

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF ROSE BAY SCOUT HALL, ROSE BAY**
Author: Shona Lindsay, Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 20/71942
Reason for Report: To report on the advice made to Council by the Woollahra Local Planning.

To obtain Council's approval to proceed with the planning proposal to list the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 23 April 2020.
- B. THAT Council proceed with the planning proposal to list *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- C. THAT Council forward the planning proposal to the Department of Planning, Industry and Environment to list *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*, requesting a gateway determination to allow public exhibition.
- D. THAT Council request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 18 June 2018 Woollahra Council resolved in part:

THAT Council:

- A. *Request staff to undertake an assessment of heritage significance for the Rose Bay Scout Hall (former RAAF Officers' Canteen) located in Vickery Avenue, Rose Bay, and report to the Environmental Planning Committee on whether the property has sufficient heritage significance to be listed as:*
 - i) *a local heritage item in the Woollahra Local Environmental Plan 2014(WLEP), and*
 - ii) *an item on the State Heritage under the Heritage Act 1977.*

In response to Council's decision a heritage significance assessment of the *Rose Bay Scout Hall* was prepared by Weir Phillips Heritage and Planning.

On 17 February 2020 a report on the Heritage Listing of the *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay was presented to a meeting of the *Environmental Planning Committee (Annexure 1)* and on 24 February 2020 Council resolved in part:

- A. *THAT a planning proposal be prepared to list the Rose Bay Scout Hall (including interiors) as a heritage item in 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.*

2. Planning proposal

A planning proposal was prepared to list the *Rose Bay Scout Hall (including interiors)* as a heritage item in Woollahra LEP 2014.

The planning proposal was 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 objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay and provide it with a statutory heritage protection.

3. Woollahra Local Planning Panel advice

On 23 April 2020 the *Woollahra Local Planning Panel (LPP)* considered a report on the planning proposal (see *Annexure 2*) and provided the following advice to Council:

THAT the Woollahra Local Planning Panel advises Council to:

- A. Proceed with the planning proposal to list *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* subject to the following amendments:
 - (i) In the section 6.0 (Recommendation) of the Heritage Assessment Report and in the recommendations of the Heritage Data Form add the following point:
 - A conservation management document should be prepared for the Hall in order to guide the management of the building and future conservation works. The document should include, but be not limited to, a maintenance schedule.
- B. Forward the planning proposal to the Department of Planning, Industry and Environment to list *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*, requesting a gateway determination to allow public exhibition.
- C. Request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Subsequent to the meeting of the Woollahra LPP of 23 April 2020, the planning proposal and heritage significance assessment have been ~~updated to refer to the Panel's advice. The updated planning proposal is provided in Annexure 3.~~ The updated heritage significance assessment, including the heritage data form, is provided in *Annexure 4*

4. Next steps

~~Subject to the Council's decision,~~ the planning proposal 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.

4.1. 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 letter to the current lessee.
- a letter to land owners in the vicinity of the site
- a letter to local community groups such as the Rose Bay Residents' Association and the Woollahra History and Heritage 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 relevant Council reports).

4.2. Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department for a gateway determination under section 3.34 of the Act.

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.

Following public exhibition, if Council resolves to proceed with and finalise the planning proposal, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.




Alternatively, if Council decides not to finalise the planning proposal, it should resolve to request that the Minister, not proceed with the planning proposal, under section 3.35(4) of the Act.

5. Conclusion

The listing of the *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014 is supported by an assessment of the heritage significance prepared by Weir Phillips Heritage and Planning. On 23 April 2020, the WLPP provided advice to Council that it supports the planning proposal and its submission to the Minister.

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

Annexures

1. Report to Environmental Planning Committee 17 February 2020 (annexures removed) [!\[\]\(7a8011739ec4e250e2f89a547d75fb0a_img.jpg\)](#) 
2. Report to the Woollahra Local Planning Panel 23 April 2020 (annexures removed) [!\[\]\(44ee86b940d3a0ca166486da8985875e_img.jpg\)](#) 
3. Planning Proposal - Rose Bay Scout Hall, 3 Vickery Avenue Rose Bay, May 2020 [!\[\]\(72fd141c2b650e3974b4ac376f402874_img.jpg\)](#) 
4. Heritage Significance Assessment for the Rose Bay Scout Hall - May 2020 [!\[\]\(b3585519a49e38e8d8527211b2b955fa_img.jpg\)](#) 