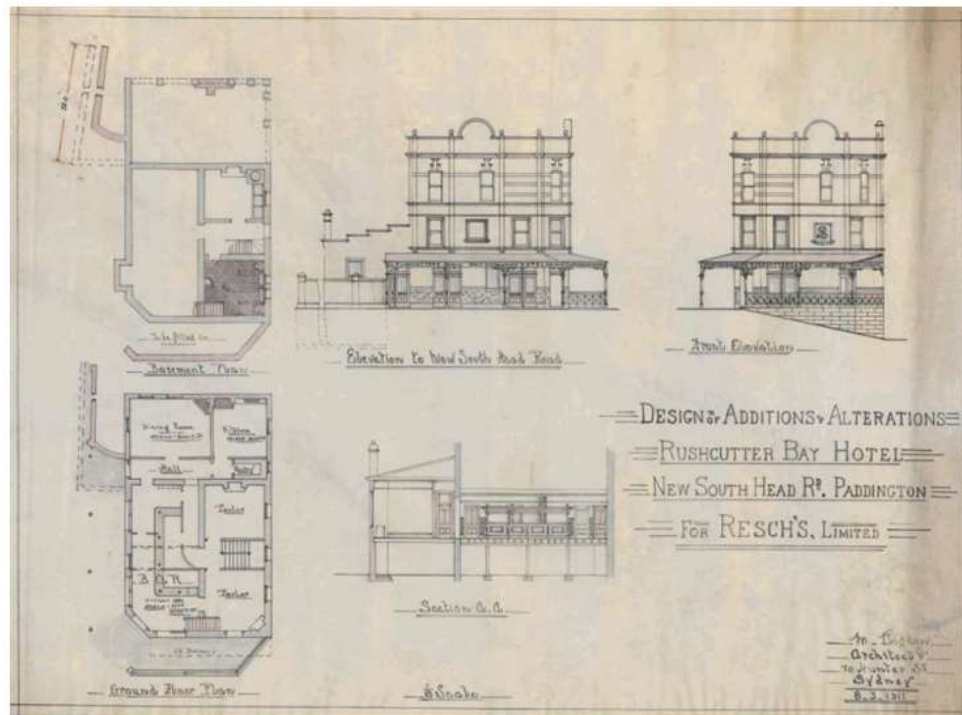


Figure 91: "Rushcutter [sic] Bay Hotel, New South Head Road, Paddington, Design of additions and alterations, basement and ground floor plan, front elevation, elevation to New South Head Road and section, Applicant/owner, Reschs Limited, Architect M Rigden, 70 Hunter Street, Sydney, Signed 30 March 1911". accessed via State Archives & Records https://www.records.nsw.gov.au/image/9590_62949

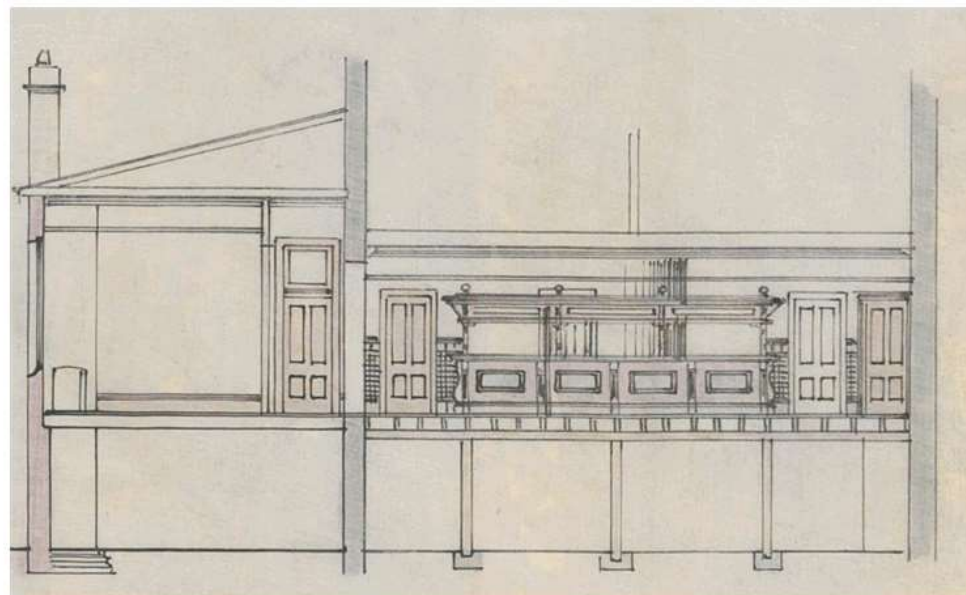


Figure 92: Detail of the 1911 plans showing the proposed new bar arrangements. The extant ground floor level ceiling reflects the corresponding bar arrangements in this space.

As part of the 1911 scheme, the bar area was extended into the adjoining parlour, with the internal wall removed to accommodate this work. Amenities were included on the basement level, a kitchen was added at ground floor level and the first floor balcony was removed and replaced with a posted verandah. The ground floor openings were changed, with the door replaced and windows altered. The ground floor level finishes were also changed and an iron lace balustrade replacing the simple wrought iron balustrade shown in the 1909 plans and on early images. It is noted that the single storey element on the eastern side of the building is shown as having a parapet wall as demonstrated in Section A-A in the 1911 plans, as opposed to the simple hipped roof shown as existing on the 1909 plans.

The property office files held at the Noel Butlin Archive ANU Canberra contain the correspondence, specifications, reports and cards that document the modifications, alterations and cyclical maintenance works undertaken on the site and describe the internal layout of the hotel during the period the site was managed by Tooth & Co. The maintenance and other works undertaken during this time are summarized in Appendix 2.

In addition to the cyclical maintenance works identified in Tooth's Archives, a number of approvals have been granted for alterations and additions to the building over time. The site has been located variously in Paddington Council, the City of Sydney and Woollahra Council over time, and a search of each council archive, including planning street cards, was undertaken for the site. The following tables summarise the building and development applications lodged for the site, as well as key correspondence:

Building Applications received by the City of Sydney

Number	Applicant	Description	Cost
1472/53	B. Scharer	Demolish existing & erect new shed	£65
2541/67	Sterling Agency P/L	Repairs	£300
4561/68	Awning Service Co.	Awning repairs	\$600

Development applications/correspondence

Number	Applicant	Description	Date
951/53	Mr. Bernard Scharer	Unauthorised erection of a garage	13.8.1953
1190/53	Mr. Bernard Scharer	Development application: Erection of Shed in yard for storage purposes	14.10.1953
110/65	A Bitton (?)	D.A. Use site as a boarding house	11.2.1965
905/65	Big John Pty Ltd	DA Use premises for a retail store (general)	10.11.1965
220/67	Jack Cadry	Unauthorised ground floor alterations	21.11.1967
1014/67	Sterling Agency Pty Ltd.	DA Use premise for selling carpets & floor coverings	23.11.1967

Building Applications received by Woollahra Council

Number	Applicant	Description	Date
DA110/65	A Bitton (?)	D.A. Use site as a boarding house	11.2.1965
DA905/65	Big John Pty Ltd	DA Use premises for a retail store (general)	10.11.1965
220/67	Jack Cadry	Unauthorised ground floor alterations	21.11.1967
DA1014/67	Sterling Agency Pty Ltd.	DA Use premise for selling carpets & floor coverings	23.11.1967
DA1/79	Sterling Agencies	Proposal to construct office section. 3 conditions	5.1.79
81/419	Sterling Agencies	Alterations and additions Commercial	Approved 22.4.82
85/218	Sterling Agencies	Removal of existing awning and restoration of first floor level balcony	18.3.1985
86/30	Sterling Agencies	Alterations and first floor additions	Withdrawn
86/33	Sterling Agencies	Alterations to basement openings, removal of fencing to 549 Glenmore Road, reconfiguration of parking arrangements, and new side boundary fence to 547 Glenmore Road	Approved 27/7/1987
DA1988/1029 BA1989/52	Sterling Agencies	Proposed new window on the east side of existing building	Approved 9/2/1989

The 1981 scheme (Figure 93) saw the demolition of the eastern portion of the site to make way for the extended ground floor level showroom of concrete construction. Bob Cadry described this former structure as having been constructed of “convict brick”⁵² and it is likely to have been the early billiard bagatelle visible in the 1870s photos. This approval also included the relocation of the internal stairs from the showroom that lead to the basement level. These stairs remain, and, of the development approved for the site in the various schemes identified above, on some schemes only a small proportion was actually carried out. For example:

- BA1981/419 approved works to the ground floor level and basement level to extend the showroom. The approved works included relocating the narrow timber internal stairs to the basement level, but these works were not completed. This application included a hipped roof, but this was constructed as a flat roof to accommodate future plans to extend the first floor level showroom over, but that work was also not carried out.
- BA1985/218 approved works to reinstate the first floor level balcony in a manner that echoed the balcony arrangements of the building as it appeared in the 1870s, designed by Stephen Klein and Associates (Figure 94). These works were approved, but were never carried out.
- An additional application was submitted to add an additional storey to the existing single storey showroom, however this scheme was not approved.

⁵² Conversation with Bob Cadry, 12 May 2021.

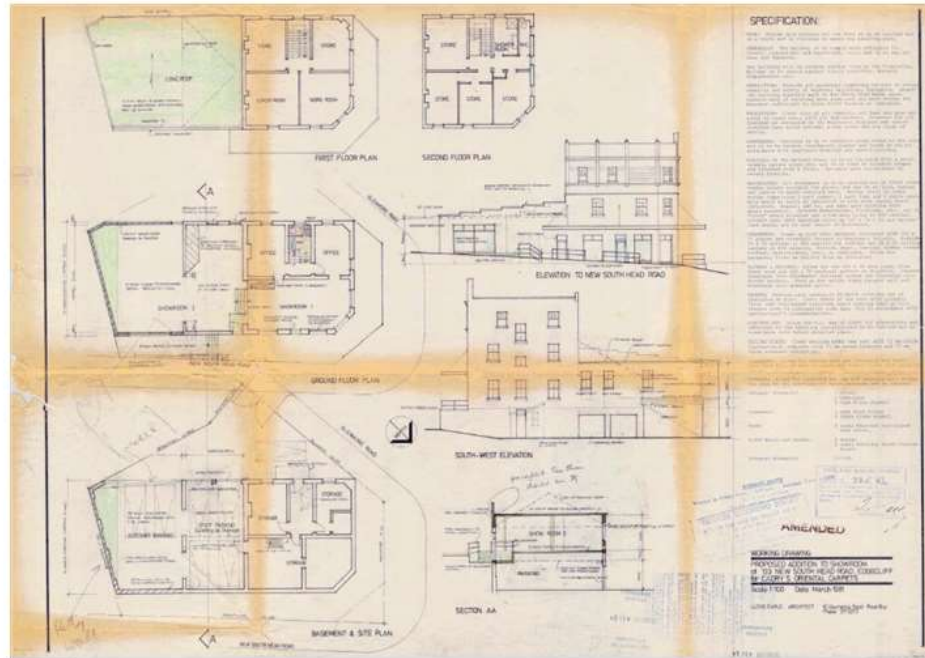


Figure 93: BA419/81 which approved works to the ground floor level showroom.

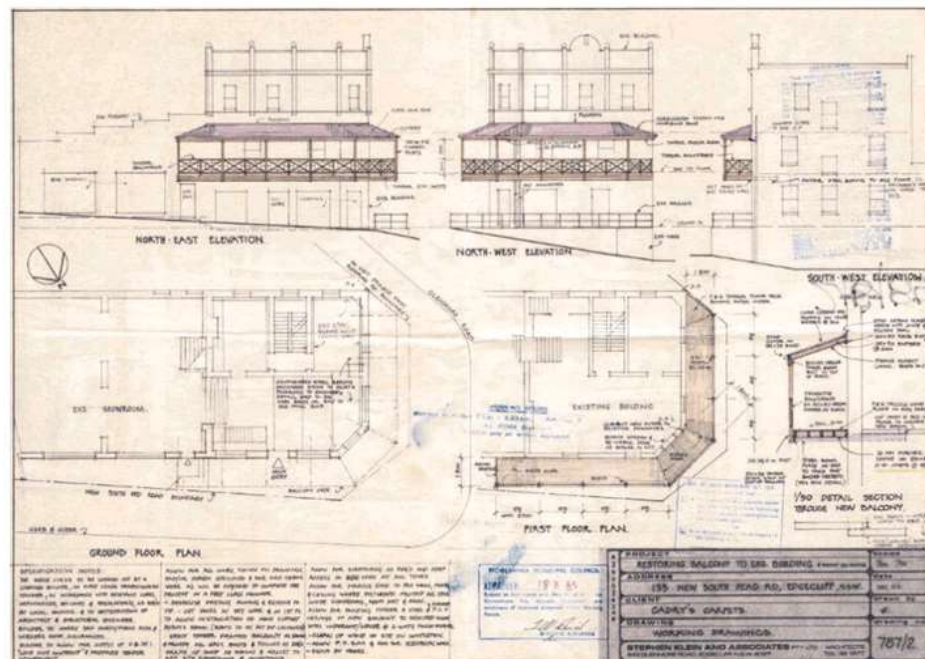


Figure 94: BA1985/218 which approved reinstatement of the first floor level cantilevered balcony. Architect: Stephen Klein and Associates. These works were not carried out. (Source: Woollahra Council)

HPE: 21/118721

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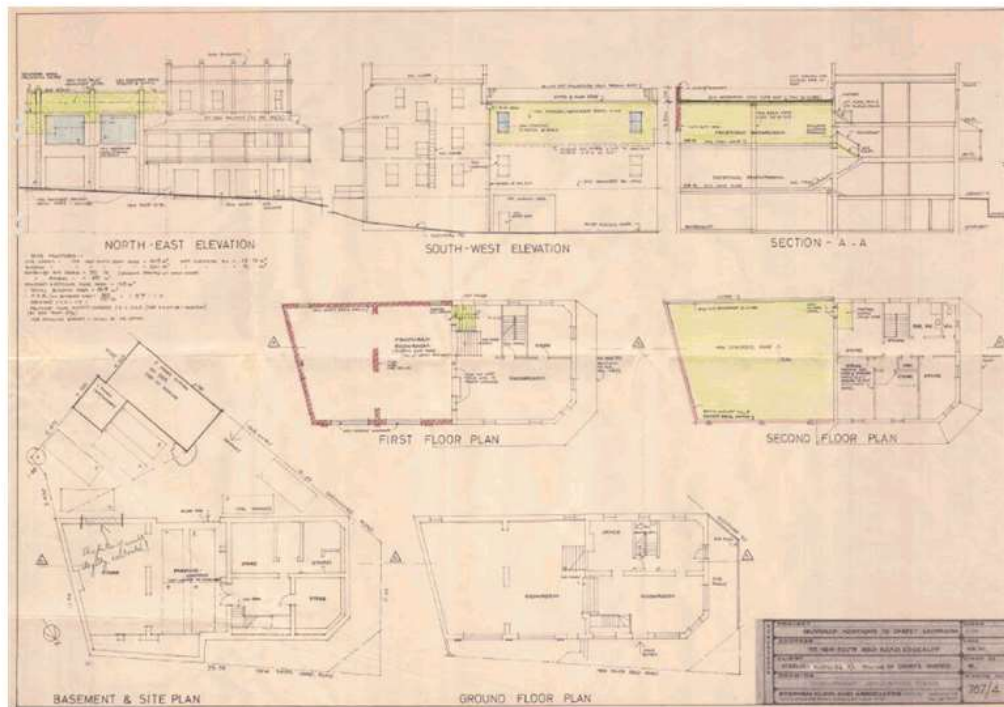


Figure 95: Plans submitted for the construction of an additional level above the eastern showroom (86/30). This scheme was not approved.

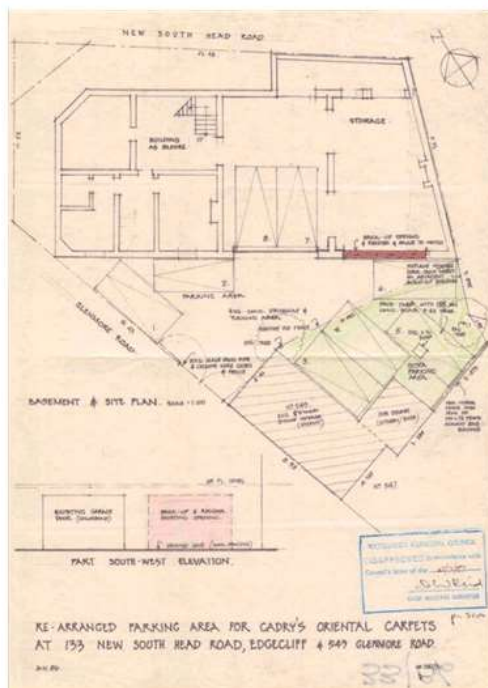


Figure 96: BA1986/33 which approved alterations to the loading dock and parking areas.

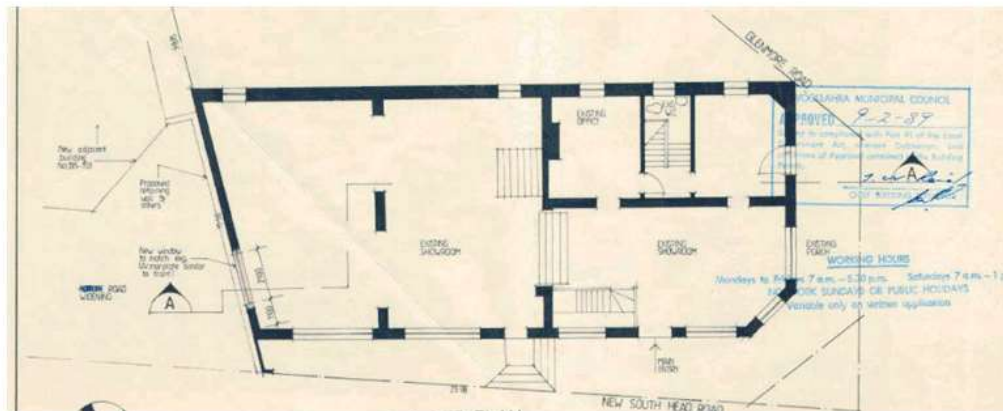


Figure 97: DA1988/1029 & BA1989/52 which approved a new window opening to the eastern wall. This floor plan most accurately reflects the current internal layout of the ground floor level.

4.10 549 Glenmore Road

The building at 549 Glenmore Road was described in the 1982 Paddington Field Survey as “A superb example of an elegant 2 storey sandstone “Georgian” residence with 6-pane windows”, “built right onto street pavement.” The building was identified as being built between 1840 and 1860, which is consistent with the historical information. The original plans for the building could not be located within the Woollahra, City of Sydney or Anglican Archdiocesan Archives.

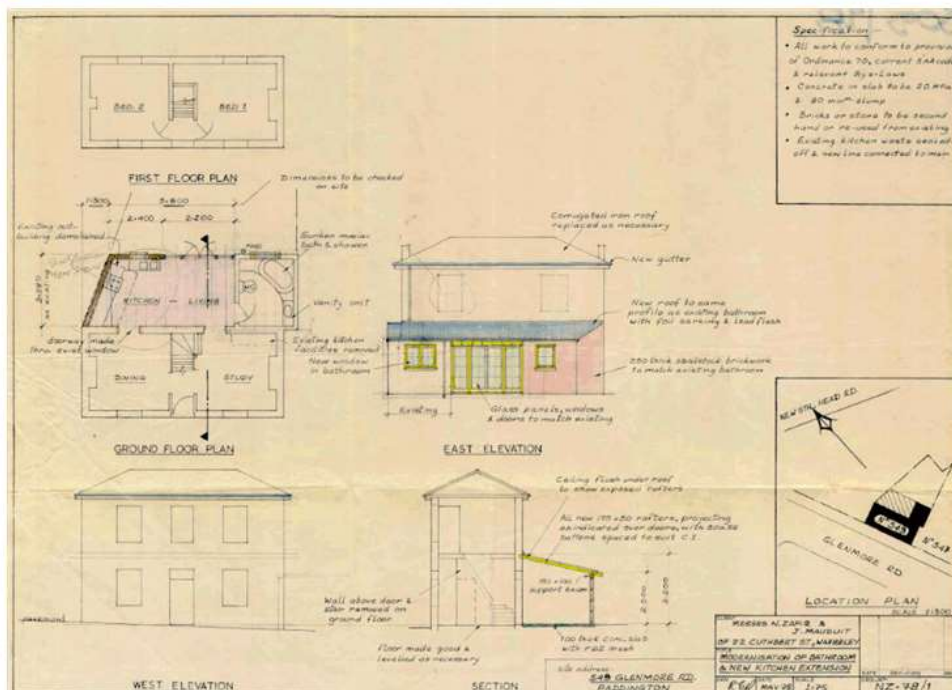


Figure 98: BA1978/509 which approved ground floor level alterations and additions to accommodate a new kitchen living area and bathroom refresh.

HPE: 21/118721

67

The development history for 549 Glenmore Road as documented in Council's Building Index, and in the Planning Street Cards from the City of Sydney indicates that very little development requiring council consent has been undertaken on the site other than BA1978/509 which approved ground floor level alterations and additions to the existing dwelling house to accommodate a new kitchen living area and renovation of the existing bathroom accommodated within the rear lean-to. Whilst these works were not commenced, the plans submitted serve to confirm the building had a simple two-up, two-down floorplan consistent with buildings of this era.

Externally, there appear to have been few changes to the building, other than the construction of a brick lean-to at the rear of the building, the truncation of the chimneys (c.1970s), the alteration of the lower part of the northern elevation to include a panel of ashlar scored concrete, the installation and subsequent removal of a semicircular hood over the building entry, and the installation of air conditioning and other services that have resulted in penetrations into and through the walls. Air conditioning units are placed on the roof of the rear lean-to, with the associated penetration into the building through the sandstone walling at eaves level on the rear elevation of the first floor.

There is evidence that the building may have previously had an awning on the Glenmore Road elevation, with a horizontal timber element and shadowing on the stone indicating a likely prior structure was attached (Figure 99). Whether this attached structure included support posts in the footpath reserve could not be determined due to the footpath in front of the building being of more recent construction.

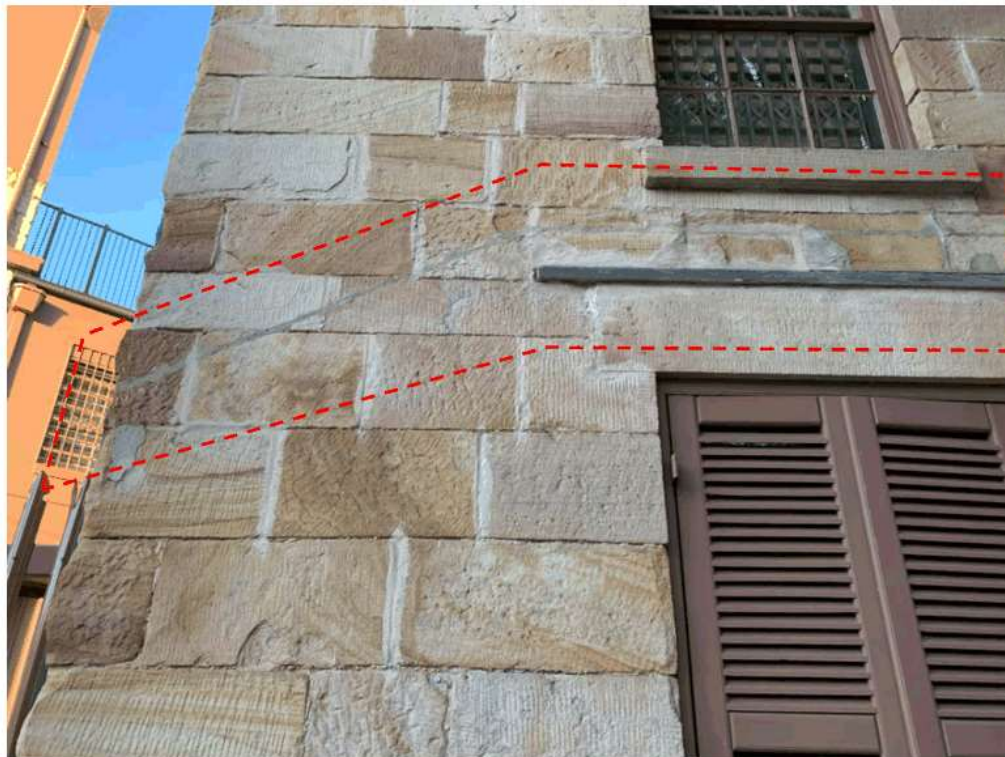


Figure 99: Front elevation detailing evidence of a likely prior attachment

Internally, there have been some substantial changes which have included the removal of the internal dividing walls. It is also noted that the structure supporting the first floor failed, leading to its subsequent collapse and removal. Other more minor changes have occurred such as the conversion of fireplaces to bookshelves, plastering, installation of security grilles on the internal face of the windows, etc. These changes are all reversible, with care.

Around 2019 the semicircular material hood that was in place from c. mid 1980s was removed from over the doorway. In early 2021 the guttering, eaves soffits, windows, window shutters, door and transom light were painted. Photos of the site from street level (Google Street View) indicate that while the Cadry's signage has been updated over time, it has been kept to the same or similar size.



Figure 100: 549-543 Glenmore Road, November 2020. (Source: Google Street View)

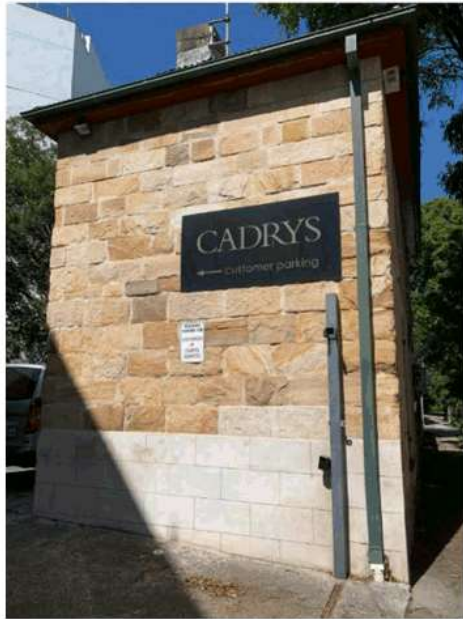


Figure 101: Northern elevation of 549 Glenmore Road



Figure 102: Interior, looking up at the first floor level, with crack plaster visible.



Figure 103: Northern elevation of 549 Glenmore Road



Figure 104: Shell pozzolans visible in the mortar of 549 Glenmore Road

Part 5 Comparative analysis

5.1 Introduction

This section provides a comparative analysis of the Cadry's buildings in the Woollahra LGA.

Comparative analysis is important in understanding how a place may meet criteria (f) and (g) of the *NSW Significance Assessment* criteria. These two criteria relate to whether a place is significant because it is rare or significant because it is a good example of a common type of place. The two criteria are:

Criterion (f) an item possesses uncommon, rare or endangered aspects of NSW's or of the area's cultural or natural history; and

Criterion (g) an item is important in demonstrating the principal characteristics of a class of NSW's or of the area's cultural or natural places or cultural or natural environments.



Addressing these criteria assists in understanding the heritage values of a place in the Woollahra context and the broader context of the history of New South Wales.

5.2 Early Victorian and related buildings in Woollahra

The following comparative analysis examines a sample of heritage listed early Victorian era stone buildings located in Paddington and the wider Woollahra municipality as identified in a search of the State Heritage Inventory for buildings between 1840 and 1870. Also included are a sample of pub buildings recently included in the Paddington Pub Study compiled by Robert Allan Moore Architects for Woollahra Council.

The purpose of this comparative analysis is to gain an understanding of other comparable buildings built in the same period and/or style as the buildings at 133 New South Head Road and 549 Glenmore Road, Edgecliff.

Table 2 Comparative analysis of comparable buildings in the Woollahra Municipality

Site	Significance and contribution	Images
Paddington Arms Hotel 384 Oxford Street, Paddington	<p>The Paddington Arms Hotel is a listed heritage item in the Woollahra LEP (Item 692).</p> <p>Statement of Significance <i>The Paddington Arms Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington's older, successful and enduring hotels. It occupies a site that has been in continuous hotel use since the urban consolidation of Oxford Street in the 1860s, when the building that formerly occupied this site, the Tradesman's Arms, was established as one of the emerging commercial area's first hotels.</i></p> <p><i>While it is not a prominent physical or corner landmark in the way some other Paddington Hotels are, "The Paddington" is a part of Oxford Street's tapestry of development across 150 years, and a signifier of Paddington's emerging and growing importance in Nineteenth and Twentieth Century Sydney.</i></p> <p><i>As with other early hotels of Paddington, The Paddington is of historical and social significance as a reference point for community identity, as Paddington's early pubs were and remain, serving their evolving community across more than 150 years of demographic change until its re-emergence in the later Twentieth Century as a popular, desirable and fashionable area to live, close to the city.</i></p> <p><i>The Paddington has a particular interest in the longevity of its operation and the complex archaeology of its site, the building including stone fabric in its basement and other built-in elements retained from the former Tradesman's Arms, the earlier hotel established on the site in the 1860s. The Hotel's long association with brewer/hoteliers Tooth & Co means that the building is well-documented archivally in local, state and national repositories, whose</i></p>	 <p>Figure 105: 1865 photo of Oxford Street. The Tradesman's Arms Hotel is shown as a two-storey building. Image by: Paddington Municipal Council Jubilee History. Source: State Heritage Inventory.</p>  <p>Figure 106: Interior stone detailing visible within the Paddington Arms Hotel. , 2018. Image by: Robert Allan Moore. Image copyright owner: Robert Allan Moore. Source: State Heritage Inventory.</p>

records together with those of Woollahra Council support interpretation of the building's history of change in step with its community.

The Paddington is of aesthetic significance, having a modest, individual streetscape and townscape presence in its locality, derived of its simple, individual but sophisticated architectural design and construction. Its Edwardian/Federation - Queen Anne Revival (Arts and Crafts) styling make it individual in the locality. While its interiors have sustained much change, they continue to illustrate its story and evolution, and support its contributory importance in the Paddington Heritage Conservation Area. Its ambitious, high-quality recent interior fit-out and adroit management have seen it assume a high-profile place in Paddington's commerce as well as its evolving heritage identity.⁵³

Comparative Analysis

The Paddington Arms Hotel presents as an Edwardian/Federation era pub building, however the original pub on the site, the c.1867 Tradesman's Arms, is of a similar age to the subject sites and was of similar sandstone construction. The available photos suggest that there is substantial sandstone elements remaining, despite the Federation era presentation, in a manner similar to the subject site. However, the oldest portions of the Cadry's building of sandstone construction are more externally and internally legible due to the partial removal of the rendered and plastered layers at ground and first floor levels. The site differ in their use, with the Paddington Arms continuing to trade as a hotel throughout and this continued trade as a hotel contributing to its significance as part of the Paddington Pubs study.



Figure 107: 2018's detail within the former cellars of the Tradesman's Arms, now the Paddington Arms. Image by: Robert Allan Moore. (Source: State Heritage Inventory)

⁵³ Heritage NSW, 2020. State Heritage Inventory - "Paddington Arms Hotel" <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=5067579>

**Lord Dudley
Hotel
236 Jersey
Road,
Woollahra**

The Lord Dudley Hotel is a listed heritage item in the Woollahra LEP (Item 261).

Statement of Significance

The Lord Dudley Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington's older, successful and enduring hotels, occupying a site that has been in continuous hotel use since its delineation by subdivision. It is an example of the local landmark, corner commercial development incorporated into the closer urban consolidation of the suburb, as that activity spread to the areas located on the expanding fringes of residential building, near some of the waning residual quarrying and industrial areas being overtaken by the demand for housing.

The Hotel is of historical and social significance as a reference point for community identity, as Paddington's early pubs were and remain, having served the evolving community of the suburb through 100 years of demographic change leading to its re-emergence as a popular, desirable and fashionable area. The Lord Dudley Hotel's associations with locally influential identities, encompassing developer-publicans, prominent Irish community members, politicians, and a sporting hero give it both an historic and contemporary interest. Its long association with brewer/hoteliers Tooth & Co means that the building is well-documented archivally in local, state and national repositories, whose records also support interpretation of the building's history of change in step with its community.

The Lord Dudley is of aesthetic significance, having a strong landmark streetscape and townscape presence in its locality, derived of its astute and sophisticated architectural design and construction. Its Anglophile design references, through use of the Edwardian/Federation Queen Anne Revival style, made it and continue to make it individual and characterful in the locality and the Municipality as a whole.

While its interiors have sustained change, they are legibly part of the building's story, and it remains one of the most prominent landmark corner hotel buildings in the Paddington Heritage Conservation Area. As



Figure 108: 2018 photo of the Lord Dudley Hotel. Image by: Robert A. Moore. (Source: State Heritage Inventory)



Figure 109: 1908 plans by Halligan and Wilton Architects for the Lord Dudley Hotel (then the Underwood Estate Hotel). Source: State Heritage Inventory

an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.⁵⁴

Comparative analysis

The Lord Dudley Hotel is a prominent corner hotel building, two to three storey in scale of masonry (brick) construction designed in 1908 as the Underwood Estate Hotel that replaced an earlier building of the same name dating from 1878. The Lord Dudley Hotel differs from the Cadry's Building in terms of design and materiality and in that its scale has remained consistent over time since the 1908 build. The sites differ in their ongoing use, with the Lord Dudley continuing to trade as a hotel throughout which contributes to its significance as part of the Paddington Pubs Study.

Mona Terrace 2A Mona Road, Darling Point

Mona Terrace is listed as a local heritage item in the Woollahra LEP (Item 149).

Comparative analysis

There is no Statement of Significance available for the site in the State Heritage Inventory, however, the site is identified by its parapet as being constructed in 1849 and as such is contemporaneous with the subject sites. The exterior design and finishes differ, with Mona Terrace being rendered externally and featuring a central arch-headed window, and bracketed entry, however, the first floor elevation windows are consistent with the subject sites. Internally, the exposed sandstone finish demonstrated in Figure 110 appears consistent with that of the original core of the Cadry's building and the exterior of 549 Glenmore Rd. Mona Terrace is the closest comparable building to the subject site geographically, being situated approximately 53m to the north of the site on Mona Road, just behind the New South Head Road shops, and closest in age temporally, being constructed within approximately 7 years of the Cadry's site. Being a small scaled building, in form it is also more closely related to the subject sites, particularly 549 Glenmore



Figure 110: Mona Terrace. (Source: <https://www.realcommercial.com.au/leased/property-suite-1-2a-mona-road-darling-point-nsw-2027-501819086>)

⁵⁴ Heritage NSW, 2020. State Heritage Inventory - "Lord Dudley Hotel" <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2710072>

Road. However, the scale and use differs from the Cadry's building and this is reflected in the layout of the building.



Figure 111: Sandstone interior of Mona Terrace (Source: <https://www.realcommercial.com.au/leased/property-suite-1-2a-mona-road-darling-point-nsw-2027-501819086>)

“Carthona” Carthona is located in Darling Point and is listed in the Woollahra LEP (Item 82).

Statement of Significance

Built by Sir Thomas Mitchell, an excellent example of an early Gothic residence having interesting historical associations and superbly sited on a small harbour promontory containing many mature trees.⁵⁵

Comparative analysis

The building is described as an “impressive two storey mansion with cellars, of mannerist Tudor Gothic style. Built of sandstone, the exterior is a profusion of gabled slate roofs having castellated parapets and balconies dominated by tall Tudor chimneys. Ground floor windows are pointed Gothic style having three centred heads and fretwork while first



Figure 112: Carthona

⁵⁵ Heritage NSW, 2006. State Heritage Inventory - “Carthona” <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2711048>. Accessed 26 April 2021


	<p>floor windows are flat arched and shuttered. Later sympathetic additions made.”</p> <p>Dating from 1841, the building predates the subject developments and is similar in exterior wall materiality only, with its size, design and setting differing greatly, reflecting its location on the northern side of New South Head Road in the area occupied generally by the “Rushcutters Bay Gentry”.</p>	
<p>“Bishopscourt” 11-21 Greenoaks Avenue, Darling Point</p>	<p>Bishopscourt is listed on the State Heritage Register [SHR00362] and in the Woollahra LEP (Item 133).</p> <p>Statement of Significance</p> <p><i>The historic core (2.8ha) of a large early villa estate comprising an exceptionally fine mansion and grounds of prime historic interest built for Sydney's leading businessman, entrepreneur, horticulturist, and pioneer of exporting frozen meat, Thomas Sutcliffe Mort. Thomas Sutcliffe Mort pioneered weekly wool auctions and the refrigeration of food, was involved in moves for the first railway in NSW and was also one of the founders of the AMP Society. He was instrumental in construction of Mort's Dock at Balmain in 1854, which gave Sydney a dry dock for repairing ships (Pollon, 1996).</i></p> <p><i>Mort was friend and patron of Edmund Blacket, in the late nineteenth century Sydney's leading architect, and Blacket designed what is probably the best Gothic picturesque house in New South Wales.</i></p> <p><i>Greenoaks retains the core of a once celebrated landscape garden created by Mort and nurseryman and landscape designer Michael Guilfoyle from 1849, which in its heyday became the “leading and model private garden of NSW”, and set the tone in this fashionable Sydney resort. The grounds use the steep sloping site to provide a wild, romantic setting for the medieval mansion. A wide variety of plants were used to provide botanical and visual interest, some of which remain today. Mort built a mansion designed by Edmund Blacket in academic gothic style. Guilfoyle used the steep sloping site to provide a wild, romantic setting for the medieval mansion, and a wide variety of plants to provide botanical and visual interest, most likely supplied</i></p>	

Figure 113: ‘Bishopscourt’, Darling Point. (Source: S Read, Heritage Branch, date unknown.)

from his "Exotic Nursery" in Double Bay, which adjoined Greenoaks to the south (Tanner & Begg, 1976, p.31)(Morris, 2002)

Since 1911 the renamed Bishops court has been the home of Sydney's Anglican Archbishops.

The (then 11 acre) estate and part of the mansion also have associations with Thomas Woolley, a Sydney ironmonger, who built a two storey stone cottage "Percyville" on the site with J.F.Hilly as architect. Most of the front of the present house is the original design. (Lawrence, 1993, modified, Read, S., 10/2006).

The property also has associations with architect Professor Leslie Wilkinson who designed extensive remodelling including an extension over the former stables in 1935. Wilkinson was head of the Architecture Faculty at Sydney University and had a marked effect on Sydney's architecture building over 50 houses in the eastern suburbs.⁵⁶

Comparative analysis

Bishops court is of similar materials in part to the subject sites, but differs in that it is a slightly earlier (c. 1845) residence that was remodeled c.1850s/60s to form a two storied Gothic Revival gentleman's residence.

The buildings are unrelated in form and purpose, however the SHI history indicates some similarities in the building history such as the replacement of the shingle roof c1911-13, although in this instance it was replaced with slates. Each building is locally rare, however Bishops court also fulfils the criteria for listing at a State level and this is reflected in the listing of the site on the State Heritage Register.

⁵⁶ Heritage NSW "Bishops court" <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=5045448>

**Paddington
Watch House
(former),
238 Jersey
Road,
Woollahra**

The Paddington Watch House is identified as an item of Local heritage significance in the Woollahra LEP and is listed under the entry for "Building and interiors, sandstone retaining wall" (Item 499).

Statement of Significance

The former Paddington Watch House is a single storey sandstone building with a centre gutter slate roof. An attached service building is both sandstone and rendered brick. The building features prominent sandstone chimneys with broach spire detailing at the base and projecting piers at front corners. The roof has narrow eaves supported on brackets and the windows are recessed with panels below. The building is symmetrical to the front facade and the central front door shelters under a shed roofed awning. The original Watch House consisted of four rooms with a cell to the rear and it was substantially altered in 1911 when it became a Police residence. Little remains internally of the original building although the external form is recognisable. A modern residential wing is now located behind the service block and this is constructed of cement blocks, rendered and painted. Picket fence to front and a stone retaining wall with paling fence to side boundary. Style: Victorian (composite Georgian, Free Classical) External Materials: Sandstone walls, slate roof, timber doors and windows, galvanised gutter and downpipes, cement block walls to rear wing, Internal Materials: Unseen, timber floors, stone face walls, plaster ceilings.


The State Heritage Inventory description identifies that the building has undergone extensive modification internally with little remaining of the original fabric, but the exterior of the building is largely intact.

Comparative analysis

Purpose-built c.1871 as a watch house with cells and modified in 1911 to become a residence, the buildings are similar in their exterior fabric and simple detailing. Both Cadry's Building and the Paddington Watch House underwent substantial modifications in the early 1910s. Despite being similar in age and materiality, the Watch House differs in scale, use and overall design, with the Cadry's Building having had finer detailing befitting its intended use compared with the utilitarian watch



Figure 114: Paddington Watch House. (Source: State Heritage Inventory)

	house. 549 Glenmore Rd has simple detailing, but is of a two storey in scale and has the symmetry and simple detailing of the earlier part of the Victorian era	
Mort's Cottage 38 Ocean Avenue, Double Bay	<p>Mort's Cottage is identified as an item of Local heritage significance in the Woollahra LEP and is listed under the entry for "House and interiors" (Item 221).</p> <p>Statement of Significance <i>The site of Mort's Cottage at 38 Ocean Avenue, Double Bay was purchased by John Tawell at auction in 1835. The cottage designed in a Victorian Rustic Gothic style has historic and social significance for its association with Samuel Peek, tea dealer, commission agent John Weaver, retailer James Maclehose, William Edward Thurlow, and auctioneer and woolbroker Thomas Sutcliffe Mort in 1848, Thomas Charles Robinson, and Sir Edward Knox. The house has aesthetic significance for the relative intactness of the original style, detailing and fabric and for the strong contribution it makes to the character of the immediate area. The cottage has scientific significance for the length of time it has been constructed both for its archaeoological potential and for its potential for educational purposes.⁵⁷</i></p> <p>Comparative Analysis Mort's Cottage is a similar age to the subject sites and is also located on a corner site. While the buildings are of similar materiality with stone construction in their original arrangements with timber framed windows, their designs differ in the form and massing of the first floor, and Mort's Cottage does not seek to address the corner in the manner of the Cadry's building, likely due to the differing scale and purpose of the buildings. Mort's Cottage is a more ornate and finely detailed building compared with 549 Glenmore Road, in keeping with its Victorian Rustic Gothic style.</p>	 <p>Figure 115: Mort's Cottage, c.2012. (Source: https://www.realestate.com.au/property/38-ocean-ave-double-bay-nsw-2028)</p>

⁵⁷ Heritage NSW, 2004. State Heritage Inventory "House" <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2710113>

**St. Mark's
Rectory
53 Darling Point
Road, Darling
Point.**

St. Mark's Rectory is identified as an item of Local heritage significance in the Woollahra LEP as "St. Marks Church Rectory—building and interiors, outbuildings, grounds, gardens, stone fence, gateposts, gate" (Item 91)

Statement of Significance

(Full LEP listing for St Mark's Church and Rectory provided)

The Church and Rectory buildings represent some of the earliest examples of 'Academic Gothic Revival' style architecture in Sydney. They are outstanding examples of this style, which was promoted by Bishop Broughton and facilitated the extraordinary abilities of Edmund Thomas Blacket, who was to become Australia's leading exponent of ecclesiastical design. Though one of the earliest major works of Blacket, the Church remains one of his best known and successful designs.

St Mark's Church and Rectory are given added prominence by their siting and their elevated position. The tower and spire of the Church have always been a dominant landmark on the Darling Point ridge since their construction and retain a visual prominence from many vantage points, despite the surrounding modern high-rise development. The quality of the materials and workmanship as well as the patina of age and use that has mellowed the fabric of the Church and Rectory combined with the character of the surviving sandstone and iron fencing details has produced an outstanding streetscape of the early Victoria era, which despite the loss of some interesting buildings retains much of the Romantic English Village character depicted in several early drawings and water colours of Darling Point Road.

Early Victorian 'Rustic Gothic Revival' Villa constructed in 1849, with substantial additions in 1873 and 1879, built of Sydney sandstone and rendered brickwork with hardwood shingled and corrugated iron gabled roofs and dormers.

St Mark's Rectory is a rare surviving early 'Victoria Rustic Gothic Revival' villa with significant historic and aesthetic values. The quality of the building is based on its design, materials and workmanship of the



Figure 116: St Mark's Rectory. (Source: Heritage NSW State Heritage Inventory)

external and internal building fabric from the early periods of construction.⁵⁸

Comparative Analysis

The Rectory is more comparable with Mort's Cottage (above) than the subject sites in terms of age, style, and scale, being a Victorian Gothic cottage with the first floor level accommodated within the pitched and gabled roof space and serviced by gabled dormer elements. The Rectory is a more ornate and finely detailed building than 549 Glenmore Road, in keeping with its Victorian Rustic Gothic Revival style. Though the original timber shingle roof of the Rushcutters Bay Hotel of the 1860s was consistent with the Rectory, this was lost through the c.1909 addition of a third storey.

5.1 Comparative analysis

The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare example of an early Victorian era former pub building that has remained in almost continuous commercial operation from its construction in c.1865. The site shares key elements consistent with the evolution of hotel buildings in the Paddington area such as the three storey scale and prominent corner location. However, the subject site pre-dates most of the hotel examples described and includes the addition of an entire storey in the early 20th Century that differentiates it from the other hotel examples considered. The resulting building displays architectural characteristics associated with both the early Victorian era and the Federation free classical style parapeted pub building, including the use of proportion, materials, and finishes to achieve aesthetic appeal and landmark qualities that stands as a visual marker of the gateway to Edgecliff.

The Building at 549 Glenmore Road is a locally rare example of an early Victorian era two storey sandstone cottage building in the Georgian style prior to the 1860s. The building is of a prismatic and symmetrical form and is simply detailed which is in contrast to many of the remnant residential examples of residential buildings from that era.

The comparative analysis indicates that the original portion of the Cadry's building and the sandstone cottage at 549 Glenmore Road predate much of the development of the area, with the exception of the remnant grand estates occupied by the Rushcutters Bay gentry generally located on the southern side of New South Head Road, and a handful of other buildings, most of which are of different styles, or are purpose built public buildings.

⁵⁸ Heritage NSW (2006) State Heritage Inventory - "Rectory of St Mark's Church". <https://apps.environment.nsw.gov.au/dpcheritageapp/ViewHeritageItemDetails.aspx?ID=2711077>

Part 6 Heritage significance assessment

6.1 Introduction

Determining the significance of heritage items is undertaken by utilising a system of assessment centred on the Burra Charter of Australia ICOMOS. The principles of the charter are relevant to the assessment, conservation and management of sites and relics. The assessment of heritage significance is based on legislation in the *NSW Heritage Act 1977* and implemented through the *NSW Heritage Manual*.

6.2 NSW Historical Themes

The use of the NSW Historical Themes is an important process in understanding how a site or relic relates to important themes to NSW and to a local area, and therefore how a site could be significant at a State or local level. There are nine broad Australian themes and 36 NSW themes, with numerous local themes relating to these. The Cadry's building at 133 New South Head Road, Edgecliff relates to the following NSW Historical Themes⁵⁹:

Australian theme (abbrev)	New South Wales theme	Local theme
3. Developing local, regional and national economies	Commerce	Activities relating to buying, selling and exchanging goods and services
Discussion	The use of the site for buying and selling of goods and services, first as a hotel and then as a carpet retailer, has been uninterrupted since the first license was granted in 1856.	
3. Developing local, regional and national economies	Technology	Activities and processes associated with the knowledge or use of mechanical arts and applied sciences
Discussion	The historic collection amassed and curated by the Cadry family contribute to the collective knowledge of Persian carpets as an applied art form.	
4. Building settlements, towns and cities	Accommodation	Activities associated with the provision of accommodation and particular types of accommodation.
Discussion	The site provided rental accommodation throughout its use as the Rushcutters Bay Hotel in the form of rooms for let.	
7. Governing	Law and Order	Activities associated with maintaining promoting and implementing criminal and civil law and legal process
Discussion	The Rushcutters Bay Hotel was used as the site to carry out inquests, including coronial inquests, for many years.	
8. Developing Australia's cultural life	Religion	Activities associated with particular systems of faith and worship
Discussion	The site stands on land that formed part of the St James' Glebe lands administered by the Church of England from 1842.	

⁵⁹ Heritage Council of NSW, 2006. *New South Wales Historical Themes*.

The building at 549 Glenmore Road relates to the NSW Historical themes as follows:

Australian theme (abbrev)	New South Wales theme	Local theme
4. Building settlements, towns and cities	Accommodation	Activities associated with the provision of accommodation and particular types of accommodation.
Discussion	The site provided accommodation as a modest two-storey sandstone cottage.	
8. Developing Australia's cultural life	Religion	Activities associated with particular systems of faith and worship
Discussion	The site stands on land that formed part of the St James' Glebe lands administered by the Church of England from 1842.	

6.3 Heritage significance assessment

6.3.1 New South Wales Heritage Assessment Guidelines

The *NSW Heritage Manual* provides seven heritage criteria to assess the significance of an item. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will need to meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

'State heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item. 'Local heritage significance', in relation to a place, building, work, relic, moveable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The below table outlines the seven heritage criteria.

Table 3 NSW Heritage Criteria

Criteria	Description
Criterion A - Historical significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion B - Associative significance	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion C - Aesthetic/technical significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
Criterion D - Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

Criterion E - Research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion F - Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)
Criterion G - Representative	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments. or a class of the local area's <ul style="list-style-type: none"> • cultural or natural places; or • cultural or natural environments.

The following section provides an assessment of significance against the seven heritage criteria for the Cadry's building at 133 New South Head Road, Edgecliff and the two storey sandstone building at 549 Glenmore Road, Edgecliff.

Criterion A – Historical significance

The Cadry's building at 133 New South Head Road, formerly the Rushcutters Bay Hotel, is historically significant as one of the early hotels in the Paddington area, with the two storey plus basement sparrows-pecked sandstone core of the building dating from c.1856. The site is located on the former St. James' Glebe granted in 1842 and features one of the oldest remaining buildings on New South Head Road in what is now known as Edgecliff.

The Cadry's building is historically significant due to the continuing use of the site for commercial purposes for over 160 years - first as a hotel and inn and then as the first Persian carpet retailer in the area. The former use of the site as the Rushcutters Bay Hotel is historically significant as part of the larger history of hotels in Paddington, and the addition of the third storey c.1909 is indicative of the evolution and expansion of pubs within the Paddington area in the 20th Century.

Guidelines for inclusion ⁶⁰	Guidelines for exclusion
<ul style="list-style-type: none"> ✓ shows evidence of a significant human activity ✓ is associated with a significant activity or historical phase ✓ maintains or shows the continuity of a historical process or activity 	<ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes • provides evidence of activities or processes that are of dubious historical importance • has been so altered that it can no longer provide evidence of a particular association

The Cadry's building at 133 New South Head Road, Edgecliff is of local significance under this criterion.

The Cadry's building at 133 New South Head Road, Edgecliff would not meet the threshold for State significance under this criterion.

⁶⁰ For the purpose of the assessment, dots indicate the points in the guidelines, whilst the ticks indicate points in the guidelines that have also been met.

The two-storey sandstone cottage at 549 Glenmore Road is historically significant as an example of an early modest sandstone cottage built in the Georgian style, two storeys in scale and dating from c.1856. The site is located on the former St. James' Glebe granted in 1842 and features one of the oldest remaining buildings on Glenmore Road in what is now known as Edgecliff.

Guidelines for inclusion ⁶¹	Guidelines for exclusion
<ul style="list-style-type: none"> ✓ shows evidence of a significant human activity ✓ is associated with a significant activity or historical phase ✓ maintains or shows the continuity of a historical process or activity 	<ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes • provides evidence of activities or processes that are of dubious historical importance • has been so altered that it can no longer provide evidence of a particular association

549 Glenmore Road, Edgecliff is of local significance under this criterion.

549 Glenmore Road, Edgecliff would not meet the threshold for State significance under this criterion.

Criterion B – Associative significance

The Cadry's building at 133 New South Head Road, Edgecliff is significant due to its association with the Cadry family, in particular Jacques Cadry, who was a prominent member of the Persian Jewish community and through whom the

As the former Rushcutters Bay Hotel, the site is historically associated with individuals in the recorded succession of licensees and managers of the Hotel, who are representative of the small business people who consolidated the society and built environment of Paddington (and Sydney) in the late 19th and early 20th Centuries. None may be particularly prominent, but they contributed importantly to the local commercial and cultural life of their time.

The Rushcutters Bay Hotel was associated with the Scharer family of publicans who ran the hotel over a period of 20 years in the early-mid twentieth century, representing a family run hotel business now largely lost from Sydney hotels.

Between 1931 and 1966 the hotel was operated by the Sydney brewing company, Tooth & Co, who had first leased the building following the demise of Resch's. Tooth & Co were owners of 22 hotels in Paddington during this same period and hundreds more across Sydney and NSW, making them one of the largest hotelier companies in NSW history.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> ✓ shows evidence of a significant human occupation ✓ is associated with a significant event, person, or group of persons 	<ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes

⁶¹ For the purpose of the assessment, dots indicate the points in the guidelines, whilst the ticks indicate points in the guidelines that have also been met.

	<ul style="list-style-type: none"> • provides evidence of activities or processes that are of dubious historical importance • has been so altered that it can no longer provide evidence of a particular association
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The Cadry's building at 133 New South Head Road, Edgecliff is of local significance under this criterion.

The Cadry's building at 133 New South Head Road, Edgecliff would not meet the threshold for State significance under this criterion.

No evidence has been found to date to suggest that the two-storey sandstone cottage at 549 Glenmore Road has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • shows evidence of a significant human occupation • is associated with a significant event, person, or group of persons 	<ul style="list-style-type: none"> • has incidental or unsubstantiated connections with historically important activities or processes • provides evidence of activities or processes that are of dubious historical importance • has been so altered that it can no longer provide evidence of a particular association

549 Glenmore Road, Edgecliff would not meet the threshold for local significance under this criterion.

549 Glenmore Road, Edgecliff would not meet the threshold for State significance under this criterion.

Criterion C - Aesthetic/technical significance

The Cadry's building at 133 New South Head Road, Edgecliff is aesthetically significant as a fine example of an early Victorian era hotel building that has been extended in the Federation free classical style. The building has landmark qualities as a substantial corner former hotel building in a commanding position on the New South Head Road and Glenmore Road apex and forms part of the visual gateway to the Edgecliff commercial centre and the Woollahra Municipality in general.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • shows or is associated with, creative or technical innovation or achievement • is the inspiration for a creative or technical innovation or achievement ✓ is aesthetically distinctive ✓ has landmark qualities ✓ exemplifies a particular taste, style or technology 	<ul style="list-style-type: none"> • is not a major work by an important designer or artist • has lost its design or technical integrity • its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded • has only a loose association with a creative or technical achievement

The Cadry's building at 133 New South Head Road, Edgecliff is of local significance under this criterion.

The Cadry's building at 133 New South Head Road, Edgecliff would not meet the threshold for State significance under this criterion.

The two-storey sandstone cottage at 549 Glenmore Road is of aesthetic significance for its prismatic form and simple symmetrical composition of sandstone construction that are characteristic of the Victorian Georgian style.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none">• shows or is associated with, creative or technical innovation or achievement• is the inspiration for a creative or technical innovation or achievement• is aesthetically distinctive• has landmark qualities✓ exemplifies a particular taste, style or technology	<ul style="list-style-type: none">• is not a major work by an important designer or artist• has lost its design or technical integrity• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded• has only a loose association with a creative or technical achievement

549 Glenmore Road, Edgecliff is of local significance under this criterion.

549 Glenmore Road, Edgecliff would not meet the threshold for State significance under this criterion.

Criterion D - Social significance

Given its aesthetic contribution to the local area, the Cadry's building at 133 New South Head Road, Edgecliff is likely to be held in high regard by the community. However, no community survey has been undertaken at this time. Although the site may prove upon further investigation to have social significance, based on the information available at this time the Cadry's building at 133 New South Head Road, Edgecliff is not deemed to have social significance.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none">• is important for its associations with an identifiable group• is important to a community's sense of place	<ul style="list-style-type: none">• is only important to the community for amenity reasons• is retained only in preference to a proposed alternative

The Cadry's building at 133 New South Head Road, Edgecliff would not reach the threshold for local significance under this criterion.

The Cadry's building at 133 New South Head Road, Edgecliff would not meet the threshold for State significance under this criterion.

No evidence has been found to suggest that the two-storey sandstone cottage at 549 Glenmore Road has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons. However, no community survey has been undertaken at this time and, based on the information available to date, the building at 549 Glenmore Road, Edgecliff is not deemed to have social significance.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> is important for its associations with an identifiable group is important to a community's sense of place 	<ul style="list-style-type: none"> is only important to the community for amenity reasons is retained only in preference to a proposed alternative

549 Glenmore Road, Edgecliff would not reach the threshold for local significance under this criterion.

549 Glenmore Road, Edgecliff would not meet the threshold for State significance under this criterion.

Criterion E - Research potential

The Cadry's building at 133 New South Head Road, Edgecliff may have some potential to yield historical archaeological deposits in the subfloor spaces as the original structure was built c.1865 and may pre-date the use of tongue and groove flooring in general construction, however, it is unlikely that any such deposits survived the subsequent alteration and renovation of the internal arrangements in the early 1910s. The building was the first structure on the site and its construction involved excavation to accommodate the basement level. The archaeological potential of the overall site is therefore low.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> ✓ has the potential to yield new or further substantial scientific and/or archaeological information is an important benchmark or reference site or type provides evidence of past human cultures that is unavailable elsewhere 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture has little archaeological or research potential only contains information that is readily available from other resources or archaeological sites

The Cadry's building at 133 New South Head Road, Edgecliff has the potential to meet the threshold for local significance under this criterion upon further investigation.

The Cadry's building at 133 New South Head Road, Edgecliff would not meet the threshold for State significance under this criterion.

The two-storey sandstone cottage at 549 Glenmore Road, Edgecliff may have some potential to yield historical archaeological deposits in the subfloor space, as the original structure was built

c.1865 and may pre-date the use of tongue and groove flooring in general construction. The building was the first structure on the site, which appears to have been levelled. The archaeological potential of the overall site is therefore low.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> ✓ has the potential to yield new or further substantial scientific and/or archaeological information • is an important benchmark or reference site or type • provides evidence of past human cultures that is unavailable elsewhere 	<ul style="list-style-type: none"> • the knowledge gained would be irrelevant to research on science, human history or culture • has little archaeological or research potential • only contains information that is readily available from other resources or archaeological sites

549 Glenmore Road, Edgecliff has the potential to meet the threshold for local significance under this criterion upon further investigation.

549 Glenmore Road, Edgecliff would not meet the threshold for State significance under this criterion.

Criterion F - Rarity

The Cadry's building at 133 New South Head Road, Edgecliff is a rare example of a remnant Victorian Georgian former corner pub building in the former Paddington area, and is likely to be the only example of its type in the Woollahra Municipality.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • provides evidence of a defunct custom, way of life or process • demonstrates a process, custom or other human activity that is in danger of being lost • shows unusually accurate evidence of a significant human activity ✓ is the only example of its type ✓ demonstrates designs or techniques of exceptional interest ✓ shows rare evidence of a significant human activity important to a community 	<ul style="list-style-type: none"> • is not rare • is numerous but under threat

The Cadry's building at 133 New South Head Road, Edgecliff would reach the threshold for local significance under this criterion.

The Cadry's building at 133 New South Head Road, Edgecliff would not reach the threshold for state significance under this criterion.

549 Glenmore Road is a locally rare example of a modest early Victorian era two-storey sandstone cottage building in the Georgian style, likely built prior to the 1860s. The building is of a prismatic and symmetrical form and is simply detailed, in contrast to many of the remnant residential examples of residential buildings from that era within the Woollahra Municipality.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process demonstrates a process, custom or other human activity that is in danger of being lost shows unusually accurate evidence of a significant human activity ✓ is the only example of its type ✓ demonstrates designs or techniques of exceptional interest shows rare evidence of a significant human activity important to a community 	<ul style="list-style-type: none"> is not rare is numerous but under threat

549 Glenmore Road, Edgecliff would reach the threshold for local significance under this criterion.

549 Glenmore Road, Edgecliff would not reach the threshold for state significance under this criterion.

Criterion G – Representative

133 New South Head Road, Edgecliff is a representative example of a Victorian Georgian former pub building that was expanded in the early 20th century in response to the popularity of pubs as gathering places for the community throughout the 20th century. Corner hotel buildings from the formative period of the suburb are a key character element of the Paddington Heritage Conservation Area.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> is a fine example of its type ✓ has the principal characteristics of an important class or group of items ✓ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity is a significant variation to a class of items ✓ is part of a group which collectively illustrates a representative type is outstanding because of its setting, condition or size is outstanding because of its integrity or the esteem in which it is held 	<ul style="list-style-type: none"> is a poor example of its type does not include or has lost the range of characteristics of a type does not represent well the characteristics that make up a significant variation of a type

The Cadry's building at 133 New South Head Road, Edgecliff is of local significance under this criterion.

The Cadry's building at 133 New South Head Road, Edgecliff would not meet the threshold for State significance under this criterion.

The two-storey sandstone cottage at 549 Glenmore Road is a representative example of an early Victorian era cottage built in the Georgian style and features key characteristics of this style including the simple rectangular prismatic form, symmetrical façade and simple composition of load bearing exposed sandstone walls. The building is simply detailed, consistent with the Victorian Georgian style including the simple chimney, sash windows with small 6+6 panes and transom light.

Guidelines for inclusion	Guidelines for exclusion
<ul style="list-style-type: none"> • is a fine example of its type ✓ has the principal characteristics of an important class or group of items ✓ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity • is a significant variation to a class of items ✓ is part of a group which collectively illustrates a representative type • is outstanding because of its setting, condition or size • is outstanding because of its integrity or the esteem in which it is held 	<ul style="list-style-type: none"> • is a poor example of its type • does not include or has lost the range of characteristics of a type • does not represent well the characteristics that make up a significant variation of a type

549 Glenmore Road, Edgecliff is of local significance under this criterion.

549 Glenmore Road, Edgecliff would not meet the threshold for State significance under this criterion.

6.3.2 Statements of Heritage Significance

Cadry's Building

The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premises for over 160 years - first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.

The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site topography. The building remains legible as a mid-19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.

As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories.

The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".

The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development

The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.

549 Glenmore Road

549 Glenmore Road is a modest two storey stone cottage in the Edgecliff (formerly Paddington) area located within the former St James' Glebe lands administered by the Church of England until the 1960s. The building is historically significant as a rare surviving example of an early Victorian era building in the Georgian style, with its simple rectangular prismatic form, symmetrical façade and simple composition of load bearing exposed sandstone walls featuring shell pozzolans in the mortar. The building is simply detailed, demonstrating characteristics of the Victorian Georgian style including the simple chimney, sash windows with small 6+6 panes and transom light.

The building shares some common materiality and detailing with that of the neighbouring Cadry's Building (c.mid-1850s) and its construction has been but assessed as being of the same era. However, further association between the two sites prior to their acquisition by the Cadry family has not been established.

Part 7 Conclusions and recommendations

7.1 Conclusions

This report has assessed the heritage significance of Cadry's building at 133 New South Head Road, Edgecliff and has been amended to include a high-level assessment of the neighbouring building at 549 Glenmore Road against the significance criteria. It has concluded that, based on the information available at the time of writing, the buildings meet the threshold for local heritage significance. The Cadry's building is of local heritage significance for historical, aesthetic, associational, rarity and representative significance. 549 Glenmore Road is of local heritage significance for historical, aesthetic, rarity and representative significance.

This report has concluded that neither the Cadry's building at 133 New South Head Road, Edgecliff nor the two storey sandstone cottage at 549 Glenmore Road, Edgecliff meet the threshold for State heritage significance.

7.2 Recommendations

7.2.1 Recommended heritage listing

The Cadry's building at 133 New South Head Road, Edgecliff on Lot 1: DP255233 be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance. This is to be based on the attached Heritage Inventory sheet. It is to be described as: *Cadry's Building (former Rushcutters Bay Hotel), including interiors.*

The two-storey sandstone cottage at 549 Glenmore Road, Edgecliff on Lot 37 in DP255233 be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance. This is to be based on the attached Heritage Inventory sheet. It is to be described as: *Early Victorian sandstone cottage, including interiors.*

7.2.2 Recommended management

It is recommended to manage both the Cadry's building at 133 New South Head Road, Edgecliff and the two storey sandstone cottage at 549 Glenmore Road, Edgecliff and their significant components in accordance with the Woollahra LEP 2014 and Burra Charter Principles.

It is recommended that all future proposals for modifications to the buildings should respect the form and style of the buildings and their significant fabric. All remaining intact fabric on the external façades and intact interiors should be retained and conserved. Elements lost, such as historic door arrangements in the Cadry's Building or the first floor flooring and fireplaces in 549 Glenmore Road may be restored or reconstructed to a known prior state in accordance with Burra Charter principles. There should be no substantial additions or alterations to the New South Head Road or Glenmore Road elevations except to return the building to a prior known state. It is recommended that future development be carried out in accordance with a conservation management document, and that detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association.

It is further recommended that the immediately adjacent buildings at 543-545 Glenmore Road be the subject of a future heritage significance assessment to ascertain whether these buildings, that are identifiable in much of the pre-1890 historic resources accessed for this assessment, also warrant listing in Schedule 5 of the Woollahra LEP 2014.

The impact of future works on the heritage significance of the buildings are to be assessed against the relevant heritage provisions of the Woollahra LEP 2014 and in accordance with the Heritage Council of NSW publication 'Statements of Heritage Impact' as contained in the NSW Heritage Manual. Proposed works are to be guided by the conservation principles and guidelines of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 2013.

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City of Sydney Planning Street Cards

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Woollahra Register of Building Applications

Newspaper & magazine articles:

TROVE digitised newspapers online <https://trove.nla.gov.au/>

Appendix 1 Leases and Licensees

Leases

The subject site is located on part of Lot 1 of the St James's Glebe lands. This lot was leased to John Walton of Sydney, freeholder, for a term of 99 years from 1 January 1866, who subleased it to Snowden McBurney and Nicholas McBurney, thus starting a long history of lease and sublease of the site (demonstrated in until its eventual sale by the Anglican church to Sterling Agencies in the 1960's who remain the current owners of the site. The following table summarising the land dealings is compiled based on the information provided by the Anglican Archdiocesan Archives of Sydney. Information was

Date	Dealing	Parties
30.8.1866	Lease	Bishop of Sydney and Trustees to John Walton
12.6.1869	Lease	W. B. Walford & W. E. Sparke, and J. Walton to S. McBurney & N. McBurney
28.12.1882	Lease	E. K. Holroyd and H. W. Walton to J. McInerney
15.1.1883	Assignment	H. W. Walton & E.K Holroyd to T. Moore
31.5.1915	Assignment	Executors for Thomas Moore to Helen Victoria Shawe (nee Moore)
21.11.1932	Agreement	V. H. Shawe (nee Moore)
19.8.1955	Assignment	Victoria Helen Shaw (Moore) to John Antill Black & Jean Black
24.1.1967	Lease	Glebe Administration Board to Garth John Bittar and Bruce George Bittar

Licensees

Licensee	Date of license issue/sale/transfer
Mary Clarke	24.12.1856 ⁶²
Henry Nicholson	7.8.1866 ⁶³
John Eustace	23.5.1859 ⁶⁴
Watkinson, William	23.4.1861 ⁶⁵
Henry Nicholson	9.9.1870 ⁶⁶ 20.9.1872 (billiard) ⁶⁷

⁶² QUARTERLY LICENSING MEETING. (1856, December 25). *Empire (Sydney, NSW : 1850 - 1875)*, p. 5. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article64981899>

⁶³ Government Gazette Notices (1866, August 7). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 1876. Retrieved March 4, 2020, from <http://nla.gov.au/nla.news-article225470295>

⁶⁴ LICENSED PUBLICANS. (1859, May 23). *The Sydney Morning Herald (NSW : 1842 - 1954)*, p. 3. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article13025257>

⁶⁵ LIST OF APPLICATIONS FOR PUBLICANS, GENERAL, LICENSES. (1861, April 23). *Empire (Sydney, NSW : 1850 - 1875)*, p. 8. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article60493953>

⁶⁶ 1870 'Government Gazette Notices', *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, 9 September, p. 1933. , viewed 17 May 2021, <http://nla.gov.au/nla.news-article223531633>

⁶⁷ "Government Gazette Notices" *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)* 20 September 1872: 2425. Web. 17 May 2021 <<http://nla.gov.au/nla.news-article230132483>>.

Licensee	Date of license issue/sale/transfer
Nicholson, J [Jesse]	9.9.1873 (bagatelle) ⁶⁸
Charles Hunt	2.9.1874 (billiard) ⁶⁹
John McInerney	13.9.1876 ⁷⁰ 12.9.1879 - (billiard) ⁷¹
Julia McInerney	13.9.1882 ⁷²
Isaac Scholes -1893	25.4.1884 ⁷³
Scholes, Julia	19.8.1908 ⁷⁴
Barlow, Martin	6.4.1911 ⁷⁵
Thos. H. Maguire 1917	18.1.1912 ⁷⁶
McFarlane, Arthur William	
Massey Charles H	
Mabel Francis Bell	17.10.1918 ⁷⁷
John Mason	27.8.1920 ⁷⁸
Cain C	not noted
Carter H. O.	2.2.1922 ⁷⁹
Kemp L. A	12.10.1922
Tierney WM	13.9.1923
Carrick J	Jan 1924
Fitzsimmons A. A.	9.8.1926
Davis HM	14.3.1927
Stewart John W	23.5.1927
Mann Henry	25.7.1927
Kelly Stanley	16.4.1928
Hogden John	15.7.31
Springhall W. A. E.	2.11.1931
McKay M. J.	2.11.1933
Whiteman Charles N.	5.11.1934
Scharer B. J.	1.6.1936

⁶⁸ Government Gazette Notices (1873, September 9). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 2479. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article223104523>

⁶⁹ Government Gazette Notices (1874, September 2). *New South Wales Police Gazette and Weekly Record of Crime (Sydney : 1860 - 1930)*, p. 2657 (SUPPLEMENT TO THE NEW SOUTH WALES Government Gazette.). Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article251604206>

⁷⁰ (1876, September 13). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 3657. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-page12931803>

⁷¹ Government Gazette Notices (1879, September 12). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 4079. Retrieved March 4, 2020, from <http://nla.gov.au/nla.news-article223436389>

⁷² Government Gazette Notices (1882, September 13). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 4761. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article225829515>

⁷³ Government Gazette Notices (1884, April 25). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 2737. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article223771973>

⁷⁴ PUBLICANS' LICENSES. (1908, August 19). *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)*, p. 4578. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article226916568>

⁷⁵ Dun's gazette for New South Wales., v.5, no.14, 1911-04-10

⁷⁶ "PUBLICANS' LICENSES." *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)* 21 August 1912: 5249. Web. 17 May 2021 <<http://nla.gov.au/nla.news-article221605643>>.

⁷⁷ Dun's Gazette Vol. 20 No 16 p18

⁷⁸ PUBLICANS' LICENSES. (1920, August 27). *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)*, p. 4995. Retrieved May 17, 2021, from <http://nla.gov.au/nla.news-article224610595>

⁷⁹ Tooth Archive folders. Accessed via Noel Butlin Archive, Australian National University, September 2020

Licensee	Date of license issue/sale/transfer
Menzies, L.F. (Lorne Fellowes)	31.5.1937
Bernard G Scharer	20.4.1938
McKay, Athol Kenneth	12.7.1956
Lyon, Ronald (in partnership with his Wife Ellen Mary Lyon)	11.11.1957
Lyon, Ellen Mary	30.4.1964

Appendix 2 Tooth & Co. Works

The following table contains a history of works carried out at the site, as documented in the Tooth & Co. Files N60/2422, N60/2423 and N60/7297.

Date	Description	Contractor	Cost (£)
14/10/1931	Floodlighting, concealed in ceiling of awning		
Undated	Exterior painting, interior renovations. Repairs to boundary fence, roofs, smoke stacks and gas stove, renewing bar sink and ice chest		91.1.0
7/6/1932	Providing and fixing bar sinks and other minor repairs	Mssrs J Stubbe & Sons	14.10.01
15/12/1932	Erecting new suspended awning and tiling the underside of the awning	Mr S. Featherstone	358.0.0
24/9/1934	Renewing whole of iron roof renewing box gutter and ridge capping, repairing flashing, covering flat roof with bituminous felt, & renewing eaves gutter on main roof	Messrs Blundell & Brown	49.10.0
12/12/1934	Renovating bedrooms 1, 2 & 3	Collibee Bros	10.0.0
18/1/1935	Overhauling and repairing gas stove	James Ward Ltd	4.14.6
4/6/1935	Renewing lino to countertop. Supply & fix new electric light point to ladies lavatory	F. W. Hickey	7.10.0
17/6/1935	Painting & repairs to exterior	R. F. Hanly	76.0.0
9/4/1936	Renewing steps leading to gents lavatory from public bar		12.0.0
28/7/1937	Internal painting and repairs	C. Soffe	28.12.0
13/7/1938	Renewing lino to public bar countertop	F. W. Hickey	7.10.0
25/7/1938	Internal repairs & renovations	Abrahams & Co.	48.0.0
18/1/1939	Eradication of borers & necessary repairs	Ban Ant Exterminator Co.	12.17.3
27/1/1939	Repair & refix guard rail caused by a lorry owned by Hollander & Govett under care of Darling Pt Garage	Blundell & Brown	7/2/6
29/4/1939	Renewing water service	J Goodwin & Son	33.16.6
29/4/1939	Rendering cellar floor also section at cellar entrance	F. W. Hickey	58.0.0
15/1/1941	Deaton cleaning unit to be installed		
10/4/1941	Erecting new ladies lavatory in basement, enlarging public lavatory [approved by Paddington Council and as ordered by the Police]	Henshaw & Thompson	214.0.0
28/4/1941	Repairs to bar door, frames & hinges		
2/5/1941	Refixing loose tiles in bar		
12/9/1941	Tender for converting window to door & other works		161.0.0

12/11/1941	Remodelling of lavatories & minor alterations to bars & sundry repairs carried out	Henshaw & Thompson	419.15.3
24/5/1942	Removing & crating glass & boarding up show window	L. Owens	10.8.0
25/5/1942	Painting & repairs to exterior, renovating & repairing walls & woodwork of private entrance, renew gauze to kitchen door	R. F. Hanly	88.10.0
10/8/1942	Remove boards from back of doors & windows, replace w. masonite	C. R. Adamson	9.0.0
10/11/1942	Repair grating leading to stairway		
9/8/1943	Renovation to portion of interior	Enmore Painting Co.	22.17.0
11/6/1945	Renovating portion of exterior, painting & writing awning fascia	Enmore painting co	42.13.0
19/2/1946	Renewing defective saloon bar counter lino	Kelsey Bros.	8.15.0
18/3/1946	Supply & erecting one pair of ledged gates complete	C.R. Adamson	17.0.0
25/9/1946	Exterior painting	Enmore Painting Co	145.10.0
15/1/1947	Removing stud wall in gents lavatory & replacing w/brick wall, tiled on completion, replacing defective bearers in corner of kitchen with steel bars built in brickwork.	Sinclair & Thompson	84.4.0
4/5/1948	Main roof leak	Blundell & Brown	
19/5/1948	Report: Main post supporting floor of public bar badly rotted		
19/7/1948	Grading & ashphalting yard area	R.A. Christie & Sons	29.15.0
21/7/1948	Cold room by licensee	F. Collar Pty Ltd	679.7.6
1/2/1949	Renewing public bar linoleum	F.W. Hickey	22.0.0
31/3/1949	Rewiring	F. J. Papps	
23/1/1950	Supply & fix new s/s combination bar sink	J. T. Gumly & Sons	63.15.0
22/2/1950	External painting & repairs	R. F. Hanly	221.0.0
14/4/1950	Hack off and cement render sections of walls to the exterior of the building	Nicholls	
6/6/1950	Stripping & recovering flat roof	Ormond Roofing & Ashphalts Ltd	71.6.9
9/8/1950	Renovating rainstained sections of the interior	R. F. Hanly	61.0.0
17/11/1952	Repair iron roofing over dining room	Blundell & Brown	
27/4/1953	Take out old windows from parlour & bedrooms, supply & fix sundry louvres and a fixed sash	W. S. Chidzey	44.0.0
3/6/1953	Renew main roof rear guttering, take away old flue pipe from back wall, clean out awning downpipes	Ward Bros.	
16/6/1953	Supply & fix new sash & side pieces to hopper window in the public lavatory	W. S. Chidzey	
24/6/1953	Repair section of water service & renew gas copper, flue & cowl	Ward Bros.	
29/6/1953	External painting & repairs	W. J. Sharman & Sons	344.10.0

18/9/1953	Order: Repairs to lath a plaster wall to private entry & renewing dividing fence		
27/7/1953	Renewing section of bar flooring in serving space	W. S. Chidzey	44.16.9
27/11/1953	Renovation to public bar		78.10.0
17/5/1954	Renewing hot water service	Blundell & Brown	110.0.0
4/8/1954	Supply & fix bolts to bar doors where necessary	M. G. Spence	3.5.0
1/9/1954	Painting & repairs	George Ward Pty Ltd	398.12.0
7/9/1954	Extending hot water service to bathroom on 3rd floor	Wm Murray & co	51.0.0
6/5/1955	Take down old lights, supply & fix 4 single 40 fluorescent lights under the awning		
7/11/1955	Supplying and erecting galvanised pipe handrail to steep concrete incline adjoining footpath	M G Spence	68.0.0

File No. N60/2424

Date	Description	Contractor	Cost (£)
1/10/1957	External painting & repairs	J. King & Sons	340.0.0
3/2/1958	Internal & external painting & repairs	Allan Long & Co	820.0.0
28/3/1958	Cut out old downpipe in wall & supply & fix new 4x3 copper downpipe	Blundell & Brown	15.7.0
14/4/1958	Supply & fit vinyl tiles in public spaces of the bar	Dunlop rubber	131.8.0
14/4/1958	Eradicate white ants on first floor and laundry		
22/5/1958	Ease bar doors to clear new floor covering		
2/6/1958	Supply & fix new steps and risers to stairs from public bar to toilet		
2/7/1958	Supply & fix new panel in bar door		
5/12/1958	Supply & fix new cellar skids		
21/9/1959	Supply & fix new section of downpipe under footpath to drain		
23/9/1959	Digging up section of the footpath, under the awning which was subsiding through seepage washing away the filling though into the cellar, fixing reinforcing, concrete same		
6/11/1959	Repair roof leaks over hallway & dining room		
1/6/1961	Exterior painting		
5/9/1961	Straighten up pipe rail on the footpath		
14/8/1961	External painting and repairs	K. H. McEnally	420.0.0

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13/11/1961	Repair stairs and landing at the rear of the hotel, repair, rewire and refit flyscreen door to kitchen	
8/1/1963	Replug & refix stair railing to cellar	
25/2/1963	Renewing cold water service in copper tube	178.0.0
7/8/1963	Repairs to bottle cabinet	Harding & Sons 17.8.6
17/1/1964	Repair extend stair from kitchen to yard, replace white ant eaten skirting in the dining room	

Appendix 3 Heritage Inventory Sheet

Heritage Data Form

ITEM DETAILS					
Name of Item	Cadry's Building (former Rushcutters Bay Hotel), including interiors.				
Other Name/s Former Name/s	Rushcutters Bay Hotel, Nicholson's Hotel, Kelly's Hotel				
Item type (if known)	Built				
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	133				
Street name	New South Head Road				
Suburb/town	Edgecliff		Postcode	2027	
Local Government Area/s	Woollahra				
Property description	Cadry's building (former Rushcutters Bay Hotel), and interiors				
Location - Lat/long	Latitude		Longitude		
Location - AMG (if no street address)	Zone		Easting	Northing	
Owner	Private				
Current use	Retail premise				
Former Use	Pub				
Statement of significance	<p>The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premise for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.</p> <p>The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site topography. The building remains legible as a mid-19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.</p> <p>As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories.</p> <p>The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".</p>				

Heritage Data Form

	<p>The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development</p> <p>The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.</p>	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>
DESCRIPTION		
Designer	Not known	
Builder/ maker	Not known	
Physical Description	<p>The building</p> <p>The building is part single storey and part three storey, with the single storey element forming a split-level arrangement with the ground and first floor level showrooms. The building also features a basement level accessible from the Glenmore Road frontage. The site falls sharply away from the New South Head Road frontage and the building responds to the fall in the land through the elevated area around the ground floor level which continues around the Glenmore Road elevation and relates to the internal floor level of the ground floor and is significantly above the Glenmore Road footpath level. The building is of stone and brick masonry construction, rendered for the majority of the second floor level, with the basement, ground floor and first floor level having had the pub tiles and most of the previous surface render removed to expose the sandstone beneath. The second storey is constructed of brick masonry with an applied rendered and painted finish.</p> <p>The ground floor consists of an open-plan carpet showroom with differing internal floor levels, with offices, and service areas located on the southern side of the building. The first floor consists of gallery and storage areas for carpets within the existing spaces of differing sizes. The second floor level consists of a work rooms, offices and amenities rooms. The basement level consists of a loading dock, storage rooms and strong rooms, including a Chubb strong room.</p> <p>Two main sets of stairs are present within the building. One which accesses the basement level from the northern site of the ground floor level showroom and one at the rear of the building which services all levels. The eastern showroom is set at a relative level that lies between the ground and first floor levels of the sandstone core of the building, and two additional, smaller, stair flights are present connecting the eastern showroom to the ground floor level and first floor level showrooms with the sandstone core.</p> <p>Exterior</p> <p>The exterior of the building is made up of three distinct elements: the sandstone core comprising the two storey plus basement sandstone element, the second storey Federation free style addition c.1909, and the c.1980s showroom at ground floor level addressing New South Head Road. The building was inspected on 9 June 2020 and 12 May 2021.</p> <p>The building features a parapet wall addressing the New South Head Road (northern) and Glenmore Road (western) frontages, with a skillion metal roof behind. It is noted that the curved decoration shown on the 1909 plans does not appear to have been constructed and thus is present on the Glenmore Road frontage only. The exterior finishes of the building vary due to the different stages of construction for the ground and first floor compared with the second floor level, and following the removal of the rendered finish and tiling. The basement, ground floor and first floor level in the original pub section are comprised of sandstone that is mostly exposed, with the eastern part of the showroom on ground floor level being of rendered and painted concrete construction c.1980s.</p> <p>Interior</p> <p>The ground floor level comprises an open showroom on the northern side of the building, and offices on the southern side within the sandstone core of the building. The main entry showroom features low pressed metal ceilings, exposed sandstone walls and modern timber flooring. To the east of the core is an open showroom that dates from the 1980s and replaced the former structure on the site that likely dated from c.1870s.</p> <p>The first floor level spaces feature exposed stone walls, egg and dart cornices and decorative plaster ceilings. Rails have been installed along the upper section of the interior walls on the first floor level to</p>	

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	<p>allow for gallery display of rugs. The former fireplaces remain legible, although they are not in use and the flooring has been extended to cover the hearth. Some spaces have had ceilings and cornices replaced with modern fabric. Modern lighting, fire safety and security systems have been installed throughout with installation of cameras, heat and smoke detectors visible.</p> <p>The second floor level retains much of its interior fabric, detail and configuration and is recognisable as pub accommodation from the early 20th Century. Features include skirtings and architraves, door openings with fanlights above, stair balustrade and turned newel posts, egg and dart cornices, decorative wall vents with waratah and feathers decorative ceilings with waratah and flannel flower motifs. Some ceilings include art nouveau and art deco motifs. Some changes have occurred to this level over time, but these changes are minor and do not alter the overall understanding of the space. Basement level features a mix of interior finishes, with mass stone, painted brick, and concrete all present. The stone waling is in good condition despite some intrusive elements being introduced such as the exhaust fan. The visible mortar present in this stone waling shows evidence of shell pozzolans consistent with the early mortars used in the 1850s. There is a strong room in the basement level that was not able to be closely inspected, however this likely predates the use of the site by Cadry's and may date from the 1930s.</p> <p>Some spaces have been converted to service areas, such as the kitchenette present at the base of the stairs. The southern stairway has a number of floor coverings present, from wide timber boards overlain with more than one layer of linoleum. The stair features simple low timber balustrade and newel posts. The ceiling above the stair void features geometric patterns arranged in panels with flower bosses with egg and dart cornices.</p> <p>Setting</p> <p>The setting of the building is constrained due to the presence of modern development on the sites to the immediate east on New South Head Road that extends through to Glenmore Road. The Cadry's building takes up much of the allotment and thus the setting is largely defined by the site boundaries. However, the setting is enhanced by the presence of the neighbouring buildings on Glenmore Road, comprising the two storey Sandstone cottage (also owned by the Cadry family) and the three single storey brick workers cottages that are shown in the very early images of the site. These buildings also help establish the scale of the development surrounding the former hotel building and reinforce its landmark presence on the corner of New South Head Road and Glenmore Roads.</p>				
Physical condition and Archaeological potential	<p>Externally, the building appears to be in good and sound condition and has been recently (May 2021) repainted on it. The condition of the interiors varies on each level, with the ground floor and first floor in good condition and the second floor being fair to poor condition with evidence of water damage in most of the rooms.</p> <p>The archaeological potential of the building is low, however, there is potential for surviving underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.</p>				
Construction years	Start year		Finish year	1856	Circa <input checked="" type="checkbox"/>
Modifications and dates	<p>1909 – Addition of a second storey 1912 – Alterations and additions</p> <p>The property office files held at the Noel Butlin Archive ANU Canberra contain the correspondence, specifications, reports and cards that document the modifications, alterations and cyclical maintenance works undertaken on the site and describe the internal layout of the hotel during the period the site was managed by Tooth & Co.</p>				
Further comments					
HISTORY					
Historical notes	The site is located on the part of the St James Glebe lands granted to the Church of England in 1842.				
THEMES					
National historical theme	<p>3. Developing local, regional and national economies 4. Building settlements, towns and cities 7. Governing 8. Developing Australia's cultural life</p>				
State	Commerce				

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historical theme	Technology Accommodation Law and Order Religion
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APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>The Cadry's building at 133 New South Head Road, formerly the Rushcutters Bay Hotel, is historically significant as one of the early hotels in the Paddington area, with the two storey plus basement sparrow-pecked sandstone core of the building dating from c.1856. The site is located on the former St. James' Glebe granted in 1842 and features one of the oldest remaining buildings on New South Head Road in what is now known as Edgecliff.</p> <p>The Cadry's building is historically significant due to the continuing use of the site for commercial purposes for over 160 years – first as a hotel and inn and then as the first Persian carpet retailer in the area. The former use of the site as the Rushcutters Bay Hotel is historically significant as part of the larger history of hotels in Paddington, and the addition of the third storey c.1909 is indicative of the evolution and expansion of pubs within the Paddington area in the 20th Century.</p>
Historical association significance SHR criteria (b)	<p>The Cadry's building at 133 New South Head Road, Edgecliff is significant due to its association with the Cadry family, in particular Jacques Cadry, who was a prominent member of the Persian Jewish community and through whom the</p> <p>As the former Rushcutters Bay Hotel, the site is historically associated with individuals – effectively a train of individuals – in the recorded succession of licensees and managers of the Hotel, who are representative of the small business people who consolidated the society and built environment of Paddington (and Sydney) in the late 19th and early 20th Centuries. None may be particularly prominent, but they contributed importantly to the local commercial and cultural life of their time.</p> <p>The Rushcutters Bay Hotel was associated with the Scharer family of publicans who ran the hotel over a period of 20 years in the early-mid twentieth century, representing a family run hotel business now largely lost from Sydney hotels.</p> <p>Between 1931 and 1966 the hotel was operated by the Sydney brewing company, Tooth & Co, who had first leased the building following the demise of Resch's. Tooth & Co were owners of 22 hotels in Paddington during this same period and hundreds more across Sydney and NSW, making them one of the largest hotelier companies in NSW history.</p>
Aesthetic significance SHR criteria (c)	<p>The Cadry's building at 133 New South Head Road, Edgecliff is aesthetically significant as a fine example of an early Victorian era hotel building that has been extended in the Federation free classical style. The building has landmark qualities as a substantial corner former hotel building in a commanding position on the New South Head Road and Glenmore Road apex and forms part of the visual gateway to the Edgecliff commercial centre and the Woollahra Municipality in general.</p>
Social significance SHR criteria (d)	<p>Given its aesthetic contribution to the local area, the Cadry's building at 133 New South Head Road, Edgecliff is likely to be held in high regard by the community. However, no community survey has been undertaken at this time. Although the site may prove upon further investigation to have social significance, based on the information available at this time the Cadry's building at 133 New South Head Road, Edgecliff is not deemed to have social significance.</p>
Technical/Research significance SHR criteria (e)	<p>The Cadry's building at 133 New South Head Road, Edgecliff may have some potential to yield historical archaeological deposits in the subfloor spaces as the original structure was built c.1865 and pre-dates the use of tongue and groove flooring in general construction, however, it is unlikely that any such deposits survived the subsequent alteration and renovation of the internal arrangements in the early 1910s. The building was the first structure on the site and its construction involved excavation to accommodate the basement level. The archaeological potential of the overall site is therefore low.</p>
Rarity SHR criteria (f)	<p>The Cadry's building at 133 New South Head Road, Edgecliff is a rare example of a remnant Victorian Georgian former corner pub building in Paddington, and is likely to be the only example of its type in the Woollahra Municipality.</p>
Representativeness SHR criteria (g)	<p>133 New South Head Road, Edgecliff is a representative example of a Victorian Georgian former pub building that was expanded in the early 20th century in response to the popularity of pubs as gathering places for the community throughout the 20th century. Corner hotel buildings from the formative period of the suburb are a key character element of the Paddington Heritage Conservation Area.</p>

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Integrity	133 New South Head Road, Edgecliff retains its legibility as a corner pub building with a sandstone core despite having been altered and modified internally and in its openings over time.
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HERITAGE LISTINGS

Heritage listing/s	Paddington Heritage Conservation Area – C8
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RECOMMENDATIONS

Recommendations	<p>It is recommended to manage the Cadry's building at 133 New South Head Road, Edgecliff and its significant components in accordance with the Woollahra LEP 2014 and Burra Charter Principles. It is recommended that all future proposals for modifications to the building should respect the form and style of the building and its significant fabric. All remaining intact fabric on the external facades and intact interiors should be retained and conserved. Elements lost such as historic door arrangements may be restored or reconstructed to a known prior state in accordance with Burra Charter principles. There should be no substantial additions or alterations to the New South Head Road or Glenmore Road elevations except to return the building to a prior known state. It is recommended that future development be carried out in accordance with a conservation management document, and that detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association.</p> <p>It is further recommended that the immediately adjacent building on the Glenmore Road be the subject of a future heritage significance assessment to ascertain whether these buildings that are identifiable in much of the pre-1890 historic resources accessed for this assessment warrant listing in Schedule 5 of the Woollahra LEP.</p> <p>The impact of future works on the heritage significance of the building are to be assessed against the relevant heritage provisions of the Woollahra LEP 2014 and in accordance with the Heritage Council of NSW publication 'Statements of Heritage Impact' as contained in the NSW Heritage Manual. Proposed works are to be guided by the conservation principles and guidelines of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 2013.</p>
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SOURCE OF THIS INFORMATION

Name of study or report	Assessment of Heritage Significance for 133 New South Head Road, Edgecliff	Year of study or report	2021
Item number in study or report	N/A		
Author of study or report	Kristy Wellfare (Strategic Heritage Officer, Woollahra Council)		
Inspected by	Kristy Wellfare (Strategic Heritage Officer, Woollahra Council)		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Kristy Wellfare	Date	4 June 2021

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Book	Apperly, Irving, and Reynolds	A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present	1989	Angus and Robertson Publishers
Document	Hughes, Truman, and Ludlow	Heritage Study for the Municipality of Woollahra. Volume 1.	1984	Woollahra Municipal Council

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Book	Young, Greg (ed)	Paddington: A History.	2018	NewSouth Publishing
Document	Conybeare Morrison & Partners with Context Landscape Design	Paddington Townscape Study	1997	Woollahra Municipal Council
Document	Woollahra Municipal Council	Building Applications Index		Woollahra Municipal Council
Document	Woollahra Municipal Council	Register of Building Applications		Woollahra Municipal Council
Document	Double Bay Library	Double Bay Library Local History File – 133 New South Head Road, Edgecliff	27 January 2018	Woollahra Municipal Council
Document	Johnston, Ron	Paddington History and Heritage – A theme history	1997	Woollahra Municipal Council

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IMAGES - 1 per page

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

Image caption	Cadry's Building – New South Head Road Frontage				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



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Image caption	Cadry's Building – Glenmore Road western elevation				
Image year	2021	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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Image caption	Cadry's Building – Rear (south) elevation				
Image year	2021	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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Image caption	Cadry's building – east elevation (oblique view)				
Image year	2021	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council

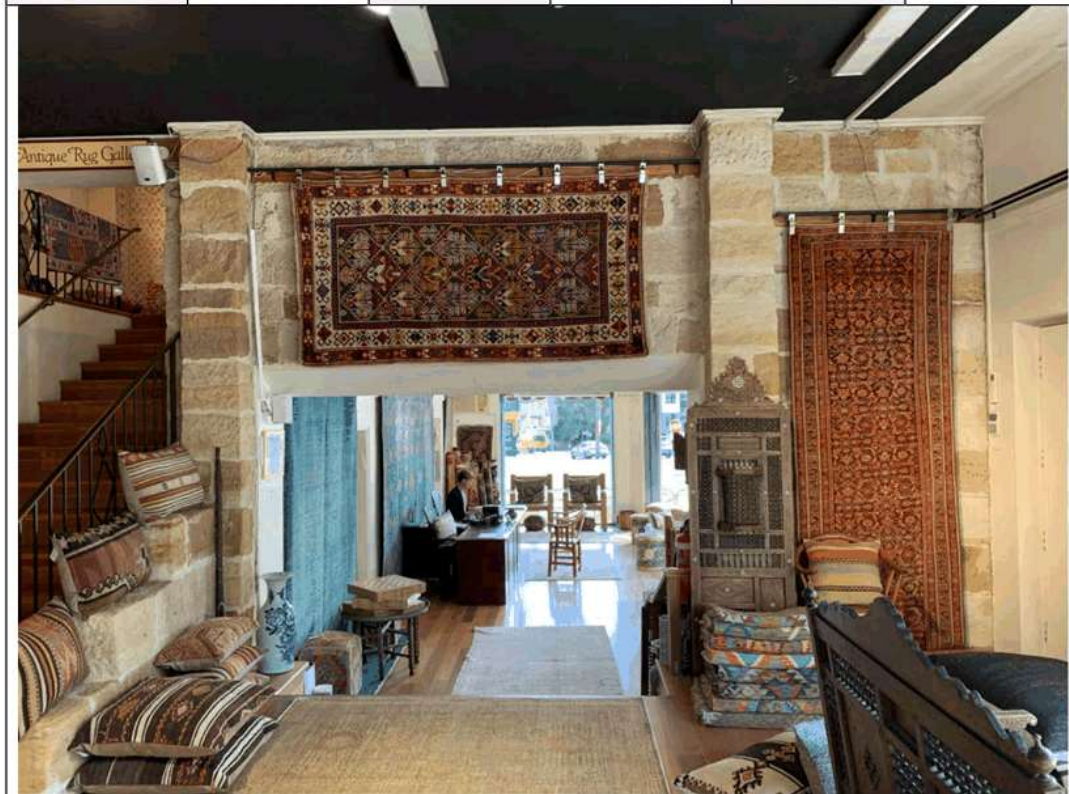


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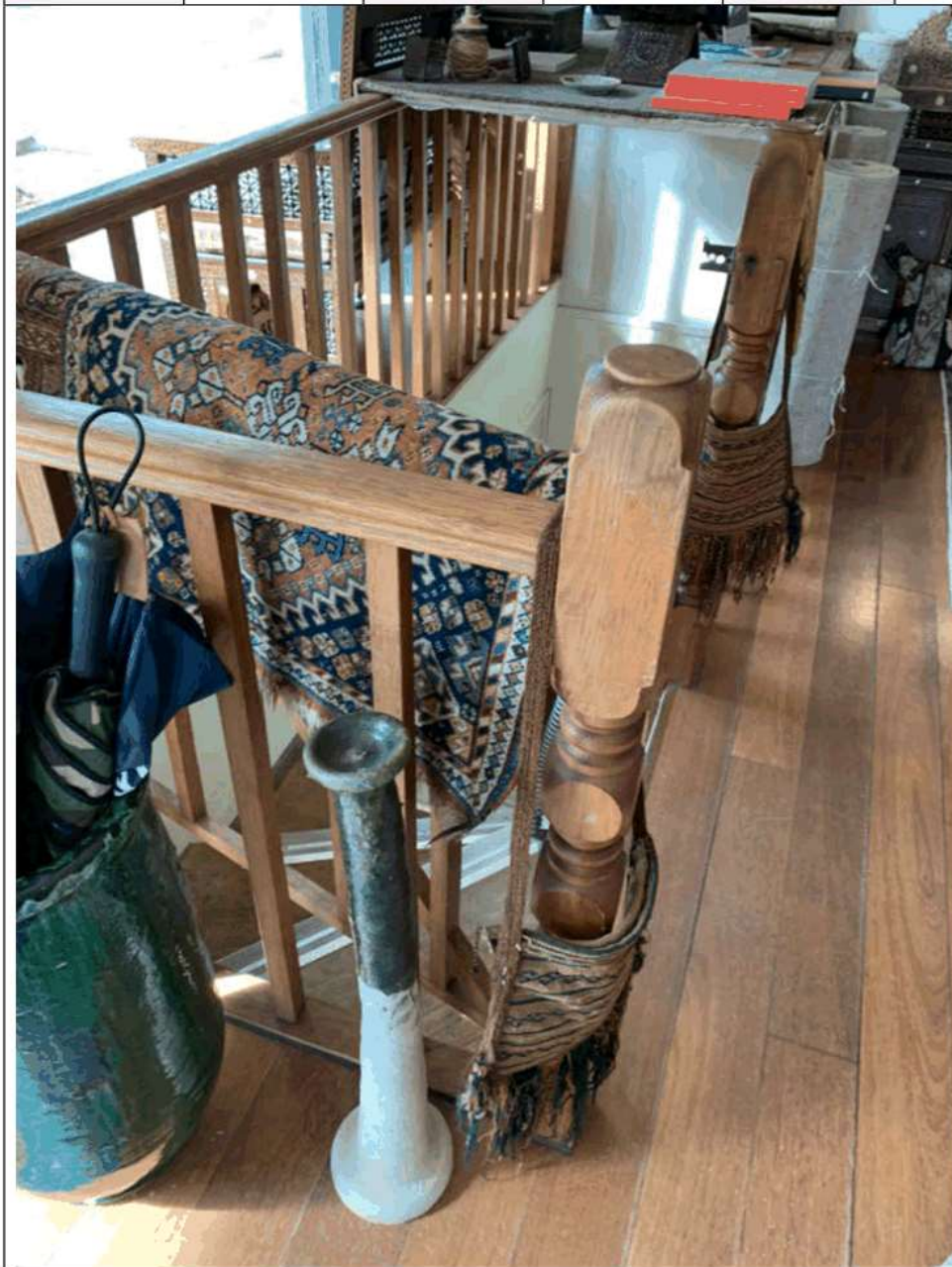
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Image caption	Cadry's building – ground floor level interior, looking west				
Image year	2020	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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Image caption	Cadry's building – ground floor level stair to basement				
Image year	2020	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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Image caption	Cadry's building - first floor level interior				
Image year	2020	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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Image caption	Cadry's building -				
Image year	2020	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



The photograph shows the interior of a room with a high ceiling featuring intricate white plasterwork and a grid of decorative moldings. Track lighting is installed on the ceiling. A large, ornate rug with a blue and gold pattern is laid out on the floor. To the right, a large, ornate rug with a gold and blue pattern is hanging on the wall. The room appears to be a gallery or a display area.

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Image caption	Cadry's building - second storey interior				
Image year	2020	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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Image caption	Cadry's building - Basement level				
Image year	2020	Image by	Kristy Wellfare	Image copyright holder	Woollahra Council



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ITEM DETAILS					
Name of Item	Early Victorian sandstone cottage, including interiors.				
Other Name/s Former Name/s					
Item type (if known)	Built				
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	549				
Street name	Glenmore Road				
Suburb/town	Edgecliff	Postcode	2027		
Local Government Area/s	Woollahra				
Property description					
Location - Lat/long	Latitude		Longitude		
Location - AMG (if no street address)	Zone		Easting	Northing	
Owner	Private				
Current use	Retail premise				
Former Use	Private residence				
Statement of significance	<p>549 Glenmore Road is a modest two storey stone cottage in the Edgecliff (formerly Paddington) area located within the former St James' Glebe lands administered by the Church of England until the 1960s. The building is historically significant as a rare surviving example of an early Victorian era building in the Georgian style, with its simple rectangular prismatic form, symmetrical façade and simple composition of load bearing exposed sandstone walls featuring shell pozzolans in the mortar. The building is simply detailed, demonstrating characteristics of the Victorian Georgian style including the simple chimneys, sash windows with small 6+6 panes and transom light.</p> <p>The building shares some common materiality and detailing with that of the neighbouring Cadry's Building (c.mid-1850s) and its construction has been but assessed as being of the same era. However, further association between the two sites prior to their acquisition by the Cadry family has not been established.</p> <p>The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		
DESCRIPTION					
Designer	Not known				
Builder/ maker	Not known				
Physical Description	<p>The building</p> <p>The building is an early Victorian era building in the Georgian style, two storeys in scale with a simple hipped metal roof. The building is of a simple rectangular prismatic form with a symmetrical façade</p>				

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	<p>and simple composition of load bearing exposed sandstone walls featuring shell pozzolans in the mortar. The building is simply detailed, demonstrating characteristics of the Victorian Georgian style including the simple chimneys, sash windows with small 6+6 panes and transom light.</p> <p>Exterior</p> <p>Externally, there appear to have been few changes to the building, other than the construction of a brick lean-to at the rear of the building, the partial truncation of the two chimneys, the alteration of the lower part of the northern elevation to include a panel of ashlar scored concrete, the installation and subsequent removal of a semicircular hood over the building entry, and the installation of air conditioning and other services that have resulted in penetrations into and through the walls. Air conditioning units are placed on the roof of the rear lean-to, with the associated penetration into the building through the sandstone walling at eaves level on the rear elevation of the first floor.</p>
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<p>There is evidence that the building may have previously had an awning on the Glenmore Road elevation, with a horizontal timber element and shadowing on the stone indicating a likely prior structure was attached. Whether this attached structure included support posts in the footpath reserve could not be determined due to the footpath in front of the building being of more recent construction.</p>

<p>Interior</p> <p>Internally, there have been some substantial changes which have included the removal of the internal dividing walls. It is also noted that the structure supporting the first floor failed, leading to its subsequent collapse and removal. Other more minor changes have occurred such as the conversion of fireplaces to bookshelves, plastering, installation of security grilles on the internal face of the windows, etc. These changes are all reversible, with care.</p>

<p>Setting</p> <p>The setting of the building is constrained due to the presence of modern development on the sites to the immediate east on New South Head Road that extends through to Glenmore Road. The building takes up the majority of the allotment and thus the setting is largely defined by the site boundaries. However, the setting is enhanced by the presence of the neighbouring buildings on Glenmore Road, comprising the three single storey brick workers cottages that are shown in the very early images of the site, and the Cadry's Building to the north.</p>

<p>Physical condition and Archaeological potential</p>	<p>Externally, the building appears to be in good and sound condition and has recently (May 2021) had elements such as the windows and guttering repainted. The metal roof is severely oxidised. The interiors appear to be in generally good condition, however the first floor level was unable to be inspected due to the c.2020 collapse of the flooring of first floor level.</p> <p>The archaeological potential of the building is low, however, there is potential for surviving underfloor deposits as the age of the original building may predate the use of tongue-and-groove flooring.</p>
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Construction years	Start year		Finish year	1856	Circa	<input checked="" type="checkbox"/>
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Modifications and dates	<p>c. 2020 – First floor level flooring collapse</p> <p>c.1970s - Chimneys truncated</p>
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Further comments	
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HISTORY

Historical notes	The site is located on the part of the St James Glebe lands granted to the Church of England in 1842.
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THEMES

National historical theme	<p>4. Building settlements, towns and cities</p> <p>8. Developing Australia's cultural life</p>
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State	Accommodation
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Heritage Data Form

historical theme	Religion
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APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	The two-storey sandstone cottage at 549 Glenmore Road is historically significant as an example of an early modest sandstone cottage built in the Georgian style, two storeys in scale and dating from c.1856. The site is located on the former St. James' Glebe granted in 1842 and features one of the oldest remaining buildings on Glenmore Road in what is now known as Edgecliff.
Historical association significance SHR criteria (b)	No evidence has been found to date to suggest that the two-storey sandstone cottage at 549 Glenmore Road has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of the local area.
Aesthetic significance SHR criteria (c)	The two-storey sandstone cottage at 549 Glenmore Road is of aesthetic significance for its prismatic form and simple symmetrical composition of sandstone construction that are characteristic of the Victorian Georgian style.
Social significance SHR criteria (d)	No evidence has been found to suggest that the two-storey sandstone cottage at 549 Glenmore Road has strong or special association with a particular community or cultural group in the area for social, cultural or spiritual reasons. However, no community survey has been undertaken at this time and, based on the information available to date, the building at 549 Glenmore Road, Edgecliff is not deemed to have social significance.
Technical/Research significance SHR criteria (e)	The two-storey sandstone cottage at 549 Glenmore Road, Edgecliff may have some potential to yield historical archaeological deposits in the subfloor space, as the original structure was built c.1865 and may pre-date the use of tongue and groove flooring in general construction. The building was the first structure on the site, which appears to have been levelled. The archaeological potential of the overall site is therefore low.
Rarity SHR criteria (f)	549 Glenmore Road is a locally rare example of a modest early Victorian era two-storey sandstone cottage building in the Georgian style, likely built prior to the 1860s. The building is of a prismatic and symmetrical form and is simply detailed, in contrast to many of the remnant residential examples of residential buildings from that era within the Woollahra Municipality.
Representativeness SHR criteria (g)	The two-storey sandstone cottage at 549 Glenmore Road is a representative example of an early Victorian era cottage built in the Georgian style and features key characteristics of this style including the simple rectangular prismatic form, symmetrical façade and simple composition of load bearing exposed sandstone walls. The building is simply detailed, consistent with the Victorian Georgian style including the simple chimney, sash windows with small 6+6 panes and transom light.
Integrity	549 Glenmore Road, Edgecliff has had little modification to its overall form and is highly legible as an early Victorian era sandstone cottage built in the Georgian style. The chimneys have been truncated c. 1970s.

HERITAGE LISTINGS	
Heritage listing/s	Paddington Heritage Conservation Area – C8

RECOMMENDATIONS	
Recommendations	<p>It is recommended to manage the early Victorian sandstone cottage at 549 Glenmore Road, Edgecliff and its significant components in accordance with the Woollahra LEP 2014 and Burra Charter Principles.</p> <p>It is recommended that all future proposals for modifications to the building should respect the form and style of the building and its significant fabric. All remaining intact fabric on the external facades and intact interiors should be retained and conserved. Elements lost such as fireplace arrangements</p>

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	<p>may be restored or reconstructed to a known prior state in accordance with Burra Charter principles. There should be no substantial additions or alterations to the Glenmore Road elevations except to return the building to a prior known state. It is recommended that future development be carried out in accordance with a conservation management document, and that detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association. It is further recommended that the immediately adjacent building on the Glenmore Road be the subject of a future heritage significance assessment to ascertain whether these buildings that are identifiable in much of the pre-1890 historic resources accessed for this assessment warrant listing in Schedule 5 of the Woollahra LEP.</p> <p>The impact of future works on the heritage significance of the building are to be assessed against the relevant heritage provisions of the Woollahra LEP 2014 and in accordance with the Heritage Council of NSW publication 'Statements of Heritage Impact' as contained in the NSW Heritage Manual. Proposed works are to be guided by the conservation principles and guidelines of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 2013.</p>
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SOURCE OF THIS INFORMATION			
Name of study or report	Heritage Significance Assessment, Cadry's Building, 133 New South Head Road, Edgecliff (updated September 2021 to include 549 Glenmore Road)	Year of study or report	2021
Item number in study or report	N/A		
Author of study or report	Kristy Wellfare (Strategic Heritage Officer, Woollahra Council)		
Inspected by	Kristy Wellfare (Strategic Heritage Officer, Woollahra Council)		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Kristy Wellfare	Date	27 September 2021

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Book	Apperly, Irving, and Reynolds	A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present	1989	Angus and Robertson Publishers
Document	Hughes, Truman, and Ludlow	Heritage Study for the Municipality of Woollahra. Volume 1.	1984	Woollahra Municipal Council
Book	Young, Greg (ed)	Paddington: A History.	2018	NewSouth Publishing
Document	Conybeare Morrison & Partners with Context Landscape Design	Paddington Townscape Study	1997	Woollahra Municipal Council
Document	Woollahra Municipal Council	Building Applications Index		Woollahra Municipal Council
Document	Woollahra Municipal Council	Register of Building Applications		Woollahra Municipal Council
Document	Double Bay Library	Double Bay Library Local History File – 133 New South Head Road, Edgecliff	27 January 2018	Woollahra Municipal Council
Document	Johnston, Ron	Paddington History and Heritage – A theme history	1997	Woollahra Municipal Council

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IMAGES - 1 per page

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

Image caption	549 Glenmore Road				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



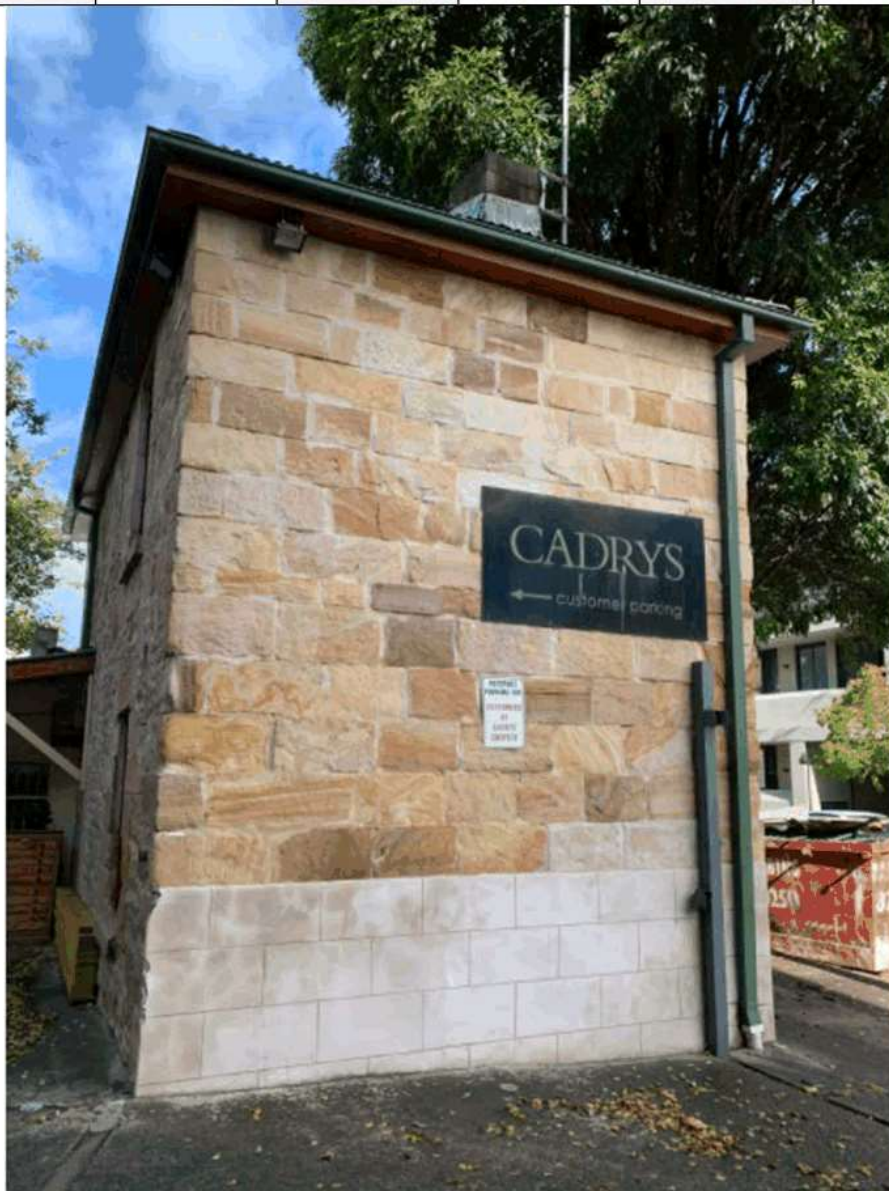
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Image caption	549 Glenmore Road, northern and eastern elevations				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



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Image caption	549 Glenmore Road northern elevation				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



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Image caption	549 Glenmore Road, eastern (rear) elevation				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



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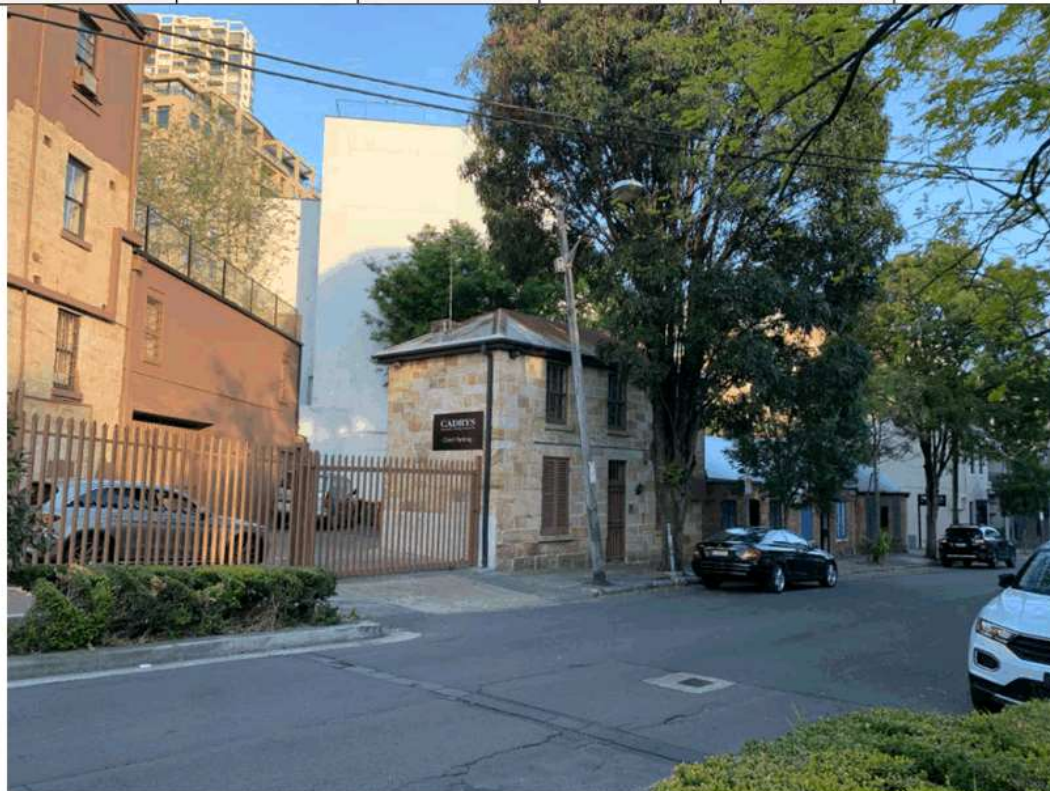
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Image caption	549 Glenmore Road view of former fireplace from ground floor level				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



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Image caption	549 Glenmore Road				
Image year	2021	Image by	Woollahra Council	Image copyright holder	Woollahra Council



Planning Proposal



Local Heritage Listing

Cadry's Building, 133 New South Head Road, Edgecliff
and
549 Glenmore Road, Edgecliff



Version Date:	28 September 2021
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Kristy Wellfare – Strategic Heritage Officer
HPE CM Record Number:	21/173942

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1. Introduction

1.1. Background

On 10 February 2020, Council considered a Notice of Motion regarding the Cadry's Building at 133 New South Head Road, Edgecliff and resolved:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

In response to this resolution, Council staff prepared a Heritage Significance Assessment (HAS) for the site. This assessment concluded that the site fulfilled five of the seven criteria for listing as a local heritage item, with the potential to fulfil one additional criterion.

On 15 June 2021 a report recommending a planning proposal be prepared to list the *Cadry's Building, including interiors* as a local heritage item in the Woollahra Local Environmental Plan 2014 was presented to the *Environmental Planning Committee* and on 5 July 2021 Council resolved:

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT the heritage significance of the properties at 543-549 Glenmore Road be assessed and recommendations provided regarding the listing of these properties in Schedule 5 of the Woollahra LEP 2014 and on the State Heritage Register.*

This planning proposal has been prepared in response to Part A of the above resolution. The matter of the removal of the "land reserved for acquisition" affectation is to be considered under a separate planning proposal. This planning proposal is currently underway and is intended to be progressed concurrently with this planning proposal.

On 16 September 2021 the matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) and the Panel resolved:

THAT the Woollahra Local Planning Panel advises Council to proceed with a planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) and the building at 549 Glenmore Road, Edgecliff (Lot 37 in DP: 255233) as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

Reasons:

For the reasons in the report, the Panel supports the heritage listing of the Cadry's building. The Panel considers that the listing should also include the adjacent 2 storey sandstone building at 549 Glenmore Road, Edgecliff. As the assessment indicates that this building also meets the threshold for a heritage listing, appears to be associated with the Cadry's building and is in the same ownership. We note that the owner supports the listing of both buildings. The Planning Proposal should be updated to incorporate both buildings in the assessment of significance. Notwithstanding the property being affected by the road reservation, the Planning Proposal for the heritage listing should proceed independently.

The Panel also notes the need for further investigation of the heritage significance of the cottages at 543-547 Glenmore Road, Edgecliff (Lot 34, 35, 36 in DP: 255233).

In response to the Panel's advice, the Heritage Significance Assessment has been updated to include an assessment of the two storey sandstone building at 549 Glenmore Road, Edgecliff. The assessment concluded that the building fulfils the criteria for listing a local level and this planning proposal has been updated to include 549 Glenmore Road, Edgecliff as a local heritage item.

1.2. Description of this planning proposal

This planning proposal is made in relation to the commercial building known as the *Cadry's Building*, located at 133 New South Head Road, Edgecliff [Lot 1 in DP 255233] and the *Early Victorian sandstone cottage* at 549 Glenmore Road, Edgecliff [Lot 37 in DP 255233].

The objective of the planning proposal is to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014), to list **these buildings** as local heritage items in Schedule 5. Heritage listing of **these properties** will ensure recognition of **their** significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The requirements for a planning proposal are provided in sections 2 to 9 as follows:

- Existing site and surrounding context
- Existing planning controls
- Objective of planning proposal
- Explanation of provisions
- Justification
- Mapping
- Community consultation
- Project timeline

1.3. Assessment of Heritage Significance

In response to Council's decision, a Heritage Significance Assessment was prepared for the site by Council's Strategic Heritage Officer. Following the advice of the Woollahra Local Planning Panel, this assessment was expanded to include an assessment of the neighbouring building at 549 Glenmore Road, Edgecliff, also under the same ownership.

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. There are seven criteria used in the process of assessing heritage significance:

Criterion (a) – Historical significance

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

Criterion (b) – Associative significance

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

Criterion (c) – Aesthetic/technical significance

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Criterion (d) – Social significance

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

Criterion (e) – Research potential

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

Criterion (f) – Rarity

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

Criterion (g) – Representative

An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places; or
- cultural or natural environments (or a class of the local area's cultural or natural places; or cultural or natural environments.)

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

A copy of the assessment prepared by Council's Strategic Heritage Officer, which includes the assessment against all criteria, is attached separately.

Table 1 below provides a summary of the assessment of the heritage significance of the Cadry's Building and 549 Glenmore Road against the seven criteria, at the local and State levels.

Table 1: NSW Heritage assessment criteria summary

Criteria		Meets criteria for heritage listing and grading of significance			
		Cadry's Building		549 Glenmore Road, Edgecliff	
		Local	State	Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	x	✓	x
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	x	x	x
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	x	✓	x
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	x	x	x	x
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	May fulfil criterion	x	May fulfil criterion	x
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or	✓	x	✓	x

Criteria		Meets criteria for heritage listing and grading of significance			
		Cadry's Building		549 Glenmore Road, Edgecliff	
		Local	State	Local	State
	natural history of the local area)				
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> cultural or natural places; or cultural or natural environments. or a class of the local area's <ul style="list-style-type: none"> cultural or natural places; or cultural or natural environments. 	✓	×	✓	×

1.4. Statements of heritage significance

Cadry's Building, 133 New South Head Road, Edgecliff

The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premise for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.

The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site topography. The building remains legible as a mid-19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.

As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories.

The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".

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The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development. The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.

(Kristy Wellfare, Strategic Heritage Officer, "Assessment of Heritage Significance - Cadry's Building, 133 New South Head Rd, Edgecliff" p.93-94)

549 Glenmore Road, Edgecliff

549 Glenmore Road is a modest two storey stone cottage in the Edgecliff (formerly Paddington) area located within the former St James' Glebe lands administered by the Church of England until the 1960s. The building is historically significant as a rare surviving example of an early Victorian era building in the Georgian style, with its simple rectangular prismatic form, symmetrical façade and simple composition of load bearing exposed sandstone walls featuring shell pozzolans in the mortar. The building is simply detailed, demonstrating characteristics of the Victorian Georgian style including the simple chimney, sash windows with small 6+6 panes and transom light.

The building shares some common materiality and detailing with that of the neighbouring Cadry's Building (c.mid-1850s) and its construction has been but assessed as being of the same era. However, further association between the two sites prior to their acquisition by the Cadry family has not been established.

(Kristy Wellfare, Strategic Heritage Officer, "Assessment of Heritage Significance - Cadry's Building, 133 New South Head Rd, Edgecliff" p.94)

1.5. Recommended heritage listing

The heritage assessment provide the following recommendations:

The Cadry's building at 133 New South Head Road, Edgecliff on Lot 1: DP255233 be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance. This is to be based on the attached Heritage Inventory sheet. It is to be described as: *Cadry's Building (former Rushcutters Bay Hotel) and interiors.*

The two-storey sandstone cottage at 549 Glenmore Road, Edgecliff on Lot 37 in DP255233 be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance. This is to be based on the attached Heritage Inventory sheet. It is to be described as: Early Victorian sandstone cottage and interiors.

1.6. Recommended Management

It is recommended to manage both the Cadry's building at 133 New South Head Road, Edgecliff and the two storey sandstone cottage at 549 Glenmore Road, Edgecliff and their significant components in accordance with the Woollahra LEP 2014 and Burra Charter Principles.

It is recommended that all future proposals for modifications to the buildings should respect the form and style of the buildings and their significant fabric. All remaining intact fabric on the external façades and intact interiors should be retained and conserved. Elements lost, such as historic door arrangements in the Cadry's Building or the first floor flooring and

fireplaces in 549 Glenmore Road may be restored or reconstructed to a known prior state in accordance with Burra Charter principles. There should be no substantial additions or alterations to the New South Head Road or Glenmore Road elevations except to return the building to a prior known state. It is recommended that future development be carried out in accordance with a conservation management document, and that detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association.

It is further recommended that the immediately adjacent buildings at 543-545 Glenmore Road be the subject of a future heritage significance assessment to ascertain whether these buildings, that are identifiable in much of the pre-1890 historic resources accessed for this assessment, also warrant listing in Schedule 5 of the Woollahra LEP 2014.

The impact of future works on the heritage significance of the buildings are to be assessed against the relevant heritage provisions of the Woollahra LEP 2014 and in accordance with the Heritage Council of NSW publication 'Statements of Heritage Impact' as contained in the NSW Heritage Manual. Proposed works are to be guided by the conservation principles and guidelines of the Australia ICOMOS Charter for the Conservation of Places of Cultural Significance (Burra Charter) 2013.

2. Existing site and surrounding context

2.1. The sites

This planning proposal concerns a part single storey and part three storey commercial building located at 133 New South Head Road known as the Cadry's Building and the two storey early Victorian era sandstone cottage located on the immediately adjoining site to the south at 549 Glenmore Road, Edgecliff.

Cadry's Building

The subject site is located in the Woollahra Local Government Area (LGA). The Cadry's site is located on the corner of Glenmore Road and is legally identified as Lot 1 in Deposited Plan 255233 (Figure 1). The site is irregular in shape, approximately 403m² in area, with a street frontage of 23.98m on the north-western boundary to New South Head Road, an irregular secondary street frontage of 27.66m to Glenmore Road to the west and south-west, an irregular rear southern boundary of 16.946m, and an eastern side boundary of 7.79m.

Existing development on the site comprises a part single storey and part three storey commercial building with basement, of sandstone and rendered masonry construction, currently used for retail purposes. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early-mid 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson. The building comprises showrooms at ground floor and first floor levels and associated offices, workrooms and storage on the second floor level.

549 Glenmore Road, Edgecliff

The subject site is located in the Woollahra Local Government Area (LGA). The site is located at the northern end of Glenmore Road and is legally identified as Lot 37 in Deposited Plan 255233 (Figure 1). The site is irregular in shape, approximately 116.8m² in area, with a street frontage of 8.98m on the western boundary to Glenmore Road, and a depth of up to 13.12m.

Existing development on the site comprises a two storey and sandstone building with corrugated metal roof that was, until the 2020 collapse of the first floor structure, used as offices for the Cadry's carport business. The building dates from the early-mid 1850s, and was formerly of a 2-up/2-down configuration prior to the removal of the internal dividing walls.

Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-547 Glenmore Road comprising three brick cottages.



Figure 1: Cadastral map of site (Source: Woollahra Council GIS Maps)



Figure 2: Site aerial (Source: Woollahra Council GIS Maps)



Figure 3: Cadry's Building, as viewed from the corner of New South Head Road and Mona Road
(Source: Woollahra Council Officer)



Figure 4: 549 Glenmore Road (Source: Woollahra Council Officer)

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2.2. Existing context

Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-547 Glenmore Road comprising three single storey brick cottages.



Figure 5: 135 New South Head Road (Source: Google Street View)



Figure 6: 543-547 and Glenmore Road.. (Source: Woollahra Council Officer)

3. Existing planning controls

The site is subject to existing planning controls within the Woollahra LEP 2014, relating to land zoning, height of building, minimum lot size and acid sulfate soils. These are as follows:

	Zone	Maximum building height (m)	Floor space ratio
133 New South Head Road, Edgecliff	B4 – Mixed Use	12	1.5
549 Glenmore Road, Edgecliff	B4 – Mixed Use	9.5	1.5

Table 1: Existing planning controls

The site and the neighbouring sites are zoned B4 Mixed Use under the Woollahra LEP 2014. The Objectives for the B4 zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To provide active ground floor uses to create vibrant centres.
- To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.¹

The building known as the “Cadry’s Building” at 133 New South Head Road Edgecliff, and its immediately adjacent neighbour at 549 Glenmore Road, Edgecliff, are not currently listed as a State or local heritage item. The sites are located within the C15 – Paddington Heritage Conservation Area, and are therefore subject to the controls outlined in Clause 5.10 (Heritage Conservation) in the Woollahra LEP 2014 pertaining to heritage conservation areas.

The site and adjoining sites along Glenmore Road are identified as land reserved for acquisition for the purposes of road widening of the classified road (New South Head Road). The acquisition authority is identified in Clause 5.1 of the Woollahra LEP as Transport for NSW. As identified in Section 1.1 above, Council resolved that a planning proposal be prepared to remove the land reserved for acquisition affectation from the subject sites and other affected sites in the locality. As identified in the advice of the Woollahra Local Planning Panel, this approach was also recommended by the Panel on 16 September 2021. As such, this matter is to be dealt with as a separate planning proposal which is currently being prepared.

¹ Land Use Table, Woollahra Local Environmental Plan 2014

4. Objectives of planning proposal

The objective of the planning proposal is to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the Woollahra LEP 2014, to list the building known as the "Cadry's Building (former Rushcutters Bay Hotel), including interiors" at 133 New South Head Road, Edgecliff, and the immediately adjacent "Early Victorian sandstone cottage, including interiors" at 549 Glenmore Road, Edgecliff, as local heritage items. Heritage listing of these properties will ensure recognition of their significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

5. Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for "Cadry's Building" (former Rushcutters Bay Hotel), including interiors at 133 New South Head Road, Edgecliff, in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Insert a listing for "Early Victorian sandstone cottage, including interiors" at 549 Glenmore Road, Edgecliff, in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_003A) to identify a heritage item on the sites of 133 New South Head Road, Edgecliff and 549 Glenmore Road, Edgecliff.

6. Justification

The planning proposal has strategic merit. The inclusion of "Cadry's Building (former Rushcutters Bay Hotel), including interiors", located at 133 New South Head Road, Edgecliff, and the "Early Victorian sandstone cottage, including interiors" at 549 Glenmore Road, Edgecliff as local heritage items in Schedule 5 of Woollahra LEP 2014 will ensure their recognition as a rare example of a c.1856 Mid-Victorian era former pub building with continuous commercial operations and a rare remnant example of an early Victorian era two storey sandstone cottage building in the Edgecliff locality and greater Woollahra municipality. Listing in Schedule 5 of the Woollahra LEP 2014 will also ensure the ongoing protection of the heritage values of these sites.

These matters are further discussed below in part 6.1 to 6.3.

6.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is the result of the recommendations found in the heritage significance assessment report/Heritage Inventory Sheet, prepared by Kristy Wellfare, Strategic Heritage Officer. The report concluded that both the "Cadry's Building" and the

early Victorian sandstone cottage building at 549 Glenmore Road, Edgecliff, including their interiors, meet the criteria for listing as local heritage items. The report recommended that Schedule 5 be amended to include the "Cadry's Building", and the early Victorian sandstone cottage building at 549 Glenmore Road, Edgecliff, including their interiors, as local heritage items.

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

The objective of the planning proposal is to ensure recognition of the heritage significance of the site, as well as achieve a level of protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014. The planning proposal seeks to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the Woollahra LEP 2014, to list the building known as the "Cadry's Building" at 133 New South Head Road, Edgecliff and the early Victorian sandstone cottage building at 549 Glenmore Road, Edgecliff, including their interiors, as local heritage items. The best, and only, means of achieving this objective is through the planning proposal process.

Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. Other options, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a potential development consent will not provide the same level of heritage protection and recognition. Without the listing, the structures may be fundamentally altered under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* thus affecting the recognised significance of the site.

6.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly objective(s) Objective 13: Environmental heritage is identified, conserved and enhanced.

Identifying the "Cadry's Building" as a local heritage item, will allow the appropriate conservation of the property into the future.

Eastern City District Plan

The planning proposal is generally consistent with the actions of the *Eastern City District Plan*, particularly action(s) 20 and 63 by:

- Identifying, conserving and enhancing the environmental heritage of the local area through:

- engaging with the community early to understand heritage values
- enhancing the interpretation of heritage to foster distinctive local places
- managing the cumulative impact of development on the heritage values and character of places
- Identifying and protecting scenic and cultural landscapes.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2030 – our community, our place, our plan* (Woollahra 2030). Notably, the planning proposal meets the following strategy within Goal 4 (Well planned neighbourhood) under the theme Quality places and spaces:

4.3 Protect our heritage, including significant architecture and the natural environment.

The planning proposal is consistent with the *Woollahra Local Strategic Planning Statement* (LSPS), which was supported by the Greater Sydney Commission and adopted by Council and came into effect on 31st March 2020. In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

Planning Priority 5 Conserving our rich and diverse heritage

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

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

6.3. Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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

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No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item, its interiors, and its setting will be required when development is proposed for the “Cadry’s Building” or the two storey sandstone cottage at 549 Glenmore Road, Edgecliff, or if there is development proposed in the vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

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

Yes. The heritage assessment / inventory sheet considered the “Cadry’s Building”, including its interiors, against the criteria for ‘cultural significance’ as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The updated assessment also found that the early Victorian sandstone cottage at 549 Glenmore Road, Edgecliff and its interiors fulfilled the criteria for heritage significance at the local level.

6.4. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of the building known as the “Cadry’s Building” at 133 New South Head Road, Edgecliff, and the neighbouring two storey sandstone cottage at 549 Glenmore Road, Edgecliff, including their interiors, does not involve amendments to planning controls that would facilitate intensified development.

Currently, the three-storey retail building has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site’s closest access to transport services is on New South Head Road.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal of a local heritage listing in a residential zone.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

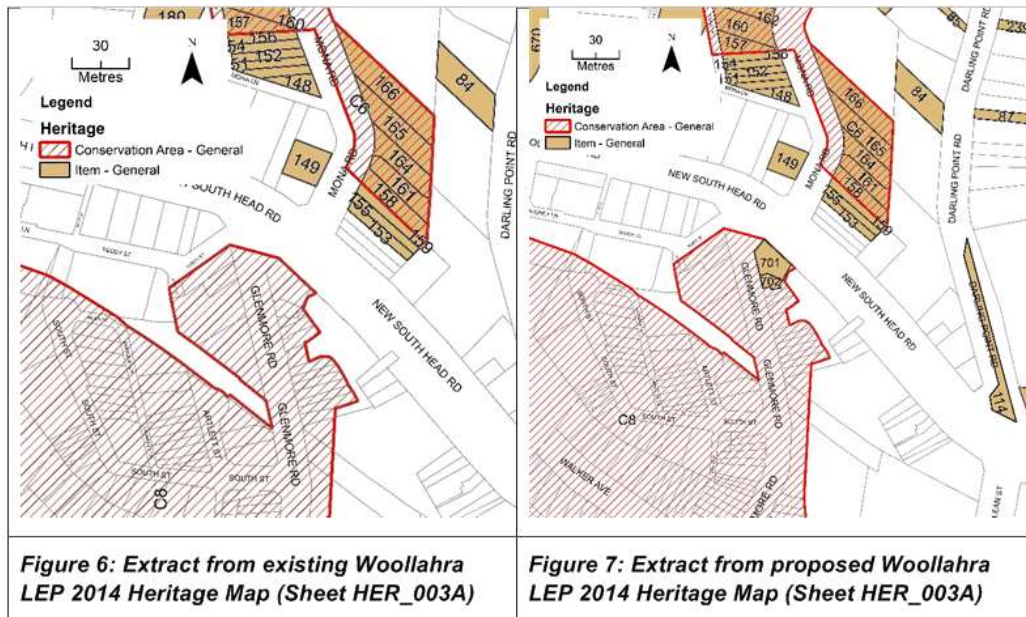
- Heritage NSW, Department of Premier and Cabinet.
- National Trust of NSW.

Any other authorities identified by the Greater Sydney Commission and Department of Planning, Industry and Environment will be consulted during the public exhibition of the planning proposal.

7. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (Sheet HER_003A) by applying an "Item – General" classification to the property at 133 New South Head Road, Edgecliff.

An extract of the existing and proposed heritage maps are shown in Figures 6 and 7.



8. Community consultation

8.1. Landowner Consultation

The owners were informed by email dated 20 March 2020 of the Notice of Motion of 10 February 2020 pertaining to the site and the heritage assessment being undertaken. Inspection of the site was subsequently undertaken in June 2020 and May 2021 in the company of Mr Robert (Bob) Cadry, a Director of Cadfam Pty Ltd, the owners of the site.

The site owners were notified of the Environmental Planning Committee Meeting of 15 June 2021, and Mr Cadry addressed the Meeting expressing his support for the proposed listing of the site as a heritage item. In the Woollahra Local Planning Panel meeting of 16 September 2021, Mr Cadry also expressed support for the progression of a heritage listing on the adjoining site at 549 Glenmore Road, Edgecliff which is also in his company's ownership.

In progressing the planning proposal, formal consultation with the owners will be undertaken in accordance with the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2000*.

8.2. Public Consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*, also having regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019* and *Local Environmental Plans – a guide to preparing local environmental plans* (2018) and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of each site, which will include every landowner in the Centre.
- notice to local community, resident and business groups such as the Paddington Society.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).
- Woollahra LEP 2014.
- Section 9.1 Directions.

9. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Environmental Planning Committee (EPC) recommends proceeding	15 June 2021
Council resolution to proceed	5 July 2021
WLPP Advice	16 September 2021
Advice of WLPP to EPC	October 2021
Council resolution to proceed	October 2021
Gateway determination	December 2021
Completion of technical assessment	Usually none required
Government agency consultation	February 2021
Public exhibition period	Same time as agency consultation
Submissions assessment	March 2022
Council assessment of planning proposal post exhibition	April 2022
Council decision to make the LEP amendment	May 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	June 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	July 2022
Notification of the approved LEP	August 2022

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not seek rezoning of the site nor contains any provision which is contrary to the operation of this policy.
SEPP No 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map of the SEPP.
SEPP (Activation Precincts) 2020	Not applicable. No land within the Woollahra LGA is identified as an Activation Precinct.
SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.

State environmental planning policy	Comment on consistency
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not applicable. The Woollahra LGA is not specified in Schedule 1 of SEPP (Koala Habitat Protection) 2021.
SEPP (Koala Habitat Protection) 2021	Not applicable. The Woollahra LGA is not listed in Schedule 1.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable. No future corridors are identified within the Woollahra LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (State Significant Precincts) 2005	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra LGA which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable

Planning proposal – “Cadry’s Building”, 133 New South Head Road, Edgecliff and 549 Glenmore Road, Edgecliff – Local Heritage Listing

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Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The site is not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal management	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of the <i>Cadry's Building, including interiors</i> at 133 New South Head Road, Edgecliff will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of contaminated land	Not applicable. The planning proposal does not seek to alter the zoning or the uses of the site. Notwithstanding this, the planning proposal will not affect the application or operation of any legislation or planning instrument pertaining to managing land contamination or investigation thereof on the subject site.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Not applicable. The planning proposal does not involve a sites within the residential zones.

Planning proposal – “Cadry’s Building”, 133 New South Head Road, Edgecliff and 549 Glenmore Road, Edgecliff – Local Heritage Listing

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Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks or manufactured home estates.
3.3	Home occupations	Revoked 9 November 2020.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near regulated airports and defence airfields	The site is affected by the Sydney (Kingsford-Smith) Airport 'Obstacle Limitation Surface' map (OLS), being located within the Outer Horizontal Surface contour for Sydney Airport which is identified as 156m AHD. ² This planning proposal does not seek to alter the development potential of the site in terms of building height or floor space ratio or propose a 'controlled activity' and therefore consultation with the Commonwealth is not required.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in non-hosted short term rental accommodation period	Note applicable. The planning proposal does not apply to land in the Byron Shire Council.
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable. Consistent. The site is identified as being Class 5 acid sulfate soils. This planning proposal does not seek to intensify the permitted use on the site and is consistent with the direction. The existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.

² Sydney Airports, n.d. Airspace protection - Chart 1 - Obstacle Limitation
<https://www.sydneyairport.com.au/corporate/planning-and-projects/airspace-protection-tile>

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
4.3	Flood prone land	Applicable. Consistent. This planning proposal does not seek to alter the zoning of the site or permit development that would be inconsistent with the Floodplain Development Manual 2005.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced. Heritage listing of “Cadry’s Building”, including interiors at 133 New South Head Road, Edgecliff will provide ongoing protection and recognition of the heritage significance of the item. Refer to Schedule 1 of this report.
5.11	Development of Aboriginal Land Council land	Not applicable. The planning proposal does not apply to land identified in State Environmental Planning Policy (Aboriginal Land) 2019.
6	Local plan making	
6.1	Approval and referral requirements	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not allow a particular development to be carried out.
7	Metropolitan Planning	
7.1	Implementation of A Metropolis of Three Cities (March 2018)	Revoked 9 November 2020.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
7.2 – 7.13	Directions 7.2 – 7.13	Not applicable. These strategies do not apply to the Woollahra LGA.

Supporting documents (circulated separately)

Assessment of Heritage Significance, Cadry's Building, 133 New South Head Rd, Edgecliff prepared by Kristy Wellfare, Strategic Heritage Officer, and Heritage Inventory Sheet (updated September 2021 to include 549 Glenmore Road)

Report to the Environmental Planning Committee of 15 June 2021

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF MAGET HOUSE AT 66 VICTORIA ROAD, BELLEVUE HILL**
Authors: Shona Lindsay, Heritage Officer
Anne White, Manager - Strategic Planning
Approver: Scott Pedder, Director - Planning & Place
File No: 21/178403
Reason for Report: To present the heritage significance assessment prepared by Rebecca Hawcroft and Kieran McInerney for Maget House at 66 Victoria Road, Bellevue Hill.
To recommend that Council resolves to prepare a planning proposal to list Magnet House, including front garden, front driveway/ pedestrian path at 66 Victoria Road, Bellevue Hill as a heritage item on the Heritage Map and in Schedule 5 of the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT a planning proposal be prepared to list Maget House, including front garden, front driveway/ pedestrian path at 66 Victoria Road, Bellevue Hill as a local heritage item on the Heritage Map and Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.

Background:

On 26 May 2021 a development application DA21/211/1 was lodged with Council for the demolition of the building at 66 Victoria Road, Bellevue Hill.

Council's Heritage Officer considered the demolition proposed by the DA, and identified that the building may have heritage significance under the seven criteria identified in the NSW Heritage Manual. On 28 July 2021, Rebecca Hawcroft provided Council staff with "preliminary heritage advice" which concluded that the house meets the threshold for local heritage listing under the criterion of historical, aesthetic, rarity and representative significance (see **Annexure 1**).

As a development application for the demolition of the building had been lodged with Council, an Interim Heritage Order (IHO) was issued for the site under Section 25 of the *Heritage Act 1977*.

Since this time, Council staff commissioned a detailed Heritage Significance Assessment (HAS) by Rebecca Hawcroft and Kieran McInerney. A final draft report was submitted to Council on 30 September 2021 which is attached at **Annexure 2**.

The Site:

The site is legally described as Lot X DP 439599 (see **Figure 3**). The site is an 835 sqm elevated block on the western side of Victoria Road, rising steeply to the west. The house is set back some 300m from the street leaving a generous sloped and terraced garden to the front (see **Figures 1 & 4**). The house is a single storey house with a part lower level consisting of a garage and rumpus room.

The front façade of the main level has full width, full height glass which is strikingly visible, setback from Victoria Road. The house reads as a tall transparent volume sitting on a lower podium of face brick punctuated by vertical strips of glazing (see **Figure 2**).

The site and adjoining sites are zoned R2 Low Density Residential under the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). The site is not listed as an item of environmental heritage under Schedule 5 of the Woollahra LEP 2014 and the site is not listed in a heritage conservation area.

The property to the north west of the subject site, at 58 Victoria Road, Bellevue Hill (Lot 23, DP 1009536) is listed as an item of local heritage significance in the Woollahra LEP 2014. This property is known as Barford house, and the house and interiors, gardens; gates and gateposts off Vitoria Road, and off Rupertswood Avenue are identified as being of significance (number 68). Further to the west at 7 Rupertswood Avenue is Danbury house (Lot 5, D 37517), which is also listed as an item of local significance (number 55). The significance includes the house, and interiors, gateposts and gates. The subject site in relation to these two items of local significance can be seen below in **Figure 5**.



Figure 1: Maget House (and front garden, driveway/pedestrian path) as viewed from the footpath on Victoria Road. (Source: Rebecca Hawcroft, 2021)





Figure 4: Aerial photo of the subject site in 2018. The subject site is highlighted in red.
(Source: Woollahra MAPS)



Figure 5: Items of local heritage significance within the vicinity of the subject site.
The subject site is highlighted in red. (Source: Woollahra MAPS)

The Interim Heritage Order:

Council's Heritage Officer considered the demolition proposed by the DA21/211/1, and identified that the building may have heritage significance under the seven criteria identified in the NSW Heritage Manual. As this is a Modernist Building, Council's Strategic Planning Team appointed a heritage expert in this field (Rebecca Hawcroft) to provide advice on the potential heritage significance of the property under the Heritage NSW criteria. On 28 July 2021, Rebecca Hawcroft provided Council staff with "preliminary heritage advice" which concluded that the house meets the threshold for local heritage listing under the criterion of historical, aesthetic, rarity and representative significance (see **Annexure 1**).

Under a Ministerial Order, the *Authorisation for Local Councils to make Interim Heritage Orders*, published in the Government Gazette on 12 July 2013 and under a sub-delegation to the Director of

Planning they may, on behalf of Council, make an IHO. An IHO can be made if, among other things, the following pre-conditions are in place:

“(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:

- (i) The item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;*
- (ii) The item is being or is likely to be harmed;*
- (iii) The IHO is confined to the item determined to be under threat.”*

Given DA21/211/1 proposed the demolition of the structures on the site, and that the site is potentially of local heritage significance, the Director of Planning formed the opinion that the above circumstances were in place. Subsequently, the Director of Planning authorised the making of an IHO. The IHO was issued under section 25 of the *Heritage Act 1977* (IHO No. LC-5) and was published in the NSW Government Gazette No. 151 of 13 August 2021.

The Order will remain in place for an initial period of six months which gives Council the opportunity to fully assess the heritage significance of the building and identify whether the building should be listed as a State and/or local heritage item. If within these six months Council resolves to proceed with the listing of the item, the order remains in place for an additional six months.

Under section 57 of the *Heritage Act 1977*, when an IHO applies to a place or building a person must not, among other things, demolish, damage or carry out development except in pursuance of an approval granted by the approval body, i.e. Council.

Consultation:

On 13 August 2021, Council staff sent a letter to the owner of the building, informing them that an Interim heritage Order for 66 Victoria Road, Bellevue Hill had been published in the NSW Government Gazette.

On 3 September 2021, Council staff sent a further letter to the owner of the building to:

- inform them that Council had engaged a heritage consultant to prepare a detailed heritage assessment to investigate the heritage significance of the house
- request access to the property.

A site visit, attended by consultants Rebecca Hawcroft and Kieran McInerney, was carried out in the morning of Thursday 9 September 2021.

Assessment of heritage significance:

The assessment of heritage significance was undertaken in accordance with the document *Assessing heritage significance*, published by the NSW Heritage Office in 2001 by Rebecca Hawcroft and Kieran McInerney. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance.

Criterion (a)

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

Criterion (b)

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

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Criterion (d)

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

Criterion (e)

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

Criterion (f)

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

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places, or*
- cultural or natural environments, (or a class of the local area's*
- cultural or natural places, or*
- cultural or natural environments.)*

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

A copy of the assessment prepared by Rebecca Hawcroft and Kieran McInerney dated September 2021, which includes the assessment against all criteria, is attached as **Annexure 2. Table 1** below provides a summary of the assessment of the heritage significance of Maget House, against the seven criteria at the local and State levels.

Table 1: NSW Heritage Assessment criteria summary

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓	x
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in	✓	x

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
	NSW's cultural or natural history (or the cultural or natural history of the local area).		
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	✓	x
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.	x	x
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓	x
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓	x
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments, (or a class of the local area's • cultural or natural places, or • cultural or natural environments.) 	✓	x

The heritage significance assessment concludes that, after assessment against the NSW Heritage Assessment Criteria,

This report has undertaken a heritage significance assessment of 66 Victoria Road, Bellevue Hill. It is the finding of this assessment that the house meets the threshold for local heritage listing under the criterion of historical, aesthetic, rarity and representative significance.

Despite a series of alterations and additions it is concluded that the main external elevation of the house remains substantially intact and that the significant qualities of the house are able to be appreciated. It is felt the alterations to the front façade are reversible and that the interiors and rear could be updated thoughtfully without further reducing the house's significance. Hence it is concluded that demolition be refused.

The following statement of significance was provided for Maget House:

66 Victoria Road, Bellevue Hill is a significant example of a modernist house designed in the mid-1950s. Despite later alterations and additions, the original design remains substantially intact and is able to be appreciated. It has local historical significance as a work of émigré architects for European clients and can be seen to represent the growing influence of European migrants on the development of Woollahra post war.

66 Victoria Road is also significant at a local level as a rare example of the residential work of architect Hugo Stossel who contributed a number of significant modernist buildings during the 1950s and 1960s. Hugo Stossel designed few residential projects, only 10 have been identified, with a number of these demolished or approved for demolition. 66 Victoria Road demonstrates the evolution of his style as he adapted to the context of Sydney.

66 Victoria Road has aesthetic significance at a local level as a work of émigré architects that able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist houses of the 1950s, and is able to demonstrate the growing influence of International Style modernism on housing design in Australia.

66 Victoria Road has research potential at a local level for its ability to demonstrate past ways of living and design and construction methods from the mid 20th century. It is also an important source of information about the work of its architect Hugo Stossel, of which relatively little is known. The building also has rarity values as one of few remaining examples of his housing. 66 Victoria Road, is a fine example of its type, displaying the principal characteristics of an important architectural development and is part of a group of buildings, the work of émigré architects, which collectively demonstrate significant historical and social changes.

Recommendations of the Assessment of Heritage Significance report:

The Heritage Significance Assessment undertaken for the site by Rebecca Hawcroft and Kieran McInerney provided the following recommendations:

Heritage Listing

- *66 Victoria Road, Bellevue Hill including front garden, front driveway/pedestrian path, should be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance.*
- *It is also recommended that Woollahra Council undertake a study of the work of émigré architects in the post war period, in the Council area to gain a fuller understanding of the rarity or representative value of the building and to identify other significant buildings.*

Ongoing management

- *It is recommended that 66 Victoria Road, Bellevue Hill be managed in line with the principles of the Burra Charter, particularly Article 3.1 which notes:
“Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible. Any future adaptations or upgrades should aim to retain as much original fabric as possible.*
- *The external appearance of the site, when viewed from Victoria Road, which remains largely original, should be retained and conserved. New works should prioritise returning the original configuration of this façade and the landscaping elements.*
- *The steel frame windows and French doors make a substantial contribution to the place’s significance and should be retained.*
- *Due to the history of internal changes it is considered that the interior can be updated without impacting the significance of the house, but proposed changes should aim to retain as much early or original fabric as possible.*
- *Due to the previous enclosure of the rear of the house and extension to the west, it is considered that the house can be further modified and extended in this area. Future developments may consider returning the original western openings through the introduction of a courtyard.*
- *Sympathetic additions to the rear would not impact the building’s overall significance, but should be well set back from the front volume and not visible from Victoria Road.*
- *The addition of new structures between the house and Victoria Road would not be suitable.*
- *A detailed internal and external photographic record of the building should be made and lodged with Woollahra Council and the Local Historical Association along with any future development application.*

Woollahra Local Planning Panel advice:

Section 2.19 of the *Environmental Planning and Assessment Act 1979* sets out the functions of local planning panels. One of those functions is “to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council”.

Additionally, the *Local Planning Panel Direction – Planning Proposals* which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the *Department of Planning, Industry and Environment* for a gateway determination.

Under the terms of the Direction, the planning proposal to list Maget House at 66 Victoria Road, Bellevue Hill as a local heritage item must be referred to the Woollahra LPP for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to prepare a planning proposal.

Next steps:

If Council supports the recommendations of this report, the next steps in the listing process are:

- Prepare a planning proposal under section 3.33 of the Act to list Maget House, including front garden, front driveway/pedestrian path as an item of local heritage significance in the Woollahra LEP 2014,
- Refer the draft planning proposal to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LLP to the Environmental Planning Committee.



Conclusion:

The heritage significance of Maget House at 66 Victoria Road, Bellevue Hill has been assessed by heritage consultants Rebecca Hawcroft and Kieran McInerney in accordance with the NSW Heritage guidelines (see **Annexure 2**) . The assessment concludes that Maget House, including front garden, front driveway/pedestrian path has local heritage significance and it should be listed in Schedule 5 of the Woollahra LEP 2014.

It is therefore recommended that Maget House at 66 Victoria Road, Bellevue Hill is listed as a local heritage item on the Heritage Map and in Schedule 5 of the Woollahra LEP 2014.

To facilitate the listing, a planning proposal should be prepared to amend Schedule 5 of the Woollahra LEP 2014 by adding Maget House, including front garden, front driveway/pedestrian path at 66 Victoria Road, Bellevue Hill to the list of heritage items. The planning proposal should be referred to the Woollahra LPP for advice.

Annexures

1. Preliminary Heritage Advice - 66 Victoria Road, Bellevue Hill - prepared by Rebecca Hawcroft - July 2021 [!\[\]\(098e47036f78288d477e334896a43770_img.jpg\)](#) 
2. Assessment of Heritage Significance - 66 Victoria Road, Bellevue Hill - Hawcroft & McInerney - 30 September 2021 [!\[\]\(85c10fe0ae97c3e2f0e940987ab0a900_img.jpg\)](#) 

66 Victoria Road, Bellevue Hill: Preliminary advice on potential heritage significance

Executive Summary

The following provides preliminary advice as to the heritage significance of the property at 66 Victoria Road, Bellevue Hill. It identifies that the house was designed by noteworthy architect, Viennese trained Hungarian Hugo Stossel, and is a representative example of his residential work, of which few examples remain. The house was commissioned by Czechoslovakian émigré family the Maget's, further representing the wider and significant post WWII trend for European migrants to commission European architects; a trend particularly important for understanding the development of the Woollahra LGA in that period. Despite a series of modifications, the house appears to remain relatively intact, including external appearance, internal configuration and details such as steel framed windows.

Taking this information into consideration the property is assessed as having historic, aesthetic, representative and rarity significance at a local level. It is recommended that demolition be refused and that a full heritage significance assessment of the property is undertaken with a view to its inclusion on the WMC LEP as a heritage item.

Introduction

In June 2021 Rebecca Hawcroft was engaged by Woollahra Council to provide preliminary heritage advice on the significance of 66 Victoria Road, Bellevue Hill. The following provides a summary of the building history, information about the architect, research on its commissioning owners, a comparative analysis and assessment of the integrity of the building. This information is used to provide a summary statement of significance and recommendations.

Limitations

Please note that owing to COVID 19 restrictions a site inspection was unable to be undertaken as part of this work. Information related to building condition in this document is based on the Demolition Report prepared by Ruth Daniell, dated April 2021.

Authorship

This report was prepared by Rebecca Hawcroft. Rebecca has a Masters in Heritage Conservation from the University of Sydney and is currently a PhD candidate at the University of Canberra. She has extensive experience in heritage conservation; previous positions include Associate, GML Heritage, Assessment Officer, NSW Heritage and is currently Interpretation Coordinator at City of Parramatta Council. Rebecca has undertaken an extensive study of Sydney's émigré architects, curating the award winning 2017 Museum of Sydney Exhibition 'The Moderns: Sydney's European Design Legacy', and editing the book 'The Other Moderns' (NewSouth Press, 2017). She is Associate Editor of Historic

Environment, the academic journal of Australia ICOMOS and has published widely on aspects of heritage and architectural history.

Subject site

66 Victoria Road, Bellevue Hill is located on the western side of Victoria Road, on a lot that slopes up to the rear (west). The house is set back from the street with a concrete drive leading to the lower ground floor garage with a ground floor level above.

The council building application indicates the house was constructed in 1955 for owners Mr and Mrs Maget. The original drawings are contained in the WMC File 199/55 showing the building to have been designed by H. Stossel Architect.

The house is a modest 155m² GFA three bedroom house built with cavity brick external walls, single brick internal walls, timber framed floors and roof, with the exception of the concrete ground floor veranda, the slab of which extends back into the house. The bathroom floor is also of concrete.

As constructed it had a lower ground level consisting of garage, rumpus room and laundry, with underfloor storage to the rear. This is constructed in variegated orange face brick and forms a recessed podium to the ground floor which is made of white painted rendered masonry. The lower ground has 3 identical door units (fenestration typical of Stossel's work), consisting of a delicately detailed French doors with an operable awning window above. Matching this in height is a white painted flush "Tilt-a-door" with a gridded panel arrangement aligning with the awning highlight windows.

The ground floor is accessed via an external U-shaped stair leading to the ground floor entry verandah. This concrete stair and the contiguous concrete slab edge of the ground floor slab taper to a very thin edge in a way that is characteristic of Stossel's work. The concrete slab edge "wraps" around the northern side wall and roof soffit to form a U shape. In contrast to the lower ground floor walls, the ground floor is fully glazed from floor to ceiling in panels of fixed steel framed glazing with four narrower vertical bands of glazing containing steel awning windows. A delicate steel balustrade with expanded mesh infill panels extends the width of the ground floor. The most distinctive feature of the house occurs at the intersection of the top of the stair and ground floor slab, where the flat roof above is supported by two slender circular steel columns arranged in a V shaped arrangement.

Bedroom 1 (12 foot by 15 foot) Bedroom 2 (10 foot by 15 foot) and a living / dining room are lit by this wall of glass and gain excellent local and harbour views. The living / dining room extends back to an enclosed porch / sunroom facing the rear garden and is served by the small separate kitchen to east. Beyond the kitchen is a long narrow bathroom and bedroom 3 (10 foot by 15 foot). In summary it is a simple and relatively frugal construction, with an elegant, characteristic and finely detailed steel and glass facade.

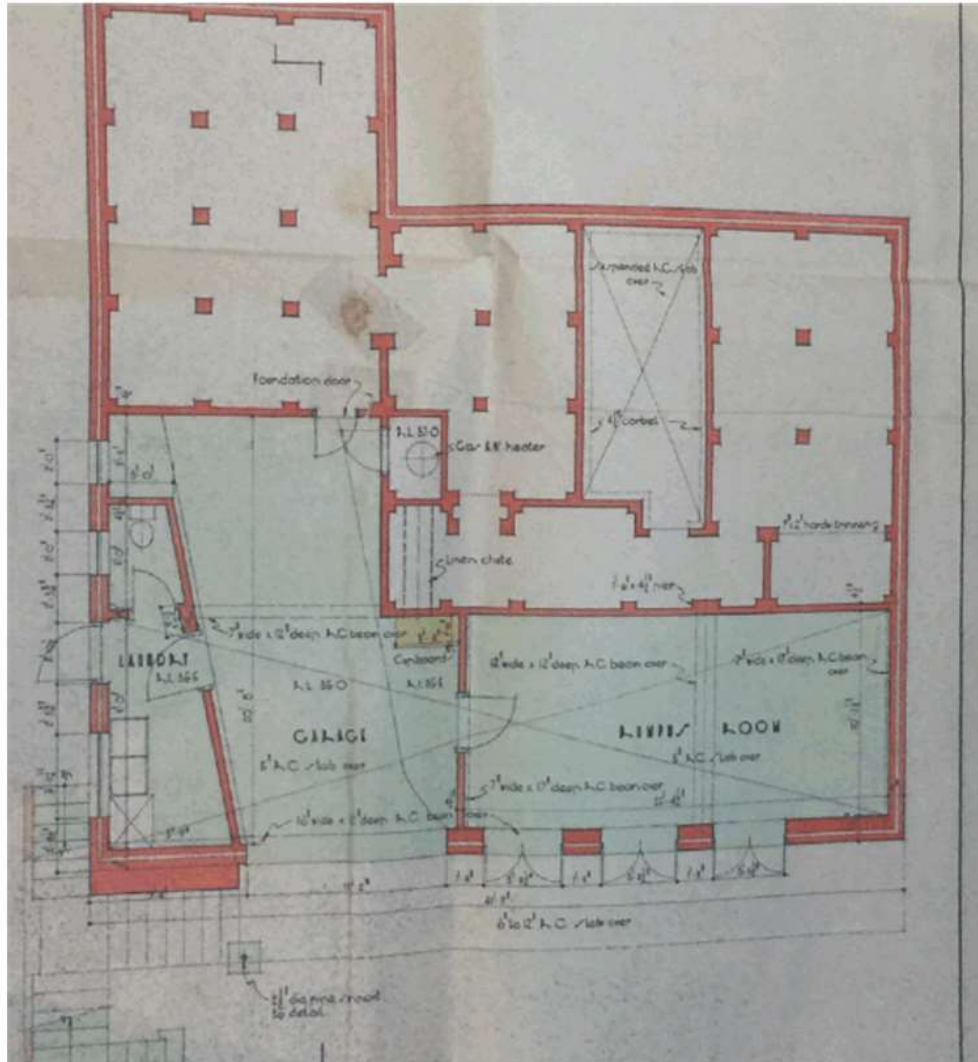
Council records indicate alterations and additions were undertaken in 1974, by the Magets, and in 1977 by a Mr and Mrs Levy.

The later additions, as identified in the 2021 Demolition Report, include an extension to the rear, enclosing the original 'enclosed porch' and courtyard area. Where the original living dining space once flowed into the rear garden a study and bedroom have been added. An additional living dining space, bathroom and laundry have been added to the north of the rear elevation, adjoining the original kitchen, bathroom and third bedroom.

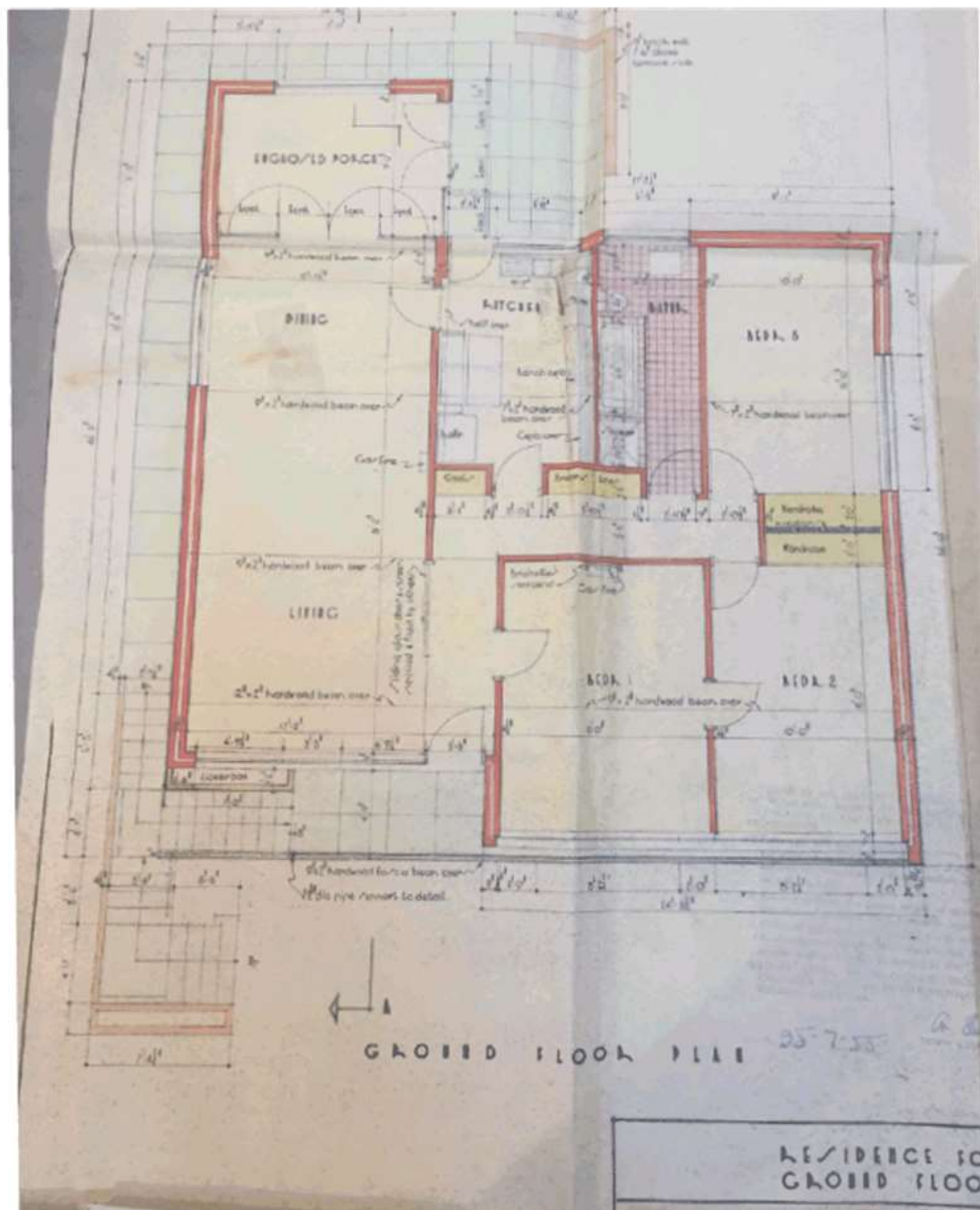
Later alterations also include an extension of the lower ground level out under the overhanging slab of level 1. The original angled wall of the garage has been re-aligned and the garage space expanded. An internal stair to level 1 has been added. To accommodate the stair the eastern wall of the 'rumpus room' as been brought out to be flush with the wall of level 1, retaining the original three steel framed French doors.

Internally room layouts remain generally intact. It appears a number of the original steel framed windows also remain in place however floor finishes and other interior features appear to have been replaced.

66 Victoria Road, Bellevue Hill, Original Plans, WMC File 199/55:

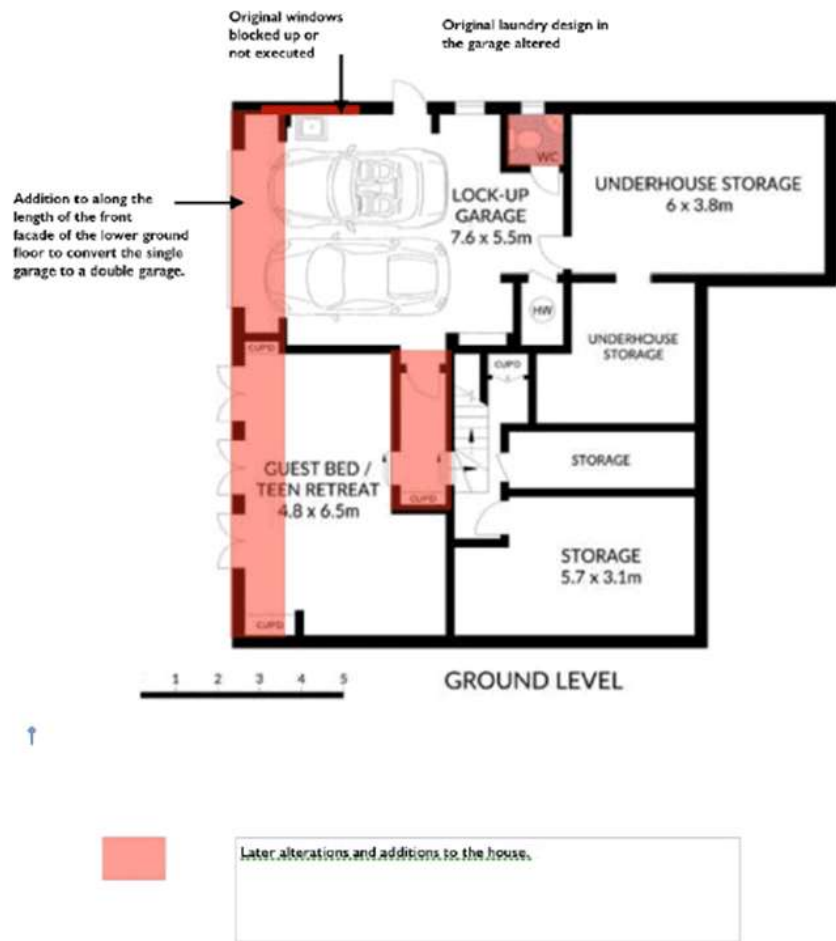


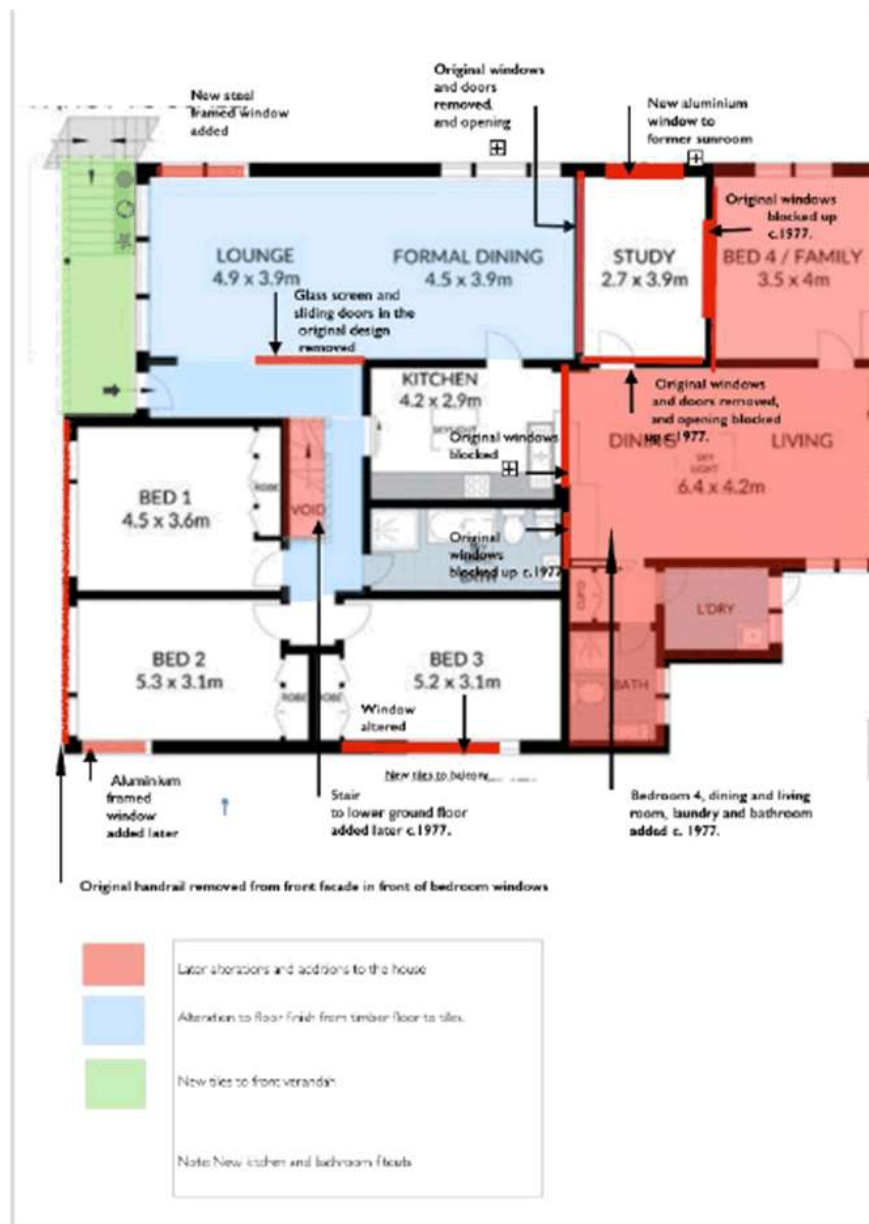
Lower level (WMC File 199/55)



Ground Floor (WMC File 199/55)

Current Plans, Ruth Daniell, Demolition Report 2021





Biography of architect Hugo Stossel

Hugo Stossel (1905-2002) was born in Barczanfalva, Hungary (now Barsana, Romania), moving when young with his family to the Hungarian capital, Budapest. From 1928 to 1932 he studied architecture at the Technische Hochschule in Vienna, graduating with a diploma of Engineering in Architecture. From 1933 to 1938 Stossel worked as an architect in Bucharest, designing theatre interiors, apartment blocks and commercial buildings. Stossel left Europe on the eve of World War II, arriving in Sydney on the P&O ship Strathaird in June 1939.

During the war he worked as a manager for Cody & Willis, a Glebe-based construction firm working mostly on government contracts. Although initially not able to register as an architect Stossel continued to design, completing a number of buildings in Sydney during the 1940s. Once he was naturalised as an Australian citizen in 1948 he registered as an architect, aged 43.

Early projects included a house in Warrawee for Polish businessman Moses Eisner (1947) and a house for renowned Viennese furniture-maker Paul Kafka in Lindfield (1948) both of which were published in *Australian House and Garden*. Stossel's focus later moved to apartment design, beginning with the innovative, steel-framed St Ursula building in Elizabeth Bay, an 'ultra-modern' home-unit block with a curved curtain-wall of floor to ceiling steel-framed windows. (ref. Building, 24 May 1951 p.91). (query italicize "Building")?

He later undertook significant commissions for the new development company Civil and Civic, including Yarranabbe Gardens (1958) and Broadwaters (1959) in Darling Point. These were followed by numerous other apartment and commercial developments completed over the next decade. The 20-storey Eastbourne Tower, Darling Point (1968), cemented the firm's position as one of the major contributors to Sydney's burgeoning apartment scene.

In 1953 Eugene Goossens, conductor of the Sydney Symphony Orchestra, commissioned Stossel to design a speculative opera house on a site at Wynyard. The design was published on the front page of The Sydney Morning Herald on 31 March 1954. When the NSW Government endorsed a future opera house and designated Bennelong Point as its location, Stossel was one of many local and international architects to make a submission to the 1957 architectural competition.

Stossel formed H Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high rise building for the inner city of Sydney including the the 22 storey Wynyard Travelodge (1969) and the Sydney Police Headquarters, College Street and the BMA Tower Chatswood (1970-72) with external lift shaft. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda, and the other partner's leadership. In his latter years Stossel lived in Vienna, Italy and England. He died at Cheltenham, Gloucestershire in February 2002, aged 96.

References:

- Back to the Future, Sydney Morning Herald, Domain, 25 September 1997, Kieran McInerney, pp.8-11

- Hugo Stossel émigré architect, Sydney Living Museums, <https://sydneylivingmuseums.com.au/exhibitions/hugo-stossel-émigré-architect>
- 'The lucky escapees: European architects in postwar Sydney', in *The Other Moderns*, Rebecca Hawcroft, NewSouth Press, 2017
- Paul Georgiades, 'Modernism in post-war Sydney: three houses by Hugo Stossel', B.Arch dissertation, University of Technology, 1992

Maget Family

66 Victoria Road was commissioned by the Maget family, who resided there until around 1977. National Archives of Australia Immigration Records indicate the family arrived in Australia from Czechoslovakia in 1949 and consisted of Bernat Maget, Ester Maget (nee Mikulincer) and daughters Eva and Katarina; aged 5 and 2 respectively.

Bernat Maget, was born in 1910 in Dubrinech, Czechoslovakia. A story posted by Eva Masnick (nee Maget) indicates the couple had lived in Presov in Slovakia, where Maget had a factory and had narrowly escaped the widespread deportation of Jews from both Hungary and Slovakia, hiding for a time in a small village in the mountains. Once in Australia, the Maget's lived in Bronte and first found jobs, later deciding to start their own business; Berma lingerie and Magic Clothing Company are two companies they were connected with. They appear to have remained active in the Sydney Jewish Community. Their daughters attained university educations; Eva Masnick as a bio-chemist, and Kathy Benjamin as a psychologist. Bernat died in Sydney in 1983 aged 72, and Ester in 2011 aged 98.

References:

National Archives of Australia, Record Search, Immigration and Naturalization Records, Maget

Eva Masnick; <https://couragetocare.com.au/blog/2019/12/04/eva-masnick/>

Comparative projects, Hugo Stossel designed houses

In the early post-war years, Hugo Stossel designed several small modernist houses for fellow émigrés. The first was built in 1948 at Warrawee on Sydney's upper north shore for Moses Eisner and his wife, Gisela. Polish-born Eisner was the director of the Arcos steel company (for whom Stossel designed Australia's first prefabricated steel house, erected by the Arcos Electric Arc Welding Products company in the Sydney suburb of Ryde in 1946).

Also built in 1948 was a house in Wahroonga for company director Rudolf Nossel and his family, from Vienna. In 1950 Stossel designed a house for his own family in East Lindfield, and another nearby for Viennese-born furniture designer Paul Kafka and his wife, Ilse. A fifth north shore house was built in 1952–53 on Collaroy Plateau for Swiss-born Walter Schwarz and his wife, Alison. A demonstration of Stossel's growing regard is that fact that the majority of his houses of the late 1940s and 1950s were featured in Sydney newspapers or published in magazines such as *The Australian Women's Weekly* and *Australian House & Garden*.

A substantial record of Stossel's work is held in the collection of Caroline Simpson Research Library, Sydney Living Museums, which is now available online. From this record and via publications and archives we can ascertain that Stossel designed relatively few houses, in comparison to his output of apartment and commercial buildings. A comprehensive search has identified just 10 residential designs. Of these a number have been demolished or substantially altered. One example of his intact houses, Stossel's own house in East Lindfield is listed as local heritage item on the Ku-Ring-Gai LEP.

The following identifies the known Stossel residential designs and their integrity

Eisner House, 1500 Pacific Highway, Warrawee, 1948-1949 - demolished

References: 'Warrawee home geared to colour', *Australian House & Garden* April 1951 pp.18-19, 80

'Home designed for indoor-outdoor living', *Sun-Herald* 18 October 1953 p.55

'Modern classic', in Phyllis Shillito *Sixty beach and holiday homes*, Sydney: Australian General Publications, 1954 p.77



Nossel House, 97 Lucinda Avenue, Wahroonga, 1948 – intact/some modifications unpublished



Kafka House, Eton Road, Lindfield, 1948- intact/some modifications (demolition approved)

'The house of furniture designer, Paul Kafka', *Australian House and Garden*, May 1952, pp.31-32



Stossel house, 72 Woodlands Road, Lindfield, 1950-1951 - intact, heritage listed

'Planned for sun and privacy', *Australian Women's Weekly* 5 December 1951 p.57

'Strict simplicity makes this an undateable house', *Australian House & Garden* October 1952 pp.38-39, 90

'Elegance can be contemporary', in Phyllis Shillito *Sixty beach and holiday homes*, Sydney: Australian General Publications, 1954 pp.84-85



66 Victoria Road, Bellevue Hill, preliminary heritage advice

Rebecca Hawcroft, July 2021

Unknown owner, 27 The Parapet, Castlecrag, 1950 – intact

Unpublished



Schwarz house, 92 Aubreen Street, Collaroy Plateau, 1952-1953 – intact (substantially modified)

'Picture views from big glass windows', *Sunday Telegraph* 24 May 1953 p.27

'Unusual design', in Phyllis Shillito *Sixty beach and holiday homes*, Sydney: Australian General Publications, 1954 p.67



Residence for R.A. Pfeiffer Esq, 112 Balfour Road, Rose Bay, 1953-1954 - demolished
Plans dated 15 November 1953 [Woollahra Council]



Maget house, 66 Victoria Road, Bellevue Hill, 1955-1956 – intact/modified
unpublished



66 Victoria Road, Bellevue Hill, preliminary heritage advice

Rebecca Hawcroft, July 2021

Stossel house 2, 63 The Bulwark, Castlecrag, 1962 – intact
unpublished



J. J. Hilton House, (Lot 10 Fairfax Road) now 10A Ginahgulla Road, Bellevue Hill, 1965-
intact/modified
unpublished



Typical features of Hugo Stossel designed houses

Hugo Stossel's houses are typically boldly geometric in design, expressing a sophisticated middle European modernism. Common features include expressed window frames and expressed fine edge slabs, providing strong horizontals. His façade arrangements tend to avoid diagonals, typically using solid balustrades that follow the lines of the stairs reinforcing the façade as an arrangement of orthogonal elements. The Maget house features a steel balustrade with feature column flanking the stair providing a feature contrasting diagonal.

Stossel's houses also typically display a mixture of vertically oriented windows and doors in masonry facades, contrasted with bands of ribbon windows or fully glazed facades; sometimes the living spaces and sometimes for bedrooms. This arrangement is demonstrated in the Eisner House of 1948 and the Maget House designed 7 years later. Typically the masonry elements of the façade contrast with delicate steel doors and window elements.

The Maget House shows Stossel's typical use of a base or podium of face brick, in earlier houses this has been stonework, with the main living area above extensively glazed. Like Stossel's other houses there is little opening to the outside, unlike American influenced modernism which displayed more integration of landscape, Stossel's European influence is evidenced in the Maget House' original enclosed porch; a similar approach is also found in the Parapet House of 1950.

Stossel's European influence is also evident in his housing interiors. Typically his houses were highly finished with timber veneers, extensive integrated curtains, recessed lighting and built-in furniture. It is noted the interiors of the Maget House have been substantially altered.

Stossel's houses designed immediately post-war most closely reflect his European modernist influence. However the houses of the mid 1950's such as the Maget House show many elements that can be seen as typical of his design work, and represent a progression of his European modernist training as applied in Australia.

Assessment of significance:

Introduction

The assessment of heritage significance is undertaken by utilising an assessment criteria based on the Burra Charter of Australia ICOMOS. The principles of the charter relate to the assessment, conservation and management of sites and relics. This has informed legislation in the NSW Heritage Act 1977 which is implemented through the NSW Heritage Manual.

The following assessment utilises the heritage significance criteria set out in the document *Assessing Heritage Significance*, published by the NSW Heritage Office.

New South Wales Heritage Assessment Guidelines

The *NSW Heritage Manual* provides seven heritage criteria to assess the significance of an item. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will need to meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

‘State heritage significance’, in relation to a place, building, work or relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

‘Local heritage significance’, in relation to a place, building, work, relic, movable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The table below outlines the seven heritage criteria contained in the NSW Heritage Assessment Guidelines:

Criteria	Description
Criterion a: Historical significance	An item is important in the course, or pattern, of NSW’s cultural or natural history (or the cultural or natural history of the local area);
Criterion b: Associative significance	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history (or the cultural or natural history of the local area);
Criterion c: Aesthetic/technical significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
Criterion d: Social significance	An item has strong or special association with a particular community or cultural group in NSW

Criteria	Description
	(or the local area) for social, cultural or spiritual reasons;
Criterion e: Research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
Criterion f: Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);
Criterion g: Representative	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> •cultural or natural places; or •cultural or natural environments. (or a class of the local area's <ul style="list-style-type: none"> •cultural or natural places; or •cultural or natural environments.)

The following section provides an assessment of the significance of the subject site against the above criteria.

Criterion a- Historical significance

66 Victoria Road is a significant example of a modernist house designed in the mid-1950s. It displays the evolution of European modernism as practised by architect Hugo Stossel and applied in the Australian context. The house also demonstrates the evolution of the Woollahra area post WWII through the arrival of large numbers of European migrants who built houses reflecting their tastes and heritage, in many cases designed by European architects.

66 Victoria Road is a significant example of the work of architect Hugo Stossel, who contributed a number of significant modernist buildings in the eastern suburbs during the 1950s and 1960s. 66 Victoria Road has particular significance as an example of his residential work, of which few examples remain.

Guidelines for inclusion		Guidelines for exclusion	
X	• shows evidence of a significant human activity	X	• has incidental or unsubstantiated connections with historically important activities or processes
✓	• is associated with a significant activity or historical phase	X	• provides evidence of activities or processes that are of dubious historical importance
X	• maintains or shows the continuity of a historical process or activity	X	

			<ul style="list-style-type: none"> has been so altered that it can no longer provide evidence of a particular association
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66 Victoria Road is associated with a significant historical phase and as such is of local significance under this criterion. The building does not meet the threshold for State significance under this criterion.

Criterion b- Associative significance

66 Victoria Road has significant associations with architect Hugo Stossel, an émigré trained in Vienna and as frequently published, one of the most prominent émigré architects in Sydney during of the early 1950s.

Guidelines for inclusion		Guidelines for exclusion	
X	<ul style="list-style-type: none"> shows evidence of a significant human occupation 	X	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events
✓	<ul style="list-style-type: none"> is associated with a significant event, person, or group of persons 	X	<ul style="list-style-type: none"> provides evidence of people or events that are of dubious historical importance
		X	<ul style="list-style-type: none"> importance has been so altered that it can no longer provide evidence of a particular association

66 Victoria Road can be seen to have strong associations with architect Hugo Stossel, and as one of few examples of his residential architectural work, it is considered to be of local significance.

It does not meet the threshold for listing under this criterion at either State level.

Criterion c- Aesthetic/technical significance

66 Victoria Road is a relatively intact example of a mid-1950s modernist house showing elements of a modified central European modernism. As the work of an émigré architect it can be seen to illustrate the transfer of European modernist architectural training to Australia and its application, often for European clients, in a new context. Stossel's design for 66 Victoria Road displays typical elements of his work adapted for the context.

66 Victoria Road can be compared with other significant examples of modernist houses of the 1950s including Stossel's own house in Lindfield, that are heritage listed as examples of International Style modernism.

The building displays modernist architectural characteristics including strong geometric arrangement, skillion roof behind a parapet, fully-glazed first floor front elevation, steel framed windows. It is of aesthetic significance as a relatively intact example of a modernist house.

Guidelines for inclusion	Guidelines for exclusion
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✓	<ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement 	X	<ul style="list-style-type: none"> is not a major work by an important designer or artist has lost its design or technical integrity
X	<ul style="list-style-type: none"> is the inspiration for a creative or technical innovation or achievement 	X	<ul style="list-style-type: none"> its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
✓	<ul style="list-style-type: none"> is aesthetically distinctive has landmark qualities exemplifies a particular taste, style or technology 	X	<ul style="list-style-type: none"> has only a loose association with a creative or technical achievement

66 Victoria Road is aesthetically distinctive and shows creative and technical innovation and achievement and hence meets the threshold for local listing under this criterion. The building does not meet the threshold for listing at a State level.

Criterion d- Social significance

66 Victoria Road does not appear to hold strong or special associations with a particular community or group.

Guidelines for inclusion		Guidelines for exclusion	
X	<ul style="list-style-type: none"> is important for its associations with an identifiable group 	X	<ul style="list-style-type: none"> is only important to the community for amenity reasons
X	<ul style="list-style-type: none"> is important to a community's sense of place 	X	<ul style="list-style-type: none"> is retained only in preference to a proposed alternative

The building does not meet the threshold for local or State listing under this criterion.

Criterion e- Research potential

66 Victoria Road has some research value for demonstrating the architectural work of Hugo Stossel. Relatively little is known about the work of Stossel many of his projects have been altered or demolished. As the building is relatively intact, its fabric also provides opportunities to reveal information about past ways of living and design and construction methods from the mid 20th century.

Guidelines for inclusion		Guidelines for exclusion	
X	<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information 	X	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture
X	<ul style="list-style-type: none"> is an important benchmark or reference site or type 	✓	<ul style="list-style-type: none"> has little archaeological or research potential
✓	<ul style="list-style-type: none"> provides evidence of past human cultures that is unavailable elsewhere 	X	<ul style="list-style-type: none"> only contains information that is readily available from other resources or archaeological sites

66 Victoria Road has moderate levels of research significance associated with building up a greater picture of the work of Hugo Stossel and is significant at a local level under this criterion. The building does not meet the threshold for State significance under this criterion.

Criterion f- Rarity

66 Victoria Road is rare as an example of the residential work of Hugo Stossel, few of whose identified residential projects remain intact.

Stossel had a distinctive application of modernism, taking in both European influences and later elements of Californian modernism, and his work can be seen as stylistically individual in the context of the Woollahra Municipality and Sydney more generally. As a relatively intact example of his work the subject building is rare.

Guidelines for inclusion		Guidelines for exclusion	
✓	• provides evidence of a defunct custom, way of life or process	X	• is not rare
✓	• demonstrates a process, custom or other human activity that is in danger of being lost	X	• is numerous but under threat
X	• shows unusually accurate evidence of a significant human activity		
X	• is the only example of its type		
X	• demonstrates designs or techniques of exceptional interest		
X	• shows rare evidence of a significant human activity important to a community		

As an intact and unusual example of a 1955 modernist house 66 Victoria Road demonstrates past practices and shows increasingly rare evidence of significant design movements and social changes in the Woollahra area. It meets the threshold for listing at a local level under this criterion. The building does not meet the threshold for listing at a State level under this criterion.

Criterion g- Representative

66 Victoria Road is a good example of example of a 1955 modernist house. It has numerous features typical of similar houses of the period including the use of steel frame windows, red bricks, fully glazed facade, steel balustrade and expressed thin edge slab.

66 Victoria Road also displays the influence of European modernism and can be seen as representative of the work of émigré architects, who had studied and practiced in central Europe. This represents an important aspect of the development of modern architecture in Sydney after WWII when significant numbers of European architects took up practice in Sydney.

66 Victoria Road is a good example of the work of architect Hugo Stossel. Stossel designed a number of significant modernist buildings in the eastern suburbs during the 1950s and 1960s, and 66 Victoria Road displays a number of his architectural motifs.

Guidelines for inclusion	Guidelines for exclusion
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✓	<ul style="list-style-type: none"> is a fine example of its type has the principal characteristics of an important class or group of items 	X	<ul style="list-style-type: none"> is a poor example of its type does not include or has lost the range of
✓	<ul style="list-style-type: none"> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity 	X	<ul style="list-style-type: none"> characteristics of a type
X	<ul style="list-style-type: none"> is a significant variation to a class of items 	X	<ul style="list-style-type: none"> does not represent well the characteristics that make up a significant variation of a type
✓	<ul style="list-style-type: none"> is part of a group which collectively illustrates a representative type 		
X	<ul style="list-style-type: none"> is outstanding because of its setting, condition or size 		
X	<ul style="list-style-type: none"> is outstanding because of its integrity or the esteem in which it is held 		

66 Victoria Road is a fine example of its type, displaying the principle characteristics of an important architectural development and is part of a group of buildings, the work of émigré architects, which collectively demonstrate significant historical and social changes. It is significant under this criterion at a local level. The building does not meet the threshold for listing at a State level under this criterion.

Statement of Heritage Significance

66 Victoria Road, Bellevue Hill is a significant example of a modernist house designed in the mid-1950s. Despite later alterations and additions, the original design remains substantially intact and is able to be appreciated. It has local historical significance as a work of émigré architects for European clients and can be seen to represent the growing influence of European migrants on the development of Woollahra post war.

66 Victoria Road is also significant at a local level as a rare example of the residential work of architect Hugo Stossel who contributed a number of significant modernist buildings during the 1950s and 1960s. Hugo Stossel designed few residential projects, only 10 have been identified, with a number of these demolished or approved for demolition. 66 Victoria Road demonstrates the evolution of his style as he adapted to the context of Sydney.

66 Victoria Road has aesthetic significance at a local level as a work of émigré architects that able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist houses of the 1950s, and is able to demonstrate the growing influence of International Style modernism on housing design in Australia.

66 Victoria Road has research potential at a local level for its ability to demonstrate past ways of living and design and construction methods from the mid 20th century. It is also an important source of information about the work of its architect Hugo Stossel, of which relatively little is known. The building also has rarity values as one of few remaining examples of his housing. 66 Victoria Road, is a fine example of its type, displaying the principle characteristics of an important architectural development and is part of a group of buildings, the work of émigré architects, which collectively demonstrate significant historical and social changes.

Conclusions

This report has undertaken a preliminary heritage significance assessment of 66 Victoria Road, Bellevue Hill. It is the finding of this assessment that the house meets the threshold for local heritage listing under the criterion of historical, aesthetic, rarity and representative significance.

Despite a series of alterations and additions it is concluded that the house remains substantially intact and that the significant qualities of the house are able to be appreciated. It is felt the alterations to the front façade are reversible and that the interiors and rear could be updated thoughtfully without further reducing the house's significance. Hence it is concluded that demolition be refused.

Recommendations

Heritage listing

- 66 Victoria Road, Bellevue Hill should be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance.
- It is also recommended that Woollahra Council undertake a study of the work of émigré architects in the post war period, in the Council area to gain a fuller understanding of the rarity or representative value of the building and to identify other significant buildings.

Ongoing management

- It is recommended that the 66 Victoria Road, Bellevue Hill be managed in line with the principles of the Burra Charter, particularly Article 3.1 which notes: "*Conservation is based on a respect for the existing fabric, use, associations and meanings. It requires a cautious approach of changing as much as necessary but as little as possible.*"¹ Any future adaptations or upgrades should aim to retain as much original fabric as possible.
- It is considered sympathetic additions to the rear and internal upgrades would not impact the building's overall significance, but should aim to retain as much early or original fabric as possible.
- The external appearance of the site when viewed from Victoria Road, which remains largely original, should also be retained and conserved. New works should prioritise returning the original configuration of this façade.
- Due to the limitations of this assessment, which did not include a full inspection of the building, a fabric assessment should be undertaken. The external and internal fabric should be rated for its significance in order to guide future works.
- A detailed internal and external photographic record of the building should be made and lodged with Woollahra Council and the Local Historical Association along with any future development application.

¹ The Burra Charter, Australia ICOMOS 2013.

**Assessment of Heritage Significance for 66 Victoria Road,
Bellevue Hill**

Final Issue September 2021



Authors

Rebecca Hawcroft & Kieran McInerney

For Woollahra Municipal Council

66 Victoria Road, Bellevue Hill Heritage Assessment

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Section 1: Introduction

Overview

The authors have been engaged by Woollahra Council to provide a Heritage Significance Assessment (HAS) of the residence at 66 Victoria Road, Bellevue Hill, so that Council may consider the potential inclusion of the site as a local heritage item in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) and/or its potential to be included as an item of State significance on the State Heritage Register (SHR) under the *NSW Heritage Act 1977*.

The building is not located in a Heritage Conservation Area as identified in the Woollahra LEP 2014 and is not listed on the Institute of Architects Register of 20th century buildings or by the National Trust (NSW).

Project methodology

The following (HAS) has been prepared in accordance with the NSW Heritage Office Guidelines 'Assessing Heritage Significance' (2001). It is also consistent with the relevant principles and guidelines of the Australia ICOMOS Charter for Place of Cultural Significance 2013 (the Burra Charter).

Authors and acknowledgements

This report was prepared by Rebecca Hawcroft (heritage specialist) and Kieran McInerney (registered architect).

The authors acknowledge the help of Johanna Mullen, relative of Hugo Stossel for her research assistance.

Limitations

This report provides an assessment of the non-Aboriginal (historical) built heritage only, and does not provide an archaeological or Aboriginal heritage assessment of the site.

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Due to COVID 19 restrictions meaning libraries are closed some research sources have not been available for this report. The authors visited the site to inspect the house but did not do an invasive condition assessment of any built fabric.

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Section 2: Background

Site Identification

The subject site is legally described as Lot X, DP 439599, as shown on the cadastral map at *Figure 1*.

Its northern boundary is shared by a contemporary two storey house, occupying most of its lot. LEP listed Heritage Item Barford (house interiors, gardens, gates and gateposts), built in 1931 for Sir Warwick Fairfax, at 58 Victoria Road, adjoins the site to the north and shares a portion of the northern boundary. Barford is set above the steep site and is not visible from 66 Victoria Road. The rear boundary adjoins a house located at 11 Rupertswood Avenue. Due to the steeply sloping site this house is also not visible from 66 Victoria Road. An early 20th century two story residence is located to the south on Victoria Road at number 70.



Figure 1. Site plan, with subject site highlighted. (Source: Six Maps)

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Figure 2. Site aerial, with subject site highlighted. Barford can be seen here, located to the north west
(Source: Six Maps)

Site zoning and heritage listings

The site and its neighbours are zoned R2 Residential under Woollahra LEP 2014.

Surrounding heritage items listed on Schedule 5 Environmental Heritage of Woollahra LEP 2014 include:

- Barford, 58 Victoria Road (Item 68)
- Danbury, 7 Rupertswood Avenue (item No:54)
- Provost House, 1 Ruperstwood Avenue (item No: 39)

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Figure 3. Detail of Heritage Map of the Woollahra LEP 2014. The subject site is indicated by an arrow, and is located to the south of item 68 Barford. The map indicates site is not a heritage item and is not located in a Conservation Area.

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Section 3: History

Introduction

This section provides a historical context to the development of the subject site. It briefly covers the development of Bellevue Hill and Victoria Road before focusing on the development of the current building at 66 Victoria Road and its architect.

Bellevue Hill

Bellevue Hill is a suburb located between Vaucluse and Rose Bay in the eastern suburbs of Sydney.

Part of Eora Country

The coastal regions of Sydney between Port Jackson and Botany Bay are the ancestral territories of the Eora people. The traditional owners of the land now within the Woollahra Council area were the Cadigal (Gadigal) people, part of the Dharug language group. In common with other tribes living by Sydney Harbour, the Gadigal lived in harmony with the natural resources within their country, fishing from canoes or hunting the animals that lived in surroundings. The tribe appears to have moved within their territory in response to the seasons. Shell middens in the area provide material evidence of many centuries of sustained connection to the land that also sustained them. The arrival of white settlers caused the wholesale disruption of traditional life and the cultural practices of the Eora people generally. Despite enormous challenges, today many Indigenous people identify as Eora and maintain cultural practices and a connection to country.

Early European Settlement

Following the arrival of the first fleet in 1788, the land between Watsons Bay and Sydney was initially deemed either too swampy or sandy for agricultural development. It was a place where rushcutters gathered reed for thatch and timber was felled for

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firewood. Small-scale industries developed in the early 19th century and the firm of Cooper and Levey ran a tallow production works until the 1850s.

By 1803 South Head and Vaucluse were frequented by day-trippers who travelled along rough tracks in order to enjoy the harbour vistas. Bellevue Hill was opened by the construction of Old South Head Road in 1811, however, the topography of the municipality discouraged any other substantial road development rendering Woollahra one of the least developed parts of the east.

Dictionary of Sydney has the following entry on Bellevue Hill:

“Bellevue Hill itself was part of the estate of Daniel Cooper, an emancipist who had built a financial empire, based initially on general merchandise and public houses, and then on flour milling, general merchandising, and in 1822 banking. Pockets of land along the ridges of Bellevue Hill were released in piecemeal fashion by the Cooper Estate from the mid-nineteenth century, providing the sites of the few early houses. These leaseholds typically amounted to between five and ten acres (two to four hectares), including Richard Holdsworth’s Aston (lease established 1857) and John Fairfax’s Ginahgulla (lease established 1858).”

“The first release of the Bellevue Hill Estate was in March 1883, and it offered freehold sites for sale on the high point of the hill between Victoria and Bellevue roads. Sales were slow. Bellevue Hill’s poor public transport links meant that these sites were aimed at those who did not need such services, but did have an appreciation of the scenic advantages of the location. And the vistas from Bellevue Hill, either north towards the harbour entrance or west back to the growing city, were regularly sketched, painted, photographed and engraved over the nineteenth century. Accordingly, the estate was characterised by generously sized allotments.”

“The mass suburban development of Bellevue Hill did not get underway until the second decade of the twentieth century, helped particularly by the extension of the tram line to Bondi Beach in 1914. But the sandy soil and difficult contours of the north-eastern

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slopes demanded careful engineering to ensure stability and good drainage. When Woollahra Council was finally convinced that these measures had been taken to its satisfaction, large sections of Cooper's land on the north-eastern side of the hill were offered for sale in a series of subdivisions – some of which involved the release of over 200 building blocks at a time. The subdivision of Cooper's Bondi-Bellevue Hill estate, released in three stages between 1912 and 1919, saw the break-up of the last large portion of unalienated land in the vicinity – and, indeed, in the Point Piper (Cooper) Estate.”¹

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The subject site was located within the larger Kambala Mansion Estate between Victoria Road and Kambala Road. It was first advertised for subdivision in 1913 with additional portions progressively put up for sale.

Barford, built in the 1930s and located at No. 58 Victoria Road, was one of the large houses added following this first period of subdivision. A 1943 aerial shows Barford's large grounds extending to Victoria Road. The post-war period appears to have seen a rapid increase in development in this area with smaller lots addressing Victoria Road subdivided and sold. The subject site is one of these with the council building application indicating the house was designed in 1955 for owners Mr and Mrs Maget. The original drawings are contained in the WMC File 199/55 showing the building to have been designed by H. Stossel Architect.

Council records indicate a further building application was made by Mr. B Maget in 1974 for alterations and additions (application 760/74). No further details are available. By 1977 the house appears to have changed ownership as Mr and Mrs Levy are noted as applicants for a further set of alterations and additions.

¹ Garry Wotherspoon, *Bellevue Hill*, Dictionary of Sydney, 2012
<https://dictionaryofsydney.org/entry/bellevue_hill>

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H Stossel Architect

The building at 66 Victoria Road was designed by the architect Hugo Stossel. Hugo Stossel (1905-2002) was born in Barczanfalva, Hungary (now Barsana, Romania), moving when young with his family to the Hungarian capital, Budapest. From 1928 to 1932 he studied architecture at the Technische Hochschule in Vienna, graduating with a diploma of Engineering in Architecture. From 1933 to 1938 Stossel worked as an architect in Bucharest, designing theatre interiors, apartment blocks and commercial buildings. Stossel left Europe on the eve of World War II, arriving in Sydney on the P&O ship Strathaird in June 1939.

During the war he worked as a manager for Cody & Willis, a Glebe-based construction firm working mostly on government contracts. Although initially not able to register as an architect Stossel continued to design, completing a number of buildings in Sydney during the 1940s. Once he was naturalised as an Australian citizen in 1948 he registered as an architect, aged 43.

Early projects included a house in Warrawee for Polish businessman Moses Eisner (1947) and a house for renowned Viennese furniture-maker Paul Kafka in Lindfield (1948) both of which were published in *Australian House and Garden*. Stossel's focus later moved to apartment design, beginning with the innovative, steel-framed St Ursula building in Elizabeth Bay, an 'ultra-modern' home-unit block with a curved curtain-wall of floor to ceiling steel-framed windows. (ref. *Building*, 24 May 1951 p.91).

He later undertook significant commissions for the new development company Civil and Civic, including Yarranabbe Gardens (1958) and Broadwaters (1959) in Darling Point. These were followed by numerous other apartment and commercial developments completed over the next decade. The 20-storey Eastbourne Tower, Darling Point (1968), cemented the firm's position as one of the major contributors to Sydney's burgeoning apartment scene.

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In 1953 Eugene Goossens, conductor of the Sydney Symphony Orchestra, commissioned Stossel to design a speculative opera house on a site at Wynyard. The design was published on the front page of *The Sydney Morning Herald* on 31 March 1954. When the NSW Government endorsed a future opera house and designated Bennelong Point as its location, Stossel was one of many local and international architects to make a submission to the 1957 architectural competition.

Stossel formed H Stossel & Associates and was joined by fellow Hungarian George Buda, who became a partner in 1960. The firm designed numerous high rise building for the inner city of Sydney including the the 22 storey Wynyard Travelodge (1969) and the Sydney Police Headquarters, College Street and the BMA Tower Chatswood (1970-72) with external lift shaft. By 1970 Stossel retained only a remote involvement in the firm, which continued under Buda, and the other partner's leadership. In his latter years Stossel lived in Vienna, Italy and England. He died at Cheltenham, Gloucestershire in February 2002, aged 96.

A recent focus on Australia's modernist architectural heritage and the diversity of its application has led to the re-evaluation of the work of many émigré architects. The direct experience of European modernism and training from European Universities that European architects brought is now acknowledged as a factor for considering their work in a new light. Their work was often welcomed by European clients seeking the familiarity of a European lifestyle, including apartment living. Many of these émigré architects worked in the eastern suburbs where significant numbers of Europeans settled during and after World War II. The combination of European client and architect in the subject site represents the increasing influence of Europeans on the development of Sydney's suburbs after WWII.

This assessment provides a timely opportunity to consider the subject site and the work of its architect within the context of modernist architecture in the Woollahra Council area more generally.

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Maget Family

66 Victoria Road was commissioned by the Maget family, who resided there until around 1977. National Archives of Australia Immigration Records indicate the family arrived in Australia from Czechoslovakia in 1949 and consisted of Bernat Maget, Ester Maget (nee Mikulincer) and daughters Eva and Katarina; aged 5 and 2 respectively.

Bernat Maget, was born in 1910 in Dubrinech, Czechoslovakia. A story posted by Eva Masnick (nee Maget) indicates the couple had lived in Presov in Slovakia, where Maget had a factory and had narrowly escaped the widespread deportation of Jews from both Hungary and Slovakia, hiding for a time in a small village in the mountains. Once in Australia, the Maget's lived in Bronte and first found jobs, later deciding to start their own business; Berma lingerie and Magic Clothing Company are two companies they were connected with. They appear to have remained active in the Sydney Jewish Community. Their daughters attained university educations; Eva Masnick as a bio-chemist, and Kathy Benjamin as a psychologist. Bernat died in Sydney in 1983 aged 72, and Ester in 2011 aged 98.

Max Dupain and Associates photographs

The Maget House was one of the few Stossel designed houses to be photographed by Max Dupain. Hugo Stossel commissioned the renowned architectural photographer to photograph a number of his projects during the 1950s, mostly commercial and larger apartment projects. The full Max Dupain and Associates archive is now held in the State Library of NSW. Some examples of the images commissioned by Stossel are included below.

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Figure 4 Maget House, 1957.

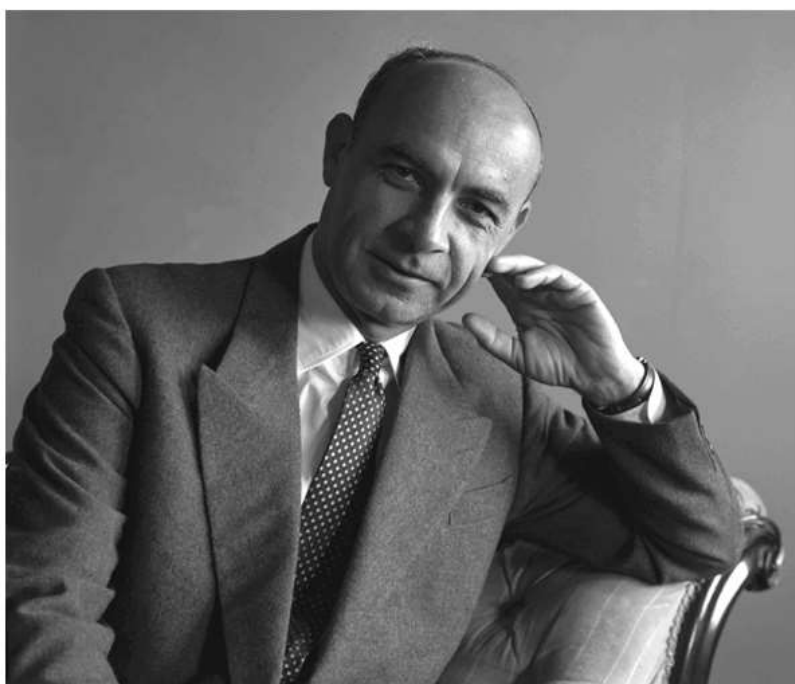


Figure 5 Hugo Stossel c.1955.

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Figure 6 Stossel's design for an Opera House, Wynyard, 1954.



Figure 7 Yarranabbe Gardens, Darling Point, 1959.

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Section 4: Physical Analysis

Introduction

The building at 66 Victoria Road was viewed by the authors in September 2021. This included access to the interior and the exterior. The internal photographs included below were taken at that time. Original plans held by Woollahra Council and the external photograph taken by Max Dupain c1957 (Figure 4) has provided valuable information about the building's fabric and later changes. The original drawings by H. Stossel, Architect, contained in WMC File No.199/55, are reproduced on the following pages.

The site

The site is an 835 sqm elevated block on the western side of Victoria Road, rising steeply to the west. The house is set back some 300m from the street leaving a generous sloped and terraced garden to the front.

Located hard on the property front boundary is a low retaining wall. This wall is curved at the vehicle entry and a custom letter box made of brass is inset into it. The steep driveway of coloured concrete, now a light tan colour, was originally perhaps bright yellow. A pedestrian path steps up the hill parallel to the driveway. The path and the goings and risers of this stair are made of the same coloured concrete/ render, as is the slab outside the ground floor rumpus room.

A feature of this concrete work is the regular grid of construction joints making a part of the architectural design. The concrete slab of the garage (modified in 1977) is also of coloured concrete in a terracotta colour.

The pedestrian steps terminate in a low red brick wall. The Max Dupain image (Figure 4) shows the original geometric alignment of two low walls leading to the entry stair. This arrangement has since been altered. The wall closest to the house has been demolished and the flight of stairs modified to make a small flat open area at the foot of the stairs.

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The current brick wall with stone capping is a later addition or modification. This linear wall arrangement appears in Figure 4 as a key aspect of the geometric presentation of the main façade; stepping up the site to the contiguous concrete slab edge of the ground floor, the line of which is carried through to the northern wall and along the projecting roof plain.

The exterior

The house is a single storey house with a part lower level consisting of garage and rumpus room. The front façade of the main level has full width, full height glass which is strikingly visible, setback from Victoria Road. The house reads as a tall transparent volume sitting on a lower podium of face brick punctuated by vertical strips of glazing.

The ground floor (main level) is accessed via an external stair leading to the small entry verandah. This concrete stair and the contiguous concrete slab edge of the ground floor slab taper to a thin edge in a way that is characteristic of Stossel's work. The concrete slab edge "wraps" around the northern side wall and the soffit and fascia to form a U shape surround to the ground floor glazing. In contrast to the vertical strips of glazing on the lower ground floor, the ground floor is fully glazed from floor to ceiling in panels of fixed steel framed glazing composed of four narrower vertical bands containing steel awning windows.

A delicate balustrade of welded steel flats with expanded mesh infill panels is shown in Figure 4 and original plans, extending the width of the front facade. The portion in front of the glazing has since been removed.

The most distinctive feature of the house occurs at the intersection of the top of the stair and ground floor slab, where the corner of the flat roof above is supported by two slender circular steel columns arranged in a V shape. This column is painted a dark colour in Figure 4 but is now painted white.

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The white painted cement render of the ground floor façade continues around the side walls, contrasting with the orange textured face brick and of the lower ground floor “podium” below.

Lower ground

The lower ground level consists of garage, rumpus room and laundry, with underfloor storage to the rear. This is constructed in orange textured face brick and forms a recessed podium to the rendered ground floor. The lower ground has three identical door units (fenestration typical of Stossel’s work), consisting of French doors made of slender “Crittall” type steel frames with an operable awning steel window above, all with paint finish. Matching this in height was a white painted flush “Tilt-a-door” with a custom gridded panel arrangement aligning with the highlight awning windows.

North and south and facades

These facades are close to each boundary and contain very little architectural treatment. The lower ground walls are built of orange textured brick with steel windows with angled brick sills. The ground floor walls are cement rendered masonry painted white. The original steel windows are painted white with rendered surrounds and sills.

The original plans show the rear arrangement of rooms as designed by Stossel with kitchen and bathroom opening onto a paved area and an enclosed porch with steel framed French doors terminated the living dining space. This area has since been enclosed and extended with further rooms added. Hence little of the western elevation remains.

External alterations and additions

Alterations and additions to the house, possibly undertaken in 1977, resulted in the following changes.

Ground floor:

- The handrail that extended across the glazed portion of the front facade was removed.

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- The flush front door and glass highlight above replaced with an incongruous and higher front door and accompanying internal lightweight internal nib wall removed.
- Obtrusive pendant light added to entry porch.

Lower ground:

- Façade moved out to be flush with the ground floor. Possibly to increase the garage's capacity. The original laundry with angled wall was also removed.
- The base of the V shaped column was severed crudely to permit a wider garage door.
- The original flush "Tilt-a-door" replaced with a standard wider "Tilt-a-door".
- A rendered lintel and brick soffit above garage door was added, blurring the articulation of the massing.
- The original steel French doors were reinstalled in the same expression as previously. Thus the lower ground facade is almost identical but closer towards the street. The textured bricks used in this wall are close in colour to those used in the 1957 work but have less texture and less of the variation that the original bricks display.

Northern elevation:

- Addition of aluminum frame window to Bedroom 2.
- Addition or alteration of window to Bedroom 3.
- Addition of a bathroom to the rear of Bedroom 3.

Southern elevation:

- Although not shown on the original plans it is believed the steel framed window to the living space is original.
- Addition to the rear with new aluminum framed window.

Western elevation:

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- Enclosure of original openings with addition of a study, fourth bedroom and additional dining/living space, laundry and bathroom.

Roof

The mono pitch, almost flat, skillion roof falls to the rear of the site. It has been extended back at the same fall as part of the 1977 additions. The flat roof with use of skylights is a distinctive feature of the design.



Figure 8. 66 Victoria Road viewed from the street showing the steep tinted cement drive and pedestrian path. The original paired brick walls at the top of the pedestrian path (shown in Figure 4) are no longer present, and have been replaced with a new wall with a stone capping added. The linear arrangement of the paths has also been obscured by the later addition of 'bush rock' edging (Source: Rebecca Hawcroft, September 2021)

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Figure 9. Front façade- Ground floor facade is a white framed fully glazed volume sitting on a proportionally smaller and more solid "podium" of orange textured face brick and vertically proportioned windows. The brick external wall of the lower ground floor can be seen almost flush with the glazed wall of the ground floor following the c.1970s modifications. (Source: Kieran McInerney, September 2021)



Figure 10. The base of the V shaped column has been removed to permit a wider garage door. The flush "Tilt-a-door" with a custom gridded panel arrangement was demolished and replaced with an intrusive wider "Tilt-a-door", with brick panel above. The first flight of the original stairs has been replaced with a curved stair.

(Source: Kieran McInerney, September 2021)



Figure 11. The front door and glazed fan light have been replaced with this unsuitable wood panelled element. (Source: Rebecca Hawcroft, September 2021)

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Figure 12. Northern exterior wall. The original form of tapered edge ground floor concrete slab, characteristic of Stossel's work, can still be seen— later infilled underneath as part of 1970s additions. (Source: Kieran McInerney, September 2021)



Figure 13. View from back garden showing aluminium windows of 1970s additions. The mono pitch, almost flat, skillion roof falls to the rear of the site. It has been extended back at the same fall as part of the 1977 additions.

(Source: Kieran McInerney, September 2021)

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Figure 14. View from back garden showing the 1970s additions. And the site terracing to the west.
(Source: Rebecca Hawcroft, September 2021)

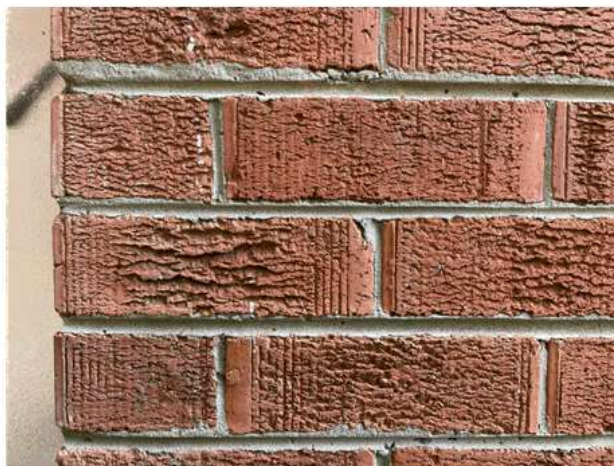


Figure 15. Coarser and handmade with more variation, the textured bricks of the original 1954 construction can be seen to planters in the garden and on the first floor, as well as to the side wall.

(Source: Kieran McInerney, September 2021)

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Figure 16. Detail of "Critall" steel framed lower ground doors. These are high quality and likely to be now rare steel frame doors. The design is also distinctive and characteristic of Stossel's houses of this period.

(Source: Kieran McInerney, September 2021)

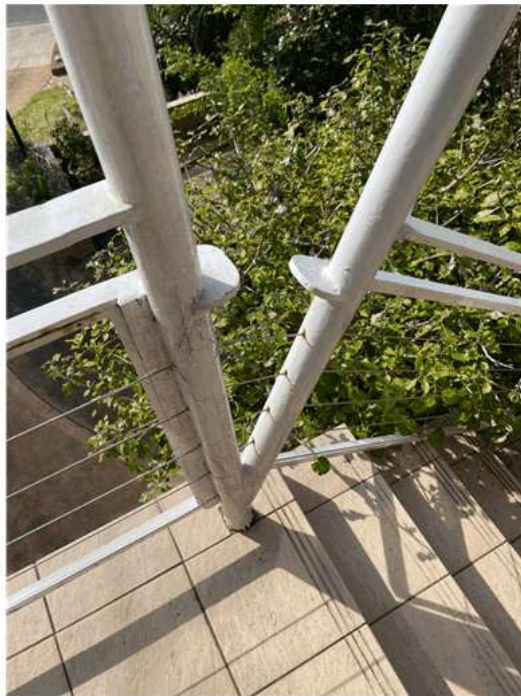


Figure 17. Connection of the steel V-shaped column and steel balustrade.

(Source: Kieran McInerney, September 2021)

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Figure 18. Connection of the steel V-shaped column to the soffit.

(Source: Kieran McInerney, September 2021)



Figure 19. Detail of the steel balustrade which originally spanned the width of the front façade. Original mesh infill panels have been removed and replaced by stainless steel cable.

(Source: Kieran McInerney, September 2021)

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Interior

Accessed informally, directly from the entry verandah, the living / dining room is the principal room of the house. Fully tiled it is open and largely free of decoration. Glazed on 2 sides, the room enjoys views of Bellevue Hill and Vaucluse to the east and glimpses the ocean beyond Bondi Beach. This space and is served by a separate kitchen which is original in layout with replacement cabinetry.

Bedrooms 1 and 2 are lit by the 2.9m high wall of glass and gain the same view.

Bedroom 3 is original in layout with a new or altered window. The front rooms have a flat ceilings while the rear rooms have sloping ceilings following the line of the roof.

The living space and Bedrooms 1 and 2 have distinctive inset soffits for curtains, a feature of Stossel's work.

The bathroom is original in layout, including the semi- sunken bath. The original drawings show a window where the vanity is located suggesting this is a later addition.

The rear, west facing windows of the dining room, kitchen and bathroom have been removed as part of the later additions. Nonetheless they enjoy good levels of daylight through existing side facing windows and skylights to the kitchen and bathroom.

The lower ground floor consists of garage and rumpus room. Part of the original void space to the west has been converted to a stair connecting to the ground floor above. The original wall to the laundry has been removed to enlarge the garage space. A small bathroom and laundry area remain. The rumpus room had tiled flooring and is divided by an arch.

Internal alterations and additions

- The original plans show a sliding glass screen element dividing the entry hall and the living space. They also show the door to Bedroom 1 opening from this area. Neither of these elements remain, if they were in fact constructed.
- The specification notes tallowwood flooring sanded and polished throughout the ground floor. The living and dining room is now tiled and the bedrooms have

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been fitted with artificial timber flooring or carpet. The kitchen is tiled to match the adjoining later living dining space.

- The original wide hall leading to bedroom 2, 3 and the bathroom has been altered with the addition of the stair connecting the lower ground floor and its balustrading. The original plans show storage cupboards in this space, none of which remain.
- The original enclosed porch / sunroom facing the rear garden was enclosed as part of as part of the later additions making a small study. An additional bedroom, bathroom, laundry and living / dining room were also added. These additional rooms sit under the extended flat roof and have aluminum windows.
- Evidence of the modification to the external eastern wall is visible in the interior of the lower level. The original laundry wall has been removed in the garage.
- The stair to the ground floor has been added to the original void space.



Figure 20. View from the living room north to Victoria Road. Steel V-shaped column and steel balustrade can be seen. Intrusive large front door can be seen to left of photo.

(Source: Kieran McInerney, September 2021)

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Figure 21. Ceiling cove, concealed pelmet, in living room which extends the width of front glass facade is typical of Stossel's work. This enables to the front facade to appear "glassier" and permits a thin edge to the roof soffit, achieving an even thickness frame around the first floor façade. It also hides the curtain mechanism with curtain fabric typically playing a key role in Stossel's interiors.

(Source: Kieran McInerney, September 2021)



Figure 22. Typical window sill detail on original steel windows.

(Source: Kieran McInerney, September 2021)

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Figure 23. Kitchen and more recent living dining space. The tiled floor dates from this period and the cabinets also appear to be later additions. The room is lit by a skylight, as is the adjacent bathroom.
(Source: Rebecca Hawcroft, September 2021)



Figure 24. The later living dining space (with additional skylight) and the small rear paved terrace. (Source: Rebecca Hawcroft, September 2021)

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Figure 25. Intrusive Victorian detailing of internal stair added as part of 1970s alterations creates a narrow corridor.

(Source: Kieran McInerney, September 2021)



Figure 26. Bedroom 1, laminate floor, recessed curtain runners to original detailing.

(Source: Kieran McInerney, September 2021)

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Figure 27. View from Bed 2 showing full height glazing and ceiling cove extending around corner. It appears the window on the north has been added later.

(Source: Kieran McInerney, September 2021)



Figure 28. Bathroom cabinet fitted into opening of former bathroom window as part of 1970s alterations.

(Source: Kieran McInerney, September 2021)

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Figure 29. Lower ground, rumpus room steel frame French doors. (Source: Kieran McInerney, September 2021)



Figure 30. Lower ground, rumpus room with arch and tiled floor (Source: Kieran McInerney, September 2021)

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Figure 31. Lower ground, garage space with former laundry area (Source: Kieran McInerney, September 2021)

Moveable heritage items

There does not appear to be any moveable heritage items associated with the site.

Conclusions

The description above and the original plans and 2020 plans from the house's 2020 real estate listing (Figures 32-36) provide a clear indication that the house has been modified, predominantly to the rear. The front facade, the key design feature of the house, remains largely intact and able to be appreciated. While changes to the balustrade, lower ground façade and garage are regrettable, evidence of the original fabric remains and the changes appear largely reversible.

The house appears to have had little internal detailing or has been modified to the extent that very little remains. There is no distinctive or quality detailing beyond the external arrangement and steel framed windows.

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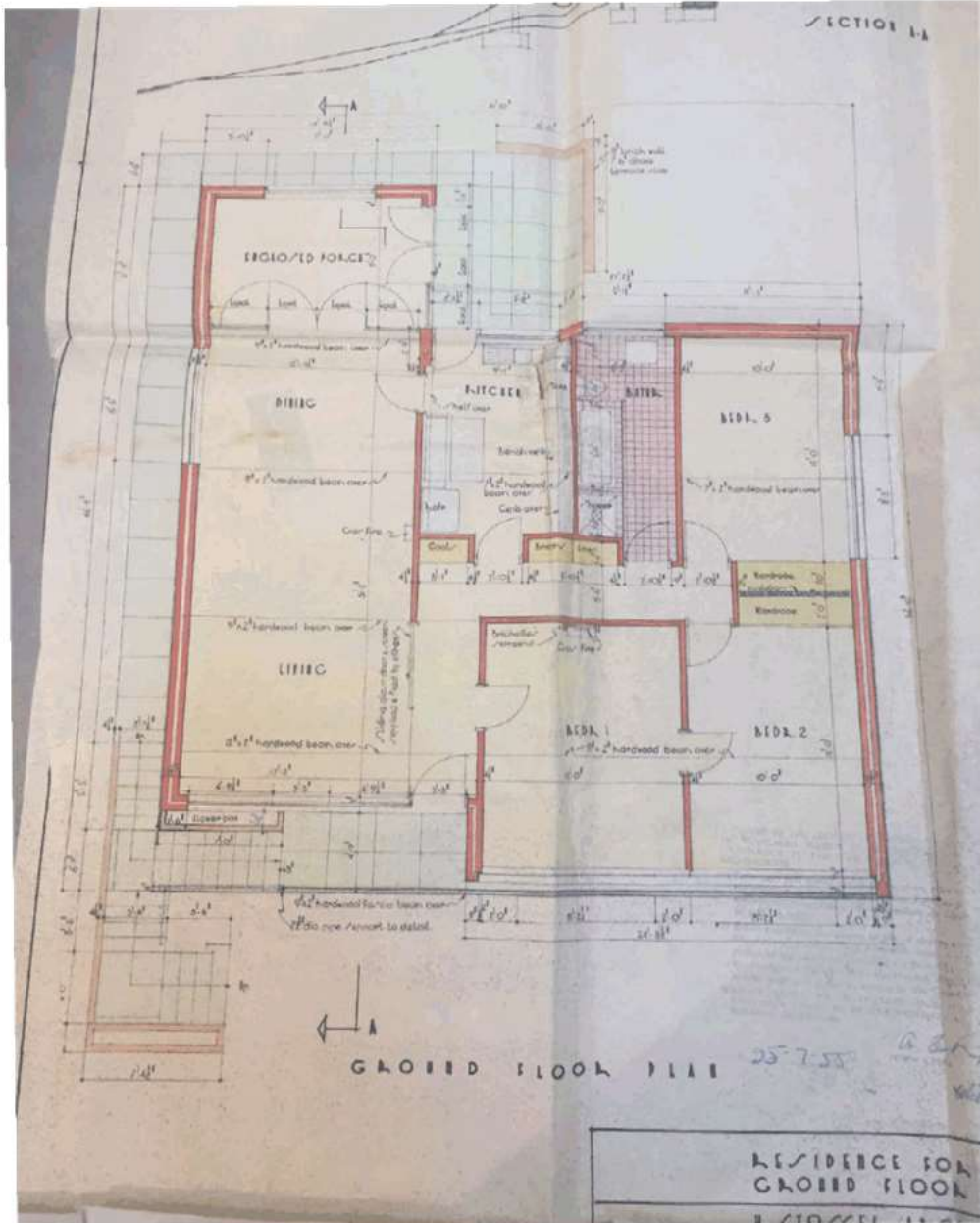


Figure 32. The original ground floor plan, 1955. WMC file 199/55

[illegible]

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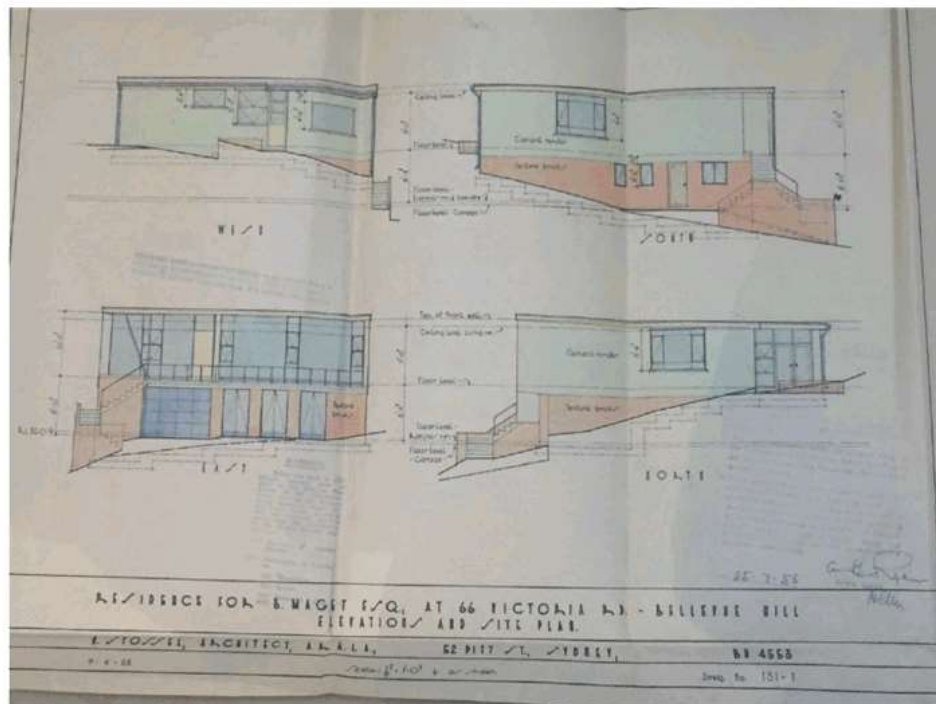


Figure 34. The original elevations, 1955. WMC file 199/55

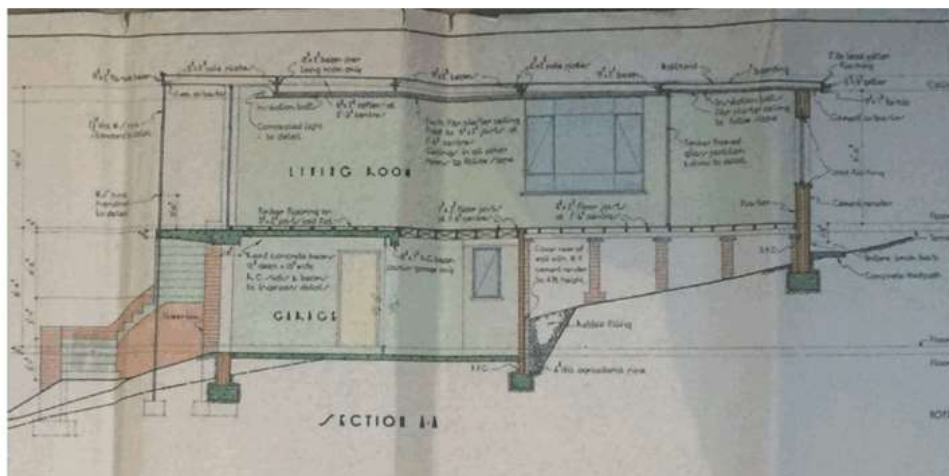


Figure 35. The original elevations, 1955. WMC file 199/55

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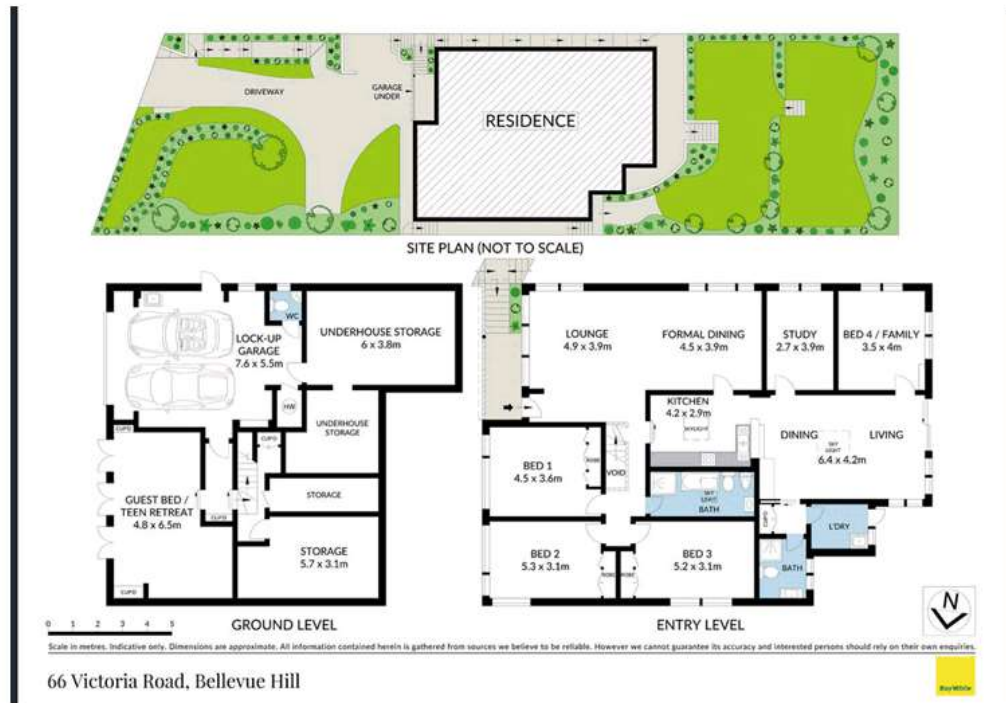


Figure 36. Floor plans dated from 2020 that were part of the house's real estate listing.
<https://www.realestate.com.au/sold/property-house-nsw-bellevue+hill-133812326>

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Section 5: Comparative Analysis

Introduction

This section compares the subject building with other works designed by Hugo Stossel.

Comparative analysis is important in understanding how a place may meet criteria (f) and (g) of the NSW Significance Assessment criteria. These two criteria relate to whether a place is significant because it is rare or because it is a good example of a common type of place. The two criteria are:

Criteria (f) an item possesses uncommon, rare or endangered aspects of NSW's or of the area's cultural or natural history; and

Criterion (g) an item is important in demonstrating the principal characteristics of a class of NSW's or the area's cultural or natural places or cultural or natural environments.

Addressing these criteria assists understanding the heritage values of a place in the Woollahra Municipal context and the broader context of the history of New South Wales.

Comparative projects, Hugo Stossel designed houses

In the early post-war years, Hugo Stossel designed several small modernist houses for fellow émigrés. The first was built in 1948 at Warrawee on Sydney's upper north shore for Moses Eisner and his wife, Gisela. Polish-born Eisner was the director of the Arcos steel company (for whom Stossel designed Australia's first prefabricated steel house, erected by the Arcos Electric Arc Welding Products company in the Sydney suburb of Ryde in 1946).

Also built in 1948 was a house in Wahroonga for company director Rudolf Nossel and his family, from Vienna. In 1950 Stossel designed a house for his own family in East Lindfield, and another nearby for Viennese-born furniture designer Paul Kafka and his wife, Ilse. A fifth north shore house was built in 1952–53 on Collaroy Plateau for Swiss-born Walter Schwarz and his wife, Alison. A demonstration of Stossel's growing regard

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is that fact that the majority of his houses of the late 1940s and 1950s were featured in Sydney newspapers or published in magazines such as *The Australian Women's Weekly* and *Australian House & Garden*.

A substantial record of Stossel's work is held in the collection of Caroline Simpson Research Library, Sydney Living Museums, which is now available online. From this record and via publications and archives we can ascertain that Stossel designed relatively few houses, in comparison to his output of apartment and commercial buildings. A comprehensive search has identified just 10 residential designs. Of these a number have been demolished or substantially altered. One example of his intact houses, Stossel's own house in East Lindfield is listed as local heritage item on the Ku-Ring-Gai LEP.

The following identifies the known Stossel residential designs and their integrity

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Eisner House, 1500 Pacific Highway, Warrawee, 1948-1949 - demolished

- References: 'Warrawee home geared to colour', *Australian House & Garden* April 1951 pp.18-19, 80
- 'Home designed for indoor-outdoor living', *Sun-Herald* 18 October 1953 p.55
- 'Modern classic', in Phyllis Shillito *Sixty beach and holiday homes*, Sydney: Australian General Publications, 1954 p.77



Nossel House, 97 Lucinda Avenue, Wahroonga, 1948 – intact/some modifications

- unpublished



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Kafka House, Eton Road, Lindfield, 1948- intact/some modifications (demolition approved)

- 'The house of furniture designer, Paul Kafka', *Australian House and Garden*, May 1952, pp.31-32



Stossel house, 72 Woodlands Road, Lindfield, 1950-1951 - intact, heritage listed

- 'Planned for sun and privacy', *Australian Women's Weekly* 5 December 1951 p.57
- 'Strict simplicity makes this an undateable house', *Australian House & Garden* October 1952 pp.38-39, 90
- 'Elegance can be contemporary', in Phyllis Shillito *Sixty beach and holiday homes*, Sydney: Australian General Publications, 1954 pp.84-85



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Unknown owner, 27 The Parapet, Castlecrag, 1950 – intact

- Unpublished



Schwarz house, 92 Aubreen Street, Collaroy Plateau, 1952-1953 – intact (substantially modified)

- 'Picture views from big glass windows', *Sunday Telegraph* 24 May 1953 p.27
- 'Unusual design', in Phyllis Shillito *Sixty beach and holiday homes*, Sydney: Australian General Publications, 1954 p.67



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Residence for R.A. Pfeiffer Esq, 112 Balfour Road, Rose Bay, 1953-1954 - demolished

- unpublished



Maget house, 66 Victoria Road, Bellevue Hill, 1955-1956 – intact/modified

- unpublished



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Stossel house 2, 63 The Bulwark, Castlecrag, 1962 – intact

- unpublished



**J. J. Hilton House, (Lot 10 Fairfax Road) now 10A Ginahgulla Road, Bellevue Hill, 1965-
intact/modified**

- unpublished



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Typical features of Hugo Stossel designed houses

Hugo Stossel's houses are typically boldly geometric in design, expressing a sophisticated middle European modernism. Common features include expressed window frames and expressed fine edge slabs, providing strong horizontals. His façade arrangements tend to avoid diagonals, typically using solid balustrades that follow the lines of the stairs reinforcing the façade as an arrangement of orthogonal elements. The Maget house features a steel balustrade with feature column flanking the stair providing a feature contrasting diagonal.

Stossel's houses also typically display a mixture of vertically oriented windows and doors in masonry facades, contrasted with bands of ribbon windows or fully glazed facades; sometimes the living spaces and sometimes for bedrooms. This arrangement is demonstrated in the Eisner House of 1948 and the Maget House designed 7 years later. Typically the masonry elements of the façade contrast with delicate steel doors and window elements.

The Maget House shows Stossel's typical use of a base or podium of face brick, in earlier houses this has been stonework, with the main living area above extensively glazed. Like Stossel's other houses there is little opening to the outside, unlike American influenced modernism which displayed more integration of landscape, Stossel's European influence is evidenced in the Maget House' original enclosed porch; a similar approach is also found in the Parapet House of 1950.

Stossel's European influence is also evident in his housing interiors. Typically his houses were highly finished with timber veneers, extensive integrated curtains, recessed lighting and built-in furniture. It is noted the interiors of the Maget House are sparse and may have been substantially altered.

Stossel's houses designed immediately post-war most closely reflect his European modernist influence. However the houses of the mid 1950's such as the Maget House

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show many elements that can be seen as typical of his design work, and represent a progression of his European modernist training as applied in Australia.

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Section 6: Heritage Significance Assessment

Introduction

The assessment of heritage significance is undertaken by utilising an assessment criteria based on the Burra Charter of Australia ICOMOS. The principles of the charter relate to the assessment, conservation and management of sites and relics. This has informed legislation in the NSW Heritage Act 1977 which is implemented through the NSW Heritage Manual.

The following assessment utilises the heritage significance criteria set out in the document *Assessing Heritage Significance*, published by the NSW Heritage Office.

NSW Historical Themes

The use of the NSW Historical Themes is an important process in understanding how a site or relic relates to important themes to NSW and to a local area, and therefore how a site could be significant at a State or local level. There are nine broad Australian themes and 36 NSW themes, with numerous related local themes.

66 Victoria Road relates to the following NSW Historical Themes:

Australian Theme	NSW Theme	Relevance
Peopling Australia	Ethnic influences	The subject building represents the application of European modernism as practiced by migrant architects in Sydney in the immediate post war years.
Building settlements, towns and cities	Accommodation	The building is an example of the increasing subdivision of large estates in the Woollahra Municipality in the immediate post war years.

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Developing Australia's cultural life	Creative endeavour	The subject building is an example of modernist architecture of the late 1950s drawing stylistic elements from an International Style architectural vocabulary. It is also a representative example of the work of European émigré architects.
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Heritage significance assessment

New South Wales Heritage Assessment Guidelines

The *NSW Heritage Manual* provides seven heritage criteria to assess the significance of an item. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will need to meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed.

‘State heritage significance’, in relation to a place, building, work or relic, moveable object or precinct, means significance to the State in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

‘Local heritage significance’, in relation to a place, building, work, relic, movable object or precinct, means significance to an area in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The table below outlines the seven heritage criteria contained in the NSW Heritage Assessment Guidelines:

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Criteria	Description
Criterion a: Historical significance	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area);
Criterion b: Associative significance	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area);
Criterion c: Aesthetic/technical significance	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area);
Criterion d: Social significance	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons;
Criterion e: Research potential	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area);
Criterion f: Rarity	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);
Criterion g: Representative	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> •cultural or natural places; or •cultural or natural environments. (or a class of the local area's <ul style="list-style-type: none"> •cultural or natural places; or •cultural or natural environments.)

The following section provides an assessment of the significance of the subject site against the above criteria.

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Criterion a- Historical significance

66 Victoria Road is a significant example of a modernist house designed in the mid-1950s. It displays the evolution of European modernism as practised by architect Hugo Stossel and applied in the Australian context. The house also demonstrates the evolution of the Woollahra area post WWII through the arrival of large numbers of European migrants who built houses reflecting their tastes and heritage, in many cases designed by European architects.

66 Victoria Road is a significant example of the work of architect Hugo Stossel, who contributed a number of significant modernist buildings in the eastern suburbs during the 1950s and 1960s. 66 Victoria Road has particular significance as an example of his residential work, of which few examples remain.

Guidelines for inclusion		Guidelines for exclusion	
X	• shows evidence of a significant human activity	X	• has incidental or unsubstantiated connections with historically important activities or processes
✓	• is associated with a significant activity or historical phase	X	• provides evidence of activities or processes that are of dubious historical importance
X	• maintains or shows the continuity of a historical process or activity	X	• has been so altered that it can no longer provide evidence of a particular association

66 Victoria Road is associated with a significant historical phase and as such is of local significance under this criterion. The building does not meet the threshold for State significance under this criterion.

Criterion b- Associative significance

66 Victoria Road has significant associations with architect Hugo Stossel, an émigré architect trained in Vienna and as frequently published, one of the most prominent émigré architects in Sydney during of the early 1950s.

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Guidelines for inclusion		Guidelines for exclusion	
X	<ul style="list-style-type: none"> shows evidence of a significant human occupation 	X	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events
✓	<ul style="list-style-type: none"> is associated with a significant event, person, or group of persons 	X	<ul style="list-style-type: none"> provides evidence of people or events that are of dubious historical importance
		X	<ul style="list-style-type: none"> importance has been so altered that it can no longer provide evidence of a particular association

66 Victoria Road can be seen to have strong associations with architect Hugo Stossel, and as one of few examples of his residential architectural work, it is considered to be of local significance. It does not meet the threshold for listing under this criterion at either State level.

Criterion c- Aesthetic/technical significance

66 Victoria Road is a relatively intact example of a mid-1950s modernist house showing elements of a modified central European modernism. As the work of an émigré architect it can be seen to illustrate the transfer of European modernist architectural training to Australia and its application, often for European clients, in a new context. Stossel's design for 66 Victoria Road displays typical elements of his work adapted for the context.

66 Victoria Road can be compared with other significant examples of modernist houses of the 1950s including Stossel's own house in Lindfield, that are heritage listed as examples of International Style modernism.

The building displays modernist architectural characteristics including strong geometric arrangement, skillion roof behind a parapet, fully-glazed first floor front elevation, steel

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framed windows. It is of aesthetic significance as a relatively intact example of a modernist house.

Guidelines for inclusion		Guidelines for exclusion	
✓	• shows or is associated with, creative or technical innovation or achievement	X	• is not a major work by an important designer or artist has lost its design or technical integrity
X	• is the inspiration for a creative or technical innovation or achievement	X	• its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
✓	• is aesthetically distinctive has landmark qualities exemplifies a particular taste, style or technology	X	• has only a loose association with a creative or technical achievement

66 Victoria Road is aesthetically distinctive and shows creative and technical innovation and achievement and hence meets the threshold for local listing under this criterion. The building does not meet the threshold for listing at a State level.

Criterion d- Social significance

66 Victoria Road does not appear to hold strong or special associations with a particular community or group.

Guidelines for inclusion		Guidelines for exclusion	
X	• is important for its associations with an identifiable group	X	• is only important to the community for amenity reasons
X	• is important to a community's sense of place	X	• is retained only in preference to a proposed alternative

The building does not meet the threshold for local or State listing under this criterion.

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Criterion e- Research potential

66 Victoria Road has some research value for demonstrating the architectural work of Hugo Stossel. Relatively little is known about the work of Stossel many of his projects have been altered or demolished. As the building is relatively intact, its fabric also provides opportunities to reveal information about past ways of living and design and construction methods from the mid 20th century.

Guidelines for inclusion		Guidelines for exclusion	
X	• has the potential to yield new or further substantial scientific and/or archaeological information	X	• the knowledge gained would be irrelevant to research on science, human history or culture
X	• is an important benchmark or reference site or type	✓	• has little archaeological or research potential
✓	• provides evidence of past human cultures that is unavailable elsewhere	X	• only contains information that is readily available from other resources or archaeological sites

66 Victoria Road has moderate levels of research significance associated with building up a greater picture of the work of Hugo Stossel and is significant at a local level under this criterion. The building does not meet the threshold for State significance under this criterion.

Criterion f- Rarity

66 Victoria Road is rare as an example of the residential work of Hugo Stossel, few of whose identified residential projects remain intact.

Stossel had a distinctive application of modernism, taking in both European influences and later elements of Californian modernism, and his work can be seen as stylistically individual in the context of the Woollahra Municipality and Sydney more generally. As a relatively intact example of his work the subject building is rare.

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Guidelines for inclusion		Guidelines for exclusion	
✓	• provides evidence of a defunct custom, way of life or process	X	• is not rare
✓	• demonstrates a process, custom or other human activity that is in danger of being lost	X	• is numerous but under threat
X	• shows unusually accurate evidence of a significant human activity		
X	• is the only example of its type		
X	• demonstrates designs or techniques of exceptional interest		
X	• shows rare evidence of a significant human activity important to a community		

As an intact and unusual example of a 1955 modernist house 66 Victoria Road demonstrates past practices and shows increasingly rare evidence of significant design movements and social changes in the Woollahra area. It meets the threshold for listing at a local level under this criterion. The building does not meet the threshold for listing at a State level under this criterion.

Criterion g- Representative

66 Victoria Road is a good example of example of a 1955 modernist house. It has numerous features typical of similar houses of the period including the use of steel frame windows, red bricks, fully glazed facade, steel balustrade and expressed thin edge slab.

66 Victoria Road also displays the influence of European modernism and can be seen as representative of the work of émigré architects, who had studied and practiced in central Europe. This represents an important aspect of the development of modern

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architecture in Sydney after WWII when significant numbers of European architects took up practice in Sydney.

66 Victoria Road is a good example of the work of architect Hugo Stossel. Stossel designed a number of significant modernist buildings in the eastern suburbs during the 1950s and 1960s, and 66 Victoria Road displays a number of his architectural motifs.

Guidelines for inclusion		Guidelines for exclusion	
✓	<ul style="list-style-type: none"> is a fine example of its type has the principal characteristics of an important class or group of items 	X	<ul style="list-style-type: none"> is a poor example of its type
✓	<ul style="list-style-type: none"> has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity 	X	<ul style="list-style-type: none"> does not include or has lost the range of
X	<ul style="list-style-type: none"> is a significant variation to a class of items 	X	<ul style="list-style-type: none"> characteristics of a type
✓	<ul style="list-style-type: none"> is part of a group which collectively illustrates a representative type 		<ul style="list-style-type: none"> does not represent well the characteristics that make up a significant variation of a type
X	<ul style="list-style-type: none"> is outstanding because of its setting, condition or size 		
X	<ul style="list-style-type: none"> is outstanding because of its integrity or the esteem in which it is held 		

66 Victoria Road is a fine example of its type, displaying the principle characteristics of an important architectural development and is part of a group of buildings, the work of émigré architects, which collectively demonstrate significant historical and social

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changes. It is significant under this criterion at a local level. The building does not meet the threshold for listing at a State level under this criterion.

Statement of Heritage Significance

66 Victoria Road, Bellevue Hill is a significant example of a modernist house designed in the mid-1950s. Despite later alterations and additions, the original design remains substantially intact and is able to be appreciated. It has local historical significance as a work of émigré architects for European clients and can be seen to represent the growing influence of European migrants on the development of Woollahra post war.

66 Victoria Road is also significant at a local level as a rare example of the residential work of architect Hugo Stossel who contributed a number of significant modernist buildings during the 1950s and 1960s. Hugo Stossel designed few residential projects, only 10 have been identified, with a number of these demolished or approved for demolition. 66 Victoria Road demonstrates the evolution of his style as he adapted to the context of Sydney.

66 Victoria Road has aesthetic significance at a local level as a work of émigré architects that able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist houses of the 1950s, and is able to demonstrate the growing influence of International Style modernism on housing design in Australia.

66 Victoria Road has research potential at a local level for its ability to demonstrate past ways of living and design and construction methods from the mid 20th century. It is also an important source of information about the work of its architect Hugo Stossel, of which relatively little is known. The building also has rarity values as one of few remaining examples of his housing. 66 Victoria Road, is a fine example of its type, displaying the principal characteristics of an important architectural development and is part of a group of buildings, the work of émigré architects, which collectively demonstrate significant historical and social changes.

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Section 7 Conclusions and Recommendations

Conclusions

This report has undertaken a heritage significance assessment of 66 Victoria Road, Bellevue Hill. It is the finding of this assessment that the house meets the threshold for local heritage listing under the criterion of historical, aesthetic, rarity and representative significance.

Despite a series of alterations and additions it is concluded that the main external elevation of the house remains substantially intact and that the significant qualities of the house are able to be appreciated. It is felt the alterations to the front façade are reversible and that the interiors and rear could be updated thoughtfully without further reducing the house's significance. Hence it is concluded that demolition be refused.

Recommendations

Heritage listing

- 66 Victoria Road, Bellevue Hill including front garden, front driveway/pedestrian path, should be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance.
- It is also recommended that Woollahra Council undertake a study of the work of émigré architects in the post war period, in the Council area to gain a fuller understanding of the rarity or representative value of the building and to identify other significant buildings.

Ongoing management

- It is recommended that 66 Victoria Road, Bellevue Hill be managed in line with the principles of the Burra Charter, particularly Article 3.1 which notes:
“*Conservation* is based on a respect for the existing *fabric, use, associations* and *meanings*. It requires a cautious approach of changing as much as necessary but

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as little as possible.”² Any future adaptations or upgrades should aim to retain as much original fabric as possible.

- The external appearance of the site, when viewed from Victoria Road, which remains largely original, should be retained and conserved. New works should prioritise returning the original configuration of this façade and the landscaping elements.
- The steel frame windows and French doors make a substantial contribution to the place’s significance and should be retained.
- Due to the history of internal changes it is considered that the interior can be updated without impacting the significance of the house, but proposed changes should aim to retain as much early or original fabric as possible.
- Due to the previous enclosure of the rear of the house and extension to the west, it is considered that the house can be further modified and extended in this area. Future developments may consider returning the original western openings through the introduction of a courtyard.
- Sympathetic additions to the rear would not impact the building’s overall significance, but should be well set back from the front volume and not visible from Victoria Road.
- The addition of new structures between the house and Victoria Road would not be suitable.
- A detailed internal and external photographic record of the building should be made and lodged with Woollahra Council and the Local Historical Association along with any future development application.

² The Burra Charter, Australia ICOMOS 2013.

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Section 8 References

The Burra Charter, Australia ICOMOS Inc Burwood, VIC, 2013

Paul Georgiades, 'Modernism in post-war Sydney: three houses by Hugo Stossel', B.Arch dissertation, University of Technology, 1992

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HeriCon Consulting in association with Colleen Morris and Peter Spearritt, 2013. The Modern Movement in New South Wales- A Thematic Study and Survey of Places, <https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/ModernHeritage1.pdf>

RAIA Registration files, Hugo Stossel

Woollahra Council building files

Back to the Future, Sydney Morning Herald, Domain, 25 September 1997, Kieran McInerney, pp.8-11

Hugo Stossel émigré architect, Sydney Living Museums, <https://sydneylivingmuseums.com.au/exhibitions/hugo-stossel-émigré-architect>

National Archives of Australia, Record Search, Immigration and Naturalization Records, Maget

Eva Masnick; <https://couragetocare.com.au/blog/2019/12/04/eva-masnick/>

Item No: R3 Recommendation to Council
Subject: **EARTHWORKS AND DEWATERING PROVISIONS IN THE WOOLLAHRA LEP 2014 AND WOOLLAHRA DCP 2015, AND THE PROHIBITION OF EXCAVATION AND DEWATERING IN THE DOUBLE BAY SETTLEMENT ZONES.**
Authors: Kelly McKellar, Team Leader Strategic Planning
Anne White, Manager - Strategic Planning
Approver: Scott Pedder, Director - Planning & Place
File No: 21/95851
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the Woollahra Local Environmental Plan 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering.
To obtain Council's approval to proceed with the planning proposal as amended based on the advice of the Woollahra LPP
To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.18) – Groundwater (Hydrogeology) and to obtain Council's approval of the Draft DCP.
To respond to Council's resolution to investigate mechanisms to prohibit excavation and dewatering in the most impacted zones in the Double Bay settlement zones.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 20 May 2021 for the planning proposal to amend the Woollahra Local Environmental Plan 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering.
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee of 11 October 2021, be forwarded to the Department of Planning, Industry and Environment requesting a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. THAT Council approve the *Draft Woollahra Development Control Plan 2015 (Amendment No. 18)* as attached at **Annexure 2** of the report to the Environmental Planning Committee meeting of 11 October 2021.

1. Background

On 25 February 2019, Council considered a Notice of Motion relating to concerns raised by residents about cracking and structural movement in houses in Double Bay. Subsequently, on 25 February 2019 Council resolved:

THAT Council:

- A. *Staff meet with concerned Double Bay residents and outline the approval process that was undertaken in relation to the DA and dewatering of 4-8 Patterson Street, Double Bay and other sites that have been approved for dewatering in Double Bay.*
- B. *Follow up with the NSW Department of Primary Industry to ascertain the results of their enquiries into this issue.*
- C. *Obtain a report from an expert hydro-geologist (and/or appropriate expert) informing Council as to whether there is any short, medium or long-term impacts associated with excavation, subterranean building and dewatering in the Double Bay area on the structural and geological integrity of Double Bay residential and commercial buildings, with a view to informing any amendments required to existing planning controls.*

In response to Part C of Council's resolution, GHD were engaged in August 2019 to undertake an assessment of geotechnical and hydrogeological impacts associated with development in the Double Bay settlement zones. The study area comprises land in the Double Bay Catchment and focused on development that has the capacity to intersect with the water table, including development with one or more basement levels.

GHD provided Council with the *Double Bay Hydrogeological Geotechnical Impacts - Groundwater and Geotechnical Assessment Report* (the Report), and the *Double Bay Hydrogeological Geotechnical Impacts – Proposed Changes to the planning provisions*.

On 12 April 2021, the GHD's Report and staff responses identifying which changes were and were not supported, was presented to the *Environmental Planning Committee* (EPC). This included recommended amendments to the Woollahra LEP 2014, Woollahra DCP 2015, and Council's Development Application Guide (DA Guide). Subsequently, on 26 April 2021 Council resolved:

- A. *THAT a planning proposal be prepared to amend the Woollahra Local Environmental Plan 2014 consistent with the staff recommendations identified in Table 1 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to a future meeting of the Environmental Planning Committee.*
- D. *THAT a draft development control plan is prepared and publicly exhibited to amend the Woollahra Development Control Plan 2015, consistent with the staff recommendations identified in Table 2 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- E. *THAT staff review the proposed controls in the draft development control plan to identify if these can be applied to Rose Bay and Bellevue Hill, and that this review is reported to a future meeting of the Environmental Planning Committee.*
- F. *THAT staff implement a condition of consent which ensures that, where relevant, the applicant has an appropriate current insurance policy to cover the reinstatement/repair of damages to surrounding properties as a result of the subject DA.*

- G. *THAT staff prepare a report which advises on mechanisms that can be utilised to prohibit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (see the Double Bay Settlement zones in Figure 2 of the report to the Environmental Planning committee of 12 April 2021) including investigating:*
- *Amending the Local Environmental Plan (LEP),*
 - *Amending the Development Control Plan (DCP), and*
 - *Rezoning.*

2. Progress

In response to Council's resolution from 26 April 2021, Council staff have undertaken the following:

Relevant parts of Council's resolution	Actions undertaken
<ul style="list-style-type: none">Parts A, B and C	<p><i>Amendments to the Woollahra LEP 2014 – see Section 3 of this report</i></p> <p>Staff prepared a planning proposal to amend the Woollahra LEP 2014, consistent with Table 1 of Annexure 4 to the EPC report of 12 April 2021.</p> <p>The planning proposal seeks to amend <i>Clause 1.2 Aims of Plan</i> and <i>Clause 6.2 Earthworks</i> of Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD.</p> <p>On 20 May 2021, the planning proposal was referred to the <i>Woollahra Local Planning Panel</i> (Woollahra LPP) for advice. The advice provided by the WLPP is discussed in Section 3 of this report.</p>
<ul style="list-style-type: none">Parts D & E	<p><i>Amendments to the Woollahra DCP 2015</i></p> <p>Staff presented a report to the EPC on 10 May 2021 recommending amendments to the Woollahra DCP 2015. Subsequently on 24 May 2021, Council resolved, in part, to exhibit the draft DCP.</p> <p>The Draft Woollahra DCP 2015 (Amendment No 18) was placed on public exhibition from 30 June 2021 to 13 August 2021.</p> <p>The amendments to the Woollahra DCP 2015 and outcome of the public exhibition are discussed in Section 4 of this report.</p>
<ul style="list-style-type: none">Part F	<p><i>Condition of a development consent for insurance</i></p> <p>Council's Development Control Team have prepared a standard condition of consent to require an appropriate insurance policy (where relevant). This will be included in Council's standard development application (DA) conditions of consent. Where relevant, this condition will be applied to development with below ground structures.</p>

Relevant parts of Council's resolution	Actions undertaken
<ul style="list-style-type: none">Part G	<p><i>Mechanisms to prohibit excavation and dewatering in the most impacted zones in the Double Bay Settlement zones</i></p> <p>In response to Part G, Council staff have sought independent legal advice to address this issue. The outcome of the investigation is discussed in Section 5 of this report.</p>

3. Amendments to the Woollahra LEP 2014

Staff prepared a planning proposal to amend the Woollahra LEP 2014, consistent with Table 1 of Annexure 4 to the EPC report of 12 April 2021. The planning proposal seeks to amend *Clause 1.2 Aims of Plan* and *Clause 6.2 Earthworks* of Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD.

3.1. Advice from the Woollahra Local Planning Panel

On 20 May 2021 the Woollahra LPP considered a report on the planning proposal to amend *Clause 1.2 Aims of Plan* and *Clause 6.2 Earthworks* of Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based (see **Annexure 3**).

At that meeting, the Woollahra LPP provided the following advice to Council:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal (at Annexure 1) to amend the Woollahra Local Environmental Plan 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD Pty Ltd, subject to introducing a provision into Cl 6.2 Earthworks (part 3) in relation to the structural stability of surrounding properties.

The planning proposal (at **Annexure 1**) has been updated, specifically *Section 4: Explanation of provisions*, to reflect the advice of the Woollahra LPP.

3.2. Progressing the planning proposal

Subject to the Council's decision, the updated planning proposal will be referred to the Department of Planning, Industry and Environment (DPIE) seeking a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* (the Regulations), the *Woollahra Community Participation Plan 2019* (Participation Plan) and the gateway determination.

The gateway determination will specify the duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal. Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.

- Notifications to local community and business groups and relevant state agencies.

To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

4. Amendments to the Woollahra DCP 2015

Council staff prepared *Woollahra DCP 2015 (Amendment No 18)* (Draft DCP), which will apply to the whole LGA. The objectives of the plan are to:

- a) Strengthen the existing objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures.
- b) Ensure there are no adverse hydrogeological impacts on any surrounding properties and infrastructure, both during and after construction.
- c) Apply additional technical requirements to the Double Bay settlement area based on the analysis provided by GHD Pty Ltd.

The proposed amendments in the Draft DCP will support the proposed amendments to the Woollahra LEP 2014 contained in the planning proposal. However, these two processes do not need to progress concurrently.

On 10 May 2021, the EPC considered a report on the Draft DCP (see **Annexure 4**) and on 24 May 2021, Council resolved:

- A. *THAT the report on the review to expand the application of draft amendments to Chapter E2 Stormwater and Flood Risk Management of the Woollahra Development Control Plan 2015 be received and noted.*
- B. *THAT Council resolve to exhibit Draft Woollahra Development Control Plan 2015 (Amendment No 18) as contained in the late correspondence tabled to Council Meeting on 24 May 2021.*

4.1. Public Exhibition

The Draft DCP and supporting material were placed on public exhibition for 45 days from Wednesday 30 June 2021 to Friday 13 August 2021 (inclusive). This extended exhibition period took into account the school holidays during this time. Public exhibition was consistent with the requirements of the EP&A Act), the Regulations and the Participation Plan. Public exhibition included the following:

1. Seven weekly notices in the Wentworth Courier providing details of the exhibition, appearing on 30 June 2021, 7, 14, 21, 28 July and 4, 11 August 2021.
2. A public exhibition webpage for the Draft DCP and supporting material on Your Say Woollahra. This webpage was visited by 63 people during the exhibition period.
3. A notice on Council's website in the Notifications section.
4. A notification letter or email sent to the following stakeholders:
 - Darling Point Society
 - Double Bay Residents Association
 - HarbourView Neighbourhood Watch and Residents Group
 - Point Piper Residents Association

- Queen Street and West Woollahra Association
- Rose Bay Residents Association
- The Paddington Society
- The Watsons Bay Association
- Vacluse West Residents Association
- Vacluse Progress Association
- Water NSW
- Department of Planning, Industry and Environment

4.2. Submissions

We received one submission during the public exhibition period from the Double Bay Residents' Association. A redacted copy of this submission is attached at **Annexure 5**.

In general, the submission supports the proposed amendments to the Woollahra DCP 2015 to strengthen our objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures. A summary of the issues raised relating to the contents of the Draft DCP is included in the **Table 1** below.

The submission also supports the prohibition of excavation and dewatering in the 'most impacted zones' in Double Bay. This issue is addressed in Section 5 below.

Table 1: Summary of DCP issues raised and response from staff

Issues raised	Staff response
Preliminary 1. General support for the aims of the Draft DCP. Commentary that objective b) is unduly limited to hydrology.	Commentary on the objective of the Draft DCP is noted.
2.4.2 – Objectives 2. Suggest that Council re-examines and rationalises proposed objectives. <ul style="list-style-type: none"> • Concern that proposed Objective 1 may be overly narrow. • Suggest that consideration is given to s.4.15 of the Act which refers to environmental impacts on site suitability and both the natural and built environments. • Suggested amended objective is as follows: <i>To ensure that the site is suitable for excavation and associated dewatering.</i> 	<p>The suite of objectives were drafted on the technical advice of engineering consultants GHD. However, it is noted that Objective O1 was amended in response to issues raised by Councillors during the EPC meeting of 10 May 2021. This amendment will increase the emphasis on the environmental / ecological impacts of groundwater dewatering and use terminology consistent with <i>Clause 6.2 Earthworks</i> of the Woollahra LEP 2014.</p> <p>Council staff do not support including a more general objective with regards to the natural and built environment or the sites. As noted above, the objectives were drafted as a suite of provisions based on the technical advice of engineering consultants GHD in relation to the issues identified in the Double Bay settlement zone. Council staff recommend proceeding with the Draft DCP consistent as exhibited.</p>

Table 1: Summary of DCP issues raised and response from staff

Issues raised	Staff response
<ul style="list-style-type: none"> Concerned about the relationship with controls in B3.4 Excavation. 	<p>Additionally, it is noted that site suitability is generally outside the scope of a DCP, and is a matter that should be addressed via higher order planning instrument such as an LEP. Staff do not support an objective which relates to the sites suitability to accommodate the proposed works.</p> <p>With regards to s.4.15 Evaluation (previous s.79C) of the Act, this section establishes the matters for consideration for all DAs. It is appropriate for a clause of this nature to be located in the Act, referring to impacts on both natural and built environment and site suitability.</p> <p>In relation to the issues raised regarding the relationship of the proposed objectives with Chapter B3.4 Excavation, staff note that the controls in each section to the DCP must have corresponding objectives. The controls in 2.4.2 are prepared in accordance with the objectives of 2.4.2. The controls in B3.4 must be consistent with the relevant objectives in that chapter.</p> <p>No changes to the proposed objectives are recommended.</p>
<p>Discharge to groundwater</p> <p>3. Recommend amending controls C4 to C6 to require that the DA documentation <i>must</i> demonstrate how the ground water is to be disposed of <i>without</i> using Council's stormwater system.</p>	<p>The current control C3 requires that groundwater is not discharged to Council's stormwater network, including stormwater pipes, pits and/or kerb and gutter. Site tanking should be provided.</p> <p>As part of the DA process, the required reports and plans are to demonstrate compliance with all the applicable DCP controls which includes illustrating how ground water is to be disposed of without using Council's storm water system, once completed.</p> <p>The DCP does not preclude the use of Council's storm water system during the construction process, as there would be no other mechanism to facilitate its disposal.</p> <p>No changes to the Draft DCP are recommended.</p>
<p>Dilapidation reports</p> <p>4. Suggest that DAs involving below ground structures should be required to prepare dilapidation reports for all surrounding properties which are likely to be affected (not only neighbouring) and that the report must be submitted to Council prior to commencing work.</p>	<p>Staff note that requirements for dilapidations reports are determined based on an individual basis for each DA, and the nature of the works proposed.</p> <p>No changes to the Draft DCP are recommended.</p>

Table 1: Summary of DCP issues raised and response from staff

Issues raised	Staff response
5. Applicants must provide Council with dilapidation reports prior to commencing work.	Council staff agree that providing the dilapidation reports prior to commencing construction is best practice, and DAs are conditioned with this requirement. No changes to the Draft DCP are recommended.
Hydrogeological and technological reports 6. Support the new requirement that temporary changes to ground water level must not exceed 0.2 from the average monitored pre-construction level. Concerns are raised that an applicant can justify an increased change in water level and this could impact on the adjoining residents. 7. Regarding a class S site, unable to comment on the Australian Standard which we do not have access to.	Support is noted. Concerns regarding applicants justifying an increased ground water change are noted. All applications are assessed on a case by case basis, and are assessed on merit. Reports must be prepared by appropriately qualified professionals. No changes to the Draft DCP are recommended. In response to this issue, Council staff included the relevant Australian Standard in the FAQs on the Council's exhibition webpage. It is recommended that this table is integrated into Council's DA Guide so that it is easily accessible. No changes to the Draft DCP are recommended.

It is noted that a number of issues raised in the submission are beyond the scope of the Draft DCP. However, a summary of the key matters raised and a response from staff is addressed in **Table 2** below.

Table 1: Summary of other issues raised and response from staff

Summary of issues raised	Staff response
<ul style="list-style-type: none"> Lack of enforcement regarding groundwater entering the stormwater network; Reports are unreliable, inaccurate, incomplete, misleading and flawed; Council must engage additional geotechnical and hydrogeological engineering staff to ensure that the above steps are met and to ensure they can take place cross examinations in judicial proceedings. Conditions of consent should require surety bonds to persons likely to be affected. 	<p>In relation to enforcement, Council's compliance staff respond to matters reported consistent with the relevant legislation, noting that in most cases the certifier is initially responsible under the Act for ensuring the conditions of consent are met.</p> <p>Furthermore, Council's engineering staff are appropriately qualified to review the reports to ensure they are consistent with the relevant DCP provisions, DA Guide requirements and are prepared by appropriately qualified professional staff. There is no requirement to employ in house specialist geotechnical and hydrogeological engineering staff.</p> <p>Council has prepared a condition relating to "insurance cover in case of potential damage to adjoining properties" which is considered to be sufficient to address this matter. In terms of surety bonds, Council staff have been previously advised that bonds cannot be utilised for private matters.</p>

4.3. Post-exhibition administrative amendments

Council staff recommend that post exhibition administrative amendments are made to the Draft Plan. These amendments are grammatical/administrative and minor in nature. These post exhibition are highlighted in yellow in **Annexure 2**.

4.4. Next Steps

Having considered the matters raised in the submission, staff recommend that the Draft DCP contained in **Annexure 2** is approved by Council.

The process for amending a DCP is set out in the EP&A Act and the Regulation. The Draft DCP was prepared and publicly exhibited in accordance with these requirements.

If Council resolves to proceed with these amendments (as amended post exhibition) and approves the Draft DCP, these will come into effect on the date that a notice of Council's decision is published on Council's website and in the Wentworth Courier (or on a later date specified in the notice).

5. Mechanisms to prohibit excavation and dewatering in the most impacted zones in the Double Bay Settlement zones

In response to Part G of Council's resolution of 26 April 2021, Council staff commissioned confidential legal advice which is attached.

Having reviewed this advice, it confirms our staff's position that there is no planning mechanism or reasonable grounds to prohibit excavation or dewatering for the Double Bay Settlement zones. We can provide the following summary:

- Excavation or dewatering is an aspect of 'development' rather than being a land use in its own right
- Excavation or dewatering is a reasonable element of development and prohibiting excavation would prevent appropriate and permissible development in the Settlement zones e.g. footings, minor earthworks, site levelling and soil removal.
- It is technically possible to include a provision in the Woollahra LEP 2014. However, this would require a rework of the Woollahra LEP 2014 (which may not be possible via the constraints of the *Standard Instrument (Local Environmental Plans) Order 2006*).
- To justify this prohibition, and to seek an amendment to the Woollahra LEP 2014, the DPIE would require a technical document justifying this prohibition. Such information does not exist. The report by GHD provides a drawdown limit to an acceptable value of 0.2m for the Double Bay area, which is more restrictive than the current drawdown limit.
- Should Council prohibit excavation or dewatering via the Woollahra LEP 2014, it would still be permissible as exempt and complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*
 - To prevent excavation or dewatering via complying development, the Settlement zones should be identified as environmentally sensitive land in the Woollahra LEP 2014.
 - To prevent excavation or dewatering via exempt development, the Settlement zones should be identified as environmentally sensitive area in the Woollahra LEP 2014.
 - Council has no technical evidence to support the Settlement zones being identified as either environmentally sensitive area or environmentally sensitive land.

- Should excavation or dewatering become prohibited then under Part 5 of the Regulations this prohibition would not apply to an existing use.
- It is not possible to prohibit excavation or dewatering via the Woollahra DCP 2015.

6. Staff recommendation

As the result of further investigations, staff have confirmed that it is not reasonably practical to prohibit excavation or dewatering in the Woollahra LEP 2014. Our proposed approach is to amend the Woollahra LEP 2014 and Woollahra DCP 2015 by strengthening the existing objectives and controls to minimise the impacts of excavation and ground water dewatering as a consequence of below ground structures.

Accordingly, Council Staff recommend that:

- Council resolve to proceed with the planning proposal (at **Annexure 1**) as amended on the advice of the Woollahra LPP. The planning proposal seeks to amend the Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided in GHD's report.
- Council resolve to approve the *Draft Woollahra DCP 2015 (Amendment 18)* as amended (at **Annexure 2**).

7. Conclusion

Engineering consultants GHD were engaged to undertake an assessment of geotechnical and hydrogeological impacts associated with development in the Double Bay settlement zones. GHD's report recommended amendments to the Woollahra LEP 2014 and Woollahra DCP 2015.

On 26 April 2021 Council resolved to proceed with amending the relevant planning controls and identified further areas for investigation. Accordingly, staff have undertaken the following:






- Preparation of a planning proposal to amend the Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD. The planning proposal was referred to the Woollahra LPP for advice on 20 May 2021.

Subsequently, staff have amended the planning proposal to incorporate the changes recommended by the Woollahra LPP. Staff recommend that Council resolve to submit the planning proposal (at **Annexure 1**) to the DPIE requesting a gateway determination to allow public exhibition.

- Preparation of a Draft DCP to amend the Woollahra DCP 2015. The *Draft Woollahra DCP 2015 (Amendment 18)* was publicly exhibited between Wednesday 30 June 2021 and Friday 13 August 2021. One submission was received during the public exhibition period. Council staff have reviewed the matters raised in the submission and whilst not recommending changes in response to the submission, do recommend some minor amendments to the Draft DCP. Staff recommend that Council approve the Draft DCP as contained in **Annexure 2**.
- Commissioned legal advice to investigate potential mechanisms to prohibit excavation and dewatering in the most impacted zones in the Double Bay settlement zones. Staff note that there is no reasonable or practical planning mechanism to prohibit excavation or dewatering. It is recommended that Council take no further action in relation to the prohibition of excavation in the Double Bay settlement zones.

In summary, our approach is to amend the Woollahra LEP 2014 and Woollahra DCP 2015 to strengthen objectives and controls to minimise the impacts of excavation and ground water dewatering as a consequence of below ground structures. Based on our investigations and the confidential legal advice, Council staff are of the opinion that this is the most appropriate approach available within the constraints of the current planning framework.

Annexures

1. Planning Proposal - Earthworks and Dewatering - Draft Planning Proposal - September 2021 (Annexures removed) [↓](#) 
2. Draft Woollahra Development Control Plan Amendment No 18 - Exhibited version with post exhibition amendments (Annexures Removed) [↓](#) 
3. Report to WLPP meeting of 20 May 2021 (Annexures Removed) [↓](#) 
4. Report to EPC 10 May 2021 (Annexures removed) [↓](#) 
5. Draft Woollahra Development Control Plan - Amendment No 18 - Submissions - Redacted [↓](#) 
6. Legal advice regarding the Prohibition of Excavation and Dewatering in Double Bay (*circulated under separate cover*) - **Confidential**

Draft Planning Proposal



Woollahra LEP 2014

Enhanced provisions for earthworks and associated groundwater dewatering

Version Date:	September 2021
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Neda Vandchali - Strategic Planner
HPE CM Record Number:	21/99309

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Supporting information (separately attached)

1. GHD Hydrogeological Geotechnical Impacts (Double Bay)
2. GHD proposed modifications to the current planning provisions
3. Staff response to GHD recommendations

1. Introduction

1.1. Summary

This planning proposal seeks to amend Clause 1.2 *Aims of Plan* and Clause 6.2 *Earthworks* of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to put a greater emphasis on the consideration of groundwater dewatering in the development assessment process.

The proposed amendments are the result of an extensive technical analysis undertaken by engineering consultants GHD Pty Ltd (GHD). These amendments will strengthen the existing objectives and put a greater emphasis on dewatering during the development process and mitigating risk during and after construction. Controls in the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) will support the amendment by providing detailed guidance on the technical requirements.

In preparing this planning proposal, we have contacted the Department of Planning, Industry and Environment (DPIE) for advice regarding the proposed amendment to *Clause 6.2 Earthworks* because it is a model local provision. Based on discussions with DPIE, and consideration of similar precedents in other LEPs, it is considered that the planning proposal is not inconsistent with the intent of the model clause.

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the guidelines prepared by the DPIE, including *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

1.2. Background

On 25 February 2019, Council considered a Notice of Motion relating to concerns raised by residents about cracking and structural movement in houses in Double Bay. Subsequently, on 25 February 2019 Council resolved:

THAT Council:

- A. *Staff meet with concerned Double Bay residents and outline the approval process that was undertaken in relation to the DA and dewatering of 4-8 Patterson Street, Double Bay and other sites that have been approved for dewatering in Double Bay.*
- B. *Follow up with the NSW Department of Primary Industry to ascertain the results of their enquiries into this issue.*
- C. *Obtain a report from an expert hydro-geologist (and/or appropriate expert) informing Council as to whether there is any short, medium or long-term impacts associated with excavation, subterranean building and dewatering in the Double Bay area on the structural and geological integrity of Double Bay residential and commercial buildings, with a view to informing any amendments required to existing planning controls.*

In response to part C of Council's resolution, engineering consultants GHD were engaged in August 2019 to undertake an assessment of geotechnical and hydrogeological impacts associated with development in the Double Bay settlement area.

The purpose of the study was to provide detailed requirements to assess and mitigate the adverse impact of groundwater drawdown as a consequence of underground structures. It

included recommended amendments to Woollahra LEP 2014, Woollahra DCP 2015, and the Development Application Guide (DA Guide).

On 12 April 2021, Council's Environmental Planning Committee (EPC) considered a report on the *Double Bay Hydrogeological Geotechnical Impacts - Groundwater and Geotechnical Assessment Report* (the Report) by GHD and including staff recommendations to modify and/or support the proposed amendments to the current planning controls. On 26 April 2021, Council resolved:

- A. *THAT a planning proposal be prepared to amend the Woollahra Local Environmental Plan 2014 consistent with the staff recommendations identified in Table 1 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to a future meeting of the Environmental Planning Committee.*
- D. *THAT a draft development control plan is prepared and publicly exhibited to amend the Woollahra Development Control Plan 2015, consistent with the staff recommendations identified in Table 2 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- E. *THAT staff review the proposed controls in the draft development control plan to identify if these can be applied to Rose Bay and Bellevue Hill, and that this review is reported to a future meeting of the Environmental Planning Committee.*
- F. *THAT staff implement a condition of consent which ensures that, where relevant, the applicant has an appropriate current insurance policy to cover the reinstatement/repair of damages to surrounding properties as a result of the subject DA.*
- G. *THAT staff prepare a report which advises on mechanisms that can be utilised to prohibit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (see the Double Bay Settlement zones in Figure 2 of the report to the Environmental Planning committee of 12 April 2021) including investigating:*
 - *Amending the Local Environmental Plan (LEP),*
 - *Amending the Development Control Plan (DCP), and*
 - *Rezoning.*

This planning proposal has been prepared in response to Parts A to C of Council's resolution from 26 April 2021.

On 20 May 2021 the *Woollahra Local Planning Panel* (LPP) considered a report on this planning proposal. At that meeting the Woollahra LPP provided the following advice:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal (at Annexure 1) to amend the Woollahra Local Environmental Plan 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD Pty Ltd, subject to introducing a provision into Cl 6.2 Earthworks (part 3) in relation to the structural stability of surrounding properties.

This planning proposal has been amended consistent with the advice from the Woollahra LPP.

Concurrently, in response to Parts D and E of Council's resolution on 26 April 2021, we are preparing amendments to *Chapter E2 Stormwater and Flood Risk Management* of the Woollahra DCP 2015 based on GHD's recommendations. The DCP controls will provide further technical guidance to:

- Support the proposed objective in Woollahra LEP 2014, and
- Minimise the impacts of groundwater drawdown as a consequence of underground structures.

Whilst it is noted that the proposed amendments to the DCP will ultimately support the planning proposal, there is nothing to stop these two processes occurring separately and the assessment of the planning proposal should continue independently

2. Existing planning controls

Earthworks and excavation are currently addressed in *Clause 1.2 – Aims of Plan, Part (m)* and *Clause 6.2 – Earthworks* in Woollahra LEP 2014.

However, the current provisions do not include a direct reference to the impact of groundwater drawdown on surrounding properties, during and after construction. The proposed amendments aim to increase the emphasis on impacts on groundwater dewatering in the development process and ensure risks are mitigated.

Extracts of the current provisions are provided below.

1.2 Aims of Plan

- (1) *This Plan aims to make local environmental planning provisions for land in Woollahra in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows—*
 - (aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
 - (a) *to ensure that growth occurs in a planned and co-ordinated way,*
 - (b) *to promote the management, development, conservation and economic use of property,*
 - (c) *to provide for an appropriate balance and distribution of land for commercial, retail, residential and tourist development and for recreation, open space, entertainment and community facilities,*
 - (d) *to provide greater population densities in and around centres that are well serviced by public transport,*
 - (e) *to facilitate opportunities, in suitable locations, for diversity in dwelling density and type,*
 - (f) *to conserve built and natural environmental heritage,*

- (g) to protect amenity and the natural environment,
- (h) to minimise and manage stormwater and flooding impacts,
- (i) to protect and promote public access to and along the foreshores,
- (j) to promote a high standard of design in the private and public domain,
- (k) to minimise and manage traffic and parking impacts,
- (l) to ensure development achieves the desired future character of the area,
- (m) to minimise excavation and manage impacts.

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
 - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks (or for development involving ancillary earthworks), the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

3. Objective of planning proposal

The objective of the amendment to Woollahra LEP 2014 is to put greater emphasis on the consideration of groundwater dewatering in the development assessment process to mitigate risk and adverse impacts from groundwater drawdown.

This planning proposal will:

- Strengthen the existing objectives and controls relating to assessing and minimising the impacts of groundwater drawdown as a consequence of underground structures.
- Minimise adverse hydrogeological impacts on surrounding properties and infrastructure, both during and after construction, through introducing additional requirements, measurements and controls.

4. Explanation of provisions

The planning proposal applies to all land in the Woollahra LGA. Whilst the report prepared by GHD applied to the Double Bay area, it is recommended that the proposed amendments apply to the whole LGA. Potential groundwater dewatering should be considered for all development with below ground works given the topography and our location on Sydney Harbour foreshore.

While it is acknowledged that this will be subject to drafting by the Parliamentary Counsel's Office, the additional local provision may be similar to the following:

Insertions - identified in blue and underlined

~~Deletions – identified in red and strikethrough~~

Proposed amendments to Cl. 1.2 Aims of Plan

(2)(m) to minimise excavation and manage impacts including the potential impact of the change in the groundwater regime.

Proposed amendments to Cl. 6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks and associated groundwater dewatering unless—
 - (a) the earthworks and associated groundwater dewatering are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks and associated groundwater dewatering are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) In deciding whether to grant development consent for earthworks and associated groundwater dewatering (or for development involving ancillary earthworks), the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining surrounding properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development,
- (g) the effect of the development on the structural stability of the existing surrounding properties.

Clause 6.2 Earthworks is a model local provision under the Standard Instrument which was incorporated into Woollahra LEP 2014. The GHD report has recommended amending this model local provision. In preparing this planning proposal we discussed the proposed changes with representatives from the *Department of Planning, Industry and Environment* (DPIE) for advice regarding the extent of the amendments to *Clause 6.2 Earthworks* because it is model local provision. Based on discussions with DPIE and consideration of similar precedents in other LEPs, we are satisfied that the above proposal is not inconsistent with the intent of the model clause. An extract from the Hunters Hill LEP 2012 is provided below:

6.2 Earthworks

- (1) The objective of this clause is to ensure that earthworks and associated groundwater dewatering for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks and associated groundwater dewatering unless—
 - (a) the earthworks and associated groundwater dewatering are exempt development under this Plan or another applicable environmental planning instrument, or
 - (b) the earthworks and associated groundwater dewatering are ancillary to development that is permitted without consent under this Plan or to development for which development consent has been given.
- (3) Before granting development consent for earthworks and associated groundwater dewatering (or for development involving ancillary earthworks), the consent authority must consider the following matters—
 - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability in the locality of the development,
 - (b) the effect of the development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the development on the existing and likely amenity of adjoining properties,
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,
 - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

Regarding the use of the word “surrounding”, GHD notes that the potential impacts of dewatering may extend a considerable distance away from the development site and that this should be considered when design development. Accordingly, the planning proposal seeks to replace the word “adjoining” with the word “surrounding”.

On 20 May 2021, the Woollahra LPP advised staff to enhance this clause by including a provision relating to the structural stability of surrounding properties. In response, an additional Provision (g) has been suggested to address structural stability. This will provide abundant clarity that the structural stability of the existing ‘surrounding’ properties must be considered during the assessment of the development. This is one option to address this issue consistent with the intention of the model local provision. However, the final wording of this provision will be subject to drafting by the Parliamentary Counsel’s Office.

5. Justification

The proposed amendments are based on an extensive technical analysis prepared by GHD, which has demonstrated a need for greater emphasis on the consideration of groundwater dewatering as part of the development assessment process to mitigate the adverse impact of groundwater drawdown.

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that the planning proposal:

- Will strengthen the existing objectives of Woollahra LEP 2014 to emphasise mitigating risk and impacts from groundwater dewatering
- Will work in conjunction with the (existing and proposed) provisions in Woollahra DCP 2015
- Is consistent with the applicable section 9.1 directions
- Is consistent with the relevant objectives of *A Metropolis of Three Cities* and the planning priorities of the *Eastern City District Plan*
- Is consistent with the Standard Instrument and all other applicable *State Environmental Planning Policies*
- Is consistent with the vision and planning priorities of the *Woollahra Local Strategic Planning Statement (LSPS) 2020*.
- Is consistent with Council's *Community Strategic Plan – Woollahra 2030*.

The justifications for the proposed amendment to Woollahra LEP 2014 are further discussed below in part 5.1 to 5.4.

5.1. Need for the planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is a result of a comprehensive technical analysis by GHD to assess the geotechnical and hydrogeological impacts associated with development in the Double Bay settlement area. The proposed analysis, limits and control measures identified in the Report have been used to identify amendments to Woollahra LEP 2014 and Woollahra DCP 2015.

Whilst the report prepared by GHD applied to the Double Bay area, it is recommended that the proposed amendments apply to the whole LGA. Potential groundwater dewatering should be considered for all development with below ground works given the topography and our location on Sydney Harbour foreshore.

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 is the best means of strengthening the existing objectives of Woollahra LEP 2014. The proposed amendment aims to mitigate the adverse impact of groundwater drawdown, whilst preventing any significant change or inconsistencies to the intention of *Clause 6.2 Earthworks* as a model clause. The wording of the proposed amendment to Clause 6.2 has been crafted based on the precedent of the Hunters Hill LEP 2012.

However, if the planning proposal was not supported, the alternative options would be to:

- Rely on the amendments to Woollahra DCP 2015 without any amendment to Woollahra LEP 2014. This is not the preferred approach as it would reduce the statutory weight in the assessment process.
- Amend Woollahra LEP 2014 by introducing a separate clause relating to groundwater dewatering. However, this would be inconsistent with the model local provision under the *Standard Instrument (Local Environmental Plans) Order 2006*.

It is considered that this planning proposal is the most appropriate way of achieving the intended outcome.

5.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is broadly consistent with the relevant objectives, priorities and actions of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is broadly consistent with the directions and objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities*. It aligns in particular with Objectives 36 and 37 under the Direction: *A resilient city*:

Objective 36: People and places adapt to climate change and future shocks and stresses.

Objective 37: Exposure to natural and urban hazards is reduced.

The planning proposal is the result of a comprehensive technical analysis and responds to concerns about cracking and structural movement. It aims to reduce urban/environmental hazards by putting greater emphasis on the consideration of groundwater dewatering as part of the development assessment process.

Eastern City District Plan

This planning proposal is broadly consistent with Planning Priority E20 of the *Eastern City District Plan*. Directly relevant to the objective of the planning proposal is Action 75 that requires planning authorities to:

Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.

The planning proposal will strengthen the existing provisions to ensure the risk associated with dewatering are minimised during and after construction.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is broadly consistent with the Woollahra LSPS 2020 and Council's Community Strategic Plan, *Woollahra 2030 – Our community, our place, our plan* (Woollahra 2030).

Woollahra LSPS 2020

The planning proposal is broadly consistent with the vision and planning priorities of the Woollahra LSPS 2020. The following priorities are of particular relevance to this planning proposal:

Planning Priority 13 Improving the sustainability of our built environment, businesses, transport and lifestyles by using resources more efficiently and reducing emissions, pollution and waste generation.

Action 68e. requiring responsible and high quality construction that reflects best practice and is built to last.

Planning Priority 14 Planning for resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks including climate change.

The amended provisions in Clauses 1.2 and 6.2 ensure that earthworks and associated groundwater dewatering do not result in any adverse impacts on the amenity and structural stability of surrounding properties. This will have the effect of minimising any urban/environmental hazards.

Woollahra 2030

The *Woollahra 2030* identifies the strategic direction and integrated planning framework for the Woollahra LGA.

The planning proposal is broadly consistent with the goals and strategies identified in *Woollahra 2030*, particularly Goal 7 of *Woollahra 2030* under the theme of 'A healthy environment':

Goal 7: Protecting our environment

Strategy 7.1 Protect natural landscapes, systems and biodiversity.

Strategy 7.4 Ensure that premises which have the potential to impact on human health and safety are operated in accordance with relevant standards and statutory requirements.

The planning proposal aims to strengthen the existing provisions of Woollahra LEP 2014 and mitigate the adverse impacts of groundwater dewatering. This will improve the safety and sustainability of our built environment and encourage high quality construction.

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

Yes. The planning proposal is consistent with the Standard Instrument – Principal Local Environmental Plan and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

5.3. Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. This planning proposal seeks to amend the wording of the existing provisions of *Clause 1.2 Aims of Plan* and *Clause 6.2 Earthworks* of Woollahra LEP 2014. There will be no adverse impacts on critical habitat areas or threatened species, populations or ecological communities, or their habitats.

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

No. The planning proposal will not reduce provisions in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra LGA or affect the application of the *SREP (Sydney Harbour Catchment) 2005*. Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

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

Yes. The planning proposal adequately addresses social and economic effects.

As discussed, in Part 7 below, the community will have the opportunity to provide their feedback on the planning proposal during public exhibition. The planning proposal has arisen from concerns raised by the Double Bay community. In particular, that dewatering as a consequence of below ground structures can negatively impact on surrounding properties.

Addressing dewatering is already a requirement for development applications. The amendment will strengthen the existing provisions to ensure that environmental risk from constructing underground structures will be managed and mitigated in the development process. We acknowledged that this may have some economic implications on future development applications in relation to additional technical documents and design requirements. However, the increased safety and reduced risk associated with dewatering are considered to provide better economic outcomes in the long term.

5.4. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not create any additional demand on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

We have consulted with the DPIE to prevent any inconsistencies with the intention of the model clause for Earthworks. Consultation with other State and Commonwealth public authorities will be undertaken in accordance with the conditions of the Gateway Determination.

6. Mapping

The planning proposal does not seek to amend any maps in Woollahra LEP 2014.

7. Community consultation

The planning proposal will be publicly exhibited in accordance with the requirements of:

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Woollahra Community Participation Plan 2019*
- *Local Environmental Plans – A Guide to preparing Local Environmental Plans (2018)*
- Any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- Weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published
- A notice on Council's website
- A notice to local community, resident and business groups

During the public exhibition, the following material will be available on Council's website and in the customer service area at Woollahra Council Chambers:

- The planning proposal, in the form approved by the Gateway Determination
- A copy of the Gateway Determination
- Information relied upon by the planning proposal such as a copy of the *Double Bay Hydrogeological Geotechnical Impacts - Groundwater and Geotechnical Assessment Report* by GHD and the DPIE's 'A Guide to Preparing Local Environmental Plans'
- A copy of Woollahra LEP 2014.
- A copy of the Section 9.1 Directions.

8. Project timeline

Council request that the Minister for Planning and Public Spaces (or delegate) authorises Council to exercise the functions of the local plan making authority under section 3.36 of the *Environmental Planning and Assessment Act 1979*. Accordingly, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	12 April 2021
Council resolution to prepare planning proposal	26 April 2021
Liaison with DPIE	Ongoing
Woollahra Local Planning Panel (WLPP) provides advice	20 May 2021
Advice of WLPP to EPC	September 2021
Council resolution to proceed	September 2021
Gateway determination	October 2021
Completion of technical assessment	None anticipated
Government agency consultation	As required by Gateway Determination
Public exhibition period	February 2022
Submissions assessment	April 2022
Council assessment of planning proposal post exhibition	May 2022
Council decision to make the LEP amendment	June 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	July 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	August 2022
Notification of the approved LEP	September 2022

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The proposal does not include a canal estate.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not seek to rezone land and will not affect the application of the SEPP for the purpose of promoting the remediation of contaminated land and reducing the risk of harm to human health or any other aspect of the environment.
SEPP No 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map of the SEPP.
SEPP (Activation Precincts) 2020	Not applicable. No land within the Woollahra LGA is identified as an Activation Precinct.
SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision, which is contrary to the operation of this policy. However, it is noted that development under this SEPP is required to address the development standard and any conditions of consent relating to earthworks, drainage, retaining walls associated with any surface water or ground water.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2021	Not applicable. Woollahra Council is not listed in Schedule 1.
SEPP (Koala Habitat Protection) 2020	Not applicable. Woollahra Council is not listed in Schedule 1 of the SEPP 2021.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable. No future corridors are identified in the Woollahra LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable

State environmental planning policy	Comment on consistency
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable. There are currently no identified state significant sites located in the Woollahra LGA.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra LGA which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Applicable. Consistent. The planning proposal seeks to strengthen provisions to mitigate risk and adverse impacts from dewatering. This is broadly consistent with the planning principles of this SREP.

Schedule 2 – Consistency with section 9.1 directions

Planning proposal – Consistency with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Applicable Consistent. The planning proposal does not contain a provision, which is contrary to the objective of this direction. The planning proposal does not seek to rezone business or industrial land or reduce permissible floor space in these zones.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Applicable Consistent. The planning proposal will not reduce provision in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra LGA or affect the application of the SREP (Sydney Harbour Catchment) 2005. The planning proposal is broadly consistent with the direction.
2.2	Coastal management	Applicable Consistent. The planning proposal does not propose the rezoning of any land and will therefore not result in increased development or more intensive land-use on land within a coastal area.
2.3	Heritage conservation	Applicable Consistent. The planning proposal will not reduce provision in Woollahra LEP 2014 for heritage conservation in the Woollahra LGA or the Sydney Harbour Catchment Area.
2.4	Recreation vehicle areas	Not applicable. The planning proposal will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.

Planning proposal – Consistency with section 9.1 directions		
Direction		Applicable/comment
2.6	Remediation of contaminated land	Applicable Consistent. The planning proposal does not rezone or permit a change of use of the land in the Woollahra LGA. The planning proposal does not contain a provision which is contrary to the objective of this direction.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Applicable Consistent. The planning proposal seeks to provide a greater emphasis on the consideration of groundwater dewatering as part of the development assessment process. The planning proposal will not impact on the type and scale of residential development in the residential zones, and does not contain provisions to reduce the permissible residential density of land.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.
3.3	Home occupations	Revoked 9 November 2020
3.4	Integrating land use and transport	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i>, and; • <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>.
3.5	Development near regulated airports and defence airfields	Applicable Consistent. The planning proposal does not change the zone, permissible uses of development standards such as Height of Buildings for any land in the Woollahra LGA. The planning proposal does not contain a provision which is contrary to this direction.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in non-hosted short term rental accommodation period	Note applicable. The planning proposal does not apply to land in the Byron Shire Council.

Planning proposal – Consistency with section 9.1 directions		
Direction		Applicable/comment
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable Consistent. The existing acid sulfate soils provisions in the Woollahra LEP 2014 will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Applicable Consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable Consistent. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed in Section 5.2 of this report.
5.11	Development of Aboriginal Land Council land	Not applicable. There is no land in the Woollahra LGA identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
6	Local plan making	
6.1	Approval and referral requirements	Applicable Consistent. The planning proposal does not contain a provision which is contrary to this direction.
6.2	Reserving land for public purposes	Applicable Consistent. The planning proposal does not amend reservations of land for public purposes.
6.3	Site specific provisions	Applicable Consistent. The planning proposal does not apply to a specific site or a particular development.
7	Metropolitan Planning	

Planning proposal – Consistency with section 9.1 directions		
Direction		Applicable/comment
7.1	Implementation of A <i>Plan for Greater Sydney</i>	Revoked 9 November 2020.
7.2 – 7.13	Directions 7.2 – 7.13	Not applicable. These strategies do not apply to the Woollahra LGA.



Draft Woollahra Development Control Plan 2015 (Amendment 18)

Prepared Date:	May 2021 (amended October 2021)
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning
HPE CM Record Number:	21/103978

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Draft Woollahra Development Control Plan 2015 (Amendment No 18)

Part 1 Preliminary

1.1 Background

Draft Woollahra DCP 2015 (Amendment No 18) contains amendments to Chapter D5 Double Bay Centre related to section D5.6.7 Geotechnology and hydrogeology and Chapter E2 Stormwater and Flood Risk Management related to section E2.2.10 Groundwater (hydrogeology).

On 25 February 2019 Council resolved:

THAT Council:

- A. Staff meet with concerned Double Bay residents and outline the approval process that was undertaken in relation to the DA and dewatering of 4-8 Patterson Street, Double Bay and other sites that have been approved for dewatering in Double Bay.
- B. Follow up with the NSW Department of Primary Industry to ascertain the results of their enquiries into this issue.
- C. Obtain a report from an expert hydro-geologist (and/or appropriate expert) informing Council as to whether there is any short, medium or long-term impacts associated with excavation, subterranean building and dewatering in the Double Bay area on the structural and geological integrity of Double Bay residential and commercial buildings, with a view to informing any amendments required to existing planning controls.

In response to part C of Council's resolution, engineering consultants GHD Pty Ltd (GHD) were engaged in August 2019 to undertake an assessment of geotechnical and hydrogeological impacts associated with development in the Double Bay area.

On 12 April 2021, the Double Bay – Hydrogeological Geotechnical Impacts Groundwater and Geotechnical Assessment Report by GHD Pty Ltd, including implications on the planning controls was presented to the Environmental Planning Committee (EPC).

On 26 April 2021, Council resolved:

- A. THAT a planning proposal be prepared to amend the Woollahra Local Environmental Plan 2014 consistent with the staff recommendations identified in Table 1 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.
- B. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the advice of the Woollahra Local Planning Panel be reported to a future meeting of the Environmental Planning Committee.
- D. THAT a draft development control plan is prepared and publicly exhibited to amend the Woollahra Development Control Plan 2015, consistent with the staff recommendations identified in Table 2 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.

- E. *THAT staff review the proposed controls in the draft development control plan to identify if these can be applied to Rose Bay and Bellevue Hill, and that this review is reported to a future meeting of the Environmental Planning Committee.*
- F. *THAT staff implement a condition of consent which ensures that, where relevant, the applicant has an appropriate current insurance policy to cover the reinstatement/repair of damages to surrounding properties as a result of the subject DA.*
- G. *THAT staff prepare a report which advises on mechanisms that can be utilised to prohibit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (see the Double Bay Settlement zones in Figure 2 of the report to the Environmental Planning committee of 12 April 2021) including investigating:*
- *Amending the Local Environmental Plan (LEP),*
 - *Amending the Development Control Plan (DCP), and*
 - *Rezoning.*

This draft DCP has been prepared in response to Parts D and E of the Council resolution of 26 April 2021.

1.2 Name of plan

This plan is *Draft Woollahra Development Control Plan 2015 (Amendment No 18)*.

1.3 Objectives of the plan

The objectives of the plan are to:

- a) Strengthen the existing objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures.
- b) Ensure there are no adverse hydrogeological impacts on any surrounding properties and infrastructure, both during and after construction.
- c) Apply additional technical requirements to the Double Bay settlement area based on the analysis provided by GHD Pty Ltd.

1.4 Land to which this plan applies

This plan applies to all land within the Woollahra Municipality.

1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments

This plan has been prepared under Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) applies to the land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

1.6 Approval and commencement of this plan

This plan was approved by Woollahra Council on TBC and came into effect on TBC.

1.7 How this plan amends Woollahra DCP 2015

This plan amends Woollahra Development Control Plan 2015 in the manner set out in Part 2 of this plan.

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – identified in blue and underlined

Deletions – identified in red and strikethrough

Notes in the right hand margin of each section provide further explanation on the proposed amendments.

Chapter A1 Introduction

2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications

2.1.1 Insert at the end of the clause

This DCP (as commenced on TBC) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 18 to this DCP.

2.2 Amendments to clause A1.4 List of amendments

2.2.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
<u>No 18</u>	<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Chapter D5 Double Bay Centre, section D5.6.7 Geotechnology and hydrogeology by deleting this section and combine with Chapter E2 Stormwater and Flood Risk Management section E2.2.10 Groundwater (hydrogeology).</u> <u>Amend Chapter E2 Stormwater and Flood Risk Management, section E2.2.10 Groundwater (hydrogeology).</u>

Chapter D5 Double Bay Centre

2.3 ~~Amendments~~ to section D5.6.7 Geotechnology and hydrogeology

2.3.1 Delete the introductory note, as they are included in the section E2.2.10.

~~Council will normally require geotechnical and hydrogeological reports for development applications which include below ground structures.~~

~~This is because the subsurface conditions within the Double Bay Commercial Centre generally comprise water charged alluvial sediments to great depth. The alluvium is predominantly sand which is typically loose near the surface but may at some locations be interlayered with soft compressible clay or peat bands at depth.~~

~~The groundwater level in the valley area is generally high and varies between RL 1.0 and RL 2.5.~~

~~Any proposed development with below ground structures must consider the sub-surface conditions and the effects of construction on adjacent properties. In addition, those which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the effect of any changes induced in the sub-surface water levels and the groundwater flow patterns on adjacent properties. Unless site specific information exists to the contrary, excavations deeper than 1m must be assumed to have this potential to intersect the groundwater level.~~

~~Council's principal objective is to ensure there are no adverse geotechnical and hydrogeological impacts on any surrounding property and infrastructure as a result of development, during and after construction. Typically, adverse geotechnical impacts may include vibration induced settlements from construction methods and equipment and inadequate support of adjacent land during and after construction. Typically, adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems.~~

2.3.2 Delete objectives O1 to O4, as they will be included in section E2.2.10, objectives O3-O6.

~~Objectives~~

~~Buildings must be designed and constructed with appropriate support and retention systems to ensure that:~~

- ~~O1 — There will be no ground settlement or movement, during and after construction, sufficient to cause an adverse impact on adjoining properties and infrastructure.~~
- ~~O2 — There will be no change to the ground water level, during and after construction, sufficient to cause an adverse impact on surrounding properties and infrastructure.~~
- ~~O3 — Vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure.~~
- ~~O4 — The risk of damage to adjacent existing property and infrastructure by the new development will be reduced to a level no greater than that from an event with an "unlikely" likelihood of occurrence and "minor" consequence.~~

~~Note: "adverse impact" means any damage caused to the improvements on adjoining properties by the demolition, excavation or construction on the development site.~~

Commented [DCP1]: Consolidate with E2.2.10 to strengthen the existing controls in E2.2.10 to apply to the entire LGA.

2.3.3 Remove C1 and its associated notes, as it will be included in section E2.2.10, C4.

~~Controls-~~

~~C1-Excavation below 1m is accompanied by a geotechnical report and a structural report to demonstrate that the works will not have any adverse effect on the neighbouring structures.-~~

~~Note:- Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines. Council may also require the preparation and submission of a pre-commencement dilapidation report for properties neighbouring the development.-~~

~~Development applications include a design statement and supporting drawings (if necessary) that show the proposed design measures minimise risk and ensure that no adverse impacts will occur.-~~

Chapter E2 Stormwater and Flood Risk Management

2.4 Amendments to section E2.2.10 Groundwater (hydrogeology)

2.4.1 Insert introductory paragraph related to the geotechnical and hydrogeological requirements for development of below ground structures.

Introduction

Council will require geotechnical and hydrogeological reports for development applications which include below ground structures.

Any proposed development with below ground structures must consider the sub-surface conditions and the effects of construction on surrounding properties. In addition, those which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the effect of any changes induced in the sub-surface water levels and the groundwater flow patterns on surrounding properties. Unless site specific information exists to the contrary, excavation deeper than 1m ~~must be~~ is assumed to have this the potential to intersect the groundwater level and shall be considered as below ground structures.

Council's principal objective is to ensure that earthworks and associated groundwater dewatering, during and after construction, will not have any adverse impacts on:

- Environmental functions and processes
- Neighbouring uses
- Cultural and heritage items
- Any features of the surrounding land and infrastructure that could be impacted by geotechnical and hydrogeological changes

Typically, adverse geotechnical impacts may include vibration induced settlements from construction methods and equipment and inadequate support of adjacent land during and after construction. Typically, adverse hydrogeological impacts may include settlement induced by changes in the groundwater level and seepage problems.

2.4.2 Insert new objectives O3 – O6 to strengthen the existing objectives of this section.

Objectives

~~O1 – To ensure that there are no adverse hydrogeological impacts on any surrounding properties and infrastructure, both during and after construction.~~

O1 – To ensure that earthworks and associated ground water dewatering, during and after construction, will not have any adverse impacts on:

- Environmental functions and processes
- Neighbouring uses
- Cultural and heritage items
- Any features of the surrounding land and infrastructure that could be impacted by geotechnical and hydrogeological changes

O2 To maintain the existing groundwater level, both during and after construction.

O3 – To minimise changes in groundwater level to protect surrounding property and infrastructure from damage

Buildings must be designed and constructed with appropriate support and retention systems to ensure that:

Commented [DCP2]: Insert introductory paragraph from section D5.6.7 to include technical requirements of the below ground structure to minimise the adverse geotechnical and hydrogeological impacts.

Commented [DCP3]: Enhance introductory text, consistent with the terminology used in Woollahra LEP 2014 Clause 6.2 Earthworks.

Commented [DCP4]: Delete existing Objective 1, and consolidate with new Objective 1.

Commented [DCP5]: Insert new Objective 1 consistent with terminology used in Woollahra LEP 2014 Clause 6.2 Earthworks.

Commented [DCP6]: Insert a new objective to strengthen the existing objectives to minimise the impacts of below ground structures.

Commented [DCP7]: Insert objectives O4-O6 from section D5.6.7 to strengthen the objectives and apply them to the entire LGA.

<p><u>O4</u> <u>There will be no ground settlement or movement, during and after construction, sufficient to cause an adverse impact on surrounding properties and infrastructure.</u></p> <p><u>O5</u> <u>Vibration during construction is minimised or eliminated to ensure no adverse impact on surrounding properties and infrastructure.</u></p> <p><u>O6</u> <u>The risk of damage to adjacent existing property and infrastructure by the new development will be reduced to a level no greater than that from an event with an "unlikely" likelihood of occurrence and "minor" consequence.</u></p> <p><u>Note: "adverse impact" means any damage caused to the improvements on adjoining properties by the demolition, excavation or construction on the development site.</u></p>	<p>Commented [AW8]: Delete unnecessary terminology.</p>
<p>2.4.3 Insert a note to identify which area this section apply to.</p> <p>Controls</p> <p><u>General controls that apply to the entire LGA.</u></p>	<p>Commented [DCP9]: Insert a note to introduce general controls that apply to the entire LGA.</p>
<p>2.4.4 Amend the wording of C1 to further strengthen this control to cover a larger impacted area.</p> <p><u>Where this applies</u></p> <p>C1 Unless site specific information exists to the contrary, excavations deeper than 1m are assumed to have a potential impact on groundwater.</p> <p>Note: Where the groundwater level is high, any proposed development with below-ground structures must consider the sub-surface conditions and the impacts of construction on <u>adjacent surrounding</u> properties.</p> <p>Below-ground structures which are likely to extend below the level of seasonal fluctuations in the groundwater table, must also consider the impact of any changes induced in the sub-surface water levels and the groundwater flow patterns on <u>adjacent surrounding</u> properties.</p>	<p>Commented [DCP10]: Delete this note to avoid repetition.</p> <p>Commented [DCP11]: Delete the word 'adjacent' and replace with the word 'surrounding' to ensure that a larger area will be considered during the development assessment process.</p> <p>The potential impacts of dewatering may extend a considerable distance away from the development site and this should be considered when designing development.</p>
<p>2.4.5 <u>Amend</u> the wording of C1 to further strengthen this control.</p> <p>C2 All below-ground structures are fully <u>waterproofed and "tanked"</u>. <u>These type of structures must not collect and dispose of subsoil/seepage to kerb and gutter.</u></p>	<p>Commented [DCP12]: Enhance C2 to prevent the disposal of subsoil/seepage from the below ground structure to the kerb and gutter.</p>
<p>2.4.6 <u>Remove</u> notes of C3 as they will be included in C4 and C5.</p> <p>C3 Groundwater does not discharge <u>to Council's stormwater network, including stormwater pipes, pits and/or kerb and gutter.</u></p> <p>Notes:</p> <p><u>The hydrogeological report must include a site specific risk assessment matrix with appropriate definitions for qualitative measures of likelihood and consequences for assessing the risk of damage to existing developments by the new development.</u></p> <p>All below-ground works must also comply with the requirements of the NSW Department of Primary Industries Office of Water.</p> <p><u>A positive covenant will be required for the maintenance of any approved groundwater drainage system.</u></p> <p><u>DAs must include a hydrogeological report, a design statement and supporting drawings (if required) that detail the measures proposed to ensure that there will be no adverse hydrogeological impacts. The report must be prepared by an experienced hydrogeological engineer, in accordance with Council's Guide for preparing Geotechnical</u></p>	<p>Commented [DCP13]: Delete notes under C3 to avoid repetition. C4 and C5 include these notes and strengthen them as new controls.</p>

~~and Hydrogeological Reports.~~ The design statement must confirm that the design of the belowground structure has been undertaken in accordance with the relevant Australian Standards where applicable.

2.4.7 ~~Insert~~ new C4 - C6 to strengthen the existing controls.

C4 Development applications which include below ground structures must include the following documents:

- i. Structural report
- ii. Geotechnical and hydrogeological reports
- iii. Design statement and supporting drawings that show the design measures proposed to minimise risks and to ensure that no adverse impacts will occur.

Note: Council may identify other circumstances where these reports are required. All reports must be prepared in accordance with Council's guidelines. Council may also require the preparation and submission of a pre-commencement dilapidation report for properties neighbouring the development.

C5 A qualified and experienced geotechnical and/or hydrogeological engineer must prepare the reports.

The reports must include a site-specific risk assessment matrix with appropriate definitions for qualitative measures of likelihood and consequences for assessing the risk of damage to existing developments by the new development.

C6 Where groundwater is present and dewatering is likely to occur on the site, the requirements of Council's DA Guide under the 'Investigations' section must be implemented.

C7 Any geotechnical and hydrogeological reports must contain an Implementation Plan, including a Monitoring Program, Contingency Plan and Construction Methodology.

Note: All reports and requirements must be prepared in accordance with Council's DA Guide. Geotechnical reports must be prepared by an appropriately qualified Geotechnical Engineer who is ~~NER registered~~ listed on the National Engineering Register with a minimum of 10 years practice in the geotechnical field in the last 15 years.

2.4.8 ~~Insert~~ the Double Bay settlement map.

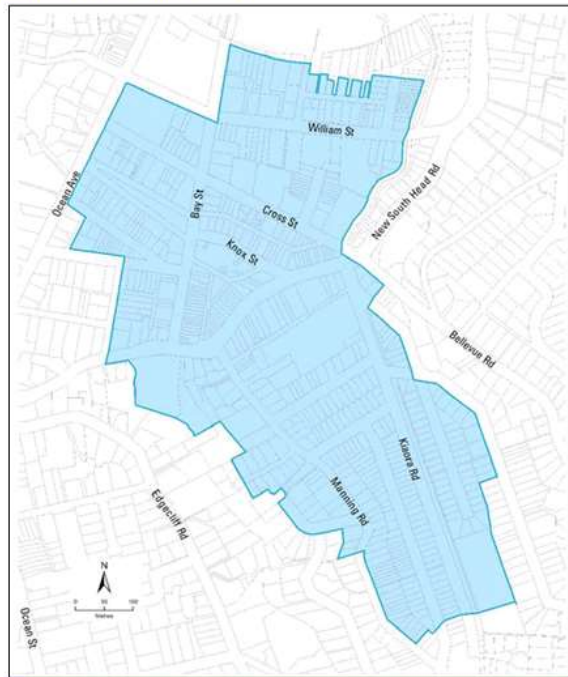
Land in the Double Bay settlement area.

In addition to the general controls in this section, the following applies to the land in the Double Bay settlement area, as shown below.

Commented [DCP14]: Insert new controls C4-C7 to strengthen the existing controls and to further minimise the hydrogeological impacts of the potential development with below ground structure.

Commented [DCP15]: Insert a note and a map to introduce the sensitive lands in the Double Bay settlement area.

FIGURE 1: Double Bay settlement area



2.4.9 Insert a new **C8** which applies to the Double Bay settlement area.

C8 Temporary changes to the groundwater level, due to construction, must not exceed 0.2 m from the average monitored pre-construction groundwater level unless calculations using the results of specific field testing, support a greater change and demonstrate that the change will not induce settlement greater than the characteristic surface movement of a Class 5 site as defined in Table 2.3 of Australian Standard AS2870-2011.

Commented [DCP16]: Insert a Control to specify the required limits and measurements for the below ground structure in the Double Bay settlement area to minimise the hydrogeological impacts of below ground structures.

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Woollahra Local Planning Panel (Public Meeting)

20 May 2021

Item No: D1
Subject: **PLANNING PROPOSAL - TO ENHANCE THE EXISTING PROVISIONS RELATED TO EARTHWORKS AND ASSOCIATED GROUNDWATER DEWATERING**
Authors: Neda Vandchali, Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/84896
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to enhance the existing provisions related to earthworks and associated groundwater dewatering.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal (at **Annexure 1**) to amend the *Woollahra Local Environmental Plan 2014* to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD Pty Ltd.

1. Reason for report to the Woollahra Local Planning Panel

This report seeks the advice of the *Woollahra Local Planning Panel* (Woollahra LPP) on a planning proposal to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to enhance the existing provisions relating to earthworks and associated groundwater dewatering based on the recommendations provided by engineering consultants GHD Pty Ltd (GHD).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) the correction of an obvious error in a local environmental plan*
 - b) matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items (a), (b) or (c), above.

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2. Background

On 25 February 2019, Council considered a Notice of Motion relating to concerns raised by residents about cracking and structural movement in houses in Double Bay. Subsequently, on 25 February 2019 Council resolved:

THAT Council:

- A. *Staff meet with concerned Double Bay residents and outline the approval process that was undertaken in relation to the DA and dewatering of 4-8 Patterson Street, Double Bay and other sites that have been approved for dewatering in Double Bay.*
- B. *Follow up with the NSW Department of Primary Industry to ascertain the results of their enquiries into this issue.*
- C. *Obtain a report from an expert hydro-geologist (and/or appropriate expert) informing Council as to whether there is any short, medium or long-term impacts associated with excavation, subterranean building and dewatering in the Double Bay area on the structural and geological integrity of Double Bay residential and commercial buildings, with a view to informing any amendments required to existing planning controls.*

In response to Part C of Council's resolution, GHD were engaged in August 2019 to undertake an assessment of geotechnical and hydrogeological impacts associated with development in the Double Bay settlement area. The study area comprises land in the Double Bay Catchment and focused on development that has the capacity to intersect with the water table, including development with one or more basement levels.

In response, GHD provided Council with the *Double Bay Hydrogeological Geotechnical Impacts - Groundwater and Geotechnical Assessment Report* (the Report) (see **Annexure 2**), and the *Double Bay Hydrogeological Geotechnical Impacts – Proposed Changes to the planning provisions* (see **Annexure 3**). In response to GHDs recommended changes to the planning provisions, staff prepared a response, which identified which changes were and were not supported (see **Annexure 4**).

On 12 April 2021, the Report (and the response from staff) was presented to the *Environmental Planning Committee* (EPC). The EPC report (**Annexure 5**) included recommended amendments to Woollahra LEP 2014, Woollahra Development Control Plan (DCP) 2015, and the Development Application Guide (DA Guide). Subsequently, on 26 April 2021 Council resolved:

- A. *THAT a planning proposal be prepared to amend the Woollahra Local Environmental Plan 2014 consistent with the staff recommendations identified in Table 1 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to a future meeting of the Environmental Planning Committee.*

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20 May 2021

- D. *THAT a draft development control plan is prepared and publicly exhibited to amend the Woollahra Development Control Plan 2015, consistent with the staff recommendations identified in Table 2 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- E. *THAT staff review the proposed controls in the draft development control plan to identify if these can be applied to Rose Bay and Bellevue Hill, and that this review is reported to a future meeting of the Environmental Planning Committee.*
- F. *THAT staff implement a condition of consent which ensures that, where relevant, the applicant has an appropriate current insurance policy to cover the reinstatement/repair of damages to surrounding properties as a result of the subject DA.*
- G. *THAT staff prepare a report which advises on mechanisms that can be utilised to prohibit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (see the Double Bay Settlement zones in Figure 2 of the report to the Environmental Planning committee of 12 April 2021) including investigating:*
- *Amending the Local Environmental Plan (LEP),*
 - *Amending the Development Control Plan (DCP), and*
 - *Rezoning.*

In response to the Council resolution from 26 April 2021, staff can advise the following:

- Parts A, B & C These three parts are the subject of this report.
- Parts D & E Staff prepared a report for the EPC meeting of 10 May 2021 (see **Annexure 6**). The recommendation from the EPC meeting is as follows:
 - A. *THAT the report on the review to expand the application of draft amendments to Chapter E2 Stormwater and Flood Risk Management of the Woollahra Development Control Plan 2015 be received and noted.*
 - B. *THAT Council resolve to exhibit Draft Woollahra Development Control Plan 2015 (Amendment No 18) as contained in Annexure 2 of the report to the Environmental Planning Committee on 10 May 2021.*

This recommendation will be considered by full Council on 24 May 2021.

The proposed DCP controls will provide further technical guidance to:

- Support the proposed objective in Woollahra LEP 2014, and
- Minimise the impacts of groundwater drawdown as a consequence of underground structures.

It is noted that the proposed amendments to the DCP will support the proposed amendments to the Woollahra LEP 2014 contained in the planning proposal. However, these two processes can progress separately.

- Part F Staff are in the process of preparing a condition that can be included in Council's standard development application (DA) conditions of consent to require the application to have an appropriate current insurance policy. Where relevant, this condition will be applied to development with below ground structures.

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- Part G Staff have commenced investigating mechanisms to prohibit excavation in the Double Bay settlement area. Staff will report the outcomes of this work to a future meeting of the EPC. Should Council subsequently recommend amendments to the Woollahra LEP 2014, these will be reported to a future meeting of the Woollahra LPP.

3. Planning Proposal

In response to Parts A to C of the resolution from 26 April 2021, staff have prepared a planning proposal to amend the Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering (see **Annexure 1**). Specifically, the planning proposal seeks to amend *Clause 1.2 Aims of Plan* and *Clause 6.2 Earthworks* of Woollahra LEP 2014 to enhance the existing provisions related to earthworks and associated groundwater dewatering based on the recommendations provided by GHD.

Whilst it is noted that the recommendations of GHD apply to the Double Bay area, the Planning Proposal will apply to the whole LGA as potential groundwater dewatering should be considered for all development with below ground works given the topography and our location on Sydney Harbour foreshore.

3.1 Planning Proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

3.2 Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to put greater emphasis on the consideration of groundwater dewatering in the development assessment process to mitigate risk and adverse impacts from groundwater drawdown.

The proposed amendments are the result of an extensive technical analysis and based on the recommendations provided by GHD. The proposed amendments will strengthen the existing provisions in the Woollahra LEP 2014, and will put a greater emphasis on the consideration of groundwater dewatering in the development assessment process.

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3.3 Explanation of provisions

The planning proposal seeks to amend *Clause 1.2 Aims of Plan* and *Clause 6.2 Earthworks* of Woollahra LEP 2014.

Clause 6.2 Earthworks is a model local provision under the Standard Instrument which was incorporated into the Woollahra LEP 2014. The GHD report has recommended amending this model local provision. In preparing this planning proposal we discussed the proposed changes with representatives from the *Department of Planning, Industry and Environment* (DPIE) for advice regarding the extent of the amendments to *Clause 6.2 Earthworks* because it is model local provision. Based on discussions with DPIE and consideration of similar precedents in other LEPs, we are satisfied that the planning proposal is not inconsistent with the intent of the model clause.

During the course of the EPC meeting of 10 May 2021, it was agreed that staff would seek the advice of the Woollahra LPP as to whether the proposed controls could be enhanced and strengthened within the context of the Standard Instrument.

3.4 Relationship to strategic planning framework

The planning proposal is broadly consistent with the strategic planning framework including the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018), *Eastern City District Plan* (2018), *Woollahra Local Strategic Planning Statement 2020* (Woollahra LSPS 2020), *Woollahra 2030* and the relevant SEPPs and Section 9.1 Ministerial Directions. Consistency with the strategic planning framework is discussed in the justification section of the planning proposal (**Annexure 1**).

4. Conclusion

This report seeks the advice of the Woollahra LPP on a planning proposal to amend the Woollahra LEP 2014 to enhance the existing provisions in *Clause 1.2 Aims of Plan* and *Clause 6.2 Earthworks*.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcomes of the amendment to the Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to the Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

We recommend that the Woollahra LPP advises Council to proceed with the planning proposal at **Annexure 1** to enhance the existing provisions relating to earthworks and associated groundwater dewatering. The advice from the Woollahra LPP will be provided to Council.

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Annexures

1. Draft Planning Proposal - Earthworks and Dewatering
2. GHD Hydrogeological Geotechnical Impacts (Double Bay) - June 2020
3. GHD proposed modifications to the current planning provisions - 30 September 2020
4. Staff response to GHD recommendations
5. Environmental Planning Committee Agenda 12 April 2021 (Annexures removed)
6. Environmental Planning Committee Agenda 10 May 2021 (Annexures removed)

Woollahra Municipal Council
Environmental Planning Committee

10 May 2021

Item No: R2 Recommendation to Council
Subject: **REVIEW OF PLANNING CONTROLS TO ADDRESS
HYDROGEOLOGICAL AND GEOTECHNICAL IMPACTS**
Author: Neda Vandchali, Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/73541
Reason for Report: To respond to a Council resolution from 26 April 2021 to expand the application of draft amendments to Chapter E2 Stormwater and Flood Risk Management of the Woollahra DCP 2015.
To obtain Council's approval to exhibit a draft development control plan to amend the Woollahra DCP 2015.

Recommendation:

- A. THAT the report on the review to expand the application of draft amendments to Chapter E2 Stormwater and Flood Risk Management of the Woollahra Development Control Plan 2015 be received and noted.
- B. THAT Council resolve to exhibit Draft Woollahra Development Control Plan 2015 (**Amendment No 18**) as contained in **Annexure 2** of the report to the Environmental Planning Committee on 10 May 2021.

1. Background

On 25 February 2019, Council considered a Notice of Motion relating to concerns raised by residents about cracking and structural movement in houses in Double Bay. Subsequently, on 25 February 2019 Council resolved:

THAT Council:

- A. *Staff meet with concerned Double Bay residents and outline the approval process that was undertaken in relation to the DA and dewatering of 4-8 Patterson Street, Double Bay and other sites that have been approved for dewatering in Double Bay.*
- B. *Follow up with the NSW Department of Primary Industry to ascertain the results of their enquiries into this issue.*
- C. *Obtain a report from an expert hydro-geologist (and/or appropriate expert) informing Council as to whether there is any short, medium or long-term impacts associated with excavation, subterranean building and dewatering in the Double Bay area on the structural and geological integrity of Double Bay residential and commercial buildings, with a view to informing any amendments required to existing planning controls.*

In response to part C of Council's resolution, engineering consultants GHD Pty Ltd (GHD) were engaged in August 2019 to undertake an assessment of geotechnical and hydrogeological impacts associated with development in the Double Bay settlement area. The study area comprises land in the Double Bay Catchment and focused on development that has the capacity to intersect with the water table, including development with one or more basement levels.

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The purpose of the study was to provide detailed requirements to assess and mitigate the adverse impact of groundwater drawdown as a consequence of underground structures.

On 12 April 2021, the *Double Bay Hydrogeological Geotechnical Impacts - Groundwater and Geotechnical Assessment Report* (the Report) by GHD Pty Ltd was presented to the *Environmental Planning Committee* (EPC) (see **Annexure 1**). This report included recommended amendments to *Woollahra Local Environmental Plan* (LEP) 2014, *Woollahra Development Control Plan* (DCP) 2015, and the Development Application Guide (DA Guide).

On 26 April 2021, Council resolved:

- A. *THAT a planning proposal be prepared to amend the Woollahra Local Environmental Plan 2014 consistent with the staff recommendations identified in Table 1 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to a future meeting of the Environmental Planning Committee.*
- D. *THAT a draft development control plan is prepared and publicly exhibited to amend the Woollahra Development Control Plan 2015, consistent with the staff recommendations identified in Table 2 of Annexure 4 of the report to the Environmental Planning Committee meeting on 12 April 2021.*
- E. *THAT staff review the proposed controls in the draft development control plan to identify if these can be applied to Rose Bay and Bellevue Hill, and that this review is reported to a future meeting of the Environmental Planning Committee.*
- F. *THAT staff implement a condition of consent which ensures that, where relevant, the applicant has an appropriate current insurance policy to cover the reinstatement/repair of damages to surrounding properties as a result of the subject DA.*
- G. *THAT staff prepare a report which advises on mechanisms that can be utilised to prohibit excavation and dewatering in the most impacted zones in the Double Bay Floodplain (see the Double Bay Settlement zones in Figure 2 of the report to the Environmental Planning committee of 12 April 2021) including investigating:*
 - *Amending the Local Environmental Plan (LEP),*
 - *Amending the Development Control Plan (DCP), and*
 - *Rezoning.*

2. Staff response to Council resolution from 26 April 2021

In response to the Council resolution from 26 April 2021, staff can advise the following:

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Environmental Planning Committee

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- Parts A, B & C Staff are currently preparing a planning proposal to amend the Woollahra LEP 2014 to be referred to the *Woollahra Local Planning Panel* (WLPP) for advice. Staff will report the advice of the WLPP to a future meeting of the EPC.
- Parts D & E These two parts are the subject of this report.
- Part F Staff have amended Council's standard development application (DA) conditions of consent to require the application to have an appropriate current insurance policy. Where relevant, this condition will be applied to development with below ground structures.
- Part G Staff have commenced investigating mechanisms to prohibit excavation in the Double Bay settlement area. Staff will report the outcomes of this work to a future meeting of the EPC.

3. Expanded application of draft amendments to Woollahra DCP 2015

In response to Part E of the Council resolution from 26 April 2021, staff have reviewed the proposed controls to amend the Woollahra DCP 2015 which were identified in Table 2 of Annexure 4 of the report to the EPC meeting of 12 April 2021. A copy of these are attached in **Annexure 1**.

In collaboration with staff from Council's Development Control and Engineering Services Teams, we have prepared *Woollahra DCP 2015 (Amendment No 18)* (see **Annexure 2**). The objectives of the plan are to:

- a) Strengthen the existing objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures.
- b) Ensure there are no adverse hydrogeological impacts on any surrounding properties and infrastructure, both during and after construction.
- c) Apply additional technical requirements to the Double Bay settlement area based on the analysis provided by GHD Pty Ltd.

It is noted that the Council resolution from 26 April 2021 requested staff to review which of these controls could be applied to Rose Bay and Bellevue Hill. However, we are recommending that the proposed controls are applied to the whole LGA, and not only selected suburbs. Based on the recommendations from GHD, this will include a more detailed section on lands within the Double Bay settlement area.

The table below summarises the proposed amendments to Woollahra DCP 2015 identified in **Annexure 2**, and comments in the right hand column contain a brief explanation of the proposed provisions.

Chapter and section	Summary of proposed amendments
Chapter D5 - Double Bay Centre <i>Section D5.6.7 Geotechnology and hydrogeology</i>	<ul style="list-style-type: none">• Delete section and incorporate into E2.2.10 to strengthen the existing controls in section E2.2.10 to apply to the entire LGA, including the lands in the Double Bay settlement area.
Chapter E2 - Stormwater and Flood Risk Management <i>Section E2.2.10 Groundwater (hydrogeology)</i>	<ul style="list-style-type: none">• Insert introductory paragraph from section D5.6.7 to include general information regarding the technical requirements of below ground structures to minimise the adverse geotechnical and hydrogeological impacts.• Insert objective O3 to strengthen the existing objectives to minimise the impacts of below ground structures.• Insert objectives O4-O6 from section D5.6.7 to strengthen the objectives and apply them to the entire LGA.• Insert controls to minimise the hydrogeological impacts of below ground structures across the LGA.• Enhance C2 to prevent the disposal of subsoil/seepage from the below-ground structure to the kerb and gutter.• Insert a map to introduce the sensitive lands in the Double Bay settlement area.• Insert a control for lands in the Double Bay settlement area to minimise the hydrogeological impacts of below ground structures.

4. Next Steps:

If Council supports the proposed amendments to Woollahra DCP 2015, the next step is exhibit the draft DCP. The process for exhibiting a DCP is set out in the EP&A Act 1979, the *Environmental Planning and Assessment Regulation 2000*, and the *Woollahra Community Participation Plan 2019*.

The draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the Wentworth Courier each week of the exhibition and on Council's website. The outcome of the public exhibition will be reported to a future Committee meeting.

5. Conclusion:

In response to the Council resolution from 26 April 2021, staff have prepared amendments to Woollahra DCP 2015 to strengthen the existing objectives and controls to minimise the impacts of groundwater drawdown as a consequence of underground structures. By including these in Chapter E2 - Stormwater and Flood Risk Management of Woollahra DCP 2015 these controls will apply across the LGA (including Rose Bay and Bellevue Hill), with more detailed controls applying to lands in the Double Bay settlement area.

Staff recommend that Council resolve to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No 18)* as contained in **Annexure 2**.

Annexures

1. EPC Agenda 12 April 2021- Double Bay – Hydrogeological Geotechnical Impacts – Groundwater and Geotechnical Assessment report (Annexures removed except Annexure 4)
2. Draft Woollahra Development Control Plan – (Amendment No 18)

Double Bay Residents' Association

Protecting Sydney's Stylish Bayside Village

Craig Swift-McNair
The General Manager
Woollahra Municipal Council
536 New South Head Road,
Double Bay, NSW, 2028

records@woollahra.nsw.gov.au

Your Ref: SC6287 Submissions

Dear Craig

Draft Woollahra Development Control Plan DCP 2015 (Amendment No 18)

Thank you for the opportunity to provide comments on the proposed hydrology amendments to the Woollahra Development Control Plan. Our members have a great interest in the proposals given their concerns about:

- the extent of excavation and dewatering particularly in recent years and associated damage to surrounding properties;
- the inadequate, misleading, incomplete, non-complying,¹ hydrogeological and geotechnical reports provided to Council with DA applications; and
- the failure in the DA assessments reports to adequately scrutinise these reports in DA assessments and the failure to call out inadequate, misleading, incomplete, non-complying reports ;
- the failure to accurately identify the adverse environmental impacts in the DA assessments due in part to the flawed nature of the hydrogeological and geotechnical reports; and
- the excessive amounts of excavation in particularly vulnerable areas.

Objectives (Amendment 1.3)

We support the aims of Amendment 18 as expressed in 1.3 namely: to strengthen the objectives and controls; to minimise the impacts of groundwater drawdown; and to ensure there are no adverse hydrogeological impacts on surrounding properties during and after construction.

However we consider that objective b) is unduly limited in referring to hydrology as a number of the proposed amendments relate to both geotechnical as well as hydrogeological reports required for excavation and associated water drawn down.

New objectives 03 -06 (Amendment 2 4.2)

The stated aims of Amendment 2.4.2 are to strengthen the objectives and to achieve consistency with the LEP.

We support the fact that the proposed amendment is designed to cover more than hydrogeological impacts.

¹ Not complying with the requirements in Council's Guidelines for these reports.

However we are not convinced that objective O1 as drafted actually strengthens the objectives. Objective O1 replaces the broad objective that there be *no adverse hydrogeological impacts on surrounding properties both during and after construction* with 4 specific impacts. The way in which these impacts are drafted narrows the scope of the objective. It fails to cover the relevant impacts that could occur and introduces a degree of confusion.

To give one example new objective O1 refers to there being *no adverse impacts on environmental functions and processes*. Presumably environmental impacts that are not functions or processes are no longer covered. But what precisely are these excluded environmental impacts?

Consistency with the EP&A Act s 4.15

In terms of describing the impacts we would have thought that it is desirable to have some consistency with EP&A Act s 4.15 which refers to the impacts of development including *environmental impacts on both the natural and built environments*.

Section 4.15 also refers to *the suitability of the site for development*. We consider a useful objective would be *to ensure the site is suitable for excavation and associated dewatering*, given that the more vulnerable sites in low lying areas of Double Bay may not be suitable for excavation and dewatering as acknowledged in item G of Council Resolution of 26 April 2021 (see below).

Consistency with the DCP general controls

We are also a little concerned about the relationship of the objectives O1 with comparable objectives in the general controls of DCP *B3.4 Excavation*.

We are unaware of how Council rationalises the range of different impacts described in the Act, the LEP and DCP. We suggest that Council undertakes a re-examination and rationalisation of them. We would not however want this to hold up Council's implementation of the Amendment 18.

Condition C3 Groundwater must not be discharged into Council's stormwater network (Amendment 2.4.6)

As you are probably aware members and other residents have complained to Council and to the Environment Protection Authority about Council's apparent lack of enforcement of the current comparable DCP and EPA requirements not to discharge into the stormwater network.

In recent times these complaints have centred on that fact that for many months groundwater, including that containing sludge from identified acid sulphate sites, has been pumped into the stormwater network from developments in Cross Street and William Street.

The EPA advised complainants of their concerns at this practice, particularly in relation to acid sulphate sites, and stated that they consider this a matter for Council (and not EPA) enforcement where the development is for residential purposes.

Council consent on a regular basis to discharge to the stormwater system under powers in the EPA suggests Council is undermining this provision and leads to a lack of confidence in Council. It would be helpful for public understanding the public were given an indication of when Council may use these EPA Act powers – and a reference to this in Amendment 18 is recommended.

In addition to proper enforcement by Council (and by EPA where relevant), we consider that this provision should be strengthened. We recommend amending proposed conditions C4 to C6 (see

Amendment 2.4.7) to require that the DA documentation *must* demonstrate how the ground water is to be disposed of *without* using Council's stormwater system.

Condition C4 Dilapidation reports (Amendment 2.4.7)

The proposed Condition C4 states Council may, for DAs involving below ground structures, require dilapidation reports for neighbouring properties. We are of the view that for these DAs dilapidation reports should be required by Council not only for neighbouring properties but for all the surrounding properties where it is likely they could be adversely impacted.

The proposed objectives in clause 1.3 and the proposed Condition C1 (see Amendment 2.4.4) correctly recognise that damage from excavation including dewatering vibration extends well beyond the neighbouring properties, for example damage from the Patterson Street development.

We are also of the view that the developer *must* provide Council with dilapidation reports prior to commencing work. The experience of some of our members is that developers are not always be prepared to get dilapidation reports prior to commencing work when requested – choosing instead to plough ahead. As a result, residents, not warned that demolition is about to happen, obtain their own reports which have reduced evidential value as they have had to be obtained after work has commenced. Our experience is that some certifiers often have no interest in ensuring that dilapidation reports are obtained for all neighbouring properties and for surrounding properties likely to be affected.

Conditions C4 -C7 Hydrogeological and technological reports (Amendment 2.4.7)

Issue—unreliable, incomplete, misleading and flawed reports

Unreliable, inaccurate, incomplete, misleading and flawed hydrogeological geotech reports causes some of the greatest concerns to our members.

They prevent an accurate assessment of whether the excavation is likely to result in adverse impacts.

It is our experience that Council is invariably presented with seriously flawed, incomplete, inaccurate and misleading geotechnical and hydrogeological reports attached to DAs. These reports make little attempt to meet the information requirements in the Guidelines for these report in the current DCP controls. These information requirements are mirrored in Amendment 18.

These flawed reports are not independent reports. The consultants are paid by the developers to write the reports.

Moreover it is widely acknowledged (including by the geotech and hydro consultants themselves by developers and construction foremen) that the universal practice is to never complete a site investigation but instead to simply lodge a preliminary report recommending further action. Consistent with this practice no final report is given to Council, thereby ensuring the adverse impacts are never actually identified. And thereby also ensuring the consultant is not likely to be sued for inaccurate reports in litigation for damage of surrounding properties.

A member of our Committee Mary Fisher engaged geotechnical and hydrogeological experts to conduct peer reviews of reports given to Council for a particular DA (DA 368/2020/1). The peer review assessments are damning accounts of the inadequacy and incompleteness of the geotechnical and hydrogeological reports, their misleading nature, and their non-compliance

with existing DCP requirements. These peer review assessments² are attached for your information.

Issue—failure to make any real assessment of the likely impacts of excavation and dewatering

The above failings make it difficult for Council to effectively scrutinise the accuracy of the reports let alone evaluate the likely adverse impacts of excavation and dewatering. However we are concerned that Council does not appear to be expressly rejecting these reports in its DA assessment reports nor requiring the errors and omissions, and the non-compliances with Council's guidelines, to be rectified before proceeding further with the DA.

Our members have been told on numerous occasions that Council does not have engineering staff with the precise technical expertise to rigorously scrutinise these reports or conduct the investigations into the likely adverse excavation and dewatering impacts of a DA. In one instance several of our Committee members were present in the L&E Court³ when Council staff were precluded from asking questions of the developer's expert geotechnical witnesses. This was because Council could not produce anyone from Council who had the expertise to be questioned in Court on these matters, and told the Court that Council had no one with sufficient expertise.

In this case the DA was approved by the Land and Environment Court despite the fact there was no final report, no assessment of geotechnical and hydrogeological adverse impacts, no investigation of the acid sulphate soils, no acid sulphate soils management plan and no compliance with Council requirements for these reports.⁴ Council did not provide the Court with Council's rigorous assessment of the flaws in the hydrogeological and geotechnical reports or make any assessment of the environmental impacts. The Court clearly did not have the necessary information to consider (and did not attempt to consider) the adverse impacts of the excavation and dewatering proposed in the DA.

Issue—failure to consider adverse impacts and suitability

The consent authority has an explicit obligation under the EP&A Act s 4.15 to consider:

- (b) the likely impact of the development including environmental impacts on both the natural and built environments and social and economic impacts in the locality;*
- (c) the suitability of the site for development.*

Without the necessary information, the impacts and suitability cannot be considered, and consent cannot be granted. And without the necessary information case law (*Schroders Australia Property Management v Shoalhaven*, CC [2001] NSW 74) suggests that any consent by the consent authority could breach of s4.15.

Some suggested reforms

The process for DA excavations has been debased by the flawed hydrogeological and geotechnical reports and Council's uncritical acceptance of these reports. The failure of Council to allude to deficiencies in these reports in the staff assessments have undermined the confidence of our members in Council's handling of DA excavations.

The peer reviews referred to above were not even mentioned in the staff reports for DA 368. And no analysis of long term structural damage with damage being described as temporary.

² Lee Douglas Reditus Consulting Pty Ltd: *Hydrological Hydrogeological & acid sulphate soil assessment, Proposed offsite development at 27 William St, Double Bay, NSW assessment*, 8 November 2020. Jeremy Murray, ACT Geotechnical Engineers Pty Ltd *Existing residence-25 William Street, Double Bay, NSW; Geotechnical review of potential impacts from neighbouring development*, 10 November 2020.

³ See *Initial Action v Woollahra Municipal Council* [2019 LEC 1097] approving the DA for 16 William St.

⁴ Ibid.

The unreliability of the hydro and geotech reports and lack of scrutiny, the problems of requiring construction to halt where excavation adverse effects arises or stabilisation procedures are not complied with points strongly to the need for clear cut controls, such as prohibitions on excavation in certain clearly defined circumstances, that are not dependent on consultant's assessments (see further below).

We also consider that there are some steps Council could take immediately to restore public confidence including:

- (a) to actively scrutinise all geotechnical and hydrogeological reports to ensure they are accurate, complete and comply with the DCP requirements for these reports; and
- (b) to demonstrate in its DA assessment that Council has considered the findings of any reliable alternative peer reviews; and
- (c) to including these findings/considerations referred to in (a) and (b) in all the relevant DA assessment reports;
- (d) to oppose the approval of DAs where inaccurate, incomplete and non-complying reports are not corrected by the applicant;
- (e) to oppose the approval of DAs where there is insufficient information for the consent authority to consider the impacts required to be considered under EP&A s4.55; and
- (f) to engage sufficient number of geotechnical and hydrogeological engineering staff to ensure that the above steps are met and to ensure they can take place cross examinations in judicial proceedings.

It would also help considerably if the practice of invariably permitting excavation that well exceeds the maximum cubic metres permitted for the site under Woollahra DCP 2015 were to cease, particularly in sensitive areas where there are likely to be adverse effects.

Additional requirements for the Double Bay Settlement Area (Amendment 2.4.8 and 2.4.9)

Accordingly it follows that we very much support the new requirement that temporary changes to ground water level must not exceed 0.2 from the average monitored pre-construction level.

However we have two concerns. Firstly this requirement does not apply if the results of field tests support a greater change and demonstrate that change will not induce settlement greater than the characteristic surface movement of a Class S site. Given the above problems with reliance on flawed hydrogeological and geotechnical reports we are not confident that Council will be presented with accurate and complete fields tests or that Council would be in a position to rigorously assess the accuracy and integrity of these 'developer-paid' field tests. We can comment further when we have been able to see Clauses 2.1.2 and Clause 2.3 of the Australian Standard which we do not yet have access to.

Secondly should there be settlement greater than the character surface movement of a Class S site and consequent damage, it is again the residents, not the developer who will suffer. And judicial action for compensation for the damage is well beyond the financial means of most residents.

MATTERS STILL TO BE ADDRESSED

Insurance (Part E of Council Resolution of 26 April 2021)

Part E of this Council Resolution refers to further work to be done on insurance for those who suffer damage from excavation.

We have concerns whether residents will be adequately covered in any developer obtained insurance – for example, whether their insurers will be prepared to insure for this, and whether

coverage will be comprehensive in terms of damage and in terms of the range of surrounding properties that could be impacted.

We think it could well be more appropriate to require developers to provide surety bonds to persons likely to be affected so that they can draw on the surety to repair the damage caused by developer excavation. Copies of this surety bond should be provided to Council, along with dilapidation reports, prior to the commencement of any work.

As you will be aware surety bonds are commonly used in the construction industry. Council requires bonds for potential construction and excavation damage to its footpaths and roads before consenting to public domain works. The same should be required to be provided by developers to those likely to be affected by excavation and dewatering.

We say this as the additional stress, high legal costs, and no guarantee of success, associated with litigation against mega-wealthy developers and their insurers are major deterrents to residents. These residents have already experienced the stress of damage and endured months, if not years, of excessive noise and vibration from excavation including from 24/7 operation of dewatering pumps (including pulse pumps).

Excavation prohibitions applying to the 'most impacted zones' of the Double Bay Settlement area (Part G of Council Resolution of 26 April 2021)

We strongly support the intention of Part G of this Council Resolution that there be mechanisms (including amending the LED, DCP and rezoning) to prohibit excavation and dewatering in the 'most impacted zones' in Double Bay.

Outright prohibitions in the most vulnerable areas are essential. They are the only way to proceed given that flawed hydrogeological and geotechnical reports prepared by consultants paid by the developer can no longer be relied on.

We are naturally keen that the relevant amendments for the above two remaining matters are made as soon as possible given the rush of proposed developments in Double Bay flowing from the extremely large financial gains to be made from the sale of up newly constructed up-market apartments.

Conclusion

In conclusion we are pleased at the progress that is being made in this matter, but have reservations about the amendments improving the inappropriate reliance of the flawed hydro and geotech reports.

We urge that all the above amendments, the two outstanding matters and our suggested reforms proceed as a matter of urgency and would not want our comments to unduly hold up this matter.

We would very much like to continue to be consulted.

Yours sincerely

Mary Fisher

Committee Member

Double Bay Residents' Association Inc

[Redacted]
[Redacted]
[Redacted]
Tel: [Redacted]
Email: [Redacted]

ACT
Geotechnical Engineers



ACT Geotechnical Engineers Pty Ltd

ACN 063 673 530

Our ref: JM/C11206 10 November 2020

Mary Fisher
[Redacted]
[Redacted]

Attention: Mary Fisher
[Redacted]

Ph: [Redacted]

Fax: [Redacted]

EXISTING RESIDENCE - 25 WILLIAM STREET, DOUBLE BAY, NSW GEOTECHNICAL REVIEW OF POTENTIAL IMPACTS
FROM NEIGHBOURING DEVELOPMENT

1 Introduction

At the request of Mary Fisher, ACT Geotechnical Engineers Pty Ltd are pleased to conduct a geotechnical review of the potential impacts on the residence at 25 William Street in Double Bay due to the proposed development on the adjacent lot (27 William Street).

2 Proposed Development

The proposed development comprises a multi-storey structure, with a single-level basement. The information provided shows the development will have:

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- Basement footprint ~725m², with a 1.5m setback from the eastern boundary of #25.
- Ground Surface RL is presently 3.3-3.5m AHD
- The proposed Finished Basement Floor Level is RL 0.0m AHD
- A groundwater monitoring well located in the NE corner of #25 has a standing water level (SWL) of RL

1.0-1.2 m AHD. It is understood that this level was measured while there was dewatering being conducted

for a development at 12-16 William Street (on the opposite side of the road).

- The basement excavation will be supported by a Secant Pile Wall (shown in the provided Basement Drawing) - There are no details provided, but DP report recommended a minimum embedment depth of 7m below the deepest bulk ex level - which would terminate in dense sands. More detail of the shoring

wall will need to be provided once the structural design has been carried out.

A hydrogeologist from Reditus Consulting has assessed the following:

- Bulk Excavation Depth of RL -0.5m AHD (allowing 0.3m for slab and 0.2m for imported aggregate working surface)
- Lift Shaft Excavation Level RL -1.5 mAHD (allowing a 1.5m overrun depth for lift)
- Min Target Dewatering Level RL -1.5m AHD (allowing 1m below the Bulk Ex level to create workable

surface, plus fully dewater lift shaft)

- Using their SWL of 1.0-1.2 mAHD = min 2.7m of drawdown required
- Using steady-state solutions and where the piles do not intercept low permeability zones, Reditus has

estimated in the order of min 2m drawdown at the eastern boundary of #25 (assuming the drawdown at #27 is 2.7m).

3 Geology & Subsurface Profile

The 1:100,000 Sydney Geology Map indicates the site to be underlain by Quaternary age estuarine deposits. These deposits typically comprise sands, and can extend to >30m depth.

Based on the geotechnical investigations carried out by JK Geotechnics at 12-16 William Street and by Douglas Partners at 23 William Street, the subsurface profile at the site is expected to comprise silty sand topsoil and fill to ~0.5m depth, underlain by Alluvial sands to greater than 23m depth. The alluvial soils comprise loose to medium dense Sand and Silty Sand to ~15m depth, then becoming dense.



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4 Potential Geotechnical Impacts from Development

4.1 Zone of Influence Impact

It is assessed that the loose to medium dense, Sand & Silty Sand alluvial soils would have a low internal friction angle, and the Zone of Influence (ZOI) for footings founded in this material would be 2(H):1(V). Therefore, any excavations conducted on #27 within the ZOI would undermine the footings of the residence on #25. It is therefore of concern that no assessment of the ZOI has been provided in the geotechnical documentation nor the distance it would extend under the foundations of #25. It has been indicated that the basement excavation on #27 will extend to 3.5m depth (and possibly to 4m depth). Therefore, based on a ZOI of 2(H):1(V), a 3.5m excavation would need to be more than 7m away from the residence of #25 to avoid undermining of the #25 footings. Given that it has been indicated that the excavation will be only 1.5m away, it is assessed that the excavation will be encroaching into the ZOI of the #25 footings. Undermining of the footings is highly likely to result foundation movement and structural damage to the property. The likely structural damage to the residence includes cracks in walls, ceilings, and floors, walls leaning or bulging, distortion of window and door openings, and service pipes disrupted. Cracking and leaking of the in-ground swimming pool on #25 is also expected.

To reduce the impact of encroaching into the ZOI of the #25 footings, it is understood that the basement excavation on #27 will be supported by Secant Pile Wall. Details on the structural design of this shoring wall has not been

provided, however, further details are required on how lateral restraint will be provided. Section 10.6.3 of the Douglas Partners report states "It is presumed that the temporary tieback anchors will be used to restrict wall movements during the construction phase", recognizing the risks of lateral soil movement.

The following questions require answers for a proper assessment to be undertaken before the consent authority can assess whether the cumulative impacts of the excavation adversely affect land stabilisation (s 4.15 of the EP & A Act), and before the consent authority can determine whether the structural risks to the adjoining structures have been minimised.

- Will the shoring wall rely solely on cantilever support from the pile sockets below bulk excavation level, or will it be propped/strutted internally?
- If internal strutting/propping is not used, how will horizontal deflections at the top of the shoring wall be prevented so that foundation movement at #25 does not occur?
- Will the surcharge load from the footings on #25 be included in the lateral earth pressure when designing the shoring wall? Given the basement excavation will be encroaching into the ZOI of the #25 footings, we believe that it must.
- If the DCP minimum required setback from the boundary is 2m, why is the basement excavation proposed to be only 1.5m from the boundary? Given that the excavation will be encroaching into the ZOI of #25 footings, shouldn't the excavation be further away from the boundary to minimise structural risk?

4.2 Dewatering Impact

Many studies have been conducted which prove that lowering the groundwater table (dewatering) will result in ground surface settlement. When the water table is lowered, the effective load on the subsoil is increased by an amount equal to the difference between the drained and submerged weights of the entire soil mass between the original and lowered water. This increased overburden pressure causes additional compression and produces a settlement of the ground surface. Generally, settlement occurs at a faster rate in sandy soils. Such settlements can cause structural damage to surrounding structures. Section 10.3.1 of the Douglas Partners report recognizes this fact - "If dewatering results in excessive drawdown (i.e. lowering of the water level) beneath surrounding sites, then this has the potential to induce settlement beneath surrounding structures, which could cause damage".

ACT Geotech have conducted an initial calculation using Geo 5 software, which has calculated a ground surface settlement of 10.8mm under the residence of #25. This is based on a groundwater table drawdown of 2m, and the subsurface profile described in the JK Geotechnics and Douglas Partners reports. If a settlement of 10.8mm were to occur under the foundation of #25, then structural damage to the residence would be expected. The likely structural damage to the residence includes cracks in walls, ceilings, and floors, walls leaning or bulging, distortion of window and door openings, and service pipes disrupted. Cracking and leaking of the in-ground swimming pool on #25 is also expected.

The Douglas Partners report has not provided any information on the affects of dewatering would have on adjacent structures. The report states "The extent of settlement and impact on surrounding structures will be assessed after detailed investigation of the site and discussed in subsequent geotechnical and hydrogeological reports". These detailed investigations must be carried out and impacts determined before the consent authority can determine whether the structural risks to the adjoining structures have been minimised.

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4.3 Vibration Impact

Construction activities, including demolition activities, excavation plant, mobile cranes, concrete pumps, and dewatering pumps can produce ground vibrations that can impact on adjacent structures. Of particular concern are low level vibrations from heavy vehicles machinery that are causing impacts over long periods. Given the sandy soils, which are susceptible to compaction and settlement due to vibrations, structural damage is highly likely to occur at #25 if ground vibrations are not minimised. The Douglas Partners report did not provide any information on how vibrations would be minimised, nor did it provide a limit on peak vibrations. Further details must be provided in this regard, including what the cumulative impact of long-duration, low-level vibrations would be on adjacent structures, not just a limit on peak vibrations.

It is recommended that vibration monitors are installed along the boundary of #25, and these should be set up prior to demolition starting, and be kept in place until construction has concluded.

Driven piles and sheet piling would cause very large vibrations and serious consequential structural damage to adjacent structures. Therefore, it is recommended that such piling not be undertaken at this site.

4.4 Review of Statement of Environmental Effects (SEE)

On page 29 of the Statement of Environmental Effects (SEE), in answer to the objective "to ensure cumulative impacts of excavation do not adversely impact land stabilisation; the response is as follows: "Proposed excavation will be undertaken in accordance with the recommendations of the Geotech report and Council conditions of consent". However, the Douglas Partners Geotech report does not contain such recommendations. In particular the report includes the following statement: "The extent of settlement and impact on surrounding structures will be assessed after detailed investigation of the site and discussed in subsequent geotechnical and hydrogeological reports". To our knowledge, this has not been conducted.

Also on page 29 of the SEE, in answer to the objective "To minimise structural risks to adjoining structures; the response is as follows: "Proposed excavation works are designed to ensure adjoining structures not affected". However, there is no design of excavation works, and there is no documentation detailing how the development will prevent damage to existing structures from (1) excavation work encroaching into the ZOI, (2) from settlement due to dewatering, and (3) from vibrations due to excavation activities. There is also no risk assessment provided on the impacts of the construction work.

In conclusion, it is our assessment that neither of the above objectives have been met.

4.5 Conformance of Douglas Partners Report to "DA Guide - Attachment 6"

It appears that the Douglas Partners Geotech report does not contain the following report requirements that must be included to be in accordance with "DA Guide - Attachment 6":

- There are not the required minimum of 2 piezometers on site and 2 piezometers off site to monitor groundwater levels and fluctuations. In fact, the Douglas Partners reports states: "DP currently has limited information on the groundwater depth and fluctuations". This is completely unacceptable for a development where significant dewatering will be occurring.
- Design parameters have not been provided for settlements, vibrations, and dewatering disposal rates. All of these parameters are extremely important to understand the impacts on adjacent structures from this development.
- Predicted ground settlements in areas adjacent to the development site resulting from temporary and permanent site support and retention measures have not been provided. It also has not been demonstrated that settlement will not have adverse impact on surrounding properties and infrastructure.
- Written permission to use temporary ground anchors on the private property of #25 has not been given. Therefore, it has not been demonstrated how the safe retention of the excavation will be conducted, especially how the excavation retention will not adversely affect the structures on #25.
- It has not been demonstrated how there will be no adverse impact on surrounding property and infrastructure as a result of changes in local hydrogeology created by the method of construction. It is our assessment that dewatering during construction will cause structural damage to the property at #25, and the report does not provide evidence that it will not.

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- It has not been demonstrated that there will be no adverse impact on the surrounding properties and infrastructure as a result of vibration created by the method of construction. The DP report does provide limits for vibrations, and does not give any recommendations or advice on how vibrations should be minimised.
- There is no Contingency Plan.
- There is no Construction Methodology

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- There is no monitoring program for any of the following:
 - settlements
 - deflections or movement of retaining mechanisms
 - vibrations in accordance with AS2187.2, or acceptable vibration limits

5 Conclusions

ACT Geotech concludes that the documentation provided in DA 368/2020 does not contain sufficient information to demonstrate that the proposed development will not cause adverse impact to surrounding properties. The documentation also does not meet the requirements of the Woollahra Council DCP and guidelines for a DA. Therefore, ACT Geotech concludes that the documentation provided in DA 368/2020 is insufficient to meet the Council's requirements for DA approval.

ACT Geotechnical Engineers Pty Ltd

Jeremy Murray
Director
Senior Geotechnical Engineer
FIEAust CPEng EngExec RPEQ NER APEC Engineer IntPE(Aust)



Item No:	R4 Recommendation to Council
Subject:	CITIES RACE TO ZERO CAMPAIGN
Author:	Micaela Hopkins, Team Leader Environment & Sustainability
Approver:	Tom O'Hanlon, Director - Infrastructure & Sustainability
File No:	21/198524
Reason for Report:	To recommend that Council join the Cities Race to Zero Campaign ahead of the International Climate Conference (COP26) being held in November.

Recommendation:

- A. THAT Council joins the Cities Race to Zero campaign and endorses the pledge as outlined in this report.
- B. THAT, regarding item 3 in the pledge, Council sets an interim target of reducing emissions by 50% by 2030, based on 2005 levels.

Background:

Woollahra Municipal Council has been invited to join over 800 global cities who have already joined the Cities Race to Zero campaign, advocating for stronger action on climate change. The Cities Race to Zero campaign provides an opportunity for councils to collaborate locally and internationally alongside the United Nations Climate Conference of the Parties (COP26) which is being held in Glasgow from 31 October to 11 November 2021.

The Cities Race to Zero is a global campaign run by the COP26 Presidency to rally leadership and support from businesses, cities, regions and investors for a healthy, resilient, zero carbon transition that prevents future threats, creates jobs, and unlocks inclusive, sustainable growth. The objective is to build momentum around the shift to a decarbonized economy ahead of COP26. Cities Race to Zero is a collaboration between C40 Cities, the Global Covenant of Mayors, ICLEI, CDP, WWF, the World Resources Institute and others.

The Local Governments and Municipal Authorities (LGMA) Constituency has represented networks of local and regional governments at the United Nations Framework Convention on Climate Change (UNFCCC) since the first Conference of Parties (COP) in 1995. The Cities Race to Zero campaign was developed to support the LGMA COP26 Roadmap, and is aiming to recruit 1,000 cities. Cities Race to Zero participants will gain access to COP26 and COP-related events through the partners in the LGMA constituency, as well as formal recognition by the UNFCCC. To date, around 800 cities have signed up world-wide, including City of Sydney and City of Newcastle.

To join the campaign, councils are asked to pledge to undertake a number of actions. The actions are consistent with Council's Climate Emergency Declaration and Council's membership of the Resilient Sydney program. Although a net zero target has not yet been adopted by Council, discussion at Council's Ecological Sustainability Taskforce has supported setting a net zero target of 2035, and a recent community survey about emissions reduction indicated community support for setting a net zero target of 2040 or sooner.

The report released by the United Nations Intergovernmental Panel on Climate Change (IPCC) on 9 August 2021 noted that human-induced climate change is already affecting many weather and climate extremes across the globe, and this will continue to increase without a more significant reduction in carbon emissions. For Greater Sydney, this means more drought, bushfires, flooding, extreme heat events and changing rainfall patterns. Joining Cities Race to Zero brings a focus on immediate action.

Proposal:

It is proposed that Council endorse the pledge below and join the Cities Race to Zero campaign. Beneath each item is a brief comment about the commitment.

Council pledges the following:

1. Publicly endorse the following principles:
 - We recognise the global climate emergency.
 - We are committed to keeping global heating below the 1.5°Celsius goal of the Paris Agreement.
 - We are committed to putting inclusive climate action at the centre of all urban decision-making, to create thriving and equitable communities for everyone.
 - We invite our partners – political leaders, CEOs, trade unions, investors, and civil society – to join us in recognising the global climate emergency and help us deliver on science-based action to overcome it.

Comment: Council has already publicly recognised the Climate Emergency, and the other points are consistent with that declaration.

2. Pledge to reach (net)-zero in the 2040s or sooner, or by mid-century at the latest, in line with global efforts to limit warming to 1.5°Celsius.

Comment: Council has not set a net zero emissions target yet, however discussion at the Ecological Sustainability Taskforce has indicated support for a target of net zero by 2035. The above pledge to reach 'net zero by 2040 or sooner, or by mid-century at the latest' does not preclude Council from setting a more ambitious or definitive target.

3. In advance of COP26, explain what steps will be taken toward achieving net zero, especially in the short-to medium-term. Set an interim target to achieve in the next decade, which reflects a fair share of the 50% global reduction in CO2 by 2030 identified in the IPCC Special Report on Global Warming of 1.5°Celsius.

Comment: Regarding steps to net zero, Council adopted a suite of actions in response to the Climate Emergency, and is already working towards reducing community emissions through projects such as:

- *Increasing use of renewable energy through Power Purchase Agreements (PPAs)*
- *Supporting community uptake of on-site solar through the Solar My School & Solar My Club programs*
- *Improving the energy efficiency of buildings and infrastructure (e.g. upgrading streetlights)*

- *Supporting low carbon transport such as electric vehicles and cycling*
- *Diverting organics to reduce emissions from landfill*
- *Reusing materials and supporting circular economy where possible (e.g. use of Reconophalt on Council roads)*
- *Increasing tree canopy to minimise urban heating and sequester carbon*
- *Reducing Council's operational emissions where possible and offsetting the remainder to achieve carbon neutral certification.*

Regarding setting an interim target, it is proposed that Council align with the recently announced NSW Government target, to reduce emissions by 50% by 2030, based on 2005 levels.

4. Immediately proceed to planning at least one inclusive and equitable climate action as listed on www.citiesracetozero.org that will help to place your city on a resilient pathway consistent with the 1.5°Celsius objective of the Paris Agreement and begin implementation no later than 2022.

Comment: the Cities Race to Zero website lists approximately 50 actions that councils can choose from, many of which Woollahra Council is planning, such as: 'lead by example with municipal renewable energy projects maximising the potential of municipal assets for onsite generation with the aim to cover municipal electricity demand by 100% renewables by 2025'.

5. Report progress annually, beginning no later than 2022 to your usual or the recommended reporting platform.

Comment: progress can be monitored using data from the Resilient Sydney program and reported in Council's Annual Report or via one of the platforms suggested such as ICLEI's emissions reporting program.

Conclusion:

Joining the Cities Race to Zero campaign is a logical progression from Council's declaration of a Climate Emergency in 2019 and achievement of Climate Active certification in 2020 for net zero emissions from Council's operations. The next step is to work with our community to reduce emissions of the whole Woollahra LGA. Joining the Cities Race to Zero campaign makes an important statement about Council's commitment to reducing emissions, and willingness to work towards a net-zero target, which has been supported by the Ecological Sustainability Taskforce and members of the Woollahra community.

Annexures

Nil

Item No: R5 Recommendation to Council
Subject: REGISTER OF CLAUSE 4.6 VARIATIONS
Author: Nick Economou, Manager Development Control
Approver: Scott Pedder, Director - Planning & Place
File No: 21/172743
Reason for Report: To provide full Council with the “2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan and with a register of clause 4.6 variations supported for the period between 1 January 2021 to 30 September 2021

Recommendation:

- A. THAT the attached ‘2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan’ be received and noted;
- B. THAT the attached register of Clause 4.6 variations supported for the period between 1 January 2021 to 30 September 2021 be received and noted.

Background:

On 3 August 2021, the Department of Planning, Industry and Environment 2021 advised Council of its released 2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan and of its audit outcomes for Woollahra Council.

The audit outcomes for Woollahra Council are provided below:

The audit identified that the Council met the following requirements relating to:

- *Having a written delegation procedure for dealing with clause 4.6 variations.*
- *Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.*
- *Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.*
- *Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.*

The audit identified the following unmet requirements:

- *Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.*
- *Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.*

Attached as **Annexure 1** is a copy of the ‘2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan.’

Attached as **Annexure 2** is the letter from the Department of Planning, Industry and Environment which provides its audit findings for Woollahra Council.




Next Steps:

To comply with the audit findings and Planning Circular PS 20-002 (Variations to development standards), a Clause 4.6 variations register will be provided to full Council on a quarterly basis.

Conclusion:

The audit findings for Woollahra are generally positive and the ‘unmet requirements’ are being addressed by this report including the attached register of clause 4.6 variations for the period between 1 January 2021 to 30 September 2021 and quarterly hereafter.

Annexures

1. 2020 Audit Report on councils’ use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan [↓](#) 
2. Letter from the Department of Planning, Industry and Environment which provides its audit findings for Woollahra Council [↓](#) 
3. Register of Clause 4.6 Variations for the period between 1 January 2021 to 30 September 2021 [↓](#) 



2020 Audit Report

Councils' use of clause 4.6 of the Standard Instrument -
Principal Local Environmental Plan

August 2021



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Acknowledgment of Country

The Department of Planning, Industry and Environment acknowledges that it stands on Country which always was and always will be Aboriginal land. We acknowledge the Traditional Custodians of the land and waters, and we show our respect for elders past, present and emerging. We are committed to providing places in which Aboriginal people are included socially, culturally and economically through thoughtful and collaborative approaches to our work.

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Executive Summary

In New South Wales, the Standard Instrument - Principal Local Environmental Plan (Standard Instrument LEP) sets out development standards that need to be met when preparing a development application. Clause 4.6 of the Standard Instrument LEP (clause 4.6) provides flexibility in the application of development standards by allowing consent authorities including local councils, to approve a variation to development standards, provided the Secretary of the Department of Planning, Industry and Environment (the Department), has given concurrence to the consent authorities.¹ Local councils can assume the Secretary's concurrence for the majority of development applications and for most types of developments.²

To ensure local councils exercise a consistent, fair and transparent procedure in determining variation applications, the Department conducts periodic audits to check council compliance with the requirements of clause 4.6 and the planning circulars.

For the 2020 audit, the Department selected 33 councils to be audited. Of these councils, 17 were not previously audited (new audits) and 16 councils were audited in recent years but had unmet audit requirements (follow-up audits). Officers from the Department were appointed as auditors by the Secretary under section 9.14 of the *Environmental Planning and Assessment Act 1979*.

On balance, the audit found that the 17 councils subject to the new audit demonstrated a high degree of compliance with the requirements for assessment of development applications. However, there were some non-compliances with regards to the reporting and procedural requirements. Most related to delays in reporting to the Department or the council when decisions were made by staff under delegation, as well as failing to maintain an online register.

Councils subject to the follow-up audit demonstrated they had taken steps to meet the requirements from the previous audit, with 12 of the 16 councils now meeting the requirements. However, there were some non-compliances in relation to the procedural and reporting requirements. Similarly, most related to delays in reporting to the Department or the council, as well as failing to maintain an online register.

There is a range of measures available to the Secretary to address non-compliance. This can include education and training to the more substantive measures outlined in *Planning Circular PS 20-002 Varying Developments Standards*. Given the nature of the non-compliances, it is recommended that all councils be provided with additional guidance and further training to assist them with meeting their obligations.

Further, the Department is looking to integrate clause 4.6 variation reporting with its digital development application assessment process. The councils will be able to use the Department's Planning Portal to provide development application and clause 4.6 variation data. This will reduce the councils' reporting requirements to the Department and simultaneously allow the Department to have real time reporting using the Planning Portal. The Department will have greater visibility of the data provided and can undertake risk-based audits or timely investigations on high-risk variation applications that would lead to greater compliance outcomes in the future.

¹ See clause 4.6 provisions in [Standard Instrument – Principal Local Environment Plan](#), last viewed on 14 May 2021.

² Councils have been notified that they may assume the concurrence of the Secretary (or the Director General) of the Department since 1989 for the purposes of clause 4.6 variations.

Context

Clause 4.6 provides flexibility in the application of planning controls by allowing councils to approve development applications that may not strictly meet the requirements of the subject development standard but are consistent with the objectives of the development standard and the objectives of the zone. In these instances, varying a development standard may be allowed by a consent authority when there are sufficient environmental planning grounds to justify contravening the development standard. The Secretary's concurrence must be obtained before consent for development that contravenes a development standard is granted, however, in many cases this concurrence can be assumed by a council.

In 2008, the Department published Planning Circular PS08-014 *Reporting variations to development standards*. The circular outlines the procedural and reporting requirements councils must implement with respect to their use of the Secretary's assumed concurrence. The requirements include measures to increase the transparency and accountability in clause 4.6 decisions, including reporting of decisions, online information on council's use of the Secretary's assumed concurrence and quarterly reporting of clause 4.6 variations to the Department.

In 2009, in response to the findings of the Independent Commission Against Corruption (ICAC) investigation into corruption allegations against Wollongong City Council³, the Department conducted the first audit on local council use of clause 4.6. The investigation recommended the Department monitor the use of the Secretary's assumed concurrence provided by both clause 4.6 and the now repealed State Environmental Planning Policy No1 - Development Standards (SEPP 1).

Since 2009 the Department has undertaken periodic audits of council records from across the State to ascertain whether councils are complying with the procedural and reporting requirements. To date, 57 councils have been audited, inclusive of the 17 new audits in 2020. The clause 4.6 audit process ensures the Secretary's assumed concurrence, provided by clause 4.6, is used appropriately and reported quarterly by local councils. A delegate of council can assume the Secretary's concurrence, except if the development contravenes a numerical standard by greater than 10% or the variation is to a non-numerical standard.

The Secretary may withdraw the ability for a council to utilise the assumed concurrence to determine applications where the council is not meeting the requirements set out in the planning circular.

³ Report on an investigation into corruption allegations affecting Wollongong City Council, ICAC Report, Independent Commission Against Corruption, 2008

The 2020 audit – new audits

For the 2020 audits, Planning Circular *PS 18-003 Variations to Development Standards* published by the Department in February 2018, is the applicable planning circular. The circular advised consent authorities, including council or its Local Planning Panel,⁴ arrangements for use of the Secretary's concurrence to vary development standards and outlined procedural and reporting requirements where the concurrence has been assumed.

In May 2020, this circular was replaced by Planning Circular *PS 20-002 Variations to Development Standards*.⁵ The new circular retains the same procedural and reporting requirements and advises the repeal of SEPP1. Under the new circular all council reports must be submitted to the Department through the Planning Portal.

Audit criteria – procedural and reporting requirements

Audit criteria for this audit are based on procedural and reporting requirements of clause 4.6 and the related planning circulars for councils.⁶ These are:

1. All proposed variations to development standards must be received by councils as written applications objecting to the development standard and the applications should deal with the planning matters required to be addressed by the relevant instrument.
2. The consent authority must assess all factors required to be addressed in the written application and keep a record of its assessment.
3. The Secretary's concurrence may not be assumed by a council delegate, if the development contravenes a numerical standard by greater than 10% or the variation is to a non-numerical standard. These may only be determined by full Council or council's Local Planning Panel to ensure greater transparency of the determination.
4. Establish and maintain a publicly available online register of all variations to development standards approved by the consent authority or its delegates. The register must include the development application number, description, property address, standard to be varied and the extent of the variation.
5. Submit a report in the required format set by the Department, of all variations approved (including under delegation) to the Department within four weeks of the end of each quarter (i.e. March, June, September and December).
6. Provide a report of all variations made by council delegates, at least quarterly, for consideration at council meetings. This ensures scrutiny of individual decisions and improves transparency of the variation process.

Councils are advised in the planning circulars the Department will continue to undertake random audits on councils' use of the Secretary's assumed concurrence.

In October 2020, 17 councils were randomly selected for this audit as set out in Table 1. These councils were not previously audited. The councils were notified of their selection on 13 November 2020. The audits were conducted by the Department between November 2020 and March 2021, with fieldwork concluding on 5 March 2021.

⁴ Local Planning Panels were formerly known as Independent Hearing and Assessment Panels (IHAPs). These panels are made of independent experts that determine development applications on behalf of Council and provide advice on other planning matters, including clause 4.6 variations.

⁵ See *PS 20-002 Variations to Development Standards* on the Department's [website](#), last viewed on 14 May 2021.

⁶ See clause 4.6 (3) and (7) provisions in [Standard Instrument – Principal Local Environment Plan](#), and [PS 20-002 Variations to Development Standards](#), pp 1-2.

Table 1. Regional and metro councils selected for audits in 2020

Metro councils	Regional councils
Bayside Council	Albury City Council
Campbelltown City Council	Armidale Regional Council
City of Sydney	Bega Valley Shire Council
Hornsby Shire Council	Cessnock City Council
Penrith City Council	Maitland City Council
The Hills Shire Council	Richmond Valley Council
Willoughby City Council	Wentworth Shire Council
Wollondilly Shire Council	Yass Valley Council
Woollahra Municipal Council	
Total metro councils - 9	Total regional councils - 8

Objectives

The objectives of the clause 4.6 audit are:

- Ensure councils have appropriate procedures in place for monitoring and reporting requirements set by the Planning Circular PS 20-002 *Variations to Development Standards*.
- Monitor use of the Secretary's assumed concurrence by councils against the requirements of:
 - the Secretary's assumed concurrence conditions
 - clause 4.6 of the Standard Instrument LEP
 - any special exemptions issued to a council whereby staff may make decisions for certain variations over 10%
- Advise audited councils of the results, recommendations and timeframes for addressing any issues identified in the audit.

Benefits of undertaking the audit

Undertaking a regular audit to monitor councils' use of clause 4.6 enables the Department to:

- Ensure ongoing transparency and integrity of the planning system regarding the variation of development standards.
- Increase the level of awareness and importance within audited councils of the need to properly utilise the Secretary's assumed concurrence.
- Assess whether any development standards are being regularly varied by a council and may require review.
- Detect any anomalies, such as cases exceeding delegations.
- Identify areas where the Department could provide further guidance and advice (example by updating the planning circular) on the application of clause 4.6.

Auditors

Senior Department–staff were appointed as auditors under section 9.14 of the *Environmental Planning and Assessment Act 1979*. The appointed auditors were trained by ICAC on the possible corruption risks around clause 4.6 whilst the Department’s Internal Audit team provided guidance on the audit process prior to commencing the audits. The audit process, scope of the audit and methodology was developed in consultation with ICAC.

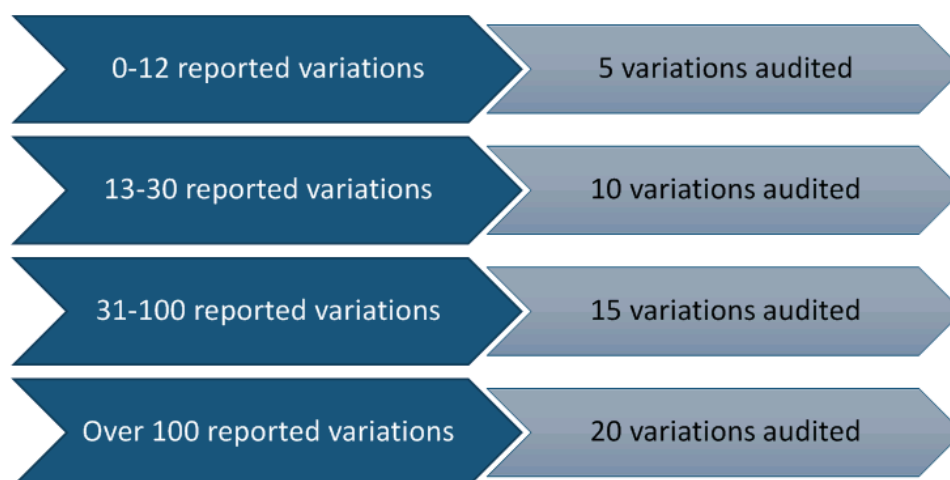
Methodology

Councils were selected at random for the audit based on these criteria:

- a mix of metropolitan Sydney and regional councils including coastal, major regional centres and rural councils.
- councils with high, medium and low volume of reported development applications applying clause 4.6.
- a mix of councils with history of regular submissions and others with outstanding quarterly clause 4.6 reports over the 2018-19 financial year, and
- councils that have not been included in a previous audit.

The number of decisions to audit for each selected council was determined based on the number of reported variations each council had in 2018-19. Figure 1 shows the sliding scale used in determining the number of variation applications to be audited.

Figure 1. Sliding scale used to determine the number of variations to be audited



Once the number of DA decisions to be reviewed for each council was determined, DAs were then selected for audit based on:

- Random selection of DA decisions from each quarter, where possible, equal selections from each financial quarter.
- Selection of the DAs to be audited from the quarterly reports on a random basis by choosing every third DA on the report until the required number is reached.
- Audit all DA decisions where only five or less decisions were made for the year.

A total of 122 DAs were reviewed in the process of the clause 4.6 audit of the 17 councils. The details of the councils and the number of DAs reviewed are in Table 2.

Table 2. Summary of new audits undertaken for metro and regional councils

Metro councils		Regional councils	
Council	Number of DAs reviewed	Council	Number of DAs reviewed
Bayside Council	15	Albury City Council	1
Campbelltown City Council	5	Armidale Regional Council	Nil*
City of Sydney	20	Bega Valley Shire Council	5
Hornsby Shire Council	5	Cessnock City Council	Nil*
Penrith City Council	9	Maitland City Council	1
The Hills Shire Council	15	Richmond Valley Council	2
Willoughby City Council	15	Wentworth Shire Council	1
Wollondilly Shire Council	3	Yass Valley Council	5
Woollahra Municipal Council	20		
Total	107	Total	15

* Council did not have any reportable DAs for assessment. If a council had no clause 4.6 variation, auditors checked preparedness of the council to undertake variation such as council delegations register and procedures, submission of quarterly returns to the Department and online register of any previous variations.

Follow-up audits of councils

In 2018 the Department conducted an audit of 18 NSW councils on their use of assumed concurrence in determining clause 4.6 variation applications and their compliance with the reporting and procedural requirements in the planning circulars. Fifteen of these audited councils had non-compliances and subject to follow-up by the Department.

In 2020, a total of 16 councils previously audited (15 in 2018 and 1 in 2016) but did not meet clause 4.6 requirements, were subject to follow-up audits to ensure compliance with the outstanding requirements. These councils are listed in Table 3.

The follow-up audits are considered to be a necessary part of the Department's ongoing commitment to maintaining the integrity of the planning system. The audits enable councils to demonstrate that they consistently implement the processes, procedures and obligations outlined in clause 4.6 and planning circulars issued on variations to development standards.

Table 3. Councils subject to the 2020 follow-up audit

Metro councils	Regional councils
Blacktown City Council	Snowy Valleys Council
Camden Council	Hilltops Council
Cumberland City Council	Kiama Municipal Council
Ku-ring-gai Council	Port Stephens Council
Lane Cove Council	Mid Coast Council*
Mosman Municipal Council	Tweed Shire Council
Northern Beaches Council	Ballina Shire Council
	Forbes Shire Council
	Dubbo Regional Council

*First audited in 2016 and then subject to a follow-up audit in 2018.

This audit report discusses the findings in relation to the councils':

- implementation of the Department's specific recommendations in the 2018 report, and
- general compliance with the procedural and reporting requirements of clause 4.6 and related planning circulars.

Summary of findings from the 2018 audit report leading to the follow-up audits

The 2018 audit found instances where councils had not met the reporting or other administrative requirements associated with the use of clause 4.6.⁷ The unmet requirements included:

- Not ensuring that variations over 10% are approved by full Council or its independent hearing and assessment panel, unless special concurrence conditions applied.
- Not submitting quarterly reports to the Department within the required four-week period after the end of the quarter.
- Making decisions on variations without clause 4.6 application, or when the application did not adequately address the requirements of clause 4.6.

Process for the 2020 follow-up audit

In June 2020, the Department wrote to the 16 councils to notify them of the follow-up audits. The Councils were asked to provide documentation and/or web links to documents to demonstrate the recommendations from the 2018 audit are being implemented.

Auditors considered council responses and documentation received and followed up with councils on any matters during audit field work between November 2020 and March 2021.

Scope of audit and objectives

The objective of the follow-up audit was to identify whether the councils had implemented measures to address the unmet audit requirements. The issues identified in the original audit for each council were the primary focus of the review of the follow-up audit.

Methodology

The methodology for the follow-up audits were generally in line with the methodology for the 2020 new audits, with an additional focus on reviewing council information to identify whether the councils have implemented the recommendations from the previous audit. For the review of variation decisions, development applications were selected from the period of 1 July 2018 to 30 June 2019⁸.

For some of the follow-up audits, a review of DAs was not necessary as the previous audit findings did not relate to DAs. Where the review of DAs was necessary, up to five DAs were reviewed for metro councils and up to three DAs for regional councils. As metro councils generally receive a higher number of clause 4.6 development variation applications compared to regional councils, a higher number of DAs were reviewed for these councils.

The DAs for review were selected based on:

- An equal number of decisions (where possible) from each applicable quarter of the financial year; and
- Every third development application listed on the relevant quarterly report was picked until the required number of decisions was selected or

⁷ The Department, 2018 Audit Report, *Report on the audit of council use of clause 4.6 of the Standard Instrument - Principal Local Environmental Plan*, pp 5-8. The report is available at the Department's [website](#), last viewed on 14 May 2021.

⁸ The auditors looked at more recent DAs where the information was insufficient to determine if a council had satisfied unmet requirements from the previous audit.

- Where DA decisions made for the year were fewer than 5 for metro or 3 for regional, all decisions were audited.

The number of DAs reviewed for each council are in Table 4.

Table 4. Follow-up audits undertaken for metro and regional councils

Metro councils		Regional councils	
Council	Number of DAs reviewed	Council	Number of DAs reviewed
Blacktown City Council	2	Snowy Valleys Council	Nil*
Camden Council	3	Hilltops Council	Nil*
Cumberland City Council	5	Kiama Municipal Council	2
Ku-ring-gai Council	2	Port Stephens Council	3
Lane Cove Council	5	Mid Coast Council	3
Mosman Municipal Council	2	Tweed Shire Council	3
Northern Beaches Council	2	Ballina Shire Council	1
		Forbes Shire Council	1
		Dubbo Regional Council	1
Total	21	Total	14

* The unmet clause 4.6 requirement for council does not require review of DA variation to verify compliance.

A total of 35 Development Applications were reviewed as part of the follow-up audit.

Audit findings and recommendations – new audits

Summary of findings

The auditors' findings on the council use of clause 4.6, including review of development applications and the reporting and procedural requirements are discussed in the next sections.

Review of development applications

The audit found:

- a high degree of compliance with the requirements for assessment of development applications (DAs) as set out in clause 4.6, see Table 5.

Table 5. Summary of compliance results – assessment of DAs

Clause 4.6 requirement	Compliance across councils' DAs
Development application included a written application to vary a standard	100%
Application addressed whether strict compliance is unreasonable/ unnecessary	98%
Application included environmental planning grounds to justify the variation	98%
Assessment report considered whether strict compliance unreasonable/unnecessary	96%
Assessment report considered environmental planning grounds to justify variation	94%
Assessment report considered variation to be in the public interest due to consistency with objectives of standard and zone	95%

*The results are for 122 DAs across the 17 councils

Clause 4.6 procedures, monitoring and reporting

The audit found:

- a varying degree of compliance with the requirements of procedures, monitoring and reporting. The summary of clause 4.6 compliance result is presented in Table 6.

Table 6. Summary of compliance results – procedures, monitoring and reporting

Requirements – Planning circular and clause 4.6	Number of compliant councils	Percentage of compliance
Having internal clause 4.6 delegations in place	15	88.2%
Council has complied with its internal clause 4.6 delegation procedures	13	76.5%
Maintaining an online clause 4.6 register	11	64.7%
Variations of more than 10% or non-numerical standard consistently determined by appropriate authority	16	96.6%
Quarterly reporting to council of variation decisions made under staff delegation	8	47.1%
Submission of quarterly reports to the Department for entire audit period	17	100.0%
Quarterly reports submitted to the Department within four weeks	1	5.9%

*The results are for 122 DAs across the 17 councils in metro and regional NSW.

The auditors found a high degree of compliance (88.2%) with the requirements to have an internal delegation in place and ensuring variations greater than 10% are determined by the appropriate authority.

Thirteen of the 17 councils had complied with the clause 4.6 delegations procedures and 11 of these had maintained an online register.

While all councils submitted quarterly reports to the Department, only around 6% of the councils submitted these reports on time during the audit period. However, some councils have provided timely reports after the audit period.

Around half of the councils failed to report variation decisions made by council delegates to the full Council meetings at least quarterly.

Standards varied

Height of building controls followed by floor space ratio controls were the predominant standards varied (see Table 7). The 17 councils did not make any non-numerical standard variations during the 2018-19 period.

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Table 7. Summary of standards varied

Development standard	Number of variation applications
Height of buildings	76
Floor space ratio	37
Minimum lot size	27
Minimum landscaped area	0
Non-numerical standard	0
Maximum lot size	1
Other	2

*The results are for 122 DAs across the 17 councils

Table 8 provides a comparison of 2018 results with the 2020 audit results.

Table 8. Comparison of 2020 and 2018 audit results

Requirements – Planning circular and clause 4.6	2020 audit Percentage of compliant councils	2018 audit Percentage of compliant councils
Having internal clause 4.6 delegations in place	88%	78%
Council has complied with its internal clause 4.6 delegation procedures	76%	61%
Maintaining an online clause 4.6 register	65%	78%
Variations of more than 10% or non-numerical standard consistently determined by appropriate authority	97%	39%
Quarterly reporting to council of variation decisions made under staff delegation	47%	72%
Submission of quarterly reports to the Department for entire audit period	100%	89%
Quarterly reports submitted to the Department within four weeks	6%	50%

*The results are not directly comparable as the audits were for different councils. Timeliness of quarterly reports by councils has improved overall in recent quarters: October 2020 (89%), January 2021 (68%) and March 2021 (78%).

Table 9 provides a snapshot of audit findings for all councils subject to new audits. This snapshot shows the audit requirements met/unmet by each council subject to the audit. In deciding whether follow-up audits should be undertaken for these councils in future, we will consider other factors such as auditor comments and timely report submissions to the Department post audit period ⁹.

⁹ For example, if a council had an audit finding of delayed report submissions to the Department for the audit period, and since then the council provided quarterly reports on time to the Department during the last two quarters of 2020, we do not consider the audit finding to be a matter for a follow-up audit for that council.

2020 Audit Report

Table 9. A summary of audit findings – 2020 new audits

Council audited	Audit findings									
	Variations greater than 10% are determined by appropriate authority	Council complies with delegation procedures	Council has cl 4.6 delegation procedures in place	Variations under staff delegation reported to council	All quarterly reports submitted to Department	Timely submission of quarterly reports to Department	Adequate assessment reports on variations	Online clause 4.6 register	Adequate online register details	Adequate information on cl 4.6 application
Metro										
Bayside	✓				✓		✓	✓	✓	✓
Campbelltown	✓		✓		✓		✓	✓	✓	✓
City of Sydney	✓ *	✓	✓		✓		✓	✓	✓	✓
Hornsby	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Penrith		✓	✓		✓		✓			✓
The Hills Shire	✓			✓	✓		✓	✓	✓	✓
Willoughby	✓	✓	✓	✓	✓			✓	✓	
Wollondilly	✓	✓	✓		✓		✓	✓	✓	✓
Woollahra	✓	✓	✓		✓		✓	✓	✓	✓
Regional										
Albury	✓	✓	✓	✓	✓		✓			✓
Armidale	✓		✓	✓	✓		✓			✓
Bega Valley	✓	✓	✓		✓			✓	✓	
Cessnock	✓	✓	✓	✓	✓		✓	✓	✓	✓
Maitland	✓	✓	✓	✓	✓		✓			✓
Richmond Valley	✓	✓	✓		✓		✓	✓	✓	✓
Wentworth	✓	✓	✓	✓	✓					
Yass Valley	✓	✓	✓		✓					
Total	16	13	15	8	17	1	13	11	11	13

* City of Sydney has Special Concurrence arrangement and council delegate may determine variations more than 10%

Recommendations and next steps

The audit findings and the recommendation for individual councils are discussed in the “Results by councils: 2020 new audits” section of this report. Following the Audit Report, the Department will:

- Write to the individual councils to advice of the specific findings for that council along with the recommendations to achieve compliance.
- Follow up with the councils that had unmet requirements after a certain time period (example, three months) to confirm they have taken steps to implement the recommendations.
- Write to all councils in NSW to remind them of the procedural and reporting requirements applying to clause 4.6 variations. The letter may advice councils of any new reforms (if finalised) adopted by the Department on varying development standards.

These requirements are listed on page 3 of this report. (See “The 2020 audit – new audits: Audit criteria – procedural and reporting requirements” on page 3).

Results by council: 2020 new audits

Bayside Council

Audit findings – requirements met

The Council met the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Having a written delegations procedure for dealing with clause 4.6 variations. However, the council has an internal process in place, such that when an application is received it goes through a 'clearing house' with a Team Leader. The Team Leader assesses the application, determines if clause 4.6 objection is adequate and the next steps of the application.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis. The last report to a Council meeting was in 2016 prior to amalgamation of former Botany Bay and Rockdale councils as Bayside Council.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.
- Provide a report to a meeting of the council on the variations approved under delegation by staff at least quarterly.
- Submit clause 4.6 quarterly reports on time.

Campbelltown City Council

Audit findings – requirements met

The Council met the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations. However, the Council has a checklist for the delegated officer to complete prior to determination of the application.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.
- Provide a report to a meeting of the council on the variations approved under delegation by staff at least quarterly.
- Submit clause 4.6 quarterly reports on time.

City of Sydney Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations. Council has a checklist for the delegated officer to complete prior to determination of the application. Delegation arrangements are generally effective. However, motorcycle parking and other requirements under the Affordable Rental Housing SEPP for Boarding House developments, cause a significant number of minor variations to be subject to approval by the Local Planning Panel.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. The council submitted one of the four quarterly reports late during the audit period. However, in more recently in 2020-21 the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Provide a report to a meeting of the council on the variations approved under delegation by staff at least quarterly.
- Submit clause 4.6 quarterly reports on time.

Hornsby Shire Council

Audit findings – requirements met

The Council met the following requirements:

- Having a delegations procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.
- Variations approved under delegation by staff are reported quarterly to the Council.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not have any unmet requirements.

Recommendations for council action

No recommendations.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Penrith City Council

Audit findings – requirements met

The Council met the following requirements:

- The council has an electronic system-based delegation procedure for development assessment. This system steps assessment officers through questions and workflows and has policies, procedures and clause 4.6 consideration in-built in the system. While this system provides a procedure for the use of Councils delegations, a procedure manual is still necessary for transparency and ease of reference.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Having a separate online register for all approved variations to development standards under clause 4.6. The council relies on the DA tracker system as a record of clause 4.6 variations.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority. One development application for 14% variation was determined by a council delegate.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Make available the Council's clause 4.6 delegation procedure for transparency and ease of reference.
- Establish and maintain a stand-alone online register of clause 4.6 variations.
- Provide a report to a meeting of the council on the variations approved under delegation by staff at least quarterly.
- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Hills Shire Council

Audit findings – requirements met

The Council met the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations. The council has a delegation register but this is not sufficient to provide clear guidance on assessments.
- Ensuring a satisfactory written request for variation. Some variations though submitted through a written application, had significant differences to what was in the written application and the council documents. Some written applications did not reflect the appropriate variation required.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.
- Ensure that the level of variation proposed in a written application is what is being presented to the determining body. If a variation initially proposed is subject to change, a revised application should be obtained from applicants.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of the quarter.

Willoughby City Council

Audit findings – requirements met

The Council met the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations. However, the council has a number of processes and checklists in place.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.

Wollondilly Shire Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Provide a report to a meeting of the council on the variations approved under delegation by staff at least quarterly.

Woollahra Municipal Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Provide a report to a meeting of the council on the variations approved under delegation by staff at least quarterly.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Albury City Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Armida Regional Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Receiving proposed variations to development standards as written applications and the council assessing that the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of the quarter.

Bega Valley Shire Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Cessnock City Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Maitland City Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Richmond Valley Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Wentworth Shire Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Yass Valley Council

Audit findings – requirements met

The Council met the following requirements:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.

Audit findings – requirements unmet

The Council did not meet the following requirements:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Audit findings and recommendations – follow-up audits

During the 2020 follow-up audits, the auditors reviewed whether the councils had met the specific requirements that were identified in the 2018 Audit Report as outstanding and the councils' general compliance with the procedural and reporting requirements of clause 4.6 and the planning circulars.

The auditors found a general improvement in compliance during the 2020 follow-up audit. However, there were instances where auditors found that some councils that were compliant with a certain audit criteria during the 2018 audit failed to do so during the 2020 follow-up audit. A noticeable finding was with the audit criteria for timely submission of quarterly reports to the Department.

During the 2018 audit, only eight councils (that were later subject to the 2020 follow-up audit) did not submit quarterly reports to the Department on time. However, the 2020 follow up audit found 14 out of the 16 councils that were subject to the audit did not submit quarterly reports on time.

Table 10 shows a summary of the audit findings by audit criteria.

Table 10. Council compliance with audit recommendations – follow-up audits

Audit requirement outstanding from the 2018 audit	Number of non-compliant councils 2018	Number of non-compliant councils 2020
Having adequate internal clause 4.6 delegations in place	5	3
Maintaining an online clause 4.6 register	9	2
Variations of more than 10% or non-numerical standard consistently determined by appropriate authority	9	2
Quarterly reports submitted to the Department within four weeks	8	14*
Assessment report address planning requirements	5	4
Written development standard variation application with adequate information	6	3
Quarterly reporting to Council on variations by Council delegates	4	0

* The only council that was non-compliant in the 2018 audit with timely reporting to the Department but compliant in the 2020 follow-up audit was Tweed Shire Council. Seven of the councils that were non-compliant on timely submissions during 2018 were found to be non-compliant during the 2020 audit as well. Another seven councils that were compliant with timely reporting to the Department during the 2018 audit were non-compliant during the 2020 follow up audit.

Table 11 shows the level of compliance by each council.

Table 11. Audit findings from the follow-up audits

Council	Number of non-compliances 2018	Number and percentage of compliance 2020
Blacktown City Council	3	3 (100%)
Camden Council	2	1 (50%)*
Cumberland City Council	4	4 (100%)
Ku-ring-gai Council	2	2 (100%)
Lane Cove Council	3	3 (100%)
Mosman Municipal Council	2	2 (100%)
Northern Beaches Council	4	4 (100%)
Snowy Valleys Council	3	2 (67%)
Hilltops Council	1	1 (100%)
Kiama Municipal Council	1	1 (100%)
Port Stephens Council	1	1 (100%)
Mid Coast Council	3	2 (100%)
Tweed Shire Council	4	3 (75%)
Ballina Shire Council	3	1 (33%)
Forbes Shire Council	5	4 (75%)*
Dubbo Regional Council	4	3 (75%)

* Council did not submit to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations and next steps

The audit findings and the recommendation for individual councils are discussed in the following section - Results by councils – follow-up audits. The Department will:

- Write to the individual councils to advice of the specific findings for that council along with the recommendations to achieve compliance.
- Follow up with the councils that had unmet requirements after a certain time period (example, three months) to confirm they have taken steps to implement the recommendations.

Results by council: follow-up audits

Blacktown City Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Assessment reports for clause 4.6 variation applications should address whether the variation will be in the public interest due to consistency with the objectives of the standard(s) varied and the zone.
- The internal procedures for clause 4.6 variations should identify changes to a development application prior to determination. This is to ensure correct use of delegation and compliance with the requirements of the relevant planning circular.
- The council should expand its online register of approved variations to include details of the standard proposed to be varied and the extent of the variation as required under the planning circular.

Audit findings

The Council has implemented all the recommendations on unmet requirements from the 2018 audit.

While it was not a recommendation from the previous audit, the auditors found the following requirements were unmet:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Camden Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Variations made by staff under delegation should be reported to Council on a quarterly basis.
- Quarterly reporting to the Department must be submitted within four weeks of the end of each quarter.

Audit findings

The Council has implemented the recommendation on quarterly reporting to Council on variations made under staff delegation.

The council has not met the following requirement of the planning circular.

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter of the audit period, 2018-19. However, in more recent quarters in 2020-21, council submitted quarterly reports within 4 weeks.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Cumberland City Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- The Council should ensure that a written request is submitted by the proponent to support a clause 4.6 variation.
- Assessment reports must consider:
 - whether strict compliance with the development standard(s) would be unreasonable and unnecessary
 - environmental planning grounds to justify varying the standard(s)
 - whether the variation will be in the public interest due to consistency with the objectives of the standards and the zone.
- Variations made by staff under delegation are to be reported to Council on a quarterly basis.
- Quarterly reporting to the Department must be submitted within four weeks of the end of each quarter.

Audit findings

The Council has implemented all the recommendations from the previous audit.

While it was not a recommendation from the previous audit, the auditors found the following requirements were unmet:

- Having a written delegation procedure for dealing with clause 4.6 variations. The council has delegations in place, but these are not adequate.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.
- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

Ku-ring-gai Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Development applications involving variations of development standards greater than 10% are to be determined only by the Local or Sydney Planning Panel.
- Council's internal delegations are to be updated to reference clause 4.6, rather than SEPP1.
- Applications requesting a variation under clause 4.6 must include environmental planning grounds to justify the variation and indicate whether strict compliance with the development standard would be unreasonable or unnecessary.

Audit findings

The Council has implemented all the recommendations on unmet requirements from the 2018 audit. While it was not a recommendation from the previous audit, the auditors found the following requirements were unmet:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter. One report was submitted late.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- Ensure all quarterly reports of variations are submitted to the Department within four weeks of the end of each quarter.

Lane Cove Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- DAs involving variations greater than 10% should be determined by Local Planning Panel or Sydney Planning Panel.
- Quarterly reports to the Department must be submitted in a timely manner.
- Variations made by staff under delegation to be reported to Council on a quarterly basis.

Audit findings

The Council has implemented all the recommendations on unmet requirements from the 2018 audit.

While it was not a recommendation from the previous audit, the auditors found the following requirements were unmet:

- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter. One report was submitted late.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Maintain a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information. This register must include the development application number and description, the property address, the standard to be varied and the extent of the variation.
- Ensure all quarterly reports of variations are submitted to the Department within four weeks of the end of each quarter.

Mosman Municipal Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020.

- A written request must be submitted by the proponent to support a variation under clause 4.6.
- Quarterly reporting to the Department must be submitted within four weeks of the end of each quarter. Where no variation decisions are made for the quarter, a nil return is to be submitted.

Audit findings

The Council has implemented all the recommendations on unmet requirements from the 2018 audit.

While it was not a recommendation from the previous audit, the council has not met the following requirement of the planning circular:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, after the 2018 audit, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Upload all relevant DA documents to the Council website to ensure these are readily accessible by the public. This includes the applicants' request for variations of development standards.
- Ensure all quarterly reports of variations are submitted to the Department within four weeks of the end of each quarter.

Northern Beaches Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Although the online clause 4.6 register appears to be predominantly accurate, care should be taken to ensure that details included on the register accurately reflect details of all applications for variations
- Written applications objecting to the development standard(s) must accompany all variation decisions
- Assessment reports for development applications that include a variation under clause 4.6 are required to address the following matters:
 - whether strict compliance with the development standard(s) would be unreasonable and unnecessary
 - environmental planning grounds to justify varying the standard(s)
 - whether the variation will be in the public interest due to consistency with the objectives of the standard(s) varied and the zone
- Variations of greater than 10% are to be determined only by the Local or Sydney Planning Panel, except as specified in the special delegation to Council. Staff may only approve variations over 10% that are consistent with the special concurrence conditions issued by the Department.

Audit findings

The Council has implemented all the recommendations from the previous audit.

While it was not a recommendation from the previous audit, the council has not met the following requirement of the planning circular:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Ensure all quarterly reports of variations are submitted to the Department within four weeks of the end of each quarter.

Snowy Valleys Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Council's internal delegations manuals should be updated to reference clause 4.6.
- A register of clause 4.6 variations should be established and made available on Council's website
- Should a clause 4.6 variation be approved in future, quarterly reporting to the Department must be submitted within four weeks of the end of each quarter. Where no variation decisions are made for the quarter, a nil return should be submitted.

Audit findings

The Council has implemented the recommendations from the previous audit except for:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of the quarter.

Hilltops Council

Audit findings from the 2018 audit

The auditors found the following unmet requirement during the 2018 audit which resulted in a follow-up audit in 2020:

- A register of clause 4.6 variations should be established and made available on Council's website.

Further, the Council was encouraged to continue its strategic planning in relation to appropriate lot sizes for rural areas given the frequent use of clause 4.6 to enable significant variations to facilitate the erection of a dwelling on an undersized rural lot.

Audit findings

The Council has implemented the recommendation from the previous audit and has in place an online register of clause 4.6 variations.

While it was not a recommendation from the previous audit, the council has not met the following requirement of the planning circular:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of each quarter.

Kiama Municipal Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- DAs involving variations greater than 10% should be determined by the Regional Planning Panel or full Council.
- Council's internal delegations manuals should be updated to reference clause 4.6 rather than SEPP1.

Audit findings

The Council has implemented all the recommendations from the previous audit.

While these are not recommendations from the previous audit, the Council has not met the following requirements of clause 4.6 and the planning circular:

- Ensuring written applications are received for all clause 4.6 variations.
- Undertaking a proper assessment of the suitability of the variations including considering whether strict compliance with the standards is unreasonable or unnecessary, the environmental grounds to justify variations and whether the variation will be in the public interest due to the consistency with the objectives of the standard and the zone.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Ensure all applications for clause 4.6 variations are received in writing.
- Consider suitability of variations by adequately addressing clause 4.6 matters of the Kiama LEP 2011 and any future LEPs of the council.
- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

Port Stephens Council

Audit findings from the 2018 audit

The auditors found the following unmet requirement during the 2018 audit which resulted in a follow-up audit in 2020:

- The Council should comply with the requirements of clause 4.6 and Planning Circular PS20-002 including that variations of greater than 10% are to be determined only by a Regional Planning Panel or full Council.

Audit findings

The Council has implemented all the recommendations from the previous audit and had fulfilled the procedural and reporting requirements of the planning circular.

Recommendations for council action

No specific recommendations for the Council. We encourage the Council to continue to comply with the requirements of clause 4.6 and Planning Circular PS 20-002.

Mid Coast Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Council has not established an online register.
- At least one decision involving a variation of over 10% was made by staff and not the Council as is required by the planning circular.

Audit findings

The Council has implemented all the recommendations from the previous audit.

While it was not a recommendation from the previous audit, the council has not met the following requirement of the planning circular:

- Ensuring the Council assessment should provide consideration as to whether strict compliance with the standard would be unreasonable and unnecessary and whether variation will be in the public interest due to the consistency with the objectives of the standard and the zone.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Consider suitability of variations by adequately addressing clause 4.6 matters of the relevant LEPs for the Council in assessment of variations by the Council.
- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

Tweed Shire Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- All written applications to support a variation under clause 4.6 must specifically address whether strict compliance with the standards would be unreasonable and unnecessary and include environmental planning grounds to justify varying the development standards.
- The Council should update its publicly available online register to include the standard being varied and the extent of the variation for each application.
- Quarterly reporting to the Department must be submitted within four weeks of the end of each quarter.
- Council's assessment reports must accurately identify the variation and the extent of the variation.

Audit findings

The Council has implemented the recommendations from the previous audit except for:

- Ensuring all written applications address whether strict compliance with the standards would be unreasonable and unnecessary and include environmental planning grounds to justify varying the development standards.
- Ensuring the Council assessment should consider whether strict compliance with the standard would be unreasonable and unnecessary.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Ensure all written applications address the clause 4.6 requirements specified in the LEP.
- Consider suitability of variations by adequately addressing clause 4.6 matters of the relevant LEPs for the Council in assessment of variation applications.

Ballina Shire Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- DAs involving variations greater than 10% should be determined by the Regional Planning Panel or the full Council and the Council's relevant instrument of delegation should reflect this so that delegations are correctly implemented.
- The Council should follow internal delegations procedures.
- Quarterly reporting to the Department must be submitted within four weeks of the end of each quarter.

Audit findings

The Council has partially implemented the recommendation regarding variations greater than 10% from the previous audit.

The council has not met the following recommendations from the previous audit and the requirements of the planning circular:

- Having a written delegation procedure for dealing with clause 4.6 variations. Development applications for variations greater than 10% were determined by a Regional Planning Panel or by the Council after seeking and receiving concurrence from the Secretary. However, the council delegations procedure did not mention the appropriate authorities.
- Undertaking a proper assessment of the suitability of the variations including considering whether strict compliance with the standards is unreasonable or unnecessary and the environmental grounds to justify variations.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Prepare and have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations including the appropriate determining authorities for variations greater than 10%.
- Consider suitability of variations by adequately addressing clause 4.6 matters of the Ballina Local Environmental Plan 2012 and any future LEPs of the council.
- Submit clause 4.6 variation quarterly reports to the Department within four weeks of the end of the quarter.

Forbes Shire Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- A register of clause 4.6 variations should be established and made available on the Council's website
- The Council should have in place a written delegation procedure clearly detailing responsibilities of council staff and procedures to follow regarding clause 4.6 variations.
- Quarterly reports of variation decisions (including nil returns) must be submitted to the Department within four weeks of the end of each quarter.
- Ensure quarterly reporting to Council of variations being approved under delegation by Council staff.
- Assessment reports for variations under clause 4.6 should address the following matters:
 - Whether strict compliance with the development standards would be unreasonable and unnecessary.
 - Environmental planning grounds to justify varying the standards
 - Whether the variation will be in the public interest due to consistency with the objectives of the standards varied and the zone.

Audit findings

The Council has implemented the recommendations from the previous audit except for:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

The Council is encouraged to continue its good practices of complying with all procedural and reporting requirements of clause 4.6 and Planning Circular PS 20-002.

Dubbo Regional Council

Audit findings from the 2018 audit

The auditors found the following unmet requirements during the 2018 audit which resulted in a follow-up audit in 2020:

- Applications involving variations of greater than 10% should be determined only by the Regional Planning Panel or full Council.
- Council's internal delegations regarding clause 4.6 should cover all senior staff responsible for approving development applications that include a clause 4.6 variation.
- A register of clause 4.6 variations should be established and made available on Council's website as required under PS18-003.
- All written requests submitted by the applicant to support a variation under clause 4.6 must specifically address the environmental planning grounds to justify varying the development standard(s).

Audit findings

The Council has partially implemented recommendations from the previous audit. The auditors found the Council has not met the following requirement during the 2020 audit:

- Ensuring applications that involve variations of greater than 10% are determined only by the Regional Planning Panel or full Council.

While it was not a recommendation from the previous audit, the council has not met the following requirement of the planning circular:

- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Recommendations for council action

In complying with the requirements of clause 4.6 and Planning Circular PS 20-002, the Council should:

- Ensure applications for variations of greater than 10% are determined by appropriate determining authority.
- Continue to submit clause 4.6 variation quarterly reports on time to the Department.

Appendix 1: Development applications reviewed for 2020 new audits

DA Number	Development Standard(s) varied
Bayside Council	
D2018/1110	Clause 4.3 of Botany Bay LEP 2013 to vary Floor Space Ratio (FSR) by 19%.
2018/11192	Clause 4.4A(3)(d) of Botany Bay LEP 2013 to vary FSR by 44%.
2017/1185	Clause 4.4 of Botany Bay LEP 2013 to vary FSR by 3%.
2018/21	Clause 4.1 of Rockdale LEP 2011 to vary minimum subdivision lot size by 55%.
2018/63	Clause 4.3 of Rockdale LEP 2011 to vary height of building (HOB) by 16%.
2018/1067	Clause 4.4 of Botany Bay LEP to vary FSR by 19%.
2017/517	Clause 4.3 of Rockdale LEP 2011 to vary maximum building height by 18%.
2018/191	Clause 4.1(3B) of Rockdale LEP 2011 to vary minimum lot size by 1%.
2018/1068	Clause 4.3 of Botany Bay LEP 2013 to vary HOB by 17%.
2018/1177	Variation to clause 4.4A of Botany Bay LEP 2013 to vary FSR by 44%.
2017/1085	Variation to clause 4.4A of Botany Bay LEP 2013 to vary FSR by 35%.
2017 /1084	Variation to clause 4.4A of Botany Bay LEP 2013 to vary FSR by 35%.
2018/1144	Variation to clause 4.4A of Botany Bay LEP 2013 to vary FSR by 16%.
2017/611	Variation to clause 4.1 of Rockdale LEP 2011 to vary FSR by 0.4%.
2018/1078	Variation to clause 4.3 of Botany Bay LEP to vary HOB by 17%.
Campbelltown City Council	
2814/2018/DA-SW	Clause 4.1B of Campbelltown LEP 2015 to vary minimum lot size by 4%.
985/2018/DA-DW	Clause 17 Part 31 of State Environmental Planning Policy (State Significant Precincts) 2005 to vary minimum lot size lot by 1%.
4574/2018/DA-82A	Clause 4.4 (2A) of Campbelltown LEP 2015 to vary FSR by 9%.
895/2018/DA-RS	Clause 4.1B (3)(b) of Campbelltown LEP 2015 to vary minimum subdivision lot sizes for dual occupancies by 4%.
3932/2018/DA-RS	Clause 4.4 of Campbelltown LEP 2015 to vary FSR by 5%.

DA Number	Development Standard(s) varied
City of Sydney	
2017/1722	Clause 4.4 and clause 4.3 of the Sydney LEP 2012 to vary the FSR by 9% and maximum of building height by 3%.
2017/1297	Clause 4.3 of the Sydney LEP 2012 variation to the height of buildings by 22% (3.25 m).
2017/1797	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height standard by 10% (from 18m to 19.75m).
2018/802	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height to 15% and to 92% as separate height limits apply to the site.
2018/1097	Clause 4.4 and clause 4.3 of the Sydney LEP 2012 to vary the FSR by 30% and maximum building height by 44%.
2019/40	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height by 14%.
2018/988	Clause 4.3 of the Sydney LEP 2012 to vary the FSR by 6%.
2018/1269	Clause 4.4 of the Sydney LEP 2012 to vary the FSR standard by 24%.
2018/1411	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height by 29%.
2017/564	The Sydney LEP (Green Square Town Centre) 2013 and SEPP 65 (Design Quality of Residential Apartment Developments). Variation of the ceiling height by 11% (SEPP 65) and building heights variation by 21% and 13%.
2018/860	The Sydney LEP 2012 variation of maximum height rear roof extension off the main dwelling by 11%.
2018/474	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height by 9%.
2018/614	Clause 4.3 of the Sydney LEP 2012 to vary the maximum height of buildings by 18% and by 16%.
2018/1346	Clause 4.4 of the Sydney LEP 2012 to vary the FSR by 9%. The existing building FSR exceeds the FSR development standard.
2018/1570	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height by 10%.
2018/941	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height by 51%.
2018/407	Clause 4.4 of Sydney LEP 2012 to vary FSR by 20%.
2018/405	Clause 4.4 of Sydney LEP 2012 to vary FSR by 4%.
2018/479	Clause 4.4(2) of the Sydney LEP 2012 to vary FSR by 16%.
2018/600	Clause 4.3 of the Sydney LEP 2012 to vary the maximum building height by 6%.

DA Number	Development Standard(s) varied
Hornsby Shire Council	
1458/2017	Clause 4.3 of the Hornsby LEP 2013 to vary maximum building height by 5%.
301/2018	Clause 4.3 of the Hornsby LEP 2013 to vary maximum building height by 5%.
1059/2018	Clause 4.3 of the Hornsby LEP 2013 to vary maximum building height by 8%.
1443/2015/B	Clause 4.3 of the Hornsby LEP 2013 to vary maximum building height by 9%.
465/2018	Clause 4.3 of the Hornsby LEP 2013 to vary maximum building height by 4%.
Penrith City Council	
18/1189	Clause 4.3 of Penrith LEP 2010 - to increase the building height from 8.5m to 12.5m.
18/1114	Clause 4.3 of Penrith LEP 2010 to increase the building height from 12m to 13.65m.
18-0890	Clause 4.3 of Penrith LEP 2010 to increase the building height from 18m to 20.19m.
16/1083	Clause 4.3 of Penrith LEP 2010 to increase the building height from 24m to 26.3m and 27.2m and to vary clause 4.4 to increase the floor space ratio from 3:1 to 3:31.
18/0675	Clause 7.15 (3)(c)(iii) of Penrith LEP 2010 to reduce the minimum rear setback from 20m to 16.05m.
17/1341	Clause 4.3 of Penrith LEP 2010 to increase the building height from 18m m to 22.45m and 19.7m.
18/0056	Clause 4.1 of Penrith LEP 2010 to reduce minimum lot size from 1 hectare to 9,095m ² .
18-0860	Clause 4.1A of Penrith LEP 2010 to reduce minimum lot size from 800m ² to 664.5m ² .
18/0488	Clause 4.3 of Penrith LEP 2010 to increase building height from 18m to 21.3m and 20.7m.
The Hills Shire Council	
866/2015/HB	Clause 4.1 A of The Hills LEP 2012 to reduce the minimum site area for residential flat buildings from 4,000 m ² to 2,132 m ² (46.7%).
1667/2016/HB/C	Clause 4.3 of The Hills LEP 2012 to vary height of two buildings from 9m to 9.85m (9.4%) and 16m to 16.75m (4.7%).
606/2019/MD	Clause 4.3 of The Hills LEP 2012 to vary height building from 8m to 8.3m (3.8%).
1937/2017/ZB	Clause 4.1b of The Hills LEP 2012 to reduce the minimum density proposed from 15 lots per hectare to a much lower density. The reduction was required because of a contradicting minimum lot size for the area.
2011/2018/HA	Clause 4.1 A of The Hills LEP 2012 to reduce the minimum lot size for RUT zoned land from 2 hectares to xx (33%).

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DA Number	Development Standard(s) varied
1910/2018/HA	Clause 4.3 of The Hills LEP 2012 to vary maximum building height by 7%.
1343/2019/HA	Clause 4.3 of LEP 2012 to vary maximum building height by 22%.
660/2018/HA	Clause 40 (c) of State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004 to vary the maximum one storey permitted within 25% of the rear of the property by 8.4% (approximately 32m2 of the total 380m2 area).
694/2019/HA	Clause 4.4 of The Hills LEP 2012 to vary maximum floor space by 24%.
46/2018/JP	Clause 4.3 of The Hills LEP 2012 to vary maximum building height by 140%, clause 4.4 to vary FSR by 1% and clause 7.11 to vary residential development yield (unit size and parking spaces) by 1%.
1946/2018/HC	Clause 4.3 of The Hills LEP 2012 to vary maximum building height by 9% and clause 4.4 to vary FSR by 54%.
1249/2018/ZB	Clause 4.1B.3 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to vary residential density by 38%.
274/2019/HA	Clause 4.6: clause 4.3 of The Hills LEP 2012 to vary building height by 8%.
593/2019/HA	Clause 4.3 of The Hills LEP 2012 to vary maximum building height by 8%.
1645/2018/HA	Clause 4.5A of the SEPP Sydney Regional Growth Centres 2006; and within the North Kellyville Local Centre as shown in the North Kellyville Precinct DCP to vary FSR by 4% and gross floor area by 24%.

Willoughby City Council

2018/300	Clause 4.3(2) of Willoughby LEP 2012 to vary maximum building height by 63%.
2018/308	Clause 4.3(2) of Willoughby LEP 2012 to vary maximum height of building by 27% and floor space ratio (FSR) by 24%.
2018/432	Clause 4.3 of Willoughby LEP 2012 to vary maximum building height by 37%.
2018/290	Clause 4.4 of Willoughby LEP 2012 to vary floor space ratio (FSR) by 36%.
2019/63	Clause 4.4A of Willoughby LEP 2012 to vary FSR by 4%.
2017/508	Clause 4.4 of Willoughby LEP 2012 to vary FSR by 3%.
2017/484	Clause 4.3 of Willoughby LEP 2012 to vary height of building by 40%.
2017/346	Clause 4.4(1) of Willoughby LEP 2012 to vary FSR by 7%.
2018/126	Clause 4.4 of Willoughby LEP 2012 to vary FSR by 2% and 13% and minimum subdivision lot sizes 33% (Lot 1) and 38% (Lot 2).

DA Number	Development Standard(s) varied
2017/161	Clause 4.3(2) of Willoughby LEP 2012 to vary building height by 2% and height of building by 19%.
2018/100	Clause 4.3 of Willoughby LEP 2012 to vary building height by 4%.
2018/244	Clause 4.3 of Willoughby LEP 2012 to vary FSR by 36%.
2018/264	Clause 4.4 of Willoughby LEP 2012 to vary FSR by 2%, clause 4.3 to vary building height by 8%.
2018/331	Clause 4.4 of Willoughby LEP 2012 to vary FSR by 36% and clause 4.3 to vary building height by 33%.
2018/311	Clause 4.4 of Willoughby LEP 2012 to vary FSR by 10%.
Wollondilly Shire Council	
10.2018.361.1	Clause 4.1 of Wollondilly LEP 2011 to vary minimum subdivision lot size by 6%.
10.2018.474.1	Clause 4.3 of Wollondilly LEP 2011 to vary building height by 1%.
2017.578.1	Clause 4.3 of Wollondilly LEP 2011 to vary maximum height of building by 9%.
Woollahra Council	
293/2018	Clause 4.1 of Woollahra LEP 2014 to vary minimum subdivision lot size by 5% and clause 4.3 to vary minimum height of building by 6%.
3/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 3%.
135/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 7%.
349/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 1%.
397/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 4%.
465/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 5%.
192/2018	Clause 4.3 of Woollahra LEP 2014 to vary height of building by 8%.
450/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 3%.
529/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 4%.
47/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 6%.
156/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 8%.
329/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 5%.
451/2018	Clause 4.3 of Woollahra LEP 2014 to vary building height by 8%.

DA Number	Development Standard(s) varied
503/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 5%.
406/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 9%.
485/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 9%.
247/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 8%.
351/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 8%.
511/2018	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 3%.
74/2019	Clause 4.3 of Woollahra LEP 2014 to vary maximum building height by 9%.
Albury City Council	
10.2018.36482.1	Clause 4.1 of the Albury LEP 2010 to vary minimum lot size by 2%.
Bega Valley Shire Council	
2018.185	Clause 4.1A of Bega Valley 2013 to vary minimum lot size by 51%.
2018.228	Clause 4.1 of Bega Valley 2013 to vary minimum lot size by 28%.
2019.11	Clause 4.1A of Bega Valley 2013 to vary minimum lot size by 49%.
2019.8	Clause 4.3 of Bega Valley 2013 to vary height of building by 4%.
2018.144	Clause 4.3 of Bega Valley 2013 to vary height of buildings by 8%.
Maitland City Council	
2018/1671	Clause 4.1 of Maitland 2011 to vary minimum lot size by 7%.
Richmond Valley Council	
2018/201	Clause 4.1B of Richmond Valley LEP 2012 to vary minimum lot sizes for dual occupancies by 13%.
2019/0054	Clause 4.1 of Richmond Valley LEP 2012 to vary minimum lot size by 10%.
Wentworth Shire Council	
2018/115	Clause 4.1 of Wentworth LEP 2011 to vary minimum lot size by 72%.
Yass Valley Council	
185084	Clause 4.1 of Yass Valley LEP 2013 to vary minimum lot size by 2%.
173500	Clause 4.1B of Yass Valley LEP 2013 to vary minimum lot sizes by 8%.

DA Number	Development Standard(s) varied
185009	Clause 4.1B of Yass Valley LEP 2013 to vary minimum lot sizes by 7%.
185113	Clause 4.1B of Yass Valley LEP 2013 to vary minimum lot sizes by 2%.
180013	Clause 4.1 of Yass Valley LEP 2013 to vary minimum lot size by 40%.

Appendix 2: Development applications reviewed for follow-up audits

DA Number	Development Standard(s) varied
Blacktown City Council	
18-00649	Clause 4.3 of the Blacktown LEP 2015 to vary maximum building height by 10%.
18-01147	Clause 4.3 of the Blacktown LEP 2015 to vary maximum building height by 5.3%.
Camden Council	
010.2017.00001610.001	Clause 4.1 (3) of the Camden LEP 2010 to vary minimum lot size by 7.6%.
010.2018.00001356.001	Clause 4.1A of the SEPP 2006 to vary minimum lot size by 0.3%.
2020/055	Clause 4.1 of the Camden LEP 2010 to vary minimum lot size by 0.2%.
Cumberland City Council	
16/2018	Clause 6.11 of the Parramatta LEP 2011 to vary minimum lot size by 1.2%.
525/2017	Clause 4.3 of the Auburn LEP 2010 to vary building height by 1.9%.
263/2018	Clause 4.3 of the Auburn LEP 2010 to vary building height by 4%.
Ku-ring-gai Council	
0453/17	Clause 4.3 of Ku-ring-gai LEP 2015 to vary height of building by 10%.
0180/18	Clause 4.3(2) of Ku-ring-gai LEP 2015 to vary height of building by 7%.
Lane Cove Municipal Council	
11/18	Clause 4.3 of the Lane Cove LEP 2009 to vary building height by 3%.
195/18	Clause 4.3 of the Lane Cove LEP 2009 to vary building height by 4%.
123/18	Clause 4.3 of the Lane Cove LEP 2009 to vary building height by 9%.
162/18	Clause 4.3 of the Lane Cove LEP 2009 to vary building height by 14%.
226/18	Clause 4.3 of the Lane Cove LEP 2009 to vary building height by 1%.
Mosman Municipal Council	
008.2020.00000226.00	Clause 4.3 of Mosman LEP 2012 to vary building height by 6%.
008.2020.00000120.001	Clause 4.4 of Mosman LEP 2012 to vary floor space ratio by 10%.
Northern Beaches Council	
2020/0309	Clause 4.3 of Pittwater LEP 2014 to vary the height of buildings by 3.5%.
2020/0318	Clause 4.3 of the Pittwater LEP 2014 to vary height of buildings by 6%.

DA Number	Development Standard(s) varied
Ballina Shire Council	
2018/756	Clause 4.3 of the Ballina LEP 2012 to vary height of building from 8.5m to 12.6m (39.6%).
2019/133	Ballina LEP 1987 to reduce lot size from 40ha to 2.72ha (93.2%). Determination made by council delegate after seeking and receiving concurrence from the Secretary.
Dubbo Regional Council	
2019-568	Clause 4.1 of Dubbo LEP 2011 to vary minimum lot size from 2,000sqm to 1071.4sqm (46%) and 712.5 sqm (64%).
Forbes Shire Council	
2019/91	Clause 4.1 of Forbes LEP 2013 to vary lot size by 31%.
Kiama Municipal Council	
2019.195	Clause 4.4 of Kiama LEP 2011 to vary FSR by 13%.
2019.181	Clause 4.4 of Kiama LEP 2011 to vary FSR by 8.8%.
Mid Coast Council	
455.2019	Clause 4.3 of the Great Lakes LEP 2014 to vary height of buildings by 45%.
89.2020	Clause 4.1 of the Great Lakes LEP 2014 to vary minimum lot size by 8%.
553.2019	Clause 4.3 and clause 4.4 of the Greater Taree Local Environmental Plan 2010 to vary height of buildings by 10% and vary FSR by 10%.
Port Stephens Council	
16-2019-191-1	Clause 4.3 of the Port Stephens LEP 2013 to vary height of building by 6%.
16-2019-194-1	Clause 4.3 of the Port Stephens LEP 2013 to vary height of building by 17%.
16-2019-182-1	Clause 4.3 of the Port Stephens LEP 2013 to vary minimum lot size by 7%.
Tweed Shire Council	
19/0084	Clause 4.3 of Tweed LEP 2014 to vary height of buildings by 6%.
19/0830	Clause 4.3 of Tweed LEP 2014 to vary height of buildings by 20%.
20/0169	Clause 4.3 of Tweed LEP 2014 to vary height of building by 8%.



Mr Craig Swift-McNair
General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

records@woollahra.nsw.gov.au

3 August 2021

Dear Mr Swift-McNair

The 2020 Audit Report on councils' use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan

The Department of Planning, Industry and Environment (the Department) released its 2020 Audit Report on the use of clause 4.6 of the Standard Instrument – Principal Local Environmental Plan. Between November 2020 and March 2021, the Department audited 33 local councils on their compliance with procedural and reporting requirements for clause 4.6 and related planning circulars.

The 2020 Audit report notes that while councils are generally complying with their substantive obligations, there are some non-compliances with the procedural and reporting requirements. The audit recommends providing further guidance to councils to assist them with meeting their obligations.

Proposed changes to clause 4.6 and findings from Operation Dasha

The Independent Commission Against Corruption (ICAC) findings and recommendations from its investigation into the former City of Canterbury Council in Operation Dasha, released in March 2021, also refers to clause 4.6, including how audits should be carried out.

The Department is in the process of implementing a program of reforms related to clause 4.6 that will significantly improve councils ability to meet their current audit obligations by automating many of the reporting requirements, such that the level of non-compliance is expected to be significantly reduced, if not completely removed.

The proposed reforms include a new test for varying development standards, the removal of the concurrence requirements, and a strengthened monitoring and reporting framework using data from the NSW Planning Portal. Consent authorities will also be required to provide reasons for refusal or approval of a variation request and publish the reasons as part of their assessment. A training and education program will also be rolled out to ensure councils understand the requirements of the final system.

Together these changes support the Department's commitment to improving the use of clause 4.6, making sure it is transparent, easy to use, promotes strategic planning and reduces the risk of corruption.

Note the 2020 audit took place before these reforms were announced and, as such, are not reflected in the audit findings. The audit outcomes will however inform the development of increased monitoring and reporting requirements under the reforms.



Audit outcomes for Woollahra Municipal Council

The audit identified that the Council met the following requirements relating to:

- Having a written delegation procedure for dealing with clause 4.6 variations.
- Maintaining a publicly available online register of approved variations to development standards under clause 4.6 that provides adequate information.
- Ensuring all variation decisions of more than 10% or non-numerical standards are made by the appropriate authority.
- Receiving proposed variations to development standards as written applications and assessing whether the applications deal with the planning matters required to be addressed by the relevant instrument.

The audit identified the following unmet requirements:

- Reporting of variations approved under delegation by staff to a meeting of the full Council on a quarterly basis.
- Submitting to the Department quarterly reports of all variation decisions within four weeks of the end of each quarter for the audit period 2018-19. However, in more recent quarters in 2020-21, the Council submitted quarterly reports on time.

Next steps

The Council is required to demonstrate that all procedural and reporting requirements are met with regards to clause 4.6 variations including the outstanding requirements. In response to the audit findings the Council should write to the Department by no later than **30 October 2021**, to notify the steps the Council is taking to address the outstanding audit requirements.

Based on the information provided by the Council, the Department may decide to conduct a further audit of the Council's compliance with clause 4.6 requirements. Please note that future audits will not be limited to the outstanding audit requirements and will cover all audit criteria. We will notify the Council if a future audit will be taking place in due course.

I take this opportunity to thank you and your staff for your cooperation and support during the audit for Woollahra Municipal Council. If you require any further information concerning this matter, please contact Laura Locke, Director, South and Eastern Region, at Laura.Locke@planning.nsw.gov.au or on 02 8275 1307.

Yours sincerely,

Marcus Ray

**Group Deputy Secretary
Planning and Assessment**

Register of Development Standard Variations Approved January 2021 to September 2021										
DA Number	Street No	Street Name	Suburb	Category of development	Environmental Planning Instrument	Zoning	Development Standard to be varied	Extent of Variation	Justification of Variation	Date determined
445/2020	77	Wallaroy RD	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 3.9% Control: 9.5m Proposal: 9.87m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	04-Jan-21
464/2020	152	Paddington ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 10.1% Control: 9.5m Proposal: 10.46m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	15-Jan-21
427/2020	70	Glenmore RD	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 34.6% Control: 9.5m Proposal: 12.79m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	01-Feb-21
471/2020	42	Gipps ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 2.4% Control: 9.5m Proposal: 9.73m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	01-Feb-21
500/2020	Unit 5B - 23	Thornton ST	DARLING POINT	Residential - Other	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 2.7% Control: 13.5m Proposal: 13.87m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	02-Feb-21

504/2020	133	Victoria RD	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 27.89% Control: 9.5m Proposal: 12.15m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	22-Feb-21
275/2020	7- 9	Ocean ST	WOOLLAHRA	Place of Worship	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 41.57% Control: 9.5m Proposal: 13.45m	The subject site benefits from Existing Use Rights. Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	23-Feb-21
272/2020	43	Liverpool ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 1.89% Control: 9.5m Proposal: 9.68m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	12-Mar-21
490/2020	19A	Eastbourne RD	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3A: Secondary Building Height	Variation: 17.5% Control: 4m Proposal: 4.7m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	12-Mar-21
230/2020		Fern PL	WOOLLAHRA	Residential - Other (Subdivision)	WLEP 2014	R3 Medium Density Residential	Clause 4.1: Minimum Subdivision Lot Size	Variation: 86.9%, 83.7% & 77.58% Control: 700m ² Proposal: 608m ² , 583.6m ² & 543.1m ²	Consistent with the lot sizes and subdivision pattern of development in the immediate locality. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with objectives of the standard.	18-Mar-21
301/2020	100	Queen ST	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	B4 Mixed Use	Clause 4.4: Floor Space Ratio	Variation: 21% Control: 1:1 Proposal: 1.21:1	The FSR variation is minor and consistent with that of surrounding development in terms of scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	18-Mar-21

243/2020	384	New South Head RD	DOUBLE BAY	Commercial	WLEP 2014	B2 Local Centre	Clause 4.3: Height of Buildings	Variation: 9.12% Control: 14.7m Proposal: 16.04m	The variation is limited to the mechanical plant room at Roof Level, which will not result in any excessive scale and bulk being presented to the streetscape nor in any adverse impacts on the amenity of adjoining properties. Sufficient environmental planning grounds. Consistent with objectives of the standard.	23-Mar-21
13/2021	23	Heeley ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 1.1% Control: 9.5m Proposal: 9.6m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	23-Mar-21
29/2021	5	Wolseley CRES	POINT PIPER	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 8.9% Control: 9.5m Proposal: 10.35m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	25-Mar-21
57/2021	296	Old South Head RD	WATSONS BAY	Residential - Alterations & alterations	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 2.4% Control: 8.2m Proposal: 8.4m	The variation is limited to an open pergola structure to the upper most terrace level, which will not result in any excessive scale and bulk being presented to the streetscape nor in any adverse impacts on the amenity of adjoining properties. Sufficient environmental planning grounds. Consistent with objectives of the standard.	26-Mar-21
228/2020	768	New South Head RD	ROSE BAY	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 63.2% Control: 9.5m Proposal: 15.5m	The subject site benefits from Existing Use Rights. Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	13-Apr-21
475/2020	35	Suttie RD	BELLEVUE HILL	Residential - Single new dwelling	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 2.5% Control: 9.5m Proposal: 9.74m	The variation is limited to a minor protusion of the roof form, which can be attributed to the sloping topography of the site. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	13-Apr-21

339/2020	9	Hampden AVE	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 33.4% Control: 9.5m Proposal: 12.67m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	14-Apr-21
501/2020	48	Kambala RD	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 9.68% Control: 9.5m Proposal: 10.42m	Pre-existing non-compliance. No change to existing overall building height. The proposed works are minor, and consistent in scale with that of surrounding development. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	14-Apr-21
67/2021	23	Underwood ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 15% Control: 9.5m Proposal: 10.93m	The subject site benefits from Existing Use Rights. Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	20-Apr-21
53/2021	140	Windsor ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 2.1% Control: 9.5m Proposal: 9.7m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	26-Apr-21
317/2020	Units 2 & 3 - 21	Rowe ST	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Variation: 6.2% Control: 0.65:1 Proposal: 0.69:1	The FSR variation is minor and consistent with that of surrounding development in terms of scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	03-May-21
515/2020	201	O'Sullivan RD	BELLEVUE HILL	Residential - New multi unit < 20 dwellings	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 8.8% Control: 9.5m Proposal: 10.34m	The variation is limited to the Lift Overrun only, which will not result in any excessive scale and bulk being presented to the streetscape nor in any adverse impacts on the amenity of adjoining properties. Sufficient environmental planning grounds. Consistent with objectives of the standard.	06-May-21

515/2020	201	O'Sullivan RD	BELLEVUE HILL	Residential - New multi unit < 20 dwellings	WLEP 2014	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Variation: 5.8% Control: 1:1 Proposal: 1.058:1	The FSR variation is minor and consistent with that of surrounding development in terms of scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	06-May-21
91/2021	23	Victoria RD	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 22.3% Control: 9.5m Proposal: 11.62m	Pre-existing non-compliance. The variation is limited to the balustrading to the proposed roof terrace. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	06-May-21
71/2021	14	Small ST	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 7.7% Control: 9.5m Proposal: 10.23m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	14-May-21
135/2021	Unit 4 - 40	Benelong CRES	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Variation: 1.3% Control: 0.75:1 Proposal: 0.76:1	The FSR variation is minor and consistent with that of surrounding development in terms of scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	17-May-21
135/2021	Unit 4 - 40	Benelong CRES	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 34.6% Control: 10.5m Proposal: 14.14m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	17-May-21
222/2020	20	New South Head RD	VAUCLUSE	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 14.7% Control: 9.5m Proposal: 10.9m	Pre-existing non-compliance. No change to existing overall building height. The variation is limited to minor protrusions of the roof form. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	20-May-21

142/2021	21	Thornton ST	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Variation: 64.6% Control: 1.3:1 Proposal: 2.14:1	Pre-existing non-compliance. The additional GFA is 2.4m ² and will not alter the scale and bulk of the existing development nor result in any adverse impacts on the amenity of adjoining properties. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	21-May-21
164/2021	44	Mona RD	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Variation: 28% Control: 1:1 Proposal: 1.28:1	Pre-existing non-compliance. The additional GFA is 27.55m ² and can be attributed to the enclosure of an existing open pergola structure and will not significantly alter the existing overall scale of the development. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	21-May-21
164/2021	44	Mona RD	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 39.3% Control: 10.5m Proposal: 14.63m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	21-May-21
25/2020	41	Carlotta RD	DOUBLE BAY	Residential - New second occupancy	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 8.6% Control: 9.5m Proposal: 10.32m	The variation is limited to a minor protusion of the roof form, which can be attributed to the sloping topography of the site. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	25-May-21
154/2021	190	Queen ST	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 2.3% Control: 9.5m Proposal: 9.72m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	01-Jun-21

177/2020	132	Bellevue RD	BELLEVUE HILL	Residential - New multi unit < 20 dwellings	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 20% Control: 10.5m Proposal: 12.6m	The variation is limited to the Lift Overrun and Privacy Screening and Balustrading to the upper most level unit, which can be attributed to the sloping topography of the site. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	03-Jun-21
278/2020	1	Thornton ST	DARLING POINT	Residential - New multi unit < 20 dwellings	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 17.89% Control: 9.5m Proposal: 11.2m	The subject site benefits from Existing Use Rights. The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	03-Jun-21
120/2021	406	Oxford ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	B4 Mixed Use	Clause 4.4: Floor Space Ratio	Variation: 14% Control: 1:1 Proposal: 1.14:1	The FSR of the development is consistent with that of surrounding development in terms of scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	03-Jun-21
380/2020	30	Carlotta RD	DOUBLE BAY	Dual occupancy - New	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 9.5% Control: 9.5m Proposal: 10.4m	The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	08-Jun-21
398/2020	13	Trelawney ST	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 8.9% Control: 10.5m Proposal: 11.44m	The variation is limited the photovoltaic and sun louvre panels at Roof Level. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	15-Jun-21
181/2021	29	Bunyula RD	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings (9.5m)	Variation: 6.3% Control: 9.5m Proposal: 10.1m	The variation is limited to a minor protusion of the roof form, which can be attributed to the sloping topography of the site. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	01-Jul-21

214/2021	23	Underwood ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 38.9% Control: 9.5m Proposal: 13.2m	The subject site benefits from Existing Use Rights. Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	09-Jul-21
486/2020	27	Sutherland CRES	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clauses 4.3 & 4.3A: Height of Buildings & Secondary Height	Clause 4.3 Variation: 142% Control: 10.5m Proposal: 25.4m Clause 4.3A Variation: 355.3% Control: 3m Proposal: 10.66m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	14-Jul-21
494/2020	115	Victoria RD	BELLEVUE HILL	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 10.5% Control: 9.5m Proposal: 10.5m	The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	15-Jul-21
172/2021	15	Ormond ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 8.4% Control: 9.5m Proposal: 10.3m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	15-Jul-21
539/2020	1	Bell ST	VAUCLUSE	Residential Flat Building - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 48.4% Control: 9.5m Proposal: 14.1m	The subject site benefits from Existing Use Rights. Pre-existing non-compliance, which is increased by a further 0.62m in height. The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	22-Jul-21

321/2020	19 -27	Cross ST	DOUBLE BAY	Mixed	WLEP 2014	B2 Local Centre	Clause 4.3: Height of Buildings	Variation: 46.3% Control: 14.7m Proposal: 21.5m	The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds (as established by recent LEC judgements). Consistent with objectives of the standard.	23-Jul-21
321/2020	19 -27	Cross ST	DOUBLE BAY	Mixed	WLEP 2014	B2 Local Centre	Clause 4.4: Floor Space Ratio	Variation: 39.6% Control: 2.5:1 Proposal: 3.49:1	The FSR of the development is consistent with that of surrounding development in terms of FSR, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds (as established by recent LEC judgements). Consistent with objectives of the standard.	23-Jul-21
17/2021	432	Glenmore RD	EDGECLIFF	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 9.5% Control: 9.5m Proposal: 10.4m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	04-Aug-21
143/2021	2A	Buckhurst AVE	POINT PIPER	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3: Height of Buildings	Variation: 5.7% Control: 9.5m Proposal: 10.04m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	04-Aug-21
169/2021	140	Jersey RD	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 25.4% Control: 9.5m Proposal: 11.91m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	04-Aug-21
519/2020	40-41	Olola AVE	VAUCLUSE	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 7.3% Control: 9.5m Proposal: 10.2m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	10-Aug-21

146/2021	47	Dillon ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 15.4% Control: 9.5m Proposal: 10.96m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	10-Aug-21
158/2021	338	Oxford ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	B4 Mixed Use	Clause 4.3: Height of Buildings	Variation: 56.4% Control: 9.5m Proposal: 14.86m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	11-Aug-21
254/2021	Unit 36 - 105A	Darling Point RD	DARLING POINT	Residential - Other	WLEP 2014	Part B1/R3	Clause 4.3: Height of Buildings	Variation: 55.5% Control: 13.5m Proposal: 21m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	17-Aug-21
255/2021	Unit 42 - 105A	Darling Point RD	DARLING POINT	Residential - Other	WLEP 2014	Part B1/R3	Clause 4.3: Height of Buildings	Variation: 85% Control: 13.5m Proposal: 25m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	17-Aug-21
162/2020	3	Clairvaux RD	VAUCLUSE	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 9.5% Control: 9.5m Proposal: 10.4m	The variation is limited to a minor portion of the roof form, which can be attributed to the sloping topography of the site. The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	19-Aug-21
80/2021	33	Ocean ST	WOOLLAHRA	Mixed Use Development - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.1: Minimum Subdivision Lot Size	Variations: 37.96% & 25.09% Control: 230m ² Proposals: 142.7m ² & 172.3m ²	Pre-existing non-compliance. Consistent with the lot sizes and subdivision pattern of development in the immediate locality. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with objectives of the standard.	19-Aug-21

390/2020	170	Windsor ST	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 28.6% Control: 9.5m Proposal: 12.22m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	31-Aug-21
531/2020	146	Glenmore RD	PADDINGTON	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 7.2% Control: 9.5m Proposal: 10.19m	Pre-existing non-compliance. No change to existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	01-Sep-21
85/2021	10	Spring ST	DOUBLE BAY	Residential - Single new dwelling	WLEP 2014	R3 Medium Density Residential	Clause 4.3A: Secondary Building Height	Variation: 109% Control: 4m Proposal: 8.36m	The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	02-Sep-21
86/2021	10	Spring ST	DOUBLE BAY	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.3A: Secondary Building Height	Variation: 109% Control: 4m Proposal: 8.36m	The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality (built form/context, streetscape presentation). Sufficient environmental planning grounds. Consistent with objectives of the standard.	02-Sep-21
196/2021	189	Edgecliff RD	WOOLLAHRA	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.1A(2): Minimum Lot Sizes for a Dual Occupancies	Variation: 58.6% Control: 460m ² Proposal: 269.32m ²	Pre-existing non-compliance. Consistent with the lot sizes and subdivision pattern of development in the immediate locality. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with objectives of the standard.	02-Sep-21
292/2021	Unit 1 - 81	Darling Point RD	DARLING POINT	Residential - Alterations & additions	WLEP 2014	R3 Medium Density Residential	Clause 4.4: Floor Space Ratio	Variation: 2.4% Control: 1.3:1 Proposal: 1.33:1	Pre-existing non-compliance. The additional GFA is 25.4m ² and is confined to the ground floor level and will not significantly alter the existing overall scale of the development. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with objectives of the standard.	09-Sep-21

465/2020	152	Hopetoun AVE	VAUCLUSE	Residential - Alterations & additions	WLEP 2014	R2 Low Density Residential	Clause 4.3: Height of Buildings	Variation: 9.7% Control: 9.5m Proposal: 10.43m	Pre-existing non-compliance. No change to existing overall building height. The variation is limited to the substitution of the pitched roof form with a roof terrace. The height of the development is consistent with that of surrounding development in terms of height, scale, built form and context. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with objectives of the standard.	22-Sep-21
331/2021	60	Drumalbyn RD	BELLEVUE HILL	Residential Flat Building - Alterations	WLEP 2014	R3 Medium Density Residential	Clause 4.3 & 4.3A: Height of Buildings & Exceptions to Building Heights (Area A-H)	Variations: 32% & 5.6% Control: 16.5m & 7.5m Proposals: 21.86m & 7.92m	Pre-existing non-compliance. No change to the existing overall building height. No unreasonable impacts on the amenity of adjoining properties or locality. Sufficient environmental planning grounds. Consistent with objectives of the standard.	24-Sep-21

Item No: R6 Recommendation to Council
Subject: **HERITAGE GAP ANALYSIS**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/70530
Reason for Report: To respond to a Council Notice of Motion dated 9 December 2019
To recommend that Council receives and notes the Draft Woollahra Heritage Gap Analysis, and endorses the proposed Action Plan.

Recommendation:

THAT Council receives and notes the *Draft Woollahra Heritage Gap Analysis* as contained in **Annexure 1** of the report to the Environmental Planning Committee 11 October 2021 and endorses the proposed Action Plan contained in part seven of the Gap Analysis.

Background:

This report has been initiated in response to Council's Notice of Motion (NOM) dated 9 December 2019:

THAT Council immediately undertakes a Heritage GAP analysis to:

- *Review and analyse existing heritage items and architectural typologies to identify gaps in Schedule 5 of our Woollahra Heritage LEP;*
- *Develop a strategy for new heritage listings;*
- *Identify priorities and items or areas at risk; and*
- *Develop an action plan to address the gaps.*

A Heritage Gap analysis seeks to identify gaps in heritage conservation listings and practices and identifies opportunities for improvement in Council's planning instruments and heritage management policies. It also aims to provide best practice heritage management within the NSW legislative framework on a proactive rather than reactive approach.

There is currently no overarching strategy determining which priority heritage studies/projects are to be progressed in Woollahra, other than responses to NOMs. These NOMs are often suggested on a reactive basis, and are influenced by residential building sales and recent development applications.

The purpose of presenting the Draft Heritage Gap Analysis is to seek support from the Council on our recommended approach, to provide a coordinated and proactive approach to heritage conservation in Woollahra, and fill the gaps in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

The *Draft Woollahra Heritage Gap Analysis* and accompanying Action Plan will inform future heritage studies that will fill the gaps identified in the current listings and management practices. Implementation of the Action Plan will continue to position Woollahra Council as a leader in heritage management at the local government level.

Heritage protection and management:

The Woollahra local government area (LGA) has a rich and diverse history that is represented in Victorian, Federation, Inter-War and post-1950 buildings, precincts and streetscapes. This environmental heritage has local, state and in some instances a nationally recognised level of heritage significance.

Environmental heritage under the *NSW Heritage Act, 1977* ‘means those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance’.

According to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), heritage significance ‘means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value’.

Schedule 5 Environmental Heritage (Schedule 5) of the Woollahra LEP 2014 represents Woollahra’s statutory list of environmental heritage, being heritage items, heritage conservation areas (HCAs) and archaeological items. All items in Schedule 5 have been listed based on the recommendations of a heritage study or a site-specific heritage assessment consistent with the NSW heritage guidelines. Heritage items and places are shown on the heritage maps that accompany the Woollahra LEP 2014.

Schedule 5 is the result of over 40 years of strategic planning work undertaken collaboratively by Council staff, heritage specialists, Councillors, volunteers and other interested parties to research, identify and protect Woollahra’s heritage.

The three main HCAs of Paddington, Woollahra and Watsons Bay are the result of years of proactive and collaborative work undertaken by local not-for-profit organisations such as the Paddington Society, the Woollahra History & Heritage, but also state-wide conservation organisations such as the National Trust of Australia (NSW).

One of the key results of this collaboration and proactive work are the heritage chapters of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) that are now among the most detailed and informative guidelines offered to HCAs in the state of NSW.

The protection of Woollahra’s HCAs is afforded by Clause 5.10 Heritage Conservation of the Woollahra LEP 2014 and the guidelines offered by the Woollahra Development Control Plan 2015 (the Woollahra DCP 2015). Both documents are primary matters for consideration of development applications under Clause 4.15 of the Environmental Planning & Assessment Act 1979.

Recent progress in heritage conservation

The heritage work program is identified in the Delivery Program and Operational Plan. Much has been achieved and progressed in the last 12 months, and we have made significant inroads into the backlog of outstanding heritage projects. At the time of preparing this report, the heritage projects substantially progressed over the last 12 months are listed below:

Heritage Assessments

- Finalisation of the heritage listing of 30 Wyuna Road, Point Piper.
- Finalisation of the heritage listing of Cooper Park, Bellevue Hill.
- Finalisation of the heritage listing of the Rose Bay Sewage Pumping Station.
- Finalisation of the heritage listing of seven pubs in Paddington (see **Figure 1**).

- Finalisation of the heritage listing of the Rose Bay Scout Hall, Rose Bay.
- Finalisation of the heritage listing for the George S. Grimley Pavilion and the Sydney Croquet Club, Rose Bay.
- Finalisation of the heritage listing for Trelawney Court, Woollahra.
- Heritage assessment and recommendation to list Sunny Brae, Vaucluse as a heritage item.
- Heritage assessment and recommendation to list Hillcrest in Rose Bay as a heritage item.
- Heritage assessment and recommendation to list the Cadry's building (Edgecliff) as a heritage item.
- Heritage assessment and recommendation to list two bungalows in Bellevue Hill as heritage items.



***Figure 1: Paddington Hotels now gazetted as heritage items,
with accompanying enhanced controls in the Woollahra DCP 2015***

DCP Amendments

- Adoption and implementation of controls to enhance the provisions relating to courtyard housing in the Paddington HCA.
- Adoption and implementation of controls to enhance the provisions relating to pubs in the Paddington HCA.
- Adoption and implementation of controls to enhance the provisions relating to Inter-War flat buildings in the Woollahra LGA and timber buildings in Paddington and Watsons Bay.
- Adoption and implementation of controls to enhance the provisions relating to multi-storey development in the Paddington HCA.
- Exhibition of draft amendments to enhance the provisions of the Neighbourhood HCAs.

Other projects

- Adoption of the Woollahra Aboriginal Heritage Study (see **Figure 2** below which illustrates the land survey used to find Aboriginal sites and identify areas where they may be present)



Figure 2: Land survey with La Perouse LALC heritage officers, Consultant Team and Council staff

Outstanding heritage conservation projects

Despite the progress that has been made over the last 12 months, there are a number of outstanding heritage studies of various complexity which date back to 2008 (the majority of which were initiated by NOMs). These projects are yet to be finalised, and in some cases are yet to be commenced. At the time of preparing this report, these projects are as follows¹:

- Leslie Wilkinson Heritage Study (2008)
- Inter-War Flat Buildings Heritage Study (2011)
- Arts and Crafts Buildings Heritage Study (2011, 2019)
- Places of Worship Heritage Study (2019)
- Significant architects heritage study (2019)
- Rose Bay Public School Old School Hall and McAuley Catholic School and Outbuildings Heritage Assessments (2019)
- Bay and Knox Street, Double Bay heritage assessments (2021)
- 543-549 Glenmore Road, Edgecliff (2021)
- 58 – 88-90 Oxford Street Woollahra (2021)

¹ The Draft Woollahra Heritage Gap Analysis provides an indicative timescale to finalise these projects based on their level of priority.

Draft Woollahra Heritage Gap

Whilst staff in the Strategic Planning Team are progressing with these outstanding projects (as resources permit), there is no overarching policy driving future priorities and what projects should be included in a proactive heritage program. Accordingly, staff have prepared the *Draft Woollahra Heritage Gap Analysis* (see **Annexure 1**).

The *Draft Woollahra Heritage Gap Analysis* analyses our history, the heritage studies that have been previously completed, the current situation/what is currently listed and what proactive solutions we could take in the future. Whilst numerous heritage studies have been completed, heritage is an evolving concept, and there is always more that can be done.

Draft Woollahra Heritage Gap: Analysis

In preparing the *Draft Woollahra Heritage Gap Analysis*, Council staff undertook a detailed analysis of the existing heritage listed properties and areas in Schedule 5 of the Woollahra LEP 2014.

At the time of preparing this report, there are over 700 heritage items identified in Schedule 5 of the Woollahra LEP 2014, 15 HCAs and six archaeological items. Accordingly, almost 50% of the Woollahra LGA area is offered some sort of statutory heritage protection.

The heritage analysis considered environmental heritage under the following topics:

- Composition (Item types and groups)
- Eras of development
- Architectural styles
- Architects representation
- Levels of significance

The following gaps were identified:

- Some items are under-represented given Woollahra's history, including:
 - Transport – Water,
 - Archaeological - Maritime,
 - Commercial, manufacturing and processing
 - Recreation and Entertainment/Parks & Gardens,
 - Community Facilities, and
 - Parks and Gardens.
- There is scope to research the work of prominent architects in Woollahra, based on the constant digitisation of Council's Building Index and Minutes.
- Post-War and Late 20th century architectural styles appears under-represented, which translates in a gap of styles from these eras of development.
- Levels of significance of early listings are not consistent with current practice establishing the local, State and National levels of significance.

The Draft Heritage Gap Analysis aims to complement the future heritage work program with a proactive and practical Action Plan containing priorities and timeframes (ongoing, short, medium and long term). New heritage studies are recommended which will 'fill the gaps' in our current heritage schedule.

Draft Woollahra Heritage Gap Analysis – Our Heritage Strategy:

This *Draft Woollahra Heritage Gap Analysis* proposes a strategy to provide a proactive approach to fill the gaps in the current listings and management practices. However, the Strategic Planning Team have ongoing obligations to progress development applications, planning proposals and provide advice to Council teams on a day to day basis which has impacts on the progress of outstanding heritage conservation projects.

Our Heritage Strategy needs to take into account existing statutory timeframes for planning proposals and development application assessments, as well as projects outstanding projects and commencing new ones.

Our Heritage Strategy is based on four overarching goals:

Goal 1: Finalise current heritage projects

- a. Finalise current heritage studies and assessments
- b. Undertake all Council's heritage resolutions

Goal 2: Manage Woollahra's Heritage

- a. Maintain a robust DCP
- b. Continue assisting with DA assessment and court appeals.
- c. Continue updating the Heritage Inventory Sheets
- d. Consolidate Schedule 5

Goal 3: Celebrate Woollahra's Heritage

- a. Celebrate Heritage through Exhibitions and Events
- b. Maintain Heritage's online presence
- c. Promote Heritage Interpretation

Goal 4: Fill the gaps in Schedule 5 (new Heritage Studies)

- a. Undertake new heritage studies
- b. Remain vigilant on development threats
- c. Review other/previous heritage listings and assessments

Draft Woollahra Heritage Gap Analysis – Action Plan:

By progressing the *Draft Woollahra Heritage Gap Analysis*, Council resolves to have a proactive approach to heritage conservation, based on a planned series of heritage studies and assessments in line with the NSW Heritage guidelines and in line with best heritage practice. It will allow for a coordinated work program and timely provision of resources planning over the following 10 years. The Action Plan is contained in part seven of the *Draft Woollahra Heritage Gap Analysis*.

The **high** priority projects that should be completed over the next four years are the finalisation of all outstanding heritage projects and the finalisation of all heritage related NOMs and Council resolutions. This includes the finalisation of all projects listed above.

However, the completion of these high priority projects needs to occur concurrently with other **ongoing** projects that must be completed on a statutory basis. This includes the provision of heritage specialist advice for DAs and appeals in the NSW Land and Environment Court, review of threats to unlisted heritage and the review and update of internal policies and documentation.

The **medium** priorities over the next five to eight years are the inception of new heritage studies and new DCP Amendments as listed in the Action Plan. This Action Plan has been crafted based on feedback from various Council staff and Councillors. The new heritage studies the Council staff are recommending are the following:

1. LGA wide review

- Cultural landscapes (including parks, gardens, reserves, beaches, etc.)
- Items listed on other statutory and non-statutory heritage registers
- Commercial, community and recreational buildings
- Water-land interface buildings and maritime archaeology
- Items providing evidence of the area's historic development
- Items associated with local personalities (including women)
- Review and assess heritage items nominated in previous heritage studies

2. Modernism heritage study

- Buildings and landscapes showing the influence of Modernism

The focus of these two projects will be on specific suburbs priorities, subject but not limited to their development pressure, including:

- Vaucluse
- Bellevue Hill
- Rose Bay
- Double Bay

Low priority actions includes more administrative tasks such as:

- Undertake a review of Schedule 5 to identify items that could be combined in a single listing, including cultural landscapes and built heritage
- Review item type of each item of environmental heritage
- Verify levels of significance of listed environmental heritage

Council staff recommend that the Strategy, and in particular the Action Plan, be reviewed on a periodic basis.

Draft Woollahra Heritage Gap Analysis – Resource Implications

Undertaking all the heritage studies identified in the Heritage Gap Analysis would have a significant impact on Council's resources in terms of staff and budget. In order to reduce the impact on Council's budget, it is recommended that internal staff resources are used. However, this will increase the timing and duration of the completion of these projects. Alternatively, should Council wish to expedite these projects, external heritage consultants could be used, but this will come with significant financial implications.

The *Draft Woollahra Heritage Gap Analysis* recommends a programme to finalise or progress all the **high** priority projects, ie. outstanding heritage conservation projects. As these projects are finalised over the next four years, we will initiate the new heritage studies identified as **medium** priorities.

Conclusion


There is currently no overarching strategy determining which priority heritage studies should be progressed in the Woollahra LGA. Mostly, the heritage work program is driven by NOMs which are often responding to advertisements or development applications.

A coordinated approach to our heritage program and the identification of priorities and a timeframe to undertake these projects is essential to establish an effective and efficient heritage work program for strategic planning.

The *Draft Woollahra Heritage Gap Analysis* has provided a detailed analysis of our current heritage listings, gaps and opportunities for improvement. It has also recommended a heritage strategy and heritage action plan which can be progressed as resources allow.

Council staff recommends that Council receives and notes the *Draft Woollahra Heritage Gap Analysis*, and endorses the proposed Action Plan at part seven.

Annexures

1. Heritage Gap Analysis report - October 2021 [↓](#) 



Heritage Gap Analysis



Version Date:	October 2021
Division/Department:	Strategic Planning – Planning and Place
Responsible Officer:	Flavia Scardamaglia – Strategic Heritage Officer
HPE CM Record Number:	21/192343

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1. Introduction

1.1 Heritage Conservation in the Woollahra LGA

The Woollahra local government area (LGA) has a rich and diverse history that is represented in Victorian, Federation, Inter-War and post-1950 buildings, precincts and streetscapes. This environmental heritage has local, state and in some instances a nationally recognised level of heritage significance.

Environmental heritage under the *NSW Heritage Act, 1977* 'means those places, buildings, works, relics, moveable objects, and precincts, of State or local heritage significance'.

According to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), heritage significance 'means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value'.

Schedule 5 Environmental Heritage (Schedule 5) of the Woollahra LEP 2014 represents Woollahra's statutory list of environmental heritage, being heritage items, heritage conservation areas (HCAs) and archaeological items. All items in Schedule 5 have been listed based on the recommendations of a heritage study or a site-specific heritage assessment consistent with the NSW heritage guidelines. Heritage items and places are shown on the heritage maps that accompany the Woollahra LEP 2014.

Schedule 5 is the result of over 40 years of strategic planning work undertaken collaboratively by Council staff, heritage specialists, Councillors, volunteers and other interested parties to research, identify and protect Woollahra's heritage.

The three main heritage conservation areas of Paddington, Woollahra and Watsons Bay are the result of years of proactive and collaborative work undertaken by local not-for-profit organisations such as the Paddington Society, the Woollahra History & Heritage, but also state-wide conservation organisations such as the National Trust of Australia (NSW).

One of the key results of this collaboration and proactive work are the heritage chapters of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) that are now among the most detailed and informative guidelines offered to heritage conservation areas in the state of NSW.

There are over 700 heritage items identified in Schedule 5 of the Woollahra LEP 2014, 15 heritage conservation areas and 6 archaeological items. Accordingly, almost 50% of the Woollahra LGA area is offered some sort of statutory heritage protection.

1.2 Heritage Gap Analysis

A Heritage Gap analysis seeks to identify gaps in Schedule 5 and identify opportunities for improvement in Council's planning instruments and heritage management policies. It also aims to advise on best practice heritage management within the NSW legislative framework on a proactive rather than reactive approach to heritage conservation.

This report was initiated in response to a Council's Notice of Motion dated 9 December 2019:

THAT Council immediately undertakes a Heritage GAP analysis to:

- *Review and analyse existing heritage items and architectural typologies to identify gaps in Schedule 5 of our Woollahra Heritage LEP;*
- *Develop a strategy for new heritage listings;*
- *Identify priorities and items or areas at risk; and*
- *Develop an action plan to address the gaps.*

The Gap Analysis and Action Plan will inform future heritage studies that will fill the gaps identified in the current listings and management practices. Implementation of the Action Plan will continue to position Woollahra Council as a leader in heritage management at local government level.

1.3 Woollahra's Planning Controls

The Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) is a legal document which regulates land use and development in the Woollahra LGA and has been prepared under the EP&A Act.

Among the objectives of Clause 5.10 of the Woollahra LEP 2014 are:

- (a) *to conserve the environmental heritage of Woollahra,*
- (b) *to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) *to conserve archaeological sites, and*
- (d) *to conserve Aboriginal objects and Aboriginal places of heritage significance.*

The protection of Woollahra's heritage conservation areas is afforded by Clause 5.10 Heritage Conservation of the Woollahra LEP 2014 and the guidelines offered by the *Woollahra Development Control Plan 2015* (the Woollahra DCP 2015).

The Woollahra DCP 2015 strives to achieve best heritage practice and is constantly updated and reviewed by Council.



Figure 1: View of Watsons Bay and Green (Laing) Point (Source: Photoshelter)

2. How did we get here?

This section of the report investigates the evolution of Schedule 5 through a series of heritage studies and assessments undertaken since 1984, the year the first Woollahra Heritage Study was undertaken.

2.1 Statutory Heritage Listing

The process of heritage listing today is based on the level of significance of an item and the type of legislation under which it is proposed to list it. The Heritage Council of NSW recognizes four levels of significance for heritage in NSW. Levels of significance indicate the context in which a heritage place is important – within the local area, state-wide, Australia-wide or worldwide. ‘Local’, ‘state’, ‘national’ and ‘world’ significance is not about ranking, it’s about context.¹

The local and state level of an item is determined by using the Heritage Council criteria to assess its significance, as set out in the 2001 Heritage Office guideline *Assessing Heritage Significance*.

Level of Significance	Legislation	Heritage Register
Local	<i>Local Environmental Plan</i>	Schedule 5
<u>Threshold</u>	An item needs to satisfy one of seven NSW heritage criteria to meet the threshold at local level.	
State	<i>Heritage Act, 1977 (NSW)</i>	State Heritage Register
<u>Threshold</u>	An item needs to satisfy one of seven NSW heritage criteria to meet the threshold at State level.	
National	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>	National Heritage List
<u>Threshold</u>	Outstanding heritage value to the Nation by meeting one or more of the National heritage significance criteria.	
World	<i>Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)</i>	World Heritage List
<u>Threshold</u>	Outstanding universal value by meeting at least one of ten selection criteria.	

Table 1: levels of heritage significance associated with relevant legislation and heritage registers

The majority of heritage items in NSW are local heritage items, which are managed by local governments through environmental planning instruments such as the Woollahra LEP 2014.

¹ Heritage Council of NSW, *Levels of heritage significance* guideline, 2008, available at <https://www.heritage.nsw.gov.au/assets/Uploads/a-z-publications/j-l/levels-of-heritage-significance-2008.pdf>, viewed November 2020.

A small number of items are of State heritage significance, followed by a small number of National heritage items and World heritage items. A heritage place may have one or more levels of significance.

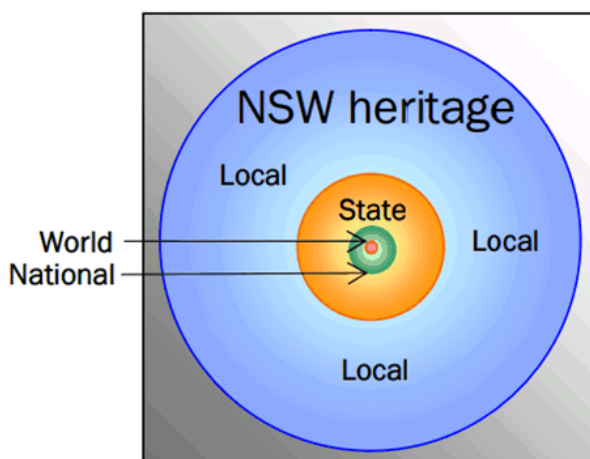


Figure 2: Diagram explaining levels of significance in Australia

2.1.1 Aboriginal Heritage

Aboriginal heritage supplements the categorisation at 2.1 by listing Aboriginal objects and Declared Aboriginal Places protected under the *National Parks & Wildlife Act 1974* (NP&W Act 1974).² Aboriginal heritage can be of local, State, National and World level of significance and is managed concurrently with additional legislation as per Table 1.

The NPW Act has, among its objects, the 'conservation of places, objects and features of significance to Aboriginal people'.

Aboriginal cultural heritage consists of 'places, traditions, beliefs, customs, values and objects that represent the living history of past Aboriginal generations and are of important cultural and heritage significance to Aboriginal people'.³

The relevant register for Aboriginal heritage is the Aboriginal Heritage Management System (AHIMS), which is managed by Heritage NSW. Differing from usual heritage conservation practices, everyone is obliged to record a site with AHIMS when it is discovered, and there is no need to go through a nomination or a planning proposal process.

² Aboriginal Objects mean Aboriginal campsites in rockshelters and in the open, painted and engraved art, places of burial and also artefacts of stone, bone or shell that were used by Aboriginal people in the past. Declared Aboriginal Places are places of special significance for Aboriginal culture in New South Wales that have been gazetted under the NP&W Act.

³ Heritage NSW, Aboriginal Cultural Heritage definition, available at <https://www.heritage.nsw.gov.au/about-our-heritage/aboriginal-cultural-heritage>.

2.2 Key Woollahra Heritage Studies

The earliest 'heritage studies' in the Woollahra LGA were the Paddington field surveys carried out by volunteer residents, historians and architects led by the Paddington Society in 1969 and the National Trust in 1982. Many of the National Trust classification cards produced inventory sheets with photographic surveys which can now be found at the Woollahra Libraries Local History Centre.

In October 1980 Council resolved to submit a grant application to the Heritage Council of NSW under the *National Estate Program 1980/1981*.⁴ The resolution aimed to obtain a grant to undertake a study of housing in the already existing conservation zones of Paddington and West Woollahra, convert typed listings into a comprehensive computerised property data base system and undertake a study of the tourist utilisation of the principal historical buildings and places in the Municipality.



Figure 3: detail of a heritage item in Watsons Bay (Source: Photoshelter)

The following table lists the major heritage studies occurred since 1984.

Heritage Studies	Notes
Woollahra Heritage Study (1984)	<p>This was the first heritage study undertaken by heritage consultants in Woollahra. It encompassed the whole of the Municipality and the consultant team were led by Hughes Truman Ludlow.</p> <p>The study produced 800-900 indicative sites for listing. Of the 347 nominated items, 264 were endorsed for listing. Of note is that not only buildings but also streetscapes and open spaces were included.⁵</p>

⁴ Council Minutes, 27 October 1980 (597.G) (9) a to c, page 1093

⁵ Urban Planning Committee, 20 December 1999 (R1)

Heritage Studies	Notes
Register of Significant Trees (1991)	<p>The 1991 Register of Significant Trees (RST) undertaken by LandArc consultants is a Council-wide comprehensive review of trees identified for their historic, botanic and visual dominance.⁶</p> <p>For the most part, the trees within the RST are reflected in the list of Environmental Heritage Items of the Woollahra LEP 2014. There has been no new nomination or addition to the register since the development of the original RST document in 1991.</p>
Preliminary Heritage Investigations for the Residential 2(B) Areas of Bellevue Hill, Darling Point and Rose Bay (1997-98, Tanner Study)	<p>In 1997, Council engaged a team of heritage consultants led by Tanner and Associates in collaboration with Hassell to undertake a heritage study aiming to identify items or areas of environmental heritage in areas zoned 2(B) in Bellevue Hill, Darling Point and Rose Bay localities.</p> <p>The study provided a preliminary descriptive survey of buildings and landscape elements on a preliminary inventory sheets, with a "star" ranking for 'definite' (potential heritage items), 'possible' heritage significance (to be reviewed over time by council's heritage officer) and 'inspection required' sites prior to assessment of heritage significance.</p> <p>While nominating approximately 200 items, only 50 items were subsequently listed and added to the Schedule 3 of the Woollahra LEP 1995.⁷ The major legacy of this project was the creation of a list of preliminary assessments to be reviewed during the assessment of development applications by Council's Heritage Officers.</p>
Thematic Histories (2002)	<p>The objectives of this heritage study was to supplement the preliminary thematic histories contained in the initial 1984 study and progress through the following phases:</p> <ul style="list-style-type: none"> ▪ Phase 1: Prepare thematic histories for Woollahra/West Woollahra, Bellevue Hill, Darling Point, Double Bay, Rose Bay and Vacluse. ▪ Phase 2: Identify potential heritage items ▪ Phase 3: Mapping of historic settlement on Council's land information system <p>Following Council's endorsement of Phase 1 (thematic histories), phase 2 and phase 3 'have never been implemented.</p> <p>The major legacy of this work was the delivery of detailed and comprehensive histories of Woollahra's suburbs that are still today some of the most useful historic references for the area.</p>
Contemporary Buildings Study (2006)	<p>The Contemporary Heritage Items Project was undertaken by Clive Lucas, Stapleton & Partners a proactive step to address the imbalance in the representation of significant examples of modern and contemporary</p>

⁶ Urban Planning Committee, 20 December 1999 (R1)

⁷ Urban Planning Committee, 20 October 2003

Heritage Studies	Notes
	<p>Australian architecture in Woollahra LEP 1995 Schedule 3 - heritage items.⁸</p> <p>The study recommended the heritage listing of 18 nominated items, with only 10 items receiving Council endorsement.⁹</p>
Woollahra Aboriginal heritage study (2021)	Undertaken by Coast History & Heritage, the main objectives of this study were to research Aboriginal cultural heritage and provide Council with a strategy for managing registered sites and areas with Aboriginal cultural heritage sensitivity.

Table 2: Key heritage studies undertaken between 1984 and 2006



Figure 4: Cover of Thematic Histories (Source: Woollahra Council)

⁸ Urban Planning Committee, 30 January 1996

⁹ Urban Planning Committee, 13 November 2006, 27 November 2006, 18 December 2006

2.3 Other Heritage Studies

In addition to the key heritage studies listed in 2.2, other heritage studies have been developed through the years.

Between 1996 and 2003, 11 heritage studies were funded by Council to identify HCAs and provide them with specific provisions in the Woollahra DCP 2015.

Development threats and orders under the Heritage Act 1977 prompted site specific heritage assessments and amendments of the Woollahra LEP 1995 or site-specific controls in the Woollahra DCP.

Other heritage studies affecting the Woollahra area have also been prepared by public authorities, other local government authorities or not-for-profit organisations in conjunction with or independently from Woollahra Council. These are:

- 1983 Bondi Junction, Watsons Bay and West Woollahra Conservation Study (Perimal, Wrathall & Murphy)
- 1987 Bondi Junction Heritage Study (Annette Green)
- 1988 Signs Underfoot Heritage Study (Woollahra History & Heritage Society)
- 1991 Sydney Harbour Foreshore Heritage Study (Godden Mackay)



Figure 5: view of Cliff Street in Watsons Bay (Source: Photoshelter)

3. Where are we currently?

3.1 Current Heritage Studies

At the time of writing this report, the following heritage studies are being progressed and are yet to be finalised.

Heritage Study	Summary
Places of Worship Heritage Study	A study of Woollahra's places of worship is being undertaken as a result of a Council NOM dated 8 April 2019. The study includes an assessment of significance of nine places of worship that are not heritage listed.
Rose Bay Public School Old School Hall and McAuley Catholic School and Outbuildings Heritage Assessments.	<p>A heritage study on the Rose Bay Public School Old School Hall and McAuley Catholic School and Outbuildings (formerly Christian Brothers College Rose Bay) is currently being undertaken by Council staff as a result of a Council NOM dated 8 April 2019.</p> <p>The study will investigate the potential heritage significance of these educational buildings in order to identify items of heritage significance.</p>
Leslie Wilkinson Heritage Study	<p>The Woollahra Municipality has the largest collection of residential buildings designed by Leslie Wilkinson in Australia. This project initially started in 2008, with a progress report being presented to the EPC on 10 November 2014. On 24 November 2014, Council resolved:</p> <p><i>That Council defer the Study until Council Staff have the capacity to prioritise the Study.</i></p>
Inter-War Residential Flat Buildings study, Bungalows study and Arts and Crafts heritage study.	<p>A methodology for undertaking the study was endorsed by Council on 12 March 2012.¹⁰ A progress report was provided to the Urban Planning Committee (UPC) on 12 June 2012. In August 2014, this project was divided into different studies for the following three building typologies:</p> <ul style="list-style-type: none"> • Inter-War Bungalows (comprising but not limited to Californian Bungalows); • Arts and Crafts Buildings (comprising both Inter-War and Federation Bungalows) • Inter-War Residential Flat Buildings. <p>A report on Inter-War Bungalows was submitted to UPC on 22 June 2015, with inventory sheets for each property. On 22 June 2015 Council resolved:</p> <p><i>THAT Council takes no further action in relation to the listing of Inter-war Bungalows as local heritage items.</i></p> <p>In November 2019, a new NOM effectively restarted this heritage study, which was presented to the EPC and Council in September 2021.</p>

¹⁰ Council Minutes, 28 March 2011.

Heritage Study	Summary
	<p>It is understood that the fieldwork and analysis of the Inter-War Residential Flat Buildings heritage study has been finalised, with a considerable number of residential flat buildings proposed to proceed with heritage listing either individually or as part of heritage conservation areas.</p> <p>Heritage inventory sheets however still need to be prepared. This heritage study has not been presented to the Environmental Planning Committee (EPC).</p>
	<p>The Arts and Crafts heritage study remains at a preliminary stage, with a working list of properties for investigation still to be finalised.</p>
Significant Architects heritage study	<p>This heritage study is yet to be completed and will try and capture built and landscape heritage designed by prominent architects.</p>

Table 3: heritage studies currently underway

3.2 Council Resolutions yet to be progressed

The following Council resolutions have not yet been progressed by Council staff.

- Bay and Knox Street heritage assessments (Council Resolution 26 April 2021)
- Heritage Assessment of 543-549 Glenmore Road Edgecliff (Council Resolution 15 June 2021)
- 58 – 88-90 Oxford Street Woollahra (Council Resolution 23 August 2021)

These are anticipated to be progressed in 2022.

3.3 Draft DCP Amendments

The Woollahra DCP is a key instrument to manage our heritage conservation areas, it therefore needs to be maintained at a high level standard and up-to-date with up-to-date heritage practice.

Whilst a number of DCP amendments have recently been finalised for Paddington HCA and the Neighbourhood HCAs (Chapter C1 and B2 respectively), there has been no recent update to the Woollahra and Watsons Bay HCAs (Chapter C2 and C3 respectively). It is also anticipated that the controls applying to the Double Bay Centre will require amendments based on other strategic planning projects.

In the Woollahra DCP 2015, there is no dedicated chapter to heritage items. It is considered that this could be addressed as a future DCP amendment.

3.4 Management of heritage items

Development applications involving heritage items are lodged with Council on a regular basis. Heritage inventory sheets play a key role in providing preliminary heritage advice to Applicants and architects to ensure the heritage significance of properties is considered at design stage. However, some of our heritage inventory sheets have not been completed or are out of date.

The lack of information in certain cases provides uncertainty for owners and perspective buyers during properties sales, which results in numerous contacts with Council's heritage officers to 'know more'.

Staff has been updating heritage inventory sheets on the Office of Environment & Heritage website on an *ad hoc* basis, but there is still a large number of inventory sheets that have no data (classified as blank in the below pie chart) or unsatisfactory information in key parts such as the heritage criteria and a statement of significance (identified as "generic" in the pie chart below).

The following graphic illustrates progress of review of the heritage inventory sheets for existing heritage items.

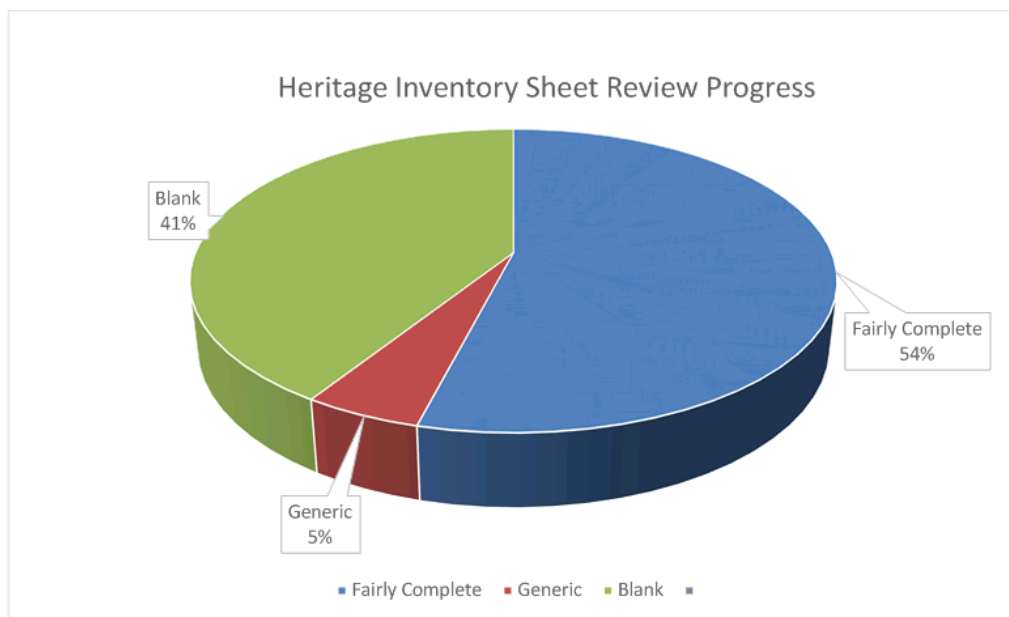


Figure 6: Heritage Inventory Sheet Review Progress as at September 2021

4. What is listed in the Woollahra LEP 2014?

4.1 Introduction

At the time of preparing this study there are over 700 heritage items, 15 heritage conservation areas and 6 archaeological items listed in Schedule 5 of the Woollahra LEP 2014.

This section of the Gap Analysis analyses the existing composition of Schedule 5 of the Woollahra LEP 2014 based on:

- Composition of environmental heritage
- Eras of development
- Architectural styles
- Architects representation
- Levels of significance

The historical development of Woollahra and the analysis of existing heritage items allow for the identification of potential gaps that could be addressed in future heritage studies. The strategy to fill those gaps is identified in Section 6 and 7 of this report.

4.2 Approach and Limitations

Each item listed in Schedule 5 is to be supplemented by a heritage inventory sheet with detailed information on a site's significance available from the state heritage inventory (SHI), which is managed by Heritage NSW based on information provided by each NSW local Council.

Some of the information contained in section 4 of the Gap Analysis derives from data available in the SHI – therefore the quality and completeness of the SHI data has a direct influence on the quality of the data here presented.

Where needed, information has been collated from heritage reports in support of development applications, listing cards from non-statutory heritage registers (the Australian Institute of Architects, the National Trust of Australia (NSW), the Register of the National Estate) or from information available in the Local Studies section of the Woollahra Library.

Information with regards to architects active in the LGA heavily relies on the online Building Index that has been recently digitised and is in the process of being uploaded on the Woollahra Libraries website. This is a key resource for this analysis, but is still a work in progress, hence the need to outline some limitations, especially in the analysis of architects.

In addition to the above, it is noted that heritage listed trees in Schedule 5 have been grouped under "Landscape – Natural", to showcase the large numbers of heritage trees in Woollahra.

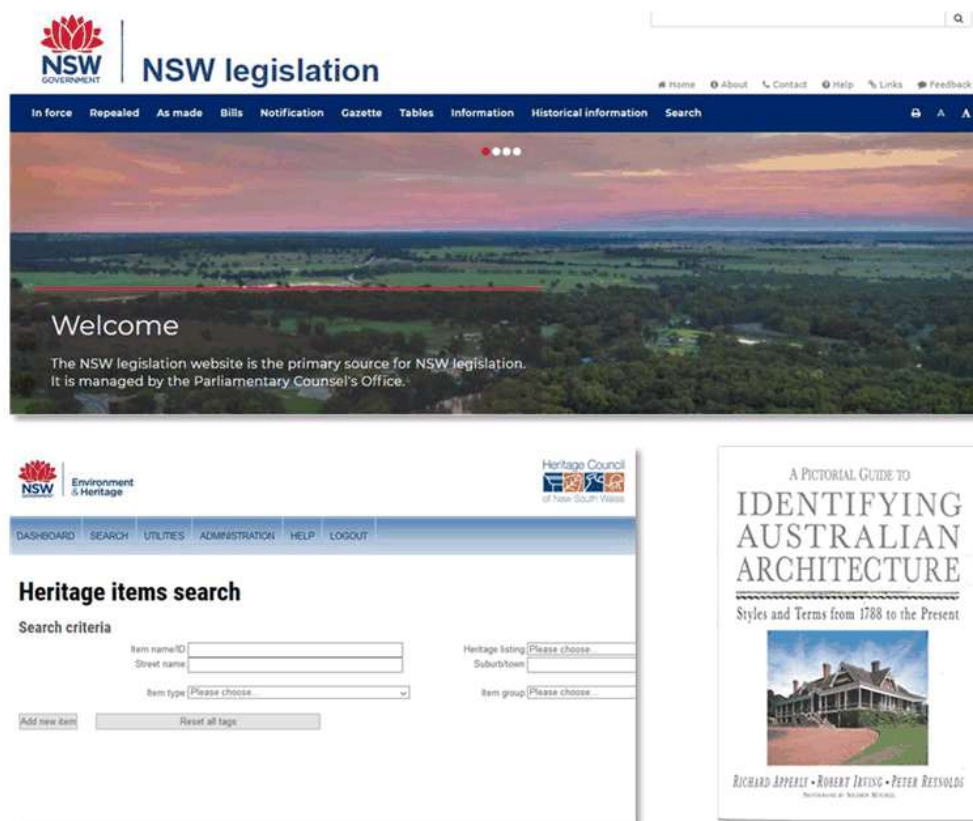


Figure 7: Main sources for this report

4.3 Composition of Woollahra's Environmental Heritage

Heritage NSW categorises environmental heritage items by types, groups and categories, identifying 7 item types, 39 item groups and over 300 categories of items applicable to each heritage item.

Only item types and item groups have been reviewed as part of the Heritage Gap Analysis, however some item groups have been slightly modified to better suit Woollahra. For example, item type 'residential building (private)' has been subdivided into House and Residential Flat buildings, given the large number of listed flat buildings available in Woollahra.

Buildings change uses over time. Information on typologies and groups of heritage items in the report heavily relies on the original use of a building, where known. For example, the heritage listed Watsons Bay Scout Hall was the former Watsons Bay Public School and, for the purpose of this report, it is considered an educational building, not a community facility. Similarly, Fairfax House in the Scots College precinct is identified as a house, not an educational building.

4.3.1 Item Types

The majority of listed items in Schedule 5 are built items (567), followed by landscape items (134). The smallest number of types is moveable and archaeological – maritime with only 2 types, which is surprising for a Municipality stretching along Sydney Harbour.

Schedule 5 is structured in three parts (A, B and C), while Heritage NSW includes 7 item types. See table 4 for correlation between the distribution of item types in Parts A, B and C of Schedule 5 and Heritage NSW types.

From a review of existing items in Schedule 5, it is noted that some archaeological items are included in Part A Heritage Items instead of Part C Archaeological items. For example, “Remains of Vaucluse Point ferry wharf” (Item 357) is not included in Part C Archaeological items but only in Part A Heritage Items. Any future review of Schedule 5 should address this inconsistency.

Schedule 5	Item Types	In Schedule 5
Heritage Items (Part A)	Built	567
	Landscape	134
	Complex/Group	13
	Moveable	2
	Archaeological	10 - Terrestrial (8) - Maritime (2)
Sub-total		726
Heritage Conservation Areas (Part B)	Area	15
Sub-total		15
Archaeological Items (Part C)	Archaeological – Terrestrial	6
	Archaeological - Maritime	0
Sub-total		6
Total		747

Table 4: Types of listed environmental heritage in Schedule 5

See Figure 8 showing item types in Schedule 5.

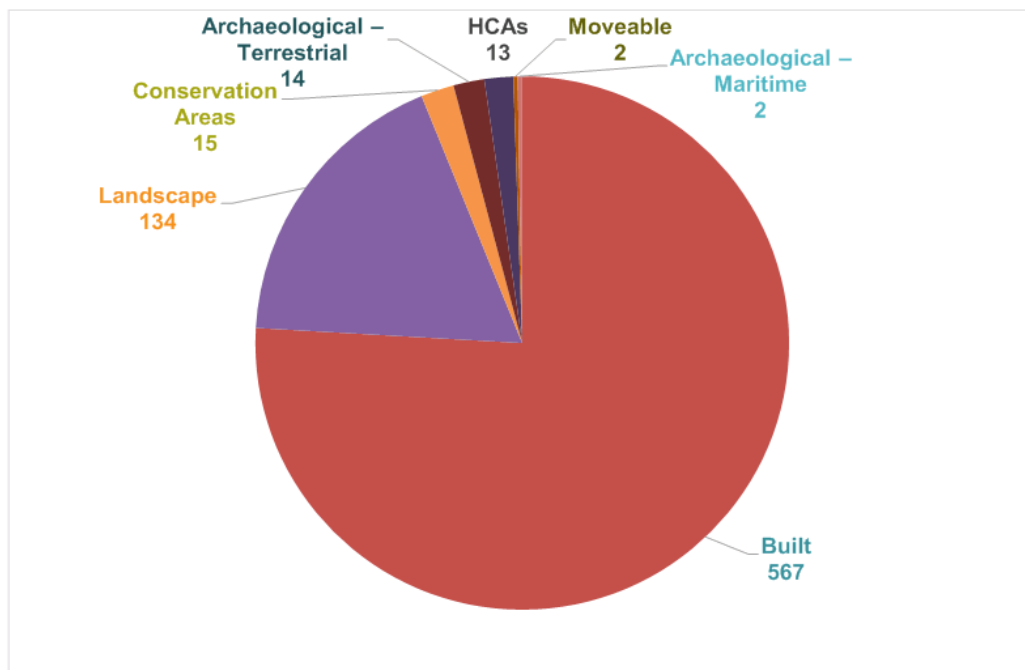


Figure 8: Composition of Schedule 5 of the Woollahra LEP 2014

4.3.2 Item Groups

Item groups are subcategories of item types, organised according to the use of a site.

Private residential buildings form the majority of item groups represented in Schedule 5 of the Woollahra LEP 2014, with 421 private homes and 54 listed residential flat buildings.

These numbers are followed by landscape items (both natural and cultural, 82 and 45 respectively) followed by religious buildings (20) and transport – land (15) items, the latter mostly being bus stops.

Surprisingly, there are only 10 item groups related to **transport – water** in the Woollahra LEP 2014.

The number of **commercial** buildings is also surprisingly low (5), given the various commercial centres in Woollahra and the southern boundary following the Oxford Street alignment.

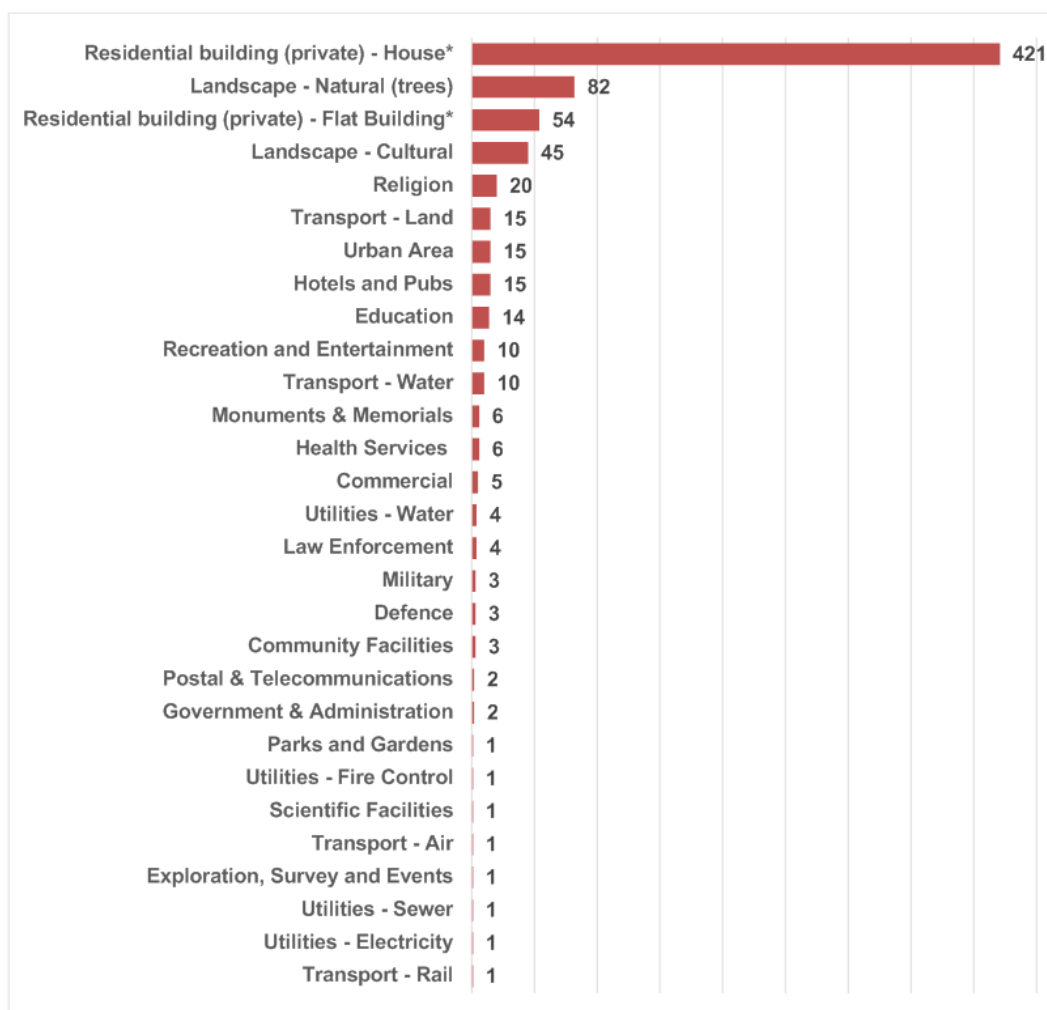


Figure 9: Item groups of environmental heritage in Schedule 5. The star indicates that Residential Building (private) has been purposely separated from House and Flat building to reflect more clearly Woollahra's groups.

If we compare the data in Figure 9 above with the general list of groups available on the Heritage NSW website (copied in Table 5 below), some additional anomalies are evident.

There are no **Aboriginal** groups listed in Schedule 5, however that is due to the deliberate choice to avoid duplication of sites already listed on the statutory AHIMS register.

There are also no **Maritime industry** groups, which is unusual given Watsons Bay's fisherman's village character, however this may be a consequence of previous demolitions.

There are very few **Community facilities** (3), which includes clubs, community halls, Masonic halls and Schools of Arts.

Missing are also **Manufacturing and Processing** facilities. While this could be due to the particular history of this LGA, which has always had a residential character, there are pockets of former industries in Paddington that could be further explored to seek representation of its industrial history in Schedule 5.

General list of Item Groups from the SHI	
Aboriginal	Parks and Gardens
Cemeteries and Burial Sites	Postal and Telecommunications
Collections	Recreation and Entertainment
Community Facilities	Religion
Education	Residential Buildings (private)
Exploration, Survey and Events	Retail and wholesale
Farming and Grazing	Scientific Facilities
Finance	Hotels and pubs ¹¹
Forestry and Timber Industry	Transport - Air
Government and Administration	Transport - Rail
Health Services	Transport - Road
Landscape - Cultural	Transport - Water
Landscape - Natural	Urban Area
Law Enforcement	Utilities - Drainage
Manufacturing and Processing	Utilities - Electricity
Maritime Industry	Utilities - Gas
Military	Utilities - Sewerage
Mining and Mineral Processing	Utilities - Waste
Monuments and Memorials	Utilities - Water

Table 5: general list of item groups from the State Heritage Inventory. In Bold are the groups with few or no representation in Schedule 5.

Few **Parks and gardens** are individually listed. However, many of them appear shaded on the heritage map due to the presence of a specific listed item such as a tree or sandstone wall or an archaeological feature (see Rushcutters Bay Park, Nielsen Park, McKell Park, Green Point Reserve and Gap Park for example).

It would therefore be more appropriate to say that singular culturally significant items elements of parks are listed on the Woollahra LEP. This approach derives from the philosophy and timing of the 1980-1990s heritage studies, when individual components or items were listed, in spite of their context and relationship to their settings.

For example, Green Reserve in Laings Point, Watsons Bay (also referred to as "Green Point"), is not specifically identified in Schedule 5. However, "Green (Laings) Point Battery" (Item 439) and "Green Point Obelisk" (Item 440) are listed, with the reserve shaded as a heritage item on the relevant heritage map.

This presents some issues in managing these items' settings and curtilage and dismisses other significant components of this park, such as ground and maritime archaeology

¹¹ Heritage NSW defines Hotels and Pubs 'transient accommodation', but it has been here defined as 'hotels and pubs' for clarity.

(remains of military structures above and underwater), views and vistas enjoyed from the reserve, and the significant natural and cultural landscape it forms part (Camp Cove).

This itemised approach to heritage listing has consequences and implications to the management of the land. Furthermore the missing information in the associated heritage inventory sheets do not assist us in understanding the significance of the site.

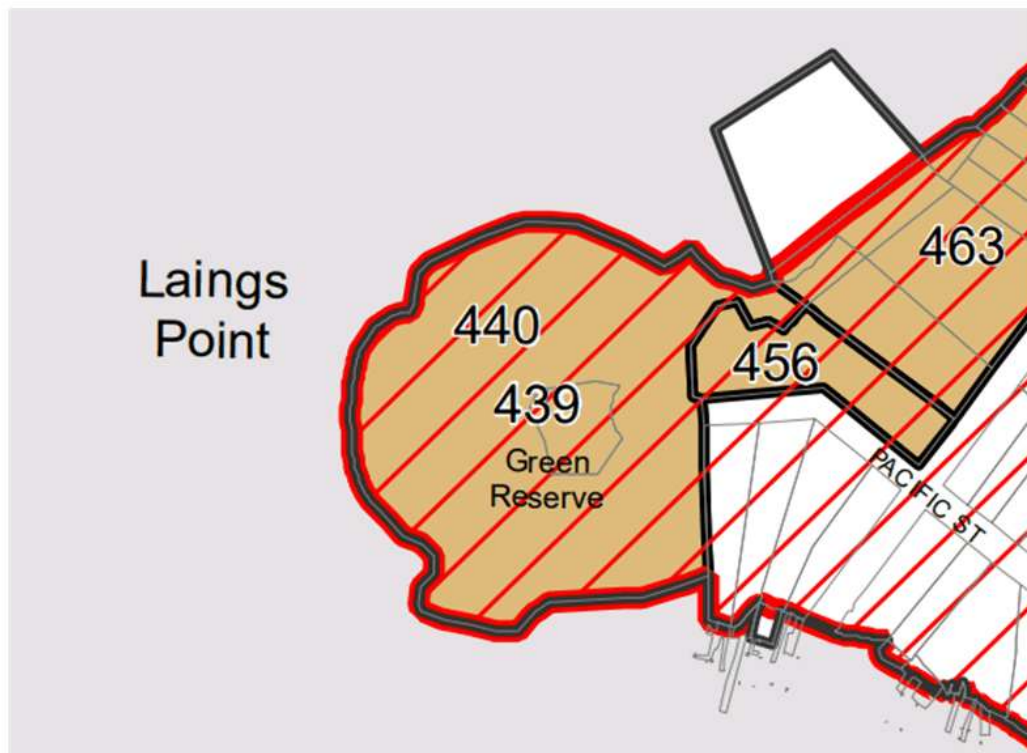


Figure 10: Sheet HER_004 of the Woollahra LEP 2014 Heritage Map

Since the 1980s, this approach has since evolved in the heritage industry, with the adoption of new guidelines on Cultural Landscapes that put more emphasis on the relationship between the natural environment and culturally significant items and their settings (see Figure 11). It is therefore under this perspective that most of our urban parks and bushland reserves should be re-assessed to verify whether their cultural landscape would meet the threshold for heritage listing.



Figure 11: 2010 Australia ICOMOS, Understanding Cultural Landscapes Flyer and 2010 Environment, Climate Change & Water, Cultural Landscapes, p.4

4.4 Eras of development

Australian history can be summarised in the following periods:

- | | |
|-----------------|-------------------------------|
| • Before 1788 | Pre-colonisation |
| • 1788 – c1840 | Old Colonial Period |
| • c1840 – c1890 | Victorian Period |
| • c1890 – c1915 | Federation Period |
| • c1915 – c1940 | Inter-War Period |
| • c1940 – 1960 | Post-War Period |
| • 1960 - | Late Twentieth Century Period |

Focusing on the Post-Colonial historical phases, and focusing on built heritage items, the Victorian and Federation periods are the most represented eras in Schedule 5 (176 and 174 respectively), followed by the Inter-War period (128) as shown in Figure 12 below.

Most heritage dating from the Old Colonial Period has already been demolished, hence the low number of items dating from this phase of development (6).

Fewer numbers are noted for Late Twentieth Century Period buildings (11) and Post-War Period buildings (3), possibly due to the lack of heritage studies addressing this particular phase of development.

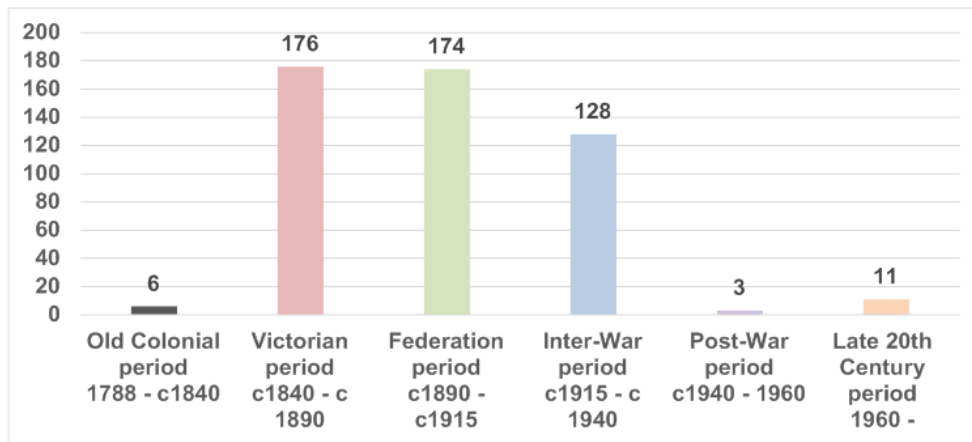


Figure 12: Eras of development of listed items in Schedule 5 organised chronologically (pre-Colonisation phase excluded)

4.5 Architectural Styles

Each era of development includes its own styles that can be used to classify Australian architecture. Reference to architectural styles in this report is mostly based on the publication Apperley, Irving and Reynolds, *Identifying Australian Architecture*, 1989, Angus & Robertson, with some exceptions and adaptations to the local area.

See Figure 13 for a classification of architectural styles of Woollahra's built heritage.

The majority of built heritage items present in Schedule 5 are **Federation Queen Anne** style (72), followed by **Victorian Filigree** (45), **Federation Arts & Crafts** (44), and **Inter-War Mediterranean** (38).

Interestingly, other types of Inter-War styles are poorly represented, such as **Inter-War Gothic** (4) and **Inter-War Old English** (5) and **Inter-War Free Classical** (6). This is interesting, given the Inter-War character of Woollahra's streetscapes and the large numbers of development applications being lodged for full demolition of buildings from the Inter-War period.

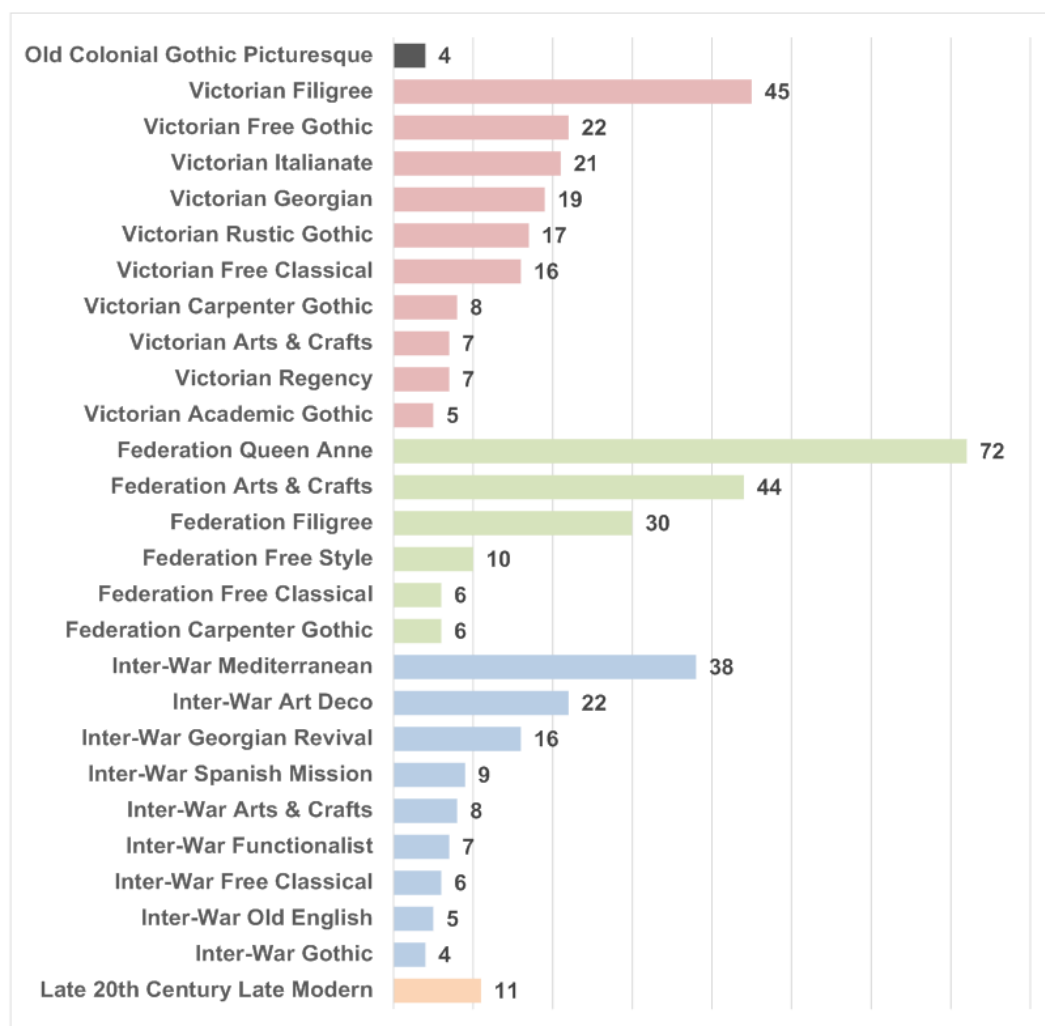


Figure 13: Styles of built items reviewed in Schedule 5. Styles with 3 or less items are not shown in this graphic.

Few numbers are also noted for the **Late 20th Century Late Modern (11)**, which is consistent with the similar drop in numbers for Post-War and Late 20th Century period eras of development mentioned at 4.5. Given the large extent of architects designed buildings and award winning buildings, this gap is considered significant.

4.6 Architects

The most represented architects in Schedule 5 are **Leslie Wilkinson** and **Joseland & Gilling**, with respectively 19 and 11 items. Both L. Wilkinson and Joseland & Gilling were mostly active in the Inter-War period, not the most represented Victorian or Federation period.

Other represented architects are **Edmund Blackett** (9), **Halligan & Wilton** (7) and **Manson & Pickering** (6), respectively from the Victorian and Federation period.

Only Leslie Wilkinson and Edmund Blackett have buildings assessed of being of State significance (two and one respectively), while all other buildings are listed as items of local significance.

With the exception of **Ancher, Mortlock & Woolley**, architects from the Post-War and Late 20th Century Late Modern eras of development of Woollahra appear to be under-represented (Neville Gruzman, Prevost & Ancher, Samuel Lipson), as evident also from the analysis at 4.5 and 4.6 (see Figure 14).

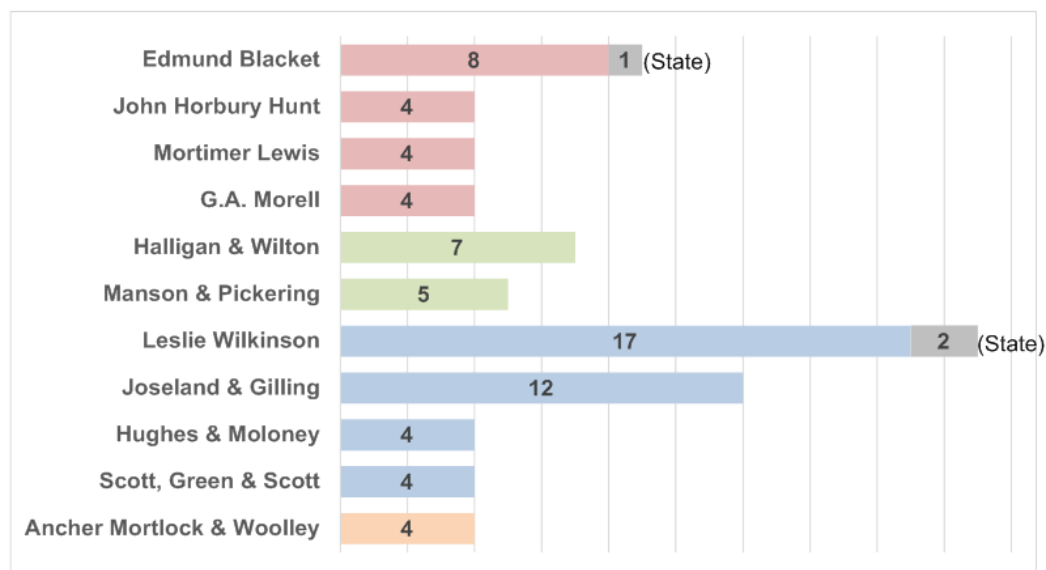


Figure 14: The most representative Architects in Schedule 5 organised by era of development. Items with less than 4 items are not shown on this bar chart.

Other prominent architects and architectural offices appear on the recently digitised Building Index and street cards (see Figure 15), but are not present in Schedule 5.¹²

In addition to this, the Australian Institute of Architects (NSW Chapter) maintains a Register of Significant Architecture (AIA Register) to focus on preserving buildings of merit. It is likely that some of those buildings would fit the heritage threshold.

Award winning designs could also be reviewed to research, in particular, award-winning buildings. Some of them are in the Woollahra LGA. It is likely that designs of important architects are under-represented in Schedule 5.

¹² The Building Index and the street cards are being uploaded on the Digital Archive of the Local History Centre of Woollahra Libraries.

YEAR	APP. NO.	OWNER	BUILDER	TYPE OF BUILDING	HOUSE NO.	LOT	SEC
34	234	SMITH, J. & M.	SPRING BROWN, E.	House & gar.	Cnr. Longworth Ave	2	
"	153	RHEUBEN, O.	JOSELAND & GILLING	12 flats 4 gar.	3.	5	
32	96	MACRAL, A.	PITT, E.	5 flats 5 gar.	Cnr. Wolseley Rd	A	
30	166	KLOSTER, C.	H. Francis & Sons	Alts. & Adds.	Mimiha		
"	164	KLOSTER, C.	H. FRANCIS & SON	Conv. to 2 flats		B	6
"	76	GILCHRIST, S.	JOSELAND & GILLING	7 garages		3-4	
"	32	RYBOK, W.	BARTROP, W.	Garage		4	4
29	94	KLOSTER, C.	H. FRANCIS & SON	House & gar.		B	6
28	461	COCKSHOT, H.	KENT & MASSIE	Alts. & Adds.	7-9 St. Aubyn	5-6	6
"	346	BARRINGTON, Dr.	FARR, W.	Additions	Wongern		
"	116	CAMERON, Mrs. S.	SCOTT, GREEN & SCOTT	Garage	Plas Isa		
"	114	BINNIE, Miss	BRAILEY, A.	Alts. & Adds.	Seaward		
26	235	CLAYTON, M. & C.	HARPER, T.	Alts. & Adds.	Rawhiti		
"	154	MASSIE, H.	STUART BROS.	House & gar.	13 & 14	4	
WYUNA ROAD, POINT PIPER							-2-

Figure 15: extract from the Yellow Cards (Source: Digital Archive, Local History Centre of the Woollahra Libraries)

4.7 Levels of Significance

36 items in Schedule 5 are of State significance, 710 entries are local heritage items and one item is part local, part State (the Wentworth Memorial Church). The majority of State items are in Darling Point, followed by Vaucluse, Double Bay and Paddington.

Two items have been identified of being of National significance (South Head in Watsons Bay and the Macquarie Lighthouse station in Vaucluse by virtue of listing on the National Heritage List, however this is not reflected in Schedule 5 which identifies them as being of State significance. There are no items of World significance in Woollahra.

Given the history of Woollahra and its being one of the earliest settlement in NSW, such low numbers of State significant items is surprising. This gap may be caused by the fact that the two major heritage studies were undertaken before the 1999 amendment of the *Heritage Act, 1977* when the local/State distinction became policy.

A review of the level of significance of items listed prior to 1999 should be considered in any future heritage study review.

4.8 Gaps: Summary of findings

Having reviewed the above analysis, the following gaps have been identified:

- Some Items groups are under-represented given Woollahra's history, including:
 - Transport – Water,
 - Archaeological - Maritime,
 - Commercial, manufacturing and processing
 - Recreation and Entertainment/Parks & Gardens,
 - Community Facilities, and
 - Parks and Gardens.
- There is scope to research the work of prominent architects in Woollahra, based on the constant digitisation of Council's Building Index and Minutes.
- Post-war and Late 20th century architectural styles appears under-represented, which translates in a gap of styles from these eras of development.
- Item types are not consistent with the LEP Standard Instrument (archaeological items in particular).
- Levels of significance of early listings are not consistent with current practice establishing the local, State and National levels of significance.



Figure 16: View of Kincoppal and Rose Bay (Source: Photoshelter)

5. Filling the Gaps

5.1 A proactive v a reactive approach to heritage listing

The aim of the Heritage Gap Analysis is to identify gaps in Schedule 5 and plan for future heritage studies in an orderly manner in accordance with a Strategy and an Action Plan. This is considered a **proactive** approach, based on the undertaking of heritage studies and assessments on a regular basis while considering heritage an ever-evolving concept.

On the other hand, a **reactive** approach is based on *ad hoc* heritage assessments arising from development applications, sales advertisements, Interim Heritage Orders and notices of motions. This approach increases litigations (court cases), brings a perception of unfairness for Applicants and ultimately facilitates loss of significant heritage.

In this section are suggestions for a proactive approach to heritage and for new heritage studies, based on consultation from Councillors and staff.

5.2 Other Heritage Registers

There are properties in Woollahra that are listed on other statutory heritage registers under the NSW or Commonwealth legislation. These statutory registers must be taken in consideration during development proposals, but Council is not a direct regulator or custodian of these registers, with their management occurring upon State and Commonwealth Agencies.

With the exception of the State Heritage Register, the criteria used to assess these items do not strictly coincide with the NSW heritage criteria. It is likely that these items may meet the threshold for listing in Schedule 5 of the Woollahra LEP 2014.

A. 5.2.1 Comparison with other statutory heritage registers

Table 8 is a comparison between items listed on Schedule 5 juxtaposed with those listed on other heritage registers (both statutory and non-statutory).

Other Heritage Registers	Listed	Listed in Schedule 5	Not listed in Schedule 5
State Heritage Register (SHR) under the NSW Heritage Act, 1977	31	31	n/a
S170 Heritage and Conservation Registers (Various Government Agencies) under the NSW Heritage Act, 1977	101	55	46 (17 in HCA)
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	25	8	17 (2 in HCA)

Table 7: Overview of items listed in Woollahra on other statutory and non-statutory heritage registers

It is interesting to note that some of the items listed under S170 heritage registers refer to buildings interface between water and land, which corresponds to a gap identified in section 4 of this report.

For example, the Watsons Bay Pilot Station in Marine Parade, Watsons Bay is listed on the NSW Maritime heritage register, but is not listed in Schedule 5. Similarly, Parsley Bay Ferry Wharf is listed on the Sydney Regional Environmental Plan (Sydney Harbour Catchment 2005) but is not listed in Schedule 5 (see Figure 17).

Other examples are Electricity Substations, Sewage Pumping Stations and the Edgecliff (Rushcutters Bay) Viaduct among others.

For a full list of other statutory and non-statutory heritage registers, refer to **Appendices A** and **B**.

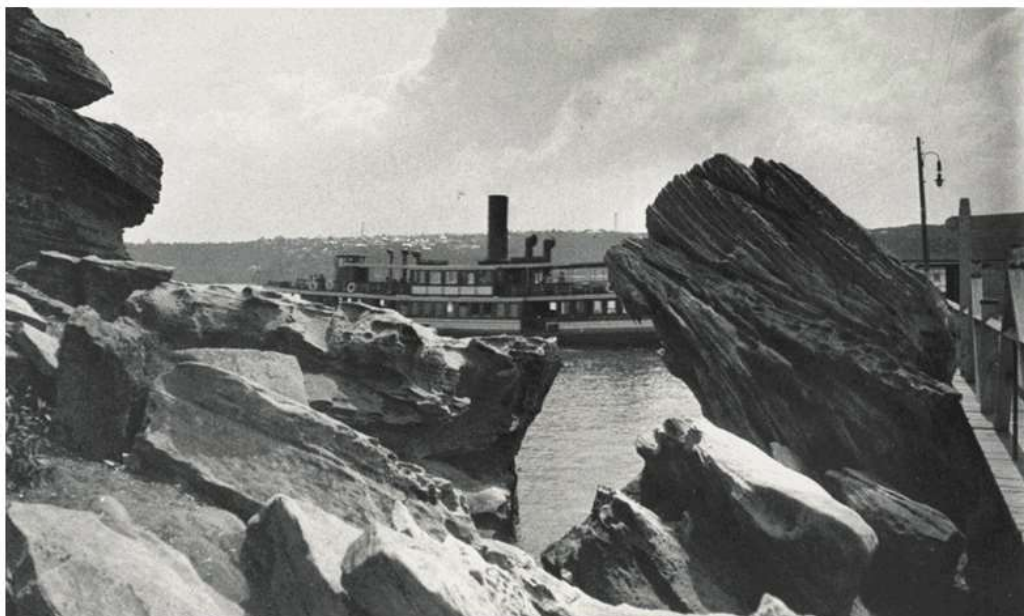


Figure 17: Parsley Bay Wharf, Vacluse, undated (Source: City of Sydney Archives, Graeme Andrews)

B. 5.2.2 Comparison with Non-Statutory Heritage Registers

Non-statutory heritage registers are authoritative guides to heritage significance for their historic and social connection of a community. They are also listed based on criteria, but do not strictly coincide with the NSW Heritage criteria. It is likely that some of the items listed on other statutory and non-statutory heritage registers would meet the criteria for local listing.

From a comparison between architects of buildings in Schedule 5 and architects appearing on the Australian Institute of Architects Register of Significant Architecture (AIA Register), there seems to be scope for filling some of those gaps also identified in Section 4.10.

Non-statutory heritage registers are held by the National Trust of Australia (NSW), the Australian Institute of Architects (NSW), the Australian Government, DoCoMoMo Australia, Engineer Australia and the NSW Office for Veteran Affairs.

Non-Statutory Heritage Registers	Listed	Listed in Schedule 5	Not listed in Schedule 5
National Trust of Australia (NSW)	266	242	24 (4 in HCAs, 7 demolished)
Australian Institute of Architects	92	49	43 (11 HCA, 3 demolished)
Register of the National Estate	2	1	1 (demolished)
DoCoMoMo Register	2	2	n/a
Australian Engineering Heritage Register	None	None	N/A
NSW War Memorial Register	2	1	1 (Memorial in Steyne Park)

Table 8: Overview of items listed in Woollahra on other statutory and non-statutory heritage registers

For a full understanding of other statutory and non-statutory heritage registers, refer to **Appendices A and B**.

5.3 Previous Heritage Studies

Some previous heritage studies nominated heritage items that did not eventuate as entries in Schedule 5. For example, the 1984 Woollahra Heritage Study nominated 347 items but 264 got eventually listed. One of these is Rushcutters Bay Park that was subject to an Interim Heritage Order in 2018.

Heritage philosophy and awareness can vary across communities over the years and it is likely that some of Council decisions taken in the past may differ today. The following table compares the number of nominated items, and what is currently represented in Schedule 5.

In conclusion, another way to 'fill the gaps' could be to revisit some of those heritage nominations and assess if they still qualify for heritage listing.

Key Studies	Heritage Items created	Listed in Schedule 5	Not recommended for a planning proposal
1984 Woollahra Heritage Study	Completed – 347 Nominated Items	264 listed	83 (30 of these are in HCAs, 14 have since been demolished)
1991-5 Significant Trees Register	Completed	All	See footnote ¹³

¹³ At the time of writing this report, this research hasn't been finalised.

Key Studies	Heritage Items created	Listed in Schedule 5	Not recommended for a planning proposal
1997-8 Tanner Study	Completed – 200 Nominated Items	50 listed	150 (32 of these are in HCAs, 37 have since been demolished)
2002-6 Thematic Histories	Incomplete – Phases 2 and 3 never undertaken 1. Concise thematic histories for Woollahra, Bellevue Hill, Darling Point, Double Bay, Rose Bay and Vaucluse 2. Potential heritage items 3. Maps of historic settlement – produced on Council's land information system		
2004-6 Contemporary Buildings Study	Completed – 18 Nominated Items	10 Items listed	8 (3 of these are in HCAs)

Table 9: Overview of items listed in Woollahra on other statutory and non-statutory heritage registers

5.4 Consultation

In preparing the Heritage Gap Analysis, a series of internal consultations has taken place between Council's heritage staff, current and former Managers, current and former Directors.

Consultation was also sought with elected members of the Council, presented during a Councillors Briefing occurred on 16 September 2020.

The Councillors expressed great interest in the Heritage Gap Analysis findings and recommendations and generally endorsed the methodology, while proposing fresh ideas to the team, such as:

- Prioritise **heritage interpretation** and promotion (including social media) of Woollahra's heritage,
- Support **revisiting** of previous heritage studies & **finalising** current studies,
- Include the **DCP** amendments into the action plan,
- Highlight the importance to **celebrate** work that has been done so far in the last 40 years, and
- Support undertaking **new heritage studies**.

5.5 Proposed New Heritage Studies

In order to follow a proactive approach, and having considered the gaps identified in section 4, below is a proposed list of new heritage studies.

A. LGA wide studies

In 2002 Council progressed the thematic histories for Woollahra/West Woollahra, Bellevue Hill, Darling Point, Double Bay, Rose Bay and Vaucluse. However, what hasn't been progressed for the LGA since this time are thematic studies for each geographic area based on certain categories. Council staff suggest focusing on areas subject to high development pressure and instigate studies that address and consider the following:

- Significant architecture (various eras and styles)
- Cultural landscapes (including parks, gardens, reserves, beaches, etc.)
- Items listed on other statutory and non-statutory heritage registers
- Commercial, community and recreational buildings
- Water-land interface buildings and maritime archaeology
- Items providing evidence of the area's historic development
- Items associated with local personalities (including women)

B. Modernism

Woollahra has a rich history of migrant heritage from before and after the Second World War and migrant (émigré) architects were responsible for spreading the seeds of Modernism in Australia.

Exhibitions such as 'Sydney Moderns' held by Sydney Living Museums in 2017 and the Interim Heritage Order on Trelawney Court have highlighted a large gap in having representative Post-War and Modernist representation in Schedule 5.

The main challenges facing Woollahra's Modernist heritage is the lack of heritage recognition afforded by communities, which often remains undervalued until an application for demolition is lodged. An example of this is Gaden House by Neville Gruzman, which prompted a campaign to save this building and provide it with a statutory protection.

Investigation of Modernism in Woollahra is an opportunity to provide insight and understanding of settlement patterns and places of cultural significance for émigré communities within the Municipality, and will also demonstrate the influence of prominent Australian architects from migrant backgrounds.

6. Heritage Strategy

6.1 Goals of the Heritage Strategy

This Heritage Gap Analysis proposes a strategy to fill the gaps in the current listings and management practices.

The following Heritage Strategy has been prepared based on four overarching goals:

- GOAL 1: Finalise existing heritage studies and assessments
- GOAL 2: Celebrate Woollahra's Heritage
- GOAL 3: Manage Woollahra's Heritage
- GOAL 4: Fill the gaps (new Heritage Studies)

6.2 GOAL 1: Finalise existing Heritage Projects

The following heritage studies have not been finalised. It is likely that some of the gaps noted in Chapter 4 of this report may be filled with the finalisation of the current heritage studies.

A. Finalise current heritage studies and assessments

The following studies are currently on the Heritage work program and have outstanding Notice of Motions and Council's resolutions:

- Leslie Wilkinson Heritage Study (2008)
- Inter-War Flat Buildings Heritage Study (2011)
- Arts and Crafts Buildings Heritage Study (2011, 2019)
- Places of Worship Heritage Study (2019)
- Significant architects heritage study (2019)
- Rose Bay Public School Old School Hall and McAuley Catholic School and Outbuildings Heritage Assessments (2019)
- Bay and Knox Street, Double Bay heritage assessments (2021)
- 543-549 Glenmore Road, Edgecliff (2021)
- 58 – 88-90 Oxford Street Woollahra (2021)

B. Undertake all Council's heritage resolutions

The following heritage assessments have been subject to Council resolutions but have not commenced:

- Significant Architects
- Bay and Knox Street heritage assessments
- 58 – 88-90 Oxford Street Woollahra
- 543-549 Glenmore Road, Edgecliff

ACTION: Undertake outstanding Council's heritage resolutions

6.3 GOAL 2: Manage Woollahra's Heritage

A. Maintain a robust DCP

In order to continue a high level assessment of development applications being lodged and good heritage outcomes, the Woollahra DCP 2015 needs to be maintained at a high level and consistent with best heritage practice. The following table lists DCP Amendments that are proposed to strengthen heritage provisions in the Woollahra DCP 2015.

Future DCP Amendment	Notes
Update the Double Bay Centre Chapter of the Woollahra DCP Study	This will be undertaken in accordance with the outcomes of the Bay and Knox Street heritage assessments NOM at 6.2 B.
Update the Woollahra HCA provisions (Chapter C2)	<p>The latest update to Chapter C2 were in 2007 when the parking and garages provisions were included. Clause 2.7 Schedule of Contributory Items needs to be updated and reviewed in light of recent approvals.</p> <p>Other provisions such as the single storey buildings provisions are also due an update.</p> <p>Include provisions to protect contemporary and Post-War buildings in HCAs.</p>
Update the Watsons Bay HCA provisions (Chapter C3)	<p>Review statements of significance to include contemporary and Post-War architecture.</p> <p>Review the grading of significance of each item in each precinct.</p> <p>Introduce provisions to protect contemporary and Post-War buildings in Watsons Bay.</p>

Table 10: Overview of future DCP Amendments

ACTION: Undertake DCP Amendments

B. Continue assisting with DAs assessments and Court appeals

Council's heritage officers provide specialist heritage advice as part of the development applications process (heritage referral responses) and provide expert witness services for appeals in the NSW Land and Environment Court.

DAs and appeals have statutory timeframes to meet and this has resources implications for strategic planning.

As an example, in 2019, 891 development applications were lodged (9 of which were S8.2 review applications, 359 of which were S4.55 applications). Of these, 277 required a heritage referral response. 39 appeals in the Land and Environment Court have been lodged for the 2019 calendar year, most of which have required the input of a heritage expert. These figures illustrate the considerable resources required from our heritage officers involved in providing advice to the Development Control team.

ACTION: Continue providing heritage specialist advice of a high standard for DAs and appeals in the NSW Land and Environment Court.

C. Continue updating the Heritage Inventory Sheets

Updating and reviewing heritage inventory sheets for existing heritage items is necessary to properly manage Woollahra's environmental heritage.

Inventory sheets are currently updated based on a priority list which considered the level of risk of an item. For example, there are areas of the Municipality that have a higher development pressure based on the number of applications lodged in the last financial year.

Since April 2019 (when the priority list was implemented), 112 heritage items have had their inventory sheet updated.

ACTION: Review and update all heritage inventory sheets

D. Consolidate Schedule 5

Combine individual items that are part of the same cultural landscape

There are a few instances of open spaces in the LGA where an itemised approach to heritage listing in open spaces has led to inconsistencies in heritage management compared with built heritage items.

For example, Green Reserve in Laings Point, Watsons Bay has been explained in 4.3. There are however also other open spaces in Woollahra LGA where the same approach to heritage listing is evident.

Listing the significance of individual items forming part of the same cultural landscape will:

- Identify the heritage significance of an open space "as a whole";
- assist with the management of open spaces; and
- will considerably reduce the number of heritage inventory sheets needing to be reviewed.

ACTION: Consolidate Schedule 5

- Undertake a review of Schedule 5 to identify items that could be combined in a single listing, including cultural landscapes and built heritage

Ensure item types are consistent with the LEP standard instrument

The Woollahra LEP 1995 listed all heritage items in Schedule 3 Heritage items, with no distinction of item types. Conservation areas were also not included in Schedule 3, being only identified on Heritage Maps.

In 2006, the Department of Planning introduced the Standard Instrument for all local environmental plans. The Woollahra LEP 1995 was subsequently repealed and replaced by the new Woollahra LEP 2014 which is still current and is based on an enforced standard template across all NSW local government areas.

The listing of items can be found in Schedule 5 Environmental Heritage. Schedule 5 Environmental Heritage distinguishes between heritage items (Part A), conservation areas (Part B) and archaeological items (Part C).

From a review of existing items in Schedule 5, some archaeological items are included in Part A Heritage Items instead of Part C Archaeological items. For example, "Remains of Vaucluse Point ferry wharf" (Item 357) is missing from Part C. Any review of Schedule 5 should identify item type inconsistencies and provide recommendations to address this.

This action may be undertaken when the heritage significance of each heritage item becomes evident as we progress with the updating of heritage inventory sheets.

ACTION: Consolidate Schedule 5

- Review item type of each item of environmental heritage

Verify levels of significance of all items in Schedule 5

The State and local levels of significance were only formally introduced with the amendment of the NSW Heritage Act in 1999, following the undertaking of the two major Woollahra heritage studies (1984 Hughes Trueman Ludlow and 1997-8 Tanner Study). It is likely that some of the items that got listed on the LEP would meet a State level of significance.

It is therefore recommended that, as part and during the review of the heritage inventory sheets, the levels of significance of existing heritage items are also reviewed.

ACTION: Consolidate Schedule 5

- Verify levels of significance of listed environmental heritage.

6.4 GOAL 3: Celebrate Woollahra's Heritage

Among the findings of the consultation process, a strong urge to Celebrate Woollahra's heritage has emerged.

A. Celebrate Heritage through Exhibitions and Events

Celebration of heritage will provide opportunities for sharing stories and promote community identity through events such as exhibitions, awards and talks.

During the current Woollahra Aboriginal Heritage Study, Staff organised a series of talks to promote the study and inform the community on the area's aboriginal connections. They were a cross-department project that have proved to be successful in generating interest and participation in the community. Every heritage study should be an opportunity to celebrate our heritage with the community.

The Woollahra Design Excellence Awards highlight and acknowledge examples of buildings and places that make an excellent contribution to the character and heritage of Woollahra.

Another way to celebrate our heritage is to organize heritage-themed exhibitions once a study or an assessment is finalized. Historic photographs of the listed items or panels on the history of a place could be used to generate interest in Woollahra's heritage.

These initiatives allow Council to engage positively with the community. Strategic Planning could provide regular assistance and partnership with the Community and Customer Experience team in planning and creating content for these events. The enhancement of a cross-departmental collaboration will facilitate coordination of projects with similar goals, save duplication of resources forces and will and ultimately enhance the community experience.

ACTION: Continue celebrating Heritage

- Promote the Design Excellence Awards on a biannual basis
- Provide assistance and partnership with Community and Customer Experience team for exhibition and events

B. Maintain Heritage's online presence

Maintaining a meaningful web presence in relation to Heritage is essential. Council's heritage officers regularly maintain webpages from Council's website and Your Say Woollahra.

Partnership within Council's divisions should continue to reinforce and spread heritage news such as new DCP Amendments, IHOs, gazettal of new heritage items, and public exhibition documents.

Adopted heritage studies should be made available online on Council's website. Heritage studies are a useful resources to discover and promote the local history, and inform owners and applicants and their consultants of the rationale behind a heritage constraint. Being public documents, they should be readily available without researching the individual EPC Agendas.

A new webpage should also include a formal nomination process to encourage the community to engage and nominate potential heritage items during heritage studies.

ACTION: Continue celebrating Woollahra's heritage

- Continue maintaining heritage related webpages on Council's website

C. Promote Heritage Interpretation

Heritage interpretation is a means of sharing culture and history within communities and is an integral part of presenting the significance of an item or a place. It can be achieved through a range of activities and focus on tangible heritage such as precincts, buildings, open spaces, archaeological relics and underwater archaeology, but also intangible heritage, such as cultural landscapes and socially significant places.

Interpretation can be in the form of activities and events, signs, publications, audio, video, artworks, trails and online activities. With modern technology, interpretation can also be achieved through the promotion of specific mobile applications. Interpretation enhances understanding and enjoyment by appealing to different levels of experience and knowledge, as well as to different learning styles.

Heritage Interpretation can be used to protect and interpret significant remnants of our conservation areas' urban history such as archaeological relics sandstone walls, but also underwater heritage, built heritage and open spaces.

Recent archaeological discoveries have outlined the lack of a coordinated strategy to deal with heritage interpretation. A coordinated approach to all aspects of heritage interpretation improves wayfinding, contributes to placemaking and overall promotes heritage identification and respect from the community.

Placemaking and wayfinding initiatives could be used to revitalise historic main commercial streets in Woollahra.

ACTION: Develop a Heritage Interpretation strategy for archaeological findings (both on land and in the water) and built heritage.

6.5 GOAL 4: Fill the Gaps in Schedule 5 (new Heritage Studies)

A. Undertake new heritage studies

There are different ways to 'fill the gaps' and identify new heritage listings.

Undertaking all new heritage studies proposed at section 5.5 of this report would have a significant impact on Council's resources. The identification of a coordinated and integrated approach, the identification of priorities and a timeframe to undertake these projects is essential to establish a sustainable heritage work program for strategic planning over the future years.

Theme	Comments
Modernism architecture heritage study	High redevelopment pressure and perceived lack of recognition.
Cultural landscapes heritage study	Mostly Council's managed assets subject to regular maintenance and upgrades with limited heritage information. Some open spaces have never been comprehensively heritage assessed.
Commercial Centres heritage study	Some of these areas are already subject to HCA protection.
Water-land interface heritage study	Low development pressure, some already listed on statutory heritage registers.
Community and Recreational Buildings Heritage Study	Low development pressure, some already included in HCAs or managed/owned by Council.
Historical development pattern heritage study	Further research and analysis is required to understand the extent and scope of this heritage study.
Local personalities heritage study, including the place of women in the history of the development of the area.	Further research and analysis is required to understand the extent and scope of this heritage study. Heritage interpretation may suffice.
Manufacturing and processing (industrial heritage study	Most of these building groups are located in Paddington, which already offers a form of protection through a HCA listing.

Table 11: List of proposed new heritage studies

ACTION: Undertake new heritage studies based on a Council endorsed heritage program.

B. Remain vigilant on development threats

Each heritage study project has specific limitations and scope in order to be achievable within a specific timeframe. This inevitably leads to gaps in Schedule 5 that is evident when a development threat occurs.

Accordingly, we do not believe that a reactive approach on heritage conservation can ever be fully prevented. However, it can be significantly reduced.

ACTION: Remain vigilant on development and threats to unlisted heritage.

C. Review other/previous heritage listings and assessments

Review other statutory and non-statutory Heritage Registers

A review of other statutory and non-statutory heritage registers has potential to identify environmental heritage that meets the NSW heritage criteria and is not currently listed in Schedule 5.

ACTION: Review, assess and list items listed on other statutory and non-statutory heritage registers

Revisit Previous Heritage Studies

Heritage is a constantly evolving concept, and the heritage industry has changed and evolved since the early 1980s heritage studies. A review of previous heritage studies nominations has potential to identify environmental heritage that meets the NSW heritage criteria and is not currently listed in Schedule 5.

ACTION: Review and assess heritage items nominated in previous heritage studies

6.6 Summary of Heritage Strategy

GOAL 1: Finalise current heritage projects

- a. Finalise current heritage studies and assessments
- b. Undertake all Council's heritage resolutions

GOAL 2: Manage Woollahra's Heritage

- a. Maintain a robust DCP
- b. Continue assisting with DAs assessment and court appeals.
- c. Continue updating the Heritage Inventory Sheets
- d. Consolidate Schedule 5

GOAL 3: Celebrate Woollahra's Heritage

- a. Celebrate Heritage through Exhibitions and Events
- b. Maintain Heritage's online presence
- c. Promote Heritage Interpretation

GOAL 4: Fill the gaps in Schedule 5 (new Heritage Studies)

- a. Undertake new heritage studies
- b. Remain vigilant on development threats
- c. Review other/previous heritage listings and assessments

7. Action Plan

7.1 Timeframes and priorities for actions

Each action identified in Section 6 is provided with a priority and a timeframe.

The identified timeframe is an assumption based on the current level of staff resources and allocated budget. Any change to staff and budget resources has not been considered. It is recommended that an update to the timeframe is undertaken should the staff and budget resources vary.

The indicated timeframe for high priority actions does not include the statutory timeframes, required to undertake a Planning Proposal or a DCP Amendment, only the time required to present the assessments and studies to the Environmental Planning Committee.

Type of Action	Priority	Timeframe
Short term actions	High	Finalised within 4 years
Medium term actions	Medium	Finalised within 5 to 8 years
Long term actions	Low	Finalised within 10 years
Ongoing Actions	High	Ongoing

Table 12: Table listing timeframes for actions

7.2 High priority actions

ACTION: Finalise outstanding heritage studies and assessments

Levels of priorities identified below provide an order in the undertaking of each project, with no.1 being the most immediate project and 3 being the least immediate project.

Outstanding heritage studies and assessments	Timeframe required	Level of priority
Places of Worship Heritage Study	12 months (remaining)	1 (This is a current project)
Significant architects heritage study	18 months	1 (This is a current project)
Rose Bay Public School Old School Hall and McAuley Catholic School and Outbuildings Heritage Assessments	6-12 months	2
Leslie Wilkinson Heritage Study	12 months remaining	2
Arts and Crafts Buildings Heritage Study	18 months remaining	3
Inter-War Flat Buildings Heritage Study	12 months remaining	3

Table 13: Table outlining level of priority and timeframe required for each outstanding project

ACTION: Undertake outstanding Council's heritage resolutions not commenced

Outstanding heritage studies and assessments	Timeframe required	Level of priority
Bay and Knox Street heritage assessments (Double Bay)	6 months	1
58 – 88-90 Oxford Street Woollahra	6 months	2
543-549 Glenmore Road, Edgecliff	6 months	3

Table 14: Table outlining level of priority and timeframe required for each outstanding Council resolution

7.3 Medium priority actions

Actions with medium priority are expected to start within 5 years and be finalised within the next 8 years.

ACTION: Undertake new heritage studies, based on a Council endorsed heritage program

1. LGA wide review

- Cultural landscapes (including parks, gardens, reserves, beaches, etc.)
- Items listed on other statutory and non-statutory heritage registers
- Commercial, community and recreational buildings
- Water-land interface buildings and maritime archaeology
- Items providing evidence of the area's historic development
- Items associated with local personalities (including women)
- Review and assess heritage items nominated in previous heritage studies

2. Modernism heritage study

- Buildings and landscapes showing the influence of Modernism

The focus of the two LGA wide reviews will be on specific suburbs priorities, subject but not limited to their development pressure.

- Vaucluse
- Bellevue Hill
- Rose Bay
- Double Bay

ACTION: Undertake new DCP Amendments:

- a. Update the Double Bay Centre Chapter of the Woollahra DCP 2015 (pending the recommendations of the Bay and Knox Street heritage assessments NOM)

ACTION: Develop a Heritage Interpretation strategy for archaeological findings (both on land and in the water) and built heritage.

7.4 Low priority actions

Actions with medium priority are expected to be finalised within the next 10 years, as per Table 15.

ACTION: Undertake new DCP Amendments:

- a. Update the Watsons Bay HCA Chapter of the Woollahra DCP 2015
- b. Update the Woollahra HCA Chapter of the Woollahra DCP 2015

ACTION: Consolidate Schedule 5

- a. Undertake a review of Schedule 5 to identify items that could be combined in a single listing, including cultural landscapes and built heritage
- b. Review item type of each item of environmental heritage
- c. Verify levels of significance of listed environmental heritage

7.5 Ongoing actions

ACTION: Continue providing heritage specialist advice for DAs and appeals in the NSW Land and Environment Court.

Maintain current resources to provide specialist advices in the assessment of development applications and providing expert witness services.

ACTION: Remain vigilant on development and threats to unlisted heritage.

Continue reviewing development applications and complying development certificates to minimize loss of unlisted heritage and issue Interim Heritage Orders under S25 of the *NSW Heritage Act, 1977*.

Ensure there are resources to undertake *ad hoc* heritage assessments in the event of a threat.

ACTION: Review and update all heritage inventory sheets

This is an ongoing project undertaken by Council's heritage officers in accordance with a priority list based on items' risk.

ACTION: Continue celebrating Woollahra's heritage

- a. Promote the Design Excellence Awards
- b. Provide assistance and partnership with Community and Customer Experience team for exhibition and events
- c. Continue maintaining heritage related webpages on Council's website

8. Conclusions and Recommendations

8.1 Summary

Woollahra has a rich and diverse history and natural setting that is represented in Victorian, Federation, Inter-War and post-1950 buildings, precincts and streetscapes. This environmental heritage has a local, state and, in many instances, a nationally recognised level of significance.

Schedule 5 Environmental Heritage of the Woollahra LEP 2014 is the result of over 40 years of strategic planning work undertaken collaboratively by Council staff, heritage specialists, Councillors and relentless volunteers and interested parties to research and identify Woollahra's heritage.

The Woollahra DCP 2015 complements and supports heritage protection through the constant update and review undertaken by Staff.

This Heritage Gap Analysis has identified opportunities for improvement of Schedule 5 of the Woollahra LEP 2014, has provided an analysis of the current heritage work program and gives a vision for the future heritage program.

8.2 Endorsing the Heritage Strategy and the Action Plan

The Heritage Strategy aims to propose a 10 year strategy to undertake new heritage studies in order to fill identified gaps in a time efficient way and based on a Council endorsed Action Plan at section 7 of this report. It is recommended that Council endorses the strategy and the priorities identified in the report.

Appendix A: Other Statutory Heritage Registers

List of Other Statutory Heritage Register	
World Heritage List	<p>World Heritage sites are places that are important to and belong to everyone, irrespective of where they are located. They have universal value that transcends the value they hold for a particular nation.</p> <p>These qualities are expressed in the <i>Convention concerning the Protection of the World Cultural and Natural Heritage</i> (the World Heritage Convention).</p> <p>Australia is a member of the UNESCO World Heritage Committee.</p> <p>There are no items listed in the Woollahra local government area that are on the World Heritage List.</p> <p>No further action is required.</p>
Commonwealth Heritage Register	<p>The Commonwealth Heritage List is a list of Indigenous, historic and natural heritage places owned or controlled by the Australian Government.</p> <p>These include places connected to defence, maritime safety, communications, customs and other government activities that also reflect Australia's development as a nation.</p> <p>There are currently 10 items listed on the CHL for Woollahra and they are all listed in Schedule 5.</p> <p>No Further action is required.</p>
National Heritage List	<p>The National Heritage List is Australia's list of natural, historic and Indigenous places of outstanding significance to the nation.</p> <p>There are no items listed on the NHL for Woollahra.</p> <p>No further action is required.</p>
State Heritage Register	<p>The State Heritage Register (SHR) is a collection of places, buildings, works, relics, moveable objects or precincts significant to the State of NSW in relation to their historical, scientific, cultural, social, archaeological, architectural, natural and/or aesthetic values. Items listed on the SHR are listed under the <i>NSW Heritage Act, 1977</i> (the Heritage Act).</p> <p>There are 31 items listed on the SHR in Woollahra under the Heritage Act. Missing items will need to be included in Schedule 5 of the Woollahra LEP 2014.</p> <p>The SHR has 4 items that are only partially listed in Schedule 5.</p> <p>No further action is required.</p>
Section 170 Heritage and Conservation Registers	<p>Under Section 170 of the Heritage Act, each Government Agency has a statutory obligation to maintain a Heritage Conservation Register of the properties they own.</p> <p>Within the Woollahra government area are items listed under Section 170 of the Heritage Act owned by different Government Agencies, as identified in the following list:</p>

List of Other Statutory Heritage Register		
	Government Agency	Number of Items in Woollahra
	National Parks & Wildlife Services	51
	Ausgrid	20
	Sydney Water	10
	NSW Maritime	8
	NSW Schools	4
	Roads and Maritime Services	3
	Sydney Ports Corporation	3
	RailCorp	2
	Health SNW	1
	Fire Brigades	1
	NSW Police Service	1
	Grand Total	104
	<p>Overall there are 103 items listed under Section 170 of the Heritage Act 1977 in Woollahra. Of these, only 59 are listed on Schedule 5 of the Woollahra LEP.</p> <p>It is likely that some of the items listed under Section 170 of the Heritage Act fit the criteria for local listing.</p>	
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	<p>The Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005, (Harbour REP), covers all the waterways of the Harbour, the foreshores and entire catchment. It establishes a set of planning principles to be used by councils for the preparation of planning instruments. Schedule 4 Heritage Items lists all items listed under this instrument.</p> <p>There are 25 items listed in the Woollahra local government area. Only 8 of them are listed in Schedule 5.</p> <p>It is likely that some of the items listed under the Harbour REP fit the criteria for local listing.</p>	

Appendix B: Non-Statutory Heritage Registers

List of Non Statutory Heritage Register	
National Trust of Australia (NSW)	<p>The National Trust of Australia (NSW) maintains a Register of landscapes, townscapes, buildings, industrial sites, cemeteries and other items or places which the Trust determines have cultural significance and are worthy of conservation.</p> <p>The National Trust of Australia is the Australian national peak body for community-based, non-government non-profit organisations committed to promoting and conserving Australia's indigenous, natural and historic heritage. The National Trust has assembled a Register of heritage items and urban areas and is an advocate to influence local, State and Federal heritage strategies and policies.</p> <p>There are 266 items listed in the Trust Register, including natural, built and urban areas located in the Woollahra government area. 242 items are listed in Schedule 5 of the Woollahra LEP 2014. In addition to this, 3 items are in heritage conservation areas and 7 have been demolished.</p>
Australian Institute of Architects (NSW)	<p>In 2012, the Australian Institute of Architects NSW Chapter has renamed its Register of 20th Century Buildings of Significance to The Australian Institute of Architects Register of Significant Architecture (AIA Register) to focus on preserving buildings of merit, in particular, award-winning buildings.</p> <p>There are 92 buildings in the AIA Register located in the Woollahra government area. 49 of these are listed in Schedule 5 of the Woollahra LEP 2014. In addition to this, 11 items are in a heritage conservation area and 3 have been demolished.</p>
Register of the National Estate	<p>The Register of the National Estate (RNE) was originally established under the Australian Heritage Commission Act 1975. It is a list of natural, Indigenous and historic heritage places throughout Australia. In 2004, the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (the EPBC Act) introduced the National Heritage List and the Commonwealth Heritage List.</p> <p>From 19 February 2007 the Register has been frozen, meaning that no places can be added or removed. Since 2012, the RNE is no longer a statutory list but it acts as a repository of information and educational resource.</p> <p>There are 122 registered items in the RNE, including natural, built and urban areas located in the Woollahra government area. 120 items are listed in Schedule 5 of the Woollahra LEP 2014. One item missing from Schedule 5 but listed on the RNE been demolished.</p> <p>There are also 19 sites that have an Indicative status (meaning that was for those items was entered into the RNE database however a decision on whether the place should be entered in the RNE itself was not made before the RNE was closed in 2007). 4 of these are not listed in Schedule 5.</p>
DoCoMoMo Register	<p>The Australian working party for documentation and conservation of buildings, sites and neighborhoods of the modern movement (DoCoMoMo) aims to protect, educate and promote the significance of modern buildings and sites. DoCoMoMo maintains an online database of buildings, sites and neighbourhoods of the modern movement in Australia. It is one of the most</p>

List of Non Statutory Heritage Register	
	<p>comprehensive record of modern movement resources of the built environment in Australia.</p> <p>There are only two items documented by DoCoMoMo Australia in the Woollahra Municipality. These are Prevost House at 65 Kambala Road Bellevue Hill by Prevost and Ancher and the Wentworth Memorial Chapel by Clarke, Gazzard & Yeomans in Fitzwilliam Street, Vaucluse. They are both listed in Schedule 5 of the Woollahra LEP 2014.</p> <p>No further action is required.</p>
Australian Engineering Heritage Register	<p>Engineers Australia (EA) established the Australian Historic Engineering Plaquing Program in 1984 as a means of bringing public recognition to engineering works of historic or heritage significance and to the engineers who created them.</p> <p>The program includes three categories of heritage significance at local, National and International level, and promotes heritage interpretation through the installation of markers and panels.</p> <p>The Eastern Suburbs Railway is the only item in Woollahra listed on this Register, with its marker being located in Martin Place, Sydney.</p>
NSW War Memorial Register	<p>The NSW War Memorials Register is a database of war memorials in New South Wales. It currently holds more than 3000 war memorial records, and more than 200,000 veteran records.</p> <p>The NSW War Memorials Register was launched by the Premier and the President of the Returned and Services League of New South Wales (RSL NSW) on 22 April 2002 as a joint initiative.</p> <p>There are currently two items in the Woollahra local government area and only one is listed in the Schedule 5.</p>

Item No: R7 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - REMOVAL OF LAND ACQUISITION RESERVATIONS IN EDGECLIFF COMMERCIAL CENTRE**
Authors: Emma Williamson, Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/186468
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with a planning proposal to amend the Woollahra Local Environmental Plan 2014 to remove the land acquisition reservations from certain sites in the Edgecliff Commercial Centre.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 for the planning proposal to amend the Woollahra Local Environmental Plan 2014 to remove the land acquisition reservations from certain sites in the Edgecliff Commercial Centre.
- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

The *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) identifies land reserved for acquisition on the *Land Reservation Acquisition Map*. By including these parcels (and part of parcels) in the Woollahra LEP 2014, this land may be acquired in the future by public agencies for a specific purpose. The purpose for which the land is to be acquired is identified on the Map, and this includes uses such as "road widening" and "open space". By being identified as land reserved for acquisition in the Woollahra LEP 2014 there is an implication that current development on that parcel (or part of parcel) will at some point be the subject of demolition to make way for the public purpose.

The Woollahra LEP 2014 currently identifies land reservation acquisition for road widening affecting a number of properties along New South Head Road and Glenmore Road in the Edgecliff Centre. Figure 1 below identifies the four Areas in the Edgecliff Centre that are subject to a reservation for road widening. The properties affected in each Area, and what currently exists on the site is summarised in section 3 of the Planning Proposal (**Annexure 3**). It is noted that Chapter C1 Paddington HCA of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that all properties located in the Paddington HCA are contributory items.

As identified below (**Figure 1**), the affected areas include properties located in the Paddington heritage conservation area (C8), listed heritage items, contributory items and the Cadry's building at 133 New South Head Road.

Under the Woollahra LEP 2014 and in accordance with *Clause 5.1A Development on land intended to be acquired for public purposes*, development consent can only be granted for the purpose of "Roads" on these properties.

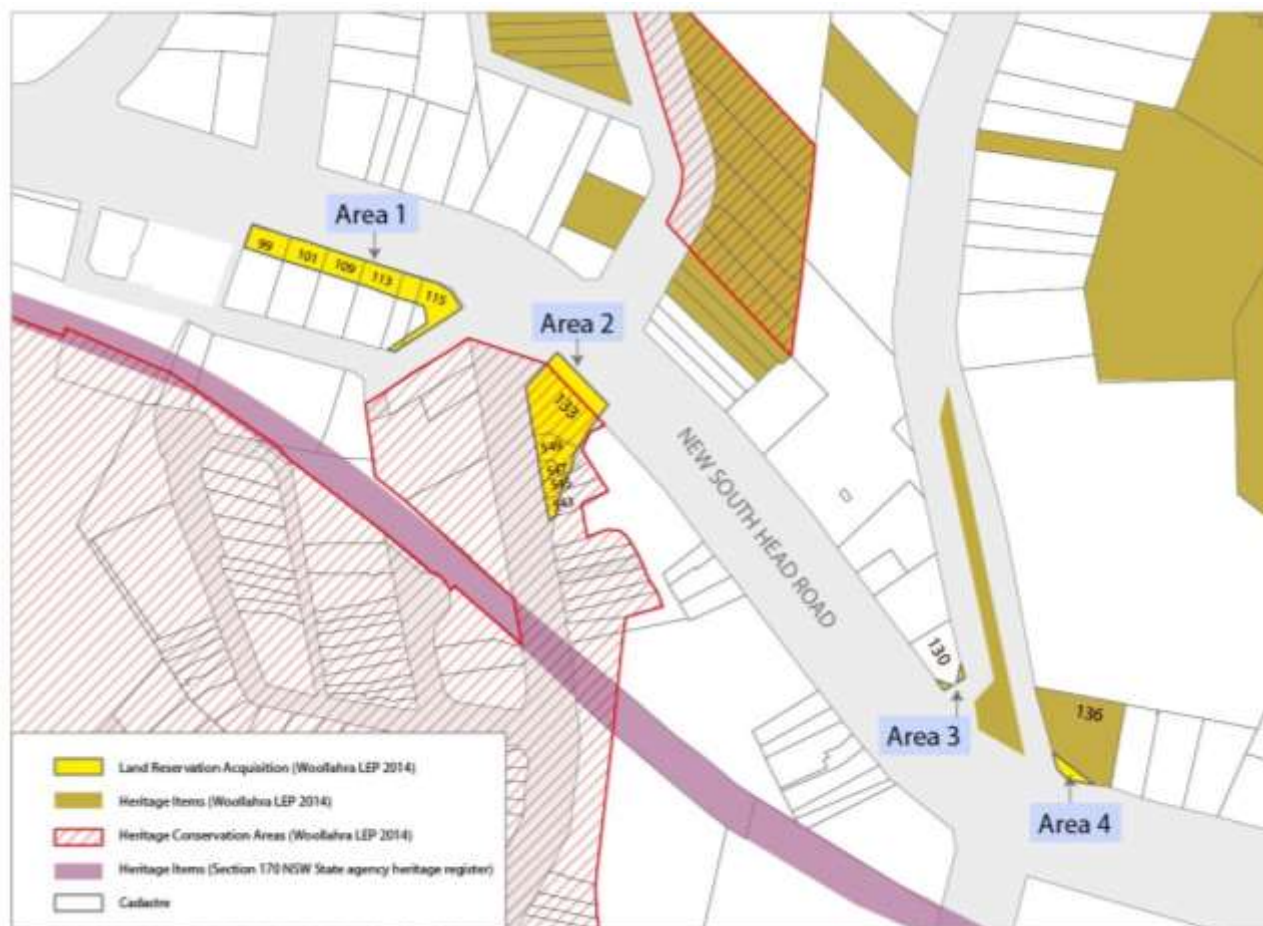


Figure 1: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations

136 New South Head Road is listed as a Local Heritage Item 'Item 238' 'two-storey historic bank building and interiors' in the Woollahra LEP 2014 (see **Figure 2**). The former Commonwealth Bank building is an Art Deco style building constructed in 1940 on the site of an earlier bank, which was reconstructed to accommodate the expansion of Daring Point Road. It is a significant building as an exemplar of the style and for its strong architectural response to its corner location, which makes it a landmark building.

All five properties in Area 2 are located in the Paddington Heritage Conservation Area (HCA) and are identified as contributory items in the Woollahra DCP 2015.

On 5 July 2021 Council resolved to prepare a planning proposal to list the Cadry's building (including interiors) at 133 New South Head Road, Edgecliff as a local heritage item (see **Figure 3**). This matter is being progressed via a separate planning proposal.

On 5 July 2021 Council also resolved that the cottages at 543-549 Glenmore Road should be investigated to determine whether these buildings fulfil the criteria for heritage listing (see **Figures 4 & 5**).²



Figure 2: Street view of 136 New South Head Road Edgecliff at the corner of Darling Point Road, facing north-east (Source: Google Maps 2021)



Figure 3: Cadry's Building, 133 New South Head Road, Edgecliff viewed from New South Head Road facing south (Source: Google Maps 2021)

² On 16 September 2021 the Woollahra Local Planning Panel resolved to advise Council that the planning proposal to list the Cadry's building at 133 New South Head Road, Edgecliff as a local heritage item should be amended to also include the building at 549 Glenmore Road, Edgecliff (see **Figure 4** below).



Figure 4: Street view (obscured) of the two-storey sandstone workers cottage at 549 Glenmore Road Edgecliff from Glenmore Road facing east (Source: Google Maps 2019)



Figure 5: Street view of the three single storey timber workers' cottages at 543-547 Glenmore Road Edgecliff from Glenmore Road facing east (Source: Google Maps 2019)

2. Relevant acquisition authority

The relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS), which forms part of Transport for NSW (TfNSW). These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and at the time the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005.

When Council staff prepared the current LEP, consultation occurred with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that these parcels had to be retained on the Land Reservation Acquisition Map. This was despite the fact that the RMS has no plans to acquire the land and no proposal to carry out road improvement works on these parcels.

3. Purpose of the land reserved for acquisition

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two

bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed, superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening. In summary, these land reservations are now superfluous.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years. Having land identified for acquisition (and ultimately demolition) is in conflict with the LEP objective to conserve the built and environmental heritage of Woollahra, which includes conserving the significance of the Paddington HCAs and heritage items. Should Council resolve to endorse the planning proposal to list the Cadry's building at 133 New South Head Road, Edgecliff and 549 Glenmore Road, Edgecliff as local heritage items, the land reservations on these sites will be in direct contradiction to Council's intention to protect the heritage significance of this building.

4. Consultation

Since the drafting and implementation of Woollahra LEP 2014, Council staff have continued to seek support from TfNSW and the Department of Planning, Industry and Environment (DPIE) and remove the road reservation affectations. Most recently this has included:

- 16 January 2020, a letter was sent from Councillor Susan Wynne, Mayor of Woollahra Council, to the Hon. Robert Stokes MP, Minister for Planning and Public Spaces seeking the removal of the land reservations along New South Head Road and Glenmore Road in Edgecliff (**Annexure 4**).
- 4 February 2020, Council received a letter from Brett Whitworth, Deputy Secretary, Greater Sydney Place and Infrastructure, NSW DPIE stating that the need for removal of the land reservations will be discussed as part of the implementation of the *Eastern City District Plan* and the *Woollahra Local Strategic Planning Statement 2020* (**Annexure 5**).
- On 26 February 2020, a letter was sent from Councillor Susan Wynne, Mayor of Woollahra Council, to the Hon Andrew Constance MP, Minister for Transport and Roads, requesting support for the removal of the land reservations prior to the release of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (**Annexure 6**).
- On 21 April 2020, Council received a letter from Eleni Petinos MP, Parliamentary Secretary for Transport and Roads, stating that TfNSW had no plans on removal of land acquisition at this time. The letter indicated that removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor. (**Annexure 7**).

Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening. Removing the land reservations will enable Council to implement the public domain improvements identified in the *Draft Edgecliff Planning and Urban Design Strategy* and the *Draft Edgecliff Commercial Centre Public Domain Plan*. Council's proposed public domain improvements do not require demolition of any existing building structures and will ensure the heritage significance of the properties is retained.

The current land reservation affectations may enable TfNSW to demolish the buildings on the affected sites if they were to be acquired. Demolition of existing structures for road-related works would be an adverse outcome for all sites resulting in the loss of residential dwellings, buildings of heritage significance, landmark corner buildings, a heritage item and proposed heritage items.

The removal of land reservation affectations will provide certainty to the property owners and the community that the buildings will not be subject to demolition in the future.

5. Council decision

On 15 June 2021, this matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 1**) with a recommendation to prepare a planning proposal to amend the Woollahra LEP 2014 by removing the land acquisition reservations in the Edgecliff Commercial Centre. Subsequent to this, on 5 July 2021, Council resolved (in part):

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for Advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

A planning proposal was prepared in accordance with the Council's decision of 5 July 2021. The objectives of the planning proposal are:

- To remove redundant road reservation affectations from the Woollahra LEP 2014;
- To ensure that the buildings of heritage significance on the affected properties are protected from future demolition; and
- Council is able to invest in the long-term place making of Edgecliff.

6. Woollahra Local Planning Panel advice

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 16 September 2021 (**Annexure 2**), where they provided the following advice to Council:

Resolved:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to amend the Woollahra Local Environmental Plan 2014 to remove the land acquisition reservation from certain sites in the Edgecliff Commercial Centre.

Reasons:

For the reasons in the report, the Panel supports the Planning Proposal to remove the land reserved for acquisition to retain the buildings of heritage significance, and to facilitate works to the public domain that have been identified in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.

However, based on the matters that were discussed at the Woollahra LPP, it became evident that the Planning Proposal could be enhanced to address in more detail the issues raised in the correspondence from TfNSW. It was also suggested that the Planning Proposal could be enhanced to make greater references to the Draft Edgecliff Commercial Centre Public Domain Strategy, and the implications should TfNSW seek to acquire the land.

In response to the issues that were raised at the meeting of the WLPP, the Planning Proposal (attached at **Annexure 3**) has been updated with changes highlighted in yellow.

7. Next steps

Subject to the Council's decision, the planning proposal (with updates to make reference to the Council decision) will be referred to the DPIE for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

It is anticipated that the DPIE will require agreement from TfNSW before public exhibition can commence. In light of the discussions Council staff have previously had with representatives from TfNSW, it is recognised that this issue may take some time to resolve. Council staff have also raised this issue with representatives from the Greater Sydney Commission, and we anticipate including this agency as part of the process.

Should the DPIE issue a gateway determination, the public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the DPIE as delegate for the Minister.

The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A notice to the land owners of the affected site
- A notice on Council's website
- A notice to land owners adjoining and in the vicinity of the site
- A weekly notice in the Wentworth Courier for the duration of the exhibition period (if a hardcopy is being published)
- A letter to local community groups.

To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

8. Conclusion

On 16 September 2021, the Woollahra LPP provided advice to Council that it supported the planning proposal to amend the Woollahra LEP 2014 to remove the land reserved for acquisition on certain sites in the Edgecliff Commercial Centre.

The removal of the land reservations will ensure that the buildings of heritage significance on the affected properties are protected from any future demolition for road widening and allow Council to move forward with place-based improvements to the public domain in the Edgecliff Commercial Centre.

Based on the discussions at the Woollahra LPP meeting, Council staff have amended the planning proposal to address in more detail the issues raised in the correspondence from TfNSW.

The Council may now proceed with referring the planning proposal to the DPIE requesting a gateway determination to allow public exhibition. However, it is anticipated that the release of the gateway determination may be delayed whilst the DPIE seeks agreement from TfNSW.

Annexures

1. Environmental Planning Committee report - 15 June 2021 (annexures removed) [↓](#) 
2. Woollahra Local Planning Panel Report - 16 September 2021 (annexures removed) [↓](#) 
3. Planning Proposal - Removal of Land Acquisition Reservations in Edgecliff - Updated September 2021 (annexures removed) [↓](#) 
4. Mayoral letter to Robert Stokes MP - 16 January 2020 [↓](#) 
5. Letter from DPIE - 4 February 2020 [↓](#) 
6. Mayoral letter to Andrew Constance MP - 26 February 2020 [↓](#) 
7. Letter from Eleni Petinos MP - 21 April 2020 [↓](#) 

Woollahra Municipal Council
Environmental Planning Committee Agenda

15 June 2021

Item No: R1 Recommendation to Council

Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF & PLANNING PROPOSAL - REMOVAL OF THE LAND RESERVED FOR ACQUISITION ALONG NEW SOUTH HEAD ROAD, EDGECLIFF**

Author: Kristy Wellfare, Strategic Heritage Officer

Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place

File No: 21/73189

Reason for Report: To present the heritage significance assessment prepared by Council's Strategic Heritage Officer: Kristy Wellfare for the Cadry's building at 133 New South Head Road, Edgecliff.
To recommend that Council resolves to prepare a planning proposal to list the Cadry's building (including interiors) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.
To recommend that Council resolves to prepare a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

Recommendation:

- A. THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- C. THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT the heritage significance of the properties at 543-549 Glenmore Road be assessed and recommendations provided regarding the listing of these properties in Schedule 5 of the Woollahra LEP 2014 and on the State Heritage Register.

1. The Cadry's Building

On 10 February 2020 Council resolved the following:

THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

The following information was included as background on the relevant Council agenda:

I request our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.

This building was constructed in 1856 and operated as a hotel for many years. Since 1952, the building has been owned and operated by the Cadry's family who have restored some of the building back to its original state over the years.

This includes removing the pub tiles on the outside walls that would have been added in the 1930's to reveal the original sandstone walls.

The building is located in a highly visible spot and sits at the gateway to Woollahra. It is unique and I strongly believe that it should have a permanent heritage listing to save it for future generations.

1.1. The Site

The subject site features the three storey building known as the Cadry's building located at 133 New South Head Road, Edgecliff, on the corner of Glenmore Road. Existing development on the site comprises a three storey commercial building with basement, of sandstone and rendered masonry construction. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson that was added during the period the site operated as the Rushcutters Bay Hotel.



Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff

The site is legally known as Lot 1 in DP: 255233. The site is irregular in shape and approximately 403m² in area with a frontage of 23.98m to New South Head Road, and an irregular frontage to Glenmore Road of 27.66m.

Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-549 Glenmore Road comprising a two storey sandstone cottage (No. 549) and three single storey brick cottages (Nos 543-547). As demonstrated in **Figure 2** below, the subject site and the adjoining sites at 543-549 Glenmore Road are located within the Paddington Heritage Conservation Area (HCA).

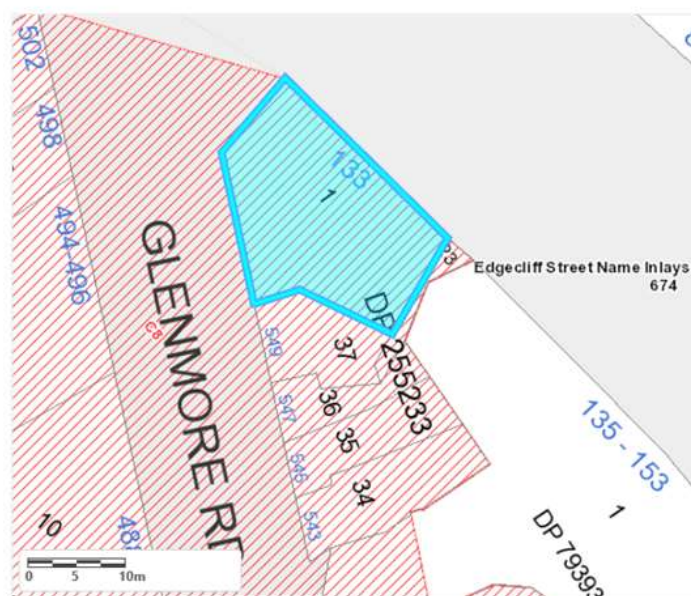


Figure 2: Cadastral map of the subject site (highlighted in blue) and the adjoining sites along Glenmore Road (HCA shown in red hatch)

As shown in **Figure 3** below, the subject site, along with the neighbouring sites at 543-549 Glenmore Road, is affected by the *Land Reserved for Acquisition Map* in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). The effect of the Land Reserved for Acquisition affectation is to enable the acquisition of these sites by a public agency for a specific purpose, which, if exercised, would result in the demolition of the buildings to facilitate that purpose.

2. Assessment of heritage significance

An assessment of heritage significance was carried out by Council's Strategic Heritage Officer: Kristy Wellfare, which was informed by site visits which took place on 20 March 2020, 9 June 2020 and 12 May 2021. The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001.

The building was assessed against the seven criteria in the guidelines. Each criterion has inclusions and exclusions guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed. A copy of the assessment which includes the assessment against all criteria, is attached as **Annexure 1**.

Table 1 below provides a summary of the assessment of the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff against the seven criteria, at the local and State levels, and demonstrates that the site meets five of the seven criteria for local listing, with potential to fulfil two additional criteria.

Table 1: NSW Heritage assessment criteria summary

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)	✓	✗
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons	✗	✗
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area)	May fulfil criterion	✗
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area)	✓	✗
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's • cultural or natural places; or • cultural or natural environments. or a class of the local area's • cultural or natural places; or • cultural or natural environments.	✓	✗

The heritage significance assessment provides the following statement of significance:

The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premises for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.

The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site topography. The building remains legible as a mid 19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.

As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories.

The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".

The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development. The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.

2.1. Recommendations of the Assessment of Heritage Significance report

The heritage significance assessment report has assessed the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff in accordance with the NSW Heritage Manual. It has concluded that, based on the information available at the time of writing, the building meets the threshold for listing as an item of local heritage significance. The Cadry's building fulfils the criteria for listing for its historical, aesthetic, associational, rarity and representative significance. This report has concluded that the Cadry's building at 133 New South Head Road, Edgecliff does not meet the threshold for State heritage significance.

Through the historical investigations undertaken as part of the Heritage Significance Assessment for the Cadry's building, it was noted that the adjacent buildings at 543-549 Glenmore Road are contemporaneous with the subject site and appear to be relatively unchanged externally. As such, the heritage significance assessment has also recommended that the buildings at 543-549 Glenmore Road be investigated to determine whether these building fulfil the criteria for heritage listing.

3. Land Reservation Acquisition map

The Woollahra LEP 2014 identifies land reserved for acquisition on the *Land Reservation Acquisition Map*. By including these parcels (and part of parcels) in the Woollahra LEP 2014, this land may be acquired in the future by public agencies for a specific purpose. The purpose for which the land is to be acquired is identified on the Map, and this includes uses such as "road widening" and "open space". By being identified as land reserved for acquisition in the Woollahra LEP 2014 there is an implication that current development on that parcel (or part of parcel) will at some point be the subject of demolition to make way for the public purpose.

3.1. Land reserved for acquisition in Edgecliff

The Woollahra LEP 2014 currently identifies land reservation acquisition for road widening affecting a number of properties along New South Head Road and Glenmore Road in the Edgecliff Centre. **Figure 4** below identifies the three Areas in the Edgecliff Centre that are subject to a reservation for road widening. The properties affected in each Area, and what currently exists on the site is then summarised in **Table 2** below. This table also describes the significance of the properties affected (where applicable). It is noted that Chapter C1 Paddington HCA of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that all properties located in the Paddington HCA are contributory items.

As identified in the maps and table, the affected areas include properties located in the Paddington heritage conservation area (C8), listed heritage items, contributory items and the Cadry's building at 133 New South Head Road.

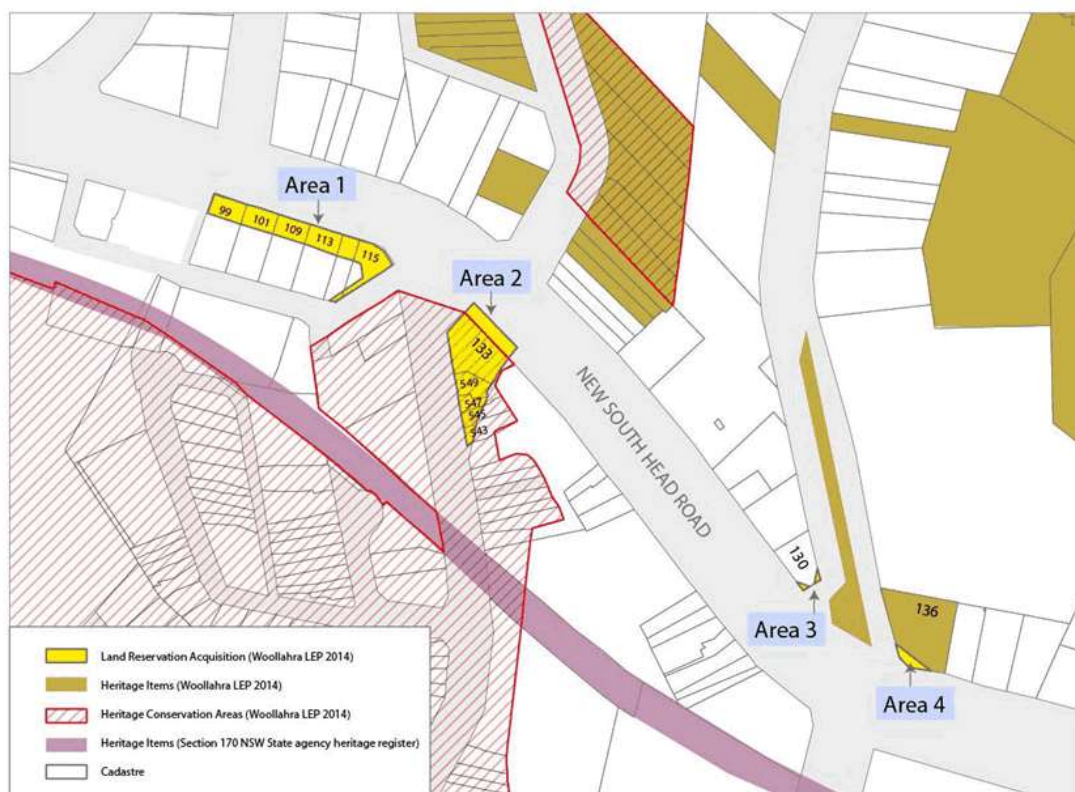


Figure 3: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations

3.2. Relevant acquisition authority

The relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS), which forms part of Transport for NSW. These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and at the time the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005.

When Council staff prepared the current LEP, we consulted with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that we had to retain these parcels on the Land Reservation Acquisition Map. This was despite the fact that the RMS has no plans to acquire the land and no proposal to carry out road improvement works on these parcels.

Table 2: Individual parcels affected by the land reserve for acquisition in the Edgecliff Centre, and relevant heritage affectations

Area	Property details	Property Description	Significance
Area 1: (Fig. 5)	• Part 99 New South Head Rd	Four-storey interwar residential flat building	Identified as significant in the Woollahra DCP 2015
	• Part 101 New South Head Rd	Four-storey strata titled interwar residential flat building (15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 109 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 113 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 16 units)	Identified as significant in the Woollahra DCP 2015
	• Part 115 New South Head Rd	Car service Centre	
Area 2: (Fig. 6)	• 133 New South Head Rd	Three-storey corner sandstone and masonry building “Cadry’s”	Contributory item in Woollahra DCP 2015 & the subject of this report
	• 549 Glenmore Rd	Two-storey sandstone workers’ cottage	Contributory item in Woollahra DCP 2015
	• Part 547 Glenmore Rd	Single storey brick workers’ cottage	Contributory item in Woollahra DCP 2015
	• Part 545 Glenmore Rd	Single storey brick workers’ cottage	Contributory item in Woollahra DCP 2015
	• Part 543 Glenmore Rd	Single storey brick workers’ cottage	Contributory item in Woollahra DCP 2015
Area 3:	• 130 New South Head Rd	Three-storey corner shop-top housing building	
Area 4:¹	• 136 New South Head Rd	Two-storey historic bank building and interiors	Local Heritage Item Woollahra LEP 2014

3.3. Purpose of the land reserved for acquisition

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening. In summary, these land reservations are now superfluous.

¹ The concrete balustrade and retaining wall located at the intersection of Darling Point Road and New South Head Road is a Local Heritage Item in Woollahra LEP 2014. Whilst it is not identified on the Land Reserved for Acquisition Map, given its location within the southernmost tip between Areas 3 and 4 as identified in **Figure 4** above, this item is also at risk from any road widening activities carried out in this part of New South Head Road.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years. Having land identified for acquisition (and ultimately demolition) is in conflict with the LEP objective to conserve the built and environmental heritage of Woollahra, which includes conserving the significance of the Paddington HCAs and heritage items. Should Council resolve to endorse the planning proposal to list the Cadry's building at 133 New South Head Road, Edgecliff as a local heritage item, the land reservations at this site will be in direct contradiction to Council's intention to protect the heritage significance of this building.

Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

Since the implementation of Woollahra LEP 2014, Council staff have been continuing to liaise with *Transport for NSW* (TfNSW) and the *Department of Planning, Industry and Environment* seeking support for the removal of the road reservations affectations. However, we have been unable to gain support from TfNSW. Furthermore, TfNSW have been unable to provide a clear or compelling reasons that would prevent the removal of these land reservations.

Staff recommend preparing a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff from the *Land Reservation Acquisition Map*.

Further discussions with relevant staff from TfNSW can occur once the planning proposal has been placed on public exhibition. It is anticipated that these discussions will be facilitated by representatives from the DPIE and the *Greater Sydney Commission*.

4. Woollahra Local Planning Panel advice

Section 2.19 of the *Environmental Planning and Assessment Act 1979* sets out the functions of local planning panels. One of those functions is "to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council".

Additionally, the *Local Planning Panel Direction – Planning Proposals* which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the *Department of Planning, Industry and Environment* for a gateway determination.

Under the terms of the Direction, should Council resolve to prepare a planning proposal this must be referred to the Woollahra LPP for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should Council decide to prepare one or both of these planning proposals.

5. Next steps

If Council supports the recommendations of this report, the next steps are:

- Prepare a planning proposal under section 3.33 of the Act to
 - list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff, as an item of local heritage significance in the Woollahra LEP 2014,
 - remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- Refer the draft planning proposals to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LPP to the Environmental Planning Committee.

6. Conclusion

The heritage significance of the Cadry's building, including interiors at 133 New South Head Road, Edgecliff has been assessed in accordance with the NSW Heritage guidelines. The assessment concludes that the Cadry's building, including interiors at 133 New South Head Road, Edgecliff Hillcrest, has local heritage significance and should be listed in Schedule 5 of the Woollahra LEP 2014.

Having recommended the listing of the Cadry's building as a local heritage item, staff also recommend removing the land identified for road reservation in the Edgecliff Centre. Having this land reserved for acquisition (and ultimately demolition) is in conflict with the recommendation to list the Cadry's building (including interiors) as a local heritage item. It is also in conflict with the Woollahra LEP 2014 objective to protect the significance of the Paddington HCA and heritage items.

To progress these two matters, planning proposals should be prepared to

- amend Schedule 5 of the Woollahra LEP 2014 by adding the Cadry's building, including interiors at 133 New South Head Road, Edgecliff to the list of heritage items, and
- remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

These two planning proposals should be referred to the Woollahra LPP for advice.

Staff also recommend that the heritage significance of the properties at 543-549 Glenmore Road be assessed, and recommendations provided to Council regarding the listing of these properties.

Annexures

1. Draft Heritage Significance Assessment - 133 New South Head Road, Edgecliff - June 2021

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Item No: D2
Subject: **PLANNING PROPOSAL - REMOVAL OF LAND ACQUISITION RESERVATIONS IN EDGECLIFF COMMERCIAL CENTRE**
Author: Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/175000
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to amend the Woollahra Local Environmental Plan 2014 by removing the land acquisition reservations from certain sites in the Edgecliff Commercial Centre.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to amend the *Woollahra Local Environmental Plan 2014* to remove the land acquisition reservation from certain sites in the Edgecliff Commercial Centre.

1. Reason for report to the Woollahra Local Planning Panel

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on the proposed amendment to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to remove the land acquisition reservation from certain sites in the Edgecliff Commercial Centre.

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) *the correction of an obvious error in a local environmental plan*
 - b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

2. Background

The Woollahra LEP 2014 identifies land reserved for acquisition on the *Land Reservation Acquisition Map*. By including these parcels (and part of parcels) in the Woollahra LEP 2014, this land may be acquired in the future by public agencies for a specific purpose. The purpose for which the land is to be acquired is identified on the Map, and this includes uses such as "road widening" and "open space". By being identified as land reserved for acquisition in the Woollahra LEP 2014

there is an implication that current development on that parcel (or part of parcel) will at some point be the subject of demolition to make way for the public purpose.

The Woollahra LEP 2014 currently identifies land reservation acquisition for road widening affecting a number of properties along New South Head Road and Glenmore Road in the Edgecliff Centre. **Figure 1** below identifies the three Areas in the Edgecliff Centre that are subject to a reservation for road widening. The properties affected in each Area, and what currently exists on the site is then summarised in **Table 1** below. This table also describes the significance of the properties affected (where applicable). It is noted that Chapter C1 Paddington HCA of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that all properties located in the Paddington HCA are contributory items.

As identified below, the affected areas include properties located in the Paddington heritage conservation area (C8), listed heritage items, contributory items and the Cadry's building at 133 New South Head Road.

Under the Woollahra LEP 2014 and in accordance with *Clause 5.1A Development on land intended to be acquired for public purposes* consent can only be granted for the purpose of "Roads" on these properties.

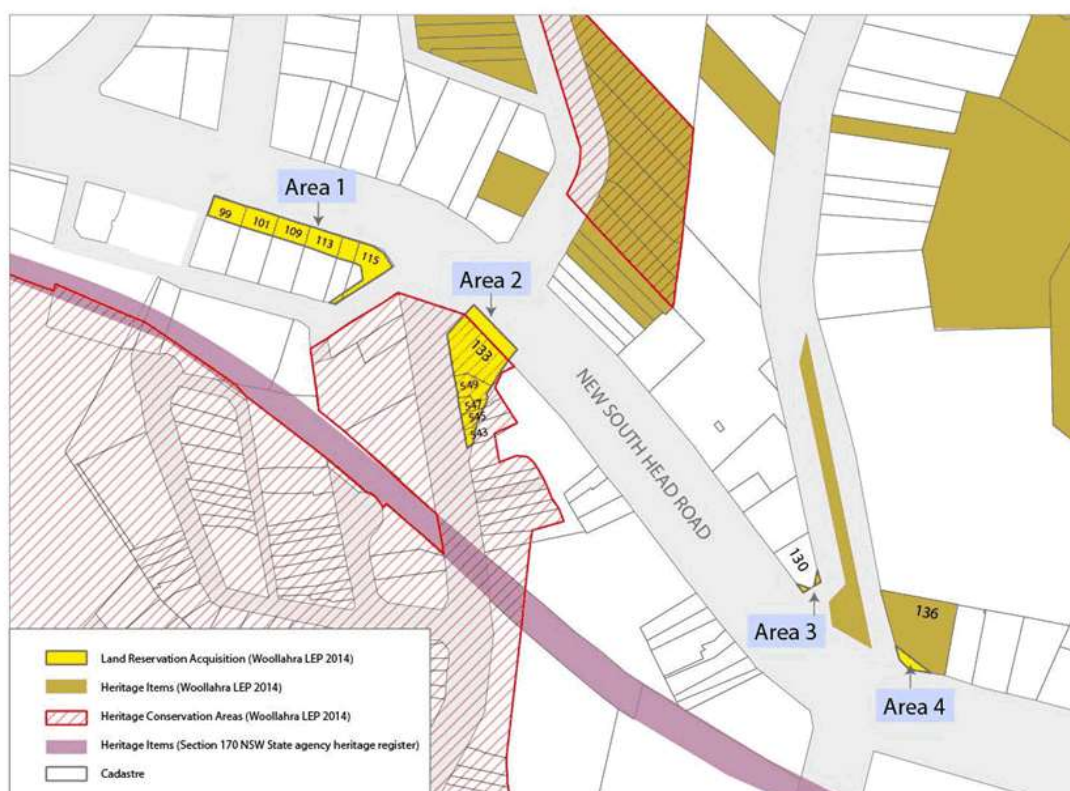


Figure 1: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations

136 New South Head Road is listed as a Local Heritage Item 'Item 238' 'two-storey historic bank building and interiors' in the Woollahra LEP 2014 (see **Figure 2**). The former Commonwealth Bank building is an Art Deco style building constructed in 1940 on the site of an earlier bank,

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which was reconstructed to accommodate the expansion of Darling Point Road. It is a significant building as an exemplar of the style and for its strong architectural response to its corner location, which makes it a landmark building.

All five properties in Area 2 are located in the Paddington Heritage Conservation Area (HCA) and are identified as contributory items in the Woollahra DCP 2015.

On 5 July 2021 Council resolved to prepare a planning proposal to list the Cadry's building (including interiors) at 133 New South Head Road, Edgecliff as a local heritage item (see **Figure 3**) This matter is being progressed via a separate planning proposal.

On 5 July 2021 Council also resolved that the cottages at 543-549 Glenmore Road should be investigated to determine whether these buildings fulfil the criteria for heritage listing (see **Figures 4 & 5**).



Figure 2: Street view of 136 New South Head Road Edgecliff at the corner of Darling Point Road, facing north –east (Source: Google Maps 2021)



Figure 3: Cadry's Building, 133 New South Head Road, Edgecliff viewed from New South Head Road facing south



Figure 4: Street view (obscured) of the two-storey sandstone workers cottage at 549 Glenmore Road Edgecliff from Glenmore Road facing east (Google Maps 2019)



Figure 5: Street view of the three single storey timber workers' cottages at 543-547 Glenmore Road Edgecliff from Glenmore Road facing east (Source: Google Maps 2019)

Table 2: Individual parcels affected by the land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations

Area	Property details	Property Description	Significance
Area 1:	• Part 99 New South Head Rd	Four-storey Interwar residential flat building	Identified as significant in the Woollahra DCP 2015
	• Part 101 New South Head Rd	Four-storey strata titled interwar residential flat building (15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 109 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 113 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 16 units)	Identified as significant in the Woollahra DCP 2015
	• Part 115 New South Head Rd	Car service Centre	

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Area	Property details	Property Description	Significance
Area 2:	• 133 New South Head Rd	Three-storey corner sandstone and masonry building “Cadry’s”	Contributory item in Woollahra DCP 2015.
	• 549 Glenmore Rd	Two-storey sandstone workers’ cottage	Contributory item in Woollahra DCP 2015
	• Part 547 Glenmore Rd	Single storey brick workers’ cottage	Contributory item in Woollahra DCP 2015
	• Part 545 Glenmore Rd	Single storey brick workers’ cottage	Contributory item in Woollahra DCP 2015
	• Part 543 Glenmore Rd	Single storey brick workers’ cottage	Contributory item in Woollahra DCP 2015
Area 3:	• 130 New South Head Rd	Three-storey corner shop-top housing building	
Area 4: ¹	• 136 New South Head Rd	Two-storey historic bank building and interiors	Local Heritage Item Woollahra LEP 2014

3. Relevant acquisition authority

The relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS), which forms part of Transport for NSW. These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and at the time the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005.

When Council staff prepared the current LEP, we consulted with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that we had to retain these parcels on the Land Reservation Acquisition Map. This was despite the fact that the RMS has no plans to acquire the land and no proposal to carry out road improvement works on these parcels.

4. Purpose of the land reserved for acquisition

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening. In summary, these land reservations are now superfluous.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years. Having land identified for acquisition (and ultimately demolition) is in conflict with the LEP objective to conserve the built and environmental heritage of Woollahra, which includes conserving the significance of the Paddington HCAs and heritage items. Should Council resolve to endorse the planning proposal to list the Cadry’s building at 133 New South Head Road, Edgecliff as a local heritage item, the land reservations at this site will be in direct contradiction to Council’s intention to protect the heritage significance of this building.

¹ The concrete balustrade and retaining wall located at the intersection of Darling Point Road and New South Head Road is a Local Heritage Item in Woollahra LEP 2014. Whilst it is not identified on the Land Reserved for Acquisition Map, given its location within the southernmost tip between Areas 3 and 4 as identified in **Figure 4** above, this item is also at risk from any road widening activities carried out in this part of New South Head Road.

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Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

5. Consultation

Since the drafting and implementation of Woollahra LEP 2014, Council staff have continued to seek support from *Transport for NSW* (TfNSW) and the *Department of Planning, Industry and Environment* and remove the road reservation affectations. Most recently this has included:

- 16 January 2020, a letter was sent from Councillor Susan Wynne, Mayor of Woollahra Council, to the Hon. Robert Stokes MP, Minister for Planning and Public Spaces seeking the removal of the land reservations along New South Head Road and Glenmore Road in Edgecliff (**Annexure 1**).
- 4 February 2020, Council received a letter from Brett Whitworth, Deputy Secretary, Greater Sydney Place and Infrastructure, NSW DPIE stating that the need for removal of the land reservations will be discussed as part of the implementation of the *Eastern City District Plan* and the *Woollahra Local Strategic Planning Statement 2020* (**Annexure 2**).
- On 26 February 2020, a letter was sent from Councillor Susan Wynne, Mayor of Woollahra Council, to the Hon Andrew Constance MP, Minister for Transport and Roads, requesting support for the removal of the land reservations prior to the release of the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy (**Annexure 3**).
- On 21 April 2020, Council received a letter from Eleni Petinos MP, Parliamentary Secretary for Transport and Roads, stating that TfNSW had no plans on removal of land acquisition at this time. The letter indicated that removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor. (**Annexure 4**)².

Council staff note that in this correspondence with TfNSW, they have failed to provide clear or compelling reasons that would prevent the removal of these land reservations.

6. Council decision

On 15 June 2021, this matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 5**) with a recommendation to prepare a planning proposal to amend the Woollahra LEP 2014 by removing the land acquisition reservations in the Edgecliff Commercial Centre. Subsequent to this, on 5 July 2021, Council resolved (in part):

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*

² Council staff do not agree with this position. The removal of the land reservation affectations will provide certainty to the property owners that the buildings will not be subject to demolition (or development) in the future, and will ensure the heritage significance of these properties is recognised.

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- B. *THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for Advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

Further details about the subject sites, including site images and current applicable planning controls, are contained in the planning proposal at **Annexure 6**.

4. Planning proposal

Consistent with Council's resolution of 5 July 2021, a planning proposal has been prepared to amend the Woollahra LEP 2014 to remove the land acquisition reservations from the subject sites (see **Annexure 6**).

4.1 Planning proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment, including A Guide to Preparing Planning Proposals and A Guide to Preparing Local Environmental Plans.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- Justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

Consistent with Council's resolution of 5 July 2021, a planning proposal has been prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.

4.2 Objective of the planning proposal

The objectives of the planning proposal are:

- To remove redundant road reservation affectations from the Woollahra LEP 2014
- To ensure that the buildings of heritage significance on the affected properties are protected from future demolition; and
- Council is able to invest in the long-term place making of Edgecliff.

4.3 Explanation of provisions

The planning proposal will amend the *Land Reservation Acquisition Map* (Sheet LRA_003) of the Woollahra LEP 2014 to remove the land reservations on New South Head Road and Glenmore Road in Edgecliff which are identified as Classified Road (B4). This will allow Council to provide ongoing protection and recognition of the heritage significance of the subject sites and implement public domain improvements in the ECC.

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4.4 Relationship to strategic planning framework

The planning proposal has strategic merit. The planning proposal is broadly consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018) (refer to section 5.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. Notably, the planning proposal is consistent with Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces, particularly the follow strategy:

4.3 Protect local heritage, including significant architecture and the natural environment.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement 2020* (approved by Council 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability:

Planning Priority 5 Conserving our rich and diverse heritage.

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to Schedule 1 of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to Schedule 2 of the planning proposal).

5. Conclusion:

This report seeks the advice of the Woollahra LPP on a planning proposal to amend the Woollahra LEP 2014 to remove the land reserved for acquisition on certain sites in the Edgecliff Commercial Centre.

The removal of the land reservations will ensure that the buildings of heritage significance on the affected properties are protected from any future demolition for road widening and allow council to move forward with place-based improvements to the public domain in the Edgecliff Commercial Centre.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

We recommend that the Woollahra LPP advise Council to proceed with the planning proposal at **Annexure 6**.

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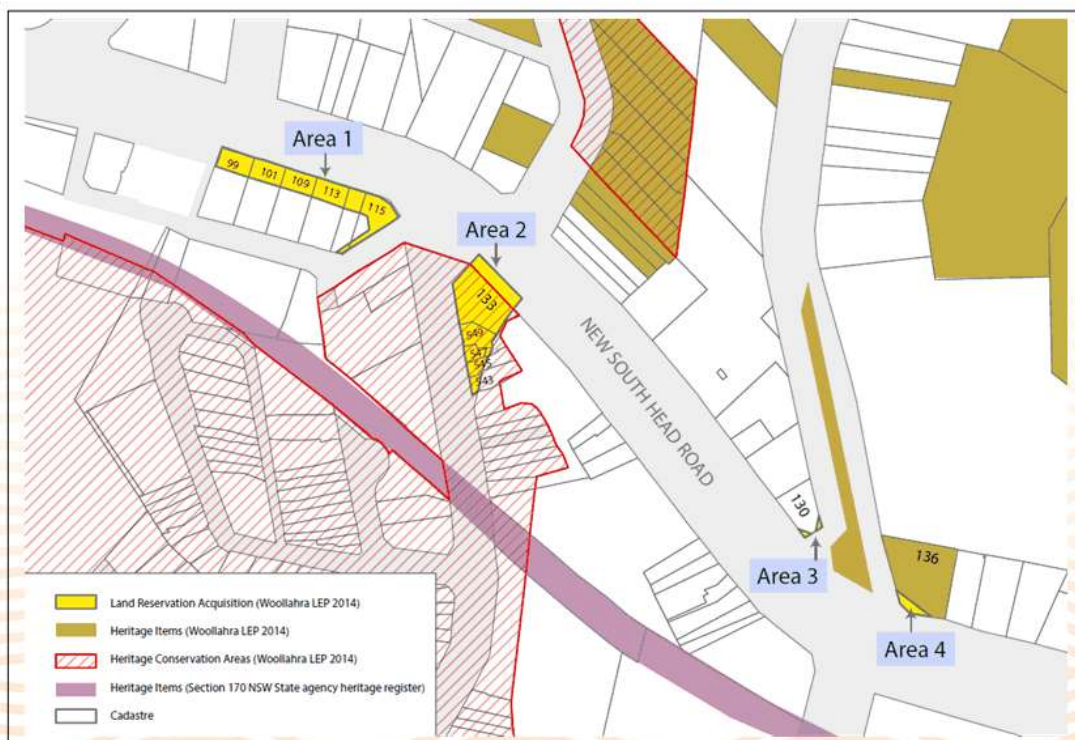
Annexures

1. Mayoral letter to Robert Stokes MP dated 16 January 2020
2. Letter from DPIE dated 4 February 2020
3. Mayoral letter to Andrew Constance MP dated 26 February 2020
4. Letter from Eleni Petinos MP dated 21 April 2020
5. Environmental Planning Committee Agenda Item 15 June 2021 (Annexures removed)
6. Planning Proposal - Removal of Land Acquisition Reservations in Edgecliff - August 2021

Planning Proposal



Removal of Land Acquisition Reservations in Edgecliff



Version Date:	September 2021
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Responsible Officer:	Kelly McKellar
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1. Introduction

1.1. Summary

The *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) identifies land reserved for acquisition on the Land Reservation Acquisition Map. By including these parcels (and part of parcels) in the Woollahra LEP 2014, this land may be acquired in the future by public agencies for a specific purpose.

This planning proposal seeks to amend the Land Reservation Acquisition Map under the Woollahra LEP 2014 to remove land reserved for acquisition on twelve parcels along New South Head Road and Glenmore Road in Edgecliff.

The subject sites include a heritage listed item and buildings in the Paddington heritage conservation area (HCA) under the Woollahra LEP 2014. These buildings are also identified as contributory items under Chapter C1 Paddington HCA of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

The subject sites also include the Cadry's building at 133 New South Head Road Edgecliff, which fulfils the criteria for local heritage listing for its historical, aesthetic, associational, rarity and representative significance. A planning proposal is being prepared seeking to list the Cadry's building as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra LEP 2014.

Having land identified for acquisition (and ultimately demolition) is in conflict with the following clause of the Woollahra LEP 2014:

Clause 1.2 Aims of Plan:

(f) to conserve built and natural environmental heritage.

The removal of the land reservations will ensure that the buildings of heritage significance on the affected properties are protected from any future demolition.

Additionally, Woollahra Council has prepared the [Draft Edgecliff Commercial Centre Planning and Urban Design Strategy](#) which seeks to revitalise the Edgecliff Commercial Centre (ECC) by facilitating high-quality transit oriented development with a range of land uses including commercial, retail, community facilities and housing. In conjunction with the [Draft Edgecliff Commercial Centre Public Domain Plan](#), the draft strategy identifies potential public domain improvements such as new public spaces, urban greening, pedestrian and cycling infrastructure to guide private and public investment in the future.

The road reservations on the subject sites constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes.

This planning proposal responds to a recent resolution of Woollahra Council.

1.2. Background

The relevant acquisition authority for the land reservations on the subject sites is the *Roads and Maritime Services* (RMS), which forms part of *Transport for NSW* (TfNSW). The subject sites were previously reserved for acquisition under the Woollahra LEP 1995, and at the time the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005.

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening.

Since the implementation of Woollahra LEP 2014, Council has liaised with TfNSW and the *Department of Planning, Industry and Environment* (DPIE) on multiple occasions seeking support for the removal of the road reservations on the subject sites. This has included the following correspondence (copies provided in the supporting material):

- On 16 January 2020, a letter was sent from Councillor Susan Wynne, Mayor of Woollahra Council to the Hon. Robert Stokes MP, Minister for Planning and Public Spaces seeking the removal of the land reservations along New South Head Road and Glenmore Road in Edgecliff.
- On 4 February 2020, Council received a letter from Brett Whitworth, Deputy Secretary, Greater Sydney Place and Infrastructure, NSW DPIE stating that the need for removal of the land reservations will be discussed as part of the preparation of the Woollahra Local Environment Plan to give effect to the *Eastern City District Plan* and the *Woollahra Local Strategic Planning Statement 2020*.
- On 26 February 2020, a letter was sent from Councillor Susan Wynne, Mayor of Woollahra Council to the Hon Andrew Constance MP, Minister for Transport and Roads, requesting support for the removal of the land reservations prior to the release of the *Draft Edgecliff Commercial Centre Planning and Urban Design Strategy*.
- On 21 April 2020, Council received a letter from Eleni Petinos MP, Parliamentary Secretary for Transport and Roads, stating that TfNSW had no plans on removal of land acquisition at this time. The letter indicated that removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor.

In summary, Council have been unable to gain support from TfNSW on removing the land reservations. Furthermore, TfNSW have been unable to provide clear or compelling reasons that would prevent the removal of these land reservations.

On [15 June 2021](#), the Environmental Planning Committee (EPC) recommended listing the Cadry's building at 133 New South Head Road as a local heritage item as it fulfils the criteria for listing for its historical, aesthetic, associational, rarity and representative significance.

The EPC also recommended removing the road reservations along New South Head Road and Glenmore Road in Edgecliff as having land identified for acquisition (and ultimately demolition) is in conflict with the following clause of the Woollahra LEP 2014:

Clause 1.2 Aims of Plan:

(f) to conserve built and natural environmental heritage.

The removal of land reservations along New South Head Road and Glenmore Road will ensure that the buildings of heritage significance on the affected properties are protected from any future demolition.

On 5 July 2021, Woollahra Council resolved:

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT the heritage significance of the properties at 543-549 Glenmore Road be assessed and recommendations provided regarding the listing of these properties in Schedule 5 of the Woollahra LEP 2014 and on the State Heritage Register.*

In accordance with Council's resolution, staff prepared this planning proposal.

On 16 September 2021, this planning proposal was reported to the Woollahra Local Planning Panel (WLPP) where the following advice was provided to Council:

Resolved:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to amend the Woollahra Local Environmental Plan 2014 to remove the land acquisition reservation from certain sites in the Edgecliff Commercial Centre.

Reasons:

For the reasons in the report, the Panel supports the Planning Proposal to remove the land reserved for acquisition to retain the buildings of heritage significance, and to facilitate works to the public domain that have been identified in the Draft Edgecliff Commercial Centre Planning and Urban Design Strategy.

During the WLPP meeting, it was suggested that two enhancements could be made to the planning proposal. Firstly, to address the issues raised in correspondence with TfNSW regarding the need to maintain the land reservations. Secondly, by making stronger references to the *Draft Edgecliff Centre Public Domain Strategy* and subsequent implications should TfNSW seek to acquire the land.

Sections 3.2 and 6.4 of this planning proposal have been updated to reflect the issues raised during the WLPP meeting.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

2. Objectives of planning proposal

The objectives of the planning proposal are to remove the subject sites from the Land Reservation Acquisition Map in the Woollahra LEP 2014 and:

- Remove redundant road reservation affectations from the Woollahra LEP 2014
- To ensure that the buildings of heritage significance on the affected properties are protected from any future demolition; and
- So Council is able to invest in the long-term place making of Edgecliff.

3. The sites and surrounding context

3.1. The sites

This planning proposal is made in relation to twelve parcels of land which are described below:

1. Part 99 New South Head Road Edgecliff (Lot A DP: 341458)
2. Part 101 New South Head Road Edgecliff (SP 11555)
3. Part 109 New South Head Road Edgecliff (SP 12507)
4. Part 113 New South Head Road Edgecliff (SP 71681).
5. Part 115 New South Head Road Edgecliff (Lot 9 DP: 15833, Lot 10 DP 15833)
6. 133 New South Head Road Edgecliff (Lot 1 DP 255233)
7. 549 Glenmore Road Edgecliff (Lot 37 DP 255233)
8. Part 547 Glenmore Road Edgecliff (Lot 36 DP 255233)
9. Part 545 Glenmore Road Edgecliff (Lot 35 DP 255233)
10. Part 543 Glenmore Road Edgecliff (Lot 34 DP 255233)
11. 130 New South Head Road Edgecliff (Lot A DP 176247)
12. 136 New South Head Road Edgecliff (Lot 1 DP 663495)

The land reservations on the subject sites are grouped into four areas as shown in the Figure 1 below. The property description and heritage significance of each area is detailed in the following sections.

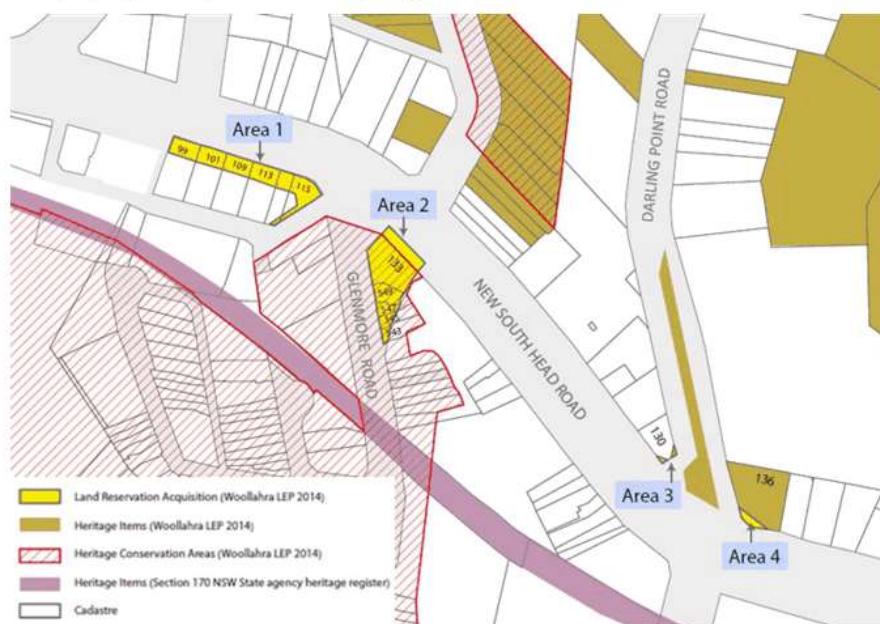


Figure 1: Cadastral image of the land reservations in Edgecliff (Source: Woollahra Maps 2020)

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3.1.1. Area 1

This area includes five properties as listed below:

1. Part 99 New South Head Road Edgecliff (Lot A DP 341458)
2. Part 101 New South Head Road Edgecliff (SP 11555)
3. Part 109 New South Head Road Edgecliff (SP 12507)
4. Part 113 New South Head Road Edgecliff (SP 71681)
5. Part 115 New South Head Road Edgecliff (Lot 9 DP 15833, Lot 10 DP 15833)

The location of the subject sites within this area is shown edged red in the aerial image provided at **Figure 2**. The yellow hatched area indicates the land reservations as per the Land Reservation Acquisition Map in the Woollahra LEP 2014. Photographs of the subject sites depicting existing conditions are provided at **Figures 3 and 4**.

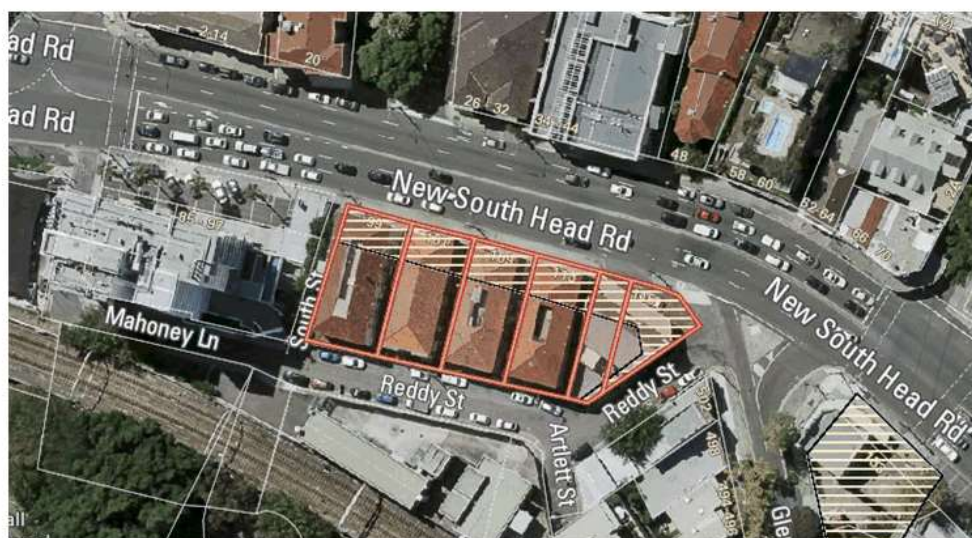


Figure 2: Aerial image of Area 1 (outlined in red) (Source: Woollahra Maps 2020)

99-113 New South Head Road include four Inter War residential flat buildings (three storeys with ground floor garages). The buildings contribute to the streetscape of New South Head Road (see **Figure 3**). 115 New South Head Road is a car service centre.



Figure 3: Street view of 99-113 New South Head Road Edgecliff (Source: Google Maps 2019)



Figure 4: Street view of 115 New South Head Road Edgecliff (Source: Google Maps 2019)

3.1.2. Area 2

This area includes five properties as listed below:

1. 133 New South Head Road Edgecliff legally as (Lot 1 DP 255233)
2. 549 Glenmore Road Edgecliff as (Lot 37 DP 255233)
3. Part 547 Glenmore Road Edgecliff as (Lot 36 DP 255233)
4. Part 545 Glenmore Road Edgecliff as (Lot 35 DP 255233)
5. Part 543 Glenmore Road Edgecliff as (Lot 34 DP: 255233)

The location of the subject sites within this area is shown edged red in the aerial image provided at **Figure 5**. The yellow hatched area identifies the land reservations as per the Land Reservation Acquisition Map in the Woollahra LEP 2014. Photographs of the subject sites depicting existing conditions are provided at **Figures 6 to 8**.



Figure 5: Aerial image of Area 2 (Source: Woollahra Maps 2020)

All five properties in this area are located in the Paddington HCA and are contributory items in the Woollahra DCP 2015.

133 New South Head Road Edgecliff is a three-storey former pub in the Paddington HCA, popularly known as the 'Cadry's' building. The Assessment of Heritage Significance (June 2021) recommended the listing of this building as an item of local heritage significance for its historical, aesthetic, associational, rarity and representative significance. Council staff have prepared a planning proposal to list the Cadry's building as a local heritage item in Schedule 5 and on the Heritage Map of the Woollahra LEP 2014. This matter is being progressed separately.

543-547 Glenmore Road, Edgecliff include a group of three single storey timber workers' cottages. 549 Glenmore Road, Edgecliff is a two-storey sandstone workers cottage (see **Figures 7 & 8**). On 5 July 2021 Council resolved that the cottages at 543-549 Glenmore Road should be investigated to determine whether these buildings fulfil the criteria for heritage listing



Figure 6: Cadry's Building, 133 New South Head Road, Edgecliff



Figure 7: Street view (obscured) of the two-storey sandstone workers cottage at 549 Glenmore Road Edgecliff (Google Maps 2019)



Figure 8: Street view of the three single storey timber workers' cottages at 543-547 Glenmore Road Edgecliff (Source: Google Maps 2019)

3.1.3. Area 3

This area includes 130 New South Head Road Edgecliff (Lot A DP: 176247) which is shown on the map in Figure 9 in red outline. The yellow area depicts the land reservations on this site as per the Land Reservation Acquisition Map in the Woollahra LEP 2014. A photograph of the subject site is provided at **Figure 10**. The site is not a heritage item or located in a HCA in the Woollahra LEP 2014.



Figure 9: Aerial image of Area 3



Figure 10: Street view of 130 New South Head Road Edgecliff (Source: Google Maps 2019)

3.1.4. Area 4

This area comprises 136 New South Head Rd (Lot 1 DP 663495) which is located on the corner of Darling Point Road and New South Head Road. The location of the subject site is shown in the aerial image provided at **Figure 11**. The yellow area depicts the land reservations on this site as per the Land Reservation Acquisition Map in the Woollahra LEP 2014. A photograph of the subject site is provided at **Figure 12**.

136 New South Head Road is listed as Local Heritage Item 'Item 238' *'two-storey historic bank building and interiors'* in the Woollahra LEP 2014¹. The former Commonwealth Bank building is an Art Deco style building constructed in 1940 on the site of an earlier bank, which was reconstructed to accommodate the expansion of Darling Point Road. It is a significant building as an exemplar of the style and for its strong architectural response to its corner location, which makes it a landmark building.

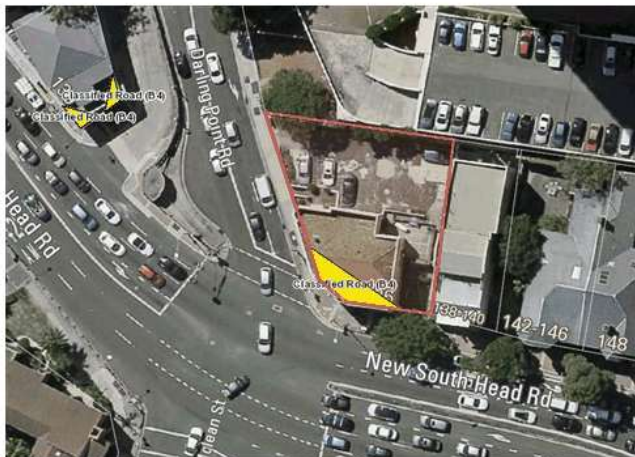


Figure 11: Aerial image of Area 4 (Source: Woollahra Maps 2020)



Figure 12: Street view of 136 New South Head Road Edgecliff (Source: Google Maps 2021)

¹ The concrete balustrade and retaining wall located at the intersection of Darling Point Road and New South Head Road is a Local Heritage Item in Woollahra LEP 2014. Whilst it is not identified on the Land Reserved for Acquisition Map, given its location within the southernmost tip between Areas 3 and 4 as identified in **Figure 11** above, this item is also at risk from any road widening activities carried out in this part of New South Head Road.

3.2. Existing context

3.2.1. Metropolitan context

The subject sites are located in the suburb of Edgecliff and are approximately 4km east of the Sydney CBD. The site is within the urban residential area under the Eastern City District Plan.

3.2.2. Local context

The subject sites are located in the Edgecliff Commercial Centre (ECC). The ECC is located along New South Head Road generally from the intersection of New Beach Road in the west to the intersection with Ocean Avenue in the east. **Figure 13** below identifies the subject properties within the ECC.

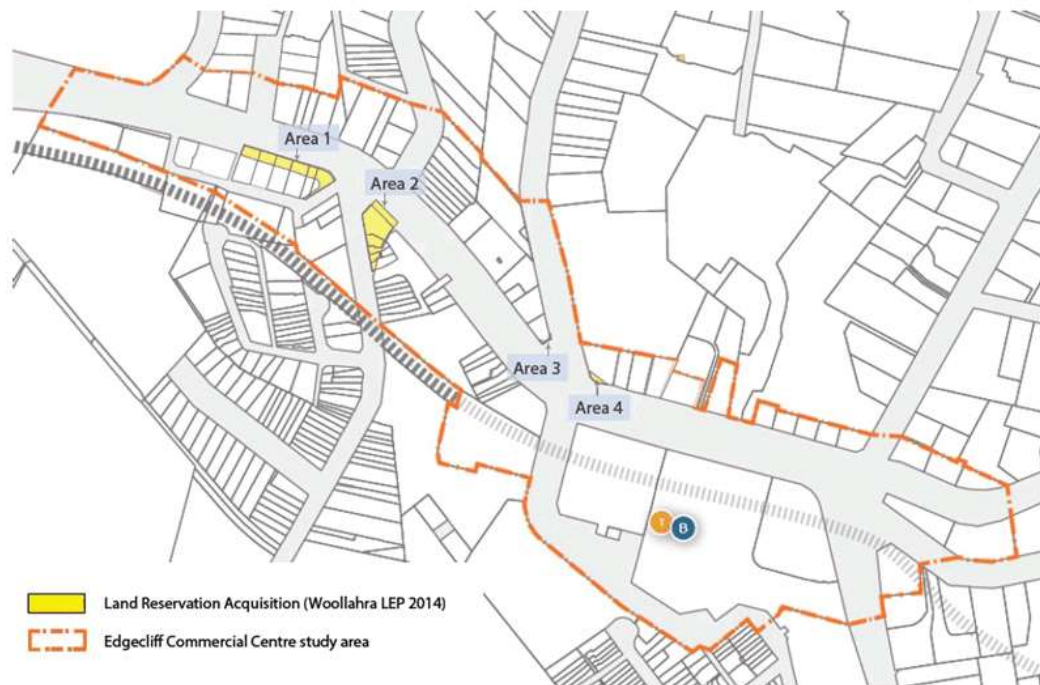


Figure 13: Subject properties (Areas 1 to 4) in the Edgecliff Commercial Centre

The ECC's access to the Edgecliff train station and bus interchange and proximity to the Sydney CBD makes it a good location for promoting transit oriented development (TOD) supported by well-designed public spaces and a vibrant local economy.

Woollahra Council has prepared the [Draft Edgecliff Commercial Centre Planning and Urban Design Strategy](#), which establishes a vision for the ECC and provides recommendations on planning controls, urban design, public domain and transport to guide future development in the ECC.

In conjunction with the [Draft ECC Public Domain Plan](#), this strategy seeks to revitalise the ECC by creating a clear and coordinated framework to facilitate development that:

- provides high quality transit oriented development with a suitable mix of uses that supports community needs,
- displays design excellence,
- upgrades and activates the public domain,
- enhances active transport,
- provides affordable housing, and
- contributes to the delivery of community infrastructure that meets a range of community needs now and in the future.

Supporting this aim, the Strategy requires that any increased density is accompanied by community infrastructure and public domain improvements to support the long term liveability and sustainability of the ECC. This includes new public spaces, community facilities, affordable housing, urban greening, pedestrian and cycling infrastructure and improved access to public transport (**Figures 14 – 17 below**).

A number of these public domain improvement projects are located along the kerbs on either side of New South Head Road which are currently affected by the land reservations discussed above. These include:

- Linear park on the southern side of New South Head Road
- Cycling infrastructure including a cycleway to the Edgecliff station
- Enhancements to pedestrian infrastructure (such as paving, street furniture, signage)
- Public art elements
- Urban greening elements (such as street trees, green walls)
- Smart City elements (such as Electric Vehicle charging, Smart lighting and Wifi)

These road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes.



Figure 14: Current view of the path along New South Head Road, Edgecliff
(Source: Woollahra Council 2021).



Figure 15: Proposed view of the potential linear park along New South Head Road, Edgecliff as
illustrated in the Draft ECC Public Domain Strategy
(Source: Woollahra Council 2021).



Figure 16: Current view of the path along New South Head Road, Edgecliff
(Source: Woollahra Council 2021).



Figure 17: Proposed view of the potential shared path along New South Head Road, Edgecliff as
illustrated in the Draft ECC Public Domain Strategy
(Source: Woollahra Council 2021).

4. Existing planning controls

4.1. Woollahra Local Environmental Plan 2014

The subject sites are subject to the planning controls of the Woollahra LEP 2014. The current provisions that apply to the land under the Woollahra LEP 2014 are summarised as follows:

Table 1: Summary of current planning provision under Woollahra LEP 2014.

Subject site	Zone	Maximum building height	Maximum Floor Space Ratio	Heritage
Part 99 New South Head Rd	B4 Mixed Use	14.5 m	1.5:1	N/A
Part 101 New South Head Rd	B4 Mixed Use	14.5 m	1.5:1	N/A
Part 109 New South Head Rd	B4 Mixed Use	14.5 m	1.5:1	N/A
Part 113 New South Head Rd	B4 Mixed Use	14.5 m	1.5:1	N/A
Part 115 New South Head Rd	B4 Mixed Use	14.5 m	1.5:1	N/A
133 New South Head Rd	B4 Mixed Use	12m	1.5:1	C8 Paddington heritage conservation area
549 Glenmore Rd	B4 Mixed Use	9.5m	1.5:1	
Part 547 Glenmore Rd	B4 Mixed Use	6.5m	0.5:1	
Part 545 Glenmore Rd	B4 Mixed Use	6.5m	0.5:1	
Part 543 Glenmore Rd	B4 Mixed Use	6.5m	0.5:1	N/A
130 New South Head Rd	B4 Mixed Use	20.5m	2:1	
136 New South Head Rd	B4 Mixed Use	14.5m	1.5:1	Local Heritage Item - Item no. 238 Building and interiors

As shown in Table 1 above, all twelve sites are in the B4 Mixed Use Zone. The objectives of the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

- *To provide active ground floor uses to create vibrant centres.*
- *To provide for development of a scale and type that is compatible with the amenity of the surrounding residential area.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

The Woollahra LEP 2014 identifies these properties potentially containing **Class 5** acid sulfate soils.

The following subject sites are within a flood planning area:

- Part 115 New South Head Rd (LOT: 10 DP: 15833)
- Part 547 Glenmore Rd (LOT: 36 DP: 255233)
- Part 545 Glenmore Rd (LOT: 35 DP: 255233)
- Part 543 Glenmore Rd (LOT: 34 DP: 255233)

4.2. Woollahra Development Control Plan 2015

The *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) applies to the subject sites and its surrounds. Any development proposals either on the site or on adjoining sites are required to address any relevant Woollahra DCP 2015 controls.

Chapter C1 Paddington HCA of the Woollahra DCP 2015 applies to certain sites as identified in Table 1 above. Paddington is a unique urban area which possesses historical, aesthetic, technical and social significance at a national and state level. Chapter C1 provides detailed controls on development in the Paddington HCA with regards to built form, open space and public domain.

Chapter D2 Mixed Use Centres - D2.2 New South Head Road Corridor of the Woollahra DCP 2015 establishes the desired future character and objectives for sites zoned B4 Mixed Use in the ECC. *Chapter D3 General Controls for Neighbourhood and Mixed Use Centres* of the Woollahra DCP 2015 contains general controls for twelve centres, zoned either B1 Neighbourhood Centre or B4 Mixed Use. It applies to all subject sites.

This Planning Proposal is generally consistent with the specified character statement and desired future character of the Mixed Use Centre and will not impact on its continued application.

5. Explanation of provisions

The proposed outcome will be achieved by amending the Woollahra LEP 2014 to amend the Land Reservation Acquisition Map (Sheet LRA_003) of the Woollahra LEP 2014 to remove the land reservations on New South Head Road and Glenmore Road in Edgecliff which are identified as Classified Road (B4).

6. Justification

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that the planning proposal:

- Will remove redundant road reservation affectations from the Woollahra LEP 2014.
- Will provide ongoing protection and recognition of the heritage significance of the affected properties
- Will allow Council to invest in the long-term place making of Edgecliff.
- Is consistent with the applicable section 9.1 Ministerial Directions.
- Is consistent with the relevant objectives of *A Metropolis of Three Cities* and the planning priorities of the *Eastern City District Plan*.
- Is consistent with the Standard Instrument and all other applicable *State Environmental Planning Policies*.
- Is consistent with the vision and planning priorities of the *Woollahra Local Strategic Planning Statement (LSPS) 2020*.
- Is consistent with Council's Community Strategic Plan – *Woollahra 2030*.

These matters are further discussed below in part 6.1 to 6.3.

6.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes, the planning proposal is the result of the [Draft Edgecliff Commercial Centre Planning and Urban Design Strategy](#) (draft strategy). The draft strategy seeks to revitalise the ECC by facilitating high-quality transit oriented development with a range of land uses including commercial, retail, community facilities and housing. In conjunction with the [Draft Edgecliff Commercial Centre Public Domain Plan](#), the draft strategy identifies potential public domain improvements such as new public spaces, urban greening, pedestrian and cycling infrastructure to guide private and public investment in the future.

The road reservations on the subject sites constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes. The removal of road reservations will ensure that Council is able to deliver the public domain improvements as identified in the draft strategy.

This planning proposal is also the result of the *Assessment of Heritage Significance* (June 2021) for the Cadry's building which assessed the heritage significance of the Cadry's building at 133 New South Head Road Edgecliff and recommended that it is listed as a local heritage item in the Woollahra LEP 2014.

The removal of land reservations along New South Head Road and Glenmore Road will ensure that the buildings of heritage significance on the affected properties, including the Cadry's building, are protected from future demolition.

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

The objective of the planning proposal is to ensure that the buildings of heritage significance on the affected properties are protected from future demolition and Council is able to invest in the long-term place making of Edgecliff.

Amending the Land Reservation Acquisition Map (Sheet LRA_003) of the Woollahra LEP 2014 to remove the land reservations on New South Head Road and Glenmore Road in Edgecliff is the best means of achieving this objective.

However, if the planning proposal was not supported the alternative options would be to:

- Undertake heritage listing of 133 New South Head Road without amending the Woollahra LEP 2014 to remove the identified land reservations. This is not the preferred approach as it is in conflict with the following clause of the Woollahra LEP 2014:
Clause 1.2 Aims of Plan:
(f) to conserve built and natural environmental heritage.
- Seek public domain improvements in the ECC without amending the Woollahra LEP 2014 to remove the identified land reservations. This is not the preferred approach as it would risk future demolition of public domain works on the lands reserved for road widening purposes.

It is considered that this planning proposal is the most appropriate way of achieving the intended outcome.

6.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities*, particularly Objective 13: 'Environmental heritage is identified, conserved and enhanced'.

The removal of the land reservations will provide ongoing protection and recognition of the heritage significance of the subject sites.

Eastern City District Plan

The planning proposal is generally consistent with the directions, planning priorities and actions of the *Eastern City District Plan*, particularly Planning Priority E6 and Action 20:

Planning Priority E6 Creating and renewing great places and local centres, and respecting the District's heritage

Action 20 Identify, conserve and enhance environmental heritage by:

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

This planning proposal seeks to conserve the environmental heritage of the Woollahra LGA. Conserving, interpreting and celebrating Woollahra's heritage values will lead to a better understanding of history and respect for the experiences of diverse communities.

This planning proposal also seeks to remove barriers to Council projects to create great places in the ECC. The removal of the land reservations will allow Council to invest in undertaking public domain improvements across the ECC to improve the centre's liveability and sustainability.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the *Woollahra Local Strategic Planning Statement 2020* and Council's Community Strategic Plan, *Woollahra 2030 – our community, our place, our plan* (Woollahra 2030).

The planning proposal is consistent with Planning Priority 5 of the Woollahra Local Strategic Planning Statement:

Planning Priority 5 Conserving our rich and diverse heritage

In particular Actions 28 and 30 of this planning priority seek to ensure that heritage is conserved and that the LEP and DCP reflect the evolving nature of heritage:

28. *Continue to proactively conserve and monitor heritage in the Municipality including:*
- reviewing and updating provisions in Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015*
 - sustainably managing visitation to our heritage conservation areas and destinations*
 - promoting a high standard of urban design in both the public and private domain that respects and communicates with heritage and our heritage conservation areas*
 - supporting implementation of legislation for Aboriginal Heritage.*

30. *'Undertake further theme-based Municipality-wide studies, with consideration for the fact that heritage is constantly evolving.'*

The planning proposal is also consistent with Council's Community Strategic Plan, Woollahra 2030. Notably, the planning proposal meets the following strategy within Goal 4 (Well planned neighbourhoods) under the theme Quality places and spaces:

4.3 Protect our heritage, including significant architecture and the natural environment

This planning proposal seeks to conserve the environmental heritage of Woollahra LGA. Conserving, interpreting and celebrating Woollahra's heritage values will lead to a better understanding of history and respect for the experiences of diverse communities.

This planning proposal also seeks to remove barriers to Council projects to create great places in the ECC. The removal of the land reservations will allow Council to invest in undertaking public domain improvements across the ECC to improve the centre's liveability and sustainability.

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

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

6.3. Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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

No. There are no other likely environmental effects expected to arise as a result of the planning proposal. Measures to remove land reservations are unlikely to result in environmental harm and will be managed through the development assessment process.

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

The planning proposal seeks to conserve the environmental heritage of the Woollahra LGA. Conserving, interpreting and celebrating Woollahra's heritage values will lead to a better understanding of history and respect for the experience of diverse communities.

The planning proposal also seeks to remove barriers to Council's projects to create great places in the ECC. The removal of the land reservations will allow Council to invest in undertaking public domain improvements across the ECC to improve the centre's liveability and sustainability.

It is also understood that the planning proposal may have positive economic implications for private landowners. Being identified on the Land Reservation Acquisition Map has economic implications to the owners of the affected properties should they be seeking to make

improvements to their land, and raise finances. Removing the road reservations will remove this redundant and unnecessary affectation.

Should TfNSW, as the relevant acquisition authority, seek to acquire the residential properties located in the area reserved for acquisition, it is anticipated that this would involve significant costs, estimated to be a minimum of \$100,000,000².

Furthermore, the land owner/s may seek to require TfNSW to acquire the land. Clause 5.1 of the Woollahra LEP 2014 identifies that the relevant acquisition authority may be required to acquire the land if the landholder will suffer hardship if there is any delay in the land being acquired. Section 23(1) of the *Land Acquisition (Just Terms Compensation) Act 1991* (LA Act 1991) provides that the owner may require the relevant authority to acquire the land if:

- (a) the land is designated for acquisition by that authority for a public purpose; and
- (b) the owner considers that he or she will suffer hardship if there is any delay in the acquisition of the land under this Act.

Section 24(2) of the LA Act 1991 outlines that an owner of land suffers hardship if:

- (a) the owner is unable to sell the land, or is unable to sell the land at its market value, because of the designation of the land for acquisition for a public purpose, and
- (b) it has become necessary for the owner to sell all or any part of the land without delay—
 - (i) for pressing personal, domestic or social reasons, or
 - (ii) in order to avoid the loss of (or a substantial reduction in) the owner's income.

Maintaining the designation of the land for acquisition is likely to result in adverse economic outcomes for the land owners should they seek to sell the land or raise finances.

6.4. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not create any additional demand on public infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

As identified in Part 1 above, Council has liaised with TfNSW on multiple occasions seeking support for the removal of the road reservations on the subject sites.

² The indicative acquisition cost has been determined using the median sales price for the March 2021 quarter in the Woollahra LGA, being \$1,640,000 for strata-titled dwellings and \$4,287,000 for non-strata titled dwellings (NSW Government Communities & Justice Rent & Sales Report). It only considers the cost of acquiring the residential properties. The estimated cost of acquiring the commercial properties at 115 New South Head Road, 133 New South Head Road, 130 New South Head Road, and 136 New South Head Road has not been included in the indicative acquisition cost. The indicative acquisition cost does not take into account the potential economic impact to the current land owners, of the land reservation affectation applying to the subject sites.

In summary, Council have been unable to gain support from TfNSW on removing the land reservations. However, TfNSW have not provided clear or compelling reasons to justify maintaining these land reservations.

11.1 Current TfNSW plans and strategies

Council has not been provided with any current strategy or plan from TfNSW to indicate that the subject land may need to be acquired for traffic or road upgrades now or in the future. TfNSW have not provided any evidence to suggest that the land would be required to achieve its vision for the public transport corridor in which the land reserved for acquisition is located.

In 2019, TfNSW briefed Council on its road network plan 47 (Darlinghurst to Bondi) which provides an indicative strategic vision for the road network over the next 20 years (RNP 47). It is noted that RNP 47 is an internal planning document produced by TfNSW and is not publicly available. However, Council staff have been provided a designated copy of the plan and are satisfied that the objectives of this planning proposal support the strategic vision and objectives set out in RNP 47 and would not preclude the realisation of any identified strategies.

At the time this planning proposal is being prepared, TfNSW advised Council that there has been no further progression of any opportunities identified in RNP 47.

Removing the land reservations will enable Council to implement the public domain improvements identified in the [Draft Edgecliff Commercial Centre Planning and Urban Design Strategy](#) and the [Draft Edgecliff Commercial Centre Public Domain Plan](#).

These proposed public domain improvements are integral to both Council's and TfNSW's strategic vision and desired future character along the subject section of New South Head Road.

The public domain improvements contained in Council's plans for the ECC will provide enhanced opportunities for walking and other forms of active transport along New South Head Road through provision of pedestrian lane upgrades, a bidirectional shared path and linear park.

Council's proposed public domain improvements do not require the demolition of any existing building structures. The improvements have been designed to meet the needs of the current and future population which is predicted to increase as a result of the anticipated residential growth in the ECC.

The current land reservation affectations may enable TfNSW to demolish the buildings on the affected sites if they were to be acquired. Demolition of existing structures for road-related works would be an adverse outcome for all sites resulting in the loss of residential dwellings, buildings of heritage significance, landmark corner buildings, a heritage item, and a proposed heritage item.

Council has not been provided with any TfNSW plans or strategies that identify the land reserved for acquisition is required for any transport need, whether that be active transport, footways or road widening. If such plans or strategies have been prepared, Council should have been provided with copies during consultation with TfNSW to ensure that the draft strategies for the ECC are integrated with those plans.

11.2 Heritage implications

On 26 February 2020, Council issued a letter to TfNSW advising that the process was underway to assess the heritage significance of the Cadrys building at 133 New South Head Road, Edgecliff with a view to listing it as a local heritage item in the Woollahra LEP 2014 if it met the relevant criteria.

Since that time, a heritage assessment report has been prepared identifying that the site fulfils the criteria for local heritage listing. At the time of preparing this planning proposal, a separate planning proposal has been prepared seeking to list the Cadry's building as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra LEP 2014.

On 5 July 2021, Council resolved that the cottages at 543-549 Glenmore Road should be investigated to determine whether these buildings fulfil the criteria for local heritage listing. Additionally, on 16 September 2021, the WLPP resolved to advise Council that the planning proposal for the Cadry's building should be amended to also include the building at 549 Glenmore Road, Edgecliff.

It is also noted that the site at 136 New South Head Road, Edgecliff is already listed as a local heritage item in Schedule 5 of the Woollahra LEP 2014.

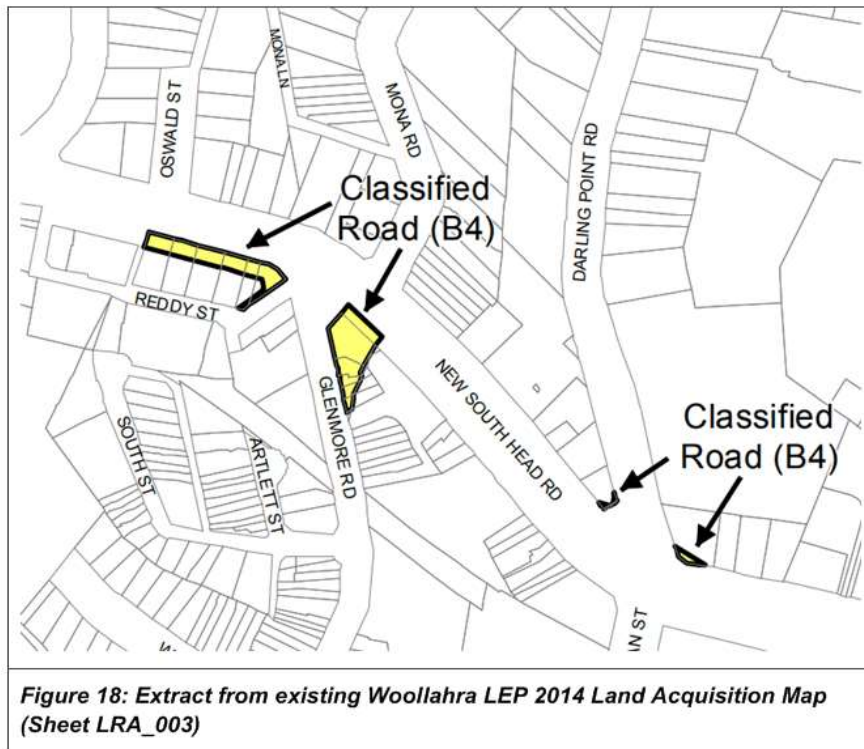
It is inconsistent with Council's planning policies and best-practice planning for heritage items to be subject to land reservation affectations.

In summary, TfNSW and RMS have not provided Council with evidence to justify the retention of the current land reservation affectation on the subject sites.

7. Mapping

The planning proposal seeks to amend the Land Reservation Acquisition Map (Sheet LRA_003) of the Woollahra LEP 2014 to remove the land reservations on New South Head Road and Glenmore Road in Edgecliff which are identified as Classified Road (B4).

An extract of the existing Land Reservation Acquisition map is shown in Figure 18.



8. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*, also having regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019* and *Local Environmental Plans – a guide to preparing local environmental plans* (2018) and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of each site, which will include every landowner in the ECC.
- notice to local community, resident and business groups.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices (subject to the offices being accessible to the public in line with current Public Health Orders):

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal.
- Woollahra LEP 2014.
- Section 9.1 Directions.

9. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows³:

Plan-making step	Estimated completion
Environmental Planning Committee (EPC) recommends proceeding	15 June 2021
Council resolution to proceed	5 July 2021
Woollahra Local Planning Panel (WLPP) provides advice	16 September 2021
Advice of WLPP to EPC	11 October 2021
Council resolution to proceed	October 2021
Gateway determination	December 2021
Completion of technical assessment	Usually none required
Government agency consultation	As required by Gateway Determination
Public exhibition period	February 2022
Submissions assessment	March 2022
Council assessment of planning proposal post exhibition	April 2022
Council decision to make the LEP amendment	May 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	June 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	July 2022
Notification of the approved LEP	August 2022

³ It is anticipated that DPIE will require agreement from TfNSW prior to issuing a gateway determination for public exhibition to commence. Securing this agreement may take some time and it is noted this may delay the timeframe for the estimated completion of subsequent plan-making steps.

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not seek to rezone land and will not affect the application of the SEPP for the purpose of promoting the remediation of contaminated land and reducing the risk of harm to human health or any other aspect of the environment.
SEPP No 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map of the SEPP.
SEPP (Activation Precincts) 2020	Not applicable. No land within the Woollahra LGA is identified as an Activation Precinct.
SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not applicable. The Woollahra LGA is not specified in Schedule 1 of SEPP (Koala Habitat Protection) 2021.
SEPP (Koala Habitat Protection) 2021	Not applicable. The Woollahra LGA is not listed in Schedule 1.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable. No future corridors are identified within the Woollahra LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra LGA which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The sites are not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Applicable Consistent. The planning proposal does not contain a provision, which is contrary to the objective of this direction. The planning proposal does not seek to rezone business or industrial land or reduce permissible floor space in these zones.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal management	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. The removal of land reservations along New South Head Road and Glenmore Road in Edgecliff will provide ongoing protection and recognition of the heritage items and the Paddington heritage conservation area.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of contaminated land	Applicable Consistent. The planning proposal does not rezone or permit a change of use of the land in the Woollahra LGA. The planning proposal does not contain a provision which is contrary to the objective of this direction.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3	Housing, infrastructure and urban development	
3.1	Residential zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks or manufactured home estates.
3.3	Home occupations	Revoked 9 November 2020.
3.4	Integrating land use and transport	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and; • <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).
3.5	Development near regulated airports and defence airfields	Applicable Consistent. The planning proposal does not change the zone, permissible uses of development standards such as Height of Buildings for any land in the Woollahra LGA. The planning proposal does not contain a provision which is contrary to this direction.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in non-hosted short term rental accommodation period	Note applicable. The planning proposal does not apply to land in the Byron Shire Council.
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable Consistent. The existing acid sulfate soils provisions in the Woollahra LEP 2014 will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
4.3	Flood prone land	Applicable Consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable Consistent. The planning proposal is consistent with the relevant objectives in the <i>Greater Sydney Region Plan: A Metropolis of Three Cities</i> (2018) and the relevant priorities and actions of the <i>Eastern City District Plan</i> (2018) as discussed in Section 5.2 of this report.
5.11	Development of Aboriginal Land Council land	Not applicable. There is no land in the Woollahra LGA identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
6	Local plan making	
6.1	Approval and referral requirements	Applicable Consistent. The planning proposal does not contain a provision which is contrary to this direction.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
6.2	Reserving land for public purposes	<p>Applicable. Inconsistent.</p> <p>The objectives of Direction 6.2 Reserving land for Public Purposes are:</p> <ul style="list-style-type: none"> (a) To facilitate the provisions of public services and facilities by reserving land for public purposes. (b) To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. <p>The road reservations in Edgecliff were originally identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005, superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening.</p> <p>TfNSW has not provided any current strategies, plans or justification to identify that the subject land is required for acquisition. Council has requested clarification from TfNSW on multiple occasions (detailed in section 1.2 above), however, it remains unclear as to why the land acquisition reservations cannot be removed.</p> <p>The objectives of this planning proposal seek to achieve objective (b) of Direction 6.2. However, since TfNSW, as the relevant public authority, has not provided approval for the removal of the land acquisition reservations, the planning proposal is inconsistent with this Direction.</p> <p>Despite this inconsistency, the planning proposal presents sufficient justification, based on available evidence, to demonstrate that the land is no longer required for acquisition and the affectations can be removed.</p>
6.3	Site specific provisions	<p>Applicable</p> <p>Consistent. The planning proposal does not apply to a specific site or a particular development.</p>

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
7	Metropolitan Planning	
7.1	Implementation of A <i>Metropolis of Three Cities</i> (March 2018)	Revoked 9 November 2020.
7.2 – 7.13	Directions 7.2 – 7.13	Not applicable. These strategies do not apply to the Woollahra LGA.

Schedule 3 - Woollahra LEP 2014 Maps



Figure 19: Land Reservation Acquisition Map (Sheet LRA_003)

Supporting documents (circulated separately)

1. Letter from Mayor Wynne to Robert Stokes MP dated 16 January 2020
2. Letter from NSW DPIE to Mayor Wynne dated 4 February 2020
3. Letter from Mayor Wynne to Andrew Constance MP dated 26 February 2020
4. Letter from Eleni Petinos MP to Mayor Wynne dated 21 April 2020

Council Ref: SC3218-05/208367

Office
of the
Mayor

Woollahra
Municipal
Council



16 January 2020

The Hon Robert Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Stokes

**Removal of the land reservations for acquisition for a
public purpose along New South Head Road, Edgecliff**

I am writing to seek your assistance in the removal of road widening reservations that apply to four areas of land along New South Head Road, Edgecliff. I have included a map and schedule below which identifies the relevant addresses and parcel numbers.

The Woollahra Local Environmental Plan (LEP) 2014 has identified that the relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS). These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and we understand that the land was originally identified for road widening purposes as part of the 1958 Road Alignment project initiated by the State Roads agency of the time. This project was superseded by the Cross City Tunnel project which was completed many years ago.

When Council staff prepared the current LEP, they consulted with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that we had to retain these parcels on the Land Reservation Acquisition Map. This was despite the fact that RMS has no plans to acquire the lands and no proposals to carry out road improvement works on those parcels.

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years.

As identified on the map below, the Paddington HCA includes those properties identified for acquisition on the corner of Glenmore Road and New South Head Road.

Correspondence to:
PO Box 61
Double Bay NSW 1360

Redleaf Council Chambers
536 New South Head Road
Double Bay NSW 2028

t: (02) 9391 7000
f: (02) 9391 7044
e: records@woollahra.nsw.gov.au
www.woollahra.nsw.gov.au

DX 3607 Double Bay

At 136 New South Head Road there is a former bank building which is listed as a local heritage item (Item 238) in Schedule 5 of the Woollahra LEP 2014.

Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes.

In summary, these land reservations are superfluous. Furthermore, having land identified for acquisition (and therefore demolition) is in conflict with the LEP objective to conserve the significance of the Paddington Heritage Conservation Area and heritage items. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

The Council is well advanced in the preparation of a planning strategy for the Edgecliff commercial corridor. As part of this project, it is our preference to remove these land reservations. In light of this project and the clear conflict with the long established heritage significance of Paddington and heritage listing of properties, I ask your views on the removal of the road reservations.

I look forward to your positive response.

Yours sincerely



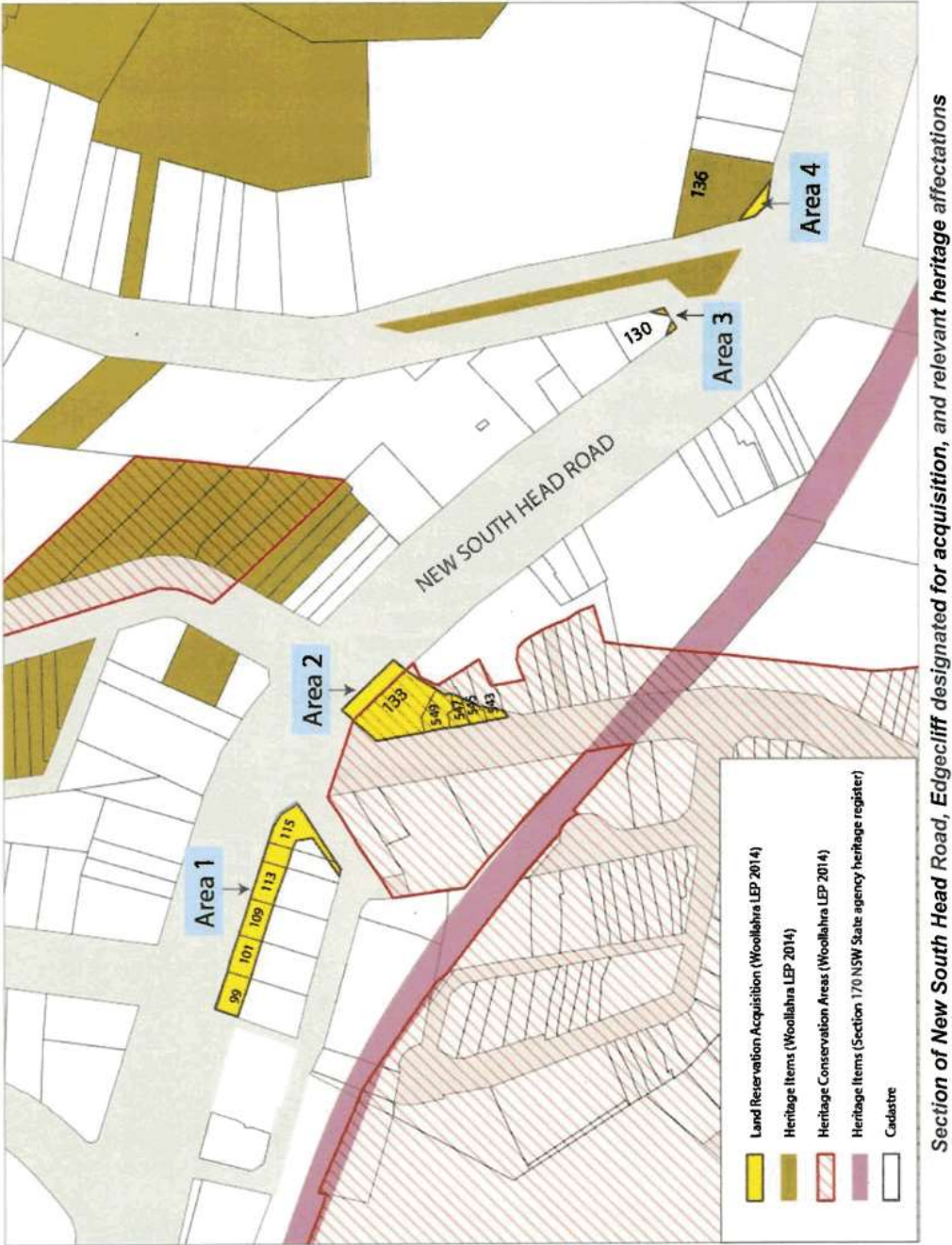
Cr Susan Wynne
Mayor

CC Tim Raimond, Chief Transport Planner, Transport for NSW
tim.raimond@transport.nsw.gov.au

Fiona Christiansen, A/ Director Metropolitan Strategy, Transport for NSW
Fiona.christiansen@transport.nsw.gov.au

Brendan Metcalf, Department of Planning, Industry and Environment
Brendan.Metcalf@planning.nsw.gov.au

Simon Ip, Department of Planning, Industry and Environment
Simon.Ip@planning.nsw.gov.au



Schedule of affected parcels (by area)

<i>Area</i>	<i>Property details</i>	<i>Property Description</i>	<i>Significance</i>
Area 1:	• Part 99 New South Head Road (Lot A: DP 341458)	Four-storey interwar residential flat building	Identified as significant in the Woollahra DCP 2015
	• Part 101 New South Head Road (SP 11555)	Four-storey strata titled interwar residential flat building (15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 109 New South Head Road (SP 12507)	Four-storey strata titled interwar residential flat building (containing 15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 113 New South Head Road (SP71681)	Four-storey strata titled interwar residential flat building (containing 16 units)	Identified as significant in the Woollahra DCP 2015
	• Part 115 New South Head Road (LOT9-10 DP: 15833)	Car service Centre	
Area 2:	• 133 New South Head Road (Lot 1: DP 255233)	Three-storey corner sandstone building "Cadrys"	Contributory item in Woollahra DCP 2015
	• 549 Glenmore Road (Lot 37: 255233)	Two-storey sandstone workers' cottage	Contributory item in Woollahra DCP 2015
	• Part 547 Glenmore Road (Lot 36: DP 225233)	Single storey timber workers' cottage	Contributory item in Woollahra DCP 2015
	• Part 545 Glenmore Road (Lot 35: DP 255233)	Single storey timber workers' cottage	Contributory item in Woollahra DCP 2015
	• Part 543 Glenmore Road (Lot 34: DP 255233)	Single storey timber workers' cottage	Contributory item in Woollahra DCP 2015
	• 130 New South Head Road (Lot: A DP: 176247)	Three-storey corner shop-top housing building	
Area 3:			
Area 4:	• 136 New South Head Road (Lot: 1 DP: 663495)	Two-storey historic bank building and interiors	Local Heritage Item No 238 in Schedule 5 of the Woollahra LEP 2014



**Planning,
Industry &
Environment**

Your Ref: SC3218-05/2018367
Our ref: MDPE20/123

Councillor Susan Wynne
Mayor
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Dear Councillor Wynne

Thank you for your correspondence to the Hon. Rob Stokes MP, Minister for Planning and Public Spaces, regarding land reservations along New South Head Road, Edgecliff. The Minister asked me to respond on his behalf.

Thank you for taking the time to submit your enquiry to the Department of Planning, Industry and Environment (the Department). I understand that Council has been liaising with Mr Brendan Metcalfe and Mr Simon Ip from the Department about this matter.

The Department has contacted Transport for NSW (TfNSW) to determine if this matter was addressed in the last road network plan 47(Darlinghurst to Bondi) that was completed in 2019. The plan covered William Street, New South Head Road and Old South Head Road.

The Department will also raise the matter at the monthly meeting with TfNSW. We will discuss the need for the reservation and the potential for it to be removed as part of the preparation of the Woollahra Local Environment Plan to give effect to the Eastern City District Plan and Council's Local Strategic Planning Statement.

Please be assured that the Department will continue to work with TfNSW to find a solution. Once we have an update, the Department will be in contact.

If you have any more questions, please contact Mr Brendan Metcalfe, Acting Director for East and South District, at the Department of Planning, Industry and Environment on 9860 1442.

Yours sincerely

A handwritten signature in blue ink that reads 'Brett Whitworth'. To the right of the signature, the date '4 February 2020' is handwritten in blue ink.

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

Council Ref: SC3218-05 20/31955

Office
of the
Mayor

Woollahra
Municipal
Council



26 February 2020

The Hon Andrew Constance MP
Minister for Transport and Roads
Level 16
52 Martin Place
SYDNEY NSW 2000

Dear Minister Constance

**Removal of the land reservations for acquisition for a
public purpose along New South Head Road, Edgecliff**

In response to correspondence I have received from the Department of Planning, Industry and Environment (DPIE), I am writing to seek your assistance in the removal of road widening reservations that apply to land along New South Head Road in Edgecliff.

In summary, these land reservations are superfluous. Furthermore, having land identified for acquisition (and therefore demolition) is in conflict with the LEP objective to conserve the significance of the Paddington Heritage Conservation Area and heritage items. There are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

On 16 January 2020 I wrote to the Minister for Planning and Public Spaces, Robert Stokes requesting assistance on this matter. Mr Whitworth from the DPIE was asked to respond, and he indicated that his team will raise this matter with Transport for NSW (TfNSW). For your information, I have attached copies of previous correspondence which includes a map illustrating the areas of land which are subject to the reservations.

Mr Whitworth then goes on to suggest that the removal of the reservation could be addressed as part of the preparation of the Woollahra Local Environmental Plan to give effect to the Eastern City District Plan and Council's Local Strategic Planning Statement (LSPS).

With respect, we do not support this approach. To provide certainty to our community, our preference is that this important issue is addressed now, and we do not wait for the preparation of an amending LEP, the timing of which is uncertain and is likely to be associated with a range of complex planning matters.

Council is well advanced in the preparation of a planning strategy for the Edgecliff commercial corridor. Staff are anticipating that this project will be reported to a Council meeting in the first quarter of 2020. Accordingly, we would like a response to this matter prior to the planning strategy being reported.

Correspondence to:
PO Box 61
Double Bay NSW 1360

Redleaf Council Chambers
536 New South Head Road
Double Bay NSW 2028

t: (02) 9391 7000
f: (02) 9391 7044
e: records@woollahra.nsw.gov.au
www.woollahra.nsw.gov.au

DX 3607 Double Bay

Furthermore, on 10 February 2020, Council resolved to research the property at 133 New South Head Road, Edgecliff (known as the Cadry's Building) to see if it is worthy of heritage listing in the Woollahra LEP 2014. This building is located in the Paddington Heritage Conservation Area, and is entirely covered by a road widening reservation. This resolution demonstrates Council's continued commitment to the protection of heritage significance, which is at odds with the maintenance of the road reservations.

I am aware that Council staff are in a position to prepare a planning proposal to amend the Woollahra Local Environmental Plan by removing the land reservations for acquisition. However, before Council resolves to prepare a planning proposal, I ask that you indicate your support for the removal of the superfluous road reservations along New South Head Road, in Edgecliff.

Yours sincerely



Cr Susan Wynne
Mayor

CC Tim Raimond, Chief Transport Planner, Transport for NSW
tim.raimond@transport.nsw.gov.au

Fiona Christiansen, A/Director Metropolitan Strategy, Transport for NSW
fiona.christiansen@transport.nsw.gov.au

Brendan Metcalfe, Department of Planning, Industry and Environment
brendan.metcalfe@planning.nsw.gov.au

Simon Ip, Department of Planning, Industry and Environment
simon.ip@planning.nsw.gov.au

Council Ref: SC3218-05/208367

Office
of the
Mayor

Woollahra
Municipal
Council



16 January 2020

The Hon Robert Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Stokes

**Removal of the land reservations for acquisition for a
public purpose along New South Head Road, Edgecliff**

I am writing to seek your assistance in the removal of road widening reservations that apply to four areas of land along New South Head Road, Edgecliff. I have included a map and schedule below which identifies the relevant addresses and parcel numbers.

The Woollahra Local Environmental Plan (LEP) 2014 has identified that the relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS). These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and we understand that the land was originally identified for road widening purposes as part of the 1958 Road Alignment project initiated by the State Roads agency of the time. This project was superseded by the Cross City Tunnel project which was completed many years ago.

When Council staff prepared the current LEP, they consulted with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that we had to retain these parcels on the Land Reservation Acquisition Map. This was despite the fact that RMS has no plans to acquire the lands and no proposals to carry out road improvement works on those parcels.

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years.

As identified on the map below, the Paddington HCA includes those properties identified for acquisition on the corner of Glenmore Road and New South Head Road.

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PO Box 61
Double Bay NSW 1360

Redleaf Council Chambers
536 New South Head Road
Double Bay NSW 2028

t: (02) 9391 7000
f: (02) 9391 7044
e: records@woollahra.nsw.gov.au
www.woollahra.nsw.gov.au

DX 3607 Double Bay

At 136 New South Head Road there is a former bank building which is listed as a local heritage item (Item 238) in Schedule 5 of the Woollahra LEP 2014.

Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes.

In summary, these land reservations are superfluous. Furthermore, having land identified for acquisition (and therefore demolition) is in conflict with the LEP objective to conserve the significance of the Paddington Heritage Conservation Area and heritage items. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

The Council is well advanced in the preparation of a planning strategy for the Edgecliff commercial corridor. As part of this project, it is our preference to remove these land reservations. In light of this project and the clear conflict with the long established heritage significance of Paddington and heritage listing of properties, I ask your views on the removal of the road reservations.

I look forward to your positive response.

Yours sincerely



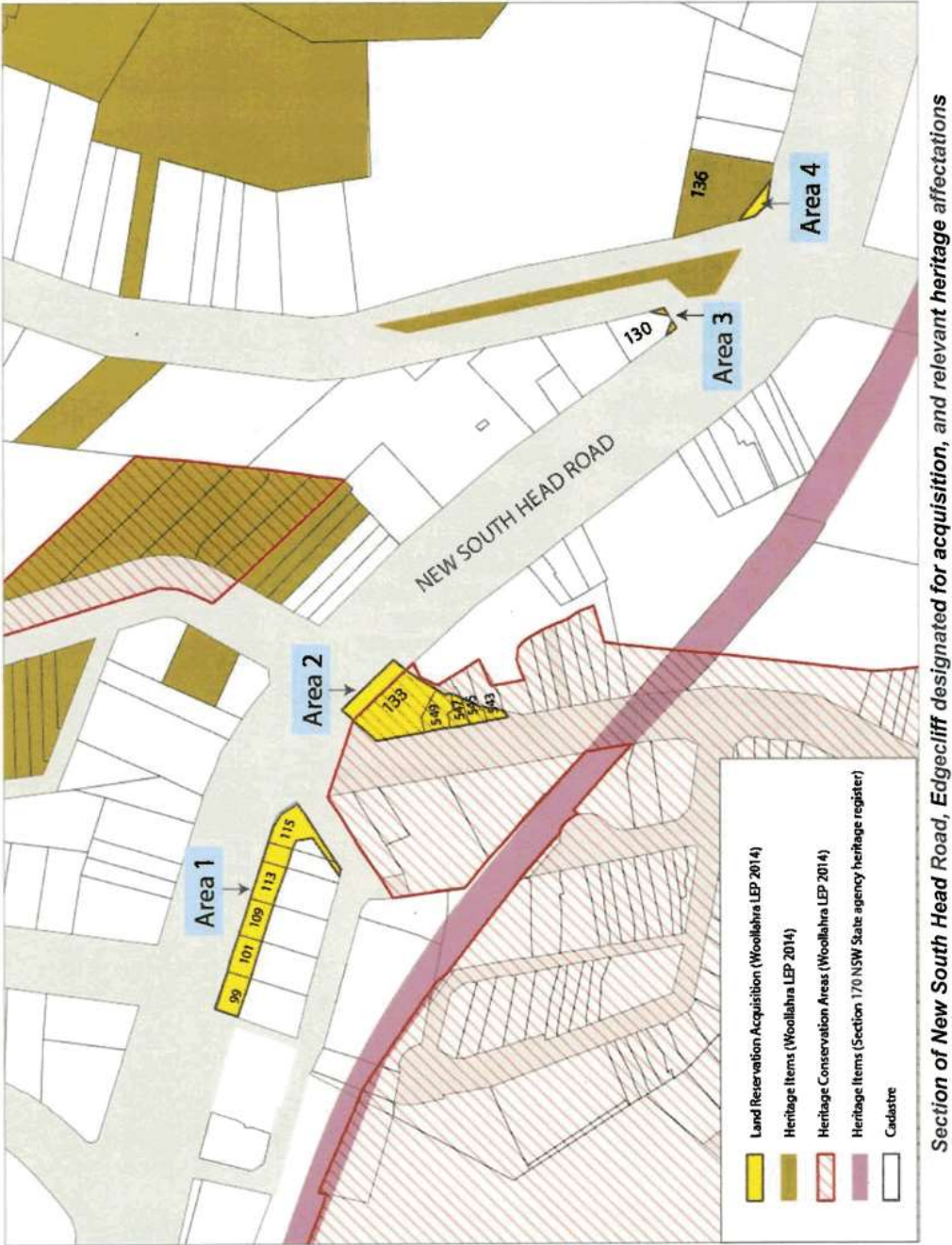
Cr Susan Wynne
Mayor

CC Tim Raimond, Chief Transport Planner, Transport for NSW
tim.raimond@transport.nsw.gov.au

Fiona Christiansen, A/ Director Metropolitan Strategy, Transport for NSW
Fiona.christiansen@transport.nsw.gov.au

Brendan Metcalf, Department of Planning, Industry and Environment
Brendan.Metcalf@planning.nsw.gov.au

Simon Ip, Department of Planning, Industry and Environment
Simon.Ip@planning.nsw.gov.au



Schedule of affected parcels (by area)

<i>Area</i>	<i>Property details</i>	<i>Property Description</i>	<i>Significance</i>
Area 1:	• Part 99 New South Head Road (Lot A: DP 341458)	Four-storey interwar residential flat building	Identified as significant in the Woollahra DCP 2015
	• Part 101 New South Head Road (SP 11555)	Four-storey strata titled interwar residential flat building (15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 109 New South Head Road (SP 12507)	Four-storey strata titled interwar residential flat building (containing 15 units)	Identified as significant in the Woollahra DCP 2015
	• Part 113 New South Head Road (SP71681)	Four-storey strata titled interwar residential flat building (containing 16 units)	Identified as significant in the Woollahra DCP 2015
	• Part 115 New South Head Road (LOT9-10 DP: 15833)	Car service Centre	
Area 2:	• 133 New South Head Road	Three-storey corner sandstone building "Cadrys"	Contributory item in Woollahra DCP 2015
	• (Lot 1: DP 255233)		
	• 549 Glenmore Road	Two-storey sandstone workers' cottage	Contributory item in Woollahra DCP 2015
	• (Lot 37: 255233)		
	• Part 547 Glenmore Road	Single storey timber workers' cottage	Contributory item in Woollahra DCP 2015
	• (Lot 36: DP 225233)		
	• Part 545 Glenmore Road	Single storey timber workers' cottage	Contributory item in Woollahra DCP 2015
Area 3:	• (Lot 35: DP 255233)		
	• Part 543 Glenmore Road	Single storey timber workers' cottage	Contributory item in Woollahra DCP 2015
	• (Lot 34: DP 255233)		
Area 4:	• 130 New South Head Road	Three-storey corner shop-top housing building	
	• (Lot: A DP: 176247)		
Area 4:	• 136 New South Head Road	Two-storey historic bank building and interiors	Local Heritage Item No 238 in Schedule 5 of the Woollahra LEP 2014
	• (Lot: 1 DP: 663495)		



**Planning,
Industry &
Environment**

Your Ref: SC3218-05/2018367
Our ref: MDPE20/123

Councillor Susan Wynne
Mayor
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Dear Councillor Wynne

Thank you for your correspondence to the Hon. Rob Stokes MP, Minister for Planning and Public Spaces, regarding land reservations along New South Head Road, Edgecliff. The Minister asked me to respond on his behalf.

Thank you for taking the time to submit your enquiry to the Department of Planning, Industry and Environment (the Department). I understand that Council has been liaising with Mr Brendan Metcalfe and Mr Simon Ip from the Department about this matter.

The Department has contacted Transport for NSW (TfNSW) to determine if this matter was addressed in the last road network plan 47(Darlinghurst to Bondi) that was completed in 2019. The plan covered William Street, New South Head Road and Old South Head Road.

The Department will also raise the matter at the monthly meeting with TfNSW. We will discuss the need for the reservation and the potential for it to be removed as part of the preparation of the Woollahra Local Environment Plan to give effect to the Eastern City District Plan and Council's Local Strategic Planning Statement.

Please be assured that the Department will continue to work with TfNSW to find a solution. Once we have an update, the Department will be in contact.

If you have any more questions, please contact Mr Brendan Metcalfe, Acting Director for East and South District, at the Department of Planning, Industry and Environment on 9860 1442.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Brett Whitworth', followed by the date '4 February 2020' also in blue ink.

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure



Ms Eleni Petinos MP
Parliamentary Secretary for Transport and Roads

Our Ref: 00984019

Councillor Susan Wynne
Mayor
PO Box 61
DOUBLE BAY NSW 1360

Dear Cr Wynne

Thank you for your correspondence to the Minister for Planning and Public Spaces, which was referred to the Minister for Transport and Roads, about land reservations along New South Head Road, Edgecliff. The Minister has asked me to respond on his behalf.

I understand you also wrote to the Minister for Transport and Roads directly regarding this matter, and I trust you will accept this as a response to both approaches.

I note the reasons which prompted you to write, however Transport for NSW has no plans to remove the land reservations at this time.

Removing the land reservations may allow for future developments on this site, which may hinder the public transport possibilities for this key corridor.

I am advised New South Head Road and the reserved land is part of an important public transport corridor from Darlinghurst to Bondi. One of the strategic visions in the corridor's road network plan for the next 20 years is to provide a safe and reliable corridor that encourages the use of sustainable transport modes with efficient public transport services and high-quality active transport facilities.

If you have any further questions, Mr Murray Cleaver, Network Development Leader at Transport for NSW, would be pleased to take your call on (02) 8849 2177.

I trust this information is of assistance.

Yours sincerely

21/04/2020

Eleni Petinos MP
Parliamentary Secretary for Transport and Roads

GPO Box 5341, Sydney NSW 2001

Item No: R8 Recommendation to Council
Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - BUS SHELTER ADVERTISING AS EXEMPT DEVELOPMENT**
Authors: Lady Afraku, Student Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/178383
Reason for Report: To provide Council with the advice of the Woollahra Local Planning Panel. To obtain Council's approval to proceed with the planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 for the planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal, as contained in **Annexure 3** of the report to the Environmental Planning Committee meeting of 11 October 2021 be forwarded to the Department of Planning, Industry and Environment with a request for gateway determination to allow public exhibition.
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environment plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 26 July 2021, a report was presented to Council (**Annexure 1**) with a recommendation to permit bus shelter advertising as exempt development in Schedule 2 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). At that meeting Council resolved:

- A. *THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.*
- B. *THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.*
- C. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.*
- F. *THAT heritage bus-shelters be exempt from bus shelter advertising in Woollahra Local Government Area.*

2. Planning Proposal

A planning proposal was prepared in accordance with the Council's decision of 26 July 2021. The objective of the amendment to the Woollahra LEP 2014 is to permit advertising on bus shelters as exempt development whilst ensuring that the signage is compatible with desired visual character of the Woollahra local government area (LGA).

The proposed amendment to the Woollahra LEP 2014 is similar to exempt development provisions for bus shelter advertising in other LEPs including Canada Bay, The Hills and Sutherland Shire.

The recommended provisions to be included in Schedule 2 of the Woollahra LEP 2014 are:

- (1) *Must not extend beyond the perimeter of the bus shelter.*
- (2) *Must not contain flashing or neon signage.*
- (3) *Must not be located on land that comprises a heritage item.*
- (4) *Must be erected by or on behalf of the Council.*

The draft provisions for bus shelter advertising as exempt development will ensure that advertisements on bus shelters are of high quality design and respects our community's commitment to heritage conservation.

3. Woollahra Local Planning Panel advice

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 16 September 2021 (see **Annexure 2**), where they provided the following advice to Council:

Resolved:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to permit bus shelter advertising as exempt development by amending Schedule 2 of the Woollahra Local Environmental Plan 2014.

Reason:

For the reasons in the report, the Panel supports the Planning Proposal for Bus Shelter Advertising to be Exempt Development.

The planning proposal (attached at **Annexure 3**) has been updated to include the advice from the Woollahra LPP.

4. Next steps

Subject to the Council's decision, the planning proposal (with updates to make reference to the Council decision) will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister.

The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A weekly notice in the Wentworth Courier for the duration of the exhibition period (if a hardcopy is being published).
- A notice on Council's website.
- A notice to local community, resident and business groups.




To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

5. Conclusion

A planning proposal to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014 was considered by the Woollahra LPP on 16 September 2021. At this meeting, the Woollahra LPP provided advice to Council that it supports the planning proposal.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. Council Agenda 26 July 2021 - Item 12.4 - Bus Shelter Advertising (Annexures removed) [↓](#) 
2. Woollahra Local Planning Panel Agenda 16 September 2021 - Item D3 - Planning proposal - Bus shelter advertising as exempt development (Annexures removed) [↓](#) 
3. Planning proposal - Exempt provisions for bus shelter advertising - September 2021 [↓](#) 

Woollahra Municipal Council
Ordinary Council Meeting Agenda

26 July 2021

Item No: 12.4
Subject: **BUS SHELTER ADVERTISING**
Authors: Aurelio Lindaya, Manager Engineering Services
Anne White, Manager - Strategic Planning
Approvers: Tom O'Hanlon, Director - Infrastructure & Sustainability
Scott Pedder, Director - Planning & Place
File No: 21/129660
Reason for Report: To obtain Council's approval to proceed with a planning proposal to make advertising on bus shelters exempt development under the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.
- B. THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.
- C. THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.

Background:

As advised in previous briefings and reports to Council in relation to the position of the budget, bus shelter advertising provides an opportunity to significantly increase Council's annual revenue stream and reduce the current and future Operating Deficit (currently at \$3.508m).

Woollahra is one of the few remaining councils in Sydney not to have advertising on its bus shelters. All neighbouring councils adjoining Woollahra (Waverley, Randwick and the City of Sydney) have bus shelter advertising contracts in place.

Given the location and demographics of Woollahra, bus shelter advertising in Woollahra is an attractive proposition for the market.

To assist Council in examining the opportunity for bus shelters advertising in the Woollahra local government area, specialist consultants Nexusfactor were engaged to provide specialist infrastructure advertising advice. Nexusfactor have experience in providing expert advertising, commercial modelling, planning and contract consultancy advice to various local and state government authorities and public transport organisations around Australia.

Bus Shelter Advertising

Advertising on bus shelters is generally through display panels located on the bus shelter. These display panels can be retrofitted into existing bus shelters or incorporated into new propriety (off-the-shelf) bus shelters. In addition to standard advertising material, these display panels also provide an opportunity for Council to display community services, safety and other important types of messaging.

A typical example of a bus shelter with advertising is shown in Figure 1 below.



Figure 1 - Example of a bus shelter with advertising in Lane Cove

From an advertising perspective, bus shelter advertising should be located in highly visible locations with high levels of passing traffic. Given this, the following high traffic main roads in Woollahra would be appropriate for advertising - New South Head Road, Ocean Street, Old South Head Road and Oxford Street (west of Ocean Street) (see Figure 2).

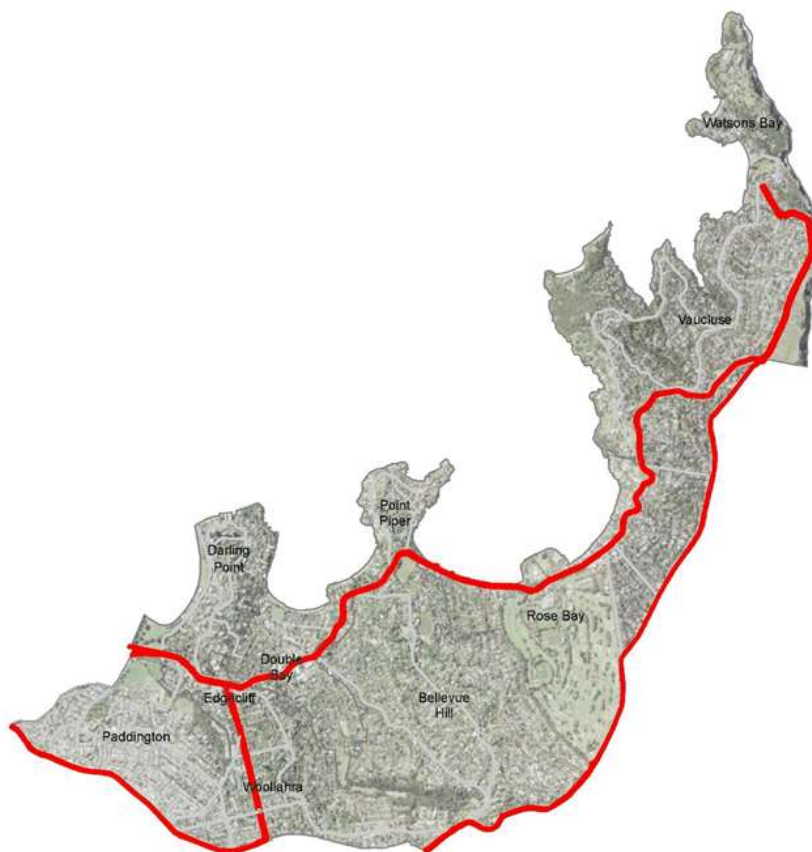


Figure 2 – Map of main roads suitable for Bus Shelter Advertising

There are approximately 285 bus stops in the Woollahra LGA, of which approximately 72 have existing heritage, non-heritage and standard (steel and glass) bus shelters. However, not all these bus stops and bus shelters are suitable for advertising as there are a number of criteria discussed below which should be taken into consideration.

Noting previous resolutions of Council in relation to the protection of heritage and heritage style bus shelters in the Heritage Conservation Areas (HCAs) of Paddington and Woollahra, it is proposed to exclude these types of bus shelters and areas (with the exception of Oxford Street, which already contains bus shelter advertising on the southern side which is within the City of Sydney local government area) from bus shelter advertising. See Figures 3 - 6.

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Figure 3 & 4 – Example of Heritage and Heritage Style Shelters (not proposed for bus shelter advertising)



Figure 5 & 6 – Bus Shelter Advertising on southern side of Oxford Street (CoS LGA)

Nexusfactor have undertaken an assessment of the potential for advertising on bus shelters which has been based on the following selection criteria:

- Retrofitting advertising displays in existing selected standard (Steel and Glass) bus shelters.
- Replacement of aluminium prefabricated bus shelters.
- New bus shelters with advertising at selected bus stops without bus shelters.

There are a number of suitable standard bus shelters, aluminium bus shelters and bus stops on high traffic main roads that can be used for bus shelter advertising. Some typical examples of such bus shelters and locations are detailed below.



Figure 7 – Example of Standard (steel and glass) Bus Shelter



Figure 8 – Example of Aluminium Bus Shelter which can be replaced with a new bus shelter



Figure 9 & 10 – Examples of suitable bus stops without bus shelters

Details of the Nexusfactor's assessment, including the estimated revenue of various bus shelter advertising options, is attached as a **Confidential Annexure**. This attached report is confidential, as ultimately Council staff recommend entering into a competitive tender process, and the details contained in this attachment are commercial in nature.

Planning Considerations:

To enable bus shelter advertising to progress, changes must be made to Council's planning controls to permit advertising on bus shelters. The following summarises the key relevant matters for consideration.

State Environmental Planning Policy 64 – Advertising and Signage

As per clause 10 of the *State Environmental Planning Policy 64 – Advertising and Signage* (SEPP 64), the display of advertisements (other than business or building identification signs) is prohibited under SEPP 64 in the following land use zones or descriptions:

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26 July 2021

- environmentally sensitive areas
- heritage area (excluding railway stations)
- natural or other conservation area
- open space
- waterway
- residential (but not including a mixed residential and business zone, or similar zone)
- scenic protection areas
- national park
- nature reserve

It is noted that the majority of land within the Woollahra LGA is located in areas where advertising is prohibited. Accordingly, Council is prohibited from placing advertising in these areas.

Despite clause 10, clause 16 of SEPP 64 allows the display of advertising with development consent on transport corridor land, when it is by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW.

It is noted that under clause 6(2) of SEPP 64, the above provisions do not apply to signage that is identified as exempt development under any applicable environmental planning instrument (which in our case would be the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014)).

Woollahra Local environmental Plan 2014

Under the Woollahra LEP 2014, advertising on bus shelters would either be defined as ‘signage’ or ‘advertising structure’ where advertising structures are a type of signage. The definitions are as follows:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
 - (b) a building identification sign,
 - (c) a business identification sign,
- but does not include a traffic sign or traffic control facilities.

advertising structure has the same meaning as in the [Act](#).

(*Note. The term is defined as a structure used or to be used principally for the display of an advertisement*)

Having reviewed the Land Use Table of Woollahra LEP 2014, these two land uses are not currently permissible in any of the land use zones of the Woollahra LGA.

Next Steps in the Statutory Planning Process

Should Council seek to permit advertising on bus shelters, an amendment is required to Woollahra LEP 2014 to allow the use of bus shelter advertising as a permissible land use. This could be done either with consent, or as exempt development i.e. the works could occur without the need for a development application.

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26 July 2021

Making the land use permissible as exempt development would give Council greater flexibility by streamlining the application process. It would also overcome the limitations of SEPP 64 which prohibits signage in certain areas. Other Councils that have taken this approach include Canada Bay, Sutherland Shire and Port Macquarie.

To facilitate advertising on bus shelters, a planning proposal must be prepared to amend *Schedule 2: Exempt development* of Woollahra LEP 2014 to allow advertising on bus shelters as exempt development. Due to the number of steps involved, this will take a minimum of nine months to implement.

If Council supports the preparation of a planning proposal, the next steps are:

- Prepare a planning proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014,
- Refer the draft planning proposal to the Woollahra Local Planning Panel for advice;
- Report the advice received from the Woollahra Local Planning Panel to the Environmental Planning Committee. This step will be undertaken at the next available meeting of the Woollahra LPP should Council decide to prepare a planning proposal.

Bus Shelter Advertising Tender

Should Council's planning controls be amended to permit bus shelter advertising as exempt development, Council can call tenders for the service.

Bus shelter advertising contracts can be structured in a number of ways. Factors such as advertising fee structure, the number of new shelters with advertising and without advertising, cleaning and maintenance regimes of bus shelters, and the inclusion of Council endorsed messaging relating to community services and safety can be incorporated into the advertising contracts.

This will all be considered in the formulation of the tender specification.

Consultation:

Community consultation will occur as part of the planning proposal process. The planning proposal to permit bus shelter advertising as exempt development will be placed on public exhibition and the outcomes of the public exhibition period will be reported to a future meeting of Council's Environmental Planning Committee.

Identification of Income & Expenditure:

Bus shelter advertising has the potential to provide significant revenue for Council. Further details on the estimated potential revenue from bus shelter advertising can be found in the attached **Confidential Annexure**.

Conclusion:

It is recommended that Council endorse the proposed bus shelter advertising as detailed in the report as it provides an opportunity to significantly increase Council's annual income and reduce the current and future Operating Deficit (currently at \$3.508m).

Woollahra Municipal Council
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26 July 2021

To progress this matter, a planning proposal should be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014. This planning proposal should be referred to the Woollahra LPP for advice.

Once Council's planning controls have been amended, it is recommended that tenders be called for bus shelter advertising in the Woollahra LGA.

Annexures

1. Bus Shelter Advertising Opportunity Evaluation - Nexusfactor (*circulated under separate cover*) - **Confidential**

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting) Agenda

16 September 2021

Item No: D3
Subject: **PLANNING PROPOSAL - BUS SHELTER ADVERTISING AS EXEMPT DEVELOPMENT**
Authors: Lady Afraku, Student Strategic Planner
Kelly McKellar, Team Leader Strategic Planning
Approvers: Anne White, Manager - Strategic Planning
Scott Pedder, Director - Planning & Place
File No: 21/167836
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to permit advertising on bus shelters as exempt development in the Woollahra Local Environmental Plan 2014.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to permit bus shelter advertising as exempt development by amending Schedule 2 of the *Woollahra Local Environmental Plan 2014*.

1. Reason for report to the Woollahra Local Planning Panel

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on amending the planning controls to permit advertising on bus shelters as exempt development in Schedule 2 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposal to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - a) *the correction of an obvious error in a local environmental plan,*
 - b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
 - c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A planning proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

2. Background

On 26 July 2020, a report was presented to Council (**Annexure 1**) with a recommendation to permit bus shelter advertising as exempt development. The following background was provided in the report:

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As advised in previous briefings and reports to Council in relation to the position of the budget, bus shelter advertising provides an opportunity to significantly increase Council's annual revenue stream and reduce the current and future Operating Deficit (currently at \$3.508m).

Woollahra is one of the few remaining councils in Sydney not to have advertising on its bus shelters. All neighbouring councils adjoining Woollahra (Waverley, Randwick and the City of Sydney) have bus shelter advertising contracts in place.

Given the location and demographics of Woollahra, bus shelter advertising in Woollahra is an attractive proposition for the market.

To assist Council in examining the opportunity for bus shelters advertising in the Woollahra local government area, specialist consultants Nexusfactor were engaged to provide specialist infrastructure advertising advice. Nexusfactor have experience in providing expert advertising, commercial modelling, planning and contract consultancy advice to various local and state government authorities and public transport organisations around Australia.

At that meeting, Council resolved:

- A. *THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.*
- B. *THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.*
- C. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.*
- F. *THAT heritage bus-shelters be exempt from bus shelter advertising in Woollahra Local Government Area.*

3. Planning proposal

Consistent with Council's resolution of 26 July 2020, a planning proposal has been prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014 (see **Annexure 2**).

3.1 Planning proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environment, including *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

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- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- Justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

3.2 Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to permit advertising on bus shelters as exempt development. Permitting bus shelter advertising as exempt development will overcome the limitations of the *State Environmental Planning Policy 64 – Advertising and Signage* which prohibits the display of advertisements in certain land use zones and descriptions.

3.3 Explanation of provisions

The planning proposal seeks to amend Schedule 2: Exempt development of the Woollahra LEP 2014 to insert a provision for advertising on bus shelters. The recommended provisions to be included in the Woollahra LEP 2014 are:

Signage – Bus shelter advertising

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Must not contain flashing or neon signage.
- (3) Must not be located on land that comprises a heritage item.
- (4) Must be erected by or on behalf of the Council.

The final wording of the provisions will be determined at LEP drafting stage by the NSW Parliamentary Counsel Office.

3.4 Relationship to strategic planning framework

The planning proposal has strategic merit. The planning proposal is broadly consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018) (refer to section 5.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. In particular, the planning proposal meets the following strategy within Goal 11 (Well managed Council) under the theme Community leadership and participation:

- 11.4 Maintain Council's strong financial position.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement 2020* (approved by Council 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 6 under the theme of Liveability: *Planning Priority 6 Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people*.

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to **Schedule 1** of the planning proposal).

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The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** of the planning proposal).

4. Conclusion



This report seeks the advice of the Woollahra LPP on a planning proposal to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

We recommend that the Woollahra LPP advise Council to proceed with the planning proposal at **Annexure 2** to permit bus shelter advertising as exempt development in the Woollahra LEP 2014.

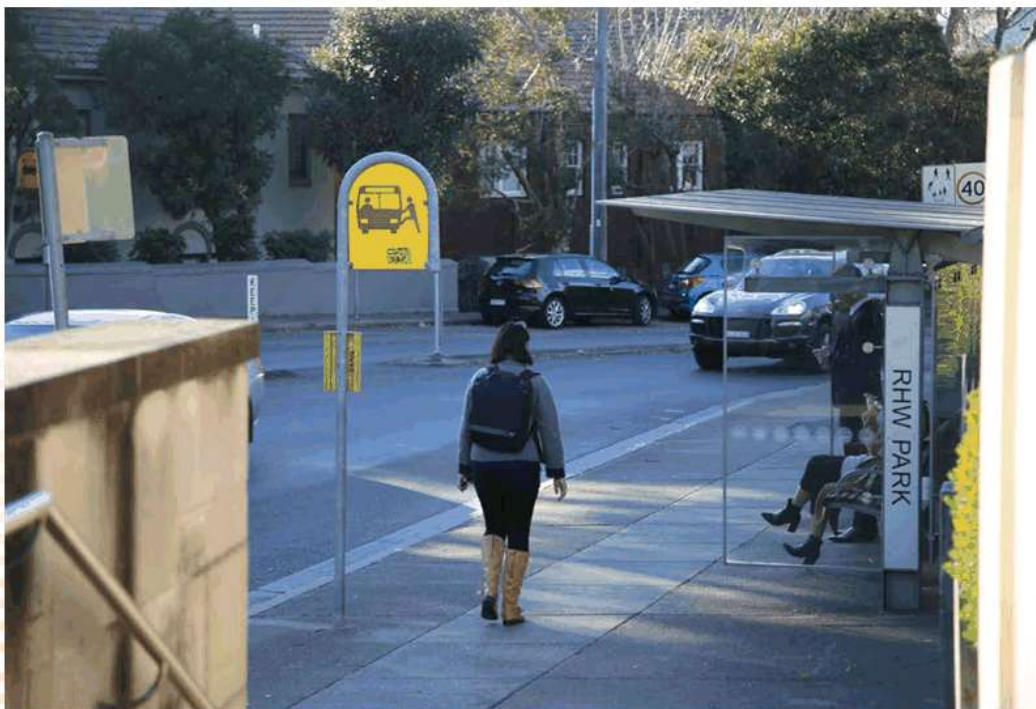
Annexures

1. Council Agenda 26 July 2021 - Bus Shelter Advertising - Item 12.4 (Annexures removed) [↓](#) 
2. Planning proposal - Exempt provisions for bus shelter advertising - August 2021 [↓](#) 

Planning Proposal



Exempt provisions for bus shelter advertising



Version Date:	August 2021, updated September 2021
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Team Leader Strategic Planning
HPE CM Record Number:	21/161498

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1. Introduction

1.1. Background

On 26 July 2021, a report recommending Council permit bus shelter advertising was presented to Council. The following information was provided in the report:

As advised in previous briefings and reports to Council in relation to the position of the budget, bus shelter advertising provides an opportunity to significantly increase Council's annual revenue stream and reduce the current and future Operating Deficit (currently at \$3.508m).

Woollahra is one of the few remaining councils in Sydney not to have advertising on its bus shelters. All neighbouring councils adjoining Woollahra (Waverley, Randwick and the City of Sydney) have bus shelter advertising contracts in place.

Given the location and demographics of Woollahra, bus shelter advertising in Woollahra is an attractive proposition for the market.

To assist Council in examining the opportunity for bus shelters advertising in the Woollahra local government area, specialist consultants Nexusfactor were engaged to provide specialist infrastructure advertising advice. Nexusfactor have experience in providing expert advertising, commercial modelling, planning and contract consultancy advice to various local and state government authorities and public transport organisations around Australia.

At that meeting, Council resolved:

- A. *THAT Council note the attached confidential annexure in relation to bus shelter advertising in Woollahra and the potential for significant additional income that it would provide.*
- B. *THAT a planning proposal be prepared to permit advertising on bus shelters as exempt development in the Woollahra LEP 2014.*
- C. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- E. *THAT subject to Council's planning controls being amended to permit advertising on bus shelters, Council calls for tenders to explore the advertising possibilities.*
- F. *THAT heritage bus-shelters be exempt from bus shelter advertising in Woollahra Local Government Area.*

In accordance with Council's resolution, staff prepared this planning proposal. It was reported to the Woollahra Local Planning Panel (Woollahra LPP) meeting of 16 September 2021 where they provided the following advice to Council:

Resolved:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to permit bus shelter advertising as exempt development by amending Schedule 2 of the Woollahra Local Environmental Plan 2014.

Reason:

For the reasons in the report, the Panel supports the Planning Proposal for Bus Shelter Advertising to be Exempt Development.

1.2. Description of this planning proposal

This planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to permit advertising on bus shelters as exempt development.

Advertisements on bus shelters are generally displayed on panels affixed to the bus shelter. These display panels can be retrofitted to existing bus shelters or incorporated into new bus shelters.

In addition to standard advertising material, these display panels also provide an opportunity for Council to display community services, safety and other important types of messaging.

An example of a typical bus shelter with advertising is shown in **Figure 1**.



Figure 1 - Example of a bus shelter with advertising in Lane Cove

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant NSW Department of Planning, Industry and Environment guidelines, including 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans'.

2. Existing planning controls

Woollahra Local Environmental Plan 2014

Under the Woollahra LEP 2014, advertising on bus shelters would either be defined as 'signage' or 'advertising structure' where advertising structures are a type of signage. The definitions are as follows:

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

advertising structure has the same meaning as in the Act.

(Note. The term is defined as a structure used or to be used principally for the display of an advertisement)

Currently, 'signage' and 'advertising structure' are not permissible land uses in any zones under the Woollahra LEP 2014.

State Environmental Planning Policy 64 – Advertising and Signage

The *State Environmental Planning Policy 64 – Advertising and Signage* (SEPP 64) applies to all signage that can be displayed with or without development consent and is visible from a public place.

Clause 10 of SEPP 64 prohibits the display of advertisements (other than business or building identification signs) in the following zones or descriptions:

- environmentally sensitive areas
- heritage area (excluding railway stations)
- natural or other conservation area
- open space
- waterway
- residential (but not including a mixed residential and business zone, or similar zone)
- scenic protection areas
- national park
- nature reserve

However, Clause 6 (2) states that SEPP 64 does not apply to signage that is exempt development under an environmental planning instrument that applies to it, in this case this would be the Woollahra LEP 2014.

Furthermore, Clause 16 of SEPP 64 allows the display of an advertisement with development consent on transport corridor land, when it is by or on behalf of RailCorp, NSW Trains, Sydney Trains, Sydney Metro or TfNSW.

3. Objectives of planning proposal

The objective of this planning proposal is to amend the Woollahra LEP 2014 to permit advertising on bus shelters as exempt development whilst ensuring that the signage is compatible with the desired visual character of the Woollahra local government area (LGA).

Permitting bus shelter advertising as exempt development will overcome the limitations of SEPP 64 which prohibits the display of advertisements in certain areas.

4. Explanation of provisions

The intended outcome will be achieved by amending *Schedule 2: Exempt development* of the Woollahra LEP 2014 to insert a provision for advertising on bus shelters.

The recommended provisions to be included in the Woollahra LEP 2014 are:

Signage – Bus shelter advertising

- (1) Must not extend beyond the perimeter of the bus shelter.
- (2) Must not contain flashing or neon signage.
- (3) Must not be located on land that comprises a heritage item.
- (4) Must be erected by or on behalf of the Council.

It is noted that final wording of the provisions will be determined at LEP drafting stage by the NSW Parliamentary Counsel Office.

5. Justification

The planning proposal has strategic merit as demonstrated in part 5.1 to 5.3 below.

5.1. Need for planning proposal

1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

No. The planning proposal is not the result of a specific strategic study. However, a review of the opportunities for bus shelter advertising in the Woollahra LGA informed Council's resolution to prepare this planning proposal.

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

Yes. A planning proposal is the best means of achieving the intended outcome. An amendment to the Woollahra LEP 2014 is required to permit advertising on bus shelters and overcome the limitations of SEPP 64.

5.2. Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is broadly consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant planning priorities and actions of the *Eastern City District Plan* (2018), as discussed below.

Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is broadly consistent with the directions and objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities*, particularly Objective 12 under the Direction: A city of great places:

Objective 12: Great places that bring people together

This objective seeks to maintain and build on the unique characteristics of places in a way that reflects shared community values and culture. The proposed amendment to the Woollahra LEP 2014 seeks to permit bus shelter advertising whilst including provisions that will ensure that advertisements on bus shelters are of high quality design, respects our community's commitment to heritage conservation and maintains the amenity of the LGA.

Eastern City District Plan

The planning proposal is generally consistent with the planning priorities and actions of the *Eastern City District Plan*, particularly Planning Priority E6 under the theme Liveability:

Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage

The planning proposal will contribute to the liveability of the Woollahra LGA as it will introduce exempt development provisions for advertising on bus shelters that will ensure it is well-designed and conserves environmental heritage.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the Council's Community Strategic Plan, *Woollahra 2030 – Our community, our place, our plan* (Woollahra 2030) and the *Woollahra Local Strategic Planning Statement 2020* (Woollahra LSPS 2020).

Woollahra LSPS 2020

The planning proposal is broadly consistent with the *Woollahra LSPS 2020*, particularly Planning Priority 6:

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Planning Priority 6: Placemaking supports and maintains the local character of our neighbourhoods and villages whilst creating great places for people.

Permitting bus shelter advertising as exempt development will provide an opportunity to increase Council's revenue which will support placemaking initiatives and infrastructure provision in the LGA. To ensure that this is undertaken appropriately, the proposed amendment to the Woollahra LEP 2014 seeks to include provisions that will ensure that advertisements on bus shelters are of high quality design, respects our community's commitment to heritage conservation and maintains the amenity of the LGA.

Woollahra 2030

This planning proposal is also generally consistent with *Woollahra 2030*, in particular Goal 11 under the theme: *Community leadership and participation*:

Goal 11: Well managed Council
Strategy 11.4: Maintain Council's strong financial position

An amendment to the Woollahra LEP 2014 to permit bus shelter advertising as exempt development will provide an opportunity to significantly increase Council's annual income which will enable Council to effectively deliver services and infrastructure.

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

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State Environmental Planning Policies (refer to **Schedule 1**).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with the applicable section 9.1 directions (refer to **Schedule 2**).

5.3. Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. Bus shelters are typically located along main roads. Accordingly, there are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. The proposal will not have any impact in this regard.

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

No. There are no other likely environmental effects expected to arise as a result of this planning proposal. Provisions. Additionally, the proposed amendment to *Schedule 2: Exempt development* of Woollahra LEP 2014 includes provisions which seeks to minimise any

potential environmental effects associated with installing advertisements on bus shelters with regard to amenity and design quality.

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

Yes. The planning proposal will not have any adverse social and economic impacts. Bus shelter advertising will be managed by Council through contracts that will specify maintenance requirements. The contracts may also be structured to ensure that advertisements on bus shelters are appropriate in design and content to maintain amenity.

5.4. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal seeks to amend the Woollahra LEP 2014 to permit bus shelter advertising as exempt development and will not result in additional demand for infrastructure.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

- Transport for NSW

Any other authorities identified by the Department of Planning, Industry and Environment will be consulted during the public exhibition of the planning proposal.

6. Mapping

The planning proposal does not seek to amend any maps in the Woollahra LEP 2014.

7. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the relevant legislation and guidelines, including

- *Environmental Planning and Assessment Act 1979*
- *Environmental Planning and Assessment Regulation 2000*
- *Woollahra Community Participation Plan 2019*
- *Local Environmental Plans – A Guide to preparing Local Environmental Plans* (2018)
- Conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a notice to local community, resident and business groups.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices (subject to the offices being accessible to the public in line with current Public Health Orders):

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as the relevant Council reports).
- Woollahra LEP 2014.
- Section 9.1 Directions.

8. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Council resolution to prepare planning proposal	26 July 2021
Woollahra Local Planning Panel provides advice	16 September 2021
Environmental Planning Committee recommends proceeding	October 2021
Council resolution to proceed	October 2021
Gateway determination	December 2021
Completion of technical assessment	N/A
Government agency consultation	As required
Public exhibition period	February 2022
Submissions assessment	March 2022
Council assessment of planning proposal post exhibition	March 2022
Council decision to make the LEP amendment	April 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	May 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	May/June 2022
Notification of the approved LEP	May/June 2022

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Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The proposal does not include a canal estate.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not seek to rezone land and will not affect the application of the SEPP for the purpose of promoting the remediation of contaminated land and reducing the risk of harm to human health or any other aspect of the environment.

State environmental planning policy	Comment on consistency
SEPP No 64 – Advertising and Signage	<p>Applicable</p> <p>Consistent. The planning proposal seeks to permit bus shelter advertising as exempt development. This will facilitate advertising on bus shelters in land use zones or descriptions that are prohibited under the SEPP.</p> <p>It is noted that SEPP 64 does not apply to signage that is exempt development. The proposed amendment to the Woollahra LEP 2014 includes provisions to ensure that advertisements are of high quality design and maintain amenity. Accordingly, it is considered that the planning proposal is broadly consistent with the aims of the SEPP to ensure that signage (including advertising) is well regulated, compatible with the desired amenity and visual character of an area, and is of high quality design and finish.</p>
SEPP No 65 – Design Quality of Residential Apartment Development	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP No 70 – Affordable Housing (Revised Schemes)	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Aboriginal Land) 2019	<p>Not applicable. No land within the Woollahra LGA is identified on the Land Application Map of the SEPP.</p>
SEPP (Activation Precincts) 2020	<p>Not applicable. No land within the Woollahra LGA is identified as an Activation Precinct.</p>
SEPP (Affordable Rental Housing) 2009	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>

State environmental planning policy	Comment on consistency
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not applicable. The Woollahra LGA is not specified in Schedule 1 of SEPP (Koala Habitat Protection) 2021.
SEPP (Koala Habitat Protection) 2021	Not applicable. The Woollahra LGA is not listed in Schedule 1.

State environmental planning policy	Comment on consistency
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable. No future corridors are identified within the Woollahra LGA.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra LGA which are identified in the SEPP.

State environmental planning policy	Comment on consistency
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not applicable. No land within the Woollahra LGA is identified on the Land Application Map.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP (Sydney Harbour Catchment) 2005	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. Permitting advertising on bus shelters as exempt development will have minimal environmental impact and the amendment seeks to include provisions to ensure design quality and maintain amenity. It is considered that the planning proposal is broadly consistent with the principles. Bus shelters are typically located on main roads and are not located on land in the Foreshores and Waterways Area. Therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Applicable. Consistent. The planning proposal does not contain a provision, which is contrary to the objective of this direction. The planning proposal does not seek to rezone business or industrial land or reduce permissible floor space in these zones.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal will not reduce provision in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra LGA or affect the application of the SREP (Sydney Harbour Catchment) 2005. The planning proposal is broadly consistent with the direction.
2.2	Coastal management	Not applicable. The planning proposal does not propose the rezoning of any land and will therefore not result in increased development or more intensive land-use on land within a coastal area.
2.3	Heritage conservation	Applicable. Consistent. The planning proposal includes a provision that states bus shelter advertising must not be located on land that comprises a heritage item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not rezone or permit a change of use of the land in the Woollahra LGA. The planning proposal does not contain a provision which is contrary to the objective of this direction.
3	Housing, infrastructure and urban development	

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Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.1	Residential zones	Applicable. Consistent. The planning proposal seeks to permit advertising on bus shelters as exempt development and will not reduce the permissible residential density of land. The planning proposal does not contain a provision which is contrary to this direction.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.
3.3	Home occupations	Revoked 9 November 2020.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision that is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and; The Right Place for Business and Services – Planning Policy (DUAP 2001).</i>
3.5	Development near regulated airports and defence airfields	Not applicable. The planning proposal does not apply to land near a regulated airport or defence airfield.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in non-hosted short term rental accommodation period	Not applicable. The planning proposal does not apply to land in the Byron Shire Council.
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable. Consistent. The existing acid sulfate soils provisions in the Woollahra LEP 2014 will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.
4.3	Flood prone land	Applicable. Consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 12: Great places that bring people together. Refer to Section 5 of this report.
5.11	Development of Aboriginal Land Council land	Not applicable. There is no land in the Woollahra LGA identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
6	Local plan making	
6.1	Approval and referral requirements	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not apply to a specific site or a particular development.
7	Metropolitan Planning	
7.1	Implementation of A <i>Metropolis of Three Cities</i> (March 2018)	Revoked 9 November 2020.
7.2 – 7.13	Directions 7.2 – 7.13	Not applicable. These strategies do not apply to the Woollahra LGA.

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

