

Environmental Planning Committee



Agenda

Monday 2 November 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

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*.

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*.

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

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

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

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

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

Government Act or required to be a Recommendation to Full Council as listed above.

- **Environmental Planning Committee Membership:**
7 Councillors
- **Quorum:**

The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

29 October 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 – 2 November 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 in using teleconferencing technology, **on Monday 2 November 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

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 6 October 2020 - 20/163498.....	7
----	--	---

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

R1	Post-Exhibition Report - Planning Proposal - Heritage Listing of Seven Pubs in Paddington (Paddington Pubs Study) - 20/175287	9
R2	Planning Proposal - Heritage Listing of Hillcrest, 780-786 New South Head Road, Rose Bay - 20/183695	377
R3	Post Exhibition Report - Planning Proposal - Heritage Listing of the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay - 20/198140.....	427
R4	Request for a Planning Proposal for 252-254 New South Head Road, Double Bay - 20/142787	533
R5	Advice of the Woollahra Local Planning Panel - Amended Planning Proposal to Introduce FSR Standards for Low Density Residential Development and Urban Greening Provisions - 20/185981.....	623
R6	Draft DCP Controls to Address Air-Conditioning Units & Mechanical Plant Equipment on the Rooftops of Dwellings - 20/91261	829

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 6 OCTOBER 2020**
Author: Sue O'Connor, Governance Officer
File No: 20/163498
Reason for Report: The Minutes of the Environmental Planning Committee of 6 October 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 6 October 2020 be taken as read and confirmed.

Item No: R1 Recommendation to Council
Subject: **POST-EXHIBITION REPORT - PLANNING PROPOSAL - HERITAGE LISTING OF SEVEN PUBS IN PADDINGTON (PADDINGTON PUBS STUDY)**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/175287
Reason for Report: To report on the public exhibition of the planning proposal to list seven pubs in Paddington as heritage items 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 at **Annexure 1** of the report to the Environmental Planning Committee meeting of 2 November 2020 and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of *Woollahra Local Environmental Plan 2014* to list the following pubs as local heritage items:
- i. Bellevue Hotel and interiors at 157-159 Hargrave Street, Paddington;
 - ii. Grand National Hotel and interiors at 33 Elizabeth Street (161 Underwood Street), Paddington;
 - iii. Imperial Hotel and interiors at 252 Oxford Street, Paddington;
 - iv. London Tavern Hotel and interiors at 85 Underwood Street, Paddington;
 - v. Paddington (former Paddington Arms Hotel) and interiors at 384 Oxford Street, Paddington;
 - vi. Paddington Inn Hotel and interiors at 338 Oxford Street, Paddington; and
 - vii. Unicorn Hotel and interiors at 102-106 Oxford Street, Paddington
- 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 seven pubs in Paddington as heritage items under *Woollahra Local Environmental Plan 2014*.

1. Introduction

This report relates to the public exhibition of a planning proposal to list seven pubs in Paddington as local heritage items in Schedule 5 of Woollahra Local Environmental Plan 2014. The planning proposal is included at **Annexure 1**.

2. The sites

All hotels assessed in this study are of historic significance to Paddington and Woollahra as early and successful examples of Paddington's suburban pubs, having been variously but continuously operating since their construction. The assessment of heritage significance for each pub was undertaken by *Robert A. Moore Pty Ltd Architects and Conservation Consultants* in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001.

Some, such as The Grand National Hotel, are examples of the type of landmark corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development. Other pubs are stylistic exemplars of a particular style or occupy corner landmarks of Paddington, such as the Unicorn Hotel or the Imperial Hotel.

All of the pubs have historic and aesthetic significance as examples of evolved period hotels, still reflecting their original design, many re-styled and all updated. They are vibrant elements of Paddington's urban fabric and local streetscapes, contributing to its distinctive urban "village" character.

The assessment by Robert A. Moore concludes that each of the seven pubs meet the criteria for heritage listing at a local level and recommends their listing (including interiors) in Schedule 5 of the Woollahra LEP 2014. The seven pubs which are the subject of this planning proposal are:

- 1) Bellevue Hotel at 157-159 Hargrave Street, Paddington [Lot 11 DP 1124608]
- 2) Grand National Hotel at 33 Elizabeth Street (161 Underwood Street), Paddington [Lot 1 in DP 902766]
- 3) Imperial Hotel at 252 Oxford Street, Paddington [Lot 3 in DP 51538]
- 4) London Tavern Hotel at 85 Underwood Street, Paddington [Lot 1 in DP 391 and Lot 1 in DP 1001328]
- 5) The Paddington (formerly Paddington Arms Hotel) at 384 Oxford Street, Paddington [Lot 1 in DP 68955]
- 6) Paddington Inn Hotel at 338 Oxford Street, Paddington [Lot 1 in DP 85869]
- 7) Unicorn Hotel at 102-106 Oxford Street, Paddington [Lot 1 in DP 84534]

3. Background

The process for assessing the heritage significance of the seven pubs and preparing the planning proposal has involved the following steps to date:

- 1) Adopted Notice of Motion to assess heritage significance (21 May 2018).
- 2) Robert A. Moore heritage consultant commissioned to prepare the Heritage Study Report and Heritage Inventory Sheets prepared by Mr Moore (see **Annexure 2**).
- 3) Consultation with site owners to notify them of the study and request for a site inspection in July 2018.
- 4) Some site visits occurred, and some submissions were received from owners.
- 5) Reporting of the heritage assessment to the Environmental Planning Committee (EPC) on 18 November 2019.
- 6) Decision of Council on 25 November 2019 to prepare a planning proposal.
- 7) Report to the Woollahra Local Planning Panel (LPP) on 30 January 2020 for advice.
- 8) Report to the EPC on 17 February 2020 with the Woollahra LPP's advice.
- 9) 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 (DPIE).
- 10) Conditional gateway determination issued on 5 August 2020 (**Annexure 3**). Authorisation given to 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.

*Note: The owners of the properties were notified at each key project stage. A chronology of key consultation milestones and correspondence is at **Annexure 4**.*

4. Consultation

The planning proposal and supporting material were placed on public exhibition for 42 days, from Wednesday 26 August 2020 – Friday 2 October 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. Six weekly notices in the Wentworth Courier providing details of the exhibition, on 26 August, 2 September, 9 September, 16 September, 23 September and 30 September 2020.
2. A notice in the Woollahra News newsletter on 2 September 2020.
3. A public exhibition page for the planning proposal and supporting material on Council website. The exhibition page was visited by 20 external customers during the exhibition period.
4. A public exhibition page for the planning proposal and supporting material on Your Say Woollahra. This page was visited by 189 customers during the exhibition period.
5. Display of exhibition material at the Customer Service counter at the Woollahra Council Chambers at Double Bay, available during normal business hours.
6. Notification letter or email to stakeholders including:
 - Owners.
 - Adjoining and nearby property owners (including properties in the City of Sydney).
 - NSW Heritage at the Department of Premier and Cabinet.
 - The National Trust of Australia (NSW).
 - The Woollahra History and Heritage Society.
 - The Paddington Society.
 - City of Sydney Council.

5. Submissions

Seven submissions were received in response to the public exhibition. A redacted copy of all submissions is attached as **Annexure 5**.

Of these submissions, six supported the planning proposal:

- Jonathan Hutchison (Paddington resident)
- Petra O'Neill (Paddington resident)
- Woollahra History and Heritage Society
- Heritage NSW
- The Paddington Society
- The City of Sydney Council.

We note the following two questions were raised in the submissions of support:

	Issue	Response
1	Why wasn't The Four in Hand included?	Whilst the Four in Hand Hotel originally formed part of this project, its assessment was expedited. Subsequently, the Four in Hand Hotel, and interiors, at 105 Sutherland Street was gazetted as a local heritage item [no 682] in Schedule 5 of the Woollahra LEP 2014 on 17 January 2020.
2	Why wasn't the Lord Dudley Hotel included?	The Lord Dudley Hotel, and interiors, at 236 Jersey Road is already listed as a local heritage item [no 261] in Schedule 5 of the Woollahra LEP 2014.

A submission from the owner of the Imperial Hotel at 252 Oxford Street contained comments which are summarised in the table below. Where the heritage inventory sheets have been amended, this has been indicated.

	Issue	Response
1	The balcony mentioned in the Statement of Significance was removed from the hotel over 110 years ago. The owners previously requested to reinstate it but were advised against it as a possibility.	The statement of significance refers to the 'Imperial Hotel's former balcony which was a 'spruiking point' for campaigning local politicians. The heritage listing does not require owners to reinstate previous features. The merits of a development application (DA), including the re-instatement of previous features would be assessed on merit.
2	The Imperial Hotel was already known with this name when the building was renovated in 1910.	Pg 6 of the Heritage Inventory Sheet states that in 1874 the Duke of Rothsay Hotel changed its name to the Cross Guns Hotel which remained until 1890, when it was renamed the Imperial Hotel.
3	Incorrect address in the Planning Proposal report, EPC report and Woollahra LPP report.	Administrative error is noted, all address details in the heritage inventory sheet have been checked.
4	Aerial photo incorrectly shows the site bounded in red in Figure 9 of the Planning Proposal report	Fig 9 is an overlay of an aerial photo on a cadastral map. Unfortunately due to the nature of the aerial mapping, this is not perfectly aligned with the cadastral map.
5	Height of the hotel exceeds the LEP height at pg 29 of the Planning proposal report.	Table at pg 29 of the Planning proposal lists the current Woollahra LEP controls, not the actual building heights.
6	Question the definition of significant interiors since during most recent renovations in 2010/11, some of the interiors have been updated as per Council's approval. Disagree over statements on interiors (bathrooms, dining rooms, etc).	The comments about the state of the internals are noted. The condition of bathrooms and dining rooms are not inconsistent with the proposed heritage listing, given that heritage listing does not preclude change. The recommendations of the heritage documents include a request for a separate Conservation Management Document be prepared at DA stage to analyse the current condition of the interiors and establish guidelines for a strategy to inform future changes to the building and its interiors.
7	Council should consider economic impacts on the Hotel, including compliance with legislation and health orders due to Covid-19.	The heritage assessment/inventory sheet measured the Imperial Hotel (including interiors) against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter. It is not a requirement for the heritage assessments to consider economic feasibility impacts.

	Issue	Response
8	Lack of communication/ /notification/engagement with owners	Council staff attempted to engage with owners on a number of occasions. Key dates are listed in <i>Annexure 4</i> of the report to the EPC of 2 November 2020.
9	Amend the statement of the ownership of the Imperial Hotel: 'Tooth's took over Resch's and with it, their hotels as well'. The Resch family have had continuous ownership of the Imperial Hotel since Edmund Resch took it over in the late 1800s early 1900s.	Change: It is noted that the Resch family has had continuous ownership of the Imperial Hotel. The generic comment regarding the ownership has been updated to reflect this (which has been incorporated into each of the seven inventory sheets). Further, in 'Historical Notes' for the Imperial Hotel Heritage Inventory Sheet, the text has been amended to state as follows: <i>'Although Tooth & Co took over the Resch's brewing business in 1929, the hotel remained a Resch's property until 2020, owned by a parent company Owen Peters from the 1960s'.</i>
10	Located within the Paddington heritage conservation area, the Imperial Hotel is already protected.	The Imperial Hotel is in the Paddington HCA. However, individual heritage listing is a formal recognition of the building's meeting the NSW heritage criteria on its own, not collectively as a precinct.
11	Intend to reopen the hotel and establish a Pub and Brewers Museum. The proposed project has support of the NSW tourism industry and will assist other hotels in Paddington.	Noted: As a concept this project is seen favorably by Council staff as it will celebrate the building's history and communicate its significance.

In summary, the planning proposal is generally supported by the community. It is recommended that Council proceed with the planning proposal by making the LEP to list seven pubs (including interiors) in Paddington as heritage items in Schedule 5 of the 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. Conclusion






The heritage significance of seven pubs in Paddington has been established through a detailed assessment of heritage significance. The planning proposal will facilitate the listing of seven pubs (including interiors) as local heritage items thereby providing recognition of their 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 supported by the community. The Council can proceed to the next step by making the LEP to list the following as heritage items (including interiors) in Schedule 5 of Woollahra LEP 2014:

- i. Bellevue Hotel at 157-159 Hargrave Street, Paddington;
- ii. Grand National Hotel at 33 Elizabeth Street (161 Underwood Street), Paddington;
- iii. Imperial Hotel at 252 Oxford Street, Paddington;
- iv. London Tavern Hotel at 85 Underwood Street, Paddington;
- v. The Paddington (former Paddington Arms Hotel) at 384 Oxford Street, Paddington;
- vi. Paddington Inn Hotel at 338 Oxford Street, Paddington; and
- vii. Unicorn Hotel at 102-106 Oxford Street, Paddington

Annexures

1. Planning Proposal - Paddington Hotels local heritage listing - August 2020 [↓](#) 
2. Heritage Study Report and Heritage Inventory Sheets - Amended October 2020 [↓](#) 
3. Gateway Determination - 4 August 2020 [↓](#) 
4. Key consultation milestones and correspondence [↓](#) 
5. Redacted copy of submissions [↓](#) 

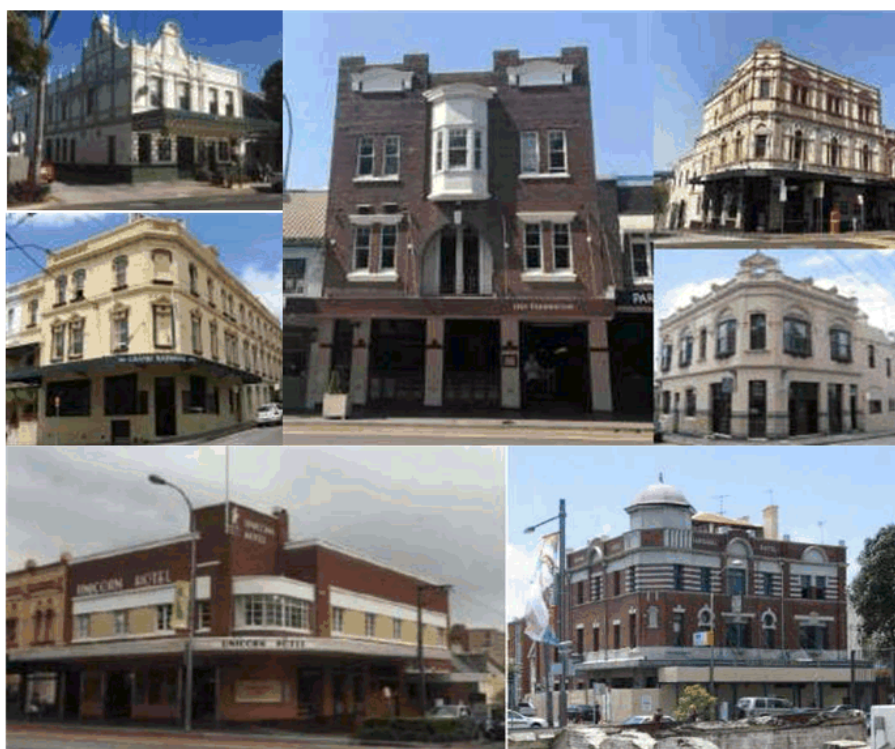
Planning Proposal



Local Heritage Listing

Paddington Hotels

August 2020



TRIM: 20/9983

Table of Contents

1. Introduction.....	4
1.1. Background	4
1.2. Description of this planning proposal	6
1.3. Assessment of heritage significance.....	7
1.4. Statements of heritage significance	9
2. Existing sites and context.....	15
3. Existing planning controls	29
4. Objective of the amendment to Woollahra LEP 2014	30
5. Explanation of provisions	30
6. Justification	31
6.1. Need for planning proposal.....	31
6.2. Relationship to strategic planning framework.....	31
6.3. Environmental, social and economic impact	33
6.4. State and Commonwealth interests	33
7. Mapping.....	34
8. Community consultation.....	38
8.1. Consultation with landowners	38
8.2. Public exhibition.....	38
9. Project timeline	39
Schedules.....	40
Schedule 1 – Consistency with state environmental planning policies	40
Schedule 2 - Consistency with section 9.1 directions.....	45
Supplementary material (separately attached)	47

1. Introduction

1.1. Background

On 21 May 2018 the Council adopted the following Notice of Motion:

THAT Council:

1. *Requests staff to undertake an assessment of heritage significance for the 'Four in Hand Hotel' (located at 105 Sutherland Street, Paddington) (the Property) and report to the Environmental Planning Committee on whether the Property has sufficient heritage significance to be listed as:*
 - a) *a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and*
 - b) *an item on the State Heritage under the Heritage Act 1977;*
2. *Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (the DPOP):*
 - a) *4.3.1 – 'Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage item's; and*
 - b) *4.3.1.1 – 'Carry out a study of hotels in Paddington to determine and establish more specific conservation controls' (the Paddington Pub Project);*
3. *Further notes its resolution on 27 November 2017, giving 'next priority' to the Paddington Pub Project;*
4. *Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources);*
5. *In preparing the Paddington Pub Project, gives consideration to:*
 - a) *including a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard; and*
 - b) *exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (the DCP) are available to ensure that existing controls and protections that currently apply to pubs continue to apply regardless of any change in use;*
6. *Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:*
 - a) *raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and*
 - b) *request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.*

The planning proposal for the Four in Hand Hotel was carried out separately and its listing was gazetted on 17 January 2020.

Further to the Council resolution from 21 May 2018, the remaining ten hotels in the Paddington Pub Project include:

	Hotel name	Address	Listed status in Woollahra LEP 2014
1	The Bellevue Hotel	157-159 Hargrave Street, Paddington	No
2	Grand National Hotel	33 Elizabeth Street (161 Underwood Street), Paddington	No
3	Imperial Hotel	252 Oxford Street, Paddington	No
4	The London Tavern Hotel	85 Underwood Street, Paddington	No
5	The Lord Dudley Hotel	236 Jersey Road, Paddington	Yes
6	The Paddington Hotel (Former Paddington Arms Hotel)	384 Oxford Street, Paddington	No
7	The Paddington Inn Hotel	338 Oxford Street, Paddington	No
8	The Royal Hotel	237 Glenmore Road, Paddington	Yes
9	Unicorn Hotel	102-106 Oxford Street, Paddington	No
10	Village Inn Hotel (formerly Dirty Nelly's Hotel and the Rose and Crown Hotel)	9-11 Glenmore Road, Paddington	Yes [listed as the Rose and Crown Hotel]

As demonstrated in the above table, three of these pubs are listed heritage items. This planning proposal addresses the remaining seven pubs, the subject of the Paddington Pub Project.

On 18 November 2019 a report on the heritage listing of seven pubs in Paddington as heritage items in Schedule 5 of the *Woollahra Local Environmental Plan 2014* was presented to a meeting of the *Environmental Planning Committee* and on 25 November 2019, Council resolved the following:

- A. *THAT a Planning Proposal be prepared to amend the Woollahra Local Environmental Plan 2014 to include the following sites as heritage items in Schedule 5:*
- i. *Bellevue Hotel at 157-159 Hargrave Street, Paddington;*
 - ii. *Grand National Hotel at 33 Elizabeth Street (161 Underwood Street), Paddington;*
 - iii. *Imperial Hotel at 252 Oxford Street, Paddington;*
 - iv. *London Tavern Hotel at 85 Underwood Street, Paddington;*
 - v. *The Paddington Hotel (former Paddington Arms Hotel) at 384 Oxford Street, Paddington;*
 - vi. *Paddington Inn Hotel at 338 Oxford Street, Paddington; and*
 - vii. *Unicorn Hotel at 102-106 Oxford Street, Paddington.*

- 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 the draft development control plan to amend the Woollahra Development Control Plan 2015, as described in Annexure 4 of the report to the Environmental Planning Committee meeting on 18 November 2019 is endorsed for exhibition.*

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:

- A. *Proceed with the planning proposal to list the following pubs, including their interiors, as heritage items in Schedule 5 of the Woollahra Local Environmental Plan 2014:*
 - i. *The Bellevue Hotel at 157-159 Hargrave Street, Paddington;*
 - ii. *Grand National Hotel at 33 Elizabeth Street (161 Underwood Street), Paddington;*
 - iii. *Imperial Hotel at 252 Oxford Street, Paddington;*
 - iv. *The London Tavern Hotel at 85 Underwood Street, Paddington;*
 - v. *The Paddington Hotel (former Paddington Arms Hotel) at 384 Oxford Street, Paddington;*
 - vi. *The Paddington Inn Hotel at 338 Oxford Street, Paddington; and*
 - vii. *The Unicorn Hotel at 102-106 Oxford Street, Paddington.*
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list the pubs in A, including their interiors, as heritage items in the Schedule 5 of the Woollahra Local Environmental Plan 2014, to allow public exhibition.*
- C. *Request delegation from Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the 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 the following seven pubs located within the suburb of Paddington:

The Bellevue Hotel and interiors	157-159 Hargrave Street, Paddington
Grand National Hotel and interiors	33 Elizabeth Street (161 Underwood Street), Paddington
Imperial Hotel and interiors	252 Oxford Street, Paddington
The London Tavern Hotel and interiors	85 Underwood Street, Paddington
The Paddington Hotel (former Paddington Arms Hotel) and interiors	384 Oxford Street, Paddington
The Paddington Inn Hotel and interiors	338 Oxford Street, Paddington
The Unicorn Hotel and interiors	102-106 Oxford Street, Paddington

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

1.3. Assessment of heritage significance

In response to parts 1 and 4 of the Council resolution of 21 May 2018, the consultant firm 'Robert A. Moore Pty Ltd Architects and Conservation Consultants' was engaged to carry out an assessment of heritage significance of the eleven hotels in Paddington, with a priority being given to completing the assessment of the *Four in Hand Hotel* at 105 Sutherland Street Paddington. Robert Moore, the director of the firm, is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of heritage assets. Dr Mark Dunn, professional historian, undertook the historic research on the pubs, researching primary evidence from the Noel Butlin Archive in Canberra, the State Library of NSW, the NSW State Archives and Council's archives.

The heritage assessment and subsequent Planning Proposal for heritage listing of the *Four in Hand Hotel* has progressed separately from the remaining pubs in the Paddington Pub Project in accordance with Council's resolution. The *Four in Hand* heritage listing has not been gazetted by the *Department of Planning Industry and Environment* (DPIE) at the time of writing this report, but Council expects this to be imminent.

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.

The assessment by Robert A. Moore concludes that the *Bellevue Hotel*, the *Grand National Hotel*, the *Imperial Hotel*, the *London Tavern Hotel*, *The Paddington Hotel* (former *Paddington Arms Hotel*), the *Paddington Inn Hotel*, and the *Unicorn Hotel* meet **all** the seven criteria for heritage listing at a **local** level and recommends their listing in Schedule 5 of the Woollahra LEP 2014. Below, we have included the Statement of Significance for each hotel.

A copy of the assessment prepared by 'Robert A. Moore Pty Ltd Architects and Conservation Consultants', which includes the assessment against all criteria, is attached separately.

A copy of the inventory sheets for each of the seven sites prepared by Robert A. Moore Pty Ltd, including assessment against all heritage criteria, is included at **Annexure 2**.

1.4. Statements of heritage significance

Statements of significance have been prepared for each of the seven pubs the subject of this planning proposal, as follows:

1.4.1 The Bellevue Hotel

The Bellevue Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1878. It is a surviving example of the type of local landmark, corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development.

It is of social significance as a reference point for community identity, having served the community of the suburb through demographic changes leading to its re- emergence as a popular, desirable and fashionable area. The Hotel's long association with Tooth and Co - until its relatively recent sale - is well documented archivally in local, state and national repositories, which also record the building's history of change in response to community changes.

The Bellevue Hotel is of aesthetic significance as an example of an evolved Late Victorian period hotel with its principal exteriors still reflecting their original design, in a distinctive Classic Revival style. The expansion through take-over of an adjoining house, a common theme with Paddington's hotels, is legible in its main façade together with the works made to integrate the two buildings. The Hotel's interiors have been serially and comprehensively modified and updated, evolving over time as tastes and commercial imperatives changed.

As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the Bellevue Hotel is now uncommon, though still a vibrant element of the area's urban fabric and local streetscapes. It is arguably representative as well as rare, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia. As an element of the Paddington Conservation Area, and as one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.

(August 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

1.4.2 Grand National Hotel

The Grand National Hotel is of historic significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1890. It is a surviving example of the type of larger, landmark corner commercial development, prominent in the emerging suburb, having been incorporated into the building of terrace row housing during Paddington's boom era of suburban development. Its long association with Tooth and Co is well documented archivally in local, state and national repositories. It is of social significance as an enduring reference point for community identity, together with the similar older and long-trading hotels of Paddington. The Grand National Hotel is of aesthetic significance as an example of an evolved and impressively scaled Late Victorian era hotel. Still reflecting its original design externally, it illustrates blending of Classic Revival and Italianate styles in an ambitious building which commands the distinctively 19th century urban streetscapes in which it features. It is a Paddington landmark. The exterior remains legible and relatively intact, reflecting its recorded history of minor changes. While the ground floor interiors have been modified and updated, typically evolving over time as pubs must, to meet the tastes and interests of their clientele, the hotel retains significant interiors in the substantially intact bedrooms of its upper floor residential areas. As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the Grand National Hotel remains an important structuring element of the suburb's urban fabric and local streetscapes, well known as a lively "gastro-pub". The Grand National Hotel is now a building of uncommon scale and purpose amongst Paddington's older hotels. It is arguably rare as well as representative, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings. It retains the potential for guest accommodation to remain part of its operations. The hotels are a key element of the character of the Paddington Heritage Conservation Area, contributing to its individuality and distinction as an important urban environment in Australia. As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.

(September 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

1.4.3 Imperial Hotel

An imposing, landmark corner hotel, the Imperial Hotel is an architecturally refined, substantial hotel building which asserts a commanding presence amongst civic buildings at the western entry to Paddington's main street. Individually styled with richly detailed, complex facades to its Oxford and Underwood Street frontages, the Imperial contributes strongly to the aesthetic interest of Oxford Street and the Paddington Heritage Conservation Area. The hotel is of historical and social history significance for the long tradition of hotel trade on this site. Paddington has a long history of community activism and vibrant local politics, and this has inevitably been built upon and encouraged by the tradition of meeting and socialising locally in the network of corner pubs in the area. The Imperial's balcony was a popular "spruiking point" for campaigning local politicians, recorded in the newspapers of the early 20th Century. As an element of the Paddington HCA, and one of the distinctive hotels within Paddington, the Imperial Hotel may also be part of a significant and unusual hotel group important in their suburban context, and itself worthy of listing.

(September 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

1.4.4 The London Tavern Hotel

The London Tavern Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington's distinctive older and successful examples of mainly 19th Century suburban hotels, which have been continuously operational since their construction in the late 1870s/1880s. It is a surviving example of the type of local landmark, corner site, commercial development -and particularly hotels -that were incorporated into the building of terrace row housing during Paddington's boom era of suburban development.

The suburb has continued to gather appeal, affection and desirability, and its retained heritage fabric, such as the hotels like the London Tavern, is of both historic and social history value. The hotels like the London Tavern are prominent in this esteem, and have social significance as a reference point for community identity, having served the community of the suburb through 140 years of consolidation and demographic changes leading to its re-emergence as a popular, desirable and fashionable area.

The London Tavern's long association with Toohey's Brewers is well documented archivally in local, state and national repositories, which also record the building's history of change in response to community changes.

The London Tavern is also of aesthetic significance as an architecturally distinctive example of an evolved Late Victorian period hotel ; its frontages to Elizabeth and Underwood Streets still retain their original design, featuring Queen Anne styling. The expansion through take-over of an adjoining house, a common theme with Paddington's hotels, has been concealed through the careful alteration of its main façade, combined with the works made to functionally integrate the two buildings. Despite that growth, the Hotel remains modest and compatible with the domestic scale of its context.

The Hotel's interiors have been modified and updated, evolving over time as taste and commercial imperatives have changed. They still retain much of their original fabric and the original layout of the Hotel, together with the changes made to it, can be read by visitors to the building.

As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban “village” of Paddington, the London Tavern Hotel is now uncommon, but still a vibrant element of the area’s urban fabric and local streetscapes. It is arguably representative as well as rare, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia.¹ As an element of the Paddington Heritage Conservation Area, and as one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.

(September 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

1.4.5 The Paddington Hotel (former Paddington Arms Hotel)

The Paddington Arms Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington’s older, successful and enduring hotels. It occupies a site that has been in continuous hotel use since the urban consolidation of Oxford Street in the 1860s, when the building that formerly occupied this site, the Tradesman’s Arms, was established as one of the emerging commercial area’s first hotels.

While it is not a prominent physical or corner landmark in the way some other Paddington Hotels are, “The Paddington” is a part of Oxford Street’s tapestry of development across 150 years, and a signifier of Paddington’s emerging and growing importance in Nineteenth and Twentieth Century Sydney.

As with other early hotels of Paddington, The Paddington is of historical and social significance as a reference point for community identity, as Paddington’s early pubs were and remain, serving their evolving community across more than 150 years of demographic change until its re-emergence in the later Twentieth Century as a popular, desirable and fashionable area to live, close to the city.

The Paddington has a particular interest in the longevity of its operation and the complex archaeology of its site, the building including stone fabric in its basement and other built-in elements retained from the former Tradesman’s Arms, the earlier hotel established on the site in the 1860s. The Hotel’s long association with brewer/hoteliers Tooth & Co means that the building is well-documented archivally in local, state and national repositories, whose records together with those of Woollahra Council support interpretation of the building’s history of change in step with its community.

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

(November 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

1.4.6 The Paddington Inn Hotel

The Paddington Inn is of local heritage significance to Paddington and the Woollahra LGA as an enduring and successful example of Paddington's 19th Century suburban corner hotels, having been continuously operational since its construction in 1896, and occupying a site established in hotel use in 1848, making it potentially the longest continuously-serving hotel site in the Paddington area.

It is one of the few surviving examples of the larger, landmark corner commercial or hotel developments, prominent in the consolidating suburb of Paddington and Oxford Street at the end of the Nineteenth Century. Its long association with Tooth and Co, for whom the current hotel was built as one of the company's early and few purpose-built hotels, is well documented archivally in local, state and national repositories.

The Paddington Inn is of social significance as an enduring reference point for community identity, together with the similar older and long-established trading hotels of Paddington. The Paddington Inn is of aesthetic significance as an important Paddington example of an evolved, impressively-scaled and purpose-built late Victorian era hotel. Like the comparable, earlier-built Grand National Hotel, the Paddington Inn illustrates the late 19th Century blending of Classic Revival and Italianate styles in an ambitious, commanding hotel building. It is an Oxford Street and Paddington landmark.

The exterior of the hotel remains legible and relatively intact, reflecting its recorded history of growth. The ground floor interiors have been serially modified and in recent years smartly updated, reflecting the established cyclic and competitive pattern of renewal in Paddington's hotels to meet the tastes and interests of their clientele. The condition and integrity of the hotel's upper floor residential areas are not known, as they were not able to be inspected for this assessment.

As one of the small and decreasing number of historically significant hotels still trading commercially in the historic urban "village" of Paddington, the Paddington Inn is still an important structuring element of the suburb's historic urban fabric and of the Oxford Street streetscapes. It is well known as a thriving "gastro-pub".

As a building of unusual scale amongst Paddington's older hotels, The Paddington Inn is arguably rare as well as representative, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage Conservation Area, contributing to its individuality and distinction as an important urban environment in Australia.¹ As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.

The Paddington Inn is also important for its association with the origins of the Paddington Council, as the first three meetings of that Council were held in Jane Beard's Paddington Inn in 1860.

(November 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

1.4.7 The Unicorn Hotel

The Unicorn Hotel is one of the earlier established hotels in Paddington, and as such it is of heritage significance for Paddington and the Woollahra Municipality. It occupies one of the longest serving hotel sites in the suburb, on which the Prince of Wales Hotel was established in c.1864. As an hotel, its longevity is camouflaged by the distinctive 1940s Moderne style building which now carries on the historic use, in one of the more recent pub buildings in Paddington, but also one of the more distinctive for its architecture.

As one of the Paddington hotels which were part of the important NSW hotel empire of hotelier-brewers Tooth & Co., The Unicorn occupies a high-profile Oxford Street site, and is amongst the important landmark hotels which also relates to the relative domesticity of Paddington's closely-scaled streets at its very rear. The Unicorn is an important signifier of Tooth & Co policy to invest in modern hotel buildings in the post- depression late 1930s/1940s when the company chose to both meet the new demographics of its clientele, and also to reinvigorate trade on sites where it could see that some of its older hotels might be more advantageously replaced than renovated.

The distinctive architectural styling of the building is the work of experienced hotel architects RM Joy and Pollitt, who designed other bold and brave new buildings across Sydney for Tooth & Co. Drawing on European Modernism and an experienced understanding of hotel design, the architects delivered what remains a powerful, eye-catching and exciting building in the diversity of the Oxford Street retail strip. It is both historically and aesthetically significant as an accomplished work of mid 20th Century commercial design, set within an important, historic urban context, which is also underlaid by its historic use associations with its site, in the suburb and conservation area of Paddington, and with its operators and the community which it has long- served.

The Unicorn Hotel is of a contemporary social significance for its continuing contribution to the sense of identity within Paddington and for the local and wider community, being part of the hotel network which structures the urban and social fabric of the suburb. Paddington has a history of community activism which has historically been facilitated by the tradition of meeting and socialising locally in the network of corner pubs in the area

(December 2018, Robert A. Moore Pty Ltd, Heritage Inventory Sheet p.1)

2. Existing sites and context

The Bellevue Hotel

2.1. The site

The *Bellevue Hotel* is located at the intersection of Hargrave and Taylor Street, Paddington. The building occupies all of the site bounded by Hargrave Street, Taylor Street, Windsor Lane with address of 157-159 Hargrave Street, Paddington.

The *Bellevue Hotel* is a landmark corner commercial building constructed specifically for use as a hotel. Constructed in c1878, it has been in continuous operation since its construction.

The site is legally identified as Lot 11 DP 1124608, and is currently subject to planning controls in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).



Figure 1: the *Bellevue Hotel* viewed from Hargrave Street, looking towards the north eastern and south eastern elevations (Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants, August 2018).



Figure 2: Cadastral map showing the Bellevue Hotel site outlined in red.



Figure 3: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

Grand National Hotel

2.2. The site

The *Grand National Hotel* is located at the intersection of Elizabeth and Underwood Street, Paddington. The building occupies all of the site bounded by Elizabeth Street and Underwood Street with address of 33 Elizabeth Street (aka 161 Underwood Street). The land title of the site is described as Lot 1 in DP 902766.

The *Grand National Hotel* is a landmark corner commercial building constructed specifically for use as a hotel. Constructed in 1890, it has been in continuous operation since its construction. On the Elizabeth Street frontage, the Hotel incorporates the adjacent former terrace house at No.35, which was developed as part of the attached row of such houses contemporary with the Hotel that extends eastwards down Elizabeth Street.



Figure 4: the Grand National Hotel viewed from Underwood Street, looking towards the north western and south western elevations (Source: Woollahra Municipal Council, October 2019).



Figure 5: Cadastral map showing the Grand National Hotel site outlined in red.

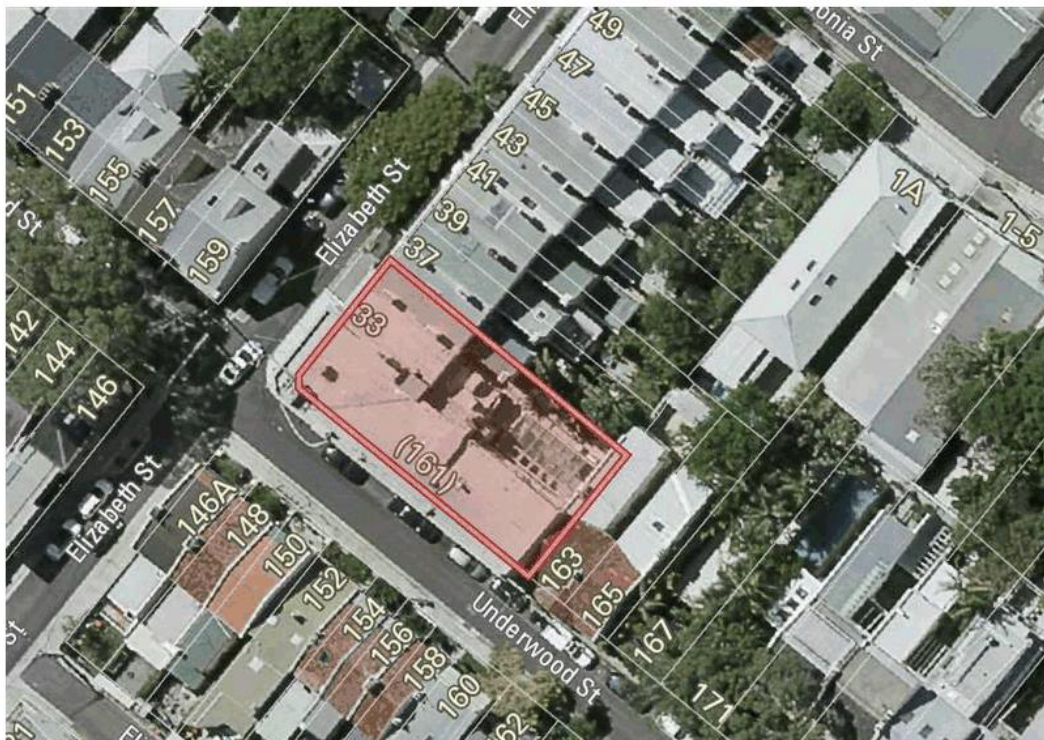


Figure 6: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

Imperial Hotel

2.3. The site

The *Imperial Hotel* is located at the intersection of Oxford and Underwood Street, Paddington. The building occupies all of the site bounded by Elizabeth Street and Underwood Street with address of 252 Oxford Street (aka 2 Underwood Street). The land title of the site is described as Lot 3 in DP 51538.

The *Imperial Hotel* is a landmark corner commercial building constructed specifically for use as a hotel. Constructed in 1909-10, it replaced an earlier hotel known as the Duke of Rothsay and the Cross Guns, which was built in 1873. The design of the existing building is by Architect Ernest Lindsay Thompson.



Figure 7: the Imperial Hotel viewed from Oxford Street, looking towards the south western and south western elevations (Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants, September 2018).

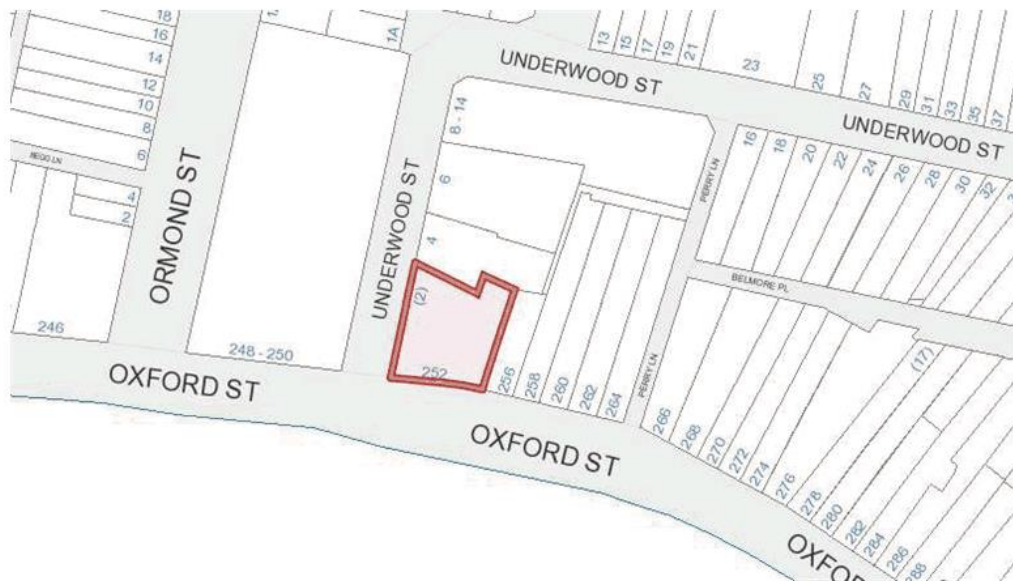


Figure 8: Cadastral map showing the Imperial Hotel site outlined in red.

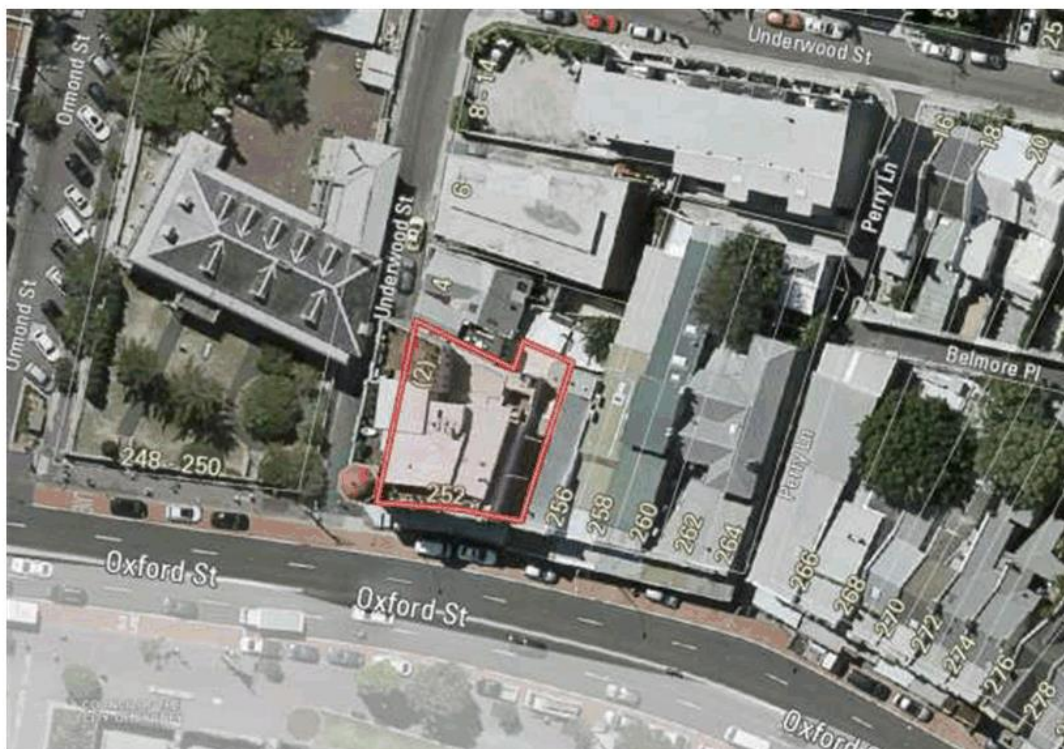


Figure 9: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

The London Tavern Hotel

2.4. The site

The *London Tavern Hotel* is located at the intersection of William and Underwood Street, Paddington. The building occupies all of the site bounded by William Street and Underwood Street with address of 85 Underwood Street. The land title of the site is described as Lot 1 in DP 391 and Lot 1 in DP 1001328.

The *London Tavern Hotel* is a landmark corner commercial building and is one of Paddington's distinctive older and successful examples of hotels that has been continuously operational since its construction in the late 1870s/1880s. On the William Street frontage, the Hotel is incorporated into a row of terrace houses.



Figure 10: the *London Tavern Hotel* viewed from the intersection of William and Underwood Street, looking towards the south and western elevations (Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants, September 2018).



Figure 11: Cadastral map showing the London Tavern Hotel site outlined in red.

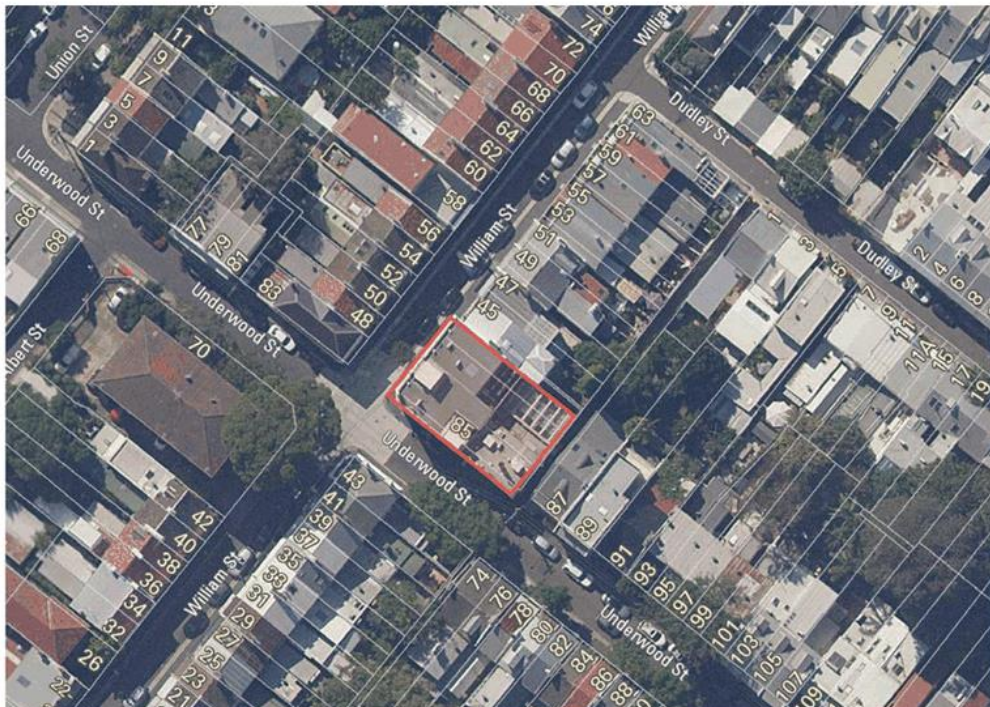


Figure 12: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

The Paddington Hotel (former Paddington Arms Hotel)

2.5. The site

The *Paddington Hotel* (former *Paddington Arms Hotel*) is located at 384 Oxford Street between Elizabeth and William Street with a rear frontage on Victoria Street. The land title of the site is described as Lot 1 in DP 68955.

The *Paddington Hotel* is one of Paddington's distinctive older and successful examples of hotels that has been continuously operational since the 1860s, when it operated as the *Tradesman's Arms*. The existing building was rebuilt as the *Canberra Hotel* to the design of Spain & Cosh in 1913.



Figure 13: the Paddington Arms Hotel's main elevation viewed from Oxford Street (Source: Woollahra Municipal Council, October 2019).

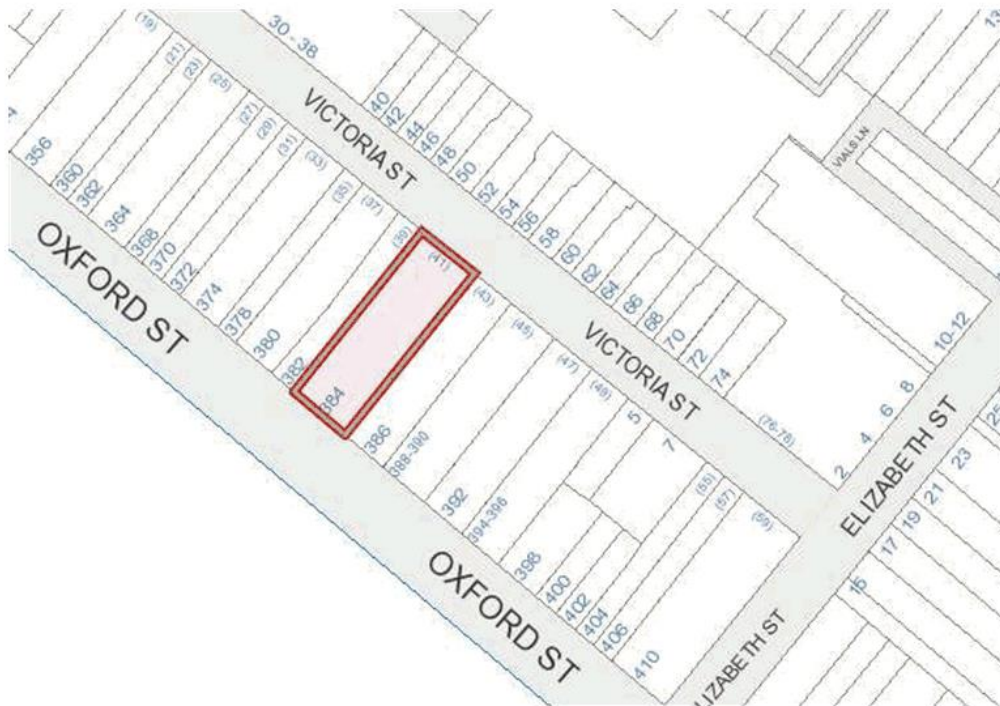


Figure 14: Cadastral map showing the Paddington Hotel site outlined in red.



Figure 15: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

The Paddington Inn Hotel

2.6. The site

The *Paddington Inn Hotel* is located at the intersection of Oxford and William Street in Paddington. The building occupies all of the site bounded by Oxford, William and Victoria Street with address of 338 Oxford Street. The land title of the site is described as Lot 1 in DP 85869.

The *Paddington Inn Hotel* is a landmark corner commercial building and is one of Paddington's distinctive older and successful examples of hotels that has been continuously operational since its construction in 1848. This makes it one of the longest continuously- serving hotel site in the Paddington area.



Figure 16: the *Paddington Inn Hotel* viewed from Oxford Street looking to its south western and north western elevations (Source: Woollahra Municipal Council, October 2019).



Figure 17: Cadastral map showing the Paddington Hotel site outlined in red



Figure 18: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

The Unicorn Hotel

2.7. The site

The *Unicorn Hotel* is located at the intersection of Oxford and Hopewell Street in Paddington. The building occupies all of the site bounded by Oxford Street, Hopewell Street and Hopewell Lane with address of 102-106 Oxford Street. The land title of the site is described as Lot 1 in DP 84534.

The *Unicorn Hotel* is a landmark corner commercial building that was built in a distinctive Inter-War Functionalist Moderne Style built in the 1940s to the design of Architects R. M. Joy and Pollitt. It replaced the former *Prince of Wales Hotel*, which was established in 1864. It is an important signifier of Tooth & Co policy to invest in modern hotel buildings in the post-Depression era.



Figure 19: the Unicorn Hotel viewed from Oxford Street looking to its southern and eastern elevations (Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants, December 2018).

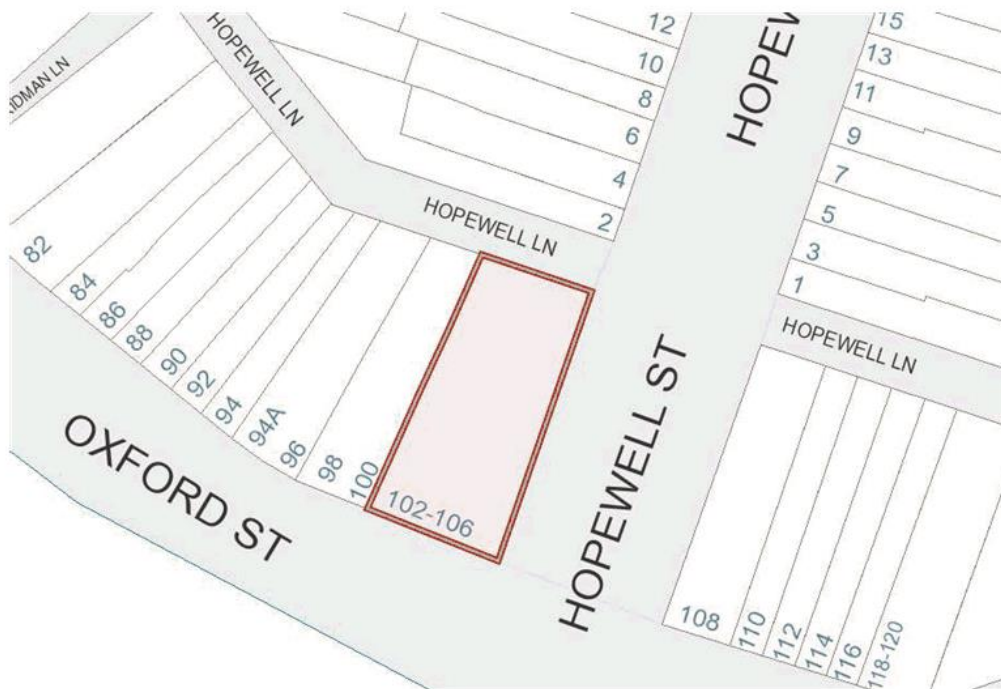


Figure 20: Cadastral map showing the Unicorn Hotel site outlined in red.



Figure 21: 2018 aerial photograph indicating the site (in red) within its immediate context. (Source: Woollahra Council GIS Maps)

3. Existing planning controls

All sites are subject to existing planning controls in 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 Soils Sulfate
The Bellevue Hotel	R2: Low Density Residential	9.5m	230m ²	Class 5
Grand National Hotel	R2: Low Density Residential	9.5m	230m ²	Class 5
Imperial Hotel	B4: Mixed Use	9.5m	Not applicable	Class 5
The London Tavern	B4: Mixed Use	9.5m	Not applicable	Class 5
The Paddington Hotel (former Paddington Arms Hotel)	B4: Mixed Use	9.5m	Not applicable	Class 5
The Paddington Inn Hotel	B4: Mixed Use	9.5m	Not applicable	Class 5
The Unicorn Hotel	B4: Mixed Use	9.5m	Not applicable	Class 5

The Objectives for the R2 zone of the Woollahra LEP 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.*

The Objectives for the B4 zone of the Woollahra LEP are:

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

None of these hotels are currently listed as a State or local heritage items. However, they are all within the Paddington Heritage Conservation Area under the Woollahra LEP 2014 and are subject to the provisions outlined in clause 5.10 (Heritage Conservation) in Woollahra LEP 2014 relative to heritage conservation areas.

4. Objective of the amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of the hotels listed below and provide them with statutory heritage protection.

The Bellevue Hotel and interiors	157-159 Hargrave Street, Paddington
Grand National Hotel and interiors	33 Elizabeth Street (161 Underwood Street), Paddington
Imperial Hotel and interiors	252 Oxford Street, Paddington
The London Tavern Hotel and interiors	85 Underwood Street, Paddington
The Paddington Hotel (former Paddington Arms Hotel) and interiors	384 Oxford Street, Paddington
The Paddington Inn Hotel and interiors	338 Oxford Street, Paddington
The Unicorn Hotel and interiors	102-106 Oxford Street, Paddington

5. Explanation of provisions

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

- Insert a listing for each Paddington pub listed in Part 4 above, 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_001, HER_003A and HER_003B) to identify 7 additional heritage items at their relevant addresses.

6. Justification

The planning proposal has strategic merit. The key reason for amending the Woollahra LEP 2014 is that the heritage listing of seven pubs in Paddington will ensure their significance is recognised and their ongoing conservation is implemented.

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 *Robert A. Moore Pty Ltd Architects and Conservation Consultants*. The report concluded that all pubs meet the criteria for listing as local heritage items.

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 all seven pubs, including their interiors, and provide statutory heritage protection. The best means of achieving this objective is through an amendment to Woollahra LEP 2014 to list the building and their interiors as heritage items. This is commenced through the planning proposal process.

Although the buildings are located in the Paddington Heritage Conservation Area, heritage listing will provide a higher level of protection and recognition of the heritage significance of these items and their interiors. Other options, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a potential development consent will not provide the same level of heritage protection and recognition.

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 Region Plan: A Metropolis of Three Cities*, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.

Identifying these seven hotels as local heritage items will allow the appropriate conservation of these properties and their interiors into the future.

Eastern City District Plan

The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, more specifically with:

- Direction 'A city of great places'
- 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 and how they contribute to the significance of the place'

And:

- Direction 'Jobs and skills for the city'
- Planning Priority E13 'Supporting growth of targeted industry sectors'
- Objective 24 'Economic sectors targeted for success'
- 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'

Listing the seven hotels as local heritage items will contribute to the conservation and enhancement of Woollahra's distinctive local identity and heritage character. Conserving the area's unique environmental heritage will contribute to a sense of destination and appeal to the cultural-visitor economy. Protecting Paddington's heritage will have positive social and economic effects for the suburb and the whole Woollahra Municipality, and will contribute further to the visitor economy of the Eastern City District.

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 *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 Livability:

Planning Priority 5 Conserving our rich and diverse heritage

4. 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).

5. 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

6. 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.

7. 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 items will be required when development is proposed for seven pubs and their 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.

8. Has the planning proposal adequately addressed any social and economic effects?

Yes. The heritage assessment / inventory sheet measured all seven pubs and their interiors against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter 2013*, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

While not having a direct economic effect, heritage listing will acknowledge each hotels' social significance. All seven hotels are an important part of the social fabric of Paddington as popular meeting places and celebrated destinations for locals, tourists and visitors. They all have a demonstrated social significance arising from their prolonged use and their being part of a distinctive and established group contributing to Paddington's character.

6.4. State and Commonwealth interests

9. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of seven pubs in Paddington and it does not involve amendments to the planning controls that will facilitate intensified development.

All sites have access to adequate public infrastructure such as water, sewer, electricity and telephone services. The sites' closest access to public transport services is on Oxford Street and Glenmore 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.

10. 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, namely Heritage NSW, Department of Premier and Cabinet. Further consultation will take place with any other authorities identified by the gateway determination.

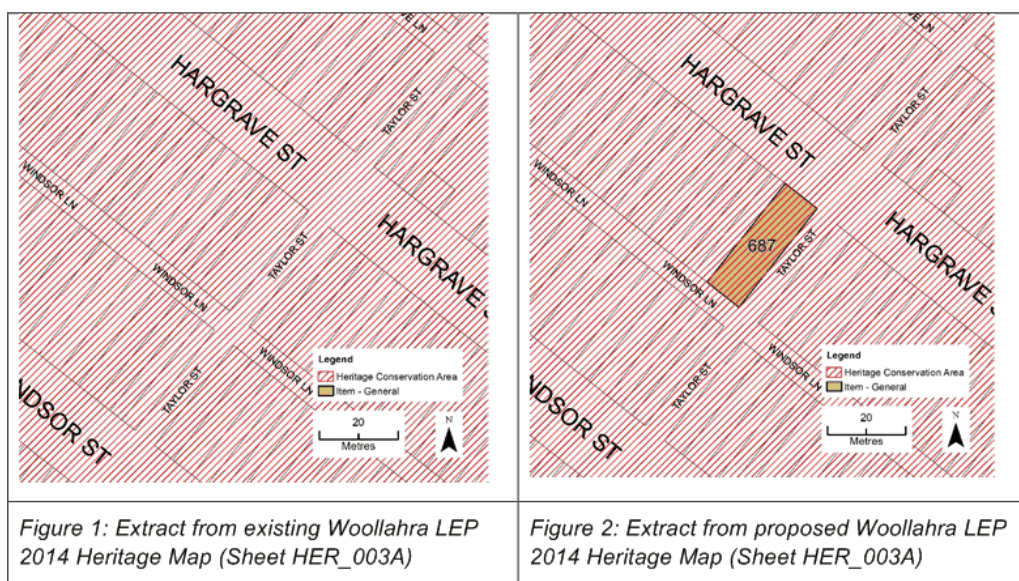
7. Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Maps (Sheet HER_001, HER_003A, HER_003B) by applying an "Item – General" classification to the following sites:

The Bellevue Hotel and interiors	157-159 Hargrave Street, Paddington
Grand National Hotel and interiors	33 Elizabeth Street (161 Underwood Street), Paddington
Imperial Hotel and interiors	252 Oxford Street, Paddington
The London Tavern Hotel and interiors	85 Underwood Street, Paddington
The Paddington Hotel (former Paddington Arms Hotel) and interiors	384 Oxford Street, Paddington
The Paddington Inn Hotel and interiors	338 Oxford Street, Paddington
The Unicorn Hotel and interiors	102-106 Oxford Street, Paddington

Extracts of the existing and proposed heritage maps are shown in the following figures. The heritage item numbers illustrated in the maps below are indicative only. The heritage item numbers will be confirmed upon finalisation of the planning proposal.

Bellevue Hotel at 157-159 Hargrave Street, Paddington



The Grand National Hotel at 33 Elizabeth Street, Paddington



Figure 3: Extract from existing Woollahra LEP 2014 Heritage Maps (Sheet HER_003A and 003B)



Figure 4: Extract from proposed Woollahra LEP 2014 Heritage Maps (Sheet HER_003A and 003B)

The Imperial Hotel at 252 Oxford Street, Paddington

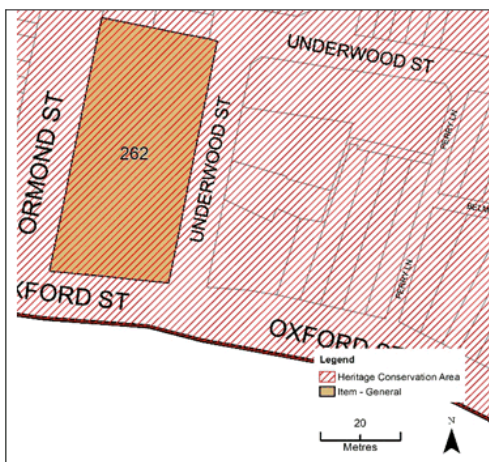


Figure 5: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER_001)

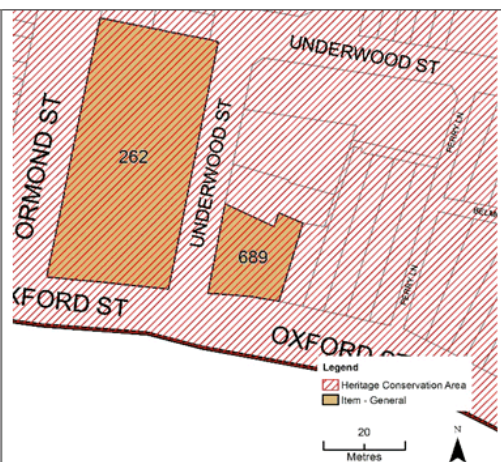


Figure 6: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER_002) 1

The London Tavern at 85 Underwood Street, Paddington



Figure 7: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER_003A)

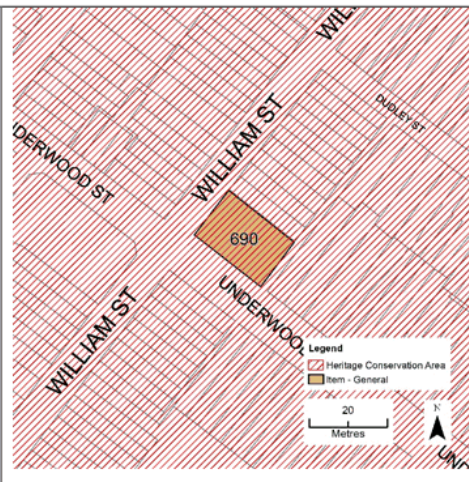


Figure 8: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER_003A)

The Paddington Arms Hotel at 384 Oxford Street, Paddington

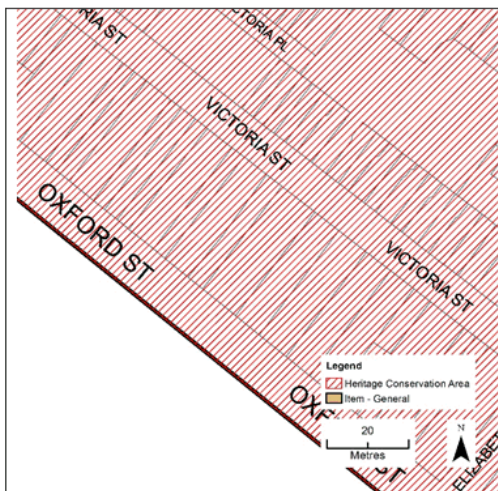


Figure 9: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER_003B)

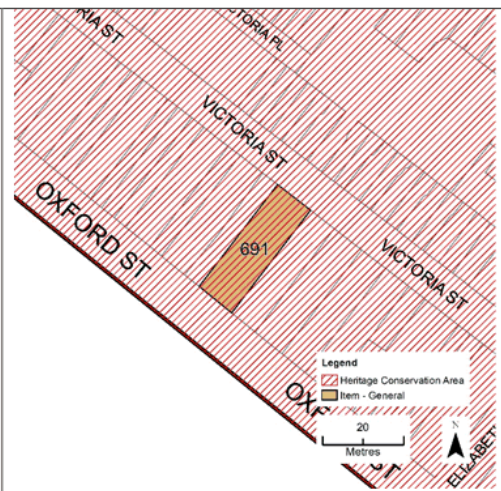
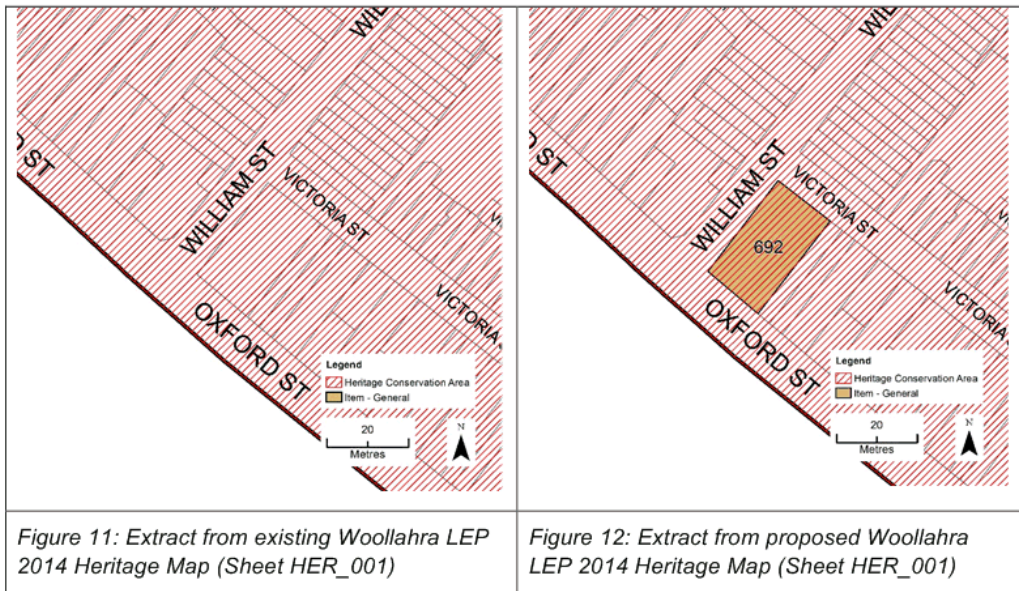
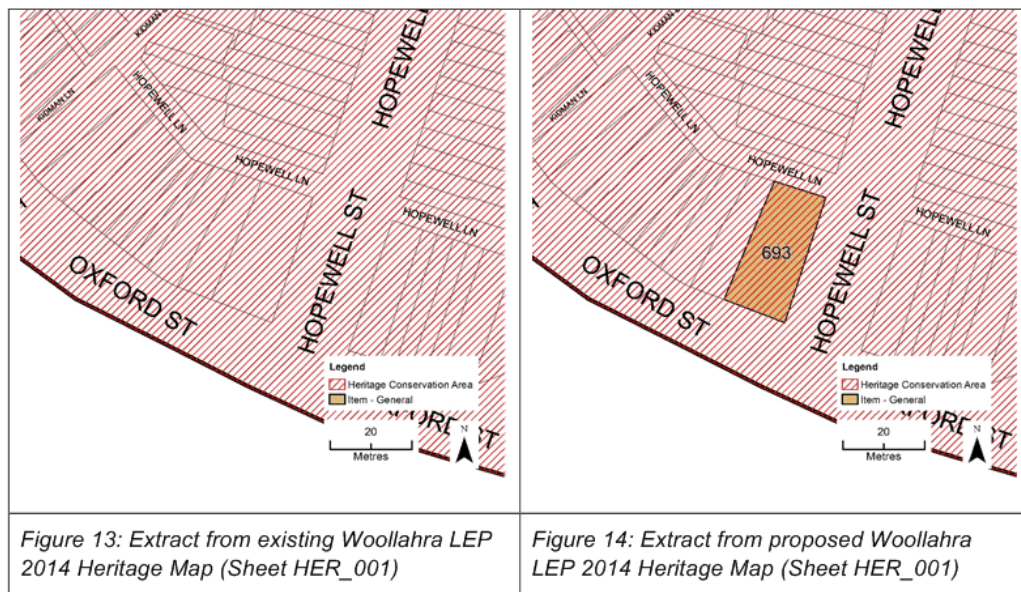


Figure 10: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER_003B)

The Paddington Inn Hotel at 338 Oxford Street, Paddington



The Unicorn Hotel at 102-106 Oxford Street, Paddington



8. Community consultation

8.1. Consultation with landowners

Council staff informed the land owners of all pubs of the study and provided them with a copy of the relevant draft heritage inventory sheet. Submissions were received from three hotel owners and their consultants, being the Bellevue Hotel, the Grand National Hotel and the Paddington Arms Hotel. The submissions and responses to submissions are provided in the report to the Environmental Planning Committee meeting on 18 November 2019 (Attachment 1).

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 weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when in publication.
- a notice on Council's website.
- a letter to the land owner of each site.
- a letter to landowners adjoining and in the vicinity of each site.
- a letter 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 (such as relevant Council reports).

9. Project timeline

If the 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 Notices of Motion	21 May 2018
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	August 2020
Completion of technical assessment	None required
Government agency consultation	August 2020
Public exhibition period	26 August – 25 September 2020
Submissions assessment	October 2020
Environmental Planning Committee considers assessment of planning proposal post exhibition	November 2020
Council decision to make the LEP amendment	November 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	December 2020
Forwarding of LEP amendment to the Department of Planning, Industry and Environment for notification in the NSW Legislation website	December 2020
Notification of the approved LEP	January 2021

Schedules

Schedule 1 – Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Not applicable
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 (Activation Precincts) 2020	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.
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
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
1	Employment and resources	
1	Business and industrial zones	Applicable to all pubs with the exception of the Bellevue Hotel and Grand National Hotel which are not in a business and industrial zone. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
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 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 seven pubs in Paddington will provide ongoing protection and recognition of the heritage significance of these items. All pubs are located in the Paddington heritage conservation area.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to 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.
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.
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 seven pubs in Paddington will provide ongoing protection and recognition of the heritage significance of these items.</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
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)	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 seven pubs will provide ongoing protection and recognition of the heritage significance of these items. 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 (18 November 2019);**
- **Heritage Study Report and Heritage Inventory Sheets** – Robert Allan Moore
Architects and Conservation Consultants – April 2019

Paddington Hotels Study

Heritage Inventory Forms prepared for Woollahra Council



Robert A Moore Architects and Conservation Consultants Sydney

Final Report, April 2019

Report Register

Draft : 30 November 2018

Final : April 2019

Copyright

Historical research for this report has been prepared by professional historian Dr Mark Dunn. Historical sources and reference material used in the preparation of this report are acknowledged and referenced at the end of each section and/or in figure captions. Reasonable effort has been made to identify, contact, acknowledge and obtain permission to use material from the relevant copyright owners.

Unless otherwise specified or agreed, copyright in this report vests in Robert A Moore Pty Ltd Architects (RAM) and in the owners of any pre-existing historic source or reference material.

Cover

Advertisement for the Solferino Hotel, Paddington, in the first Australian Italian language newspaper, L'Italano Australiano, 1885 (Source: Francesca Musico, L'Italo Australiano: Australia's First Italian Language Newspaper, Italian Historical Society Journal, Vol 26, 2009)

Paddington Hotels Study, April 2019
Robert A Moore Pty Ltd Architects and Conservation Consultants

1.0 The Study Background

In July 2018 Woollahra Council commissioned Robert A Moore Pty Ltd to prepare

- a review, amendment and update of draft heritage inventory sheets for eight hotels in Paddington not currently listed as local heritage items in Schedule 5 of Woollahra LEP 2014;
- a review, amendment and update of heritage inventory sheets for three heritage listed hotels, and
- an assessment of the potential State heritage significance of all eleven hotels.

This followed discussion in Council in May 2018 regarding the then-pending sale of the *Four in Hand Hotel* for possible residential use, which had raised considerable public reaction to the potential loss of the hotel's commercial and community functions.

The eleven Paddington hotels in the Study are

1. *Bellevue Hotel*, 157-159 Hargrave Street, Paddington
2. *Grand National Hotel*, 33 Elizabeth Street, Paddington
3. *Imperial Hotel*, 252 Oxford Street, Paddington
4. *London Tavern Hotel*, 85 Underwood Street, Paddington
5. *Lord Dudley Hotel*, 265 Jersey Road, Paddington
6. *Paddington Arms Hotel*, 384 Oxford Street, Paddington
7. *Paddington Inn Hotel*, 338 Oxford Street, Paddington
8. *Royal Hotel*, 237 Glenmore Road, Paddington
9. *Unicorn Hotel*, 102-106 Oxford Street, Paddington
10. *Village Inn Hotel* (formerly Durty Nelly's Hotel/Rose and Crown Hotel), 9-11 Glenmore Road, Paddington
11. *Four in Hand Hotel* 105 Sutherland Street, Paddington

The group of eleven Paddington hotels reflects the development and growth of what was a working class, part industrial and part residential suburb, and its transformation in the late 20th Century into an exclusive Sydney residential precinct. The area defined as Paddington has also changed with Council boundary adjustments, and the number of hotels in the area has reduced as changes in community eating and drinking habits, and rising property prices impact the market value of the hotel sites for alternative adaptive uses, including conversion to residential purposes.

In 2018, Council carried out research to investigate more specific conservation controls for the Paddington Pubs, exploring potential statutory mechanisms, including but not limited to amending the Woollahra Development Control Plan 2015 – "the DCP".

The Mayor wrote to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales, and requested the State Government to explore what legislative changes might be introduced, referencing the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs as community facilities.

Paddington Hotels Study, April 2019
Robert A Moore Pty Ltd Architects and Conservation Consultants

2.0 Study Methodology

The study commenced on 12th July 2018 and was divided into two stages - the first being a response to Council's urgent requirement for an assessment of the heritage significance of the *Four in Hand Hotel*. A draft of a comprehensively revised, earlier inventory sheet prepared for Council was provided as a priority by 31 July. The second stage of the study, comprising inventory forms for the other ten hotels in the study, began in August 2018.

Dr Mark Dunn, professional historian, initially reviewed the draft inventory history text for the *Four in Hand Hotel*, which included a detailed review of the archives of Tooth & Co., held in the Noel Butlin Archive at ANU, Canberra. His research sought and considered plans, reports and photographs of the *Four in Hand* and in Stage Two, all the other hotels in the Study, as well as management, architectural and work files relating to them.

Building and development files held by the City of Sydney and Woollahra Councils, including the Woollahra local studies collection, were searched for all the Hotels. Online historic newspaper and archival searches were also carried out. The collection of the NSW State Archives and the State Library of NSW, including the Licensing Board files holding successive plans and alterations, were also researched.

Robert Moore, heritage architect, reviewed the resulting plans and inspected the properties from the exteriors, and also visited public areas of the buildings. Initially, Council was not able to facilitate full internal site inspections, and the inventory sheets note this limitation. After sale of the *Four in Hand Hotel*, the new owner welcomed inspection of the interiors, as did some of the other hotel owners, thereby supporting and enhancing the overall utility of the Study.

Sheridan Burke, conservation planner, integrated the historical documentation, together with the updated physical descriptions and analyses and with Robert, prepared the inventory forms which include significance assessments using the NSW standard heritage assessment criteria.

Council officers reviewed the draft inventory forms and met with the study team to discuss a range of issues arising, both prior to completion of the Stage One *Four in Hand* report, and prior to finalization of the other ten Inventory Forms, which completed Stage Two of the Study.

The *Four in Hand Hotel* assessment was a "pilot" investigation, to test the accessibility and level of documentation available about the buildings in the group of Paddington Hotels. This enabled a clearer picture of the necessary scope of research work and site inspection realities, and confirmed the related timing and costs for assessing the remaining ten hotels.

After the sale of the *Four in Hand Hotel*, the internal access granted in October 2018 facilitated the review of its Draft Inventory Form to reflect additional information. The revised inventory form is included with those for the other ten hotels covered in this report.

3.0 Limitations to assessment

3.1 Inspection

Without full inspection of the exteriors and interiors of each property, it is not possible to comprehend both the original construction and the multiple changes that most of these buildings have sustained. Many of the changes are documented in Council records and the Noel Butlin archive, but these records include a mix of proposals, many unrealized, and works both completed and only partially completed. Understanding the fabric in such circumstances might require a forensic examination of the building, far beyond the scope of this study and its significance assessment, but would be a valuable and necessary part of the Conservation Management Documents which are recommended to assist future planning for each site. The hotels AND their interiors are recommended to be listed in full, protecting their significance until detailed conservation planning might better determine the closer grained strategies needed for each building.

3.2 Social Values Assessment

The eleven hotels assessed in this Study are of social significance as community landmarks, each being associated with Paddington's early history, often as places for political campaigning and organising; and more recently in the history of community activism and the intellectual sub-cultures of the mid-20th century, including artists, writers and the creative professions who imbued the suburb with a renewed vigour and influenced its re-emergence as a popular, desirable and fashionable residential area. The Paddington Hotels in the study group are reference points in community identity within the rich urban amenity and mythology which continues to support Paddington's appeal as a place to live.

The strength of community regard and attachment to the hotels has been demonstrated in varying degrees, from their long history of operation, and more recently in the public protest against the threatened closure of hotels such as the *Four in Hand*, and conversion to houses or apartments of hotels such as the *Windsor Castle*.

Community demonstrations of support such as that for the *Four in Hand* are frequently activated when a site comes under threat of loss or change. In the case of the *Four in Hand*, the current community has demonstrated that it values the hotel via social media and petitioning decision makers to support its conservation. This is evident in the press and public domain. Should Council wish to more fully examine the social values of the Paddington Hotels as a group, a full social value assessment would typically involve:

- Identifying specific communities or cultural groups who value the site for social, cultural or spiritual reasons
- Establishing the nature and extent of their association
- Determining whether any significance arises from that association
- Clarifying which aspects of the place are of social significance (e.g. which parts of the site, elements of the fabric, uses or cultural activities, etc.)
- Assessing the relative importance of the place compared to others valued by that community (or communities) for similar reasons.

4.0 The Heritage Significance of the Paddington Group of Hotels

4.1 Local Significance

The eleven Hotels assessed in this Study are of historic significance to Paddington and Woollahra as early and successful examples of Paddington's suburban hotels, with all eleven having been variously but continuously operational since their construction. Some, such as the *Four in Hand*, and the *Grand National Hotel*, are examples of the type of landmark corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development. Some of the hotels quickly absorbed adjacent terrace houses to extend their accommodation and footprint, such as the *Grand National*, and the *Bellevue Hotel*. None appear to have reduced their sites.

Many of the hotels have had long term associations with community events and local political activity, from early Council Meetings at the *Paddington Inn*; to political meetings and rallies for local candidates in Council, state and federal elections, who addressed street crowds from the balconies of several of the Hotels, such as the *Imperial* and *Royal Hotels*; as well as for participants in the Federation debates of the 1890s through to 1900 at the *Four in Hand*.

More recently several of the hotels have become places of community activism and home for the intellectual sub-cultures of the mid-20th century, including artists, writers and the creative professions who then imbued the suburb of Paddington with a renewed vigour and influenced its re-emergence as a popular, desirable and fashionable residential area. The *Four in Hand*, the *Grand National* and the *Imperial* have all featured prominently in the contemporary cultural life of Paddington.

Some hotels have specific associations with segments of community identity, such as the *Four in Hand* having served as a meeting place for the then-small Sydney Italian community in the 1880s and 1890s, and the Irish associations of the *Lord Dudley Hotel*. The *Bellevue* has associations with the Rugby fraternity, and comes alive as crowds assemble during any Rugby International Test match.

Many of the hotels have had long commercial associations with Tooth and Co who as owner, lessor, or lessee, held or occupied many of them for much of the 20th Century.

All of the hotels have aesthetic significance as examples of evolved period hotels, still reflecting their original design, many re-styled and all updated. While all of the hotel interiors have been serially modified and updated, typically evolving over time as tastes and commercial imperatives changed, all of the exteriors remain legible and relatively intact to their original appearances.

A range of different thematic perspectives can be applied to the hotels in the group, as a way of considering their individual and collective significance. For example:

- Grand Victorian Italianate Hotels : The Grand National, The Paddington Inn, The Royal Hotel
- Suburban Corner Hotels (domestic scale) : The London Tavern , The Village Inn
- Corner Landmarks : The Imperial Hotel, The Lord Dudley Hotel (and virtually all the group)
- Stylistic Exemplars : The Unicorn Hotel, The Imperial Hotel
- Archaeological sites : The Paddington Arms

In summary, the eleven historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, are vibrant elements of its urban fabric and local streetscapes. They are arguably rare as well as representative, locally important, aesthetic/physical and social landmark corner hotel buildings still in commercial operation. They are key elements of the character of the Paddington Heritage

Paddington Hotels Study, April 2019
Robert A Moore Pty Ltd Architects and Conservation Consultants

Conservation Area, collectively contributing to both its individuality and distinction as an important urban environment in Australia.

4.2 State Context

Following the investigations undertaken for this report, it is considered that the group of Hotels in the study should also be proposed for heritage listing in Council's LEP as a group. Individually, the buildings are variously but clearly reflective of the development story which is Paddington and Woollahra. Collectively, they are appreciable as a cohesive, structuring component of Paddington's urban fabric.

The wider importance of the group – its potential State significance – is considered, at this point in time, to be difficult to discern, because of a lack of definitive comparative information. As an important part of one of Sydney's (and NSW's) earlier urban areas, the Paddington Hotels group should be considered against similar groups in NSW. The most likely source of comparative examples in NSW would be Sydney's inner Western suburbs, where localities such as The Rocks/Millers Point, or Balmain/Birchgrove, could prove useful for comparison.

4.3 Broader Context

In the UK, around one in three pubs have closed since the 1970s according to the Campaign for Real Ale (CAMRA). High prices, falling footfall, soaring property prices, smoking bans, the 2008 recession and rising business rates and taxes, are cited as prime factors in the UK pubs decline, which in 2017 was reportedly occurring at 21 closures a week. CAMRA has sponsored the development of *Saving Your Pub, a Comprehensive Toolkit for Campaigners* which details ways and means of conserving local hotels. In the UK listing of an hotel as an Asset of Community Value (ACV) provides a window of opportunity for communities to examine options other than closures, and is possible via legislation which temporarily halts sales, to allow community groups time to orchestrate an alternative purchase (UK Localism Act, 2011). In the UK, recent changes to planning laws also mean that the change of use of a pub requires permission.

In Victoria, recent cases of hotel closures, sale and demolition or adaptive reuse in hot property markets have demonstrated the difficulties of using heritage legislation to protect historic uses and social values, with interim heritage overlay applications and court cases likely to follow.

5.0 Policies and Incentives

The focus of statutory protection on heritage building fabric is historically stronger in NSW, and specific policies for the adaptation of listed historic hotels, to enable their historic functionality to be interpreted may well be the best route forward.

Complementary to statutory controls is the development of conservation incentives by Council, to identify potential benefits for retaining functionality. Listing on an LEP for example may provide access to local heritage grants programs, or offers of differential rate relief etc. We understand that Council officers are undertaking strategic desktop research to develop a report for Council on these matters.

Paddington Hotels Study, April 2019
Robert A Moore Pty Ltd Architects and Conservation Consultants

6.0 Recommendations

It is recommended that each of the hotels in the group, specifically with their interiors, be listed as heritage items in the Woollahra LEP. This conclusion, and consideration of the group listing of the hotels, are expressed in the recommendations set out in each draft inventory form :

It is recommended that :

Appropriate Conservation Management Documents be prepared to guide all future change and development of theHotel ;

The listing of theHotel should be updated and include its interiors , subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents (CMDs) to be prepared ;

Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the.....Hotel , should be listed as a group item on the Woollahra LEP or on the State Heritage Register; and

The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes.

Council officers should be available to liaise with owners prior to developing plans for change or development.

Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible reversal or removal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.

For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment (such as communications equipment, power generation, air-conditioning, heating and other services) should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.

The Hotels, and in particular their interiors, have been subject to recent modernisation and modification works. Some of these works are objectively of admirable quality and do not invalidate the claims of the hotels to being regarded as places of heritage importance – rather, their history of change means that careful investigation must take place to guide future change, so that avoidable loss or obscuration of historic fabric and character does not take place.

The significant heritage attributes and elements of each Hotel, modified and adapted over time and confirmed by a Conservation management Document (CMD), should be appropriately conserved, adapted and retained. Proposals for new work should reflect the CMD policies and demonstrate that they are contributing to the conservation of its significance and commercial viability. Existing alterations and additions, which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment. All reconstruction and repair work to the significant fabric of the

Paddington Hotels Study, April 2019

Robert A Moore Pty Ltd Architects and Conservation Consultants

building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	The Bellevue Hotel		
Other Name/s Former Name/s	Elphin Hotel		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	157 - 159		
Street name	Hargrave Street (corner Taylor Street)		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Council		
Property description	Lot 11 DP 1124608		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>The <i>Bellevue Hotel</i> is of cultural heritage significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1878. It is a surviving example of the type of local landmark, corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development.</p> <p>It is of social significance as a reference point for community identity, having served the community of the suburb through demographic changes leading to its re-emergence as a popular, desirable and fashionable area. The Hotel's long association with Tooth and Co - until its relatively recent sale - is well documented archivally in local, state and national repositories, which also record the building's history of change in response to community changes.</p> <p>The <i>Bellevue Hotel</i> is of aesthetic significance as an example of an evolved Late Victorian period hotel with its principal exteriors still reflecting their original design, in a distinctive Classic Revival style. The expansion through take-over of an adjoining house, a common theme with Paddington's hotels, is legible in its main façade together with the works made to integrate the two buildings. The Hotel's interiors have been serially and comprehensively modified and updated, evolving over time as tastes and commercial imperatives changed,</p> <p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the <i>Bellevue Hotel</i> is now uncommon, though still a vibrant element of the area's urban fabric and local streetscapes. It is arguably <i>representative</i> as well as <i>rare</i>, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia. ¹ As an element of the Paddington Conservation Area, and as one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION	
Designer	Unknown
Builder/ maker	James Quigley
Physical Description	<p>The <i>Bellevue Hotel</i> is a two storey Victorian hotel, designed in the Victorian Free Classical, Italianate style. It is located on the high side of Hargrave Street, on the corner of Taylor Street. While the hotel principally orientates to Hargrave Street (as Taylor Street is narrow and more lane-like) the return façade of the main form of the hotel continues the architectural richness of the principal façade around into Taylor Street, giving the building a more imposing, impressive stature amongst its neighbouring corner shops and terrace houses.</p> <p>Of rendered brick construction, the hotel's main facades are highly and densely articulated with close-spaced pilasters which support a deep entablature with surmounting round pediments, replete with shell-like acanthus panels, and arranged over paired, round-headed casement sash windows with transoms on the front facade. On both facades these windows are emphasized by composite, classically inspired capitals and mouldings, but on Taylor Street some simplification adroitly enters with the sash windows becoming blind windows and double hung sashes.</p> <p>Both principal facades rise to moulded cornices and parapets where the pilasters terminate in fine urns above the parapet coping, the roof completely hidden, and the culminating embellishments being two heavy, rounded pediments, supported by sloping wing panels, centering each façade.</p> <p>Stepping down in complexity of detail and finish, the rear service wing extends through to Windsor Lane. The first floor windows are simpler with unembellished double-hung sash windows having drip moulds set in plain rendered wall surfaces. Later extensions have modified and obscured the built forms at the rear.</p> <p>In the Hargrave Street elevation wall bays and parapet details can be read the later extension of the hotel to include what was formerly a neighbouring terrace shop/house. At the ground floor, new openings and a recent historically inspired re-tiling of the walls coalesce and integrate the formerly distinct buildings.</p> <p>Internally, the hotel has been substantially renovated over several phases of work such that little of the original interiors or interior structure remains. The ground floor public bars and associated kitchen and dining areas retain some walls, piers and the former residential side entrance from Taylor Street. A new stair accesses the first floor. Spatially the first floor appears to retain only some of the two front rooms of the former hotel width and the former terrace house – and these feature plasterwork and joinery which may be in part early or original. Some rear wall elements to the outdoor-indoor dining area may also reflect the original planning. Like other 'gastro-pubs' in Paddington, the recent re-fitting work is of high quality and directed at imparting a comfortable, contemporary domestic feel to the interiors</p>

¹ Woollahra DCP 2015, Part C, clause 1.2.3, Character Elements, p.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	over all areas.					
Physical condition and/or Archaeological potential	The condition of the building appears good. Its fabric has been generally consistently maintained over recent years with continuing investment in new building work to support its continuing use.					
Construction years	Start year 1880		Finish year		Circa	
Modifications and dates	<p>The 1886 Sydney Water Surveyors Notebook² indicates the footprint of the building with side and rear yards and an adjacent terrace house (No.157) which was occupied by a shop (Fig. 1, page 12). The plan suggests no setback of this shop-house, which is shown partially in an image of the hotel (Fig.3, page 14). The terrace appears to have been in the typical Victorian "Filigree style", with a first floor verandah similar to its neighbours, but with a ground floor featuring a typically c.1900 shopfront of timber joinery in a masonry wall on the boundary (Fig.4, page 15). which was later modified to a plain (cost effective) treatment after its incorporation with the hotel (Fig. 5, page 16) in 1955.</p> <p>No original plans of the hotel have been discovered but its ground and first floor plan layouts are shown in the 1934 drawing for the projected alteration of the public bar (Fig.2 page 13) , and as improvements to the hotel, still then known as the Elphin, had been hotly contested by Tooths, the planning is likely close to the building's original condition. Notably the building features a central stair from the side "private" entry hall, rising to a first floor of six bedrooms with a sitting room and a bathroom. It also appears to have retained a post-supported street awning. In these works designed by the Tooths company architect, two existing "parlors" were to make way for the enlargement of the public bar and a new "Women's Parlor". A new suspended awning would be built. At the rear a garage whose door faced Windsor Lane was also added.</p> <p>With the 1955 acquisition by Tooths of the neighbouring terrace No. 157, the Hotel could be expanded to create a larger public bar and dining areas, by demolition of the wall between the hotel and the terrace house. Drawings show this work was designed by R.G. Simpson, and included the provision of adequate toilet facilities as required by the Licensing Court.</p> <p>This may also be when the street front and party wall of the former terrace No.157 were altered. The image c.1960 (page 16) shows the front wall of the former shop and its verandah were replaced by a new wall, with a new public bar door and window, plain first floor with simple window above, and a new terracotta tile roof extending across the former verandah.</p> <p>In 1961, a new games room, dining room, kitchen and bath facilities were built and external stairs added. In 1967, the rear of the former terrace was extended on the first floor to provide toilets and a new Public Bar counter. The suspended awning to the front façade was extended across the two properties. The original entry door and sidelights were removed possibly in the 1967 works, and the single entry door was changed into a window.</p> <p>A later drawing of plans dating from 1969 (Fig. 7, page 18) shows the adapted ground and part first floors of the hotel and the former terrace. With multiple penetrations in the party wall to allow access, the former terrace house upper floor could provide spaces for a new kitchen, laundry and toilets, while the ground floor became the very large new "club bar" common with the already enlarged public bar.</p> <p>By 1970 the façade of the former No.157 had again been modified to achieve a</p>					

² Sydney Water Surveyors' Notebook entry FB852 Fol40

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>more unified main façade to Hargrave Street (Fig. 6, page 17). The rendered parapet and cornice of the Hotel were extended across No. 157 in a simplified version of the original hotel façade. The party wall between the terrace house and its neighbouring terrace to the north was also raised to the height of the Bellevue Hotel parapet, thereby concealing that the roof had earlier continued the roofs over the terrace row.</p> <p>Modifications and upgrades of the Hotel have since been continuous. In 1981 (BA 1230/81) some internal walls were removed to the rear areas of the ground floor. In 1982 (BA 876/82) the external windows and doors to Taylor Street and Hargrave Street were reconfigured. The external tiles were removed from the ground floor elevations. The public bar counter was rebuilt.</p> <p>In 1985 (BA 842/85) significant internal walls were removed to create even larger, more open restaurant and bar areas on the ground floor and office space to the first floor. Doors and windows to the rear of the Taylor Street side elevation were again reconfigured. A retractable sunscreen was added over the rear courtyard. This was rebuilt as a fixed roof in steel and glass in 1986, (BA 629/86), along with a new kitchen and server with mechanical ventilation and equipment to the rear wing adjacent the courtyard.</p> <p>In plans approved in 2006 (DA 698/06), the ground floor was built out to the rear boundary by expanding the dining areas to the rear. The first floor was opened up into a function rooms with kitchen and expanded outdoor terrace, with a sense of former rooms retained through nib walls, columns and bulkheads. The former central rear courtyard area was roofed over in corrugated iron and glass, and the tiled roof to the terrace house replaced with corrugated iron. A new office space was to be created in an attic space accessed by a new stair ascending across the building's levels. The date of the most recent interior fit out does not appear to be supported by formal Council records.</p> <p>In 2016 the exterior of the hotel was restyled through a program of comprehensive maintenance, repainting, and the re-tiling of the ground floor walls in a traditionally detailed tiling pattern with contrasting colours. This was undertaken to designs by Acme Architects and Interior Designers, who may also have been responsible for interior works at the time, not requiring formal consent (Figs. 10, pp.12-15). Figs. 8 and 9 (pages 19 and 20) show the previous presentation and fit out of the public bar in 2009.</p>
Further comments	<p>Hotels in 19th century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events. The hotel became a focal point for community, particularly in Sydney's earliest suburbs and towns. They were used for everything from meeting halls for local societies, to inquests and political rallies. This was particularly the case for working class and industrial inner-city suburbs through the 19th century, such as Paddington, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or cornerstone building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.³ Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether any new publicans license's should be granted in the coming three years, and if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.⁴ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".⁵ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁶</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall</p>
--	---

³ Kelly, M., *Paddock Full of Houses : Paddington 1840-1890*, Doak Press, Sydney 1978, pp.180-181

⁴ Kelly, *op cit* p.181

⁵ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o'clock.swill

⁶ Freeland J M *The Australian Pub*, MUP, 1996, p176

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁷ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁸ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered.</p> <p>In Sydney the compounding land value of inner city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For those pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	--

HISTORY

Historical notes	<p>Paddington is part of the land of the Cadigal people.</p> <p>In 1823, ex-convict James Underwood and two other emancipists, Robert Cooper and Francis Ewan Forbes, combined to establish Sydney's first legal distillery on 100 acres of land granted to them between Old South Head Road (Oxford Street) and Rushcutters Bay. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Copper had broken down, and the</p>
------------------	--

⁷ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁸ Freeland J.M., *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁹ This grant comprised a quarter of present day Paddington and was chosen for its supply of fine water from the Glenmore Brook near Jersey Road. The area became known as the Underwood Estate, or Underwood's Paddock. It encompassed the land between Oxford, Ormond, Cascade Streets, Glenmore Brook and Jersey Road.</p> <p>Underwood's Paddock was first subdivided in 1839 and was called the Paddington Estate. He called the area after the London Borough where he had property and by the mid-1830s, the name 'Paddington' was in common use. The subdivision ran from Juniper Hall along Oxford Street to Jersey Road and down to Paddington Street. Four streets, Underwood, Paddington, Elizabeth and William, were formed for the subdivision and 80 allotments were offered for sale. The main sales however occurred in the 1870s, when the rest of the estate, totalling over 800 lots was sold.</p> <p>The growth of Paddington had been slow during the early years of the nineteenth century. Large estates, the relative isolation of the area and an economic slowdown in the early 1840s hampered development. The construction of Victoria Barracks in 1848 was the impetus for the main development of the village, firstly along Oxford Street opposite the new barracks. Victoria Barracks provided the main source of custom for the early hotels, which were mostly within a short distance of the Barracks along Oxford Street, including the Sussex Arms, the Britannia, the Rose and Crown, the Londonderry, the Rifle Butts and Colonel Bloomfield's Arms, the Crab Guns, the Greenwood Tree and the Paddington Inn.</p> <p>The subdivision of the large estates, such as the Underwood Estate, particularly between 1870 and 1890 fuelled a building boom, including houses and hotels across what was to become the suburb of Paddington. The predominant form was the terrace house, built largely by small scale builder developers, in rows of four to six houses. Terraces made maximum use of the narrow suburban blocks, and the sloping topography of the area while still offering enough room for families and small backyards. Paddington was a renter's suburb, with the majority of houses leased to workers who commuted into the city, to the docks or the industries around Sydney's southern fringe.¹⁰ This working class community, with few public halls or restaurants, relied on local hotels for their meeting areas and dining rooms.</p> <p>The Bellevue Hotel</p> <p>In August 1877, James Quigley invited tenders for the erection and completion of a hotel on his land in Paddington. Quigley had purchased two lots from the Underwood Estate sales in 1875 in the newly formed Hargrave Street.¹¹ The hotel, which was completed by mid-1878, was named the Elphin, likely after a small town of the same name in his native Ireland. Like other publicans in the Paddington area at the time, Quigley was also involved in small scale development, calling for labourers to erect brickwork for three terraces in 1881, having already rented a terrace in Wilson Street in 1879.¹²</p> <p>In early 1883, Quigley left the hotel to take up an omnibus run and transferred the lease to Robert White, while retaining the ownership of the hotel itself. However in March, Quigley was thrown from his omnibus when the horse fell, and he died from his injuries. The hotel was transferred to his wife, Bridget. As with other small hotels in the Paddington area, the Elphin relied on local trade, but struggled with Sunday closing and other restrictions. In 1885 when the then license holder, Edward Allen, applied to renew his lease, it was opposed on suspicion of him carrying out Sunday sales of alcohol and keeping a watch for police. A lack of evidence on behalf of the police saw the licence granted to Allen with a warning.</p>
--	--

⁹ Parkinson 'The Underwoods: Lock, Stock & Barrel'

¹⁰ Kelly, op cit, pp.83-84; pp95-100.

¹¹ *Sydney Morning Herald*, 6 August 1877, p.1.

¹² *Sydney Morning Herald*, 28 May 1881, p.2

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>A Surveyor General Plan of Paddington in 1886 (Metropolitan Detail Series, Paddington, Sheet No.16) shows the Elphin Hotel on the corner of Hargrave Street and Taylor Street, with a terrace adjacent to it. The hotel appears to have three awnings over entrances, with a wing at the rear. In 1893, Bridget Quigley, who had owned the building since her husband's death and also held the licence since 1887, also died and the hotel passed into the hands of her estate. In 1895 the estate transferred the licence to John Quigley, the son of James and Bridget, but the hotel itself was sold the following year to the brewing company Tooth & Co. Tooth & Co had recently begun acquiring city hotels through which they could sell their beer and other products. Their first three hotels were purchased in 1888 at Waverley, on Cleveland Street and in Newtown, with three more between 1893 and 1895. The Elphin was the seventh hotel freehold purchased by Tooth & Co, and the first in Paddington.¹³</p> <p>John Quigley ran the hotel till his death in 1911, when the licence passed to his widow Phoebe Quigley, who in turn operated it until she finally retired in 1931, bring to a close 57 years of operations by the Quigley family at the Elphin.¹⁴ During Phoebe's running of the hotel, she approached Tooth & Co at least twice to request the bar be extended to allow her to cope with the trade. In 1926 she stated that the smallness of the bar area meant that customers were going elsewhere on weekends and after sporting matches as they could not fit in the hotel. In 1929, she again requested the bar to be enlarged by the demolition of 3 internal walls, with a new door from the street into the second parlour and a door from the bar to the parlour. However Tooth & Co refused due to the small trade done through the hotel. They had considered closing the hotel in 1928 and moving the license to a new location with a new hotel building in Paddington, but the site available on Edgecliff Road was too close to a competing hotel and the idea was dropped.¹⁵</p> <p>With the onset of the Great Depression in 1929, the trade at the Elphin was too small for Phoebe to continue, and with regret she gave up the management in 1931, despite the rent being reduced twice in 1930. Phoebe wrote to Tooth's saying that a job as a manageress at any hotel would be appreciated as she had fallen on hard times.¹⁶ Quigley transferred the licence to Morris Wolff Miller, with the hotel being described as in a rundown condition. Wolff himself only lasted until May 1932, when the hotel license was transferred again to Henry Thomas Firken.</p> <p>Like Quigley, Firken approached Tooth's to extend the bar by demolishing a number of internal walls. He noted that he had improved the trade since taking over, turning some "after hours pests" into regular patrons. When Tooth's rejected the idea again due to cost and the size of the trade, Firken suggested he do it himself. In 1934 he tried once more, with plans being drawn up and the company being warned by its hotel inspector that if they did not precede it was likely Firken would leave and they would have trouble getting another licensee. The plans (Fig.2, page 13), by the architect's office for Tooth & Co, show a long narrow hotel building with the main bar in a room fronting Hargrave Street. A public entrance from Taylor Street allows access to an internal hallway, with two parlours, a dining room and kitchen, with toilets at the rear and a yard. A private entrance from Taylor Street gave access to a staircase to six bedrooms on the first floor and a shared bathroom.</p> <p>The proposed internal changes were all on the ground floor, with the bar to be extended through the entrance hall from Taylor Street and the first parlour, with the second parlour being converted to a women's parlour which could be accessed via the bar and the private entrance from Taylor Street. The proposal also included the removal of a post awning and its replacement with a suspended awning. The work was approved and completed by July 1934. With the hotel updated, Firken then asked to change the name to the Bellevue Hotel, as it was on the Bellevue tram line and he thought the new name would help business. The name change was approved and the new name was in place by 30 July 1934.</p> <p>Firken left the hotel in May 1936. In October, the then publican Richard Payten was caught by a hotel inspector from Tooth's selling and promoting the beers and products of their main rival, Tooheys, and although he was reminded of his obligations to the company, he left the</p>
--	---

¹³ Tooth & Co Limited Hotels Acquired 1888-1951, Tooth & Co Collection, Noel Butlin Archive, ANU

¹⁴ *The Labor Daily*, 25 June 1931, p4.

¹⁵ Bellevue Hotel, Manager's Office Files 1922-1932 N60/967, Noel Butlin Archive, ANU

¹⁶ Bellevue Hotel, Manager's Office Files 1922-1932 N60/967, Noel Butlin Archive, ANU

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>hotel in March 1937, transferring the licence to Kevin Kelly. Kelly asked Toth to approve new renovations, including moving the kitchen and dining rooms from the ground to the first floor and converting the two rooms to a ladies parlour and storeroom, however as before, the company refused.</p> <p>In July 1951 Tooth & Co began negotiations to purchase the adjoining shop terrace next to the hotel to extend the bar. Although major work would be required to raise the shop floor and ceilings to the same level as the hotel, the shop was purchased in December. The shop included five rooms, and galvanised iron garage at the rear. Plans for the proposed extension of the bar area into the shop were drawn up in 1955, with the removal of part of the wall between the shop and the hotel and the construction of a U shaped bar across the two properties. A new door and window in the shop façade allowed access to the new space from Hargrave Street. On the first floor, the shop's balcony was removed and the door converted to a window; a new women's toilet was also added to the rear yard of the former shop. Work building a new men's toilet had already taken place in 1954, requiring the relocation of the women's parlour, dining room and kitchen, while the slate roof was replaced with terracotta tiles in 1956. Further work had to wait until Tooth & Co had vacant possession of the property which came in 1961.¹⁷</p> <p>New plans were soon drawn for further modifications to the two properties, but work did not occur until 1969, with the former women's parlour on the ground floor and adjacent dining room being combined into one large lounge, with new men's and women's toilets on the ground floor and the bar in the former shop being extended to form a club bar. A bottle sales department was created between the club bar and public bar fronting Hargrave Street. The kitchen and dining room were relocated upstairs as first proposed in 1954. At the same time the façade of the old shop was reworked to match the height of the hotel façade, with new windows also fitted.</p> <p>Other than ongoing maintenance, including the replacement of timber floors with concrete in 1972 and a new roof following a fire in an upstairs bedroom in 1975, Tooth & Co did no more major work on the hotel before selling it in 1981, by which time the hotel hosted regular jazz and live music nights.¹⁸ Succeeding new owners have upgraded the building more extensively and at more frequent intervals, reflecting the increased competition for market share amongst the pubs, pop-up bars and cafes. The most recent program of external/internal works was undertaken in 2016.</p>
--	--

THEMES

National historical theme (if known)	<p>Peopling Australia Developing local, regional and national economies Building settlements, towns and cities Developing Australia's Cultural Life</p>
State historical theme (if known)	<p>Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions</p>

APPLICATION OF CRITERIA

Historical significance SHR criteria (a)	<p>The <i>Bellevue Hotel</i> formerly the <i>Elphin Hotel</i>, is of historic significance as one of the early hotels of Paddington, whose site has continuously been used as a hotel since its construction in 1878, thus 140 years. It is one of the small number of late Victorian era hotels to remain in Paddington, and to remain in the community context in which it emerged and has survived. The <i>Bellevue</i> is a surviving example of the type of commercial development that was incorporated into the building of terrace rows during Paddington's suburban development in the 1870s.</p>
---	--

¹⁷ Bellevue Hotel, Manager's Office Files 191933-1954 N60/968, Noel Butlin Archive, ANU

¹⁸ *Tharunka*, April 1980, p.22. Bellevue Hotel, Yellow Card, Noel Butlin Archive.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Historical association significance SHR Criteria (b)	<p>The <i>Bellevue Hotel</i> is historically associated with individuals – effectively a train of individuals – in the recorded succession of owners and managers of the Hotel, who are representative of the small builders and business people who consolidated the society and built environment of Paddington (and Sydney) in the late 19th and early 20th Centuries. None may be particularly prominent, but they contributed importantly to the local commercial and cultural life of their time.</p> <p>The <i>Bellevue Hotel</i> was associated with the Quigley family of publicans who ran the hotel over a period of 57 years in the late nineteenth and early twentieth century, representing a family run hotel business now largely lost from Sydney hotels.</p> <p>Between 1934 and 1978 the hotel was owned and operated by the Sydney brewing company, Tooth & Co, who had first leased the building in 1904. Tooth & Co were owners of 22 hotels in Paddington during this same period and hundreds more across Sydney and NSW, making them one of the largest hotelier companies in NSW history.</p>
Aesthetic significance SHR criteria (c)	<p>The <i>Bellevue Hotel</i> has aesthetic significance as an example of the Victorian period, "Free Classical Revival", Italianate style of architecture which is a signature of its development period within Paddington and the emerging, larger city of Sydney at that time. Conceived and built to be a modestly scaled landmark hotel building in its locality, it is an example of a relatively small hotel (or commercial) building invested with street presence and character through its almost ebullient architectural dress. Not much larger than the corner shops amongst its neighbours, it is in scalar balance with its neighbourhood, enhancing the complex array of streetscapes in which it features.</p>
Social significance SHR criteria (d)	<p>Hotels are an important part of the social fabric of Sydney's older suburbs as they are a popular meeting place, and celebrated destinations for locals, tourists and visitors. The <i>Bellevue Hotel</i> has a demonstrated social significance arising from the long tradition of hotel trade on this site and its importance in the current day local community, in particular the International Rugby football community, for whom it is a focal point on major occasions within the calendar of events for that sport.</p> <p>Paddington has a history of community activism and this has inevitably been facilitated by the local traditions of meeting and socialising in the network of local corner hotels in the suburb, of which the <i>Bellevue</i> is one.</p>
Technical/Research significance SHR criteria (e)	<p>Together with its documentary records, the <i>Bellevue Hotel</i> is an important repository of evidence about its development and of the development of the buildings of its role and type within the suburb of Paddington, and Sydney as a larger entity. The building explains by illustration the formative forces behind the endurance of Paddington and its pubs.</p> <p>The <i>Bellevue</i> also demonstrates architectural response to the changing licensing laws and commercial needs and requirements of Sydney hotels in the twentieth century.</p>
Rarity SHR criteria (f)	<p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Bellevue Hotel</i> is now uncommon, rare and endangered. Market challenges and an increasingly valuable site, attractive for conversion to housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs.</p>
Representative-ness SHR criteria (g)	<p>The <i>Bellevue Hotel</i> is representative of its type as a late 19th Century, small corner hotel building. Small corner hotel buildings from the formative period of the suburb are a key character element of the Paddington Heritage Conservation Area.¹⁹</p>
Integrity	<p>The exterior upper level façade of the <i>Bellevue</i> is substantially intact. The ground floor openings, joinery and external tiles c1920 have been serially and variously altered, most recently with reference to the building's period character and charm. The hotel has been significantly altered internally on the ground floor through being integrated with the adjoining terrace house, and through successive alteration phases reflecting the changing demands of the hotel industry, and changes in the community it serves. Some important original structural elements remain.</p>

¹⁹ Woollahra DCP 2015, Part C, Clause 1.2.3, Character Elements, P.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

HERITAGE LISTINGS	
Heritage listing/s	The <i>Bellevue Hotel</i> is within the Paddington Heritage Conservation Area recognised within Woollahra Council's LEP and DCP.
	The <i>Bellevue Hotel</i> is within the National Trust Paddington Urban Conservation Area

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Written Graphic /Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
Published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copy
Published book	Max Kelly	<i>Paddock Full of Houses: Paddington 1840-1890</i> , Doak Press, Sydney, 1978.		
Archive	Multiple	Building Applications	many	City of Sydney Archives
Archive		Noel Butlin Archive of Business and Labour	many	ANU
Unpublished history report	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre
	City Plan Heritage	Bellevue Hotel Heritage Impact Statement	2006	Woollahra Local History Centre

RECOMMENDATIONS	
Recommendations	<p>It is recommended that</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Bellevue Hotel</i> ; • The <i>Bellevue Hotel</i> and its interiors should be listed as a heritage item in the Woollahra LEP (2014); the listing of the interiors would be subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the <i>Bellevue Hotel</i>, should be listed as a group item on the Woollahra LEP and on the State Heritage Register ; • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes ; and • Council officers be available to liaise with owners prior to developing plans for change or development. <p>The significant heritage attributes and elements of the <i>Bellevue Hotel</i>, modified and adapted as outlined above and confirmed by a CMP, should be appropriately conserved, adapted and retained. Proposals for new work should reflect the CMP policies and demonstrate that they are contributing to the conservation of its significance and commercial viability.</p> <p>Existing alterations and additions, which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of</p>

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

	which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered to avoid detrimental impacts.
--	---

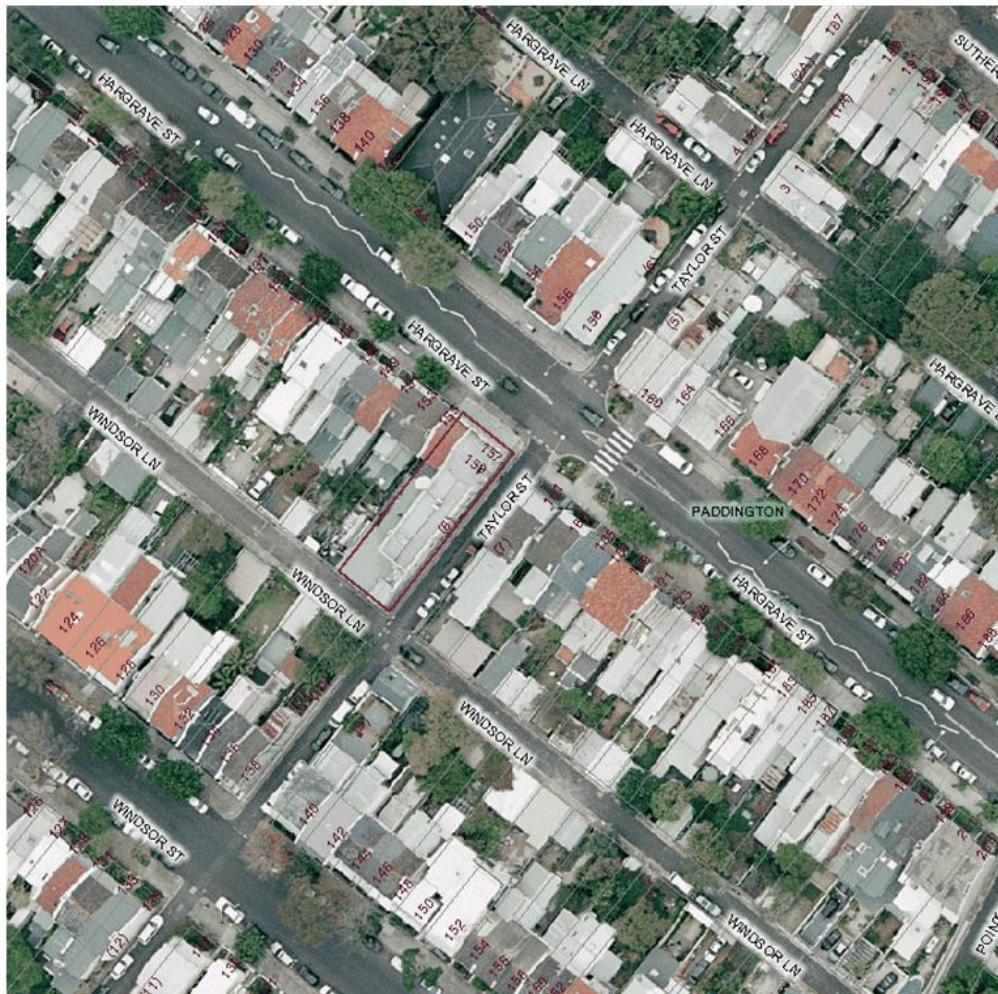
SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	2		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Riley for Woollahra Council)		Date August 2018

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Location of the Bellevue Hotel				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council



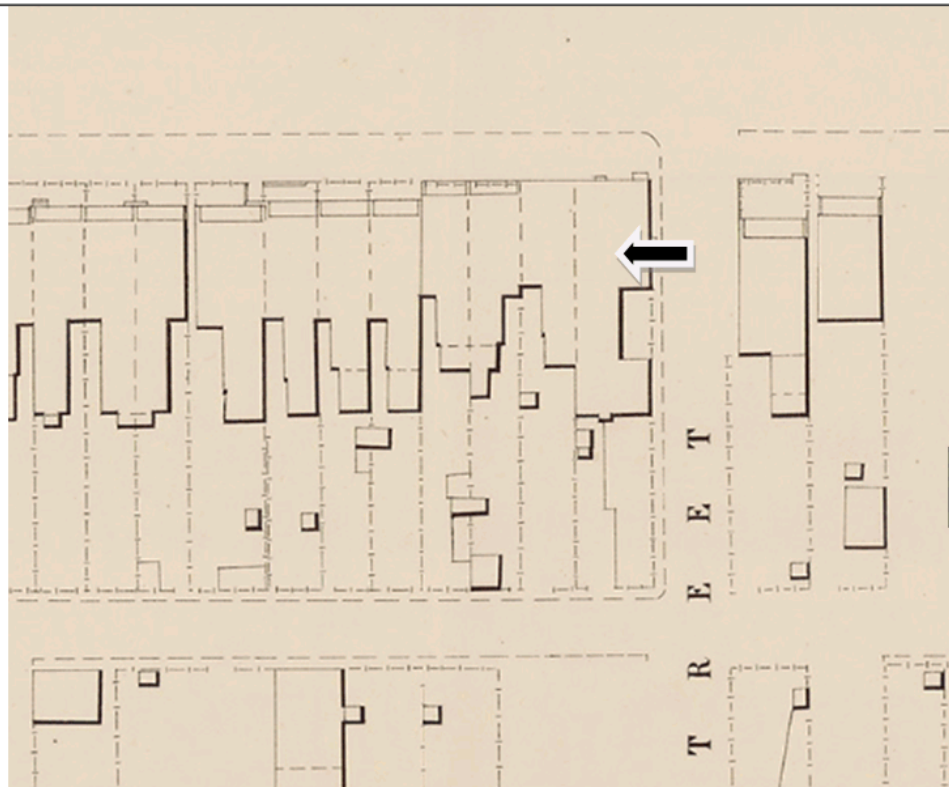
The red tile roof of the former terrace/shop is clearly apparent

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.1 Sydney Metropolitan Detail Series Map Sheet 16 1886, showing the <i>Elphin</i> Hotel on the (left) corner of Hargrave and Taylor Streets. (Source: SLNSW)				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW



Bellevue Hotel

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Figure 2: 1934 Alterations and Additions to the Elphin Hotel, showing proposed changes to the main bar, and erection of a suspended awning (Source: State Archive of NSW)				
Image year	1934	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3. The Bellevue Hotel c.1936				
Image year	1936	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.4 The Bellevue Hotel c.1949 ; the shop terrace retains its verandah and shopfront				
Image year	1949	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 5 The Bellevue Hotel, showing the neighbouring terrace house after the Public Bar had been extended and before the façade of the terrace had been altered to blend in with the hotel. The masonry wall at the street boundary was probably constructed in 1955.				
Image year	1960	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6 The Bellevue Hotel c.1970				
Image year	1970	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU

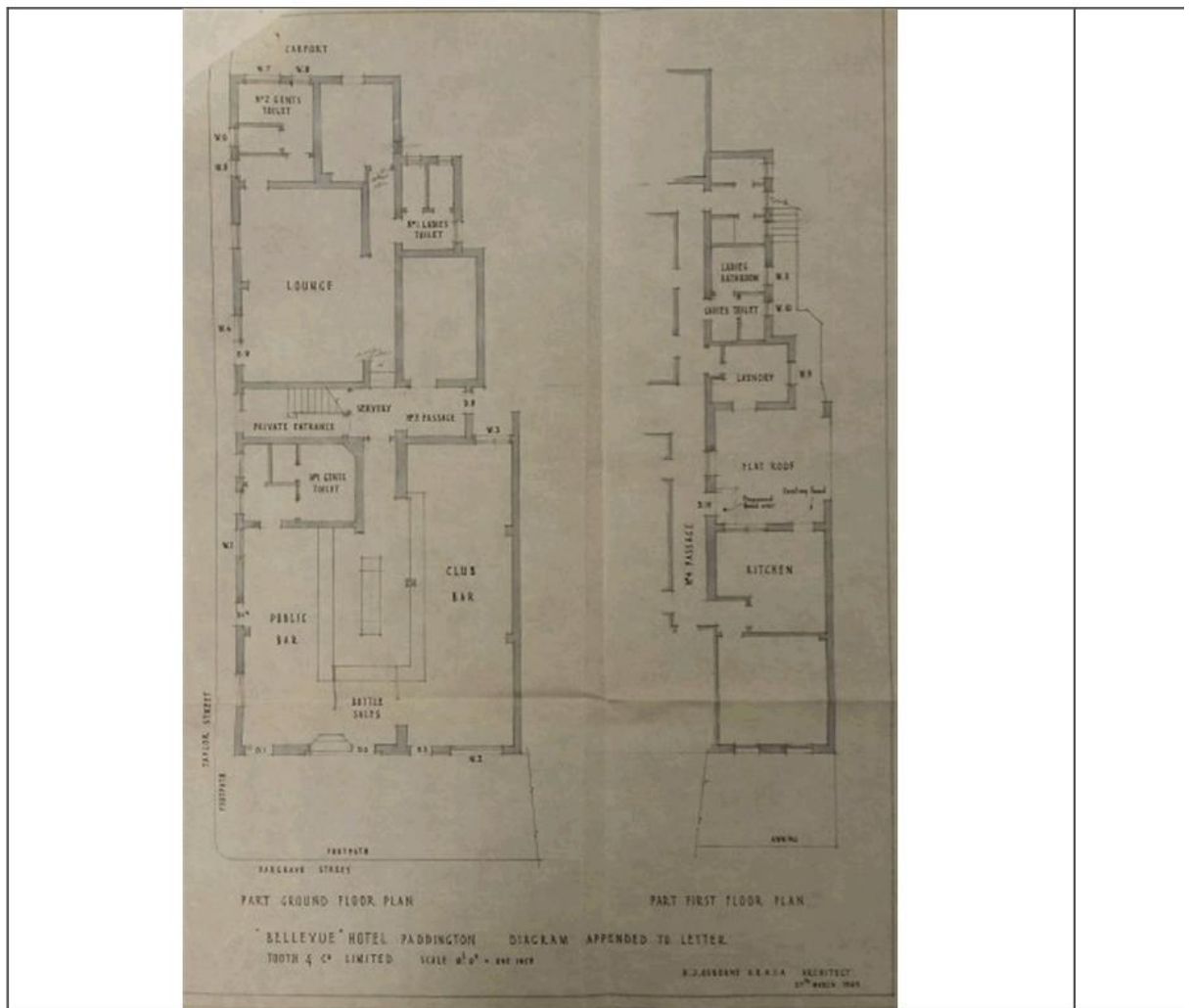


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Figure 7: 1969 architect's plan showing the extension of the hotel into the shop next door (Source: Noel Butlin archives)				
Image year	1969	Image by		Image copyright holder	ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8 : The Bellevue Hotel 2009, prior to the most recent round of upgrades				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9: The Bellevue Hotel : Interior public bar, 2009				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : The Bellevue Hotel : View from Hargrave Street, August 2018. Note translucent awning ; tiled dado to walls ; urns replaced on parapet				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty.Ltd.



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 11: The Bellevue Hotel : streetscape context in Hargrave Street (August 2018)				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12: The Bellevue Hotel : Interior of the public bar, ground floor (August 2018)				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 : The Bellevue Hotel : view across public bar to new main stair (August 2018)				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 14: The Bellevue Hotel : Interior of first floor front room of hotel, former best bedroom (August 2018)				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 15: The Bellevue Hotel : Interior of first floor bar and bistro, looking to rear (formerly bedrooms) with glass roofed area to right through door assembly (August 2018)				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	Grand National Hotel		
Other Name/s Former Name/s	No other name has been used		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	33		
Street name	Elizabeth Street cnr. Underwood Street (No. 161)		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Pt1 DP 902766		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>The <i>Grand National Hotel</i> is of historic significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1890. It is a surviving example of the type of larger, landmark corner commercial development, prominent in the emerging suburb, having been incorporated into the building of terrace row housing during Paddington's boom era of suburban development. Its long association with Tooth and Co is well documented archivally in local, state and national repositories.</p> <p>It is of social significance as an enduring reference point for community identity, together with the similar older and long-trading hotels of Paddington.</p> <p>The <i>Grand National Hotel</i> is of aesthetic significance as an example of an evolved and impressively scaled Late Victorian era hotel. Still reflecting its original design externally, it illustrates blending of Classic Revival and Italianate styles in an ambitious building which commands the distinctively 19th century urban streetscapes in which it features. It is a Paddington landmark. The exterior remains legible and relatively intact, reflecting its recorded history of minor changes. While the ground floor interiors have been modified and updated, typically evolving over time as pubs must, to meet the tastes and interests of their clientele, the hotel retains significant interiors in the substantially intact bedrooms of its upper floor residential areas.</p> <p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the <i>Grand National Hotel</i> remains an important structuring element of the suburb's urban fabric and local streetscapes, well known as a lively "gastro-pub".</p> <p>The <i>Grand National Hotel</i> is now a building of uncommon scale and purpose amongst Paddington's older hotels. It is arguably <i>rare</i> as well as <i>representative</i>, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings. It retains the potential for guest accommodation to remain part of its operations. The hotels are a key element of the character of the Paddington Heritage Conservation Area, contributing to its individuality and distinction as an important</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	urban environment in Australia. ¹ As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION	
Designer	Unknown
Builder/ maker	Unknown
Physical Description	<p>Built c.1890, the <i>Grand National Hotel</i> is a Late Victorian period, three storey corner hotel, built of rendered masonry in the Classic Revival style of the later Victorian years, described as "Free Classical" or "Free Italianate" style in the Apperly/Irving/Reynolds stylistic nomenclature of Australian architecture². Located at the intersection of Elizabeth and Underwood Streets, the building presents to the corner with its longer west-facing elevation stretching along Underwood Street, and shorter elevation facing into Elizabeth Street, reflecting the long narrow site.</p> <p>On the Elizabeth Street frontage, the Hotel also incorporates the adjacent former terrace house at No. 35, which was developed as part of the attached row of such houses contemporary with the Hotel that extends eastwards down Elizabeth Street. The comparatively large, "grand" scale of the hotel building is emphasised by the narrowness of Underwood Street, and the highly articulated and graduated main elevations of the hotel compared to the smaller scale of the mixed, mainly terrace-form houses in the immediate streets around the site. It commands, but does not dominate its setting.</p> <p>On the ground floor, the original corner entry to the public bar remains as well as an additional modern entry stair from the footpath into the terrace house extension. Generally the doors, windows and service entries of the Hotel ground floor have been modified in successive phases of change, but at the first and second floors, the elevations remain intact. With its scale and floors emphasised by a moulded, bracketed cornice and moulded string coursing, the grandness of the hotel is further emphasised by the multiple windows suggesting the many rooms behind them. Taller, console-bracketed and pedimented double hung sash windows serve the first floor, while simpler and scale-adjusted double-hung sash windows with hood mouldings line the second floor. At both levels the windows retain original or early timber sashes, many with early glass. Above the cornice the facades are topped by a panelled and balustraded parapet – which screens the skillion iron roofs behind it.</p> <p>Internally, the ground floor of the Hotel has been substantially changed. Walls or segments of walls have been removed to create new open bar and dining areas, leaving minimal enclosure of original service areas, the upper floor access stairs, and isolated walls and piers to support the upper parts of the building. The absorption of the neighbouring terrace house No. 35 (between 1920-1935) has enabled the inclusion of its stripped-out ground floor spaces within the public bar, while at the rear a new bistro kitchen occupies what would have been the terrace's rear yard.</p> <p>The commodious first and second floors contain bedrooms accessed by two timber balustraded staircases set at each end of the long axial corridors. The centrally located main stair arrives close to</p>

¹ Woollahra DCP 2015, Part C, Clause 1.2.3, Character Elements, pg.9.

² Richard Apperly, Robert Irving, Peter Reynolds, *Identifying Australian Architecture*, 1989, p.132

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>the larger rooms which have the northern outlook over Elizabeth Street and a grander level of finish with better domestic quality plasterwork, joinery and fireplaces. The corridor at each level serves the more ordinary/basic rooms with simpler finishes and smaller scale, the rooms lit east and west by windows respectively overlooking the former garden of No. 35 and Underwood Street. The second stair is located at the southern end of the corridors.</p> <p>The bedrooms of the former terrace house No. 35 have been integrated as part of these accommodation floors. The stair of the terrace house has been removed and interconnections to the rooms from the hotel hallway provided through added openings, while further adjustments of walls integrate the two formerly separate buildings. Apart from changes in bathrooms (refits), the southern stair being extended up to the upper floor, and the introduced access to the former terrace house rooms, the first and second floors are remarkably unchanged and retain many original details and finishes.</p> <p>(Access to the hotel for this inspection was kindly facilitated by Mr. George Penklis. Not all service areas and rooms were inspected).</p>				
Physical condition	<p>The exterior of the building presents in a fair to good condition. On closer inspection, the timber windows of the first and second floors require some repairs and regular maintenance including re-painting. The roofs could not be seen nor inspected, but from the visible damage to internal plaster ceilings, they may require repair.</p> <p>Internally, as could be expected the ground floor bar and service areas are renovated, well presented and commensurate with the active bar, restaurant and bistro uses. The first and second floors of bedrooms, and their access stairs are largely disused and have been let go, with an obvious long term lack of maintenance and repair contributing to water entry and damage to lathe-and-plaster ceilings. Original timber joinery doors remain on the second floor but have been replaced with modern flush panel doors on the first floor. Some original chimneypieces (possibly the marble examples) have been removed.</p> <p>The upper level areas are in need of careful and well-planned conservation and renovation works to retain their significance.</p>				
Construction years	Start year	1890	Finish year	Continuing upgrading	Circa <input type="checkbox"/>
Modifications and dates	<p>Original or early plans for the Hotel have not been discovered in searches for this study. Such a substantial building, of considerable architectural pretension, would likely have been designed by an architect.</p> <p>In 1920 the terrace house No.35, although part of the Hotel, still remained separate without interconnection. A report written by a staff member of Tooth & Co in 1935 describes the proposed enlarging of the public bar, as the bar was not large enough during peak hours and three parlours were not required by the Licensee, Mr Wine. In addition, alterations to the lavatory and urinal had been ordered by the Licensing Court, as the men's toilet was accessed from the street and not from within the bar. The wall dividing the public bar from the parlour bar was to be removed and the counter extended to a length of 41ft. The bar and parlour were to be renovated throughout by painting dados, painting woodwork and preparing walls.</p> <p>These works are shown in a drawing for Tooth & Co by architect R M Joy stamped with the Approval of the Licensing Court dated 20/11/1935, "with three months to complete" (Fig. 2). The bar and adjacent parlour were to be combined, and the bar counter length increased. The men's toilet, still accessed from Underwood Street, was to be improved with an added W.C. The drawing also shows the terrace house No.35 inter-connected with the Hotel, at least on the ground floor, with a single door allowing access to two "parlours", available on the ground floor. The original stairs of the terrace house remained at this time.</p> <p>The extensive documentation of the hotel over its long operational life records the many small successive changes made. In 1939 the more eastern stairway was extended to the second floor by order of the Licensing Court (Fig. 3). An ironing room on the ground floor was converted into a toilet; new doors provided from the public bar to the hallway; and the existing rear yard toilet demolished. In</p>				

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>1941 the external wrought iron footpath barrel access was closed in favour of an internal timber floor trap to the cellar (Fig. 4).</p> <p>In 1949, the floor of the dining room was replaced due to dry rot in the floor boards, possibly resulting from the absence of ventilation under the floor and its being covered in malthoid. In 1952 the iron roof of the hotel was replaced due to corrosion of the original roof; some defective joists and flooring of the public bar were replaced, and new steps to the cellar built.</p> <p>In 1953-4 alterations included removing the entry to Elizabeth Street and forming a window in the former entry; extending the public bar, a new entrance from Elizabeth Street, and new servery and storeroom with access to the rear yard; extending the lounge by incorporating the kitchen into the lounge area and providing a new servery; removal of wall at the top of the stairs first floor and creating a new dining room upstairs by removing walls to a bedroom and sitting room (Figs.5 and 6).</p> <p>In 1975 a new bottle shop room was created adjacent the public bar with a new cool room and counter (BA 548/75). In 1981 the rear courtyard was enclosed with a glazed roof, and mechanical ventilation provided, as well as other minor alterations to the ground floor rear area layout (BA 862/81 and BA 995/81).</p> <p>In 1994 the Grand National entered its "gastro pub" phase when rear areas of the ground floor were enlarged and refitted: mechanical ventilation and exhaust was provided to service areas; small minor alterations were made to the façade in Underwood Street, at the rear ; a large new kitchen was installed in the former courtyard area; the dining room area was further opened up by removing internal walls and stylishly refitted ; new façade works to ground floor, new concrete slab floors to front bar and bottle shop were also undertaken, by architect Vivian Fraser (BA 164/94 and BA 261/94 and BA 97/96).</p> <p>In 2006 a large development application was approved to substantially modify aspects of the interior at all levels. The proposal was approved in the Land and Environment Court. An amendment to the application (Section 96) proposed to replace all the timber floors with concrete floors. These works were approved but not carried out. Further applications have been made for internal replacement of the bedroom interiors and approved. A roof top room (or flat) was refused.</p>
Further comments	<p>Hotels in 19th century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events. The hotel became a focal point for community, particularly in Sydney's earliest suburbs and towns. They were used for everything from meeting halls for local societies, to inquests and political rallies. This was particularly the case for working class and industrial inner-city suburbs through the 19th century, such as Paddington, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or cornerstone building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney³. Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, (1) whether any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.⁴ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".⁵ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁶</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁷ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁸ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to</p>
--	--

³ Kelly, M. *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

⁴ Kelly, op cit, p.181.

⁵ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o'clock.swill

⁶ Freeland J.M. *The Australian Pub*, MUP, 1966, p176

⁷ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁸ Freeland J.M., op cit p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered.</p> <p>In Sydney the compounding land value of inner city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide. For those pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	--

HISTORY	
Historical notes	<p>Paddington was traditionally part of the land of the Cadigal people.</p> <p>In 1823, ex-convict James Underwood and two other emancipists, Robert Cooper and Francis Ewan Forbes, combined to establish Sydney's first legal distillery on 100 acres of land granted to them between Old South Head Road (Oxford Street) and Rushcutters Bay. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Copper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁹ This grant comprised a quarter of present-day Paddington and was chosen for its supply of fine water from the Glenmore Brook near Jersey Road. The area became known as the Underwood Estate, or Underwood's Paddock. It encompassed the land between Oxford, Ormond, Cascade Streets, Glenmore Brook and Jersey Road.</p> <p>Underwood's Paddock was first subdivided in 1839 and was called the Paddington Estate. He called the area after the London Borough where he had property and by the mid-1830s, the name 'Paddington' was in common use. The subdivision ran from Juniper Hall along Oxford Street to Jersey Road and down to Paddington Street. Four streets, Underwood, Paddington, Elizabeth and William, were formed for the subdivision and 80 allotments were offered for sale. The main sales however occurred in the 1870s, when the rest of the estate, totalling over 800 lots was sold.</p> <p>The growth of Paddington had been slow during the early years of the nineteenth century. Large estates, the relative isolation of the area and an economic slowdown in the early 1840s hampered development. The construction of Victoria Barracks in 1848 was the impetus for the main development of the village, firstly along Oxford Street opposite the new barracks. Victoria Barracks provided the main source of custom for the early hotels, which were mostly within a short distance of the Barracks along Oxford Street, including the Sussex Arms, the Britannia, the Rose and Crown, the Londonderry, the Rifle Butts and Colonel Bloomfield's Arms, the Crab Guns, the Greenwood Tree and the Paddington Inn.</p>

⁹ Parkinson, "The Underwoods : Lock Stock & Barrel"

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The subdivision of the large estates, such as the Underwood Estate, particularly between 1870 and 1890 fuelled a building boom, including houses and hotels across what was to become the suburb of Paddington. The predominant form was the terrace house, built largely by small scale builder developers, in rows of four to six houses. Terraces made maximum use of the narrow suburban blocks, and the sloping topography of the area while still offering enough room for families and small backyards. Paddington was a renter's suburb, with the majority of houses leased to workers who commuted into the city, to the docks or the industries around Sydney's southern fringe¹⁰ This working class community, with few public halls or restaurants, relied on local hotels for their meeting areas and dining rooms.</p> <p>The Grand National Hotel</p> <p>The Metropolitan Detail Series Map of 1886 shows the future site of the Grand National Hotel vacant (Fig.1). In c.1888, Samuel Holmes a small, local developer, purchased eleven lots of the old Underwood Estate fronting Elizabeth Street, between Underwood Street and Caledonia Street to build terrace houses. Between 1888 and 1890, Holmes erected a line of nine 3 storey terraces, with one on the corner of Elizabeth and Underwood Street (then numbered 33-35 Elizabeth St), built as a combined shop and residence.¹¹ Holmes was following a familiar pattern of develop that was occurring across the rapidly emerging Paddington suburb of constructing terraces to rent and including a shop at one end to serve the new community.</p> <p>In January 1890, Holmes applied to have a conditional licence for a hotel to operate in the shop site on the corner of Underwood and Elizabeth. His first attempt was rejected by the licensing court on the grounds that there were already enough hotels in the vicinity, with the nearby Solerfino and Windsor Castle hotels operating in Elizabeth Street and the London Tavern and Metropolitan Hotels in Underwood Street. At this time the shop was operating as a grocer, run by a Mrs L Coleman.¹² The strain of developing the land and then the denial of the licence appears to have been too much financially for Holmes, who began selling his allotments before being declared bankrupt in August 1891.</p> <p>The shop property was transferred to J.F. Gunsler, a well-known caterer who had a large catering business in Sydney and rana café in the city. Gunsler successfully applied for a license for the building, and from 1891 the building was renamed the Grand National Hotel (likely after the Grand National steeple chase horse race), with Stephen Whelan as publican, previously of the Phoenix Hotel also in Paddington.¹³ Gunsler did not hold the property for very long, having transferred ownership to Whelan by October 1891, as well as the title to the adjoining terrace houses in Elizabeth Street.</p> <p>Whelan was advertising furnished rooms at the Grand National for singles or married couples in June 1891, and proclaiming the hotel as the largest in the Eastern Suburbs, with single and double rooms, with or without board (meals), and the best wine and spirits.¹⁴ The success of the business in a crowded market for hotels was difficult and Whelan was reprimanded on a variety of occasions by the licensing board for breaches, including Sunday trading in December 1891 and again in 1892. This offence proved to be an ongoing issue for the hotel with publicans in 1899, 1901 and 1905 all being fined for the same practice.</p> <p>Whelan, while retaining ownership of the building, transferred the licence in late 1892 to Ralph Turner, who in turn transferred it to Richard Thompson in 1893. Thompson subsequently had his license revoked for sub-letting some of the rooms on a weekly rent, rather than having them available to the public as per the license in June 1894. With Whelan attempting to get elected to the Paddington Council at the time, the hotel appears to have remained closed until mid-1895, when Whelan himself reapplied and got a conditional licence.¹⁵ Operating the hotel for another year, Whelan once again transferred the licence to James Daniel Midson in 1896, before Kate Lacey took the licence in 1897, transferring it to Whelan's wife, Johanna in 1898.</p>
--	--

¹⁰ Kelly, op. cit, pp.83-84 ; pp.95-100

¹¹ Woollahra Local Studies, Grand National Hotel vertical file

¹² Sands Sydney Directory, Paddington, 1891

¹³ Gunsler also owned the Watsons Bay Hotel

¹⁴ Evening News 24th October 1891, p.8

¹⁵ Sydney Morning Herald (SMH), 17 January 1895, p.6

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The hotel was in the middle of a working class, labour orientated neighbourhood. In 1893 some of its windows were smashed by 'Larrikins', and by the turn of the twentieth century it was regularly being used by local candidates for meetings and rallies. The Political Labour League met at the hotel in 1900-1901, and local mayor Alderman R.W. Usher spoke to electors from the first floor balcony in June 1901.¹⁶</p> <p>In 1900, under the direction of the then publican, a Mrs A. Loneragan, the hotel was extensively renovated, although no details of the work have been found. Loneragan advertised the family hotel in country newspapers as having large, airy rooms, perfect for country visitors, with buses passing the door to the city and trams a two minute walk away.¹⁷ 1901 Johanna Whelan, now in possession of the building from her husband (Stephen Whelan died in 1903), offered the hotel for sale. The building was described as being a three-storey brick hotel on stone foundations with verandah and balconies, having forty apartments, bathrooms, washrooms, bars and cellars.¹⁸ Although offers were made, the hotel was not sold and Whelan retained ownership of the site until selling it in 1926 to the brewing company, Reschs Limited, who in turn sold it to Tooth & Co in July 1929.¹⁹</p> <p>During this time the license to run the hotel changed approximately every two to three years. No floor plans of the hotel survive prior to the 1930s, however a report done by architect Sidney Warden in 1920, for Tooth & Co, who were investigating a possible purchase from Whelan, describes the property thus: <i>Property has a frontage of 97ft 6in to Underwood Street 48ft to Elizabeth Street inclusive of adjoining house which is included in Hotel. Three storied old style ornamental fronted building, built of brick cemented and painted to exteriors. There is an iron cantilevered awning over portion of streets length about 70ft. Terrace house attached and included in Hotel is 3 storied brick with front verandah and balconies; front of this house not in union with Hotel front.</i></p> <p><i>Walls, foundation exterior walls 18in solid brick. Ground floor exterior walls 14in internal 9in. First floor exterior walls 9in, internal 4.5in, 9in and stud partitions. Heights of stories, main building ground floor 10ft 6in first floor 10ft 9in second floor 9ft 2in. Adjoining house ground, first and second floors 10ft. Floors throughout in fair condition. Electric light to 3 rooms and halls 1st floor of main building, two bedrooms and hall adjoining house and to the whole of ground floor in both buildings. Remaining light throughout gas. Roof galvanized corrugated iron skillion recently painted.</i></p> <p><i>Ground floor: 1 bar, 2 parlours, office, 2 large store rooms, kitchen, laundry and lavatories. Two staircases private entrance off Underwood St. Adjoining house – 2 parlours and kitchen, private entrance off Elizabeth Street. First floor: Main building – 10 full sized bedrooms, 1 sitting room, bathroom, linen press and w.c. Adjoining house – 2 good bedrooms and bathroom. Second Floor: Main building – 11 bedrooms, bathroom, w.c. and large linen press. Adjoining house – 2 bedrooms. Cellar: under bar small size about 9ft 6in x 10ft. Yard: asphalted, part cemented, medium size in good state.</i></p> <p><i>The walls are papered or Kalsomined throughout. All ceilings are plastered except to Bar which is wood. The whole of the property including adjoining house has recently been renovated and painted thoroughly inside and out and is in good condition This structure is old, design is out of date. Walls are sound throughout. I saw no signs of serious cracks; ceilings are in good condition considering age of building. The bar 13ft x 26ft is small for a hotel of this size. Fitments, counter etc are cheap. There are no openings between adjoining house and main building on 1st or 2nd floors. The whole property gives the impression of having been well cared for.²⁰</i></p> <p>A small change was made to the bedrooms on the first floor in 1920, with one being converted to a bathroom and linen press. In 1935 the bar was extended through the largest parlour room to form an L-shaped public bar, removing an internal wall to do so. A new male toilet was also added to the yard area on the order of the licensing court. At this time, new fibrous plaster ceilings were installed throughout the hotel and the yard was concreted.</p>
--	---

¹⁶ SMH 21 June 1901,p.8

¹⁷ Dubbo Liberal and Macquarie Advocate, 10 January 1900, p.3

¹⁸ SMH 26 August 1901, p.3

¹⁹ LPI Certificate of Title Vol.2297 folio 142

²⁰ N60/1571 Tooth & Co Managers Office Files, Grand National Hotel, Tooth & Co Collection, Noel Butlin Archives ANU

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>On 29.5.1939 the Licensing Court ordered that the existing stairway at the eastern end of the hotel be extended to the second floor and that directional notices indicating the location of exits be installed. The work was to be completed within three months of the order. R.M. Joy & Pollitt Architects supervised the works and they were constructed by A.H. Crawford of Five Dock (Figs. 2 and 3).</p> <p>Reports were written by the architectural firm, Copeman & Lemont [date illegible] and John M. Hellyer in 1940. Both firms regularly worked for Tooth & Co and designed some of Tooth & Co most avant-garde hotels between the wars. The reports counted 25 bedrooms in the hotel, including three in the terrace next door, which was used as accommodation by the publican. The report by John Hellyer, Architect, describes three possible schemes for the renovation of the hotel. Tooth & Co proceeded with the cheapest scheme, converting an ironing room on the ground floor into a w.c. and urinal, providing new doors from the Public Bar to the light area and hallway, demolishing the existing lavatory in the rear yard; creating access from the bedrooms, lounge and sitting rooms on the first and second floors that faced Elizabeth Street to the main block of the building running along Underwood Street and the toilets therein via a covered gangway. Previously, those patrons had been required to go downstairs to use the toilets in the rear yard.</p> <p>In 1952 the entire roof was renewed. In 1953, R.M. Joy & Pollitt Architects [architects for the Unicorn Hotel, built 1941] wrote a report on the hotel and suggested a number of alterations and additions. At the time, Sydney City Council had a proposal for the realignment and widening of Elizabeth Street and Underwood Street, which may have necessitated the resumption of the hotel. Tooth & Co speculated that the application to Council may be refused on this account, but it was approved and the proposed widening did not take place.</p> <p>Subsequently that year major changes were made to the bar area, with a new entrance from Elizabeth Street and the main bar extended again into one of two remaining parlours that faced Elizabeth Street. The stairs behind this parlour that gave access to the first floor (the same ones that had been extended in 1939) were removed and the space converted into a servery. A store room behind that was fitted with new doors into the hotel and had a new concrete floor. The kitchen and dining room were transferred to the first floor, being installed into two converted bedrooms, with the space on the ground floor being converted into a servery (former kitchen) and new lounge (dining room). A new doorway between this new lounge and the existing lounge on the Underwood Street side was created to form a single, large room, with new doors to the yard at the rear also. On the second floor, a new linen closet was installed where the stairs had been previously and new toilets were installed.²¹ In 1956 the urinals and men's toilet were upgraded, and a new men's toilet added.</p> <p>In 1982 the yard area was covered with a timber and glass ceiling creating an outdoor eating area, with bar, barbecue and salad bar areas.²² These works were the last of any major works recorded at the hotel until the extension of the cellar in 2007.</p> <p>In 1989 the hotel was attracting a mix of punk and heavy metal enthusiasts according to hotel reviews, but remained a local pub.²³</p> <p>In the 1990s, and the years approaching the GFC, the hotel pursued the burgeoning fine dining market, becoming the archetypal "gastro-pub" with expensively re-fitted kitchen and dining room. By 2000 the restaurant had been upgraded to provide a more up-market selection, with the bar remaining a local style hotel. Celebrity chef Kylie Kwong cooked at the hotel before establishing her own restaurant. While downstairs the bar and dining areas were thriving, the accommodation areas upstairs were wound down in the face of changing standards and expectations, and the need for major investment in maintenance and upgrading of the facilities offered. After some years operating as a virtual boarding house, the accommodation floors entered disuse, and still await investment in their repair and re-use.</p> <p>Successive applications to radically alter the first and second floors have been made to Woollahra Council, with the various plans showing the removal of original partition walls on both levels, including the hallways, and the construction of new "boutique hotel" rooms with en-suite bathrooms. The</p>
--	---

²¹ Building Application File 3789/53 City of Sydney Archives

²² Woollahra Local Studies, Grand National Hotel vertical file

²³ Neal, S and Guest, S., *Sydney Pubs*, Sandstone Publishing, Sydney

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	surviving original timber stairs would be removed and replaced, and a lift introduced. A roof-top addition providing extra accommodation was also proposed, but deleted from the consent issued by Council in 2016.
--	---

THEMES	
National historical theme (if known)	Peopling Australia Developing local, regional and national economies Building settlements, towns and cities Developing Australia's Cultural Life
State historical theme (if known)	Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions

APPLICATION OF CRITERIA	
Historical significance SHR criterion (a)	The <i>Grand National Hotel</i> is of historic significance to Paddington and the Woollahra LGA as an example of one of the early corner hotels of Paddington, developed contemporaneously with the housing around its site. The site has continuously been used as the <i>Grand National Hotel</i> since its construction in 1890, and the hotel is one of the longest established hospitality businesses in Paddington.
Historical association significance SHR Criterion (b)	The <i>Grand National Hotel</i> is of significance to Paddington and the Woollahra LGA as one of the small number of early surviving hotels within Paddington, long associated with the local community and popularly associated with the history, community and culture of the suburb.
Aesthetic significance SHR criterion (c)	The <i>Grand National Hotel</i> has aesthetic significance as an example of the Victorian Free Classical style of architecture and as a landmark corner hotel building. Its distinctive, individual architectural statement, derived of its styling, detail and its notably impressive scale, makes it an important component of the streetscapes of Elizabeth and Underwood Streets in which it figures so prominently, within the context of surrounding housing.
Social significance SHR criterion (d)	In 1966, Freeland wrote that <i>The pub is one of the most socially significant, historically valuable, architecturally interesting and colourful features of Australian society.</i> [Freeland 1966 p1] Hotels are still an important part of the social fabric of Paddington as they are a popular meeting place and a destination for both locals and visitors. Paddington has a long history of community activism and this has been facilitated by the tradition of meeting and socialising locally in pubs and other venues. These practices continue in the current day. The <i>Grand National Hotel</i> has served both the local and wider community since its construction in c1897. It is an enduring focus of community life and sentiment, and is therefore considered to meet this criterion.
Technical/Research significance SHR criterion (e)	The <i>Grand National Hotel</i> has some potential to illustrate architectural and operational responses to changes in licensing laws and requirements, and community needs and expectations of such local hotels.
Rarity SHR criterion (f)	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a powerful element of its urban fabric and local streetscapes, the <i>Grand National Hotel</i> is now uncommon, rare and endangered. Market challenges and an increasingly valuable site, attractive for conversion to housing use, make the Hotel part of an endangered and threatened group in Paddington, which has also become evident in other older inner city suburbs, where pubs have been converted to residential use. The <i>Grand National</i> is also uncommon for its scale, one of the largest corner pubs in the suburb and Municipality.
Representativeness SHR criterion (g)	The <i>Grand National Hotel</i> is significant as a 19th Century corner hotel building, within the important heritage suburb of Paddington. It is an example of the larger scale of such buildings, which offered extensive accommodation for travellers. Corner hotel buildings are a key character element of the Paddington Heritage Conservation Area ²⁴ , and the <i>Grand National Hotel</i> is a distinctive example of the type, within the special urban context of Paddington. Retaining the potential for a continued accommodation role, the Hotel is also rare as one of the small number of hotels able to maintain this breadth of function and use.
Integrity	The <i>Grand National Hotel</i> is substantially intact externally, on its street facades. Elements of its ground floor street frontages have been altered, including the entrances and the entrance

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	to the former terrace house at No.35 Elizabeth Street. It has been modified internally on the ground floor, where elements of its original arrangement can be interpreted with the extensive documentation of the building. The accommodation areas on the upper floors are more intact and offer valuable opportunities for interpretation and a conservation based, sympathetic adaptive re-use, to support their continued use.
--	--

HERITAGE LISTINGS

Heritage listing/s	The <i>Grand National Hotel</i> is within the Paddington Heritage Conservation Area recognised by Woollahra Council in its LEP.
	The <i>Grand National Hotel</i> is within the National Trust Paddington Urban Conservation Area.

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copy
Unpublished history	Ron Johnson	<i>Paddington History and Heritage</i>	un-dated	Woollahra Local History Centre
Unpublished history	L.G. Norman	<i>Historical Notes on Paddington</i>	Un-dated	Woollahra Local History Centre
Published Book	R. Apperley, R.Irving & P.Reynolds	<i>Identifying Australian Architecture</i>	1989	author's copy

RECOMMENDATIONS

Recommendations	<p>It is recommended that</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Grand National Hotel</i>; • The <i>Grand National Hotel</i> and its interiors should be listed as a heritage item in the Woollahra LEP (2014); the listing of the interiors would be subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the <i>Grand National Hotel</i>, should be listed as a group item on the Woollahra LEP and on the State Heritage Register; • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes. • Council officers be available to liaise with owners prior to developing plans for change or development. <p>The significant heritage attributes and elements of the <i>Grand National Hotel</i>, modified and adapted as outlined above and confirmed by a CMP, should be appropriately conserved, adapted and retained. Proposals for new work should reflect the CMP policies and demonstrate that they are contributing to the conservation of its significance and commercial viability.</p> <p>Existing alterations and additions, which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered to avoid detrimental impacts.</p>
-----------------	---

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Although the exterior of the Hotel has been modified, this has not adversely affected the significance of the building to the extent that listing would be inappropriate. Only those proposals for new work which are compatible with and complementary to the existing style and detail of the building should be considered. There should be no enlargement or filling in of window or door openings and additions to the building should not break through the roofline or rise above the parapet.</p> <p>The interiors of the building which have been modified, particularly on the ground floor which has been extensively changed, should be carefully modified in future so as to conserve what evidence of the building's former presentation and significance can be maintained. The interiors which remain importantly intact (such as the stair halls and bedrooms of the first and second floors) should be assessed for careful adaptive re-use in accordance with guidance in the CMP recommended above, so as to conserve the most fabric that it is possible to do so.</p>
--	--

SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	3		
Author of Study or report	Mark Dunn, Sheridan Burke and Robert Moore, Susan O'Neill / Sara Reilly		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Sheridan Burke, Robert Moore (amending and updating earlier work by Susan O'Neill and Sarah Riley for Woollahra Council)	Date	2018

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Location of the <i>Grand National Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

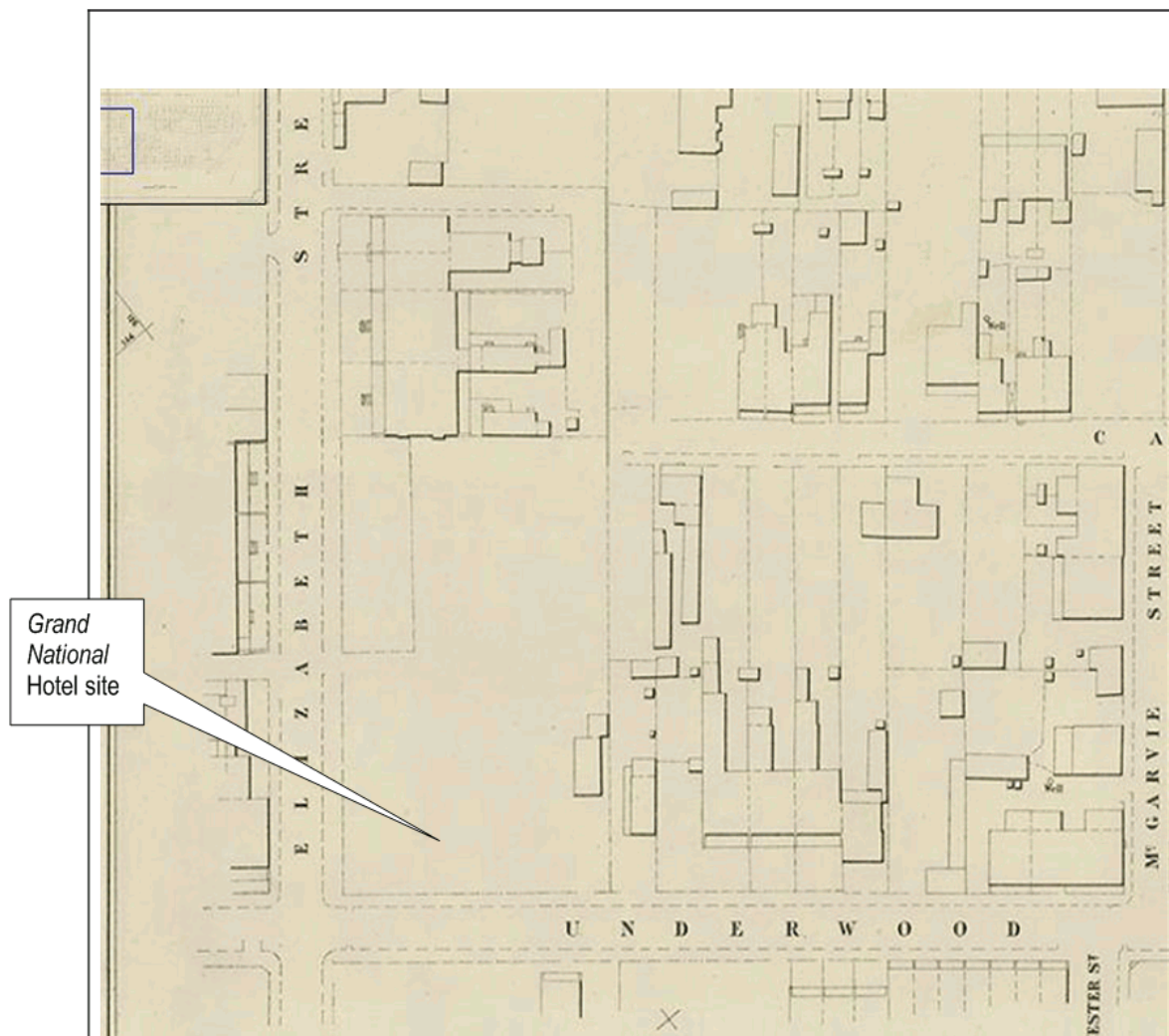


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 1 Metropolitan Detail Series Map No. 15. Hotel site on the corner of Elizabeth St and Underwood St is shown as vacant.				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW

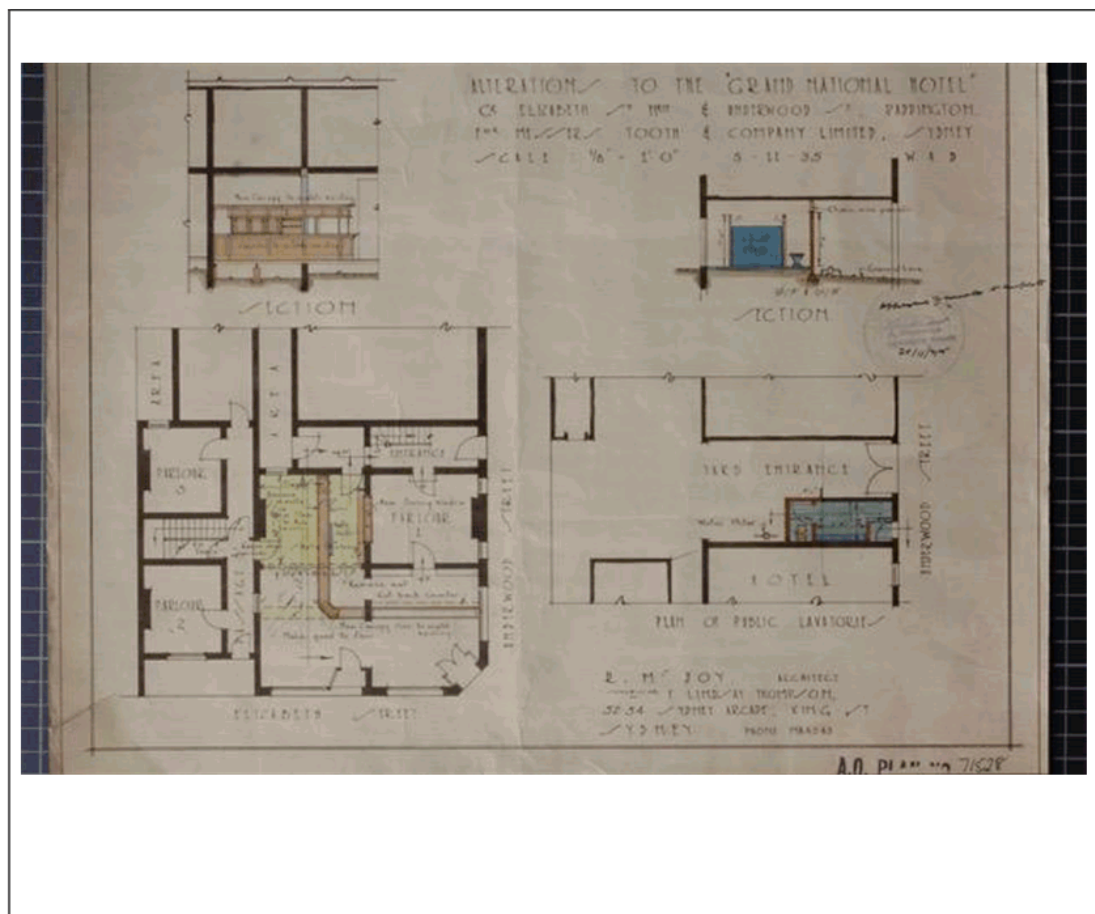


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.2 : Plan by RM Joy Architect, 1935, showing the public bar enlargement and door into adjacent terrace house				
Image year	undated	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU

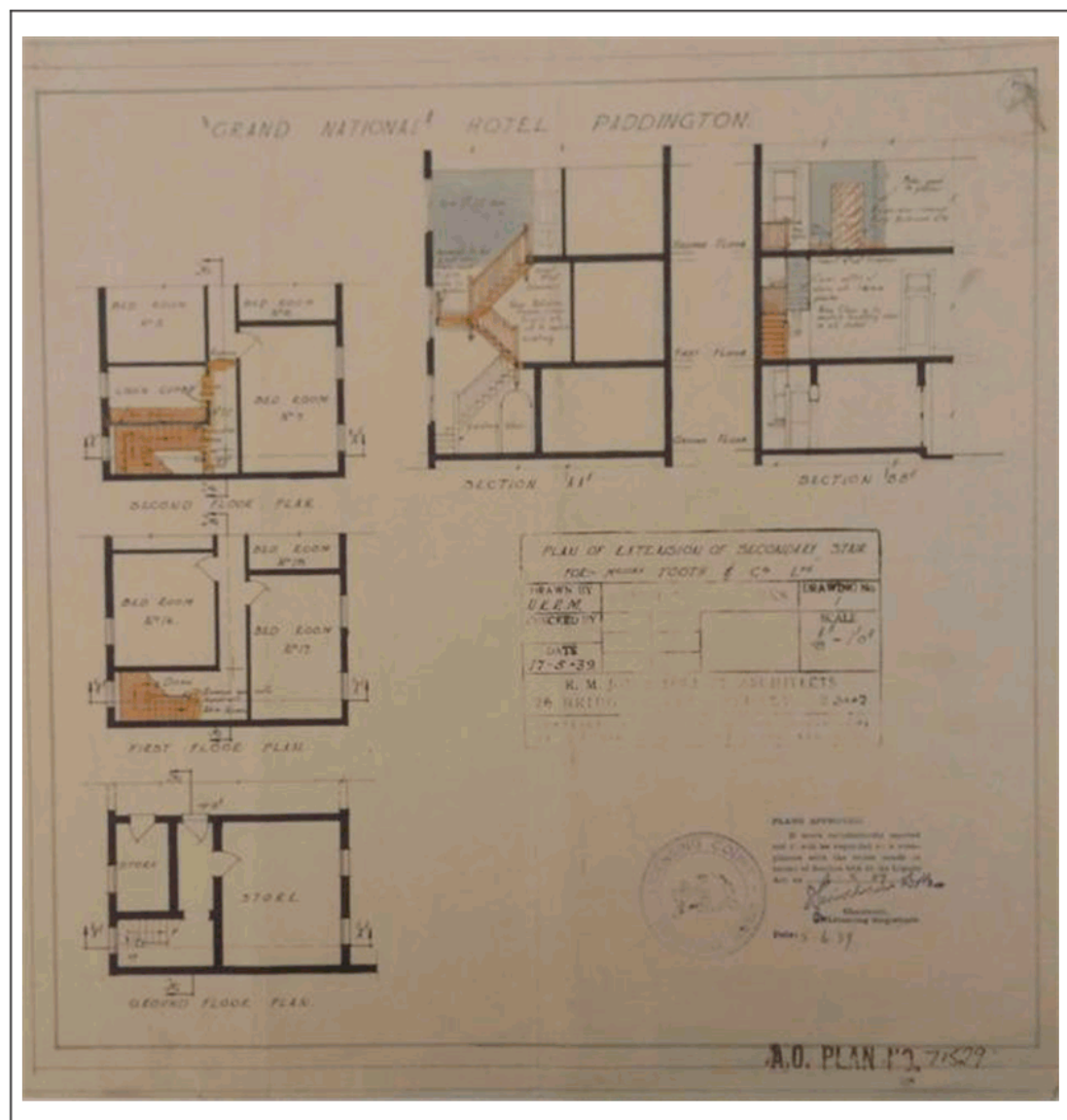


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.3 : Extension of eastern stair to second floor by order of the Licensing Court, again the architects are Joy and Pollitt (1939)				
Image year	undated	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU

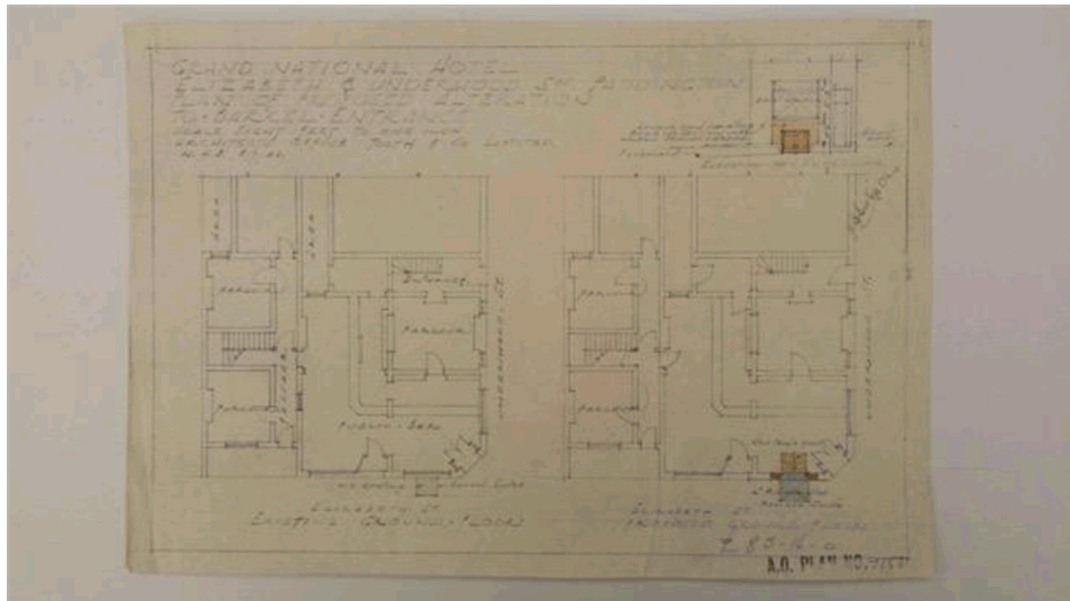


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4 : Alteration of cellar keg delivery trapdoor (1941)				
Image year	1941	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU

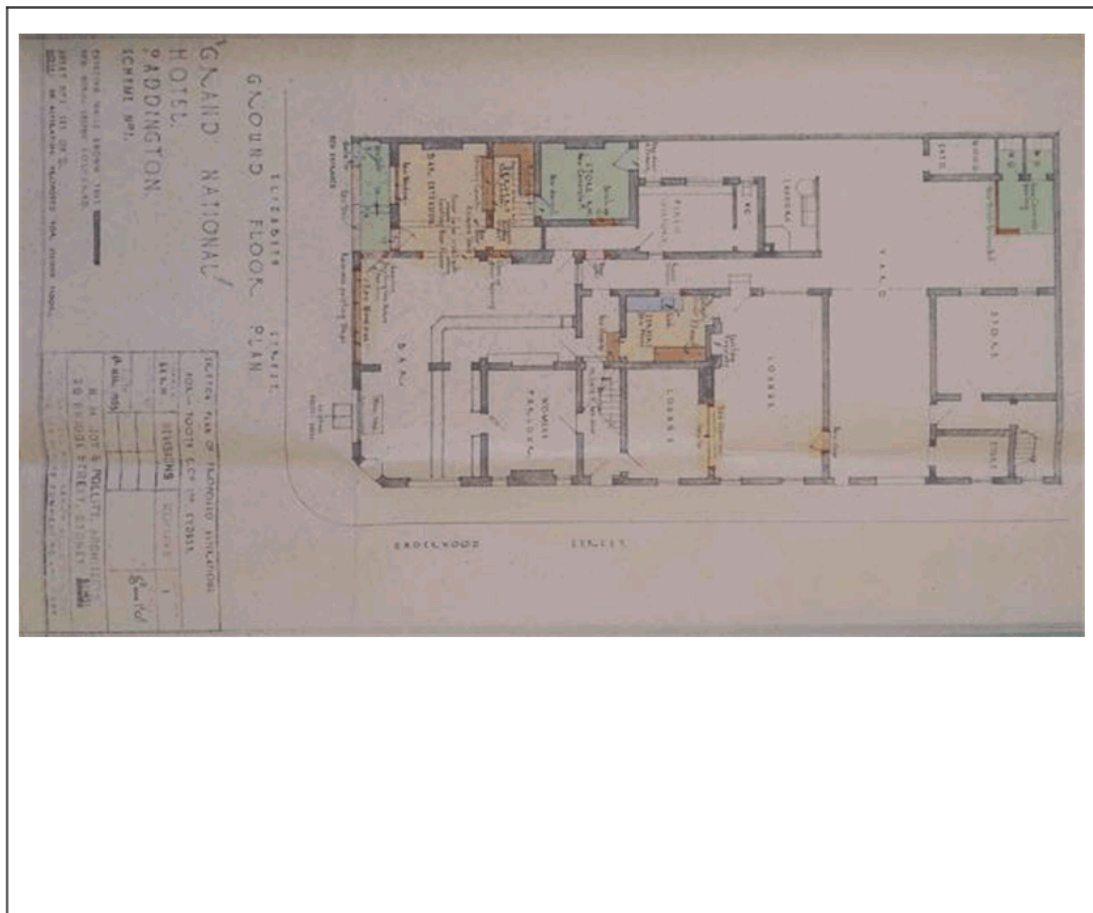


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

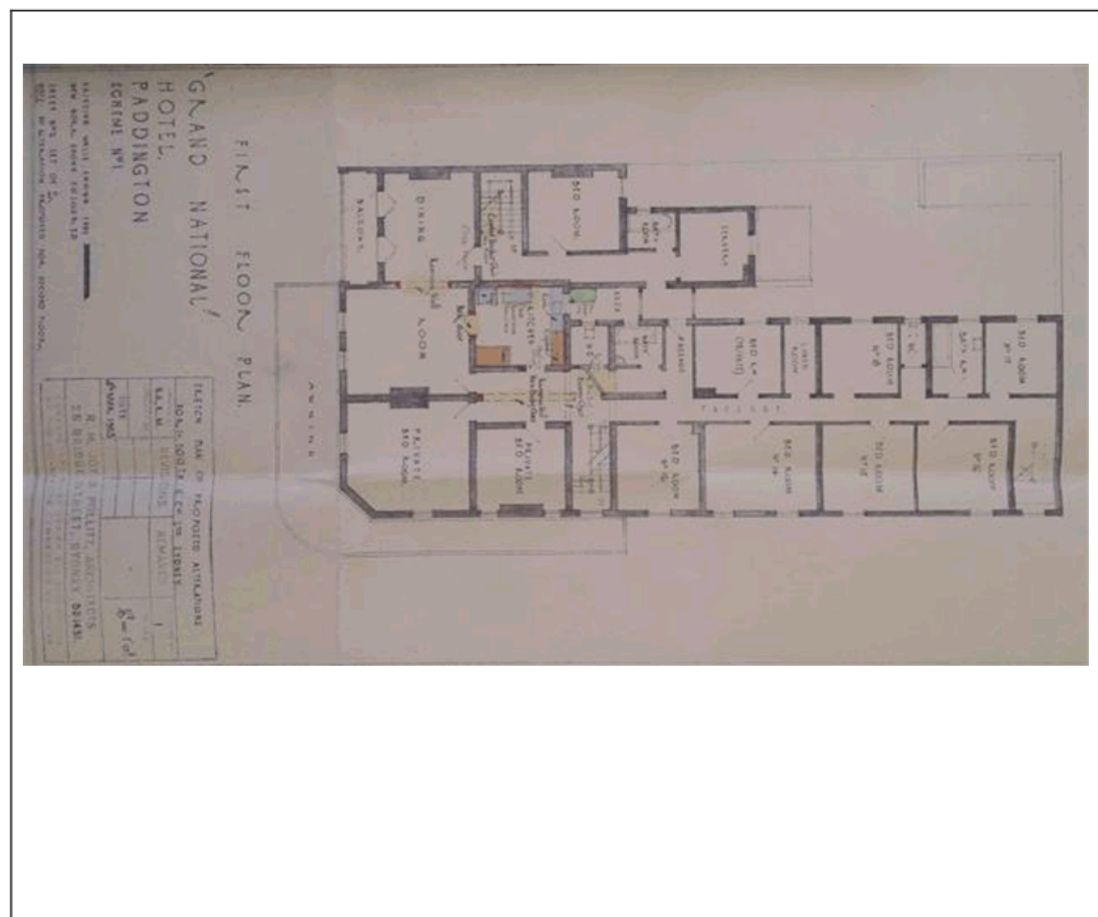
Image caption	Fig. 5 Further Alterations to public bar (1953-54)				
Image year	1953-54	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



IMAGES - 1 per page

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 6 Alterations to first floor (1953-54)				
Image year	1953-54	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 : The <i>Grand National Hotel</i> , note the urns on the parapet [since removed], and tonal differences in the paintwork				
Image year	undated	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8, The <i>Grand National Hotel</i> , details of public bar exterior visible.				
Image year	1949	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9, The Grand National Hotel c.1960				
Image year	1960	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10, The Grand National Hotel ; note public bar exterior, and entry to the former terrace house next door				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council

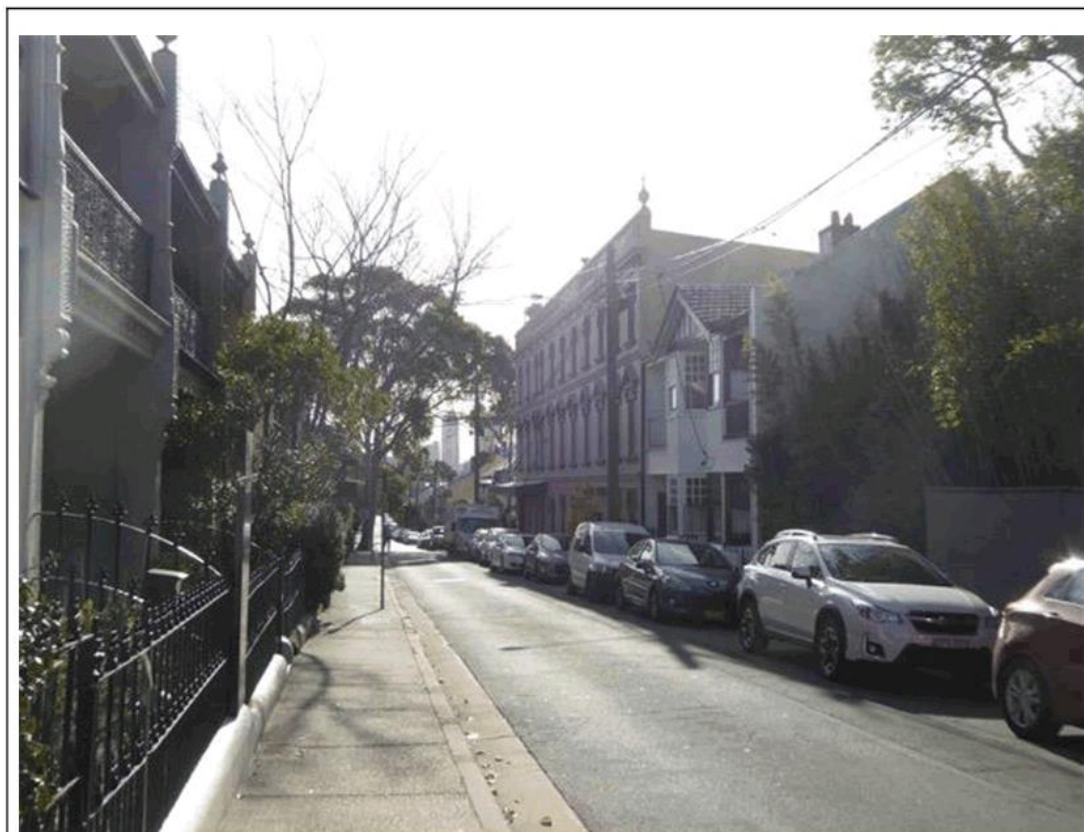


IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig.11, The <i>Grand National Hotel</i> , streetscape view from south ; the length and height of the Hotel make it distinctive.				
Image year	August 2018	Image by	Robert Moore	Image copyright holder	Robert Moore



IMAGES - 1 per page

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 11, The <i>Grand National Hotel</i> , corner view				
Image year	August 2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 12 The <i>Grand National Hotel</i> , public bar				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 13 The <i>Grand National Hotel</i> : timber stair and balustrade				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	Imperial Hotel		
Other Name/s Former Name/s	Former site of the <i>Duke of Rothsay Hotel</i> (1873), later known as the <i>Crossed Guns Hotel</i> (1874-1890), and the <i>Imperial Hotel</i> (1890-); the earlier building was demolished to build the current <i>Imperial Hotel</i> in 1909.		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	252		
Street name	Oxford Street cnr Underwood Street (formerly Sarah Street at this corner)		
Suburb/town	Paddington	Postcode 2021	
Local Government Area	Woollahra Municipality		
Property description	Lot 3 DP51538		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>An imposing, landmark corner hotel, the <i>Imperial Hotel</i> is an architecturally refined, substantial hotel building which asserts a commanding presence amongst civic buildings at the western entry to Paddington's main street. Individually styled with richly detailed, complex facades to its Oxford and Underwood Street frontages, the Imperial contributes strongly to the aesthetic interest of Oxford Street and the Paddington Heritage Conservation Area¹.</p> <p>The hotel is of historical and social history significance for the long tradition of hotel trade on this site. Paddington has a long history of community activism and vibrant local politics, and this has inevitably been built upon and encouraged by the tradition of meeting and socialising locally in the network of corner pubs in the area. The Imperial's balcony was a popular "spruiking point" for campaigning local politicians, recorded in the newspapers of the early 20th Century. As an element of the Paddington HCA, and one of the distinctive hotels within Paddington, the Imperial Hotel may also be part of a significant and unusual hotel group important in their suburban context, and itself worthy of listing.</p>		
Level of Significance	<input type="checkbox"/> State		<input checked="" type="checkbox"/> Local

¹ Woollahra DCP 2015Part C Clause 1.2.3, Character Elements, p.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

DESCRIPTION					
Designer	E. Lindsey-Thompson Architect				
Builder/ maker	Unknown				
Physical Description	<p>Sited on a prominent corner in the immediate vicinity of Juniper Hall (formerly Ormond House), the Post Office, Town Hall and former Reservoir site, the Imperial Hotel is part of a substantial "gateway" group of buildings at the western end of that part of Oxford Street which is Paddington's main commercial street. An imposing three storey brick and rendered masonry corner hotel building, the Imperial is designed in an exuberant style sometimes designated "Free Federation " or " Edwardian Baroque" – in its day, a statement of style, prestige and modernity.</p> <p>Featuring a splay corner addressing the intersection, surmounted by an octagonal ogee cupola, the hotel's rich principal elevations address its Oxford Street address and its length along Underwood Street, where it steps down to become more utilitarian outside of the service areas. Architecturally fashionable and up to the minute for its day, the hotel's red face brick is contrasted with white-painted render, in the distinctive "striped" wall treatment known as "blood and bandage". A decorative plaque is inscribed with 1910, the year of construction completion.</p> <p>Typical of its architectural style, the hotel features an eclectic combination of elements, details and motifs drawn from many sources popular with architects at the time. Engaged piers break the façade into irregular bays and project above the parapet with a whimsical inward curl in the rendered detail of the capital. The first floor elevations feature circular multipane transom windows above double hung sash windows, interspersed with angular projecting oriel windows on the Oxford Street façade – formerly lighting the drawing room. The second floor is structured by a sandstone stringcourse at the window sill level, defining a horizontal band of fenestration, with double hung sashes and rendered banding between windows. The projecting cornice has feature arches with dentil mouldings, and a decorative parapet conceals the roof, where the early service areas (kitchen, scullery and laundry) have been replaced by a recently constructed two-bedroom apartment.</p> <p>As access to the interiors of the hotel for this report was not provided, comment is restricted to those areas that are publicly accessible, being the ground floor and first floor toilets. Of two staircases in the hotel, the central former private stair, accessed from the side Underwood Street access, is a virtually intact fine timber joinery staircase reflecting the building's excellent original quality of fitout and detail. The other stair is modern and recent, together with the public bar. A lift has also been installed. A new dining area is located to the rear, while a "barber shop" tenancy has been included and is accessed from Underwood Street. The upper floors of the hotel are now understood to be set up for use as private meeting and conference rooms, but were not able to be inspected for this assessment.</p>				
Physical condition and/or Archaeological potential	The Imperial Hotel appears to be in a good well-managed condition. It shows evidence of thoughtful maintenance, perhaps combined with the recent works concentrating on renovation of the interiors.				
Construction years	Start year 1910		Finish year		Circa <input type="checkbox"/>
Modifications and dates	<p>The current Imperial Hotel was built to the design of architects E. Lindsey Thompson in 1909-10. The handsome water-coloured plans are included as Figs.4 and 5. The following understanding of changes made to the building relies upon the cited records, including successive development applications of which digital copies are held in Woollahra Council as well as other repositories. The opportunity to inspect the building for the preparation of this report was not provided.</p> <p>That the hotel was intended to offer extensive, well-appointed accommodation is supported by the indication in the plans of the extensive number of bedrooms, and supporting lounges and bathrooms. The generous first floor drawing and dining areas, divisible by folding joinery partitioning, were served by a lift (dumb-waiter) from the roof-top kitchen/scullery, where the laundry was also situated. These original plans show six bedrooms on the first floor and eleven bedrooms on the second floor, with three of these having fireplaces. On the ground floor, the</p>				

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>public bars – a main bar with three smaller auxiliary bars, which also included two bottles sales points – were delineated by corridors enabling access to the central stair hall, and no less than five “parlors”. Each of the first and second floors had a bathroom and WC ; the ground floor public bar was served by a urinal and WC off a small rear yard. A capacious cellar lit by footpath “prismatic lights”, and with a “stock entrance” (barrel hatch) off Underwood Street, occupied more than half the footprint area of the building.</p> <p>In 1940, to satisfy a police order for additional toilets for both sexes on each floor, the bathrooms were refitted and additional bathrooms created by adapting an adjacent former bedroom on each of the first and second floors. A ladies’ WC was added in one of the rear parlor spaces, the balance of the room becoming a “boiler room” accessed off the yard. The other rear-most parlor had by this time become a store, and the complexity of bars had become a three sided main bar with two adjacent “saloon bars”. The first floor drawing room had been permanently divided off from the dining area by a fixed partition, forming a large bedroom (with fireplace). The flat malthoid roof was also replaced at this time. Fig. 6, the plan prepared by the Tooth & Co. Architects Office, shows this change.</p> <p>Various works to the interiors are said to have been undertaken in 1971, 1975, 1981 and 1987, including successive changes to the bars, inclusion of a ground floor restaurant, and removal of internal walls.² It was to be 2007-9 before major works in the interior of the hotel were undertaken (DA 686/2007-8). Drawings by architects SBA of North Sydney depict the extensive interventions approved and undertaken in stages through to 2011-12. The relatively unaltered condition of the hotel prior to these works is appreciable from the Heritage Impact Statement (October 2007) and Archival Recording (May 2009) prepared by NBRS & Partners Architects.</p> <p>When Edmund Resch acquired the Imperial in 1902, he also acquired the adjoining shop and residence No. 272-274 Oxford Street, later renumbered No. 254 Oxford Street. The shop/house remained separate from the new hotel, but appears to have been rebuilt as an independent terrace form shop house, matching in with the façade of the hotel. No plans or references to this reconstruction have been found in the records examined in this study, but as it was a separately titled house, perhaps it wasn’t mentioned. The distinctive change of angle in the front wall of the hotel is discernible in the 1936 photo in Fig. 7. By 2007 the shop and residence had been internally connected with the hotel, as interconnecting doorways are shown in the SBA architects demolition plans, and in the 2007 works, the two buildings were fully integrated through removal of most of the separating walls at ground, first and second floors, and construction of the new roof level apartment across and above the roof of No. 254. These plans show an existing kitchen at the rear of the former shop serving the ground floor of the hotel, and the demolition plans also show the removal of the walls reflecting the right of way across the rear of the hotel to the terrace rear yard, which effectively constrained the hotel’s rear yard where the toilets were located.</p> <p>The works by SBA (for Owen Peters Pty Ltd) comprehensively altered the ground, and first floors of the hotel, with walls between the hotel and No. 254 removed to enlarge the public bar, and include a new eastern stair (replacing the stair of No. 254) to all three floors and roof top of the enlarged hotel. The ground floor was shown given over to new “patron areas” throughout with an open courtyard with operable “vergola” roof in place of the original yard and toilets. A new passenger lift was installed to serve the building throughout. At the first floor, the former bedrooms and bathrooms were replaced by a new bar, function and lounge areas, toilets, store and rear deck, with an office in the rear of the former No. 254 (see Figs. 15, 16, 17). The original fireplaces to the former (original) dining and drawing rooms were shown retained. At the second floor, less change was proposed with a new function room and the new eastern stair in No. 254, and new adjacent toilets and lift in the hotel.</p> <p>At the roof top, after initial concerns about its extent and visibility, a two-bedroom apartment was approved, and it is visible from surrounding streets as foreshadowed.</p> <p>The impact of these works, the changes brought to the former residential areas of the hotel and the extent of surviving detail can be appreciated from successive programs of photography but could not be inspected for this report. However, it is clear that an extensive amount of the original interiors and their detail remain.</p> <p>In 2011, further works were the subject of a Section 96 application documented in drawings by Anna Vaughan Architects. In the supporting Heritage Impact Statement by John Oultram Heritage & Design, these works were attributed to necessity arising from discovered structural</p>
--	--

² Woollahra Council DA files

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>inadequacies, but appear to have extended to internal rearrangements on the second level, in which a new games room was created by removal of partition walls and earlier bathrooms, a new disabled access WC included, and the former bedrooms re-purposed as offices. A new third centrally located stair is also shown as existing.</p> <p>Documents supporting the ground floor barber shop tenancy have not been seen in this study. The shop appears to inhabit a former games room, where original parlors were once sited, and is internally accessed from the Underwood Street entrance.</p> <p>In summary, the alterations made to the hotel over its life appear to be well-supported and made interpretable by the extensive records held in the several archives consulted for this report.</p>
Further comments	<p>Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events. The hotel became a focal point for community, particularly in Sydney's earliest suburbs and towns. They were used for everything from meeting halls for local societies, to inquests and political rallies. This was particularly the case for working class and industrial inner-city suburbs through the 19th Century, such as Paddington, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.³ Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether any new publicans license's should be granted in the coming three years, and if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.⁴ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".⁵ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's</p>

³ Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

⁴ Kelly, op cit, p.181.

⁵ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o'clock.swill

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁶</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁷ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁸ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered.</p> <p>In Sydney the compounding land value of inner city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p>
--	--

⁶ Freeland J.M. *The Australian Pub*, MUP, 1966, p176

⁷ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁸ Freeland J.M., *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.
--	---

HISTORY	
Historical notes	<p>Paddington was traditionally part of the land of the Cadigal people.</p> <p>In March 1811, Governor Macquarie directed the 73rd regiment to commence clearing the land for the construction of a new road from Sydney town to the signal station at South Head. The road, running along an earlier track, was completed by June and formed the basic structure of South Head Road, later renamed Oxford Street.</p> <p>The road opened the way for development, with one of the first houses in the area being Robert Cooper's Juniper Hall facing South Head Road and James Underwood's Glenmore Distillery, as well as a scattering of villas across the estates that had been granted through the area. Juniper Hall was by Robert Cooper, who retained 3 acres of a 100 acre grant jointly held by himself, James Underwood and Francis Ewan Forbes. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Cooper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁹</p> <p>Juniper Hall and the distillery remained isolated buildings until 1841 when work began on what was to become the suburb of Paddington. The exposed, sandy nature of the area had seen it largely overlooked in the first 50 years of Sydney's development, until Governor Bourke settled on the area for the construction of a new military barracks complex. Work on Victoria Barracks began in February 1841, with stonemasons, builders and artisans moving into newly erected cottages on South Head Road during construction. These rudimentary houses were the foundation of the village of Paddington. The site rapidly expanded as stores, produce merchants, hotels, water carriers, blacksmiths and other tradespeople moved in to service the barracks, soldiers and their families.¹⁰</p> <p>The large estate of James Underwood was first subdivided in 1839, with an area stretching from Juniper Hall, along Oxford Street to Jersey Road and down to Paddington Street, taking in the main strip of Oxford Street. Underwood, Paddington, Elizabeth and William Streets were formed as part of this subdivisions, known as the Paddington Estate. Eighty allotments were offered, with Juniper Hall and its 3 acre grounds excluded. In September 1840 however, Cooper, facing the economic downturn, subdivided his three acres as well, offering new building lots fronting Oxford Street, including the site on which the Imperial hotel would be built.</p> <p>The First Hotel on the Imperial's site</p> <p>In 1864 a small street was created running along the eastern side of the reduced Juniper Hall grounds to join Oxford Street to Underwood Street. The street was named Sarah Street after Cooper's third wife. A small building that had been on the boundary of the Juniper Hall property was demolished to make way for the street. By 1872 a small hotel had been erected on the corner of Sarah and Oxford Streets, opposite Juniper Hall. Originally known as the Duke of Rothsay Hotel (the Duke of Rothsay being the heraldic title of the heir to the British throne, also known as the Prince of Wales) and run by a Mrs M Taylor, in 1874 it had changed its name to the Cross Guns Hotel which it remained until 1890, when it was renamed the Imperial Hotel and expanded into the shop next door. The small corner hotel had been a popular spot for electioneering, with a first floor balcony offering aspiring candidates a high platform from which to speak. A number of inquests had also been held in the rooms of the hotel through the 1880s, a common practice in Sydney at the time.</p> <p>The Imperial Hotel</p> <p>In 1909 the "old" hotel was demolished. Tenders were called for the rebuilding of the Imperial Hotel in March 1910, with construction started by August-September and the new hotel opened in the first months of 1911, with James Epstein as the publican.¹¹ The Jubilee history of Paddington Council, published in 1910, states, under the heading Ormond House (<i>Juniper</i></p>

⁹ Parkinson 'The Underwoods: Lock, Stock & Barrel'

¹⁰ Kelly, op cit, pp.83-84; pp95-100.

¹¹ SMH 26 Aug 1910, p.11

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p><i>Hall</i>), "On the next corner an hotel is being re-built, the 'Imperial', at the rear of which is 'Roslyn Villa', formerly called 'Ormond Lodge' which together with the building adjoining 'Ormond Cottage', was erected shortly 'Ormond House' the whole forming part of the Cooper Estate."</p> <p>The new hotel was built in a Federation free style with a prominent corner domed turret and variegated brickwork on the upper level. The rebuild allowed for a tailor made, modern bar area built as a large L-shaped bar to take up the front corner room of the hotel, with doors from Oxford Street. A corridor separated the bar from five individual parlours, and a small hall with stairs to the upper levels and a men's urinal and small yard area. Underneath was a large cellar area, excavated beyond the boundary of the original cellar. On the first floor were a public dining room, six bedrooms and a drawing room, as well as a bathroom for guests. One of the bedrooms had a small balcony overlooking Sarah Street (now Underwood Street). The second floor included another eleven bedrooms and a bathroom, with a kitchen, scullery, laundry and storage on the top floor. The kitchen was connected to the dining room below via a small food lift. The roof was a flat iron and malthoid roof, with a toilet for staff installed.</p> <p>In 1916, at the height of the First World War, Epstein's application for the renewal of his licence was questioned by police over his citizenship. At a time when German nationals were being interred by the Government as a war precaution, Epstein came into question over his own parentage. Although born to a Russian mother and with a Russian family line, his birth had actually taken place in Prussia, part of Germany. His licence was deferred while the court decided his case, but was granted when it was determined he was a naturalised British subject.¹² Epstein was one of over 6000 Australians caught up in the search for enemy aliens, one of which was Edmund Resch, manager of the Resch's Brewing Company and then owner of the freehold for the Imperial Hotel. Epstein left the Imperial in 1920, transferring to Lionel Levy who in turn transferred it to William James Sweeney in the same year.</p> <p>In 1921, during the tenancy of Sweeney, Tooth & Co took over the leasehold of the hotel, leasing the building from Resch's and subletting it to licensees from then on. The lease also included the shop next door to the hotel, operating as a fruit shop by Mr B. Natoli. In 1930 Natoli approached Tooth & Co to repair the floor and yard of the shop, with the company re-asphalting the yard but not repairing the shop. Despite the relatively new hotel being in a prominent position on Oxford Street, like other hotels in the Paddington area, the onset of the Great Depression brought with it a downturn in trade and the rent was reduced for the publican Thomas Hill in 1930. Despite this, Hill still struggled and was convicted three times for afterhours selling of beer from the hotel, putting his eligibility to hold a licence in jeopardy. As a consequence, Tooth & Co replaced Hill in June 1932 with George Thomas as an interim and who was in turn almost immediately replaced by Frank Winsdale in August. At the time it was reported that the hotel was in a bad condition and was losing money despite the rent reductions.¹³ Next door, Natoli was also struggling and had his rent reduced as well in 1932.</p> <p>Although Tooth & Co took over the Resch's brewing business in 1929, the hotel remained a Resch's property until 2020, owned by a parent company Owen Peters from the 1960s.</p> <p>In 1940 a number of minor changes to the bar and first floor areas were made. The main bar was extended to form a larger island style bar by removing a dividing wall between the public and saloon bars, with a new dividing wall built in one of the parlours at the rear to accommodate a ladies toilet and a boiler room. On the first floor and second floor, two extra bathrooms each were installed by converting a linen press and a bedroom. By this time, the kitchen had been moved from the roof to the first floor and the dining relocated into one of the bedrooms, with the original dining room now used as a private lounge. The hotel still had fifteen bedrooms across two floors. A report in 1953 noted then that the rooftop kitchen and scullery had not been used for a long time and were instead being used for storage.¹⁴</p> <p>Although some internal and external renovations occurred in 1959, and some alterations were made in the bar in 1971 there was little change to the internal layout of the hotel until the 1980s, when some internal openings to the bar area were enlarged.¹⁵ Located as it was on Oxford Street, the Imperial was one of the hotels in Paddington that began to cater to the gay community in the area from the mid-1970s. From the mid-1960s, the Oxford Street strip from Hyde Park to Paddington had been the focus for an increasingly</p>
--	---

¹² The Daily Telegraph, 30 May 1916, p.6

¹³ Imperial Hotel, N60/6653 Property Office Files 1930-1947, Tooth & Co Collection, Noel Butlin Archive, ANU

¹⁴ Imperial Hotel, N60/6654 Property Office Files 1948-1956, Tooth & Co Collection, Noel Butlin Archive, ANU

¹⁵ Woollahra Council DA Files.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>open gay community. Despite homosexuality being illegal, more and more businesses in the area were openly supporting or welcoming the community. A number of bars and clubs opened along Oxford Street, and in 1976 the Imperial opened the Apollo Bar, which was a popular bar on the scene into the mid-1980s, at which point Tooth & Co still held the leasehold on the building.¹⁶</p> <p>In more recent years, the residential accommodation on the upper floors was converted to games rooms and other uses in the mid-2000s, with walls removed, wood panelling and themed rooms created.</p>
--	--

THEMES

National historical theme (if known)	<p>Peopling Australia Developing local, regional and national economies Building settlements, towns and cities</p>
State historical theme (if known)	<p>Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions</p>

APPLICATION OF CRITERIA

Historical significance SHR criteria (a)	<p>The <i>Imperial Hotel</i> is of major historic significance to Paddington, the Woollahra LGA and NSW as the site of one of the early hotels of Paddington, the Duke of Rothsay (1873). Later known as the Cross Guns, and then the Imperial, the early hotel was replaced in 1910/11 by a then-modern, fashionable 20th Century new hotel which continues to operate, thus maintaining the site's use as a hotel since 1873.</p> <p>The present hotel building is an architecturally distinctive, sophisticated design and an assertive example of the "Free Federation" or "Edwardian Baroque" style, which despite some alteration, remains an important local exemplar of its style, period and building type.</p> <p>The <i>Imperial Hotel</i> also signifies and demonstrates the consolidation of Paddington's civic area, focussed on Oxford Street, with the larger civic and commercial buildings developed in the latter part of the 19th Century and first decades of the 20th Century. It is an important element of the maturation and character of the important "main street" which remains today – an ambitious building in a prominent location.</p>
Historical association significance SHR Criteria (b)	<p>The Imperial Hotel is directly associated with Edmund Resch and the Resch family who were one of the prominent commercial brewers and hoteliers in Sydney across the late Eighteenth and Nineteenth Centuries. It is also associated with the other major brewer and hotelier Tooth & Co., and a succession of publicans and licensees such as James Epstein, who were interesting and influential members of the local community in their day and tenure of the hotel.</p>
Aesthetic significance SHR criteria (c)	<p>The <i>Imperial Hotel</i> is a building of considerable local aesthetic significance, assertive and influential through its architectural style, character and scale. The three storey hotel is an imposing and distinctive landmark in the Oxford Street streetscape, which at its location, features a diverse and rich group of 19th and 20th Century buildings and sites, all of aesthetic and historic significance within their context, and together constituting an important Sydney "main street" experience.</p>
Social significance SHR criteria (d)	<p>Hotels are an important part of the social fabric of Sydney's older suburbs as they are a popular meeting place, and celebrated destinations for locals, tourists and visitors. The <i>Imperial Hotel</i> has a demonstrated social significance arising from the long tradition of hotel trade on this site. While its importance in the current day local community to any particular sub-group or community organisation has not been identified in this study, it retains a general significance under this criteria as part of the distinctive group of Paddington hotels which continue to serve the local and broader community which they still attract.</p>

¹⁶ Faro, C & G. Wotherspoon, *Street Scene: A History of Oxford Street*, MUP, Melbourne, 2000, p.225.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	Paddington has a history of community and political activism and this has inevitably been facilitated by the local traditions of meeting and socialising in the network of local corner hotels in the suburb, of which the <i>Imperial</i> is one. Pubs regularly figured in local politics with candidates for public office speaking from first floor balconies, like the <i>Imperial's</i> .
Technical/Research significance SHR criteria (e)	Together with its documentary records, the <i>Imperial Hotel</i> is an important repository of evidence about its development and of the development of the buildings of its role and type within the suburb of Paddington, and Sydney as a larger entity. The building explains by illustration the formative forces behind the endurance of Paddington and its pubs. The <i>Imperial</i> also demonstrates architectural response to the changing licensing laws and commercial needs and requirements of Sydney hotels in the twentieth century. It therefore is considered to meet this Criterion.
Rarity SHR criteria (f)	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Imperial Hotel</i> is now an uncommon exemplar, rare and endangered. Market challenges and an increasingly valuable site, attractive for conversion to housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner-city suburbs.
Representativeness SHR criteria (g)	The Imperial Hotel is notable as being a major corner hotel building in Paddington, and an important representative example of its period and architectural style within both Paddington and the Woollahra LGA. Corner hotel buildings are a key character element of the Paddington Heritage Conservation Area ¹⁷ , and the Imperial is one of the larger examples, still retaining evidence of its accommodation role and the capacity and potential to reassume that role in the future.
Integrity	The Imperial has been modified externally, to a relatively minor extent. Internally, particularly on the ground floor, the Imperial Hotel is still significantly intact, with publicly accessible areas of the upper floors suggesting a degree of retained integrity that must be clarified through further assessment.

HERITAGE LISTINGS

Heritage listing/s	The <i>Imperial Hotel</i> is within the Paddington Heritage Conservation Area
	The <i>Imperial Hotel</i> is within the National Trust Paddington Urban Conservation Area

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copies
published book	Max Kelly	<i>Paddock Full of Houses</i>	1979	
history	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre
history	Jane Britten	The Imperial Hotel	2006	

RECOMMENDATIONS

¹⁷ Woollahra DCP 2015 Part C Clause 1.2.3, Character Elements, p.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Recommendations	<p>It is recommended that</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of The Imperial Hotel ; • The Imperial Hotel and its interiors be listed as a heritage item in the Woollahra LEP (2014), subject to clarification of the interiors' significance through further detailed assessments in the Conservation Management Documents that are to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington should be listed as a group item on the Woollahra LEP or on the State Heritage Register; and • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes. • Council officers be available to liaise with owners prior to developing plans for change or development. <p>The significant heritage attributes and elements of The Imperial Hotel, modified and adapted as outlined above and confirmed by full heritage assessment and Conservation Management Documents (CMDs), should be appropriately conserved, adapted and retained. Proposals for new work should reflect the CMP policies and demonstrate that they are contributing to the conservation of the significance and commercial viability of the hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric. For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered to avoid detrimental impacts. .</p>
------------------------	---

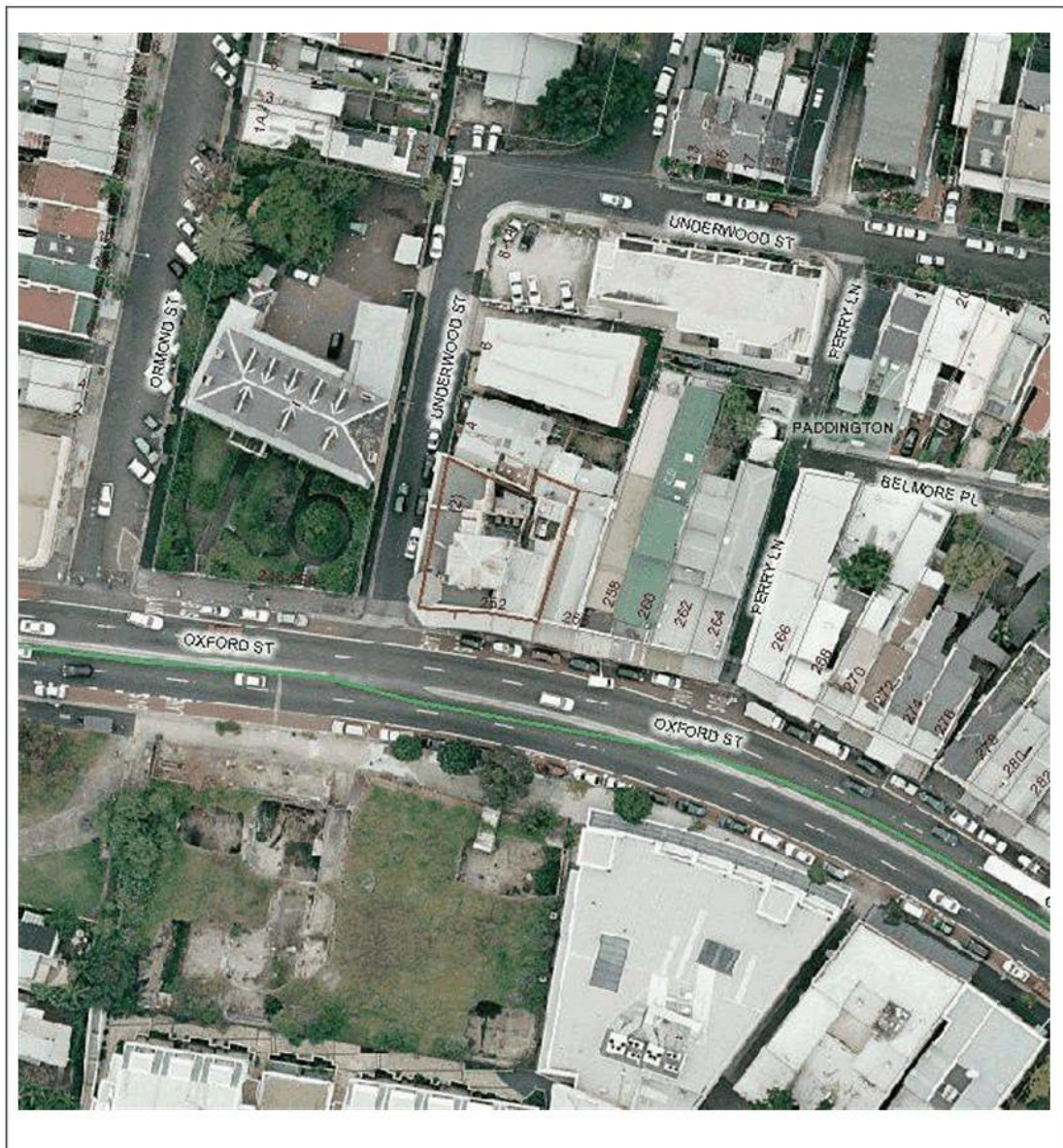
SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	4		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Name of persons who completed this form : Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Riley for Woollahra Council)	Date September 2018	

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 1 : Location of the <i>Imperial Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

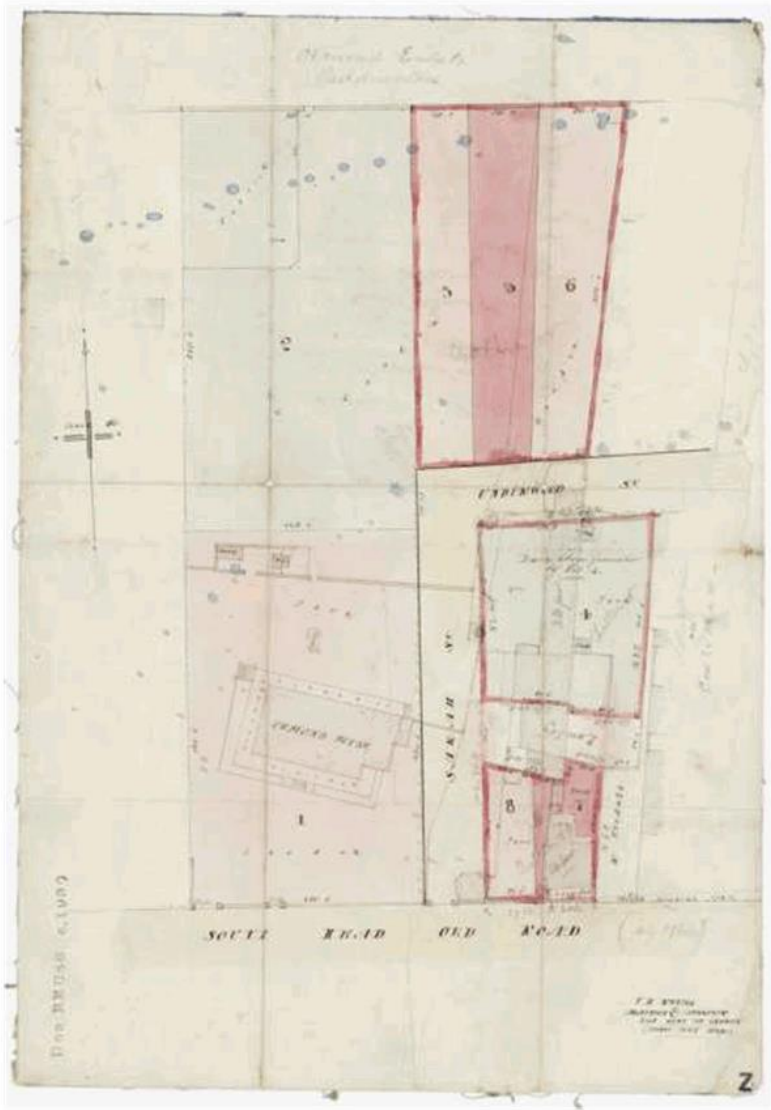


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 2 :1863 Plan of subdivision of part of Ormond House Estate showing the newly formed Sarah Street and the outline of a small cottage on the Oxford Street front. This cottage was removed (or partly incorporated into a new hotel built on the site) (Source : SLNSW)				
Image year		Image by		Image copyright holder	

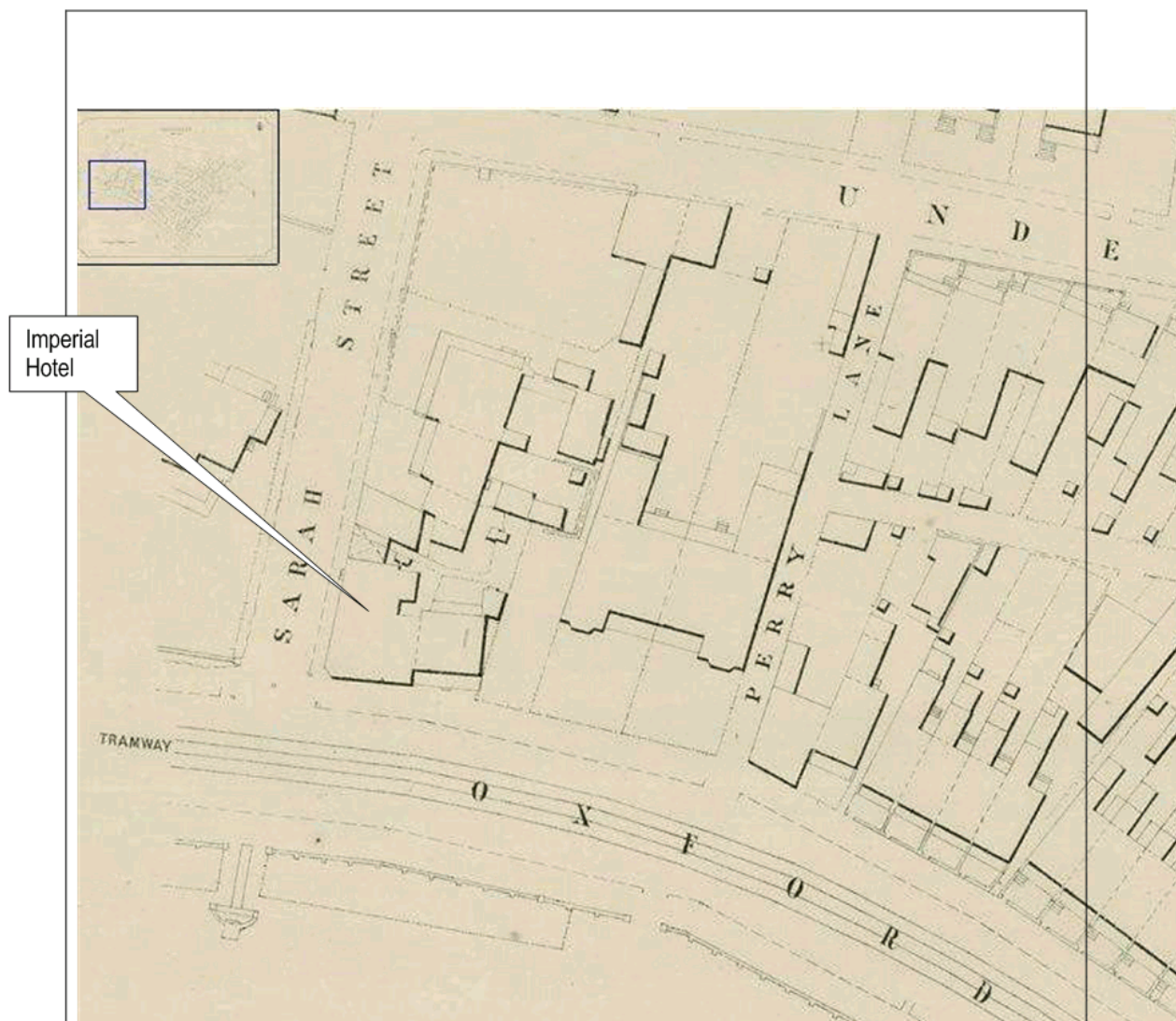


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 Sydney Metropolitan Detail Series Sheet 13 showing the earlier hotel building, and Sarah Street, subdivided from Juniper Hall to connect Oxford and Underwood Streets				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library



Woollahra *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4 Plans of the new <i>Imperial Hotel</i> to be erected on Oxford Street, by E. Lindsey-Thompson, showing elevations, roof plan, and second floor plan. Note post supported street awning.				
Image year	1910	Image by	SRNSW	Image copyright holder	SRNSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 5 Plans of the new <i>Imperial Hotel</i> to be erected on Oxford Street, by E. Lindsey-Thompson, showing cellar, ground and first floor plans, and section drawing.				
Image year	1910	Image by	SRNSW	Image copyright holder	SRNSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6 : Plans of the <i>Imperial Hotel</i> showing alterations to the ground, first and second floors to incorporate more WCs and bathrooms				
Image year	1940	Image by	SRNSW	Image copyright holder	SRNSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 The <i>Imperial Hotel</i> ; note the façade has been extended to incorporate the former shop at No. 254, matching the original details of the hotel.				
Image year	1936	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8 : The <i>Imperial Hotel</i> . The shopfront to No. 254 is visible at the ground floor, behind the Holden sedan.				
Image year	1960	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9 : The Imperiall Hotel				
Image year	1970	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : The <i>Imperial Hotel</i> ; major works in progress ; note roof of former kitchen behind cupola and chimney				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 11 : The <i>Imperial Hotel</i> from across Oxford Street ; the roof-top flat is clearly visible.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 : View of the <i>Imperial Hotel</i> from the south-east across Oxford Street ; the roof-top flat addition is visible, and distorts the skyline of the building.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

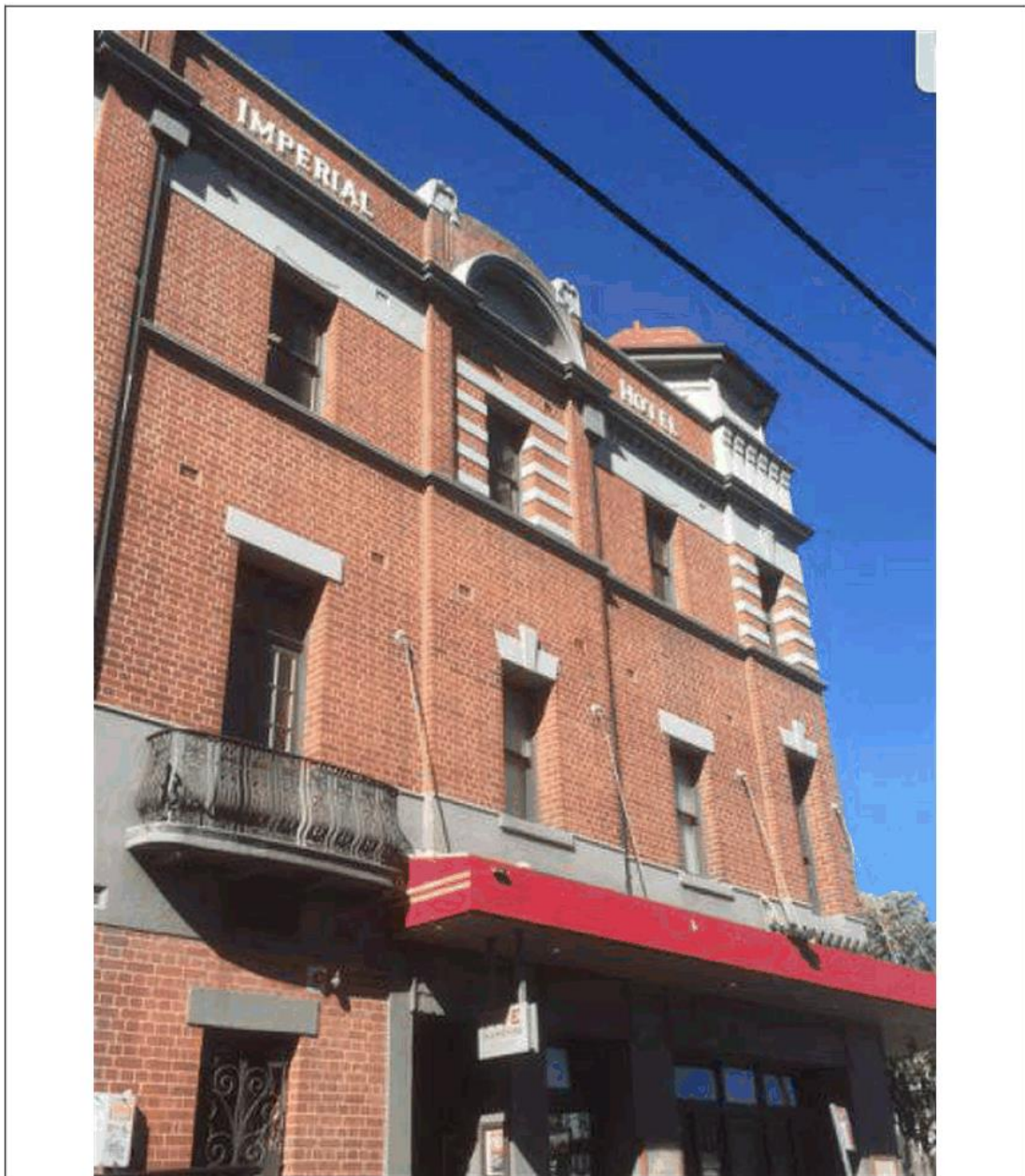


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 : Underwood Street elevation of the <i>Imperial Hotel</i> , illustrating its fine construction, architectural details, and the balcony for politicians' orations				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

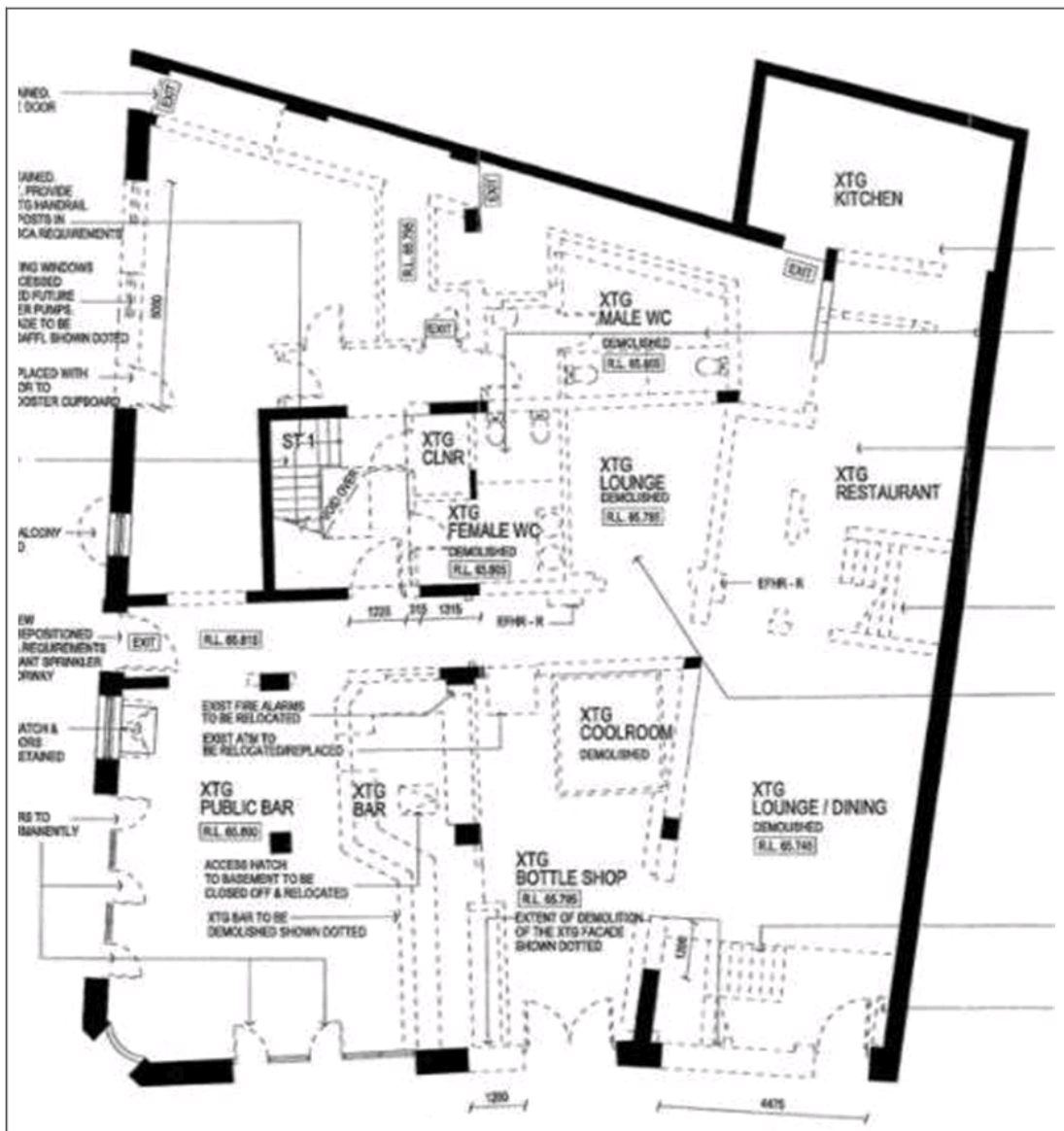
IMAGES - 1 per page

Image caption	Fig. 14 : View of the <i>Imperial Hotel's</i> ground floor public bar ; in background are the fireplace and modern stair within the former No. 254, now integrated within the hotel.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 15 : Part of dwg DA-02 by SBA Architects showing ground floor plan demolition works at the Imperial ; the former shop-house No.254 and rear right of way are shown				
Image year	2018	Image by	SBA Architects	Image copyright holder	SBA Architects

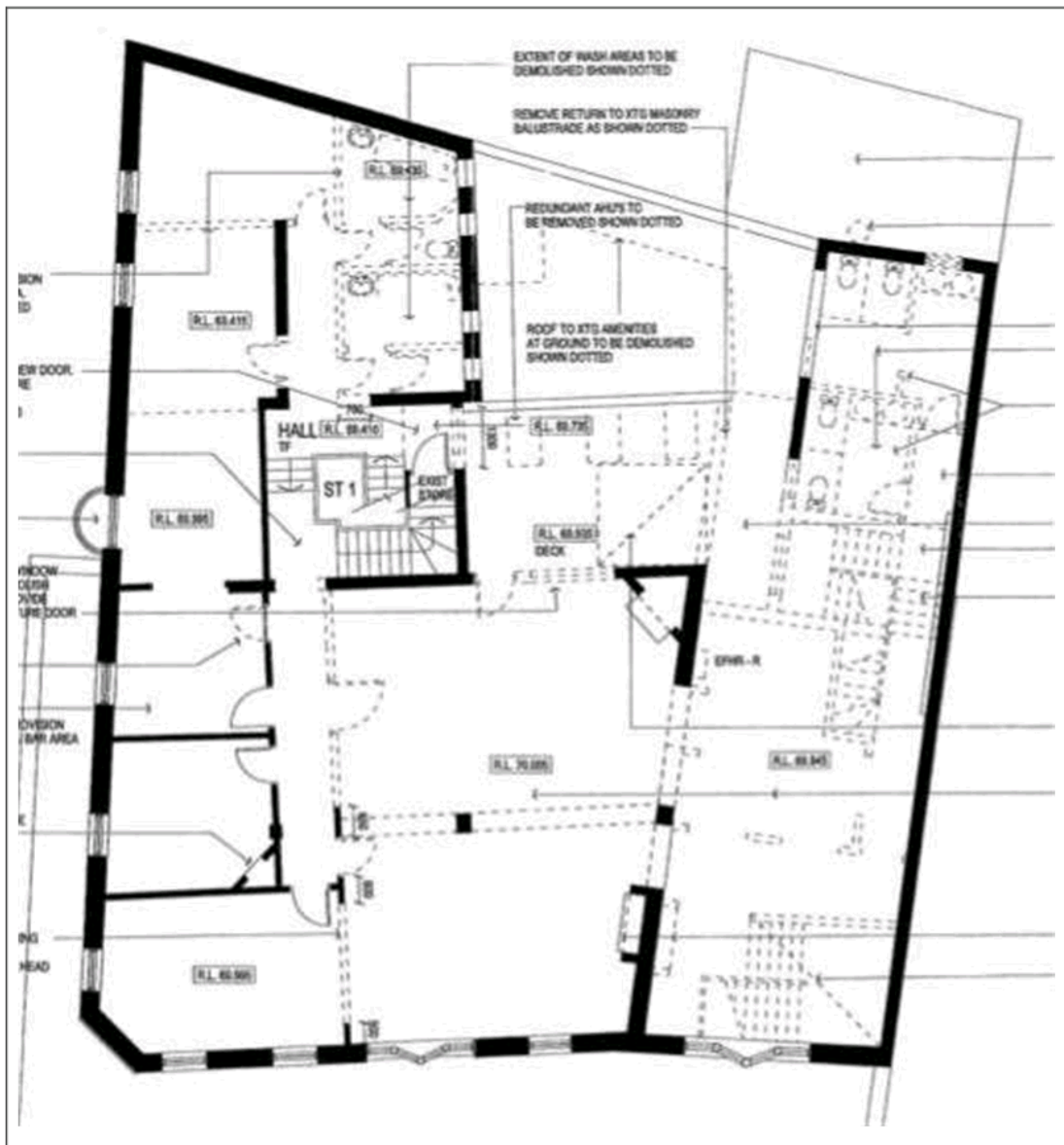


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 16 : Part of dwg DA-04 showing demolition works to the first floor ; the interior of the former No.254, walls to the dining and drawing rooms, and bathrooms are removed.				
Image year	2018	Image by	SBA Architects	Image copyright holder	SBA Architects



Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 17: Part of dwg DA-07 by SBA Architects showing second floor plan and new uses for the second floor of No.254 Oxford Street, being fully integrated with the Hotel.				
Image year	2018	Image by	SBA Architects	Image copyright holder	SBA Architects



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	The London Tavern Hotel		
Other Name/s Former Name/s	No other trading name		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	85		
Street name	Underwood Street (corner William Street)		
Suburb/town	Paddington	Postcode 2021	
Local Government Area	Woollahra Municipality		
Property description	Lot 1 DP 391 Lot 1 DP 1001328		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>The London Tavern Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington's distinctive older and successful examples of mainly 19th Century suburban hotels, which have been continuously operational since their construction in the late 1870s/1880s. It is a surviving example of the type of local landmark, corner site, commercial development - and particularly hotels - that were incorporated into the building of terrace row housing during Paddington's boom era of suburban development.</p> <p>The suburb has continued to gather appeal, affection and desirability, and its retained heritage fabric, such as the hotels like the London Tavern, is of both historic and social history value. The hotels like the London Tavern are prominent in this esteem, and have social significance as a reference point for community identity, having served the community of the suburb through 140 years of consolidation and demographic changes leading to its re-emergence as a popular, desirable and fashionable area.</p> <p>The London Tavern's long association with Toohey's Brewers is well documented archivally in local, state and national repositories, which also record the building's history of change in response to community changes.</p> <p>The London Tavern is also of aesthetic significance as an architecturally distinctive example of an evolved Late Victorian period hotel ; its frontages to Elizabeth and Underwood Streets still retain their original design, featuring Queen Anne styling. The expansion through take-over of an adjoining house, a common theme with Paddington's hotels, has been concealed through the careful alteration of its main façade, combined with the works made to functionally integrate the two buildings. Despite that growth, the Hotel remains modest and compatible with the domestic scale of its context.</p> <p>The Hotel's interiors have been modified and updated, evolving over time as taste and commercial imperatives have changed. They still retain much of their original fabric</p>		

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>and the original layout of the Hotel, together with the changes made to it, can be read by visitors to the building.</p> <p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, the London Tavern Hotel is now uncommon, but still a vibrant element of the area's urban fabric and local streetscapes. It is arguably representative as well as rare, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia.¹ As an element of the Paddington Heritage Conservation Area, and as one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.</p>	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

¹ Woollahra DCP 2015, Part C Clause 1.2.3, Character Elements,p.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

DESCRIPTION						
Designer	Original architect unknown ; replacement of terrace house façade (1926) by E.Lindsey Thompson Architect (also architect for the new Imperial Hotel).					
Builder/ maker	Unknown					
Physical Description	<p>The London Tavern presents as a substantially intact two storey, Victorian-period hotel. Architecturally sophisticated in its design, the building is of rendered masonry construction with embellishments of high relief moulding and texture investing the façade with richness and depth. Very anglophile in its design inspiration, the building's design is informed by the fashionable London Queen Anne style of famous architects like Norman Shaw, Bodley and Nesfield.</p> <p>Originally sheltered and screened by a post supported verandah awning, removed in the 1950s, the ground floor openings are modified in parts but generally retain the practical multipart timber joinery typical of such hotels with entries related to the socially distinct parts of the interior – the public bar, private accommodation entrance, and service access doors. The tiled dado is thought to date from the 1920s.</p> <p>The original head line of the verandah awning is shown by the projecting cornice mould which originally flashed the verandah roof, and above which are the key façade elements of arched window bays, each having a projecting oriel bay window featuring expressed metal sloping roofs, and three-part, timber, double-hung sash window assemblies, set under arched panels of moulded render imitation tiling. These are further emphasized by the hotel name panels. Above a strong cornice line are the parapets hiding the building's corrugated iron roofs, divided by piers with strong copings. On a small splay corner, an open pediment with ball finial stands upon two piers, forming a modest "eye-catcher ", responding to the building's corner siting and importance.</p> <p>Internally, the evolved layout of the ground floor public bar and dining rooms is still evident, beams having been introduced for support where walls have been removed or opened up. The fitout of the enlarged and re-oriented public bar is contemporary, while the decorative plaster ceiling panels and cornices of the public bar may be partly intact, with areas of reconstruction. On the first floor, the former bedrooms are now used as function and store rooms, and are reportedly partially intact , retaining ceilings, cornices, skirtings, architraves and some doors.</p>					
Physical condition and/or Archaeological potential	<p>The condition of the building is considered fair to good. Generally the building appears to have been consistently maintained over recent years, due to the expectations of clientele and due to its ongoing, continual use. The exterior is well presented ; of the interiors, the ground floor has sustained most change, with the first floor able to reveal more of its original layout. Due to the extent of site disturbance and cellar excavation, the archaeological potential of the site is likely to be low, other than in revealing more information about the Hotel's construction.</p>					
Construction years	Start year 1875		Finish year		Circa	✓
Modifications and dates	<p>The property office files held at the Noel Butlin Archive ANU Canberra contain the correspondence, specifications, reports and cards that document the modifications, alterations etc and describe the internal layout of the hotels owned or managed by Tooth & Co. Some papers are also held on other hotels, including the London Tavern which was variously independent or owned by Tooheys.</p> <p>Marshalls Co-operative Brewery Limited, having acquired the London Tavern from private owners in 1897, sold the hotel to Tooheys Limited in February 1912. In April that same year Tooheys purchased the adjoining two terraces houses on Lots 2 and 3, later selling Lot 3 in 1914 but leasing the house on Lot 2 with the Hotel. In 1926, Tooheys' architect E. Lindsey Thompson secured consent from Sydney Council for alterations to the hotel, shown in the drawings comprising Fig. 3, which indicates the layout of the hotel at that time. The works gave the adjoining terrace a new façade, extending that of the hotel in matching detail, together with extension of the post-supported ground floor awning. Internally the terrace was interconnected with the hotel to expand the public bar and add parlor and toilet facilities. The upper floor was</p>					

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>little changed. In 1953 Tooheys combined the sites of hotel and terrace house to one title. In 1956 Sydney Council required Tooheys to remove the post-supported awning, which was undertaken that year (see Fig. 7).</p> <p>Minor alterations continued, with Tooheys Company Architect GR Ticklepenny applying to Woollahra Council for permission to convert the rear yard to a beer garden, refurbish toilets and remove the existing laundry. The hotel was sold by Tooheys in 1984, with the new owners electing to make further changes to the ground floor in 1984 and 1986.</p> <p>In 2005, further minor works were applied for, including the demolition of a pergola in the "outdoor dining area" (beer garden), which was proposed to be replaced by a retractable awning ; new french doors opening to the area were installed, air-conditioning refurbished, and the building painted. The supporting Heritage Impact Statement described the building as "Mock Tudor or Edwardian", the building having been "greatly altered" with interiors "greatly altered on many occasions" and retaining "little intact, original or significant fabric, much of this in poor and decrepit condition".²</p> <p>In 2006, Woollahra Council approved more improvement works, primarily the installation of a glass roof over the "outdoor dining area", refurbishment of the bars toilets, and air-conditioning, polishing the floorboards of the former bedrooms now styled as function rooms, and painting of the interiors. The layout shown of the upper floor is close to the original shown in the 1926 plans, while the ground floor shows the removal of walls creating an open, larger public bar with gaming room and toilets in the former terrace house.</p> <p>In 2009 further works were proposed by Kristy Brooker Interior Designer, supported by a Heritage Impact Statement prepared by Graham Brooks & Associates. The drawings show the removal of the ceiling and roof over two rooms to create outdoor smoking areas, and of other partition walls leaving indicative nibs to indicate the former arrangement of the rooms. As this area of the building could not be inspected for this report, its presentation and the completion of this work are not known. It has been reported that after use as a "Chinese restaurant" the upper floor has been little used.</p> <p>In March 2018, a complying development certificate was issued in respect of internal works at the property, which appear to relate to modifications of the ground floor gaming room adjacent to the public bar.</p>
Further comments	<p>Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River at Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events. The hotel became a focal point for community, particularly in Sydney's earliest suburbs and towns. They were used for everything from meeting halls for local societies, to inquests and political rallies. This was particularly the case for working class and industrial inner-city suburbs through the 19th Century, such as Paddington, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders</p>

² Lonergan, P., *London Hotel - Assessment of Heritage Impact*, 2005

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.³ Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, (1) whether any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.⁴ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge drinking, which came to be known as the "Six O'Clock Swill".⁵ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁶</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th Century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the</p>
--	---

³ Kelly, M., *Paddock Full of Houses : Paddington 1840-1890*, Doak Press, Sydney 1978, pp.180-181

⁴ Kelly, M. op cit., p.181

⁵ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill

⁶ Freeland, J.M., *The Australian Pub*, Melbourne University Press, 1966, p.176

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁷ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit- down drinking facilities, waiter service and entertainment.⁸ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered.</p> <p>In Sydney the compounding land value of inner city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	--

HISTORY

Historical notes	<p>Paddington was traditionally part of the land of the Cadigal people.</p> <p>In 1823, ex-convict James Underwood and two other emancipists, Robert Cooper and Francis Ewan Forbes, combined to establish Sydney's first legal distillery on 100 acres of land granted to them between Old South Head Road (Oxford Street) and Rushcutters Bay. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Cooper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁹ This grant comprised a quarter of present day Paddington and was chosen for its supply of fine water from the Glenmore Brook near Jersey Road. The area became known as the Underwood Estate, or Underwood's Paddock. It encompassed the land between</p>
------------------	---

⁷ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁸ Freeland J.M. *op cit* p192

⁹ Parkinson 'The Underwoods: Lock, Stock & Barrel'

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Oxford, Ormond, Cascade Streets, Glenmore Brook and Jersey Road. Underwood's Paddock was first subdivided in 1839 and was called the Paddington Estate. He called the area after the London Borough where he had property and by the mid-1830s, the name 'Paddington' was in common use. The subdivision ran from Juniper Hall along Oxford Street to Jersey Road and down to Paddington Street. Four streets, Underwood, Paddington, Elizabeth and William, were formed for the subdivision and 80 allotments were offered for sale. The main sales however occurred in the 1870s, when the rest of the estate, totalling over 800 lots was sold. The growth of Paddington had been slow during the early years of the nineteenth century. Large estates, the relative isolation of the area and an economic slowdown in the early 1840s hampered development. The construction of Victoria Barracks in 1848 was the impetus for the main development of the village, firstly along Oxford Street opposite the new barracks. Victoria Barracks provided the main source of custom for the early hotels, which were mostly within a short distance of the Barracks along Oxford Street, including the Sussex Arms, the Britannia, the Rose and Crown, the Londonderry, the Rifle Butts and Colonel Bloomfield's Arms, the Crab Guns, the Greenwood Tree and the Paddington Inn.</p> <p>The subdivision of the large estates, such as the Underwood Estate, particularly between 1870 and 1890 fuelled a building boom, including houses and hotels across what was to become the suburb of Paddington. The predominant form was the terrace house, built largely by small scale builder developers, in rows of four to six houses. Terraces made maximum use of the narrow suburban blocks, and the sloping topography of the area while still offering enough room for families and small backyards. Paddington was a renter's suburb, with the majority of houses leased to workers who commuted into the city, to the docks or the industries around Sydney's southern fringe.¹⁰ This working class community, with few public halls or restaurants, relied on local hotels for their meeting areas and dining rooms.</p> <p>Development of the London Tavern</p> <p>The London Tavern site was part of the second subdivision and sale of the residue of Underwood's estate. This did not take place until 1875, because of protracted legal battles over Underwood's complicated will following his death in 1844. The hotel was built in 1875 on the corner of the newly formed Underwood Street and William Streets on part of Lots 15 & 16 of Section 8 of the Underwood Estate sale, purchased at public auction by Mr G Rogers. Named the London Tavern from its opening, by January 1876 it was being run by Edward McLaughlin who was publican until 1877. In May 1877, the London Tavern hotel was offered for sale, with ten vacant allotments next to it in William Street. Neither the hotel nor the allotments sold in 1877 and all were readvertised in October 1878. At this time the hotel was described as a newly erected brick hotel on a stone foundation, with a balcony in front, containing a bar, 5 rooms, kitchen, cellar and yard. Next door, in a timber construction was a skittle alley. The hotel was purchased by a Mr H Dwyer for £825.¹¹</p> <p>Like many of the hotels being built in the residential neighbourhoods of Paddington, The London Tavern was the site for public meetings and community gatherings from its earliest days. During the general elections of 1894, Paddington candidates addressed supporters at the London Tavern, with Mr T.J. West using the balcony of the hotel to address the crowd in the street below.¹² The hotel was also regularly used for coroner's inquests during this same period, including that of policeman, Senior Constable Murrow who had been attacked in the city while on duty and died at his home in Underwood Street in October 1897.¹³</p> <p>In October 1888, John Lovelace had taken over the licence of the hotel. Lovelace remained as publican for the next 38 years, retiring from the business in 1926. His son, who grew up at the hotel, John A Lovelace, was a champion swimmer, life saver and long-time member, secretary and treasurer of the East Sydney swimming club and North Bondi life savers. It was during Lovelace's tenure that the first major changes took place to the building. In 1920 a parlour to the rear of the bar (one of</p>
--	---

¹⁰ Kelly, op cit, pp.83-84; pp95-100.

¹¹ SMH 26 Oct 1878 p6

¹² SMH, 4 July 1894, p5.

¹³ *The Australian Star*, 5 October 1897, p.5

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>three parlours) was converted to be a dining room, with one wall removed to extend the room. A new store was also built in the yard at the rear of the stairway to the upper level. The layout of the hotel on the ground floor after this was the bar and two parlours at the front of the building, a dining room, kitchen, store, laundry and yard, with a men's toilet in the yard area.</p> <p>By this time the hotel had been purchased by the brewing company Toohey's, one of three major breweries operating in Sydney. The breweries had been purchasing hotels, freehold or leasehold, in order to secure distribution of their beer and other products through what was known as the "tied house" system. In 1922 the hotel was assessed by the Valuer General Department as having an improved value of £8000 for the purpose of rates, which Toohey's objected to, arguing the value was half that suggested.¹⁴ The judge set the value at £6750.</p> <p>With the retirement of Lovelace in 1926, the licence was taken over by Andrew See and his wife Ellen. Like Lovelace, the See's held the licence for a long period, eventually transferring to Thomas Cartwright in 1954.¹⁵ It was during the See occupancy that the hotel was altered most radically. In 1926 the hotel was extended along its William Street side with the incorporation and remodelling of a terrace house next door and reconstruction work within the original hotel building. The work added two new parlours, an entry passage, an open area and men's toilet and urinals on the ground level, with an extended yard area also created through demolition of the terrace's former outbuildings. The bar was also extended with the removal of the former parlours, while the cellar was also enlarged, adding almost 50% more storage area. A new dining room was built at the rear of the site on the Underwood Street side, accessed via a covered veranda, with the former dining room converted into a bottle sales department, the forerunner of a modern bottle shop. A new laundry building was also built at the back of the yard. On the first floor a new sitting room and bathroom were added in the former terrace space to serve the eight hotel bedrooms on that level.</p> <p>In 1939 the bottle department was altered again, with the removal of the central counter, the removal of the door to Underwood Street and its replacement with a window, and the reopening of the former fireplace, with new brick surrounds. In 1956 the post awning and balcony were removed from the hotel under Sydney City Council requirements and the toilets were refurbished on order of the licensing court.¹⁶</p> <p>No other major work was recorded as having been carried out on the hotel for the next 50 years, with Toohey's retaining ownership of the London Tavern into the 1970s. Prior to 2000, the accommodation rooms were converted with the inclusion of a cocktail bar. The hotel bar and restaurant were refurbished in 2006, with new, openable windows installed in 2012 and the kitchen relocated to provide more seating area in 2014.</p> <p>The Hotel claims to be the oldest operating hotel in Paddington and one of only three to have traded until the same name since opening.</p>
--	---

THEMES	
National historical theme (if known)	<p>Peopling Australia</p> <p>Developing local, regional and national economies</p> <p>settlements, towns and cities</p> <p>Developing Australia's Cultural Life</p> <p>Building</p>
State historical theme (if known)	<p>Commerce</p> <p>Towns, Suburbs and Villages Accommodation</p> <p>Labour</p> <p>Domestic life</p>

¹⁴ *Daily Telegraph*, 30 March 1922, p.3

¹⁵ London Tavern Yellow Card, Noel Butlin Archives, ANU

¹⁶ City of Sydney Archives, DA File697/1956.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	Social Institutions
--	---------------------

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	The London Tavern is of historic significance within Paddington and the Woollahra LGA as one of the early hotels of Paddington, whose site has been continuously used as the London Tavern since the construction of the hotel in c1875. It is one of the small number of late Victorian era hotels to remain in Paddington, and to remain in the suburban context in which it emerged and has survived. The London Tavern Hotel is also a surviving example of the type of commercial development that was incorporated into the building of terrace rows during Paddington's suburban development in the 1870s.
Historical association significance SHR Criteria (b)	<p>The London Tavern Hotel is historically associated with a succession of corporate and individual owners and managers of the Hotel, who are representative of the major brewers and small business people who consolidated the social and built environment of Paddington (and Sydney) in the late 19th and early 20th Centuries.</p> <p>The London Tavern Hotel is associated with the Lovelace family of publicans who ran the hotel over the period 1888-1926 years in the late nineteenth and early twentieth century.</p> <p>Between 1912 and 1984 the hotel was owned and operated by the Sydney brewing company, Tooheys Limited, one of the major brewers of the 20th Century in Australia.</p>
Aesthetic significance SHR criteria (c)	The London Tavern is of aesthetic significance for its contribution to the Paddington HCA and to the streetscapes of Underwood and William Streets, in which it is a landmark element. An example of the late Victorian Queen Anne style, the individual architectural styling and detail of the building are distinctive and serve to give the building identity and presence in its context and locality. Its scale, not much larger than the terrace houses and corner shops which form its setting, also supports its contribution to the ensemble of buildings and narrow streets in which it is sited.
Social significance SHR criteria (d)	<p>Hotels are an important part of the social fabric of Sydney's older suburbs as they are a popular meeting place, and celebrated destinations for locals, tourists and visitors. The London Tavern Hotel has a demonstrated social significance arising from the long tradition of hotel trade on its site. While its importance in the current day local community to any particular sub-group or community organization has not been identified in this study, it retains a general significance under this criterion as part of the distinctive group of Paddington hotels which continue to serve the local and broader community which they still attract.</p> <p>Paddington has a history of community and political activism and this has inevitably been facilitated by the local traditions of meeting and socialising in the network of local corner hotels in the suburb, of which the London Tavern is one.</p>
Technical/Research significance SHR criteria (e)	<p>Together with its documentary records, the London Tavern Hotel is an important repository of evidence about its development and of the development of the buildings of its role and type within the suburb of Paddington, and Sydney as a larger entity. The building explains by illustration the formative forces behind the endurance of Paddington and its pubs.</p> <p>The London Tavern also demonstrates architectural responses to the changing licensing laws and commercial needs and requirements of Sydney hotels in the 20th Century.</p> <p>It therefore is considered to meet this Criterion.</p>
Rarity	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

SHR criteria (f)	vibrant element of its urban fabric and local streetscapes, the London Tavern Hotel is now uncommon, rare and endangered. Market challenges and an increasingly valuable site, attractive for conversion to housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner-city suburbs.
Representativeness SHR criteria (g)	The London Tavern is representative of its type as a late 19th Century, small corner hotel building. Small corner hotel buildings from the formative period of the suburb are a key character element of the Paddington Heritage Conservation Area .
Integrity	The exterior of the London Tavern Hotel is substantially intact, the major change having been the loss of its post supported verandah awning. Ground floor openings have changed, but remain sympathetic in the building's presentation. Internal modifications have been carried out on both levels, but the building retains much original fabric with interpretable evidence of change in its fabric and spaces.

HERITAGE LISTINGS

Heritage listing/s	
	The <i>London Tavern</i> is within the Paddington Heritage Conservation Area
	The <i>London Tavern</i> is within the National Trust Paddington Urban Conservation Area

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copy
Un-published history	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre
Un-published report	Peter Lonergan	Assessment of Heritage Impact – The London Hotel	2005	Woollahra Council
Un-published report	Graham Brooks and Associates	The London Tavern Hotel – Statement of Heritage Impact	2009	Woollahra Council

RECOMMENDATIONS

Recommendations	<p>It is recommended that :</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of <i>The London Tavern Hotel</i> ; • <i>The London Tavern Hotel</i> and its interiors be listed as a heritage item in the Woollahra LEP (2014), subject to clarification of the interiors' significance through further detailed assessments in the Conservation Management Documents to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington should be listed as a group item on the Woollahra LEP or on the State Heritage Register; and • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes. • Council officers be available to liaise with owners prior to developing plans for change or development. <p>The significant heritage attributes and elements of <i>The London Tavern Hotel</i>, modified and adapted as outlined above and confirmed by full heritage assessment and Conservation Management Documents (CMDs), should be appropriately conserved, adapted and retained. Proposals for new work should</p>
-----------------	--

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>reflect the CMP policies and demonstrate that they are contributing to the conservation of the significance and commercial viability of the hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible removal or reversal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.</p> <p>Only surfaces that have previously been painted should be painted. Face brickwork should not be rendered or painted, and if paint can be easily removed to reveal bricks, this should be considered.</p>
--	---

SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	5		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Riley for Woollahra Council)	Date September 2018	

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Location of the <i>London Tavern Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

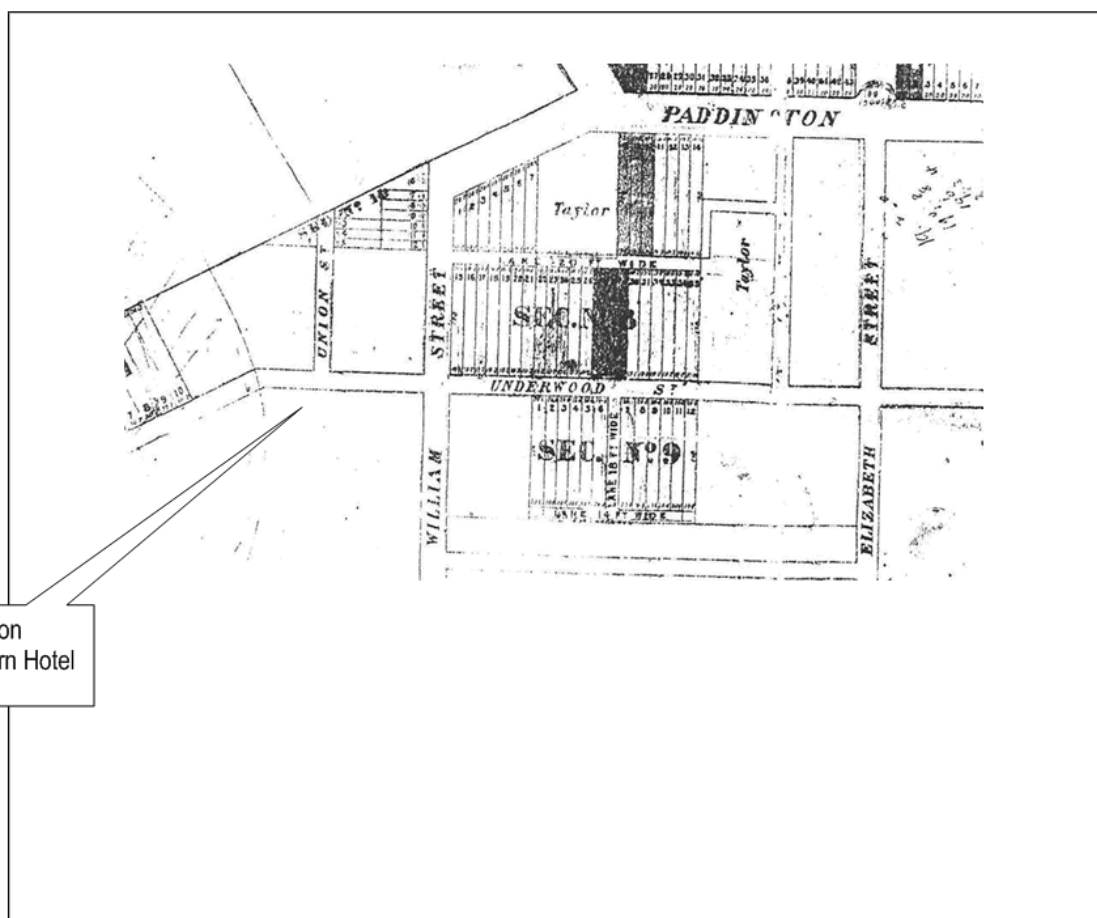


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 1 : Detail of 1875 Subdivision sale map for part of the Underwood Estate. The <i>London Tavern</i> was built on the corner of Underwood and William Street, in part lots 15-16, Section 8 in the same year. Note the empty and undeveloped land around the subdivision (Source: SLNSW).				
Image year	18	Image by	SLNSW	Image copyright holder	SLNSW

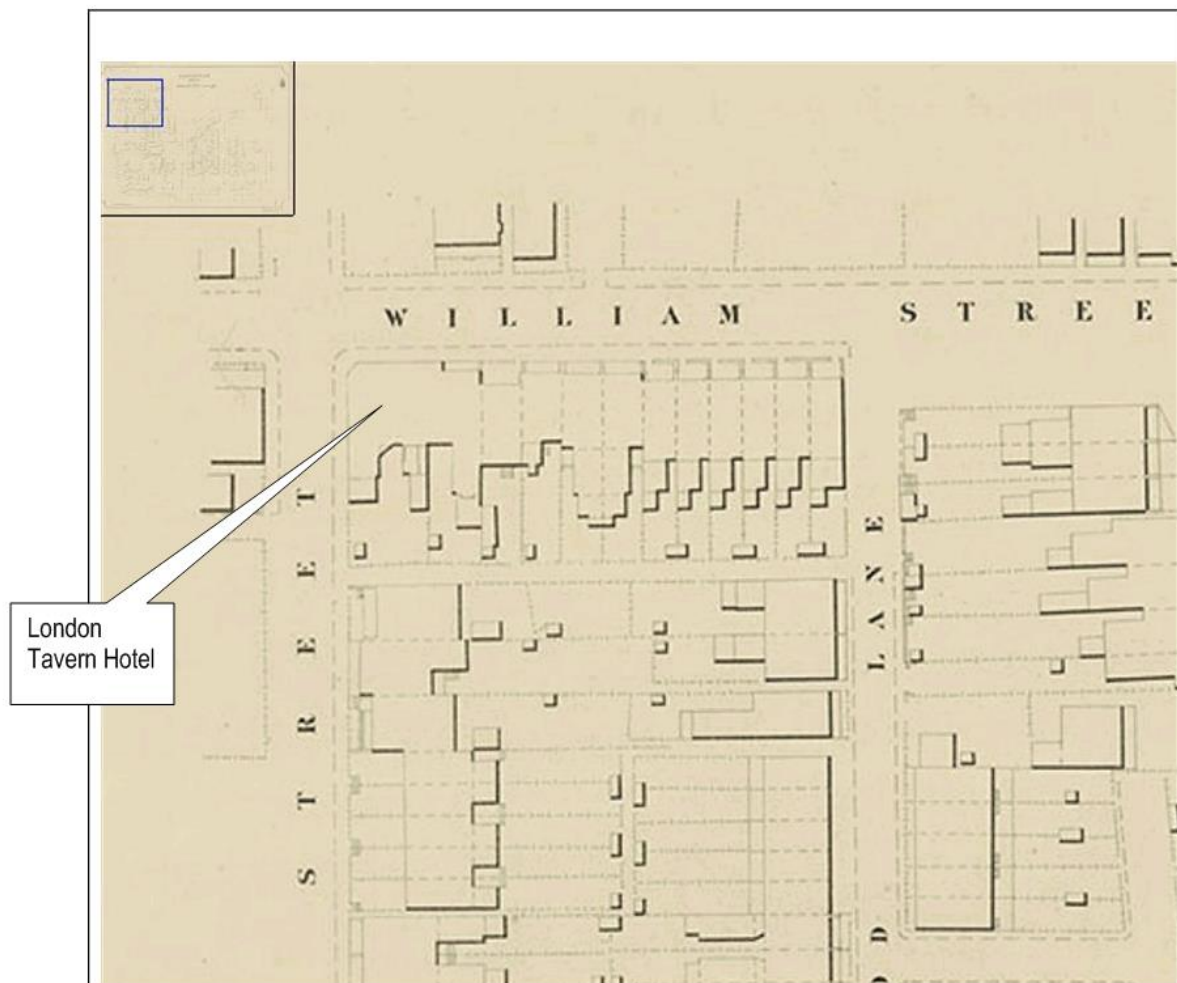


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 2 : Metropolitan Detail Series Sheet 17 ; the distinction between the hotel and the adjacent house is not marked.				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 : Alterations and Additions made to the <i>London Tavern</i> in 1926, showing the incorporation of the terrace in William Street, providing extra bar space, expanded cellar, more parlours and accommodation services on the first floor. The early first floor plan layout is shown.				
Image year		Image by	E. Lindsey Thompson Architects	Image copyright holder	City of Sydney



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4 :London Tavern Hotel, 1930, with original street awning supported by cast iron columns. The William Street façade has been extended to include the adjacent house.				
Image year	1930	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 5 : <i>London Tavern Hotel</i> , 1949 ; the post supported awning is still in place, as is the similar example across William Street, and the external walls have a high tiled dado.				
Image year	1949	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU

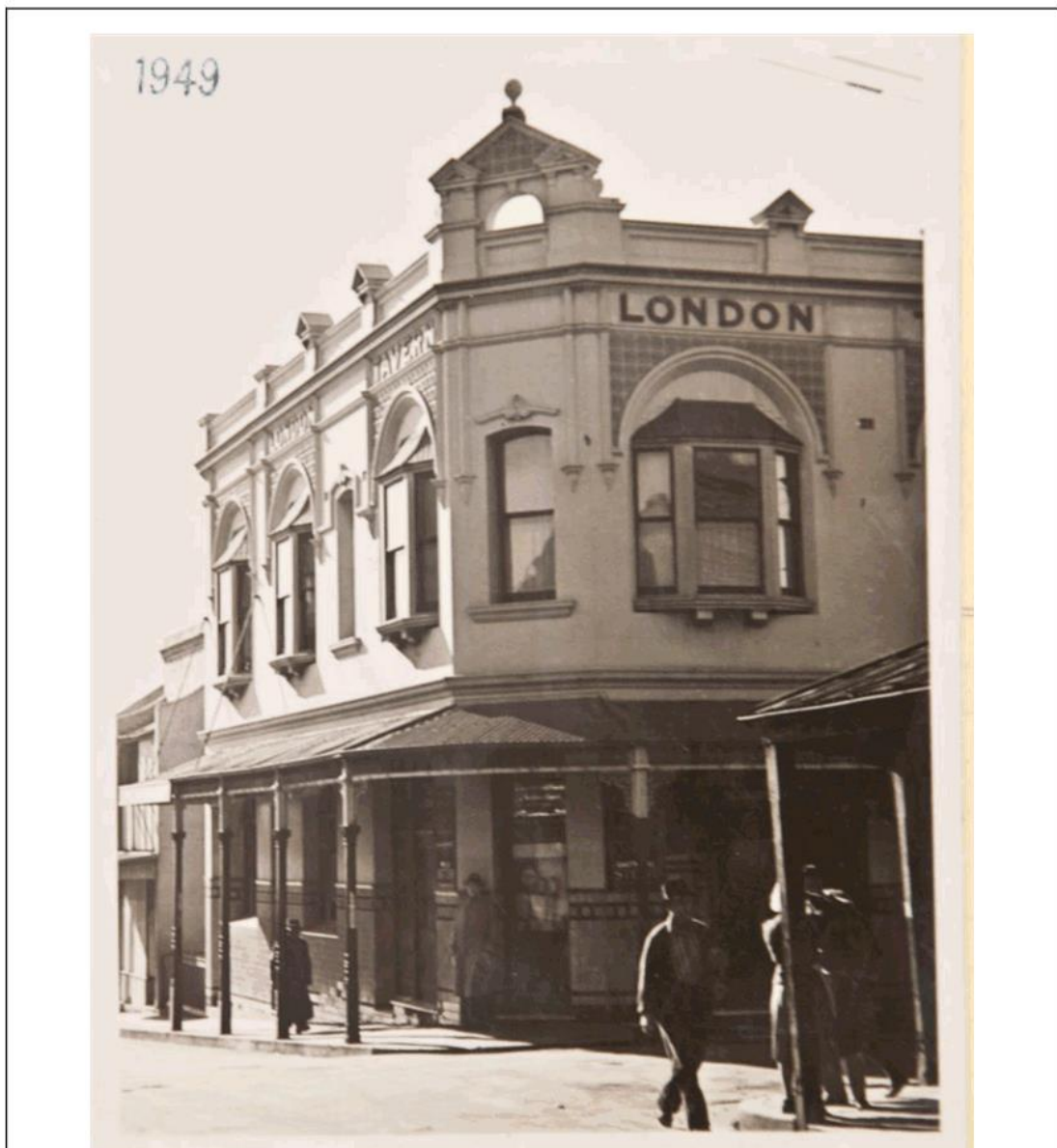


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6 : <i>London Tavern</i> Hotel, looking down William Street ; the photograph includes the same bystander as Fig. 5.				
Image year	1949	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 : <i>London Tavern Hotel</i> , 1960 ; the post-supported awning has been removed, and the building painted in lighter colours.				
Image year	1960	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



IMAGES - 1 per page

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 8 : <i>London Tavern Hotel</i> , 1970				
Image year	1970	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9 : London Tavern Hotel – “Juanita’s World” article held in the ‘United Service Hotel’ file in the Noel Butlin Archives ANU ; “The thing everyone says about the Tavern and the Garden Courtyard is you’d never dream you were in an Aussie Pub”.				
Image year	July 11 1972	Image by	Local newspaper ‘Now’	Image copyright holder	Noel Butlin Archives ANU



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : <i>London Tavern</i> Hotel ; all posted awnings are gone from the intersection and Tooheys' signs removed.				
Image year	unknown	Image by	unknown	Image copyright holder	Woollahra Local History



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 11 : The <i>London Tavern</i> 2009 ; a different colour scheme.				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 : The <i>London Tavern</i> 2018 ; now painted white, but retaining its details, including the tile work dado. Bollards defend the footpath.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

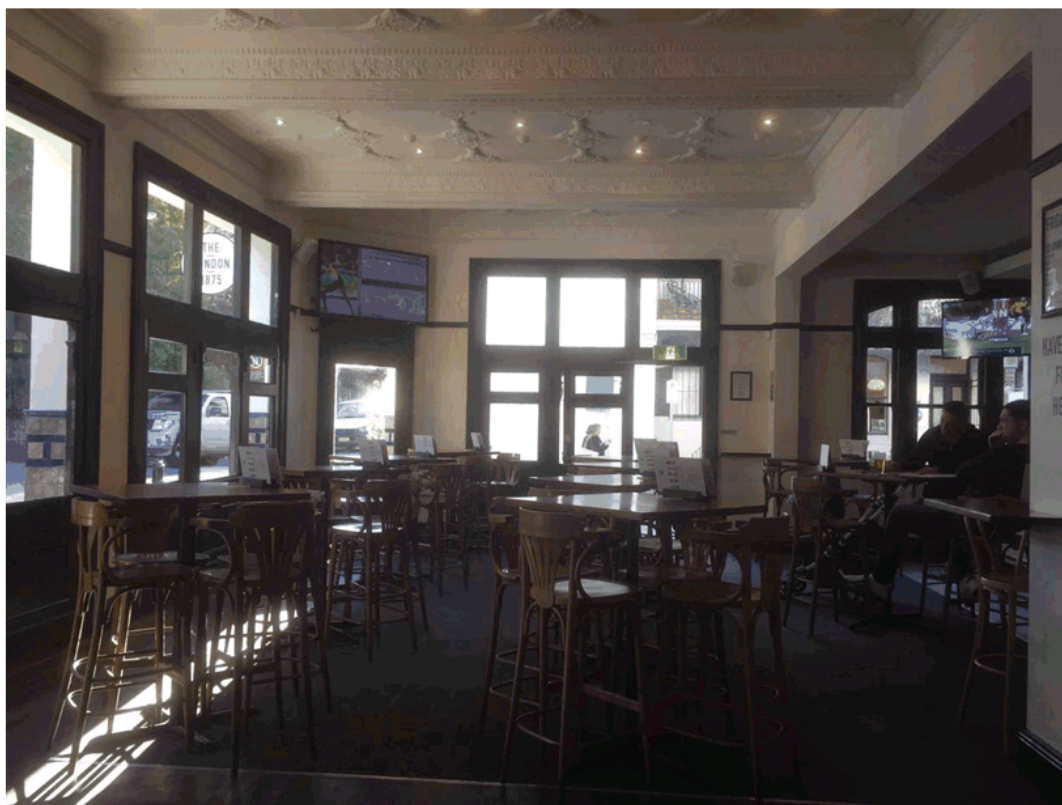


***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 : The <i>London Tavern</i> 2018 ; the public bar, in which the former partition walls and spaces can be read in beams and bulkheads.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 14 : The <i>London Tavern</i> 2018 ; interior of the “garden courtyard”, the former rear yards of the pub and adjoining terrace house, with screened glass roof				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	The Paddington Arms Hotel – trading as The Paddington		
Other Name/s Former Name/s	Canberra Hotel (1913-c.1990); Kitty O'Shea's (c.1990-2003); Elephant and Wheelbarrow (2003-6); The Paddington Arms (2006-2014) ; The Paddington (2014-)		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	384		
Street name	Oxford Street		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot 1 DP 68955		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>The <i>Paddington Arms Hotel</i> is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington's older, successful and enduring hotels. It occupies a site that has been in continuous hotel use since the urban consolidation of Oxford Street in the 1860s, when the building that formerly occupied this site, the <i>Tradesman's Arms</i>, was established as one of the emerging commercial area's first hotels.</p> <p>While it is not a prominent physical or corner landmark in the way some other Paddington Hotels are, "<i>The Paddington</i>" is a part of Oxford Street's tapestry of development across 150 years, and a signifier of Paddington's emerging and growing importance in Nineteenth and Twentieth Century Sydney.</p> <p>As with other early hotels of Paddington, <i>The Paddington</i> is of historical and social significance as a reference point for community identity, as Paddington's early pubs were and remain, serving their evolving community across more than 150 years of demographic change until its re-emergence in the later Twentieth Century as a popular, desirable and fashionable area to live, close to the city.</p> <p><i>The Paddington</i> has a particular interest in the longevity of its operation and the complex archaeology of its site, the building including stone fabric in its basement and other built-in elements retained from the former <i>Tradesman's Arms</i>, the earlier hotel established on the site in the 1860s. The Hotel's long association with brewer/hoteliers Tooth & Co means that the building is well-documented archivally in local, state and national repositories, whose records together with those of Woollahra Council support interpretation of the building's history of change in step with its community.</p> <p><i>The Paddington</i> is of aesthetic significance, having a modest, individual streetscape and townscape presence in its locality, derived of its simple, individual but</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	sophisticated architectural design and construction. Its Edwardian/Federation - Queen Anne Revival (Arts and Crafts) styling make it individual in the locality. While its interiors have sustained much change, they continue to illustrate its story and evolution, and support its contributory importance in the Paddington Heritage Conservation Area. Its ambitious, high-quality recent interior fit-out and adroit management have seen it assume a high-profile place in Paddington's commerce as well as its evolving heritage identity.	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION						
Designer	The former <i>Tradesman's Arms</i> was rebuilt as the <i>Hotel Canberra</i> to designs by Spain & Cosh (1913) incorporating the cellar and rear service wing of an earlier unknown designer. Further modified by Joy & Politt (1940); Tooths Architects Office (1946); Sidney Warden Architect (1947); A.J.Osbourne Architect (1967); Design Technik (plans 1989); Oldfield & Knott Architects (2003); Acme & Co Architects with Studio Snoop (2017?).					
Builder/ maker	Not known					
Physical Description	<p>The <i>Hotel Canberra</i> still presents to Oxford Street largely as it did when built in 1913, a three-storey Edwardian/Federation commercial building of restrained Arts and Crafts style and decoration. A central bay holds an arched recess from which a projecting timber fretwork-balustered balcony extended, now replaced with a steelwork railing. Above is still a tall half-hexagonal projecting bay window with heavy cornice and double hung sash windows which continue the sash character of the façade's brick bays each side. These bays are plain and flat, save for some contrast-coloured string courses, rendered sills and label moulds (the latter only on the first floor). On each side, close under the parapet, heavily hooded name panels identify the Hotel Canberra. The parapet concealing the skillion roof is stepped but otherwise plain brickwork. At the ground floor, the doors from the street to the public bar have been re-styled a number of times, until the most recent treatment was put in place as part of the major make-over by the Merivale Group. A suspended modern box-form awning shelters the ground floor front openings.</p> <p>At the rear the Hotel has been substantially altered and extended, and now presents a large modern box-form addition visibly engaged with the rear forms of the 1913 building. Side parapets conceal the new roof, there are minimal rear facing windows, and rear access is provided from Victoria Street, with basement storeroom access for deliveries and staff.</p> <p>Internally the Hotel has been substantially modified in a number of phases of work, the most recent being for the current Merivale Group presentation of the building. Functionally the building is interlinked with the adjoining premises to the north, a take-away sandwich kitchen and coffee outlet, with a further Merivale development to the north, being the former <i>Sussex Hotel</i> now presented as "Fred's" (Restaurant). All three premises are still read as individual from Oxford Street.</p>					
Physical condition and/or Archaeological potential	The Hotel is in a good condition following the most recent, extensive makeover by the current owners. The basement, former cellar level of the building retains extensive sandstone walls, footings and elements which as the 1913 plans suggest, appear to have been retained from the earlier <i>Tradesman's Arms</i> (of c.1867). These appear to contain evidence of the earlier building and thus have an archaeological significance, supporting the surviving documentary evidence.					
Construction years	Start year	1867 first building ; 1913 major re-build	Finish year	-	Circa	<input checked="" type="checkbox"/>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

<p>Modifications and dates</p>	<p>The first hotel building upon the subject site, the <i>Tradesman's Arms</i>, is believed to have been built and opened c.1867. The site was vacant in 1865 (Fig. 3). A photograph of the more developed Oxford Street streetscape (Fig. 4) shows the older two-storey hotel with typical 1860s façade detail and fenestration and a post-supported street awning continuous with others in the street (along with a horse-drawn omnibus). The Surveyor-General's usually helpful mapping of 1886 (Fig.2) does not assist with much suggestion of the old building's form.</p> <p>The drawings by architects Spain & Cosh for the substantial reconstruction of the site as the Canberra Hotel in 1913 show the incorporation of the basement cellars of the old building into its new successor (Fig. 5) and this is borne out by the presence of extensive sandstone walls and footings under the present building today (Fig. 6). The drawings also show the retention and incorporation of the three-level rear service wing of the old hotel building, including its roof, into the renewed <i>Canberra Hotel</i>.</p> <p>Across the latter half of the 19th Century, there have been the usual, typical alterations to the bars and toilets of the Hotel, some as a result of Licensing Court Orders (e.g., in the 1930s). In 1940, Joy & Pollitt Architects (notably the architects for the <i>Unicorn Hotel</i> of 1940) designed alterations to increase the length of the main bar counter, together with other structural alterations and repairs and additions to meet the requirements of the Licensing Court. In 1940 plans prepared by the Toth's Architects Office for similar reasons showed proposed minor toilet amendments adjacent to the service wing (Fig.7).</p> <p>In 1947, Sidney Warden, Architect, designed alterations and additions to the Public Bar to further increase its size by incorporating the Ladies' Parlor and changes to the entrance hall, lavatories and a new bottle department in the former dining room. In 1967, A.J. Osborne, Architect, designed further extensive and diverse alterations and additions to the Hotel, removing walls, combining and converting rooms and room uses, and improving toilets and guest facilities. From 1930 to 2000, the building's street persona changed little (see Figs. 11 to 13).</p> <p>A comparison of the more recently surveyed layout of the Hotel, at each of its levels in 2003 (Figs.8a & 8b) with the 1913 plans (Fig.5) indicates that only relatively recent changes have been effective in arriving at its current format. Most notable is the "deconstruction" of the rear service wing form (kept in the 1913 works) and its incorporation within the addition of the large rear double height volume with kitchen and stair access to the first-floor bar, dining areas, and toilets. The service wing survived into the 21st Century, as shown in the extensive documentation prepared for alterations across the 1990s and early 2000s. Council approved plans prepared by Design Technik in 1989 for Gotha Holdings include measured drawings of the building and extensive alteration proposals, but the measured drawings included in the plans for a major refurbishment prepared by Oldfield & Knott Architects in 2003 suggest the 1989 plans were not proceeded with.</p> <p>The 2003 measured drawings and photographic record of the building - then known as Kitty O'Shea's - prepared by Oldfield & Knott Architects as part of the comprehensive renovation brief to them indicate that their work was to effect key changes now evident in the building, including the large (and large internal volume) rear addition in the refurbishment plans (Figs.10,16). This space was to include a corner stage (presumably to support use as a music venue) in the location of the current master kitchen. The formerly external parking area in the rear yard was internalised as a delivery area/parking area adjacent to the storage and plant of the existing basement.</p> <p>On the first and second floors of the building, this work established the current internal planning arrangement of those floors with patrons' stair access from the rear grand space to the first floor dining areas and second bar; above this on the</p>
---------------------------------------	---

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>second floor are a second full kitchen and office. This work also established the service "circulation spine" of stairs along the northern (north-west) side wall.</p> <p>The current presentation and fit out of the building were undertaken for the Merivale Group by Acme & Co. Architects in association with interior designers Studio Snoop. The interiors are perhaps the latest example of the fashionable, romantic interior movement apparent within "modern" pubs where a high quality, more domestic character, evocative of and influenced by both the real and imagined past of the building and locality, complements the high aspirations and professionalism promoted for the restaurant and bar services offered (Figs.14,15,16).</p>
Further comments	<p>Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.¹ Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether any new publicans license's should be granted in the coming three years, and if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.² The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".³ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their</p>

¹ Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

² Kelly, *op cit*, p.181.

³ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the Twentieth Century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the Nineteenth century hotel into larger public bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the public bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, public bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁴</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th Century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁵ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁶ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while</p>
--	--

⁴ Freeland J.M. op cit p176

⁵ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁶ Freeland J.M. op cit p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered. In Sydney the compounding land value of inner-city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	--

HISTORY	
Historical notes	<p>Paddington is part of the land of the Cadigal people.</p> <p>In March 1811, Governor Macquarie directed the 73rd regiment to commence clearing the land for the construction of a new road from Sydney town to the signal station at South Head. The road, running along an earlier track, was completed by June and formed the basic structure of South Head Road, renamed Oxford Street in 1875.</p> <p>The road opened the way for development, with one of the first houses in the area being Robert Cooper's Juniper Hall facing South Head Road and James Underwood's Glenmore Distillery, as well as a scattering of villas across the estates that had been granted through the area. Juniper Hall was by Robert Cooper, who retained 3 acres of a 100 acre grant jointly held by himself, James Underwood and Francis Ewan Forbes. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Copper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁷</p> <p>Juniper Hall and the distillery remained isolated buildings until 1841 when work began on what was to become the suburb of Paddington. The exposed, sandy nature of the area had seen it largely overlooked in the first 50 years of Sydney's development, until Governor Bourke settled on the area for the construction of a new military barracks complex. Work on Victoria Barracks began in February 1841, with stonemasons, builders and artisans moving into newly erected cottages on South Head Road opposite the barracks during construction. These rudimentary houses were the foundation of the village of Paddington. The site rapidly expanded as stores, produce merchants, hotels, water carriers, blacksmiths and other tradespeople moved in to service the barracks, soldiers and their families.⁸</p> <p>The large estate of James Underwood was first subdivided in 1839, with an area stretching from Juniper Hall, along Oxford Street (then still known as South Head Road) to Jersey Road and down to Paddington Street, taking in the main strip of Oxford Street. Underwood, Paddington, Elizabeth and William Streets were formed as part of this subdivisions, known as the Paddington Estate. Eighty allotments were offered, with Juniper Hall and its 3 acre grounds excluded. A part of the estate</p>

⁷ Parkinson, The Underwoods : Lock, Stock and Barrel"

⁸ Kelly, M., op cit., p.19

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>fronting South Head Road between Elizabeth and William Streets including the future site of the <i>Paddington Arms</i> hotel, was marked on sales maps as being a market garden.</p> <p>Despite the release of land, this stretch of South Head Road, it was slow to develop. Samuel Lyons had purchased the portion between Elizabeth and William Streets from the Paddington Estate sales, but being further up the slope from the main village around the barracks the lots had not been developed until the early 1850s. One of the first buildings in this section was the <i>Paddington Inn</i>, on the corner of Old South Head road and William Street, opened by Rueben Beard in 1848, and run by Mary Beard. This popular inn was the stopping place for the omnibus from Sydney from c1853. The <i>Paddington Inn</i> was followed in the same block by the <i>Sussex Arms Hotel</i> in c1860 with a few shops and businesses opening around the same time. In 1863 the remaining lots fronting South Head Road of the Lyon's estate were sold and the strip began to develop.</p> <p>The First Hotel: The Tradesman's Arms</p> <p>In c1867, James Bohan opened a new hotel on South Head Road, built on part of Lots 81, 82 and Lots 83 and 84 of the Lyon's subdivision, with the blocks facing South Head Road and Victoria Street (at the rear).⁹ Bohan named the hotel the <i>Tradesman's Arms</i>, likely a reference to the many trades that were then practised in the locality. The hotel was one of nine hotels recorded as trading in the Paddington suburb in 1867, of which eight were on the South Head Road. This cluster of pubs shows the growing importance of the street as the main thoroughfare through Paddington and the focus of the commercial activity.¹⁰ The hotel was used, as others were, for local inquests, community gatherings, political meetings and as a place for entertainment. In 1870 for example, Bohan applied for and received a licence to have Bagatelle tables. Bagatelle was a game derived from billiards, in which balls had to be sunk in holes guarded by wooden pins, with the object being to knock the least amount of pins down in the process.¹¹</p> <p>Bohan died in December 1871 and the licence passed to Sarah Bohan, his wife who continued to run the hotel until her own death in 1899, when the licence passed to her son, also called James Bohan. Bohan held the licence until 1905 when it was transferred to William Denis Lynch, although the Bohan family retained ownership of the hotel itself until 1934.</p> <p>The Canberra Hotel</p> <p>In 1913 the Bohans remodelled the old hotel and changed its name to the <i>Hotel Canberra</i>, later the <i>Canberra Hotel</i>, to celebrate the official naming of the new national capital site that had taken place in March 1913. Although no specific images of the old <i>Tradesman's Arms Hotel</i> have been located, plans of the new <i>Canberra Hotel</i> appear to indicate that at least some of the former hotel building survived. A photo looking west along Oxford Street in 1910 shows a line of two storey terrace style commercial buildings, one of which was the hotel prior to its rebuild. The 1913 plans, colour coded to show old work and proposed new work, show a three-storey hotel with basement cellar. The cellar appears to have been extended from an earlier configuration, with excavation towards Oxford Street and the removal of part of the original wall, with a spirit store, fuel store and what is described as a Man's Room also in the basement. The basement was accessed via stairs in a side passage and from the rear yard. The main bar was on the ground floor, with a long serpentine public bar and two parlours. Again the plans appear to show the removal of internal walls to extend the bar area. The ground floor also included toilets, a dining room, kitchen and pantry and stairs to the upper levels. Over the footpath a suspended awning was erected, probably replacing an earlier post awning.</p>
--	---

⁹ LPI Certificate of Title V.2469 Folio 71

¹⁰ Sands Sydney and Suburban Directory, Paddington, 1868

¹¹ SMH, 27 June 1870

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The two upper levels were dedicated to accommodation, with five bedrooms and a sitting room on the first level, as well as a bathroom and small balcony on the Oxford Street frontage. The rear two bedrooms were accessed via a balcony that ran along the eastern side of the hotel. Another four bedrooms and bathroom were located on the top floor. The façade was finished in a symmetrical, Federation style red brick work, with contrasting bands of slate coloured brick on the upper parapet. The newly rebuilt hotel was licensed to Daniel Minihan who retained it until his death in 1920, when it passed to his widow Annie. In March 1934 the hotel was purchased from the Bohan family by Tooth & Co, who continued to lease the hotel to various publicans. The purchase of the <i>Hotel Canberra</i> added to the growing stable of hotels either owned by Tooth & Co or that they held the head lease on in Paddington, with at least nine others under their control by 1934. In 1940 a new public lavatory and new toilets were added on the ground floor, extending those that were already there and in 1946 a new cold room and refrigeration equipment was installed. The publican at the time, Fred Kay, had been Australian Welterweight boxing champion between 1915 and 1920.¹²</p> <p>In 1958-59 the front awning had been replaced and in 1967-1968 alterations and extensions to the cost of \$24,143 were carried out by architects A.J. Osborne for Tooth & Co at the hotel including the installation of new reinforced steel joists (RSJ) under the existing men's toilets on the ground floor, the installation of new drainage lines and the resurfacing of the yard and the installation of another new cold room. In 1975 the entire corrugated roof was also replaced. The following years, the licensee, Edward Haire who had run the hotel since 1963, transferred the licence to Mrs Margaret Hutchings, formerly of the <i>Orient Hotel</i> in the city. At this time three of the bedrooms were no longer in use, having been converted into living rooms and lounge areas, reducing the total to seven, three on the first floor and four on the top floor.</p> <p>In 1981 Tooth & Co decided to sell the hotel, offering it first to Mrs Hutchings, who declined the offer but went on to unsuccessfully bid at the public auction in October. Hutchings purchased another Tooth hotel, the Royal Albert in Camperdown instead. The <i>Canberra Hotel</i> was sold for \$610,000 to Paul Spies and David Hawkins. Part of the company's reasoning for the sale was the their determination that Paddington at the time was over serviced by hotels, with Tooth owning eight freeholds in the area. The small size of the hotel, the dated layout and the absence of a serviceable beer garden or ground floor food facility all added to the hotels limitations in the eyes of the Tooth & Co managers.¹³</p> <p>In 1987 the ground floor of the hotel was modified to include a restaurant, with the first floor converted to accommodate offices and the top floor to a residence. During the 1990s the hotel changed its name to <i>Kitty O'Shea's</i> and rebranded itself as an Irish theme pub. Food service was discontinued, with the ground floor bar refitted in an Irish style and the first floor bar area occupied with pool tables. Irish music and jazz were featured five nights a week in the upstairs and downstairs bars.¹⁴ In 1998, the first floor, which by then was again being used for food service, was converted back to hotel use (probably including the installation of a bar). In 2003 the pub changed its name again, this time to the <i>Elephant and Wheelbarrow</i>, changing from the Irish theme to an English theme, and reinstating food at the same time. In 2006 the hotel changed its name once more to the <i>Paddington Arms</i>. A new timber and glass shop front was installed, with internal modifications to the bar and gaming room area.</p>
--	--

¹² *The Sun*, 1 November 1947, p.5.

¹³ Canberra Hotel, Paddington Securities File Z323/Box 181 Tooth & Company Collection, Noel Butlin Archive.

¹⁴ Neal, S & S. Guest, *Sydney Pubs*, Sandstone Publishing, Sydney, 2000, p167.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	In 2014 the hotel was sold to the Merivale group, who renamed the hotel again to <i>The Paddington</i> . A major internal refit was undertaken by Merivale with new signage, new internal staircase and additions to the first floor balcony, a new restaurant and other modifications. ¹⁵ The hotel continues to trade as <i>The Paddington</i> in 2018.
--	--

THEMES	
National historical theme (if known)	Peopling Australia Developing local, regional and national economies Building settlements, towns and cities Developing Australia's Cultural Life
State historical theme (if known)	Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions

APPLICATION OF CRITERIA	
Historical significance SHR criterion (a)	The <i>Paddington Arms (The Paddington)</i> , formerly the <i>Canberra Hotel</i> , is of historic significance within the Woollahra Municipality and Paddington as an example of the small, late Nineteenth Century suburban hotels which were developed to serve the early local community and have continued to do so over 150 years. Its redevelopment in 1913, as a more fashionable and comfortable Edwardian/Federation style hotel building offering modest accommodation and beverages - and subsequent improvements to sustain its services and business operation - all reflect themes identifiable across the older small pubs of the suburb. Built upon the site and foundations of the preceding <i>Tradesman's Arms Hotel</i> as the former <i>Canberra Hotel</i> building, <i>The Paddington</i> has a complex, almost untidy history of change and intervention, but retains elements and structures of one of Oxford Street's earliest hotels in its fabric and illustrates not only its own history but that of its genre and the suburb extant around them.
Historical association significance SHR Criterion (b)	The Hotel was developed in 1867, then run and latterly owned and leased by the Bohan family (descendants of James and Sarah Bohan) until sold to Tooths in 1934. The Hotel was one of the suite of hotels owned and operated by the Sydney brewing company, Tooth & Co. Tooth & Co were owners of 22 hotels in Paddington during the 19th and 20th Centuries, with hundreds more in their ownership across Sydney and NSW, making them one of the largest hotelier companies in NSW history.
Aesthetic significance SHR criterion (c)	As an example of the later and almost austere-designed Arts-and-Crafts/Federation style hotels of Woollahra and Paddington, built just on the brink of the First World War, the <i>Paddington</i> has an individual stylistic design personality supporting its contribution to the Oxford Street streetscape. Its street presence has remained almost unchanged for its 105 years, while others around it have lost the integrity of their architectural and design expression.
Social significance SHR criterion (d)	Hotels have been and are an important part of the social fabric of Sydney's older suburbs as popular meeting places, and celebrated destinations for locals, tourists and visitors. While the importance of <i>The Paddington</i> in the current day local community or to any particular sub-group or community organisation has not been researched in this study, its community esteem has been demonstrated in its

¹⁵ <https://www.dailytelegraph.com.au/newslocal/city-east/justine-hemmes-turns-his-back-on-late-nights-to-pour-his-fortune-into-paddington-bars-and-restaurant/news-story/c2461ffe2cf6f95ba8d276c71c70c5a>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>prolonged commercial success. It is part of the small distinctive group of Paddington hotels which continue to serve the local and broader community, giving identity and individuality to the suburb.</p> <p>Paddington has a history of community and political activism and this has inevitably been facilitated by the local traditions of meeting and socialising in the network of local hotels in the suburb, of which <i>The Paddington</i> is one. Almost all of the group of older hotels feature first floor balconies from which local candidates could "electioneer", addressing crowds assembled in the street.</p>
Technical/Research significance SHR criterion (e)	<i>The Paddington</i> retains important physical evidence of its evolution as an exemplar of the late 19th Century/ early 20th Century Sydney pub, and specifically of the "local pub" as it featured in the early, densely settled suburbs like Woollahra, and specifically Paddington. Together with the substantial archival records of its use and adaptation across its life, this Hotel demonstrates the processes of change in buildings of its genre, responding to the changing society in which it is valued and continues to serve.
Rarity SHR criterion (f)	As one of the small group of earlier, historically significant hotels in Paddington still trading, and one which incorporates fabric from the preceding, very early hotel built upon its site, <i>the Paddington</i> is considered to meet this criterion.
Representativeness SHR criterion (g)	After consideration of its retention of the 1913 external design, the retention of incorporated elements of the preceding 1867 building, and the cumulative record of changes in its interiors culminating in the most recent phase of adaptation, it may still be concluded that <i>The Paddington</i> is nonetheless still representative of the small local hotel crucial in the distinctive urban pattern of the Paddington Heritage Conservation Area, and hence meets this criterion.
Integrity	The Oxford Street elevation of <i>The Paddington</i> is substantially intact with the exception of the balcony rail, suspended awning and ground floor door joinery. The internal fabric has been extensively modified in successive stages of work, but retains important evidence of its 1913 redevelopment, including elements of the 1867 cellars and foundations, retained and incorporated in that work. It is therefore considered to retain a significant integrity.

HERITAGE LISTINGS

Heritage listing/s	<p>The Paddington Arms is within the Paddington Heritage Conservation Area recognised by Woollahra Council in its LEP</p> <p>The Paddington Arms is within the National Trust Paddington Urban Conservation Area</p>
---------------------------	--

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Written Graphic/Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
Published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copy
Unpublished history	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Unpublished history	L.G. Norman	Historical Notes on Paddington	undated	Woollahra Local History Centre
Unpublished report	Oldfield & Knott Architects Pty Ltd	Kitty O'Shea's Photographic Record	2003	Council Records

RECOMMENDATIONS

Recommendations	<p>It is recommended that:</p> <ul style="list-style-type: none"> • Appropriate Heritage Conservation Management Documents be prepared, so that continuing future use and adaptation support the Hotel's heritage significance; • Council officers be available to liaise with owners prior to developing plans for change or development; • <i>The Paddington</i> including its interiors be listed as a heritage item in Woollahra LEP 2014; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington should be listed as a group item on Woollahra LEP 2014 and on the State Heritage Register; and • the continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, managed through heritage listing and subject to environmental and heritage impact assessment processes. <p>The significant heritage attributes and elements of the <i>Paddington</i>, modified and adapted as outlined above and confirmed through preparation of an appropriate heritage management document (ideally a CMP) should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies and demonstrate that they are contributing to the conservation of the Hotel's significance and commercial viability. Council and the Hotel owners should liaise regarding any proposed changes and the management options set out in Clause 5.10 of the Woollahra LEP 2014 remain available.</p> <p>Existing alterations and additions, which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for removal, allowing reconstruction to original or early detail or a more sympathetic treatment. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered to avoid detrimental impacts.</p>
------------------------	--

SOURCE OF THIS INFORMATION

To be completed if this form is part of a heritage study or report

Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	7		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)	Date 2009/2012, amended 11/2018	

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 1: Location of the <i>Paddington Arms Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

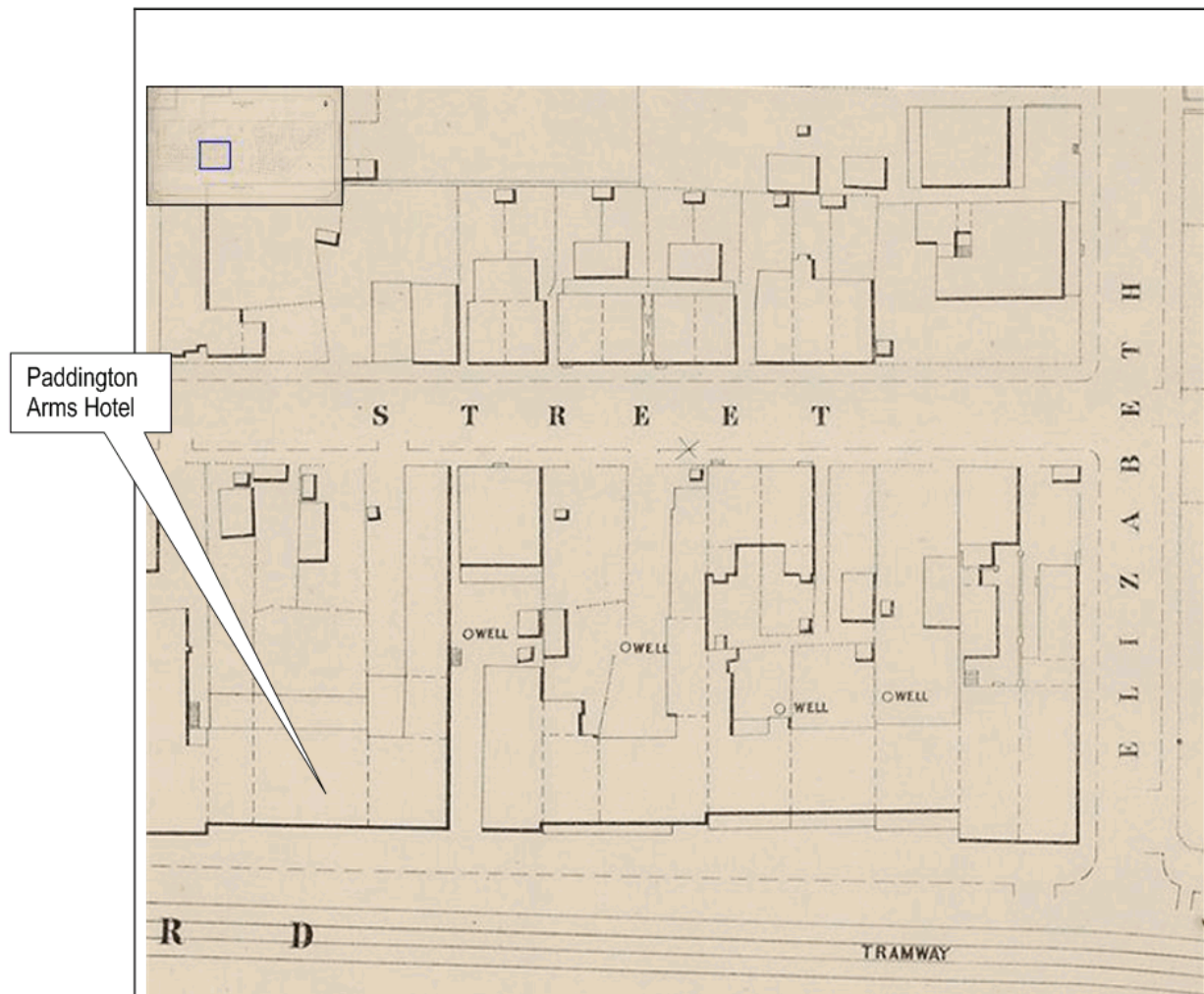


***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 2: <i>Paddington Arms</i> site, Metropolitan Map Series Sheet 14				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3: cropped section of a survey of Old South Head Road (Oxford Street) in 1865 showing the vacant site where the <i>Tradesman's Arms Hotel</i> (later <i>The Paddington</i>) would be built in 1867. Although the street was by then an important thoroughfare and high street for Paddington, there were still empty blocks waiting development				
Image year	1865	Image by	State Library of NSW	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4: Looking west along Oxford Street from near the corner of Elizabeth Street. The three-storey commercial building in the middle distance is 388-390 Oxford Street (currently the Commonwealth Bank). The <i>Tradesman's Arms Hotel</i> is three properties along, shown as a two-storey building.				
Image year	1865	Image by	Paddington Municipal Council Jubilee History	Image copyright holder	Woollahra Council

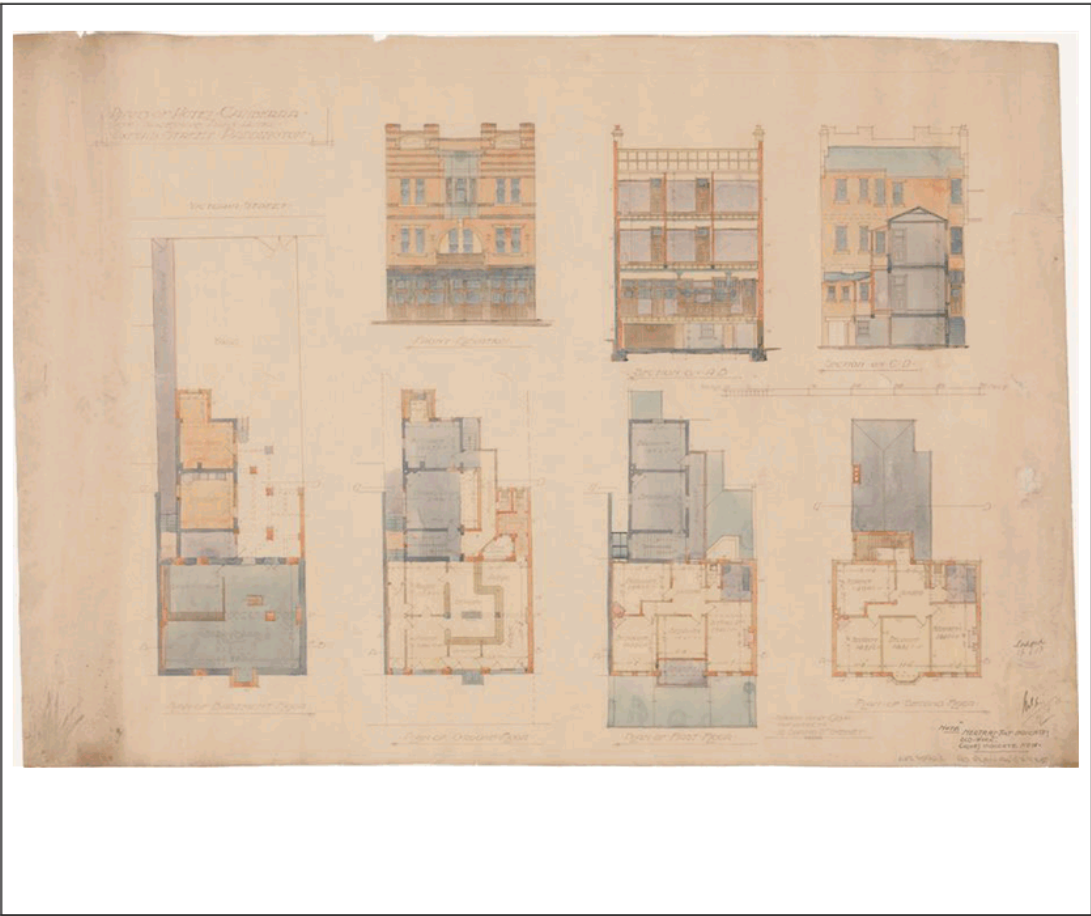


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 5: "Plans of <i>Hotel Canberra</i> " by Spain & Cosh Architects. The blue walls and blue shading of floors on the plan drawings indicate retention of existing fabric within the new work.				
Image year	Drawing 1913	Image by	State Records of NSW	Image copyright holder	State Records of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6: Detail within the former cellars of the Tradesman's Arms, now the <i>Paddington Arms</i> ; worked sandstone walls and openings remain.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

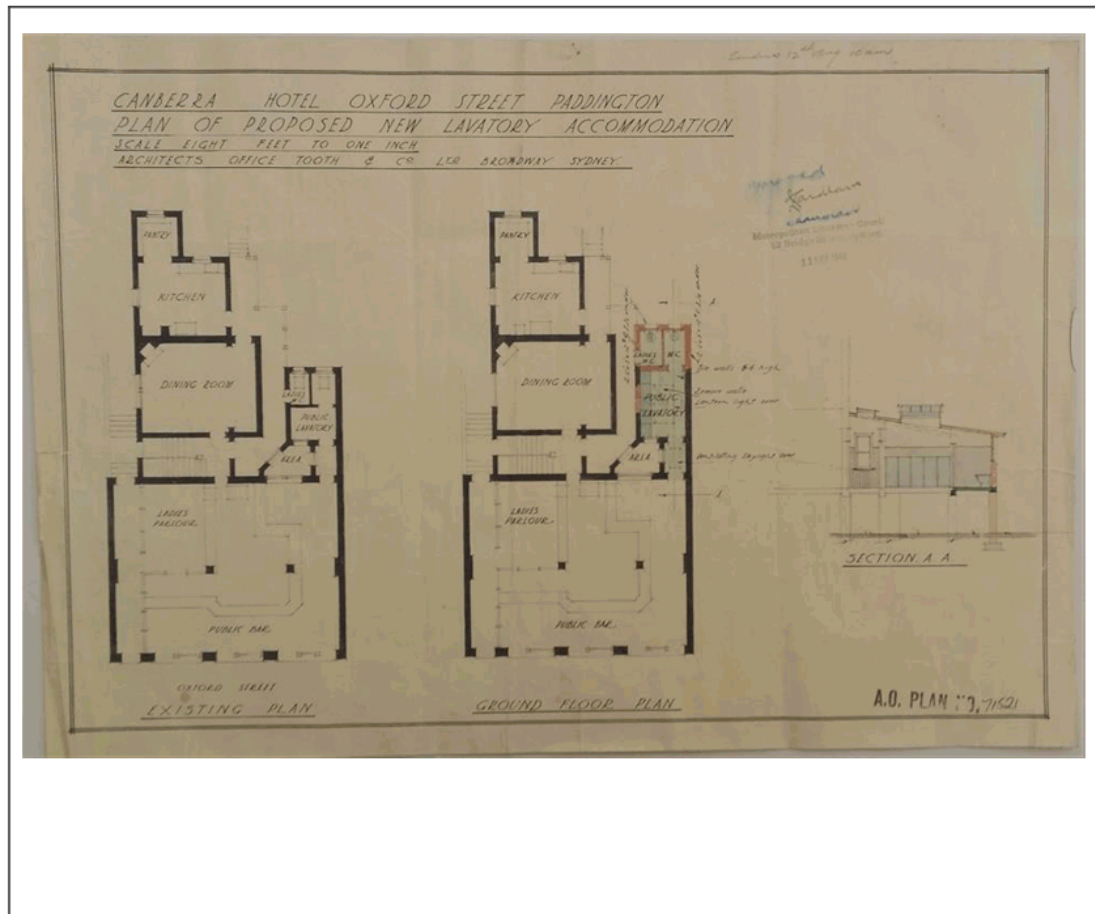


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7: Plans by the Tooth's Architect's Office for works ordered by the Licensing Court. The rear service wing of the former <i>Tradesman's Arms Hotel</i> retained in the 2013 works, is still largely intact.				
Image year	1940	Image by	Tooth & Co Architect's Office	Image copyright holder	Archives Office of NSW

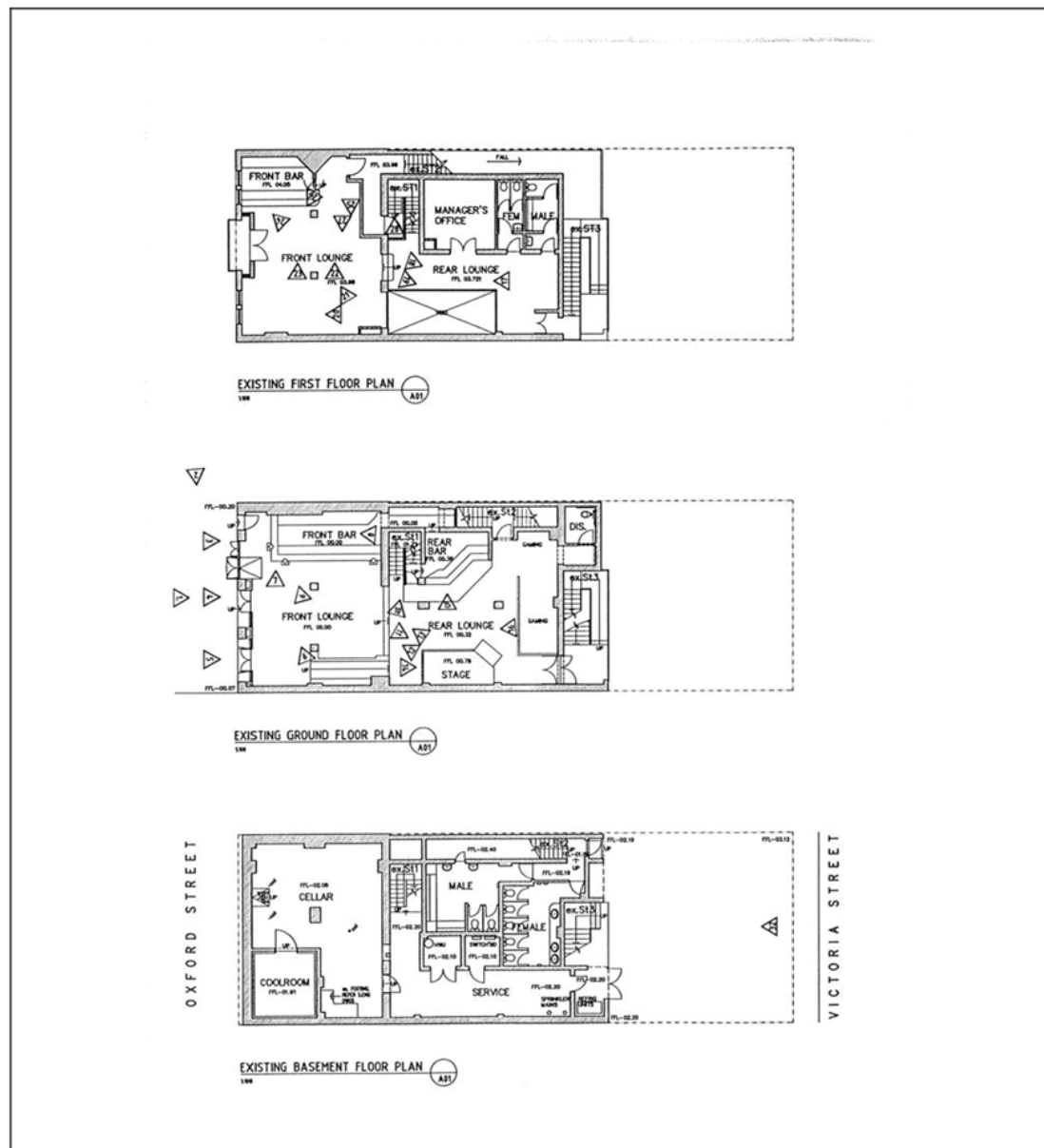


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8a: Measured survey plans of the <i>Paddington Arms</i> hotel (found in Council archives)				
Image year	2003	Image by	Oldfield & Knott Architects	Image copyright holder	Oldfield & Knott Architects

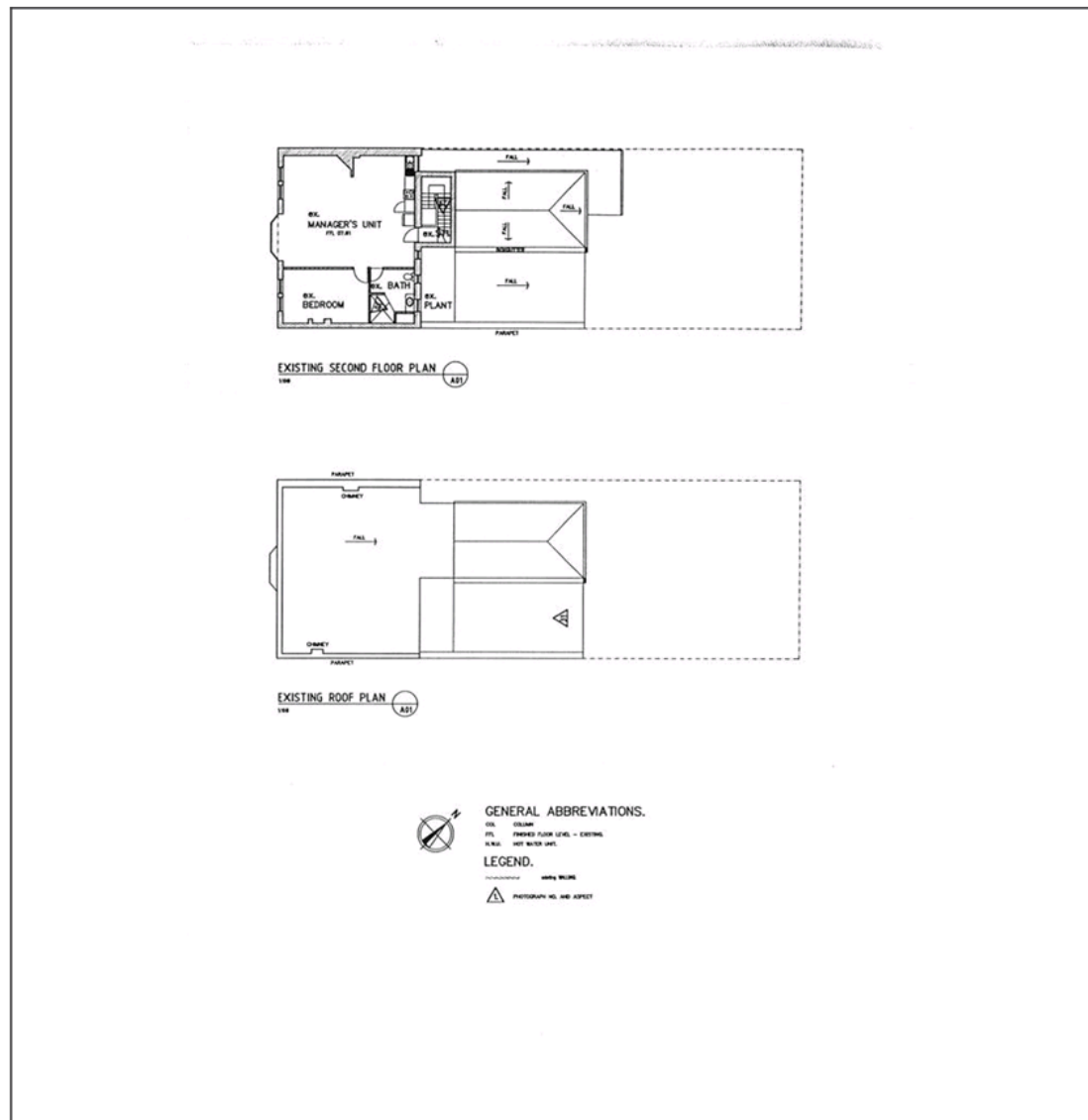


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8b: Measured survey plans of the <i>Paddington Arms</i> hotel (found in Council archives)				
Image year	2003	Image by	Oldfield & Knott Architects	Image copyright holder	Oldfield & Knott Architects

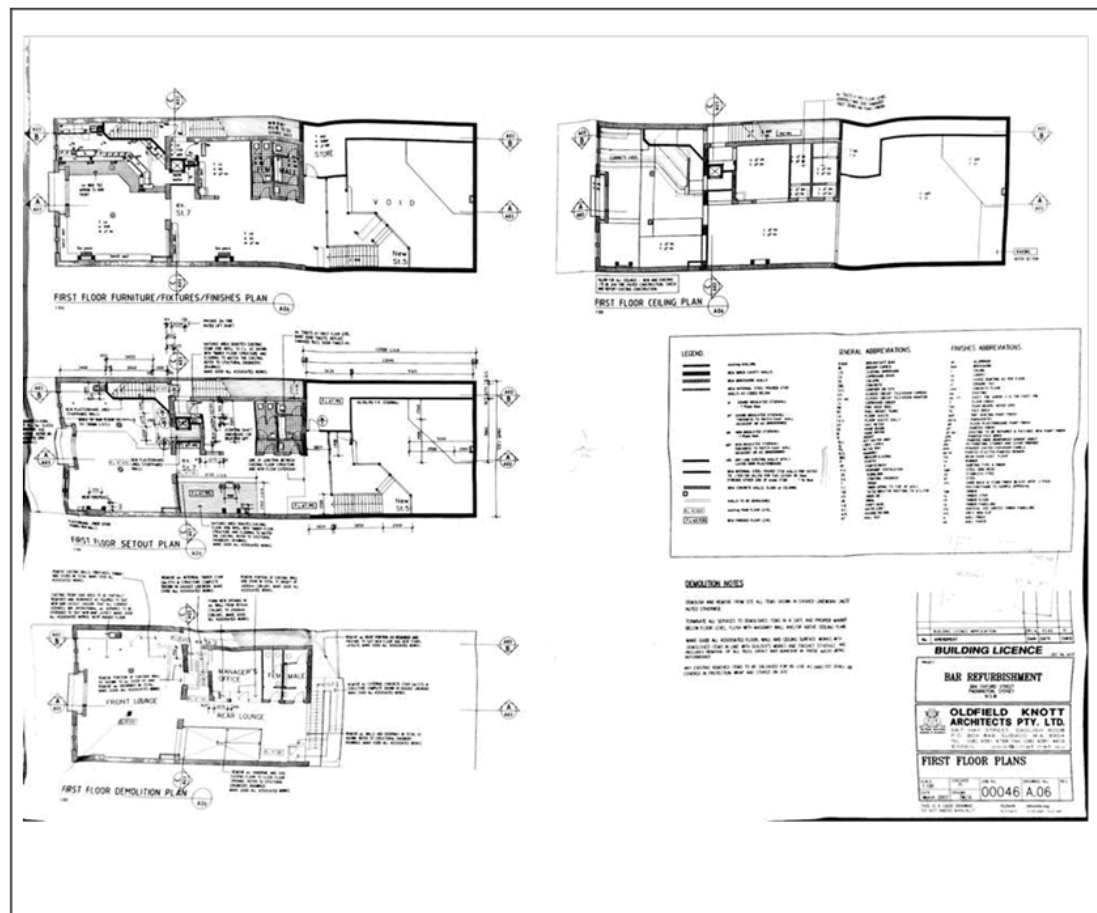


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9a : First floor plans showing internal rearrangement with main and service stairs, and rear volume with stage, now main kitchen (plans as found, distorted by scanning process).				
Image year	2003	Image by	Oldfield & Knott Architects	Image copyright holder	Oldfield & Knott Architects

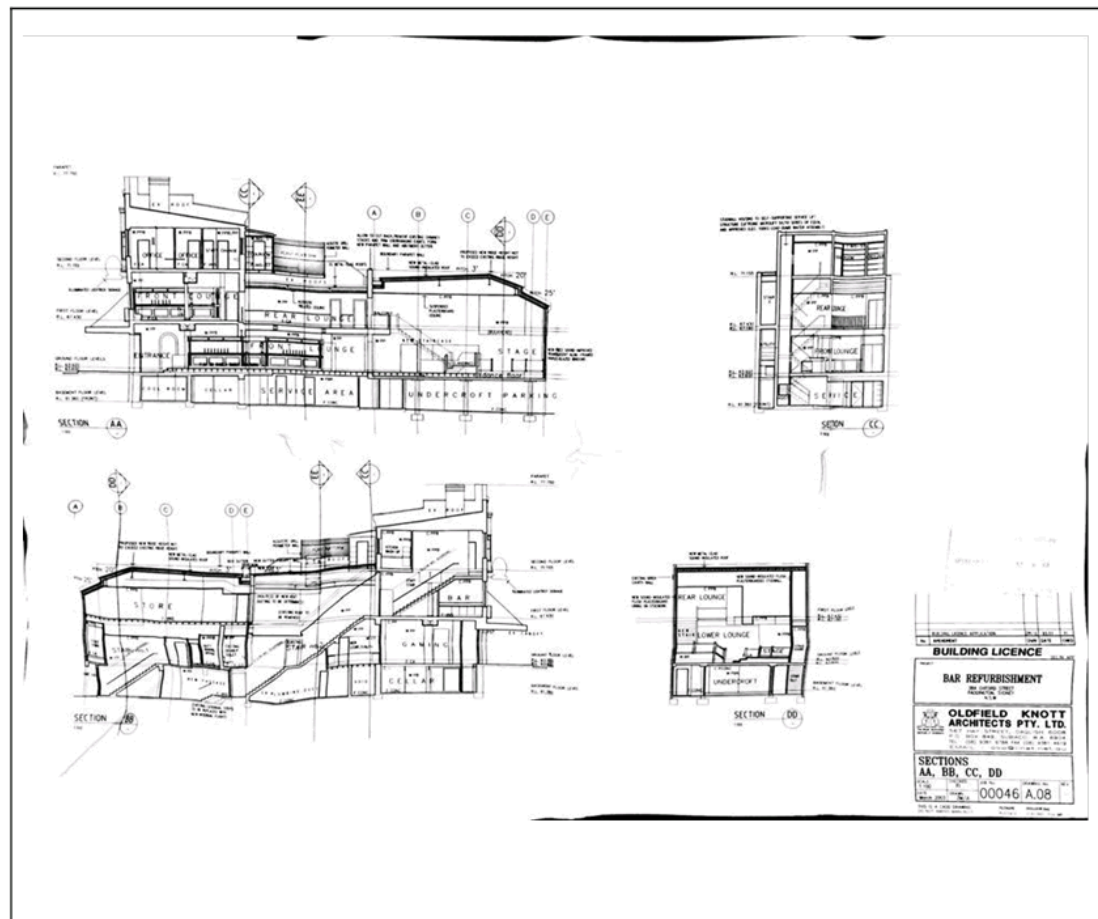


IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 9b : Section drawing showing internal rearrangement with rear addition, service stairs, offices and upper kitchen (plans as found, distorted by scanning process).				
Image year	2003	Image by	Oldfield & Knott Architects	Image copyright holder	Oldfield & Knott Architects

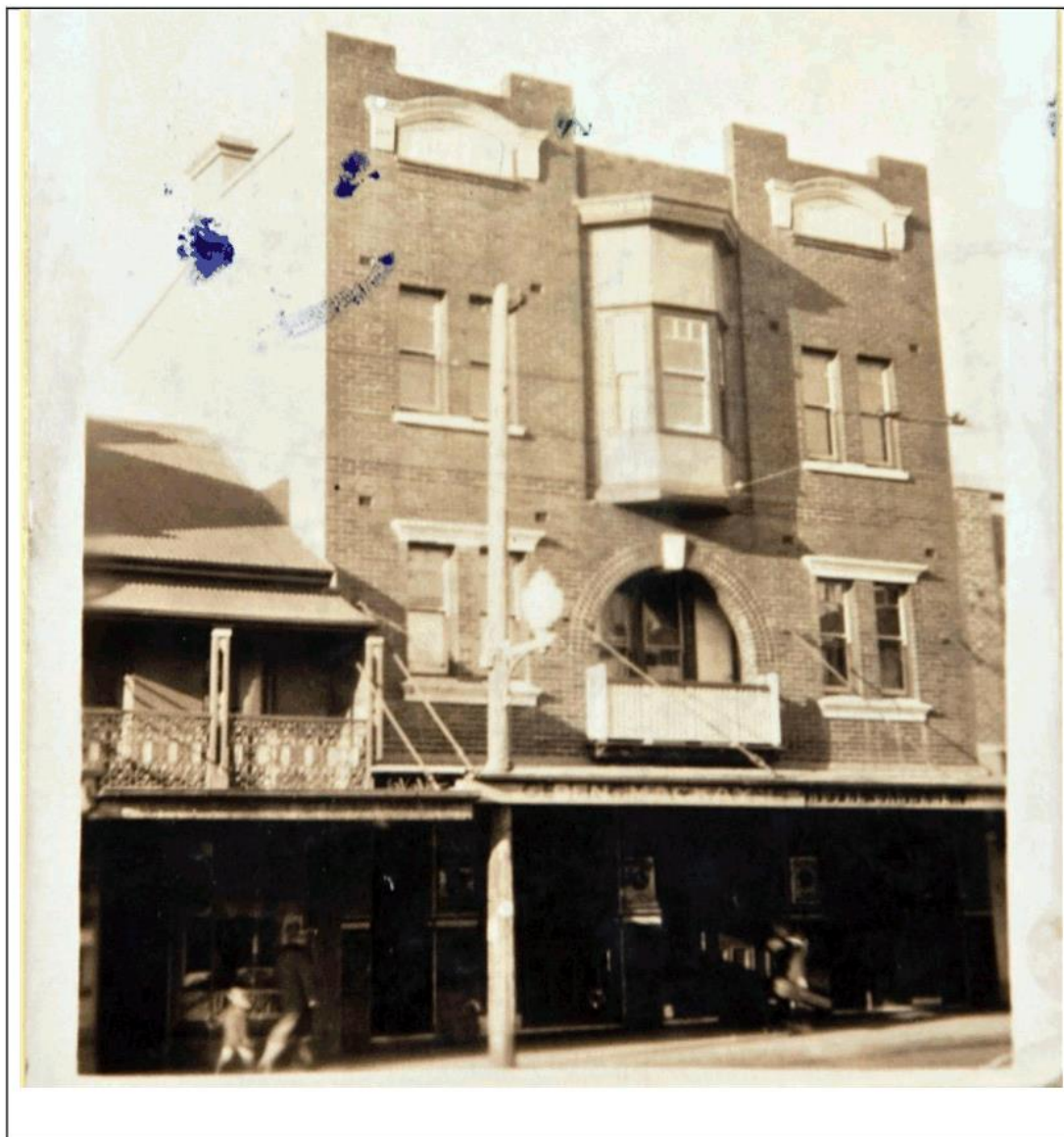


IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 10 : The former <i>Canberra Hotel</i> , now the <i>Paddington Arms</i> .				
Image year	1930	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 11 : The <i>Hotel Canberra</i> , now <i>The Paddington</i>				
Image year	1970	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 : The former <i>Canberra Hotel</i> , now <i>The Paddington</i> ; note the name panels painted over and the metal balcony rail.				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 : <i>The Paddington</i> , from Oxford Street ; the main form and its side profile are little changed from the <i>Canberra Hotel</i> 's construction.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig.14 : Rear view of <i>The Paddington</i> , from Victoria Street, showing the addition by Oldfield & Knott Architects, 2003.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig.15 : Interior view of <i>The Paddington</i> , from the ground floor entry area and bar through to the rear dining room and stairs to the first floor ; evident are the carefully crafted interior finishes and fittings woven around original structural elements.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 16 : The <i>Paddington</i> hotel, interior of the rear addition, with main kitchen and new first floor stair access. Interiors by Acme & Co. with Snoop Studio.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	Paddington Inn Hotel		
Other Name/s Former Name/s	United Services Hotel		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	338		
Street name	Oxford Street		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot 1 DP 85869		
Owner	Private		
Current use	Hotel		
Former Use	Hotel (only use)		
Statement of significance	<p>The <i>Paddington Inn</i> is of local heritage significance to Paddington and the Woollahra LGA as an enduring and successful example of Paddington's 19th Century suburban corner hotels, having been continuously operational since its construction in 1896, and occupying a site established in hotel use in 1848, making it potentially the longest continuously-serving hotel site in the Paddington area.</p> <p>It is one of the few surviving examples of the larger, landmark corner commercial or hotel developments, prominent in the consolidating suburb of Paddington and Oxford Street at the end of the Nineteenth Century. Its long association with Tooth and Co, for whom the current hotel was built as one of the company's early and few purpose-built hotels, is well documented archivally in local, state and national repositories.</p> <p>The <i>Paddington Inn</i> is of social significance as an enduring reference point for community identity, together with the similar older and long-established trading hotels of Paddington.</p> <p>The <i>Paddington Inn</i> is of aesthetic significance as an important Paddington example of an evolved, impressively-scaled and purpose-built late Victorian era hotel. Like the comparable, earlier-built <i>Grand National Hotel</i>, the <i>Paddington Inn</i> illustrates the late 19th Century blending of Classic Revival and Italianate styles in an ambitious, commanding hotel building. It is an Oxford Street and Paddington landmark.</p> <p>The exterior of the hotel remains legible and relatively intact, reflecting its recorded history of growth. The ground floor interiors have been serially modified and in recent years smartly updated, reflecting the established cyclic and competitive pattern of</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>renewal in Paddington's hotels to meet the tastes and interests of their clientele. The condition and integrity of the hotel's upper floor residential areas are not known, as they were not able to be inspected for this assessment.</p> <p>As one of the small and decreasing number of historically significant hotels still trading commercially in the historic urban "village" of Paddington, the <i>Paddington Inn</i> is still an important structuring element of the suburb's historic urban fabric and of the Oxford Street streetscapes. It is well known as a thriving "gastro-pub".</p> <p>As a building of unusual scale amongst Paddington's older hotels, <i>The Paddington Inn</i> is arguably <i>rare</i> as well as <i>representative</i>, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage Conservation Area, contributing to its individuality and distinction as an important urban environment in Australia.¹ As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.</p> <p>The <i>Paddington Inn</i> is also important for its association with the origins of the Paddington Council, as the first three meetings of that Council were held in Jane Beard's <i>Paddington Inn</i> in 1860.</p>	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION	
Designer	Unknown
Builder/ maker	Current Hotel Building - Alexander Munro, Builder of Newtown
Physical Description	<p>The current <i>Paddington Inn</i>, formerly the <i>United Services Hotel</i>, was originally a two storey building, designed to address the corner of Oxford and William Streets with an angled, splayed corner between facades of three bays to Oxford Street, and two bays to William Street. Styled in an exuberant, typically High Victorian free interpretation of the Classical Revival style, the building is of substantial brick masonry construction with signature classical motifs worked into the modelled stucco render finish. The elaborately detailed principal façades to Oxford and William Streets were initially composed of Venetian windows in the centre of each façade bay on the first floor, separated by paired pilasters (with handsome Corinthian capitals), all with very fine decorative accents of classical references extending to the parapet above, centred over each bay. A similarly elaborate awning featuring cast iron posts supporting a deep signage panel ran around the Oxford and William Street facades (which has all sadly been replaced by a more conventional suspended box awning). A more plainly finished service wing extended along William Street to the rear, defining and screening a rear service yard.</p> <p>The building was clearly intended to be a distinctive landmark in the emerging town precinct of commercial premises, then mixed with the older terrace rows along Oxford Street. Its stature was further enhanced by the addition of a third storey in the</p>

¹ Woollahra DCP 2015, Part C, c 1.2.3, pg.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>1920s, reflecting Tooth's aspirations for the Hotel. The additional storey retained the urbane, parapet façade treatment and with typical Victorian confidence added a sympathetic, yet distinctive new level, maintaining the composition of bays with paired double hung sash windows, set under triangular pediments, which are centred above the more elaborate first floor windows. The service wing was also improved, extending along William Street to the rear boundary in an appropriately more utilitarian design for its function.</p> <p>With a commanding scale, and interpretive "distressed" façade treatment, the Hotel remains a dominant, structuring element of its part of Oxford Street, and of the continuum of the rich "town" streetscape extending from the Town Hall corner to Queen Street.</p> <p>The publicly accessible interiors of the Hotel have been modernised in a considered contemporary style of high quality, with a diversity of seating and dining options for patrons.</p>					
Physical condition and/or Archaeological potential	The building appears to be in a good, well maintained condition.					
Construction years	Start year	1896	Finish year	-	Circa	✓
Modifications and dates	<p>The <i>United Services Hotel</i> – being the current building - was erected in 1896, replacing the earlier <i>Paddington Inn</i> established on the site in 1848. Originally comprised of two storeys (in the main part of the building), the new Hotel gained a third storey in the late 1920s and extensions to the William Street service wing were also added. Plans drawn by the Tooths Architects Office for sundry works and stamped as approved on 28.9.1926, prior to the major additions, suggest the original layout of the Hotel. They suggest incorporation within the new Hotel of what may have been an existing terrace house beside (or part of) the former hotel building - as happened with other older hotels in the area, as they changed over time.</p> <p>Also as with other Paddington Hotels, many sequential alterations and additions have been carried out during the 20th Century, including substantial changes to the ground floor external elevations, such as removing the external wall tiles, adding doors, removing doors and creating windows, and replacement of the original post - supported awning with a modern suspended awning. The ground floor interiors of the Hotel, whose public areas were the only interiors available for inspection, have been serially and comprehensively modified, in one of the recent and more ambitious modern upgrades of an older Paddington hotel, with an emphasis on sumptuous contemporary design. The more recent plans for these works have not been discoverable for this assessment, and the "layering" of new work makes any detailed interpretation of the interiors difficult.</p> <p>Previous assessments made 2009-2012 reported the upstairs rooms of the Hotel to be "fairly intact and used as offices".</p>					
Further comments	Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.					

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River at Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.² The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether (1) any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.³</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".⁴ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised</p>
--	---

² Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

³ Kelly, op cit, p.181.

⁴ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>the 19th century hotel into larger Public Bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the Public Bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, Public Bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁵</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁶ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁷ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p>
--	---

⁵ Freeland J.M., *The Australian Pub*, MUP, 1966, p176

⁶ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁷ Freeland J.M. *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered. In Sydney the compounding land value of inner-city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	---

HISTORY	
Historical notes	<p>Paddington is part of the land of the Cadigal people.</p> <p>In March 1811, Governor Macquarie directed the 73rd regiment to commence clearing the land for the construction of a new road from Sydney town to the signal station at South Head. The road, running along an earlier track, was completed by June and formed the basic structure of South Head Road, renamed Oxford Street in 1875.</p> <p>The road opened the way for development, with one of the first houses in the area being Robert Cooper's Juniper Hall facing South Head Road and James Underwood's Glenmore Distillery, as well as a scattering of villas across the estates that had been granted through the area. Juniper Hall was by Robert Cooper, who retained 3 acres of a 100 acre grant jointly held by himself, James Underwood and Francis Ewan Forbes. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Copper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁸</p> <p>Juniper Hall and the distillery remained isolated buildings until 1841 when work began on what was to become the suburb of Paddington. The exposed, sandy nature of the area had seen it largely overlooked in the first 50 years of Sydney's development, until Governor Bourke settled on the area for the construction of a new military barracks complex. Work on Victoria Barracks began in February 1841, with stonemasons, builders and artisans moving into newly erected cottages on South Head Road opposite the barracks during construction. These rudimentary houses were the foundation of the village of Paddington. The site rapidly expanded as</p>

⁸ Parkinson, The Underwoods : Lock, Stock and Barrel"

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>stores, produce merchants, hotels, water carriers, blacksmiths and other tradespeople moved in to service the barracks, soldiers and their families.⁹</p> <p>The large estate of James Underwood was first subdivided in 1839, with an area stretching from Juniper Hall, along Oxford Street (then still known as South Head Road) to Jersey Road and down to Paddington Street, taking in the main strip of Oxford Street. Underwood, Paddington, Elizabeth and William Streets were formed as part of this subdivisions, known as the Paddington Estate. Elizabeth Street was named after James Underwood's wife. Eighty allotments were offered, with Juniper Hall and its three acre grounds excluded. A part of the estate fronting South Head Road between Elizabeth and William Streets including the future site of the Paddington Arms hotel was marked on sales maps as being a market garden.</p> <p>Despite the release of land, this stretch of South Head Road was slow to develop. Samuel Lyons had purchased the portion between Elizabeth and William Streets from the Paddington Estate sales, but being further up the slope from the main village around the barracks the lots had not been substantially developed until the early 1850s, although some were built on earlier. One of the first buildings in this section was the Paddington Inn, on the corner of Old South Head road and William Street. The Paddington Inn was followed in the same block by the Sussex Arms Hotel in c1860 with a few shops and businesses opening around the same time. From 1863 the remaining lots fronting South Head Road of the Lyon's subdivision were sold and the strip began to develop.</p> <p>The Paddington Inn</p> <p>The Paddington Inn was opened by Rueben Beard in 1848. Beard, a miller on South Head Road had dissolved a milling partnership in August and was granted a publican's license in September 1848, opening the Paddington Inn soon after on Lots 49-52 of the Lyon's subdivision.¹⁰ In 1849 Beard's hotel was one of only five hotels in operation at Paddington, with the other four further to the west around the barracks. Situated at the top of a hill on South Head Road, the Paddington Inn was the stopping place for the omnibus from Sydney to South Head, making it a well-known landmark in the area from its earliest days. In July 1850 Reuben Beard was found dead at the hotel, aged 32. An inquest, held on the premises concluded the death was from excessive drinking, with Beard having been reportedly drinking heavily for some time previous.¹¹ The license passed to his wife Jane Beard.</p> <p>Under Jane Beard's management, the Paddington Inn became one of the district's better known and popular hotels. Possibly its popularity derived of Mrs Beard herself, described (as reported later by L.G. Norman) as a "buxom, jolly wench" and a well-known local identity. Her father, Matthew Hezlett was an early colonist, who at one time kept the Labour in Vain Inn in Sussex Street, Sydney. Jane's brother, William Hezlett, was formerly a produce merchant and later became a Justice of the Peace at the Central Police Court and MLA for Paddington from 1880-2.</p> <p>Jane was clearly a capable businesswoman and had some opposition, offering a £50 reward for information on who sent an anonymous letter about her to the Bench of Magistrates in May 1855, and another £50 for a conviction. Her hotel was being used</p>
--	---

⁹ Kelly, M., op cit., p.19

¹⁰ *Sydney Morning Herald* 15 August 1848 p.3; *SMH* 28 Sept 1848 p.2.

¹¹ *Freeman's Journal*, 1 August 1850, p.6.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>for social and political meetings regularly, including election speeches for the Legislative Assembly, meetings of local clubs and inquests on deaths in the area. On 25 May 1860, the newly incorporated Paddington Municipal Council held their inaugural meeting in rooms at the Paddington Inn, and the following two meetings as well, before moving to rented premises.¹² The first Council, consisting of 9 members included two publicans.</p> <p>In September 1860, a description of the Paddington Inn was published in <i>The Sydney Mail</i>, as part of a series on Sydney suburbs. The writer noted two hotels opposite each other on South Head Road, one, the imposing Royal Oak Hotel on the south side of the road and the other "<i>more unpretentious in both style and title, bearing the simple appellation The Paddington Inn. But to this humbler house of call, both 'busses and passengers do most seriously incline. Whether it is the unvarying excellence of the exhilarating potations, or whether it be the pleasant smiles and constantly cheery courtesy of the handsome widow who presides over the establishment, or whether it be a combination of both of these attractions, we know not, but the pretty widow's is the chosen retreat of the wayfarer</i>".¹³</p> <p>In March 1866, Jane Beard announced her retirement from the business, offering the hotel, lease, licence, furniture and fittings for rent. The building was described as being in good order, with a garden, stables and outbuildings, while the business was claimed to bring in on average more than a comparable city hotel. At this time the hotel was located close to the corner of South Head Road and William Street, with an empty lot between it and the corner. The remainder of the land was fenced for the garden.¹⁴</p> <p>In June, Jane remarried to a local chemist, Hugh Hood, which may have been a reason for her retirement and in August the hotel was let to Mrs Catherine Jones. Jones lasted only three years, transferring to Cornelius Grove in December 1869. Between 1869 and 1874, the licence changed regularly until Jane Hood (nee Beard) returned to manage it briefly, taking the licence again in June before transferring it the same month to John Griffin, a member of the Paddington Volunteer Fire Brigade. Jane Hood owned the hotel until she died in 1877 at the age of 50 (her second husband Hugh having died in 1868). The hotel plus the adjoining lot were then sold by Richardson and Wrench in May 1878 for £1225.¹⁵ The site was purchased by John Pope, who in 1879 built two shop terraces on the adjoining lot, being the corner of William and South Head Road. Griffin retained the license until his death in 1881. United Services Hotel.</p> <p>In 1896 John Pope leased the site to the Sydney brewing company Tooth & Co, who had started a program of purchasing metropolitan and regional hotels from which to sell their beer and other products. The company proposed to redevelop the old Paddington Inn into a new, modern hotel, and with Pope's consent, they contracted builder Alexander Munro of Newtown in July 1896 to demolish and remove the old hotel and erect a new building on the site within 22 weeks of commencement.¹⁶ The new hotel, the <i>United Services Hotel</i>, stood on the corner of William and Oxford</p>
--	--

¹² *Paddington: Its History, Trade and Industries 1860-1910*, Council of the Municipality of Woollahra, 1980, p51

¹³ *The Sydney Mail*, Rambles in the Suburbs, 22 September 1860, p.8

¹⁴ *SMH* 12 March 1866, p8.

¹⁵ *SMH*, 22 May 1878, p8.

¹⁶ United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Streets, with part of the lot of the former Paddington Inn redeveloped as a terrace shop on the eastern boundary of the new hotel.</p> <p>The “new” United Services Hotel</p> <p>The new hotel was opened in December 1896, with the license held by Robert Hickling, the last license holder of the old <i>Paddington Inn</i>. Although no plans of the building have been located, it was described as being a modern hotel with a spacious bar and parlours just behind. On opening night a military band played in a room on the first floor.¹⁷ Originally built as a two storey building, as shown in a photograph of the hotel taken in 1910, the <i>United Service Hotel</i> was one of the first that Tooth & Co had purpose-built for their operations.</p> <p>As had been the case with the <i>Paddington Inn</i>, the new <i>United Services Hotel</i>, with a prominent position at the top of Oxford Street was a popular hotel for locals, with the Oxford Street tram stopping out the front. Inquests continued to be held in the hotel and local sporting clubs regularly held meetings.</p> <p>The first major work to the hotel was carried out in 1926. The plans for the proposed alterations on the ground floor and first floor, give some indication of the original layout of the 1896 building as well. On the ground floor a large public bar, addressing William Street and Oxford Street occupied the front of the hotel, with a bottle department also served from this space, a passageway, accessed via a door on William Street, separated the bar from three sitting rooms or parlours, two stores, a man's room, wash room and men's toilets, and a yard at the rear. Stairs to the upper level were located between the sitting room and man's room, with another set at the eastern end of passageway and a third at the rear of the building. One the first floor were seven bedrooms, a breakfast room, lunch room and dining room, a kitchen and a sitting room in the corner, with a main passageway running down the centre (corresponding with the ground floor). A verandah ran across part of the rear.</p> <p>In 1933 another report noted a further six bedrooms on the top floor, which thus had been added to the building sometime between 1926 and 1933, but likely before the Great Depression. The 1926 work had included extending the main bar to form a large, central bar, removing part of an earlier wall. A men's toilet and urinal replaced an earlier store, while the original men's toilet at the rear was converted to a store. Inspections of the hotel carried out by Tooth & Co representatives reported the hotel to be in good, if worn condition in the 1930s. However successive license holders struggled through this period due to the Great Depression, with Tooth's reducing the rent three times in 1931 and 1932, and installing their own managers three times between 1930 and 1937.¹⁸ In 1935, with water seepage having been an ongoing issue, the entire roof, including valleys, and the box and eave gutters was replaced.¹⁹</p> <p>By 1936 business had improved enough for a major refit of the bar area, the provision of new doors and the tiling of the street level façade. The architects were Sydney firm Copeman, Lemont & Kessing, with the work carried out by Hutcherson Brothers contractors. The work transformed the single, island bar into two separate bars, one for the main public bar area, in a smaller island form with a new stair entry</p>
--	---

¹⁷ *The Australian Star*, 19 December 1896, p.11

¹⁸ United Services Hotel/Paddington Inn Yellow Card, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

¹⁹ United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>to the cellar below and a second to create a new saloon bar and bottle department, with a short entry hall from Oxford Street. A former sitting room on the William Street frontage was converted to be a store, while the ladies parlour, which had been behind the main bar, was removed to one of the original sitting rooms on the passageway. Works also included the removal of short sections of internal walls, the bricking up of some doorways and new floors in the laundry and new or extended public, and women's toilets.²⁰ During this refit, the floor in the passage, the door jambs in the yard and the bottling room, as well as the floor and racks of the stores were all replaced due to white ant damage.²¹</p> <p>A report on the hotel in 1948 noted that there were seven bedrooms on the first floor and another ten on the second floor, up from six in 1933. However by 1950, the total number of bedrooms was recorded as fifteen, with nine single rooms, three doubles and two twins, with one bedroom being used as a lumber room. The license holder, Francis Gregg and his family occupied the entire first floor. The hotel was described as being "exceptionally clean and tidy and in excellent condition", it was "well conducted and a credit to the licensee".</p> <p>Works through the 1950s included the removal of two walls between two parlours in 1956 to create a lounge area, the removal of a wall between the public and the saloon bar toilets in the same year to install new toilets, the replacement of the awning in 1957 and the entire replacement of the floor of the bar area and on the second floor due to rot caused by damp in 1959.²²</p> <p>A report written on behalf of the Brewery dated 1956, described the hotel as 'ground floor given over entirely to the trading quarters. There is a tiled public bar with very high ceilings and 68 [feet] of counter; tiled saloon bar with 23 [feet] of counter; bottle department with 12 [feet] of counter; two parlours, storerooms at rear, stair hall and toilets for men and women, which at the present time are subject to a 40a order. A good dry cellar is situated under the public saloon bars. I am of the opinion that the existing parlours should be enlarged and formed into a lounge room; that more toilets be provided for women' that the public bar be improved by reducing the working space behind the counter and providing more standing space for customers.'</p> <p>The first floor was described as having 8 bedrooms, office, dining room, kitchen, staff room, 2 bathrooms with w.c.s combined and the second floor as having 10 bedrooms, 1 bathroom and w.c. combined, and on a lower level 1 bathroom and two separate w.c.s.²³ The same report was submitted, word for word, in 1960, indicating that none of the suggested improvements had been carried by that time. A file note in 1963 is the approval for the removal of the fan lights (12) from above the doors and window openings to the Public Bar, which were to be replaced by louvred glass windows.</p> <p>In c1936, the ownership of the hotel had transferred from the estate of John Pope to Rex, Rupert, Dorothy and Wilfred Law who continued to offer the head lease to Tooth & Co. In July 1960 the hotel was finally purchased by Tooth & Co after leasing it for 64 years. In 1967, the then licensee Athol Timmins applied to the company for</p>
--	---

²⁰ United Service Hotel, Alterations and Additions Plans 1936, SRNSW

²¹ United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

²² United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

²³ United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>assistance in installing an acoustic ceiling in the bar area. Although the company refused to pay for it, the installation reflects the changing marketing of the hotels in the area, as live music became a feature of hotel entertainment. During Timmins' management the hotel was targeted by a small home-made bomb, lobbed through a William Street window in 1972 which caused minor damage to the floor and marble footrest, as well as smashing the window.²⁴</p> <p>In the same year, Toth's began to consider selling the freehold of the hotel. The hotel required major renovations and upgrades estimated to be in the realm of \$75-\$80,000, and the recent renovation of the nearby Imperial hotel now made the United Services look dated. The declining trade in the area generally was another factor in the decision. The former licence holder of another Tooth & Co hotel, the Edinburgh Castle in the city offered \$55,000 to buy Timmins share and another \$200,000 for the hotel. Despite the company accountants recommending the sale, it did not proceed and Timmins transferred the licence to Robert Keyes. However in April 1976 Toth's accepted a new offer from Terrace Estates Pty Limited, the operating name of the company run by the Robert Keyes, the then licence holder.²⁵</p> <p>The Paddington Inn Renamed</p> <p>In 1978 Keyes changed the name of the hotel back to its original name, <i>The Paddington Inn</i>, which it retains to date (2018). In 2004 the hotel underwent major alterations and additions to create a central courtyard and reconfigure the bar areas. On the upper floors, the bedrooms had by then been converted to offices and open dining and bar spaces. In 2009 the first floor area was renovated again, removing the office and creating bar and lounge areas, an open terrace and toilet, as well as adding a lift and internal stairs to the building. Recent upgrades are understood to have included the introduction of restaurant dining and private dining rooms, but these have not been inspected for this assessment.</p>
--	---

THEMES	
National historical themes (if known)	<p>Peopling Australia</p> <p>Developing local, regional and national economies</p> <p>Building settlements, towns and cities</p> <p>Developing Australia's Cultural Life</p>
State historical themes (if known)	<p>Commerce</p> <p>Towns, Suburbs and villages</p> <p>Accommodation</p> <p>Labour</p> <p>Domestic life</p> <p>Social Institutions</p>

APPLICATION OF CRITERIA

²⁴ United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

²⁵ United Services Hotel property office file, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Historical significance SHR criterion (a)	The <i>Paddington Inn</i> is of historic significance to Paddington, Woollahra and NSW as an example of one of the early hotels of Paddington ; the site has been continuously used as a hotel since the construction of the original <i>Paddington Inn</i> during the mid 19 th century. The hotel is important for its association with the origins of the Paddington Council, as the first three meetings of the Council were held in Jane Beard's <i>Paddington Inn</i> , in 1860.
Historical association significance SHR Criterion (b)	The <i>Paddington Inn</i> is strongly associated with the early development of Paddington, through its prominent second licensee/publican Jane Beard and her locally influential political family, its role in the early municipal life of the area, and its association with Tooth & Co. one of the pre-eminent brewers, distributors and owners or lessees in NSW during the late Nineteenth and Early Twentieth Centuries.
Aesthetic significance SHR criterion (c)	The <i>Paddington Inn</i> is of aesthetic significance as an important Paddington example of an evolved, impressively-scaled and purpose-built late Victorian era hotel. Like the comparable, earlier-built <i>Grand National Hotel</i> , the <i>Paddington Inn</i> illustrates the late 19th century blending of Classic Revival and Italianate styles in an ambitious, commanding hotel building. It is an Oxford Street and Paddington landmark.
Social significance SHR criterion (d)	The <i>Paddington Inn</i> is of social significance as an enduring reference point for community identity, together with the similar older and long-established trading hotels of Paddington. The existing hotel is important for its association with the original ' <i>Paddington Inn</i> ' on the same site, which has been used for a hotel since the mid 19 th century, bestowing an importance of the hotel in the historic and social identity of Paddington. As popular meeting places, and destinations for both locals and visitors, Paddington's older hotels like the <i>Paddington Inn</i> are part of its distinguishing and appealing personality, and an important part of the social fabric of the suburb as well as its commercial appeal. Paddington and its residents have a history of community activism and this has inevitably been facilitated by the tradition of meeting and socialising locally in the network of corner pubs in the area.
Technical/Research significance SHR criterion (e)	The <i>Paddington Inn</i> is of some local significance to Woollahra and Paddington, as an example of how its distinctive and distinguishing corner pubs have evolved to serve their changing community and clientele, reflecting socio-economic changes in their context.
Rarity SHR criterion (f)	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Paddington Inn</i> is uncommon, rare and at some risk. Market challenges and an increasingly valuable site, attractive for conversion or redevelopment for housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs. With the <i>Grand National</i> , it is one of the larger hotels amongst the Paddington Hotels group, and possibly attractive for conversion.
Representativeness SHR criterion (g)	The <i>Paddington Inn</i> is important as one of the older Paddington hotels, occupying the site of possibly the longest continual hotel use in the area; it is also a prominent Victorian period commercial building, and a major corner hotel building – and corner hotel buildings are a key character element of the Paddington Heritage Conservation Area.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Integrity	Externally the <i>Paddington Inn</i> is importantly intact, and reflects a high degree of retained integrity. It has been modified internally to an extent not assessable for this report, and the integrity of its interiors remains to be clarified.
------------------	--

HERITAGE LISTINGS

Heritage listing/s	Other Local, State, Commonwealth statutory listing or non-statutory listings for this item.
	The <i>Paddington Inn</i> is within the Paddington Heritage Conservation Area
	The <i>Paddington Inn</i> is within the National Trust Paddington Urban Conservation Area

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Written Graphic/Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copy
published book	Liz Parkinson	The Underwoods: Lock Stock and Barrel	1989	Woollahra Local History Centre
history	Jane Britten	Report on the history of 338 Oxford St Paddington		Woollahra Local History Centre
report	Susan O'Neill	The Paddington Inn Hotel, Preliminary Heritage Assessment & Statement of Heritage Impact	1996	author's copy
Unpublish ed history	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre
history	L.G. Norman	Historical Notes on Paddington	undated	Woollahra Local History Centre
	Cedric Emanuel	Paddington Sketchbook	1906	Woollahra Local History Centre

RECOMMENDATIONS

Recommendations	<p>It is recommended that</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Paddington Inn</i>; • The <i>Paddington Inn</i> and its interiors should be listed as a heritage item in the Woollahra LEP (2014); the listing of the interiors would be subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the <i>Paddington Inn</i>, should be listed as a group item on the Woollahra LEP and on the State Heritage Register; • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes ; and
------------------------	--

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<ul style="list-style-type: none"> Council officers be available to liaise with owners prior to developing plans for change or development; <p>The significant heritage attributes and elements of the <i>Paddington Inn</i>, to be further identified and confirmed by heritage assessment and Conservation Management Documents, should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies for the building and demonstrate that they are contributing to the conservation of the significance and commercial viability of the Hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible reversal or removal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment (such as communications equipment, power generation, air-conditioning, heating and other services) should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.</p> <p>The <i>Paddington Inn</i>, and in particular its interiors, have been subject to recent modernisation and modification works, which have concealed earlier fabric and the building's construction history – this has also happened in other Paddington hotels. Some of these works are objectively of admirable quality and do not invalidate the claims of the hotels to being regarded as places of heritage importance – rather, their history of change means that careful investigation must take place to guide future change, so that avoidable loss or obscuration of historic fabric and character does not take place.</p>
--	---

SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Name of heritage study, conservation plan, nomination, EIS, etc. Paddington Hotels Study	Year of study or report	2009 - 2012
Item number in study or report			
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore (access available to exteriors and public areas only)		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)	Date November 2018	

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 1 : Location of the <i>Paddington Inn</i> Hotel				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

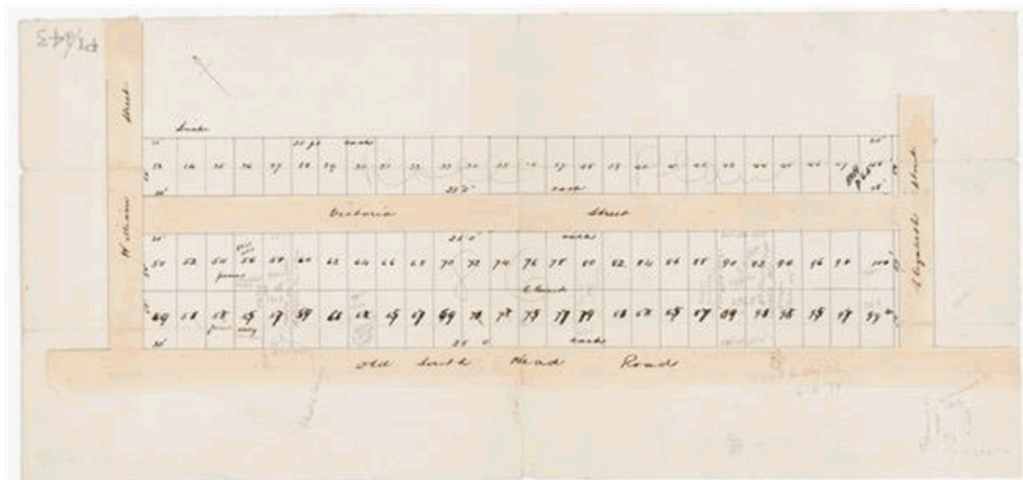


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES – 1 per page

Image caption	Fig. 2 : The plan of Lyon's subdivision showing lots 49-52, cnr. Old South Head Road(now Oxford Street), the site of Beard's original <i>Paddington Inn</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

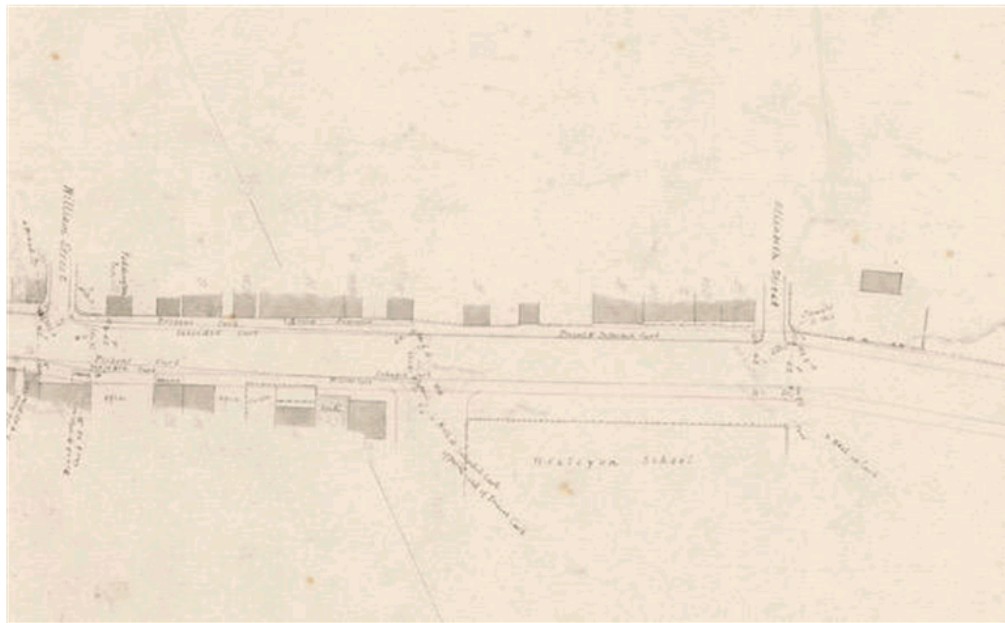


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 : 1865 survey of South Head Road showing buildings on the street. The Paddington Inn is shown to the right of the William Street corner (Source: SLNSW).				
Image year	1865	Image by	Not identified	Image copyright holder	State Library of NSW



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 4 : The earliest known image showing the Paddington Inn, from 1853, with vacant land beside the Hotel and William Street unformed. This earlier Hotel was also a landmark.				
Image year	1853	Image by	Not identified	Image copyright holder	State Library of NSW



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 5 : Metropolitan Detail Series Map No. 14. Jane Beard's <i>Paddington Inn</i> is shown next to two houses which have been built on the corner of William and Oxford Streets.				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 6 : The newly rebuilt hotel, now the <i>United Service Hotel</i> , 1910. A prominent two storey hotel, with complex parapet, hoardings, and cast-iron posted awning at street.				
Image year	1910	Image by	Woollahra Local Studies	Image copyright holder	Woollahra Council



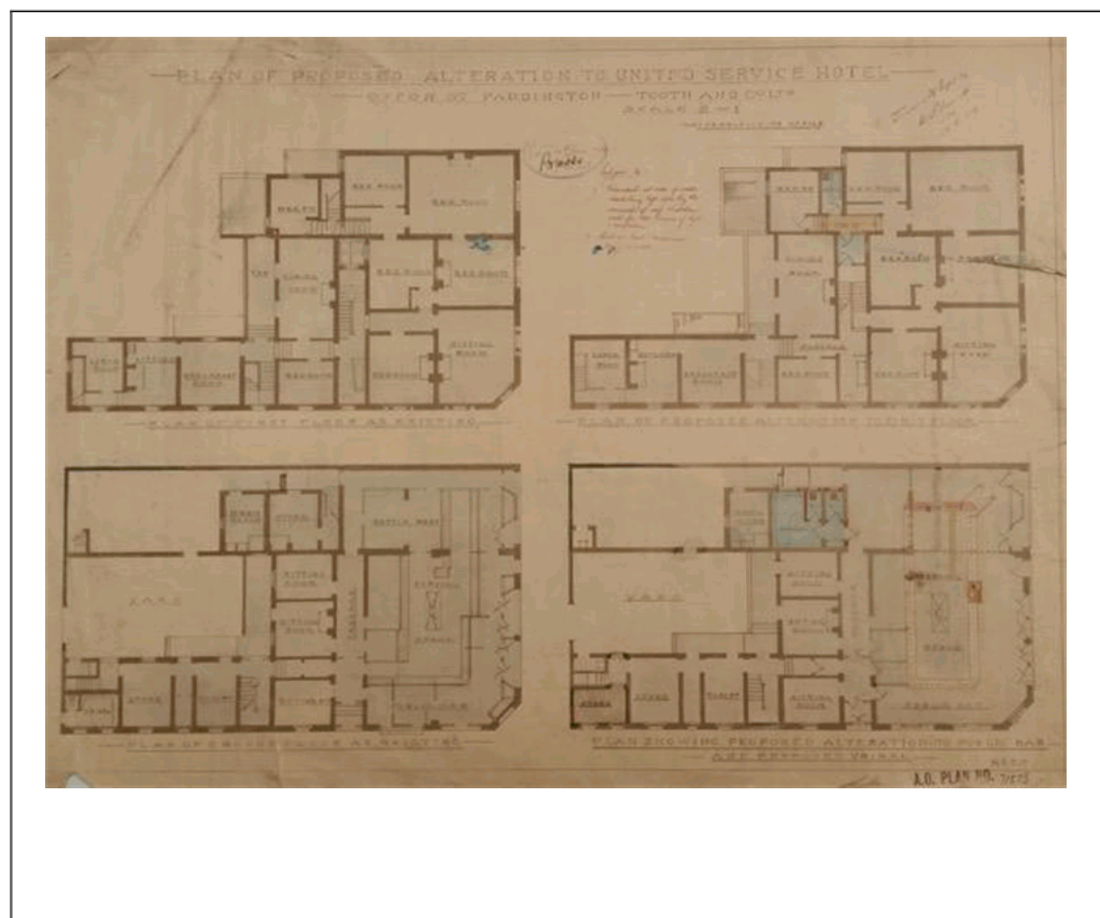
Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 7 : Plans for alterations to the United Services Hotel, prepared 1925. Existing ground and first floor plans to the left, proposed work on the right. The mid stair may suggest access to the added second floor, not otherwise mentioned in this drawing				
Image year	1926 (date stamped)	Image by	Tooths Architects Office	Image copyright holder	SRNSW AO Plan 71753

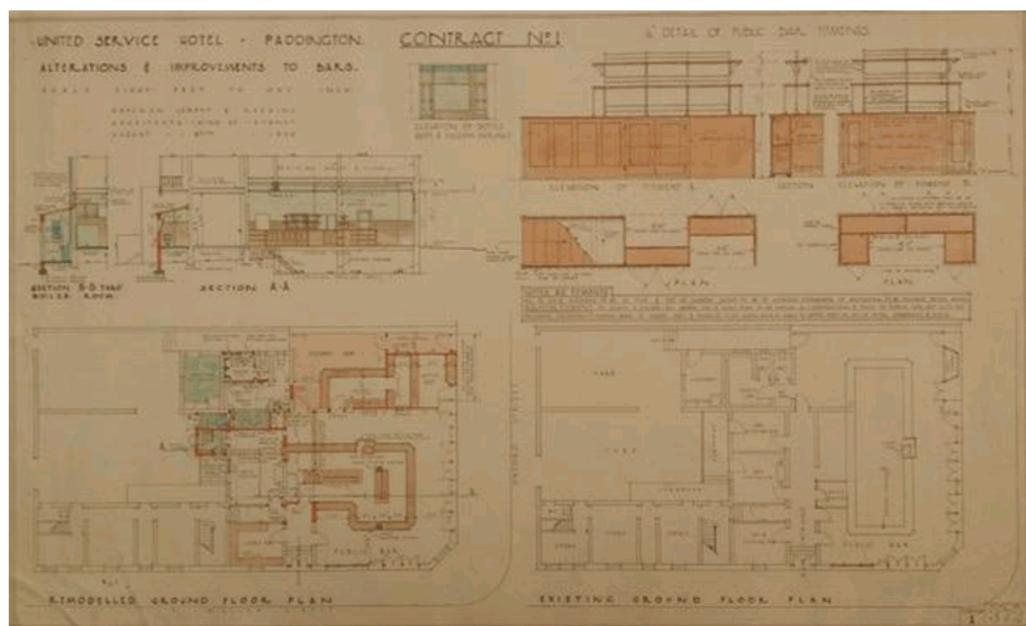


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8 : Plans for alterations to the main bar areas, absorbing the main passage to establish a new front bar, saloon bar, bottle department and store				
Image year	1936	Image by	Copeman, Lemont and Kessing Architects	Image copyright holder	SRNSW AO Plan 71570



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig.9 : <i>United Service</i> Hotel, 1937. The third storey has been added and the post-supported awning replaced by a suspended awning, here replete with election banners.				
Image year	1937	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : <i>United Service Hotel</i> , 1949. Ground floor has tiled fronts, with the upper floors painted.				
Image year	1949	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU

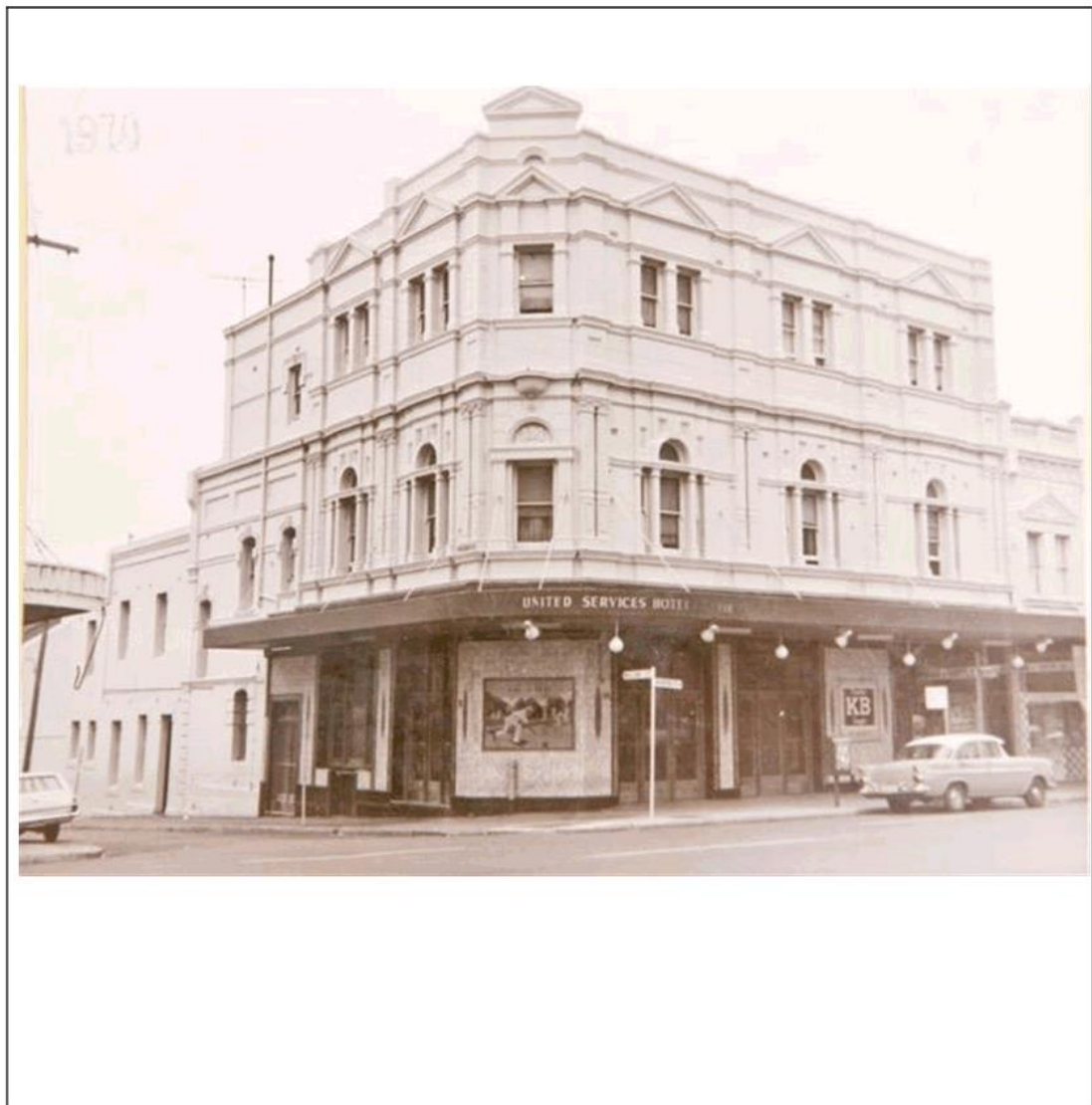


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 11 : <i>United Services Hotel</i> , 1970. Note formerly referred to as the <i>United Service Hotel</i> .				
Image year	1970	Image by	Tooths & Co	Image copyright holder	Noel Butlin Archives ANU



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 <i>Paddington Inn</i> , shown 2009. A new "distressed paint work" colour scheme has been implemented with areas of contrast colours and finishes.				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 Context of the <i>Paddington Inn</i> , 2018. The Hotel still stands amongst 19 th and 20 th Century buildings				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 14 <i>Paddington Inn</i> , 2018. Viewed from across Oxford street, with service wing visible at left				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 15 <i>Paddington Inn</i> , shown 2009. Detail view of the William Street façade highlighting the “distressed paint work” colour scheme.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 16 : <i>Paddington Inn</i> , 2018. View to Oxford Street along William Street with the service wing at left				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 17 : <i>Paddington Inn</i> , October 2017. The façade of the Hotel illuminated with special lighting for the William Street Festival				
Image year	2017	Image by	Sheridan Burke	Image copyright holder	Sheridan Burke



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	The Unicorn Hotel		
Other Name/s Former Name/s	1868-1873 'The Prince of Wales Hotel' 1873-1877 'Eversons Hotel' 1877-1879 'Toll Bar Hotel'		
Item type (if known)	Hotel		
Item group (if known)	Built		
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	102-106		
Street name	Oxford Street		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot 1 DP84534		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p><i>The Unicorn Hotel</i> is one of the earlier established hotels in Paddington, and as such it is of heritage significance for Paddington and the Woollahra Municipality. It occupies one of the longest serving hotel sites in the suburb, on which the <i>Prince of Wales Hotel</i> was established in c.1864. As an hotel, its longevity is camouflaged by the distinctive 1940s Moderne style building which now carries on the historic use, in one of the more recent pub buildings in Paddington, but also one of the more distinctive for its architecture.</p> <p>As one of the Paddington hotels which were part of the important NSW hotel empire of hotelier-brewers Tooth & Co., <i>The Unicorn</i> occupies a high-profile Oxford Street site, and is amongst the important landmark hotels which also relates to the relative domesticity of Paddington's closely-scaled streets at its very rear. <i>The Unicorn</i> is an important signifier of Tooth & Co policy to invest in modern hotel buildings in the post-depression late 1930s/1940s when the company chose to both meet the new demographics of its clientele, and also to reinvigorate trade on sites where it could see that some of its older hotels might be more advantageously replaced than renovated.</p> <p>The distinctive architectural styling of the building is the work of experienced hotel architects RM Joy and Pollitt, who designed other bold and brave new buildings across Sydney for Tooth & Co. Drawing on European Modernism and an experienced understanding of hotel design, the architects delivered what remains a powerful, eye-catching and exciting building in the diversity of the Oxford Street retail</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>strip. It is both historically and aesthetically significant as an accomplished work of mid 20th Century commercial design, set within an important, historic urban context, which is also underlaid by its historic use associations with its site, in the suburb and conservation area of Paddington, and with its operators and the community which it has long-served.</p> <p><i>The Unicorn Hotel</i> is of a contemporary social significance for its continuing contribution to the sense of identity within Paddington and for the local and wider community, being part of the hotel network which structures the urban and social fabric of the suburb. Paddington has a history of community activism which has historically been facilitated by the tradition of meeting and socialising locally in the network of corner pubs in the area.</p>				
Level of Significance	State <input type="checkbox"/>		Local <input checked="" type="checkbox"/>		
DESCRIPTION					
Designer	R. M. Joy & Pollitt Architects				
Builder/ maker	A.F. Little				
Physical Description	<p>The <i>Unicorn Hotel</i> is a distinctive hotel building designed in the Inter-War Functionalist or Moderne style, unusual in the Paddington context. A two-storey building set above a partly excavated basement level, the hotel features the strongly expressed forms, shapes and materials of its chosen idiom, drawing upon the German and Dutch Architectural Modernism that were influencing Australian architects through their travel and international journals.</p> <p>Responding to its siting, the building's design exploits its corner position through a cumulative sculptural massing, and from the main frontage façade, returns from a narrow expressed tower and curved corner bay in a long, strong rendered belt containing its windows under a dramatic plain brick upper wall and parapet, emphasising the ground line's descent, as the site falls towards the rear. A later, fully tiled ground floor exterior beneath the awning wraps around the two street facades and steps down into Hopewell Street. The doors and windows of the ground floor have been variously changed over time.</p> <p>Internally, the ground floor remains the public bar, but has been refitted, within a modified plan arrangement established in later 20th Century changes. The extensive cellars and storage of the basement have become a restaurant with commensurate kitchen and a stage for performance. The first floor, not inspected for this assessment, has become a commercial tenancy or tenancies with the former partition walls of the guest rooms removed.</p>				
Physical condition and/or Archaeological potential	The hotel is in good condition. The building has been subject to regular maintenance and repair. The site, having been disturbed by two major phases of construction, is considered unlikely to have archaeological potential other than for understanding of its occupation by the successive hotel buildings.				
Construction years	Start year	1940	Finish year	1941	Circa <input type="checkbox"/>
Modifications and dates	Designed in 1940 and completed in 1941, the <i>Unicorn Hotel</i> is the most recent of the hotel buildings considered in the study group of Paddington Hotels of which this assessment forms part. Architecturally distinctive and radical in its departure from				

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>the earlier, older hotels of the Company and of the suburb, the new thinking embodied in this building had some idiosyncracies which led to changes relatively early in its operation.</p> <p>The large, new, sinuously planned public bar proved difficult to staff and operate, and the mix of smaller parlors and bars, was soon subject to adjustment in response to patronage and demographic change. A new saloon bar and bottle department were created within the public bar space in 1954, but the main bar remained problematic. In 1974 the first of a series of increasingly more radical changes was proposed, with conversion to an island-form public bar, along with extensive repairs necessary at that time.</p> <p>Successive plans for modification by successive firms of architects include :</p> <ul style="list-style-type: none"> • 1978 - major revisions of the ground floor by Pollitt Green and Pichler Architects installing a new angled public bar, two lounges and bottle shop (with walk-in cool room); • 1985 - a new central ground floor kitchen serving the dining room established in the bow-fronted former lounge area facing north over the rear yard of the site, by the Tooths Architects Office; • 1987 - revised entrances from Oxford and Hopewell Streets by William Howard & Associates Architects; • 1990 - Plans by Bruce A. Boland Pty Ltd Architects show a new kitchen and dining room fitted to the former guests' dining area and kitchen of the first floor, whose rooms are identified for Council (by request) in plans showing the bedrooms and guest sitting room given over to a manager's flat ; • 1991-92 - Plans by Terry Dorough Architect again adjust entrances, the ground floor kitchen is removed and bar reinstated ; a new major stair is inserted to lead from the public bar down to new toilets in the modified basement, where the former bow-fronted bar becomes a "private bar". <p>Following these plans, there are also in Council records further plans for more radical adaptation of the building, most of which do not appear to have been realised :</p> <ul style="list-style-type: none"> • In drawings of 2004, approved by Council in 2005, Burley Katon Halliday show the building being effectively gutted on all three levels with hospitality reduced to a basement restaurant and bar, the ground floor given to a retail tenancy and the first floor set up as commercial tenancies. • In plans dated 2006/7 and approved by Council 2007, architects Humphrey and Edwards show less invasive changes with retention of the ground floor bar and facilities, revised entrances and removal of walls at the first floor further to those indicated as already removed. • In further plans dated 2011 but of uncertain status, architects Norton Jago also show the ground floor being given to retail, the first floor as more extensively modified commercial tenancies, and the basement being given in whole to a new restaurant and bar. <p>The inspection conducted for this assessment, which could not extend to the areas not publicly accessible, suggests that the ground floor hotel and basement restaurant and bar continue to trade and with a focus on attracting and keeping patronage through design, presentation and fare, typical of other hotels in the group studied in this assessment. Recent works have included a sound reflective structure</p>
--	--

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>erected in the rear yard to contain and control noise to protect the amenity of adjoining residential properties.</p> <p>In the context of the extensive documentation available for <i>The Unicorn</i>, to understand in detail the extent of changes made to the building's interiors and how these might shape views of their significance and future management, more detailed examination (and time) is required, beyond the scope of this assessment.</p>
Further comments	<p>Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.¹ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether (1) any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.²</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals</p>

¹ Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

² Kelly, op cit, p.181.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".³ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's took over Resch's and with it most of their hotel properties.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th Century hotel into larger public bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the public bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, public bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁴</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th Century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁵ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁶ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding</p>
--	--

³ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill

⁴ Freeland, J.M., *The Australian Pub*, Melbourne University Press, 1966, p176

⁵ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁶ Freeland J.M. *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered. In Sydney the compounding land value of inner-city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
HISTORY	
Historical notes	<p>Paddington is part of the land of the Cadigal people.</p> <p>In March 1811, Governor Macquarie directed the 73rd regiment to commence clearing the land for the construction of a new road from Sydney town to the signal station at South Head. The road, running along an earlier track, was completed by June and formed the basic structure of South Head Road, renamed Oxford Street in 1875.</p> <p>In 1833, the Reverend Richard Hill, who had arrived in Sydney in 1818, and was principal minister at St James Church, was granted 7 acres fronting the South Head Road. Hill built a cottage on the land, set back from the road, with stables, a coach house and outbuildings. Hill died soon after in 1836 and the estate was sold, with the Sydney merchant Robert Campbell purchasing it. On his death in 1846, the estate passed to Charles Campbell, Robert's third son. Campbell, although primarily based at his Duntroon estate, used the Sydney cottage, with his wife Isabella living there until the late 1870s.</p> <p>Despite the road, the area remained undeveloped and isolated until 1841 when work</p>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>began on what was to become the suburb of Paddington. The exposed, sandy nature of the area had seen it largely overlooked in the first 50 years of Sydney's development, until Governor Bourke settled on the area for the construction of a new military barracks complex. Work on Victoria Barracks began in February 1841, with stonemasons, builders and artisans moving into newly erected cottages on South Head Road opposite the barracks during construction. These rudimentary houses were the foundation of the village of Paddington. The suburb rapidly expanded as stores, produce merchants, hotels, water carriers, blacksmiths and other tradespeople moved in to service the barracks, soldiers and their families.⁷</p> <p>A hotel is built In November 1864, Charles Campbell subdivided and sold the Hopewell Estate which was directly across the road from the barracks. Hopewell Street was laid out at this time. The estate consisted of 58 lots, 15 of which fronted South Head Road.⁸ Lot 9, on the corner of Hopewell Street and South Head Road was purchased by James Maloney who erected a new hotel on the block, named the <i>Prince of Wales</i>, with Edward Hardy as the first licensee.⁹</p> <p>In an 1868 sale notice, the hotel was described as a two storey, brick building on stone foundations, with a public bar, three parlours, a back veranda, four bedrooms, kitchen and servant's room, two cellars in the basement, a large yard with stables and a well.¹⁰</p> <p>The hotel which stood across from the South Head Road toll bar, in what at the time was a growing part of the suburb, was purchased by Charles Campbell. The association with the nearby toll bar was such that the hotel changed its name to the <i>Toll Bar Hotel</i> in 1873, (having briefly been known as <i>Everson's Hotel</i> 1872-1873 after the then publican) before changing again in 1878 to the <i>Unicorn Hotel</i>, with Mary Croft as the licensee.¹¹ Croft had taken over the Toll Bar Hotel in 1875 before changing the name. She left the hotel in 1880, transferring the licence to James Hindwood.</p> <p>Interpreting photographs of the altered building (e.g., Fig.4) the hotel can be seen to have been a fairly typical, but plain and almost austere Victorian era hotel, originally of two storeys. No photographs of the building as originally built have been discovered for this report, but the later images of the altered building show a plain rendered finish, with what had been a dentilled cornice formerly set below a parapet hiding a skillion roof. A simple entablature surrounded the corner entrance and the fenestration was composed of double-hung sash windows with expressed lintels and sills.</p> <p>Extensions in 1913 In 1905, the <i>Unicorn</i> was owned and operated by Edward Francis. In 1913, Francis engaged the noted Sydney architects Spain and Cosh to enlarge the 1860s hotel, adding an extra storey to the building with five new bedrooms and a bathroom, while rearranging the internal bar areas, adding new parlours, a kitchen and other public</p>
--	---

⁷ Kelly, M, 1978, *Paddock Full of Houses: Paddington 1840-1890*, DOAK Press, Sydney, p19.

⁸ *The Empire*, 10 November 1864, p.4

⁹ Unicorn Hotel Property Managers File, N60/2713, Tooth and Co Collection, Noel Butlin Archive, ANU Canberra

¹⁰ Sydney Morning herald, 11 April 1868, p.7.

¹¹ Sands Sydney and Suburban Directory, 1865-1880.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>spaces on the ground floor. The façade was finished in a Federation free style, again with a parapet hiding the roof line, and a cartouche on the front corner showing the construction date and the name <i>Unicorn Hotel</i> finished in Art Nouveau-styled lettering on the Oxford Street and Hopewell Street facades. A post-supported awning was added at street level along both frontages of the building. The renovations cost an estimated £2000.¹² Tooth & Co by this time held the Bill of Sale for the hotel, having loaned Francis money for the renovations. Francis died in c1919, with Toths subsequently managing the hotel on behalf of his estate.</p> <p>As the holders of the Bill of Sale, or First Mortgage, Toths had an active interest in the hotel, despite not technically owning it. For example, in 1929, they lent £100 to the then licensee, Samuel McIntyre, towards the replacement of the post awning with a cantilever awning.¹³ In June 1930, the trustees of Francis' estate approached Toths with an offer to sell the hotel to the company, however with declining sales as the Great Depression worsened, the company declined the offer. They did however agree to rent reductions for the then licensee, Alfred Reid who had taken over from McIntyre in 1929. Despite the reduction, Tooth's evicted Reid in 1931 after their inspections found the hotel in a dirty state, inefficient in its trading and Reid drinking heavily.¹⁴</p> <p>The new hotel</p> <p>In February 1936, Tooth & Co purchased the freehold on the hotel for £5220. The then license holder, Ernest Watkins had worked hard to reduce the amount of after-hours trade at the hotel, although he was fined twice by the licensing court for selling alcohol after the permitted 6pm close. By 1940, Toths had decided to replace the old hotel with a new building. In March the company purchased two adjoining shops on Oxford Street, and in May engaged R.M. Joy and Pollitt architects to design a new hotel. Joy and Pollitt had already designed a number of hotels for the company, including the <i>Golden Barley Hotel</i> in Enmore – a striking Moderne/Functionalist design on a corner site, putting modern concepts and presentation to the fore. Tenders for the <i>Unicorn</i> were called soon after with the work awarded to A.F. Little, who was then working on alterations and additions to the <i>Captain Cook Hotel</i>, Millers Point for Toths.</p> <p>Demolition had begun on the hotel by November; however work on the construction of the new building was delayed through the first months of 1941 due to shortage of steel and rubber, both of which were being requisitioned by Defence for the war effort. As work progressed, the licensee Joseph Murn was trading from a temporary bar in Hopewell Street on a reduced rent. Despite this concession, Murn sold his license in February 1941, with the new license holder Matthew Ryan to take up the license once the new building was completed.</p> <p>The new <i>Unicorn Hotel</i> was opened on 18 August 1941. The building was in stark contrast to the Victorian style of its predecessor, being a sleek, modern functionalist style design. The ground level façade was curved to address the corner, while above the awning parallel bands of lighter cement render contrasted with stepped profile and the vertical blocking of a corner tower. Inside on the ground floor, a large, serpentine bar swept through the front section, with entrances from Oxford and</p>
--	--

¹² Elevations and Plans of Unicorn Hotel, 1913, SRNSW. *Evening News*, 23 June 1914, p6.

¹³ Unicorn Hotel, Yellow Card, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

¹⁴ Unicorn hotel, Property officer file, N60/2711, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Hopewell streets, while to the rear was a lounge area and a women's parlour both of which could be accessed directly from entrances separate to those of the main bar. The first floor included seven bedrooms, a sitting area overlooking Oxford Street with an outdoor balcony above the corner and accessed via the sitting room. At the rear was a kitchen and large dining room. Men's and women's bathrooms were also provided. The roof top included the laundry and a flat roof drying area, while in the basement a generous cellar mirrored the bar area above, with a cool room in the middle, spirit and general store rooms, a staff changing room and access to the yard at the rear.</p> <p>A Tooths memorandum, dated 6th January, 1942 records that A.F. Little's tender of 13,740 Pounds for the rebuilding of the hotel was accepted on 24th July 1940. The work was completed at a cost of 13,525.16.3 pounds and a three year lease sold. The new hotel took some time to settle, with a series of minor leaks and defects being addressed over the first four years of its operation. Then in 1945, the licensee, Ryan who had taken it over in 1941, took leave due to illness, with Tooth's agreeing to allow a manager to work the hotel on Ryan's behalf. Ryan and his wife moved off site, but continued to hold the license. The arrangement was problematic from the start, with the first manager, Mr Boader, having a breakdown, smashing the mirror and front glass doors of the bar and being removed to hospital by the police. Although better managers were found, the Ryans eventually transferred the lease in 1954, due to their not being able to fulfil Toths' requirements that the license holder should live on site.¹⁵</p> <p>A constant issue for the hotel was the competition from near neighbours, particularly the <i>Rose</i>, <i>Shamrock</i> and <i>Thistle</i> across the road. The new publican, Sidney Howard, formerly of the <i>Shakespeare Hotel</i> suggested to Toths that the addition of a saloon bar and extension of the lounge would help the trade. Plans were again drawn by Joy & Pollitt and the work was approved by the company board in August 1954 with a new saloon bar created through the conversion of the mixed parlour and the removal of one women's toilet, replaced with a new toilet in the lounge.</p> <p>The new spaces were opened in May 1955. As well as more room, Howard had also been attracting customers by showing films in the front bar area, although this was soon banned by Toths after complaints from the Commonwealth Customs of films being imported illegally. He also built a stage in the front bar for a piano, employing a pianist and vocalist between 11am and 2.30pm, then 4pm till 5.15pm. However this was soon moved to the saloon bar due to the 'terrific noise' made by patrons singing along. The hotel inspector noted in August 1954, that when the piano and singing were happening in the saloon, the bar was crowded, 50% being women with 'community singing again indulged in and appeared to be enjoyed by the majority of those present'.¹⁶</p> <p>In 1955 the license was transferred to Carmen Bellanto, a publican formerly of Denman NSW. Bellanto noted the surrounding competition and requested the installation of Reschs instead of Tooth's Old and New beers, as other pubs in the area served Reschs, and his own customers were drifting away. The brewery, in an internal memo, suggested trade might be down due to Bellanto's foreign sounding name, and although his license was renewed, his continuing insistence on serving</p>
--	---

¹⁵ Unicorn hotel, Property officer file, N60/2714, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

¹⁶ Unicorn hotel, Property officer file, N60/2714, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Reschs and the company's continuing refusal eventually saw him sell out early in 1957. The new publican, Frederick Heidtman also requested Reschs be added, reiterating Bellanto's claims that the surrounding hotels, and the new RSL were all serving it and his customers preferred it. In response Tooths surveyed the local hotels. There were at that time, 1959, 15 hotels close by, 12 of which were on Oxford Street between the Beauchamp on the South Dowling Street corner and the Light Brigade at Jersey Road. Of the 15, seven sold Reschs exclusively, three sold a mix of Tooths and Reschs, two sold Tooheys only, one sold Millers beer and the remaining two sold a mixture of beers.¹⁷ The company continued to resist the addition of Reschs despite repeated requests from licensee's, until finally relenting in 1970.</p> <p>In 1974 Tooths acknowledged the local competition and proposed new works to the bar in an effort to modernise it and make the hotel profitable. Since 1960, ten lessees had operated the hotel suggesting it was unprofitable. One reason given was the large, rambling bar counter that was expensive to operate and provided more room behind it than it did for drinkers in front. The plan for changing the hotel included the conversion of the serpentine bar into a central island bar, serving the public bar area, a new snack bar and servery behind for food preparation, the installation of a cold room into the former lounge access corridor, the relocation of the bottle department into the public bar and a new club bar at the rear on the Hopewell Street side. A wall in the lounge was also to be removed, giving direct access between the club bar and the lounge, and opening up the stairs to the upper level.¹⁸</p> <p>Following the renovations, the Unicorn Hotel became one of the early live music venues along Oxford Street. The Australian band Mental as Anything had their first public shows at the hotel in 1977, being the regular band on Monday nights.¹⁹ Tooths continued to own the hotel into the 1990s. In the mid 1990's, part of the basement area was converted into a nightclub space known as the Fringe Bar, which operated as a club and comedy venue until c2014.</p> <p>From the early 1980s till recent years, successive owners of the hotel have caused plans to be prepared for alteration and adaptation of the building, reducing its historic and enduring hotel function. Seen in the context of current concerns about the loss of historic pubs to residential or commercial use, and the successive proposals for <i>The Unicorn</i> to date, it could be considered vulnerable, although it appears to be trading successfully with a high and popular profile, and with some adaptive reuse of its upper floor in place.</p>
THEMES	
National historical theme (if known)	<p>Peopling Australia</p> <p>Developing local, regional and national economies</p> <p>Building settlements, towns and cities</p> <p>Developing Australia's Cultural Life</p>
State historical theme	<p>Commerce</p> <p>Towns, Suburbs and villages</p>

¹⁷ Unicorn hotel, Property officer file, N60/2715, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

¹⁸ Unicorn hotel, Property officer file, N179/436, Tooth & Co Collection, Noel Butlin Archive ANU Canberra

¹⁹ https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0010/65836/Rock-n-RollWalkOfFame-n-Shame.pdf

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

(if known)	Accommodation Labour Domestic life Social Institutions
APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>The <i>Unicorn Hotel</i> is significant in the heritage of Paddington and Woollahra as the site of one of the historically important hotel uses established in the suburb and Municipality, and in continuous operation since 1864. The current building is distinctive for its European - inspired Functionalist/Moderne architectural design and character, which capitalised on its corner location and supporting side street exposure for prominence and projection of its departure from the drinking environment of Paddington's older hotels.</p> <p>The <i>Unicorn</i> also reflects how Tooth & Co employed contemporary architecture to promote the image of its numerous hotels, the company's public face. In 1933 Tooth & Co general manager Tom Watson wrote, 'Hotels are our best medium for advertising and prestige'.²⁰ Tooth & Co architects were encouraged to be stylistically enterprising, so that new hotels would be 'good advertisements' for the company, and would stand out in any city or suburban street.</p>
Historical association significance SHR Criteria (b)	<p>The <i>Unicorn Hotel</i> is important as an example of the work of R.M. Joy & Pollitt Architects (project architect John Wise Pollitt 1913-1998). Joy & Pollitt were one of the group of preferred architectural firms that carried out works for Tooth & Co, and other hoteliers. Their work straddled alterations to older hotels as well as the design of new, modern replacement buildings, which usually remain significant in their contexts. Paddington benefits from a number of these. Tooth & Co were one of the most important firms of brewer-hoteliers in NSW throughout the 19th and 20th Centuries.</p>
Aesthetic significance SHR criteria (c)	<p>The <i>Unicorn Hotel</i> is rare within Paddington and Woollahra as an accomplished example of the Inter-War Functionalist style of architecture, which contributes to it being a distinctive landmark in the Oxford St streetscape, and Paddington generally. It is also important as an assertive new, "modern" element within significant older streetscapes, adding to their diversity.</p>
Social significance SHR criteria (d)	<p>The Unicorn is of a contemporary, living social significance for its continuing contribution to the sense of identity within Paddington and for the local and wider community, being one of the hotel network which structures the urban and social fabric of the suburb. Paddington has a history of community activism and this has inevitably been facilitated by the tradition of meeting and socialising locally in the network of corner pubs in the area.</p>
Technical/Research significance SHR criteria (e)	<p>The <i>Unicorn Hotel</i> is of local significance to Woollahra and Paddington, as an example of how the locality's distinctive and distinguishing corner pubs have evolved to serve their changing community and clientele, reflecting socio-economic changes in their context.</p>

²⁰ <http://www.powerhousemuseum.com/collection/database/?irn=375827>

²¹ Woollahra DCP 2015, Part C, clause 1.2.3, Character Elements, p.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Rarity SHR criteria (f)	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban “village” of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Unicorn Hotel</i> is uncommon, and rare. Market challenges and an increasingly valuable site, attractive for conversion or redevelopment for housing or commercial use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs. <i>The Unicorn Hotel</i> might be at particular risk. It is also a prominent and rare Moderne style commercial building, representative of the newer modern buildings being introduced to the locality in the mid-20th Century.			
Representativeness SHR criteria (g)	<i>The Unicorn Hotel</i> is important as one of the key, corner-sited, landmark Paddington hotels, occupying a site which is amongst those of the longest continual hotel use in the suburb, from the 1860s. As such it is one of the key character elements of the Paddington Heritage Conservation Area ²¹ . It is also a prominent Moderne style fashionable commercial building, representative of the newer modern buildings being introduced to the locality in the mid-20th Century.			
Integrity	The <i>Unicorn Hotel</i> is significantly intact externally, having sustained some changes to window and door openings, but retaining most of its crafted architectural design. Internally the building is the product of successive updates and changes which need to be carefully studied in order to understand the interiors’ current condition and their impact on integrity and significance.			
HERITAGE LISTINGS				
Heritage listing/s	The <i>Unicorn Hotel</i> is within the Paddington Heritage Conservation Area			
	The <i>Unicorn Hotel</i> is within the National Trust Paddington Urban Conservation Area			
INFORMATION SOURCES				
Type	Author/Client	Title	Year	Repository
Written Graphic/Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
published book	J.M. Freeland	‘The Australian Pub’ Melbourne University Press	1966	author’s copy
published book	Max Kelly	Paddock Full of Houses	1979	author’s copy
unpublish ed history	Ron Johnson	Paddington History and Heritage	undat ed	Woollahra Local History Centre
RECOMMENDATIONS				
Recommendations	It is recommended that : <ul style="list-style-type: none">• Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Unicorn Hotel</i> ;• The NSW listing of the <i>Unicorn Hotel</i> as a local item should be sought and include its interiors , subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents (CMDs) that are to be prepared ;• Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the <i>Unicorn Hotel</i>, should be listed as a group item on the Woollahra LEP and on the State Heritage Register;• The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for			

²¹ Woollahra DCP 2015, Part C, Clause 1.2.3, Character Elements p.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes.</p> <ul style="list-style-type: none"> Council officers be available to liaise with owners prior to developing plans for change or development. <p>The significant heritage attributes and elements of the <i>Unicorn Hotel</i>, to be further identified and confirmed by full heritage assessment and Conservation Management Documents, should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies for the building and demonstrate that they are contributing to the conservation of the significance and commercial viability of the Hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible reversal or removal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment (such as communications equipment, power generation, air-conditioning, heating and other services) should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.</p> <p>The <i>Unicorn Hotel</i>, and in particular its interiors, have been subject to serial modernisation and modification works – this has also happened in other Paddington hotels. Some of these works are objectively of admirable quality and do not invalidate the claims of the hotels to being regarded as places of heritage importance – rather, their history of change means that careful investigation must take place to guide future change, so that avoidable loss or obscuration of historic fabric and character does not take place.</p>				
SOURCE OF THIS INFORMATION					
To be completed if this form is part of a heritage study or report					
Name of Study or report	Paddington Hotels Study			Year of study or report	2018
Item number in study or report	10				
Author of Study or report	Robert A Moore Pty Ltd				
Inspected by	Robert A Moore				
NSW Heritage Manual guidelines used?				Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)			Date December 2018	
IMAGES - 1 per page					
Image caption	Fig. 1 : Location of the <i>Unicorn Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

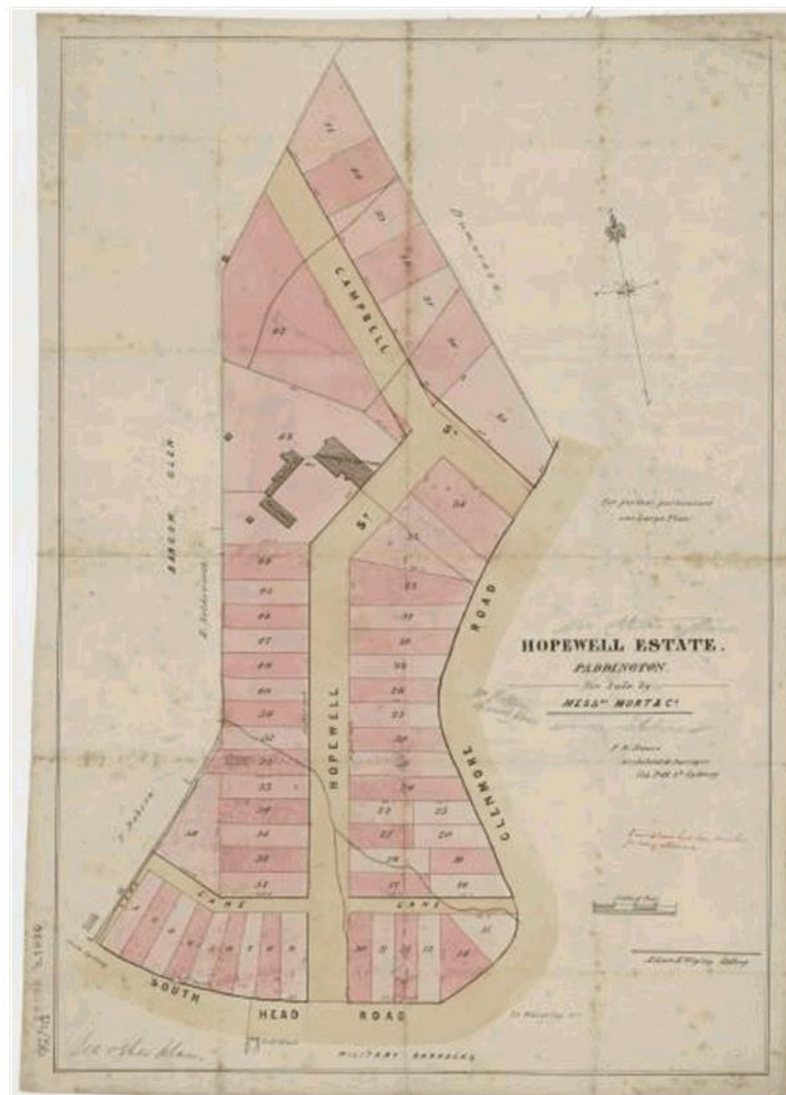


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 2 : Plan of the Hopewell Estate sale 1864. The Unicorn Hotel occupies what was Lot 9, corner of Hopewell and Oxford Streets, where the Prince of Wales Hotel, later renamed the Unicorn, was built in 1867.				
Image year	1864	Image by	unknown	Image copyright holder	State Library of NSW

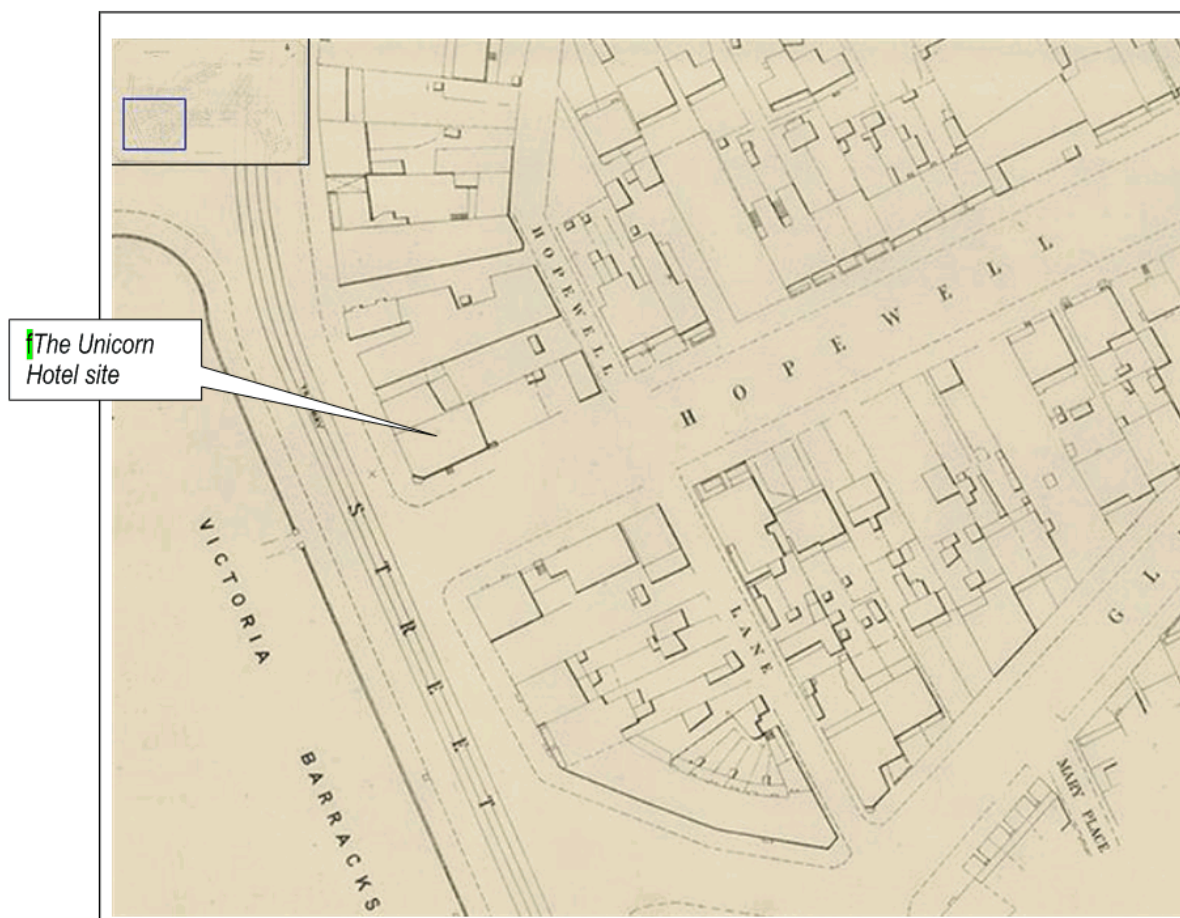


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 :Metropolitan Detail Series sheet 9				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.4 : The earlier <i>Unicorn Hotel</i> , shown in 1930 – it was demolished in 1940. The original 1867 hotel can be seen below the bracketed cornice which supported the original parapet, removed for the addition of the second floor in 1913.				
Image year	1930	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU

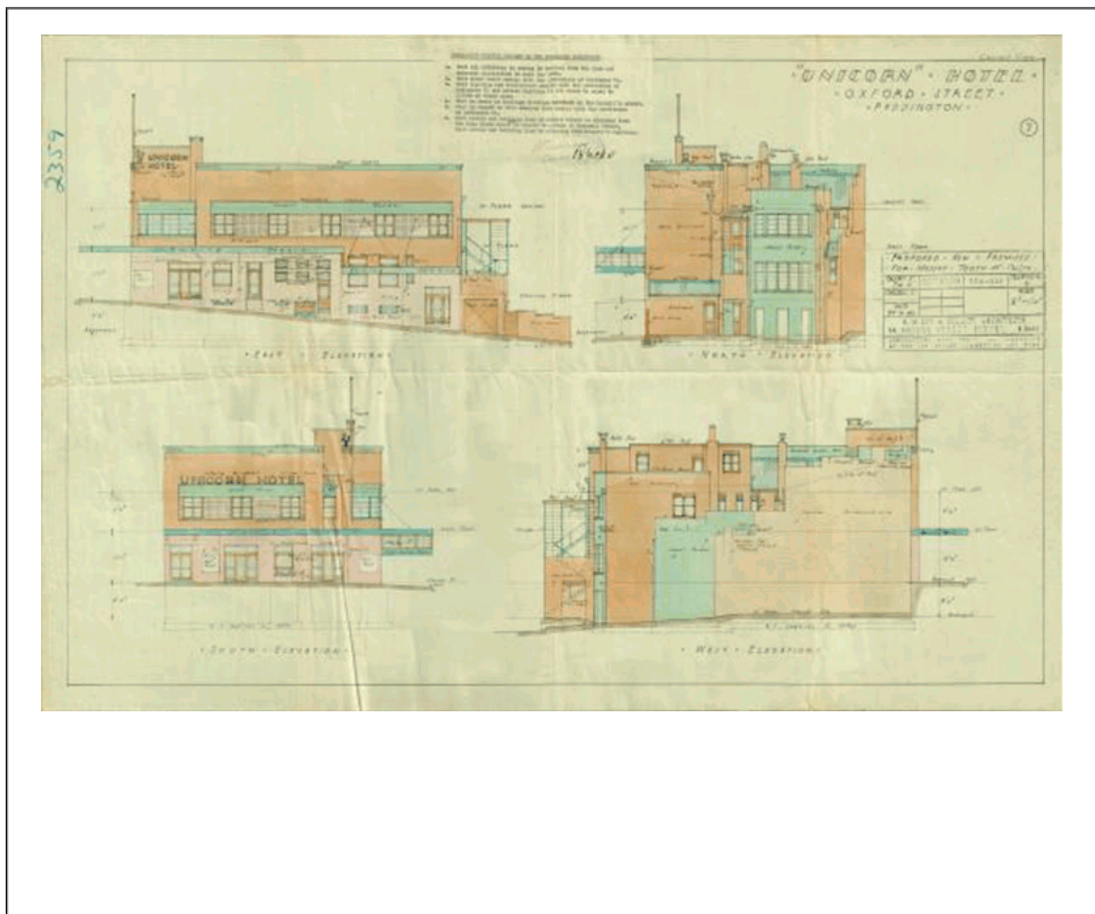


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.5 : RM Joy & Pollitt plans for the new Unicorn Hotel, accepted by Toth in 1941 - a radical departure from the staid Victorian style of the earlier building.				
Image year	1941	Image by	R.M. Joy & Pollitt Architects	Image copyright holder	City of Sydney Archives

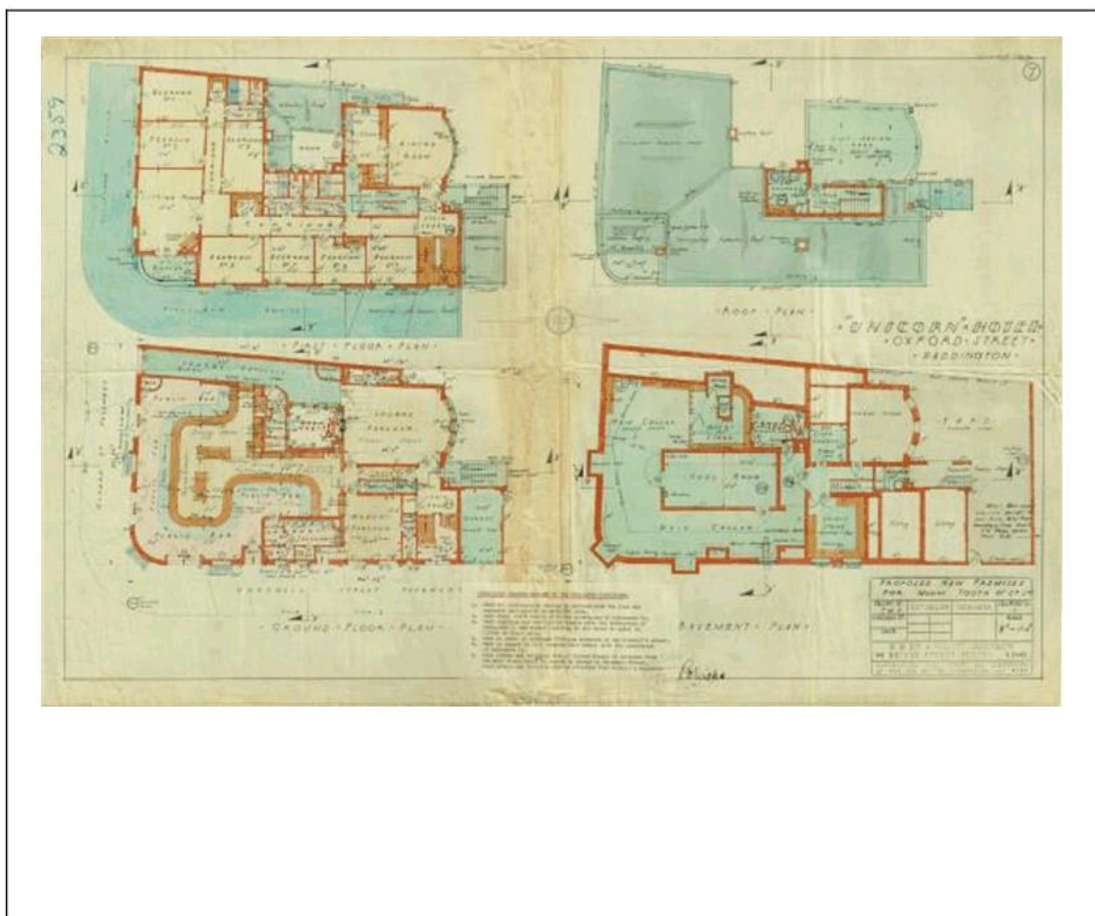


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.6 : RM Joy & Pollitt plans for the new Unicorn Hotel, 1941 - notable are the large, serpentine style public bar ; the separate access corridor for the lounge ; the outdoor balcony on the first floor ; the expansive cellars and generous bedrooms				
Image year	1941	Image by	R.M. Joy & Pollitt Architects	Image copyright holder	City of Sydney Archives

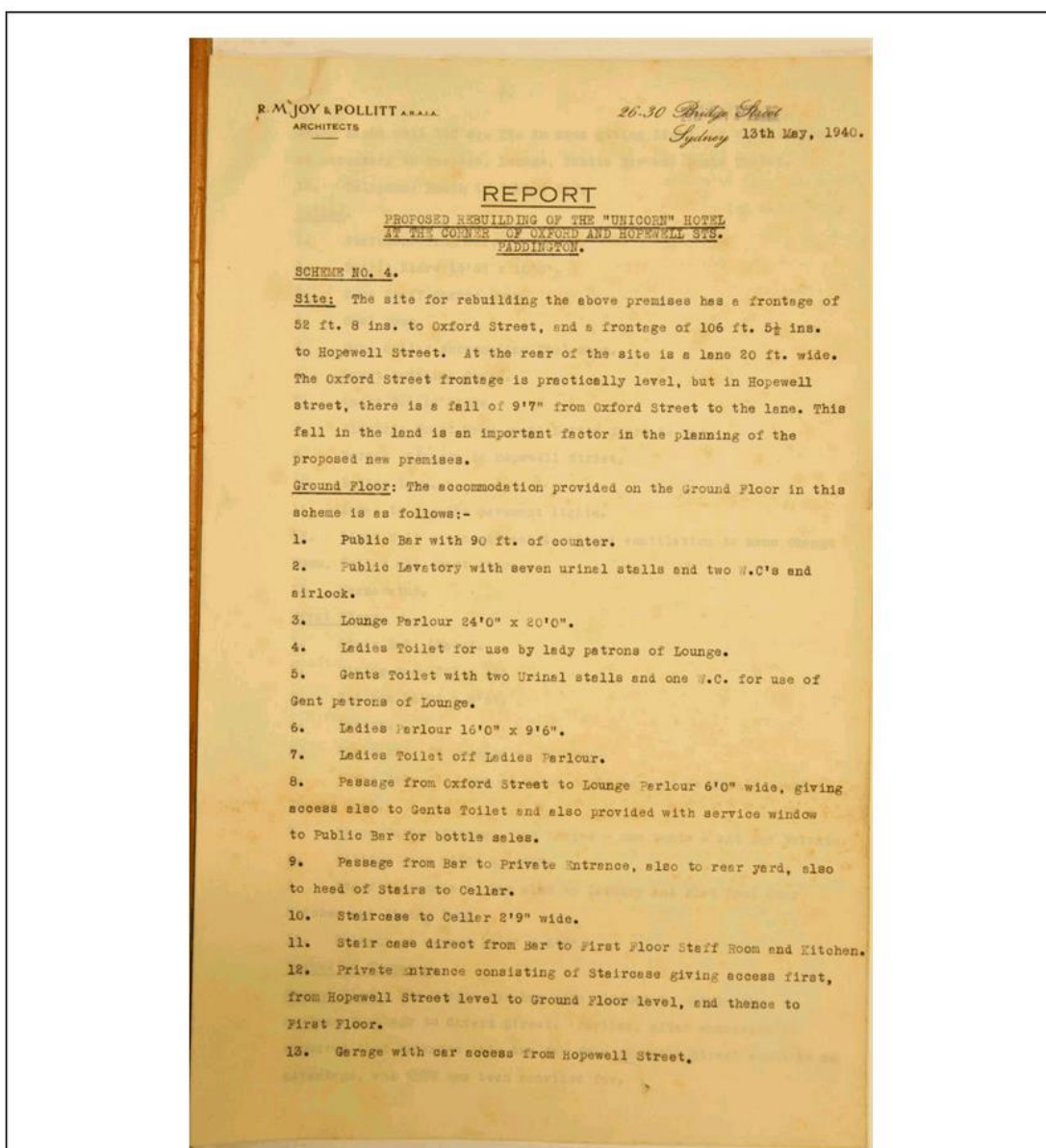


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 : Description of the accommodation of the accepted design of the <i>Unicorn Hotel</i> by Joy & Pollitt Architects, p1				
Image year	May 1940	Image by	RM Joy & Pollitt Architects	Image copyright holder	Noel Butlin Archives ANU



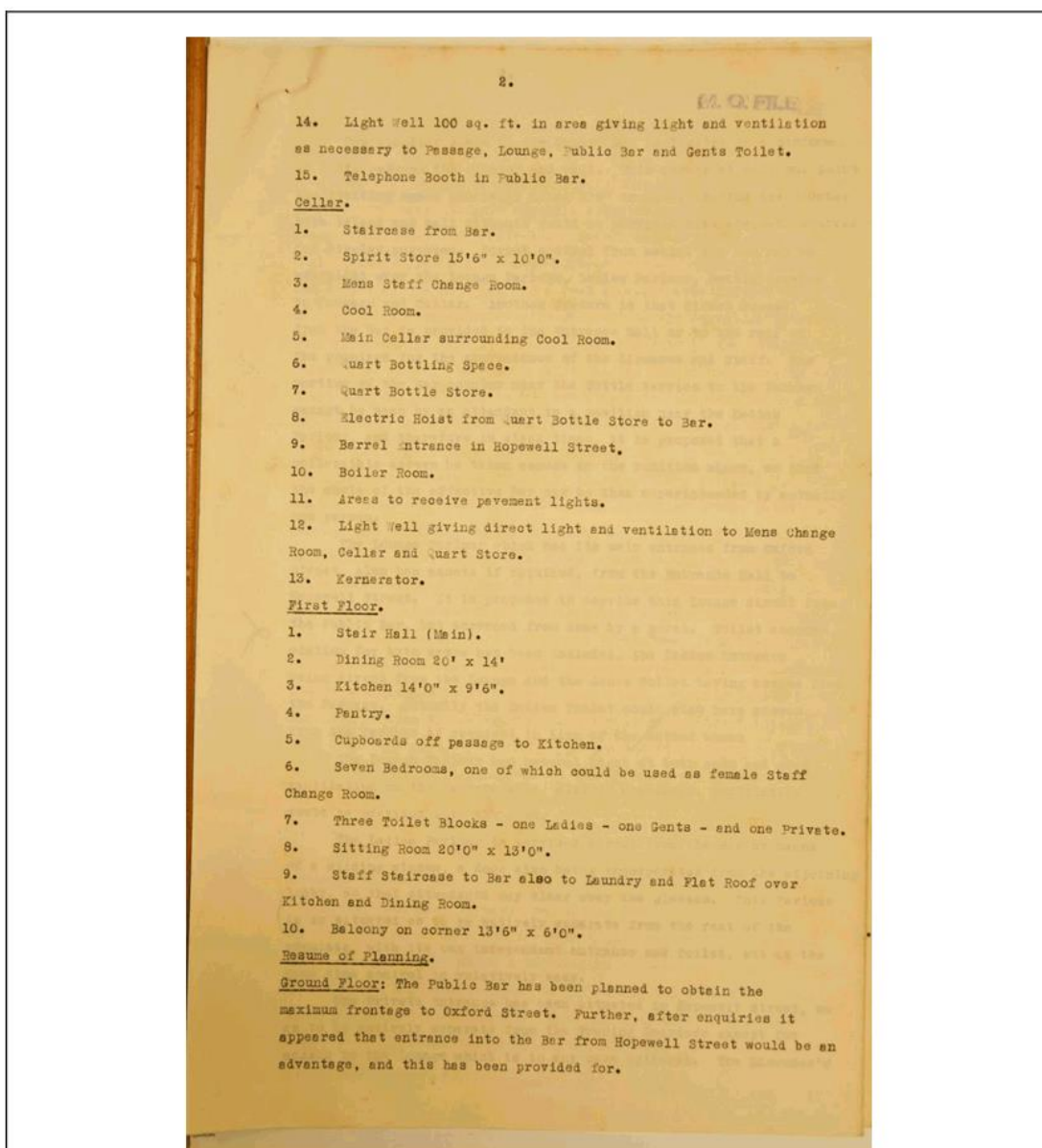
IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

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

Image caption	Fig. 8 : Description of the accommodation of the accepted design of the <i>Unicorn Hotel</i> by Joy & Pollitt Architects, p2				
Image year	May 1940	Image by	RM Joy & Pollitt Architects	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9 : The newly completed <i>Unicorn Hotel</i> by Joy & Pollitt Architects				
Image year	May 1941	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU

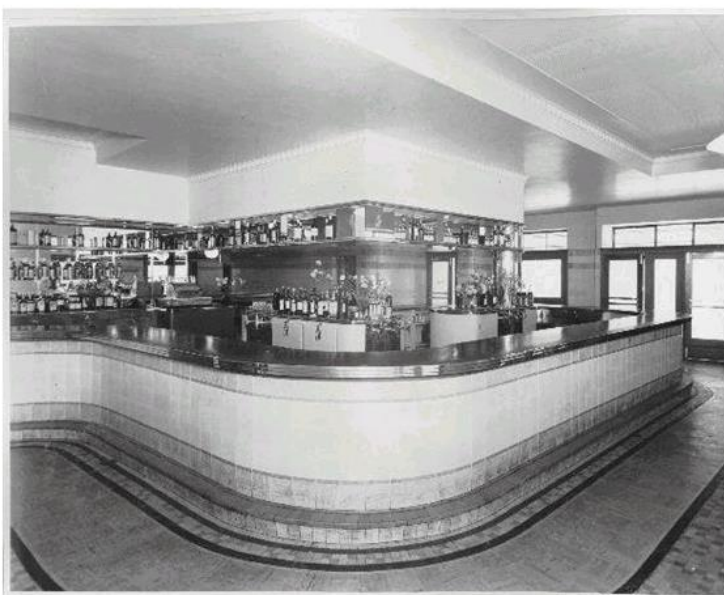


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : The public bar of the <i>Unicorn Hotel</i> http://hdl.handle.net/1885/243 and http://hdl.handle.net/1885/244				
Image year	May 1941	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 11: The <i>Unicorn Hotel</i> , 1949.				
Image year	1949	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 13 : The <i>Unicorn Hotel</i>				
Image year	1960	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 14 : The <i>Unicorn Hotel</i> , 2009.				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 15 : Hopewell Street elevations of the <i>Unicorn Hotel</i>				
Image year	2009	Image by	Susan O'Neill	Image copyright holder	Woollahra Council



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 16 : The <i>Unicorn Hotel</i> in context – still a “modern” building amongst older shop-houses				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 17 : The Unicorn Hotel, 2018 ; the acoustic structure erected in the rear yard is visible at the lower right of the image				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 18 : The Unicorn Hotel, 2018 ; view to the rear of the Hotel with bow-fronted dining room and acoustic structure at right				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

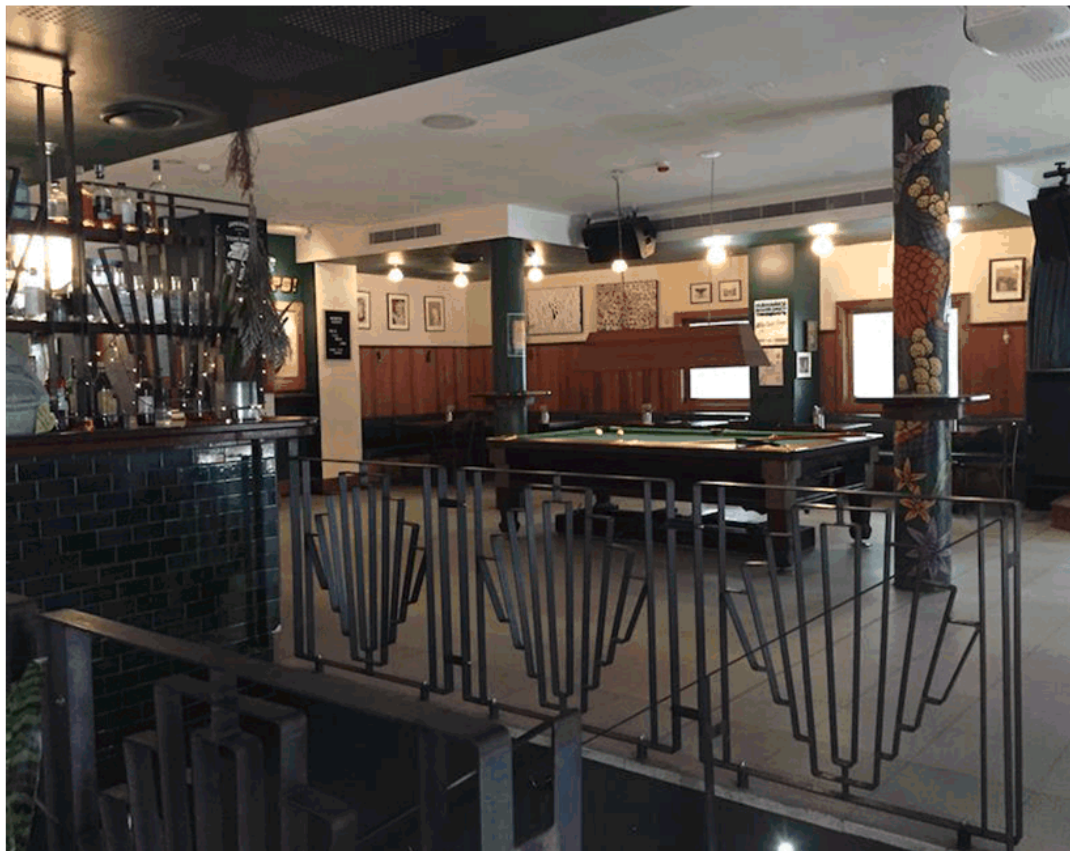


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 19 : The Unicorn Hotel, 2018 ; view within the main public bar, ground floor, showing front of island bar at left, new stair to basement restaurant in the foreground, and general bar area with pool table beyond				
Image year	2018	Image by	Robert Moore	Image copyright holder	Ropbert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 20 : The Unicorn Hotel, 2018 ; view inside the bow-fronted lounge bar (former dining area), overlooking the rear yard and showing the typical fit-out character				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	The Lord Dudley Hotel		
Other Name/s Former Name/s	Underwood Estate Hotel (NB in the years 1878-1908, an earlier building of this name was on the site)		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	236		
Street name	Jersey Road		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot 2 DP 108968		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>The Lord Dudley Hotel is of cultural heritage significance to Paddington and the Woollahra LGA as one of Paddington's older, successful and enduring hotels, occupying a site that has been in continuous hotel use since its delineation by subdivision. It is an example of the local landmark, corner commercial development incorporated into the closer urban consolidation of the suburb, as that activity spread to the areas located on the expanding fringes of residential building, near some of the waning residual quarrying and industrial areas being overtaken by the demand for housing.</p> <p>The Hotel is of historical and social significance as a reference point for community identity, as Paddington's early pubs were and remain, having served the evolving community of the suburb through 100 years of demographic change leading to its re-emergence as a popular, desirable and fashionable area. The Lord Dudley Hotel's associations with locally influential identities, encompassing developer-publicans, prominent Irish community members, politicians, and a sporting hero give it both an historic and contemporary interest. Its long association with brewer/hoteliers Tooth & Co means that the building is well-documented archivally in local, state and national repositories, whose records also support interpretation of the building's history of change in step with its community.</p> <p>The Lord Dudley is of aesthetic significance, having a strong landmark streetscape and townscape presence in its locality, derived of its astute and sophisticated architectural design and construction. Its Anglophile design references, through use of the Edwardian/Federation Queen Anne Revival style, made it and continue to make it individual and characterful in the locality and the Municipality as a whole. While its interiors have sustained change, they are legibly part of the building's story, and it remains one of the most prominent landmark corner hotel buildings¹ in</p>		

¹ Woollahra DCP 2015, Part C, c 1.2.3, pg.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	the Paddington Heritage Conservation Area. As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION					
Designer	Halligan & Wilton Architects				
Builder/ maker	Unknown				
Physical Description	<p>Located at the corner of Jersey Road and Quarry Street, and opposite the intersection with Holdsworth Street, the Lord Dudley Hotel is a part three-storey, part two-storey Edwardian/Federation Queen Anne Revival style², purpose-designed hotel building built in 1908 as a replacement for an earlier hotel on the site, the Underwood Estate Hotel. On a site where Jersey Road "dips" between Hargrave and Trelawney Streets, the three-storey principal form of the Hotel, signalled by the tall half-timbered gables to both its corner frontages, was a clever response by its architects to the need for the hotel to have a prominent architectural persona, in what was an emerging commercial and civic locality of the early 1900s, with hotels, stores, and a police station.</p> <p>The building was arranged over four levels – basement cellar and stores, and rear yard ; ground floor public bar, parlors, and offices; first floor bedrooms and bathroom ; and the partial second floor, of bedrooms, under the gables of the imposing corner 'tower'. While impressive in scale in its setting against its neighbours, the Hotel is tightly planned, balancing guest accommodation with the small public bar and parlors similar to those of its older competitors in the suburb. Using the splayed footprint of the corner site, the Hotel features a complex, steeply pitched, terracotta-tiled and hipped main roof with the two half-timbered gables joined by a three-sided bay with oriel window and surmounting roughcast rendered curvilinear parapet. A timbered balcony overlooks Jersey Road. The corner form steps down to a two-level hip-ended wing along Quarry Street, with a further detailed gable continuing the building's stylistic theme and richness. The gables, roughcast render, timber windows and other joinery are posed against the red dry-pressed face brick of the elevations, all delivered by commercially successful architects adroit and practised in their facility with the style.</p> <p>Responding to changing social trends and the needs of its clientele, the Hotel has been carefully adapted internally to provide the larger and more complex socialising and dining spaces required since the 1980s. New indoor-outdoor eating areas served by modern kitchens, and function/meeting rooms have re-purposed the re-arranged service areas and bedroom accommodation, in reflection of changes that have occurred in other Paddington pubs. However, in the Lord Dudley, much of the original building appears to remain intact, with the evidence of this in its plan form, original room spaces, pressed metal ceilings, the main staircase, all comparable with the original plans and descriptions of the building.</p>				
Physical condition and/or Archaeological potential	Having been continuously maintained and upgraded, the hotel is in good condition. The site having been virtually wholly excavated in preparation for construction works incorporating a basement level, it is considered unlikely that the site has archaeological potential, other than of the building itself to reveal its construction and successive adaptation.				
Construction years	Start year 1908-9		Finish year		Circa
Modifications and dates	Access to the interiors other than the public areas of the Hotel (ground and basement) was not available. Successive plans for the building depicting various				

² Richard Apperly, Robert Irving, Peter Reynolds, *Identifying Australian Architecture*, 1989, p.132

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>programs for upgrading have been used to understand some of the changes that have been made, or proposed.</p> <p>The building retains much of the plan, layout and fabric shown in the architects' plan of 1908 prepared for Tooth & Co (Fig.5). Interestingly the strut-supported awning wrapping around the corner of the building and sheltering its public bar and entrance appears not to have been built as such, for a conventional post-supporting awning is shown in the earlier photos of the building (Figs.6 and 7). This was removed in 1953 as part of upgrades after Tooth & Co secured full ownership of the Hotel in that year. A later, suspended box form awning is depicted in the 1956 Emile Mercer cartoon (Fig.8) and 1960 photograph (Fig.9).</p> <p>In the 1920s the Hotel remained much as built, this being reported in the Manager's Office Files of Tooth & Co, when they declined to purchase the adjoining terrace No.1 Quarry Street. One upstairs bedroom was reported to have been adapted as a sitting room. In 1942-3, as shown in Council approved drawings by D.Hardy for F. Dexter, a small extension of the main bar into the men's parlor was undertaken, allowing for more patrons to be served, and by fewer bar staff.</p> <p>A 1949 report on the hotel for Tooth's described it in the following terms: "This hotel is situated on a corner site measuring 31ft to Jersey Road by a depth of 75ft [and the hotel] is built over the greater part of the site. The hotel yard and cellar are on the same level and below the footpath. The building is about forty-five years old of very pleasing appearance, built of brick with steeply pitched tiled roof and half-timbered gables, it has been well maintained. The accommodation consists of a Public Bar, two parlours, one of which has been converted into a small bar and the other is used by the present licensee as an office, (no room is now available for use as parlours), dining room, kitchen and servery complete the ground floor.</p> <p>The basement contains a large cellar, two store rooms, men's lavatories, ladies w.c., laundry and yard are on one level. A tradesman's gate and passage is the only access from street to yard. First floor contains six bedrooms, one sitting room, one bathroom and one w.c. Second floor contains four bedrooms. Many of the internal walls are of lath and plaster construction."</p> <p>Having secured full ownership of the Hotel freehold in 1953, in July of that year Tooth & Co undertook more substantial renovations, removing ground floor partitions to combine ground floor rooms being the kitchen, dining and parlour into one large public lounge, with adjacent lavatories, to plans by Mr R.G. Simpson, Architect. The success of the new lounge attracted more women to the Hotel. The post-supported street awning was removed and replaced at this time.</p> <p>In 1963 a new bottle department was created by inserting new partitions, and the Public Bar counter was replaced and realigned (although this has since been removed) (Fig.10). The rear verandah, off the Saloon Bar, was enclosed. This created more drinking areas in front of the bars, but the footpaths outside the Hotel remained busy. In 1979-81, the new licensee under Tooths - Jamie Couche - adapted most of the cellar storerooms into a new restaurant and kitchen area, by roofing over the rear service yard and converting the storage rooms to a new kitchen, stores and toilets. Drawings were prepared in 1982 by John Moorcroft Architect, and these show the adaptation of the existing basement/cellar rooms, and creation of the new roofed restaurant courtyard (Fig.11). The Hotel was decorated in "Old English Pub Style".</p> <p>James and Honor Couche purchased the freehold of the Hotel from Tooths in 1990. Smaller alterations continued through the 1990s and into the new century. The external ground floor doors were modified to form windows with sandstone seats or planters externally in 2001, and an illuminated clock was added to the Jersey Road façade in 2002. A smoker's balcony was added to the rear of the ground floor in</p>
--	---

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>2006 (Fig. 12) with access from the lounge bar. The extent of any changes to the first and second floor has not been ascertained in this report.</p> <p>In 2016, Council approval was gained for proposed further alterations in which an upper level was to be added to the garden courtyard, replacing the glazed roof over the basement level dining courtyard. This work has not proceeded.</p>
Further comments	<p>Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.³ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether (1) any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.⁴</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".⁵ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's took over Resch's and with it, their hotels as well.</p>

³ Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

⁴ Kelly, op cit, p.181.

⁵ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th century hotel into larger public bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the public bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, public bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁶</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁷ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁸ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the</p>
--	---

⁶ Freeland J.M. *The Australian Pub*, MUP, 1966, p176

⁷ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁸ Freeland J.M., *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered. In Sydney the compounding land value of inner-city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	--

HISTORY	
Historical notes	<p>Paddington is part of the land of the Cadigal people.</p> <p>In 1823, ex-convict James Underwood and two other emancipists, Robert Cooper and Francis Ewan Forbes, combined to establish Sydney's first legal distillery on 100 acres of land granted to them between Old South Head Road (Oxford Street) and Rushcutters Bay. By the time the grant was ratified in 1831, Underwood had bought Forbes' share and his relationship with Cooper had broken down, and the partnership was dissolved. 97 acres were by then in the sole ownership of Underwood and 3 acres were retained by Cooper around Juniper Hall facing South Head Road.⁹ This grant comprised a quarter of present day Paddington and was chosen for its supply of fine water from the Glenmore Brook near Jersey Road. The area became known as the Underwood Estate, or Underwood's Paddock. It encompassed the land between Oxford, Ormond, Cascade Streets, Glenmore Brook and Jersey Road.</p> <p>Underwood's Paddock was first subdivided in 1839 and was called the Paddington Estate. He called the area after the London Borough where he had property and by the mid-1830s, the name 'Paddington' was in common use. The subdivision ran from Juniper Hall along Oxford Street to Jersey Road and down to Paddington Street. Four streets, Underwood, Paddington, Elizabeth and William, were formed for the subdivision and 80 allotments were offered for sale. The main sales however occurred in the 1870s, when the rest of the estate, totalling over 800 lots was sold.</p> <p>The growth of Paddington had been slow during the early years of the nineteenth century. Large estates, the relative isolation of the area and an economic slowdown in the early 1840s hampered development. The construction of Victoria Barracks in 1848 was the impetus for the main development of the village, firstly along Oxford Street opposite the new barracks. Victoria Barracks provided the main source of custom for the early hotels, which were mostly within a short distance of the Barracks along Oxford Street, including the Sussex Arms, the Britannia, the Rose and Crown, the Londonderry, the Rifle Butts and Colonel Bloomfield's Arms, the Crab Guns, the Greenwood Tree and the Paddington Inn.</p>

⁹ Parkinson 'The Underwoods: Lock, Stock & Barrel'

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The subdivision of the large estates, such as the Underwood Estate, particularly between 1870 and 1890 fuelled a building boom, including houses and hotels across what was to become the suburb of Paddington. The predominant form was the terrace house, built largely by small scale builder developers, in rows of four to six houses. Terraces made maximum use of the narrow suburban blocks, and the sloping topography of the area while still offering enough room for families and small backyards. Paddington was a renter's suburb, with the majority of houses leased to workers who commuted into the city, to the docks or the industries around Sydney's southern fringe.¹⁰ This working class community, with few public halls or restaurants, relied on local hotels for their meeting areas and dining rooms.</p> <p>Lord Dudley Hotel</p> <p>Point Piper Road, which ran down the eastern boundary of the Paddington Municipality as a connecting thoroughfare between Oxford Street and New South Head Road, had been developed in stages since the 1850s. The road was controlled by the South Head Road Trust, which by the 1870s was struggling to keep the road in working order as traffic increased. The lower reaches of the road, towards Ocean Street, although part of the large Underwood Estate, had been left unsold and undeveloped into the late 1870s, with a large quarry and a tannery being the main land use. In 1878, lots fronting Point Piper Road were finally released as part of the sale of residue areas of the Underwood Estate. The corner of Point Piper Road and a new street, called Quarry Street, was within Lot 7, Section 15 of the Estate and was purchased by William Buchanan, a carpenter of Paddington. By 1878 Buchanan had erected a dwelling and hotel on the corner, initially naming it the <i>Estate Hotel</i>, and then the <i>Underwood Estate Hotel</i>.</p> <p>Another hotel, the <i>Horticultural Hotel</i> was built next door on Lot 6 at the same time by George Graham. Buchanan took up the licence for the hotel for its first years, before sub-leasing it to various publicans. Plans show the <i>Underwood Estate Hotel</i> as addressing the corner block, with two detached outbuildings in the rear yard space. In 1885 Buchanan purchased the <i>Horticultural Hotel</i> next door as well.¹¹ In 1888, he built three terrace houses to the rear of the Hotel, these being Nos. 1, 3 and 5 Quarry Street, and all were leased by 1889.</p> <p>The two hotels traded side-by-side until the license of the <i>Horticultural</i> was cancelled in 1891 due to a lack of accommodation offered.¹² Buchanan changed the building to a grocery, and later a laundry. The nearby Glenmore Tannery and Woollahra Quarry industrial sites probably provided custom.</p> <p>The <i>Underwood Estate</i> hotel continued to trade on the site until July 1908, when the building was demolished to make way for a new, modern hotel. The old hotel was totally dismantled and the salvage material sold at a public auction, including over 10,000 hardwood joists, beams and floorboards, roofing iron, ceiling iron, water pipes, doors, window frames and sashes, as well as tubs, stoves and other fixings.¹³ Tooth & Co had by this time taken up the head lease on the property (from 1 June 1908) and had plans prepared by architects Halligan & Wilton for a new hotel, to be called the <i>Underwood Estate Hotel</i>, on the site.</p> <p>The new hotel was completed in early 1909, but had changed its name to be the <i>Lord Dudley Hotel</i>, in recognition of the swearing in of William Humble Ward, 2nd Earl of Dudley, otherwise known as Lord Dudley, as the Governor-General in September 1908. Publican Thomas O'Sullivan held the licence for the new hotel. O'Sullivan had been publican of the former <i>Underwood Estate Hotel</i> since February 1902. He had arrived from Ireland in the mid-1880s and first started in Sydney's</p>
--	--

¹⁰ Kelly, op cit, pp.83-84; pp95-100.

¹¹ LPI Old Systems Torrens title Volume 330 Folio 80

¹² *Evening News*, 15 May 1891, p.6.

¹³ *Sydney Morning Herald*, 27 June 1908, p.3.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>horse racing industry, having a good knowledge of Irish thoroughbred racing, before moving into the hotel business.</p> <p>The new hotel was designed in a Federation Queen Anne Revival style, addressing the corner, with frontage to Jersey Road and Quarry Street. The hotel included a large cellar and basement level and three floors of bar and accommodation. The basement level covered the footprint of the entire ground level of the Hotel, with a large cellar at the front, a spirits store and general storeroom, a wood and coal store and a laundry. A public toilet and urinal, as well as staff toilet were also in the basement, with a small yard area at the back.</p> <p>On the ground level the main U-shaped bar with a bottle department took up the corner portion, with two parlours behind and a hallway access to a dining room and kitchen at the rear. The kitchen, dining room and one parlour all had fireplaces. Stairs to the basement and a second flight to the upper levels led off the hallway, with a small balcony to the back of the hotel.</p> <p>On the first floor were seven bedrooms and a single bathroom. The two bedrooms on the Jersey Road frontage each had a fireplace and access to a small, shared balcony, with the rear bedroom also including a fireplace. On the second floor a small landing at the top of the stairs gave access to another four bedrooms, one with a fireplace. No bathroom was placed on the second floor, with residents required to use that one provided on the first floor.</p> <p>In October 1920, the owner of the terrace house at 1 Quarry Street, immediately behind the Hotel, approached Tooth & Co to acquire their terrace for incorporation into the Hotel. The offer was rejected as the Hotel, being new, was considered big enough for the area and the trade. Further, as the house was old and dilapidated, and its yard was below the yard level of the Hotel, any incorporation would require too much work. A report on the Hotel at this time shows it in the same configuration as when built, with the exception of one of the bedrooms on the first floor having been converted to a sitting room, leaving a total of 10 bedrooms.¹⁴</p> <p>Thomas O'Sullivan ran the <i>Lord Dudley</i> with his wife Sarah until, due to ill health, he transferred the licence in December 1920 to his son Maurice. Maurice continued with the license until he traded it in 1925, moving to the <i>United Service Hotel</i> (now the Paddington Inn) on Oxford Street, Paddington. In 1927 he left to join the NSW Parliament as the ALP member for Woollahra, becoming Member for Paddington in 1930, a position he held until 1959.</p> <p>The O'Sullivan family was a prominent Catholic and ALP family. Thomas and Sarah's daughter Winifred was the sweetheart of Australian boxing legend Les Darcy, with Darcy regularly visiting the family at the <i>Lord Dudley</i> from the time they met in 1914 until Darcy travelled to America in 1916. Darcy asked Thomas if he could marry his daughter, but they were both considered too young and Thomas refused.¹⁵ Darcy sometimes stayed in the rooms at the hotel and may have also helped behind the bar at the <i>Lord Dudley</i> during this period.¹⁶ Maurice O'Sullivan was one of Darcy's closest friends, including being in the corner during a number of Darcy's bouts. After Darcy's death in America in May 1917, Winifred, who was with him and Maurice, who was in Sydney, paid and organised to have his body returned to Australia.¹⁷</p> <p>When Thomas died in May 1943, his son (and successor as licensee) Maurice was by then NSW Minister for Transport. Thomas's funeral was attended by the Premier</p>
--	--

¹⁴ Lord Dudley Hotel Managers Office Files N60/1816, Tooth & Co Collection, Noel Butlin Archives, ANU.

¹⁵ Park, R & R. Champion, *Home Before Dark: The Story of Les Darcy, A Great Australian Hero*, Penguin Australia, Melbourne, 1995 pp 131-132; 185.

¹⁶ *Sporting Globe*, 23 February 1946, p4.

¹⁷ Park, pp. 334-336.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>and his cabinet, the Chief of Police, the Mayors of Waverley, Woollahra and Paddington, as well as the local Sisters of Charity and members of Sydney's Irish community.¹⁸ His wife Sarah had died in 1935, and had also been honoured at her funeral with the attendance of the ALP Whip, as well as numerous Parliamentarians, local alderman, church leaders and union officials. 500 people attended Sarah's funeral, with a cortege stretching 800 metres behind the hearse.¹⁹</p> <p>After the O'Sullivan family left the <i>Lord Dudley</i> in 1925, the hotel freehold which belonged to the estate of William Buchanan, the original owner of the <i>Underwood Estate Hotel</i>, was offered to Tooth & Co for £1400, who refused the offer and the Hotel was sold at auction to a triumvirate of owners, three women Mesdames Wall, Mortimer and Davis. Tooth & Co continued to hold the head lease and to sub-let the property to publicans. In 1931, the then licensee Harry Firkin asked for a rent reduction, complaining that due to the Depression, local workers were being put off and his trade was down. Tooth & Co agreed and reduced his rent accordingly. Firkin left in 1932, replaced by Frederick Hallgreen in March, who in turn left in August to be replaced by Frederick Crawford. The trade at the Hotel was still suffering and Tooth's reduced the rent again for Crawford in June 1933.²⁰</p> <p>In 1949, as the end of the 50 year head lease on the building approached, the company began to investigate the viability of purchasing the freehold for the building. A report on the building noted that all ten bedrooms were occupied and some changes had taken place throughout. One of the parlours on the ground floor (a "men's parlour") had been converted into a small bar area in 1942, with a U-shaped counter added that could be accessed from the main bar, and the other parlour converted into the licensee's office. Internal walls were described as being lathe and plaster, while outside it was recommended to remove the post awning and to tile the exterior.²¹</p> <p>Tooth & Co purchased 2/3 of the freehold in June 1949, negotiating with the estate for the remaining 1/3 which they finally secured in May 1953.²² At this time some internal renovations were carried out, with the walls separating the former dining room and kitchen area, and the office/parlour being removed to form a larger lounge area behind the main bar.²³ The lounge could seat 70 and was partly in response to the increasing number of women coming to the hotel. At peak periods the manager reported women spilled out of the parlour, into the stair hall and up the stairs and mixing with the male drinkers.²⁴ The work was done in July 1953, with the post awning being removed in August. The tile roof and the metal ceilings in the bedrooms were also repaired during 1952-1953.</p> <p>In 1956 the <i>Lord Dudley</i> featured in a cartoon in <i>The Sun</i> newspaper, to celebrate the hotel installing a television (possibly to take advantage of the televised Melbourne Olympics). The cartoonist Emile Mercier drank at the <i>Lord Dudley</i>, and renamed the hotel the Jolly Dudley in his cartoon in honour of the then publican, Frank Jolley (Fig.8).²⁵</p> <p>In 1963 the main bar was reconfigured to create a straight bar counter for the main bar, replacing what had been an angular, serpentine style bar. This created more even work space behind the bar and a larger drinking area in front of the bar.</p>
--	--

¹⁸ *The Catholic Weekly*, 6 May 1943, p.6

¹⁹ *Labour Daily*, 20 December 1935, p.12.

²⁰ Lord Dudley Hotel , Yellow Card, Noel Butlin Archives; Lord Dudley Hotel Managers Office Files N60/1816, Tooth & Co Collection, Noel Butlin Archives, ANU.

²¹ Lord Dudley Hotel Managers Office Files N60/1817, Tooth & Co Collection, Noel Butlin Archives, ANU.

²² Lord Dudley Hotel Managers Office Files N60/1817, Tooth & Co Collection, Noel Butlin Archives, ANU.

²³ Lord Dudley Hotel , Yellow Card, Noel Butlin Archives.

²⁴ Lord Dudley Hotel Managers Office Files N60/1817, Tooth & Co Collection, Noel Butlin Archives, ANU.

²⁵ Lord Dudley Hotel Managers Office Files N60/1817, Tooth & Co Collection, Noel Butlin Archives, ANU.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>In 1979, Jamie Couche took on the license under Tooth & Co, before finally purchasing the freehold in c1990 from the brewery. Couche had converted the downstairs storerooms into a restaurant and kitchen area in c1979-1981, with the hotel being redecorated in an old English pub style. Little work was done to the hotel after this period, except for an internal smoking balcony on the first floor in 2007, later removed. In 2015-16 "The Garden" restaurant opened in what had been the open rear service yard at the basement level.</p> <p>Plans were approved by Council for a further development of this space, by adding additional space at the ground floor level of the Hotel, but the work has not proceeded.</p>
--	---

THEMES	
National historical theme (if known)	<p>Peopling Australia Developing local, regional and national economies Building settlements, towns and cities Developing Australia's Cultural Life</p>
State historical theme (if known)	<p>Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions</p>

APPLICATION OF CRITERIA	
Historical significance SHR criterion (a)	<p>The <i>Lord Dudley Hotel</i> is of historic significance within Paddington and Woollahra as one of the early hotels of Paddington, emblematic of the development and consolidation of the suburb. Its site has continuously been used for a hotel since its delineation by subdivision of the earlier landholding in 1878, and construction of the <i>Underwood Estate Hotel</i> in that year.</p> <p>Built in 1908 in the fashionable Edwardian Federation/Queen Anne Revival style, by fashionable architects Halligan & Wilton, the Hotel is a milestone development in its style, sophistication and reflection of Paddington's urban maturity.</p>
Historical association significance SHR Criterion (b)	<p>The <i>Lord Dudley Hotel</i> has a complex array of associations with persons prominent in Paddington, Woollahra and in the broader Australian community. The site and its first hotel were built by William Buchanan, carpenter, merchant and property developer who built and leased nearby business premises and houses and whose family retained the Hotel's freehold until 1925. Tooth & Co, the important brewers and hoteliers who owned or leased many of Paddington's hotels, were the head lessees of the <i>Lord Dudley</i> and commissioned its design from architects Halligan and Wilton. They eventually acquired the Hotel's freehold in 1949-53 and sold it to the present owners c.1990. Thomas and Sarah O'Sullivan, who were the publicans from 1908-1920, were prominent and highly regarded Irish Catholics whose son Maurice became the NSW Minister for Transport, being elected as the ALP member for Woollahra (1927) and then Paddington (1930-1959). Their daughter Winifred was the sweetheart of Australian boxing legend Les Darcy and repatriated his body after his untimely death in the USA in 1917.</p>
Aesthetic significance SHR criterion (c)	<p>Significant as an important example of its architectural style (the Edwardian /Federation Queen Anne Revival style) the assertive design and characteristic features of the <i>Lord Dudley Hotel</i> make it a distinctive landmark on Jersey Road, and in its local setting. Emphasized by its topographical context and set against smaller and earlier dwellings, with later modern development opposite, the Hotel remains a commanding streetscape and townscape element of individual personality and appeal.</p>
Social significance SHR criterion (d)	<p>Hotels are an important part of the social fabric of Sydney's older suburbs as a popular meeting place, and celebrated destinations for locals, tourists and visitors. While the importance of the <i>Lord Dudley Hotel</i> in the current day local community or to any particular sub-group or community organisation has not been researched in this study, its community esteem has been demonstrated in its prolonged commercial success. It is part of the distinctive group of Paddington hotels which continue to serve the local and broader community, giving identity and individuality to the suburb.</p>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	Paddington has a history of community and political activism and this has inevitably been facilitated by the local traditions of meeting and socialising in the network of local corner hotels in the suburb, of which the <i>Lord Dudley</i> is one, with candidates electioneering from the balcony.
Technical/Research significance SHR criterion (e)	<i>The Lord Dudley Hotel</i> retains important evidence of its evolution as an exemplar of a distinct building type, the Late 19th Century and 20th Century Sydney pub. Together with the substantial archival records of its use and adaptation across time, it demonstrates the processes of change in buildings of its genre, responding to the changing society in which it is valued and continues to serve.
Rarity SHR criterion (f)	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Lord Dudley Hotel</i> is uncommon, rare and at some risk. Market challenges and an increasingly valuable site, attractive for conversion or redevelopment for housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs. It is the only substantially intact Edwardian Federation/Queen Anne Revival Style hotel within the Woollahra Municipality.
Representativeness SHR criterion (g)	The <i>Lord Dudley Hotel</i> is notable as being a corner hotel building, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings which are a key element of the character of the Paddington Heritage Conservation Area. ²⁶ It has a clear and notable <i>Representative</i> value.
Integrity	The <i>Lord Dudley Hotel</i> is significantly intact, although it has been modified internally. It has an important integrity in that it still demonstrates its original architectural design, and its evolution. The changes to the Hotel have been considered and effectively respectful of its character and fabric.

HERITAGE LISTINGS

Heritage listing/s	
	Local Heritage Item (including interiors) Schedule 5 Woollahra Local Environment Plan 2014 (#261)
	The <i>Lord Dudley Hotel</i> is within the Paddington Heritage Conservation Area recognised by Woollahra Council in LEP 2014.
	The <i>Lord Dudley Hotel</i> is within the National Trust Paddington Urban Conservation Area

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Written Graphic/Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
Published book	J.M. Freeland	<i>'The Australian Pub'</i> Melbourne University Press	1966	author's copy
Unpublished history	Ron Johnson	<i>Paddington History and Heritage</i>	undated	Woollahra Local History Centre
Published book	Richard Apperly, Robert Irving, Peter Reynolds	<i>Identifying Australian Architecture</i>	1989	Author's copy
Published book	Liz Parkinson	The Underwoods: Lock, Stock & Barrel	1989	Woollahra Local History Centre
Published book	Max Kelly	<i>Paddock Full of houses : Paddington 1840-1890</i> Doak Press, Sydney	1978	Woollahra Local History Centre

²⁶ Woollahra DCP 2015, Part C, c 1.2.3, pg.9

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Published book	Ruth Park & Rafe Champion	<i>Home Before Dark – the story of Les Darcy, a great Australian Hero</i>	1997	In print
----------------	---------------------------	---	------	----------

RECOMMENDATIONS	
Recommendations	<p>It is recommended that :</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Lord Dudley Hotel</i>; • The <i>Lord Dudley Hotel</i> and its interiors be listed as a heritage item in the Woollahra LEP (2014), subject to clarification of the interiors' significance through further detailed assessments in the Conservation Management Documents to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington should be listed as a group item on the Woollahra LEP or on the State Heritage Register; and • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes. • Council officers be available to liaise with owners prior to developing plans for change or development; <p>The significant heritage attributes and elements of the <i>Lord Dudley Hotel</i>, modified and adapted as outlined above and confirmed by full heritage assessment and Conservation Management Documents (CMDs), should be appropriately conserved, adapted and retained. Proposals for new work should reflect the CMP policies and demonstrate that they are contributing to the conservation of the significance and commercial viability of the hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible removal or reversal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.</p> <p>The external ground floor doors have been modified to form windows with sandstone seats and planters externally. The modification of the doors was intrusive and future alterations could reinstate the doors and provide seating in a more sympathetic manner. The planter boxes should be adapted so that they cannot cause water damage to original fabric, or be considered for removal.</p> <p>The climbing vine growing on the main façades may be damaging the face brickwork and the desirability of its removal should be ascertained.</p> <p>Only surfaces that have previously been painted should be painted. The face brickwork should not be rendered or painted.</p>

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	8		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore (access available to exteriors and public areas only)		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)	Date October 2018	

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 1 : Location of the Lord Dudley Hotel				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

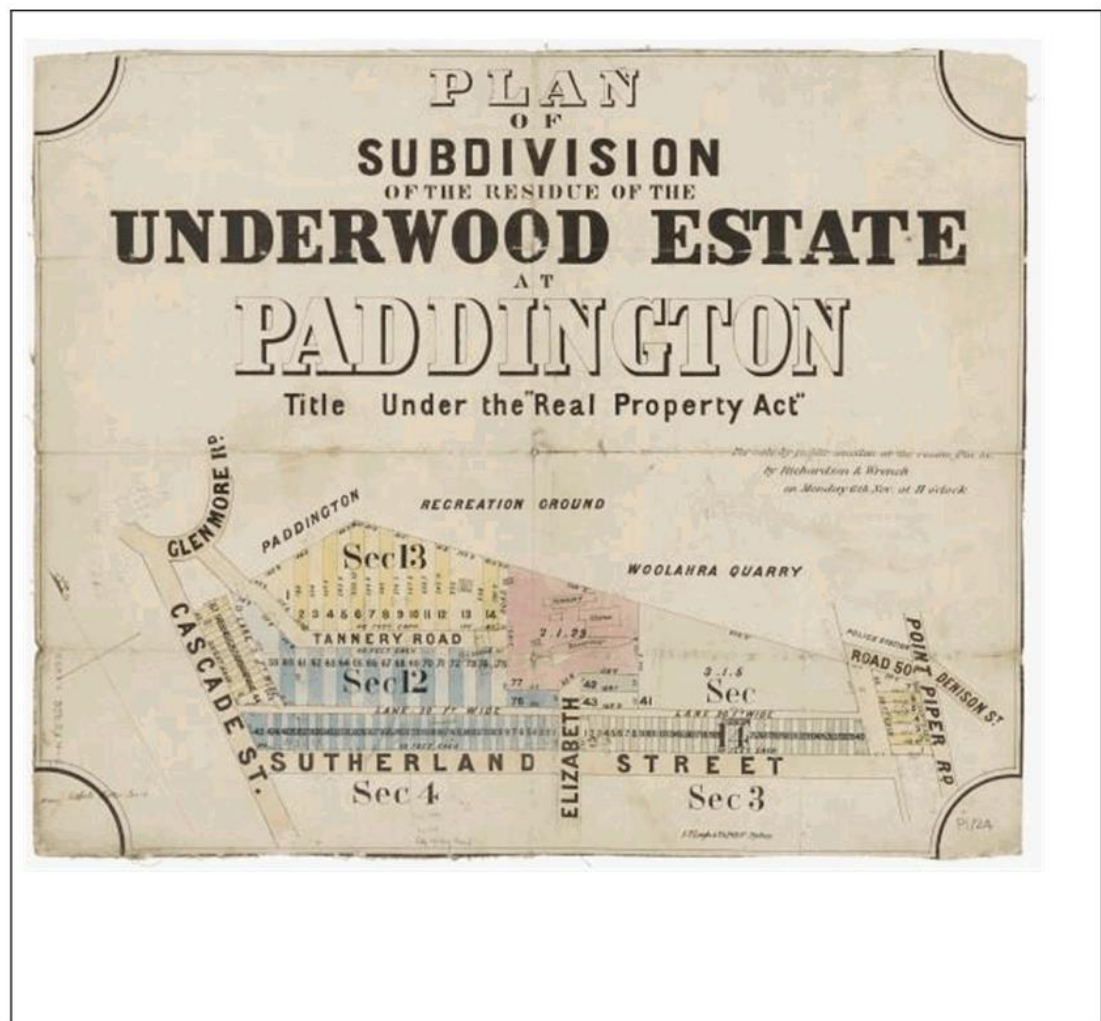


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Figure 2 : Subdivision plan for the residue of the Underwood Estate, 1878. The Lord Dudley Hotel was built on the corner of Point Piper Road (Jersey Rd) and the unnamed road (Quarry Street), being Lot 7 Section 15 (Source: SLNSW)				
Image year	1878	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 : Sydney Metropolitan Detail Map Series Sheet 23, showing the Underwood Estate Hotel and the Police Station opposite across "Reserve Road" (Quarry Street).				
Image year	1886	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW

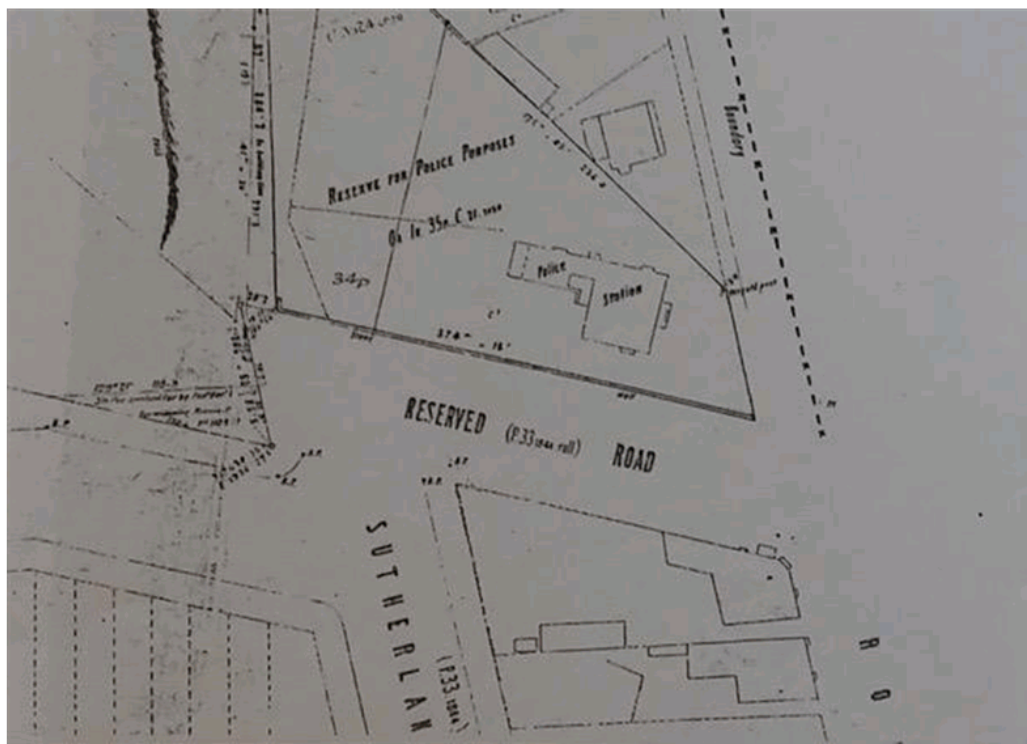


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4 : 1894 plan of the Municipality of Paddington showing the outline of the former <i>Underwood Estate</i> hotel on the Jersey Road Corner, with the Police Station on the opposite corner. This hotel was demolished in 1908 and replaced by the <i>Lord Dudley</i> (Source: Woollahra Local Studies)				
Image year	1894	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW



IMAGES - 1 per page

Woollahra *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 5 : Architects' plans for the new <i>Underwood Estate</i> Hotel. Renamed the <i>Lord Dudley</i> soon after completion, the hotel occupies the site of the former <i>Underwood Estate</i> Hotel, less the site of the terrace houses built by the former owner in 1888. (Source: SRNSW).				
Image year	1908	Image by	Halligan and Wilton Architects	Image copyright holder	State Records of NSW



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6 : The Lord Dudley Hotel, 1930 ; note the posted awning, oriel window and balcony, the visibility of the building without the street tree now present.				
Image year	1930	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 : The Lord Dudley Hotel ; 1949. The tall, Victorian period timber picket fence with gates is to the Police Station.				
Image year	1949	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU

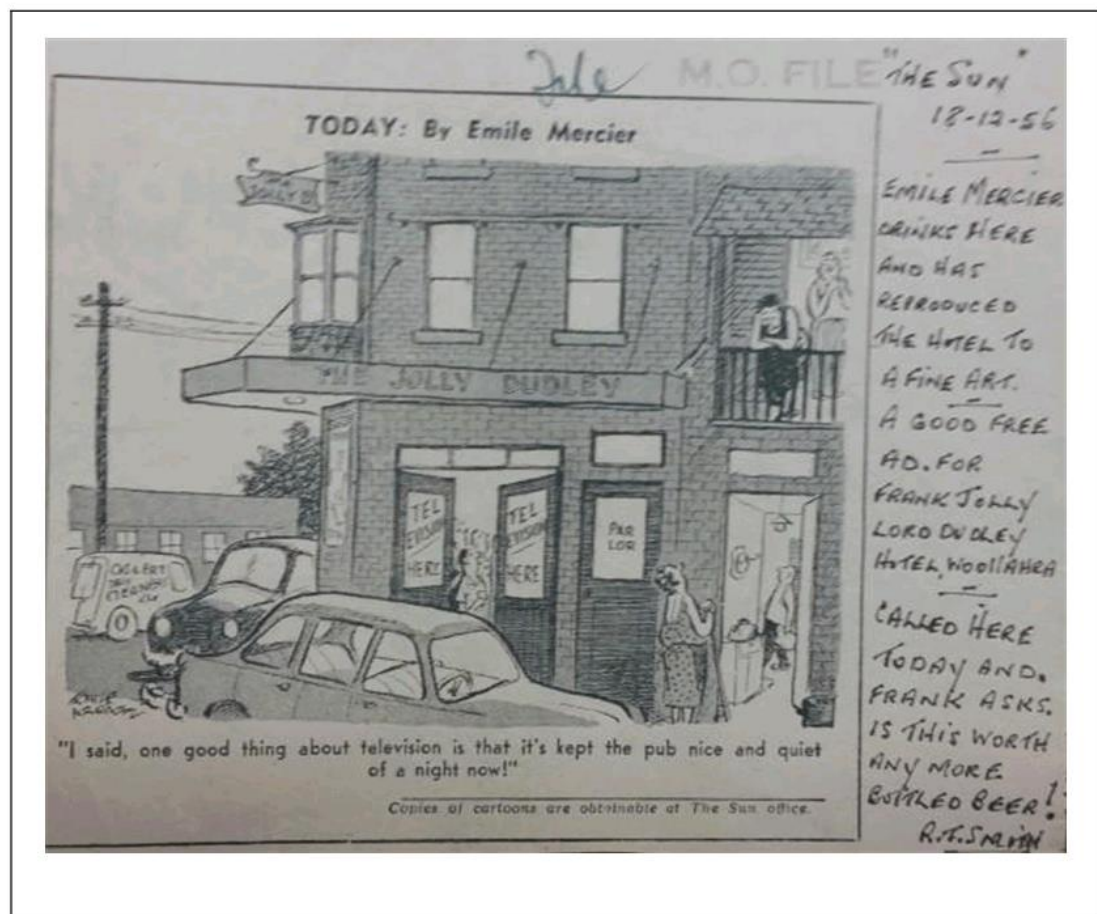


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8 : The Lord Dudley Hotel : a 1956 cartoon by Emile Mercier (who drank at the hotel) that featured in <i>The Sun</i> newspaper. The comments at the side were annotated by Tooth & Co for their hotel file. The balcony is shown in the wrong place, but note the door signs.				
Image year	1956	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9 : The Lord Dudley Hotel, 1960. A modern suspended box awning has replaced the earlier post supported structure. Door signs shout "Television here!".				
Image year	1960	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU

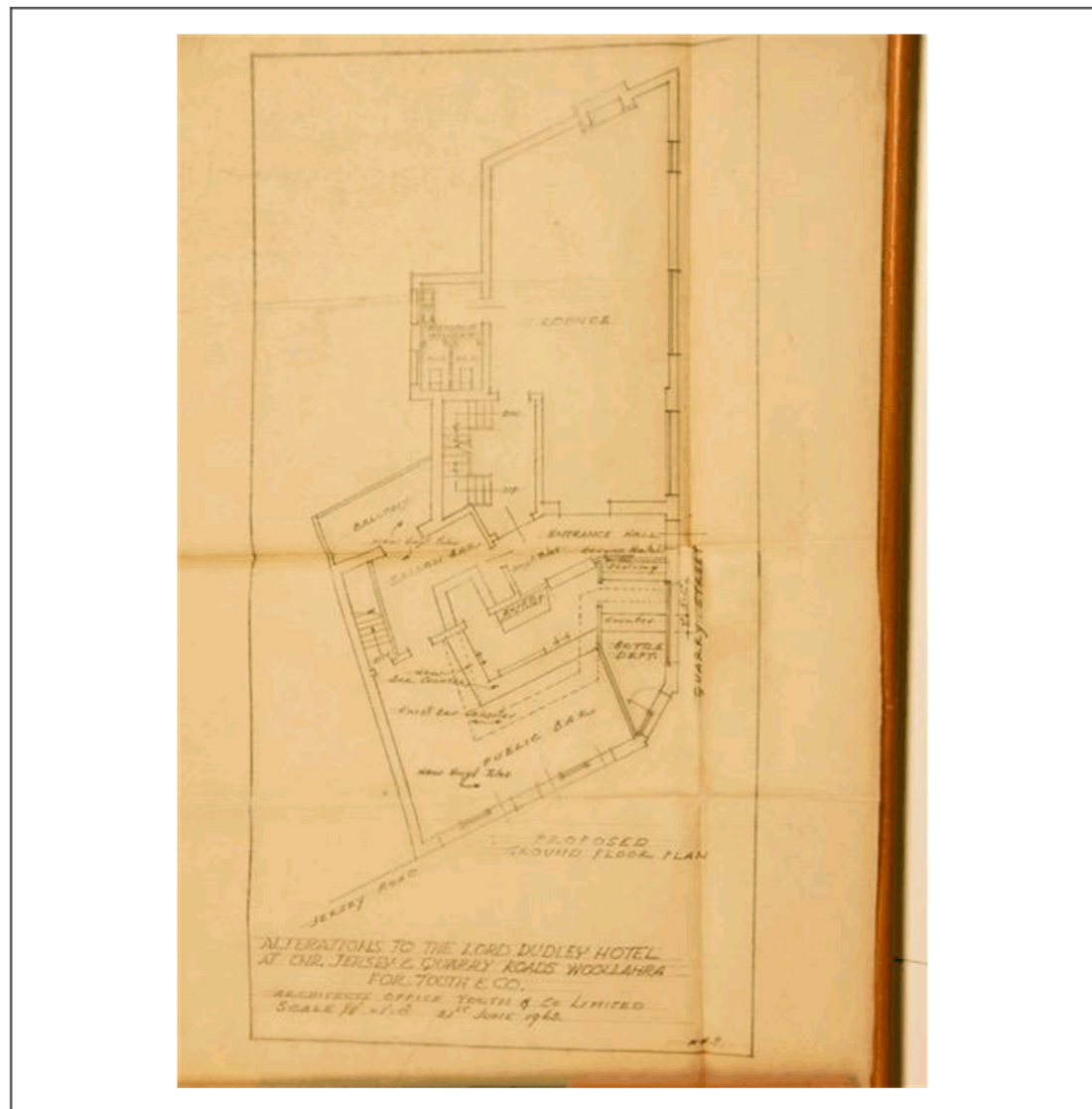


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : The Lord Dudley Hotel ; new bottle department and realignment of Public Bar counter				
Image year	1963	Image by	Tooth & Co	Image copyright holder	Noel Butlin Archive ANU

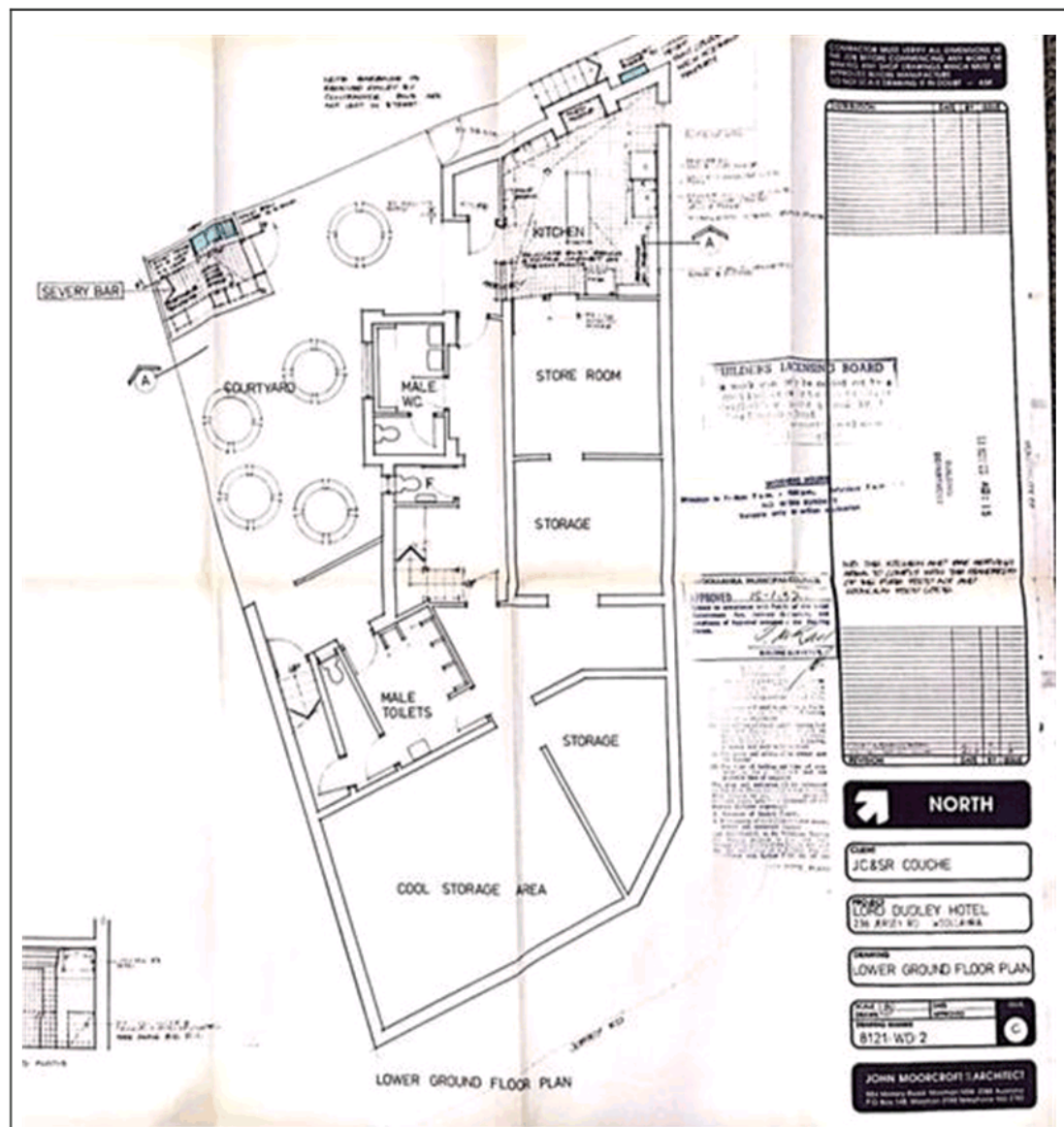


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 11 : The Lord Dudley Hotel ; new basement kitchen, and restaurant dining area in the former rear service yard – part of the drawing by John Moorcroft Architect				
Image year	1982	Image by	John Moorcroft Architect	Image copyright holder	Woollahra Council Archives

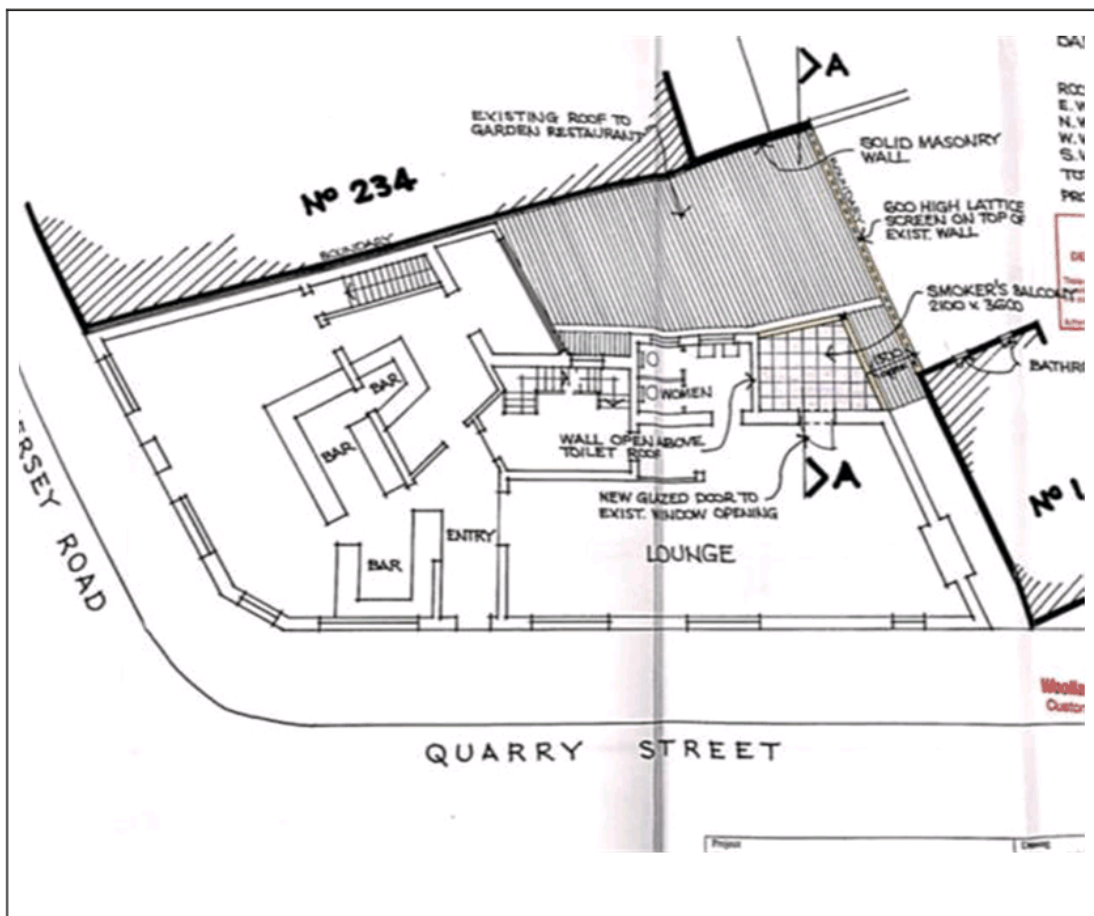


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 : The Lord Dudley Hotel ; proposed smokers' balcony, showing ground floor arrangement of the Hotel ; approved 16.1.2007.				
Image year	September 2006	Image by	TP Spooner Architect	Image copyright holder	Woollahra Council Archives



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 : The Lord Dudley Hotel – view from across Jersey Road ; the building is partly obscured by the street tree ; a climbing vine covers an extensive part of the facades.				
Image year	September 2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

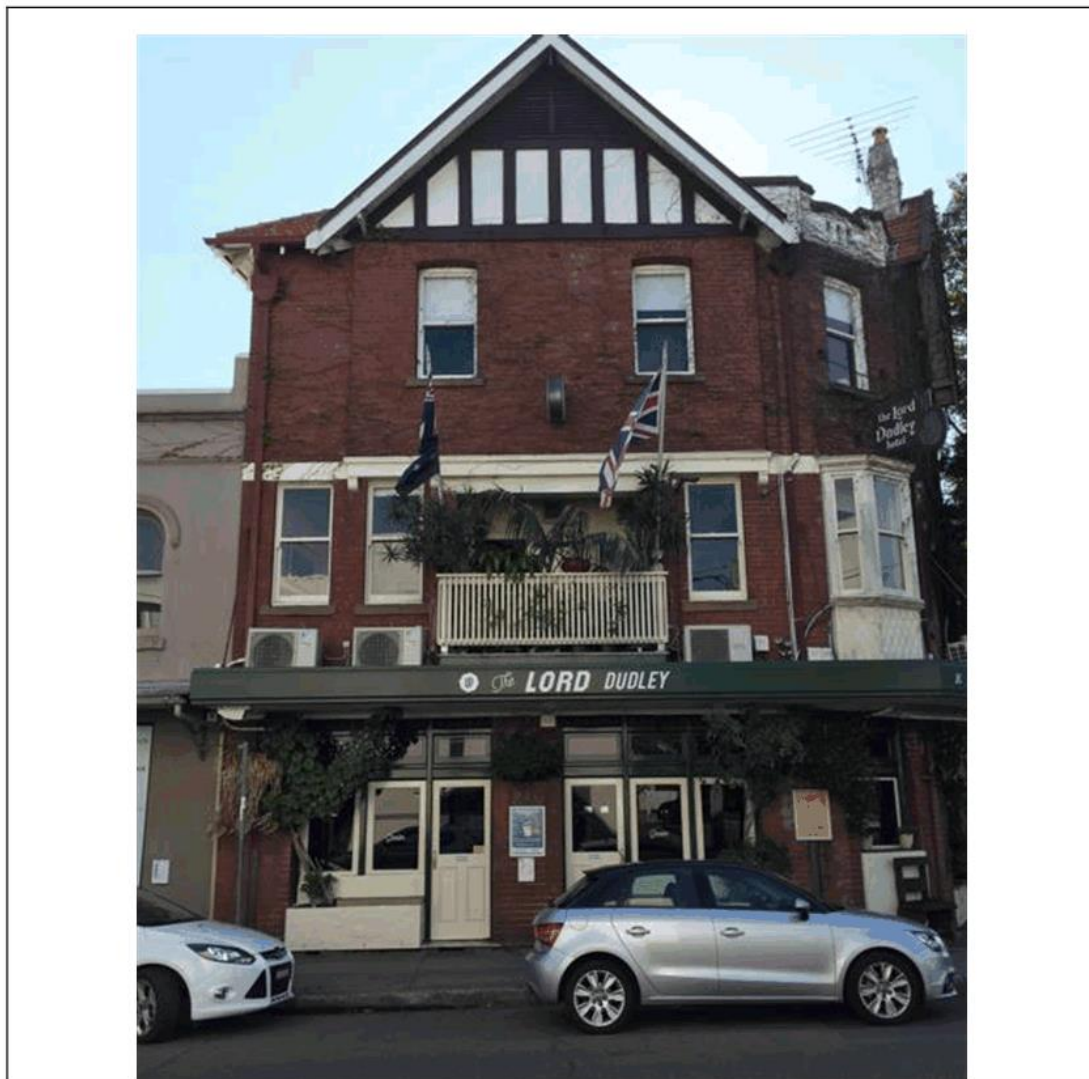


IMAGES - 1 per page

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 14 : The Lord Dudley Hotel ; façade to Jersey Road ; air conditioners and antennae detract from presentation				
Image year	September 2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

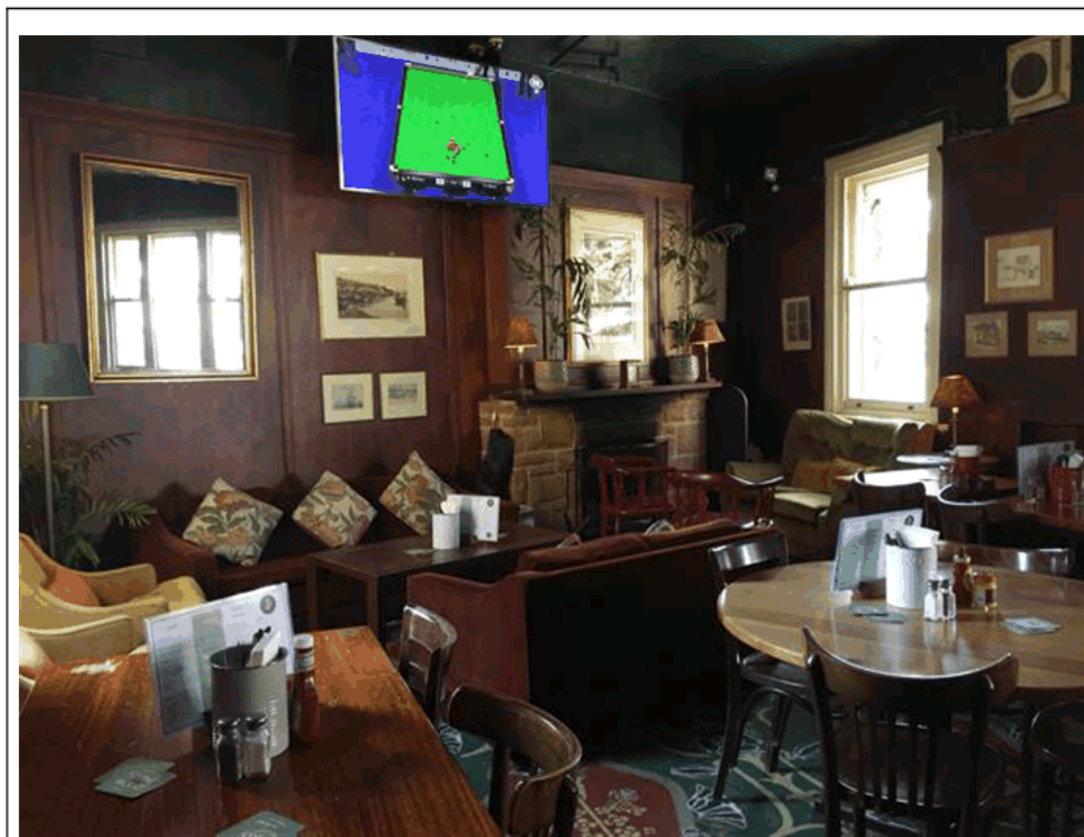


IMAGES - 1 per page

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 15 : The Lord Dudley Hotel ; end of dining room with fireplace refitted, walls re-panelled and ceiling blacked out				
Image year	September 2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

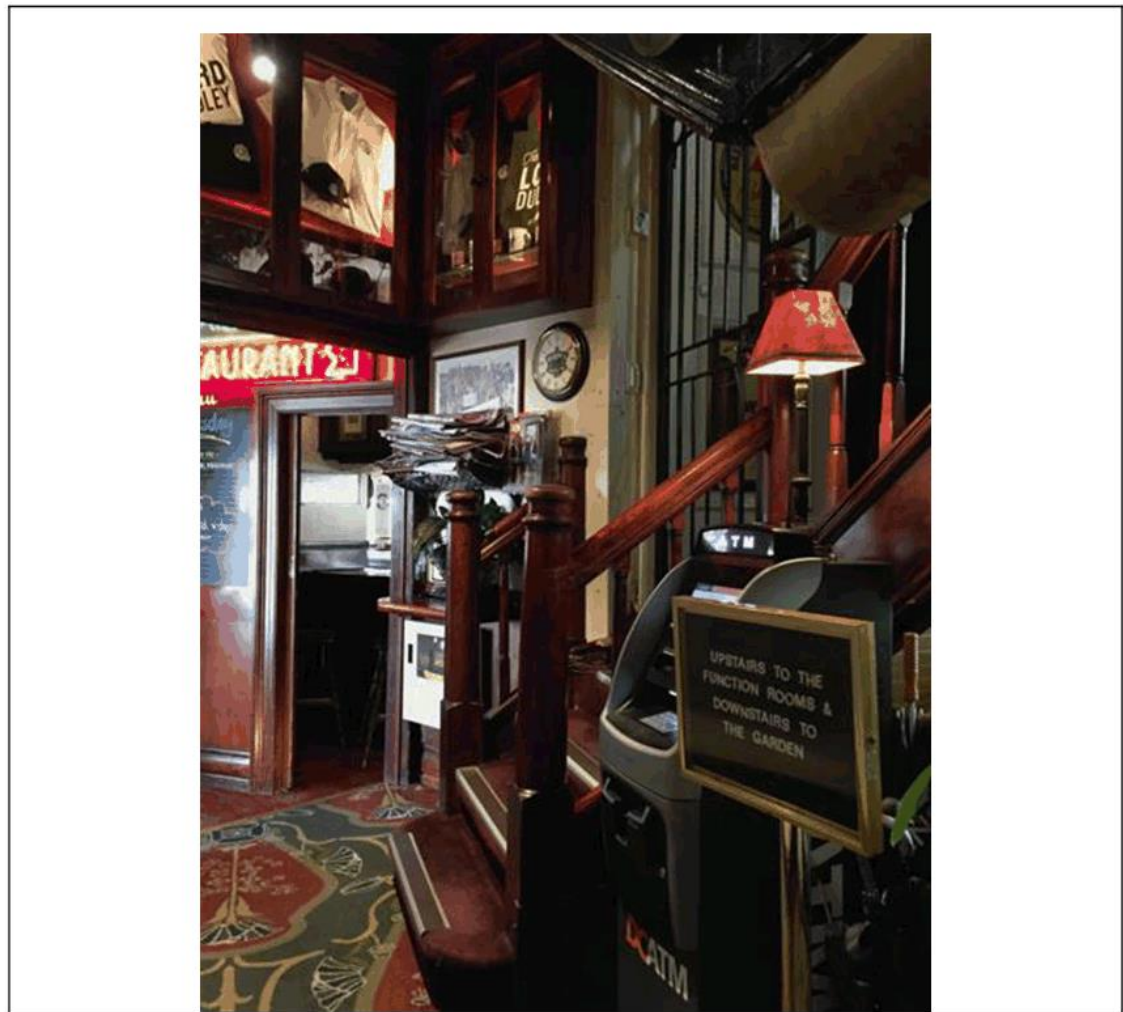


IMAGES - 1 per page

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 16 : The Lord Dudley Hotel ; original main stair and angular wall layout through to public bar ; steel grille door controls access to upper floors				
Image year	September 2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 17 : The Lord Dudley Hotel ; former service yard now dining court under glazed roof ; doors and stair directly ahead to access the public bar				
Image year	September 2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

-ITEM DETAILS			
Name of Item	The Royal Hotel		
Other Name/s Former Name/s	Craig's Royal Hotel		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	237		
Street name	Glenmore Road		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot 1 DP 224890		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p>The <i>Royal Hotel</i> is of cultural heritage significance to Paddington and the Woollahra LGA as one of the grand, 19th Century hotels which continue to trade, having been a consistent part of the urban and community consolidation of the suburb as it transitioned from large private estates to densely-clustered terrace houses and local shops in distinctive streetscapes.</p> <p>Commandingly sited and impressively scaled, the <i>Royal Hotel</i> has historic and aesthetic significance for Paddington through its Victorian Free Classical architectural style that supports a remarkable landmark townscape and streetscape prominence, astutely foreseen by its first owner and developer James Murphy. Part of one of the quintessential localities within Paddington, the Five Ways, the <i>Royal Hotel</i> makes a singular contribution to the suburb amongst the cohort of enduring corner pubs which have been an essential part of the suburb's history, economy and community.</p> <p>The <i>Royal Hotel</i> is of aesthetic significance, both as an example of a late Victorian period, Classic Revival style hotel building whose exteriors are significantly intact, and as a prominent, architecturally accomplished building, strongly contributing to its setting. The Hotel's interiors have, like those of other hotels in Paddington, been serially modified and updated, to meet evolving taste and commercial requirements.</p> <p>The <i>Royal Hotel</i> is of social significance within Paddington as a reference point for community identity, a popular gathering place sited at one of the key locations within the suburb. Considered comprehensively, the significances of the Hotel support the attribution of both <i>representative</i> and <i>rarity</i> values to it – lending to its values as an aesthetic and social landmark within the Paddington Heritage Conservation Area,</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	which is in turn one of Australia's important historic urban environments. As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, the <i>Royal Hotel</i> may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.	
Level of Significance	State <input type="checkbox"/>	Local <input checked="" type="checkbox"/>

DESCRIPTION					
Designer	Unknown				
Builder/ maker	James Murphy				
Physical Description	<p>The <i>Royal Hotel</i> is a three storey hotel with a basement and part fourth roof-top level, designed in the Victorian Free Classical style. The hotel addresses Glenmore Road and Broughton Street with a subtle splayed corner, topped by a name pediment, and from which the hotel was originally entered on the ground floor, and which is emphasized by the elevated, wrap-around balcony. The tall, narrow façade to Glenmore Road is backed up by the long return façade along Broughton Street, descending to the service areas at the building's rear. It is the dominant element in its immediate locality, through its scale and assertive architectural design.</p> <p>The hotel is built of stuccoed brick with vigorously arranged classical elements and motifs enlivening the facades, which are divided into bays scaled to their respective frontages. The façades are topped by a deep articulated parapet which conceals the roof and roof-top terrace, with integrated and pedimented double hung sash windows to former bedrooms, now variously offices and stores. The cantilevered balcony with curved iron roof wraps around the first floor with French doors opening from the former dining room/sitting room which once served the guest rooms. It is the only hotel in Paddington with its original overhanging iron lace balcony. The first and second floor bedrooms have been converted into bars, restaurants and kitchens.</p>				
Physical condition and/or Archaeological potential	The <i>Royal Hotel</i> appears in good condition, as a continuously operational, functional and maintained commercial building.				
Construction years	Start year	1888	Finish year	-	Circa <input type="checkbox"/>
Modifications and dates	<p>As with other early Paddington hotels, the <i>Royal Hotel</i> has been subject to many successive rounds of alteration and improvement over its long service, in response to changing popular customs, fashions and the evolving demands of the Paddington community and hotel patrons. The cycle of change has notably increased in frequency since the 1970s, as pubs diversified from "watering holes" to restaurants and entertainment venues.</p> <p>The first substantive alterations to the <i>Royal Hotel</i> appear to have occurred in 1927, with restricted drinking hours putting pressure on pubs for bar space to meet drinkers' demands in the time of the "six o'clock swill". Plans prepared by C.W Hoggan of the Tooths Architects Office at the Kent Street Brewery, show original walls being removed and the main stair being relocated in order to enlarge the formerly restricted public bar.</p>				

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>More extensive changes followed in 1940, including major internal rearrangement of the ground floor, first floor and extension of the rear service wing, supported by Tooth & Co whose then policy was to upgrade or replace its older hotels, in a time of favourable building costs. The plans were prepared by the prominent society and commercial architects Morrow and Gordon. The adaption of the corner entrance to a window was proposed and carried out shortly thereafter.</p> <p>With the advent of the 1960s and 70s, as for other older Paddington hotels, the pace of change at the <i>Royal</i> began to quicken. A train of successive applications and approvals - some for minor but others for major works - by a train of architects and consultants began and now complicates interpretation of their implementation and effects. Across 1972-73-74 architect Richard Rowe, briefed by owner Philip Ashton (Jaspa Pty Ltd) gained approval to consolidate the <i>Royal Hotel</i> as a dining venue with new dining areas to the ground and first floors, new kitchens, and enclosure of the rear service yard. Across the 80s and 90s further approvals were gained for internal re-arrangements and external adjustments of openings by architects Toland Williams Pty Ltd and Richard Christian. In 2006 Council approved plans by Professional Construction Services Pty Ltd for the third floor (fourth level) open roof terrace behind the parapet. New toilets were approved for the cellar/basement in 2007 (plans by North Shore Plan Service). Reflecting new interests and controls relating to the heritage significance of the Hotel, heritage impact statements and photographic records begin to accompany applications.</p> <p>In 2011-13 architects Burley Katon Halliday gained approval and appear to have implemented the most recent phase of major works, rationalising bars and toilets, and introducing a lift, the first floor internal terrace, and new kitchens, as well as giving the building a new colour scheme and interior fit-out.</p>
Further comments	<p>Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.</p> <p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban</p>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.¹ The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether (1) any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.²</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".³ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's took over Resch's and with it, their hotels as well.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th Century hotel into larger public bars and ladies' lounges, and new dining areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the public bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, public bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁴</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th Century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now</p>
--	---

¹ Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

² Kelly, op cit, p.181

³ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o'clock.swill

⁴ Freeland, J.M., *The Australian Pub*, Melbourne University Press, 1966, p.176

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁵ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁶ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered. In Sydney the compounding land value of inner-city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	--

⁵ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁶ Freeland J.M. *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

HISTORY	
Historical notes	<p>Paddington was traditionally part of the land of the Cadigal people.</p> <p>In 1833 Sydney solicitor and registrar of the Supreme Court, John Gurner received a grant of 7 acres of land in 'the valley of Rushcutter's Bay'. Part of the land fronted Glenmore Road, one of Paddington's earliest formed roads that connected South Head road (later, Oxford Street) to Robert Cooper's distillery on Rushcutter's Bay. The grant was given on the proviso it was called <i>Duxford</i>. Gurner soon received a second grant of 8 acres, making a total of 15 acres on which he had a grand villa built. The house, completed by 1843 was to a design thought to be by John Verge.</p> <p>Prior to 1840, the grand villas <i>Barcom Glen</i>, <i>Juniper Hall</i> and <i>Englehurst</i> had been established and following these were <i>Plinton</i>, <i>Bradley Hall</i>, <i>Duxford Estate</i>, <i>Elfred House</i>, <i>Olive Bank Villa</i>, <i>Lohort</i>, <i>Deepdene</i> and <i>Glen Ayre</i>. There were other substantial houses built by prosperous merchants, such as <i>Tivoli</i>, <i>Seaview Villa</i> and <i>Bentham</i>. The characteristic street mosaic of Victorian Paddington was predominantly determined by the boundary patterns of these early grants and their subsequent subdivision, and this dictated the contrary direction of streets and lanes to the steep contours of the landform. The combination of the steepness of the terrain and the historic background to land ownership that resulted in streets running up and down hills instead of along the contour, ensured the suburb was a costly one to build.</p> <p>By 1885, only the estates of John Gurner (<i>Duxford Estate</i>) and Thomas Broughton, (<i>Bradley Hall</i>) remained intact, surrounded by terrace houses. Gurner lived with his family at <i>Duxford House</i> until his death in 1882, and had resisted the urge to subdivide the estate, even as the surrounding land was developed and the Paddington suburb encroached. Following his death however, the <i>Duxford Estate</i> was divided into 138 lots and sold by Richardson and Wrench in March 1885.⁷ The house itself was not sold in the subdivision of <i>Duxford Estate</i> - it was later bought by Gurner's neighbour, Thomas Broughton, in 1886 following the death of Gurner's unmarried daughter, Jane, who had continued to reside at <i>Duxford House</i>. The house was later demolished when the <i>Broughton Estate</i> was subdivided in 1898.</p> <p>Lot 1, on the corner of Glenmore Road and Broughton Street was purchased by James Murphy, who in April applied for a condition license for a hotel, but withdrew the application prior to it being determined. In April 1887 he applied for another conditional license to erect a hotel on Glenmore Road, which was rejected despite the support of both the Mayor and former Mayor of Paddington, after competing petitions for and against the hotel were submitted to the licensing court.⁸ In April 1888 he applied a third time for a hotel license for the corner of Glenmore Road and Broughton Streets, which was successful.</p> <p>The Royal Hotel</p> <p>Murphy's new hotel, the <i>Royal Hotel</i>, was completed by late 1888. The hotel was built on the prominent corner of Glenmore Road and Broughton Street, at what was the junction of Glenmore Road, Broughton Street, Heeley Street and Goodhope</p>

⁷ *Sydney Morning Herald*, 3 March 1885, p.6

⁸ *The Daily Telegraph*, 22 April 1887, p.3

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Street. The three storey hotel with "Royal Hotel, 1888, J. Murphy" embossed on the parapet, and an overhanging balcony on the first floor was situated on the high point of the junction, making it a landmark from its opening. The hotel boasted a public bar fronting Glenmore Road, with two parlours behind, with a kitchen, storerooms and a dining room on the ground floor. Four bedrooms were on the first floor, with a large sitting room at the Glenmore Road side, and a waiting room plus servery on this level, five more bedrooms and a bathroom on the second floor and three more on the third floor. The basement cellar included a series of small store rooms.⁹</p> <p>The <i>Royal Hotel</i> was soon the venue for political rallies and meetings, with candidates using the balcony to address crowds gathered in the street below. Murphy himself had unsuccessfully run for a place on the Paddington Municipal Council for the Protectionist party, and he regularly hosted meetings of the Protectionist Association at the hotel. Inquests into accidental and suspicious deaths were also held in the hotel from soon after its opening. Despite building the hotel Murphy only remained at the <i>Royal</i> as publican until 1892, when the license was transferred to Harry Stoddart. In 1906 the head lease was granted to Tooth & Co, who then leased it to a series of publicans after Stoddart until January 1916 when the hotel was purchased and the license transferred to Henry James Craig. Craig owned and ran the hotel until his death in 1945.¹⁰ Mr Craig advertised his hotel as <i>Craig's Royal Hotel</i>, which offered 'good accommodation' at 'reasonable prices'. A photograph held by the Mitchell Library taken of track repairs outside the hotel, shows banners hanging over the first floor balcony, <i>Craig's Royal Hotel</i>.</p> <p>Ten years after the hotel opened, the Broughton Estate which also faced Broughton Street was finally subdivided (1898) and in 1907 the tramline to Bellevue Hill was laid along Glenmore Road. The associated development made the junction, by now referred to as the "Five Ways", one of Paddington's busiest commercial precincts. By the 1920s, Five Ways was an established and busy commercial centre with a variety of shops, a picture theatre, the hotel and church.</p> <p>The first major alteration to the hotel was undertaken in 1927 at a cost of £3,300. This work included the removal of the parlour walls and a passageway that had run behind the public bar, to create one large public bar, with an island bar in the centre. As part of the alterations, one of two sets of stairs to the first floor, which had been accessed via a passageway between the public bar and the parlours, were also removed and the ceiling above made good. Two windows facing Broughton Street were converted to new doors, with a new lobby created to allow access to the stairs for the upstairs rooms. New doors were also cut through the dining room walls, the old entry now impeded by the staircase lobby.</p> <p>In 1940 another round of renovations was carried out by the prominent architects D.T. Morrow and Gordon. In the main bar area the counter was extended on both sides of the room. The stair lobby built in 1927 was removed and the stairs taken away to allow for the bar to be extended along the Broughton Street side of the hotel, with a new ladies bar created where the dining room had been and a new parlour behind that. On the opposite side of the hotel, the kitchen was removed and converted into a public lavatory, with a parlour wall also removed to lengthen the bar.</p>
--	--

⁹ Plans of *Royal Hotel*, SRNSW AO Plans 71560-71563.

¹⁰ *Royal Hotel* Yellow Card, Tooth & Co Collection, Noel Butlin Archive, ANU Canberra.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The former entrance at the corner of the bar, corresponding to the junction of Glenmore Road and Broughton Street was converted to a window, with new doors on the far side of the Glenmore Street front, which had been a secondary entryway. The stairs to the upper levels were relocated further along the Broughton Street front, with a new private entry also created from the street to access them. A new laundry was built at the rear with new stairs leading down to the yard. On the first floor, the servery was converted to a bathroom, one bedroom converted to the kitchen and a new dining room built in the space created by the removal of the stairway. The new stairs at the rear were encased in a small extension to the roof and parapet on the Broughton Street side of the hotel. A chimney at the rear of the hotel was taken out, with a new canopy also added to the Broughton Street façade to provide some cover for the entry to the stairs. New bathrooms were installed in the second and third floors, while in the cellar a new cold room was added.</p> <p>In 1956-1957 the roof of the hotel was repaired, with new tin on the flat and skillion roof and new slates on the rest. Tiles were replaced in the bar area and new counter tops installed. In 1961 the hotel was painted inside and out, and in 1966 part of the public bar was cut back to provide extra standing space. On the second floor, an old plaster and lathe wall was removed to convert two rooms into one in 1967.</p> <p>In 1966 the hotel was sold to John, Gordon and Olive Bridge, operating under the company name of Gosbridge Pty Ltd. The hotel was still leased to Tooth & Co, who also held the first mortgage on the building, having loaned money to Gosbridge for the purchase. In 1972 the hotel was sold again to another company, Jaspa Pty Ltd, being Phillip Ashton and his wife Jane. By 1975 the bedrooms on the first floor had been converted to serve as restaurant dining rooms, with a French restaurant serving up to 1,000 people per week. On the second floor, the bedrooms had also been converted to a theme bar called the Elephant Room cocktail bar, which still remains a feature of the hotel (2018).¹¹</p> <p>The hotel was sold once more in May 1980 by Jaspa Pty Ltd. The sale description for the hotel noted that the first floor and the second floor now consisted of dining rooms and theme bars, all located in the former bedrooms of the hotel. One of the bedrooms on the top floor had been retained for staff use, with the remainder being converted to offices. The significance of the building was recognised in October 1980 when it was added to the Register of the National Estate. It was the only hotel in Paddington to be included. It had also been listed by the National Trust by this time.</p> <p>In c2006 a rooftop bar and terrace were added to the hotel, looking over the Five Ways, and in 2011 the ground, first and second floor levels were further reconfigured, with a new internal terrace added on the first floor.</p>
--	--

THEMES	
National historical theme (if known)	<p>Peopling Australia</p> <p>Developing local, regional and national economies</p> <p>Building settlements, towns and cities</p> <p>Developing Australia's Cultural Life</p>

¹¹ O'Keefe, D., *O'Keefe's guide to Sydney Pubs*, O'Keefe Publications Sydney, 1975, p. 40.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

State historical theme (if known)	Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions
--	--

APPLICATION OF CRITERIA

Historical significance SHR criteria (a)	The <i>Royal Hotel</i> is of historic significance in Paddington and Woollahra as one of the earlier "corner hotels" of Paddington, trading upon a site that has been continuously used as the <i>Royal Hotel</i> since the subdivision of the former <i>Duxford Estate</i> in 1885, and the subsequent construction of the hotel in 1888. Its history is indivisible from that of Paddington itself, reflecting the events, society and economic development of the locality, as well as the architecture and architectural ambitions of Paddington's emerging mercantile class in the late 19th and 20th Centuries.
Historical association significance SHR Criteria (b)	The <i>Royal Hotel</i> is associated with key individuals and companies in the story of Paddington and Woollahra, including John Gurner and Charles Broughton, whose estates when eventually subdivided, shaped the streetscapes and urban form of the suburb today ; its founder and aspiring local politician James Murphy, whose foresight the hotel conclusively endorses ; and Tooth & Co., one of the pre-eminent brewers, distributors and owners or lessees of hotels in NSW during the late 19th and Early 20th Centuries, and a major hotel owner and operator in Paddington over that time.
Aesthetic significance SHR criteria (c)	<p>Imperiously commanding the major Paddington locality of 'Five Ways' at the intersection of Glenmore Road, and Broughton, Heeley and Goodhope Streets, the <i>Royal Hotel</i> is an imposing three storey Victorian hotel building, which presents its tall major "front" façade to the roundabout street confluence, while its long secondary façade is stretched out, and steps down, along Broughton Street.</p> <p>The site was an astute choice by James Murphy, for although awkward in the descent of levels across its narrow Glenmore Road frontage, it was the perfect prominent location for a hotel building. Its design realised and still maintains the dominance of streetscape that also affords expansive views from its balconies and the rooftop terrace behind its parapet – one of the finer publicly accessible viewpoints over Paddington's distinctive streetscapes and townscape.</p> <p>A carefully composed, complex example of the 19th Century Classical Revival / Italianate style, applied to a commercial hotel building, the <i>Royal Hotel's</i> design balances the decorative screen of "filigree" cast iron lace work sheltering its balconies, against the richly modelled rendered façade, which employs elaborate classical elements in its stuccoed masonry finish. The bays of its elevations are cleverly scaled to their respective frontages, unifying the building's elongated form. While comparable with others of its style and scale, such as the <i>Grand National Hotel</i>, the <i>Royal Hotel</i> both enhances and is enhanced by its obvious landmark siting and design, on one of Paddington's more important intersections.</p>

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Social significance SHR criteria (d)	<p>The <i>Royal Hotel</i> is of social significance as an enduring reference point for community identity in Paddington, together with the group of similar older and long-established trading hotels of the area. The existing hotel occupies a site which has been used for a hotel since its establishment by subdivision in 1885 and construction in 1888, bestowing an importance upon the hotel in the historic and social identity of Paddington. As both landmark and landmark viewpoint, it is singular within Paddington.</p> <p>As popular meeting places, and destinations for both locals and visitors, Paddington's older hotels like the <i>Royal Hotel</i> are part of its distinguishing and appealing personality, and an important part of the social fabric of the suburb as well as its commercial appeal. Paddington and its residents have a history of community activism and this has inevitably been facilitated by the tradition of meeting and socialising locally in the network of corner pubs in the area. Like others, the <i>Royal's</i> balcony was an important spruiker's venue. It is considered to meet this criterion.</p>
Technical/Research significance SHR criteria (e)	<p>The <i>Royal Hotel</i> is of local significance to Woollahra and Paddington, as an example of how the locality's distinctive and distinguishing corner pubs have evolved to serve their changing community and clientele, reflecting socio-economic changes in their context. This is supported by the extensive documentation of changes made to the Hotel across its life, which can be found in the State Library, and State Records Office, and Council records.</p>
Rarity SHR criteria (f)	<p>As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Royal Hotel</i> is both uncommon and rare. Market challenges and an increasingly valuable site, attractive for conversion or redevelopment for housing or an alternative commercial use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs.</p> <p>It is also a prominently sited and impressively styled Victorian commercial building, offering substantial floor space within an established and high quality urban setting where residential zonings circumscribe the expansion of commercial activities.</p>
Representativeness SHR criteria (g)	<p>The <i>Royal Hotel</i> is notable as being an important corner hotel building in Paddington ; corner hotel buildings are a key character element of the Paddington Heritage Conservation Area.¹² It is also one of the grander examples of the Victorian period Classic Revival/Italianate Style, applied to one of the more substantial hotels in the Paddington HCA. Its architecture, confidently designed to affirm and exploit its corner site, has seen it become and endure as one of structuring, characterising buildings of Paddington – from the beginnings of its urbanisation in the 1880s until the present day.</p>
Integrity	<p>Across its working life, the <i>Royal Hotel</i> has been subject to successive programs of upgrade and modernisation, similar to that undertaken at other, older Paddington Hotels. It is characteristic of the group that they have been and are subject to amendments and "improvements", to meet changing tastes and interests of their clientele. This applies to both exteriors and interiors of the buildings.</p>

¹² Woollahra DCP 2015, Part C, clause 1.2.3, Character Elements, pg 9.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	As only publicly accessible areas of the <i>Royal Hotel</i> could be inspected for this report, the condition and integrity of some areas are not certain, and the building requires a further assessment. Changes to the exterior have not compromised or extinguished the heritage interests of the building, which remains highly important in its setting, and contributory to one of the important public spaces and streetscapes of Paddington. Although altered, the interiors of the building are significant and require assessment in preparation for any further proposed changes.			
HERITAGE LISTINGS				
Heritage listing/s	The <i>Royal Hotel</i> is a local heritage item, Schedule 3 Woollahra Local Environmental Plan 1995			
	The <i>Royal Hotel</i> is listed by the National Trust of Australia (NSW)			
	The <i>Royal Hotel</i> was listed on the Register of the National Estate			
	The <i>Royal Hotel</i> is within the Paddington Heritage Conservation Area			
	The <i>Royal Hotel</i> is within the National Trust Paddington Urban Conservation Area			
INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
WrittenGraphic /Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
published book	J.M. Freeland	' <i>The Australian Pub</i> ' Melbourne University Press	1966	author's copy
published book	Max Kelly	<i>Paddock Full of Houses</i>	1979	author's copy
unpublished history	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre
unpublished	Jane Britten	Duxford Street Paddington		Woollahra Local History Centre
unpublished	Jane Britten or Libby Watters	Royal Hotel Paddington		Woollahra Local History Centre
unpublished	Peter McDowell	Paddington Streets	1998	Woollahra Local History Centre
RECOMMENDATIONS				
Recommendations	It is recommended that : <ul style="list-style-type: none">• Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Royal Hotel</i> ;• The NSW listing of the <i>Royal Hotel</i> as a local item should be confirmed and include its interiors , subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents (CMDs)to be prepared ;• Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the <i>Royal Hotel</i>, should be listed as a group item on the Woollahra LEP and on the State Heritage Register;• The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes ; and• Council officers be available to liaise with owners prior to developing plans for change or development.			

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The significant heritage attributes and elements of the <i>Royal Hotel</i>, which will be further identified and confirmed by full heritage assessment and Conservation Management Documents, should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies for the building and demonstrate that they are contributing to the conservation of the significance and commercial viability of the Hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible reversal or removal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.</p> <p>For example, there should be no further enlargement or filling-in of original window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment (such as communications equipment, power generation, air-conditioning, heating and other services) should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.</p> <p>The <i>Royal Hotel</i>, and in particular its interiors, have been subject to serial modernisation and modification works – this has also happened in other Paddington hotels. Some of these works are objectively of admirable quality and do not invalidate the claims of the hotels to being regarded as places of heritage importance – rather, their history of change means that careful investigation must take place to guide future change, so that avoidable loss or obscuration of historic fabric and character does not take place.</p>		
SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	11		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?	Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)	Date December 2018	

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 1 : Location of The <i>Royal Hotel</i>				
Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council

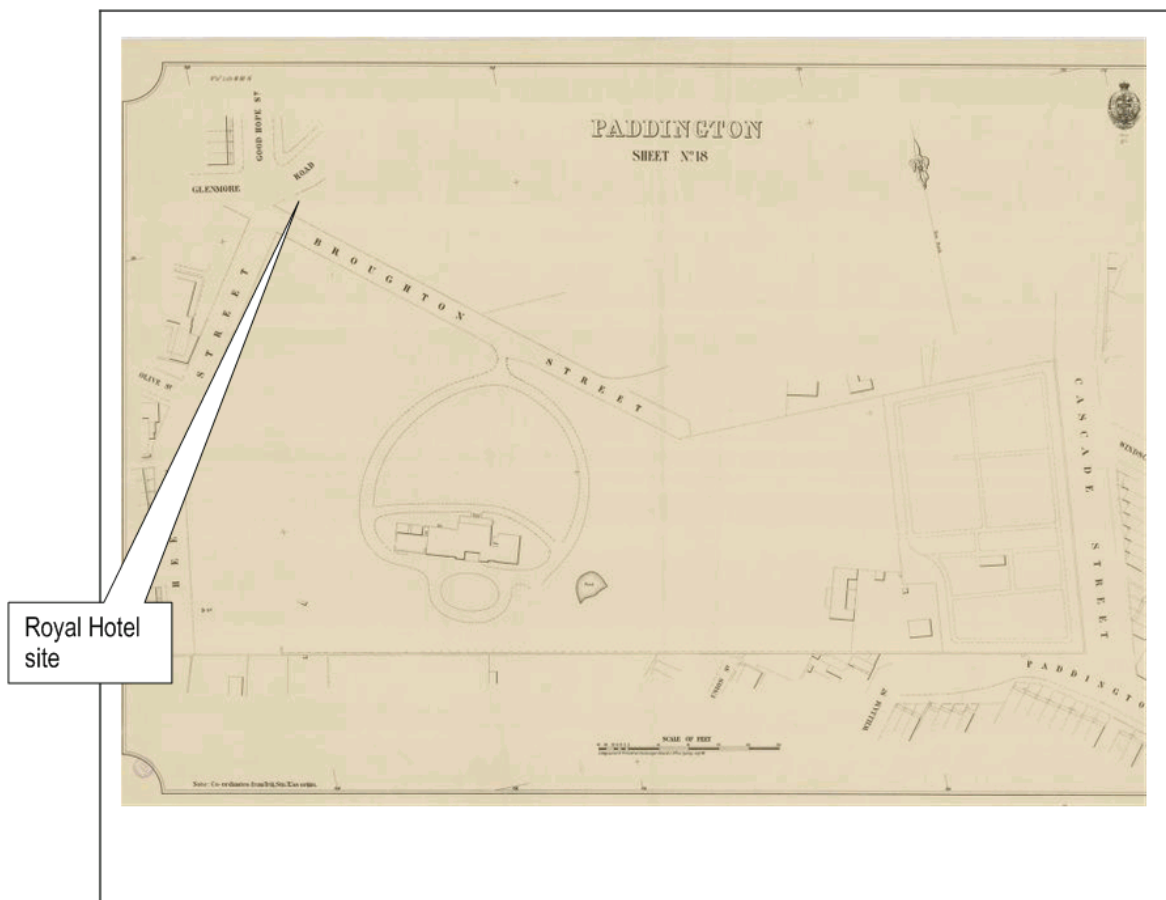


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 2 : Sydney Metropolitan Detail Series Map Sheet 24 Bradley Hall Estate				
Image year	1888 (probably of earlier date as Duxford Estate was subdivided 1885)	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW

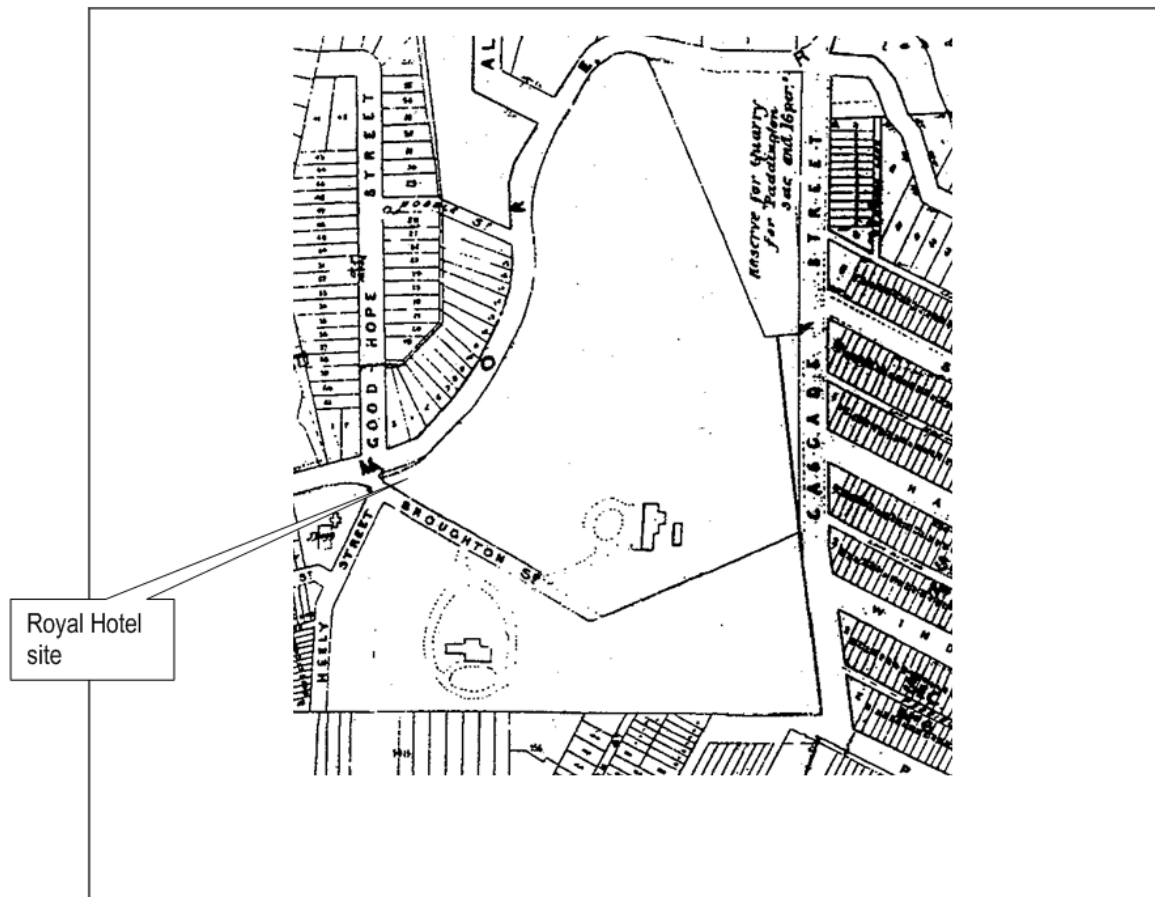


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 : Map showing the last two remaining land grants, the <i>Duxford Estate</i> , built 1843 for John Gurner, north of Broughton Street, and <i>Bradley Hall</i> , built in 1845 for William Lithgow and later sold to Thomas Broughton, south of Broughton Street. This map shows the progressive development of Paddington in the late nineteenth century, where the villas and their grounds were maintained, while terrace house subdivisions were developed around them. It also explains the unusual alignment of streets, often without reference to the natural topography.				
Image year	1880	Image by	unpublished essay by Peter McDowell	Image copyright holder	unknown

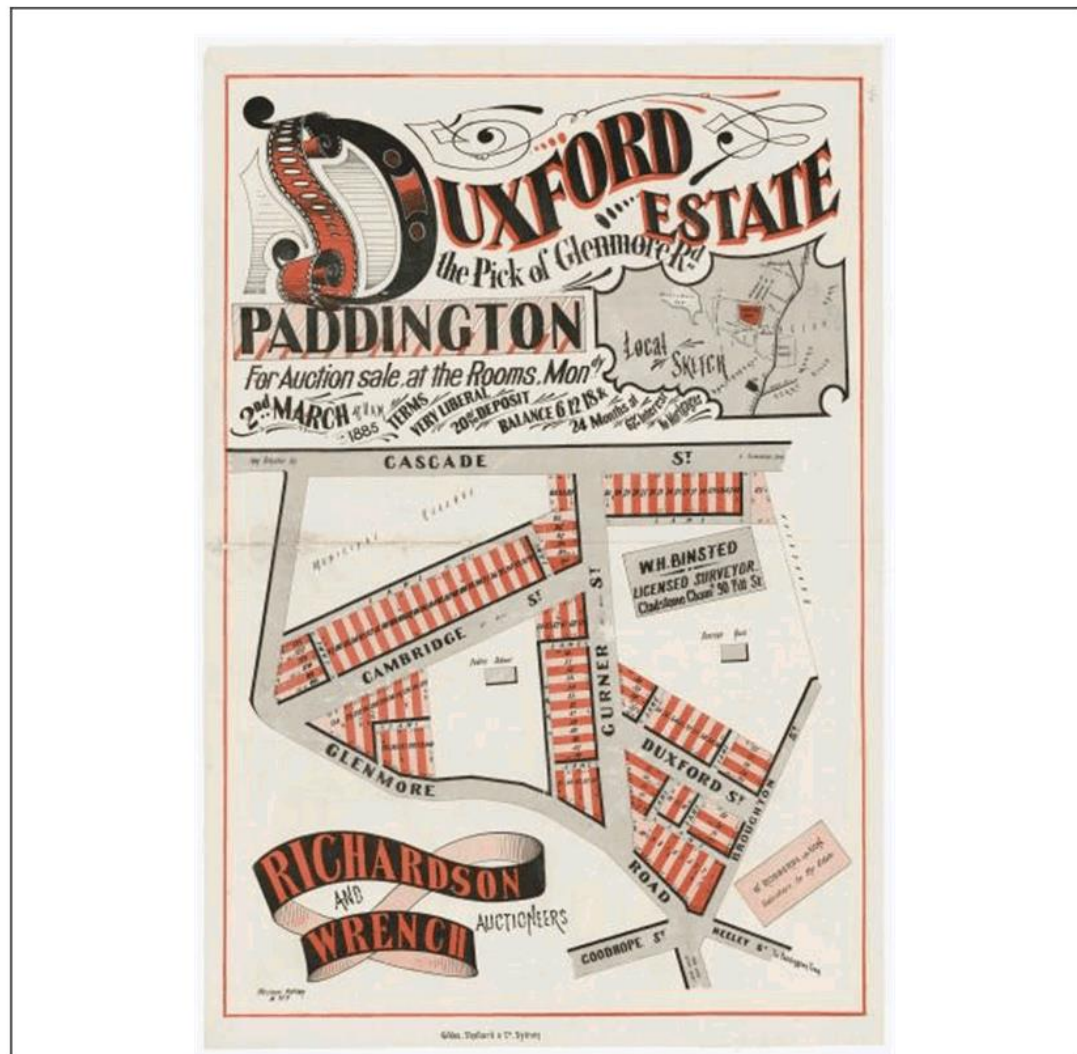


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4 : Duxford Estate subdivision plan 1885 ; James Murphy erected the Royal Hotel on Lot 1, cnr. Glenmore Road and Broughton Street.				
Image year	1885	Image by	Richardson & Wrench	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 5 : The <i>Royal Hotel</i> , 1926, with workers renewing tram tracks. Henry James Craig was then the new publican.				
Image year	1885	Image by	unknown	Image copyright holder	State Library of NSW

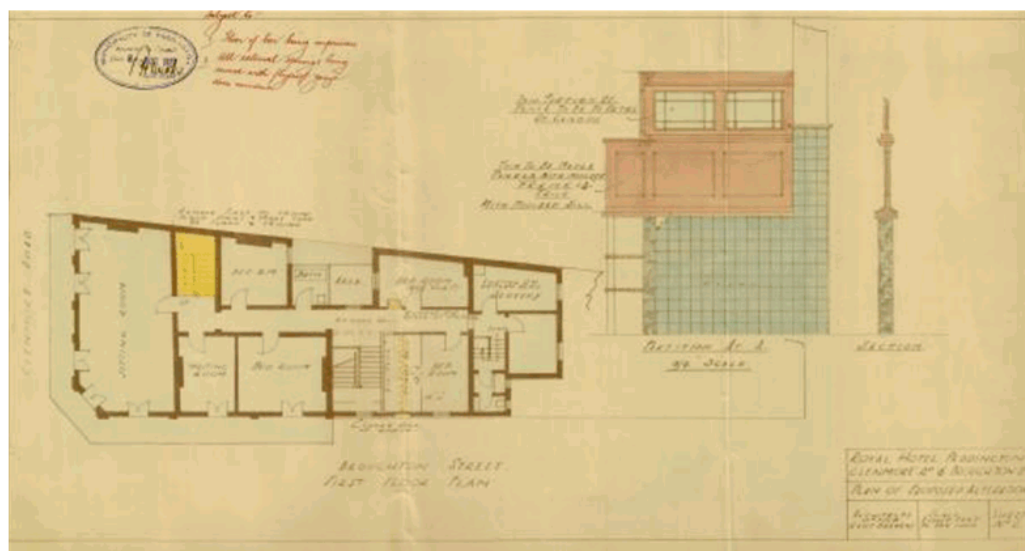
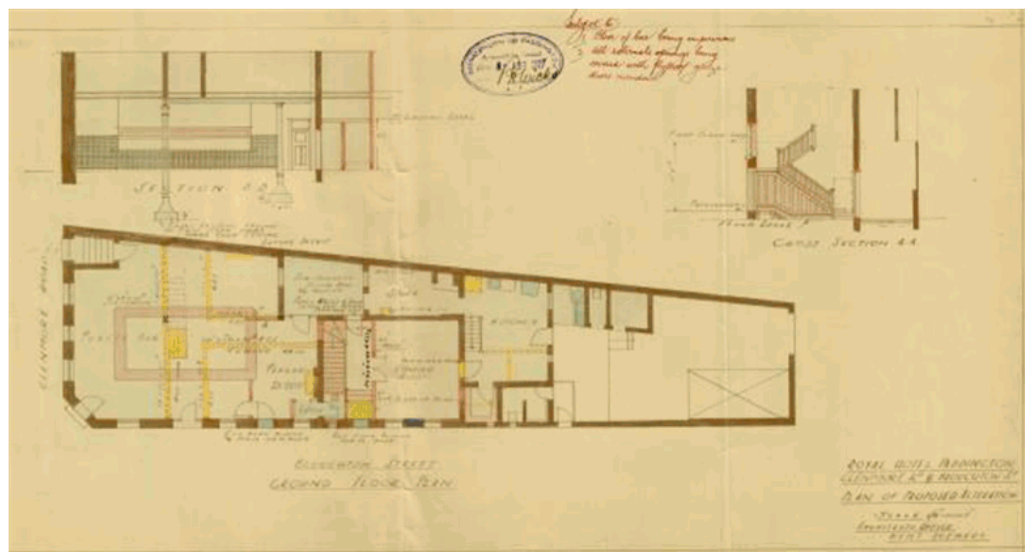


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6 : Plans approved in 1927 for alteration of the ground and first floors, showing removal of original walls to create an island bar counter, and relocated main stair				
Image year	1927	Image by	Tooth & Co Architects Office	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 : The <i>Royal Hotel</i> , 1930 ; note the building immediately next door has been renovated.				
Image year	1930	Image by	unknown	Image copyright holder	Noel Butlin Archives ANU

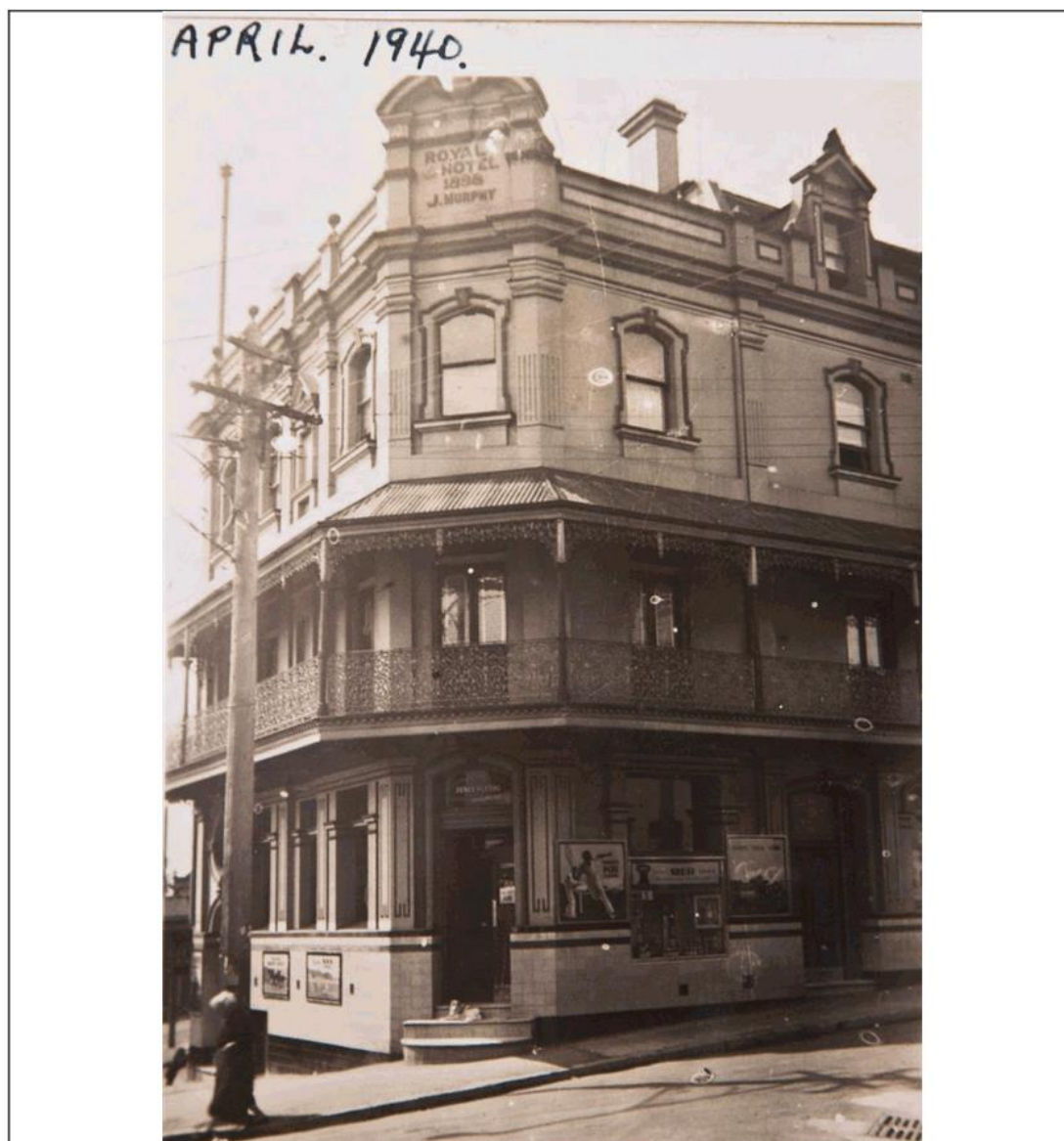


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 8 :The <i>Royal Hotel</i> , before the further alterations ; the corner door to the public bar remains in place.				
Image year	1940	Image by	unknown	Image copyright holder	Noel Butlin Archives ANU

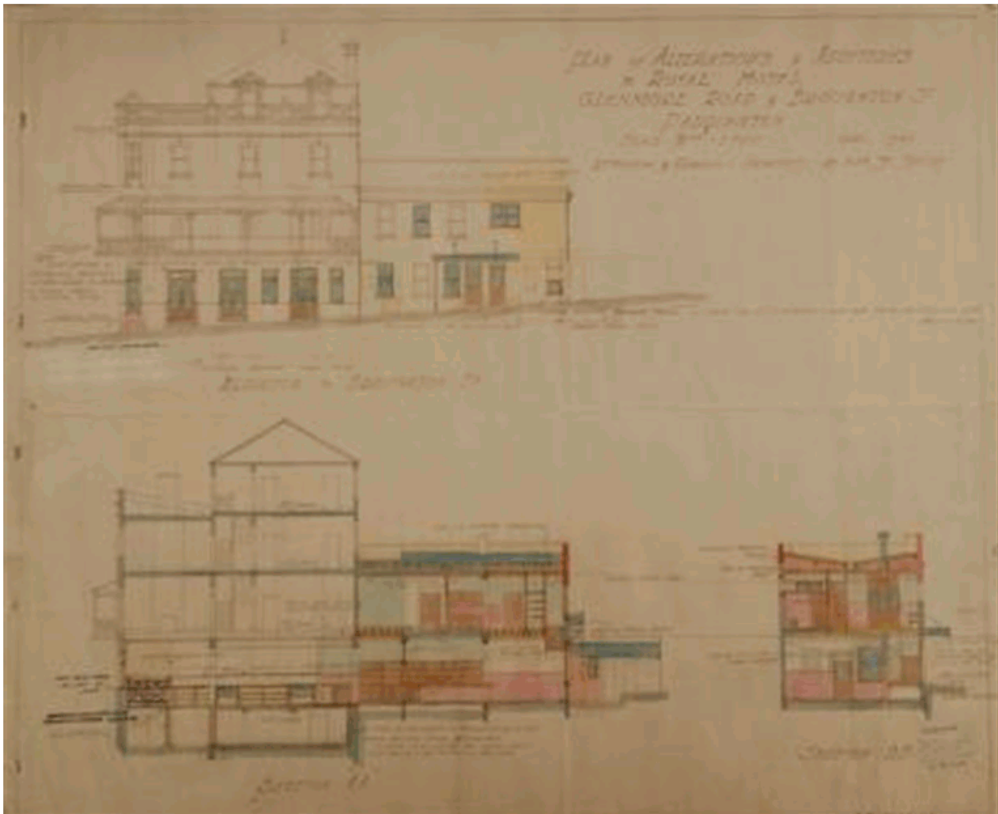


Woollahra *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 9 : The <i>Royal Hotel</i> , 1940 : plans for alterations and extensions by Morrow and Gordon, architects. Corner door blocked, new doors shown from Broughton Street.				
Image year	1940	Image by	Morrow & Gordon Architects	Image copyright holder	Noel Butlin Archives ANU

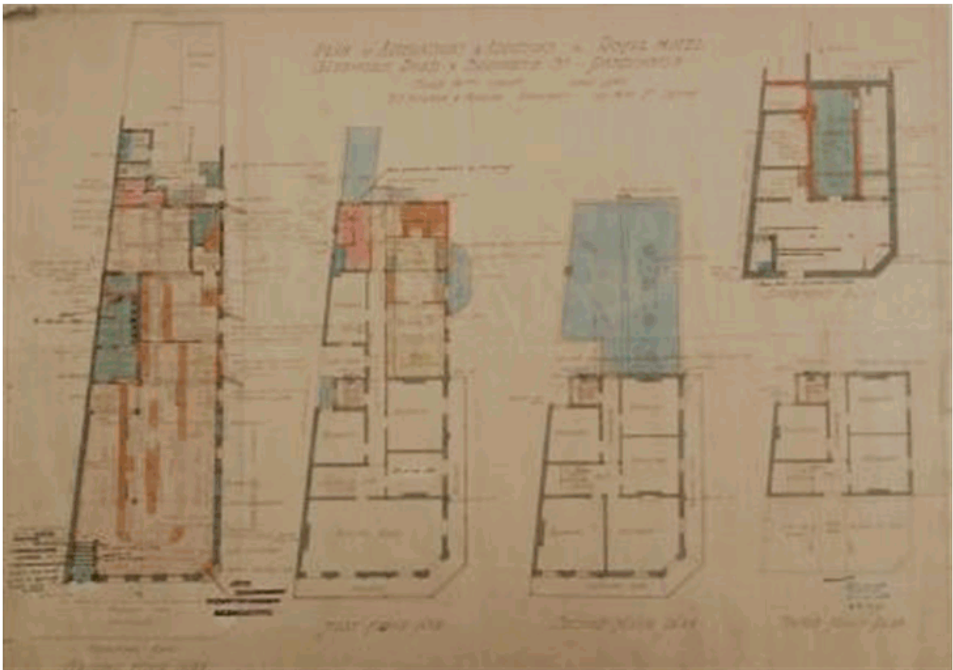


Woollahra *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 10 : The <i>Royal Hotel</i> , 1940 : plans for the alterations prepared by Morrow and Gordon, showing extensive interventions on the ground and first floors				
Image year	1940	Image by	Morrow & Gordon Architects	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 11 : The <i>Royal Hotel</i> , 1949 ; the corner entry is closed and the ground floor walls have been tiled				
Image year	1949	Image by	unknown	Image copyright holder	Noel Butlin Archives ANU

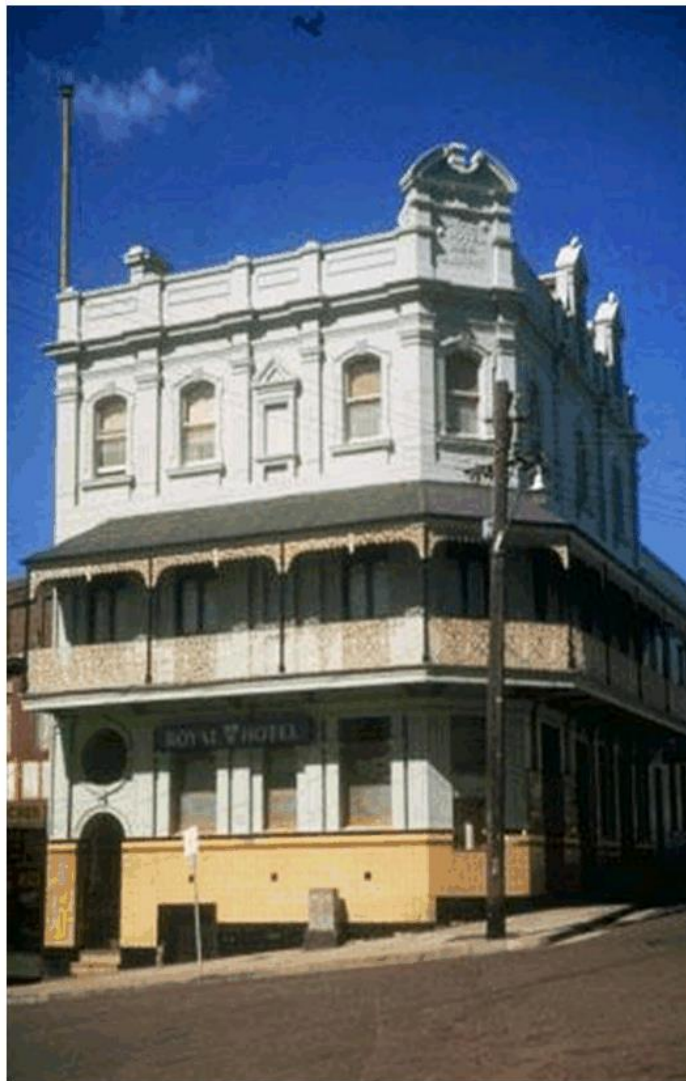


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 :The <i>Royal Hotel</i> , 1963 ; the building has been painted monochrome and the ground floor walls (image barcode rt09305)				
Image year	1963	Image by	National Trust of Australia	Image copyright holder	DEWHA



***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 ; Five Ways, Paddington, from Glenmore Road ; the <i>Royal</i> has a new colour scheme and ground floor tilework				
Image year	C1970	Image by	Unknown	Image copyright holder	Woollahra Local History Centre



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.14 :The <i>Royal Hotel</i> , c.1970.				
Image year	c.1970	Image by	unknown	Image copyright holder	Woollahra Local History Centre



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.15 : 1980 sale photograph of the <i>Royal Hotel</i> showing the newly painted hotel, with tiled street frontage and the "lacework" iron balcony. James Murphy's name is removed.				
Image year	c.1980	Image by	unknown	Image copyright holder	Noel Butlin Archive



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.16 : 1980s sale photograph of the dining room				
Image year	c.1980	Image by	unknown	Image copyright holder	Noel Butlin Archive



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.17 : 1980s sale photo of the "Elephant Room", established in 1975.				
Image year	c.1980	Image by	unknown	Image copyright holder	Noel Butlin Archive



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig.18 : <i>The Royal Hotel</i> : first floor dining room and doors to verandah				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd

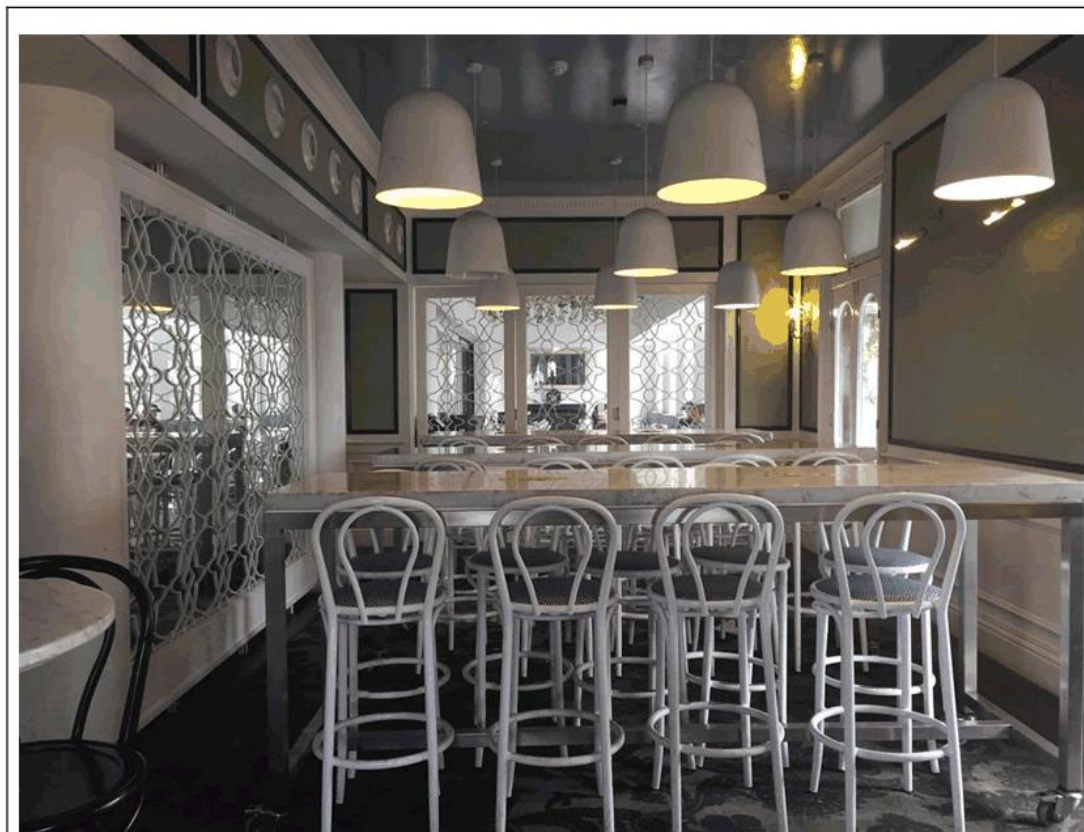


IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig.19 : <i>The Royal Hotel</i> 2018 ; looking from the first floor dining room to the internal courtyard,				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig.20 : <i>The Royal Hotel</i> , 2018 : viewed from Glenmore Road				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

ITEM DETAILS			
Name of Item	<i>The Village Inn</i>		
Other Name/s Former Name/s	<i>Rose and Crown Hotel : Dirty Nelly's Hotel</i>		
Item type (if known)	Built		
Item group (if known)			
Item category (if known)			
Area, Group, or Collection Name	Paddington Hotels		
Street number	9 - 11		
Street name	Glenmore Road		
Suburb/town	Paddington	Postcode	2021
Local Government Area	Woollahra Municipality		
Property description	Lot 1 DP84369		
Owner	Private		
Current use	Hotel		
Former Use	Hotel		
Statement of significance	<p><i>The Village Inn</i>, formerly the <i>Rose and Crown Hotel</i>, and <i>Dirty Nelly's</i>, was built c.1851 as a small but fine Victorian period, Classic Revival/Italianate hotel, to draw upon the increasing trade along the South Head Road, and in particular the new military barracks whose construction stimulated both building work and settlement in the emerging Paddington area. Around it, built at first were small homes for the workers building and serving the new barracks, forming the village which was quickly to grow and consolidate, becoming increasingly urbanized through densely composed terrace house rows.</p> <p><i>The Village Inn</i> is one of the earliest established hotels in Paddington, comparable with the Paddington Inn (1848), and thus one of the longest serving hotels in the suburb, but distinctive for being in its original but somewhat modified building. Like other Paddington hotels it also enjoyed a long association with Tooth & Co., who owned, leased and sub-leased many of the suburb's early and historic hotels.</p> <p>Although of modest scale on a small constrained site, the Hotel became and remains a local landmark, prominent in the narrow streets and amongst the closely spaced cottages of Glenmore Road and Gipps Street, just off South Head Road - now Oxford Street. As an elaborately decorated example of its style, the <i>Village Inn</i> has been thoughtfully enlarged through the addition of an upper floor, carefully integrated with and enhancing its highly-styled facades. Extended to cover its whole site, the building has also been internally re-arranged, wringing out the space and efficiency possible from its small footprint. Despite changes, the interiors retain significant elements such as posts and beams (structural framing), pressed metal ceilings and other original decorative elements.</p>		

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	The <i>Village Inn</i> is of historical significance for the long tradition of hotel trade on this site, of historic and aesthetic significance for its architectural and streetscape contributions to the suburb, and of social significance for its continuing contribution to the sense of identity within the area for the local and wider community. As an element of the Paddington Heritage Conservation Area, and one of the distinctive group of hotels in Paddington, it may also prove, on further investigation, to have significance as part of an unusual group of hotels, important in their suburban context.	
Level of Significance	State	Local √

DESCRIPTION					
Designer	Unknown				
Builder/ maker	Unknown				
Physical Description	<p>The former <i>Rose and Crown Hotel</i> was built c.1851¹ as a two storey Victorian-period Hotel in the Classic Revival-Italianate style seen in other Paddington hotels such as the <i>Bellevue</i> (1878), <i>Grand National</i> (1890) and <i>Paddington Inn (United Service Hotel)</i> (1896). Substantially altered in 1887, the <i>Village Inn</i> is richly decorated on its Glenmore Road and Gipps Street elevations, with Classic details, including pilasters with acanthus-leafed capitals, all terminating in a deep, moulded entablature with pedimented parapets concealing the original corrugated iron roof.</p> <p>An additional storey, carefully extending the original design, was added in the 1920s with a parapet still concealing a corrugated metal roof. The building features paired windows with timber-framed double hung sashes, window boxes to all upper windows, a suspended awning and ceramic wall tiles to the facade below awning.</p> <p>The exterior and interior of the building have been subject to several phases of alteration with relocation of entrances, stairways, bars and toilets, as recounted in the historical notes set out below. It has lost and regained its prominent filigree balcony which attracts patrons to its elevated and sunny afternoon amenity. Set amidst smaller scale commercial buildings and terrace homes within the more intimate scale of Glenmore Road just off Oxford Street, the <i>Village Inn</i> gently commands its more domestic setting, resembling that of the other smaller hotels within the Paddington Heritage Conservation Area. Despite the alterations it remains a well-composed and attractive architectural endowment of its locality.</p>				
Physical condition and/or Archaeological potential	The condition of the building appears fair to good. The fabric has generally been consistently maintained over a long period of time due to its continual service and adaptation to optimise its serviceability.				
Construction years	Start year		Finish year		Circa
	1851 (reconstructed 1887-8)		-		
Modifications and dates	There has been a licensed venue on the site of the Village Inn since as early as 1848. The present building, thought to have been operational by 1851, is known to				

¹ Letter from Clive Lucas Stapleton and Partners dated 16 March 1995, from file BA 264/1994

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>have first been altered in 1887, and an archaeological approach to the examination of its fabric would be necessary to achieve a close understanding of the successive changes made to it, which are covered in detail in the historical notes section below. The second floor was added in the 1920s, in a highly sympathetic way, with carefully considered period details – the Hotel does not look like it has been extended upward. In 1925, the public bar was enlarged by removing the fireplace and walls of the two parlours and extending the counter to form a bar counter 62ft in total, meeting the commercial inspiration of the “six o’clock swill”. A new parlour was constructed in the rear yard. The cellar was deepened, as it was low in headroom, having been excavated in the solid live rock of the site. As with other Paddington pubs, and to meet the fashion of the day, the external walls of the hotel were tiled, and the bar was also tiled.</p> <p>In 1930 a suspended street awning was added, and in 1937 extensive repairs to the hotel included replacing the iron roof, battens, flashings, gutters and downpipes. The first and second floor flat roofs had malthoid roofing removed and a new bituminous and gravel roof installed. Unsatisfactory iron flashings were replaced with lead ones. Internal repairs to renovate areas affected by water penetration (such as the pressed metal ceilings) were also carried out.</p> <p>The floor level of the cellar was again lowered in 1959 to increase head room. At some time between 1949 and 1960, the strut-supported Victorian Filigree balcony was removed.</p> <p>In 1973 a new bottle shop was created. The entrance door from Glenmore Road was changed from one large to two single doors; the doorway from Gipps Street was filled and replaced with a window; new internal brick and timber-framed walls were created internally. The bar counter and equipment were repositioned. New French doors and a window were added to the rear elevation. In 1985, the exterior was painted, the window mouldings were repaired and tiles were replaced. In 1994 internal alterations were carried out to the second floor, including a new kitchen, bathroom and a rear landing with French doors and a new window.</p> <p>The original cantilevered Victorian Filigree balcony was reconstructed in 2003, but the “new” balcony appears larger on the Glenmore Road façade than the original. The first floor rooms were reconfigured into a restaurant, and smartly finished modern bathrooms were installed on the second floor, which is otherwise privately accessed, and its uses are not clear. Egress and fire-rating were also upgraded at this time.</p> <p>The documentation of the building’s changes assist in understanding just how much has happened to it, especially in its interiors, yet the building presents handsomely and valuably in its historic context.</p>
Further comments	Hotels in 19th Century Sydney developed in the tradition of English inns and public houses, combining the serving of food and provision of accommodation, and the serving of beer and spirits as found in a public house. In the earliest years of the Colony, they served both travellers and a local community, with many being the first or second major building erected in a new settlement area, suburb or town.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>The earliest hotels in Sydney were built in the Rocks and city area, at Parramatta and in the towns developing among farmlands along the Hawkesbury River near Windsor. In many cases, the hotel served not only as a place to eat, drink or sleep, but also as the first or only community space that allowed for public meetings, gatherings and events, where the hotel was often larger than the average house. Many suburbs in the middle and later part of the 19th Century had a hotel built on one or more corners in a neighbourhood. Many stood with a corner shop opposite (a grocery or butcher), although these have now largely disappeared with buildings converted to residential or office use, leaving the hotel as the only reminder of this early style of local, community-focussed commercial development.</p> <p>While hotels appeared on main streets and roads, within the suburban development of the inner city, the corner hotels were the most prominent position. Often wedged at the end of a row of terraces, the hotel acted as a type of keystone or landmark building between one street row and another. In Paddington, speculative builders commonly built a row of terraces and a hotel as part of the small scale urban development that characterised the area. Paddington's hotels were fitted in to the style of development, with nearly all being two or three storeys, mirroring the buildings around them.</p> <p>By 1880 there were 21 hotels listed in the Sands Directory in Paddington, rising to 29 by 1900. Paddington had one of the highest resident-to-hotel ratios for any suburb in Sydney.² The area known as Paddington has changed over the years with Council redistributions, so direct comparisons are not possible.</p> <p>Such was the place of the hotel in the suburb, that during the enacting of the Local Option Clause in 1882, whereby ratepayers could vote Yes or No to two questions, whether (1) any new publicans license's should be granted in the coming three years, and (2) if any should be removed from the area, Paddington, while voting to not allow any new licences, also voted not to remove any.³</p> <p>In NSW, an early closing time of six o'clock was introduced in 1916 and lasted until 1955, when a referendum was narrowly won for extended trading hours until 10pm. The six o'clock closing time, introduced with the intention of improving public morals and getting men home to their families earlier, had the unintended consequence of fostering an endemic culture of daily binge-drinking, which came to be known as the "Six O'Clock Swill".⁴ Around the same time, the three large breweries that dominated the Sydney market, Tooth & Co, Resch's and Toohey's, began to buy the freehold or leasehold of many of Sydney's hotels in order to secure an exclusive market for their products. The hotels were "tied" to the brewery, selling only their beers and preferred wines or spirits. Tooth's and Resch's breweries dominated the Paddington hotel trade from the turn of the 20th Century until the 1920s, after which Tooth's took over Resch's and with it, their hotels as well.</p> <p>Following the introduction of early closing time, many of the brewery-owned hotels were altered to extend the small parlours, saloons and bars that had characterised the 19th Century hotel into larger public bars and ladies' lounges, and new dining</p>
--	---

² Kelly, M, *Paddock Full of Houses: Paddington 1840-1890*, Doak Press, Sydney, 1978, pp. 180-181

³ Kelly, *op cit*, p. 181.

⁴ from Wikipedia http://en.wikipedia.org/wiki/Australian_pubs and http://en.wikipedia.org/wiki/Six_o%27clock.swill

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>areas. Every possible area that could be spared and still receive the approval of the licensing courts was converted to bar space. The intention was to maximise the length of the public bar to accommodate the drinks and the area available for patrons for the intense hour prior to closing. Generally, public bars were designed with the serving bar running the length of the two principal facades with additional doors added, opening onto the footpath. The bar counters were modified by removing the uprights that held upper shelves and the counter top was covered with linoleum, as it was soft and easy to clean.⁵</p> <p>External change to the appearance of hotels was also common during the first decades of the 20th Century. The breweries used either in-house architects, or prominent architectural firms, to redesign their older hotels to modernise their appearance. New buildings reflected modern architectural styles, and the classic Sydney pub, with sleek lines, wall tiles and art deco or modern features dates from this period. For those hotels that were not totally redeveloped, new building and licensing laws prohibiting verandah posts along the footpath edge, that were now considered hazardous to ever increasing numbers of cars on the road, saw the old-style verandahs replaced by light steel-framed awnings, hung on steel tension rods anchored back to the upper masonry walls. The external façade beneath the awning was often clad in vitreous tiles to a height of 5 feet, above which the wall was plastered and painted. Many pubs were extended during this period with sleeping and dining accommodation as well as bar space, also the result of the requirements of the licensing authorities.</p> <p>During the 1960s, the pub-based 'Bottle Shop' was introduced, usually by converting one of the smaller bars into a sales area for bottled and canned drinks.⁶ As more women and eventually families began to visit hotels from the late 1960s onwards, 'beer gardens' appeared and became a feature in many hotels to encourage leisurely and respectable family drinking and eating. As the breweries began to exit the hotel market from the mid-1970s new rounds of renovations swept through Sydney, with hotels upgraded to include carpeted lounge bars, ample sit-down drinking facilities, waiter service and entertainment.⁷ In many, the old accommodation rooms on the upper levels were converted to dining areas, or used for storage, or in many pubs, lay idle. Some pubs became an alternative to boarding houses for single residents.</p> <p>Following American trends, through the post-WW2 decades increasing car ownership and a growing travelling public saw the advent throughout Australia of the motel. Facing this competition for the accommodation market, many older Australian pubs built new motel-style wings or outbuildings to provide for the independently accessed, self-contained, "modern" accommodation to which their existing rooms could not be easily converted. With the new interest in heritage places and buildings, some older pubs could reclaim and promote their traditional architecture or historic community values, but for many, changes in licensing law allowed them to strategically narrow their hospitality offering to food, drink, and entertainment.</p> <p>Increasing community affluence and the more sophisticated drinking and dining habits of Australians have challenged pubs to adapt and attract new custom, while</p>
--	---

⁵ Freeland, JM *The Australian Pub*, MUP 1966, p.176

⁶ Wikipedia http://en.wikipedia.org/wiki/Australian_pubs

⁷ Freeland J.M. *op cit* p192

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>publicans must, as ever, solicit and maintain the loyalty of their regulars. In modern-day, fashionable, inner city suburbs like Paddington, where residents and businesses characteristically respond quickly to trends and fashions, pubs face the complex mixed competition of restaurants, cafes and coffee shops, pop-up bars and bistros. In the close knit, 19th Century streetscapes of Paddington, that competition is highly visible, immediate and compelling.</p> <p>The cycle of reinvention, renovation and re-presentation of Paddington's pubs has become more frequent and design-driven; increasingly ambitious design and commercial viability are carefully considered. In Sydney the compounding land value of inner-city sites is encouraging conversion to residential use, raising community concern about the loss of the meeting places and entertainment services that corner pubs provide.</p> <p>For these pubs with significant surviving early building fabric and remaining historic integrity, the ongoing processes of change need to be informed by appropriate conservation planning.</p>
--	---

HISTORY	
Historical notes	<p>The Village Inn stands on the land of the Cadigal people.</p> <p>In 1834 a grant of eight acres 10 perches fronting South Head Road and Glenmore Road, Paddington was made to Thomas Walker, James Mitchell and William Cape, trustees of the Australian Subscription Library. The Australian Subscription Library, established in 1826 was the forerunner to the State Library of New South Wales. In May 1840, taking advantage of the news that the government was to erect a new military barracks opposite their land on South Head Road, the Library decided to subdivide their grant at Paddington, selling in batches through May. Lot 13, described as a first rate corner allotment, was purchased by auctioneer John Rickards who in turn subdivided it into two smaller building lots⁸.</p> <p>By 1850 a hotel had been erected on Lot 1 known as the Rose and Crown, with Andrew Higgins as publican.⁹ The hotel was one of the earliest in this part of Paddington, with a growing trade from surrounding subdivisions and the nearby barracks. It was soon being used for coroner's inquests and by local political candidates for meetings and rallies. John Kennedy was granted a Publican's License in May 1853 for 'the house known by the sign of the "Rose and Crown" situate in Glenmore Road'. The first Paddington Council Assessments of 1860-63 describe the building as a 'Public House' built of brick with shingle roof consisting of 2 storeys, 8 rooms and 2 attics. The publican at this time was Thomas Joyce.</p>

⁸ Certificate of Title Vol.5863, Folio 54

⁹ Sydney Morning Herald, 5 March 1851(transfer of licence)p.2

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>In 1867 the recorded owner/occupier of an "eight room two storey brick building" was J. Murie, and by 1870 the building was recorded in the rate books as a 'hotel'. In 1875 it was described as a 'detached house and hotel'¹⁰. By 1877 the property was owned by David Robertson Gale, and during the next twelve months it changed hands twice, first to Thomas Kennedy, then in 1878 to Thomas McNamee who leased it soon after to E. H. Charles Wenden.</p> <p>The sale notice of 1877 gave the earliest description available of the building.¹¹ The hotel was described as being built of brick on a stone foundation and having a shingled roof and basement cellar. On the ground floor was a public bar, a parlour at the rear and two sitting rooms, four bedrooms were on the first floor and an attic room above. In the yard was a detached kitchen with a room above, as well as a shed and a stable.</p> <p>A photograph of the hotel c1885, shows the two storey hotel, with balcony, high parapet hiding the roof line and an arched pediment with "Rose & Crown Hotel" embossed around its edge. The main entry is in the corner of the building, with a secondary entrance in Glenmore Road. Behind the hotel, on Lot 2, was a small brick cottage fronting Spring Street. The advertisement noted that the water was laid on to the properties, the hotel was let for 3 years and had never been untenanted, indicating the good trade afforded in the neighbourhood¹².</p> <p>Wenden purchased the property in 1880 and leased it to Edward Hennessy from 1882 to 1889. During this period, the hotel was rebuilt in c1887-8. A newspaper advertisement in December 1888 was placed offering sashes, frames, shop windows, shutters doors, stairs and iron bark girders for sale at the Rose and Crown, although residents were living in the building in January 1889, suggesting alterations instead of demolitions¹³. The title next passed to Sarah Wenden, and the lease changed to Mrs F. Hennessy in this same year and she appears to have run the hotel until at least 1906.</p> <p>The earliest plan of the hotel, done in 1909, shows the layout close to that described in the 1877 sale notice. The plans were for the addition of a second floor to the building, giving it the external appearance that it retains to date (2018). At the front of the hotel a small, public bar with curved counter occupied the corner of the building, fronting Glenmore Road and Gipps Street. A small lobby and short hallway next to the bar gave access to two parlours, the dining room and the stairs to the upper level. Behind the dining room was the kitchen, while in the yard, entered via gates on Gipps Street, was a store, two WC's and a men's urinal. On the first floor were five bedrooms, a bathroom and linen press, with a short balcony overlooking the yard, from which the two rear bedrooms were accessed. The new second storey included three bedrooms and a sitting room. The façade of the new section mirrored the lower levels, with a parapet hiding the roofline and a triangular pediment on the corner¹⁴.</p> <p>At some point between 1909 and 1919 further changes were made to the ground floor, with the Glenmore Road parlour wall being removed and the bar extended as a U-shaped bar into the space. A private entrance was made from Glenmore Road to</p>
--	---

¹⁰ *Sydney Morning Herald* 30th July, 1877, p.7

¹¹ *Sydney Morning Herald*, op.cit., p.7

¹² *Sydney Morning Herald*, op.cit., p.7

¹³ *Evening News*, 12th December 1888, p.1

¹⁴ AO62947, *Rose and Crown Hotel plans*, State Archives NSW

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>access the stairs to the upper levels. The dining room was converted to a parlour, the kitchen into a store, and the former store into toilets, and the yard toilets removed. The hotel now had two parlours to the back of the bar which were accessed via the stair hall. The dining room and kitchen had been moved to the first floor. In 1919 a small change was made when the bar counter was extended again through the stair hall opening between the parlours, and a new doorway was put through the internal dividing wall between the parlours.</p> <p>In 1925, by which time the hotel was tied to and had a bond owing to the Sydney brewing company Tooth & Co, the hotel was again altered. Again, the proposed work was to enlarge the bar by removing the existing wall between the two parlours, including the fireplace and extend the U-shape bar from 40 feet to 62 feet (12m to 19m). The floor of the store at the rear of the bar was lowered and the room converted into a parlour, with a small extension in the yard added a second parlour adjacent to it. The toilets remained where they were, with a second stair built at the rear of the building. The cellar was deepened via excavation, while the exterior walls of the hotel and the bar were tiled.¹⁵ The work was carried out through the architect's office of Tooth & Co. The regular extensions to the bar reflected both the popularity of the hotel in the neighbourhood, but also its small overall size and restricted site.</p> <p>A report on the hotel dated 1926 describes the Rose and Crown Hotel as, "This is an old three storey brick building having a frontage to Glenmore Road of 34ft, by a depth of 71ft, to side street. The site tapers to 20ft at the rear. Practically the whole of the site is built upon and the building has been sacrificed for the trading quarters on the ground floor. The ground floor contains a new public bar with 60ft of counter, private entrance from Glenmore Road, two parlours immediately behind the public bar, public and private lavatories at the rear and a small storeroom in yard. The first floor contains a dining room, kitchen, one bathroom and four bedrooms. On the second floor there are four bedrooms, with a flat roof on which is erected laundry and drying yard. The bedrooms all comply with Police requirements but the walls are cracked in a number of rooms owing to the various alterations that have been made on the ground floor at different times."¹⁶</p> <p>In 1937, R.M. Joy & Pollitt Architects [architects for nearby Unicorn Hotel, 1940] designed alterations and additions to the hotel, including replacing the iron roof, battens, flashings, gutters and downpipes. The first and second floor flat roofs had the malthoid roof removed and a new bituminous and gravel roof installed. This was done to repair leaking roofs, which had corroded the pressed metal ceiling in the parlour and to replace unsatisfactory iron flashings with lead ones. Internal repairs to renovate areas affected by water penetration were also carried out.</p> <p>In June 1939 the hotel was purchased by Tooth & Co, and in 1941 the company was offered the three adjoining shops on Glenmore Road for £3700. However the poor condition of the buildings and the Valuer General only valuing them at £2650 resulted in Tooth's not buying the site. While the company acknowledged the restrictions of the small hotel, they did not consider it likely that they would extend it even if they owned the adjacent lots.¹⁷ However they bought the hotel in 1948, and between the</p>
--	--

¹⁵ N60/2267, *Rose and Crown Hotel Property File*, Tooth & Co Collection, Noel Butlin Archive, ANU

¹⁶ N60/7178, *Rose and Crown property File*, *Op cit.*,

¹⁷ N60/7177, *Rose and Crown Property File*, *Op Cit.*

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>company's purchase and 1955 many small repairs and alterations were carried out on the hotel, including new sinks and basins, new skids to the cellar for barrel delivery, the painting of the exterior in 1943, new Wunderlich pressed ceilings in the parlours and corridor and new awning fascia in 1947. The roof was replaced in 1950 and hot water was installed in 1952. In 1953, the publican Joseph Ryan, who had run the hotel since 1940 left and was replaced by Mrs Violet Bruce.</p> <p>In 1953, a letter from Ancher, Mortlock & Murray Architects described proposed work to the hotel : "...both the existing parlours are ladies' parlours and are well-patronised. The licensee regards them as an important part of his trade. We considered it necessary therefore, to preserve them as far as possible, and with this in view, propose that a new toilet block for males be built at the rear, containing five urinal stalls and one wash hand basin, and making use of the existing men's w.c. Access from Public Bar is by means of a passage formed behind the inner parlour, which also serves as an air lock. We suggest that the wall between parlours be partly removed as indicated, so as to make the most of the remaining space."</p> <p>The following year, in January 1954, plans were approved to demolish the old balcony at the front and erect a new suspended awning and to install additional toilets for women on the ground floor in what was left of the yard area. A new shower and bathroom was also installed for guests on the first floor. The work, supervised by Bryce Mortlock, was not complete until mid-1955, with the disruption contributing to Mrs Bruce relinquishing the license in June.</p> <p>More work was carried out in 1959 when part of the cellar was excavated and the walls waterproofed. The cellar was in two sections, both excavated into natural sandstone, but with one section having a ceiling height of only 5 foot 6 inches (167cm). The plan was to level out the floor throughout the cellar and build new brick walls to line the room. The work was completed in late 1960.¹⁸ In 1963 the floor was concreted and the original timber stairs to the cellar replaced. By this time only four of the bedrooms were in use, the remainder being used as office or storage space.</p> <p>In 1974 the bar was remodelled once more, with the bottle department relocated to the front corner of the hotel, the central U-shaped bar removed and a new bar serving area, counters and shelving constructed along the wall on the Gipps Street side of the hotel. Two new entries from Glenmore Road were also made in the façade. The work was completed by late 1974 at a cost of \$16,000.</p> <p>In 1981 Tooth & Co placed the hotel on the market, selling the freehold to Robert J Gillies. In 1998 the hotel changed its name to <i>Durty Nellys</i> and traded as an Irish pub, catering to backpackers and travellers. In or about 2003, the bar was moved again to the northern side of the hotel, with a long counter down one side, and the windows on Gipps Street once more revealed. The first floor rooms were converted into an open bar and dining room space, with access to the newly reinstated front verandah (2003). Smartly finished modern bathrooms were installed on the second floor, which is otherwise privately accessed, and its uses are not clear – perhaps a staff apartment or offices.</p> <p>In 2015 the hotel was sold and changed its name from <i>Durty Nellys</i> to the <i>Village Inn</i>.</p>
--	--

¹⁸ N60/7178, *Rose and Crown Property File, Op Cit*

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

THEMES	
National historical theme (if known)	Peopling Australia Developing local, regional and national economies Building settlements, towns and cities Developing Australia's Cultural Life
State historical theme (if known)	Commerce Towns, Suburbs and villages Accommodation Labour Domestic life Social Institutions

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<i>The Village Inn</i> , formerly known as <i>The Rose and Crown Hotel</i> and <i>Durty Nelly's</i> , is of historic significance to Paddington and the Woollahra Municipality as an example of one of the early hotels of Paddington. The site has been continuously used as a hotel since the construction of the original <i>Rose and Crown Hotel</i> circa 1848-1851. The Hotel, an example of the small but architecturally ambitious hotels built in Paddington, is of historical and social significance for its design, its story of adaptation over the years to suit the community, and the long tradition of continuous hotel trade on this site.
Historical association significance SHR Criteria (b)	The <i>Village Inn</i> is strongly associated with the early development of Paddington, having been one of its earliest hotels and contemporary with the development of Victoria Barracks, which gave impetus to the settlement of the Glenmore Road precinct. It was also associated with Tooth & Co. one of the pre-eminent brewers, distributors and owners or lessees of hotels in NSW during the late 19th and early 20th Centuries, and a major hotel owner in Paddington over that time.
Aesthetic significance SHR criteria (c)	<p>The <i>Village Inn</i>, formerly the <i>Rose and Crown Hotel</i>, and later, <i>Durty Nelly's</i>, displays a strong aesthetic significance as a fine example of a small Victorian period hotel, commanding the distinctive, intimate precinct of which it is a prominent streetscape component and constituting a landmark in the wider locality.</p> <p>The exterior of the building, despite its history of growth, change and reconstruction, retains the scale and composition of a thoughtfully designed small, suburban hotel and invests quality and personality into its context via its considerable aesthetic value. The interior of the building, which, despite many changes, retains its original column and beam structure, also has aesthetic significance as the adapted interior of a 19th Century corner hotel with successive modifications culminating in the current plan and arrangement.</p>
Social significance SHR criteria (d)	The <i>Village Inn</i> is of social significance as an enduring reference point for community identity, together with the group of similar older and long-established trading hotels of Paddington. The existing hotel occupies a site which has been used for a hotel since its establishment by subdivision, and descends from a building built 1848-1851 - thus

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>bestowing an importance upon the hotel in the historic and social identity of Paddington.</p> <p>As popular meeting places, and destinations for both locals and visitors, Paddington's older hotels like the <i>Village Inn</i> are part of its distinguishing and appealing personality, and an important part of the social fabric of the suburb as well as its commercial appeal. Paddington and its residents have a history of community activism and this has inevitably been facilitated by the tradition of meeting and socialising locally in the network of corner pubs in the area.</p>
Technical/Research significance SHR criteria (e)	The <i>Village Inn</i> is of local significance to Woollahra and Paddington, as an example of how its distinctive and distinguishing corner pubs have evolved to serve their changing community and clientele, reflecting socio-economic changes in their context.
Rarity SHR criteria (f)	As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban "village" of Paddington, and still a vibrant element of its urban fabric and local streetscapes, the <i>Village Inn</i> is uncommon, and rare. Market challenges and an increasingly valuable site, attractive for conversion or redevelopment for housing use, make the Hotel part of an endangered and threatened group in Paddington, also evident in other inner city suburbs. Although relatively small, it may be attractive for residential conversion, and at risk.
Representativeness SHR criteria (g)	The <i>Village Inn</i> is important as one of the older Paddington hotels, occupying the site of possibly the longest continual hotel use in the suburb, from 1848; it is a prominent Victorian period commercial building, and a particularly satisfying corner hotel building – key character elements of the Paddington Heritage Conservation Area.

HERITAGE LISTINGS

Heritage listing/s	
	<i>The Village Inn</i> is a heritage item in Schedule 3 Woollahra Local Environment Plan.
	<i>The Village Inn</i> is within the Paddington Heritage Conservation Area.
	<i>The Village Inn</i> is within the National Trust Paddington Urban Conservation Area.

INFORMATION SOURCES

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

Type	Author/Client	Title	Year	Repository
Written Graphic/Oral History	Name of author/artist/produced	Title of the reference work	0000	Where a copy of the image can be examined.
Published book	J.M. Freeland	'The Australian Pub' Melbourne University Press	1966	author's copy
Unpublished history	Ron Johnson	Paddington History and Heritage	undated	Woollahra Local History Centre

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Unpublished history	L.G. Norman	Historical Notes on Paddington	undated	Woollahra Local History Centre
---------------------	-------------	--------------------------------	---------	--------------------------------

RECOMMENDATIONS

Recommendations	<p>It is recommended that :</p> <ul style="list-style-type: none"> • Appropriate Conservation Management Documents be prepared to guide all future change and development of the <i>Village Inn</i>; • The listing of the <i>Village Inn</i> should be updated and include its interiors , subject to clarification of their significance through the preparation of further detailed assessment in the Conservation Management Documents (CMDs) to be prepared ; • Further investigation be undertaken to determine if the group of remaining hotels in Paddington, including the <i>Village Inn</i>, should be listed as a group item on the Woollahra LEP or on the State Heritage Register; and • The continued use of the building as a hotel should be supported by Local and State Governments, consistent with its long history of hotel trading and acknowledging the need for suitable periodic upgrading and adaptation to meet contemporary hotel requirements, and subject to environmental and heritage impact assessment processes. • Council officers be available to liaise with owners prior to developing plans for change or development. <p>The significant heritage attributes and elements of the <i>Village Inn</i>, to be further identified and confirmed by full heritage assessment and Conservation Management Documents, should be appropriately conserved, adapted and retained. Proposals for new work should reflect identified conservation policies for the building and demonstrate that they are contributing to the conservation of the significance and commercial viability of the Hotel.</p> <p>Subject to the CMDs, existing alterations and additions which may be considered detrimental to the identified heritage significance of the hotel, should be evaluated for possible reversal or removal, allowing reconstruction to original or early detail or a more sympathetic treatment, where this can be proposed. All reconstruction and repair work to the significant fabric of the building should be carried out using traditional materials and techniques and in accordance with best contemporary conservation practice. The emphasis should be upon retention of original fabric.</p> <p>For example, there should be no further enlargement or filling-in of window or external door openings, and no additions or alterations to the building should break through the current roofline or rise above the parapets – so as not to affect its external integrity, scale and character, and relationships with the streetscapes of which it is an important contributory element. Externally mounted plant and equipment (such as communications equipment, power generation, air-conditioning, heating and other services) should also be carefully considered, for possible alternative arrangements to be made where no detracting visual impact can occur.</p> <p>The <i>Village Inn</i>, and in particular its interiors, have been subject to recent modernisation and modification works – this has also happened in other Paddington hotels. Some of these works are objectively of admirable quality and do not invalidate</p>
-----------------	--

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

	the claims of the hotels to being regarded as places of heritage importance – rather, their history of change means that careful investigation must take place to guide future change, so that avoidable loss or obscuration of historic fabric and character does not take place.
--	--

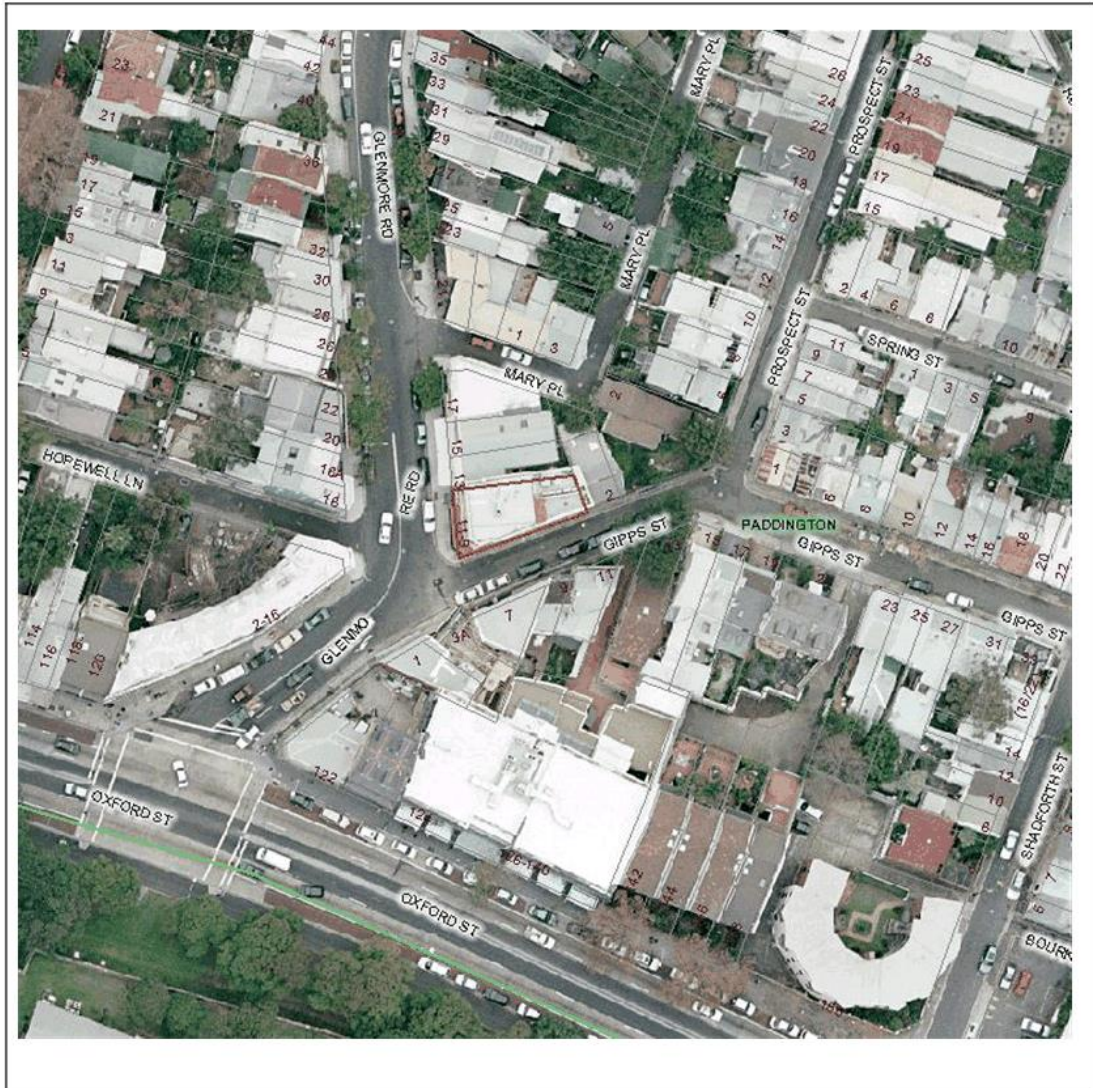
SOURCE OF THIS INFORMATION			
To be completed if this form is part of a heritage study or report			
Name of Study or report	Paddington Hotels Study	Year of study or report	2018
Item number in study or report	9		
Author of Study or report	Robert A Moore Pty Ltd		
Inspected by	Robert Moore		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Mark Dunn, Robert Moore and Sheridan Burke (amending and updating earlier work by Susan O'Neill and Sarah Reilly for Woollahra Council)	Date December 2018	

IMAGES - 1 per page	
Image caption	Fig. 1: Location of <i>The Village Inn</i> , outlined in red.

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image year	2005	Image by	Woollahra GIS	Image copyright holder	Woollahra Council
------------	------	----------	---------------	------------------------	-------------------

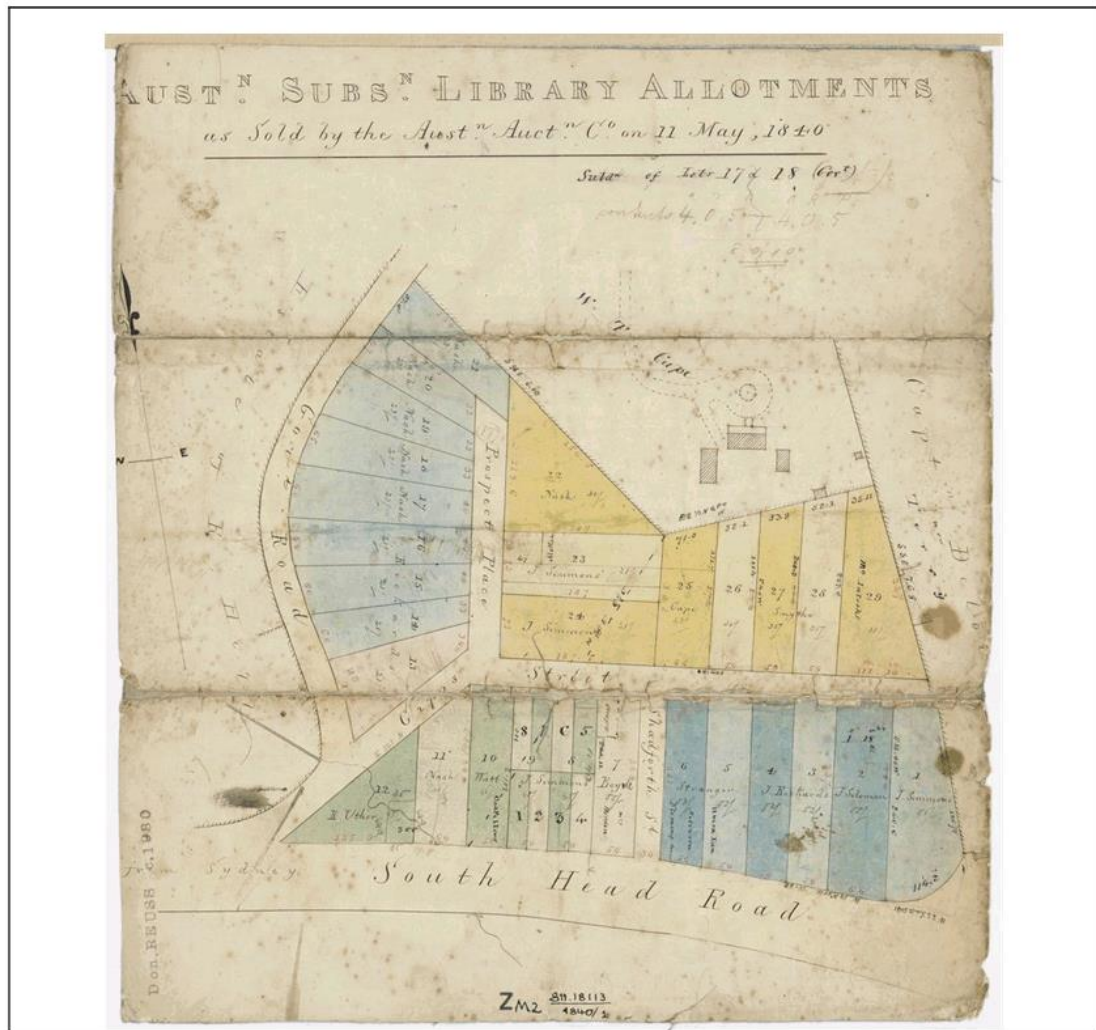


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 2 : Australian Subscription Library estate subdivision May 1840. The Village Inn was built as the Rose and Crown Hotel within Lot 13, shown at the corner of Glenmore and Gipps Streets				
Image year	1840	Image by	Unknown	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 3 : Detail of WH Wells 1850 map of Sydney and Suburbs showing the Rose and Crown Hotel on the corner of Glenmore Road and Gipps Street. The hotel was one of the earliest erected in this part of Paddington				
Image year	1850	Image by	WH Wells	Image copyright holder	State Library of NSW

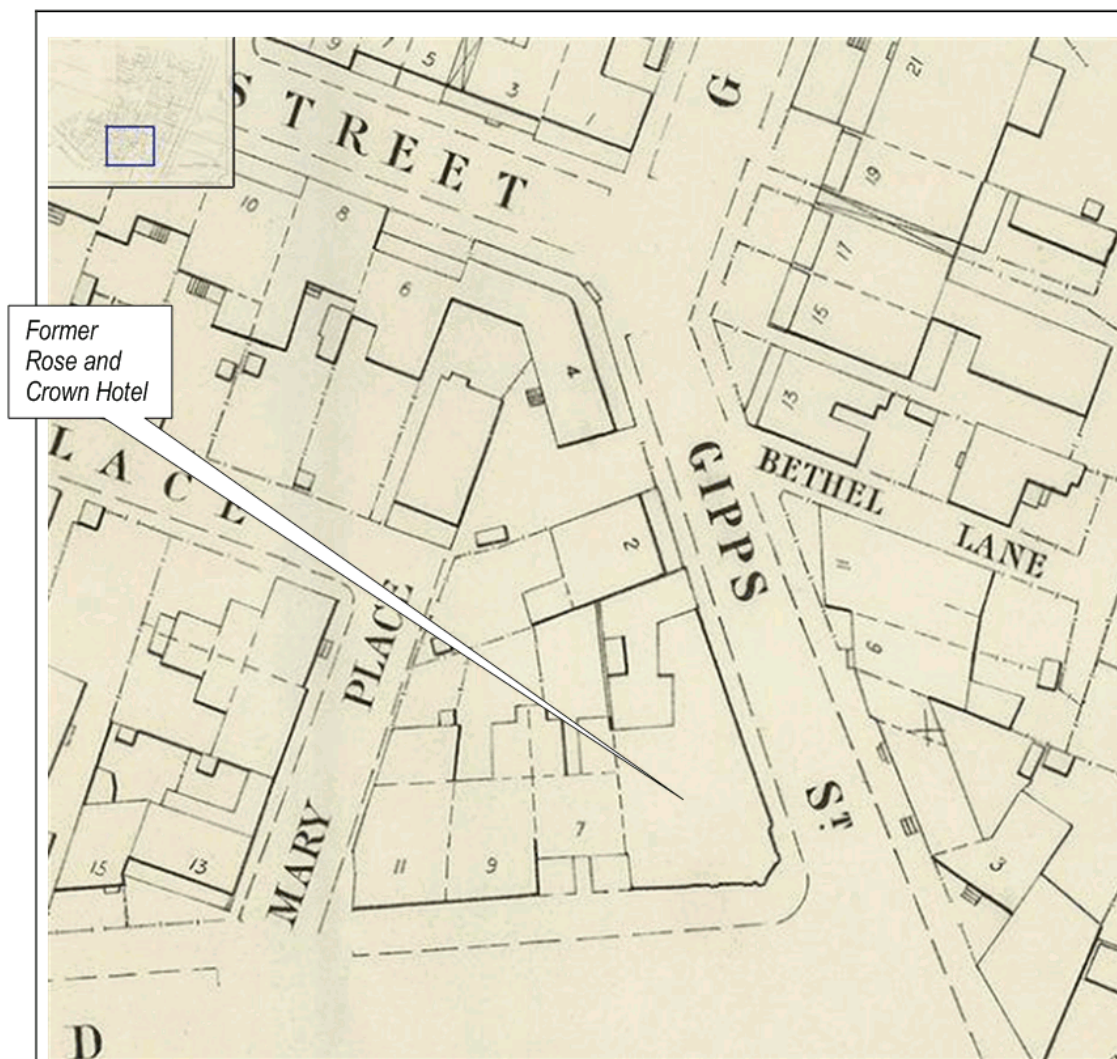


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 4 : Location of the former <i>Rose and Crown Hotel</i> , now the <i>Village Inn</i> . Sydney Metropolitan Detail Series sheet 10				
Image year	1892	Image by	Surveyor General's Office	Image copyright holder	State Library of NSW



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 5 : The <i>Village Inn</i> , when trading as the <i>Rose and Crown Hotel</i> , showing original scale, doors and windows, and cantilevered balcony, and adjacent shops and cottages				
Image year	c.1885	Image by	unknown	Image copyright holder	Noel Butlin Archives Tooth Collection Z 223-161A-628



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 6 : <i>The Village Inn</i> , (former <i>Rose and Crown Hotel</i>) September 1930, with the extra floor added. Tall narrow sash windows can be seen to both street facades.				
Image year	1930	Image by	unknown	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 7 : "Rose and Crown Hotel – Proposed additions" -architect's drawing showing the proposed second floor, but also the existing plan layout (note the rear yard)				
Image year	1930	Image by		Image copyright holder	Noel Butlin Archives ANU

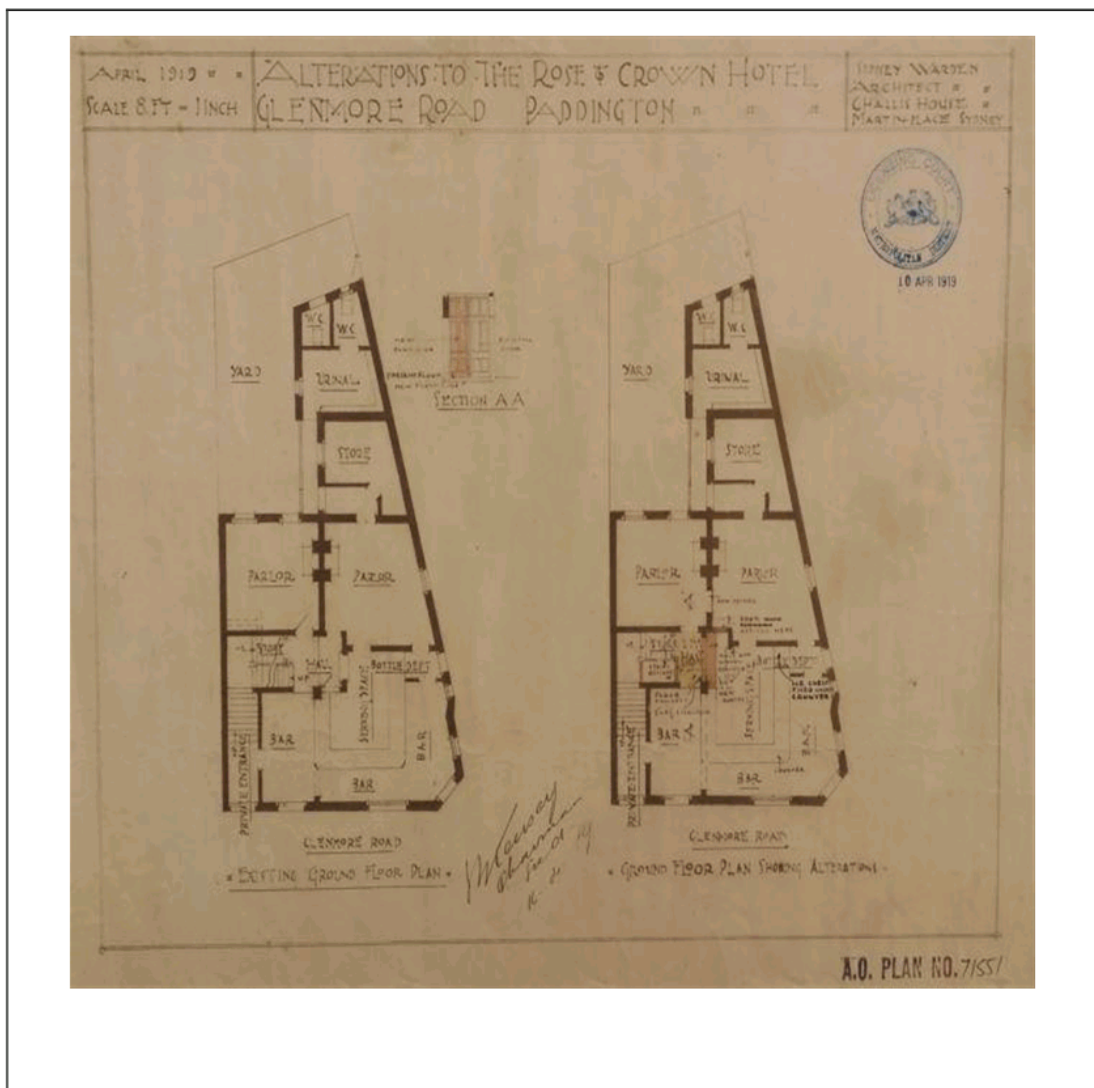


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig.8 : "Alterations to the Rose and Crown Hotel" :architect's drawing of 1919 showing changes to the front bar and the altered private guests' entrance and stair				
Image year	1919	Image by	Sydney Warden Architect	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 9 : The "Village Inn", formerly the "Rose and Crown Hotel", in 1949				
Image year	1949	Image by	unknown	Image copyright holder	Noel Butlin Archives ANU



Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 10 : <i>The Village Inn</i> , former <i>Rose and Crown Hotel</i> , 1960 ; the cantilevered balcony has been removed and replaced by a new suspended awning, with doors blocked				
Image year	1960	Image by	unknown	Image copyright holder	Noel Butlin Archives ANU



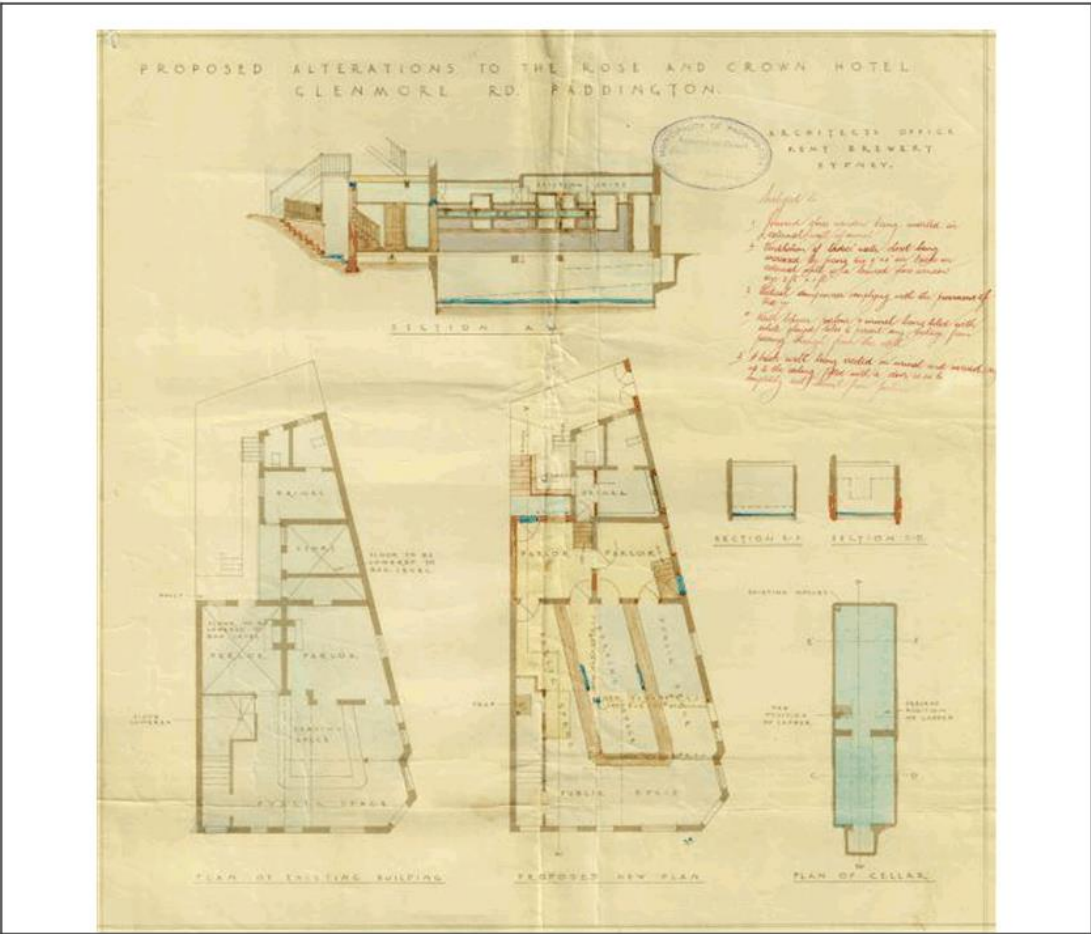
Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

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

Image caption	Fig. 11 : Proposed alterations to the <i>Rose and Crown Hotel</i> by Tooths Architects Office showing removal of ground floor walls, enlarged bar, and deepened cellar				
Image year	1925	Image by	Tooth & Co Architects Office	Image copyright holder	Noel Butlin Archives ANU

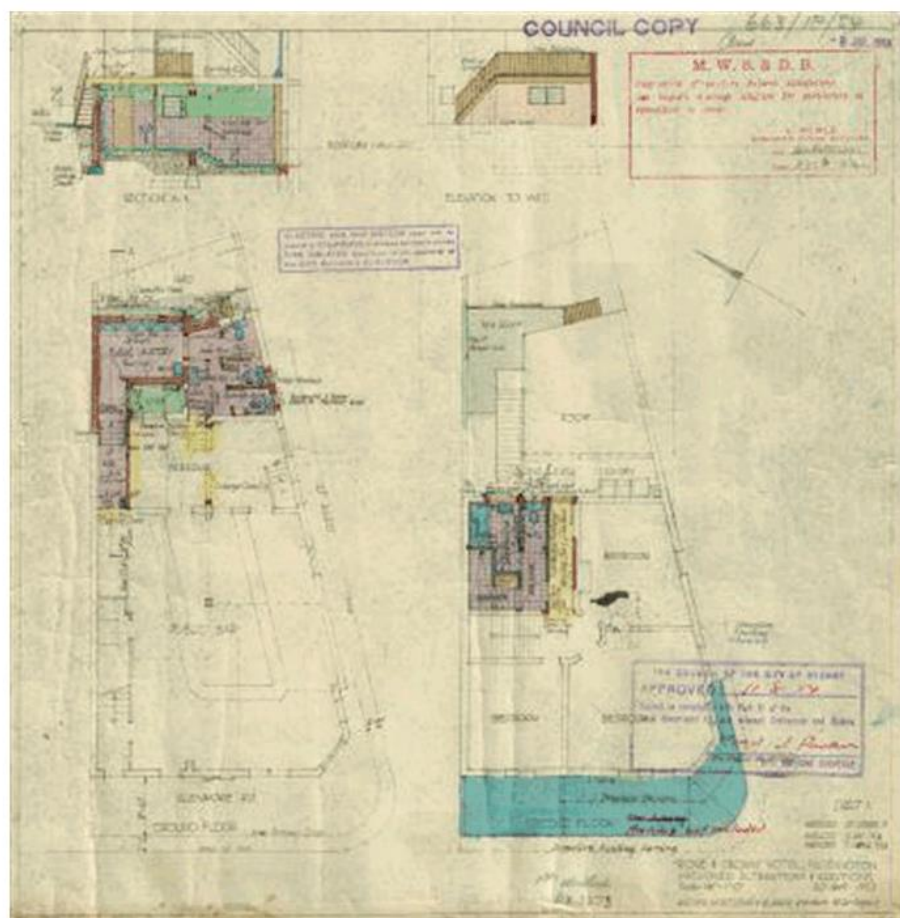


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 12 : Extension of ground floor into rear yard for new toilets and new first floor toilets				
Image year	1954	Image by	Ancher Mortlock Murray Architects	Image copyright holder	Noel Butlin Archives ANU

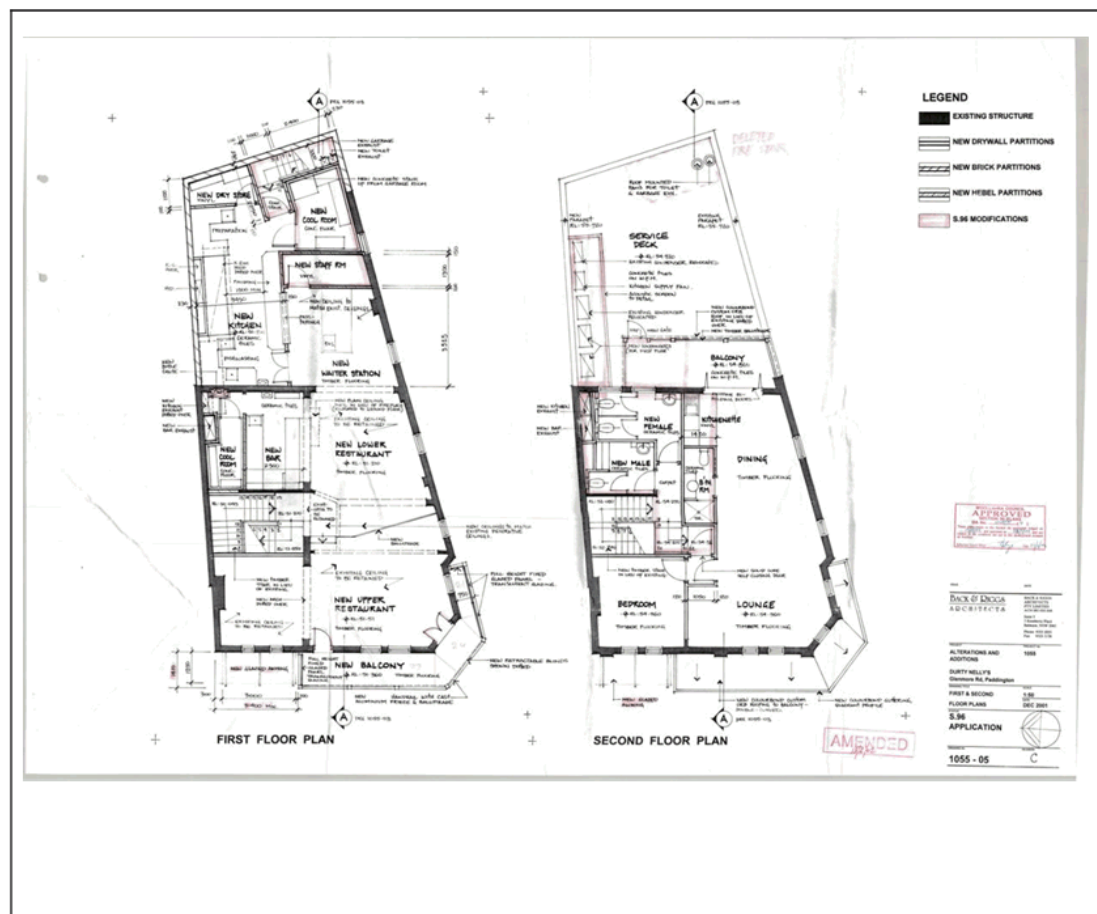


Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES - 1 per page

Image caption	Fig. 13 : Alterations to first and second floors of "Durdy Nelly's" – approved plans stamped by Woollahra Council showing toilets and flat on second floor				
Image year	2002	Image by	Back & Rigg Architects	Image copyright holder	Back & Rigg Architects



IMAGES - 1 per page

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 14 : View of the <i>Village Inn</i> from Glenmore Road ; the balcony to Glenmore Road has been rebuilt wider than it originally was.				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 15 : View past the Village Inn up Gipps Street to cottages				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 16 : View from within the ground floor bar to the street front ; note the parallel beams showing the former corridor location				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Woollahra heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

Image caption	Fig. 17 : View within the first floor bar, where walls defining the former bedrooms have been removed				
Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd



IMAGES - 1 per page

Image caption	Fig. 18 : Context of the Village Inn viewed from Glenmore Road
---------------	--

***Woollahra** heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Image year	2018	Image by	Robert Moore	Image copyright holder	Robert A Moore Pty Ltd
------------	------	----------	--------------	------------------------	------------------------





Gateway Determination

Planning proposal (Department Ref: PP_2020_WOOLL_005_00): to list seven pubs/hotels in the suburb of Paddington as local heritage items.

I, the Acting Director, Eastern and South Districts, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to list seven pubs/hotels in the suburb of Paddington, namely;

- The Bellevue Hotel and interiors, 157-159 Hargrave Street, Paddington;
- The Grand National Hotel and interiors, 33 Elizabeth Street, Paddington;
- The Imperial Hotel and interiors, 252 Oxford Street, Paddington;
- The London Tavern Hotel and interiors, 85 Underwood Street, Paddington;
- The Paddington Hotel and interiors, 384 Oxford Street, Paddington;
- The Paddington Inn Hotel and interiors, 338 Oxford Street, Paddington; and
- The Unicorn Hotel and interiors, 102-106 Oxford Street, Paddington;

as local heritage items should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters prior to public exhibition:
 - (a) Improve the resolution of the existing and proposed mapping in the planning proposal to ensure legibility and clarity;
 - (b) Include a note to clarify that the heritage item numbers in the proposed mapping are indicative only and will be confirmed upon the finalisation of the proposal;
 - (c) Address an error regarding the location of the London Tavern Hotel in the first paragraph of Part 2.4 of the planning proposal;
 - (d) In Part 6.2 of the planning proposal, include a commentary explaining the proposal's consistency with Priority E6 and E13, Objective 13 and 24, and Action 20 and 54 of the Eastern City District Plan; rectify the typographical error in the second dot point under "Eastern City District Plan";
 - (e) Remove reference to the *Draft Woollahra Local Strategic Planning Statement* and replace with the *Woollahra Local Strategic Planning Statement*, which has been adopted by Council;
 - (f) Remove reference to the repealed SEPPs, including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions)

- 2007; make reference to the SEPPs currently in force, being SEPP (Koala Habitat Protection) 2019 and SEPP (Concurrences and Consents) 2018;
- (g) Include information to address section 9.1 Direction – 2.6 Remediation of Contaminated Land;
 - (h) Update the proposed community consultation requirements to align with current exhibition and notification arrangements during the COVID-19 pandemic; and
 - (i) An updated project timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with NSW Heritage, Department of Premier and Cabinet under section 3.34(2)(d) of the Act.
- The public authority / organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.

PP_WOOLL_2020_005_00 (IRF20/2092)

6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 4th day of August 2020.



Brendan Metcalfe
A/Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces

PP_WOOLL_2020_005_00 (IRF20/2092)

Key Consultation Milestones and Correspondence

		1	2	3	4	5	6	7
		The Bellevue Hotel 157-159 Hargrave Street, Paddington	Grand National Hotel 33 Elizabeth Street (161 Underwood Street), Paddington	Imperial Hotel 252 Oxford Street, Paddington	The London Tavern Hotel 85 Underwood Street, Paddington	The Paddington Hotel (Paddington Arms Hotel) 384 Oxford Street, Paddington	The Paddington Inn Hotel 338 Oxford Street, Paddington	Unicorn Hotel 102-106 Oxford Street, Paddington
A	Notification of study and request for inspection (6-Jul-18)	✓	✓	✓	✓	✓	✓	✓
B	Draft heritage sheet circulated (4-Jul-19)	✓	✓	✓	✓	✓	✓	✓
C	Submissions received	18-Sep-19 from Heritage Consultant	20-Aug-19 from Heritage Consultant 29-Aug-10 from Lawyer 30-Aug-19 from Owner			16-Sep-19 from Heritage Consultant		
D	Notification of EPC (13-Nov-19)	✓	✓	✓	✓	✓	✓	✓
E	Notification of WLPP (23-Jan-20)	✓	✓	✓	✓	✓	✓	✓
F	Notification of EPC (13-Feb-20)	✓	✓	✓	✓	✓	✓	✓
G	Notification of public exhibition (20-Aug-20)	✓	✓	✓	✓	✓	✓	✓
H	Owner/s seeking clarification / making submission		17-Sep-20 seeking clarification	28, 31-Aug and 1, 8 Sep 20 seeking clarification 1-Oct-20 submission	31 August 2020 – clarification			

 : Responses from owners
 : Notification from Council

From: [J Hutchison](#)
To: [Records; J Hutchison](#)
Subject: Proposal to heritage list seven Paddington Pubs
Date: Sunday, 6 September 2020 2:54:47 PM

Dear Woollahra Council

I wish to support the Council's incentive to heritage list a number of historic pubs in Paddington. My family and I have been residents of Paddington for many years, owning [REDACTED] and we value highly the way the pubs assist in knitting a community. As a former Managing Director of Tourism Australia I recognize the unique heritage value of the village with its cornerstone assets, the pubs, and what this adds to the overall attraction of Sydney and indeed the Nation, in terms of Tourism, our third largest Industry.

I was one of the estimated 12000 supporters of The Four in Hand Pub about 2 years ago when the threat of development steered the Paddington residents into action. The Woollahra Council was fully supportive at the time.

I am puzzled therefore to note that the Four in Hand Pub is not on your list for heritage protection. Am I mistaken? Have you already listed the Pub, or do you have concluded that the Four in Hand does not warrant preservation?

Clearly if this pub is not protected, and seven other local pubs are protected, the Four in hand will again become a target for development.

It would be greatly appreciated if you could advise me on this

Yours sincerely

Jonathan Hutchison AM

[REDACTED]

From: [Petra O'Neill](#)
To: [Records](#)
Subject: Your ref: 20/149637-SC5297 Submissions - Heritage Listing of 7 Paddington Pubs
Date: Friday, 11 September 2020 4:37:28 PM

Dear Anne White,

Thank you for your recent correspondence concerning council's proposal to protect the heritage integrity of 7 Paddington Pubs. Such protection will ensure that we don't have another pub destroyed as the Windsor Tavern was some years ago. The removal of the awnings and installation of a drive in and frosted glass windows has changed the hotel beyond recognition. The Paddington Inn also was unsympathetically modified both internally and externally some years ago and it would be great if the hotel could be changed back to how it was. Just wondering why the Four in Hand and Lord Dudley are not included? But great that you have done this.

Best regards,
Petra O'Neill
Paddington

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Woollahra History and Heritage Society Inc

ABN 17 597 074 575

WHHS

whhs 20014

16 September 2020

MR Craig Swift-McNair
General Manager
Woollahra Municipal Council

Dear Mr Swift-McNair,

SC 5297 Submission

HERITAGE LISTING OF 7 PADDINGTON PUBS
AND PROPOSED AMENDMENTS TO WOOLLAHRA DCP 2015
FOR PUBS IN THE PADDINGTON HERITAGE CONSERVATION AREA

The Woollahra History and Heritage Society has read the documentation related to this planning proposal and particularly the comprehensive and interesting Heritage Inventory Sheets relating to the seven Pubs.

The Society fully supports this proposed listing.

Yours sincerely,

Peter Poland OAM
President

From: [James Sellwood](#)
To: [Records](#)
Subject: Planning Proposal - Local Heritage Listing - Seven Paddington Pubs and associated amendments to Woollahra Development Control Plan (DCP)
Date: Wednesday, 16 September 2020 5:14:25 PM
Attachments: [image001.png](#)

Our ref: DOC20/697297

Planning Proposal – Local Heritage Listing – Seven Paddington Pubs and associated amendments to Woollahra Development Control Plan (DCP)

Dear Mr Swift-McNair

Attention: Ms Flavia Scardamaglia, Strategic Heritage Officer

Thank you for the opportunity to comment on the planning proposal to list seven pubs in Paddington as items of local heritage significance under *Woollahra Local Environmental Plan 2014* (LEP) and make associated DCP amendments relating to pub buildings in the Paddington Heritage Conservation Area.

We note that Council's assessment of heritage significance indicated that the seven pubs below met the criteria for listing at a Local level:

- Bellevue Hotel
- Grand National Hotel
- Imperial Hotel
- London Tavern Hotel
- The Paddington (formerly Paddington Arms Hotel)
- Paddington Inn Hotel, and
- the Unicorn Hotel.

We also note that the DCP amendments are intended to provide greater guidance and encourage the retention of significant features of pub buildings in the event of a change of use and/or substantial alterations and additions.

As such, we consider that both the planning proposal and the DCP will have a positive heritage outcome.

Heritage NSW encourages the identification and listing of new heritage items and amendments to planning controls which provide for greater heritage protection, 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, Heritage Programs
Heritage NSW

Department of Premier and Cabinet



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

Heritage NSW

The former Office of Environment and Heritage (Heritage Division) is now Heritage NSW.

Correspondence should be sent to us via email at [redacted].au. If you need to provide hard copies, please send to Heritage NSW, [redacted].

Please update your records as using an incorrect name and address could cause significant delays or non-delivery of your correspondence.

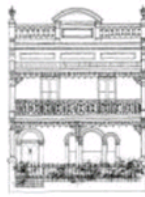
This email is intended for the addressee(s) named and may contain confidential and/or privileged information.

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.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



THE PADDINGTON SOCIETY Inc.
For Community and Heritage
Est 1964

23 September 2020

General Manager
Woollahra Council
PO Box 61, Double Bay NSW 1360

Email [\[REDACTED\]](#)

Re; Proposed Heritage Listing of seven pubs - Reference SC5297

The Paddington Society welcomes the proposed Heritage listing of 7 pubs within Paddington.

However we ask that the proposal be widened to include ALL pubs within Paddington.

Yours faithfully



Will Mrongovius
President
The Paddington Society

[REDACTED]

From: [REDACTED]
To: [REDACTED]
Subject: FW: Imperial Hotel. Woollahra Heritage Listing / Control Plan 2015
Date: Monday, 26 October 2020 11:13:34 AM

-----Original Message-----

From: Alice Le Cras [REDACTED]
Sent: Thursday, 1 October 2020 4:53 PM
To: Anne White [REDACTED]
Cc: hugh Clake [REDACTED]
Subject: Imperial Hotel. Woollahra Heritage Listing / Control Plan 2015

> Dear Anne

> Thank you for forwarding me the information, received last week. The council has obviously gone to a lot of trouble to compile it all. I have had the opportunity to review it and would like you to please note the attached comments below:

>

> Page 11/47:

> 1.4.3 please note that the balcony mentioned in the heritage quote from 2018 was removed from the hotel over 110 years ago.

> Page 19/47:

> I believe that when the hotel was renovated in 1910 it was already know as the Imperial Hotel.

> I do not agree that the site is 'bounded by Elizabeth Street'

> Page 20/47 Figure 9:

> The statement 'indicating the site (in red) within its immediate context.' Is marked in the incorrect area.

> Page 29/47:

> I would suggest that the hotel is already taller than 9.5m.

> Page 30/47

> 4. Definition of interiors

> Page 33/47

> 8. I believe it does have a direct economic effect - where is the provision for cost & maintenance.

> Page 38/47

> 8.1 I have only received this information in the last few weeks.

>

> Item No R1 page 9

> To the best of my knowledge I do not entirely agree with this synopsis.

> 3.3 line 2 is incorrect as is line 5

>

> Item No D1 page 9

> As above

> Line 2 is incorrect as is line 5

>

> Paddington Hotels Study 4.1

> We did make a request to council that the balcony was reinstated but were advised against it as a possibility. As previously noted it is no longer there, possibly removed due to Oxford Street becoming busier at the turn of the last century.

> Page 5

> I would be keen for you to verify & provide evidence for your report for example 'Tooth's took over Resch's & with it, their hotels as well.' This, again, as I understand is not correct.

>

> Woollahra Heritage Inventory

> Pages 1 to 27

> From my understanding a number of statements in this report should be verified before being accepted as fact or relevance. For example I do not agree with statements about bathrooms, dining rooms or ownership.

- >
- > In regard to the proposed heritage listing of the hotel I had understood that it was covered in the Paddington Heritage Conservation Area (HCA) and already protected as a result of this.
- > The hotel was redeveloped in line with these restrictions in 2010/11, 100 years after my great grandfather renovated it. There are a number of heritage elements to the property but the majority of the hotels fabric has been updated over the years in conjunction with heritage consultants and approvals from council. The hotel currently features a public bar, function room, living space, conferencing rooms and offices as well as a barbers shop.
- >
- > Whilst supportive of any effort to maintain a buildings and indeed an areas historic significance & integrity I feel modern day compliance, legislation & economic viability must be considered in the equation. With practical & financial support being integral to ensuring a successful outcome to your proposal. This will be intensely highlighted during the Covid 19 outbreak and restrictions putting extra pressures on owners & publicans - no doubt you have considered this.
- >
- > Although currently closed due to Covid 19 factors we are looking to re open with an exciting future ahead of us for which I'm deeply optimistic you will be supportive of given the time & effort council has gone to put this study together.
- > Plans are underway to establish a Pub and Brewers Museum throughout the hotel. This will not in principle require changes to the public areas or fabric of the hotel but will include the installation of display cabinets and enhancements of existing video audio equipment. A merchandise area maybe be added to the barbershop. Existing usage will remain as a hotel. The project is being driven by the Resch family - who, in contrary to your heritage findings have had continuous ownership of the Imperial Hotel since Edmund Resch took it over in the late 1800s early 1900s. The proposed project has support from a number of brewing heritage family's including the Tooth's who were involved with the hotel - though I believe your comments on this matter to be incorrect or possibly just unclear - I can clarify if need be.
- > The proposal also has the support of the NSW tourism industry as a post Covid tourism project & the initiative will hopefully assist fellow local hotels in the precinct, possibly a return to the Paddington Pub Precinct Group that we set up some years ago to try to go forward together.
- > Any assistance the council can provide would be very much appreciated.
- >
- > Kind regards
- >
- > Alice Le Cras
- >
- > Great granddaughter of Edmund Resch
- > Owen Peters Ltd
- > Director

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



City of Sydney

cityofsydney.nsw.gov.au

7 October 2020

Our Ref: 2020/429865

File No: S084165, S120599

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360
Attention: Ms Anne White, Team Leader – Strategic Planning
By email: [REDACTED]

Dear Anne

Local Heritage Listing Paddington Hotels – Planning proposal submission – Your reference 5C5297 Submissions

Thank you for inviting the City of Sydney to comment on Woollahra Council's planning proposal to heritage list seven pubs in Paddington. I note that four of these pubs are located on the boundary with City of Sydney on Oxford Street, including the Imperial Hotel, Paddington Hotel, Paddington Inn Hotel and Unicorn Hotel.

The City of Sydney supports this planning proposal and commends Woollahra Council for its efforts to strategically identify significant historic pubs in order to recognise and protect their local heritage significance. This proposal supports the ongoing contribution of these pubs to Paddington's identity, culture, liveability and building diversity. In addition the proposal is consistent with the City's heritage listing of significant buildings on the other side of Oxford Street for cohesive planning of this neighbourhood.

For any enquiries, please contact Claudine Loffi, Senior Specialist Planner (Heritage), on [REDACTED]

Yours sincerely,

[REDACTED]

Ben Pechey
Executive Manager
Strategic Planning and Urban Design

Green, Global, Connected.

Item No:	R2 Recommendation to Council
Subject:	PLANNING PROPOSAL - HERITAGE LISTING OF HILLCREST, 780-786 NEW SOUTH HEAD ROAD, ROSE BAY
Author:	Kristy Wellfare, Strategic Heritage Officer
Approvers:	Anne White, Manager - Strategic Planning Nick Economou, Acting Director Planning & Development
File No:	20/183695
Reason for Report:	To present the heritage significance assessment prepared by Robert A Moore Pty Ltd for Hillcrest at 780-786 New South Head Road, Rose Bay. To recommend that Council resolves to prepare a planning proposal to list Hillcrest, including interiors and gardens at 780-786 New South Head Road, Rose Bay as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT a planning proposal be prepared to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay 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.

1. Background

On 3 February 2020 a development application DA19/2020/1 was lodged with Council for the demolition of the three storey residential flat building at 780-786 New South Head Road, Rose Bay, known as Hillcrest.

Council's Heritage Officer considered the demolition proposed by the DA, and provided a preliminary assessment of the heritage significance of the building under the seven criteria identified in the NSW Heritage Manual. Based on the information available, the building was considered to have potential to meet the threshold for local significance under the historic, aesthetic, rarity and representative criteria.

On 4 June 2020 the Woollahra Local Planning Panel (Woollahra LPP), consistent with the staff recommendation, resolved to refuse development application DA19/2020/1 on the basis of heritage grounds and a lack of adequate information.

Subsequent to the refusal of the development application for demolition, an Interim Heritage Order (IHO) was issued for the site under Section 25 of the *Heritage Act 1977*.

2. The Site

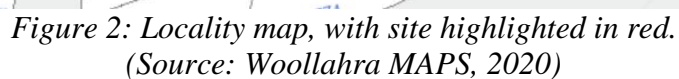
The building consists of a three storey late Victorian era semi-detached dwelling pair with Federation Queen Anne influences. It was converted into a residential flat building in the 1920s and currently accommodates six dwellings over three levels (see **Figure 1**).

The site is legally described as Strata Plan 30455, which stands on Lot C in DP 177878 (see **Figure 2**). The site is a shallow rectangular shape, with a street frontage of 17.86m to New South Head Road, and depth of between 31.065m and 32.315m (see **Figure 3**). The site formerly comprised two allotments that extended from New South Head Road through to Dumaresq Road, known as Lots 17 and 18 in the Tivoli Estate. However, these allotments were subdivided off and now accommodate residential flat buildings at 7 and 9 Dumaresq Road.

The site and adjoining sites addressing New South Head Road are zoned R3 Medium Density Residential under the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). Neighbouring sites to the rear, fronting Dumaresq Road, are zoned R2 – Low Density Residential. The site and neighbouring sites are not listed as items of environmental heritage under Schedule 5 of the Woollahra LEP 2014 nor are they located within a heritage conservation area.



*Figure 1: Hillcrest as viewed from the footpath on New South Head Road.
(Source: realestate.com.au, 2018)*



3. The Interim Heritage Order

In considering DA19/2020/1, Council's Heritage Officer had provided a preliminary assessment that the building had potential to meet the threshold for local significance under the historic, aesthetic, rarity and representative criteria.

On 4 June 2020 the Woollahra LPP resolved to refuse DA19/2020/1 on the basis of heritage grounds and a lack of adequate information.

Under a Ministerial Order, the *Authorisation for Local Councils to make Interim Heritage Orders*, published in the Government Gazette on 12 July 2013 and under a sub-delegation to the Director of Planning they may, on behalf of Council, make an IHO. An IHO can be made if, among other things, the following pre-conditions are in place:

“(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:

- (i) The item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;*
- (ii) The item is being or is likely to be harmed;*
- (iii) The IHO is confined to the item determined to be under threat.”*

Given DA19/2020/1 proposed the demolition of the structures on the site, and that the site is potentially of local heritage significance, the Director of Planning formed the opinion that the above circumstances were in place. Subsequently, the Director of Planning authorised the making of an IHO. The IHO was issued under section 25 of the *Heritage Act 1977* (IHO No. LC-5) and was published in the NSW Government Gazette No. 151 of 10 July 2020, p. 3569-3570.

The Order will remain in place for an initial period of six months which gives Council the opportunity to fully assess the heritage significance of the building and identify whether the building should be listed as a State and/or local heritage item. If within these six months Council resolves to proceed with the listing of the item, the order remains in place for an additional six months.

Under section 57 of the *Heritage Act 1977*, when an IHO applies to a place or building a person must not, among other things, demolish, damage or carry out development except in pursuance of an approval granted by the approval body, i.e. Council.

4. Consultation:

On 28 September 2020, Council staff sent letters to the owners and occupiers of each of the units as well as the strata managers. This letter informed the owners/occupiers of the following:

- the issuing of the IHO,
- that Council had engaged a heritage consultant to prepare a heritage assessment and
- a request for internal access to the units.

Three of the six apartments permitted access to Council's staff and Mr Moore, and site visits were carried out on 7 and 9 October 2020.

It is noted that Council staff received communication on 13 October 2020 from a representative of the company listed as the applicant for DA2020/19. This communication sought to facilitate access for the consultant team to the remaining three units at Hillcrest. However, a mutually convenient time could not be settled for these inspections within the project deadlines.

5. Assessment of heritage significance

The assessment of heritage significance was undertaken in accordance with the document *Assessing heritage significance*, published by the NSW Heritage Office in 2001 by *Robert A Moore Pty Ltd*. 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 Robert A. Moore Pty Ltd dated October 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 Hillcrest, including interiors and garden, 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
(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.	May have potential	x
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	May have potential	x
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓	x
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments, (or a class of the local area's • cultural or natural places, or • cultural or natural environments.) 	✓	x

The heritage significance assessment concludes that, after assessment against the NSW Heritage Assessment Criteria, *"Hillcrest" must be considered an Item of Local Heritage Significance, both worthy and appropriate for inclusion as such upon Schedule 5 of the Woollahra LEP. Its historic and aesthetic importance, together with its associational values in the local context, merit its inclusion, and are supported by the retained integrity of the building and its interiors, notwithstanding the alterations made internally in its conversion from semi-detached houses to apartments. The retention of its original front and side setbacks, and the gardens therein, support in particular its historic and aesthetic values, and contribute to its landmark and streetscape importance.*

In Woollahra, it is a "milestone" building illustrating important phases in the development of its locality and the municipality in general. With further investigation, it may prove to have a degree of

social significance, against Criterion (d), and a scientific/investigative value emanating from its potential capacity to sustain enquiry about its history, design, and type of building.

Its qualities are not however, considered to merit its consideration, or nomination to the NSW state government, as an item of State significance.

Continuing documentary research into the building's development at a key period within Woollahra may enhance the understanding of its comprehensive significance, and its capacity to demonstrate what can already be appreciated through its story. (Robert A Moore Pty Ltd, "Hillcrest", 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, pp. 20-21)

The following statement of significance was provided for "Hillcrest":

"Hillcrest", No.780-786 New South Head Road, Rose Bay, which is the residential flat building built c.1890 as a pair of semi-detached dwellings originally known as "Dalkey" and "Bionopa", and converted to six flats in the early 1900s, is of Local heritage significance within the Municipality of Woollahra for its historic, aesthetic, and associative values, particularly within the Rose Bay locality. Within its Locality and LGA context it also demonstrates a rarity of its type, design, and developmental history and context, supported by its relative integrity.

Built by the prominent businessman and local alderman Morrice Alexander Black, the building was the first to be built in the subdivided lands that had been part of Black's Tivoli Estate. Adopting an urban form – semi-detached dwellings – usually seen in more developed city and urban streets, the building took advantage of its harbourside site to present as a prestigious "marine villa" in complementary gardens like its earlier grand neighbours. However, in the context of increasingly closer subdivision and greater densities, with purpose-designed flat buildings becoming the first-builds on surrounding lots, the two aesthetically designed, Victorian Italianate semi-detached houses became four and later, six flats - sold and successively owned by investors.

Renamed "Hillcrest", the building remains significantly intact despite its adaptive re-use, and retains key dimensions and qualities of its original spacious garden setting, to maintain its historic and aesthetic contextual significance. "Hillcrest" contributes distinctively to the locality in which it is a landmark and an interpretable milestone of evolving development. (Robert A Moore Pty Ltd, "Hillcrest", 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, p 21)

The heritage significance assessment recommends the listing of Hillcrest, including interiors and gardens as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that Hillcrest does not meet the threshold for State heritage listing.

6. Recommendations of the Assessment of Heritage Significance report

The Heritage Significance Assessment undertaken for the site by Robert Moore provided recommendations for listing a future management as follows:

"Hillcrest" meets the threshold for listing within Woollahra as a Local Heritage Item, included within the LEP Schedule 5. Its significance extends to and includes its present curtilage - which despite loss of some of its site to the north of the building, and the existing intrusive car parking solution - importantly supports the building's aesthetic and historic significance, and its ongoing conservation and use. Its interiors, although modified, support its understanding and are also significant, and should be included within its heritage listing. The inclusion of its curtilage and

interiors within the listing will facilitate the continuing management of change within these aspects of the property, readily compatible with a listed status.

As shown by the recent DA for demolition, and the current Interim Heritage Order, the building is under pressure due to the desirability and potential for redevelopment of its site, pending action to establish its importance and protection through heritage listing. Once protected through listing, which this assessment recommends, the care, ongoing use and potentials of the property can be properly planned for in a Conservation Management Plan.

It is recommended that “Hillcrest” No. 780-786 New South Head Road, Rose Bay, be added to the Heritage Schedule of the Woollahra LEP as an item of Local Heritage Significance, noting that the listing extends to and includes its interiors and garden setting. (Robert A Moore Pty Ltd, “Hillcrest”, 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, p.22)

The Heritage Significance Assessment recommended that Hillcrest and its interiors and gardens at 780-786 New South Head Road, Rose Bay, be added to the Heritage Schedule of the Woollahra LEP as an item of Local heritage significance and that its ongoing care, use and potential future development be planned for in a Conservation Management Plan.

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”.

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

Under the terms of the Direction, the planning proposal to list Hillcrest, including interiors and gardens at 780-786 New South Head Road, Rose Bay as a local heritage item must be referred to the Woollahra LPP for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to prepare a planning proposal.

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 Hillcrest, including interiors and gardens, as an item of local heritage significance in the Woollahra LEP 2014,
- Refer the draft planning proposal to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LLP to the Environmental Planning Committee.



9. Conclusion

The heritage significance of Hillcrest at 780-786 New South Head Road, Rose Bay, has been assessed by heritage consultant Robert Moore of *Robert A Moore Pty Ltd* in accordance with the NSW Heritage guidelines. The assessment concludes that Hillcrest, including interiors and gardens, has local heritage significance and it should be listed in Schedule 5 of the Woollahra LEP 2014.

It is therefore recommended that Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay 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 Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay to the list of heritage items. The planning proposal should be referred to the Woollahra LPP for advice.

Annexures

1. "Hillcrest" Heritage Significance Assessment - 27 October 2020 [↓](#) 
2. "Hillcrest" Heritage Significance Assessment - Appendix 2 - Selected Photographs [↓](#) 

**"Hillcrest", 780-786 New South Head Road, Rose Bay
Heritage Significance Assessment**

Report prepared for Woollahra Municipal Council
October 2020



Robert A Moore Pty Ltd
Architects and Heritage Consultants
Sydney

Copyright

Appendix 1, supporting Section 3 of this report, was prepared by consulting historian Dr. Mark Dunn, commissioned for this report. Historical sources and reference material used in the preparation of this report are acknowledged and referenced accordingly.

Robert A Moore Pty Ltd is acknowledged as the author of this report. Unless otherwise specified or agreed, copyright in intellectual property of this report vest jointly in Robert A Moore Pty Ltd and Woollahra Municipal Council, and in the case of any pre-existing historic source or reference material in the respective owners thereof.

Draft Report: 25th October 2020

Cover image : enlargement of c.1948 aerial photo showing the twin-gabled roof form of "Hillcrest" in centre, with the former mansion "Tivoli", developed into Kambala School, at lower right (Source: SLNSW-Milton Keys Collection Item 32).

CONTENTS :

1.0 SYNOPSIS	4
2.0 BACKGROUND	5
2.1 Site Identification	5
2.2 Site Use	5
2.3 Heritage Listings	5
2.4 Heritage in the Vicinity	5
2.5 Project Methodology	6
3.0 HISTORICAL DEVELOPMENT OF "HILLCREST"	8
3.1 Introduction	8
3.2 Key dates and events	8
3.3 Other views on the property history	9
3.4 The emerging historical picture	9
4.0 DESCRIPTION AND FABRIC OF THE BUILDING	10
4.1 Form and Setting	10
4.2 Design and Construction	11
4.3 Interiors	12
4.4 Condition	12
4.5 Integrity	13
5.0 COMPARATIVE ANALYSIS	13
5.1 Relevant comparisons	13
5.2 The Kovacs and GBA observations	13
6.0 HERITAGE SIGNIFICANCE ASSESSMENT	15
6.1 Introduction	15
6.2 Heritage Significance Assessment	16
6.3 Assessment	16
6.4 Assessment Conclusions	20
7.0 RECOMMENDATIONS	22

APPENDIX 1

Report of Dr. Mark Dunn

APPENDIX 2

Selected Photographs by the author

1.0 SYNOPSIS

Robert A Moore Pty Ltd (RAM) Heritage Architects and Heritage Consultants have been commissioned by Woollahra Municipal Council (WMC) to prepare a Heritage Significance Assessment (HSA) for the Building known as "Hillcrest", located at 780-786 New South Head Road, Rose Bay. In response to an application to demolish the building, an Interim Heritage Order (Woollahra No. 5) was made by Council under its delegated authority and imposed through Gazettal on 10th July 2020. It requires Council to assess the significance of "Hillcrest" and its worthiness for entry upon Council's LEP list of heritage items, within six months. If listing is to be pursued, it must be achieved within a further six months, before the Order would expire on 10th July 2021.

This HSA has been prepared within a two week period so as to provide the basis for a Council decision on the heritage significance and potential heritage listing of the site on an LEP or on the State Heritage Register (SHR).

The property is not currently included on the NSW State Heritage Register (SHR) nor in the Heritage Schedule of the Woollahra Local Environmental Plan 2014 (LEP 2014). It is not listed by the National Trust of Australia (NSW).

To inform this Heritage Significance Assessment, consulting historian Dr Mark Dunn was commissioned to provide an analysis of the historical development and associations of the building and its site, drawing upon available and accessible source materials, enquiries made by Council's Local History Library, and historical accounts advanced in heritage reports submitted by the applicant. Dr. Dunn's findings appear as Appendix 1 and are summarised in Section 3, but should be read in full.

Section 4 considers the fabric and setting of the building, its condition, integrity and authenticity. **Section 5** reviews comparative assessments and opinions on the building, and briefly considers some comparable properties in support of this assessment's purpose.

Section 6 identifies and evaluates the heritage significance of the building and its site, using the Heritage Significance Assessment Guidelines published by the NSW Heritage Office in 2001¹. The social, archaeological and Aboriginal values of the site have not been assessed. This assessment is also consistent with the relevant principles and guidelines of the Australia ICOMOS Charter for Places of Cultural Significance 2013 (the Burra Charter).²

This assessment concludes that the heritage significance of "Hillcrest" meets the threshold of LOCAL heritage significance. Based upon the evidence available for this assessment, the property is not considered to be of State heritage significance.

¹ NSW Heritage Office 2001, 'Assessing Heritage Significance', a NSW Heritage Manual update, Sydney.

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

Accordingly, within the statutorily defined time limit of the IHO upon the property, Council must determine if it wishes to pursue the inclusion of the property in Schedule 5 of its LEP. This report recommends that it should so do. Additional research should further clarify aspects of the heritage significance of the property. The preparation of a Conservation Management Plan (CMP), or Conservation Strategy (CMS), to guide the building's conservation and ongoing use is recommended.

2.0 BACKGROUND

2.1 Site Identification

"Hillcrest" is located at 780-786 New South Head Road, Rose Bay. The property is legally described as SP 30455. It is located in the Woollahra LGA, and is zoned R3, Medium Density Residential. The building is of rendered brick and stone construction, with a concrete tile roof that replaced the original slate roof. The fabric of the building and changes to it are described in detail in Section 4.0. A site/lot plan is shown at Fig. 2.1.

2.2 Site Use

"Hillcrest", formerly a pair of semi-detached dwellings known as "Dalkey" and "Bianopa", is now a residential flat building of six individual occupancies, with two flats on each level. The surrounding allotments are developed with residential flat buildings of varying scale, style, and numbers of flats.

2.3 Heritage Listings

Statutory

"Hillcrest" 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 (LEP 2014).

It is not identified as a heritage item on the NSW State Heritage Register (SHR).

Non-statutory

"Hillcrest" is not listed on the NSW National Trust Register¹.

2.4 Heritage in the Vicinity

There are no heritage conservation areas within the immediate vicinity of the subject site listed in the Woollahra LEP 2014 (Refer Figure 2.1). The nearest Woollahra heritage items to the property are, to the south, "Fernleigh Castle" at 5 Fernleigh Gardens, Rose Bay being the mansion house and gardens listed as Item No. 309, and an individually listed Cedar Fig Tree, Item No. 310, within its former grounds at 3 Fernleigh Gardens. To the north of "Hillcrest" is Kambala School, listed as Item No. 325 for its inclusion of "Kambala", formerly the mansion "Tivoli" whose grounds extended over the site of "Hillcrest" and to the harbour, before subdivision. Fig. 2.2 shows the relative location of these properties to "Hillcrest".

2.5 Project Methodology

This HSA has been prepared in accordance with Heritage Significance Assessment Guidelines published by the NSW Heritage Office in 2001.³ It is also consistent with the relevant principles and guidelines of the Australia ICOMOS Charter for Places of Cultural Significance 2013 (the Burra Charter).⁴

The preparation of the HSA has involved the following steps to assess the heritage significance of the site:

- historical research and preparation of an historical overview of the site's development in Section 3.0;
- a site inspection of the property and its context, and of four of its six apartments by the author of this report ;
- a detailed consideration of the fabric of the building, and the phases of its construction ;
- analysis of available Woollahra Council documentation pertaining to the development of the property;
- an assessment of the heritage significance of the site, consistent with the State Heritage Significance Criteria adopted by the Heritage Council of New South Wales.

2.6 Limitations

This assessment was prepared in a two week period in October 2020. The description and analysis of the site were based on a visual inspection only. No opening up of fabric or of concealed areas was undertaken.

This report does not consider Aboriginal heritage values of the site, nor its potential archaeological heritage, both of which are needed to inform the future development of the site. No social significance consultation or assessment was undertaken as part of this study.

2.7 Author Identification

This report was prepared by Robert Moore, RAM principal. The historical analysis was prepared by Dr Mark Dunn, consulting professional historian.

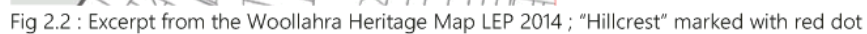
The author acknowledges the assistance of Kristy Wellfare, Anne White and Chris Bluett of Woollahra Council in providing advice and access to Council documentation and data for the preparation of this report; and to staff of the Local History Centre at Woollahra Library in sourcing the historical information and images which have been used in this report.

¹ Woollahra LEP 2014

² Advice from the National Trust Listings Office

³ NSW Heritage Office 2001, 'Assessing Heritage Significance', a *NSW Heritage Manual* update, Sydney.

⁴ Australia ICOMOS Inc, *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance 2013*, Australia ICOMOS Inc, Burwood, VIC.



3.0 HISTORICAL DEVELOPMENT OF “HILLCREST”

3.1 Introduction

To support the considerations of this assessment, Dr. Mark Dunn, consulting historian, was tasked to review the historical background presented in the submission documents and Council reports, and review such other material as could be provided by Council's Local History Librarians. The further inquiries suggested by these materials were pursued as possible in the report time frame. Mark's report is set out as Appendix 1, and should be read in full.

3.2 Key dates and events

Key dates and related events, assembled from all sources consulted would appear to be as follows:

1881 - Morrice (or Maurice) Alexander Black acquires the “Tivoli” Estate, and subdivides, leaving the house with 13 acres.

1882 - Black commissions Horbury Hunt to extensively remodel “Tivoli”.

1889 – Black subdivides more of the former “Tivoli” Estate, creating Lots 17 & 18 on which the existing building, first known as “Dalkey” and “Bionopa” would later be built.

1890 – In June 1890 Black advertises the sale of two recently completed three storey, semi-detached dwellings, initially named “Dalkey” and “Bianopa”, with each house “of special merit in design and comfort, highly finished throughout with no expense spared to render them worthy of the select district”. Black dies in August 1890, and his trustees manage the estate.

1911 – The dwellings are advertised for sale.

1915 – The dwellings are transferred to Charles Matthews, who before his death in 1919, converts the houses to a total of four flats.

1921 - Transferred to Thomas Jesson, who re-names it “Hillcrest”.

1922-23 - Jesson converts the basement offices (service spaces) to an additional two flats, one each side of the central dividing wall, using architect A. Lanyon Clark (BA 549/1924).

c1924 – Jesson dies and his widow Clara (with joint tenants) sells to builder Charles Bland.

1925 - Bland subdivides the property into three lots.

1978 – The concrete entry bridge is constructed (BA 1208/1978).

1985 – Converted to strata title (source - GBA Heritage). BA for carport (BA 179/1985).

1987- Installation of a swimming pool in the eastern garden beside the basement flat No. 6.

1992 - Conservatory addition to basement flat No. 5.

1998-9 - DAs for a carport and carport roof are also recorded.

2020 – Proposed for demolition (DA/19/2020/1).

3.3 Other views on the property history

The Demolition Report prepared by Zoltan Kovacs Architect as part of the submission to Council in support of the demolition application, presents a largely parallel picture of “Hillcrest’s” history. It notes that when constructed, “Dalkey” and “Bianopa” were the only dwellings shown on the 1905 and 1908 plans which supported the offer for sale of lots from the Estate along Dumaresq Road and Bay View Hill Road. These plans and the associated history of the subdivisions support the notion of the property’s relative and unusual isolation when built.

In a submission addressing the current DA on behalf of neighbouring owners, GBA Heritage, Heritage Consultants, presents and interprets the same historical facts and related events, but concludes that Hillcrest is of Local Heritage significance, while posing many questions of detail which they consider to require answers. GBA Heritage notes that the property was strata-titled in 1985, but was retained in one ownership at that time. While answers for some of their submissions’ queries are already apparent, others remain to be addressed.

Unsurprisingly, in their respective interpretations of the historical facts, the consultants mentioned reach very different interpretations and views of the property’s heritage significance, as will be discussed below.

3.4 The emerging historical picture

Presented as a ‘marine villa’ but unusually built as two attached homes for rental, the building that became “Hillcrest” precedes the more dense development of purpose-built flats in Woollahra that was to gather momentum quickly in the early Twentieth Century. It appears that “Hillcrest” may be an unusual form of a more urban residential development that was not common in its area, nor in the Municipality. In its conversion to flats it was a harbinger of the change that was to sweep the eastern harbour context, as grand estates made way for subdivisions and suburbs, evolving house types and fashions, flat conversions of existing buildings and purpose-designed apartments.

No architect is known to have designed the building, but “Hillcrest” was a pair of grand houses of the nature and stature usually associated with architecturally designed works. Designed “in the round” with care to the detailing of all its elevations, meant to be appreciated in its gardens, the houses must plausibly reflect the tastes and commercial plans of Morrice Alexander Black for his Tivoli Estate, extinguished by his death soon after their completion.

4.0 DESCRIPTION AND FABRIC OF THE BUILDING

4.1 Form and Setting

"Hillcrest" is sited on elevated ground at the transition from Rose Bay to Vaucluse, on the outer side of the curve of New South Head Road. The building is set upon ground below the level of the boundary, footpath and road, upon a platform likely to have been excavated and benched so that it sits into its site. Of its three levels, only the uppermost floor, immediately under its roof, and the gables of the roof itself, are apparent from the frontage and New South Head Road. Its original main floor (now first floor), the ground floor and basement levels, are concealed by the dramatic level change.

The building originally comprised a pair of substantial, semi-detached mansion-residences, each comprised of a ground (or main) floor level with reception rooms ; a first floor with bedrooms, and a basement level in which were the kitchens and service areas. Their floor plans were mirror-reversed either side of the central dividing wall, with the central stair of each house placed against the central wall. The later basement modification drawings prepared by A. Lanyon Clark in 1922-23 do not suggest the main stairs continued internally down to the basement kitchens and services, or that there was a separate service stair.

The building was generously sited upon two lots, with both lots originally extending to Dumaresq Street. Subdivision brought the northern boundary closer to the building and later flat buildings stand close across the fence, on these former parts of the "Hillcrest" site. Generous side setbacks allowed for the spacious overall garden setting which the respective dwellings retain, and their architectural design and detail shows the building was clearly designed to present "in the round" – appreciable as a building whose elevations were all considered, and placed within a garden setting allowing all its "sides" to be appreciated.

Both side gardens appear to retain some older planting and structural elements, though each has been internally divided (close to the house) with timber fences to establish more private courtyards. Notably the side gardens provide verdant outlooks for both the residents and neighbours.

The street frontage retains most of the (likely-original) iron palisade fence with masonry base and modelled, elaborately pierced stone entry gates at each side boundary corner. Stone steps which would have led down to the front entries at each side, are now disused. The central section of the fence has been replaced through the provision of a concrete entrance bridge, spanning across to former balconies, now the front entries to the upper most flats Nos. 1 (west) and 2 (east). The 1948 aerial photograph (see cover image) shows a central, post- supported entry bridge, possibly of timber construction, with the palisade to the left of the bridge still intact with palms in the garden. This bridge has been replaced with the current concrete bridge, and a large, concrete, open car standing bay has been built to its west, with a lattice-enclosed storage area beneath.

With the subdivision of its original curtilage and the development of Inter-War flats and houses in its vicinity, "Hillcrest" is apparent as an unusual survivor of the earlier development of its locality, older in style and set in what are now unusually

expansive gardens which complement the building while lending to the setting and amenity of its neighbours.

4.2 Design and Construction

The building itself is of rendered brick and masonry construction, originally with a slate roof, now replaced with concrete tile cladding. Stylistically, the building combines Victorian period,

Italianate Revival features popular in the latter half of the Nineteenth Century, with references to the later Queen Anne Revival, Aesthetic Movement fashion. This eclecticism emerged during the 1880s and presaged the still-later Edwardian-Federation and Arts-and-Crafts styles, with exposed brickwork and timber detailing and trim. In Sydney, the work of the Blacket and Mansfield families of architects personify the former Revival styles, while that of Horbury Hunt – engaged by Black for the rebuild of “Tivoli”, exemplifies the latter.

The whole form and arrangement of “Hillcrest” is that of two dwellings, symmetrical about the central dividing wall. The roof presents pitched faces to all sides with a common ridge line circumscribing an internal roof flat. Gables above the projecting bays on the street frontage emphasize the two dwellings, with a particularly distinctive touch in the curve-braced and spindled timber joinery gable screens. A centreline-placed, end-on shared chimney adds to the effect. The front bays also feature typically Victorian, half-hexagonal bay windows, common to the ground and first floors, enhancing the space and light of the front south-facing rooms.

To each side, a hip-roofed lateral projection carries out the interiors of the principal rooms to each floor, and allows each house a square, arcaded porch at ground level, with balustered parapet and extending the themes of the arches and enclosing masonry balustrades of the balconies to front and rear. The north elevation of the house, facing and opening to the Harbour, features a grand, full width, arcaded ground floor veranda - its arches supported on fine cast iron columns - surmounted by a lighter veranda of squarish line with lighter iron columns to the first floor bedrooms. The circular arches and substantial columns of this manner were occasionally described in the day as “Romanesque” references. The layering of verandahs significantly enhances the grandeur and “marine villa” allusions of the dwellings.

The elevations to the upper residential floors of the house are mock-ashlar scribed render into which vertically proportioned timber sash windows are set. The wall surfaces are enlivened and weighted by string courses and sill mouldings which are reflected in the eaves above by bracketed eaves consoles and heavy moulded trim. The basement level of the house is emphasized with finely wrought, grooved rustication of its wall surfaces. The overall impression is of considered, substantial, quality detailing, and a building designed with regard to all its sides.

At the northwest and northeast corners of the building are found more recent basement level additions to the flats Nos. 5 and 6 – hipped roof, masonry walled additions providing new kitchens and living areas, accompanying the upgrade in fit-out of this level. A further timber framed and glazed “conservatory” addition has been made to flat No 5.

4.3 Interiors

The interiors of the original semi-detached dwellings appear to have been conventionally laid out on each floor and their construction featured set-plastered masonry walls, plaster ceilings, timber-boarded floors and extensive timber joinery with substantial quality mouldings to door cases and window trim. The conversion of the ground floor and first floor rooms to flats have involved the replacement or concealment of some wall and ceiling surfaces. While some cornices and trim have been replaced, significant original elements do remain, as in the unusual "gothic" staff mould details of some arches and external corner mouldings. The joinery, a combination of original and new elements, is now painted. Important surviving internal fittings include some original fireplaces of distinctive design character.

Each floor of each dwelling has been converted to a separate flat and this entailed the removal of the staircases, whose lines faintly remain (in some locations) on the plastered wall surfaces to which they were attached. At each of the main levels, the emptied stair hall spaces were taken up by new bathrooms or bathroom-laundries, generally placed against or extending the central room (now bedroom) walls. Kitchens have been intelligently inserted into auxiliary bays or former box rooms at the northern end, and en-suite bathrooms inserted into the bedrooms. Their fit-outs reflect ongoing upgrades of the individual flats, to their owners' tastes. Within the basement level, the former kitchens and service spaces have been liberally adapted to create flats commensurate with the stature and context of the property. The extent of internal change is such that interpretation of the ways in which the spaces and connections of the level have been changed is only possible through reference to early floor plans.

4.4 Condition

Overall the building appears externally to be in a sound, well managed and maintained condition. Some minor localised deterioration of areas of masonry and render is evident, as is the deterioration of some of the metal columns to the porches and balconies/verandahs. One column to the north-west corner of the building has been replaced in a temporary manner by a modern steel section post. The western porch at ground level has been part-enclosed with a pragmatically fitted sheet of clear corrugated synthetic roofing. Service conduits, and some plant items such as small air conditioning units are attached to external walls in an ad-hoc manner. Typically of such buildings, there are insubstantial accretions which could be removed.

Fencing which delineates the individual flat outdoor areas is in mostly sound condition. The enclosed storage area under the car parking hardstand is somewhat informal in presentation, and hard landscape elements of the grounds and gardens, and the extensive planting, appear to require extensive maintenance. Pathways and retaining wall structures may require attention.

Sections of the front boundary iron and masonry palisade fence have been destabilized and enveloped by tree growth.

Internally, from the inspection of the five flats conducted for this report's purpose, the interiors are presented in a variously sound condition, ranging from well-presented,

to high quality condition. Fitments and internal finishes are in good to excellent order and obviously maintained to good/high standards.

4.5 Integrity

The exterior form of "Hillcrest" is essentially intact, with legible changes having been made in the concrete entry bridge and the parking 'carport', with impacts on the original palisade fence.

At basement level, interpretable additions have been made to the NE and NW corners. Its roof cladding has been changed, but its roof form remains.

The curtilage of the building has been altered through subdivision and its setting by the subsequent development of those sites, but the building's side setbacks and their garden space have been retained, and they support key enduring aspects of its presentation and character. Their spaciousness and planting make the property distinctive in its now developed context. The building retains some view lines to the harbour, and can still be seen from the harbour.

Internally, through its conversion the building has lost some of its internal integrity, but the floor plans of its principal levels are still readily understood, and supported by retained spaces and architectural detail of interest. Its bathrooms and kitchens are consistent with its change of use.

In short, the relative integrity of "Hillcrest" both supports and emphasises the understanding of its fabric and development history.

5.0 COMPARATIVE ANALYSIS

5.1 Relevant comparisons

An exhaustive comparative consideration of "Hillcrest" has not been possible within the two-week time frame for the preparation of this report, but a preliminary consideration is possible, having regard to the building's typology, style, date and the condition and integrity it manifests.

A comparative analysis has been provided by Zoltan Kovacs in support of the application, and the submission by GBA Heritage has responded to this.

5.2 The Kovacs and GBA observations

From a consideration of examples noted as not being comprehensive, the Kovacs analysis concludes that "Hillcrest" is not rare in the municipality, nor representative of the Queen Anne Style. However, as commented by GBA, only two of the properties suggested by Kovacs as comparable are two storey semi-detached pairs of dwellings, and these are stylistically quite dramatically different to "Hillcrest". To this observation it must be comment that these examples appear to have been developed in contextually different circumstances to "Hillcrest", and are not directly comparable or relevant.

GBA differ with Kovacs on "Hillcrest's" satisfaction of Criteria F (Rarity). To the GBA observations must be added that the setting, the design context and physical context of the nominated comparisons are also dramatically different.

5.3 Reconsidering comparisons

No genuinely comparable example of a semi-detached, Victorian period pair of dwellings is advanced within the Kovacs Comparative Analysis which supports the proposed demolition of "Hillcrest". The only examples amongst those nominated which might be considered as contemporaneous with "Hillcrest" and which qualify as 'marine villas', are "Tivoli" and "Fernleigh Castle". Both are large single dwelling mansions.

Comparisons for "Hillcrest" may be seen in other suburbs (and municipalities) where contemporaneous examples may be found. In parts of Potts Point, in Randwick and Annandale, grand two-storey semi-detached pairs of dwellings can be cited, but none are "marine villas". Examples would include pairs of houses in Annandale, developed by John Young, eg., "Agincourt", Nos. 13-15 Collins Street, Annandale, which is heritage listed by Inner West (formerly Leichhardt) Council, and semi-detached houses within Potts Point e.g., "Highclere" and "Romney Hall", Nos. 25-27 Challis Avenue, Potts Point, listed by the City of Sydney. Of these the Potts Point properties are the most comparable, being an impressive Italianate style semi-detached pair of three storey houses, originally built as "Banyulu" and "Pezilla" c.1890 and converted to flats in 1919. See Figs. 5.1 and 5.2 which follow.

These properties do not appear to be as pivotal in the history and development of their locality as "Hillcrest" appears to be. Neither are "marine villas", nor are they designed in the round, to be appreciated in their complete settings. Both provided substantial homes intended for occupation by people of considerable means. 25-27 Challis Avenue were converted to flats at a similar date to "Hillcrest" and have continued in residential use, or as medical rooms. Both are heritage listed.



Fig. 5.1:13-15 Collins Street Annandale (NSW Heritage Database)



Fig. 5.2 : 25-27 Challis Avenue, Potts Point (NSW Heritage Database)

6.0 HERITAGE SIGNIFICANCE ASSESSMENT

6.1 Introduction

The Burra Charter defines cultural significance as 'aesthetic, historic, scientific, social or spiritual value for the past, present or future generations'. Cultural significance is embodied in the place itself, its fabric, its setting, its use, associations, meanings, related places and objects.

The assessment of heritage significance identifies whether a place (or element of a place) may be considered important and valuable to the community. A place may also have a range of values important to different individuals or groups, within different communities.

The terms 'cultural significance', 'heritage value' and 'heritage significance' are synonymous, interchangeably used in practice generally and in Australia by organisations such as the NSW Heritage Council, NSW Heritage and the National Trust of Australia (NSW).

6.2 Heritage Significance Assessment

New South Wales Heritage Assessment Guidelines

The NSW Heritage Manual guidelines, prepared by the then NSW Heritage Office and Department of Urban Affairs and Planning, provide the key framework for the assessment of significance, and preparation of a Statement of Significance. The guidelines employ and build upon the essential values of cultural heritage identified in the Burra Charter and comprise the framework and perspective which are accepted as the required format by administering heritage authorities in NSW. Five specific values are enunciated and two comparative heads of consideration are identified in the guidelines:

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).

An item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the cultural or natural history of the local area).

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

An item has strong or special association with a community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

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).

Two further qualifiers are applied :

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).

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 areas' cultural or natural places; or
cultural or natural environments).*

An item is considered significant if it can be demonstrated to meet the inclusion guidelines set against each criterion. Inclusion and exclusion guidelines help to perceive qualities which might be difficult to discern and prioritize in assessment and evaluation, and which might emerge to qualify or disqualify a place from support as significant. In the tabulated set out of the inclusion and exclusion guidelines below, the relevant considerations for "Hillcrest" are shown in bold letters.

6.3 Assessment

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).

"Hillcrest" is demonstrably part of the first phase of closer settlement in the Rose Bay area, in which the larger estates of the gentry were subdivided for the development of substantial homes. This was closely followed by the pattern of more intense flat development upon increasingly more closely divided lands. "Hillcrest" is a marker of transition in its locality, unusually a pair of grand, semi-detached houses while still a "marine villa", reflecting the ambitions and harbour associations evident in its neighbours. It survives to demonstrate that short period of development in which the

burgeoning city, improving access and the demands for housing drove across the landscaped settings of homes built by Sydney's wealthy elite (and entrepreneurs).

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> Shows evidence of a significant human activity. Is associated with a significant activity or historical phase. Maintains or shows the continuity of a historical process or activity. 	<ul style="list-style-type: none"> Has incidental or unsubstantiated connections with historically important activities or processes. Provides evidence of activities or processes that are of dubious historical importance. Has been so altered that it can no longer provide evidence of a particular association.

"Hillcrest" is considered to meet the thresholds for local significance against Criterion (a). It is not considered to demonstrate a State level of significance against this criterion.

Criterion (b) – an item has strong or special association with the life or works of a person, or group of persons, of importance in the cultural or natural history of NSW (or the cultural or natural history of the local area).

"Hillcrest" is most directly associated with Morrice (Maurice) Alexander Black, whose estate trustees sold the just-completed building after Black's death. The Scottish-born, 'head-hunted' actuary of the AMP, Black acquired the "Tivoli" estate in 1881-named thus by the original grant recipient of the land, Samuel Breakwell, and formerly the site of the house built upon the land by Capt. William Dumaresq in 1840. In 1882 Black was elected to Woollahra Council as the alderman for Bellevue Hill. On construction "Dalkey" and "Bionopa" became the near neighbours of Black's Horbury Hunt designed mansion "Tivoli", built upon the existing earlier house in 1882.

These names and milestones revolving around the history of the building are important associations and support arguments for its pivotal role and marker-presence in the development of its locality across the Nineteenth and Twentieth Centuries.

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> Shows evidence of a significant human occupation. Is associated with a significant event, person, or group of persons. 	<ul style="list-style-type: none"> Has incidental or unsubstantiated connections with historically important 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.

"Hillcrest" is considered to meet the thresholds for Local Significance within the Woollahra LGA against Criterion (b). It is not considered to demonstrate a State level of significance against this criterion.

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).

"Hillcrest" is a striking, impressive, Late Victorian period pair of semi-detached residences, unusually (in its context) built for rental and capitalising upon the potential of its site to present as a "marine villa". Substantially built and ambitious in both architectural terms and aesthetic character, the building retains the capacity to demonstrate its story of aspirational design, development and evolving occupation, despite the building having had its site more closely subdivided and the development of its once-open surroundings. Complemented by its gardenised side setbacks, which were central to its prestigious presentation, which have survived to provide a complementary setting for the building, and which emphasise its presence in its densely developed context, "Hillcrest" is a remarkable survivor which demonstrates its story.

Its exteriors are still markedly intact and capable of enhancement to support its continued use, as are its interiors, which have sustained various changes in the building's conversion to flats, but remain significant in their capacity to demonstrate the building's story and heritage importance.

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> Shows or is associated with creative or technical innovation or achievement. Is the inspiration for a creative or technical innovation or achievement. Is aesthetically distinctive. Has landmark qualities. Exemplifies a particular taste, style or technology. 	<ul style="list-style-type: none"> Is not a major work by an important designer or artist. Has lost its design or technical integrity. Its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded. Has only a loose association with a creative or technical achievement.

"Hillcrest" is considered to meet the thresholds for Local Significance within the Woollahra LGA, against Criterion (c). Aesthetically distinctive, a landmark in both the physical and temporal sense, "Hillcrest" is a strong statement of taste, style, and concept. However, it is not considered to demonstrate a State level of significance against this criterion.

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.

While no special advocacy has emerged in support of the building, for spiritual or natural history reasons within the short time frame of this assessment report, the proposed demolition of "Hillcrest" has elicited a strong response from neighbours and nearby residents who have made submissions to Council in opposition to the proposed demolition. The community perception of heritage value in the building, together with its contribution to the amenity and understanding of the local area's history, have in this way, been communicated to Council in opposition to its proposed loss. While not conclusive evidence of "social significance", this supports the likelihood of further investigation establishing a relevant degree of social value.

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

"Hillcrest" may meet the thresholds for Local Significance within the Woollahra LGA, against Criterion (d), on further specific investigation. It is not considered to demonstrate a State level of significance against this criterion.

Criterion (e) - An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or cultural or natural history of the local area).

"Hillcrest" may have a potential local significance against this criterion, as a "reference site" of its type, through its pivotal place in the local history in which it is prominent. However, more enquiry would be necessary to confirm this value.

Guidelines for Inclusion	Guidelines for Exclusion
<p>Has potential to yield new or further substantial scientific and/or archaeological information.</p> <p>Is an important benchmark or reference site, or type.</p> <p>Provides evidence of past human cultures that is unavailable elsewhere.</p>	<p>The knowledge gained would be irrelevant to research on science, human history or culture.</p> <p>Has little archaeological or research potential.</p> <p>Only contains information that is readily available from other resources or archaeological sites.</p>

"Hillcrest" may be proven to meet the thresholds for Local Significance within the Woollahra LGA, against Criterion (e), particularly as a "benchmark, reference example of its type". It is not considered to potentially demonstrate a State level of significance against this criterion.

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)

Within its local area, and within the Woollahra LGA, "Hillcrest" appears to be a rare and unusual example of its type – a substantial pair of semi-detached residences, built for rental as prestigious, aspirational homes presented as a harbourside "marine villa". It is also a building of unusual historical prominence in the development of its locality, in which it remains a prominent marker of historical development processes.

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

16

19

"Hillcrest" is considered to meet the thresholds for Local Significance within the Woollahra LGA, against Criterion (f). It is a curious, distinctive example of the "marine villa" which figured prominently in the development of harbourside lands, but for a short period. It is not considered to demonstrate a State level of significance against this criterion.

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

"Hillcrest" is an unusual, representative exemplar of its type within its local area and the Woollahra LGA, being important not only for its rarity, but also for its related illustration of the course and pattern of development of local history, relative integrity and authenticity, and relationship with its setting. The retention of this capacity to demonstrate its unusual nature and design, as well as its place in local history, makes the building distinctive within the municipality.

Guidelines for Inclusion	Guidelines for Exclusion
<p>Is a fine example of its type.</p> <p>Has the principal characteristics of an important class or group of items.</p> <p>Has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity.</p> <p>Is a significant variation to a class of items.</p> <p>Is part of a group which collectively illustrates a representative type.</p> <p>Is outstanding because of its setting, condition or size.</p> <p>Is outstanding because of its integrity or the esteem in which it is held.</p>	<p>Is a poor example of its type.</p> <p>Does not include or has lost the range of characteristics of a type.</p> <p>Does not represent well the characteristics that make up a significant variation of a type.</p>

"Hillcrest" is considered to meet the thresholds for Local Significance within the Woollahra LGA, against Criterion (g). It is not considered to demonstrate a State level of significance against this criterion.

6.4 Assessment Conclusions

It is concluded after this assessment that against the NSW Heritage Assessment Criteria, "Hillcrest" must be considered an Item of Local Heritage Significance, both worthy and appropriate for inclusion as such upon Schedule 5 of the Woollahra LEP. Its historic and aesthetic importance, together with its associational values in the local context, merit its inclusion, and are supported by the retained integrity of the building and its interiors, notwithstanding the alterations made internally in its conversion from semi-detached houses to apartments. The retention of its original front and side setbacks, and the gardens therein, support in particular its historic and aesthetic values, and contribute to its landmark and streetscape importance.

In Woollahra, it is a “milestone” building illustrating important phases in the development of its locality and the municipality in general. With further investigation, it may prove to have a degree of social significance, against Criterion (d), and a scientific/investigative value emanating from its potential capacity to sustain enquiry about its history, design, and type of building.

Its qualities are not however, considered to merit its consideration, or nomination to the NSW state government, as an item of State significance.

Continuing documentary research into the building's development at a key period within Woollahra may enhance the understanding of its comprehensive significance, and its capacity to demonstrate what can already be appreciated through its story.

6.5 Statement of Significance

“Hillcrest”, No.780-786 New South Head Road, Rose Bay, which is the residential flat building built c.1890 as a pair of semi-detached dwellings originally known as “Dalkey” and “Bionopa”, and converted to six flats in the early 1900s, is of Local heritage significance within the Municipality of Woollahra for its historic, aesthetic, and associative values, particularly within the Rose Bay locality. Within its Locality and LGA context it also demonstrates a rarity of its type, design, and developmental history and context, supported by its relative integrity.

Built by the prominent businessman and local alderman Morrice Alexander Black, the building was the first to be built in the subdivided lands that had been part of Black's Tivoli Estate. Adopting an urban form – semi-detached dwellings – usually seen in more developed city and urban streets, the building took advantage of its harbourside site to present as a prestigious “marine villa” in complementary gardens like its earlier grand neighbours. However, in the context of increasingly closer subdivision and greater densities, with purpose-designed flat buildings becoming the first-builds on surrounding lots, the two aesthetically designed, Victorian Italianate semi-detached houses became four and later, six flats - sold and successively owned by investors.

Renamed “Hillcrest”, the building remains significantly intact despite its adaptive re-use, and retains key dimensions and qualities of its original spacious garden setting, to maintain its historic and aesthetic contextual significance. “Hillcrest” contributes distinctively to the locality in which it is a landmark and an interpretable milestone of evolving development.

7.0 RECOMMENDATIONS

This assessment concludes that "Hillcrest" meets the threshold for listing within Woollahra as a Local Heritage Item, included within the LEP Schedule 5. Its significance extends to and includes its present curtilage - which despite loss of some of its site to the north of the building, and the existing intrusive car parking solution - importantly supports the building's aesthetic and historic significance, and its ongoing conservation and use. Its interiors, although modified, support its understanding and are also significant, and should be included within its heritage listing. The inclusion of its curtilage and interiors within the listing will facilitate the continuing management of change within these aspects of the property, readily compatible with a listed status.

As shown by the recent DA for demolition, and the current Interim Heritage Order, the building is under pressure due to the desirability and potential for redevelopment of its site, pending action to establish its importance and protection through heritage listing. Once protected through listing, which this assessment recommends, the care, ongoing use and potentials of the property can be properly planned for in a Conservation Management Plan.

It is recommended that "Hillcrest" No. 780-786 New South Head Road, Rose Bay, be added to the Heritage Schedule of the Woollahra LEP as an item of Local Heritage Significance, noting that the listing extends to and includes its interiors and garden setting.

APPENDIX 1 :
Report of Dr. Mark Dunn

Hillcrest 780-786 New South Head Road

Occupation history

First Land Grant and subsequent ownership

In August 1812, Samuel Breakwell, a free emigrant to Sydney was granted 60 acres of land in what would become Rose Bay overlooking the harbour. He named his estate Tivoli after his birthplace in Ireland. Breakwell had arrived free in 1802, and until 1812 served as the valet of former Sherriff of Cork, Sir Henry Browne Hayes. Hayes, a prominent and wealthy citizen of Cork had been tried for abducting an heiress in Ireland and transported to Sydney for life in 1802. In Sydney, Governor King allowed him to purchase land at South Head and establish a farm, which he named Vaucluse. In 1812 Hayes was awarded a full pardon, sold his Vaucluse estate and returned to Ireland. Breakwell, having secured his Tivoli estate left Sydney in company with Hayes, with both men returning to Ireland and settling back in Cork. Breakwell's Tivoli Estate in Sydney remained undeveloped until 1830 when Adam Hayes, the nephew of Sir Henry Hayes, was given the Power of Attorney to sell both the Tivoli estates, which was sold to Thomas Horton James of Sydney.ⁱⁱ Horton soon subdivided and sold the estate, with an 18 acre portion being purchased by Captain William John Dumaresq. In 1842, Dumaresq built his house which he named Tivoli, the first building to be erected on the estate. Dumaresq, the brother-in-law to Governor Ralph Darling, had arrived in New South Wales with his regiment in 1825. He was granted land in the Hunter Valley, which he named St Aubins close to his brother Henry's grant (who was Darling's private secretary). Dumaresq was provisionally appointed as civil engineer, inspector of roads and bridges and later recommended by Darling to be assistant surveyor-general, although none of these appointments were confirmed by the British Government. In 1829 Dumaresq retired from public life to his St Aubins estate until the purchase of Tivoli. After the construction of his Sydney residence, Dumaresq lived at Tivoli, representing the Hunter Valley in the Legislative Assembly until 1856. With his wife's death at Tivoli in 1866, Dumaresq moved to live with his daughter in Queensland until his death in 1868, whereupon the Tivoli house and land transferred to his son William.ⁱⁱⁱ In 1881 the Tivoli Estate was transferred to Maurice Alexander Black, an actuary of the Australian Mutual Provident Society (AMP). Black had arrived in Sydney from Scotland with his wife and four children, plus maid, in 1868 to take up his position with AMP.^{iv} In 1881 Black subdivided part of the Tivoli Estate, leaving the main house surrounded by 13 acres, and the following year he replaced the original house with a new dwelling designed by John Horbury Hunt. In 1882 Black was also elected to the Woollahra Municipal Council as an Alderman for the Bellevue Ward.^v

Hillcrest House

In 1889 Black subdivided more of the estate, creating Lots 17 & 18 upon which Hillcrest would eventually be built. At the time, Black retained ownership of part of the estate including Lots 17 & 18. In June 1890, Black advertised the sale of two new semi-detached residences just completed on part of the Tivoli estate, with views over the harbour below. The new dwellings were described as being built of brick on concrete, with slate roofs and spacious throughout. The basement of each including a hall passage, kitchen, scullery, washhouse, storeroom, wine cupboard, lift space, pantry, servants room and was connected to the city water and gas supply. On the ground floor was a verandah, porch, hall, drawing room, dining room, library, alcove and hat stand recess, while the first floor of each had 3 bedrooms, a fourth small bedroom, linen press and balcony. The advertising noted the proximity of both the

omnibus and the ferry wharf, while noting that each house was of special merit in design and comfort, highly finished throughout with no expense spared.^{vi} The two adjoining houses were named *Dalkey* and *Bianopa*.

In August 1890, before the sale could be completed on either of the new semi-detached dwellings, Black died and what remained of the Tivoli estate was managed by his Trustees. In a suburb that was developing a reputation as an area of large, exclusive houses, the two new semi-detached dwellings were perhaps unusual for the time in that they were built to rent. *Bianopa* was leased to Alfred Matchem Jenkins and his three daughters and *Dalkey* to Jonathon Leaver. Although a number of tenants were listed as occupying *Dalkey*, the Jenkins sisters remained in *Bianopa* after the death of their father in 1909 until at least 1915.^{vii}

In 1911 the two houses were advertised for sale, although neither sold until they were transferred to Charles Matthews in 1915. A notice for the proposed sale in November 1911 in the *Sydney Morning Herald* described the building as being 2 semi-detached residences with rendered cement brick walls and slate roofs, each containing 7 rooms plus offices and balconies and having frontage to New South Head Road and Dumaresq St.^{viii} Matthews converted the two dwellings into flats before he died in August 1919. His estate placed the building on the market the following year in October 1920. Once again newspaper descriptions were published for prospective buyers. The two semi-detached dwellings were described as being substantial buildings of brick, each comprising 4 up-to-date residential flats with hall, kitchen, living-room, bathroom with porcelain bath and basin, two bedrooms and all modern conveniences. They each had a sub-basement area that could be converted to an extra flat and would make ideal residential flat investment properties.^{ix} It was likely at this time that a short entrance bridge was built to give access to the top floor flats from New South Head Road.

Between 1920 and 1924, the property was transferred four times, first to Harold Kent in July 1920, then Solomon Oppenheim in December 1920, then to Thomas Jesson in 1921. Jesson renamed the building to *Hillcrest* and in 1923 converted the sub-basement areas of each into single bedroom flats. When Jesson died in c1924, the property was transferred to his widow Clara as a joint tenant with two others before being sold once more to the builder Charles Bland. Bland subdivided the remaining land into three allotments in 1925.^x

For the remainder of the Twentieth Century and until recent years, *Hillcrest* has continued to be largely leased to tenants, going through a series of owners during the period. More recent changes to the property include the installation of a pool in 1987, the addition of a conservatory to Flat 5 in 1992, which was later converted to a kitchen and the erection of a carport in 1998-1999.^{xi}

DELIGHTFUL ROSE BAY.

TWO EXCEPTIONALLY well-built and attractive new **RESIDENCES** on part of the celebrated **TIVOLI ESTATE**, near the residences of **M. A. Black** and **C. Bennett, Esquires.**

The **SITE** simply told is one of those lovely spots only procurable at this matchless part of our pretty harbour; indeed, inspection alone will convey to a visitor the remarkable beauty of the scenery on water and land viewable from the

TWO SEMI-DETACHED RESIDENCES, which are built of brick, on best concrete, slate roofs. They are spacious, and each contains

GROUND FLOOR—Verandah, porch, hall, drawing-room, dining-room, library, alcove, recess, and bat-stand recess.

FIRST FLOOR—3 bedrooms, small ditto, bathroom, linen press, balcony.

BASEMENT—Hall passage, kitchen, scullery, washhouse, storeroom, wine cupboard, lift space, pantry, servants' room, city water and gas.

The regular steamers' wharf is only a few minutes' walk from them. Omnibuses pass frequently every day, and the road to city affords a charming drive.

LAND has 135ft. 2in. frontage to main South Head-road, depth lines varying from 280ft. to 165ft.

These Houses are of special merit in design and comfort, built in a faithful manner and highly finished throughout, no expense being spared to render them worthy of the select district.

RICHARDSON and WRENCH, Limited, have received instructions to sell by auction at the Rooms, on **FRIDAY 11th July at 11 o'clock.**

Figure 1: The advertisement placed in the Sydney Morning Herald for the sale of two new semi-detached residences on the Tivoli estate of Maurice Black in June 1890 (Source: SMH 28 June 1890)

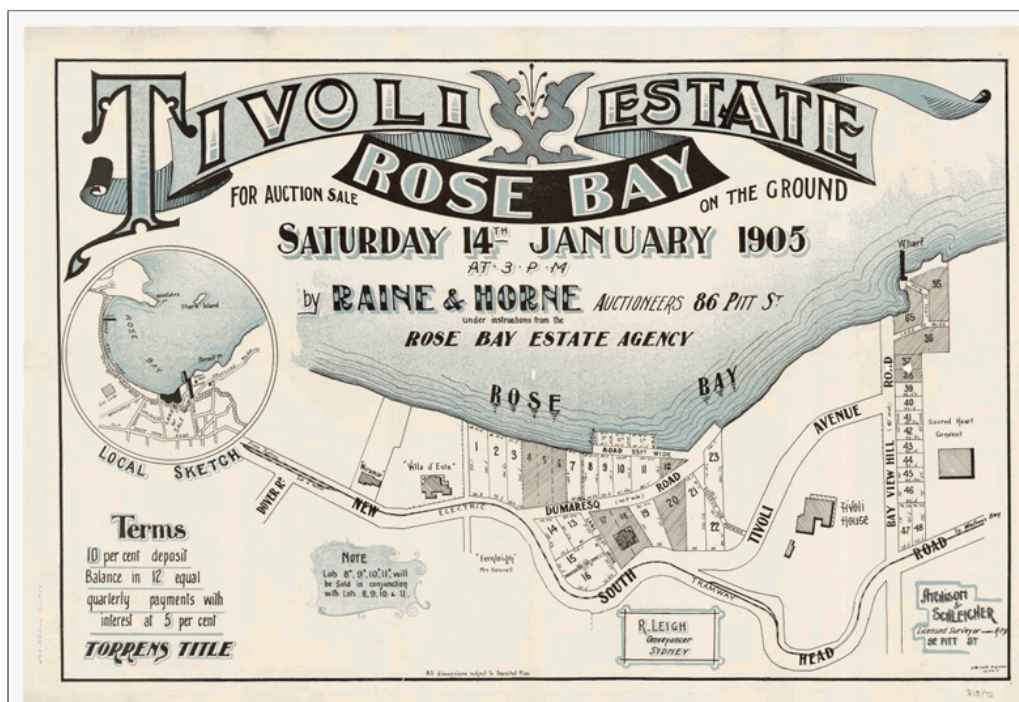


Figure 2: 1905 subdivision plan of the Tivoli Estate, Rose Bay. This plan shows Hillcrest when it was still two separate dwellings-Dalkey and Bianopa on Lots 17 and 18. The plan shows it as one of the earliest buildings constructed on the Tivoli Estate with its position taking full advantage of views back over Rose Bay and the harbour. (Source: SLNSW)

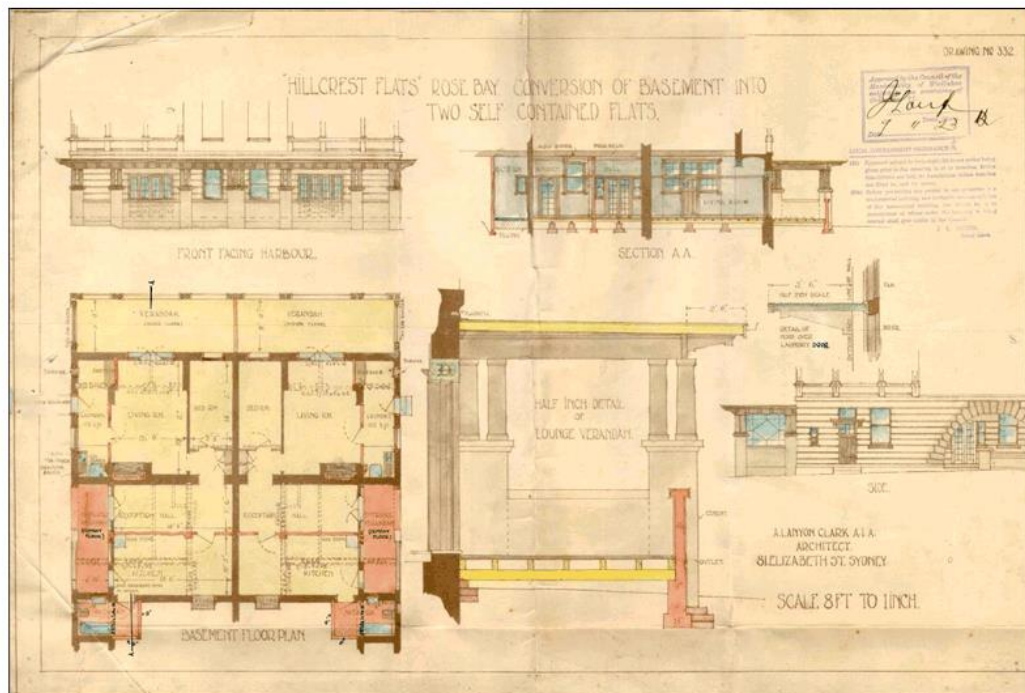


Figure 3: 1923 building application plan for the conversion of the basement area into two individual flats. Dalkey and Bianopa had already been converted into four flats in c1920 and the complex renamed Hillcrest. (Source: Woollahra Municipal Council)



Figure 4: Hillcrest with its front double gable clearly visible in the centre background of this 1959 image. (Source: Woollahra Local Studies Collection)



Figure 5: c1948 aerial photograph showing Hillcrest (arrowed). The entrance bridge is visible and the site now surrounded by inter-war flat development. (Source: SLNSW-Milton Keys Collection Item 32)



Figure 6: 1943 aerial photo showing Hillcrest, with access bridge clearly visible. (Source: SIX Viewer)



Figure 7: c2019 aerial showing Hillcrest. Comparison to Figures 4 and 5 show little to no external change to the building since the 1940s. (Source: SIX Viewer)

-
- ⁱⁱ <http://irishwattle.blogspot.com/2010/04/spotlight-on-samuel-breakwell.html>
- ⁱⁱⁱ <http://adb.anu.edu.au/biography/dumaresq-william-john-2239>
- ^{iv} Shipping Arrivals, *The Empire*, 10 December 1868, p2
- ^v The Woes of Woollahra, *Evening News*, 14 August 1889, p.3
- ^{vi} *Sydney Morning Herald*, 28 June 1890, p.15
- ^{vii} 778-780 Local History File, Woollahra Library Local Studies collection
- ^{viii} *Sydney Morning Herald*, 4 November 1911, p27
- ^{ix} *Sydney Morning Herald*, 23 October 1920, p17
- ^x Certificate of Title: Vol 949 Folio 246
- ^{xi} Woollahra Municipal Council Development Application search

APPENDIX 2

Selected photographs

The following images were taken by Robert Allan Moore during inspection of the building on 9th October 2020. As there are abundant images of the property available in the reports prepared by others to date, the focus of these images is upon aspects and details of the building which are relevant in its assessment.

Exteriors



Fig. A2.1 The twin gable presentation of "Hillcrest" clearly reflects its original two dwellings. The concrete entry bridge to the uppermost flats 1 and 2 appears from photographic images to have replaced an earlier bridge probably of timber framed construction. The entries may have been fitted into a re-entrant bay or in place of a balcony. The batted and spindled gable screens are distinctive stylistic touches. The concrete replacement of the slate roof may have caused the loss of detail trim.



Fig a2.2 The eastern side of the building ; street façade with entry bridge at left, and the former entry porch at right. The heavy, console bracket supported eaves are an example of the building's unusually rich embellishment, as is the round-arched, column-supported and balustered parapet topped porch.



Fig. A2.3 A detail view of the western porch, now the entry to Flat 3 which has been pragmatically enclosed for security and privacy. The side extensions to Flat 5 in the former basement level are visible at lower left. Surface mounted plumbing and services are not helpful to presentation but can be reconsidered.



Fig. A2.4 The north, harbour-facing elevation of the building, its principal façade and viewpoint exploiting its original “marine villa” location. Further openings have been made into the rusticated walls of the basement, allowing its flats the use of the close northern setback area left by subdivision.



Fig. A2.5 The eastern part of the original wrought iron and masonry palisade with its surviving original eastern gate piers and gate. The fig tree has gradually pushed the fence out of alignment.



Fig. A2.6 The sandstone block entry steps leading to the eastern entry porch, do not appear to be in use, probably due to their settlement and garden growth.

Interiors



Fig.A2.7 The now sitting room of Flat 3, the former reception room with balcony to the harbour outlook. Hallway from entrance at right.



Fig.A2.8 View to the recently refitted kitchen of Flat 3, through the enlarged opening from the living room of the flat, a former reception room with balcony to the right.



A2.9 The living room of Flat 2, formerly a bedroom on the upper level of the eastern house. Doorway to the kitchen in a former dressing or box room, original Aesthetic Style marble mantelpiece at right, consistent in its quality with a principal bedroom. A matching chimneypiece is in the corresponding former bedroom of Flat 1.



Fig.A2.10 The remarkable Aesthetic Movement staff moulds to the reveals of the arch to the former main bedroom, now living room, of Flat 2.

Item No: R3 Recommendation to Council
Subject: **POST EXHIBITION REPORT - PLANNING PROPOSAL - HERITAGE LISTING OF THE ROSE BAY SCOUT HALL (INCLUDING INTERIORS) AT 3 VICKERY AVENUE, ROSE BAY**
Author: Shona Lindsay, Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/198140
Reason for Report: To report on the public exhibition of the planning proposal to list the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay as a local 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 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 of 2 November 2020, and proceed with the preparation of a draft local environmental plan to amend Schedule 5 of Woollahra LEP 2014 to list the *Rose Bay Scout Hall (including interiors)*, at 3 Vickery Avenue, Rose Bay as a local 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.

1. Introduction

This report relates to the public exhibition 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 Schedule 5 of *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). The planning proposal is included at **Annexure 1**.

The Rose Bay Scout Hall (**Figure 1**) is located at No. 3 Vickery Avenue, Rose Bay (**Figure 2** and **Figure 3**). The site is identified as Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011. The image below illustrate the north-eastern elevation of the site, and the aerials illustrate the site and its context.

2. Background

The process for assessing the heritage significance of the Rose Bay Scout Hall and preparing the planning proposal has involved the following steps to date:

1. Decision of the Council on 18 June 2018 to assess heritage significance
2. Weir Phillips Heritage and Planning prepared a *Heritage Significance Assessment* (HSA) (**Annexure 2**)
3. As the landowner, the Crown were consulted during the heritage assessment process. On 1 November 2019 the Crown and the tenants were provided with a copy of the draft heritage significance assessment and draft heritage inventory sheet. The land owner and tenants were given until the 2 December 2019 to make a submission. No submissions were received at this time.

4. Report to the *Woollahra Local Planning Panel* (Woollahra LPP) on 23 April 2020 for advice¹
5. Report to the EPC on 11 May 2020 with the advice from the Woollahra LPP¹.
6. Decision of the Council on 25 May 2020 to proceed with the planning proposal and seek a gateway determination from the Department of Planning, Industry and Environment
7. Conditional gateway determination issued on 21 August 2020 (**Annexure 3**). The gateway determination gave authorisation to 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.



Figure 1: Rose Bay Scout Hall, front (north-eastern) elevation (WP Heritage and Planning)

¹ The land owner and tenants were notified of the relevant EPC and Woollahra LPP meetings.



Figure 2: Site location. The arrow points to the site (Woollahra Council GIS)



Figure 3: Aerial photograph over the site with Scout Hall indicated by arrow (SIX Maps; annotation by WP Heritage and Planning)

3. Community consultation

The planning proposal and supporting material were placed on public exhibition for 45 days, from Wednesday 9 September 2020 to Friday 23 October 2020 (inclusive), consistent with the requirements of the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000* and conditions set out in the gateway determination (see **Annexure 3**). The exhibition involved the following:

1. Seven weekly notices in the Wentworth Courier providing details of the exhibition, on 9 September 2020, 16 September 2020, 23 September 2020, 30 September 2020, 7 October 2020, 14 October 2020, and 21 October 2020.
2. A public exhibition page for the planning proposal and supporting material on Council's website. The exhibition page was visited by 21 visitors 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 91 visitors 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:
 - Adjoining and nearby property owners
 - The Crown
 - Boy Scouts Association of NSW
 - NSW Heritage at the Department of Premier and Cabinet
 - The National Trust of Australia (NSW)
 - Rose Bay Residents Association
 - Woollahra History and Heritage Society

4. Submissions

Four submissions of support were received in response to the public exhibition. A redacted copy of all submissions is attached at **Annexure 4**. These submissions were from:

- Heritage NSW, Department of Premier and Cabinet
- Woollahra History and Heritage Society
- Rose Bay Residents Association
- Waverley Amateur Radio Society

The submissions of support included the following comments:

Comments	Staff Response
<p>Maria Judd from the Rose Bay Residents Association</p> <ul style="list-style-type: none"> <i>Building should be considered for state listing, as it was used during WWII by the Dutch Air Force.</i> <i>Building should be reinstated to its original dark colour, and the barbed wire fencing removed.</i> 	<ul style="list-style-type: none"> The potential of the building qualifying for state listing is dependent on the archaeological findings of the recent survey undertaken by the Maritime Archaeology section of Heritage NSW. Once these results are finalised, the significance of the site, including the archaeology and maritime heritage will be determined. Without completing paint scrapings, we cannot determine the original colour of the building. However, <i>Weir Phillips Heritage</i> have advised that the current colour is in keeping with a “nautical” theme. The comment about the barbed wire fencing is noted. However, Council is not responsible for the ongoing management of the land.
<p>Woollahra History and Heritage Society</p> <ul style="list-style-type: none"> <i>Amend the heritage assessment to note that George Rose was the Secretary to the Treasury.</i> 	<ul style="list-style-type: none"> The Heritage Assessment has been updated to reflect this information.
<p>Waverley Amateur Radio Society</p> <ul style="list-style-type: none"> <i>The society have been an occupant of the Hall since 1994 (interiors and exteriors).</i> <i>Society has not been mentioned in the Heritage Assessment</i> <i>Concerns about the impact the listing will have on Society’s future, but hope to remain active at the site.</i> <i>Requested that they be included as an interested party regarding interiors and the roof regarding: electronic equipment, antenna masts and infrastructure.</i> 	<ul style="list-style-type: none"> The heritage inventory sheet has been updated to address this issue, and recommend that the Waverley Amateur Radio Society be included as an interested party regarding interiors and the roof including: electronic equipment, antenna masts and infrastructure the recommendation.

In summary, the planning proposal is supported by the community. It is recommended that Council proceed with the planning proposal by making the LEP to list the *Rose Bay Scout Hall (including interiors)*, at 3 Vickery Avenue, Rose Bay as a local heritage item under Woollahra LEP 2014.

5. 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).





6. Conclusion

The heritage significance of the *Rose Bay Scout Hall (including interiors)*, at 3 Vickery Avenue, Rose Bay has been established through a detailed assessment of heritage significance. The planning proposal will facilitate the listing 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 supported by the community and the landowner.

The Council can proceed to the next step by making the LEP to list the *Rose Bay Scout Hall (including interiors)*, at 3 Vickery Avenue, Rose Bay, as a local heritage item under Woollahra LEP 2014.

Annexures

1. Planning Proposal for heritage listing of the Rose Bay Scout Hall (including interiors) - (excluding annexures) [↓](#) 
2. Heritage Significance Assessment for the Rose Bay Scout Hall - Weir Phillips Heritage and Planning - May 2020 [↓](#) 
3. Gateway Determination - 21 August 2020 [↓](#) 
4. Redacted Copy of Submissions [↓](#) 

Planning Proposal



Local Heritage Listing

Rose Bay Scout Hall (including interiors)

3 Vickery Avenue, Rose Bay

Prepared August 2020



TRIM: 20/72004

Table of Contents

Part 1 – Introduction	1
1.1. Background.....	1
1.2. Description of this planning proposal.....	1
1.3. Assessment of heritage significance	2
1.4. Statement of heritage significance	3
1.5. Heritage Significance Assessment report.....	4
Part 2 – Existing site and context	4
2.1. The site	4
Part 3 – Existing planning controls	6
Part 4 – Objectives of amendment to Woollahra LEP 2014.....	7
Part 5 – Explanation of provisions.....	7
Part 6 – Justification	7
6.1. Need for planning proposal	7
6.2. Relationship to strategic planning framework	8
6.3. Environmental, social and economic impact.....	9
6.4. State and Commonwealth interests.....	10
Part 7 – Mapping	10
Part 8 – Community consultation	11
8.1. Consultation with landowner	11
8.2. Public exhibition	11
Part 9 – Project timeline	13
Schedules 14	
Schedule 1 – Consistency with state environmental planning policies.....	14
Schedule 2 – Compliance with section 9.1 directions	18
Supplementary material (separately attached)	21

Part 1 – Introduction

1.1. Background

On 18 June 2018 Woollahra Council resolved in part:

THAT Council:

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

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

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

- A. *THAT a planning proposal be prepared to list the Rose Bay Scout Hall (including interiors) as a heritage item in Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

1.2. Description of this planning proposal

This planning proposal is made in relation to the *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay. This planning proposal explains the intended effect of an amendment to Woollahra LEP 2014. The amendment to Woollahra LEP 2014 involves listing *Rose Bay Scout Hall (including interiors)* as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the 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).

This planning proposal includes:

1. Existing site and surrounding context
2. Existing planning controls applying to the site
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 the *Rose Bay Scout Hall* was prepared by Weir Phillips Heritage and Planning. The assessment was completed in October 2019 and updated in May 2020 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 the *Rose Bay Scout Hall (including interiors)* against the seven criteria, at the local and State levels.

Table 1: NSW Heritage assessment criteria summary – Rose Bay Scout Hall (including interiors)

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

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

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 *Rose Bay Scout Hall (including interiors)* satisfies criteria (a), (b), (c), (d), (f) and (g) at a local level. *Rose Bay Scout Hall (including interiors)* does not satisfy any criteria at a State level.

1.4. Statement of heritage significance

The following statement of heritage significance is extracted from the Heritage Assessment report by Weir Phillips Heritage and Planning:

The Rose Bay Scout Hall, Rose Bay, has historic and aesthetic significance at a local level. The hall was designed by architect Charles Mack Walker and built in 1940 for the Rose Bay Scouts and Rose Bay Sea Scouts and, except for a brief period during World War II, it has been used by the Scouts (and other community groups) since this time. The hall is one of two known examples of buildings purpose-built for the Scouts in Woollahra during the Inter-War period. The building is a good example of a Scout hall that takes into consideration its setting, in this instance through the inclusion of porthole windows and a roof top deck from which to view Rose Bay. While the interior of the building has undergone some alteration, the exterior of the building is substantially 'as built.'

The Rose Bay Scout Hall has significance for its association, albeit brief, with the adjoining Rose Bay Flying Boat Base. Between October 1942 and the end of World War II, the building was used by the RAAF. The Rose Bay Flying Boat Base played an important service role during World War II and was the sight of huge receptions for returning Prisoners of War after World War II.

(May 2020: Weir Phillips Heritage and Planning:
Heritage Assessment, Rose Bay Scout Hall p. 48)

The assessment recommends the listing of the *Rose Bay Scout Hall (including interiors)* as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concluded that the *Rose Bay Scout Hall (including interiors)* does not meet the threshold for State heritage listing.

1.5. Heritage Significance Assessment report

The heritage significance assessment report contains the following recommendations:

The Rose Bay Scout Hall, including interiors, Vickery Avenue, Rose Bay:

- *Should be listed as a heritage item by Schedule 5 Part 1 of the Woollahra LEP 2014. It meets the threshold for listing under Heritage NSW criteria (a), (b), (c), (f) and (g).*
- *The hall should not be listed on the State Heritage Register as a solitary item at this point in time. The site may have State and National significance for its association with the Rose Bay Flying Boat Base, which played a significant role in air transport prior to World War II and in defence during World War II. It is the only surviving above ground structure associated with the Base. Significance, however, is diminished by the fact that the building was not built for the Flying Boat Base but was a pre-existing structure that was requisitioned for a four year period during World War II. There are other buildings that were purpose built during World War II for airbases surviving within New South Wales (notably at Rathmines, where a suite of buildings survives) and around Australia. Some of these buildings survive in groups and/or are capable of being read in conjunction with the airfield that they served. As the only above ground remnant of a structure associated with the Rose Bay Flying Boat Base, the building is not readily understood as once having being part of it. It is understood that a current archaeological investigation is being carried out into the former Rose Bay Flying Boat Base site. Any inclusion of this building on a State or National heritage register should be made in conjunction with a listing for the overall base site. It is unlikely that the site meets the threshold for State or National listing without this added context.*
- *The curtilage for listing should be the current fenced boundaries: Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011.*
- *The records of the Rose Bay Flying Boat Base, held in the National Archives in Sydney, Melbourne and Canberra, be accessed for additional information.*

Part 2 – Existing site and context

2.1. The site

The Rose Bay Scout Hall (Figure 1) is located at No. 3 Vickery Avenue, Rose Bay (Figure 2 and Figure 3). The site is identified as Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011.

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).



Figure 1: Rose Bay Scout Hall, front (north-eastern) elevation (WP Heritage and Planning)



Figure 2: Site location. The arrow points to the site (Woollahra Council GIS)



Figure 3: Aerial photograph over the site with Scout Hall indicated by arrow (SIX Maps; annotation by WP Heritage and Planning)

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
Rose Bay Scout Hall	RE1 Public Recreation	Not applicable	Not applicable	Class 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.*

The Rose Bay Scout Hall (including interiors) 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.

Part 4 – Objectives of amendment to Woollahra LEP 2014

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

Part 5 – Explanation of provisions

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

- Insert a listing for the *Rose Bay Scout Hall (including interiors)* in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_005) to identify a heritage item on the site of the *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay.

Part 6 – Justification

The planning proposal has strategic merit. The heritage significance of *Rose Bay Scout Hall (including interiors)* 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 assessment/ inventory sheet, prepared by Weir Phillips Heritage and Planning. The report concluded that the *Rose Bay Scout Hall (including interiors)* meets the criteria for listing as a local heritage item. The report recommended that the *Rose Bay Scout Hall (including interiors)* be listed as a heritage item in Woollahra LEP 2014.

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 *Rose Bay Scout Hall (including interiors)* at 3 Vickery Avenue, Rose Bay and provide it with statutory protection. 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 *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a development consent for the *Rose Bay Scout Hall (including interiors)* 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 the *Rose Bay Scout Hall (including interiors)* will provide ongoing protection and recognition of the heritage significance of the 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:

- Direction 'A city of great places'
- 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 and how they contribute to the significance of place'

And:

- Direction 'Jobs and skills for the city'
- Planning Priority E13 'Supporting growth of targeted industry sectors'
- Objective 24 'Economic sectors targeted for success'
- Action 54 'Consider the following issues when preparing plans for tourism and visitation:
 - e. protecting heritage and biodiversity to enhance cultural and eco-tourism'

And:

- Direction 'A city in its landscape'
- Planning Priority E16 'Protecting and enhancing scenic and cultural landscapes'
- Objective 28 'Scenic and cultural landscapes are protected'
- Action 63 'Identify and protect scenic and cultural landscapes'.

4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal is consistent with the 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 *Rose Bay Scout Hall (including interiors)* will provide ongoing protection and recognition of the heritage significance of these items 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. Protection of the item, will be required when development is proposed for the *Rose Bay Scout Hall (including interiors)* or in the vicinity of the site. 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 the *Rose Bay Scout Hall (including 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 the *Rose Bay Scout Hall (including interiors)* is of heritage significance at the local level. Social significance is satisfied at local level.

6.4. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of the *Rose Bay Scout Hall (including interiors)*. It does not involve amendments to the planning controls that will facilitate intensified development.

The *Rose Bay Scout Hall (including interiors)* has access to adequate public infrastructure such as water, sewer, electricity and telephone 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 a local centre.

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

As landowner, The Crown were consulted during the heritage assessment process although no comment was received. The Crown were provided a copy of the draft heritage significant assessment and draft heritage inventory sheet on 1 November 2019. The land owners and lease holders were given until the 2 December 2019 to make a submission. No comments were provided from the relevant land owners and lease holders.

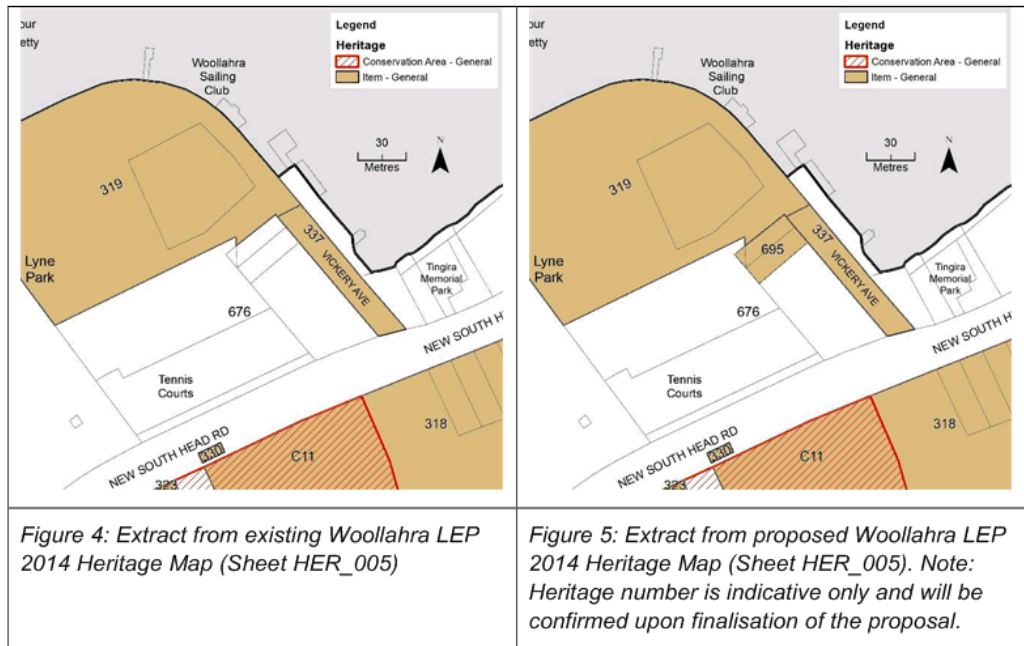
During the public exhibition, Heritage NSW, Department of Premier and Cabinet will be notified.

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_005) by applying an "Item – General" classification to the *Rose Bay Scout Hall (including interiors)*.

Extracts of the existing and proposed heritage maps are shown in Figure 4 and Figure 5.



Part 8 – Community consultation

8.1. Consultation with landowner

See response to question 11 above.

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 weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period (where available).
- a notice on Council's website.
- a letter to the land owner of the site.
- a letter to the current lessee.
- a letter to land owners in the vicinity of the site

- a letter to local community groups such as the Rose Bay Residents' Association and the Woollahra History and Heritage Society.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination.
- the gateway determination.
- information relied upon by the planning proposal (such as relevant Council reports).

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	18 June 2018
Environmental Planning Committee recommends proceeding	17 February 2020
Council resolution to proceed	24 February 2020
Local Planning Panel provides advice	March 2020
Environmental Planning Committee recommends proceeding	March 2020
Council resolution to proceed	June 2020
Gateway determination	August 2020
Completion of technical assessment	Usually none required
Government agency consultation	September to October 2020
Public exhibition period	September to October 2020
Submissions assessment	November 2020
Environmental Planning Committee considers assessment of planning proposal post exhibition	December 2020
Council decision to make the LEP amendment	December 2020
Council to liaise with Parliamentary Counsel to prepare LEP amendment	January 2021
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	February 2021
Notification of the approved LEP	March 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 6.3 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 (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.
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 (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.
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

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.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
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 the <i>Rose Bay Scout Hall (including interiors)</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	Not applicable.
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.

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 regulated airports and defence airfields	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.
3.7	Reduction in non-hosted short term rental accommodation period	Not applicable.
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 the <i>Rose Bay Scout Hall (including interiors)</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
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)	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>Rose Bay Scout Hall (including interiors)</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 – 7.10	Directions 7.2 to 7.10	Not applicable. These directions do not apply to the Woollahra LGA.

Supplementary material (separately attached)

- **Heritage Significance Assessment for the Rose Bay Scout Hall** – Weir Phillips
Heritage and Planning – May 2020
- **Environmental Planning Committee Report (17 February 2020)**

HERITAGE ASSESSMENT



Rose Bay Scout Hall

3 Vickery Avenue, Rose Bay

May 2020 | J3657

**Weir
Phillips**
Heritage
and Planning

Level 19, 100 William Street, Woolloomooloo, NSW 2011
Phone: (02) 8076 5317

CONTENTS

1.0	INTRODUCTION	1
1.1	Preamble	1
1.2	The Brief	1
1.3	Authorship	2
1.4	Limitations	2
1.5	Methodology	2
1.6	Documentary Evidence	2
1.6.1	General References	2
1.6.2	Newspaper, Journal Articles	3
1.6.3	Historic Plans, Images and Photographs	3
1.6.4	Other	3
1.7	Site Location	4
2.0	HISTORICAL DEVELOPMENT OF THE SITE	4
2.1	Brief History Prior to 1830	4
2.2	Lyne Park	6
2.3	The Origins of the Rose Bay Flying Boat Base	6
2.4	The NSW Scouts	8
2.4.1	A Hall is Constructed	8
2.4.2	The Scouts	11
2.4.3	The Architect: Charles Mack Walker	11
2.5	Expansion of the Rose Bay Flying Boat Base	12
2.5.1	The Hall is 'Impressed' by the RAAF	12
2.5.2	The Rose Bay Flying Boat Base After the War	15
2.6	The Scout Hall After Post World War II	16
3.0	SITE ASSESSMENT	18
3.1	The Site	18
3.2	The Building	19
3.2.1	Exterior	19
3.2.2	Interior	25
3.3	The Setting	32
4.0	ASSESSMENT OF SIGNIFICANCE	34
4.1	Summary of Existing Statutory Heritage Listings for the Site	34
4.1.1	Commonwealth Listings	34
4.1.2	State Listings	34
4.1.3	Local Listings	34
4.3	View Corridors	35
4.4	Integrity	38
4.4	Comparative Analysis	39
4.5.1	Scout Halls	39
4.5.2	Buildings Associated with World War II Airbases	42
4.6	Significance	44
4.6.1	Criterion (a)	44
4.6.2	Criterion (b)	45
4.6.3	Criterion (c)	45
4.6.4	Criterion (d)	46
4.6.5	Criterion (e)	46
4.6.6	Criterion (f)	47
4.6.7	Criterion (g)	47
4.7	Statement of Significance	48
5.0	CONCLUSIONS	48
6.0	RECOMMENDATIONS	48

1.0 INTRODUCTION

1.1 Preamble

This Heritage Assessment for the Rose Bay Scout Hall, Vickery Avenue, Rose Bay, New South Wales has been prepared at the request of Woollahra Council. On 23 April 2018 Woollahra 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 each of:

- 1. The Sydney Croquet Club building and greens (having its address in Woollahra Park, O'Sullivan Road, Rose Bay); and*
- 2. The Woollahra Golf Club clubhouse and George Grimley Pavilion (having its address in Woollahra Park at 50 O'Sullivan Road, Rose Bay)*

to the relevant Council Committee to facilitate the Sydney Croquet Club building and greens and the Woollahra Golf Club clubhouse and George Grimley Pavilion (and their 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.*

On 18 June 2018 Woollahra Council made the following decision:

THAT Council:

A. Request staff to undertake an assessment of heritage significance for the Rose Bay Scout Hall (former RAAF Officers' Canteen) located in Vickery Avenue, Rose Bay, and report to the Environmental Planning Committee on whether the property has sufficient heritage significance to be listed as:

- i) a local heritage item in the Woollahra Local Environmental Plan 2014(WLEP), and*
- ii) an item on the State Heritage under the Heritage Act 1977.*

1.2 The Brief

The brief is divided into two parts:

Stage One – Assessment of heritage significance

- 1. Using the process and heritage assessment criteria contained in the New South Wales Heritage Manual (2001) carry out an assessment of heritage significance of the three sites.*
- 2. Make a recommendation as to whether the three sites should be individually listed as a local heritage item in Schedule 5 of Woollahra LEP 2014.*
- 3. Make a recommendation as to whether the three sites should be individually listed as an item on the State Heritage Register under the Heritage Act 1977.*

Note: The assessment of significance at local and State levels must be done separately and independently.

Stage Two

- 1. If the recommendation is for listing in Woollahra LEP 2014, prepare an inventory sheet for the relevant site. The inventory sheet will include a statement of significance.*
- 2. If the recommendation is also for listing on the State Heritage Register, prepare an inventory sheet for the relevant site. The inventory sheet will include a statement of significance.*

3. If the recommendation is for listing on the State Heritage Register, prepare a nomination form for the relevant site using the OEH Heritage Division standard template.

Note: All inventory sheets must use the Office of Environment and Heritage (Heritage Division) standard template. A Microsoft Word version of this template will be provided by Council.

1.3 Authorship

This assessment was prepared by Alice Fuller, B.Appl.Sc.(CCM), M.Herit.Cons.(Hons), and James Phillips, B.Sc.(Arch), B.Arch., M.Herit.Cons.(Hons), of Weir Phillips Heritage and Planning.

1.4 Limitations

An Aboriginal and historical archaeological assessment was not provided for. A survey of the site's users was not provided for to ascertain how/if they value the site.

A full search of records held by the National Archives of Australia has not been carried out. Records relating to the Rose Bay Flying Boat Base are held in Sydney, Melbourne and Canberra and comprise, in the main, un-indexed boxes.

1.5 Methodology

This statement has been prepared with reference to the NSW Heritage Office's (Heritage NSW) publication *Assessing Heritage Significance* (2015).

A site visit was carried out in June 2019. Unless otherwise stated, the photographs in this assessment were taken on this occasion.

1.6 Documentary Evidence

1.6.1 General References

- Broomham, R., *The Coopers of Woollahra: Land Dealings on the Point Piper Estate 1820-1920*. Unpublished report prepared for Woollahra Municipal Council in June 2001.
- 'History of Scouting,' <https://www.nsw.Scouts.com.au/about/about-us/history-of-Scouting/>
- Hughes, Trueman and Ludlow, *Heritage Study for the Municipality of Woollahra, Volume One*, NSW, Woollahra Municipal Council, 1984.
- 'Rose Bay and Empire.' Original source unknown. Woollahra Local Studies, Woollahra Library.
- Russell, E., *Woollahra: A History in Pictures*, Sydney, John Ferguson in association with Woollahra Municipal Council, 1980, p. 9-10.
- Fisher, J., *Lynne Park, Rose Bay: A Report to the Minister for Lands and Forests on the Future Use of Lynne Park and the Rose Bay Flying Base*, 1974.
- *Rose Bay Thematic History*, Woollahra Council, 2002.
- Sewell, H., 'Rose Bay and Empire'. Source unknown. Woollahra Local Studies, Woollahra Library.
- Sheedy, D., *A Brief History of the Rose Bay Flying Boat Base and Its Buildings*. Unpublished typed manuscript dated February 2011. Woollahra Local Studies Collection, Woollahra Library.

1.6.2 Newspaper, Journal Articles

- 'The Boy Scout Gazette,' *Sunday Times*, 12 March, 1911, p.17.
- 'Building and Works Approved,' *Construction*, 12 June, 1940, p.17.
- 'Charity Covers Even a Cockroach Hunt,' *Daily News*, 11 July, 1939, p.3.
- 'C. Mack Walker, A.R.A.I.A.,' *Decoration and Glass*, 1 April, 1937.
- 'Flying Boat Base. Opponents Criticised. Dr. Louat's Views,' *The Sydney Morning Herald*, 17 July, 1937, p.9.
- 'Life of Sydney,' *Daily Telegraph*, 5 November, 1949, p.10.
- 'Lyne Park,' *The Daily Telegraph*, 26 November, 1900, p.6.
- 'Notice is hereby given...', *Government Gazette of the State of New South Wales*, 2 October, 1920, p.6264.
- 'Rose Bay Improvements,' *The Australian Star*, 14 April, 1900, p.6.
- 'Scout Hall opened by the Governor General,' *The Sydney Morning Herald*, 26 April, 1926, p.10.
- 'Sydney City Council Applications,' *Construction and Local Government Journal*, 17 June, 1918, p.1.
- 'The Rose Bay Park,' *Evening News*, 26 September, 1899, p.3.
- 'Town,' *Australian Town and Country Journal*, 30 September, 1899, p.14.

1.6.3 Historic Plans, Images and Photographs

- (Aerial photograph over Rose Bay), 1943. SIX Maps.
- (Aerial photograph over Rose Bay), 1951. Flicker
- (The Site), c.1945. Copy provided by Stirling Smith, Heritage, Community Engagement, Department of Premier and Cabinet.
- Kent, M., *Aerial Views Over Camellia, Mascot, Rose Bay, Zetland*, 194-. State Library of NSW.
- Mack Walker, C., *Proposed Scout and Sea Scout Hall at Vickery Avenue*, 1940. Woollahra Council, 40/94.
- *Property at Rose Bay, NSW*, September, 1942. National Archives of Australia, Rose Bay-Flying Boat Base (Box 20).
- (Rose Bay Flying Boat Base), c.1940s. Copy provided by Stirling Smith, Heritage, Community Engagement, Department of Premier and Cabinet.

1.6.4 Other

- Woollahra Council Building Cards. Woollahra Local Studies Collection.
- Woollahra Council Minutes, various years. Woollahra Local Studies Collection, Woollahra Library.

1.7 Site Location

The Rose Bay Scout Hall is located at No. 3 Vickery Avenue, Rose Bay (Figure 1). The site is identified as Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011.



Figure 1: Site Location. The arrow points to the site.
SIX Maps; annotation by WP Heritage.

2.0 HISTORICAL DEVELOPMENT OF THE SITE

2.1 Brief History Prior to 1830

While an Aboriginal history has not been provided for, it is acknowledged that the present-day Woollahra Municipality is located within the traditional lands of the Cadigal people, part of the Dharug language group.

The Colony of New South Wales was established at Sydney Cove in January 1788. All land was declared to be Crown Land. Present-day Woollahra is located well outside the first official boundaries of Sydney Township. The colonists exploited the natural resources of the area but did little to permanently settle it beyond establishing a lookout on South Head and a pilot station at Watsons Bay. The word *Woo-la-ra* first appears in a 'List of Local Names, or of Places' prepared by David Southwell, the lieutenant later placed in charge of the lookout on South Head.¹

The first grants in present day Woollahra, made between 1793 and 1812, predominantly passed out of the hands of original grantees. During the early years of Macquarie's governorship (1810-1821), a number of grants were made to military men around Double and Rose Bays. The most notable of these was a grant made to the flamboyant Captain John Piper in 1815.

¹ Letter dated 12 July, 1788, cited Eric Russell, *Woollahra: A History in Pictures*, Sydney, John Ferguson in association with Woollahra Municipal Council, 1980, p. 9-10.

The first colonists explored and named features of their new environment. Rose Bay was named for George Rose, Secretary to the Treasury, at the time that the Colony of NSW was founded.

During the 1820s, the land north of Darling Point through Double Bay, Point Piper and Rose Bay and eastward to Old South Head Road, was consolidated into a single estate by the prominent business partnership of Daniel Cooper (1785-1853) and Solomon Levey (1794-1833). The partners had acquired several early land holdings, including John Piper's estate, which were re-issued as a single grant of 1,130 acres on 22 March, 1830. The subject property stands upon this grant. Old South Head Road (1811) and New South Head Road (1832) provided the principal means of access into the area at this time.

The Cooper-Levey estate was beset by legal complications from the 1830s. During the 1840s, Daniel Cooper became the sole owner of the estate, which generally became known as the Cooper Estate. In 1844, T.L. Mitchell prepared a subdivision plan for the Cooper Estate. Old and New South Head Roads, Point Piper (now Jersey Road), Ocean Street North, William and Cross Streets were already in existence, while Edgecliff, Bellevue, Victoria and Wolseley Road were passable bush tracks. While the Cooper Estate was not always developed along the lines envisaged by Mitchell in 1844, his subdivision did much to determine the basic street pattern seen today.²

The Cooper Estate was willed not to Daniel Cooper's next of kin, his nephew Sir Daniel Cooper (1821-1902), but to Sir Daniel's son, Daniel (later also Sir Daniel). As the new owner was a minor when he inherited the estate in 1853, Trustees managed the Estate until November 1869. Even after Daniel Cooper (junior) obtained his majority, the Trustees continued to be a dominant influence in managing the Estate and were thus a major force in the development of the area.³ When the Municipality of Woollahra was created in 1860, it was named for Sir Daniel Cooper's (senior) planned residence, *Woollahra*.

Between 1853 and the mid 1880s, the Trustees offered 99 year leaseholds on parts of the Cooper Estate; there were few freehold sales. Substantial villa estates were developed on some of these leaseholds. Smaller lots in West Woollahra and along Old South Head Road attracted more modest housing and commercial development.⁴ Lack of transport, however, limited widespread development in Woollahra before 1880. As transport was almost exclusively by private means, development away from the bays and wharves was particularly reliant on satisfactory road patterns.

Sydney's population expanded sevenfold between 1850 and 1890. By the early 1880s, the areas closer to the City had been built-out and the demand for land was pushing further eastwards. The steady improvements made to the tramway system from the 1880s, together with the introduction of subsidised transport, did much to open up the Woollahra Municipality to small lot development.

Freehold subdivisions of land on the Cooper Estate began in the early 1880s and continued until the 1920s. Land was purchased by individuals and companies, many of whom then carried out further subdivisions.

The dense suburban development that characterises much of Woollahra today is largely a product of the first decades of the twentieth century. As subdivision continued, the population rose from 1,023 people in 1881 to 13,503 people in 1900; and 25,300 people

² See Figure 7, a tracing of Mitchell's plan, in Rosemary Broomham, *The Coopers of Woollahra: Land Dealings on the Point Piper Estate 1820-1920*. Unpublished report prepared for Woollahra Municipal Council in June 2001.

³ For further information see *ibid*.

⁴ Hughes, Trueman and Ludlow, *Heritage Study for the Municipality of Woollahra, Volume One*, NSW, Woollahra Municipal Council, 1984, p. 15.

in 1920 to 37,770 people in 1927.⁵ Woollahra thus became an intensively developed area within a comparatively short time.

2.2 Lyne Park

As early as the 1830s, Rose Bay was a popular place for recreation and sea bathing. By the turn of the century, recreational facilities at Rose Bay varied from the exclusive Royal Sydney Golf Club (established in 1896) to local tea rooms. By the 1920s, there were several movie theatres.⁶

Plans for what is now Lyne Park were made in late 1899.⁷ Land was reclaimed from the adjacent tidal flats to form a reserve of around 14 acres that was named in honour of Sir William Lyne, Premier of NSW from 1899 to 1901.⁸ The Park was connected to the tram system by a short extension of the Rose Bay line. By April 1900, the Minister for Works was able to report that the work was 'about a third done' and

'...that unsightly little lagoon which threatened to become an insanitary fever bed, has been transformed into a sand patch. The work of reclamation is progressing vigorously.'⁹

The Park was officially opened during the Commonwealth Day celebrations in 1901.¹⁰ In August 1905 it was formally dedicated as a public reserve. During the same year, and despite local protests, 3.2 hectares at the eastern end of the reserve were revoked for use as a recreation oval for the Navy. When the Commonwealth Government took control of the colonial naval entities in 1911, the area became Commonwealth property. The Naval Reserve was primarily used by trainees from the *HMS Tingira* for shore exercises. The *HMS Tingira* was moored in Rose Bay from 1912 until 1927.

2.3 The Origins of the Rose Bay Flying Boat Base

Use of the Naval Reserve at Rose Bay declined when the *HMS Tingira* was moved out of Rose Bay in the late 1920s. The next significant land use in this part of Rose Bay was the Flying Boat Base. As set out below, the subject site became part of the Flying Boat Base for a brief period during World War II. This section briefly outlines its origins.

During the late 1930s, the British Government began planning the Empire Airmail Scheme to carry all mail by air between British Empire countries at a flat, economical, rate. Flying boats were identified in preference to land based planes because of their range and load carrying capacities. Qantas secured the rights to operate the Sydney-Singapore sector of the Sydney-London route. There were, however, at this time no flying boat bases in this sector. In 1936, a party headed by Major H.G. Brackley of Imperial Airways and Hudson Fysh (later Sir Hudson Fysh) of Qantas carried out a survey route between Singapore and Sydney.

When the project was publicly announced in Sydney, the communities of Woollahra and Waverley, being the most likely locations for a flying boat base, raised concerns about safety and noise.¹¹ Despite these protests, the Federal Government confirmed that the base would be built in Rose Bay in 1937.¹²

⁵ Census figures cited in Hughes, Trueman and Ludlow, *op cit.*, 1984, p. 7.

⁶ *Rose Bay Thematic History*, Woollahra Council, 2002.

⁷ See for example, 'The Rose Bay Park,' *Evening News*, 26 September, 1899, p.3.

⁸ 'Town,' *Australian Town and Country Journal*, 30 September, 1899, p.14.

⁹ 'Rose Bay Improvements,' *The Australian Star*, 14 April, 1900, p.6.

¹⁰ 'Lyne Park,' *The Daily Telegraph*, 26 November, 1900, p.6.

¹¹ See, for example, 'Flying Boat Base. Opponents Criticised. Dr. Louat's Views,' *The Sydney Morning Herald*, 17 July, 1937, p.9.

¹² Hal Sewell, 'Rose Bay and Empire'. Source unknown. Woollahra Local Studies, Woollahra Library.

In 1938, the Rose Bay Flying Boat Base was established on the Naval Reserve, adjacent to Lyne Park. Sunderland Avenue was created and officially dedicated as a public road on 18 January, 1939. Sunderland Avenue, since removed, was entered into from New South Head Road opposite Kent Road. The area to the east of the street was divided into two portions: the northern part was the Flying Boat Base. The southern part, from the Flying Boat Base to New South Head Road, was dedicated as a public reserve on 23 June, 1939, with Woollahra Council as Trustee.¹³

The Rose Bay Flying Boat Base was officially opened by Lord Huntingfield, acting Governor-General of Australia, on 4 August, 1938. Following the cutting of a ribbon linking the aircraft to the shore, the Empire Flying Boat G-AEUB *Camilla* departed for Britain carrying 8 passengers, 265 pounds of freight and 207 pounds of mail. This was not in fact the first flying boat to leave the Base. On 5 July, 1938, the *Coogee* departed from Rose Bay bound for Southampton.¹⁴ The passage was a slow one, typically lasting nine and a half days.

The first building erected at the Rose Bay Flying Boat Base was a terminal building, designed by the Commonwealth Government Architect. This building, which was single storey with a tower, followed European standards for land base airport terminals. Three temporary buildings were erected nearby for workshops, stores and staff amenities. There were also a pontoon and dock for work and transport launches and a timber wave barrage. There was no ramp into the harbour; the flying boats were serviced at their moorings.

The main part of the Rose Bay Flying Boat Base was completed in 1939 and included:

- A large hangar constructed in 1938 but not completed until late 1939. A large curved roof building, the design of which appears to have been based on a standard British flying boat hangar. The building housed workshops and some staff amenities. It was able to service large flying boards. It had a large concrete apron and a wide ramp into the harbour, new fueling services and subsidiary smaller workshops.¹⁵
- The QEA Canteen. The third main building on the site, completed in 1939. The building appears to have been designed by the Commonwealth Government Architect for the Department of Civil Aviation and leased to Qantas Empire Airways. It provided amenity for aircrews, as well as food preparation for all flying boards and the terminal. It was extended during the war.¹⁶
- Council Minutes from September 1939 refer to a recently erected Radio and Meteorological Building on the base, possibly one of the many small buildings on the base cited above.¹⁷

The Rose Bay Flying Boat Base operated under the control of the Department of Civil Aviation (DCA), established, in its own right, in November 1938. The DCA provided control launches which had two main functions: to 'sweep' the three designated runways (i.e. remove all obstacles) and to assist in aircraft landing and taking off. They also established and maintained moorings.

¹³ John Fisher, *Lynne Park, Rose Bay: A Report to the Minister for Lands and Forests on the Future Use of Lynne Park and the Rose Bay Flying Base*, 1974.

¹⁴ Unattributed article 'Rose Bay and Empire' Woollahra Local Studies, Woollahra Library.

¹⁵ David Sheedy, *A Brief History of the Rose Bay Flying Boat Base and Its Buildings*. Unpublished typed manuscript dated February 2011. Woollahra Local Studies Collection, Woollahra Library.

¹⁶ *Ibid.*

¹⁷ Woollahra Council Ordinary Meeting Minutes, 25 September, 1939, p.516.

2.4 The NSW Scouts

2.4.1 A Hall is Constructed

The Flying Boat Base was not the only new facility established within the immediate area during the Inter-War period. As the Rose Bay Flying Boat Base was developed, the Rose Bay Scout Association sought permission from the Maritime Services Board of NSW to construct a Scout Hall on the foreshore of Lyne Park. There were two Rose Bay Scout troops in existence at this time: the Rose Bay Scouts (established at least as early as 1924) and the Rose Bay Sea Scouts (established c.1938).¹⁸ Woollahra Council opposed the application on the basis that it:

‘...strongly objects to the erection of any more timber structures on the Rose Bay foreshore and that this attitude is supported by public opinion in the locality.’¹⁹

Seemingly undeterred by this response, the Scouts approached Council later in the same year with a second request for land or use of a vacant building at Lyne Park ‘in light of the alterations now being made to the adjoining Flying Boat Base, located on the former Naval Reserve.’²⁰ The Scouts were offered a small parcel of land adjoining the ‘R.S. & S. Hall’ site in Vickery Avenue. The new site was intended to accommodate both the Scouts and Sea Scouts.²¹

At the same time as Council agreed to the Scout Hall, Woollahra Council were making what were ultimately successful representations to the Lands Department for control over the area of the former Naval Recreation Reserve that had not become part of the Rose Bay Flying Boat Base. To meet Departmental guidelines relating to the leasing of public land, the small parcel of land required by the Scouts was ultimately excluded from Lyne Park and leased directly by the Department to the Scouts under conditions providing for

‘...The erection of a suitable hall within a reasonable time (Plans to be approved by the Minister) and the hall to be available for leasing by similar bodies at a rental deemed reasonable by the Minister.’²²

Council Minutes of the 26 June, 1939 record the decision of the Department of Lands to

‘...offer the Boy Scouts Association a Permissive Occupancy of 40’ by 110’ of Crown land for site for a hall at Rose Bay, being the area comprised in portion 1475, Parish of Alexandria, County of Cumberland....at a rental of £1 per annum, commencing 15 March, 1939...’²³

The Scouts set about raising money for the new hall with dances and other events, such as a hunt for novelty items. The latter attracted the attention of local newspapers when a Japanese merchant threatened participants with an axe.²⁴

In 1940, the Rose Bay Scouts made an application to Council to construct a Scout hall at Lyne Park. The builder’s name was given as A.H. Kirkwood.²⁵ Council hold a copy of the plan submitted, which was signed by architect C. Mack Walker (Figure 2). The existing building corresponds to the footprint shown by this plan. The way in which

¹⁸ With reference to newspapers accessed through TROVE.

¹⁹ Woollahra Council Ordinary Meeting Minutes, 11 October, 1937, p. 524.

²⁰ *Ibid*, 11 July, 1939, p.373

²¹ *Ibid*, 28 November, 1938, p.654.

²² *Ibid*, 23 January, 1939, p.30.

²³ Woollahra Council Ordinary Meeting Minutes, 26 June, 1939, p.332.

²⁴ ‘Charity Covers Even a Cockroach Hunt,’ *Daily News*, 11 July, 1939, p.3.

²⁵ Yellow Card Series, 40/94. Woollahra Local Studies Collection.

the ground floor space has been subdivided has been altered over time; no first floor plan is provided. A roof top deck was clearly part of the original design.

At the Council meeting at which approval was granted for the construction of the building in late May 1940, construction costs were estimated to be £800. The construction materials were listed as cypress pine rusticated weatherboards for the walls; fibro cement for the gables and parapets; and a roof of corrugated fibro-cement.²⁶ *Construction* noted the approval of the Scout Hall in their issue of 12 June, 1940.²⁷

Council donated the building application fee back to the Scouts following their submission that the building was of 'such simple structure' and that they were part of a:

'public-spirited cause of national importance and of central benefit to the youth of the Municipality.'²⁸

The Scouts obtained approval from the Chief Secretary's Department for the erection and subsequent licensing of the 'Scout Hall and Sea Scouts' Quarters' at Lyne Park in June 1940.²⁹

²⁶ Woollahra Council Ordinary Meeting, Minutes 27 May, 1940 pp. 313-4.

²⁷ 'Building and Works Approved,' *Construction*, 12 June, 1940, p.17.

²⁸ Woollahra Council Ordinary Meeting Minutes, 24 June 1940, p.378.

²⁹ *Ibid*, 24 June 1940, p. 387.

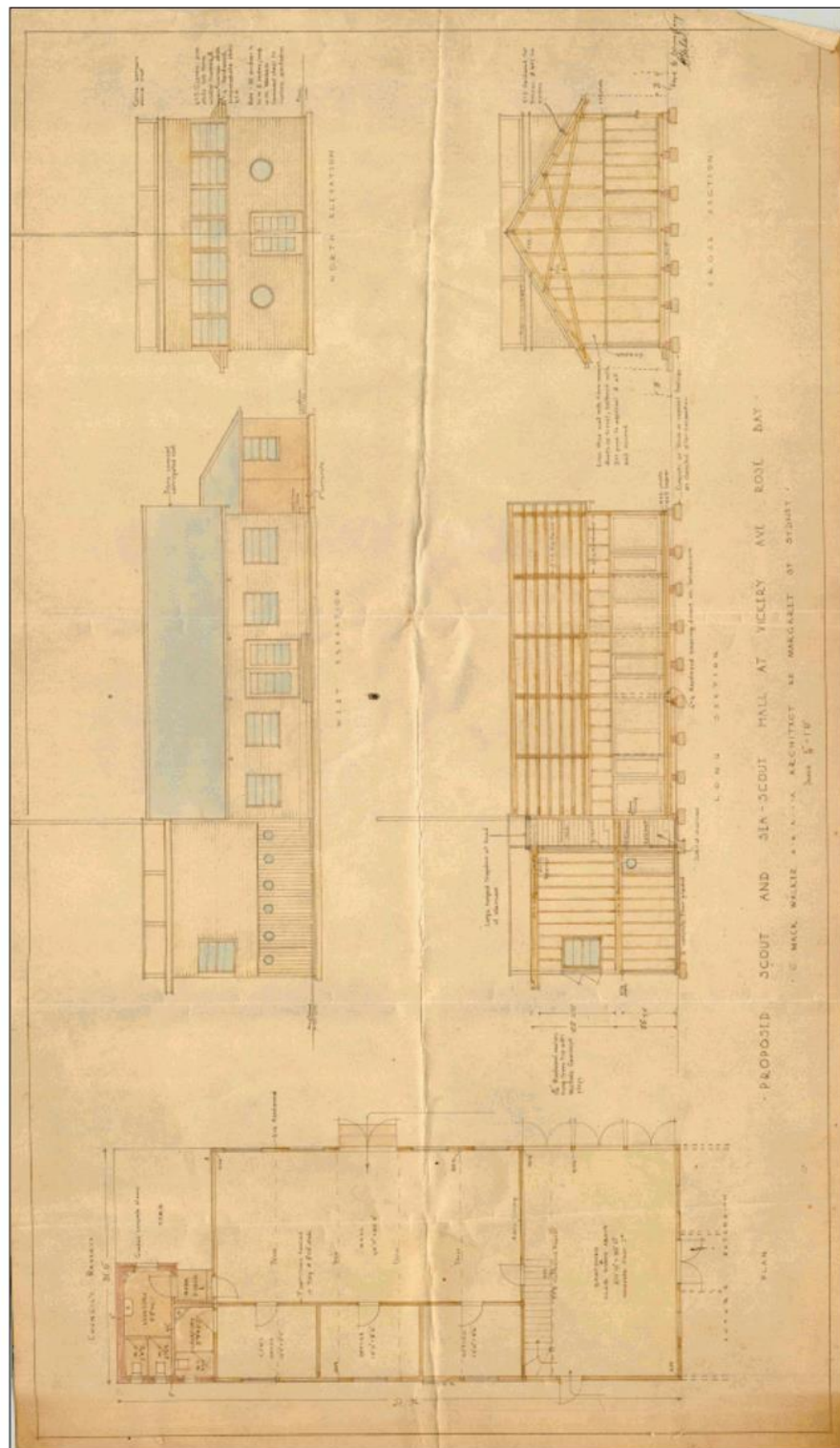


Figure 2: C. Mack Walker, *Proposed Scout and Sea Scout Hall at Vickery Avenue, 1940*.
Woollahra Council, 40/94.

2.4.2 The Scouts

The Rose Bay Scouts and Sea Scouts were part of a world-wide movement. The movement has its origins in a camp held by Lieutenant-General Robert Baden-Powell on Brownsea Island, England, in 1907, which was followed by the publication of his book *Scouting for Boys*. From 1908, young boys and girls formed themselves into 'patrols' and sought out adults to guide them. Baden Powell set up an office to assist the fledgling Scouts. The movement spread throughout the British Empire. The Girl Guides were formed in 1910 under the auspices of Baden-Powell's sister, Agnes Baden-Powell. The Sea Scout Branch were formed in 1910; the Wolf Cub section followed in 1916; the Rover Scouts in 1918; the Deep Sea Scouts in 1928; the Air Scouts in 1941; and the Senior Scouts in 1946. By 1937, 2,500,000 Scouts from nearly 50 countries were affiliated with the International Scouting Bureau. General Sir Robert Baden-Powell (as he later became known) was proclaimed World Chief Scout at the first Jamboree at Olympia in 1920. He travelled widely, visiting Australia three times: in 1912, 1931 and 1934-4.³⁰

The Scouting movement reached Australia in 1908. What are now the 1st Woollahra/ Paddington Scouts lay claim to being the oldest Scout group in Australia (1908). By 1911, troops had been formed in Edgecliff, Watsons Bay and Woollahra.³¹

2.4.3 The Architect: Charles Mack Walker

Little is known about the architect Charles Mack Walker. The first newspaper references to works designed/supervised by 'C. Mack Walker' date from June 1918.³² For a short period, he was in partnership with two architects who went on to attain great eminence, Donald Esplin and Stuart Mould (c.1918- October, 1920). The partnership was known as Esplin, Mould and Mack Walker.³³ Figure 3 reproduces a brief biography about the architect from *Decoration and Glass*.

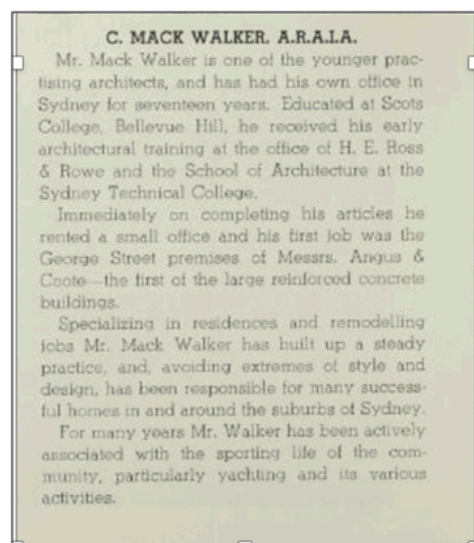


Figure 3:
C. Mack Walker, A.R.A.I.A.
Decoration and Glass, 1 April, 1937.

³⁰ 'History of Scouting,' <https://www.nsw.Scouts.com.au/about/about-us/history-of-Scouting/>

³¹ 'The Boy Scout Gazette,' *Sunday Times*, 12 March, 1911, p.17.

³² 'Sydney City Council Applications,' *Construction and Local Government Journal*, 17 June, 1918, p.1.

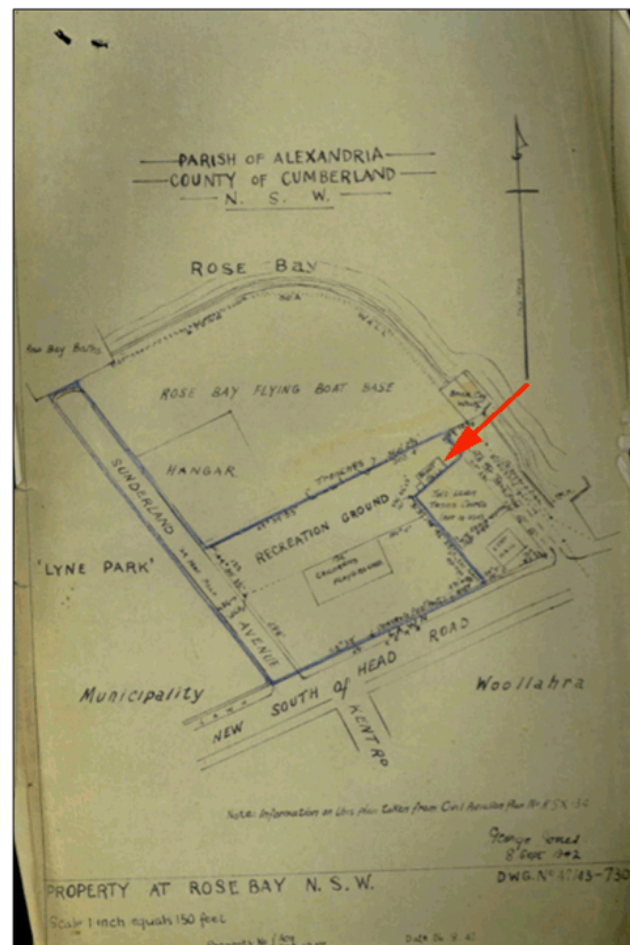
³³ 'Notice is hereby given...', *Government Gazette of the State of New South Wales*, 2 October, 1920, p.6264.

No other examples of Mack Walker's work have been identified. Whilst he regularly advertised for tenders in newspapers until at least the mid 1940s, mostly for domestic work, no site addresses are given, making the buildings difficult to identify.

2.5 Expansion of the Rose Bay Flying Boat Base

2.5.1 The Hall is 'Impressed' by the RAAF

By mid 1942, the Director General of Civil Aviation informed Council that there was 'considerable difficulty' being experienced at the Rose Bay Flying Boat Base because of 'congestion resulting from activities vitally connected with the war effort.' The Department were desirous of extending the existing base area south to the New South Head Road as a temporary war measure. The area taken up by the lawn tennis courts and the Scout Hall was initially excluded.³⁴ Refer to Figure 4. This plan clearly shows that the Scout Hall was still in Scout occupation.



**Figure 4: Property at Rose Bay, NSW, September, 1942.
The arrow marks the Scout Hall.**

National Archives of Australia, Rose Bay-Flying Boat Base (Box 20).

³⁴ Woollahra Council Ordinary Meeting Minutes, 27 July, 1942, p.266.

By late 1942, however the Scout Hall had become part of the Rose Bay Flying Boat Base. On 16 October, 1942, the Hall was 'impressed' by the Assistant Director of Hirings 'for and on behalf of the Royal Australian Air Force.' (RAAF). The RAAF paid a hiring rental for the hall.³⁵

During the early years of World War II, the Flying Boat Base was greatly expanded to become a busy rear and overhaul base. A second large hangar was built, as well as a range of small buildings, including workshops, stores, amenities and garages, mostly along the Vickery Avenue side of the area. Sutherland Avenue was completed, as well as the concrete tarmac to the hangar and across to Vickery Avenue.³⁶ The concrete apron was extended to New South Head Road so that, in 1944 and 1945, the area was frequently packed with flying boats and seaplanes of many types in military configuration. Among these were Qantas planes pressed into military service.

Several photographs of the Scout Hall during the years it was used by the RAAF have been located. Past histories have suggested that the Scout Hall was used as the RAAF Officers' Canteen.³⁷ This has not been verified.³⁸

Figures 5 to 8 illustrate the Scout Hall within its war time setting. The later photographs show unidentified sheds to the rear of the hall and a large building to one side.

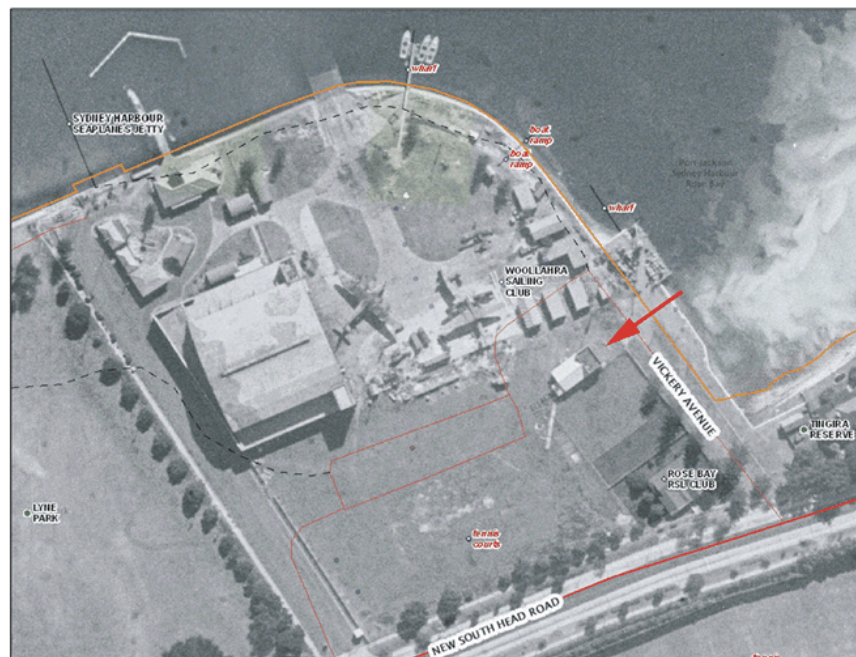


Figure 5: Aerial photograph over the site in 1943.
Supplied by Woollahra Council (original source SIX Maps).

³⁵ Woollahra Council Ordinary Meeting Minutes, 13 December, 1943, p.438.

³⁶ David Sheedy, *A Brief History of the Rose Bay Flying Boat Base and Its Buildings*. Unpublished typed manuscript dated February 2011. Woollahra Local Studies Collection, Woollahra Library.

³⁷ From information provided by Woollahra Council in the brief for this project.

³⁸ The National Archives hold boxes of records relating to the Flying Boat Base at repositories in Sydney, Canberra and Melbourne.

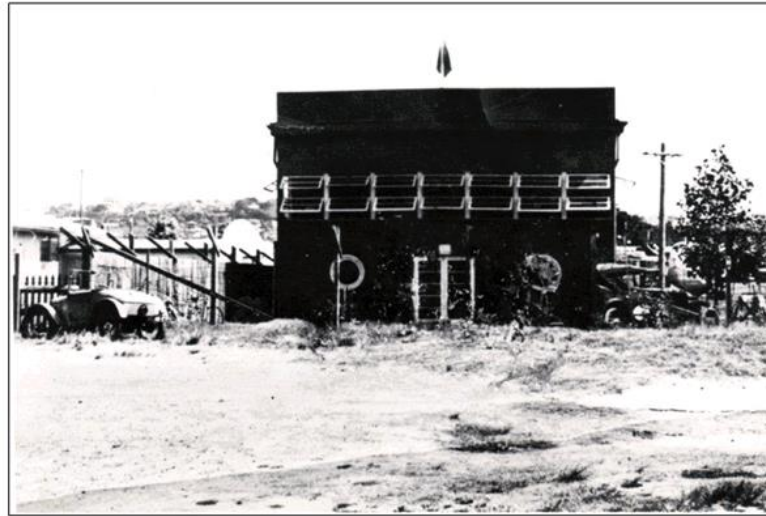


Figure 6: The Building, c.1945. Note the dark stain or paint.

Copy provided by Stirling Smith, Heritage, Community Engagement, Department of Premier and Cabinet.



Figure 7: Rose Bay Flying Boat Base, c.1940s. This photograph shows the side and rear of the Scout Hall. Note the extensive concrete apron surrounding the building.

Copy provided by Stirling Smith, Heritage, Community Engagement, Department of Premier and Cabinet.



Figure 8: Milton Kent, Aerial Views Over Camellia, Mascot, Rose Bay, Zetland, 194-.
State Library of NSW.

2.5.2 The Rose Bay Flying Boat Base After the War

Following World War II, returning Prisoners of War were flown in to Australia via the Rose Bay Flying Boat Base to huge receptions. The Base reverted to civilian use. Most of the buildings were sold and demolished. Several structures, including the original terminal (later expanded) and hangar were retained.³⁹ In 1946, 2.7ha was dedicated as a war memorial. It is on this site that the Rose Bay RSL now stands.

After World War II several companies tried to break into the flying boat business running charters and regular flights from the Rose Bay Flying Boat Base to the Pacific Islands. With the rapid advances in land base planes using Mascot Airport, the London service was no longer required. The flying boats out of the Rose Bay Flying Boat Base serviced New Zealand, Fiji and the other Pacific Islands. Qantas came back into the flying boat service in December 1947, establishing services to Lord Howe Island.

The last Qantas flight from the Rose Bay Flying Boat Base occurred on 1 June, 1955 when a Catalina Flying Boat departed for Port Moresby. By the end of the 1950s, the heyday of the flying boats were over and the only regular service was Ansett's service to Lord Howe Island.

The Commonwealth 'de-hired' the southern portion of the Rose Bay Flying Boat Base in 1957. The Base was further reduced in 1959 when an area was proclaimed a public reserve by the Department of Lands. The authority was given to Council to grant a license to the Woollahra Sailing Club to occupy part of the former Flying Boat Base. Their clubhouse lies north of the Scout Hall.⁴⁰

The last commercial flight from the Rose Bay Flying Boat Base took off on 10 September, 1974 bound for Lord Howe Island. In preceding years, the Commonwealth Government had been concerned about maintaining the Rose Bay Flying Boat Base, whilst Ansett were concerned about the cost of maintaining their flying boats, which only had restricted usage. A runway was built at Lord Howe Island, opening in 1974, negating the need for the flying boat service. In 1974, the Rose Bay Flying Boat Base closed and the facilities were gradually removed.

As set out below, the Scout Hall did not play a role in the Post World War II use of the Rose Bay Flying Boat Base.

³⁹ John Fisher, *Lynne Park, Rose Bay: A Report to the Minister for Lands and Forests on the Future Use of Lynne Park and the Rose Bay Flying Base*, 1974.

⁴⁰ *Ibid.*

2.6 The Scout Hall After Post World War II

At the end of 1946, the Scout Hall was returned to the Scout Association. In 1947, the Scouts reported to Council that

‘...the Scouting activities are now in full swing.’⁴¹

Access to the Scout Hall was improved in 1949 when Vickery Avenue was properly formed:

‘...the existing track was made out of refuse metal given the council from tram tracks repaired in New South Head Road, such metal being laid on the natural surface of the ground...It is now asked that a properly constructed carriageway, path and kerb and gutter be constructed...’⁴²



Figure 9: Aerial photograph over Rose Bay, 1951.

Flicker

The Scout Hall appears to have been regularly used by other groups, including the Girl Guides and Brownies.⁴³ In 1954, the Annual Woollahra Children's Art Exhibition was held in the Hall.⁴⁴ Figure 9 above provides an aerial photograph from this period, showing the character of the immediate setting of the Scout Hall.

The Scouts applied for assistance from Council a number of occasions in the 1960s and 1970s to maintain what continued to be a very actively used community hall:

‘During January 1966, the Woollahra Council kindly allocated a sum of £600, in the form of a subsidy, to 1st Rose Bay Scout Group, to assist us to finance major repairs and maintenance on the Hall.

⁴¹ Woollahra Council Ordinary Meeting Minutes, 13 October, 1947, p. 391.

⁴² *Ibid*, June, 1949, p.332.

⁴³ ‘Life of Sydney,’ *Daily Telegraph*, 5 November, 1949, p.10.

⁴⁴ Woollahra Council Ordinary Meeting Minutes, 23 August, 1954, p.591.

Now, six years later, our Committee finds that once again we have need of your assistance, owing to the great strain placed on our finances by the very high costs of general maintenance in the Hall.

During the last six years, our Scout Hall has been in constant use, in fact each week night it is occupied by either Scouts or guides, as well as the many week-end activities which are held, in the process of training our young people.

We are anxious to maintain our Hall in the best possible condition, but do not wish to sacrifice the training of our boys, to cover our repair costs....

We appreciate the Annual Allocations made by Council to various youth organisations, and hope that this year we could be given special consideration.⁴⁵

During the 1960s, the Scouts sought to enlarge their site and construct a new activities centre. The Scouts obtained a lease from the Department of Lands for a larger site. The centre was intended to house the Headquarters for the East Metropolitan Area Scout Association and facilities to allow boys to be trained as Scouts and in the safe use of the water ways. The site included a launching ramp which was to be shared with Cranbrook School and the Woollahra Sailing Club.⁴⁶ Council Minutes describe the proposal as follows:

‘The Site:

Comprises one allotment located on the western side of Vickery Avenue between an existing Scout Hall and the Woollahra Sailing Club premises. The property forms part of land owned by the Crown and is of irregular shape, presently divided into two parts by a 10 foot steel mesh fence. The portion of the site on the northern side of the fence is largely unbuilt upon with a small amended structure located on the north corner which is presently used for the housing of small boats. The remainder of the site to the south of the fence was previously used as a private access road between Vickery Avenue and the Flying Boat Base. Apart from the small boat shed, the whole of the site is unbuilt upon and no rear access is provided.

Surrounding development comprises a number of public and semi-public uses, the Rose Bay Tennis Club being located to the south west, the Sea Scouts immediately to the south and the Woollahra Sailing Club to the north. Immediately west of the site is the site is a large open paved area and the Flying Boat Base.

The site has a frontage to Vickery Avenue of thirty-four feet and a total area of 4,562 square feet....

The Proposal:

Is to erect a two storey structure to be used by the Sea Scouts. The building is to occupy the majority of the site and there is a small unbuilt upon area on the eastern and western boundaries of the structure. The ground floor area is to be used for an amenities area, storage for boats and an activities area whilst the first floor area is to be used for the purposes of a general hall and office. No parking will be provided on the site and no rear access is available....

⁴⁵ Woollahra Council Ordinary Council Meeting Minutes, Finance Committee 6 March, 1972, p.578.

⁴⁶ Woollahra Council Ordinary Council Meeting Minutes, 11 December, 1972, p.3460.

The external materials of the building are to be brick to first floor level and timber above....⁴⁷

The proposal was ultimately refused by Council on the grounds that it was not consistent with the use of a foreshore reservation and that the design was unsatisfactory.

The Scout Hall continues to be used for a mixture of Scouting and community activities.

The Scouts were approached for information about the hall and who has used it without success.

3.0 SITE ASSESSMENT

3.1 The Site

The site, for the purposes of this assessment, is the rectangular site defined by a high metal pole in mesh fence. Gates open onto Vickery Avenue to the north-east. As demonstrated by Figure 10, the building is set close to its south-eastern boundary and has a deep setback from Vickery Avenue. There is lawn to the front and rear of the building. The north half of the site is covered in concrete. There is a large gum tree in the front of the building and a second on its north-western side. The trees visible in Figure 10 along the south-eastern and north-western boundaries lie outside of the fence line. Refer to Figures 11 and 12 and to the photographs in the following section.



Figure 10: Aerial photograph over the site.
SIXMaps; annotations by WP Heritage.

⁴⁷ Building and Health Committee, 20.11.72 cited in Woollahra Council Ordinary Meeting Minutes 1972, pp. 3343-6.



Figure 11:
Concrete over
the north-
eastern side of
the site. Note
the stone wall
beneath the
fence. The
nature strip is
slightly higher
than the site.



Figure 12:
Looking south-east across
the front of the site.

3.2 The Building

3.2.1 Exterior

The Scout Hall is a free standing, one and two storey timber framed and weatherboard clad structure. There is an attached single storey brick amenities block to the rear. The building can be divided into three sections, each described below.

Two Storey Section

The two storey section comprises the north-eastern most end of the building. This section of the building is timber framed and clad in painted profiled timber weatherboards. The roof over this part of the building is a skillion roof clad in metal sheet. This part of the building appears to have been constructed on a brick edged concrete slab.

The principal elevation is the north-eastern elevation. There are three openings at ground floor level. There is a large opening in the centre fitted with a pair of single

panel timber doors. To either side, there is a large single porthole window fitted with 'wired' glass. A band of windows runs across the elevation at first floor window. These windows are awning sash timber framed windows; most sashes have a horizontal glazing bar. The eaves' overhang is wide and lined. Refer to Figures 13 and 14.



Figure 13: Front (north-eastern) elevation.



Figure 14:
Detail of one of the porthole
windows.

There are three large openings at ground floor level of the north-western elevation, arranged in a continuous band. Each is fitted with a pair of ledged and braced timber doors. Originally, each door had a porthole window. Only four doors retain this element. The opening in the other doors is boarded over. There is one opening at first

floor level, set at the north end. This opening is fitted with a timber framed window to match the first floor windows in the north-eastern elevation. Refer to Figures 15.



Figure 15: North-western elevation of the two storey section.

There are two openings in the south-eastern elevation at ground floor level. The door at ground floor level has a single panel door. The opening at first floor level (presumably one matching the window at this level in the north-western elevation) has been boarded over. Refer to Figures 16 and 17.



**Figure 16:
South-eastern elevation of the
two storey section.**



Figure 17:
Brick
threshold
ground
floor door.

The south-western elevation, where it stands clear of the single storey section of the building is blind.

Single Storey Section

There is a single storey section to the rear of the two storey section. This section of the building is timber framed and clad in profiled timber weatherboards. It appears to have a timber floor structure. This section has a pitched roof clad in corrugated metal sheet. The eaves are lined; there are widely spaced exposed timber rafters.

There are five openings in the north-western elevation. The central opening is larger and is fitted with a pair of timber and glazed doors. Concrete steps and a ramp running parallel to the building lead up to the door. There are two windows to either side of the door, each fitted with timber framed windows with two sashes; each sash has a horizontal glazing bar. Refer to Figures 18 and 19.



Figure 18:
North-
western
elevation of
the single
storey
section.



Figure 19:
Detail of the
awning
sash
windows.

There are three windows in the south-eastern elevation of this section of the building. Unlike the windows in the north-western elevation, the windows have a horizontal proportion and are aluminium framed windows with modern security grills. Refer to Figures 20 and 21.



Figure 20:
South-eastern elevation,
looking towards the rear.



Figure 21:
Detail of an
aluminium
framed
window.

The south-western elevation, where it stands clear of the brick amenities block is blind with the exception of a small vent hole set in the gable. Refer to Figure 22.



Figure 22:
South-
western
elevation.

Brick Amenities Block

The brick amenities block is single storey in height and constructed on a concrete base. It has a hipped roof clad in corrugated metal. It is attached to the south-western elevation of the single storey section described above.

A concrete ramp leads up to an opening in the north-western elevation. This opening is protected by a metal roof attached to the south-western wall of the single storey weatherboard section described above on one side and a metal pole on the other. The opening is fitted with a single panel timber door.

The south-western elevation of this building is blind except for small terracotta vents set high in the wall. Refer to Figure 22 above.

3.2.2 Interior

Two Storey Section

Ground Floor

Access was only provided to part of this section of the building. Those areas inspected have concrete floors (large aggregate) and no ceilings, exposing the floor structure above. Most of the walls appear to be set below joist height. Some of the walls are lined with timber panelling (two different types) or plaster board (or equivalent). As illustrated by the following photographs, door types vary. Refer to Figures 23 to 28.



Figure 23:
Concrete
floor and
vertical
timber
panelling.



Figure 24:
Floor joists
and
flooring
(looking up
to the first
floor).



Figure 25: Vertical timber panelling and plasterboard (?); single panel door.



Figure 26: Horizontal timber panelling.



Figure 27: Unclad section of wall showing construction.



Figure 28: Panelled timber door. This is the only older style door within this part of the building at ground floor level.

First Floor

An enclosed ladder-staircase leads to the first floor. The walls are part lined and part exposed. There are three different lining materials: two different types of timber wall panelling and fibre-cement sheets (or equivalent) with cover strips. Refer to Figures 29 and 30.



Figure 29: Ladder-staircase.



Figure 30: Lining to the above space.

There are two rooms at first level lined with vertical timber boarding to the lower part with fibre-cement board (or plasterboard) with cover strips to the upper part. There are no ceilings, exposing the original timber rafters and boarding above. A steep ladder stair, which once led to the roof top deck, remains within a walled off enclosure. There is currently no access to the roof. Refer to Figures 31 to 37.

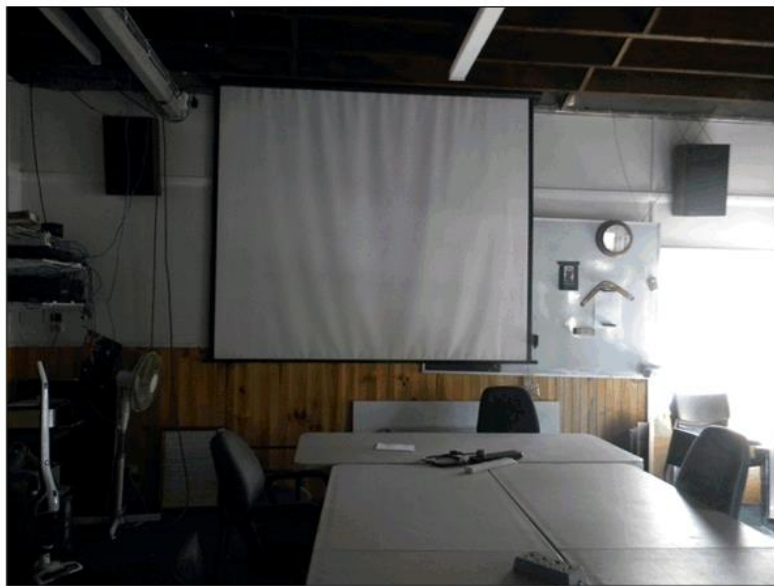


Figure 31: First floor, with vertical timber panelling and plasterboard/fibro-lined walls with cover strips. There is no ceiling, exposing the roof above.



Figure 32:
Partition wall, which
does not reach to the
ceiling.

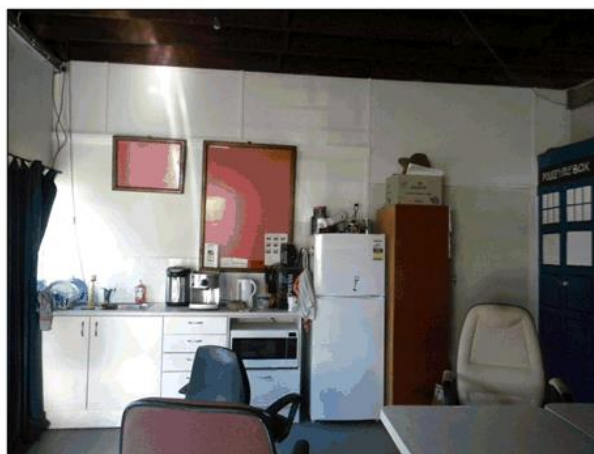


Figure 33:
Modern kitchen fit-out.



Figure 34:
Exposed rafters.

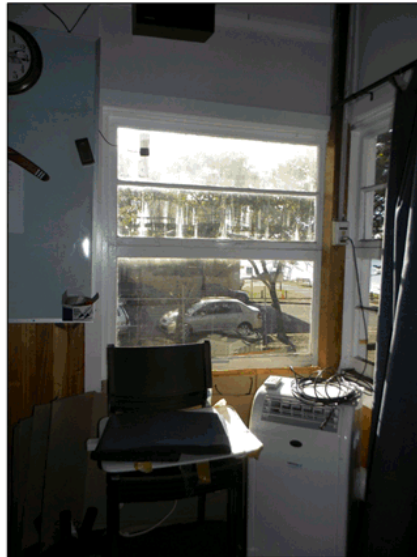


Figure 35: Detail of window in the front elevation.

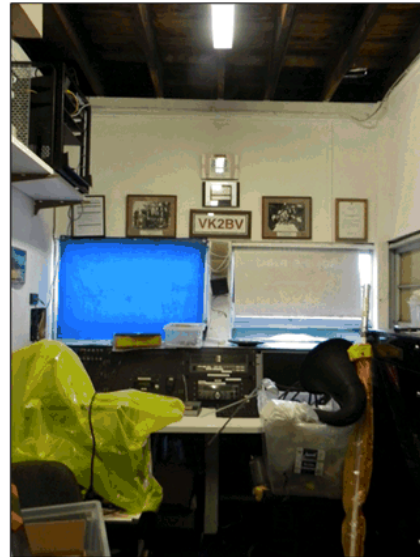


Figure 36: The smaller room on the south-western side.



Figure 37:
Ladder going up to the roof, now blocked off.

Single Storey Section

Concrete stairs step up from the ground floor of the two storey section into the single storey section. This part of the building has a timber floor. The majority of this part of the building houses a large hall. The walls of the hall are lined with timber panelling to the lower part and fibre-cement sheet (or equivalent) with cover battens to the upper part. The roof trusses are exposed. The underside of the roof is partially lined in timber sheets.

A room has been portioned off on the south-western side (modern partition) and fitted out as a kitchen. Refer to Figures 38 to 42.



Figure 38:
Hall, looking north-east.

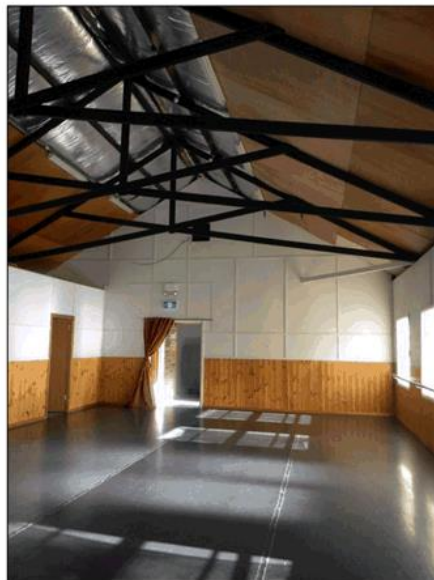


Figure 39: Hall looking towards the amenities block to the rear.



Figure 40: Partition for kitchen on the south-western side.



Figure 41:
Kitchen.

Amenities Block

The floor is tiled. The walls are rendered and painted. The fittings are mixed in date. Refer to Figures 42 to 44.



Figure 42: Modern basin and tiling in bathroom.

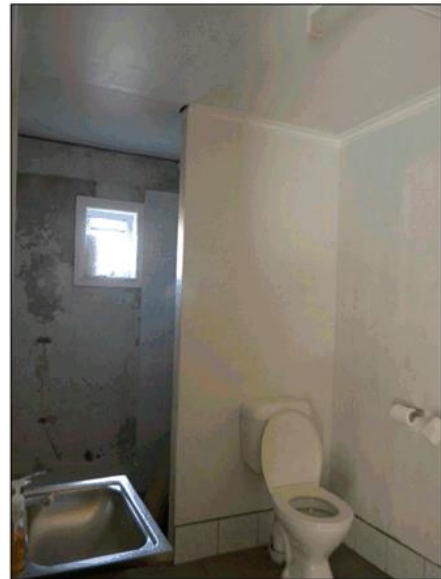


Figure 43: Modern fixtures.



Figure 44:
Single panel door into the amenities.

3.3 The Setting

For the following, refer to Figure 45, an aerial photograph over the site and the surrounding area.



Figure 45: The site in its setting.
SIX Maps; annotations by WP Heritage.

The site is located within a bend of Vickery Avenue. Vickery Avenue lies to the north-east, north-west and south-west of the site.

To the north-east of the site, directly outside of the site lies a grass nature strip planted with a line of mature trees. On the opposite side of Vickery Avenue in this direction lies the long, two storey, flat roofed form, of the Cranbrook School boat house.

The nature strip and tree line continue around the north-western side of the site. On the opposite side of Vickery Avenue in this direction lies the large two storey brick form of the Woollahra Sailing Club. This building blocks views towards Rose Bay in this direction.

Directly outside of the south-western boundary, there is a wide grass verge. There is little planting in this area. Continuing in this direction, there is a large carpark, to one side of which lie tennis courts and to the other, Lyne Park.

To the south-west of the site lies Rose Bay RSL. A carpark separates the Scout Hall from the main club building. Refer to Figures 46 to 49.



Figure 46:
Cranbrook Boat Shed
to the north-east of
the site.



Figure 47:
Woollahra Sailing
Club to the north-west
of the site.



Figure 48:
Carpark to the south-west.



Figure 49:
Looking south-west
along Vickery Avenue
with the RSL building
on the right hand side
and the boat shed on
the left.

4.0 ASSESSMENT OF SIGNIFICANCE

4.1 Summary of Existing Statutory Heritage Listings for the Site

4.1.1 Commonwealth Listings

The Rose Bay Scout Hall is not listed on the Commonwealth or National Heritage Lists under the auspices of the *Environment Protection and Biodiversity Conservation Act 1999*.

4.1.2 State Listings

The Rose Bay Scout Hall is not listed on the State Heritage Register under the auspices of the *NSW Heritage Act 1977*.

4.1.3 Local Listings

The Rose Bay Scout Hall is:

- Not listed as a heritage item by Schedule 5 Part 1 of the *Woollahra LEP 2014*.
- Is not located within a Heritage Conservation Area as defined by Schedule 5 Part 2 of the *Woollahra LEP 2014*.

4.3 View Corridors

The principal view corridors towards the site are obtained from directly outside of it from the north-east. These are view corridors towards the front elevation. On approach from the south-east, along Vickery Avenue or within the park, there are angled views towards the building. How much of the building is visible depends on the distance and angle of viewing. Refer to Figures 50 to 52.



Figure 50:
Principal view
corridor towards
the site from
directly outside of
it on Vickery
Avenue.



Figure 51:
On approach along
Vickery Avenue
from the south
east. The Scout
Hall is not readily
visible at this
angle.



Figure 52:
On approach from
the south-east at a
wider angle than
Figure 51 above.

The building is visible on approach from the north-east. Refer to Figure 53. The view is of the northern corner of the building.

The north-western elevation of the building is visible through the trees that line the boundary fence from Vickery Avenue to the north west when standing in Vickery Avenue. Distant views from this direction are blocked by the Sailing Club building. Refer to Figures 54 and 55.

The rear of the building is visible from some distance on approach from the west and north west because of the carpark and park that lie in these directions. Refer to Figure 56.



Figure 53:
On approach from
the north-east.



Figure 54:
View from the
north-west.



Figure 55:
View of the north-
western elevation
from Vickery
Avenue.



Figure 56:
View towards the
Hall from the west.

The principal view corridors out of the site when the hall was built were to the east and north-east. The Cranbrook School boat shed blocks the view to the east. There remains a slot view to the north-north-west towards Rose Bay.

4.4 Integrity

The boundaries of the lease have altered over time. The existing fencing is not significant. The concrete paving also appears recent in date.

The footprint of the building has not been altered since it was constructed in 1940. Externally, the building is substantially intact. The following alterations are noted:

- A balustrade once ran around the top of the two storey section, where there was a viewing platform and flag pole (refer to Figures 2 and 6). The removal of this element is the most significant alteration made to the exterior of the building.
- The front doors, visible in the original plans (Figure 2) and the 1940s photograph (Figure 6) have been replaced with solid timber doors. The door in the south-western elevation is also likely to be a later replacement.
- The porthole elements in some of the doors in the north-western elevation have been blocked in.
- Windows in the south-eastern elevation of the single storey section have been replaced with aluminium framed windows.
- The window in the south-western of the two storey section is currently boarded up.
- Whilst most of the weatherboards appear original, there have been repairs of varying professionalism over time. Refer to Figure 57.
- The roof sheeting has been replaced.

The interior layout of the building has been altered over time. The front section has been partitioned for storage. When this first occurred is not clear. The layout of the hall to the rear, with rooms to one side, is intact. The three rooms, however, have become one room.

If and how the first floor layout has altered over time is not known as there are no original plans for this level available.

The interior fabric is mixed in date. The timber vertical panelling and the ceiling lining in the ground floor hall is Post World War II. The fibre-cement sheeting to the walls with cover battens is likely to be original.



Figure 57:
Repair where a
lower
weatherboard
has rotted out.

The setting of the site has changed over time. Shortly after the hall was constructed it became part of an RAAF Base. During World War II it was one of numerous structures of varying sizes and construction materials on the base. These were

progressively removed following World War II. The buildings and carparks that now form the immediate setting of the building all date from c.1970s and later.


4.4 Comparative Analysis




4.5.1 Scout Halls

There are around twenty-five sites listed on the State Heritage Inventory that are related to the Scouts. These include buildings that were purpose built for the Scouts and existing buildings that were 'adopted' by the Scouts. One Scout Hall is listed on the State Heritage Register, being The Barn, at Mosman. This building was not a purpose built Scout Hall and is primarily listed not for its association with the Scouts, but because it is thought to be Sydney's only remaining maritime industrial building from the early colonial period. The examples in Table 1 focus on buildings that were purpose- built for the Scouts and which were built during the period 1919-1942.

Most of the listed Scout Halls in New South Wales are relatively small, single storey gabled roof buildings of brick, corrugated iron and or weatherboard. Few appear to have been architect designed. A few are larger buildings with architectural pretensions, such as the memorial headquarters and Scout Hall erected in Dulwich Hall in 1921-3 and the Scout Hall, erected in Orange in 1934 (see table 1 below). When compared against listed examples, the Rose Bay Scout Hall is a relatively large example and a rare example of a two storey or part two storey Scout Hall. It is also a Scout Hall that has clearly be designed to reflect its maritime surrounds, most notably through the use of porthole windows and the provision of a viewing platform.

All the examples in Table 1 are listed on local environmental plans.

Item/Date	Address	Reasons For Listing	Photograph
Baden Powell Scout Centre c.1929 and later	No. 19 Orchard Street, Pennant Hills	High significance to the Scouting movement as long established camp. Significant paths, buildings, bushland.	 <p>Google Images.</p> <p>Stone and timber buildings, some dating from the 1930s.</p>

Item/Date	Address	Reasons For Listing	Photograph
Memorial Boy Scout Headquarters c.1921-23	No. 31-33 Lewisham Street, Dulwich Hill	Historic, aesthetic, social reasons.	 <p>SHI</p> <p>Substantial two storey building, one of the grandest Scout halls in Sydney. Architect: A.B Polin, honorary architect to Boys Scout Association (<i>Sydney Mail</i>, 27 July, 1921 p.29).</p>
Hurstville Scout Hall c.1922	116 Durham Street, Hurstville.	First Scout hall in area and one of oldest in state. Limited aesthetic significance; listed for its association with an important local group. Representative of purpose-built Scout halls.	 <p>Google Maps.</p> <p>Simple gabled roof brick building.</p>
Scout Hall, Orange c.1934.	No. 94 Scout Street, Orange.	For association with Scouts; aesthetic significance.	 <p>SHI Listing Sheet.</p>

Item/Date	Address	Reasons For Listing	Photograph
Scout Hut, Rydalmere Post 1943.	No. 6 Vineyard Street, Rydalmere	Historic and social. Unusually intact example of a simple, unmodified, Scout Hall.	 SHI Listing Sheet.

Table 1: Examples of Heritage Listed Scout Halls in NSW.

There is one other Scouting facility listed by the *Woollahra LEP 2014*, being the former Watsons Bay Public School, a Victorian period building first used as a Scout hall in 1928. This building was not purpose built as a Scout hall and is no longer used as such.

The 1st Woollahra/Paddington Scouts meet at No. 83 Paddington Street, in a finely detailed two storey brick corner building. Refer to Figure 58. This building was also purpose built for the Scouts as a hall and gymnasium and opened in 1926. It was designed by the honorary architect, Mr. Alan Jones. It is a different type and style of building to the Rose Bay Scout Hall.⁴⁸ Unlike the Rose Bay Scout Hall it had a grand opening, by the Governor General, to which a large crowd attended. This building is located in a Conservation Area but is not individually heritage listed.






Figure 58: 1st Woollahra/Paddington Scout Hall, 1926.
Google Maps.

⁴⁸ 'Scout Hall opened by the Governor General,' *The Sydney Morning Herald*, 26 April, 1926, p.10.

4.5.2 Buildings Associated with World War II Airbases

Rose Bay was one of a group of airbases for seaplanes established or expanded in Australia during World War II. Rathmines, NSW; Crawley, West Australia; and Darwin, N.T. all had seaplane bases. There were also numerous land based World War II airdromes including Darwin, N.T; Evans Head, NSW; and Townsville, QLD. There are surviving World War II era buildings at all of these examples, many of which were purpose built for the RAAF, unlike the subject building which was requisitioned. Table 2 identifies some of these examples.

Item/Date	Address	Reasons For Listing	Photograph
State Listed Rathmines Park, former RAAF Seaplane Base	Lake Macquarie	For its pivotal role in the defence of Australia during WWII. Largest seaplane base in the southern hemisphere and longest serving during the war effort. Of the more than 230 structures, 10 remain (as of 1997).	 SHI
LEP Listing. Christadelphian School	No. 2 Stilling Street, Rathmines	RAAF Rathmines Base Workshops.	 SHI.
LEP Listing. Rathmines Holiday Camp	No. 3 Stilling Street, Rathmines	Former RAAF Rathmines Base Sergeants' Mess. Possibly moved from original location .	 SHI.


Item/Date	Address	Reasons For Listing	Photograph
LEP Listing. Evans Head Scout Hall, former c.WWII.	No. 22 Mangrove Street, Evans Head.	For association with the state listed WWII aerodrome, formerly the radio hut. Typical of buildings erected on the aerodrome during WWII. Later moved to this location from the Aerodrome (which is state listed).	 <p>Google images.</p> <p>Simple weatherboard clad building. Built by the military and later used by the Scouts.</p>
LEP Listing. Bankstown Aerodrome	345 Marion Street, Georges Hall	World War II airbase; important centre of aircraft manufacture and assembly. Retains several World War II buildings, including Bellman hangars and timber headquarter's building. Still operational.	No photograph of WWII buildings available.
LEP Listing. Narrow-mine Aerodrome and RAAF Base	Mitchell Highway, Narromine	Association with WWII, information of RAAF and training. Local significance as place of air shows and celebrations. Some surviving World War II structures.	No photograph of WWII buildings available.

Table 1: Examples of Heritage Listed RAAF Buildings in NSW.

It is noted that the only other above ground evidence of the Rose Bay Flying Boat Base that appears to survive is a kerb side sign off New South Head Road, which is partially concealed. Refer to Figure 59.



Figure 59:
Sign in the kerb
on New South
Head Road
reading 'To Air
Port.'
Google Maps.

4.6 Significance

The Scout Hall, Rose Bay is assessed for heritage significance under the following criterion of the New South Wales Heritage Office, now Heritage NSW, to determine if it meets the threshold for listing as a heritage item on the *Woollahra LEP 2014* or the State Heritage Register. The Guidelines for Inclusion/Exclusion are as provided by *Assessing Heritage Significance, NSW Heritage Manual Update*.

In order to be listed at a local level, a site must fulfil at least one of the following criteria. To be assessed for listing on the State Heritage Register an item will, in the opinion of the Heritage Council of NSW, meet more than one of the following criteria or if an item satisfies only one of the criteria, the item is of such particular significance that it should be listed.

4.6.1 Criterion (a)

An item is important in the course, or pattern, of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

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

The Rose Bay Scout Hall, Rose Bay has historic significance at a local level as a purpose built Scout hall which, except for a four year period during World War II, has been occupied by Scouts since 1940. Other community groups have also used the hall over this period. It is one of two known Inter-War period purpose built Scout halls in the Woollahra area that are still in use. The other example is the 1st Woollahra/Paddington Scout Hall in Paddington, a brick building dated 1926.

The Rose Bay Scout Hall, Rose Bay may have State and National significance under this criterion for its association with the Rose Bay Flying Boat Base, established in the late 1930s as part of the Empire Air Scheme and, prior to the development of land based airports, one of Australia's most important air bases. The Rose Bay Flying

Boat Base played an important role in World War II and after, when returning Prisoners of War were welcomed by large crowds. It is noted that the building was not purpose built for the Flying Boat Base and was only part of it for a period of four years during World War II. It, however, appears to be, with the exception of a degraded kerb side sign at the entrance off New South Head Road, the only surviving above ground structure associated with the Flying Boat Base.

4.6.2 Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (or the cultural or natural history of the local area).

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> shows evidence of a significant human occupation 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events
<ul style="list-style-type: none"> is associated with a significant event, person, or group of persons 	<ul style="list-style-type: none"> provides evidence of people or events that are of dubious historical importance
<ul style="list-style-type: none"> maintains or shows continuity of a historical process or activity 	<ul style="list-style-type: none"> has been altered so that it can no longer provide evidence of a particular association

The Rose Bay Scout Hall, Rose Bay, has significance for its association with the Australian Scouting movement. It is part of a large group of sites used by the Scouts over a long period of time. While this is a nation-wide pattern, the significance of this site under this criterion is at a local level.

The architect who designed the hall has been identified as C. Mack-Walker. This architect does not appear to have been a particularly significant or influential architect. There are no known examples of his work listed on state or local heritage registers. This weatherboard building would likely have been a minor commission. The site does not meet the threshold for listing on the basis of this association.

The hall has significance for its association with the RAAF. For a period of four years during World War II, it formed part of the Flying Boat Base. It is the only above ground structure from this period of the Flying Boat Base's history that survives. This part of the hall's history requires further in-depth research.

4.6.3 Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of technical achievement in New South Wales (or the local area).

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

Rose Bay Scout Hall, Rose Bay has local significance under this criterion as an example of an Inter-War period Scout Hall. Unlike many Scout halls, the building was architecturally designed and is part two storey. The Rose Bay Scout Hall makes reference to its bayside setting in the use of porthole windows.

4.6.4 Criterion (d)

An item has strong or special association with a particular community or cultural group in New South Wales (or the local area) for social, cultural or spiritual reasons.

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

The social significance was not ascertained during the course of this assessment. It is likely that the Scout Hall has significance for Scouts (and Girl Guides and Brownies) past and present who have used it. This aspect of significance should be further investigated so as to distinguish attachment to the site as a Scouting location with it being important for the amenity it provides. Significance under this criterion will be at a local level.

The Scout Hall may also have significance for World War II veterans associated with the Rose Bay Flying Boat Base and their families.

4.6.5 Criterion (e)

An item has potential to yield information that will contribute to an understanding of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

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

An archaeological assessment has not been carried out. It is noted, however, that there is an archaeological assessment currently being carried out for the site of the Rose Bay Flying Boat Base. This site once formed part of this base.

The Rose Bay Scout Hall does not demonstrate unusual construction techniques and is not known to have been a reference site for other Scout halls. It does not meet the threshold for listing on this basis.

4.6.6 Criterion (f)

An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area)

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

The Rose Bay Scout Hall has significance under this criterion as the only substantial above ground structure to survive which is associated with the Rose Bay Flying Boat Base. It is difficult to determine if this level of significance is at a State or local level, given that it is not known what the building was used for during World War II. Unlike other State heritage listed examples, however, such as the buildings at Rathmines, this building was not purpose built for the RAAF.

The Rose Bay Scout Hall is one of numerous Scout halls from the Inter-War period to survive across New South Wales. Two storey examples are less common than their single storey counterparts.

4.6.7 Criterion (g)

An item is important in demonstrating the principal characteristics of a class of New South Wales (or a class of the local areas):

- Cultural or natural places; or
- Cultural or natural environments

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

Guidelines for Inclusion	Guidelines for Exclusion
<ul style="list-style-type: none"> is outstanding because of its integrity or the esteem in which it is held 	

The Rose Bay Scout Hall, Rose Bay is a fine example of a purpose built Inter-War period Scout hall that has, with the exception of four years during World War II, been continuously occupied by the Scouting movement. It demonstrates an association with its bay-side setting in the inclusion of porthole windows. The building meets the threshold for listing at a local level under this criterion.

Although not erected by the RAAF, the building is typical of the weatherboard structures associated with World War II aerodromes.

4.7 Statement of Significance

The Rose Bay Scout Hall, Rose Bay, has historic and aesthetic significance at a local level. The hall was designed by architect Charles Mack Walker and built in 1940 for the Rose Bay Scouts and Rose Bay Sea Scouts and, except for a brief period during World War II, it has been used by the Scouts (and other community groups) since this time. The hall is one of two known examples of buildings purpose-built for the Scouts in Woollahra during the Inter-War period. The building is a good example of a Scout hall that takes into consideration its setting, in this instance through the inclusion of porthole windows and a roof top deck from which to view Rose Bay. While the interior of the building has undergone some alteration, the exterior of the building is substantially 'as built.'

The Rose Bay Scout Hall has significance for its association, albeit brief, with the adjoining Rose Bay Flying Boat Base. Between October 1942 and the end of World War II, the building was used by the RAAF. The Rose Bay Flying Boat Base played an important service role during World War II and was the sight of huge receptions for returning Prisoners of War after World War II.

5.0 CONCLUSIONS

The Rose Bay Scout Hall was designed by Charles Mack Walker for the Rose Bay Scouts and Rose Bay Sea Scouts and erected in 1940. Except for a brief period during World War II, when it became part of the Rose Bay Flying Boat Base, it has been occupied by the Scouts and used for other community uses. It is a simple weatherboard building that has undergone alteration over time.

6.0 RECOMMENDATIONS

The Rose Bay Scout Hall, including interiors, Vickery Avenue, Rose Bay:

- Should be listed as a heritage item by Schedule 5 Part 1 of the *Woollahra LEP 2014*. It meets the threshold for listing under Heritage NSW criteria (a), (b), (c), (f) and (g).
- The hall should not be listed on the State Heritage Register as a solitary item at this point in time. The site may have State and National significance for its association with the Rose Bay Flying Boat Base, which played a significant role in air transport prior to World War II and in defence during World War II. It is the only surviving above ground structure associated with the Base. Significance, however, is diminished by the fact that the building was not built for the Flying Boat Base but was a pre-existing structure that was requisitioned for a four year period during World War II. There are other buildings that were purpose built during World War II for airbases surviving within New South Wales (notably at Rathmines, where a suite of buildings survives) and around Australia. Some of these buildings survive in groups and/or are capable of being read in conjunction with the airfield that they served. As the only above ground remnant of a structure associated with the

Rose Bay Flying Boat Base, the building is not readily understood as once having being part of it. It is understood that a current archaeological investigation is being carried out into the former Rose Bay Flying Boat Base site. Any inclusion of this building on a State or National heritage register should be made in conjunction with a listing for the overall base site. It is unlikely that the site meets the threshold for State or National listing without this added context.

- The curtilage for listing should be the current fenced boundaries: Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011.
- The records of the Rose Bay Flying Boat Base, held in the National Archives in Sydney, Melbourne and Canberra, be accessed for additional information.
- A conservation management document should be prepared for the Hall in order to guide the management of the building and future conservation works. The document should include, but be not limited to, a maintenance schedule.

Heritage Data Form

ITEM DETAILS							
Name of Item	Rose Bay Scout Hall, including interiors						
Other Name/s Former Name/s							
Item type (if known)							
Item group (if known)							
Item category (if known)							
Area, Group, or Collection Name							
Street number	3						
Street name	Vickery Avenue						
Suburb/town	Rose Bay					Postcode	2029
Local Government Area/s	Woollahra						
Property description	Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011.						
Location - Lat/long	Latitude				Longitude		
Location - AMG (if no street address)	Zone		Easting		Northing		
Owner							
Current use	Scout Hall						
Former Use	Scout hall; part of the RAAF Base.						
Statement of significance	<p>The Rose Bay Scout Hall, Rose Bay, has historic and aesthetic significance at a local level. The hall was designed by architect Charles Mack Walker and built in 1940 for the Rose Bay Scouts and Rose Bay Sea Scouts and, except for a brief period during World War II, it has been used by the Scouts (and other community groups) since this time. The hall is one of two known examples of buildings purpose-built for the Scouts in Woollahra during the Inter-War period. The building is a good example of a Scout hall that takes into consideration its setting, in this instance through the inclusion of porthole windows and a roof top deck from which to view Rose Bay. While the interior of the building has undergone some alteration, the exterior of the building is substantially 'as built.'</p> <p>The Rose Bay Scout Hall has significance for its association, albeit brief, with the adjoining Rose Bay Flying Boat Base. Between October 1942 and the end of World War II, the building was used by the RAAF. The Rose Bay Flying Boat Base played an important service role during World War II and was the sight of huge receptions for returning Prisoners of War after World War II.</p>						
Level of Significance	State <input type="checkbox"/>				Local <input checked="" type="checkbox"/>		

Heritage Data Form

DESCRIPTION	
Designer	Charles Mack Walker
Builder/ maker	A.H. Kirkwood
Physical Description	<p>The site of the hall is defined by a high metal pole in mesh fence. Gates open onto Vickery Avenue to the north-east. The building is set close to its south-eastern boundary and has a deep setback from Vickery Avenue. There is lawn to the front and rear of the building. The northern eastern half of the site is covered in concrete. There is a large gum tree in the front of the building and a second on its north-western side.</p> <p>The Scout Hall is a free standing, one and two storey timber framed and weatherboard clad structure. There is an attached single storey brick amenities block to the rear.</p> <p>Two storey section:</p> <p>The two storey section comprises the north-eastern-most end of the building. This section of the building is timber framed and clad in painted profiled timber weatherboards. The roof over this part of the building is a skillion roof clad in metal sheet. This part of the building appears to have been constructed on a brick edged concrete slab.</p> <p>The principal elevation is the north-eastern elevation. There are three openings at ground floor level. There is a large opening in the centre fitted with a pair of single panel timber doors. To either side, there is a large single porthole window fitted with 'wired' glass. A band of windows runs across the elevation at first floor window. These windows are awning sash timber framed windows; most sashes have a horizontal glazing bar. The eaves' overhang is wide and lined.</p> <p>There are three large openings at ground floor level of the north-western elevation, arranged in a continuous band. Each is fitted with a pair of ledged and braced timber doors. Originally, each door had a porthole window. Only four doors retain this element. The opening in the other doors is boarded over. There is one opening at first floor level, set at the north-eastern end. This opening is fitted with a timber framed window to match the first floor windows in the north-eastern elevation.</p> <p>There are two openings in the south-eastern elevation at ground floor level. The door at ground floor level has a single panel door. The opening at first floor level (presumably one matching the window at this level in the north-western elevation) has been boarded over.</p> <p>There are no openings in the south-western elevation, where it stands clear of the single storey section.</p> <p>Single storey section:</p> <p>There is a single storey section to the rear of the two storey section. This section of the building is timber framed and clad in profiled timber weatherboards. It appears to have a timber floor structure. This section has a pitched roof clad in corrugated metal sheet. The eaves are lined; there are widely spaced exposed timber rafters.</p> <p>There are five openings in the north-western elevation. The central opening is larger and is fitted with a pair of timber and glazed doors. Concrete steps and a ramp running parallel to the building lead up to the door. There are two windows to either side of the door, each fitted with timber framed windows with two sashes; each sash has a horizontal glazing bar.</p> <p>There are three windows in the south-eastern elevation of this section of the building. Unlike the windows in the north-western elevation, the windows have a horizontal proportion and are aluminium</p>

Heritage Data Form

	<p>framed, with modern security grills.</p> <p>The south western elevation, where it stands clear of the brick amenities block, is blind with the exception of a small vent hole set in the gable.</p> <p>The brick amenities block is single storey in height and constructed on a concrete base. It has a hipped roof clad in corrugated metal. It is attached to the south western elevation of the single storey section described above.</p>					
Physical condition and Archaeological potential	<p>Physical condition: requires repair and painting.</p> <p>Archaeological potential is unknown.</p>					
Construction years	Start year	1940	Finish year	1940-41	Circa	<input type="checkbox"/>
Modifications and dates	<p>Roof deck modified and railing removed. Date unknown.</p> <p>Aluminium windows installed on the south-eastern side. Date unknown.</p> <p>Internal alterations, including bathroom updates. Date unknown.</p>					
Further comments						

Heritage Data Form

HISTORY	
Historical notes	<p>Land was reclaimed from the adjacent tidal flats and Lyne Park officially opened in 1901. In 1905, 3.2 hectares at the eastern end of the park were revoked for use as a naval reserve. The reserve was primarily used for shore activities by trainees from the <i>HMS Tingara</i>, which was moored in Rose Bay.</p> <p>The use of the naval reserve declined when <i>HMS Tingara</i> was moved in the late 1920s. Rose Bay Flying Boat Base was established on the naval reserve in 1938, initially to service the Empire Airmail Scheme. The Base officially opened on 4 August, 1938.</p> <p>As the Rose Bay Flying Boat Base was developed, the Rose Bay Scout Association sought permission to erect a Scout Hall on the foreshores of Lyne Park near the flying boat base. The subject site was ultimately leased from the Lands Department for this purpose. The Scouts set about raising the money for a new hall and commissioned architect C. Mack Walker to design it. Plans were approved by Council in May 1940 and the tender awarded to A.H. Kirkwood (June 1940). The hall was intended for use by the Rose Bay Scouts and Sea Scouts.</p> <p>The Scouts had their origins in England in the movement started by Lieutenant-General Robert Baden-Powell in 1907. Scouting quickly spread to Australia (1908) and other parts of the British Empire. What are now the 1st Woollahra/Paddington Scouts lay claim to being the oldest Scout group in Australia (1908). By 1911, troops had been formed in Edgecliff, Watsons Bay and Woollahra. By 1937, 2,500,000 Scouts from nearly 50 countries were affiliated with the International Scouting Bureau. General Sir Robert Baden-Powell (as he later became known) was proclaimed World Chief Scout at the first Jamboree at Olympia in 1920. He travelled widely, visiting Australia three times: in 1912, 1931 and 1934-4.</p> <p>It is not clear when the Scout Hall was completed and first used. The Scouts, however, did not occupy their building for long. On 16 October 1942, the hall was 'impressed' by the Assistant Director of Hirings for use by the Royal Australian Airforce as part of the rapidly growing Rose Bay Flying Boat Base. What the building was used for during the war years is unknown. Following the end of the war, returning prisoners of war were met by huge crowds at the base.</p> <p>By the end of 1946, the hall had be returned to the Scouts, who resumed occupation. The hall was regularly used by other groups, such as the Girl Guides and Brownies, and for community activities, such as the Annual Woollahra Children's Art Exhibition (1954). A proposal by the Scouts for a large new hall in the 1960s was refused by Council. The Scouts continue to occupy the hall today.</p>

THEMES	
National historical theme	6 Educating 7 Governing 8 Developing Australia's cultural life
State historical theme	Education Defence Creative endeavour Leisure Social institutions Sport

Heritage Data Form

APPLICATION OF CRITERIA	
Historical significance SHR criteria (a)	<p>The Rose Bay Scout Hall, Rose Bay has historic significance at a local level as a purpose built Scout hall which, except for a four year period during World War II, has been occupied by Scouts since 1940. Other community groups have also used the hall over this period. It is one of two known Inter-War period purpose built Scout halls in the Woollahra area that are still in use. The other example is the 1st Woollahra/Paddington Scout Hall in Paddington, a brick building dated 1926.</p> <p>The Rose Bay Scout Hall, Rose Bay may have State and National significance under this criterion for its association with the Rose Bay Flying Boat Base, established in the late 1930s as part of the Empire Air Scheme and, prior to the development of land based airports, one of Australia's most important air bases. The Rose Bay Flying Boat Base played an important role in World War II and after, when returning Prisoners of War were welcomed by large crowds. It is noted that the building was not purpose built for the Flying Boat Base and was only part of it for a period of four years during World War II. It, however, appears to be, with the exception of a degraded kerb side sign at the entrance off New South Head Road, the only surviving above ground structure associated with the Flying Boat Base.</p>
Historical association significance SHR criteria (b)	<p>The Rose Bay Scout Hall, Rose Bay, has significance for its association with the Australian Scouting movement. It is part of a large group of sites used by the Scouts over a long period of time. While this is a nation-wide pattern, the significance of this site under this criterion is at a local level.</p> <p>The architect who designed the hall has been identified as C. Mack-Walker. This architect does not appear to have been a particularly significant or influential architect. There are no known examples of his work listed on state or local heritage registers. This weatherboard building would likely have been a minor commission. The site does not meet the threshold for listing on the basis of this association.</p> <p>The hall has significance for its association with the RAAF. For a period of four years during World War II, it formed part of the Flying Boat Base. It is the only above ground structure from this period of the Flying Boat Base's history that survives. This part of the hall's history requires further in-depth research.</p>
Aesthetic significance SHR criteria (c)	<p>Rose Bay Scout Hall, Rose Bay has local significance under this criterion as an example of an Inter-War period Scout Hall. Unlike many Scout halls, the building was architecturally designed and is part two storey. The Rose Bay Scout Hall makes reference to its bay-side setting in the use of porthole windows.</p>
Social significance SHR criteria (d)	<p>The social significance was not ascertained during the course of this assessment. It is likely that the Scout Hall has significance for Scouts (and Girl Guides and Brownies) past and present who have used it. This aspect of significance should be further investigated so as to distinguish attachment to the site as a Scouting location with it being important for the amenity it provides. Significance under this criterion will be at a local level.</p> <p>The Scout Hall may also have significance for World War II veterans associated with the Rose Bay Flying Boat Base and their families.</p>
Technical/Research significance SHR criteria (e)	<p>An archaeological assessment has not been carried out. It is noted, however, that there is an archaeological assessment currently being carried out for the site of the Rose Bay Flying Boat Base. This site once formed part of this base.</p> <p>The Rose Bay Scout Hall does not demonstrate unusual construction techniques and is not known to have been a reference site for other Scout halls. It does not meet the threshold for listing under this criterion.</p>

Heritage Data Form

Rarity SHR criteria (f)	<p>The Rose Bay Scout Hall has significance under this criterion as the only substantial above ground structure to survive which is associated with the Rose Bay Flying Boat Base. It is difficult to determine if this level of significance is at a State or local level, given that it is not known what the building was used for during World War II. Unlike other State heritage listed examples, however, such as the buildings at Rathmines, this building was not purpose built for the RAAF.</p> <p>The Rose Bay Scout Hall is one of numerous Scout halls from the Inter-War period to survive across New South Wales. Two storey examples are less common than their single storey counterparts.</p>
Representativeness SHR criteria (g)	<p>The Rose Bay Scout Hall, Rose Bay is a fine example of a purpose built Inter-War period Scout hall that has, with the exception of four years during World War II, been continuously occupied by the Scouting movement. It demonstrates an association with its bayside setting in the inclusion of porthole windows. The building meets the threshold for listing at a local level under this criterion.</p> <p>Although not erected by the RAAF, the building is typical of the weatherboard structures associated with World War II aerodromes.</p>
Integrity	<p>External: High. Internal: Moderate-high.</p>

Heritage Data Form

HERITAGE LISTINGS	
Heritage listing/s	

INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Written	Weir Phillips Heritage and Planning	<i>Rose Bay Scout Hall, No. 3 Vickery Avenue, Rose Bay: Heritage Assessment</i>	2019	Woollahra Council
Written	Sheedy, David	<i>A Brief History of the Rose Bay Flying Boat Base and Its Buildings.</i> Unpublished typed manuscript dated February 2011	2011	Woollahra Library
Plans	Mack Walker, C.	<i>Proposed Scout and Sea Scout Hall at Vickery Avenue, Rose Bay</i>	1940	Woollahra Council
Written	Woollahra Council	Woollahra Council Minutes	Various	Woollahra Library
Photographic	-	<i>The Scout Hall, c.1945</i>	c.1945	Stirling Smith, Heritage, Community Engagement, Department of Premier and Cabinet

RECOMMENDATIONS	
Recommendations	<p>The Rose Bay Scout Hall, Vickery Avenue, Rose Bay:</p> <ul style="list-style-type: none"> Should be listed as a heritage item under Schedule 5 Part 1 of the <i>Woollahra LEP 2014</i>. It meets the threshold for listing under criteria (a), (b), (c), (f) and (g). The hall should not be listed on the State Heritage Register as a solitary item at this point in time. The site may have State and National significance for its association with the Rose Bay Flying Boat Base, which played a significant role in air transport prior to World War II and in defence during World War II. It is the only surviving above ground structure associated with the Base. Significance, however, is diminished by the fact that the building was not built for the Flying Boat Base but was a pre-existing structure that was requisitioned for a four year period during World War II. There are other buildings that were purpose built during World War II for airbases surviving within New South Wales (notably at Rathmines, where a suite of buildings survives) and around Australia. Some of these buildings survive in groups and/or are capable of being read in conjunction with the airfield that they served. As the only above ground remnant of a structure associated with the Rose Bay Flying Boat Base, the building is not readily understood as once having being part of it. It is understood that a current archaeological investigation is being carried out into the former Rose Bay Flying Boat Base site. Any inclusion of this building on a State or National heritage register should

Heritage Data Form

	<p>be made in conjunction with a listing for the overall base site. It is unlikely that the site meets the threshold for State or National listing without this added context.</p> <ul style="list-style-type: none"> • The curtilage for listing should be the current fenced boundaries: Lots 1536 and 1537 D.P. 40022 and Lot 1475 D.P. 752011. • The records of the Rose Bay Flying Boat Base, held in the National Archives in Sydney, Melbourne and Canberra, be accessed for additional information. • A conservation management document should be prepared for the Hall in order to guide the management of the building and future conservation works. The document should include, but be not limited to, a maintenance schedule. • The Waverley Amateur Radio Society be included as an interested party regarding interiors and the roof including: electronic equipment, antenna masts and infrastructure.
--	--

SOURCE OF THIS INFORMATION			
Name of study or report		Year of study or report	1919
Item number in study or report			
Author of study or report	Weir Phillips Heritage and Planning		
Inspected by	Alice Fuller		
NSW Heritage Manual guidelines used?		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Alice Fuller and Shona Lindsay	Date	May 2020

Heritage Data Form

IMAGES - 1 per page

Image caption	Front (north-eastern) elevation				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	North-western elevation of the two storey section				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	North-western elevation of the single storey section				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	South-eastern elevation of the single storey section				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



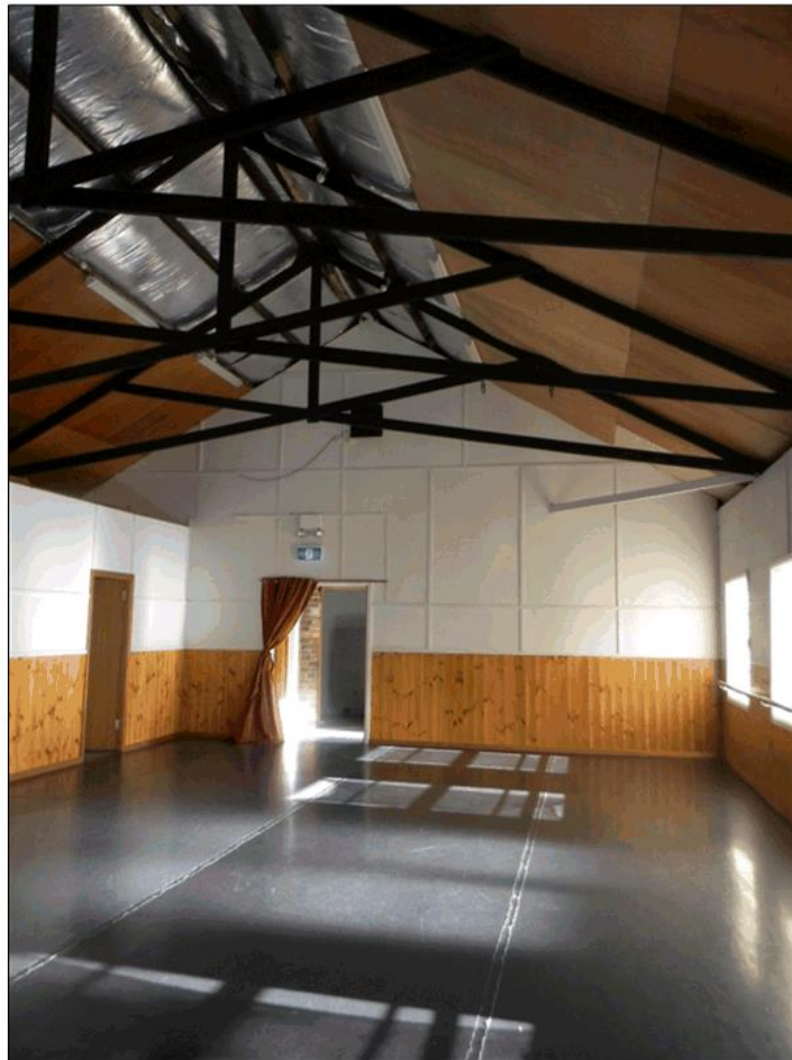
Heritage Data Form

Image caption	South western elevation of the single storey section and the amenities block				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	Ground floor hall (single storey section)				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning



Heritage Data Form

Image caption	First floor room (two storey section)				
Image year	2019	Image by	Weir Phillips Heritage and Planning	Image copyright holder	WP Heritage and Planning





Gateway Determination

Planning proposal (Department Ref: PP_2020_WOOLL_008_00): to list the Rose Bay Scout Hall including interiors at 3 Vickery Avenue, Rose Bay, as a local heritage item.

I, the Acting Director, Eastern and South Districts, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to list the Rose Bay Scout Hall including interiors at 3 Vickery Avenue, Rose Bay, as a heritage item should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters prior to public exhibition:
 - (a) Include a note to clarify that the heritage item number in the proposed mapping is indicative only and will be confirmed upon the finalisation of the proposal;
 - (b) Revise the information regarding consistency with the Eastern City District Plan under Part 6.2 of the planning proposal by grouping Action 54 and 63 under Planning Priority E13 and E16 respectively;
 - (c) Update wording of Strategy 4.3 of the Community Strategic Plan, *Woollahra 2030 – our community, our place, our plan* under Part 6.2 of the planning proposal, to ensure consistency with the published version of the Plan;
 - (d) Update Schedule 1 of the planning proposal to address the following:
 - (i) Remove reference to the repealed SEPPs, including SEPP No. 1 – Development Standards, SEPP No. 44 - Koala Habitat Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions) 2007; and
 - (ii) Make reference and provide commentary on the SEPPs currently in force, including SEPP (Koala Habitat Protection) 2019, SEPP (Concurrences and Consents) 2018, SEPP (Activation Precincts) 2020 and SEPP (Major Infrastructure Corridors) 2020;
 - (e) Update Schedule 2 of the planning proposal to:
 - (i) State the correct title of Section 9.1 Directions – 2.2 Coastal Management and 3.5 Development Near Regulated Airports and Defence Airfields; and
 - (ii) Include reference and commentary on Section 9.1 Directions – 2.6 Remediation of Contaminated Land, 3.7 Reduction in Non-Hosted Short Term Rental Accommodation Period, 5.11 Development of Aboriginal Land Council Land, and Directions 7.4 to 7.10 inclusive; and

- (f) Include an updated project timeline.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act:
- NSW Heritage; and
 - Crown Land, Department of Planning, Industry and Environment.
- The public authority / organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 21 day of August 2020.



Brendan Metcalfe
A/Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces

PP_2020_WOOLL_008_00 (IRF20/2971)

[REDACTED]

From: Maria Judd [REDACTED]
Sent: Sunday, 13 September 2020 5:09 PM
To: Emma Williamson; Records
Cc: Lucinda Regan
Subject: Re: Notification - Public exhibition of a planning proposal for the heritage listing of the Rose Bay Scout Hall

The Rose Bay Resident Association is delighted to support Woollahra council in its proposal to list the Rose Bay Scout Hall at 3 Vickery Avenue, Rose Bay, including its interiors, as a heritage item. We would also like this building to be considered for State Heritage listing as the report prepared by Council indicated that this could be possible with further investigation of its merit. We note that it was used during WWII by the Dutch Air Force. It is hoped that this building, which seems to have been neglected in recent years, will now be restored and protected for future generations to enjoy.

We thank Cr Lucinda Reagan for her steadfast work to make this possible.

It would be good to restore the Hall to the dark colour of its facade as shown in this attached photo found on Council's website and for its grounds to be landscaped and the prison style, barbed wire fencing removed.

Maria Judd
Committee Member, Rose Bay Residents Association



On 9 Sep 2020, at 12:00 pm, Emma Williamson
[REDACTED] wrote:

Attn: Rose Bay Residents Association,

Woollahra Council has commenced the exhibition of a planning proposal to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014).

We invite your comment.

The objective of the planning proposal is to list the Rose Bay Scout Hall at 3 Vickery Avenue, Rose Bay, including its interiors, as a heritage item in the Woollahra LEP 2014. Heritage listing will provide ongoing protection and recognition of the heritage significance of the building and its interiors.

A detailed description of the heritage significance of the item is included in the supporting documents to the planning proposal, particularly the Heritage assessment prepared by Weir Phillips Heritage and Planning.

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:

Wednesday 9 September 2020 to Friday 23 October 2020

Locations:

On the Your Say Woollahra 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 SC5393 Submissions and address to the General Manager at Woollahra Council, PO Box 61, Double Bay NSW 1360 or email to [REDACTED]

Written submissions can be made in writing during the period Wednesday 9 September 2020 to Friday 23 October 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 Shona Lindsay on 02 9391 7069.

Warmly,
Emma

<image003.png>
Emma Williamson
Administration Officer – Strategic Planning

Woollahra Municipal Council
536 New South Head Road, Double Bay NSW 2028
t: [REDACTED]
e: [REDACTED] w: www.woollahra.nsw.gov.au

Our Values: Respect for People | Integrity and Excellent Performance | Professional Quality Service | Open Accountable Communication

This email has been scanned by the Symantec Email Security.cloud service.



Woollahra History and Heritage Society Inc

ABN 17 597 074 575

WHHS

whhs 20016

6 October 2020

Mr Craig Swift- McNair
General Manager
Woollahra Municipal Council

Dear Mr Swift- McNair

SC 5393

PROPOSED HERITAGE LISTING OF THE ROSE BAY SCOUT HALL

The Woollahra History and Heritage Society supports the recommendation of Weir Phillips Heritage Planning to list the Rose Bay Scout Hall on Schedule 5 Part 1 of Woollahra Local Environmental Plan 2014.

In Section 2.1 Brief History Prior to 1830 in paragraph 4 on page 5 it states that Rose Bay was named after George Rose, a Treasury official.

George Rose was, in fact, the Secretary to the Treasury which was the department of the Prime Minister, William Pitt, whose official title was Lord Treasurer. He was also a friend of King George III. Full details of the life of this interesting man can be found in "The Right Honourable George Rose" which was published by the Society in 1989.

If the entry in the Heritage proposal could be altered to read "George Rose, Secretary to the Treasury" the Society would appreciate it.

Yours sincerely,

Peter Poland OAM
President.

[REDACTED]

From: James Sellwood [REDACTED]
Sent: Thursday, 15 October 2020 10:31 AM
To: Records
Cc: Shona Lindsay
Subject: Heritage NSW Response - Planning Proposal - Local Heritage Listing - 'Rose Bay Scout Hall', 3 Vickery Avenue, Rose Bay

Our ref: DOC20/745957

Planning Proposal - Local Heritage Listing - 'Rose Bay Scout Hall', 3 Vickery Avenue, Rose Bay

Dear Mr Swift-McNair

Attention: Ms Shona Lindsay, Heritage Officer

Thank you for the opportunity to comment on the planning proposal to list 'Rose Bay Scout Hall' at 3 Vickery Avenue, Rose Bay as an item of Local heritage significance under *Woollahra Local Environmental Plan 2014*.

We have reviewed the planning proposal and note that the Heritage Assessment, prepared by Weir Phillips Heritage and Planning, indicated that the property met the criteria for listing at a Local level.

Heritage NSW encourages the identification and listing of new Local 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, Heritage Programs
Heritage NSW
Department of Premier and Cabinet



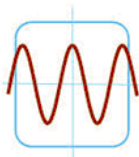
I acknowledge and respect the traditional custodians and ancestors of the lands I work across

Heritage NSW

The former Office of Environment and Heritage (Heritage Division) is now Heritage NSW.

Correspondence should be sent to us via email at [REDACTED]. If you need to provide hard copies, please send to Heritage NSW, Locked Bag 5020, Parramatta NSW 2124.

Please update your records as using an incorrect name and address could cause significant delays or non-delivery of your correspondence.



Waverley Amateur Radio Society

www.vk2bv.org

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

By [REDACTED]

Dear Sir,

ROSE BAY SCOUT HALL HERITAGE LISTING – SC5393

It is understood that the Woollahra Council is exhibiting a planning proposal in relation to the heritage listing of the Rose Bay Scout Hall, including its interiors, at Vickery Avenue, Rose Bay (Lots 1536 and 1537) and has invited comment from the general public.

The Waverley Amateur Radio Society Incorporated (WARS) is an interested party in the outcome of the Local Environment Plan (LEP) because we have been an occupant of the Rose Bay Scout Hall since 1994 and are using some of the "Interiors and Exteriors" of the building.

This submission has two (2) parts:

- Covering letter – which provides context to our submission and states our place in local heritage and connection to the site,
- Response to Heritage Criteria – specific responses to the criteria and documents forming the heritage exhibition.

We have read the Heritage Assessment prepared by Weir Phillips Heritage and Planning and note that we are not mentioned. Whilst we understand this was an architectural and building assessment the reader would not be aware of our existence or complementary historical significance. We support the move to classify the hall as "Heritage Listed", however we have fears of how it may affect our future.

We are the oldest Amateur Radio Club in Australia being formed by return servicemen in 1919 in Waverley. Our Club was active in pioneering radio and television communication in Sydney with experiments during the 1920s and 1930s, and inactive during WWII. More detail on our history can be found at our website:

<https://vk2bv.org/home/waverley-amateur-radio-society-home-page/club-history/>

In recent time members have been active in the community in various ways, as follows:

1. In the early 2000s supporting the Sydney to Surf Fun Run with radio communications along its route,
2. Supporting the Hawksbury Canoe classic providing continuous communications along its route,
3. Being active members of the WICEN Australia volunteer emergency communications network supporting bushfire and civil emergencies,
4. Providing VHF and UHF repeater services for amateurs in the Sydney Basin and for visitors to Sydney.
5. Supporting Scouts each year for "Jamboree of the Year" to introduce Cubs and Scouts to

- the thrills of radio communications around the world, via satellites and the Space Station.
Many Scouts eventually become involve in this technology following this exposure.
6. Provide education in radio communication and conduct Amateur licencing examinations in the hall on a regular basis.

We are a part of the Eastern Suburbs local heritage and celebrated our hundredth-year anniversary in 2019. Our members comprise local doctors, lawyers, engineers, pilots, and trades people; all interested in experimenting with the rapidly advancing communications technology.

It is therefore requested that our club be included as in interested party regarding interiors and the roof regarding: electronic equipment, antenna masts and infrastructure. In the longer term beyond the present leasing arrangement headed by Scouts we would hope to remain active and present at this site.

Please do not hesitate to contact the undersigned if any clarification or further detail is required regarding this submission.

Yours faithfully,



John Buckley
President
Waverley Amateur Radio Society

Enc. – Criteria Response
CC – WARS Club Secretary

Rose Bay Scout Hall, Vickery Avenue, (P.O. Box 634) Rose Bay, NSW 2029

Response to Heritage Criteria – specific responses to the criteria and documents forming the heritage exhibition.

The Waverley Amateur Radio Society Inc.(WARS) supports the proposal to amend the *Woollahra LEP 2014* to heritage list the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay as a heritage item, in order to provide ongoing protection and recognition of the heritage significance of the building and interiors.

The Waverley Amateur Radio Society Inc. ('the club') has a significant interest in the preservation of the heritage of the Rose Bay Scout Hall, as this site has a quarter century connection to the club. Furthermore, the clubs' past and ongoing activities are intrinsically bound to the existing structure through its license with Scouts NSW.

1. Significance of the Waverley Amateur Radio Society

The association of the Waverley Amateur Radio Society Inc. was completely overlooked in the *Heritage Assessment* (May 2020) by Weir Phillips Heritage Planning, since "The Scouts were approached for information about the hall and who has used it without success" (Weir Phillips Heritage Planning, 18). However, *Heritage Assessment* clearly documents several photographs revealing amateur radio and audiovisual equipment, as well as amateur radio antenna systems. Consequently, to the Scouts' lack of contribution to *Heritage Assessment* is that long association and contribution of the Waverley Amateur Radio Society Inc. to the following State Heritage Register criteria are not considered in the Weir Philips assessment:

- Historical association significance SHR criteria (b),
- Social significance SHR criteria (d),
- Aesthetic significance SHR criteria (c) – oral history.

2. The Waverley Amateur Radio Society at Rose Bay Scout Hall

The Waverley Amateur Radio Society Inc. is a licensee to an agreement (12 January 1999) with The Scouts Association Australia, NSW Branch (the licensor), "for non- exclusive use of...the upstairs area at the Eastern end and the lockable room at the bottom of the stairs on the ground floor...", for the purpose for the use of "(operating) a Scout Radio base using amateur radio equipment; and conducting meetings for Social Purposes; and Training courses in Radio Theory and practice including Morse Code'; and Conducting activities associated with Jamboree of Air..."

Furthermore, the license permits the storage, installation and operation of "Radio Transmitting and Receiving equipment; Antennas mounted on the roof; Computer Equipment; Office equipment, and Audio Visual presentation equipment."

The Waverley Amateur Radio Society Inc. is the oldest amateur radio club in Australia, formed in 1919. It has been licensed to operate amateur radio continuously since 1920 (less 1939-45). The site has been used by WARS since 1994. First founded in Waverley, today WARS is the ONLY amateur radio club located in the Eastern Suburbs, and with a targeted social catchment into the Sydney CBD and Inner West, with membership expanding beyond this. The association of WARS with Rose Bay Scout Hall over the last 26 years represents is the continuation of an amateur radio club in the Eastern Suburbs and the ongoing home for the oldest amateur radio club in Australia.

Waverley Amateur Radio Society – Response to Heritage Criteria – SC5393 Vickery Ave Scout Hall

The association of the Waverley Amateur Radio Society Inc. with the Rose Bay Scout Hall spans over a quarter of its 101 year history. In the present day, WARS at Rose Bay Scout Hall remains the focal point for amateur radio activity, education and support for the Scouts in the Eastern Suburbs, Inner West and Sydney CBD. WARS at Rose Bay Scout Hall, continues to advance amateur radio in the local community by the use of this space, through technical, social and educational advancement by virtue of the license. The Rose Bay Scout Hall provides the facility of an amateur radio station and antenna systems; it is a teaching and meeting space for hobbyists, which permits WARS to continue to advance amateur education and training, and offers youth involvement through the Colin Marks Scholarship and the long history of supporting the Scouts through Jamboree of the Air.

3. Support for Heritage Listing by the Waverley Amateur Radio Society

The Waverley Amateur Radio Society fully supports the heritage listing proposal with specific and directly relevant additional contributions to the following State Heritage Register Criteria outlined in *Heritage Assessment*

Historical significance SHR criteria (a):

An item is important in the course, or pattern, of New South Wales' cultural or natural history (or the cultural or natural history of the local area)

As a local community group, WARS supports the preservation of the local cultural history associated with the site through its use as an RAAF flying boat base in WWII and through its otherwise unbroken association and occupancy by Scouts.

Historical association significance SHR criteria (b):

An item has strong or special association with the life or works of a person, or group of persons, of importance in New South Wales' cultural or natural history (or the cultural or natural history of the local area).

The Waverley Amateur Radio Society Inc. is the oldest amateur radio club in Australia, formed in 1919. It has been licensed to operate amateur radio continuously since 1920 (less 1939-45). The site has been used by WARS since 1994. First founded in Waverley, today WARS is the ONLY amateur radio club located in the Eastern Suburbs, and with a targeted social catchment into the Sydney CBD and Inner West, with membership expanding beyond this. The association of WARS with Rose Bay Scout Hall over the last 26 years represents is the continuation of an amateur radio club in the Eastern Suburbs and the ongoing home for the oldest amateur radio club in Australia.

Aesthetic significance SHR criteria (c)

A WARS member, resident to the area for over sixty (60) years can provide additional information as regarding the architectural aesthetics of the unusual two story and porthole design: " The building was purpose built as a Sea Scout Hall for 1st Rose Bay Sea Scouts, and was designed to look like the bridge of a ship, hence the two round porthole like windows in the front on the ground level and the windows right the way across the upper level. It also originally had a fenced deck on the top which was reached through a trapdoor in what is now our shack area and above the normal stairs." As a local community group, WARS supports the preservation of this site and its unique aesthetic 'ship' design.

Waverley Amateur Radio Society – Response to Heritage Criteria – SC5393 Vickery Ave Scout Hall

Social significance SHR criteria (d)

As previously stated in this submission, the Waverley Amateur Radio Society Inc. is the oldest amateur radio club in Australia, formed in 1919. It has been licensed to operate amateur radio continuously since 1920 (less 1939-45). The site has been used by WARS since 1994, with a license from Scouts NSW since 1999 for specific use of space, for the express purposes of amateur radio for the benefit of both the local community and Scouts NSW. First founded in Waverley, today WARS is the ONLY amateur radio club located in the Eastern Suburbs, and with a targeted social catchment into the Sydney CBD and Inner West, with membership expanding beyond this. The association of WARS with Rose Bay Scout Hall over the last 26 years represents is the continuation of an amateur radio club in the Eastern Suburbs and the ongoing home for the oldest amateur radio club in Australia.

Rarity SHR criteria (f)

An item possesses uncommon, rare or endangered aspects of New South Wales' cultural or natural history (of the cultural or natural history of the local area)

The Rose Bay Scout Hall is "only substantial above ground structure to survive which is associated with the Rose Bay Flying Boat Base". As a local community group, itself with a long history, WARS is fully aware of this significance and fully supports its preservation.

Representativeness SHR criteria (g)

*An item is important in demonstrating the principal characteristics of a class of New South Wales (or a class of the local areas):
Cultural or natural places; or Cultural or natural environments*

As per criteria (c), WARS fully supports the preservation of this unique site.

4. Summary

The Waverley Amateur Radio Society Inc. unreservedly supports the proposal to amend the *Woollahra LEP 2014* to heritage list the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay as a heritage item. The Waverley Amateur Radio Society Inc. is the oldest amateur radio club in Australia, formed in 1919. For a quarter of its history, WARS has been associated with the Rose Bay Scout Hall, through its license with Scouts NSW. The Waverley Amateur Radio Society Inc., as a local community organisation with the objectives of furthering the social, technological and educational fabric of the community through amateur radio, and supporting Scouts NSW through amateur radio, by virtue of its license with Scouts NSW, is intrinsically connected to the historical and social heritage of the Rose Bay Scout Hall. For these reasons, the Waverley Amateur Radio Society Inc. supports the proposal for heritage listing.

Item No: R4 Recommendation to Council
Subject: **REQUEST FOR A PLANNING PROPOSAL FOR 252-254 NEW SOUTH HEAD ROAD, DOUBLE BAY**
Author: Neda Vandchali, Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/142787
Reason for Report: To report on a request for a planning proposal for 252-254 New South Head Road, Double Bay which seeks to amend the maximum building height and floor space ratio standards in the Woollahra Local Environmental Plan 2014.
To recommend that Council does not support the request for a planning proposal for 252-254 New South Head Road, Double Bay.

Recommendation:

- A. THAT Council resolves not to support the request for a planning proposal for 252-254 New South Head Road, Double Bay, which seeks to amend the *Woollahra Local Environmental Plan 2014* in the following manner:
- Increase the maximum building height standard from 13.5 to 22m.
 - Introduce a secondary height control of reduced level 45.90m Australian Height Datum at the New South Head Road frontage.
 - Increase the maximum floor space ratio (FSR) from 1.3:1 to 2.6:1.
- B. THAT Council notify the applicant that it does not support the request for a planning proposal for the following reasons:
- The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
 - The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
 - The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.
- C. THAT the applicant is notified that Council does not support the request for a planning proposal in accordance with clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

1. Summary

A request for a planning proposal was submitted by Antoniades Architects for 252-254 New South Head Road (the subject site), Double Bay. The objective of the request is to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to increase the development potential of the subject site. The request seeks the following amendments to Woollahra LEP 2014 to:

- Increase the maximum building height from 13.5 metres to 22 metres.
- Introduce a secondary height control of reduced level (RL) 45.90m Australian Height Datum (AHD) at the New South Head Road frontage.
- Increase the maximum floor space ratio (FSR) from 1.3:1 to 2.6:1.

An indicative development concept, which could be constructed in accordance with the proposed standards was submitted with the request. The development concept is for a part seven, part eight storey residential flat building comprising:

- 33 apartments, with a mix of studios (14), 1 bedroom units (13), and 2 bedroom units (6)
- Six car spaces (4 resident and 2 car share), 1 motorcycle space and 38 bicycle spaces.

Council staff do not support the request for the planning proposal as:

- 1) The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
- 2) The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
- 3) The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.

2. The subject site and context

The site is known as 252-254 New South Head Road, Double Bay (SP11702) located in the Double Bay residential precinct, on the northern side of New South Head Road. It has an irregular shape with an area of 934.9m² and an approximate frontage of 19m to New South Head Road. The site slopes down significantly from the south-western corner to the north-eastern corner with an approximate fall of 10m.

The site is approximately 10 metres from the Edgecliff Commercial Centre and 180 metres from the Double Bay Centre (see **Figure 1** below). Neighbouring development consists of residential flat buildings (RFB) of three to seven storeys.

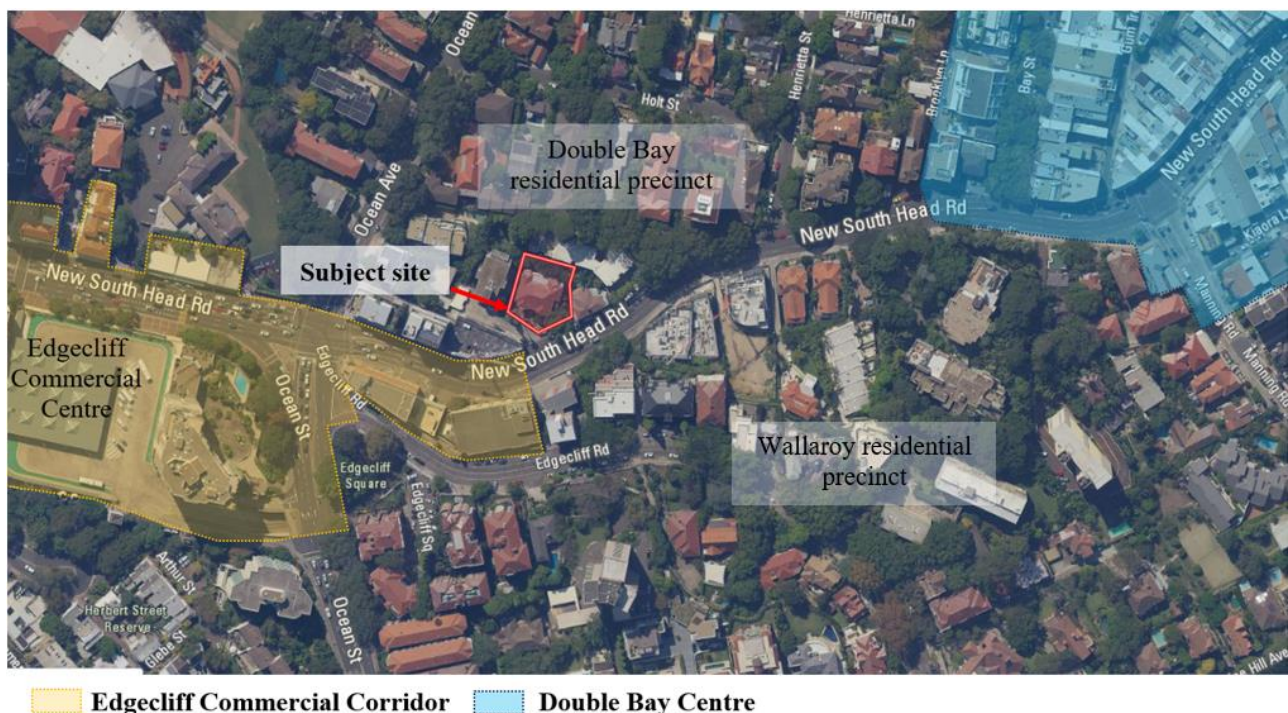
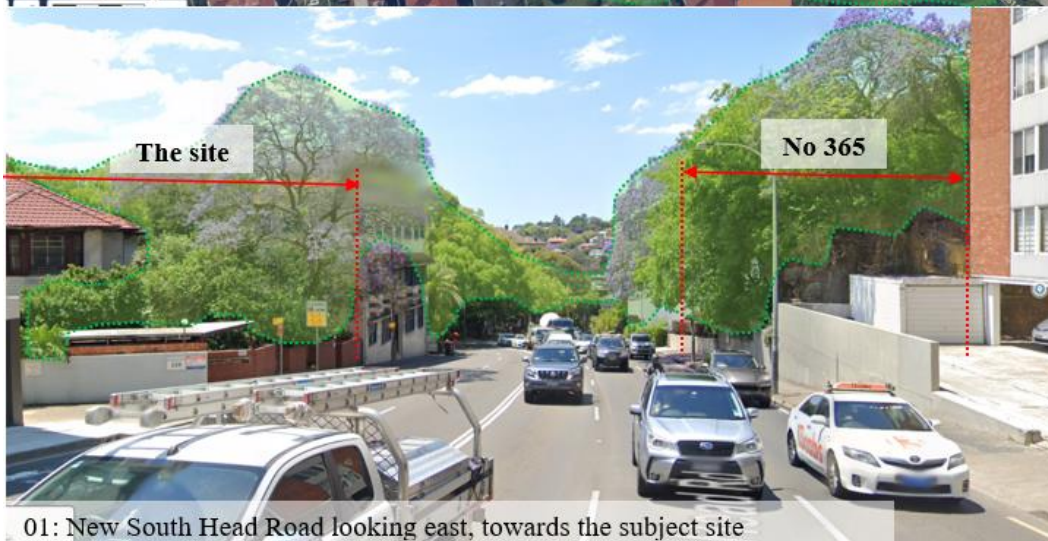
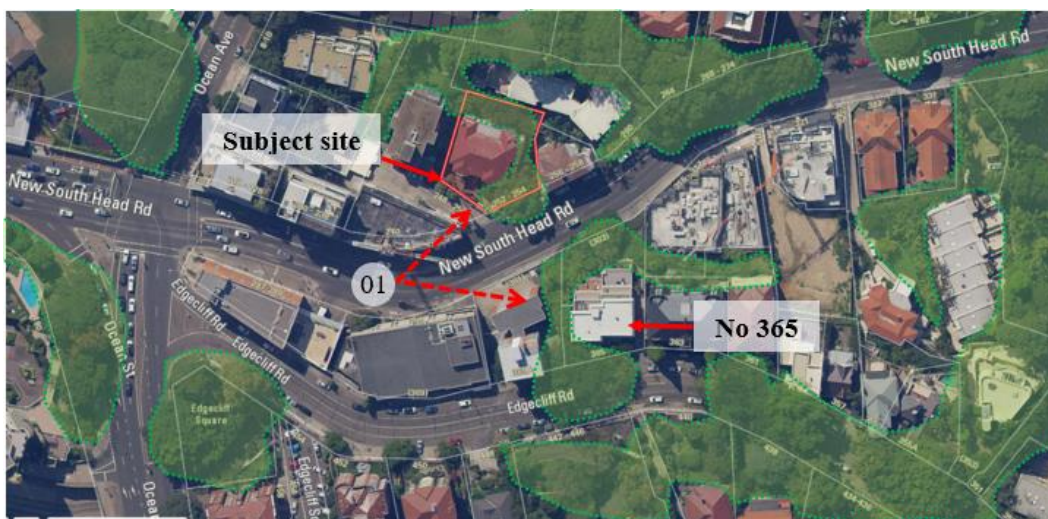


Figure 1: Location plan of the site and its context



Figure 2: The subject site (indicated in red) as viewed from New South Head Road



01: New South Head Road looking east, towards the subject site

Figure 3: The top images highlights the landscaped character of the subject site and its surrounding context. The bottom image illustrates the existing landscaped character in this area, when viewed from the west (point 01).

The site is currently occupied by a four-storey RFB with a pitched roof known as the ‘Dalkeith Building’. It contains eight residential units with substantial landscaping in the front and rear setbacks. Pedestrian access is via two entrances off New South Head Road. It has no vehicular access or on-site parking. A mature Jacaranda tree is located adjacent to the New South Head Road frontage of the site. The tree is prominent when viewed from the public domain. **Figure 2** illustrates the site as viewed from the opposite side of New South Head Road.

This section of New South Head Road has an established landscape character in both the public and private domain. The landscaping at the site’s frontage, combined with the landscaping at 365 Edgecliff Road, creates an important and highly visible marker. When travelling east along New South Head Road, this landscaping delineates the edge of the Edgecliff Commercial Centre and facilitates a soft transition into the Double Bay residential precinct. **Figure 3** above illustrates the significant landscaped character at this location and the surrounding context.

3. Background

On 14 August 2019, a planning proposal pre-application consultation meeting was held between Council staff, the developer and the developer’s representatives to discuss the proposal. Subsequent to the meeting, the applicant was advised in a letter dated 5 September 2019 that Council staff would not support the proposal for the following reasons (see **Annexure 3**):

- The proposed height and FSR creates a building envelope which has an excessive bulk and scale and is inconsistent with the existing and desired future character identified in the Woollahra Development Control Plan (DCP) 2015
- The concept proposal illustrates a building with an excessive site coverage compared with the overall site coverage of the surrounding residential context.
- The concept proposal would detrimentally impact on the landscaped character of the subject site and its surroundings.

On 17 March 2020, the applicant submitted a request for a planning proposal. The submitted proposal is seeking an identical height and FSR to the pre- application proposal, with an additional (lower) secondary height control of RL 45.90m AHD.

The secondary height control is a maximum height at the highest part of the site, or the crown of the adjoining road. The objectives of a secondary height control are to:

- Maintain public and private views, and/or,
- Provide a consistent streetscape at the street frontage when the highest point of a site is at the roadway.

An example of a secondary height limit is illustrated in **Figure 4** below.

Council staff requested additional information in a letter dated 24 April 2020. On 12 June 2020, the applicant submitted the additional information required and Council staff receipted payment for the request for a planning proposal.

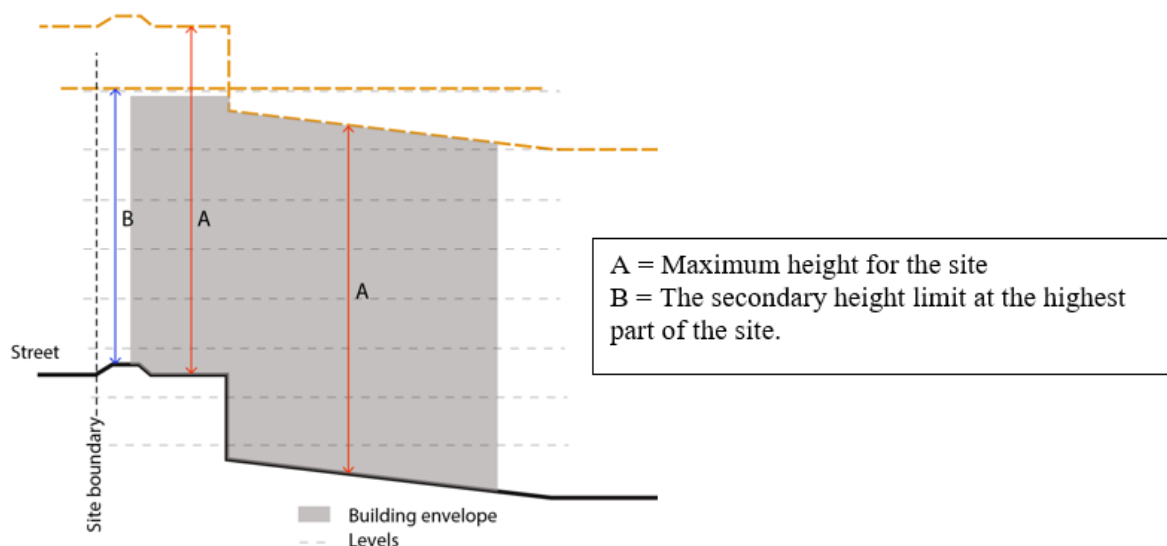


Figure 4: Secondary height control concept

For the purpose of reporting this planning proposal request to the Environmental Planning Committee, staff have only attached the Planning Proposal Report prepared by GSA Planning. The complete package of information submitted by the applicant is available on Council's website at the following link:

https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-252-254-new-south-head-road-double-bay/

This includes the following documents:

- *Planning Proposal Report by GSA Planning - 11 March 2020 (see **Annexure 1**)*
- *Architectural drawings by Antoniades Architects - 26 Feb 2020*
- *Urban Design Report by GMU Urban Design and Architecture - March 2020*
- *Traffic and parking impact report by TTPA - March 2020*
- *Acoustic assessment by Renzo Tonin & Assoc - 2 March 2020*
- *Arboricultural impact assessment by Advanced Treescape - 11 March 2020*
- *Stormwater management drawings by Antoniades Architects / Integrated Group Services - March 2020*
- *Letter addressing additional information request by GSA Planning - 12 June 2020*
- *View analysis by GSA Planning - 12 June 2020*
- *View analysis drawings by Antoniades Architects - 10 June 2020*
- *Shadow diagrams by Antoniades Architectures - 10 June 2020*
- *Survey plan by Cibar Surveying - 23 Sept 2019*
- *Pre-application consultation response - 5 September 2019 (see **Annexure 2**).*

4. The request for a planning proposal

As identified in the report by GSA Planning at **Annexure 1**, the intended effect of the request for a planning proposal is to facilitate redevelopment of the site for a part seven storey, part eight storey RFB with car parking. The proposal seeks the following changes to the Woollahra LEP 2014:

Table 1: Existing and proposed Woollahra LEP 2014 provisions

Provision	Existing	Proposed
Zone	R3: Medium Density Residential	No change
Maximum Height	13.5 m	22m
Secondary height limit	N/A	RL 45.90m AHD along New South Head Road.
FSR	1.3:1	2.6:1

The applicant submitted an indicative development concept of the potential built form facilitated by the requested planning provisions. The proposed part seven storey, part eight storey residential flat building comprises:

- 33 apartments, with a mix of studios (14), 1 bedroom units (13), and 2 bedroom units (6)
- Six car spaces (4 resident and 2 car share), 1 motorcycle space and 38 bicycle spaces.

The concept proposal provides a net gain of 25 additional residential units on the subject site.

Figures 5 to 7 below show extracts of the indicative development concept proposed for the subject site.



Figure 5: Proposed building envelope: maximum 22m height envelope shown with dashed line and secondary height plane of RL 45.90m AHD shown in green (Source: Antoniades Architects)

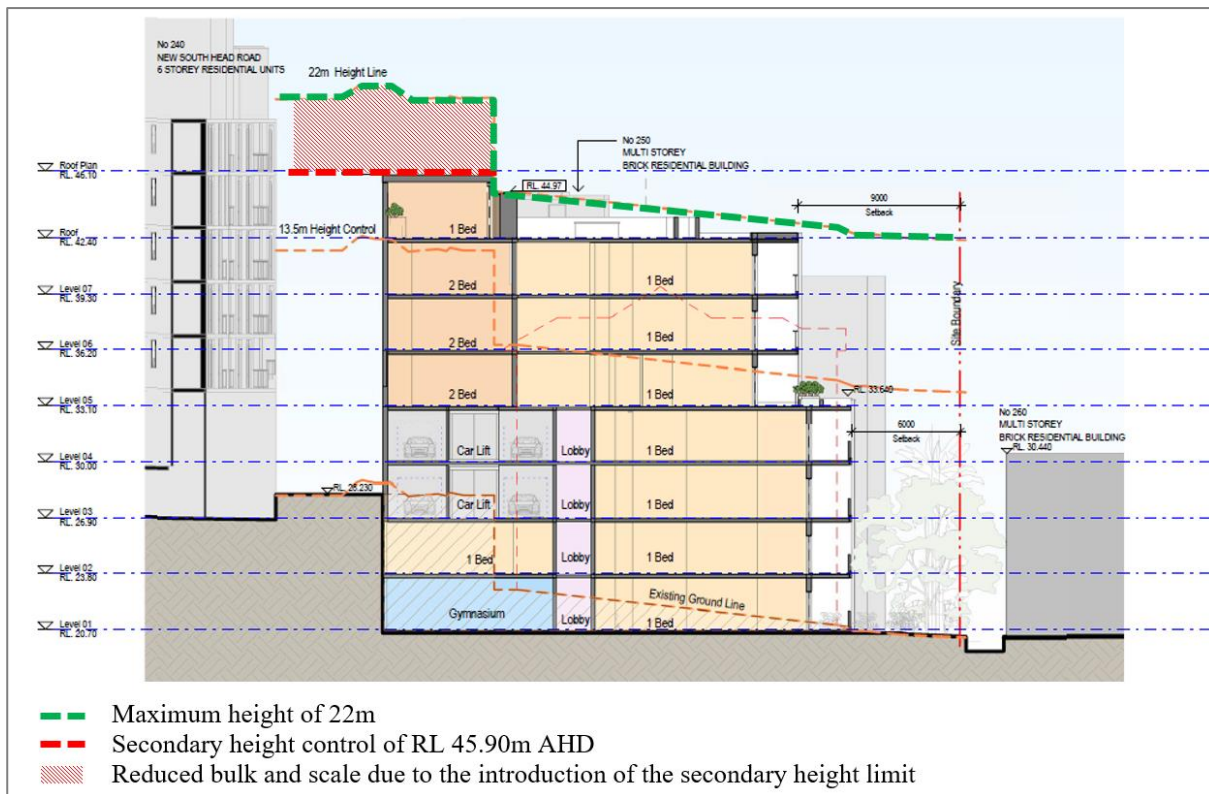


Figure 6: North-south cross section of the development concept showing the proposed height of the development concept and proposed combination of height controls (source: Antoniades Architects)



Figure 7: Indicative development concept site plan: illustrating the proximity of the development concept to the site boundary and the neighbouring buildings. (source: Antoniades Architects).

5. Assessment of the request for a planning proposal

In the request for a planning proposal, the applicant has mitigated some of the concerns expressed in the pre-application advice by recommending a secondary height control. However, the request is otherwise identical to that submitted in the pre-application planning proposal which was not supported by Council staff (see **Annexure 2**).

Staff do not support the current request as it lacks strategic merit on a number of planning grounds. The request would result in a bulk and scale which is inconsistent with the vision and objectives of the strategic framework, particularly the *Woollahra Local Strategic Planning Statement (LSPS)*, *Woollahra LEP 2014* and *Woollahra DCP 2015*. It will result in a built form with adverse impacts on the surroundings, particularly with regard to local character, landscape, views and amenity.

5.1. State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development

The proposed height and FSR standards would permit development which is of an excessive bulk and scale which would fail to achieve the principles in *State Environment Planning Policy (SEPP) 65 - Design Quality of Residential Apartment Development*. In particular:

Principle 1: Context and Neighbourhood Character –the requested planning provisions fail to respond to its context, adjacent sites, streetscape and neighbourhood.

Principle 2: Built Form and Scale - the requested planning provisions fail to achieve a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.

Principle 5: Landscape –the requested planning provisions would result in a built form which would be unable to achieve integrated landscaping and built form on the site.

5.2. Woollahra LSPS

The proposal does not respond to the desired future character of the area as described in the *Woollahra LSPS*.

Key elements of the long term land use vision for the entire local government area, as set out in the *Woollahra LSPS*, are to protect and enhance local character and the landscape setting. The proposal is inconsistent with the following Planning priorities

- **4:** *Sustaining diverse housing choice in planned locations that enhance our lifestyles and fit in which our local character and scenic landscapes.*
- **6:** *Placemaking supports and maintains the local character of our neighbourhood and villages whilst creating great places for people.*
- **11:** *Conserving, enhancing and connecting our diverse and healthy green spaces and habitat, including bushland, tree canopy, gardens and parklands.*

The proposed changes would permit development which is inconsistent with the low scale and leafy character of the residential precinct and negatively impact on the urban tree canopy cover and landscaping.

5.3. Woollahra LEP 2014

The proposed provisions do not respond to the maximum building height and FSR objectives in the Woollahra LEP 2014, particularly those related to the desired future character and impacts on the surrounding area.

- ***Cl 4.3: Height of buildings***

The existing standard on the site permits a maximum building height of 13.5m. The request for a planning proposal seeks a maximum building height of 22 m which is approximately 60% greater than the existing standard on the site.

The building height objectives of clause 4.3 of Woollahra LEP 2014 are as follows:

- (a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*
- (b) *to establish a transition in scale between zones to protect local amenity,*
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*
- (e) *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Council staff note that the applicant has attempted to mitigate the height impacts with a secondary height control of RL 45.90m AHD. However, having considered the desired future character of the Double Bay residential precinct, the requested increase in height is inconsistent with the objectives above, particularly objectives (a), (b), (d) and (e).

- ***View sharing***

The request for a planning proposal was accompanied by the following two documents:

- *View analysis by GSA Planning - 12 June 2020*
- *View analysis drawings by Antoniades Architects - 10 June 2020*

Council staff identified that the request for a planning proposal must address any view sharing impacts relating to surrounding properties. This assessment must be based on the **maximum** building envelope created by the requested planning standards, not the building envelope of the concept building. However, the documentation submitted with the application has failed to address view sharing impacts from the maximum building envelope i.e. the applicant has only provided an assessment of view impacts resulting from the indicative development concept.

This view analysis, prepared by GSA Planning, has considered views from the two neighbouring sites at 240 New South Head Road to the west, and 365A Edgecliff Road to the south of the site (see **Figure 8** below).



Figure 8: Location of buildings assessed in the view analysis report

The view analysis report provided by GSA Planning states that:

- *The existing views are retained or improved.*
- *The view effects are reasonable, and the Planning Proposal's environmental and built form effects will be minimal.*

In particular, the report states that:

- *In terms of the reasonableness of the proposal, although there is a minor potential view reduction from View 1 at Level 3 of No. 240 New South Head Road, majority of potential views are generally retained or improved, as a result of the concept building form.*
- *Any view reduction is likely to be relatively negligible or minor (Page 17).*
- *In terms of the reasonableness of the proposal, views are generally unaffected at the middle and upper levels, and there appear to be no existing water views at the lower levels from living room windows at No. 365A Edgecliff Road due to existing vegetation and development.*
- *There appear to be no potential view loss as a result of the concept building form, with all middle and upper level views assessed appear to be entirely retained (Page 23)*

Council staff do not support the request on the basis that the view analysis is insufficient for the following reasons:

1. The analysis only considered view loss associated with the indicative concept building, and not the maximum building envelope.
2. The analysis failed to accurately assess existing views from the adjoining buildings and relied upon 3D Imagery prepared by Antoniades Architect.

A comprehensive view sharing assessment could potentially identify greater view impacts to the surrounding properties.

- **Woollahra LEP 2014: Cl 4.4: Floor space ratio**

The existing standard on the site permits a maximum FSR of 1.3:1. The proposed FSR of 2.6:1 is 100% greater than the existing FSR standard on the site.

The objectives of clause 4.4 of Woollahra LEP 2014 are as follows:

(a) *for development in 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.*

Council staff have undertaken an analysis of the existing site coverage of the neighbouring properties in the Double Bay residential precinct. The majority of these sites have a site coverage of approximately 40% or less and an FSR of less than 2:1. The proposed FSR of 2.6:1 is significantly higher than the surrounding development and the current FSR standard. It results in a site coverage of approximately 60%.

The proposed FSR would result in an excessive building envelope with compromised setbacks and separation distances on the side boundaries. This will impact the amenity of the future users of the site and the neighbouring buildings, in particular:

- A reliance on non-habitable openings on side facades
- Reduced opportunities for landscape buffers on side boundaries
- Poor amenity for internal spaces
- Adverse impacts on the outlook of the neighbouring sites
- A blank and un-articulated façade to the public domain.

Having considered the site and its context, the proposed FSR would permit development which would be inconsistent with the objectives identified above. In combination with the requested height control, it would permit development which would create excessive bulk and scale, increased site coverage and significantly reduce the potential for adequate landscaping and deep soil planting to the eastern and western boundaries.

5.4. Woollahra DCP 2015

The proposal does not respond to the desired future character of the area as described in the Woollahra DCP 2015. We note the following which is taken from the Double Bay residential precinct character as set out in Section B1.3

The precinct is notable for both the density of its built form and its green landscape character. The tree canopy, formed by both street trees and private plantings, is a prominent element in the municipality's presentation from Sydney Harbour and should be maintained.

Further, the following extracts are taken from Section B1.3.2 Desired Future Character

Streetscape character and key elements of the precinct

Development respects and enhances the existing elements of the neighbourhood character that contribute to the precinct including:

d) the established tree canopy;

Desired future character objectives

O1 To respect and enhance the streetscape character and key elements of the precinct.

O2 To reinforce a consistent building scale within streets.

- O4 *To maintain the evolution of residential building styles through the introduction of well designed and contemporary buildings, incorporating modulation and a varied palette of materials.*
- O9 *To retain and reinforce the green setting of mature street trees, private trees and garden plantings*

Contrary to these objectives, the proposed changes would permit development which:

- Fails to enhance the streetscape character
- Is not consistent with the building scale on the streets
- Is not well modulated
- Is unable to retain and reinforce the green setting.

This section of New South Head Road (between Edgecliff and Double Bay Centres) has an established landscape character in both the public and private domain. The landscaping at the New South Head Road frontage of the site, combined with the landscaping at 365 Edgecliff Road, facilitates a green gateway when moving west to east into the Double Bay residential precinct.

In addition, at this location there is a built form transition from higher density development in the Edgecliff Centre to the lower-density built form in the Double Bay residential precinct. The building at 240 New South Head Road (to the south west of the site) marks the entrance to the Edgecliff Commercial Corridor. This landscape and the height transition is illustrated in **Figure 9**.




-  Landscaping at New South Head Road (in both the private and public domain) in the Double Bay residential precinct

Figure 9: Existing streetscape character of New South Head Road at the entrance to Double Bay residential precinct

The proposed maximum building height combined with the secondary height standard, creates a street wall height that both dominates and disrupts the established tree canopy along New South Head Road. This is not consistent with the desired future character under the Woollahra DCP 2015 B1.3.2, particularly the following objectives:

- O1 To respect and enhance the streetscape character and key elements of the Precinct.*
- O5 To ensure that rooflines sit within the predominant street tree canopy.*
- O9 To retain and reinforce the green setting of mature street trees, private trees and garden plantings.*

The proposed bulk, scale and street wall height which would result from the proposed provisions, creates a similar built form volume to the adjoining site at 240 New South Head Road. A built form volume of this scale is more consistent with buildings in the Edgecliff Commercial Corridor, rather than responding to the context of the Double Bay residential precinct within which the site lies.

Furthermore, Council's tree management team are concerned that the footprint of the concept building would intrude into the *Tree Protection Zone* (TPZ) of the existing Jacaranda tree at the sites frontage to New South Head Road. However, it is noted that the proposed documents have not clearly illustrated all the existing and proposed RL's within the TPZ area of the tree, in order to fully assess the potential impacts on the tree.

We also note that development with the proposed bulk and scale is unlikely to achieve the Design Excellence Objectives in Woollahra DCP 2015 B3.1.3, in particular:

- o *4. Development contributes positively to the streetscape.*
- o *6. Development provides high levels of amenity for the both the private and public domain.*

6. Staff recommendation

In summary, Council staff do not support the request as it lacks strategic and site specific merit, particularly:

- 1) The proposed maximum building height and FSR standards are excessive and would create a building envelope which has an excessive bulk and scale.
- 2) The requested increase in both the maximum building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct.
- 3) The proposed standards would create a building envelope that will adversely impact on the site and its surroundings, particularly with regard to streetscape; landscape character and views.

7. Next steps

Should Council resolve not to support the request for a planning proposal, the next step is to notify the applicant of its decision in accordance with clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

However, if Council decides to support the request, the next step is for staff to prepare a planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* and the relevant guidelines. In this scenario, staff may require additional information or justification statements from the applicant to support the request for a planning proposal. Following the submission of this information to staff satisfaction, staff will prepare a planning proposal. As of 1 June 2018, Council must refer all planning proposals to the Woollahra Local Planning Panel for advice. This advice would then be reported to the Environmental Planning Committee.

8. Conclusion



On 12 June 2020, Council staff received the full package of information to assess a request for a planning proposal for 252-254 New South Head Road, Double Bay. This request for a planning proposal is seeking the following changes to the Woollahra LEP 2014 to:

- Increase the maximum building height standard from 13.5 to 22m.
- Introduce a secondary height control of RL 45.90m AHD at the New South Head Road.
- Increase the maximum FSR from 1.3:1 to 2.6:1.

Council Staff recommend that Council resolves not to support the request for a planning proposal as it lacks strategic and site specific merit. The proposed maximum height and FSR standards would create a building envelope which has an excessive bulk and scale.

The requested increase in both building height and FSR standards are inconsistent with the existing and desired future character of the Double Bay residential precinct and a development built to the scale permitted by the proposed standards would adversely impacts on the site and its surrounding context

Annexures

1. Planning Proposal Report by GSA Planning - 11 March 2020 [↓](#) 
2. Pre-application consultation response - 5 September 2019 [↓](#) 



PLANNING PROPOSAL

To Amend the Woollahra Local Environmental Plan
(LEP) 2014 as It Applies to

No. 252-254 New South Head Road, Edgecliff

Prepared for:
Penoh Capital Land Pty Ltd
C/- Antoniadis Architects
Suite 305, Level 3
19A Boundary Street
Darlinghurst NSW 2010

Prepared by:
GSA PLANNING
Urban Design, Environmental & Traffic Planners
(A.B.N 18 003 667 963)
95 Paddington Street, Paddington NSW 2021
p: 02 9362 3364
e: info@gsaplanning.com.au

JOB NO. 18418
March 2020

© GSA PLANNING 2020



This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

No reproduction of this document or any part thereof is permitted without prior written permission of GSA Planning.

Job No: 18418

Revision No: **FINAL: 11 March 2020**

Report prepared by: **Yvette Middleton**
Associate Director

Tanya Wallis
Planner

Report reviewed by:



George Karavanas
Director

Date : 11 March 2020

For and on behalf of **GSA Planning**
95 Paddington Street
PADDINGTON NSW 2021

© GSA PLANNING 2020

This document is and shall remain the property of Gary Shiels & Associates Pty Ltd (trading as GSA Planning). The document may only be used for the purposes for which it was commissioned and in accordance with the Letter of Instruction. Unauthorised use of this document in any form whatsoever is prohibited.

CONTENTS

1.0 PRE-LODGE MENT BACKGROUND	5
2.0 SITE DESCRIPTION	7
2.1 THE LOCALITY	7
2.2 SITE DESCRIPTION AND EXISTING BUILT FORM	8
2.3 EXISTING CHARACTER AND CONTEXT	9
2.4 NEARBY PLANNING PROPOSAL APPROVALS	10
3.0 PART 1 - OBJECTIVES OR INTENDED OUTCOMES	13
4.0 PART 2 – EXPLANATION OF PROVISIONS	17
4.1 BUILDING HEIGHT	17
4.2 FLOOR SPACE RATIO	20
4.3 SOLAR ACCESS	20
4.4 VIEWS	22
4.5 ACOUSTIC AND VISUAL PRIVACY	26
5.0 PART 3 - JUSTIFICATION	27
5.1 SECTION A – NEED FOR THE PLANNING PROPOSAL	27
5.2 SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	29
5.3 SECTION C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	41
5.4 SECTION D – STATE AND COMMONWEALTH INTERESTS	43
6.0 PART 4 – MAPPING	45
6.1 CURRENT DEVELOPMENT STANDARDS	45
6.2 PROPOSED REVISED DEVELOPMENT STANDARDS	46
7.0 PART 5 – COMMUNITY CONSULTATION	48
8.0 PART 6 – PROJECT TIMELINE	49
9.0 ADDITIONAL CONSIDERATIONS	50

ANNEXURES

A – LIST OF SEPPS

B – CONSIDERATION OF SECTION 9.1 DIRECTIONS

C – A GUIDE TO PREPARING PLANNING PROPOSALS CHECKLIST

Abbreviation	Abbreviation Meaning
ADG	Apartment Design Guide
AHD	Australian Height Datum
ANEF	Australian Noise Exposure Forecast
AS	Australian Standard
ASS	Acid Sulfate Soils
CBD	Central Business District
CMP	Construction Management Plan
Council	the Council
CRZ	Critical Root Zone
DA	Development Application
DCP	Development Control Plan
DP	Deposited Plan
DPE	Department of Planning & Environment
EIS	Environmental Management Plan
EPAA	Environmental Planning and Assessment Act 1979
EPAR	Environmental Planning and Assessment Regulations 2000
EUR	Existing Use Rights
FFL	Finished Floor Level
FSR	Floor Space Ratio
GFA	Gross Floor Area
GSC	Greater Sydney Commission
HCA	Heritage Conservation Area
HIA/HIS	Heritage Impact Assessment/Heritage Impact Statement
IHAP	Independent Hearing and Assessment Panel
LEP	Local Environmental Plan
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
MHWM	Mean High Water Mark
NSW	New South Wales
NSWLEC	NSW Land & Environment Court
OEH	Office of Environment and Heritage
OSD	On-Site Detention
PoM	Plan of Management
POS	Private Open Space
PP	Planning Proposal
REF	Review of Environmental Factors
RFB	Residential Flat Building
RL	Reduced Level
RMS	Roads & Maritime Services
SEE	Statement of Environmental Effects
SEPP	State Environmental Planning Policy
SREP	Sydney Regional Environmental Plan
SP	Strata Plan
SWMP	Stormwater Management Plan
TPZ	Tree Protection Zone
TfNSW	Transport for NSW
VENM	Virgin Excavated Natural Material
WMP	Waste Management Plan
WSUD	Water Sensitive Urban Design

1.0 PRE-LODGE MENT BACKGROUND

This Planning Proposal has been prepared on behalf of Penoh Capital Land Pty Ltd by Gary Shiels & Associates Pty Ltd – (hereafter referred to as GSA Planning). GSA Planning has expertise in Urban Design, Environmental & Traffic Planning. This Planning Proposal is for the property known as No. 252-254 New South Head Road, Edgecliff (hereafter referred to as 'the subject site').

The subject site is on the northern side of New South Head Road and adjoins a portion of New South Head Road has been under investigation by Council to consider built forms and uplift for the sites lining the road. Previous Council investigations into nearby opportunity sites justified increasing density, building height and floor space ratio close to the Edgecliff Centre as being consistent with the well-established best planning practice of increasing development potential in centre to promote more sustainable and public transport-oriented development.

To facilitate the redevelopment of the site and invigoration of the New South Head Road corridor at Double Bay, the Planning Proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014, with site-specific changes to the LEP Maps, summarised as follows:

- **Building Height proposed:** 22 metres (currently 13.5m), with a secondary height control of:
 - Option A:** RL 45.90 AHD within an area 11m perpendicular to both southern boundaries
 - Option B:** RL 45.90 AHD within an area south of a line 5m from the southern and south-eastern boundaries, running across the site
- **Floor Space Ratio proposed:** 2.6:1 (currently 1.3:1).

The existing building on the subject site is a deteriorating four-storey residential flat building, with no on-site parking available. The conceptual built form proposed in this Planning Proposal has been designed by Antoniades Architects and continues the residential flat building use of the subject site.

A Pre-application Consultation was undertaken on **14 August 2019** with Woollahra Council, with regard to this Planning Proposal. In Council's response letter dated **5 September 2019**, it is acknowledged that the site is close to the Edgecliff Commercial Centre and the Double Bay Commercial Centre, and surrounding building vary from three to seven storeys. The letter also states the following, inter alia:

Having considered the site's topography and its surrounding built form context, existing and future desired character of New South Head Road, the requested increase in height controls may be consistent with the objectives above [building height objectives]. However, in combination with the requested FSR controls, it would permit development which is of an excessive bulk and scale which fails to respond to the existing and desired future character of the surrounding context.

To allay Council's concerns regarding future bulk and scale as a result of the planning proposal, two height limits will minimise perceived bulk at the street front, to complement the existing streetscape. Further discussion of the amended building height and FSR controls consistency with the relevant objectives are discussed in Section 5.2.2 of this planning proposal.

The Planning Proposal has allowed Antoniades Architects to develop a concept design for a residential flat building on the site, with a contemporary built form which respects and protects the integrity of the existing and future character, and nearby amenity. The built form would complement the location and the adjacent and nearby taller buildings, particularly in the New South Head Road streetscape. The proposal demonstrates the 'contextual fit' of additional height and FSR on the site.



The proposed height strategy which does not exceed RL 45.90 AHD at the street front, or 22m from the lower portion of the site, will ensure the height and scale of future development provides an appropriate streetscape transition.

This report has considered the proposed form against maintaining views and privacy of nearby residents and minimising overshadowing. The concept design's controlled bulk and scale have minimised any effects.

Proximity to excellent public transport services and to local retail facilities and services, will be convenient and desirable for future residents. A residential flat building complements nearby residential uses and maintains local amenity.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the relevant Department of Planning Guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'. Following this pre-lodgement background are eight sections. Section 2.0 identifies the site; Sections 3.0 to 8.0 contain the Planning Proposal; and Section 9.0 provides additional information.

2.0 SITE DESCRIPTION

This section contains a description of the following: The Locality; The Site; Existing Built Form and Landscaping; Existing Character and Context; and Nearby Approved Planning Proposals.

2.1 The Locality

The subject site is located approximately 2.8km east of the Sydney CBD and is in the New South Head Road Corridor, within the Woollahra LGA (see **Figure 1**).



Source: SIX Maps, 2020

Figure 1: Location Plan

 Subject Site

2.2 Site Description and Existing Built Form

The subject site is located on the northern side of New South Head, and is known as No. 252-254 New South Head Road, Double Bay, described as SP11702, with a site area of 934.9m². The site is zoned R3 Medium Density Residential under the Woollahra LEP 2014.

An existing four-storey residential flat building with a hipped tile roof, is known as the 'Dalkeith Building' (see **Photograph 1**). The existing older building contains eight units, and is rundown in comparison to many developments nearby the subject site. The site includes substantial landscaping and is entered via two pedestrian entrances from New South Head Road (see **Photograph 2**). There is no vehicle parking available.



Photograph 1: The subject site, as viewed from New South Head Road



Photograph 2: The subject site, as viewed from No. 250 New South Head Road

2.3 Existing Character and Context

The surrounding area is characterised by retail and commercial buildings of both Edgecliff and Double Bay; medium-density mixed-use development; residential development; and the nearby Ascham School. The Edgecliff Centre, Railway Station and Bus Interchange are approximately 200m from the subject site. Double Bay centre is approximately 300m from the site. Many of the buildings facing New South Head Road were constructed in the Inter-War period and are reaching the end of their useable life. The area has been undergoing significant change.

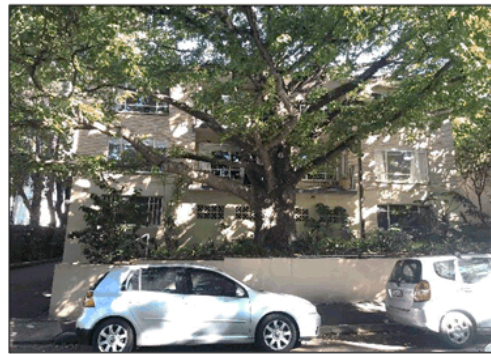
Significant urban renewal along New South Head Road is seeing the character of the area evolve with both Double Bay and the nearby Edgecliff Local Centre in transition. Higher density developments reflect the high accessibility of the area. New South Head Road density in the vicinity of the subject site has been the subject of a number of recently proposed and approved planning proposals for increased height.

Development to the North

To the north of the subject site is No. 260 New South Head Road, a long three-storey brick residential flat building with 11 units; a small number of parking spaces at ground level; and substantial landscaping in the front and rear setbacks. The site extends from New South Head Road, to the north of the subject site (see **Photograph 3**). Further to the north is No. 2 Holt Street, a three-storey brick residential flat building with hipped tile roof, and 15 units with parking at ground level (see **Photograph 4**).



Photograph 3: 260 New South Head Road, as viewed from within the site (source: realestate.com.au)



Photograph 4: No. 2 Holt Street, as viewed from the street.

Development to the East

To the east of the subject site is No. 256 New South Head Road, 'Monterey', a painted brick three-storey residential flat building built with hipped tile roof, constructed to the front boundary. The building has seven units and no parking (see **Photograph 5**). Further to the east is No. 260 New South Head Road, as described above (see **Photograph 6**).



Photograph 5: No. 256 New South Head Road, as viewed from the street



Photograph 6: No. 260 New South Head Road, as viewed from the street

Development to the South

To the south is No. 365A Edgecliff Road, an eight storey brick residential flat building known as 'Edgecliff Towers'. The building is setback from the front boundary, with at grade garages (see **Photograph 7**). The building has dual frontage to Edgecliff Road (see **Photograph 8**).



Photograph 7: No. 365A Edgecliff Road, as viewed from New South Head Road.



Photograph 8: No. 365A Edgecliff Road as viewed from Edgecliff Road.

Development to the West

To the west of the subject site is No. 250 New South Head Road, a brick residential flat building of 17 units. The building is setback from the street and has a driveway frontage to New South Head Road (see **Photograph 9**). Further to the west is No. 240 New South Head Road, a recently constructed contemporary residential flat building with a flat roof, following an approved planning proposal. The new development has 19 units, and has a curved façade built to the front boundary with New South Head Road (see **Photograph 10**).



Photograph 9: No. 250 New South Head Road, as viewed from the access handle



Photograph 10: No. 240 New South Head Road, as viewed from the street

2.4 Nearby Planning Proposal Approvals

The density of the Edgecliff Mixed Use Centre is increasing with new developments and amendments to the LEP height and FSR controls, as proposed and approved, along New South Head Road.

This includes the recent modifications to approval of a new five- to six-storey residential flat building with ground and basement car parking levels at Nos. 240-246 New South Head Road, to the west of the subject site, as discussed in Section 2.3 (see **Figure 2** on the following page).

The approved planning proposal for this site amended the zoning to B4 Mixed Use, increased the height control to 24.9m, and increased the FSR control to 4.8:1. The previous development standards for the site were a height of 18m with a height of 14m at the highest part of the land (Area H of Clause 4.3A(3)); and an FSR of 4.0:1.



Source: Simmons Architects

Figure 2: Approved Development at Nos. 240-246 New South Head Road

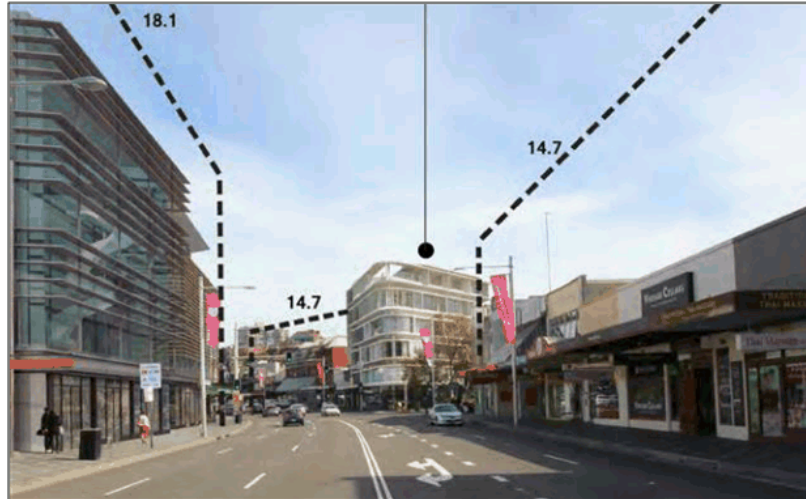
Similarly, a planning proposal to increase the height and FSR controls at Nos. 80-84 and 90 New South Head Road has been approved. This saw the FSR control increase from 1.5:1 to 2.9:1, and the maximum building height control increase from 14.5m to 23.5m (see **Figure 3**).



Source: PTI Architects

Figure 3: Approved Development at Nos. 80-84 and 90 New South Head Road

Planning proposals have been lodged for sites further along New South Head Road. This includes approval to amend the height control from 14.7m to 23.5m and amend the FSR control from 2.5:1 and 3:1 to 4.5:1 at No. 374 and 376-382 New South Head Road, Double Bay. This enables a six-storey mixed use development on the prominent corner site (see **Figure 4**). At time of writing, a DA has not yet been lodged for this site.



Source: Eeles Trelease Pty Ltd

Figure 4: Concept Plan for Nos. 374 and 376-382 New South Head Road

3.0 PART 1 - OBJECTIVES OR INTENDED OUTCOMES

The objectives of the Planning Proposal are:

- To allow the redevelopment of the site by facilitating a contemporary residential flat building nearby the Edgecliff Mixed Use Centre;
- To enhance the potential of the underutilised site in close proximity to a public transport location; and
- To provide a built form that is compatible with the existing and emerging context and character of the locality.

The intended outcomes of the Planning Proposal are:

- To amend the Woollahra LEP 2014 to enable the redevelopment of No. 252-254 New South Head Road, Double Bay for a part 7-storey and part 8-storey residential flat building development, with shared car parking at Level 4 (street level).
- The concept submitted with the planning proposal shows a maximum height of RL 45.90 AHD (under Option A or B) at front of the site to ensure streetscape compatibility (see Figures 5 and 6 on the following pages); with the balance of the site being maximum 22m high from existing ground level.
- The concept has an FSR of 2.6:1.

3.1 Height Strategy for Increased Permitted Height for the Subject Site

The intention is to limit the height for the front portion of the site. This is because there is a significant drop in the site, from the southern boundaries.

To request a 22 metre height limit over the entire site could result in a street elevation which is inconsistent with Council's desired streetscape outcomes. Therefore, to give Council confidence any future development would be consistent with the streetscape in terms of height, a second layer of height control is proposed. This can be included as an additional subclause in the LEP, or included as an additional Area map.

Accordingly, this proposal nominates a height of RL45.90 AHD for a limited portion of the southern side of the site, adjoining New South Head Road and adjacent to the entrance to No. 250 New South Head Road. We have prepared two alternatives for Council to consider: Option A or Option B, in **Figures 5 & 6** on the following page. Both options result in similar areas where the height would be restricted for streetscape purposes:

- Option A: 388m²
- Option B: 312m²

It should be noted that other controls will limit the height in this area; that is, the Apartment Design Guide requirements which increase setbacks as building height increases, as well as Council's controls relating to streetscape etc.

Option A

This option nominates an 11 metre setback from the southern and south-eastern boundary, as a means of containing any development to RL45.90 AHD (see **Figure 5**). Potential wording for this option could be:

Proposed Option A modification to Clause 4.3A:

4.3A Exceptions to building heights (Areas A–H)

- (1) The objectives of this clause are as follows—
 - (a) to ensure new development is consistent with the desired future character of the neighbourhood,
 - (b) to ensure new development is consistent with the surrounding buildings and the streetscape,
 - (c) to protect views and vistas that are in the public domain.
- (2) This clause applies to land identified as "Area A", "Area B", "Area C", "Area D", "Area E", "Area F", "Area G", "Area H" and "Area J" on the Height of Buildings Map.
- (3) Despite clause 4.3, the height of a building on land to which this clause applies, in an Area indicated in Column 1 of the table to this clause, at the highest part of the land (exclusive of any access handles), must not exceed the height shown opposite that Area in column 2.

Column 1	Column 2
Area A	3.0 metres
Area B	4.0 metres
Area C	6.5 metres
Area D	7.5 metres
Area E	8.0 metres
Area F	10.5 metres
Area G	11 metres
Area H	14 metres
Area J	22 metres, other than an area measured 11m perpendicular to the southern and south-eastern boundaries, which must not exceed RL45.90AHD.



Source: Antoniades Architects

Figure 5: Height Strategy – Option A

Option B

This option instead proposes a line, extended 5 metres from the southern & south-eastern boundaries on the eastern and western boundaries. The area where the height can achieve RL45.90AHD is then contained (see **Figure 6**).

Proposed Option B modification to Clause 4.3A:

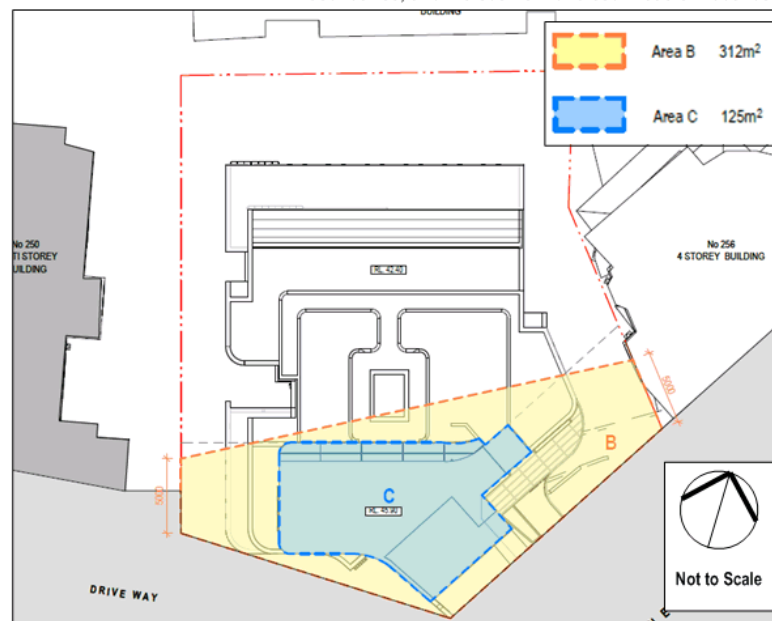
4.3A Exceptions to building heights (Areas A–H)

- (1) The objectives of this clause are as follows—
 - (a) to ensure new development is consistent with the desired future character of the neighbourhood,
 - (b) to ensure new development is consistent with the surrounding buildings and the streetscape,
 - (c) to protect views and vistas that are in the public domain.
- (2) This clause applies to land identified as "Area A", "Area B", "Area C", "Area D", "Area E", "Area F", "Area G", "Area H" and "Area J" on the Height of Buildings Map.
- (3) Despite clause 4.3, the height of a building on land to which this clause applies, in an Area indicated in Column 1 of the table to this clause, at the highest part of the land (exclusive of any access handles), must not exceed the height shown opposite that Area in column 2.

Column 1	Column 2
Area A	3.0 metres
Area B	4.0 metres
Area C	6.5 metres
Area D	7.5 metres
Area E	8.0 metres
Area F	10.5 metres
Area G	11 metres
Area H	14 metres
Area J	22 metres (with reference to Clause 4.3A(4))

- (4) Despite clause 4.3(3), the height of a building in Area J indicated in Column 1 of the table to this clause, must not exceed the height shown in Column 2, for the area as specified below.

Column 1	Column 2
Area J	RL45.90AHD: for the area between a line drawn from the eastern and western boundaries, measured 5m from the intersections of those boundaries with the southern and south-eastern boundaries; and the southern and south-eastern boundaries.



Source: Antoniades Architects

Figure 6: Height Strategy – Option B

Planning Proposal for site-specific planning control changes at
No. 252-254 New South Head Road, Edgecliff – Job No. 18418

15

gsa planning

This will ensure the New South Head Road Corridor retains an appropriate built form and design excellence is achieved. Setback requirements of the ADG will ensure that the bulk of the built form within Area A or B is restricted, to minimise the bulk and scale of the concept development.

The amendments are outlined in detail in the Urban Design Report prepared by GMU Urban Design and Architecture Pty Ltd (hereafter referred to as GMU) (separately submitted).

4.0 PART 2 – EXPLANATION OF PROVISIONS

The proposed amendments are, inter alia:

- Amending the Woollahra LEP 2014 Height of Building Map to indicate a reduced maximum height to RL 45.90 AHD at front of the site (refer to Option A and B, in Section 3), with a maximum permissible height of 22m for the remainder of the site; and
- Amending the Woollahra LEP 2014 Floor Space Ratio Map to indicate a maximum permissible FSR of 2.6:1.

4.1 Building Height

The proposal would increase the height from 13.5 metres to 22 metres for the majority of the site, however a separate control is proposed near the front of the site to address the considerable level change within the site. The existing building sits almost three storeys below street level (see **Photographs 11 & 12**).

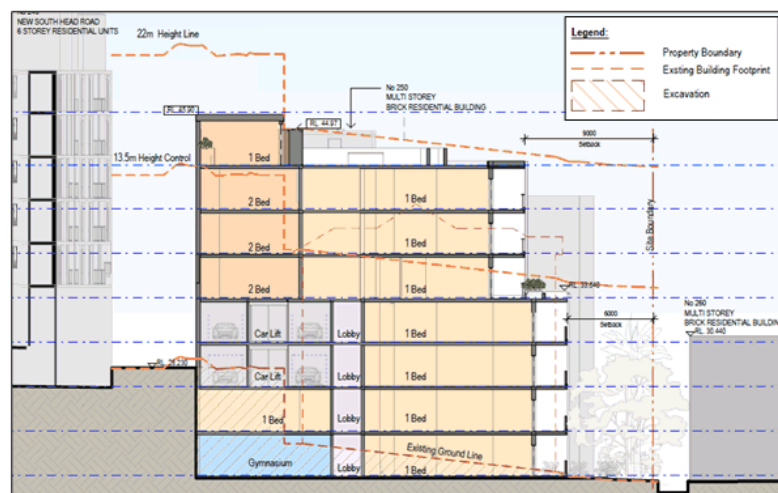


Photograph 11: The Subject Site, viewed from No. 250 New South Head Road.



Photograph 12: The existing building has three levels below street entry level.

The existing residential flat building already exceeds the height limit by approximately 4.7 metres; however the Planning Proposal does not seek to achieve the proposed 22 metre height line for the site, within the street frontage zone (see **Figure 7**).



Source: Antoniades Architects

Figure 7: Indicative Section

Increasing the permitted building height would be equivalent to another 1.5 floors above the existing roof line. The concept increases the rear setbacks of the upper levels, to reduce effects of the additional height.

The proposed height would enable a future building to have a streetscape presence on New South Head Road, however the two options presented still limit the height at the front of the site to be consistent in the streetscape. Currently the building sits below road level. The current height limit at street level is 13.5 metres.

The Planning Proposal nominates a fixed level at the front of the site of RL45.90 AHD which is the equivalent of an additional level only at the street frontage. However the New South Head Road elevation shows this is both compatible and consistent with the streetscape (see **Figure 8**). It should be noted Apartment Design Guide requirements for setbacks will limit the extent of the top floor.

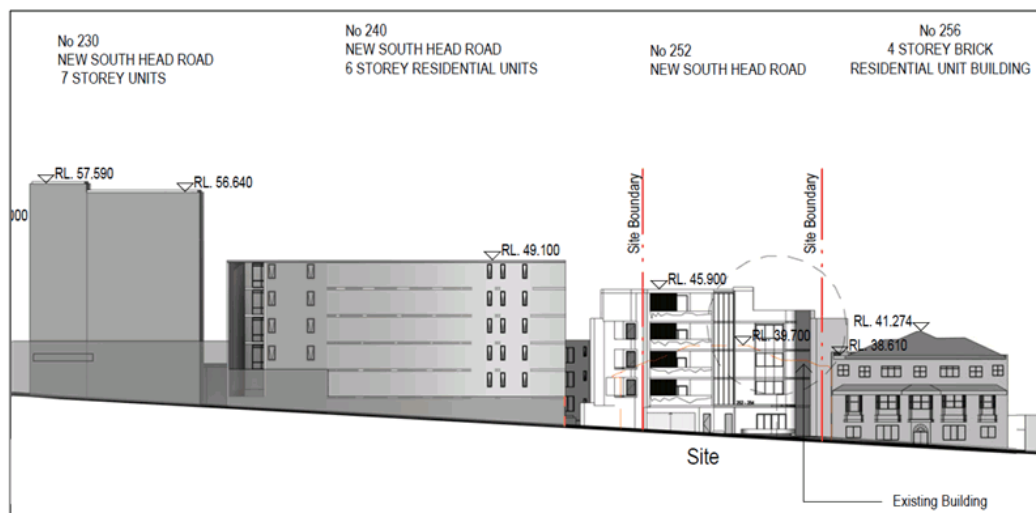


Figure 8: Streetscape Elevation with RL45.90 AHD Height

The proposed amendment to height will provide a building envelope consistent with the evolving nature of the streetscape, and the proposed amendment to FSR controls the extent of the built form on the site. The proposed amendments will allow for a new, well-designed development that considers the context, character and future use of Double Bay as a busy local centre with a perimeter of increased residential density.

The following photographs show the existing conditions in New South Head Road (see **Photographs 13, 14 & 15** on the following page).



Photograph 13: New South Head Road approach to the site



Photograph 14: The site in the New South Head Road streetscape



Photograph 15: The gap in the New South Head Road streetscape looking toward Edgcliff

The concept proposal shows the integration of a building at street-front which is consistent with others nearby, and retains an existing jacaranda tree which contributes to the streetscape (see **Figure 9**).



Source: Antoniades Architects

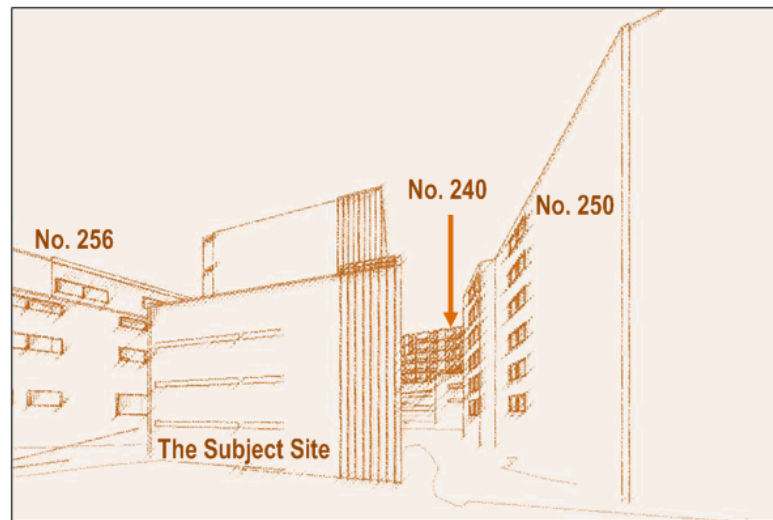
Figure 9: Indicative Proposal in the Streetscape, as viewed from the east on New South Head Road

4.2 Floor Space Ratio

The proposal would increase the site's FSR control from 1.3:1 to 2.6:1. The additional FSR will accommodate an increased height, specifically towards the middle and rear of the site which has a steep and challenging topography.

The proposed FSR would allow a residential flat building that has a part three and part four storey streetscape appearance, when viewed from New South Head Road. The upper level is only a single level addition to the existing maximum height standard at the street front.

Importantly, the increased FSR allows a building envelope that is sympathetic with surrounding built forms (see **Figure 10**).



Source: Antoniades Architects

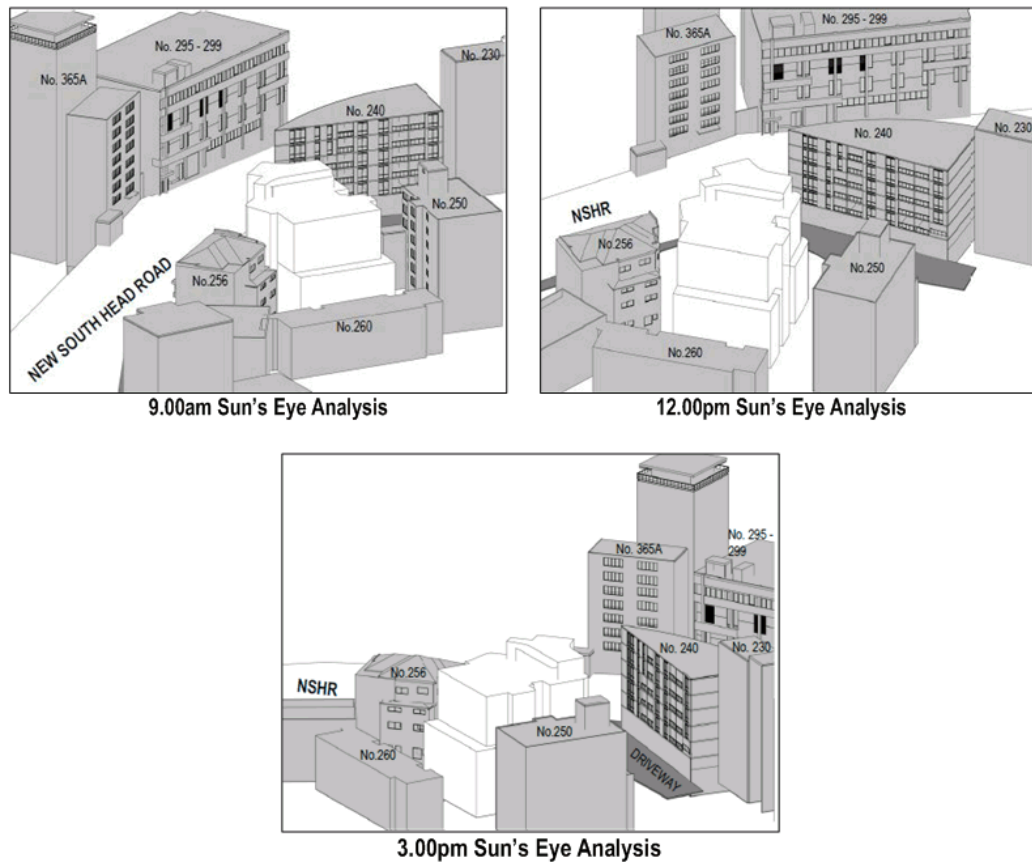
Figure 10: View of the proposal from rear neighbours at
No. 260 New South Head Road

Accordingly, in our opinion, the planning proposal provides an FSR control that more appropriately addresses the context of the site and the evolving character of the New South Head Road Corridor.

4.3 Solar Access

The proposal will maintain appropriate sunlight access to No. 250 New South Head Road by increasing side setbacks from the existing. ADG-compliant setbacks would provide approximately 10.5m separation distance between the proposed built form's upper levels and the neighbouring building. A 3m setback in accordance with the ADG is provided to No. 256 New South Head Road, to maximise solar access.

Sun eye diagrams have been prepared hourly between 9:00am and 3:00pm on 21st June by Antoniades Architects (separately submitted). These diagrams show the concept design's height and scale is expected to maintain solar access requirements to neighbouring sites' private open space and windows (see **Figure 11** on the following page). Any future development application will feature a degree of articulation and modulation to ensure DCP controls for solar access are achieved. We consider the proposed built form to be an appropriate representation of a likely form.



Source: Antoniades Architects

Figure 11: Indicative Sun's Eye Analysis

Further details regarding solar access are discussed in the GMU Urban Design Report, which states, inter alia:

The site's side boundaries to the east and west, whilst the front boundary is to the south. Some additional overshadowing will be created resulting in the following:

No. 240 New South Head Road

Approximately 10am-12pm - Minor additional overshadowing to the residential development to the south at No. 240 New South Head Road however, as demonstrated in the sun-eye diagrams on the following pages, only a few units are impacted during the morning hours.

1-3pm - No additional overshadowing impacts occur to the residential development at No. 240 New South Head Road. The additional overshadowing will fall on the road surface and pedestrian areas.

No. 256 New South Head Road

Approximately 1-3pm - Limited additional overshadowing will also impact the residential development to the east at No. 256 New South Head Road during the afternoon. This is demonstrated in the sun-eye diagrams on the following pages.

Public domain

9am-3pm - The majority of additional overshadowing impacts associated with the proposal will impact the road surface and public domain areas.

Accordingly, the concept plans based on the proposed height and FSR development standards will provide generous solar access to neighbouring sites.

4.4 Views

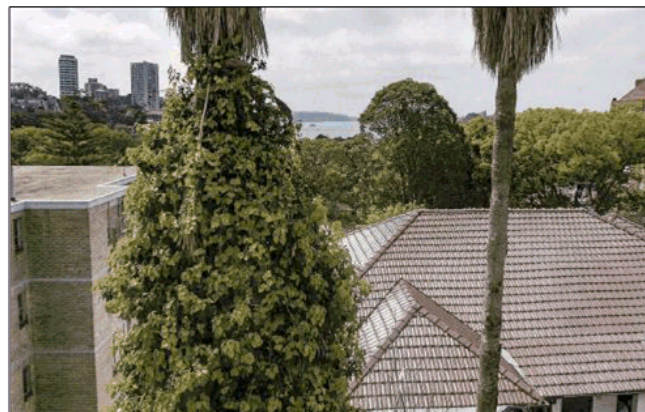
4.4.1 Views Generally

The proposed increase in building height and FSR will largely maintain existing views from nearby residential accommodation. Due to the existing density of New South Head Road and its surrounds, our initial investigation into views has not detected any significant views from residential developments within the vicinity of the subject site, that would be significantly affected by the proposal.

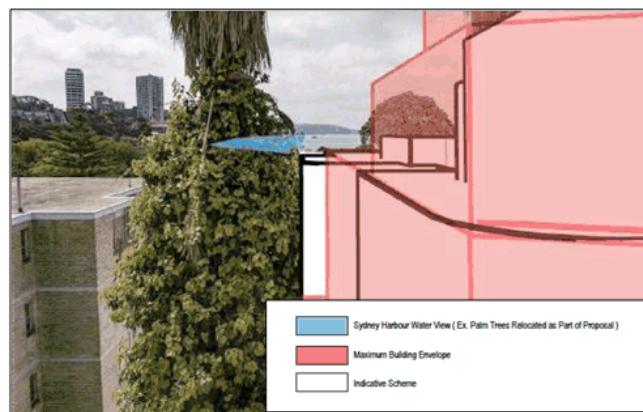
The residential flat building directly opposite the site at No. 365A Edgecliff Road has views of the harbour which would not appear to be interrupted by the proposed concept building. The proposed form has a height at street front only one level higher than the current height development standard. As No. 365A Edgecliff Road is elevated, the proposal is unlikely to affect views from this property.

Views across the site from No. 240 New South Head Road to the west are largely retained as a result of the proposal, and the carefully resolved concept building envelope.

Additionally, the concept building envelope is below existing landscaping and will maintain harbour views towards the north from upper levels of No. 240 New South Head Road (see **Figure 12**). These figures show that existing views are currently obscured by landscaping (palms). Please refer to architectural plans for view photo locations.



Existing View from Upper Level Balcony at No. 240 New South Head Road (Level 3)



Proposed view from Upper Level Balcony at No. 240 New South Head Road (Level 3)

Source: Antoniades Architects

Figure 12: View Comparison showing improvement with Palm's removal

In our opinion, the preliminary view analysis shows the planning proposal's considerate form will be likely to maintain views for residents of nearby residential developments. A full view analysis is provided in the architectural plans (separately submitted), and we include a View Impact Analysis consistent with the Planning Principle outlined in *Tenacity v Warringah* [2004] NSWLEC 140, as requested by Council at the Pre-Planning Proposal meeting.

4.4.2 View Impact Analysis in accordance with Tenacity Planning Principle

In our opinion, the proposed single storey increase in building height in the streetscape will largely maintain existing views from nearby residential accommodation. Due to the steep topography and existing density of New South Head Road and its surrounds, our initial investigation into views has not detected any iconic views from nearby residential developments which might be affected.

As we have not had the opportunity to access surrounding sites, instead we have relied upon photographs and view analysis imagery provided by Antoniades Architects; real estate photography; real estate or DA floor plans (where available); and aerial imagery.

In the assessment of development applications relating to view issues, the NSW Land and Environment Court relies on the planning principle in *Tenacity v Warringah Council* [2004] NSWLEC 140. Our assessment of the proposal against this planning principle is included below. The four steps in assessing view affectation are considered as follows:

Assessment of the views Affected

Very limited views are available directly across the site due to the existing built form and established vegetation. Any water views towards the harbour appear to be predominantly from middle and upper level balconies of No. 240 New South Head Road to the west of the subject site; and middle and upper level windows No. 365A Edgecliff Road to the south of the subject site (see **Figure 13**). However **Figure 15** demonstrates some levels are likely to receive views with the removal of existing vegetation.



Figure 13: Existing Views Across the Site from No. 240 New South Head Road

From what Part of the Property are Views Obtained?

The views across the subject site are from middle and upper level balconies adjoining living areas of No. 240 New South Head Road and are across the rear boundary. Views are available from middle and upper level windows of No. 365A Edgecliff Road, across the subject site, and would appear to be unaffected by the proposed height increase (see **Figure 14**).



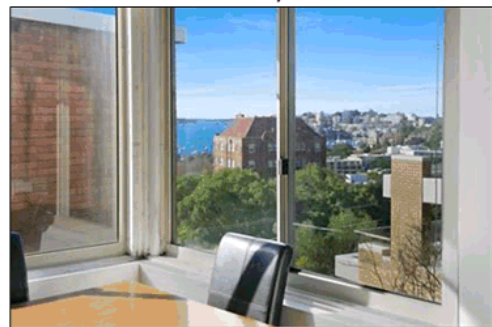
Source: Thehomepage.com.au



Source: Rwebay.com.au



Source: Snowdenjones.com.au



Source: Mybhr.com

Figure 14: Existing Views Across the Site from No. 365A Edgecliff Road

The Extent of Impact

The view assessed is from balconies along the northern elevation of No. 240 New South Head Road, which as living areas, are valued more highly than bedrooms or service areas. The water views from the balconies are nearly entirely retained as a result of the proposed conceptual built form, and maximum building envelope. With removal of existing palms and vegetation, some lower level balconies are likely to receive water views, where currently these are obscured (see **Figure 15** on the following page).

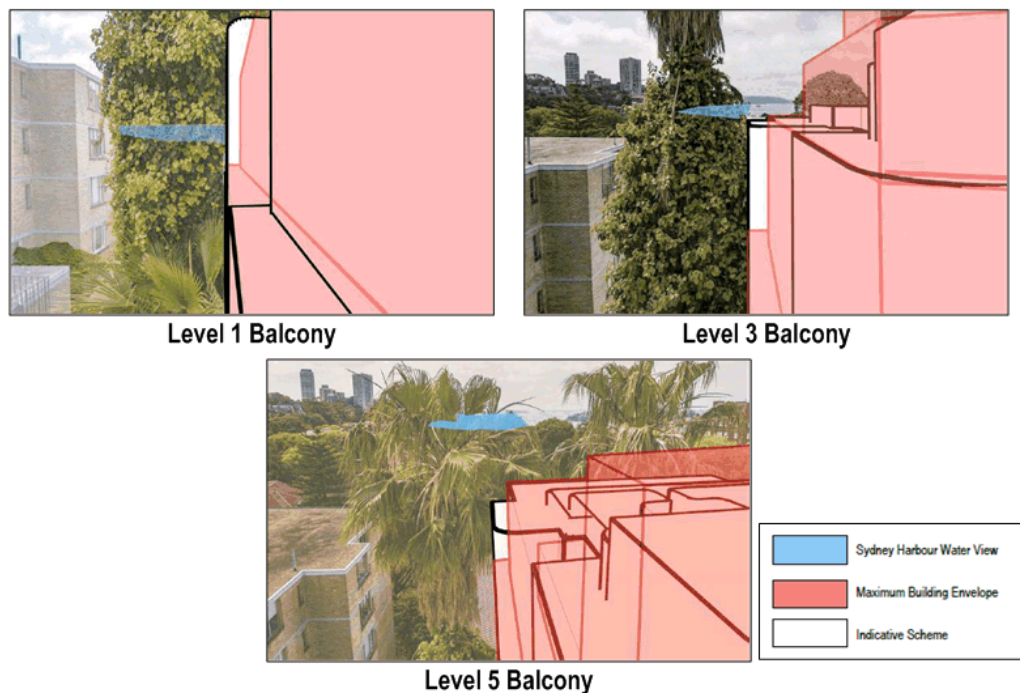


Figure 15: Proposed Views Across the Site from No. 240 New South Head Road

As we have not had the opportunity to access the site at No. 365A Edgecliff Road, we have relied upon real estate photography. It appears that some water views are obtained from living areas, however it is likely that some views are from bedrooms and service areas. Nonetheless, due to the elevation of this building above the subject site and existing dense vegetation to the north of the existing building on the subject site, the proposed conceptual built form and maximum building envelope is highly unlikely to affect water views from No. 365A Edgecliff Road.

The Reasonableness of the Proposal

This planning proposal has outlined an increased maximum FSR and two layers of building height to ensure streetscape compatibility. The concept building and maximum building envelope have been modelled to comply with the proposed building height and FSR controls as a result of this planning proposal. Accordingly, the building envelope of the sympathetically designed concept building will maintain water views from No. 240 New South Head Road.

The views towards the harbour from No. 365A Edgecliff Road would not appear to be interrupted by the proposed concept building and maximum building envelope. This is attributed to the proposed form and height strategy providing a height at the street front that is below the overall 22m height control proposed for the remainder of the site.

Applying the four principles to the proposed development, we consider that water views from No 240 New South Head Road and No. 365A Edgecliff Road would be largely maintained. In terms of the reasonableness of the proposal, a very minor view reduction from balconies of No. 240 New South Head Road, is likely to be improved by the removal of existing palms. Likewise any view reduction from the living rooms of apartments in No. 365A Edgecliff Road is likely to be negligible. Based on the view analysis undertaken, there will be no other view loss especially as iconic views of the Harbour Bridge and the city skyline are not readily available in this location.

Accordingly, any view reduction is likely to be very minor and the planning proposal's constrained form will encourage future redevelopment will maintain views for residents of nearby residential developments. The proposal is in our opinion reasonable on the basis of *Tenacity Consulting v Warringah*. A full view analysis is provided in the architectural plans (separately submitted).

4.5 Acoustic and Visual Privacy

The planning proposal and concept design has considered the visual and acoustic privacy of neighbouring residential developments. Due to the generous separation between the subject site and nearby development, an increase in height and FSR would be unlikely to affect the privacy or amenity of residents.

A future development will be required to meet with ADG requirements for separation and privacy, and the proposal has demonstrated this is achievable.

In terms of noise, an Acoustic Report, prepared by Renzo Tonin and Associates (separately submitted) has considered noise from New South Head Road, concluding, inter alia:

Renzo Tonin & Associates have completed an acoustic assessment of the residential development located at 252-254 New South Head Road, Rose Bay including noise impacts on the site from road traffic and potential noise impacts from mechanical plant and equipment serving the site.

The study of external noise intrusion into the subject development has found that appropriate controls can be incorporated into the building design to achieve a satisfactory accommodation environment, consistent with the intended quality of the building and relevant standards and the Council's guidelines.

Noise emission goals for the operation of mechanical plant and equipment have been set in accordance with the Noise Policy for Industry. It is feasible that noise emissions from the subject site can comply with these criteria, subject to detailed design for Construction Certificate.

Balconies in the concept design have been oriented towards the site's landscaped rear setback and New South Head Road to maintain privacy to residential flat buildings to the east and west. Additionally, the communal roof terrace offers increased setbacks and separation distances from adjoining developments, with a planter buffer to provide further separation.

The planning proposal will ensure that a building height and FSR desirable within the Double Bay Local Centre applies to the subject site. The indicative built form would accommodate a well-designed residential flat building, continuing the site's existing use and complementing the area's character; the bulk and scale of nearby existing and future development; and positively contribute to the New South Head Road streetscapes (refer to Concept Plans, separately submitted).

Accordingly, in our opinion, the planning proposal is unlikely to present any significant visual or acoustic effects on adjoining development.

5.0 PART 3 - JUSTIFICATION

This part has been prepared in accordance with the DP&E's *A Guide to Preparing Planning Proposals* and will consider the following: Need for Planning Proposal; Relationship to Strategic Planning Framework; Environmental, Social and Economic Impact; and State and Commonwealth Interests. A checklist against the Guide's requirements is provided in **Annexure C**.

5.1 Section A – Need for the Planning Proposal

5.1.1 Q1. Is the planning proposal a result of any strategic study or report?

Yes, GMU have prepared an Urban Design Report to accompany the planning proposal. The Urban Design Report draws on:

- 'A Metropolis of Three Cities' – Greater Sydney Commission;
- 'Eastern City District Plan' – Greater Sydney Commission;
- 'Draft Woollahra Local Strategic Planning Statement' (LSPS); and
- 'Woollahra Municipal Council's Opportunity Sites Study' 2010 – Woollahra Council.

These reports and studies justify the works proposed in conjunction with the amendments to the LEP building height and FSR controls in the Planning Proposal.

The Strategic Context for the planning proposal discusses 'A Metropolis of Three Cities' and the characteristics and goals of the 'Eastern City District Plan' in relation to the subject site. The subject site is located between the nearby Edgecliff Local Centre, a significant centre with railway and bus connections, and the Double Bay Local Centre. GMU outlines the planning proposal's compliance with the goals and priorities within the 'Eastern City District Plan', as follows:

The area is located less than a 30-minute distance from strategic centres and major job hubs including Sydney's CBD, Bondi Junction and the Randwick Health and Education Precinct.

From Edgecliff Train Station, the journey to Sydney's CBD and Bondi Junction takes approximately 5 minutes by train. Train services are frequent.

The site is located within short walking distance from Edgecliff Train Station and bus interchange and it is well placed to provide housing close to a transport node to meet the strategic aims of A Metropolis of Three Cities.

...

Edgecliff Centre is a well-established local centre located along New South Head Road, which is a state arterial road in proximity to public open spaces, parks and waterfront areas. The area provides the retail/commercial strip for the local community and the general public.

The Centre is strategically located close to:

- Sydney's CBD and other strategic centres including Bondi Junction and the Randwick Health and Education Precinct.
- Local and international destinations including the eastern beaches and cultural centres.
- Job hubs, educational/community facilities, services and public transport corridors.

This provides an opportunity to contribute to the future growth of the district and revitalise the local centres by creating additional infrastructure such as services and accommodations as predicted by the strategic policies.

The subject site is located within walking distance of the Edgecliff Centre, the train station and the bus interchange which reinforces the District Plan's aim for a '30-minute city' and supports sustainable public transport use.

The 'Draft Woollahra LSPS' was released by Woollahra Council in September 2019. The document sets out a 20-year land use vision, nominating a series of planning priorities for the LGA. Included is a local vision to guide future development, which nominates local planning priorities and associated strategies and actions.

Planning priorities and strategies set out in the LSPS include Infrastructure and Collaboration along with an ambitious active transport vision nominated for the area. Liveability and housing choice are also key aspects of the LSPS. The GMU Urban Design Report states the following regarding the site's potential to meet the strategies and planning priorities of the Draft LSPS, as follows, inter alia:

The subject site is located approximately 200m from the Edgecliff Centre, conveniently located to facilitate housing consistent with Council's nominated planning strategies.

...

The subject site is well-placed for providing development in accordance with the nominated priorities for the area due to its proximity to public transport, village locations and the site and context's natural features.

The 'Woollahra Municipal Council's Opportunity Sites Study' was released by Woollahra Council in 2010 and identified 24 locations as 'opportunity sites' to increase dwelling capacity and meet the housing targets set out by the NSW Government in the *East Subregional Strategy* in 2010. These sites are proposed to have an increased height and FSR, comparable with that of the subject site for this Planning Proposal. The GMU Urban Design Report states the following regarding opportunity sites and Council's current position, inter alia:

The subject site is located immediately to the east of the eastern gateway site (No. 4). This should be considered as part of the analysis of the existing and future height profile and densities along New South Head Road to ensure harmonious streetscape proportions.

The 'Double Bay Economic Feasibility Study' investigated prospective barriers hindering the development of residential uses in the Double Bay Centre from both planning and property economics perspectives. These barriers include the Centre's existing FSR and height limits; the higher land values; small sites; and fragmented ownership. These result in greater costs and challenges to achieve a reasonable size development parcel. Although the subject site is not within the study area, it is in close proximity and on the New South Head Road corridor, to the east of the study area.

The study identified the following opportunities for encouraging residential development include:

- There is a significant demand for housing due to the centre's waterfront location and proximity to Sydney CBD;
- The centre is an attractive location for the younger generation with diverse retail components including new wine bars, cafes and restaurants; and
- Forecast residential growth in the Locality.

Other considerations include:

- Apartments are increasingly popular in the Woollahra LGA. In the 2011-2016 period there was an increase of 812 people living in medium-high density dwellings [source: *Woollahra Municipal Council profile.id*];
- Opportunity for older home-owners to downsize to apartments and remain in the local area, by releasing equity in their larger family homes;
- Convenience of apartment living close to shops, services, entertainment and public transport; and
- Desire from singles, couples, and families with younger children to live in apartments close to employment, public transport, schools, parks, and other services.

The subject site is located near the Double Bay Local Centre, and will align with desired opportunities for the locality by increasing the site's residential capacity to accommodate forecast residential growth. The proposal will contribute to the local economy with additional residents utilising the Double Bay Commercial Centre, close to the subject site.

Accordingly, in our opinion, the Planning Proposal has considered the strategic reports and studies applicable to the subject site and surrounding Local Centres.

5.1.2 Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

There are three options that could apply to the site regarding its potential development. These are as follows:

OPTION 1 – Do Nothing

This option does not promote the economic potential of the site which currently features a poorly maintained building that does not meet its development potential or provide appropriate amenity adjacent to a busy road. The current height and FSR development standards applicable to the site do not offer a suitable return on investment to redevelop the site. Additionally, unless new, well-designed developments are encouraged and approved, the locality might decline.

OPTION 2 – Lodge a Development Application

Lodging a development application such as the indicative proposal accompanying this application would require two Clause 4.6 Applications to Vary the Development Standards for building height and FSR. These would be departures of between 22% and 62% for building height; and double for FSR. These are significant variations for a Local Planning Panel to determine, and therefore a planning proposal was considered to be an appropriate method to achieve the desired outcome.

OPTION 3 – Planning Proposal

A planning proposal will enable redevelopment of the site at a scale which achieves reasonable economic return for the site. Edgecliff and Double Bay Local Centres will be better utilised, by providing additional housing nearby these well-connected transport, retail and commercial hubs.

The planning proposal is the best means to achieve the intended outcomes of increased maximum building height and floor space ratio for the site. A planning proposal to amend these development standards is needed in order to achieve these outcomes. The planning proposal will achieve the LEP objectives for height and FSR.

5.2 Section B – Relationship to Strategic Planning Framework

5.2.1 Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

a) Does the proposal have strategic merit? And is:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or
- Consistent with the relevant local councils' strategy that has been endorsed by the Department; or

- Responding to a change in circumstances such as the investment in new infrastructure of changing demographic trends that have not been recognised by existing planning controls.

The planning proposal has strategic merit and is consistent with the objectives of the *Greater Sydney Region Plan - A Metropolis of Three Cities* (2018); and the actions and planning priorities of the *Eastern City District Plan* (2018). Additionally, the Strategic Merit of the planning proposal, generally, and in relation to Council's strategies and studies will be assessed in the following sections.

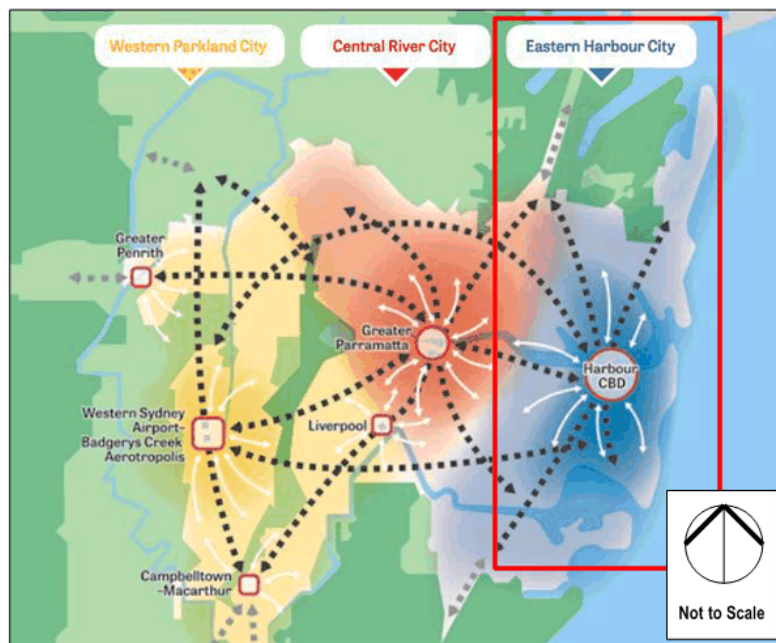
A Metropolis of Three Cities

In March 2018, the GSC released the *Greater Sydney Region Plan: A Metropolis of Three Cities* which is the latest metropolitan strategic plan to guide Sydney's long- term growth. This document replaces *A Plan for Growing Sydney* which was previously used to assess this Planning Proposal.

The plan identifies three cities for the Greater Sydney Region with the subject site being located with the *Eastern City District Plan* (see **Figure 16** on the following page).

The vision is for three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and 'great places'. The overarching goals include the following:

- *A city supported by infrastructure*
- *A collaborative city*
- *A city for people*
- *Housing the city*
- *A city of great places*
- *A well-connected city*
- *Jobs and skills for the city*
- *A city in its landscapes*
- *An efficient city*
- *A resilient city*



Source: Eastern City District Plan, March 2018 Eastern City

Figure 16: Map Showing the Metropolis of Three Cities

A *Metropolis of Three Cities* states that the population of Greater Sydney is projected to grow to 8 million people over the next 40 years. It is essential that residents have quick and easy access to jobs and essential services. Housing supply and choice will need to increase accordingly to meet the growing and changing needs of the community. In response to this, the planning proposal will allow for increased and diversified housing supply close to the City and public transport hubs, whilst simultaneously updating the quality of the built form and housing compared to the existing situation on the site.

The planning proposal is consistent with Objective 10 of this Plan, as follows, inter alia:

- **Objective 10:** Greater housing supply.

Ongoing housing supply, with a range of housing types in accessible and well-serviced locations will create more liveable neighbourhoods, and support Greater Sydney's growing population. The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections.

The 0-5 year housing supply target for the Eastern City is 46,550 new dwellings (an average of 8,100 new dwellings per year); and the 20 year strategic target is 157,500 (average of 8,411 new dwellings per year). The region plan recognises the important role that the development industry plays in providing new housing to meet these targets.

The *Eastern City District Plan* has a target of 350 new dwellings within the Woollahra LGA in the next five years (until 2022 / 2023), which translates to an average of 70 new dwellings per year. Currently, the total number of new dwellings completed in the previous five years is 123, which is an average of only 24.6 per year, or 28% of the required average) [source: 2018 Sydney Housing Supply Forecast Data, DPI&E].

At the current completion rate, it is unlikely the five year target will be met.

Accordingly, the planning proposal aligns with this objective through accommodating up to 33 well-designed residential apartments on the site; a contribution of potentially, an additional 25 dwellings in the LGA. This is the equivalent of an average year in Woollahra. A future DA will ease demand for a mix of new housing stock, and contribute to increased housing supply targets within the LGA and Eastern City.

The planning proposal has the potential to provide contemporary apartment-living, appealing to a mix of young professionals, singles and couples, and downsizers. The central location of the site; near a range of train and bus services, employment lands, retail services, and recreational areas; are aspects that further enhance the viability to increase the capacity of the site.

The planning proposal is an opportunity for contemporary new apartments close to transport links and employment opportunities. Studio and one-bedroom apartments will appeal to younger professional singles and couples, with the 20-34 year old demographic currently making up 28.5% of the population in Double Bay [source: 2016 Census QuickStats: Double Bay].

Importantly, the planning proposal will provide residential apartments with the capacity to accommodate downsizers, allowing Double Bay and nearby Edgecliff residents to continue to age in place. Trends indicate apartments are the most common dwelling structure within this local centre, with 75.1% of dwellings in Double Bay being flats or apartments [source: 2016 Census QuickStats: Double Bay].

Eastern City District Plan

Double Bay is identified as a "local centre" in the *Eastern City District Plan*. The Edgecliff Local Centre is adjacent to the subject site.

The planning priorities and corresponding actions that are relevant to the planning proposal include the following, inter alia:

- **Planning Priority E1:** *Planning for a city supported by infrastructure.*

The site is well-served by bus stops, approximately 110m walking distance from the subject site, with regular services to North Bondi, Bondi Junction, Edgecliff and Watsons Bay. The site is approximately 280m from Edgecliff Train Station, which provides access to the CBD and surrounding suburbs. The existing transport infrastructure ensures the site is accessible for residents and visitors.

The site's proximity to local schools, employment, hospitals, medical services, parks, and other facilities and services will benefit future residents. It is unlikely the proposal will directly affect the provision of public infrastructure or significantly increase demand. Therefore, the proposal is consistent with the objectives for this priority.

- **Planning Priority E4:** *Fostering healthy, creative, culturally rich and socially connected communities.*

The planning proposal seeks to increase the residential capacity in Double Bay. The proposal is consistent with the following actions in the Plan which foster strong local communities through a place-based planning approach:

Action 10: Deliver healthy, safe and inclusive places for people of all ages and abilities that support active, resilient and socially connected communities

Future development on the subject site will feature adaptable apartments and lift access, ensuring it will be a safe and inclusive place for people of all ages and abilities. Increased residential uses near the centre is an important factor in maintaining Double Bay's level of liveability.

- **Planning Priority E5:** *Providing housing supply, choice and affordability, with access to jobs, services and public transport.*

A future development application will provide short-term local employment opportunities during the construction phase. Approximately 33 residential units on the site will ensure that an affordable housing supply and choice is available to the community.

- **Planning Priority E6:** *Creating and renewing great places and local centres, and respecting the District's heritage.*

Double Bay is identified as a local centre in the Plan. It is intended that the planning proposal will increase accommodation and density near the centre.

The proposal is consistent with the following actions in the Plan which seek to foster strong local communities through a place-based planning approach:

Action 18: Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places.

Action 22: Use flexible and innovative approaches to revitalise high streets in decline. A healthy balance of business, retail, health, community and residential uses in the centre is an important factor in maintaining Double Bay's high level of liveability.

The planning proposal will ensure that a collaborative approach is taken throughout each phase of the planning, design, development and management process. This is discussed further in Section 7.0.

The concept design addresses New South Head Road and will better contribute to the streetscape. The concept built form will increase available residential accommodation, which is important to enhance the capacity of Double Bay local centre. The local centre vision is for an appealing place where people want to live, and that meet the needs of residents. The planning proposal facilitates future redevelopment to achieve that outcome.

- **Planning Priority E16:** *Protecting and enhancing scenic and cultural landscapes*

The planning proposal and concept design ensures that future site renewal will protect and maintain any existing views to the harbour from surrounding developments. The proposal will contribute to the evolving cultural landscape of New South Head Road, which has a variety of contemporary mixed-use and residential flat buildings.

In our opinion, the planning proposal is consistent with the relevant goals and priorities of the Eastern City District Plan.

5.2.2 Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

b) Does the proposal have site-specific merit, having regard to the following:

- **The natural environment;**
- **The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and**
- **The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.**

The subject site is within an established residential and commercial area and is not identified by Council as having any particular ecological significance. A site-specific increase in the height and FSR would have no immediate impact on the natural environment. The area is experiencing a significant increase in the height, bulk and scale of proposed and approved built forms. These cater for growth, and contribute to the future character of a desirable and convenient location.

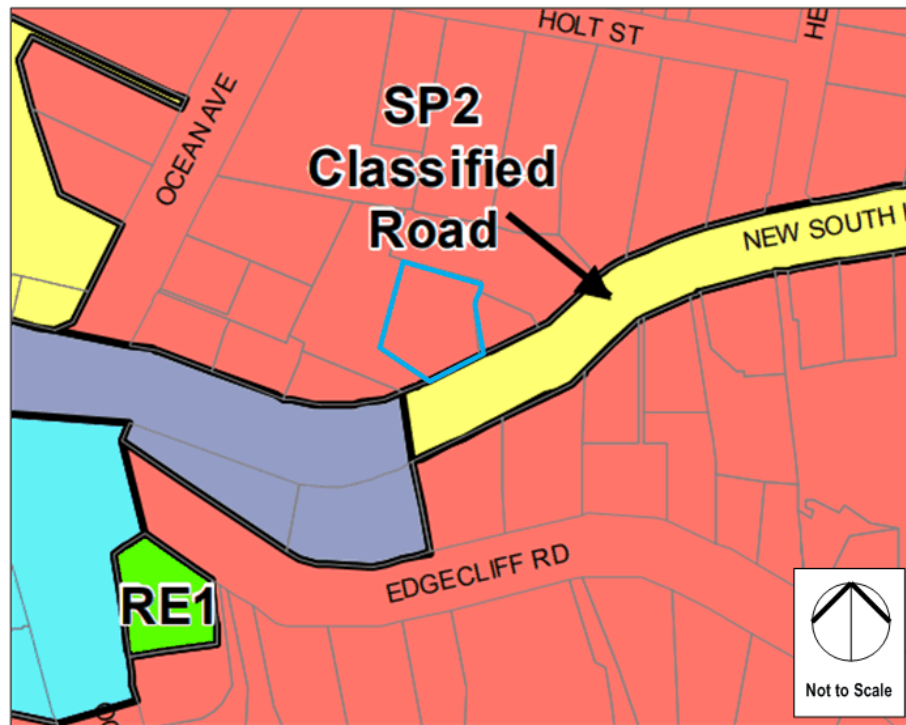
Some of the key site-specific reasons to amend the Woollahra LEP 2014, with consideration of the surrounding existing and approved uses, services, and infrastructure, include:

- Consistent with the *Greater Sydney Region Plan: A Metropolis of Three Cities*; and the *Eastern City District Plan*;
- Identified Edgecliff Station sites near the subject site have potential for heights up to 17 storeys;
- Offers a building height consistent with comparable local centres and corridors with a similar role as New South Head Road;
- Optimises site use for future growth based on a transit-oriented development approach and accentuating prominent locations, including core areas;
- Complementary use to the surrounding residential uses;
- Close to various public transport connections:
 - Approximately 110 metres to the New South Head Road bus network;
 - Approximately 220 metres to train and bus services from Edgecliff Railway Station and Bus Interchange, including airport services;
 - Local buses service nearby ferry terminals, including Double Bay Wharf for services to Circular Quay, Garden Island, Darling point, Rose Bay, and Watsons Bay; and
 - Bus services provide access to Sydney CBD, and wider metropolitan area.
 - Train services provide access to Sydney CBD, and Domestic and International Airports.
- Proximity to nearby uses:
 - Approximately 350m from Double Bay shopping centre; and
 - Approximately 220m from Eastpoint Food Fair and other retail and commercial services in Edgecliff.

Accordingly, in our opinion, the site-specific planning proposal has merit and can be supported.

WOOLLAHRA LEP 2014

The subject site is zoned R3 Medium Density Residential under the LEP, gazetted on 23 May 2015 (see **Figure 17**). Residential flat buildings are permissible with development consent.



Source: Woollahra LEP 2014

Subject Site

Figure 17: LEP Zoning Plan

The LEP Land Use Table contains the objectives for the R3 Medium Density Residential Zone. The relevant objectives and our response are stated, inter alia:

Objective: To provide for the housing needs of the community within a medium density residential environment.
Response: The planning proposal will allow an increased number of apartments to become available in the existing medium density residential area.

Objective: To provide a variety of housing types within a medium density residential environment.
Response: The concept plans indicate approximately 33 apartments can be accommodated on the site; with a mix of studio, one and two-bedroom apartments.

Objective: To enable other land uses that provide facilities or services to meet the day to day needs of residents.
Response: N/A

Objective: To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.
Response: The proposed height and scale is compatible with recently approved and future development along the New South Head Road corridor.

HEIGHT OF BUILDINGS OBJECTIVES

The Woollahra LEP 2014 contains objectives for Height of Buildings. The relevant objectives are stated, inter alia:

Objective: *to establish building heights that are consistent with the desired future character of the neighbourhood,*

Response: In our opinion, the increased building height is consistent with both the existing and the desired future character of the area, particularly when the dual layers are applied.

Objective: *to establish a transition in scale between zones to protect local amenity,*

Response: The proposal will establish an appropriate transition in scale between existing and new development to the west and residential development to the east, through the incorporation of height strategy Option A or B

Objective: *to minimise the loss of solar access to existing buildings and open space,*

Response: Solar access will be maintained to nearby existing buildings and open space, notwithstanding the additional height.

Objective: *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

Response: The planning proposal demonstrates views and privacy will be retained to nearby existing buildings and open space. A future application will be designed to minimise overshadowing and visual intrusion.

Objective: *to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.*

Response: The proposal will not affect public views, as there are no public views from street level across the site, towards the harbour.

FLOOR SPACE RATIO OBJECTIVES

The Woollahra LEP 2014 contains objectives for Floor Space Ratio. The relevant objectives are stated, inter alia:

Objective: *to ensure the bulk and scale of new development is compatible with the desired future character of the area, and*

Response: The planning proposal demonstrates the increased FSR will be compatible with the bulk and scale of future development in the area.

Objective: *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain, and*

Response: The concept plans have been designed to ensure appropriate levels of solar access are maintained to adjoining development and the public domain, as displayed in the Sun Eye Diagrams (separately submitted).

Objective: *to ensure that development allows adequate provision on the land for deep soil planting and areas of private open space,*

Response: The concept design retains the existing Jacaranda tree near the front boundary. Deep soil planting will be incorporated at the ground floor level rear and side gardens. Private open space balconies and terraces, with planters and landscaped features, are provided across each level in the concept plans.

Accordingly, in our opinion, the proposal satisfies the relevant objectives for the zone, building height and FSR.

5.2.3 Q4. Is the planning proposal consistent with Council's Local Strategy or other local strategic plans?

Woollahra Community Strategic Plan 2030

The Woollahra Community Strategic Plan 2030 identifies the strategic direction and integrated planning framework for the Woollahra Municipality. The key opportunities and challenges relevant to the planning proposal include:

- Responding to the housing targets set by the State Government.
- Providing a diverse range of housing choices to meet the variety of household types, income and lifestyles.

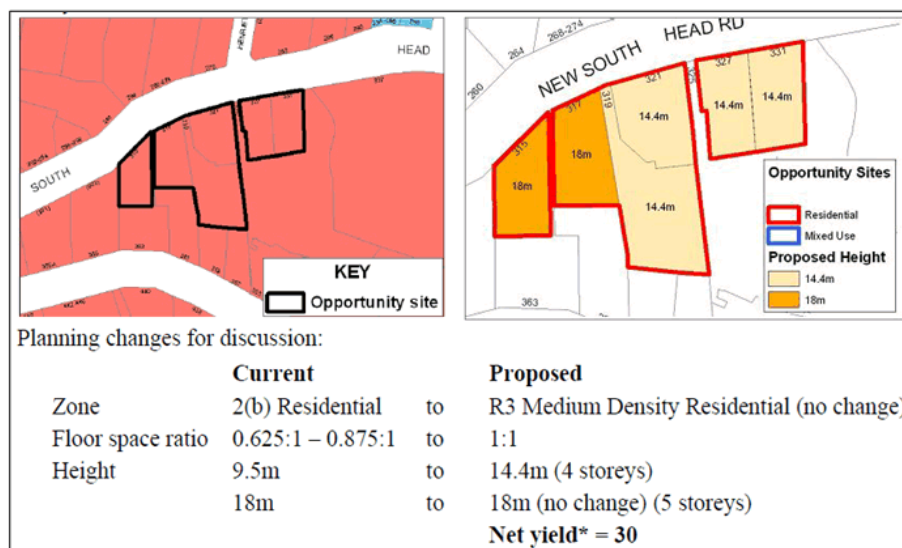
The planning proposal will provide approximately 33 new studio, one, and two-bedroom apartments. This is potentially an additional 25 residential apartments, compared to the existing building. The proposal would contribute to the 350 new dwelling target set for the Woollahra LGA in the *Eastern City District Plan* (to 2022 / 2023).

Revitalising the site with a contemporary, architecturally-designed residential flat building will help deliver a new building with enhanced amenities, on-site shared parking, and improved accessibility compared to the existing. New apartments would cater to a mix of population types with varying incomes. The planning proposal is, in our opinion, consistent with the Woollahra Community Strategic Plan 2030.

Woollahra Municipal Council's Opportunity Sites Study (2010)

The Woollahra Municipal Council's 'Opportunity Sites Study' was published in June 2010 and provides a summary of information on a variety of sites with recognised potential for redevelopment across the LGA. Information provided includes the proposed height, FSR and zone that will be made available for each site.

An example of an opportunity site nearby the subject site is Nos. 315-321 and 327-331 New South Head Road, Double Bay. This site is opposite the subject site and is zoned R3 Medium Density Residential. At the time of the study, the land was occupied by a dwelling house and older style residential flat buildings, some of which were in very poor condition (see **Figure 18**).



Source: Woollahra Council, 2010

Figure 18: Existing and Proposed Zoning, Height and FSR at Nos. 315-321 & 327-331 New South Head Road

The Study presented the following reasoning for the potential LEP amendments, inter alia:

- *Site contains older building stock.*
- *RFBs are the predominant building form and define the character of the area.*
- *Reasonable to provide for redevelopment opportunities that are consistent with the prevailing context.*
- *Redevelopment presents opportunity to improve the pedestrian amenity along this part of New South Head Road.*
- *Site is well located to the Double Bay centre and access to public transport and services.*

On the **11 March 2013**, a DA pertaining to No. 315-317 New South Head Road received an approval by Woollahra Council for the demolition of the existing residential flat buildings and construction of a new 4-storey residential flat building containing 24 residential apartments, 2 levels of basement carparking, subdivision, landscaping and siteworks (see **Photograph 16**). Since its approval, multiple Section 4.55 (cf previously Section 96) modifications have been approved.



Photograph 16: New Residential Flat Building at No. 315-317 New South Head Road

On **23 October 2017**, a DA was originally approved with subsequent modifications also approved at No. 319 New South Head Road (DA 66/2017), directly behind the opportunity site at No. 321 New South Head Road (see **Figure 19**). The approval pertained to the demolition of the existing dwelling and construction of a new 4 storey residential flat building, containing 17 units with basement car parking on the site. The new building has a height of 12.8m, and FSR of 1.18:1, based on a recent s4.55 approval.



Source: MHN Design Union

Figure 19: Originally Approved Development at
No. 319 New South Head Road

On 7th September 2015, a DA pertaining to No. 321 New South Head Road (DA 235/2014) received an approval by Woollahra Council for the demolition of the existing building and construction of a new 4-storey residential flat building containing 13 apartments, 2 levels of basement carparking, landscaping and siteworks (see **Photograph 17**). Similarly, since its approval, multiple Section 4.55 (cf previously Section 96) modifications have been approved.



Photograph 17: New Residential Flat Building at No. 321 New South Head Road

Another site identified in the Opportunity Sites Study is Nos. 203-233 and Nos. 235-285 New South Head Road. This site is approximately 200m from the subject site and contains the eight-storey Edgecliff Centre; Edgecliff Station; bus interchange; commercial premises; retail components; and car parking. Amendments to the LEP for development on this site include the following:

- Amend the FSR on site from 2.5:1 to 6.05:1; and
- Amend the height on site from 26m to 53m (17 storeys).

The existing urban form on the Edgecliff Centre site has low amenity, and the accessibility and functionality of public transport services and shopping centres could be greatly improved through redevelopment and street activation (see **Figure 20**). This includes increasing density to promote public transport-oriented development; high dwelling yield; and uniting two sites that currently function separately.



Source: Woollahra Council, 2010

Figure 20: Edgecliff Centre 3D Model, as viewed from New South Head Road

The proposed amendments to the LEP height and FSR controls are in excess of the proposed height and FSR amendments to the subject site, displaying the growing trend of increasing potential of sites on this major road. The planning proposal will allow for similar redevelopment to occur at a scale complementary to adjoining and nearby development.

Therefore, the planning proposal is, in our opinion, consistent in height and FSR with sites nearby identified in the Woollahra Municipal Council's Opportunity Sites Study 2010.

New South Head Road Corridor Strategy

We have been advised that Woollahra Council is currently developing a local strategic document which addresses the desired future character and development of New South Head Road. We understand the public exhibition period for this strategic document has been delayed, as Council staff work towards its finalisation in the coming months.

As our client is looking to progress through the planning proposal stage in a timely manner, we have considered the Woollahra Municipal Council's Opportunity Sites Study (2010) (as above) in assessing the proposed building height and FSR amendments. The proposal will offer a development of a bulk and scale consistent with nearby existing developments, and the future development at Edgecliff Centre nearby the subject site.

Woollahra DCP 2015

A future application would be required to consider the objectives and controls of the Woollahra DCP 2015. The site is within the Double Bay Precinct. Our response to the objectives is as follows:

- Objective:** *To respect and enhance the streetscape character and key elements of the precinct.*
Response: The planning proposal's dual heights will provide a residential flat building that complements the streetscape's building height line.
- Objective:** *To reinforce a consistent building scale within streets.*
Response: The proposed dual building height strategy combined with the proposed FSR will provide a built form which is consistent in scale with surrounding existing and future development. The built form and stepped heights will create a smooth transition between development to the east and west of the subject site.
- Objective:** *To design and site buildings to respond to the topography and minimise cut and fill.*
Response: The planning proposal's building height and FSR maximise the site's potential by utilising the existing topography and does not require excessive cut and fill. The concept design demonstrates this through the minimal excavation required to accommodate the potential built form.
- Objective:** *To maintain the evolution of residential building styles through the introduction of well-designed contemporary buildings, incorporating modulation and a varied palette of materials.*
Response: Revised building heights and FSR for the site will facilitate a new, well-designed contemporary residential flat building on the site. A future proposal will incorporate modulation and a varied material palette.
- Objective:** *To ensure that rooflines sit within the predominant street tree canopy.*
Response: The height strategy for the front portion of the site will ensure a future built form will complement the canopy of the existing Jacaranda tree on-site.
- Objective:** *To maintain the significance of heritage items within the precinct, and the character of the adjoining Transvaal Avenue Heritage Conservation Area.*
Response: N/A

Objective: *To encourage the retention of Inter-War flat buildings, particularly significant and traditional building elements visible from the street.*

Response: While this area is in the Precinct, it is on the southern edge of the Precinct. This part of New South Head Road has a different character to other parts of the Precinct and is an area in transition, with nearby flat buildings on New South Head Road being replaced by contemporary developments.

Objective: *To provide a transition between the higher density buildings of the Double Bay centre and the lower density buildings of the residential area.*

Response: N/A, the site is not within the Double Bay centre.

Objective: *To retain and reinforce the green setting of mature street trees, private trees and garden plantings.*

Response: A future development application will restrict the built form to ensure significant trees and palms are retained, including an existing Jacaranda tree at the front of the site. The planning proposal provides ample landscaped area to accommodate new trees and vegetation.

Objective: *To protect important iconic and harbour views from the public spaces.*

Response: N/A, public footpaths adjacent to the site do not enjoy iconic harbour views.

Objective: *To maintain on-street parking and minimise kerb crossings, particularly on Bay Street and Ocean Avenue.*

Response: N/A, as the site is on New South Head Road.

To ensure the potential residential flat building development proposed can be achieved on the site, a future proposal would be required to comply with the DCP controls. These would relate to items such as, inter alia:

- Maintenance of solar access;
- Measures to retain views across the site;
- Minimal parking requirements given the proximity to public transport;
- Privacy measures to protect amenity of nearby developments;

In our opinion, the planning proposal demonstrates a future development application could achieve compliance with the major development controls.

5.2.4 Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. There are a number of SEPPs that apply to the subject site which relate to matters that would be considered as part of the Planning Proposal. In our opinion, the Planning Proposal is consistent with those relevant SEPPs (see **Annexure A**).

5.2.5 Q6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. The Planning Proposal is consistent with the applicable Section 9.1 Ministerial Directions. An assessment of the proposal against the relevant Section 9.1 directions is attached as **Annexure B**.

5.3 Section C – Environmental, Social and Economic Impact

5.3.1 Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal?

No. The subject site is within an established residential area with nearby residential and commercial uses that has been used for these purposes for many years. The site is not identified by Council as having any particular ecological significance. For these reasons, it is unlikely that the Planning Proposal would adversely affect critical habitat, threatened species, populations, ecological communities or habitats.

5.3.2 Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. Documents including a Traffic Report have been prepared in support of the Planning Proposal. The Planning Proposal is unlikely to affect the significance of heritage items in the vicinity. The likely environmental effects as a result of the Planning Proposal are considered as follows:

Traffic and Parking

A Traffic Report has been prepared by Transport and Traffic Planning Associates which form part of this submission. The assessment of the indicative development in lieu of an increased building height and FSR, as well as recommendations to avoid potential issues regarding traffic and parking, are provided. In relation to the overall impact of the planning proposal, the report states the following:

The site is very conveniently located to rail and bus services as well as the public parking stations, shopping, entertainment and employment facilities at Edgecliff and Double Bay. There have been a number of residential apartment developments in the area, including the adjoining site, which have been granted dispensation for a reduced parking provision.

...

It would be proposed to provide 6 parking spaces in the envisaged development allocated as:

*4 resident spaces
2 car share spaces.*

In addition, it would be proposed to provide 1 motorcycle space (L3) and 38 bicycle spaces (L2).

...

The site is very well serviced by rail and bus services while shopping and restaurant/entertainment venues are available within easy walking distance. Employment, entertainment and other retail facilities in the City and Bondi Junction etc are easily accessed by the public transport services. Assessment of the development scheme concludes that the proposal will:

- ❖ *provide suitable and adequate parking on-site reflecting the special circumstances*
- ❖ *not present any unsatisfactory traffic capacity, safety or environmental related implications.*

Heritage

The planning proposal is unlikely to have any heritage implications as the subject site is not a heritage item and is not located within a Heritage Conservation Area. The heritage items at No. 337 New South Head Road; Nos. 287-289 New South Head Road, and Ocean Road are some distance from the subject site and unlikely their heritage significance is unlikely to be affected (see **Figure 21**).



Figure 21: LEP Heritage Map

It should be noted that the assessment of the environmental effects would form a key part of any DA for the subject site.

5.3.3 Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal concept continues to provide residential accommodation on the site. The social and economic benefits include an increased number of dwellings; variety in dwelling sizes; and high amenity accommodation in a central location.

The planning proposal will create a number of positive social and economic outcomes, including:

- Revitalising the site and providing a high-quality development in a well-connected location;
- Carefully designed built form to maintain solar access to the public domain and adjoining development;
- Contemporary accommodation which is capable of achieving compliance with current Apartment Design Guide requirements, for greater amenity;
- Additional residential accommodation which is close to transport; employment centres; and Sydney's CBD. This meets the objectives and planning priorities of *Greater Sydney Region Plan: A Metropolis of Three Cities*;
- Additional local expenditure from an increase in future residents correlating with the increased number of apartments; and
- Additional employment during the construction process;
- Appropriate and efficient use of urban infill land.

The planning proposal achieves the objectives for the R3 Medium Density Zone, and promotes increased development to revitalise the nearby Edgecliff and Double Bay Centres. The subject site is close to excellent public transport and retail services. The minor increase in residents, is unlikely to require additional social infrastructure.

The variety of smaller-sized apartments will cater to a range of age groups, households, and demographics. The concept might potentially offer more affordable housing options within the locality for new home-owners, or for down-sizers. Accordingly, in our opinion, the planning proposal addresses the social and economic effects of amending the LEP.

5.4 Section D – State and Commonwealth Interests

5.4.1 Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The subject site is within an established urban area currently serviced by adequate water, sewer and electricity infrastructure which can be upgraded for future development. As previously discussed, the site is close to a variety of public transport connections including the bus network operating along New South Head Road and trains from the nearby Edgecliff Railway Station. These increase the transport sustainability of the proposal.

Additionally with shopping facilities, restaurants, entertainment, and other services at both Edgecliff Centre and Double Bay Centre, walkability is increased, and reliance on car travel is decreased.

5.4.2 Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The proposal will be referred to relevant public authorities as part of the Gateway assessment. In our opinion the proposal is not likely to affect any interest of Commonwealth authorities.



The Planning Proposal is expected to elicit comment from Roads & Maritime Services (RMS / Transport for NSW) with respect to traffic generation; vehicles entering and departing the site; noise and vibration on non-road development (residential); and stormwater.

The concept proposal includes minimal on-site parking as the site is close to public transport, and has proposed a vehicle turntable within the garage to ensure any vehicles enter and depart the site in a forward direction. Any vehicles waiting for the proposed car lift will be able to wait within the site area.

Stormwater concept designs demonstrate the proposal will not increase the existing load on RMS infrastructure.

Any future development will be capable of providing appropriate sound attenuation in accordance with the SEPP Infrastructure for residential development adjacent to classified roads.

6.1 Current Development Standards

The following maps relate specifically to Woollahra LEP 2014 as existing (see **Figures 22 & 23**).

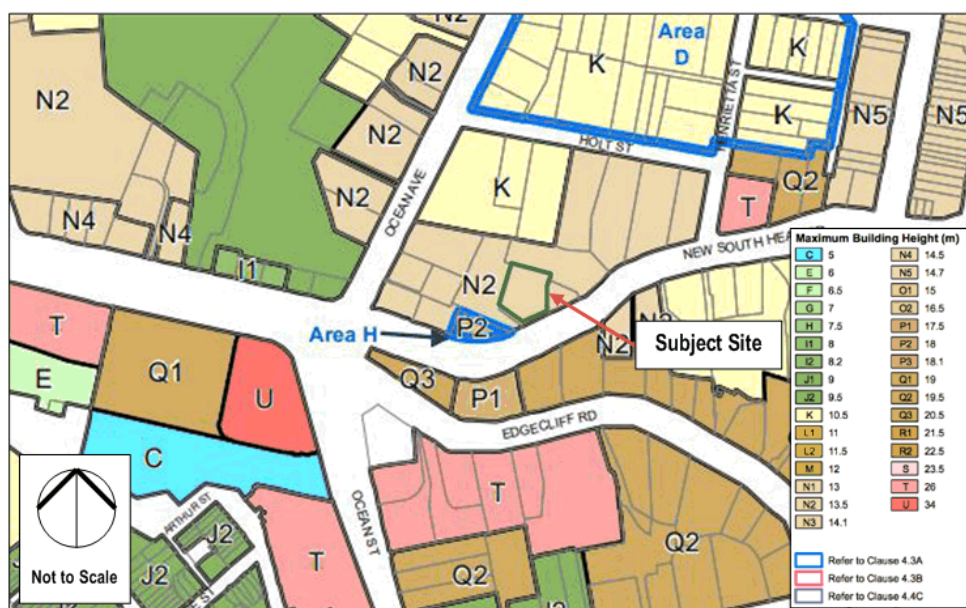


Figure 22: Current Height of Buildings Map Sheet HOB_003



Figure 23: Current Floor Space Ratio Map Sheet FSR_003

6.2 Proposed Revised Development Standards

To give effect to the Planning Proposal, mapping amendments would be required to the Height of Buildings and Floor Space Ratio Maps (see **Table 1**).

TABLE 1: PROPOSED MAPPING AMENDMENTS TO WOOLLAHRA LEP 2014	
LEP Map Sheet Number	Proposed Amendments
Height of Buildings Map Sheet HOB_003	Amend the building height from 13.5m to 22m (R1A), in conjunction with Option A or B to limit height to RL45.90 AHD at the highest part of the subject site at No. 252-254 New South Head Road (Area J)
Floor Space Ratio Map FSR_003	Amend the floor space ratio from 1.3:1 to 2.9:1 (U2), applying to the subject site at No. 252-254 New South Head Road

The following maps relate specifically to Woollahra LEP 2014 as proposed (see **Figure 24** below, and **Figure 25** on the following page).



Figure 24: Proposed Height of Buildings Map Sheet HOB_003
AREA J = 22 metres
with street front area under Option A or B with height limited to RL45.90 AHD

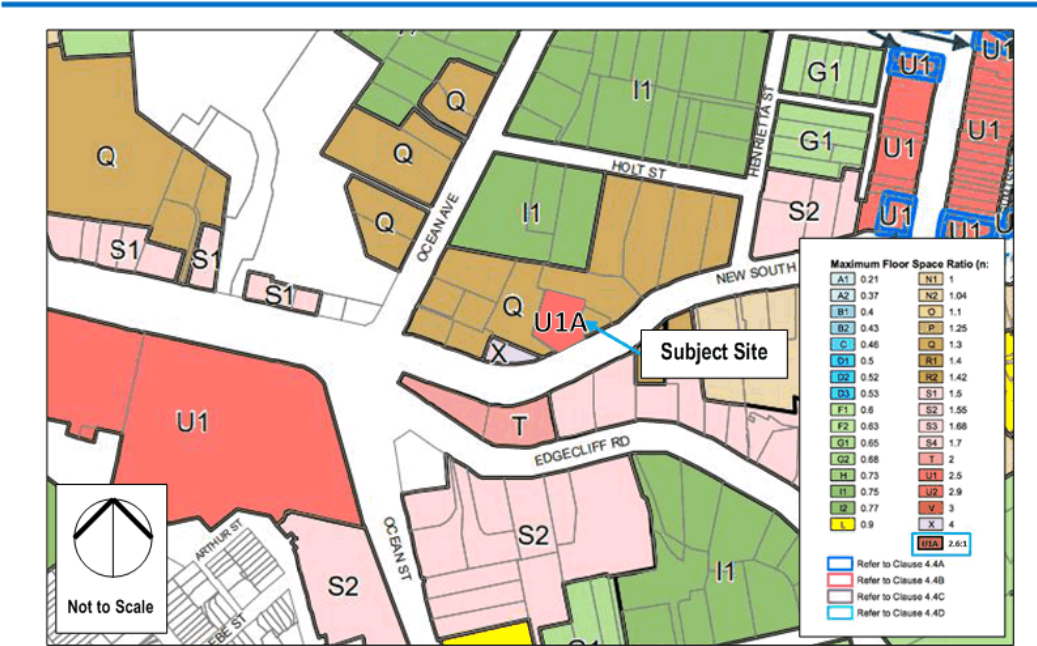


Figure 25: Proposed Floor Space Ratio Map Sheet FSR_003
U1A = 2.6:1

7.0 PART 5 – COMMUNITY CONSULTATION

Community consultation would take place following a Gateway determination, in accordance with Section 3.34 and Schedule 1, Clause 4 of the *Environmental Planning and Assessment Act 1979*.

'A Guide to Preparing Local Environmental Plans' states that the gateway determination will specify the community consultation that must be undertaken on the planning proposal. Schedule 1 of the *Environmental Planning and Assessment Act 1979* provides a nominated exhibition period of 28 days, or as follows:

4 Planning proposals for local environmental plans subject to a gateway determination (Division 3.4)

28 days or:

- (a) if a different period of public exhibition is specified in the gateway determination for the proposal—the period so specified, or
- (b) if the gateway determination specifies that no public exhibition is required because of the minor nature of the proposal—no public exhibition.

Public exhibition of the planning proposal is likely in the following forms:

- Notification in a newspaper that circulates in the area affected by the Planning Proposal, e.g. the Wentworth Courier;
- Notification on the Woollahra Council website; and
- Notification in writing to affected and adjoining landowners; unless the planning authority is of the opinion that the number of landowners makes it impractical to notify them.

During the exhibition period, the following material concerning the Planning Proposal will be made available:

- The Planning Proposal in the form approved for community consultation by the Gateway determination;
- The Gateway determination; and
- Any information or technical information relied upon by the Planning Proposal.

The community consultation for this planning proposal will be considered complete only when the PPA has considered any submissions made concerning the proposed LEP and the report of any public hearing into the proposed LEP.

8.0 PART 6 – PROJECT TIMELINE

This anticipated project timeline has been provided to effectively monitor the progress of the planning proposal during the plan-making stage and assist with resourcing to minimise potential delays (see **Table 2**)

TABLE 2: PROJECT TIMELINE	
MILESTONE	DATE
Anticipated commencement date	March 2020
Anticipated date for Gateway determination	April 2020
Anticipated timeframe for the completion of required technical information	May 2020
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	June 2020 28 days – runs concurrently with the exhibition period
Commencement and completion dates for public exhibition period	June 2020 28 days exhibition – plus notification and advertisement period.
Timeframe for consideration of submissions	July 2020 4 weeks for consideration
Timeframe for consideration of a proposal post exhibition	August 2020 2 weeks for reporting
Legal drafting	September 2020 6 weeks
Anticipated date Planning Proposal Authority (PPA) (Woollahra Council) will forward to the Department of Planning, Industry and Environment (DPIE)	October 2020

9.0 ADDITIONAL CONSIDERATIONS

The proposal's built form takes into consideration both the existing character of the area and future development nearby. The concept proposal would meet the community's housing needs by providing new apartments and associated facilities on site as a result of the planning proposal. Views prepared of the proposed development in the streetscape, demonstrate the proposal's form and scale will provide a positive contribution to the streetscape (see **Figure 26**).

Importantly the proposed heights at the street front will be compatible contextually with the adjacent Thane Building, and provide a transition from this building to the existing residential flat building to the east at No. 256-258 New South Head Road.

The planning proposal recognises the importance of maintaining amenity for nearby residents. As previously discussed, the planning proposal is sensitive to maintaining solar access, views, and acoustic and visual privacy to residential buildings directly to the north, west and east of the subject site. The concept built form is compliant with ADG requirements, which would be applicable for a future development on the site, post-Planning Proposal approval.



Source: Antoniades Architects

Figure 26: The Proposal in the Streetscape

gsa planning

ANNEXURE A: LIST OF SEPPS

SEPP	APPLIES TO SITE/COMMENTS
SEPP No 1—Development Standards	Not Applicable LEP is a Standard Instrument Format and includes Clause 4.6 Exception to Development Standards
SEPP No 19—Bushland in Urban Areas	Not Applicable
SEPP No 21—Caravan Parks	Not Applicable
SEPP No 30—Intensive Agriculture	Not Applicable
SEPP No 33—Hazardous and Offensive Development	Not Applicable
SEPP No 36—Manufactured Home Estates	Not Applicable
SEPP No 44—Koala Habitat Protection	Not Applicable
SEPP No 47—Moore Park Showground	Not Applicable
SEPP No 50—Canal Estate Development	Not Applicable
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No 55—Remediation of Land	Applies to all sites; therefore, any requirements would be investigated at DA stage.
SEPP No 62—Sustainable Aquaculture	Not Applicable
SEPP No 64—Advertising and Signage	Not Applicable, as only residential accommodation is proposed for in this zone.
SEPP No 65—Design Quality of Residential Flat Development	Not Applicable
SEPP No 70—Affordable Housing (Revised Schemes)	Not relevant as the site does not fall within one of the sites identified in the aims of the SEPP.
SEPP (Affordable Rental Housing) 2009	Not Applicable, as an existing strata plan
SEPP (Building Sustainability Index: BASIX) 2004	Applies, would be addressed at DA Stage
SEPP (Coastal Management) 2018	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not relevant to the Planning Proposal
State Environmental Planning Policy (Gosford City Centre) 2018	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Applies to the site, however seniors housing is not proposed
SEPP (Infrastructure) 2007	Applies, however not relevant to the Planning Proposal
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Miscellaneous Consent Provisions) 2007	Applies to the site and may be relevant for temporary structures
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (State Significant Precincts) 2005	Not Applicable, as the site is not identified as State Significant
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	Not Applicable, as the site is not within an identified precinct
SEPP (Vegetation in Non-Rural Areas) 2017	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable

Regional Environmental Plans – Deemed SEPPs	APPLIES/COMMENTS
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	Applies to entire Woollahra LGA, would be addressed at DA Stage. The site is not within Foreshores and Waterways Area Boundary.

gsa planning

ANNEXURE B: CONSIDERATION OF SECTION 9.1 DIRECTIONS

SECTION 9.1 DIRECTIONS		APPLICABLE/ NOT APPLICABLE
1. Employment Resources		
1.1 Business and Industrial Zones		Not Applicable
1.2 Rural Zones		Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries		Not Applicable
1.4 Oyster Aquaculture		Not Applicable
1.5 Rural Lands		Not Applicable
2. Environment and Heritage		
2.1 Environment Protection Zones		Not Applicable
2.2 Coastal Management		Not Applicable
2.3 Heritage Conservation		Not Applicable
2.4 Recreation Vehicle Areas		Not Applicable
2.5 Application of E2 and E3 Zones & Environmental Overlays in Far North Coast LEPs		Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones		Applicable (see A1.0)
3.2 Caravan Parks and Manufactured Homes Estates		Not Applicable
3.3 Home Occupations		Not Applicable
3.4 Integrating Land Use and Transport		Applicable (see A2.0)
3.5 Development Near Regulated Airports and Defence Airfields		Not Applicable
3.6 Shooting Ranges		Not Applicable
4. Hazard and Risk		
4.1 Acid Sulfate Soils		Applicable (see A3.0)
4.2 Mine Subsidence and Unstable Land		Not Applicable
4.3 Flood Prone Land		Not Applicable
4.4 Planning for Bushfire Protection		Not Applicable
5. Regional Planning		
5.1 Implementation of Regional Strategies		Not Applicable
5.2 Sydney Drinking Water Catchments		Not Applicable
5.3 Farmland of State and Regional Significance of the NSW Far North Coast		Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast		Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)		Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)		Not Applicable
5.8 Second Sydney Airport: Badgerys Creek (Revoked 20 August 2018)		Not Applicable
5.9 North West Rail Link Corridor Strategy		Not Applicable
5.10 Implementation of Regional Plans		Applicable (see A4.0)
5.11 Development of Aboriginal Land Council		Not Applicable
6. Local Plan Making		
6.1 Approval and Referral Requirements		Applicable (see A5.0)
6.2 Reserving Land for Public Purposes		Not Applicable
6.3 Site Specific Provisions		Not Applicable

7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney (Greater Sydney Region Plan: A Metropolis of Three Cities, March 2018)	Applicable (see A6.0)
7.2 Implementation of Greater Macarthur Land Release Investigation	Not Applicable
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not Applicable
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not Applicable
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use Infrastructure Implementation Plan	Not Applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not Applicable
7.8 Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not Applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not Applicable
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not Applicable

CONSIDERATION OF RELEVANT SECTION 9.1 MINISTERIAL DIRECTIONS

A1.0 Direction 3.1 Residential Zones

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted. The objectives of this direction are stated below:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The planning proposal will retain existing site boundaries and the medium density use of the site. The planning proposal will allow for future development comprising a mix of studio, one, and two bedroom apartments to provide for existing and future housing needs.

The subject site is in close proximity to public transport, medical, educational, retail and commercial services that have capacity to accommodate the minor increase in residents that the planning proposal will generate. Importantly, there are no significant environmental or resource lands nearby the subject site, and no anticipated impacts of the proposal on these lands.

The proposal will retain the residential use of the site whilst improving the housing mix within close proximity to services. The proposal is consistent with this direction.

A2.0 Direction 3.4 Integrating Land Use and Transport

The direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes. The objectives of this direction are stated below:

- (a) improving access to housing, jobs and services by walking, cycling and public transport, and*
- (b) increasing the choice of available transport and reducing dependence on cars, and*
- (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
- (d) supporting the efficient and viable operation of public transport services, and*
- (e) providing for the efficient movement of freight.*

Although the zone is unchanged, the proposal is consistent with the objectives of Direction 3.4 due to the site's close proximity to public transport.

The site is bordering the Edgecliff Local Centre and close to the Double Bay Centre. It is approximately 110m from public bus transport on New South Head Road, and 270m from train services and the bus interchange at Edgecliff Railway Station. The Nos. N91, L24, 200, 328, 324, 325, 326, 327, and 328 bus services and train services provide regular links between Bondi Junction, Vaucluse, Walsh Bay, Watsons Bay, Darling Point, Chatswood, and the Sydney CBD.

The site's accessibility to public transport and local retail facilities and services satisfies the objectives of the direction as it reduces car dependency. The proposal is consistent with this direction.

A3.0 Direction 4.1 Acid Sulfate Soils

This direction applies when a relevant planning authority prepares a planning proposal for land with potential for acid sulfate soils, as shown on the Acid Sulfate Soils Planning Maps. The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. In particular:

- (4) *The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.*
- (5) *When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:*
 - (a) *the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or*
 - (b) *such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.*
- (6) *A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director General prior to undertaking community consultation in satisfaction of section 57 of the Act.*

The site is identified as Class 5 Acid Sulfate Soils. The proposal will increase the permissible height and FSR on the site, however, will not vary land uses permitted on the site; will not propose basement or underground parking. As little excavation is proposed, it is considered a future development is unlikely to affect the application of any acid sulfate soil controls.

In our opinion, the proposal is consistent with the direction.

A4.0 Direction 5.10 Implementation of Regional Plans

Under *Greater Sydney Region Plan: A Metropolis of Three Cities*, The *Eastern City District Plan* was released in March 2018 and applies to the Woollahra LGA. An assessment of the proposal against the relevant Planning Priorities and Objectives is in Section 5.2 of this report. In our opinion, the proposal is consistent with the direction.

A5.0 Direction 6.1 Approval and Referral Requirements

The direction applies when a relevant planning authority prepares a planning proposal. The objective of the direction is 'to ensure that LEP provisions encourage the efficient and appropriate assessment of development'.

The Planning Proposal does not propose any controls that amend concurrence or referral procedures in the LEP. The proposal is consistent with this direction.

A6.0 Direction 7.1 Implementation of A Plan for Growing Sydney (*Greater Sydney Region Plan: A Metropolis of Three Cities*, March 2018)

A Plan for Growing Sydney was released in December 2014 and applied to the Sydney Metropolitan Area, including the Woollahra LGA. The plan was intended to guide the delivery of housing, employment, infrastructure and open space over the next 20 years.

The plan was superseded by the *Greater Sydney Region Plan: A Metropolis of Three Cities* since March 2018. A detailed assessment of the proposal against the *Greater Sydney Region Plan: A Metropolis of Three Cities* is in Section 5.2 of this report. In our opinion, the proposal is consistent with the direction.

gsa planning

ANNEXURE C: 'A GUIDE TO PREPARING PLANNING PROPOSALS' CHECKLIST

'A Guide to Preparing Planning Proposals', prepared by the Department of Planning, Industry and Environment dated December 2018, provides guidance and information on the process for preparing planning proposals under Part 2. The following checklist is based on the requirements outlined in the guide, to display the Planning Proposal has addressed each requirement:

Requirement Under Part 2	Addressed in Planning Proposal
Part 1 – Objectives or Intended Outcomes <i>Part 1 of the planning proposal should be a short, concise statement setting out the objectives or intended outcomes of the planning proposal. It is a statement of what is planned to be achieved, not how it is to be achieved.</i>	✓ Section 3.0
Part 2 – Explanation of Provisions <i>The explanation of provisions is a more detailed statement of how the objectives or intended outcomes are to be achieved by means of amending an existing LEP.</i>	✓ Section 4.0
Part 3 – Justifications <i>Questions to consider when demonstrating the justifications</i> Section A Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report? Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	✓ Section 5.1.1 ✓ Section 5.1.2
(Part 3) Section B Q3. 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)? a) Does the proposal have strategic merit? Will it: <ul style="list-style-type: none"> • give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or • give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or • responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised 	✓ Section 5.2.1

<p>by existing strategic plans.</p> <p>b) Does the proposal have site-specific merit, having regard to the following?</p> <ul style="list-style-type: none"> the natural environment (including known significant environmental values, resources or hazards) and the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. <p>Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?</p> <p>Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?</p> <p>Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?</p>	<p>✓ Section 5.2.2</p> <p>✓ Section 5.2.3</p> <p>✓ Section 5.2.4 (Annexure A)</p> <p>✓ Section 5.2.5 (Annexure B)</p>
<p>(Part 3) Questions to consider when demonstrating the justifications</p> <p>Section C</p> <p>Q7. 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?</p> <p>Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</p> <p>Q9. Has the planning proposal adequately addressed any social and economic effects?</p>	<p>✓ Section 5.3.1</p> <p>✓ Section 5.3.2</p> <p>✓ Section 5.3.3</p>
<p>(Part 3) Questions to consider when demonstrating the justifications</p> <p>Section D</p> <p>Q10. Is there adequate public infrastructure for the planning proposal?</p> <p>Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?</p>	<p>✓ Section 5.4.1</p> <p>✓ Section 5.4.2</p>
<p>Part 4 – Mapping</p> <p>Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal</p>	<p>✓ Section 6.0</p>

<p>Part 5 – Community Consultation</p> <p><i>The planning proposal should outline the community consultation to be undertaken in respect of the proposal, having regard to the requirements set out in 'A guide to preparing local environmental plans'.</i></p>	<p>✓ Section 7.0</p>
<p>Part 6 – Project Timeline</p> <p><i>The timeframe for the completion of the planning proposal will depend on the complexity of the matter, the nature of any additional information that may be required and the need for agency and community consultation. The following details should be provided as a minimum in the project timeline:</i></p> <ul style="list-style-type: none"> • anticipated commencement date (date of Gateway determination) • anticipated timeframe for the completion of required technical information • timeframe for government agency consultation (pre and post exhibition as required by Gateway determination) • commencement and completion dates for public exhibition period • dates for public hearing (if required) • timeframe for consideration of submissions • timeframe for the consideration of a proposal post exhibition • date of submission to the Department to finalise the LEP • anticipated date the local plan-making authority will make the plan (if authorised) • anticipated date the local plan-making authority will forward to the PCO for publication. 	<p>✓ Section 8.0</p>

Woollahra
Municipal
Council



Council Ref: Pre-application consultation 4/2019 [19/131156]

5 September 2019

Andreas Antoniadis
Antoniades Architects
Suite 1, Level 2, 2a Cooper Street,
Double Bay NSW 2028

Dear Mr Antoniadis

Pre-application consultation response

Meeting No: 4/2019
Meeting date: 14 August 2019
Property: 252-254 New South Head Road, Double Bay
Applicant: Antoniades Architects Pty Ltd

Thank you for attending the meeting on 14 August 2019, to discuss your pre-application consultation for a request for a planning proposal at 252-254 New South Head Road, Double Bay (the site).

Attached are our responses to the information you submitted prior to the meeting, and key issues discussed at the meeting. We hope that these will be of assistance should you proceed to lodge a request to prepare a planning proposal.

In summary, the pre-application submission seeks a maximum building height of 22m and floor space ratio (FSR) of 2.6:1. The existing controls on the site permit a maximum building height of 13.5m and an FSR of 1.3:1. A request for a planning proposal must fully justify the changes being sought to the building height and FSR controls.

The site is located in the Double Bay residential precinct to the east of the Edgecliff Commercial Centre.

The requested increase in both building height and FSR controls are significant in relation to the existing context of the site and its relevant applicable controls. In particular, the requested FSR is excessive and inconsistent with the existing and future desired character of the Double Bay residential precinct. In summary, Council staff would not support a request for a planning proposal which could create a building envelope which has such an excessive bulk and scale.

The pre-application consultation aims to identify issues that need to be addressed prior to requesting Council to prepare a planning proposal. However, it is only after a detailed assessment of a request that all issues can be identified and fully considered. Please note the disclaimer at the end of the response.

The comments provided in this letter and the attached response are made in regard to a pre-application for a planning proposal request. The comments do not represent a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

Redleaf Council Chambers
536 New South Head Road
Double Bay NSW 2028

Correspondence to:
PO Box 61
Double Bay NSW 1360

t: (02) 9391 7000
f: (02) 9391 7044
e: records@woollahra.nsw.gov.au
www.woollahra.nsw.gov.au

DX 3607 Double Bay
ABN 32 218 483 245

An application form and information to guide your application are available on Council's website:

www.woollahra.nsw.gov.au/building_and_development/development_rules/requests_for_planning_proposals.

If you lodge a request for a planning proposal, indicate on the form that you had a pre-application meeting and include the reference provided at the top of this letter.

I hope this service has been of use to you. Please contact Neda Vandchali if you require any further assistance on (02) 9391 7171.

Yours sincerely



Chris Bluett

Manager, Strategic Planning

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

PRE -APPLICATION CONSULTATION RESPONSE

Reference no.	Pre-application 4/2019
Address	252-254 New South Head Road, Double Bay
Meeting date	14 August 2019
Pre-application officer	Neda Vandchali, Strategic Planning
Applicant	Antoniades Architects Pty Ltd
Present at meeting	Woollahra Council Chris Bluett – Manager, Strategic Planning Jorge Alvarez – Acting Team Leader, Strategic Planning Neda Vandchali – Strategic Planner Nick Williams – Tree Officer Thomass Wong – Team Leader Development Assessment Applicant Andreas Antoniades – Antoniades Architects Pty Ltd George Karavanas – GSA Planning Hpone Thaung – Developer Mitchell Corn – Client representative

1 Information submitted

On 22 July 2019 the applicant submitted the following material for staff consideration:

- Completed pre-application consultation form dated 15 July 2019.
- Pre-planning proposal report prepared by GSA Planning dated July 2019.
- Architectural drawings prepared by Antoniades Architects dated June 2019.
- Enduring power of attorney – July 2019

2 The site and context

The site is described as 252-254 New South Head Road, Double Bay (SP11702). The site is located on the northern side of New South Head Road. It has an irregular shape with an area of 934.9m² and an approximate frontage of 19m to New South Head Road. The site slopes down significantly from the southern-western corner to the north-eastern corner with an approximate fall of 10m.

The site contains a four-storey residential flat building with a pitched roof known as the 'Dalkeith Building'. The main features of the existing building are:

- Eight residential units
- Substantial landscaping to the front and rear setbacks
- Accessible via two pedestrian entrances off New South Head Road
- No vehicular access or parking

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

The existing context of the site consists of the following:

- The site is zoned R3 Medium Density Residential under the *Woollahra local Environmental Plan 2014* (Woollahra LEP 2014).
- The site is accessed via New South Head Road that is zoned SP2 Infrastructure - Classified Road.
- The site is located approximately 10m from the Edgecliff Commercial Centre (zoned B4 Mixed Use) and approximately 180m from the Double Bay Commercial Centre (zoned B2 Local Centre).
- To the north, at 260 New South Head Road, is a three-storey residential flat building with substantial landscaping along its site setbacks.
- To the east, at 256 New South Head Road, is a three-storey residential flat building with no front setback to New South Head Road, and minimal setbacks to all other boundaries.
- To the south and west, at 250 New South Head Road, is a four to seven-storey residential flat building, with substantial landscaping along its north, east and western setbacks. A vehicle driveway and parking area, with access to New South Head Road, is located on the south-west boundary of the site.
- Further to the west, at 240 New South Head Road, is a five to six storey recently constructed residential flat building, with no boundary setbacks.
- To the south of the site, on the opposite side of New South Head Road, are a mix of four to eight-storey residential flat buildings and a four-storey commercial building.
- On the opposite side of New South Head Road, at 365 Edgecliff Road, is a residential flat building with significant tree cover and landscaping at the New South Head Road boundary.
- The landscaping at the frontage of the subject site combined with the landscaping at the New South Head Road frontage of 365 Edgecliff Road has the effect of creating a green gateway at this location. Consequently, the landscaping of this site is an important and highly visible marker delineating the edge of the Edgecliff Commercial Centre and the entrance into the Double Bay residential precinct.

3 Description of the planning proposal request

A request for a planning proposal would involve the following changes to the Woollahra Local Environmental Plan (WLEP) 2014:

- Amendment to the maximum building height standard from 13.5m to 22m.
- Amendment to the maximum floor space ratio (FSR) standard from 1.3:1 to 2.6:1.

4 State legislation

4.1 Greater Sydney Regional Plan: A Metropolis of Three Cities (2018)

The *Greater Sydney Regional Plan: A Metropolis of Three Cities* (2018) (the Regional Plan), is built on a vision of three cities. The vision is that most residents live within 30 minutes of their jobs, education and health facilities, services and great places. Ten directions are set out within the Regional plan which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Regional Plan's performance.

The directions align within the categories of:

- Infrastructure and collaboration
- Liveability
- Productivity
- Sustainability

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

The Regional Plan includes objectives to create and support local employment opportunities, particularly in centres.

A request for a planning proposal must demonstrate full compliance with relevant directions and actions of the Regional Plan.

4.2 Eastern City District Plan (2018)

The *Eastern City District Plan* (2018) (the District Plan) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the Regional Plan at a district level and is a bridge between regional and local planning. The priorities include objectives to create and renew local centres by various methods, including creating and supporting local employment opportunities.

A request for a planning proposal must demonstrate full compliance with the vision and relevant priorities and actions of the District Plan.

4.3 Environmental Planning and Assessment Act 1979

Section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. The former Department of Planning and Environment prepared two documents titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018) to help applicants meet the requirements of the Act.

We draw to your attention that these guidelines identify that a planning proposal must demonstrate the strategic merit and the site-specific merit of the proposed LEP amendment.

4.4 State Environmental Planning Policy 65: Design Quality of Residential Apartment Development (SEPP 65)

A request for a planning proposal must address the relevant matters in SEPP 65 and the associated Apartment Design Guide (ADG) including:

- Section 2E - building depth.
- Objective 3F-1- Separation between dwellings to achieve a reasonable level of internal and external privacy.
- Objectives 4A-1 and 4B-3 to achieve a reasonable sunlight and cross ventilation.

Council staff are concerned that a built form that might eventuate under the requested FSR and maximum building height standard would fail to meet key amenity matters contained in SEPP 65.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

5 Woollahra Local Environmental Plan 2014

5.1 Part 4.3: Height of buildings

The existing maximum building height that applies to the site under Woollahra LEP 2014 and the requested height are:

Woollahra LEP 2014 - Height (m)	Requested height (m)
13.5	22

The existing controls on the site permit a maximum building height of 13.5m. The pre-application submission seeks a maximum building height of 22 m which is approximately 60% greater than the existing control on the site.

The building height objectives of clause 4.3 of Woollahra LEP 2014 are as follows:

- (a) to establish building heights that are consistent with the desired future character of the neighbourhood,
- (b) to establish a transition in scale between zones to protect local amenity,
- (c) to minimise the loss of solar access to existing buildings and open space,
- (d) to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,
- (e) to protect the amenity of the public domain by providing public views of the harbour and surrounding areas.

Having considered the site's topography and its surrounding built form context, existing and future desired character of New South Head Road, the requested increase in height controls may be consistent with the objectives above. However, in combination with the requested FSR controls, it would permit development which is of an excessive bulk and scale which fails to respond to the existing and the desired future character of the surrounding context.

However, if a request for a planning proposal is submitted, it must fully justify the requested building height control for the site. The request must respond to the objectives above, and provide appropriate justification with regard to matters such as desired future streetscape character, bulk and scale, solar access, views, loss of privacy, overshadowing, visual intrusion and public amenity. The request must also address whether a change in maximum building height may require associated changes to the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

View sharing

A request for a planning proposal must address any view sharing impacts relating to surrounding properties. An assessment of these impacts must be based on the **maximum** building envelope created by the requested planning controls, not the building envelope of the concept building (although this may be included in addition to the maximum building envelope, for example, shown as "wire frame" superimposed on a photograph). The view sharing assessment must follow the four step process established in *Tenacity Consulting v Warringah (2004) NSWLEC 140* (paragraphs 23-33). The requirement for a view sharing assessment must not be taken to represent our support for the requested building height control, whether it be the height sought in your pre-application submission or another height.

The pre-application material only included a preliminary view analysis of a limited number of surrounding properties. A request for a planning proposal must address view sharing impacts relating to all affected surrounding properties.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

Solar access and overshadowing

A request for a planning proposal must address any solar access impacts on surrounding properties. An assessment of these impacts must be based on the **maximum** building envelope created by the requested planning controls, not the building envelope of the concept building (although the solar access and overshadowing impacts from the concept building may be included in addition to the maximum building envelope).

5.2 Part 4.4: Floor space ratio

The existing FSR control that applies to the site under Woollahra LEP 2014 and the requested FSR are:

Woollahra LEP 2014 - FSR	Requested FSR
1.3:1	2.6:1

The existing controls on the site permit a maximum FSR of 1.3:1. The pre-application submission seeks a maximum FSR of 2.6:1. The pre-application submission seeks a maximum FSR of 2.6:1 which is 100% greater than the existing control on the site.

The objectives of clause 4.4 of Woollahra LEP 2014 are as follows:

(a) for development in 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.*

Having considered the site and its context, the requested FSR would permit development which would be inconsistent with the objectives identified above. In combination with the requested height control, it would permit development which would create excessive bulk and scale, increased site coverage and significantly reduce the potential for adequate landscaping and deep soil planting to the eastern and western boundaries.

Council staff do not support the requested FSR on the subject site. However, if a request for a planning proposal is submitted it must fully justify the requested FSR control for the site. This must include analysis of the impacts of increasing FSR from the existing controls to the requested control. The request must also address whether a change in maximum FSR may require associated changes to the Woollahra DCP 2015.

6 Woollahra Development Control Plan 2015

6.1 Chapters B1.3: Double Bay Precinct

The site is located in the Double Bay residential precinct which is addressed in Chapter B1.3 of Woollahra DCP 2015. A request for a planning proposal must have regard to the desired future character of the precinct.

6.2 Chapter B3: General Development Controls

A request for a planning proposal must identify whether any changes are required to Chapter B3: General Development Controls. In particular, the request must identify all consequential changes that are required to the building envelope controls and how a better planning outcome would be achieved.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

6.3 Chapter E1: Parking and Access

A request for a planning proposal must be accompanied by a traffic and transport report based on the **maximum** permitted development under the requested planning controls.

6.4 Chapter E3: Tree Management

A request for a planning proposal, regardless of the scale, must have regard to Council's desired future character objectives and controls relating to trees, specifically Chapter E3 Tree Management of Woollahra DCP 2015.

The mature Jacaranda tree at the southern boundary of the site is highly prominent and appears to have good health with good structural stability. The mature Jacaranda tree must be retained (see also 8.3).

The applicant must engage an arboricultural consultant early in the planning phase to determine the retention value of all of the existing trees and vegetation, especially along New South Head Road. Setbacks from trees worthy of retention can be calculated and used to guide the constraints and opportunities analysis of the site and inform building envelope changes. Proposed building envelopes must demonstrate how the landscape setting is reinforced and how existing trees can be retained.

7 Voluntary Planning Agreement

On 23 April 2018, Council resolved to draft a voluntary planning agreement policy and to adopt the following policy statement for voluntary planning agreements (VPAs):

The Council will consider the negotiation, preparation, approval and implementation of VPAs in circumstances authorised by, in accordance with and for purposes set out in the provisions of the Environmental Planning and Assessment Act 1979 in order to secure the provision of public facilities for the public's benefit. The Council will conduct these procedures in an open, fair, consistent and accountable manner and with regard to a probity framework. The Council will not allow these procedures to impede or influence its statutory responsibilities in assessing development applications and preparing and approving planning proposals.

Under this policy statement, Council will consider the negotiation, preparation, approval and implementation of VPAs in circumstances authorised by, in accordance with, and for purposes set out in the provisions of the *Environmental Planning and Assessment Act 1979* in order to secure the provision of public facilities for the public's benefit.

Should you lodge a request for a planning proposal, changes will be sought to the current planning controls for the site. If approved, these changes will substantially increase the development potential of the site and hence its land value. With this in mind, and in light of the Council's decision on 23 April 2018, the Council would anticipate negotiating a VPA to share in this value uplift for the community's benefit. We emphasise, however, that the strategic merit of a planning proposal must be fully justified and the Council would need to support the requested changes.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

8 Referral officers comments

8.1 Strategic Planning

For reporting purposes to the Department of Planning, Industry and Environment, the planning proposal must include a statement which, based on the maximum potential development as well as your indicative concept, identifies the:

- Number and size of existing and proposed dwellings
- Existing and proposed car parking spaces.

8.2 Development control

Should a development application for the site be lodged prior to a change in the existing planning controls, it would be assessed under the existing controls that apply. The expectation is that an application must fully comply with the relevant development standards and controls. Any exceedances of the development standards would need to be fully justified by virtue of *Clause 4.6 Exceptions to development standards* in Woollahra LEP 2014.

8.3 Open Space and Trees

A mature Jacaranda tree (*Jacaranda mimosifolia*) is located adjacent to the New South Head Road frontage of the site. The tree is highly prominent when viewed from the public domain. The Jacaranda appears to have good health with good structural stability and a useful life expectancy of 15-40 years in its current growing conditions.

In any development context, the tree must be retained. The concept proposal and any future design will need to be sympathetic to the location of the tree, soil, tree roots and crown, to minimise impacts.

Retaining the tree does not impede development for the following reasons:

- The tree is positioned adjacent to the boundary.
- Due to the steep embankment to the north, this will limit the root spread. Roots will predominantly be found within the small tiered garden beds on the higher side of the embankment. Several surface roots are evident within these areas.
- The crown of the tree only extends approximately 6m to the north.

Note: Site surveys were not provided with the pre-application request. Any future proposal must be informed with a detailed site survey, root mapping and advice from a project arborist.

8.4 Engineering Services

As New South Head Road is a Classified Road, we recommend early consultation with the Roads and Maritime Services (RMS).

Council's Traffic and Transport Engineering team are aware that the parking and generation rates in Chapter E1 Parking and Access in Woollahra DCP 2015 are maximum rates. However, Council staff are concerned that the concept proposal provides a significant shortfall for parking on-site. Council's Traffic and Transport Engineering team would recommend the following:

- Additional car parking spaces be provided on-site.
- Provide a dedicated car share space/s for a car share provider that is authorised by Council.
- Provide a location/ parking bay on-site for a service vehicle which can also be utilised as a pick-up / drop off area.
- Provide vehicular site access off New South Head Road subject to RMS concurrence.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

A traffic impact statement identifying the **maximum** potential additional vehicle movements and traffic management strategy must be provided. The maximum potential car park and traffic movements must be based on calculations in accordance with Chapter E1 Parking and Access in Woollahra DCP 2015. This statement must address the implications of the proposal on existing traffic, parking and transport conditions surrounding the site and within any proposed parking areas. The statement must be produced by a suitably qualified and experienced traffic engineer in accordance with Chapter E1 Parking and Access in Woollahra DCP 2015.

The statement must include (but not be limited to) the following:

- An assessment of the proposed off-street parking/service delivery area in accordance with AS2890.
- Expected traffic generation rates and the impact on the surrounding road networks.
- Impact on existing parking conditions and transport requirements in the surrounding area.
- Level of compliance with Council's Parking Development Control Plan requirements (E1 parking and access).
- Any recommendations to mitigate the knock-on effects of the proposal upon the surrounding road network and existing on-street parking capacity.

8.5 Urban Design

The site is located in Double Bay residential precinct to the east of the Edgecliff Commercial Centre. The landscaping at the frontage of the subject site combined with the landscaping at the New South Head Road frontage of 365 Edgecliff Road has the effect of creating a green gateway at this location. Consequently, the landscaping of this site is an important and highly visible marker delineating the edge of the Edgecliff Commercial Centre and the entrance into the Double Bay residential precinct.

In considering the proposed FSR and height controls, we draw your attention to the Opportunities and Recommendations in Section B3.02 of the *Double Bay Public Domain Strategy* which was adopted by Council on 8 August 2016. This strategy identifies the following Opportunity/Recommendation for the Double Bay Western Gateway:

Reduce hard paved footpath areas with additional planting, buffer strips, and planted gardens where possible

Consistent with the strategy, the landscaped character in this area should be maintained and enhanced.

Due to the prominent nature of the site, a streetscape study must be provided to identify a responsive built form frontage to the public domain that will enhance the existing streetscape character and the desired future character of the context.

The concept proposal illustrates an overall bulk and scale which results in high site coverage compared with the overall site coverage of its surrounding residential context. A figure-ground study is required to assess the consistency of any proposed conceptual footprint with the existing and desired future character of the area. The study must demonstrate how any indicative concept balances the proposed built form and landscaping, to enhance the existing green character of the Double Bay residential precinct.

To assess the capability of the site to accommodate the requested controls, a request for a planning proposal must include an urban design analysis to demonstrate design excellence, high level of amenity and a positive response to the SEPP 65 principles and objectives.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

8.6 Compliance

No comments at this time.

9 Information required with a request to prepare a planning proposal

Should you submit a request for a planning proposal, the core documents listed in 9.1 below, are required. Additional documents may be required at the time a request to prepare a planning proposal is lodged.

9.1 Documents

- Completed application form.
- Land owner's consent.
- Request to prepare a planning proposal addressing the matters in *A guide to preparing planning proposals* (December 2018). In particular, "Chapter 2: The parts of a planning proposal" and "Attachment 1: Information checklist".
- Concept plans including elevations and sections illustrating the distribution of land use and building bulk.
- Results of any consultation with surrounding property owners.
- Disclosure statement (relating to political donations and gifts).
- Survey plan.
- Studies, investigations and reports supporting the requested changes and relating to the **maximum** requested building height / FSR envelope, as well as the concept plan envelope, including:
 - Photomontage and site photographs
 - 3D Model in the format required by Attachment 9: 3D Digital Model Technical Requirement of Council's DA Guide.
 - View analysis
 - Shadow diagrams in plan and elevation
 - Development yield for residential dwellings
 - Arboricultural Report
 - Traffic and parking assessment
 - Urban design analysis (including streetscape study and figure-ground study)
 - Geotechnical investigation
 - Acoustic assessment

Notes:

- Images must show the **maximum** building height / FSR envelope of the proposal, as well as the concept plan envelope may include, for example, a "wire frame" superimposed on a photograph or another image.
- Further reports, studies or documentation may be required once the request has been submitted.

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

10 Fees

This planning proposal request is considered to be a major planning proposal. According to Council's 2019/2020 Fees and Charges the cost for stages 1 and 2 are:

Major planning proposal

Stage 1	\$40,950	All steps up to and including submission of planning proposal to Department of Planning & Environment for gateway determination if endorsed by Council. May include changes to Woollahra DCP 2015.
Up to gateway determination (GST exempt)		
Stage 2	\$24,440	All steps up to publication of the amending LEP subject to Council support. May include changes to Woollahra DCP 2015.
Post gateway determination (GST exempt)		

Note: An hourly rate of \$280.00 applies to any additional unforeseen tasks and functions.

The above fees are relevant for the 2019/20 financial year only. Any fees payable outside this period will be subject to the adopted fees and charges for the relevant financial year.

11 Next steps

Should you choose to lodge a planning proposal, we prefer that you lodge the application together with supporting studies and information in person at Council's Customer Service Centre, Redleaf, 536 New South Head Road, Double Bay.

Once all documentation is received, the planning proposal request will be assessed and reported to Council's Environmental Planning Committee (EPC). If the EPC supports the planning proposal, it will be referred to the Woollahra Local Planning Panel (LPP) for advice. The advice of the Woollahra LPP will then be reported back to the EPC for consideration.

12 Conclusion

The pre-application submission seeks a maximum building height of 22m and FSR of 2.6:1. The existing controls on the site permit maximum building height of 13.5m and FSR of 1.3:1.

As identified above, the requested building height and FSR controls are considered a significant increase to the existing controls on the site. Council staff would not support a request for a planning proposal which could create a building envelope which has such an excessive bulk and scale. However, if a request for a planning proposal is lodged with Council, it must fully justify the changes being sought to the building height and FSR controls.

13 Disclaimer

The aim of a pre-application meeting is to provide a service to people who wish to obtain the comments of Council staff about the various aspects of a planning proposal request, prior to lodging an application. The advice can then be addressed or at least known, prior to lodging an application. This has the following benefits:

252-254 New South Head Road, Double bay
Pre-application consultation - Response to applicant [19/131156]

5 September 2019

- It allows a more informed decision about whether to proceed with a request for a planning proposal; and
- It allows issues to be addressed, especially issues of concern, prior to requesting Council to prepare a planning proposal. This could then save time and money once the request for a planning proposal is lodged.

All efforts are made to identify issues of relevance and likely concern with the preliminary request. However, the comments in this response are based on the information submitted for preliminary assessment and discussion at the pre-application meeting.

You are advised that:

- The comments expressed may vary once detailed information is submitted and formally assessed, or as a result of issues contained in submissions by interested parties if a planning proposal is exhibited.
- If a request to prepare a planning proposal is received by Council, nothing contained in a pre-application response binds Council staff, the elected Council members, or other bodies beyond Council in any way.

The comments provided in this response are made in regard to a pre-application for a request for a planning proposal. The comments do not represent a notification under clause 10A of the *Environmental Planning and Assessment Regulation 2000*.

We hope that this advice assists you. If you have any further enquires please contact Neda Vandchali on (02) 9391 7171 during normal business hours.

Neda Vandchali
Strategic Planner

Chris Bluett
Manager - Strategic Planning

Item No: R5 Recommendation to Council

Subject: **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - AMENDED PLANNING PROPOSAL TO INTRODUCE FSR STANDARDS FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND URBAN GREENING PROVISIONS**

Author: Deeksha Nathani, Strategic Planner

Approvers: Kelly McKellar, Acting Team Leader Strategic Planner
Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development

File No: 20/185981

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 a planning proposal to amend the Woollahra Local Environmental Plan 2014 to introduce FSR standards for low density residential development and urban greening provisions.
To obtain Council's approval to prepare and exhibit a draft development control plan to amend Chapter B3 and Chapter E3 of the Woollahra Development Control Plan 2015.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 15 October 2020.
- B. THAT the amended planning proposal, consistent with the advice of the Woollahra Local Planning Panel on 15 October 2020, and attached at **Annexure 1** of the report to the Environmental Planning Committee on 2 November 2020, be forwarded to the Department of Planning, Industry and Environment requesting a gateway determination to allow public exhibition.
- C. THAT Council note the planning proposal referred to in **B** introduces the following provisions:
- i. A maximum floor space ratio (FSR) standard 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 standard of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area.
 - iii. A range of maximum FSR standards for low density residential development on small sites in the R2 Low Density Residential and R3 Medium Density Residential zones.
 - iv. New LEP aims, zone objectives and a new local provision to conserve and enhance urban greening.
- D. THAT Council request the Minister for Planning and Public Spaces authorise Council as the local plan-making authority in relation to the planning proposal, to allow it to make the local environmental plan under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

- E. THAT a draft development control plan be prepared and exhibited to amend *Chapter B3: General Development Controls* and *Chapter E3: Tree Management* of the *Woollahra Development Control Plan 2015* (attached as **Annexures 2 and 3** of the report to the Environmental Planning Committee on 2 November 2020) to include, among other provisions, a tree canopy area control of at least 35% of site area for low density residential development.
- 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.
- G. THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view to moving towards including a minimum tree canopy area of at least 40% of site area for low density residential development being dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.

1. Summary

Council staff have been researching an appropriate suite of controls to apply to low density residential development since 2015. The focus of the study was the introduction of floor space ratio (FSR) standards and, in November 2019, this was combined with proposed urban greening provisions. A chronology of the key dates on this matter is included in **Annexure 4** of this report.

Based on research and site testing undertaken in collaboration with Lyndal Plant: Urban Forester, Council staff have identified that a minimum deep soil area of 35% of site area is necessary to achieve a tree canopy area of between 35% and 40% of site area. Our research identifies that it will be difficult to achieve this deep soil landscaped area of 35% of the site area when an FSR standard above 0.5:1 is applied (see **Figure 1**).

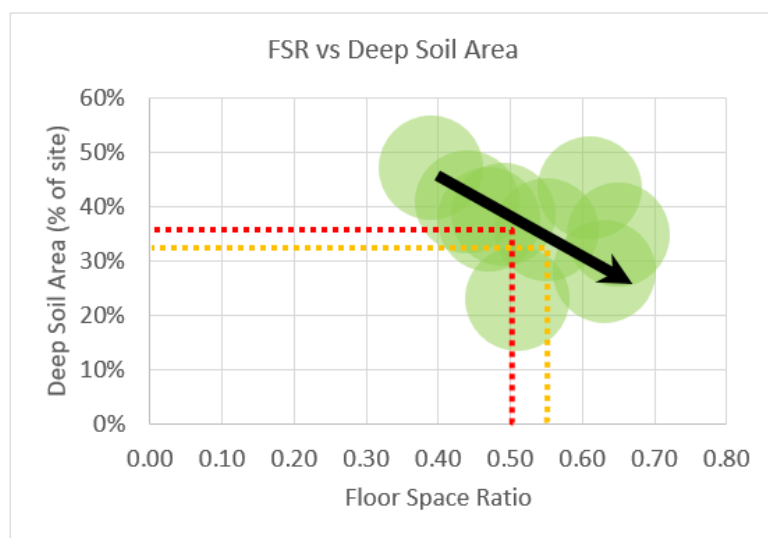


Figure 1: Relationship between FSR and deep soil landscaped area for detached dwellings as established during site testing by Council staff

Consequently, to facilitate an FSR of 0.5:1, Council staff propose a suite of controls for low density residential development, including a minimum deep soil landscaped area of 35% of the site, and a minimum tree canopy area of 35% of the site.

Council resolved on 29 September 2020 to seek the advice of the Woollahra Local Planning Panel (LPP). The Woollahra LPP were requested to give advice on a planning proposal to amend *Woollahra Local Environmental Plan (LEP) 2014* and proposed amendments to the *Woollahra Development Control Plan (DCP) 2015* to facilitate the above package of controls. This report provides the advice of the Woollahra LPP.

2. Background

In July 2019, Council resolved to proceed with FSR standards for low density residential development. A planning proposal was submitted to the *Department of Planning, Industry and Environment* (DPIE) on 30 July 2019. It was accompanied by a consequential package of changes to the Woollahra DCP 2015. Since this time, and as summarised in **Annexure 4**, the following has occurred:

- 2 September 2019** DPIE requested further information and research to support an FSR standard of 0.5:1 for low density residential development on sites of 400m² or greater (see **Annexure 5**).
- 11 November 2019** Council resolved to prepare the additional information and combine this with proposed tree canopy controls as a priority matter.
- 6 July 2020** Lyndal Plant's report *Woollahra: Greening our LGA* (**Annexure 6**) and a package of urban greening controls were reported to the *Environmental Planning Committee* (EPC) (**Annexure 7**).
- 27 July 2020** Council resolved, in part:
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.
- 19 August 2020** Briefing was held with Councillors with an amended package of controls. This briefing was also attended by Steve Hartley: Executive Director - Green and Resilient Places (DPIE) & Barbara Schaffer: Principal Landscape Architect (NSW Government Architect Office (GA)).
- 7 September 2020** The amended package of controls was reported to EPC (**Annexure 8**).

Subsequently, on 29 September 2020, Council resolved:

- A. *THAT Council note that the planning proposal attached as Annexure 1 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 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 be amended to include a tree canopy area of at least 35% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and 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.*
- G. *THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view of moving towards including a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.*

3. Woollahra Local Planning Panel advice

Council is required to refer all planning proposals to the Panel by the Local Planning Panel Direction issued by the Minister for Planning on 27 September 2018, unless the General Manager determines that the planning proposal relates to a the correction of an obvious error in a local environmental plan or another matter of minor nature. Additionally, section 2.19(1)(c) of the Act specifies that the Panel may advise a Council on any other planning or development matter that is to be determined by the Council and is referred to the panel by the Council.

On 15 October 2020, the Woollahra LPP considered a report on the amended planning proposal and proposed amendments to the Woollahra DCP 2015 (see **Annexure 9**).

It is noted that Councillors Toni Zeltzer, Matthew Robertson, Anthony Marano and Megan McEwin, Bruce Stafford (member of the Woollahra DCP 2015 Working Party²) and Lyndal Plant (consultant for Council) addressed the Panel.

At this meeting, the Woollahra LPP provided the following advice:

- A. *THAT the Woollahra Local Planning Panel advises Council that it supports in principle the planning proposal (attached as Annexure 1) subject to the following amendments:*
 - i *Amend and combine Clause 1.2 Aims of Plan (n & o) to read as follows:
To encourage urban greening and minimise the urban heat island effect.*

² The Woollahra DCP 2015 Working Party was established in response to a Council resolution dated 27 April 2015, to review Chapter B3 General Development Controls in the Woollahra DCP 2015. The working party consisted of staff from the planning and development team, two Councillors: an independent advisor and four practitioners.

- ii *Amend the objectives of the Land Use Table at Clause 2.3 to read as follows for Zone R2 Low Density Residential & Zone R3 Medium Density Development:
To ensure that development conserves and enhances the tree canopy/area.*
- iii *Amend Clause 4.4(1) (iii) by inserting the words “tree canopy/area” after deep soil planting.*
- iv *Amend Clause 4.4(4) to read as follows:
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 Residential for each site area shown in column 1 must not exceed the floor space ratio shown in column 2 or the maximum gross floor area shown in column 3, whichever is the lesser.*
- v *Amend Clause 6.8 Urban Greening (1) to read as follows:
The objective of this clause is to conserve and enhance tree canopy/area.*
- vi *Amend Clause 6.8 (3) so that the bullet points are alphabetical.*
- vii *Ensure that all references in the planning proposal to FSR is referred to as a standard, not a control.*

B. *THAT the Woollahra Local Planning Panel advises Council that it supports the exhibition of the proposed amendments to the Woollahra DCP 2015 (Chapter B3: General Development Controls & Chapter E3: Tree Management).*

Staff note that advice of the Woollahra LPP relates primarily to the wording of the proposed provisions in Woollahra LEP 2014, and there are no recommended changes to the draft DCP provisions.

The Woollahra LPP gave the following reasons for its decision:

Despite its earlier advice that an FSR standard of 0.55:1 for low density residential development was appropriate, the additional site testing that has been undertaken demonstrates the important relationships between FSR and deep soil landscaping and tree canopy/area. On this basis the panel supports, for the purpose of exhibition, the introduction of a maximum FSR standard of 0.5:1 and other amendments to the FSR standard. The importance of the relationship between FSR, deep soil landscaped area and tree canopy/area is strengthened by the introduction of the new clause 6.8: Urban Greening.

The panel also supports the removal of the floorplate controls from the Woollahra DCP 2015 and the strengthening of the controls in relation to deep soil landscaped area and tree canopy/area. The panel noted the degree of site testing relied upon to establish the tree canopy controls and the submissions requesting a 40% in lieu of 35% tree canopy control. Whilst it has concerns about the detail and complexity of how the proposed controls in section 3.6 will be understood, calculated, implemented and enforced/monitored; it considers it appropriate to exhibit the draft DCP amendments in its current form for the purpose of public comment.

4. Amended Planning Proposal

Attached at **Annexure 1** is the amended planning proposal that has been updated consistent with the advice of the Woollahra LPP.

The objectives of the amended planning proposal 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.

In summary, the planning proposal seeks to amend the Woollahra LEP 2014 to:

- introduce FSR standards for low density residential development, including:
 - 0.5:1 on sites of 400m² or greater,
 - 0.75:1 for the Wolseley Road Area (Area 1 in **Annexure 1**), and
 - a range of FSRs based on site area on sites under 400 m².
- introduce new and updated urban greening provisions, including:
 - new and updated Aims (Clause 1.2)
 - new Zone objectives (Clause 2.3)
 - a new local provision to conserve and enhance tree canopy in residential zones (proposed Clause 6.8).

5. Draft Development Control Plan

An updated *Chapter B3: General Development Controls* and (Chapter B3) *Chapter E3: Tree Management* (Chapter E3) are attached at **Annexure 2 and 3**. Notes in the right hand margin of each annexure identify the source of the proposed amendments. These proposed controls will work in conjunction with the amendments to Woollahra LEP 2014 described in Part 4 above. Certain elements of the urban greening provisions will apply generally across the LGA whilst certain controls will not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

Whilst numerous changes are recommended, the key elements are the following:

- Delete the floorplate and site depth controls
- Insert a minimum deep soil landscaped area control of 35% of the site area³ for low and medium density residential development (R2 and R3 zones).
- Insert minimum tree canopy area controls, as follows:
 - 35% of the site area for low density residential development,
 - 30% of the site area for medium density residential development,
 - and 25% of the site area for the Wolseley Road Area
 - (Note: The tree canopy area includes all trees that are capable of achieving a height and crown diameter of 3 metres at maturity).
- Insert a requirement that at least half of the total tree canopy area on a site must consist of canopy trees. Noting that a canopy tree is a tree which attains a minimum height and crown diameter of 8 metres at maturity and is planted in a deep soil landscaped area with a minimum dimension of 4 metres.
- Insert provisions to permit variations to the tree canopy area control in cases of view impact (moderate, severe or devastating), overshadowing (of private open spaces or habitable rooms) or the inability of the site to achieve the required area of canopy trees due to site conditions.
- Insert new definitions for urban heat island effect, urban greening, tree crown, tree canopy area and canopy tree.

The amendments will create a set of controls which:

³ This element is critical in providing a justification to the DPIE for an FSR standard 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 standard above 0.5:1.

- are consistent with the proposed FSR standards for low density residential development.
- enhance the deep soil area landscaping requirements and tree canopy area in residential zones.
- remove the complicated floorplate controls and make it easier for applicants to understand.
- provide an effective assessment framework for staff.

6. Next Steps

Should Council resolve to proceed, the next steps are to:

- Submit the amended planning proposal to the DPIE for a gateway determination. This will allow the amended planning proposal to be placed on public exhibition.
- Prepare and exhibit a draft DCP to amend Chapter B3: General Development Controls and Chapter 3: Tree Management of the Woollahra Development Control Plan 2015 consistent with **Annexures 2 and 3**.

7. Public exhibition

The public exhibition of the amended planning proposal and draft DCP will be undertaken concurrently and in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000*, the *Woollahra Community Participation Plan*, and for the planning proposal, the gateway determination and relevant LEP guidelines.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- Notifications to local community and business groups, adjoining councils, relevant state agencies, the Eastern Design and Planning Professional Alliance, and members of the Woollahra DCP 2015 working party.

To streamline the plan-making process, the Minister can delegate plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. Part C of the recommendation of this report deals with this request.

8. Conclusion

This project is the result of 5 years of research and testing by staff in collaboration with consultants, state agencies, the Woollahra LPP, working parties and Councillors.

This report provides the advice of the Woollahra LPP that was requested in relation to:

- an amended planning proposal to amend Woollahra LEP 2014 by inserting FSR standards for low density residential development and urban greening provisions.
- corresponding amendments to the Woollahra DCP 2015 including, deletion of the floorplate controls, new tree canopy controls and revised deep soil landscaped area controls.










On 15 October 2020, the Woollahra LPP provided advice to Council that it:

- supports in principle the amended planning proposal subject to minor amendments, and
- supports the exhibition of the proposed amendments to the Woollahra DCP 2015 (Chapter B3: General Development Controls & Chapter E3: Tree Management).

Subsequently, staff have amended the planning proposal to reflect the changes recommended by the Woollahra LPP.

Staff recommend that Council resolve to submit the amended planning proposal to the DPIE for a gateway determination which will allow public exhibition of the proposed package of amendments to the Woollahra LEP 2014 and Woollahra DCP 2015.

Annexures

1. Amended Planning Proposal - Introduction of FSR standards for low density residential development and urban greening provisions - Updated 21 October 2020 [↓](#) 
2. Proposed amendments to Chapter B3: General Development Controls of Woollahra DCP 2015 - Updated 30 September 2020 [↓](#) 
3. Proposed amendments to Chapter E3: Tree Management of Woollahra DCP 2015 [↓](#) 
4. FSR and urban greening provisions - Project chronology [↓](#) 
5. Letter from the Department of Planning, Industry & Environment 2 September 2019 [↓](#) 
6. Woollahra: Greening Our LGA , Lyndal Plant Urban Forester, 30 June 2020 [↓](#) 
7. Report to the EPC 6 July 2020 (Annexures removed) [↓](#) 
8. Report to the EPC 7 September 2020 (Annexures removed) [↓](#) 
9. Report to the WLPP 15 October 2020 (Annexures removed) [↓](#) 

Planning Proposal



Introduction of floor space ratio standards for low density residential development and urban greening provisions

21 October 2020

Further changes requested by the Woollahra Local Planning Panel (LPP) on 15 October 2020 – identified in yellow

Table of Contents

Part 1 – Introduction	5
Part 2 – Background	6
Part 3 – Existing planning controls.....	13
3.1 Woollahra LEP 2014.....	13
3.2 Woollahra DCP 2015	13
Part 4 – Objectives of the amendments to Woollahra LEP 2014.....	14
Part 5 – Explanation of provisions	15
5.1 Amended LEP aims	15
5.2 Amended zone objectives	15
5.3 FSR standard for low density residential development	16
5.4 FSR identified for the Wolseley Road area	16
5.5 Exceptions for small sites.....	16
5.6 Anticipated amendments to clause 4.4 Floor space ratio	18
5.7 Additional local provision for urban greening	19
5.8 Proposed definitions pertinent to this planning proposal.....	19
Part 6 – Justification	21
6.1 Need for planning proposal	21
6.2 Relationship to strategic planning framework	27
6.3 Environmental, social and economic impact	31
6.4 State and Commonwealth interests	32
Part 7 – Land Application Map.....	33
Part 8 – Community consultation	37
Part 9 – Project timeline	38
Part 10 – Analysis and modelling of the small lots sliding scale.....	39
Schedules 45	
Schedule 1 – Consistency with state environmental planning policies	45
Schedule 2 – Compliance with section 9.1 directions.....	49

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) standards 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 standards has been combined with proposed urban greening provisions. Accordingly, this planning proposal also seeks to amend Woollahra LEP 2014 by enhancing the existing provisions relating to conserving and enhancing urban greening, in particular tree canopy. Certain elements of the urban greening provisions will apply generally across the Woollahra Municipality whilst certain provisions 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 provisions:

- a) A maximum FSR standard 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 standard of 0.75:1 for low density residential development in the Wolseley Road, Point Piper area (Area 1 in Part 7 below).
- c) A range of maximum FSR standards 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 conserve and enhance tree cover in the R2 Low Density Residential Zone and R3 Medium Density Residential Zone.
- e) Amendments to clause 1.2 Aims of Plan and Land Use Table 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.

Commented [LEP1]: All references to FSR referred to as 'standard' and not 'control' as requested by the Woollahra LPP on 15 October 2020 in item A (vii) of their advice

Part 2 – Background

In preparing Woollahra LEP 2014, FSR standards 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 standard 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 24 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 standard 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 standard 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 400m² 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 400m² and greater.
- B. Supports the concept of a sliding scale FSR, including maximum GFA yields, for small lots with a site area less than 400m². 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 400m² 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 400m² 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 400m² 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 **standard** 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 **standards** 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.

On 7 September 2020, Council staff presented the amended package of controls to EPC and on 29 September 2020, Council resolved:

- A. *THAT Council note that the planning proposal attached as Annexure 1 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 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 be amended to include a tree canopy area of at least 35% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and 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.
- G. THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view of moving towards including a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.

On 15 October 2020 the Woollahra Local Planning Panel (Woollahra LPP) considered a report on the amended planning proposal and amendments to Woollahra DCP 2015.

The Woollahra LPP gave the following reasons for its decision:

Despite its earlier advice that an FSR standard of 0.55:1 for low density residential development was appropriate, the additional site testing that has been undertaken demonstrates the important relationships between FSR and deep soil landscaping and tree canopy/area. On this basis the panel supports, for the purpose of exhibition, the introduction of a maximum FSR standard of 0.5:1 and other amendments to the FSR standard. The importance of the relationship between FSR, deep soil landscaped area and tree canopy/area is strengthened by the introduction of the new clause 6.8: Urban Greening.

The panel also supports the removal of the floorplate controls from the Woollahra DCP 2015 and the strengthening of the controls in relation to deep soil landscaped area and tree canopy/area. The panel noted the degree of site testing relied upon to establish the tree canopy controls and the submissions requesting a 40% in lieu of 35% tree canopy control. Whilst it has concerns about the detail and complexity of how the proposed controls in section 3.6 will be understood, calculated, implemented and enforced/monitored; it considers it appropriate to exhibit the draft DCP amendments in its current form for the purpose of public comment.

Accordingly, the Woollahra LPP provided the following advice:

- A. THAT the Woollahra Local Planning Panel advises Council that it supports in principle the planning proposal (attached as Annexure 1) subject to the following amendments:
 - i. Amend and combine Clause 1.2 Aims of Plan (n & o) to read as follows:
To encourage urban greening and minimise the urban heat island effect.
 - ii. Amend the objectives of the Land Use Table at Clause 2.3 to read as follows for Zone R2 Low Density Residential & Zone R3 Medium Density Development:
To ensure that development conserves and enhances the tree canopy/area.
 - iii. Amend Clause 4.4(1) (iii) by inserting the words "tree canopy/area" after deep soil planting.
 - iv. Amend Clause 4.4(4) to read as follows:
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 Residential for each site area shown in column 1 must not

- exceed the floor space ratio shown in column 2 or the maximum gross floor area shown in column 3, whichever is the lesser.
- v. Amend Clause 6.8 Urban Greening (1) to read as follows:
The objective of this clause is to conserve and enhance tree canopy/area.
 - vi. Amend Clause 6.8 (3) so that the bullet points are alphabetical.
 - vii. Ensure that all references in the planning proposal to FSR is referred to as a standard, not a control.
- B. THAT the Woollahra Local Planning Panel advises Council that it supports the exhibition of the proposed amendments to the Woollahra DCP 2015 (Chapter B3: General Development Controls & Chapter E3: Tree Management).

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 standards 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 standards 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:

- Ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of residential areas.
- 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 **standard**.
- Ensure consistency with the Standard Instrument by using an FSR **standard**.
- Make the controls more consistent and effective for Council staff to assess development applications.
- Simplify the relationship between site size and development yield.
- Improve Council's ability to sustain and enhance tree canopy in private development across the Woollahra LGA.
- Allow the consideration of urban greening, minimising urban heat and the mitigation of climate change in the assessment of development.

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 and minimise the urban heat island effect,
- (o) to mitigate climate change

Commented [LEP2]: As requested by the Woollahra LPP on 15 October 2020 in item A (i) of their advice

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 conserves and enhances the tree canopy/area.

Commented [LEP3]: As requested by the Woollahra LPP on 15 October 2020 in item A (ii) of their advice

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 standard for low density residential development

The planning proposal inserts an FSR standard 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 standard 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 standards 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 standard but also a maximum yield for each lot size. The permissible floor space is then determined by whichever is the lesser of the two standards. 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).

Table 1: proposed FSRs for small residential lots		
Site area (square metres)	Whichever is the lesser	
	Floor space ratio (FSR)	Yield (square metres)
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 400m². However, the panel requested staff to provide Council with an analysis and modelling of the recommended small lots sliding scales and how these standards 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 standards

- 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 400m² and
- Over 96% of parcels are larger than 300m².

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	90%
350<400	2	56	15	45	3	12	7	2	142	3%
300>350	4	48	4	30	5	6	9	3	109	3%
250<300	3	32	5	32	3	1	8	1	85	2%
200<250	0	22	3	5	1	0	13	0	44	1%
150<200	0	8	0	0	0	0	16	0	24	1%
Under 150	0	0	0	0	0	0	9	0	9	0%

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 standards 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, tree canopy/area 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 Residential for each site area shown in column 1 must not exceed the floor space ratio shown in column 2 or the maximum gross floor area shown in column 3, whichever is the lesser.

<u>Column 1</u> <u>Site area</u>	<u>Column 2</u> <u>Floor space ratio</u>	<u>Column 3</u> <u>Gross floor area (square metres)</u>
350m ² to < 400m ²	0.55:1	200
300m ² to < 350m ²	0.65:1	192.5
250m ² to < 300m ²	0.75:1	190
200m ² to < 250m ²	0.85:1	187.5
150m ² to < 200m ²	0.95:1	170
Under 150m ²	1.05:1	142.5

Commented [LEP4]: As requested by the Woollahra LPP on 15 October 2020 in item A (iii) of their advice

Commented [LEP5]: As requested by the Woollahra LPP on 15 October 2020 in item A (iv) of their advice

Commented [LEP6]: Reworded as requested by the Woollahra LPP on 15 October 2020

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 conserve and enhance tree canopy/ area
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—
 - a) is consistent with the objectives of this clause, and
 - b) provides an appropriate selection of and location for canopy trees, and
 - c) minimises disturbance and adverse impacts on existing canopy trees which are to be retained.

Commented [LEP7]: As requested by the Woollahra LPP on 15 October 2020 in item A (v) of their advice

Commented [LEP8]: As requested by the Woollahra LPP on 15 October 2020 in item A (vi) of their advice

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.

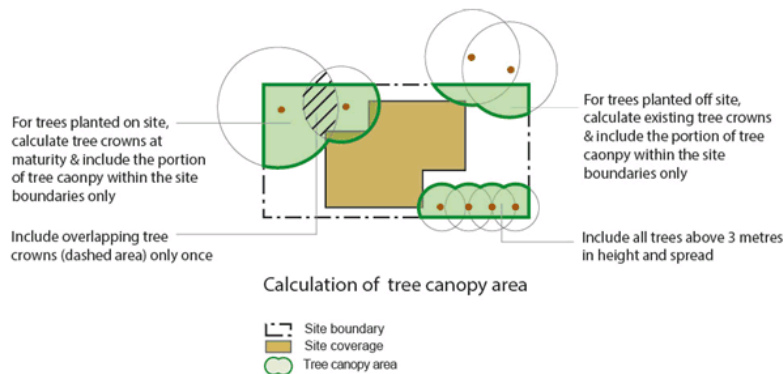


Figure 1: Calculation of tree canopy area

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.

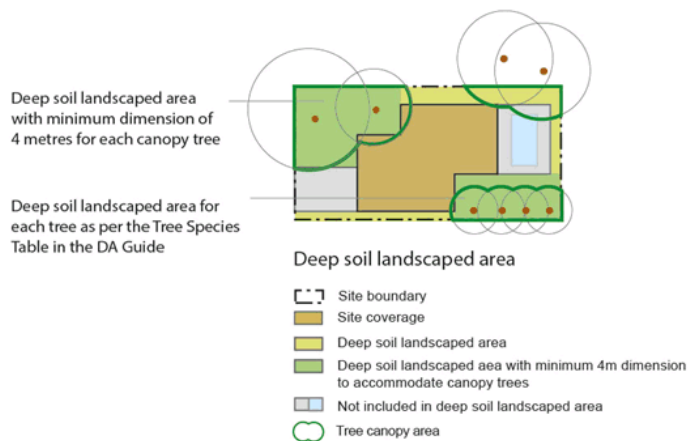


Figure 2: Calculation of deep soil landscaped area

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 an endorsed local strategic planning statement, strategic study or report?

Yes. This planning proposal is a result of the Woollahra Local Strategic Planning Statement and 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 **standards** 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 **standard** for low density residential development. The benefits of introducing a FSR **standard** 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:

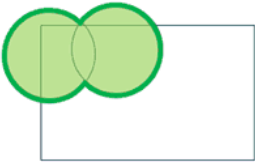
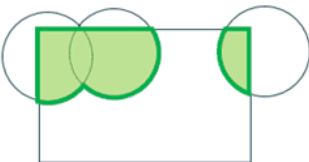
Method A	Method B:
The tree canopy area is measured from the overall extent of tree crowns of canopy trees planted on the site, and includes the area of the tree crown which extends beyond the subject site (See figure below)	The tree canopy is measured from the overall extent of tree crowns of vegetation on the subject site, and includes neighbouring canopy that overhangs on the subject site. It excludes the tree crown which extends beyond the subject site (See figure below)
	

Table 3: Tree canopy calculation methods

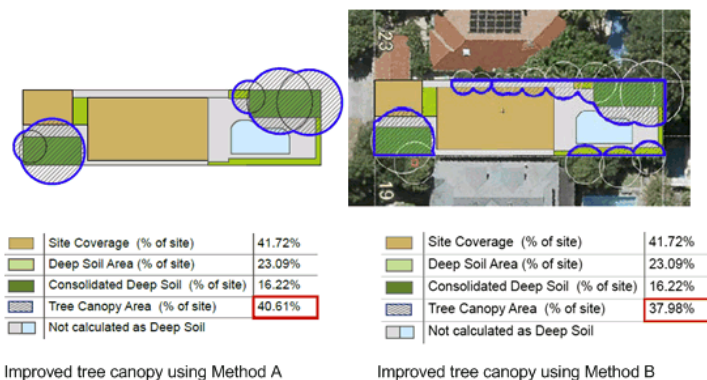


Figure 3: Example of site testing across different residential precincts using two methods of tree canopy calculation

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.

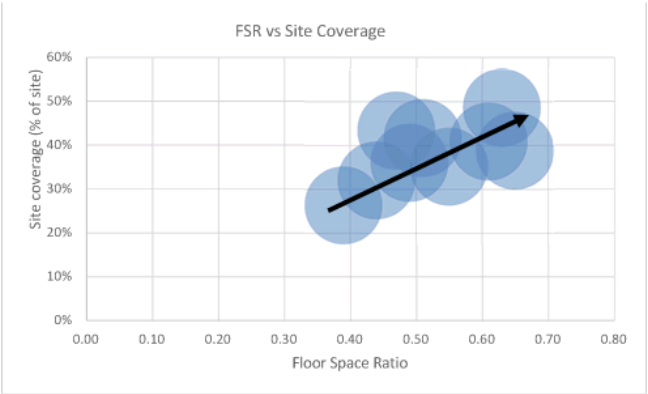


Figure 4: Graph illustrating the relationship between FSR and site coverage for dwelling houses

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.

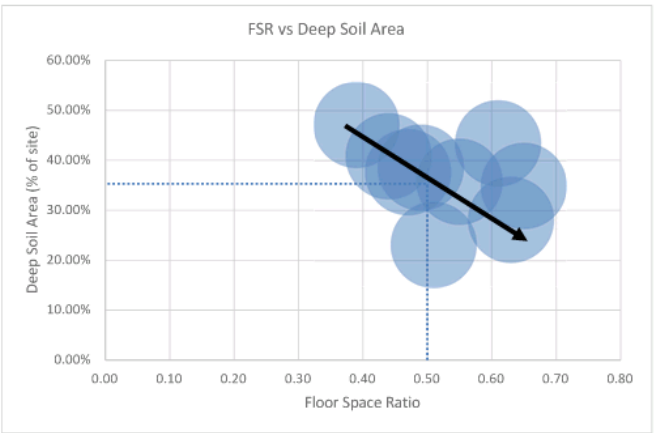


Figure 5: Graph illustrating the relationship between FSR and deep soil landscaped area for dwelling houses

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.

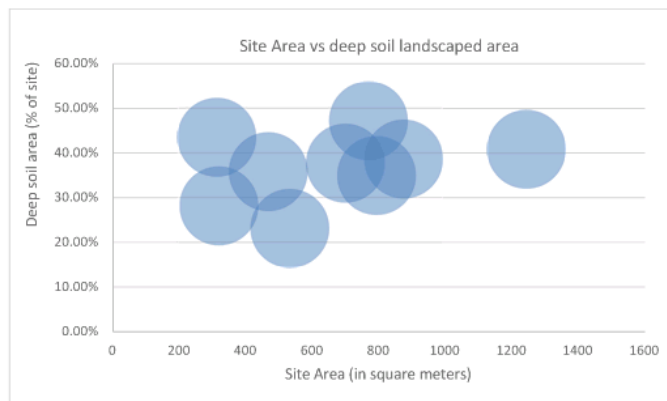


Figure 6: Graph illustrating the relationship between site area and deep soil landscaped area for dwelling houses on standard lot sizes

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
Unclear line of sight between Woollahra landscape controls and canopy cover outcomes	Strong support for regional Sydney 40% canopy cover aspirations
Risk of development diluting the leafy Woollahra character	Focus on conserving and enhancing Woollahra's leafy character

<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 **standard** 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 **standard** 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 Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant 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 **standards** 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 standards 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 standards 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 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 will give effect to 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 standard 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 standard 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

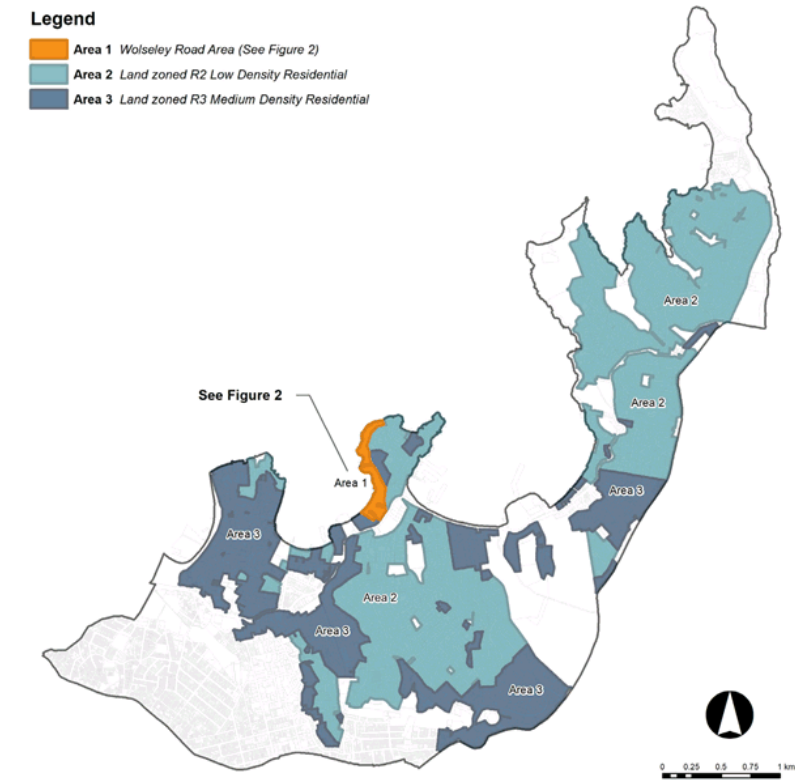


Figure 7: Map showing Area 1, 2 and 3



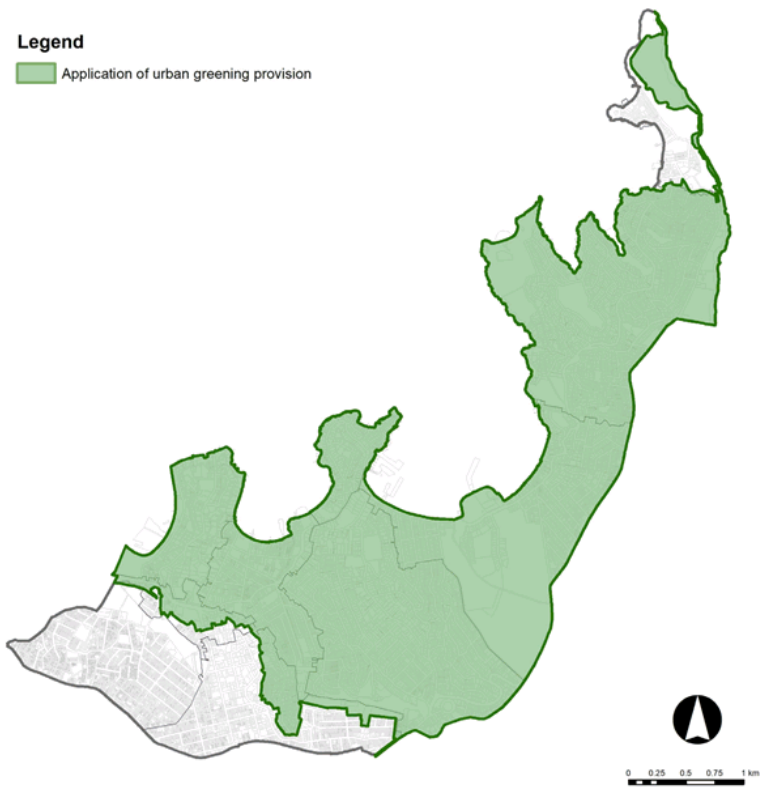


Figure 9: Map showing the application of the Urban Greening provision

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

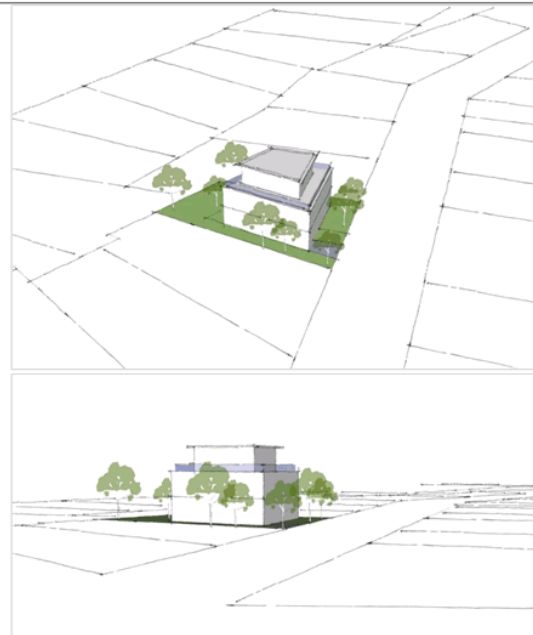
As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	7 September 2020
Council resolution to prepare planning proposal	29 September 2020
Woollahra Local Planning Panel provides advice to Council	15 October 2020
Council resolution to proceed	November 2020
Gateway determination	December 2020
Completion of technical assessment	None anticipated
Government agency consultation	See below
Public exhibition period	February - March 2021
Submissions assessment	April 2021
Council assessment of planning proposal post exhibition	May 2021
Council decision to make the LEP amendment	June 2021
Council to liaise with Parliamentary Counsel to prepare LEP amendment	July 2021
Forwarding of LEP amendment to the Department of Planning, Industry and Environment for notification	August 2021
Notification of the approved LEP	September 2021

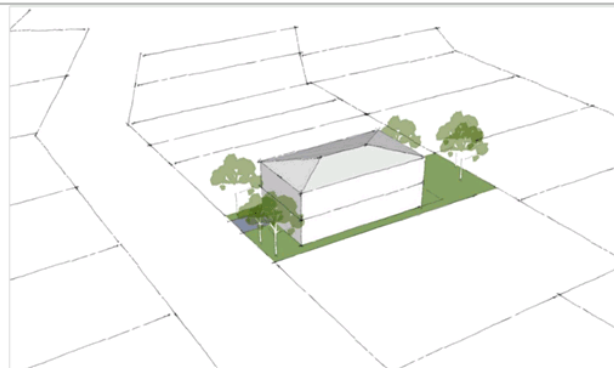
Table 6: Proposed timeline

Part 10 – Analysis and modelling of the small lots sliding scale

Category 1: Size area: 350 <400 m ²		
Site conditions: Area 383m ² , 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 ²	✓
	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 ²)	✓ (52%)
Calculations based on: <ul style="list-style-type: none"> Three storey dwelling house Front setback consistent with predominant front setback Parking for two cars proposed in building envelope 		
Assessment: <ul style="list-style-type: none"> 2-3 storey existing context 4-5m predominant front setback Average rear setback ranges from 4-10m Average side setback ranges from 1-4m Mix of contemporary and earlier dwelling houses. Mix of dwellings with pitched and flat roof character Proposed built form is consistent with existing and desired future character 		
Achieved Yield: 220m² FSR of 0.57:1		

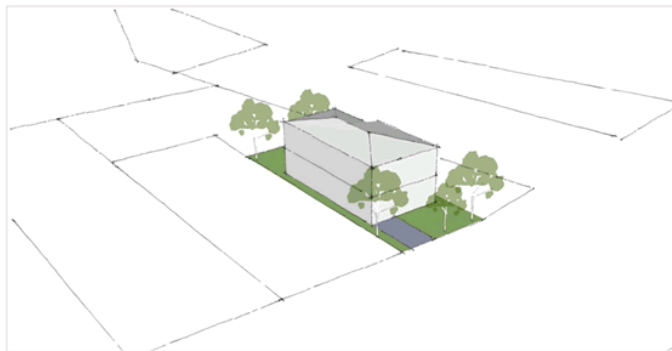


Category 2: Size area: 300 <350 m ²		
Site conditions: Area 344m ² , width 11.1m, depth 30m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 0.7:1 or max yield = 210m ²	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (4m)
	E Side setback = 1.3m	✓
	P 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 ²)	✓ (55%)
Calculations based on: <ul style="list-style-type: none"> Two storey dwelling house Front setback consistent with predominant front setback Parking for two cars proposed in building envelope 		
Assessment: <ul style="list-style-type: none"> 2-3 storey existing context 4-5m predominant front setback Average rear setback ranges from 4-10m Average side setback ranges from 1-4m Mix of contemporary and earlier dwelling houses Mix of dwellings with pitched and flat roof character Proposed built form is consistent with existing and desired future character 		
Achieved Yield: 210m² FSR of 0.61:1		

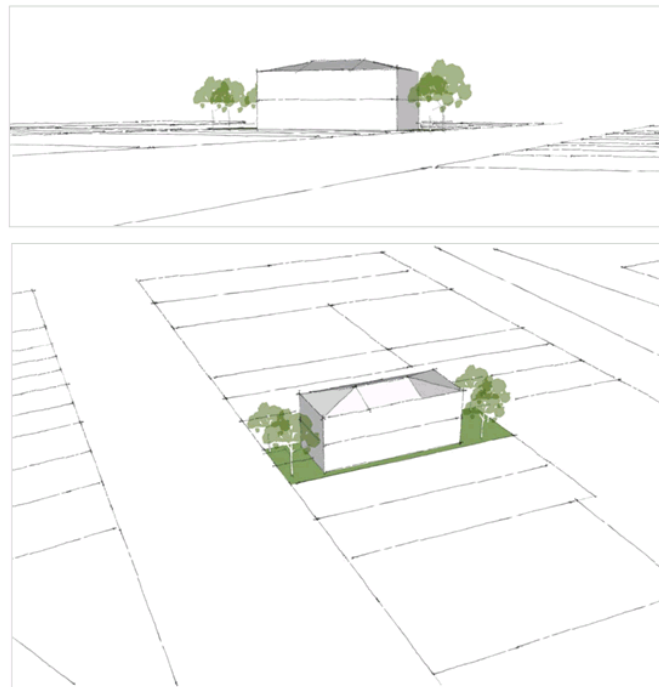


Page 40 of 52

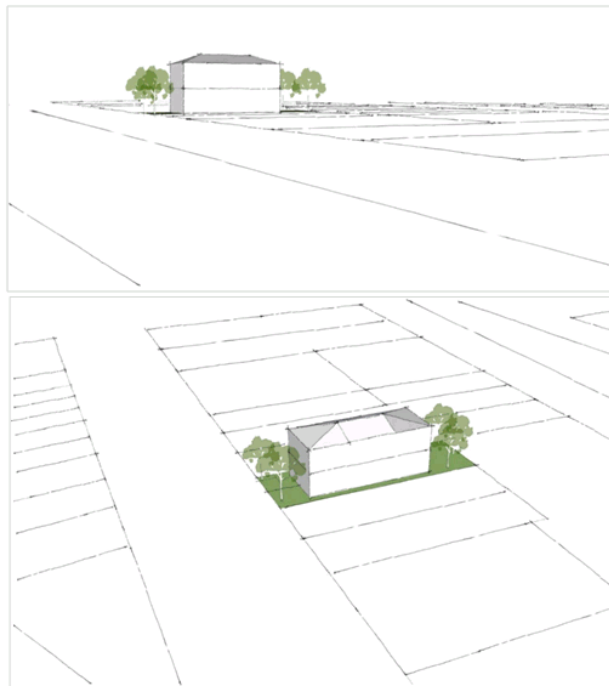
Category 3: Size area: 250 <300 m ²		
Site conditions: Area 287m ² , width 10.8m, depth 28m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 0.8:1 or max yield = 200m ²	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (6m)
	E Side setback = 1.1m	✓
	P Rear setback 25% = 7m	✓
	E Wall height & inclined plane	✓
	E On-site parking	✓
	P Deep soil landscaped area (25% or 71.75m ²)	✓ (50%)
Calculations based on: <ul style="list-style-type: none"> Two storey dwelling house Front setback consistent with predominant front setback Parking for one car proposed in building envelope 		
Assessment: <ul style="list-style-type: none"> 2-3 storey existing context 5-8m predominant front setback Average rear setback ranges from 7-15m Average side setback ranges from 1-3m Immediate context consists of dwelling houses with pitched roof Proposed built form is consistent with existing and desired future character 		
Achieved Yield: 200m² FSR of 0.69:1		



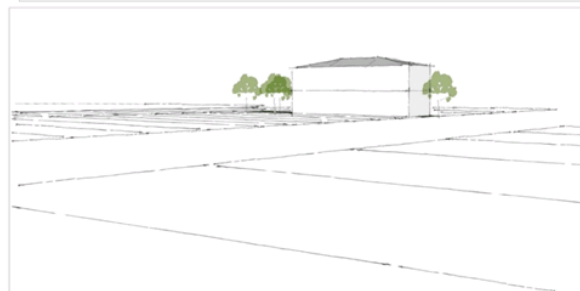
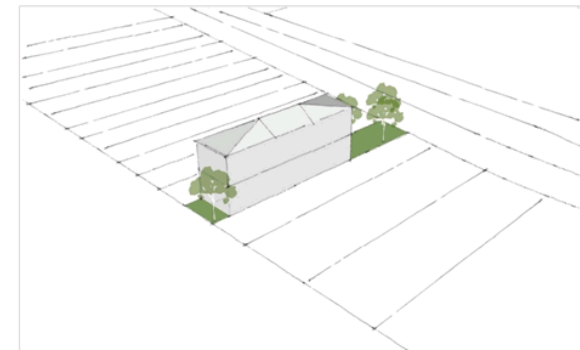
Category 4: Size area: 200 <250 m ²		
Site conditions: Area 222m ² , width 8.4m, depth 26m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 0.9:1 or max yield = 190m ²	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (4m)
	E Side setback = 0.9m	✓
	P Rear setback 25% = 6.5m	✓
	E Wall height & inclined plane	✓
	E On-site parking	-
	P Deep soil landscaped area (20% or 44.4m ²)	✓ (46%)
Calculations based on: <ul style="list-style-type: none"> Two storey dwelling house Front setback consistent with predominant front setback On-street parking (no parking on-site) 		
Assessment: <ul style="list-style-type: none"> 1-2 storey existing context 2-6m predominant front setback Average rear setback ranges from 2-7m Average side setback ranges from 0-2m Mix of dwelling houses, attached dwellings and semi-detached dwellings Proposed built form is consistent with existing and desired future character 		
Achieved Yield: 189m² FSR of 0.85:1		
Category 5: Size area: 150 <200 m ²		



Site conditions: Area 172m ² , width 7.6m, depth 22m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 1.1:1 or max yield = 180m ²	✓
	Woollahra DCP 2015	
	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 ²)	✓ (46%)
Calculations based on: <ul style="list-style-type: none"> Two storey dwelling house Front setback consistent with predominant front setback On-street parking (no parking on-site) 		
Assessment: <ul style="list-style-type: none"> 2-3 storey existing context 2-6m predominant front setback Average rear setback ranges from 2-7m Average side setback ranges from 0-2m Context consists of a mix of dwelling houses with pitched roof and contemporary residential flat buildings with flat roofs. Proposed built form is consistent with existing and desired future character 		
Achieved Yield: 135m² FSR of 0.78:1		



Category 6: Size area: Under 150 m ²		
Site conditions: Area 146m ² , width 4.7m, depth 30m		
Key Controls (E = existing & P = Proposed)	Woollahra LEP 2014	Complies
	E Height – 9.5m	✓
	P FSR Control 1.1:1 or max yield = 150m ²	✓
	Woollahra DCP 2015	
	E Front Setback	✓ (2m)
	E Side setback = Nil	-
	P Rear setback 25% = 7.5m	✓ (10.7m)
	E Wall height & inclined plane	✓
	E On-site parking	-
	P Deep soil landscaped area (10% or 14.6m ²)	✓ (35%)
Calculations based on: <ul style="list-style-type: none"> Land use type: Attached dwelling Front setback consistent with predominant front setback Average setback to rear laneway 5-10m On-street parking (no parking on-site) 		
Assessment: <ul style="list-style-type: none"> 1-2 storey existing context 2-3m predominant front setback Nil side setback 10.7m rear setback Context consists of a mix of attached dwellings, semi-detached dwellings and dwelling houses with minimal side setbacks. Pitched roof character. Proposed built form is consistent with existing and desired future character 		
Achieved Yield: 150m² FSR of 1.02:1		



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 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
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

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
1	Employment and resources	
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.
2	Environment and heritage	
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.
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.

Page 49 of 52

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3	Housing, infrastructure and urban development	
3.1	Residential zones	Applicable. Consistent. The planning proposal seeks to ensure there is an appropriate balance of landscaping and built form, consistent with the desired future character of our residential areas. 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.
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	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and The Right Place for Business and Services – Planning Policy (DUAP 2001).
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.
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.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
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.
5	Regional planning	
5.1 -5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the 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
6	Local plan making	
6.1	Approval and referral requirements	The planning proposal seeks to translate the existing residential floorplate DCP provisions into a FSR standard . 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.
7	Metropolitan Planning	
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).
7.2-7.12	Strategies 7.2-7.12	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 of each annexure identify the source of the proposed amendments:

- 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

B3.1 INTRODUCTION	1
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
B3.2 BUILDING ENVELOPE	5
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
B3.3 FLOORPLATE	19
B3.3 EXCAVATION	24
B3.4 BUILT FORM AND CONTEXT	29
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
B3.5 ON-SITE PARKING	43
B3.6 EXTERNAL AREAS	48
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
B3.7 ADDITIONAL CONTROLS FOR DEVELOPMENT OTHER THAN DWELLING HOUSES	68
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
B3.8 ADDITIONAL CONTROLS FOR DEVELOPMENT ON A BATTLE-AXE LOT	90
B3.9 ADDITIONAL CONTROLS FOR DEVELOPMENT IN SENSITIVE LOCATIONS	95
B3.9.1 Development on land adjoining public open space	95
B3.9.2 Harbour foreshore development	97

► Part B | General Residential

B3 | General Development Controls

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.

Draft August 2020
Woollahra Development Control Plan 2015

► B3 pg.3

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:

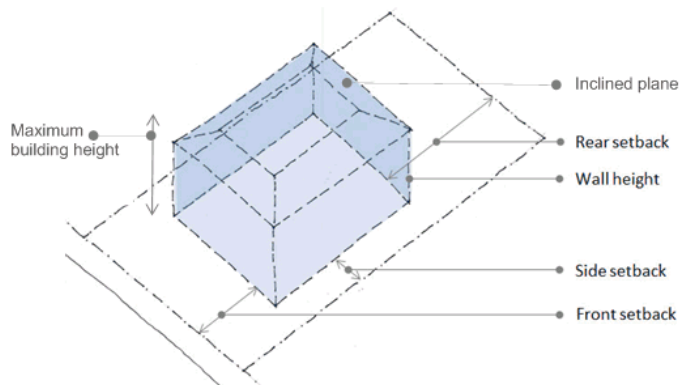
- front, side and rear setbacks;
- maximum wall height of 7.2m;
- inclined plane of 45° taken from the maximum wall height; and
- maximum building height set by Woollahra LEP 2014

~~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



Draft August 2020
Woollahra Development Control Plan 2015

► 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

Draft August 2019
Woollahra Development Control Plan 2015

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.	<p>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</p> <p>Note: For controls C2 and C3 setbacks include any basement piling or similar structured forms</p> <p>C4 The building has a maximum unarticulated wall length of 12m to the side elevation.</p> <p>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.</p>
O5 To facilitate views between buildings.	
O6 To provide opportunities for screen planting.	
O7 To allow external access between the front and rear of the site.	

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.	C2 The building depth is determined by the sliding scale in Figure 7 and applies to:
O6 To contribute to a consolidated open space network with adjoining neighbouring properties to improve natural drainage and support local habitat.	a) development in the R2-Low Density Residential Zone; and b) a dwelling house, semi-detached dwelling or dual occupancy in the R3 Medium Density Residential zone. C3 For development in the R3-Medium Density Residential Zone where an FSR applies, the building depth is 60 % of the site depth. C4 Notwithstanding C1 above, the minimum rear setback is 3m. C2 If 'end to end' amalgamation occurs, the building envelope will be determined as if

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.

Draft August 2020
Woollahra Development Control Plan 2015

► 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
/).

Commented [DCP20]: Administrative change to reflect amended Figure numbers.

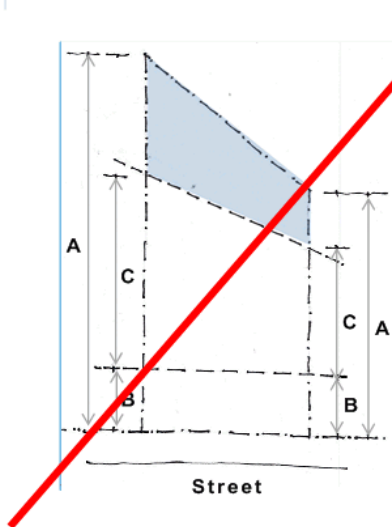


FIGURE 6
Formula for determining the rear setback
Rear setback = $A - C - B$
A = Site depth
B = Front setback
C = Building depth (A x % for A on the
building depth sliding scale)

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

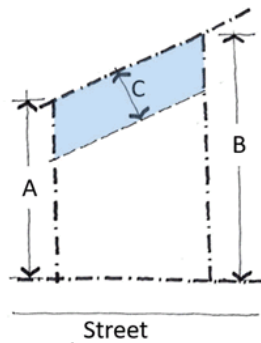


FIGURE 6

Formula for determining the rear setback

A = Side boundary 1

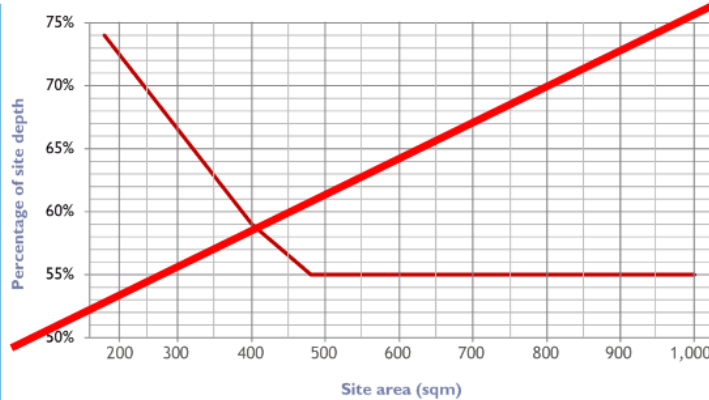
B = Side boundary 2

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
Woollahra Development Control Plan 2015

► B3 pg.15

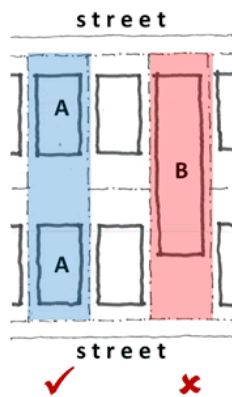


FIGURE 8 ⁷
Setbacks for end to end amalgamation

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).

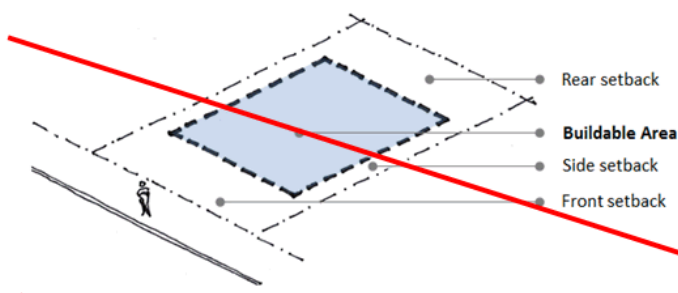
The maximum amount of development permitted on the site is determined by multiplying the buildable area by a factor of 1.65 (165%). This is the maximum permitted total floorplate.

For example if the buildable area is 150m² the maximum floorplate yield is:
150m² x 1.65 = 247.5m²

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

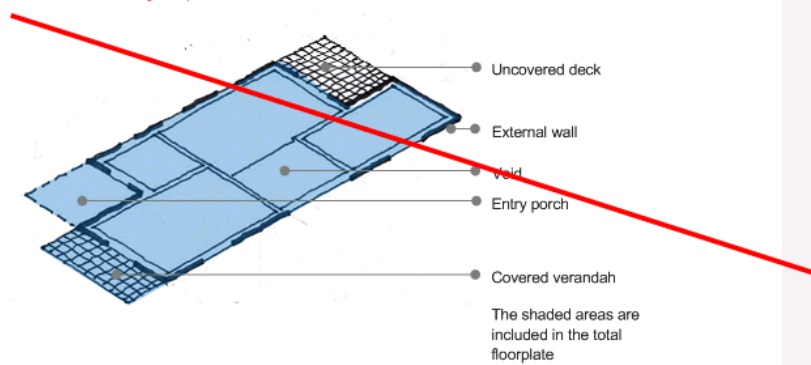
Floorplates are measured to include:

- ▶ 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)

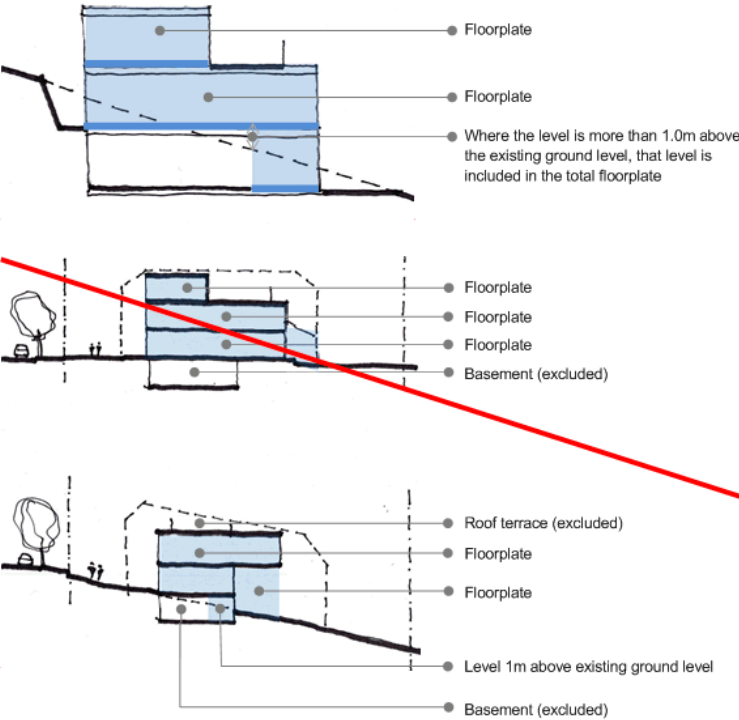


▶ B3 pg.20

Draft August 2019
Woollahra Development Control Plan 2015

FIGURE 12 Measuring floorplate (section-view)

The following examples illustrate elements of the built form that are included in the calculation of the floorplate:



B3 | General Development Controls

► Part B | General Residential

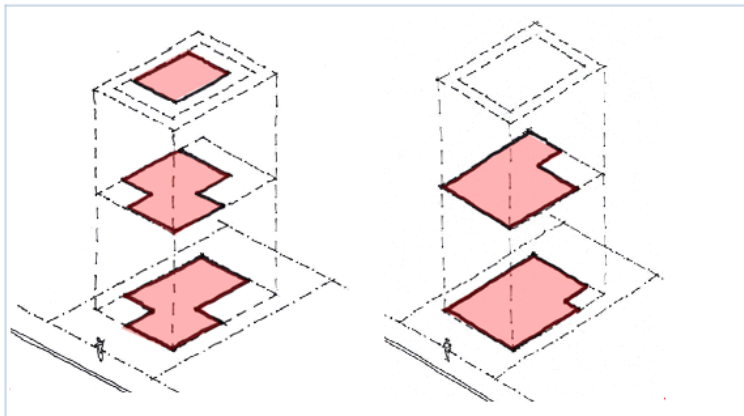
Applying the floorplate to development

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"> a) respond to the predominant character of the immediate streetscape; b) retain public views; and c) provide for view sharing of private views.

► B3 pg.22

Draft August 2019
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

B3.3 Floorplates	
Objectives	Controls
	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.
O3 — To encourage the design and location of car parking within the building envelope.	C5 — Where car parking is provided within the building envelope, the garage area (up to 40m²) is added to the permitted total floorplate.
O4 — To allow, in certain circumstances, development outside the building envelope.	C6 — Notwithstanding C2, the following buildings are permitted outside the building envelope:
O5 — To allow development to respond to the topography and context.	a) an outbuilding; parking structures but only where;
	— there is rear lane access; or
	— 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)
	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).
	These buildings are only permitted when:
	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
	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.

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"> 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 b) storage at a rate of 20m³ (cubic metres) per dwelling if for a dwelling house,

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 8m³ (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"> a) common party walls; b) footings to common party wall; c) freestanding boundary walls; d) footings to freestanding boundary walls. <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

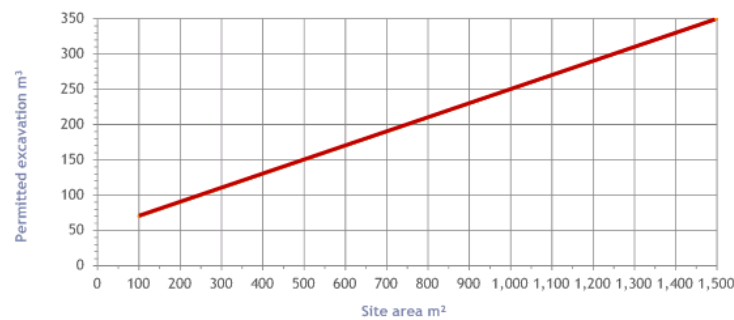
B3.3 Excavation	
Objectives	Controls
	required. All reports must be prepared in accordance with Council's guidelines. As a condition of a development consent, Council may also require the preparation and submission of a dilapidation report for properties neighbouring the development.
07 To minimise the 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 adjoining <u>neighbouring</u> properties.	<p>C1 The development is designed so that:</p> <ul style="list-style-type: none"> a) sunlight is provided to at least 50% (or 35m² 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 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>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"> a) contained within the roof terrace area and located at a low level; or b) appropriately shaded and fixed in a position so light is projected downwards onto the floor surface of the terrace. <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"> a) no part of the roof terrace or associated structures, such as a balustrade, projects beyond the roof profile; and 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. <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"> a) <u>is located within the building envelope.</u> b) <u>does not dominate the street frontage;</u> c) <u>preserves trees and vegetation of landscape value; and</u>
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"> a) <u>there is rear access (via a lane or street); or</u> b) <u>the site is located on sloping land where:</u> <ul style="list-style-type: none"> • <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> • <u>the car parking structure is incorporated into a podium or street wall; and</u> • <u>the car parking structures is not more than 40m² in area.</u> c) <u>the existing streetscape in the immediate vicinity of the site is</u>
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"> For separate structures, the roof form, materials and detailing complement the principal building. Garage doors are designed to complement the building design and any important character elements within the street. <p>C3 Parking structures are only permitted when:</p> <ol style="list-style-type: none"> 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 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. <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 40m² and the height a maximum of 3.6m.</p> <p>C4 Where there is no rear lane access, on-site parking is located within the building envelope.</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>C6 Notwithstanding C4, car parking structures may be located in the front setback (i.e. outside the building envelope) where:</p> <ul style="list-style-type: none"> 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 b) the car parking structures is incorporated into a podium or street wall; and c) the car parking structures is not more than 40m² in area. <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>C9 For separate structures, the roof form, materials and detailing complement the principal building.</p> <p>C10 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"> (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 (ii) 30% of the site area for residential development other than dwelling houses, dual occupancies, semi-detached development and attached dwellings, (iii) 25% of the site area for all residential development in the Wolseley Road area (Figure 18) <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"> 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). b. The applicant has demonstrated that the deep soil landscaped area on the
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

Draft August 2019
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>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>C2 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>C2 C3 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 20m²; 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 12m².</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.

Draft August 2020
Woollahra Development Control Plan 2015

► 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>C3 — Control C2 above does not apply to land in Rose Bay between Caledonian Road and Vickery Avenue zoned R3-Medium Density Residential.</p> <p>C4 — At least 50% of the rear setback comprises deep soil landscaped area.</p> <p>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.</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

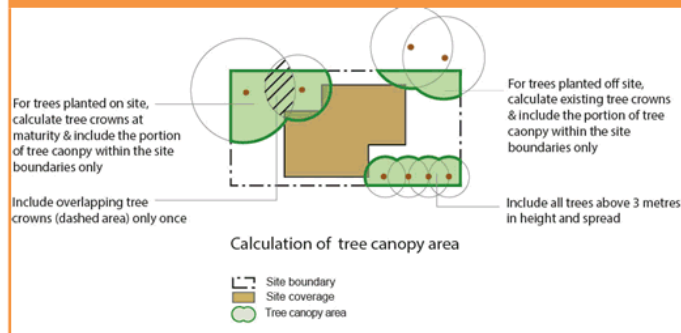
Draft August 2019
Woollahra Development Control Plan 2015

► Part B | General Residential

B3 | General Development Controls

FIGURE 16

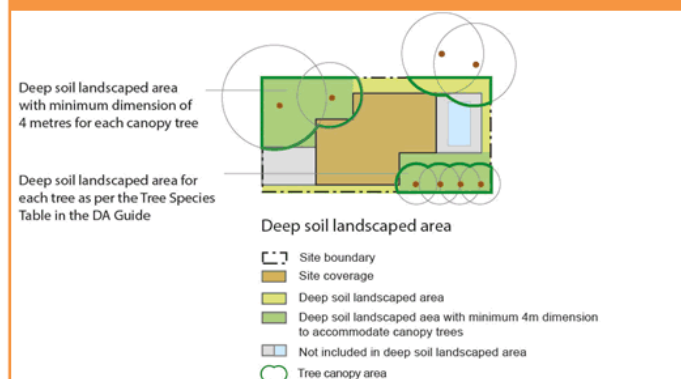
Calculation of tree canopy area



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

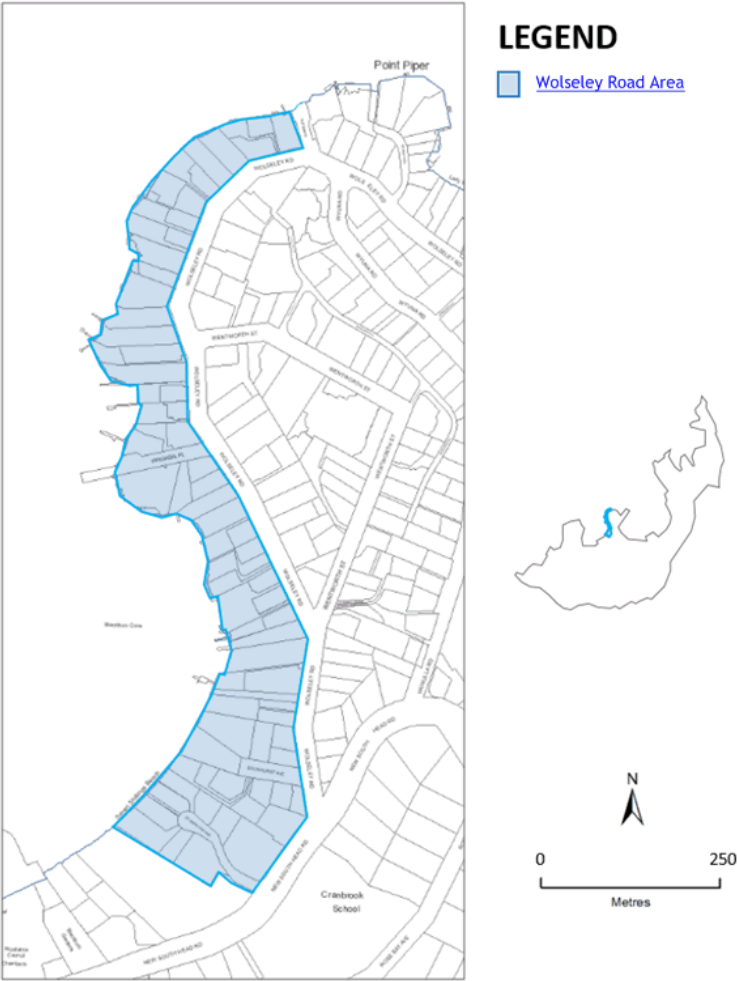


Commented [DCP60]: Diagram to illustrate the minimum 4 metres wide deep soil landscaped area for growing a canopy tree. Developed in consultation with Council Staff and Lyndal Plant (Urban Forester).

Draft August 2020
Woollahra Development Control Plan 2015

► B3 pg.53

FIGURE 18:
Sites subject to the 30% minimum deep soil landscaped area for dwelling houses, semi-detached dwellings and dual
occupancies



Commented [DCP61]: Amendment as a consequence of the proposed FSR controls.
Insert diagram identifying the 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.	C6 C4 For a dwelling house—a primary open space area of at least 35m ² is provided.
	C7 C5 For each dwelling within a semi-detached dwelling, dual occupancy or attached dwelling—a primary open space area of at least 35m ² is provided.
	C8 C6 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.	C9 C7 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).
	C10 C8 Part of the primary open space area is directly accessible from a habitable room.
	C11 C9 For residential flat building or multi dwelling housing—each dwelling is provided with private open space which has a minimum area of 8m ² 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.	C12 C10 Development takes advantage of opportunities to provide north facing private open space to achieve comfortable year round use.
	C13 C11 Private open space is clearly defined for private use through planting, fencing or landscape features.
	C14 C12 The location of private open space: <ul style="list-style-type: none"> a) takes advantage of the outlook and natural features of the site; b) reduces the adverse privacy and overshadowing impacts; and

Draft August 2020
Woollahra Development Control Plan 2015

► 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>C15C13 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>
<p>O7 To retain important existing nature canopy trees, vegetation and other landscape features.</p>	<p>C16C14 Existing canopy trees and vegetation of landscape value are incorporated into the landscape area and treatment.</p>
<p>O8 To protect or enhance indigenous wildlife populations and habitat through appropriate planting of indigenous vegetation species.</p>	<p>C47C15 Native species are preferred, and landscape designs are encouraged to provide at least 50% of the plants as native species.</p>
<p>O9 To ensure that landscaping contributes positively to the streetscape and the amenity of neighbouring properties adjoining residents.</p>	<p>C18C16 Landscaping provides for a diversity of native species and a complexity of habitat through vertical layering.</p>
<p>O10 To ensure that landscaping allows view sharing.</p>	<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>C19C17 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"> a) uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality; b) uses vegetation types that will not block views; c) does not adversely affect the structure of the proposed building or buildings on adjoining neighbouring properties.

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

Draft August 2019
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>Note:</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.

Draft August 2020
Woollahra Development Control Plan 2015

► 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

Draft August 2019
Woollahra Development Control Plan 2015

► Part B | General Residential

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

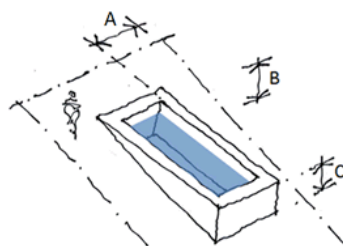


FIGURE 24

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

Draft August 2020
Woollahra Development Control Plan 2015

► 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"> a) sharing of views from surrounding properties; or b) solar access to adjoining neighbouring properties.
	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

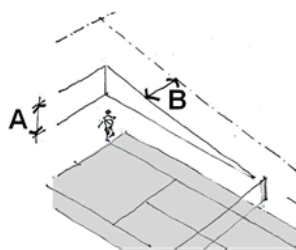


FIGURE 25

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

Draft August 2019
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"> <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> <u>Controls for outbuildings which comprise parking structures are contained in section B3.5</u> 		

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.

Draft August 2020
Woollahra Development Control Plan 2015

► 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

Draft August 2019
Woollahra Development Control Plan 2015

► 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>O1 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>O2 To ensure that lot widths support development envisaged under this Plan.</p> <p>O2 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>O3 To ensure there is adequate width for efficient on-site car parking.</p> <p>O4 To ensure that excavation can be adequately set back from boundaries and to prevent excessive excavation.</p> <p>O5 To encourage consolidation of allotments in appropriate locations to enable the development of a diversity of dwelling types.</p>	<p>C1 The parent lot has a minimum width at the street front alignment as follows:</p> <ul style="list-style-type: none"> a) detached dual occupancy—21m; b) attached dwellings—24m; c) residential flat building or multi dwelling housing containing three dwellings—15m; and d) residential flat building or multi dwelling housing containing four or more dwellings—21m. <p>Notes:</p> <ul style="list-style-type: none"> • No minimum lot width applies to a dwelling house, semi-detached dwelling or attached dual occupancy. • The parent lot refers to the development site before any subdivision (if relevant). • These controls do not apply to battle-axe lots (refer to Section B3.8).

Commented [DCP73]: In response to feedback from Council's lawyers, insert additional objectives to the minimum lot width control.

Draft August 2020
Woollahra Development Control Plan 2015

► 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 60m², 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 adjoining neighbouring properties.	<p>C1 The secondary dwelling is located within the building envelope and is calculated in the footprint and is subject to the FSR control.</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

Draft August 2019
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">a) pedestrian and vehicular access;b) parking and servicing;c) capacity;d) hours of operation;e) lighting;f) noise; andg) security and safety. <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 PB.</p>

Commented [DCP77]: Administrative change.

Draft August 2020
Woollahra Development Control Plan 2015

► B3 pg.89

B3 | General Development Controls

Part B | General Residential

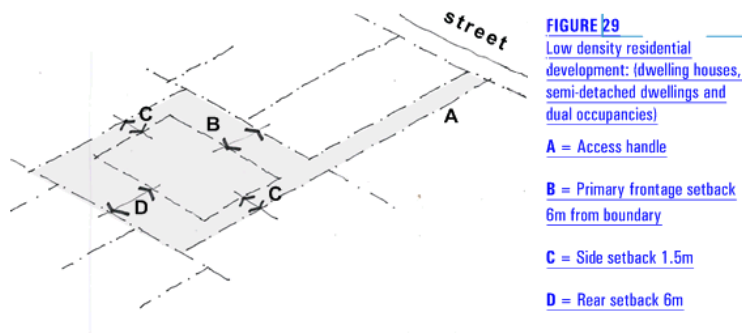
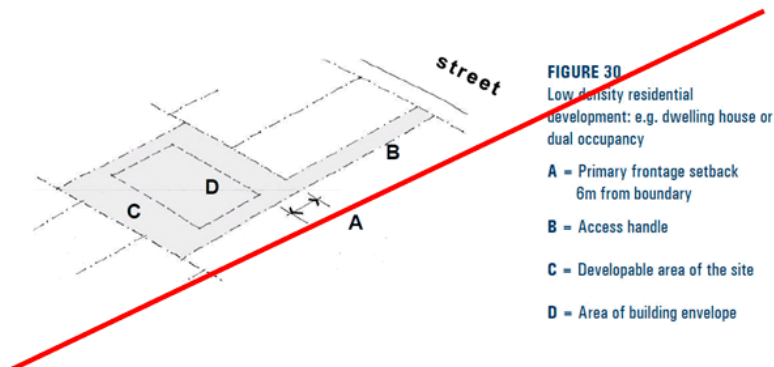
B3.8 Additional controls for development on a battle-axe lot

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.

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

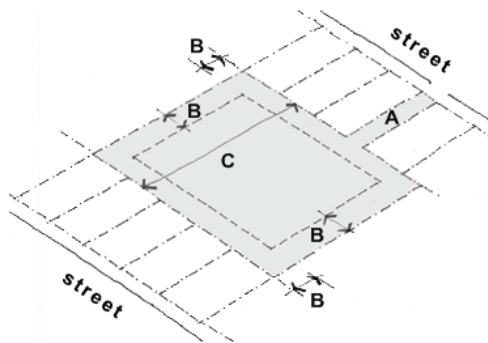


FIGURE 30
R3 zone and development (other than a dwelling house, semi-detached dwelling or dual occupancies) must be on a site with a minimum area of 950m²
A = Access handle
B = 6m setback required to each boundary
C = Minimum site dimension

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</u> <u>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 ² .
	C2	The lot, excluding the access handle, has minimum dimension in any direction, as follows: a) for a detached dual occupancy—21m b) for development involving three or more dwellings—24m. Note: The access handle of a battle-axe lot is included in calculating the lot size.
O2 To ensure adequate building separation to provide for the amenity of occupants and <u>adjoining</u> <u>neighbouring</u> properties.	C3	A 6m setback applies to the primary frontage (refer to Figure 29) for: a) development in the R2-Low Density Residential Zone. b) a dwelling house or dual occupancy in the R3 Medium Density Residential Zone.

Commented [DCP81]: Requested by the Woollahra LPP on 27 June 2019

Commented [DCP82]: Requested by the Woollahra LPP on 27 June 2019

Draft August 2020
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

Draft August 2019
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"> a) no unreasonable impact on the privacy of adjoining neighbouring properties; and b) no overlooking into the private open space areas of adjoining neighbouring properties. <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"> a) no unreasonable impact on the privacy of adjoining neighbouring properties; and b) no overlooking into the private open space areas of adjoining neighbouring properties.

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 the source of the proposed amendments.

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.

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.

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.

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.

▶ 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.¹
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).

¹ 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 | Tree Management

► Part E | General Controls for all Development

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 pg.8

23 May 2015
Woollahra Development Control Plan 2015

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 and urban greening

Project chronology



Key dates including report summaries and Council resolutions			Inclusions		
			FSR	Deep soil	Tree canopy
1	UPC	31 Oct 2016 Overview of the WDCP2015 Working Party meetings held from Mar- Apr 2016 and recommendation to prepare a draft DCP to amend Chapter B3.			
2	Council	14 Nov 2016 Prepare and exhibit a draft DCP to amend Chapter B3.			
3	UPC	27 March 2017 Obtain Council's approval on the adoption of Draft WDCP2015 (Amendment No. 2) – Chapter B3 post exhibition and seek Council's endorsement of the working party to investigate FSR and excavation controls.			
4	Council	10 Apr 2017 Approval of Draft WDCP2015 (Amendment No. 2) – Chapter B3. Continue the working party process to investigate appropriate fine grained design excellence controls, FSR and revised excavation controls.			
5	DCP	19 April 2017 - DCP Amendment 2 commenced Key amendments include: i. Amended objectives to encourage design excellence; ii. Simplified front and side building setback controls; iii. Clarification of the inclined plane and wall height controls; iv. Amended excavation controls; v. Minor amendments to acoustic privacy, on-site parking, landscaping, fence and battle-axe lot controls			
6	Council	21 May 2018 - NOM Strengthen Council's objectives and controls to enhance the landscape character including a new control that require sites to introduce a minimum number of additional trees- • Sites less than 500m ² - 1 additional tree • Sites between 500 m ² & 1000 m ² - 3 additional trees • Sites between 1000m ² & 1200 m ² – 4 additional trees • Sites over 1200 m ² - 5 trees			
7	EPC	4 Mar 2019 Recommend Council prepare a PP to amend WLEP2014 by introducing max. FSRs for low density resi. development including: • 0.55:1 for lots above 400m ² • 0.75:1 for lots in the Wolseley Road, Point Piper area • A range of max. FSRs lots under 400m ² Prepare a draft DCP to amend Chapter B3 including deep soil area controls of 35% of site area for standard lot and 38% for large lots in low density resi. development.			
8	Council	11 Mar 2019 Defer matter for 1 month so staff can re-examine the GFA calculations, deep soil controls, the NOM relating to canopy trees; and recommend whether 35% deep soil control could become a development standard in WLEP2014.			

Key dates including report summaries and Council resolutions			Inclusions		
			FSR	Deep soil	Tree canopy
9	EPC	15 Apr 2019 Re-examined proposed approach to FSR and deep soil landscaping but maintained the conclusions which are: <ul style="list-style-type: none"> Delete floorplate control from WDCP2015 and replace it with FSR control of 0.55:1 for low density resi. development FSR of 0.75:1 in the Wolseley Road, Point Piper area Range of FSRs for sites under 400m² Deep soil control of 35% of site area for standard lots (400-700m²) Deep soil control of 38% of site area for large lots above 700m². Investigate an appropriate tree canopy control as % of site area. 			
10	Council	29 Apr 2019 <ul style="list-style-type: none"> Prepare PP to amend WLEP2014 by introducing max. FSRs, including a max. FSR of 0.5:1 for low density resi. development. Prepare a draft DCP to amend Chapter B3 Refer PP and draft DCP to the WLPP for advice. Also seek advice on the best methods to apply FSR to smaller lots. Organise Councillor workshop to discuss landscaping controls. 			
11	Cr Brfg	27 May 2019 Workshop to discuss options, including current best practice, to enhance Council policies to facilitate additional landscaping in private development. In particular, how to improve tree canopy cover.			
12	WLPP	27 Jun 2019 <ul style="list-style-type: none"> WLPP considers an FSR of 0.55:1 for sites above 400m² is appropriate. WLPP in principle support small sites sliding FSR scale, with a max. GFA yield, but further work and testing required to ensure the numerical FSR controls proposed are appropriate. WLPP supports associated controls in the WDCP2015 including deep soil landscaped area control of 35% for low density resi. development 			
13	EPC	15 Jul 2019 Compared FSR of 0.5:1 vs 0.55:1 for low density resi. development, and recommend FSR of 0.55:1 since it <ul style="list-style-type: none"> Maintains current density (translates existing floorplate controls) Meets desired future character objectives for resi. precincts Is supported by practitioner group Is supported by Woollahra LPP 			
14	Council	22 Jul 2019 Proceed with PP subject to an FSR control of 0.5:1 for low density resi. development on sites of 400m ² or greater and consequential changes in relation to sliding scale FSRs for lots less than 400m ² table. Also include a max. GFA for small lot sizes.			
15	PP	30 July 2019 <i>PP Lodged with the DPIE</i>			
16	DPIE	24 Sep 2019 DPIE request additional information/research to support FSR of 0.5:1 for low density resi. development			
17	EPC	28 Oct 2019 Report on response from DPIE			
18	Council	11 Nov 2019 Provide additional information required by DPIE and press for a gateway determination of PP to introduce a FSR of 0.5:1 for low density resi. development. Matter given Priority 1, combined with tree canopy controls.			

Key dates including report summaries and Council resolutions			Inclusions		
			FSR	Deep soil	Tree canopy
19	Cr Brfg	15 Jun 2020 Councillors updated on the progress of the work combining the justification for 0.5:1 FSR control combined with urban greening provisions. Council staff proposed a DCP deep soil control of 35% of site area and a new DCP tree canopy control of 40% of site area for low density residential development.			
20	EPC	6 Jul 2020 <ul style="list-style-type: none"> Presented <i>Woollahra: Greening our LGA</i> which includes recommendations to facilitate best practice to sustain and enhance private landscaping and urban greening. Recommended amended PP to introduce max. FSR standards including FSR of 0.5:1 for low density resi. development, and new LEP objectives and local provisions to sustain and enhance tree cover. Recommended amendments to Chapter B3 and E3: of the WDCP2015, including a deep soil control of 35% of site area and a new tree canopy control of 40% of site area for low density resi. development. 			
21	Council	27 Jul 2020 Staff to organise another briefing about the proposed tree canopy controls to allow further discussion, and the outcomes of the briefing be reported to the EPC on 7 September 2020.			
22	Cr Brfg	19 Aug 2020 Options provided to progress proposed changes to WLEP2014 and WDCP2015 to encourage increased tree canopy and FSR of 0.5:1 for low density resi. development, including a revised methodology for calculating tree canopy area, a reduced tree canopy control of 35% of site area and further variations to the tree canopy control. Briefing attended by Steve Hartley: Executive Director - Green and Resilient Places (DPIE) & Barbara Schaffer: Principal Landscape Architect (NSW GA)			
23	EPC	7 Sep 2020 <ul style="list-style-type: none"> Recommend amended PP to introduce max. FSR standards including FSR of 0.5:1 for low density resi. development, new LEP objectives and local provisions to sustain and enhance tree cover. Recommended amendments to Chapter B3 and E3, including a deep soil control of 35% of site area and new tree canopy control of 35% of site area for low density resi. development. <i>Note: EPC resolved to support the recommended controls with the exception of the tree canopy control, where EPC resolved to increase this to 40% of site area for low density resi development</i>			
24	Council	27 Sep 2020 Refer proposed controls, including FSR of 0.5:1 , deep soil control of 35% of site area and a new tree canopy control of 35% of site area for low density resi. development to the Woollahra LPP for advice.			
25	WLPP	15 Oct 2020 Supports, in principle, amended PP including FSR of 0.5:1 , and proposed amendments to WDCP2015 including a deep soil control of 35% of site area and a tree canopy control of 35% of site area for low density resi. development.			
26	EPC	2 Nov 2020 Report advice from the WLPP which supports in principle, the amended PP, including FSR of 0.5:1 , and the proposed amendments to WDCP2015 including a deep soil control of 35% of site area and a new tree canopy control of 35% of site area for low density resi. development.			

Acronyms

Chapter B3: General Development Controls of Woollahra DCP 2015
Chapter E3: Tree Management Controls of Woollahra DCP 2015
Cr Brfg: Councillor Briefing
DPIE: Department of Planning, Industry and Environment
EPC: Environmental Planning Committee
FSR: Floor Space Ratio
GA: Government Architect Office
GFA: Gross Floor Area
NOM: Notice of Motion
NSW: New South Wales
PP: Planning Proposal
Resi: Residential
UPC: Urban Planning Committee
WDCP2015: Development Control Plan
WLEP2014: Local Environmental Plan
WLPP: Woollahra Local Planning Panel



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 400m²; 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

FINAL REPORT

Woollahra: Greening our LGA – Revision F

For: Woollahra Municipal Council

By: Lyndal Plant, Urban Forester Pty Ltd. (LPUF)

Date: 30 June 2020



Prepared by LPUF

Contents

Executive Summary	3
1. Introduction	7
1.1 Project Aims and Objectives	8
1.2 Methodology	9
1.3 Current approach to tree and landscape controls	10
2. Context for change	14
2.1 Tree canopy cover in Woollahra	14
2.2 Tree canopy cover targets	16
2.3 Floor Space Ratio (FSR) controls	18
3. Best practice review and potential improvements	20
3.1 Best and emerging practices	20
3.2 Deep soil area requirements	21
4. Testing potential tree canopy controls	23
4.1 Three stages of testing	23
4.2 Implications of tree canopy testing	29
4.3 Tree canopy quality outcomes	31
5. Recommendations	32
5.1 Amendment to planning controls and DA Guide	32
5.2 Monitoring and evaluating outcomes	34
5.3 Tree canopy targets beyond private residential land - Woollahra Urban Forest Strategy	34
6. Acknowledgements	36
7. References	37
Appendices	38

Prepared by LPUF

Executive Summary

Purpose, context and approach

Amendments to planning controls and development application guidance are recommended to protect and enhance the leafy character of Woollahra. These amendments emerge from best practice and the context of Woollahra's future vision expressed in the Community Strategic Plan 2030 and the Local Strategic Planning Statement 2020. In particular, these amendments draw upon the tree canopy goals and guidance offered by the state government in support of sustainable development, liveable neighbourhoods and reducing the impact of the urban heat island effect across Greater Sydney. Utilising a very collaborative approach across Council, proposed tree canopy controls were developed and tested.

Desired approach to urban tree canopy management

A review of current planning controls for landscaping on development sites and feedback from internal stakeholders supported a shift in the regulatory controls to focus on tree canopy management in Woollahra. A summary of the elements of the recommended shift are presented in Table 1.

Current landscaping controls	Recommended tree canopy controls
Unclear line of sight between Woollahra landscape controls and canopy cover outcomes	Strong support for regional Sydney 40% canopy cover aspirations
Risk of development diluting the leafy Woollahra character	Focus on conserving and enhancing Woollahra's leafy character
Disconnect between deep soil areas and canopy cover outcomes	Deep soil areas linked to site area and land-use based canopy cover targets
Shortfall in community expectations for suitable quantity and quality of trees on development sites	Better balance between tree canopy quantity and quality outcomes- including urban cooling and urban forest resilience
Comparative or anecdotal controls content	Evidence and best practice basis for improving tree canopy outcomes
Focus on smaller and ornamental trees	Focus on larger longer-lived, functional canopy trees
Treatment of landscape and tree canopy outcomes in isolation from other built form controls	Integration of tree canopy controls with FSR amendments
Favour Aesthetic based landscape design	Promote multifunctional landscape design

Table 1 Elements of the proposed shift from current to proposed tree canopy controls

Policy recommendations

The recommended amendments propose to embed a minimum 40% tree canopy control for detached dwellings and dual occupancy residential development and a minimum 30% tree canopy control for multi-dwellings and residential flat buildings, into the regulatory framework. These proposed canopy cover outcomes are supported by specific requirements for minimum deep soil landscaped areas as percentage of site area, preferred canopy trees and minimum dimensions of spaces to better suit the long term growth and stability of canopy trees. A summary of the proposed Local Environment Plan and Development Control Plan amendments are provided in Table 2.

Prepared by LPUF

The proposed canopy cover controls have been tested across a range of approved development sites and locations of various sizes, development types, constraint levels and Floor Space Ratios (FSRs). It was clear that the proposed Floor Space Ratio of 0.5:1 would help support the achievement of proposed tree canopy cover in low density residential developments. However, constraints to achieving required tree canopy areas on some site types, higher FSRs and Heritage Conservation Areas (HCAs) are acknowledged. It is proposed to retain existing controls on the retention of mature trees and garden settings in HCAs. Amendments are also proposed to the information required in development applications to support assessment of the tree canopy controls. Further guidance is proposed to optimise outcomes on constrained sites, support the retention of existing trees and designing for longevity and resilience of new and replacement trees on all sites.

The proposal to adopt tree canopy area controls across private residential development typologies is innovative and timely. Woollahra is leading an important shift in the provisions for landscaping on residential development sites that translate the tree canopy goals and guidance from state government into locally relevant controls. Most importantly, the proposed controls align to sustaining and enhancing local tree canopy which is directly related to measurable improvements in environmental, social and economic health. Woollahra is therefore better positioned to guide development outcomes towards the leafy, diverse natural settings so highly valued by the community.

Prepared by LPUF

Proposed LEP provisions								
<p>New FSR control of 0.5:1, New FSR control of 0.75:1, New sliding scale FSR</p> <p>New LEP aims That state the outcomes required in support of the approved LSPs, including urban greening, urban heat island effect reduction and mitigating climate change</p> <p>New LEP objectives R2 and R3 - To ensure that development achieves the desired area of tree canopy B1, B2, B4, SP2, SP3, RE2 - To encourage urban greening</p> <p>New Additional Local Provision 6.8 Urban Greening That point to the objective to sustain and enhance tree canopy cover and direct its application to the relevant lands I.e. land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (excluding Paddington, Woollahra and Watsons Bays HCAs) Specific direction to ensure Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) is consistent with the objectives of this clause, and (b) provides an appropriate selection of and location for canopy trees, and minimises disturbance and adverse impacts on existing canopy trees which are to be retained</p>								
Proposed DCP amendments – Chapter B3 General Development Controls								
<p>Additional objective and controls in B 3.4.1 Streetscape and local character</p> <p>O. To ensure that development contributes towards reducing Urban Heat Island Effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover. C. Development minimises disturbance and adverse impacts on existing Canopy Trees which are to be retained. C. Development allows sufficient space for the growth of the above and below ground elements of existing and future Canopy Trees (including the root system, trunk and branches).</p>								
<p>Additional section and definitions in B 3.6.1 Landscaped areas and private open space</p> <p><u>Urban Greening and Tree Canopy</u> Describing the critical relationship between canopy trees, urban greening and mitigating localised warming and climate change adaptation, plus a number of environmental, social and economic benefits. And defining important terms used in the provisions, including: A Tree Crown, A Canopy Tree and Tree Canopy and how it is to be calculated (including diagrams)</p>								
<p>Additional controls in B 3.6.1 Landscaped areas and private open space</p> <p>Minimum Tree Canopy Area for all residential development in the R2 and R3 zones Including development that alters the existing building footprint and/or building envelope or impacts upon existing landscapes and Distinguishing the Tree canopy % required across two types of housing and levels for all general development separate to Wolseley Road area.</p> <table border="1"> <tr> <td>Housing Type</td><td>Detached dwellings, dual occupancies, dwelling houses, semi-detached development and attached dwellings</td><td>Multi dwellings, Residential Flat Buildings</td></tr> <tr> <td>Minimum Tree Canopy Area</td><td>40% of site area for all general residential development 35% of site area for the Wolseley Road area</td><td>30% of site area</td></tr> </table> <p>Plus diagram to assist interpretation and a specified list of acceptable variations will be considered to strengthen the provision</p> <p>Minimum Deep Soil Landscaped Area to support the achievement of Tree Canopy at maturity, including (plus diagram to assist interpretation) 35% of site area for all general residential development 30% of site area for the Wolseley Road area</p>			Housing Type	Detached dwellings, dual occupancies, dwelling houses, semi-detached development and attached dwellings	Multi dwellings, Residential Flat Buildings	Minimum Tree Canopy Area	40% of site area for all general residential development 35% of site area for the Wolseley Road area	30% of site area
Housing Type	Detached dwellings, dual occupancies, dwelling houses, semi-detached development and attached dwellings	Multi dwellings, Residential Flat Buildings						
Minimum Tree Canopy Area	40% of site area for all general residential development 35% of site area for the Wolseley Road area	30% of site area						

Table 2. Summary of proposed LEP and DCP amendments

Prepared by LPUF

1. Introduction

Woollahra Council is seeking to enhance landscaping outcomes from private development as an important component of retaining and improving tree canopy cover. Unlike numbers of trees, tree canopy cover is directly linked to the environmental, economic and social functions and values that urban trees provide (Figure 1).

ENVIRONMENTAL BENEFITS	ECONOMIC BENEFITS	SOCIAL BENEFITS
Improved visual amenity	Boosting property values including house prices due to proximity to green space	Encourages physical activity
Enhanced urban microclimate	Faster property sales	Provides more opportunities and places for children to play
Improved air quality	Encourages inward investment	Improved mental health
Reduced flood risk	Reduced energy costs via microclimate regulation	Creates and improves spaces for socialising, interaction and events
Better water quality	Improved chances of gaining planning permission	Improved workplace productivity
Improved biodiversity	Improved tourist and recreation facilities	Creates opportunities for community participation and volunteering
Reduced ambient noise	Lower healthcare costs	Reduction in crime
Reduced atmospheric CO ₂		Reduces stress
Improved environmental resilience		Improved childhood development
Reduced urban heat island effect		Improved quality of life and health and wellbeing
Improved connection and travel time		Ease of access to social, recreation and sporting activities
		Improved liveability for NSW
		Increased social cohesion

Figure 1. Range of environmental, economic and social benefits of urban trees (From: [Greener Places NSW Government Architect](#))

Air-quality improvement, rainfall interception and cooling functions of trees is proportional to tree canopy area, tree height and canopy density. Likewise, many of the associations between green cover and mental health, well-being, walkability and business vitality are related to tree canopy cover (Ely and Pitman 2014). There is also overwhelming "home-grown" evidence of environmental and human health and well-being benefits of urban tree cover. In the Sydney region, neighbourhoods with a tree canopy of 30% or more, adults had 31% lower odds of developing psychological distress, and 33% lower odds of rating their general health as "fair" or "poor" (Astell-Burt et al., 2019).

Canopy cover has consequently become an important indicator for local government authorities and regional agencies to benchmark and monitor the extent, distribution and beneficial services provided by urban trees. Tree canopy cover is measured from analyses of aerial or satellite imagery and canopy targets are set from benchmark studies and analyses of the local factors and trends influencing canopy cover. An increase from 16.8% tree canopy in 2011 to 40% canopy cover is proposed for Greater Sydney by 2036 (Greater Sydney Regional Plan 2018). Several metropolitan Sydney councils have also included tree canopy targets as performance indicators in their urban forest strategies (City of Sydney,

Prepared by LPUF

North Sydney Council, City of Canada Bay).

Both Council and the community recognise the value of Woollahra's leafy local character as integral to the future vision outlined in the Community Strategic Plan and the Woollahra Local Strategic Planning Statement 2020 (LSPS). While over 17,000 trees in public parks and streets are actively managed by Council, the future of many thousands of existing trees and new tree plantings on private property is dependent on appropriate planning controls for residential development.

Council has already explored a range of possible improvements to the existing set of controls and is now seeking to translate Australian and international best practice for protecting and enhancing urban tree canopy to the Woollahra context. This project will recommend specific amendments to planning controls and practices that align with Woollahra's future vision and the goals and guidance offered at regional and state government level in NSW.

1.1 Project Aim and Objectives

1.1.1 Project aim:

To enhance Council's policies, procedures and planning controls to facilitate additional landscaping in private development – especially to retain and improve tree canopy cover.

1.1.2 Project objectives:

- Report on the current status, aspirations and trends in tree canopy cover in Woollahra
- Report on Council's current approach to controlling landscaping and private tree canopy cover in Woollahra – low density residential (R2), medium density residential (R3) and Heritage Conservation Areas (HCAs), identified in the Woollahra LEP 2014
- Identify relevant Australian and international best practices for protecting and enhancing private tree cover
- Recommend amendments to controls and practices in R2 and R3 development, that reflect best practice, relevant to Woollahra

Prepared by LPUF

1.2 Methodology

Recommended changes to Woollahra planning controls were developed from an initial review of baseline canopy cover levels at whole of local government area and within the low density residential (R2) and higher density residential (R3) zones. Current planning controls and opportunities for improvement were then reviewed with internal Council officers.

Best national and international practices were consequently drawn upon to inform a proposed level of tree canopy cover and the below ground growing space required to support those levels of tree canopy. Proposed levels of tree canopy and deep soil space were then tested across a range of recent approved development sites and locations of various sizes, development types, constraint levels and Floor Space Ratios (FSRs).

Approved landscape plans allowed the capacity for improved canopy cover levels, and the factors of most influence on the achievement of improved canopy levels to be tested. The hypothesis was that:

- a) if approved landscape plans and their deep soil landscaped areas could achieve the proposed level of canopy cover at tree maturity, then tree canopy controls were feasible, and
- b) the factors of greatest influence over achieving improved tree canopy would become the detail within the wording of the planning scheme amendment.

An important issue to also resolve during the testing was, which parts of tree canopy areas should be counted towards canopy cover on the subject site. The issue of whether to consider overlapping canopies of trees and or portions of canopies overhanging neighbouring properties was therefore explored in detail.

Finally, in close collaboration with the Woollahra planning team, specific amendments and additions to the LEP and DCP were proposed and feedback sought from relevant council officers and Councillors. A summary of the methodology is shown in Figure 2. Detailed results of each phase in the methodology is presented in sections 2, 3 and 4.

Prepared by LPUF

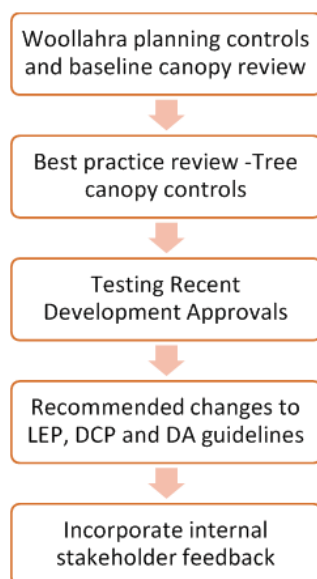


Figure 2. Phases of the methodology used to derive recommended amendments to landscape planning controls.

1.3 Current approach to tree and landscape controls

Current inputs, processes, planning controls and outputs for trees on private property in Woollahra were identified during a workshop with the project working group. These sources of information, guidance, planning controls and processes can be collectively labelled as the "Toolkit".

Elements of the "Toolkit" are grouped sequentially through three stages:

- Stage 1 – Pre-lodgement
- Stage 2 – Application, Assessment and Decision
- Stage 3 – Construction and compliance

Elements of the current "Toolkit", rated as most important by workshop participants, to the improvement of tree canopy and landscape outcomes, in order of importance, included:

- [Woollahra Local Environmental Plan LEP 2014](#)
- DCP Part E: General Controls for All Development, [E3 Tree management](#) - triggered by [SEPP \(Vegetation in Non-Rural Areas\) 2017](#)
- Reactive compliance between certification milestones and post construction
- [DCP Part B, General Development Controls within General Residential, especially B3.7 External areas – deep soil provision](#)
- Consent conditions for ongoing landscape maintenance
- [Woollahra Development Application Guide](#), including Tree Protection and Management Plan Report guidance
- [Woollahra "Trees" website content](#)

Prepared by LPUF

The hierarchy of statutory and non-statutory planning tools that apply to trees and landscape outcomes in Woollahra is shown in Figure 3.

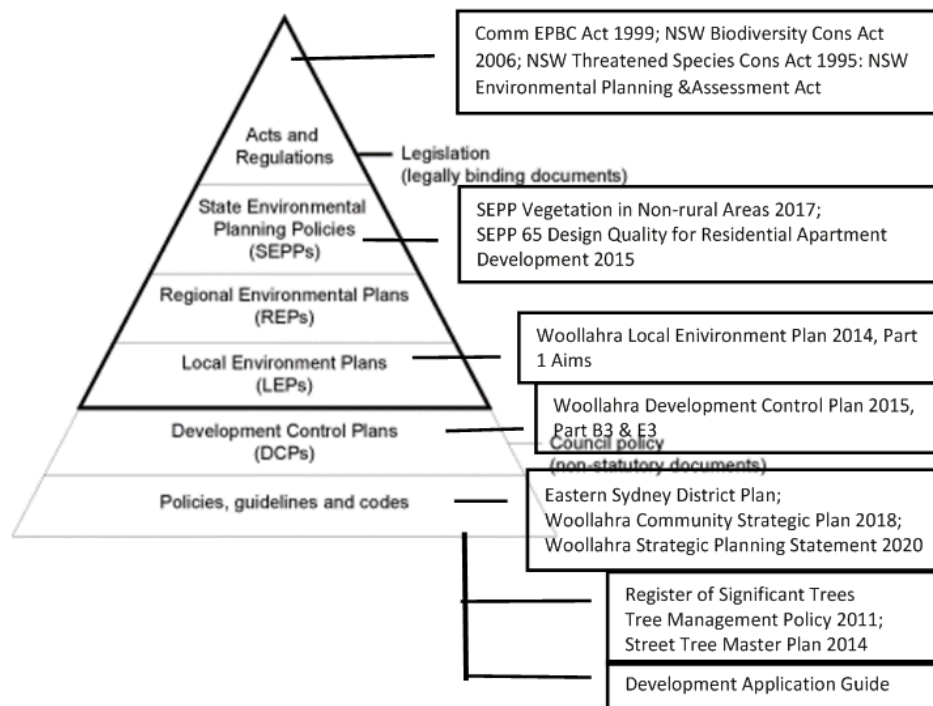


Figure 3. Hierarchy of regulatory (bold outline) and non-regulatory tools that apply to development in Woollahra municipality (adapted from [Woollahra Building and Development website](#))

Other observations noted in the process mapping exercise include:

- Clause 5.9A and 5.9AA of the Woollahra Local Environmental Plan "Protection of Private trees" were repealed in 2017 with the introduction of the [State Environmental Planning Policy \(SEPP\) \(Vegetation in Non-Rural Areas\) 2017](#) which applies throughout metropolitan Sydney. Part 3, section 9, of the SEPP points directly to DCP provisions. ie. "...vegetation in any non-rural area of the State that is declared by a development control plan to be vegetation to which this Part applies".
- Provision of deep soil zones (WDCP Ch B3.7.1) relate to secondary areas, such as front and rear setback areas, which in turn relate to external areas, and not site area ie.
 - C1 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.
 - C2 At least 40% of the front setback comprises deep soil landscaped area, and: 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 20m²; and 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 landscaped area is at least 12m².
 - C3 Control C2 above does not apply to land in Rose Bay between Caledonian Road and Vickery Avenue zoned R3 Medium Density Residential.

Prepared by LPUF

- *C4 At least 50% of the rear setback comprises deep soil landscaped area.*
- No specific provisions for numbers and types of trees for replacement and new plantings
- No additional tree or landscape requirements for Heritage Conservation Areas, aside from DCP E3 requirement for all impacts on trees in HCAs to trigger a Development Application, other than minor works.

It is also important to recognize that for R3 residential flat development of three or more storeys, and four or more dwellings, [Clause 6A of SEPP No. 65](#) makes the requirements of eight specific matters contained in Parts 3 and 4 of the Apartment Design Code 2015, take precedence in the assessment and determination of a development application, over any inconsistent provisions in local DCPs.

The eight specific matters are:

- Visual privacy (Part 3F)
- Solar and daylight access (Part 4A)
- Natural ventilation (Part 4B)
- Ceiling heights (Part 4C)
- Apartment size and layout (Part 4D)
- Private open space and balconies (Part 4E)
- Common circulation and spaces (Part 4F)
- Storage (Part 4G)

While SEPP No.65 requirements relate specifically to those eight matters, the *Apartment Design Guide* also includes guidance on retention of trees (2A) and provision of deep soil zones (3E) to support retained or new tree plantings and plantings on structures (4P). The complete *Guide* is intended to be used in the preparation of local controls, design guidelines and the assessment of development proposals to achieve better design and planning for residential apartment development in NSW. Principles of the guidance offered in the *Apartment Design Guide* have therefore been applied to the full range of residential development types- ie. detached dwellings, dual occupancy (attached and detached), multi-dwelling housing and residential flat buildings.

Most importantly, amendments to tree and landscape controls have taken into account local and regional aspirations for sustaining and enhancing tree canopy cover and have been developed and tested to ensure integration with desired built form outcomes that support community aspirations and the vision for land use planning in Woollahra.

Prepared by LPUF

2. Context for change

2.1 Tree canopy cover in Woollahra

Baseline measures of vegetation cover in 2016 across Greater Sydney sourced from analysis of high resolution (0.3m) vegetation imagery and digital aerial photography, were made available by the state government of NSW. Trees greater than 3 metres in height, at that time, covered approximately 28% of public and private lands across the Woollahra Local Government Area (LGA) (Figure 2).

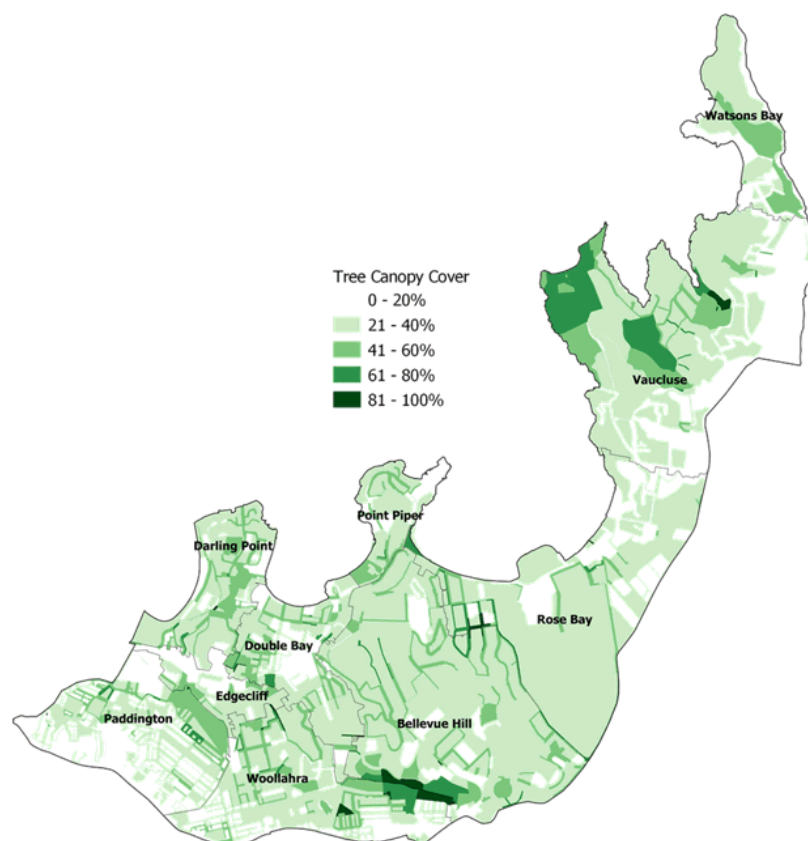


Figure 4. Tree canopy cover on public and private land in Woollahra 2016: source NSW SEED Open Data Portal: Greater Sydney Region urban vegetation cover to modified Mesh Block 2016 (SEED 2016)

Woollahra is within the Top 5 in tree canopy cover of other non CBD Sydney harbourside council areas (North Sydney, Hunters Hill, Ryde, Lane Cove and Mosman), and was one of few councils surveyed across NSW that made small

Prepared by LPUF

gains in canopy cover between 2009 and 2016 (["Where should all the trees go?" Report – Green Spaces Better Places](#)).

In 2016, approximately 32% of the Woollahra LGA was public land, including all roads, Council parks and Council facilities. This land was contributing approximately 35% to the total tree canopy in the LGA.

Approximately 64% of the land in the Woollahra LGA was private land (including private sporting venues, the Royal Sydney Golf Course, White City, schools and hospitals). This land was contributing approximately 57% to the total tree canopy in the LGA. The remaining land area (4%), at that time, included national parks, defence land and public schools, contributing around 6% of total tree canopy coverage.

Per unit land area, trees on public land, including Council controlled lands, were contributing more to Woollahra's tree cover than private lands. However, collectively, low density residential (R2) lands and medium density residential (R3) lands make up over 70% of Woollahra's private lands and contribute significantly to its leafy character. In 2016, tree canopy coverage on R2 lands at 27.3% contributed almost 12% of the LGAs total tree canopy compared to R3 lands at a similar 27.7 % tree canopy cover, were contributing just 7.6% of the LGA's tree cover (Table 3). It is possible that many of the land holdings in both the R2 and R3 zones had not been developed to the potential permitted by the planning scheme when the 2016 canopy cover measures were acquired. Ongoing contributions of these land holdings to Woollahra's leafy character and environmental qualities require robust and relevant planning controls which focus on tree canopy cover.

	Total	R2	R2-HCA	R3	R3-HCA	HCA- R2/R3
Tree canopy cover	Council controlled public + private land	Private land				
Bellevue Hill	32	29.38		26.63	22.22	22.15
Darling Point	32	37.59	26.6	29.45	28.48	28.34
Double Bay	28	26.67		28.44		
Edgecliff	23		26.79	30.28	30.96	28.87
Paddington	23		15.06		24	16.72
Point Piper	24	23.28		24.06		
Rose Bay	24	24.67		24.21	21.81	21.81
Vaucluse	31	26.42	27.49	9.1		27.49
Watsons Bay	28	23.22	23.96		24.98	24.16
Woollahra	30		19.22	31.13	24.47	22.81
Av.	28	27.32	23.19	27.74	25.27	24.03

Table 3. Tree canopy cover distribution in Woollahra across low density residential (R2), higher density residential (R3) and Heritage Conservation Areas (HCAs) (2016 measures using SEED 2016).

Prepared by LPUF

Tree cover in Heritage Conservation Areas within both R2 and R3 zones was consistently less than average tree cover averages for those zones (Table 3). HCAs in Woollahra typically contain historical terrace/row housing on very small lots with limited capacity for trees. 23-24% tree canopy cover across these areas, generally consists of one small to medium sized tree at the rear of the property, adds to the landscape qualities of this historic style of housing. Community expectations for protecting heritage values and buildings (Community Satisfaction Survey 2018) are high. However, there is a pattern of stability of this historic housing style and its leafy streets, compared to the level of change in R2 and R3 areas outside of HCAs. Therefore attention has focused on improvements to tree canopy controls outside of Heritage Conservation Areas.

2.2 Tree canopy cover targets

In 2018 the Greater Sydney Commission proposed a 40% canopy cover target by 2036 and launched the "Five Million Trees for Greater Sydney" initiative. Five Million Trees is part of the NSW Government's commitment to creating a greener city to improve Sydney's health, climate, economy and environment.



draft NSW Urban Tree Canopy Guide suggesting at least 40% canopy cover targets for low density residential lands and 25% canopy cover for medium and higher density residential lands (Figure 5).



Figure 5. Extract from draft Urban Canopy Guide (NSW Government Architect 2018)

As shown in Table 4, the average 28% tree canopy cover for R3 private land in Woollahra already exceeds the canopy target for higher density zones suggested in the draft NSW Urban Tree Canopy Guide. However, the average of 27% tree cover for R2 private lands is well below the suggested 40% canopy target for low density residential.

Zone	Canopy Target	Woollahra
R1 General Residential	40%	R2 27%
R2 Low Density Residential		
R3 Medium Density Residential	25%	R3 28%
R4 High Density Residential		
Business zones (B1 Neighbourhood Centre, B2 Local Centre)	15%	
B4 Mixed Use		
B5 Business Development		
B6 Enterprise Corridor		
B7 Business Park		
IN1 General Industrial	25%	
IN2 Light Industrial		

Table 4. Woollahra R2 and R3 average tree canopy cover compared to NSW Urban Tree Canopy Guide targets – (Extract from May 2019 Councillor presentation pg 26)

Local Planning Priorities expressed in the draft Woollahra Local Strategic Planning Statement under the Sustainability theme, include:

Planning Priority 11, *conserving, enhancing and connecting diverse and healthy green spaces and habitat, including bushland, **tree canopy**, gardens and parklands.*

It is suggested that to align to both the aspirations in the Local Strategic Planning Statement and the Greater Sydney and NSW Government Architect guidance, Woollahra could propose a "sustain and enhance" approach to tree canopy cover in planning controls for development in R2 and R3 zones (Figure 6). Such an approach not only recognises the important contribution that urban trees on private property make to the environment and quality of life, but also allows Woollahra's leafy canopy to keep pace with growth and greater density.

This proposal is further explored in the review of best practice for improving tree canopy and landscape outcomes in private development, summarised in the following section.

Prepared by LPUF

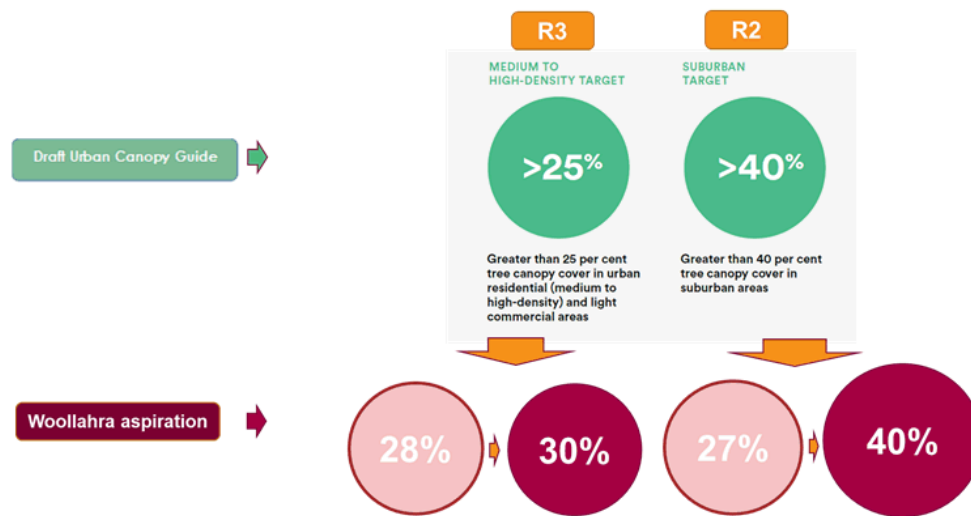


Figure 6. Potential aspirational canopy cover targets for R2 and R3 zoned lands in Woollahra

2.3 Floor Space Ratio (FSR) controls

Woollahra Council has resolved to progress a 0.5:1 FSR for low density residential development. Additional information has been requested from the Department of Planning, Infrastructure and Environment.

While new tree canopy controls are proposed for both low and medium density development, testing of the 0.5:1 FSR in conjunction with the proposed tree canopy controls explored potential evidence about the role of the FSR in achieving a significant increase in tree canopy cover in low density residential development. The results of that testing is provided in section 4.

Prepared by LPUF

3. Best practice review and potential improvements

3.1 Best and emerging practices

Best and emerging practices were sourced from other Greater Sydney local government authorities (LGAs), other NSW LGAs, NSW state government policies and guides, other Australian LGAs, international examples and published research. These sources are listed in Table 1 of Appendix B.

Table 2 in Appendix B is a comparison of better and emerging practices relevant to tree protection, tree canopy, deep soil and landscape planning provisions at local government scale. A summary of best practices from the collective sources applied to the three phases of development is provided in Table 5.

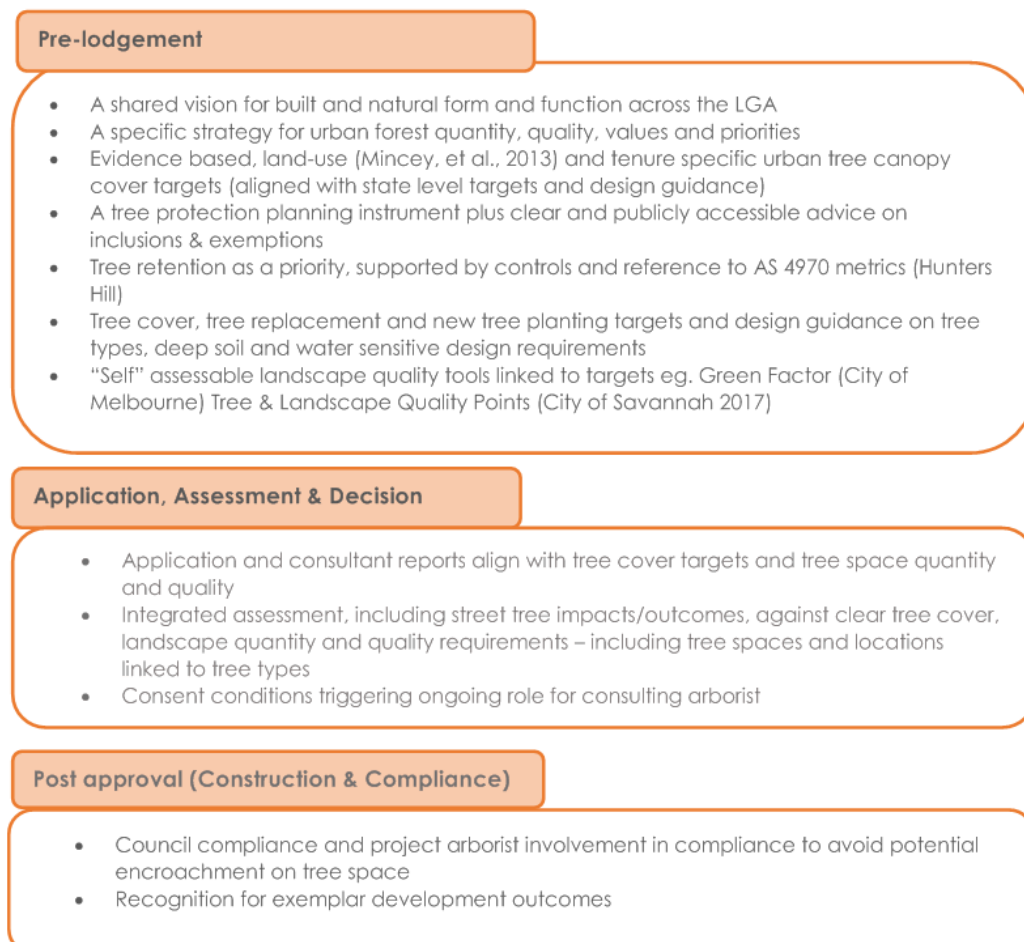


Table 6. Summary of best and emerging practice across the three phases of the development process relevant to the Woollahra context and aspirations

Prepared by LPUF

Both international and Australian studies have reinforced the role of effective land-use policies, not just tree protection regulations, have on preserving tree canopy (Hill et al., 2010) and reducing tree canopy loss (Daniel, et al., 2016). A recent Australian review suggests that opportunities to revise, strengthen and provide a clear line of sight between land-use planning regulations at state and local level have the greatest potential for positive outcomes for existing and potential tree cover on private property (Phelan et al., 2018).

The best practice review supports the "sustain" and "enhance" approach to tree canopy controls suggested in section 2.2. Two elements of support for canopy cover in landscape controls also emerge from the review- quantity of growing space and quality of growing area conditions and tree types. Both quantity and quality elements are required to optimise the benefits and performance of the trees while reducing tree maintenance and negative impacts of trees on property owners.

The review also informs elements of a broader strategy of Greening our LGA and monitoring tree canopy cover, discussed further in the recommendations section 5.

3.2 Deep soil landscaped area requirements

To develop tree canopy quantity controls which align to the aspirational land-use canopy cover targets, first requires confirmation of the minimum dedicated Deep Soil Landscape Areas (DSAs) required for small, medium and large canopied trees.

"Deep soil zones have important environmental benefits, such as allowing infiltration of rainwater to the water table, and reducing stormwater runoff, promoting healthy growth of large trees with large canopies and protecting existing mature trees which assist with temperature reduction in urban environments" (NSW Apartment Design Guide, pp60).

The Deep Soil Zones, suggested in section 3E of the Apartment Design Guide, are based on a "rule of thumb" that a minimum of 0.6m³ of soil volume per 1m² of tree canopy area is required to support the health and stability of trees. Although widely reported, more recent reviews by Leake and Haege (2014) challenge this "rule of thumb" and suggest that soil volumes, and consequent Deep Soil Landscaped Areas, should account for site soil conditions, soil moisture conditions or the suitability of tree species for the site. Some of these factors are influenced by planning controls and therefore DSAs recommended for Woollahra were based on the best practice, Haege/Leake On-line Soil Volume Simulator and are summarised in Figure 7.

Prepared by LPUF

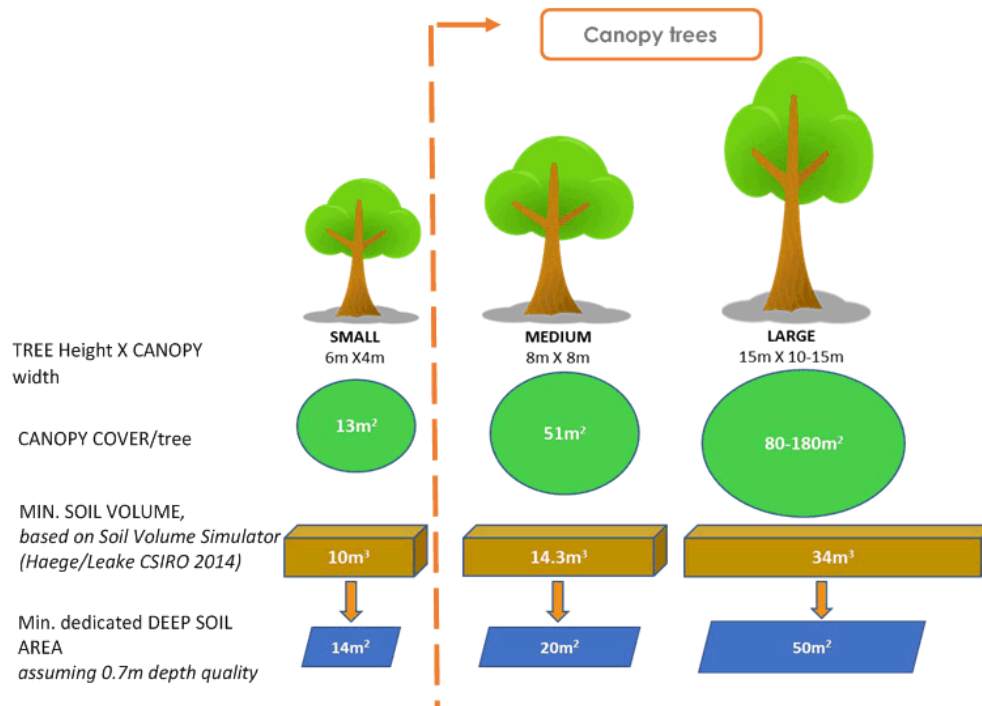


Figure 7. Minimum dedicated deep soil landscaped areas (DSAs), based on calculations from Haeger's soil volume simulator, required to support small (6m X 4m), medium (8m X 8m) and large (15m X 10-15m) Canopy trees.

While larger Canopy trees require larger spaces to grow, they also provide exponentially greater benefits than small trees. Larger trees provide more shade and cooling in summer, plus homes for a wide range of native animals. Their larger leaf area traps more air pollutants and intercepts and retains more rainfall, cleaning and slowing down peak stormwater runoff. Longer lived, larger trees also provide stronger links to the past and place, contribute to wayfinding and provide silent witness to local events and stories.

Dedicated deep soil spaces also require a minimum dimension that supports retention of existing worthy trees, plus new and replacement larger growing trees. Minimum dimensions that were determined from structural root zone requirements from Australian Standard 4970- Tree protection on construction sites (Table 6). In this way the minimum dimensions were those required to ensure stability of the tree and less likelihood for the primary root zone to impact on nearby structures. Those dimensions are shown in Table 6.

Tree size	Height (m)	Spread (m)	Canopy area (m²)	Min. DSLA area (m²)	Min. DSLA dimension (m)
Small	6	4	13	14	3
Medium	8	8	51	20	4
Large	15	10-15	80-180	50	6

Table 7. Proposed minimum deep soil landscaped area dimensions

Prepared by LPUF

4. Testing potential tree canopy controls

4.1 Three stages of testing

Three stages of tree canopy quantity control testing were undertaken, with the Woollahra project team, across a range of completed R2 and R3 developments of varying site areas and locations (Figure 8). The purpose of the testing was assess the feasibility of achieving proposed tree canopy areas across the range of residential dwelling types permitted within the R2 and R3 zones. The testing also assessed the extent of influence of limiting factors such as deep soil landscaped area dimensions and Floor Space Ratios on the achievement of proposed tree canopy cover. Results were therefore be considered conservative estimates of feasibility, yet more robust than simple scenario planning on mock sites.

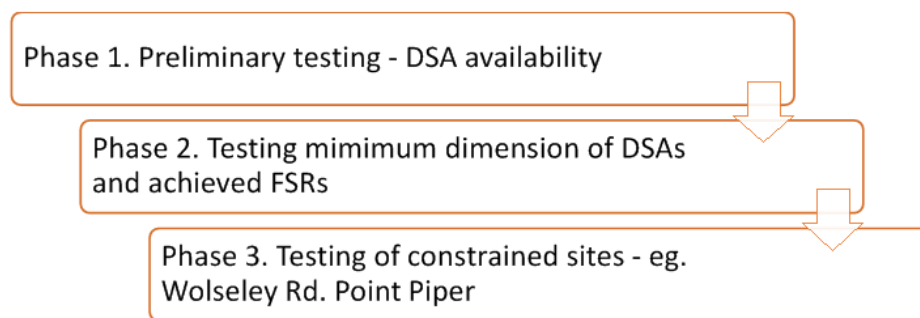


Figure 8. Three phases of site testing for proposed tree canopy controls

The first stage of preliminary testing included three R2 developments and one R3 development. Estimated tree canopy cover at maturity, based on the dimensions of the deep soil landscaped areas and tree species shown on the approved Landscape Plan, was compared to improved tree canopy cover using tree sizes which those approved DSAs could have supported.

Preliminary testing showed that approved total DSA on the sites ranged from 30% to 55%. On each of those sites, the improved scenario using new or replacement tree canopy sizes which the individual approved DSAs supported, forecast a greater canopy area result. The major difference between approved and improved canopy area was therefore not in the total DSA area available for tree planting, but in the tree species chosen for new or replacement trees. The tree species listed in the approved landscape plan were generally small or occasionally medium growing species, even though some of the DSAs were large enough to support the growth of larger Canopy tree types. In addition, a large proportion of total DSA was less than 3m in its smallest dimension and therefore not suited to growing anything more than very small trees or large shrubs.

Prepared by LPUF

A second stage of testing incorporated four additional elements across all testing sites:

- 1) Estimated tree canopy sizes at maturity developed by Woollahra's tree management team, of more than 100 tree species encountered on private properties across Woollahra. This refined the accuracy of estimates of improved canopy cover.
- 2) Minimum dimensions of the DSAs required to support small, medium and larger canopy trees were applied.
- 3) Reporting of the achieved Floor Space Ratio
- 4) An analysis of options to include or exclude both overlapping and overhanging canopies from total site canopy cover estimates (Figure 8).

It should be noted that trees growing on the subject site and supported by the DSAs on the subject site, contribute to landscape functions both on the site and beyond the site boundaries. Overhanging portions but not overlapping portions of trees growing on the subject site, were therefore included in the calculations of tree canopy cover in both area and as a percentage of site area. It was also noted that in some cases existing significant trees growing on adjacent sites require a portion of the subject site DSA to contribute to the continued health and growth of that tree. The latter scenario was added to considerations for acceptable variations to tree canopy control provisions.

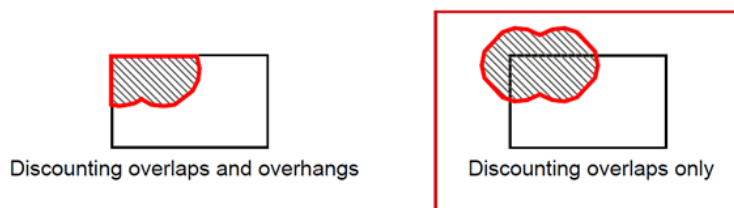


Figure 9. Preferred approach to calculating total tree canopy area and consequent tree canopy area as proportion of site area, including overhanging canopy, but not overlapping canopy.

In parallel, the Woollahra strategic planning team reported on comparisons in tree canopy cover outcomes between current DSA controls and potential DSA controls, using a range of mock 0.5:1 FSR scenarios on sites of 400-500m². This testing showed that the combination of minimum 35% total DSA plus consolidated DSA areas of minimum dimensions that suited canopy trees, could achieve desired canopy areas on 0.5:1 FSR sites.

Examples of detached dwelling, dual occupancy and residential flat development site testing is shown in Figure 10 a, b and c.

Across 14 test sites, average existing DSLA was 35.9%. Across the 12 test sites, canopy cover outcomes on detached dwellings and dual occupancy developments were improved from average 29.6% to 39% by proposing canopy trees in existing DSLAs

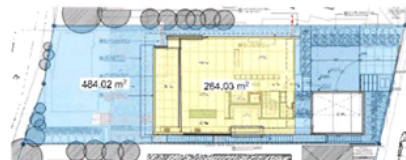
Prepared by LPUF

which supported such larger trees. Across 2 test sites of residential flat developments, canopy cover outcomes were improved from 13.6% to 32.2% by again proposing canopy trees in existing DSAs which supported such larger Canopy trees.

Property information

Zone	R2
Access	Dual street frontage
Housing type	Detached Dwelling

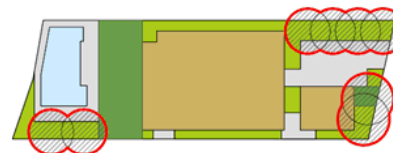
Approved Landscape Plan



Test Result- Approved

Site Coverage	38.81%
Deep Soil Area	34.92%
Consolidated Deep Soil Area	13.59%
Tree Canopy Area	26.04%
Not calculated as Deep Soil	

Approved Tree Canopy



Test Result- Improved

Tree Canopy Area (% of site)	46.12%
Not calculated as Deep Soil	

Improved Tree Canopy

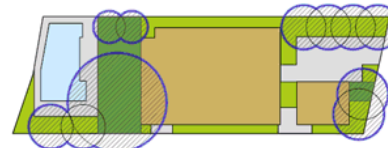


Figure 10a. Test site 10 – Detached dwelling on 790m² R2 site (Woollahra Council diagram)

Property information

Zone	R3
Access	Single street frontage
Housing type	Dual occupancy

Approved Landscape Plan



Test Result- Approved

	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)	18.88%
	Not calculated as Deep Soil	

Approved Tree Canopy



Test Result- Improved

	Tree Canopy Area (% of site)	30.82%
	Not calculated as Deep Soil	

Improved Tree Canopy



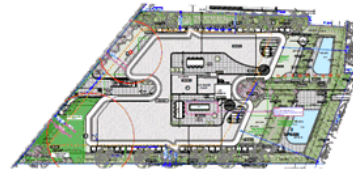
Figure 10b. Test site 4 – Dual occupancy dwelling on 504m² R3 site
(Woollahra Council diagram)

Prepared by LPUF

Property information

Zone	R3
Access	Single street frontage
Housing type	Residential flat building

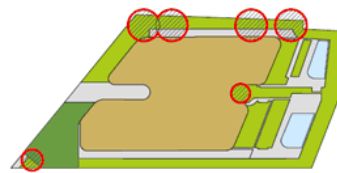
Approved Landscape Plan



Test Result- Approved

Site Coverage	42.59%
Deep Soil Area	33.66%
Consolidated Deep Soil Area	6.73%
Tree Canopy Area	9.65%
Not calculated as Deep Soil	

Approved Tree Canopy



Test Result- Improved

Tree Canopy Area (% of site)	23.29%
Not calculated as Deep Soil	

Improved Tree Canopy

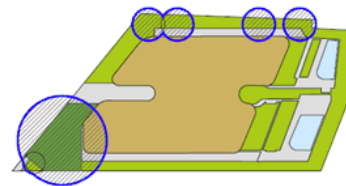


Figure 10c. Test site 14 – Residential flat development on 900m² + site area
(Woollahra Council diagram)

Figures 11, 12 and 13 summarise the relationships between lot sizes, deep soil landscaped areas, floor space ratio and site coverage across the test sites. Deep soil landscaped areas, as a proportion of site area, required to achieve proposed tree canopy areas, were not dependent on site area (Figure 11). The greater the FSR, the greater the site coverage and the less space available for deep soil landscaped areas and canopy trees (Figure 12). An FSR of 0.5:1 supports total deep soil landscaped area of 35% of site area, which in turn, supports achievement of the 40% tree canopy target in low density residential development (Figure 13).

Prepared by LPUF

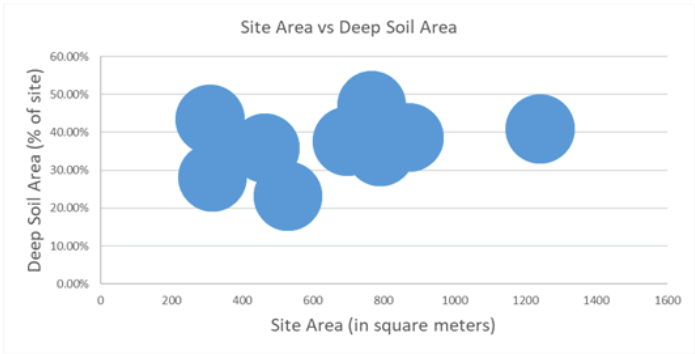


Figure 11. Relationship between site area and Deep soil landscaped area

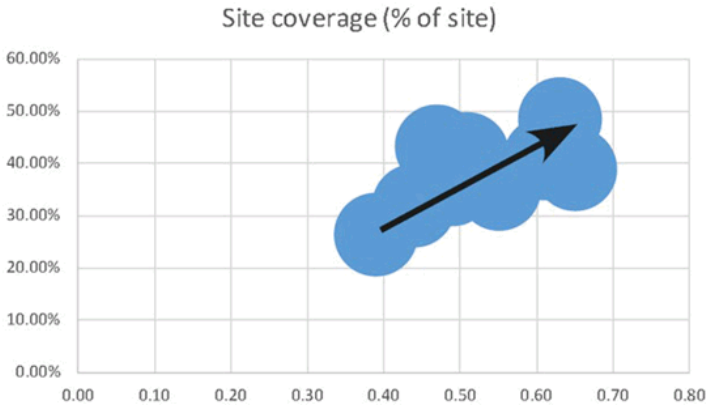


Figure 12. Relationship between site coverage and floor space ratio across R2 tested sites

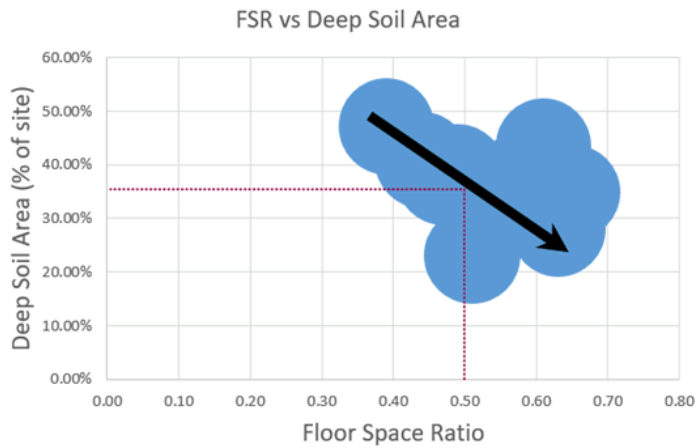


Figure 13. Relationship between floor space ratio and Deep soil landscaped area across R2 tested sites

Prepared by LPUF

A third stage of testing focused on highly constrained sites where achieving deep soil landscaped areas and minimum dimensions would be challenging. For example, sites on significant slopes, battle axe shaped lots, foreshore topography and sites where the retention or replacement of larger trees could compromise harbour views. Five previously approved detached dwelling developments and one dual occupancy development along Wolseley Rd. Point Piper, were chosen for testing as examples of constrained sites. Approved deep soil landscaped areas varied from 9 – 33% of site area and supported an equally varied range of canopy coverage from 0- 42%. Separate tree canopy controls were considered appropriate for the Wolseley Rd. area.

4.2 Implications of tree canopy area testing

The testing showed that achieving proposed 40% and 30% tree canopy cover across a range of site areas for low and medium density dwellings respectively, is possible when:

- total deep soil landscaped area is at least 35% of site area, and
- consolidated deep soil landscaped areas are at least 20 m² with a minimum of 4m in its narrowest dimension, to support the growth of medium to large growing ("canopy") trees of preferred species, to be retained or planted.

Site testing did not support a limit for % canopy area for smaller lots, nor a sliding scale of % canopy area based on site area, although only two sites greater than 800m² retained existing canopy trees. The number and size of canopy trees required to achieve % canopy areas for the building typologies will automatically vary as a consequence of the site area.

Approved landscape plans were dominated by smaller/cosmetic trees on residential properties of all scales, even though larger trees could be accommodated within existing deep soil landscaped areas (Figure 14). It is not clear to what extent existing design outcomes such as solar access and private view sharing may be compromising the choice of "canopy tree" types. Preliminary feedback suggests that these outcomes could be achieved with careful canopy tree siting. A requirement for more "canopy trees" would need to shift current attitudes and preferences based on the important contributions of these trees to local landscape character, liveability and Greener Cooler Sydney aspirations.

The protection of existing trees before and during the development application process is well covered by existing SEPP, LEP and consequent DCP requirements, however the retention of existing trees that contribute to canopy area were less commonly observed in testing. It is suggested that the combination of proposed tree canopy area controls and minimum dimensions of deep soil landscaped areas could improve the consideration of existing canopy trees and Significant Trees on the subject site during design stages and their likelihood of long term contributions to local landscape character. An example of the significant contribution of a large existing tree on the front boundary of a site is shown in Figure 15.

Prepared by LPUF

27

Specific guidance on a short-list of “canopy tree” types, categorised by both their forecast canopy dimensions and minimum deep soil dimension requirements would provide consistent advice at pre-lodgement plus support for development assessment.



Figure 14. Cosmetic small trees/shrubs and some succulent planting on roof top of dual occupancy dwelling.



Figure 15. Large canopy tree retained on frontage of residential flats.

Prepared by LPUF

Testing confirmed that the proposed 0.5:1 FSR for low density residential supports the capacity to achieve 40% tree canopy cover on a broad range of R2 sites

There are sites that are highly constrained. Some consideration for lesser tree canopy requirements in more specific housing typologies, precincts or topographies such as Wolseley Rd. Point Piper, is appropriate.

Aligning tree canopy area and associated deep soil landscaped areas requirements to dwelling typologies rather than land-use zones is more appropriate given there is no valid reason why a detached dwelling or dual occupancy development in an R3 zone should require any less canopy area than such development in an R2 zone

4.3 Tree canopy quality outcomes

The General Development Controls for External Areas (Chapter B3.7) for Part B General Residential in the Woollahra Development Control Plan 2015, already include some landscape quality elements. These include a requirement that at least 50% of landscape water use be sourced from non-potable sources, including harvested rainwater. The concept of supporting landscape, green cover and tree canopy quantity with additional quality elements is already best practice internationally in cities such as Seattle, Savannah and London. The City of Melbourne is also progressing towards a "Green Factor" style of Tree Canopy/Landscape control that combines quantity and quality elements into a rating tool. The aim of the "Green Factor" tool is to drive developments towards design and inclusion of green infrastructure elements, including trees, green walls and roofs and water sensitive elements that optimise the delivery of multiple ecosystem services.

Woollahra will be well placed to advance a similar approach, when the Green Factor has been adapted for application beyond Melbourne, by considering some additional quality elements within the General Development Controls for External Areas and others in the Development Application Guide. More importantly a better balance of Tree Canopy/Landscape quantity and quality elements can improve the health, longevity and functionality of new tree plantings and retained trees, leading to less likelihood of premature tree failure and tree removal.

Table 8, in the Recommendations section, lists potential Tree Canopy/Landscape quality elements, suggested benchmarks and suggested fit within the Woollahra planning control "toolkit".

Prepared by LPUF

5. Recommendations

5.1 Amendments to planning controls and Development Application Guide

The following recommendations for amendments to planning controls are drawn from a review of Woollahra's current controls, best practices and testing of proposed canopy area requirements. The collective of proposed amendments to the hierarchy of planning tools listed in Table 8 emerged from expert drafting of proposed provisions by Woollahra's strategic planning team, and discussion with development assessment and tree management specialists following the testing stage.

The proposed canopy area requirement approach aligns well with state government and metropolitan Sydney aspirations and Woollahra's 20 year vision. The specific metrics of those controls are based on referenced, peer reviewed publications, rather than "rule of thumb" approaches reported in other guides. Amendments which address both quantity and quality of landscape and tree cover outcomes also align well with international best practice for the retention and enhancement of greener, healthier neighbourhoods.

There is no doubt that some of the greatest challenges to the proposed amendments will be in taking private property owners on the journey towards living with larger canopy trees and designers and the development community toward a balance of canopy trees, built form and local context. The strong links between canopy trees and the high values placed by the community on the leafy landscape character of Woollahra must continue to be promoted. Equally important is the message that Canopy trees and landscaping must be considered at the initial building design phase and not as an afterthought at the landscape design phase.

The recommended tree canopy controls include amendments to the Local Environment Plan Aims and Floor Space Ratios, and amendments to the Development Control Plan – Chapter B3 – General Development Controls (Table 8). Operational changes in support of the controls include the requirement for development application Landscaping Plans to be accompanied by tree canopy area calculations and be assessed by the Tree Management team. This team will continue to be responsible for compliance with development consent conditions and occupancy certifications. The Development Application Guide will also include the list of indicative Canopy Trees and their canopy areas and deep soil landscaped area requirements.

Table 9 lists potential Tree Canopy/Landscape quality elements, suggested benchmarks and suggested fit within the Woollahra planning control "toolkit".

Prepared by LPUF

Proposed LEP provisions		
<p>New FSR control of 0.5:1, New FSR control of 0.75:1, New sliding scale FSR</p> <p>New LEP aims That state the outcomes required in support of the approved LSPS, including urban greening, urban heat island effect reduction and mitigating climate change</p> <p>New LEP objectives R2 and R3 - To ensure that development achieves the desired area of tree canopy B1, B2, B4, SP2, SP3, RE2 - To encourage urban greening</p> <p>New Additional Local Provision 6.8 Urban Greening That point to the objective to sustain and enhance tree canopy cover and direct its application to the relevant lands ie. land in Zone R2 Low Density Residential and Zone R3 Medium Density Residential (excluding Paddington, Woollahra and Watsons Bays HCAs) Specific direction to ensure Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development— (a) is consistent with the objectives of this clause, and (b) provides an appropriate selection of and location for canopy trees, and minimises disturbance and adverse impacts on existing canopy trees which are to be retained</p>		
Proposed DCP amendments – Chapter B3 General Development Controls		
Additional objective and controls in B 3.4.1 Streetscape and local character		
<p>O. To ensure that development contributes towards reducing Urban Heat Island Effect by encouraging urban greening and retaining, protecting and enhancing tree canopy cover.</p> <p>C. Development minimises disturbance and adverse impacts on existing Canopy Trees which are to be retained.</p> <p>C. Development allows sufficient space for the growth of the above and below ground elements of existing and future Canopy Trees (including the root system, trunk and branches).</p>		
Additional section and definitions in B 3.6.1 Landscaped areas and private open space		
<p>Urban Greening and Tree Canopy Describing the critical relationship between canopy trees, urban greening and mitigating localised warming and climate change adaptation, plus a number of environmental, social and economic benefits. And defining important terms used in the provisions, including: A Tree Crown, A Canopy Tree and Tree Canopy and how it is to be calculated (including diagrams)</p>		
Additional controls in B 3.6.1 Landscaped areas and private open space		
Minimum Tree Canopy Area for all residential development in the R2 and R3 zones		
Including development that alters the existing building footprint and/or building envelope or impacts upon existing landscapes and Distinguishing the Tree canopy % required across two types of housing and levels for all general development separate to Wolseley Road area.		
Housing Type	Detached dwellings, dual occupancies, dwelling houses, semi-detached development and attached dwellings	Multi dwellings, Residential Flat Buildings
Minimum Tree Canopy Area	40% of site area for all general residential development 35% of site area for the Wolseley Road area	30% of site area
Plus diagram to assist interpretation and a specified list of acceptable variations will be considered to strengthen the provision		
<p>Minimum Deep Soil Landscaped Area to support the achievement of Tree Canopy at maturity, including (plus diagram to assist interpretation) 35% of site area for all general residential development 30% of site area for the Wolseley Road area</p>		

Table 8 Suggested landing point in Woollahra planning controls

Prepared by LPUF

Landscape Element	Benchmark		Landing point within Woollahra planning controls
	Detached dwellings, dual occupancies	Multi-dwellings, Residential Flats	
CLIMATE RESILIENCE			
% of climate-ready tree/plant species choices	≥50%		Add to DCP Ch B3
Landscape water needs met by harvested or passive stormwater sources	≥50%		Existing DCP Ch B3
DSAs integrated with on-site stormwater management – incl permeable paving	YES		Add to DCP Ch B3
TREE CANOPY LONGEVITY			
DSA site soil conditioning specified	YES		DA Guide
Tree & Landscape Establishment & Management Plan for 2 years post-construction, at Occupancy Certificate	YES		DA Guide
OPTIMISE FUNCTION & ECOSYSTEM SERVICES (ES)			
Location and preferred canopy trees offering shade in summer and sun in winter + private view sharing	DCP 2015, Ch B3		Existing DCP Ch B3
% Landscape Area delivering ground + mid + canopy strata to support habitat/biodiversity	≥25%		DA Guide
Provision of food garden elements in Communal Open Space	-	YES	DA Guide
Green Cover (including Canopy trees, Green Walls and or Green Roof)	-	≥40% site area	DA Guide

Table 9. Potential Tree Canopy/ Landscape quality elements

Prepared by LPUF

5.2 Monitoring and evaluating outcomes

In the absence of timely updates to the NSW Government Open Data SEED Canopy cover monitoring for metropolitan Sydney, it is suggested that Woollahra explore options to acquire high resolution remotely sensed data for analysing tree canopy cover change at least every 2 years. One option is to partner with City of Sydney who are acquiring updated imagery and analyses annually.

In addition to monitoring canopy cover change at land-use scale, such high-resolution canopy cover analysis also allows monitoring at approved development site scale over time. A review of the Register of Significant Trees can also be assisted by the analysis of the tallest canopy strata from the dataset.

5.3 Tree canopy targets beyond private land – Woollahra Urban Forest Strategy

The evidence from many studies also supports sustaining and enhancing tree canopy cover on public land using a similar evidence based approach to canopy target setting across the range of public lands. These targets should support thresholds of access to greenspace and the contribution of leafy streets to increased uptake of active and public transport, social cohesion and business centre vitality. including:

- Rates of Type2Diabetes were 1.1% lower in neighbourhoods greater than 40% public greenspace, cf.0-20%, within 1km (Astell-Burt et al., 2014). T2D costs \$6 billion, annual healthcare costs to Australian economy
- Residents are more likely to choose walking as a primary commuting mode in neighbourhoods with leafier streets (Wang and Qui, 2018).
- The odds of walking further are also enhanced by the density of street trees as much as street network connectivity (Sarker et al., 2015).
- Walks through green space have been shown to reduce blood pressure, improve mental acuity, boost memory recall and reduce feelings of anxiety (Shanahan et al., 2016).

The future of leafy Woollahra is dependent on clearly articulated and celebrated outcomes for trees and other vegetation on both public and private property. An important component of other local government approaches to planning and management of the collective tree or urban forest resource is development of an urban forest or urban canopy strategy (City of Canada Bay 2019). A similar balance between quantity and quality elements, as applied to the subset of private lands in

Prepared by LPUF

Woollahra reviewed in this project, is recommended in the development of an urban forest strategy.

The LSPS proposal to develop and implement an Urban Forest Strategy is not only supported, it is highly recommended. This Strategy may also consider a hierarchy of canopy cover targets across public and private lands, beyond the residential lands considered in this project. Specific urban greening controls across other land-use types such as centres and walkable catchments of public transport nodes could be explored. Other forms of green infrastructure to enhance urban cooling such as green walls and roofs and signature tree places also need to be considered. Such a Strategy would therefore fill an important gap between high level community aspirations, regulatory controls, and non-regulatory tree management policies, practices and promotions.

Prepared by LPUF

6. Acknowledgements

This project was an intensely collaborative effort between Woollahra strategic planning leadership in Allan Coker and Chris Bluett and senior staff, especially Anne White Team Leader- Strategic Planning and Deeksha Nathani, Strategic Planner. Other highly skilled project team members made important contributions including Nick Economou, Andrew Simpson - Tree management Team Leader. Wilson Perdigao - Senior Assessment Officer assisted greatly in the site testing selection, document recovery and approved deep soil landscaped area review, and Jonathan Chan - Spatial Information Systems Coordinator provided tree canopy data analysis.

Prepared by LPUF

7. References

Astell-Burt, T., et al. (2014). "Is Neighborhood Green Space Associated with a Lower Risk of Type 2 Diabetes? Evidence From 267,072 Australians." *Diabetes Care* **37**(1): 197-201.

Astell-Burt, T. and X. Feng (2019). "Association of Urban Green Space with Mental Health and General Health Among Adults in Australia." *JAMA Network Open* **2**(7): e198209-e198209.

City of Canada Bay (2019). Urban Tree Canopy Strategy.
<https://www.canadabay.nsw.gov.au/council/council-responsibilities/strategies>
Accessed 18 Feb 2020

City of London (2018). Urban Greening Factor Study. Prepared by:
Green Infrastructure Consultancy Ltd. for Department of the Built Environment

City of Melbourne (2019). Green Factor Insights and Future directions - Green infrastructure assessment tool - Hip v. Hype sustainability, Little Sketches and Thrive- authors Amy Brand, Senior Consultant Reviewer: Gavin Ashley, Cities Lead

City of Savannah (2017). Landscape and Tree Protection Ordinance.
<https://www.savannahga.gov/DocumentCenter/View/10291/Landscape-and-Tree-Protection-Ordinance>. Accessed Nov 18, 2019

City of Sydney (2016). Landscape Code, Vol2.
https://www.cityofsydney.nsw.gov.au/_data/assets/pdf_file/0009/277848/Landscape-Code-Volume-2_Web.pdf Accessed 18 Nov. 2019

Daniel, C., et al. (2016). "The governance of private residential land in cities and spatial effects on tree cover." *Environmental Science & Policy* **62**: 79-89.

Ely, M. and S. Pitman (2014) Green Infrastructure: Life support for human habitats. A review of research and literature. Prepared for the Green Infrastructure Project, Botanic Gardens of Adelaide

Greater Sydney Regional Plan (2018) – A Metropolis of Three Cities,
<https://www.planning.nsw.gov.au/Plans-for-your-area/A-Metropolis-of-Three-Cities/A-Metropolis-of-Three-Cities> Accessed Nov 7, 2019

Hunters Hill Council (2015). Development Control Plan.
<http://www.huntershill.nsw.gov.au/development/plans-policies-and-controls/planning-controls/> Accessed Nov 17, 2019

Hill, E., et al. (2010). "Evaluating the impact of government land use policies on tree canopy coverage." *Land Use Policy* **27**(2): 407-414.

Ku-ring-gai Council (2016). Development Control Plan.
http://www.kmc.nsw.gov.au/Plans_regulations/Building_and_development/Town_Planning_Documents/Ku-ring-gai_Development_Control_Plan Accessed Nov 2, 2019

Lane Cove Council (2010). Development Control Plan.
<http://www.lanecove.nsw.gov.au/Development/DevelopmentControls/Pages/LEPandDCP.aspx>. Accessed Nov 1, 2019

Prepared by LPUF

Leake, S and E. Haege (2014). "Soils for Landscape Development". CSIRO Publishing, Collingwood, VIC.

Mincey, S. K., et al. (2013). "Zoning, land use, and urban tree canopy cover: The importance of scale." Urban Forestry and Urban Greening **12**(2): 191-199.

Mosman Council (2018). Development Control Plan. <https://mosman.nsw.gov.au/planning-and-development/planning-controls/DCP/> Accessed Nov 1, 2019

Newcastle City Council (2019) Development Control Plan and Urban Forest Technical Manual. <https://www.newcastle.nsw.gov.au/Development/Land-Use-Planning/Development-control-plans>, Accessed Dec 3, 2019

North Sydney Council Development Control Plan 2013.
https://www.northsydney.nsw.gov.au/Building_Development/LEP_DCP/Development_Control_Plan Accessed 21 Nov 2019

NSW Government Architect, Greener Places. (2018)
<https://www.governmentarchitect.nsw.gov.au/policies/greener-places>
Accessed Nov 10, 2019

Phelan, K., et al. (2019). "Land-Use Planning's Role in Urban Forest Strategies: Recent Local Government Approaches in Australia." Urban Policy and Research **37**(2): 215-226.

NSW Apartment Design Guide (2015)
<https://www.planning.nsw.gov.au/apartmentdesignguide> Accessed Dec 2, 2019

Sarkar, C., et al. (2015). "Exploring associations between urban green, street design and walking: Results from the Greater London boroughs." Landscape and Urban Planning **143**: 112-125.

Shanahan, D. F., et al. (2016). "Health Benefits from Nature Experiences Depend on Dose." Scientific Reports **6**(1): 28551

Standards Australia. (2009) Australian Standard for Protecting Trees on Development Sites - AS 4970- 2009

Sutherland Shire Council (2015). Local Environmental Plan.
<http://www.sutherlandshire.nsw.gov.au/Development/Local-Environmental-Plan-LEP/Local-Environmental-Plan-2015-LEP-2015> Accessed Jan 20, 2020

Wang, H. and F. Qiu (2018). "Spatial disparities in neighborhood public tree coverage: Do modes of transportation matter?" Urban Forestry & Urban Greening **29**: 58-67

Woollahra 2030 – Our Community Strategic Plan (2018).
https://www.woollahra.nsw.gov.au/council/council_structure/integrated_planning_and_reporting/woollahra_2030 Accessed Oct 30, 2019

Woollahra Local Strategic Planning Statement (2020).
https://www.woollahra.nsw.gov.au/building_and_development/development_rules/hierarchy_of_development_rules Accessed Feb 11, 2020

Prepared by LPUF

Appendix A

Table A1. Process map of inputs, toolkit and outputs for current tree and landscape controls in Woollahra

Prepared by LPUF

38

Table A1. Process map of inputs, toolkit and outputs for current tree and landscape controls in Woollahra

Number of *show parts of the current process, instruments, etc. rated as most important, by workshop participants, to the improvement of tree canopy and landscape outcomes

Inputs	Toolkit – info sources, planning instruments, strategic documents, procedures, etc.	Outputs
Stage 1 Pre-lodgement		
Existing trees on development site	Self-help info sources of tree info for applicants: - “Trees” website ** - DA Guide *** - DCP Part E3 *** - Significant Tree Register - Community Plan – Woollahra 2030 relevant vision/desired outcomes?	Which trees are protected What can and cannot be done with protected trees, ie.: Permit activities Development App activities
Visit DA Duty Planner Seeking more info/clarification re -site trees -neighbours trees -street trees	Duty Planners – toolkit Relevant LEP & DCP provisions ** (including LEP- Cl. 5.9 Protection of private trees, DCP E3 *****) SEPP – Apartment Design Guide (re 3 storeys+) DA Guide – including Tree Report info requirement	Location oriented advice - directed to the set of planning “rules” that require further investigation, plus types of professional advice that may be required
Pre-lodgement meeting Concept plan Photos Few calculations	Development Assessment team – toolkit Specific LEP, DCP provisions	Development potential, Considerations, limitations, more specifics re type of professional support
Stage 2 Application, Assessment & Decision		
Dev Application & Tree Application in conjunction	Notification process DA web tracker entry	Letters to residents & site notice Note: Tree Permit Apps also trigger notification to adjacent properties and other impacted
	Preliminary Dev Assessment check – for relevant info	Requests for more information from applicant
Tree Report Landscape Plan	Dev Assessment internal meeting – existing trees - referred to TMteam -new trees/landscaping – referred to Landscape team	Requests for more information from applicant
	TM team works with Dev Ass team, Landscape team (+ Ecology) and applicants team re optimizing tree retention for high value trees, new and replacement tree * requirements (soil volumes for podium plantings, deep soil provision****) and new tree planting size and species preferences	Optimal tree retention, replacement and new tree planting outcomes that fit with planning controls – including on-site trees and adjacent street, park

Prepared by LPUF

39

Inputs	Toolkit – info sources, planning instruments, strategic documents, procedures, etc.	Outputs
	<p>Integrated merit based assessment within rule set for built elements and tree/landscape elements for respective development type, lot size and location</p> <p>Planning controls include:</p> <p>(LEP- R2, R3, HCAs, Floor Space ratio, min Lot size, Hgt, Parts 3&4 of Apartment Design Guide)</p> <p>LEP- Cl. 5.9 Protection of private trees)</p> <p>DCP</p> <p>Part B- General Res.</p> <p>B1 – Residential precincts</p> <p>B2- Neighbourhood Heritage Conservation Areas</p> <p>B3- General Development Controls</p> <p>Building envelopes – setbacks</p> <p>Rear setback – determined by site depth, building depth and site area</p> <p>B 3.3 Floorplate – buildable area</p> <p>B 3.4 Excavation</p> <p>B 3.5 Built Form and context – private view sharing</p> <p>B 3.7 External Areas (Landscape & POS) – for R2 & R3 require 50% of site area outside of buildable area to be Deep Soil Landscape Area (DSLAs), including 40% of front setback, and 50% of the rear setback area, including some consolidated min areas of DSLA</p> <p>POS – B 3.7.1- min 35m² per dwelling R2; min 8m² per dwelling R3</p> <p>B 3.7.1 O7 To retain important existing mature trees, vegetation and other landscape features.</p> <p>C16 Existing trees and vegetation of landscape value are incorporated into the landscape area and treatment.</p> <p>C20 The landscape design: uses vegetation types and landscaping styles which contribute to the streetscape and desired future character objectives for the locality</p> <p>Part C- Heritage Conservation Areas</p> <p>additional tree or landscape requirements?</p> <p>Part E – incl. E3 Tree Management</p> <p>SEPP (Exempt & Complying Codes) 2008 can override</p>	<p>and private trees- each application treated on its alignment and merits</p> <p>Draft consent conditions</p> <p>NOTE: No specific tree replacement or canopy cover outcomes prescribed in planning controls</p> <p>NOTE: Green Grid – public and private land – aspirational</p>
	<p>Green walls **& green roof *proposals</p> <p>Separate to trees, Landscape Ass Team inputs , some info for Rose Bay</p>	<p>Additional requests for info from appropriate consultants</p>

Prepared by LPUF

40

Inputs	Toolkit – info sources, planning instruments, strategic documents, procedures, etc.	Outputs
Stage 3 Construction & Compliance		
<p>Tight consent conditions</p> <p>Consulting/Project Arborist involvement</p> <p>Attitude of developers, contractors and private certifiers</p>	<p>Neighbours complaints</p> <p>Constr Cert amends by private certifier – may include excavation (which impacts tree retention)</p> <p>TMO responses – compliance notifications, etc.</p> <p>Breach proceedings – tested in court</p>	<p>Construction certificate which supports high value tree retention, space for new and or replacement trees</p> <p>Reactive compliance between certification milestones and post construction *****</p> <p>Occupancy Certificate</p> <p>NOTE: Tree protection and performance bonds permitted for public trees but not private trees or landscaping (re state SEPP)</p> <p>NOTE: Ongoing maintenance ***conditioned, no specific Plan for new residents/body corp and reactive compliance</p>

Prepared by LPUF

Appendix B

Table B1. Sources of best practice landscape and tree planning controls

Greater Sydney LGAs

City of Sydney

- Urban Forest Strategy 2013
- LEP 2012
- DCP 2012

Mosman

- LEP 2012
- DCP 2018

Hunters Hill

- LEP 2012
- DCP 2013

Sutherland Shire

- DCP 2015

North Sydney

- Urban Forest Strategy 2019
- DCP 2013

Lane Cove

- DCP 2010

Ku-ring-gai

- LEP 2015
- DCP 2016
- Thinking outside the box- Apartment Design Guide

Other NSW LGAs

Newcastle

- Urban Forest Strategy & Technical Manual

NSW Government

Dept Planning, Industry and Environment

- 5 million trees for Greater Sydney
- Technical Guidelines for Urban Green Cover in NSW
- Urban Heat and Green Cover Project data is made available through the NSW Government's [Sharing and Enabling Environmental Data portal](#) (SEED)
- State planning policies

NSW Government Architect

- Greener Places policy
- Draft Urban Tree Canopy Guide
- Sydney Green Grid

Greater Sydney Commission

- A Metropolis of Three Cities – a greater Sydney regional plan

Other Australian LGAs

Brisbane City Council

- Natural Assets Local Law
- City Plan 2014

City of Melbourne

- Urban Forest Strategy 2014
- Greening our City Action Plan 2017
- Green Factor 2020

Prepared by LPUF

Best and emerging practices were also sourced from:

International LGAs

Portland, USA

Savannah, USA

Seattle, USA

+ Australian research

Clark, C. (2019) Protecting trees on private property: A review of protections in Melbourne, Australia with ideas for improving retention and implications for local government. Research Project in the Master of Urban Horticulture

Gulsrud, N. M., K. Hertzog, I. Shears. (2018) Innovative urban forestry governance in Melbourne?: Investigating "green placemaking" as a nature-based solution. *Environmental Research* 161: 158–167

Leake, S and E. Haege. (2014). *Soils for Landscape Development*. CSIRO Publishing. Collingwood. Victoria.

Phelan, K., J. Hurley, J. Bush. (2018) Land-Use Planning's Role in Urban Forest Strategies: Recent Local Government Approaches in Australia. *Urban Policy and Research*, published on-line Oct 2018

Hill, E., J. H. Dorfman, E. Kramer. (2010) Evaluating the impact of government land use policies on tree canopy coverage. *Land Use Policy* 27: 407–414

+ international research

Mincey, S. K., et al. (2013). "Zoning, land use, and urban tree canopy cover: The importance of scale." *Urban Forestry and Urban Greening* 12(2): 191-199

Prepared by LPUF

43

Table B2. Comparative planning controls and supporting documents for R2, R3 and Heritage Conservation Areas or equivalent

Municipality	Canopy cover target	Tree protection private	POS/Landscape areas	Deep soil	Tree replacement
City of Sydney	Urban Forest Strategy 2013 22% by 2030 city wide Min. 15% on development sites	Clause 5.9 and 5.10 Preservation of trees or vegetation of the Sydney LEP 2012 DCP 2012 ≥ 5m hgt, or canopy spread o 5m; or trunk diameter of more than 300mm, measured at ground level; or listed in the Register of Significant Trees.	Landscape Code Vol 2, DCP 2016 Primary landscape requirements- all dev- incl demonstrate min. 15% tree canopy cover at maturity with trees located appropriately + other specifics by development type	Landscape Code V2 Repeats Apartment Design Guide	Primary landscape requirements- all dev- incl demonstrate min.15% tree canopy cover at maturity
Nth Sydney	Urban Forest Strategy 2019 Overall target 34.4%, 28.2% in 2017	DCP 2013 Trees and Veg Mgt ≥10m height (DCP amendment package includes change to ≥5m based on Greater Sydney average)	DCP Resi Dev 1. 3 Env Criteria; 1.4.3 Streetscape;1.56 Landscape Area;1.5.8 Landscaping Building site coverage % set by resi type 45-50%; Landscape area set 30-40% of site area. 50% Tree canopy cover in landscaped area Min POS at ground level 35m² multi-dw + 25-30% of site area Common OS	Min 50% unexcavated area at rear of site and 30% at front- to allow for tree retention and new veg.	50% Tree canopy cover in landscaped area Largest growing/longest lived appropriate to the site
Mosman	32% cover in 2016, target	LEP 2012 DCP 2018 ≥ 5m or greater than 450mm circumfr. and trees listed in Urban Forest Management Policy. 2m or more if in Heritage Cons Area	Landscape area = 40-50% of site area, depending on FSR (mapped). Some exceptions closer to public transport/services	Must support retention of existing trees and replacement – details in consent conditions??	
Lane Cove	38% tree canopy cover 2016, target	DCP 2010 ≥ 4m hgt and/or 150mm diam at ground + all Moreton Bay & Port Jackson figs + sig tree register	25% landsc area on ground plus 15% on structure for resi flats; 35% of site for dual occ, attached and townhouses	Refers to Apartment Design Guide	Refers to Apartment Design Guide

Prepared by LPUF

44

Municipality	Canopy cover target	Tree protection private	POS/Landscape areas	Deep soil	Tree replacement
Hunters Hill	33% cover in 2016- target??	HH LEP 2012 Cl 6.7 conserving existing trees along river front Cl 5.9 trigger for dev consent or permit req for works on prescribed veg, unless exempt HH DCP 2013 Ch 2.3 ≥ 4m hgt or ≥200mm DBH, plus... Refers to AS 4970 definition of high retention value trees, and describes how these trees should be considered re TPZ and CRZ setbacks, no ground level altering	LEP 2012 Cl 5.9 trigger for dev consent or permits for veg works Cl 6.7 Conservation of existing trees; Landscape Areas (defined in Cl 6.9 DCP Ch 3.3 secondary dw 50-60% site area depending on riverfront or other At least two thirds of min. L'Scape Area to trees, shrubs and lawn, not pools, etc. Located to accom natural features Planted with compatible species, including canopy trees (12m hgt maturity) at rate of 1 <400m²; 3- 400 to 900 m²; 5 – 900-1200 m²; 7> 1200m² 3.4 Multi unit res 3.4.4 40-45% of site area, No less than 2m wide	??	DCP Ch 3.3. and 3.4 min. number of tall canopy trees (12m at maturity) X site area
Ku-ring-gai	51% canopy cover 2016, target??	pursuant to Clause 5.9 and Clause 5.10 of the KLEP 2015 DCP 2015 "prescribed veg" -trees- 5m or more, 150mm diam at ground level, and "other veg"- repr of natural vegetation? + certain tree work on Heritage items or trees in HCAs	In multi-dw housing DCP sA Pt6A site design- want tree canopy to link public and private domain and integration with surrounding sites FSB – 10m front, 3-6m side, 6m rear	Deep soil min 40% of site area in multi-dw, takes precedence over site cover max 40%	Expressed in nos. of tall trees (10-13m) for lots greater than 1200m² (1 tall tree per 400m²) within deep soil landscaped areas, plus preferred locations- 30% at front, and 50% indigenous species
Woollahra	Recognize Greater Sydney target = 40% by 2046	DCP 2015 ≥ 5m hgt or ≥ 3m spread + sig trees + Sch 5 Heritage LEP + bushland SEPP19 + ≥ 50mm diam roots	DCP B 3.7 External areas Determined by site depth/building depth, FSR, POS 35m² -for each dwelling – semi-detached, attached 8m² for each in multi-dwell	DCP B 3.7 For R2 & R3 DSA Min.50% of total area outside of buildable area	Set on site by site basis in consent conditions

Prepared by LPUF

45

Municipality	Canopy cover target	Tree protection private	POS/Landscape areas	Deep soil	Tree replacement
				Incl- 40% of front setback area; 50% of rear setback & at least one 20m ² consolidated area in some precincts – 12m ² in others	
Sutherland			Min 36m ² POS, min 5m dimension and 9 m ² paved, sunlight access etc.	DCP 2015 R2 Front/street setbacks 7.5m incl DSA for planting canopy trees 2 indigenous canopy trees that grow to >5m within 3m of front boundary + another 2 within 2m of rear boundary	
Newcastle	Urban Forest Policy 2008	DCP 2012 "declared veg" includes replacement trees on development sites, plus ≥3m hgt, circumfr ≥450mm, but not within 3m of principal building	Min 30% of site landscape R2 25% in R2 mod growth area and 25% R3, Min 25% of front setback landscaped, then distributed throughout site to take advantage of existing sig site features	Min deep soil 50% of landscape area Min 1 large or 2 medium trees provided for every 90 m ² of landscape area. Min 1 medium tree in front setback, when greater than 3m	Newcastle Urban Forest Technical Manual includes Tree Retention Value Assessment + Designing for new trees, Best practice site prep. Etc.
Brisbane	50% tree shade cover for public pathways, OS areas & adjacent footpath frontage within multi-dw dev and outdoor carpark pathways No net canopy area loss for SLTs on private prop;	Natural Assets Local Law- incl mapped Sig Landscape Trees + Biodiversity Overlay etc. City Plan 2014 „MultiDw- Code, SLT O'Lay & Code 1 large tree (15m) retained or provided per 20m site frontage Planning Sch Pol guiding veg retention	City Plan Multi-dw Code Site cover 40-45% or as per N'Hood Plan Communal Open Space min 5% site area or 40m ² whichever greater- and must accom 25% of landscape area incl 25% tree shade within 5 yrs Tree species in OS areas to support 50% shade cover within 10 years Incl Pl Sch Pol – Landscape Design Guidelines for Water Conservation – to guide	10% site area multi-dw res Frontage must have 1 deep planting area to support 50% shade cover over verge within 5 years	Can require no net canopy area loss within 3 years for SLTs, NALL permit conditions. Other tree planting or retention outcomes point to tree shade/canopy cover req in Dw Codes.

Prepared by LPUF

46

Municipality	Canopy cover target	Tree protection private	POS/Landscape areas	Deep soil	Tree replacement
			landscape form, infiltration, soils and composition to be supported by min 50% rainfall sources, then opt balance from compliant harvested/reuse sources		
City of Melbourne	Increase canopy cover to 40 per cent on public land across the catchment by 2040	Exceptional Tree Register – private property Tree Retention and Removal Policy for trees on public land Greening our City Action Plan 2017 -Establishing Green Cover targets for private land	Victorian Planning Provisions apply Vic Apartment Design Guidelines offer guidance to VPPs re Landscaping and Deep Soil. Provides a Table from which CoMs B5 is drawn	Apartment Developments CI 55.07-4 Deep Soil Areas and canopy trees objective Table B5 Site area X Min Deep soil provision by % site area = min tree provision. (shortfall can be canopy trees or climbers in planter pits, green wall or green roof areas) Recommends deep soil area as 7% of site area when existing tree over 8m tall is retained (irrespective of site area)	Min. tree provision X site area and deep soil % Urban Forest Fund includes compensation payments for shortfalls in tree replacement for public trees lost to development/other works Progressing Green Factor – on-line tool to guide achievement of green cover targets for private development, green elements scored & weighted by form & function to align with ecosystem services (ES), local conditions & socio-ecological priorities
Savannah, Georgia, USA	36% existing Tree canopy at county scale in 2017. Recommended Target= 40% re SE US Cities	Landscape & Tree Protection Ordinance Applies to public and private.	Min g'space 20% of site area Tree Quality Pts min. 1,600 with template of factors and elements – includes tree retention pts X dbh ² PLUS min. Landscape Quality Point depending on development type. Assessed before Approval and checked before Cert of Occupancy	Soil depths X planting types included in Tree and Lscape Quality Pts system TQPs also apply to street trees, separately	Same species can't be more than set% of trees Temp Tree & L'Scape Bonds may be required at Cert of Occupancy + 2 yr Tree & L'Scape establishment bond
Portland, Oregon, USA	33% tree canopy cover (currently 26%)	Tree Code &	On-site Tree Density Standards based on		On-site Tree Density Standards

Prepared by LPUF

47

Municipality	Canopy cover target	Tree protection private	POS/Landscape areas	Deep soil	Tree replacement
	Includes: 35-40% for resi lands 15% for comm/industrial 30% for parks/OS 35% for streets	Tree Preservation Standards – define protected veg and limits of interference , with exemptions "An applicant shall preserve and protect at least 1/3 of the non-exempt trees 12 inches and larger in diameter located completely or partially on the development site, unless mitigation occurs"	Tree Area = 40% of site for 1-2 dwellings; and 20% of site for multi-dw res Required Tree Density based on Tree Area avail + Trees retained on site contribute to Tree Density Credits depending on dbh, street trees may also add to credits.		Shortfalls attract compensation payment based on cost of defined number of replacement trees Performance guarantees required when deferring any planting requirement- can be cost of planting and maintenance for 2 yrs

Prepared by LPUF

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.

Woollahra Municipal Council
Environmental Planning Committee

06 July 2020

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 400m² 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:

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>

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
Chapter B3: General Development Controls	
<i>B3.1.3 Design Excellence</i>	<ol style="list-style-type: none"> 1. Insert objective to require applicants to consider if a more skilful design would achieve a better environmental outcome. 2. Reinforce protection and enhancement of tree canopy as a criteria for design excellence.
<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"> 1. As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control. 2. Amend introduction to clarify where the proposed FSR controls will apply.
<i>B3.2.4 Rear Setback</i>	<ol style="list-style-type: none"> 1. Amend introduction to clarify how the rear setback is measured. 2. Delete building depth control and insert a simplified rear setback control of 25%. 3. Delete building depth diagram and insert a new diagram illustrating the rear 25% rear setback.
<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"> 1. Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area. 2. Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage. 3. Insert objective and control addressing the retention of natural and landscape features. 4. Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.
<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"> 1. Amend introduction to explain the urban heat island effect and the importance of protecting and enhancing urban greening, especially tree canopy. 2. Insert new definition and diagram for calculation of tree canopy. 3. Amend objectives to encourage protection and enhancement of urban greening and tree canopy. 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. 5. Insert a new deep soil landscaped area control consistent with the new tree canopy control and FSR control. 6. Delete deep soil area precinct variations. 7. Delete control which duplicates the definition of deep soil landscape area and insert as a note. 8. Insert figure identifying the location of the Wolseley Road area. 9. Insert note containing the definition of deep soil landscaped area.

Woollahra Municipal Council
Environmental Planning Committee

06 July 2020

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.
Chapter E3: Tree Management	
<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

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

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, Team Leader - 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.

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

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 400m² 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.

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

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.

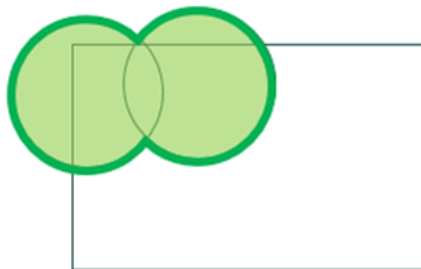


Figure 1: Proposed measurement for overall extent of tree crowns of all Canopy Trees on site, as recommended in report to the EPC on 6 July 2020. (Overlapping tree areas are measured only once)

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:

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

- | | | |
|---|---|---|
| 1 | <i>Tree size</i> | Trees smaller than 8 metres in height and canopy spread should be included in the tree canopy calculation.
Hedges should be included in the tree canopy calculation.
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?
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

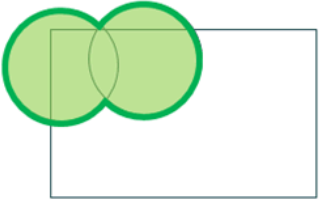
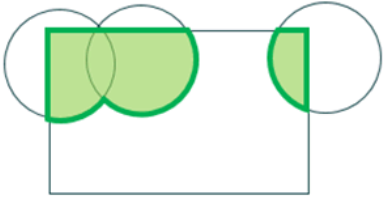
In responding to the Council's decision from 27 July 2020, Council staff carried out further testing on the proposed suite of controls. A copy of this testing can be found in **Annexure 4**. Importantly, this testing was informed by discussions that took place between Council staff and representatives 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.

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

Proposed controls as at 6 July 2020	Proposed tree canopy controls as at 7 Sept 2020
Urban greening provisions Insert aims and objectives to enhance urban greening-in Woollahra LEP 2014 and Woollahra DCP 2015.	<i>No change</i>
Deep soil landscaped area Deep soil landscaped area of 35% for both low and medium density residential development (R2 and R3 zones) into Woollahra DCP 2015.	No change* ¹
Tree canopy control Tree canopy control of 40% for low density residential development and 30% for medium density residential development.	Tree canopy control of 35% for low density residential development and 30% for medium density residential development.
Measuring tree canopy area 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).
	
Inclusions in the tree canopy area Only canopy trees which: <ul style="list-style-type: none"> • 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. 	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.
Variations to the controls Identifying that variations to the urban greening provisions could occur subject to the following five site conditions being: <ol style="list-style-type: none"> 1. View impacts (severe or devastating when measured in accordance with Tenacity Principles). 2. Overshadowing (to private open space or windows to habitable rooms). 3. Insufficient deep soil to sustain a canopy tree 4. Existing canopy trees (on the site or neighbouring). 5. Deep soil is already being used to protect and grow neighbouring canopy trees. 	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"> 1. View impacts (moderate, severe or devastating when measured in accordance with Tenacity Principles) 2. Overshadowing (to private open space or windows to habitable rooms) provided that Council is satisfied with the selection and location of tree species. 3. The site is unable to achieve the required area of canopy trees due to site conditions such as geology and topography.

¹ 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.

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

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.

Woollahra Municipal Council
Environmental Planning Committee

07 September 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.

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
Chapter B3: General Development Controls	
<i>B3.1.3 Design Excellence</i>	<ol style="list-style-type: none"> 1. Insert objective to require applicants to consider if a more skilful design would achieve a better environmental outcome. 2. Reinforce protection and enhancement of tree canopy as a criteria for design excellence.
<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"> 1. As a consequence of introducing an FSR control into Woollahra LEP 2014, delete all references to the floorplate control. 2. Amend introduction to clarify where the proposed FSR controls will apply.
<i>B3.2.4 Rear Setback</i>	<ol style="list-style-type: none"> 1. Amend introduction to clarify how the rear setback is measured. 2. Delete building depth control and insert a simplified rear setback control of 25%. 3. Delete building depth diagram and insert a new diagram illustrating the rear 25% rear setback.
<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"> 1. Amend objectives to address the bulk and scale of development and its consistency with the desired future character of the area. 2. Amend objectives to clarify that excavation below existing ground level should only be used for car parking and storage. 3. Insert objective and control addressing the retention of natural and landscape features. 4. Insert objective and control identifying that material used as fill on the site is excluded from the maximum excavation volumes.
<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"> 1. Amend introduction to explain the urban heat island effect and the importance of protecting and enhancing urban greening, especially tree canopy. 2. Insert new definition and diagram for calculation of tree canopy. 3. Amend objectives to encourage protection and enhancement of urban greening and tree canopy. 4. Insert new tree canopy control to increase tree canopy in residential areas consistent with Woollahra: Greening our LGA. 5. Insert revised circumstances where Council may consider a variation to the tree canopy control. 6. Insert a new deep soil landscaped area control consistent with the new tree canopy control and FSR control. 7. Delete deep soil area precinct variations. 8. Delete control which duplicates the definition of deep soil landscape area and insert as a note. 9. Insert figure identifying the location of the Wolseley Road area. 10. Insert note containing the definition of deep soil landscaped area.

Woollahra Municipal Council
Environmental Planning Committee

07 September 2020

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.
Chapter E3: Tree Management	
<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 requirement that a similar sized replacement tree is to be provided where an exempt tree species is removed. 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:

- 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

07 September 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.

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.

Woollahra Municipal Council
Environmental Planning Committee

07 September 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 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)

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting)

15 October 2020

Item No: D1
Subject: **AMENDED PLANNING PROPOSAL TO INTRODUCE AN FSR CONTROL FOR LOW DENSITY RESIDENTIAL DEVELOPMENT AND URBAN GREENING PROVISIONS**
Author: Deeksha Nathani, Strategic Planner
Approvers: Kelly McKellar, Acting Team Leader Strategic Planner
Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/176176
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to an amended planning proposal which introduces floor space ratio (FSR) controls for low density residential development as well as provisions to sustain and enhance urban greening in the Woollahra LGA.

To seek the advice of the Woollahra local Planning Panel in relation to proposed amendments to Woollahra DCP 2015, including a number of objectives and controls and a new tree canopy control for residential development.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council that it:

- A. Proceed with the planning proposal to amend the *Woollahra Local Environmental Plan 2014* (attached as **Annexure 1**) by introducing the following provisions:
- 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.
 - 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 Zone and R3 Medium Density Residential Zone.
 - A local provision to sustain and enhance tree cover.
 - Amendments to clause 1.2 Aims of Plan and Land Use Zone objectives addressing matters of urban greening, heat island effect and climate change.
- B. Supports the proposed amendments to Chapter B3: *General Development Controls* (attached as **Annexure 2**) and Chapter E3: *Tree Management* (attached as **Annexure 3**) of the *Woollahra Development Control Plan 2015*.

1. Reason for report to the Local Planning Panel

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on a planning proposal to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) by introducing *floor space ratio* (FSR) controls for low density residential development and provisions to sustain and enhance urban greening in the Woollahra LGA. This report also seeks the advice of the Woollahra LPP on the proposed amendments to the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting)

15 October 2020

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

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

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

In addition to providing advice on planning proposals, section 2.19(1)(c) of the Act specifies that the panel may advise a Council on any other planning or development matter that is to be determined by the Council and is referred to the panel by the Council. In this regard we are seeking the panel's advice on the proposed amendments to Chapter B3: *General Development Controls* and Chapter E3: *Tree Management* Woollahra DCP 2015.

2. Background

In July 2019, Council resolved to proceed with an FSR control of 0.5:1 for low density residential development on sites of 400m² or greater. On 27 June 2019 the 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 400m² 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.

The recommendation from this meeting of the Woollahra LPP is contained in Part 2 of **Annexure 7**.

Noting this advice, on 22 July 2019 Council resolved to proceed with a planning proposal which amongst other things, recommended an FSR control of 0.5:1 for low density residential development.

A planning proposal was submitted to the *Department of Planning, Industry and Environment* (DPIE) on 30 July 2019. The information submitted to the DPIE included a consequential package

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting)

15 October 2020

of changes to the Woollahra DCP 2015. On 2 September 2019, the DPIE requested further information and research to support an FSR control of 0.5:1 (see **Annexure 4**).

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 (and 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 package of amendments to the Woollahra LEP 2014 and Woollahra DCP 2015.

Drawing on site testing and Lyndal Plant's report *Woollahra: Greening our LGA (Annexure 5)*, Council staff prepared a package of urban greening controls which were reported to the *Environmental Planning Committee (EPC)* on 6 July 2020 (**Annexure 9**). At the meeting, Councillors raised a number of concerns, including:

- *Tree size:* Trees under 8 metres in height and canopy spread should be included in the tree canopy control.
- *Tree canopy calculation:* A 40% tree canopy control for low density residential development may be too high and should be tested further.
- *Variations to the proposed tree canopy DCP control:* 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, in part:

- 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.*

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 6**. A briefing was then held with Councillors on 19 August 2020 to present an amended package of controls. This briefing was also attended by:

- Steve Hartley: Executive Director - Green and Resilient Places (DPIE)
- Barbara Schaffer: Principal Landscape Architect (NSW Government Architect Office (GA))

The proposed amended package of urban greening provisions was supported by the representatives from DPIE and GA, and generally supported by Councillors. On 7 September 2020, Council staff presented the amended package of controls to EPC (**Annexure 10**) and on 29 September 2020, Council resolved:

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting)

15 October 2020

- A. *THAT Council note that the planning proposal attached as Annexure 1 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 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 be amended to include a tree canopy area of at least 35% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings, with the exception of Wolseley Road, and 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.*
- G. *THAT a report be prepared to the Environmental Planning Committee following the commencement of the controls (in 12 months' time) with a view of moving towards including a tree canopy area of at least 40% of site area for low density residential development being for dwelling houses, dual occupancies, semi-detached dwellings and attached dwellings.*

3. Amended Planning Proposal

Further to the advice from the DPIE, and consistent with the Council resolution of 29 September 2020, a planning proposal to amend Woollahra LEP 2014 has been prepared. The amended planning proposal is attached at **Annexure 1**. The objectives of the amended planning proposal 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.

The planning proposal is accompanied by amendments to the Woollahra DCP 2015 to introduce objectives and controls for urban greening. Certain elements of the urban greening provisions will apply generally across the LGA whilst certain controls will not apply to land in the Paddington, Watsons Bay and Woollahra Heritage Conservation Areas.

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting)

15 October 2020

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

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

4. Draft Development Control Plan

Council staff have also prepared amendments to Woollahra DCP 2015. These proposed amendments will work in conjunction with the amendments to Woollahra LEP 2014. An updated *Chapter B3: General Development Controls* and (Chapter B3) *Chapter E3: Tree Management* (Chapter E3) are attached at **Annexure 2 and 3**. Notes in the right hand margin of each annexure identify the source of the proposed amendments.

In summary, this package of amendments recommend the following changes to Chapter B3:

- deletion of the floorplate and site depth controls;
- insert a deep soil landscaped area control of 35% of the site area¹ for low and medium density residential development (R2 and R3 zones).
- insert a tree canopy area control of 35% of the site area for low density residential development (R2 zone), 30% of the site area for medium density residential development (R3 zone) and 25% of the site area in the Wolseley Road area, where at least half of the total tree canopy is contributed by canopy trees.
- identify variations to the tree canopy area control in cases of view impact (moderate, severe or devastating), overshadowing (of private open spaces or habitable rooms) or inability of the site to achieve the required area of canopy trees due to site conditions.
- insert new definitions for urban heat island effect, urban greening, tree crown, tree canopy area and canopy tree.
- other changes which are recommended after reviewing our current excavation controls, and changes responding to issues raised by the Woollahra LPP, Council's development assessment officers and the Council's lawyers.

Proposed amendments to Chapter E3 include:

- amended objectives and terminology for urban greening and tree canopy.
- new requirement for replacement when an exempt tree species is removed.
- administrative updates to make reference to updated SEPPs and Acts.

The draft DCP amendments for Chapter B3 and Chapter E3 have been prepared in accordance with Division 1, Part 3 of the *Environmental Planning and Assessment Regulation 2000* (the Regulation).

The amendments will create a set of controls which:

- are consistent with the proposed FSR controls for low density residential development.
- enhance the deep soil area landscaping requirements and tree canopy area in residential zones.
- removes the complicated floorplate controls and is therefore easier for applicants to understand.
- provides an effective assessment framework for staff.

¹ 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.

Woollahra Municipal Council
Woollahra Local Planning Panel (Public Meeting)

15 October 2020

5. 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. A report on this matter was previously considered by the Woollahra LPP on 27 June 2019.

This report seeks the advice of the Woollahra LPP on a revised planning proposal to amend the Woollahra LEP 2014 to introduce FSR controls for low density residential development and urban greening provisions. This report also seeks the advice of the Woollahra LPP on a number of amendments to the Woollahra DCP 2015. This includes the deletion of the floorplate and site depth control, amendments to the deep soil landscaping control and a new tree canopy control for residential development.

Advice from the Woollahra LPP will be provided to Council.

Annexures

1. Amended Planning Proposal - Introduction of FSR controls for low density residential development and urban greening provisions - Updated 1 September 2020
2. Proposed amendments to Chapter B3: General Development Controls of Woollahra DCP 2015 - Updated 30 September 2020
3. Proposed amendments to Chapter E3: Tree Management of Woollahra DCP 2015
4. Letter from the Department of Planning, Industry & Environment 2 September 2019
5. Woollahra: Greening Our LGA, Lyndal Plant Urban Forester, 30 June 2020
6. Residential 2D site testing - Updated 1 September 2020
7. Report to the EPC 28 October 2019 (Annexures removed)
8. Report to the EPC 3 February 2020 (Annexures removed)
9. Report to the EPC 6 July 2020 (Annexures removed)
10. Report to the EPC 7 September 2020 (Annexures removed)

Item No: R6 Recommendation to Council
Subject: **DRAFT DCP CONTROLS TO ADDRESS AIR-CONDITIONING UNITS & MECHANICAL PLANT EQUIPMENT ON THE ROOFTOPS OF DWELLINGS**
Authors: Jacquelyne Della Bosca, Executive Planner
Kelly McKellar, Acting Team Leader Strategic Planner
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Development
File No: 20/91261
Reason for Report: To respond to a Notice of Motion adopted by Council on 24 February 2020 requesting a review of the planning controls for air-conditioners, air-conditioning condenser units and other mechanical infrastructure on the rooftops of dwellings.
To obtain Council's approval to exhibit a draft development control plan to amend the Woollahra Development Control Plan 2015.

Recommendation:

- A. THAT the report on the review of planning provisions for air-conditioning units and other mechanical plant equipment on rooftops of dwellings be received and noted.
- B. THAT Council resolve to exhibit *Draft Woollahra Development Control Plan 2015: (Amendment No 15)* as contained in **Annexure 1** of the report to the Environmental Planning Committee on 2 November 2020.

1. Summary

This report responds to a Notice of Motion adopted by Council on 24 February 2020 requesting staff to review planning controls for air-conditioners, air-conditioning condenser units and other mechanical infrastructure on dwelling rooftops.

Staff have reviewed our existing planning provisions and identified opportunities to strengthen controls to help ensure that air-conditioning systems and other mechanical plant equipment (MPE) do not compromise design excellence and amenity.

2. Background

Air-conditioning and other MPE are common site facilities in residential development and are often installed on an existing dwelling house or apartment in an existing residential flat building (RFB). It is noted that some larger residential buildings (such as seniors living development) incorporate a heating, ventilation and air conditioning or HVAC system which includes MPE either internally (in a plant room or the like), and/or externally.

On 24 February 2020, Council adopted the following Notice of Motion:

- A. *THAT Council undertakes a review of and prepares a report to Council, on measures that can be taken in its planning instruments to prevent the installation of air conditioners, air-conditioning condenser units and other mechanical infrastructure on the rooftops of dwellings in the municipality.*
- B. *THAT the review and report include the installation of air conditioners on balconies in the Paddington area.*

The following background information accompanied the Notice of Motion on the meeting agenda:

Council's current planning instruments are unclear and uncertain as to the installation of air-conditioning units, condenser units and other infrastructure on the rooftop of buildings. Placement of this plant equipment on the roof of dwellings in the municipality in many cases constitutes visual pollution of the area, detracts from the streetscape and can lead to increased height and bulk that would not otherwise be permitted and does not contribute to design excellence.



At its meeting of 3 October 2019 the Woollahra Local Planning Panel (LPP) raised concerns about the location of plant equipment in a proposed seniors housing DA649/2017/2. The Woollahra LPP found that locating plant equipment on the rooftop compromised design excellence. Accordingly, the development application (DA) was approved with the following condition:

In order to ensure design excellence (Part B3.1.3 of WDCP 2015) of the roof, all reference to the proposed plant equipment on the roof is to be deleted. As such no approval is granted for any plant equipment or access arrangements to the roof.

Related to this matter, staff note that Council approved the Woollahra DCP 2015 (Amendment No. 4) on 26 November 2018 which strengthened provisions relating to roof terraces, lifts and lift overruns. Staff are seeking to enhance these controls with a view to strengthening the controls provisions for MPE in residential development.

3. Current planning controls

3.1. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 is the State-wide planning policy that applies to development for RFBs, shop top housing or mixed use development of three or more storeys and containing four or more dwellings. The *Apartment Design Guide* (ADG) provides design criteria and general guidance about how development can achieve the SEPP's nine design quality principles.

There are no mandatory provisions in the ADG for air conditioners or MPE that override local planning controls. However, development must give consideration to the following design guidance:

- **Public domain interface:** The ADG promotes high-quality design that enhances the visual amenity of the public domain. Relevant to note is the following design guidance provided for *Objective 3C-2 Amenity of the public domain is retained and enhanced*:

Design Guidance

Substations, pump rooms, garbage storage areas and other service requirements should be located in basement car parks or out of view
(NSW Apartment Design Guide, p53)

- A. **Acoustic Privacy:** The ADG seeks to minimise where possible noise impacts on residents. Relevant to note is the following design guidance for *Objective 4H-1 Noise transfer is minimised through the siting of buildings and building layout*

Design Guidance

Noise sources such as garage doors, driveways, service areas, plant rooms, building services, mechanical equipment, active communal open spaces and circulation areas should be located at least 3m away from bedrooms.
(NSW Apartment Design Guide, p. 103)

- B. **Roof design:** The ADG promotes high-quality roof design that provides a positive addition to the character of an area and its skyline. Relevant to note is the following design guidance provided for *Objective 4N-1 Roof treatments are integrated into the building design and positively respond to the street*:

Design Guidance

Roof treatments should be integrated with the building design. Design solutions may include:

- *roof design proportionate to the overall building size,*
- *scale and form*
- *roof materials compliment the building*
- *service elements are integrated.*

(NSW Apartment Design Guide, p.113)

3.2. SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP)

The Codes SEPP is a statewide planning policy that takes precedence over Council's planning controls to the extent of any consistency. It includes exempt development provisions for air-conditioning units and complying development provisions for mechanical ventilation.

A. Air-conditioning unit as exempt development

The construction or installation of an air-conditioning unit is exempt development under *Part 2 Exempt Development Codes Subdivision 3* provided all the standards are met.

The key standards⁴ for air-conditioning units in residential development are that it must:

⁴ The list does not represent all the standards for exempt development. A full copy of the Code can be viewed at the NSW Legislation website at <https://www.legislation.nsw.gov.au/view/html/inforce/current/epi-2008-0572>

- (a) *not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and*
- (b) *be located at least 450mm from each lot boundary, and*
- (c) *subject to paragraph (g), be attached to the external wall of a building or ground mounted, and*
- (d) *be not higher than 1.8m above ground level (existing), and*
- (e) *not involve work that reduces the structural integrity of the building, and*
- (f) *not reduce the existing fire resistance level of a wall, and*
- (f1) *be designed so as not to operate—*
 - (i) *during peak time—at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or*
 - (ii) *during off peak time—at a noise level that is audible in habitable rooms of adjoining residences, and*
- (g) *if it is constructed or installed on or in a heritage item or a draft heritage item—be ground mounted, and*
- (h) *if it is constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area—be installed at or behind the rear building line.*

Relevant to Council's Notice of Motion, staff note the following provisions:

- an air-conditioning unit located on a roof is not permitted as exempt development
- an air-conditioning unit higher than 1.8m above ground level is not permitted as exempt development
- in a heritage conservation area (HCA) an air-conditioning unit may be permitted as exempt development if it is at the rear of the building and is less than 1.8m above ground level.

B. Mechanical ventilation systems as complying development

The construction or installation of a mechanical ventilation system for commercial or industrial development is complying development under *Part 5 Commercial and Industrial Alterations Code, Subdivision 4* provides it meets the relevant standards.

These provisions apply to mechanical ventilation only, i.e. systems that extract or supply air into a building. They do not apply more broadly to air-conditioning or other HVAC systems that are typically installed in mixed use and multi-storey residential development.

3.3. Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014)

The WLEP 2014 establishes the maximum height of buildings for the LGA. The state-wide definition of ***building height (or height of building)*** is:

- (a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*
- (b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum to the highest point of the building,*

including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

All building elements, including air-conditioning units and other plant equipment must be designed to comply with the maximum permitted building height.

3.4. Woollahra Development Control Plan 2015 (Woollahra DCP 2015)

The Woollahra DCP 2015 establishes the detailed planning and design guidelines for development across the LGA. The controls guide the bulk, scale and form of development so that it is compatible with the site conditions and the desired future character.

The main planning provisions that apply to MPE and air-conditioning units for dwellings are established in the following chapters of the Woollahra DCP 2015:

- Chapter B3 General Development Controls
- Chapter C1 Paddington Heritage Conservation Area
- Chapter C2 Woollahra Heritage Conservation Area
- Chapter C3 Watsons Bay Heritage Conservation Area
- Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres
- Chapter G4 -9A Cooper Park Road, Bellevue Hill.

Each of these DCP chapters are discussed separately below.

A. Chapter B3 - General Development Controls

The controls for residential development in Chapter B3 apply to the residential zoned land in the municipality, with the exception of the Paddington, Woollahra and Watsons Bay Heritage Conservation Areas (HCA).

The main planning provisions that apply to air-conditioning units and MPE are contained in the following sections:

- B3.7.3 Site facilities
- B3.5.1 Streetscape character
- B3.5.3 Public and private views
- B3.5.4 Acoustic and visual privacy and controls.

Site facilities, MPE including lift overruns, air-conditioning units and external condensers, may be located on a roof provided they do not have adverse streetscape or amenity impacts. Key provisions require that they must:

- not be visible from the streetscape or public domain
- not unreasonably impact on the visual or acoustic amenity of adjoining properties
- suitably enclosed or screened to minimise noise impacts to adjoining properties.

B. Chapter C1 Paddington Heritage Conservation Area

In the Paddington HCA the main objectives and controls for air-conditioning units and plant equipment are established in section C1.5.11 Satellite dishes, aerials, air-conditioning units and other site facilities. The controls seek to ensure that site facilities do not detrimentally impact on the character and significance of individual buildings and the streetscape.

The DCP controls for air-conditioning and condensers in the Paddington HCA are more restrictive than controls for air-conditioning and condensers that apply to other parts of the Municipality, including the Woollahra HCA. The Paddington HCA controls reflect the significance of the HCA, the low scale terrace housing character and uniformity of building forms across the HCA.

C. Chapter C2 Woollahra Heritage Conservation Area

The main planning provisions that apply to MPE and air-conditioning units in the Woollahra HCA are established in section C2.5.13 Site facilities and aerial devices. Under this section air-conditioning units and ducts may be located on a roof provided it:

- retains the character of the original roofscape of the Woollahra HCA,
- protects the original fabric and details of roofs and chimneys,
- does not detrimentally impact on the character and significance of buildings or streetscape,
- is thoughtfully integrated into the development and are unobtrusive,
- is sized and designed to minimise their visual impact and impact on amenity,
- is not located on any part of the roof or chimney which is visible from the street frontage or the public domain and are visually unobtrusive to adjoining properties, and
- does not detrimentally impact on the architectural and heritage character of the building.

Under the existing controls for the Woollahra HCA, an external condenser could be located on a roof but only under specific circumstances. For example, if it was installed behind the parapet on the principal building form of a terrace so that it is not visible from the streetscape and does not impact on the heritage significance of the building or the streetscape. Council's DA and Heritage Officers identify that this a practical and suitable outcome in this HCA.

D. Chapter C3 Watsons Bay Heritage Conservation Area.

The Watsons Bay HCA contains important views and vistas and is characterised by a series of significant visual gateways due mainly to its topography and dramatic landscape. The roofscape of Watsons Bay is an integral component of its overall significance. A number of precincts in the HCA have controls for views and vistas to ensure that roofs are not cluttered by intrusive structures and services and do not detract from views to or from elevated areas.

The planning provisions that specifically apply to site facilities are established in sections C3.3.9 and C3.5.9 Site facilities and aerial devices. These provisions seek to retain the character of the significant roofscapes, ensure that site facilities are unobtrusive and do not adversely affect original roofs and chimneys and the character of buildings and the streetscapes. However, the provisions do not refer to MPE or air-conditioning.

E. Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres

Chapter D3 applies to the 12 centres zoned either B1 Neighbourhood Centre or B4 Mixed Use under the Woollahra LEP. These centres predominantly consist of a mix of small scale shops and commercial premises at street level with residential dwellings above.

Under section D3.10 Site facilities, air-conditioning units, including external condensers, should not have adverse streetscape or amenity impacts. The provisions in this chapter are similar to the controls in Chapter B3 section B3.7.3. However, a key difference is that the controls in Chapter D3 do not apply more broadly to other MPE.

F. Chapter G4 -9A Cooper Park Road, Bellevue Hill

Chapter G4 contains site specific controls for 9A Cooper Park Road, Bellevue Hill, which also address air-conditioning unit and service equipment in section G4.2 Design and siting. These prevail over the controls in section B3.7.3 in the event of any inconsistency.

It is relevant to note that a DA has been approved on the site and construction has commenced. Accordingly, any amended controls would only apply if a modification application was lodged and the changes substantially related to roof areas and air-conditioning and plant equipment.

4. Comparable controls from other Sydney Councils

In considering opportunities to strengthen our current controls we looked at other council DCPs including Waverley, Randwick, North Sydney, Mosman, Marrickville, Ku-ring-gai, City of Sydney, Canada Bay, and Northern Beaches (Manly, Pittwater and Warringah). Most of these Councils take a similar approach to us, and allow building services on rooftops provided they are suitably integrated with the building, visually screened, and are not readily visible from the public domain and surrounding properties.

The Waverley, Marrickville and Northern Beaches (Pittwater) DCPs also include the following additional provisions which seek to discourage air-conditioning units and other MPE on roofs. The table below summarises these controls.

Council	Provision
Waverley DCP 2012	Part C Residential Development: Sections 3.21 and 4.13 Building services <i>To minimise visual impact by encouraging building services to be located in the basement of buildings, where practicable</i>
Marrickville DCP 2011	Part 2 Generic provisions: Section 2.6 Acoustic and Visual Privacy <i>Where an air-conditioning unit cannot be located within a building, it must be concealed in a structure that has been designed or located to minimise any visual impacts and reduce noise to a level acceptable when heard from any habitable room of an adjoining/adjacent dwelling. Where an air-conditioning unit cannot be located in a building or concealed in a structure, it must be located in the rear wall of the building and be a minimum of 3 metres from any boundary of the property.</i>
Pittwater DCP 2014 (Northern Beaches Council)	Design Criteria for Residential Development: Section C1.25 Plant, Equipment Boxes and Lift Over-Run <i>Where provided, plant and equipment boxes, air-conditioning units and lift overruns are to be integrated internally into the design fabric of the built form of the building. Council does not encourage air-conditioning units on the roof of residential flat buildings and multi dwelling housing.</i>

5. Proposed amendments to the Woollahra DCP 2015

Based on our review, staff recommend that the Woollahra DCP 2015 is amended to:

- discourage the placement of MPE on roofs
- ensure that where it is unavoidable, the air-conditioning or plant equipment is suitably located and designed so that it does not create visual clutter, is not visible from the street/ public domain and does not impact on amenity.

This approach discourages development on roofs but also provides more flexibility than the Waverley, Marrickville and Northern Beaches DCPs. It is necessary to provide some flexibility as there will be circumstances where it is not reasonable to locate the MPE internally or on other parts of the building or site. For example:

- The MPE requires air intake and outflow rates that cannot be readily achieved if located in a basement.
- A site may need to respond to potential issues such as flood prone area, and MPE may not be safely placed in a basement.

In all circumstances, the primary objective for MPE is to ensure that it is suitably located so that it does not compromise streetscape, roofscape and amenity outcomes. Attached at **Annexure 1** is a draft DCP which details the proposed controls to multiple chapters in Woollahra DCP 2015. These proposed controls were prepared in collaboration with Council's DA and Heritage Officers. Comments in the right hand column, contain a brief explanation of the proposed provisions.

The table below summarises the proposed amendments.

Chapter and section	Summary of proposed amendments
Chapter B3 - General Development Controls <i>Section B3.7.3 Site facilities</i>	Insert new control to discourage MPE on roofs but allow for a variation to this under specified circumstances provided that it does not result in adverse impacts on the streetscape or amenity.
Chapter C1 - Paddington HCA <i>Section C1.5.11 Satellite dishes, aerials, air-conditioning units and other site facilities</i>	Minor amendments to fine-tune existing objectives, and delete or modify controls that are difficult to reasonably achieve on the small and narrow lots characteristic of the Paddington HCA. The proposed changes are consistent with the existing objectives and do not compromise streetscape or private amenity.
Chapter C2 - Woollahra HCA <i>Section C2.5.13 Site facilities and aerial devices</i>	Minor amendments to fine-tune existing objectives and controls. <i>Note: The existing provisions are suitable and practical in addressing heritage, streetscape and private amenity impacts. Controls to further restrict or prevent the installation of air conditioners and condenser units are not supported and may be unreasonable given the small lot sizes and character of existing building forms in this HCA.</i>
Chapter C3 - Watsons Bay HCA <i>Sections C3.3.9 and C3.5.9 Site facilities and aerial devices</i>	Insert controls for MPE (which includes air-conditioning and external condensers) to address streetscape and private amenity impacts.
Chapter D3 General Controls for Neighbourhood and Mixed Use Centres <i>Section D3.10 Site facilities</i>	Insert control to identify that MPE should not be located on roofs, but allow for variations under specified circumstances. This will increase consistency with Chapter B3 when assessing DAs with similar streetscape and amenity impacts.
Chapter G4 -9A Cooper Park Road, Bellevue Hill <i>Section G4.2 Design and siting of development</i>	Introduce control to require consideration of the visual impacts of air-conditioning and MPE.

Note: Council staff will amend the Woollahra DA Guide: Section 2.4 Plans, Elevations and Sections to identify that MPE must be shown on all plans, elevations and sections. This may help to remove any ambiguity about the need to show the location and treatment of plant equipment on plans and may also increase awareness of the need to integrate MPE into the overall building design.

6. Next steps

If Council decides to support amending the Woollahra DCP 2015, the next step is exhibit the draft development control plan. The process for amending a DCP is set out in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, and the *Woollahra Community Participation Plan 2019*.

The draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the *Wentworth Courier* and on Council's public website each week of the exhibition. The outcome of public exhibition will be reported to a future meeting of the Environmental Planning Committee.


7. Conclusion

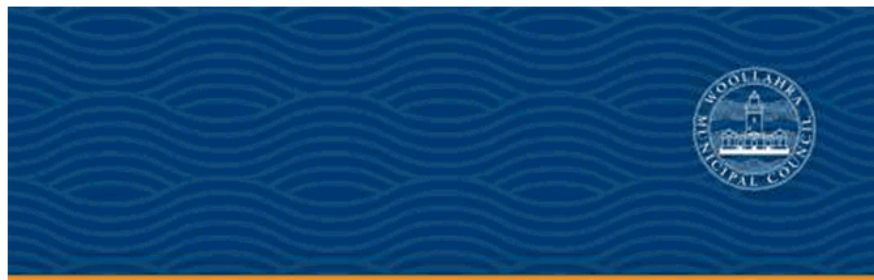
In response to the Notice of Motion adopted on 24 February 2020, staff have reviewed the planning controls for air-conditioning and other MPE on residential rooftops.

Based on this review, staff have identified opportunities to strengthen the existing objectives and controls in the Woollahra DCP 2015. The proposed amendments seek to provide a control set that is reasonable, provides for practical design solutions, and ensures that air-conditioning and other MPE does not detract from the public domain, streetscape or impact on private amenity.

Staff recommend that Council resolve to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No 15)* as contained in **Annexure 1**.

Annexures

1. Draft Woollahra DCP 2015 (Amendment No 15) for air-conditioning and mechanical plant equipment [↓](#) 



Woollahra Development Control Plan 2015 (Amendment 15)

Prepared Date:	October 2020
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning
HPE CM Record Number:	20/198132

Contents

Part 1 Preliminary	1
1.1 Background	1
1.2 Name of plan	2
1.3 Objectives of the plan	2
1.4 Land to which this plan applies	2
1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments	3
1.6 Approval and commencement of this plan	3
1.7 How this plan amends Woollahra DCP 2015	3
Part 2 Amendments to Woollahra Development Control Plan 2015	4
Chapter A1 Introduction	4
2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications	4
2.2 Amendments to clause A1.4 List of amendments	4
Chapter B3 General Development Controls	4
2.3 Amendments to section B3.7.3 Site facilities	4
Chapter C1 Paddington Heritage Conservation Area	6
2.4 Amendments to section C1.5.11 Satellite dishes, aerials, air-conditioning units and other site facilities	6
Chapter C2 Woollahra Heritage Conservation Area	7
2.5 Amendments to section C2.5.13 Site facilities and aerial devices	7
Chapter C3 Watsons Bay Heritage Conservation Area	8
2.6 Amendments to section C3.3.9 Site facilities and aerial devices	8
Chapter D3 General Controls for Neighbourhood and Mixed Use Centres	9
2.7 Amendments to section D3.10 Site facilities	9
Chapter G4 9A Cooper Park Road, Bellevue Hill	10
2.8 Amendments to section G4.2 Design and siting of development	10

Woollahra Development Control Plan 2015 (Amendment No 15)

Part 1 Preliminary

1.1 Background

Air-conditioning and other mechanical plant equipment are common site facilities in residential development. Split system air-conditioning units are often installed as an addition to an existing dwelling house or apartment in an existing residential flat building (RFB). It is noted that some larger residential buildings (such as seniors living development) incorporate a heating, ventilation and air conditioning or HVAC system which includes MPE either internally (in a plant room or the like), and/or externally.

On 24 February 2020 Council adopted the following notice of motion (NOM):

- A. *THAT Council undertakes a review of and prepares a report to Council, on measures that can be taken in its planning instruments to prevent the installation of air conditioners, air-conditioning condenser units and other mechanical infrastructure on the rooftops of dwellings in the municipality.*
- B. *THAT the review and report include the installation of air conditioners on balconies in the Paddington area.*

The following background information accompanied the NOM on the meeting agenda:

Council's current planning instruments are unclear and uncertain as to the installation of air-conditioning units, condenser units and other infrastructure on the rooftop of buildings. Placement of this plant equipment on the roof of dwellings in the municipality in many cases constitutes visual pollution of the area, detracts from the streetscape and can lead to increased height and bulk that would not otherwise be permitted and does not contribute to design excellence.

Similar concerns were raised by the Woollahra Local Planning Panel on 3 October 2019 which determined that plant equipment on the rooftop of a proposed seniors housing development compromised design excellence. The DA was approved subject to deletion of the plant equipment on the roof.

Mechanical plant equipment includes lift overruns, air-conditioning units and condensers, heating, ventilation, and other mechanical systems are common facilities in residential development. However, they must be suitably located and designed so they do not detract from public domain, heritage significance, streetscape character and private amenity.

This draft DCP seeks to amend the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) to update and strengthen the sections on site facilities, and in particular the provisions that apply to the installation of mechanical plant equipment on dwellings.

1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 15)*.

1.3 Objectives of the plan

The objectives of the plan are to:

- a) Strengthen the objectives and controls for air-conditioning and other mechanical plant equipment to help protect streetscape character and public and private amenity.
- b) Ensure that roofs are not cluttered by intrusive site facilities.
- c) Reduce ambiguity or uncertainty about how the provisions for air-conditioning and other mechanical plant equipment apply.
- d) Ensure mechanical plant equipment does not adversely impact the heritage significance of Paddington, Woollahra and Watsons Bay Heritage Conservation Areas.
- e) Ensure mechanical plant equipment does not adversely impact the streetscapes or amenity of Neighbourhood and Mixed Use Centres.

1.4 Land to which this plan applies

This plan applies to land within the Woollahra local government area and identified on the map in **Figure 1** where the following chapters of the Woollahra DCP 2015 apply:

- Chapter B3 - General Development Controls
- Chapter C1 - Paddington Heritage Conservation Area
- Chapter C2 - Woollahra Heritage Conservation Area
- Chapter C3 - Watsons Bay Heritage Conservation Area
- Chapter D3 - General Controls for Neighbourhood and Mixed Use Centres
- Chapter G4 - 9a Cooper Park Road, Bellevue Hill



Figure 1: Land to which this draft plan applies

1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments

This plan has been prepared under Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 3 of the *Environmental Planning and Assessment Regulation 2000*.

Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) applies to the land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

1.6 Approval and commencement of this plan

This plan was approved by Woollahra Council on TBC and came into effect on TBC.

1.7 How this plan amends Woollahra DCP 2015

This plan amends Woollahra 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

Chapter A1 Introduction

2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications

2.1.1 Insert at the end of the clause

This DCP (as commenced on TBC) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 15 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 15</u>	<u>Date approved – TBC</u> <u>Date commenced - TBC</u>	<u>Amend Chapter A1 by inserting additional savings and transitional provisions.</u> <u>Amend Part B Chapter B3; Part C Chapters C1, C2 and C3; Part D Chapter D3 and Part G Chapter G4 by modifying and amending various sections, controls and objectives to strengthen controls for air-conditioning and other mechanical plant equipment to help protect streetscape character and amenity.</u>

Chapter B3 General Development Controls

2.3 Amendments to section B3.7.3 Site facilities

2.3.1 Amend the introduction to include specific references to mechanical plant equipment

Some site facilities including lift overruns, air-conditioning, mechanical ventilation, mail boxes, clothes drying areas and laundry facilities are essential or common features in contemporary residential development. Others such as radio aerials and satellite dishes are less frequently required.

Commented [DCP1]: This proposed amendment seeks to increase references to mechanical plant equipment (MPE) to enhance prominence.

The introduction identifies common types of MPE (i.e. lift overruns, air-conditioning and mechanical ventilation) but also seeks to ensure that the use of the term MPE is taken to cover a broad range of mechanical systems for a building.

The potential impacts of site facilities on the overall appearance of developments and the local streetscape must be considered. In particular, consideration must be given to the location, size and design of site facilities including, mechanical plant equipment such as lift overruns, air-conditioning units and condensers, heating, ventilation, and other mechanical systems that maintain or support the operations of a building.

2.3.2 Insert new objectives after objective O6 and renumber objectives accordingly

O7 To discourage the provision of mechanical plant equipment on the roofs of buildings to minimise clutter and visual impacts created by intrusive site facilities.

O8 To minimise visual and acoustic impacts on adjoining properties.

2.3.3 Delete existing controls C7, C8 and C9 and replace with the new controls

C7 Mechanical plant equipment (including lift overruns and air conditioners) must not be located on the roof unless Council is satisfied that it:

- a) cannot be reasonably located elsewhere; and
- b) is thoughtfully located, concealed and integrated with the roof form and building design (including when viewed from above); and
- c) satisfies all the controls at C8.

~~C7—Mechanical plant equipment (including lift overruns) are not 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 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 adjoining properties.~~

C8 Mechanical plant equipment (including lift overruns and air conditioners) is suitably located, sized, enclosed, concealed, screened and/or otherwise integrated with the building design so it:

- a) is not visible from the streetscape or public domain;
- b) is consistent with the overall building design, roof form, and materials;
- c) is visually discreet and unobtrusive when viewed from adjoining properties; and
- d) minimises acoustic impacts to adjoining 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 *Protection of the Environment Operations Act 1997* apply.

C9 Screening will only be considered where the screening is suitably located, integrated with the building design and materials and will have no impact on views or result in overshadowing of adjoining properties.

Note: Screening alone may not be an acceptable solution for ensuring that mechanical plant equipment is not visible from the streetscape or the public domain.

Commented [DCP2]: This proposed amendment strengthens the objectives by specifically addressing roofs and impacts on adjoining properties. These objectives also align with the proposed controls.

Commented [DCP3]: These new controls discourage MPEs on roofs whilst satisfying the requirement under the EP&A Act that the consent authority is to be flexible in applying the provisions of a DCP.

The proposed controls provide more detail about the considerations for achieving good design outcomes and amenity.

Chapter C1 Paddington Heritage Conservation Area

2.4 Amendments to section C1.5.11 Satellite dishes, aerials, air-conditioning units and other site facilities

2.4.1 Amend paragraph 1 of the introduction to include specific reference to air-conditioning units and external condensers

Paddington's roovescape is an integral component of its overall significance. The introduction of unsympathetic and uncharacteristic elements such as satellite dishes, ~~and~~ aerials and air-conditioning units and external condensers can have a detrimental impact on the aesthetic significance of individual buildings and on the area generally.

The fixing of these structures on roofs and chimneys can also contribute to physical damage and possible loss of original fabric and detail.

Note: Solar energy systems such as photovoltaic electricity generating systems, solar hot water systems, or solar air heating systems are addressed in Chapter E6, Section 6.3 Solar energy systems.

Commented [DCP4]: This proposed amendment enhances prominence and clarifies that these provisions apply to air-conditioning units and external condensers.

2.4.2 Insert new objective after objective O3

O4 To minimise visual and acoustic impacts on adjoining properties.

Commented [DCP5]: This proposed amendment strengthens the objectives to address impacts on adjoining properties. This objective aligns with the controls.

2.4.3 Amend controls C2, C3 and C4

C2 Condensers and units must be located:

- behind the outer front wall of the building and not be visible from the public domain;
- ~~a minimum of 3m from all other property boundaries (including party walls) and not less than 5m from a bedroom window in an adjoining residential property; and~~
- less than 1.8m above at existing ground level or ~~the ground level above~~ a basement level or part underground level (but not on a roof)
- to minimise noise impacts on adjoining properties.

C3 Condensers and units must not be visible from an adjoining property, ~~and must be suitably located, designed, sized, enclosed, concealed, screened and/or otherwise integrated with the building.~~

C4 External conduits must not exceed 3m in length and must not be visible from the public domain.

Commented [DCP6]: These proposed amendments seek to better address acoustic impacts to adjoining properties and public amenity whilst still allowing some flexibility. The proposed amendments provide for flexibility while still ensuring impacts to adjoining properties are minimised, and provides detail about the solutions for achieving good design outcomes and amenity.

Chapter C2 Woollahra Heritage Conservation Area

2.5 Amendments to section C2.5.13 Site facilities and aerial devices

2.5.1 Amend paragraph 1 of the introduction to include specific reference to air-conditioning units and external condensers

The roofs of the Woollahra HCA are integral components of its character and heritage significance. The introduction of unsympathetic and uncharacteristic site facilities [such as air-conditioning units and condensers](#), and aerial devices can have an adverse impact on the aesthetic significance of individual buildings and precincts and the area as a whole. Fixing these structures onto roofs and chimneys can also damage the original fabric and detail.

The location and design of site facilities such as mail boxes, external storage facilities, clothes drying areas and laundry facilities can have an adverse impact on the appearance and character of the area and must be carefully considered.

Commented [DCP7]: This amendment seeks to introduce specific references to "air-conditioning units and external condensers" to enhance prominence.

2.5.2 Amend objective O3 and insert new objective after objective O7

O3 To ensure that satellite dishes, aerals and similar devices, [air-conditioning units, external condensers, and other site facilities](#) do not detrimentally impact on the character and significance of individual buildings and the streetscape.

O7 [To minimise visual and acoustic impacts on adjoining properties.](#)

Commented [DCP8]: These amendments seek to make it clear that the objective applies to a broad range of site facilities and strengthen the objectives to address impacts on adjoining properties. This objective aligns with the controls.

2.5.3 Amend control C2

C2 Satellite dishes, solar water heaters, solar electricity generators, air-conditioning units and ducts, aerals and similar devices:

~~a) are to be sized and designed to minimise their visual impact and impact on the amenity of the adjoining properties and neighbouring lands;~~

~~b) a) must not be located on any part of the roof or chimney which is visible from the street frontage or the public domain and are visually unobtrusive to adjoining properties; and~~

~~c) b) must not have a detrimental impact on the architectural and heritage character of the building to which they are attached; and~~

[c\) are to be suitably located, designed, sized, enclosed, concealed, screened, and/or otherwise integrated with the building to be visually discreet and unobtrusive, and to minimise acoustic impacts to adjoining properties.](#)

Commented [DCP9]: This amendment seeks to improve clarity and strengthening the control by providing more detail about the solutions for achieving good design outcomes and amenity.

Chapter C3 Watsons Bay Heritage Conservation Area

2.6 Amendments to section C3.3.9 Site facilities and aerial devices

2.6.1 Amend the introduction to include specific references to mechanical plant equipment

The roofscape of Watsons Bay is an integral component of its overall significance.

The introduction of unsympathetic and uncharacteristic site facilities ~~and aerial devices~~ ~~elements~~ such as lift overruns, air-conditioning, mechanical ventilation, telecommunication facilities, satellite dishes, solar heating devices and aerials can have a detrimental impact on the aesthetic significance of individual buildings and on the conservation area generally.

The fixing of these structures on roofs and chimneys can also contribute to physical damage and possible loss of original fabric and detail.

In particular, consideration must be given to the location, size and design of site facilities including, mechanical plant equipment such as lift overruns, air-conditioning units and condensers, heating, ventilation, and other mechanical systems that maintain or support the operations of a building.

The location and design of site facilities such as mail boxes, garbage storage areas, external storage facilities, clothes drying areas and laundry facilities can impact upon the appearance and overall character of the area and must be carefully considered.

Commented [DCP10]: This amendment seeks to make it clear that this section applies to these types of site facilities.

2.6.2 Insert new objectives after existing objective O3

O4 To ensure that roofs are not cluttered by intrusive site facilities.

O5 To minimise visual and acoustic impacts on adjoining properties.

Commented [DCP11]: This proposed amendment inserted new objectives that specially address clutter on roofs and impacts on adjoining properties. These objectives also align with the proposed controls.

Objective O4 is also consistent with the precinct controls for views and vistas which include provisions that the roofs are to remain uncluttered by intrusive structures so as to not detract from views to and from elevated areas of the public domain.

2.6.3 Insert new controls after existing control C2 and renumber controls accordingly

C3 Mechanical plant equipment is suitably located, sized, enclosed, concealed, screened and/or otherwise integrated with the building design so it:

- a) is not visible from the streetscape or public domain;
- b) is consistent with the overall building form and materials;
- c) is visually discreet and unobtrusive when viewed from adjoining properties; and
- d) minimises acoustic impacts to adjoining 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 *Protection of the Environment Operations Act 1997* apply.

Commented [DCP12]: These amendments establish controls for mechanical plant equipment and address visual and acoustic impacts in relation to amenity. These controls are consistent with the screening control proposed for DCP Chapter B3.

C4 Screening will only be considered where the screening is suitably located, integrated with the building design and materials and will have no impact on views or result in overshadowing of adjoining properties.

Note: Screening alone may not be an acceptable solution for ensuring that mechanical plant equipment is not visible from the streetscape or the public domain.

Chapter D3 General Controls for Neighbourhood and Mixed Use Centres

2.7 Amendments to section D3.10 Site facilities

2.7.1 Amend the introduction to include specific references to mechanical plant equipment

Site facilities include lift overruns, air-conditioning, mechanical ventilation, mail boxes, storage areas, garbage collection areas, clothes drying areas and laundry facilities, aerials and the like.

The potential impacts of site facilities on the overall appearance of developments and the local streetscape need to be considered. In particular, consideration must be given to the location, size and design of site facilities including, mechanical plant equipment such as lift overruns, air-conditioning units and condensers, heating, ventilation, and other mechanical systems that maintain or support the operations of a building.

Commented [DCP13]: This amendment introduces specific references to mechanical plant equipment (MPE) such as lift overruns, air-conditioning, mechanical ventilation so that it is clear that this section applies to these types of site facilities.

The introduction identifies common types of MPE (i.e. lift overruns, air-conditioning and mechanical ventilation) but also seeks to ensure that the use of the term MPE is taken to cover a broad range of mechanical systems for a building.

2.7.2 Amend objective O7 and insert new objectives O8 and O9

O7 To ensure that mechanical plant equipment including lift overruns, air-conditioning units, ~~including~~ and external condensers, do not have adverse streetscape or amenity impacts.

O8 To discourage the provision of mechanical plant equipment on the roofs of buildings to minimise visual impact of these services.

O9 To minimise visual and acoustic impacts on adjoining properties.

Commented [DCP14]: The amendment to objective O7 ensures that it applies to mechanical plant equipment broadly and not just air-conditioning units and condensers.

The proposed new objectives strengthen the objectives to specifically address roofs and impacts on adjoining properties. These objectives align with the proposed controls.

2.7.3 Delete existing controls C9 and C10 and replace with new controls C9, C10 and C11

C9 Mechanical plant equipment (including lift overruns and air conditioners) must not be located on the roof unless Council is satisfied that it:

- a) cannot be reasonably located elsewhere; and
- b) is thoughtfully located, concealed and integrated with the roof form and building design (including when viewed from above); and
- c) satisfies all the controls at C10.

~~C9—Air-conditioning units are suitably located, enclosed or screened so the units are not visible from the streetscape or from adjoining or nearby properties.~~

~~C10—Air-conditioning units do not have an unreasonable impact on the visual or acoustic amenity of adjoining or nearby properties. The impact on neighbours is less than the impact on the occupants of the site where the air-conditioning unit is located.~~

C10 Mechanical plant equipment is suitably located, sized, enclosed, concealed, screened and/or otherwise integrated with the building design so it:

- a) is not visible from the streetscape or public domain;
- b) is consistent with the overall building design, roof form and materials;
- c) is visually discreet and unobtrusive to reduce visual impacts on adjoining properties; and
- d) minimises acoustic impacts to adjoining properties.

Note: Noise emissions from ~~air-conditioning units~~ mechanical plant equipment must not exceed the background noise levels when measured at the boundary of the

Commented [DCP15]: These new controls discourage MPEs on roofs whilst satisfying the requirement under the EP&A Act that the consent authority is to be flexible in applying the provisions of a DCP.

The proposed controls provide more detail about the considerations for achieving good design outcomes and amenity.

development site. The provisions of the *Protection of the Environment Operations Act 1997* apply.

C11 Screening will only be considered where the screening is suitably located, integrated with the building design and materials and will have no impact on views or result in overshadowing of adjoining properties.

Note: Screening alone may not be an acceptable solution for ensuring that mechanical plant equipment is not visible from the streetscape or the public domain.

Chapter G4 9A Cooper Park Road, Bellevue Hill

2.8 Amendments to section G4.2 Design and siting of development

2.8.1 Amend control C6

C6 Air-conditioning plant or other ~~service-mechanical plant~~ equipment can be located on roofs ~~with appropriate noise/acoustic attenuation~~ provided it is suitably located, sized, enclosed, concealed, screened, and/or otherwise integrated with the building so that it is:

a) visually discreet and unobtrusive to prevent visual impacts on the streetscape, public domain, and adjoining properties; and

b) has acoustic attenuation to minimise noise impacts to adjoining properties.

Commented [DCP16]: It is proposed to amend control C6 so that it addresses visual impacts to the public domain and adjoining properties. Some adjoining residential properties are elevated above the subject site and have views over the site.

Requiring consideration of the visual impacts from air-conditioning and mechanical plant equipment is consistent with controls for site facilities that apply in other Chapters of the DCP.

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

