

# Environmental Planning Committee



## Agenda

Monday 7 September 2020

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 holding Council and Committee meetings (i.e. Environmental Planning (EP), Finance, Community & Services (FC&S) and Strategic & Corporate (S&C) remotely using conferencing technology (until further notice).

The Mayor, Councillors and staff will be participating in meetings by an audio-visual link instead of attending in person. Meetings will be webcast and member of the public can watch and listen to meetings live (via YouTube) or dial in to listen to the meetings using a telephone.

Members of the public are invited to listen to meetings by either using conferencing technology or by teleconference. Public participation online or by phone will be managed in accordance with meeting procedures.

A link will be available on Council's website:

[https://www.woollahra.nsw.gov.au/council/meetings\\_and\\_committees/committees/environmental\\_planning\\_committee\\_ep/ep\\_agendas\\_and\\_minutes](https://www.woollahra.nsw.gov.au/council/meetings_and_committees/committees/environmental_planning_committee_ep/ep_agendas_and_minutes)

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.

### Outline of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee Members and/or Staff to present apologies and/or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will invite member(s) of the public who registered to speak to address the Committee.
- Members of the public who have registered to address the Committee, will be allowed four (4) minutes in which to address the Committee. One (1) warning bell will be rung at the conclusion of three (3) minutes and two (2) warning bells rung at the conclusion of four (4) minutes. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (e.g. applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allocated four (4) minutes, the speaker will take no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

### 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](http://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 matters 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: Quorum:

7 Councillors  
The quorum for Committee meeting is 4 Councillors



# Woollahra Municipal Council

## Notice of Meeting

2 September 2020

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 – 7 September 2020

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 remotely using conferencing technology, **on Monday 7 September 2020 at 6.00pm.**

Councillors and members of the public are advised that we will be holding Council and Committee meetings remotely using conferencing technology (until further notice).

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](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

Item	Subject	Page
1.	Leave of Absence and Apologies	
2.	Late Correspondence	
3.	Declarations of Interest	

### **Items to be Decided by this Committee using its Delegated Authority**

D1	Confirmation of Minutes of Meeting held on 3 August 2020 - 20/111862 .....	9
D2	Woollahra Local Planning Panel Register of Planning Decisions and Analysis - 20/90700.....	11
D3	Register of Current Land and Environment Court Matters for Development Applications and Register for Court Proceedings for Building, Environmental and Health Control Matters - 20/146220 .....	33

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

R1	Planning Proposal - Heritage Listing of 30 Wyuna Road, Point Piper - 20/124742.....	51
R2	Planning Proposal - Heritage Listing of Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra - 20/135884 .....	193
R3	Planning Proposal - Heritage Listing of Cooper Park, Bellevue Hill (excluding Cooper Park North) - 20/136045.....	351
R4	Public Exhibition of Draft Woollahra DCP 2015 (Amendment No.13) - Paddington Heritage Conservation Area Controls for Courtyard Housing - 20/136974.....	605
R5	Report on the Planning Proposal to Introduce an FSR Control for Low Density Residential Development and Urban Greening provisions - 20/153720 .....	645



**Item No:** D1 Delegated to Committee  
**Subject:** **CONFIRMATION OF MINUTES OF MEETING HELD ON 3 AUGUST 2020**  
**Author:** Sue O'Connor, Governance Officer  
**File No:** 20/111862  
**Reason for Report:** The Minutes of the Environmental Planning Committee of 3 August 2020 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 3 August 2020 be taken as read and confirmed.





**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:** Allan Coker, Director - Planning & Development  
**File No:** 20/90700  
**Reason for Report:** Woollahra Local Planning Panel - Register of Planning Decisions and Analysis - Period 8 November 2019 to 6 August 2020.

**Recommendation:**

THAT the register of planning decisions for matters determined by the Woollahra Local Planning Panel (WLPP) for the period 8 November 2019 to 6 August 2020 be received and noted.

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**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.

A planning decision is a resolution of the Woollahra Local Planning Panel that determines a matter, i.e. approves or refuses a development application. The register as prepared details the matters considered by the Woollahra Local Planning Panel and will continue to be updated on a regular basis and is available on Council's website at [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

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 used the planning decisions register as a basis and extended this to provide a summary of the applications considered by the WLPP, including the staff recommendation and the final WLPP decision in response to the request.

Following feedback from Councillors at the Environmental Planning Committee in August 2018 meeting, cost of works, full reasons of referral and key issues have now been included in the annexure.

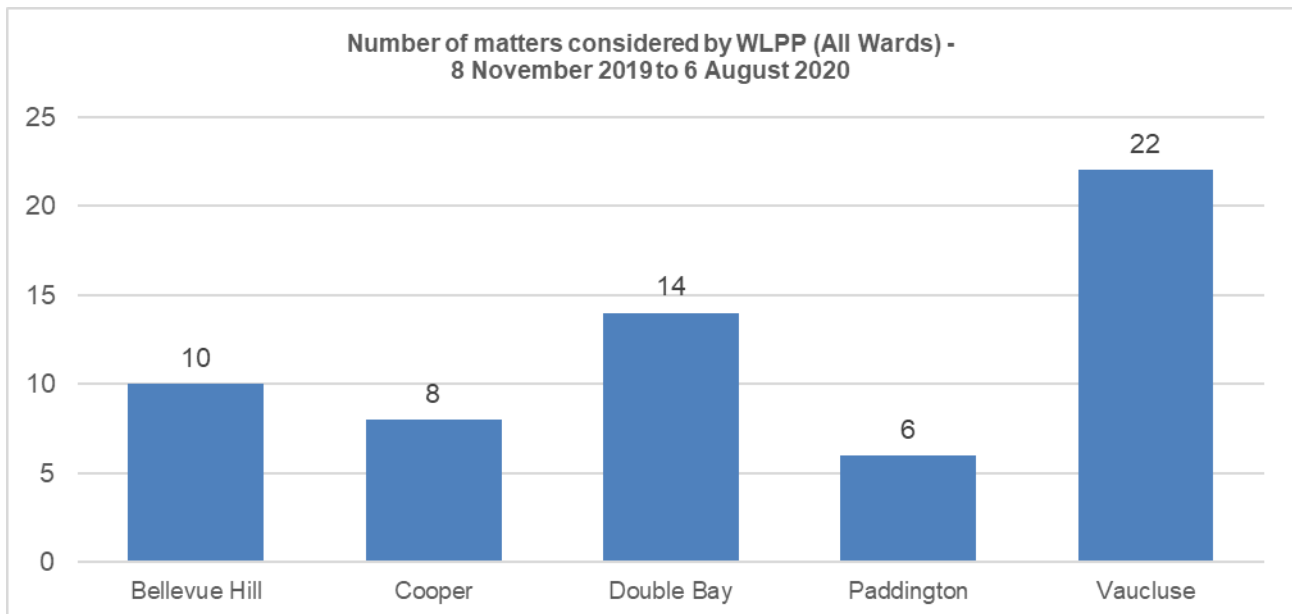
In total 60 Development Applications and 10 Planning Proposals were considered by the Woollahra Local Planning Panel during the period of **8 November 2019 to 6 August 2020**.

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.

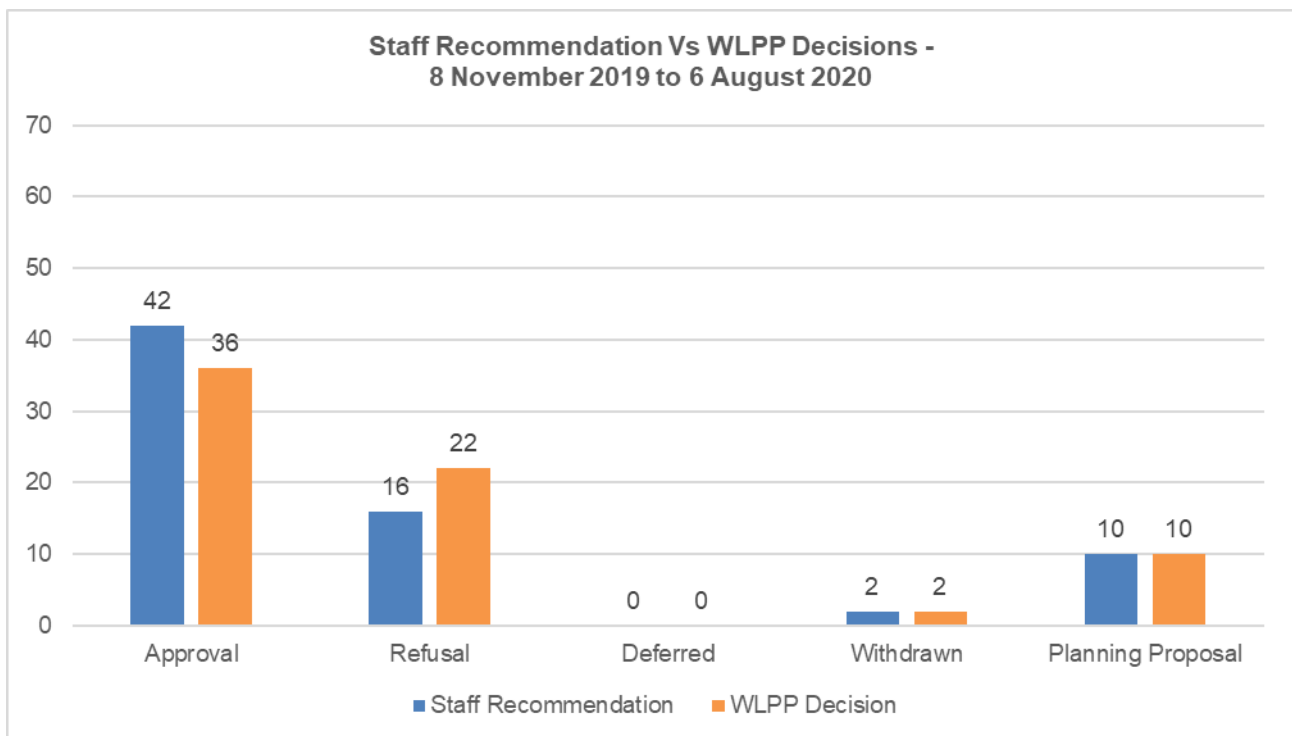
***Number of Development Applications (excluding Planning Proposals) considered per ward:***

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



***Staff Recommendation vs WLLP Decision:***

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

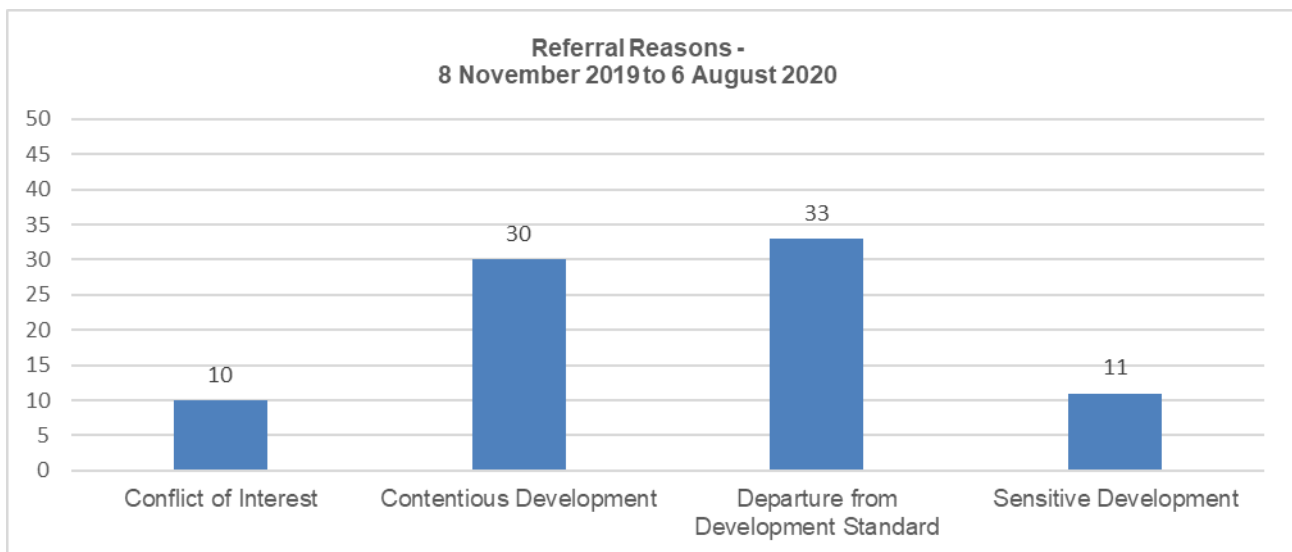


### ***Reasons for Referral to WLPP:***

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 **8 November 2019 to 6 August 2020**.

## **2. Other Relevant Information - Operations of the Woollahra Local Planning Panel**

The Woollahra Local Planning Panel considered a report at its meeting on 21 May 2020, to consider the operations of the Woollahra Local Planning Panel during COVID-19 and to review the current “Delegation” relating to the function of directing and controlling the conduct of appeals to the Land & Environment Court from its decisions under s8.15(4) of the EPA Act. The summary of these changes are outlined below:

### ***2.1 Temporary Changes to Operations of the Woollahra Local Planning Panel (COVID-19)***

The Panel’s Operational Procedures include general requirements to ensure the efficient and effective operation of the Panel. While these requirements will generally be followed, they may be varied by the Chair depending on the circumstances of a particular meeting or application.

The Chair has introduced the following changes:

- The Panel will no longer meet face to face, instead, it will hold its public meeting by teleconference or, if possible, by videoconference (cl 25(4) of Schedule 2 of EPA Act).

- Submitters, the applicant or other people will no longer attend a public meeting in person.
- The public meeting will be recorded, and the audio recording will be placed on council's website following the meeting (cl. 25(3) of the EPA Act).
- Site inspections must be carried out adopting recommended social distancing protocols. Any site inspection by Panel members must be from the street only. Panel members will no longer enter premises nor communicate with anyone face-to-face at the site inspection. Each panel member will make his or her individual arrangements as to when to inspect a site and how to travel to the site, such as in their own car. Where possible, council staff will provide additional photos of the site to assist the Panel.
- The Panel will have a pre-public meeting videoconference or teleconference with the council planning staff commencing at 10am on the day of the meeting (unless an earlier start is required).

Other changes may be implemented as necessary during COVID-19. Council's website was updated and various administrative changes (including the update of notifications letters) were enacted during COVID-19 and will continue to be updated as necessary.

To date the WLPP meetings since 16 April 2020 have been held successfully using Zoom conferencing technology. Staff anticipate that holding of meetings via Zoom will continue into the future.

## **2.2 Delegation (Conduct of Appeals)**

On 7 April 2020, Council's Solicitors, Lindsay Taylor Lawyers (LTL) provided advice on the current delegation of the function under s.8.15(4) to the General Manager and whether that function can be sub-delegated by the General Manager, and what can be done to instead give either the Manager of Development Control or Director of Planning & Development the function of direction and control under s.8.15(4) of the EPA Act.

In summary, the advice stated:

- *The LPP has the power under s.2.20(8) of the EPA Act to delegate to the General Manager the function of directing and controlling the conduct of appeals to the Land & Environment Court from its decisions under s.8.15(4) of the EPA Act (8.15(4) Function).*
- *However s.2.20(8) of the EPA Act expressly precludes the LPP from delegating to the General Manager the power to delegate the 8.15(4) Function.*
- *If Council and the LPP would prefer the Manager of Development Control or Director of Planning & Development to have the s.8.15(4) Function (instead of the General Manager), the LPP should be requested to revoke the July 2018 Delegation, and replace it with a similar delegation to the Manager of Development Control or Director of Planning & Development.*

For operational purposes and for a more efficient and effective way of handling the conduct of appeals, the current Delegation was revoked and replaced with a new (similar) delegation which enabled the General Manager, Director of Planning & Development and Manager of Development Control to have control and direction of the appeal. This change to the current delegation was endorsed by the former General Manager and is currently in place.

### **2.3 *Reduction in the number of Community Representatives on the Woollahra Local Planning Panel (WLPP)***

Council at its meeting on 27 July 2020 considered a Notice of Motion as proposed by Councillor Zeltzer and Councillor Marano. The Notice of Motion was adopted by Council.

Council resolved to reduce the number of Community Representatives to 4 representatives (from the previous 10 community representatives), resolving in part:

*The 4 community representatives to be retained in the pool of selection for the Local Planning Panel are:*

- i Andrew Petrie*
- ii Keri Huxley*
- iii Nicola Grieve*
- iv Graham Humphrey*

The reduced pool of 4 community representatives took effect from the first Woollahra Local Panel Meeting in August 2020.

### **2.4 *New Directions - Changes to the way Local Planning Panels work (effective from 1 August 2020)***

The NSW Government made changes to the way Local Planning Panels work to make them more efficient and to improve the assessment and determination times of development applications. These changes are being made as part of the Planning Acceleration Program to support the State's immediate and long-term economic recovery from the COVID-19 crisis.

The changes, commenced on 1 August 2020, to speed up Panel determinations by:

- reducing the need to conduct public panel meetings for non-contentious matters by applying a '10-or-more' objection trigger for public meetings
- reducing the amount of modifications going to panels
- obliging panel chairs to more actively manage development applications (DAs) coming to the panels to reduce panel deferrals and assessment timeframes
- allowing chairs to bring forward determination on DAs that are experiencing unreasonable delays of over 180 days from lodgement
- introducing panel performance measures.

In light of recent changes announced by the Department of Planning, the running of the Woollahra Local Planning Panels changed, effective immediately.

Staff met with Annelise Tuor (Chair), Peter Wells (Alternate Chair) and Peter Webber (Alternate Chair) to discuss various changes that are required in light of the announcements.

WLPP meetings have been broken up into two meeting types being:

- Public Meeting (Panel members, staff and members of public)
- Electronic Meeting (Panel members and staff only).

Meetings will then be held on the same day, commencing at 1.00pm on the Thursday for the public meeting, and the electronic meetings will then commence at the conclusion of the public meeting. Ms Tuor chaired the first meeting with these procedures in place at the WLPP meeting on **Thursday 27 August 2020.**

The Panel will continue to hear oral submissions from residents, applicants and objectors in the same way as previously for Public Meetings and then the Panel will move to discuss the matters in confidential session. At the conclusion of the public meeting (and the decision making process), the Panel will then consider the matters on the **electronic meeting** agenda. Members of the public are unable to address the Panel in relation to the matters on the electronic meeting agenda, however, are able to submit late correspondence for the Panel's consideration.

### 3. Appeals

The table below provides a brief snapshot of Applications determined by the Panel where Class 1 Appeals have been filed and/or finalised within the period from 8 November 2019 to 6 August 2020.

DA No.	Property Address	Staff Recommendation	Panel's Recommendation	L&E Court Decision/Outcome
316/2019/1	26-28 Wolseley Rd, Point Piper	Refusal	Refusal	Ongoing
354/2016/3	24 Northland Rd, Bellevue Hill	Refusal	Refusal	Ongoing
133/2020/1	10 Spring St, Double Bay	Refusal	Refusal	Ongoing
101/2020/1	66-68 Wilberforce Ave, Rose Bay	Approval	Approval	Ongoing
469/2019/1	598-600 Old South Head Rd, Rose Bay	Refusal	Refusal	Ongoing
344/2019/1	142, 142A, 142B Bellevue Rd, Bellevue Hill	Refusal	Refusal	Ongoing
290/2018/1	142C Bellevue Rd, Bellevue Hill	Refusal	Refusal	Ongoing
13/2019/1	590-592 New South Head Rd, Point Piper	Approval	Refusal	Ongoing
25/2018/1	49 & 51-53 Bay St, Double Bay	Refusal	Refusal	Ongoing
233/2018/1	77-81 Yarranabbe Rd, Darling Point	Refusal	Refusal	Ongoing
463/2019/1	2A Cooper St, Double Bay	Refusal	Refusal	Ongoing
563/2018/1	160 Wolseley Rd, Point Piper	Approval	Refusal	Ongoing
10/2020/1	37 Edward St, Woollahra	Refusal	Refusal	Ongoing
458/2017/1	37 Carlotta Rd, Double Bay	Approval	Refusal	Ongoing
126/2017/1	16 Manning Rd, Double Bay	Refusal	Refusal	Ongoing
305/2018/1	30 Kent Rd, Rose Bay	Refusal	Refusal	Ongoing
190/2017/1	593 New South Head Rd, Rose Bay	Approval	Refusal	Ongoing
233/2018/1	77-81 Yarranabbe Rd, Darling Point	Refusal	Refusal	Ongoing
607/2015/5	9A Cooper Park Rd, Bellevue Hill	Approval	Approval	The appeal was dismissed
384/2018/2	43 Dudley St, Paddington	Approval	Refusal	The appeal was dismissed
286/2019/1	278 Oxford St, Paddington	Refusal	Refusal	The appeal was upheld via a s34 agreement – satisfactory outcome
487/2018/1	21-23 Riddell St, Bellevue Hill	Approval	Refusal	The appeal was upheld via a s34 agreement – satisfactory outcome
105/2019/1	14 Boronia Rd, Bellevue Hill	Refusal	Refusal	The appeal was upheld via a s34 agreement – satisfactory outcome
440/2017/1	12 Kent Rd, Rose Bay	Refusal	Refusal	The appeal was upheld via a s34 agreement – satisfactory outcome



DA No.	Property Address	Staff Recommendation	Panel's Recommendation	L&E Court Decision/Outcome
140/2018/1	28 Kent Rd, Rose Bay	Refusal	Refusal	The appeal was upheld via a s34 agreement – satisfactory outcome
584/2014/5	39 Carlotta Rd, Double Bay	Refusal	Refusal	The appeal was upheld
252/2019/1	30 Wyuna Rd, Point Piper	Approval	Approval	Discontinued
487/2018/2	21-23 Riddell Street, Bellevue Hill	Approval	Approval	Discontinued
470/2018/1	36 Kent Rd, Rose Bay	Refusal	Refusal	Discontinued

**Note:** Annexure 1 of this report and/or Annexure 1 in the Legal Register Report tabled to the Environmental Planning Committee Agenda on 7 September 2020 provides further details in relation to the Development Applications and current legal status.

#### 4. Panel's feedback on current planning controls

Since it commenced in March 2018, certain members of the Panel have provided staff with useful comments on the current suite of controls and internal procedures.

In considering the Development Applications between the period of 8 November 2019 to 6 August 2020, Panel members have raised the following issues:

1. Review the R3 Residential Zone for Grosvenor Street and associated DCP controls as this area has transitioned to a street with commercial uses, mostly medical facilities (Prof. Peter Weber (Chair), Sheridan Burke, Ross Bonthorne and Graham Brown).
2. Review the desired future character objectives and their relationship with general development controls in the DCP (James Coleman).
3. Council consider an Interim Heritage Order (IHO) be placed on the building at 780-786 New South Head Road, Rose Bay (Graham Humphrey).

These matters have been referred to Council's Strategic Planning Department. An IHO has been placed on 780-786 New South Head Road Rose Bay.

#### 5. Conclusion:

It is recommended that Register of Planning Decisions for the period 8 November 2019 to 6 August 2020 be received and noted.

#### Annexures

1. WLPP Register of Planning Decisions - 8 November 2019 to 6 August 2020 [↓](#) 



**Woollahra Local Planning Panel**

Register of Planning Decisions 8 November 2019 to 6 August 2020

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)  
As at 6 August 2020

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
DEVELOPMENT APPLICATIONS																	
21 November 2019	Item No. D1 DA403/2018/1	Woollahra Park, O'Sullivan Road Bellevue Hill	Bellevue Hill	Retention of the previously approved temporary shed structure, the extension of the structure, and the change of use of the shed to a gymnasium.	\$25,000.00	✓	✓	✕		✕	Approval	Refusal	Key planning issues related to the 'use' of the temporary shed being extended beyond the temporary use approval date of March 2016 (DA304/14), design, visual appearance, acoustic impacts, loss of car parking. <u>Panel's comments</u> The retention of the temporary shed, its extension to the north, and it's use as a gym, would not promote a high standard of design, minimise and manage parking impacts, nor protect and enhance the natural environment for recreational purposes. The proposed extension of the shed would further exacerbate the adverse impact of an already unacceptable and visually intrusive building.	Ross Bonthorne Sheridan Burke James Colman Prof Peter Webber	Nil	Prof Peter Webber	Yes
21 November 2019	Item No. D4 DA152/2019	592B New South Head Road ROSE BAY (Rose Bay Promenade)	Bellevue Hill	Construct a separated bi-directional cycle path along the Rose Bay Promenade.	\$500,000	✓	✓	✕		✕	Approval	Approval	The DA was initially considered by the LPP at its meeting of 17 October 2019, where it resolved to defer the application to enable the applicant to explore modifications to the design which prioritises the needs of pedestrians, provides an alternative bi-directional cycleway and incorporated the kerb side parking area. The scheme tabled to the Panel at its meeting of 21 November 2019 was identical the initial scheme but included supplementary information supporting the scheme. Key issues related to pedestrian/bicycle conflicts and safety, heritage, trees and public interest. <u>Panel's comments</u> Endorsed staff recommendation, subject to the inclusion of a deferred commencement condition which required further design refinements and details relating to minimising tree impacts, heritage, lighting and safety.	Ross Bonthorne Sheridan Burke James Colman Prof Peter Webber	Nil	Prof Peter Webber	Yes

**Note:**

- 1 Conflict of Interest - Council owned land and/or applicant.
- 2 Contentious Development - more than 10 submissions.
- 3 Departure from development standards by more than 10%.
- 4 Sensitive Development ( RFB subject to SEPP65).



**Woollahra Local Planning Panel**

Register of Planning Decisions 8 November 2019 to 6 August 2020

(in accordance with section 375A of the Local Government Act 1993 exercising functions under the Environmental Planning and Assessment Act 1979)  
As at 6 August 2020

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
21 November 2019	Item No. D2 DA257/2018/1	3 Carlisle Street and 24A Dover Road, Rose Bay	Vaucluse	Demolition of existing dwellings and construction of a new residential flat building, basement parking, landscaping and site works.	\$3,760,000.00	x	x	✓		✓	Approval	Approval	New RFB which primarily complied with the key development standards (except height) and DCP envelope controls. The height non-compliance primarily related to the centre lift core and a part of the north-eastern building module. Key issues relating to SEPP 65, consistency with the desired future character objectives for the precinct, residential amenity impacts, traffic and excavation. <u>Panel's comments</u> Endorsed the staff recommendation	Ross Bonthorne Sheridan Burke James Colman Prof Peter Webber	Nil	Prof Peter Webber	Yes
21 November 2019	Item No. D3 DA230/2019/1	40-41 Olola Avenue VAUCLUSE	Vaucluse	Alterations and additions to the existing residence to form a new detached dual occupancy and the construction of a new carparking and storage area and tennis court.	\$5,179,013.00	x	✓	✓		x	Refusal	Withdrawn	The subject DA was withdrawn prior to the matter being heard/considered by the Panel.				
5 December 2019	Item No. D4 DA383/2019/1	2A James Street Woollahra	Cooper	A weekly produce market (Saturdays) and associated site works including landscaping works (Temporary use for 5 years)	\$10,000.00	x	✓	x		x	Approval	Refusal	Key planning issues related 'temporary use', permissibility and residential amenity impacts (i.e. noise, traffic, availability of on-street car parking) <u>Panel's comments</u> Noted/acknowledged that a weekly produce market may be of benefit particularly to the commercial properties within the vicinity. The Panel was not satisfied that the provisions of Clause 2.8 (temporary use of land) of WLEP 2014 were met and hence the development was not permissible within the R3 zone. The impacts of the development namely traffic and potential noise disturbance on the adjoining residential properties was not minimal.	Sheridan Burke Michelle Falstein John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
5 December 2019	Item No. D5 DA286/2019/1	278 Oxford Street Paddington	Paddington	Alterations and additions to the existing building and its adaptive re-use as a mixed-use development comprising a cafe for 20 patrons, 6 single occupancy units, one care-takers residence and 2 car parking spaces	\$2,307,129.00	x	✓	x		x	Refusal	Refusal	Key planning issues related to excessive height, scale and bulk, non-compliances with Council's development standards (height and FSR), inconsistency with objectives of the ARH SEPP, adverse heritage impacts, acoustic and visual impacts, excavation, vehicle accommodation and insufficient information. <u>Panel's comments</u> Endorsed staff recommendation Note: A Class 1 Appeal was filed on 10 October 2019 on the grounds of deemed refusal. The Appeal was subsequently upheld on 20 May 2020 via a s34 agreement.	Sheridan Burke Michelle Falstein John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes

**Note:**

- 1 Conflict of Interest - Council owned land and/or applicant.
- 2 Contentious Development - more than 10 submissions.
- 3 Departure from development standards by more than 10%.
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**Woollahra Local Planning Panel**

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Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
5 December 2019	Item No. D3 DA565/2018/1	1-3 Spencer Street Rose Bay	Vaucluse	The demolition of 2 existing dwelling houses and ancillary structures, the amalgamation of the 2 allotments and the construction of a residential flat building, 2 swimming pools, landscaping, site works and strata subdivision	\$7,497,186.00	*	✓	✓		✓	Approval	Approval	New RFB which complied with the key development standards (except height) and DCP envelope controls. The height non-compliance related to the lift overrun only. Key planning issues related to SEPP 65, consistency with the desired future character objectives of the precinct, residential amenity impacts specifically solar access and sense of enclosure. <u>Panel's comments</u> Endorsed staff recommendation, subject to additional conditions requiring a reduction to the height and access to the roof terrace.	Sheridan Burke Michelle Falstein John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
19 December 2019	Item D3 DA354/2016/3	24 Northland Road, Bellevue Hill	Bellevue Hill	Section 4.56 Modification - Addition of a new roof terrace, new access to rear garden, new skylight, new solar panels and window modifications.	N/A	*	✓	*		✓	Refusal	Refusal	Key planning issues related to the adverse privacy impacts associated with the proposed roof terrace and its reasonableness, loss of communal private open space, non-compliance with the Seniors Living SEPP and the application being deficient in information. <u>Panel's comments</u> Endorsed staff recommendation. Note: A Class 1 Appeal has subsequently been filed with the L&E Court.	Dr Mark Carleton Michelle Falstein John McInerney Peter Wells	Nil	Peter Wells	Yes
19 December 2019	Item No. D4 DA455/2018/1	1 Moncur Street Woollahra (aka Phoenix Hotel)	Cooper	Provision of live entertainment and additional trading hours to 12 midnight, 7 days a week (reviewable for 1 year)	N/A	*	✓	*		*	Approval	Withdrawn	The subject DA was withdrawn prior to the matter being heard/considered by the Panel.				
19 December 2019	Item No. D2 DA252/2019/1	30 Wyuna Road, Point Piper	Double Bay	Alterations and additions to the dwelling including widening of the existing garage and landscaping	\$1,025,000.00	*	✓	*		*	Approval	Deferral	The key planning issues related to heritage, geotechnical/excavation and residential amenity impacts (i.e. privacy, visual and bulk) <u>Panel's comments</u> Deferred the DA to enable the applicant to undertake further geotechnical investigations and submit revised architectural and landscape plans detailing the extent of works including boundary fencing, level changes, privacy screening and planting to the lower, middle and upper terraces. Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 12 September 2019.	Dr Mark Carleton Michelle Falstein John McInerney Peter Wells	Nil	Peter Wells	Yes
19 December 2019	Item No. D1 DA92/2019	6-8 Richmond Road Rose Bay	Vaucluse	Demolition of the two existing dwellings and the construction of a new shop top housing development with basement parking	\$4,075,486.00	*	✓	*		✓	Approval	Approval	New shop top housing development which complied with the key development standards (height and FSR) and met the objectives of the Rose Bay Centre Chapter (D6) of WDCP 2015. Key planning issues related to SEPP 65, design, building depth, parking/traffic and residential amenity impacts (i.e. solar access, privacy and sense of enclosure) <u>Panel's comments</u> Endorsed staff recommendation, subject to a condition requiring the northern (rear) elevation at ground, levels 1, 2 and 3 being setback an additional one (1) metre from the rear boundary.	Dr Mark Carleton Michelle Falstein John McInerney Peter Wells	Nil	Peter Wells	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
30 January 2020	Item No. D4 - DA442/2019/1	550 New South Head Road Rose Bay (Lyne Park)	Vaucluse	A temporary broadcasting enclosure within Lyne Park to broadcast the Sydney Sail GP2020 event being held in Sydney Harbour, bump in and rehearsals to occur 17-27 February 2020, event broadcast to occur 28-29 February 2020, and bump out to occur 01-04 March 2020	\$60,000.00	✓	✗	✗		✗	Approval	Approval	Key planning issues related to potential impacts to Lyne Park, and traffic and parking impacts during the bump-in and bump-out periods. <u>Panel's comments</u> Endorsed staff recommendation	Sheridan Burke Keri Huxley John McInerney Peter Wells	Nil	Peter Wells	Yes
30 January 2020	Item No. D6 - DA155/2019/2	512 New South Head Road Double Bay (AKA 'Foster Park - Hugh Latimer Centre and Sherbrooke Hall')	Double Bay	Modifications to approved "New pre-school including landscaping changes".	N/A	✓	✗	✗		✗	Approval	Approval	Council owned land and operated pre-school. Key planning issues related to landscaping. Landscaping modifications supported by Council's Team Leader landscaping. <u>Panel's comments</u> Endorsed staff recommendation	Sheridan Burke Keri Huxley John McInerney Peter Wells	Nil	Peter Wells	No
30 January 2020	Item No. D5 - DA159/2019/1	28 The Crescent, Vaucluse	Vaucluse	Alterations and additions to residential flat building	\$328,570.00	✗	✓	✓	Height Control - 9.5m Existing - 14.75m Proposed - 7.31m - 13.5m	✗	Approval	Approval	Key planning issues related to existing use rights, bulk/scale, view loss and privacy. <u>Panel's comments</u> Endorsed the staff recommendation with additional conditions relating to external materials and the retention of string corbelling around the doors/windows	Sheridan Burke Keri Huxley John McInerney Peter Wells	Nil	Peter Wells	Yes
6 February 2020	Item No. D4 - DA249/2019/1	7 Bundarra Road Bellevue Hill	Bellevue Hill	Alterations and additions and landscape works	\$1,243,881.00	✗	✗	✓	Height Control - 9.5m Existing - 12m Proposed - 11.4m - 12m	✗	Approval	Approval	Non-compliance with height development standard was limited to the replacement of the existing roof and the introduction of dormers to the roof design. The key planning issues related to design, heritage (heritage item) and view loss. <u>Panel's comment</u> Endorsed staff recommendation	Ross Bonthorne Graham Brown Dr Mark Carleton Prof Peter Webber	Nil	Prof Peter Webber	Yes
6 February 2020	Item No. D3 - DA138/2019/1	98 Bellevue Road, Bellevue Hill	Cooper	Alterations and additions including a new upper level	\$385,500.00	✗	✗	✓		✗	Approval	Refusal	Key planning issues related to streetscape, context with adjoining development, extent of non-compliance with Council's DCP floorplate control and amenity impacts (i.e. solar access, visual, bulk, sense of enclosure) <u>Panel's comments</u> Refused the DA on the grounds of adverse visual impact on the adjoining properties, excessive height and scale, inconsistency with the desired future character (scale, built form) and non-compliances with the height, floorplate and setbacks controls	Ross Bonthorne Dr Mark Carleton Prof Peter Webber	Graham Brown	Prof Peter Webber	Yes
6 February 2020	Item No. D1 - DA233/2018/1	77-81 Yarranabbe Road Darling Point	Double Bay	Extensive demolition, alterations and additions to the existing residential flat building	\$8,677,674.00		✓	✓		✓	Refusal	Refusal	Key planning issues related to non-compliances with Council's height and FSR development standard, excessive height, bulk and scale, view loss, privacy impacts, overshadowing and inconsistency with SREP 2005. <u>Panel's comments</u> Endorsed staff recommendation Note: A Class 1 Appeal was subsequently filed in the L&E Court	Ross Bonthorne Graham Brown Dr Mark Carleton Prof Peter Webber	Nil	Prof Peter Webber	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
6 February 2020	Item No. D2 - DA419/2016/5	163 Hopetoun Avenue Vaucluse	Vaucluse	Section 4.55 Addition of a roof terrace with transparent balustrades and access stairs; deletion of Condition No C.1(i)	N/A	x	✓	x		x	Refusal	Refusal	The key planning issues related to the residential amenity and streetscape impacts associated with the proposed roof terrace (i.e. view loss, privacy, reasonableness of a roof terrace, bulk and scale). The s.4.55 was initially tabled to Council's AAP which a staff recommendation for approval which was not endorsed by the AAP (recommended refusal). Prior to adoption of Council's AAP recommendation, the number of submissions increased to more than 10 and as such the matter was elevated to the LPP. <u>Panel's comments</u> Endorsed AAP's recommendation for refusal.	Ross Bonthorne Graham Brown Dr Mark Carleton Prof Peter Webber	Nil	Profe Peter Webber	Yes
16 April 2020	Item No D1 - DA516/2019/1	43 Grosvenor Street, Woollahra	Cooper	Change of use to health service facility including alterations and additions to the existing building	\$740,000.00	x	x	✓		x	Approval	Approval	Key planning issues related to permissibility (health facility use), heritage, design, loss/removal of site trees and solar access impacts. <u>Panel's comments</u> Endorsed staff recommendation with an additional condition requiring an additional replacement tree.	Annelise Tuor Mark Carleton Sandra Robinson Graham Humphrey	Dr Nil	Annelise Tupr	Yes
16 April 2020	Item No D2 - DA507/2019/1	298 Old South Head Road, Watsons Bay	Vaucluse	Alteration and additions	\$399,633.00	x	x	✓	Height Control - 8.2m Existing - 10.7m Proposed - 9.55m	x	Approval	Approval	Non-compliance with the height standard related to a new vergola structure. Key planning issues related to height non-compliance and view loss. <u>Panel's comments</u> Endorsed staff recommendation.	Annelise Tuor Mark Carleton Sandra Robinson Graham Humphrey	Dr Nil	Annelise Tuor	Yes
16 April 2020	Item No. D3 - DA233/2019/1	6 Rawson Road, Rose Bay	Vaucluse	Alterations and Additions	\$175,000.00	x	✓	x		x	Approval	Approval	Key planning issues related to view loss, streetscape presentation, scale/bulk and non-compliance with DCP floorplate control. <u>Panel's comment</u> Endorsed staff recommendation. Noted that the height of the development was 2.8m lower than the 9.5m height control and the proposed alterations and additions would result in an improved streetscape/visual presentation.	Annelise Tuor Mark Carleton Sandra Robinson Graham Humphrey	Dr Nil	Annelise Tuor	Yes
16 April 2020	Item No D4 - DA283/2019/1	1 Old South Head Road, Vaucluse	Vaucluse	Polo by the Sea licensed event on Saturday 20th February 2021 between 11am - 6pm, with bump in on Wednesday 17th, Thursday 18th, and Friday 19th February 2021 and bump out on Sunday 21st February, and Monday 22nd February 2021	\$150,000.00	✓	✓	x		x	Refusal	Refusal	Insufficient information (i.e. traffic report, acoustic report, operational management plan) was submitted with the DA to enable an assessment of the proposal against LEP 2014 and the Christison Park Plan of Management 1996. <u>Panel's comments</u> Endorsed staff recommendation	Annelise Tuor Mark Carleton Sandra Robinson Graham Humphrey	Dr Nil	Annelise Tuor	Yes
23 April 2020	Item No. D3 - DA414/2019/1	21/698-704 Old South Head Road, Rose Bay	Vaucluse	Addition of a rumpus room to Unit 21.	\$46,000.00	x	x	✓	Height Control - 14.5m Existing - 18.5m Proposed - 16m FSR Control - 1.5:1 Existing 2.8:1 Proposed 2.83:1	x	Approval	Approval	Proposeal limited to a 28.2m2 rumpus room addition. Key planning issues related to FSR non-compliance and streetscape presentation. <u>Panel's comments</u> Endorsed staff recommendation	Peter Wells Sheridan Burke Graham Brown Andrew Petrie	Nil	Peter Wells	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
23 April 2020	Item No D4 - DA295/2019/1	48 Kings Road, Vaucluse	Vaucluse	Demolition of existing dwelling house, construction of a dual occupancy (attached), landscaping and site works	\$1,319,250.00	*	✓	*		*	Refusal	Refusal	Key planning issues related to the extent of non-compliances with Council's DCP "Building Envelope" controls, context with adjoining development in the locality and associated amenity impacts (i.e. view loss, visual bulk, privacy and solar access). <u>Panel's comments</u> Endorsed staff recommendation	Peter Wells Sheridan Burke Graham Brown Andrew Petrie	Nil	Peter Wells	Yes
30 April 2020	Item D3 - DA325/2019/1	10/65 Birriga Road, Bellevue Hill	Bellevue Hill	Alterations and Additions to Unit 10.	\$130,000.00	*	*	✓		*	Approval	Approval	The proposal primarily involved the addition of a mezzanine level within the roof space with minor external protrusions. The key planning issues related to design (Interwar flat building). <u>Panel's comments</u> Endorsed staff recommendation	Peter Webber Graham Brown Sandra Robinson Michelle Falstein	Nil	Peter Webber	Yes
30 April 2020	Item D1 - DA52/2020/1	The road reserve adjoining the eastern frontage of 8 Wunulla Road, Point Piper	Double Bay	Subdivision of the road reserve to create a separate lot adjoining the eastern frontage of 8 Wunulla Road, Point Piper.	N/A	✓	*	*		*	Approval	Approval	Enables the sale of the land. Council at its meeting of 12 August 2019 acknowledged that the portion of land was surplus to the road reserve and resolved to sell the road reserve. <u>Panel's comments</u> Endorsed staff recommendation	Peter Webber Graham Brown Sandra Robinson Michelle Falstein	Nil	Peter Webber	Yes
30 April 2020	Item D2 - DA53/2020/1	3 Dunara Gardens, Point Piper	Double Bay	Subdivision of the road reserve to create a separate lot adjoining the eastern frontage of 3 Dunara Gardens, Point Piper.	N/A	✓	*	*	FSR Control - 0.9:1 Existing 1.7:1 Proposed 1.74:1	*	Approval	Approval	Enables the sale of the side of the land to the adjoining property at 3 Dunara Gardens. Council at its meetings of 11 March and 8 July 2019 resolved to the closure and subsequent sale of the road reserve portion. <u>Panel's comments</u> Endorsed staff recommendation	Peter Webber Graham Brown Sandra Robinson Michelle Falstein	Nil	Peter Webber	Yes
30 April 2020	Item D6 - DA2020/2018/1	16/325-335 New South Head Road, Double Bay	Double Bay	Modifications to existing driveway for new pedestrian access	Nil	*	✓	*		*	Approval	Refusal	The key planning issues related to residential amenity impacts (i.e. sense of enclosure, loss of solar access and privacy impacts) and the reasonableness of the modifications. <u>Panel's comments</u> Refused the application on the ground the modifications to the approved pedestrian access would exacerbate the adverse impacts on the amenity of adjoining residential dwellings in terms of solar access, privacy, visual bulk and being contrary to 01 and 03 in Part B 3.7.2 of WDCP 2015.	Peter Webber Graham Brown Sandra Robinson Michelle Falstein	Nil	Peter Webber	Yes
30 April 2020	Item D4 - DA420/2019/1	270 Oxford Street, Paddington	Paddington	Alterations and additions including a new residential unit on the existing first floor and new attic level within the existing principal roof form	\$450,000.00	*	*	✓	FSR Control - 1:1 Existing 1.26:1 Proposed 1.56:1	*	Approval	Approval	The key planning issues related to design (dormer to front roof plane), acoustic and visual privacy impacts and FSR exceedance. <u>Panel's comments</u> Endorsed the staff recommendation subject to an additional condition requiring a reduction in the 1st floor level terrace trafficable area.	Peter Webber Graham Brown Sandra Robinson Michelle Falstein	Nil	Peter Webber	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
30 April 2020	Item D5 - DA131/2019/1	3 Gilliver Avenue, Vaucluse	Vaucluse	Extensive alterations and additions to the existing dwelling (new dwelling) including new swimming pool	\$2,351,029.00	*	*	✓	Height Control - 9.5m Existing - 12.54m Proposed - 12m	*	Approval	Approval	The proposal was primarily a cosmetic refurbishment of the existing dwelling house. The key planning issues related to design, scale of the development and associated residential amenity impacts (i.e. view loss, sense of enclosure, solar access, excavation/construction impacts, loss of privacy and vehicular access). <u>Panel's comments</u> Endorsed staff recommendation. Acknowledged the extent of non-compliances with Council's Building Envelope DCP controls were pre-existing and that the new development would have a positive and improved streetscape outcome.	Peter Webber Graham Brown Sandra Robinson Michelle Falstein	Nil	Peter Webber	Yes
7 May 2020	Item D3 - DA13/2019/1	590 and 592 New South Head Road, Point Piper	Double Bay	Construction of a new residential flat building with underground parking, landscaping, strata subdivision and remediation of land.	\$23,000,000.00	*	✓	✓		✓	Approval	Refusal	The subject DA was initially tabled to an LPP meeting (7 November 2019) with a staff recommendation for refusal. At its meeting of 7 November 2019 the Panel resolved to defer the application to enable the applicant to submit amended plans which incorporated the following design changes (increased modulation and separation of the modules, a reduced overall height, increased setbacks and a new palette of external materials/finishes). The site benefits from existing use rights. The amended plans submitted and tabled to the LPP meeting of 7 May 2020 addressed the initial LPP reason for deferral and the DA was recommended for approval by staff. <u>Panel's comments</u> Refused the DA on the grounds of excessive height, bulk and scale, inconsistency with the desired future character objectives of the Point Piper precinct, adverse streetscape presentation, loss of landscape character, adverse residential amenity impacts on adjoining properties and inconsistency with SEPP 65. Note: A Class 1 Appeal was subsequently filed with the L & E Court.	Annalise Tuor Mark Carleton John McInerney Andrew Petrie	Nil	Annalise Tuor	Yes
7 May 2020	Item D4 - DA252/2019/1	30 Wyuna Road, Point Piper	Double Bay	Alterations and additions to the dwelling including widening of the existing garage and landscaping.	\$1,025,000.00	*	✓	*		*	Approval	Approval	The subject DA was deferred by the Panel at its meeting of 19 December 2019. The key planning issues related to addressing the reasons for deferral, heritage, geotechnical/ excavation issues, and residential amenity impacts. <u>Panel's comments</u> Endorsed the staff recommendation, subject to additional conditions requiring a reduction to the garage excavation and modifications to the privacy screening measures. Note: The Class 1 Appeal initially lodged on the grounds of deemed refusal has been discontinued.	Annalise Tuor Mark Carleton John McInerney Andrew Petrie	Nil	Annalise Tuor	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
7 May 2020	Item D5 - DA289/2019/1	30-36 Bay Street, Double Bay	Double Bay	Alterations and additions to the existing commercial building including two additional levels and car parking.	\$5,738,000.00	*	✓	✓		*	Approval	Approval	The key planning issues related to the exceedance with Council's height and FSR development standards, consistency with the Double Bay character objectives, design and residential amenity impacts (i.e. view loss, overshadowing, traffic/parking, privacy and future of tenancies). <u>Panel's comments</u> Noted that the proposed scheme was consistent with the recently approved DA (359/2012) in terms of its height and FSR. Considered the full commercial nature of the building was consistent with the B2 zone objectives and would assist in revitalising Double Bay. Endorsed the staff recommendation subject to additional conditions relating to retail uses, hours of operation, light spill and privacy.	Annalise Tuor Mark Carleton John McInerney Andrew Petrie	Nil	Annalise Tuor	Yes
7 May 2020	Item D2 - DA54/2020/1	Road Reserve adjoining 19 Paddington Street, Paddington	Paddington	Subdivision & closing of road reserve adjoining 19 Paddington Street, Paddington	Nil	✓		*		*	Approval	Approval	Enables the sale of the side of the land (28.5m2) to the owner at 19 Paddington Street. The land is not required for road purposes. Council at its meeting of 18 February 2019 resolved to close the road and subsequently at its meeting of 15 May 2019 resolved to sell the land. <u>Panel's comments</u> Endorsed staff recommendation	Annalise Tuor Mark Carleton John McInerney Andrew Petrie	Nil	Annalise Tuor	Yes
14 May 2020	Item D1 - DA403/2018/1	Woollahra Park, O'Sullivan Road BELLEVUE HILL (Eastern Suburbs District Rugby Union Football Club)	Bellevue Hill	Retention of the previously approved temporary shed structure and the change of use of the shed to a gymnasium.	\$25,000.00	✓	✓	*		*	Approval	Approval	This DA was a s8.2 Review of Determination Application. The DA was initially refused by the panel on 21 November 2019. The key issues related to use, design, visual appearance and amenity impacts (traffic, noise, operational). <u>Panel's comments</u> Noted the s.8.2 application scheme did not involve an extension to the shed structure and the new design (external cladding on the overall design) was a significant visual improvement on the overall design. Endorsed the staff recommendation subject to additional conditions relating to hours of operation and the restriction of amplified music.	Peter Wells Graham Brown Sandra Robinson Keri Huxley	Nil	Peter Wells	Yes
14 May 2020	Item D2 - DA383/2019/1	2A James Street, Woollahra	Cooper	A weekly produce market (Saturdays) and associated site works including landscaping works (Temporary use for 5 years).	\$10,000.00	*	✓	*		*	Refusal	Refusal	This was s.8.2 Review of a Determination Application. The DA was initially refused by the Panel on 5 December 2019. The key planning issues related to permissibility, and residential impacts (i.e. noise, traffic/parking) <u>Panel's comments</u> Endorsed the staff recommendation.	Peter Wells Graham Brown Sandra Robinson Keri Huxley	Nil	Peter Wells	Yes
14 May 2020	Item D5 - DA533/2018/1	14 Caledonia Street, Paddington	Paddington	Demolition of the existing building with the exception of the existing side walls & the 2 hardstand car parking spaces, and the construction of a new three storey dwelling	\$1,688,817.00	*	✓	*		*	Approval	Approval	Key planning issues related to the demolition of an existing terrace, design (new infill development) and residential amenity impacts (i.e. privacy, sense of enclosure) <u>Panel's comments</u> Endorsed the staff recommendation subject to additional conditions relating to additional landscaping with the front subject area and introduction of privacy measures.	Peter Wells Graham Brown	Keri Huxley	Peter Wells	Yes

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						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
14 May 2020	Item D3 - DA77/2015/2	635 New South Head Road, Rose Bay	Vaucluse	Alterations and additions to the approved residential flat building, including a new roof terrace, modifications to the basement parking, an increase in parking spaces from 6 spaces to 7, and an increase in the number of units from 5 to 6	Nil	*	✓	*		*	Approval	Approval	The key planning issues related to the s.4.55 application being consistent with the L&E Court approved DA, view loss, privacy, solar access, traffic, SEPP 65 and its relationship with the adjacent heritage item. <u>Panel's comment</u> Endorsed staff recommendation. Stated that Council's conditions deleting the proposed roof terrace addressed the key amenity impacts (i.e. views, privacy).	Peter Wells Graham Brown Sandra Robinson Keri Huxley	Nil	Peter Wells	Yes
14 May 2020	Item D4 - DA367/2019/1	12 Olphert Avenue, Vaucluse	Vaucluse	Demolition of existing dwelling and the construction of a new dwelling with basement parking, associated landscaping and swimming pool	\$2,709,300.00	*	✓	*		*	Approval	Approval	The key planning issues related to the front setback of the dwelling, design and residential amenity impacts (view loss, solar access and privacy). <u>Panel's comments</u> Endorsed staff recommendation.	Peter Wells Graham Brown Sandra Robinson	Keri Huxley	Peter Wells	Yes
21 May 2020	Item D3 - DA10/2020/1	37 Edward Street, Woollahra	Cooper	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 works.	\$3,411,242.00	*	✓	✓		*	Refusal	Refusal	The key planning issues related to permissibility of use, non-compliance with Council's minimum lot size development standard, excessive removal of trees including excavation/removal of rock shelf, the height, bulk and scale of the proposed building, design, heritage and residential amenity impacts (i.e solar access, views, privacy, structural stability and traffic) <u>Panel's comment</u> Endorsed staff recommendation. Note: A Class 1 Appeal has subsequently been filed with the L&E Court	Annalise Tuor Graham Brown Sheridan Burke Michelle Falstein	Nil	Annalise Tuor	Yes
21 May 2020	Item D2 - DA509/201/1	115 Hargrave Street, Paddington	Paddington	Alterations & additions to the existing dwelling including new basement cellar, new double garage & new dormer to attic	\$450,000.00	*	*	✓	Height Control - 9.5 m Existing - 11.1 m Proposed - 10.35m	*	Approval	Approval	Pre-existing height non-compliance. Height non-compliance relates to the provision of a dormer window to the roof attic level. Key issue related to design and heritage. <u>Panel's comments</u> Endorsed staff recommendation	Annalise Tuor Graham Brown Sheridan Burke Michelle Falstein	Nil	Annalise Tuor	Yes
4 June 2020	Item D1 - DA487/18/2	21-23 Riddell Street, Bellevue Hill	Bellevue Hill	Internal and external modifications to the approved residential flat building	Nil	*	✓	*		*	Approval	Approval	The proposed modifications were principally a refinement of the RFB approved by the L&E Court. The key planning issues related to FSR, building envelope and SEPP 65. The additional GFA was contained within the approved building envelope. No residential amenity impacts were associated with the modifications. <u>Panel's comments</u> Acknowledged the additional GFA whilst substantial, were contained within the approved building envelope and there were no residential amenity and streetscape impacts. Endorsed staff recommendation. Note: The Class 1 Appeal initially lodged on the grounds of deemed refusal has been discontinued.	Peter Wells Sandra Robinson	James Colman Graham Humphrey	Peter Wells	Yes

**Note:**

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**Woollahra Local Planning Panel**

Register of Planning Decisions 8 November 2019 to 6 August 2020

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As at 6 August 2020

Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
4 June 2020	Item D2 - DA469/19	598 - 600 Old South Head Road, Rose Bay	Vaucluse	Demolition of the existing buildings and the construction of a new residential flat building with associated landscaping and siteworks	\$4,592,762.00	*	*	✓		✓	Refusal	Refusal	The key planning issues related to the non-compliances with key development standards (height and FSR), the built form, bulk and scale of the development being inconsistent with the WDCP controls and SEPP 65, inconsistency with the Rose Bay desired future character objectives, traffic/parking, residential amenity impacts (views, solar access, privacy) and insufficient information. <u>Panel's comments</u> Endorsed staff recommendation. Note: A Class 1 appeal was subsequently filed in the L&E Court.	Peter Wells Sandra Robinson Graham Humphrey James Colman	Nil	Peter Wells	Yes
4 June 2020	Item D3 - DA19/20	780-786 New South Head Road, Rose Bay	Vaucluse	The demolition of a residential flat building and ancillary structures.	\$50,000.00	*	✓	*		*	Refusal	Refusal	The key issues related to the demolition of an existing building with heritage significance. <u>Panel's comments</u> Endorsed staff recommendation. Advised Council to consider placing an Interim Heritage Order on the building. Note: An IHO has been placed on the subject building	Peter Wells Sandra Robinson Graham Humphrey James Colman	Nil	Peter Wells	Yes
18 June 2020	Item D2 - DA354/16/3	24 Northland Road, Bellevue Hill	Bellevue Hill	Addition of a new roof terrace, new access to rear garden, new skylight, new solar panels and window modifications.	Nil	*	✓	*		*	Refusal	Refusal	This application is a s8.2 Review of Determination Application. The initial s.4.55 application was refused by the LPP at its meeting of 19 December 2019. Key planning issues related to adverse residential amenity impacts associated with the proposed roof terrace, loss of communal open space, impact on existing trees and inconsistency with the Seniors Living SEPP. <u>Panel's comments</u> Endorsed staff recommendation. Note: A Class 1 Appeal was subsequently filed with the L&E Court	Ross Bonthorne Graham Brown Sheridan Burke Prof Peter Webber	Nil	Prof Peter Webber	Yes
18 June 2020	Item D1 - DA47/20	58 Grosvenor Street, Woollahra	Cooper	New loft over an approved garage.	\$80,000.00	*	*	✓	FSR Control - 0.65:1 Existing 0.92:1 Proposed 0.98:1	*	Approval	Approval	Key planning issues related to FSR and streetscape (lanescape) presentation. <u>Panel's comments</u> Endorsed staff recommendation	Ross Bonthorne Graham Brown Sheridan Burke Prof Peter webber	Nil	Prof. Peter Webber	Yes
18 June 2020	Item D3 - DA209/19	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.	\$2,772,149.00	*	*	*		✓	Approval	Refusal	The key planning issues related to SEPP 65, design, traffic/parking, non-compliances with the DCP and residential amenity impacts (i.e. solar access, visual building, privacy) <u>Panel's comments</u> Refused the DA on the grounds of SEPP 65 (inadequate side setbacks, lack of communal open space) and inconsistency with the prevailing setback pattern of development in the Rose Bay precinct, the location of on-site car parking being contrary to the DCP.	Ross Bonthorne Sheridan Burke Prof Peter Webber	Graham Brown	Prof Peter Webber	Yes
9 July 2020	Item D3 - DA62/20	63 Jersey Road, Woollahra	Cooper	New attic floor for additional gallery space and installation of airconditioning units	\$674,625.00	*	*	✓		*	Approval	Approval	The key planning issues related to heritage, the design of the upper level attic addition and the intensification of the gallery use. <u>Panel's comments</u> Endorsed the staff recommendation subject to an additional condition relating to roofing material.	Peter Wells Mark Carlton Sandra Robinson Keri Huxley		Peter Wells	Yes

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Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
9 July 2020	Item D2 - DA316/19	26-28 Wolseley Road, Po	Double Bay	Demolition of the existing garage and front fence; new excavation and the construction of a new garage with a mechanical parking system to accommodate six (6) cars and new front fence.	\$1,226,500.00	x	✓	x		x	Refusal	Refusal	The key planning issues related to pedestrian safety, non-compliance with AS2890.01 in terms of vehicular access, excessive excavation and number of on-site parking spaces. <u>Panel's comments</u> Endorsed staff recommendation	Peter Wells Mark Carlton Keri Huxley	Nil	Peter Wells	Yes
9 July 2020	Item D4 - DA66/20	3 & 5 Cooper Street, Double Bay	Double Bay	Alterations and additions to the two existing dwellings and the amalgamation of the two dwellings into a single residence.	\$1,082,323.00	x	x	✓	Height Control - 7.5m Existing - 10.2m Proposed - 10.13m	x	Approval	Approval	The key planning issues related to the proposed works being sympathetic to the existing heritage items and streetscape appearance/character. <u>Panel's comments</u> Endorsed the staff recommendation	Peter Wells Mark Carlton Sandra Robinson Keri Huxley	Nil	Peter Wells	Yes
9 July 2020	Item D1 - DA470/18	36 Kent Road, Rose Bay	Vaucluse	Demolition of existing structures and construction of a residential flat building, basement parking, and a swimming pool.	\$5,166,542.00	x	x	✓		x	Refusal	Refusal	This is a s8.2 Review of Determination Application. The DA was initially refused by the LPP at its meeting of 27 June 2019 (consistent with staff recommendation). The key planning issues related to the demolition of a contributory item and the replacement RFB not being consistent within the Kent Road HCA. <u>Panel's comments</u> Endorsed staff recommendation. Note: The Class 1 appeal lodged against the DA refusal was discontinued.	Peter Wells Mark Carlton Sandra Robinson Keri Huxley	Nil	Peter Wells	Yes
16 July 2020	Item D1 - DA254/19	24 Bundarra Road, Bellevue Hill	Bellevue Hill	Demolition of existing dwelling house and construction of new residential flat building with basement carpark.	\$4,551,000.00	x	x	✓		✓	Approval	Approval	New RFB which complied with Council's FSR standard and DCP building envelope control but exhibited a height non-compliance of 2.9m. The height non-compliance was attributed to the sloping topography of the land. Key planning issues related to SEPP 65, compatibility with the surrounding context and residential amenity impacts (i.e. view loss, solar access, privacy and visual bulk). <u>Panel's comments</u> Endorsed staff recommendation subject to additional conditions relating to the lowering of the retaining wall to courtyard 4 and modifications to the landscape design.	John McInerney Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
16 July 2020	Item D3 - DA505/18	84-86 Wolseley Road, Po	Double Bay	Substantial alterations and additions to the existing building(s) for a multi-dwelling housing development including new car parking facilities, landscaping and siteworks	\$11,576,333.00	x	x	✓		✓	Approval	Approval	The key planning issues related to the demolition of a Glenn Murcutt building, existing use rights, visual presentation of the development from the Harbour (SREP 2005), geotechnical and excavation issues, scale of the development (height and FSR) and residential amenity impacts (i.e. views, privacy, solar access, structural stability) <u>Panel's comments</u> The existing Glenn Murcutt building did not meet the threshold for listing as a local heritage item. Endorsed the staff recommendation subject to additional conditions relating to further geotechnical information being submitted and the retention of the natural foreshore and the two-storey appearance of the lower building module.	John McInerney Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes

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**Woollahra Local Planning Panel**

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Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
16 July 2020	Item D5 - DA463/19	2A Cooper Street, Double Bay	Double Bay	Substantial alterations and additions to existing building	\$2,525,862.00	*	✓	✓		*	Refusal	Refusal	The subject building is Gaden House (listed heritage item). The key planning issues related to heritage, design and non-compliances with the key development standards (height and FSR) including Chapter D6 (Double Bay) of WDCP 2015 <u>Panel's comments</u> Endorsed staff recommendation Note: A Class 1 Appeal on the grounds of deemed refusal was lodged on 22 May 2020	John McInerney Nil Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
16 July 2020	Item D4 - DA464/19	9 Neild Avenue, Paddington	Paddington	Construction of a new dwelling house (infill development) and boundary realignment.	\$650,000.00	*	*	✓		*	Approval	Approval	The key planning issues related to design and heritage (new infill development). <u>Panel's comments</u> Endorsed staff recommendation, subject to a deferred commencement condition requiring key design changes pertaining to external finishes/materials, the front setback area, car park and fencing.	John McInerney Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
16 July 2020	Item D2 - DA71/20	72 New South Head Road	Vaucluse	New balconies to Units 2, 3, 5, 6 & 7.	\$170,000.00	*	*	✓	Height Control - 9.5m Existing - 13.65m Proposed - 11.63m	*	Approval	Approval	The key planning issues related to existing use rights, the balconies being sympathetic in design to the Interwar flat building, and residential amenity impacts (i.e. view loss and privacy) <u>Panel's comments</u> Endorsed staff recommendation	John McInerney Gabrielle Morrish Andrew Petrie Annelise Tuor		Annelise Tuor	Yes
6 August 2020	Item D4 - DA344/19	142, 142A & 142B Bellevue Hill	Bellevue Hill	Demolition of the existing buildings and construction of a new residential flat building with 17 units, basement carparking and swimming pool.	\$12,383,028.00	*	*	✓		✓	Refusal	Refusal	The key planning issues related to SEPP 65, design, loss of landscape character and residential amenity impacts. The DA was also lacking sufficient information (i.e. Arborist report, stormwater plans, geotechnical report) <u>Panel's comments</u> Endorsed the staff recommendation with the key reason for refusal being the loss of landscape character via removal of too many trees Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 5 December 2019	James Colman Graham Humphrey Sandra Robinson Peter Webber		Peter Webber	Yes
6 August 2020	Item D2 - DA11/20	1 & 3/9 Annandale Street	Double Bay	Alterations and additions to amalgamate Units 1 and 3 into a single dwelling including a new stairwell along the northern side boundary	\$584,500.00	*	*	✓	FSR Control - 0.9:1 Existing 1.06:1 Proposed 1.1:1	*	Approval	Approval	The key planning issues related to FSR, design and non-compliances with Council's side setback control. <u>Panel's comments</u> Endorsed staff recommendation	James Colman Graham Humphrey Sandra Robinson Peter Webber		Peter Webber	Yes
6 August 2020	Item D5 - DA133/20	10 Spring Street, Double Bay	Double Bay	Construction of a new residential flat building with basement parking, swimming pool and strata subdivision.	\$1,713,891.00	*	*	✓		*	Refusal	Refusal	The key planning issues related to the non-compliances with Council's site area, height and FSR standards, incompatibility with the existing and desired future character of the locality, excavation, traffic/car parking and residential amenity impacts (i.e. views, solar access, privacy, visual bulk). <u>Panel's comments</u> Endorsed staff recommendation Note: A Class 1 Appeal on the grounds of deemed refusal was filed on 30 June 2020.	James Colman Graham Humphrey Sandra Robinson Peter Webber		Peter Webber	No

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Meeting Date	Reference	Address	Ward	Proposal	Cost of Works	Referral Reason					Staff Reco	WLPP Decision	Key Planning issues & Commentary	Voting For	Voting Against	Chairperson	Site Visit (Yes / No)
						Conflict of Interest 1	Contentious Development 2	Departure from Development Standard 3	Pre-Existing	Sensitive Development 4							
6 August 2020	Item D3 - DA142/20	16 & 18 The Crescent, Vaucluse	Vaucluse	Boundary adjustment between No's 16 and 18 The Crescent, Vaucluse.	\$0.00	*	*	✓		*	Approval	Approval	The key planning issue related to the resultant lot sizes (as a consequence of the proposed boundary adjustment) satisfying Clause 4.1 (minimum lot size) <u>Panel's comments</u> Endorsed staff recommendation	James Colman Graham Humphrey Sandra Robinson Peter Webber		Peter Webber	Yes
6 August 2020	Item D6 - DA490/19	4 Greycliffe Avenue, Vaucluse	Vaucluse	Demolition of existing residential flat building and construction of a new attached dual occupancy.	\$2,271,835.00	*	*	✓		*	Approval	Approval	The key planning issues related to design, consistency with the existing and desired future character of the locality, scale and bulk of the development, excavation, retention of landscape character (trees) and residential amenity impacts (i.e. solar access, privacy, visual bulk). <u>Panel's comments</u> Endorsed staff recommendation, subject to an additional conditions relating to the retention of Tree 10.	James Colman Sandra Robinson Peter Webber		Peter Webber	No
<b>PLANNING PROPOSALS</b>																	
5 December 2019	Item No. D1	Planning Proposal - Paddington Floodplain Risk Management Study and Plan 2019	N/A	N/A	N/A						Approval	Approval	Planning proposal supported.	Sheridan Burke Michelle Falstein John McInerney Annelise Tuor	Nil	Annelise Tuor	Nil
5 December 2019	Item No. D2	Planning Proposal - Heritage Listing of the Inter-War Mediterranean Dwelling House at 30 Wyuna Road, Point Piper	N/A	N/A	N/A						Approval	Approval	Planning proposal supported. The Panel suggested Council carry out further investigations into the designs of the architect F. Glynn Gilling and the work of the firm Joseland and Gilling in the Woollahra LGA, for the purpose of assessing heritage significance.	Sheridan Burke Michelle Falstein John McInerney Annelise Tuor	Nil	Annelise Tuor	Yes
30 January 2020	Item No. D1	Planning Proposal - Heritage Listing of Seven Pubs in Paddington (Paddington Pubs Study)	N/A	This report seeks the advice of the Woollahra LPP on the listing of seven Paddington pubs as heritage items in the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014)	N/A						Planning Proposal	Planning Proposal	Planning proposal supported.	Keri Huxley John McInerney Peter Wells	Nil	Peter Wells	Yes
30 January 2020	Item No. D2	Planning Proposal - Heritage Listing of Cooper Park, Bellevue Hill	N/A	This report seeks the advice of the Woollahra LPP on the listing of Cooper Park in Bellevue Hill as a heritage item in the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).	N/A						Planning Proposal	Planning Proposal	Planning proposal supported. The Panel noted that Council is carrying out an Aboriginal Heritage Study for the LGA and a new plan of management for Cooper Park. The Panel recommended that the Study should investigate both Aboriginal values and European and Aboriginal archaeology and include any relevant findings in the Cooper Park Plan of Management.	Sheridan Burke Keri Huxley John McInerney Peter Wells	Nil	Peter Wells	Yes
30 January 2020	Item No. D3	Planning Proposal - Minimum lot size for Dual Occupancy (attached) Development	N/A	This report seeks the advice of the Woollahra LPP on a planning proposal that explains and justifies an amendment to clause 4.1A of the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014), to increase the minimum lot size required for dual occupancy (attached) development in the R2 Low Density Residential Zone (R2 zone) from 460 square metres (sqm) to 800sqm.	N/A						Planning Proposal	Planning Proposal	Planning proposal supported, subject to staff completing an analysis of options for a range of lot sizes for dual occupancy development (attached) in order to support the justification for the minimum lot size of 800m <sup>2</sup> and, if beneficial, provide those options to the DPIE as part of the planning proposal.	Sheridan Burke Keri Huxley John McInerney Peter Wells	Nil	Peter Wells	No
23 April 2020	Item No. D1	Planning Proposal - Heritage Listing of Rose Bay Scout Hall	N/A	To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a 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	N/A						Approval	Approval	Planning proposal supported, subject to the Heritage Data Form recommending that a conservation management document is prepared for the Hall in order to guide the management of the building and future conservation works.	Peter Wells Sheridan Burke Graham Brown Andrew Petrie	Nil	Peter Wells	Yes

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						Conflict of Interest <sup>1</sup>	Contentious Development <sup>2</sup>	Departure from Development Standard <sup>3</sup>	Pre-Existing	Sensitive Development <sup>4</sup>							
23 April 2020	Item No. D2	Planning Proposal - 46 Vaucluse Road, Vaucluse - Local Heritage Listing	N/A	To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a planning proposal to list the Inter-war Mediterranean style dwelling house at 46 Vaucluse Road, Vaucluse, and its interiors, as a local heritage item in Woollahra Local Environmental Plan 2014.	N/A						Approval	Approval	Planning proposal supported.	Peter Wells Sheridan Burke Graham Brown	Andrew Petrie	Peter Wells	Yes
7 May 2020	Item D1	Planning Proposal - Heritage Listing of Sydney Croquet Club	N/A	To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a planning proposal to list the Sydney Croquet Club (clubhouse including interiors, moveable heritage items and lawns) at Woollahra Park, off O'Sullivan Road, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014.	N/A						Approval	Approval	Planning proposal supported subject to: • Consideration being given to the heritage significance of the two 1964 timber shelters. • Identifying the individual trees and groups of trees surrounding the clubhouse and lawns. • Providing a diagram to identify the land which encompasses the elements comprising the local heritage listing.	Annalise Tuor Mark Carleton John McInerney Andrew Petrie	Nil	Annalise Tuor	Yes
21 May 2020	Item D1	Planning Proposal - Heritage Listing of George S Grimley Pavilion	N/A	To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a planning proposal to list the George S. Grimley Pavilion (1926 building and eastern single storey 1930s extension, including interiors) at Woollahra Park, off O'Sullivan Road, Rose Bay as a local heritage item in Woollahra Local Environmental Plan 2014.	Nil						Approval	Approval	Planning proposal supported, subject to: • The description being revised to ensure it sufficiently recognises the heritage significance of the building and its setting, and further considering the remaining elements located in the north-eastern part of the building. • Providing a diagram to identify the area of land in Woollahra Park which encompasses the elements comprising the local heritage listing.  The panel also recommended that the planning proposals for the Sydney Croquet Club and the George S. Grimley Pavilion be combined into a single planning proposal.	Annalise Tuor Graham Brown Sheridan Burke Michelle Falstein	Nil	Annalise Tuor	Yes
6 August 2020	Item D1	Planning Proposal - Heritage Listing of Trelawney Court, Including Interiors, at 3 Trelawney Street	N/A	To seek the advice of the Woollahra Local Planning Panel in relation to the preparation of a planning proposal to list 'Trelawney Court, including interiors', at 3 Trelawney Street, Woollahra as a local heritage item in Woollahra Local Environmental Plan 2014	NA						Approval	Approval	Planning proposal supported.	James Colman Graham Humphrey Sandra Robinson Peter Webber		Peter Webber	Yes
<b>OPERATIONS OF WLPP</b>																	
21 May 2020	Item D4	Operations of Woollahra Local Planning Panel	N/A	To note temporary changes to the operations of the Woollahra Local Planning Panel (COVID-19) and the delegation of conduct of appeals.	Nil						Approval	Approval	To note temporary changes to the operations of the Woollahra Local Planning Panel (COVID-19) and the delegation of conduct of appeals. Further details included in the covering report	Annalise Tuor Graham Brown Sheridan Burke Michelle Falstein	Nil	Annalise Tuor	No

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**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:** Allan Coker, Director - Planning & Development  
**File No:** 20/146220  
**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 from 3 December 2019 to 1 September 2020 be received and noted.

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**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 3 December 2019 to 1 September 2020. A graph is also attached showing the number of Class 1 appeals lodged from 2010-2020.

**Annexures**

1. Legal Register [!\[\]\(11a0966cbb90b5c1d6ebfc666ec75f78\_img.jpg\) !\[\]\(2f6f35750fca7eca6b879311cf96b8dc\_img.jpg\)](#)
2. Class 1 Appeals Lodged 2010-2020 [!\[\]\(c237bda00463bf57e48185035f38d966\_img.jpg\) !\[\]\(2367f36409b262791061a351c71d2472\_img.jpg\)](#)

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
<b>Development Control – Legal Matters</b>				
<b>Class 1 - Appealed Deemed Refusal</b>				
<b>Awaiting Callover-Mention</b>				
Clutch Capital Pty Ltd ACN 632362979 v WMC	DA117/2020/1	HWL Ebsworth Lawyers	9 Carlisle Street ROSE BAY	This is an appeal against the deemed refusal of an application for the demolition of an existing dwelling and construction of a residential flat building with basement parking and associated landscaping and siteworks. First directions hearing to be held on 3 September 2020.
Yarranabbe Property Pty Ltd v WMC	DA233/2018/1	Lindsay Taylor Lawyers	77-81 Yarranabbe Road DARLING POINT	This is an appeal against the deemed refusal of an application for extensive demolition and alterations and additions to the existing residential flat building. First directions hearing held on 22 January 2020. Council's SOFAC filed on 27 February 2020. Applicant filed SOFAC in reply on 24 March 2020. Without prejudice meeting held on 30 April 2020. Amended plans submitted. A conciliation conference was held on 6 August 2020. The Court adjourned the matter to allow the applicant to provide additional and updated information (amended plans).
<b>Awaiting s.34 Conference</b>				
66 Wilberforce Pty Limited (ACN 636 785 110) v WMC	DA101/2020/1	Wilshire Webb Staunton Beattie Lawyers	66-68 Wilberforce Avenue ROSE BAY	This is an appeal against the deemed refusal of an application for the demolition of the existing structures and the construction of a three storey residential flat building with associated basement parking, landscape works. First directions hearing held on 7 July 2020. The matter has been listed for its s34 conciliation conference on 21 September 2020. The Council filed and served its SOFAC on 28 July 2020. The Court directed the parties to participate in a without prejudice meeting before 31 August 2020. Notwithstanding the above direction, the DA was approved via the LPP on 20 August 2020.



Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Bellevue Road Holdings Pty Ltd v WMC	DA344/2019/1	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 demolition of the existing buildings and construction of a new residential flat building with 17 units, basement carparking and swimming pool. First directions hearing held on 22 January 2020.  Council filed its SOFACs on 7 August 2020. The DA was refused at the LPP meeting of 6 August 2020. A s34 Conference was held on 12 August 2020. The Court further adjourned the matter to allow the applicant to submit amended plans.
Conrina Living Rosebay Pty Limited v WMC	DA469/2019/1	Wilshire Webb Staunton Beattie Lawyers	598-600 Old South Road ROSE BAY	This is an appeal against the deemed refusal of an application for the demolition of the existing buildings and construction of a new residential flat building with associated landscaping and siteworks. First directions hearing held on 31 March 2020. Council's SOFAC was filed on 17 April 2020. Applicant to file SOFAC in reply by 15 May 2020. Without prejudice meeting was held on 29 May 2020. The DA was refused by the LPP on 4 June 2020. A s34 conciliation conference to be held on 30 November 2020. If no agreement is reached, a second directions is set down for 8 December 2020.
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.
Light Brigade Properties Pty Ltd (ACN 606 519 108) v WMC	DA391/2019/1	Lindsay Taylor Lawyers	2A Oxford Street WOOLLAHRA	This is an appeal against the deemed refusal of an application for new hours of operation to the upper levels of the Light Brigade Hotel. First directions hearing was held on 17 July 2020. The court made the following orders: a) the proceedings were set down for a s34 conference on 5 February 2020; b) Council's SOFAC to be filed by 20 August 2020; c) the parties and their experts are to participate in a without prejudice meeting by 25 September 2020. The DA was deferred by the LPP on 27 August 2020 to enable a further review of the recommended conditions.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Richard Chapman v WMC	DA133/2020/1	Wilshire Webb Staunton Beattie Lawyers	10 Spring Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the construction of a new residential flat building with basement parking, swimming pool and strata subdivision. First directions hearing was held on 28 July 2020. Council filed its Statement of Facts and Contentions by 17 August 2020. This DA was refused by the LPP on 6 August 2020. A s34 Conciliation Conference is set down for 10 November 2020.
<b>Awaiting Hearing</b>				
Shaun Keith Alfred Bonett v WMC	DA398/2018	Peter R Rigg Solicitor & Barrister	20 The Crescent VAUCLUSE	<p>This is an appeal against the deemed refusal of an application for alterations and additions to the existing dwelling and the use of the lower ground floor level. First directions hearing listed for 29 November 2018. Set down for mediation on 15 March 2019 with 'Facts and Contentions' required to be filed by 25 January 2019. Mediation on 15 March 2019 vacated due to extenuating circumstances. Applicant to file and serve his Statement of Facts and Contentions in Reply by 30 October 2019. Mediation re-listed on 12 November 2019. On 26 November 2019 the matter was listed for hearing on 21-23 September 2020 with the Registrar making the following directions:</p> <ol style="list-style-type: none"> <li>1. Applicant is to file any notice of motion concerning amendment of the applications by 13 December 2019;</li> <li>2. Any relevant Motion to amend will be heard by the Registrar on 31 January 2020;</li> <li>3. Applicant is also directed to file all evidence upon which he proposes to rely by 28 February 2020;</li> <li>4. Council's evidence upon which it proposes to rely is to be filed and served by 27 March 2020;</li> <li>5. Subsequently, experts, grouped in areas of expertise, are to meet and confer to produce a joint report by 30 June 2020 (extended from 10 April 2020).</li> </ol>
AMA Holdings Pty Ltd ABN 80 003 432 424 v WMC	DA463/2019/1	Lindsay Taylor Lawyers	2A Cooper Street DOUBLE BAY	This is an appeal against the deemed refusal of an application for the substantial alterations and additions to the existing commercial building. First directions hearing was held on 23 June 2020. This DA was refused by the LPP on 16 July 2020. Council's SOFAC was filed on 22 July 2020. Applicant's SOFAC in reply was filed on 27 July 2020. Joint expert reports are due in November 2020. The matter is listed for a 3 day hearing on 18 January 2021 to 20 January 2021.



Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Nicholas Tang Holdings Pty Ltd ABN 36126 806 237 v WMC	DA10/2020/1	HWL Ebsworth Lawyers	37 Edward Street WOOLLAHRA	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 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 and is still in conference. If no agreement is reached the matter is set down for hearing on 11 & 12 March 2021.
<b>Class 1 - Appealed Determination</b>				
<b>Awaiting Callover-Mention</b>				
Yarranabbe Property Pty Ltd v WMC	DA233/2018/1	Lindsay Taylor Lawyers	77-81 Yarranabbe Road DARLING POINT	This is an appeal against the refusal of an application for extensive demolition, alterations and additions to the existing residential flat building. The matter was refused by the LPP on 6 February 2020. First directions hearing to be held on 2 September 2020.
<b>Stood Over Callover-Mention</b>				
142C Bellevue Road Pty Ltd (ACN 612 672 437)	DA290/2018/1	Wilshire Webb Staunton Beattie Lawyers	142C Bellevue Road BELLEVUE HILL	This is an appeal against the refusal of an application for the demolition of the existing dwelling and the construction of a new residential flat building. The DA was refused by the LPP on 5 September 2019. First directions hearing was held on 22 January 2020. The following relevant directions were made by the Court, by consent: 1. The Respondent is to file and serve its SOFAC by 6 February 2020; 2. The Applicant is to file and serve its SOFAC by 21 April 2020. 3. A s. 34 conciliation conference is arranged for 10 August 2020. 4. If no agreement is reached at or after the conciliation conference, the proceedings are listed for second directions on 21 August 2020. The applicant has submitted amended plans for review.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
IUR Australia Holdings Pty Ltd v WMC	DA162/2016/4	Peter R Rigg Solicitor & Barrister	7 Banksia Road BELLEVUE HILL	This is an appeal against the Conditions C.1(E) and C.1(F) affixed to a s.4.55 application. First directions hearing was held on 1 April 2020. A s34 conciliation conference was held on 26 June 2020. The applicant filed a Notice of Motion to amend the Class 1 Application in July 2020. Council filed its amended SOFAC on 14 August 2020. Hearing dates to be obtained at a further directions hearing.
<b>Awaiting s.34 Conference</b>				
Anthony John Reynolds v WMC	DA185/2019/1	HWL Ebsworth Lawyers	76 New Beach Road DARLING POINT	This is an appeal against the conditions of consent of an application for a new swimming pool. First directions hearing was held on 18 February 2020. The Applicant's SOFAC was filed on 6 March 2020; the Respondent's SOFAC in Reply were filed on 3 April 2020. A s34AA conciliation conference will be held on 15 and 16 September 2020.
Green Wall Property Developers Pty Ltd ABN 46618168568 v WMC	DA13/2019/1	Lindsay Taylor Lawyers	590-592 New South Head Road POINT PIPER	This is an appeal against the refusal of an application for the construction of a new residential flat building with underground parking, new landscaping and strata subdivision, and remediation of land. This DA was refused by the LPP on 7 May 2020. First directions hearing was held on 8 July 2020. Council's SOFAC was filed on 22 July 2020. The Applicant filed its SOFAC on 29 July 2020. The s34 conciliation conference held on 11 August 2020, was adjourned to 28 August 2020. The Applicant expects to be in a position to provide amended plans by 20 August 2020. The Commissioner at the s34 on 28 August 2020 adjourned the matter to enable the Applicant to submit amended plans and additional information. The appeal is still in conference.
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 is required to file their SOFAC by 7 September 2020. The matter is listed for a section 34 conciliation conference on 20 November 2020. If no agreement is reached at or after the conciliation conference, the proceedings are listed for a second directions hearing on 27 November 2020.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Collette Potter v WMC	DA316/2019/1	Peter R Rigg Solicitor & Barrister	26-28 Wolseley Road POINT PIPER	This is an appeal against the refusal of an application for the demolition of an existing garage and front fence, and the construction of a new garage with a mechanical parking system to accommodate six (6) cars and new front fence. The DA was refused by the LPP on 9 July 2020. First directions hearing was held on 13 August 2020. A s.34AA conciliation conference has been set down for 21, 22 & 23 February 2021.
Donald Angus MacLeod v WMC	DA164/2019/1	Lindsay Taylor Lawyers	1002/85-97 New South Head Road EDGECLIFF	This is an appeal against the refusal of a s.8.2 review application for the enclosure of existing part of covered balcony with aluminium roofing, glazed aluminium window frames and 1.0m high glass balustrade. This application was refused by Council's AAP on 12 May 2020. First directions hearing was held on 26 August 2020. The matter has been set down for a s34 conciliation conference on 2 October 2020. The second directions hearing following the s34 conciliation conference will be on 9 October 2020.
<b>Awaiting Hearing</b>				
Prisma Properties Pty Ltd v WMC	DA458/2017/1	HWL Ebsworth Lawyers	37 Carlotta Rd DOUBLE BAY	This is an appeal against the refusal of an application for the demolition of an existing residence and construction of a residential flat building containing three (3) units, basement level carparking for seven (7) vehicles, new fences, swimming pools, landscaping and siteworks. The DA was refused by the LPP on 16 May 2019. First directions hearing was held on 12 December 2019. The following orders were made: <ol style="list-style-type: none"> <li>1. The parties are to seek leave to rely upon expert evidence via Online Court by 29 May 2020;</li> <li>2. The respondent is to file and serve a Bundle of Documents by 24 September 2020;</li> <li>3. The respondent is to file and serve draft conditions of consent by 24 September 2020;</li> <li>4. The applicant is to file and serve its draft conditions of response by 1 October 2020;</li> <li>5. The parties are to give notice of any witness required for cross-examination by 1 October 2020; and</li> <li>6. The parties are to serve any notice of objection by 1 October 2020.</li> </ol> The matter is set down for a two-day hearing on 8-9 October 2020.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Fullerton House Pty Ltd v WMC	DA305/2018/1	Lindsay Taylor Lawyers	30 Kent Rd ROSE BAY	<p>This is an appeal against the refusal of an application for the demolition of an existing building and construction of a residential flat building containing four apartments, with basement level parking, a swimming pool, and associated landscaping and site works. The DA was refused by the LPP on 27 June 2019. First directions hearing was held on 9 August 2019. The matter was set down for a s.34 conference on 20-21 February 2020. Commissioner O'Neill terminated the s.34 conference and relisted the matter before Registrar Anastasi for 10 March 2020. Orders were also made for the amendment of the applicant's DA and Council's SOFAC, as follows:</p> <ol style="list-style-type: none"> <li>1. The applicant to file Notice of Motion to amend its DA by 21 April 2020;</li> <li>2. Council is to amend its SOFAC by 19 May 2020;</li> <li>3. Experts are to file individual reports by 31 July 2020;</li> <li>4. Heritage and planning joint reports are to be filed by 28 August 2020.</li> </ol> <p>The matter is set down for a one-day hearing on 25 September 2020. The applicant requested that the matter be heard before another commissioner other than O'Neill C.</p>
CVK Investments Pty Ltd v WMC	DA126/2017/1	HWL Ebsworth Lawyers	16 Manning Rd DOUBLE BAY	<p>This is an appeal against the refusal of an application for the demolition of the existing building and construction of a new 4 storey child care centre containing 60 places. The DA was refused by the LPP on 2 May 2019. First directions hearing was held on 24 July 2019.</p> <ol style="list-style-type: none"> <li>1. The matter was set down for a s34 conciliation conference on 2 March 2020.</li> <li>2. The respondent is to file its SOFAC by 2 August 2019.</li> <li>3. The applicant is to file its SOFAC in reply by 4 October 2019.</li> <li>4. Any amended plans or additional information proposed by the applicant are to be provided by 17 February 2020.</li> <li>5. The respondent is to provide the applicant with any response to the amended plans, by 24 February 2020.</li> <li>6. The respondent is to provide draft conditions of consent by 24 February 2020.</li> <li>7. If no agreement is reached at the conciliation conference, the matter is listed for a second directions hearing on 24 March 2020.</li> </ol> <p>No in principle agreement was reached.</p> <p>At the second directions hearing the following orders were made:</p> <ol style="list-style-type: none"> <li>1. The proceedings are fixed for hearing on 17 and 18 November 2020.</li> <li>2. The hearing is to be a Court hearing and is to commence on site at 9.30am.</li> </ol>

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Joel Isaac Redelman v WMC	DA354/2016/3	Peter R Rigg Solicitor & Barrister	24 Northland Road BELLEVUE HILL	This is an appeal against the refusal of a s.4.56 modification for the addition of a new roof terrace, new access to rear garden, new skylight and window modifications. The DA was refused by the LPP on 19 December 2019. First directions hearing was held on 11 February 2020. A S34 conciliation conference was held on 13 July 2020 – the matter was unresolved and the conference was terminated. The matter was considered at a Registrar's direction hearing on 17 July 2020. The Registrar listed the matter for hearing on 10 and 11 February 2021.
RICOLA Pty Ltd v WMC	DA25/2018/1	Lindsay Taylor Lawyers	49-53 Bay Street DOUBLE BAY	This is an appeal against the refusal of an application for the demolition of an existing building and the construction of a new 7 storey mixed development comprising two (2) levels of basement car parking with access from Knox Lane, one (1) retail tenancy and building services on the ground floor level and six (6) levels of residential development above comprising of 24 units. The DA was refused by the LPP on 15 August 2019. First directions hearing was held on 6 February 2020. At the directions hearing the Registrar made the following orders: a) the applicant's SOFAC in reply to be filed by no later than 3 March 2020. b) The parties are to attend a without prejudice meeting before 31 March 2020. c) The matter was set down for a conciliation conference on 23 April 2020. d) If no agreement reached, the matter is listed for a second directions hearing on 30 April 2020. At the second directions hearing the Court made the following directions: a) The hearing is listed on 9-10 December 2020 commencing on site and returning to Court. b) Joint reports are due by 9 November 2020.
Triple Blue Pty Ltd v WMC	DA190/2017/1	Wilshire Webb Staunton Beattie Lawyers	593 New South Head Rd ROSE BAY	This is an appeal against the refusal of an application for the alterations and additions to an existing residential flat building including a new upper level. The DA was refused by the LPP on 4 July 2019. First directions hearing was held on 15 October 2019. A conciliation conference was held on 14 February 2020. No agreement was reached. A second directions hearing was held on 21 February 2020. An application for joinder was submitted by the neighbour and approved by the Court. The proceedings have been listed for hearing on 8 and 9 December 2020.
<b>Judgement Reserved</b>				
Bryant Stokes v WMC	DA154/2019/2	Peter R Rigg Solicitor & Barrister	380 Edgecliff Road WOOLLAHRA	This is an appeal against the refusal of an application for the modifications to the boundary fence including the front fence. First directions hearing was held on 24 January 2020. Joint expert reports were filed on 1 July 2020 for engineering and 3 August 2020 for town planning issues. A s34AA conference was held on for 5 and 6 August 2020. Judgement reserved.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
<b>Judgement Finalised</b>				
Riddell Street Development Pty Ltd (ACN 626 594 143) v WMC	DA487/2018/1	Wilshire Webb Staunton Beattie Lawyers	21-23 Riddell St BELLEVUE HILL	This was an appeal against the deemed refusal of an application for the demolition of the existing dwellings and the construction of a new residential flat building. 19. The DA was refused by the LPP on 18 July 2019. The matter proceeded to a s34 conference on 28 November 2019. The appeal was upheld via a s34 agreement (amended plans) on 16 January 2020.
MHN Design Union Pty Ltd (ACN 001 404 557) v WMC	DA513/2017	Wilshire Webb Staunton Beattie Lawyers	584 Old South Head Road ROSE BAY	This was an appeal against the refusal of an application for the demolition of the existing dwelling house and the construction of a residential flat building including basement parking and strata subdivision. This DA was refused by the LPP on 16 August 2018. The appeal was upheld via a s34 agreement (amended plans) on 16 January 2020.
M Lukic Design Pty Ltd v WMC	DA601/2017/2	Peter R Rigg Solicitor & Barrister	37 Glenview St PADDINGTON	This was an appeal against the imposition of condition C.1 (a) affixed to a s.4.55 application. The appeal was upheld via a s.34 agreement (amended plans) on 14 February 2020.
Thinq Net Bookings Pty Ltd ACN 123 931 304 v WMC	DA33/2018	Lindsay Taylor Lawyers	21-27 Bay St DOUBLE BAY	This was an appeal against the deemed refusal of an application for the demolition of all existing commercial buildings and construction of a new six (6) storey mixed-use building including 2 retail tenancies on ground floor, 5 storeys containing 23 residential units above, with 2 levels of below ground basement car parking, vehicular access via Gumtree Lane, provision of a through-site pedestrian link, and associated landscaping. The Sydney Eastern City Planning Panel refused the DA on 4 October 2019. The appeal was upheld on 15 October 2018. The appeal was upheld on 18 February 2020
Leonid Kamenev v WMC	DA308/2019/1	Wilshire Webb Staunton Beattie Lawyers	13-15A Coolong Rd VAUCLUSE	This was an appeal against the conditions of consent of an application for alterations and additions to a dwelling house approved under DA304/2018. The appeal was upheld via a s.34 agreement (amended plans) on 28 February 2020.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
SJD DB2 Pty Ltd v WMC	DA617/2017/1	Lindsay Taylor Lawyers	28-34 Cross St DOUBLE BAY	This was an appeal against the refusal of an application for the demolition of the existing development and construction of a 6 storey mixed development with ground floor retail, 21 residential units over 5 levels and 2 levels of basement parking for 36 vehicles and 4 motorbikes with vehicular access via 20-26 Cross Street. The appeal was upheld on 12 March 2020.
Baronja Investments Pty Ltd v WMC	DA514/2017/2	Lindsay Taylor Lawyers	805-807 New South Head Road ROSE BAY	This was an appeal against the refusal of a s.4.55 application relating to Conditions I.2 and I.14 to extend the approved hours of operation and modify the restrictions imposed on the opening of windows facing Dover Road. The appeal was upheld on 18 March 2020.
Michael Hitz v WMC	DA494/2018/1	Lindsay Taylor Lawyers	19 Cliff St WATSONS BAY	This was an appeal against the refusal of an application for demolition of the existing dwelling and construction of a replacement dwelling. The appeal was upheld via a s.34 agreement (amended plans) on 21 April 2020.
Paulus Saleem Nakhle V WMC	DA440/2017/1	Lindsay Taylor Lawyers	12 Kent Rd ROSE BAY	This was an appeal against the refusal of an application for the demolition of an existing residential flat building and the construction of a new residential flat building. This DA was refused by the LPP on 4 April 2019. The appeal was upheld via a s.34 agreement (amended plans) on 21 April 2020.
14 Boronia Pty Ltd (ACN 624 963 355) v WMC	DA105/2019/1	HWL Ebsworth Lawyers	14 Boronia Rd BELLEVUE HILL	This was an appeal against the deemed refusal of an application for the demolition of the dwelling and construction of a new residential flat building. The DA was refused by the LPP on 19 September 2019. The appeal was upheld via a s.34 agreement (amended plans) on 28 April 2020.
Grant Taylor v WMC	DA286/2019/1	Peter R Rigg Solicitor & Barrister	278 Oxford Street PADDINGTON	This was an appeal against the deemed refusal of an application for alterations and additions to the existing building and its adaptive re-use as a mixed-use development comprising a cafe for 20 patrons, 6 single occupancy units, one care-takers residence and 2 car parking spaces. The DA was refused by the LPP on 5 December 2019. The appeal was upheld via a s.34 agreement (amended plans) on 20 May 2020.
Kent Road Prime Pty Ltd	DA140/2018/1	Lindsay Taylor Lawyers	28 Kent Road ROSE BAY	This was an appeal against the deemed refusal for the demolition of the three storey residential building site remediation works and the construction of a new three storey residential flat building containing four apartments. The DA was refused by the LPP on 27 June 2019. The appeal was upheld via a s.34 agreement (amended plans) on 3 April 2020.



Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Kristy Mirzikinian v WMC	DA573/2018/1	Peter R Rigg Solicitor & Barrister	6A Wentworth St POINT PIPER	This was an appeal against the deemed refusal of an application for the substantial demolition of the existing dwelling and the construction of a two storey dwelling partially above the existing garage with new swimming pool and landscaping works. The DA was refused under staff delegation on 31 July 2019. The appeal was upheld via a s.34 agreement (amended plans) on 3 April 2020.
Sean Harrison v WMC	DA384/2018/2	HWL Ebsworth Lawyers	43 Dudley St PADDINGTON	This was an appeal against the refusal of an application for the deletion of Condition C.1(c). The DA was refused by the LPP on 3 October 2019. The appeal was dismissed on 31 July 2020.
Orazio Camuglia v WMC	DA512/2018/2	Wilshire Webb Staunton Beattie Lawyers	14 Tivoli Ave ROSE BAY	This was an appeal against the Conditions C.1, parts (a) and (b) which relate to fence height, and the addition of condition C.1, part (c) affixed to a s.4.55 application. The appeal was upheld via a s.34 agreement (amended plans) on 13 August 2020.
Parker Logan Property Pty Ltd (ACN 121 055 178) v WMC	DA607/2015/5	Wilshire Webb Staunton Beattie Lawyers	9A Cooper Park Road BELLEVUE HILL	This was an appeal against the conditions of consent of an application for the removal of two existing trees (T1- Ficus rubiginosa Port Jackson Fig and T4- Eucalyptus botryoides Bangalay) with replacement tree and the corresponding amendments to Condition A6. This DA was approved by the LPP with conditions on 7 March 2019. The appeal was dismissed on 15 May 2020.
Glenn Wright v WMC	DA365/2019/1	Lindsay Taylor Lawyers	22 Cliff Street WATSONS BAY	This was an appeal against the refusal of an application for the alterations and additions to an existing dwelling-house and new garage. The appeal was dismissed on 12 August 2020.
Anastasia Voulgarakis v WMC	DA170/2019/1	Lindsay Taylor Lawyers	49 Cascade Street PADDINGTON	This was an appeal against the conditions of consent to an application involving alterations and additions. The appeal was upheld via a s.34 agreement (amended plans) on 24 June 2020.
Kirsti Tarnawski v WMC	DA544/2018/2	Peter R Rigg Solicitor & Barrister	3 Ginahgulla Road BELLEVUE HILL	This was an appeal against the conditions of consent affixed to a s.4.55 application for modifications to the driveway crossing. The appeal was upheld via a s.34 agreement (amended plans) on 20 August 2020.



Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
<b>Discontinued</b>				
Denwol BH Pty Limited v WMC	DA515/2018/1	Wilshire Webb Staunton Beattie Lawyers	206D, 208, 210 & 210A Victoria Rd BELLEVUE HILL	This was an appeal against the deemed refusal of an application for the demolition of existing buildings and construction of a new residential flat development containing 3 buildings linked via a common basement car park, communal open space, landscape and site works. The DA was approved by SECPP on 28 November 2019. The appeal was discontinued on 25 February 2020.
Lawton Hurley Pty Ltd (ACN 105 274 235) v WMC	DA252/2019/1	HWL Ebsworth Lawyers	30 Wyuna RD POINT PIPER	This was an appeal against the deemed refusal of an application for alterations and additions to the dwelling including widening of the existing garage and landscaping. The DA was approved by the LPP on 7 May 2020. The appeal was discontinued on 13 May 2020.
First Applicant David King; Second Applicant Sonia King v WMC	DA185/2018/2	Peter R Rigg Solicitor & Barrister	10A Tivoli Avenue ROSE BAY	This was an appeal against the deemed refusal of an application for the deletion of condition C.1(a) which relates to excavation. The DA was approved on 30 April 2020. The appeal was discontinued on 6 May 2020.
Riddell Street Development Pty Ltd v WMC	DA487/2018/2	Wilshire Webb Staunton Beattie Lawyers	21-23 Riddell Street BELLEVUE HILL	This was an appeal against the deemed refusal of an application for internal and external modifications to the approved residential flat building. The s.4.55 application was approved by the LPP on 4 June 2020. The appeal was discontinued on 22 June 2020.
Clutch Capital Pty Ltd (ACN 632362979) v WMC	DA117/2020/1	HWL Ebsworth Lawyers	9 Carlisle Street ROSE BAY	This was an appeal against the deemed refusal of an application for the demolition of existing dwelling and construction of a residential flat building with basement parking and associated landscaping and siteworks. The appeal was discontinued on the grounds of a technicality (lodged prior to the deemed refusal timeframe).
IPM Holdings Pty Ltd v WMC	DA470/2018/1	Lindsay Taylor Lawyers	36 Kent Road ROSE BAY	This was an appeal against the refusal of an application for the demolition of existing structures and construction of a residential flat building, basement parking, and a swimming pool. The DA was refused by the LPP on 27 June 2019. A subsequent s.8.2 Review of Determination application was also refused by the LPP on 9 July 2020. The appeal was discontinued.

Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
s56A Appeal				
WMC v SJD DB2 Pty Ltd	DA617/2017/1	Lindsay Taylor Lawqyers	28-34 Cross Street DOUBLE BAY	This was an appeal against the decision of a commissioner on a question of law (s56A Land and Environment Court Act 1979). Hearing was held on 14 July 2020. The appeal was dismissed on 18 August 2020. The Court ordered the appellant to pay the respondent's costs of the appeal.

Building Control - Legal Matters				
Applicant v Respondent	Council Reference	Legal Rep	Address	Comment
Class 4 - Orders & Civil Enforcement				
Awaiting Callover-Mention				
Marion Nicolas v WMC	Swimming Pool Application 23/2020	Wilshire Webb Staunton Beattie Lawyers	209 Edgecliff Road WOOLLAHRA	Appeal against Council's refusal to grant an exemption from compliance with the Swimming Pools Act. Matter is listed for mention on 26 August 2020. At mention on 26/8 the matter was stood over for 2 weeks to allow the parties to discuss solutions to the non-compliances with the pool barrier.
Awaiting Hearing				
Shaun Keith Alfred Bonett v WMC	BC 46/2018	Peter R Rigg Solicitor & Barrister	20 The Crescent VAUCLUSE	A Class 1 appeal has been lodged against the deemed refusal of building information certificate application BC 46/2018. The certificate was lodged to address significant unauthorised works which is the subject of separate Class 4 proceedings that is listed for mediation on 15 March 2019. Initial call-over for the Class 1 proceedings is 14 February 2019. Mediation on 15 March vacated due to hospitalisation of Mrs Bonett. Applicant to file and serve his Statement of Facts and Contentions in Reply by 30 October 2019. Mediation occurred on 12 November 2019. On 26 November 2019 listed for hearing on 21-23 September 2020 with the Registrar making the following directions; 1. Applicant is to file any notice of motion concerning amendment of the applications by 13 December 2019; 2. Any relevant Motion to amend will be heard by the Registrar on 31 January 2020; 3. Applicant is also directed to file all evidence upon which he proposes to rely by 28 February 2020; 4. Council's evidence upon which it proposes to rely is to be filed and served by 27 March 2020; 5. Subsequently, experts, grouped in areas of expertise, are to meet and confer to produce a joint report by 26 August 2020 (extended from 10 April 2020 & 30 June 2020).

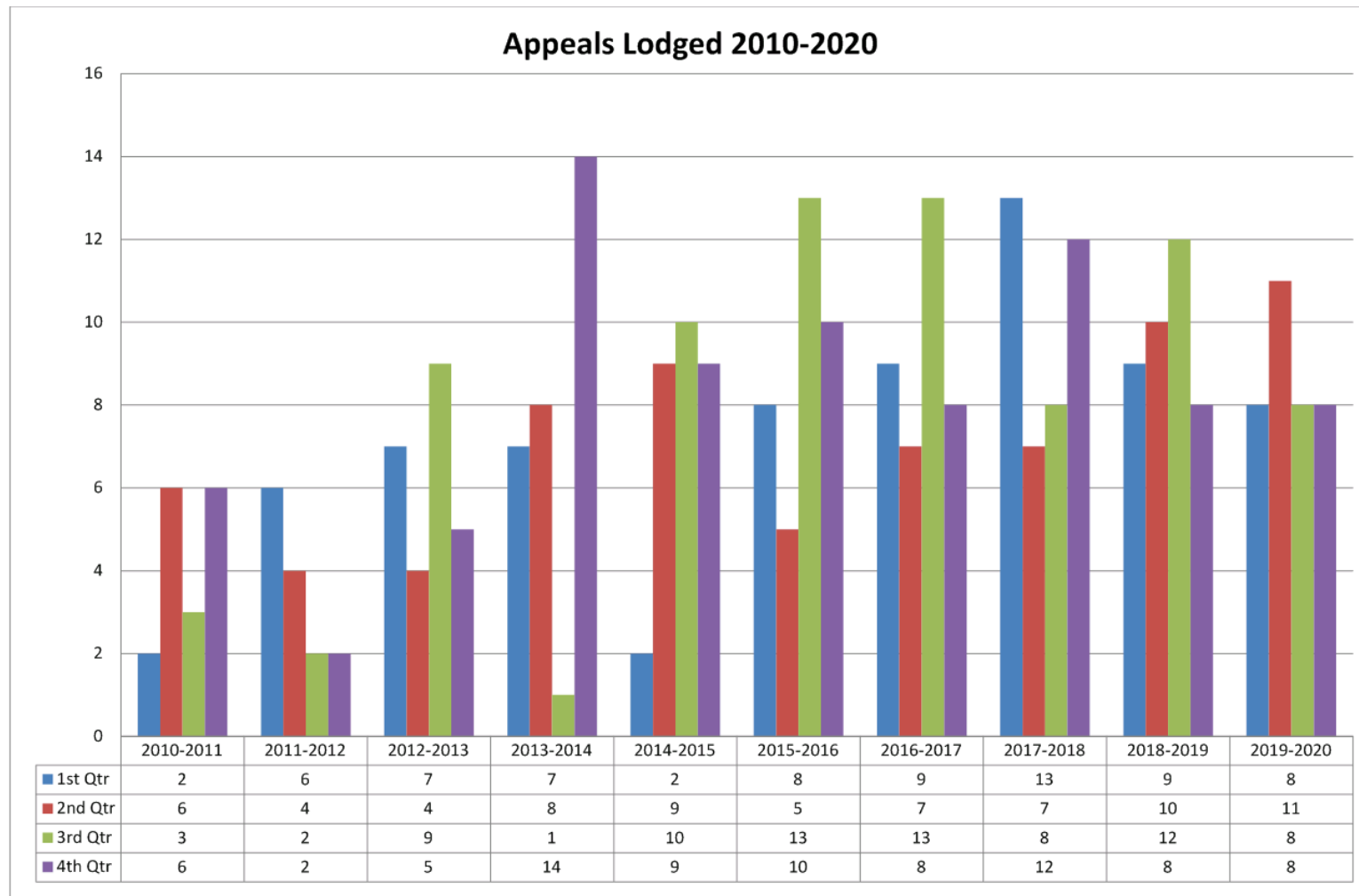
Legal Register - EPC 7 September 2020

Page 14 of 16

Trim Record No: 20/155074

WMC v AMA Holdings Pty Ltd	31.2003.14	Lindsay Taylor Lawyers	2A Cooper St DOUBLE BAY	Court election of Penalty Infringement Notices PIN 3198903960 - Fire safety statement 2 week overdue; PIN 3199054100 - Fire safety statement 3 weeks overdue and PIN 3199054174 - Fire safety statement 4 weeks over due. At directions hearing on 11 August 2020 all matters were set down for hearing on 11 December 2020.
WMC v Shaun Bonett	Order 421/2017	Peter R Rigg Solicitor & Barrister	20 The Crescent VAUCLUSE	<p>Class 4 Land &amp; Environment Court proceedings initiated to address significant unauthorised works on a heritage item. Direction hearing orders of 13/04/2018 - 1. Inspection by 19/05/2018; 2. By 28/05/2018 council to file and serve points of claim and any further affidavits; 3. Respondent to serve affidavits in chief and points of defence by 02/07/2018; 4. Council to serve any affidavits in reply by 16/07/2018. On 14/09/2018 respondent submitted an application to the Court for the matter to be adjourned pending determination of DA 398/2018. Respondent's application was dismissed and the Respondent was ordered to file a defence by 27/09/2018. Matter adjourned to direction's list on 5/10/2018. Court stood matter over to 26 October 2018. Mention on 16/11/2018 'Notice of Motion' filed by Respondent to strike out part of Council's Summons and Points of Claim was dismissed by the Court; Council's Motion to amend its Summons and Points of Claim to take into account additional evidence relating to heritage works was stood over to a later time; Judge stated Court's resources were extremely stretched and in his view the Class 4 and the Class 1 proceedings (appeal of DA 398/2018 'use' application) could both be more quickly resolved if the Class 1 matters were dealt with first and the Class 4 travel with the Class 1 application. Setdown for mediation on 15 March 2019 with 'Facts and Contentions' required to be filed by 25 January 2019. Mediation on 15 March vacated due to hospitalisation of Mrs Bonett. Applicant to file and serve his Statement of Facts and Contentions in Reply by 30 October 2019. Mediation of Class 1 appeals occurred on 12 November 2019. On 26 November 2019 the Class 1 appeals were listed for hearing on 21-23 September 2020 with the Registrar making the following directions;</p> <ol style="list-style-type: none"> <li>1. Applicant is to file any notice of motion concerning amendment of the applications by 13 December 2019;</li> <li>2. Any relevant Motion to amend will be heard by the Registrar on 31 January 2020;</li> <li>3. Applicant is also directed to file all evidence upon which he proposes to rely by 28 February 2020;</li> <li>4. Council's evidence upon which it proposes to rely is to be filed and served by 27 March 2020;</li> <li>5. Subsequently, experts, grouped in areas of expertise, are to meet and confer to produce a joint report by 26 August 2020 (extended from 10 April 2020 &amp; 30 June 2020).</li> </ol>

Judgement Finalised				
Bay State Construction Pty Ltd v WMC	Order 1/2018		7 Loftus Rd DARLING POINT	Appeal of Local Court determination of CAN 140160; LC 180814 & PIN 3116940018 that was determined on 04/10/2019 by the Magistrate issuing the following Orders; 1. In respect of the 3 January 2018 offence - Finding of guilt and fine of \$6,000; 2. In respect of the 14 May 2018 offence - Finding of guilt and fine of \$10,000; 3. In respect of the 5 July 2018 offence - Finding of guilt and fine of \$20,000; 4. Council's costs - \$8,000 - Total fines and costs \$44,000. Initial mention listed for 13/12/2019.



<b>Item No:</b>	R1 Recommendation to Council
<b>Subject:</b>	<b>PLANNING PROPOSAL - HERITAGE LISTING OF 30 WYUNA ROAD, POINT PIPER</b>
<b>Author:</b>	Kristy Wellfare, Strategic Heritage Officer
<b>Approvers:</b>	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
<b>File No:</b>	20/124742
<b>Reason for Report:</b>	To report on the public exhibition of the planning proposal to list the dwelling house, including interiors, at 30 Wyuna Road, Point Piper, as a heritage item in Schedule 5 of 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.

### **Recommendation:**

- A. THAT Council proceed with the planning proposal in **Annexure 1** of the report to the Environmental Planning Committee meeting on 7 September 2020 and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list the dwelling house, including interiors, at 30 Wyuna Road, Point Piper, as a heritage item.
- B. THAT Council use its authorisation as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to make the LEP to list 30 Wyuna Road, Point Piper, including interiors, as a heritage item under Woollahra Local Environmental Plan 2014.

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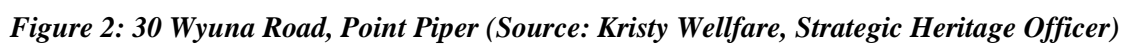
## **1. Introduction**

This report relates to the public exhibition of a planning proposal to list the dwelling house, including interiors, at 30 Wyuna Road, Point Piper, as a heritage item in Schedule 5 of Woollahra LEP 2014. The planning proposal attached in **Annexure 1**.

## **2. The site**

The site is located at 30 Wyuna Road, Point Piper, near the intersection with Wolseley Road and is legally identified as Lot 2 in DP 56775 (**Figure 1**). Located on the site is an Inter-war Mediterranean Style dwelling house designed by the architect F. Glynn Gilling (**Figure 2**).

The site is the subject of an Interim Heritage Order (IHO) issued under Section 25 of the *Heritage Act 1977*. The IHO was published in the NSW Government Gazette No. 124 of 23 October 2019, p. 4540.





### 3. Background

The process for assessing the heritage significance of 30 Wyuna Road, Point Piper, and preparing the planning proposal has involved the following steps to date.

1. Decision of the Council on 26 August 2019 to assess heritage significance.
2. Assessment of heritage significance and heritage data form were prepared by the Council's Strategic Heritage Officer, Kristy Wellfare (**Annexure 2**).
3. Reporting of assessment to the Environmental Planning Committee (EPC) on 4 November 2019.
4. Decision of Council on 11 November 2019 to prepare a planning proposal and obtain advice from the Woollahra Local Planning Panel.
5. Report to the Woollahra Local Planning Panel on 5 December 2019 for advice.
6. Report to the EPC on 3 February 2019 the Woollahra LPP's advice.
7. Decision of the Council on 10 February 2020 to proceed with the planning proposal and seek a gateway determination from the Department of Planning, Industry and Environment.
8. Conditional gateway determination issued on 22 May 2020. Authorisation given to the Council to exercise the plan-making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (the Act) to make the LEP.
9. Public exhibition of the planning proposal occurred from 29 June to 14 August 2020.

### 4. Consultation

The planning proposal and supporting material were placed on public exhibition for 46 days, from Monday 6 July 2020 – Friday 21 August 2020 (inclusive), consistent with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and the gateway determination.

The exhibition involved the following:

1. Five weekly notices in the Wentworth Courier providing details of the exhibition on 22 July 2020, 29 July 2020, 5 August 2020, 12 August 2020 and 19 August 2020.
2. A public exhibition page for the planning proposal and supporting material on Council's website. The exhibition page was visited a total of 18 times during the exhibition period.
3. A public exhibition page for the planning proposal and supporting material on Your Say Woollahra. This page was visited by 36 external customers during the exhibition period.
4. Display of exhibition material at the Customer Service counter at the Woollahra Council Chambers at Double Bay, available during normal business hours.
5. Notification letters or emails to stakeholders including:
  - Owner of the subject site.
  - Legal representative of the owner of the subject site.
  - Adjoining and nearby property owners.
  - Heritage NSW, Department of Premier and Cabinet.
  - The National Trust of Australia (NSW).
  - The Woollahra History and Heritage Society.
  - Point Piper Residents' Association.
  - Australian Institute of Architects.

## 5. Submissions

Overall, six submissions were received in response to the exhibition of the planning proposal. Of these submissions:

- One was from Heritage NSW who did not raise any objections to the planning proposal.
- One was from the National Trust of Australia (NSW) advising that the Trust strongly supports the planning proposal involving the listing of 30 Wyuna Road, Point Piper, including its interiors, as a heritage item. The Trust noted that this building and its interiors are “a fine example of the Inter-war Mediterranean Style and the work of F. Glynn Gilling and it appears to be remarkably intact.”
- One was from the Woollahra History and Heritage Society who fully supported the proposed listing
- One was from local residents, in support of the planning proposal.
- One submission was received via the “Your say Woollahra” page from a local resident who did not support the listing, particularly of the building’s interiors.
- One was from a planning consultant previously engaged by the owners of a neighbouring property and included a general comment relating to sharing the notification of the public exhibition with the Strata Manager of ‘Witherington’ at 91 Wolseley Road, Point Piper.

A redacted copy of all submissions is attached as **Annexure 3**.

### 5.1 Response to submissions

#### Support

The submissions of support are noted

#### Resident objection

##### *Summary*

One objection was received from a neighbouring resident (who did not identify their location) to the heritage listing of the property, and in particular to the listing of its interiors which were considered to have “some redeeming features but not enough to heritage list.”

##### *Staff response*

The significance of the property was identified through a detailed heritage assessment using the Heritage NSW criteria. The process concluded that the property satisfies the criteria for historic significance, aesthetic significance, and associational significance and was a representative example of its type warranting listing as a local heritage item in Woollahra LEP 2014.

The interiors of 30 Wyuna Road demonstrate a high degree of original fabric, as identified in the heritage significance assessment report for the site. The interiors of the building combine with the exterior to enable the understanding of the building and its history. Where future changes are proposed, listing of the interiors enables those aspects of the interior which remain important to the significance of the building to be appropriately considered, protected, and, where appropriate, documented. This level of protection for the interiors would not be available without their nomination in this listing.

##### *Recommendation*

No change to the planning proposal.

## Submissions summary




In summary, the planning proposal is generally supported by the community, and is supported by Heritage NSW, the National Trust (NSW) and the Woollahra History and Heritage Society. The issues raised in the submissions received from the community have been assessed by staff and do not warrant a change to the planning proposal. It is also noted that no submission was received from the owners or their representatives regarding the proposed listing of the building. Therefore, it is recommended that Council proceed with the planning proposal as exhibited, by making the LEP to list the house and interiors at 30 Wyuna Road, Point Piper as a heritage item under Woollahra LEP 2014.

## 7. Conclusion

The heritage significance of the Inter-war Mediterranean Style dwelling house and its interiors at 30 Wyuna Road, Point Piper has been established through a detailed assessment of heritage significance. The planning proposal will facilitate the listing of the house and its interiors as a local heritage item thereby providing statutory recognition of its heritage significance. Preparation and exhibition of the planning proposal has been undertaken in the manner required by the relevant provisions of the Act and the Regulation.

The planning proposal is generally supported by the community, Heritage NSW and the National Trust (NSW). The issues raised in the objections received from the community have been assessed by staff and do not warrant a change to the planning proposal. It is therefore recommended that Council proceed with the planning proposal by preparing and making the LEP to list 30 Wyuna Road, Point Piper, including its interiors, as a heritage item under Woollahra LEP 2014.

## Annexures

1. Planning Proposal - 30 Wyuna Road, Point Piper - Planning Proposal Document- 01 July 2020 [↓](#) 
2. Planning Proposal - 30 Wyuna Road, Point Piper - Heritage Significance Assessment (Draft) [↓](#) 
3. Planning Proposal - 30 Wyuna Road, Point Piper - Post-exhibition Report - Submissions (Redacted) [↓](#) 

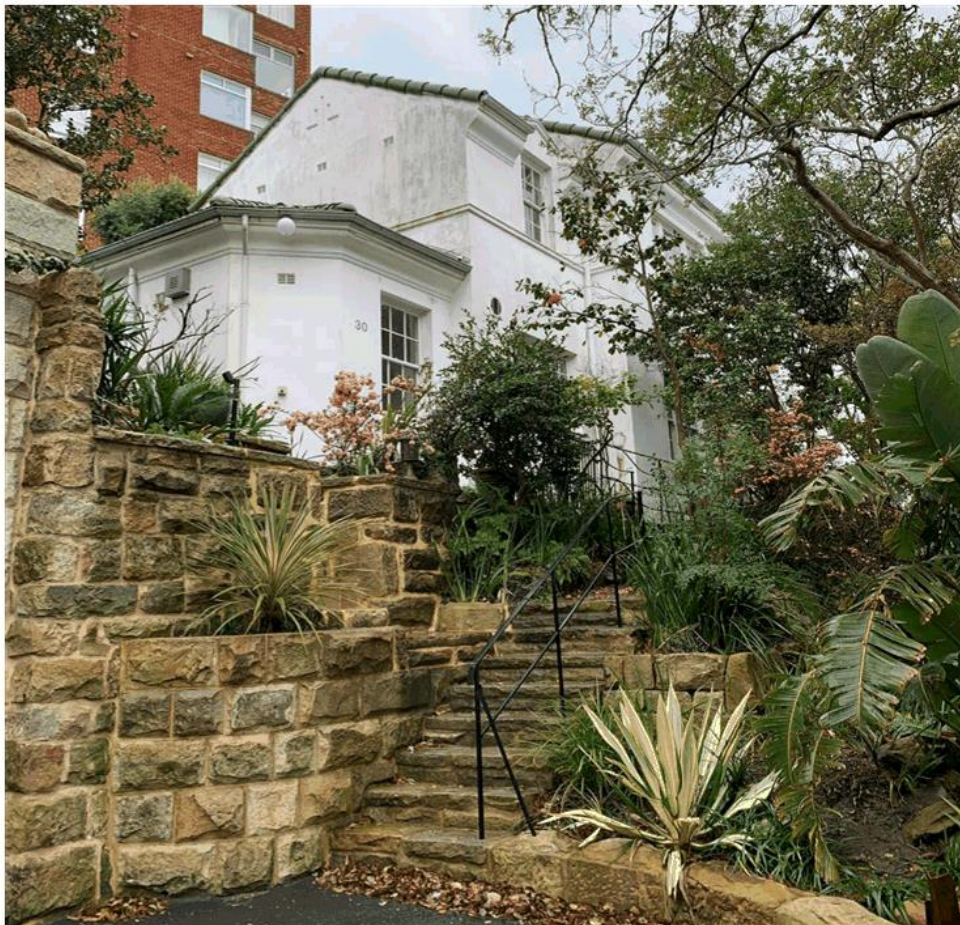
# Planning Proposal



## Local Heritage Listing

### 30 Wyuna Road, Point Piper

January 2020 (updated June 2020)



TRIM: 19/181210

## Table of Contents

<b>Part 1 – Introduction .....</b>	<b>1</b>
1.1. Background.....	1
1.2. Description of this planning proposal.....	2
1.3. Assessment of heritage significance .....	2
1.4. Statement of heritage significance .....	4
1.5. Recommended heritage listing .....	5
1.6. Recommended management .....	5
<b>Part 2 – Existing site and context .....</b>	<b>6</b>
2.1. The site .....	6
2.2. Existing context.....	8
<b>Part 3 – Existing planning controls .....</b>	<b>8</b>
<b>Part 4 – Objectives of planning proposal .....</b>	<b>8</b>
<b>Part 5 – Explanation of provisions.....</b>	<b>8</b>
<b>Part 6 – Justification .....</b>	<b>9</b>
6.1. Need for planning proposal .....	9
6.2. Relationship to strategic planning framework .....	9
6.3. Environmental, social and economic impact.....	11
6.4. State and Commonwealth interests.....	12
<b>Part 7 – Mapping .....</b>	<b>13</b>
<b>Part 8 – Community consultation .....</b>	<b>13</b>
8.1. Consultation with landowner .....	13
8.2. Public exhibition .....	14
<b>Part 9 – Project timeline .....</b>	<b>15</b>
<b>Schedules .....</b>	<b>16</b>
Schedule 1 – Consistency with state environmental planning policies.....	16
Schedule 2 – Compliance with section 9.1 directions .....	20
<b>Supplementary material (separately attached) .....</b>	<b>23</b>



## Part 1 – Introduction

### 1.1. Background

On 26 August 2019 Council considered a Notice of Motion on the Heritage Protection of Two F. Glynn Gilling Properties and resolved:

- A. *THAT Council write to the Minister, the Hon. (Don) Donald Harwin, MLC, Special Minister of State, Minister for Public Services and Employee Relations, Aboriginal Affairs and Arts, to ask him to make an Interim Heritage Order (IHO) under section 24(1) of the Heritage Act 1977 in respect of the properties at 30 Wyuna Road, Point Piper and 46 Vacluse Road, Vacluse.*
- B. *THAT Council request the Director Planning & Development to prepare an urgent report to the Environmental Planning Committee which assesses the heritage significance of the property at 30 Wyuna Road, Point Piper.*
- C. *THAT part A and part B of this resolution remain confidential along with the legal advice tabled via the late correspondence from the Director Planning & Development*

On 4 November 2019, a report responding to Part B of this resolution regarding the heritage listing of the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper was presented to the *Environmental Planning Committee* and on 11 November 2019, Council resolved the following:

- A. *THAT a planning proposal be prepared to list the property at 30 Wyuna Road, Point Piper 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.*

On 5 December 2019, the matter was referred to the *Woollahra Local Planning Panel* for advice. The Panel resolved the following:

*THAT the Woollahra Local Planning Panel advises Council that it supports the planning proposal at Annexure 1 to list the Inter-war Mediterranean style dwelling house at 30 Wyuna Road Point Piper, and its interiors, as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014*

## 1.2. Description of this planning proposal

This planning proposal is made in relation to an Inter-war Mediterranean style dwelling house located at 30 Wyuna Road, Point Piper.

The objective of the planning proposal is to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014), to list 30 Wyuna Road, Point Piper as a heritage item in Schedule 5. Heritage listing of this property will ensure recognition of its 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:

2. Existing site and surrounding context
3. Existing planning controls
4. Objective of planning proposal
5. Explanation of provisions
6. Justification
7. Mapping
8. Community consultation
9. Project timeline

## 1.3. Assessment of heritage significance

In response to Council's decision a Heritage Significance Assessment of 30 Wyuna Road, Point Piper, was prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council).

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 Kristy Wellfare (Strategic Heritage Officer, Woollahra Council), which includes the assessment against all criteria, is attached separately.

Table 1 below provides a summary of the assessment of the heritage significance of 30 Wyuna Road, Point Piper 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)	✓	✗
(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	✗	✗

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(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"> <li>cultural or natural places; or</li> <li>cultural or natural environments.</li> </ul> or a class of the local area's <ul style="list-style-type: none"> <li>cultural or natural places; or</li> <li>cultural or natural environments.</li> </ul>	✓	x

#### 1.4. Statement of heritage significance

*30 Wyuna Road is a rare, intact example of an Inter-war Mediterranean style dwelling house innovatively designed by prominent architect F. Glynn Gilling of Joseland & Gilling for a constrained suburban site within the former Point Piper Estate.*

*The dwelling house is a fine example of its type and includes original interior and exterior design detailing that is representative of the key elements of the Inter-war Mediterranean style. The informal massing of smooth rendered walls beneath a hipped tiled roof, formal entrance treatment, classical motifs and columns, sweeping main stair with wrought iron balustrades and window detailing are skilfully combined to create a light and restrained residence that is carefully situated within its landscape setting.*

*Demonstrative of its importance, 30 Wyuna Road is featured in the publication "Domestic architecture in New South Wales, Australia: illustrating the work of F. Glynn Gilling" by E. Lindsay Thompson. This book includes works by F. Glynn Gilling that are described as "the cream of F. Glynn Gilling's domestic work which, incidentally, comprises some of the finest houses in New South Wales". The property has a moderate degree of technical significance through the opportunity to research methods of Inter War detailing first hand. 30 Wyuna Road, Point Piper is of local heritage significance for historical, aesthetic, associative, rarity and representative significance, and has research significance potential.*

(29 October 2019: Kristy Wellfare, Strategic Heritage Officer: Heritage Significance Assessment, p. 78-79)

The heritage assessment/inventory sheet provides the following recommendations:

**1.5. Recommended heritage listing**

*The assessment recommends the listing of 30 Wyuna Road, Point Piper and its interiors as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that 30 Wyuna Road, Point Piper does not meet the threshold for State heritage listing.*

**1.6. Recommended management**

*It is recommended to manage the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper 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. All remaining intact fabric on the external facades and intact interiors such as the first floor level bathroom should be retained and conserved. There should be no additions or alterations to the Wyuna Road elevations, and the exterior colour scheme, including white stucco walls and woodwork and green Roman tile roof should be retained. It is recommended that a detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association.*

*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.*

## Part 2 – Existing site and context

### 2.1. The site

This planning proposal concerns a two-storey Inter-war Mediterranean style dwelling house located at 30 Wyuna Road, Point Piper. The site is 376.9m<sup>2</sup> and has irregular boundaries to its north, west and south. The site's eastern boundary is a street frontage of 31.86m on to Wyuna Road, its southern boundary is shared with the property at 26 Wyuna Road and its western and northern boundaries are shared with a seven (7) storey residential flat building and a four (4) storey residential building respectively. The site is legally identified as Lot 2 DP 567775 (Figure 2), and is currently subject to planning controls in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

The subject site is not listed on the NSW State Heritage Register (SHR), nor is it identified as a local heritage item or located in a Heritage Conservation Area in Schedule 5 of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). The site is in the vicinity of other heritage listed items (as shown in Figure 3).



Figure 1: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)



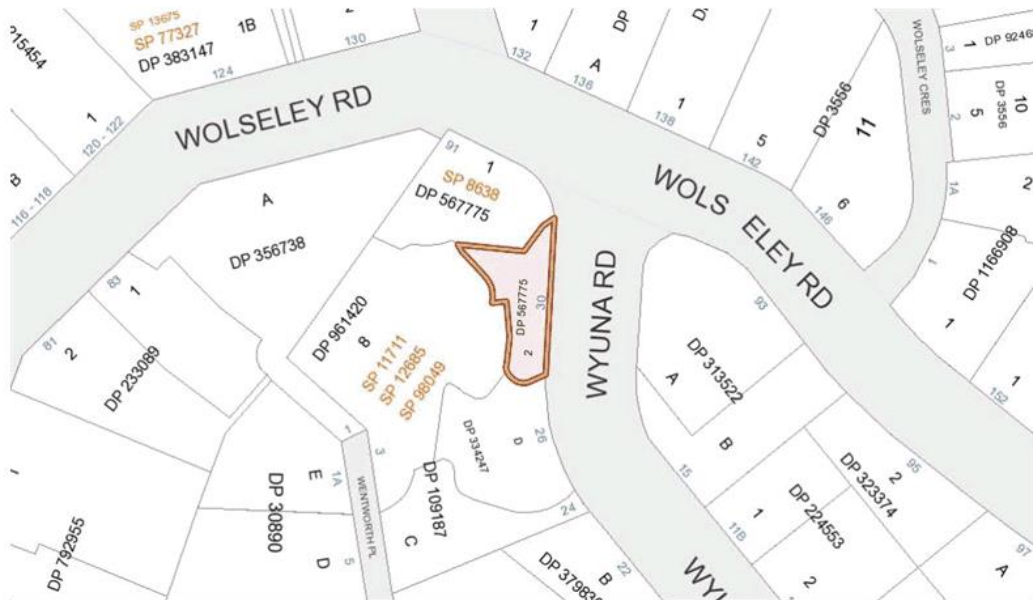


Figure 2: Cadastral map of 30 Wyuna Road, Point Piper with the site outlined in red. (Source: Woollahra Council GIS Maps)



Figure 3: Aerial map indicating the location of nearby heritage items as listed under Schedule 5 of the Woollahra LEP 2014. 30 Wyuna Road is outlined in red. (Source: Woollahra Council GIS Maps)

## 2.2. Existing context

The site and the neighbouring sites are zoned R2 Low Density Residential in the Woollahra LEP 2014. The Objectives for the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

## Part 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:

	Land Use Zone	Height of Building	Minimum Lot Size	Acid Sulfate Soils
<b>30 Wyuna Road, Point Piper</b>	R2: Low Density Residential	9.5m	675m <sup>2</sup>	Class 5

The dwelling house at 30 Wyuna Road and its interiors are not currently listed as a State or local heritage item, and therefore are not subject to the controls outlined in Clause 5.10 (Heritage Conservation) in the Woollahra LEP 2014.

## Part 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 house at 30 Wyuna Road, Point Piper and its interiors as a local heritage item. Heritage listing of this property will ensure recognition of its significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

## Part 5 – Explanation of provisions

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

- Insert a listing for *House and interiors* at 30 Wyuna Road, Point Piper, 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\_002) to identify a heritage item on the site of the 30 Wyuna Road, Point Piper.

## Part 6 – Justification

The planning proposal has strategic merit. The key reason for amending the Woollahra LEP 2014 is that the heritage listing of 30 Wyuna Road, Point Piper will ensure its recognition as a rare piece of Inter-war architecture, as well as its ongoing protection.

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 any strategic study or report?

Yes. The planning proposal is the result of the recommendations found in the heritage assessment report/Heritage Inventory Sheet, prepared by Kristy Wellfare (Strategic Heritage Officer, Woollahra Council). The report concluded that 30 Wyuna Road, Point Piper meets the criteria for listing as a local heritage item. The report recommended that:

*The Interwar Mediterranean style dwelling house at 30 Wyuna Road, Point Piper on Lot 2 in DP 567775 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: House and interiors.*

#### 2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The objective of the planning proposal is to amend the Woollahra LEP 2014, to list 30 Wyuna Road, Point Piper and its interiors, as a heritage item. 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. 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.

### 6.2. Relationship to strategic planning framework

#### 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy 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 actions of the *Eastern City District Plan* (2018), as discussed below.

#### **Greater Sydney Regional 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 13: Environmental heritage is identified, conserved and enhanced.

Identifying 30 Wyuna Road, Point Piper 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 actions 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. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *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 and residential amenity, including protection of significant architecture and the natural environment.*

The planning proposal is also consistent with the *Draft Woollahra Local Strategic Planning Statement* (endorsed by Council for exhibition 9 September 2019). 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** below).

#### **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** below).

### 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, will be required when development is proposed for 30 Wyuna Road, Point Piper and its interiors, or if there is development proposed in its 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 measured 30 Wyuna Road, Point Piper and 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 assessment found that 30 Wyuna Road and its interiors hold heritage significance at the local level. Table 1 below provides a summary of the heritage assessment:

Table 2: 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	✗	✗

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
	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)	✓	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"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> or a class of the local area's <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul>	✓	x

#### 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 30 Wyuna Road in Point Piper and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, the two-storey residential dwelling 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.

##### 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

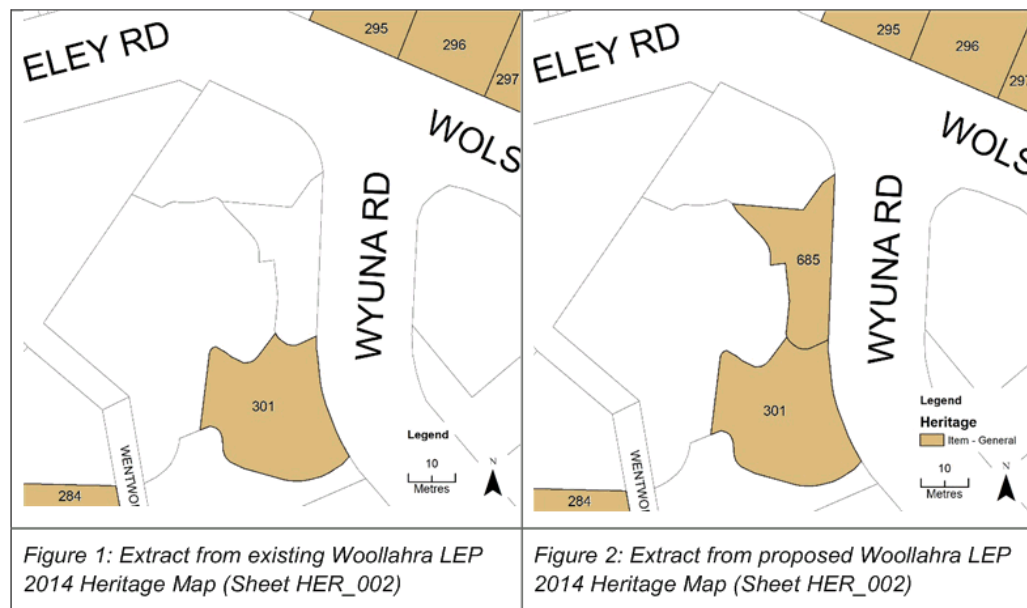
- Heritage NSW, Department of Premier and Cabinet
- NSW Heritage Council
- The National Trust of NSW

Further consultation will take place with any other authorities identified by the Gateway Determination.

## Part 7 – Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Map (Sheet HER\_002) by applying an "Item – General" classification to 30 Wyuna Road, Point Piper.

Extracts of the existing and proposed heritage maps are shown in Figure 1 and Figure 2.



## Part 8 – Community consultation

### 8.1. Consultation with landowner

Consultation with the land owner on the contents of the Assessment of Heritage Significance was not carried out prior to the EPC meeting of 4 November 2019. This was due to the confidential nature of the original Council resolution of 26 August 2019 and due to the threat to the dwelling house arising from:

- The notification of intention to issue a Complying Development Certificate for the demolition of all structures on the site and the construction of a new dwelling house, and
- The 'Deemed refusal' appeal in the NSW Land and Environment Court regarding DA2019/252.

The owners and applicant team were informed of the EPC meeting of 4 November 2019 where the Assessment of Heritage Significance was considered. The applicant's heritage consultant Mr Stephen Davies, who prepared the Heritage Impact Statement to accompany DA 2019/252 attended the meeting and spoke in support of the recommendation for local heritage listing.

In progressing the planning proposal, consultation with the owner will be undertaken consistent with Act and the *Environmental Planning and Assessment Regulation 2000*.

### **8.2. Public exhibition**

Public exhibition will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the *Woollahra Community Participation Plan* and the conditions in the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- a notice on Council's website.
- a letter to the land owner of the site.
- a letter to land owners in the vicinity of the site
- local community 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:

- 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).

## Part 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
Council Notice of Motion	November 2019
Environmental Planning Committee recommends proceeding	November 2019
Council resolution to proceed	November 2019
Local Planning Panel provides advice	December 2019
Environmental Planning Committee recommends proceeding	February 2020
Council resolution to proceed	February 2020
Gateway determination	May 2020
Completion of technical assessment	Usually none required
Government agency consultation	July 2020
Public exhibition period	6 July – 7 August 2020
Submissions assessment	August 2020
Environmental Planning Committee considers assessment of planning proposal post exhibition	September 2020
Council decision to make the LEP amendment	September 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2020
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	November 2020
Notification of the approved LEP	December 2020

## 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 contain a 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.  See section 6.3 of the planning proposal for more information.



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.
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 Childcare 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.

State environmental planning policy	Comment on consistency
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) 2019	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
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 sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
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 Municipality 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 Employment Area) 2009	Not applicable

State environmental planning policy	Comment on consistency
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
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 in the Foreshores and Waterways Area, and is consistent with the principles of clause 13 Foreshores and Waterways Area.</p>

**Schedule 2 –  
Compliance with section 9.1 directions**

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Not applicable. The land is not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
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 protection	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>House and interiors</i> at 30 Wyuna Road, Point Piper 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.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
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 and manufactured home estates.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
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 licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable and consistent. 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.
4.3	Flood prone land	Applicable. Consistent. Existing flood planning provisions will not be altered by the planning proposal.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
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 the <i>House and interiors</i> at 30 Wyuna Road, Point Piper will provide ongoing protection and recognition of the heritage significance of the item.  Refer to Section 6.2 of this report and direction 7.1 of this table.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>6</b>	<b>Local plan making</b>	
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.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	Applicable. The planning proposal is consistent with the objectives of <i>A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of the <i>House and interiors</i> at 30 Wyuna Road, Point Piper will provide ongoing protection and recognition of the heritage significance of the item.  Refer to section 6.2 of this report and direction 5.10 of this table.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

**Supplementary material (separately attached)**

- **Assessment of Heritage Significance for 30 Wyuna Road, Point Piper** – Kristy Welfare (Strategic Heritage Officer, Woollahra Council) – 29 October 2019
- **Environmental Planning Committee Report (4 November 2019)**





# Assessment of Heritage Significance for 30 Wyuna Road, Point Piper

29 October 2019

► Assessment of Heritage Significance - 30 Wyuna Road, Point Piper

## Contents

ASSESSMENT OF HERITAGE SIGNIFICANCE FOR 30 WYUNA ROAD, POINT PIPER .....	1
<b>PART 1 INTRODUCTION .....</b>	<b>4</b>
1.1 Overview .....	4
1.2 Project methodology .....	4
1.3 Authors and acknowledgements .....	5
1.4 Limitations .....	5
<b>PART 2 BACKGROUND .....</b>	<b>6</b>
2.1 Site identification .....	6
2.2 Site use .....	7
2.3 Heritage listings .....	7
2.4 Heritage in the vicinity .....	8
<b>PART 3 HISTORICAL CONTEXT .....</b>	<b>9</b>
3.1 Introduction .....	9
3.2 Point Piper .....	9
3.3 30 Wyuna Road, Point Piper .....	12
3.4 Frederick Glynn Gilling (1877-1955) .....	18
3.5 Coleman & Kirk Pty Ltd .....	21
<b>PART 4 PHYSICAL ANALYSIS .....</b>	<b>24</b>
4.1 Site inspection .....	24
4.2 The building .....	24
4.3 30 Wyuna Road - Exterior .....	25
4.4 30 Wyuna Road - Interior .....	29
4.5 Moveable heritage items .....	40
4.6 Setting .....	40
4.7 Intactness .....	40
4.8 Condition .....	40
4.9 Alterations and additions .....	41

► Assessment of Heritage Significance - 30 Wyuna Road, Point Piper

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<b>PART 5 COMPARATIVE ANALYSIS.....</b>	<b>45</b>
5.1 Introduction .....	45
5.2 Heritage listed works of F. Glyn Gilling .....	45
5.3 Works of F. Glynn Gilling in the Greater Sydney Region .....	48
5.4 F. Glynn Gilling works in Woollahra LGA .....	56
5.5 Comparative analysis.....	71
<b>PART 6 HERITAGE SIGNIFICANCE ASSESSMENT .....</b>	<b>72</b>
6.1 Introduction .....	72
6.2 NSW Historical Themes .....	72
6.3 Heritage significance assessment .....	72
<b>PART 7 CONCLUSIONS AND RECOMMENDATIONS.....</b>	<b>80</b>
7.1 Conclusions .....	80
7.2 Recommendations .....	80
<b>PART 8 REFERENCES .....</b>	<b>81</b>
<b>PART 9 APPENDIX: HERITAGE INVENTORY SHEET .....</b>	<b>84</b>

## 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 Inter-war Mediterranean style dwelling house located at 30 Wyuna Road, Point Piper as a local heritage item(s) in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) and/or as an item(s) of State significance in the State Heritage Register (SHR) under the *NSW Heritage Act 1977*.

On 26 August 2019 at the Woollahra Environment and Planning Committee, Council resolved in confidential session in part:

*THAT Council:*

- A. *THAT Council write to the Minister, the Hon. (Don) Donald Harwin, MLC, Special Minister for Public Services and Employee Relation, Aboriginal Affairs and Arts to ask him to make an Interim Heritage Order (IHO) under section 24(1) of the Heritage Act 1977 in respect of the properties at 30 Wyuna Road Point Piper and 46 Vaucluse Road, Vaucluse.*
- B. *Requests staff to undertake an assessment of heritage significance for the properties at 30 Wyuna Road Point Piper and 46 Vaucluse Road, Vaucluse and report to the Environmental Planning Committee on whether these items have sufficient heritage significance to be listed as a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP).*

In response to the notice of motion, this heritage assessment is prepared for the property at 30 Wyuna Road, Point Piper. The property at 30 Wyuna Road, Point Piper is not currently included in the SHR nor in the WLEP 2014. The property is located in the vicinity of several listed heritage items, being the dwelling house immediately adjacent to the subject site to the south at 26 Wyuna Road (Item I301), the street name inlay in Wyuna Road, and the three dwelling houses on the northern side of Wolseley Road, Point Piper at 136, 138 and 142 Wolseley Road, Point Piper (Items 295, 296 and 297 respectively). It is not listed by the National Trust of Australia (NSW).

### 1.2 Project methodology

This HSA has been prepared in accordance with *Heritage Significance Assessment* Guidelines published by the NSW Heritage Office in 2001.<sup>1</sup> It is also consistent with the relevant principles and guidelines of the *Australia ICOMOS Charter for Places of Cultural Significance 2013* (the Burra Charter).<sup>2</sup>

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

<sup>1</sup> NSW Heritage Office, 2001. *Assessing Heritage Significance*.

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

- 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 dwelling houses and other buildings designed by F. Glynn Gilling in greater Sydney and 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 (Acting Manager - Strategic Planning).

The authors acknowledge the assistance of Barbara Swebeck and Jane Britten (Local History Librarians, Woollahra Council) 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.

The description and analysis of the site were based on a visual inspection of the exterior only and on internal photos taken during the site inspection carried out by Council's Heritage Officer as part of the assessment of the development application DA2019/252.



## Part 2 Background

### 2.1 Site identification

The subject site is an Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper (Figure 1). The site is located in the Woollahra Local Government Area (LGA) and is legally identified as Lot 2 DP 567775 (Figure 2). The site is irregular in shape, 376.9m<sup>2</sup> in area, with a street frontage of 31.86m on the eastern boundary to Wyuna Road, a curved southern boundary shared with 26 Wyuna Road, and irregular-shaped site projections to the north and west with these boundaries shared with the seven (7) Storey residential flat building at 3 Wentworth Place to the west, and the four (4) storey residential flat building at 91 Wolseley Road to the north of the site.



Figure 1: 2018 aerial photograph of site (Source: Woollahra Council GIS Maps)



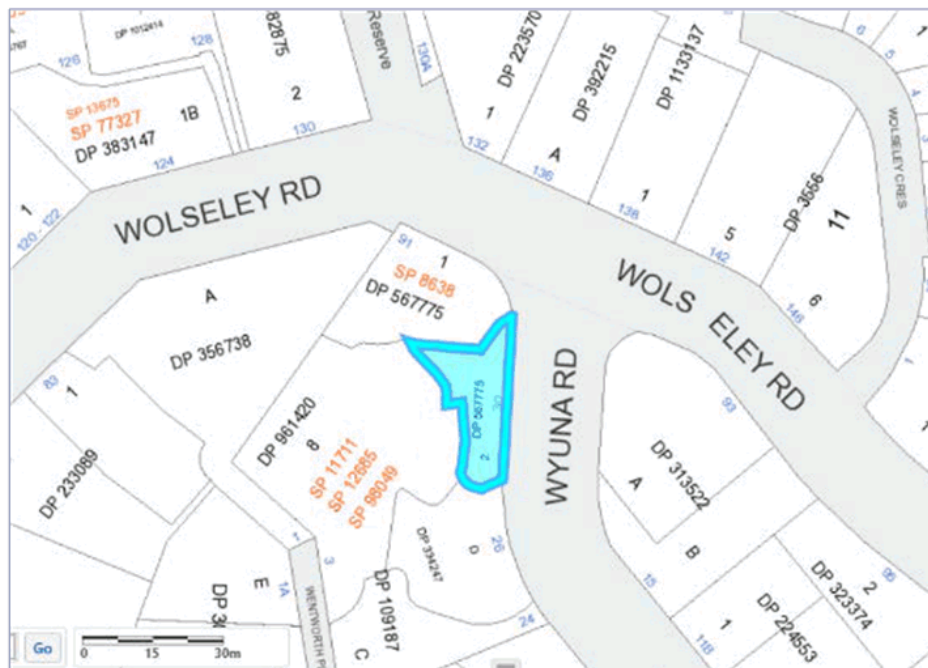


Figure 2: Cadastral map of site (Source: Woollahra Council GIS Maps)

## 2.2 Site use

The site contains a two storey residential dwelling house with basement level laundry and street level garage. The site and the neighbouring sites are zoned R2 Low Density Residential in the Woollahra LEP 2014. The Objectives for the R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.<sup>3</sup>

## 2.3 Heritage listings

### 2.3.1 Statutory

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is not identified as a heritage item on the NSW State Heritage Register (SHR).

<sup>3</sup> Woollahra Local Environmental Plan 2014

The site is not identified as a local heritage item, nor is it located in a Heritage Conservation Area, on Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

### 2.3.2 Non-statutory

The Inter-war Mediterranean style dwelling house is 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 site immediately to the south of the subject site at 26 Wyuna Road, Point Piper. The following locally significant Woollahra LEP 2014 heritage items are in the general locality (Figure 3):

- 'Ravello - House and interiors' - 26 Wyuna Road, Point Piper - LEP Item No. I301
- 'House and Interiors' - 136 Wolseley Road, Point Piper - LEP Item No. I295
- 'House and Interiors' - 138 Wolseley Road, Point Piper - LEP Item No. I296
- 'House and Interiors' - 142 Wolseley Road, Point Piper - LEP Item No. I297
- 'Lady Martins Beach' - LEP Item No. I279
- 'House and Interiors', 1 Wolseley Crescent, LEP Item No. I289
- 'Point Piper Street Name Inlays within Road Reserve' LEP Item No. 675



Figure 3: LEP Heritage items in the vicinity of the site (Source: Woollahra Council GIS Maps including extract from Woollahra LEP 2014 Heritage Map)

## Part 3 Historical context

### 3.1 Introduction

This section provides a historical context of the Inter-war Mediterranean style dwelling house located at 30 Wyuna Road, Point Piper. It provides an overview of the history of Point Piper, and a history of the development of the site in its context.

### 3.2 Point Piper

Point Piper is a suburb in Eastern Sydney between Double Bay and Rose Bay in the Woollahra Local Government Area (LGA), which was first established as a municipality in 1860. Point Piper takes up much of the 190 acres that was promised to Captain John Piper by Governor Macquarie in 1816 and confirmed in 1820.<sup>4</sup> Piper built the mansion Henrietta Villa at Eliza Point (now Point Piper) at a cost of £10,000 and he lived there with his wife and numerous children, enjoying an extravagant lifestyle and diverted Sydney society with numerous 'sumptuous entertainments'.<sup>5</sup>



Figure 4: The government lithograph of [Woollahra] land purchased by Cooper and Levey from John Piper in 1827. (Source: Rosemary Broomham, 'The Coopers of Woollahra' p.6).

<sup>4</sup> Broomham, R. 2006. *Point Piper Thematic History* p.1.

<sup>5</sup> Broomham, R. 2001. *The Coopers of Woollahra* p.3



Piper had accumulated a large estate by a combination of grant and purchase. In addition to his 190 acres at Eliza Point, he bought the Vacluse Estate and several soldiers grants around Double Bay and Rose Bay. In 1826 Piper raised a mortgage from his friends Daniel Cooper and Solomon Levy, emancipist traders who were co-owners of a substantial mercantile empire trading as the Waterloo Company. At this time Piper's land holdings in Woollahra alone comprised 475 acres in Vacluse, 1130 acres in Woollahra and Rose Bay, and the 190 acres at Point Piper. Following two inquiries into his business affairs in 1826-7, which discovered discrepancies in his accounts and unbusinesslike practices, Piper was forced to resign from the Bank of New South Wales and was suspended from his public service position.<sup>6</sup>

Cooper and Levey commissioned Surveyor-General TL Mitchell to complete a survey of their shared estate at Point Piper and divide it into allotments (Figure **Error! Reference source not found.**). These land grants were consolidated in 1830 to form a larger grant for Daniel Cooper and Solomon Levey that consisted of 1130 acres known as the Point Piper Estate (Figure 6). This estate covers a vast proportion of the Woollahra Municipality and as well as Point Piper also included the suburbs of Rose Bay, Double Bay, Bellevue Hill, Woollahra and Edgecliff. Due to a severe depression in the 1840s, Daniel Cooper was able to become the sole owner of the Point Piper Estate in 1847.<sup>7</sup>



Figure 5: Mitchell's 1844 Survey of the Point Piper Estate. (Source: Mitchell Library, SLNSW, Call No. M2 811.181/1844/2)

Point Piper went through several phases of subdivision, with not all of them successful. The land on Point Piper was subdivided into fourteen (14) allotments in 1844 but no sales were made until

<sup>6</sup> Broomham, R. 2001. *The Coopers of Woollahra* p.3

<sup>7</sup> Broomham, R. 2001. *The Coopers of Woollahra* p.7

1882 when the land was transferred to William Cooper, who subdivided the western side of the headland into allotments suitable for Gentlemen's residences.<sup>8</sup>

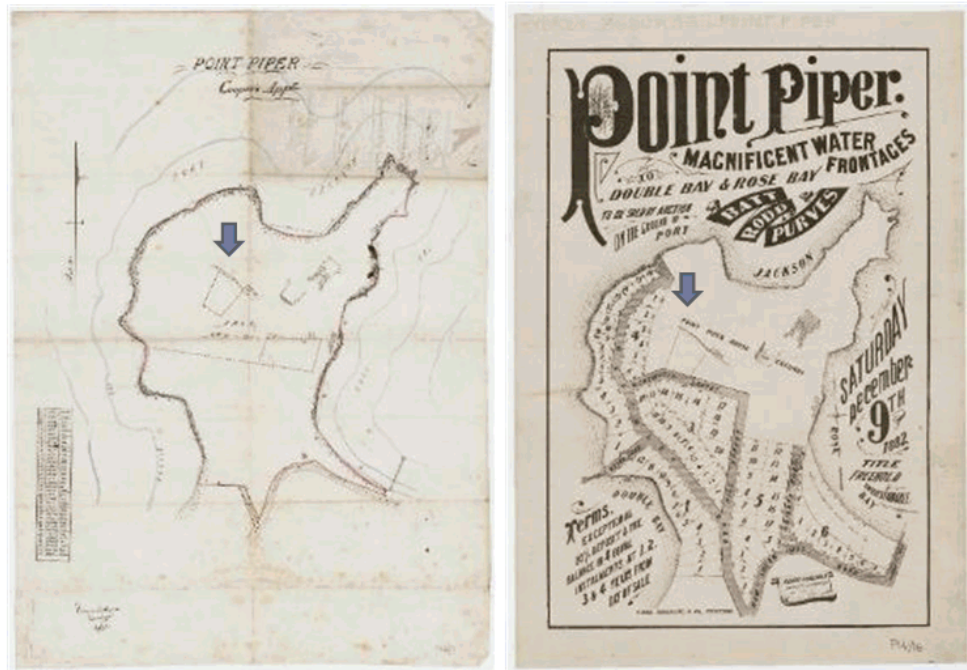


Figure 6: (L) *Point Piper, Coopers' Appn. [Sketch plan] - New South Head Rd, 1882*. Source: SLNSW Mitchell Map Collection 009 - Z/SP/P14/9; (R) *Point Piper magnificent water frontages, Double Bay & Rose Bay - Wentworth St, Wolseley Rd, New South Head Rd, 1882*. Source: SLNSW 016 - Z/SP/P14/16. Approximate location of site shown with an arrow (Annotation, WMC Officer).

<sup>8</sup> Broomham, R. 2006. *Point Piper Thematic History* p.3

### 3.3 30 Wyuna Road, Point Piper

This sections provides a history of the development of the site including the key subdivisions to create the present allotment and establishment of the existing dwelling house on the site.

#### 3.3.1 Woollahra Point Estate

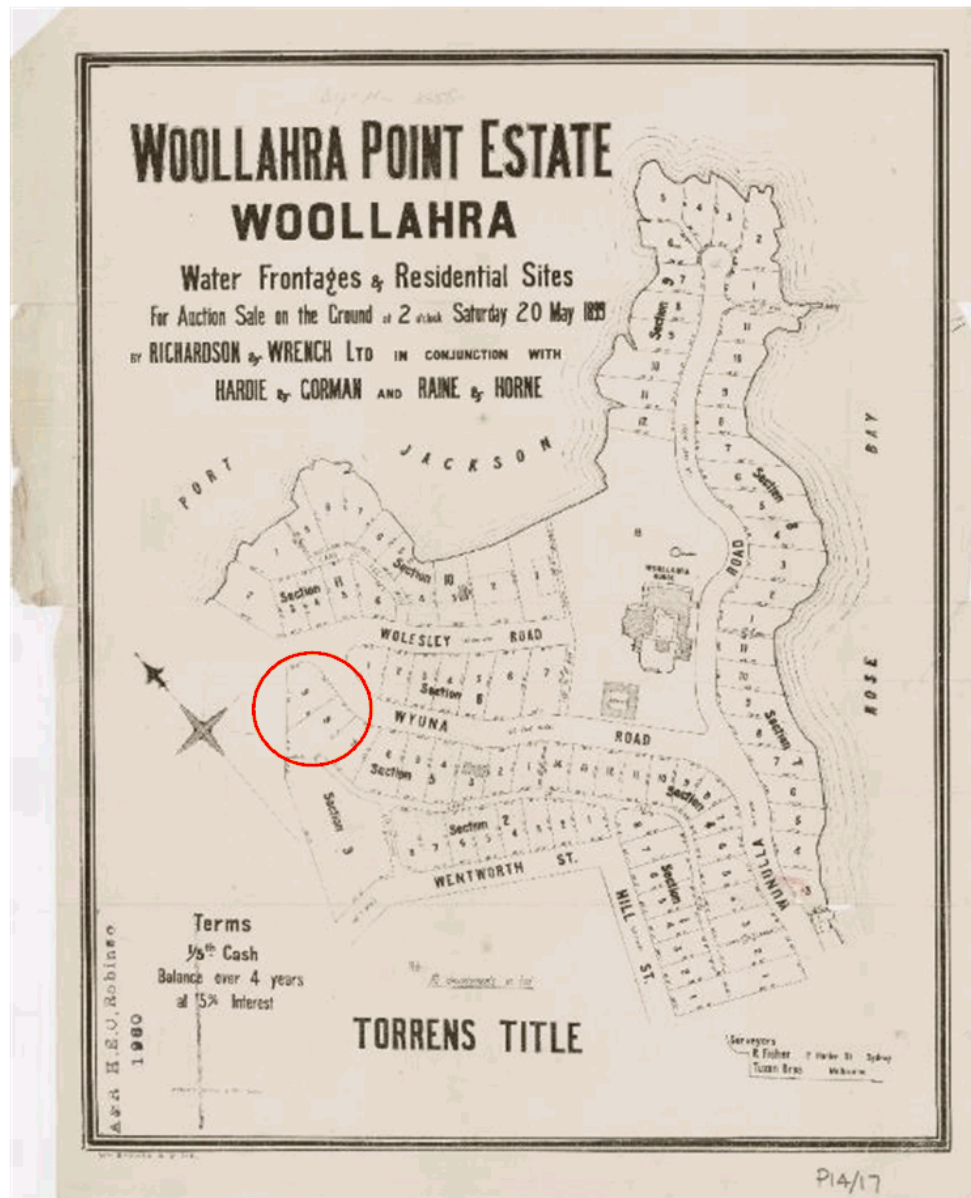


Figure 7: Woollahra Point Estate 1899 subdivision. The subject site is located on part of Lots 8 and 9, shown circled. (Source: SLNSW Mitchell Map Collection, 009 - Z/SP/P14/17. Annotation: WMC Officer.)



30 Wynua Road is located on part of the Woollahra Point Estate subdivision that was offered for sale in 1899. The location of the subject site is shown in Figure 7 as being over part of Lots 8 and 9 in Section 5 (circled in red). By 1902, Colin James McMaster had acquired Lots 7, 8 and 9 of Section 5 of the Woollahra Point Estate subdivision, which he subdivided in 1918 into 3 lots - A, B and C (Figure 8). The subdivision, which was approved by Council on 9 September 1918, shows a building already present on Lot B (the description of 'Land & impts' appears in the WMC Rate Book in 1905). 30 Wynua Road forms part of Lot 'A' of McMaster's subdivision (and part of Lots 8 and 9 of the 1899 subdivision).<sup>9</sup>

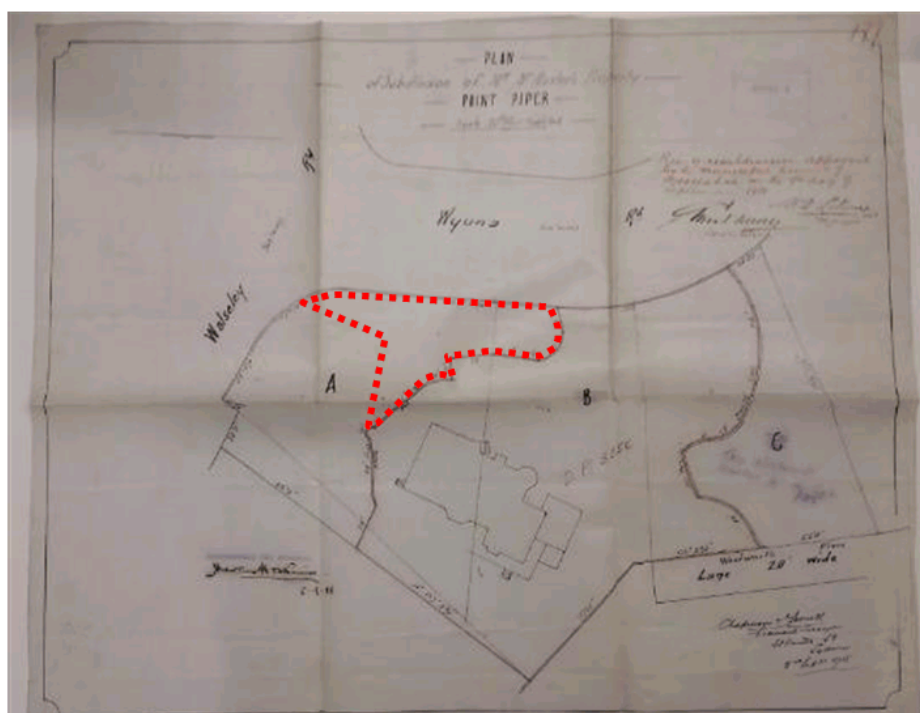


Figure 8: 'Plan of subdivision of Mr McMaster's Property' approved 9th September 1918. Subdivision No. 177, with current site boundary shown dotted. (Source: Woollahra Local History Collection MS135 WMC Subdivision Plans. Annotation: WMC Officer.)

Lot 'A' remained in the ownership of Colin McMaster until c1923 when it was transferred to a Mrs Edith Robinson. By 1933 the WMC Rate Book entry for Lot A shows a new owner Mrs Macrae. In 1932 A. Macrae, noted incorrectly in the Building Index Cards as "Macral", made an application to Council (BA1932/96) to build five flats and five garages on Lot A, referred to as Cnr. Wolseley Road (Figure 9).<sup>10</sup> The flats were later listed with the name "Witherington" and the rate books from 1938 refer to two additional owners identified as Amy Martha Cecelia Pitt, and Mrs Marie Dorothy Witherington. The architect was E. Pitt.<sup>11</sup> The completed residential flat building is visible in a 1930s aerial photo of the locality (Figure 11).

<sup>9</sup> Double Bay Library Local History File - 30 Wynua Road, Point Piper. 27 January 2018.

<sup>10</sup> Woollahra Municipal Council Building Index Cards - Yellow Series

<sup>11</sup> Double Bay Library Local History File - 30 Wynua Road, Point Piper. 27 January 2018.

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	MACRAE, 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	

Figure 9: Building Application for Lot A, cnr. Wolseley Road. (Source: WMC Building Index, yellow cards. Annotation: WMC Officer.)

In 1940 an entry for the re-subdivision of 'Witherington' appears in the index of WMC Subdivision plans. The new parcel of land appears on the plans as Lot E, now known as 30 Wyuna Road (Figure 10). Amended plans were finally approved in October 1941 and contain annotations relating to a triangular portion of the property, adjacent to 91 Wolseley Road, where there were, at the time, garages for the flats at 91 Wolseley Road 'underneath' Lot 'E'. The plans also refer to the transfer of ownership of Lot 'E' to Miss Jean Macrae and were signed by the three owners and Jean Macrae. The applicant is recorded as C. C. Phillips.<sup>12</sup>

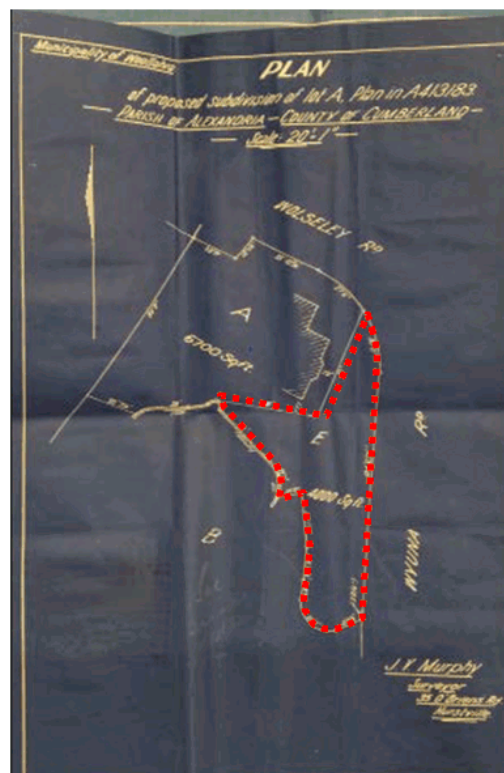


Figure 10: 'Plan of proposed subdivision of lot A' Subdivision No: 1508, with subject site shown dotted. (Source: WMC Subdivision Plans - Woollahra Local History Collection MS135 Box 14. Annotation: WMC Officer.)

<sup>12</sup> Double Bay Library Local History File - 30 Wyuna Road, Point Piper. 27 January 2018.



Figure 11: Aerial photo looking south east over Point Piper towards Rose Bay, c. 1930s. (Source: Government Printing Office 1 - 07354, Original negative held by State Archives & Records Authority of New South Wales. Approximate location of subject site is shown with an arrow. <http://archival.sl.nsw.gov.au/Details/archive/110102362>. Annotation: WMC Officer.)

### 3.3.2 Development of 30 Wyuna Road, Point Piper

A building application for a dwelling house at 30 Wyuna Road, Point Piper was made in January 1941 under BA41/9 made by a Mrs Macral [sic], with Joseland and Gilling listed as the architect.<sup>13</sup> The 'situation' of the site was described in the Building Register as '30 Wyuna Road Lot E Resub of "Witherington" Wolseley Road, Pt P [Point Piper]'.<sup>14</sup> The owner's postal address was 91 Wolseley Road.

While Lot E was created by the subdivision of 91 Wolseley Road, Point Piper, a subsequent plan of resubdivision identifying the subject site as Lot 2 was registered in 1974 (Figure 12).<sup>15</sup>

<sup>13</sup> WMC Building Applications Index (Green Series)

<sup>14</sup> Woollahra Register of Building Applications, BA1/1941, BA2/1941, BA3/1941, BA4/1941, BA5/1941, BA6/1941, BA7/1941, BA8/1941, BA9/1941, BA10/1941, 1941. Woollahra Local History Digital Archive

<sup>15</sup> WMC MAPS

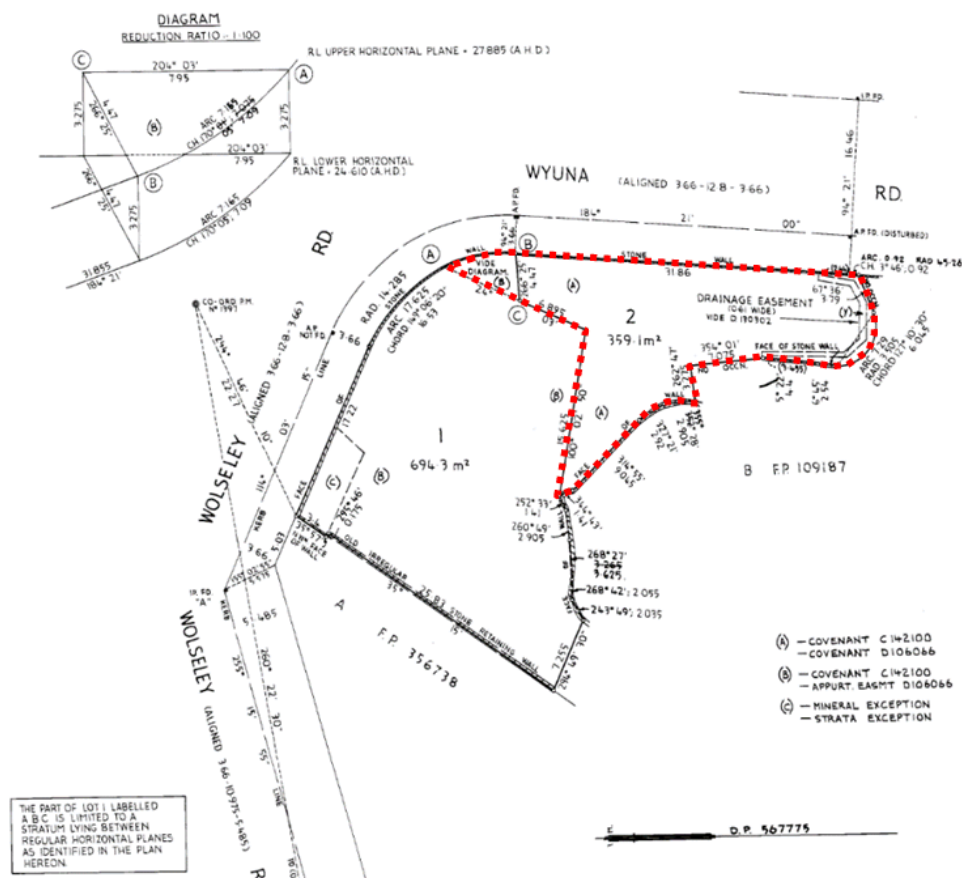


Figure 12: Extract from Deposited Plan 56775, with subject site shown dotted. (Source: WMC Maps. Annotation: WMC Officer.)

The dwelling house at 30 Wyuna Road was constructed in 1942 (Figure 14) by the builders Coleman & Kirk for Miss Jean Macrae.<sup>16</sup> In the 1942 Woollahra Council Rate Book there is a revision to the entry for 91 Wolseley Road ("Witherington"), showing an additional assessment (1015A) which describes the property as 'House' with owner Miss Jean Macrae.

<sup>16</sup> *Domestic Architecture in Australia*, p.78



Jean Macrae was schooled in London and lived there for a further two years while her husband, Dr. Charles Ewart, studied a postgraduate course in medicine.<sup>17</sup> Following her return to Sydney, Mrs Ewart featured in an article in the Sydney Morning Herald (Figure 14) describing the difficulties encountered during her time living in London in the mid-1940s. The property at 30 Wyuna was tenanted during this absence.

In the 1943 Woollahra Council Rate Book an entry for 30 Wyuna Road appears with Miss Jean Macrae as the owner, and the property described as 'House'. 30 Wyuna Road remained in the ownership of Miss Jean Macrae (later Mrs Jean Ewart) until at least 1968.<sup>18</sup>



Figure 13: Mrs Charles Ewart (Formerly Miss Jean Macrae) as quoted in the Sydney Morning Herald, 29 December 1948, p.5.

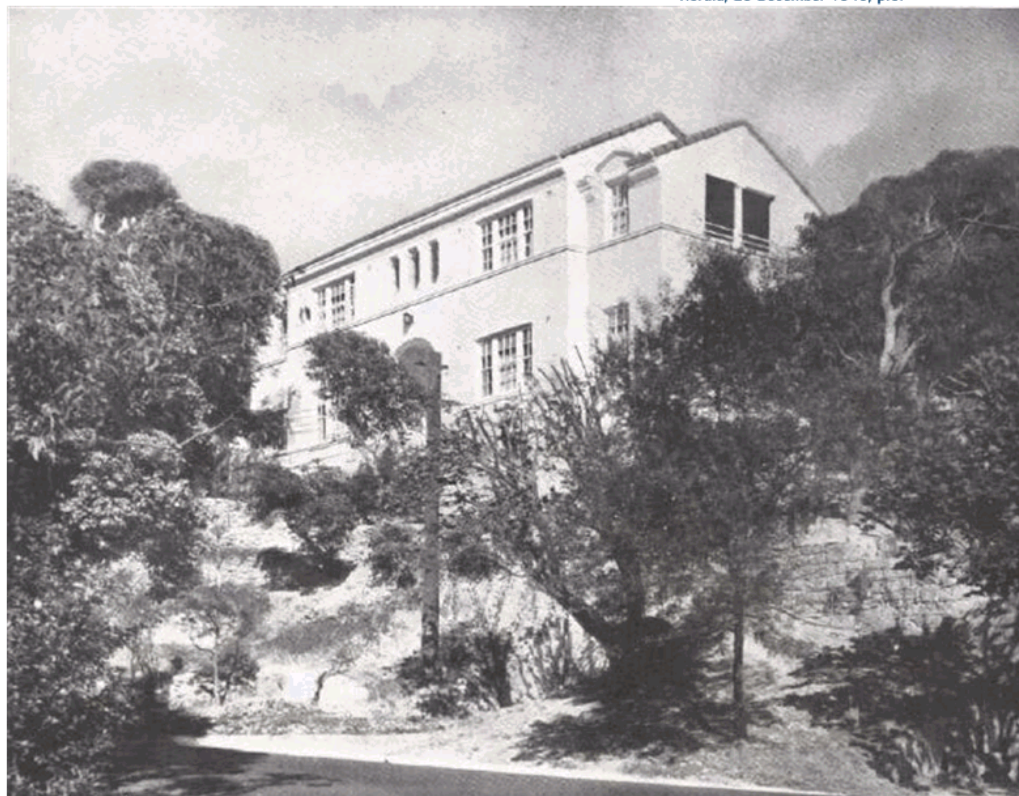


Figure 14: View of entrance front, 30 Wyuna Road, Point Piper (identified as 4 Wyuna Road). (Source: *Domestic architecture in New South Wales Australia illustrating the work of F. Glynn Gilling*, p.78)

<sup>17</sup> "This Week In Town" *The Sydney Morning Herald* (NSW : 1842 - 1954) 1 May 1947: 14. Web. 16 Oct 2019 <<http://nla.gov.au/nla.news-article18024379>>.

<sup>18</sup> Double Bay Library Local History File - 30 Wyuna Road, Point Piper. 27 January 2018.

### 3.4 Frederick Glynn Gilling (1877-1955)

This section provides an outline of the personal and professional history of the architect of 30 Wyuna Road, Frederick Glynn Gilling, including an overview of his life, and his works in the Woollahra Municipality and greater Sydney.

#### 3.4.1 Personal History

Frederick Glynn Gilling was born 10 July 1877 in the Parish of Ramsey on the Isle of Mann to James William Gilling and Dorothea Catherine Gilling (Nee Hewitt)<sup>19</sup>, the second-youngest of five children. By 1881, Dorothea was a widow and head of the family, and had moved to Wavertree, Lancashire with her children, aged 9, 7, 5, 3 (Frederick) and 2.<sup>20</sup>

In the 1901 England Census, Frederick Glynn Gilling is recorded as an “Architectural Draftsman”, 23 years old, living with his mother and three of his siblings.<sup>21</sup> He married Louisa Margaret Jennings in 1906 in Wirral.<sup>22</sup> In the 1911 England Census, he is identified as being 33 years old with an occupation of Architect & Surveyor, living in Pipers Lane, Heswall, Cheshire with his [then-] wife Louisa (28 years), and children Malcom Glynn (10 months) and Elaine Margaret (3 years). The marriage dissolved sometime thereafter. The 1939 Census identifies that Malcom went on to become a chartered registered architect, and an Associate of the Royal Institute of British Architects (A.R.I.B.A.).<sup>23</sup>

F. Glynn Gilling served with the Liverpool Regiment in France in World War I.<sup>24</sup> He emigrated to Australia following the war, arriving in Sydney via New Zealand.<sup>25</sup> Gilling’s second wife, Mrs Violet Gilling (nee McEwen) formerly of Gateshead-on-Tyne, travelled on the Mauretania to New York on 23 August 1918 with baby Ronald, 10 months.<sup>26</sup> At the age of 27 she travelled from Glasgow to Sydney with Ronald Andrew (5 years) and Douglas Lawrence (1½ years) on 2 June 1923 on the “Nestor”.

Ronald and Douglas Gilling both served in World War II and both went on to become prominent architects and join the architectural firm Joseland & Gilling with their father. Douglas designed the Qantas International Centre building in Sydney.<sup>27</sup> Ronald became the President of the Royal Australian Institute of Architects (RAIA) NSW Chapter then as National President. Ronald Gilling was heavily involved in the Sydney Opera House negotiations amid the controversy as the

<sup>19</sup> Isle of Mann Family History Society Birth Registration Index - Surnames beginning with G  
<http://www.iomfhs.im/resources/births/G.html>

<sup>20</sup> *Census Returns of England and Wales, 1881*. Kew, Surrey, England: The National Archives of the UK (TNA): Public Record Office (PRO), 1881. Accessed 23 September 2019 via Ancestry.com

<sup>21</sup> Ancestry.com. 1901 England Census [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2005.

<sup>22</sup> *England & Wales, Civil Registration Marriage Index, 1837-1915* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2006.

<sup>23</sup> Ancestry.com. 1939 England and Wales Register [database on-line]. Lehi, UT, USA: Ancestry.com Operations, Inc., 2018.

<sup>24</sup> Ancestry.com. *British Army WWI Medal Rolls Index Cards, 1914-1920* [database on-line]. Provo, UT, USA: Ancestry.com Operations Inc, 2008.

<sup>25</sup> Don Bailey, 2005, *Obituary: An Institution Vale Ronald Andrew Gilling, 1917-2005*

<https://architectureau.com/articles/obituary-19/>

<sup>26</sup> *Passenger Lists of Vessels Arriving at New York, New York, 1820-1897*. Microfilm Publication M237, 675 rolls. NAI: 6256867. Records of the U.S. Customs Service, Record Group 36. National Archives at Washington, D.C. accessed via ancestry.com 23 September 2019.

<sup>27</sup> Tanner Kibble Denton Architects, *Modern Movement in Central Sydney*, Issue C, January 2018.

<https://meetings.cityofsydney.nsw.gov.au/documents/s19647/Attachment%20B%20-%20Modern%20Movement%20Architect%20in%20Central%20Sydney%20Heritage%20Study%20Review.pdf>



representative of the architectural profession, and he “earnestly sought to ensure the retention of Utzon, so that the integrity of the design be maintained and fair dealing be done”.<sup>28</sup>

F. Glynn Gilling was first registered in the NSW Government Gazette Register of Architects on 26 June 1923 as Registered Architect No. 146.<sup>29</sup> Gilling was involved in the architectural community, serving on the Council of the Australian Institute of Architects in the 1920s with contemporaries including Professor Leslie Wilkinson and B. J. Waterhouse, and playing in the annual Architects v. Builders cricket match in 1922 (Figure 15). He was also involved in the wider community, as evidenced when as Captain F. Glynn Gilling he was elected president of the newly formed British Ex-Service Legion of Australia in 1940, with the branch using the Joseland & Gilling premises at 17 O’Connell Street, Sydney until clubrooms could be acquired.<sup>30</sup>

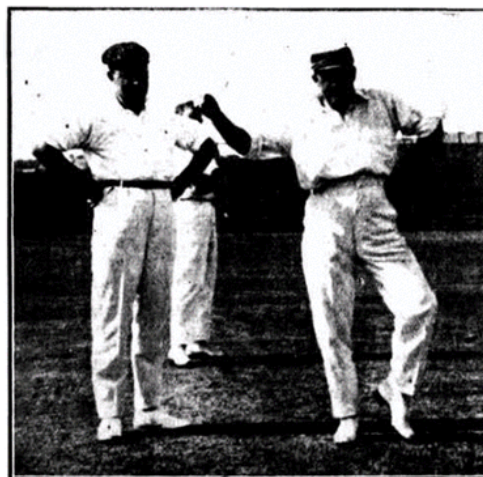


Figure 15: “We won” Snapped at the Architects-Builders’ Cricket Match. Pictured with B.J. Waterhouse, Glynn Gilling (right) is “particularly happy” and contributed a score of 37. (Source: “THE ARCHITECTS” Construction and Local Government Journal (Sydney, NSW : 1913 - 1930) 15 March 1922: 5. Web. 20 Sep 2019. < <http://nla.gov.au/nla.news-article109641722> > .)

The censuses and electoral rolls tell the story of F. Glynn Gilling’s movements around the greater Sydney area.

- 1930 - Holmwood. Jersey Avenue, Leura (with Violet Gilling)
- 1933 - 75 Braeside Street Wahroonga<sup>31</sup>
- The 1936 Census has Frederick Glynn Gilling as living at 49 Fox Valley Road, Wahroonga, - (Item I920 KLEP2015)
- 1943 - Lindon Lea, Karoon Avenue, St Ives (Ronald Andrew at 49 Fox Valley Road, student)
- 1949 - 49 Fox Valley Road, with Ronald Andrew, and Caroline Mary Henty. Vie (Violet) is registered at Blackheath at “Highlands”, Canyon Road.
- 1954 - 49 Fox Valley Road, with Ronald Andrew, and Caroline Mary Henty

Frederick Glynn Gilling died on the 8th of September 1955, in Blackheath, Katoomba.<sup>32</sup> Violet continued to live in Blackheath until 1963 when she relocated to Church Point.

<sup>28</sup> Don Bailey, 2005, *Obituary: An Institution Vale Ronald Andrew Gilling, 1917-2005*

<https://architectureau.com/articles/obituary-19/>

<sup>29</sup> “ARCHITECTS ACT, No. 8, 1921.—ARCHITECTS ROLL, OF NEW SOUTH WALES FOR THE YEAR 1927.” *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)* 28 January 1927: 518. Web. 13 Sep 2019 <<http://nla.gov.au/nla.news-article220228181>>.

<sup>30</sup> 1940 ‘BRITISH EX-SERVICE LEGION.’, *The Sydney Morning Herald* (NSW : 1842 - 1954), 26 July, p. 3. , viewed 20 Sep 2019, <http://nla.gov.au/nla.news-article17689017>

<sup>31</sup> Australia, *Electoral Rolls, 1903-1980* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2010.

<sup>32</sup> *Australian Institute of Architects NSW Architects Biographical Information - Frederic Glynn GILLING*. Last updated 25 July 2011.(HPE18/150403)

### 3.4.2 Professional History

Joseland & Gilling was formed in 1919 when Richard George Howard Joseland took the English-trained architect Frederick Glynn Gilling into partnership. This new partnership followed the dissolution of the Joseland & Vernon partnership with Hugh Venable Vernon (1877-1935, son of NSW Government Architect and former partner Walter Liberty Vernon) following Vernon's enlistment in 1914.<sup>33</sup>

In addition to the dwelling houses they designed at the time, Joseland & Gilling won the contract for the rebuilding of the National Building, Pitt Street, Sydney after it was destroyed by fire. At cost of 100,000 and a height of 13 storeys, this was reported on the Sydney Morning Herald as "A large city job".<sup>34</sup> This building is identified in the State Heritage Inventory as an Inter-War Commercial Palazzo style building and states "It is an important building in the professional work of the architectural firm of Joseland & Gilling. The building has a high aesthetic significance as a fine and largely intact example of the style and includes many of the identifying elements such as the arched windows, antique cornice and terrazzo plasterwork."<sup>35</sup>

When Joseland retired in 1927, the business was dissolved as of 13 June, 1927, with *Dun's Gazette* reporting that "F. G. Gilling continues the business under the same name and assumes all liabilities".<sup>36</sup> Gilling's two sons later joined the firm as partners; Ronald Andrew in 1947, and Douglas in 1951.<sup>37</sup>

F. Glynn Gilling is identified in Apperley et al *Identifying Australian Architecture* as a key practitioner of the Inter-war Mediterranean styles along with Leslie Wilkinson, who authored the foreword of the publication "Domestic Architecture in New South Wales". Examples of Gilling's work are given in *Identifying Australian Architecture* to demonstrate the Inter-war Mediterranean style as well as the Inter-war Old English style, which highlights the influential role of his architectural practice.<sup>38</sup>

Gilling designed a series of substantial villas on the upper North Shore and in the eastern suburbs of Sydney, with many of these being in the Woollahra LGA.<sup>39</sup> Many of these are identified in the book *Domestic Architecture in New South Wales, Australia : Illustrating the work of F. Glynn Gilling*.<sup>40</sup> In the foreword, Emeritus Professor Leslie Wilkinson, the late Dean of the Faculty of Architecture at the University of Sydney, said the following of the works of Gilling contained within:

*"Wisely placed on the site and related to the garden, these houses show an appreciation of the importance of convenient planning, and consideration of aspect, prospect, and climate conditions. Although the work of one architect, the individuality of the client has not been submerged, which may or may not have been advantageous in the result. Here is good logical use of various materials, also clever handling of the varied and sometimes unusual problems presented by the owners who are the fortunate possessors of these livable and attractive living places."*<sup>41</sup>

<sup>33</sup> Goad, Phillip and Willis, Julie (eds), 2012. "Joseland, Howard" *The Encyclopaedia of Australian Architecture* p.375

<sup>34</sup> "A LARGE CITY JOB." *The Sydney Morning Herald (NSW : 1842 - 1954)* 31 January 1923: 11. Web. 20 Sep 2019 <<http://nla.gov.au/nla.news-article28079775>>.

<sup>35</sup> *State Heritage Inventory* "'National Building' and Interiors"

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2424046>

<sup>36</sup> *Dun's gazette for New South Wales* Sydney: Dun's Gazette, 5 March 1928, p172. Web. 13 September 2019

<http://nla.gov.au/nla.obj-838832524>

<sup>37</sup> Gary O'Reilly, *F. Glynn Gilling Architect* Museum of Sydney 14 July 2007, provided by Michael Gunn, Heritage Officer, Australian Institute of Architects via email, 25/09/2019.

<sup>38</sup> Apperley, Irving, and Reynolds, 1989. *A Pictorial Guide to Identifying Australian Architecture: Styles and Terms from 1788 to the Present*.

<sup>39</sup> Goad, Phillip and Willis, Julie (eds), 2012. *The Encyclopaedia of Australian Architecture*.

<sup>40</sup> Thompson, E. Lindsay c.1940s, *Domestic Architecture in New South Wales, Australia : Illustrating the work of F. Glynn Gilling*, Shakespeare Head Press, Sydney. <https://trove.nla.gov.au/work/6151944>

<sup>41</sup> *Domestic architecture in New South Wales, Australia : illustrating the work of F. Glynn Gilling* p.5

As a firm, Joseland & Gilling designed residential, commercial and civic architecture both in NSW and further afield. The firm designed numerous ANZ bank branches throughout suburban Sydney and country districts in the modernist style.<sup>42</sup> The Pacific Private Hospital in Brighton-le-sands that is attributed to Joseland and Gilling (builder: H. E. Bulbrook & Sons) was featured in *Decoration and Glass* in 1938.<sup>43</sup> Joseland & Gilling & Associates are also identified as having won an NSW RAIA Merit Awards (Public/Commercial) for the South British Insurance Co Building, Hunter and O'Connell Streets, Sydney.<sup>44</sup>

With Gordon King, Joseland & Gilling designed residential flat buildings, including those in Kirribilli and North Sydney in the 1940s.<sup>45</sup> They also entered design competitions such as the war memorial hall for the Melbourne Grammar School in 1921 where they were highly commended<sup>46</sup>, and in 1954 when they were successful in the architectural design competition for the construction of the Scots College War Memorial Hall to commemorate the 105 old boys killed in World War II.<sup>47</sup> Joseland & Gilling teamed up with the NSW Government Architects Office led by E.H (Ted) Farmer in 1964 to produce the design for the Wollongong Teacher's College, a building identified on the Australian Institute of Architects Register of Significant Buildings in NSW.<sup>48</sup>

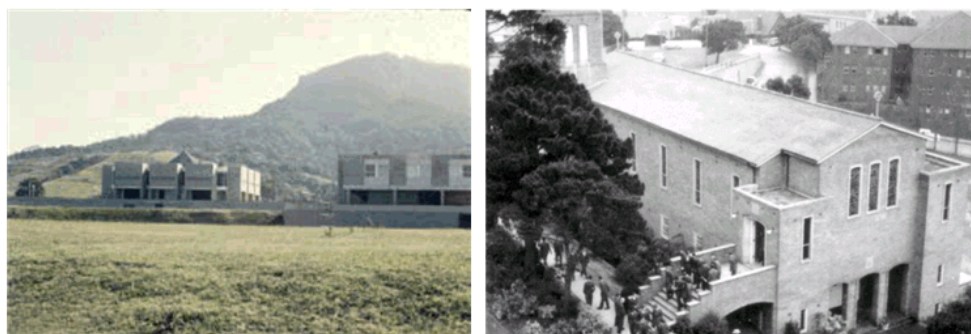


Figure 16: (L) Wollongong Teachers College (Source: Wille, P., New South Wales. Department of Works & Joseland & Gilling, 1950. *Wollongong Teacher's College at foot of Mt. Keira. Wollongong. N.S.W. - Joseland & Gilling and N.S.W. Govt. Architect. 1965-66. Public Works Dept. 1964. [picture].* Accessed via <http://handle.slv.vic.gov.au/10381/362293>) (R) War Memorial Chapel, The Scots College (Source: John Oultram Heritage & Design, Stevenson Library, The Scots College Heritage Impact Statement, May 2018)

### 3.5 Coleman & Kirk Pty Ltd

B. H. Coleman & Kirk Pty Ltd is a building company that was active in Sydney in the 1930s and 1940s with offices directly opposite Joseland & Gilling at 12 O'Connell Street, Sydney. The firm

<sup>42</sup> 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/ModernHeritage5.pdf>

<sup>43</sup> "Modern Architecture and Modern Equipment in Seaside Hospital" In *Decoration and Glass*, September 1938, pp. 22-23

<sup>44</sup> Jackson, Davina (undated) *Timeline - Chronology of Sydney Architecture 1945-1975* <http://douglas-snellings.com/timeline/> accessed 20 September 2019

<sup>45</sup> Building North Sydney Collection, Building application numbers 48/78, 48/97, 48/184.

<http://www.photosau.com/StantonBuildingPlans/scripts/home.asp>

<sup>46</sup> 1921 'Architects and Builders', *Construction and Local Government Journal* (Sydney, NSW : 1913 - 1930), 30 November, p. 6. , viewed 20 Sep 2019, <http://nla.gov.au/nla.news-article108986433>

<sup>47</sup> "Scots College Memorial Chapel" *The Sydney Morning Herald* (NSW : 1842 - 1954) 19 October 1954: 12. Web. 20 Sep 2019 <<http://nla.gov.au/nla.news-article18447064>>.

<sup>48</sup> Australian Institute of Architects, *Australian Institute of Architects Register Of Significant Buildings in NSW* [https://repository.architecture.com.au/download/notable\\_buildings/nsw/raia-nsw-chapter-register-of-significant-buildings-july-2018-lr.pdf](https://repository.architecture.com.au/download/notable_buildings/nsw/raia-nsw-chapter-register-of-significant-buildings-july-2018-lr.pdf)



was often identified in *Construction* magazine as the builders of residential and commercial buildings throughout Sydney.<sup>49</sup> Examples of their work include:

- Waugh & Josephson industrial buildings former - Inter-war Functionalist Showroom and offices and workshop, including interiors - a listed heritage item under the Marrickville Local Environmental Plan 2012, Item I280 (Figure 17).<sup>50</sup>
- Taloil Industries Pty Ltd building in Matraville designed by architects Crane & Scott (Figure 18).<sup>51</sup>
- Residential flat building "Block No. 2 - McMahon's Point, Sydney" designed by A. M. Bolot (Figure 19).<sup>52</sup>



Figure 17: Former Waugh & Josephson industrial buildings (Source: OEH website)



**TALOIL INDUSTRIES PTY. LTD.**  
234 BUNNERONG ROAD, MATRAVILLE, SYDNEY.  
Architects: Crane & Scott. Builders: B. H. Coleman & Kirk Pty. Ltd.

Figure 18: Taloil Industries Pty Ltd building (demolished)

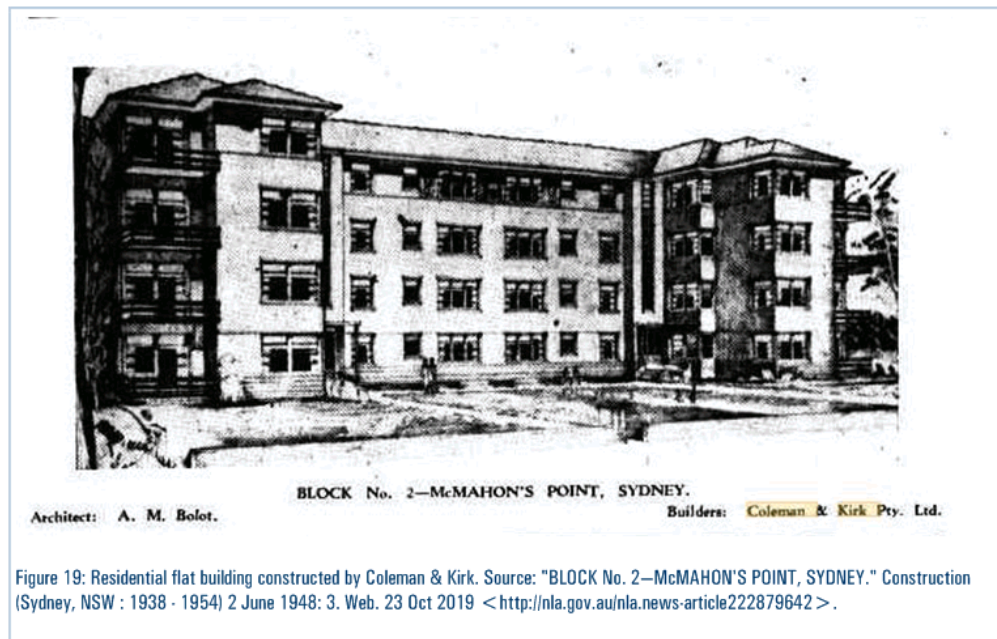
<sup>49</sup> "BUILDINGS AND WORKS APPROVED" *Construction* (Sydney, NSW : 1938 - 1954) 15 May 1940: 2. Web. 23 Oct 2019 <<http://nla.gov.au/nla.news-article222858499>>

<sup>50</sup> OEH, 2017. *Waugh & Josephson Industrial Buildings (Former)*

<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageltemDetails.aspx?id=2030123>

<sup>51</sup> "TALOIL INDUSTRIES PTY. LTD. 234 BUNNERONG ROAD, MATRAVILLE, SYDNEY." *Construction* (Sydney, NSW : 1938 - 1954) 22 September 1948: 2. Web. 23 Oct 2019 <<http://nla.gov.au/nla.news-article222880539>>.

<sup>52</sup> "BLOCK No. 2—McMAHON'S POINT, SYDNEY." *Construction* (Sydney, NSW : 1938 - 1954) 2 June 1948: 3. Web. 23 Oct 2019 <<http://nla.gov.au/nla.news-article222879642>>.



## Part 4 Physical analysis

### 4.1 Site inspection

A site inspection of the general setting of the site was conducted by Kristy Wellfare (Strategic Heritage Officer) on 30 September 2019. A site inspection of the interior, exterior and general setting of the site was conducted by Shona Lindsay (Heritage Officer) on 30 August 2019 as part of the assessment of development application DA2019.252. Except where otherwise noted, all photos were taken by Shona Lindsay, Heritage Officer.

### 4.2 The building

The building is a two-storey Inter-war Mediterranean style dwelling house with basement level store room constructed of light rendered brickwork on a rock faced sandstone base (Figure 20). The site features a single garage excavated into the site at street level, which is also made of rock-faced sandstone with an arched entry. The dwelling house is set on a small, irregular-shaped site, elevated approximately 10m above street level and includes sandstone stairs and pathways and established landscaping (Figure 21).

The ground floor consists of an entry hall, cloak room with w.c. located beneath the main curved stair with wrought iron balustrade, living room with attached sitting room (accommodated in the northern bay), dining room, kitchen, and former maid's quarters. The first floor consists of three bedrooms, main bathroom and separate w.c., and shower room to the southern end. The main bedroom located at the northern end of the first floor features doors leading out to a sunroom created from the enclosure of the original sleepout, a relatively common feature of dwellings of that era and of those dwellings designed by Gilling.

The lower ground floor consists of a small room that, based on the information available, appears to be used for laundry/storage.





Figure 20: Northeast view of the front of the dwelling house from Wyuna Road

Figure 21: Southeast view of the dwelling house from Wyuna Road

#### 4.3 30 Wyuna Road – Exterior

The exterior of the dwelling features a central formal entry to the eastern façade, defined by a moulded arched opening with decorative fanlights, leadlight side lights and wrought iron gates. The walls are smooth rendered and painted white with white enameled windows. The render is largely intact however, the paint finish to the walls and windows is in need of maintenance and there is evidence of both biological growth and staining from prior fixtures, no longer attached.

The roof is a 3-bay pitched roof with gable end comprising a main central bay making up the majority of the building with two subservient bays. The gable ends include simple geometric decoration. The roof is clad in green terracotta Roman tiles with green half-round tiles to the gable edge and is penetrated by a pointed arch chimney servicing the living room fireplace (Figure 24). The roof also features inset dormer-style roof projections in the two end bays, with 6+6 pane timber framed double hung windows. The original plans included concealed guttering, however, photos of the site indicate that additional guttering has been installed to the eaves soffits.

Windows on the ground floor level are arranged symmetrically on the main (eastern) façade, with groups of three windows, comprising 4+4/6+6/4+4 timber double hung sash windows, servicing the main rooms and 6+6 double hung sash windows to the two two-storey end bays and ground floor level maids room.

The rear (western) elevation features fewer window openings, mostly servicing the circulation areas such as the tall decorative leadlight to the stairwell and first floor level hallway, and the ground floor level servery. The western elevation also included a decorative leadlight highlight window to the main bedroom above the dressing nook.

The northern elevation includes ground floor level 4/4+6/6+4/4 window groups, and originally included an open sleep-out that has been glassed in. The southern elevation has no obvious window openings and one simple wooden door.



Figure 22: View of the northern end of the Wyuna Road (eastern) elevation of the dwelling.



Figure 23: View of the site from the south-east, over the driveway servicing 26 Wyuna Road.



Figure 24: Aerial view of the green tiled roof with pointed arch chimney, c.2019. (Source: <https://www.realestate.com.au/sold/property-house-nsw-point-piper-126795202>)





Figure 25: View of the decorative entry arch, with carriage light above, string course and bathroom/w.c. openings at first floor level above.



Figure 26: View of the entry gates with doors and fanlight/sidelights beyond



Figure 27: View of the fanlight detail



Figure 28: Sidelight detail



Figure 29: View of ground floor level window grouping 4+4/6+6/4+4



Figure 30: View of the northern elevation, with glassed-in sleepout at the first floor level.



Figure 31: View of original concrete grille to the lower level store/laundry.



Figure 32: View of entry door to lower ground floor level and ground floor level sitting room above





Figure 33: Rust staining and biological growth on the external wall



Figure 34: Staining and biological growth on the external wall

#### 4.4 30 Wyuna Road – Interior

The interior of the dwelling features many original elements which are as specified in the original Building Application. The majority of rooms feature decorative patterned plaster cornices and single panel timber doors with differing levels of decoration depending on the use of the room. Key rooms such as the living room and master bedroom include integrated moulded light fittings (Figure 43, Figure 44) and rooms feature skirtings and architraves throughout. The master bedroom also features original joinery to the built-in dressing table and cupboards, and decorative leadlight with Moorish motif. The curved wrought iron balustrading to the curved main staircase and brick fireplace with decorative surround are key features of the interior and are design features that are characteristic of Gilling's work.

The bathrooms have had minor modifications, including new fixtures and fittings, but are generally original in their layout and with much of the original finishes and fittings extant. The kitchen retains its tiled dado and purpose designed refrigerator niche despite the interiors likely having been updated in the late 20<sup>th</sup> century. Carpet is present throughout the dwelling, excluding bathrooms and kitchens which feature tiles and vinyl flooring. The specifications for the original dwelling indicate spotted gum flooring to the entry hall and living room and cypress pine flooring throughout, which may remain beneath the current carpeted finish.<sup>53</sup> The interior joinery has been painted white. The Mediterranean design influence is found in the columns which are repeated in the sitting room and in the fireplace surround.

<sup>53</sup> Specifications, Building Application BA1941/9.





Figure 35: Internal view of the entry door, leadlight elliptical fanlight and decorative leadlight sidelights with plant motif.



Figure 36: Leadlight side light detail, interior view.



Figure 37: Main stair, with niche in the wall.



Figure 38: View of main stair, with leadlight opening visible.



Figure 39: Stairwell decorative leadlight opening.



Figure 40: Main stair decorative wrought-iron balustrade.



Figure 41: Detail of niche to main stairwell.



Figure 42: Detail of main stairwell curved base.



Figure 43: Decorative cornices and lighting in the main living room.



Figure 44: Moulded lighting and decorative cornices.



Figure 45: View of the original fireplace, including herringbone brickwork and moulded columns.



Figure 46: Detail of the mantle and moulded column.





Figure 47: View of the internal columns between living and sitting rooms.



Figure 48: Detail view of the column with "tower of the winds" capital.



Figure 49: Internal arched opening with servery beyond.



Figure 50: 6+6 windows to kitchen.



Figure 51: Original tiled refrigerator nook.



Figure 52: single 6 + 6 window to ground floor level.



Figure 53: Interior single panel moulded timber door, likely original.



Figure 54: Curved shower cubicle.





Figure 55: Internal bathroom finishes. Floor tiles are as per specifications.



Figure 56: Bathroom window with scalloped corners and tiled surround, likely original.



Figure 57: Jewel-headed taps and decorative spouts to bath, likely original.



Figure 58: The two decorative windows to the bathroom, the remainder of the group of 3 decorative windows to the street frontage.



Figure 59: decorative window to first floor w.c., one of the group of three central decorative window openings on the street elevation.



Figure 60: Master bedroom.



Figure 61: Built-in dressing table with leadlight window and overhead light, master bedroom.



Figure 62: Moorish motif leadlight hopper window above the dressing table.



Figure 63: Decorative overhead light to dressing table alcove.



Figure 64: Integrated lighting to master bedroom.

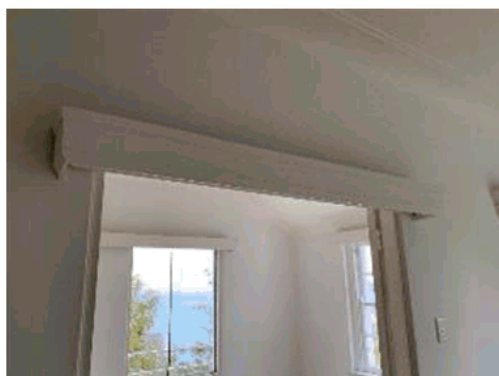


Figure 65: Opening from first floor level master bedroom to former sleepout.



Figure 66: North elevation glassed openings to former sleepout. Original cross-bars still extant.





Figure 67: Built-in cabinetry in the former sleepout. The slight angle of the floor and flashing indicates the former exposed nature of the space.



Figure 68: First floor level stair hall, looking south toward the shower room.



Figure 69: View down the main stair from the first floor level.



Figure 70: 4 + 4/6 + 6/4 + 4 window to first floor level bedroom 2 stair hall, looking south toward the shower room.



Figure 71: single panel door to bedroom 2.



Figure 72: First floor level laundry chute.



Figure 73: 6+6 window to bedroom 3.



Figure 74: First floor level shower room.



#### 4.5 Moveable heritage items

There is no indication that the site features any items of moveable heritage.

#### 4.6 Setting

The dwelling house at 30 Wyuna covers much of the site area, and is placed toward the curved southern end of the site. The footpath reserve between the property boundary and the Wyuna Road carriageway to the east of the site is deep, with a steep gradient. This footpath reserve is heavily vegetated with established and substantial trees and understory vegetation. The elevated nature of the site and the vegetation in the council footpath reserve, combined with the light external finishes, give the building the impression of floating above the street and in the canopy.

Significant views of the dwelling house are mainly available from Wyuna Road looking up from the roadway below to the north over the driveway of 26 Wyuna, and looking up and westward through the vegetation. Significant views of the site are also available from the neighbouring residential flat buildings to the northwest and west of the site, which mostly look down on the green roof and over the site to the views beyond. Significant views of the existing garage entry are only available from street level opposite the site due to the inset nature of the entry and the existing vegetation.

#### 4.7 Intactness

The Inter-war style dwelling house at 30 Wyuna Road, Point Piper is very intact when compared with the original approved plans and specifications on Council's file and historic photos of the site. It retains many of its original elements. Therefore making it a substantially intact example of an Inter-war Mediterranean style dwelling house designed by F. Glynn Gilling. It retains its original rendered brickwork exterior and plastered interior, green Roman tile roof, timber framed window arrangements, decorative leadlight elements including fanlight and side lights to the dwelling entry, stair and balustrade arrangements, interior bespoke joinery including the dressing table to bedroom 1, original wrought iron balustrade to the distinctive curved main stair, original timber framed double hung windows, original single panel interior doors and original first floor level main bathroom and w.c. arrangements, including curved shower element, with most of the wall tiling, fittings and fixtures extant. In the kitchen, the tiled refrigerator nook survives, as does the laundry chute. Interior decorative elements such as the "tower of the winds" columns, decorative cornices, and integrated lighting have also been retained.

The sandstone base of the building is intact, with the original elements such as the cement grille to the original laundry room still extant.

#### 4.8 Condition

The Interwar Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is in good condition. There are some areas on the exterior that appear to be in fair condition and require maintenance such as the eaves and gutters and exterior paintwork, however, the finishes appear intact and sound. The interior is generally in good condition, and the sandstone base course and garage appear to be generally in good condition.



Figure 75: The subject site as viewed from the driveway of 26 Wyuna (left of picture) to the south of the site.



Figure 76: Subject site as viewed from the east at street level.



Figure 77: View of damage to eaves likely from gutter failure/overflow.



Figure 78: Sandstone base is generally in good condition.

#### 4.9 Alterations and additions

A search of Council's records indicates that there has been no building applications or development applications made for the site since its construction, with the exception of the development application DA2019/252 which is currently under assessment. The development application was lodged on 12 July 2019 and the assessment was not finalized at the time of writing. The site has undergone some minor changes over time, including the enclosure of the

first floor level northern elevation sleep out, carpeting throughout, and minor changes to internal finishes in the kitchen and bathroom. However, these changes do not diminish the appreciation of the original layout.

Figure 79 to Figure 81 clearly demonstrate that the layout of the of the dwelling house remains largely untouched from its original design.

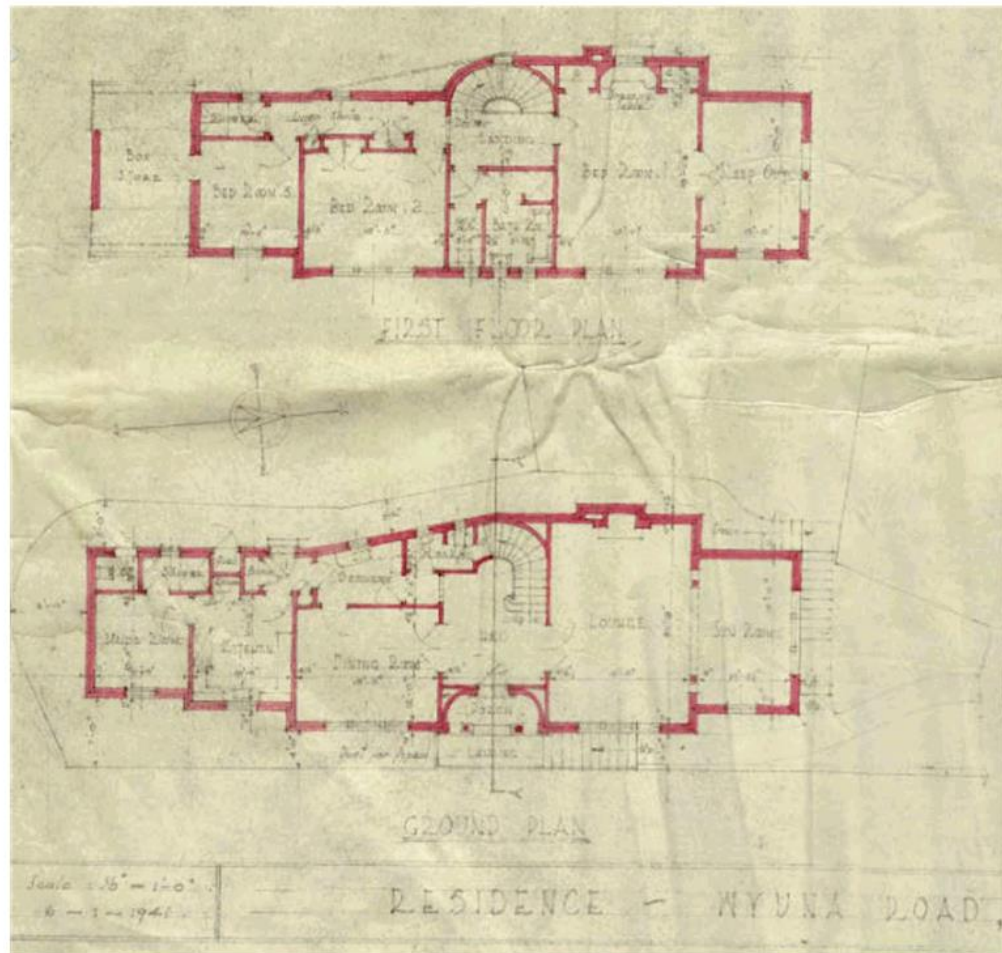


Figure 79: 1941 plan of proposed dwelling house at 30 Wyuna Road, Point Piper (Source: WMC)



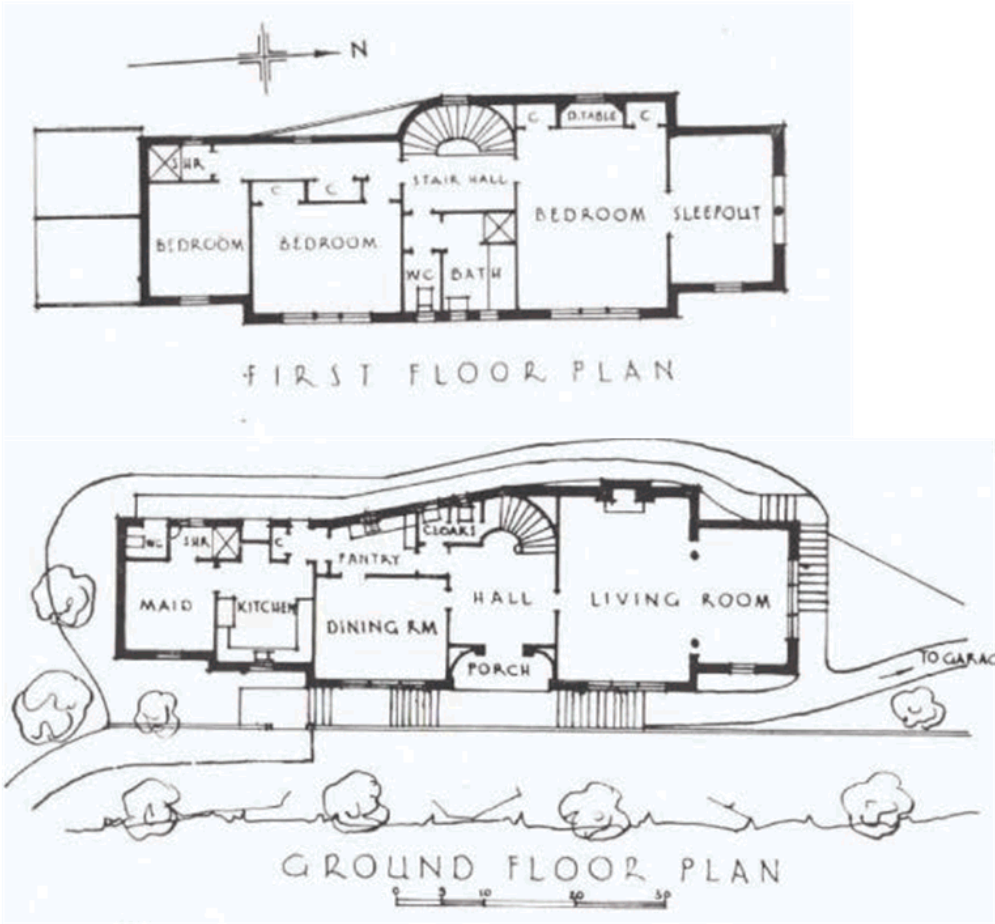


Figure 80: Floor plans, 30 Wyuna (identified as 4 Wyuna), c.1950s. (Source: *Domestic Architecture in Australia* p.78)

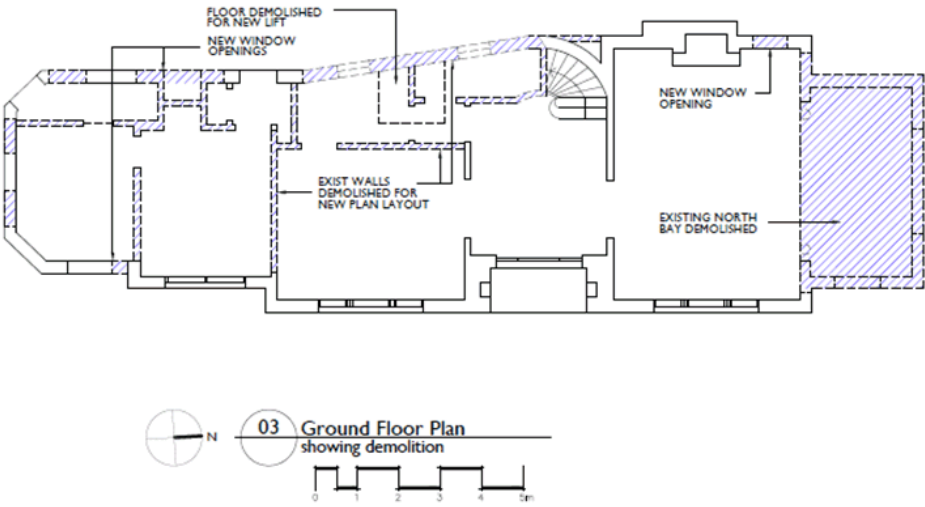
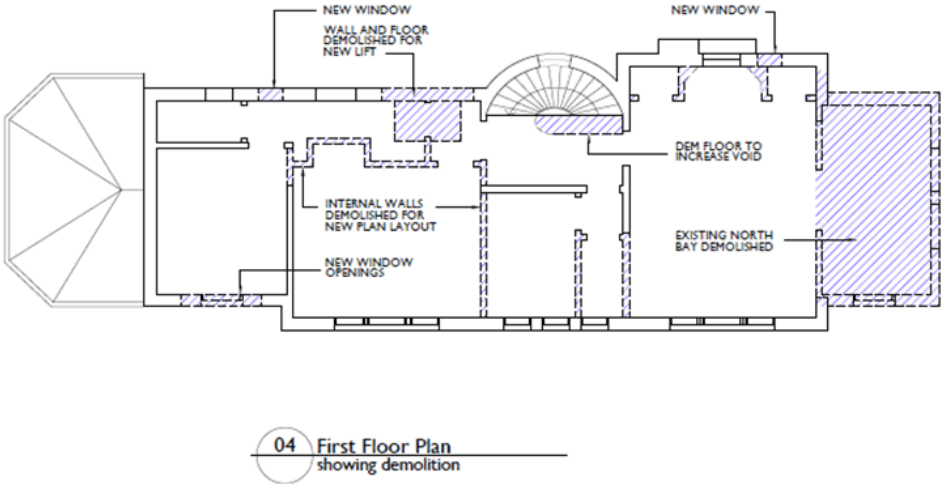


Figure 81: Current layout, ground and first floor level. Source: Demolition plan, DA2019/252



## Part 5 Comparative analysis

### 5.1 Introduction

This section provides a comparative analysis of Inter-war Mediterranean style dwelling houses designed by F. Glynn Gilling (Joseland & Gilling) in the Woollahra LGA, and greater Sydney area.

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 Heritage listed works of F. Glyn Gilling

There are two State significant sites associated with Joseland & Gilling, being 1) the commercial building being the former ANZ Bank building at 2 Martin Place where Joseland & Gilling designed the c.1950s additions [SHR 00085], and 2) the Inter-war Georgian Revival style dwelling house which forms part of the Wynstay Estate at Mount Wilson [SHR 01520], which was constructed to the design of Joseland & Gilling c.1920.<sup>54</sup> The 'Wynstay' residence is described in the State Heritage Inventory [SHI 5044800] as "a two storey, face sandstone building designed by Joseland & Gilling architects in the Inter-War Georgian Revival style. The original integrity and fabric of the building is superb."<sup>55</sup>

A search of the State Heritage Inventory online database indicates that there are 22 entries listed by Local Government Agencies where F. Glynn Gilling or Joseland & Gilling are attributed as designer/maker. Of these, one entry is for a Heritage Conservation Area where Gilling is identified as one of the contributing architects. Other listed buildings known to have been designed by Gilling but not attributed Gilling in the State Heritage Inventory have been included, where known.

Additional examples of F. Glynn Gilling's work are identified on the Australian Institute of Architects Heritage Register. Examples of Gilling's work are generally clustered in the eastern suburbs and north shore of Sydney. The following three tables outline the statutory and non-statutory heritage listed buildings designed by Gilling in the Sydney region. Table 1 identifies sites included on statutory heritage registers where Gilling is identified as the designer, Table 2 identifies Gilling buildings listed on the non-statutory Register of The National Estate, and Table

<sup>54</sup> State Heritage Inventory - Wynstay Estate [SHR 01520],  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5044800>

<sup>55</sup> State Heritage Inventory - Wynstay Estate [SHR 01520],  
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5044800>

3 identifies Gilling buildings listed by the Australian Institute of Architects Register of Significant Buildings.

Table 1: Gilling buildings included on statutory heritage lists in Greater Sydney

Name	Address	Significance	Listing
Wynstay	68-78 The Avenue, Mount Wilson	State	State Heritage Register [SHR 01520]
"National Building" Including Interior	248A-250 Pitt Street, Sydney	Local	Sydney Local Environmental Plan 2013
Amberleigh Manor	30 Billyard Avenue, Wahroonga	Local	Ku-Ring-Gai Local Environmental Plan 2015
Audley (1935)	37 Bangalla Street, Warrawee	Local	Ku-Ring-Gai Local Environmental Plan 2015 Art Deco Society (non-statutory) AIA
Bonnington - house, sandstone retaining wall and fences, fig tree	8 Victoria Road Bellevue Hill	Local	Woollahra LEP
Elizabeth Bay and Rushcutters Bay Heritage Conservation Area	Conservation Area	Local	Sydney LEP
Flat Building "Cahors" Including Interior	117 Macleay Street Potts Point	Local	Sydney LEP Art Deco Society of NSW
Former "Colonial Mutual Life Building" Façade	10A-16 Martin Place, Sydney	Local	Sydney LEP
Former Warehouse "Harry Lesnie Pty Ltd" Including Interiors	47-49 Murray Street, Pyrmont	Local	Sydney LEP
House, gardens	19 Gilliver Avenue, Vaucluse	Local	Woollahra LEP
House, gardens	25 Eastbourne Road, Darling Point	Local	Woollahra LEP
Item	142 Mona Vale Road, St. Ives	Local	Ku-Ring-Gai LEP
Lady Gowrie Retirement Village (Formerly Burnham Thorpe) (1936- 37)	10 Edward Street, Gordon	Local	Ku-Ring-Gai LEP RAIA
Lenana - residential flat building, iron gateposts and gates	1 Rosemont Avenue, Woollahra	Local	Woollahra LEP
Old Parsonage, (The)	20 Church Street, Burrawang	Local	Wingecarribee LEP
Pevensey	21 Ada Avenue, Wahroonga	Local	Ku-Ring-Gai LEP
Potts Point Heritage Conservation Area	Conservation Area	Local	Sydney LEP
Rothiemay	35 Fox Valley Road, Wahroonga	Local	Ku-Ring-Gai

Name	Address	Significance	Listing
Sherland Lodge - house and grounds	16 Kent Road, Rose Bay	Local	Woollahra LEP
St Augustine's Anglican Church	75 Shellcove Road, Kurraba Point	Local	North Sydney LEP
St Luke's Hospital Group including buildings and their interiors, sandstone gates, pillars and grounds	16-20 Roslyn Street, Elizabeth Bay	Local	Sydney LEP
Throlze - house, stone retaining wall	1 Victoria Road, Bellevue Hill	Local	Woollahra LEP
Villa D'Este - house, stone retaining wall	1A Victoria Road, Bellevue Hill	Local	Woollahra LEP
House and interiors, stone works, gardens	1 Fisher Avenue, Vaucluse	Local	Woollahra LEP
"West Tarring", dwelling house	49 Fox Valley Road, Wahroonga	Local	Ku-Ring-Gai LEP
"Rothiemay"	35 Fox Valley Road, Wahroonga	Local	Ku-Ring-Gai LEP

Table 2: Gilling buildings listed on the Register of the National Estate

Name	Address	Place ID
Audley (1935)	37 Bangalla Street, Warrawee	15869
Redleaf	8 Redleaf Avenue, Wahroonga	19422
Residence	1 Fisher Avenue, Vaucluse	100549
The Turkish Bath	68-78 The Avenue, Mount Wilson	102182

Table 3: Gilling buildings listed by the Australian Institute of Architects Register of Significant Buildings

Name	Address	AIA Register of Significant Buildings No.
Lady Gowrie Red Cross Home (1937)	10 Edward Street, Gordon	4700766
Audley (1935)	37 Bangalla Street, Warrawee	4700892
Woodside (1930)	60 Stanhope Road, Killara	4702350
Whit-Hame (1939)	12 Bangalla Street, Warrawee	4702947
Offices, W D & H O Wills Tobacco (1926)	Raleigh Park, Todman Avenue, Kensington	4700774
House (attributed to, undated)	154 The Boulevard, Strathfield	4702215
Cahors Apartments (1936)	117 Macleay Street, Potts Point	4700829
ANZ Bank and Offices (1965)	68 Pitt Street, Sydney	4702928

ANZ Bank (1967)	11 Hall Street, Bondi	4702714
Former Wollongong Teacher s College (in conjunction with NSW Government Architect, 1965)	Wollongong	4703101
Throlze (Formerly Daingen, c1935)	1 Trahlee Road, Bellevue Hill	4700699
Villa D'Este (1937)	1A Victoria Road, Bellevue Hill	4700700
Cotway (demolished, 1937)	3A Victoria Road, Bellevue Hill	4700701
House (1935)	6 Graylind Place, Vaucluse	4700878
Lenana Flats (1935)	1 Rosemont Avenue, Woollahra	4700896


During the course of the research undertaken as part of this assessment, a book on the works of F. Glynn Gilling was found, published circa 1950s. *Domestic Architecture in New South Wales: Illustrating the works of F. Glynn Gilling* by E. Lindsay Thompson features approximately 40 examples of the works of Gilling, most of which are located in the eastern suburbs or north shore. Items that are heritage listed are considered in the comparative analysis, with extant unlisted known Gilling buildings included where relevant. It is noted that many of these examples are not listed heritage items and remain unprotected.

The research conducted as part of this assessment also indicates that there are other buildings which may have been designed by F. Glynn Gilling, such as the heritage item at 142 Mona Vale Road St Ives which notes "F.G. Gillings?" as the designer/maker, and other buildings which exhibit design elements consistent with Gilling's attributed works. However, further investigation into these buildings to confirm the nature of his involvement is outside the scope of this assessment.

### 5.3 Works of F. Glynn Gilling in the Greater Sydney Region

The following comparative analysis examines a sample of heritage listed Inter-war Mediterranean style dwelling houses designed by F. Glynn Gilling in the Sydney region, which are listed on the NSW SHR, and various LEPs. The purpose of this comparative analysis is to gain an understanding of other comparable dwelling houses built in the same period and style as the dwelling house at 30 Wyuna Road, Point Piper.

Table 4 Comparative analysis of F. Glynn Gilling's domestic architecture

Site	Significance and contribution	Images
<p><b>"Wynstay"</b></p> <p>68-78 The Avenue, Mount Wilson</p>	<p>Wynstay is located at Mount Wilson in the Blue Mountains. The Inter-war dwelling house forms part of the item of State significance listed on the State Heritage Register [SHR 01520]. The site is listed as an item of State significance on the Blue Mountains LEP 2015 [Item MW001] as well as on the non-statutory heritage register of the National Trust [3507, 3511, 3513, 3514] and the Register of the National Estate [Interim - 101382; 101181].</p> <p><b>Statement of Significance</b></p> <p><i>The Wynstay Estate, settled c. 1875 by Richard Wynne and comprising the original cottage, Old Wynstay, The Stables, The Turkish Bath, The Lodge, Wynstay residence and a large area of picturesque gardens, represents an early and highly intact Hill Station landscape estate with a remarkable collection of buildings in diverse architectural styles and a rich collection of plantings befitting Wynne's vision of an English park.</i></p> <p><i>Wynstay has aesthetic significance as its character, planning, and the quality of the architecture and landscaping unashamedly and deliberately seeks to establish the qualities of affluence and opulence; a private 'retreat'. The architectural styles, use of materials and the functionality of the buildings, along with the rich plant collection from trees, to shrubs, perennials, climbers and bulb layers successfully create an idealised, romantic and sometimes fanciful recreation of an English rural estate.</i></p> <p><i>Wynstay has historic significance to the locality as one of the early European hill station properties on Mount Wilson and is rare as a relatively intact, large original hill station remaining in the same original family's ownership. Of particular importance is the presence of the first Gothic style cottage built by Richard Wynne, the larger Victorian cottage 'Yarrowa' / 'Old Wynstay', and the 1923 sandstone house that demonstrate progressive development of the site by the</i></p>	 <p>Figure 82: 'Wynstay', designed by Joseland &amp; Gilling and constructed c.1920. (Source: S Read, Heritage Division OEH, date unknown.)</p>

HPE: 19/83632

► 49



*Wynne family from the late 19th to the early 20th century. The garden elements such as the stone and wrought iron gates, crenellated rubble dry stone walling and stables, Turkish Bath House and collection of specimen trees, avenues, dell and sunken garden demonstrate extraordinary richness rare in gardens of this period. (National Trust, 1994, modified, Read, S., 2004)*

*Wynstay has historic significance due to its association and establishment by Richard Wynne, a prosperous merchant who became a prominent citizen of Victorian Sydney, whose descendants continue ownership of the property. (Register of National Estate (from nominators), modified Read, S., 8/2004).*

**Comparative analysis**

The Inter-war Georgian Revival dwelling house at Wynstay exhibits the restrained formality and exterior characteristics key to its style. In the significance assessment, Wynstay is identified as having aesthetic significance as a “handsome, robust example of inter war Georgian Revival architecture, designed by the prominent Sydney architectural firm, Joseland & Gilling” and includes design elements consistent with their the designs of this time, including the use of symmetry in the design and 12 pane double hung sash (6+6) windows.

**Amberleigh Manor**

30 Billyard Avenue,  
Wahroonga

Amberleigh Manor is located in Wahroonga and is identified as an item of local heritage significance in the Ku-ring-gai LEP 2015 (Item No. 827). The SHI does not offer a Statement of Significance for the site, however, the information available suggests that the dwelling house is a substantially intact two storey face brick dwelling house with brick quoins that exhibits design elements of the Interwar Georgian Revival style of the 1940s including symmetry and order in arrangements, quoins<sup>56</sup>, round-headed windows to ground floor and colonnade with classical columns. The dwelling house features a formal garden setting (Figure 83) including sandstone flagging with key vistas to the formal garden available from the formal lounge and entrance hall.

**Comparative analysis**

Amberleigh Manor is likely to have been constructed in the 1940s and is finished in face brick and is of a larger, grander scale than the subject site, set on expansive grounds. Amberleigh includes elements similar to 30 Wyuna Road architecturally, including the decorative sweeping staircase (Figure 85) and curved elements including entry portico. The dwelling also shares the upper floor level window arrangements, though the lower floor arched windows differ from the subject site.



Figure 83: Formal gardens at Amberleigh. (Source: <https://www.realestate.com.au/sold/property-house-nsw-wahroonga-109783996>)



Figure 84: Amberleigh front elevation. (Source: *ibid*)

<sup>56</sup> **Quoin** The external angle or corner of a building, particularly when emphasised or decorated. Blocks forming such angles are called *quoin-stones* or *quoin-bricks*. Source: *Identifying Australian Architecture*, p.283.

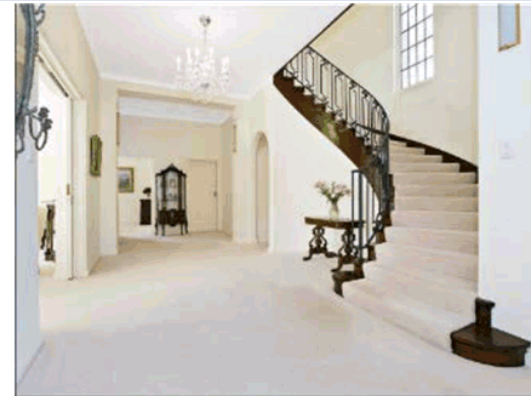


Figure 85: Curved stair at Amberleigh. (Source: ibid)

**Rothiemay/  
Rothiemore  
(1939)**

35 Fox Valley  
Road,  
Wahroonga

Rothiemay (Figure 86) is located in Wahroonga and is identified as an item of local heritage significance in the Ku-Ring-gai LEP 2015 (Item No. I916) (SHI 1880087).

**Statement of significance** “Reasons for listing; cultural, social, architectural, state significance.”

The 2015 Statement of Heritage Impact provides the following summary of heritage significance for Rothiemay:  
“Rothiemay is an impressive Inter-War Mediterranean house designed by F. Glynn Gilling, responding to the Hollywood fashions of the late 1930s. It has planning, design and detailing characteristics that are similar to Gilling’s best domestic works. The asymmetrical entry façade contrasts with the grander, near-symmetry of the garden front with its curved bay and Roman Doric terrace. The main interior space is the curved stair hall that leads to other major spaces with outwardly focused curved walls. The house remains on its original allotment subdivided in 1896. The house was built for Herbert Field Jnr, nephew of Thomas A Field,



Figure 86: Rothiemay following restoration, 2017. (Source: NBRSArchitecture.com)

*grazier and meat industrialist who built Mahratta nearby for himself. The gardens retain a driveway and mature planting from the early period, a geometric terrace at the rear built by later owner in the 1950s and a remnant of blue gum high forest at the north of the site.”<sup>57</sup>*

#### Comparative analysis

“Rothiemay” is of a similar overall architectural style as the interwar dwelling house at 30 Wyuna Road Point Piper, but is of an entirely different scale, being set on expansive grounds in the upper north shore. The two houses share a consistent design language that includes pointed arch chimneys, formal entry and use of decorative columns, the Moorish decorative motif in some of the windows, use of decorative leadlight glazing, 6+6 double hung windows at upper level and grouped 4+4/6+6/4+4 at ground floor level, internal arched openings (Figure 88) and glazing arrangements and use of shutters. The two buildings share a curved internal stair with wrought iron balustrading, however, Rothiemay has been restored to a timber stair finish (Figure 87).



Figure 87: Main stair with decorative balustrade and arched leadlight window. (Source: NBRSArchitecture.com)



Figure 88: Internal arched openings. (Source: NBRSArchitecture.com)

<sup>57</sup> NBRS and Partners, 2015, *Statement of Heritage Impact: Rothiemay 35 Fox Valley Road, Wahroonga*. Accessed via Ku-ring-gai Council DA tracker.

**Audley**  
37 Bangalla  
Road,  
Warrawee

“Audley” is located in Warrawee and is identified as an item of local heritage significance in the Ku-ring-gai LEP 2015 (Item No. 11021), the Royal Australian Institute of Architects (NSW Chapter) List of 20th Century Buildings Of Significance, and in the Register of the National Estate (Place ID. No. 15869).

**Statement of significance**

*Audley is a major example of the fashionable mixture of Georgian Revival and Mediterranean style features which occurred in domestic architecture during the 1930s under the influence of figures such as William Hardy Wilson and Professor Leslie Wilkinson. It has high technical and architectural quality and is generally unaltered externally (Criterion F.1). It is an example of the work of Joseland and Gilling, a noted Sydney firm of architects of that time (Criterion H.1). It shows the latter end of the tradition of large, stylistically conscious villas of the wealthy bourgeoisie which were prominent in the development of the upper north shore between the coming of the railway (1892) and World War Two and whose prominence has declined in the more recent decades because of rising property values and the saturation of development (Criterion A.4).<sup>58</sup>*

**Comparative analysis**

Audley is defined in the Dictionary of Sydney as a “mix of Georgian Revival and Mediterranean styles”.<sup>59</sup> Audley shares the green terracotta tile roof with 30 Wyuna Road, Point Piper. Other shared design elements include pointed arch chimneys, 6+6 windows with timber shutters, use of curved elements, decorative wrought iron, formal entry and use of decorative columns. The historic photos of the site indicate that the two buildings share a sweeping main stairway with decorative wrought iron balustrading. Built on a hillside in a prominent corner location, Audley includes the use of rock-faced sandstone base course to accommodate the site topography. While Audley is of a larger scale than the subject site due to its location on a large suburban allotment, it still displays characteristics and a design language that is consistent with 30 Wyuna Road.



Figure 89: “Audley” as viewed from Warrawee Avenue. (Source: Google Maps, 2013)

<sup>58</sup> Australian Heritage Database, *Audley*, c.1988 (Item 15869)

<sup>59</sup> *Audley*, n.d., <https://dictionaryofsydney.org/building/audley>






Figure 90: "Audley", Warrawee c.1950s. (Source: Domestic Architecture in Australia, p 98)

#### 5.4 F. Glynn Gilling works in Woollahra LGA

The following comparative analysis examines a selection of known examples of Inter-war Mediterranean style dwelling houses designed by F. Glynn Gilling in the Woollahra LGA, which are listed under Part 1 of Schedule 5 of the Woollahra LEP 2014. The purpose of this comparative analysis is to gain an understanding of other comparable examples of Gilling's works within the municipality built in the same period and style as the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper.

Table 5: Comparative analysis of Gilling Houses in Woollahra LGA

Site	Significance and contribution	Images
<b>Villa d'Este</b>  1A Victoria Road, Bellevue Hill	<p>Villa d'Este is identified as an item of local heritage significance in the Woollahra LEP 2014 (Item No. 42).</p> <p><b>Statement of significance</b>  <i>'Villa d'Este' is a sophisticated example of the Inter War Mediterranean architectural style. It retains a high degree of associational historic significance as an outstanding and intact example of work of the architect F Glynn Gilling. The building appears not to have been significantly altered since its construction in 1930 and has retained a high degree of original fabric. This provides for a high level of aesthetic and moderate degree of technical significance, for its ability to demonstrate Gilling's design, detailing and construction techniques in the Inter War Mediterranean architectural style.</i></p> <p><i>1a Victoria Road demonstrates a high level of social significance through its listing by a number of special interest groups.</i></p> <p><i>The house has a moderate degree of historical significance for its association with the original Cranbrook Cottage, the home of John Horbury Hunt. The listing of this building by a number of special interest groups indicates a relatively high level of social significance.<sup>60</sup></i></p> <p><b>Comparative analysis</b>            Villa d'Este is a fine example of an inter-war Mediterranean style dwelling house designed by F. Glynn Gilling. It was designed in 1927 and constructed in 1930 and although the buildings are different in size and level of decoration, Villa d'Este features many of the same design elements as 30 Wyuna Road, including pointed arch chimney, 6+6 double hung timber windows, pointed arch glazing bars to</p>	 <p>Figure 91: 1A Victoria Road – View from New South Head Road (undated).            (Source: OEH  <a href="https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=2711464#ad-image-0">https://www.environment.nsw.gov.au/heritageapp/HeritageItemImage.aspx?ID=2711464#ad-image-0</a>)</p>

<sup>60</sup> OEH, 2004. *Villa d'Este - house, stone retaining wall*, <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2711464>

decorative windows, Moorish motifs, sleep out, and arched garage entry door set at street level in a stone retaining wall. Both are very intact examples of this style of dwelling house and the differences in the degree of decoration can be attributed to the timing of their design, with Villa d'Este being designed in 1927 and 30 Wyuna Road being designed in a more austere time.



Figure 92: Entrance porch, Villa d'Este. (Source: *Domestic Architecture in New South Wales* p. 28)

**'Throlze'**  
(formerly  
'Daingeen')

1 Victoria Road,  
Bellevue Hill

'Throlze', formerly known as 'Daingeen' is identified as an item of local heritage significance in the Woollahra LEP 2014 (Item No. 61).

**Statement of significance**

*'Daingeen' is one of a group of Inter War Mediterranean style houses built in the Woollahra area and retains a high degree of associational historic significance as an example of the Mediterranean style of work practised by the architect F Glynn Gilling. The building contains a moderate degree of aesthetic significance through his use of the fashionable Mediterranean style, made popular through contact with Hollywood. The building contains a moderate level of technical significance for its ability to demonstrate detailing associated with the Mediterranean style*

*The building has a moderate level of historical association with the Packer family, as the home of Mrs Ethel Packer after the death of her husband, Robert Clyde Packer.*

*'Daingeen' has a moderate level of social significance demonstrated by its listing by a number of special interest groups.*



Figure 93: View of Throlze/Daingeen from New South Head Road. (Source: Google Street View)

*This site contains a moderate degree of historical significance as it was originally part of a larger block containing 'Cranbrook Cottage', the home of John Horbury Hunt from 1873 till 1902. This building was demolished in 1925.<sup>61</sup>*

#### Comparative analysis

'Daingeen' was constructed in 1936 and is a good example of the Inter War Mediterranean style, despite having been altered in terms of its paint finish and the addition of an entry portico. The building as originally designed share some similar architectural stylistic elements, including arched openings, timber shutters, and a curved main stair. The finishes were originally consistent with the subject site, however, the site has since been painted in an unsympathetic colour. Interiors were not able to be viewed as part of this assessment.

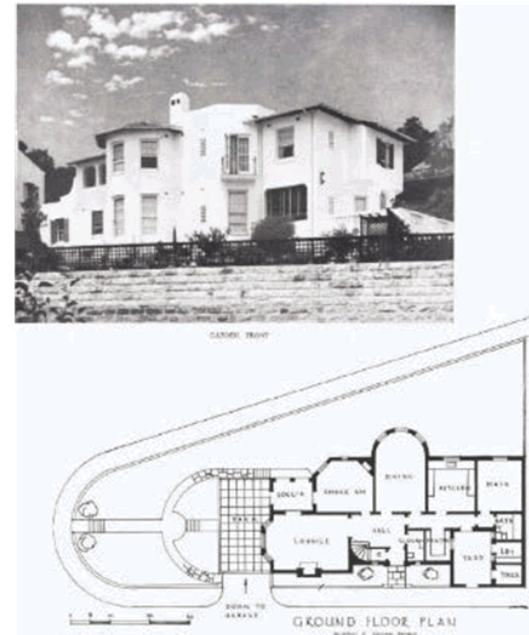


Figure 94: "Daingeen", Bellevue Hill. The home of Mr & Mrs R. F. Higgs', c.1950. (Source: *Domestic Architecture in Australia* p. 46)

<sup>61</sup> OEHL, 2004. *Throlze - house, stone retaining wall*



**Vue-de-la-Cote**  
19 Gilliver  
Avenue, Vaucluse

The house and gardens at 19 Gilliver Avenue, Vaucluse is identified as an item of local heritage significance on the Woollahra LEP 2014 (Item No.360).

**Statement of significance**

*'Vue de la Cote' is an outstanding and relatively intact example of Hollywood inspired Mediterranean style architecture with some Moorish decorative features. The house is visually prominent from the public domain of Gilliver Avenue.*

*The house demonstrates a high degree of associational historic significance as an example from the Inter War Mediterranean Style as practiced by Joseland and Gilling*

*'Vue-de-la-Cote' retains a high degree of aesthetic significance as an intact example of Inter-War Mediterranean style of architecture, as practised by Joseland & Gilling, which became popular in the Eastern suburbs during the Inter War period. 19 Gilliver Avenue, Vaucluse, contains a moderate degree of technical significance through the opportunity to research methods of Inter War detailing first hand. The listing of this building by a special interest group indicates a moderate level of social esteem.*<sup>62</sup>

**Comparative analysis**

19 Gilliver Avenue, Vaucluse, is an extravagant example of the Inter-war Mediterranean style popularised in Hollywood that differs from the subject site in its flamboyant detailing but nonetheless features materials and finishes that are consistent with the subject site. There are similarities in the detailing of the fireplace and mantle, Moorish design elements, use of wrought iron balustrading to the curved stair, use of niches, use of decorative columns, internal arched openings, response to the sloping site and use of sandstone base, and use of sandstone flagging in the landscaped setting.



Figure 95: 19 Gilliver Avenue, Vaucluse c.2017. (Source: <https://www.realestate.com.au/property/19-gilliver-ave-vaucluse-nsw-2030>)



Figure 96: 19 Gilliver Avenue, Vaucluse c.2017. (Source: <https://www.realestate.com.au/property/19-gilliver-ave-vaucluse-nsw-2030>)

<sup>62</sup> OEHL, 2004. *House, gardens - 19 Gilliver Avenue Vaucluse* (<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2711169>)



Figure 97: Arched openings, wrought iron balustrading to curved stair, and niche.  
(Source: WMC)

**“Bonnington”**

8 Victoria Road,  
Bellevue Hill

‘Bonnington’ is located at 8 Victoria Road, Bellevue Hill and is identified as an item of local heritage significance on the Woollahra LEP 2014 (Item No.64).

**Statement of significance**

*‘Bonnington’ is of high associative significance as a fine and relatively intact example of the Inter War Old English style of residential project occasionally practiced by the prominent architect F. Glynn Gilling. The external form and fabric of the building is of exceptional significance as an intact example of the Inter War Old English architectural style, which are to be found scattered about the Woollahra Municipality. The level of intact fabric and detailing, in particular the brickwork, provides ‘Bonnington’ with a high level of technical significance. The property demonstrates a moderate degree of social significance through its listing by a special interest group”<sup>63</sup>*

**Comparative analysis**

While being of a similar era, stylistically the two dwellings are very different. As an example of the Inter-war Old English style, Bonnington’s brickwork and timbered exterior treatment and heavy dark-timbered interiors bear little resemblance to the light rendered finishes of the interwar Mediterranean style.

The SHI inventory significance assessment indicates that ‘Bonnington’ is not representative of the bulk of work produced by the prominent architect F. Glynn Gilling, however, it does contribute to a more complete understanding of the design capability of the architect.



Figure 98: ‘Bonnington’, c.2018. (Source: <https://www.realestate.com.au/sold/property-house-nsw-bellevue+hill-129191790>)

<sup>63</sup> OEH, 2004. *Bonnington - house, sandstone retaining wall and fences, fig tree*. <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2711468>

**1 Fisher Avenue,  
Vaucluse**

The house, stone works, gardens and Scribbly gum at 1 Fisher Avenue Vaucluse are listed as a heritage item of local significance under the Woollahra LEP 2014 (Item No. 345).

The SHI does not provide a summary statement of significance for the site and hence it has not been identified in the SHI database as being by F. Glynn Gilling. Gilling is confirmed as the architect of this building in *Domestic Architecture in Australia*.

This building is identified in *Domestic Architecture* as 4 Fisher Avenue but is identified in Council's system as 1 Fisher Avenue.

**Comparative Analysis**

The dwelling house at 1 Fisher Avenue was approved under BA32/1941 and is contemporaneous with the subject site.

This dwelling shares many similar design features to the subject site at 30 Wyuna Road, including the inset dormer elements (in this case, round-headed), the pointed arch chimneys, the coloured roof tiles (blue), window arrangements, wrought iron balustrading, wall niches and long arched leadlight window to the sweeping main stair, arched interior openings, and tower of the winds columns.

The dwelling at 30 Wyuna Road is more intact than this example, which has been altered and added to over time, mostly in a manner that sought to be sympathetic but which alters the external presentation of the building and its ability to be recognised as a Gilling design.



Figure 99: Fisher road elevation c. 2018 (Source: <https://www.mcgrath.com.au/buy/house/nsw/eastern-suburbs/vaucluse/275826>)



Figure 100: Sweeping main stair with niche and arched leadlight window c. 2018 (Source: <https://www.mcgrath.com.au/buy/house/nsw/eastern-suburbs/vaucluse/275826>)



327c Edgecliff  
Road, Woollahra

The interwar Mediterranean style dwelling house at 327c Edgecliff Road is not an individually listed heritage item, however, it is located in the Woollahra Heritage Conservation Area (C15).

The walls are the deep cream stucco noted in *Domestic Architecture* and the roof is noted as originally being of blue Marseilles tiles. However, these have been replaced with terracotta at some point. Photos of the interiors were not available.

***Comparative analysis***

The dwelling is of a much grander scale than the subject site, being situated on a large (approx. 1473m<sup>2</sup>) hatchet-shaped allotment with driveway access to Edgecliff Road. The site shares design elements consistent with 30 Wyuna Road including pointed arch chimneys, curved grand stair with decorative wrought-iron balustrade, first floor level sleep-out, shuttered 6+6 windows at first floor level, arched elements including windows, and window grilles with Moorish motif.

Like the subject site, The building is set into a sloping site and uses a sandstone base to create lower level accommodation.



Figure 101: View of existing dwelling and entry, c.2015. (Source: Statement of Environmental Effects by Vaughan Milligan Development Consulting Pty Ltd)



Figure 102: Rear of 327c Edgecliff Road, Woollahra. (Source: WMC Planning Officer, 7/7/2015)



327d Edgecliff  
Road, Woollahra

The Inter-war dwelling house at 327d Edgecliff Road is not an individually listed heritage item, though it is located in the Woollahra Heritage Conservation Area (C15).

***Comparative analysis***

The dwelling differs from the subject site in its external wall finishes, being of face brick, and has been the subject of a 1979 development application that changed some of the interior finishes, introducing some 1970's interior design treatments to the bar area. However, the original fireplace surround with its ornamental columns remains, which appears to be very similar to that of the subject dwelling. The site also shares some 6+6 double hung timber windows and shutters, though photos indicate that some of these windows have been replaced with more modern units. The floor plan does not include curved elements, however, the main stair shares the decorative wrought iron balustrading of the subject site.

It is noted that this dwelling house is the subject of a CDC approved in 2018 for internal alterations which will further erode its intactness.



Figure 103: Rear of 327d Edgecliff Road, Woollahra. (Source: WMC Planning Officer 7/7/2015)

53 Towns Road  
Vaucluse

The Inter-war dwelling house at 53 Towns Road, Vaucluse is not an individually listed heritage item and is not located within a Heritage Conservation Area. Built by F. G. Woodgate, the building is identified as a Gilling design in *Domestic Architecture in Australia* p.108.

***Comparative Analysis***

This building was designed on a much grander scale than the subject site, although it uses design language consistent with the subject site. Common features consistent with 30 Wyuna Road include pointed arch chimney, sweeping curved stairway, arched openings, use of decorative columns, use of 6+6 windows to the upper floor level and smooth light rendered walls.

The dwelling house has been the subject of several development applications over time in 2002, 2008, and is the subject of a current development application that was yet to be determined at the time of writing. The building has been heavily modified internally in some



Figure 104: 53 Towns Road, c. 2018. (source: <https://realas.com/property/53-TOWNS-ROAD-VAUCLUSE-NSW-2030-7146282>)

parts, with internal finishes altered. Some of the decorative ground floor openings with pointed glazing bars have survived.



Figure 105: Loggia at 53 Towns Road. (Source: *Domestic Architecture in Australia*, p 108)

69 Kambala Road,  
Bellevue Hill

The dwelling house at 69 Kambala Road was approved under BA49/1935. Built by G Edgar, the site is identified as a Gilling design in *Domestic Architecture in Australia* p.72. The site is not a listed heritage item under the Woollahra LEP2015.

**Comparative Analysis**

This building was designed on a much grander scale than the subject site, and included servant's stair.

Common features with 30 Wyuna Road include pointed arch chimneys, sweeping curved stairway with wrought iron balustrade, arched internal openings, use of columns, leadlight windows, including long arched window to the main stair and decorative bathroom windows. The dwelling house has changed hands multiple times and was sold in 2008, 2010, 2012 and 2014 and it has been modified internally, with internal finishes altered.



Figure 106: Source: Google street view c.2015

It is noted that this dwelling house previously included an original bathroom with green and black colour scheme including tiled bath and vanity and tiled bath alcove which was intact in the 2012 sale photos but has since been updated and the original fabric removed. The house has also been painted externally in a darker grey-brown colour, losing the light finish so intrinsic to Gilling's Inter-war Mediterranean designs.



Figure 107: First floor level bathroom c2010. This bathroom was renovated c.2014 with all fabric lost. (Source: <https://www.realestate.com.au/sold/property-house-nsw-bellevue+hill-112321111>)

45 Drumalbyn  
Road, Bellevue  
Hill

The dwelling house at 45 Drumalbyn Road, Bellevue Hill is not identified as a heritage item under the Woollahra LEP 2014 but is identified as a Gilling design in *Domestic Architecture in Australia* (p.104-6).

**Comparative Analysis**

Comparable in size and scale but arranged differently due to the different site geometry, the building features sandstone garages at street level, well below the level of the main body of the site in a similar manner to the subject site. The dwelling shares some design elements consistent with the subject site such as the first floor level sleep out, a portion of the window arrangements and use of decorative grilles, although with a geometric rather than Moorish motif, the sweeping curved stair with wrought-iron balustrade, arched internal openings and use of decorative columns.

However, the dwelling has been altered and extended over time at ground and first floor level, with a formal terrace added to the ground floor level street elevation and second garage added at street level which has reduced the intactness of the building. The original planned garden layout has also been lost over time. These changes to the internal and external arrangements have reduced the integrity of the item as a Gilling design.



Figure 108: Front elevation, 45 Drumalbyn Road. (Source: <https://www.realestate.com.au/sold/property-house-nsw-bellevue+hill-121766330>)



Figure 109: Entry and curved main stair. (Source: <https://www.realestate.com.au/sold/property-house-nsw-bellevue+hill-121766330>)

14 Dumaresq  
Road, Rose Bay

The dwelling house at 14 Dumaresq Road, Rose Bay was approved under BA141/1941 and is not a listed heritage item or located in a heritage conservation area.

***Comparative analysis***

The information available suggests that in 2008 the building was very intact, and shared many design elements with the subject site, including: pointed arched leadlight window to a curved main stair featuring inset niches, 6+6 double hung windows, louvered shutters, use of decorative columns, smooth light rendered walls, pointed arch chimney and blue tiled roof.

However, a development application (DA) was approved in 2013 (DA2012/190) which, while attempting to use similar design language, involved substantial alterations to internal and external fabric, including the replacement of original chimney, recladding of roof with multi-coloured pantiles, and the addition of new bulk associated with a substantial extension, including a garage element to the street. The resulting scheme substantially alters the overall character of the building so that the ability to recognise the building as a Gilling design is compromised.

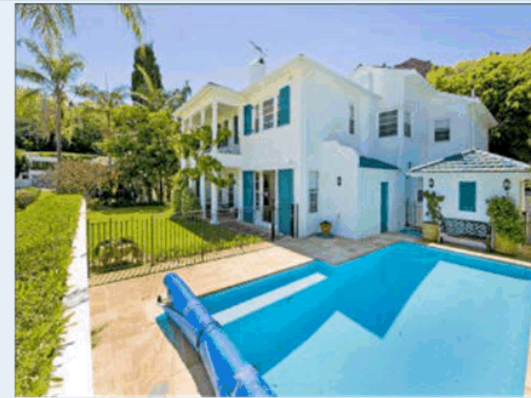


Figure 110: 14 Dumaresq Road, Rose Bay, November 2008. (Source: <https://www.realestate.com.au/property/14-dumaresq-rd-rose-bay-nsw-2029>)



**“Elstree”**

41 Wentworth  
Avenue, Vaucluse

Elstree, at 41 Wentworth Road, Vaucluse is not a listed heritage item or located in a heritage conservation area. Elstree is identified in *Domestic Architecture in Australia* as a Gilling design. An investigation into the history of the site revealed that this was Gilling’s own house for a short period of time.

***Comparative Analysis***

Elstree shares some design elements consistent with the subject site such as the symmetry of the overall built form, smooth right rendered finish, formal entry, use of double hung timber windows with slender glazing bars, louvered shutters, arched internal openings and use of decorative columns.

However, the dwelling has been altered and extended over time at ground and lower ground floor level, with a casual living and rumpus rooms added. The original planned garden layout to the immediate rear of the original house has also been lost over time. Whilst the building remain recognisable as a Gilling design from the front elevation, these changes to the internal and external arrangements have reduced the integrity of the item as a Gilling design.



Figure 111: c.2014 (Source: <https://www.realestate.com.au/sold/property-house-nsw-vaucluse-117539167>)



## 5.5 Comparative analysis

The dwelling house at 30 Wyuna Road, Point Piper is an intact example of an Inter-war Mediterranean style dwelling house by key practitioner F. Glynn Gilling. Key elements of the original design are intact in both external and internal arrangements and finishes. The dwelling house is an excellent example of a well-proportioned Inter-war era dwelling house which displays architectural characteristics associated with the Inter-war Mediterranean style, including the use of proportion, materials, bespoke joinery and finishes to achieve aesthetic appeal.

When compared with other examples of the work of F. Glynn Gilling 30 Wyuna Road, Point Piper compares to Inter-war Mediterranean dwelling houses designed by F. Glynn Gilling as an intact example of his work that is rare in its modest proportions that are a direct and innovative response to the constrained and unusual nature of the site. The dwelling house shares key elements with other grand and significant houses designed by Gilling including: informal massing, smooth rendered walls, tiled roof, formal entry, use of decorative columns, fenestration including use of leadlight, classical motifs and sweeping stair with wrought iron balustrades, incorporation of the sleep-out in the original design, and the provision of bedrooms for service staff and associated service areas.

It is also noted that for the listed heritage items within this comparative analysis that are identified as having associational significance with F Glynn Gilling, Joseland & Gilling or both, this association is a key element of the identified heritage significance of those items.

## 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.

30 Wyuna Road, Point Piper relates to the following NSW Historical Themes<sup>64</sup>:

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Domestic life	Activities associated with creating, maintaining, living and working around houses and institutions
<b>Discussion</b>	The arrangements of the interior rooms at 30 Wyuna Road Point Piper is generally intact and is associated with the activity of living in and working around domestic houses.	
8. Developing Australia's cultural life	Creative endeavour	Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.
<b>Discussion</b>	The Inter-war dwelling house at 30 Wyuna Road Point Piper is an exemplar of the works of F. Glyn Gilling in the Inter-war Mediterranean style.	

### 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

<sup>64</sup> Heritage Council of NSW, 2006. *New South Wales Historical Themes*.

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 6 NSW Heritage Criteria

Criteria	Description
<b>Criterion A - Historical significance</b>	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>Criterion B - Associative significance</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)
<b>Criterion C - Aesthetic/technical significance</b>	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)
<b>Criterion D - Social significance</b>	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
<b>Criterion E - Research potential</b>	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)
<b>Criterion F - Rarity</b>	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)
<b>Criterion G - Representative</b>	An item is important in demonstrating the principal characteristics of a class of NSW’s <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> or a class of the local area’s <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul>

The following section provides an assessment of significance against the seven heritage criteria for the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper.

#### Criterion A – Historical significance

30 Wyuna Road Point Piper is a significant building as part of the body of residential work in the Inter-War Mediterranean style carried out by F. Glynn Gilling of Joseland & Gilling for Mrs D Macrae. F. Glynn Gilling was one of the most influential architects of Sydney's Eastern Suburbs, having been active from the 1910s to the 1950s and having designed many grand houses for clients in different styles. 30 Wyuna Road forms part of a suite of work of this prominent architect, showing the evolution of his style and his response to the Inter-war Mediterranean fashion of the time on a modest and largely inaccessible block.

The property is evidence of Point Piper's Inter-War residential development by prominent architects. It is located on part of Lots 8 and 9 of the 1899 subdivision of the Point Piper Estate. In 1941, the lot of the subject property was re-subdivided from the adjacent lot at 91 Wolseley Road. Overall the house shows evidence of the slow subdivision that occurred in the Point Piper Estate from a single property granted to John Piper and later owned by Daniel Cooper and William Cooper to many residential lots.

The dwelling house at 30 Wyuna Road Point Piper was constructed c. 1942 as a modestly proportioned Interwar Mediterranean style dwelling house on a small, irregular shaped elevated site. 30 Wyuna Road, Point Piper is representative of the Inter-war Mediterranean style and has particular significance due to its intactness, which demonstrates the hierarchy of internal arrangements for modest-sized dwelling houses in this period and relates to the NSW historical theme of domestic life.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not meet the threshold for State significance under this criterion.

#### Criterion B – Associative significance

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is significant as an intact example of the Inter-war Mediterranean style dwelling houses designed by F. (Frederick) Glynn Gilling, an English born and trained architect who is recognised as a key practitioner of this style of architecture. F. Glynn Gilling was a prominent architect, active in both the architectural community and wider community, who was one of a group of architects employing the Inter-war Mediterranean style for dwelling house design in the Woollahra Municipality in the interwar period that included Professor Leslie Wilkinson.

30 Wyuna Road, Point Piper is a key example of his work, as evidenced by its inclusion in the publication *Domestic architecture in New South Wales, Australia: illustrating the work of F.*



*Glynn Gilling*” by E. Lindsay Thompson. This publication includes works that are described as “the cream of F. Glynn Gilling’s domestic work which, incidentally, comprises some of the finest houses in New South Wales”.

The main body of the dwelling house appears not to have been significantly altered over time so that the original external form of the building, its informal massing and smooth rendered walls, layout and interiors, and the manner of detailing provides a high level of comparative value in evaluating the work of this designer.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not meet the threshold for State significance under this criterion.

#### Criterion C - Aesthetic/technical significance

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is a fine, mostly intact example of an Inter-war Mediterranean style dwelling house by F. Glynn Gilling who is identified as a key practitioner of this style. The dwelling displays architectural characteristics associated with the Inter-war Mediterranean style, including the use of smooth rendered brickwork, rounded arches, generously proportioned windows divided into small panes by slender glazing bars, Roman tiles, formal entrance treatment, classical motifs, window shutters, materials and textures to achieve the ‘relaxed, cheerful character’ of this style.<sup>65</sup> The building is of aesthetic significance as an intact example of the Inter-War Mediterranean style of architecture practised by Joseland and Gilling.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is mostly intact, with the external arrangement of the building being as per the original design and the majority of the internal spaces extant. Many of the building’s internal fittings, fixtures, joinery and finishes are as per the original specifications, and, with the exception of the enclosed sleep-out, the original window arrangements and treatments appear to remain. These intact elements demonstrate the taste and style of its time and are aesthetically distinctive. The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is aesthetically significant, with its original design of the building, including internal arrangements, mostly intact.

<sup>65</sup> *Identifying Australian Architecture*, p.71.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not meet the threshold for State significance under this criterion.

#### Criterion D - Social significance

Given its aesthetic contribution to the local area and the number of submissions received by Council in response to the recent development application lodged for alterations and additions to the building, the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is likely to be held in high regard by the surrounding 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 Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is not deemed to have social significance.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not reach the threshold for local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not meet the threshold for State significance under this criterion.

#### Criterion E - Research potential

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper has moderate technical significance as an example of Inter-war architecture and detailing which may yield further understanding of this dwelling type. The site also has research value in demonstrating the works of the architect F. Glynn Gilling. The dwelling has the potential to reveal information about Gilling's design approach in general and his response to a constrained site such as this. The site may also have research potential as an early example of subdivision relying on the establishment of a stratum to accommodate the encroachment of below ground structures on neighbouring properties, which in this instance involved the garages associated with the neighbouring residential flat building "Witherington" at 91 Wolseley Road, Point Piper. Further research is required to investigate this aspect of the site's significance.

The building was the first structure on the site and its construction involved substantial excavation and site levelling. The archaeological potential of the site is therefore low.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper may be of local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not meet the threshold for State significance under this criterion.

#### Criterion F - Rarity

The dwelling at 30 Wyuna Road, Point Piper is a rare example of an Inter-war Mediterranean style dwelling house designed by F. Glynn Gilling in the Woollahra Municipality that is of modest proportions that are a direct and innovative response to the constrained and unusual nature of the site. Gilling designed many houses for wealthy clients in the eastern suburbs, often of a grand scale. Furthermore, 30 Wyuna Road is a rare example of an intact design by F. Glynn Gilling that retains much of its original layout, finishes and detailing that are consistent with the Inter-war Mediterranean style of which Gilling is acknowledged as a key practitioner.

The location on the site of interwar era garages associated with the neighbouring residential flat building "Witherington" below ground level may be rare in the Woollahra LGA as a precursor to stratum subdivision, and further research is recommended to investigate this aspect of the site's significance.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would reach the threshold for local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not reach the threshold for state significance under this criterion.

#### Criteria G – Representative

30 Wyuna Road, Point Piper is a fine example of the Inter-war Mediterranean style dwelling houses designed by F. Glynn Gilling, who is recognised as a key practitioner of this style. The dwelling shares a design language consistent with other larger and grander examples of Gilling's work, and responds to the constraints of the small site while demonstrating the key design characteristics of the Inter-war Mediterranean style dwelling houses. The dwelling house features informal massing and smooth rendered walls, and includes typical elements such as: the coloured tile roof, formal entrance treatment including leadlight fan light and side lights, vertically-proportioned double-hung windows with sashes divided into small panes by slender wooden glazing bars, use of louvered shutters, sweeping main stair with wrought-iron detailing, use of decorative columns and inclusion of classical motifs.

It is a fine example of F. Glynn Gilling's architecture and demonstrates the principal characteristics of the Inter-War Mediterranean style executed within the confines of the site.

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

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.

The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not meet the threshold for State significance under this criterion.

#### 6.3.2 Statement of Heritage Significance

30 Wyuna Road is a rare, intact example of an Inter-war Mediterranean style dwelling house innovatively designed by prominent architect F. Glynn Gilling of Joseland & Gilling for a constrained suburban site within the former Point Piper Estate.

The dwelling house is a fine example of its type and includes original interior and exterior design detailing that is representative of the key elements of the Inter-war Mediterranean style. The informal massing of smooth rendered walls beneath a hipped tiled roof, formal entrance treatment, classical motifs and columns, sweeping main stair with wrought iron balustrades and window detailing are skilfully combined to create a light and restrained residence that is carefully situated within its landscape setting.

Demonstrative of its importance, 30 Wyuna Road is featured in the publication “Domestic architecture in New South Wales, Australia: illustrating the work of F. Glynn Gilling” by E. Lindsay Thompson. This book includes works by F. Glynn Gilling that are described as “the cream of F. Glynn Gilling’s domestic work which, incidentally, comprises some of the finest houses in New South Wales”. The property has a moderate degree of technical significance through the opportunity to research methods of Inter War detailing first hand. 30 Wyuna Road, Point Piper is of local heritage significance for historical, aesthetic, associative, rarity, and representative significance, and has research significance potential.



## Part 7 Conclusions and recommendations

### 7.1 Conclusions

This report has assessed the heritage significance of the Interwar Mediterranean style dwelling house at 30 Wyuna Road, Point Piper. It has concluded that the dwelling house meets the threshold for local heritage significance. 30 Wyuna Road is of local heritage significance for historical, aesthetic, technical, research potential, and representative significance.

This report has concluded that the dwelling house at 30 Wyuna Road, Point Piper does not meet the threshold for State heritage significance.

### 7.2 Recommendations

#### 7.2.1 Recommended heritage listing

The Interwar Mediterranean style dwelling house at 30 Wyuna Road, Point Piper on Lot 2 in DP 567775 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: *House and interiors*.

#### 7.2.2 Recommended management

It is recommended to manage the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper 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. All remaining intact fabric on the external facades and intact interiors such as the first floor level bathroom should be retained and conserved. There should be no additions or alterations to the Wyuna Road elevations, and the exterior colour scheme, including white stucco walls and woodwork and green Roman tile roof should be retained. It is recommended that a detailed internal and external photographic record be made and lodged with Woollahra Council and the Local Historical Association.

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.

## Part 8 References

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## Part 9 Appendix: Heritage Inventory Sheet



## Heritage Data Form

ITEM DETAILS					
Name of Item	Inter-war Mediterranean style dwelling house – including interiors.				
Other Name/s Former Name/s	Nil				
Item type (if known)	Built				
Item group (if known)					
Item category (if known)					
Area, Group, or Collection Name					
Street number	30				
Street name	Wyuna Road				
Suburb/town	Point Piper	Postcode	2030		
Local Government Area/s	Woollahra				
Property description	Inter-war Mediterranean style dwelling house, and interiors				
Location - Lat/long	Latitude		Longitude		
Location - AMG (if no street address)	Zone		Easting		Northing
Owner	Private				
Current use	Dwelling house				
Former Use	Dwelling house				
Statement of significance	<p>30 Wyuna Road is a rare, intact example of an Inter-war Mediterranean style dwelling house innovatively designed by prominent architect F. Glynn Gilling of Joseland &amp; Gilling for a constrained suburban site within the former Point Piper Estate. The dwelling house is a fine example of its type and includes original interior and exterior design detailing that is representative of the key elements of the Inter-war Mediterranean style. The informal massing of smooth rendered walls beneath a hipped tiled roof, formal entrance treatment, classical motifs and columns, sweeping main stair with wrought iron balustrades and window detailing are skillfully combined to create a light and restrained residence that is carefully situated within its landscape setting. Demonstrative of its recognition, 30 Wyuna Road is featured in the publication "Domestic architecture in New South Wales, Australia: illustrating the work of F. Glynn Gilling" by E. Lindsay Thompson. This book includes works by F. Glynn Gilling that are described as "the cream of F. Glynn Gilling's domestic work which, incidentally, comprises some of the finest houses in New South Wales". The property has a moderate degree of technical significance through the opportunity to research methods of Inter War detailing first hand. 30 Wyuna Road, Point Piper is of local heritage significance for historical, aesthetic, associative, rarity, and representative significance, and has research significance potential.</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		
DESCRIPTION					
Designer	F. (Frederick) Glynn Gilling – Joseland & Gilling				

## Heritage Data Form

<b>Builder/ maker</b>	Coleman & Kirk
<b>Physical Description</b>	<p><b>The building</b></p> <p>The building is a two-storey Inter-war Mediterranean style dwelling house with basement level store room constructed of light rendered brickwork on a rock faced sandstone base. The site features a single garage excavated into the site at street level, which is also made of rock-faced sandstone with an arched entry. The dwelling house is set on a small, irregular-shaped site, elevated approximately 10m above street level and includes sandstone stairs and pathways and established landscaping. The ground floor consists of an entry hall, cloak room with w.c. located beneath the main curved stair with wrought iron balustrade, living room with attached sitting room (accommodated in the northern bay), dining room, kitchen, and former maid's quarters. The first floor consists of three bedrooms, main bathroom and separate w.c., and shower room to the southern end. The main bedroom located at the northern end of the first floor features doors leading out to a sunroom created from the enclosure of the original sleepout, a relatively common feature of dwellings of that era and of those dwellings designed by F. Glynn Gilling.</p> <p>The lower ground floor consists of a small room that, based on the information available, appears to be used for laundry/storage.</p> <p><b>Exterior</b></p> <p>The exterior of the dwelling features a central formal entry to the eastern façade, defined by a moulded arched opening with decorative fanlights, leadlight side lights and wrought iron gates. The walls are smooth rendered and painted white with white enamelled windows. The render is largely intact however, the paint finish to the walls and windows is in need of maintenance and there is evidence of both biological growth and staining from prior fixtures, no longer attached.</p> <p>The roof is a 3-bay pitched roof with gable end comprising a main central bay making up the majority of the building with two subservient bays. The gable ends include simple geometric decoration. The roof is clad in green terracotta Roman tiles with green half-round tiles to the gable edge and is penetrated by a pointed arch chimney servicing the living room fireplace. The roof also features inset dormer-style roof projections in the two end bays, with 6+6 pane timber framed double hung windows. The original plans included concealed guttering, however, photos of the site indicate that additional guttering has been installed to the eaves soffits.</p> <p>Windows on the ground floor level are arranged symmetrically on the main (eastern) façade, with groups of three windows, comprising 4+4/6+6/4+4 timber double hung sash windows, servicing the main rooms and 6+6 double hung sash windows to the two two-storey end bays and ground floor level maids room.</p> <p>The rear (western) elevation features fewer window openings, mostly servicing the circulation areas such as the tall decorative leadlight to the stairwell and first floor level hallway, and the ground floor level servery. The western elevation also included a decorative leadlight highlight window to the main bedroom above the dressing nook.</p> <p>The northern elevation includes ground floor level 4/4+6/6+4/4 window groups, and originally included an open sleep-out that has been glassed in. The southern elevation has no obvious window openings and one simple wooden door.</p> <p><b>Interior</b></p> <p>The interior of the dwelling features many original elements which are as specified in the original Building Application. The majority of rooms feature decorative patterned plaster cornices and single panel timber doors with differing levels of decoration depending on the use of the room. Key rooms such as the living room and master bedroom include integrated moulded light fittings and rooms feature skirtings and architraves throughout. The master bedroom also features original joinery to the built-in dressing table and cupboards, and decorative leadlight with Moorish motif. The curved wrought iron balustrading to the curved main staircase and brick fireplace with decorative surround are key features of the interior and are design features that are characteristic of Gilling's work.</p> <p>The bathrooms have had minor modifications, including new fixtures and fittings, but are generally original in their layout and with much of the original finishes and fittings extant. The kitchen retains its tiled dado and purpose designed refrigerator niche despite the interiors likely having been updated in the late 20th century. Carpet is present throughout the dwelling, excluding bathrooms and kitchens which feature tiles and vinyl flooring. The specifications for the original dwelling indicate spotted gum flooring to the entry hall and living room and cypress pine flooring throughout, which may remain beneath the current carpeted finish. The interior joinery has been painted white. The Mediterranean design influence is found in the columns which are repeated in the sitting room and in the fireplace surround.</p>

## Heritage Data Form

	<p><b>Setting</b></p> <p>The dwelling house at 30 Wyuna covers much of the site area, and is placed toward the curved southern end of the site. The footpath reserve between the property boundary and the Wyuna Road carriageway to the east of the site is deep, with a steep gradient. This footpath reserve is heavily vegetated with established and substantial trees and understory vegetation. The elevated nature of the site and the vegetation in the council footpath reserve, combined with the light external finishes, give the building the impression of floating above the street and in the canopy.</p> <p>Significant views of the dwelling house are mainly available from Wyuna Road looking up from the roadway below to the north over the driveway of 26 Wyuna, and looking up and westward through the vegetation. Significant views of the site are also available from the neighbouring residential flat buildings to the northwest and west of the site, which mostly look down on the green roof and over the site to the views beyond. Significant views of the existing garage entry are only available from street level opposite the site due to the inset nature of the entry and the existing vegetation.</p>				
<b>Physical condition and Archaeological potential</b>	<p>The Interwar Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is generally in good condition. There are some areas on the exterior that appear to be in fair condition and require maintenance such as the eaves and gutters and exterior paintwork, however, the finishes appear intact and sound. The interior is in generally in good condition, and the sandstone base course and garage appear to be generally in good condition.</p> <p>The dwelling house was the first building constructed on the site and the development of the site, including site levelling and excavation, has likely disturbed the area. The Aboriginal cultural heritage potential and significance of the site has not been assessed.</p>				
<b>Construction years</b>	<b>Start year</b>		<b>Finish year</b>	1942	<b>Circa</b> <input type="checkbox"/>
<b>Modifications and dates</b>	Date unknown - Original sleep out has been enclosed and minor modifications to the former maids room.				
<b>Further comments</b>					
<b>HISTORY</b>					
<b>Historical notes</b>	<p>Point Piper is a suburb in Eastern Sydney between Double Bay and Rose Bay in the Woollahra Local Government Area (LGA), which was first established as a municipality in 1860. Point Piper takes up much of the 190 acres that was promised to Captain John Piper by Governor Macquarie in 1816 and confirmed in 1820. Piper built the mansion Henrietta Villa at Eliza Point (now Point Piper) at a cost of £10,000 and he lived there with his wife and numerous children, enjoying an extravagant lifestyle and diverted Sydney society with numerous 'sumptuous entertainments'.</p> <p>Piper had accumulated a large estate by a combination of grant and purchase. In addition to his 190 acres at Eliza Point, he bought the Vaucluse Estate and several soldiers grants around Double Bay and Rose Bay. In 1826 Piper raised a mortgage from his friends Daniel Cooper and Solomon Levy, emancipist traders who were co-owners of a substantial mercantile empire trading as the Waterloo Company. At this time Piper's land holdings in Woollahra alone comprised 475 acres in Vaucluse, 1130 acres in Woollahra and Rose Bay, and the 190 acres at Point Piper. Following two inquiries into his business affairs in 1826-7, which discovered discrepancies in his accounts and unbusinesslike</p>				

## Heritage Data Form

	<p>practices, Piper was forced to resign from the Bank of New South Wales and was suspended from his public service position.</p> <p>Cooper and Levey commissioned Surveyor-General TL Mitchell to complete a survey of their shared estate at Point Piper and divide it into allotments. These land grants were consolidated in 1830 to form a larger grant for Daniel Cooper and Solomon Levey that consisted of 1130 acres known as the Point Piper Estate. This estate covers a vast proportion of the Woollahra Municipality and as well as Point Piper also included the suburbs of Rose Bay, Double Bay, Bellevue Hill, Woollahra and Edgecliff. Due to a severe depression in the 1840s, Daniel Cooper was able to become the sole owner of the Point Piper Estate in 1847.</p> <p>Point Piper went through several phases of subdivision, with not all of them successful. The land on Point Piper was subdivided into fourteen (14) allotments in 1844 but no sales were made until 1882 when the land was transferred to William Cooper, who subdivided the western side of the headland into allotments suitable for Gentlemen's residences.</p> <p>30 Wynua Road is located on part of the Woollahra Point Estate subdivision that was offered for sale in 1899. The location of the subject site is shown in Figure 7 as being over part of Lots 8 and 9 in Section 5. By 1902, Colin James McMaster had acquired Lots 7, 8 and 9 of Section 5 of the Woollahra Point Estate subdivision, which he subdivided in 1918 into 3 lots – A, B and C. The subdivision, which was approved by Council on 9 September 1918, shows a building already present on Lot B (the description of 'Land &amp; impts' appears in the WMC Rate Book in 1905). 30 Wyuna Road forms part of Lot 'A' of McMaster's subdivision (and part of Lots 8 and 9 of the 1899 subdivision).</p> <p>Lot 'A' remained in the ownership of Colin McMaster until c1923 when it was transferred to a Mrs Edith Robinson. By 1933 the WMC Rate Book entry for Lot A shows a new owner Mrs Macrae. In 1932 A. Macrae, noted incorrectly in the Building Index Cards as "Macral", made an application to Council (BA1932/96) to build five flats and five garages on Lot A, referred to as Cnr. Wolseley Road. The flats were later listed with the name "Witherington" and the rate books from 1938 refer to two additional owners identified as Amy Martha Cecelia Pitt, and Mrs Marie Dorothy Witherington. The architect was E. Pitt. The completed residential flat building is visible in a 1930s aerial photo of the locality.</p> <p>In 1940 an entry for the re-subdivision of 'Witherington' appears in the index of WMC Subdivision plans. The new parcel of land appears on the plans as Lot E, now known as 30 Wyuna Road. Amended plans were finally approved in October 1941 and contain annotations relating to a triangular portion of the property, adjacent to 91 Wolseley Road, where there were, at the time, garages for the flats at 91 Wolseley Road 'underneath' Lot 'E'. The plans also refer to the transfer of ownership of Lot 'E' to Miss Jean Macrae and were signed by the three owners and Jean Macrae. The applicant is recorded as C. C. Phillips.</p> <p>A building application for a dwelling house at 30 Wyuna Road, Point Piper was made in January 1941 under BA41/9 made by a Mrs Macral [sic], with Joseland and Gilling listed as the architect. The 'situation' of the site was described in the Building Register as '30 Wyuna Road Lot E Resub of "Witherington" Wolseley Road, Pt P [Point Piper]'. The owner's postal address was 91 Wolseley Road.</p> <p>While Lot E was created by the subdivision of 91 Wolseley Road, Point Piper, a subsequent plan of resubdivision identifying the subject site as Lot 2 was registered in 1974.</p> <p>The dwelling house at 30 Wyuna Road was constructed in 1942 by the builders Coleman &amp; Kirk for Miss Jean Macrae. In the 1942 Woollahra Council Rate Book there is a revision to the entry for 91 Wolseley Road ("Witherington"), showing an additional assessment (1015A) which describes the property as 'House' with owner Miss Jean Macrae. Jean Macrae was schooled in London and lived there for a further two years while her husband, Dr. Charles Ewart, studied a postgraduate course in medicine. Following her return to Sydney, Mrs Ewart featured in an article in the Sydney Morning Herald describing the difficulties encountered during her time living in London in the mid-1940s. The property at 30 Wyuna was tenanted during this absence.</p>
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## ***Heritage Data Form***

	In the 1943 Woollahra Council Rate Book an entry for 30 Wyuna Road appears with Miss Jean Macrae as the owner, and the property described as 'House'. 30 Wyuna Road remained in the ownership of Miss Jean Macrae (later Mrs Jean Ewart) until at least 1968.
<b>THEMES</b>	
<i><b>National historical theme</b></i>	4. Settlement-Building settlements, towns and cities 8. Developing Australia's cultural life
<i><b>State historical theme</b></i>	Domestic life Creative endeavour



## Heritage Data Form

APPLICATION OF CRITERIA	
<b>Historical significance</b> SHR criteria (a)	<p>30 Wyuna Road Point Piper is a significant building as part of the body of residential work in the Inter-War Mediterranean style carried out by F. Glynn Gilling of Joseland &amp; Gilling for Mrs D Macrae. F. Glynn Gilling was one of the most influential architects of Sydney's Eastern Suburbs, having been active from the 1910s to the 1950s and having designed many grand houses for grand clients in different styles. 30 Wyuna Road forms part of a suite of work of this prominent architect, showing the evolution of his style and his response to the Inter-war Mediterranean fashion of the time on a modest and largely inaccessible block.</p> <p>The property is evidence of Point Piper's Inter-War residential development by prominent architects. It is located on part of Lots 8 and 9 of the 1899 subdivision of the Point Piper Estate. In 1941, the lot of the subject property was re-subdivided from the adjacent lot at 91 Wolseley Road. Overall the house shows evidence of the slow subdivision that occurred in the Point Piper Estate from a single property granted to John Piper and later owned by Daniel Cooper and William Cooper to many residential lots. The dwelling house at 30 Wyuna Road Point Piper was constructed c. 1942 as a modestly proportioned Interwar Mediterranean style dwelling house on a small, irregular shaped elevated site. 30 Wyuna Road, Point Piper is representative of the Inter-war Mediterranean style and has particular significance due to its intactness, which demonstrates the hierarchy of internal arrangements for modest-sized dwelling houses in this period and relates to the NSW historical theme of domestic life. The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.</p>
<b>Historical association significance</b> SHR criteria (b)	<p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is significant as an intact example of the Inter-war Mediterranean style dwelling houses designed by F. (Frederick) Glynn Gilling, an English born and trained architect who is recognised as a key practitioner of this style of architecture. F. Glynn Gilling was a prominent architect, active in both the architectural community and wider community, who was one of a group of architects employing the Inter-war Mediterranean style for dwelling house design in the Woollahra Municipality in the interwar period that included Professor Leslie Wilkinson.</p> <p>30 Wyuna Road, Point Piper is a key example of his work, as evidenced by its inclusion in the publication "Domestic architecture in New South Wales, Australia: illustrating the work of F. Glynn Gilling" by E. Lindsay Thompson. This publication includes works that are described as "the cream of F. Glynn Gilling's domestic work which, incidentally, comprises some of the finest houses in New South Wales".</p> <p>The main body of the dwelling house appears not to have been significantly altered over time so that the original external form of the building, its informal massing and smooth rendered walls, layout and interiors, and the manner of detailing provides a high level of comparative value in evaluating the work of this designer.</p> <p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.</p>
<b>Aesthetic significance</b> SHR criteria (c)	<p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is a fine, mostly intact example of an Inter-war Mediterranean style dwelling house by F. Glynn Gilling who is identified as a key practitioner of this style. The dwelling displays architectural characteristics associated with the Inter-war Mediterranean style, including the use of smooth rendered brickwork, rounded arches, generously proportioned windows divided into small panes by slender glazing bars, Roman tiles, formal entrance treatment, classical motifs, window shutters, materials and textures to achieve the 'relaxed, cheerful character' of this style. The building is of aesthetic significance as an intact example of the Inter-War Mediterranean style of architecture practised by Joseland and Gilling.</p> <p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is mostly intact, with the external arrangement of the building being as per the original design and the majority of the internal spaces extant. Many of the building's internal fittings, fixtures, joinery and finishes are as per the original specifications, and, with the exception of the enclosed sleep-out, the original window arrangements and treatments appear to remain. These intact elements demonstrate the taste and style of its time and are aesthetically distinctive. The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is aesthetically significant, with its original design of the building, including internal arrangements, mostly intact.</p> <p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.</p>

## Heritage Data Form

<b>Social significance</b> SHR criteria (d)	<p>Given its aesthetic contribution to the local area and the number of submissions received by Council in response to the recent development application lodged for alterations and additions to the building, the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is likely to be held in high regard by the surrounding 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 Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is not deemed to have social significance.</p> <p>Based on the information available, the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would not reach the threshold for local significance under this criterion.</p>
<b>Technical/Research significance</b> SHR criteria (e)	<p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper has moderate technical significance as an example of Inter-war architecture and detailing which may yield further understanding of this dwelling type. The site also has research value in demonstrating the works of the architect F. Glynn Gilling. The dwelling has the potential to reveal information about Gilling's design approach in general and his response to a constrained site such as this. The site may also have research potential as an early example of subdivision relying on the establishment of a stratum to accommodate the encroachment of below ground structures on neighbouring properties, which in this instance involved the garages associated with the neighbouring residential flat building "Witherington" at 91 Wolseley Road, Point Piper. Further research is required to investigate this aspect of the site's significance.</p> <p>The building was the first structure on the site and its construction involved substantial excavation and site levelling. The archaeological potential of the site is therefore low.</p> <p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper may be of local significance under this criterion.</p>
<b>Rarity</b> SHR criteria (f)	<p>The dwelling at 30 Wyuna Road, Point Piper is a rare example of an Inter-war Mediterranean style dwelling house designed by F. Glynn Gilling in the Woollahra Municipality that is of modest proportions that are a direct and innovative response to the constrained and unusual nature of the site. Gilling designed many houses for wealthy clients in the eastern suburbs, often of a grand scale. Furthermore, 30 Wyuna Road is a rare example of an intact design by F. Glynn Gilling that retains much of its original layout, finishes and detailing that are consistent with the Inter-war Mediterranean style of which Gilling is acknowledged as a key practitioner.</p> <p>The location on the site of interwar era garages associated with the neighbouring residential flat building "Witherington" below ground level may be rare in the Woollahra LGA as a precursor to stratum subdivision, and further research is recommended to investigate this aspect of the site's significance.</p> <p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper would reach the threshold for local significance under this criterion.</p>
<b>Representativeness</b> SHR criteria (g)	<p>30 Wyuna Road, Point Piper is a fine example of the Inter-war Mediterranean style dwelling houses designed by F. Glynn Gilling, who is recognised as a key practitioner of this style. The dwelling shares a design language consistent with other larger and grander examples of Gilling's work, and responds to the constraints of the small site while demonstrating the key design characteristics of the Inter-war Mediterranean style dwelling houses. The dwelling house features informal massing and smooth rendered walls, and includes typical elements such as: the coloured tile roof, formal entrance treatment including leadlight fan light and side lights, vertically-proportioned double-hung windows with sashes divided into small panes by slender wooden glazing bars, use of louvered shutters, sweeping main stair with wrought-iron detailing, use of decorative columns and inclusion of classical motifs. It is a fine example of F. Glynn Gilling's architecture and demonstrates the principal characteristics of the Inter-war Mediterranean style executed within the confines of the site.</p> <p>The Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper is of local significance under this criterion.</p>
<b>Integrity</b>	<p>30 Wyuna Road retains the integrity of the original design.</p>

### HERITAGE LISTINGS

Heritage listing/s	N/A
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## Heritage Data Form

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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	R. Broomham	The Coopers of Woollahra – Land Dealings on the Point Piper Estate 1820-1920.	2001	Woollahra Council
Document	R. Broomham	Point Piper Thematic History	2006	Woollahra Council
Document	Hughes, Truman, and Ludlow	Heritage Study for the Municipality of Woollahra. Volume 1.	1984	Woollahra Council
Book	E. Lindsay Thompson	Domestic Architecture in New South Wales: Illustrating the work of F. Glynn Gilling	c. 1950s	The Shakespeare Head Press Pty Ltd. Sydney

RECOMMENDATIONS	
<b>Recommendations</b>	<p>It is recommended that Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper and its interiors be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance. This is to be based on this Heritage Inventory sheet.</p> <p>It is recommended to manage the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper 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. All remaining intact fabric on the external facades and intact interiors such as the first floor level bathroom should be retained and conserved. There should be no additions or alterations to the Wyuna Road elevations, and the exterior colour scheme, including white stucco walls and woodwork and green Roman tile roof should be retained. If major works are proposed, an archival and photographic record is to be undertaken in accordance with Heritage Council guidelines, with copies lodged with Woollahra Council and the Local Historical Association.</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>

SOURCE OF THIS INFORMATION			
<b>Name of study or report</b>	Assessment of Heritage Significance for 30 Wyuna Road, Point Piper	<b>Year of study or report</b>	2019
<b>Item number in study or report</b>	N/A		
<b>Author of study or report</b>	Kristy Wellfare (Strategic Heritage Officer, Woollahra Council)		
<b>Inspected by</b>	Kristy Wellfare (Strategic Heritage Officer, Woollahra Council)		
<b>NSW Heritage Manual guidelines used?</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>This form completed by</b>	Kristy Wellfare	<b>Date</b>	25 October 2019

## Heritage Data Form

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	R. Broomham	The Coopers of Woollahra	2001	Woollahra Municipal Council
Document	R. Broomham	Point Piper Thematic History	2006	Woollahra Municipal Council
Document	Hughes, Truman, and Ludlow	Heritage Study for the Municipality of Woollahra. Volume 1.	1984	Woollahra Municipal Council
Book	J. Jervis	The History of Woollahra: a record of events from 1788 to 1960 and a centenary of local government.	1960-65	Woollahra Municipal Council
Document	Woollahra Municipal Council	Building Applications Index		Woollahra Municipal Council
Document	Woollahra Municipal Council	Register of Building Applications	1941	Woollahra Municipal Council
Document	Double Bay Library	Double Bay Library Local History File – 30 Wyuna Road, Point Piper. 27 January 2018	2018	Woollahra Municipal Council
Book	Phillip Goad & Julie Willias (eds)	The Encyclopedia of Australian Architecture	2012	



## Heritage Data Form

### IMAGES - 1 per page

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

Image caption	Wyuna Road Elevation				
Image year	2019	Image by	Shona Lindsay	Image copyright holder	Woollahra Council





## ***Heritage Data Form***

<b>Image caption</b>	Decorative formal entry with leadlight fanlight and side lights				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council



## Heritage Data Form

Image caption	Decorative fireplace with column detail				
Image year	2019	Image by	Shona Lindsay	Image copyright holder	Woollahra Council



## *Heritage Data Form*

Image caption	Decorative column to living/sitting room				
Image year	2019	Image by	Shona Lindsay	Image copyright holder	Woollahra Council



## *Heritage Data Form*

Image caption	Leadlight to main stair				
Image year	2019	Image by	Shona Lindsay	Image copyright holder	Woollahra Council





## ***Heritage Data Form***

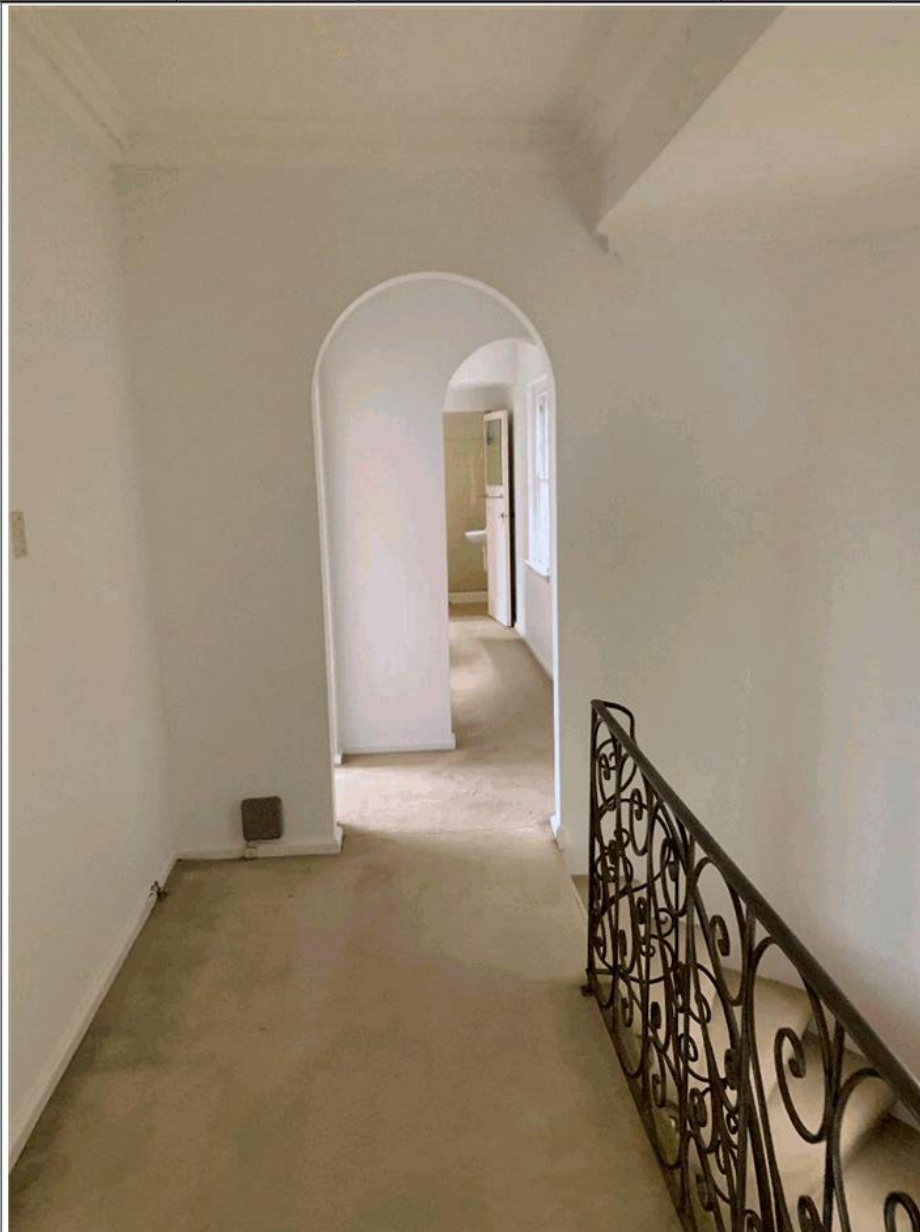
<b>Image caption</b>	Curved stair with leadlight and niche				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council





## *Heritage Data Form*

<b>Image caption</b>	First floor level stair gallery and arched openings				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council



## Heritage Data Form

Image caption	First floor level bathroom finishes				
Image year	2019	Image by	Shona Lindsay	Image copyright holder	Woollahra Council



## *Heritage Data Form*

<b>Image caption</b>	Curved shower to bathroom				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council



## *Heritage Data Form*

<b>Image caption</b>	First floor level master bedroom joinery, decorative light and leadlight window				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council





## *Heritage Data Form*

<b>Image caption</b>	Typical 4+4/6+6/4+4 window arrangements				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council





## *Heritage Data Form*

<b>Image caption</b>	Integrated decorative lighting				
<b>Image year</b>	2019	<b>Image by</b>	Shona Lindsay	<b>Image copyright holder</b>	Woollahra Council



## Heritage Data Form

Image caption	Decorative column to living/sitting room				
Image year	2019	Image by	Shona Lindsay	Image copyright holder	Woollahra Council



**From:** Brett Daintry  
**To:** Emma Williamson  
**Cc:** Marina Prayde  
**Subject:** Re: Public exhibition - Planning proposal for 30 Wyuna Road, Point Piper heritage listing  
**Date:** Monday, 6 July 2020 10:50:44 AM

Dear Emma,

Thank you for the email I have forwarded this to the Strata Manager for the attention of the owners of 'Witherington', 91 Wolseley Road, Point Piper

Regards

Brett

Brett Daintry MPA MA/BS MEHA  
Director  
Daintry Associates Pty Ltd

m [REDACTED]  
w: [brett@daintry.com.au](mailto:brett@daintry.com.au)  
l: [www.linkedin.com/in/brettdaintry](https://www.linkedin.com/in/brettdaintry)

On 6 Jul 2020, at 9:05 am, Emma Williamson [REDACTED] wrote:

Attn: On Behalf of the owners of 'Witherington', 91 Wolseley Road, Point Piper,

Woollahra Council has commenced the exhibition of a planning proposal in relation to the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper [Lot 2 DP 567775].

We invite your comment.

The amendment to the *Woollahra LEP 2014* involves the listing of 30 Wyuna Road, Point Piper, including its interiors, as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

A detailed description of the heritage significance of the item is included in the supporting documents to the planning proposal, particularly the Assessment of Heritage Significance and Inventory Sheet prepared by Woollahra Council.

The Council has been authorised by the Department of Planning, Industry and Environment to make the LEP under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

**Public exhibition details**

**Exhibition period** Monday 06 July 2020 – Friday 21 August 2020

**Locations** On Council's [website](#) and at **Woollahra Council Customer Service area**, 536 New South Head Road, Double Bay - 8am to 4.30pm, Monday to Friday.

**Submissions** Quote reference **SC5267 Submissions** and address to the General Manager at Woollahra Council, PO Box 61, Double Bay NSW 1360 or email to [records@woollahra.nsw.gov.au](mailto:records@woollahra.nsw.gov.au)  
Written submissions can be made in writing during the period **Monday 06 July 2020 – Friday 21 August 2020**. When making a submission, please provide your contact details such as an email or postal address so we can keep you up to date on the matter.

Should you require any further information, please contact Kristy Wellfare on [REDACTED]

Kind regards,  
Emma

<image001.jpg>   
Emma Williamson  
Administration Officer – Strategic Planning  
Woollahra Municipal Council  
536 New South Head Road, Double Bay NSW 2028  
t: [REDACTED] w: [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au)

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For more information please visit <http://www.symanteccloud.com>

**From:** [Sandy Hone](#)  
**To:** [Records](#)  
**Subject:** SC5267 Submissions  
**Date:** Monday, 20 July 2020 6:25:22 PM

---

Dear General Manager,

Re: Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper.

As a resident next to the subject property I fully support Council in their planning proposal to list 30 Wyuna Road Point Piper as an heritage item. The short inter-war period was a significant era in social development following the trauma of WW1 and the Depression before WW2. The property displays the strength of character of architects and planners in that time and should be retained for all times.

Regards,

**Sandy Hone**

[Redacted] | Point Piper NSW 2027  
[Redacted]



Millers Point, NSW 2000

Sydney NSW 2001

[www.nationaltrust.org.au/NSW](http://www.nationaltrust.org.au/NSW)

31 July 2020

Mr Craig Swift-McNair  
General Manager  
Woollahra Council  
PO Box 61  
Double Bay NSW 1360

Email: [REDACTED]

Attention: Emma Williamson

Dear Mr Swift-McNair,

**Reference: SC5267 – Planning Proposal, 30 Wyuna Road, Point Piper**

I refer to Council's email of 6 July, 2020 to the National Trust, inviting the Trust's comments on Council's exhibition of a planning proposal in relation to the Inter-war Mediterranean style dwelling house at 30 Wyuna Road, Point Piper [Lot 2 DP 567775].

This property and its heritage significance was discussed at the July 8 meeting of the National Trust's Built Heritage Conservation Committee.

This building and its interiors are a fine example of the Inter-war Mediterranean Style and the work of F. Glynn Gilling and it appears to be remarkably intact.

The National Trust strongly supports this planning proposal and the amendment to the Woollahra Local Environmental Plan 2014 involving the listing of 30 Wyuna Road, Point Piper, including its interiors, as a heritage item (Schedule 5 – Environmental Heritage).

Yours sincerely,

A handwritten signature in black ink, appearing to read "G. Quint".

Graham Quint  
Director, Conservation

The National Trust of Australia (New South Wales)  
ABN 82 491 958 802





## Woollahra History and Heritage Society Inc

ABN 17 597 074 575

WHHS

DOUBLE BAY NSW 1360

whhs 20012

12 August 2020

MR Craig Swift-McNair  
General Manager  
Woollahra Municipal Council

Dear Mr Swift-McNair,

SC 5267 SUBMISSION HERITAGE LISTING OF 30 WYUNA ROAD, POINT PIPER

The Woollahra History and Heritage Society has studied the planning proposal regarding the proposed heritage listing of 30 Wyuna Road, Point Piper on Woollahra Local Environmental Plan 2014.

The Society fully supports this proposed listing.

Yours sincerely,

Peter Poland OAM  
President

**From:** [Your Say Woollahra](#)  
**To:** [Emma Williamson](#)  
**Subject:** DMF completed Make an online submission  
**Date:** Friday, 14 August 2020 7:24:40 AM

---

DMF just submitted the survey Make an online submission with the responses below.

**Would you like to make a submission to the proposed heritage listing of 30 Wyuna Road, Point Piper?**

Yes

**Your email**

[REDACTED]

**Your name**

Donella Freeman

**How would you like to make your submission?**

Type your submission here

**Please type your submission here.**

I disagree with the heritage listing of the property interiors. The existing layout has some redeeming features but not enough to heritage list. The staircase is pretty but difficult to use, especially walking down. The current layout of the house itself does not take advantage of its beautiful location. The two kitchens are particularly ugly and have little connection to the living room. I live next door and while I don't look forward to the noise of building work, I believe the new owners are trying to be sympathetic to the most appealing app features. I don't understand why the house is being considered a heritage item.

**From:** [James Sellwood](#)  
**To:** [Records](#)  
**Subject:** Planning Proposal - Local Heritage Listing - 30 Wyuna Road, Point Piper  
**Date:** Wednesday, 19 August 2020 1:19:30 PM  
**Attachments:** [image001.png](#)

---

Our ref: DOC20/543789

**Planning Proposal - Local Heritage Listing - 30 Wyuna Road, Point Piper**

Dear Mr Swift-McNair

Attention: Ms Kristy Wellfare, Strategic Heritage Officer

Thank you for the opportunity to comment on the planning proposal to list the Inter-war Mediterranean style dwelling house located at 30 Wyuna Road, Point Piper as a Local heritage item under Woollahra Local Environmental Plan 2014.

We have reviewed the planning proposal and note that Council's assessment of heritage significance indicated that 30 Wyuna Road met the criteria for listing at a Local level.

Heritage NSW encourages the identification and listing of new heritage items, provided that all necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of the planning proposal, Council should be satisfied that this is the case.

If you have any questions, please don't hesitate to contact me on the details below.

Best regards  
James

**James Sellwood** | Senior Heritage Programs Officer – Statewide Programs

Heritage NSW

Department of Premier and Cabinet

[Redacted] Parramatta NSW 2150 | [Redacted] Parramatta NSW 2124

T: [Redacted]



*I acknowledge and respect the traditional custodians and ancestors of the lands I work across*

---

This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

If you are not the intended recipient, please notify the sender and then delete it immediately.

Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment and Heritage.

**Item No:** R2 Recommendation to Council

**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF  
TRELAWNEY COURT, INCLUDING INTERIORS, AT 3  
TRELAWNEY STREET, WOOLLAHRA**

**Author:** Flavia Scardamaglia, Strategic Heritage Officer

**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development

**File No:** 20/135884

**Reason for Report:** To report on the advice made to Council by the Woollahra Local Planning Panel.  
To obtain Council's approval to proceed with the planning proposal to list Trelawney Court, including interiors at 3 Trelawney Street, Woollahra, 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 6 August 2020.
- B. THAT Council forward the planning proposal, as contained in the *Annexure 3* of the report to the Environmental Planning Committee meeting on 7 September 2020 to list *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra, as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*, to the Department of Planning, Industry and Environment, requesting a gateway determination to allow public exhibition. The planning proposal will be updated to reference the report to the Environmental Planning Committee and subsequent decision of the Council.
- C. 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*.

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**1. Background**

On 11 November 2019, Council adopted the following notice of motion (Item No.16.3):

*That Council proceeds urgently to assess Trelawney Court at number 3 Trelawney Street, Woollahra with a view to a local heritage listing.*

In response to Council's decision, heritage consultants Kieran McInerney Architects and Rebecca Hawcroft were engaged to undertake a heritage assessment in accordance with the NSW heritage criteria.

The consultants are a team of award winning heritage and architectural specialists with extensive experience researching the work of architects George Reves and Charles Hayes, who designed Trelawney Court. Rebecca Hawcroft has previously published a number of scholarly articles, curated an exhibition and edited a publication that focused on Reves and other émigré architects working in Sydney after the Second World War.

The consultants undertook an assessment of heritage significance which concluded that the building and its interiors had sufficient heritage significance to warrant listing as a local heritage item (**Annexure 1**).

The assessment was reported to the Environmental Planning Committee (EPC) on 6 July 2020 with a recommendation that the building and its interiors be listed as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) (**Annexure 2**). On 27 July, Council resolved the following:

- A. *THAT a planning proposal be prepared to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in 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.*

## **2. Planning Proposal**

A planning proposal was prepared in accordance with the Council's decision on 27 July 2020 (**Annexure 3**). The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra, and provide it with statutory heritage protection.

## **3. Woollahra Local Planning Panel advice**

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 6 August 2020 for advice. The Panel provided the following advice to Council:

*THAT the Woollahra Local Planning Panel advises Council to:*

- A. *Proceed with the planning proposal to list the Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra 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.*

Note: The planning proposal contained in **Annexure 3** has been updated to contain the Woollahra LPP's advice and further consultation with the landowner. The planning proposal will be further updated to include references to this report to the EPC, any subsequent decision of the Council and additional consultation with the landowner.



#### **4. Next steps**

Subject to the Council's decision, the updated 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 in the Wentworth Courier, if a hardcopy is being published
- a notice to the land owner of the site
- a letter to land owners in the vicinity of the site
- a letter to local community groups such as 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 the assessment of heritage significance and 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. This request is addressed through Part C of the recommendation, above.

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 *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra as a local heritage item in Woollahra LEP 2014 is supported by an assessment of the heritage significance prepared by Kieran McInerney Architects and Rebecca Hawcroft.

On 6 August 2020, the Woollahra LPP 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. Assessment of Heritage Significance by Kieran McInerney and Rebecca Hawcroft - Final Draft April 2020 [↓](#) 
2. Report to the Environmental Planning Committee 6 July 2020 (excluding Annexures) - Item R2 - 6 July 2020 [↓](#) 
3. Planning Proposal - Local Heritage Listing of Trelawney Court - (excluding annexures) - August 2020 [↓](#) 

**Assessment of Heritage Significance for 3 Trelawney Street,  
Woollahra**



**Final Draft Issue April 2020**

**Authors**

**Rebecca Hawcroft &  
Kieran McInerney**

**For**

**Woollahra Municipal Council**

Trelawney Court Heritage Assessment

Final Draft Issue 15 April 2020

## Table of Contents

<b>Section 1: Introduction.....</b>	<b>1</b>
Overview.....	1
Project methodology .....	1
Authors and acknowledgements .....	1
Limitations .....	2
<b>Section 2: Background.....</b>	<b>3</b>
Site identification.....	3
Site zoning and heritage listings.....	5
<b>Section 3: History .....</b>	<b>7</b>
Introduction.....	7
Woollahra.....	7
Part of Eora Country.....	7
Early European Settlement .....	7
History of the subdivision.....	8
Elystan .....	9
3 Trelawney Street, Woollahra.....	15
Reves and Hayes Architects .....	18
George Reves.....	19
Charles Hayes .....	21
<b>Section 4: Physical Analysis .....</b>	<b>22</b>
Site Inspection .....	22
The site .....	22
The building .....	23
Exterior .....	28
Interior .....	32
Moveable heritage items.....	36
Current condition .....	37
Alterations and additions.....	38
<b>Section 5: Comparative Analysis.....</b>	<b>41</b>
Introduction.....	41
Works of Reves and Hayes .....	41
Works of George Reves.....	43
Inter-war flat buildings in the Woollahra LGA.....	47
Inter-war flat buildings outside Woollahra .....	52
Conclusion.....	53
Comparative analysis .....	54
<b>Section 6: Heritage Significance Assessment .....</b>	<b>57</b>
Introduction.....	57
NSW Historical Themes .....	57
Heritage significance assessment.....	58
New South Wales Heritage Assessment Guidelines .....	58
Criterion a- Historical significance .....	59
Criterion b- Associative significance .....	60
Criterion c- Aesthetic/technical significance.....	61
Criterion d- Social significance.....	62
Criterion e- Research potential .....	62
Criterion f- Rarity .....	63

Final Draft Issue 15 April 2020



Trelawney Court Heritage Assessment

Criterion g- Representative .....	64
<b>Statement of Heritage Significance .....</b>	<b>65</b>
<b>Section 7 Conclusions and Recommendations .....</b>	<b>67</b>
<b>Conclusions.....</b>	<b>67</b>
<b>Recommendations.....</b>	<b>67</b>
Heritage listing.....	67
Ongoing management.....	67
<b>Section 8 References.....</b>	<b>69</b>
<b>Section 9 Appendix A: Excerpts from Woollahra Council file BA/1947, noting the disapproval of the first three-storey scheme submitted.....</b>	<b>71</b>
<b>Section 10 Appendix B: Work of Reves and Hayes.....</b>	<b>75</b>
<b>Section 11 Appendix C: Heritage Inventory Sheet.....</b>	<b>89</b>

Final Draft Issue 15 April 2020

## **Section 1: Introduction**

### **Overview**

The authors have been engaged by Woollahra Council to provide a Heritage Significance Assessment (HAS) of the residential flat building “Trelawney Court” at 3 Trelawney Street, Woollahra, 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*.

On 11 November 2019 at the Woollahra Council meeting, a Notice of Motion was considered (NOM 16.3) regarding the property and Council resolved without debate:

*That Council proceeds urgently to assess Trelawney Court at number 3 Trelawney Street, Woollahra with a view to a local heritage listing.*

The building is located in the Woollahra Heritage Conservation Area under Woollahra LEP 2014. The building is currently a contributory item as per Clause 2.7 of the *Woollahra Development Control Plan (DCP) 2015, Chapter C2 Woollahra Heritage Conservation Area*. It is not listed on the Institute of Architects Register of 20<sup>th</sup> 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 Kieran McInerney (registered architect) and Rebecca Hawcroft (heritage specialist).

#### Trelawney Court Heritage Assessment

The authors acknowledge the help of Ted Quinton and his previous research on George Reves, and former heritage officers at the Institute of Architects, Anne Higham and Dr. Noni Boyd, for their research assistance in uncovering archival material related to Reves and Hayes.

#### **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.

The building has not been available for detailed inspection during this project, despite Council requesting it. The exterior of the building is visible from the street and documentation such as aerial photographs have provided further information. The authors visited the site when the property was being sold during open for inspections in October 2019 and have based their descriptions and assessment on this information and that visit.

Trelawney Court Heritage Assessment

## Section 2: Background

### Site Identification

The subject building consists of a two storey post-war residential flat building located at 3 Trelawney Street, Woollahra. The site is located within the Woollahra Local Government Area (LGA) and is legally described as Lot 1, DP 86213, as shown on the cadastral map at *Figure 1*.

The lot consists of a long thin property with street frontage to Trelawney Street of 16 metres tapering to 7.5 at the rear of the site. The site depth is 65 metres.

Its boundaries are shared by a late twentieth century two storey residential flat building to the west, occupying most of the lot, and to the east the rear boundaries of five properties facing Edgecliff Road. The largest is 388 Edgecliff Road, a large Federation Style house, now converted to flats, located on the corner of Edgecliff Road and Trelawney Street. The garage of 388 Edgecliff Road is directly adjacent on the Trelawney Street boundary.



Figure 1. Site plan, with subject site highlighted. (Source: Woollahra Council GIS Maps)

Trelawney Court Heritage Assessment



Figure 2. Site aerial, with subject site highlighted. (Source: Woollahra Council GIS Maps)



Figure 3. Aerial photograph with the subject site shown in the wider context of Woollahra and surrounding suburbs looking east. (Source: Bradfield Cleary

<https://www.realestate.com.au/sold/property-unitblock-nsw-woollahra-132139322>)



Trelawney Court Heritage Assessment

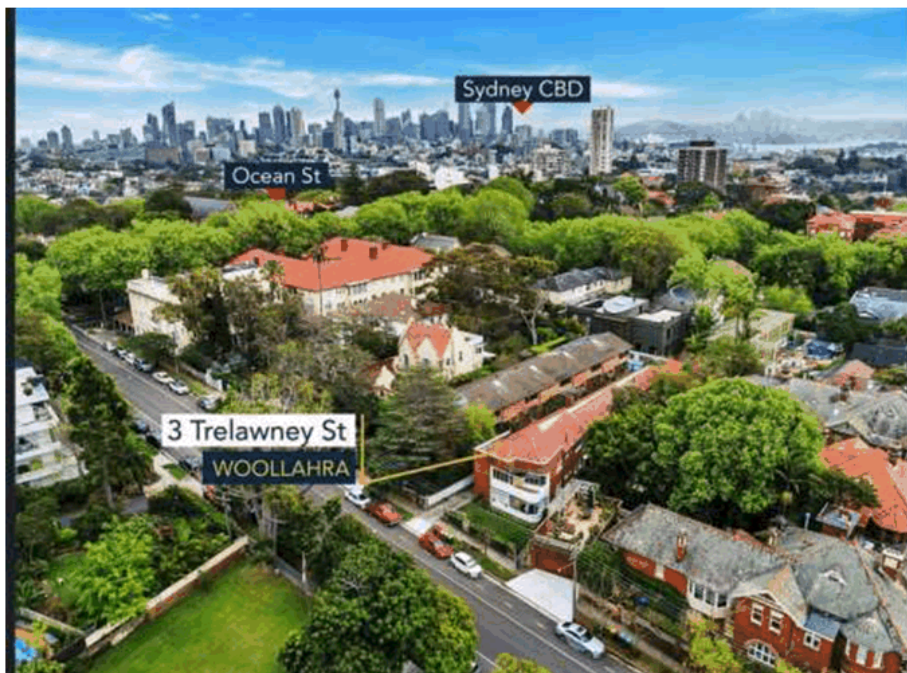


Figure 4. Aerial photograph with the subject site shown in the wider context of Woollahra and surrounding suburbs looking north west. (Source: Bradfield Cleary 2019  
<https://www.realestate.com.au/sold/property-unitblock-nsw-woollahra-132139322>)

### Site zoning and heritage listings

The site and its neighbours are zoned R3 Medium Density Residential under Woollahra LEP 2014 and are situated in the Woollahra Heritage Conservation Area (Figure 5). The building is listed as a contributory item as per Clause 2.7 of the *Woollahra Development Control Plan (DCP) 2015, Chapter C2 Woollahra Heritage Conservation Area*.

Surrounding heritage items listed on Schedule 5 Environmental Heritage of Woollahra LEP 2014 include:

- 388 Edgecliff Road; 'Building and interiors, street fencing' (Item 488)
- 7 Trelawney; 'Great Tree—house and interiors, street fencing' (Item 616)
- 2 Trelawney to the south; 'Kauri Pine' (Item 615)

plus a number of other listed properties in the vicinity.

Trelawney Court Heritage Assessment

The building is not listed on the non-statutory registers maintained by the Institute of Architects NSW (Register of 20<sup>th</sup> century buildings of significance) or the National Trust (NSW).

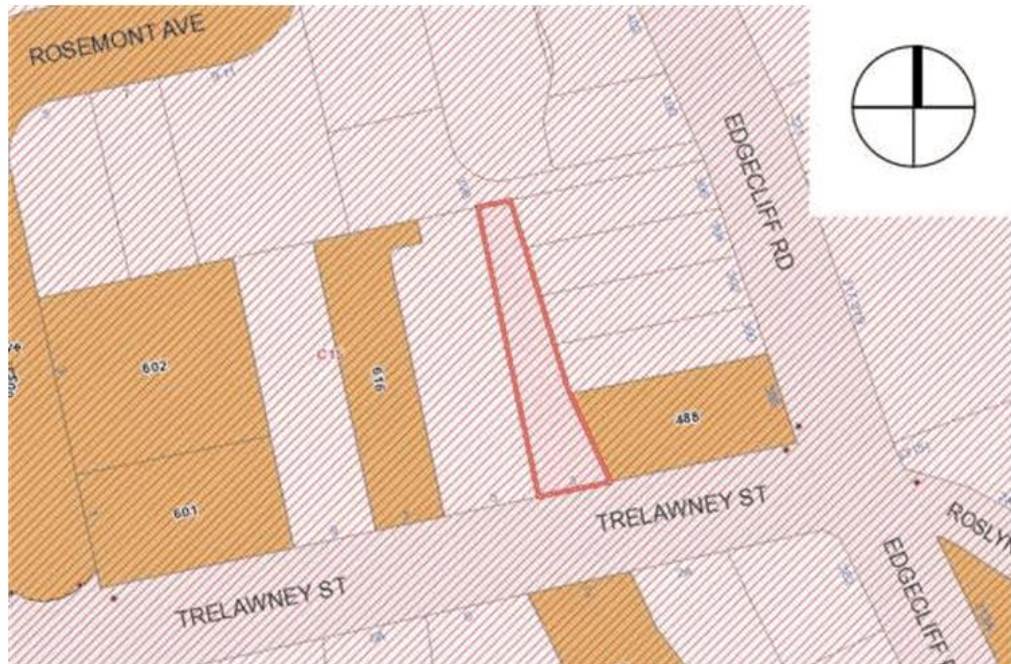


Figure 5. Detail of Heritage Map Sheet HER\_ 003A of the Woollahra LEP 2014. The red hatched area designates the Heritage Conservation Area C15 - Woollahra and the brown numbered sites are listed heritage items. No. 3 Trelawney Street is outlined in red.

Trelawney Court Heritage Assessment

## **Section 3: History**

### **Introduction**

This section provides a historical context to the development of the subject site. It briefly covers the development of Woollahra and Trelawney Street before focusing on the development of the current building at 3 Trelawney Street and its architects.

### **Woollahra**

Woollahra is a suburb located between Paddington and Edgecliff 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 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



#### Trelawney Court Heritage Assessment

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.

During the early years of Governor Macquarie's rule land grants were made to military men, the most prominent of these in the area was to the flamboyant naval officer, Captain John Piper, in 1815. Following Piper's financial demise, Daniel Cooper (1785- 1853) and Solomon Levey (1794-1833) acquired the land in 1827. Cooper and Levey were importers, exporters, wool-buyers, ship owners and builders, shipping agents, whalers, sealers and merchants who controlled a large share of the Colony's business.

The land on which 3 Trelawney Street stands was once part of a 1130 acre grant by Governor Darling on March 22, 1830 in fulfillment of a promise made by Macquarie to Piper. The grant states that it is a consolidation of several early grants for which no deeds were executed and included the whole 500 acres of the Piper Estate. Cooper and Levey also later acquired, by grant or purchase, large tracts of land in Waterloo, Alexandria, Redfern, Randwick and Neutral Bay.

New South Head road was surveyed in 1831-2 however, completion to an acceptable standard took many years. The completion of this road provided the first real incentive for more intense development as previous developments had relied on water access. Following Levey's death in 1833 and protracted legal proceedings Cooper bought out Solomon Levey's heir, John Levey. By 1842, the whole estate was effectively owned by the Cooper family.

#### **History of the subdivision**

The Cooper estate was plagued by legal problems from the 1830s, caused first by the will of Solomon Levey and later by that of Daniel Cooper, following his death in 1853. As a result little development occurred during this era. Cooper's Woollahra estate was willed not to his next of kin, his nephew Sir Daniel Cooper (1821-1902), but to Sir Daniels's son, Daniel. In 1844 Cooper had commissioned Surveyor General Thomas Livingstone Mitchell to prepare a trigonometrical survey of the estate that

#### Trelawney Court Heritage Assessment

included its division into allotments. As the new owner was a minor in 1853, Trustees managed the estate until 1869. The trustees opened some areas of the estate on 99-year leases.

#### **Elystan**

For most of the early 20<sup>th</sup> century the subject site was part of the grounds of Elystan, a large house built in the 1860s. In 1874 it was listed for sale by then owners the Gilchrist family, and described as a 'first class' family residence on five acres of ground fronting Edgecliff Road, Ocean and Trelawney Streets.

The property originally occupied the entire block from Ocean Street to Edgecliff Road with Trelawney Street as its southern boundary. Sands directory listings from 1886 list Elystan as the only property on the northern side of Trelawney Street and is occupied by Samuel Grey. A year later it is occupied by James Marks. By 1910 the northern side of Trelawney Street has been subdivided to the west of Elystan, however Elvo, on the corner of Trelawney and Edgecliff Road, is the only property to its east. The map below from 1889 shows this development.

In 1912, the Elystan grounds were further subdivided with the creation of Rosemont Avenue to the west of the house and the land to the north opened of the house subdivided for development. See Plan of the Rosemont Estate below.



Trelawney Court Heritage Assessment



Figure 6. 1887 Plan of Woollahra showing Elystan occupying the northern side of Trelawney Avenue. The road to the right of the image is Edgecliff Road. (Sydney Metropolitan Detail series, MC2. No 114, MSER4 1887, Woollahra Library Local Studies collection)

Trelawney Court Heritage Assessment



Figure 7 Detail of 'Map of the Municipality of Woollahra' published by Higinbotham and Robinson, c1889. "Elystan" is shown occupying the northern side of Trelawney Street all the way to Edgecliff Road. Elystan's entry gates are shown in the area of the subject site. Rosemont Street is yet to be created. (Woollahra Library Local Studies collection)

Trelawney Court Heritage Assessment

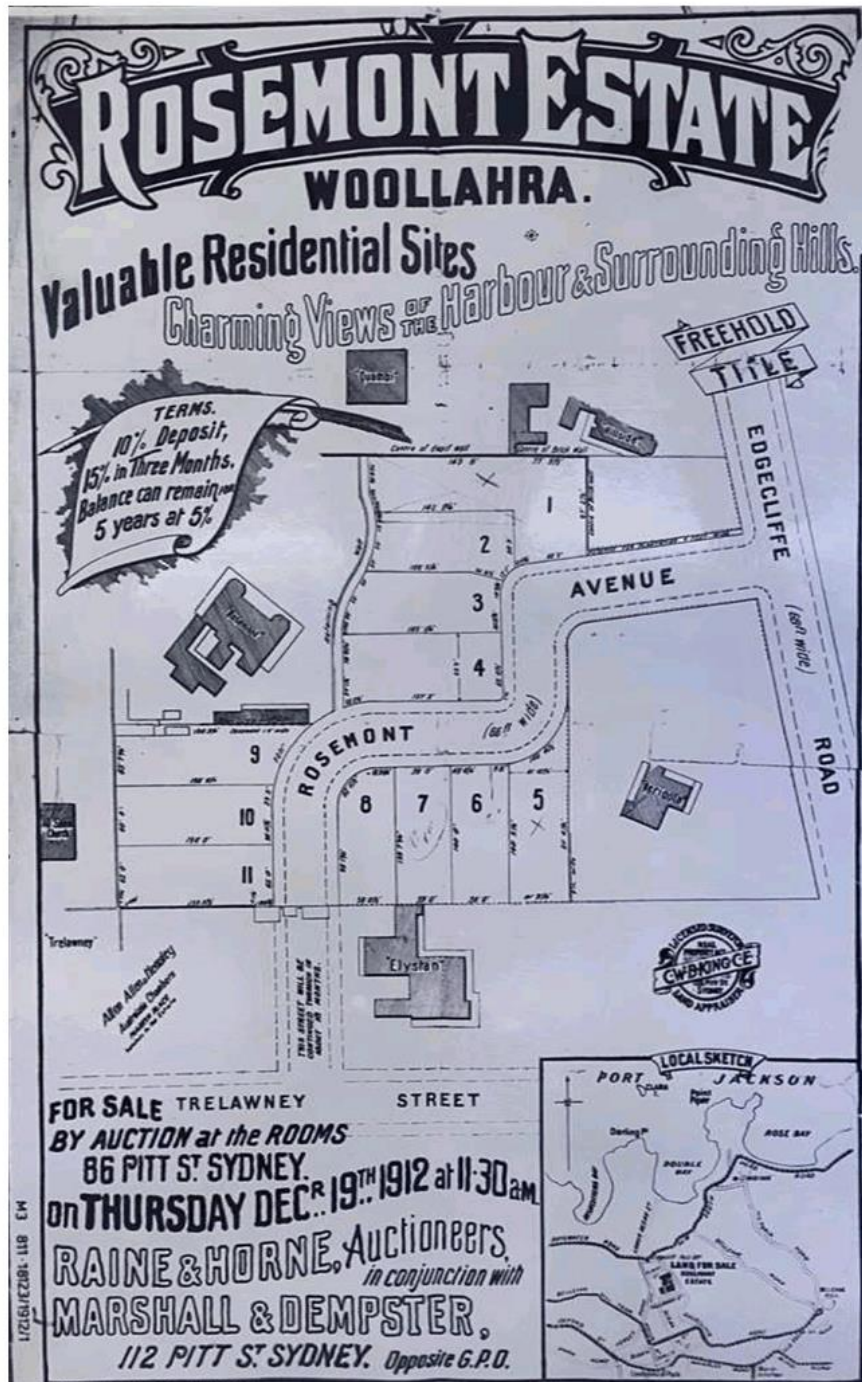


Figure 8 1912 Plan of Rosemont Estate to the north of Elystan. The rest of the land to the east of Elystan on Trelawney Street remains undeveloped. (Rosemont Estate Subdivision Plan, Woollahra Library Local Studies collection)



Trelawney Court Heritage Assessment

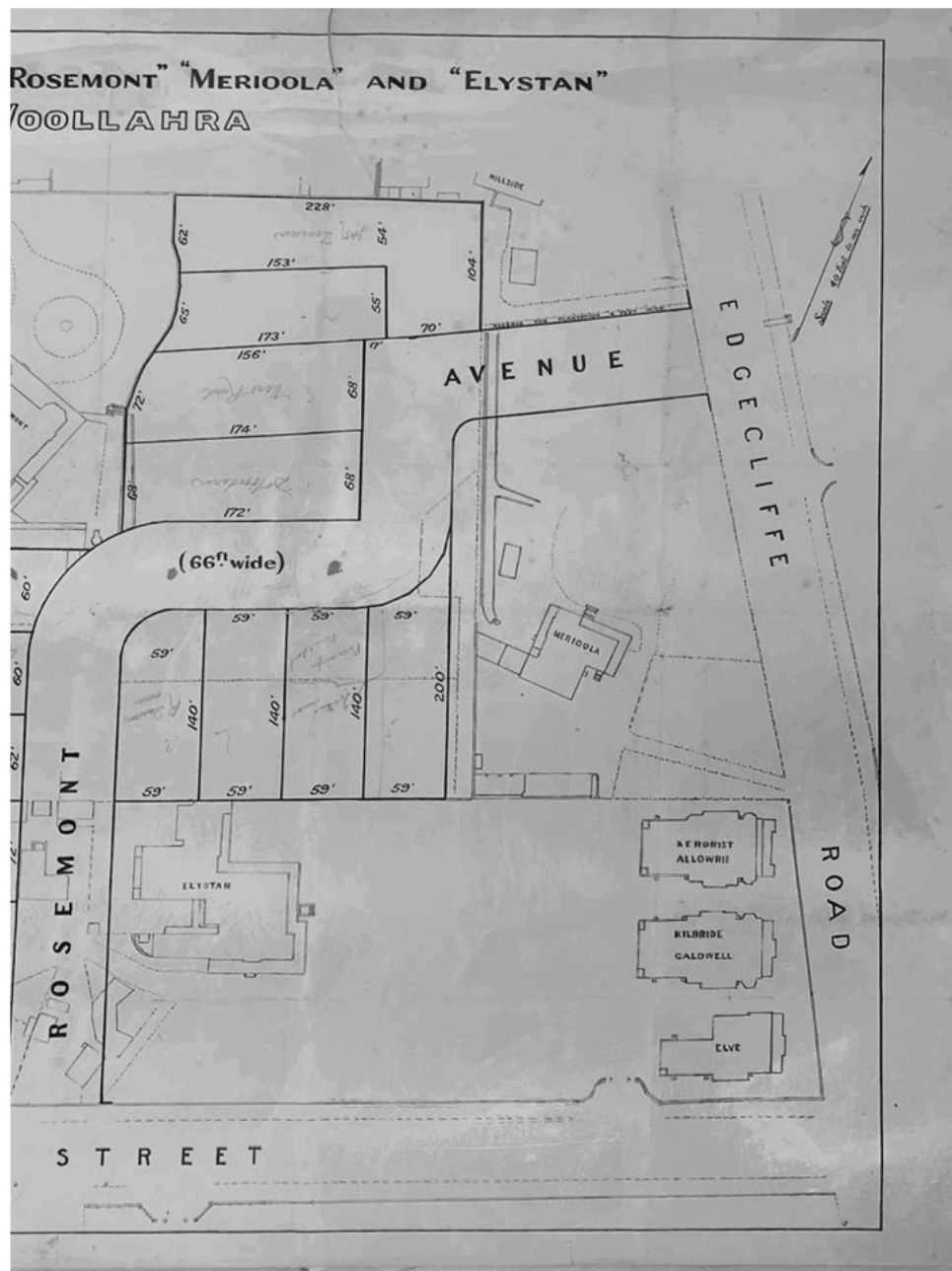


Figure 9. Plan of the Rosemont Estate subdivision c.1912, showing Elystan and the subject site, undeveloped, but lying to the west of Elve, one of three large houses facing Edgecliffe Road that remain today. (Proposed Subdivision of Rosemont, Merioola and Elystan, Woollahra, Woollahra Library Local Studies collection)

At some point the eastern sections of the property are subdivided. The Sands directory records that the subject site is owned by Arthur Wigram Allen from 1927. Allen was a prominent solicitor with extensive land holdings, most notably in Glebe. Council valuation cards indicate the subject site remains undeveloped with a fence its only built structure.

Progressively the large estates in the surrounding area are subdivided and many of the large houses are converted to apartments. An example being the property to the east of the subject site, on the southern side of Trelawney Avenue, Quiraing, which is subdivided and later demolished and replaced by a high rise apartment building.



### Trelawney Court Heritage Assessment

It is not known when Elystan house was demolished, but a 1930s apartment building at 3 Rosemont Avenue, now occupies its former location.

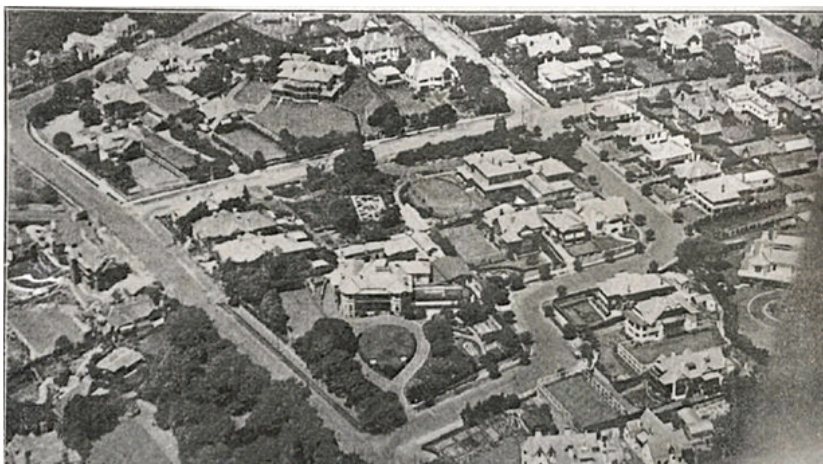


Figure 11. Trelawney Street in 1920. The curved street at the right and lower edge of the image is Rosemont. The street at the left Edgecliff Road. The subject site remains a narrow undeveloped lot to the rear of the large houses on Edgecliff Road. (1920 WMC Annual Report, p.27 Woollahra Library Local Studies collection)

### 3 Trelawney Street, Woollahra

The subject site remained undeveloped and in the ownership of Arthur Wigram Allen until its 1943 purchase by Tibor and Marta Danos. National Archives of Australia immigration records indicate the Danos' were Hungarian and arrived in Australia in 1940. On Council valuation records the Danos' gives their address as 'Styletex' in George Street Sydney, a textile company listed in Dun's Gazette as owned by Marta Danos.

A building application to erect the apartment block at 3 Trelawney Street was made in November 1946 by a Mr. T Danos. Council's building application file (BA1/47) shows that the initial proposal was for a main building of three stories with a two storey maisonette at the rear (drawing dated 20.11.1946). This was followed by a secondary scheme of two stories (drawing dated 1.4.1947).

Trelawney Court Heritage Assessment

File BA1/47 shows that Council's 'Plans, Building and Health Committee' recommended on 21 January 1947 that the BA be disapproved for 11 reasons. Reasons 1 and 2 being:

1. The design is not in keeping with the buildings in this area.
2. The height of the building is not in keeping with the adjacent buildings.

On 27 January 1947 the Council adopted the Committee's recommendation. (BA.1/1947, Letter from Acting Town Clerk, 28.01.1947, See **Appendix A**).

Amended plans were lodged which reduced the proposal to two stories with four apartments and one two storey maisonette apartment at the rear. This revised scheme was approved by Council 15.4.1947. The specification was prepared by Reves and Hayes Architects for a concrete framed, brick structure with cavity walls. The roof is pitched behind a parapet and tiled with red Marseille tiles.

Although the initial proposal was considered as not in keeping with the character of the area, the final revised and approved building drew attention as a modern apartment providing light filled and well furnished, functional apartments. Trelawney Court was featured on the cover of Australian publication *Decoration and Glass* in July-August 1949.

Trelawney Court Heritage Assessment

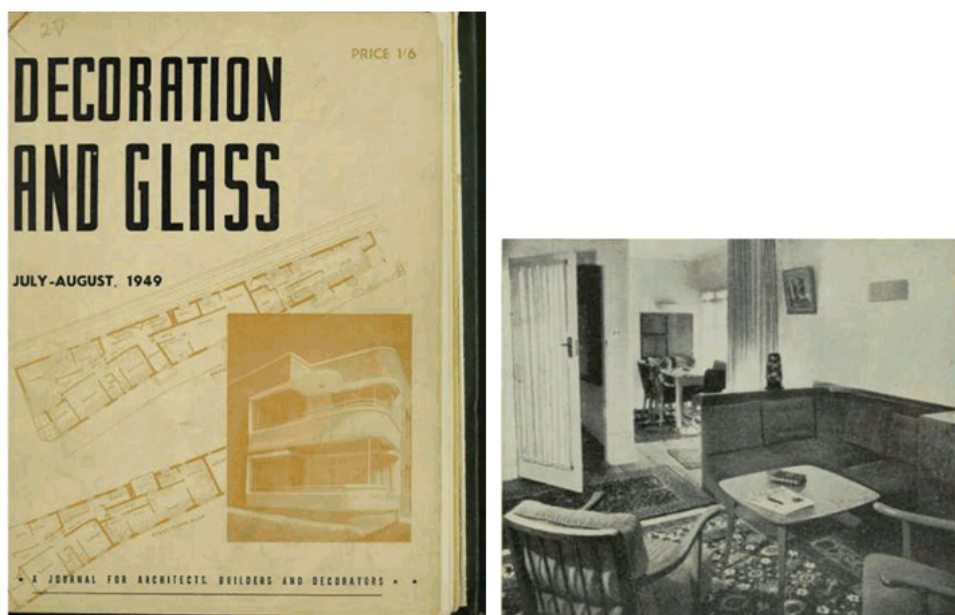


Figure 12 and 13. Cover and detail of article on 'Trelawney Court'. The interior image shows the maisonette and is captioned "The combination lounge, dining room gives a more spacious appearance." It also shows Reves and Hayes extensive use of built-in furniture. (*Trelawney Court*, *Decoration and Glass*, Volume 15, No.2, July-August 1949, Cover and pp.22-23.)

It appears Max Dupain took the published photos, as a search of the Max Dupain and Associates archive, now held in the State Library of NSW shows 13 photos of the building including those used in the article. Many of the interior images record the extensive built in furniture that was part of Reves and Hayes design and demonstrated a common European custom, no doubt familiar to both architect and client.

When travelling in 1960 and again in 1968 Marta and Tibor Danos give their address as 3 Trelawney Street indicating they lived in one of the apartments, probably the maisonette. Most of the Dupain interior photos are of the maisonette apartment possibly indicating the Danos' commissioned the furniture primarily for their own apartment. The property remained in their ownership until 2019 when Marta Danos bequeathed the building to St Luke's Care and the Garvan Institute. In October 2019 the building was put up for auction and sold for \$7.2 million.

Trelawney Court Heritage Assessment

**Reves and Hayes Architects**

The building at 3 Trelawney Street was designed by the architectural partnership of Reves and Hayes. This appears to have been a short lived partnership formed after the war and dissolving in 1952 when Hayes moves to a larger firm and Reves establishes a solo practice.

Reves and Hayes were both Hungarians who emigrated as a result of World War II. Although neither is well known, their careers can be seen as representative of the significant numbers of European émigré architects, particularly Hungarians, who practiced in Sydney following WWII. Reves completed a number of residential projects in the eastern suburbs and had his work published in the architectural press during the 1950s, but the majority of his work is unknown and now difficult to identify. Hayes did not register with the Architect's Board of Registration until later in his career, remaining an employee in medium sized firms. Hence we know very little about his design work. This is typical of émigré architects many of whom had low profile careers and received little attention from the architectural community.

A recent focus on Australia's modernist architectural heritage and the diversity of its application has lead 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 Hungarian 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 architects within the context of modernist architecture in the Woollahra Council area.

Trelawney Court Heritage Assessment

**George Reves**

George Reves (nee Revesz) (1910–2004) was a Hungarian who migrated to Australia in 1939. Reves graduated with an architectural degree from the Royal Joseph Technical University, Budapest. He worked in Paris for modernist Auguste Perret before returning to Budapest in 1934 to begin his own practice, designing a number of houses and apartment buildings. Following the German annexation of Austria, Reves fled Europe, arriving in Australia.

Reves' wartime experience in Sydney included designing for James Hardie. He registered as an architect in 1945, and his small-scale, largely residential practice drew on his extensive contacts in Sydney's émigré community. Although he ran a small practice two of his houses, both located in the eastern suburbs, were featured in *Architecture in Australia*, in 1955 and 1956.

The National Archives of Australia passenger travel records show that Reves travelled to Los Angeles in 1955 and his work from this period onwards shows significant influence of American modernism, in particular the 1955 Spencer Residence by Richard O. Spencer which was published in *arts & architecture* in 1954.



Trelawney Court Heritage Assessment



Figure 14. In 1955 a house Reves designed in Bellevue Hill, this time in partnership with another émigré Hungarian architect, Gabor Lucas, was featured on the cover of *Architecture in Australia* (July-September 1955). Further details of the project are unknown.

As was common practice in Europe many of Reves' projects included the design of furniture as part of the overall architectural design. An example is the Schwartz House he designed at 875 New South Head Road, Rose Bay (1957). This project and its furniture were featured in the 2017 exhibition [The Moderns: European Designers in Sydney](#) at the Museum of Sydney. A chapter about the house and the furniture makers, also émigrés, M Gerstl Cabinet Works is part of the 2017 publication *The Other Moderns*.

Ted Quinton, who interviewed Reves in 1997 for his Bachelor of Architecture dissertation, notes that in the 1960s Reves switched his practice from largely residential work to larger projects, designing and refurbishing factories, motels and hotels, including several interstate projects. This change seems to coincide with the relocation of his office from 45 Phillip Street, Sydney to 29 Berry Street, North Sydney where he remained until he retired in 1980 aged 70.

Trelawney Court Heritage Assessment

**Charles Hayes**

Fellow Hungarian Charles Hayes (nee Hajos) (1911- 1995) also graduated from the Royal Joseph Technical University, Budapest with a second class Honors degree in architecture in 1934. From 1934 to 1940 he was employed as an architect in Budapest before emigrating to Australia in 1940.

In Australia Hayes found architectural work with established firm Lipson and Kaad, before joining the Australian Army from 1942 to 1946. Hayes applied for registration in 1946 when the Architects Registration Board had tightened its policies, and was no longer recognising overseas degrees without applicants passing the prescribed examinations. Reves, and a group of other graduates of the same university had applied the year prior and been accepted without the need for further examinations.

Deciding not to sit the examinations, unregistered, he worked in partnership with Reves from 1946 to 1952. This study has located three projects undertaken by the partnership including the flats at 3 Trelawney Street (see comparative analysis).

After leaving the partnership Hayes worked for another Hungarian, Francis Feledy as senior architectural draftsman, playing a major role in the firm's work which consisted primarily of large industrial structures in the newly developing areas of Zetland and Mascot. Hayes is finally registered in 1963 at the age of 54, after 19 years of architectural work in Australia. Emery Balint, another Hungarian and the former Associate Professor of Building at the University of NSW, witnessed Hayes registration papers, noting he had known Hayes for 33 years.

The later part of Hayes' career is unknown. He died in 1995.

Trelawney Court Heritage Assessment

## Section 4: Physical Analysis

### Site Inspection

The building at 3 Trelawney Street was viewed by the authors during open for inspections in October 2019. This included access to all the flats and the exterior. The internal photographs included below were taken at that time. During this project the property has not been available for inspection. Kieran McInerney has since conducted a follow up site inspection of the general setting and building exterior in January 2020. An article about the building in *Decoration & Glass* (Vol. 15 No.2, July-August 1949) which included descriptions, a floor plan and internal images has provided valuable information about the building's fabric and later changes.

### The site

The site is unusually sized and shaped, being 65 metres long and varying irregularly in width from 16 metres wide at the street boundary to 7.5 metres at its narrowest at the rear boundary.

The front fence is a traditional solid sandstone block wall with sandstone piers, typical of the area. The piers are shaped into curves, sympathetic to the building design and are linked by pipe railings. Photos taken immediately after construction show that the height of the wall has been raised while keeping the form the same.

A sandstone flagged path leads from Trelawney Street to a remarkable ashlar sandstone blade wall punctuated by 3 circular openings at the lobby entry and continues down the eastern boundary to the rear maisonette apartment.

A driveway runs along the western boundary leading to a two-car garage at the rear, northern, boundary of the site. The garage is shown as an existing structure in Building Application BA1 -1947. It is a utilitarian construction of single brick with engaged piers, concrete floor and a recently added metal "Panel-lift", and shares no design features with 3 Trelawney Street. It has been since increased in size with a short extension in timber construction in weatherboard cladding. The attached

#### Trelawney Court Heritage Assessment

laundry structure, built at the same time as 3 Trelawney Street is also a nondescript utilitarian construction of single brick with engaged piers and tiled floor.

#### **The building**

The building is a two-storey inter-war Moderne/ Modernist/ Art Deco style apartment building built in light red face brick with rendered balcony balustrades and slab edges and curved ashlar sandstone feature panels.

The lobby and stair give access to four single level apartments; two on the ground and two on the first floor. Apartments 1 (ground floor) and 3 (first floor) are identical in plan, being small 3 bedroom apartments of approximately 90 m<sup>2</sup> NLA (net lettable area).

Apartment 2 (ground floor) is a small 1 bedroom apartment with ensuite bathroom approximately 47 m<sup>2</sup> NLA (net lettable area). Adjacent is a boiler room. Apartment 4 (first floor) has the same plan as Apartment 2 with additional space afforded by the omission of the boiler room. It is a 1 bedroom apartment with ensuite bathroom plus separate WC and a small balcony facing west. It is approximately 57 m<sup>2</sup> NLA (net lettable area) including the balcony. The ground and first floors are also linked by a trades stair.

The sandstone-flagged path continues to the entry door of apartment 5, a two-storey masonette apartment. This apartment has 3 bedrooms and a study. The ground floor comprises a rather splendid entry lobby, (a smaller version of the of the first lobby) a small awkwardly shaped bedroom, small kitchen with attendant porch, tiny dining nook and a living room which opens to a courtyard. A WC with a porthole window is tucked under the stair. The first floor has two bedrooms, a bathroom and a study as well as a balcony accessed from the main bedroom.

The building displays expensive construction methodologies, complex planning and non- standardized features with each unit individually detailed. This indicates it was designed for a more luxurious form of apartment living and that it was not simply



#### Trelawney Court Heritage Assessment

developed as an investment to maximise lettable areas. The 1949 *Decoration & Glass* article notes that many of the building's features were adaptations to post war materials shortages. This included the rendered awnings and sills, in place of light bricks that were not available.

The article also notes a number of design features utilised to increase a feeling of space, despite the limited site area. This included terraces and large windows provided to increase the appearance of room sizes and to provide morning sun to all bedrooms. The generous entry stairs, curved and with varying widths, also added a sense of grandeur to the small building. The building also contained extensive amounts of built-in and recessed furniture, of which only some items remain.



Figure 15. Trelawney Court viewed from Trelawney Street east; note distinctive “S” shaped first floor concrete awning slab edge- and curved sandstone feature panels. Sandstone flagged path leads to lobby entry. (Source: Bradfield Cleary 2019)



Trelawney Court Heritage Assessment



Figure 16. Trelawney Court viewed from Trelawney Street west; plainer west elevation with extensive steel framed glazing. Concrete driveway leads to garage. (Source: Bradfield Cleary 2019)



Figure 17. Garage and communal laundry at rear of block. (Source: Bradfield Cleary 2019)

Trelawney Court Heritage Assessment



Figure 18. Trelawney Court viewed from north, rear (garage); detailing of curved rendered balustrade panels has been repeated to compose a formal garden facade. Intrusive pool fence type balustrade has been added recently. (Source: Bradfield Cleary 2019)



Figure 19. Building entry on the eastern site boundary with sandstone blade wall at the lobby entry. (Source: Bradfield Cleary 2019)



Trelawney Court Heritage Assessment



Figure 20. The sandstone path continues to the rear maisonette apartment which has a more modest entry porch. (Source: Bradfield Cleary 2019)



Figure 21. Extensive steel framed glazing to dining space of apartment 5 with cement rendered framed window surround. (Author photo)

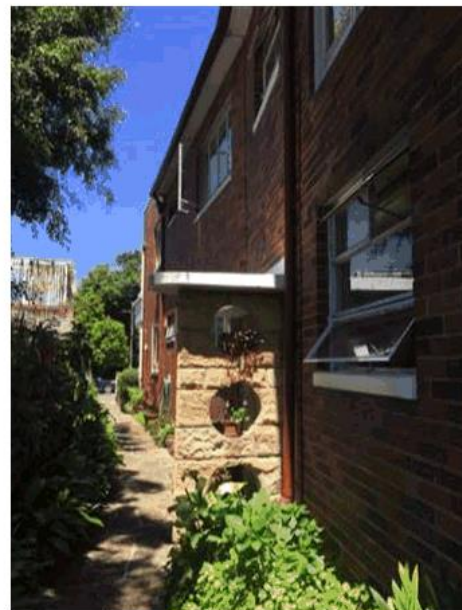


Figure 22. Curved concrete slab awning and ashlar sandstone blade wall punctuated by 3 circular openings at the lobby entry. (Author photo)

Trelawney Court Heritage Assessment

**Exterior**

**Building facade**

The building exterior appears to be almost completely unaltered. The street facade presents as an asymmetrical, flat roofed corner building, even though there is a relatively straightforward apartment building behind. Stylistic elements added to the façade give a modern appearance to what is actually a building with the commonplace brick, timber and tile conventions' of the 1940s.

The external walls are cavity brick; face brick externally, rendered internally. To Trelawney Street the external wall is a concrete capped face brick parapet extending north for approximately 10 metres; thus resembling a modernist flat roofed building. From there the wall roof junction is expressed as it is; i.e. a timber framed roof with Marseilles pattern terracotta tiled roof, with lined eaves and quad gutter and exposed downpipes. The brick wall is broken into two parts orthogonal to each adjacent boundary, thus inflecting to the best view and simulating a corner site view.

The floors of the building are timber framed generally with suspended concrete slabs for the bathrooms, showers, WCs and trade stairs; and the ground and first balconies and porches.

All four facades show a great deal of attention to detail. The Trelawney Street facade has a curvaceous S shaped concrete awning, above the typically 1930 Moderne curved rendered balustrades. The distinctive "S" shaped first floor concrete awning slab edge- and curved ashlar sandstone feature panels infill between delicate steel windows which have curved glazed corners. These elements are also found in George Reves' later work, but here can be seen as typical of a streamlined 1930s P&O Moderne architectural style, which commonly referenced ocean liners.

The curved concrete slab awning and ashlar sandstone blade wall punctuated by 3 circular openings at the lobby entry also refer to P&O Moderne style. The lobby to apartment 5 has a similar treatment.

Trelawney Court Heritage Assessment

The external walls are cavity brick; face brick externally, rendered internally. The floors of the building are timber framed generally with suspended concrete slabs for the bathrooms, showers, WCs and trade stairs; and the ground and first balconies and porches.

Circular bulkhead lights are an integral part of the design of each concrete awning, and this light type is repeated internally in stair lobbies.

The building is a well-built small scale luxury apartment block and had a generous budget for its building type, as shown by the complexity of the planning and detailing as well as the lack of standardization of apartment plans, windows and kitchens which is the hallmark of apartment design.

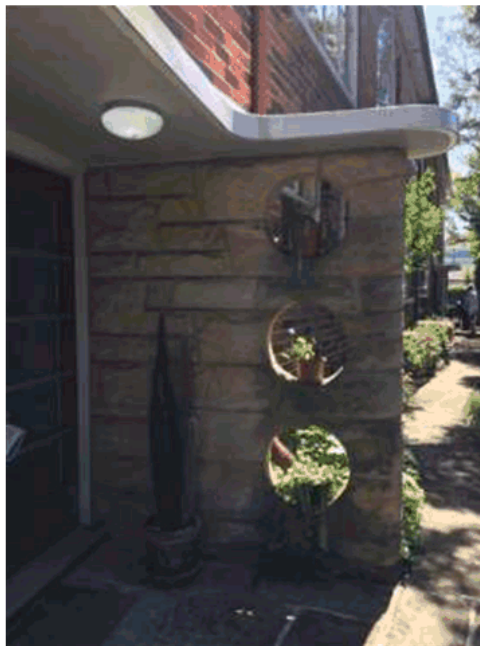


Figure 23. The flamboyant curved concrete slab awning of the main façade is reflected in the lobby entry.  
(Author photo)



Figure 24. Curved concrete slab awning and curved and angular dressed ashlar sandstone wall with slender steel framed windows and curved handrails to front facade.  
(Author photo)



Trelawney Court Heritage Assessment



Figure 25. Trelawney Street façade detail: Note distinctive “S” shaped first floor concrete awning slab edge, curved sandstone feature panels and bulkhead light. (Source: Author photo)

### Windows

The building has many types of steel windows; pivoted porthole windows to a WC, tall arch headed windows to the apartment 5 stair, large format window walls to dining areas and the main stairs, multiple leaf awning windows, casement windows and French doors. Bathroom windows are glazed with “Kosciusko” pattern obscure glass. Windows sills are typically cement rendered with a square edge and paint finish.

Windows are concentrated on the eastern elevation, many almost taking up the full wall, maximising sun into the apartments and providing a feeling of spaciousness.

Trelawney Court Heritage Assessment



Figure 26. The building has many types of steel windows e.g. this pivoted porthole window to a WC.  
(Author photo)

Figure 27. Steel casement windows glazed with "Kosciusko" pattern obscure glass to bathroom.  
(Author photo)

Trelawney Court Heritage Assessment

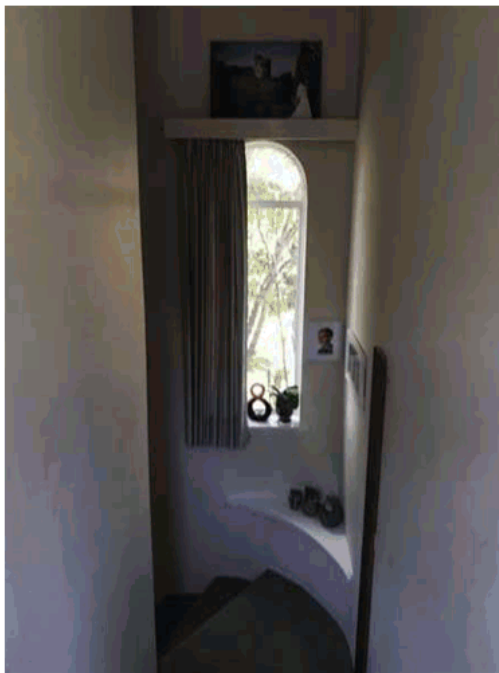


Figure 28. Tall steel framed glazing to maisonette stair with semi-circular operable window at head. (Author photo)

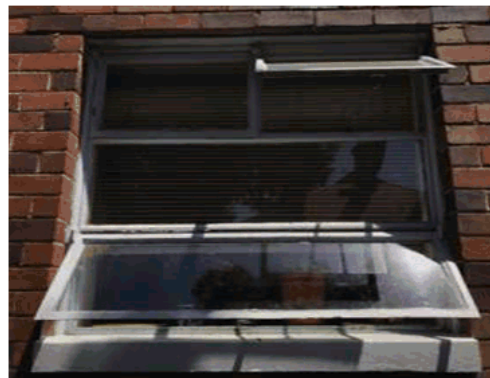


Figure 29. Broad steel awning windows to kitchen. (Author photo)

### Interior

The interiors of the building appear to have been largely unaltered. Comparisons with the floor plan reproduced in the 1949 *Decoration & Glass* article indicate there have been no changes to the internal layouts. The typical internal wall finish is painted cement render, with patterned render being used in the ground floor walls of the lobby.

Ceilings of both the lobby and apartments are plastered with curved “streamlined” plasterwork to living areas. This appears to be intact in most of the apartments. The building retains many original light fixtures internally and externally.

Entry thresholds generally have a terrazzo sill. The entry lobby has an entry landing of 2 inch x 2 inch unglazed terracotta tiles while the remaining floor finishes are typically carpet. The main lobby walls have inset timber and glass notice and

Trelawney Court Heritage Assessment

directory boards. The main stair has curved winders and a curved balustrade of welded steel flats typical of cinema buildings of the 1930s.

Inside the apartments kitchens appear to generally retain their original or early timber and laminate cabinetry. Bathrooms also retain their original or early unglazed patterned floor tiles and coloured glazed wall tiles, many with original period sanitary fixtures.

Reveals to the steel windows are cement rendered with no traditional timber architraves.

The *Decoration & Glass* article refers to an extensive use of built-in furniture and images show a combination of built-ins and loose furniture items, possibly designed by Reves and Hayes, as was typical of the work of European architects in the period. The built-in units provide storage and maximise usable space in the apartments. The limited internal inspections undertaken for this report indicate only a few built-in units remain. Built-in items such as the banquettes shown in the maisonette in the article appear to have been removed. The maisonette (Apartment 5) has retained more elements than other apartments. A large L - shaped cabinet of birds-eye maple veneer remains in the living room, with a built-in tiled mirror unit with integral shelf. It also retains a light timber veneer sliding door servery unit between the kitchen and the dining nook. The entry lobby retains a timber framed wall mirror with 'flower shelf' and early or original wall lights. These joinery units feature Reves signature layout of timber veneer and are typical of the work of the émigré joiners such as Paul Kaka, Gerstl Cabinet Works, Kafka, Zink and Davidovich (although the particular joiner used for this project is unknown).



Trelawney Court Heritage Assessment



Figure 30. Early or original intact floor and wall times in bathroom. (Author photo)



Figure 31. Typical early or original kitchen fit-out as found in most of the apartments. (Author photo)



Figure 32. The entry lobby has an entry landing of 2 inch x 2 inch unglazed terracotta tiles and a threshold sill of honey coloured terrazzo. (Author photo)



Figure 33. Ceilings are plastered with curved 'streamlined' plasterwork to living areas (Author photo)



Trelawney Court Heritage Assessment



Figure 34. The maisonette (apartment 5) has a built in tiled mirror unit with integral "flower shelf" as described Decoration and Glass Vol. 15 No. 2 (July - August 1949) article (Author photo)



Figure 35. The maisonette (apartment 5) has a light coloured timber veneer sliding door servery unit between the kitchen and the dining nook. (Author photo)



Figure 36. Top section of the L - shaped unit showing the drinks cabinet of birds-eye maple veneer in the living room, apartment 5. (Author photo)

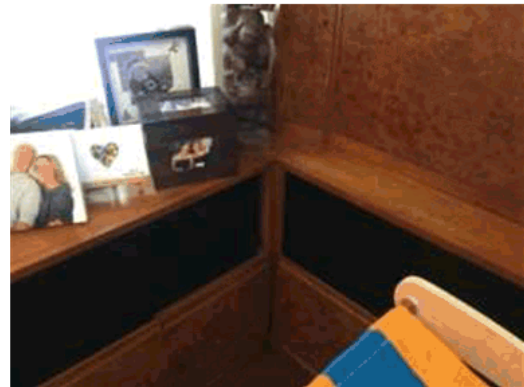


Figure 37. Large L - shaped cabinet of birds-eye maple veneer in the living room, apartment 5. (Author photo)

Trelawney Court Heritage Assessment

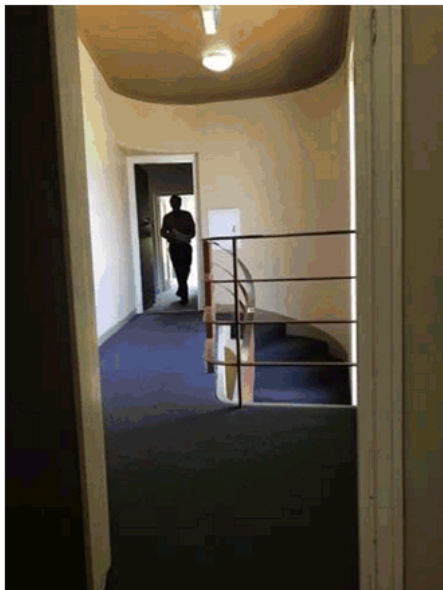


Figure 38. The main stair has curved winders and a curved balustrade of welded steel flats typical of cinema buildings of the 1930s. Ceilings are also curved. Blukhead light matches extrnal lights on street facade awning (Author photo)

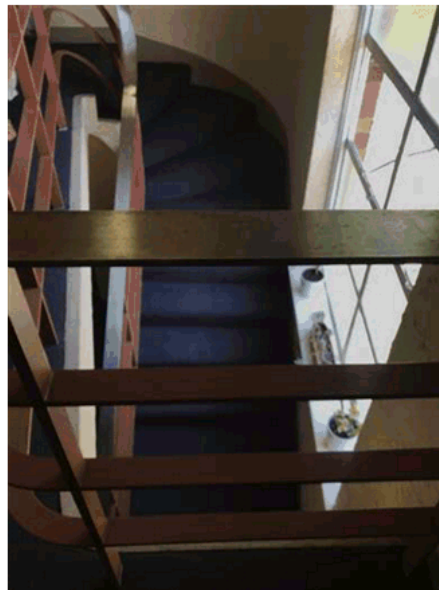


Figure 39. Main stair from above showing western window with rendered sills (Author photo)

### Moveable heritage items

There does not appear to be any moveable heritage items associated with the site.

### Setting

Trelawney Street runs east to west from Edgecliff Road to Jersey Road in Woollahra. The subject building is located on the northern side of the eastern most section, towards Edgecliff Road, before the land falls away steeply to the east.

The building is located within a mixed context of 19<sup>th</sup> and 20<sup>th</sup> century single residences, larger flat buildings and health facilities like the Wolper Hospital on the western side of Trelawney Street. Section 1 identifies the building's context and listed heritage items in the vicinity.

#### Trelawney Court Heritage Assessment

Views of the building are available as one passes east and west along Trelawney Street, and as one turns into Trelawney Street from Edgecliff Road. The building presents as a crisp and well-maintained modernist building in a manicured garden setting.



Figure 40. The building in its setting on the northern side of Trelawney Street, Woollahra. (Source: Bradfield Cleary 2019)

#### **Current condition**

The building is in excellent condition. The face brickwork has gained a slight patina with some minor patches of blackening on the brick parapet at high level, which is to be expected. The detailing of the concrete awnings and balustrades and the drainage of the box gutter has been effective in reducing staining.

Balconies, windows, eaves and gutters all appear to be in very good condition and have been well maintained. The steel windows are all operable and appear to have been regularly maintained and painted.

Trelawney Court Heritage Assessment

**Alterations and additions**

A search of Council records indicates that there has been only one building application or development application since its construction. A building application approved 14 April 1971 to alter the kitchen and cloakroom in apartment 5 was not carried out, and the apartment remains today as it was shown in the original BA drawings dated 28 March 1947.

Internally the building remains substantially intact including the internal layout of apartments, decorative curved plaster work at ceilings, bathroom tiles and fixtures, kitchen cabinetry and lighting. In addition some built-in furniture remains, particularly in apartment 5.

The front facade has not been altered. The boiler room chimney has been retained. Only the rear facade shows some alteration with the original 50mm diameter circular hollow section welded steel balustrade having been replaced by an unsympathetic pool fence type balustrade with opaque glass infill panels.

Early external photos taken by Max Dupain (see Figure 41) show the front sandstone block with steel pipe fence has been raised in height with three courses of matching sandstone blocks added to each post. This has retained the original form and materials.

Trelawney Court Heritage Assessment



Figure 41. Max Dupain photographed the site around 1950. The images are now held in the State Library collection. Comparisons with current site images show few changes.



Trelawney Court Heritage Assessment

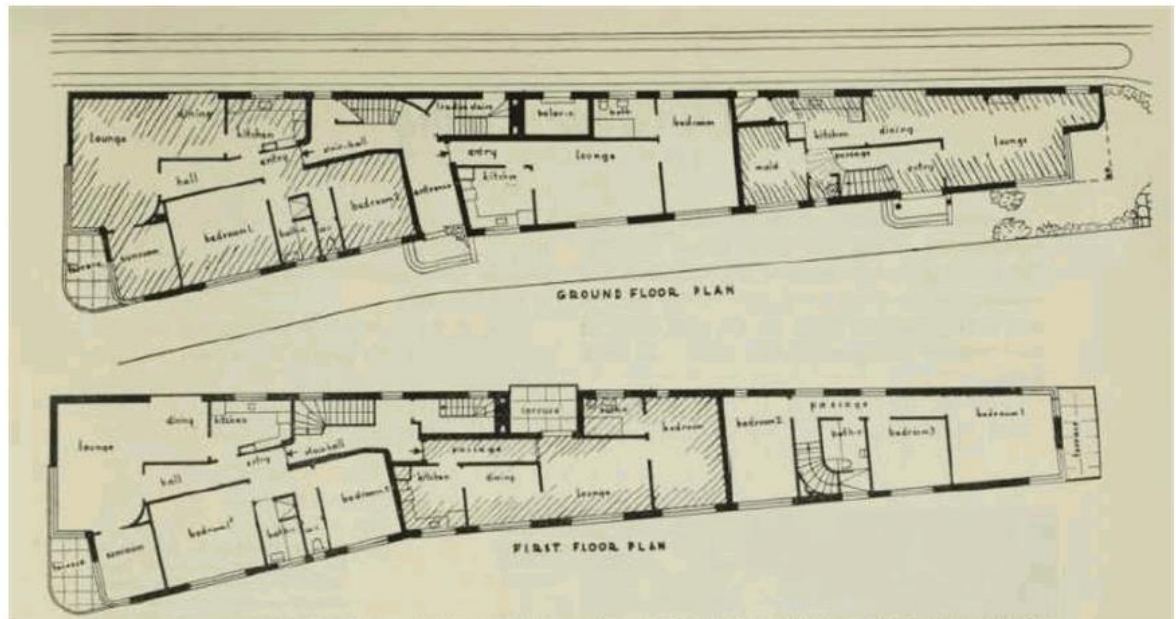


Figure 42. The building's floor plan shortly after completion as published in *Decoration and Glass*, Vol.15 No.2 (July-August 1949), p.25



Figure 43. The approved building floor plan as submitted to Council in 1947. (BA1-1947)

Trelawney Court Heritage Assessment

## Section 5: Comparative Analysis

### Introduction

This section compares the subject building with both other works designed by Reves and Hayes or George Reves alone, and with other residential flat buildings designed and constructed in the immediate post war period in the Woollahra LGA and more generally.

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 context and the broader context of the history of New South Wales.

**Appendix B** contains a full list of the identified work of Reves, and of Reves and Hayes.

### Works of Reves and Hayes

After researching Council records, publications and other available information only three projects undertaken by the Reves and Hayes partnership have been located.

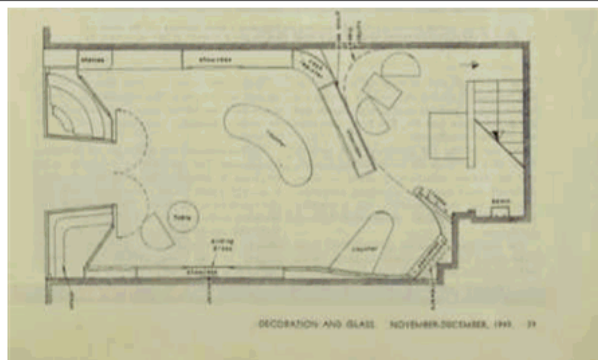
These are:

- Trelawney Court, 3 Trelawney Street, Woollahra, 1949
- City jewellery store, location unknown, published in *Decoration & Glass*, Nov-Dec, 1949.

Trelawney Court Heritage Assessment

- Werner House, 85 Victoria Road Bellevue Hill, 1951

1949- Jewellery store, Sydney



Although this is a small interior retail fitout it shares design elements with 3 Trelawney Street in a willingness to employ curved geometry wherever possible within an orthogonal envelope and extensive use of timber veneered joinery. This can be seen in the curved wall cabinets and free standing cabinets which are in a free geometry (non-radial) similar to the balcony, awning, ceiling and stair elements in 3 Trelawney Street. This fitout is assumed to be now demolished.

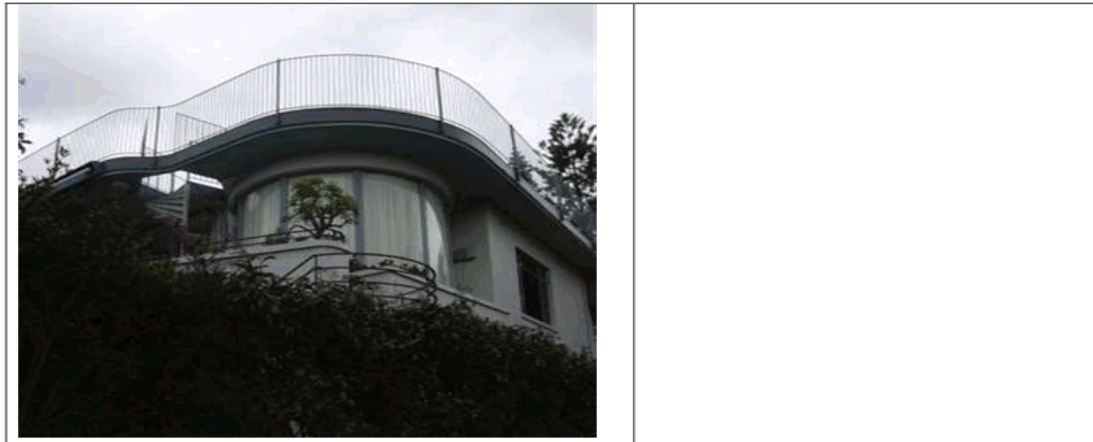
1951- Werner House, 85 Victoria Road, Bellevue Hill



This is the only known single house designed by Reves and Hayes. It was a very large and opulent house for its time, characterised by extensive circular and curved geometry. Stylistically, it owes much to the 1930s and 1940s. It has been extensively altered with a roof terrace and other alterations.

This house has no statutory heritage protection.

Trelawney Court Heritage Assessment



**Works of George Reves**

After their partnership dissolved Charles Hayes appears to have worked for a number of larger architectural firms and so it is difficult to identify his stylistic contribution to 3 Trelawney Street and his significance as an architect. Consequently the following analysis looks at the work of George Reves, who despite a low profile career, completed a number of interesting modernist residential projects in the eastern suburbs in the 1950s and 1960s. A number of these projects display stylistic elements observable in 3 Trelawney Street.

The following comparative analysis examines a sample of houses designed by George Reves.



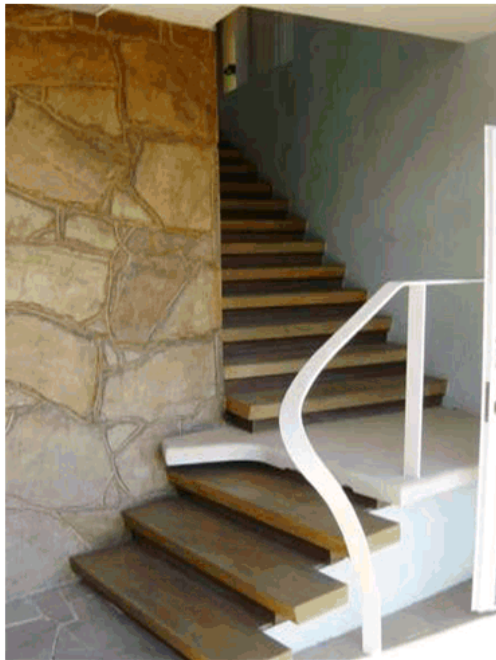
Trelawney Court Heritage Assessment

1957- Schwartz House, 875 New South Head Road, Rose Bay (demolished 2016)



Built ten years after 3 Trelawney Street this small house shares design elements with it; including the curved decorative dressed ashlar sandstone wall panels as part of the front facade. The glazing bars of the facade, like 3 Trelawney Street, are aligned with the balustrade panels in a cohesive design arrangement.

875 New South Head Road was also fitted with built-in curved timber furniture of flamboyant design.





Trelawney Court Heritage Assessment

Stein House, 86A Victoria Road, Bellevue Hill, 1962 (Renovated 2018 by Luigi Rosselli Architects)



Built 13 years after 3 Trelawney Street this large house shares design elements with it; including the sweeping curves of the steel balustrades and curved rendered balustrade upstands. It also shares with 3 Trelawney Street curved decorative ceilings as seen in the living rooms. The most important common element is the distinctive curved concrete awnings seen in the front facade of 3 Trelawney Street and at each of its two apartment entrances. In 86A Victoria Road Bellevue Hill this motif has become more three dimensional and expressive to the point of being reminiscent of South American modernists such as Oscar Niemeyer.

This house has no statutory heritage protection. An assessment of heritage significance should be undertaken.

Trelawney Court Heritage Assessment

Horsky House, 861 New South Head Road, Rose Bay (also 10 Fernleigh Gardens), 1961 (altered c. 2011)



The Horsky House built 13 years after 3 Trelawney Street displays a lightweight, skillion roofed Californian inspired modernism. Masonry parapets are broken into individual panels reducing the mass and bulk of the building and making it more open. Cantilevered orthogonal balconies are used and no circular geometry is evident.

Little of the original house now remains. It has no statutory heritage protection. It appears that the recent renovations mean it no longer demonstrates Reves' design work and is not in a heritage conservation area.

**Conclusion:**

3 Trelawney Street is an early work of émigré architects Reves and Hayes, who had trained and practiced in central Europe before WWII. This influence is evident in a number of the building's features, including planes of unembellished face brickwork, curved rendered balconies and custom, lavish built in timber furniture and joinery. These features can be seen to have been further explored in Reves' later work as he designed larger residential projects during the 1950s and 1960s. The subject building can be seen to have a number of distinctive features evident in Reves' other projects and hence to be a representative example of his work.

It should be noted that Reves had a distinctive application of modernism, taking in both European influences and later elements of Californian modernism, and his work

Trelawney Court Heritage Assessment

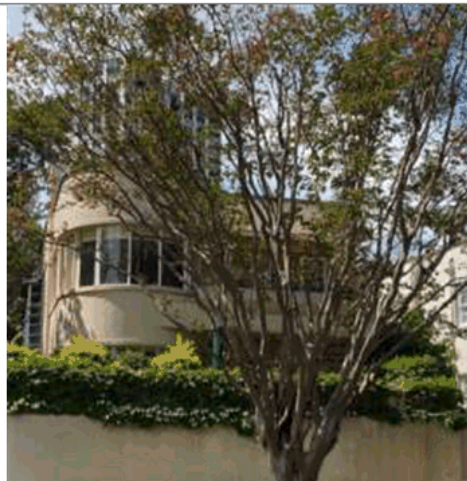
can be seen as stylistically individual in the context of the Woollahra Municipality and Sydney more generally. Only a handful of his projects have been identified during this and previous studies, and none of these projects are protected by individual heritage listing. In the last few years a number of Reves' known projects have been demolished or substantially altered making an intact example of his work, such as the subject building, rare.

**Inter-war flat buildings in the Woollahra LGA**

Although the subject building was designed in 1946, just after WWII, it is considered here to be comparable with Inter-war flat buildings. The disruption of WWII meant that building all but ceased in the 1940s and the wartime restrictions on building materials that continued into the late 1940s meant little architectural innovation occurred until the mid 1950s. The 1946 date of the subject building is significant as it represents the beginning of a shift from Inter-war flat building styles towards modernist International Style architectural works that became more common in Sydney in the late 1950s. The subject building shows elements of Inter-war flat buildings but also stylistic differences that mark the influence of European Modernism.

Trelawney Court Heritage Assessment

20 Thornton Street, Darling Point, 1941, Lipson and Kaad



This low scale flat building shares a number of design elements with Trelawney Court. It was designed by the office of architect Samuel Lipson, a pioneer of European Modernism in Australia during from the late 1930's through to the 1960s.

It is a two storey building with a prominent curved bay window with curved glass in slender steel windows and a modern rendered brick parapet. However the parapet conceals a conventional pitched Marseille tile roof, which is very evident along the side facades. All the other windows are timber framed, including the uncharacteristic timber doors to a poorly designed and built balcony addition.

This building is not heritage listed and is not in a heritage conservation area.

Glamis, 206A Victoria Street, Bellevue Hill, 1930s, Lipson and Kaad



This four storey building is considered a departure from conventional residential flat design in its floor plan, characterised by an elegant employment of galley access on three levels. Bold coloured, banded brickwork facades are capped by a very low pitched roof, like a flattened pyramid, with minimal eaves. A glazed faceted bay window forms an awning over the entry link. The street entry is enlivened by a bold Art Deco name board. With the possible exception of the curved bay window on the street facade, Glamis shares few design elements with Trelawney Court.

Glamis is listed in the Woollahra Local Environmental Plan 2014 Schedule 5 Environmental Heritage as;

*Residential flat building and interiors, front boundary wall, entry link and grounds*



Trelawney Court Heritage Assessment

Rutland Gate, 28-30 Fairfax Road, Bellevue Hill, 1935, Dudley Ward



Rutland Gate at 28-30 Fairfax Road is a site with two buildings. No.30 was built in 1935 with No.28 following in 1936. Rutland Gate is a grand apartment building with large, standardised, well-planned identical apartments over four storeys.

The facades are austere for a building of this era, with a single colour of brick used and no patterning or corbelling employed except at the top of stairwell windows and at entries where an unusual hit and miss brickwork is employed. A limited use of 2 coloured banded brickwork is used to Fairfax Road, which is recessive behind a row of garages. Windows in curved walls are faceted rather than curved.

Rutland Gate shares few design elements with the much smaller Trelawney Court; Trelawney Court being much richer in material palette and detailing. These buildings are not heritage listed. They are not in a heritage conservation area.

42 Fairfax Road, Bellevue Hill, 1951, architect unknown



42 Fairfax Road is a four storey brick apartment building contemporaneous with Trelawney Court. It has a simple multi-coloured brick facade, sandstone flagged paths, porthole windows, curved rendered masonry balustrades and decorative angled blade walls with circular perforations at lobby entries.

These blade walls, like the building generally, are less rich and substantial than Trelawney Court, being made of thin painted concrete rather than elaborately coursed ashlar sandstone. This building does not have the rich materials and level of detail that is seen in Trelawney Court.

This building is not heritage listed. It is not in a heritage conservation area.



Trelawney Court Heritage Assessment

Darjoa, 14 Longworth Avenue, Point Piper, 1938, Lipson & Kaad



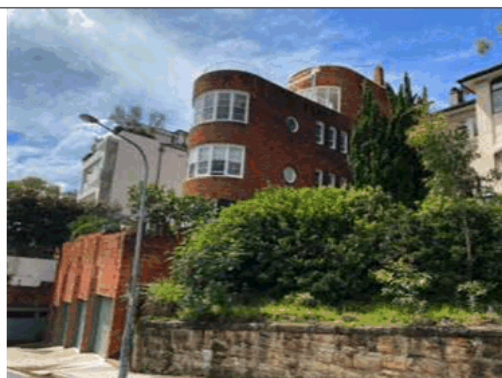
"Darjoa" was designed by Samuel Lipson in the late 1930s. A three storey apartment building on the harbour in Point Piper, it is described in "Homes in the Sky" as "a typical product of the Sydney marriage of European Modernism and conspicuous wealth" (p.86). It was a high profile project with its interiors and extensive built-in furniture published in *Decoration and Glass* and *The Home*.

Its facade features a distinct horizontality formed by painted rendered projecting sills and parapet, and curved steel framed window bands. It is a typical example of European Modernism adapted to a Sydney setting.

The building does not have the rich materials, level of detail and individual flourishes that are evident at Trelawney Court.

This building is not heritage listed and not in a heritage conservation area.

Arundel House, 24 Yarranabbe Road, Darling Point, 1940, Pitt & Phillips



Arundel House was designed by architects Eric C. Pitt & C.C. Phillips just before WWII. It can be seen as a Moderne or P&O style building with Art Deco detailing to the garages.

Its main facade is dominated by curved projecting bay windows with faceted timber frames. It includes porthole feature windows on the side facades. The facades are simple, with a single colour of brick used. Brick patterning and corbelling are only used in the street front garages.

Trelawney Court presents as a more linear building with less focus on brick detailing. As such it represents a move away from the Moderne influences present in Arundel House towards incorporating aspects of European Modernism.

This building is not heritage listed and not in a heritage conservation area.

Trelawney Court Heritage Assessment

“Hillside” Apartments, 412 Edgecliff Road, Woollahra, 1938, Emil Sodersten Architect.



Large apartment building, finished immediately pre-war. Sodersten's work was influenced by American Art Deco architects Hugh Ferriss and Raymond Hood. “Hillside” is a highly styled formal Art Deco building with external walls being built almost entirely of variegated coloured face brickwork. The slender massing of the separate wings emphasises the verticality of the building and this is supported by the vertical arrangements of the window design, brickwork detailing and decorative elements.

“Hillside” is modelled and decorated to appear as vertical and massive as possible. Balconies are not differentiated from the building mass.

It differs from the plain brickwork and horizontal emphasis of Trelawney Court.

This building is heritage listed and is within a heritage conservation area.

Trelawney Court Heritage Assessment

**Inter-war flat buildings outside Woollahra**

A number of 1930s and 1940s apartment buildings in Melbourne demonstrate an early application of Modernist principles and provide a useful comparison with Trelawney Court. The 1940s work of Swiss trained Frederick Romberg and his partner Mary Turner Shaw is highly regarded and considered significant as early examples of International Style modernism in Australia. Similarly the 1930s Cairo Flats by Best Overend, an architect recently returned from working in the UK, is also recognised as an influential and early Modernist apartment project. Like Trelawney Court these projects emphasise the horizontal, often with rendered balconies, and have much simpler and less decorative brickwork than Art Deco examples. They also use steel window frames or glass bricks and other simplified window treatments and feature curved elements such as balconies and porthole features. The following are comparable examples of 1930s and 1940s flat buildings located outside the Woollahra Council area.

Cairo Flats, 98 Nicholson Street, Fitzroy, Victoria, 1935-36, Best Overend



Designed by architect Best Overend, who had just returned from working in London. The two storey complex of 28 bachelor flats was one of the first modernist flats in Melbourne. Termed a 'minimum flat' it sought to provide simple function spaces for urban living. Cairo is listed by Heritage Victoria as an important example of the International Modern style and as a building which established a major break with conventional maisonette flat design.



Trelawney Court Heritage Assessment

Glenunga, 2 Horsburgh Grove, Armadale, Victoria, 1940, Romberg and Shaw



Designed by Frederick Romberg and Mary Turner Shaw and completed in 1940. It is considered historically significant as an illustration of the influence of European Modernism upon flat design in Melbourne and in particular the trend toward more compact flat layouts and is listed for its International Style form, materials and detailing. It includes a number of features in common with Trelawney Court including large areas of glazing, feature stonework and repeated circular elements. Glenunga is a listed heritage item within the City of Stonnington, Melbourne.

Yarrabee Flats, 44 Walsh Street, South Yarra, Victoria, 1940, Romberg and Shaw



Designed by Frederick Romberg and Mary Turner Shaw and completed in 1940. Originally unpainted face brickwork with rendered and painted balconies and window surrounds. The building shares a number of characteristics with the subject site including the curved balconies and awnings, and pipe balustrades. Yarrabee is not heritage listed.

### Conclusion

3 Trelawney Street can be seen as a filtering of the eclectic local Sydney architectural idiom to suit the taste and training of Reves and Hayes, who had trained and practiced in central Europe before WWII. In 3 Trelawney Street some of the following design decisions they made were;

- 3 Trelawney is not composed with a traditional base, shaft and cornice like the Art Deco examples above. Instead both floors are identical in their treatment.

#### Trelawney Court Heritage Assessment

- Brickwork is arranged in large plain walls without variegated colours or multiple brick shapes and textures.
- Sandstone is used as a landscape element or detailed as an applied finish rather than as a structural basement level or “plinth” as can be seen in the examples above.
- No purely decorative elements are applied. Expression is achieved through the design of required elements such as glazing bars and balustrades.
- Balconies are formed of solid rendered elements and a lightweight horizontal steel pipe balustrade rather than a solid mass of masonry.
- Pitched roofs are hidden behind a parapet – rather than being expressed with eaves- and therefore resembling the modernist flat roof.

Building application plans held by Council demonstrate that through the design process the building can be seen to have developed towards European modernism and away from an initially typical local Inter-war style. The architects have opted for the building and architectonic elements most congruent with their central European modernist training, while still producing a building that is sympathetic to its context. During the design and building process Reves also developed typical elements into idiosyncratic forms that appear in his later work i.e. the “S” shaped awning that re-appears in 86A Victoria Road Bellevue Hill as a more organic and expressive Niemeyer-esque element.

#### **Comparative analysis**

Trelawney Court is an intact example of an Inter-war residential flat building, despite having been completed immediately post war. It shares a number of characteristics with other heritage listed residential flat buildings in the WMC area making it a representative example but can also be seen as having unique qualities that make it rare.

Like many residential flat buildings in the WMC area it represents the growing demand for housing from the 1930s and the progressive subdivision of larger single residential sites and the construction of multi-unit projects on the new lots. Unlike



Trelawney Court Heritage Assessment

many of the examples above, Trelawney Court was developed on a narrow site and in a low rise context. As a result it is relatively rare as a smaller apartment development with only 4 flats and the rear maisonette.

As the work of European trained architects, Trelawney Court is comparable to the work of British trained Architect Samuel Lipson, a number of whose buildings are listed as heritage items in the Woollahra LEP 2014 and the Sydney LEP 2012. Lipson's work is acknowledged as significant because it reflects the impact European trained architects had on the direction of architecture in the years immediately preceding World War 2. However, Trelawney Court can be seen to have characteristics of more modernist buildings, such as those designed by another émigré, Swiss-trained Frederick Romberg, in Victoria in the 1940s which are considered significant as early examples of International Style modernism in Australia. Having been completed just post war, Trelawney Court is a significant example of the work of the numerous émigré architects, particularly Hungarians, who settled in Sydney and practised a unique application of central European modernism. Few examples of these buildings remain as intact as Trelawney Court, including its interiors and with examples of its built-in furniture, making it rare.

The building is also representative of the work of George Reves, a significant modernist architect who completed a number of projects in the eastern suburbs during the 1950s and 1960s. The building reflects key elements of other projects designed by Reves including the curved feature awning, use of ashlar stonework feature panels and suppression of the expression of pitched roofs. When compared to other buildings by Reves, only a handful of which have been identified and many of those demolished or altered, as an intact example of his work it is rare.

The subject building is an excellent example of a well-designed Inter-war flat building with a unique approach to site planning, generous detailing and thoughtful development of living spaces. It displays architectural details that are typical of Inter-war flat buildings but also many unique details that reflect the design approach of its architects, a need to adapt to post war building shortages and a response to the site.

Trelawney Court Heritage Assessment

The result is a compact building providing a thoughtful street presence and high quality apartments.

Despite numerous examples of Inter-war flat buildings being listed as local heritage items in the Woollahra LGA and other LGAs, these buildings tend to show a wide variety of stylistic differences. The subject building displays elements of European Modernism that make it a unique adaptation of a common architectural form. The subject building can be seen to be a rare example of an Inter-war flat building showing the influence of European Modernism within the context of the Woollahra Council area. That the building remains substantially intact, including interior and interior fittings, further increases its rarity.

Trelawney Court Heritage Assessment

## 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.

3 Trelawney Street, Woollahra 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 development of apartments in Sydney in Eastern Suburbs in the immediate post war years.
Developing Australia's cultural life	Creative endeavour	The subject building is an example of modernist architecture of the late 1940s drawing stylistic elements from both a Moderne and International Style architectural vocabulary. It is also a representative example of the work of European émigré architects.

Trelawney Court Heritage Assessment

**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:

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);

Trelawney Court Heritage Assessment

Criteria	Description
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.)

The following section provides an assessment of the significance of the subject site against the above criteria.

**Criterion a- Historical significance**

Trelawney Court is a significant example of an Inter-war flat building designed in the immediate post war period. It displays a combination of Moderne and International Style architectural influences and demonstrates the shift in the Woollahra area towards higher density and increased apartment development post war.

Designed by émigré architects for European clients, Trelawney Court can also be seen to represent the growing influence of European migrants on the development of Sydney's suburbs post war.

Trelawney Court is also significant as an example of the work of architect George Reves, who contributed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s. Trelawney Court, his first project in Australia,



Trelawney Court Heritage Assessment

demonstrates the evolution of his style as he adapted to the context of Sydney and has particular significance due to its intactness.

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

Trelawney Court 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**

Trelawney Court has significant associations with architect George Reves, as his first project in Australia, and as one that was published and remains intact. The site also has associations with former owner Arthur Wigram Allen but as Allen never occupied the site, and owned many properties in Sydney, this association is not considered significant.

Guidelines for inclusion		Guidelines for exclusion	
X	• shows evidence of a significant human occupation	✓	• has incidental or unsubstantiated connections with historically important people or events
X	• is associated with a significant event, person, or group of persons	X	• provides evidence of people or events that are of dubious historical importance
		X	• importance has been so altered that it can no longer provide evidence of a particular association

Trelawney Court can be seen to have only incidental connections with historically important people and strong associations with people that are not widely recognised as historically important, so does not meet the threshold for listing under this criterion at either State or local level.

Trelawney Court Heritage Assessment

**Criterion c- Aesthetic/technical significance**

Trelawney Court is a significantly intact example of an Inter-war flat building showing elements of both the Moderne and International style. As the work of émigré architects 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. The architects have opted for the building and architectonic elements most congruent with their central European modernist training, while still producing a building that is sympathetic to its context. During the design and building process, Reves also developed typical elements into idiosyncratic forms that appear in his later work i.e. the “S” shaped awning that re-appears in 86A Victoria Road Bellevue Hill as a more organic and expressive Niemeyer-esque element.

Trelawney Court can be compared with other significant examples of modernist flats of the 1930s and 1940s including Cairo Flats and Glenunga, in Melbourne, both of which are heritage listed as influential examples of International Style modernism.

The building displays modernist architectural characteristics including the curved feature awning, use of ashlar stonework feature panels, marked horizontality and suppression of the expression of the pitched roofs and is of aesthetic significance as an intact example of a modernist Inter-war flat building.

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

Trelawney Court 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.

#### Trelawney Court Heritage Assessment

##### **Criterion d- Social significance**

Trelawney Court 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.

##### **Criterion e- Research potential**

Trelawney Court has some research value for demonstrating the architectural work of Reves and Hayes. Little is known about both architects and their projects, many have been altered or demolished. As the building is substantially intact, its fabric also provides opportunities to reveal information about past ways of living and design and construction methods from the mid 20<sup>th</sup> century.

Due to its high level of intactness, including its interiors, it provides evidence of past customs and ways of life from a historically important time when the influence of European migrants was leading to substantial changes across the eastern suburbs.

The site was formerly part of the Elystan estate which appears to have contained extensive gardens and outbuildings. The archaeological remains of these elements may be present on the site and provide research opportunities.

Guidelines for inclusion		Guidelines for exclusion	
✓	• 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

Trelawney Court has moderate levels of research significance associated with building up a greater picture of the work of George Reves and is significant at a local level under this criterion. The building does not meet the threshold for State significance under this criterion.

Trelawney Court Heritage Assessment

**Criterion f- Rarity**

Trelawney Court is rare as an example of the work of Reves and Hayes, and also more generally Reves, few of whose identified projects remain intact.

It is also rare as a 1946 design undertaken by émigré architects, both of whom were just returning to private practice post war, having relocated to Australia from Hungary. Although émigré architects were to have a profound influence on the Woollahra LGA during the second half of the twentieth century, Trelawney Court, including its interiors, can be seen as a rare example of an intact flat building designed by émigré architects in the 1940s in the Woollahra LGA.

Reves 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. None of his projects are protected by individual heritage listing. An intact example of his work, including interiors and built-in furniture, such as 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
✓	• 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 an Inter-war flat building complete with original interiors and built-in furniture, Trelawney Court 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.

Trelawney Court Heritage Assessment

**Criterion g- Representative**

Trelawney Court, with its interiors, is a fine and intact example of an Inter-war flat building. It has numerous features typical of similar flat buildings of the period including the use of built-in furniture, moulded plaster ceilings, steel frame windows, red bricks, curved balconies and awnings, rendered window surrounds and sandstone feature elements. It draws many of its stylistic elements from a Moderne architectural vocabulary, which was a popular style of the period.

It 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 became an increasingly important contribution to the development of modern architecture in Sydney after WWII when significant numbers of European architects took up practice in Sydney.

Trelawney Court is a good example of the work of architect George Reves. Reves designed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s, and Trelawney Court displays a number of architectural motifs that he would go on to develop further in his later work including the curved feature awning, use of ashlar stonework feature panels and suppression of the expression of pitched roofs.

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



#### Trelawney Court Heritage Assessment

Trelawney Court 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**

Trelawney Court at 3 Trelawney Street, Woollahra is a significant example of an Inter-war flat building designed in the immediate post war period with interiors and built-in furniture remaining intact. It has local historical significance for its ability to demonstrate the shift in the Woollahra area towards higher density and increased apartment development post war. It also has 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 Sydney's suburbs post war.

Trelawney Court is also significant at a local level as a rare, intact example of the work of architect George Reves who contributed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s. Trelawney Court demonstrates the evolution of his style as he adapted to the context of Sydney and has particular significance due to its intactness.

Trelawney Court has aesthetic significance at a local level as an intact example of a modernist Inter-war flat building. It retains a high level of original interior and exterior fabric and as an early work of émigré architects is able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist 1930s and 1940s apartments, and is able to demonstrate the growing influence of International Style modernism on apartment design in Australia.

As an intact example of its type, Trelawney Court has research potential at a local level to demonstrate past ways of living and design and construction methods from the mid 20<sup>th</sup> century. It is also an important source of information about the work of its architects Reves and Hayes, of which little is known and many of their projects been altered or demolished. The building also has high levels of rarity values as an

Trelawney Court Heritage Assessment

intact 1946 apartment design undertaken by émigré architects. Trelawney Court, including its interiors, 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.

Trelawney Court Heritage Assessment

## Section 7 Conclusions and Recommendations

### Conclusions

This report has assessed the heritage significance of Trelawney Court at 3 Trelawney Street, Woollahra. It has concluded that the residential flat building including its interiors meets the threshold for local heritage significance. Trelawney Court is of local heritage significance under the criterion of historical, aesthetic, rarity and representative significance.

This report has concluded that the subject site does not meet the threshold for State heritage significance.

### Recommendations

#### Heritage listing

- Trelawney Court at 3 Trelawney Street, Woollahra, including its interiors, should 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 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 Trelawney Court 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.*”<sup>1</sup> Any future adaptations or upgrades should aim to retain as much original fabric as possible.

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<sup>1</sup> The Burra Charter, Australia ICOMOS 2013.

Trelawney Court Heritage Assessment

- It is considered sympathetic upgrades of kitchens and bathrooms would not impact the building's overall significance, but should aim to retain as much early or original fabric as possible.
- All other extant original and early fabric, including built-in furniture, should be retained and conserved.
- The external appearance of the site when viewed from Trelawney Street, which remains largely original, should also be retained and conserved. It should be noted that the garage and laundry room are not considered to be of heritage significance.
- 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. This might be best achieved via the preparation of a conservation management document which assesses the significance of the fabric and includes policies for future changes.
- A detailed internal and external photographic record of the building should be made and lodged with Woollahra Council and the Local Historical Association.

Trelawney Court Heritage Assessment

## Section 8 References

The Burra Charter, Australia ICOMOS Inc Burwood, VIC, 2013

Post War Modernism in Sydney, George Reves and Hans Peter Oser, Ted Quinton, Dissertation UNSW, 1997

The Other Moderns: Sydney's Forgotten European Design Legacy, ed Rebecca Hawcroft, 2017

Homes in the Sky, Apartment Living in Australia, Caroline Butler-Bowdon and Charles Pickett, 2007

Modernism Rediscovered, Pierluigi Serraino and Julius Shulman, 2000

Frederick Romberg: the architecture of migration 1938-1975, Harriet Edquist, 2000

Heritage Council of NSW, 2006. New South Wales Historical Themes. Accessed online at:

<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/themes2006.pdf>

NSW Heritage Office, 2001. Assessing Heritage Significance. Accessed online at:

<https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Heritage/assessing-heritage-significance.pdf>

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, George Reves and Charles Hayes

Woollahra Council building files

### Articles:

*Trelawney Court*, Decoration and Glass, Volume 15, No.2, July-August 1949, Cover and pp.22-23.

*City Jewellery Store*, Decoration and Glass, Volume 15, No.4, November-December 1949, pp.28-29



Trelawney Court Heritage Assessment

Cover, Architecture in Australia, July-September, 1955

Duns Gazette for New South Wales, Sydney

Trelawney Court Heritage Assessment

**Section 9 Appendix A: Excerpts from Woollahra Council file  
BA/1947, noting the disapproval of the first three-storey  
scheme submitted.**

Trelawney Court Heritage Assessment

**Municipality of Woollahra**

No. 1

## APPLICATION FOR APPROVAL TO BUILD

To The Town Clerk,  
Woollahra.

I hereby make application to the Council for permission to erect building as stated hereunder, as per accompanying plans and specifications and in accordance with the provisions of the Local Government Act, 1919, and Ordinances thereunder, and I undertake to build in conformity with such approval and Act and Ordinances.

<p>Prop. No. <u>1</u> Owner <u>M. and T. Danos</u> Address <u>1, Ocean St. Woollahra</u></p> <p>Builder or Architect <u>REYES &amp; HAYES</u> Address <u>38/1 Pitt St. Sydney</u></p>	<p>LOCATION OF PROPOSED BUILDING</p> <p>Street <u>Trelawney St.</u> House No. <u>3</u> Lot _____ Section _____ or Name _____ Estate _____</p> <p>Block plan drawn to scale must accompany.</p>
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<p><b>NEW BUILDINGS</b></p> <p>No. of new buildings <u>1</u> Estimated cost of each building \$ _____ Total \$ <u>10,000</u> Estimated cost of fencing \$ <u>60</u> Estimated cost of allotment \$ <u>1800</u></p>	<p><b>ALTERATIONS OR ADDITIONS TO EXISTING BUILDING</b></p> <p>State full particulars: _____ _____ _____ Estimated cost, \$ _____</p>
--	---

The following particulars relating to area are required only in respect of residential flat buildings:—

Area of allotment <u>7487</u> sq. ft.	Area proposed to be covered by buildings <u>2620</u> sq. ft.	Total area of site <u>7487</u> sq. ft.	Total floor plan area <u>7348</u> sq. ft.
---------------------------------------	--	--	---

State for what purpose (dwelling, flats, commercial building, hotel or hostel) flats

**PARTICULARS OF NUMBER OF BUILDINGS, ROOMS, ETC.**

<p><b>FLATS:</b></p> <p><u>4</u> flats of <u>5</u> rooms. <u>1</u> " " <u>4</u> " " <u>1</u> " " <u>2</u> " rooms.</p> <p>No. of bldgs. _____</p>	<p><b>DWELLINGS:</b></p> <p>No. of storeys <u>3</u> No. of rooms in each bldg. <u>22</u></p>
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NOTE: "Rooms" means living rooms, bedrooms and kitchens. Domestic offices (laundry, bathroom, etc.) not to be included.

**SUMMARY OF SPECIFICATION.**

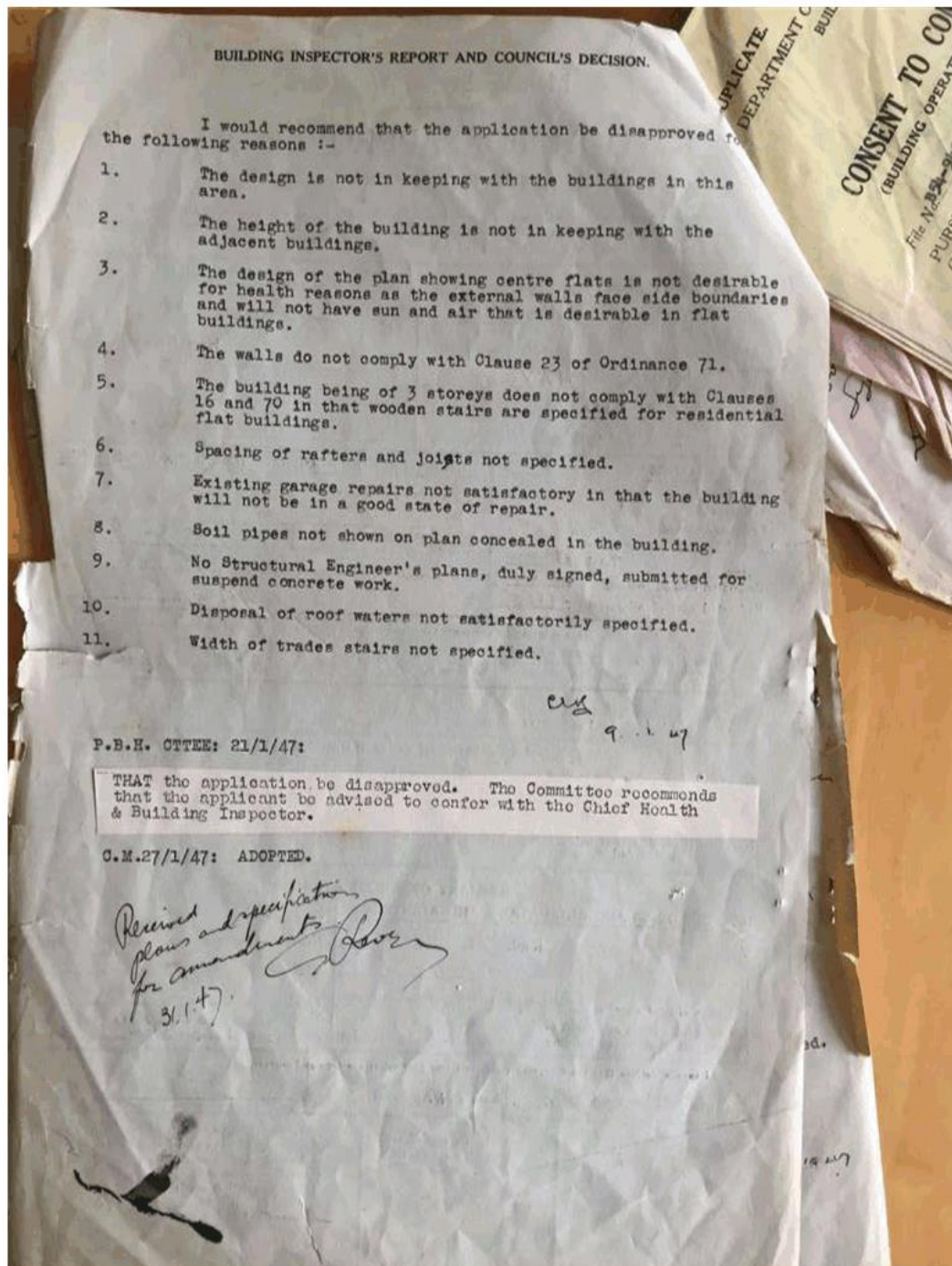
<p><b>NEW BUILDINGS AND ALTERATIONS AND ADDITIONS:</b></p> <p>Walls <u>Brick</u> Roof <u>tile (Forced)</u> Dampcourse <u>2-4 lb. lead</u> Drainage of roof water <u>down pipes into 4" earthenware pipes</u> Distance from street alignment to nearest part of proposed building <u>20'-0"</u> feet</p>	<p><b>GARAGES:</b></p> <p>Number of garages <u>2 existing garage to be repaired</u> Walls _____ Roof _____ Distance from street alignment to nearest part of proposed bldg. _____ feet</p>
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I hereby declare that the foregoing statements and particulars are true and correct.

Date 3rd January 1946 (Signature of Applicant) Reyes & Hayes

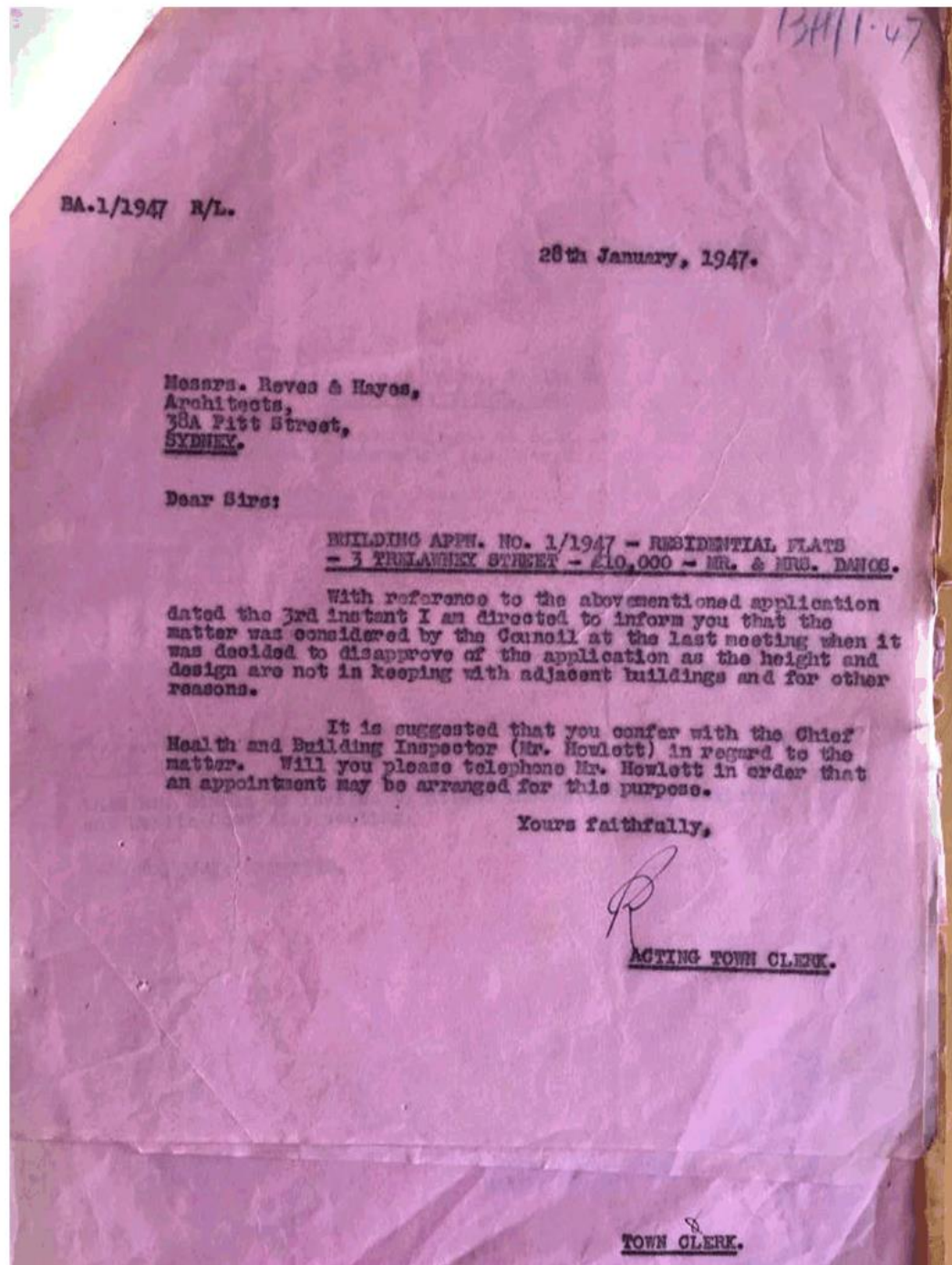
<p>Amount of fee:— <u>\$ 2,100</u> Receipt No. <u>6096</u></p>	<p>Date plans stamped with Council's approval. _____ Initials _____</p>	<p>I hereby acknowledge receipt of the following: One copy of plan and specification; One Foundation card; One Dampcourse card; One Completion card; Notice to provide temporary closet accommodation.</p> <p>Signed _____ Date _____</p>
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Trelawney Court Heritage Assessment





Trelawney Court Heritage Assessment





Trelawney Court Heritage Assessment

**Section 10 Appendix B: Work of Reves and Hayes**

Trelawney Court Heritage Assessment

**Identified projects by George Reves:**

**Reves and Hayes**

- 1949- Trelawney Court, 3 Trelawney Street, Woollahra (Decoration & Glass, Jul-Aug, 1949, Max Dupain images SLNSW)
- 1949- City jewellery store (Decoration & Glass, Nov-Dec, 1949)
- 1951- Werner House, 85 Victoria Road Bellevue Hill

**George Reves**

- 1951 Werner House, 85 Victoria Road, Bellevue Hill
- 1955 22 Ida Avenue Beauty Point
- 1956 10 Wallangra Road, Dover Heights (demolished 1997) (see Architecture in Australia April-June 1956, also Max Dupain images SLNSW)
- 1956 House at Leura (Max Dupain images SLNSW)
- 1956 Bellevue Hill house (Architecture in Australia cover project with Gabor Lucas)
- 1957 Schwartz House, 875 New South Head Road, Rose Bay (demolished 2016)
- 1957 40/A Gordon Street, Clontarf
- 1957 58 Cutler Road, Clontarf
- 1961 Horsky House, 6 Fernleigh Gardens (or 861 New South Head Road Rose Bay, demolished or substantially altered)
- 1962 Jackson House, 40 Latimer Road Bellevue Hill
- 1962 Stein House, 86B Victoria Road, Bellevue Hill (recently renovated by Luigi Rosselli)
- 1968 Emil Binetter House, 887 New South Head Road, Rose Bay (intact)
- 1968 Ervin Binetter House, 883 New South Head Road, Rose Bay (demolished)

**Projects dates unknown:**

- 10 Fernleigh Gardens, Rose Bay (recently extensively renovated by De la Vega Architects)
- 5 Mildura Street, Killara
- 3 Tiptree Avenue, Strathfield

Trelawney Court Heritage Assessment

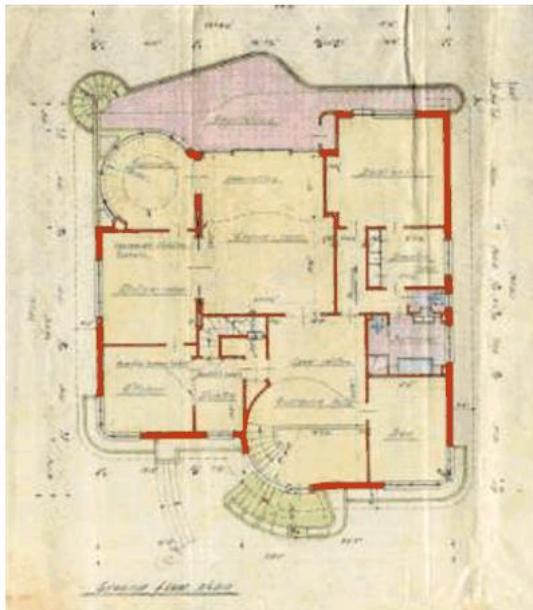
**Select Projects:**

**Werner House, 85 Victoria Road, Bellevue Hill 1951**

Reves' first major residential commission and one of the largest houses he designed.

Two storey masonry construction with concrete floor and roof slabs. External walls rendered. Window frames of galvanised steel.

Originally contained a considerable amount of built in furniture by Paul Kafka.



Detail 1951 proposed floor plan 85 Victoria Road Bellevue Hill, Woollahra Council files.

Trelawney Court Heritage Assessment

**22 Ida Avenue, Beauty Point 1955**

Single storey, one bedroom house timber floor on load bearing masonry walls with reinforced concrete slab roof. Cantilevered concrete slab making curved balcony extending over the front yard. Corner windows on front elevation curved glass. Exterior of bagged render painted white internal walls rendered and white.

**10 Wallangra Road, Dover Heights 1956 (demolished)**

Architecture Australia, v.44, pp.42-51 April- June 1956:

“The site is a narrow corner block. The main entrance divides the building into strictly separate sleeping and living areas with different roof levels. The rooms of the living area open onto each other and there is a complete wall of glass opening to the view. The front of the building is cantilevered to obtain a greater area of front garden. Photographed by Max Dupain 1956. Images now in SLNSW collection. Demolished in Jan. 1997.



Trelawney Court Heritage Assessment

**875 New South Head Road, Rose Bay 1957 (demolished 2016)**

Two storey, one bedroom house. Load bearing brick construction, rendered, front section timber floor, rear concrete slab. Roof of insulated built up timber structure. Main stair divides functional areas of house into sleeping and living. Extensive built in furniture by Gerstl Cabinet Works (see chapter in [The Other Moderns: Sydney's Forgotten European Design Legacy](#)). Internal white walls. External use of colours and natural stone feature wall and paving. Vertical weather boards on rear Maid's Quarters coloured.



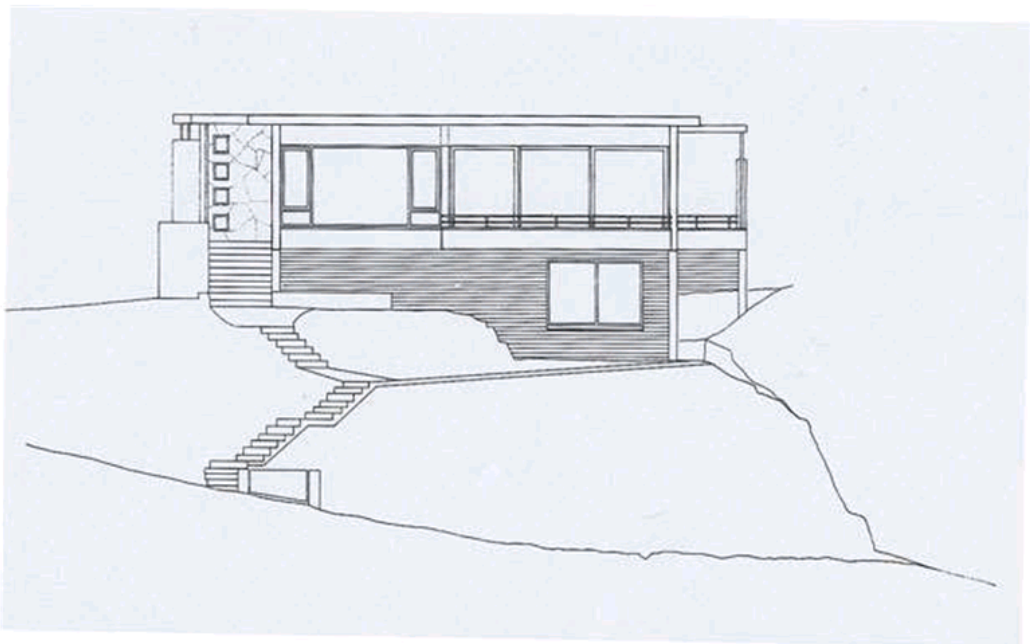


Trelawney Court Heritage Assessment

**40/A Gordon Street, Clontarf 1957 (extended by Reves 1970)**

Three bedroom spacious home on elevated block overlooking Middle Harbour.  
Separate Maid's Quarters at lower level. Masonry load bearing walls, timber framed floor, insulated timber flat roof. Lower portion of house face brick at the front with remaining facades rendered and coloured 'apricot'.

Altered in 1970 by addition of another storey and swimming pool. Intact?



Ted Quinton drawing

Trelawney Court Heritage Assessment

**58 Cutler Road, Clontarf 1957**

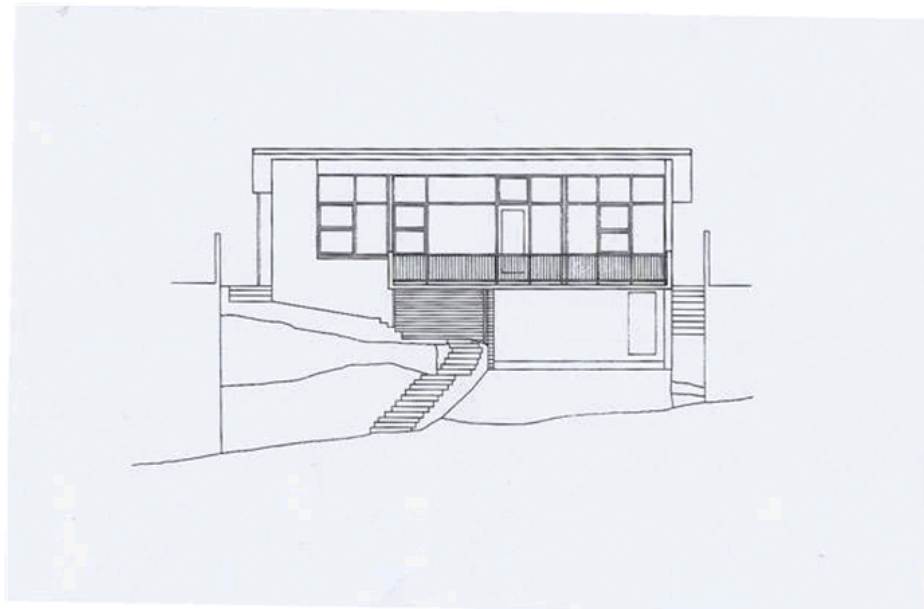
Single storey masonry construction with load bearing walls and timber framed floor and built up timber butterfly roof form with flat section to rear.

Balcony to front supported on steel columns. Small eating area with built in seating.

Butterfly roofed structure divided living and sleeping spaces. Rear of house contains three bedrooms with master bedroom elevated and accessed by timber steps.

Rendered walls painted white internally and externally.

Condition unknown



Ted Quinton drawing

Trelawney Court Heritage Assessment

**887 New South Head Road, Rose Bay**



(Author photo 2020)

**883 New South Head Road, Rose Bay (now demolished)**



(Author photo 2003)

Houses designed for the Binneter Brothers, shoe importers. Also with a Rawson Road address at rear.

Trelawney Court Heritage Assessment

**10 Fernleigh Gardens, Rose Bay (now substantially altered)**



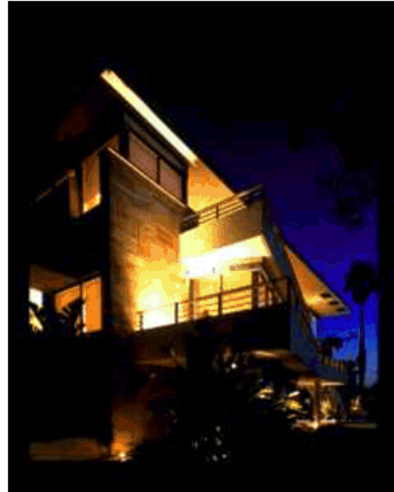
(Author photo 2003)



(Author photo 2020 showing substantial changes)

Trelawney Court Heritage Assessment

**6 Fernleigh Gardens, Rose Bay (now substantially altered)**



No information about the original design has been located during this study.  
(images De La Vega Architects website 2020)



Trelawney Court Heritage Assessment

**86A Victoria Road, Bellevue Hill**

(Listed as 86B on Council plans)

Luigi Rosselli renovation describes the house as follows:

Influences from the work of legendary Brazilian architect, Oscar Niemeyer are evident throughout the house...(particularly the ) voluptuous form of the concrete awning that covers the entry and provides the first impression one receives when approaching via the lushly planted drive. Once inside, those influences, and the broader design elements that anchor the home in the modernist era, continue in the form of carefully restored original features such as the single stringer and cantilevered switchback stair, and the sinuous curved ceiling bulkheads in the lounge, dining and kitchen spaces.



(Author photo 2003)

Trelawney Court Heritage Assessment



(Images Luigi Rosselli website)

Trelawney Court Heritage Assessment

**JOURNALS**

Trelawney Court, Decoration and Glass, Vol. 15 No. 2 ( July - August 1949), (cover)

City Jewellery Store, Decoration and Glass, Vol. 15 No. 4 ( November - December 1949),

House at Bellevue Hill (Gabor Lukas in association with George Reves), Architecture in Australia, July- September, 1955 (Cover)

House, 10 Wallangra Road, Dover Heights, Architecture in Australia, v.44, pp.42-51, April-June 1956



Trelawney Court Heritage Assessment

**Max Dupain Archive, projects with client listed as 'George Reves', State Library  
of NSW:**



Trelawney Court Heritage Assessment

**Section 11 Appendix C: Heritage Inventory Sheet**



## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	Trelawney Court		
Former name	NA		
Item type	Building		
Address	Number 3	Street Trelawney Street	Suburb Woollahra
Property description	Lot Lot 1		DP DP 86213
Owner	Name		Address
Use	Current Residential flat building		Former NA
Statement of significance	<p>Trelawney Court at 3 Trelawney Street, Woollahra is a significant example of an Inter-war flat building designed in the immediate post war period with interiors and built-in furniture remaining intact. It has local historical significance for its ability to demonstrate the shift in the Woollahra area towards higher density and increased apartment development post war. It also has 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 Sydney's suburbs post war.</p> <p>Trelawney Court is also significant at a local level as a rare, intact example of the work of architect George Reves who contributed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s. Trelawney Court demonstrates the evolution of his style as he adapted to the context of Sydney and has particular significance due to its intactness.</p> <p>Trelawney Court has aesthetic significance at a local level as an intact example of a modernist Inter-war flat building. It retains a high level of original interior and exterior fabric and as an early work of émigré architects is able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist 1930s and 1940s apartments, and is able to demonstrate the growing influence of International Style modernism on apartment design in Australia.</p> <p>As an intact example of its type Trelawney Court has research potential at a local level to demonstrate past ways of living and design and construction methods from the mid 20<sup>th</sup> century. It is also an important source of information about the work of its architects Reves and Hayes, of which little is known and many of their projects been altered or demolished. The building also has high levels of rarity values as an intact 1946 apartment design undertaken by émigré architects. Trelawney Court, including its interiors, 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.</p>		
Level of significance	State: x		Local: ✓
Heritage listings	None		
DESCRIPTION			
Designer	George Reves (nee Revesz) and Charles Hayes (nee Hajos)		
Builder	Unknown		
Construction years	1947		

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

<b>Physical Description</b>	<p>Trelawney Court is a two-storey inter-war Moderne/ Modernist/ Art Deco style apartment building built in light red face brick with rendered balcony balustrades and slab edges and curved ashlar sandstone feature panels.</p> <p>The lobby and stair give access to four single level apartments; two on the ground and two on the first floor. Apartments 1 (ground floor) and 3 (first floor) are identical in plan, being small 3 bedroom apartments of approximately 90 m<sup>2</sup> NLA (net lettable area).</p> <p>Apartment 2 (ground floor) is a small 1 bedroom apartment with ensuite bathroom approximately 47 m<sup>2</sup> NLA (net lettable area). Adjacent is a boiler room. Apartment 4 (first floor) has the same plan as Apartment 2 with additional space afforded by the omission of the boiler room. It is a 1 bedroom apartment with ensuite bathroom plus separate WC and a small balcony facing west. It is approximately 57 m<sup>2</sup> NLA (net lettable area) including the balcony. The ground and first floors are also linked by a trades stair.</p> <p>The sandstone-flagged path continues to the entry door of apartment 5, a two-storey masonette apartment. This apartment has 3 bedrooms and a study. The ground floor comprises a rather splendid entry lobby, (a smaller version of the of the first lobby) a small awkwardly shaped bedroom, small kitchen with attendant porch, tiny dining nook and a living room which opens to a courtyard. A WC with a porthole window is tucked under the stair. The first floor has two bedrooms, a bathroom and a study as well as a balcony accessed from the main bedroom.</p> <p>The building displays expensive construction methodologies, complex planning and non-standardized features with each unit individually detailed. This indicates it was designed for a more luxurious form of apartment living and that it was not simply developed as an investment to maximise lettable areas. The 1949 <i>Decoration &amp; Glass</i> article notes that many of the building's features were adaptations to post war materials shortages. This included the rendered awnings and sills, in place of light bricks that were not available.</p> <p>The article also notes a number of design features utilised to increase a feeling of space, despite the limited site area. This included terraces and large windows provided to increase the appearance of room sizes and to provide morning sun to all bedrooms. The generous entry stairs, curved and with varying widths, also added a sense of grandeur to the small building. The building also contained extensive amounts of built-in and recessed furniture, of which only some items remain.</p> <p>Exterior: The building exterior appears to be almost completely unaltered. The street facade presents as an asymmetrical, flat roofed corner building, even though there is a relatively straightforward apartment building behind. Stylistic elements added to the façade give a modern appearance to what is actually a building with the commonplace brick, timber and tile conventions' of the 1940s.</p> <p>The external walls are cavity brick; face brick externally, rendered internally. To Trelawney Street the external wall is a concrete capped face brick parapet extending north for approximately 10 metres; thus resembling a modernist flat roofed building. From there the wall roof junction is expressed as it is; i.e. a timber framed roof with Marseilles pattern terracotta tiled roof, with lined eaves and quad gutter and exposed downpipes. The brick wall is broken into two parts orthogonal to each adjacent boundary, thus inflecting to the best view and simulating a corner site view.</p> <p>The floors of the building are timber framed generally with suspended concrete slabs for the bathrooms, showers, WCs and trade stairs; and the ground and first balconies and porches.</p>
<b>Physical Description</b>	<p>All four facades show a great deal of attention to detail. The Trelawney Street facade has a curvaceous S shaped concrete awning, above the typically 1930 Moderne curved rendered balustrades. The distinctive "S" shaped first floor concrete awning slab edge- and curved ashlar sandstone feature panels infill between delicate steel windows which have curved glazed corners. These elements are also found in George Reves' later work, but here can be seen as typical of a streamlined 1930s P&amp;O Moderne architectural style,</p>

## ***Draft Woollahra 2015: Heritage inventory sheet***

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	<p>which commonly referenced ocean liners.</p> <p>The curved concrete slab awning and ashlar sandstone blade wall punctuated by 3 circular openings at the lobby entry also refer to P&amp;O Moderne style. The lobby to apartment 5 has a similar treatment.</p> <p>The external walls are cavity brick; face brick externally, rendered internally. The floors of the building are timber framed generally with suspended concrete slabs for the bathrooms, showers, WCs and trade stairs; and the ground and first balconies and porches.</p> <p>Circular bulkhead lights are an integral part of the design of each concrete awning, and this light type is repeated internally in stair lobbies.</p> <p>The building is a well-built small scale luxury apartment block and had a generous budget for its building type, as shown by the complexity of the planning and detailing as well as the lack of standardization of apartment plans, windows and kitchens which is the hallmark of apartment design.</p> <p><b>Interior</b></p> <p>The interiors of the building appear to have been largely unaltered. Comparisons with the floor plan reproduced in the 1949 <i>Decoration &amp; Glass</i> article indicate there have been no changes to the internal layouts. The typical internal wall finish is painted cement render, with patterned render being used in the ground floor walls of the lobby.</p> <p>Ceilings of both the lobby and apartments are plastered with curved "streamlined" plasterwork to living areas. This appears to be intact in most of the apartments. The building retains many original light fixtures internally and externally.</p> <p>Entry thresholds generally have a terrazzo sill. The entry lobby has an entry landing of 2 inch x 2 inch unglazed terracotta tiles while the remaining floor finishes are typically carpet. The main lobby walls have inset timber and glass notice and directory boards. The main stair has curved winders and a curved balustrade of welded steel flats typical of cinema buildings of the 1930s.</p> <p>Inside the apartments kitchens appear to generally retain their original or early timber and laminate cabinetry. Bathrooms also retain their original or early unglazed patterned floor tiles and coloured glazed wall tiles, many with original period sanitary fixtures.</p> <p>Reveals to the steel windows are cement rendered with no traditional timber architraves.</p> <p>The <i>Decoration &amp; Glass</i> article refers to an extensive use of built-in furniture and images show a combination of built-ins and loose furniture items, possibly designed by Reves and Hayes, as was typical of the work of European architects in the period. The built-in units provide storage and maximise usable space in the apartments. The limited internal inspections undertaken for this report indicate only a few built-in units remain. Built-in items such as the banquettes shown in the maisonette in the article appear to have been removed. The maisonette (Apartment 5) has retained more elements than other apartments. A large L - shaped cabinet of birds-eye maple veneer remains in the living room, with a built-in tiled mirror unit with integral shelf. It also retains a light timber veneer sliding door servery unit between the kitchen and the dining nook. The entry lobby retains a timber framed wall mirror with 'flower shelf' and early or original wall lights. These joinery units feature Reves signature layout of timber veneer and are typical of the work of the émigré joiners such as Paul Kaka, Gerstl Cabinet Works, Kafka, Zink and Davidovich (although the particular joiner used for this project is unknown).</p> <p><b>Interiors:</b></p> <p>The interiors of the building appear to have been largely unaltered. Comparisons with the floor plan reproduced in the 1949 <i>Decoration &amp; Glass</i> article indicate there have been no changes to the internal layouts. The typical internal wall finish is painted cement render, with patterned render being used in the ground floor walls of the lobby.</p> <p>Ceilings of both the lobby and apartments are plastered with curved "streamlined"</p>
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## ***Draft Woollahra 2015: Heritage inventory sheet***

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<b>Physical condition</b>	<p>The building is in excellent condition. The face brickwork has gained a slight patina with some minor patches of blackening on the brick parapet at high level, which is to be expected. The detailing of the concrete awnings and balustrades and the drainage of the box gutter has been effective in reducing staining.</p> <p>Balconies, windows, eaves and gutters all appear to be in very good condition and have been well maintained. The steel windows are all operable and appear to have been regularly maintained and painted.</p>
<b>Modification and Dates</b>	<p>A search of Council records indicates that there has been only one building application or development application since its construction. A building application approved 14 April 1971 to alter the kitchen and cloakroom in apartment 5 was not carried out, and the apartment remains today as it was shown in the original BA drawings dated 28 March 1947.</p> <p>Internally the building remains substantially intact including the internal layout of apartments, decorative curved plaster work at ceilings, bathroom tiles and fixtures, kitchen cabinetry and lighting. In addition some built-in furniture remains, particularly in apartment 5.</p> <p>The front facade has not been altered. The boiler room chimney has been retained. Only the rear facade shows some alteration with the original 50mm diameter circular hollow section welded steel balustrade having been replaced by an unsympathetic pool fence type balustrade with opaque glass infill panels.</p> <p>Early external photos taken by Max Dupain show the front sandstone block with steel pipe fence has been raised in height with three courses of matching sandstone blocks added to each post. This has retained the original form and materials.</p>
<b>Archaeological potential</b>	Not known.

## ***Draft Woollahra 2015: Heritage inventory sheet***

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### **HISTORY**

#### **Historical notes**

##### **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 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.

During the early years of Governor Macquarie's rule land grants were made to military men, the most prominent of these in the area was to the flamboyant naval officer, Captain John Piper, in 1815. Following Piper's financial demise, Daniel Cooper (1785- 1853) and Solomon Levey (1794-1833) acquired the land in 1827. Cooper and Levey were importers, exporters, wool-buyers, ship owners and builders, shipping agents, whalers, sealers and merchants who controlled a large share of the Colony's business.

The land on which 3 Trelawney Street stands was once part of a 1130 acre grant by Governor Darling on March 22, 1830 in fulfillment of a promise made by Macquarie to Piper. The grant states that it is a consolidation of several early grants for which no deeds were executed and included the whole 500 acres of the Piper Estate. Cooper and Levey also later acquired, by grant or purchase, large tracts of land in Waterloo, Alexandria, Redfern, Randwick and Neutral Bay.

New South Head road was surveyed in 1831-2 however, completion to an acceptable standard took many years. The completion of this road provided the first real incentive for more intense development as previous developments had relied on water access. Following Levey's death in 1833 and protracted legal proceedings Cooper bought out Solomon Levey's heir, John Levey. By 1842, the whole estate was effectively owned by the Cooper family.

##### **History of the subdivision**

The Cooper estate was plagued by legal problems from the 1830s, caused first by the will of Solomon Levey and later by that of Daniel Cooper, following his death in 1853. As a result little development occurred during this era. Cooper's Woollahra estate was willed not to his next of kin, his nephew Sir Daniel Cooper (1821-1902), but to Sir Daniels's son, Daniel. In 1844 Cooper had commissioned Surveyor General Thomas Livingstone Mitchell to prepare a trigonometrical survey of the estate that included its division into allotments. As the new owner was a minor in 1853, Trustees managed the estate until 1869. The trustees opened some areas of the estate on 99-year leases.

##### **Elystan**

For most of the early 20<sup>th</sup> century the subject site was part of the grounds of Elystan, a large house built in the 1860s. In 1874 it was listed for sale by then owners the Gilchrist family, and described as a 'first class' family residence on five acres of ground fronting Edgecliff Road, Ocean and Trelawney Streets.

The property originally occupied the entire block from Ocean Street to Edgecliff Road with Trelawney Street as its southern boundary. Sands directory listings from 1886 list Elystan as the only property on the northern side of Trelawney Street and is occupied by Samuel Grey. A year later it is occupied by James Marks. By 1910 the northern side of Trelawney Street has been subdivided to the west of Elystan, however Elvo, on the corner of Trelawney and Edgecliff Road, is the only property to its east. The map below from 1889 shows this development.

In 1912 the Elystan grounds were further subdivided with the creation of Rosemont Avenue to the west of the house



## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

and the land to the north opened of the house subdivided for development. See Plan of the Rosemont Estate below.

At some point the eastern sections of the property are subdivided. The Sands directory records that the subject site is owned by Arthur Wigram Allen from 1927. Allen was a prominent solicitor with extensive land holdings, most notably in Glebe. Council valuation cards indicate the subject site remains undeveloped with a fence its only built structure.

During the early 20th century the surrounding area is becoming increasingly more densely developed. A house is built directly to the west of the subject site, The Rest, which is by 1946 converted to a duplex. It is later demolished and the current apartment complex constructed.

Progressively the large estates in the surrounding area are subdivided and many of the large houses are converted to apartments. An example being the property to the east of the subject site, on the southern side of Trelawney Avenue, Quiraing, which is subdivided and later demolished and replaced by a high rise apartment building.

It is not known when Elystan house is demolished but a 1930s apartment building, at 3 Rosemont Avenue, now occupies its former location.

### **3 Trelawney Street, Woollahra**

The subject site remained undeveloped and in the ownership of Arthur Wigram Allen until its 1943 purchase by Tibor and Marta Danos. National Archives of Australia immigration records indicate the Danos' were Hungarian and arrived in Australia in 1940. On Council valuation records the Danos' gives their address as 'Styletex' in George Street Sydney, a textile company listed in Dun's Gazette as owned by Marta Danos.

A building application to erect the apartment block at 3 Trelawney Street was made in November 1946 under BA1/47 for a Mr. T Danos. Council's building application file shows that the initial proposal was for a main building of three stories with a two storey maisonette at the rear (drawing dated 20.11.1946). This was followed by a secondary scheme of two stories (drawing dated 1.4.1947).

File BA1/47 shows that Council's 'Plans, Building and Health Committee' recommended on 21 January 1947 that the BA be disapproved for 11 reasons. Reasons 1 and 2 being:

1. The design is not in keeping with the buildings in this area.
2. The height of the building is not in keeping with the adjacent buildings.

On 27 January 1947, the Council adopted the Committee's recommendation (BA1/1947, Letter from Acting Town Clerk, 28.01.1947).

Amended plans were lodged which reduced the proposal to two stories with four apartments and one two storey maisonette apartment at the rear. This revised scheme was approved by Council 15.4.1947. The specification was prepared by Reves and Hayes Architects for a concrete framed, brick structure with cavity walls. The roof is pitched behind a parapet and tiled with red Marseille tiles.

Although the initial proposal was considered as not in keeping with the character of the area the final revised and approved building drew attention as a modern apartment providing light filled and well furnished, functional apartments. Trelawney Court was featured on the cover of Australian publication *Decoration and Glass* in July-August 1949.

It appears Max Dupain took the published photos, as a search of the Max Dupain and Associates archive, now held in the State Library of NSW shows 13 photos of the building including those used in the article. Many of the interior images record the extensive built in furniture that was part of Reves and Hayes design and demonstrated a common European custom, no doubt familiar to both architect and client.

When travelling in 1960 and again in 1968 Marta and Tibor Danos give their address as 3 Trelawney Street indicating they lived in one of the apartments, probably the maisonette. Most of the Dupain interior photos are of the maisonette apartment possibly indicating the Danos' commissioned the furniture primarily for their own apartment. The property remained in their ownership until 2019 when Marta Danos bequeathed the building to St Luke's Care and the Garvan Institute. In October 2019 the building was put up for auction and sold for \$7.2 million.

### **Reves and Hayes Architects**

The building at 3 Trelawney Street was designed by the architectural partnership of Reves and Hayes. This appears to have been a short lived partnership formed after the war and dissolving in 1952 when Hayes moves to a larger firm and Reves establishes a solo practice.

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

Reves and Hayes were both Hungarians who emigrated as a result of World War II. Although neither is well known, their careers can be seen as representative of the significant numbers of European émigré architects, particularly Hungarians, who practiced in Sydney following WWII. Reves completed a number of residential projects in the eastern suburbs and had his work published in the architectural press during the 1950s, but the majority of his work is unknown and now difficult to identify. Hayes did not register with the Architect's Board of Registration until later in his career, remaining an employee in medium sized firms. Hence we know very little about his design work. This is typical of émigré architects many of whom had low profile careers and received little attention from the architectural community.

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 Hungarian client and architect in the subject site represents the increasing influence of Europeans on the development of Sydney's suburbs after WWII.

### **George Reves**

George Reves (nee Revesz) (1910–2004) was a Hungarian who migrated to Australia in 1939. Reves graduated with an architectural degree from the Royal Joseph Technical University, Budapest. He worked in Paris for modernist Auguste Perret before returning to Budapest in 1934 to begin his own practice, designing a number of houses and apartment buildings. Following the German annexation of Austria, Reves fled Europe, arriving in Australia.

Reves' wartime experience in Sydney included designing for James Hardie. He registered as an architect in 1945, and his small-scale, largely residential practice drew on his extensive contacts in Sydney's émigré community. Although he ran a small practice two of his houses, both located in the eastern suburbs, were featured in *Architecture in Australia*, in 1955 and 1956.

The National Archives of Australia passenger travel records show that Reves travelled to Los Angeles in 1955 and his work from this period onwards shows significant influence of American modernism, in particular the 1955 Spencer Residence by Richard O. Spencer which was published in *arts & architecture* in 1954.

As was common practice in Europe many of Reves' projects included the design of furniture as part of the overall architectural design. An example is the Schwartz House he designed at 875 New South Head Road, Rose Bay (1957). This project and its furniture were featured in the 2017 exhibition *The Moderns: European Designers in Sydney* at the Museum of Sydney. A chapter about the house and the furniture makers, also émigrés, M Gerstl Cabinet Works is part of the 2017 publication *The Other Moderns*.

Ted Quinton, who interviewed Reves in 1997 for his Bachelor of Architecture dissertation, notes that in the 1960s Reves switched his practice from largely residential work to larger projects, designing and refurbishing factories, motels and hotels, including several interstate projects. This change seems to coincide with the relocation of his office from 45 Phillip Street, Sydney to 29 Berry Street, North Sydney where he remained until he retired in 1980 aged 70.

### **Charles Hayes**

Fellow Hungarian Charles Hayes (nee Hajos) (1911- 1995) also graduated from the Royal Joseph Technical University, Budapest with a second class Honors degree in architecture in 1934. From 1934 to 1940 he was employed as an architect in Budapest before emigrating to Australia in 1940.

In Australia Hayes found architectural work with established firm Lipson and Kaad, before joining the Australian Army from 1942 to 1946. Hayes applied for registration in 1946 when the Architects Registration Board had tightened its policies, and was no longer recognising overseas degrees without applicants passing the prescribed examinations. Reves, and a group of other graduates of the same university had applied the year prior and been accepted without the need for further examinations.

Deciding not to sit the examinations, unregistered, he worked in partnership with Reves from 1946 to 1952. This study has located three projects undertaken by the partnership including the flats at 3 Trelawney Street (see comparative analysis).

After leaving the partnership Hayes worked for another Hungarian, Francis Feledy as senior architectural draftsman,

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

playing a major role in the firm's work which consisted primarily of large industrial structures in the newly developing areas of Zetland and Mascot. Hayes is finally registered in 1963 at the age of 54, after 19 years of architectural work in Australia. Emery Balint, another Hungarian and the former Associate Professor of Building at the University of NSW, witnessed Hayes registration papers, noting he had known Hayes for 33 years.

The later part of Hayes' career is unknown. He died in 1995.

HISTORICAL THEMES		
Australian Theme	NSW Theme	Local Theme
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 development of apartments in Sydney in Eastern Suburbs in the immediate post war years.
Developing Australia's cultural life	Creative endeavour	The subject building is an example of modernist architecture of the late 1940s drawing stylistic elements from both a Moderne and International Style architectural vocabulary. It is also a representative example of the work of European émigré architects.

HERITAGE SIGNIFICANCE ASSESSMENT	
<b>Historical significance</b> SHR criteria (a)	<p>Trelawney Court is a significant example of an Inter-war flat building designed in the immediate post war period. It displays a combination of Moderne and International Style architectural influences and demonstrates the shift in the Woollahra area towards higher density and increased apartment development post war.</p> <p>Designed by émigré architects for European clients Trelawney Court can also be seen to represent the growing influence of European migrants on the development of Sydney's suburbs post war.</p> <p>Trelawney Court is also significant as an example of the work of architect George Reves who contributed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s. Trelawney Court, his first project in Australia, demonstrates the evolution of his style as he adapted to the context of Sydney and has particular significance due to its intactness.</p> <p>Trelawney Court 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.</p>
<b>Historical association significance</b> SHR criteria (b)	<p>Trelawney Court has significant associations with architect George Reves, as his first project in Australia, and as one that was published and remains intact. The site also has associations with former owner Arthur Wigram Allen but as Allen never occupied the site, and owned many properties in Sydney this association is not considered significant. Trelawney Court can be seen to have only incidental connections with historically important people and strong associations with people that are not widely recognised as historically important, so does not meet the threshold for listing under this criterion at either State or local level.</p>

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

<p><b>Aesthetic significance</b> SHR criteria (c)</p>	<p>Trelawney Court is a significantly intact example of an Inter-war flat building showing elements of both the Moderne and International style. As the work of émigré architects 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. The architects have opted for the building and architectonic elements most congruent with their central European modernist training, while still producing a building that is sympathetic to its context. During the design and building process Reves also developed typical elements into idiosyncratic forms that appear in his later work i.e. the "S" shaped awning that re-appears in 86A Victoria Road Bellevue Hill as a more organic and expressive Niemeyer-esque element.</p> <p>Trelawney Court can be compared with other significant examples of modernist flats of the 1930s and 1940s including Cairo Flats and Glenunga, in Melbourne, both of which are heritage listed as influential examples of International Style modernism.</p> <p>The building displays modernist architectural characteristics including the curved feature awning, use of ashlar stonework feature panels, marked horizontality and suppression of the expression of the pitched roofs and is of aesthetic significance as an intact example of a modernist Inter-war flat building.</p> <p>Trelawney Court 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.</p>
<p><b>Social significance</b> SHR criteria (d)</p>	<p>Trelawney Court does not appear to hold strong or special associations with a particular community or group.</p>
<p><b>Technical/Research significance</b> SHR criteria (e)</p>	<p>Trelawney Court has some research value for demonstrating the architectural work of Reves and Hayes. Little is known about both architects and of their known projects, many have been altered or demolished. As the building is substantially intact its fabric also provides opportunities to reveal information about past ways of living and design and construction methods from the mid 20<sup>th</sup> century.</p> <p>Due to its high level of intactness, including its interiors, it provides evidence of past customs and ways of life from a historically important time when the influence of European migrants was leading to substantial changes across the eastern suburbs.</p> <p>The site was formerly part of the Elystan estate which appears to have contained extensive gardens and outbuildings. The archaeological remains of these elements may be present on the site and provide research opportunities.</p> <p>Trelawney Court has moderate levels of research significance associated with building up a greater picture of the work of George Reves and is significant at a local level under this criterion. The building does not meet the threshold for State significance under this criterion.</p>

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

<p><b>Rarity</b> SHR criteria (f)</p>	<p>Trelawney Court is rare as an example of the work of Reves and Hayes, and also more generally Reves, few of whose identified projects remain intact.</p> <p>It is also rare as a 1946 design undertaken by émigré architects, both of whom were just returning to private practice post war, having relocated to Australia from Hungary. Although émigré architects were to have a profound influence on the Woollahra LGA during the second half of the twentieth century, Trelawney Court, including its interiors, can be seen as a rare example of an intact flat building designed by émigré architects in the 1940s in the Woollahra LGA.</p> <p>Reves 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. None of his projects are protected by individual heritage listing. An intact example of his work, including interiors and built-in furniture, such as the subject building is rare.</p> <p>As an intact and unusual example of an Inter-war flat building complete with original interiors and built-in furniture, Trelawney Court 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.</p>
<p><b>Representativeness</b> SHR criteria (g)</p>	<p>Trelawney Court, with its interiors, is a fine and intact example of an Inter-war flat building. It has numerous features typical of similar flat buildings of the period including the use of built-in furniture, moulded plaster ceilings, steel frame windows, red bricks, curved balconies and awnings, rendered window surrounds and sandstone feature elements. It draws many of its stylistic elements from a Moderne architectural vocabulary, which was a popular style of the period.</p> <p>It 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 became an increasingly important contribution to the development of modern architecture in Sydney after WWII when significant numbers of European architects took up practice in Sydney.</p> <p>Trelawney Court is a good example of the work of architect George Reves. Reves designed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s, and Trelawney Court displays a number of architectural motifs that he would go on to develop further in his later work including the curved feature awning, use of ashlar stonework feature panels and suppression of the expression of pitched roofs.</p> <p>Trelawney Court 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.</p>
<p><b>Integrity</b></p>	<p>Substantially intact.</p>



## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

RECOMMENDATIONS				
Recommendations	<b>Heritage listing</b> <ul style="list-style-type: none"><li>Trelawney Court at 3 Trelawney Street, Woollahra, including its interiors, should 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.</li><li>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.</li></ul>			
	<b>Ongoing management</b> <ul style="list-style-type: none"><li>It is recommended that the Trelawney Court be managed in line with the principles of the Burra Charter, particularly Article 3.1 which notes: “<i>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.</i>”<sup>1</sup> Any future adaptations or upgrades should aim to retain as much original fabric as possible.</li><li>It is considered sympathetic upgrades of kitchens and bathrooms would not impact the building’s overall significance, but should aim to retain as much early or original fabric as possible.</li><li>All other extant original and early fabric, including built-in furniture, should be retained and conserved.</li><li>The external appearance of the site when viewed from Trelawney Street, which remains largely original, should also be retained and conserved. It should be noted that the garage and laundry room are not considered to be of heritage significance.</li><li>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. This might be best achieved via the preparation of a conservation management document which assesses the significance of the fabric and includes policies for future changes.</li><li>A detailed internal and external photographic record of the building should be made and lodged with Woollahra Council and the Local Historical Association.</li></ul>			
INFORMATION SOURCES				
Type	Author/Client	Title	Year	Repository
Report	Rebecca Hawcroft & Kieran McInerney	Trelawney Court, Heritage Assessment, 15 April 2020	2020	Woollahra Council
Dissertation UNSW	Ted Quinton	Post War Modernism in Sydney, George Reves and Hans Peter Oser	1997	UNSW
Book	ed Rebecca Hawcroft	The Other Moderns: Sydney’s Forgotten European Design Legacy	2017	SLNSW
Book	Caroline Butler-Bowdon and Charles Pickett	Homes in the Sky, Apartment Living in Australia	2007	SLNSW
Article	unknown	Trelawney Court, Decoration and Glass, Volume 15, No.2, July-August 1949, Cover and pp.22-23	1949	Trove (NLA)
Article	unknown	City Jewellery Store, Decoration and Glass, Volume 15, No.4, November-December 1949, pp.28-29	1949	Trove (NLA)

<sup>1</sup> The Burra Charter, Australia ICOMOS 2013.

3 Trelawney Street, Woollahra, Heritage Inventory Sheet, Final Draft 15 April 2020

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

Article	unknown	Architecture in Australia, July-September, 1955, cover	1955	SLNSW
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### **IMAGES**

<b>Image Caption</b>	Trelawney Court viewed from Trelawney Street east; note distinctive "S" shaped first floor concrete awning slab edge- and curved sandstone feature panels. Sandstone flagged path leads to lobby entry.
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<b>Image Year</b>	2019	<b>Image author and Copyright Holder</b>	Bradfield Cleary
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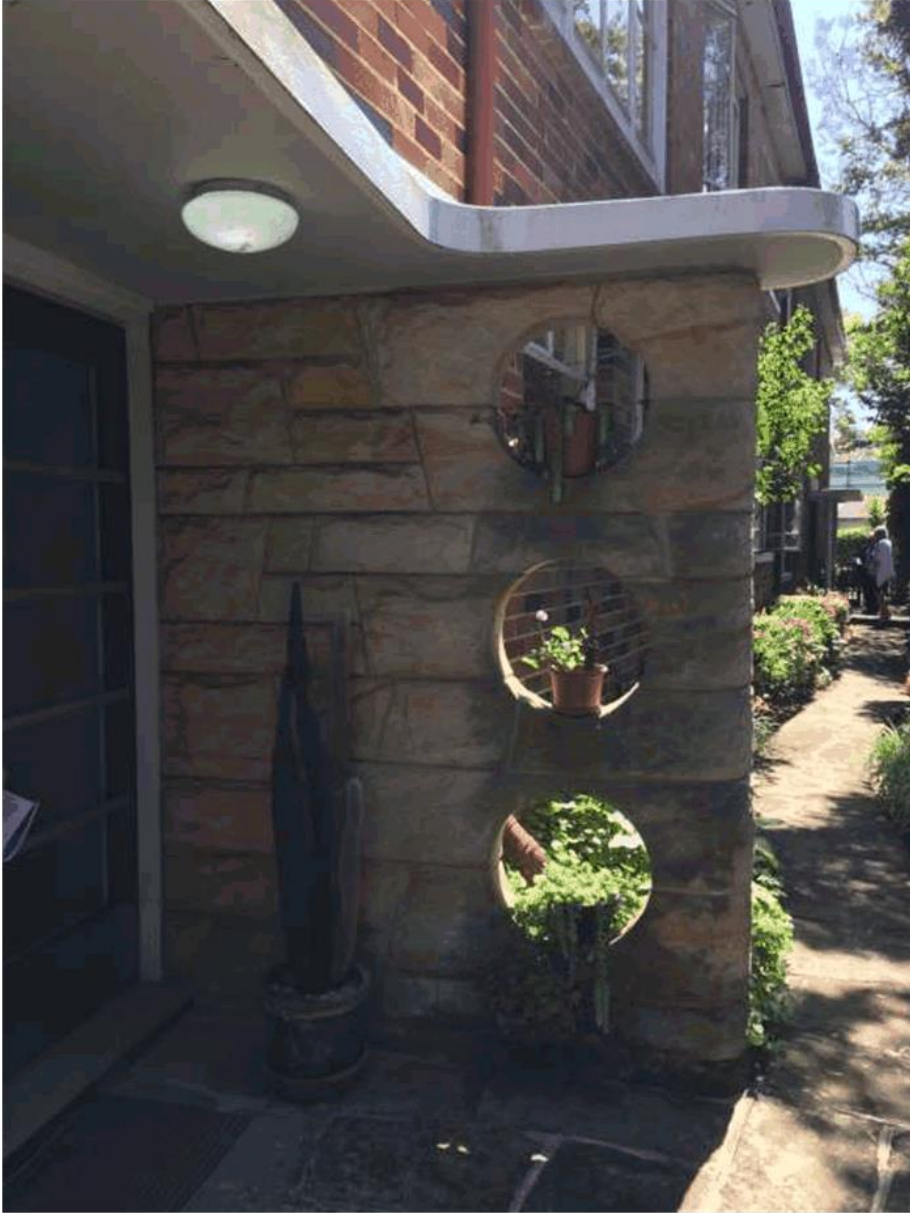
***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES			
Image Caption	Trelawney Court viewed from Trelawney Street west; plainer west elevation with extensive steel framed glazing. Concrete driveway leads to garage.		
			
Image Year	2019	Image author and Copyright Holder	Bradfield Cleary

***Draft Woollahra 2015: Heritage inventory sheet***


Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES			
Image Caption	The flamboyant curved concrete slab awning of the main façade is reflected in the lobby entry.		
			
Image Year	2020	Image author and Copyright Holder	Kieran McInerney



## ***Draft Woollahra 2015: Heritage inventory sheet***


Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES			
Image Caption	Ceilings are plastered with curved "streamlined" plasterwork to living areas		
			
Image Year	2020	Image author and Copyright Holder	Kieran McInerney




***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES			
Image Caption	The maisonette (apartment 5) has a built in tiled mirror unit with integral "flower shelf " as described Decoration and Glass Vol. 15 No. 2 (July - August 1949) article. A typical example of many original built-in features remaining intact in the building.		
			
Image Year	2020	Image author and Copyright Holder	Rebecca Hawcroft

## ***Draft Woollahra 2015: Heritage inventory sheet***

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES			
<b>Image Caption</b>	Max Dupain photographed the site around 1950. The images are now held in the State Library collection. Comparisons with current site images show few changes.		
			
<b>Image Year</b>	c.1950	<b>Image author and Copyright Holder</b>	Max Dupain Archives, SLNSW
AUTHOR OF THIS REPORT			
<b>Name</b>			<b>Date</b>
Rebecca Hawcroft and Kieran McInerney			15 April 2020

Woollahra Municipal Council  
Environmental Planning Committee Agenda

6 July 2020

**Item No:** R2 Recommendation to Council  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF  
TRELAWNEY COURT, INCLUDING INTERIORS, AT 3  
TRELAWNEY STREET, WOOLLAHRA**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/108411  
**Reason for Report:** To respond to Council's resolution on 11 November 2019 to investigate  
the heritage significance of Trelawney Court at 3 Trelawney Street  
Woollahra.  
To obtain Council's approval to prepare a planning proposal to list  
Trelawney Court, including interiors, at 3 Trelawney Street Woollahra as  
a local heritage item.  
To obtain Council's approval for the planning proposal to be referred to  
the Woollahra Local Planning Panel for advice.

**Recommendation:**

- A. THAT a planning proposal be prepared to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in 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.

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**1. Background**

On 11 November 2019, Council adopted the following notice of motion (Item No.16.3):

*That Council proceeds urgently to assess Trelawney Court at number 3 Trelawney Street, Woollahra with a view to a local heritage listing.*

In response to Council's decision, heritage consultants Kieran McInerney Architects and Rebecca Hawcroft were engaged to undertake a heritage assessment in accordance with the NSW heritage criteria.

The consultants are a team of award winning heritage and architectural specialists with extensive experience researching the work of architects George Reves and Charles Hayes, who designed Trelawney Court. Rebecca Hawcroft has previously published a number of scholarly articles, curated an exhibition and edited a publication that focused on Reves and other émigré architects working in Sydney after the Second World War.

**2. The Site**

The subject building consists of a two storey post-war residential flat building located at 3 Trelawney Street, Woollahra (*Figure 1*). It was designed by George Robert Reves and Charles Hayes and built in 1946.

Woollahra Municipal Council  
Environmental Planning Committee Agenda

6 July 2020

The site is legally described as Lot 1, DP 86213, as shown on the cadastral map at *Figure 2*. It is a long thin block with street frontage to Trelawney Street of 16 metres tapering to 7.5 at the rear of the site. The site depth is 65 metres.

The site's boundaries are shared by a late twentieth century two storey residential flat building to the west, occupying most of the lot and to the east the rear boundaries of five properties facing Edgecliff Road. The largest is 388 Edgecliff Road, a large Federation Style house, now converted to flats, located on the corner of Edgecliff Road and Trelawney Street. The garage of 388 Edgecliff Road is directly adjacent on the Trelawney Street boundary (*Figure 3* and *5*).

The site and its neighbours are zoned R3 Medium Density Residential under Woollahra LEP 2014 and are situated in the Woollahra Heritage Conservation Area (*Figure 4*). The building is listed as a contributory item in clause 2.7 of *Woollahra Development Control Plan (DCP) 2015, Chapter C2 Woollahra Heritage Conservation Area*. It is identified as an 'Inter-War Flat Building' contributory to the Rosemont Precinct.



*Figure 1: Trelawney Court from the footpath in front of 3 Trelawney Street, Woollahra (Source: Bradfield Cleary 2019)*





Figure 2: Cadastral map of the subject site (bounded in red) and its surrounding lots (Source: Woollahra MAPS, 2020)



Figure 3: aerial photo of the subject site in 2018. The subject site is highlighted in blue (Source: Woollahra MAPS)



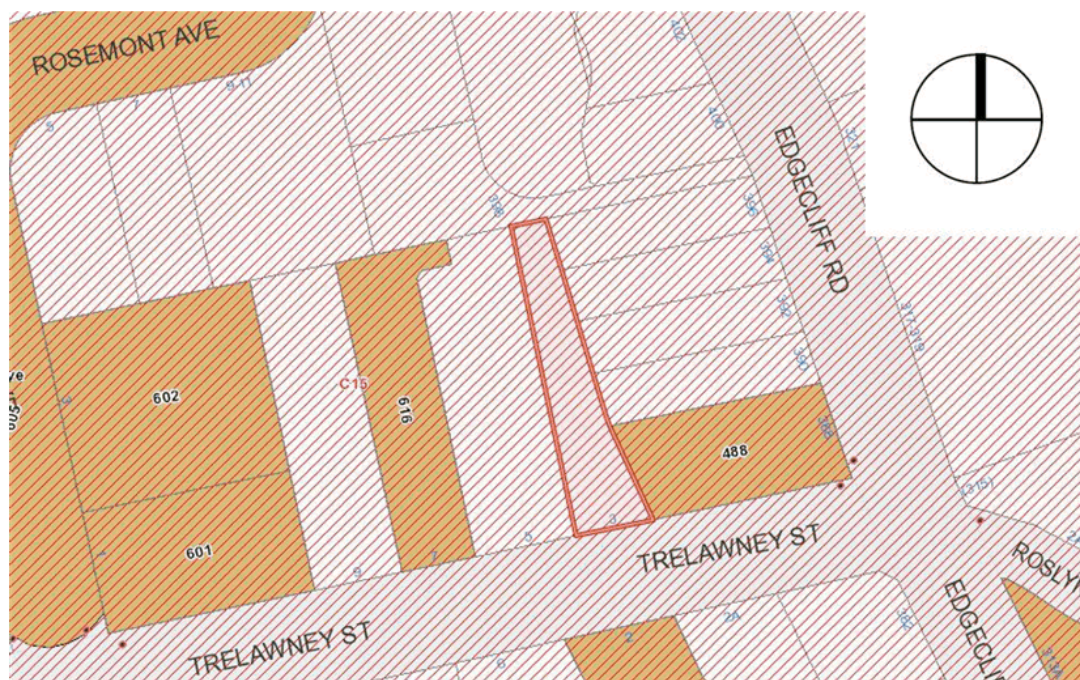


Figure 4: Detail of Heritage Map Sheet HER\_003A of the Woollahra LEP 2014. The red hatched area designates the Heritage Conservation Area C15 - Woollahra and the brown numbered sites are listed heritage items. No. 3 Trelawney Street is outlined in red (Source: Woollahra MAPS).



Figure 5: The building in its setting on the northern side of Trelawney Street, Woollahra (Source: Bradfield Cleary 2019)

### 3. 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. 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 April 2020, 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 Trelawney Court, including interiors, 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 NSW's cultural or natural history (or the cultural or natural history of the local area).	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
(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"> <li>cultural or natural places, or</li> <li>cultural or natural environments, (or a class of the local area's</li> <li>cultural or natural places, or</li> <li>cultural or natural environments.)</li> </ul>	√	x

Overall, Trelawney Court satisfies five criteria for local listing but it does not satisfy any criteria at State level.

The Assessment of Heritage Significance provides the following statement of significance for Trelawney Court:

*Trelawney Court at 3 Trelawney Street, Woollahra, is a significant example of an Inter-war flat building designed in the immediate post war period with interiors and built-in furniture remaining intact. It has local historical significance for its ability to demonstrate the shift in the Woollahra area towards higher density and increased apartment development post war. It also has 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 Sydney's suburbs post war.*

*Trelawney Court is also significant at a local level as a rare, intact example of the work of architect George Reves who contributed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s. Trelawney Court demonstrates the evolution of*

*his style as he adapted to the context of Sydney and has particular significance due to its intactness.*

*Trelawney Court has aesthetic significance at a local level as an intact example of a modernist Inter-war flat building. It retains a high level of original interior and exterior fabric and as an early work of émigré architects is able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist 1930s and 1940s apartments, and is able to demonstrate the growing influence of International Style modernism on apartment design in Australia.*

*As an intact example of its type, Trelawney Court has research potential at a local level to demonstrate past ways of living and design and construction methods from the mid-20<sup>th</sup> century. It is also an important source of information about the work of its architects Reves and Hayes, of which little is known and many of their projects been altered or demolished. The building also has high levels of rarity values as an intact 1946 apartment design undertaken by émigré architects. Trelawney Court, including its interiors, 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.*

(Rebecca Hawcroft and Kieran McInerney: *Assessment of Heritage Significance for 3 Trelawney Street, Woollahra*, April 2000, pp.65-66)

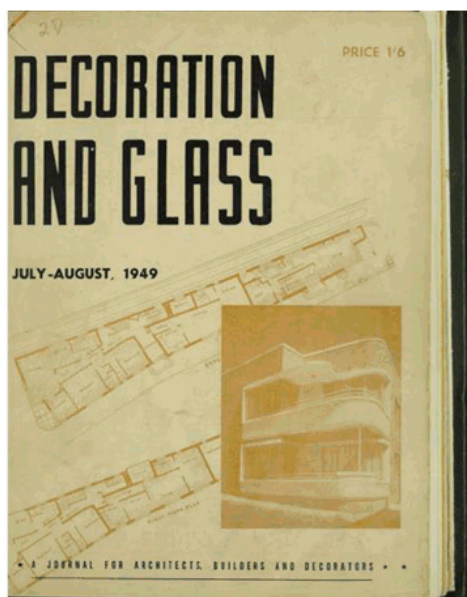


Figure 6 and 7: Cover and detail of article on 'Trelawney Court'. The interior image shows the maisonette and is captioned "The combination lounge, dining room gives a more spacious appearance." It also shows Reves and Hayes extensive use of built-in furniture. (Trelawney Court, *Decoration and Glass*, Volume 15, No.2, July-August 1949, Cover and pp.22-23.)



*Figure 8: Max Dupain's photograph of the site around 1950. Comparisons with current site images show few changes (Source: State Library of NSW)*

#### **4. Consultation with land owners**

On 5 December 2019, Council staff sent a letter to the owners informing them of the Council's adopted notice of motion and the engagement of a heritage consultant to undertake the heritage assessment. Internal access to the site was also requested. No answer was received. The property was subsequently sold at auction.

On 5 February 2020, Council staff sent a letter to the new owners of 3 Trelawney Street, Woollahra, to inform them of the Council's adopted notice of motion and engagement of heritage consultants to undertake the heritage significance assessment. This letter also requested internal site inspection, given that the heritage consultants had only been inside this property informally during an open



house inspection. A phone conversation with the Manager – Strategic Planning followed in early February to explain the listing process and request internal access to the site.

A copy of the draft Assessment of Heritage Significance and draft heritage inventory sheet was sent to the owners on 28 April 2020, formally requesting comments or submissions in the timeframe between the 28 April 2020 and 26 June 2020. At the time of writing this report no reply or submission has been received.

## **5. Development application**

On 12 June 2020, a development application was lodged with Council for ‘alterations and additions to the existing residential flat building, including a new level accommodating one additional unit’ (DA 193/2020).

Plans dated 27 May 2020 were drawn by Design Inter Alia. The proposal seeks consent to undertake substantial alterations and additions to the subject property, including:

- Refurbishment and upgrades of existing kitchens and bathrooms;
- Opening up of existing walls and new door openings;
- Demolition and reconstruction of some walls to reorganise internal layouts;
- Demolition of existing secondary staircase (tradesmen stairs) and addition of this space to Lots 2 and 4;
- New three-bedroom second storey unit accessed through an extension of the existing main staircase.

The proposed second storey would use the following materials and finishes:

- Face brickwork;
- Rendered white brickwork to the balcony;
- White aluminum-framed windows; and
- Reinforced concrete roof with steel profile eaves.

A heritage impact statement prepared by Weir Phillips Heritage and dated June 2020 accompanies the DA. It makes specific reference to the assessment report by Rebecca Hawcroft and Kieran McInerney in Section 1.2 Authorship and Acknowledgements. At Section 4.5 Contribution to the Conservation Area it states that:

*No. 3 Trelawney Street postdates the key periods of interest for the Conservation Area, notwithstanding, it makes a positive contribution through its intact Modernist Style façade and principal building form. It retains a high level of internal and external integrity and helps demonstrate the shift towards higher density living in Woollahra in the Post-World War II Period.*

The heritage impact statement does not include an assessment against all provisions of the Woollahra Development Control Plan 2015. While acknowledging the Assessment of Heritage Significance report prepared by the Council’s consultants, the Weir Phillips heritage impact statement does not provide any consideration of the subject building as a potential heritage item.

## 6. Recommendations of the Assessment of Heritage Significance report

The Assessment of Heritage Significance report contains the following recommendations:

### ***Heritage Listing***

- *Trelawney Court at 3 Trelawney Street, Woollahra, including its interiors, should 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 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 Trelawney Court 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."<sup>1</sup> Any future adaptations or upgrades should aim to retain as much original fabric as possible.*
- *It is considered sympathetic upgrades of kitchens and bathrooms would not impact the building's overall significance, but should aim to retain as much early or original fabric as possible.*
- *All other extant original and early fabric, including built-in furniture, should be retained and conserved.*
- *The external appearance of the site when viewed from Trelawney Street, which remains largely original, should also be retained and conserved. It should be noted that the garage and laundry room are not considered to be of heritage significance.*
- *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. This might be best achieved via the preparation of a conservation management document which assesses the significance of the fabric and includes policies for future changes.*
- *A detailed internal and external photographic record of the building should be made and lodged with Woollahra Council and the Local Historical Association.*

In accordance with these recommendations, the consultants have prepared:

- A Heritage Inventory Sheet for listing Trelawney Court, including interiors at 3 Trelawney Street on the Woollahra LEP 2014.

Both the Assessment of Heritage Significance report and the Heritage Inventory Sheet are available as ***Annexure 1***.

## 7. 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".

<sup>1</sup> The Burra Charter, Australia ICOMOS 2013.

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.

The Direction states, in part:

*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.*

Items (a) and (b) are not relevant to a planning proposal which would be prepared for the matter currently before the Committee. Consideration under item (c) has been passed to the position of Director Planning and Development through the General Manager's delegations.

The Director Planning and Development has formed a view that he cannot be completely satisfied that the matter being dealt with by this report will have no significant adverse impact on the environment or the adjoining land. Therefore under the terms of the Direction, the planning proposal to list Trelawney Court, including interiors at 3 Trelawney Street, Woollahra, as a local heritage item must be referred to the Woollahra Local Planning Panel (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.

## **8. 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 Trelawney Court, including interiors, as an item of local heritage significance in the Woollahra LEP 2014,
- Refer to the draft planning proposal to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LPP to the Environmental Planning Committee.

## **9. Conclusion**


The heritage significance of Trelawney Court at 3 Trelawney Street, Woollahra, has been assessed by heritage consultants Rebecca Hawcroft and Kieran McInerney in accordance with the NSW Heritage guidelines. The assessment concludes that Trelawney Court, including interiors, has local heritage significance and it should be listed in Schedule 5 of the Woollahra LEP 2014.

It is therefore recommended that Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra is listed as a local heritage item 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 Trelawney Court, including interiors, at 3 Trelawney Street Woollahra to the list of heritage items. The planning proposal should be referred to the Woollahra LPP for advice.

The other recommendations in the Assessment of Heritage Significance report listed under 'ongoing management' are to be implemented during the assessment of the development application.

**Annexures**

1. Assessment of Heritage Significance for 3 Trelawney Street, Woollahra, by Rebecca Hawcroft & Kieran McInerney [↓](#) 

# Planning Proposal



## Local Heritage Listing Trelawney Court 3 Trelawney Street, Woollahra



Version Date:	August 2020
Division/Department:	Strategic Planning
Responsible Officer:	Flavia Scardamaglia – Strategic Heritage Officer
HPE CM Record Number:	20/119662



## Table of Contents

<b>1. Introduction .....</b>	<b>3</b>
1.1. Background .....	3
1.2. Description of this planning proposal .....	4
1.3. Assessment of heritage significance.....	5
1.4. Statement of heritage significance .....	6
1.5. Recommendations in the Assessment of Heritage Significance .....	7
<b>2. Existing site and context .....</b>	<b>9</b>
2.1. The study area and its context.....	9
<b>3. Existing planning controls.....</b>	<b>12</b>
3.1. Woollahra Local Environmental Plan 2014 .....	12
3.2. Woollahra Development Control Plan 2015 .....	12
<b>4. Objective of amendment to Woollahra LEP 2014 .....</b>	<b>12</b>
<b>5. Explanation of provisions.....</b>	<b>13</b>
<b>6. Justification .....</b>	<b>13</b>
6.1. Need for planning proposal.....	13
6.2. Relationship to strategic planning framework .....	14
6.3. Environmental, social and economic impact .....	16
6.4. State and Commonwealth Interests .....	16
<b>7. Mapping .....</b>	<b>18</b>
<b>8. Community Consultation .....</b>	<b>20</b>
8.1. Consultation with landowner.....	20
8.2. Public Exhibition .....	21
<b>9. Project Timeline .....</b>	<b>22</b>
<b>Schedules.....</b>	<b>23</b>
Schedule 1 – Consistency with state environmental planning policies.....	23
Schedule 2 – Compliance with section 9.1 directions .....	28

<b>Supplementary material (separately attached) .....</b>	<b>31</b>
Appendix 1 – Environmental Planning Committee Report (Annexures removed) (7 July 2020) 31	
Appendix 2 – Assessment of Heritage Significance for Trelawney Court at 3 Trelawney Street, Woollahra by Kieran McInerney and Rebecca Hawcroft – April 2020 .....	31
Appendix 3 – Council Meeting Agenda (Annexures removed) (27 July 2020) .....	31
Appendix 4 – Woollahra Local Planning Panel Minutes (6 August 2020) .....	31

## 1. Introduction

### 1.1. Background

On 11 November 2019, Council considered a Notice of Motion (Item No. 16.3) and Council resolved:

*That Council proceeds urgently to assess Trelawney Court at number 3 Trelawney Street, Woollahra with a view to a local heritage listing.*

The following background information accompanied the notice of motion in the meeting agenda:

*The reason for this Notice of Motion is to protect number 3 Trelawney Street, Woollahra. Even though the facade may be protected as the building sits within a heritage conservation area, the interiors are not protected. This is a rare building designed in 1948 by George Robert Reves in the Modernist style in very good original condition.*

Council engaged heritage consultants Kieran McNerney and Rebecca Hawcroft to carry out an assessment of heritage significance for *Trelawney Court* at 3 Trelawney Street, Woollahra in accordance with the NSW Heritage guidelines.

The consultants are a team of award winning heritage and architectural specialists with extensive experience researching the work of architects George Reves and Charles Hayes, who designed *Trelawney Court*. Rebecca Hawcroft has previously published a number of scholarly articles, curated an exhibition and edited a publication that focused on Reves and other émigré architects working in Sydney after the Second World War.

On 1 July 2020, a report was presented to Council's Environmental Planning Committee (EPC) regarding heritage listing *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra.

On 27 July 2020, Council resolved:

*A. THAT a planning proposal be prepared to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in 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.*

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 6 August 2020 for advice. The Panel provided the following advice to Council:

- A. *Proceed with the planning proposal to list the Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- 
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra 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.*

## 1.2. Description of this planning proposal

This planning proposal is made in relation to *Trelawney Court* at 3 Trelawney Street, Woollahra (Lot 1 DP 86213) and explains the intended effect of an amendment to Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).

The objective of the planning proposal is to amend the Woollahra LEP 2014 to list *Trelawney Court, including interiors* as a local heritage item in Schedule 5. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site, including its main building and interiors.

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:

1. A description of Trelawney Court and its context
2. Existing planning controls applying to *Trelawney Court*
3. The objective of the amendment to Woollahra LEP 2014
4. An explanation of provisions that are to be included in the amendment to Woollahra LEP 2014
5. Justification for the objective and provisions to be included in the amendment to Woollahra LEP 2014
6. Mapping for the heritage listing
7. Community consultation to be undertaken
8. Project timeline

### 1.3. Assessment of heritage significance

In response to Council's decision, an assessment of heritage significance of Trelawney Court was undertaken by heritage consultants Kieran McInerney and Rebecca Hawcroft. The draft assessment was completed in April 2020 and is attached as Appendix 2.

The assessment of heritage significance was undertaken in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage in 2001.

There are seven criteria used in the process of assessing heritage significance. 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.

**Table 1** below provides a summary of the assessment of the heritage significance of Trelawney Court against the seven criteria, at both 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 NSW's cultural or natural history (or the cultural or natural history of the local area).	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
(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"> <li>cultural or natural places, or</li> <li>cultural or natural environments, (or a class of the local area's</li> <li>cultural or natural places, or</li> <li>cultural or natural environments.)</li> </ul>	√	x

The heritage assessment concludes that *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra satisfies five out of seven criteria at local level. None of the criteria are met at State level.

#### 1.4. Statement of heritage significance

*Trelawney Court at 3 Trelawney Street, Woollahra is a significant example of an Inter-war flat building designed in the immediate post war period with interiors and built-in furniture remaining intact. It has local historical significance for its ability to demonstrate the shift in the Woollahra area towards higher density and increased apartment development post war. It also has 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 Sydney's suburbs post war.*

*Trelawney Court is also significant at a local level as a rare, intact example of the work of architect George Reves who contributed a number of significant modernist houses in the eastern suburbs during the 1950s and 1960s. Trelawney Court demonstrates*

*the evolution of his style as he adapted to the context of Sydney and has particular significance due to its intactness.*

*Trelawney Court has aesthetic significance at a local level as an intact example of a modernist Inter-war flat building. It retains a high level of original interior and exterior fabric and as an early work of émigré architects is able to demonstrate the transfer of European modernist architectural training to Australia. The building shares characteristics with other significant modernist 1930s and 1940s apartments, and is able to demonstrate the growing influence of International Style modernism on apartment design in Australia.*

*As an intact example of its type, Trelawney Court has research potential at a local level 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 architects Reves and Hayes, of which little is known and many of their projects been altered or demolished. The building also has high levels of rarity values as an intact 1946 apartment design undertaken by émigré architects. Trelawney Court, including its interiors, 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.*

(Source: Assessment of Heritage Significance for 3 Trelawney Street, Woollahra, Final Draft Issue April 2020, by Kieran McInerney and Rebecca Hawcroft, pp.65-66)

The assessment recommends listing *Trelawney Court and interiors* as a heritage item of local significance in Schedule 5 of the Woollahra LEP 2014.

### 1.5. Recommendations in the Assessment of Heritage Significance

#### 1.5.1 Heritage Listing

- *Trelawney Court* at 3 Trelawney Street, Woollahra, including its interiors, should 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 heritage inventory sheet found in Appendix C of the assessment of heritage significance report.
- It is also recommended that Council undertake a study of the work of émigré architects in the post war period in the local government area to gain a fuller understanding of the rarity or representative value of the building and to identify other significant buildings.

#### 1.5.2 Ongoing Management

- It is recommended that the *Trelawney Court* 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."<sup>1</sup> Any future adaptations or upgrades should aim to retain as much original fabric as possible.

---

<sup>1</sup> The Burra Charter, Australia ICOMOS 2013.

- The area recommended for local listing is shown with a solid red line in **Figure 1 and 2**. It affects Lot 1 of Deposited Plan 86213.



Page 8 of 33



## 2. Existing site and context

### 2.1. The study area and its context

The subject building consists of a two storey post-war residential flat building located at 3 Trelawney Street, Woollahra (**Figure 1 and 2**). It was designed by George Robert Reves and Charles Hayes and built in 1946.

The site is a long thin block with a street frontage to Trelawney Street of 16 metres tapering to 7.5 metres at the rear of the site. The site depth is 65 metres. The site adjoins a late twentieth century two storey residential flat building to the west (see **Figure 2**). To the east the site adjoins the rear boundaries of five properties facing Edgecliff Road. The largest is 388 Edgecliff Road, a large Federation Style house, now converted to flats, located on the corner of Edgecliff Road and Trelawney Street. The garage of 388 Edgecliff Road is directly adjacent on the Trelawney Street boundary.

The site and its neighbours are zoned R3 Medium Density Residential under the Woollahra LEP 2014 and are located in the Woollahra Heritage Conservation Area.

The building is listed as a contributory item in clause 2.7 of Woollahra Development Control Plan (DCP) 2015, Chapter C2 Woollahra Heritage Conservation Area. It is identified as an 'Inter-War Flat Building' contributory to the Rosemont Precinct.



**Figure 2:** Aerial photograph of 3 Trelawney Street, Woollahra with the area proposed for local listing outlined in red (Source: Woollahra MAPS)

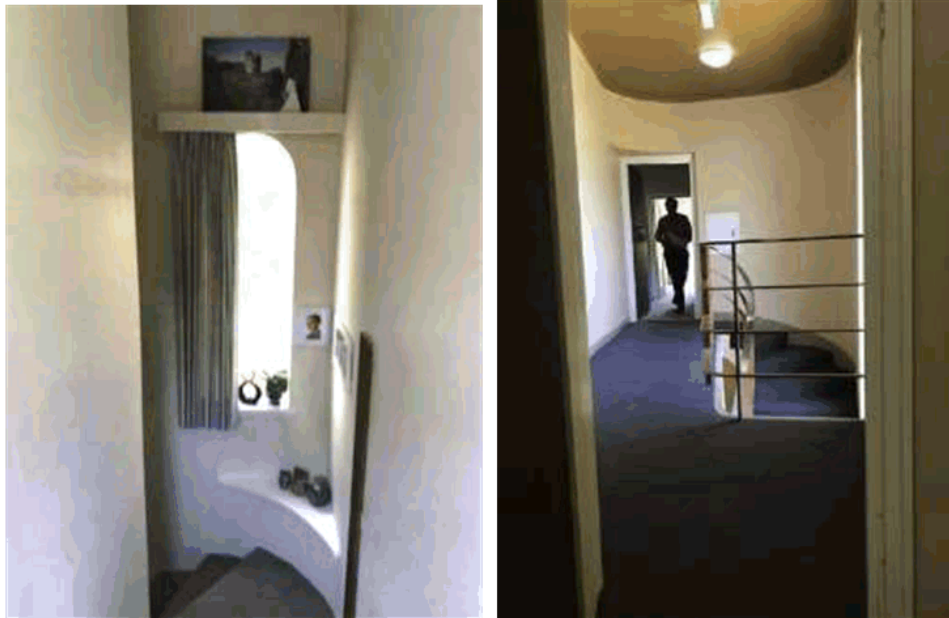


Figure 3: View of Trelawney Court from the street (Source: Bradfield, 2019)



Figure 4 and 5: Main entry door with a curve concrete slab awning over an ashlar sandstone blade wall and curved 'streamlined' plasterwork.





**Figure 6:** Curved walls, internal staircase with curve winders and curved balustrade.



**Figure 7:** extract from *Decoration and Glass* magazine, July-August 1949, Vol.15 No.2 on Trelawney Court.

### 3. Existing planning controls

#### 3.1. Woollahra Local Environmental Plan 2014

The site is subject to existing planning controls of the Woollahra LEP 2014, relating to land zoning, height of buildings, minimum lot size, FSR and acid sulfate soils.

Land Use Zone	Minimum Lot Size	Height of Building	Floor Space Ratio	Heritage Conservation	Acid Sulfate Solis
R3 Medium Density Residential	700 sqm	10.5m	0.75:1	Within the Woollahra Heritage Conservation Area (C15)	Class 5

The objectives for the R3 Medium Density Residential zone in the Woollahra LEP 2014 are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

As identified in the table above, *Trelawney Court* at 3 Trelawney Street is not currently listed as a local heritage item but it is within the Woollahra Heritage Conservation Area (C15) of the Woollahra LEP 2014. Whilst this ensures that the Clause 5.10 of the Woollahra LEP 2014 applies to the assessment of development on the site, it does not provide specific protection for the significant interiors. It is noted that development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* may be undertaken that has potential to impact on the significance of the interiors.

#### 3.2. Woollahra Development Control Plan 2015

*Trelawney Court* at 3 Trelawney Street is identified as a 'contributory' item in Clause 2.7 of the Woollahra DCP 2015, Chapter C2 Woollahra Heritage Conservation Area, being an 'Inter-War Flat Building' in the Rosemont Precinct.

### 4. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra and provide it with an additional statutory heritage protection.

## 5. Explanation of provisions

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

- Insert a local heritage listing for *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra in Part 1 (Heritage Items) of Schedule 5 Environmental Heritage.
- Amend the Heritage Maps (Sheet HER\_003A) of the Woollahra LEP 2014 to identify *Trelawney Court, including interiors* as a heritage item.

## 6. Justification

The planning proposal has strategic merit. The heritage significance of *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra has been established by the assessment undertaken by Kieran McInerney and Rebecca Hawcroft. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

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, any strategic study or report?

Yes. The planning proposal is the result of the recommendations of the Assessment of Heritage Significance report prepared by Kieran McInerney and Rebecca Hawcroft. The report concluded that *Trelawney Court, including interiors*, meets five criteria out of seven for listing as a local heritage item. The report recommended that:

*Trelawney Court at 3 Trelawney Street, Woollahra, including its interiors, should be added to the heritage schedule of the Woollahra LEP 2014 as an item of local heritage significance.*

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The objective of this planning proposal is to list *Trelawney Court, including interiors* as a local heritage item in Schedule 5 of the Woollahra LEP 2014. 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 the Woollahra DCP 2015, or including heritage conservation conditions to a development consent, will not provide the same level of heritage protection and recognition.

## 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 any exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives 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 Regional 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 13 'Environmental heritage is identified, conserved and enhanced'.

Heritage listing of *Trelawney Court, including interiors*, will provide ongoing protection and recognition of the heritage significance of this item.

#### **Eastern City District Plan**

Yes. The planning proposal is generally consistent with the directions, priorities and objectives 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'*

*Objective 13 'environmental heritage is identified, conserved and enhanced'*

*Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:*

- a. engaging with the community early to understand heritage values*
- 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'.*

Heritage listing of *Trelawney Court, including interiors*, will provide ongoing protection and recognition of the heritage significance of this item.

### 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 and Council's Community Strategic 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 – 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 and residential amenity, including protection of significant architecture and the natural environment.*

Heritage listing of *Trelawney Court, including interiors*, will provide ongoing protection and recognition of the heritage significance of this item consistent with these local strategies.

**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** below).

**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** below).



### 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. Measures to conserve the heritage item 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?

Yes. The heritage assessment/inventory sheet measured *Trelawney Court*, including interiors at 3 Trelawney Street, Woollahra 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 assessment found that *Trelawney Court*, including interiors at 3 Trelawney Street, Woollahra, meets the historic, aesthetic, research potential, rarity and representativeness criteria at local level.

Identifying the subject site as a heritage item will require a development application (DA) to be considered against *Clause 5.10 Heritage conservation* of the Woollahra LEP 2014.

To facilitate the assessment process, a DA must be accompanied by a heritage management document. Accordingly, there are some additional minor costs involved in preparing an application on a site which is listed as a heritage item.

It should be noted that an effect of a property being classified as a heritage item will prevent certain works being carried out as either exempt or complying development.

### 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 *Trelawney Court*, including interiors at 3 Trelawney Street, Woollahra and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, the two-storey residential 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 Ocean Street.

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.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

- Heritage NSW, Department of Premier and Cabinet
- NSW Heritage Council
- The National Trust of NSW

Further consultation will take place with any other authorities identified by the Gateway Determination.

7. Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Maps (Sheet HER\_003A)

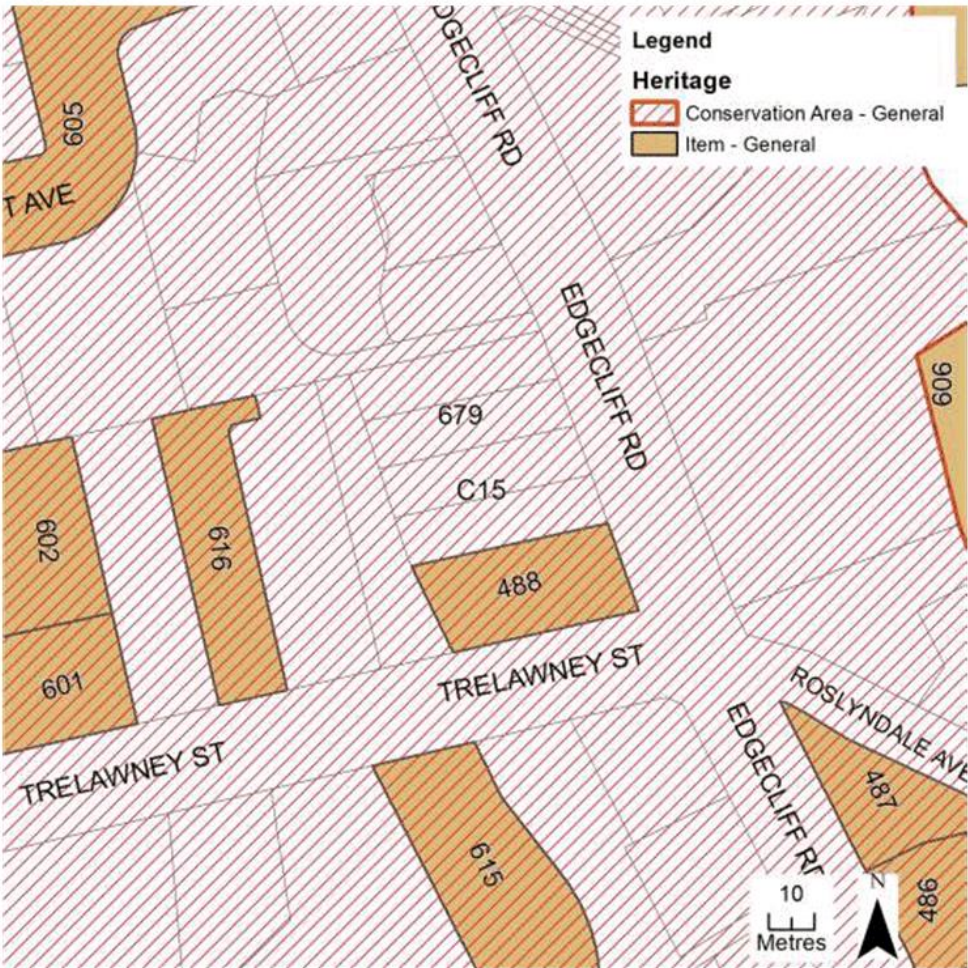


Figure 8: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003A)



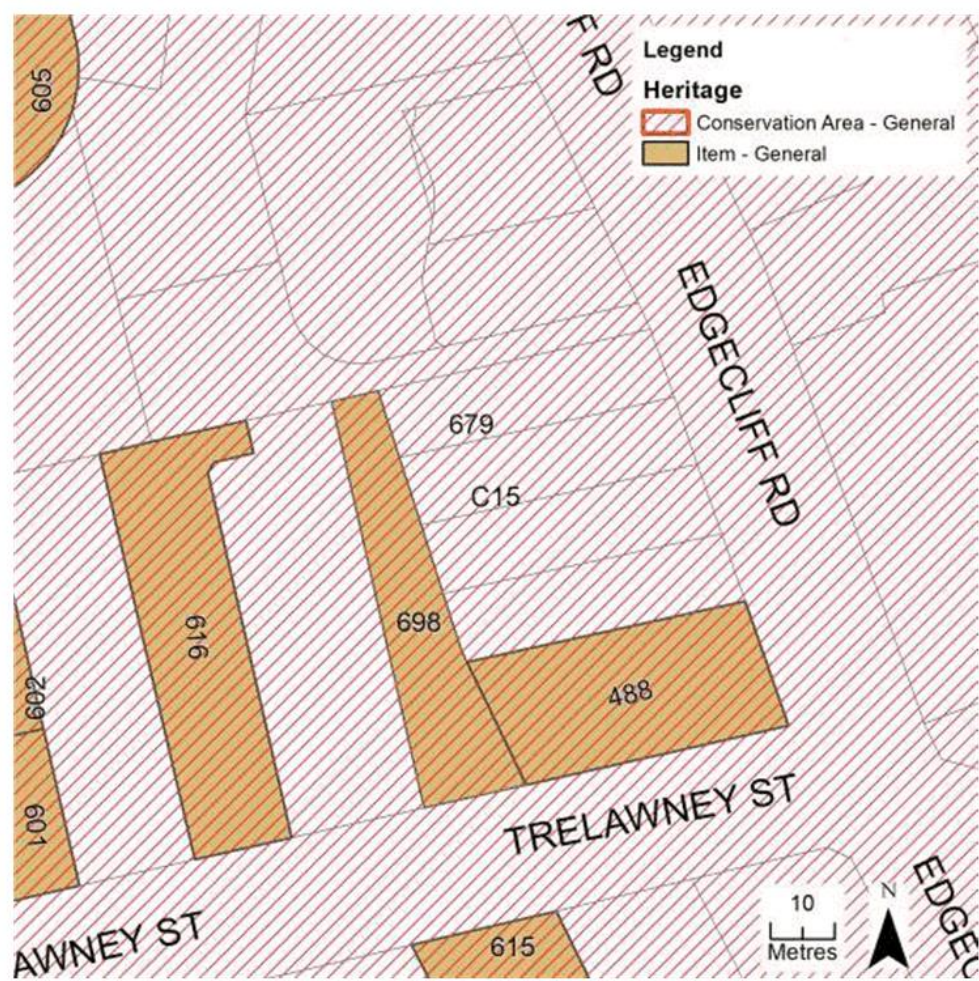


Figure 8: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003A)

## 8. Community Consultation

### 8.1. Consultation with landowner

On 5 December 2019, Council staff sent a letter to the owners informing them of Council's adopted notice of motion and the engagement of a heritage consultant to undertake the heritage assessment. Internal access to the site was also requested. No answer was received. The property was subsequently sold at auction in December 2019.

On 5 February 2020, Council staff sent a letter to the new owners of 3 Trelawney Street, Woollahra, to inform them of the Council's adopted notice of motion and engagement of heritage consultants to undertake the heritage significance assessment. This letter also requested internal site inspection, given that the heritage consultants had only been inside this property informally during an open house inspection. A phone conversation with the Manager – Strategic Planning followed in early February to explain the listing process and request internal access to the site.

A copy of the draft Assessment of Heritage Significance and draft heritage inventory sheet was sent to the owners on 28 April 2020, formally requesting comments or submissions in the timeframe between the 28 April 2020 and 26 June 2020. At the time of writing this report no reply or submission has been received.

On 12 June 2020, a development application was lodged with Council for 'alterations and additions to the existing residential flat building, including a new level accommodating one additional unit' (DA 193/2020).

Plans dated 27 May 2020 were drawn by Design Inter Alia. The proposal seeks consent to undertake substantial alterations and additions to the subject property, including:

- Refurbishment and upgrades of existing kitchens and bathrooms;
- Opening up of existing walls and new door openings;
- Demolition and reconstruction of some walls to reorganise internal layouts;
- Demolition of existing secondary staircase (tradesmen stairs) and addition of this space to Lots 2 and 4;
- New three-bedroom second storey unit accessed through an extension of the existing main staircase.

The proposed second storey would use the following materials and finishes:

- Face brickwork;
- Rendered white brickwork to the balcony;
- White aluminum-framed windows; and
- Reinforced concrete roof with steel profile eaves.

The owners were informed of the EPC meeting on 6 July 2020 where the Assessment of Heritage Significance was considered. The owners did not attend the meeting and did not send any correspondence to be considered by the panel members.

In progressing the planning proposal, consultation with the owners will be undertaken in accordance with the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2000*.



The owners were informed of the Woollahra LPP meeting on 6 August 2020 where the Planning Proposal was considered. The owners did not attend the meeting and did not send any correspondence to be considered by the panel members.

In progressing the planning proposal, 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 Exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the *Woollahra Community Participation Plan* and the conditions in the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- A notice on Council's website.
- A notice on local newspaper Wentworth Courier, if a hardcopy version is being published.
- A letter to the land owners of the site.
- A letter to land owners in the vicinity of the site.
- Notification to local community 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:

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal, including the Assessment of Heritage Significance report and relevant Council reports.

## 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
Council Notice of Motion	11 November 2019
Environmental Planning Committee recommends proceeding	7 July 2020
Council resolution to proceed	27 July 2020
Local Planning Panel provides advice	6 August 2020
Environmental Planning Committee recommends proceeding	7 September 2020
Council resolution to proceed	28 September 2020
Gateway determination	November 2020
Completion of technical assessment	Usually none required
Government agency consultation	December 2020
Public exhibition period	December 2020 – February 2021
Submissions assessment	February 2021
Environmental Planning Committee considers assessment of planning proposal post exhibition	March 2021
Council decision to make the LEP amendment	March 2021
Council to liaise with Parliamentary Counsel to prepare LEP amendment	April 2021
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	May 2021
Notification of the approved LEP	June 2021

## 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 contain a 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.  See section 6 of the planning proposal for more information.

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. There is no land in the Woollahra LGA currently identified on the Land Application Map of SEPP (Aboriginal Land) 2019.
SEPP (Activation Precincts) 2020	Not applicable. There are no activation precincts identified in the Woollahra LGA.
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.  It should be noted that an effect of a property being classified as a heritage item will prevent certain works being carried out as either exempt or complying development.
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) 2019	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable. The planning proposal does not apply to land within a future infrastructure corridor or the adjacent land.
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 sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
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 Municipality 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 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

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
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 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

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Not applicable. The land is not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
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 protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of <i>Trelawney Court including interiors</i> will provide ongoing protection and recognition of the heritage significance of this 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 contain a provision which is contrary to the objective of this direction.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Not applicable. The land is not zoned for residential purposes.
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	Not applicable. The planning proposal does not affect home occupations in dwelling houses.

Heritage Listing of Trelawney Court, 3 Trelawney Street, Woollahra

20/119662

Version: 24 August 2020

Page 28 of 33

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
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	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. This direction applies to Byron Shire Council.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable and consistent. 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.
4.3	Flood prone land	Applicable. Consistent. Existing flood planning provisions will not be altered by the planning proposal.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
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	<p>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.'</p> <p>Heritage listing of <i>Trelawney Court, including interiors</i> will provide ongoing protection and recognition of the heritage significance of the item.</p> <p>Refer to Section 6 and Schedule 1 of this planning proposal and direction 7.1 of this table.</p>

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.11	Development of Aboriginal Land Council land	Not applicable. The planning proposal does not apply to land shown on the Land Application Map of SEPP (Aboriginal Land) 2019.
<b>6</b>	<b>Local plan making</b>	
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.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of A <i>Metropolis of Three Cities</i> (March 2018)	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 Section 6 and Schedule 1 of this planning proposal and direction 5.10 of this table.
7.2 - &.10	Directions 7.2 to 7.19	Not applicable. These directions do not apply to the Woollahra LGA.



**Supplementary material (separately attached)**

**Appendix 1 – Environmental Planning Committee Report (Annexures removed) (7 July 2020)**

**Appendix 2 – Assessment of Heritage Significance for Trelawney Court at 3 Trelawney Street, Woollahra by Kieran McInerney and Rebecca Hawcroft – April 2020**

**Appendix 3 – Council Meeting Agenda (Annexures removed) (27 July 2020)**

**Appendix 4 – Woollahra Local Planning Panel Minutes (6 August 2020)**

**Item No:** R3 Recommendation to Council

**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF COOPER PARK, BELLEVUE HILL (EXCLUDING COOPER PARK NORTH)**

**Author:** Flavia Scardamaglia, Strategic Heritage Officer

**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development

**File No:** 20/136045

**Reason for Report:** To report on the public exhibition of the planning proposal to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item in Schedule 5 of 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.  
To proceed with the nomination to list Cooper Park in Bellevue Hill (excluding Cooper Park North) on the State Heritage Register.

**Recommendation:**

- A. THAT Council proceed with the planning proposal in **Annexure 1** of the report to the Environmental Planning Committee meeting on 7 September 2020 and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list Cooper Park Bellevue Hill (excluding Cooper Park North) as a heritage item.
- B. THAT Council use its authorisation as the local plan-making authority to exercise the functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* to make the LEP to list Cooper Park Bellevue Hill (excluding Cooper Park North) as a heritage item under Woollahra Local Environmental Plan 2014.
- C. THAT Council proceed with submitting the nomination application to list Cooper Park Bellevue Hill (excluding Cooper Park North) on the State Heritage Register.

---

**1. Introduction**

This report relates to the public exhibition of a planning proposal to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a local heritage item in Schedule 5 of Woollahra Local Environmental Plan 2014. The planning proposal is included in **Annexure 1**.

**2. Cooper Park**

Cooper Park is located along a creek valley that runs in an east-west direction and falls between the suburbs of Bellevue Hill and Woollahra. It was originally part of the early nineteenth century estate of Daniel Cooper. It was proclaimed as a park in 1917 and developed over the next twenty years into a bushland and recreational ground. Cooper Park is owned by Woollahra Council and is the largest Council-owned area of bushland in the Woollahra Municipality. The park provides open space for both passive and active recreation.

Broadly, the area which is the subject of the planning proposal is defined to the west by Suttie Road, to the north by Northland Road/Streatfield Road, to the east by Bellevue Road/Victoria Road and to the south by residential properties located north of Fletcher Street (see **Figure 1** below). Part of the Park, which is separated by Northland Road and known as Cooper Park North, is not included within the planning proposal. The assessment of heritage significance concluded that Cooper Park North did not possess sufficient significance to warrant listing as a heritage item.

The area of the Park to the east of the tennis courts is commonly known as ‘Lower Cooper Park’, whilst further to the east is the Amphitheatre.

The heritage listing will apply to multiple parcels of land as shown in section 2 of the Planning Proposal (**Annexure 1**). **Figure 1**, below, shows the proposed heritage listing boundary on an aerial photograph.



**Figure 1:** Aerial photograph of Cooper Park showing the area proposed for local listing outlined in red.

### 3. Background

The process for assessing the heritage significance of Cooper Park and preparing the planning proposal has involved the following steps to date.

1. Decision of the Council on 27 November 2017 to assess heritage significance.
2. Engagement of Betteridge Heritage to carry out the assessment (**Annexure 2**).
3. Reporting of the assessment to the Environmental Planning Committee (EPC) on 18 November 2019
4. Decision of Council on 25 November 2019 to prepare a planning proposal and obtain advice of the Woollahra Local Planning Panel.
5. Report to the Woollahra LPP on 30 January 2020 for advice.

6. Report to the EPC on 17 February 2020 with the Woollahra LPP's advice.
7. Decision of the Council on 24 February 2020 to proceed with the planning proposal and seek a gateway determination from the Department of Planning, Industry and Environment.
8. Conditional gateway determination issued on 29 May 2020. Authorisation given to the Council to exercise the plan-making functions under section 3.36(2) of the *Environmental Planning and Assessment Act 1979* (the Act) to make the LEP. Further discussion with the DPIE was undertaken.
9. Public exhibition of the planning proposal occurred from 29 June to 14 August 2020.

#### **4. Consultation**

The planning proposal and supporting material were placed on public exhibition for 47 days, from Monday 29 June 2020 – Friday 14 August 2020 (inclusive), consistent with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and conditions set out in the gateway determination.

The exhibition involved the following:

1. Four weekly notices in the Wentworth Courier providing details of the exhibition, on the 22 July 2020, 29 July 2020, 5 August 2020 and 12 August 2020.
2. A public exhibition page for the planning proposal and supporting material on Council's website. The exhibition page was visited by 68 external customers during the exhibition period.
3. A public exhibition page for the planning proposal and supporting material on Your Say Woollahra. This page was visited by 236 external customers during the exhibition period.
4. Display of exhibition material at the Customer Service counter at the Woollahra Council Chambers at Double Bay, available during normal business hours.
5. Notification letter or email to stakeholders including:
  - Adjoining and nearby property owners.
  - NSW Heritage at the Department of Premier and Cabinet.
  - The National Trust of Australia (NSW).
  - The Woollahra History and Heritage Society.
  - Friends of Cooper Park.
  - Cooper Park Tennis.
  - Cooper Park Community Garden.
  - Cooper Park Community Hall.
  - Waverley Council.
  - Bushcare Group.
  - Cooper Park Volunteers.
6. A post promoting the public exhibition on Council's Instagram page. This post reached 696 people, and received 68 likes and 3 comments.

## 5. Submissions

Thirty-eight submissions were received in response to the public exhibition. Of these submissions:

- 37 supported the planning proposal.
- One objected to the planning proposal, noting that the expense and bureaucracy of heritage listing should be saved and diverted to upgrades and maintenance of the park.

Organisations such as the Woollahra History and Heritage Society, Heritage NSW, the National Trust of Australia (NSW), the Darling Point Society and the Friends of Cooper Park provided written submissions in favour of the planning proposal.

In their submission, Friends of Cooper Park:

1. Supported the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014.
2. Requested Council to nominate Cooper Park as a State-significant item.
3. Requested Council to develop a strategic vision for Cooper Park and surrounding areas to enhance Sydney's Green Grid.
4. Offered to assist Woollahra.

The submission made by Friends of Cooper Park was supported by seven other submitters to this public exhibition.

In addition to the general comments supporting the listing, the submitters raised a number of matters which are categorised below.

	Topic	Response
1	The investigation of Cooper Park's Aboriginal heritage values	Woollahra Council is currently undertaking a Municipal-wide Aboriginal Heritage Study which includes the area of Cooper Park. The study is due to be finalised in mid-2021. La Perouse Local Aboriginal Land Council was informed about the exhibition of the planning proposal and invited to comment.
2	Council should nominate Cooper Park as a State heritage item	The assessment of heritage significance concluded that Cooper Park (excluding Cooper Park North) had sufficient heritage significance for listing on the State Heritage Register. Further discussion on this point is provided below in section 6.
3	Reasoning behind excluding Cooper Park North from heritage listing.	The proposed curtilage excludes Cooper Park North as it fails to meet the criteria for local or State heritage listing. This is due to its different character/natural setting and lack of threatened plant species. It also does not contain Depression era works and is physically separated from the main area of Cooper Park by Northland Road. The decision not to heritage list Cooper Park North is purely derived from lack of heritage significance. There is no intention to rezone this land (currently zoned RE1 – Public Recreation) or to change the way it is managed.



	Topic	Response
4	Development of a strategic vision for Cooper Park and surrounding areas to enhance the Sydney Green Grid.	This planning proposal aims to recognise the heritage significance of Cooper Park. The development of a strategic vision for Cooper Park which integrates with the Sydney Green Grid is beyond the scope of a heritage assessment and a planning proposal. Such consideration can be addressed in the revised plan of management for Cooper Park and other strategies and actions the Council will introduce for open space and connectivity of green spaces. The Woollahra Local Strategic Planning Statement (March 2020) makes numerous references to the Sydney Green Grid and includes planning priorities and actions for its implementation. Cooper Park, being a major open space within the LGA, is integral to the delivery of the Sydney Green Grid and is identified as such in the LSPS.
5	Offer assistance in updating the Cooper Park Plan of Management.	Council is currently reviewing all Crown Land plans of management. <a href="https://yoursay.woollahra.nsw.gov.au/pomcl">https://yoursay.woollahra.nsw.gov.au/pomcl</a> Once this is completed a review of the plans of management for other parks and reserves, including Cooper Park, will be undertaken. As part of this process the Cooper Park Conservation Management Plan 2011 will be updated. The community will be very much involved in the review of the PoM and the CMP update.
6	Lack of appreciation of the visual and aesthetic aspects of the park in the heritage assessment.	The Heritage Assessment report includes the following assessment under 'Aesthetic Significance' (Criterion C): <i>The cultural landscape of Cooper Park is aesthetically distinctive, with its mix of sandstone topography, remnants of the original ecological communities, introduced ornamental plantings and well-constructed hard landscape works, including the constructed Cooper Creek and associated drainage structures, and visitor facilities. The park is an unusual example of a 1930s municipal park blending the bushland pleasure ground designed landscape style with Gardenesque elements to produce a place with design excellence and special character. The large number of naturalistic synthetic stone shelters constructed by H Arnold, the same person who constructed the faux rock enclosures at Taronga Zoo, add to the aesthetic significance of Cooper Park.</i> The statement of heritage significance for the item includes a strong recognition of the Park's aesthetic significance at local and State levels. Section 3 of the Assessment of Heritage Significance Report contains a very detailed description and analysis of the Park's features.
7	Installing more signage, especially a map of the park in Fig Tree Lane.	This is noted and will be provided to Council's Open Space team for consideration.

	Topic	Response
8	The unique geology of the park necessitates management policies for new steps, seats and drainage.	This is noted and will be considered in management documents such as the updated plan of management and the revised conservation management plan.
9	Heritage significance arising from the weirs and the historic water management activities.	Section 3.2 of the Heritage Assessment report lists a number of built elements that involve water management, such as the constructed creek, bridges and ponds. A more detailed analysis will be included in management documents such as the updated plan of management and the revised conservation management plan.

A redacted copy of all submissions is attached as **Annexure 3**.

In summary, the planning proposal is generally supported by the community.

Therefore, it is recommended that Council proceed with the planning proposal by making the LEP to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item under Woollahra LEP 2014.

## **6. Making the draft LEP under delegated authority**

To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council has been provided with written authorisation to exercise the functions of the Minister to make a LEP under section 3.36 of the Act.

Should Council resolve 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 write to the Minister requesting him or his delegate not to proceed under section 3.35(4).

## **7. Consideration of State heritage listing**

The Heritage Significance Assessment Report for Cooper Park concluded that the Park, excluding the northern part, should be listed as a local and State heritage item. Nomination of the Park on the State Heritage Register (SHR) was addressed in a report to the EPC meeting on 17 February 2020. That report also provided the advice from the Woollahra LPP. The report noted that nomination on the SHR should proceed once the planning proposal had advanced past the exhibition process.

As the planning proposal has now progressed beyond the exhibition stage and if the Council decides to proceed with the heritage listing, it is now appropriate to submit the nomination for State listing on the SHR. Part C of the recommendation for this report deals with the nomination.

## **8. Conclusion**




The heritage significance of Cooper Park, Bellevue Hill (excluding Cooper Park North) has been established through a detailed assessment of heritage significance. The planning proposal will facilitate the listing of Cooper Park (excluding Cooper Park North) as a local heritage item thereby providing statutory recognition of the land's heritage significance.

The State Heritage Register nomination for listing Cooper Park in Bellevue Hill (excluding Cooper Park North) under the *Heritage Act, 1977* may be forwarded to Heritage NSW should the Council proceed with the local heritage listing.

Preparation and exhibition of the planning proposal has been undertaken in the manner required by the relevant provisions of the Act and the Regulation.

The planning proposal is supported by the community. The Council can proceed to the next step by making the LEP to list *Cooper Park, (excluding Cooper Park North) Bellevue Hill* as a heritage item under Woollahra LEP 2014.

### Annexures

1. Planning Proposal for heritage listing Cooper Park (excluded Annexures) [↓](#) 
2. Heritage Assessment by Betteridge Heritage, November 2019 [↓](#) 
3. Redacted copy of submissions [↓](#) 

# Planning Proposal



## Heritage Listing

### Cooper Park, Bellevue Hill (excluding Cooper Park North)

Prepared August 2020



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## Table of Contents

<b>1. Introduction.....</b>	<b>5</b>
1.1. Background.....	5
1.2. Description of this planning proposal.....	7
1.3. Assessment of heritage significance .....	7
1.4. Statement of heritage significance .....	9
1.5. Heritage Significance Assessment report.....	10
<b>2. Existing site and context.....</b>	<b>14</b>
2.1. The study area.....	14
2.2. Parcels of land affected by heritage listing .....	14
<b>3. Existing planning controls .....</b>	<b>22</b>
<b>4. Objective of amendment to Woollahra LEP 2014 .....</b>	<b>22</b>
<b>5. Explanation of provisions .....</b>	<b>22</b>
<b>6. Justification.....</b>	<b>23</b>
6.1. Need for planning proposal .....	23
6.2. Relationship to strategic planning framework .....	23
6.3. Environmental, social and economic impact.....	24
6.4. State and Commonwealth interests .....	25
<b>7. Mapping.....</b>	<b>27</b>
<b>8. Community consultation .....</b>	<b>32</b>
8.1. Consultation with landowner .....	32
8.2. Public exhibition .....	32
<b>9. Project timeline .....</b>	<b>33</b>
<b>Schedules.....</b>	<b>34</b>
<b>Supplementary material (separately attached) .....</b>	<b>43</b>

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## 1. Introduction

### 1.1. Background

On 27 November 2017, Council adopted the following notice of motion (Item No. 11.1):

*THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Cooper Park to the Urban Planning Committee to facilitate Cooper Park (and its elements) being:*

- 1. included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. listed as a heritage item of state significance on the NSW State Heritage Register*

The following background information accompanied the notice of motion on the agenda for that meeting:

*Woollahra Council's Heritage Study (1984) highlighted Cooper Park as a 'creek valley with quite thick vegetation...with unique rainforest species' and overall high recreational value. The Heritage Study nominated the north-facing valley and south-facing slope as areas of naturalistic character and pointed to the existence of Aboriginal engravings within Cooper Park and surrounding areas.*

*The Australian Heritage Commission listed Cooper Park on the Register of the National Estate (FileNo.1/12/041/0114/01) during 1992. 'Cooper Park is an uncommon example of an early twentieth century municipal park, which demonstrates a bushland pleasure ground style. The style is expressed by the predominance of bush vegetation, a creek and meandering network of paths which link a series of architectural features (Criterion B2)'.*

*Woollahra Council Cooper Park Plan of Management February 2001 sets out the elements and management of Cooper Park. The action plan included "Conduct heritage study that audits the presence and condition of, and makes recommendations for the protection and preservation of, any built structures or other material associated with the park's Aboriginal history and its history of recreation development".*

*Cooper Park is not currently listed as heritage item under the Woollahra LEP 2014 (except for the Adelaide Street sandstone retaining wall and railing facing Cooper Park) or on the NSW State Heritage Register.*

In response to Council's decision, Chris Betteridge of Betteridge Heritage was engaged to carry out an assessment of heritage significance for Cooper Park. Chris Betteridge is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of landscape heritage.

On 18 November 2019, the Environmental Planning Committee (EPC) recommended the preparation of a planning proposal to list *Cooper Park* as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and that Council consider nominating this item for listing on the State Heritage Register (SHR).

On 25 November 2019, Council resolved:

- A. THAT a planning proposal be prepared to list Cooper Park as a state significant heritage item in 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.*
- D. THAT Council consider nominating Cooper Park for listing on the State Heritage Register when it considers the advice of the Woollahra Local Planning Panel.*
- E. THAT further consideration be given to Aboriginal Cultural Heritage including appropriate engagement with Aboriginal Elders and the La Perouse Land Council.*

On 30 January 2020 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal. At that meeting the Woollahra LPP provided the following advice:

*THAT the Woollahra Local Planning Panel advises Council to:*

- A. Proceed with the planning proposal to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. Forward the planning proposal to the Department of Planning, Industry and Environment to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a 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.*
- D. Support the nomination to list Cooper Park in Bellevue Hill (excluding Cooper Park North) as a heritage item on the State Heritage Register.*

The advice of the Woollahra LPP was reported to the EPC on 17 February 2020 and the Council on 24 February 2020 endorsed the following:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 30 January 2020.*
- B. THAT the planning proposal, as contained in Annexure 3 of the report to the Environmental Planning Committee meeting on 17 February 2020 to list Cooper Park in Bellevue Hill (excluding Cooper Park North) be forwarded to the Department of Planning,*
- C. Industry and Environment with a request for a gateway determination to allow public exhibition.*
- D. THAT Council request the Minister for Planning and Public Spaces to 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.*

On 29 May 2020, the Department of Planning, Industry & Environment (DPIE) issued a Gateway Determination to list Cooper Park (excluding Cooper Park North), Bellevue Hill as a heritage item should proceed subject to conditions.

### **1.2. Description of this planning proposal**

This planning proposal is made in relation to Cooper Park in Bellevue Hill (excluding Cooper Park North). This planning proposal explains the intended effect of an amendment to Woollahra LEP 2014. The amendment to Woollahra LEP 2014 involves listing Cooper Park (excluding Cooper Park North) as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site, including its built, landscape and natural elements.

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).

This planning proposal includes:

1. A description of Cooper Park and its context
2. Existing planning controls applying to Cooper Park
3. The objective of the amendment to Woollahra LEP 2014
4. An explanation of provisions that are to be included in the amendment to Woollahra LEP 2014
5. Justification for the objective and provisions to be included in the amendment to Woollahra LEP 2014
6. Mapping for the heritage listing
7. Community consultation to be undertaken
8. Project timeline

### **1.3. Assessment of heritage significance**

In response to Council's decision, a heritage significance assessment of *Cooper Park* was undertaken by Chris Betteridge of Betteridge Heritage. The assessment was completed in November 2019 and is attached separately.

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 assessment used the process and criteria set out in that document.



There are seven criteria used in the process of assessing heritage significance. **Table 1** below provides a summary of the assessment of the heritage significance of *Cooper Park* 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 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
(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)	✓	✓
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> <li>cultural or natural places; or</li> <li>cultural or natural environments.</li> </ul> or a class of the local area's <ul style="list-style-type: none"> <li>cultural or natural places; or</li> <li>cultural or natural environments.</li> </ul>	✓	x

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.

The heritage assessment concludes that Cooper Park in Bellevue Hill (excluding Cooper Park North) satisfies all criteria at local level and two criteria (b) and (f) at the State level. Discussion on Cooper Park North occurs in section 1.5 of this planning proposal.

#### **1.4. Statement of heritage significance**

The following statement of heritage significance is extracted from the Heritage Assessment report by Betteridge Heritage:

*Cooper Park is historically significant at a local level through its associations with significant historical phases in the development of the cultural landscape of the Woollahra local government area, being part of the original Point Piper Estate. The park contains some of the largest areas of remnant bushland in Woollahra Municipality with representative vegetation from the area, including vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub. (Criterion A)*

*Cooper Park has associational significance at a State level derived from strong associations with the application of the NSW Prevention and Relief of Unemployment Act 1930 and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure. The park also has strong associations with noted architects S E Coleman and R G C Coutler who won the design competition for the park and with Ernest Miles and H Arnold who supervised the Depression-era works. The park has a strong association with the Cooper family, being a remnant of the extensive estate developed by the Cooper family from 1827 and including associations with two well-known members, both named Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902). It is significant at a local level for these associations. (Criterion B)*

*Cooper Park has aesthetic significance at a State level as an increasingly rare surviving example of an early 20th century municipal park, created in a bushland pleasure ground style, expressed by the predominance of bush vegetation, a constructed creek and meandering network of paths which link a series of architectural features. The Park is important aesthetically for its array of Depression-era cultural features which include a grass amphitheatre with retaining wall and plaque, artificial stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, and a diverse range of outdoor recreation facilities including a 1920s tennis pavilion and tennis courts. Cultural plantings consist of both exotic and native plantings that were planted during the park's early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence and high creative endeavour. (Criterion C)*

*While social value is hard to quantify without detailed surveys of those who have been associated with a place, it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons. The local community also contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. (Criterion D).*

*The Aboriginal cultural heritage values have not been investigated in the scope of this heritage assessment and therefore significance to Aboriginal cultural groups cannot be determined. However, there are records of engravings in or near Cooper Park and it is therefore likely that the site may contribute to enhanced understanding of the aboriginal cultural history of the area in the future, at least at a local level.*

*Cooper Park is considered to have technical and research significance at a local level but probably not at a State level. These values are derived from its ecological communities and two threatened plant species as well as the archival photographic record for the park which provides evidence of how various tree species have performed over a period of more than 80 years. (Criterion E)*

*Cooper Park is rare at a State level as an excellent example of high-quality Depression-era public recreation landscape works including an extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold who built similar enclosures for animals at Sydney's Taronga Zoo. The rarity value of the park is also enhanced by the presence of two threatened plant species *Acacia terminalis* subsp. *terminalis* and *Syzygium paniculatum*. (Criterion F)*

*The park is also representative at a local level, and possibly at a State level, subject to further comparative analysis, of 1920s /'30s pleasure ground designed landscapes with Depression-era public landscape works to provide employment for out-of-work men and improved amenities for the community. (Criterion G)*

(Chris Betteridge: Heritage Significance Assessment, 3 November 2019, p. 65-66)

The assessment recommends the listing of Cooper Park (excluding Cooper Park North, see **Figure 1**) as a heritage item at both the local level, in Schedule 5 of the Woollahra LEP 2014 and at the State level, on the SHR.

### 1.5. Heritage Significance Assessment report

The heritage significance assessment report contains the following recommendations:

1. *Woollahra Municipal Council should propose the area of Cooper Park, encompassing the major significant ecological communities and the Depression-era unemployment relief landscape works, as outlined solid red on Figure 7 for listing as an item of State significance on Schedule 5, Woollahra LEP 2014.*
2. *Woollahra Municipal Council should nominate Cooper Park, as identified in point #1 above and outlined solid red on Figure 27, to the Heritage Council of NSW for consideration of listing on the State Heritage Register.*
3. *Cooper Park should continue to be managed to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance, erosion control and conservation of its significant natural, landscape and built elements.*
4. *An updated Conservation Management Plan for Cooper Park should be prepared to take into account relevant information on the park that has been accumulated since 2011 and changes to the nature, condition and management regime that have taken place since 2011. If the park is listed on the SHR, Heritage Council endorsement of the updated CMP should be sought.*

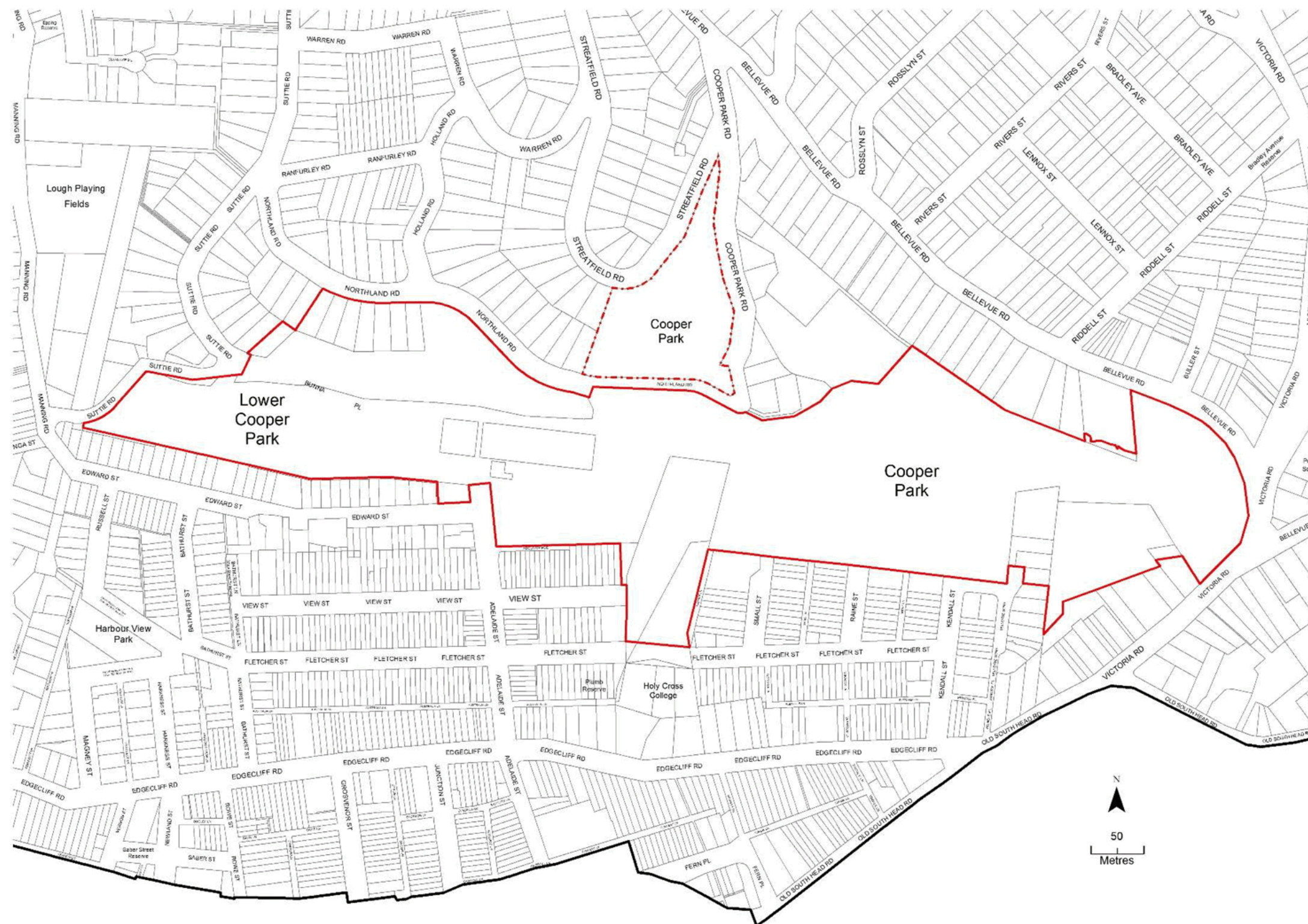
5. *Consideration should be given to interpreting the heritage significance of Cooper Park in culturally sensitive ways which may include but should not be limited to material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.*
6. *An updated Vegetation Management Plan /Canopy Replenishment Strategy for Cooper Park should be prepared to provide for the conservation of natural vegetation in the park and the staged replacement of the significant cultural plantings on the site, the timing of such replacement to be guided by arboricultural assessment of the vigour, condition and useful life expectancy of the trees.*
7. *Should Cooper Park be listed on the State Heritage Register, any works consistent with the policies and other recommendations of an endorsed Conservation Management Plan could be exempted, subject to ministerial approval, to reduce the need for frequent applications under Section 60, Heritage Act.*

The area recommended for local and State listing is shown with a solid red line in **Figure 1, 2 and 3**.

#### **Cooper Park North**

The proposed curtilage excludes Cooper Park North, which is located to the north side of Northland Road. This area was excluded as it fails to meet the criteria for local or State listing. This is due to its different character/natural setting and lack of threatened plant species. Further, it does not contain Depression era works and is physically separated from the main area of Cooper Park.





**Figure 1:** The area of Cooper Park recommended for both local and State listing is identified with a solid red line. Cooper Park North (identified with a dotted red line) is excluded from local and State listing. (Source: Woollahra Municipal Council 2020)



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## 2. Existing site and context

### 2.1. The study area

Cooper Park is located along a creek valley that runs in an east-west direction and falls between the suburbs of Bellevue Hill and Woollahra. It was originally part of the early nineteenth century estate of Daniel Cooper. It was proclaimed as a park in 1917 and developed over the next twenty years into a bushland and recreational ground.

Broadly, Cooper Park is defined to the west by Suttie Road, to the north by Northland Road, to the east by Bellevue Road/Victoria Road, and to the south by residential properties located north of Fletcher Street (see **Figure 2** below).

The part of Cooper Park to the north (separated by Northland Road) is commonly known as 'Cooper Park North'. The area to the east of the tennis courts is commonly known as 'Lower Cooper Park', whilst further to the east is the Amphitheatre.

Cooper Park is approximately 17.7 hectares in size, with approximately 12 hectares of urban bushland. Cooper Park is owned by Woollahra Council, and is the largest Council-owned area of bushland in the Woollahra Municipality. The park provides open space for both passive and active recreation.

The Park is dominated by bushland and planted native trees. The recreational facilities in the park include tennis courts, cricket pitches and cricket nets, a kiosk, a playground, junior sports fields, a community garden, an extensive system of walking tracks, unique synthetic stone shelters, a range of footbridges, a grassed amphitheatre, community facilities and informal open grassed areas.

**Figures 2 to 5** below illustrate significant elements in Cooper Park including the Amphitheatre, the Moon Bridge, the sandstone balustrade and a rock shelter.

The eastern end of Cooper Park is characterised by an open grassed area with expansive views (the amphitheatre, see **Figure 3**). A smaller open grassed area to the south of the main area of the park is known as Fig Tree Lane Reserve and located over Fletcher's Gully.

### 2.2. Parcels of Land Affected by Heritage Listing

The heritage listing will affect the following parcels of land. Refer to **Figures 2 and 3** for further details:

#### **Main lots**

- PART LOT: 9 DP: 215076 (excludes Cooper Park North and Lough Playing Fields)
- LOT: 8 DP: 215076
- LOT: 1 DP: 1044557
- LOT: 2 DP: 1044557

#### **North-western corner lots**

- LOT: 6 SEC: 2 DP: 13285
- LOT: 7 SEC: 2 DP: 13285
- LOT: 8 SEC: 2 DP: 13285
- LOT: 9 SEC: 2 DP: 13285

- LOT: 10 SEC: 2 DP: 13285
- LOT: 11 SEC: 2 DP: 13285
- LOT: 12 SEC: 2 DP: 13285
- LOT: 21 SEC: 2 DP: 13285

***Southern boundary lots***

- LOT: D DP: 76255
- LOT: 1 SEC: 8 DP: 1952
- PART LOT: 1 DP: 175726 (excludes Council Depot at View/Fletcher Street)
- PART LOT: 1 DP: 355186 (excludes Fletcher Street)

***Eastern end lots***

- LOT: 302 DP: 1069625,
- LOT: 7 DP: 16997
- LOT: 8 DP: 16997
- LOT: 9 DP: 16997
- LOT: 1 DP: 1126867
- LOT: 1 DP: 186299
- LOT: 1 DP: 190598

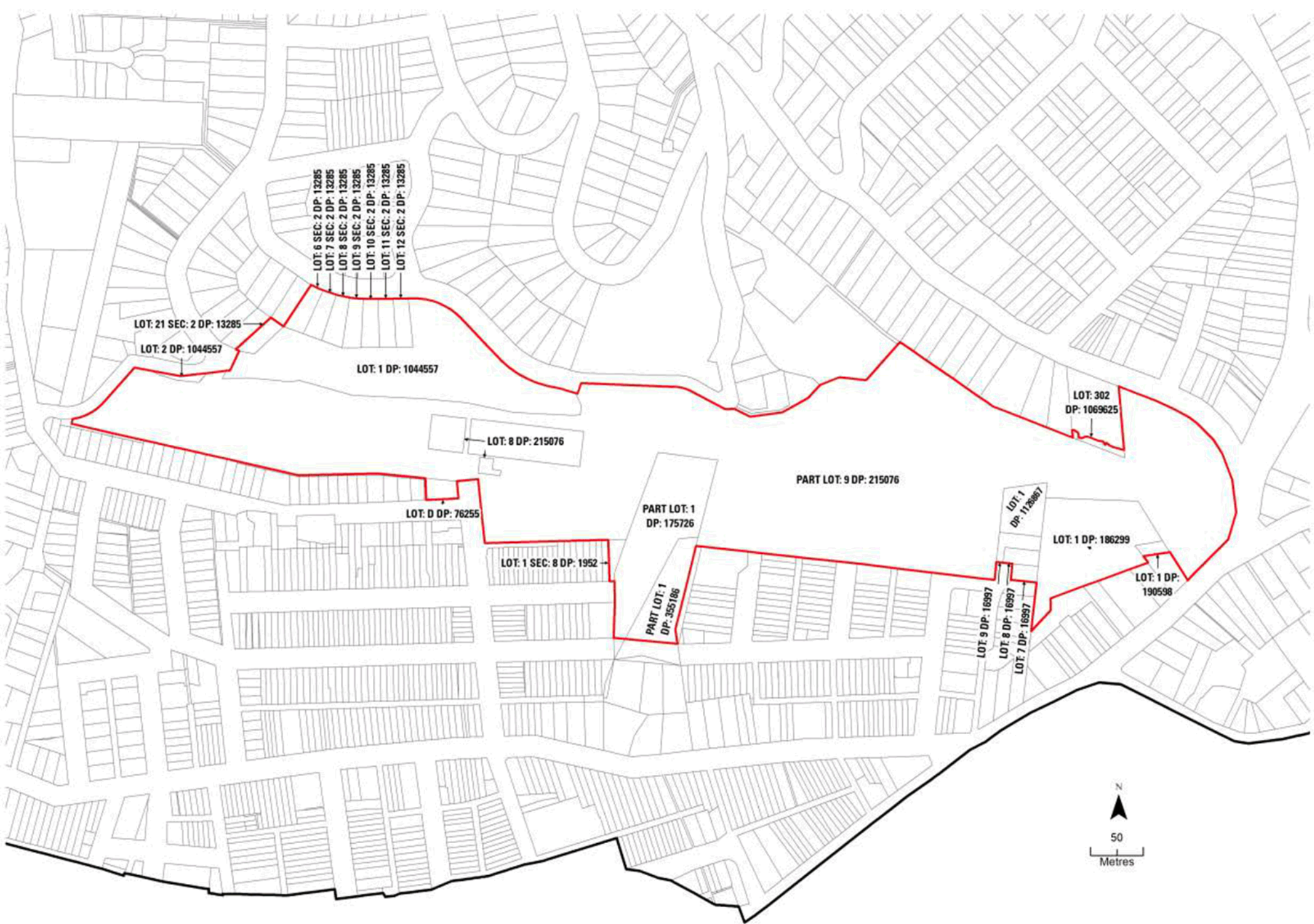


Figure 2: Cadastral map of Cooper Park showing the area proposed for local and State listing and land parcels.

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**Figure 3:** Aerial photograph of Cooper Park showing the area proposed for local and State listing outlined in red.



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*Figure 4: The Amphitheatre, Cooper Park, with stone steps leading down from Victoria Road  
(Photo: Chris Betteridge, 29 March 2019)*



*Figure 5: View of Moon Bridge, in the centre of Cooper Park.  
(Photo: Chris Betteridge, 29 March 2019)*





**Figure 6:** Sandstone balustrade near the Amphitheatre, Cooper Park. (Photo: Chris Betteridge, 29 March 2019)



**Figure 7:** One of the artificial rock shelters constructed by H Arnold at Cooper Park during the 1930s and located near the picnic area in the centre of Cooper Park (Photo: Chris Betteridge, 29 March 2019)

### 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:

Lots	Land Use Zone	Height of Building	Minimum Lot Size	FSR	Acid Sulfate Soils
Cooper Park - All lots except Lot 302 DP 1069625	RE1 Public Recreation	Not applicable	Not applicable	Not applicable	The majority of the Park is Class 5 with parts of Lower Cooper Park being Class 3.
Lot 302 DP 1069625	B1 Local Neighbourhood Centre This lot is incorrectly zoned and the zoning will be rectified in a future housekeeping amendment to the Woollahra LEP 2014.	20.5m	Not applicable	1.25:1	

The Objectives for RE1 Public Recreation in Woollahra LEP 2014 are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.<sup>1</sup>

The objectives for B1 in Woollahra LEP 2014 are:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- 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.
- To provide for a range of other uses, including light industrial, that serve the surrounding neighbourhood without impacting on the amenity of the adjoining uses.

Cooper Park is not currently listed as a State or local heritage item and Clause 5.10 (Heritage Conservation) of the Woollahra LEP 2014 does not currently apply.

### 4. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of Cooper Park in Bellevue Hill (excluding Cooper Park North) and provide it with a statutory heritage protection.

### 5. Explanation of provisions

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

Page 22 of 43



- Insert a listing for *Cooper Park* (excluding Cooper Park North), 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 Maps (Sheet HER\_003D and 003E) to identify *Cooper Park*.

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<sup>1</sup> Woollahra LEP 2014

## 6. Justification

The planning proposal has strategic merit. The heritage significance of *Cooper Park* (excluding Cooper Park North) has been established. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

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 any strategic study or report?

Yes. The planning proposal is the result of the recommendations of the heritage significance assessment report, prepared by Chris Betteridge of Betteridge Heritage. The report concluded that *Cooper Park* (excluding Cooper Park North) meets the criteria for listing as a local and State heritage item. The report recommended that *Cooper Park* (excluding Cooper Park North), be listed as a local heritage item in Woollahra LEP 2014 and a SHR Nomination be forwarded to the Heritage Council of NSW for consideration of listing on the SHR.

#### 2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The objective is to recognise the heritage significance of Cooper Park (excluding Cooper Park North) and provide it with statutory protection. This will be achieved through an amendment of the Woollahra LEP 2014, to list *Cooper Park* in Bellevue Hill as a heritage item. The best, and only, means of achieving this objective is through the planning proposal process.

Other options, such as adding site-specific objectives and controls to the *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a development consent for *Cooper Park*, will not provide the same level of heritage protection and recognition.

### 6.2. Relationship to strategic planning framework

#### 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy 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 actions of the *Eastern City District Plan* (2018), as discussed below.

#### **Greater Sydney Regional 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 13: Environmental heritage is identified, conserved and enhanced.

Heritage listing of *Cooper Park* will provide ongoing protection and recognition of the heritage significance of this item.

#### **Eastern City District Plan**

Yes. The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, more specifically with:

- 'A city of great places' direction
- Planning Priority E6 'Creating and renewing great places and local centres, and respecting the District's heritage'
- Objective 13 'environmental heritage is identified, conserved and enhanced'
- Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:
  - o a. engaging with the community early to understand heritage values'
- Action 54 'Consider the following issues when preparing plans for tourism and visitation:
  - o e. protecting heritage and biodiversity to enhance cultural and eco-tourism'
- Action 63 'Identify and protect scenic and cultural landscapes'.

#### **4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *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 and residential amenity, including protection of significant architecture and the natural environment.*

The planning proposal is also consistent with the *Draft Woollahra Local Strategic Planning Statement* (endorsed by Council on 9 September 2019 for exhibition). 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** below).

#### **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** below).

#### **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. Two species found in the Park are listed in Schedule 1 Threatened Species in the *Biodiversity Conservation Act 2016 (No.63)*, namely:

- 1) *Acacia terminalis* subsp. *Terminalis* (Sunshine Wattle); and
- 2) *Syzygium paniculatum* (Magenta Lilly Pilly),

Under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*, the Sunshine Wattle is identified as an 'endangered' species, while the Magenta Lilly Pilly is listed as a 'vulnerable species'.

Heritage listing of the Park will create additional protection to these two species. These species will not be adversely affected as a result of the planning proposal.

**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 will be required when development is proposed for *Cooper Park* or in the vicinity of the park. 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?**

While the planning proposal does not have any direct economic effect, it has some social impact for the local community that appreciates and enjoys the park on a regular basis for recreational use.

The heritage assessment and inventory sheet measured *Cooper Park* 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 heritage assessment has been undertaken in accordance with the NSW Heritage Manual guidelines, which draws upon the Burra Charter principles. The assessment has found that *Cooper Park* is of heritage significance at the local and State level. Social significance is satisfied at local level, and heritage listing of the park acknowledges the strong social connections to the park displayed by groups such as the Friends of Cooper Park, the Bushcare Group, Cooper Park Tennis, and Cooper Park volunteers. Heritage listing will endorse the importance of the park to the community's sense of place.

The local community has contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. This extends from initial lobbying for establishment of a public park on the site, to the Rangers League who completed works in the park (1930), through to contemporary involvement by the community in the bushland restoration and regeneration works, and the tennis club. It is likely that many people who use or have used the park for active and/or passive recreation will consider it to have social significance for them. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons.

**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 *Cooper Park*. It does not involve amendments to the planning controls that will facilitate intensified development.

*Cooper Park* has access to adequate public infrastructure such as water, sewer, electricity and telecommunication services. The site is in proximity to regular and frequent public

transport services.

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 and appropriate for the requirements of the site.

**11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

State and Commonwealth public authorities were not consulted during the heritage assessment process.

During the public exhibition, Heritage NSW, Department of Premier and Cabinet will also be notified.

Further consultation will take place with any other authorities identified by the gateway determination.

## 7. Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Maps (Sheet HER\_003D and 003E) by applying an "Item – General" classification to *Cooper Park*.

Extracts of the existing and proposed heritage maps are shown in **Figure 8** and **Figure 9 overleaf**.



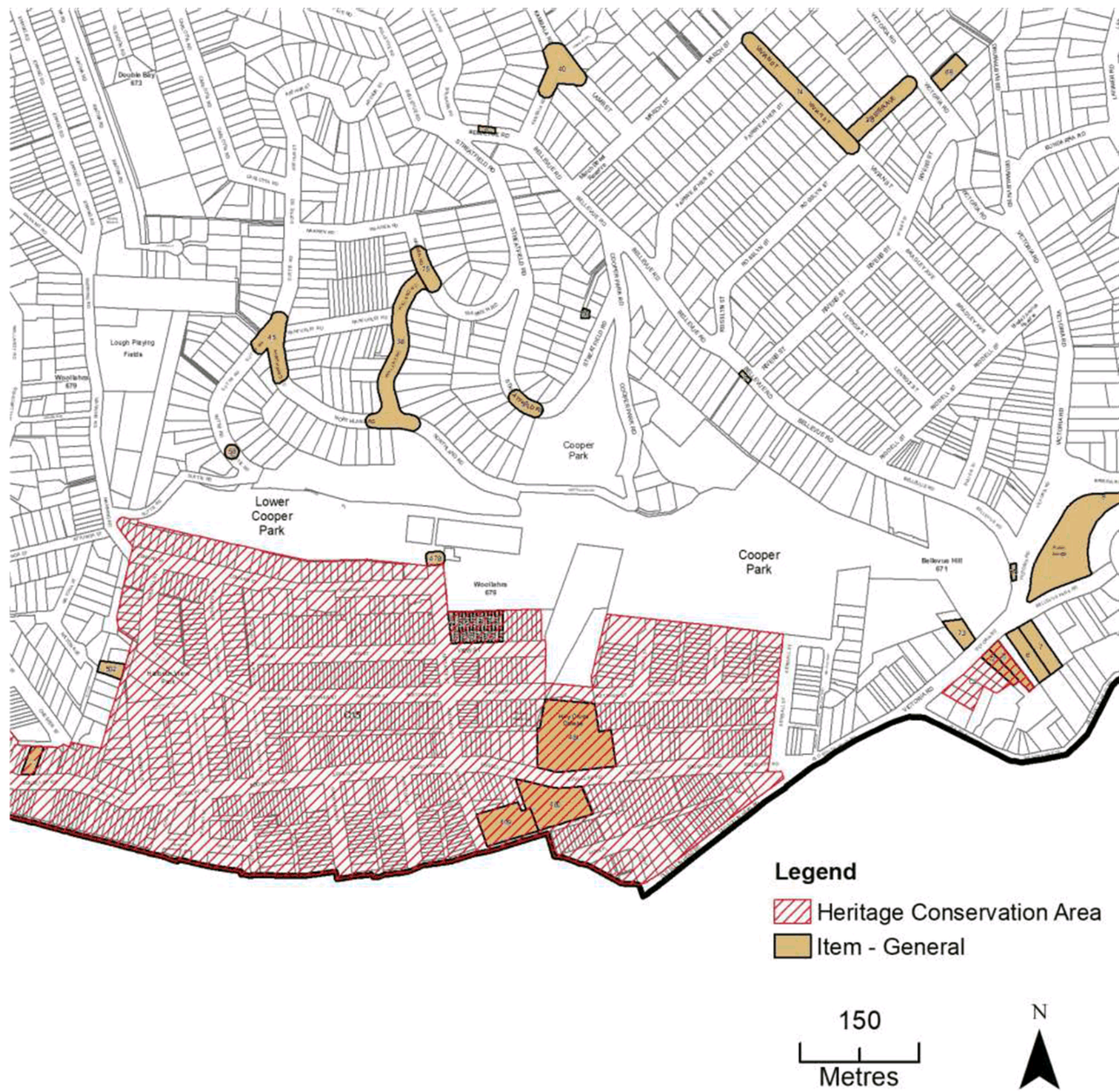


Figure 8: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER\_003D and 003E)

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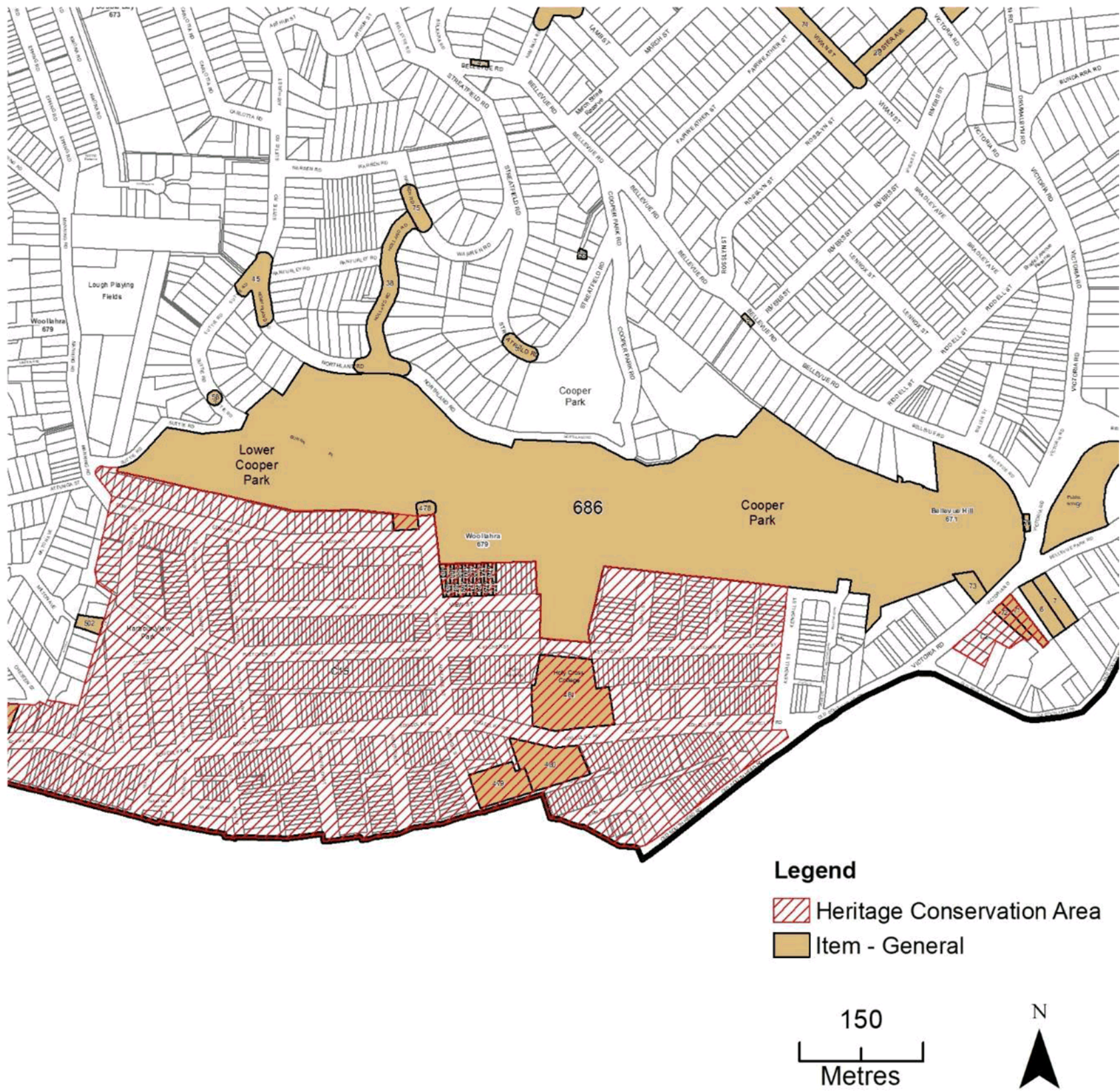


Figure 9: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER\_003D and 003E)

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## 8. Community consultation

### 8.1. Consultation with landowner

Woollahra Municipal Council is the landowner for *Cooper Park*. Council is the proponent of this planning proposal and has endorsed its preparation on 25 November 2019.

### 8.2. Public exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the conditions in the gateway determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days. Public notification of the exhibition will comprise:

- A notice on Council's website.
- A letter to land owners adjoining and in the vicinity of the site.
- A letter to the National Trust of Australia (NSW).
- A letter to NSW Heritage, Department of Premier and Cabinet.
- A letter to local community groups such as Woollahra History & Heritage Society, Friends of Cooper Park, Bushcare Group, Cooper Park Tennis, Cooper Park Community Garden, Cooper Park Community Hall and Cooper Park Volunteers.

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).



## 9. Project timeline

If Council is authorised to exercise the plan-making functions of the Minister for Planning and Public Spaces 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 Notice of Motion	27 November 2017
Environmental Planning Committee recommends proceeding	18 November 2019
Council resolution to proceed	25 November 2019
Local Planning Panel provides advice	February 2020
Environmental Planning Committee recommends proceeding	March 2020
Council resolution to proceed	March 2020
Gateway determination	June 2020
Completion of technical assessment	Usually none required
Government agency consultation	June 2020
Public exhibition period	June 2020
Submissions assessment	August 2020
Environmental Planning Committee considers assessment of planning proposal post exhibition	September 2020
Council decision to make the LEP amendment	September 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2020
Forwarding of LEP amendment to the Department of Planning, Industry and Environment for notification on the NSW Legislation website	November 2020
Notification of the approved LEP	December 2020

## 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 contain a 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.  See section 6.3 of the planning proposal for more information.

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.
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.
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.

State environmental planning policy	Comment on consistency
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) 2019	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
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 sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
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 Municipality 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 Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable



<b>Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies</b>	<b>Comment on consistency</b>
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
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>

**Schedule 2 –  
Compliance with section 9.1 directions**

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Not applicable. The land is not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
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 protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of <i>Cooper Park</i> 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	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.  The history of the site recognizes its former use as a quarry, however no development of Cooper Park is proposed, the planning proposal is for heritage listing only. Any environmental impact can be managed through the development application process and does not affect this planning proposal.

<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Not applicable. The land is not zoned for residential purposes.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks and manufactured home estates.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
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 licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable and consistent. 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.
4.3	Flood prone land	Applicable. Consistent. Existing flood planning provisions will not be altered by the planning proposal.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
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	<p>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.</p> <p>Heritage listing of <i>Cooper Park</i> will provide ongoing protection and recognition of the heritage significance of the item.</p> <p>Refer to Section 6.2 of this report and direction 7.1 of this table.</p>

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>6</b>	<b>Local plan making</b>	
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.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	Applicable. The planning proposal is consistent with the objectives of <i>A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of <i>Cooper Park</i> will provide ongoing protection and recognition of the heritage significance of the item.  Refer to section 6.2 of this report and direction 5.10 of this table.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

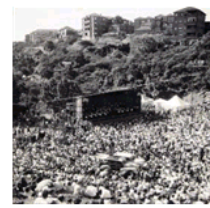
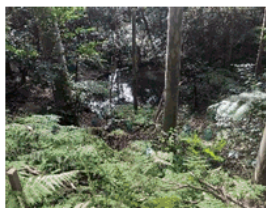
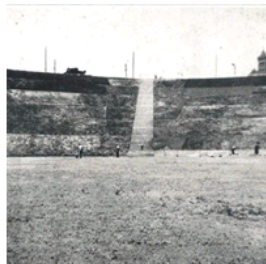


### Supplementary material (separately attached)

- **Environmental Planning Committee Report** without appendices (18 November 2019)
- **Woollahra Local Planning Panel Minutes** without appendices (30 January 2020)
- **Environmental Planning Committee Report** without appendices (17 February 2020)
- **Council's Meeting Minutes** (24 February 2020)
- **Assessment of Heritage Significance for *Cooper Park, Bellevue Hill*** – Chris Betteridge of Betteridge Heritage – November 2019
- **Cooper Park Vegetation Management Plan** by Eco Logical, October 2010



**Heritage Significance Assessment,  
Cooper Park, Bellevue Hill**



*Prepared by*  
**Chris Betteridge, Betteridge Consulting Pty Ltd**  
**t/a Betteridge Heritage**  
*for*  
**Woollahra Municipal Council**

**3 November 2019**

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**SPECIALISTS IN THE IDENTIFICATION, ASSESSMENT, MANAGEMENT AND INTERPRETATION OF CULTURAL HERITAGE**



## Report Register

The table below documents the development and issue of drafts and the final document titled Heritage Significance Assessment, Cooper Park, Bellevue Hill, prepared by Chris Betteridge, Betteridge Consulting Pty Ltd t/a Betteridge Heritage in accordance with the company's Quality Assurance Policy.

Issue No.	Description	Issue Date
1	Heritage Significance Assessment, Cooper Park, Bellevue Hill, Version 1	30 April 2019
2	Heritage Significance Assessment, Cooper Park, Bellevue Hill, Version 2	6 May 2019
3	Heritage Significance Assessment, Cooper Park, Bellevue Hill, Version 3	27 May 2019
4	Heritage Significance Assessment, Cooper Park, Bellevue Hill, Version 4, Final	3 November 2019

## Quality Assurance

Betteridge Consulting Pty Ltd t/a Betteridge Heritage operates under the company's Quality Assurance Policy, dated October 2017. This document has been reviewed and approved for issue in accordance with the Betteridge Heritage Quality Assurance Policy and procedures.

Project Manager	Chris Betteridge	Project Reviewer	Margaret Betteridge
Issue No.	Version 4, Final	Issue No.	Version 4, Final
Signature		Signature	
Position	Director	Position:	Director
Date	3 November 2019	Date:	3 November 2019

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## Table of contents

Executive summary .....	7
1.0 Introduction .....	8
1.1 Background .....	8
1.2 Identification of the study area .....	8
1.3 Identification and experience of the author .....	10
1.4 Acknowledgments .....	10
1.5 Methodology .....	11
1.6 Limitations .....	11
1.7 Disclaimer and copyright .....	11
2.0 Analysis of documentary evidence .....	12
2.1 Evolution of the cultural landscape .....	12
2.1.1 Some definitions .....	12
2.1.2 The landscape of Cooper Park prior to European settlement .....	13
2.1.3 Aboriginal occupation of the study area .....	14
2.1.4 Early European settlement 1789 to 1842 .....	15
2.1.5 Cooper Estate 1843 to 1916 .....	16
2.1.6 Dedication and Consolidation of Cooper Park 1917 to 1929 .....	17
2.1.7 The Great Depression and Unemployment Relief 1930 to 1939 .....	19
2.1.8 Cooper Park Expansion 1940 to 1958 .....	23
2.1.9 Park Consolidation 1959 to 1974 .....	26
2.1.10 Bush Regeneration and Contemporary Use 1975 to 2019 .....	28
2.2 Historical themes & ability to demonstrate .....	30
3.0 Analysis of physical evidence .....	34
3.1 The environmental context & site description .....	34
3.1.1 The site and its boundaries .....	34
3.1.2 Native vegetation .....	35
3.1.3 Cultural plantings .....	35
3.1.4 Summary of built elements .....	36
3.1.5 Roads .....	37
3.1.6 Paths and walking tracks .....	37
3.1.7 Fences and balustrades .....	37
3.1.8 Walls .....	38
3.1.9 Drains .....	39
3.1.10 Bridges .....	39
3.1.11 Stairs and steps .....	40
3.1.12 Furniture and signage .....	40
3.1.13 Recreation facilities .....	40
3.1.14 Archival material .....	40

3.2	Details of built elements .....	41
3.2	Adjoining development .....	45
3.3	Views analysis .....	45
3.3.1	Views into Cooper Park .....	45
3.3.2	Views within and from Cooper Park .....	45
3.4	Physical condition .....	46
4.0	Comparative Analysis .....	46
4.1	Rationale for comparison .....	46
4.2	Parks developed from donated land .....	46
4.2.1	Fagan Park, Galston .....	46
4.2.2	Cobar Miners' Heritage Park .....	46
4.2.3	Macarthur Park, Camden .....	46
4.2.4	Lake Alexandra, Mittagong .....	47
4.3	Parks containing major Depression-era landscape works .....	47
4.3.1	Royal National Park .....	47
4.3.2	Petersham Park .....	47
4.3.3	Henson Park, Marrickville .....	47
4.3.4	Henley Park, Enfield .....	48
4.3.5	Trumper Park, Paddington .....	48
4.3.6	Tamarama Park .....	48
4.3.7	Hyde Park .....	48
4.4	Parks with artificial rock shelters .....	49
4.4.1	Lilianfels Park, Echo Point, Katoomba .....	49
4.4.2	Reids Plateau, Katoomba .....	49
4.4.3	Memorial Park, Mount Victoria .....	50
4.4.4	Other examples in the Blue Mountains .....	51
4.5	Other major examples of artificial rockwork in NSW .....	51
4.5.1	Yaralla, Concord .....	51
4.5.2	Babworth House, Darling Point .....	51
4.5.3	Taronga Zoo, Mosman .....	52
4.5.4	Royal Botanic Garden Sydney .....	52
5.0	Assessment of Cultural Significance .....	52
5.1	Principles and basis for assessment .....	52
5.2	Assessment methodology .....	53
5.3	Current and previous heritage listings and assessments .....	53
5.3.1	Woollahra Local Environmental Plan 2014 .....	53
5.3.2	Woollahra Municipal Council Register of Significant Trees .....	54
5.3.3	Register of the National Estate (RNE) .....	56
5.3.4	Register of the National Trust of Australia (NSW) .....	56



5.3.5	Cooper Park Conservation Management Plan .....	56
5.3.6	Cooper Park Vegetation Management Plan .....	57
5.3.7	Town Parks of NSW: Past, Present, Future.....	57
5.3.8	Woollahra outdoor recreation & open space study .....	58
5.4	Review of heritage significance .....	58
5.4.1	Historical Significance (Criterion A) .....	58
5.4.2	Historical Associational Significance (Criterion B) .....	59
5.4.3	Aesthetic Significance (Criterion C).....	60
5.4.4	Social Significance (Criterion D).....	60
5.4.5	Technical Significance and Research Potential (Criterion E).....	61
5.4.6	Rarity (Criterion F).....	62
5.4.7	Representativeness (Criterion G) .....	63
5.5	Integrity and intactness .....	64
5.6	Archaeological Significance .....	64
5.6.1	Definitions .....	64
5.7	Statement of significance .....	65
5.8	Grading of significance for Cooper Park elements.....	67
5.8.1	Rationale for grading.....	67
5.8.2	Application of gradings to Cooper Park elements.....	68
5.9	Curtilage Considerations .....	69
5.9.1	Some Definitions.....	69
5.9.2	Determination of a curtilage for Cooper Park.....	69
5.10	SHI form & SHR nomination form.....	70
6.0	Conclusions and management recommendations .....	70
6.1	Conclusions .....	70
6.2	Listing and management recommendations .....	71
7.0	Sources consulted and useful references .....	73
8.0	Appendices.....	80
	Appendix A – Draft SHI form for Cooper Park.....	80
	Appendix B – Draft nomination form for SHR listing.....	80
	Appendix C – SHI database entry for Sandstone retaining wall and railing facing Cooper Park, Adelaide Parade, .....	80
	Woollahra .....	80
	Appendix D – SHI database entry for Canary Island Date Palm and Chinese Windmill Palm, Cooper Park North .....	80
	Appendix E – SHI database entry for Concrete Horse Trough, .....	80
	Victoria Road intersection with Bellevue Road adjoining Cooper Park .....	80
	Appendix F – SHI database entry for Sewer Vent, 56 Streatfield .....	80
	Road (off Cooper Park Road) .....	80

Appendix G - SHI database entry for Washington Palms, Cliff Date Palm, Canary Island Date Palms, Northland Road within the road reserve .....	80
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## Executive summary

Cooper Park, located along a creek valley that runs in an east-west direction and falls between the Woollahra Municipality suburbs of Bellevue Hill and Woollahra, provides open space for both passive and active recreation. The area was originally part of the early 19<sup>th</sup> century estate of Daniel Cooper and was proclaimed a park in 1917. It was developed over the following twenty years as a bushland pleasure ground, with many structures built by Depression-era unemployment relief teams. It is entirely owned by Woollahra Council and is the largest Council-owned area of bushland in the Municipality. The park is zoned RE1 Public Recreation under the Woollahra Local Environmental Plan (LEP) 2014.

The heritage values of Cooper Park have been recognised for more than 25 years in numerous reports and lists but the Park as an entity is not currently listed on either the Woollahra LEP 2014 schedule 5 or the State Heritage Register.

Woollahra Council has commissioned Chris Betteridge, Director, Betteridge Heritage to prepare an assessment of the heritage significance of Cooper Park, with the following brief:

1. Assess significance in accordance with the 8-step assessment process in the *NSW Heritage Manual* and determine whether it is of local or State significance;
2. Prepare a State Heritage Inventory (SHI) form for the subject site if it is assessed to be of local significance; and,
3. Prepare a nomination for listing on the State Heritage Register (SHR) if the site is assessed to be of State significance.

Comprehensive analysis of documentary and physical evidence relating to Cooper Park, involving library and web-based research and site investigations has enabled an assessment of significance against the Heritage Council criteria which concludes that Cooper Park is of local heritage significance for some criteria, warranting its consideration for inclusion on Schedule 5 of *Woollahra LEP 2014*. The assessment also concludes that Cooper Park satisfies at least one criterion at a State level for the quality and intactness of its Depression-era landscape works and therefore its nomination for SHR listing is recommended.

While Cooper Park North is part of the former Cooper Estate and has high amenity values derived from its landscape, Community Hall, Community Garden and views it, does not warrant listing on the LEP schedule but should be retained and managed as Community Land. Suggested curtilages for both LEP and SHR listings are provided.

A draft SHI form, a draft SHR Nomination form for Cooper Park and other appendices are included.

## 1.0 Introduction

### 1.1 Background

Cooper Park, located along a creek valley that runs in an east-west direction and falls between the Woollahra Municipality suburbs of Bellevue Hill and Woollahra, provides open space for both passive and active recreation. The area was originally part of the early 19<sup>th</sup> century estate of Daniel Cooper and was proclaimed a park in 1917 and developed over the following twenty years as a bushland pleasure ground. It is entirely owned by Woollahra Council and is the largest Council-owned area of bushland in the Municipality. The park is zoned RE1 Public Recreation under the Woollahra Local Environmental Plan (LEP) 2014.

The heritage values of Cooper Park have been recognised for more than 25 years. The park was listed on the Commonwealth Government's Register of the National Estate (RNE) in 1993 – ID No: 17850 and Place File Number 1/12/041/0114. However, the RNE has been replaced by the National Heritage List (NHL) and no longer has statutory force. It survives as a searchable database. Cooper Park is not currently listed on the Woollahra LEP 2014 or on the State Heritage Register (SHR), although some elements in and adjoining the park are listed on the LEP heritage schedule.

On 22 November 2017, Woollahra Municipal Council made the following decision:

*THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Cooper Park to the Urban Planning Committee to facilitate Cooper Park (and its elements) being:*

- 1. included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. listed as a heritage item of state significance on the NSW State Heritage Register.*

Following a select tender process, Woollahra Municipal Council commissioned Chris Betteridge, Betteridge Consulting Pty Ltd t/a Betteridge Heritage to prepare an assessment of the heritage significance of Cooper Park with the following brief:

1. Assess significance in compliance with the above resolution and in accordance with the 8-step assessment process in the *NSW Heritage Manual* and determine whether it is of local or State significance;
2. Prepare a State Heritage Inventory (SHI) form for the subject site if it is assessed to be of local significance; and,
3. Prepare a nomination for listing on the State Heritage Register (SHR) if the site is assessed to be of State significance.

### 1.2 Identification of the study area

Broadly, the study area for Cooper Park is defined to the west by Suttie Road, to the north by Northland Road/Streatfield Road, to the east by Bellevue Road/Victoria Road, and to the south by residential properties located north of Fletcher Street. Cooper Park is approximately 17.7 hectares in size, with approximately 12 hectares of urban bushland.



**Figure 1** Aerial photograph of Cooper Park (edged red) in its local suburban context. (Source: Woollahra Municipal Council)



**Figure 2** Land categorization of Cooper Park, extracted from the unpublished Draft Cooper Park Plan of Management (September 2009). (Source: Woollahra Municipal Council)





**Figure 3** Cooper Park Precincts from the Cooper Park Conservation Management Plan.  
(Source: Woollahra Municipal Council)

### 1.3 Identification and experience of the author

This heritage assessment has been prepared by Chris Betteridge BSc (Sydney), MSc (Museum Studies) (Leicester), AMA (London), M.ICOMOS, Director, Betteridge Consulting Pty Ltd t/a Betteridge Heritage, heritage consultants. Chris is a trained botanist with postgraduate qualifications in museum studies and extensive experience in heritage conservation. His background includes ten years as environmental and landscape specialist with the NSW planning agencies, advising the Heritage Council of NSW, and four years as Assistant Director (Community Relations) at the Royal Botanic Gardens Sydney. For the past 28 years he has been director of a consultancy specialising in the identification, assessment, management and interpretation of historic cultural landscapes.

### 1.4 Acknowledgments

The author would like to thank the following individuals for their kind assistance in the preparation of this heritage assessment:

Margaret Betteridge, Director, Betteridge Heritage;  
Chris Bluett, Manager Strategic Planning, Woollahra Municipal Council;  
Jane Britten, Local Studies Librarian, Woollahra Libraries, Woollahra Municipal Council;  
Catherine Colville, Strategic Heritage Officer, Planning and Development Division, Woollahra Municipal Council;  
Rob Fallon, Senior Landscape Architect, Blue Mountains City Council;  
Paul Fraser, Manager – Open Space & Trees, Woollahra Municipal Council;  
Kira Green, Administrative Officer, Planning and Development Division, Woollahra Municipal Council;  
Elizabeth Hartnell, Local History Librarian, Woollahra Libraries, Woollahra Municipal Council;  
Jeff Hill, Parks Technical Officer, Woollahra Municipal Council;  
Christina Kanellaki Lowe, Senior Heritage Operations Officer, Regional Heritage Operations, North East, Heritage Division, OEH;  
Jodie McGill, Ranger, Harbour South Area, NSW National Parks and Wildlife Service;

NSW Heritage Network members: Anne Bickford, Michael Bogle, Colin Brady, Sheridan Burke, Michael Edwards, Elizabeth Evans, Sarah Farnese, John Gibson, Barbara Hickson, Suzannah Plowman, Jean Rice, Lucinda Varley; Stuart Read, Senior Heritage Operations Officer, Metro South, South Region, Heritage Division, Office of Environment and Heritage; Flavia Scardamaglia, Strategic Heritage Officer, Woollahra Municipal Council. Barbara Swebeck, Local Studies Librarian, Woollahra Libraries, Woollahra Municipal Council; Anne White, Acting Manager – Strategic Planning, Woollahra Municipal Council; and Stacy Wilson, Ranger, Kamay Botany Bay La Perouse and Wolli Creek RP, Sydney South Area, Greater Sydney Branch, NSW National Parks and Wildlife Service;

### **1.5 Methodology**

This assessment was prepared in accordance with the 8-step process in the *NSW Heritage Manual*, as listed below.

- 1 Summarise what is known about the item.
- 2 Describe the previous and current uses of the item, its associations with individuals or groups and its meaning for those people.
- 3 Assess significance using the NSW heritage assessment criteria.
- 4 Check whether a sound analysis of the item's heritage significance can be made.
- 5 Determine the item's level of significance i.e. local or state.
- 6 Prepare a succinct statement of heritage significance.
- 7 Obtain feedback from relevant information providers and other stakeholders.
- 8 Write up all the information gathered.

### **1.6 Limitations**

The preparation of this assessment was based on library and web-based research of the available documentary material and above-surface physical fabric within the time and budget and the availability of site survey information. No investigation of Aboriginal or non-Aboriginal archaeology was undertaken and the author relied on information derived from studies by others.

No physical disturbance or intervention was carried out on any part of the site, except for limited sampling of vegetation for identification purposes. Comparative analysis was limited to properties of similar type and significance currently listed on heritage registers or otherwise known to the author.

### **1.7 Disclaimer and copyright**

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## **2.0 Analysis of documentary evidence**

This section provides a narrative history and thematic analysis of the historical records relating to Cooper Park, drawn from Council and other sources.

### **2.1 Evolution of the cultural landscape**

#### **2.1.1 Some definitions**

"A cultural landscape is fashioned from a natural landscape by a culture group. Culture is the agent; the natural area is the medium. The cultural landscape the result."

- Carl Sauer<sup>1</sup>

"Landscape is never simply a natural space, a feature of the natural environment. Every landscape is the place where we establish our own human organization of space and time".

- John B. Jackson<sup>2</sup>

Cultural landscapes by their name imply human intervention but they may also include substantial natural elements. "They can present a cumulative record of human activity and land use in the landscape, and as such can offer insights into the values, ideals and philosophies of the communities forming them, and of their relationship to the place. Cultural landscapes have a strong role in providing the distinguishing character of a locale, a character that might have varying degrees of aesthetic quality, but, regardless, is considered important in establishing the communities' sense of place."<sup>3</sup>.

In recent years the Heritage Council of New South Wales has identified the depletion of cultural landscapes as a major issue threatening the cultural values of our cities and requested that the NSW Heritage Office (now Heritage Division, Office of Environment and Heritage) address this issue. There has been ongoing criticism in the media and in the wider community over the encroachment of urban development on some of Sydney's important Colonial and Victorian homesteads and their landscape settings. In response to this threat, the Heritage Council provided funding to the National Trust of Australia (New South Wales) for a study of 'Colonial Landscapes of the Cumberland Plain and Camden.'<sup>4</sup>

In 2003 a charette of cultural landscape professionals hosted by the NSW Heritage Office debated the issues, identified constraints and opportunities and made recommendations for developing sustainable measures to facilitate the protection of important cultural landscapes in the State. In the Campbelltown City local government area, the public outcry over the loss of setting for significant properties such as Glen Alpine and Blair Athol led Council to commission a consultant study of that area's cultural landscapes.

A 2010 publication by the NSW Department of Environment, Climate Change and Water (DECCW) provides guidelines for managing cultural landscapes. It defines the

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<sup>1</sup> Sauer 1963, p.343

<sup>2</sup> Jackson 1984, p.156

<sup>3</sup> Pearson and Sullivan 1995

<sup>4</sup> Britton and Morris 2000

cultural landscape concept as emphasising “the landscape-scale of history and the connectivity between people, places and heritage items. It recognises the present landscape is the product of long-term and complex relationships between people and the environment. On any given area of land, it is likely that some historical activity will have taken place. Evidence of that activity may be detectable in the vegetation or in landscape modifications as well as in archaeological evidence, historical documents or people’s stories. Some pasts have ‘touched the landscape only lightly’, while some places of historical activity are marked by imposing built structures or are commemorated for their association with important events or people.

For the purposes of the DECCW guide, cultural landscapes are defined as:

*“... those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes toward the land.”*

The elements of a cultural landscape are illustrated below;

<b>Landscape = Nature + People</b>
<b>Landscape = The Past + The Present</b>
<b>Landscape = Places + Values</b>

**Figure 4** The Elements of a Cultural Landscape. (Source: Diagram after Guilfoyle 2006:2, based on Phillips 2002:5)

The DECCW Guidelines emphasise that cultural heritage management has, until recently, conceptualised heritage mainly as isolated sites or objects. For example, a hut, woolshed, fence, ground tank, bridge, scarred tree, grave, orchard or piece of machinery. A site-based approach is thus an ‘easy’ concept for land managers and heritage practitioners as it supports separating the natural and cultural for management purposes. However, this site-based approach has the unfortunate effect of reinforcing the notion of culture and nature as spatially separate and thus able to be managed independently. In a national park or nature reserve context, cultural heritage sites are seen as isolated points or pathways that are set in a natural landscape. The work of nature conservation can go on around these sites. The authors of the guidelines argue that the natural environment is part of these sites. Similarly, in an environment that has been highly modified by industrial activity in the past, the natural values may have been almost obliterated but can be recovered through well-planned rehabilitation measures. A cultural landscape approach offers an opportunity to integrate natural and cultural heritage conservation by seeing culture and nature as interconnected dimensions of the same space.

### **2.1.2 The landscape of Cooper Park prior to European settlement**

Apart from the belt of low-lying land extending from Rose Bay to the sandhills of Bondi, the Woollahra local government area is predominantly an area of sandstone slopes and gullies. On the ridges and upper slopes would probably have been a shrubby open forest dominated by tree species *Acacia implexa* (Hickory Wattle), *Angophora costata* (Smooth-barked Apple, Sydney Red Gum), *Eucalyptus haemastoma* (Scribbly Gum), *E. gummifera* (Red Bloodwood), *E. piperita* (Sydney Peppermint) and *E. punctata* (Grey Gum). Understorey species probably included *Kunzea ambigua* (Tick Bush), *Melaleuca nodosa* and *Monotoca elliptica*.

On the sheltered valley slopes and creek banks would have been Tall Open Forest, with a mix of vegetation, ranging from xeric to more dominant mesic species through to depauperate rainforest understorey, dominated by *Allocasuarina littoralis* (Coastal Oak), *Eucalyptus acmenoides* (White Mahogany), *E. resinifera* (Red Mahogany), *E. pilularis* (Blackbutt) and *E. saligna* (Sydney Blue Gum) and with understorey species including *Acacia parramattensis* (Parramatta Wattle), *Acmena smithii* (Lilly Pilly), *Ceratopetalum gummiferum* (Christmas Bush), *Elaeocarpus reticulatus* (Blueberry Ash), *Callicoma serratifolia* (False Wattle), *Endiandra sieberi* (Corkwood) and *Notelaea longifolia* (Mock Olive). Additional species which may have occurred in the area that is now Cooper Park are *Ceratopetalum apetalum* (Coachwood), *Livistona australis* (Cabbage Tree Palm) and *Ficus* spp. (various figs). Much of the understorey of the Tall Open Forest areas has more recently been increasingly dominated by species such as *Pittosporum undulatum* (Sweet Pittosporum, Native Daphne) and *Glochidion ferdinandi* (Cheese Tree)<sup>5</sup> as a result of increased light and nutrient levels and changes in the fire regime.

The Swampland Association that would have occurred on the low flat ground areas of what is now Cooper Park has been completely modified by clearing, drainage works and creation of turfed open space areas. Species may have included several sedges, and trees such as *Melaleuca* spp. (paperbarks) and *Leptospermum* spp. (tea-trees).

The present-day plant communities include regrowth of species such as *E. pilularis* which are descendants of trees that were logged from the valley throughout the 19<sup>th</sup> century. While the timber getters plundered the tree resource, it seems they were selective, apparently leaving much of the understorey intact. J A Dowling describes the views in the 1860s:

*The whole of Bellevue Hill, with the exception of a few dwellings abutting on or overlooking Double Bay and Rose Bay, was covered with dense bush*.<sup>6</sup>

Cooper Park also provides valuable habitat for remnant avifauna such as some bird species and bats and terrestrial fauna such as brush tail possums and small reptiles.

### 2.1.3 Aboriginal occupation of the study area

The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan. Both these clans belonged to the coastal Dharug language group and the Eora nation. The dense bushland, rock shelters, fresh water and proximity to the harbour would have made the area that is now Cooper Park attractive to the Cadigal people who had been caring for the land for millennia. While there is limited information on the lives of the Cadigal and Birrabirragal at Woollahra, some of their heritage is preserved in the form of rock art, shell middens and the Sydney Aboriginal language.<sup>7</sup> There are 29 rock art and engraving sites in the municipality of Woollahra including in Cooper Park, with an engraving of a kangaroo and fish in the study area.<sup>8</sup>

<sup>5</sup> Care needs to be taken in the identification of this species which has two subspecies, the widespread *Glochidion ferdinandi* ssp. *ferdinandi* and the uncommon *G. ferdinandi* ssp. *pubens*.

<sup>6</sup> Jervis & Kelly 1960

<sup>7</sup> 'A brief history of Woollahra' accessed at [https://www.woollahra.nsw.gov.au/library/local\\_history/a\\_brief\\_history\\_of\\_woollahra](https://www.woollahra.nsw.gov.au/library/local_history/a_brief_history_of_woollahra)

<sup>8</sup> CMP 2011, p.4



Larmer<sup>9</sup> reported 'Willárrá' as the Aboriginal name for Point Piper, but, if a written variant of 'Woo-lā-rā', it may have referred to a larger area than just Point Piper<sup>10</sup>, as the latter (Woo-lā-rā) was recorded as the name for 'The Look-out'<sup>11</sup> which was at Outer South Head<sup>12</sup>, known today as Dunbar Head.<sup>13</sup>

In July 1845, the travelling artist George French Angas (1822-1886) and Sydney Police Inspector W. Augustus Miles (1798-1851), an amateur anthropologist, persuaded King Bungaree's widow, Cora Gooseberry, who was camped by the creek at Camp Cove, to show them Aboriginal engravings at North Head. In return she received flour and tobacco. Miles copied the designs at South and Middle Heads, while Angas's drawings were reproduced in his *Savage Life and Scenes*, London, 1847.<sup>14</sup>

Much of the evidence that Aboriginal middens in the area may have offered to modern-day archaeologists has probably been lost because many middens were gradually burned during the 19<sup>th</sup> century for lime production.

#### **2.1.4 Early European settlement 1789 to 1842**

After European arrival and settlement in Sydney from 1788 onwards, small semi-permanent camps evolved around Sydney including among the swamps of Double Bay and Rushcutters Bay. Europeans brought smallpox with them and within two years only three Cadigal People are said to have survived in the area. Small grants were made to emancipists such as Hayes from 1793 onwards and during the earlier half of Macquarie's Governorship, soldiers received grants in Double Bay and Rose Bay, the most significant being to Captain John Piper at Point Piper. His estate grew to a massive 1,130 acres. Daniel Cooper (1785-1853), a former convict became a business identity in this area in partnership with Solomon Levey after 1821. Financial pressures forced Piper to sell the Point Piper Estate to Cooper and Levey in 1826. Their title to the land was confirmed in 1830 and it became the sole property of Daniel Cooper in 1847. The Vacluse part of Piper's estate was bought by William Charles Wentworth. Daniel Cooper lived in the area until he returned to England in 1831 and in 1833 Solomon Levey died. Legal complications associated with Solomon Levey's death meant that between 1833 and 1842 1,300 acres of the estate remained undeveloped and other activities such as logging to fuel tallow production are thought to have occurred in what is now known as Cooper Park. Cooper eventually bought out the heir to Solomon Levey's estate, John Levey, after lengthy negotiations. An 1841 trigonometric survey of the Cooper Estate<sup>15</sup> shows predominantly undeveloped land with a small natural watercourse flowing through the incised valley that is now known as Cooper Park, before entering what appears (by its regularity) to have been a man-made open canal in the lower reaches of the gully area. This canal then carried the natural drainage across the level ground between Manning Road and Bellevue Road towards Double Bay. By 1842 the Cooper family effectively owned the former Point Piper Estate including Cooper Park.

<sup>9</sup> Larmer 1832: 35, 1832 [1898: 228]

<sup>10</sup> Watson 1918: p.374

<sup>11</sup> Southwell 1788 [1893], p. 699

<sup>12</sup> Bradley 1786-1792 [1969]: Chart 6

<sup>13</sup> Attenbrow 2019 accessed at <http://press-files.anu.edu.au/downloads/press/p17331/html/ch01.xhtml?referer=81&page=9>

<sup>14</sup> <https://blogs.adelaide.edu.au/special-collections/2018/01/29/savage-life-and-scenes-in-australia-and-new-zealand-being-an-artists-impression-of-countries-and-people-at-the-antipodes-george-french-angas-1847/>

<sup>15</sup> Prepared by Surveyor General T S Mitchell as a private commission for Daniel Cooper and John Levey. Original held Mitchell Library, SLNSW. Copies held at Woollahra Library's Local History Centre.

On Cooper's death in 1853, his nephew, also Daniel Cooper (later Sir Daniel Cooper), born in Lancashire in 1821, was appointed trustee of the Point Piper Estate. In 1856 Cooper began a great mansion called 'Woollahra House' on Point Piper, on the site of Piper's 'Henrietta Villa'. In the same year Cooper became first Speaker of the new Legislative Assembly. He resigned from the Speakership in 1860 and returned to England a year later, became the Agent-General for NSW, was made the First Baronet of Woollahra in 1863, and died in 1902.

#### **2.1.5 Cooper Estate 1843 to 1916**

During the 1840s the site continued to be logged, with Chinese market gardens established later in the valley floor. Daniel Cooper died in 1853 and had no children of his own, so left Point Piper Estate to Daniel Cooper III, the son of his nephew, Sir Daniel Cooper. Daniel Cooper's will required that the Trustees manage the Estate until the heirs were 21 and that no land could be sold until that time. To manage such a large undeveloped Estate effectively, the Trustees offered the more elevated areas of the undeveloped estate on 99-year leases to meet the requirement of not selling the land. The leaseholders built on the land at their own expense, whilst low lying areas remained undeveloped, with some areas farmed as market gardens. When the heir of the Point Piper Estate, Daniel III turned 21 he was living in England, and transferred his entire estate to his father Sir Daniel Cooper in 1881. Sir Daniel Cooper then proceeded to subdivide the land the following year. The core of the Point Piper Estate was sold to William, Daniel III's brother whilst the western side was offered in 85 subdivisions.<sup>16</sup>

In June 1885 Council requested that the Government purchase a piece of land from the Cooper Estate for recreational purposes. The deputation failed and the land continued to be subdivided and sold for residential development. In 1889 the Northern Ocean outfall sewerage system was completed and a Higginbotham & Robinson Plan from circa 1889-1910 illustrates this. In 1890 another attempt to induce the Government to purchase the land for park was met with failure.

However, a tax imposed by the State Government in 1895 resulted in high tax to the Cooper family on the land leased, causing the Cooper family to sell freehold land to existing leaseholders. This resulted in increased development in the area between 1895 and 1910, with Adelaide Parade and a sandstone retaining wall being constructed in the period between 1895 and 1899. Council requested Sir William Cooper donate the head of Double Bay Gully to Council to be used as park, but in 1910 the Cooper Estate Manager informed Council this would not be granted. It was not until 1913 that Sir William Cooper consented to giving the whole of the gully, from Victoria Road, Bellevue Hill, to Manning Road, Double Bay, to Woollahra Council for a park, but due to the outbreak of World War I, the park was not finally gazetted until 1917. The site was used for its resources, with timber extraction, quarrying (with the Woollahra Municipal Council quarry established in 1915), Chinese market gardens and dairy production prevalent in the area. It must have been a wild place - the Mayor promised to attend to 'shooting going on in Cooper Park', an issue raised by Alderman Grimley in July 1917.<sup>17</sup>

<sup>16</sup>

[https://www.woollahra.nsw.gov.au/library/local\\_history/woollahra\\_plaque\\_scheme/plaques/sir\\_daniel\\_cooper](https://www.woollahra.nsw.gov.au/library/local_history/woollahra_plaque_scheme/plaques/sir_daniel_cooper)

<sup>17</sup> Minutes of Ordinary Meeting of Woollahra Municipal Council 9 July 1917, p.108

### 2.1.6 Dedication and Consolidation of Cooper Park 1917 to 1929

The state of the park in the early days can be judged by representations by the owner of the adjoining property 'Oswestry' in Short Street that Council take steps to control lantana that was encroaching on his property from the park. Council referred the matter to the Engineer with instructions to grub out lantana in Cooper Park and that the weed be removed from all Council's parks.<sup>18</sup>

With the main area of Cooper Park now under Council's ownership and management, the Chinese market gardens were moved and plans for park improvements and beautification were drawn up. In 1917 Council also purchased three acres of land near the quarry to be used as park (assumed to be the Bowling Club) and in 1922 Council approached Mr Fletcher (owner of the Foundry on Fletchers Gully) to ask him to dedicate the gully to the Council, however, he refused. In August 1922 Council resolved to resume the 1 acre, 1 rood, 3 ½ perches of Fletcher's Gully at a cost of £150 and an additional £30 for a 10 feet wide Right-of-Way from View Street.<sup>19</sup> Council continued with additional land acquisitions from the Cooper Estate to add to the park, resolving to acquire an area of 3 acres 25 perches on the northern side of Cooper Park from the Trustees of the Estate who were to be offered £350 per acre, the valuation of the Valuer-General<sup>20</sup>. However, in March 1923 Council resolved to take steps to resume this area in response to the refusal by estate agents Messrs Raine & Horne to agree to a clause in the contract that the sale was to be subject to the Governor of NSW approving a loan of £20,000 for the purchase.<sup>21</sup> The land was to be acquired under the government's proposed loan scheme for acquisition of land for public recreation.

Notwithstanding the gazettal of Cooper Park, a motion that cattle be permitted to graze in the park area was received and adopted by Council in 1923 with the usual fee for agistment being charged and Council taking no responsibility for safe-keeping of the stock.<sup>22</sup>

Council's Engineers were requested to develop a design for the park and the initial works were completed. In June 1922, the Town Planning Association of NSW congratulated Council on its enterprise in establishing six tennis courts at Cooper Park and in improving the drainage, etc. The Association also suggested that the Manning Road side of the park be improved by tree-planting and further improvements<sup>23</sup>. Not everyone in the community or on Council were happy with people playing tennis on Sunday. Council was discussing a letter from the Congregational Church which asked the Council to reconsider the decision to allow tennis to be played in Cooper Park on Sundays. Those against the practice, including Aldermen Latimer<sup>24</sup> and Dalwood were labelled wowsers by those who approved of Sunday tennis. Alderman Foster objected to the remark that "you cannot play tennis and be a Christian". The Mayor (Ald. Bradley) went so far as to challenge the objectors that he would resign his seat and context it with any alderman on this specific question.<sup>25</sup>

<sup>18</sup> Minutes of Ordinary Meeting of Council 10 May 1920, p.592

<sup>19</sup> Minutes of Ordinary Meeting of Council 28 August 1922, p.233

<sup>20</sup> Mayor's Minutes, ordinary meeting of Council 13 November 1922, p.289

<sup>21</sup> Item 53A (4), Minutes of ordinary meeting of Council 12 March 1923, p.424

<sup>22</sup> Minutes of Ordinary Meeting of Council 14 May 1923, p.480

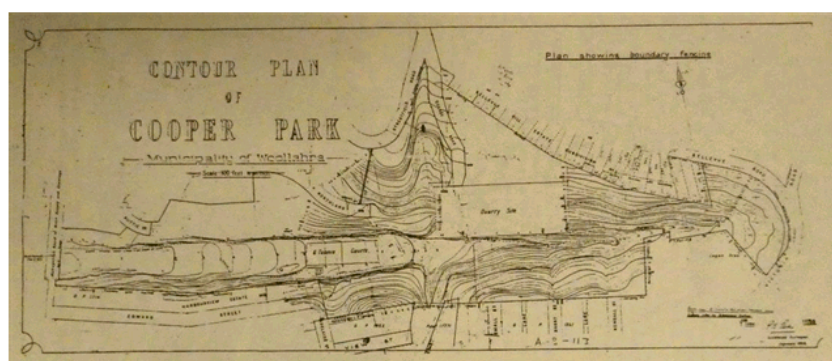
<sup>23</sup> Item 53A, Minutes of Ordinary Meeting of Council, 12 June 1922, p.164

<sup>24</sup> Ald. Latimer was a long-time deacon and treasurer of Woollahra Congregational Church.

<sup>25</sup> *Daily Mail* 11 July 1922

In January 1923, Council agreed to proceed with the construction of a tennis pavilion and 'necessary sanitary accommodation' in the park opened for use at the end of that year.<sup>26</sup> In May Council called tenders for the erection at Cooper Park of (a) Club House Building, and (b) Club House Building with Caretaker's quarters<sup>27</sup>. Council also advertised, in August 1923, for a Caretaker and Green Keeper for the tennis courts at Cooper Park. "Applicants must be capable of keeping courts, lawns and playing areas in first class condition and be excellent green keepers. Capable men only need apply".<sup>28</sup> The grass courts and club-house were opened by the end of that year.<sup>29</sup>

In September 1924 Council invited applications for the hire of one first class tennis court at Cooper Park at a rental of £65 per annum, payable quarterly in advance, for Saturday and Sunday afternoon and public holidays. The playground at the east end of the tennis courts was also constructed in 1924. With the tennis courts proving to be popular, two additional courts were completed in 1926. Late in 1926 Council advertised for applications for permits to allow horses to graze in Cooper Park.<sup>30</sup>



**Figure 5** Cooper Park Base Plan 1926. (Source: Cooper Park Plan of Management 2001)

The 'City Beautiful' movement which had developed in Europe and North America in the late 19<sup>th</sup> century began to influence urban design in Australia although relatively few examples were developed in NSW before and just after World War I, notable exceptions being Haberfield, Daceyville and Matraville.

The mid-1920s were a time of optimism and growth after the horrors of the Great War and the influenza pandemics that followed the conflict. In several countries, architects were invited to submit entries for the design of new public parks.

In July 1927 Hornsby Shire Council called for 'competitive designs, with estimate of costs.....for the layout on the "Garden Park" principle of the eastern portion of Hornsby Park, up to the edge of the escarpment'. The competition was won by Messrs A Scott Finlay and Jack Dow, under the name of 'Pro Bono Publico'.<sup>31</sup> In August 1927 Sydney City Council unanimously accepted the design by Norman Weekes for the remodeling of Hyde Park which had been set aside by Governor

<sup>26</sup> Minutes of Ordinary Meeting of Council, 8 January 1923, p.343

<sup>27</sup> *Sydney Morning Herald* 17 May 1923

<sup>28</sup> *Daily Telegraph* 14 August 1923

<sup>29</sup> *Daily Telegraph* 28 November 1923; *Evening News* 30 November 1923

<sup>30</sup> *Bondi Daily* 15 December 1926

<sup>31</sup> Mayne-Wilson 2014, p.53

Phillip in 1792 for use by the town of Sydney and had been proclaimed a park by Gov. Macquarie in 1810.

In 1927 a design competition was advertised for the development of Cooper Park and the winning design by architects S E Coleman of Gordon and RCG Coulter of Eastwood was announced in 1928. In the previous year the same architects had won first prize against 21 other entries for the design of a new Congregational Church for Canberra.<sup>32</sup> However, some architects were becoming disenchanted with design competitions as a result of perceptions that some were conducted unfairly and that specialists in building or park design should just be chosen and appointed<sup>33</sup>.

In December 1929 two more tennis courts were completed to the west of the existing courts.<sup>34</sup> 1927 is the year that Council commenced operation of the Incinerator adjoining Cooper Park North, which continued operation until 1944.

In the late 1920s Council redeveloped land formerly used as a council quarry as the site of a new garbage incinerator plant. The quarry had been formed on the north-eastern edge of the gully dedicated as Cooper Park. An access roadway had been built to the quarry and was known as Quarry Road until renamed Cooper Park Road in 1929. In February 1926 council had settled upon the quarry as the site for a proposed Meldrum 'Garbage destructor'<sup>35</sup> commissioned from the firm of H H Swarbrick the previous year. Records show that the incinerator's furnace was almost entirely within the area occupied by present-day 23 Cooper Park Road.

As it remains today, Cooper Park in 1929 was an oasis from the bustling city. An article in the *Sydney Morning Herald*, 29 December 1929, under the headline 'Valley of Surprise near Heart of City. Beautiful Cooper Park' contained these words "A valley where all is peace, away from the noise of street traffic, the roar of trams, and the strident, jarring tooting of motor sirens".<sup>36</sup>

In the 1930s, complaints from the community about the incinerator intensified as the area within range of its impacts was developed, and in 1934 a public inquiry into the management of the plant was ordered by the Minister for Local Government<sup>37</sup> and drew a number of conclusions, one of which was that 'the destructor was erected on the most suitable site available to the Council at the time'.<sup>38</sup> However, public complaints continued and other operational difficulties – both technical and staffing issues – developed.

### **2.1.7 The Great Depression and Unemployment Relief 1930 to 1939**

Landscape architect and garden historian Warwick Mayne-Wilson, in his very useful study of the evolution of urban parks in NSW<sup>39</sup> writes:

*"Contrary to what might have been expected during the severe slowdown in economic activity during the Great Depression of 1929 and the early 1930s, public parks received their biggest funding boost. Indeed, much of their current 'hard' fabric – retaining walls, stairways, terracing, pathways, fencing, sandstone*

<sup>32</sup> *Construction and Local Government Journal* 25 May 1927, p. 5

<sup>33</sup> Ibid.

<sup>34</sup> *SMH* 28 December 1929, p.14

<sup>35</sup> WMC Minutes 8 February 1926, p. 50, cited in

<sup>36</sup> Interpretive sign, Cooper Park

<sup>37</sup> WMC Minutes 11 July 1934

<sup>38</sup> WMC Minutes 23 July 1934,

<sup>39</sup> Mayne-Wilson 2014, p.33



*edging, rockeries, pergolas and water features were built during the first half of the 1930s". "The Prevention and Relief of Unemployment Act, passed in 1930, created an Unemployment Relief Fund from which payments could be made to local councils, inter alia,*

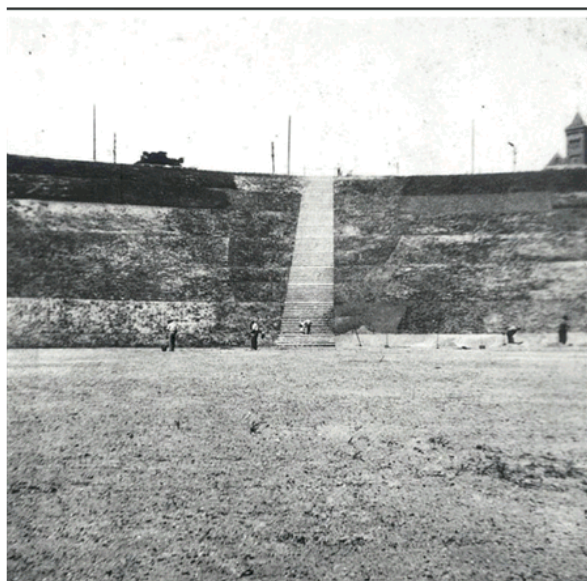
*"Prompted by the sudden availability of Relief Funds, the City of Sydney had four of its parks formally proclaimed in 1931. Although these parks had long existed, their formal proclamation under the Parks Act may have been necessary to ensure they were entitled to receive funding under the Unemployment Relief Act. In the course of its park construction activities, the Council demolished old Victorian-era mansions or row housing to make way for new parks such as Foley Rest Park, Glebe, and Barcom Park, Darlinghurst".<sup>40</sup>*

Despite the Great Depression, the 1930s were a time when many improvements were made to Cooper Park. The Rangers League was enlisted in 1930 to patrol the park to preserve the flora and fauna, showing great interest in preserving the natural beauty and values of the gully. On 16 September 1931 the first Arbor Day planting was held in the park, with numerous trees planted by aldermen and members of the community, and these plantings continued throughout the 1930s, initiated and coordinated by tree planting committees. There was a focus on planting native tree species although not necessarily local species. They included 500 specimens of Tasmanian Blue Gum, Lilly Pilly, assorted wattles and Queensland Kauri. Exotic species included willows planted at the foot of the garbage tip.

In 1931 Council initiated proposals for an auditorium for open-air functions in the natural amphitheatre at the eastern end of the site and the Engineer submitted plans to Council for this. A large team of unemployed labour was engaged to carry out the award-winning park design, including the extensive system of winding paths throughout the park (later named after Councillors), bridges, public toilets, seating follies, grassed areas and the cricket pitches. Tennis courts were resurfaced, the tennis pavilion was extended, tennis floodlights were costed, and additional land was acquired. The Amphitheatre works, including the turfed terraced embankment below Victoria Road and the sandstone steps were constructed in 1936, with a large amount of fill imported into the site from Waverley. A granite plaque erected on the large stone retaining wall commemorates the works undertaken by the relief workers.

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<sup>40</sup> Ibid., p34



**Figure 6** The stone steps and amphitheatre at Cooper Park during construction, 1930s.  
(Source: Woollahra Local Studies Collection)

“In 1936 there was a proposal to use the natural amphitheatre as the setting for an open-air swimming complex, ringed by spectator seating”<sup>41</sup> but this never came to fruition.

Specialised craftspeople were brought in to construct specific features including Mr H Arnold who circa 1936-7 constructed the synthetic stone shelters, based on his previous work in constructing faux rock animal enclosures at Taronga Zoo.<sup>42</sup> It is likely that Arnold would have been influenced by the work of architect Charles Coulter who ‘designed the entrance building, elephant house and refreshment rooms at the new Taronga Zoological Park Sydney, in which he pioneered the use of ferro-cement construction.’<sup>43</sup>

When the old Moore Park Zoo of the NSW Zoological Society relocated in 1916 to its new site at Mosman on Sydney’s Lower North Shore the new Taronga Zoo embraced new zoo design philosophies, with well-fed, healthy animals exhibited as if at liberty in outdoor, open air enclosures<sup>44</sup>, a far cry from the old cramped cages of many zoos. The natural terrain at Taronga “lent itself to the installation of a series of open-air mock rock enclosures, nestled into the terraces. Mock rock was a method of construction that involved the application of ferro-cement over a sculpted arrangement of metal bars and galvanised mesh (chicken wire) to create a rock-like appearance. It allowed the artificial terrain to blend somewhat into the existing landscape, creating the impression that the animals were exhibited in a natural setting”<sup>45</sup>.

<sup>41</sup> Ibid.

<sup>42</sup> Britten 2004a

<sup>43</sup> Pegrum, Roger in Goad and Willis (ed.) 2011

<sup>44</sup> Couper 2016, p.5

<sup>45</sup> Ibid.



**Figure 7** A male lion in one of three mock rock enclosures built in 1924 at Taronga Zoo, possibly by H Arnold. (Photo: Courtesy of Taronga Zoo; a similar image is in the Government Printers Collection in the Mitchell Library).

Ernest Miles, (head of a gang of fifty) taught workers to cut and lay stone. He led the team of stoneworkers to construct the Moon Bridge in the centre of the park. They were so proud of the finished product that they placed a time capsule containing the names of the men who worked on the job inside one of the bridge corners. This time capsule was apparently resumed circa 2001.<sup>46</sup> The sandstone wall along the frontage of Victoria and Bellevue Roads was constructed in 1937. Clean fill supplied from the Metropolitan Water Sewerage and Drainage Board (MWSDB) quarry in Waverley was used to solve problems in Cooper Park including the construction of filter beds to deal with the runoff from the Council's incinerator site.<sup>47</sup>



**Figure 8** Two workers on the Moon Bridge, Cooper Park, during construction, 1930s. (Source: Woollahra Local Studies Collection)

<sup>46</sup> Cooper Park Plan of Management 2001, p. 27

<sup>47</sup> Ibid., p.30





**Figure 9** Ornamental pond, Cooper Park, 1930s (Source: Woollahra Library PFF000255)

In keeping with the Park's romantic pleasure garden style, plantings included a number of deciduous Northern Hemisphere tree species, most notably *Populus deltoides* (Cottonwood), *P. alba* (White Poplar), *Liquidambar styraciflua* (Liquidambar, Sweet Gum) and *Salix babylonica* (Weeping Willow). From the latter part of the 19<sup>th</sup> century, exotic plantings and stone work were commonly used to complement nearby natural features, as at Royal National Park and at limestone cave sites including Jenolan, Wombeyan, Yarrangobilly and Buchan Caves. In the case of caves and alpine areas, Spearritt argues that the scenery was considered the primary attraction for visitors, so the gardens and introduced vegetation complemented the accommodation and other visitor facilities<sup>48</sup>. Escape into romanticism from the austerity and stress of the Depression was also reflected in the architecture of the houses built for those few who were still doing well financially. The English Vernacular Revival architectural style spoke of 'established solidity, its charm and its definite character'<sup>49</sup>.

Also in 1937 Council's Engineer's report included an item about the demonstration of a flame-thrower at Cooper Park, Council resolving that the purchase of this equipment be left in the Mayor's hands.<sup>50</sup> Controlling weeds using heat was popular at the time and into the 1950s as a labour-saving method but was eventually replaced by herbicides as new chemicals were developed.<sup>51</sup> This phase of improvements ceased with the outbreak of World War II

### **2.1.8 Cooper Park Expansion 1940 to 1958**

After the outbreak of World War II and the cessation of the park upgrade works, a rifle range was constructed, with advice from officials at Victoria Barracks, on the eastern side of Cooper Park in the vicinity of Council's incinerator at the cost of 'over £500'<sup>52</sup>. The range, built in sandy soil, had eight targets and mounds built at ranges

<sup>48</sup> Spearritt, 'Resort gardens' in Aitken & Looker (ed.) 2002, p. 505

<sup>49</sup> Cuffley 1989, p. 125

<sup>50</sup> Item 6, Engineer's Report, Minutes of ordinary meeting of Council 26 July 1937, p.370

<sup>51</sup> <https://www.smithsonianmag.com/science-nature/new-weapon-war-weeds-flamethrowers-180958450/> accessed on 23 April 2019

<sup>52</sup> Britten 2016

of 25, 50 and 100 yards and was said to be available for practice by day<sup>53</sup>. Captain James Hutchison, Staff Officer of Rifle Clubs, officially opened the range on 12 October 1940, with teams from the Royal Australian Navy, Army and Metropolitan Miniature Rifle Club taking part.<sup>54</sup> Council made considerable modifications and improvements, turfing the site and connecting the range to the water supply and ultimately, by October 1942, providing a clubhouse.<sup>55</sup> Council formed a rifle club, with Ald. C D Manion acting as Vice-president but the range was also used by other local rifle clubs and by the Australian Service Movement.<sup>56</sup> In 1941, correspondence received from W H Cutler, congratulated Council on building 'such a magnificent miniature rifle range at Bellevue Hill' and stating that 'if other councils followed this lead, older members of the civilian rifle clubs would come forward and teach people how to shoot.'<sup>57</sup> Writing to the Minister for the Army in 1943, former Ald. Leo Whitby Robinson was able to report that in the three years of its operation, over 2,500 people had used the range.<sup>58</sup>



**Figure 10** Panoramic photograph showing a huge crowd assembled for an open-air orchestral concert in the amphitheatre at Cooper Park, 1950s. (Photo: Woollahra Local Studies Collection)

An archival photograph accessible on Council's website indicates that orchestral concerts were being held in the amphitheatre as early as 1944 and as early as 1945, "Woollahra Council was planning to build an Open air auditorium at Cooper Park to house these [orchestral] performances and other entertainment, with the Hollywood Bowl cited in a number of reports as the inspiration behind the proposal. The project was still under consideration throughout the early 1950s, with Eugene Goosens of the Sydney Symphony Orchestra (SSO) an enthusiastic supporter of the scheme".<sup>59</sup> Even without an auditorium, "open-air concerts were in full swing during the 1950s"<sup>60</sup> the Australian Broadcasting Commission (ABC) held regular free performances during their concert seasons (Spring-Summer), with the SSO as frequent performers and international artists or conductors making appearances from time to time. World-renowned Australian baritone Peter Dawson sang there on at least one occasion<sup>61</sup>. "There are newspaper reports dating from mid-1960 of the ABC deciding against further seasons due to a number of factors – acoustic considerations, noise

<sup>53</sup> Ibid.

<sup>54</sup> *Sydney Morning Herald* 14 October 1940, p. 11, cited in Britten 2016.

<sup>55</sup> WMC Minutes 26 October 1942, p.379-380, cited in Britten 2016.

<sup>56</sup> Ibid.

<sup>57</sup> WMC Minutes 10 March 1941, p. 125, cited in Britten 2016.

<sup>58</sup> WMC Minutes 13 December 1943, p. 434, cited in Britten 2016.

<sup>59</sup> Britten 2004a

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.



complaints, the behavior of patrons, etc. A one-off revival was staged in October 1988 as part of the Municipality's Bicentennial celebrations".<sup>62</sup>

Cooper Park was extended to include the Bellevue Gardens in 1948. In 1950 construction of two bowling greens commenced east of Cooper Park North on the former tip where ash from the incinerator was dumped after the garbage incinerator was closed in 1944, and the Bellevue Bowling Club Ltd was formed in 1951.

Fletchers Foundry closed in 1950 and by 1955 the land was filled, levelled and grassed, with a sandstone retaining wall to the base of Fletchers Gully.<sup>63</sup>

A temporary closure of Council's incinerator early in 1944 led to Council using the St Peters tip which proved to be a satisfactory alternative for disposal of the municipality's waste. By 1946 the permanent closure of the incinerator was under serious consideration, the First Edgecliff Scouts group used the converted garage (built 1936) associated with the former incinerator caretaker's cottage (built 1927) from July 1949 to November 1962.

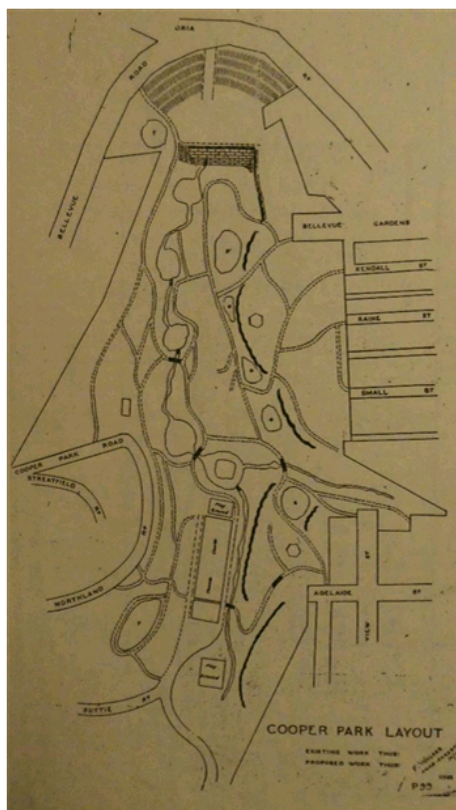
A Council advertisement in the *Sydney Morning Herald* in 1946 read "Wanted, strong youth to assist in preparation and maintenance of tennis courts, Cooper Park. Award wages: Age 16: £2/7/8, 17: £2/18/10 per week. Apply to Engineer, Council Chambers, Ocean Street, Woollahra."<sup>64</sup>

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<sup>62</sup> Ibid.

<sup>63</sup> Australia Street, Woollahra, south of Cooper Park was renamed Fletcher Street in 1947 in honour of the Fletcher family.

<sup>64</sup> *SMH* 17 January 1946



**Figure 11** Cooper Park layout, 1948, showing the curvilinear paths, water features and open spaces overlaid on the natural topography of the site. (Source: Cooper Park Plan of Management 2001)

### 2.1.9 Park Consolidation 1959 to 1974

This phase is defined by the end of the open-air concerts held at Cooper Park, resulting in a decrease of its role and use by the broader community. In 1960 it was determined that no more open-air concerts were to be held in the amphitheatre due to residential developments affecting the acoustics, vandalism and complaints. This led to the gradual decline and neglect of the grass terraced amphitheatre precinct and the gradual encroachment of weeds and bushland. Earthworks in Cooper Park North were finalised after use as a quarry and landfill, with the main open grassed area established.

Council had determined to sell the incinerator site for a 5-lot residential subdivision with right-of-way in 1961. In late September that year estate agents Raine & Horne recommended to Council that the land be put to the market in November 1961 but the sale was postponed for a number of reasons including slow progress on the connection of water and sewerage services and the fact that the Scout Hall stood across the planned access to two of the blocks. Part of the proceeds from the sale of the site went towards helping the Scouts find new premises, which resulted in the construction of a new hall in Cooper Park North. The new building was designed by prominent architect Samuel Lipson, of the Sydney practice Lipson and Kaad, better known for larger buildings including the Temple Emanuel in Ocean Street, Woollahra.

Lipson donated his services 'as a gesture of good will'.<sup>66</sup> Council called tenders for the construction of the new hall in January 1962 but the matter was deferred twice, firstly until more was known about the progress of the land sale<sup>67</sup>, and secondly, pending an engineer's report and a recommendation from the Finance Committee that the honorary architect be requested to re-design the structure to improve the aesthetic appearance of the exterior.<sup>68</sup> In spite of further delays arising from underestimation of the depth of rock on the site for the new Scout Halls, the building was completed by October 1962.<sup>69</sup> A 'colourful march of Cubs, Scouts and Guides from Bellevue Hill School to Cooper Park Road' preceded the official opening of the new Scout Hall by Deputy Mayor Alderman Murchison in the presence of the Chief Scout Commissioner Vincent Fairfax.<sup>70</sup> The 1962 Scout Hall still stands at Cooper Park Road and is currently used by Woollahra Council as a Community Hall.

Cooper Park was further extended in the 1960s to Bellevue Gardens and to the north-east. The main car park in Bunna Place was expanded and formalised to cater to increasing visitation to the park and tennis courts. Other works included planting of native trees and shrubs in the reserve.

An Open Space Survey conducted by the NSW Planning and Environment Commission in 1972 found that Woollahra Municipality provided passive open space at the rate of 1.13 hectare per thousand population, 30% below standard requirements.<sup>71</sup> In recognition of this shortfall, Woollahra Local Environmental Plan 1995 sought 'to increase the provision of public open space within the Council's area to meet the needs of the population'. This policy helped to protect Cooper Park from future alienations for residential or commercial development.<sup>72</sup>

In 1974 landscape consultant William Ashton inspected Cooper Park and was concerned at the level of weed invasion into bushland areas, recommending the use of the Bradley bush regeneration method, with immediate action required in some badly affected areas. "The 'Bradley method' involved methodically clearing small areas in and around healthy native vegetation so that each area was re-colonised by the regeneration of native plants, replacing the weeds. The method places great emphasis on rigorous and timely weed control follow up during the recovery phase (a tenet still adhered to in modern bush regeneration). The process showed that, once native vegetation was re-established, continuing weed control was needed infrequently, mainly in vulnerable spots such as creek banks, roadsides and clearings.

The Bradley method follows three main principles,

1. secure the best areas first. They are the easiest to work with the best results. They are the core areas that can then be expanded.
2. minimise disturbance to the natural conditions (e.g. minimise soil disturbance and off-target damage).
3. don't overclear – let the regeneration of the bush set the pace of clearance."<sup>73</sup>

<sup>66</sup> WMC Minutes 13 November 1961, p. 828, cited in Britten 2018

<sup>67</sup> WMC Minutes 22 January 1962, p. 45-46, cited in Britten 2018

<sup>68</sup> WMC Minute 26 February 1962, p. 139, cited in Britten 2018

<sup>69</sup> WMC Minutes 8 October 1962, pp. 813, 824, cited in Britten 2018

<sup>70</sup> *Wentworth Courier* 22 November 1962, p. 19, cited in Britten 2018

<sup>71</sup> Martin 1987, p.12 cited in Hill 1995b, p. 2

<sup>72</sup> Hill 1995b, p. 2

<sup>73</sup> Australian Association of Bush Regenerators

A scheme was initiated to remove *Ligustrum lucidum* (Large-leaved Privet), *L. sinense* (Small-leaved Privet), *Ipomea indica* (Morning Glory) and *Cardiospermum grandiflorum* (Balloon Vine) and other weeds from the Park.

#### **2.1.10 Bush Regeneration and Contemporary Use 1975 to 2019**

From 1975 onwards there has been a greater focus on managing the degradation caused by deferred maintenance, siltation of streams, pollution and spread of invasive plant species. Council has committed extensive resources to various programs of weed control and revegetation/regeneration in the park.

During the 1980s and 1990s Council engaged the National Trust of Australia (NSW) to undertake bush regeneration activity in Cooper Park. This was undertaken utilising the Bradley Method of regeneration. From 1988 onwards Council employed bush regeneration teams for all bushland reserves and this activity was supplemented in the late 1980s by the Commonwealth Employment Scheme (CEP) that was designed as a skills training program for the unemployed. Subsequent to this, other government employment schemes also enabled bushland regeneration works in the reserve, and in 2004, Bushcare Woollahra was established, with teams of community volunteers working on bushland management programs in the park.

Some of the original 1930s exotic plantings have been progressively removed in preference for planting and regeneration of indigenous vegetation in the park. This removal of original species and revegetation has reduced some of the historic cultural landscape values of the park.



**Figure 12** Alderman A W Perry, Deputy Mayor of Woollahra beside a sign promoting the Cooper Park Regeneration Scheme, 1977. (Source: Woollahra Local Studies Collection)

Other than revegetation works, a one-off revival concert was staged in 1988 as part of Australian Bicentenary celebrations. In 1990, the tennis pavilion was partially demolished and rebuilt<sup>74</sup>. In 1993 Cooper Park was placed on the Register of the

<sup>74</sup> Hill 1995b, p. 3



National Estate (RNE), a Commonwealth list of significant places, which although it gave recognition to the park's heritage values, only provided protection against works by the Commonwealth or works partly or wholly funded by the Commonwealth.<sup>75</sup> The RNE has since been replaced by the National Heritage List and the RNE only exists now as a searchable database, with no statutory force.<sup>76</sup>

In 1994 two sandstone Doric columns which once graced the old 1847 Sydney Post Office were installed at the Victoria Road entrance to Cooper Park, at the top of the stone steps down into the Amphitheatre. For a time after the demolition of the old post office, the columns were moved to Elizabeth Bay House, then to Vacluse House where they stood for many years. With the restoration of the latter house to its former glory, the columns were declared surplus and given to Woollahra Council.<sup>77</sup>



**Figure 13** The pair of Doric pillars, originally from Sydney Post Office, installed at the top of the stairs down to the amphitheatre, Cooper Park. (Source: Woollahra Local Studies Collection)

In 2009 a burst water main caused a section of Bellevue Road to collapse, resulting in a landslide down the amphitheatre embankment and significant damage to Cooper Park. Repair works were primarily completed by September 2009. Siltation of the creeks in Cooper Park from developments upstream remains an ongoing problem for Park management but sediment removal has produced some spectacular results as shown in Figure 14.

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<sup>75</sup> SHR listing

<sup>76</sup> Russell 1980, p.76

<sup>77</sup> *Wentworth Courier* 20 July 1994





**Figure 14** Results of Cooper Creek Restoration Works after the removal of weeds and sediment, revealing one of the landscape features. (Source: Woollahra Local Studies Collection)

Cooper Park includes the largest single area of natural remnant bushland under the care, control and management of Woollahra Municipal Council. With the ongoing pressures that come with increasing urbanisation, Cooper Park will continue to provide local residents and visitors with respite from the hustle and bustle of the city through its natural and cultural heritage values. Today the park is used by the surrounding communities for a range of activities including fitness classes, active sports, dog exercise classes and informal recreation.

## **2.2 Historical themes & ability to demonstrate**

The NSW State Heritage Inventory identifies 36 historical themes, which signify historical processes, but do not describe physical evidence or items in a study area. These State Themes are very general, and many heritage items will relate to more than one theme. They do, however, help us to understand the historical context of individual items.

Set out below is a table of Australian and NSW historical themes, with the potential ability of Cooper Park to demonstrate these themes indicated.

<b>Australian theme</b>	<b>NSW State theme</b>	<b>Ability to demonstrate</b>
1 Tracing the natural evolution of Australia	Environment - naturally evolved	Surviving natural rock outcrops and topography provide evidence of the original landform. The park supports remnant ecological communities which although modified and depauperate, include two plant species listed under the NSW <i>Biological Conservation Act 2016</i> and the Commonwealth <i>Environmental Protection and Biodiversity Conservation Act 1999</i> .
2 Peopling Australia	Aboriginal cultures and interactions with other cultures	Aboriginal art sites
3 Developing local, regional and national economies	Environment – Cultural Landscape	Cooper Park is a designed cultural landscape with significant remnants of the natural landform and regrowth of the original ecological communities. The site is an example of a Council-owned reserve remaining from subdivision of a historic estate.
3 Developing local, regional and national economies	Events	The park was the site for major outdoor concerts in the 1940s, '50s and '60s
3 Developing local, regional and national economies	Forestry	Prior to its dedication as a park the area was used for timber harvesting.
3 Developing local, regional and national economies	Mining	The park includes the site of a former quarry

<b>Australian theme</b>	<b>NSW State theme</b>	<b>Ability to demonstrate</b>
4 Building settlements, towns and cities	Land Tenure	The site and associated subdivision plans and other archival material demonstrate changes in land tenure and land use in a part of the Woollahra local government area from the early land grants of the colonial period to the present day. These phases included logging for firewood and housing, reclaiming swamp lands for market gardens, provision of municipal facilities such as a quarry and an incinerator, and, finally reservation for public open space, including paths and areas for passive recreation and tennis courts and playing fields for active recreation. Due to the physical landform of parts of Cooper Park, it is a remnant of the undeveloped parts of the Point Piper / Cooper Estate
4 Building settlements, towns and cities	Utilities	Cooper Park includes the site of a former municipal incinerator
4 Building settlements, towns and cities	Accommodation	Cooper Park includes caretaker accommodation built in the 1920s at the tennis courts
5 Working	Labour	Plaque commemorates the Depression-era unemployment relief works carried out in Cooper Park.
6 Educating	Education	Cooper Park is regularly used by educational institutions for environmental study purposes.
7 Governing	Government and Administration	Cooper Park is the largest single area of parkland under the care, control and management of Woollahra Municipal Council.

<b>Australian theme</b>	<b>NSW State theme</b>	<b>Ability to demonstrate</b>
8 Developing Australia's cultural life	Creative Endeavour	The Depression-era stoneworks, the ornamental plantings and the recreational facilities demonstrate changing styles and aesthetic values over a period of nearly 100 years but particularly the romantic pleasure garden style which provided visitors with an escape from urban congestion and from the harsh realities of the Depression. Many of the native and exotic trees in the park are fine examples of their species with high aesthetic values. The artificial rock picnic shelters are fine examples of their type.
8 Developing Australia's cultural life	Leisure	Cooper Park is a major site for relaxation and passive recreation in Woollahra Municipality and a long-standing venue for active recreation particularly tennis since the 1920s
8 Developing Australia's cultural life	Social institutions	From the 1940s the park has been home to the 1 <sup>st</sup> Edgecliff Scout Group and the Scout Hall is currently used as a Community Hall.
8 Developing Australia's cultural life	Sport	Tennis courts since 1920s, field sports on the Hough Playing Fields
9 Marking the phases of life	Persons	Cooper Park is a remnant of the significant colonial era estate which was established by the Cooper Family from 1827. It is particularly associated with Sir William Cooper (1852-1925) who in 1917 donated the land which forms the bulk of the park. The park is also associated with architects S E Coleman of Gordon and R C G Coulter of Eastwood who won the design competition for the park in 1927. Artificial rock shelters are fine examples of the work of H Arnold.

### 3.0 Analysis of physical evidence

This section of the heritage assessment describes and analyses Cooper Park as a place in the environmental context of the Woollahra local government area. Physical evidence considered includes the cultural landscape as a whole, its hard and soft landscape elements and associated archives.

#### 3.1 *The environmental context & site description*

##### 3.1.1 The site and its boundaries

The valley in which Cooper Park is located is dominated by bushland and planted native and exotic trees, with open grassed areas in the valley floor. The recreational facilities in the park include tennis courts, cricket pitches and cricket nets, kiosk, a playground, junior sports fields, community garden, an extensive system of walking tracks, unusual mock stone shelters, a range of footbridges, a grassed amphitheatre, community facilities and informal open grassed areas.



**Figure 15** The Amphitheatre, Cooper Park, with the stone steps leading down from Victoria Road. (Photo: Chris Betteridge, 29 March 2019)

The eastern end of Cooper Park is characterised by an open grassed area with expansive views. A smaller open grassed area to the south of the main area of the park is known as Fig Tree Lane Reserve and located over Fletchers Gully.

Historically, the creeks in Cooper Park were probably smaller and possibly with intermittent flows, giving rise to the use of the term gully rather than creek for the watercourses in the park. A 2008 Biological and Water Quality study of Cooper Creek undertaken by J H & E S Laxton Environmental Consultants concluded that Cooper Creek is an entirely artificial construct and is a great example of a constructed creek providing a range of ecological niches that contribute to waterway health.<sup>78</sup>

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<sup>78</sup> CMP 2011, p. 11



### 3.1.2 Native vegetation

Eco Logical Australia Pty Ltd (ELA) has assessed the native vegetation values of Cooper Park, including the identification and mapping of each recognisable ecological community and identification of any threatened plant species. Since their study, the NSW *Threatened Species Conservation Act 1995 (TSC Act)* has been repealed and replaced by the *Biodiversity Conservation Act 2016 (BC Act)*. Two species found in the Park are listed on Schedule 1 Threatened Species in the BC Act, namely *Acacia terminalis* subsp. *terminalis* (Sunshine Wattle), also listed as Endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and *Syzygium paniculatum* (Magenta Lilly Pilly), listed as Vulnerable under the *EPBC Act*.

The ELA study identified the **Riparian Zone** vegetation in Cooper Park as having high conservation significance due to its role in supporting a threatened species *Syzygium paniculatum* and in providing habitat for frog, bat and bird species.

**Moist Woodland** occurring on the south facing slope of the northern side of the gully to the west and east was assessed as having high conservation values derived from its remnant local native trees and understorey shrubs as well as providing habitat for the threatened species *Acacia terminalis* subsp. *terminalis*.

The **Dry Woodland** community occurring to the south of the tennis courts up towards Adelaide Parade which is the north-facing slope is assessed as having high conservation value for the same reasons as the Moist Woodland.

The areas of **Disturbed Woodland** generally correlate with the areas of the park that were cleared of vegetation as visible in the 1930 and 1943 air photo coverage of the area. These areas have been planted with exotic ornamentals and non-local native species producing a community assessed as having moderate conservation value.

One small area of **Sand Dune Vegetation** on Aeolian (wind-blown) sands exists in the north-east corner of Cooper Park adjacent to Bellevue Road and is assessed as having moderate conservation value.

Two areas of **Native Revegetation**, planted with non-local native species, occur in Cooper Park, one along the Suttie Road and Bunna Place entry to the park and the other in the north-east of the park on the edge of the Amphitheatre. These are assessed as having moderate conservation value.

Park areas assessed as having low nature conservation significance are open grassed areas, exotic plantings and areas with high levels of recreation use.

### 3.1.3 Cultural plantings

Many cultural plantings in Cooper Park contribute to its special designed landscape character and include individual specimens and groups with high heritage significance. These are listed in the 2011 CMP, Section 3.3.2 and include mature plantings of *Araucaria cunninghamii* (Hoop Pine), *Brachychiton acerifolius* (Illawarra Flame Tree), *Butia capitata* (Jelly Palm), *Cupressus sempervirens* (Mediterranean Cypress), *Ficus macrophylla* (Moreton Bay Fig), *F. rubiginosa* (Port Jackson Fig), *Jacaranda mimosifolia* (Jacaranda), *Liquidambar styraciflua* (Liquidambar), *Phoenix canariensis* (Canary Island Date Palm), *Populus deltoides* (Cottonwood), *Podocarpus elatus* (Plum Pine) and *Pinus radiata* (Radiata Pine, Monterey Pine)



**Figure 16** Cultural plantings and remnant vegetation adjoining tennis courts car park, Cooper Park. (Photo: Chris Betteridge 29 March 2019)

#### **3.1.4 Summary of built elements**

Built elements in Cooper Park include the tennis courts and associated pavilion, Cooper Park Community Hall (former Scout Hall), artificial stone shelters, octagonal public toilet block (now a storage facility for park staff and volunteers).



**Figure 17** Former toilet block, now used for storage of maintenance equipment for staff and volunteers. (Photo: Chris Betteridge, 29 March 2019)

### 3.1.5 Roads

The only road in the park is Bunna Place which provides vehicular access to the tennis courts and remainder of the southern section of the park.

### 3.1.6 Paths and walking tracks

Paths and walking tracks in the park include original and reconstructed sandstone flagged paths, stencilled, brushed and exposed aggregate concrete paths, compacted gravel paths and beaten earth bushwalking tracks.



**Figure 18** Sandstone steps and timber arris rail balustrade. Cooper Park. (Photo: Chris Betteridge, 29 March 2019)

### 3.1.7 Fences and balustrades

Some original or early fences and balustrades survive including timber arris rail fencing and galvanized steel handrails but many of the fences and balustrades have been replaced with newer types.





**Figure 19** Sandstone balustrade, Cooper Park. (Photo: Chris Betteridge, 29 March 2019)

### **3.1.8 Walls**

The major walls in the park are the sandstone Amphitheatre Retaining Wall and the sandstone Fletchers Gully Retaining Wall but there are other minor walls, including at the top of the Amphitheatre, north of the base of the Amphitheatre banks and at Bellevue Gardens and Adelaide Parade. There are also two Koppers log retaining walls that are inconsistent with the historic sandstone walls in the park. Several paths are also edged with sandstone dwarf walls.



**Figure 20** The major sandstone retaining wall at the western end of the Amphitheatre, with a plaque commemorating the unemployment relief works carried out during the Depression. (Photo: Chris Betteridge, 29 March 2019)

### 3.1.9 Drains

The constructed Cooper Creek is the major drainage feature within the park but there are numerous sandstone pits and channels constructed to handle stormwater flows.



**Figure 21** Original or early sandstone drainage channel and pit, Cooper Park. (Photo: Chris Betteridge, 29 March 2019)

### 3.1.10 Bridges

The masonry bridges constructed during the 1930s are a major feature of the park and include concrete, brick, steel and timber examples but the most significant is the sandstone Moon Bridge.



**Figure 22** View northeast of Moon Bridge, Cooper Park. (Photo: Chris Betteridge, 29 March 2019)



### **3.1.11 Stairs and steps**

Stairs and steps include original or early sandstone examples but in recent years several sandstone steps have been replaced by concrete or timber as cost-saving measures.

### **3.1.12 Furniture and signage**

Park furniture includes recent timber benches, picnic settings and drinking fountains of no heritage significance. Signage includes routed timber stile type signs and roofed interpretive signs as well as standard regulatory and directional signage.

The sandstone Doric pillars at the top of the Amphitheatre steps have some historical value derived from their original location on the old Sydney Post Office and later at Vaucluse House. They are typical of the reuse of historic architectural features from demolished buildings, other examples including columns relocated to the University of NSW campus and to Fernhill at Mulgoa.

### **3.1.13 Recreation facilities**




Recreation facilities in the park include the tennis courts, children's playground and cricket pitches and nets.

### **3.1.14 Archival material**


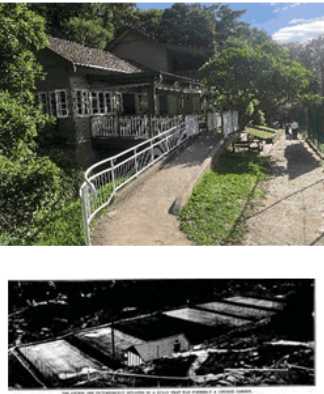
Archival material relating to Cooper Park is located in a number of locations including the Mitchell Library, State Library of NSW, in Woollahra Municipal Council files, some at Council's Double Bay Library, some at State Archives & Records at Kingswood and in published works, some of which are listed in the Bibliography at the end of this report.

### 3.2 Details of built elements



The following table provides details of all the significant built elements from the Depression era.

Item	Image/s	Discussion
Amphitheatre Sandstone retaining Wall, including plaque commemorating the Depression-era unemployment relief works.		'Part of the Amphitheatre which makes a key contribution to the Bushland Pleasure Ground style that is uniquely significant to Cooper Park'. <sup>79</sup> Assessed in the 2011 CMP as of State significance for its social values.
Amphitheatre and steps from Victoria Road		Major Depression-era landscape and built elements in the park, providing a large open space and pedestrian access from Victoria Road into the Amphitheatre.
Fletchers Gully Sandstone Retaining Wall		Constructed in the early 1950s and assessed in the 2011 CMP as having no heritage significance. Fulfils useful purpose.



<sup>79</sup> CMP 2011, p.3/LO1

Item	Image/s	Discussion
Moon Bridge		<p>Major built element constructed in 1936 by Ernest Miles and a team of 50 stoneworkers. The location of the bridge is assumed to be from the winning Masterplan design by architects S E Coleman and R G C Coulter.<sup>80</sup> A high quality, central feature in Cooper Park, making a major contribution to the aesthetic character of the bushland pleasure ground style of open space. Assessed in the 2011 CMP as having historic and aesthetic significance at a local level.</p>
Tennis Courts and Pavilion		<p>The original courts and pavilion were among the earliest visitor facilities in Cooper Park, in the 1920s. While the building has been altered extensively and the courts have been increased in number and resurfaced, this facility remains a major visitor amenity. Assessed in the 2011 CMP as having no significance but this assessment is challenged, the courts and pavilion considered likely to have high social significance at a local level.</p>

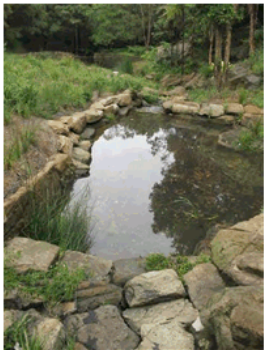
<sup>80</sup> CMP 2011, p.2/LO3

Item	Image/s	Discussion
Formal synthetic stone shelters		<p>The three 1930s rustic formal shelters were assessed in the 2011 CMP as having local historical, aesthetic and social significance due to their contribution to the bushland pleasure ground style of Cooper Park.in conjunction with the naturalistic shelters. They also demonstrate the investigation of construction methods and use of materials, particularly testing the versatility of concrete to look natural. The symmetrical regular physical form of the formal shelters contrasts with the freeform shapes of the nine naturalistic synthetic stone shelters.</p>
Naturalistic synthetic stone shelters		<p>Assessed in the 2011 CMP as having local historic and aesthetic significance due to their contribution to the unique bushland pleasure ground style of Cooper Park. The CMP found that 'the presence of these nine shelters, particularly their freeform naturalistic construction method is unique to Cooper Park, with the only other evidence of this style of construction being at Taronga Zoo'.<sup>81</sup> Research for this assessment indicates that these structures are rare at a State level, with only a few other examples in the Blue Mountains. Considered to</p>

<sup>81</sup> CMP 2011 p.3/LO7

		have social significance at a local level and rarity value at a State level.
Seating grottoes		Constructed in the 1920s, the Seating Grottoes were assessed in the 2011 CMP as having local historical and aesthetic significance for their contribution to the bushland pleasure ground style of Cooper Park.
Constructed Creek		Assessed in the 2011 CMP as having local historic and aesthetic significance due to its construction by the unemployed relief workers during the Great Depression, and contributing to the unique Bushland Pleasure Ground style of Cooper Park. The constructed creek is in keeping with the naturalistic bushland style of Cooper Park demonstrating skilled sandstone construction work and sympathetic with the natural sandstone character of the park, whilst establishing a relatively stable creek that has retained some diversity of in-stream habitat for native fauna. 'A great example of a constructed creek providing a range of ecological niches that



		contribute to waterway health'. <sup>82</sup>
Ponds		The three ponds constructed as part of the Depression-era works in Cooper Park were assessed in the 2011 CMP as having local historic and aesthetic significance. <sup>83</sup>

### 3.2 *Adjoining development*

The park is surrounded by residential development in the suburbs of Bellevue Hill, Bondi Junction and Double Bay but “there are many areas of the park where visitors are so enclosed by vegetation, they are completely unaware of the urban and built environment which surrounds it”.<sup>84</sup>

### 3.3 *Views analysis*

#### 3.3.1 **Views into Cooper Park**

There are a number of historic view corridors into Cooper Park arising from logging and quarrying and visible on archival photographs. These are listed in the 2011 CMP.

There are a number of contemporary view corridors into Cooper Park, the most expansive and significant being that from Bellevue Road and Victoria road in a westerly direction towards the City.

#### 3.3.2 **Views within and from Cooper Park**

A number of historic view corridors existed within the Park, particularly those designed to be gained from the seating grottos and shelters towards other park features such as ponds and play areas.

Many of the historic internal views have been lost or partly obscured by revegetation and regeneration but contemporary view corridors include the major view from the upper part of the Amphitheatre over Cooper park and to the Sydney skyline. There are many close local views of plantings and rock outcrops along the walking tracks.

There are local views to the Bondi Junction CBD from Cooper Park North in the vicinity of the Community Garden.

<sup>82</sup> CMP 2011, p. 11

<sup>83</sup> CMP 2011, pp.3/L20, 2/L21, 2/L22

<sup>84</sup> Mayne-Wilson 2014, p. 146

### **3.4 Physical condition**

Assessment of the physical condition of hard and soft landscape elements is beyond the scope of this assessment. The vigour, condition and public safety risk of the trees growing in Cooper Park would require inspection by a qualified arborist with experience in assessing heritage trees. The condition of buildings and other structures would require assessment by a qualified structural engineer. Woollahra Council and its contractors have carried out considerable repair, maintenance and bush regeneration works at Cooper Park in recent years and at the time of this author's inspection of the site, the park appeared to be in generally good condition.

## **4.0 Comparative Analysis**

### **4.1 Rationale for comparison**

Comparison of a place with other places of similar age, use and form can assist in establishing relative heritage significance. This analysis has been limited to other comparable parks listed on LEP schedules in NSW or otherwise known to the author. Such comparison is useful in helping to assess the rarity or representativeness of a place, but it must be noted that the other sites with which Cooper Park is compared may not have been assessed according to the same criteria or studied to the same extent.

### **4.2 Parks developed from donated land**

Some examples of other public parks developed from donated land are listed below.

#### **4.2.1 Fagan Park, Galston**

An area of 55 hectares donated to the NSW Department of Lands in November – December 1979 by Bruce Fagan on behalf of the Fagan Family. Hornsby Shire Council assumed full responsibility for the park in February 1983. The park includes the historic farm homestead 'Netherby' and outbuildings, agricultural equipment, remnants of the State-significant endangered ecological community Sydney Turpentine Ironbark Forest (STIF), rare stands of White Mahogany Forest, significant waterbird habitat and the Gardens of Many Nations, a series of themed landscapes with structures.

#### **4.2.2 Cobar Miners' Heritage Park**

An area of 1.208 hectares, including part of the first mine in Cobar, donated by the mining company to Cobar Shire Council in 2002. It is a purpose-designed park to display Cobar's mining heritage and includes mining equipment, memorial sculptures and interpretation.

#### **4.2.3 Macarthur Park, Camden**

An area of 6 acres (approximately 2.4 hectares) donated by Elizabeth Macarthur-Onslow, the granddaughter of John and Elizabeth Macarthur on 8 June 1905 to Camden council. It is an Edwardian period park with themed garden 'rooms' and includes a band rotunda, a cenotaph, several captured German trophy guns from World War I, a drinking fountain, rose gardens and a range of botanical specimens. Despite the facts that the park is not in the Camden CBD and has no off-street parking, it is used by over 35% of residents.<sup>85</sup>

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<sup>85</sup> Mayne-Wilson 2014, p.149

#### **4.2.4 Lake Alexandra, Mittagong**

An area, including a former ironworks dam, of 15 acres (6 hectares) donated to Wingecarribee Shire Council in June 1894 and named Lake Alexandra in 1898. The lake was upgraded in 2008<sup>86</sup>. It is a multi-purpose public recreation park but not for organised sports.

### **4.3 Parks containing major Depression-era landscape works**

#### **4.3.1 Royal National Park**

Gazetted in 1879, Royal National Park is Australia's oldest and the second oldest national park in the world after Yellowstone National Park in USA. At 150.91 square kilometres, Royal National Park is far greater in size than Cooper Park but includes many built and landscape elements characteristic of public recreation parks, particularly at Audley, which was developed in the late 19th century as a picnic area for day-trippers from Sydney. A large, heritage listed timber boathouse from that time still exists on the western bank of the weir and currently rents rowing boats and canoes to allow leisurely exploration of the upper reaches of the river. It also rents mountain bikes. A timber dance hall built in the early 20th century on the eastern bank is available for functions. Large picnic areas, grassy meadows and a café, rest rooms and a colony of hungry ducks complete the picnic picture. Audley is as popular with families today as it was in the 19th century.<sup>87</sup> Depression-era unemployment relief works in Royal National Park included road paving and widening, drainage works, ground levelling, fencing, storm water disposal, stabilisation of river banks and construction of roads and paths.<sup>88</sup>

Royal National Park was initially a multi-use park with a shooting range, horse paddocks, poultry runs, fruit and vegetable gardens and the introduction of exotic trees and animals including deer which have now become a major problem in the park and adjoining suburbs. The emphasis today is much more on nature conservation.<sup>89</sup>

#### **4.3.2 Petersham Park**

Petersham Park was proclaimed on 28 September 1887, following the resumption of a large area (8 acres, 3 roads, 2 perches) of W C Wentworth's former estate<sup>90</sup>. The Park benefited greatly from the Unemployment Relief Works of the early 1930s, when numerous 'beautification works' were built, such as new garden beds, rockeries, stone seating and walling, new and upgraded pathways, a children's playground, pergola entrances, a palm and pillar arbor, and a giant draughts board and tables. Additional tree plantings were made, and as a consequence of plentiful seating and good lighting, the park is still well used by the local community.<sup>91</sup>

#### **4.3.3 Henson Park, Marrickville**

Henson Park is located on the site of Thomas Daley's Standsure Brick Company (1886-1917). It was one of the largest brickworks in Sydney, employed about 60 people and occupied 3.6 hectares. After the brickworks closed in 1917, the pits filled with stormwater and ground water (up to 24 metres deep in parts) and became known as 'The Blue Hole'. The site became a favourite swimming spot and an illegal

<sup>86</sup> Ibid., p.151

<sup>87</sup> [https://en.wikipedia.org/wiki/Royal\\_National\\_Park](https://en.wikipedia.org/wiki/Royal_National_Park) accessed on 23 April 2019

<sup>88</sup> Mayne-Wilson 2014, p.33

<sup>89</sup> SHI database entry no. 2440288

<sup>90</sup> SHI database entry no. 2030006

<sup>91</sup> Mayne Wilson 2014, p.169

dumping ground. It was dangerous as a swimming hole and there were at least four known drownings. In 1930 filling operations commenced to convert the former Daley's brick pit into Henson Park and in 1932 a grant of £5,000 through the Unemployed Relief Works Program was received to level the ground and fill in the water holes. Council matched that funding with £5,000 of its own, and the oval and bicycle track were constructed. The official opening of Henson Park in 1933 was marked by a cricket match between a representative Marrickville Eleven team and the North Sydney District team, which included Don Bradman. The Mayor of Marrickville, Alderman Frederick Rushton, bowled the first ball. When Henson Park was opened, it consisted of an oval surrounded by an illuminated cycling track surrounded by a natural amphitheatre for 40,000 spectators. This is the only one of the many parks formed on the sites of former brick pits which has retained evidence of its former use in its shape. The shallow hollow is an attractive and historically significant feature of the site.<sup>92</sup>

#### **4.3.4 Henley Park, Enfield**

The combined Henley Park and Grant Park forms the largest recreation area in the Burwood LGA. The total area is approximately 13.00 hectares and approximately 6.3 hectares of the total area is Crown Reserve dedicated for Public Recreation. Council was appointed trustee of the Crown Reserve area on 29 August 1941. Henley Park and Grant Park are in the suburb of Enfield and bounded by Portland Street in the west, Mitchell Street in the south, and Shelley Street to the north.

#### **4.3.5 Trumper Park, Paddington**

Originally Hampden Park Oval, it was built on reclaimed swamp - Glenmore Brook runs down and under its middle. It was named in honour of Viscount Hampden, Governor of New South Wales (1895-99) - Hampden Street alongside the park was originally named Ebenezer Street. The name of the park was changed in 1931 to honour one of Paddington's cricketing heroes, Victor Trumper (1877-1915).<sup>93</sup>

#### **4.3.6 Tamarama Park**

Tamarama Park has been developed as a park in the somewhat degraded narrow valley to the west of the beach, on the western side of Tamarama Marine Drive. It includes natural sandstone outcrops, the possible remains of a quarry on the northeast side, and small patches of remnant native vegetation. The perimeter is heavily infested with urban weeds and the flatter base of the valley is turfed and used for passive recreation and informal picnics and ball games. A rocky cascade at the western end flows after storm activity. The western head of the valley is dominated by a huge 8-storey apartment block that sits awkwardly in the landscape, a testament to poor planning decisions of the 1960s and '70s.<sup>94</sup>

#### **4.3.7 Hyde Park**

In the 1930s, many works in Hyde Park were financed from the Prevention and Relief of Unemployment Fund, including the redesign and construction of the perimeter

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<sup>92</sup> SHI database no. 2030141

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[https://www.woollahra.nsw.gov.au/recreation/parks,\\_reserves\\_and\\_playgrounds/list\\_of\\_parks\\_and\\_playgrounds/parks\\_and\\_playgrounds/trumper\\_park\\_oval](https://www.woollahra.nsw.gov.au/recreation/parks,_reserves_and_playgrounds/list_of_parks_and_playgrounds/parks_and_playgrounds/trumper_park_oval)

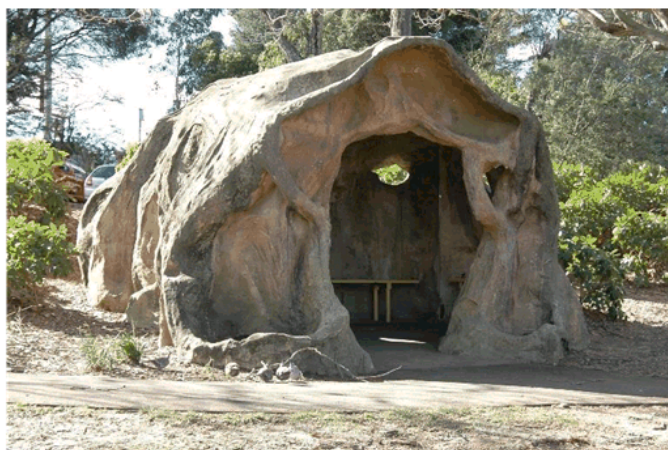
<sup>94</sup> 'Statement of Heritage Impact for: drilling of conduits, construction of jointing pits and installation of underground cabling associated with the Australia-Japan Cable Landing at Tamarama Bay, Tamarama Beach, Tamarama Park, Birrell Street and Waverley Park', consultant report prepared by Musecape Pty Ltd for Network Design and Construction November 1999.

walls, the pool of remembrance at the War Memorial, the Sandringham Gardens and memorial gates, and extensive paving and plantings.<sup>95</sup>

#### **4.4 Parks with artificial rock shelters**

##### **4.4.1 Lilianfels Park, Echo Point, Katoomba**

Lilianfels Park is of importance as part of the former grounds and setting of Lilianfels, an item of state significance because of its associations with Sir Frederick Darley, sixth Chief Justice of NSW (1886-1910) and Lieutenant-Governor of NSW for five terms. Through its fabric the remnant boundary plantation, former roadway and orchard remnants, the park can enliven the interpretation of the early property. The three rustic shelters are a demonstration of the type of furniture considered, in the 1930s, appropriate for a public park on the edge of a natural area of outstanding (sublime) scenic beauty.



**Figure 23** Artificial rock picnic shelter, Lilianfels Park, Echo Point, Katoomba. (Photo: Chris Betteridge, 19 May 2007)

##### **4.4.2 Reids Plateau, Katoomba**

Another example of a c1930s artificial rock picnic shelter survives at Reids Plateau, Katoomba, on a long-established loop walking track from the old Katoomba Falls kiosk.

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<sup>95</sup> Mayne-Wilson 2014, p.141





**Figure 24** Artificial rock picnic shelter, Reids Plateau, Katoomba. (Photo: Chris Betteridge, 26 April 2006)

Repairs to this shelter were carried out in 2018 by contractor Rob Elliott for Blue Mountains City Council.

#### **4.4.3 Memorial Park, Mount Victoria**

A paddock belonging to the Beaumont family was acquired by the local Progress Association in 1913, specifically to have a public venue suitable for the forthcoming centenary celebrations remembering the first crossing of the mountains. The community erected a war memorial in this paddock after World War I and it became recognised as a de facto park.<sup>96</sup> The other part of the present Memorial Park, the easterly portion extending to Station Street, was originally a recreation area for guests at the Imperial Hotel, founded in 1878 and still flourishing today.<sup>97</sup> The Imperial Park (so named on a Station Street archway) remained part of the hotel until 1979 when the Blue Mountains City Council bought the land and amalgamated it with the 1913 area to the west to form the present Memorial Park.<sup>98</sup> Some of the rustic grotto structures, sculptures and mock-rock shelter, built as part of a depression unemployment relief scheme, were used as enclosures for a small zoo.



<sup>96</sup> Jack 1999

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

**Figure 25** Site of former zoo, Mt Victoria Memorial Park, showing artificial rock shelters including a faux log cabin. (Source: <https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=1172042>)

#### **4.4.4 Other examples in the Blue Mountains**

Further examples of artificial rock shelters in the Blue Mountains may be found at the following sites:

Frank Walford (Catalina) Park, The Gully, Katoomba – one shelter near the pool;  
Katoomba Cascades Park – one shelter;  
Darley Park, Echo Point – one shelter;  
Leura Cascades – intact group of three shelters;  
Gordon Falls Reserve, Leura – two shelters;  
Bureau Park, Katoomba – one shelter.

In 2009, those shelters listed above and those at Lilianfels Park, Reids Plateau and Memorial Park, Mount Victoria, were the subject of a Conservation Management Strategy (CMS) prepared by Dr Peter Kabaila for Blue Mountains City Council.

### **4.5 Other major examples of artificial rockwork in NSW**

#### **4.5.1 Yaralla, Concord**

The former estate of the late Dame Eadith Walker at Concord includes an extensive grotto, constructed during the Edwardian period, of artificial rock work by Italian craftsmen and used not only to surprise and entertain the many guests who visited the property during Dame Eadith's time but also as a site for growing a wide range of ornamental plants including palms, cycads, orchids and succulents<sup>99</sup>. In late 2018 the grotto was fenced off for assessment of its structural integrity.



**Figure 26** Part of the extensive Edwardian period grotto constructed of artificial rockwork at Yaralla, Concord. (Photo: Lois Michel in Skehan 2000, p. 218)

#### **4.5.2 Babworth House, Darling Point**

The former estate of a branch of the prominent Hordern family, Babworth has been subdivided several times and the remnant of the property is currently a community

<sup>99</sup> Skehan 2000, p. 218

title residential subdivision which includes the adaptation of the huge Federation Arts and Crafts Art Nouveau mansion as luxury apartments. The built garden elements such as stairs, balustrades, grottoes and faux rockwork amplify the scale of the mansion and demonstrate high technical accomplishment by using the same high standard of construction as the house<sup>100</sup>.

#### **4.5.3 Taronga Zoo, Mosman**

Taronga Zoo has featured many examples of rustic stonework and artificial rock enclosures but many of these have been replaced as the zoo has introduced larger, more natural enclosures for its animals. The Rustic Bridge, opened soon after the zoo was relocated from Moore Park in 1916, was one of Taronga Zoo's earliest landscape features and the main way in which visitors could cross the natural gully that it spans. Early photographs show it as a romantic pathway secluded by plantings. The rustic effect was created by embedding stones in the wall and like the aquarium, its design was reminiscent of Italian grottoes<sup>101</sup>. Some of the animal enclosures at the zoo were constructed by H Arnold who was later engaged to construct the shelters at Cooper Park.

#### **4.5.4 Royal Botanic Garden Sydney**

The Arc, designed by prominent Sydney architect Ken Woolley, as part of the Sydney Tropical Centre, was opened in 1990 to incorporate the Arc and the Pyramid glasshouses. It contained extensive and very realistic artificial rockwork, some of it cast from moulds made from actual rock outcrops but also including works made from shotcrete applied to metal mesh frames and then sculpted by hand. The artificial rock work provided a wide variety of niches for growing tropical plants. The interior of the Arc was gutted and the Pyramid demolished to make way for The Calyx, an entertainment and horticultural display venue opened in 2016 to celebrate the garden's bicentenary.

### **5.0 Assessment of Cultural Significance**

This section of the heritage assessment describes the methodology used for the assessment of cultural significance of heritage places in NSW and applies the assessment criteria to Cooper Park and its component elements.

#### **5.1 Principles and basis for assessment**

The concept of 'cultural significance' or 'heritage value' embraces the value of a place or item which cannot be expressed solely in financial terms. Assessment of cultural significance endeavours to establish why a place or item is considered important and is valued by the community. Cultural significance is embodied in the fabric of the place (including its setting and relationship to other items), the records associated with the place and the response that the place evokes in the contemporary community.

Cultural landscapes by their name imply human intervention but they may also include substantial natural elements. "They can present a cumulative record of human activity and land use in the landscape, and as such can offer insights into the values, ideals and philosophies of the communities forming them, and of their relationship to the place. Cultural landscapes have a strong role in providing the distinguishing character of a locale, a character that might have varying degrees of aesthetic quality, but, regardless, is considered important in establishing the community's sense of place."

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<sup>100</sup> Ruwolt 2018

<sup>101</sup> [https://en.wikipedia.org/wiki/Taronga\\_Zoo\\_Sydney](https://en.wikipedia.org/wiki/Taronga_Zoo_Sydney)

## 5.2 Assessment methodology

The Australia ICOMOS charter for the conservation of places of cultural significance (the Burra Charter) was formulated in 1979 and most recently revised in 1999, with an updated edition published in 2013. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Burra Charter and its Guidelines for Assessment of Cultural Significance recommend that significance be assessed in categories such as aesthetic, historic, scientific, social and other. The 1999 amendments to the Burra Charter emphasise the importance of setting in the conservation of heritage items.

The *NSW Heritage Manual* outlines the same broad criteria for assessing the nature of significance. These criteria are considered in addition to an item's rarity and / or representativeness, criteria that relate to comparative significance. The seven criteria adopted by the Heritage Council of New South Wales for the assessment of items for potential listing on the State Heritage Register apply equally well for items of local significance. To qualify for listing on a LEP schedule or on the SHR, an item must satisfy at least one of the seven assessment criteria at a local or State level respectively, although many items will satisfy more than one criterion. Items are assessed firstly in relation to the heritage values and, secondly, in regard to the context in which the item is significant. Decisions on whether items are significant against each criterion are assisted by application of Inclusion and Exclusion Guidelines.

## 5.3 Current and previous heritage listings and assessments

In the following sections, details are provided of current and previous heritage listings and assessments of Cooper Park.

### 5.3.1 Woollahra Local Environmental Plan 2014

A number of items in or near Cooper Park were identified as having heritage values in the Woollahra Heritage Study (Schwager Brooks 1995) and were listed in the heritage schedule of Woollahra LEP 1995 and subsequently in Woollahra LEP 2014. These are listed below.

Feature	Significance	SHI Database Number	Woollahra LEP Name and Number
Sandstone retaining wall and railing facing Cooper Park, Adelaide Parade, Woollahra	The Adelaide Parade retaining wall, which is an integral part of the Adelaide Parade terraces, has significance as part of the improvements to Cooper Park. It has social, aesthetic significance as part of the terrace development. Historically, Aesthetically and Socially representative at a Local level.	2710016	'Sandstone retaining wall and railing facing Cooper Park' in Adelaide Parade (road reserve), local item, No.478.
Pine Trees, Canary Island Date Palm and Chinese	Significant for the grouping of large mature trees. The trees are significant as part of the local plantings which have been made since the 1930s when tree planting became an accepted amenity. This	2710212	'Chinese Windmill Palm, Canary Island Date Palm' in Streatfield

Windmill Palm, Cooper Park North	listing was updated in 2004 to note that there are two dead Pine Trees and the Chinese Windmill Palm died during the drought of 2003. Historically, Aesthetically and Socially representative at a Local level. LEP item 57.		Road (within road reserve adjacent 40 and 41), local item, No.57.
Concrete Horse Trough, Victoria Road intersection with Bellevue Road adjoining Cooper Park	Incomplete information, included in the Local Environment Plan Heritage Study, Gazette Page 1359, Gazette Number 28	271147	'Concrete horse trough' at Victoria Road, intersection with Bellevue Road (road reserve), local item, No.70.
Sewer Vent, 56 Streatfield Road (off Cooper Park Road)	The Bellevue Hill vent shaft is an excellent example of a brick vent shaft built at the turn of the century to facilitate the efficient functioning of major outfall sewers. Its design is embellished by successful application of architectural motifs such as patterns and texture which lends the structure an element of formalism. The vent shaft displays a high quality of workmanship in the brickwork the likes of which will not be repeated and area increasingly rare in NSW. Due to its scale, form and siting it has landmark value within the Bellevue Hill area. Built in 1897. Historically, Aesthetically and Socially representative at a Local level.	4570664	'Brick sewer vent chimney' in Streatfield Road, local item, No.56. Also listed on Sydney Water S170 Heritage and Conservation Register.
Washington Palms, Cliff Date Palm, Canary Island Date Palms, Northland Road within the road Reserve	These species are listed in the Local Environmental Plan Heritage Study. There is no specific description included on the Database, however, they are noted to contribute to the cultural planting character also present within Cooper Park directly adjoining Northland Road.	2711263	Not listed on the Woollahra LEP 2014.
American Cotton Palms	Listed on the Woollahra LEP 2014. They are in Suttie Road (within road reserve in front of 28)	No Heritage Inventory sheet is available	Local item, no.58.

Copies of these listings are included as Appendices to the report.

### 5.3.2 Woollahra Municipal Council Register of Significant Trees

In 1991 Landarc Landscape Architecture carried out for Council a comprehensive survey of mature trees in private gardens, public parks and streets throughout the



municipality and listed those individual specimens and tree groups considered to be significant. The Register identifies Mixed Tall Open forest, Mixed Ornamental Rain Forest Species, Liquidambar, Assorted palm Plantings and Monterey Pine plantings as significant. The statements of significance for the trees and tree groups are below.

“Cooper Park is primarily an urban bushland park, containing many new areas of indigenous vegetation, in a mosaic of communities ranging from the Blackbutt (*Eucalyptus pilularis*) dominated tall open forest and understorey heaths of the north facing slopes to mesic and cool-temperate rain forest elements along the creek and steep south-facing slopes, dominated by Lilly Pilly (*Acmena smithii*), Black Wattle (*Callicoma serratifolia*) and disclimax species such as Pittosporum (*Pittosporum undulatum*) and Cheese Tree (*Glochidion ferdinandi*). The communities are the descendants of the original vegetation, albeit in a highly modified form, due to the enormous developmental pressures since settlement. Nevertheless, these remnant indigenous communities are of very high significance in terms of scientific, botanic, historic, visual and recreational importance.

Since much of the remaining bushland is regrowth, there is very little of significance in terms of age and structure, however some tree species are represented by only a few individuals making these very significant indeed. Of particular note is the very tall grove of Blackbutt (*Eucalyptus pilularis*) adjacent to the entry road, near the tennis court carpark. These trees represent regrowth tall open forest and are possibly descendants of the trees that were logged from this valley throughout the 19<sup>th</sup> century. Similarly, large Blackbutts feature prominently in a mixed planted forest on the upper slopes of Cooper Park near Bellevue Gardens and Kendall Street, Bondi Junction. Furthermore, together with a magnificent Moreton Bay Fig, two Blackbutts frame a spectacular view over the valley at the foot of Raine Street, Bondi Junction.

In conjunction with this regrowth of urban bushland, Cooper Park has a significant cultural history of significant plantings, particularly dating to the 1930s. The park reflects the popular early 20<sup>th</sup> century gardenesque style in layout and structure, unfortunately now very much in decay. The basic philosophy was to provide a tamed view of the surrounding bushland “wilderness” by creating an ornamental parkland setting as a central feature with ornamental exotic trees as a major design element.

This is a recurring theme throughout Sydney’s urban bushland and is central to the original park layouts of Parsley Bay, Nielsen park and to a lesser degree Vaucluse Park in this municipality. Of particular note in Cooper park are the ornamental groves of Liquidambar (*Liquidambar styraciflua*), east of the tennis courts and the Eastern cottonwoods (*Populus deltoides*) on the level grassed area near Bellevue Gardens, Bondi Junction. There are also very large specimen plantings of *P. deltoides* in the gully below the amphitheatre, along the tennis court access road, off Suttie Road, and on the Lough Playing Fields, adjacent to Manning Road.

The banks of the creek also contain some magnificent groves of Tree ferns (*Cyathea* sp.) and several large planted Australian rain forest species including Black Bean (*Castanospermum australe*) and lemon-scented Myrtle (*Backhousia citriodora*).

In addition to these ornamental plantings are the visually prominent palm planting that are carried through to the streets in parts of Bellevue Hill, (Refer to Section: Significant Street Trees). These Cooper park palms, although of cultural and visual significance, make a rather disjunctive statement, juxtaposed with deciduous ornamental trees and set against a bushland backdrop. These palms also reflect a huge range of biogeographic origins from desert steppe to sub-tropical rain forests and are randomly massed as an arboretum, including Wine Palms (*Butia capitata*), Canary Island Date Palms (*Phoenix canariensis*), Kentia Palms (*Howea forsteriana*), a particularly fine specimen [of] Chinese Windmill Palm (*Trachycarpus fortunei*) next to the tennis courts and four tall Washington Palms (*Washingtonia robusta*).

The large grove of Monterey Pines [near the Community Hall and adjacent to Streatfield Road] is significant as a distinctive cultural planting of high visual and aesthetic quality. Whilst this North American species occurs sporadically throughout the Municipality in parks and private gardens, usually as an individual specimen, it is only in this location that it's been planted as a monocultural group. The pines form a very interesting woodland composition, wild and unkempt in character and very different to the native open forest and lush ornamental plantings of neighbouring Cooper Park."

### 5.3.3 Register of the National Estate (RNE)

Cooper Park was listed on the Commonwealth Government's Register of the National Estate (RNE) in 1993 – ID No: 17850 and Place File Number 1/12/041/0114. However, the RNE has been replaced by the National Heritage List (NHL) and no longer has statutory force. It survives as a searchable database.

*Cooper Park is an uncommon example of an early twentieth century municipal park which demonstrates a bushland pleasure ground style. The style is expressed by the predominance of bush vegetation, a creek and meandering network of paths which link a series of architectural features (Criterion B.2).*

*The Park is important for an array of cultural features which include synthetic stone structures, a moon bridge, a brick and concrete bridge, sandstone paths, a tennis pavilion and tennis courts and a grass amphitheatre with retaining wall and plaque (Criterion A.3). The Park contains some significant stands of remnant Port Jackson/Eastern Suburbs vegetation (Criterion A.1 and D1). These cultural features are laid out in a manner which demonstrates design excellence (Criteria F.1).*

### 5.3.4 Register of the National Trust of Australia (NSW)

Cooper Park is not listed on the Register of the National Trust of Australia (NSW).<sup>102</sup>

### 5.3.5 Cooper Park Conservation Management Plan

In 2011, consultants Thompson Berrill Landscape Design Pty Ltd were commissioned by Council to prepare a Conservation Management Plan (CMP) for Cooper Park. Their report includes a revised Statement of Significance for Cooper Park based on their review of the heritage values of the place.

*"Cooper Park is an uncommon example of an early twentieth century municipal park, which demonstrates a bushland pleasure ground style. The style is expressed by the predominance of bush vegetation, a creek and meandering network of paths which link a series of architectural features. The Park is*

<sup>102</sup> Heath Quint, National Trust of Australia (NSW), pers. comm., 9 April 2019

*important for an array of cultural features which include synthetic stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, a diverse range of outdoor recreation facilities including tennis pavilion and tennis courts, and a grass amphitheatre with retaining wall and plaque. Cultural plantings consist of both exotic and native plantings that were planted during the Parks early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence. The Park contains some significant stands of remnant Sydney Sandstone vegetation and vegetation with an affinity to the endangered Eastern Suburbs Banksia Scrub. These natural values have been recognised by the community and Council in more recent times, and the extensive regeneration and revegetation work undertaken since the 1980s has contributed to the parks ecological and natural value”.*

The CMP also contains statements of significance for individual elements and groups of elements within the park. However, the CMP only considers comparison with contemporary artificial stone structures at Taronga Zoo and does not assess the park or its elements for their rarity or representativeness, two of the Heritage Council's assessment criteria.

#### **5.3.6 Cooper Park Vegetation Management Plan**

As part of the studies for the Cooper Park CMP in 2010, EcoLogical Australia Pty Ltd (ELA) prepared a Vegetation Management Plan (VMP) for the park which assessed the relative levels of significance for the vegetation communities on the site.

Two species found in the Park are listed on Schedule 1 Threatened Species in the *BC Act*, namely *Acacia terminalis* subsp. *terminalis* (Sunshine Wattle), also listed as Endangered under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)* and *Syzygium paniculatum* (Magenta Lilly Pilly), listed as Vulnerable under the *EPBC Act*.

Areas in the park identified as Riparian Zone, Moist Woodland and Dry Woodland were all assessed as having high nature conservation value.

The areas of Disturbed Woodland and Sand Dune Vegetation within the park were assessed as having moderate conservation value.

Park areas assessed as having low nature conservation significance are open grassed areas, exotic plantings and areas with high levels of recreation use.

#### **5.3.7 Town Parks of NSW: Past, Present, Future**

In his 2014 survey on the history and evolution of urban parks in NSW landscape architect Warwick Mayne-Wilson provided the following assessment of the significance of Cooper Park.

“The amphitheatre has historical and social significance as a facility developed in the 1930s using largely local labour funded under the State-wide Unemployment Relief Scheme”.<sup>103</sup>

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<sup>103</sup> Mayne-Wilson 2014, p.121

### 5.3.8 Woollahra outdoor recreation & open space study

In Table 11 – Analysis of responses to exit surveys in the 'Woollahra outdoor recreation & open space study' final consultant report prepared by Manidis Roberts for Woollahra Municipal Council in October 1992, Cooper Park was considered by respondents as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons.

## 5.4 Review of heritage significance

The additional information obtained from review of previous documents and from the research for this assessment has enabled a review of the heritage values of Cooper Park since it was last assessed. Following is a revised assessment of significance against the relevant criteria.

### 5.4.1 Historical Significance (Criterion A)

*An item is important in the course, or pattern, of NSW's or an area's cultural or natural history.*

#### Guidelines for Inclusion

- 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

#### Exclusion

- 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

#### Types of items which typically meet criterion (a) include:

- items which demonstrate strong associations to past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the item or any structure on the place;
- items associated with significant historical events, regardless of the intactness of the item or any structure on the place;
- significant cultural landscapes and other items demonstrating overlays of the continual pattern of human use and occupation; and/or
- items where the physical fabric (above or below ground) demonstrates any of the points described above.

Cooper Park is associated with significant historical phases in the development of the cultural landscape of the Woollahra local government area, being part of the original Point Piper Estate. The park contains some of the largest areas of remnant bushland in Woollahra Municipality with representative vegetation from the area and is the largest relatively undeveloped remnant of the historic Cooper Estate. The park includes Sydney Sandstone Gully Forest and vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub. Cooper Park retains physical fabric in the form of significant remnants of the original ecological communities, extensive ornamental cultural plantings and extensive Depression-era landscaping works.

Cooper Park satisfies the inclusion guidelines for Criterion A at a local level as a significant part of the historic cultural landscape of Woollahra local government area but not at a State level.

#### **5.4.2 Historical Associational Significance (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 or an area's cultural or natural history.*

##### **Guidelines for Inclusion**

- shows evidence of a significant human occupation
- is associated with a significant event, person, or group of persons

##### **Guidelines for Exclusion**

- has incidental or unsubstantiated connections with historically important people or events
- provides evidence of people or events that are of dubious historical importance
- has been so altered that it can no longer provide evidence of a particular association

##### **Types of items which typically meet this criterion include:**

- items which demonstrate strong associations to a particular event, historical theme, people or philosophies, regardless of the intactness of the item or any of its structures;
- items associated with significant historical events, regardless of the intactness of the item or any structure on the place; and/or
- items where the physical fabric (above or below ground) demonstrates any of the points described above.

Cooper Park has strong associations with the application of the NSW Prevention and Relief of Unemployment Act 1930 and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure.

The award-winning 1928 masterplan for Cooper Park was the work of architects S E Coleman and R G C Coulter. Coulter worked with Bradfield on the design of Sydney Harbour Bridge and designed several significant early buildings at Taronga Zoo. The Depression-era works at Cooper Park have strong associations with Ernest Miles and H Arnold. The role of Woollahra Municipal Council in managing the park, which includes the largest area of remnant bushland under Council's care, control and management, is also significant against this criterion.

Cooper Park has a strong association with the Cooper family, being the largest relatively undeveloped remnant of the extensive estate developed by the Cooper family from 1827 and including associations with two well-known members, both named Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902).<sup>1</sup>

The Aboriginal cultural heritage of Cooper Park has not been investigated in the scope of this assessment report, but sites of Aboriginal significance have been recorded for the park area.



Cooper Park satisfies the inclusion guidelines for Criterion B at a local and a State level.

#### **5.4.3 Aesthetic Significance (Criterion C)**

*An item is important in demonstrating aesthetic characteristics and / or a high degree of creative or technical achievement in NSW or an area.*

##### **Guidelines for Inclusion**

- 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

##### **Guidelines for Exclusion**

- 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

##### **Types of items which meet this criterion include:**

- items which demonstrate creative or technical excellence, innovation or achievement;
- items which have been the inspiration for creative or technical achievement;
- items which demonstrate distinctive aesthetic attributes in form or composition;
- items which demonstrate a highly original and influential style, such as an important early (seminal) work of a major architect; and/or
- items which demonstrate the culmination of a particular architectural style (known as climactic).

The cultural landscape of Cooper Park is aesthetically distinctive, with its mix of sandstone topography, remnants of the original ecological communities, introduced ornamental plantings and well-constructed hard landscape works, including the constructed Cooper Creek and associated drainage structures, and visitor facilities. The park is an unusual example of a 1930s municipal park blending the bushland pleasure ground designed landscape style with Gardenesque elements to produce a place with design excellence and special character. The large number of naturalistic synthetic stone shelters constructed by H Arnold, the same person who constructed the faux rock enclosures at Taronga Zoo, add to the aesthetic significance of Cooper Park

Cooper Park satisfies the inclusion guidelines for Criterion C at a local level but not at a State level.

#### **5.4.4 Social Significance (Criterion D)**

*An item has strong or special association with a particular community or cultural group in NSW or an area for social, cultural or spiritual reasons.*

##### **Guidelines for Inclusion**

- is important for its associations with an identifiable group
- is important to a community's sense of place

##### **Guidelines for Exclusion**

- is only important to the community for amenity reasons
- is retained only in preference to a proposed alternative

**Types of items which meet this criterion include:**

- items which are esteemed by the community for their cultural values;
- items which if damaged or destroyed would cause the community a sense of loss; and/or
- items which contribute to a community's sense of identity.

Items are excluded if:

- they are valued only for their amenity (service convenience); and/or
- the community seeks their retention only in preference to a proposed alternative.

Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons.

The local community has contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. This extends from initial lobbying for establishment of a public park on the site, to the Rangers League who completed works in the park (1930), through to contemporary involvement by the community in the bushland restoration and regeneration works, and the tennis club. It is likely that many people who use or have used the park for active and/or passive recreation will consider it to have social significance for them.

It is considered that Cooper Park satisfies the inclusion guidelines for Criterion D at a local but not at a State level.

**5.4.5 Technical Significance and Research Potential (Criterion E)**

*An item has potential to yield information that will contribute to an understanding of NSW's or an area's cultural or natural history.*

**Guidelines for Inclusion**

- 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

**Guidelines for Exclusion**

- 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 inclusion guidelines are pointers to assist in making an assessment against this criterion but should not constrict the consideration. Similarly, the attributes described in the exclusion guidelines can be used to check if the fabric of the item or place meets the criterion, or to check a judgment that an item does not meet this criterion. In addition to a detailed examination of surviving physical fabric, documents, oral history and other sources of evidence can often assist the assessment of whether a site can reveal valuable archaeological, technical, or scientific information. For example, it may become apparent that the buried footings of a colonial house have

little integrity if there is historical evidence that the site has been so disturbed that there will be no additional archaeological deposits associated with the use of the house.

The Aboriginal cultural heritage values have not been investigated in the scope of this heritage assessment and therefore significance to Aboriginal cultural groups cannot be determined. There are records of engravings in or near Cooper Park and it is therefore likely that the site may contribute to enhanced understanding of the aboriginal cultural history of the area in the future, at least at a local level.

Cooper Park is an area with significant natural heritage values arising from its location within a highly modified and urbanised environment, with uncommon large stands of remnant or advanced regrowth vegetation. The presence of this vegetation, comprising several ecological communities and two threatened plant species, albeit modified and depauperate, contributes to our understanding of the natural history of the local area.

The archival photographic record for the park also provides evidence of how various tree species have performed over a period of more than 80 years.

Cooper Park satisfies the inclusion guidelines for Criterion E at a local level but not at a State level.

#### 5.4.6 Rarity (Criterion F)

*An item possesses uncommon, rare or endangered aspects of NSW's or an area's cultural or natural history.*

##### Guidelines for Inclusion

- 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

##### Guidelines for Exclusion

- is not rare
- is numerous but under threat

The inclusion guidelines are pointers to assist in making an assessment against this criterion but should not constrict the consideration. Similarly, the attributes described in the exclusion guidelines can be used to check if the fabric of the item or place meets the criterion, or to check a judgment that an item does not meet this criterion. For example, a park in a country town may be said to be a *rare* example of Victorian public garden design, but further research may reveal that it is a *representative* example, as there are many such parks in country towns in NSW. If it is one of the few remaining examples of an important 19th century garden designer, or contains species not found in similar gardens elsewhere, it may qualify as rare in the NSW context. Assuming it is the only garden of its type in the local area, it is likely it would also be rare in the local context. The level of heritage significance at State or local levels can only be determined by comparison with other like items or by proving that

there is no documentation on similar items. This helps in determining the heritage significance of an item.

Cooper Park is a rare example of extensive high-quality Depression-era public recreation landscape works in the Woollahra local government area and probably in NSW generally. The constructed creek, associated drainage structures, ponds and bridges are relatively intact and uncommon examples of their type. The extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold is rare at a State level.

The rarity value of the Park is also enhanced by the presence of two threatened plant species *Acacia terminalis* subsp. *terminalis* and *Syzygium paniculatum*.

Cooper Park is assessed as satisfying the inclusion guidelines for Criterion F at a local level and at a State level.

#### **5.4.7 Representativeness (Criterion G)**

*An item is important in demonstrating the principal characteristics of a class of NSW's or an area's cultural or natural places or environments.*

##### **Guidelines for Inclusion**

- 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

##### **Guidelines for Exclusion**

- 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 inclusion guidelines are pointers to assist in making an assessment against this criterion but should not restrict the consideration. A fine representative example needs to demonstrate key characteristics of its type or class. The intactness of the physical fabric of an item (its integrity) is another attribute that can be used to qualify the rare or representative criteria. The attributes described in the exclusion guidelines can be used to check if the item or place meets the criterion or to check a judgment that an item does not meet this criterion. For example, a group of Victorian cottages in a place with many examples of 19th century architecture, such as Bathurst or the inner suburbs of Sydney, may have representative value. In another city or suburb in which most of the 19th century architecture has been replaced they may be assessed as rare.

The level of heritage significance at State or local levels can only be determined by comparison with other like items. The attributes described for criteria (f) and (g) will assist in the determination of significance. A heritage item is not to be excluded on the ground that items with similar characteristics have already been entered on a statutory list.

Cooper Park is an excellent and remarkably intact representative example of Depression-era public landscape works designed to provide employment for out-of-work men and improved amenities for the community.

Cooper Park satisfies the inclusion guidelines for Criterion G at least at a local and probably at a State level, subject to further comparative analysis.

## **5.5 Integrity and intactness**

Integrity is “the state of being whole, entire or undiminished”<sup>104</sup>. While there have been changes made to Cooper Park since the major works of the Depression era, by way of new structures and visitor facilities, the park still has a high degree of integrity.

Another term commonly used in the assessment of heritage items is intactness, a measure of the degree to which the item remains unaltered from its original configuration. Against this measure, Cooper Park retains areas of the original ecological communities, albeit modified by introduction of non-local native species, exotic ornamentals and weeds. The park also retains most of the Depression-era built elements and landscape features albeit modified by introduction of new materials such as fencing, handrails and track surfaces to improve cost-effectiveness and compliance with safety standards.

## **5.6 Archaeological Significance**

### **5.6.1 Definitions**

Archaeological potential is based on the likelihood of archaeological material surviving from the historical occupation phases of the site. Archaeological material can contribute to understanding the history and significance of a site. The survival of archaeological material depends on the nature of the archaeological material and on the degree of site disturbance.

Archaeological material has statutory protection under the *Heritage Act* 1977, which prohibits the exposure of *relics*.<sup>105</sup> If proposed work is likely to affect known relics or is likely to discover, expose, move, damage or destroy a relic, an excavation permit is required. Permits are issued to archaeologists by the Heritage Council of NSW in accordance with Sections 57 or 140 of the *Heritage Act*, 1977. Permits are approved based on a demonstrated need to disturb the archaeological resource, a research design, the archaeological technique to be employed and the management of excavated material or features left in-situ. Applications for permits require approximately 21 days to consider. Exemptions for maintenance of plumbing and other subterranean services exist and are assessed for each archaeological site.

The National Parks and Wildlife Service has delegated authority to issue excavation permits for some classes of excavation, including the work on sites containing Aboriginal archaeological sites. The Aboriginal archaeological potential of Cooper Park has not been assessed during this assessment. If Aboriginal archaeological material is exposed in the future, work should stop and the NP&WS contacted.

<sup>104</sup> *Macquarie Dictionary*, 2nd ed., 1991

<sup>105</sup> “*relic*” means any deposit, artefact, object or material evidence that:  
(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance. Ref: *Heritage Act* 1977 & *Heritage Amendment Act* 2009 No.34



All archaeological work, whether carried out under a permit or not, must conform to the established professional standards. The archaeological requirements include the archiving of reports and archaeological collections as well as the dissemination of the results as part of the archaeological work.

No archaeological investigations of Cooper Park have been carried out for this assessment.

### **5.7 Statement of significance**

Cooper Park is historically significant at a local level through its associations with significant historical phases in the development of the cultural landscape of the Woollahra local government area, being part of the original Point Piper Estate. The park contains some of the largest areas of remnant bushland in Woollahra Municipality with representative vegetation from the area, including vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub. (Criterion A)

Cooper Park has associational significance at a State level derived from strong associations with the application of the NSW *Prevention and Relief of Unemployment Act* 1930 and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure. The park also has strong associations with noted architects S E Coleman and R G C Coutler who won the design competition for the park and with Ernest Miles and H Arnold who supervised the Depression-era works. The park has a strong association with the Cooper family, being a remnant of the extensive estate developed by the Cooper family from 1827 and including associations with two well-known members, both named Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902). It is significant at a local level for these associations. (Criterion B)

Cooper Park has aesthetic significance at a State level as an increasingly rare surviving example of an early 20<sup>th</sup> century municipal park, created in a bushland pleasure ground style, expressed by the predominance of bush vegetation, a constructed creek and meandering network of paths which link a series of architectural features. The Park is important aesthetically for its array of Depression-era cultural features which include a grass amphitheatre with retaining wall and plaque, artificial stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, and a diverse range of outdoor recreation facilities including a 1920s tennis pavilion and tennis courts. Cultural plantings consist of both exotic and native plantings that were planted during the park's early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence and high creative endeavor. (Criterion C)

While social value is hard to quantify without detailed surveys of those who have been associated with a place, it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons. The local community has also contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. (Criterion D).

The Aboriginal cultural heritage values have not been investigated in the scope of this heritage assessment and therefore significance to Aboriginal cultural groups cannot be determined. However, there are records of engravings in or near Cooper Park and it is therefore likely that the site may contribute to enhanced understanding of the aboriginal cultural history of the area in the future, at least at a local level.

Cooper Park is considered to have technical and research significance at a local level but probably not at a State level. These values are derived from its ecological communities and two threatened plant species as well as the archival photographic record for the park which provides evidence of how various tree species have performed over a period of more than 80 years. (Criterion E)

Cooper Park is rare at a State level as an excellent example of high-quality Depression-era public recreation landscape works including an extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold who built similar enclosures for animals at Sydney's Taronga Zoo. The rarity value of the park is also enhanced by the presence of two threatened plant species *Acacia terminalis* subsp. *terminalis* and *Syzygium paniculatum*. (Criterion F)

The park is also representative at a local level, and possibly at a State level, subject to further comparative analysis, of 1920s / '30s pleasure ground designed landscapes with Depression-era public landscape works to provide employment for out-of-work men and improved amenities for the community. (Criterion G)

## 5.8 Grading of significance for Cooper Park elements

### 5.8.1 Rationale for grading

Grading of significance is in accordance with the *NSW Heritage Manual* update 'Assessing Heritage Significance' (NSW Heritage Office, August 2000). Typical gradings and the recommended management regimes for each grading are shown in the table below.

Grading	Justification	Status & Management
Exceptional	Rare or outstanding item of local or State significance. High degree of intactness. Item can be interpreted relatively easily.	Fulfil criteria for local or State listing. Retain, conserve (restore / reconstruct) and maintain. Adaptation is appropriate if it is in accordance with Burra Charter principles and with the specific guidance provided in this heritage significance assessment.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfil criteria for local or State listing. Retain, conserve (restore/reconstruct) and maintain. Adaptation is appropriate if it is in accordance with Burra Charter principles and with the specific guidelines provided in this heritage significance assessment. There is generally more scope for change than for components of exceptional significance.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfil criteria for local or State listing. Retain, adapt and maintain. Demolition / removal is acceptable if there is no adverse impact on the significance of the place. Retention in some cases may depend on factors other than assessed values, including physical condition and functionality.
Little or none	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing. Retain, alter or demolish / remove as required provided there are no adverse impacts on the significance of the place. Sensitive alteration or demolition/removal may assist with enhancing the significance of components of greater significance.
Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing. Demolish / remove when the opportunity arises while ensuring there are no adverse impacts on the significance of other more significant components. Components that are actively contributing to the physical deterioration of components of higher significance should be removed as a matter of priority.

### 5.8.2 Application of gradings to Cooper Park elements

Those components that are critical to the significance of the place include items of local significance, worthy of inclusion on any register of items of significance.

Elements in this category include:

- all original and early principal spaces that retain all or much of their original spatial character and characteristic fabric;
- original and early site layout, built elements and plantings;
- significant views and view corridors to, from and within the site;
- the entire archival collection, including Woollahra Council records, historic photographs, plans and reports.

The heritage values of the various component elements within Cooper Park have been assessed using the criteria in Section 5.4 for the purpose of enabling decisions on the future conservation and development of the place to be based on an understanding of its significance. The schedule below identifies those landscape components which contribute to the overall significance of Cooper Park.

These assessments have been made without regard to the practical considerations which will subsequently be considered in formulating conservation policies. In other words, the assessments below relate solely to *significance* (how important the item is), and do not relate to *management* (what should happen to the item). Management decisions should consider both significance and other issues such as physical condition.

It should be noted that some components or spaces have been degraded by recent development, by adaptation or deterioration, and would require restoration or reconstruction to recover their full significance. In some cases, significant fabric may be obscured by later materials or finishes.

Significance Level	Elements in Cooper Park
Exceptional	Specimens of <i>Acacia terminalis</i> subsp. <i>terminalis</i> ; Specimens of <i>Syzygium paniculatum</i> ; Original and early artificial stone shelters, grotto seats, paths, steps, drains, retaining walls, water features
High	Areas of Riparian Zone, Moist Woodland and Dry woodland vegetation as identified by ELA in Vegetation Management Plan 2010; Former toilet block; Tennis courts and pavilion; Cultural plantings as identified in the CMP;
Moderate	Doric pillars at top of Amphitheatre steps; Areas of Disturbed Woodland and Sand Dune Vegetation as identified by ELA in 2010; Former Scout Hall (now community Hall).
Little or none	Recent park furniture including benches, picnic tables, water fountains; Interpretive, wayfinding and regulatory signage; Recent concrete steps and steel and treated pine handrails; Community Garden and Children's playground, Cooper Park North
Intrusive	N/A

## **5.9 Curtilage Considerations**

### **5.9.1 Some Definitions**

In the past, the term curtilage has been interpreted in various ways by landscape professionals and the courts, often as the minimal area defined as 'the area of land occupied by a dwelling and its yard and outbuildings, actually enclosed or considered as enclosed by a building and its outbuildings'<sup>107</sup>. This definition does not take into account the importance of the setting of a heritage item, which may not be a building and may include a substantial garden or landscape and views and vistas to and from the item. The current NSW Heritage System interpretation of curtilage, embodied in the 1996 Heritage Council publication, *Historic Curtilages*, may be summarised as the area around a heritage item that must be conserved in context to retain the significance of the item and enable its heritage values to be interpreted.

The curtilages for many properties now listed on the State Heritage Register or on Local Environmental Plan schedules were defined at a time when more emphasis was placed on the architectural qualities of buildings than on their landscape contexts. Since the early 1980s there has been an increase in community awareness of the need to protect adequate settings for heritage items, including views and vistas. This enhanced appreciation of landscape is highlighted in the 1999 revision of the Burra Charter of Australia ICOMOS, placing greater emphasis on 'setting'. Article 8 of the Burra Charter now reads:

"*Conservation* requires the retention of an appropriate visual *setting* and other relationships that contribute to the *cultural significance* of the *place*. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate".

The Explanatory Notes to Article 8 are as follows:

"Aspects of the visual setting may include use, siting, bulk, form, scale, character, colour, texture and materials. Other relationships, such as historical connections, may contribute to interpretation, appreciation, enjoyment or experience of the place."

### **5.9.2 Determination of a curtilage for Cooper Park**

The statutory curtilage for a heritage item is usually but not always the lot or lots on which the item stands and, for statutory purposes, is usually but not always restricted to land in the same ownership as the item. The boundaries for an adequate curtilage may be the historic lot boundaries or a smaller area resulting from previous subdivision(s). They may also include adjoining lands critical to retention of views and vistas, although these values may sometimes be more appropriately conserved through planning controls other than those used to protect the item and its immediate setting.

Definition of a curtilage for a historic place does not preclude development within its bounds but requires particular care in the consideration of the nature, extent and impact of such development. However, given the nature and significance of Cooper Park as valuable community open space in an increasingly dense urbanized environment and the significant built and landscape elements on the site, developments other than park management, canopy replenishment and heritage interpretation are not recommended.

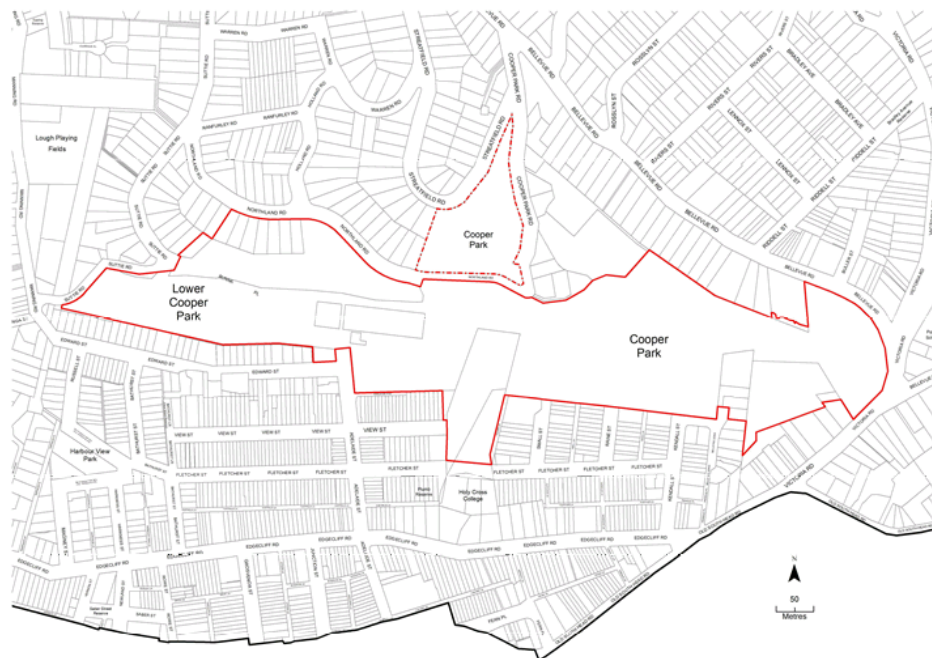
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<sup>107</sup> *Macquarie Dictionary*, 2nd edition, 1991



The spaces and elements of State significance are located in the southern part of Cooper Park, encompassing the gully, remnant ecological communities, introduced plantings and the Depression era landscape works. It is recommended that the SHR curtilage should include all these spaces and elements.

While Cooper Park North is part of the former Cooper estate and has high amenity values derived from its landscape, Community Hall (former Scout Hall), Community Garden and trees it does not warrant listing on the LEP schedule but should be retained and managed as Community Land. Consequently, it is recommended that the statutory curtilage for the SHR nomination of Cooper Park should be limited to the area as indicated by a solid red edging on Figure 2.



**Figure 2** Recommended SHR (State significant) curtilage shown solid red. The dashed area is Cooper Park North which is not recommended for SHR or LEP listing. All boundaries subject to detailed survey. (Source: Woollahra Municipal Council 2019)

### 5.10 SHI form & SHR nomination form

In accordance with the brief, since Cooper Park has been assessed to have heritage significance at a local level, a draft State Heritage Inventory (SHI) form for Cooper Park has been prepared and is included as Appendix A. Since Cooper Park has also been assessed to have heritage significance at a State level, a nomination for listing on the State Heritage Register is included as Appendix B. The SHI forms for the existing LEP listings for elements within and adjacent to the park are included as Appendices C, D, E, F and G.

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### 6.1 Conclusions

Based on the assessment in the previous sections, I am of the opinion that Cooper Park is of local heritage significance for its historic, aesthetic and social values,

significance at a State level that would warrant its nomination for inclusion on the State Heritage Register.

Given the importance of the park for the conservation of two threatened plant species, remnants of significant ecological communities and many built and landscape elements of cultural heritage significance, I am of the opinion that conservation of the park's heritage values may be best achieved if the entire park, including Lower Cooper Park, Cooper Park and Cooper Park North, is retained as community land in public ownership.

Should the park be listed on the SHR, I am of the opinion that any potential conflicts between heritage controls and park management, including routine maintenance and repairs and implementation of sympathetic development works can be resolved through the application of relevant exemptions. It is common practice for the Minister for Heritage to grant standard exemptions to SHR listings for routine maintenance and repairs and it is also common for exemptions to be granted for works carried out in accordance with an endorsed Conservation Management Plan or Plan of Management. Such exemptions have been granted in the case of several other SHR-listed parks in NSW, including Centennial Parklands (Centennial Park, Queens Park and Moore Park); Central Park, Armidale; Cook Park, Orange; Hyde Park, Sydney; Iloura reserve, East Balmain; Ivanhoe Park (including Manly Oval) Cultural Landscape, Manly; Macquarie Place, Sydney; McQuade Park, Windsor; North Beach Precinct, Wollongong; Wilberforce Park, Wilberforce; Parramatta Park and Old Government House, Parramatta; Prince Alfred Square, Parramatta; Richmond Park, Richmond; St Leonards Park, North Sydney;

## **6.2 Listing and management recommendations**

It is recommended that:

1. Woollahra Municipal Council should propose the area of Cooper Park, encompassing the major significant ecological communities and the Depression-era unemployment relief landscape works, as outlined solid red on Figure 27 for listing as an item of State significance on Schedule 5, Woollahra LEP 2014.
2. Woollahra Municipal Council should nominate the southern area of Cooper Park, as identified in dot point #1 above and outlined solid red on Figure 27, to the Heritage Council of NSW for consideration of listing on the State Heritage Register.
3. Cooper Park should continue to be managed to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance, erosion control and conservation of its significant natural, landscape and built elements.
4. An updated Conservation Management Plan for Cooper Park should be prepared to take into account relevant information on the park that has been accumulated since 2011 and changes to the nature, condition and management regime that have taken place since 2011. If the park is listed on the SHR, Heritage Council endorsement of the updated CMP should be sought.
5. Consideration should be given to interpreting the heritage significance of Cooper Park in culturally sensitive ways which may include but should not be limited to material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.
6. An updated Vegetation Management Plan / Canopy Replenishment Strategy for Cooper Park should be prepared to provide for the conservation of natural vegetation in the park and the staged replacement of the significant cultural plantings on the site, the timing of such replacement to be guided by

arboricultural assessment of the vigour, condition and useful life expectancy of the trees.

7. Should Cooper Park be listed on the State Heritage Register, any works consistent with the policies and other recommendations of an endorsed Conservation Management Plan could be exempted, subject to ministerial approval, to reduce the need for frequent applications under Section 60, Heritage Act.



Chris Betteridge  
Director, Betteridge Heritage  
3 November 2019

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Sources consulted, and useful references are listed below.

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## **8.0 Appendices**

***Appendix A – Draft SHI form for Cooper Park***

***Appendix B – Draft nomination form for SHR listing***

***Appendix C – SHI database entry for Sandstone retaining wall and railing facing Cooper Park, Adelaide Parade, Woollahra***

***Appendix D – SHI database entry for Canary Island Date Palm and Chinese Windmill Palm, Cooper Park North***

***Appendix E – SHI database entry for Concrete Horse Trough, Victoria Road intersection with Bellevue Road adjoining Cooper Park***

***Appendix F – SHI database entry for Sewer Vent, 56 Streatfield Road (off Cooper Park Road)***

***Appendix G - SHI database entry for Washington Palms, Cliff Date Palm, Canary Island Date Palms, Northland Road within the road reserve***

***Appendix A – Draft SHI form for Cooper Park listing  
on Woollahra LEP 2014***

ITEM DETAILS						
Name of Item	Cooper Park					
Other Name/s, Former Name/s	Part of former Cooper Estate					
Item type (if known)	Landscape & Built					
Item group (if known)	Cultural Landscape					
Item category (if known)	Parks, Gardens & Trees					
Area, Group, or Collection Name						
Street number						
Street name	Suttie Road, Double Bay					
Suburbs	Double Bay and Bellevue Hill				Postcode	2028 and 2023
Local Government Area	Woollahra					
Property description	Cooper Park is defined to the west by Suttie Road, to the north by Northland Road, to the east by Bellevue Road / Victoria Road, and to the south by residential properties located north of Fletcher Street.					
Location - Lat/long	Latitude				Longitude	
Location - AMG (if no street address)	Zone		Easting		Northing	
Owner	Woollahra Municipal Council					
Current use	Bushland Reserve / Public Park					
Former Uses	Part of historic Cooper Estate; logging; quarry site; municipal incinerator site.					
Statement of significance	<p>Cooper Park is historically significant at a local level through its associations with significant historical phases in the development of the cultural landscape of the Woollahra local government area, being part of the original Point Piper Estate. The park contains some of the largest areas of remnant bushland in Woollahra Municipality with representative vegetation from the area, including vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub. (Criterion A)</p> <p>Cooper Park has associational significance at a State level derived from strong associations with the application of the NSW <i>Prevention and Relief of Unemployment Act</i> 1930 and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure. The park also has strong associations with noted architects S E Coleman and R G C Coutler who won the design competition for the park and with Ernest Miles and H Arnold who supervised the Depression-era works. The park has a strong association with the Cooper family, being a remnant of the extensive estate developed by the Cooper family from 1827 and including associations with two well-known members, both named</p>					

	<p>Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902).<sup>108</sup> It is significant at a local level for these associations. (Criterion B)</p> <p>Cooper Park has aesthetic significance at a State level as an increasingly rare surviving example of an early 20<sup>th</sup> century municipal park, created in a bushland pleasure ground style, expressed by the predominance of bush vegetation, a constructed creek and meandering network of paths which link a series of architectural features. The Park is important aesthetically for its array of Depression-era cultural features which include a grass amphitheatre with retaining wall and plaque, artificial stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, and a diverse range of outdoor recreation facilities including a 1920s tennis pavilion and tennis courts. Cultural plantings consist of both exotic and native plantings that were planted during the park's early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence and high creative endeavor. (Criterion C)</p> <p>While social value is hard to quantify without detailed surveys of those who have been associated with a place, it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons. The local community has also contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. (Criterion D).</p> <p>The Aboriginal cultural heritage values have not been investigated in the scope of this heritage assessment and therefore significance to Aboriginal cultural groups cannot be determined. However, there are records of engravings in or near Cooper Park and it is therefore likely that the site may contribute to enhanced understanding of the aboriginal cultural history of the area in the future, at least at a local level.</p> <p>Cooper Park is considered to have technical and research significance at a local level but probably not at a State level. These values are derived from its ecological communities and two threatened plant species as well as the archival photographic record for the park which provides evidence of how various tree species have performed over a period of more than 80 years. (Criterion E)</p> <p>Cooper Park is rare at a State level as an excellent example of high-quality Depression-era public recreation landscape works including an extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold who built similar enclosures for animals at Sydney's Taronga Zoo. The rarity value of the park is also enhanced by the presence of two threatened plant species <i>Acacia terminalis</i> subsp. <i>terminalis</i> and <i>Syzygium paniculatum</i>. (Criterion F)</p> <p>The park is also representative at a local level, and possibly at a State level, subject to further comparative analysis, of 1920s / '30s pleasure ground designed landscapes with Depression-era public landscape works to provide employment for out-of-work men and improved amenities for the community. (Criterion G).</p>
Level of Significance	State <input checked="" type="checkbox"/> (excluding Cooper Park North)

<sup>108</sup> Obituaries Australia accessed at <http://oa.anu.edu.au/obituary/cooper-sir-william-charles-13706> on 23 April 2019

DESCRIPTION	
<b>Designer</b>	Architects S E Coleman of Gordon and RCG Coulter of Eastwood won a competition in 1928 to design the layout of the park. Later alterations have been designed by Woollahra Municipal Council staff.
<b>Builder/ maker</b>	<p>Much of the ornamental stonework, including walls, balustrades, paths, steps, bridges, drainage channels and ponds was constructed by workers engaged by Woollahra Municipal Council with Unemployment Relief Fund moneys made available under <i>The Prevention and Relief of Unemployment Act 1930</i>.</p> <p>Artificial rock shelters were constructed by H Arnold.</p> <p>Much stone work including the construction of the Moon Bridge was supervised by Ernest Miles.</p>
<b>Physical Description</b>	<p>The valley in which Cooper Park is located is dominated by bushland and planted native and exotic trees, with open grassed areas including tennis courts and cricket pitches in the valley floor. The recreational facilities within the park include tennis courts, cricket pitches and cricket nets, kiosk, a playground, junior sports fields, community garden, an extensive system of walking tracks, unusual mock stone shelters, a range of footbridges, a grassed amphitheatre, community facilities and informal open grassed areas. The eastern end of Cooper Park is characterised by an open grassed area with expansive views. A smaller open grassed area to the south of the main area of the park is known as Fig Tree Lane Reserve and located over Fletchers Gully.</p> <p>Eco Logical Australia Pty Ltd (ELA) has assessed the native vegetation values of Cooper Park, including the identification and mapping of each recognisable ecological community and identification of any threatened plant species. Since their study, the NSW <i>Threatened Species Conservation Act 1995 (TSC Act)</i> has been repealed and replaced by the <i>Biodiversity Conservation Act 2016 (BC Act)</i>. Two species found in the Park are listed on Schedule 1 Threatened Species in the BC Act, namely <i>Acacia terminalis</i> subsp. <i>terminalis</i> (Sunshine Wattle), also listed as Endangered under the Commonwealth <i>Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)</i> and <i>Syzygium paniculatum</i> (Magenta Lilly Pilly), listed as Vulnerable under the <i>EPBC Act</i>.</p> <p>The ELA study identified the <b>Riparian Zone</b> vegetation in Cooper Park as having high conservation significance due to its role in supporting a threatened species <i>Syzygium paniculatum</i> and in providing habitat for frog, bat and bird species.</p> <p><b>Moist Woodland</b> occurring on the south facing slope of the northern side of the gully to the west and east was assessed as having high conservation values derived from its remnant local native trees and understorey shrubs as well as providing habitat for the threatened species <i>Acacia terminalis</i> subsp. <i>terminalis</i>.</p> <p>The <b>Dry Woodland</b> community occurring to the south of the tennis courts up towards Adelaide Parade which is the north-facing slope is assessed as having high conservation value for the same reasons as the Moist Woodland.</p> <p>The areas of <b>Disturbed Woodland</b> generally correlate with the areas of the park that were cleared of vegetation as visible in the 1930 and 1943 air photo coverage of the area. These areas have been planted with exotic ornamentals and non-local native species producing a community assessed as having moderate conservation value.</p> <p>One small area of <b>Sand Dune Vegetation</b> on Aeolian (wind-blown) sands exists in the north-east corner of Cooper Park adjacent to Bellevue Road and is assessed as having moderate conservation value.</p>



	<p>Two areas of <b>Native Revegetation</b>, planted with non-local native species, occur in Cooper Park, one along the Suttie Road and Bunna Place entry to the park and the other in the north-east of the park on the edge of the Amphitheatre. These are assessed as having moderate conservation value.</p> <p>Park areas assessed as having low nature conservation significance are open grassed areas, exotic plantings and areas with high levels of recreation use.</p> <p>Cultural plantings include mature plantings of <i>Araucaria cunninghamii</i> (Hoop Pine), <i>Brachychiton acerifolius</i> (Illawarra Flame Tree), <i>Butia capitata</i> (Jelly Palm), <i>Cupressus sempervirens</i> (Mediterranean Cypress), <i>Ficus macrophylla</i> (Moreton Bay Fig), <i>F. rubiginosa</i> (Port Jackson Fig), <i>Jacaranda mimosifolia</i> (Jacaranda), <i>Liquidambar styraciflua</i> (Liquidambar), <i>Phoenix canariensis</i> (Canary Island Date Palm), <i>Populus deltoides</i> (Cottonwood), <i>Podocarpus elatus</i> (Plum Pine) and <i>Pinus radiata</i> (Radiata Pine, Monterey Pine).</p> <p>Built elements in Cooper Park include the tennis courts and associated pavilion, artificial stone shelters, octagonal public toilet block (now a storage facility for park staff and volunteers), stone and concrete bridges, drainage channels and pits, amphitheatre and retaining walls, stone, concrete and earth paths..</p>					
<b>Physical condition and Archaeological potential</b>	<p>Condition varies from good to poor, with some trees senescent or damaged. Some early structures including some of the artificial stone shelters have deteriorated and require conservation work.</p> <p>Archaeological potential has not been assessed but some Aboriginal sites occur within the park.</p>					
<b>Construction years</b>	<b>Start year</b>	1917	<b>Finish year</b>	1930s, 2000s	<b>Circa</b>	<input type="checkbox"/>
<b>Modifications and dates</b>	<p>Cooper Park Regeneration Scheme late 1970s.</p> <p>Tennis Pavilion partially demolished and rebuilt in 1990.</p> <p>Two Doric pillars originally from Sydney Post Office and later relocated to Elizabeth Bay House and to Vaucluse House, were erected in 1994 at the top of the steps leading down from Victoria road, Bellevue Hill to the amphitheatre.</p> <p>Landslide repair works in the amphitheatre were carried out in 2009.</p> <p>Additions over the years have brought the Park up to its present area of 15 ha (38 acres).</p>					
<b>Further comments</b>						
<b>HISTORY</b>						
<b>Historical notes</b>	<p>The dense bushland, rock shelters, fresh water and proximity to the harbour would have made the area that is now Cooper Park attractive to the Cadigal people, a clan of the coastal Dharug language group, who had been caring for the land for millennia.</p> <p>After European arrival and settlement in Sydney from 1788 onwards, small semi- permanent camps evolved around Sydney including among the swamps of Double Bay and Rushcutters Bay. Europeans brought smallpox with them and within two years only three Cadigal People are said to have survived in the area. Small grants were made to emancipists such as Hayes from 1793 onwards and during the earlier half of Macquarie's Governorship, soldiers received grants in Double Bay and Rose Bay, the most significant being to Captain John Piper at Point Piper. His estate grew to a massive 1,130 acres. Daniel Cooper (1785-1853), a former convict became a business identity in this area in partnership with Solomon Levey after 1821. Financial pressures forced Piper to sell the Point</p>					

	<p>Piper Estate to Cooper and Levey in 1826. Their title to the land was confirmed in 1830 and it became the sole property of Daniel Cooper in 1847. The Vaucluse part of Piper's estate was bought by William Charles Wentworth. Daniel Cooper lived in the area until he returned to England in 1831 and in 1833 Solomon Levey died. Legal complications associated with Solomon Levey's death meant that between 1833 and 1842 1,300 acres of the estate remained undeveloped and other activities such as logging to fuel tallow production are thought to have occurred in what is now known as Cooper Park. Cooper eventually bought out the heir to Solomon Levey's estate, John Levey, after lengthy negotiations. An 1841 trigonometric survey of the Cooper Estate<sup>110</sup> shows predominantly undeveloped land with a small natural watercourse flowing through the incised valley that is now known as Cooper Park, before entering what appears (by its regularity) to have been a man-made open canal in the lower reaches of the gully area. This canal then carried the natural drainage across the level ground between Manning Road and Bellevue Road towards Double Bay. By 1842 the Cooper family effectively owned the former Point Piper Estate including Cooper Park.</p> <p>On Cooper's death in 1853, his nephew, also Daniel Cooper (later Sir Daniel Cooper), born in Lancashire in 1821, was appointed trustee of the Point Piper Estate. In 1856 Cooper began a great mansion called 'Woollahra House' on Point Piper, on the site of Piper's 'Henrietta Villa'. In the same year Cooper became first Speaker of the new Legislative Assembly. He resigned from the Speakership in 1860 and returned to England a year later, became the Agent-General for NSW, was made the First Baronet of Woollahra in 1863, and died in 1902.</p> <p>During the 1840s the site continued to be logged, with Chinese market gardens established later in the valley floor. Daniel Cooper died in 1853 and had no children of his own, so left Point Piper Estate to Daniel Cooper III, the son of his nephew, Sir Daniel Cooper. Daniel Cooper's will required that the Trustees manage the Estate until the heirs were 21 and that no land could be sold until that time. To manage such a large undeveloped Estate effectively, the Trustees offered the more elevated areas of the undeveloped estate on 99-year leases to meet the requirement of not selling the land. The lease-holders built on the land at their own expense, whilst low lying areas remained undeveloped, with some areas farmed as market gardens. When the heir of the Point Piper Estate, Daniel III turned 21 he was living in England, and transferred his entire estate to his father Sir Daniel Cooper in 1881. Sir Daniel Cooper then proceeded to subdivide the land the following year. The core of the Point Piper Estate was sold to William, Daniel III's brother whilst the western side was offered in 85 subdivisions.</p> <p>In June 1885 Council requested that the Government purchase a piece of land from the Cooper Estate for recreational purposes. The deputation failed and the land continued to be subdivided and sold for residential development. In 1889 the Northern Ocean outfall sewerage system was completed and a Higginbotham &amp; Robinson Plan from circa 1889-1910 illustrates this. In 1890 another attempt to induce the Government to purchase the land for park was met with failure.</p> <p>However, a tax imposed by the State Government in 1895 resulted in high tax to the Cooper family on the land leased, causing the Cooper family to sell freehold land to existing lease-holders. This resulted in increased development in the area between 1895 and 1910, with Adelaide Parade and a sandstone retaining wall being constructed in the period between 1895 and 1899. Council requested Sir William Cooper donate the head of Double Bay Gully to Council to be used as park, but in 1910 the Cooper Estate Manager informed Council this would not be granted. It was not until 1913 that Sir William Cooper consented to giving the whole of the gully, from Victoria Road, Bellevue Hill, to Manning Road, Double Bay, to Woollahra Council for a park, but due to the outbreak of World War I, the park was not finally gazetted until 1917. The site was used for its resources, with timber extraction, quarrying (with the Woollahra Municipal Council quarry established in 1915), Chinese market gardens</p>
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<sup>110</sup> Prepared by Surveyor General T S Mitchell as a private commission for Daniel Cooper and John Levey. Original held Mitchell Library, SLNSW. Copies held at Woollahra Library's Local History Centre.

	<p>and dairy production prevalent in the area. It must have been a wild place - the Mayor promised to attend to 'shooting going on in Cooper Park', an issue raised by Alderman Grimley in July 1917.</p> <p>The state of the park in the early days can be judged by representations by the owner of the adjoining property 'Oswestry' in Short Street that Council take steps to control lantana that was encroaching on his property from the park. Council referred the matter to the Engineer with instructions to grub out lantana in Cooper Park and that the weed be removed from all Council's parks.</p> <p>With the main area of Cooper Park now under Council's ownership and management, the Chinese market gardens were moved and plans for park improvements and beautification were drawn up. In 1917 Council also purchased three acres of land near the quarry to be used as park (assumed to be the Bowling Club) and in 1922 Council approached Mr Fletcher (owner of the Foundry on Fletchers Gully) to ask him to dedicate the gully to the Council, however, he refused. In August 1922 Council resolved to resume the 1 acre, 1 rood, 3 ¼ perches of Fletcher's Gully at a cost of £150 and an additional £30 for a 10 feet wide Right-of-Way from View Street. Council continued with additional land acquisitions from the Cooper Estate to add to the park, resolving to acquire an area of 3 acres 25 perches on the northern side of Cooper Park from the Trustees of the Estate who were to be offered £350 per acre, the valuation of the Valuer-General. However, in March 1923 Council resolved to take steps to resume this area in response to the refusal by estate agents Messrs Raine &amp; Horne to agree to a clause in the contract that the sale was to be subject to the Governor of NSW approving a loan of £20,000 for the purchase. The land was to be acquired under the government's proposed loan scheme for acquisition of land for public recreation.</p> <p>Notwithstanding the gazettal of Cooper Park, a motion that cattle be permitted to graze in the park area was received and adopted by Council in 1923 with the usual fee for agistment being charged and Council taking no responsibility for safe-keeping of the stock.</p> <p>Council's Engineers were requested to develop a design for the park and the initial works were completed. In June 1922, the Town Planning Association of NSW congratulated Council on its enterprise in establishing six tennis courts at Cooper Park and in improving the drainage, etc. The Association also suggested that the Manning Road side of the park be improved by tree-planting and further improvements. Not everyone in the community or on Council were happy with people playing tennis on Sunday. Council was discussing a letter from the Congregational Church which asked the Council to reconsider the decision to allow tennis to be played in Cooper Park on Sundays. Those against the practice, including Aldermen Latimer and Dalwood were labelled wowsers by those who approved of Sunday tennis. Alderman Foster objected to the remark that "you cannot play tennis and be a Christian". The Mayor (Ald. Bradley) went so far as to challenge the objectors that he would resign his seat and context it with any alderman on this specific question.</p> <p>In January 1923, Council agreed to proceed with the construction of a tennis pavilion and 'necessary sanitary accommodation' in the park opened for use at the end of that year. In May Council called tenders for the erection at Cooper Park of (a) Club House Building, and (b) Club House Building with Caretaker's quarters. Council also advertised, in August 1923, for a Caretaker and Green Keeper for the tennis courts at Cooper Park. "Applicants must be capable of keeping courts, lawns and playing areas in first class condition and be excellent green keepers. Capable men only need apply". The grass courts and club-house were opened by the end of that year.</p> <p>In September 1924 Council invited applications for the hire of one first class tennis court at Cooper Park at a rental of £65 per annum, payable quarterly in advance, for Saturday and Sunday afternoon and public holidays. The playground at the east end of the tennis courts was also constructed in 1924. With the tennis courts proving to be popular, two additional courts were completed in 1926. Late in 1926 Council advertised for applications for permits to allow horses to graze in Cooper Park.</p>
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	<p>The mid-1920s were a time of optimism and growth after the horrors of the Great War and the influenza pandemics that followed the conflict. In several countries, architects were invited to submit entries for the design of new public parks.</p> <p>In 1927 a design competition was advertised for the development of Cooper Park and the winning design by architects S E Coleman of Gordon and RCG Coulter of Eastwood was announced in 1928. In the previous year the same architects had won first prize against 21 other entries for the design of a new Congregational Church for Canberra. However, some architects were becoming disenchanted with design competitions as a result of perceptions that some were conducted unfairly and that specialists in building or park design should just be chosen and appointed.</p> <p>In December 1929 two more tennis courts were completed to the west of the existing courts. 1927 is the year that Council commenced operation of the Incinerator adjoining Cooper Park North, which continued operation until 1944.</p> <p>In the late 1920s Council redeveloped land formerly used as a council quarry as the site of a new garbage incinerator plant. The quarry had been formed on the north-eastern edge of the gully dedicated as Cooper Park. An access roadway had been built to the quarry and was known as Quarry Road until renamed Cooper Park Road in 1929. In February 1926 council had settled upon the quarry as the site for a proposed <i>Meldrum</i> 'Garbage destructor' commissioned from the firm of H H Swarbrick the previous year. Records show that the incinerator's furnace was almost entirely within the area occupied by present-day 23 Cooper Park Road.</p> <p>As it remains today, Cooper Park in 1929 was an oasis from the bustling city. An article in the Sydney Morning Herald, 29 December 1929, under the headline 'Valley of Surprise near Heart of City. Beautiful Cooper Park' contained these words "A valley where all is peace, away from the noise of street traffic, the roar of trams, and the strident, jarring tooting of motor sirens".</p> <p>In the 1930s, complaints from the community about the incinerator intensified as the area within range of its impacts was developed, and in 1934 a public inquiry into the management of the plant was ordered by the Minister for Local Government and drew a number of conclusions, one of which was that 'the destructor was erected on the most suitable site available to the Council at the time'. However, public complaints continued and other operational difficulties – both technical and staffing issues – developed.</p> <p>Despite the Great Depression, the 1930s were a time when many improvements were made to Cooper Park. The Rangers League was enlisted in 1930 to patrol the park to preserve the flora and fauna, showing great interest in preserving the natural beauty and values of the gully. On 16 September 1931 the first Arbor Day planting was held in the park, with numerous trees planted by alderman and members of the community, and these plantings continued throughout the 1930s, initiated and coordinated by tree planting committees. There was a focus on planting native tree species although not necessarily local species. They included 500 specimens of Tasmanian Blue Gum, Lilly Pilly, assorted Wattles and Queensland Kauri. Exotic species included willows planted at the foot of the garbage tip.</p> <p>In 1931 Council initiated proposals for an auditorium for open-air functions in the natural amphitheatre at the eastern end of the site and the Engineer submitted plans to Council for this. A large team of unemployed labour was engaged to carry out the award-winning park design, including the extensive system of winding paths throughout the park (later named after Councillors), bridges, public toilets, seating follies, grassed areas and the cricket pitches. Tennis courts were resurfaced, the tennis pavilion was extended, tennis floodlights were costed, and additional land was acquired. The Amphitheatre works, including the turfed terraced embankment below Victoria Road and the sandstone steps were constructed in 1936, with a large amount of fill imported into the site from</p>
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	<p>Waverley. A granite plaque erected on the large stone retaining wall commemorates the works undertaken by the relief workers.</p> <p>"In 1936 there was a proposal to use the natural amphitheatre as the setting for an open-air swimming complex, ringed by spectator seating" but this never came to fruition.</p> <p>Specialised craftspeople were brought in to construct specific features including Mr H Arnold who circa 1936-7 constructed the synthetic stone shelters, based on his previous work in constructing faux rock animal enclosures at Taronga Zoo. When the old Moore Park Zoo of the NSW Zoological Society relocated in 1916 to its new site at Mosman on Sydney's Lower North Shore the new Taronga Zoo embraced new zoo design philosophies, with well-fed, healthy animals exhibited as if at liberty in outdoor, open air enclosures, a far cry from the old cramped cages of many zoos. The natural terrain at Taronga "lent itself to the installation of a series of open-air mock rock enclosures, nestled into the terraces. Mock rock was a method of construction that involved the application of ferro-cement over a sculpted arrangement of metal bars and galvanised mesh (chicken wire) create a rock-like appearance. It allowed the artificial terrain to blend somewhat into the existing landscape, creating the impression that the animals were exhibited in a natural setting.</p> <p>Ernest Miles, (head of a gang of fifty) taught workers to cut and lay stone. He led the team of stoneworkers to construct the Moon Bridge in the centre of the park. They were so proud of the finished product that they placed a time capsule containing the names of the men who worked on the job inside one of the bridge corners. This time capsule was apparently resumed circa 2001. The sandstone wall along the frontage of Victoria and Bellevue Roads was constructed in 1937. Clean fill supplied from the Metropolitan Water Sewerage and Drainage Board (MWSDB) quarry in Waverley was used to solve problems in Cooper park including the construction of filter beds to deal with the runoff from the Council's incinerator site.</p> <p>In keeping with the Park's romantic pleasure garden style, plantings included a number of deciduous northern hemisphere tree species, most notably <i>Populus deltoides</i> (Cottonwood), <i>P. alba</i> (White Poplar), <i>Liquidambar styraciflua</i> (Liquidambar, Sweet Gum) and <i>Salix babylonica</i> (Weeping Willow). From the latter part of the 19<sup>th</sup> century, exotic plantings and stone work were commonly used to complement nearby natural features, as at Royal National Park and at limestone cave sites including Jenolan, Wombeyan, Yarrangobilly and Buchan Caves. In the case of caves and alpine areas, Spearritt argues that the scenery was considered the primary attraction for visitors, so the gardens and introduced vegetation. complemented the accommodation and other visitor facilities. Escape into romanticism from the austerity and stress of the Depression was also reflected in the architecture of the houses built for those few who were still doing well financially. The English Vernacular Revival architectural style spoke of 'established solidity, its charm and its definite character.</p> <p>Also in 1937 Council's Engineer's report included an item about the demonstration of a flame-thrower at Cooper Park, Council resolving that the purchase of this equipment be left in the Mayor's hands. Controlling weeds using heat was popular at the time and into the 1950s as a labour-saving method but was eventually replaced by herbicides as new chemicals were developed. This phase of improvements ceased with the outbreak of World War II</p> <p>After the outbreak of World War II and the cessation of the park upgrade works, a rifle range was constructed, with advice from officials at Victoria Barracks, on the eastern side of Cooper Park in the vicinity of Council's incinerator at the cost of 'over £500'. The range, built in sandy soil, had eight targets and mounds built at ranges of 25, 50 and 100 yards and was said to be available for practice by day. Captain James Hutchison, Staff Officer of Rifle Clubs, officially opened the range on 12 October 1940, with teams from the RAN, Army and Metropolitan Miniature Rifle Club taking part. Council made considerable modifications and improvements, turfing the site and connecting the range to the water supply and ultimately, by October 1942, providing a clubhouse. Council formed a rifle club, with Ald. C D Manion acting as Vice-president but the range was also used by other local rifle</p>
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	<p>clubs and by the Australian Service Movement. In 1941, correspondence received from W H Cutler, congratulated council on building 'such a magnificent miniature rifle range at Bellevue Hill' and stating that 'if other council followed this lead, older members of the civilian rifle clubs would come forward and teach people how to shoot.' Writing to the Minister for the Army in 1943, former Ald. Leo Whitby Robinson was able to report that in the three years of its operation, over 2,500 people had used the range.</p> <p>An archival photograph accessible on Council's website indicates that orchestral concerts were being held in the amphitheatre as early as 1944 and as early as 1945, "Woollahra Council was planning to build an Open air auditorium at Cooper Park to house these [orchestral] performances and other entertainment, with the Hollywood Bowl cited in a number of reports as the inspiration behind the proposal. The project was still under consideration throughout the early 1950s, with Eugene Goosens of the SSO an enthusiastic supporter of the scheme". Even without an auditorium, "open-air concerts were in full swing during the 1950s" the ABC held regular free performances during their concert seasons (Spring-Summer), with the SSO as frequent performers and international artists or conductors making appearances from time to time. World-renowned Australian baritone Peter Dawson sang there on at least one occasion". "There are newspaper reports dating from mid-1960 of the ABC deciding against further seasons due to a number of factors – acoustic considerations, noise complaints, the behavior of patrons, etc. A one-off revival was staged in October 1988 as part of the Municipality's Bicentennial celebrations".</p> <p>Cooper Park was extended to include the Bellevue Gardens in 1948. In 1950 construction of two bowling greens commenced east of Cooper Park North on the former tip where ash from the incinerator was dumped after the garbage incinerator was closed in 1944, and the Bellevue Bowling Club Ltd was formed in 1951.</p> <p>Fletchers Foundry closed in 1950 and by 1955 the land was filled, levelled and grassed, with a sandstone retaining wall to the base of Fletchers Gully.</p> <p>A temporary closure of Council's incinerator early in 1944 led to Council using the St Peters tip which proved to be a satisfactory alternative for disposal of the municipality's waste. By 1946 the permanent closure of the incinerator was under serious consideration., the First Edgcliff Scouts group used the converted garage (built 1936) associated with the former incinerator caretaker's cottage (built 1927) from July 1949 to November 1962.</p> <p>A Council advertisement in the <i>Sydney Morning Herald</i> in 1946 read "Wanted, strong youth to assist in preparation and maintenance of tennis courts, Cooper Park. Award wages: Age 16: £2/7/8, 17: £2/18/10 per week. Apply to Engineer, Council Chambers, Ocean Street, Woollahra."</p> <p>This phase is defined by the end of the open-air concerts held at Cooper Park, resulting in a decrease of its role and use by the broader community. In 1960 it was determined that no more open-air concerts were to be held in the amphitheatre due to residential developments affecting the acoustics, vandalism and complaints. This led to the gradual decline and neglect of the grass terraced amphitheatre precinct and the gradual encroachment of weeds and bushland. Earthworks in Cooper Park North were finalised after use as a quarry and landfill, with the main open grassed area established.</p> <p>Council had determined to sell the incinerator site for a 5-lot residential subdivision with right-of-way in 1961. In late September that year estate agents Raine &amp; Horne recommended to council that the land be put to the market in November 1961 but the sale was postponed for a number of reasons including slow progress on the connection of water and sewerage services and the fact that the Scout Hall stood across the planned access to two of the blocks. Part of the proceeds from the sale of the site went towards helping the Scouts find new premises, which resulted in the construction of a new hall in Cooper Park North. The new building was designed by prominent architect Samuel Lipson, of the</p>
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	<p>Sydney practice Lipson and Kaad, better known for larger buildings including the Temple Emanuel in Ocean Street, Woollahra. Lipson donated his services 'as a gesture of good will'. Council called tenders for the construction of the new hall in January 1962 but the matter was deferred twice, firstly until more was known about the progress of the land sale, and secondly, pending an engineer's report and a recommendation from the Finance Committee that the honorary architect be requested to re-design the structure to improve the aesthetic appearance of the exterior. In spite of further delays arising from underestimation of the depth of rock on the site for the new scout hall, the building was completed by October 1962. A 'colourful march of Cubs, Scouts and Guides from Bellevue Hill School to Cooper Park Road' preceded the official opening of the new Scout Hall by Deputy Mayor Alderman Murchison in the presence of the Chief Scout Commissioner Vincent Fairfax. The 1962 Scout Hall still stands at Cooper Park Road and is currently used by Woollahra Council as a Community Hall.</p> <p>Cooper Park was further extended in the 1960s to Bellevue Gardens and to the north-east. The main car park in Bunna Place was expanded and formalised to cater to increasing visitation to the park and tennis courts. Other works included planting of native trees and shrubs in the reserve.</p> <p>An Open Space Survey conducted by the NSW Planning and Environment Commission in 1972 found that Woollahra Municipality provided passive open space at the rate of 1.13 hectare per thousand population, 30% below standard requirements. In recognition of this shortfall, Woollahra LEP 1995 sought 'to increase the provision of public open space within the Council's area to meet the needs of the population'. This policy helped to protect Cooper Park from future alienations for residential or commercial development.</p> <p>In 1974 landscape consultant William Ashton inspected Cooper Park and was concerned at the level of weed invasion into bushland areas, recommending the use of the Bradley bush regeneration method, with immediate action required in some badly affected areas. A scheme was initiated to remove <i>Ligustrum lucidum</i> (Large-leaved Privet), <i>L. sinense</i> (Small-leaved Privet), <i>Ipomea indica</i> (Morning Glory) and <i>Cardiospermum grandiflorum</i> (Balloon Vine) and other weeds from the Park.</p> <p>From 1975 onwards there has been a greater focus on managing the degradation caused by deferred maintenance, siltation of streams, pollution and spread of invasive plant species. Council has committed extensive resources to various programs of weed control and revegetation/regeneration in the park.</p> <p>During the 1980s and 1990s Council engaged the National Trust of Australia to undertake bush regeneration activity in Cooper Park. This was undertaken utilising the Bradley Method of regeneration. From 1988 onwards Council employed bush regeneration teams for all bushland reserves and this activity was supplemented in the late 1980s by the Commonwealth Employment Scheme (CEP) that was designed as a skills training program for the unemployed. Subsequent to this other government employment schemes also enabled bushland regeneration works in the reserve, and in 2004, Bushcare Woollahra was established, with teams of community volunteers working on bushland management programs in the park.</p> <p>Some of the original 1930s exotic plantings have been progressively removed in preference for planting and regeneration of indigenous vegetation in the park. This removal of original species and revegetation has reduced some of the historic cultural landscape values of the park.</p> <p>Other than revegetation works, a one-off revival concert was staged in 1988 as part of Australian Bicentenary celebrations. In 1990, the tennis pavilion was partially demolished and rebuilt. In 1993 Cooper Park was placed on the Register of the National Estate (RNE), a Commonwealth list of significant places, which although it gave recognition to the park's heritage values, only provided protection against works by the Commonwealth or works partly or wholly funded by the</p>
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	<p>Commonwealth. The RNE has since been replaced by the National Heritage List and the RNE only exists now as a searchable database, with no statutory force.</p> <p>In 1994 two sandstone Doric columns which once graced the old 1847 Sydney Post Office were installed at the Victoria Road entrance to Cooper Park, at the top of the stone steps down into the Amphitheatre. For a time after the demolition of the old post office, the columns were moved to Elizabeth Bay House, then to Vaucluse House where they stood for many years. With the restoration of the latter house to its former glory, the columns were declared surplus and given to Woollahra Council.</p> <p>In 2009 a burst water main caused a section of Bellevue Road to collapse, resulting in a landslide down the amphitheatre embankment and significant damage to Cooper Park. Repair works were primarily completed by September 2009. Siltation of the creeks in Cooper Park from developments upstream remains an ongoing problem for Park management but sediment removal has produced some spectacular results.</p> <p>With the ongoing pressures that come with increasing urbanisation, Cooper Park will continue to provide local residents and visitors with respite from the hustle and bustle of the city through its natural and cultural heritage values. Today the park is used by the surrounding communities for a range of activities including fitness classes, active sports, dog exercise classes and informal recreation.</p>
<b>THEMES</b>	
<b>National historical themes</b>	1 Tracing the natural evolution of Australia; 2 Peopling Australia; 3 Developing local, regional and national economies; 4 Building settlements, towns and cities; 5 Working; 6 Educating; 7 Governing; 8 Developing Australia's cultural life; 9 Marking the phases of life
<b>State historical themes</b>	Environment - naturally evolved; Aboriginal cultures and interactions with other cultures; Environment – Cultural Landscape; Events; Forestry; Mining; Land Tenure; Utilities; Accommodation; Labour; Education; Government and Administration; Creative Endeavour; Leisure; Social institutions; Sport; Persons.

APPLICATION OF CRITERIA	
<b>Historical significance</b> SHR criterion (a)	<p>Cooper Park is associated with significant historical phases in the development of the cultural landscape of the Woollahra local government area, being part of the original Point Piper Estate. The park contains some of the largest areas of remnant bushland in Woollahra Municipality with representative vegetation from the area and is the largest relatively undeveloped remnant of the historic Cooper Estate. The park includes Sydney Sandstone Gully Forest and vegetation with an affinity to the endangered ecological community Eastern Suburbs Banksia Scrub. Cooper Park retains physical fabric in the form of significant remnants of the original ecological communities, extensive ornamental cultural plantings and extensive Depression-era landscaping works.</p> <p>Cooper Park satisfies the inclusion guidelines for Criterion A at a local level as a significant part of the historic cultural landscape of Woollahra local government area but not at a State level.</p>
<b>Historical association significance</b> SHR criterion (b)	<p>Cooper Park has strong associations with the application of the NSW <i>Prevention and Relief of Unemployment Act 1930</i> and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure.</p> <p>The award-winning 1928 masterplan for Cooper Park was the work of architects S E Coleman and R G C Coulter. Coulter worked with Bradfield on the design of Sydney Harbour Bridge and designed several significant early buildings at Taronga Zoo. The Depression-era works at Cooper Park have strong associations with Ernest Miles and H Arnold. The role of Woollahra Municipal Council in managing the park, which includes the largest area of remnant bushland under Council's care, control and management, is also significant against this criterion.</p> <p>Cooper Park has a strong association with the Cooper family, being the largest relatively undeveloped remnant of the extensive estate developed by the Cooper family from 1827 and including associations with two well-known members, both named Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902).<sup>1</sup></p> <p>The Aboriginal cultural heritage of Cooper Park has not been investigated in the scope of this assessment report, but sites of Aboriginal significance have been recorded for the park area.</p> <p>Cooper Park satisfies the inclusion guidelines for Criterion B at a local and a State level.</p>
<b>Aesthetic significance</b> SHR criterion (c)	<p>The cultural landscape of Cooper Park is aesthetically distinctive, with its mix of sandstone topography, remnants of the original ecological communities, introduced ornamental plantings and well-constructed hard landscape works, including the constructed Cooper Creek and associated drainage structures, and visitor facilities. The park is an unusual example of a 1930s municipal park blending the bushland pleasure ground designed landscape style with Gardenesque elements to produce a place with design excellence and special character. The large number of naturalistic synthetic stone shelters constructed by H Arnold, the same person who constructed the faux rock enclosures at Taronga Zoo, add to the aesthetic significance of Cooper Park</p> <p>Cooper Park satisfies the inclusion guidelines for Criterion C at a local level but not at a State level.</p>
<b>Social significance</b> SHR criterion (d)	<p>Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Respondents to a limited sample size survey in 1992 identified Cooper Park as one of the most important spaces in Woollahra Municipality for both structured and unstructured recreation and amenity reasons.</p>

	<p>The local community has contributed to the establishment, protection and restoration of the natural bushland values of Cooper Park over a very long time. This extends from initial lobbying for establishment of a public park on the site, to the Rangers League who completed works in the park (1930), through to contemporary involvement by the community in the bushland restoration and regeneration works, and the tennis club. It is likely that many people who use or have used the park for active and/or passive recreation will consider it to have social significance for them.</p> <p>It is considered that Cooper Park satisfies the inclusion guidelines for Criterion D at a local but not at a State level.</p>
<p><b>Technical/Research significance</b></p> <p>SHR criterion (e)</p>	<p>The Aboriginal cultural heritage values have not been investigated in the scope of this heritage assessment and therefore significance to Aboriginal cultural groups cannot be determined. There are records of engravings in or near Cooper Park and it is therefore likely that the site may contribute to enhanced understanding of the aboriginal cultural history of the area in the future, at least at a local level.</p> <p>Cooper Park is an area with significant natural heritage values arising from its location within a highly modified and urbanised environment, with uncommon large stands of remnant or advanced regrowth vegetation. The presence of this vegetation, comprising several ecological communities and two threatened plant species, albeit modified and depauperate, contributes to our understanding of the natural history of the local area.</p> <p>The archival photographic record for the park also provides evidence of how various tree species have performed over a period of more than 80 years.</p> <p>Cooper Park satisfies the inclusion guidelines for Criterion E at a local level but not at a State level.</p>
<p><b>Rarity</b></p> <p>SHR criterion (f)</p>	<p>Cooper Park is a rare example of extensive high-quality Depression-era public recreation landscape works in the Woollahra local government area and probably in NSW generally. The constructed creek, associated drainage structures, ponds and bridges are relatively intact and uncommon examples of their type. The extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold is rare at a State level. The rarity value of the Park is also enhanced by the presence of two threatened plant species <i>Acacia terminalis</i> subsp. <i>terminalis</i> and <i>Syzygium paniculatum</i>.</p> <p>Cooper Park is assessed as satisfying the inclusion guidelines for Criterion F at a local level and at a State level.</p>
<p><b>Representativeness</b></p> <p>SHR criterion (g)</p>	<p>Cooper Park is an excellent and remarkably intact representative example of Depression-era public landscape works designed to provide employment for out-of-work men and improved amenities for the community.</p> <p>Cooper Park satisfies the inclusion guidelines for Criterion G at least at a local and probably at a State level, subject to further comparative analysis.</p>
<p><b>Integrity and Intactness</b></p>	<p>While there have been changes made to Cooper Park since the major works of the Depression era, by way of new structures and visitor facilities, the park still has a high degree of integrity.</p> <p>Another term commonly used in the assessment of heritage items is intactness, a measure of the degree to which the item remains unaltered from its original configuration. Against this measure, Cooper Park retains areas of the original ecological communities, albeit modified by introduction of non-local native species, exotic ornamentals and weeds. The park also retains most of the Depression-era Built elements and landscape features albeit modified by introduction of new materials such as fencing, handrails and track surfaces to improve cost-effectiveness and compliance with safety standards.</p>



HERITAGE LISTINGS				
Heritage listing/s	Five items listed on Schedule 5, Woollahra Local Environmental Plan 2014 are in or adjacent to Cooper Park, namely Sandstone retaining wall and railing facing Cooper Park, Adelaide Parade, Woollahra (SHI database no. 2710016; Pine Trees, Canary Island Date Palm and Chinese Windmill Palm, Cooper Park North (SHI database no. 2710212); Concrete Horse Trough, Victoria Road intersection with Bellevue Road adjoining Cooper Park (SHI database no. 271147); Sewer Vent, 56 Streatfield Road (off Cooper Park Road) (SHI database no. 4570664); Washington Palms, Cliff Date Palm, Canary Island Date Palms, Northland Road within the road reserve (SHI database no. 2711263)			
	Woollahra Municipal Council Register of Significant Trees 1991 identifies Mixed Tall Open forest, Mixed Ornamental Rain Forest Species, Liquidambar, Assorted Palm Plantings and Monterey Pine plantings in Cooper Park as significant.			
	Cooper Park was listed on the Commonwealth Government's Register of the National Estate (RNE) in 1993 – ID No: 17850 and Place File Number 1/12/041/0114. However, the RNE has been replaced by the National Heritage List (NHL) and no longer has statutory force. It survives as a searchable database.			
INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Written	Ashton, William	'An Assessment of the Landscape Heritage of Woollahra', in Hughes, Trueman, Ludlow, <i>Heritage Study for the Municipality of Woollahra</i> , Vol. 1	nd	Woollahra Library
Written	Britten, Jane	'Cooper park', notes prepared by Council's Local History Librarian for Manager – Open space works for a garden tour	2004	Woollahra Library
Written	Britten, Jane	'The Cooper Park Watercourse', information compiled from sources held in the Woollahra Local History Centre.	2004	Woollahra Library
Written	Britten, Jane	Woollahra rifle range, Cooper Park, Bellevue Hill',	2016	Woollahra Library Local Studies Collection.
Written	Britten, Jane	'First Edgcliff Scout Group – premises occupied in Cooper Park'		Woollahra Library Local Studies Collection.
Written	Hill, Jeffrey	'Interpretive plan and strategy in support of a bush regeneration program, Cooper Park	1995	Woollahra Library Local Studies Collection.

		(Woollahra Council)', assignment report prepared for Recreation Management course, Charles Sturt University, Albury		
Written	Hill, Jeffrey	'Cooper Park as a cultural resource – Plan of Management', assignment report prepared for Cultural Resource Management course PKM 402, Charles Sturt University, Albury.	1995	Woollahra Library Local Studies Collection.
Written	Hughes, Trueman Ludlow Consultants	'Heritage study for the Municipality of Woollahra', consultant report prepared for Woollahra Municipal Council	1984	Woollahra Library Local Studies Collection.
Written	Johnston, William	'Reminiscences of Cooper Park'	1931	Woollahra Library Local Studies Collection.
Written	Manidis Roberts	Woollahra outdoor recreation & open space study', final consultant report October 1992 prepared for Woollahra Municipal Council.	1992	Woollahra Library Local Studies Collection.
Written	Martin, Kristen & Ruting, Noel	Cooper Park Management Plan, internal report prepared for Woollahra Municipal Council	1987	Woollahra Library Local Studies Collection.
Written	Mayne-Wilson, Warwick	<i>Town parks of New South Wales: Past, present and future</i> , The author, Sydney.	2014	Betteridge Heritage
Written	Mayne-Wilson & Associates	'Heritage Report and Landscape Masterplan for the Restoration & Upgrade of Cooper Park Amphitheatre', consultant report prepared for Woollahra Municipal Council.	2001	Woollahra Library Local Studies Collection.
Written	Thompson Berrill Landscape Design Pty Ltd	Cooper Park Conservation Management Plan', consultant report prepared for Woollahra Council, including Appendix A: Site Chronological History; Appendix B: Historical Aerial Photo Comparison Plan; Appendix C: Heritage Analysis Plans; Appendix D: Vegetation Management Plans	2011	Woollahra Library Local Studies Collection.

Written	Woollahra Municipal Council	Draft Plan of Management, Cooper Park	1996, 1998, 2008, 2009	Woollahra Library Local Studies Collection.
Written	Woollahra Municipal Council	'Cooper Park Bush Regeneration' file 178.G	2003	Woollahra Library Local Studies Collection.

#### RECOMMENDATIONS

##### Recommendations

1. Woollahra Municipal Council should propose the area of Cooper Park, encompassing the major significant ecological communities and the Depression-era unemployment relief landscape works, as outlined solid red on the recommended curtilage plan, for listing as an item of State significance on Schedule 5, Woollahra LEP 2014.
2. Woollahra Municipal Council should nominate the southern area of Cooper Park, as identified in dot point #1 above, to the Heritage Council of NSW for consideration of listing on the State Heritage Register.
3. Cooper Park should continue to be managed to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance, erosion control and conservation of its significant natural, landscape and built elements.
4. An updated Conservation Management Plan for Cooper Park should be prepared to take into account relevant information on the park that has been accumulated since 2011 and changes to the nature, condition and management regime that have taken place since 2011. If the park is listed on the SHR, Heritage Council endorsement of the updated CMP should be sought.
5. Consideration should be given to interpreting the heritage significance of Cooper Park in culturally sensitive ways which may include but should not be limited to material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.
6. An updated Vegetation Management Plan / Canopy Replenishment Strategy for Cooper Park should be prepared to provide for the conservation of natural vegetation in the park and the staged replacement of the significant cultural plantings on the site, the timing of such replacement to be guided by arboricultural assessment of the vigour, condition and useful life expectancy of the trees.
7. Should Cooper Park be listed on the State Heritage Register, any works consistent with the policies and other recommendations of an endorsed Conservation Management Plan could be exempted, subject to ministerial approval, to reduce the need for frequent applications under Section 60, Heritage Act.

#### SOURCE OF THIS INFORMATION

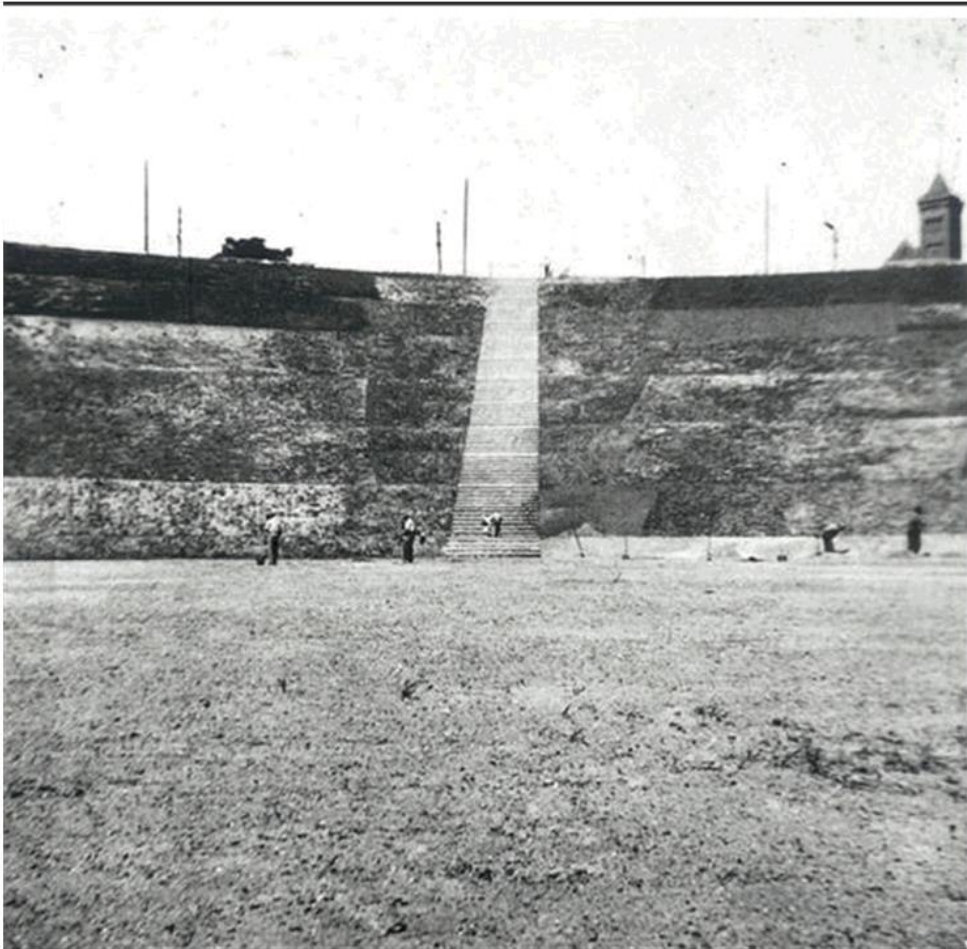
Name of study or report	Heritage Significance Assessment, Cooper Park, Bellevue Hill	Year of study or report	2019
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98

Item number in study or report	N/A		
Author of study or report	Chris Betteridge, Betteridge Heritage		
Inspected by	Chris Betteridge		
NSW Heritage Manual guidelines used?	Yes <input type="checkbox"/>		
This form completed by	Chris Betteridge	Date	3/11//2019


IMAGES - 1 per page


Image caption	The stone steps and amphitheatre at Cooper Park during construction, 1930s.				
Image year	1930s	Image by	Unknown	Image copyright holder	Woollahra Council







IMAGES - 1 per page					
Image caption	The Amphitheatre, Cooper Park, with the stone steps leading down from Victoria Road.				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					

IMAGES - 1 per page					
Image caption	Cultural plantings and remnant vegetation adjoining tennis courts car park, Cooper Park.				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					


IMAGES - 1 per page					
Image caption	Sandstone steps and timber arris rail balustrade, Cooper Park.				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					




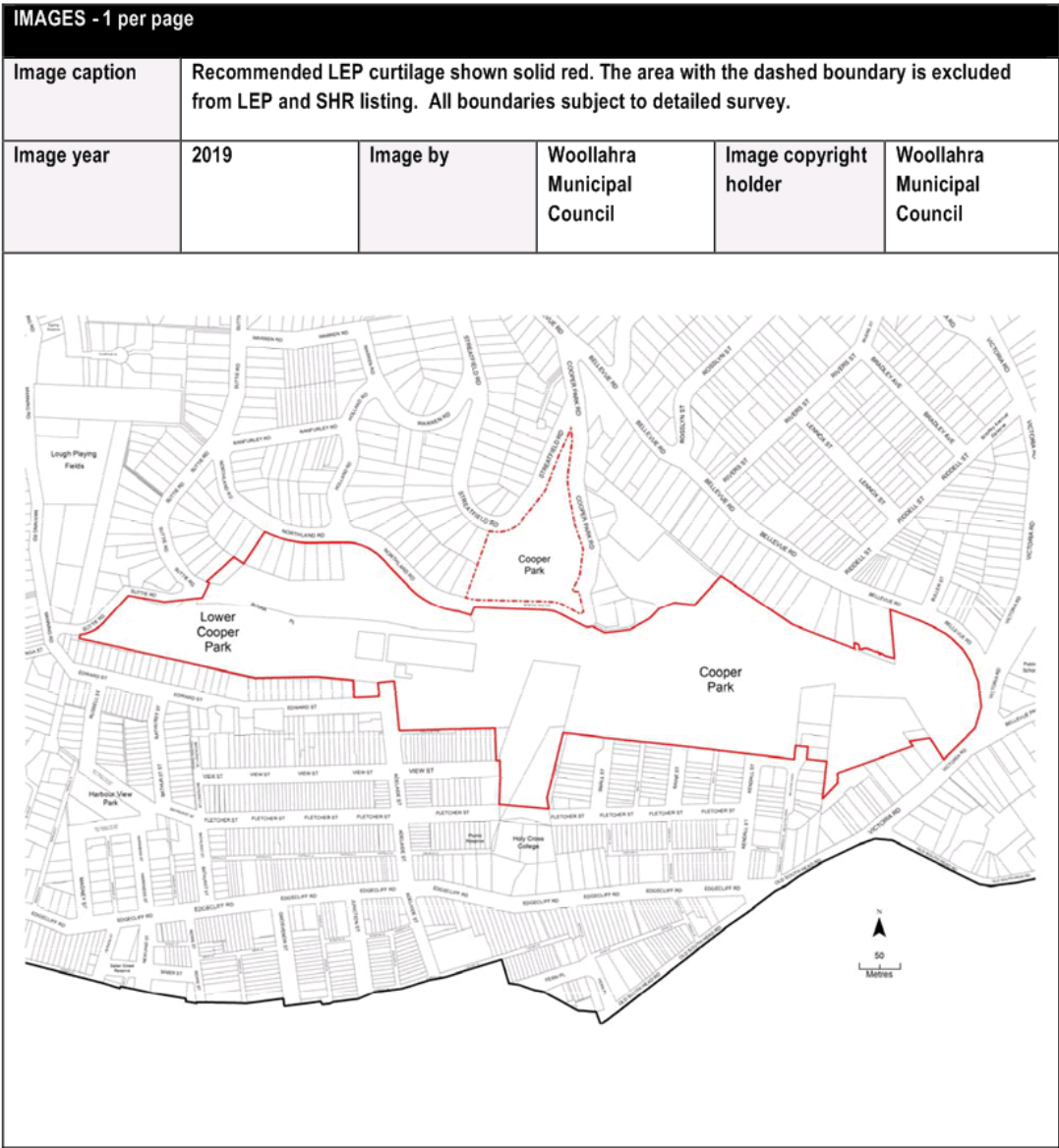
IMAGES - 1 per page					
Image caption	The major sandstone retaining wall at the western end of the Amphitheatre, with a plaque commemorating the unemployment relief works carried out during the Depression.				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					

IMAGES - 1 per page					
Image caption	Original or early sandstone drainage channel and pit, Cooper Park.				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					



IMAGES - 1 per page					
Image caption	View northeast of Moon Bridge, Cooper Park.				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					

IMAGES - 1 per page					
Image caption	One of the artificial rock shelters constructed by H Arnold at Cooper Park during the 1930s				
Image year	2019	Image by	Chris Betteridge	Image copyright holder	Chris Betteridge
					



***Appendix B – Draft nomination form for SHR listing***

***Cooper Park***



Appendix B Draft  
SHR Nomination.doc



## State Heritage Register Nomination Form



### Important notes for nominators

Before completing this form, read the *Guideline for Nominations to the State Heritage Register* \* to check whether a nomination is appropriate.

You should only nominate an item you believe to be particularly important in the context of all of NSW, beyond the local area or region.

This is because only items of *state* heritage significance are eligible for listing on the State Heritage Register.

When completing this form note that:

- It must be completed and submitted electronically.\*
- Follow the guideline\* to fill out the form accurately.
- **YELLOW sections** of this form are mandatory for your nomination to be accepted for consideration.
- **BLUE sections** of this form are recommended, but are not essential, unless otherwise indicated in the form.
- The completed form must show *how* the nominated place is *state* significant to meet the criteria for listing on the register.
- Incomplete nominations, or those with insufficient information, may not be accepted.
- A complete and accurate nomination form, with a clear assessment of state significance of the place or object, will assist in the timely consideration of your nomination.

\* Download this form and guideline at: [www.heritage.nsw.gov.au/nominating](http://www.heritage.nsw.gov.au/nominating)

### A. Nominated place

#### 1. Name

Name of place / object:	Cooper Park
Other or former name(s):	Part of former Cooper Estate

#### 2. Location

Street address*:	(no.)	Suttie Road (street name)
	Double Bay (suburb / town)	
Alternate street address:	(no.)	Victoria Road (street name)
	Bellevue Hill (suburb / town)	
Local government area:	Woollahra	
Land parcel(s)*:	(Lot no/s)	(section no.) (DP no.)
	(Lot no/s)	(section no.) (DP no.)
	(Lot no/s)	(section no.) (DP no.)
Co-ordinates*:	(Latitude)	(Longitude) (Datum)

\*At least one of these three location details must be provided. For a movable object, enter its principal location. If the place has no street number, provide land parcels. If it has no land parcels, provide Co-ordinates and a map.

#### 3. Extent of nomination

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 1

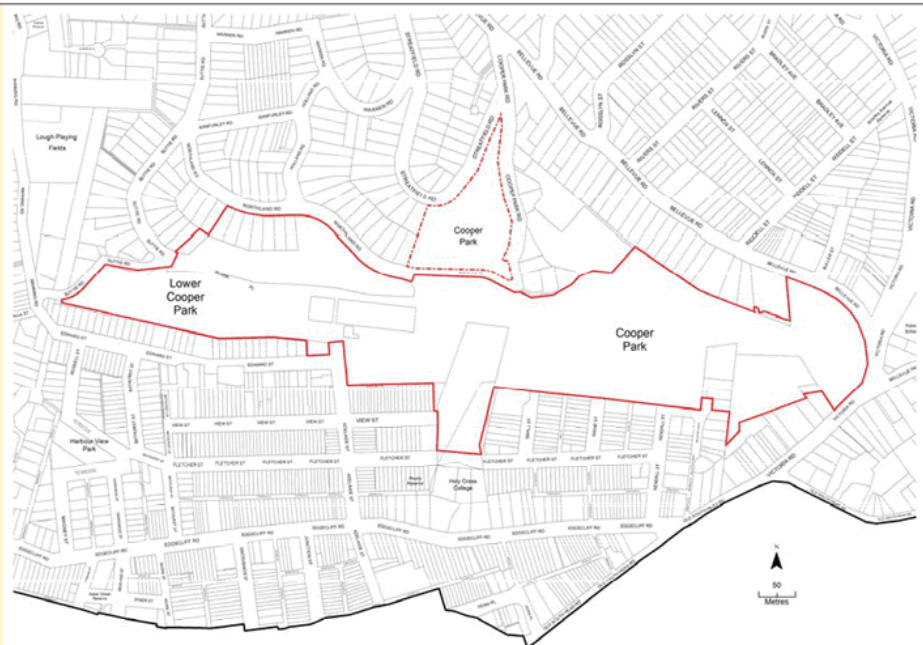
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## State Heritage Register Nomination Form



**Curtilage map of nominated area:**



<b>Source of map or plan:</b>	Woollahra Municipal Council
<b>Boundary description (in words):</b>	Cooper Park is defined to the west by Suttie Road, to the north by Northland Road, to the east by Bellevue Road / Victoria Road, and to the south by residential properties located north of Fletcher Street.

### 4. Ownership

<b>Name of owner(s):</b>	Woollahra Municipal Council	
<b>Contact person:</b>	Flavia Scardamaglia	
<b>Contact position:</b>	Strategic Heritage Officer	
<b>Postal address:</b>	536 New South Head Road (street address or postal box)	
	Double Bay (suburb or town)	
	NSW (state)	2028 (post code)
<b>Phone number:</b>	02 9391 7062	
<b>Ownership explanation:</b>		

## B. Significance

### 5. Why is it important in NSW?

<b>Statement of state significance:</b>	Cooper Park is of State heritage significance because it has associational significance at a State level derived from strong associations with the application of the NSW Prevention and Relief of Unemployment Act 1930 and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure. The park also has strong associations with noted architects S E Coleman and R G C Coutler
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Cooper Park ♦ Last printed 25/06/2020 ♦ Page 2

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## State Heritage Register Nomination Form



	<p>who won the design competition for the park and with Ernest Miles and H Arnold who supervised the Depression-era works. (Criterion B).</p> <p>Cooper Park has aesthetic significance at a State level as an increasingly rare surviving example of an early 20th century municipal park, created in a bushland pleasure ground style. The style is expressed by the predominance of bush vegetation, a constructed creek and meandering network of paths which link a series of architectural features. The Park is important aesthetically for its array of Depression-era cultural features which include a grass amphitheatre with retaining wall and plaque, artificial stone structures, a moon bridge, sandstone walls, steps and paths, concrete footbridges, and a diverse range of outdoor recreation facilities including a 1920s tennis pavilion and tennis courts. Cultural plantings consist of both exotic and native plantings that were planted during the park's early phases of establishment and contribute to the bushland pleasure ground style in both species selection and layout. These cultural features are laid out in a manner that demonstrates design excellence and high creative endeavor. (Criterion C)</p> <p>Cooper Park is rare at a State level as an excellent example of high-quality Depression-era public recreation landscape works including an extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold who built similar enclosures for animals at Sydney's Taronga Zoo. The rarity value of the park is also enhanced by the presence of two threatened plant species <i>Acacia terminalis</i> subsp. <i>terminalis</i> and <i>Syzygium paniculatum</i>. (Criterion F)</p> <p>Cooper Park is representative at a local level, and possibly at a State level, subject to further comparative analysis, of 1920s / '30s pleasure ground designed landscapes with Depression-era public landscape works to provide employment for out-of-work men and improved amenities for the community. (Criterion G) .</p>
<b>Comparisons:</b>	<p>Other examples of parks developed from donated land include Fagan Park, Galston; Cobar Miners' heritage Park; Macarthur Park, Camden and Lake Alexandra, Mittagong but these are all very different in character from Cooper Park.</p> <p>Other parks containing Depression-era unemployment relief works include Royal National Park; Petersham Park; Henson Park, Marrickville; Henley Park, Enfield; Trumper Park, Paddington; Tamarama Park and Hyde Park but these do not have the assemblage of artificial rock shelters found in Cooper Park.</p> <p>Comparable artificial rock picnic shelters are only known from a number of sites in the Blue Mountains e.g. Reids Plateau and Lilianfels Park, Katoomba but such shelters are rare at a State level.</p>

## C. Description

### 6. Existing place or object

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 3

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<b>Description:</b>	<p>The valley in which Cooper Park is located is dominated by bushland and planted native and exotic trees, with open grassed areas including tennis courts and cricket pitches in the valley floor. The recreational facilities within the park include tennis courts, cricket pitches and cricket nets, kiosk, a playground, junior sports fields, community garden, an extensive system of walking tracks, unusual mock stone shelters, a range of footbridges, a grassed amphitheatre, community facilities and informal open grassed areas. The eastern end of Cooper Park is characterised by an open grassed area with expansive views. A smaller open grassed area to the south of the main area of the park is known as Fig Tree Lane Reserve and located over Fletchers Gully.</p> <p>Eco Logical Australia Pty Ltd (ELA) has assessed the native vegetation values of Cooper Park, including the identification and mapping of each recognisable ecological community and identification of any threatened plant species. Since their study, the NSW Threatened Species Conservation Act 1995 (TSC Act) has been repealed and replaced by the Biodiversity Conservation Act 2016 (BC Act). Two species found in the Park are listed on Schedule 1 Threatened Species in the BC Act, namely <i>Acacia terminalis</i> subsp. <i>terminalis</i> (Sunshine Wattle), also listed as Endangered under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) and <i>Syzygium paniculatum</i> (Magenta Lilly Pilly), listed as Vulnerable under the EPBC Act. The ELA study identified the Riparian Zone vegetation in Cooper Park as having high conservation significance due to its role in supporting a threatened species <i>Syzygium paniculatum</i> and in providing habitat for frog, bat and bird species.</p> <p>Moist Woodland occurring on the south facing slope of the northern side of the gully to the west and east was assessed as having high conservation values derived from its remnant local native trees and understorey shrubs as well as providing habitat for the threatened species <i>Acacia terminalis</i> subsp. <i>terminalis</i>.</p> <p>The Dry Woodland community occurring to the south of the tennis courts up towards Adelaide Parade which is the north-facing slope is assessed as having high conservation value for the same reasons as the Moist Woodland.</p> <p>The areas of Disturbed Woodland generally correlate with the areas of the park that were cleared of vegetation as visible in the 1930 and 1943 air photo coverage of the area. These areas have been planted with exotic ornamentals and non-local native species producing a community assessed as having moderate conservation value.</p> <p>One small area of Sand Dune Vegetation on Aeolian (wind-blown) sands exists in the north-east corner of Cooper Park adjacent to Bellevue Road and is assessed as having moderate conservation value.</p> <p>Two areas of Native Revegetation, planted with non-local native species, occur in Cooper Park, one along the Suttie Road and Bunna Place entry to the park and the other in the north-east of the park on the edge of the Amphitheatre. These are assessed as having moderate conservation value.</p>
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Cooper Park ♦ Last printed 25/06/2020 ♦ Page 4

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## State Heritage Register Nomination Form



	<p>Park areas assessed as having low nature conservation significance are open grassed areas, exotic plantings and areas with high levels of recreation use.</p> <p>Cultural plantings include mature plantings of <i>Araucaria cunninghamii</i> (Hoop Pine), <i>Brachychiton acerifolius</i> (Illawarra Flame Tree), <i>Butia capitata</i> (Jelly Palm), <i>Cupressus sempervirens</i> (Mediterranean Cypress), <i>Ficus macrophylla</i> (Moreton Bay Fig), <i>F. rubiginosa</i> (Port Jackson Fig), <i>Jacaranda mimosifolia</i> (Jacaranda), <i>Liquidambar styraciflua</i> (Liquidambar), <i>Phoenix canariensis</i> (Canary Island Date Palm), <i>Populus deltoides</i> (Cottonwood), <i>Podocarpus elatus</i> (Plum Pine) and <i>Pinus radiata</i> (Radiata Pine, Monterey Pine).</p> <p>Built elements in Cooper Park include the tennis courts and associated pavilion, Cooper Park Community Hall (former Scout Hall), artificial stone shelters, octagonal public toilet block (now a storage facility for park staff and volunteers), stone and concrete bridges, drainage channels and pits, amphitheatre and retaining walls, stone, concrete and earth paths.</p>
<b>Condition of fabric and/or archaeological potential:</b>	Condition varies from good to poor, with some trees senescent or damaged. Some early structures including some of the artificial stone shelters have deteriorated and require conservation work.
<b>Integrity / intactness:</b>	Archaeological potential has not been assessed but some Aboriginal sites occur within the park. Integrity and intactness are high.
<b>Modifications Dates:</b>	<p>Cooper Park Regeneration Scheme late 1970s.</p> <p>Tennis Pavilion partially demolished and rebuilt in 1990.</p> <p>Two Doric pillars originally from Sydney Post Office and later relocated to Elizabeth Bay House and to Vaucluse House, were erected in 1994 at the top of the steps leading down from Victoria road, Bellevue Hill to the amphitheatre.</p> <p>Landslide repair works in the amphitheatre were carried out in 2009.</p> <p>Additions over the years have brought the Park up to its present area of 15 ha (38 acres).</p>
<b>Date you inspected the place for this description:</b>	29 March 2019
<b>Current use*:</b>	Public park
<b>Original or former use(s)*:</b>	Part of former Cooper estate; former uses of parts of the site included logging, market gardening, a quarry and a municipal incinerator
<b>Further comments:</b>	

Illustrations can be inserted as images in section J.

\* These details must be entered if you are basing the significance of the place or object on its past or present use.

## D. Historical outline

### 7. Origins and historical evolution

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 5

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<b>Years of construction*:</b>	1917 (start year)	1930s (finish year)
<b>Designer / architect*:</b>	Architects S E Coleman of Gordon and RCG Coulter of Eastwood won a competition in 1928 to design the layout of the park. Later alterations have been designed by Woollahra Municipal Council staff. The former Scout Hall built in 1962 for 1st Edgecliff Boy Scouts was designed by architect Samuel Lipson of the Sydney practice Lipson and Kaad.	
<b>Maker/ builder:</b>	Much of the ornamental stonework, including walls, balustrades, paths, steps, bridges, drainage channels and ponds was constructed by workers engaged by Woollahra Municipal Council with Unemployment Relief Fund moneys made available under The Prevention and Relief of Unemployment Act 1930. Artificial rock shelters were constructed by H Arnold who had designed similar structures for animals at Taronga Zoo. Much stone work including the construction of the Moon Bridge was supervised by Ernest Miles.	
<b>Historical outline of place or object:</b>	<p>The dense bushland, rock shelters, fresh water and proximity to the harbour would have made the area that is now Cooper Park attractive to the Cadigal people, a clan of the coastal Dharug language group, who had been caring for the land for millennia.</p> <p>After European arrival and settlement in Sydney from 1788 onwards, small semi- permanent camps evolved around Sydney including among the swamps of Double Bay and Rushcutters Bay. Europeans brought smallpox with them and within two years only three Cadigal People are said to have survived in the area. Small grants were made to emancipists such as Hayes from 1793 onwards and during the earlier half of Macquarie's Governorship, soldiers received grants in Double Bay and Rose Bay, the most significant being to Captain John Piper at Point Piper. His estate grew to a massive 1,130 acres. Daniel Cooper (1785-1853), a former convict became a business identity in this area in partnership with Solomon Levey after 1821. Financial pressures forced Piper to sell the Point Piper Estate to Cooper and Levey in 1826. Their title to the land was confirmed in 1830 and it became the sole property of Daniel Cooper in 1847. The Vacluse part of Piper's estate was bought by William Charles Wentworth. Daniel Cooper lived in the area until he returned to England in 1831 and in 1833 Solomon Levey died. Legal complications associated with Solomon Levey's death meant that between 1833 and 1842 1,300 acres of the estate remained undeveloped and other activities such as logging to fuel tallow production are thought to have occurred in what is now known as Cooper Park. Cooper eventually bought out the heir to Solomon Levey's estate, John Levey, after lengthy negotiations. An 1841 trigonometric survey of the Cooper Estate shows predominantly undeveloped land with a small natural watercourse flowing through the incised valley that is now known as Cooper Park, before entering what appears (by its regularity) to have been a man-made open canal in the lower reaches of the gully area. This canal then carried the natural drainage across the level ground between Manning Road and</p>	

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 6

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Issue of 16/06/2008  
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## State Heritage Register Nomination Form



Bellevue Road towards Double Bay. By 1842 the Cooper family effectively owned the former Point Piper Estate including Cooper Park.

On Cooper's death in 1853, his nephew, also Daniel Cooper (later Sir Daniel Cooper), born in Lancashire in 1821, was appointed trustee of the Point Piper Estate. In 1856 Cooper began a great mansion called 'Woollahra House' on Point Piper, on the site of Piper's 'Henrietta Villa'. In the same year Cooper became first Speaker of the new Legislative Assembly. He resigned from the Speakership in 1860 and returned to England a year later, became the Agent-General for NSW, was made the First Baronet of Woollahra in 1863, and died in 1902. During the 1840s the site continued to be logged, with Chinese market gardens established later in the valley floor. Daniel Cooper died in 1853 and had no children of his own, so left Point Piper Estate to Daniel Cooper III, the son of his nephew, Sir Daniel Cooper. Daniel Cooper's will required that the Trustees manage the Estate until the heirs were 21 and that no land could be sold until that time. To manage such a large undeveloped Estate effectively, the Trustees offered the more elevated areas of the undeveloped estate on 99-year leases to meet the requirement of not selling the land. The lease-holders built on the land at their own expense, whilst low lying areas remained undeveloped, with some areas farmed as market gardens. When the heir of the Point Piper Estate, Daniel III turned 21 he was living in England, and transferred his entire estate to his father Sir Daniel Cooper in 1881. Sir Daniel Cooper then proceeded to subdivide the land the following year. The core of the Point Piper Estate was sold to William, Daniel III's brother whilst the western side was offered in 85 subdivisions.

In June 1885 Council requested that the Government purchase a piece of land from the Cooper Estate for recreational purposes. The deputation failed and the land continued to be subdivided and sold for residential development. In 1889 the Northern Ocean outfall sewerage system was completed and a Higginbotham & Robinson Plan from circa 1889-1910 illustrates this. In 1890 another attempt to induce the Government to purchase the land for park was met with failure. However, a tax imposed by the State Government in 1895 resulted in high tax to the Cooper family on the land leased, causing the Cooper family to sell freehold land to existing lease-holders. This resulted in increased development in the area between 1895 and 1910, with Adelaide Parade and a sandstone retaining wall being constructed in the period between 1895 and 1899. Council requested Sir William Cooper donate the head of Double Bay Gully to Council to be used as park, but in 1910 the Cooper Estate Manager informed Council this would not be granted. It was not until 1913 that Sir William Cooper consented to giving the whole of the gully, from Victoria Road, Bellevue Hill, to Manning Road, Double Bay, to Woollahra Council for a park, but due to the outbreak of World War I, the park was not finally gazetted until 1917. The site was used for its resources, with timber extraction, quarrying (with the Woollahra Municipal Council

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 7

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## State Heritage Register Nomination Form



quarry established in 1915), Chinese market gardens and dairy production prevalent in the area. It must have been a wild place - the Mayor promised to attend to 'shooting going on in Cooper Park', an issue raised by Alderman Grimley in July 1917.

The state of the park in the early days can be judged by representations by the owner of the adjoining property 'Oswestry' in Short Street that Council take steps to control lantana that was encroaching on his property from the park. Council referred the matter to the Engineer with instructions to grub out lantana in Cooper Park and that the weed be removed from all Council's parks.

With the main area of Cooper Park now under Council's ownership and management, the Chinese market gardens were moved and plans for park improvements and beautification were drawn up. In 1917 Council also purchased three acres of land near the quarry to be used as park (assumed to be the Bowling Club) and in 1922 Council approached Mr Fletcher (owner of the Foundry on Fletchers Gully) to ask him to dedicate the gully to the Council, however, he refused. In August 1922 Council resolved to resume the 1 acre, 1 rood, 3 ½ perches of Fletcher's Gully at a cost of £150 and an additional £30 for a 10 feet wide Right-of-Way from View Street. Council continued with additional land acquisitions from the Cooper Estate to add to the park, resolving to acquire an area of 3 acres 25 perches on the northern side of Cooper Park from the Trustees of the Estate who were to be offered £350 per acre, the valuation of the Valuer-General.

However, in March 1923 Council resolved to take steps to resume this area in response to the refusal by estate agents Messrs Raine & Horne to agree to a clause in the contract that the sale was to be subject to the Governor of NSW approving a loan of £20,000 for the purchase. The land was to be acquired under the government's proposed loan scheme for acquisition of land for public recreation.

Notwithstanding the gazettal of Cooper Park, a motion that cattle be permitted to graze in the park area was received and adopted by Council in 1923 with the usual fee for agistment being charged and Council taking no responsibility for safe-keeping of the stock. Council's Engineers were requested to develop a design for the park and the initial works were completed. In June 1922, the Town Planning Association of NSW congratulated Council on its enterprise in establishing six tennis courts at Cooper Park and in improving the drainage, etc. The Association also suggested that the Manning Road side of the park be improved by tree-planting and further improvements. Not everyone in the community or on Council were happy with people playing tennis on Sunday. Council was discussing a letter from the Congregational Church which asked the Council to reconsider the decision to allow tennis to be played in Cooper Park on Sundays. Those against the practice, including Aldermen Latimer and Dalwood were labelled wowsers by those who approved of Sunday tennis. Alderman Foster objected to the remark that "you cannot play tennis and be a Christian". The Mayor (Ald. Bradley) went so far as to challenge the objectors that he would resign his seat and context it

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 8

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC Issue of 16/06/2008  
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## State Heritage Register Nomination Form



with any alderman on this specific question.

In January 1923, Council agreed to proceed with the construction of a tennis pavilion and 'necessary sanitary accommodation' in the park opened for use at the end of that year. In May Council called tenders for the erection at Cooper Park of (a) Club House Building, and (b) Club House Building with Caretaker's quarters. Council also advertised, in August 1923, for a Caretaker and Green Keeper for the tennis courts at Cooper Park. "Applicants must be capable of keeping courts, lawns and playing areas in first class condition and be excellent green keepers. Capable men only need apply". The grass courts and club-house were opened by the end of that year.

In September 1924 Council invited applications for the hire of one first class tennis court at Cooper Park at a rental of £65 per annum, payable quarterly in advance, for Saturday and Sunday afternoon and public holidays. The playground at the east end of the tennis courts was also constructed in 1924. With the tennis courts proving to be popular, two additional courts were completed in 1926. Late in 1926 Council advertised for applications for permits to allow horses to graze in Cooper Park.

The mid-1920s were a time of optimism and growth after the horrors of the Great War and the influenza pandemics that followed the conflict. In several countries, architects were invited to submit entries for the design of new public parks.

In 1927 a design competition was advertised for the development of Cooper Park and the winning design by architects S E Coleman of Gordon and RCG Coulter of Eastwood was announced in 1928. In the previous year the same architects had won first prize against 21 other entries for the design of a new Congregational Church for Canberra. However, some architects were becoming disenchanted with design competitions as a result of perceptions that some were conducted unfairly and that specialists in building or park design should just be chosen and appointed.

In December 1929 two more tennis courts were completed to the west of the existing courts. 1927 is the year that Council commenced operation of the Incinerator adjoining Cooper Park North, which continued operation until 1944.

In the late 1920s Council redeveloped land formerly used as a council quarry as the site of a new garbage incinerator plant. The quarry had been formed on the north-eastern edge of the gully dedicated as Cooper Park. An access roadway had been built to the quarry and was known as Quarry Road until renamed Cooper Park Road in 1929. In February 1926 council had settled upon the quarry as the site for a proposed Meldrum 'Garbage destructor' commissioned from the firm of H H Swarbrick the previous year. Records show that the incinerator's furnace was almost entirely within the area occupied by present-day 23 Cooper Park Road.

As it remains today, Cooper Park in 1929 was an oasis from the bustling city. An article in the Sydney Morning Herald, 29 December 1929, under the headline 'Valley of Surprise near Heart of City.

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 9

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC  
Issue of 16/06/2008  
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## State Heritage Register Nomination Form



Beautiful Cooper Park' contained these words "A valley where all is peace, away from the noise of street traffic, the roar of trams, and the strident, jarring tooting of motor sirens".

In the 1930s, complaints from the community about the incinerator intensified as the area within range of its impacts was developed, and in 1934 a public inquiry into the management of the plant was ordered by the Minister for Local Government and drew a number of conclusions, one of which was that 'the destructor was erected on the most suitable site available to the Council at the time'. However, public complaints continued and other operational difficulties – both technical and staffing issues – developed.

Despite the Great Depression, the 1930s were a time when many improvements were made to Cooper Park. The Rangers League was enlisted in 1930 to patrol the park to preserve the flora and fauna, showing great interest in preserving the natural beauty and values of the gully. On 16 September 1931 the first Arbor Day planting was held in the park, with numerous trees planted by alderman and members of the community, and these plantings continued throughout the 1930s, initiated and coordinated by tree planting committees. There was a focus on planting native tree species although not necessarily local species. They included 500 specimens of Tasmanian Blue Gum, Lilly Pilly, assorted Wattles and Queensland Kauri. Exotic species included willows planted at the foot of the garbage tip.

In 1931 Council initiated proposals for an auditorium for open-air functions in the natural amphitheatre at the eastern end of the site and the Engineer submitted plans to Council for this. A large team of unemployed labour was engaged to carry out the award-winning park design, including the extensive system of winding paths throughout the park (later named after Councillors), bridges, public toilets, seating follies, grassed areas and the cricket pitches. Tennis courts were resurfaced, the tennis pavilion was extended, tennis floodlights were costed, and additional land was acquired. The Amphitheatre works, including the turfed terraced embankment below Victoria Road and the sandstone steps were constructed in 1936, with a large amount of fill imported into the site from Waverley. A granite plaque erected on the large stone retaining wall commemorates the works undertaken by the relief workers.

"In 1936 there was a proposal to use the natural amphitheatre as the setting for an open-air swimming complex, ringed by spectator seating" but this never came to fruition.

Specialised craftspeople were brought in to construct specific features including Mr H Arnold who circa 1936-7 constructed the synthetic stone shelters, based on his previous work in constructing faux rock animal enclosures at Taronga Zoo. When the old Moore Park Zoo of the NSW Zoological Society relocated in 1916 to its new site at Mosman on Sydney's Lower North Shore the new Taronga Zoo embraced new zoo design philosophies, with well-fed, healthy animals exhibited as if at liberty in outdoor, open air enclosures, a far cry from the old cramped cages of many zoos. The natural terrain at Taronga

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 10

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



“leant itself to the installation of a series of open-air mock rock enclosures, nestled into the terraces. Mock rock was a method of construction that involved the application of ferro-cement over a sculpted arrangement of metal bars and galvanised mesh (chicken wire) create a rock-like appearance. It allowed the artificial terrain to blend somewhat into the existing landscape, creating the impression that the animals were exhibited in a natural setting.

Ernest Miles, (head of a gang of fifty) taught workers to cut and lay stone. He led the team of stoneworkers to construct the Moon Bridge in the centre of the park. They were so proud of the finished product that they placed a time capsule containing the names of the men who worked on the job inside one of the bridge corners. This time capsule was apparently resumed circa 2001. The sandstone wall along the frontage of Victoria and Bellevue Roads was constructed in 1937. Clean fill supplied from the Metropolitan Water Sewerage and Drainage Board (MWSDB) quarry in Waverley was used to solve problems in Cooper Park including the construction of filter beds to deal with the runoff from the Council’s incinerator site.

In keeping with the Park’s romantic pleasure garden style, plantings included a number of deciduous northern hemisphere tree species, most notably *Populus deltoides* (Cottonwood), *P. alba* (White Poplar), *Liquidambar styraciflua* (Liquidambar, Sweet Gum) and *Salix babylonica* (Weeping Willow). From the latter part of the 19th century, exotic plantings and stone work were commonly used to complement nearby natural features, as at Royal National Park and at limestone cave sites including Jenolan, Wombeyan, Yarrangobilly and Buchan Caves. In the case of caves and alpine areas, Spearritt argues that the scenery was considered the primary attraction for visitors, so the gardens and introduced vegetation. complemented the accommodation and other visitor facilities. Escape into romanticism from the austerity and stress of the Depression was also reflected in the architecture of the houses built for those few who were still doing well financially. The English Vernacular Revival architectural style spoke of ‘established solidity, its charm and its definite character.

Also in 1937 Council’s Engineer’s report included an item about the demonstration of a flame-thrower at Cooper Park, Council resolving that the purchase of this equipment be left in the Mayor’s hands. Controlling weeds using heat was popular at the time and into the 1950s as a labour-saving method but was eventually replaced by herbicides as new chemicals were developed. This phase of improvements ceased with the outbreak of World War II

After the outbreak of World War II and the cessation of the park upgrade works, a rifle range was constructed, with advice from officials at Victoria Barracks, on the eastern side of Cooper Park in the vicinity of Council’s incinerator at the cost of ‘over £500’. The range, built in sandy soil, had eight targets and mounds built at ranges of 25, 50 and 100 yards and was said to be available for practice by day.

Captain James Hutchison, Staff Officer of Rifle Clubs, officially

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 11

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC Issue of 16/06/2008  
Design by C. Loffi



## State Heritage Register Nomination Form



opened the range on 12 October 1940, with teams from the RAN, Army and Metropolitan Miniature Rifle Club taking part. Council made considerable modifications and improvements, turfing the site and connecting the range to the water supply and ultimately, by October 1942, providing a clubhouse. Council formed a rifle club, with Ald. C D Manion acting as Vice-president but the range was also used by other local rifle clubs and by the Australian Service Movement. In 1941, correspondence received from W H Cutler, congratulated council on building 'such a magnificent miniature rifle range at Bellevue Hill' and stating that 'if other council followed this lead, older members of the civilian rifle clubs would come forward and teach people how to shoot.' Writing to the Minister for the Army in 1943, former Ald. Leo Whitby Robinson was able to report that in the three years of its operation, over 2,500 people had used the range. An archival photograph accessible on Council's website indicates that orchestral concerts were being held in the amphitheatre as early as 1944 and as early as 1945, "Woollahra Council was planning to build an Open air auditorium at Cooper Park to house these [orchestral] performances and other entertainment, with the Hollywood Bowl cited in a number of reports as the inspiration behind the proposal. The project was still under consideration throughout the early 1950s, with Eugene Goosens of the SSO an enthusiastic supporter of the scheme". Even without an auditorium, "open-air concerts were in full swing during the 1950s" the ABC held regular free performances during their concert seasons (Spring-Summer), with the SSO as frequent performers and international artists or conductors making appearances from time to time. World-renowned Australian baritone Peter Dawson sang there on at least one occasion". "There are newspaper reports dating from mid-1960 of the ABC deciding against further seasons due to a number of factors – acoustic considerations, noise complaints, the behavior of patrons, etc. A one-off revival was staged in October 1988 as part of the Municipality's Bicentennial celebrations".

Cooper Park was extended to include the Bellevue Gardens in 1948. In 1950 construction of two bowling greens commenced east of Cooper Park North on the former tip where ash from the incinerator was dumped after the garbage incinerator was closed in 1944, and the Bellevue Bowling Club Ltd was formed in 1951. Fletchers Foundry closed in 1950 and by 1955 the land was filled, levelled and grassed, with a sandstone retaining wall to the base of Fletchers Gully.

A temporary closure of Council's incinerator early in 1944 led to Council using the St Peters tip which proved to be a satisfactory alternative for disposal of the municipality's waste. By 1946 the permanent closure of the incinerator was under serious consideration., the First Edgecliff Scouts group used the converted garage (built 1936) associated with the former incinerator caretaker's cottage (built 1927) from July 1949 to November 1962.

A Council advertisement in the Sydney Morning Herald in 1946 read

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 12

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



“Wanted, strong youth to assist in preparation and maintenance of tennis courts, Cooper Park. Award wages: Age 16: £2/7/8, 17: £2/18/10 per week. Apply to Engineer, Council Chambers, Ocean Street, Woollahra.”

This phase is defined by the end of the open-air concerts held at Cooper Park, resulting in a decrease of its role and use by the broader community. In 1960 it was determined that no more open-air concerts were to be held in the amphitheatre due to residential developments affecting the acoustics, vandalism and complaints. This led to the gradual decline and neglect of the grass terraced amphitheatre precinct and the gradual encroachment of weeds and bushland. Earthworks in Cooper Park North were finalised after use as a quarry and landfill, with the main open grassed area established.

Council had determined to sell the incinerator site for a 5-lot residential subdivision with right-of-way in 1961. In late September that year estate agents Raine & Horne recommended to council that the land be put to the market in November 1961 but the sale was postponed for a number of reasons including slow progress on the connection of water and sewerage services and the fact that the Scout Hall stood across the planned access to two of the blocks. Part of the proceeds from the sale of the site went towards helping the Scouts find new premises, which resulted in the construction of a new hall in Cooper Park North. The new building was designed by prominent architect Samuel Lipson, of the Sydney practice Lipson and Kaad, better known for larger buildings including the Temple Emanuel in Ocean Street, Woollahra. Lipson donated his services ‘as a gesture of good will’. Council called tenders for the construction of the new hall in January 1962 but the matter was deferred twice, firstly until more was known about the progress of the land sale, and secondly, pending an engineer’s report and a recommendation from the Finance Committee that the honorary architect be requested to re-design the structure to improve the aesthetic appearance of the exterior. In spite of further delays arising from underestimation of the depth of rock on the site for the new scout hall, the building was completed by October 1962. A ‘colourful march of Cubs, Scouts and Guides from Bellevue Hill School to Cooper Park Road’ preceded the official opening of the new Scout Hall by Deputy Mayor Alderman Murchison in the presence of the Chief Scout Commissioner Vincent Fairfax. The 1962 Scout Hall still stands at Cooper Park Road and is currently used by Woollahra Council as a Community Hall.

Cooper Park was further extended in the 1960s to Bellevue Gardens and to the north- east. The main car park in Bunna Place was expanded and formalised to cater to increasing visitation to the park and tennis courts. Other works included planting of native trees and shrubs in the reserve.

An Open Space Survey conducted by the NSW Planning and Environment Commission in 1972 found that Woollahra Municipality provided passive open space at the rate of 1.13 hectare per thousand population, 30% below standard requirements. In recognition of this

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 13

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC  
Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



shortfall, Woollahra LEP 1995 sought 'to increase the provision of public open space within the Council's area to meet the needs of the population'. This policy helped to protect Cooper Park from future alienations for residential or commercial development.

In 1974 landscape consultant William Ashton inspected Cooper Park and was concerned at the level of weed invasion into bushland areas, recommending the use of the Bradley bush regeneration method, with immediate action required in some badly affected areas. A scheme was initiated to remove *Ligustrum lucidum* (Large-leaved Privet), *L. sinense* (Small-leaved Privet), *Ipomea indica* (Morning Glory) and *Cardiospermum grandiflorum* (Balloon Vine) and other weeds from the Park.

From 1975 onwards there has been a greater focus on managing the degradation caused by deferred maintenance, siltation of streams, pollution and spread of spread of invasive plant species. Council has committed extensive resources to various programs of weed control and revegetation/regeneration in the park.

During the 1980s and 1990s Council engaged the National Trust of Australia to undertake bush regeneration activity in Cooper Park. This was undertaken utilising the Bradley Method of regeneration. From 1988 onwards Council employed bush regeneration teams for all bushland reserves and this activity was supplemented in the late 1980s by the Commonwealth Employment Scheme (CEP) that was designed as a skills training program for the unemployed. Subsequent to this other government employment schemes also enabled bushland regeneration works in the reserve, and in 2004, Bushcare Woollahra was established, with teams of community volunteers working on bushland management programs in the park.

Some of the original 1930s exotic plantings have been progressively removed in preference for planting and regeneration of indigenous vegetation in the park. This removal of original species and revegetation has reduced some of the historic cultural landscape values of the park.

Other than revegetation works, a one-off revival concert was staged in 1988 as part of Australian Bicentenary celebrations. In 1990, the tennis pavilion was partially demolished and rebuilt. In 1993 Cooper Park was placed on the Register of the National Estate (RNE), a Commonwealth list of significant places, which although it gave recognition to the park's heritage values, only provided protection against works by the Commonwealth or works partly or wholly funded by the Commonwealth. The RNE has since been replaced by the National Heritage List and the RNE only exists now as a searchable database, with no statutory force.

In 1994 two sandstone Doric columns which once graced the old 1847 Sydney Post Office were installed at the Victoria Road entrance to Cooper Park, at the top of the stone steps down into the Amphitheatre. For a time after the demolition of the old post office, the columns were moved to Elizabeth Bay House, then to Vacluse House where they stood for many years. With the restoration of the latter house to

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 14

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC Issue of 16/06/2008  
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## State Heritage Register Nomination Form



	<p>its former glory, the columns were declared surplus and given to Woollahra Council.</p> <p>In 2009 a burst water main caused a section of Bellevue Road to collapse, resulting in a landslide down the amphitheatre embankment and significant damage to Cooper Park. Repair works were primarily completed by September 2009. Siltation of the creeks in Cooper Park from developments upstream remains an ongoing problem for Park management but sediment removal has produced some spectacular results.</p> <p>With the ongoing pressures that come with increasing urbanisation, Cooper Park will continue to provide local residents and visitors with respite from the hustle and bustle of the city through its natural and cultural heritage values. Today the park is used by the surrounding communities for a range of activities including fitness classes, active sports, dog exercise classes and informal recreation.</p>
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\* These details must be entered (as shown in the guideline) if you are basing the significance of the place or object on its architectural or technical qualities or its historical period of construction.

Historical maps, photographs or other illustrations that help to explain the history of the place can be inserted in section J.

### 8. Historical themes represented

<b>National theme(s):</b>  <i>Select one or more of 1-9.</i>  <i>New line for each selected.</i>	6. Educating 1. Tracing the natural evolution of Australia 2. Peopling Australia 3. Developing local, regional, national economies 4. Building settlements, towns and cities 5. Working
<b>State theme(s):</b>  <i>Select one or more for each above selected National theme 1-9.</i>  <i>New line for each selected.</i>	<i>Within National themes 1-3:</i> 1. Environment - naturally evolved 2. Aboriginal cultures interaction with others 3. Environment - cultural landscape 3. Events <i>Within National themes 4-9:</i> 4. Land tenure 4. Accommodation 8. Creative endeavour 5. Labour 8. Leisure

## E. Criteria

### 9. Assessment under Heritage Council criteria of state significance

<b>A. It is important in the course or pattern of the cultural or natural history of NSW.</b>	It does not appear to satisfy this criterion at a State level.
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## State Heritage Register Nomination Form



<b>B. It has a 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 NSW.</b>	<p>It meets this criterion of State significance because. Cooper Park has a strong association with the Cooper family, being a remnant of the extensive estate developed by the family from 1827 and including associations with two well-known members, both named Daniel Cooper. It was donated to Woollahra Municipal Council in May 1917 by Sir William Charles Cooper (1852-1925), the second son of Sir Daniel Cooper (1821-1902).</p> <p>Cooper Park has strong associations with the application of the NSW Prevention and Relief of Unemployment Act 1930 and includes fine examples of the unemployment relief works carried out by unemployed workers during the Great Depression to provide enhanced public recreation facilities and improved infrastructure.</p>
<b>C. It is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW.</b>	It does not appear to meet this criterion of State significance.
<b>D. It has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons.</b>	It does not appear to satisfy this criterion at a State level.
<b>E. It has potential to yield information that will contribute to an understanding of the cultural or natural history of NSW.</b>	It does not appear to satisfy this criterion at a State level.
<b>F. It possesses uncommon, rare or endangered aspects of the cultural or natural history of NSW.</b>	<p>It meets this criterion at a of State level because Cooper Park is a rare example of extensive high-quality Depression-era public recreation landscape works in the Woollahra local government area and in NSW generally. The extensive assemblage of artificial stone shelters from the 1930s constructed by H Arnold is rare at a State level. The rarity value of the Park is also enhanced by the presence of two threatened plant species <i>Acacia terminalis</i> subsp. <i>terminalis</i> and <i>Syzygium paniculatum</i>. Cooper Park is assessed as satisfying the inclusion guidelines for Criterion F at a local level and at a State level.</p>
<b>G. It is important in demonstrating the principal characteristics of a class of cultural or natural places/ environments in NSW.</b>	It does not appear to satisfy this criterion at a State level.

## F. Listings

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 16

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC  
Issue of 16/06/2008  
Design by C. Loffi



## State Heritage Register Nomination Form



### 10. Existing heritage listings

Check one box for each of the following listings:

Listed	Not listed	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Local environmental plan (LEP) - heritage item (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Regional environmental plan (REP) - heritage item (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	LEP - Conservation area (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Draft LEP - Draft heritage item (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Draft LEP - Draft conservation area (call the local council to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	State Heritage Register (search the register at <a href="http://www.heritage.nsw.gov.au">www.heritage.nsw.gov.au</a> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Trust register (call the National Trust to confirm)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Aboriginal heritage information management system (by Dept. of Environment & Conservation)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Royal Australian Institute of Architects Register of 20 <sup>th</sup> Century Architecture (call the RAlA)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National shipwreck database (search <a href="http://maritime.heritage.nsw.gov.au/public/welcome.cfm">maritime.heritage.nsw.gov.au/public/welcome.cfm</a> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers Australia list (call Engineers Australia to confirm)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	National Heritage List (search Australian Heritage Database <a href="http://www.deh.gov.au/cgi-bin/ahdb/search.pl">www.deh.gov.au/cgi-bin/ahdb/search.pl</a> )
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Commonwealth Heritage List (search above Australian Heritage Database)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Register of the National Estate (search above Australian Heritage Database)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	NSW agency heritage and conservation section 170 register (call owner or occupier Agency)
Other listings:		Some elements in and adjoining Cooper Park are listed on the LEP and vegetation is listed on Woollahra Register of Significant Trees 1991

## G. Photograph

### 11. Image 1

Principal photograph of place or object:	
Subject of photo:	The stone steps and amphitheatre at Cooper Park during construction, 1930s.
Date of photo:	1930s

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 17

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection  
Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC  
Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



Photographer:	Unknown
Copyright holder:	Unknown

Include additional photographs and images in section J.

If possible, please also provide a high resolution, publication-quality copy of this image saved to disk (or as non-digital prints) with the signed hard-copy of the nomination form.

### H. Author

#### 12. Primary author of this form

Your name:	Mr	Chris (first)	Betteridge (family)
Organisation:	Betteridge Heritage on behalf of Woollahra Municipal Council		
Position:	Director		
Daytime phone number:	0419011347		
Fax number:	N/A		
Postal address:	42 Botany Street (street address or postal box)		
	Kingsford (suburb or town)		
	NSW (state)		2032 (post code)
Email address:	musecape@accsoft.com.au		
Date form completed:	6 November 2019		

#### 13. References used for completing this form

	Author	Title	Publisher	Repository / location	Year published
1.	Hill, Jeffrey	'Interpretive plan and strategy in support of a bush regeneration program, Cooper Park (Woollahra Council)', assignment report prepared for Recreation Management course, Charles Sturt University, Albury	Unpublished	Woollahra Library Local Studies Collection.	1995
2.	Hill, Jeffrey	'Cooper Park as a cultural resource – Plan of Management', assignment report prepared for Cultural Resource Management course PKM 402,	Unpublished	Woollahra Library Local Studies Collection.	1995

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 18

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC  
Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



		Charles Sturt University, Albury.			
3.	Hughes, Truman Ludlow Consultants	'Heritage study for the Municipality of Woollahra', consultant report prepared for Woollahra Municipal Council	Unpublished	Woollahra Library Local Studies Collection.	1984
4.	Johnston, William	'Reminiscences of Cooper Park'	Unpublished	Woollahra Library Local Studies Collection.	1931
5.	Manidis Roberts	'Woollahra outdoor recreation & open space study', final consultant report October 1992 prepared for Woollahra Municipal Council	Unpublished	Woollahra Library Local Studies Collection.	1992
6.	Martin, Kristen & Ruting, Noel	Cooper Park Management Plan, internal report prepared for Woollahra Municipal Council	Unpublished	Woollahra Library Local Studies Collection.	1987
7.	Mayne-Wilson, Warwick	Town parks of New South Wales: Past, present and future,	The author, Sydney	Betteridge Heritage	2014
8.	Mayne-Wilson & Associates	'Heritage Report and Landscape Masterplan for the Restoration & Upgrade of Cooper Park Amphitheatre', consultant report prepared for Woollahra Municipal Council	Unpublished	Woollahra Library Local Studies Collection.	2001
9.	Thompson Berrill Landscape Design Pty Ltd	Cooper Park Conservation Management Plan', consultant	Unpublished	Woollahra Library Local Studies Collection.	2011

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 19

C:\Users\flavias\Documents\Offline Records (TL)\Heritage - ~ LAND USE AND PLANNING - Programs - Heritage Protection Programs(5)\Cooper Park Heritage Assessment - Appendix B SHR Nomination.DOC  
Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



		report prepared for Woollahra Council, including Appendix A: Site Chronological History; Appendix B: Historical Aerial Photo Comparison Plan; Appendix C: Heritage Analysis Plans; Appendix D: Vegetation Management Plans			
10.	Woollahra Municipal Council	'Draft Plan of Management, Cooper Park'	Unpublished	Woollahra Library Local Studies Collection.	1996, 1998, 2008, 2009
11.	Woollahra Municipal Council	Woollahra Municipal Council	Unpublished	Woollahra Library Local Studies Collection.	from 2003
12.					

### 14. Signed by author

Author (sign and print name)	Dated
------------------------------	-------

### 15. Signed by copyright holder(s) of image(s)

Image copyright holder (sign and print name)	Dated
Image copyright holder (sign and print name)	Dated

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Issue of 16/06/2008  
Design by C. Loffi

## State Heritage Register Nomination Form



Image copyright holder (sign and print name)

Dated

Signing 14 and 15 confirms the author of this form and copyright holder(s) of images give permission for the Heritage Branch to use non-confidential information and images entered in this form for any purpose related to processing the nomination. Possible uses include (but are not limited to) publication on the Heritage Branch website, newsletter, reports or other publications. The author of the form, image copyright holder(s) and photographer(s) will be acknowledged when published.

### I. Nominator

#### 16. Nominator to be contacted by Heritage Branch

<b>Name:</b>	Ms	Flavia (first)	Scardamaglia (family)
<b>Organisation:</b>	Woollahra Municipal Council		
<b>Position in organisation:</b>	Strategic Heritage Officer		
<b>Daytime phone number:</b>	02 9391 7084		
<b>Fax number:</b>	02 9391 7044		
<b>Postal address:</b>	536 New South Head Road (street address or postal box)		
	Double Bay (suburb or town)		
	NSW (state)		2028 (post code)
<b>Email address:</b>	flavia.scardamaglia@woollahra.nsw.gov.au		

<b>Alternate contact name:</b>	Mr	Chris (first)	Bluett (family)
<b>Position in organisation:</b>	Manager Strategic Planning		
<b>Daytime phone number:</b>	02 9391 7083		
<b>Fax number:</b>	02 9391 7044		
<b>Postal address:</b>	536 New South Head Road Double Bay NSW 2028		
<b>Email address:</b>	chris.bluett@woollahra.nsw.gov.au		

#### 17. Reasons for nomination

<b>Background or reasons for nomination:</b>	The Heritage Assessment report prepared by Chris Betteridge of Betteridge Heritage has highlighted the State significance of Cooper Park. The report was prepared in accordance with the OEH guidelines 'Assessing Heritage Significance' (NSW Heritage Office 2001).
--	---

#### 18. Form signed by nominator for submitting

Nominator (sign and print name)

Dated

#### CHECKLIST



Spell check your form - double click here (or F7)

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 21

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## State Heritage Register Nomination Form



Before submitting this form, check that you have:

- ☐ completed all yellow sections, and other sections marked as essential.
- ☐ completed blue sections wherever possible.
- ☒ explained why the place or object is *state* significant in the statement of state significance.
- ☒ explained *how* one or more of the criterion has been fulfilled for listing.
- ☒ inserted photographs, maps and other illustrations as digital or scanned images.
- ☒ acknowledged all sources and references you used.
- ☐ signed and dated this form.
- ☐ obtained the nominator's and image copyright holders' signatures.
- ☐ if possible, attached a disk (or non-digital prints) for posting select image/s of high resolution, suitable for publication.

### TO SUBMIT THIS NOMINATION:

<b>Post all of the following:</b> <ol style="list-style-type: none"><li>1. a signed hard-copy of the form;</li><li>2. an electronic copy of the completed form saved to disk (unless you prefer to email it separately); and</li><li>3. other attachments, such as high-resolution copies of photographs suitable for publication.</li></ol>	<b>Addressed to:</b> <p>The Director Heritage Branch NSW Department of Planning Locked Bag 5020 Parramatta NSW 2124</p> <hr/> <b>If an electronic copy of the form is not posted, email it instead to:</b> <p><a href="mailto:nominations@planning.nsw.gov.au">nominations@planning.nsw.gov.au</a></p>
--	--

## State Heritage Register Nomination Form



### J. Additional photographs, maps or other images

Image 2

Photograph or other image:	
<b>Subject of image:</b>	The Amphitheatre, Cooper Park, with the stone steps leading down from Victoria Road.
<b>Date of image:</b>	29 March 2019
<b>Photographer or author:</b>	Chris Betteridge
<b>Copyright holder:</b>	Chris Betteridge

Image 3

Photograph or other image:	
<b>Subject of image:</b>	Cultural plantings and remnant vegetation adjoining tennis courts car park, Cooper Park.

Cooper Park ♦ Last printed 25/06/2020 ♦ Page 23

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## State Heritage Register Nomination Form



Date of image:	29 March 2019
Photographer or author:	Chris Betteridge
Copyright holder:	Chris Betteridge

## State Heritage Register Nomination Form




Image 4

<b>Photograph or other image:</b>	A photograph showing a set of rough-hewn sandstone steps leading up a hill. To the right of the steps is a wooden balustrade made of vertical posts and horizontal rails. The surrounding area is filled with trees and ferns.	
<b>Subject of image:</b>	Sandstone steps and timber arris rail balustrade, Cooper Park	
<b>Date of image:</b>	29 March 2019	
<b>Photographer or author:</b>	Chris Betteridge	
<b>Copyright holder:</b>	Chris Betteridge	

Image 5

## State Heritage Register Nomination Form



<p><b>Photograph or other image:</b></p>		
<p><b>Subject of image:</b></p>	<p>The major sandstone retaining wall at the western end of the Amphitheatre, with a plaque commemorating the unemployment relief works carried out during the Depression.</p>	
<p><b>Date of image:</b></p>	<p>29 March 2019</p>	
<p><b>Photographer or author:</b></p>	<p>Chris Betteridge</p>	
<p><b>Copyright holder:</b></p>	<p>Chris Betteridge</p>	



## State Heritage Register Nomination Form



Image 6



Photograph or other image:		
Subject of image:	Original or early sandstone drainage channel and pit, Cooper Park.	
Date of image:	29 March 2019	
Photographer or author:	Chris Betteridge	
Copyright holder:	Chris Betteridge	

Image 7

Photograph or other image:		
Subject of image:	View northeast of Moon Bridge, Cooper Park.	
Date of image:	29 March 2019	
Photographer or author:	Chris Betteridge	
Copyright holder:	Chris Betteridge	

## State Heritage Register Nomination Form



Image 8


Photograph or other image:		
Subject of image:	One of the artificial rock shelters constructed by H Arnold at Cooper Park during the 1930s	
Date of image:	29 March 2019	
Photographer or author:	Chris Betteridge	
Copyright holder:	Chris Betteridge	

Image 9

Photograph or other image:		
Subject of image:		
Date of image:		
Photographer or author:		
Copyright holder:		

## State Heritage Register Nomination Form



### Image 10

Photograph or other image:	
Subject of image:	
Date of image:	
Photographer or author:	
Copyright holder:	

### Image 11

Photograph or other image:	
Subject of image:	
Date of image:	
Photographer or author:	
Copyright holder:	

## State Heritage Register Nomination Form



### Image 12

Photograph or other image:	
Subject of image:	
Date of image:	
Photographer or author:	
Copyright holder:	

### Image 13

Photograph or other image:	
Subject of image:	
Date of image:	
Photographer or author:	
Copyright holder:	

## State Heritage Register Nomination Form



### Image 14

Photograph or other image:	
Subject of image:	
Date of image:	
Photographer or author:	
Copyright holder:	

### Image 15

Photograph or other image:	
Subject of image:	
Date of image:	
Photographer or author:	
Copyright holder:	



**Appendix C – SHI database entry for Sandstone retaining wall and railing facing Cooper Park, Adelaide Parade, Woollahra**

Sandstone retaining wall and railing facing Cooper Park

Item details

Name of item: Sandstone retaining wall and railing facing Cooper Park  
Type of item: Landscape  
Group/Collection: Parks, Gardens and Trees  
Category: Boundary Feature  
Primary address: Adelaide Parade, Woollahra, NSW 2025  
Local govt. area: Woollahra

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Adelaide Parade	Woollahra	Woollahra			Primary Address

Statement of significance:

The Adelaide Parade retaining wall, which is an integral part of the Adelaide Parade terraces, has significance as part of the improvements to Cooper Park. It has social and aesthetic significance as part of the terrace development.

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH [copyright and disclaimer](#).*

Description

Designer/Maker: Unknown

Builder/Maker: Unknown

Construction years: 1850-1890

Physical description: Sandstone retaining wall of large cut stone reaching heights up to 10-20 metres topped with a wrought iron palisade fence. The wall runs the full length of Adelaide Parade, approximately 80m. long, and continues up to some adjacent properties to the east. External Materials: Sandstone blocks, wrought iron fencing. Stone retaining wall and railings.

Current use: Retaining wall and balustrade

Former use: Retaining wall and balustrade

#### History

**Historical notes:** Efforts to acquire present day Cooper Park for public use commenced in 1885, but it wasn't until July 1913 that Sir William Cooper agreed to give the whole gully, from Victoria Road, Bellevue Hill, to Manning Road, Double Bay, to the Woollahra Council for use as a park. By 1836 a retaining wall was built, the east end filled in and the hillside terraced to form an amphitheatre. The retaining wall along northern edge of Adelaide Parade is noted on survey of Cooper Park dated 1939 and would have been in place when the Adelaide Parade terraces were constructed in 1902.

#### Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
4. Settlement-Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	Emergence of building styles-
8. Culture-Developing cultural institutions and ways of life	Domestic life-Activities associated with creating, maintaining, living in and working around houses and institutions.	A place to live-
8. Culture-Developing cultural institutions and ways of life	Social institutions-Activities and organisational arrangements for the provision of social activities	Cultural and social life-


#### Assessment of significance

SHR Criteria a) Historically representative at a Local level.  
[Historical significance]

SHR Criteria c) Aesthetically representative at a Local level.  
[Aesthetic significance]

SHR Criteria d) Socially representative at a Local level.  
[Social significance]

SHR Criteria g) Socially representative at a Local level. Aesthetically representative at a Local level.  
[Representativeness] Historically representative at a Local level.

**Assessment criteria:** Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

**Recommended management:**

It is recommended that a Heritage Report be prepared prior to any proposals for modifications to the Adelaide Street retaining wall.

**Listings**

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Woollahra	LEP 1995	10 Mar 95	28	
Local Environmental Plan	Woollahra LEP 2014	478	23 May 15		
Within a conservation area on an LEP	Woollahra HCA	LEP 1995	10 Mar 95	28	
Heritage study	Woollahra	L-36	27 Jun 84		

**Study details**

Title	Year	Number	Author	Inspected by	Guidelines used
Woollahra Heritage Study 1995	1995	1000.0140B	Schwager Brooks	Schwager Brooks	No

**References, internet links & images**

None



**Data source**

The information for this entry comes from the following source:

112

Name: Local Government

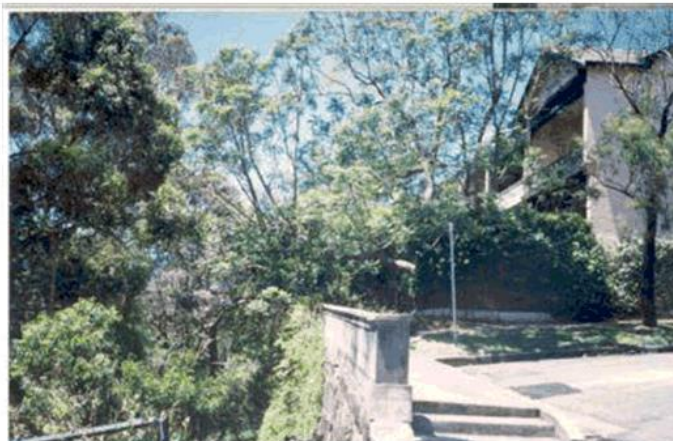
Database number: 2710016

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the [Database Manager](#).

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Adelaide Parade, sandstone wall western end showing rendered street level retaining wall  
Image copyright owner: Woollahra Council



Adelaide Parade, sandstone wall western end showing rendered street level retaining wall  
Image copyright owner: Woollahra Council





Adelaide Parade pathway between Cooper Park and row of terraces  
Image copyright owner: Woollahra Council



Adelaide Parade, sandstone retaining wall to Adelaide Parade as viewed from Cooper Park  
Image copyright owner: Woollahra Council





Adelaide Parade, Sandstone wall western end of retaining wall viewed from Cooper Park  
Image copyright owner: Woollahra Council

**Appendix D – SHI database entry for Canary Island Date Palm and Chinese Windmill Palm, Cooper Park North**

Chinese Windmill Palm, Canary Island Date Palm

Item details

Name of item:	Chinese Windmill Palm, Canary Island Date Palm
Type of item:	Landscape
Group/Collection:	Parks, Gardens and Trees
Category:	Planting groups
Primary address:	Streatfield Road within road reserve, Bellevue Hill, NSW 2023
Local govt. area:	Woollahra

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Streatfield Road within road reserve	Bellevue Hill	Woollahra			Primary Address

1. Statement of significance:

Significant for the grouping of large mature trees. The trees are significant as part of the local plantings which have been made since the 1930s when tree planting became an accepted amenity.

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the [OEI copyright and disclaimer](#).*

## 2. Description

**Physical description:** Bounded by Streatfield and Northland roads to the north, and Cooper Park Road to the south. Reserve has approximately 30 mature pine trees to western side at Streatfield Road. Towards Cooper Park Road is a large grassy area bounded by low lying scrub plantings. At the northern corner is a single storey building with face brick construction, gable roof and terra cotta roof. Reserve and mature trees.

**Physical condition and/or Archaeological potential:** Two dead pine trees and one stump to reserve. [1997] Chinese windmill palm died during drought of 2003. Only one canary island palm remaining within reserve.[Maher]

Date condition updated:14 Apr 04

## 3. History

**Historical notes:** Part of the West Woollahra district, bounded by Jersey Road, Oxford Street-Wallis Street and Edgecliff Road, and characterised by the mixture of land uses, building forms and styles. Bounded by Streatfield and Northland roads to the north, and Cooper Park Road to the south. The Streatfield Road Reserve, one of only a few parks in Woollahra, was formed from the subdivision of the Cooper Estate Number Four during the period 1914-1920. The municipality is generally not well endowed with significant street planting due to, the density of development, and the nature of the development where expectations and demand for tree planting were minimal. It was not until the late 1930's that tree planting was considered an important amenity.

## 4. Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
8. Culture-Developing cultural institutions and ways of life	Domestic life-Activities associated with creating, maintaining, living in and working around houses and institutions.	A place to live-
8. Culture-Developing cultural institutions and ways of life	Leisure-Activities associated with recreation and relaxation	Leisure-

117

8. Culture-Developing cultural institutions and ways of life	Social institutions-Activities and organisational arrangements for the provision of social activities	Cultural and social life-
--	---	---------------------------


5. Assessment of significance

SHR Criteria a)  
[Historical significance] Historically representative at a Local level.

SHR Criteria c)  
[Aesthetic significance] Aesthetically representative at a Local level.

SHR Criteria d)  
[Social significance] Socially representative at a Local level.

SHR Criteria g)  
[Representativeness] Socially representative at a Local level. Aesthetically representative at a Local level. Historically representative at a Local level.

Assessment criteria: Items are assessed against the  [State Heritage Register \(SHR\) Criteria](#) to determine the level of significance. Refer to the Listings below for the level of statutory protection.

6. Recommended management:

All trees should be retained. A Heritage Report required prior to any work which will adversely impact on the trees. Normal maintenance and care can be continued but this does not include the lopping or cutting back of the trees.

7. Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Woollahra	LEP 1995	10 Mar 95	28	

118

Local Environmental Plan	Woollahra LEP 2014	57	23 May 15		
Heritage study	Woollahra				

8. Study details

Title	Year	Number	Author	Inspected by	Guidelines used
Woollahra Heritage Study 1997	1997	F41	Graham Brooks and Associates Pty Ltd	GBA	No

9. References, internet links & images

None

Note: internet links may be to web pages, documents or images.



10. Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 2710212



**Appendix E – SHI database entry for Concrete Horse Trough,  
Victoria Road intersection with Bellevue Road adjoining Cooper Park**

Concrete horse trough

Item details

Name of item: Concrete horse trough

Primary address: Victoria Road, intersection with Bellevue Road, Bellevue Hill, NSW 2023

Local govt. area: Woollahra

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Victoria Road, intersection with Bellevue Road	Bellevue Hill	Woollahra			Primary Address
Bellevue Road	Bellevue Hill	Woollahra			Alternate Address

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Woollahra	LEP 1995	10 Mar 95	28	1359
Local Environmental Plan	Woollahra LEP 2014	70	23 May 15		

References, internet links & images

None

Note: internet links may be to web pages, documents or images.

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 2711475

Every effort has been made to ensure that information contained in the State Heritage Inventory is correct. If you find any errors or omissions please send your comments to the [Database Manager](#).

120

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**Appendix F – SHI database entry for Sewer Vent, 56 Streatfield Road (off Cooper Park Road)**

Brick sewer vent chimney

**Item details**

<b>Name of item:</b>	Brick sewer vent chimney
<b>Type of item:</b>	Built
<b>Group/Collection:</b>	Utilities - Water
<b>Category:</b>	Water Tower
<b>Primary address:</b>	Streatfield Road, Bellevue Hill, NSW 2023
<b>Local govt. area:</b>	Woollahra

**All addresses**

Street Address	Suburb/town	LGA	Parish	County	Type
Streatfield Road	Bellevue Hill	Woollahra			Primary Address
[Btwn 56 & 58] Streatfield Road	Bellevue Hill	Woollahra			Alternate Address
Cooper Park Road	Bellevue Hill	Woollahra			Alternate Address

**11. Statement of significance:**

The Sewer Vent at Streatfield Road, Bellevue Hill has historic and social significance for its association with the provision of adequate services of water and sewerage to the Woollahra municipality during the

late nineteenth Century. The vent has some scientific significance as part of the late nineteenth and early twentieth century sewer system. The face brick vent has aesthetic significance as a prominent landmark in the area and as an example of the type of amenities which were constructed during this period.

*Note: The State Heritage Inventory provides information about heritage items listed by local and State government agencies. The State Heritage Inventory is continually being updated by local and State agencies as new information becomes available. Read the OEH [copyright and disclaimer](#).*

## 12. Description

**Physical description:** Cylindrical chimney with square base, constructed of red-faced brick. Set back from the street, the garage to no. 56 Steatfield Road is located directly in front. The chimney is surrounded by a high chicken wire fence between brick piers, and a single timber gate leads from the road. Chimney features classical detailing including to the base, pediments above ghost openings, entablatures, and engaged piers to corners topped with half-domes of copper sheeting. Decorative terra cotta brackets support entablatures at the top of the chimney. Nine metal bands with brackets are evenly spaced along the chimney. External Materials: Red face brick, some concrete sections. Copper sheeting to half domes. Internal Materials: Unseen. Red face brick chimney.

**Physical condition and/or Archaeological potential:** Generally, in good condition.

**Date condition updated:** 17 Mar 04

**Current use:** Pumping station

**Former use:** Pumping station

## 13. History

**Historical notes:** The provision of adequate services of water and sewerage lagged behind the rapid population growth of the Woollahra municipality during the late nineteenth Century. When the Board of Water Supply and Sewerage assumed responsibility for Sydney's needs in

1888, the only parts of the Woollahra municipality connected to the mains were the suburbs of Paddington and Woollahra. The Northern Ocean outfall system, a massive sewer system from the city along College, Oxford and Liverpool Streets and across Double Bay Valley to the outlet at Bondi, was completed in 1889. Other branches were completed as follows: Darling Point in 1894, Point Piper in 1907-9, Rose Bay in 1913-6, and Watson's Bay and Vaucluse in 1918.

**14. Historic themes**


Australian theme (abbrev)	New South Wales theme	Local theme
8. Culture-Developing cultural institutions and ways of life	Domestic life-Activities associated with creating, maintaining, living in and working around houses and institutions.	A place to live-

**15. Assessment of significance**

<b>SHR Criteria a)</b> [Historical significance]	Historically representative at a Local level.
<b>SHR Criteria c)</b> [Aesthetic significance]	Aesthetically representative at a Local level.
<b>SHR Criteria d)</b> [Social significance]	Socially representative at a Local level.
<b>SHR Criteria e)</b> [Research potential]	Scientifically representative at a Local level.
<b>SHR Criteria g)</b> [Representativeness]	Scientifically representative at a Local level. Socially representative at a Local level. Aesthetically representative at a Local level. Historically representative at a Local level.



**Assessment  
criteria:**

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

**Recommended management:**

Heritage Report required prior to any proposals for work which will impact on the significance of the Sewer Vent. Materials which have never been painted such as face brickwork should remain unpainted.

**Listings**

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Woollahra	LEP 1995	10 Mar 95	28	
Local Environmental Plan	Woollahra LEP 2014	56	23 May 15		
Heritage study	Woollahra	L40			

**Study details**

Title	Year	Number	Author	Inspected by	Guidelines used
Woollahra Heritage Study 1997	1997	F10	Graham Brooks and Associates Pty Ltd	GBA	No

**References, internet links & images**

None

Note: internet links may be to web pages, documents or images.



(Click on thumbnail for full size image and image details)

**16. Data source**

The information for this entry comes from the following source:

**Name:** Local Government

**Database number:** 2710206

**Appendix G - Washington Palms, Cliff Date Palm, Canary Island Date Palms, Northland Road within the road reserve**

Washington Palms (3), Cliff Date Palm, Canary Island Date Palms (4)

**Item details**

**Name of item:** Washington Palms (3), Cliff Date Palm, Canary Island Date Palms (4)  
**Primary address:** Northland Road, within road reserve, Bellevue Hill, NSW 2023  
**Local govt. area:** Woollahra

**All addresses**

Street Address	Suburb/town	LGA	Parish	County	Type
Northland Road, within road reserve	Bellevue Hill	Woollahra			Primary Address

**Listings**

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Woollahra	LEP 1995	10 Mar 95	28	1353
Local Environmental Plan	Woollahra LEP 2014	45	23 May 15		

**References, internet links & images**

None

Note: internet links may be to web pages, documents or images.

**Data source**

The information for this entry comes from the following source:

**Name:** Local Government  
**Database number:** 2711263

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## Woollahra History and Heritage Society Inc

ABN 17 597 074 575

WHHS

DOUBLE BAY NSW 1360

whhs 20010

30 June 2020

Mr Gary James  
General Manager  
Woollahra Municipal Council

Dear Mr James,

### SC 5284 SUBMISSION HERITAGE LISTING OF COOPER PARK, BELLEVUE HILL

The Woollahra History and Heritage Society has studied the documentation regarding the proposed heritage listing of Cooper Park, Bellevue Hill (excluding Cooper Park North) on Woollahra Local Environmental Plan 2014 and its inclusion on the NSW State Heritage Register.

The Society fully supports both of these proposed listings.

The Society notes that Betteridge Heritage, in its assessment of Heritage Significance, states that the Aboriginal cultural values of the site have not been investigated and therefore significance to Aboriginal cultural groups cannot be determined. The physical aspects of Cooper Park are such that one would assume that they would have been attractive as places of shelter or gathering edible material for indigenous inhabitants of the area. The Society believes that it would be important to include an investigation to establish the Aboriginal cultural values and significance of the proposed heritage site. However, such an investigation should not delay the process of listing the site on both the LEP and the State Heritage Register.

Yours sincerely,

Peter Poland OAM  
President



Mon 6/07/2020 6:05 PM

Max Tormey

SC5284 Submissions

To ☐ Records

Hi, I received the letter detailing the council's wishes to make Cooper Park a heritage listed item- great idea but why is cooper park north not included? It should be.

**Max Tormey**  
Business Development Executive

**BresicWhitney**



[bresicwhitney.com.au](http://bresicwhitney.com.au)

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Sent from my iPhone



27 July 2020

General Manager at Woollahra Council  
PO Box 61  
Double Bay NSW 1360

#### **SC5284 Submissions COOPER PARK**

Friends of Cooper Park was formed with the goal of representing the engaged local community in the activities and decisions that affect Cooper Park- in order to effect positive changes that contribute to and enhance this unique and important asset. We are a volunteer organisation and we want Cooper Park to be cared for and enhanced so that reflect its heritage and its natural importance.

Our submission on the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014 details the following four key recommendations and feedback:

1. Support for the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014;
2. Request Woollahra Council to nominate Cooper Park as a State-significant item.
3. Require Woollahra Council to develop a strategic Vision for Cooper Park and surrounding areas to enhance Sydney's Green Grid.
4. Offer to assist Woollahra Council to co-create an Updated Plan of Management for Cooper Park.

#### **1. LIST COOPER PARK AS A HERITAGE ITEM**

Cooper Park is one of the most unique parcels of bushland, water habitat and connected open space in the Municipality of Woollahra. Cooper Park also constitutes a distinctive built environment which was designed and constructed during the depression - along the lines of the English midsummer's night dream pleasure garden theme. Attributes include grottoes, bridges, scenic and secluded bushland walks, ponds, meandering streams and waterfalls. Cooper Park's aquatic ecosystems co-exist with the built environment and provides biodiversity and natural cooling. The sensitive aquatic ecosystem forms one of the largest waterways - 'Cooper Park Creek' in the Woollahra catchment. The Cooper Park bushland is a beautiful amenity that supports the habitats of native plants and animals while providing quiet enjoyment of nature. The protection of Cooper Parks' ecosystem elements and habitat types also includes the built features of wooded sandstone slopes and gullies.

Friends of Cooper Park urge Woollahra Council to protect and manage its unique places and items - particularly Cooper Park, and therefore support the proposal to list Cooper Park as a Heritage Item, and in doing so amend the Woollahra Local Environment Plan 2014.

#### **2. NOMINATE COOPER PARK AS A STATE-SIGNIFICANT ITEM**

Woollahra Council has recognised the distinctiveness of Cooper Park by proposing its listing as a Heritage Item in the Local Environment Plan 2014. Friends of Cooper Park encourage Woollahra Council to also seek State Heritage listing to acknowledge its uniqueness and safeguard its future. Friends of Cooper Park therefore request that Woollahra Council nominate Cooper Park as a State-significant item and petition the Heritage Council to understand its significance and therefore include Cooper Park in the NSW State Heritage listing.

#### **3. DEVELOP A STRATEGIC VISION FOR COOPER PARK**

Friends of Cooper Park require Woollahra Council to develop a Strategic Vision for Cooper Park and the surrounding areas to enhance the local Green Grid. The Strategic Vision for Cooper Park should reflect the overarching Green Grid for the Municipality of Woollahra and should detail Cooper Park, adjacent parks and green spaces as well as the key surrounding streets which link the Green Grid together.

Friends of Cooper Park request that Woollahra Council prepare a Strategic Vision for Cooper Park that incorporates activities specific to Cooper Park and priorities identified in the 'Woollahra – 2030 Plan of A healthy Environment' and 'Protecting our environment'.

Friends of Cooper Park would like to see what positive impact measures and targets Woollahra Council proposes for the area. A Strategic Vision is needed to clearly identify and enable measures and targets and include approaches for the connectivity of Cooper Park with adjacent habitat, and detail plans for adding to habitat and amenity.

Friends of Cooper Park request Woollahra Council detail why Cooper Park North has been excluded from the proposal to list Cooper Park as a Heritage Item. We would like to know if there are any plans to sell off or develop any part of North Cooper Park.

The NSW Government's Eastern City District Plan informs local strategic planning statements and Local Environmental Plans, the assessment of planning proposals as well as community strategic plans and policies. The connection to and enhancement of The Greater Sydney Green Grid is a key responsibility of Woollahra Council.

Friends of Cooper Park would like Woollahra Council to clearly identify the priorities in giving effect to the Green Grid Planning Priorities to create opportunities to enhance our biodiversity and urban green cover as this relates to Cooper Park.

Friends of Cooper Park want to understand the priorities of Woollahra Council in connecting the Green Grid to create a network of high-quality green spaces which contribute to the health, diversity and expansion of our green infrastructure and natural landscape setting.

Friends of Cooper Park would like to see the Strategic Vision respond to the NSW Eastern District Plan - Planning Priorities are detailed in Appendix A.

#### 4. CO-CREATE UPDATED PLAN OF MANAGEMENT FOR COOPER PARK

The proposed Heritage Item listing does not address the unique elements, and therefore the Plan of Management for Cooper Park should document unique, rare, threatened and locally significant species, heritage elements and attributes. The Plan of Management should include the overarching strategic objectives to enable the protection of and enhancement to the value Cooper Park has as an important ecosystem, and detail restoration priorities that balance nature-based recreation with appropriate use and commercial activity.

The current Plan of Management for Cooper Park was prepared in 2001 and little investigation and documentation of the natural heritage and built attributes of the bushland and parkland has been carried out since. Friends of Cooper Park encourage Woollahra Council to develop specific strategies to monitor, protect and manage the unique natural heritage of Cooper Park and produce a new Plan of Management Plan to protect, preserve, restore and add to this unique piece of Sydney. Over recent years, remediation work, additions and even maintenance to certain elements has strayed from the original aesthetic, and in some cases altered the function.

The updated Plan of Management should identify items of natural heritage and promote their protection, sustainable improvements and management. We ask Council to mandate a set of standards from which decisions and choice of materials for works can be made that contribute to, rather than detract from, the distinctiveness of Cooper Park.

Friends of Cooper Park encourage Woollahra Council to engage with the community in the preparation of an updated Plan of Management for Cooper Park and we offer our group to aid Woollahra Council in the groundwork of a new draft Plan of Management before it is exhibited – effectively co-creating the key elements.

Friends of Cooper Park believe that the updated Plan of Management must include guiding principles to help decision making and direct activity within Cooper Park to preserve conservation and biodiversity values, nature-based recreation and support appropriate commercial activities. The updated Plan of Management should support outdoor recreation and nature-based activities like quiet bushland enjoyment and fauna and flora watching and include the overarching vision, goals and objectives to enhance connectivity with adjacent habitat with strategies for adding to habitat and landscaping amenity in the surrounding streets and neighbourhoods. The updated Plan of Management must also include design criteria that contribute to and maintain the original fabric of the built elements in the park. As such the updated Plan of Management should guide the design, installation and maintenance of landscape treatments and supporting infrastructure arising from building work and use. It must include a schedule of finishes to ensure any works contribute to the attributes and improves Cooper Park. By preservation we mean to minimise and or eliminate any future incompatible built elements, maintaining the pristine bushland experience for visitors, and original stone bridges, creek waterfalls, paths and grottos in their most original state. Where new built elements are required for safety and access such as paths, stairs, railings, retaining and creek walls, should in all cases use natural compatible materials, designed to entirely integrate with existing and where necessarily touch the landscape lightly and be removable (timber stairs, boardwalks and the like).

Friends of Cooper Park believe this can be achieved by guaranteeing the inclusion of a qualified sustainability landscape designer with experience in period and heritage environments, and by the use of a standard palette of materials and design criteria to guide activities. This ambition is not only visual - it applies to the mechanics of water movements and stream management to ensure that the water flow is adequate, clean and that the water is able to pool, meander and fall as it was originally designed.

Friends of Cooper Park want to support Woollahra Council and contribute to this important new Plan of Management for Cooper Park by aiding the identification of items of natural and built heritage and offer suggestions to contribute to sustainable improvements and management. Friends of Cooper Park support more creative use of existing facilities and in relation of the usage of the tennis court café encourage the new Plan of Management to allow limited licence (to serve alcohol) to registered groups for short periods of time and enable community interest activities such as art exhibitions, small events, fund-raisers for the park etc. to be permitted and for visual amenity of the structures and possibilities of sensitive caring use of buildings to be allowed. We also raise the question of the occupancy of the apartment over the tennis court café, suggesting that its original allocation to a resident park ranger be revisited.

In summary, Friends of Cooper Park would like to see the updated Plan of Management include the following:

- Strategic Vision for Cooper Park
- Guidance (to aid decision making) for each Character Area Design and Operation Principals (that respond to sustainability and heritage including for:
  - Conservation
  - Biodiversity
  - Significant Trees
  - Water Management
  - Sandstone, Soil and Earthworks
  - Landscape and Planting
  - Use
- Standard Materials Palette – including for:
  - Footpaths
  - Steps
  - Railing / Fencing
  - Lighting
  - Recycling
  - Seat Furniture
  - Play Equipment
  - Public Art
  - Sandstone features

Friends of Cooper Park see the updated Plan of Management as an opportunity to engage and contribute.

Yours Sincerely

Kate Maclaren Chair and Founder of Friends of Cooper Park

CC. Roderick Simpson (Greater Sydney Environment Commissioner)  
CC. Susan Wynne (Mayor Woollahra Council)

APPENDIX A  
RELEVANT DIRECTIONS TO WOOLLAHRA COUNCIL IN THE EASTERN CITY DISTRICT PLAN

A city in its landscape A healthy natural environment will be important to improve liveability, create healthy places, and mitigate the effects of climate change. A city in its landscape will be measured against the outcomes achieved by protected, restored and enhanced landscapes, waterways, coastline, natural areas, tree canopy and open spaces. Potential indicators: Increased urban tree canopy; Expanded Greater Sydney Green Grid.

In giving effect to A Metropolis of Three Cities, this Planning Priority delivers on the following objectives and the corresponding strategies:

Valuing green spaces and landscape Potential indicators: Increased urban tree canopy Expanded Greater Sydney Green Grid Planning Priority E14

Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways Planning Priority E15

Protecting and enhancing bushland and biodiversity Planning Priority E16

Protecting and enhancing scenic and cultural landscapes Planning Priority E17

Delivering high quality open space. The Green Grid links parks, open spaces, bushland and walking and cycling paths. Increasing urban tree canopy cover and delivering Green Grid connections Planning Priority E18

Delivering high quality open space. In giving effect to A Metropolis of Three Cities, this Planning Priority delivers on the following objective and the corresponding strategy: Objective 31 Public open space is accessible, protected and enhanced.

The Eastern City District's network of open spaces includes unique and iconic landscapes, harbours, beaches, wetlands, coastal walks, waterfront promenades, rivers, parks and playgrounds. Combined, they provide opportunities for healthy lifestyles and create significant economic benefit. Nature-based recreation also helps connect communities to the natural landscape.

Demand for nature-based recreation will need to be managed to minimise impacts on biodiversity.

Maximise the use of existing open space and protect, enhance and expand public open space by: a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow. b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high-density residential areas (over 60 dwellings per hectare) are within 200 metres of open space. c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved. d. planning new neighbourhoods with a sufficient quantity and quality of new open space. e. delivering shared and co-located sports and recreational facilities including shared school grounds and repurposed golf courses. f. delivering or complementing the Greater Sydney Green Grid by providing walking and cycling links for transport as well as leisure and recreational trips.

The NSW Government has set a target to increase tree canopy cover across Greater Sydney to 40 per cent.

Councils will lead delivery of the Greater Sydney Green Grid through land use planning and infrastructure investment mechanisms such as development and land use controls, agreements for dual use of open space and recreational facilities, direct investment in open space, and other funding mechanisms such as local development contributions and Voluntary Planning Agreements. State regional and district parklands and reserves form a principal element of the Greater Sydney Green Grid for both biodiversity and recreation purposes. The NSW Government supports the delivery of regional open space and Green Grid connections through the Metropolitan Greenspace Program. The NSW Government also supports delivery of regional open space using Special Infrastructure Contributions.

Eastern Beaches Walk Building on the success of the Great Coastal Walk by providing improved east-west connections, primarily through street conversion projects and improved pedestrian and cycle links, from both Bondi and Bronte beaches, to Bondi Junction, Centennial Park, Moore Park, Oxford Street and the Harbour CBD.

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Wed 29/07/2020 8:28 AM

Nick Andrews [REDACTED]

ATTN: GENERAL MANAGER (Cooper Park Heritage Listing: SC5284 Submissions)

To ☐ Records

Dear Sir/Madam,

I fully support the proposal to have Cooper Park listed as a Heritage area.

Yours sincerely

Nick Andrews  
[REDACTED]

Bellevue Hill NSW 2023  
[REDACTED]





Wed 29/07/2020 12:01 PM

Gail Martin

Attn: The General Manager • Re: SC5284 Submissions

To ☐ Records

The General Manager

Re: SC 5284 Submissions

I would like to register my support for the Submissions by Friends of Coper Park that :

- 1.Cooper Park be included as a Heritage Listing in the Woollahra Local Environmental Plan 2014;
- 2.That Woollahra Council nominates Cooper Park as a State-significant item
- 3.That Woollahra Council develop a strategic Vision for Cooper Park & surrounding areas to enhance Sydney's Green Grid
- 4.Offer to assist the Woollahra Council to co-create an Updated Plan of Management for Cooper Park

Please confirm that this has been received this email.

Many thanks,

Kind regards,

Gail  
Gail Martin

Woollahra NSW 2025





Wed 29/07/2020 1:15 PM

Margaret Cook [REDACTED]

Heritage Listing for Cooper Park

To ☐ Records

**Re: SC 5284**

**Cooper Park.**

We would like to add our names in favour for the historic Cooper Park to be Heritage Listed. As we live in Double Bay and are within the Woollahra electorate, it would be tragic to see this unique area destroyed by developers and any proposed plans should be refused. Cooper Park is enjoyed by everyone and was part of the original Cooper Estate, which was purchased and later gifted for recreational purposes to be enjoyed by the community.

It is the largest area of bushland in this region and has huge conservation value. It contains indigenous rock engravings, a subtemperate rainforest and provides a habitat for a number of small animals, birds, trees and plants.

Yours sincerely,

Dr & Mrs Cook

[REDACTED]  
Double Bay  
NSW 2028



Wed 29/07/2020 9:57 PM

Michaela Boland

Cooper park

To ☐ Records

Heritage listing for Cooper Park would be amazing. We moved into the area this year and it is a truly incredible space. Definitely worth protecting.

Michaela Boland



Thu 30/07/2020 12:05 PM

Sandra Whitaker [REDACTED]

Cooper Park SC5284

To ☐ Records


Good afternoon

I write in support of the proposal that Cooper Park is heritage listed as it has a rich and important history and is a vital resource for recreation in the neighbor hood. I would not want to see it developed further or reduced in size.

Regards

Sandra Whitaker

[REDACTED]  
Bellevue Hill  
[REDACTED]

 Fri 31/07/2020 11:51 AM  
**Mark Sheldon** [REDACTED]  
Listing Cooper Park as a Heritage Item - SC5284 submissions

To ☐ Records

 Friends of Cooper Park Submission FINAL.docx  
.docx File

Dear Sir/madam

I am a resident of Woollahra, at [REDACTED] backing onto Cooper Park.

I have lived most of my life on Cooper Park, previously growing up at [REDACTED] and [REDACTED]

To this day I spend a great deal of time in the park, and am an active member of 'The Friends of Cooper Park'

I attach our Submission in support of the Heritage listing and preservation of the park in its most natural state.

I worked with Maria Atkinson, and Kate McLaren in preparing the attached submission.

As an architect, and with Landscape architects in our design firm (who has done work with Woollahra Council and GroupGSA is on Councils list of Heritage Architects) I have a passionate interest in the management of the park, and the design of all work that occurs in the park.

I am well known to many of Councils officers and Councillors.

We look forward to Cooper Park being listed as a Heritage Item

Regards

**Mark Sheldon**  
MANAGING DIRECTOR

GROUP GSA PTY LTD  
[REDACTED]  
EAST SYDNEY NSW  
AUSTRALIA 2011  
[REDACTED]  
ABN 78 002 113 779  
www.groupgsa.com





Mon 3/08/2020 10:11 AM

SC5284 Submissions

To ☐ Records

Regarding the above submission, calling for the proposal to heritage list Cooper Park, I would like to lend my full support.

My family and I have used this park since we moved into the area over 30 years ago. Not only is it an important 'green lung' but it is also one with a significant history, which should be preserved.

Jenny Siddall

[Redacted]

Waverley

[Redacted]

Sent from my iPhone



Mon 3/08/2020 10:20 AM

Amanda Berry [REDACTED]

Cooper Park Heritage listing proposal SC 5284

To ☐ Records

Dear Council,

I am a local park user and a rate paying resident and I support the proposal to have Cooper Park submitted for Heritage listing.

Kind regards,

Amanda Berry

[REDACTED]

Bellevue Hill 2023



Mon 3/08/2020 10:22 AM

Heather Macculloch

Cooper Park Heritage Listing

To ☐ Records

Hi, as a resident of Bellevue Hill, I I disagree with the park being Heritage Listed. This adds expense, paperwork and bureaucracy to a perfectly well kept park. Rather use the saved money on upgrading paths, adding more paths so people can continue to enjoy the park

Kind regards

Heather



HURAKIA LODGE

Heather MacCulloch

[www.hurakialodge.com](http://www.hurakialodge.com)





Mon 3/08/2020 10:07 PM

Harls [REDACTED]

Cooper Park

To ☐ Records

Cooper Park needs to be heritage listed. Nature needs to be preserved

Harlene Rubin



Tue 4/08/2020 8:27 AM

Julie Rosenberg

SC5284 Submissions

To ☐ Records

Good Morning

We reside at [REDACTED] Woollahra.

We use Cooper Park regularly and are in support of the listing of the park as a Heritage Park.

Geoff and Julie Rosenberg





Tue 4/08/2020 9:40 AM

Canopy Press [REDACTED]

Cooper Park Heritage Listing

To ☐ Records

Hi

I value Cooper Park and always go there when I visit Sydney.

I would like to see its heritage values reinforced and I express:

1. Support for the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014;
2. Request Woollahra Council to nominate Cooper Park as a State-significant item.
3. Require Woollahra Council to develop a strategic Vision for Cooper Park and surrounding areas to enhance Sydney's Green Grid.
4. Offer to assist Woollahra Council to co-create an Updated Plan of Management for Cooper Park

Best

John Blay

[REDACTED]  
Eden NSW 2551

[REDACTED]

<https://southeastforests.com.au/books/wild-nature/>



Tue 4/08/2020 2:13 PM

Charles Ritter

Cooper Park Heritage Listing SC5284

To ☐ Records

Dear Council,

I'd like to add my voice to the submission by Friends of Cooper Park.

I'd like to

support the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014;

request Woollahra Council nominate Cooper Park as a State-significant item;

ask that Woollahra Council develop a strategic Vision for Cooper Park and surrounding areas to enhance Sydney's Green Grid.

Offer my assistance to Woollahra Council to co-create an Updated Plan of Management for Cooper Park.

Kind regards,  
Charles Ritter

**From:** Sel K <[REDACTED]>  
**Sent:** Wednesday, 5 August 2020 10:42 AM  
**To:** Records  
**Subject:** SC5284 - Cooper Park Heritage Listing

I would like to add my support to the submission made by Kate Maclaren Chair and Founder of Friends of Cooper Park. I include the submission again.

thank you  
Selena Kilfoyle  
[REDACTED]

General Manager at Woollahra Council PO Box 61  
Double Bay NSW 1360

#### SC5284 Submissions COOPER PARK

Friends of Cooper Park was formed with the goal of representing the engaged local community in the activities and decisions that affect Cooper Park- in order to effect positive changes that contribute to and enhance this unique and important asset. We are a volunteer organisation and we want Cooper Park to be cared for and enhanced so that it reflects its heritage and its natural importance.

Our submission on the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014 details the following four key recommendations and feedback:

1. Support for the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014;
2. Request Woollahra Council to nominate Cooper Park as a State-significant item.
3. Require Woollahra Council to develop a strategic Vision for Cooper Park and surrounding areas to enhance

Sydney's Green Grid.

4. Offer to assist Woollahra Council to co-create an Updated Plan of Management for Cooper Park.

#### 1. LIST COOPER PARK AS A HERITAGE ITEM

Cooper Park is one of the most unique parcels of bushland, water habitat and connected open space in the Municipality of Woollahra. Cooper Park also constitutes a distinctive built environment which was designed and constructed during the depression - along the lines of the English midsummer's night dream pleasure garden theme. Attributes include grottoes, bridges, scenic and secluded bushland walks, ponds, meandering streams and waterfalls. Cooper Park's aquatic ecosystems co-exist with the built environment and provides biodiversity and natural cooling. The sensitive aquatic ecosystem forms one of the largest waterways - 'Cooper Park Creek' in the Woollahra catchment. The Cooper Park bushland is a beautiful amenity that supports the habitats of native plants and animals while providing quiet enjoyment of nature. The protection of Cooper Parks' ecosystem elements and habitat types also includes the built features of wooded sandstone slopes and gullies.

Friends of Cooper Park urge Woollahra Council to protect and manage its unique places and items - particularly Cooper Park, and therefore support the proposal to list Cooper Park as a Heritage Item, and in doing so amend the Woollahra Local Environment Plan 2014.

## 2. NOMINATE COOPER PARK AS A STATE-SIGNIFICANT ITEM

Woollahra Council has recognised the distinctiveness of Cooper Park by proposing its listing as a Heritage Item in the Local Environment Plan 2014. Friends of Cooper Park encourage Woollahra Council to also seek State Heritage listing to acknowledge its uniqueness and safeguard its future. Friends of Cooper Park therefore request that Woollahra Council nominate Cooper Park as a State-significant item and petition the Heritage Council to understand its significance and therefore include Cooper Park in the NSW State Heritage listing.

## 3. DEVELOP A STRATEGIC VISION FOR COOPER PARK

Friends of Cooper Park require Woollahra Council to develop a Strategic Vision for Cooper Park and the surrounding areas to enhance the local Green Grid. The Strategic Vision for Cooper Park should reflect the overarching Green Grid

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for the Municipality of Woollahra and should detail Cooper Park, adjacent parks and green spaces as well as the key surrounding streets which link the Green Grid together.

Friends of Cooper Park request that Woollahra Council prepare a Strategic Vision for Cooper Park that incorporates activities specific to Cooper Park and priorities identified in the 'Woollahra – 2030 Plan of A healthy Environment' and 'Protecting our environment'.

Friends of Cooper Park would like to see what positive impact measures and targets Woollahra Council proposes for the area. A Strategic Vision is needed to clearly identify and enable measures and targets and include approaches for the connectivity of Cooper Park with adjacent habitat, and detail plans for adding to habitat and amenity.

Friends of Cooper Park request Woollahra Council detail why Cooper Park North has been excluded from the proposal to list Cooper Park as a Heritage Item. We would like to know if there are any plans to sell off or develop any part of North Cooper Park.

The NSW Government's Eastern City District Plan informs local strategic planning statements and Local Environmental Plans, the assessment of planning proposals as well as community strategic plans and policies. The connection to and enhancement of The Greater Sydney Green Grid is a key responsibility of Woollahra Council.

Friends of Cooper Park would like Woollahra Council to clearly identify the priorities in giving effect to the Green Grid Planning Priorities to create opportunities to enhance our biodiversity and urban green cover as this relates to Cooper Park.

Friends of Cooper Park want to understand the priorities of Woollahra Council in connecting the Green Grid to create a network of high-quality green spaces which contribute to the health, diversity and expansion of our green infrastructure and natural landscape setting.

Friends of Cooper Park would like to see the Strategic Vision respond to the NSW Eastern District Plan - Planning Priorities are detailed in Appendix A.

## 4. CO-CREATE UPDATED PLAN OF MANAGEMENT FOR COOPER PARK

The proposed Heritage Item listing does not address the unique elements, and therefore the Plan of Management for Cooper Park should document unique, rare, threatened and locally significant species, heritage elements and attributes. The Plan of Management should include the overarching strategic objectives to enable the protection of and enhancement to the value Cooper Park has as an important ecosystem, and detail restoration priorities that balance nature-based recreation with appropriate use and commercial activity.



The current Plan of Management for Cooper Park was prepared in 2001 and little investigation and documentation of the natural heritage and built attributes of the bushland and parkland has been carried out since. Friends of Cooper Park encourage Woollahra Council to develop specific strategies to monitor, protect and manage the unique natural heritage of Cooper Park and produce a new Plan of Management Plan to protect, preserve, restore and add to this unique piece of Sydney. Over recent years, remediation work, additions and even maintenance to certain elements has strayed from the original aesthetic, and in some cases altered the function.

The updated Plan of Management should identify items of natural heritage and promote their protection, sustainable improvements and management. We ask Council to mandate a set of standards from which decisions and choice of materials for works can be made that contribute to, rather than detract from, the distinctiveness of Cooper Park.

Friends of Cooper Park encourage Woollahra Council to engage with the community in the preparation of an updated Plan of Management for Cooper Park and we offer our group to aid Woollahra Council in the groundwork of a new draft Plan of Management before it is exhibited – effectively co-creating the key elements.

Friends of Cooper Park believe that the updated Plan of Management must include guiding principles to help decision making and direct activity within Cooper Park to preserve conservation and biodiversity values, nature-based recreation and support appropriate commercial activities. The updated Plan of Management should support outdoor recreation

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and nature-based activities like quiet bushland enjoyment and fauna and flora watching and include the overarching vision, goals and objectives to enhance connectivity with adjacent habitat with strategies for adding to habitat and landscaping amenity in the surrounding streets and neighbourhoods. The updated Plan of Management must also include design criteria that contribute to and maintain the original fabric of the built elements in the park. As such the updated Plan of Management should guide the design, installation and maintenance of landscape treatments and supporting infrastructure arising from building work and use. It must include a schedule of finishes to ensure any works contribute to the attributes and improves Cooper Park. By preservation we mean to minimise and or eliminate any future incompatible built elements, maintaining the pristine bushland experience for visitors, and original stone bridges, creek waterfalls, paths and grottos in their most original state. Where new built elements are required for safety and access such as paths, stairs, railings, retaining and creek walls, should in all cases use natural compatible materials, designed to entirely integrate with existing and where necessarily touch the landscape lightly and be removable (timber stairs, boardwalks and the like).

Friends of Cooper Park believe this can be achieved by guaranteeing the inclusion of a qualified sustainability landscape designer with experience in period and heritage environments, and by the use of a standard palette of materials and design criteria to guide activities. This ambition is not only visual - it applies to the mechanics of water movements and stream management to ensure that the water flow is adequate, clean and that the water is able to pool, meander and fall as it was originally designed.

Friends of Cooper Park want to support Woollahra Council and contribute to this important new Plan of Management for Cooper Park by aiding the identification of items of natural and built heritage and offer suggestions to contribute to sustainable improvements and management. Friends of Cooper Park support more creative use of existing facilities and in relation of the usage of the tennis court café encourage the new Plan of Management to allow limited licence (to serve alcohol) to registered groups for short periods of time and enable community interest activities such as art exhibitions, small events, fund-raisers for the park etc. to be permitted and for visual amenity of the structures and possibilities of sensitive caring use of buildings to be allowed. We also raise the question of the occupancy of the apartment over the tennis court café, suggesting that its original allocation to a resident park ranger be revisited.

In summary, Friends of Cooper Park would like to see the updated Plan of Management include the following:

- - Strategic Vision for Cooper Park
- - Guidance (to aid decision making) for each Character Area Design and Operation Principals (that respond to

sustainability and heritage including for:



- + Conservation
- + Biodiversity
- + Significant Trees
- + Water Management
- + Sandstone, Soil and Earthworks
- + Landscape and Planting
- + Use

- Standard Materials Palette – including for:

- + Footpaths
- + Steps
- + Railing / Fencing
- + Lighting
- + Recycling
- + Seat Furniture
- + Play Equipment
- + Public Art
- + Sandstone features

Friends of Cooper Park see the updated Plan of Management as an opportunity to engage and contribute.  
Yours Sincerely

Kate Maclaren Chair and Founder of Friends of Cooper Park



Mon 10/08/2020 5:01 PM

Robyn Wallace [REDACTED]

Cooper Park Heritage Listing

To ☐ Records

We removed extra line breaks from this message.

Attn. Emma Williamson

Re LISTING COOPER PARK AS HERITAGE ITEM. SC5284

Further to the above submission I wish to advise that I support in full the contents of that item as a resident of Woollahra and the owner of a property bordering on Cooper Park.

If needed I can be contacted by email or at the address below.  
I also am a supporter of FRIENDS OF COOPER PARK.

Sincerely  
ROBYN WALLACE

[REDACTED]  
WOOLLAHRA 2025

Sent from my iPad



Wed 5/08/2020 6:26 PM

Peter Gallagher

SC5284 Cooper Park Heritage Listing

To ☐ Records

As a resident of Woollahra it is with much enthusiasm that I:

1. Support for the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014;
2. Request Woollahra Council to nominate Cooper Park as a State-significant item.
3. Require Woollahra Council to develop a strategic Vision for Cooper Park and surrounding areas to enhance Sydney's Green Grid.
4. Request Woollahra Council to co-create an Updated Plan of Management for Cooper Park

Cooper Park is one of the incredible jewels within the Woollahra LGA and I dearly hope Council value it as much as the residents do.

Peter Gallagher

Resident: [Redacted] Woollahra NSW 2025



Thu 6/08/2020 3:07 PM

Elizabeth Johnston [REDACTED]

Cooper Park Heritage Listing SC5284

To ☐ Records

General Manager Woollahra Council,

I support the submission by the Friends of Cooper Park

1. Support for the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014;
2. Request Woollahra Council to nominate Cooper Park as a State-significant item.
3. Require Woollahra Council to develop a strategic Vision for Cooper Park and surrounding areas to enhance

Sydney's Green Grid.

4. Offer to assist Woollahra Council to co-create an Updated Plan of Management for Cooper Park.

Elizabeth Johnston

[REDACTED]  
Woollahra

[REDACTED]



Thu 6/08/2020 4:29 PM

Tal Ottensooser

Cooper Park Heritage Listing

To ☐ Records

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**SC5284**

**Hi Please heritage list cooper park.**

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Tal Ottensooser



Dear Manager

Please find attached a letter of support for the listing of Cooper Park as a Heritage item under Woollahra LEP 2014.

We are grateful for the opportunity to comment, and applaud Council's initiative in proceeding with this critically important listing.

Yours sincerely,

Chris and Carol Dickman

[Redacted]

Chris Dickman FAA, FRZS  
Professor in Ecology  
Desert Ecology Research Group  
School of Life and Environmental Sciences  
[Redacted]  
The University of Sydney, NSW 2006

[Redacted]

[Redacted]

W <http://www.desertecology.edu.au>  
<https://sydney.edu.au/science/people/chris.dickman.php>

Professor Chris and Ms Carol Dickman

Woollahra 2025

The General Manager  
Woollahra Council  
PO Box 61  
Double Bay 1360

9 August 2020

Dear Manager

**Re.: your ref. SC5284, Heritage listing proposal for Cooper Park, Bellevue Hill**

Thank you for the opportunity to make a submission on the proposal to list Cooper Park as a heritage item under an amendment to the *Woollahra LEP 2014*. Cooper Park is an extraordinarily important area for values that include aesthetics, natural environment, fauna, flora, cultural, social, architectural and recreational importance. Its value at local and regional levels cannot be overstated. We believe it is imperative that this small green gem in the midst of the dense and crowded urban environment in this part of the Eastern Suburbs be protected, maintained and cherished at all costs. It is for these reasons that we very strongly support, and applaud, the proposal by Woollahra Council to proceed with listing Cooper Park as a heritage item.


We note also that Cooper Park North will not be included in the heritage listing. This is understandable as this small triangular area lacks some of the key values of Cooper Park that are needed for listing. However, Cooper Park North does have values that include a community hall, community gardens, open grass for recreation, as well as small pockets of mature native vegetation with species of *Acacia*, *Angophora* and *Eucalyptus* that provide homes for native fauna. We note also that this portion of land is currently subject to bushcare restoration. Our hope is that, in listing Cooper Park as a heritage item, this does not divert attention from Cooper Park North and signal development plans for this area. As local residents we feel there is already over-development of much of the suburb, and already dread the traffic and auditory torture to be inflicted upon us by the (over)development of 206D, 208, 210 and 210A Victoria Road (DA # 515/2018) which will compromise the aesthetic value of the southern amphitheatre section of Cooper Park.

Despite these general concerns about local over-development, we reiterate our very strong support for the heritage listing of Cooper Park—hopefully at both local and state level—and our gratitude to Council for proceeding with this vitally important initiative.

Your sincerely,



Prof Chris Dickman, PhD, FAA, FRZS



Ms Carol Dickman, BA, Dip Ed



Sun 9/08/2020 10:46 AM

Max Robertson [REDACTED]

SC5284 Submissions

To ☐ Records

I strongly support the proposed heritage listing of Cooper Park.

I feel that future generations will thank the Council for preserving and protecting green space as Sydney continues to grow.

Cooper Park is a very attractive park and recreation area, and has been for many years, I suggest it should be preserved as it is now, permanently.

Regards,

Max Robertson

[REDACTED] Paddington.

Sent from my iPad



Mon 10/08/2020 8:33 PM

John Moran

COOPER PARK SC5284 SUBMISSIONS

To ☐ Records



2020 08 10SC5284 Submissions COOPER PARK.docx  
.docx File

The General Manager  
Woollahra Municipal Council  
PO Box 61  
Double Bay  
NSW 1360

Dear Sir,

We fully endorse the attached submission made by Friends of Cooper Park.

Yours faithfully

John and Helen Moran

Woollahra 2025



Fri 14/08/2020 10:04 AM

James Sellwood

Planning Proposal - Local Heritage Listing - Cooper Park, Bellevue Hill (excluding Cooper Park North)

To ☐ Records

Our ref: DOC20/519706

**Planning Proposal - Local Heritage Listing - Cooper Park, Bellevue Hill (excluding Cooper Park North)**

Dear Mr Swift-McNair

Attention: Ms Flavia Scardamaglia, Strategic Heritage Officer

Thank you for the opportunity to comment on the planning proposal to list Cooper Park, Bellevue Hill (excluding Cooper Park North) as an item of local heritage significance under Woollahra Local Environmental Plan 2014.

We have reviewed the planning proposal and note that the Heritage Significance Assessment prepared for Council by Betteridge Heritage indicated that Cooper Park met the criteria for listing at a Local level.

Heritage NSW encourages the identification and listing of new heritage items, provided that all necessary due diligence, assessments and notifications have been undertaken. Prior to finalisation of the planning proposal, Council should be satisfied that this is the case.

If you have any questions, please don't hesitate to contact me on the details below.

Best regards

James

James Sellwood | Senior Heritage Programs Officer – Statewide Programs  
Heritage NSW  
Department of Premier and Cabinet



Premier  
& Cabinet





Fri 14/08/2020 4:22 PM

Torsten [REDACTED]

Cooper Park Heritage Listing -- SC5284

To ☐ Records

14 August 2020

General Manager at Woollahra Council  
PO Box 61  
Double Bay NSW 1360

**SC5284 Submissions COOPER PARK**

I, **Torsten Blackwood**, wish to state for the record that I:

1. Support the proposal to include **Cooper Park** as a Heritage Listing in the Woollahra Local Environmental Plan 2014.
2. Request Woollahra Council nominate **Cooper Park** as a State-significant item.
3. Require Woollahra Council to develop a strategic Vision for **Cooper Park** and surrounding areas to enhance Sydney's Green Grid.
4. Offer to assist Woollahra Council to co-create an Updated Plan of Management for **Cooper Park**.
5. Agree with the exclusion of **Cooper Park North** from the Heritage Listing given its different history, current circumstances and separate location.

Yours Sincerely,

Torsten Blackwood  
Co-founder & President of Cooper Park Community Garden

**From:** [John Redmond](#)  
**To:** [Records](#)  
**Subject:** Your reference: SC5284 - Proposed HERITAGE LISTING OF COOPER PARK - Response to Proposal from Professor John Redmond  
**Date:** Friday, 14 August 2020 5:05:31 PM

---

The General Manger  
Woollahra Council

Dear Sir

**Re: Proposed HERITAGE LISTING OF COOPER PARK - Response to Proposal from Professor John Redmond**

I am responding to Chris Bluett's letter of 24 June 2020.

I strongly support the Listing of Cooper park as a Heritage Item.

**Comments on visual aspects of the park.**

The following comments are not meant to detract, in any way, from the Proposal, but I note from your letter of 24 June 2020, that a LEP can also address matters of heritage conservation.

It is suggested that heritage is as much a matter of aesthetics, as of historical significance. In this case the aesthetics are concerned with the beauty of nature framed within a landscape plan, and the various constructed elements, walls, bridges, paths, stairs, balustrades, grottos, and etc.. The overall experience is not just the natural beauty of the landscape and the planting, but it combined with all the elements mentioned above.

The Betteridge report is light on its consideration and comments on the aesthetics of the Park. That may be appropriate for the planning proposal the Council is making, but, whether in an addendum, or in actions taken after the Proposal is approved, it is strongly recommended that the aesthetic aspects be considered. Because the reality for visitors to the Park is that it is a sensory perceived experience giving rise to feelings of tranquillity and beauty.

No one in their right mind purchases a Frank Lloyd Wright house and, when it requires repairs or alterations, without consultation with an appropriately qualified architect gives the work to the tradesman/contractor who submits the cheapest quote. Such works must be undertaken within the sensibility of Frank Lloyd Wright's architecture and that requires a specialist architect. If some of the new parts or repairs are discordant with the overall aesthetic that impacts the perception of the whole work.

So, it is with a park of natural beauty framed, elaborated, and made accessible with paths, walls, bridges, balustrades, etc.

Sad to state, that some of the recent path work, stairs, balustrading, and other repairs, are literally eyesores which detract from the overall experience, and the value of the Park as a place of beauty.

It is suggested that the following items in Betteridge's Report could have much more strongly

commented on the adverse visual impact of some of the new works it refers to: -

1. Betteridge Report. Page 37, Item 3.1.7 Fences & Balustrading

The report notes 'Some original fences and balustraded some including timber arris rail fencing and galvanised steel handrails but many of the fences and balustrades have been replaced with newer types'.

And,

2. Page 40, Item 3.1.11 Stairs and Steps

The Report notes 'Stairs and steps include original or early sandstone examples but in recent years several sandstone steps have been replaced by concrete or timber as cost-saving measures'.

It is surprising that the Report does not comment more strongly on the poor aesthetics and heritage qualities of these recent works, because they have a significant negative impact on the aesthetic and heritage significance of the Park.

**Fig Tree Lane section of the Park.**

It is pleasing to see that this section is now clearly included in the park.

However, it would seem that in some ways this section of the Park is a bit the poor relative of the park below. However, it is used and enjoyed by many people on a daily basis and is a major gateway to the areas of the Park, below.

However, there is absolutely no sense of that connection when one enters the park from Fletcher St. There is nothing to indicate that this grassed area with Moreton Bay Figs and a few other trees is actually part of Cooper Park.

As a resident, I am frequently asked by people in it, as to how they can get to Cooper Park – certainly they are not aware they are already in it, and cannot see the steps in the NW corner down to the main gully. Because there is no signage until one is right at the steps, nor for the little pathway down on the NE corner.

It is suggested that at minimum there should be some signage, and a map, at the Fletcher St frontage to indicate one is now entering Cooper park and all its wonders.

It is suggested that there should be some statement in the Plan to the effect of integrating this area, to the degree it is possible, with the main park.

A recent case concerning potentially adverse replacement works, was the proposed fence across the top of this section of the Park, to fence of the steep slope to the gully below. The fence proposed was not appropriate to the heritage qualities of the park. However, late intervention by some concerned residents, saw a pleasing and, I believe, economical, traditional heritage design used, which is keeping with the park, and helps to integrate this section of the Park with

the main park in the gulley.

One wonders whether the reporters actually visited this section of the Park because there is no mention of it in the Report, nor of the sandstone retaining wall to Fletcher St above – some of its sandstone blocks would seem to be salvaged from convict works. Nor is there any mention of the old, but very poor visual and heritage quality, of the non-compliant fence atop it.

This is part of the boundary face of the Park, it should be treated as such.

**Suggested inclusions in a potential Addendum to the Report.**

It is suggested that consideration be given to an Addendum to the Report to address all the above issues and that on Page 71, Item 6.2, there should be a statement to the effect of :-

- a. The urgent need for an architectural/artifact design policy for the park, for paths, walls, stairs, balustrades, bridges, embankments, grottos and other features.
- b. Providing an assessment of which existing recent works need to be replaced over a defined period.
- c. The need for a policy to ensure that all new works, and remedial works are assessed in terms of the policy by an appropriately qualified architect or designer
- d. Funds being provided to establish the policy, operate it, and to undertake the replacement of inappropriate works.

I entirely understand the tight budget situation of WMC, but the sad reality is that inappropriate works will be removed by subsequent generations, so there is no saving by doing cheap works of poor visual and heritage quality when it is viewed through a framework of life-time costing.

I also appreciate the difficulties for WMC officers when having to undertake works for safety reasons with limited budgets. However, the leaders of the Council should ensure that its officers are not put in the position of having to take aesthetic and heritage adverse decision because of insufficient funding and lack of appropriately qualified advisers. It's unfair to them.

**A good and a bad example from KNP.**

An example of the lack of saving from inappropriate short-term works is that of Kosciuszko National Park in the Mt Kosciuszko area. Over the 40 plus years I have been visiting it, there have been some very good works and some very poor works which, sooner or later, will have to be pulled out. Whereas the good works will last a hundred years for sure, and possibly a thousand. An example in KNP of bad and short term thinking is black rubber grids to prevent water run off the surface of the track to the summit: all that can be said is that it needs to be completely pulled out, because in its debilitated state, it is an abomination, and sooner rather than later. Whereas, an example of excellent works is the path down from Mt Kosciuszko to Mueller's Saddle and on to Mt Carruthers. It is granite slabs from the area, with planted native vegetation in the spaces in between. It totally integrates with the landscape and is made of material from the landscape.

Undertake works with appropriate design and quality of materials, and they may both last, and still be considered appropriate, for a very long time.

Is there ever going to be a time when Cooper Park will no longer be a park? If not, then it should be considered in a long-term planning scenario.

It would be pleasing to see a statement to this effect in an Addendum to the Report.

I conclude, by reiterating my very strong support for the Listing of Cooper Park as a Heritage Item.

Yours faithfully

John Redmond.  
Resident, adjacent to the Park.

Professor John Redmond

RESIDENCE: [REDACTED] Woollahra, NSW 2025

[REDACTED] 350





Sun 16/08/2020 12:47 PM

Ian Ferguson

Planning Proposal Cooper Park

To ☐ Records

I realise this a late submission but hopefully you can consider it .

*'The heritage assessment concludes that Cooper Park in Bellevue Hill (excluding Cooper Park North) satisfies all criteria at local level and two criteria (b) and (f) at the State level'.*

What I feel is missing in reports for the heritage listing of Cooper Park is recognition of the **unique geology** of the park and the dramatic sandstone formations on each side of the creek . These natural sandstone features were laid down around 200 million years ago . Their importance must be recognised in reports relating to the heritage significance of the place.

Recognition of the significance of these sandstone rock formations in Cooper Park has a bearing on what works are appropriate. For example steps, seats and drainage channels must not be cut into sandstone formations.

During the 1930s Depression local sandstone was used to construct three large ponds, with sandstone weirs, in the park . However, relevant planning reports make no mention of the many **smaller weirs** that were also constructed between the three ponds . I counted five small weirs between pond no. 1 and 2. These weirs and the sounds they create, are important and contribute to the special character and atmosphere of the park. They must be conserved (and repaired) in the future.

For your consideration.

Regards  
Ian Ferguson



Sydney NSW 2001  
[www.nationaltrust.org.au/NSW](http://www.nationaltrust.org.au/NSW)

21 August 2020

Mr Craig Swift-McNair  
General Manager  
Woollahra Council  
PO Box 61  
Double Bay NSW 1360

Email:

Attention: Emma Williamson

Dear Mr Swift-McNair,

**Reference: SC5284 Submissions– Planning Proposal, Cooper Park Heritage Listing**

I refer to Council's email of 29 June, 2020 to the National Trust, inviting the Trust's comments on Council's exhibition of a planning proposal for the listing of Cooper Park excluding Cooper Park North (SC 5284).

The National Trust expresses its strong support for this listing proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read "G. Quint".

Graham Quint  
Director, Conservation

The National Trust of Australia (New South Wales)  
ABN 82 491 958 802



**Respondent No:** 2

**Login:** EasternSubsLocal

**Email:** [REDACTED]

**Responded At:** Jul 09, 2020 18:30:23 pm

**Last Seen:** Jul 09, 2020 08:26:19 am

**IP Address:** 58.105.160.39

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Nicholas Phoon

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

I support the amendment to Woollahra LEP 2014 involving listing Cooper Park (excluding Cooper Park North) as a heritage item. I support the heritage listing which will provide ongoing protection and recognition of the heritage significance of the park, its built, landscape and natural elements. thanks

Q6. Please upload your document.

not answered



**Respondent No:** 3

**Login:** jandamayne

**Email:** [REDACTED]

**Responded At:** Jul 12, 2020 23:43:05 pm

**Last Seen:** Jul 12, 2020 11:32:56 am

**IP Address:** 61.68.87.121

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Amanda Goldrick

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

I support the proposed heritage listing of Cooper Park

Q6. Please upload your document.

not answered



**Respondent No:** 4

**Login:** Rosie White

**Email:** [REDACTED]

**Responded At:** Jul 17, 2020 16:46:17 pm

**Last Seen:** Jul 17, 2020 06:25:47 am

**IP Address:** 1.157.198.104

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Rosie White

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

I fully support the proposal for Heritage listing of Cooper Park. I base my support on the following: \*Clearly the Cadigal clan lived in this area which is now enormously developed and utterly changed from pre-european settlement days. Cooper Park is a significant link, despite the many impacts on it, to the Cadigal people. There are engravings but also much of the original physical state of the gully remains. Heritage listing would preserve this vital link to our Aboriginal history and honour their presence. \*Cooper Park also incorporates progressive stages of local - and wider Sydney social - European history. The development of the surrounding heritage estates, the work undertaken in the Depression, the various stages of environmental plantings, to name a few. \*It is environmentally important supporting two threatened plant species and remnant significant ecological communities in an area that is appallingly devoid of intact native vegetation. For these reasons I fully support Heritage listing. Cooper Park should receive the maximum protection possible. In terms of contemporary use which reinforces the value of Heritage listing I would like to note that the Park is also a focus for social activity and passive recreation. Activities that have been undertaken for decades and increasingly enjoyed as the Park is such a resource within the surrounding densely residential area.

Q6. Please upload your document.

not answered





**Respondent No:** 5

**Login:** Arahni

**Email:** [REDACTED]

**Responded At:** Jul 21, 2020 20:57:29 pm

**Last Seen:** Jul 21, 2020 10:55:49 am

**IP Address:** 58.173.147.201

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Arahni Sont

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

It is a unique and very special habitat. It should be heritage listed. It should be maintained and treasured for the residents nearby. It is the only tropical rainforest in Sydney.

Q6. Please upload your document.

not answered



Respondent No: 6

Login: AliG

Email: [REDACTED]

Responded At: Jul 21, 2020 21:05:19 pm

Last Seen: Jul 21, 2020 11:00:23 am

IP Address: 144.48.232.97

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Alice Gemmell-Smith

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

This park is a beautiful gem in the centre of the city and it is wonderful to be able to access something so green so close to home. It would be a delight to know that the whole of Cooper Park is protected under heritage listing.

Q6. Please upload your document.

not answered



Respondent No: 7

Login: J-J

Email: [REDACTED]

Responded At: Jul 29, 2020 12:38:06 pm

Last Seen: Jul 29, 2020 02:02:03 am

IP Address: 49.194.228.122

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Jenny-Jane Carpenter

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

Cooper Park is a beautiful treasure and I love the way it reflects so much of the area's history. The council has preserved it well and I hope many future generations can have the same pleasure walking there as I have had over the years

Q6. Please upload your document.

not answered



**Respondent No:** 8

**Login:** kabu

**Email:** [REDACTED]

**Responded At:** Aug 10, 2020 15:13:16 pm

**Last Seen:** Aug 10, 2020 04:49:39 am

**IP Address:** 143.238.73.199

Q1. Would you like to make a submission to the proposed heritage listing of the Cooper Park (excluding Cooper Park North) Bellevue Hill?

Yes

Q2. Your email

[REDACTED]

Q3. Your name

Charlotte Feldman

Q4. How would you like to make your submission?

Type your submission here

Q5. Please type your submission here.

The Darling Point Society Inc. supports the proposal to include Cooper Park as a Heritage Listing in the Woollahra Local Environmental Plan 2014; The Society hereby requests Woollahra Council to nominate Cooper Park as a State-significant item. The Society requires Woollahra Council to develop a strategic Vision for Cooper Park and surrounding areas to enhance Sydney's Green Grid.

Q6. Please upload your document.

not answered





**Item No:** R4 Recommendation to Council  
**Subject:** **PUBLIC EXHIBITION OF DRAFT WOOLLAHRA DCP 2015 (AMENDMENT NO.13) - PADDINGTON HERITAGE CONSERVATION AREA CONTROLS FOR COURTYARD HOUSING**  
**Author:** Flavia Scardamaglia, Strategic Heritage Officer  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/136974  
**Reason for Report:** To report on the public exhibition of Draft Woollahra Development Control Plan 2015 (Amendment No.13)  
To obtain Council's approval of the Draft DCP.

**Recommendation:**

THAT Council approve the Draft Woollahra Development Control Plan 2015 (Amendment No. 13) as attached at **Annexure 1** in the report to the Environmental Planning Committee meeting on 7 September 2020.

---

**1. Background**

On 9 December 2019 Council resolved:

- A. *THAT Council note the report to the Environmental Planning Committee meeting of 2 December 2019 which contains potential options to address the inclusion of numerical controls for pavilion and linking structures in the Paddington Heritage Conservation Area controls.*
- B. *THAT a meeting of the Paddington Heritage Conservation Area Working Party is convened by mid-February 2020 to discuss potential amendments to the numerical controls for pavilions and linking structures and to give consideration to how the controls should apply to one and two storey terraces.*

In response to Council's resolution, staff drafted amendments to Chapters A1, A3 and C1 of the Woollahra Development Control Plan (DCP). Chapter A1 contains the introduction to the Woollahra DCP. Chapter A3 contains general definitions used in the Woollahra DCP. Chapter C1 contains controls for the Paddington Heritage Conservation Area.

Staff also organised a meeting with the Paddington Heritage Conservation Area Working Party (the Working Party) on 11 February 2020. This is a reference group which draws its membership from Councillors appointed by the Mayor and representatives of The Paddington Society, other members of the Paddington community, the National Trust of Australia (NSW) and the Woollahra History and Heritage Society. The Working Party provides input and comments on the preparation and review of heritage conservation controls applying to the Paddington HCA.

The outcome of the Working Party meeting was reported to the Environmental Planning Committee meeting on 2 March 2020. On 9 March 2020, Council resolved the following:

- A. *THAT a draft development control plan be prepared to amend the Woollahra Development Control Plan 2015, as described in detail in Annexure 1 of the report to the Environmental Planning Committee meeting on 2 March 2020 subject to the following amendments:*
1. *The word 'pavilion' being deleted from the first line of C15 in clause 1.3.1.*
  2. *The link structure shown in the non-intrusive examples in Figure 3A in clause 1.3.1 being narrowed to match the link structures in Figure 3B in clause 1.3.1*
  3. *The notation for Measurement B in Figure 3B in clause 1.3.1 being amended to include the word "to" so as to read "...may be equal to or lower than...."*
- B. *THAT staff convene a Paddington & Oxford Street Working Party meeting to make recommendations to Council regarding controls for court yard housing and equivalent development relating to multi-story development.*

Draft Woollahra Development Control Plan 2015 (Amendment No. 13) (the Draft DCP) was prepared in the terms expressed in the Council's decision.

This report deals with the public exhibition of the Draft DCP.

## **2. Public exhibition**

The Draft DCP and supporting material were placed on public exhibition for 43 days from Friday 10 July 2020 – Friday 21 August 2020 (inclusive), consistent with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). Copies of the Draft DCP and supporting material are contained in **Annexures 1 and 2** of this report.

The exhibition involved the following:

1. Five weekly notices in the Wentworth Courier providing details of the exhibition - 22 July 2020, 29 July 2020, 5 August 2020, 12 August 2020 and 19 August 2020.
2. A public exhibition page for the Draft DCP and supporting material on Council's website. The exhibition page was visited by 5 external customers during the exhibition period.
3. A public exhibition page for the Draft DCP and supporting material on Your Say Woollahra. This page was visited by 68 external customers during the exhibition period.
4. Display of exhibition material at the Customer Service counter of the Woollahra Council Chambers at Double Bay, available during normal business hours.
5. Notification letter or email to stakeholders including:
  - The National Trust of Australia (NSW)
  - The Paddington Society
  - Woollahra History and Heritage Society

### 3. Submissions

Two submissions were received in response to the public exhibition:

- Bastien Wallace
- Esther Hayter on behalf of The Paddington Society.

Of these submissions:

- One supported the planning proposal.
- One was a general comment regarding safe cycling provisions and did not relate to the proposed amendments in the Draft DCP.

A redacted copy of the submissions is attached as **Annexure 3**.

In summary, there were no objections or concerns from the community in response to the public exhibition.

### 4. Finalisation

The process for amending a DCP is set out in the Act and the Regulation. The Draft DCP has been prepared and publicly exhibited in accordance with those requirements.

If Council resolves to proceed with the amendment and approves the Draft DCP, it will come into effect on date of a notice which is published in the Wentworth Courier (or a later date specified in the notice). If the Wentworth Courier is not available in a hardcopy publication, a notice on the Council's website will suffice.




### 6. Conclusion

The Draft DCP was prepared as a joint effort of Council staff and the Paddington HCA Working Party.

The Draft DCP was publicly exhibited in accordance with the requirements of the Act and the Regulation. All submissions have been assessed. It is considered that no changes are required to the Draft DCP as a consequence of submissions.

The Council may now approve the Draft DCP as provided at **Annexure 1**.

### Annexures

1. Draft Woollahra DCP 2015 (Amendment No.13) [↓](#) 
2. Supporting document - proposed changes to Chapters A3 and C1 of the Woollahra DCP 2015 [↓](#) 
3. Redacted copy of submissions received during exhibition [↓](#) 



# Draft Woollahra Development Control Plan 2015 (Amendment No.13)

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Prepared Date:	June 2020
Adopted:	TBC
Commenced:	TBC
Division/Department:	Planning and Development/Strategic Planning
HPE CM Record Number:	20/105333

## Contents

<b>Part 1</b>	<b>Preliminary.....</b>	<b>4</b>
1.1	Background.....	4
1.2	Name of plan .....	4
1.3	Objectives of the plan .....	4
1.4	Land to which this plan applies.....	5
1.5	Relationship of this plan to the Act, the Regulation and other plans or environmental planning instruments.....	5
1.6	Approval and commencement of this plan .....	5
1.7	How this plan amends Woollahra DCP 2015 .....	5
<b>Part 2</b>	<b>Amendments to Woollahra Development Control Plan 2015 .....</b>	<b>6</b>
	<b>Chapter A1 Introduction .....</b>	<b>6</b>
2.1	Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications.....	6
2.2	Amendments to clause A1.4 List of amendments.....	6
	<b>Chapter A3 Definitions.....</b>	<b>7</b>
2.3	Amendments to A3.1 Definitions.....	7
	<b>Chapter C1 Paddington Heritage Conservation Area .....</b>	<b>8</b>
2.4	Amendment to C1.3.1 Single storey buildings .....	8
2.5	Amendment to C1.4.3 Rear elevations, rear additions, significant outbuildings and yards ...	13
2.6	Amendments to C1.5.8 Materials, finishes and details .....	13



## **Draft Woollahra Development Control Plan 2015 (Amendment No 13)**

### **Part 1 Preliminary**

#### **1.1 Background**

As part of its strategic planning program, the Council has reviewed the conservation provisions applying to single storey buildings in the Paddington Heritage Conservation Area. One set of amendments for these buildings was introduced in January 2020. A second review of controls for single storey buildings has been carried out and further amendments have been prepared. These amendments supplement the first set of changes and, in particular, introduce new terminology for rear additions to single storey buildings and add further numerical controls for those types of additions.

The reviews have involved input from the Paddington Heritage Conservation Area Working Party, which includes Paddington Ward Councillors and representatives from The Paddington Society, the National Trust of Australia NSW and the Woollahra History and Heritage Society.

Draft Woollahra DCP 2015 (Amendment No 13) contains amendments to Chapter A3 Definitions and Chapter C1 Paddington Heritage Conservation Area. Changes to Chapter C1 apply to clause 1.3.1 Single storey buildings, clause 1.4.3 Rear elevations, rear additions, significant outbuildings and yards and Table 8 of clause 1.5.8 Materials, finishes and details.

#### **1.2 Name of plan**

This plan is the Draft Woollahra Development Control Plan 2015 (Amendment No 13).

#### **1.3 Objectives of the plan**

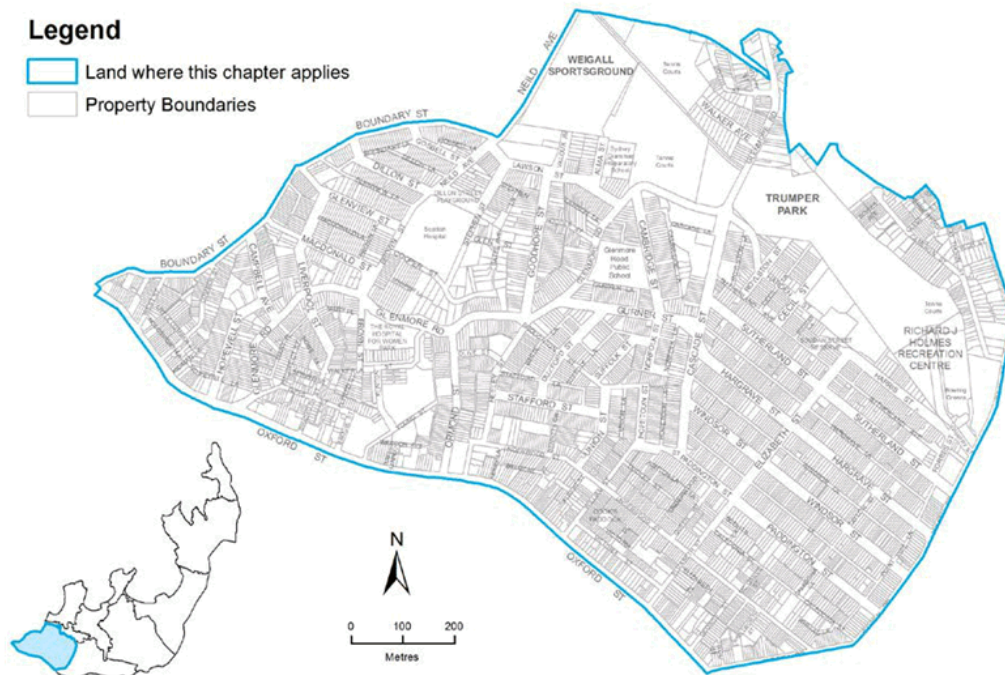
The objectives of the plan are:

- a) to amend the terminology for additions to the rear of single storey buildings,
- b) to supplement the numerical controls for additions to the rear of single storey buildings.

#### 1.4 Land to which this plan applies

This plan applies to land identified on Map 1 of section C1.1.2 of Woollahra DCP 2015 (as shown below).

Parts of the suburbs of Edgecliff and Woollahra are located in the Paddington HCA.



#### 1.5 Relationship of this plan to the Act, the 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 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 DCP 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~~

Figures

### 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 23 May 2015) 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 13 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 13</u>	<u>Date approved</u> - TBC  <u>Date commenced</u> - TBC	<u>Chapter A3 Definitions: Insert the definition for “courtyard housing”. Delete the definition for “pavilion”.</u>  <u>Chapter C1 Paddington Heritage Conservation Area: Amend clause 1.3.1 Single storey buildings, clause 1.4.3 Rear elevations, rear additions, significant outbuildings and yards and Table 8 in clause 1.5.8 Materials, finishes and details. Amendments include:</u> <ul style="list-style-type: none"><li><u>replacing the definition of “pavilion” with “courtyard housing”</u></li><li><u>adding and amending controls and diagrams for rear additions to single storey buildings.</u></li></ul>

## Chapter A3 Definitions

### 2.3 Amendments to A3.1 Definitions

2.3.1 Delete the definition 'pavilion' and insert the definition of 'courtyard housing'.

<u><b>courtyard housing</b></u>	<u>a structure which:</u> <ul style="list-style-type: none"><li>▶ <u>must be wholly located at the rear of the existing principal building,</u></li><li>▶ <u>must be separated from the principal building by a courtyard,</u></li><li>▶ <u>may be separated by a narrow, non-habitable lightweight linking structure, and</u></li><li>▶ <u>must be subsidiary in form and scale to the principal building.</u></li></ul> <u>Courtyard housing is not infill development, or a garage or a loft over a garage, or studio.</u>
<del>pavilion</del>	<del>A structure which:-</del> <ul style="list-style-type: none"><li>▶ <del>must be wholly located at the rear of the existing principal building,</del></li><li>▶ <del>must be separated from the principal building by a courtyard,</del></li><li>▶ <del>may be separated by a narrow, non-habitable lightweight linking structure, and</del></li><li>▶ <del>must be subsidiary in height, form and scale to the principal building.</del></li></ul> <del>A pavilion is not infill development, or a garage or a loft over a garage, or a studio.</del>

## Chapter C1 Paddington Heritage Conservation Area

### 2.4 Amendment to C1.3.1 Single storey buildings

- 2.4.1 Replace the word 'pavilion' with 'courtyard housing' throughout this clause, as detailed below under 'General Controls'.
- 2.4.2 Amend C12 (e) to remove the requirement for courtyard housing to subsidiary to the existing building in terms of height.
- 2.4.3 Amend C13 to remove the requirement for courtyard housing to be subsidiary in height to the ridge height of the principal building form.
- 2.4.4 Introduce numerical controls in C15 for the height of the linking structure, the width of the linking structure and the height of the courtyard housing.

### General Controls

These controls apply to all alterations and additions to single storey buildings, including ~~pavilion~~ courtyard housing additions:

- C5 Roof space within the principal building form may be used where there will be no change to the existing roof height, roof pitch, eaves height or ceiling below. No change to the rear roof plane is permitted to the principal building form with the exception of a compliant dormer and skylight.

Note: Control C5 is included to ensure that the rear roof of the principal building is not raised to incorporate a higher extension or higher link structure to ~~a pavilion~~ courtyard housing.

- C7 Ground floor additions and ~~pavilion~~ courtyard housing additions to the rear of a single storey building must not compromise the form of the principal building.
- C10 Additions of an appropriate form and scale are permitted at the rear of the principal building form if:
  - a) the addition is a ground floor rear addition attached to the principal building below the existing eave or employs a ~~pavilion~~ courtyard housing style addition (refer to controls below); and
  - b) for additions other than ~~pavilion~~ courtyard housing additions, the addition incorporates a skillion roof. Reverse skillion roofs are not permitted.

#### ~~Pavilion~~ Courtyard housing additions

~~A pavilion~~ Courtyard housing is not an infill development or a garage or a loft over a garage or a studio. Controls for infill development are included in C1.3.13. Controls for a loft over a garage or studio are included in C1.5.7.

- C12 A ~~pavilion~~ courtyard housing addition may be permitted if:

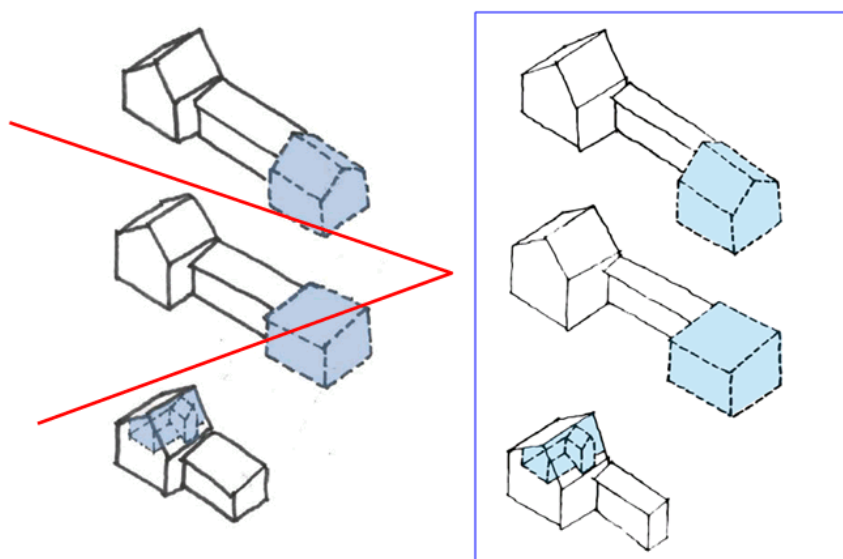


- a) it would not have an adverse impact on the heritage significance of the existing building, adjoining properties, or the group of buildings, where the building forms part of a group;
  - b) it is not visible, directly or obliquely, from any part of the street to which the property's street front zone abuts and from the front yard within the street front zone;
  - c) it will have a negligible impact on the amenity of neighbouring properties in terms of loss of sunlight, ventilation and privacy;
  - d) it will not adversely affect the setting of the existing building; and
  - e) it is subsidiary to the existing building and will not dominate the existing building in terms of bulk, ~~height~~ and scale.
- C13 A ~~pavilion~~ courtyard housing addition must be single storey, ~~be subsidiary in height to the ridge height of the principal building (not including chimneys),~~ and must not be able to be seen over the roof of the principal building.
- C14 A ~~pavilion~~ courtyard housing addition must be wholly located at the rear of the existing principal building. Additions that wrap around the principal building are not appropriate.
- C15 Where a ~~pavilion~~ courtyard housing addition is appropriate:
- a) a narrow, non-habitable linking structure may be provided between the principal building form and the ~~pavilion~~ courtyard housing addition;
  - b) ~~the height of~~ the linking structure must be single storey, with a maximum height of 2.4m or ~~and~~ below the eaves of the principal building form, whichever is the lower;
  - c) the width of the linking structure must be a maximum of 1.5m internally;
  - d) ~~e)~~ the linking structure must be a narrow, non-habitable lightweight construction to differentiate the new work from the original. Lightweight construction should comprise appropriate materials, roof form and overall design. Appropriate materials include glass, steel and timber. Very minor masonry material may be included;
  - e) ~~d)~~ it must include a usable courtyard, provided that a compliant rear building alignment can be achieved and the bulk and scale of the addition does not result in adverse privacy and overshadowing impacts on adjoining properties; ~~and~~
  - f) ~~e)~~ the inclusion of a courtyard must comply with the controls and minimum requirements in Section C1.4.8 Private open space, swimming pools, courtyards and landscaping; and
  - g) the height of the courtyard housing must not exceed the ridge height of the principal building form (chimneys not included).
- Note: see Figure 3B for reference.
- C16 The roof of the ~~pavilion~~ courtyard housing addition must:

- a) be an appropriate response to the traditional roof form and pitch of the principal building. Skillion roofs must comprise a single roof plane. Curved roofs, flat roofs, mansard roofs, parapet roofs and reverse skillion roofs are not permitted; and
  - b) match the pitch of roofs where an unchanged established pattern of rear roofs exists or, where an unchanged pattern does not exist, must be a minimum pitch of 6 degrees.
- C17 Provided that C12 and C15 are satisfied, a contemporary design for the ~~pavilion~~ courtyard housing may be used.
- C18 An attic is permitted within the roof space of the ~~pavilion~~ courtyard housing addition, provided that:
- a) satisfactory floor to ceiling height standards are achieved;
  - b) the form and pitch of the ~~pavilion~~ courtyard housing addition roof matches the form and pitch of the roof of the principal building;
  - c) only one dormer is permitted (in either the front or rear roof plane). Where the width of the addition is greater than 6m, a second dormer may be permitted, provided each dormer is identical in type, size and no greater than 1.2m maximum width overall. The top of the dormer must be set below the main ridge by at least 300mm. The inclusion of a dormer must comply with the controls in Section C1.4.10 Acoustic and visual privacy; and
  - d) no more than 2 skylights (compliant with the controls for Skylights in C1.5.1 Dormers and Skylights) are located within the entire roofplane.

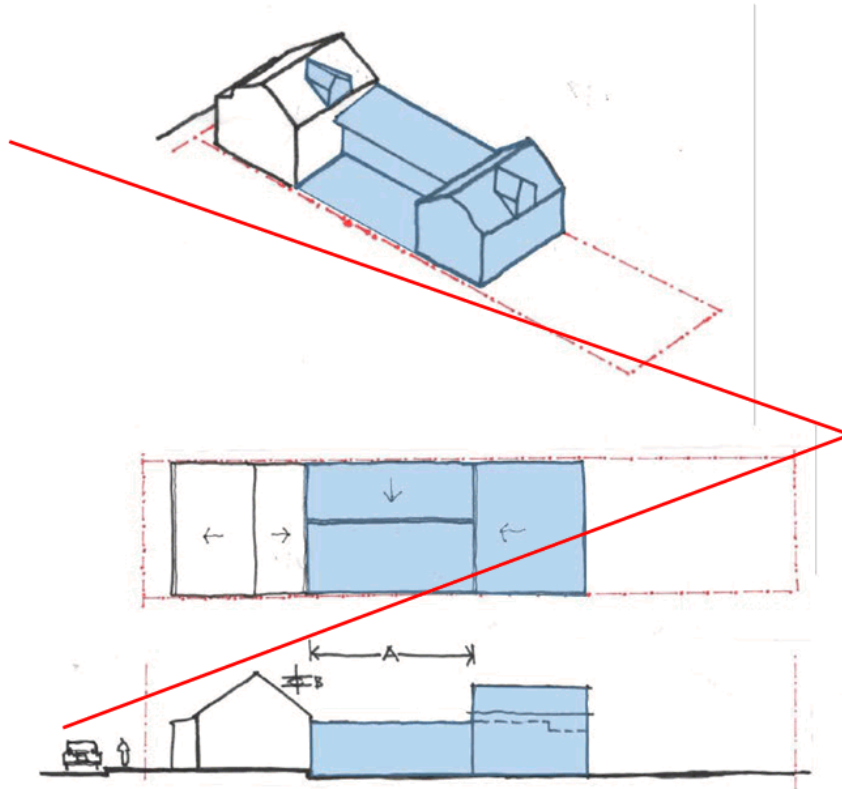
2.4.5 Amend Figure 3A to be consistent with the new controls.

**FIGURE 3A Non-intrusive development**

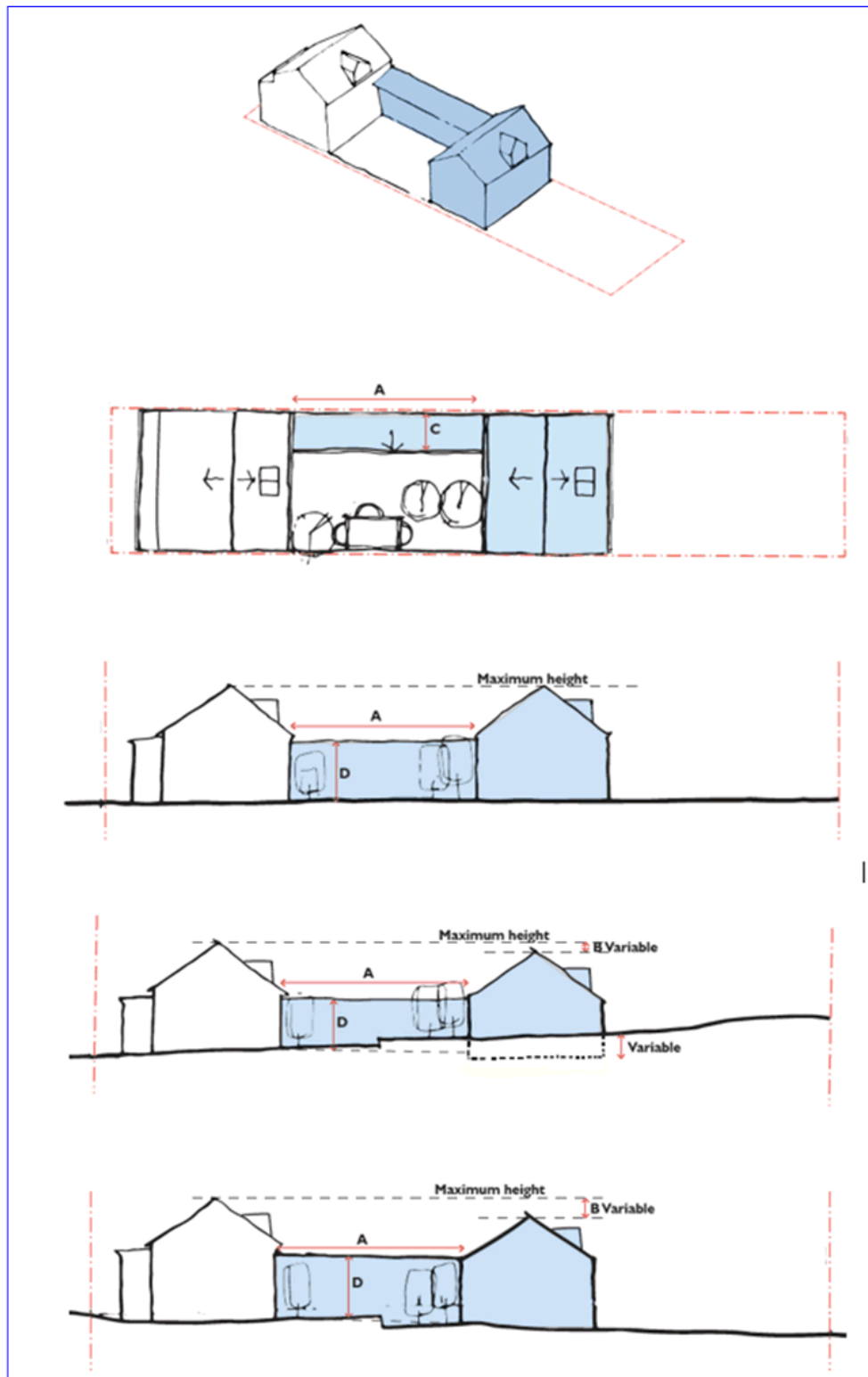


2.4.6 Amend Figure 3B to be consistent with the new controls and to include additional sections

**FIGURE 3B Non-intrusive development**



**FIGURE 3B Non-intrusive development** - Example of a courtyard housing addition with the same pitch, form and orientation of the principal building form



2.4.7 Amend the description for Measurement B

**Measurement B:** dimension must provide an addition that is single storey, ~~must be subsidiary in height to the~~ may be equal to or lower than the ridge height of the principal building form (not including chimneys), and must not be able to be seen over the roof of the principal building.

2.4.8 Add new descriptions for Measurements C and D

**Measurement C:** dimension must be a maximum of 1.5m internally.

**Measurement D:** dimension must be a maximum of 2.4m or below the eaves of the principal building form, whichever is lower.

**2.5 Amendment to C1.4.3 Rear elevations, rear additions, significant outbuildings and yards**

2.5.1 Replace the word 'pavilion' with 'courtyard housing' in C9.

C9 Unaltered groups with single storey rear wings must retain their single storey form. Single storey, ~~pavilion~~ courtyard housing style additions with attic rooms may be permitted, where the addition does not result in view loss of the main wing from the public domain.

**2.6 Amendments to C1.5.8 Materials, finishes and details**

2.6.1 Replace the word 'pavilion' with 'courtyard housing' in Table 8 under the Roofs heading.

Table 8 Materials and details

Building component	External building materials
<b>Roofs</b>	
New roofs to existing buildings – replacement and additions (including <del>pavilion</del> <u>courtyard housing</u> additions and lofts over garages)	▶ Galvanised corrugated steel with associated galvanized gutter details and fixings.
	▶ Pre-painted corrugated steel in light to mid grey tones, similar in appearance to traditional corrugated iron.
	▶ Traditional roof materials as outlined above.



	<ul style="list-style-type: none"> <li>► is from a significant historical period and is highly or substantially intact; or</li> <li>► is from a significant historical period and is altered yet recognisable and reversible.</li> </ul>
<b>contributory item</b>	a building, work, archaeological site, tree or place and its setting, which contributes to the heritage significance of a conservation area.
<b>courtyard</b>	an area that is open to the sky and of sufficient size to be used as private open space. A courtyard does not include a lightwell or a breezeway.
<b><u>courtyard housing</u></b>	<p><u>a structure which:</u></p> <ul style="list-style-type: none"> <li>► <u>must be wholly located at the rear of the existing principal building,</u></li> <li>► <u>must be separated from the principal building by a courtyard,</u></li> <li>► <u>may be separated by a narrow, non-habitable lightweight linking structure, and</u></li> <li>► <u>must be subsidiary in form and scale to the principal building.</u></li> </ul> <p><u>Courtyard housing is not infill development, or a garage or a loft over a garage, or studio.</u></p>
<b>cultural landscape</b>	as defined in Heritage Terms and Abbreviations (NSW Heritage Manual). Note: Those areas of the landscape which have been significantly modified by human activity. They include rural lands such as farms, villages and mining sites, as well as country towns.
<b>cultural plantings</b>	plants including native plants that were planted for a deliberate purpose (see also 'significant cultural plantings').
<b>curtilage</b>	as defined in Woollahra LEP 2014.
<b>deep soil landscaped area</b>	the area of the site that contains landscaped area which has no above ground, ground level or subterranean development. Note: 'landscaped area' is defined in Woollahra LEP 2014.
<b>demolish</b>	as defined in Woollahra LEP 2014.
<b>dormer</b>	a structure comprising a window, roof and side walls projecting from a sloping roof.
<b>dual occupancy</b>	as defined in Woollahra LEP 2014.
<b>dwelling</b>	as defined in Woollahra LEP 2014.
<b>dwelling house</b>	as defined in Woollahra LEP 2014.

<b>pavilion</b>	<p><del>A structure which:</del></p> <ul style="list-style-type: none"> <li>► <del>must be wholly located at the rear of the existing principal building,</del></li> <li>► <del>must be separated from the principal building by a courtyard,</del></li> <li>► <del>may be separated by a narrow, non-habitable lightweight linking structure, and</del></li> <li>► <del>must be subsidiary in height, form and scale to the principal building.</del></li> </ul> <p><del>A pavilion is not infill development, or a garage or a loft over a garage, or a studio.</del></p>
<b>place</b>	<p>as defined in Heritage Terms and Abbreviations (NSW Heritage Manual).</p> <p>Note: A site, area or landscape or group of works, together with associated structures, contents and surrounds.</p>
<b>preservation</b>	<p>as defined in Heritage Terms and Abbreviations (NSW Heritage Manual).</p> <p>Note: Maintaining the fabric of a place in its existing state and retarding deterioration.</p>
<b>principal elevation</b>	<p>the elevation of a building that faces a public space. Buildings may contain more than one principal presenting elevation such as an A-typical triangular shaped lot.</p>
<b>principal roof form</b>	<p>the principal roof plane/s located over the principal building form (predominantly the front building section).</p>
<b>private domain</b>	<p>all land which is privately owned and which is not included in the public domain.</p>
<b>private open space</b>	<p>as defined in Woollahra LEP 2014.</p>
<b>public domain</b>	<p>all land which is owned by a public authority and includes roads, footpaths, laneways and parks.</p>
<b>rarity</b>	<p>as defined in Assessing Heritage Significance (NSW Heritage Manual).</p> <p>Note: Possesses uncommon, rare or endangered aspects of the area cultural or natural history.</p>
<b>reconstruction</b>	<p>as defined in Heritage Terms and Abbreviations (NSW Heritage Manual).</p> <p>Note: Returning a place as nearly as possible to a known earlier state by the introduction of new or old materials into the fabric (not to be confused with conjectural reconstruction).</p>

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### C1.3.1 Single storey buildings

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Single storey buildings include timber, stone, brick and weatherboard cottages, terraces, semi-detached houses and single storey shops.

Architectural styles include Georgian, Victorian and Federation. The scale of buildings generally range from the typical small and narrow fronted buildings to medium to large houses ranging in date from 1840s to 1920s.

Single storey buildings, in particular the timber cottages, are significant because of their rarity. Many single storey buildings are also significant because of their historical association with the evolution of the early Paddington village and the artisan community that developed at the junction of Glenmore Road and New South Head Road.

Additions to these single storey buildings need to be carefully considered (see Figure 1). Refer to Figures 2 and 3 for examples of intrusive and non-intrusive extensions.

#### Objectives

- O1 To retain and conserve single storey buildings.
- O2 To conserve the settings of single storey buildings.
- O3 To ensure that the scale and form of single storey buildings are retained and that alterations and additions do not dominate the building.

#### General Controls

These controls apply to all alterations and additions to single storey buildings, including ~~pavilion~~ [courtyard housing](#) additions:

- C1 Principal building forms and original external materials are to be retained.
- C2 Retain or reinstate façade details and open verandahs where physical or documentary evidence exists demonstrating an earlier state.
- C3 Where alterations are required to meet the National Construction Code requirements, materials must be consistent with traditional materials and finishes.
- C4 Additional storeys are not permitted to the principal building form where the existing roof height will be increased, and changes to the existing roof pitch and eaves height will occur.
- C5 Roof space within the principal building form may be used where there will be no change to the existing roof height, roof pitch, eaves height or ceiling below. No change to the rear roof plane is permitted to the principal building form with the exception of a compliant dormer and skylight.

Note: Control C5 is included to ensure that the rear roof of the principal building is not raised to incorporate a higher extension or higher link structure to ~~a pavilion~~ [courtyard housing](#).

- 
- C6 The addition of dormers or skylights in the rear roof slope of the principal building form is to comply with controls in Section 1.5.1 Dormers and skylights.
- C7 Ground floor additions and ~~pavilion~~ courtyard housing additions to the rear of a single storey building must not compromise the form of the principal building.
- C8 Existing setbacks from the front and side boundaries for the principal building form are to be retained.
- C9 Additions at the rear of buildings must not extend beyond the predominant rear building setbacks at any level of a group or row of buildings.
- C10 Additions of an appropriate form and scale are permitted at the rear of the principal building form if:
- a) the addition is a ground floor rear addition attached to the principal building below the existing eave or employs a ~~pavilion~~ courtyard housing style addition (refer to controls below); and
  - b) for additions other than ~~pavilion~~ courtyard housing additions, the addition incorporates a skillion roof. Reverse skillion roofs are not permitted.
- C11 Additions to single storey semi-detached and terrace groups must not compromise the architectural character of the pair, or the group of houses.

~~Pavilion~~ Courtyard housing additions

A ~~pavilion~~ Courtyard housing is not an infill development or a garage or a loft over a garage or a studio. Controls for infill development are included in C1.3.13. Controls for a loft over a garage or studio are included in C1.5.7.

- C12 A ~~pavilion~~ courtyard housing addition may be permitted if:
- a) it would not have an adverse impact on the heritage significance of the existing building, adjoining properties, or the group of buildings, where the building forms part of a group;
  - b) it is not visible, directly or obliquely, from any part of the street to which the property's street front zone abuts and from the front yard within the street front zone;
  - c) it will have a negligible impact on the amenity of neighbouring properties in terms of loss of sunlight, ventilation and privacy;
  - d) it will not adversely affect the setting of the existing building; and
  - e) it is subsidiary to the existing building and will not dominate the existing building in terms of bulk, ~~height~~ and scale.
- C13 A ~~pavilion~~ courtyard housing addition must be single storey, ~~be subsidiary in height to the ridge height of the principal building (not including chimneys)~~, and must not be able to be seen over the roof of the principal building.
- C14 A ~~pavilion~~ courtyard housing addition must be wholly located at the rear of the existing principal building. Additions that wrap around the principal building are not appropriate.

C1 | Paddington HCA

► Part C | Heritage Conservation Areas

- C15 Where a ~~pavilion~~ courtyard housing addition is appropriate:
- a) a narrow, non-habitable linking structure may be provided between the principal building form and the ~~pavilion~~ courtyard housing addition;
  - b) ~~the height of~~ the linking structure must be single storey, with a maximum height of 2.4m or and below the eaves of the principal building form, whichever is the lower;
  - c) the width of the linking structure must be a maximum of 1.5m internally;
  - d) ~~e)~~ the linking structure must be a narrow, non-habitable lightweight construction to differentiate the new work from the original. Lightweight construction should comprise appropriate materials, roof form and overall design. Appropriate materials include glass, steel and timber. Very minor masonry material may be included;
  - e) ~~d)~~ it must include a usable courtyard, provided that a compliant rear building alignment can be achieved and the bulk and scale of the addition does not result in adverse privacy and overshadowing impacts on adjoining properties; ~~and~~
  - f) ~~e)~~ the inclusion of a courtyard must comply with the controls and minimum requirements in Section C1.4.8 Private open space, swimming pools, courtyards and landscaping; ~~and~~
  - g) the height of the courtyard housing must not exceed the ridge height of the principal building form (chimneys not included).
- Note: see Figure 3B for reference.
- C16 The roof of the ~~pavilion~~ courtyard housing addition must:
- a) be an appropriate response to the traditional roof form and pitch of the principal building. Skillion roofs must comprise a single roof plane. Curved roofs, flat roofs, mansard roofs, parapet roofs and reverse skillion roofs are not permitted; and
  - b) match the pitch of roofs where an unchanged established pattern of rear roofs exists or, where an unchanged pattern does not exist, must be a minimum pitch of 6 degrees.
- C17 Provided that C12 and C15 are satisfied, a contemporary design for the ~~pavilion~~ courtyard housing may be used.
- C18 An attic is permitted within the roof space of the ~~pavilion~~ courtyard housing addition, provided that:
- a) satisfactory floor to ceiling height standards are achieved;
  - b) the form and pitch of the ~~pavilion~~ courtyard housing addition roof matches the form and pitch of the roof of the principal building;
  - c) only one dormer is permitted (in either the front or rear roof plane). Where the width of the addition is greater than 6m, a second dormer may be permitted, provided each dormer is identical in type, size and no greater than 1.2m maximum width overall. The top of the dormer must be set below the main ridge by at least 300mm. The inclusion of a dormer must comply with the controls in Section C1.4.10 Acoustic and visual privacy; and
  - d) no more than 2 skylights (compliant with the controls for Skylights in C1.5.1 Dormers and Skylights) are located within the entire roofplane.
- C19 Roofing materials must comply with C1.5.8.

► C1 pg.16

2 January 2020  
Woollahra Development Control Plan 2015



FIGURE 1 Generic version of a single storey terrace

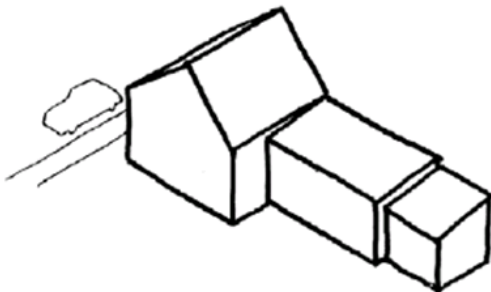
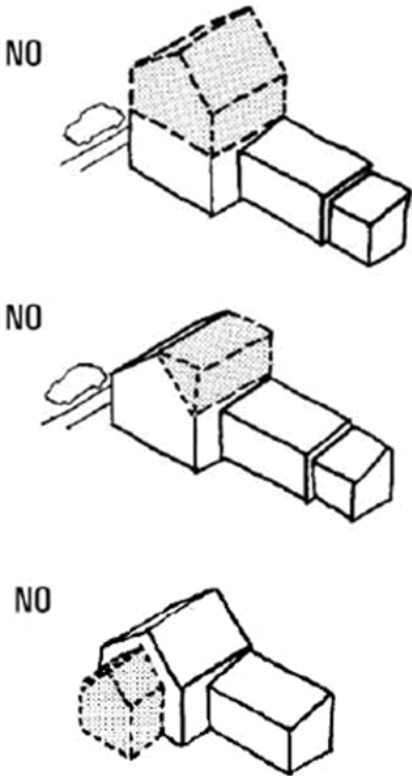
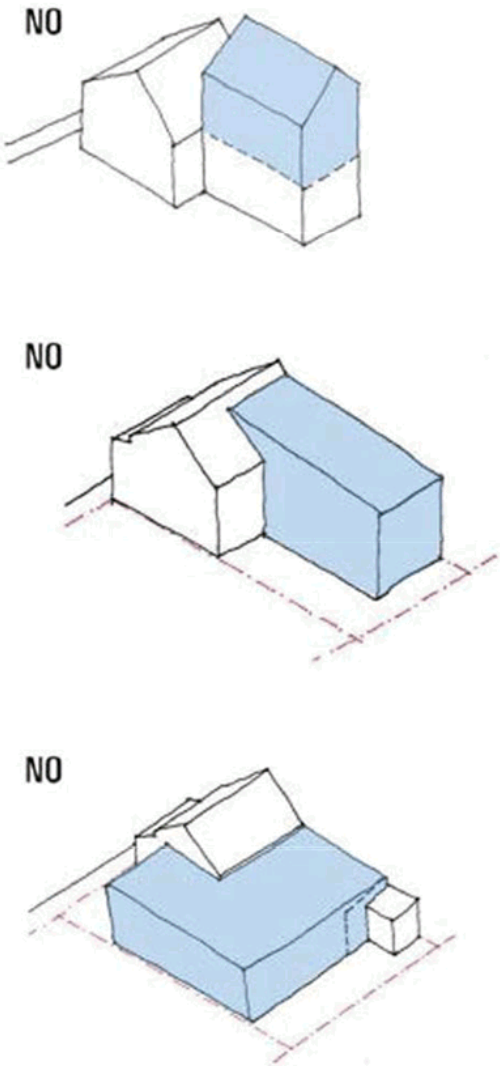


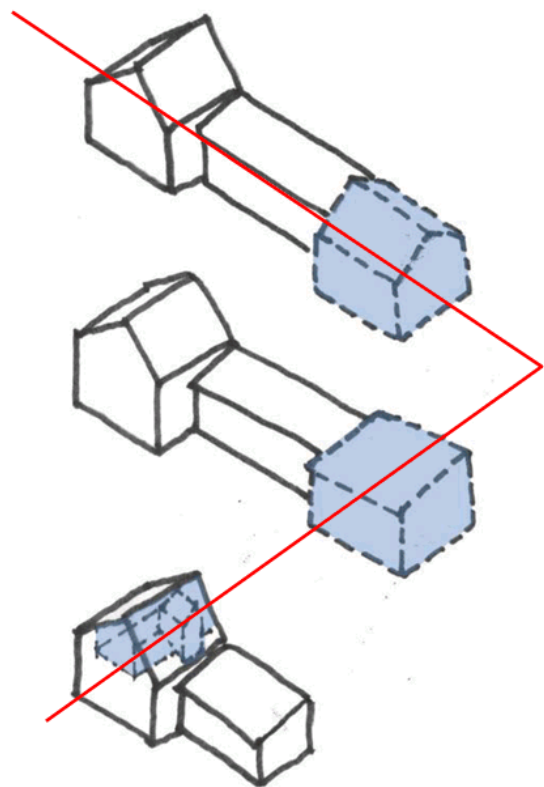
FIGURE 2A Intrusive additions



**FIGURE 2B** Intrusive additions

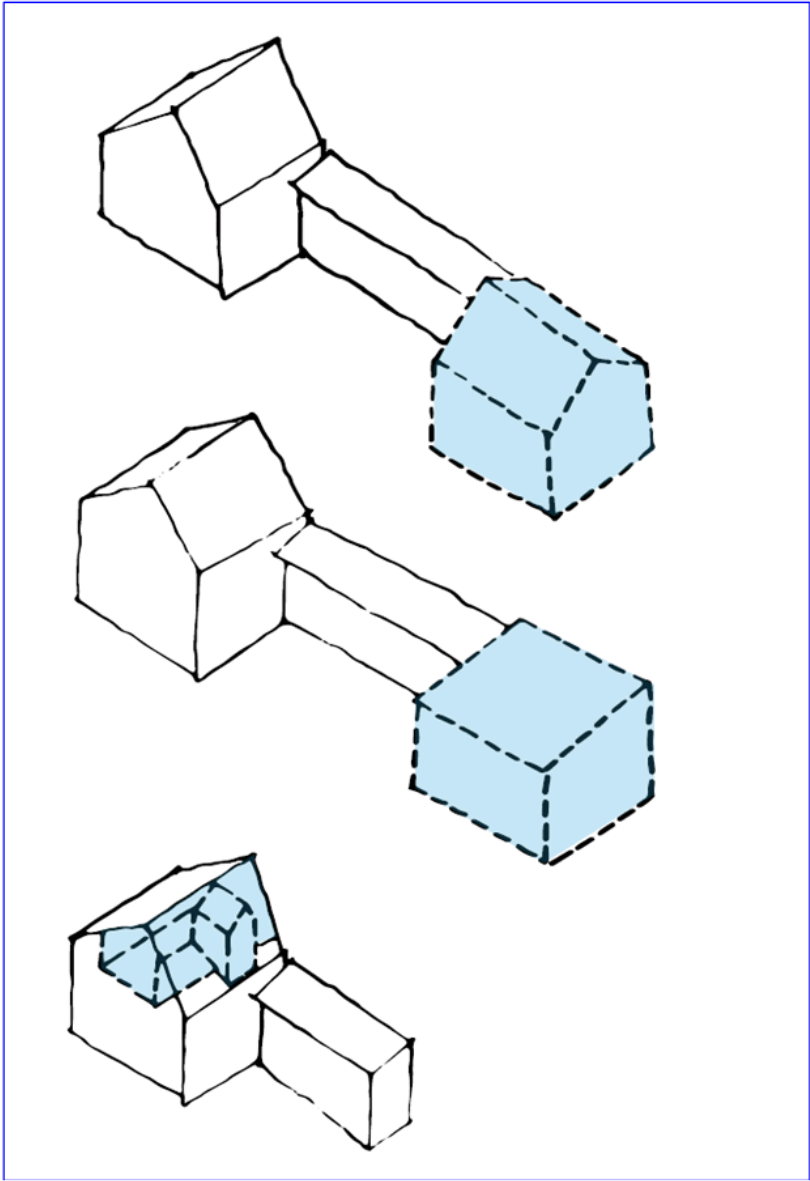


**FIGURE 3A** Non-intrusive development



C1 | Paddington HCA

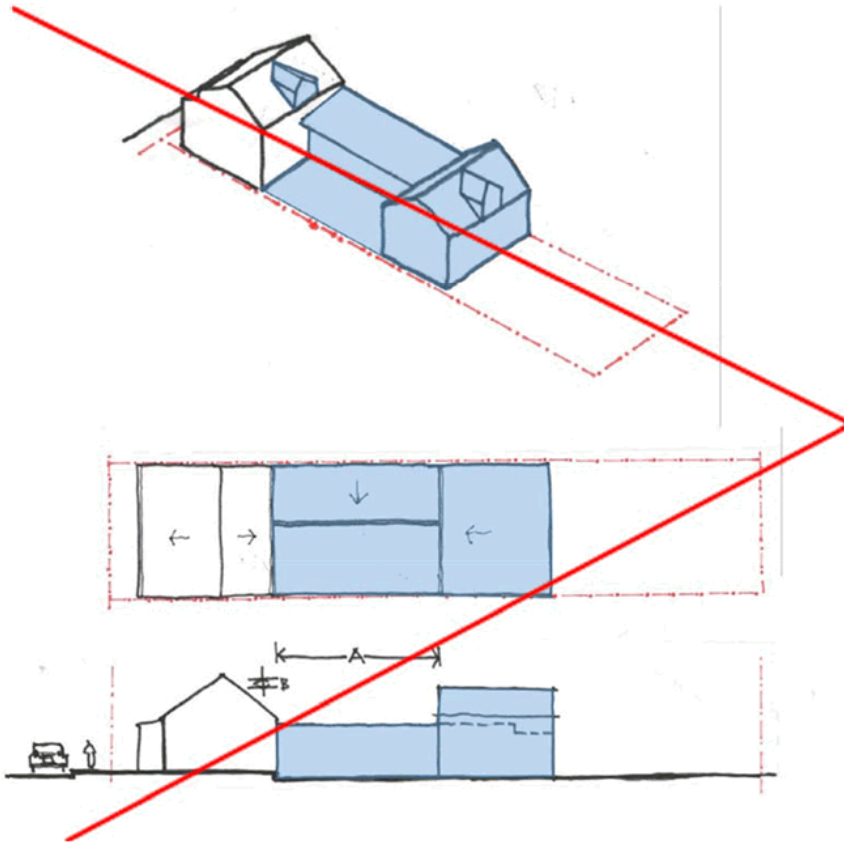
▶ Part C | Heritage Conservation Areas



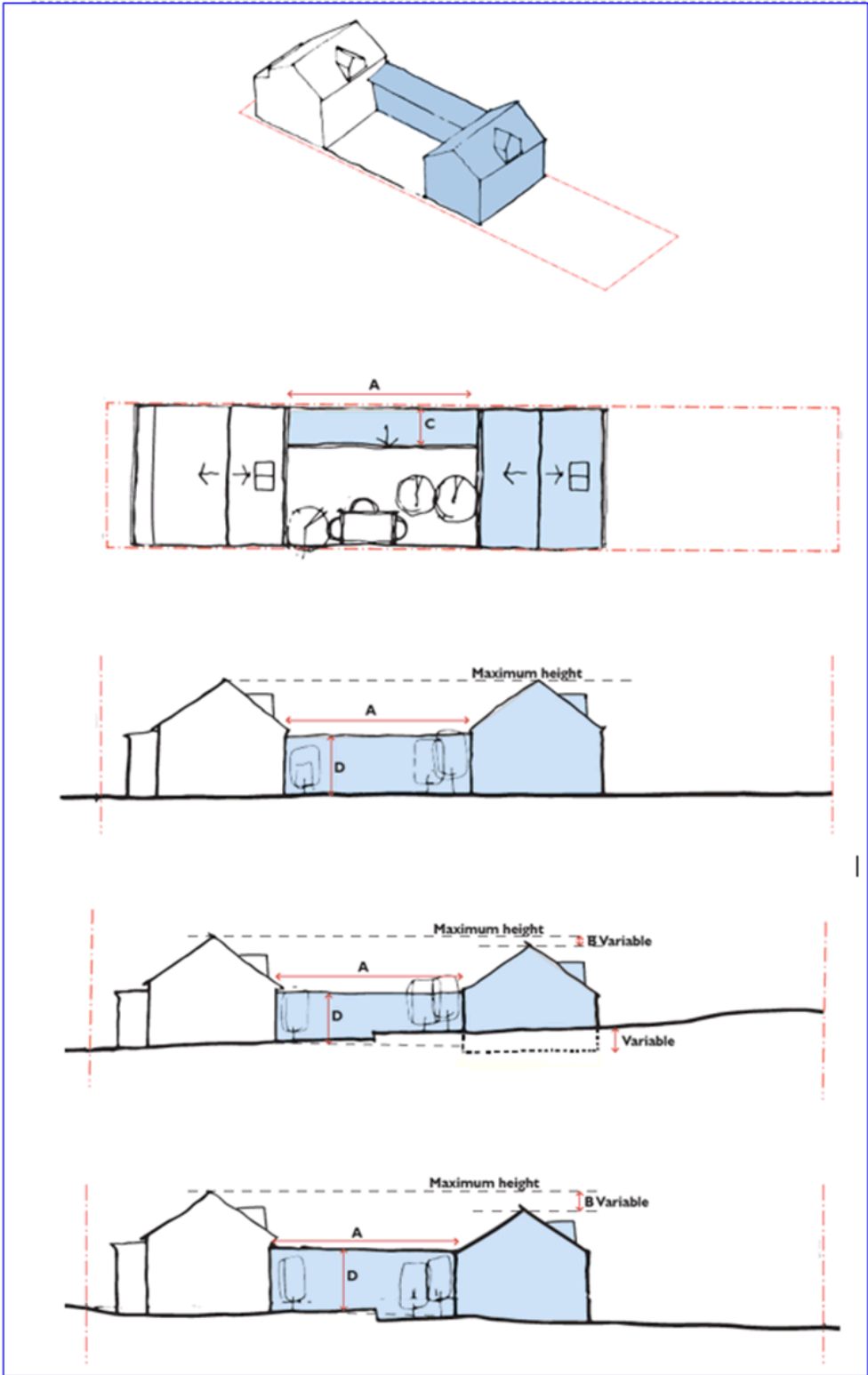
▶ C1 pg.20

2 January 2020  
Woollahra Development Control Plan 2015

**FIGURE 3B** Non-intrusive development. [Example of a courtyard housing addition with the same pitch, form and orientation as the principal building form.](#)







**Measurement A:** dimension must provide a usable courtyard and must comply with the controls and minimum requirements in Section C1.4.8 - Private open space, swimming pools, courtyards and landscaping - provided that a compliant rear building alignment can be achieved.

**Measurement B:** dimension must provide an addition that is single storey, ~~must be subsidiary in height to the~~ may be equal to or lower than the ridge height of the principal building form (not including chimneys), and must not be able to be seen over the roof of the principal building.

**Measurement C:** dimension must be a maximum of 1.5m internally.

**Measurement D:** dimension must be a maximum of 2.4m or below the eaves of the principal building form, whichever is lower.

The diagrams in Figures 1, 2A, 2B, 3A and 3B must be read in conjunction with relevant controls which set out detailed additional requirements. The diagrams do not show examples that reflect all the relevant controls.

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### C1.4.3 Rear elevations, rear additions, significant outbuildings and yards

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There is a distinct visual contrast between the front and the rear of houses.

In a typical Victorian terrace, the highly decorative front contrasts with the restrained and utilitarian finish at the rear. Traditional rear additions are smaller in scale than the main house, with simple forms punctuated with vertically proportioned window openings. The rear of the Victorian style double storey terrace is often characterised by a one or two storey structure, commonly under a single pitched or skillion roof which maintains a side breezeway. The simple pitched or skillion roof form on rear elevations is visible, unlike the front elevation roof which may be screened by a parapet. Street corner buildings sometimes employ a parapet to both front and side elevations. Frequently rear elevations are paired with a neighbouring property.

There is a distinct typology of rear building forms within Paddington. Due to the elevated siting and topography of Paddington, many rear forms of buildings are highly visible.

Some rear building forms survive in unaltered groups of houses and contribute significantly to the character of the heritage conservation area.

An unaltered group is defined as a building or group of buildings that has retained its original form and character, there may be some minor changes to windows and doors or the loss of some original detail, but notwithstanding the original form and character of the group is generally retained.

Traditionally the rear yard of 19th century housing was utilitarian in use and character, usually enclosed by a paling fence with a gate leading to a laneway. Many groups of houses such as terrace houses had a rear passageway for servicing outdoor rear yard brick toilet structures. The remaining 'night soil passageways' and rear yard outdoor toilet structures are a significant element in Paddington. Remnant stable structures are rare.

#### Objectives

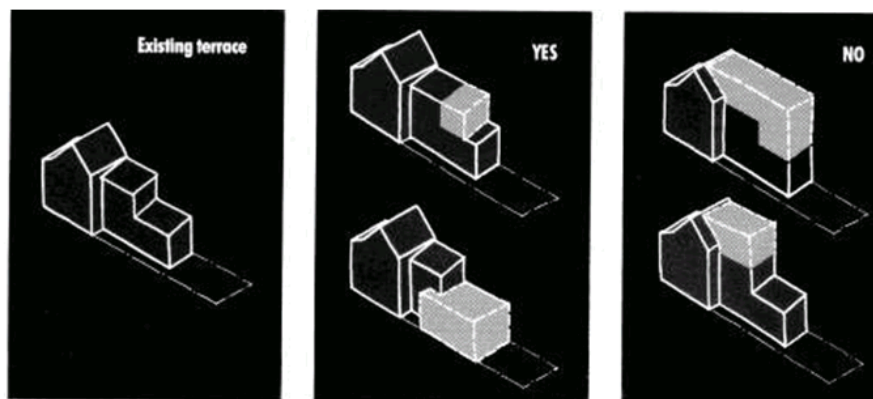
- O1 To retain the forms and character of traditional rear elevations of contributory buildings, particularly where they exist in unaltered groups.
- O2 To ensure that rear alterations and additions are of sympathetic design and construction.
- O3 To ensure that the distinctive shared characteristics of groups of contributory buildings are retained and enhanced.
- O4 To enable sympathetic contemporary design and use of contemporary materials in appropriate circumstances.
- O5 To ensure that significant outbuildings are retained and conserved.

**FIGURE 8** Rear elevations



Where a coherent group of rear elevations exist, any development should occur within the existing envelopes. New development which ignores its context will not be permitted.

**FIGURE 9** Rear additions



Rear extensions should respect the traditional hierarchy of scale and form. Greater freedom is permitted of the architectural treatment of ground floor extensions than for visible upper floor additions.

#### Controls

##### *Rear additions*

- C1 The height of an alteration and addition to the rear of a double storey or higher building must be below the gutter line of the main roof of the existing building.
- C2 Alterations and additions to a building which comprises one of a group must be designed with regard to the overall balance of the group in terms of height, alignment, form, scale, breezeway pattern and architectural character and detail.
- C3 The roof of an extension or the new roof for an existing component must be of traditional form appropriate to the building type.

C1 | Paddington HCA

► Part C | Heritage Conservation Areas

- 
- C4 Roofs must be visible and not screened partly or wholly be features such as parapets. The exception may be corner sites. Parapet roof forms may only be considered appropriate where it can be demonstrated that a parapet form is consistent with the bulk, scale and character of the existing building and group.
- C5 Alterations and additions at the rear of buildings must:
- a) not dominate or otherwise adversely compete with the form, height, proportions and the scale of that part of the building which is to be retained;
  - b) not reproduce or match a building which in terms of its height, bulk, scale and detailing is inappropriate to the heritage character of the area;
  - c) retain traditional solid to void ratios on elevations visible from the public domain;
  - d) not employ large areas of glass on upper levels;
  - e) be designed to minimise or avoid an adverse impact on neighbouring properties in terms of overlooking, loss of sunlight and ventilation;
  - f) not extend beyond the predominant rear building setbacks at any level of a group or row of buildings; and
  - g) retain all original chimneys.
- C6 Building boundary to boundary on the ground floor level is permissible provided that:
- a) the development does not adversely affect the privacy, ventilation, light and the amenity of the adjoining properties; and
  - b) the development does not disrupt an existing pattern of a group of unaltered contributory buildings.
- C7 Additions are not permitted where single or double storey rear skillion forms exist in an unaltered group. In such cases alterations are to occur within the existing building envelope.
- C8 Where significant original decorative internal elements exist outside of the principal building form they are generally to be retained.

*Unaltered groups*

- C9 Unaltered groups with single storey rear wings must retain their single storey form. Single storey, [pavilion courtyard housing](#) style additions with attic rooms may be permitted, where the addition does not result in view loss of the main wing from the public domain.

*Contemporary design*

- C10 Sympathetic contemporary design may be permitted at the rear where:
- a) intrusive fabric or fabric of low significance exists;
  - b) the proposal will achieve an aesthetically cohesive relationship between new and existing fabric; and

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► C1 pg.64

2 January 2020  
Woollahra Development Control Plan 2015



- 
- c) the proposal is consistent with the character of the site, the streetscape and the precinct in which it is contained.

*Significant structures and areas at the rear*

- C11 If development is in the form of a dual occupancy, the additional controls for dual occupancies in Part B, Chapter B3 General Development Controls of this DCP also apply (refer to Section B3.8 Additional controls for development other than dwelling houses) .
- C12 Significant backyard toilet structures on rear laneways are to be retained in place if they are one of a group of at least two adjacent original toilets.
- C13 Significant 'night soil' passageways are to be retained in place and interpreted without additional structures other than fencing.
- C14 Significant ancillary structures including stables, coach houses and wells in the rear yard are to be retained in place.

### C1.5.8 Materials, finishes and details

Buildings in Paddington were constructed from a distinct and limited range of materials. Similarly, there is a pronounced repetition of detailing in surface treatments and building components.

Materials, finishes and detailing are two important elements which unite the area and contribute to Paddington's character. The repetitive combination of materials and the manner in which they were used for specific parts of buildings also forms part of Paddington's significant character.

The use of modern day materials and contemporary design approaches can be successfully employed in Paddington provided the relevant aspects of context are respected.

The table following the objectives and controls below sets out traditional external materials found within Paddington. It lists materials suitable for new development, alterations and additions. Additionally it lists materials which are intrusive elements, either by their very nature or if used in inappropriate situations.

#### Objectives

- O1 To retain and conserve traditional materials, finishes and details.
- O2 To promote high quality design, materials, finishes and detailing which is appropriate to the architectural style, building type, and historic context.
- O3 To conserve original external finishes.

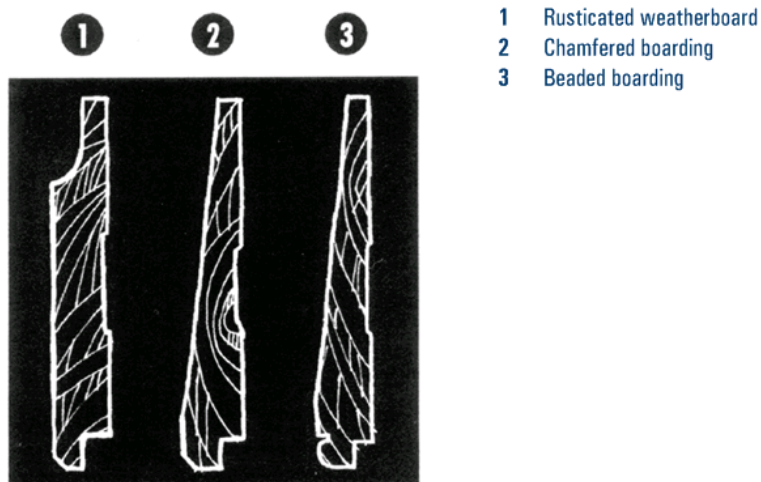
#### Controls

- C1 Surviving original materials, finishes, textures and details on street front elevations are to be retained and conserved.
- C2 Original brickwork, sandstone, terracotta, glazed or tessellated tiling that is unpainted or unfinished by other mediums must not be rendered, bagged, painted or otherwise refinished in a manner inappropriate to the architectural style of the building.
- C3 Render must not be removed from the exterior face of buildings unless it is proposed to re-render the surface immediately. Where original render has been removed from the exterior face of a building, new render must be applied and painted. Special consideration will be given to a building in a group.
- C4 New materials, finishes, textures and details on the principal building form and elevations visible from a public space, must be traditional and appropriate to the architectural style of the building. Intrusive materials are not permitted.

Table 8 below sets out traditional external materials found within Paddington and those materials permissible for new development, including alterations and additions.

- C5 New external materials and details to additions must complement the architectural character of the existing building and minimise the apparent bulk of the addition.
- C6 Infill buildings must use materials, finishes, textures and details appropriate to the building type and style but should not replicate traditional details.

**FIGURE 28** Traditional cladding profiles



**TABLE 8** Materials and details

Building component	External building materials
<b>Roofs</b>	
Traditionally	<ul style="list-style-type: none"> <li>► Natural slate such as Welsh slate and South Australian slate. Later Victorian or Edwardian terraces occasionally had traditional ornamental patterns which may have been in contrasting colours.</li> <li>► Corrugated galvanised iron in short lengths and associated details and fixings.</li> <li>► Unglazed terracotta tiles on Federation period buildings and post- Federation buildings.</li> </ul>
New roofs to existing buildings - replacement and additions (including <a href="#">pavilion courtyard housing</a> additions and lofts over garages)	<ul style="list-style-type: none"> <li>► Galvanised corrugated steel with associated galvanized gutter details and fixings.</li> <li>► Pre-painted corrugated steel in light to mid grey tones, similar in appearance to traditional corrugated iron.</li> <li>► Traditional roof materials as outlined above.</li> </ul>
Intrusive roofs for existing buildings - replacement and additions	<ul style="list-style-type: none"> <li>► Concrete roof tiles.</li> <li>► Metal roofing sheets or panels in inappropriate colours.</li> <li>► Non-traditional metal roof profiles.</li> <li>► Terracotta tiles on pre-Federation period buildings.</li> <li>► Glass (other than permitted in skylights).</li> </ul>
<b>Walls</b>	
Traditionally	<ul style="list-style-type: none"> <li>► Sandstone blocks for walls or as a base course to brick walls.</li> <li>► Timber weatherboards (depending on the building type). The profiles vary depending on the construction date.</li> <li>► Brick, which was usually rendered in Victorian era buildings and was often inscribed with ashlar coursing.</li> <li>► Face brickwork on Edwardian and late Federation style buildings. The associated details may include tuck pointing on the principal elevation and areas of roughcast render.</li> <li>► Corrugated galvanised iron, zinc coated corrugated steel ripple iron and weatherboards on sides of dormer windows and outbuildings.</li> </ul>

Building component	External building materials
New walls to additions	<ul style="list-style-type: none"> <li>► Traditional wall materials including sandstone blocks, timber weatherboard or brick.</li> <li>► Corrugated galvanised iron, zinc coated corrugated steel ripple iron for small expanses only. Must be in appropriate colours and subject to low reflectivity.</li> <li>► Rendered brick, with or without inscribed ashlar coursing where appropriate.</li> <li>► Fibrous cement sheeting with a rendered and painted finish - for rear additions but only if window reveals of minimum 100mm external depth are achieved.</li> </ul>
Intrusive walls for existing buildings and additions	<ul style="list-style-type: none"> <li>► Stripped sandstock brickwork.</li> <li>► Circular pattern render (mock Spanish)</li> <li>► Glazed walls and glass bricks.</li> <li>► Metal wall cladding.</li> <li>► Metal mesh or perforated metal screens.</li> </ul>
<b>Windows</b>	
Traditionally	<ul style="list-style-type: none"> <li>► Timber framed, double hung sash windows, plain or multi-paned windows.</li> <li>► Plain glass, traditional patterned or coloured glass in some building types.</li> </ul>
New windows to existing building (replacement and additions)	<ul style="list-style-type: none"> <li>► Timber frames.</li> <li>► Steel frames on rear ground floor only.</li> <li>► Metal frames for ground floor shops and commercial premises where appropriate.</li> <li>► Plain clear glass.</li> <li>► Coloured and patterned glass for replacement in appropriate situations.</li> <li>► Fine metal frames in neutral tones.</li> </ul>



Building component	External building materials
Intrusive windows	<ul style="list-style-type: none"> <li>▶ Metal frames (including steel) to the principal building form and original secondary wings.</li> <li>▶ Window walls.</li> <li>▶ Bubble glass.</li> <li>▶ Glass blocks.</li> <li>▶ Timber or metal frames not reflecting traditional proportions.</li> <li>▶ Roller shutter security and sunscreen windows.</li> <li>▶ Horizontally sliding windows.</li> <li>▶ Aluminium framed windows in the front elevation and at the upper levels at the rear.</li> </ul>
<b>Doors</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Timber solid core; principal doors are often panelled; utilitarian doors are often ledged and braced.</li> <li>▶ Etched or frosted glass in the top panels of late Victorian style doors and small coloured glass panes in Federation style doors.</li> </ul>
New doors to existing building (replacement and additions)	<ul style="list-style-type: none"> <li>▶ Solid core framed timber panelled doors to match original doors are required for reconstruction work.</li> <li>▶ Solid core timber framed, glazed timber-framed doors, glazed steel frame in appropriate locations.</li> </ul>
Intrusive doors	<ul style="list-style-type: none"> <li>▶ Fully glazed doors to the street front elevation of residential properties.</li> <li>▶ Hollow core and timber doors with detail and panels inappropriate to the architectural style of the building.</li> <li>▶ Roller shutter doors to residential houses, retail and commercial premises.</li> </ul>
<b>Shutters</b>	
	<ul style="list-style-type: none"> <li>▶ Traditionally detailed timber louvred shutters are applicable for windows and French doors on some building types.</li> </ul>
<b>Verandahs</b>	
Traditionally	<ul style="list-style-type: none"> <li>▶ Floors of stone flagging, marble, unglazed multi-coloured tessellated tiles.</li> <li>▶ Slate, timber and sandstone edging.</li> <li>▶ Cast iron posts of a flat profile or circular in section, cast iron friezes.</li> <li>▶ Timber posts and associated timber details for early Victorian buildings and Federation period buildings.</li> </ul>

Building component	External building materials
New verandahs - reconstruction	<ul style="list-style-type: none"> <li>► Traditional materials for reconstruction.</li> <li>► Materials similar to traditional materials but without elaborate detailing.</li> </ul>
Intrusive verandahs	<ul style="list-style-type: none"> <li>► Pebble-crete, modern concrete, large form modern tiles for original building types.</li> <li>► Polycarbonate or similar type material roofs.</li> <li>► Glass roofs to street elevations.</li> </ul>
<b>Balconies</b>	
Traditionally	<ul style="list-style-type: none"> <li>► Corrugated iron or slate roofs where appropriate to the style of the building.</li> <li>► Timber for floors and timber framing for the underside of verandah roofs.</li> <li>► Cast iron friezes and balustrade panels with iron or timber handrails for Victorian period buildings.</li> <li>► Timber balustrades for early Victorian buildings and Federation period buildings.</li> </ul>
New balconies - reconstruction	<ul style="list-style-type: none"> <li>► As with traditional materials for reconstruction on original building types or with modern-day equivalents.</li> <li>► Masonry and metal, other than perforated metal or mesh screens.</li> <li>► Reuse of salvaged cast iron friezes and balustrade panels with iron or timber handrails.</li> </ul>
Intrusive balcony materials	<ul style="list-style-type: none"> <li>► Smooth, textured or profiled face brick and exposed cement blocks.</li> <li>► Corrugated and other profiled metal sheeting.</li> <li>► Wire fencing.</li> <li>► Fibrous cement sheeting.</li> <li>► Glass balustrading.</li> <li>► Perforated metal or mesh screens.</li> </ul>

Building component	External building materials
<b>Fences</b>	
Traditionally	<ul style="list-style-type: none"><li>▶ Occasionally rendered masonry with inscribed ashlar coursing.</li><li>▶ Timber post, rail and paling.</li><li>▶ Iron palisade, on sandstone or rendered bases.</li><li>▶ Timber pickets.</li><li>▶ Brick and timber fences or brick with iron inserts on Federation period buildings.</li></ul>
New fences - additions	<ul style="list-style-type: none"><li>▶ As with traditional fences but with consideration to building style and context.</li><li>▶ Appropriate traditional materials for reinstatement of fences on original building types.</li><li>▶ Contemporary interpretation of traditional fence details and materials such as iron palisade and timber.</li></ul>
Intrusive fences	<ul style="list-style-type: none"><li>▶ Smooth, textured or profiled face brick, exposed cement blocks, Ti Tree (brush), colourbond or sheet metal fences.</li><li>▶ Full height brick fences.</li><li>▶ Materials and forms that are inappropriate to the style of the building.</li></ul>

Materials and details for infill development are provided in Table 2 in C1.3.13 - Infill development.

**From:** [Your Say Woollahra](#)  
**To:** [Emma Williamson](#)  
**Subject:** Bastien completed Make an online submission  
**Date:** Tuesday, 28 July 2020 9:24:07 PM

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Bastien just submitted the survey Make an online submission with the responses below.

**Would you like to make a submission on the Draft Woollahra DCP 2015 for Courtyard Housing in the Paddington Heritage Conservation Area (Amendment 13)?**

Yes

**Your email**

[REDACTED]

**Your name**

Bastien Wallace

**How would you like to make your submission?**

Type your submission here

**Please type your submission here.**

Could we please have safe cycling provision through the area suitable for everyone - including children - that connects to Edgecliff station

**From:** [Esther Hayter](#)  
**To:** [Records](#); [Anne White](#)  
**Cc:** [Flavia Scardamaglia](#)  
**Subject:** Draft WDCP Amendment for Courtyard Housing, (Amendment No.13)  
**Date:** Monday, 24 August 2020 5:54:20 PM

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Dear Anne, Flavia and Strategic Planning team

Thank you for the notification of this draft development control plan - and apologies for the delay beyond the Friday 21 August exhibition date.

On behalf of the Paddington Society I have checked both the following documents:

*Draft Woollahra Development Control Plan 2015 (Amendment No.13)*  
*and*  
*Proposed Changes to Chapters A3 and C1 of the WDCP.*

I confirm that everything changed corresponds with my records of what the Working Party agreed.  
i.e. all is in accord with the wording set out in the Environmental Planning Committee Agenda of 2 March 2020, *and*  
also incorporates the changes noted in my email to Flavia Scardamaglia of 2 March 2020 prior to the EPC meeting; this includes the suggested changes to the diagrams to be inserted as Figures 3A and 3B - they have been amended to show a narrower linking structure.

**Would you please send us an alert when the whole document is changed on the website.**

Thanking you

Esther Hayter  
Executive Committee, Paddington Society (per Will Mrongovius, President)

Trevor + Esther Hayter P/L  
architects + designers





**Item No:** R5 Recommendation to Council

**Subject:** **REPORT ON THE PLANNING PROPOSAL TO INTRODUCE AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND URBAN GREENING PROVISIONS**

**Authors:** Anne White, Acting Manager - Strategic Planning  
Deeksha Nathani, Strategic Planner

**Approver:** Allan Coker, Director - Planning & Development

**File No:** 20/153720

**Reason for Report:** To present an updated planning proposal which introduces floor space ratio (FSR) controls for low density residential development as well as provisions to sustain and enhance Woollahra's residential tree canopy. To obtain Council's approval to refer the planning proposal to the Woollahra Local Planning Panel for advice.  
To obtain Council's approval to refer proposed amendments to Woollahra DCP 2015, including a number of objectives and controls and revised urban greening provisions, to the Woollahra Local Planning Panel for advice.

**Recommendation:**

- A. THAT Council note that the planning proposal attached as **Annexure 1** proposes that Woollahra LEP 2014 be amended by introducing the following provisions:
- A maximum floor space ratio (FSR) control of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
  - A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - New LEP objectives and local provisions to sustain and enhance urban greening.
- B. THAT the planning proposal attached as **Annexure 1**, and referred to in item A, be referred to the Woollahra Local Planning Panel for advice.
- C. THAT the proposed amendments to Chapter B3: *General Development Controls* and E3: *Tree Management* of the Woollahra DCP 2015, attached as **Annexures 2 and 3** also 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 following consideration of the expert advice from the Woollahra Local Planning Panel, Council determine whether or not, and in what form the planning proposal should be referred to the Department of Planning, Industry and Environment for a gateway determination.
- F. THAT Council prepare an Urban Forest Strategy setting out its long term vision and tree canopy targets for land owned or administered by Council.

## 1. Background

In July 2019, Council resolved to proceed with an FSR control of 0.5:1 for low density residential development on sites of 400m<sup>2</sup> or greater.

A planning proposal was submitted to the *Department of Planning, Industry and Environment* (DPIE). However, the DPIE did not provide a gateway determination. The DPIE required further information and research to support an FSR control of 0.5:1 (**Annexure 5**). On 11 November 2019, Council resolved:

- A. *THAT Council note the advice received from the Department of Planning, Infrastructure and Environment.*
- B. *THAT Council provide the additional information required by the Department of Planning, Industry & Environment and press for a gateway determination of Councils planning proposal to introduce a Floor Space Ratio of 0.5:1 for low density residential development.*
- C. *THAT this matter be given Priority 1, combined with the tree canopy controls in Council's Strategic Planning work programme and that staff report back on progress of this project to the first Environmental Planning Committee meeting in 2020.*

Since November 2019 (in collaboration with *Lyndal Plant: Urban Forester*), staff have been researching both local and international best practice for protecting and enhancing tree canopy. We also carried out testing on various sites across the low and medium density residential zones (excluding the heritage conservation areas) to develop a proposed package of amendments to the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

It is noted that the average existing tree canopy cover in the Woollahra LGA is approximately 27% for each of the residential zones as stated by Lyndal Plant Urban Forester in the report ***Woollahra: Greening our LGA*** (June 2020). These existing tree canopy cover statistics were based on the baselines measures of vegetation cover from 2016, sourced from high resolution vegetation imagery and digital aerial photographs. This vegetation cover was provided to Councils across Greater Sydney from the *Sharing and Enabling Environmental Data* (SEED) public open data portal.

Based on research and site testing, a number of recommendations were proposed in the report ***Woollahra: Greening our LGA***. A key policy recommendation of this report was to introduce a minimum tree canopy control of **40%** of the site area for low density residential development. This control would be incorporated into the Woollahra DCP 2015.

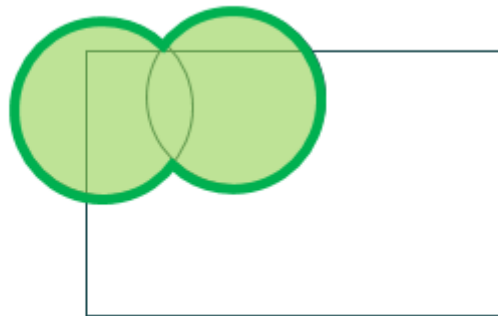
A 40% tree canopy control is consistent with the target for low density residential development as recommended by the *Draft Greener Places Design Guide (Design Guide)* which was released for comment in June 2020 by the Government Architect NSW office.

It is noted that the tree canopy target set by the Design Guide is calculated at a LGA level and includes all trees which are 3 metres or greater in height. This is a different calculation method to the one recommended by Lyndal Plant: Urban Forester. The Lyndal Plant recommended control only includes canopy trees which are 8 metres or greater in height.

Council staff synthesised Lyndal Plant's work and prepared a package of urban greening controls which were reported to the *Environmental Planning Committee* (EPC) on 6 July 2020 (see **Annexure 8**).

The key elements recommended to the EPC on 6 July 2020 were:

- aims and objectives to enhance urban greening in Woollahra LEP 2014 and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).
- a deep soil landscaped area control of 35% for both low and medium density residential development (R2 and R3 zones) in Woollahra DCP 2015.
- a tree canopy control of 40% for low density residential development (R2 zone) and 30% for medium density residential development (R3 zone).  
Note: The tree canopy area is measured from the overall extent of tree crowns of canopy trees planted on the site, and includes the area of the tree crown which extends beyond the subject site (see **Figure 1** below).
- The definition of a canopy tree being a tree which:
  - attains a minimum height of 8m,
  - attains a minimum crown diameter of 8m at maturity,
  - is planted in a deep soil landscaped area with a minimum dimension of 4m.
- variations to the tree canopy control subject to certain site conditions, being view sharing, deep soil, existing canopy trees (on the site or neighbouring) and overshadowing.



***Figure 1: Proposed measurement for overall extent of tree crowns of all Canopy Trees on site, as recommended in report to the EPC on 6 July 2020.  
(Overlapping tree areas are measured only once)***

Staff identified that the proposed package of urban greening provisions will be critical in providing justification to the DPIE for an FSR control of 0.5:1 for low density residential development. This is because our site testing demonstrated that it will be difficult to achieve a deep soil landscaped area of 35% of a site when combined with an FSR control above 0.5:1. A minimum deep soil area of 35% is necessary to achieve a tree canopy control of 35% to 40%.

At the EPC meeting on 6 July 2020 Councillors raised a number of concerns with the proposed package of controls. These concerns can be summarised into three key issues:

- |   |   |   |
|---|---|---|
| 1 | <i>Tree size</i>  | Trees smaller than 8 metres in height and canopy spread should be included in the tree canopy calculation.<br>Hedges should be included in the tree canopy calculation.<br>A variety of tree species including palms, pines and heritage significant trees should be included in the tree canopy calculation. |
| 2 | <i>Tree Canopy Calculation</i>                            | How was the 40% tree canopy figure originally derived?<br>Is a 40% tree canopy figure for low density residential development too high? Can this be further tested?   |
| 3 | <i>Variations to the proposed tree canopy DCP control</i> | Greater weight needs to be given to considering control variations based on view and overshadowing impacts.   |

Subsequent to the EPC meeting of 6 July 2020, on 27 July 2020 Council resolved the following:

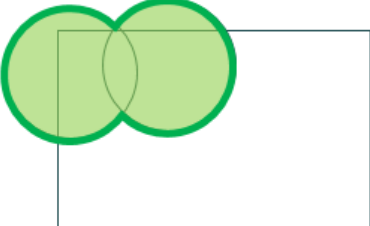
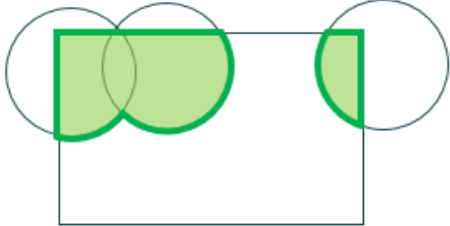
- A. *THAT Council note the report and annexures submitted to the Environmental Planning Committee on 6 July 2020 about the proposed introduction of FSR controls for low density residential development and urban greening provisions which includes a number of recommendations to facilitate best practice to sustain and enhance private landscaping and urban greening associated with new development.*
- B. *THAT staff organise another briefing of Councillors about the proposed tree canopy controls to allow further discussion and consideration of options to address Councillor concerns.*
- C. *THAT the outcomes of the Councillor briefing be reported to the Environmental Planning Committee on 7 September 2020 with the recommendation to full Council on 28 September 2020.*

## **2. Site testing and recommendations**

In responding to the Council's decision from 27 July 2020, Council staff carried out further testing on the proposed suite of controls. A copy of this testing can be found in **Annexure 4**. Importantly, this testing was informed by discussions that took place between Council staff and representatives from DPIE and *Government Architect NSW (GA)*. These discussions confirmed that the existing tree canopy figures provided to Council for 2016 defined a tree as anything greater than 3 metres in height.

These discussions also confirmed that the 40% tree canopy target for low density residential development (as identified in the Design Guide) is aspirational. The team agreed that each Council should develop place-based controls appropriate to their local conditions. Council's fine grained, detailed and evidence-based approach was endorsed by the representatives from the DPIE and GA, and it was recognised that Council is leading the way in translating the State targets at the local level.

Having considered Councillors' concerns, and having discussed these with representatives from DPIE and GA, Council staff recommend amending the package of controls. The key elements of these amendments are summarized in the table below.

Proposed controls as at 6 July 2020	Proposed tree canopy controls as at 7 Sept 2020
<b>Urban greening provisions</b> Insert aims and objectives to enhance urban greening-in Woollahra LEP 2014 and Woollahra DCP 2015.	<i>No change</i>
<b>Deep soil landscaped area</b> Deep soil landscaped area of 35% for both low and medium density residential development (R2 and R3 zones) into Woollahra DCP 2015.	No change* <sup>1</sup>
<b>Tree canopy control</b> Tree canopy control of <b>40%</b> for low density residential development and <b>30%</b> for medium density residential development.	Tree canopy control of <b>35%</b> for low density residential development and <b>30%</b> for medium density residential development.
<b>Measuring tree canopy area</b> The tree canopy area is measured from the overall extent of tree crowns of canopy trees planted on the site, and includes the area of the tree crown which extends beyond the subject site (see figure below).	The tree canopy is measured from the overall extent of tree crowns of vegetation on the subject site, and includes neighbouring canopy that overhangs onto the subject site. It excludes the tree crown which extends beyond the subject site (see figure below).
	
<b>Inclusions in the tree canopy area</b> Only canopy trees which: <ul style="list-style-type: none"> <li>• attains a minimum height of 8m,</li> <li>• attains a minimum crown diameter of 8m at maturity,</li> <li>• is planted in a deep soil landscaped area with a minimum dimension of 4m.</li> </ul>	Any vegetation which attains a mature height of 3m in height and 3m in spread. At least half of the total tree canopy area on the site is contributed by canopy tree/s.
<b>Variations to the controls</b> Identifying that variations to the urban greening provisions could occur subject to the following five site conditions being: <ol style="list-style-type: none"> <li>1. View impacts (severe or devastating when measured in accordance with Tenacity Principles).</li> <li>2. Overshadowing (to private open space or windows to habitable rooms).</li> <li>3. Insufficient deep soil to sustain a canopy tree</li> <li>4. Existing canopy trees (on the site or neighbouring).</li> <li>5. Deep soil is already being used to protect and grow neighbouring canopy trees.</li> </ol>	Amending the variations to identify that the tree canopy controls can be varied subject to the following three variations: <ol style="list-style-type: none"> <li>1. View impacts (moderate, severe or devastating when measured in accordance with Tenacity Principles)</li> <li>2. Overshadowing (to private open space or windows to habitable rooms) provided that Council is satisfied with the selection and location of tree species.</li> <li>3. The site is unable to achieve the required area of canopy trees due to site conditions such as geology and topography.</li> </ol>

<sup>1</sup> This element is critical in providing a justification to the DPIE for an FSR control of 0.5:1 for low density residential development, as our site testing demonstrates it will be difficult to achieve a deep soil landscaped area of 35% of the site when combined with an FSR control above 0.5:1.



Further information justifying the proposed package of controls is included in the planning proposal attached at **Annexure 1**. However, in summary, the revised package of controls:

- Supports an FSR control of 0.5:1 for low density residential development.
- Ensures there will be an appropriate balance of landscaping and built form, consistent with the desired future character of our leafy residential areas.
- Provides for the consideration of urban greening, minimising urban heat and the mitigation of climate change in the assessment of development.
- Is consistent with the Premier's Priorities (March 2018):  
*12: Greening our city: Increase tree canopy and green cover across Greater Sydney by planting one million trees by 2022*
- Is consistent with the objectives of *A Metropolis of Three Cities* and the initiatives of the *Eastern City District Plan*.
- Is consistent with the vision and numerous planning priorities of the *Woollahra Local Strategic Planning Statement*.
- Works in conjunction with the controls in Woollahra DCP 2015, and is consistent with Council's *Community Strategic Plan, Woollahra 2030*.
- Improves Council's ability to sustain and enhance tree canopy in private development across the Woollahra LGA.

In response to the Council resolution from 27 July 2020, a briefing was held with Councillors on 19 August 2020, and the above package of controls was presented. This briefing was attended by representatives from the DPIE and GA:

- Steve Hartley: Executive Director - Green and Resilient Places (DPIE)
- Barbara Schaffer: Principal Landscape Architect (GA)

The proposed amended package of urban greening provisions was supported by the representatives from DPIE and GA, and generally supported by Councillors.

### **3. Summary of proposed amendments to Woollahra LEP 2014**

The work on the FSR controls has been combined with the proposed urban greening provisions. Accordingly, the planning proposal submitted to the DPIE in July 2019 has been updated to identify the amendments being recommended to Woollahra LEP 2014 to enhance existing controls and objectives relating to sustaining and enhancing urban greening. The updated planning proposal is attached at **Annexure 1**.

Certain elements of the urban greening provisions will apply generally across the Woollahra Municipality whilst certain controls will not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

The updated planning proposal seeks to amend Woollahra LEP 2014 by introducing the following controls:

Proposed LEP provision	Land to which this provision will apply
(a) A maximum FSR control of 0.5:1 for low density residential development	R2 Low Density Residential Zone and R3 Medium Density Residential Zone (excluding the Wolseley Road precinct and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).
(b) A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper precinct	The Wolseley Road precinct – as identified on the Floor Space Ratio Map. See also Figures 1 and 2 on pages 29 and 30 of the planning proposal.
(c) A range of maximum FSR controls for low density residential development on small sites.	R2 Low Density Residential Zone and R3 Medium Density Residential Zone (excluding the Wolseley Road precinct and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).
(d) A local provision to sustain and enhance tree cover.	Whole LGA (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).
(e) Amendment to clause 1.2 Aims of Plan	Whole LGA
(f) Amendment to Land Use Zone objectives addressing matters of urban greening, heat island effect and climate change.	R2 Low Density Residential Zone R3 Medium Density Residential Zone B1 Neighbourhood Centre Zone B2 Local Centre Zone B4 Mixed Use Zone SP2 Infrastructure Zone SP3 Tourist Zone RE2 Private Recreation Zone.

#### 4. Summary of proposed amendments to Woollahra DCP 2015

If Council agrees with the proposed amendments to Woollahra LEP 2014, consequential amendments to chapters *B3: General Development Controls* and *E3: Tree Management* of Woollahra DCP 2015 will be required.

An updated *Chapter B3: General Development controls* and *E3: Tree Management* are attached at **Annexures 2 and 3** which is based on the revised package of controls presented to the Councillor briefing of 19 August 2020. These chapters would be used as the basis for an amending draft DCP.

A summary of the key changes to these two chapters are provided below. In addition to these changes, a number of minor administrative changes are proposed.

*Note:*

- *Changes that have arisen as a consequence of the recommendations of **Woollahra: Greening our LGA**, are highlighted in blue.*
- *Provisions that have been changed as a consequence of the revised package of controls are highlighted in orange.*

Topic	Amendment
<b>Chapter B3: General Development Controls</b>	
<i>B3.1.3 Design Excellence</i>	<ol style="list-style-type: none"> <li>1. Insert objective to require applicants to consider if a more skilful design would achieve a better environmental outcome.</li> <li>2. Reinforce protection and enhancement of tree canopy as a criteria for design excellence.</li> </ol>
<i>B3.1.5 How to use this chapter</i>	Insert note to clarify that the precinct-specific controls in Chapter B2 take precedence where there is an inconsistency with the controls in Chapter B3.
<i>B3.2.1 Where the building envelope controls apply</i>	<ol style="list-style-type: none"> <li>1. As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control.</li> <li>2. Amend introduction to clarify where the proposed FSR controls will apply.</li> </ol>
<i>B3.2.4 Rear Setback</i>	<ol style="list-style-type: none"> <li>1. Amend introduction to clarify how the rear setback is measured.</li> <li>2. Delete building depth control and insert a simplified rear setback control of 25%.</li> <li>3. Delete building depth diagram and insert a new diagram illustrating the rear 25% rear setback.</li> </ol>
<i>B3.3 Floorplate</i>	<p>As a consequence of introducing an FSR control into Woollahra LEP 2014, delete this section (and all references to the floorplate).</p> <p>Note: The current controls relating to parking structures have been consolidated with section <i>B3.5 On-site parking</i>.</p>
<i>From this part of the revised Chapter B3 - numbering amended accordingly</i>	
<i>B3.3 Excavation</i>	<ol style="list-style-type: none"> <li>1. Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area.</li> <li>2. Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.</li> <li>3. Insert objective and control addressing the retention of natural and landscape features.</li> <li>4. Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.</li> </ol>
<i>B3.4.1 Streetscape character</i>	Insert objective and control to encourage protection and enhancement of urban greening and tree canopy.
<i>B3.5 On-site parking</i>	Insert and consolidate the current controls relating to parking structures contained in section <i>B3.3 Floorplate</i> .
<i>B3.6.1 Landscaped areas and private open space</i>	<ol style="list-style-type: none"> <li>1. Amend introduction to explain the urban heat island effect and the importance of protecting and enhancing urban greening, especially tree canopy.</li> <li>2. Insert new definition and diagram for calculation of tree canopy.</li> <li>3. Amend objectives to encourage protection and enhancement of urban greening and tree canopy.</li> <li>4. Insert new tree canopy control to increase tree canopy in residential areas consistent with Woollahra: Greening our LGA.</li> <li>5. Insert revised circumstances where Council may consider a variation to the tree canopy control.</li> <li>6. Insert a new deep soil landscaped area control consistent with the new tree canopy control and FSR control.</li> <li>7. Delete deep soil area precinct variations.</li> <li>8. Delete control which duplicates the definition of deep soil landscape area and insert as a note.</li> <li>9. Insert figure identifying the location of the Wolseley Road area.</li> <li>10. Insert note containing the definition of deep soil landscaped area.</li> </ol>

Topic	Amendment
<i>B3.6.4 Ancillary development - outbuildings</i>	1. Insert note containing the definition of outbuildings. 2. Insert note containing a cross reference to section <i>B3.5 On-site parking</i> .
<i>B3.7.1 Minimum lot width</i>	Insert additional objectives to clearly articulate the purpose of the control.
<i>B3.8 Additional controls for development on battle axe lots</i>	Minor amendments to controls to simplify and ensure consistency with the proposed FSR controls.
<b>Chapter E3: Tree Management</b>	
<i>E3.1 Introduction</i>	Administrative update to reference the Vegetation SEPP which has superseded clause 5.9 of Woollahra LEP 2014.
<i>E3.1.3 Objectives</i>	<a href="#">Amend objective, consistent with the proposed urban greening and tree canopy controls in Chapter B3 of the DCP.</a>
<i>E3.1.5 Relationship to other documents</i>	Administrative update to insert reference to the Biodiversity Conservation Act 2016 which came into force in 2016 after the DCP was adopted.
<i>E3.2.1 Prescribed trees</i>	<a href="#">Consistent with the proposed urban greening controls, amend terminology to refer to all types of vegetation.</a>
<i>E3.4.1 Exempt species</i>	1. Administrative update to make reference to the Biosecurity Act 2015 which has superseded the Noxious Weeds Act 1993. 2. <a href="#">In response to a Councillor question, insert new requirement that a similar sized replacement tree is to be provided where an exempt tree species is removed.</a> 3. Insert <i>Ligustrum</i> species into the Group A table, being a tree that can be removed irrespective of height. This is in response to advice from Council's Environment & Sustainability Team.

## 5. Next steps

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.

The Direction states, in part:

*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.*

Items (a) and (b) are not relevant to a planning proposal which would be prepared for the matter currently before the Committee. Consideration under item (c) has been passed to the position of Director Planning and Development through the General Manager's delegations.

The Director Planning and Development has formed a view that he cannot be satisfied that the matter being dealt with by this report will have no significant adverse impact on the environment or the adjoining land. Therefore, under the terms of the Direction, if Council wants to proceed to the next step it must refer the planning proposal to introduce FSR and tree canopy controls to the Woollahra Local Planning Panel (Woollahra LPP) for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to proceed with the planning proposal.

On 12 August 2019 following consideration of amendments to the Paddington Heritage Conservation Area controls Council resolved:

- "C. THAT planning policy matters not be considered by the Woollahra Local Planning Panel (WLPP) unless required by:*
- Ministerial direction*
  - provisions of the Environmental Planning and Assessment Act 1979, or*
  - Council resolution."*

In this case, the planning proposal and DCP amendments have been drafted as an integrated package and under the terms of the above resolution it is open to Council to also refer the proposed DCP changes to the Local Planning Panel. This approach would enable the panel to better understand how the LEP and DCP changes work together as an integrated package of planning reforms. For this reason it is recommended that the changes proposed to the Woollahra DCP 2015 also be referred to the Local Planning Panel for advice.

The advice from the Local Planning Panel will be reported to the Environmental Planning Committee. It is at this stage that the Council can decide to:

- proceed with the draft planning proposal and DCP amendments with or without change, or
- not proceed with the draft planning proposal and DCP amendments.

If Council resolves to proceed with the planning proposal it will be referred to the DPIE for a gateway determination. This will allow the planning proposal to be placed on public exhibition. The draft DCP will be placed on public exhibition at the same time as the planning proposal.

## **6. Conclusion**

Council staff have been researching an appropriate suite of controls to apply to low density residential development. The focus of this research was the introduction of FSR, and in November 2019 this work was combined with proposed tree canopy controls.

Following extensive research, and four (4) Councillor workshops we recommend a package of urban greening provisions to protect and enhance the leafy character of Woollahra. Key elements of the recommendations are to introduce:

- urban greening provisions into Woollahra LEP 2014
- a tree canopy control of 35% into Woollahra DCP 2015 (for low density residential development)
- a deep soil landscaped area control of 35% into Woollahra DCP 2015.











As part of our testing, it was identified that the proposed package of urban greening controls, align with, and support an FSR control of 0.5:1. The combination of these controls ensures there is an appropriate balance of landscaping and built form, consistent with the desired future character of Woollahra's leafy low-density residential areas.

The proposed package of FSR controls and urban greening provisions have strategic merit. They are consistent with multiple objectives of *A Metropolis of Three Cities*, and the *Eastern City District Plan*, and the *Premier's Priorities*. The proposed package of controls was supported by representatives from the DPIE and GA. The proposed package of controls have local strategic merit. They are consistent with the vision and numerous planning priorities in the *Woollahra Local Strategic Planning Statement*, and the strategies in the *Woollahra Community Strategic Plan*.

Should the proposed package of urban greening provisions be supported, they will be critical in justifying our response to the DPIE of a proposed FSR control of 0.5:1 for low density residential development.

We recommend that this package of planning initiatives (both LEP and DCP amendments) be referred to the Woollahra LPP for advice. That advice will be reported to a future meeting of the EPC. With the benefit of that advice Council can then decide how it may want to proceed.

## Annexures

1. Planning Proposal – Introduction of FSR for low density residential development and urban greening provisions - Updated 1 September 2020 (Annexures removed) [↓](#) 
2. Proposed Amendments to Chapter B3 : General Development Controls of Wollahra DCP 2015 - Updated 1 September 2020 [↓](#) 
3. Proposed amendments to Chapter E3 : Tree Management of Woollahra DCP 2015 – Updated 1 September 2020 [↓](#) 
4. Residential 2D site testing - Updated 1 September 2020 [↓](#) 
5. Letter from the Department of Planning, Industry & Environment 2 September 2020 [↓](#) 
6. Report to the Environmental Planning Committee 28 October 2019 (Annexures removed) [↓](#) 
7. Report to the Environmental Planning Committee 3 February 2020 (Annexures removed) [↓](#) 
8. Report to the Environmental Planning Committee 6 July 2020 (Annexures removed) [↓](#) 

# Planning Proposal



## **Introduction of floor space ratio controls for low density residential development and urban greening provisions**

Prepared 1 September 2020

## Table of Contents

<b>Part 1 – Introduction .....</b>	<b>5</b>
<b>Part 2 – Background .....</b>	<b>6</b>
<b>Part 3 – Existing planning controls .....</b>	<b>11</b>
3.1 Woollahra LEP 2014 .....	11
3.2 Woollahra DCP 2015 .....	11
<b>Part 4 – Objectives of the amendments to Woollahra LEP 2014 .....</b>	<b>12</b>
<b>Part 5 – Explanation of provisions .....</b>	<b>13</b>
5.1 Amended LEP aims .....	13
5.2 Amended zone objectives .....	13
5.3 FSR control for low density residential development .....	14
5.4 FSR identified for the Wolseley Road area .....	14
5.5 Exceptions for small sites.....	14
5.6 Anticipated amendments to clause 4.4 Floor space ratio .....	16
5.7 Additional local provision for urban greening .....	17
5.8 Proposed definitions pertinent to this planning proposal.....	17
<b>Part 6 – Justification.....</b>	<b>19</b>
6.1 Need for planning proposal.....	19
6.2 Relationship to strategic planning framework .....	25
6.3 Environmental, social and economic impact .....	28
6.4 State and Commonwealth interests .....	29
<b>Part 7 – Land Application Map.....</b>	<b>30</b>
<b>Part 8 – Community consultation.....</b>	<b>34</b>
<b>Part 9 – Project timeline .....</b>	<b>35</b>
<b>Part 10 – Analysis and modelling of the small lots sliding scale.....</b>	<b>36</b>
<b>Schedules 42</b>	
Schedule 1 – Consistency with state environmental planning policies .....	42
Schedule 2 – Compliance with section 9.1 directions.....	46

**Supporting information (separately attached)**

1. Report to the EPC meeting 4 March 2019 (annexure 5 removed)
2. Report to the EPC meeting 15 April 2019 (annexures removed)
3. Report to the EPC meeting 28 October 2019 (annexures removed)
4. Report to the EPC meeting 3 February 2020 (annexures removed)
5. Report to the EPC meeting 6 July 2020 (annexures removed)
6. Report to the EPC meeting 7 September 2020 (annexures removed)
7. Woollahra: Greening our LGA prepared by Lyndal Plant, Urban Forester Pty Ltd, 30 June 2020
8. Site Testing examples – August 2020

## Part 1 – Introduction

This planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to apply floor space ratio (FSR) controls to low density residential development which comprises dwelling-houses, dual occupancies and semi-detached dwellings. However, this aspect of the planning proposal does not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

The work on the FSR controls has been combined with proposed urban greening provisions. Accordingly, this planning proposal also seeks to amend Woollahra LEP 2014 by enhancing the existing controls and objectives relating to sustaining and enhancing urban greening, in particular tree canopy. Certain elements of the urban greening provisions will apply generally across the Woollahra Municipality whilst certain controls will not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

The planning proposal has been prepared in accordance with section 3.33 of *Environmental Planning and Assessment Act 1979* (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 will amend Woollahra LEP 2014 by introducing the following controls:

- a) A maximum FSR control of 0.5:1 for low density residential development in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- b) A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- c) A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- d) A local provision to sustain and enhance tree cover.
- e) Amendments to clause 1.2 Aims of Plan and Land Use Zone objectives addressing matters of urban greening, heat island effect and climate change.

The proposed amendments to Woollahra LEP 2014 require a number of consequential and administrative amendments to Woollahra Development Control Plan 2015 (Woollahra DCP 2015). The amendments to Woollahra DCP 2015 include the deletion of the maximum floor plate controls and site depth controls, introduction of a tree canopy control, changes to the deep soil landscape controls and new definitions of urban heat island effect, urban greening, tree canopy, canopy tree and tree crown.

A draft DCP will be exhibited concurrently with the planning proposal.



## Part 2 – Background

In preparing Woollahra LEP 2014, FSR controls were not applied to low density residential development. It was considered that the Standard Instrument (SI) definition for gross floor area (GFA), and consequently FSR, would produce buildings of greater bulk because certain building elements, such as voids, mezzanine areas, large balconies and the thickness of external walls are not included in the definition of GFA.

Instead of an FSR control in Woollahra LEP 2014, a maximum floorplate control was introduced in Woollahra DCP 2015.

The floorplate control applies to dwelling house, dual occupancy or a semi-detached dwelling and is currently determined via a two-step methodology:

1. The buildable area is established by applying the front, rear and side setbacks
2. The maximum amount of development permitted on the site is then determined by multiplying the buildable area by a factor of 1.65 (165%).

This is the maximum permitted total floorplate, which is measured across each level of the development.

However, an ongoing concern with the existing floorplate control set is the complexity associated with calculating the permissible floor area and development potential for the site. This issue has been consistently raised by council staff, customers and practitioners, particularly for sites with irregular boundaries and battle axe allotments.

Over the last 18 months, and in collaboration with a practitioner working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The focus of this research was the introduction of floor space ratios.

The primary conclusions of this work were:

- Delete the current floorplate control from Woollahra DCP 2015, and replace it with an FSR control of 0.55:1 in Woollahra LEP 2014 for low density residential development in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- Introduce an FSR of 0.75:1 for low density residential development in an area of Wolseley Road, Point Piper.
- Introduce a range of FSRs for small sites in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.

On 4 March 2019 the Environmental Planning Committee (EPC) considered a report on proposed amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR control for low density residential development. On 11 March 2019 Council resolved:

*THAT the matter be deferred for a period of one (1) month to allow staff to prepare a further report to the Environmental Planning Committee which addresses:*

- *the re-examination of the Gross Floor Area (GFA) calculations (pre and post the commencement of Woollahra LEP 2014 including the preparation of a comparison table);*
- *the re-examination of deep soil landscaping controls (following re-examination of GFA calculations);*
- *the Notice of Motion relating to canopy trees (Action 4.1.1.21); and*
- *whether 35% deep soil landscaping could become a development standard in Woollahra LEP 2014.*

On 15 April 2019 the EPC considered a further report providing additional data and explanations regarding the matters identified in the resolution.

On 29 April 2019 Council resolved:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
  - 1. *A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.*
  - 2. *A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in Figure 1 in the report to the Environmental Planning Committee meeting on 4 March 2019.*
  - 3. *A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.*
  - 4. *Specific objectives and other associated amendments to facilitate 1, 2 and 3.*  
*The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.*
- C. *THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in Annexure 2 of the report to the Environmental Planning Committee meeting on 15 April 2019.*
- D. *THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.*
- E. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- F. *THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.*
- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

On 27 June 2019 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal and the Woollahra LPP provided the following advice:

*THE Panel has considered the Council staff report including the proposed planning proposal and amendments to the Woollahra DCP 2015 and evidence provided by submitters at the meeting. The panel generally supports the deletion of the building floorplate controls and their replacement with an FSR control. Based on the Council staff reports and work undertaken with the practitioner working group, the panel considers that a baseline FSR of 0.55:1 for sites 400m<sup>2</sup> or greater is appropriate.*

*The Panel in principle support the small sites sliding FSR scale, with a maximum GFA yield, but considers that further work and testing needs to be done by staff to ensure that the numerical FSR controls proposed in the table are appropriate.*

Subsequently the Woollahra LPP resolved the following:

*THAT the Woollahra Local Planning Panel advises Council that it:*

- A. *Supports the planning proposal to amend the Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to the amendment of the FSR to 0.55:1 for low density residential development on sites of 400m<sup>2</sup> and greater.*
- B. *Supports the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m<sup>2</sup>. The panel requests that staff provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas.*
- C. *Subject to staff adequately analysing and modelling the small sites sliding scale, the panel supports the planning proposal as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 (as amended in response to A and B) being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*
- D. *Supports the amendments to the Woollahra Development Control Plan 2015 as contained in **Annexure 4** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to:*
  - i. *B3.1.3: Inserting a colon at the end of the second sentence (instead of a full stop)*
  - ii. *B3.1.5: Deleting the word "Note" from the final paragraph*
  - iii. *B3.7.1: Amend Objective 2 to read as follows:*
    - *To ensure that lot widths facilitate a built form with a bulk and scale that is*
    - *consistent with the desired future character of the area*
  - iv. *B3.8: Deleting the word "Note" from C3*
  - v. *Amending chapter to ensure consistency by referring to "neighbouring properties" where relevant rather than "adjoining residents" or "adjoining properties".*

On 15 July 2019 the Environmental Planning Committee considered a report containing the advice from the Woollahra Local Planning Panel and on 22 July 2019 Council resolved:

- A. *THAT Council note the advice provided by the Woollahra Local Planning Panel on 27 June 2019.*
- B. *THAT Council proceeds with the planning proposal attached at **Annexure 1** subject to:*
  - i. *a Floor Space Ratio (FSR) control of 0.50:1 for low density residential development on sites of 400m<sup>2</sup> or greater*
  - ii. *any other consequential changes to **Annexure 1** and **Annexure 2** to ensure consistency with the 0.5:1 FSR and in relation to lots less than 400m<sup>2</sup> amend the table of proposed FSRs for small residential lots to ensure that the sliding scale FSRs are reduced to relate to a maximum FSR for lots over 400m<sup>2</sup> of 0.5:1 and that the table includes a maximum Gross Floor Area (GFA) for each lot size contained in the table.*
- C. *THAT the altered planning proposal described above be forwarded to the Department of Planning and Environment (as the delegate for the Minister for Planning), requesting a gateway determination to allow public exhibition.*

- D. *THAT Council request the Minister for Planning 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.*
- E. *THAT Council publically exhibit the draft development control plan to amend various sections of Woollahra Development Control Plan 2015, attached at **Annexure 2**, as amended to ensure consistency with a FSR of 0.5:1 for low density residential development on sites of 400m2 or greater.*

As a result of the Council decision the planning proposal was amended so that it provided for:

- An FSR control of 0.5:1 in Woollahra LEP 2014 for low density residential development in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- Consequential amendments to the FSRs for small sites in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- The introduction of an FSR of 0.75:1 for low density residential development in an area of Wolseley Road, Point Piper.

The amended planning proposal was submitted to the Department of Planning, Industry and Environment (DPIE) on 30 July 2019 with a request for a gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

On 2 September 2019 the DPIE wrote to Council advising that further information is required in order to proceed to gateway determination. In summary, this letter advises that further information is required to support a maximum FSR of 0.5:1 for low density residential development in R2 Low Density Residential Zone and the R3 Medium Density Residential Zone and a maximum FSR of 0.75:1 for the Wolseley Road area.

On the 28 October 2019, the EPC considered a report on the planning proposal seeking to introduce FSR development standards for low rise medium density development. Subsequently, on 11 November 2019 Council resolved:

- A. *THAT Council note the advice received from the Department of Planning, Infrastructure and Environment.*
- B. *THAT Council provide the additional information required by the Department of Planning, Industry and Environment and press for a gateway determination of Councils planning proposal to introduce a Floor Space Ratio of 0.5:1 for low density residential development.*
- C. *THAT this matter be given Priority 1, combined with the tree canopy controls in Council's Strategic Planning work programme and that staff report back on progress of this project to the first Environmental Planning Committee meeting in 2020.*

On 27 September 2019 Lyndal Plant Urban Forester was appointed to assist with the tree canopy project. Lyndal Plant is a consultant specialising in urban forestry and has researched Australian and international best practice for protecting and enhancing tree canopy. She has made contributions to the proposed amendments to the Council's existing policy and procedural framework for tree management including the current planning controls, information required for development applications, internal referral process, the nature of consent conditions and construction certification.

On 2 December 2019 a workshop was held to update Councillors on the progress on the tree canopy project. One of the next steps identified in that workshop was the refinement of planning recommendations including landscape areas and consolidated deep soil areas to ensure they are consistent with the proposed FSR controls for low density residential land. A further workshop was held with Councillors on 15 June 2020.

On 6 July 2020, the EPC considered a report to introduce amendments to the Woollahra DCP 2015 including a new tree canopy control and deep soil landscaped area controls for low density residential development. Lyndal Plant's report **Woollahra: Greening our LGA** dated 30 June 2020 was presented. At this meeting, Councillors raised concerns with the proposed tree canopy control, the definition of a canopy tree and the impacts tree canopy could have on views and overshadowing.

Subsequent to the EPC meeting of 6 July 2020, on 27 July 2020 Council resolved the following:

- A. *THAT Council note the report and annexures submitted to the Environmental Planning Committee on 6 July 2020 about the proposed introduction of FSR controls for low density residential development and urban greening provisions which includes a number of recommendations to facilitate best practice to sustain and enhance private landscaping and urban greening associated with new development.*
- B. *THAT staff organise another briefing of Councillors about the proposed tree canopy controls to allow further discussion and consideration of options to address Councillor concerns.*
- C. *THAT the outcomes of the Councillor briefing be reported to the Environmental Planning Committee on 7 September 2020 with the recommendation to full Council on 28 September 2020.*

In response to this resolution, on 19 August 2020 a further briefing was held with Councillors. At this briefing, a revised package of tree canopy controls was presented. This briefing was attended by representatives from the DPIE and GA:

- Steve Hartley: Executive Director - Green and Resilient Places, Department of Planning, Industry & Environment
- Barbara Schaffer: Principal Landscape Architect, Government Architect NSW

The proposed amended package of urban greening provisions was supported by the representatives from DPIE and GA, and generally supported by Councillors.



## Part 3 – Existing planning controls

The existing local planning controls for residential development on land to which this planning proposal applies are contained in Woollahra LEP 2014 and Woollahra DCP 2015.

### 3.1 Woollahra LEP 2014

Relevant provisions for residential development are provided in various parts and clauses of Woollahra LEP 2014. These provisions address -

- Land use zones in which permissible and prohibited development is listed
- Development standards for -
  - the minimum subdivision lot sizes
  - the minimum lot sizes on which buildings can be constructed
  - height of buildings
- Flood planning
- Development on foreshore areas
- Subdivision of dual occupancies

There are currently no FSR controls in Woollahra LEP 2014 that apply to low density residential development which is permitted on land to which this planning proposal applies.

There are currently no controls in Woollahra LEP 2014 that apply to urban greening, urban heat, mitigation of climate change or tree canopy.

### 3.2 Woollahra DCP 2015

Relevant provisions for low density residential development are provided in various parts of Woollahra DCP 2015. Matters addressed include -

- building envelope - setbacks and wall heights
- floor plate
- excavation
- on-site parking
- landscaping and private open space
- amenity impact
- view sharing

The implementation of the planning proposal will require a number of consequential changes to Woollahra DCP 2015 including the deletion of the maximum floor plate controls and site depth controls, introduction of a tree canopy control, changes to the deep soil landscape controls and new definitions of urban heat island effect, urban greening, tree canopy, canopy tree and tree crown. An amendment to Woollahra DCP 2015 has been prepared. The proposed development control plan definitions pertinent to this planning proposal are included below.

#### **Part 4 – Objectives of the amendments to Woollahra LEP 2014**

In regard to the land to which this planning proposal applies, the objectives of the amendment to Woollahra LEP 2014 are:

- To introduce development standards to control the amount of floor space permitted for low density residential development.
- To introduce provisions for urban greening, urban heat, the mitigation of climate change and the protection and enhancement of tree canopy.

This planning proposal in conjunction with amendments to Woollahra DCP 2015 will:

- Make it easier for land owners and applicants to understand the amount of development potential for land by removing the complicated floorplate controls and replacing them with an FSR control.
- Ensure consistency with the Standard Instrument by using an FSR control.
- Make the controls more consistent and effective for Council staff to assess development applications.
- Simplify the relationship between site size and development yield.
- Allow the consideration of urban greening, minimising urban heat and the mitigation of climate change in the assessment of development.
- Ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of residential areas.
- Improve Council's ability to sustain and enhance tree canopy in private development across the Woollahra LGA.

## Part 5 – Explanation of provisions

This planning proposal seeks the following amendments to Woollahra LEP 2014. It applies to the land identified on the maps in **Part 7**.

### 5.1 Amended LEP aims

To support Council's aspirations to sustain and enhance tree cover (and recognising the associated benefits in doing so), it is envisioned that the following amendments will be made to clause 1.2 Aims of Plan.

#### Insertions - identified in blue and underlined

- (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 and enhance built and natural environmental heritage,*
- (g) *to protect and enhance 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,*
- (n) *to encourage urban greening*
- (o) *to minimise the urban heat island effect*
- (p) *to mitigate climate change*

### 5.2 Amended zone objectives

To further support Council's aspirations to sustain and enhance tree cover it is envisioned that additional objectives will be inserted into clause 2.3 Zone objectives and Land Use Table.

Insert the following objective into the objectives of Zone R2 Low Density Residential and Zone R3 Medium Density Residential

- *To ensure that development achieves the desired area of tree canopy*

Insert the following objective into the objectives of Zone B1 Neighbourhood Centre, Zone B2 Local Centre, Zone B4 Mixed Use, Zone SP2 Infrastructure, Zone SP3 Tourist and Zone RE2 Private Recreation

- *To encourage urban greening*

### 5.3 FSR control for low density residential development

The planning proposal inserts an FSR control of 0.5:1 for low density residential development in both the R2 Low Density Residential Zone and the R3 Medium Density Residential Zone (see Part 7, Area 2 and Area 3 below).

### 5.4 FSR identified for the Wolseley Road area

For the Wolseley Road area, the planning proposal inserts an FSR of 0.75:1 for low density residential development (see Part 7, Area 1 below). The higher FSR responds to the existing built form in this precinct.

### 5.5 Exceptions for small sites

Consistent with the current floorplate controls in Woollahra DCP 2015, the planning proposal inserts a range of maximum FSRs for low density residential development on small lots.

On 29 April 2019 the Council resolved to seek the advice of the Woollahra LPP in relation to this matter, and the best methods to apply FSR controls to small lots in the R2 Low Density Residential and R3 Medium Density Residential zones.

It is suggested that part of the Councillors' concerns with the small sites sliding scale was that by having a "stepped approach" a smaller site would have a greater permissible FSR and therefore could have a greater development potential than a larger site.

In response, staff prepared a new FSR table. This new table identifies an FSR control but also a maximum yield for each lot size. The permissible floor space is then determined by whichever is the lesser of the two controls. This approach avoids a smaller site obtaining a greater yield.

The table below identifies the recommended approach, and would apply to all small residential lots in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (see Area 2 and 3 in Part 7).

<b>Table 1: proposed FSRs for small residential lots</b>		
<b>Site area (square metres)</b>	<b>Whichever is the lesser</b>	
	<b>Floor space ratio (FSR)</b>	<b>Yield (square metres)</b>
350 to <400	0.55:1	200
300 to <350	0.65:1	192.5
250 to <300	0.75:1	190
200 to <250	0.85:1	187.5
150 to <200	0.95:1	170
Under 150	1.05:1	142.5

### Testing the small lots sliding scale

As identified in Part 2 above, at the meeting of 27 June 2019, the Woollahra LPP resolved to advise Council that it supported the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m<sup>2</sup>. However, the panel requested staff to provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas. Subject to staff adequately analysing and modelling the small sites sliding scale, the panel would support the planning proposal being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.

In response to part B and C of the resolution, Council staff analysed and modelled the recommended small lots sliding scale. In particular, how these controls will effectively coordinate with relevant associated controls in the amended Woollahra DCP. Staff have modelled the relationship between the proposed variable FSRs for small lots and the following controls in Woollahra LEP 2014 and Woollahra DCP 2015.

#### Woollahra LEP 2014 controls

- Maximum building height

#### Woollahra DCP 2015 controls

- Existing front and rear and proposed side setbacks
- Wall height and inclined planes
- Onsite parking requirements and
- Deep Soil landscaped area.

A summary of the analysis and a copy of the modelling is included in Part 10. It should be noted that in Zone R2 Low Density Residential and outside the Heritage Conservation Areas:

- Over 90% of parcels are larger than 400m<sup>2</sup> and
- Over 96% of parcels are larger than 300m<sup>2</sup>.

Accordingly, the small lots sliding scale applies to relatively few parcels (see **Table 2** below).

Lot Size	Watsons Bay	Vaucluse	Rose Bay	Bellevue Hill	Point Piper	Woollahra	Double Bay	Darling Point	Total	
400>	19	1717	360	1379	188	115	71	27	3876	<b>90%</b>
350<400	2	56	15	45	3	12	7	2	142	<b>3%</b>
300>350	4	48	4	30	5	6	9	3	109	<b>3%</b>
250<300	3	32	5	32	3	1	8	1	85	<b>2%</b>
200<250	0	22	3	5	1	0	13	0	44	<b>1%</b>
150<200	0	8	0	0	0	0	16	0	24	<b>1%</b>
Under 150	0	0	0	0	0	0	9	0	9	<b>0%</b>

*Note: In Paddington and Edgecliff there are no lots in Zone R2 Low Density Residential outside of an HCA.*

Having carried out the analysis and modelling on these small lots, Council staff are satisfied that the proposed small lots sliding scale (with a maximum GFA yield) in conjunction with Woollahra DCP 2015 controls, is an appropriate suite of controls for low density residential development on small lots. The built form outcomes are consistent with the desired future character of our low density residential areas, whilst allowing flexibility of design on smaller lots.



## 5.6 Anticipated amendments to clause 4.4 Floor space ratio

To accommodate the FSR controls identified above, it is envisioned that the following type of amendments could be made to clause 4.4 in Woollahra LEP 2014.

Insertions - identified in blue and underlined

~~Deletions – identified in red and scored through~~

### 4.4 Floor space ratio

- (1) The objectives of this clause are as follows:
    - (a) for development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential:
      - (i) to ensure the bulk and scale of new development is compatible with the desired future character of the area, and
      - (ii) to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and
      - (iii) to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,
    - (b) for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.
  - (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- ~~(2A)—Despite subclause (2), the floor space ratio for a building on land shown on the Floor Space Ratio Map does not apply to a building that is a dwelling house, dual occupancy or semi-detached dwelling.~~
- (3) Despite subclause (2), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density is not to exceed:
    - (a) 0.5:1, or
    - (b) 0.75:1 for land in Area 1
  - (4) Despite subclause (2), the maximum floor space ratio for a dwelling house, dual occupancy or semi-detached dwelling on land in Zone R2 Low Density Residential or Zone R3 Medium Density must not exceed the floor space ratio shown in column 2 opposite the area of the site shown in column 1.

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
	<u>Floor space ratio</u>	<u>Yield (square metres)</u>
<u>350m<sup>2</sup> to &lt; 400m<sup>2</sup></u>	<u>0.55:1</u>	<u>200</u>
<u>300m<sup>2</sup> to &lt; 350m<sup>2</sup></u>	<u>0.65:1</u>	<u>192.5</u>
<u>250m<sup>2</sup> to &lt; 300m<sup>2</sup></u>	<u>0.75:1</u>	<u>190</u>
<u>200m<sup>2</sup> to &lt; 250m<sup>2</sup></u>	<u>0.85:1</u>	<u>187.5</u>
<u>150m<sup>2</sup> to &lt; 200m<sup>2</sup></u>	<u>0.95:1</u>	<u>170</u>
<u>Under 150m<sup>2</sup></u>	<u>1.05:1</u>	<u>142.5</u>

### 5.7 Additional local provision for urban greening

To accommodate Council's aspirations to sustain and enhance tree cover in residential development, it is envisioned that the following type of local provision will be inserted into part 6 of Woollahra LEP 2014.

#### 6.8 Urban Greening

1. The objective of this clause is to sustain and enhance tree canopy cover.
2. Subclause (3) applies to land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (excluding the Paddington, Woollahra and Watsons Bays Heritage Conservation Areas)
3. Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development—
  - 3.1. is consistent with the objectives of this clause, and
  - 3.2. provides an appropriate selection of and location for canopy trees, and
  - 3.3. minimises disturbance and adverse impacts on existing canopy trees which are to be retained.

*Note: Definitions will be included in either the Woollahra LEP 2014 or the Woollahra DCP 2015 subject to comments from the DPIE. Refer to part 5.9 for the proposed definitions.*

### 5.8 Proposed definitions pertinent to this planning proposal

1. **Urban heat island effect** is localised warming caused by a lack of vegetation and large areas of impervious surfaces like roads, car parks and buildings.
2. **Urban greening** is the integration of vegetation into development to decrease the urban heat island effect, improve microclimates and enhance mental and physical wellbeing.
3. A **tree crown** is the total amount of foliage supported by the branches of an individual tree.
4. **Tree canopy area** is the part of the site covered by the combined lateral spread of tree crowns of all trees above 3 metres in height and spread (Refer figure below). Existing overhanging tree canopy from the street or neighbouring sites/s is included in the calculation of tree canopy area on the subject site.

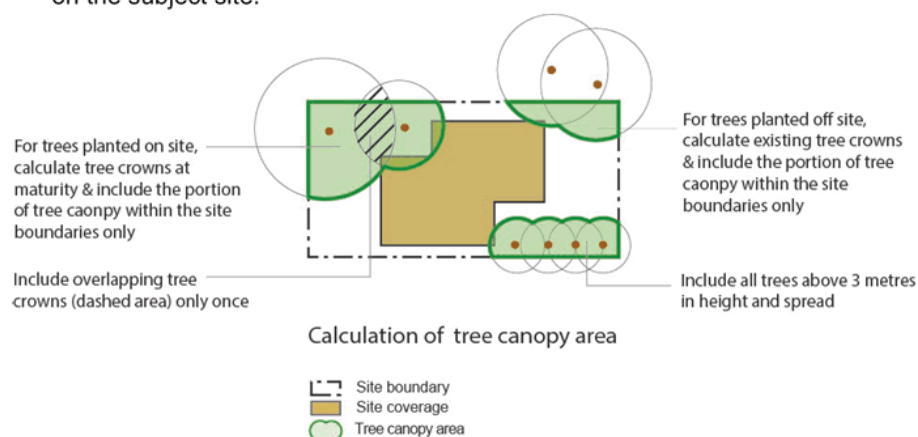
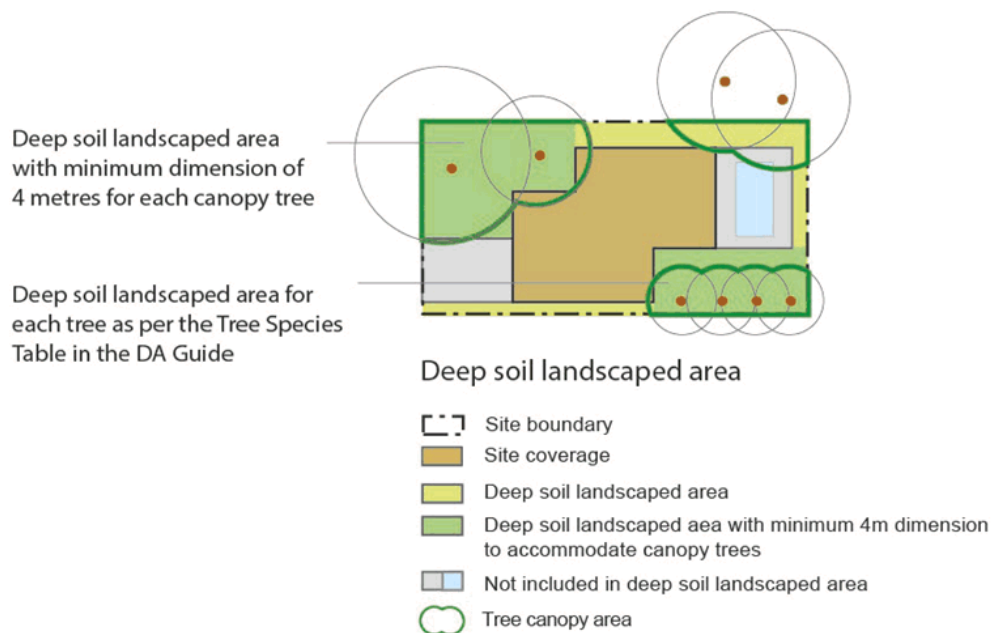


Figure 1: Calculation of tree canopy area

5. A **canopy tree** is a tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres (Refer figure below for calculation of deep soil landscaped area).

Selection of trees must take into consideration the impact on amenity and views on the subject site and neighbouring site/s. A range of tree species with their individual deep soil area requirements is listed in the DA Guide. Trees selected should be capable of achieving the applicable tree canopy area for the site within 5-10 years of completion of the development.



**Figure 2:** Calculation of deep soil landscaped area

## Part 6 – Justification

The planning proposal is the result of a two year strategic review of Woollahra Council's density controls for low density residential development and to the investigation and testing of planning controls that can be used to sustain and enhance tree canopy. The strategic merit of the two main components of this planning proposal, namely FSR and urban greening are discussed below.

The planning proposal has strategic merit and the key reasons to amend Woollahra LEP 2014 are that:

- The planning proposal is consistent with applicable section 9.1 directions.
- The planning proposal is consistent with Premier's Priorities (March 2018).
- The planning proposal is consistent with the objectives of *A Metropolis of Three Cities* and the initiatives of the *Eastern City District Plan*.
- The planning proposal is consistent with the Standard Instrument and all other applicable *State Environmental Planning Policies*.
- The planning proposal is consistent with the vision and planning priorities of the Woollahra Local Strategic Planning Statement.
- The planning proposal will work in conjunction with the controls in Woollahra DCP 2015, and is consistent with Council's *Community Strategic Plan, Woollahra 2030*.
- The planning proposal was the result of collaboration between strategic planners, tree management officers, environment and sustainability officers development assessment officers, a practitioner working party and a consultant specialising in urban forestry.
- The planning proposal is informed by *Woollahra: Greening our LGA*, a report prepared by a consultant specialising in urban forestry.
- The planning proposal will simplify the planning controls, and make them easier for applicants to understand and staff to apply.
- The planning proposal does not apply to land identified with critical habitat areas, threatened species, populations or ecological community of their habitats.
- The planning proposal will allow a site's development yield to be more easily calculated.

These matters are further discussed below in part 6.1 to 6.3.

### 6.1 Need for planning proposal

#### 6.1.1 Is the planning proposal a result of any strategic study or report?

Yes. This planning proposal is the result of a two year strategic review of Woollahra Council's density controls for low density residential development. The planning proposal is also the result of investigations and testing of planning controls that can be used to sustain and enhance tree canopy. The planning proposal is informed by *Woollahra: Greening our LGA*, a report prepared by a consultant specialising in urban forestry. The following sections provide a summary of the key steps that were undertaken to inform this planning proposal.

##### 6.1.1.a Woollahra DCP 2015 Working Party

On 27 April 2015, Council resolved to establish a working party to review Chapter B3 General Development Controls (Chapter B3) of Woollahra DCP 2015. In particular the review would look at the controls relating to building bulk, scale and envelopes, floorplates, setbacks and site excavation. The working party consisted of staff from the planning and development team, Councillors and four practitioners.

Concerns had been raised by development assessment officers, customers and private practitioners that the calculations for existing floorplate control set in Woollahra DCP 2015 are complex and confusing. This was an issue highlighted for sites with irregular boundaries and battle axe allotments in particular.

Between 2015 and 2017 the working party met seven times, and provided a productive forum to discuss the strengths and weaknesses of the existing planning controls and advocate potential new approaches to controlling building bulk in the Woollahra LGA.

In response to these concerns and in preparation for the meetings of the working party, staff investigated alternatives to the floorplate control. This research included a comparison with the controls used in other Sydney metropolitan Councils, most of which are FSR controls under the SI LEP. Both Randwick and Waverley Council use a FSR of 0.5:1 in their R2 Low Density Residential zone.

Having reviewed alternative controls, both staff and the practitioners supported the implementation of an FSR control for low density residential development. The benefits of introducing a FSR control are:

- It is familiar to and understood by customers, practitioners and development assessment officers.
- It is commonly used in LEPs in Sydney and across NSW.
- It is more consistent with the NSW SI LEP.
- It has statutory weight which is greater than the existing DCP floorplate controls.
- There is a direct and simple relationship between site area and development yield.

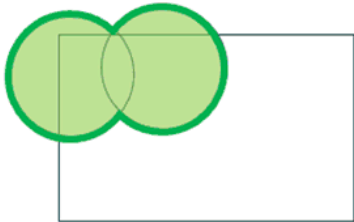
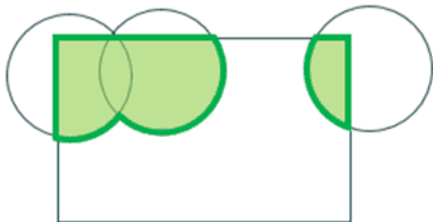
#### **6.1.1.b FSR and urban greening study**

As part of a collaborative approach involving Council staff (strategic planning, tree management, development control and environment & sustainability) and Lyndal Plant: Urban Forester, site testing was undertaken in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).

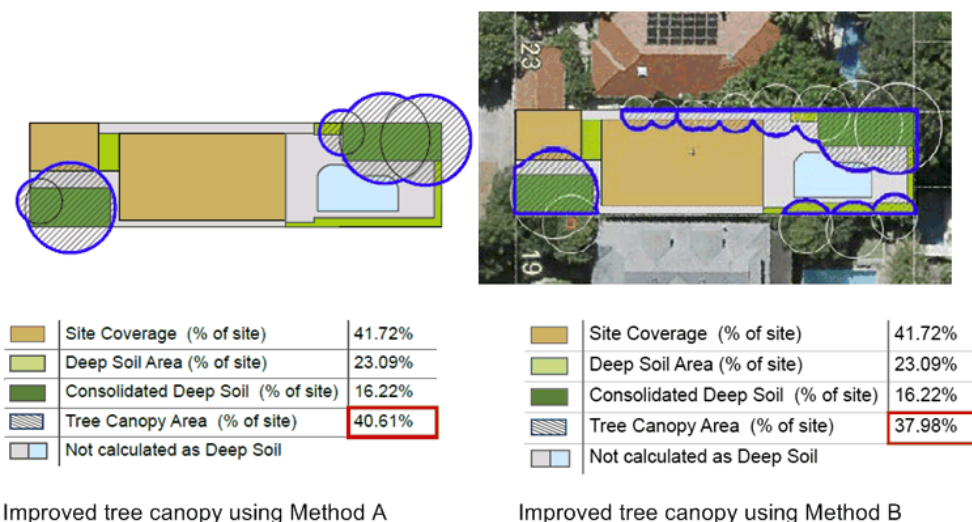
In order to identify an appropriate FSR and tree canopy control for residential development the following tasks were undertaken:

- A selection of low density and medium residential developments across different residential precincts approved and constructed since March 2015 was chosen.
- The approximate gross floor areas (GFA) and FSRs of the selected low density residential development were identified in accordance with the definitions of GFA and FSR in Woollahra LEP 2014.
- The developments were examined to assess their consistency with the desired future character of the precinct.
- The site coverage, deep soil landscaped area and tree canopy area of the selected developments were calculated using the landscape and architectural plans submitted. Tree canopy was calculated using the estimated crown spread of the proposed tree species at maturity.
- An 'improved' tree canopy area was then prepared for the selected sites by hypothetically locating canopy trees on the site (in the approved deep soil landscaped areas) in accordance with the best practice guidance developed by Lyndal Plant Urban Forester. In most cases, Lyndal Plant was able to accommodate more canopy trees on the sites than were identified in the approved landscape plans.
- The various 'improved' versions were then compared using two methods of calculation:



Method A	Method B:
<p>The tree canopy area is measured from the overall extent of tree crowns of canopy trees planted on the site, and includes the area of the tree crown which extends beyond the subject site (See figure below)</p> 	<p>The tree canopy is measured from the overall extent of tree crowns of vegetation on the subject site, and includes neighbouring canopy that overhangs on the subject site. It excludes the tree crown which extends beyond the subject site (See figure below)</p> 

**Table 3:** Tree canopy calculation methods



Improved tree canopy using Method A

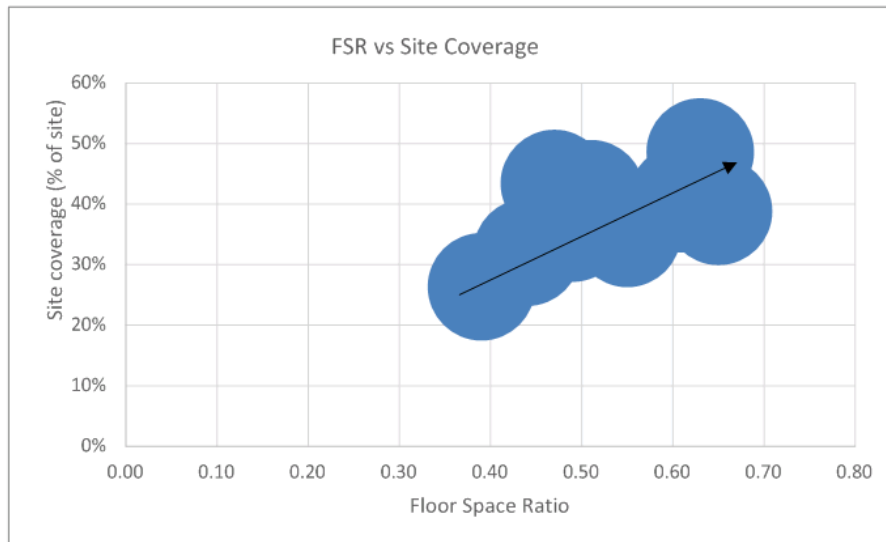
Improved tree canopy using Method B

**Figure 3:** Example of site testing across different residential precincts using two methods of tree canopy calculation

Further 2D examples of this site testing has been separately attached to this planning proposal.

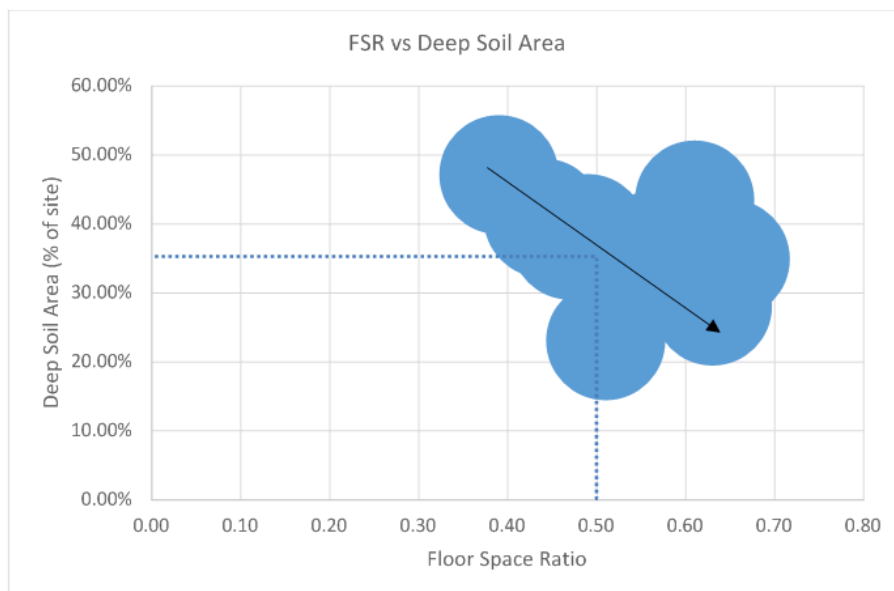
**The key findings of this study were:**

1. For recently approved dwelling houses, their FSR was found to be directly related to site coverage. That is, sites with higher FSRs occupied a larger area on the ground floor.



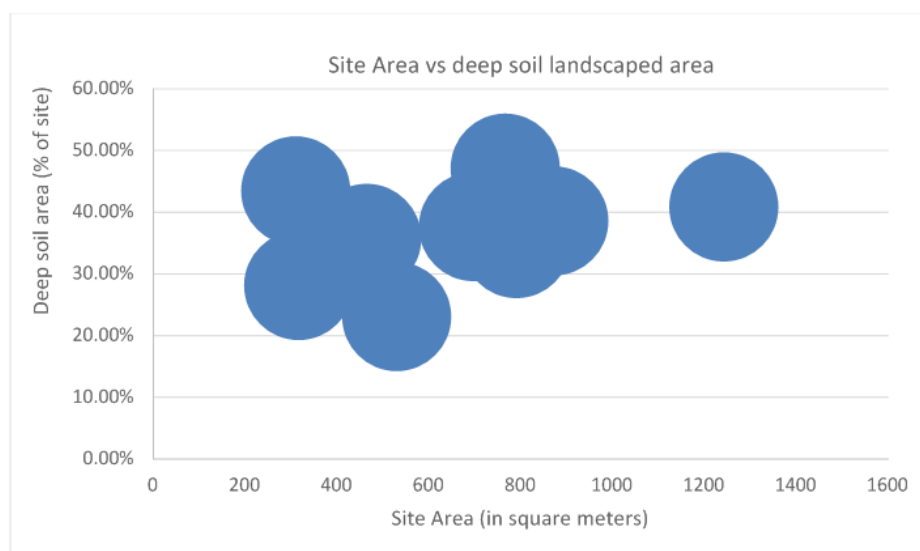
**Figure 4:** Graph illustrating the relationship between FSR and site coverage for dwelling houses

2. For recently approved dwelling houses, their FSR was found to be inversely related to deep soil area. That is, sites with higher FSRs had lesser deep soil landscaped areas.



**Figure 5:** Graph illustrating the relationship between FSR and deep soil landscaped area for dwelling houses

3. For recently approved dwelling houses, the site area was not found to be related to deep soil landscaped area. That is, one deep soil landscaped area control could be applied to small lots as well as large lots.



**Figure 6:** Graph illustrating the relationship between site area and deep soil landscaped area for dwelling houses on standard lot sizes

4. For a number of applications investigated, the proposed deep soil landscaped areas were not of a sufficient dimension to sustain canopy trees, which highlighted the need for a control set that encourages consolidated deep soil areas to support canopy trees.
5. Due to the unique conditions of the Wolseley Road area (see Part 7, Area 1 below) it is appropriate to have a different suite of landscape controls for this precinct. The particular applicable conditions are:
  - Significant topographical differences across the sites;
  - Battle axe access that result in zero front setbacks;
  - Foreshore access that encourages paved areas to facilitate access and reduces the area for 'rear gardens';
  - Built form determined by mean high water mark, resulting in larger built forms; and
  - Preference of harbour views over canopy trees.

Based on the best practice research, and this site testing, a number of recommendations were proposed by Lyndal Plant Urban Forester in the report **Woollahra: Greening our LGA** (June 2020). The report recommends a shift in the regulatory controls to focus more on tree canopy management in Woollahra. These recommendations apply to Council's planning controls, the DA guide and internal administrative arrangements. A summary of the elements of the recommended shift are presented below.

Current landscaping controls	Recommended tree canopy controls
<i>Unclear line of sight between Woollahra landscape controls and canopy cover outcomes</i>	<i>Strong support for regional Sydney 40% canopy cover aspirations</i>
<i>Risk of development diluting the leafy Woollahra character</i>	<i>Focus on conserving and enhancing Woollahra's leafy character</i>

<i>Disconnect between deep soil areas and canopy cover outcomes</i>	<i>Deep soil areas linked to site area and land-use based canopy cover targets</i>
<i>Shortfall in community expectations for suitable quantity and quality of trees on development sites</i>	<i>Better balance between tree canopy quantity and quality outcomes- including urban cooling and urban forest resilience</i>
<i>Comparative or anecdotal controls content</i>	<i>Evidence and best practice basis for improving tree canopy outcomes</i>
<i>Focus on smaller and ornamental trees</i>	<i>Focus on larger longer-lived, functional canopy trees</i>
<i>Treatment of landscape and tree canopy outcomes in isolation from other built form controls</i>	<i>Integration of tree canopy controls with FSR amendments</i>
<i>Favour Aesthetic based landscape design</i>	<i>Promote multifunctional landscape design</i>

**Table 4:** Elements of the proposed shift from current to proposed tree canopy controls

The key policy recommendation of Council is to amend Woollahra DCP 2015 to introduce a minimum tree canopy control of **35% of the site area** and a minimum deep soil landscaped area control of **35% of the site area** for low density residential development. These controls should be supported by:

- New definitions of 'urban heat island effect', 'urban greening', 'tree canopy area', 'canopy tree' and 'tree crown'
- a list of trees species with their individual deep soil requirements in the DA Guide
- urban greening controls and objectives across both the Woollahra LEP 2014 and the Woollahra DCP 2015.

In summary, the site testing and research into the proposed tree canopy and deep soil landscaped area controls supports a proposed FSR of 0.5:1 for low density residential development which ensures an appropriate balance of landscaping and built form, consistent with the desired future character of the residential areas.

For the Wolseley Road area, the planning proposal recommends an FSR of 0.75:1 for low density residential development. An FSR of 0.75:1 is more consistent with the existing built form in this precinct which has a different built form than other areas in the R2 Low Density Residential Zone. For this area, Council is recommending a tree canopy control of **25% of the site area**, and a deep soil landscaped area control of **30% of the site area**. This control supports the proposed FSR control of 0.75:1 and ensures that there is a more appropriate balance of landscaping and built form, consistent with the desired future character of the precinct.

The planning proposal also seeks to insert a range of maximum FSRs for low density development on small lots. Small lots require a higher FSR to ensure they can accommodate low density dwellings with appropriate levels of contemporary internal amenity.

**6.1.2 Is the planning proposal the best means of achieving the objectives, or is there a better way?**

Yes. This planning proposal is the best means of achieving the objectives. Under the Standard Instrument approach, an FSR control cannot be included in Woollahra DCP 2015. Therefore, a planning proposal is needed to apply a maximum FSR in Woollahra LEP 2014 for low density residential development.

FSR is a development standard, and changes to these standards are made through a planning proposal.

The Council, at its meeting of 29 April 2019, endorsed this approach. Accordingly, a planning proposal is the most appropriate way of achieving the intended outcome.

The inclusion of urban greening provisions in the Woollahra LEP 2014 will ensure the protection and enhancement of the natural environment to create a resilient, sustainable and liveable neighbourhoods and provide greater weight to the proposed tree canopy and deep soil area controls in the Woollahra DCP 2015.

**6.2 Relationship to strategic planning framework**

**6.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy 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 actions of the *Eastern City District Plan* (2018).

The strategic alignment of the two components of this planning proposal, namely FSR and urban greening have been discussed in detail below.

**6.2.1.a Strategic alignment – FSR**

**Greater Sydney Regional 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 12 – Great places that bring people together:* The use of FSR controls will simplify density controls for low density residential land whilst maintaining the place-based approach to planning.
- *Objective 40 – Plans refined by monitoring and reporting:* Over the last 18 months, and in collaboration with a practitioner working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The planning proposal is the result of monitoring the application of the existing control set used in the Woollahra Municipality.

**Eastern City District Plan**

The planning proposal is consistent with the actions of the Eastern City District Plan, specifically action 18.

- *Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:*
  - a. *prioritising a people-friendly public realm and open spaces as a central organising design principle*
  - b. *recognising and balancing the dual function of streets as places for people and movement*



- c. *providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres*
- d. *integrating social infrastructure to support social connections and provide a community hub*
- e. *recognising and celebrating the character of a place and its people*

#### **6.2.1.b Strategic alignment – Urban greening**

##### **Premier's Priorities**

The planning proposal is consistent with the Premier's Priorities (March 2018): *Greening our city:*

- *"Increase tree canopy and green cover across Greater Sydney by planting one million trees by 2022"*

##### **Greater Sydney Regional Plan: A Metropolis of Three Cities**

The planning proposal is consistent with the objectives of *A Metropolis of Three Cities*, specifically objective 30:

- *Objective 30 - Urban tree canopy cover is increased*

##### **Eastern City District Plan**

The planning proposal is consistent with the priorities and actions of the Eastern City District Plan, specifically Priority 17:

- *Planning Priority E17 - Increasing urban tree canopy cover and delivering Green Grid connections*

The proposed FSR controls and urban greening provisions have been developed in collaboration with a practitioner working party and Council staff in order to come up with an appropriate suite of controls to apply to low density residential development. The use of FSR controls will simplify density controls for low density residential land whilst maintaining the place-based approach to planning in the Woollahra Municipality. The insertion of urban greening provisions to the Woollahra LEP 2014 will ensure the protection and enhancement of the green and leafy natural environment to create a resilient, sustainable and liveable neighbourhoods.

#### **6.2.2 Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The planning proposal is consistent with the Woollahra Local Strategic Planning Statement and the Council's Community Strategic Plan titled *Woollahra 2030 – Our community, our place, our plan*.

The strategic alignment of the two components of this planning proposal, namely FSR and urban greening have been discussed in detail below.

##### **6.2.2.a Strategic alignment – FSR**

##### **Woollahra Local Strategic Planning Statement**

The planning proposal is consistent with the vision and planning priorities of the Woollahra Local Strategic Planning Statement -

- *Planning priority 4 - Sustaining diverse housing choices in planned locations that enhance our lifestyles and fit in with our local character and scenic landscapes.*

##### **Woollahra Community Strategic Plan**

Notably, the planning proposal meets the following strategies within *Goal 4: Well-planned neighbourhoods* under the theme *Quality places and spaces*.

- *Strategy 4.1 Encourage and ensure high quality planning and urban design outcomes.*
- *Strategy 4.6 Ensure that planning and building requirements are complied with.*

#### **6.2.2.b Strategic alignment – Urban greening**

##### **Woollahra Local Strategic Planning Statement**

The planning proposal is consistent with the vision and planning priorities of the Woollahra Local Strategic Planning Statement -

- *Vision: "Outstanding heritage, lifestyle, leafy, boutique villages and an unrivalled open, sunny harbour-side landscape in Sydney's east". The LSPS also states that "Our extensive gardens, tree canopy, parklands, and landscape provide a pleasant, clean and comfortable environment. We work to protect and maintain existing trees and enhance our tree canopy and urban forest" (Page 12).*
- *Planning Priority 11  
Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.*
- *Planning priority 12  
Protecting and enhancing our scenic and cultural landscapes.*
- *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.*
- *Planning priority 14  
Planning for urban resilience so we adapt and thrive despite urban and natural hazards, stressors and shocks.*

##### **Woollahra Community Strategic Plan**

The planning proposal will work in conjunction with the controls in Woollahra DCP 2015 and is consistent with Council's *Community Strategic Plan, Woollahra 2030* (June 2018):

- *Strategy 4.2  
Promote sustainable design in future private and public development*
- *Strategy 5.4  
Protect trees, streetscapes and landscapes*
- *Strategy 5.5  
Enhance the physical environment of our local suburbs, neighbourhoods and town centres*
- *Strategy 8.2  
Monitor and strategically manage environmental risks and impacts of climate change*

#### **6.2.3 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).

#### **6.2.4 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**

#### **6.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, proposal or their habitats, will be adversely affected as a result of the planning proposal?**

No. The planning proposal translates the existing floorplate controls in Woollahra DCP 2015 for low density residential development to an FSR development standard in Woollahra LEP 2014. The affected land is located in a previously developed part of Eastern Sydney.

The recommendation to include additional controls, aims and objectives relating to tree canopy and urban greening will have a positive effect on any critical habitat, threatened species, populations or ecological communities or their habitats.

The proposed controls are consistent with *Council's Biodiversity Conservation Strategy*. Further, *section 7 Biodiversity in Woollahra* acknowledges the importance of gardens with significant botanic values.

Woollahra Council's Biodiversity Conservation Strategy 2014-2025 lists climate change as a key threat to biodiversity, which is addressed by the proposed new aim (p) – to mitigate climate change.

Accordingly, conservation and enhancement of landscaping on private land, in particular tree canopy, will ensure a significant improvement to our biodiversity.

#### **6.3.2 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. Further, the proposed urban greening controls and objectives will ensure the protection and enhancement of the natural environment to create a resilient, sustainable and liveable neighbourhoods

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.

#### **Has the planning proposal adequately addressed any social and economic effects?**

Yes. The planning proposal will have no social and economic effects, in that it does not affect dwelling numbers and ensures that the built form is consistent with the desired future character of the leafy low density residential areas.

The requirement to consider urban greening and landscaping early in the design process will ensure that landscaping and tree canopy are considered at inception. However, this will not have any social or economic effects as applicants are already required to submit a landscape plan with their development applications.

#### **6.4 State and Commonwealth interests**

##### **6.4.1 Is there adequate public infrastructure for the planning proposal?**

Yes. The planning proposal seeks to ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of our residential areas. No uplift is proposed.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

##### **6.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Council staff have consulted on the proposed package of urban greening controls with representatives from both the DPIE and GA including:

- Steve Hartley: Executive Director - Green and Resilient Places, Department of Planning, Industry & Environment
- Barbara Schaffer: Principal Landscape Architect, Government Architect NSW

The proposed amended package of urban greening provisions was supported by these representatives.

Further consultation with public authorities will be conducted further, in accordance with the conditions of the Gateway Determination.

## Part 7 – Land Application Map

This planning proposal applies to the whole Woollahra LGA. However, some elements of this planning proposal only apply to certain parts of the Woollahra LGA. A summary table of these is below.

Planning Proposal Element	Land to which this applies	Figure reference
Amended LEP aims	Whole LGA.	See Woollahra LEP 2014 - Land Application Map
Amended zone objectives	Land in zone: R2 Low Density Residential R3 Medium Density Residential B1 Neighbourhood Centre B2 Local Centre B4 Mixed Use SP2 Infrastructure SP3 Tourist RE2 Private Recreation	See Woollahra LEP 2014 - Land Zoning Maps
FSR control of 0.5:1 for low density residential development.	The R2 Low Density Residential Zone and the R3 Medium Density Residential Zone (excluding the Wolseley Road area and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).	See Area 2 and 3 below.
FSR control of 0.75:1 for the Wolseley Road area	The Wolseley Road precinct.	See Area 1 below.
FSR exceptions for small sites.	The R2 Low Density Residential Zone and the R3 Medium Density Residential Zone (excluding the Wolseley Road area and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).	See Area 2 and 3 below.
Additional local provision for urban greening.	The whole LGA excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.	See Figure 7 below.

**Table 5:** Summary of Planning Proposal



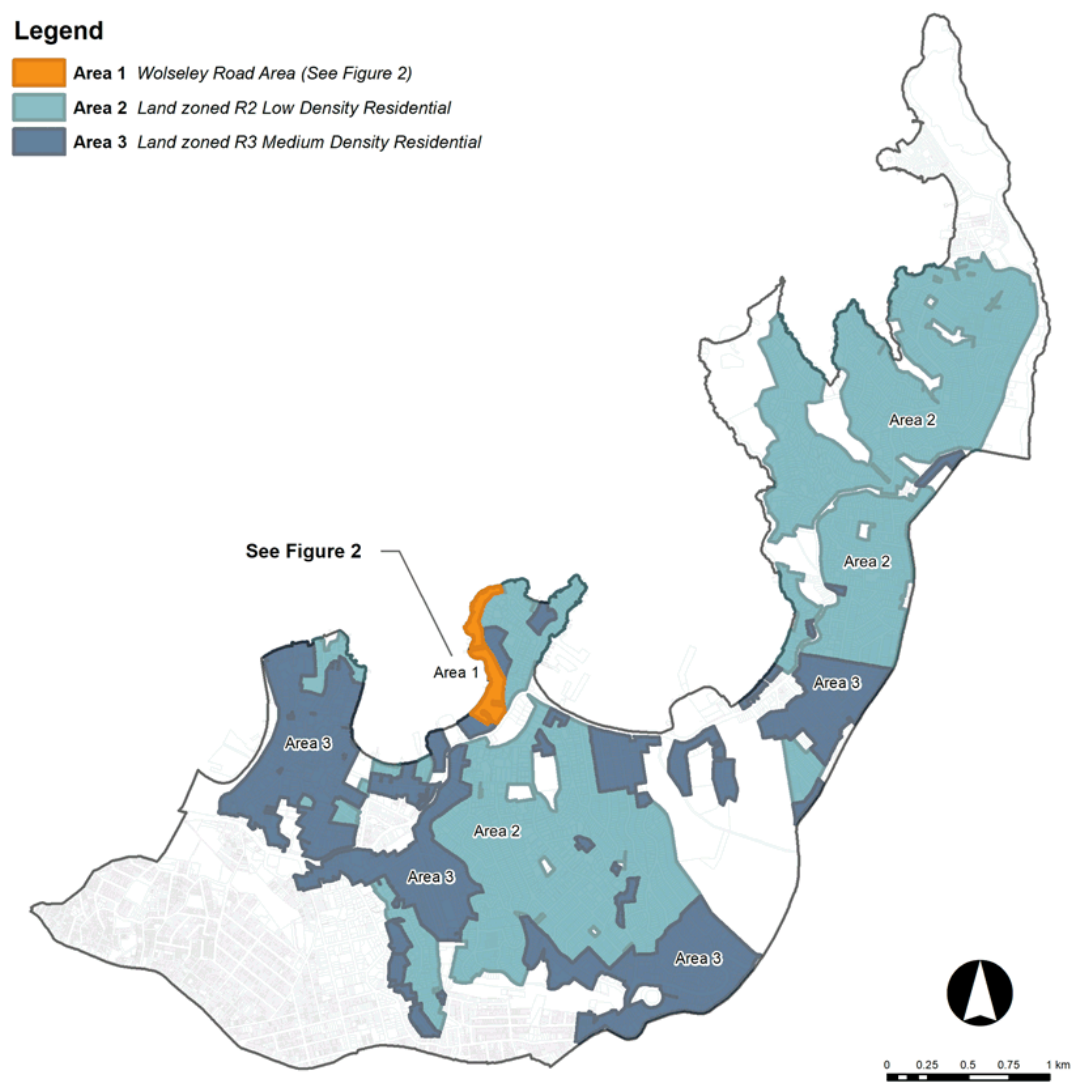


Figure 7: Map showing Area 1, 2 and 3

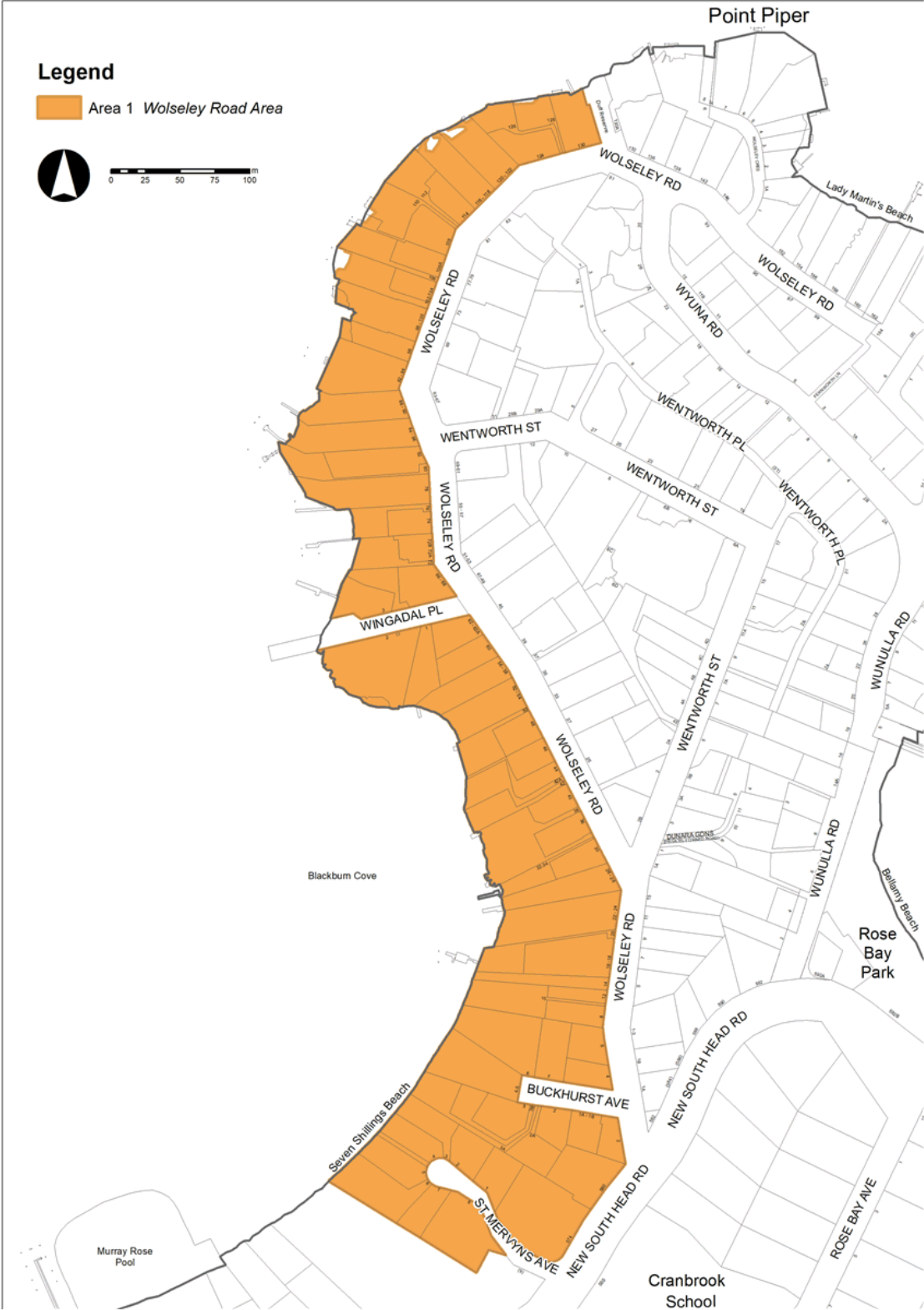
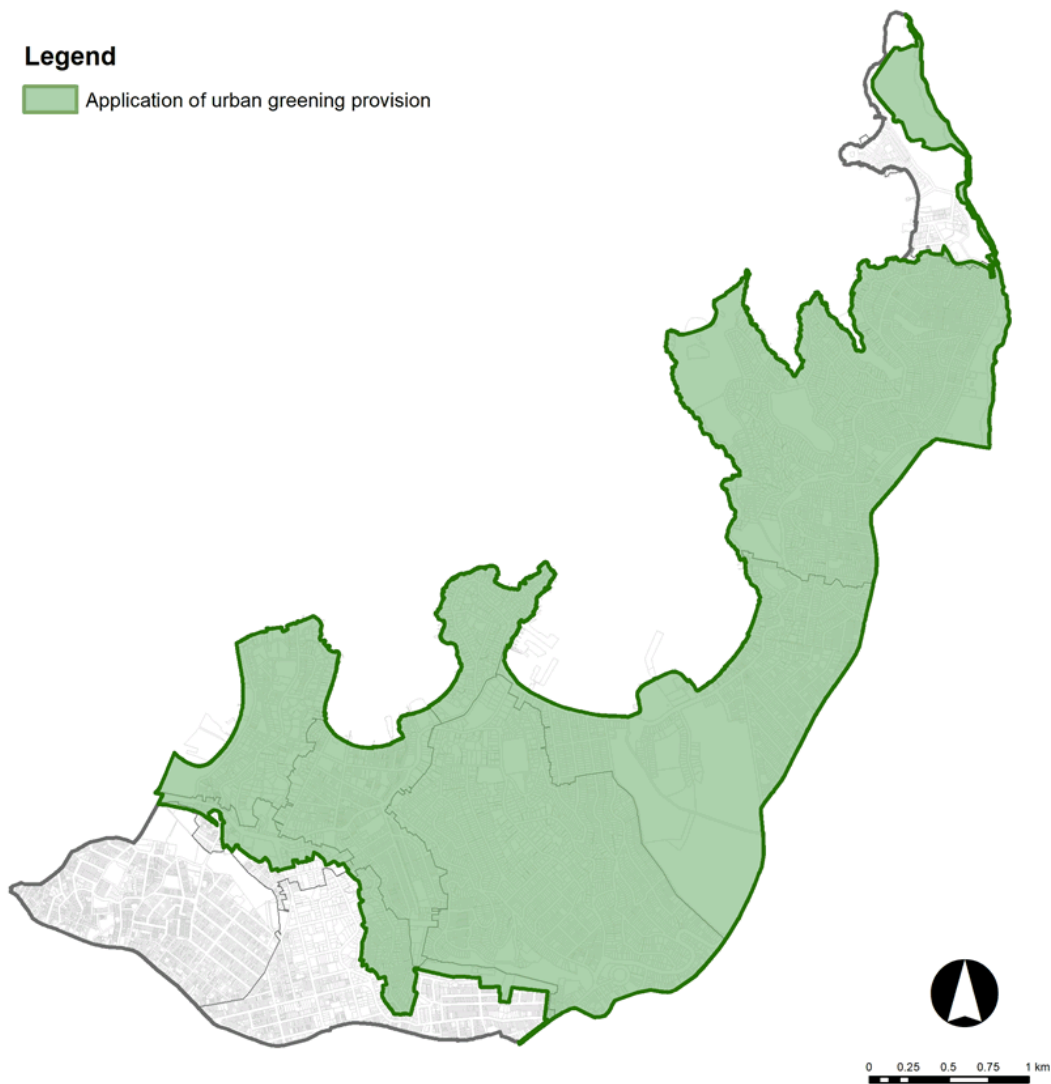


Figure 8: Wolseley Road Area



*Figure 9: Map showing the application of the Urban Greening provision*

## Part 8 – Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000*, the Department of Planning, Industry and Environment's 'Guide to Preparing Local Environmental Plans' and the conditions of the gateway determination.

Public exhibition will also be undertaken in accordance with the *Woollahra Community Participation Plan 2019*.

The Act requires a minimum public exhibition period of 28 days unless otherwise specified in the gateway determination. This is consistent with Council's standard practice for the exhibition of a planning proposal of this type. Accordingly, we recommend that the planning proposal is exhibited for a minimum of 28 days.

The draft DCP to amend Chapter B3 of Woollahra DCP 2015 will be placed on public exhibition concurrently with the exhibition of the 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, when a hardcopy version of that newspaper is being published
- notice on the Council's website
- notice to the members of the practitioner working party
- 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:

- 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 relevant Council reports, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and a copy of Woollahra LEP 2014
- Woollahra: Greening our LGA prepared by Lyndal Plant: Urban Forester
- A Draft DCP amending Chapter B3 General residential controls of Woollahra DCP 2015.

## Part 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:

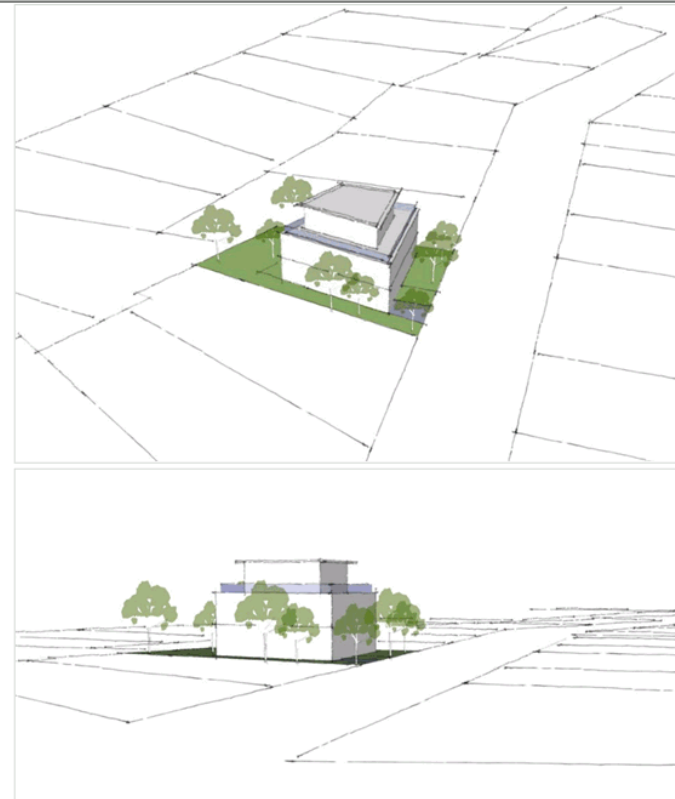
Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	15 April 2019
Council resolution to prepare planning proposal	29 April 2019
Woollahra Local Planning Panel provides advice to Council	27 June 2019
Council resolution to proceed	August 2019
Preparation of <i>Woollahra: Greening our LGA</i>	June 2020
Gateway determination	October 2020
Completion of technical assessment	None anticipated
Government agency consultation	See below
Public exhibition period	October – November 2020
Submissions assessment	November-December 2020
Council assessment of planning proposal post exhibition	February 2021
Council decision to make the LEP amendment	March 2021
Council to liaise with Parliamentary Counsel to prepare LEP amendment	April 2021
Forwarding of LEP amendment to the Department of Planning, Industry and Environment for notification	May 2021
Notification of the approved LEP	May 2021

**Table 6:** Proposed timeline

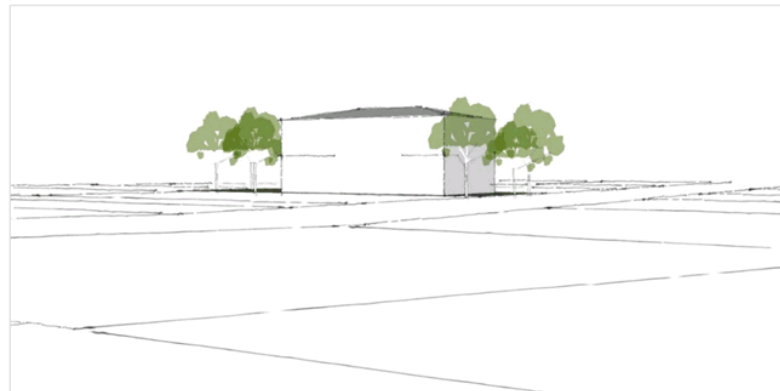
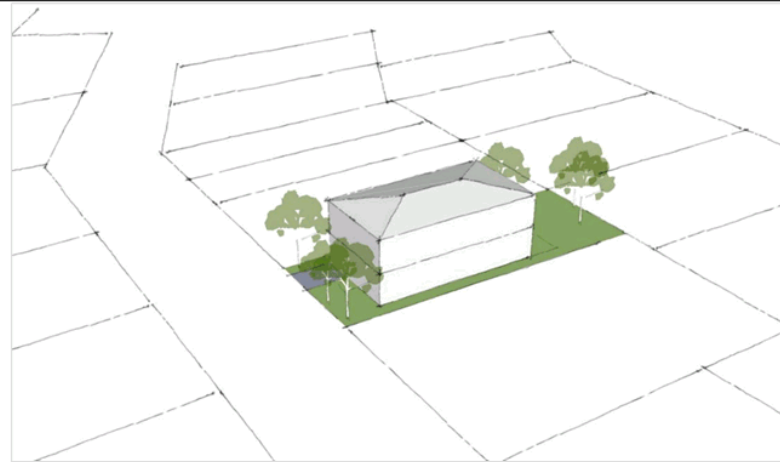


## Part 10 – Analysis and modelling of the small lots sliding scale

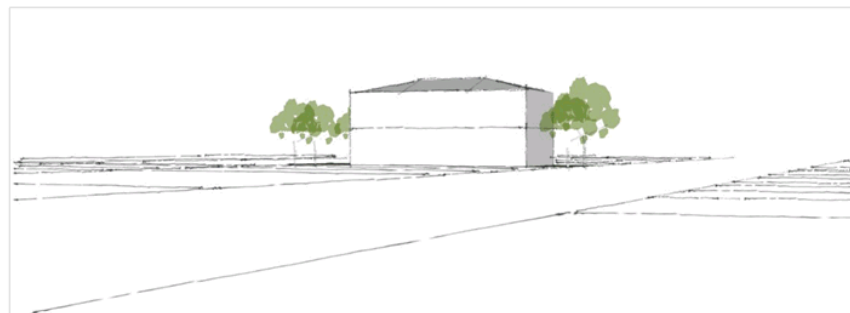
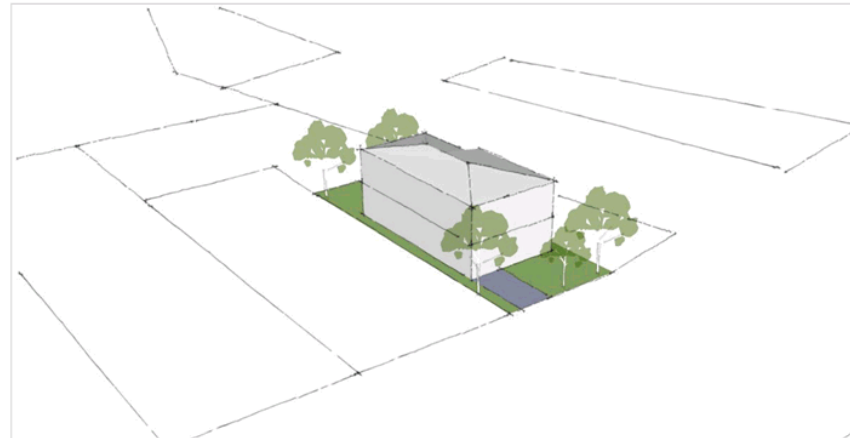
Category 1: Size area: 350 <400 m <sup>2</sup>		
Site conditions: Area 383m <sup>2</sup> , width 18m, depth 22 – 29m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 0.6:1 or max yield = 220m <sup>2</sup>	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (4m)
	E Side setback = 2.3m	✓
	P Rear setback 25% = 6.4m	✓ (9.5m)
	E Wall height & inclined plane	✓
	E On-site parking	✓
	P Deep soil landscaped area (33% or 126.4m <sup>2</sup> )	✓ (52%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Three storey dwelling house</li> <li>Front setback consistent with predominant front setback</li> <li>Parking for two cars proposed in building envelope</li> </ul>		
<b>Assessment:</b> <ul style="list-style-type: none"> <li>2-3 storey existing context</li> <li>4-5m predominant front setback</li> <li>Average rear setback ranges from 4-10m</li> <li>Average side setback ranges from 1-4m</li> <li>Mix of contemporary and earlier dwelling houses.</li> <li>Mix of dwellings with pitched and flat roof character</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>		
<b>Achieved Yield: 220m<sup>2</sup> FSR of 0.57:1</b>		



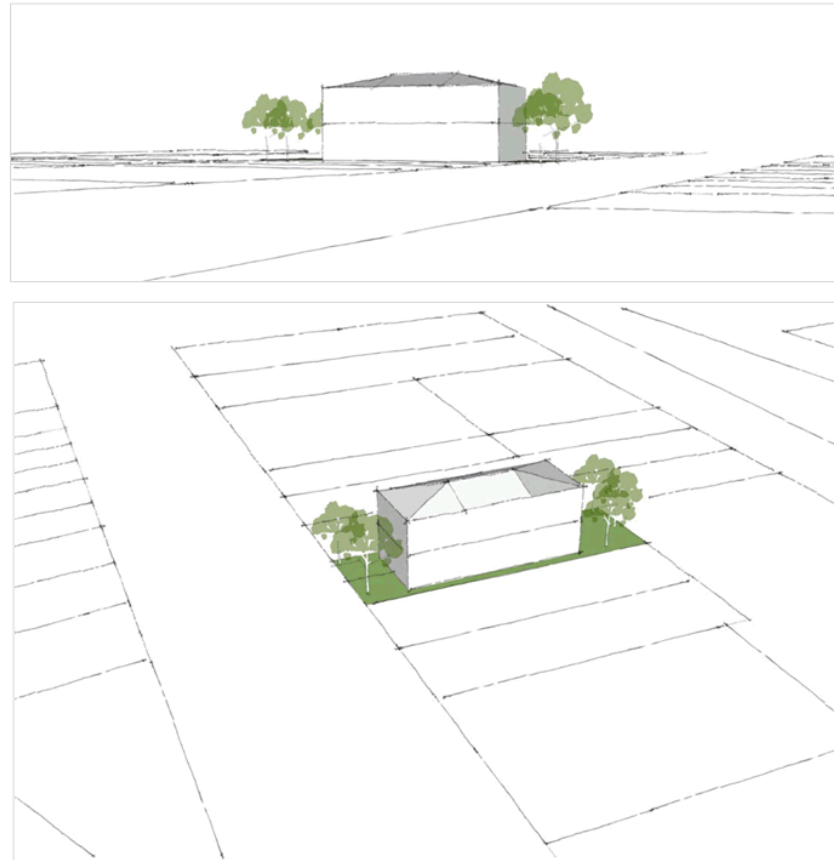
Category 2: Size area: 300 <350 m <sup>2</sup>		
Site conditions: Area 344m <sup>2</sup> , width 11.1m, depth 30m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	
	E Height – 9.5m	✓
	P FSR Control 0.7:1 or max yield = 210m <sup>2</sup>	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (4m)
	E Side setback = 1.3m	✓
	P Rear setback 25% = 7.5m	✓ (10.5m)
	E Wall height & inclined plane	✓
	E On-site parking	✓
	P Deep soil landscaped area (30% or 103.2m <sup>2</sup> )	✓ (55%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Two storey dwelling house</li> <li>Front setback consistent with predominant front setback</li> <li>Parking for two cars proposed in building envelope</li> </ul>		
<b>Assessment:</b> <ul style="list-style-type: none"> <li>2-3 storey existing context</li> <li>4-5m predominant front setback</li> <li>Average rear setback ranges from 4-10m</li> <li>Average side setback ranges from 1-4m</li> <li>Mix of contemporary and earlier dwelling houses</li> <li>Mix of dwellings with pitched and flat roof character</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>		
<b>Achieved Yield: 210m<sup>2</sup> FSR of 0.61:1</b>		



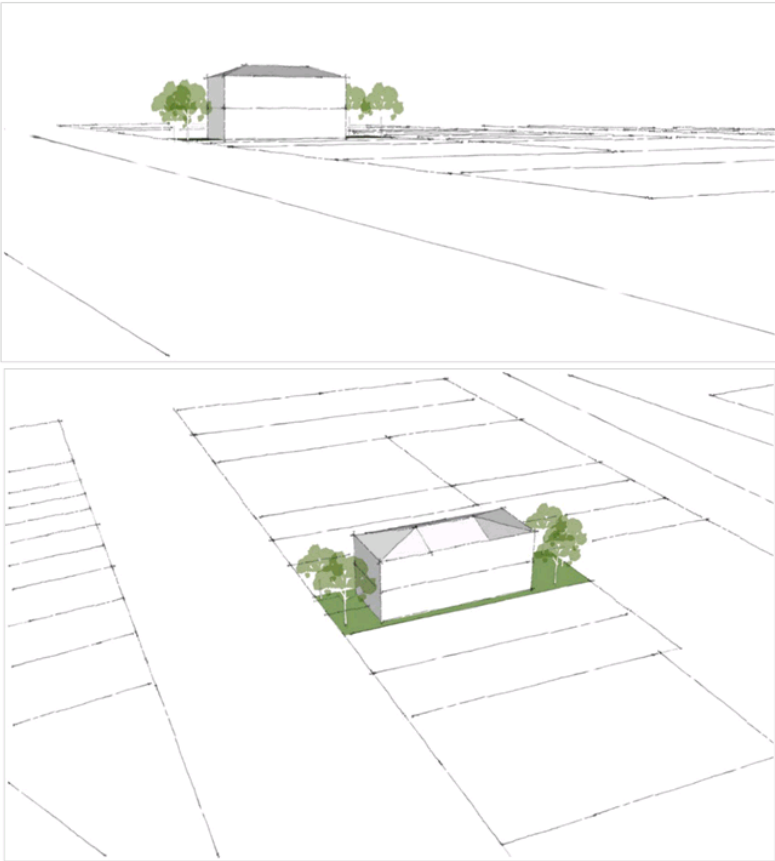
Category 3: Size area: 250 <300 m <sup>2</sup>		
Site conditions: Area 287m <sup>2</sup> , width 10.8m, depth 28m		
Key Controls (E = existing & P = Proposed)	<b>Woollahra LEP 2014</b>	<b>Complies</b>
	E Height – 9.5m	✓
	P FSR Control 0.8:1 or max yield = 200m <sup>2</sup>	✓
	<b>Woollahra DCP 2015</b>	
	E Front Setback	✓ (6m)
	E Side setback = 1.1m	✓
	P Rear setback 25% = 7m	✓
	E Wall height & inclined plane	✓
	E On-site parking	✓
	P Deep soil landscaped area (25% or 71.75m <sup>2</sup> )	✓ (50%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Two storey dwelling house</li> <li>Front setback consistent with predominant front setback</li> <li>Parking for one car proposed in building envelope</li> </ul>		
<b>Assessment:</b> <ul style="list-style-type: none"> <li>2-3 storey existing context</li> <li>5-8m predominant front setback</li> <li>Average rear setback ranges from 7-15m</li> <li>Average side setback ranges from 1-3m</li> <li>Immediate context consists of dwelling houses with pitched roof</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>		
<b>Achieved Yield: 200m<sup>2</sup> FSR of 0.69:1</b>		



Category 4: Size area: 200 <250 m <sup>2</sup>		
Site conditions: Area 222m <sup>2</sup> , width 8.4m, depth 26m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 0.9:1 or max yield = 190m <sup>2</sup>	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (4m)
	E Side setback = 0.9m	✓
	P Rear setback 25% = 6.5m	✓
	E Wall height & inclined plane	✓
	E On-site parking	-
	P Deep soil landscaped area (20% or 44.4m <sup>2</sup> )	✓ (46%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Two storey dwelling house</li> <li>Front setback consistent with predominant front setback</li> <li>On-street parking (no parking on-site)</li> </ul>		
<b>Assessment:</b> <ul style="list-style-type: none"> <li>1-2 storey existing context</li> <li>2-6m predominant front setback</li> <li>Average rear setback ranges from 2-7m</li> <li>Average side setback ranges from 0-2m</li> <li>Mix of dwelling houses, attached dwellings and semi-detached dwellings</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>		
<b>Achieved Yield: 189m<sup>2</sup> FSR of 0.85:1</b>		

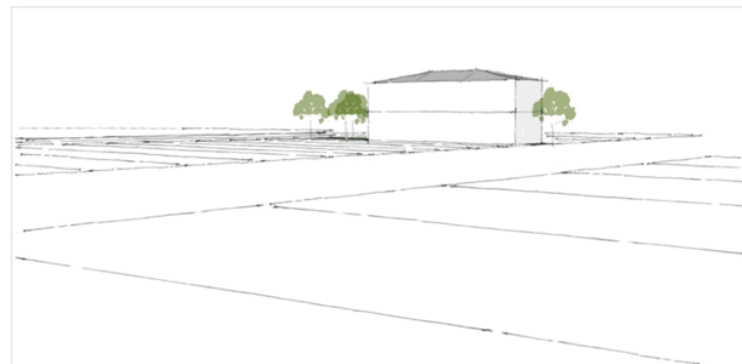
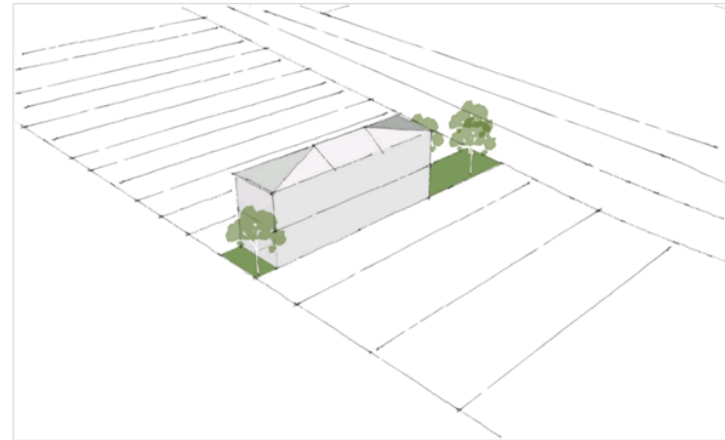


Category 5: Size area: 150 <200 m <sup>2</sup>		
Site conditions: Area 172m <sup>2</sup> , width 7.6m, depth 22m		
Key Controls (E = existing & P = Proposed)	<b>Woollahra LEP 2014</b>	<b>Complies</b>
	E Height – 9.5m	✓
	P FSR Control 1.1:1 or max yield = 180m <sup>2</sup>	✓
	<b>Woollahra DCP 2015</b>	
	E Front Setback	✓ (4m)
	E Side setback = 0.9m	✓
	P Rear setback 25% = 5.5m	✓
	E Wall height & inclined plane	✓
	E On-site parking	-
	P Deep soil landscaped area (15% or 25.8m <sup>2</sup> )	✓ (46%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Two storey dwelling house</li> <li>Front setback consistent with predominant front setback</li> <li>On-street parking (no parking on-site)</li> </ul>		
<b>Assessment:</b> <ul style="list-style-type: none"> <li>2-3 storey existing context</li> <li>2-6m predominant front setback</li> <li>Average rear setback ranges from 2-7m</li> <li>Average side setback ranges from 0-2m</li> <li>Context consists of a mix of dwelling houses with pitched roof and contemporary residential flat buildings with flat roofs.</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>		
<b>Achieved Yield: 135m<sup>2</sup> FSR of 0.78:1</b>		





Category 6: Size area: Under 150 m <sup>2</sup>		
Site conditions: Area 146m <sup>2</sup> , width 4.7m, depth 30m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	
	E	Height – 9.5m
	P	FSR Control 1.1:1 or max yield = 150m <sup>2</sup>
	Woollahra DCP 2015	
	E	Front Setback
	E	Side setback = Nil
	P	Rear setback 25% = 7.5m
	E	Wall height & inclined plane
	E	On-site parking
	P	Deep soil landscaped area (10% or 14.6m <sup>2</sup> )
Complies		
		✓
		✓
		✓ (2m)
		-
		✓ (10.7m)
		✓
		-
		✓ (35%)
<b>Calculations based on:</b> <ul style="list-style-type: none"> <li>Land use type: Attached dwelling</li> <li>Front setback consistent with predominant front setback</li> <li>Average setback to rear laneway 5-10m</li> <li>On-street parking (no parking on-site)</li> </ul>		
<b>Assessment:</b> <ul style="list-style-type: none"> <li>1-2 storey existing context</li> <li>2-3m predominant front setback</li> <li>Nil side setback</li> <li>10.7m rear setback</li> <li>Context consists of a mix of attached dwellings, semi-detached dwellings and dwelling houses with minimal side setbacks. Pitched roof character.</li> <li>Proposed built form is consistent with existing and desired future character</li> </ul>		
<b>Achieved Yield: 150m<sup>2</sup> FSR of 1.02:1</b>		



## 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 relate to a canal estate.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not contain a 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.
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.
SEPP (Activation Precincts) 2020	Not applicable.

State environmental planning policy	Comment on consistency
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
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) 2019	Not applicable.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Major Infrastructure Corridors) 2020	Not applicable.
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 Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
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 Municipality 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 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

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>



## Schedule 2 – Compliance with section 9.1 directions

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
1.2- 1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	The planning proposal will not reduce provision in Woollahra LEP 2014 for the protection of environmentally sensitive areas in the Woollahra Municipality or affect the application SREPs for the Sydney Harbour Catchment Area. The planning proposal is broadly consistent with the direction
2.2	Coastal management	The planning proposal is consistent with the objects of the <i>Coastal Management Act 2016</i> , and does not rezone land which would enable increased development or more intensive land-use on land.
2.3	Heritage conservation	The planning proposal will not reduce provision in Woollahra LEP 2014 for heritage conservation in the Woollahra Municipality or the Sydney Harbour Catchment 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.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
2.6	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the objective of this direction.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	<p>Applicable. Consistent. The planning proposal seeks to ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of our residential areas.</p> <p>The planning proposal will not impact on the type and scale of residential development in the residential zones, and does not contain provisions which will reduce the permissible residential density of land.</p>
3.2	Caravan parks and manufactured home estates	Not applicable.
3.3	Home occupations	Not applicable. The planning proposal does not affect existing provisions relating to home occupations in dwelling houses.
3.4	Integrating land use and transport	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of:</p> <ul style="list-style-type: none"> <li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li> <li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li> </ul>
3.5	Development near regulated airports and defence airfields	Applicable. Consistent. 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	Not applicable. The planning proposal does not apply to land in the Byron Shire Council.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable and consistent. 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.
4.3	Flood prone land	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.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
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 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 6.2 of this report and direction 7.1 of this table.
5.11	Development of Aboriginal Land Council land	Not applicable. This direction does not apply to land within the Woollahra LGA.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	The planning proposal seeks to translate the existing residential floorplate DCP provisions into a FSR control. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
6.2	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.
6.3	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls or relate to a particular development. The planning proposal is consistent with the direction.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	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 and 40 (see section 6.2).
7.2-7.10	Strategies 7.2-7.10	Not applicable. These strategies do not apply to the Woollahra LGA.

**Annotations:**

Insertions - identified in blue and underlined

~~Deletions - identified in red and scored through~~

Notes in the right hand margin identify whether the proposed amendments arose from:

- Recommending an FSR control for Low Density Residential development in the Woollahra LEP 2014, and the subsequent deletion of the floorplate control from the Woollahra DCP 2015
- Comments from the Woollahra Local Planning Panel (Woollahra LPP) (4 February 2019)
- Comments from Council's legal team
- Comments from practitioners
- Supplementary comments from Council's development assessment officers or
- Administrative changes.

Further changes requested by the Woollahra LPP on 27 June 2019 - identified in yellow

Further changes in response to Woollahra: Greening our LGA June 2020 and presented to a Cllr Briefing on 19 August 2020 - identified in orange

## Chapter B3 General Development Controls

### Part B ► General Residential

~~CHAPTER B3 APPROVED ON 10 APRIL 2017~~

~~AND COMMENCED ON 19 APRIL 2017~~

**DRAFT - 1 SEPTEMBER 2020**



## Chapter B3 ► General Development Controls

### Contents

<b>B3.1 INTRODUCTION .....</b>	<b>1</b>
B3.1.1 Land where this chapter applies .....	1
B3.1.2 Development to which this chapter applies .....	2
B3.1.3 Design Excellence .....	3
B3.1.4 Relationship to other parts of the DCP .....	3
B3.1.5 How to use this chapter .....	4
<b>B3.2 BUILDING ENVELOPE .....</b>	<b>5</b>
B3.2.1 Where the building envelope controls apply .....	5
B3.2.2 Front setback .....	7
B3.2.3 Side setbacks .....	10
B3.2.4 Rear setback .....	13
B3.2.5 Wall height and inclined plane .....	17
<b>B3.3 FLOORPLATE .....</b>	<b>19</b>
<b>B3.3 EXCAVATION .....</b>	<b>24</b>
<b>B3.4 BUILT FORM AND CONTEXT .....</b>	<b>29</b>
B3.4.1 Streetscape and local character .....	29
B3.4.2 Overshadowing .....	30
B3.4.3 Public and private views .....	32
B3.4.4 Acoustic and visual privacy .....	36
B3.4.5 Internal amenity .....	41
<b>B3.5 ON-SITE PARKING .....</b>	<b>43</b>
<b>B3.6 EXTERNAL AREAS .....</b>	<b>48</b>
B3.6.1 Landscaped areas and private open space .....	48
B3.6.2 Fences .....	58
B3.6.3 Site facilities .....	63
B3.6.4 Ancillary development - swimming pools, tennis courts and outbuildings .....	65
<b>B3.7 ADDITIONAL CONTROLS FOR DEVELOPMENT OTHER THAN DWELLING HOUSES .....</b>	<b>68</b>
B3.7.1 Minimum lot width .....	69
B3.7.2 Secondary dwellings .....	70
B3.7.3 Semi-detached dwellings .....	71
B3.7.4 Dual occupancy .....	74
B3.7.5 Attached dwellings .....	75
B3.7.6 Residential flat buildings and multi dwelling housing .....	76
B3.7.7 Inter-War flat buildings .....	78
B3.7.8 Post-1950s residential towers .....	87
B3.7.9 Non-residential development .....	88
<b>B3.8 ADDITIONAL CONTROLS FOR DEVELOPMENT ON A BATTLE-AXE LOT .....</b>	<b>90</b>
<b>B3.9 ADDITIONAL CONTROLS FOR DEVELOPMENT IN SENSITIVE LOCATIONS .....</b>	<b>95</b>
B3.9.1 Development on land adjoining public open space .....	95
B3.9.2 Harbour foreshore development .....	97

### B3.1.3 Design Excellence

Woollahra Council has a strong commitment to design excellence. Design excellence may be achieved by development that meets the following criteria, as well as all other relevant objectives and controls in this chapter.

1. Development contributes positively to the desired future character of the relevant residential precinct described in section B1 of this DCP.
2. Development respects the natural, built and cultural significance of the site and its location.
3. Development conserves and protects **established canopy** trees and plantings of landscape value and deep soil landscaping and, where possible, enhances **tree canopy**, plantings and deep soil landscaping.
4. Development responds to the topography.
5. Development contributes positively to the streetscape.
6. Development provides high levels of amenity for both the private and public domain.
8. Development incorporates the principles of ecologically sustainable development, such as:
  - minimising energy consumption,
  - reducing potable water use,
  - using energy and water efficient appliances,
  - using environmentally friendly products, and
  - enhancing indoor environmental quality.

9. Development must be of a skilful design that provides high levels of public benefit including the protection of the amenity of neighbouring properties, enhancing the public domain and integrating with the scenic character of Sydney Harbour. Proposals must demonstrate how the design of the development is the best option for achieving these outcomes.

**Commented [DCP1]:** In response to Woollahra: Greening our LGA

**Commented [DCP2]:** Proposed new criteria addressing "a more skilful design" in response to feedback from the Woollahra DCP Review working party & submission from Bruce Stafford.

### B3.1.4 Relationship to other parts of the DCP

This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- Part B: Chapter B1 Residential Precincts OR Chapter B2 Neighbourhood HCAs, depending on the location of the proposed development.
- Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.
- Part F: Land Use Specific Controls - this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

B3 | General Development Controls

Part B | General Residential

### B3.1.5 How to use this chapter

This chapter establishes controls for the following topics:

- ▶ building envelopes;
- ▶ floorplate;
- ▶ excavation;
- ▶ built form and context;
- ▶ on-site parking;
- ▶ external areas;
- ▶ additional controls for development other than a dwelling house;
- ▶ additional controls for development on a battle-axe lot; and
- ▶ additional controls for development in sensitive locations (for example harbour foreshore development and land adjoining public open space).

The controls in this chapter comprise the following elements:

▶ **Explanation of the topic:**

This provides background information on why the topic is important, how it is relevant to building design, and how the controls should be applied.

▶ **Table of objectives and controls:**

The objectives describe the outcomes that proposed development is required to achieve. Applicants need to demonstrate how their development fulfils the relevant objectives for each topic. The controls represent specific ways in which a development proposal can meet the objectives. The intent of the controls must be interpreted in the context of the topic's objectives.

Development is required to address all the relevant controls. Where there is a disparity between these general controls and the precinct specific controls in Chapters B1 and B2, those specific controls take precedence over the general controls.

Note: Where there is an inconsistency between these general controls and the precinct specific controls in Chapter B2, those specific controls in Chapter B2 take precedence over the general controls.

**Commented [DCP3]:** Floorplate control replaced by proposed FSR control in Woollahra LEP 2014

**Commented [DCP4]:** Proposed administrative correction: There are no controls in B1 (desired future character statements) only objectives

**Commented [DCP5]:** Administrative change. Amended wording to reflect correction above.

▶ B3 pg.4

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

## B3.2 Building envelope

### B3.2.1 Where the building envelope controls apply

The building envelope is a three dimensional space within which a building is to be located. The maximum floor space permitted within the building envelope is determined by the floor space ratio (FSR) in Woollahra LEP 2014. All development must comply with the applicable FSR control.

Development in the R2 Low Density Residential Zone and development for dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone

The building envelope (as shown in Figure 1) is established by applying the following controls:

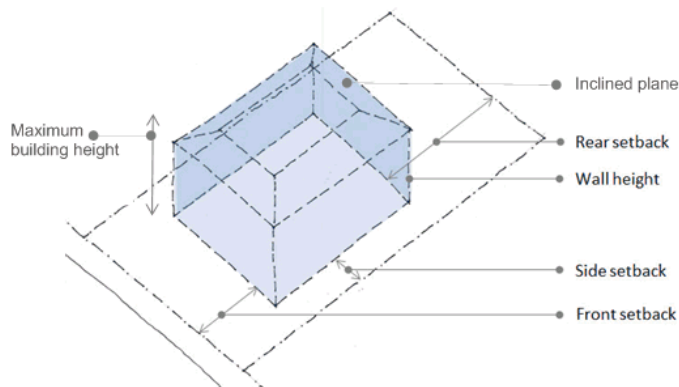
- front, side and rear setbacks;
- maximum wall height of 7.2m;
- inclined plane of 45° taken from the maximum wall height; and
- maximum building height set by Woollahra LEP 2014

~~The building is to be contained within the building envelope, but is to occupy only a percentage of the building envelope (as determined by the floorplate controls in Section B3.3 Floorplate).~~

All elements of the building (including decks, balconies, entry porches, verandahs, porte-cocheres, undercrofts and the like) are to be contained within the building envelope. There is an allowance for eaves outside the building envelope as long as the protrusion is below the inclined plane (where one applies).

Note: Additional controls apply to development on a battle-axe lot (refer Section B3.9).

**FIGURE 1** Building envelope



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► B3 pg.5

**Commented [DCP6]:** Floorplate control replaced by proposed FSR control.

Amend introduction to clarify that all residential development is to comply with the applicable FSR control in Woollahra LEP 2014.

**Commented [DCP7]:** Floorplate control replaced by proposed FSR control in Woollahra LEP 2014

B3 | General Development Controls

► Part B | General Residential

**Development for dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone**

In the R3 Medium Density Residential Zone, an FSR control does not apply to dwelling houses, semi-detached dwellings and dual occupancies in Woollahra LEP 2014 (clause 4.4(2A)). The development potential for these uses is determined by the same building envelope that applies to the development in the R2 Low Density Residential Zone (see above).

**All other Development in the R3 Medium Density Residential Zone**

In the R3 Medium Density Residential Zone, an FSR control applies to all development except dwelling houses, semi-detached dwellings and dual occupancies.

Where an FSR control applies, in the R3 Medium Density Residential Zone (for development other than dwelling houses, semi-detached and dual occupancies) the building envelope is established by applying the following controls:

- front, side and rear setbacks;
- maximum building height set by Woollahra LEP 2014.

The wall height and inclined plane and floorplate controls do not apply.

The development, such as a residential flat building, is to be contained within the building envelope. However, the proposed building may only occupy a portion of the building envelope as determined by the maximum FSR control in the LEP.

**Commented [DCP8]:** Amend introduction to clarify that the proposed FSR control will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

**Commented [DCP9]:** Amend introduction to clarify that the proposed FSR will apply to all forms of residential development (including dwelling houses, semi-detached dwellings and dual occupancies).

**Commented [DCP10]:** Floorplate control replaced by proposed FSR control in the Woollahra LEP 2014.

**Commented [DCP11]:** Amend introduction to clarify that the proposed FSR will apply to all forms of residential development - see new information above included in the introduction.

► B3 pg.6

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B3 | General Development Controls

▶ Part B | General Residential

### B3.2.3 Side setbacks

The side setback control seeks to ensure that the distance of a building from its side boundaries protects the amenity of both the neighbours and the proposed development.

The minimum side setback requirement varies according to the lot width and building type.

B3.2 Building envelope ▶ 3.2.3 Side setbacks		
Objectives	Controls	
O1 To avoid an unreasonable sense of enclosure and to facilitate an appropriate separation between buildings.	C1	The minimum side setback for dwelling houses, semi-detached dwellings and dual occupancies is determined by the table in Figure 5A
O2 To ensure the side elevation of buildings are well articulated.	C2	The minimum side setback for residential flat buildings, attached dwellings and multi-dwelling housing is determined by the table in Figure 5B
O3 To protect the acoustic and visual privacy of residents on adjoining neighbouring properties.	C3	The minimum side setback for any other land use not addressed in controls C1 to C2 above is determined by the table in Figure 5B
O4 To facilitate solar access to habitable windows of adjoining neighbouring properties.		Note: The side setback is the horizontal distance between the side property boundary and the building envelope, measured at 90° from the boundary at the front setback, as shown in Figure 4
O5 To facilitate views between buildings.		Note: For controls C2 and C3 setbacks include any basement piling or similar structured forms
O6 To provide opportunities for screen planting.	C4	The building has a maximum unarticulated wall length of 12m to the side elevation.
O7 To allow external access between the front and rear of the site.		Note: A reduced side setback may be considered where zero or significantly reduced setbacks are characteristic of the immediate streetscape. These streets may be specifically identified in Chapter B1 Residential Precincts or Chapter B2 Neighbourhood HCAs.

Commented [DCP12]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP13]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.10

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

### B3.2.4 Rear setback

The rear setback control seeks to ensure that the distance of a building from its rear boundary provides amenity to both the neighbouring sites and the proposed development. The building (including decks, balconies, entry porches, verandahs, porte-cocheres, undercrofts and the like) must not be located within the rear setback.

In particular, the rear setback provides useable land for private open space and landscaping, which significantly contributes to amenity for the occupants.

The rear setback is the horizontal distance between the building envelope and the rear property boundary. measured parallel to the side boundaries (refer to Figure 6). The rear setback is a consequence of the front setback, site depth and building depth.

**Commented [DCP14]:** Proposed amendment in response to feedback from development assessment staff.

Insert clarification to identify how the rear setback is measured.

**Commented [DCP15]:** Proposed amendment in response to feedback from development assessment staff (see above).

#### B3.2 Building envelope ► 3.2.4 Rear setback

Objectives	Controls
O1 To provide private open space and landscaped areas at the rear of buildings.	C1 <u>The minimum rear setback control is 25% of the average of the two side boundary dimensions, measured perpendicular to the rear boundary (see Figure 6). The building must not encroach on the minimum rear setback.</u>
O2 To provide acoustic and visual privacy to adjoining and adjacent buildings.	
O3 To avoid an unreasonable sense of enclosure.	<u>The rear setback is a consequence of the site depth, front setback and building depth as set out in the formula at Figure 6.</u>
O4 To provide separation between buildings to facilitate solar access to private open space.	
O5 To protect vegetation of landscape value and provide for landscaped area and deep soil planting.	<del>C2 The building depth is determined by the sliding scale in Figure 7 and applies to:</del>
O6 To contribute to a consolidated open space network with adjoining neighbouring properties to improve natural drainage and support local habitat.	<del>a) development in the R2-Low Density Residential Zone; and</del> <del>b) a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone.</del> <del>C3 For development in the R3-Medium Density Residential Zone where an FSR applies, the building depth is 60 % of the site depth.</del> <del>C4 Notwithstanding C1 above, the minimum rear setback is 3m.</del> <del>C2 If 'end to end' amalgamation occurs, the building envelope will be determined as if</del>

**Commented [DCP17]:** Proposed amendment in response to the proposed FSR control, and feedback from development assessment staff.

The existing rear setback control is based on a site depth sliding scale. Proposal includes a simplified rear setback which is 25% of the site depth.

**Commented [DCP16]:** Requested by the Woollahra LPP on 27 June 2019

**Commented [DCP18]:** As a consequence of simplifying the rear setback control (see above) the building depth control is no longer required.

**Commented [DCP19]:** Administrative amendment to reflect deleted controls.

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► B3 pg.13

B3 | General Development Controls

Part B | General Residential

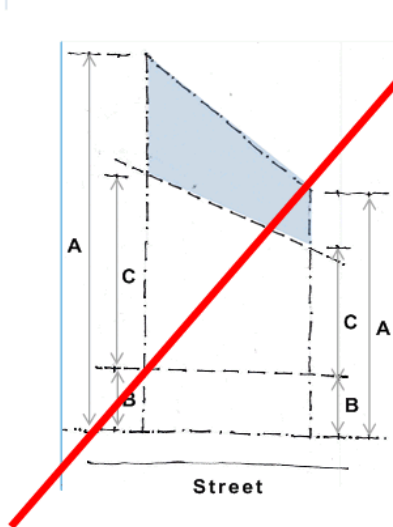
B3.2 Building envelope 3.2.4 Rear setback

Objectives

Controls

they were separate lots (refer to Figure 8  
7).

Commented [DCP20]: Administrative change to reflect amended Figure numbers.



**FIGURE 6**  
Formula for determining the rear setback  
Rear setback =  $A - C - B$   
A = Site depth  
B = Front setback  
C = Building depth (A x % for A on the  
building depth sliding scale)

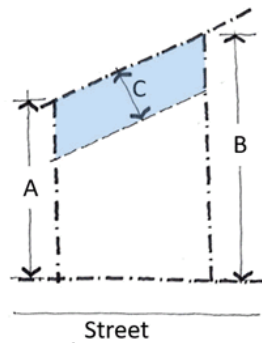
Commented [DCP21]: As a consequence of simplifying the rear setback control (see above), Figure is no longer applicable.

B3 pg.14

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls



**FIGURE 6**

Formula for determining the rear setback

A = Side boundary 1

B = Side boundary 2

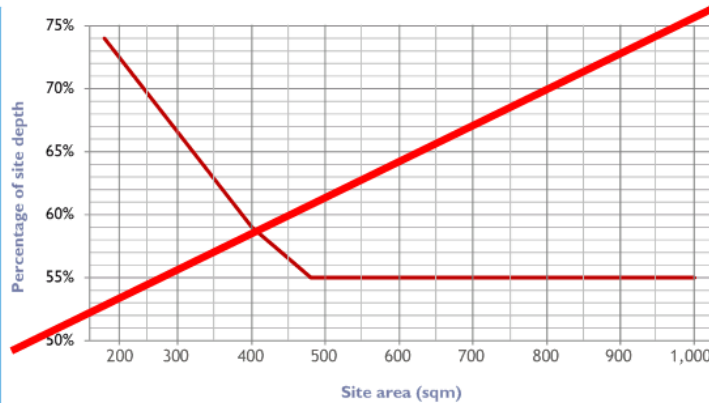
C = Rear setback

$$C = (A + B) / 2 \times 25\%$$

Commented [DCP22]: New Figure inserted to represent the simplified rear setback control.

**FIGURE 7**

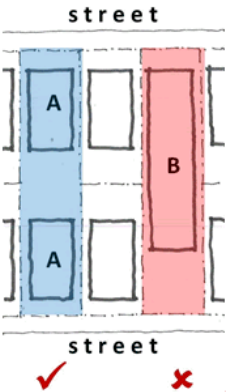
Building depth sliding scale



Commented [DCP23]: As a consequence of simplifying the rear setback control (see above), Figure no longer applicable.

Draft August 2020  
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► B3 pg.15



**FIGURE 8** <sup>7</sup>  
Setbacks for end to end amalgamation

When lots are amalgamated end to end, as illustrated in A and B, the rear setback requirement remains as if it were two lots, as illustrated in A. Not as illustrated in B.

Commented [DCP24]: Administrative change



► Part B | General Residential

B3 | General Development Controls

### B3.2.5 Wall height and inclined plane

The wall height control only applies to:

- development on land in the R2 Low Density Residential Zone; and
- dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone.

A wall height of 7.2m (accommodating two storeys) and an inclined plane of 45° applies to the front, side and rear elevations. These controls respond to the typical pitched roof house form, but also potentially accommodate three storey flat roof housing forms with a reduced top storey.

B3.2 Building envelope ► 3.2.5 Wall height and inclined plane	
Objectives	Controls
O1 To limit the bulk, scale and visual impact of buildings as viewed from the street and from adjoining neighbouring properties.	C1 On land zoned R2 Low Density Residential and for a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone:
O2 To limit overshadowing of adjoining neighbouring properties across side boundaries.	a) the wall height is 7.2m above existing ground level; and
O3 To limit overshadowing to south facing rear yards.	b) an inclined plane is taken from a point 7.2m above existing ground level at each of the setbacks (the inclined plane is at 45 degrees from horizontal); and
O4 To provide acoustic and visual privacy to adjoining and adjacent buildings.	c) roof eaves may protrude into the setback if below the inclined plane.
O5 To facilitate views between buildings.	(Refer to Figure 8.)
	C2 A variation to the wall height of 7.2m may be considered where the slope of the site within the building envelope is greater than 15 degrees.  The variation will only be considered to walls located nearest to the downslope section of the building envelope, i.e. the section with the lowest existing ground level.

Commented [DCP25]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP26]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP27]: Administrative change

► Part B | General Residential

B3 | General Development Controls

### B3-3 Floorplate

The floorplate control only applies to:

- development on land in the R2 Low Density Residential Zone; and
- dwelling houses, semi-detached dwellings and dual occupancies in the R3 Medium Density Residential zone.

**Note:** The floorplate controls do not apply to land or development types where an FSR applies, such as residential flat buildings, multi dwelling housing, or attached dwellings on land zoned R3 Medium Density Residential.

#### Floorplate determines amount of development

The development potential for a site is determined by the total floorplate. This is calculated as a percentage of the buildable area.

The **buildable area** is the area of the site that is identified once the front, rear and side setbacks have been established (refer to Figure 10).

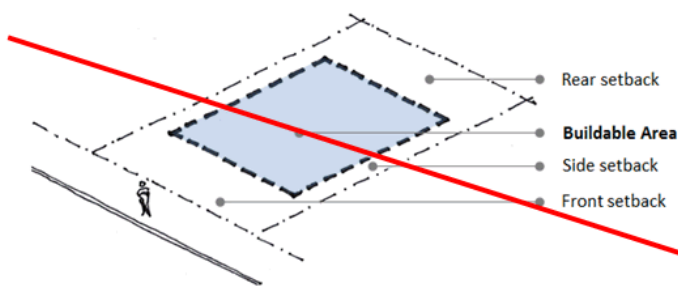
The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate.

For example if the buildable area is 150m<sup>2</sup> the maximum floorplate yield is:  
150m<sup>2</sup> x 1.65 = 247.5m<sup>2</sup>

The floorplate is measured at each level. A level is defined as the space between a floor and a level above. If any part of a level is above 1m above exist ground level that area of the level is counted as floorplate (refer to Figures 11 and 12).

The total floorplate may be distributed over multiple levels, but must be wholly contained within the building envelope.

**FIGURE 10** Buildable area



**Commented [DCP28]:** Floorplate control in Woollahra DCP 2015 replaced by proposed FSR control in Woollahra LEP 2014.

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.19

B3 | General Development Controls

▶ Part B | General Residential

#### Measuring floorplate

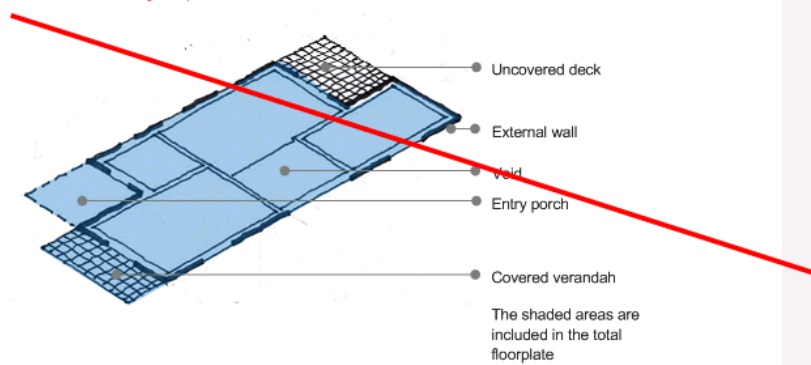
Floorplates are measured to include:

- ▶ the area within the external face of the external walls measured at each level, and
- ▶ the external floorplate which includes covered decks, covered balconies, entry porches, verandahs, porte-cocheres, under crofts and the like (refer to Figures 11 and 12),

but excludes:

- ▶ uncovered external areas, such as terraces, decks and balconies, and
- ▶ levels below 1m above existing ground level (refer Figure 12)
- ▶ eaves.

FIGURE 11 Measuring floorplate (aerial view)



▶ B3 pg.20

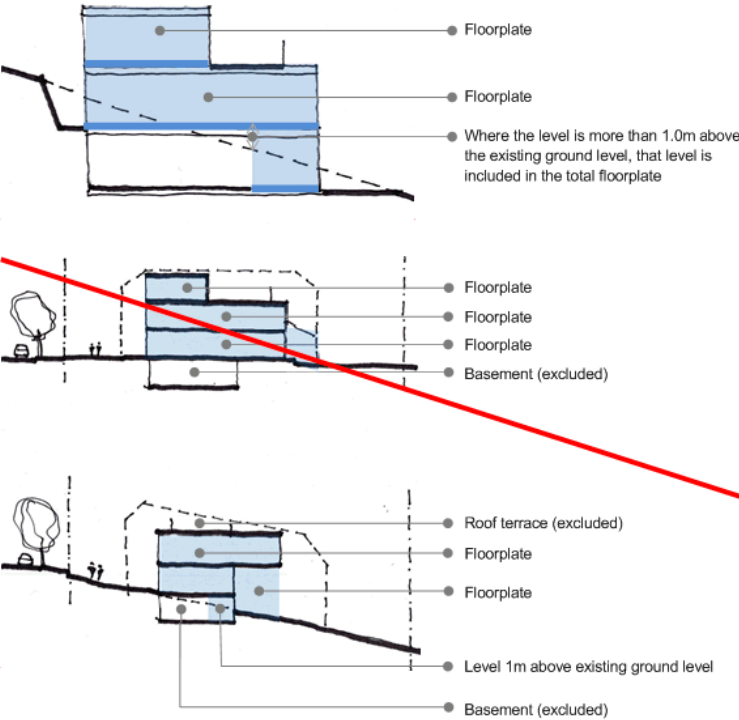
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Woollahra Development Control Plan 2015

Part B | General Residential

B3 | General Development Controls

**FIGURE 12** Measuring floorplate (section-view)

The following examples illustrate elements of the built form that are included in the calculation of the floorplate:



Draft August 2020  
Woollahra Development Control Plan 2015

B3 pg.21

B3 | General Development Controls

► Part B | General Residential

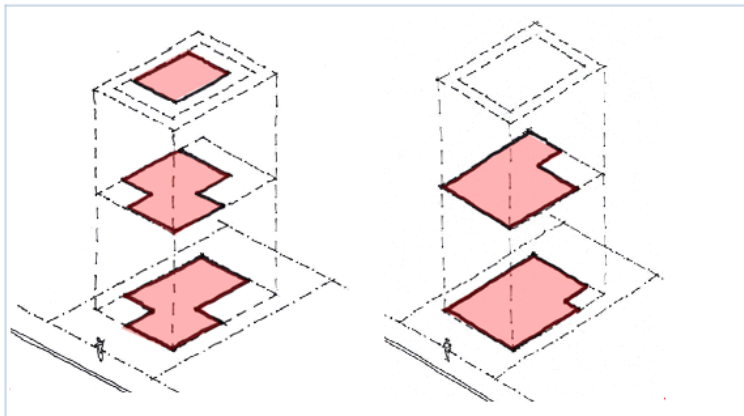
#### Applying the floorplate to development

Dwelling houses, dual occupancies, semi-detached and attached dwellings may have one, two or three storeys, depending on the proposed building design and the desired future character of the area.

The proposed development must be located within the building envelope.

The area of the floorplates is calculated at each level of the building. The total area of all floorplates must not be more than 165% of the buildable area.

**FIGURE 13** The same floorplate distributed differently within the same building envelope



#### B3.3 Floorplates

Objectives	Controls
O1—To ensure the bulk and scale of buildings are consistent with the desired future character of the area.	C1—The total floorplate of a development does not exceed 165% of the buildable area.
O2—To ensure the size and location of buildings allow for the sharing of views and minimise impact on the privacy and sunlight access to neighbouring properties.	C2—New floorplate is to be wholly within the building envelope (refer to C6 for exceptions).
	C3—The floorplates at each level are distributed to: <ul style="list-style-type: none"> <li>a) respond to the predominant character of the immediate streetscape;</li> <li>b) retain public views; and</li> <li>c) provide for view sharing of private views.</li> </ul>

► B3 pg.22

Draft August 2019  
Woollahra Development Control Plan 2015



► Part B | General Residential

B3 | General Development Controls

B3.3 Floorplates	
Objectives	Controls
	<del>C4 — The built form complies with solar access and privacy controls in Section 3.5.2 Overshadowing and Section 3.5.4 Acoustic and visual privacy.</del>
<del>O3 — To encourage the design and location of car parking within the building envelope.</del>	<del>C5 — Where car parking is provided within the building envelope, the garage area (up to 40m<sup>2</sup>) is added to the permitted total floorplate.</del>
<del>O4 — To allow, in certain circumstances, development outside the building envelope.</del>	<del>C6 Notwithstanding C2, the following buildings are permitted outside the building envelope:</del>
<del>O5 — To allow development to respond to the topography and context.</del>	<del>a) an outbuilding; parking structures but only where;</del>
	<del>— there is rear lane access; or</del>
	<del>— the site is located on sloping land and garaging forward of the building line is a reasonable response to the topography (as set out in Section B3.5 On-site parking, control C6)</del>
	<del>the existing streetscape in the immediate vicinity of the site is characterised by parking structures forward of the building line (as set out in Section B3.5 On-site parking, control C9 and C10).</del>
	<del>These buildings are only permitted when:</del>
	<del>b) minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.6.1 Landscaped areas and private open space; and</del>
	<del>c) solar access and privacy requirements within the site, and to the adjoining properties, are met as set out in Section 3.4.2 Overshadowing and Section 3.4.4 Acoustic and visual privacy.</del>

Objectives and controls moved and consolidated into section B3.5 On-site parking

**Commented [DCP29]:** The floorplate controls have been deleted, with the exception of this part which relates to development outside the building envelope.

Administrative change: As these control all relate to parking structures, controls, these have been moved and consolidated into section B3.5 On-site parking.

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.23

B3 | General Development Controls

Part B | General Residential

### B3.3 Excavation

Excavation is an accepted part of development in the Woollahra Municipality where the topography varies. Excavation allows buildings on the sloping sites to be designed to step down and sit into the hillside, and it also enables cars and storage to be accommodated on site in an unobtrusive manner.

However, there are significant environmental impacts associated with extensive excavation, as well as external impacts, such as amenity impacts to adjoining neighbouring properties during the excavation process.

Council has determined that the volume excavated from a given site should be limited to that which might reasonably be required for car parking and domestic storage requirements, and to allow the building to respond to the site topography in an appropriate manner.

Commented [DCP30]: Requested by the Woollahra LPP on 27 June 2019

B3.3 Excavation	
Objectives	Controls
O1 To allow buildings to be designed and sited to relate to the topography, <u>and ensure that the bulk and scale of the built form is consistent with the desired future character of the area.</u>	C1 For a dwelling house, dual occupancy or semi-detached dwelling (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 9A.
O2 To minimise excavation <u>and facilitate only car parking and storage below the existing ground level.</u>	C2 For a residential flat building, multi dwelling housing, or attached dwelling development (including attached and detached garaging)—the maximum volume of excavation permitted is no greater than the volume shown in Figure 9B.
<u>O3 To avoid the removal of natural features and vegetation of landscape value.</u>	
O4 To ensure the cumulative impacts of excavation do not adversely impact land stabilisation, ground water flows and vegetation.	C3 For any other use (including attached and detached garaging) not addressed in C1 and C2 above—the maximum volume of excavation permitted is no greater than the volume shown in Figure 9B.
O5 To minimise structural risks to adjoining structures.	
O6 To minimise noise, vibration, dust and other amenity impacts to adjoining and adjacent properties.	C4 A variation to the volume shown in Figures 9A and 9B will be considered, however the maximum volume of excavation permitted will only be the amount needed to accommodate: <ul style="list-style-type: none"> <li>a) car parking to comply with the maximum rates in Part E1 of this DCP and any reasonable access thereto, if the maximum car parking rates are required by the Council; and</li> <li>b) storage at a rate of 20m<sup>3</sup> (cubic metres) per dwelling if for a dwelling house,</li> </ul>

Commented [DCP31]: In response to comments from the Woollahra LPP:  
 •Amend objectives to address bulk and scale of development and its consistency with the desired future character of the area.  
 •Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.  
 •Insert objective addressing the retention of natural and landscape features.

B3 pg.24

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

B3.3 Excavation	
Objectives	Controls
	<p>dual occupancy, semi-detached dwelling or attached housing; or</p> <p>c) storage at a rate of 8m<sup>3</sup> (cubic metres) per dwelling if for a residential flat building or multi dwelling housing development.</p> <p>C5 The volume controls in C1 and C2 above do not apply to backyard swimming pools and tennis courts located outside the building envelope. Note: Separate controls apply which limit excavation, refer to Section 3.6.4 Ancillary development - swimming pools, tennis courts and outbuildings).</p> <p><u>C6 Excavation retains natural features and vegetation of landscape value.</u></p> <p>C7 Basement walls are no closer to the boundary than permitted by the setback controls (refer to Figure 10).</p> <p>C8 Notwithstanding C7, basement walls for residential flat buildings, multi dwellings housing and attached dwellings are no closer to the boundary than 1.5m (see Figure 11).</p> <p>C9 Excavation in relation to an existing attached dwelling, semi-detached dwelling, or attached dual occupancy is not to occur under:</p> <ul style="list-style-type: none"> <li>a) common party walls;</li> <li>b) footings to common party wall;</li> <li>c) freestanding boundary walls;</li> <li>d) footings to freestanding boundary walls.</li> </ul> <p>C10 Excavation below 2m and/or within 1.5m of the boundary may be accompanied by a geotechnical and hydrogeological report and a structural report demonstrating that the works will not have any adverse effect on neighbouring structures. Note: Council may identify other circumstances where these reports are</p>

**Commented [DCP32]:** In response to comments from the Woollahra LPP, insert control addressing the retention of natural and landscape features.

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.25

B3 | General Development Controls

Part B | General Residential

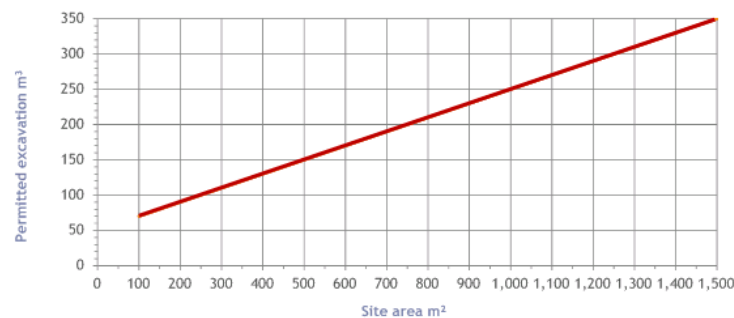
B3.3 Excavation	
Objectives	Controls
	required. All reports must be prepared in accordance with Council's guidelines. As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.
07 To minimise the removal of excavated material from site.	C11 Subject to compliance with C6 - C10, excavated material (cut) which is used as fill on the subject site is excluded from the maximum volume permitted by Figure 9A and 9B.  The adjustment to the landscape profile resulting from the on-site fill is not to have any adverse amenity impacts on adjacent properties

**Commented [DCP33]:** In response to feedback from Bruce Stafford, insert objective and control to the minimise the removal of excavated material from site.

**FIGURE 9A**

Maximum volume of excavation for the site of:

- a dwelling house
- dual occupancy development
- a semi-detached dwelling



B3 pg.26

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

## B3.4 Built form and context

### B3.4.1 Streetscape and local character

A quality streetscape provides good public amenity and contributes to the character and identity of the locality. As character can vary from street to street, it is important that development recognises predominant streetscape qualities, such as building form to ensure a cohesive streetscape character.

B3.4 Built form and context ► 3.4.1 Streetscape character	
Objectives	Controls
O1 To ensure that the built form is compatible with the streetscape and the desired future character of the area.	C1 The building is consistent with the desired future character of the area set out in the precinct controls in Parts B1 and B2 of this DCP.
O2 To ensure that development is of high visual quality and enhances the street.	Note: Chapters B1 and B2 in this part of the DCP define the desired future character for each precinct or HCA, and identify special streetscape character, heritage and key elements within each precinct.
OX To ensure that development contributes towards reducing the urban heat island effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.	C2 Development retains vegetation of landscape value.
O3 To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings.	C3 Development steps down sloping sites and follows the topography of the land.
	CX Development minimises disturbance and adverse impacts on existing canopy trees which are to be retained.
	C4 External building materials and colours do not detract from the streetscape. Bright or obtrusive colour schemes are avoided.
	C5 Roof forms and roof structures (including roof terraces, lifts, lift overruns, stairwells, access hatches, and other like structures) are well-designed, contribute positively to the streetscape, and are well-integrated with the architecture of the building.
	C6 The use of reflective materials is minimal (including windows, access hatches, skylights and balustrades).
O4 To ensure that roof forms are consistent with the existing	C5 In heritage conservation areas or where the existing the immediate streetscape is

**Commented [DCP34]:** New Objective reinforces importance of tree canopy in the LGA. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

**Commented [DCP35]:** New control reinforces importance of existing canopy trees in the LGA. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.29



B3 | General Development Controls

▶ Part B | General Residential

B3.4 Built form and context ▶ 3.4.1 Streetscape character	
Objectives	Controls
predominant roof forms in the street and minimise impacts to neighbouring properties.	predominantly characterised by pitched roof forms, new development incorporates pitched roof forms.
	C6 Roof materials are non-reflective and do not cause excessive glare to adjacent properties.
O5 To ensure buildings improve the safety of the public domain.	C7 The building addresses the street and provides opportunities for casual surveillance. At least one habitable room window overlooks the street.

#### B3.4.2 Overshadowing

Building bulk should be distributed to minimise overshadowing to neighbouring properties.

Development is to be sited and designed to maximise midwinter solar access to neighbouring properties, having regard to slope, views and existing vegetation.

B3.4 Built form and context ▶ 3.4.2 Overshadowing	
Objectives	Controls
O1 To minimise overshadowing to <b>adjoining</b> <u>neighbouring</u> properties.	<p>C1 The development is designed so that:</p> <p>a) sunlight is provided to at least 50% (or 35m<sup>2</sup> with a minimum dimension of 2.5m, whichever is the lesser) of the main ground level private open space of adjacent properties for a minimum of 2 hours between 9am and 3pm on 21 June. Where existing overshadowing is greater than this, sunlight is not further reduced; and</p> <p>b) north facing windows to upper level habitable rooms of adjacent dwellings receive at least 3 hours of sun between 9am and 3pm on 21 June over a portion of their surface.</p> <p>C2 Lot orientation may make C1 above difficult to achieve so a reduced amount of</p>

Commented [DCP36]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.30

Draft August 2019  
Woollahra Development Control Plan 2015

B3 | General Development Controls

▶ Part B | General Residential

B3.4 Built form and context ▶ 3.4.4 Acoustic and visual privacy	
Objectives	Controls
	<p>boxes, fixed horizontal or vertical louvres, or other screening devices set off the windows internally or externally.</p> <p>d) Glazed opening windows—using windows with translucent glazing to a height of 1.5m above floor level and fitted with a winder mechanism to control the maximum angle of the opening to limit views.</p> <p>e) Glazed fixed windows or high sills—using fixed windows with translucent glazing in any part of the window below 1.5m above floor level, or window sill heights of 1.5m above floor level.</p> <p>Note: Applicants may be required to demonstrate how privacy impacts are resolved by way of view line diagrams, photographs and other suitable means.</p> <p>C5 Windows to bathrooms and toilet areas have translucent glazing where these have a direct view to, and from, habitable rooms and private open space on adjoining and adjacent properties.</p> <p>C6 Architectural design solutions and screening devices referred to in C4 (c) above are integrated with the overall design and contribute to the architectural merit of the building, having particular regard to:</p> <p>a) aesthetics of the building including impacts on visual bulk;</p> <p>b) compliance with minimum boundary setback controls;</p> <p>c) appearance from adjoining neighbouring properties; and</p> <p>d) views from adjoining or adjacent properties.</p>

Commented [DCP37]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.38

Draft August 2019  
Woollahra Development Control Plan 2015

B3 | General Development Controls

▶ Part B | General Residential

B3.4 Built form and context ▶ 3.4.4 Acoustic and visual privacy	
Objectives	Controls
	<p>C11 Lighting installations on a roof terrace or upper level deck are:</p> <ul style="list-style-type: none"> <li>a) contained within the roof terrace area and located at a low level; or</li> <li>b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace.</li> </ul> <p>Note: Lighting of roof terraces must be designed in compliance with <i>Australian Standards 4282-1997 Control of obtrusive effects of outdoor lighting</i>.</p>
<p>O4 To ensure that where roof terraces are inserted into roofs, they do not impact on the roof profile.</p>	<p>C12 For a roof terrace within the roof a building:</p> <ul style="list-style-type: none"> <li>a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and</li> <li>b) the roof terrace and opening within the roof are clearly subservient in form and size when compared with the roof plane in which they are located.</li> </ul> <p>Note: Screening to roof terraces will only be considered where the screening is consistent with the streetscape and will have no impact on views or overshadowing of adjoining neighbouring properties.</p>

Commented [DCP38]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.40

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

### B3.5 On-site parking

On-site parking, including garages, carport, hardstand areas and driveways, must be carefully designed to not detract from the appearance of the development and the streetscape.

In particular, on-site parking should not dominate the street frontage, and driveway openings should be limited to protect pedestrian safety and to preserve streetscape amenity such as trees and on-street parking. On-site parking should also be designed to limit the extent of impervious surfaces and excavation and to allow landscaped area in the front setback.

Note: The number of on-site parking spaces for a development is set out in Part E, Chapter E1 Parking and Access.

B3.5 On-site parking	
Objectives	Controls
O1 To minimise the visual impact of garages, car parking structures and driveways on the streetscape.	C1 On-site parking is designed and located so that it: <ul style="list-style-type: none"> <li>a) <u>is located within the building envelope.</u></li> <li>b) <u>does not dominate the street frontage;</u></li> <li>c) <u>preserves trees and vegetation of landscape value; and</u></li> </ul>
O2 To ensure that on-site parking does not detract from the streetscape character and amenity.	
O3 <u>To allow, in certain circumstances, parking structures outside the building envelope.</u>	C2 <u>Notwithstanding C1, parking structures are permitted outside the building envelope but only where:</u> <ul style="list-style-type: none"> <li>a) <u>there is rear access (via a lane or street); or</u></li> <li>b) <u>the site is located on sloping land where:</u> <ul style="list-style-type: none"> <li>• <u>the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 15A); and</u></li> <li>• <u>the car parking structure is incorporated into a podium or street wall; and</u></li> <li>• <u>the car parking structures is not more than 40m<sup>2</sup> in area.</u></li> </ul> </li> <li>c) <u>the existing streetscape in the immediate vicinity of the site is</u></li> </ul>
O4 To minimise loss of on-street parking.	
O5 To retain trees and vegetation of landscape value.	
O6 To facilitate on-site parking on steeply sloping sites.	
O7 To ensure that on-site parking is designed and integrated with the principal building on the site.	
O8 To ensure that on-site parking does not detract from the streetscape character and amenity.	

**Commented [DCP40]:** Administrative change: Control subsections reordered in priority order.

**Commented [DCP39]:** Administrative change: Objective relocated from floorplate section.

**Commented [DCP41]:** Administrative change: Control relocated from the floorplate section and consolidated with existing controls in this section.

**Commented [DCP42]:** Administrative change: Subsections relocated from C6 below.

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.43

B3 | General Development Controls

Part B | General Residential

B3.5 On-site parking	
Objectives	Controls
	<p>characterised by parking structures forward of the building line and</p> <ul style="list-style-type: none"> <li>For separate structures, the roof form, materials and detailing complement the principal building.</li> <li>Garage doors are designed to complement the building design and any important character elements within the street.</li> </ul> <p>C3 Parking structures are only permitted when:</p> <ol style="list-style-type: none"> <li>minimum deep soil landscaped area and private open space requirements are met, as set out in Section 3.6.1 Landscaped areas and private open space; and</li> <li>solar access and privacy requirements within the site, and to the adjoining neighbouring properties, are met as set out in Section 3.4.2 Overshadowing and Section 3.4.4 Acoustic and visual privacy.</li> </ol> <p>C4 For car parking structures facing the street frontage– the maximum car parking structures width is no greater than 40% of the site frontage width or 6m, whichever is the lesser.</p> <p>C5 Where possible on-site parking is to be accessed from the rear. The width of parking structures can occupy 75% of the rear frontage or 6m (whichever is the lesser). The site area of the parking structure can be no greater than 40m<sup>2</sup> and the height a maximum of 3.6m.</p> <p><del>C4 Where there is no rear lane access, on-site parking is located within the building envelope.</del></p> <p>C6 Development involving three or more dwellings provides basement parking.</p>

Commented [DCP43]: Administrative change: Subsections relocated from C9 below.

Commented [DCP44]: Administrative change: Subsections relocated from C10 below.

Commented [DCP45]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP46]: Administrative change: Control consolidated into C2 above.

B3 pg.44

Draft August 2019  
Woollahra Development Control Plan 2015



► Part B | General Residential

B3 | General Development Controls

B3.5 On-site parking	
Objectives	Controls
	<p><del>C6</del> Notwithstanding <del>C4</del>, car parking structures may be located in the front setback (i.e. outside the building envelope) where:</p> <ul style="list-style-type: none"> <li>a) the rise or fall measured to a distance of 7m from the street frontage is greater than 1 in 3 (refer to Figure 15A); and</li> <li>b) the car parking structures is incorporated into a podium or street wall; and</li> <li>c) the car parking structures is not more than 40m<sup>2</sup> in area.</li> </ul> <p>C7 For car parking structures located in the front setback, the maximum height of the structure is 2.7m above the footpath level. If the existing height of the retaining/street wall or the two adjoining car parking structures is higher than 2.7m, that greater height may be permitted (refer to Figure 15B).</p> <p>C8 For car parking structures on the high side of the street—balustrading to trafficable areas on top of the structure is setback at least 1m from the front boundary, and is of an open or transparent form (refer to Figure 15B).</p>
	<p><del>C9</del> For separate structures, the roof form, materials and detailing complement the principal building.</p> <p><del>C10</del> Garage doors are designed to complement the building design and any important character elements within the street.</p>

**Commented [DCP47]:** Administrative change: Control consolidated into C2(b) above.

**Commented [DCP48]:** Administrative change: Control consolidated into C2(c) above.

**Commented [DCP49]:** Administrative change: Control consolidated into C2(c) above.

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.45

B3 | General Development Controls

► Part B | General Residential

### B3.6 External areas

#### B3.6.1 Landscaped areas and private open space

Open space and landscaping play important roles in the preservation of wildlife habitat, the establishment of community identity, the provision of recreation opportunities and stormwater management.

##### Urban greening and tree canopy

**Urban heat island effect** is localised warming caused by a lack of vegetation and large areas of impervious surfaces like roads, car parks and buildings.

Higher air pollution, reduced night-time cooling, and increased temperatures are outcomes of urban heat island effect that can adversely affect human health.

**Urban greening** is the integration of vegetation into development to decrease the urban heat island effect, improve microclimates and enhance mental and physical wellbeing.

Urban greening reduces local temperatures by encouraging evaporation from the soil and plants into the urban environment.

Trees and in particular canopy trees, are critical in mitigating localised warming and provide a number of environmental, social and economic benefits. Benefits include filtering air and water pollutants, slowing and storing stormwater runoff, providing shade and shelter, supporting biodiversity and improving amenity.

Trees also create a sense of place and are fundamental to our leafy streetscapes and the desired future character of our residential precincts. Enhancing tree canopy cover is an important component in mitigating climate change and resilience for sustainable, liveable neighbourhoods.

For the purposes of calculating tree canopy area on a site, the following definitions apply:

A **tree crown** is the total amount of foliage supported by the branches of an individual tree.

**Tree canopy area** is the part of the site covered by the combined lateral spread of tree crowns of all trees above 3 metres in height and spread (Refer Figure 16).

Existing overhanging tree canopy from the street or neighbouring site/s can be included in the calculation of tree canopy area on the subject site.

A **canopy tree** is a tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres (Refer Figure 17 for calculation of deep soil landscaped area).

Selection of trees must take into consideration the impact on amenity and views on the subject site and neighbouring site/s. Trees selected should be capable of achieving the applicable tree canopy area for the site within 5-10 years of completion of the development.

**DA Guide** : A range of tree species with their individual deep soil area requirements is listed in the DA Guide.

**Commented [DCP50]**: New definitions to explain the key concepts. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

► B3 pg.48

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

#### Private open space

Private open space contributes towards the amenity of individual dwellings and should be clearly delineated from public and communal areas. Private open space may be provided at or above ground level. Above ground open space may comprise balconies or rooftop areas.

#### Communal open space

Communal open space comprises shared open space available for use by all residents of a housing development. Communal open space may include landscaped areas, swimming pools or tennis courts and is typically controlled by a body corporate.

#### Landscaping

Landscaped area is defined in Woollahra LEP 2014 to mean “a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area”.

Deep soil landscaped area is the part of a site that contains landscaped area which has no above ground, ground level or subterranean development.

Landscaped areas within developments may comprise both communal and private open space areas. Landscape treatment helps to determine the amenity of individual dwellings, define private and public areas, reinforce or screen views and define streetscape character.

The amount and composition of landscaped area also plays an important role in stormwater management, the energy efficiency of developments and access to sunlight. Existing trees and vegetation may support significant indigenous wildlife populations and habitat.

Draft August 2020  
Woollahra Development Control Plan 2015

► B3 pg.49

B3 | General Development Controls

Part B | General Residential

B3.6 External areas 3.6.1 Landscaped area and private open space

Objectives	Controls
O1 To ensure that the areas outside the floorplate building contribute to the desired future character of the location.	These controls apply to development in the R2 and R3 residential zones that alters the existing building footprint and/or building envelope and/or impacts upon existing landscapes (refer DA Guide):
O2 To provide sufficient deep soil landscaped area to encourage urban greening and maintain and enhance tree canopy cover which in turn contributes positively to the existing and desired future character of the locality.	C1 Tree canopy area is at least: <ul style="list-style-type: none"> <li>(i) 35% of the site area for dwelling houses, dual occupancies, semi-detached development and attached dwellings, with the exception of the Wolseley Road area</li> <li>(ii) 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings,</li> <li>(iii) 25% of the site area for all residential development in the Wolseley Road area (Figure 18)</li> </ul> <p>And at least half of the total tree canopy area on the site is contributed by canopy tree/s.</p> <p>Refer Figure 16 for the calculation of tree canopy area.</p> <p>Council may consider a variation to this control where:</p> <ul style="list-style-type: none"> <li>a. Council is satisfied that a canopy tree will have a moderate, severe or devastating impact on views when assessed in accordance with the Tenacity Land and Environment Court Planning Principle. (Note: This control will prevail over view sharing objectives and controls where view impacts are negligible or minor when assessed in accordance with the Tenacity Land and Environment Court Planning Principle).</li> <li>b. The applicant has demonstrated that the deep soil landscaped area on the</li> </ul>
O3 To provide for on-site stormwater absorption.	

Commented [DCP51]: Floorplate control has been deleted as a consequence of the proposed FSR.

Commented [DCP52]: New tree canopy control developed through site testing across the LGA in consultation with Council staff and Lyndal Plant (Urban Forester)

Commented [DCP53]: Variations developed in response to feedback at Councillor Briefing (on 15 June 2020) to allow a reduced tree canopy requirement for certain circumstances where the tree canopy cannot be achieved.

B3 pg.50

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► Part B | General Residential

B3 | General Development Controls

**B3.6 External areas** ► 3.6.1 Landscaped area and private open space

Objectives	Controls
	<p>subject site is unable to achieve the minimum tree canopy area from canopy trees due to the site conditions such as geology, topography, configuration or built form. (Note: The applicant must satisfy Council that a skilful design has been considered to achieve the development potential and amenity and reduce the impact on deep soil landscaped area).</p> <p>c. Council is satisfied that additional canopy tree/s would have a severe impact on the amenity of the subject site or neighbouring land due to overshadowing of primary private open space or to the windows of primary habitable rooms.</p> <p>For development in the R2 and R3 residential zones—at least 50% of the site area outside the buildable area is deep soil landscaped area.</p> <p><b>C2</b> 35% the site area is deep soil landscaped area with the exception of the Wolseley Road area (Figure 18) where 30% of the site area is deep soil landscaped area. Refer Figure 17 for the calculation of deep soil landscaped area.</p> <p><b>C2</b> <b>C3</b> At least 40% of the front setback comprises deep soil landscaped area, and:</p> <p>a) for a residential flat building or multi dwelling housing in the Wallaroy, Manning Road, Darling Point, Bellevue Hill South, Bellevue Hill North or Rose Bay precinct—at least one consolidated area of the deep soil area is at least 20m<sup>2</sup>; and</p> <p>b) for a residential flat building or multi dwelling housing in the Double Bay or Point Piper precinct—at least one consolidated area of the deep soil area is at least 12m<sup>2</sup>.</p>

**Commented [DCP54]:** As the floorplate control has been replaced, delete control and replace with control above.

**Commented [DCP55]:** As the floorplate control has been replaced by the proposed FSR control (and the buildable area has been removed) an amendment to the deep soil landscaped control is required.

Insert new control identifying that the amount of deep soil required is now related directly to the site area. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester)

**Commented [DCP56]:** As a consequence of feedback from Council's DA officers, proposed deletion of the precinct variations, which are considered impractical and overly prescriptive.

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► B3 pg.51



B3 | General Development Controls

▶ Part B | General Residential

**B3.6 External areas** ▶ 3.6.1 Landscaped area and private open space

Objectives	Controls
	<p><del>C3 — Control C2 above does not apply to land in Rose Bay between Caledonian Road and Vickery Avenue zoned R3-Medium Density Residential.</del></p> <p><del>C4 — At least 50% of the rear setback comprises deep soil landscaped area.</del></p> <p><del>C5 — The deep soil landscaped area is free of garaging, paving, outbuildings, tennis courts, swimming pools, above ground and below ground structures including stormwater works.</del></p>

**Commented [DCP57]:** As a consequence of feedback from Council's DA officers, proposed deletion of deep soil landscaped area rear setback control, which is duplicating other controls.

**Commented [DCP58]:** Administrative change.  
Delete control as it duplicates the definition of deep soil landscaped area as contained in Part A of the WDCP 2015, which states:  
*Deep soil landscaped area - the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.*

▶ B3 pg.52

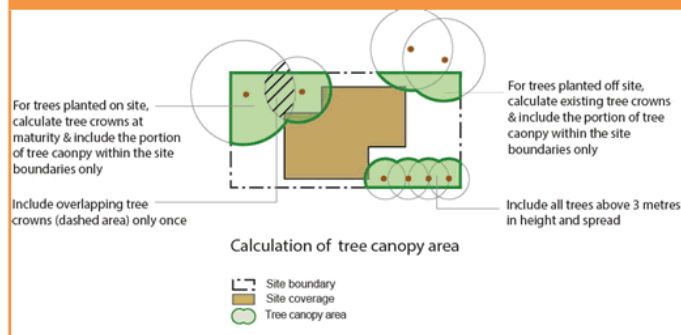
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B3 | General Development Controls

**FIGURE 16**

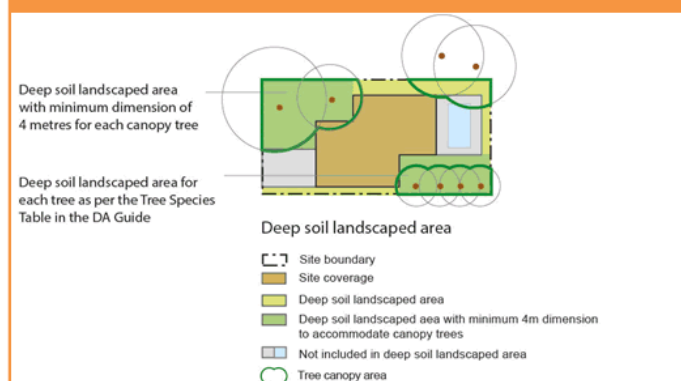
**Calculation of tree canopy area**



**Commented [DCP59]:** Diagram to detail out exactly what is included and excluded in the calculation of tree canopy. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester).

**FIGURE 17**

**Calculation of deep soil landscaped area**



**Commented [DCP60]:** Diagram to illustrate the minimum 4 metres wide deep soil landscaped area for growing a canopy tree. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester).

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► B3 pg.53

Sites subject to the 30% minimum deep soil landscaped area for dwelling houses, semi-detached dwellings and dual occupancies

Insert diagram identifying the Wolseley Road area.



 Wolseley Road Area

► Part B | General Residential

B3 | General Development Controls

B3.6 External areas ► 3.6.1 Landscaped area and private open space	
Objectives	Controls
O4 To ensure the adequate provision of accessible and useable primary open space.	<del>C6</del> <b>C4</b> For a dwelling house—a primary open space area of at least 35m <sup>2</sup> is provided.
	<del>C7</del> <b>C5</b> For each dwelling within a semi-detached dwelling, dual occupancy or attached dwelling—a primary open space area of at least 35m <sup>2</sup> is provided.
	<del>C8</del> <b>C6</b> The primary open space area in C6 and C7 above has a gradient of no more than 1 in 10 (refer to Figure 20).
O5 To ensure that dwellings in residential flat buildings and multi dwelling housing are provided with adequate private open space that enhances the amenity of the dwellings.	<del>C9</del> <b>C7</b> Excavation or fill is permitted to achieve the required level area of primary open space up to 1.2m from existing ground level (refer to Figure 20).
	<del>C10</del> <b>C8</b> Part of the primary open space area is directly accessible from a habitable room.
	<del>C11</del> <b>C9</b> For residential flat building or multi dwelling housing—each dwelling is provided with private open space which has a minimum area of 8m <sup>2</sup> and minimum dimensions of 2m x 2m. For dwellings above ground level, this may be in the form of a balcony, verandah or uncovered roof terrace and the like.
O6 To ensure that private open space areas are well-designed.	<del>C12</del> <b>C10</b> Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.
	<del>C13</del> <b>C11</b> Private open space is clearly defined for private use through planting, fencing or landscape features.
	<del>C14</del> <b>C12</b> The location of private open space: <ul style="list-style-type: none"> <li>a) takes advantage of the outlook and natural features of the site;</li> <li>b) reduces the adverse privacy and overshadowing impacts; and</li> </ul>

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► B3 pg.55

B3 | General Development Controls

Part B | General Residential

B3.6 External areas ▶ 3.6.1 Landscaped area and private open space	
Objectives	Controls
	<p>c) addresses surveillance and privacy where private open space abuts public space.</p> <p>C45C13 A roof terrace and associated structures will only be considered where the size, location and design of the terrace meets the requirements in Section 3.4.4 Acoustic and visual privacy.</p>
O7 To retain important existing <b>nature canopy trees</b> , vegetation and other landscape features.	C46C14 Existing <b>canopy</b> trees and vegetation of landscape value are incorporated into the landscape area and treatment.
O8 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.	C47C15 Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species.
O9 To ensure that landscaping contributes positively to the streetscape and the amenity of <b>neighbouring properties adjoining residents</b> .	C48C16 Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering.
O10 To ensure that landscaping allows view sharing.	<p>Note: Vertical layering, by planting a variety of vegetation in different sizes and heights provides more cover and feeding opportunities for wildlife species.</p> <p>C49C17 Landscaping facilitates the linking of open space reserves through wildlife corridors and reduces habitat fragmentation and loss.</p> <p>C20C18 The landscape design:</p> <ul style="list-style-type: none"> <li>a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality;</li> <li>b) uses vegetation types that will not block views;</li> <li>c) does not adversely affect the structure of the proposed building or buildings on <b>adjoining neighbouring properties</b>;</li> </ul>

Commented [DCP62]: Consistent with other objectives and controls in Chapter B3.6.1 Landscaped area and private open space

Commented [DCP63]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP64]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.56

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Woollahra Development Control Plan 2015



► Part B | General Residential

B3 | General Development Controls

B3.6 External areas ► 3.6.1 Landscaped area and private open space	
Objectives	Controls
	<p>d) considers personal safety by ensuring good visibility along paths and driveways and avoiding shrubby landscaping near thoroughfares;</p> <p>e) contributes to energy efficiency and amenity by providing substantial shade in summer, especially to west facing windows and open car park areas and admitting winter sunlight to outdoor and living areas and other habitable rooms;</p> <p>f) improves privacy between dwellings;</p>
	<p>g) minimises risk of damage to overhead power lines and other services; and</p> <p>h) provides adequate sight lines for vehicles and pedestrians, especially near street corners and intersections.</p>
	<p><u>Note:</u></p> <p><u>Deep soil landscaped area means: the area of the site that contains landscaped area which has no above ground, ground level or subterranean development.</u></p> <p><b>Note:</b></p> <p>Canopy tree means: A tree that attains a minimum height of 8 metres and minimum crown diameter of 8 metres at maturity, and is planted in a deep soil landscaped area with a minimum dimension of 4 metres.</p>

**Commented [DCP65]:** Administrative change.

In response to feedback from Council DA officers, insert note containing the deep soil landscaped area definition as per the Woollahra DCP 2015.

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► B3 pg.57

B3 | General Development Controls

▶ Part B | General Residential

**B3.6 External areas ▶ 3.6.3 Site facilities**

Objectives	Controls
O6 To ensure that mechanical plant equipment including lift overruns, air-conditioning units and external condensers, do not have adverse streetscape or amenity impacts.	C7 Mechanical plant equipment (including lift overruns) are not be visible from the streetscape or public domain.
	C8 Mechanical plant equipment (including lift overruns) do not unreasonably impact on the visual or acoustic amenity of adjoining neighbouring properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.
	C9 Mechanical plant equipment (including lift overruns) are suitably enclosed or screened to minimise noise impacts to of adjoining-neighbouring properties.  Note: Noise emissions from mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the development site. The provisions of the <i>Protection of the Environment Operations Act 1997</i> apply.
O7 To protect the air quality and residential amenity.	C10 New fireplaces burn non-solid fuels, e.g. gas or electricity.
O8 To ensure that development incorporates adequate garbage and recycling collection areas.	C11 Refer to Part E of the DCP, Chapter E5 Waste Management.
O9 To ensure that site services do not have a negative impact on the streetscape.	C12 Site services including hydrants, boosters and meters are incorporated into the landscape design and are not visually intrusive within the streetscape.

Commented [DCP66]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP67]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.64

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B3 | General Development Controls

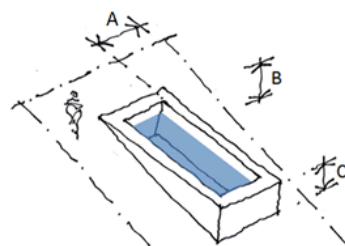
### B3.6.4 Ancillary development – swimming pools, tennis courts and outbuildings

#### Swimming pools

A swimming pool is an impermeable structure capable of holding water to a depth greater than 300mm for swimming or other recreation purposes, but does not include a spa pool.

B3.6 External areas ► 3.6.4 Ancillary development - swimming pools	
Objectives	Controls
O1 To provide for recreational opportunities for swimming without compromising the amenity of adjoining neighbouring properties.	C1 The swimming pool does not occupy the deep soil landscaped area. C2 Excavation beyond the controls in Section B3.3 is permitted to accommodate a backyard swimming pool, where the pool is outside the building envelope. Note: This concession does not apply to a swimming pool in a basement area.
O2 To limit excavation.	C3 The swimming pool (measured from the water edge) is at least 1.8m from property boundaries.
O3 To retain trees and vegetation of landscape value.	C4 The swimming pool surrounds are no more than 1.2m above or below the existing ground level. C5 The swimming pool is no deeper than 2m from the pool surround level (refer to Figure 24). C6 The location and design of the swimming pool and associated works do not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).

Commented [DCP68]: Requested by the Woollahra LPP on 27 June 2019



**FIGURE 24**

Provision of private swimming pools

**A** is a minimum of 1.8m

**B** – pool depth is a maximum of 2m

**C** is to be a maximum of 1.2m

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► B3 pg.65

B3 | General Development Controls

Part B | General Residential

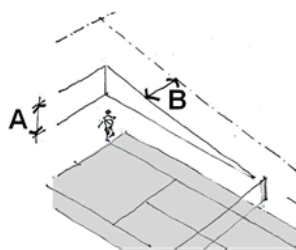
### Tennis courts

Tennis courts are rectangular recreational areas, approximately 24m x 11m, with a low net stretched across the centre. They are usually fenced to retain balls on the court during play.

#### B3.6 External areas ▶ 3.6.4 Ancillary development - tennis courts

Objectives	Controls
O1 To provide recreational opportunities for playing tennis without compromising the amenity of adjoining and adjacent properties.	C1 The tennis court level is a maximum of 1.2m above or below the existing ground level (refer to Figure 25).
O2 To limit excavation.	C2 The tennis court is at least 1.5m from property boundaries (refer to Figure 25).
O3 To retain trees and vegetation of landscape value.	C3 The court playing surface is made from a material that minimises light reflection.
	C4 The height and location of court fencing does not unreasonably compromise: <ul style="list-style-type: none"> <li>a) sharing of views from surrounding properties; or</li> <li>b) solar access to adjoining neighbouring properties.</li> </ul>
	C5 Fencing material is a recessive colour.
	C6 Where floodlighting is proposed, the lighting does not unreasonably impact on the amenity of adjoining or adjacent properties.
	C7 The location of the tennis court and associated works does not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).

Commented [DCP69]: Requested by the Woollahra LPP on 27 June 2019



**FIGURE 25**

Provision of private tennis courts on residential sites

A is to be a maximum of 1.2m

B is to be a minimum of 1.5m

▶ B3 pg.66

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Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

### Outbuildings

Although development outside the building envelope is generally not permitted, small outbuildings such as a cabana, cubby house, fernery, garden shed, gazebo, greenhouse or the like, may be located within the rear the setback.

B3.6 External areas ► 3.6.4 Ancillary development - outbuildings			
Objectives		Controls	
O1	To ensure that outbuildings do not unreasonably compromise the amenity of the occupants or the <u>adjoining</u> <u>neighbouring</u> properties.	C1	The outbuilding is located within the building envelope or the rear setback.
		C2	Maximum height of the outbuilding is 3.6m and the outbuilding is to be sited a minimum of 1.5m from the side and rear boundaries.
O2	To ensure that the required deep soil landscaped area and level area of private open space are achieved.	C3	The outbuilding, if located outside the building envelope, does not reduce the deep soil landscaped area and the private open space areas below the minimum required for development, as specified in Section 3.6.1 Landscaped areas and private open space.
<p><u>Notes:</u></p> <ul style="list-style-type: none"> <li><u>Outbuilding means any of the following: cabana, cubby house, fernery, garden shed, gazebo or greenhouse, carport that is detached from a dwelling house, garage that is detached from a dwelling house, rainwater tank (above ground) that is detached from a dwelling house, shade structure that is detached from a dwelling house, shed.</u></li> <li><u>Controls for outbuildings which comprise parking structures are contained in section B3.5</u></li> </ul>			

Commented [DCP70]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP71]: Administrative change.  
In response to feedback from Council staff, insert definition of outbuilding.

Commented [DCP72]: Administrative change.  
In response to feedback from assessment officers, Insert cross reference.

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► B3 pg.67



B3 | General Development Controls

▶ Part B | General Residential

#### B3.7 Additional controls for development other than dwelling houses

This section includes additional controls for the following types of development:

- ▶ secondary dwellings;
- ▶ semi-detached dwellings;
- ▶ dual occupancies;
- ▶ attached dwellings;
- ▶ residential flat buildings and multi-dwelling housing;
- ▶ Inter-War flat buildings; and
- ▶ post-1950s residential towers.

These controls apply in addition to the controls in Sections B3.1-B3.5.

▶ B3 pg.68

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► Part B | General Residential

B3 | General Development Controls

### B3.7.1 Minimum lot width

The minimum lot width, as measured from the street frontage, is the minimum required to accommodate development on a site.

The controls below apply to detached dual occupancies, attached dwellings, residential flat buildings and multi dwelling housing, recognising that these forms of development require a minimum width to ensure that each dwelling in the development can be designed to provide reasonable amenity having regard to issues such as privacy, building separation and open space.

B3.7 Additional controls ► 3.7.1 Minimum lot width	
Objectives	Controls
<p><b>O1</b> To ensure that sites have a minimum width to provide <u>sufficient space between buildings to allow satisfactory for the amenity of for occupants and adjoining neighbouring properties residents and for effective landscaping and pedestrian access.</u></p> <p><b>O2</b> To ensure that lot widths support development envisaged under this Plan.</p> <p><b>O2</b> To ensure that lot widths facilitate a built form with a bulk and scale that is consistent with the desired future character of the area.</p> <p><b>O3</b> To ensure there is adequate width for efficient on-site car parking.</p> <p><b>O4</b> To ensure that excavation can be adequately set back from boundaries and to prevent excessive excavation.</p> <p><b>O5</b> To encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.</p>	<p><b>C1</b> The parent lot has a minimum width at the street front alignment as follows:</p> <ul style="list-style-type: none"> <li>a) detached dual occupancy—21m;</li> <li>b) attached dwellings—24m;</li> <li>c) residential flat building or multi dwelling housing containing three dwellings—15m; and</li> <li>d) residential flat building or multi dwelling housing containing four or more dwellings—21m.</li> </ul> <p>Notes:</p> <ul style="list-style-type: none"> <li>• No minimum lot width applies to a dwelling house, semi-detached dwelling or attached dual occupancy.</li> <li>• The parent lot refers to the development site before any subdivision (if relevant).</li> <li>• These controls do not apply to battle-axe lots (refer to Section B3.8).</li> </ul>

**Commented [DCP73]:** In response to feedback from Council's lawyers, insert additional objectives to the minimum lot width control.

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► B3 pg.69

B3 | General Development Controls

▶ Part B | General Residential

### B3.7.2 Secondary dwellings

Under Woollahra LEP 2014, secondary dwelling means a self-contained dwelling that:

- a) is established in conjunction with another dwelling (the principal dwelling);
- b) is on the same lot of land as the principal dwelling; and
- c) is located within, or is attached to, or is separate from, the principal dwelling.

Clause 5.4 of Woollahra LEP 2014 sets the maximum size of a secondary dwelling, being 60m<sup>2</sup>, or not more than 5% of the total floor area of the principal dwelling.

#### B3.7 Additional controls for development other than dwelling houses

##### ▶ 3.7.2 Secondary dwellings

Objectives	Controls
O1 To ensure that amenity is provided to the occupants of the principal dwelling, secondary dwelling and to <b>adjoining</b> <b>neighbouring</b> properties.	<p>C1 The secondary dwelling is located within the building envelope <b>and is calculated in the footprint and is subject to the FSR control.</b></p> <p>Note: Only a secondary dwelling approved under the <i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i> may be located outside the building envelope.</p> <p>C2 Both the principal and secondary dwellings have direct access to private open space.</p>

**Commented [DCP75]:** As the Floorplate control is replaced by the proposed FSR control in the Woollahra LEP 2014, amend control accordingly.

**Commented [DCP74]:** Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.70

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Woollahra Development Control Plan 2015

B3 | General Development Controls

▶ Part B | General Residential

### B3.7.9 Non-residential development

A number of non-residential land uses, such as child care centres, community facilities, educational establishments and places of public worship are permitted within the residential zones.

Where a non-residential use is proposed, the development must be compatible with the desired future character of the area in terms of building scale, location and design, and the impacts arising from the use must not unreasonably compromise residential amenity.

Notes:

- ▶ On-site parking rates and design requirements are in Part E of the DCP, Chapter E1 Parking and Access.
- ▶ Additional controls are in Part F of the DCP, Chapters F1 Child Care Centres and Chapter F2 Educational Establishments.

#### B3.7 Additional controls for development other than dwelling houses

##### ▶ 3.7.9 Non-residential development

Objectives	Controls
O1 To ensure that non- residential development is consistent with the desired future character of the area and does not have an unreasonable impact on surrounding properties	C1 The built form complies with the building envelope, footprint, excavation and built form and context controls in Sections B3.2-B3.3.  Note: The minimum side setback for non-residential development is determined by the table in Figure 5B and is measured at 90 degrees to the side boundary (refer Figure 4).
	C2 The development is compatible with the streetscape and the desired future character of the street. For example, buildings in residential areas must maintain a scale consistent with the streetscape.  Note: Chapters B1 and B2 in this Part of the DCP define the desired future character for each precinct, and identify any special heritage, streetscape character and key elements within each precinct.
	C3 Lighting, noise, hours of operation, and intensity of the use do not unreasonably impact on the residential amenity of adjoining neighbouring properties, the street, or precinct.

Commented [DCP76]: Requested by the Woollahra LPP on 27 June 2019

▶ B3 pg.88

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

**B3.7 Additional controls for development other than dwelling houses**

► **3.7.9 Non-residential development**

Objectives	Controls
	<p>C4 A management plan may be required to be submitted with the DA identifying the proposed uses on the site, and how the impacts of those uses will be managed and minimised. Matters that may need to be addressed in the management plan include:</p> <ul style="list-style-type: none"><li>a) pedestrian and vehicular access;</li><li>b) parking and servicing;</li><li>c) capacity;</li><li>d) hours of operation;</li><li>e) lighting;</li><li>f) noise; and</li><li>g) security and safety.</li></ul> <p>C5 For any non-residential development (including attached and detached garaging) the maximum volume of excavation permitted is no greater than the volume shown in Figure <a href="#">B6</a>.</p>

Commented [DCP77]: Administrative change.

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► B3 pg.89



B3 | General Development Controls

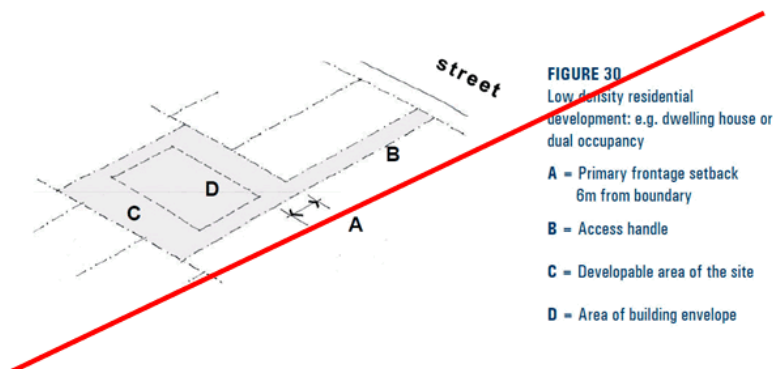
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### B3.8 Additional controls for development on a battle-axe lot

A battle-axe lot is a lot that is connected to a road by an access handle. It does not have a street frontage, and directly adjoins other properties at all boundaries.

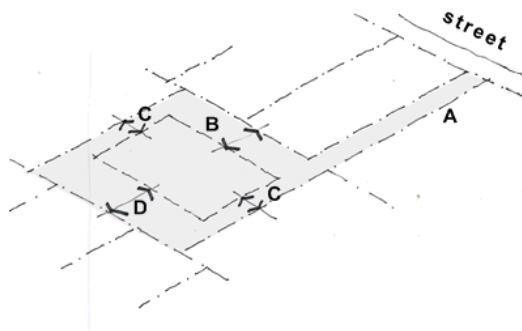
The controls below recognise that development on battle-axe lots needs to particularly consider the amenity of both the occupants and the adjoining neighbouring properties, having regard to privacy, solar access, open space and the like.

Note, under Woollahra LEP 2014 the maximum height for development on a battle-axe lot is 9.5m.



**FIGURE 30**  
Low density residential  
development: e.g. dwelling house or  
dual occupancy

- A = Primary frontage setback  
6m from boundary
- B = Access handle
- C = Developable area of the site
- D = Area of building envelope



**FIGURE 29**  
Low density residential  
development: (dwelling houses,  
semi-detached dwellings and  
dual occupancies)

- A = Access handle
- B = Primary frontage setback  
6m from boundary
- C = Side setback 1.5m
- D = Rear setback 6m

Commented [DCP78]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP79]: As the building depth control has been replaced by a rear setback control, the proposed battle axe lot controls have been simplified:

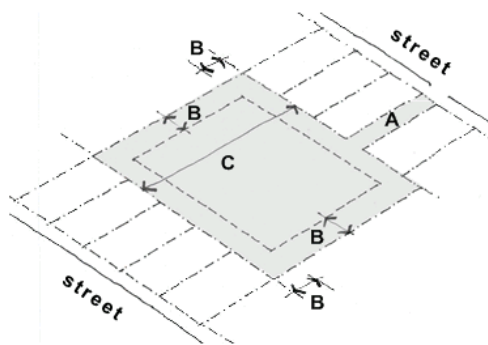
- site depth has been deleted
- side setback control has been simplified to 1.5m
- rear setback control simplified to 6m

B3 pg.90

Draft August 2019  
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls



**FIGURE 30**

R3 zone and development (other than a dwelling house, semi-detached dwelling or dual occupancies) must be on a site with a minimum area of 950m<sup>2</sup>

A = Access handle

B = 6m setback required to each boundary

C = Minimum site dimension

Commented [DCP80]: Administrative change: Insert semi-detached dwelling as a form of low density residential development.

#### B3.8 Additional controls for development on a battle-axe lot

Objectives	Controls
O1 To ensure that the battle-axe lot is of a size that can provide for the amenity of occupants and <u>adjoining neighbouring</u> properties.	C1 For development (other than a dwelling house or dual occupancy) in the R3 Medium Density Residential Zone—the minimum lot size is 950m <sup>2</sup> .
	C2 The lot, excluding the access handle, has minimum dimension in any direction, as follows: <ul style="list-style-type: none"> <li>a) for a detached dual occupancy—21m</li> <li>b) for development involving three or more dwellings—24m.</li> </ul> <p>Note: The access handle of a battle-axe lot is included in calculating the lot size.</p>
O2 To ensure adequate building separation to provide for the amenity of occupants and <u>adjoining neighbouring</u> properties.	C3 A 6m setback applies to the primary frontage (refer to Figure 29) for: <ul style="list-style-type: none"> <li>a) development in the R2-Low Density Residential Zone.</li> <li>b) a dwelling house or dual occupancy in the R3 Medium Density Residential Zone.</li> </ul>

Commented [DCP81]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP82]: Requested by the Woollahra LPP on 27 June 2019

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Woollahra Development Control Plan 2015

► B3 pg.91

B3 | General Development Controls

Part B | General Residential

**B3.8 Additional controls for development on a battle-axe lot**

**Objectives**

**Controls**

Note: The primary frontage is the boundary closest to the access handle leading to the street; and side and rear setbacks in Sections 3.2.3 and 3.2.4 apply.

- C4 For development in the R3 Medium Density Residential Zone (other than a dwelling house or dual occupancy) a 6m setback applies to all boundaries (refer to Figure 30).
- A reduced setback may be considered where there is no unreasonable impact on the amenity of adjoining neighbouring properties having regard to privacy, solar access, sense of enclosure and view sharing.

Commented [DCP83]: Administrative/format change.

Commented [DCP84]: Requested by the Woollahra LPP on 27 June 2019

B3 pg.92

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Woollahra Development Control Plan 2015

B3 | General Development Controls

► Part B | General Residential

### B3.8 Additional controls for development on a battle-axe lot

Objectives	Controls
O3 To ensure that development does not unreasonably affect adjoining neighbouring properties in terms of privacy and sense of enclosure.	<p>C6 Primary living areas, such as a living room, lounge room, kitchen and dining room, are located on the ground floor. Habitable rooms other than bedrooms, on the upper floors will only be considered where there is:</p> <ul style="list-style-type: none"> <li>a) no unreasonable impact on the privacy of adjoining neighbouring properties; and</li> <li>b) no overlooking into the private open space areas of adjoining neighbouring properties.</li> </ul> <p>C7 In the R2 zone, where habitable rooms other than bedrooms are located on the upper floor, the windows to these rooms are setback at least 4.5m from any boundary.</p> <p>C8 Balconies, decks and the like, on the upper floors will only be considered where there is:</p> <ul style="list-style-type: none"> <li>a) no unreasonable impact on the privacy of adjoining neighbouring properties; and</li> <li>b) no overlooking into the private open space areas of adjoining neighbouring properties.</li> </ul>

Commented [DCP85]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP86]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP87]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP88]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP89]: Requested by the Woollahra LPP on 27 June 2019

► B3 pg.94

Draft August 2019  
Woollahra Development Control Plan 2015

**Annotations:**

Insertions - identified in blue and underlined

~~Deletions - identified in red and scored through~~

*Notes in the right hand margin identify whether the proposed amendments arose from.*

## Chapter E3 Tree Management

Part E ► General Controls for All Development

~~CHAPTER E3 APPROVED ON 27 APRIL 2015~~

~~AND COMMENCED ON 23 MAY 2015~~

DRAFT 1 SEPTEMBER 2020



## Chapter E3 ► Tree Management

### Contents

E3.1	INTRODUCTION .....	1
E3.1.1	Land where this chapter applies .....	1
E3.1.2	Development to which this chapter applies .....	1
E3.1.3	Objectives .....	2
E3.1.4	Relationship to other parts of the DCP .....	2
E3.1.5	Relationship to other documents .....	2
E3.2	TREES AND WORKS THAT REQUIRE APPROVAL .....	5
E3.2.1	Prescribed trees .....	5
E3.2.2	Works that requires a development application .....	5
E3.2.3	Works that requires a tree permit .....	6
E3.3	ASSESSING A DEVELOPMENT APPLICATION OR A TREE PERMIT .....	7
E3.3.1	Matters to be considered—all applications .....	7
E3.3.2	Additional matters to be considered—works requiring a DA .....	8
E3.3.3	Matters that do not justify tree removal or pruning .....	8
E3.4	EXEMPT TREES AND WORKS .....	9
E3.4.1	Noxious weeds and exempt species .....	9
E3.4.2	Exempt works .....	10

### E3.1 Introduction

The Woollahra Municipality is well known for its leafy character. This character is valued and identified by the extensive tree canopies that exist throughout the area, and many people are attracted to live in Woollahra as a result of these trees and landscapes.

Trees and vegetation play important roles in the preservation of wildlife habitat, the establishment of community identity and in the quality of streetscapes. Landscaped open space areas and vegetated deep soil contribute to the amenity of individual dwellings and are important in stormwater management and the energy efficiency of developments.

Our community recognises and values trees for their range of contributions including aesthetic environmental, ecological, social, psychological and economic wealth. Council's approach to tree management and this DCP reflects these values.

Development should seek to retain existing trees and vegetation, where possible.

This chapter has been prepared in accordance with [State Environmental Planning Policy \(Vegetation in Non-Rural Areas\) 2017 \(Vegetation SEPP\)](#) which outlines additional provisions relating to the protection and preservation of trees and vegetation.

Part 3 of the Vegetation SEPP identifies that Council, through a DCP, can require a permit or development consent for tree works (i.e. to prune or remove a tree) where the species, size, location or other criteria are prescribed in a DCP.

~~Woollahra Local Environmental Plan 2014 (Woollahra LEP), clause 5.9 Preservation of trees or vegetation, seeks to preserve the amenity of the area including the biodiversity values, through the preservation of trees and other vegetation. The LEP clause identifies that Council, through a DCP, can require a permit or development consent for tree works (i.e. to prune or remove a tree) where the species, size, location or other criteria are prescribed in a DCP.~~

This chapter of the DCP establishes the list of prescribed trees, and works to those trees that require Council's approval. This chapter also identifies trees and works that do not require approval.

#### E3.1.1 Land where this chapter applies

This chapter applies to all land within the Woollahra Municipality.

#### E3.1.2 Development to which this chapter applies

This chapter applies to tree works proposed to be carried out on or near a prescribed tree. Tree works include pruning any tree part, removing, injuring or willfully destroying a tree, and the like.

If a tree is not identified in this chapter as a prescribed tree, approval for the tree works is not required. Section E3.4 of this chapter also identifies types of trees and works that do not require approval.

Commented [DCP1]: Administrative update.

Update reference to the Vegetation SEPP which has superseded clause 5.9 of Woollahra LEP 2014.

E3 | Tree Management

► Part E | General Controls for all Development

### E3.1.3 Objectives

The objectives of this chapter are:

- O1 To identify trees which are prescribed for the purpose of [Part 3 of the Vegetation SEPP](#).  
~~clause 5.9(2) of Woollahra LEP.~~
- O2 To define the different circumstances under which a development consent or permit application is required for works to a prescribed tree.
- O3 To promote, maintain and conserve the leafy character of the Woollahra Municipality.
- O4 To conserve significant trees of historic, cultural, commemorative, scientific, visual or aesthetic importance.
- ~~O5 To find a balance between maintaining Woollahra's canopy cover and providing for development on private land.~~
- O5 To sustain and enhance Woollahra's tree canopy cover whilst providing opportunities for development on private land.

**Commented [DCP2]:** Administrative update to make reference to the Vegetation SEPP.

**Commented [DCP3]:** Amend objective, consistent with the proposed package of Tree Canopy & Urban Greening controls.

### E3.1.4 Relationship to other parts of the DCP

This chapter is to be read in conjunction with the other parts of the DCP that are relevant to the development proposal, including:

- If located in a residential area—the controls in Part B: General Residential, or Part C: Heritage Conservation Areas that apply to the land.
- If located in a business centre—the controls in Part D: Business Centres that apply to the land.
- Part E: General Controls for All Development - this part contains chapters on Parking and Access, Stormwater and Flood Risk Management, Tree Management, Contaminated Land, Waste Management, Sustainability, Signage and Adaptable Housing.
- Part F: Land Use Specific Controls - this part contains chapters on Child Care Centres, Educational Establishments, Licensed Premises and Telecommunications.

### E3.1.5 Relationship to other documents

#### State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Under the Exempt and Complying Development Codes SEPP, a complying development certificate can be issued for the removal or pruning of a tree or other vegetation under the General Housing Code (Part 3) and the Commercial and Industrial (New Buildings and Additions) Code (Part 5A), subject to compliance with the specified development standards. Refer to the Codes SEPP for details.

► E3 pg.2

23 May 2015  
Woollahra Development Control Plan 2015

► Part E | General Controls for all Development

E3 | Tree Management

#### Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* (Biodiversity Act) sets out the NSW Government's framework for biodiversity assessment and management in conjunction with the *Local Land Services Act 2013* (as amended by the *Local Land Services Amendment Act 2016* (LLSA)).

The *Vegetation SEPP* and *Biodiversity Act* require that clearing of native vegetation that:

- does not form part of a development assessment, and
  - that is above the *Biodiversity Offset Scheme* (BOS) threshold;
- requires assessment and approval from the *Native Vegetation Panel*. The *Native Vegetation Panel* is constituted under the LLSA.

For clearing that is below the BOS threshold, the *Vegetation SEPP* enables councils to regulate clearing of vegetation as set out in the DCP.

*Note: Due to the nature of the thresholds, it is unlikely that the BOS threshold will be exceeded in our LGA.*

**Commented [DCP4]:** Administrative update.

The *Biodiversity Conservation Act 2016* and *Local Land Services Amendment Act 2016* came into force in 2016 after the DCP was prepared.

#### Register of Significant Trees (1991)

The register establishes a list of trees located on private property and public land that are identified as significant to the surrounding area. The register is available on the Council website.

#### Tree Management Policy (2011)

The Woollahra Tree Management Policy (TMP) covers public and private trees in the Municipality. The policy defines the key principles and processes Council uses for maintaining public and private tree collections in a safe, healthy and environmentally sensitive way.

The policy aims to improve the safety and wellbeing of the public, and of staff and contractors working on trees. It is also used as a reference by staff, Councillors, residents and tree workers who need to make or understand decisions about managing and maintaining public and private trees. The TMP also outlines the management principles and guidelines for matters such as road and pedestrian path clearances and view pruning. The TMP is available on the Council website.

#### Woollahra Street Tree Master Plan (2014)

The Woollahra Street Tree Master Plan is a guide to aid in the maintenance and provision of street trees across the municipality. The objective of the Master Plan is to provide a sustainable and strategic framework that is used for the management of Woollahra's street tree canopy.

The Master Plan contributes to the collective urban forest for the benefit of all through good planning, maintenance, enhancement and reinforcing Council's ongoing commitment to the protection of trees. The Master Plan is available on the Council website.

#### Australian Standard AS 4373 Pruning of Amenity Trees

This standard is used as a guide when assessing applications and defines uniform tree pruning procedures and practices in order to minimize the adverse or negative impact of pruning on trees.

23 May 2015  
Woollahra Development Control Plan 2015

► E3 pg.3

E3 | Tree Management

▶ Part E | General Controls for all Development

#### Australian Standard 4970 Protection of trees on development sites

This standard is used to provide guidance for the protection of trees in the planning and development processes.

#### Development Application (DA) Guide

The DA Guide explains how to prepare a development application. In particular, it includes several detailed specifications on how to present arboricultural information.

The guide provides a step-by-step guide to all the things needed before submitting an application, and should be used as a checklist for completing plans and other supporting documentation. The DA Guide is available on the Council website.

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▶ E3 pg.4

23 May 2015  
Woollahra Development Control Plan 2015



## E3.2 Trees and works that require approval

A person must not undertake works to a prescribed tree without development consent or a permit granted by Council.

This section identifies what trees are “prescribed”, and sets out the approval mechanism that applies.

### E3.2.1 Prescribed trees

For the purposes of Part 3 of the Vegetation SEPP, the following vegetation is declared to be vegetation to which the Vegetation SEPP applies:

The species or kinds of trees that are prescribed for the purpose of clause 5.9(2) of Woollahra LEP 2014 are:

1. Any ~~tree or palm~~ vegetation, whether of indigenous, endemic, exotic or introduced species with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches, and that is not identified in this chapter as exempt.<sup>1</sup>
2. Any vegetation ~~tree~~, whether of indigenous, endemic, exotic or introduced species with roots greater than 50mm diameter, but only if root pruning is proposed.
3. Any tree or palm identified in Council's Significant Tree Register.
4. Any tree or palm identified in Schedule 5 Environmental Heritage of Woollahra LEP 2014, or located on land identified in Schedule 5 including:
  - a) a tree listed as a heritage item;
  - b) a tree located on land identified as containing a heritage item; or
  - c) a tree on land within a heritage conservation area.
5. Any bushland as defined in *State Environmental Planning Policy 19 - Bushland in Urban Areas*.

**Commented [DCP5]:** Administrative update to make reference to the Vegetation SEPP.

**Commented [DCP6]:** Amend terminology to refer to all types of vegetation.

**Commented [DCP7]:** Amend terminology to refer to all types of vegetation.

### E3.2.2 Works that requires a development application

A development application (DA) is required for the tree works if the tree is a type prescribed in Section 3.2.1 above, and any of the following apply:

1. the proposed works to the tree are part of an application for other building work or development that requires a DA;
2. the tree is identified in Council's Significant Tree Register and the tree works involve the removal of the tree; or
3. the tree is identified in Schedule 5 Environmental Heritage of Woollahra LEP 2014, or located on land identified in Schedule 5, and the tree works are not minor (i.e. may have an impact on heritage significance and amenity).

<sup>1</sup> Certain types of tree or works are exempt, for example, noxious weeds. Refer to Section E3.4 below for the list of exempt trees and works.

E3 | Tree Management

▶ Part E | General Controls for all Development

### E3.2.3 Works that requires a tree permit

A permit application is required for the tree works to a prescribed tree whenever development consent does not apply, as required in Section 3.2.2 above.

For example, a permit is required if:

1. the tree is identified on Council's Significant Tree Register and the proposed work is to prune the tree; or
2. the tree is located on land identified as a heritage item in Schedule 5 of Woollahra LEP 2014 and the proposed works are minor (e.g. will not have an impact on heritage significance or amenity).

▶ E3 pg.6

23 May 2015  
Woollahra Development Control Plan 2015

### E3.3 Assessing a development application or a tree permit

This section identifies the matters that Council will consider when determining an application for works in or near prescribed trees.

These matters are to be addressed by the applicant when describing the proposed works.

Council may request additional information in the form of an Arboricultural Assessment (refer to the DA Guide) to assist in the determination. However, providing this assessment report does not guarantee that the work will be approved.

Note, Council does not undertake a comprehensive assessment of the tree as part of the application process, and staff are unable to provide advice on the health or structural condition of trees on private land.

#### *Arboricultural assessment requirements*

The arboricultural assessment report will only be accepted when prepared by an arborist with a minimum qualification of Level 5 under the Australian Qualification Framework.

The company preparing the report must not be financially affiliated or have a business relationship with a tree removal/pruning company.

(Refer to the DA Guide for more information).

#### E3.3.1 Matters to be considered—all applications

The following matters will be considered when assessing development applications and permit applications:

1. The species, health, structural condition, age, growing environment and landscape significance.
2. Where view pruning is proposed, the view pruning guidelines in the Woollahra Tree Management Policy 2011 will apply.
3. Where pruning for solar access is proposed, this will be considered making allowances for the tree's health, growth habit, structural stability and growing environment.
4. Where tree removal is proposed, the following matters will also be considered:
  - a) the surrounding canopy cover;
  - b) amenity issues; and
  - c) the opportunity for replacement planting.

### E3.3.2 Additional matters to be considered—works requiring a DA

The following additional matters will be considered when assessing development applications:

1. The impact of the proposed works, as assessed against the guidelines in *Australian Standard 4970 Protection of Trees on Development Sites*.  
Note: Where removal of the tree is approved, suitable replacement planting will form part of the conditions of development consent.
2. The contribution the tree provides to the canopy cover, amenity, environment and landscape of the immediate and surrounding area.
3. The visual prominence of the tree and its proximity to ridgelines, prominent places, the harbour and public open space.
4. For a tree on the Significant Tree Register—the impact of the proposed works on the amenity and landscape setting of the surrounding area.
5. For a heritage listed tree or a tree located in the grounds of a heritage listed property—the impact of the proposed works on the heritage significance of the item and its curtilage, and the amenity and landscape setting of the surrounding area. A heritage impact assessment may be required.
6. For a tree in heritage conservation areas—the impact of the proposed works on the heritage significance of the conservation area and the amenity and landscape setting of the surrounding area. A heritage impact assessment may be required.
7. Whether the proposal is to be sympathetic to the cultural and historical garden setting. The original garden layout and design should be retained where possible, particularly where the tree is located in an historic grand estate.
8. If the tree is proposed for removal, what replacement tree or trees will be provided? Well established gardens and trees should generally be retained. Replacement trees should be positioned and be of a species that reflect the original garden as much as possible.

### E3.3.3 Matters that do not justify tree removal or pruning

Generally approval will not be given where the proposed work is for the following:

1. Removal or pruning a tree for leaf, fruit or bark drop.
2. Removal of a tree for minor shading.
3. Removal of a tree for minor damage to infrastructure, such as retaining walls and pipes, where the damage can be repaired or the infrastructure restored with the retention of the tree.

Note: Limited space in the urban environment means tree roots can come into conflict with buildings. Tree removal will only be considered after alternative options that reduce conflict and accommodate tree growth have been explored. Removal is warranted where a tree is causing damage to a building or major damage to a retaining wall that forms a common boundary between two properties, which cannot be ameliorated through other means such as root pruning.

### E3.4 Exempt trees and works

Section 3.2.1 identifies that “any tree or palm, whether of indigenous, endemic, exotic or introduced species with a diameter spread of branches greater than 3m or with a height greater than 5m, irrespective of the spread of branches” is a prescribed tree for the purpose of ~~clause 5.9(2) of Woollahra LEP Part 3 of the Vegetation SEPP~~.

Despite this, a permit or development application is not required for work to certain types of trees or works. These exemptions are identified below.

**Commented [DCP8]:** Administrative update to make reference to the Vegetation SEPP.

#### E3.4.1 ~~Noxious weeds and~~ Exempt species

The following species of trees can be removed without a permit or development consent:

1. ~~Noxious weeds: Removal of a species declared a noxious plant under the Noxious Weeds Act 1993 as prescribed for the Woollahra Municipality; Biosecurity species: Removal of a species declared under the Biosecurity Act 2015 as prescribed for the Woollahra Municipality~~ and
2. ~~Exempt species: Tree removal or pruning of a species identified in Groups A and B, only where the prescribed tree: below, provided that the prescribed tree:~~
  - a) is not identified in the Significant Tree Register;
  - b) is not identified as a heritage item in Schedule 5 of Woollahra LEP 2014; and
  - c) is not located on land identified as containing a heritage item in Schedule 5 of Woollahra LEP 2014, where the description of the heritage item includes the ‘grounds and garden’ or the like and
  - d) is replaced with a tree (minimum pot size 100 litre at time of planting) suitable to the site and which has the potential to reach similar mature dimensions to the tree removed by provision of this clause.

**Commented [DCP9]:** Administrative update to make reference to the Biosecurity Act 2015.

**Commented [DCP10]:** In response to a Councillor question, amend the exempt species requirement to identify that a replacement tree must be provided.

Group A: Trees in this group can be removed irrespective of height

Botanical name	Common name	Botanical name	Common name
<i>Ailanthus altissima</i>	Tree of Heaven	<i>Nerium oleander</i>	Oleander
<i>Cupressocyparis leylandii</i>	Leyland Cypress	<i>Olea europea var. africana</i>	African Olive
<i>Erythrina spp</i>	Coral Trees	<i>Salix spp</i>	Willow
<i>Ficus elastica</i>	Rubber Tree	<i>Rhizomatous (running) bamboo</i>	Bamboo
<i>Gleditsia triacanthos</i>	Honey Locust	<i>Schefflera actinophylla</i>	Umbrella Tree
<i>Lagunana patersonii</i>	Norfolk Hibiscus	<i>Strelitzia nicolai</i>	Giant Bird of Paradise
<i>Musa cavendishii</i>	Banana	<i>Syagrus romanzoffianum</i>	Cocos Palm
<u><i>Ligustrum speices</i></u>	<u>Privet</u>		

**Commented [DCP11]:** Consistent with advice from Council's Environment & Sustainability Team, update table to include the privet species.



E3 | Tree Management

► Part E | General Controls for all Development

**Group B:** Trees in this group can be removed if less than 10m in height

Botanical name	Common name
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Celtis spp.</i>	Hackberry
<i>Populus spp</i>	Poplar

Note: Although approval to remove the tree is not required, notice of the work is required. The owner of the land where the tree is located must give Council written notice of the work at least seven days prior to the work commencing.

#### E3.4.2 Exempt works

The following works can be undertaken without a permit or development consent:

1. **Dead trees:** Removal of dead trees or dead branches of a tree.  
Note: Ensure the tree is not leafless because it is a deciduous tree.
2. **Building clearance:** Pruning to remove branches no larger than 50mm in diameter at the nearest branch collar or junction to provide a maximum of 2m clearance to:
  - a) a roof;
  - b) an external face of a building; or
  - c) powerlines as set out under section 48 of the *Electricity Supply Act 1995*.
3. **Parasitic plants:** Removal of parasitic plants from a tree.
4. **Dangerous trees:** Removal or pruning where the tree poses an imminent danger to property or life. Documentary evidence demonstrating that the works are necessary to eliminate an immediate hazard is to be provided to Council by an arborist who holds a minimum Level 5 qualification under the Australian Qualification Framework.
5. **Council works:** Tree removal, pruning, maintenance and replacement by Council or its duly authorised servants or agents, on land owned by, or under the care, control and management of Council.

Work must be undertaken in accordance with the WorkCover NSW Code of Practice for the Amenity Tree Industry and the guidelines in Australian Standard AS 4373 Pruning of Amenity Trees.

► E3 pg.10

23 May 2015  
Woollahra Development Control Plan 2015

# FSR + TREE CANOPY CONTROLS

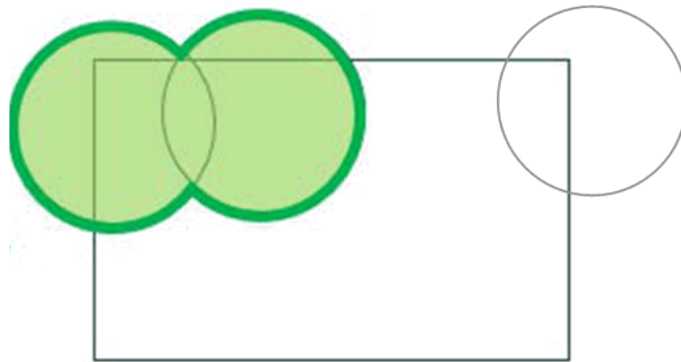
Site testing of recent Development Applications



1 September 2020

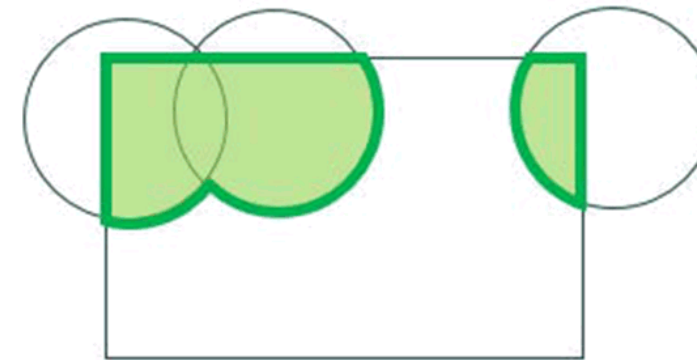
## METHODOLOGY

### Method 'A'



- Include trees planted on site
- Exclude overhanging neighbouring trees
- Include overhangs of trees beyond site boundaries

### Method 'B'



- Include trees planted on site
- Include overhanging neighbouring trees
- Exclude overhangs of trees beyond site boundaries

## 1. <400M<sup>2</sup>

### Property information

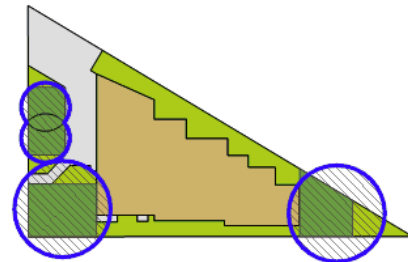
Zone	R3
Access	Single street frontage
Housing type	Detached Dwelling

### Approved Landscape Plan



### Tree canopy - Method A

Site Coverage (% of site)	40.89%
Deep Soil Area (% of site)	43.47%
Consolidated Deep Soil (% of site)	19.90%
Tree Canopy Area (% of site)	40.23%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	70.90%
------------------------------	--------

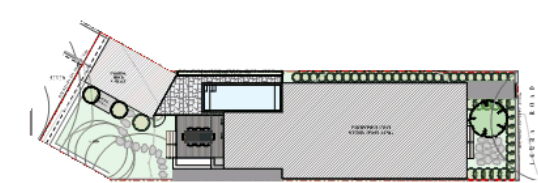


## 2. <400M<sup>2</sup>

### Property information

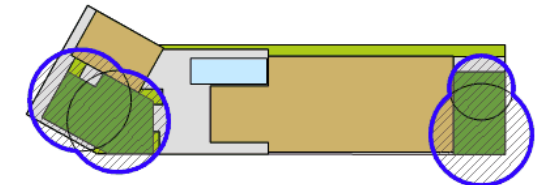
Zone	R3
Access	Dual street frontage
Housing type	Detached Dwelling

### Approved Landscape Plan



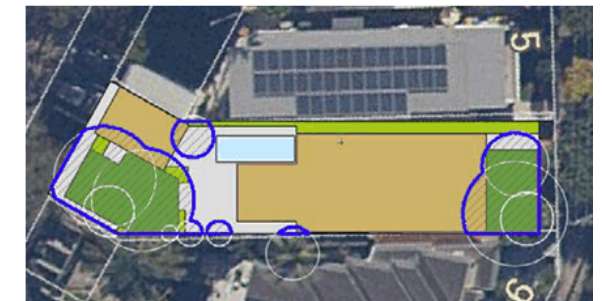
### Tree canopy - Method A

Site Coverage (% of site)	48.60%
Deep Soil Area (% of site)	28.12%
Consolidated Deep Soil (% of site)	20.54%
Tree Canopy Area (% of site)	42.95%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	35.60%
------------------------------	--------





3.

400-500M<sup>2</sup>

Property information

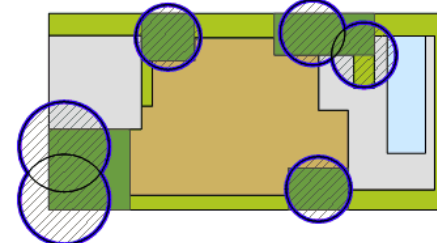
Zone	R2
Access	Dual street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



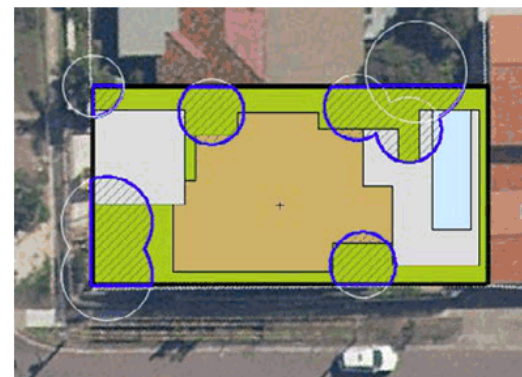
Tree canopy - Method A

	Site Coverage (% of site)	35.17%
	Deep Soil Area (% of site)	35.77%
	Consolidated Deep Soil (% of site)	20.37%
	Tree Canopy Area (% of site)	30.95%
	Not calculated as Deep Soil	



Tree canopy - Method B

	Tree Canopy Area (% of site)	25.75%
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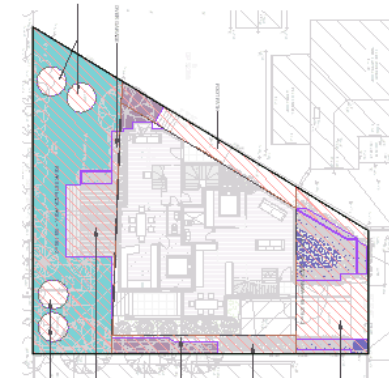
4.

400-500M<sup>2</sup>

Property information

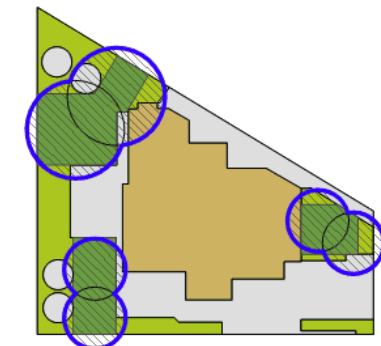
Zone	R3
Access	Single street frontage
Housing type	Dual occupancy

Approved Landscape Plan



Tree canopy - Method A

	Site Coverage (% of site)	32.00%
	Deep Soil Area (% of site)	33.99%
	Consolidated Deep Soil (% of site)	16.50%
	Tree Canopy Area (% of site)	30.82%
	Not calculated as Deep Soil	



Tree canopy - Method B

	Tree Canopy Area (% of site)	41.17%
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5.

500-600M<sup>2</sup>

Property information

Zone	R3
Access	Single street frontage
Housing type	Detached Dwelling

Approved Landscape Plan



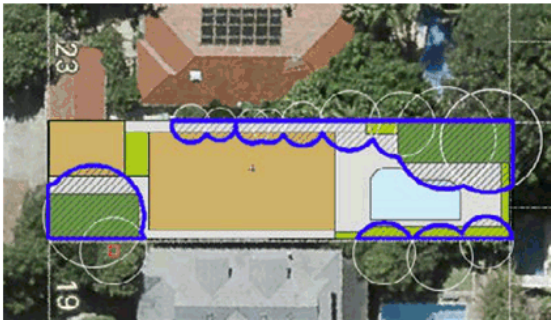
Tree canopy - Method A

	Site Coverage (% of site)	41.72%
	Deep Soil Area (% of site)	23.09%
	Consolidated Deep Soil (% of site)	16.22%
	Tree Canopy Area (% of site)	40.61%
	Not calculated as Deep Soil	



Tree canopy - Method B

	Tree Canopy Area (% of site)	37.98%
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6.

500-600M<sup>2</sup>

Property information

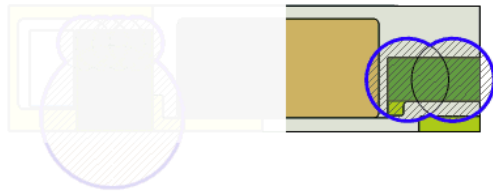
Zone	R3
Access	Single street frontage
Housing type	Dual occupancy

Approved Landscape Plan



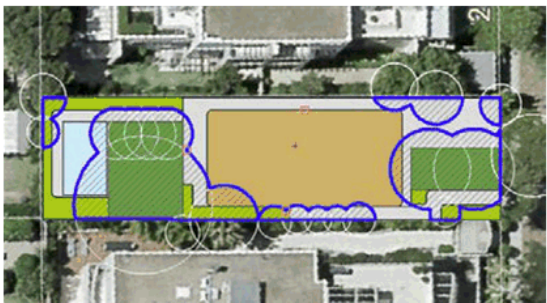
Tree canopy - Method A

	Site Coverage (% of site)	33.58%
	Deep Soil Area (% of site)	31.71%
	Consolidated Deep Soil (% of site)	19.72%
	Tree Canopy Area (% of site)	47.53%
	Not calculated as Deep Soil	



Tree canopy - Method B

	Tree Canopy Area (% of site)	47.02%
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## 7. 600-700M<sup>2</sup>

### Property information

Zone	R3
Access	Single street frontage
Housing type	Residential flat building

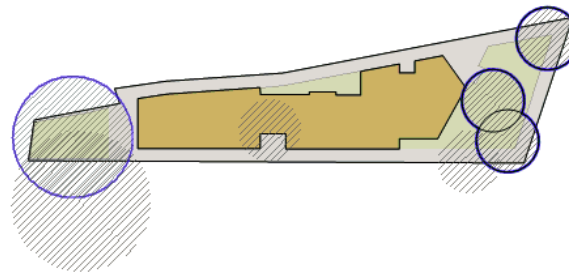
### Approved Landscape Plan



### Tree canopy - Method A

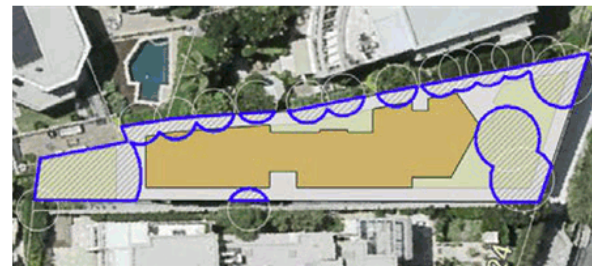
Site Coverage	39.27%
Deep Soil Area*	0%
Consolidated Deep Soil Area	0%
Tree Canopy Area	41.02%
Not calculated as Deep Soil	

\* All proposed landscaping is above the podium level (1200mm depth of soil). Not counted as Deep Soil Area as per current definition.



### Tree canopy - Method B

Tree Canopy Area (% of site)	33.91%
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## 8. 600-700M<sup>2</sup>

### Property information

Zone	R2
Access	Single street frontage
Housing type	Detached Dwelling

### Approved Landscape Plan



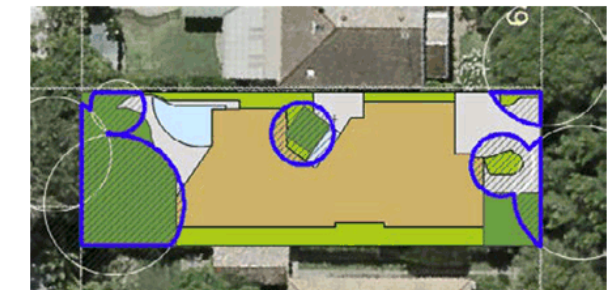
### Tree canopy - Method A

Site Coverage	43.42%
Deep Soil Area	37.68%
Consolidated Deep Soil Area	23.39%
Tree Canopy Area	30.42%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	30.27%
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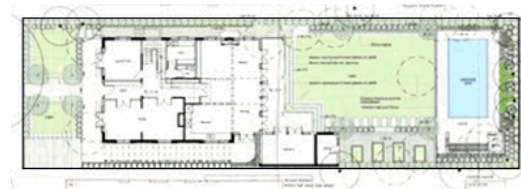


## 9. 700-800M<sup>2</sup>

### Property information

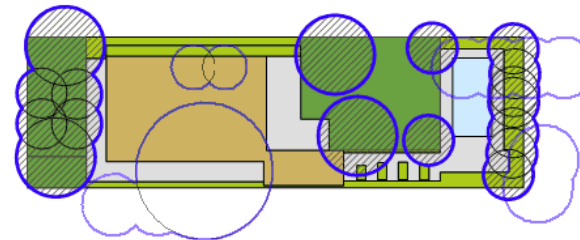
Zone	R2
Access	Single street frontage
Housing type	Detached Dwelling

### Approved Landscape Plan



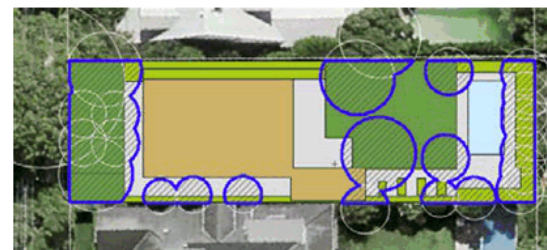
### Tree canopy - Method A

Site Coverage	26.35%
Deep Soil Area	47.15%
Consolidated Deep Soil Area	31.84%
Tree Canopy Area	47.33%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	44.56%
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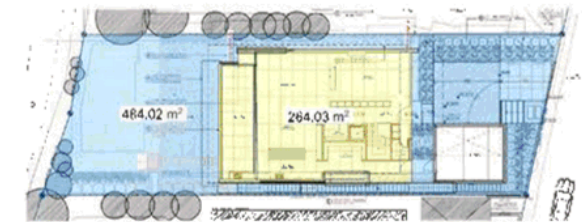


## 10. 700-800M<sup>2</sup>

### Property information

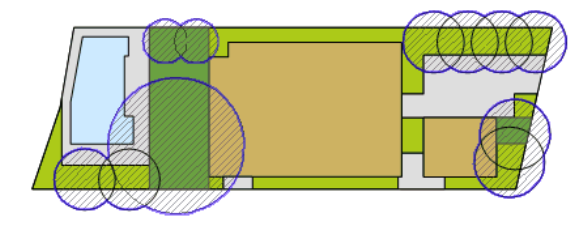
Zone	R2
Access	Dual street frontage
Housing type	Detached Dwelling

### Approved Landscape Plan



### Tree canopy - Method A

Site Coverage	38.81%
Deep Soil Area	34.92%
Consolidated Deep Soil Area	13.59%
Tree Canopy Area	46.12%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	38.06%
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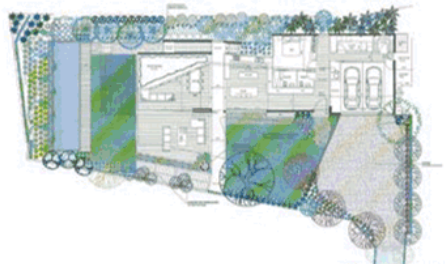
11.

>800M<sup>2</sup>

Property information

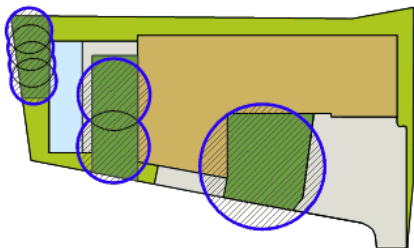
Zone	R2
Access	Battle Axe
Housing type	Detached Dwelling

Approved Landscape Plan



Tree canopy - Method A

Site Coverage	36.04%
Deep Soil Area	38.60%
Consolidated Deep Soil Area	21.91%
Tree Canopy Area	33.34%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	38.26%
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12.

>800M<sup>2</sup>

Property information

Zone	R2
Access	Single street frontage
Housing type	Detached Dwelling

Proposed Landscape Plan



Tree canopy - Method A

Site Coverage	32.06%
Deep Soil Area	40.86%
Consolidated Deep Soil Area	30.74%
Tree Canopy Area	25.37%
Not calculated as Deep Soil	



Tree canopy - Method B

Tree Canopy Area (% of site)	32.74%
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## 13. >800M<sup>2</sup>

### Property information

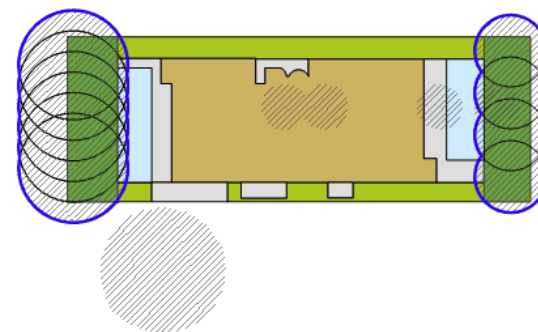
Zone	R2
Access	Dual street frontage
Housing type	Dual occupancy

### Approved Landscape Plan



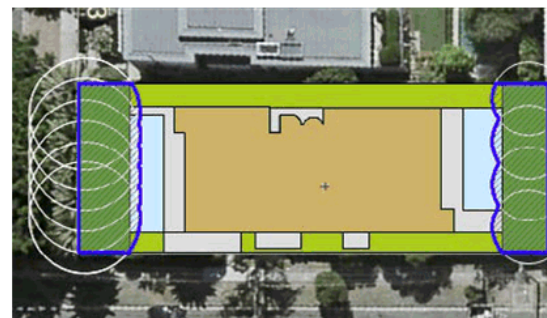
### Tree canopy - Method A

Site Coverage	40.60%
Deep Soil Area	37.35%
Consolidated Deep Soil Area	20.79%
Tree Canopy Area	43.44%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	24.32%
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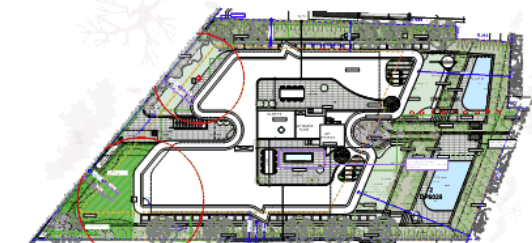


## 14. >800M<sup>2</sup>

### Property information

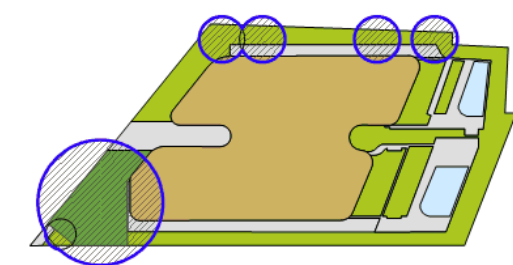
Zone	R3
Access	Single street frontage
Housing type	Residential flat building

### Approved Landscape Plan



### Tree canopy - Method A

Site Coverage	42.59%
Deep Soil Area	33.66%
Consolidated Deep Soil Area	6.73%
Tree Canopy Area	23.29%
Not calculated as Deep Soil	



### Tree canopy - Method B

Tree Canopy Area (% of site)	24.54%
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Site testing of recent Development Applications

**WOLSELEY ROAD, POINT PIPER**







1.

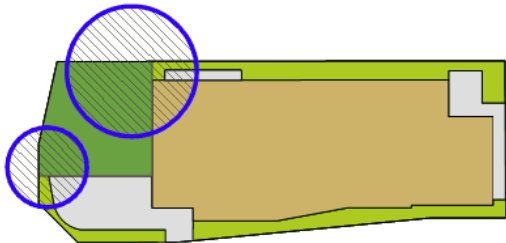
R3 LOT

Property information

Zone	R3
Access	Single Street frontage, foreshore access road
Housing type	Detached Dwelling

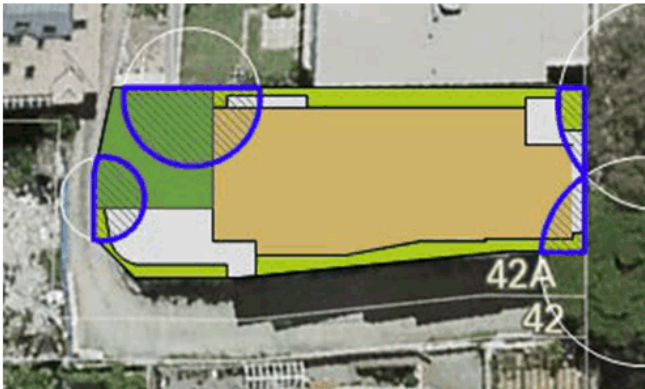
Tree canopy - Method A

	Site Coverage	55.41%
	Deep Soil Area	32.25%
	Consolidated Deep Soil Area	15.66%
	Tree Canopy Area	23.39%



Tree canopy - Method B

	Tree Canopy Area	18.73%
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


2.

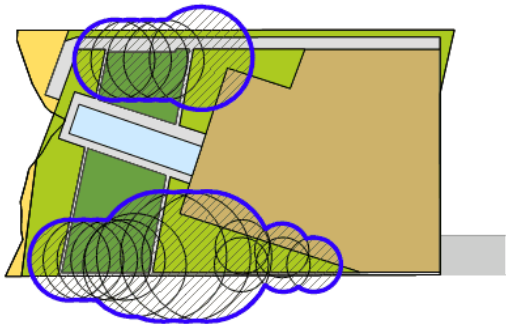
R3 LOT

Property information

Zone	R3
Access	Battle axe, foreshore access
Housing type	Detached Dwelling

Tree canopy - Method A

	Site Coverage	45.78%
	Deep Soil Area	33.54%
	Consolidated Deep Soil Area	14.11%
	Tree Canopy Area	42.07%



Tree canopy - Method B

	Tree Canopy Area	30.96%
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3.

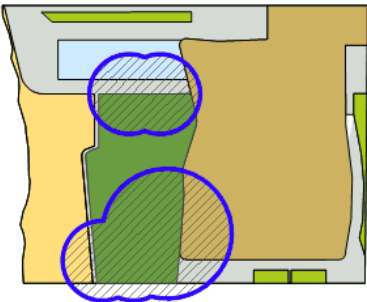
R3 LOT

Property information

Zone	R3
Access	Battle axe
Housing type	Dual Occupancy

Tree canopy - Method A

	Site Coverage	40.72%
	Deep Soil Area	21.58%
	Consolidated Deep Soil Area	18.12%
	Tree Canopy Area	25.8%



Tree canopy - Method B

	Tree Canopy Area	23.70%
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



4.

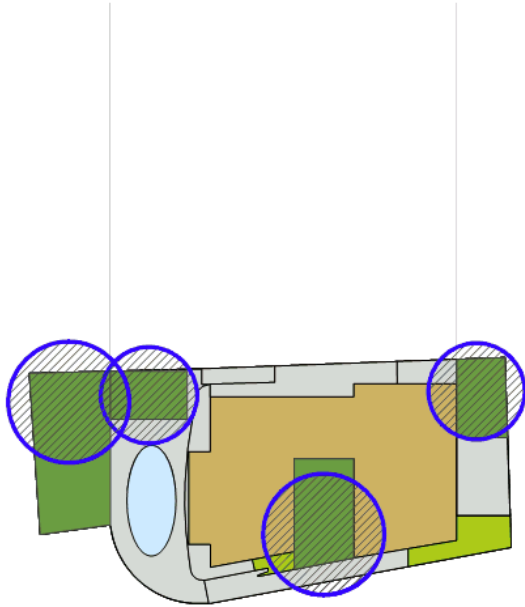
R2 LOT

Property information

Zone	R2
Access	Single Street frontage
Housing type	Detached Dwelling

Tree canopy - Method A

	Site Coverage	37.59%
	Deep Soil Area	30.17%
	Consolidated Deep Soil Area	26.59%
	Tree Canopy Area	38.90%



Tree canopy - Method B

	Tree Canopy Area	29.82%
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5.

R3 LOT

Property information

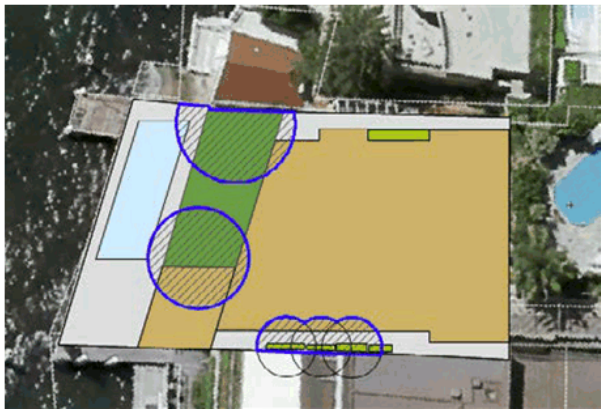
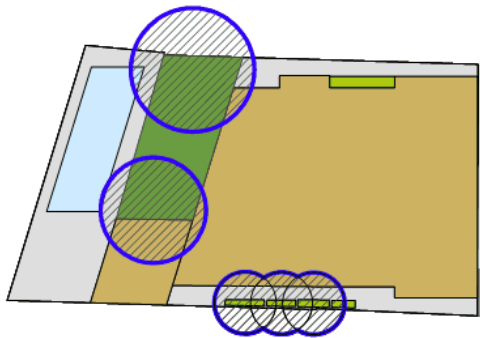
Zone	R2
Access	Battle axe
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	58.57%
Deep Soil Area	13.16%
Consolidated Deep Soil Area	11.76%
Tree Canopy Area	25.66%

Tree canopy - Method B

Tree Canopy Area	19.23%
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6.

R2 LOT

Property information

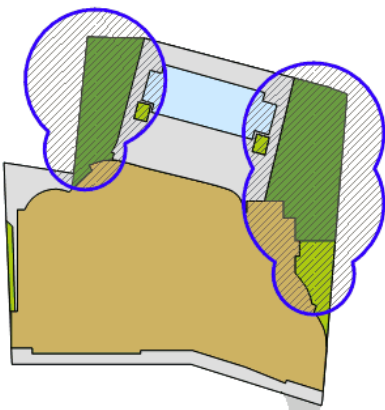
Zone	R2
Access	Battle axe
Housing type	Detached Dwelling

Tree canopy - Method A

Site Coverage	53.58%
Deep Soil Area	19.58%
Consolidated Deep Soil Area	16.19%
Tree Canopy Area	48.43%

Tree canopy - Method B

Tree Canopy Area	30.43%
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Planning,  
Industry &  
Environment

IRF19/5329

Mr Gary James  
General Manager  
Woollahra Municipal Council  
PO BOX 61  
DOUBLE BAY NSW 1360

Attention: Anne White

Dear Mr James

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to introduce floor space ratio (FSR) controls to low density residential development within the Woollahra Municipality.

It is noted that the new FSR controls are proposed to apply to dwelling-houses, dual occupancies and semi-detached dwellings on land zoned R2 Low Density Residential (R2) and R3 Medium Density Residential (R3), with the exception of land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas (HCAs).

It is further noted that the intended effect of the proposal is to apply the new FSR controls to certain residential land currently subject to floorplate controls in Woollahra DCP 2015, in order to:

- improve consistency with the Standard Instrument;
- reduce complexity and confusion for applicants by replacing the complicated floorplate controls with FSR controls;
- provide Council staff a more consistent and effective means of assessing development applications;
- make it easier to calculate potential development yield; and
- make the relationship between site size and development yield clearer.

A review of the proposal has determined that further information is required in order to proceed to Gateway determination. Specifically, further evidence is needed to determine whether the proposed FSRs outlined below are the most appropriate to achieve the aims of the planning proposal:

- maximum FSR of 0.5:1 for low density residential development in the R2 and R3 zones with the exception of land in the Paddington, Watsons Bay and Woollahra HCAs, the Wolseley Road area and on small sites under 400m<sup>2</sup>; and
- maximum FSR of 0.75:1 for the Wolseley Road area.

The Department understands from Council's minutes, dated 27 June 2019, that the Woollahra Local Planning Panel considered reports prepared by Council staff and determined a baseline FSR of 0.55:1 to be appropriate. The report considered by the LPP included an analysis of the 0.55:1 FSR and was supported by examples of approved development applications that correlated with the proposed FSR.

There has been no updated analysis or justification provided on why an FSR of 0.5:1 is more appropriate than the 0.55:1 as considered by the LPP and a lack of supporting information on how this FSR has been arrived at. Assessment of the proposal by the Department will be placed on hold until this justification and supporting analysis has been provided.

Should you have any enquiries about this matter, I have arranged for Ms Melissa Halloran to assist you. Ms Halloran can be contacted on 8275 1228.

Yours sincerely

*Brendan Metcalfe 2 September 2019*

**Brendan Metcalfe**  
**Acting Director, Eastern & South Districts**  
**Place, Design & Public Spaces**  
**Department of Planning, Industry and Environment**

CC: Anne White

Woollahra Municipal Council  
Environmental Planning Committee Agenda

28 October 2019

**Item No:** R4 Recommendation to Council

**Subject:** **FEEDBACK FROM THE DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT - PLANNING PROPOSAL - PROPOSED AMENDMENTS TO WOOLLAHRA LEP 2014 INCLUDING THE INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT.**

**Author:** Anne White, Acting Manager - Strategic Planning

**Approver:** Allan Coker, Director - Planning & Development

**File No:** 19/157634

**Reason for Report:** To report on the feedback received from the Department of Planning, Infrastructure and Environment.  
To obtain Council's approval to progress its proposed 0.5:1 FSR for low density residential development following the presentation of a report to the Environmental Planning Committee on potential new residential controls including new tree canopy controls.

**Recommendation:**

- A. THAT Council note the advice received from the *Department of Planning, Infrastructure and Environment*.
- B. THAT further consideration be given to progressing Council's proposed 0.5:1 FSR for low density residential development following the presentation of a report to the Environmental Planning Committee on potential new residential controls including new tree canopy controls.

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**1. Background**

In preparing Woollahra LEP 2014, FSR controls were not applied to low density residential development. It was considered that the Standard Instrument (SI) definition for gross floor area (GFA) would produce, for equivalent FSRs, buildings of greater bulk because certain building elements, such as voids, mezzanine areas, large balconies and the thickness of external walls are not included in the definition of GFA.

Instead of an FSR control in Woollahra LEP 2014, a maximum floorplate control was introduced in Woollahra DCP 2015.

The floorplate control applies to dwelling houses, dual occupancies and semi-detached dwellings and is currently determined via a two-step methodology:

1. The buildable area is established by applying the front, rear and side setbacks
2. The maximum amount of development permitted on the site is then determined by multiplying the buildable area by a factor of 1.65 (165%).

This is the maximum permitted total floorplate, which is measured across each level of the development.

However, an ongoing concern with the existing floorplate control set is the complexity associated with calculating the permissible floor area and development potential for a site. This issue has been consistently raised by council staff, customers and practitioners, particularly for sites with irregular boundaries and battle axe allotments.



Over the last 18 months, and in collaboration with a practitioner working party, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The focus of this research was the introduction of floor space ratios.

The primary conclusions of this work were:

- Delete the current floorplate control from Woollahra DCP 2015, and replace it with an FSR control of 0.55:1 in Woollahra LEP 2014 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- Introduce an FSR of 0.75:1 for low density residential development in an area of Wolseley Road, Point Piper.
- Introduce a range of FSRs for small sites in the R2 Low Density Residential and R3 Medium Density Residential zone.

On 4 March 2019 the Environmental Planning Committee (EPC) considered a report on proposed amendments to Woollahra LEP 2014 and Woollahra DCP 2015 including the introduction of an FSR control for low density residential development. On 11 March 2019 Council resolved:

*THAT the matter be deferred for a period of one (1) month to allow staff to prepare a further report to the Environmental Planning Committee which addresses:*

- *the re-examination of the Gross Floor Area (GFA) calculations (pre and post the commencement of Woollahra LEP 2014 including the preparation of a comparison table);*
- *the re-examination of deep soil landscaping controls (following re-examination of GFA calculations);*
- *the Notice of Motion relating to canopy trees (Action 4.1.1.21); and*
- *whether 35% deep soil landscaping could become a development standard in Woollahra LEP 2014.*

On 15 April 2019 the EPC considered a further report providing additional data and explanations regarding the matters identified in the above resolution. Subsequently, on 29 April 2019 Council resolved:

- A. *THAT Council prepare a planning proposal to amend Woollahra Local Environmental Plan 2014 by introducing:*
1. *A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.*
  2. *A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper, area as shown in Figure 1 in the report to the Environmental Planning Committee meeting on 4 March 2019.*
  3. *A range of maximum FSRs as set out in the report to the Environmental Planning Committee meeting on 4 March 2019 for low density residential development on small lots in the R2 Low Density Residential Development and R3 Medium Density Residential zones.*
  4. *Specific objectives and other associated amendments to facilitate 1, 2 and 3.*
- The FSRs in A1, 2 and 3 and associated changes referred to in A4 will not apply to the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals issued by the Minister for Planning on 27 September 2018.*

- C. *THAT a draft development control plan be prepared to amend Chapter B3 – General Development Controls – of Woollahra Development Control Plan 2015, consistent with the provisions contained in Annexure 2 of the report to the Environmental Planning Committee meeting on 15 April 2019.*
- D. *THAT the draft development control plan be referred to the Woollahra Local Planning Panel for advice.*
- E. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- F. *THAT staff organise a Councillor workshop in May 2019 to discuss the proposed landscaping controls.*
- G. *THAT noting our concern for development in smaller lots (400sqm or less) that Council seeks advice from the Woollahra Local Planning Panel on the best methods to apply FSR to smaller lots as outlined in point A. (3).*

## **2. Planning Proposal**

On 27 June 2019 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the planning proposal and the Woollahra LPP provided the following advice:

*THE Panel has considered the Council staff report including the proposed planning proposal and amendments to the Woollahra DCP 2015 and evidence provided by submitters at the meeting. The panel generally supports the deletion of the building floorplate controls and their replacement with an FSR control. Based on the Council staff reports and work undertaken with the practitioner working group, the panel considers that a baseline FSR of 0.55:1 for sites 400m<sup>2</sup> or greater is appropriate.*

*The Panel in principle support the small sites sliding FSR scale, with a maximum GFA yield, but considers that further work and testing needs to be done by staff to ensure that the numerical FSR controls proposed in the table are appropriate.*

Subsequently the Woollahra LPP resolved the following:

*THAT the Woollahra Local Planning Panel advises Council that it:*

- A. *Supports the planning proposal to amend the Woollahra Local Environmental Plan 2014 by introducing FSR controls for low density residential development as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to the amendment of the FSR to 0.55:1 for low density residential development on sites of 400m<sup>2</sup> and greater.*
- B. *Supports the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m<sup>2</sup>. The panel requests that staff provide Council with an analysis and modelling of the recommended small lots sliding scales and how these controls will effectively coordinate with relevant associated controls in the Woollahra Development Control Plan 2015 including the proposed amendments such as the deep soil landscaped area control in B3.6 External Areas.*
- C. *Subject to staff adequately analysing and modelling the small sites sliding scale, the panel supports the planning proposal as contained in **Annexure 3** of the report to the Woollahra Local Planning Panel of 27 June 2019 (as amended in response to A and B) being forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*
- D. *Supports the amendments to the Woollahra Development Control Plan 2015 as contained in **Annexure 4** of the report to the Woollahra Local Planning Panel of 27 June 2019 subject to:*

- i. B3.1.3: Inserting a colon at the end of the second sentence (instead of a full stop)
- ii. B3.1.5: Deleting the word "Note" from the final paragraph
- iii. B3.7.1: Amend Objective 2 to read as follows:
  - To ensure that lot widths facilitate a built form with a bulk and scale that is
  - consistent with the desired future character of the area
- iv. B3.8: Deleting the word "Note" from C3
- v. Amending chapter to ensure consistency by referring to "neighbouring properties" where relevant rather than "adjoining residents" or "adjoining properties".

On 15 July 2019 the EPC considered a report containing the advice from the Woollahra Local Planning Panel and on 22 July 2019 Council resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 27 June 2019.
- B. THAT Council proceeds with the planning proposal attached at **Annexure 1** subject to:
  - i. a Floor Space Ratio (FSR) control of 0.50:1 for low density residential development on sites of 400m<sup>2</sup> or greater
  - ii. any other consequential changes to **Annexure 1** and **Annexure 2** to ensure consistency with the 0.5:1 FSR and in relation to lots less than 400m<sup>2</sup> amend the table of proposed FSRs for small residential lots to ensure that the sliding scale FSRs are reduced to relate to a maximum FSR for lots over 400m<sup>2</sup> of 0.5:1 and that the table includes a maximum Gross Floor Area (GFA) for each lot size contained in the table.
- C. THAT the altered planning proposal described above be forwarded to the Department of Planning and Environment (as the delegate for the Minister for Planning), requesting a gateway determination to allow public exhibition.
- D. THAT Council request the Minister for Planning 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.
- E. THAT Council publically exhibit the draft development control plan to amend various sections of Woollahra Development Control Plan 2015, attached at **Annexure 2**, as amended to ensure consistency with a FSR of 0.5:1 for low density residential development on sites of 400m<sup>2</sup> or greater.

As a result of the Council decision from 22 July 2019, the planning proposal was amended so that it provided for:

- An FSR control of 0.5:1 in Woollahra LEP 2014 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- Consequential amendments to the FSRs for small sites in the R2 Low Density Residential and R3 Medium Density Residential zone.
- The introduction of an FSR of 0.75:1 for low density residential development in an area of Wolseley Road, Point Piper.

The amended planning proposal was submitted to the Department of Planning, Industry and Environment (DPIE) on 30 July 2019 with a request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

### 3. Advice from the Department of Planning, Industry and Environment (DPIE)

On 2 September 2019 the DPIE wrote to Council advising that further information is required in order to proceed to Gateway determination (see *Annexure I*). In summary, this letter advises that further information is required to support a maximum FSR of 0.5:1 for low density residential development in our R2 and R3 zones and a maximum FSR of 0.75:1 for the Wolseley Road area.

In response to this letter, Council staff asked the DPIE a number of questions. The questions, and a response from the DPIE provided on 24 September 2019 is provided in the table below.

Question from Council staff	Response from the DPIE
1. The nature of the updated analysis or justification it requires,	<i>Evidence that supports the appropriateness of the proposed FSRs including how they have been arrived at and a clear justification as to why they are considered appropriate. Importantly, documentation provided with the planning proposal indicates how an FSR of 0.55:1 was initially arrived at, being through a review of approved development applications and a translation of the controls for building envelope that currently exist in the DCP. An updated explanation is required for why 0.5:1 is more appropriate in light of this.</i>
2. Whether a justification based on the fact that our neighbouring councils, Waverley and Randwick have a FSR of 0.5:1 would be acceptable.	<i>A clear justification and evidence base is required that demonstrates why and how the proposed FSRs are appropriate for the Woollahra LGA. It should be clear what built form outcomes Council wish to achieve and why / how the FSRs will help to achieve these outcomes. The Department will consider the provisions of neighbouring LEPs if Council uses this as a justification for the control however, if this is relied on, analysis will be required comparing the lot sizes and built form outcomes of the adjoining councils with what Council are trying to achieve.</i>
3. Advice on the methodology which should be provided to support the proposed FSR of 0.5:1.	<i>It is clear how an FSR of 0.55:1 was arrived at, being through a review of approved development applications and a translation of the controls for building envelope that currently exist in the DCP. An updated justification is required for why 0.5:1 is more appropriate. This should include an analysis of what built form outcomes will be achieved through the FSR provisions and a justification as to why these outcomes are appropriate for the Woollahra LGA.</i>
4. The prospects of the Council achieving a gateway determination for an FSR of 0.5:1.	<i>The Department will consider the proposal on its merits based on the justification and evidence provided.</i>

In summary, if Council wants to proceed with an FSR of 0.5:1 for low density residential development Council staff will have to provide the justification as to why 0.5:1 is more appropriate and explain how this control will better achieve the built form outcomes Council wants to achieve. This will involve further modelling to compare the built form outcomes of a 0.5:1 FSR with the existing and desired future character of our residential precincts. This process will need to demonstrate that a FSR of 0.5:1 will produce built form outcomes which better achieve our desired future character objectives.

It is difficult at this stage to exactly describe the scope of work and resources which will be required to complete this work. However, it is clear based on our experience that it will involve a substantial amount of work and will have significant resource implications.

#### 4. Options

In response to the advice from the DPIE, staff recognise that there are different options on the appropriate way forward to control low density residential development. In order to allow Council's to make an informed decision, we have prepared a table summarising the positive and negatives of each option below.

A. Retain existing floorplate controls	B. Proceed with an FSR of 0.5:1	C. Proceed with an FSR 0.55:1
<ul style="list-style-type: none"> <li>✓ Maintains current density</li> <li>✓ Meets desired future character objectives for residential precincts</li> <li>✓ Applicants and our DA planners have now had more time and experience with these controls.</li> </ul>	<ul style="list-style-type: none"> <li>✓ Consistent with the pure numerical control used in Waverley and Randwick</li> <li>✓ Potentially more articulated buildings within existing envelope controls</li> <li>✓ Smaller buildings within DCP envelope</li> </ul>	<ul style="list-style-type: none"> <li>✓ Maintains current density (a translation from existing floorplate controls)</li> <li>✓ Meets desired future character objectives for residential precincts</li> <li>✓ Supported by practitioner group</li> <li>✓ Supported by Woollahra LPP</li> <li>✓ Evidence based and supported by numerous site studies</li> <li>✓ Meets strategic merit test</li> <li>✓ Likely to create less cl 4.6 objections and is therefore more efficient</li> <li>✓ More likely to be justified in Court on appeal</li> <li>✓ Easier for development control staff to consistently apply</li> </ul>
<ul style="list-style-type: none"> <li>✗ Not supported by practitioner group</li> <li>✗ Saves on resources until an alternative solution can be found.</li> <li>✗ Inconsistent with Council resolution of 29/4/2019</li> <li>✗ Controls are complex to apply</li> <li>✗ Unable to easily calculate the permissible floor space and development potential.</li> </ul>	<ul style="list-style-type: none"> <li>✗ Not supported by practitioner group</li> <li>✗ Not supported by Woollahra LPP</li> <li>✗ Not evidenced based for Woollahra</li> <li>✗ Likely to be challenged through cl. 4.6 objections</li> <li>✗ Potential increase in number of DAs to Woollahra LPP because of likely increase in cl. 4.6 objections</li> <li>✗ Difficult to justify in Court on appeal</li> <li>✗ Strategic merit test to support FSR not met for Woollahra</li> <li>✗ Likely to generate more modifications to consents</li> <li>✗ Consistency with other councils is not a basis for application to Woollahra</li> <li>✗ Significant resource implications which will impact on other Strategic Planning projects.</li> </ul>	<ul style="list-style-type: none"> <li>✗ Inconsistent with Council resolution of 29/4/19</li> <li>✗ Inconsistent with pure numerical control used in adjoining councils</li> </ul>



Having regard to:

1. The time and resources required to progress option B
2. The strategic planning project priorities Council has already determined, and
3. The potential implications of new tree canopy controls which are being developed



staff recommend that Council retain the current floorplate controls until work has been completed on a new residential study which includes new tree canopy controls as part of a new residential control set. New tree canopy controls are currently being developed by a consultant expert in urban forestry. This work is likely to be presented to the Committee in early 2020.

## **5. Conclusion**

Council staff submitted a planning proposal containing an FSR control of 0.5:1 to the DPIE on 30 July 2019 and requested a Gateway determination. However, the DPIE require further detailed information from Council to justify this figure, and its potential impacts on residential built form. Until this is provided a gateway determination will not be issued to enable public exhibition of the planning proposal.

Having regard to the time and resources which will be required, Council's strategic planning project priorities and the implications of future tree canopy controls we recommend that we maintain our floorplate controls until a report on Council's tree canopy controls has been reported to the EPC.

## **Annexures**

1. Letter from the Department of Planning, Industry and Environment - 2 September 2019  
 

Woollahra Municipal Council  
Environmental Planning Committee Agenda

3 February 2020

**Item No:** R3 Recommendation to Council  
**Subject:** **PROGRESS REPORT ON THE PLANNING PROPOSAL TO INTRODUCTION OF AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND AN UPDATE ON THE PROPOSED TREE CANOPY CONTROLS**  
**Author:** Anne White, Team Leader - Strategic Planning  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/8106  
**Reason for Report:** To respond to a decision of the Council from 11 November 2019 requiring a progress report on the planning proposal to introduce floor space ratio controls for low density residential development.  
To report on the progress of the preparation of tree canopy controls.

**Recommendation:**

THAT Council receive and note the progress on:

- i) Preparing further information to justify the planning proposal to introduce a floor space ratio control of 0.5:1 for low density residential development.
- ii) Preparing new tree canopy controls.

---

**1. Background**

On the 28 October 2019, the Environmental Planning Committee (EPC) considered a report on the planning proposal seeking to introduce floor space ratio (FSR) development standards for low rise medium density development in the *R2 Low Density Residential Zone (R2 Zone)* and the *R3 Medium Density Residential Zone (R3 Zone)* (see *Annexure 1*). Subsequently, on 11 November 2019 Council resolved:

- A. *THAT Council note the advice received from the Department of Planning, Infrastructure and Environment.*
- B. *THAT Council provide the additional information required by the Department of Planning, Industry & Environment and press for a gateway determination of Councils planning proposal to introduce a Floor Space Ratio of 0.5:1 for low density residential development.*
- C. *THAT this matter be given Priority 1, combined with the tree canopy controls in Council's Strategic Planning work programme and that staff report back on progress of this project to the first Environmental Planning Committee meeting in 2020.*

This report responds to Part C of the Council's decision. The report also provides progress comments on the tree canopy control project.

## **2. Crafting an FSR control for low density residential development**

### **2.1. Information required by the Department of Planning, Industry and Environment (DPIE)**

The table in part 3 of the report at *Annexure 1* includes questions asked by Council staff to clarify what type of information is required and the response from the DPIE. The information required by the DPIE is summarised below.

- *Evidence supporting proposed FSRs, including how they have been arrived at and why they are considered appropriate.*
- *Updated explanation of why **0.5:1** is more appropriate than **0.55:1**. This should address approved development applications and how the current controls translate (that is, how the current yield compares with an FSR yield).*
- *Clear justification and evidence base to demonstrate why/how the proposed FSRs are appropriate.*
- *Clearly identify the preferred built form outcomes and why / how the FSRs will achieve these outcomes.*
- *DPIE will consider neighbouring LEPs if Council uses this as a justification. However, an analysis will be required comparing lot sizes and built form outcomes.*
- ***0.55:1** was clearly justified with approved development applications and a translation of the current controls. The justification should be updated to **0.5:1** including analysing what built form outcomes will be achieved and justifying why these are appropriate.*
- *The planning proposal will be considered on its merits based on the justification and evidence provided above.*

### **2.2. Responding to the Department of Planning, Industry and Environment (DPIE)**

In order to respond to the DPIE, Council staff are conducting a range of tests for lots of variable sizes and dimensions in the R2 and R3 zones. The work includes 2D and 3D modelling of building envelopes based on FSRs of 0.5:1 and 0.55:1. The modelling incorporates common development controls contained in *Woollahra Local Environmental Plan 2014* and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) including but not limited to:

- setbacks from front, rear and side boundaries
- wall heights
- inclined plane
- maximum building height
- total deep soil landscaped area
- consolidated areas of deep soil landscaped area required for trees of variable size
- existing floorplate controls contained in Woollahra DCP 2015
- existing desired future character statements for residential precincts in the R2 and R3 zones
- draft planning recommendations for tree canopy controls prepared by Lyndal Plant, Urban Forester Pty Ltd, which were presented to Councillors at a briefing on 2 December 2019.

Council staff are also reviewing recent development applications, to assess the implications that an FSR of 0.5:1 would have on built form outcomes.

The anticipated outcomes of this research are:

- A comparison of the potential building envelopes, building articulation, floor space yields and deep soil landscaped areas which may be achieved using either an FSR of 0.5: 1 or 0.55: 1.
- The appropriateness of an FSR control of 0.5:1 when considered against the desired future character controls of the Woollahra DCP 2015.
- The appropriateness of draft tree canopy controls when considered against the desired future character controls of the Woollahra DCP 2015.

### 3. Tree canopy controls

In response to a notice of motion the Council resolved on 21 May 2018:

*THAT Council's Strategic Division produce a report which reviews Council's DCP Landscaping Controls in order to:*

- *Determine whether the current objectives and controls are promoting, maintaining and conserving the leafy character of the Municipality*
- *Strengthen Council's objectives and controls to further **enhance** the landscaped character of Woollahra and Paddington, by including a new control which reads as follows:*

*In the redevelopment of sites, landscaped areas should be planted with species that are compatible with the locality's existing character, and should include canopy trees that are capable of achieving a mature height of 10 metres:*

*When redeveloping sites:-*

- Sites less than 500 sq. metres may require the introduction of 1 additional tree*
- Sites between 500sq. metres and 1000 sq. metres to introduce 3 additional trees*
- Sites between 1000 sq. metres and 1200 sq. metres to introduce 4 additional trees*
- Sites over 1200 sq. metres - 5 trees.*

In the course of providing a response to the Council's decision, strategic planners and trees officers investigated the controls used by other councils and government authorities across Sydney and internationally and have spoken to consultants who specialise in urban forestry. This has allowed a review of best practice tree canopy controls used in other councils in NSW, Victoria, Queensland and overseas.

Council's strategic planners and trees officers reviewed the proposed controls set out in the decision of 21 May 2018 and identified a number of issues. The proposed controls do not address matters such as:

- The number, species, size and health of trees that are currently located on the development site.
- The type and scale of the development proposal. That is, whether it is a new dwelling or alterations and additions to an existing dwelling.
- The typical subdivision pattern and standard sized lots in the Woollahra LGA.
- The capacity of sites to contain trees in an effective and productive manner.
- The impact that the additional trees could have on the amenity of adjoining properties. This can include impacts on views and solar access.

In summary, Council staff recommended investigating an alternative control to the tree number control. In order to progress this concept, a workshop with Councillors facilitated by an urban forestry consultant was held on Monday 27 May 2019. At that workshop the Councillors were presented with a number of alternatives to the numerical tree number control. This included:

Woollahra Municipal Council  
Environmental Planning Committee Agenda

3 February 2020

- Deep soil landscaping controls (as per the *Sutherland Shire Local Environmental Plan 2015*)
- The Green Factor (used in Melbourne, Helsinki, London and Seattle)
- A Tree Canopy Control (as per the *Sydney Development Control Plan 2012*)

Councillors at the workshop were supportive of an investigation into a combination of these controls to retain and enhance tree canopy.

On 27 September 2019 Lyndal Plant Urban Forester was appointed to prepare an overarching report called **Woollahra: Greening our LGA**. The purpose of this report is to:

- set out the Council's current approach to controlling private landscaping and tree canopy in the Woollahra LGA
- identify Australian and international best practice for protecting and enhancing tree canopy
- recommend amendments to facilitate best practice in our controls and practices, which will be easy to administer, apply and enforce and which will retain and enhance private landscaping and tree canopy associated with new development.

On 2 December 2019 a workshop was held to update Councillors on the progress on this project. One of the next steps identified in that workshop was a need to further refine the planning recommendations including landscape areas and consolidated deep soil areas to ensure they are consistent with the proposed FSR controls for low density residential land.

Since that workshop, Lyndal Plant has refined her recommendations and provided an initial draft report to Council staff to review. These include a recommended minimum consolidated area of deep soil landscaping to facilitate trees of particular sizes. The consolidated area of deep soil landscaping varies based on the site size, and precinct. These draft recommendations have been taken into account in the modelling described in part 2.2 above.



#### 4. Next steps

Once the testing identified in part 2.2 above has been completed, Council staff will prepare a report to a meeting of the EPC summarising our findings and identifying potential options for consideration. We anticipate that this report will be provided to a meeting of the EPC in the third quarter of 2019/20. Subject to Council's support, this information will be provided to the DPIE in order to progress the planning proposal to introduce an FSR of 0.5:1 for low density residential development.

#### 5. Conclusion

Towards the end of 2019, Council resolved that staff should report back on the progress of the planning proposal to introduce an FSR of 0.5:1 for low density residential development, and the tree canopy controls. Since this time, testing and investigating of a new and combined control set that could be introduced for low density residential development has been carried out. Staff anticipate that the outcome of this research will be reported to Council in the third quarter of 2019/20.

#### Annexures

1. Report to EPC meeting of 28 October 2019 (Annexures removed) [↓](#) 
2. Letter from the Department of Planning, Industry and Environment - 2 September 2019  
[↓](#) 



Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

**Item No:** R1 Recommendation to Council  
**Subject:** **REPORT ON THE PLANNING PROPOSAL TO INTRODUCE AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND URBAN GREENING PROVISIONS**  
**Authors:** Anne White, Team Leader - Strategic Planning  
Deeksha Nathani, Strategic Planner  
**Approvers:** Chris Bluett, Manager - Strategic Planning  
Allan Coker, Director - Planning & Development  
**File No:** 20/31608  
**Reason for Report:** To present the report, Woollahra: Greening our LGA, prepared by Lyndal Plant, Urban Forester Pty Ltd.  
To present a planning proposal which introduces floor space ratio (FSR) controls for low density residential development as well as provisions to sustain and enhance Woollahra's tree canopy.  
To obtain Council's approval to refer the planning proposal to the Woollahra Local Planning Panel for advice.  
To obtain Council's approval to refer proposed amendments to Woollahra DCP 2015, including a number of new objectives and controls including urban greening provisions, to the Woollahra Local Planning Panel for advice.

**Recommendation:**

- A. THAT Council note the report, attached as **Annexure 1**, Woollahra: Greening our LGA prepared by Lyndal Plant, Urban Forester Pty Ltd, which includes a number of recommendations to facilitate best practice to sustain and enhance private landscaping and urban greening associated with new development.
- B. THAT Council note that the planning proposal attached as **Annexure 2** proposes that Woollahra LEP 2014 be amended by introducing the following provisions:
- i. A maximum floor space ratio (FSR) control of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - ii. A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
  - iii. A range of maximum FSR controls for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.
  - iv. New LEP objectives and local provisions to sustain and enhance tree cover.
- C. THAT the planning proposal attached as **Annexure 2**, and referred to in item B, be referred to the Woollahra Local Planning Panel for advice.
- D. THAT the proposed amendments to Chapter B3: *General Development Controls* and E3: *Tree Management* of the Woollahra DCP 2015, attached as **Annexures 3 and 4** also be referred to the Woollahra Local Planning Panel for advice.
- E. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- F. THAT following consideration of the expert advice from the Woollahra Local Planning Panel, Council determine whether or not, and in what form the planning proposal should be referred to the Department of Planning, Industry and Environment for a gateway determination.

## 1. Summary

In July 2019, Council resolved to proceed with an FSR control of 0.5:1 for low density residential development on sites of 400m<sup>2</sup> or greater. A planning proposal was submitted to the *Department of Planning, Industry and Environment* (DPIE). However, the DPIE did not provide a gateway determination. The DPIE required further information and research to support an FSR control of 0.5:1 (**Annexure 6**). In November 2019, Council resolved that staff should provide this further information, and that the project should be combined with proposed tree canopy controls.

Since November 2019 (in collaboration with Lyndal Plant: Urban Forester), staff have been researching both local and international best practice for protecting and enhancing tree canopy, whilst simultaneously carrying out site testing on a proposed package of amendments.

Based on this research and site testing, a number of recommendations were proposed by Lyndal Plant Urban Forester in the report **Woollahra: Greening our LGA** (June 2020) (**Annexure 1**). The key elements of the recommended package of controls introduces:

- urban greening provisions into Woollahra LEP 2014 and *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).
- a tree canopy control of 40% for low density residential development (R2 zone) and 30% for medium density residential development (R3 zone).
- a deep soil landscaped area of 35% for both low and medium density residential development (R2 and R3 zones) into Woollahra DCP 2015.

The proposed package of controls aligns with, and supports an FSR control of 0.5:1. The combination of these controls ensures there is an appropriate balance of landscaping and built form, consistent with the desired future character of the leafy low density residential areas.

In summary, the proposed package of controls:

- Supports an FSR control of 0.5:1. Our site testing identified that the proposed package of urban greening controls could not be consistently accommodated with an FSR control of 0.55:1 for low density residential development.
- Will ensure there is an appropriate balance of landscaping and built form consistent with the desired future character of residential areas.
- Will allow the consideration of urban greening, minimising urban heat and the mitigation of climate change in the assessment of development.
- Are consistent with the Premier's Priorities (March 2018):  
*12: Greening our city: Increase tree canopy and green cover across Greater Sydney by planting one million trees by 2022*
- Are consistent with the objectives of *A Metropolis of Three Cities* and the initiatives of the *Eastern City District Plan*.
- Are consistent with the vision and numerous planning priorities of the *Woollahra Local Strategic Planning Statement*.
- Will work in conjunction with the controls in Woollahra DCP 2015, and is consistent with Council's *Community Strategic Plan, Woollahra 2030*.
- Will improve Council's ability to sustain and enhance tree canopy in private development across the Woollahra LGA.

It should be noted that the proposed package of urban greening provisions will be critical in providing justification to the DPIE for a FSR control of 0.5:1 for low density residential

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

development. This is because our site testing demonstrates that it will be difficult to achieve the required area of 35% deep soil landscape with FSRs above 0.5:1. The adoption of the proposed tree canopy controls, consistent with State guidelines therefore provides the strongest argument to support Council's adoption of a FSR of 0.5:1 for low density residential development.

## 2. Draft Greener Places Design Guide

In June 2020, the *Draft Greener Places Design Guide* (Design Guide) was released for comment by the NSW Government Architects office. The contents of this Design Guide is entirely relevant to this report, and is consistent with our proposed approach to urban greening the Woollahra LGA. We have included below some of the most relevant points and statements.

The Design Guide contains the following statement about the importance of urban trees:

*Urban trees have a critical role in creating healthy cities. They provide shade and shelter, improve air quality, absorb carbon and rainfall, cool local environments, and support wildlife. Trees contribute to attractive urban places, providing seasonal variation and creating memorable landmarks. The network of trees in our cities plays a critical function, and provides an array of benefits.*

*Draft Greener Places Design Guide, Pg 30*

The benefits of urban trees are then summarised as:

- Economic benefits
- Improved health and wellbeing
- Urban trees and the heat island (see below).

*Trees can play a role in moderating and reducing the urban heat island. The urban heat island is the phenomenon of increased temperature in urban areas, caused by a loss of vegetation, changes in built form, and increased areas of dark impervious surfaces such as asphalt.*

*Draft Greener Places Design Guide, Pg 31*

Part 2.6 of the Design Guide identifies recommendations for urban tree canopy. Of particular relevance to this report are the recommendations that state:

- *Establish LGA-wide UTCPs with targets and timeline for implementation.*  
[Urban Tree Canopy Plans]
- *Incorporate urban tree canopy targets into existing strategic planning and reporting frameworks.*
- *Adopt revised LEP and DCP provisions for urban tree canopy. Apply mechanisms and controls to improve tree canopy provision on private land (such as through revisions to design criteria for deep soil).*
- *Develop and adopt minimum tree replenishment policies for new development in LEPs and DCPs.*

*Draft Greener Places Design Guide/ Urban Tree Canopy – p.39*

It is noted that the recommendations in this report are consistent with the latest government advice and recommendations in the Draft Guide in that they recommend:

- LGA wide targets.
- Incorporating targets into existing strategic planning and reporting frameworks.
- Adopting revised LEP and DCP provisions for urban tree canopy.

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

- Applying controls to improve tree canopy provision on private land e.g. with deep soil landscaping requirements.

### 3. Background

In response to a notice of motion the Council resolved on 21 May 2018:

*“THAT Council’s Strategic Division produce a report which reviews Council’s DCP Landscaping Controls in order to:*

- *Determine whether the current objectives and controls are promoting, maintaining and conserving the leafy character of the Municipality*
- *Strengthen Council’s objectives and controls to further **enhance** the landscaped character of Woollahra and Paddington, by including a new control which reads as follows:*

*In the redevelopment of sites, landscaped areas should be planted with species that are compatible with the locality’s existing character, and should include canopy trees that are capable of achieving a mature height of 10 metres:*

*When redeveloping sites:-*

- Sites less than 500 sq. metres may require the introduction of 1 additional tree*
- Sites between 500sq. metres and 1000 sq. metres to introduce 3 additional trees*
- Sites between 1000 sq. metres and 1200 sq. metres to introduce 4 additional trees*
- Sites over 1200 sq. metres - 5 trees.*

In the course of providing a response to the Council’s decision, strategic planners and trees officers investigated the controls used by other councils and government authorities across Sydney and internationally and have spoken to consultants who specialise in urban forestry. This has allowed a review of best practice tree canopy controls used in other councils in NSW, Victoria, Queensland and overseas.

Council’s staff reviewed the proposed controls set out in the decision of 21 May 2018 and identified a number of issues. The proposed controls do not address matters such as:

- The number, species, size and health of trees that are located on the development site.
- The type and scale of the development proposal. That is, whether it is a new dwelling or alterations and additions to an existing dwelling.
- The typical subdivision pattern and standard sized lots in the Woollahra LGA.
- The capacity of sites to contain trees in an effective and productive manner.
- The impact that the additional trees could have on the amenity of adjoining properties. This can include impacts on views and solar access.

In summary, Council staff recommended investigating an alternative control to the tree number control. In order to progress this concept, a workshop with Councillors facilitated by an urban forestry consultant was held on Monday 27 May 2019. At that workshop Councillors were presented with a number of alternatives to the numerical tree number control. This included:

- Deep soil landscaping controls (as per the *Sutherland Shire LEP 2015*)
- The Green Factor (used in Melbourne, Helsinki, London and Seattle)
- A Tree Canopy Control (as per the *Sydney Development Control Plan 2012*).

Councillors at the workshop were supportive of an investigation into a combination of these controls to sustain and enhance tree canopy.

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

On 27 September 2019 Lyndal Plant Urban Forester was appointed to assist with the tree canopy project. Lyndal Plant is a consultant specialising in urban forestry and has researched Australian and international best practice for protecting and enhancing tree canopy. Lyndal was appointed to prepare a report which:

- sets out the Council's current approach to controlling private landscaping and tree canopy in the Woollahra LGA
- identifies Australian and international best practice for protecting and enhancing tree canopy
- recommends amendments to facilitate best practice in our controls and practices, which will be easy to administer, apply and enforce and which will retain and enhance private landscaping and tree canopy associated with new development.

On the 28 October 2019, the Environmental Planning Committee (EPC) considered a report on a planning proposal seeking to introduce FSR development standards for low rise medium density development in the *R2 Low Density Residential Zone (R2 Zone)* and the *R3 Medium Density Residential Zone (R3 Zone)* (see **Annexure 5**). On 11 November 2019 Council resolved:

- THAT Council note the advice received from the Department of Planning, Infrastructure and Environment.*
- THAT Council provide the additional information required by the Department of Planning, Industry & Environment and press for a gateway determination of Council's planning proposal to introduce a Floor Space Ratio of 0.5:1 for low density residential development.*
- THAT this matter be given Priority 1, combined with the tree canopy controls in Council's Strategic Planning work programme and that staff report back on progress of this project to the first Environmental Planning Committee meeting in 2020.*

In summary, this planning proposal recommended amending Woollahra LEP 2014 by introducing the following controls:

- A maximum FSR of 0.5:1 for low density residential development in the R2 Low Density Residential and R3 Medium Density Residential zones.
- A maximum FSR of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
- A range of maximum FSRs for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones (*excluding land in the Paddington, Woollahra and Watson Bay Heritage Conservation Areas*).

The proposed amendments were supported by consequential amendments to Chapter B3 of Woollahra DCP 2015. In particular, the floorplate and site depth controls were to be replaced by the proposed FSR control.

The table in part 3 of the EPC report of 28 October 2019 at **Annexure 5** includes questions asked by Council staff to clarify what type of information is required and the response from the DPIE.

On 2 December 2019 a workshop was held to update Councillors on the progress on both of these projects. One of the next steps identified in that workshop was a need to further refine the planning recommendations including landscape areas and consolidated deep soil areas to ensure they are consistent with the proposed FSR controls for low density residential land.



Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

On 3 February 2020, the EPC considered a progress report on the planning proposal and an update on the proposed tree canopy controls (see **Annexure 7**). Council, on 10 February 2020 resolved:

*“THAT Council receive and note the progress on:*

- i) Preparing further information to justify the planning proposal to introduce a floor space ratio control of 0.5:1 for low density residential development; and*
- ii) Preparing new tree canopy controls.”*

On 15 June 2020, a further Councillor workshop was held to update Councillors on the progress of both of these projects. In particular, Lyndal Plant presented her final draft recommendations. In general the content of this presentation was well received, however, Councillors asked a number of questions and sought clarification on matters raised. Staff responses to these questions are attached at **Annexure 8**.

#### **4. Site Testing and Research**

In preparing our response to the DPIE to justify Council’s planning proposal to introduce an FSR of 0.5:1 for low density residential development, staff took a collaborative approach. A cross Council team was created involving staff from strategic planning, tree management, development control and environment & sustainability. This project team was then guided by Lyndal Plant: Urban Forester.

A number of test sites were selected from the R2 Low Density Residential Zone and R3 Medium Density Residential Zone (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas). These test sites were selected from different precincts, with different site sizes, different site conditions, and different built forms. A selection of these test sites are illustrated in **Annexure 9**.

In order to identify an appropriate suite of controls for built form and urban greening outcomes, the following tasks were undertaken:

- A selection of low density and medium residential developments across different residential precincts approved and constructed since March 2015 was chosen.
- The approximate gross floor areas (GFA) and FSRs of the selected low density residential developments were identified in accordance with the definitions of GFA and FSR in Woollahra LEP 2014.
- The developments were examined to assess their consistency with the desired future character of the precinct.
- The site coverage, deep soil landscaped area and tree canopy area of the selected developments were calculated using the landscape and architectural plans submitted. Tree canopy was calculated using the estimated crown spread of the proposed tree species at maturity.
- An ‘improved’ tree canopy area was then prepared for the selected sites by hypothetically locating canopy trees on the site (in the approved deep soil landscaped areas) in accordance with the best practice guidance developed by Lyndal Plant Urban Forester. In most cases, Lyndal Plant was able to accommodate more canopy trees on the sites than were identified in the approved landscape plans.
- The various calculations of the approved and ‘improved’ versions were then tabulated and compared.

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

The key findings of this study were:

1. For recently approved dwelling houses their FSR was found to be directly related to site coverage. That is, sites with higher FSRs occupied a larger area on the ground floor.
2. For recently approved dwelling houses their FSR was found to be inversely related to deep soil area. That is, sites with higher FSRs had lesser deep soil landscaped areas.
3. For recently approved dwelling houses the site area was not found to be related to deep soil landscaped area. That is, one deep soil landscaped area control could be applied to small lots as well as large lots.
4. For a number of applications investigated, the proposed deep soil landscaped areas were not of a sufficient size to sustain canopy trees. This highlighted the need for a control set that encourages consolidated deep soil areas to support canopy trees.
5. Due to the unique conditions of the Wolseley Road area, it is appropriate to have a different suite of landscape controls for this precinct.

#### 5. Woollahra: Greening our LGA - Recommendations

Lyndal Plant in conjunction with Council staff refined her recommendations and prepared her final report: **Woollahra: Greening our LGA**. This report is attached as **Annexure 1**. The key recommendations of this report are contained in part 5 of the report, and include a shift in our regulatory controls to focus on tree canopy management in Woollahra.

These recommendations include proposed amendments to the Council's existing policy and procedural framework for tree management including the current planning controls, information required for development applications, internal referral process, the nature of consent conditions and construction certification. A summary of the elements recommended are tabulated below:

<b>Current landscaping controls</b>	<b>Recommended tree canopy controls</b>
<i>Unclear line of sight between Woollahra landscape controls and canopy cover outcomes</i>	<i>Strong support for regional Sydney 40% canopy cover aspirations.</i>
<i>Risk of development diluting the leafy Woollahra character</i>	<i>Focus on conserving and enhancing Woollahra's leafy character</i>
<i>Disconnect between deep soil areas and canopy cover outcomes</i>	<i>Deep soil areas linked to site area and land-use based canopy cover targets</i>
<i>Shortfall in community expectations for suitable quantity and quality of trees on development sites</i>	<i>Better balance between tree canopy quantity and quality outcomes- including urban cooling and urban forest resilience</i>
<i>Comparative or anecdotal controls content</i>	<i>Evidence and best practice basis for improving tree canopy outcomes</i>
<i>Focus on smaller and ornamental trees</i>	<i>Focus on larger longer-lived, functional canopy trees</i>
<i>Treatment of landscape and tree canopy outcomes in isolation from other built form controls</i>	<i>Integration of tree canopy controls with FSR amendments</i>
<i>Favour Aesthetic based landscape design</i>	<i>Promote multifunctional landscape design</i>

The key policy recommendation of Lyndal's report is to introduce a minimum tree canopy control of **40%** for low density residential development, and a minimum canopy control of **30%** for medium density residential development. These controls should be supported by:

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

- specific requirements for minimum deep soil landscaped areas (including minimum dimensions)
- a list of preferred canopy trees
- urban greening controls and objectives across both the Woollahra LEP 214 and the Woollahra DCP 2015.

As part of this comprehensive testing, it was identified that the proposed package of urban greening controls, align with, and support an FSR control of 0.5:1. An FSR control of 0.5:1 facilitates an appropriately scaled residential built form with a site coverage which is consistent with the desired future character of our leafy low density residential areas. That is, an FSR of 0.5:1 supports a deep soil landscaped area of **35%** which in turn supports a **40%** tree canopy area.

The testing identified that the proposed package of urban greening provisions could not be consistently accommodated with an FSR control of 0.55:1 for low density residential development. An FSR of 0.55:1 generally supports a deep soil landscaped area of only **30%**.

The adoption of the suite of urban greening provisions is the most compelling argument to justify, to the DPIE, an FSR of 0.5:1 for low density residential development.

Further information justifying the proposed package of controls is included in the planning proposal attached at **Annexure 2**. However, in summary, the proposed package of controls:

- Aligns with and supports an FSR control of 0.5:1 for low density residential development.
- Will ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of our leafy residential areas.
- Will allow the consideration of urban greening, minimising urban heat and the mitigation of climate change in the assessment of development.
- Are consistent with the Premier's Priorities (March 2018):  
*12: Greening our city: Increase tree canopy and green cover across Greater Sydney by planting one million trees by 2022*
- Are consistent with the objectives of *A Metropolis of Three Cities* and the initiatives of the *Eastern City District Plan*.
- Are consistent with the vision and numerous planning priorities of the *Woollahra Local Strategic Planning Statement*.
- Will work in conjunction with the controls in Woollahra DCP 2015, and is consistent with Council's *Community Strategic Plan, Woollahra 2030*.
- Will improve Council's ability to sustain and enhance tree canopy in private development across the Woollahra LGA.

#### **6. Summary of proposed amendments to Woollahra LEP 2014**

The work on the FSR controls has been combined with the proposed urban greening provisions. Accordingly, the planning proposal submitted to the DPIE in July 2019 has been updated to identify the amendments being recommended to Woollahra LEP 2014 to enhance existing controls and objectives relating to sustaining and enhancing urban greening. The updated planning proposal is attached at **Annexure 2**, and key additions to the text have been highlighted in **yellow**.

Certain elements of the urban greening provisions will apply generally across the Woollahra Municipality whilst certain controls will not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

The updated planning proposal seeks to amend Woollahra LEP 2014 by introducing the following controls:

Proposed LEP provision	Land to which this provision will apply
a) A maximum FSR control of 0.5:1 for low density residential development.	R2 Low Density Residential Zone and R3 Medium Density Residential Zone (excluding the Wolseley Road precinct and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).
b) A maximum FSR control of 0.75:1 for low density residential development in the Wolseley Road, Point Piper precinct	The Wolseley Road precinct – as identified on the Floor Space Ratio Map. See also Figures 1 and 2 on pages 29 and 30 of the planning proposal.
c) A range of maximum FSR controls for low density residential development on small sites.	R2 Low Density Residential Zone and R3 Medium Density Residential Zone (excluding the Wolseley Road precinct and the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).
d) A local provision to sustain and enhance tree cover.	Whole LGA (excluding the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas).
e) Amendment to clause 1.2 Aims of Plan	Whole LGA
f) Amendment to Land Use Zone objectives addressing matters of urban greening, heat island effect and climate change.	R2 Low Density Residential Zone R3 Medium Density Residential Zone B1 Neighbourhood Centre Zone B2 Local Centre Zone B4 Mixed Use Zone SP2 Infrastructure Zone SP3 Tourist Zone RE2 Private Recreation Zone.

## 7. Summary of proposed amendments to Woollahra DCP 2015

If Council agrees with the proposed amendments to Woollahra LEP 2014, consequential amendments to chapters *B3: General Development Controls* and *E3: Tree Management* of Woollahra DCP 2015 will be required.

An updated *Chapter B3: General Development controls* and *E3: Tree Management* are attached at **Annexures 3 and 4**. These chapters would be used as the basis for an amending draft DCP.

A summary of the key changes to these two chapters are provided below. In addition to these changes, a number of minor administrative changes are proposed.

*Note: Those changes that have arisen as a consequence of the recommendations of **Woollahra: Greening our LGA**, are highlighted in blue.*



Topic	Amendment
<b>Chapter B3: General Development Controls</b>	
<i>B3.1.3 Design Excellence</i>	<ol style="list-style-type: none"> <li>1. Insert objective to require applicants to consider if a more skilful design would achieve a better environmental outcome.</li> <li>2. Reinforce protection and enhancement of tree canopy as a criteria for design excellence.</li> </ol>
<i>B3.1.5 How to use this chapter</i>	Insert note to clarify that the precinct-specific controls in Chapter B2 take precedence where there is an inconsistency with the controls in Chapter B3.
<i>B3.2.1 Where the building envelope controls apply</i>	<ol style="list-style-type: none"> <li>1. As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control.</li> <li>2. Amend introduction to clarify where the proposed FSR controls will apply.</li> </ol>
<i>B3.2.4 Rear Setback</i>	<ol style="list-style-type: none"> <li>1. Amend introduction to clarify how the rear setback is measured.</li> <li>2. Delete building depth control and insert a simplified rear setback control of 25%.</li> <li>3. Delete building depth diagram and insert a new diagram illustrating the rear 25% rear setback.</li> </ol>
<i>B3.3 Floorplate</i>	<p>As a consequence of introducing an FSR control into Woollahra LEP 2014, delete this section (and all references to the floorplate).</p> <p>Note: The current controls relating to parking structures have been consolidated with section <i>B3.5 On-site parking</i>.</p>
<i>From this part of the revised Chapter B3 - numbering amended accordingly</i>	
<i>B3.3 Excavation</i>	<ol style="list-style-type: none"> <li>1. Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area.</li> <li>2. Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage.</li> <li>3. Insert objective and control addressing the retention of natural and landscape features.</li> <li>4. Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.</li> </ol>
<i>B3.4.1 Streetscape character</i>	Insert objective and control to encourage protection and enhancement of urban greening and tree canopy.
<i>B3.5 On-site parking</i>	Insert and consolidate the current controls relating to parking structures contained in section <i>B3.3 Floorplate</i> .
<i>B3.6.1 Landscaped areas and private open space</i>	<ol style="list-style-type: none"> <li>1. Amend introduction to explain the urban heat island effect and the importance of protecting and enhancing urban greening, especially tree canopy.</li> <li>2. Insert new definition and diagram for calculation of tree canopy.</li> <li>3. Amend objectives to encourage protection and enhancement of urban greening and tree canopy.</li> <li>4. Insert new tree canopy control to increase tree canopy in residential areas consistent with Woollahra: Greening our LGA. Insert circumstances where Council may consider a variation to the tree canopy control.</li> <li>5. Insert a new deep soil landscaped area control consistent with the new tree canopy control and FSR control.</li> <li>6. Delete deep soil area precinct variations.</li> <li>7. Delete control which duplicates the definition of deep soil landscape area and insert as a note.</li> <li>8. Insert figure identifying the location of the Wolseley Road area.</li> <li>9. Insert note containing the definition of deep soil landscaped area.</li> </ol>



Topic	Amendment
<i>B3.6.4 Ancillary development - outbuildings</i>	1. Insert note containing the definition of outbuildings. 2. Insert note containing a cross reference to section <i>B3.5 On-site parking</i> .
<i>B3.7.1 Minimum lot width</i>	Insert additional objectives to clearly articulate the purpose of the control.
<i>B3.8 Additional controls for development on battle axe lots</i>	Minor amendments to controls to simplify and ensure consistency with the proposed FSR controls.
<b>Chapter E3: Tree Management</b>	
<i>E3.1 Introduction</i>	Administrative update to reference the Vegetation SEPP which has superseded clause 5.9 of Woollahra LEP 2014.
<i>E3.1.3 Objectives</i>	Amend objective, consistent with the proposed urban greening and tree canopy controls in Chapter B3 of the DCP.
<i>E3.1.5 Relationship to other documents</i>	Administrative update to insert reference to the Biodiversity Conservation Act 2016 which came into force in 2016 after the DCP was adopted.
<i>E3.2.1 Prescribed trees</i>	Consistent with the proposed urban greening controls, amend terminology to refer to all types of vegetation.
<i>E3.4.1 Exempt species</i>	1. Administrative update to make reference to the Biosecurity Act 2015 which has superseded the Noxious Weeds Act 1993. 2. In response to a Councillor question, insert new condition for the removal of exempt species requiring applicants to provide a similar sized replacement tree in response to urban greening and tree canopy objectives in Chapter B3 of the DCP. 3. Insert <i>Ligustrum</i> species into the Group A table, being a tree that can be removed irrespective of height. This is in response to advice from Council's Environment & Sustainability Team.

## 8. Next steps

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.

The Direction states, in part:

*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:*

- The correction of an obvious error in a local environmental plan,*
- Matters that are of a consequential, transitional, machinery or other minor nature, or*
- Matters that Council's General Manager considers will not have any significant adverse impact on the environment or adjoining land.*

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

Items (a) and (b) are not relevant to a planning proposal which would be prepared for the matter currently before the Committee. Consideration under item (c) has been passed to the position of Director Planning and Development through the General Manager's delegations.

The Director Planning and Development has formed a view that he cannot be satisfied that the matter being dealt with by this report will have no significant adverse impact on the environment or the adjoining land. Therefore, under the terms of the Direction, if Council wants to proceed to the next step it must refer the planning proposal to introduce FSR and tree canopy controls to the Woollahra Local Planning Panel (Woollahra LPP) for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to proceed with the planning proposal.

On 12 August 2019 following consideration of amendments to the Paddington Heritage Conservation Area controls Council resolved:

*"C. THAT planning policy matters not be considered by the Woollahra Local Planning Panel (WLPP) unless required by:*

- Ministerial direction*
- provisions of the Environmental Planning and Assessment Act 1979, or*
- Council resolution."*

In this case the planning proposal and DCP amendments have been drafted as an integrated package and under the terms of the above resolution it is open to Council to also refer the proposed DCP changes to the Local Planning Panel. This approach would enable the panel to better understand how the LEP and DCP changes work together as an integrated package of planning reforms. For this reason it is recommended that the changes proposed to the Woollahra DCP 2015 also be referred to the Local Planning Panel for advice.

The advice from the Local Planning Panel will be reported to the Environmental Planning Committee. It is at this stage that the Council can decide to:

- proceed with the draft planning proposal and DCP amendments with or without change, or
- not proceed with the draft planning proposal and DCP amendments.

If Council resolves to proceed with the planning proposal it will be referred to the DPIE for a gateway determination. This will allow the planning proposal to be placed on public exhibition. The draft DCP will be placed on public exhibition at the same time as the planning proposal.

## 9. Conclusion

Over the last 18 months, Council staff have been researching an appropriate suite of controls to apply to low density residential development. The focus of this research was the introduction of FSR, and in November 2019 this work was combined with proposed tree canopy controls.

Following extensive research, and two Councillor workshops, **Woollahra: Greening our LGA** was prepared by Lyndal Plant: Urban Forester (see **Annexure 1**). This report recommends a package of urban greening provisions to protect and enhance the leafy character of Woollahra.

Key elements of the recommendations are to introduce:

- an urban greening provision in the Woollahra LEP 2014
- a tree canopy control of 40% of into Woollahra DCP 2015
- a deep soil landscaped area control of 35% into Woollahra DCP 2015.

Woollahra Municipal Council  
Environmental Planning Committee

06 July 2020

As part of our testing, it was identified that the proposed package of urban greening controls, align with, and support an FSR control of 0.5:1. The combination of these controls ensures there is an appropriate balance of landscaping and built form, consistent with the desired future character of the leafy low density residential areas.

The proposed package of FSR controls and urban greening provisions have strategic merit. They are consistent with multiple objectives of *A Metropolis of Three Cities*, and the *Eastern City District Plan*, and the *Premier's Priorities*. The proposed package of controls have local strategic merit. They are consistent with the vision and numerous planning priorities in the *Woollahra Local Strategic Planning Statement*, and the strategies in the *Woollahra Community Strategic Plan*.

Should the proposed package of urban greening provisions be supported, they will be critical in justifying our response to the DPIE of a proposed FSR control of 0.5:1 for low density residential development.

We recommend that this package of planning initiatives (both LEP and DCP amendments) be referred to the Woollahra Local Planning Panel for advice. That advice will be reported to a future meeting of the Environmental Planning Committee. With the benefit of that advice Council can then decide how it may want to proceed.

#### Annexures

1. Woollahra: Greening our LGA prepared by Lyndal Plant, 30 June 2020
2. Planning Proposal – Introduction of FSR for low density residential development and urban greening provisions (Annexures removed)
3. Proposed amendments to Chapter B3 : General Development controls of Woollahra DCP 2015
4. Proposed amendments to Chapter E3 : Tree Management of Woollahra DCP 2015
5. Report to the Environmental Planning Committee 28 October 2019 (Annexures removed)
6. Letter from the Department of Planning, Industry & Environment 2 September 2019
7. Report to the Environmental Planning Committee 3 February 2020 (Annexures removed)
8. Staff responses to questions asked by Councillors on 15 June 2020
9. Residential 2D site testing 2020

**Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings**

