



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 28 November 2005*

Time: *6.00pm*

Outline Of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies 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 ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes 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.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- 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).

Delegated Authority (“D” Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained with the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

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 matters, such as:-
 - Town Planning Objectives; and
 - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Traffic Management and Planning (Policy) and Approvals.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors, in accordance with any Council policy on "safeguards" and substantive changes.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

24 November 2005

To: The Mayor, Councillor Andrew Petrie, ex-officio
Councillors Keri Huxley (Chair)
 John Comino
 Christopher Dawson
 Wilhelmina Gardner
 Geoff Rundle
 Isabelle Shapiro
 David Shoebridge

Dear Councillors

Urban Planning Committee Meeting – 28 November 2005

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 28 November 2005 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Pages
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 14 November 2005	1
D2	Built Environment Principal Activity – 1 st Quarter Management Plan Review – 827.G 04-07	2

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

R1	White City Conservation Management Plan – 1064.G	40
R2	Draft Woollahra LEP 1995 (Amendment No. 55)	67

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 November 2005**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 14 November 2005 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 Urban Planning Committee Meeting of 14 November 2005 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Built Environment Principal Activity – 1st Quarter Management Plan Review**
Author: Allan Coker – Director Planning and Development
File No: 827.G 04-07
Reason for Report: To review the status of works, services, and Notices of Motion for the Management Plan principal activity of Built Environment for the three months ending 30 September 2005

Recommendation

- A. That the status of projects for the Built Environment principal activity be noted.
- B. That variations to projects be agreed subject to adoption of the relevant budget variations included in the separately reported quarterly financial review.

Background

Section 407(1) of the *Local Government Act* 1993 requires that Council review the progress of the adopted management plan on a quarterly basis. Included with this report is the first quarterly review of Principal Activity No. 1 of the Management Plan, which is "Built Environment". This principal activity has the following sub- activities:

- 1.1 Environmental Planning
- 1.2 Heritage Conservation
- 1.3 Urban Design
- 1.4 Development Control
- 1.5 Compliance
- 1.6 Management and Administration

Included as annexures to this report are:

1. The Built Environment Principal activity section of the Management Plan, with comments on the status of items in each sub-activity.
2. A table of uncompleted notices of motion relating to the Built Environment principle activity.

The balance of this report provides a commentary on variations, changes, exceptions, completed work and achievements during the first quarter of 2005-2006. The purpose is to provide Councillors with an overview of the key influences or issues arising from this quarterly review.

Notices of motion which have a major impact on approved Management Plan core activities and projects have been included in the management plan as variations so as to facilitate the changing of priorities in an orderly and transparent manner.

Any changes to the budget required as a consequence of reordered priorities, including notices of motion will be considered in a separate budget report which reviews the overall financial position of the Council at the end of the quarter.

Following is the commentary on each sub-activity.

1.1 Environmental Planning

The Environmental Planning sub-activity for 2005-2008 contains a mix of projects. Some are municipal-wide, some are locality based, and others are specific to particular issues or aspects of a policy.

In the course of this quarter it has become apparent that amendments to the *Environmental Planning and Assessment Act 1979*, which commenced on 30 September 2005, will have a major influence on the content and delivery of numerous projects in our program. A report on these amendments was considered by the Urban Planning Committee on 27 June 2005.

In particular, two aspects of the *Environmental Planning and Assessment Amendment (Infrastructure and Other Planning Reform) Act 2005 No 43* will impact on the current program and, to varying degrees, the nature of Woollahra's planning framework.

1. Standardisation of local environmental plans and other environmental planning instruments.
2. A requirement that only one development control plan made by the Council may apply in respect to the same land.

Standardisation of LEPs

The first matter is relevant to the following projects:

- Woollahra LEP 1995 operational review
- Neighbourhood centres strategies – in regard to recommended changes to Woollahra LEP 1995
- Edgecliff Commercial Centre LEP/DCP - in regard to recommended changes to Woollahra LEP 1995
- Contemporary heritage items – in regard to listing properties as heritage items
- Potential heritage items, Wilkinson buildings - in regard to listing properties as heritage items
- Review of potential heritage items arising for the Watsons Bay DCP and Woollahra Heritage Conservation Area DCP – in regard to listing properties as heritage items
- Potential heritage conservation area, Fairfax Road Bellevue Hill

The intended operational review of Woollahra LEP will need to be incorporated within the parameters of the standard LEP. A report and submission on the standard LEP was considered by the Urban Planning Committee on 31 October 2005.

In April 2005 the Department of Infrastructure, Planning and Natural Resources (DIPNR) informed Council that DIPNR is “proposing” that Woollahra “have a new local environmental plan within five years”. The new comprehensive LEP must follow the standard template.

Following the letter in April, DIPNR issued a circular on 19 August 2005, which in part addressed the preparation of new instruments and the amendment of existing LEPs. The circular states:

Councils are requested to avoid, where possible, resolving to prepare minor amendments to existing plans. There will be instances, however, where councils can justify preparing a draft amending plan in advance of the new standard instrument. Examples of such exceptions include the following:

- *the amendment is to facilitate an employment generating activity*
- *existing provisions jeopardise or undermine State government policy*
- *the amendment implements agreed strategic direction for development in the area, including land release or preservation of strategic corridors*
- *council has completed strategic work and delays in implementing recommendations would be unreasonable and inefficient.*

When notifying the Director-General under section 54 of the intention to prepare an amending plan, councils will need to demonstrate the need for any proposed amendments. Any LEP amendment will also need to be consistent with the standard template as far as possible, to facilitate consolidation into the new instrument.

Local councils should not impose a moratorium on rezoning, and instead should assess proposals on a case by case basis on their merits, in consultation with the DIPNR regional office. The preference is for minor amendments to LEPs that fall outside the above criteria to be incorporated into the process for a new comprehensive LEP.

It would be impractical to commence work on a new LEP until the final version of the standard LEP is issued. Once this is available we will be able to prepare a project outline, identify the scope of resources needed to carry out the work, and assess the impact on our current program.

In the meantime, we will need to look at our committed and proposed amendments to Woollahra LEP 1995 in the context of DIPNR's circular. Whilst the circular does not suspend the preparation of amending LEPs, DIPNR's intention is to limit minor changes, thereby encouraging councils to direct their resources towards a new comprehensive LEP.

In addition to the exceptions listed in the circular, we will be able to put a case forward for other amendments. However, the process will undergo more rigorous scrutiny by DIPNR than has previously occurred. We have experienced this with the recent amendment to list properties in Jersey Road, Woollahra, as heritage items.

One DCP for a site

This matter is relevant to the following projects:

- Neighbourhood centres strategies – in regard to the preparation of a centres' DCP
- Edgecliff Commercial Centre DCP
- Car Parking DCP review
- Policy on roof terraces – in regard to recommended changes to existing DCPs
- Policy on car stackers – in regard to recommended changes to existing DCPs
- RDCP 2003 review
- Child car centre DCP
- Paddington DCP review
- Heritage item DCP

In addressing the requirement for a single DCP, the legislation's guiding notes provide that a council may prepare one DCP for the whole or its area, or one plan for each precinct or locality in its area, or prepare a plan for a site. In the latter case the site would need to be excluded from the area to which the other plans apply.

Clearly, the legislative changes will result in work additional to that envisaged in the Council's program. In particular, the production of a single DCP will require a review of all the current precinct-based and site specific DCPs. It will also require the union of the municipal-wide DCPs within precinct and site specific DCPs.

Our emphasis during the quarter has been on the following projects:

- Draft Woollahra Section 94A Development Contributions Plan 2005
- Woollahra Sustainability Plan
- White City LEP/DCP
- Double Bay business strategy
- Clause 25(2) of Woollahra LEP 1995

The projects/issues that have been addressed and reported on during the fourth quarter are set out in the table below:

Project	UPC	Reasons for priority
Report on public submissions to exhibition of Draft Woollahra LEP 1995 (Amendment No.54) – Rose Bay Public School	11.7.05	Unsolicited application submitted in April 2004
Report on public submissions to exhibition of Draft Woollahra LEP 1995(Amendment No.57) -zoning of properties in the Five Ways, Paddington	25.7.05	Notice of Motion of 7.7.01
Fourth quarterly report on Built Environment Principal Activity	25.7.05	Quarterly report as required by LGA
Report on heritage listing of 17, 19, 21 and 23 Jersey Road Woollahra	8.8.05	Council decision of 6.6.05 arising from determination of DA 58/2005
Report on program for White City LEP/DCP and Paddington DCP	8.8.05	Arising from consideration of fourth quarterly report on Built Environment Principal Activity
Follow-up report on Draft Woollahra LEP 1995 (Amendment No.54) – Rose Bay Public School	22.8.05	Report on change to Draft LEP made by Parliamentary Counsel directly relating to alteration previously inserted by Council
Report on reclassification of Grafton Street Car Park Bondi Junction	22.8.05	Administrative step for management of Council asset. LEP to be prepared by Waverley Council. Priority driven by Waverley Council's proposed LEP amendment for Bondi Junction
Further report on Draft Woollahra LEP 1995 (Amendment No.54) – Rose Bay Public School	5.9.05	Arising from consideration of action by Parliamentary Counsel
Report on implications and recommended changes to clause 25(2) of Woollahra LEP 1995, including submission of further legal advice	19.9.05	Implications on development assessment process, including legal costs to Council

In addition to the reports presented to the Urban Planning Committee we presented the following major reports to the Strategic and Corporate Committee.

Project	S&CC	Reasons for priority
Woollahra Section 94A Development Contributions Plan	13.9.05	Introduction of new levy provisions and need for Council to put in place a plan to take advantage of the new statutory provisions
Report on Independent Hearing and Assessment Panel	12.9.05	Notice of Motion of 31.1.05

1.2 Heritage Conservation

Work in this sub-activity was disrupted by the absence of the Strategic Heritage Officer who resigned on 27 May 2005. The position was advertised but not filled until 7 November 2005.

1.3 Urban Design

The three key urban design projects in this sub-activity are the Neighbourhood Centres Strategy, Edgecliff Centre DCP review and the Rose Bay Car Parks. These projects are also contained within the Environmental Planning sub-activity because they will require specialist staff from both teams.

During the quarter, the urban design team was focussed on the preparation of the draft White City LEP and DCP. Since the Council resolution of 14 June 2005 to prepare the draft White City plans, four meetings have been held with the Strategic Planning Working Party to discuss White City. These meetings were held on 25 August, 8 September, 22 September and 20 October 2005. A report that presents the draft White City LEP and DCP will go to the Urban Planning Committee on 14 November 2005.

During the quarter, the urban design team also continued with the preparation of the Neighbourhood Centres Strategy. A draft DCP was presented for discussion to meetings of the Strategic Planning Working Party on 21 July and 25 August.

Peter Leyshon's report on the economic and retail analysis of the Neighbourhood Centres was finalised in August 2005.

The Urban Design team also provided comments on several large development proposals.

1.4 Development Control

1.4.1 Work Volume and productivity

The factors influencing determination times are relatively low lodgements, increasing complexity, AAP and DCC deferrals, referral turnaround times and loss of four assessment staff.

During the first quarter the Development Control Section received 470 applications (DAs, s96 modifications, s82A reviews and construction certificates [class 1 and 10 buildings]). This quarter saw a decrease of 70 in lodgements from 540 in the last quarter. A total of 495 applications were determined being an increase of 7 from the 488 determined in the previous quarter. Low lodgements have allowed us, despite being down four assessment officers, to manage work loads and continue to reduce the number of outstanding applications.

The median processing times in the quarter were:

Development Applications

July	87
August	81
September	92
Year to date	90

Section 96 Applications

July	34
August	56
September	48
Year to date	56

Section 82A Applications

July	127
August	96
September	NIL
Year to date	167

Construction Certificates

July	6
August	23
September	13
Year to date	18

Referral turnaround times 1st Quarter 2005-2006

Referral	Completed	Outstanding	Median Days
Council Engineer (inclusive of traffic)	58	29	38
Trees and Landscape	49	31	44
Property Manager	1	1	318
Health Inspector	21	6	8
Heritage Officer	38	22	12
Urban Designer	3	4	27
Fire Safety Officer	16	16	31
Community Services	2	1	52

In relation to complexity, clause 25(2) of Woollahra Local Environmental Plan 1995, is having a significant impact, in particular, upon referral turn-around times from our engineers. Unavoidably, Clause 18 in relation to excavation is having similar impacts. Applicants are failing, despite good pre-DA advice, to address, excavation, flooding and overland flow path issues in addition to stormwater easement issues. This means that our engineers are spending a lot of time reviewing details, asking applicants for more information and then assessing the additional information.

Delays in the tree and landscape referrals have been driven by referral volume and vacancies in key staff resources. The increased referral times from our Fire Safety Officer have been driven by a significant increase in the volume of referrals arising from the better identification of fire safety issues by assessment officers with change of use or alterations and additions to existing buildings requiring assessment under clause 93 and clause 94 of the *Environmental Planning and Assessment Regulation 2000* respectively.

We are very pleased with the referral performance of the Heritage Officers and Environmental Health Officers (Acid Sulphate Soils, Contaminated Land and other health matters).

Senior Management is aware of the issues of complexity and resource issues afflicting our Engineers and Trees & Landscaping referrals. Councillors are aware of the clause 25(2) issues. Our Manager - Compliance has been made aware of the increased work load placed upon our sole Fire Safety Officer as a result if the clause 93 and clause 94 referral increases.

1.4.2 Management Plan Projects

The projects identified in the management plan are aimed at achieving continuous improvement of development control services. These are ongoing. The specific projects underway are:

Review DA Assessment Procedures

DA procedures are under constant review as new planning principles, controls, changes to environmental planning instruments, changes to State agencies and specific Land and Environment Court judgements affect the way we must assess development applications. These are maintained in our procedures database. A number of procedures relating to the application of the Land and Environment Court's planning principles were updated during the quarter.

Review DA Guide

The guide was updated to reflect new BASIX requirements and Council's resolution on swimming pool covers.

The restructure of standard conditions

The restructure of standard conditions is complete but for the resolution of issues related to the implementation of the latest version of Microsoft Word, new templates, styles and autotext.

Post Determination Processes and Procedures

A new Notice of Determination format has been introduced and will be followed by the introduction of a post determination information package.

Public Performance Reporting

Crystal Reports have been written and linked to *Authority* so that live data is available to management. The next step is to publish key performance data in an easy to read graphical format on our website.

Post Occupation Audit of Development

Councillors and staff have been consulted as to the sites they wish audited. A final list will be circulated. Audit criteria have been prepared and will be finalised and the audits undertaken early in the new year (subject to Councillor preference).

Develop a post consent "DA Information Pack" for applicants

A draft package has been prepared for review by the Manager and Director prior to production and printing.

Electronic Register of Legal Advices

Completed and in operation.

1.5 Compliance

During the first quarter the following core services were provided by the Compliance Section:

- 47 construction certificates were determined, representing a market share of 29%. The median turn-around time for the Council issued construction certificates was 15 days.

- 3 complying development certificates were issued, representing a market share of 50%. The median turn around time for the Council issued complying development certificates was 4 days.
- Council was appointed as the Principal Certifying Authority (PCA) for 82 new construction projects, representing a market share of 40.7%.
- 59 building certificates were issued with a median turn around time of 73 days.
- 22 hoarding applications were determined, with a median turn around time of 14 days.
- 2 activity applications were determined
- 6 land and 6 strata applications were processed
- 31 new fire safety statements were registered
- 170 annual fire safety statements were submitted
- 10 fines were issued for failure to submit Annual Fire Safety Statement
- 4 Fire Safety Orders were issued
- 4 Fire Safety Orders were completed
- 53 Notices and Orders were issued for the rectification and unauthorised uses/works.

Worth noting from the above results is the number and percentage of projects that Council has been appointed the PCA for over the past quarter. In 2004/2005, Council was only appointed the PCA for 121 projects, representing a market share of 22%. As can be seen, our market share has jumped significantly over the past quarter, achieving our target figure of over 40%. Further, the number of projects we have been appointed PCA for is 64% higher than our quarterly estimate of 50 projects.

The change in Council's PCA market share could be a result of the legislative changes that were introduced under the *Environmental Planning & Assessment Amendment (Quality of Construction) Act 2003* (QOC Act) and specifically the introduction of mandatory critical stage inspections. When the QOC Act was initially introduced, transitional provisions applied which allowed for mandatory inspections to be carried out by a person considered by the PCA to be suitably qualified (but who was not necessarily an accredited certifier). As from 1 July 2005, the QOC Act's full provisions applied and all mandatory inspections must now be carried out by the PCA or an accredited certifier.

The above trend will need to be closely monitored over the coming months to see if it continues or if it was a one-off response to the end of the transitional provisions of the QOC Act.

1.6 Management and Administration

All planning, rates and outstanding notices certificates were issued within the applicable time frames.

Allan Coker
Director Planning and Development

Annexures

1. September 2005 1st Quarter Review, Built Environment Principal Activity
2. September 2005 Notices of Motion update report

Item No: R1 Recommendation to Council
Subject: **White City Conservation Management Plan**
Author: Margaret Zulaikha
File No: 1064.G
Reason for Report: To respond to a recommendation from the Urban Planning Committee on 14 November 2005.

Recommendation:

1. That the White City Conservation Management Plan (March 2004) be adopted by Council.

Background

A Conservation Management Plan (CMP) of the White City site was initially prepared to accompany the Tennis NSW/Manboom Rezoning and Development Application in 2000. The CMP was revised in 2001 as a component of Tennis NSW subsequent development application. Since that time and in response to concerns raised by Council's Heritage Officer, the document has been further revised and the final CMP was submitted by Tennis NSW in March 2004.

The Draft White City LEP and DCP require that development of the White City site be undertaken in accordance with the policies of an adopted Conservation Management Plan. The Urban Planning Committee considered the draft White City plans at its meeting on the 14 November 2005 and recommended:

1. *That draft Woollahra LEP 1995 (Amendment No...) (Annexure 1) and Draft White City Development Control Plan (Annexure 2) **be deferred** to a future meeting of the Urban Planning Committee so that a further report can be provided detailing the following:*
 - (i) *changes to the planning legislation relevant to the draft LEP/DCP;*
 - (ii) *provisions for car parking and vehicular access*
 - (iii) *alternative options for less prescriptive ground areas, building heights and maximum gross floor areas.*
2. *That the White City site Conservation Management Plan be presented to the next meeting of the Urban Planning Committee.*
3. *That discussions be held with Council staff, the owners of the site, and the John Alexander Group in relation to the issues of public access and in relation to the issues raised at the Urban Planning Committee meeting by the John Alexander Group.*
4. *That the draft DCP be amended to include an extra dot point in the objectives set out under clause 1.5 to provide for medical facilities ancillary to a multi-purpose tennis/sporting facility.*

This report responds to Item 2 of the above recommendation.

White City Conservation Management Plan

The White City Conservation Management Plan (2004) prepared by Conybeare Morrison is in two volumes. Volume 1 contains an Executive Summary (**Annexure 1**), the history of the site within its Paddington context, physical site assessment, significance assessment including a statement of cultural significance, development constraints and a conservation policy (**Annexure 2**). Volume 2 is a series of appendices (**Annexure 3**) that informed the preparation of the statement of cultural significance and conservation policy.

The Significance of the White City Tennis Centre poses a number of constraints on future development of the site. The significant fabric, associations and uses of the place, in particular the space of the Centre Courts will need to be conserved and contained to reflect the former grandstand surrounds and their arena quality. The CMP states that any new development should:

- Evoke the former Centre Courts experience
- Provide a sense of arena
- Interpret the Centre Courts as the former focus of the White City complex
- Address human scale and player desire issues

The open space is to be retained as part of the unified character of the area, with the grass courts forming an important element of the open space. Significant views within and to the site would also need to be retained. The location of the existing open stormwater channel is to be retained as an identifiable flowing water source and axis of the LaCrozia Valley.

Conclusion

The White City Conservation Management Plan has been prepared to ensure the White City site which is one of high significance at a state level, is sensitively developed and managed. The CMP has been through an extensive review process and is now considered to be an appropriate tool to guide future development of the site. To ensure that any development application for the site takes into account the recommendations of the CMP, it is recommended that the CMP be adopted by Council.

Margaret Zulaikha
Team Leader Urban Design

Allan Coker
Director Planning and Development

Annexures:

- Annexure 1** Executive Summary from White City Conservation Management Plan (March 2004) – Volume 1
- Annexure 2** Section 6 - Conservation Policy from White City Conservation Management Plan (March 2004) – Volume 1
- Annexure 3** List of Appendices from White City Conservation Management Plan (March 2004) – Volume 2

Item No: R2 Recommendation to Council
Subject: **Draft Woollahra LEP 1995 (Amendment No. 55)**
Author: George Losonci, Senior Strategic Planner
File No: 1064.G Amend 55
Reason for Report: To report on the public exhibition of Draft Woollahra Local Environmental Plan 1995 (Amendment No. 55).

Recommendation

- A. THAT Draft Woollahra Local Environmental Plan 1995 (Amendment No. 55) be altered by:
- (i) deleting No. 22 Fairfax Road, Bellevue Hill from the list of heritage items; and,
 - (ii) deleting the proposed Birriga Road Heritage Conservation Area affecting Nos. 76, 78, 81 and 81A Birriga Road, Bellevue Hill.
- B. THAT Draft Woollahra Local Environmental Plan 1995 (Amendment No. 55), as altered and contained in **Annexure 8** of the report to the Urban Planning Committee meeting of 28 November 2005, be referred to the Department of Planning for approval by the Minister and for gazettal.
- C. THAT the heritage inventory sheets be amended as shown in the "Recommendation" column of **Annexure 5** of the report to the Urban Planning Committee meeting of 10 October 2005, adopted by Council, and used in the assessment of development applications for those subject properties.

1.0 BACKGROUND

On 13 December 2004, Council's Urban Planning Committee considered a report to list numerous properties throughout the Woollahra local government area as heritage items, create a number of heritage item groups and create two heritage conservation areas in Bellevue Hill. The report to the Committee recommended a draft LEP be prepared. A copy of that report is attached as **Annexure 1** (the accompanying annexures to that report have not been included).

Council, at its meeting of 13 December 2004, resolved the following:

- A. *THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995 in the following manner:*
- (i) *by including the following properties as heritage items in Schedule 3:*
- | | | | |
|----------------------------|----------------------|------------|---|
| <i>Bellevue Park Road,</i> | <i>Bellevue Hill</i> | <i>1A</i> | <i>'Ben Ledi', house and grounds</i> |
| <i>Birriga Road,</i> | <i>Bellevue Hill</i> | <i>40</i> | <i>'Dalkeith', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i> |
| <i>Birriga Road,</i> | <i>Bellevue Hill</i> | <i>40A</i> | <i>'Exeter', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i> |

<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40B</i>	<i>'Warrington', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81</i>	<i>'Cumberland', residential flat building, dwarf brick walls, paving and grounds</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81A</i>	<i>'Westmoreland', residential flat building, dwarf brick walls, paving and grounds</i>
<i>Bundarra Road,</i>	<i>Bellevue Hill</i>	<i>7</i>	<i>'Bundarra', house and grounds</i>
<i>Eastbourne Road,</i>	<i>Darling Point</i>	<i>15</i>	<i>'Kendall Lodge', house and grounds</i>
<i>Fairfax Road,</i>	<i>Bellevue Hill</i>	<i>10</i>	<i>House and grounds</i>
<i>Fairfax Road,</i>	<i>Bellevue Hill</i>	<i>12</i>	<i>'Lincluden', residential flat building, sandstone retaining wall and balustrade</i>
<i>Fairfax Road,</i>	<i>Bellevue Hill</i>	<i>22</i>	<i>'Chislehurst', residential flat building and grounds</i>
<i>New South Head Rd,</i>	<i>Rose Bay</i>	<i>593</i>	<i>'The Chilterns', residential flat building and grounds</i>
<i>O'Sullivan Road,</i>	<i>Bellevue Hill</i>	<i>275</i>	<i>Residential flat building and grounds</i>
<i>O'Sullivan Road,</i>	<i>Bellevue Hill</i>	<i>277</i>	<i>Residential flat building and grounds</i>
<i>Spencer Street,</i>	<i>Rose Bay</i>	<i>23</i>	<i>House and grounds</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>165</i>	<i>Residential flat building and grounds</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>167</i>	<i>Residential flat building and grounds</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>206A</i>	<i>'Glamis', residential flat building, front boundary wall, entry link and grounds</i>

(ii) *by including the following properties as heritage item groups in Schedule 3:*

<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40</i>	<i>'Dalkeith', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>and</i>			
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40A</i>	<i>'Exeter', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>and</i>			
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40B</i>	<i>'Warrington', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81</i>	<i>'Cumberland', residential flat building, dwarf brick walls, paving and grounds</i>
<i>and</i>			
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81A</i>	<i>'Westmoreland' residential flat building, dwarf brick walls, paving and grounds</i>
<i>O'Sullivan Road,</i>	<i>Bellevue Hill</i>	<i>275</i>	<i>Residential flat building and grounds</i>
<i>and</i>			
<i>O'Sullivan Road,</i>	<i>Bellevue Hill</i>	<i>277</i>	<i>Residential flat building and grounds</i>

<i>Victoria Road, and Victoria Road,</i>	<i>Bellevue Hill</i>	<i>165</i>	<i>Residential flat building and grounds</i>
	<i>Bellevue Hill</i>	<i>167</i>	<i>Residential flat building and grounds</i>

(iii) *by deleting the following property from the list of heritage items in Schedule 3:*

<i>Ian St</i>	<i>Rose Bay</i>	<i>15</i>	<i>House</i>
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(iv) *by including the following properties in a heritage conservation area:*

<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>76</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>78</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81A</i>

as shown on the map labelled 'Birriga Road Heritage Conservation Area' within the report to the Urban Planning Committee meeting on 1 November 2004.

(v) *by including the following properties in a heritage conservation area:*

<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>165</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>167</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>169-171</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>175</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>177</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>179</i>

as shown on the map labelled 'Victoria Road Heritage Conservation Area' within the report to the Urban Planning Committee meeting on 1 November 2004.

B. THAT Council notes the individual heritage inventory sheets for those properties in Bellevue Hill and Rose Bay prepared by Colin Brady, Architect, Town Planner, Heritage Specialist and amended by Council's Strategic Heritage Officer and that they be considered in the assessment of development applications for those properties.

C. THAT Council notes the individual heritage inventory sheet prepared by Mark Robinson, Architect, Town Planner, Heritage Specialist and amended by Council's Strategic Heritage Officer and that it be considered in the assessment of development applications for the following property:

<i>Eastbourne Road,</i>	<i>Darling Point</i>	<i>15</i>	<i>'Kendall Lodge', house and grounds</i>
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D. THAT Council notes the individual heritage inventory sheet prepared by Council's Strategic Heritage Officer and that it be considered in the assessment of development applications for the following property:

<i>Bellevue Park Road,</i>	<i>Bellevue Hill</i>	<i>1A</i>	<i>'Ben Ledi', house and grounds</i>
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E. THAT the Woollahra Council Heritage Inventory Sheets for each property nominated in A be forwarded to the NSW Heritage Council for their information.

F. THAT the owners of those properties and the owners of the properties adjoining those properties listed in recommendation A above be advised of the Council's decision and informed of the opportunity to participate in the public consultation process associated with the exhibition of the draft LEP.

- G. *THAT the Council note the properties contained in annexure 1 of the report to the Urban Planning Committee meeting of 1 November 2004 that have been eliminated from the Tanner list as potential heritage items. Note: This information was initially contained in annexure 3 of the report to the Urban Planning Committee meeting of 27 September 2004.*
- H. *THAT further investigation of the heritage significance of 25 Hamilton Street, Rose Bay be undertaken and submitted to the Urban Planning Committee for consideration. The property owner should be advised of this decision.*
- I. *THAT Council acknowledges and recognises the submissions before the Urban Planning Committee and directs Council staff to review the heritage listings and inventory sheets in light of those submissions with the review to be undertaken during the exhibition process for the draft LEP.*
- J. *THAT Council defer the inclusion of the following properties as heritage items in Schedule 3 to allow further consideration of objections and reports from property owners. A further report is to be brought to the Urban Planning Committee by the end of March 2005.*

Bellevue Gardens, Bellevue Hill 7,8,9 Quarried rockface (at the rear)[note: for this item further investigation on the exact location of the rockface and consideration of a geotechnical report on the condition of the rockface is required]

Bellevue Road, Bellevue Hill 98B Shops and residential flat building, original shopfronts

Ian Street, Rose Bay 17 'Coorong', house and grounds

- K. *THAT following the exhibition process, where substantial disagreement remains between Council's Heritage Officers and property owners, a site inspection by Council Officers and Councillors be conducted prior to a report being presented to the Urban Planning Committee.*
- L. *THAT Council notes and endorses the additional consultation steps in section 6.1 to 6.3 of the report to the Urban Planning Committee meeting of 13 December 2004 and seeks their inclusion within heritage conservation projects involving the preparation of local environmental plans.*

2.0 RESPONSE TO COUNCIL RESOLUTION

Council's resolution of 13 December 2004 required a number of actions to be undertaken including the further investigation of a number of properties deferred from Draft Woollahra LEP 1995 (Amendment No. 55) (draft LEP). This report primarily responds to the public exhibition of those properties included in the exhibited draft LEP. A brief response is also provided to each part of Council's resolution where required. The response outlines actions that have been undertaken and matters to be addressed by further investigations and reporting, where required.

Part A: Draft Woollahra LEP 1995 (Amendment No. 55) (**Annexure 2**) was prepared in accordance with part A of Council's resolution. The preparation and exhibition of the draft LEP is addressed in **sections 3.0** and **4.0** of this report. Consideration of submissions made during the public exhibition is addressed in **section 5.0**. Proposed alterations to the draft LEP are addressed in **section 6.0**.

Parts B – D: A copy of each heritage inventory sheet was distributed to the Council's development assessment teams. Council officers were instructed to use the inventory sheets in the assessment of development applications and in discussions with future applicants, particularly in pre-DA meetings.

Part E: A copy of the report to Council's Urban Planning Committee meeting on 13 December 2004, inclusive of all heritage inventory sheets, was forwarded to the NSW Heritage Council on 23 December 2004. This was done as part of the s.62 consultation process (see **section 3.2** of this report).

Part F: All affected property owners, and owners of properties adjoining those properties listed in part A of Council's resolution, were advised of Council's decision and informed of the opportunity to participate in the public consultation process associated with the exhibition of the draft LEP. The public exhibition of the draft LEP is addressed in **section 4.0** of this report.

Part H: Further investigation of the heritage significance of No. 25 Hamilton Street, Rose Bay, is to be undertaken. In a letter dated 24 December 2004, the owners of No. 25 Hamilton Street were informed of Council's resolution. Since that time, however, other heritage related projects have required the attention of Council officers. In addition, Council's Strategic Heritage Officer resigned in late May this year and that position has only been filled recently. Consequently, this matter will be reported to Council's Urban Planning Committee as a separate matter.

Part I: Submissions made in response to properties affected by the draft LEP and received prior to, and at, Council's Urban Planning Committee meetings of 27 September 2004 and 13 December 2004, have been considered in this report, together with submissions made during the public exhibition of the draft LEP. Proposed alterations to the draft LEP and heritage inventory sheets are addressed in **section 6.0** of this report.

Part J: Further investigations and consideration of objections for the properties at Nos. 7, 8 and 9 Bellevue Gardens, Bellevue Hill, No. 98B Bellevue Road, Bellevue Hill and No. 17 Ian Street, Rose Bay, will be undertaken and reported to Council's Urban Planning Committee as a separate matter. Due to other heritage related projects that have required the attention of Council officers and because of the resignation of Council's Strategic Heritage Officer, it has not been possible to pursue this matter.

Part K: Following the assessment of submissions, there are three properties for which substantial disagreement remains between the owners and Council's Heritage Officers. The point of disagreement relates to the listing of the properties as heritage items. The three properties are:

- No. 206A Victoria Road, Bellevue Hill; and
- Nos. 81 and 81A Birriga Road, Bellevue Hill.

Inspections of these properties were carried out by Councillors prior to this report being considered by Council's Urban Planning Committee. Further discussion on this matter is included in the summary of submissions (**Annexure 5**).

Council should note that No. 22 Fairfax Road, Bellevue Hill was also inspected despite a submission not being received from the owners. Following a recent pre-DA meeting, Council's Heritage Officer recommended that the demolition of this building was acceptable. This is addressed in greater detail in **section 6.2.1** of this report.

Part L: The additional consultation steps in section 6.1 to 6.3 of the report to the Council's Urban Planning Committee meeting of 13 December 2004, have been incorporated into Council's procedure for the preparation of local environmental plans for heritage related listings (including heritage items, heritage item groups and heritage conservation areas).

3.0 PREPARATION OF DRAFT WOOLLAHRA LEP 1995 (AMENDMENT No. 55)

After the Council's decision of 13 December 2004, preparation of the draft LEP commenced in the manner set out in the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). The following statutory steps were undertaken during the plan preparation process.

3.1 Section 54(4) notification to DIPNR

Notification to the Department of Infrastructure, Planning and Natural Resources [DIPNR] about Council's decision to prepare the draft LEP was carried out in the manner required by section 54(4) of the Act and clause 9 of the Regulation.

No direction has been received from the Director-General requiring the Council to prepare a local environmental study relating to the draft LEP.

3.2 Section 62 consultation

As part of the draft LEP process, section 62 of the Act requires that the Council carry out consultation with those public authorities and bodies that, in the Council's opinion, will or may be affected by the draft LEP, and with the adjoining council, where the draft LEP applies to land on a local government boundary.

Notification of the draft LEP and a copy of the report to Council's Urban Planning Committee of 13 December 2004 were sent to the NSW Heritage Office.

In a submission dated 15 February 2005 (**Annexure 3**), the NSW Heritage Office raised no objection to the aims and content of the draft LEP.

3.3 Section 64 notification

DIPNR was informed in the required manner that the consultation had occurred. A copy of the draft LEP was included in the correspondence.

3.4 Section 65 certificate

A certificate under section 65 of the Act enabling the draft LEP to be exhibited was issued under the delegation from the Director-General.

3.5 Consideration of SEPPs, REPs and Ministerial directions

3.5.1 SEPPs and REPs

In the course of preparing the draft LEP consideration has been given to relevant State environmental planning policies (SEPPs) and regional environmental plans (REPs). The proposed amendment is not inconsistent with the provisions or objectives of any applicable SEPP or REP.

3.5.2 Section 117 directions

Section 117 of the Act provides that the Minister may give directions to a public authority or a person who has functions under the Act or under an environmental planning instrument. Through section 117, the Minister may direct a council to carry out the council's functions in preparing a draft LEP in accordance with principles set out in the direction. Under section 117, the Minister may also direct a council to include provisions in a draft LEP that will achieve or give effect to principles, aims, objectives or policies specified in the direction. In all instances the principles, aims, objectives and policies must be consistent with the Act. No direction has been issued to Woollahra Council specifically for the draft LEP.

Since the inception of the Act a total of twenty-nine general directions and twenty-eight specific directions have been issued for the preparation of draft LEPs. No directions have been issued specifically for the preparation of the draft LEP.

In the course of preparing the draft LEP consideration has been given to relevant section 117 directions as required by the Act. Direction G.21 – *Conservation of environmental heritage and ecologically significant items and areas* – is relevant. The draft LEP is consistent with this direction.

4.0 PUBLIC EXHIBITION PROCESS

4.1 Exhibition period and location

The draft LEP was exhibited in the manner required by the Act and the Regulation. The exhibition occurred at the Council's Customer Services area over the period Friday, 4 February 2005 to Friday, 1 April 2005. A copy of the exhibited draft LEP is attached as **Annexure 2**.

4.2 Advertising and notification

Details of the exhibition were notified in the Wentworth Courier editions of 2 February, 9 February, 16 February, 23 February, 2 March, 9 March, 16 March, 23 March and 30 March 2005.

As required by part F of Council's resolution, the owners of those properties proposed to be listed as a heritage item, heritage item group or within a heritage conservation area were informed of Council's decision and invited to participate in the public consultation process associated with the exhibition of the draft LEP. A copy of the heritage inventory sheets were also sent to the affected property owners. All owners of properties affected by the draft LEP and adjoining and surrounding property owners received an information brochure with their letter of notification.

5.0 SUMMARY OF SUBMISSIONS

A total of fifteen submissions have been received in response to this matter. A breakdown of the submissions received is provided for Council's information below:

- Nine submissions relate to the content of the exhibited draft LEP. Four of these submissions (submission Nos. 6 – 9 in **Annexure 5**) were received prior to the formal exhibition of the draft LEP;
- Five additional submissions were received prior to the formal exhibition of the draft LEP. Three were in relation to the proposed listing of No. 17 Ian Street, Rose Bay and two were in response to the proposed listing of Nos. 98 and 98B Bellevue Road, Bellevue Hill. These properties have subsequently been deferred in accordance with part J of Council's previous resolution;
- One submission was received prior to the exhibition of the draft LEP in support of the proposed listing of No. 25 Hamilton Street, Rose Bay. This property requires further investigation in accordance with part H of Council's previous resolution.

This report only addresses those nine submissions which were made directly in response to the proposed heritage listings of the relevant properties identified in Draft Woollahra LEP 1995 (Amendment No. 55). Submissions made to properties not included in the draft LEP will be addressed in further reports.

Of the nine submissions, two were in support of the proposed heritage listings and one requested additional time to respond to future Council Committee meetings.

The submissions predominantly raised objection to the proposed heritage listing of either an individual property or group of properties. Some submissions raised concerns with the detail contained in the inventory sheets.

A copy of each submission received in response to the exhibited draft LEP is attached in **Annexure 4**.

Each submission was assessed by Council's Heritage Officer and a response and recommendation were provided. A summary of the objections and response by Council's Heritage Officer is provided in **Annexure 5**.

The submissions fall within four categories.

(i) **Issues regarding the accuracy of the inventory sheets.**

Content of some of the inventory sheets was seen to be deficient. These included the accuracy and historical details for the following sites:

- Nos. 81 and 81A Birriga Road, Bellevue Hill [submission No. 3]; and
- No. 206A Victoria Road, Bellevue Hill [submissions 7 and 8].

These issues are addressed in **section 6.1** below.

(ii) **Opposition to listing as a heritage item**

Objections were raised to the proposed heritage listing of the following properties:

- 23 Spencer Street, Rose Bay [submission No. 1];
- 10 and 12 Fairfax Road, Bellevue Hill [submission No. 2];
- 81 and 81A Birriga Road, Bellevue Hill [submission Nos. 3 and 9]; and
- 206A Victoria Road, Bellevue Hill [submission Nos. 6 and 8]

These submissions are addressed in **Annexure 5**. In summary, it is recommended that the proposed listing of the six properties be retained.

(iii) **Opposition to listing as a Heritage Conservation Area.**

Objections were raised to the proposed Birriga Road Heritage Conservation Area (HCA), which proposes to list as a HCA the properties at Nos. 76, 78, 81, 81 A Birriga Road, Bellevue Hill [submission Nos. 3 and 8].

In response to the issues raised in the submissions it is recommended that the draft LEP be altered by deleting the proposed Birriga Road Heritage Conservation Area.

(iv) **General support for the listing of properties.**

- Support for Draft LEP [submission No. 4]; and
- Support for listing of Nos. 10, 12 and 22 Fairfax Road, Bellevue Hill [submission No. 5].

Note: Submission No. 7 was lodged on 24 October 2004 and contained an objection to the amount of notification time given for the Urban Planning Committee meeting on 27 September 2004.

6.0 PROPOSED AMENDMENTS TO THE INVENTORY SHEETS AND DRAFT LEP

6.1 Inventory sheet amendments

Council's Heritage Officer assessed all the submissions relating to the draft LEP (**Annexure 5**). In response to those submissions a number of alterations are proposed to the draft heritage inventory sheets. The proposed amendments are detailed in the 'Recommendation' column of **Annexure 5**. A summary of the proposed alterations is provided below:

- Amendment to the description of the 'historical association', 'aesthetic significance' and 'rarity' sections of the heritage inventory sheets to the properties at Nos. 81 and 81A Birriga Road, Bellevue Hill as recommended on pages 5 – 13 of **Annexure 5**.
- The statements of significance in the heritage inventory sheets for Nos. 81 and 81A Birriga Road, Bellevue Hill are to have the reference to the heritage conservation area deleted as recommended on page 12 of **Annexure 5**.
- The photograph in the heritage inventory sheets of the property at No. 206A Victoria Road, Bellevue Hill is to be amended as recommended on page 18 of **Annexure 5**.

A copy of the amended heritage inventory sheets (with tracking changes) for the properties at Nos. 81, 81A Birriga Road and 206A Victoria Road, Bellevue Hill is attached for Council's information as **Annexure 6**.

6.2 Draft LEP amendments

The assessment of the submissions received prior to and during the exhibition has resulted in alterations being proposed to the draft LEP. In summary, the draft LEP is proposed to be altered by:

- the deletion of No. 22 Fairfax Road, Bellevue Hill, from the list of heritage items; and
- the deletion of the proposed Birriga Road Heritage Conservation Area.

These are discussed below.

6.2.1 No. 22 Fairfax Road, Bellevue Hill

Whilst the owners of No. 22 Fairfax Road, Bellevue Hill, did not formally object to the draft LEP, they attended a pre-DA meeting (pre-DA 2005/39/1) with Council officers on 24 August 2005. The purpose of the meeting was to discuss the demolition of the existing house proposed to be listed as a heritage item by the draft LEP. A copy of the minutes of that meeting are attached (**Annexure 7**). In the assessment of the proposal Council's Heritage Officer stated:

Assessment of heritage impact

The demolition of this property would lead to a loss of a property with low cultural heritage significance. In order to mitigate against the loss it is recommended full archival records be made prior to any changes to the property.

Recommendation

The demolition is acceptable subject to the property being recorded archivally. (p.6)

Council's Heritage Officer also recommended an inspection of the property prior to this report being considered by the Urban Planning Committee.

6.2.2 Birriga Road Heritage Conservation Area

A detailed objection against the proposed inclusion of the properties at Nos. 81 and 81A Birriga Road, Bellevue Hill in a heritage conservation area was submitted by City Plan Heritage Consultants on behalf of the owners (see summary of objection No. 3 in **Annexure 5**). The proposed heritage conservation area includes the properties at Nos. 76, 78, 81 and 81A Birriga Road.

Council's Heritage Officer provided the following comments in response:

- *It is agreed that the grouping is tenuous as a cohesive grouping of residential flat buildings that demonstrate the emergence of the inter-war Functionalist style.*
- *Although the buildings are historically linked as a concurrent development of the Bellevue Bondi estate, the link is insufficient to meet the criteria.*
- *The pairs of buildings are stylistically similar, but No 78 has been significantly altered to be considered for listing individually or as part of the group.*
- *The pairs are too visually separated by the broad thoroughfare to be a cohesive group.*
- *The pair at Nos 76 and 78 are not good enough examples to be included as substantial or intact examples of aesthetic significance.*
- *They will be sufficiently managed by appropriate application of the Inter-war residential flat building policy*

In conclusion, Council's Heritage Officer recommended the draft LEP be altered by deleting the Birriga Road Heritage Conservation Area (p. 14 of **Annexure 5**).

7.0 FURTHER ACTIONS

7.1 Statutory processes

Prior to a draft LEP being approved by the Minister Assisting the Minister for Infrastructure and Planning, an opinion must be obtained from the Parliamentary Counsel that the draft LEP can be legally made. Comments from the Parliamentary Counsel usually relate to matters of legal drafting.

Following receipt of Parliamentary Counsel's opinion, the altered draft LEP will be referred to the Department of Infrastructure, Planning and Natural Resources for the Minister's approval and then gazettal. The Draft LEP will come into effect when a notice is placed in the Government Gazette.

8.0 CONCLUSION

Preparation of the Draft LEP has been undertaken in the manner required by the Act and the Regulation. Consideration has been given to the submissions and minor alterations have been recommended to the heritage inventory sheets as described in **section 6** of this report and detailed in **Annexure 5**.

In addition, it is recommended that the Birriga Road Heritage Conservation Area be deleted from the draft LEP and No. 22 Fairfax Road, Bellevue Hill, also be removed from the list of heritage items.

These alterations respond to the submissions and are not considered to be of such magnitude that would warrant re-exhibition of the draft LEP.

It is recommended that the draft LEP, as altered and contained in **Annexure 8**, be forwarded to the NSW Heritage Office and then to the Department of Infrastructure, Planning and Natural Resources for gazettal, subject to any legal drafting alterations requested by Parliamentary Counsel.

George Losonci
Senior Strategic Planner

Chris Bluett
Manager, Strategic Planning

Annexure

1. Copy or report to Council's Urban Planning Committee meeting 13 December 2004 (annexures not included).
2. Draft Woollahra LEP 1995 (Amendment No. 55) as exhibited.
3. Submission from NSW Heritage Office dated 15 February 2005.
4. Copy of all submissions received in response to exhibition of Draft Woollahra LEP 1995 (Amendment No. 55).
5. Summary of submissions and response/recommendation provided by Council's Heritage Officer.
6. Amended heritage inventory sheets (with tracking changes) for properties at Nos 81 and 81A Birriga Road and 206A Victoria Road, Bellevue Hill.
7. Pre-DA consultation minutes for proposed development at No. 22 Fairfax Road, Bellevue Hill, dated 24 August 2005.
8. Draft Woollahra LEP 1995 (Amendment No. 55) as amended.