

Planning Proposal



Local Heritage Listing Trelawney Court 3 Trelawney Street, Woollahra



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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.*

The advice was reported to the EPC on 7 September 2020. On 29 September 2020, Council endorsed the following:

- 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.*

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 McNerney 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"> cultural or natural places, or cultural or natural environments, (or a class of the local area's cultural or natural places, or cultural or natural environments.) | √ | x |

The heritage 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 McNerney 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.”¹ Any future adaptations or upgrades should aim to retain as much original fabric as possible.

¹ The Burra Charter, Australia ICOMOS 2013.

- It is considered that sympathetic upgrades of kitchens and bathrooms would not adversely 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 be retained and conserved. It is noted that the garage and laundry room are not considered to be of heritage significance.
- The heritage significance assessment did not include a full inspection of the building. Consequently, 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.

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**.



Figure 1: The area recommended for local listing is identified with a solid red line (Source: Woollahra MAPS)

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 (**Figures 1, 2 and 3**). 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: broader context aerial map showing the site in relation to the suburb, major roads and surrounds (Source: Woollahra MAPS).

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Figure 4: View of Trelawney Court from the street (Source: Bradfield, 2019)



Figure 5 and 6: Main entry door with a curve concrete slab awning over an ashlar sandstone blade wall and curved 'streamlined' plasterwork.

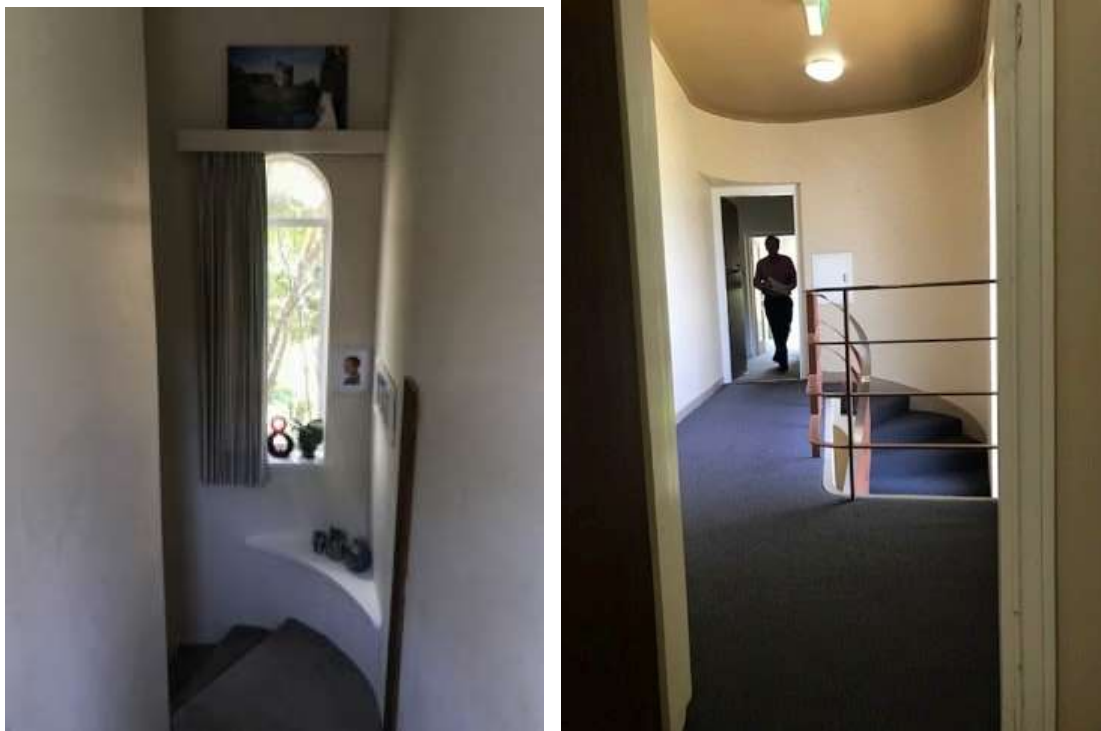


Figure 7 and 8: Curved walls, internal staircase with curve winders and curved balustrade.



Figure 9, 10 and 11: 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 Map (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 our heritage, including 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 Map (Sheet HER_003A)

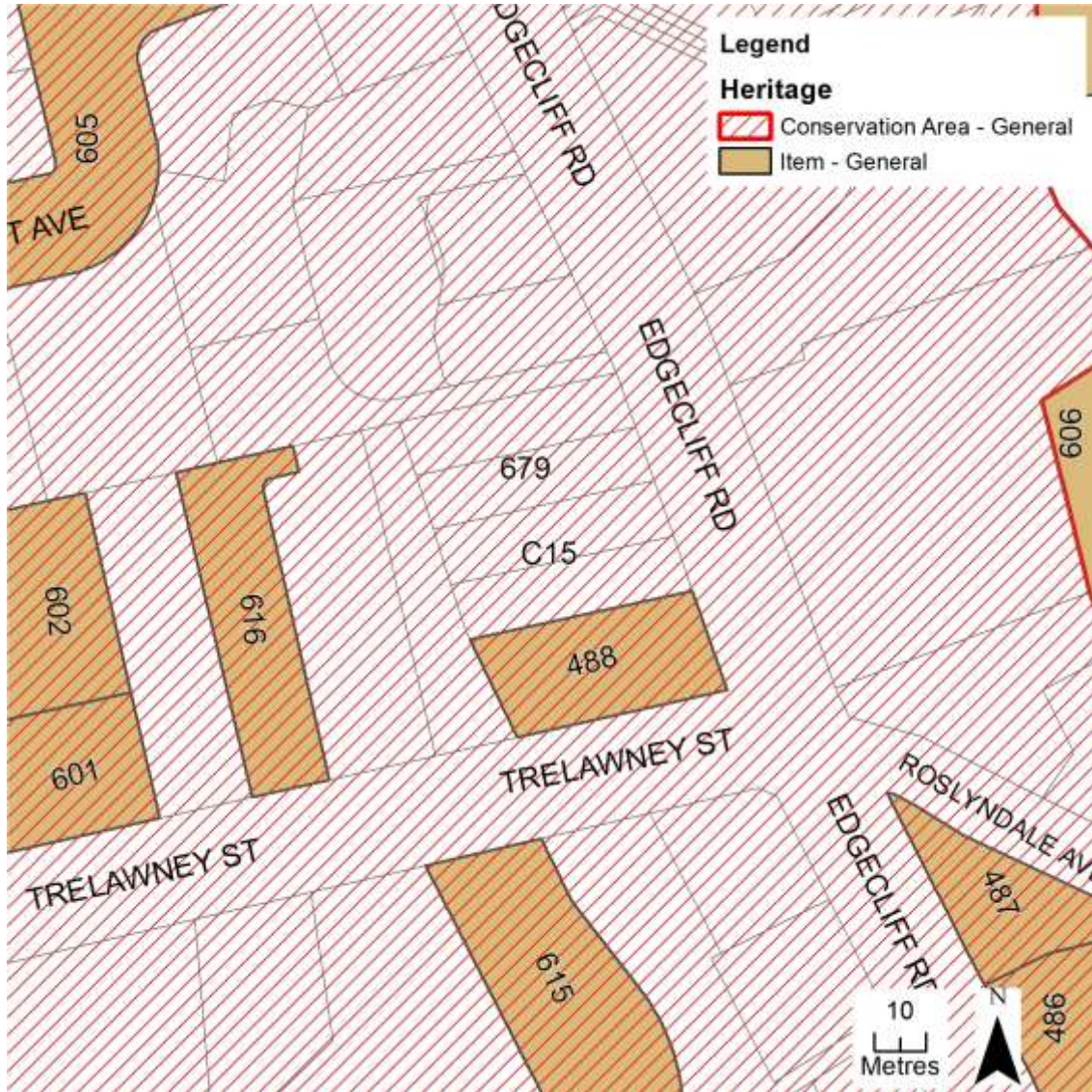


Figure 12: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER_003A).

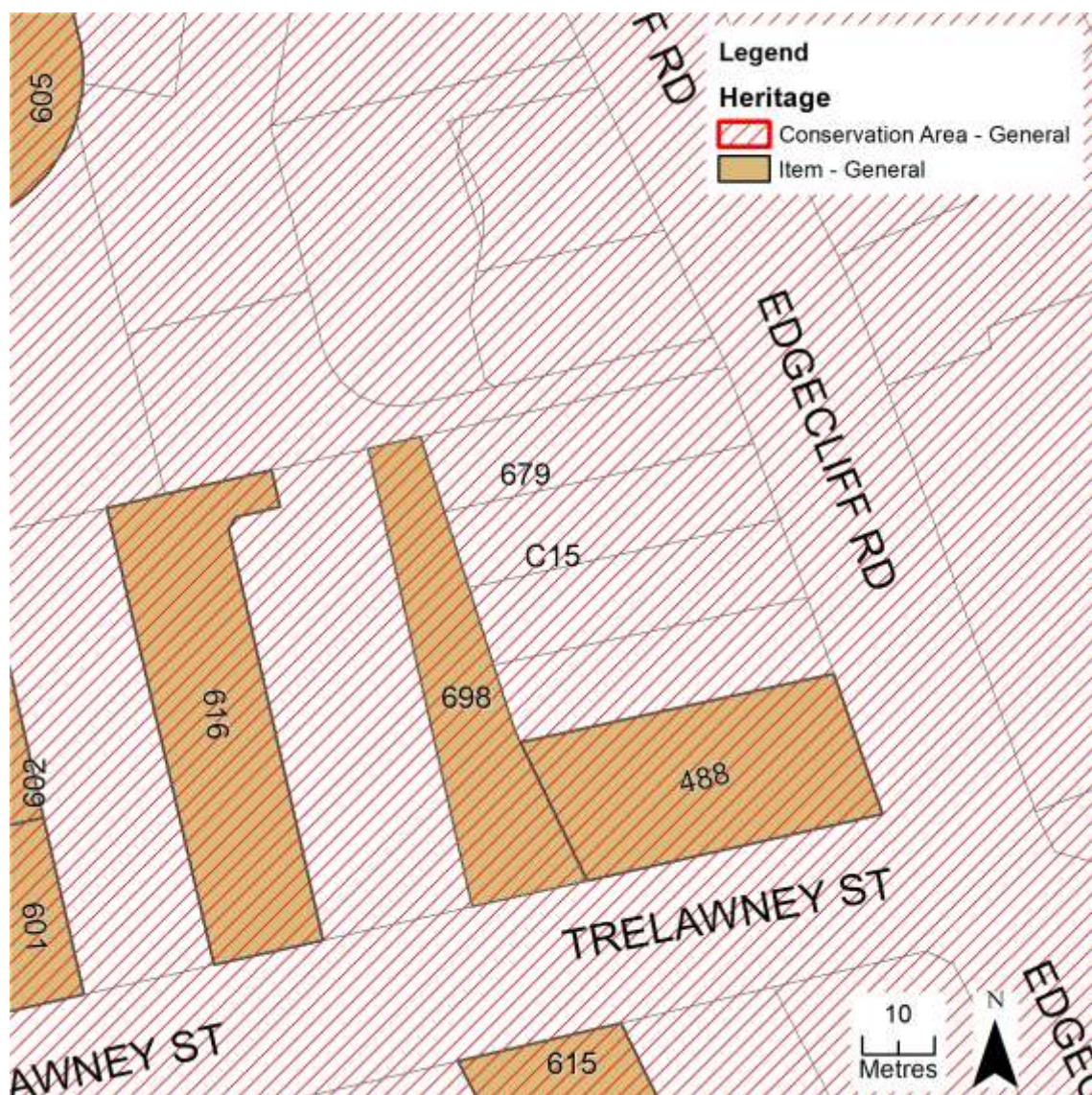


Figure 13: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER_003A). The heritage number is indicative only and will be confirmed upon finalisation of the proposal.

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 | January – February 2021 |
| Public exhibition period | January – February 2021 |
| Submissions assessment | March 2021 |
| Environmental Planning Committee considers assessment of planning proposal post exhibition | April 2021 |
| Council decision to make the LEP amendment | April 2021 |
| Council to liaise with Parliamentary Counsel to prepare LEP amendment | May 2021 |
| Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification | June 2021 |
| Notification of the approved LEP | July 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 | <p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>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.</p> |
| SEPP (Gosford City Centre) 2018 | Not applicable. |
| SEPP (Housing for Seniors or People with a Disability) 2004 | <p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> |
| SEPP (Infrastructure) 2007 | <p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> |
| 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 | <p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> |
| SEPP (Penrith Lakes Scheme) 1989 | Not applicable |
| SEPP (Primary Production and Rural Development) 2019 | <p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> |

| State environmental planning policy | Comment on consistency |
|---|---|
| SEPP (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 Aerotropolis) 2020 | Not applicable |
| 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 |

| Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies | Comment on consistency |
|--|--|
| 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 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 |
| 1 | Employment and resources | |
| 1.1 | 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. |
| 2 | Environment and heritage | |
| 2.1 | Environment protection zones | Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection. |
| 2.2 | Coastal management | Not applicable. The planning proposal does not apply to land within the coastal zone. |
| 2.3 | Heritage conservation | Applicable. Consistent. Heritage listing of <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. |
| 3 | Housing, infrastructure and urban development | |
| 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. |

| 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. |
| 4 | Hazard and risk | |
| 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. |
| 5 | Regional planning | |
| 5.1 - 5.9 | Strategies 5.1-5.9 | Not applicable. These strategies do not apply to the Woollahra LGA. |
| 5.10 | Implementation of Regional Plans | <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. |
| 6 | Local plan making | |
| 6.1 | Approval and referral requirements | Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction. |
| 6.2 | Reserving land for public purposes | Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes. |
| 6.3 | Site specific provisions | Not applicable. The planning proposal does not allow a particular development to be carried out. |
| 7 | Metropolitan Planning | |
| 7.1 | Implementation of <i>A Metropolis of Three Cities</i> (March 2018) | <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>Refer to Section 6 and Schedule 1 of this planning proposal and direction 5.10 of this table.</p> |
| 7.2 - & .12 | Directions 7.2 to 7.12 | 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)

Appendix 5 - Environmental Planning Committee Report (Annexures removed) (7 September 2020)

Appendix 6 – Council Meeting Minutes (29 September 2020)