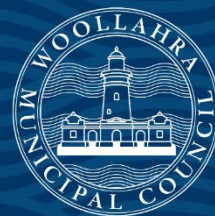


Planning Proposal



Local Heritage Listing

Cadry's Building, 133 New South Head Road, Edgecliff
and
549 Glenmore Road, Edgecliff



Version Date:	4 April 2022
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Kristy Welfare – 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.

On 25 October 2021, following the advice of the Panel, Council resolved to proceed with the planning proposal to list the two properties at 133 New South Head Road and 549 Glenmore Road, Edgecliff.

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	✓	x	✓	x

Criteria		Meets criteria for heritage listing and grading of significance			
		Cadry's Building		549 Glenmore Road, Edgecliff	
		Local	State	Local	State
	history (or the cultural or natural history of the local area)				
(g)	<p>An item is important in demonstrating the principal characteristics of a class of NSW's</p> <ul style="list-style-type: none"> cultural or natural places; or cultural or natural environments. <p>or a class of the local area's</p> <ul style="list-style-type: none"> cultural or natural places; or cultural or natural environments. 	✓	x	✓	x

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".

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.

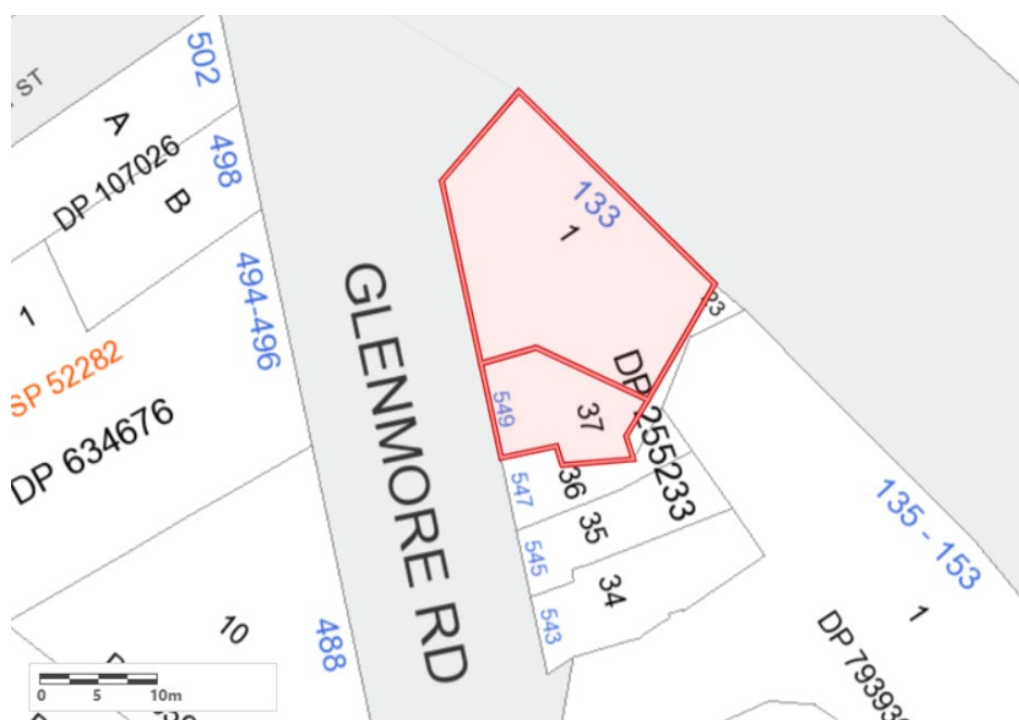


Figure 1: Cadastral map of site (Source: Woollahra Council GIS Maps)



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 Monna Road (Source: Woollahra Council Officer)



Figure 4: 549 Glenmore Road (Source: Woollahra Council Officer)

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?

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:

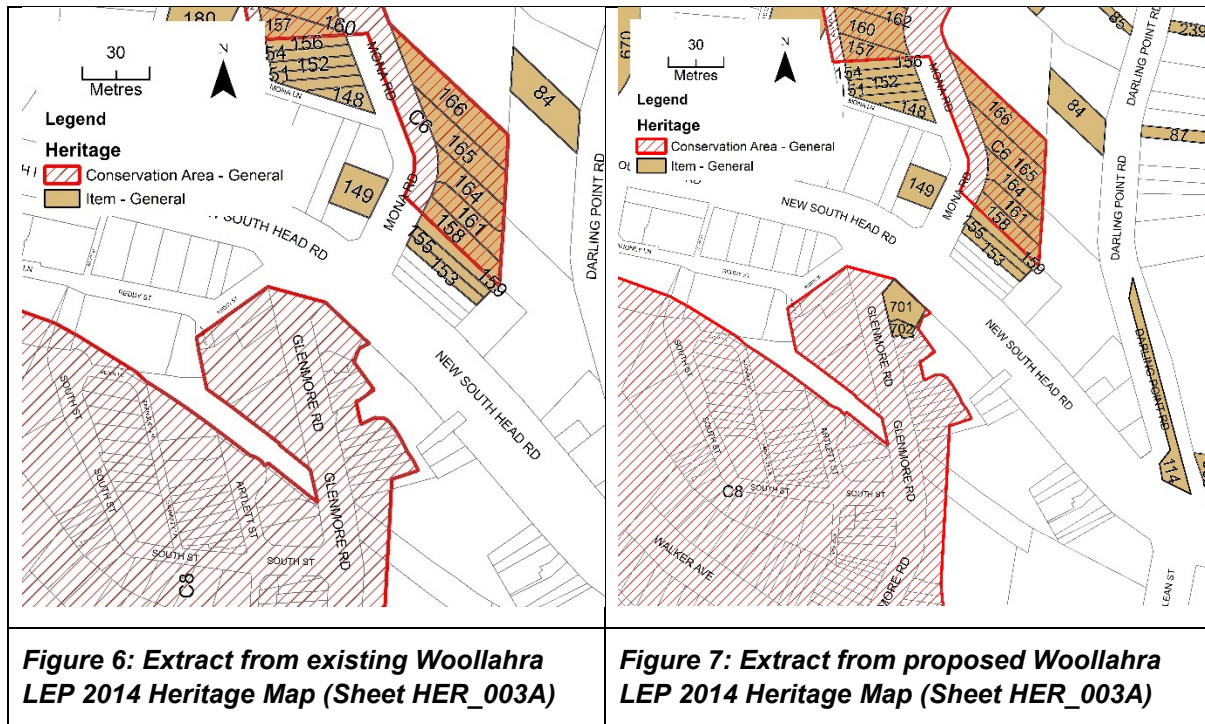
- Heritage NSW, Department of Premier and Cabinet.
- National Trust of NSW.

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. It should be noted that the heritage item numbers as shown are indicative only and will be subject to confirmation at the finalisation stage



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 2021*.

8.2. Pre-exhibition consultation

Condition 1 of the gateway determination dated 23 December 2021 required Council to undertake pre-exhibition consultation with Transport for NSW (TfNSW). Council sent a consultation letter on 10 February 2022 seeking comment on the proposed heritage listing of the sites. On 29 March 2022, Council received a response advising that it is TfNSW's preference not to list these buildings as local heritage items due to their being identified as land reserved for acquisition. However, TfNSW noted that local heritage matters fall under Council's jurisdiction and should Council proceed with the listing, Council should be aware that "TfNSW may acquire these two land parcels, if required, in the future once the type and extent of transport improvements are determined." This may require the demolition of the buildings to accommodate a future project.

8.3. Public Consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*, 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	April 2021
Public exhibition period	Same time as agency consultation
Submissions assessment	May 2022
Council assessment of planning proposal post exhibition	June 2022
Council decision to make the LEP amendment	July 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	August 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	September 2022
Notification of the approved LEP	October 2022

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Planning systems	
1.1	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. Refer to Schedule 1 of this report.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	The planning proposal seeks to list the subject sites as local heritage items. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
1.4	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls. The planning proposal is consistent with the direction
1	Planning systems (cont.) – place based	
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. Heritage listing of the sites aims to provide ongoing protection and recognition of the heritage significance of these items.
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. This direction does not apply to the Woollahra LGA.
3.5	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.
4	Resilience and hazards	
4.1	Flooding	Applicable and 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. The planning proposal is consistent with the direction.
4.2	Coastal management	Not applicable. The planning proposal will not affect land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal will not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	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.
5	Transport and infrastructure	
5.1	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"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
5.2	Reserving land for public purposes	The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
6.2	Caravan parks and manufactured home estates	The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. This direction does not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.

**Planning proposal –
Compliance with section 9.1 directions**

Direction		Applicable/comment
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	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 (Housing) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.

SEPP (Primary Production) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Resilience and Hazards) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Resources and Energy) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP (Transport and Infrastructure) 2021	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>
SEPP 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 (Building Sustainability Index: BASIX)	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p>

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