



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday, 27 September 2004*

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

23 September 2004

To: The Mayor, Councillor Rundle, ex-officio
Councillor David Shoebridge (Chair)
John Comino
Christopher Dawson
Keri Huxley
Julian Martin
Isabelle Shapiro
Fiona Sinclair King

Dear Councillors

Urban Planning Committee Meeting – 27 September 2004

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 27 September 2004 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	Election of Deputy Chairperson	1
D2	Confirmation of Minutes of Meeting held on 13 September 2004	2

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

R1	Potential Heritage Item Investigation in Bellevue Hill, Rose Bay [North] And Darling Point – 1080 G [BH]	3
R2	Nos. 70-78 Edgecliff Road, Woollahra (Former Holy Cross College) Request to Amend Woollahra LEP 1995 To Allow Residential Flat Buildings – 148.82-84	185

Item No: D1 Delegated to Committee
Subject: Election of Deputy Chairperson
Author: Les Windle - Manager Governance
File No:
Reason for Report: For the Committee to elect a Deputy Chairperson

Resolved:

That Councillor _____ be elected as Deputy Chairperson of the Urban Planning Committee for the ensuing twelve months.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 13 September 2004**
Author: Les Windle – Manager Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of 13 September 2004 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.

Resolved:

That the Minutes of the Urban Planning Committee Meeting of 13 September 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Items with Recommendations from this Committee

Submitted to the Council for Decision (Items R1 to R2)

Item No: R1 Recommendation to Council
Subject: Potential Heritage Item Investigation In Bellevue Hill, Rose Bay[North] And Darling Point
Author: Libby Maher, Strategic Heritage Officer
File No: 1080 G [BH]
Reason for Report: To respond in part to the Council's decision of 23 September 2002 requiring an update report on the Tanner study.
To make recommendations on the actions for those potential heritage items.

Recommendation

1. 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 Gardens,</i>	<i>Bellevue Hill</i>	<i>7,8,9</i>	<i>Quarried rock face (at the rear)</i>
<i>Bellevue Park Road,</i>	<i>Bellevue Hill</i>	<i>1A</i>	<i>'Ben Ledi', house and grounds</i>
<i>Bellevue Road,</i>	<i>Bellevue Hill</i>	<i>98B</i>	<i>Shops and residential flat building, original shopfronts</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>Ian Street,</i>	<i>Rose Bay</i>	<i>17</i>	<i>'Coorong', house 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,</i>	<i>Bellevue Hill</i>	<i>165</i>	<i>Residential flat building and grounds</i>
<i>and</i>			
<i>Victoria Road,</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 of the Strategic Heritage Officer to the Urban Planning Committee meeting on 27 September 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 of the Strategic Heritage Officer to the Urban Planning Committee meeting on 27 September 2004.

2. THAT 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 be adopted and used in the assessment of development applications for those properties.
3. THAT the individual heritage inventory sheet prepared by Mark Robinson, Architect, Town Planner, Heritage Specialist and amended by Council's Strategic Heritage Officer be adopted and used in the assessment of development applications for the following property:
Eastbourne Road, Darling Point 15 'Kendall Lodge', house and grounds
4. THAT the individual heritage inventory sheet prepared by Council's Strategic Heritage Officer be adopted and used in the assessment of development applications for the following property:
Bellevue Park Road, Bellevue Hill 1A 'Ben Ledi', house and grounds
5. THAT the Woollahra Council Heritage Inventory Sheets for each property nominated in 1 be forwarded to the NSW Heritage Council for their information.
6. THAT the owners of those properties listed in recommendation 1 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.

1.0 Background

At its meeting on 23 September 2002 the Council considered a notice of motion by Councillor Sinclair King and resolved in part:

That a report be brought to the appropriate Committee on an update of the Howard Tanner Heritage List for heritage properties within the Woollahra Municipality.

This report primarily deals with the recommended outcomes of the Preliminary Heritage Investigation by Tanner and Associates for properties within the Residential 2(b) zone in Bellevue Hill, the remaining properties in Rose Bay and one property in Darling Point. A report to the Urban Planning Committee [UPC] on 20 October 2003 and subsequent report on 30 August 2004 concerned the properties in Darling Point, the majority of the properties in Rose Bay and four properties in Bellevue Hill.

Considerable work has been carried out on a review of the Tanner study by Council's heritage officers and by consultants engaged by the Council. An outline of that review is included in sections 2 and 3 of this report. Section 4 of the report sets out the method for listing and nominating heritage properties, which includes consultation with property owners. Section 5 outlines the consultation carried out with property owners to date.

1.1 Preliminary heritage investigation report - Tanner and Associates Pty Ltd

In 1997, Howard Tanner and Associates Pty Ltd completed a preliminary heritage investigation which formed part of the residential study for land zoned Residential 2(b) in Bellevue Hill, Darling Point and Rose Bay. The investigation identified individual properties, building groups, streetscapes, landscape features and areas, and recommended that additional assessment of their heritage significance be carried out.

This study, referred to as the Tanner study, nominated 171 individual properties and forty-eight conservation groups and streetscapes in the three suburbs. The study report generally provided a description and photograph of each property on a preliminary inventory sheet, with a 'star' ranking for 'definite' or 'possible' heritage significance. A third group of properties was ranked by three stars. These properties needed to be accessed to allow better site investigation.

Recommendations for further investigation were made by Tanner and Associates in a summary report dated January 1998 [**Annexure 1**]. A small number of properties, with preliminary inventory sheets, were omitted from the summary report but were included in the 'Tanner study list' that formed the basis for further heritage investigation and assessment. The additional properties that are relevant to this report are listed in **Annexure 2**.

1.2 Additional nominations

Additional nominations have arisen from two sources:

- investigations carried out by the consultants engaged by the Council
- additional properties in the immediate vicinity of the conservation groups nominated by Council officers.

2.0 Review process - Council officers and consultants

A review of the Tanner study recommendations was carried out under the following methodology:

- Preliminary assessment by Council's heritage officers
- Review by independent heritage consultants.

2.1 Preliminary assessment by Council's heritage officers

Council's heritage officers reviewed all the properties in the Tanner study to determine the most appropriate grouping of properties for further assessment by heritage consultants and the scope of works for each project. Properties that were individually assessed in respect of the determination of DAs for alterations and additions or demolition were eliminated from the studies as they occurred. These are listed in sections 3.1, 3.2 and 3.3 of this report.

Before finalising the briefs for the heritage consultants for these projects, an assessment of the heritage values of the properties nominated in the Tanner study was undertaken by Council's heritage officers. This involved at least an aesthetic assessment of each property and some historical research where required, particularly with regard to reviewing original building applications for individual properties. The properties eliminated by Council's heritage officers from the list of properties that were assessed by the heritage consultants are listed in **Annexure 3**.

2.2 Review by independent heritage consultants

Four separate heritage consultants were engaged in staged projects that included a thorough assessment of each of the properties nominated in the study groups:

- Mark Robinson, Architect, Town Planner and Heritage Specialist
- Noel Bell Ridley Smith and Partners Pty Ltd
- INHERITage and
- Colin Brady Architecture + Planning

This report primarily concerns the final group of properties located in Bellevue Hill and Rose Bay assessed by Colin Brady. One property assessed by Mark Robinson in Darling Point is also included. The projects required completion of a heritage inventory sheet using the NSW Heritage Office methodology for assessing heritage significance. The finalised heritage inventory sheets are included in **Annexures 5-7**.

2.2.1 Colin Brady, Architecture + Planning

Colin Brady Architecture + Planning, a heritage consultant, was appointed on 13 November 2002 to undertake heritage assessments of nominated properties in Bellevue Hill, that comprised seven conservation groups and twenty-one individual properties.

The study was carried out in two stages and over two financial years. Due to unresolvable contract issues Mr Brady's commission was terminated on 24 December 2003.

The inventory sheets contained in this report are, where necessary, amended with full acknowledgment of Mr Brady's authorship. Amendments to the inventory sheets are identified as being by Council's Strategic Heritage Officer, Libby Maher.

(i) Review of the potential heritage items

This stage included a description of each building and its setting, a preliminary assessment of heritage significance, and recommendations for potential heritage items, heritage conservation groups, or heritage conservation areas [**Annexure 4**].

(ii) Individual heritage inventory sheets

Heritage item inventory sheets were completed for the nominated heritage items, heritage item groups and heritage conservation areas [**Annexure 5**].

2.2.2 Mark Robinson, Architect, Town Planner and Heritage Specialist

Mark Robinson, Architect, Town Planning and Heritage Specialist was appointed on 14 June 2002 to undertake heritage assessments of nominated properties in Darling Point, including four conservation groups and twenty individual properties. A report on those properties were part of a report to the UPC on 20 October 2003.

(i) Proposed heritage listing of 15 Eastbourne Road, Darling Point

No. 15 Eastbourne Road, Darling Point was recommended by Mr Robinson to be listed as a heritage item. This property was included in the report to UPC on 20 October 2003 but was not exhibited as part of Draft Woollahra LEP 1995 (Amendment No.52) because the property had been wrongly identified as having a heritage listed tree on the site.

The owner of this property had previously made a submission to the UPC meeting of 20 October 2003, contesting the significance of the property and providing additional notes regarding the history of the property and subsequent alterations to the property. A site visit to confirm some of these details has not been permitted by the owner to date.

It was recommended in the report to the UPC on 30 August 2004, which dealt with the exhibition of Draft Woollahra LEP 1995 (Amendment No.52), that No.15 Eastbourne Road be added to the next

group of potential heritage items to be considered by the Council. Minor amendments to the heritage inventory sheet have been made in response to the owner's submission dated 20 October 2003 [Annexure 6].

3.0 Review by other actions

Since the completion of the Tanner study in 1997/1998, periodic review of individual properties and groups has been undertaken in association with three actions:

- Development applications for demolition of buildings
- Development applications for alterations and additions to properties
- Preparation of local environmental plans.

3.1 Development applications for demolition of buildings

The following properties were assessed by Council's heritage officers as part of the consideration given to applications for demolition. The assessment concluded that the following properties did not possess sufficient heritage significance to warrant listing.

(i) Bellevue Hill

5	Banksia Road,	Bellevue Hill	DA 165/96
9	Banksia Road,	Bellevue Hill	DA 130/96
14	Benelong Crescent	Bellevue Hill	DA 153/97
23	Birriga Road	Bellevue Hill	DA 251/97
24	Birriga Road	Bellevue Hill	DA 178/97
30	Birriga Road	Bellevue Hill	DA 159/97
32	Birriga Road	Bellevue Hill	DA 159/97
34	Birriga Road	Bellevue Hill	DA 1052/99
60	Birriga Road	Bellevue Hill	DA 146/98
6, 8	Bundarra Rd	Bellevue Hill	DA 101/98
9	Bundarra Road	Bellevue Hill	DA 1035/99
17	Bundarra Road	Bellevue Hill	DA 640/98
28	Bundarra Road	Bellevue Hill	DA 319/2002
26	Fairfax Road	Bellevue Hill	DA 99/2003
166	Old South Head Road	Bellevue Hill	DA 774/99
229	O'Sullivan Road	Bellevue Hill	DA 297/2001
210	Victoria Road	Bellevue Hill	DA 83/2003

(ii) 1A Bellevue Park Road, Bellevue Hill

A detailed demolition report was prepared by Robin Graham Conservation Architect in response to DA916/2000 for the demolition of this property. Council engaged Colin Brady Architecture + Planning to prepare a heritage assessment that was used in the consideration of the development application. The application was refused for the following heritage reasons:

- 1 *The existing Federation cottage has been nominated as a potential heritage item in the Howard Tanner Report and Council's Heritage Officer has recommended that the cottage be restored and the Woollahra Local Environmental Plan 1995 be amended to include the cottage as an item of environmental heritage.*
2. *The existing cottage is an intact, representative and rare example of the Federation style. Its unusually high degree of integrity makes it significant in terms of heritage conservation and it should be retained.*

Council's Strategic Heritage Officer prepared a heritage inventory sheet based on Mr Brady's assessment. This inventory is included in **Annexure 7**.

(iii) Rose Bay

Demolitions in Rose Bay were listed in the report to the UPC on 20 October 2003. The two-storey Federation Queen Anne style house at No.15 Ian Street was the subject of a successful application for demolition [DA 100/1999]. The significance of this property, with its neighbour at No.13 Ian Street, was recognised in the appeal process in the Land and Environment Court. Woollahra LEP 1995 (Amendment No 29) listed the two properties as heritage items. As the house at No.15 Ian Street has been demolished and the site no longer retains any heritage significance, the property should be deleted from the schedule of heritage items in Woollahra LEP 1995.

3.2 Development applications for alterations and additions

The following properties were assessed by Council's heritage officers as part of the consideration given to applications for alterations and additions. The assessment concluded that the properties did not possess sufficient heritage significance to warrant listing.

(i) Bellevue Hill

Lot 14 [2A] Banksia Road, Bellevue Hill BA901/97

(ii) Rose Bay

Assessments in Rose Bay were listed in the report to the UPC on 20 October 2003.

3.3 Heritage assessments resulting in LEP amendments

The following properties have been included in gazetted or draft amendments to Woollahra LEP 1995.

(i) Bellevue Hill

1 Bellevue Park Road,	Bellevue Hill	Woollahra LEP 1995	Gazetted 10.3.1995
6 Fairfax Road,	Bellevue Hill	Woollahra LEP 1995(Am 36)	Gazetted 13.7.2001

(ii) Double Bay

489 New South Head Road,	Double Bay	Woollahra LEP 1995(Am 51)	Gazetted 30.4.2004
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(iii) Rose Bay

Heritage items gazetted in Rose Bay were listed in the report to the UPC on 20 October 2003.

4.0 Next steps

The main options available to the Council are:

- (a) Prepare a draft LEP that will amend Woollahra LEP 1995 by:
 - listing individual heritage items in Rose Bay and Bellevue Hill
 - listing the individual heritage item in Darling Point
 - listing heritage item groups in Bellevue Hill
 - creating two new heritage conservation areas in Bellevue Hill
- (b) Proceed with some of the listings referred to in (a) following consideration by the Councillors
- (c) Discontinue the process entirely.

Based on the research and assessments that have been carried out, we recommend that option (a), is pursued. This option will include consultation with property owners and the broader public.

4.1 Draft LEP process

If the Council agrees with the recommendation to list the potential heritage items and the heritage conservation areas it may continue the process by deciding to prepare a draft LEP. The preparation of a draft LEP follows a statutory process set down in the *Environmental Planning and Assessment Act 1979* and the *Environmental Planning and Assessment Regulation 2000*. The draft LEP will contain amendments to Woollahra LEP 1995 to include properties in the schedule of heritage items or within a heritage conservation area.

The draft LEP and supporting documentation will be placed on public exhibition for a minimum of twenty-eight days and submissions will be invited. Notice of the exhibition will be sent to the owner of the property and the owners of land abutting the proposed item or area. Advertisements of the exhibition will be placed in the Council's column in the *Wentworth Courier*.

Following the exhibition, a report containing an assessment of all submissions will be prepared for consideration by the UPC. At that time, further presentations by interested parties and property owners may be made to the Committee.

4.2 Recommended heritage items

The following properties, streetscape elements or landscape elements have been recommended for listing as individual heritage items. The heritage inventory sheets for each property are attached in **Annexures 4, 5 and 6** according to the authors identified [in brackets].

(i) Bellevue Hill

7,8,9	Bellevue Gardens	Bellevue Hill	[Brady]
1A	Bellevue Park Rd	Bellevue Hill	[Maher]
98B	Bellevue Rd	Bellevue Hill	[Brady]
40	Birriga Rd	Bellevue Hill	[Brady]
40A	Birriga Rd	Bellevue Hill	[Brady]
40B	Birriga Rd	Bellevue Hill	[Brady]
81	Birriga Rd	Bellevue Hill	[Brady]
81A	Birriga Rd	Bellevue Hill	[Brady]
7	Bundarra Rd	Bellevue Hill	[Brady]
10	Fairfax Rd	Bellevue Hill	[Brady]
12	Fairfax Rd	Bellevue Hill	[Brady]
22	Fairfax Rd	Bellevue Hill	[Brady]
275	O'Sullivan Rd	Bellevue Hill	[Brady]
277	O'Sullivan Rd	Bellevue Hill	[Brady]
165	Victoria Rd	Bellevue Hill	[Brady]
167	Victoria Rd	Bellevue Hill	[Brady]
206A	Victoria Rd	Bellevue Hill	[Brady]

(ii) Rose Bay

17	Ian St	Rose Bay	[Brady]
593	New South Head Rd	Rose Bay	[Brady]
23	Spencer St	Rose Bay	[Brady]

(iii) Darling Point

15	Eastbourne Road,	Darling Point	[Robinson]
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4.3 Recommended heritage conservation groups or heritage conservation areas

Several of the properties included in the Tanner study list were recommended as conservation groups. The term '*Conservation groups*' was defined in the Tanner study as:

a number of items which form a distinct streetscape character. A group can include a minimum of two houses or apartment buildings (pair).

Individual items between or within groups are not necessarily of individual significance but provide contributory in [sic] scale and character to the group.

There are two options available in Woollahra LEP 1995 for listing conservation groups:

- *'heritage item group' defined as:
Two or more heritage items that may or may not be located on one site, that have heritage significance individually and collectively and that are described as a heritage item group in Part B of Schedule 3 [of Woollahra LEP 1995].*
- *'heritage conservation area' defined as:
land shown edged blue and marked 'Heritage Conservation Area' on the heritage conservation map.*

Following a review of the conservation groups by the heritage consultant Colin Brady Architecture + Planning and discussion of the proposed listings with Council's heritage officer, Libby Maher, a number of heritage item groups and heritage conservation areas are recommended.

(i) Heritage item groups

A group of three residential flat buildings and grounds:

<i>Birriga Rd</i>	<i>Bellevue Hill</i>	<i>40</i>	<i>'Dalkeith', residential flat building, garages, stone paving, brick and stone brick retaining walls and stairs</i>
<i>and</i>			
<i>Birriga Rd</i>	<i>Bellevue Hill</i>	<i>40A</i>	<i>'Exeter', residential flat building, garages, stone paving, brick and stone brick retaining walls and stairs</i>
<i>and</i>			
<i>Birriga Rd</i>	<i>Bellevue Hill</i>	<i>40B</i>	<i>'Warrington', residential flat building, garages, stone paving, brick and stone brick retaining walls and stairs.</i>

Three pairs of residential flat buildings and grounds:

<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, Bellevue Hill</i>	<i>275</i>	<i>Residential flat building and grounds</i>
<i>and</i>		
<i>O'Sullivan Road, Bellevue Hill</i>	<i>277</i>	<i>Residential flat building and grounds</i>

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

The heritage inventory listing sheets are included in **Annexure 5**.

(ii) Heritage conservation areas

Two groups of inter-war residential flat buildings at:

- *Victoria Road, Bellevue Hill*
- *Birriga Roads, Bellevue Hill*

are recommended as a heritage conservation areas. The heritage inventory listing sheets are included in **Annexure 5**.

The proposed heritage items and heritage conservation areas are shown on maps in **Annexure 8**.

A potential heritage conservation area, centred on the group of inter-war houses in Fairfax Road, Bellevue Hill was also recommended. This area includes at least the group of contributory houses at Nos 2, 4, 6, 8, 10 and 12 Fairfax Road. No. 6 Fairfax Road is an existing heritage item.

It is recommended that further action on this potential HCA be deferred until the property owners on the southern side of Fairfax Road are informed of the investigations and additional assessment is carried out.

5.0 Consultation with property owners

Consultation with the owners of properties listed in the Tanner study commenced with a letter from Council in March 1998. The owners were advised of the initial study and Council's intention to proceed with more detailed examinations.

Since that time the following consultation has occurred at various stages of the project.

(i) Preparation of draft LEPs

- As indicated in section 3.3 of this report, a number of draft LEPs dealing with potential heritage items and heritage conservation areas have been prepared over recent years. In all instances property owners were informed of the Council's decision to prepare the draft LEPs and were invited to make submissions during the public exhibition stages.

(ii) Consultant reviews

- The owners of potential heritage items in Bellevue Hill, Rose Bay[North] and Darling Point were notified of the appointment of Colin Brady and Marl Robinson at the commencement of their commissions. The property owners were informed that access to their properties may be required as part of the heritage assessment process.

(iii) Report to the Urban Planning Committee 27 September 2004

- Owners of properties in Bellevue Hill, Darling Point and Rose Bay recommended for listing as heritage items and heritage conservation areas have been informed of the report to the UPC. Each owner has been advised of the recommendation relating to their property. The owners of those properties that have been assessed as having insufficient heritage significance for listing were also notified. Where appropriate, owners were sent a copy of the heritage inventory sheet or heritage assessment for their property.

Property owners have been advised that they may make a presentation to the Committee. They have also been informed of the statutory process for listing their property as a heritage item or for its inclusion within a heritage conservation area.

6.0 Identification of income and expenditure

The advertising and notification costs associated with the exhibition of the draft LEP will be met under allocations from the 2004-2005 budget.

7.0 Conclusion

The individual places and the heritage conservation areas nominated in the recommendations to this report are culturally significant to the Woollahra area. It is considered that they merit statutory protection through Woollahra LEP 1995. If the Council resolves to prepare a draft LEP the plan will be placed on exhibition for a period of at least twenty-eight days. This will enable property owners and other interested parties to make a written submission. Following the exhibition, consideration of all submissions will be carried out. Further presentations to the Urban Planning Committee may be made when a report on the submissions is considered.

Libby Maher
Strategic Heritage Officer

Chris Bluett
Manager Strategic Planning

Annexures

- 1 Tanner and Associates Pty Ltd, Preliminary heritage item investigation for the Woollahra Residential Development Control Review for 2(b) zones of Rose Bay, Bellevue Hill, and 2(a) and 2(b) zones of Darling Point, January 1998.
 - 2 Table of properties in Bellevue Hill and Rose Bay [North] with inventories by Tanner & Associates that are additional to those in the Tanner study table [January 1998] contained in Annexure 1.
 - 3 Woollahra Council, Schedule of properties eliminated from the Tanner study list by Council's heritage officers in Bellevue Hill and Rose Bay.
 - 4 Summary of recommendations by Colin Brady Architecture + Planning for various properties in Bellevue Hill and Rose Bay, December 2003
 - 5 Colin Brady Architecture + Planning, Heritage inventory sheets for various properties in Bellevue Hill and Rose Bay, December 2003.
 - 6 Mark Robinson, Architect, Town Planner, Heritage Specialist, Heritage inventory sheet for 15 Eastbourne Road, Darling Point, September 2003.
 - 7 Woollahra Council, Heritage inventory sheet for 1A Bellevue Park Road, Bellevue Hill, July 2004.
 8. Proposed heritage conservation maps showing the location of potential heritage items in Bellevue Hill, Darling Point, Rose Bay and the Birriga Road and Victoria Road Heritage Conservation Areas.
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Item No: R2 Recommendation to Council

Subject: **Nos. 70-78 Edgecliff Road, Woollahra (former Holy Cross College) – request to amend Woollahra LEP 1995 to allow residential flat buildings.**

Author: George Losonci - Senior Strategic Planner
Anita Lakeland – Team Leader Strategic Planning
Chris Bluett – Manager Strategic Planning

File No: 148.82-84

Reason for Report: To respond to a request to amend Woollahra Local Environmental Plan 1995 by including development for the purpose of residential flat buildings as permissible development on the former Holy Cross College site.

Recommendation

THAT Council refuse the request to broaden the range of permissible uses of Nos. 70-78 Edgecliff Road, Woollahra, for the purposes of residential flat buildings for the following reasons:

- (i) The site accommodates an important community facility in the form of a school and there is a demonstrated demand for the continuation of that school.
- (ii) The applicant has not demonstrated that the Special Uses (Existing School) zone is redundant and that the site is or will become surplus to educational needs. Therefore it would be premature for the Council to agree to a change to the permissible uses.
- (iii) The applicant has not adequately demonstrated a demand for residential uses on the site.
- (iv) Inclusion of residential development as a permissible use is inconsistent with the current land use zone and would create an element of confusion with the zone's intention.
- (v) The site is currently being used for the purpose for which it is zoned and therefore the proposal does not meet the requirements for consideration under Option 3 of the Woollahra Housing Study and Strategy 1997.
- (vi) The application is not consistent with objectives within Woollahra LEP 1995 relating to residential development, community services and facilities, traffic and transport, public and private open space, recreation and tourism, the landscape, heritage conservation, and excavation of land.
- (vii) The statement of heritage impact submitted with the application has not adequately identified the heritage significance of the site and its buildings or the heritage impact of the proposed development.
- (viii) The applicant has not given adequate consideration to the protection of the heritage significance of the school, the precinct or the heritage conservation area.
- (ix) The application does not satisfy one or more of Council's criteria for assessing applications that seek amendments to local statutory planning instruments.

THE PROPOSAL

Proposed LEP amendment

An application has been received from Moody and Doyle Pty Ltd, Town Planners, seeking Council's support in principle to amend Woollahra LEP 1995 to broaden the permissible uses of the former Holy Cross College site at 70-78 Edgecliff Road Woollahra to include 'residential flat buildings'. Moody and Doyle Pty Ltd are acting on behalf of the owners of the site, Zandra Pty Ltd.

The applicant has not asked for the site to be rezoned from its current Special Use (Existing School) Zone, but requests that development for the purpose of residential flat buildings be included as an additional use on the site. The intent of the request is to facilitate the future conversion of the existing buildings and grounds to residential flat buildings with associated parking. [Despite the desire to retain the current land use zone, there are numerous references throughout the applicant's documentation referring to a change of zone or a rezoning. These references have been retained in this report where they form part of the applicant's comments and conclusions.]

Should the Council agree in principle to the amendment, the applicant has indicated that they will prepare a master plan for the site and then a site-specific development control plan. Following gazettal of the LEP and approval of the DCP, a development application would be prepared and submitted for Council's consideration. The documentation does not specify whether the development application would be lodged immediately after the planning documents come into effect.

No architectural plans or schematic plans have been submitted with the application. Instead the application sets out the following elements of the residential proposal.

- The residential development will occupy the existing buildings on site with only minor additional structures.
- Total residential accommodation will be 39 x 2 bedroom units and 21 x 1 bedroom units distributed in the following manner:
 - 10 x 2 bedroom units and 14 x 1 bedroom units in the main college/convent building
 - 23 x 2 bedroom units and 4 x 1 bedroom units in the Carrol wing (north-east corner).
 - 6 x 2 bedroom units and 3 x 1 bedroom units in the McCauley wing (north-west corner).
- Parking in a basement car park with access off Edgecliff Road.

Site and context

The site is located on the southern side of Edgecliff Road, in the block bounded by Magney Lane, Convent Lane, Adelaide Street, and Edgecliff Road.

The site contains a number of buildings formerly occupied by the Holy Cross College. The main school and former convent building was built in stages in a Federation Romanesque style. The western wing was initially constructed circa 1908 as two-storeys. An eastern, two-storey wing with a southern projection was approved by Council in 1916. A third level with a partial refacing of the building was carried out in 1935.

To the east of the main convent-college building is a six-storey light coloured face-brick classroom block (the Carroll wing) built circa 1967. To the west and forward of the main building is a dark coloured face-brick two-storey building (the McCauley wing), which was built circa 1968.

The site is currently used as a secondary school by the Reddam House group of schools and provides education to children from Kindergarten to Year 10. The application states that this use is "likely to cease sometime in the future".

The rear, southern side of the site is bounded by Convent Lane. Opposite this boundary is a site comprising an open yard area and a large two-storey building used as a gymnasium by the school. Also to the south, on the opposite side of Convent Lane, is a vacant parcel of land and a number of dwelling houses.

Adjoining the site to the west is a church and hall building owned and used by the Roman Catholic Church. Also to the west are semi-detached and free-standing residences. There is a three-storey residential flat building on the corner of Edgecliff Road and Adelaide Street.

East of the site is a narrow pedestrian lane allowing access from Edgecliff Road through to Convent Lane and Fern Place. Single storey and three-storey terraces are located to the east of the laneway.

The residential character surrounding the site is a mixture of single storey dwellings interspersed with predominantly low-scale inter-war residential flat buildings. These buildings are zoned Residential 2(b) under Woollahra LEP 1995.

Background

The application from Moody and Doyle Pty Ltd was received in April 2003. Council staff reviewed the documentation submitted with the application and determined that there was insufficient information to adequately assess the merits of the proposal. The applicant was asked to submit a background planning study if they wished to proceed with the application. The applicant was informed that the study should include as a minimum the following material and considerations:

- An opportunities and constraints analysis which will clearly identify and demonstrate the most appropriate future use and development opportunities for the site.
- Identification of the exact land to which the application relates.
- The site's context and attributes.
- Land use mix capabilities and compatibility, and the short and long-term sustainability of uses within the locality.
- Site density and density of the locality.
- The site's physical and built form context.
- A conservation management plan for the site.
- Analysis of Council's statutory planning context (current and draft) and the desired future character for the area as well as any relevant State or regional environmental planning policies.
- A traffic and transport analysis in relation to the generation of traffic from all uses proposed on the site and the capacity of the road network to sustain any additional load, with details of the ingress and egress from the site as well as the internal circulation of traffic and pedestrian movements.

It was also indicated to the applicant, that should Council support an amendment to Woollahra LEP 1995, a detailed masterplan and development control plan would need to be prepared for the future development of the site.

In addition to these matters, the applicant was asked to demonstrate how the proposal would satisfy one or more of Council's adopted criteria for the assessment of rezoning applications and applications to amend planning instruments.

The applicant was asked to contact Council's Senior Strategic Planner to arrange a meeting and discuss the matter further prior to commencing additional investigations. This offer was not taken up by the applicant.

In response to the request for additional information, the applicant prepared a background planning study and statement of heritage impact. The additional study and statement of heritage impact are dated 23 January 2004 and November 2003, respectively.

Documentation

1.4.1 Rezoning application report

The rezoning application report (23 April 2003) was prepared by Moody and Doyle Pty Ltd, Town Planners. The report contains a mixture of facts about current conditions, statements about the proposed use of the site for residential purposes and conclusions about the impact of the residential use. Supporting documentation justifying the conclusions is limited to a letter from Masson Wilson Twiney Pty Ltd, Traffic and Transport Consultants (5 February 2003). A summary of the report's content and the conclusions drawn by the applicant is set out below.

Proposed residential flat development

The report states:

- The residential flat building will largely occupy the existing buildings.
- Vehicular access will be from Edgecliff Road with parking facilities being provided underground.
- Site landscaping will be provided with the retention of existing trees.
- Facades of existing building which have architectural merit will be retained.
- The existing buildings which present as more modern additions (such as the 5 storey buildings) will be upgraded and improved.
- A development application would be lodged following gazettal of the LEP for the development.

Bulk, scale and visual impact

The report states:

- The residential flat development will result in little change in height, bulk and scale, with little visual change in the existing development.
- Improvements will be made to the facades of the recent additions at the eastern and western portion of the site.
- Additional landscaping will be provided.

Access, Traffic and Parking

The letter from Masson Wilson Twiney, Traffic and Transport Consultants states:

- *Should driveway access be provided to the site it would be desirable to locate it as far away from the existing pedestrian crossing [in Edgecliff Road] as possible. Two locations have been examined. The first, on the eastern of the crossing at the existing driveway, adjacent to Reddam House. The second access would be near the western boundary of the site. In both instances it is recommended that a nib be constructed on either side of the driveway to improve conditions for vehicles exiting the site.*

The report states that the proposed development will have parking facilities to meet likely future parking requirements of the RTA or Council.

Overshadowing, overlooking and noise

The report states:

- The proposal will not create any additional adverse overshadowing, overlooking or noise impacts on adjoining properties.
- Overlooking will be reduced due to a lower occupancy rate.
- Noise will be reduced on school days during recess and opening and closing hours.

Heritage impact

The report states:

- The site does not contain a heritage item.
- The site is within a heritage conservation area.

- The existing facades of those buildings with architectural value will be retained.
- The facades of the more modern buildings on site will be upgraded.
- A heritage assessment report will be submitted with any future development application.
- The proposed development will enhance the existing development and will make a positive contribution in terms of attributes of the existing HCA.

Location of site

The report states:

- The subject site is ideally suited for a residential flat development as it is within an established residential area being close to public transport, shops, health facilities and the like.

Flora and fauna impact

The report states:

- The proposal is unlikely to have any adverse impact on any endangered flora and fauna because the site is not in a critical habitat.
- A landscape plan, when prepared, will retain the majority of trees on the site as well as embellishing the existing landscaping.

Environmental study

The report states:

- The preparation of an environmental study is not required in the circumstances for the following reasons:
 - The rezoning is not contrary to any general or special directions under s.117 (2) of the *Environmental Planning and Assessment Act 1979*.
 - The proposed rezoning will still retain the existing Special Uses zoning of the site.
 - The proposed rezoning and resulting residential flat development is unlikely to result in any adverse impacts.
 - The subject site appears not to have any risks, hazards or environmental constraints.

Background planning study

As previously mentioned, in response to a request for additional information, the applicant prepared a background planning study. The study includes a statement of heritage impact prepared by Cracknell and Lonergan, Architect and Heritage Consultants, dated November 2003.

The background planning study has four components:

- A heritage assessment.
- Current statutory planning context.
- Discussion on how the proposal meets objectives under Woollahra LEP 1995 for residential density and environmental impact.
- Conclusions.

A brief outline of the content and conclusions of the background planning study submitted by the applicant is provided below. It should be noted that a conservation management plan was requested, but not submitted.

1.5.1 Heritage assessment

The heritage assessment draws on the statements and conclusions contained in the statement of heritage impact. This statement contains a history of the site, a description of the site and streetscape, an assessment of significance (using the NSW State Heritage Register criteria), and a conservation policy. Elements of the statement are summarised below.

Assessment of significance

The statement mentions:

- The site is important as the subdivision of the Adelaide Brewery site for housing and the reconsolidation by the Catholic Church for education purposes – (low) (local).
- The site is important for its association with the Adelaide Brewery and Edmund Resch (low) (local).
- The site is important for its association with the Sisters of Mercy Parramatta and the establishment of the Holy Cross Parish Woollahra (low) (local) (state).
- The Convent-College building (block B) has significance because of its association with the Sisters of Mercy and the establishment of the Holy Cross Parish in Woollahra.
- The Convent-College building is an example of the Catholic institution buildings of the early 20th century in the Federation Romanesque style (not exemplary) (low) (state).
- The Convent-College building is representative of the climatic style by important architects (eg Sulman, Barlow, Sheerin and Hennessy) of the time (low).
- The Convent-College building has landmark qualities (low).
- The Convent-College building has aesthetic significance as a variation to the freestanding institutional buildings for the Catholic Church of the early 20th century.
- The site has social value associated with the Sisters of Mercy community, the local Parish community and former students of the College (low).
- The site has some potential for archaeological evidence related to the Brewery. The Convent-College building is rare at a local level (there are few other similar school buildings in the local government area – Kincoppal, Rose Bay Convent, Kambala, Cranbrook).
- The Convent-College building is representative at a State level, not exemplary, not a significant variation (low).

Conservation policy

The statement mentions:

- The architectural and aesthetic integrity of the existing Convent-College should be retained.
- The statue “Our Lady” should be reinstated to the facade of the building.
- The option of demolition of existing Block C and construction of a new building should consider the scale and character of the immediate streetscape as well as the curtilage of the College building.
- An archaeological assessment should be undertaken to determine any remnant brewery fabric.
- Any future development is to be accompanied by a statement of heritage impact.

The background planning study provides the following two sections about the heritage assessment and conservation of the site. [Statements within these sections could not be found in the heritage consultant’s report].

Discussion of conservation of heritage significance

The study states:

- The history suggests that there may be some archaeological resource at the Edgecliff Road portion of the site.
- The convent building (Block B) has some aesthetic and historic significance. Any development should be restricted to an adaptive reuse of the existing building.
- Block A, whilst architecturally poor, does not diminish or adversely impact upon the significance of Block B. It could be demolished and redeveloped or adaptively reused.
- The rear of the site can be redeveloped or structures adaptively reused.
- It is possible to redevelop the grounds for parking to the level of the ground floor of Block B without adversely impacting on the significance of Block B.

Conclusions of heritage assessment statement

The study states that the heritage consultant's report provides the following opinion:

It is the opinion of this report that the change of zoning of the subject site to residential prima facie will not have any adverse effect on the heritage significance of the Conservation Area or the significance of the place.

1.5.2 Current statutory planning context

The study lists the objectives for heritage conservation and residential development set out in clause 2(2) of Woollahra LEP 1995. No conclusions or statements about the proposal and its relationship to these objectives are provided.

1.5.3 Residential density and environmental impact

The applicant provides comments and conclusions regarding the residential use of the site and likely impact on the natural and built environment under the headings listed below.

Capacity of existing road network

The traffic consultants (Masson Wilson Twiney – Traffic and Transport Consultants) advise there are no objections on traffic or access grounds to the proposed rezoning as Edgecliff Road is a collector road and additional traffic to service the development is within the environmental capacity of Edgecliff Road. The change of use from school to residential will significantly reduce adverse traffic impacts due to the 'levelling out' of peak traffic generating activities.

Availability of parking

Car parking entry and exit will be provided to Edgecliff Road in front of Block B. Parking will be provided to meet the requirements of the RTA or Woollahra Council. The heritage consultant advises that there are no objections to providing car parking structures in the front setback area subject to an archaeological survey being carried out and to the structures being of suitable design to reflect the heritage importance of the College.

Provision of public open space

The site is close to public open space. If necessary public open space can be supplemented by the imposition of section 94 contributions.

Capacity of natural environment

The proposal will not remove any threatened or endangered species. The adaptive re-use of the existing buildings will place less of a load on the natural systems due to a reduction in water and use of raw materials and energy required to provide new building stock.

Capacity of existing utility networks

The availability of existing infrastructure (water, electricity, sewerage etc.) is unlikely to change due to the proposal. Relevant authorities would be consulted.

Level of service by public transport

The subject site is well serviced by public transport and is close to the rail network at Bondi Junction.

Proximity to City centre, schools, shops health services and community facilities

The site is close to Bondi Junction and its shopping, health services and community facilities. Proximity to the City centre is provided by public transport.

Residential density

The proposal will include the conversion of the existing buildings with a total of 39 x 2 bedroom units and 21 x 1 bedroom units.

Car parking

The traffic consultant (Masson Wilson Twiney) advises that Edgecliff Road is of adequate capacity to cope with the additional traffic likely to be generated by the development. Siting of entry and exit driveways will have regard to sight distances and traffic lights. A total of 70 car parking spaces comprising 55 spaces for dwellings plus 15 visitor spaces will be located in the proposed excavated area in the forecourt between block B and Edgecliff Road.

Locational context and site attributes

The location of the site on a collector road and in proximity to a major retail and commercial centre and to transport nodes renders the site ideal for residential use at the density proposed.

Location characteristics

Under this heading the report sets out the description of the Grafton Precinct that is provided in section 3.1.7 of the Woollahra Heritage Conservation Area DCP 2003. No comments or conclusions are provided.

Site attributes

The majority of the existing buildings are of substantial architectural merit and are worthy of long term preservation and adaptive reuse.

The site does not occupy a hazardous environment in terms of flooding, bushfire risk or hazardous industry.

The redevelopment of the site by the occupation of existing buildings is a hallmark of ecologically sustainable development.

There will be substantial savings to the community in terms of construction impacts and infrastructure impacts as a consequence of using the existing buildings.

1.5.4 Conclusions

The applicant draws the following conclusions:

- Residential uses on the site will facilitate the preservation of a substantial built element. The College building has been identified in Woollahra HCA DCP as one of the area's most identifiable landmarks. The proposal will achieve objective O1 of the Woollahra HCA DCP which is: "To ensure that any new work is carried out with due regard to the significance of the building and its setting."
- Community benefits in terms of preservation of quality building stock, minimising construction impacts, reduction in traffic as a consequence of a change in use, use of existing infrastructure and the ability to provide a diverse range in residential accommodation will satisfy Council's long term objectives in Woollahra LEP 1995.
- The proposal will minimise the consumption of non-renewable resources.
- The proposal will facilitate the provision of sustainable housing in both social and environmental terms. It will become a long-term asset to the neighbourhood.
- The proposal will assist in satisfying the increasing demand for housing.
- The proposal will satisfy the changing social and demographic profile of the community.

CURRENT PLANNING CONTEXT

Numerous planning documents in the form of legislation, strategies, development control plans, policies and codes are applicable to the site in either a direct or general way. Many of these documents establish a planning framework that can be used to assess the proposal. They also form important guidelines and directions for establishing a planning outcome for the site that balances owner needs with broader local, municipal and regional needs and requirements.

State and regional planning

2.1.1 Shaping Our Cities

In 1998 the NSW Government released a planning strategy for the Greater Metropolitan Region which comprises Sydney, Newcastle, Wollongong and the Central Coast. This strategy, which is titled *Shaping Our Cities*, focuses on providing housing, jobs and travel in a manner that improves the built and natural environment. The document addresses five strategy areas.

Environment – Built surrounds and natural heritage

Homes – Housing location and choice

Work – Jobs and business opportunities

Travel – Urban structure and access

Action – Leadership and partnership.

Within each of these key areas there are sub-categories, some of which are particularly relevant to the proposal. Briefly, these are:

Environment - urban design principles

- Providing high quality living areas that are safe and secure but well integrated into lively neighbourhoods.
- Seeking excellence in design and efficiency in employment areas to attract investment and help competitiveness.
- Relating new development to its built and natural context and providing attractive urban spaces.
- Providing convenient and pleasant pedestrian environments made safe by community activity.
- Maintaining local character, cultural identity and continuity with responsive designs in neighbourhoods and heritage areas.

Environment – air quality

- Reducing the need for travel, the length of trips and dependence on the car.

Homes – supply

- Pursue opportunities for increased housing in transport corridors, centres and close to job concentrations.

Homes – choice

- Employ better urban design solutions to fit new housing types into existing neighbourhoods.

Homes – accessibility

- Increase residential densities close to public transport to ensure that it is fully utilised.

Travel – urban structure

- Provide higher density housing and employment along new and existing major public transport corridors.

An assessment of the proposal against these strategies is provided in **section 3.1.1** of this report.

2.1.2 State environmental planning policies

The *Environmental Planning and Assessment Act 1979* (the Act) requires councils to consider State environmental planning policies (SEPP) as part of the draft LEP process. When reporting to the Director-General of Planning after the public exhibition phase, councils must provide a statement that specifies those SEPPs that have been taken into consideration and whether the draft LEP is consistent or justifiably inconsistent with the SEPPs. The following SEPPs are relevant to the site and to the proposal.

- *SEPP No.1 – Development Standards* – applies to the current 9.5 metres maximum height control for the site.
- *SEPP No.4 – Development Without Consent and Miscellaneous Exempt and Complying Development* – applies for the school use for the purpose of the erection and use of portable classrooms. Also applies for conversion of fire alarms as complying development and for the provision of rainwater tanks as exempt development.
- *SEPP No.9 – Group Homes* – will apply where residential flat buildings are permissible with consent.
- *SEPP No.11 – Traffic Generating Development* – applies for the school use.
- *SEPP No.32 – Urban Consolidation (Redevelopment of Urban Land)* – applies to the process of preparing the draft LEP. To the fullest extent practicable the aims and objectives of the policy are to be implemented. Clause 2 of the Policy sets out the aims and objectives:

This Policy aims:

- (a) *to promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development, and*
- (b) *to implement a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:*
 - (i) *the location of housing in areas where there are existing public infra-structure, transport and community facilities, and*
 - (ii) *increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and*
 - (iii) *the reduction in the rate at which land is released for development on the fringe of existing urban areas.*

The objectives of this Policy are:

- (a) *to ensure that urban land suitable for multi-unit housing and related development is made available for that development in a timely manner, and*
- (b) *to ensure that any redevelopment of urban land for multi-unit housing and related development will result in:*
 - (i) *an increase in the availability of housing within a particular locality, or*
 - (ii) *a greater diversity of housing types within a particular locality to meet the demand generated by changing demographic and household needs, and*
- (c) *to specify:*
 - (i) *the criteria which will be applied by the Minister to determine whether the redevelopment of particular urban land sites is of significance for environmental planning for a particular region, and*
 - (ii) *the special considerations to be applied to the determination of development applications for multi-unit housing and related development on sites of such significance.*

- *SEPP No.55 – Remediation of Land* – applies to the process of preparing the draft LEP and will apply to future development on the site.
- *SEPP No.64 – Advertising and Signage* – currently applies and will apply to the site.
- *SEPP No.65 – Design Quality of Residential Flat Development* – design quality principles apply in regard to residential flat development.

An assessment of the proposal against these SEPPs is provided in **section 3.1.2** of this report.

2.1.3 Directions under section 117 of the Act

Section 117 of the Act provides that the Minister for Planning 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.

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 subject site.

Although the directions apply to the preparation of draft LEPs, and therefore are envisaged to be used once a decision has been made to prepare a draft LEP, it is prudent to use them as a form of consideration in this instance, particularly as a development concept is proposed.

All directions have been examined and the following general direction has identified for further consideration as it is relevant to the proposal and the future development of the site.

General direction *G.21 – Conservation of environmental heritage and ecological significant items and areas* – requires provisions to facilitate the conservation of heritage items and heritage conservation areas. Under this direction a council must ensure that “where a draft LEP applies to land on which a building, work or relic is situated or which comprises a place, being a building, work, relic or place of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance for the local government area.... the plan shall contain provisions to facilitate the conservation of that building, work, relic, place or area.”

An assessment of the proposal against this direction is provided in **section 3.1.3** of this report.

Local planning

2.2.1 Woollahra LEP 1995

Under Woollahra LEP 1995 the following provisions apply to the site:

- | | |
|-------------------------|--|
| <i>Land use zone</i> | Special Uses 5 – (Existing School) |
| <i>Height controls</i> | 9.5 metres maximum |
| <i>Density controls</i> | There are no floor space ratio or minimum allotment size controls applying to the site |
- *Heritage* The site is located within the Woollahra Heritage Conservation Area

The Special Use Zone applies to land that is used or reserved for government and community facilities. These facilities include railways, roads, defence installations, hospitals, schools, churches, police stations and lighthouses. The full description of the zone as it may apply to a site is therefore related to the specific land use occurring on the land or proposed for the land. In this case the description reflects the current use of the land, namely “existing school”.

The Special Use Zone has a number of objectives. The relevant zone objective applying to the subject site is:

To identify land which is used for particular public and community facilities, educational facilities, railway purposes or urban infrastructure.

Woollahra LEP 1995 also contains general planning objectives that are relevant to the site. These objectives relate to:

- residential development
- community services and facilities
- traffic and transport
- public and private open space, recreation and tourism
- the landscape
- heritage conservation
- global warming
- urban design

Annexure 1 contains an extract from Woollahra LEP 1995 showing these objectives.

An assessment of the proposal against the relevant provisions of Woollahra LEP 1995 is contained in **section 3.2.1** of this report.

2.2.2 Woollahra DCPs

Woollahra Heritage Conservation Area DCP

The Woollahra Heritage Conservation Area Development Control Plan (HCA DCP) is a precinct-based DCP. The plan contains:

- A description of the important character elements for the conservation area and for each of the seven defined precincts within the area.
- Statements of significance for the conservation area and for the seven precincts.
- Specific precinct development controls.
- Development controls for significant items and group significant items.
- Development controls for eleven building types.
- General development controls for matters such as building location, materials, open space, parking, advertising, privacy, fences and energy efficiency.
- Development controls for the public domain.

The site is located within the Grafton Precinct and is listed as a contributory item in part 5 of the DCP. The significant characteristics of the Grafton precinct include:

- Residential architecture dominated by a variety of housing types from the late-Victorian and Edwardian periods, with some inter-war housing.
- A south to north sloping topography that creates streetscapes with repetitive stepped roof forms.
- A restricted palette of building materials and details, generally identifiable as Victorian, Federation or transitional.
- The commercial centre along Edgecliff Road (near the subject site), which includes shops from the Victorian period and commercial buildings from the inter-war period.

- Significant public buildings include Holy Cross Catholic Church, Reddam House School (formerly Holy Cross College) and the synagogue and Jewish community centre in Saber Street.

The statements and controls that are applicable to the subject site are:

- Specific statement on the significant characteristics of the Grafton Precinct (clause 3.1.7).
- Special controls for significant items (clause 3.2)
- Special controls for religious, institutional and public buildings (clause 3.3.10)
- General controls for development (clause 3.4).

Other DCPs and plans

A number of other DCPs and plans apply to the site:

DCP for Off-Street Car Parking and Servicing Facilities – applies for the purpose of calculating car parking and servicing requirements for non-residential uses on the land. Car parking requirements for residential uses are set out in the general controls of the Woollahra HCA DCP.

Woollahra Exempt and Complying Development DCP – applies to the current school use and would be applicable for residential use of the site.

Woollahra Section 94 Contributions Plan 2002 – applies for a change in use of the site that would result in a net increase in residential dwellings.

An assessment of the proposal against the Woollahra HCA DCPs is contained in **section 3.2.2** of this report.

2.2.3 Woollahra Housing Study and Strategy 1997

The Woollahra Housing Study and Strategy 1997 was carried out in response to the NSW Government's housing strategy initiatives which included regional and State plans and policies aimed at achieving urban consolidation. The purpose of the study and strategy was to make an objective assessment of the current and likely nature of residential development in the Woollahra Municipality and to determine appropriate strategies and residential actions and controls for future housing. The Council submitted the strategy to the then Department of Urban Affairs and Planning in order to gain exemption from *State Environmental Planning Policy No.53 – Metropolitan Residential Development*.

The study and the strategy consciously employed a methodology that addressed natural and built considerations including those relating to:

- Infrastructure capacity
- Impacts on local amenity
- Protection of scenic and landscape qualities
- Retention of heritage significance.

Hence, the strategy report identified that “As the Municipality is fully developed, the opportunities for further increases in residential densities are limited by the road network, the sewerage and drainage capacity and development impacts on the amenity, economy, environment and architectural character”. (pp. 3-4)

The report provided a set of objectives for future housing provision in Woollahra. The following objectives are relevant to the proposal:

- *To increase residential densities in selective areas, which demonstrate capabilities for development.*
- *To recognise the importance of retaining the heritage significance of Woollahra and ensure that these qualities are enhanced and maintained.*
- *To recognise that there is a place for incremental development where appropriate local controls can ensure residential harmony and retain the essential character. (p. 4).*

Eight housing strategy options were identified. These options dealt with particular land use categories (such as dual occupancy and housing for aged or disabled people) and with land use zones (residential, commercial and special use zones).

Option 3 – Land currently zoned for Special Uses – is relevant to the proposal. The strategy action and implementation tasks for option 3 are:

Strategy Action

Consider opportunities for selective alternative uses on sites currently zoned for special uses.

Implementation tasks

- *Undertake a review of all land currently zoned Special Uses under Woollahra LEP 1995 and prepare an inventory of all sites. Priority should be given to sites which are capable of redevelopment and have ceased being used.*
- *Establish a list of development parameters for compliance in the development of a site for an alternative residential use.*
- *Encourage redevelopment of land currently zoned 5(a) Special Uses by not applying a floor space ratio to the site, and allowing instead a merits-based assessment of development proposals.*

An assessment of the proposal against the Woollahra Housing Study and Strategy 1997 is contained in **section 3.2.3** of this report.

2.2.4 Heritage investigations

The heritage significance of the Holy Cross College site has been documented in three investigations commissioned by the Council.

Bondi Junction Heritage Study (August 1987)

In this study, undertaken by Annette Green, Heritage Consultant and Dawson Brown Partnership Pty Ltd, the main school building was recognised for its historic and aesthetic significance. The inventory sheet for the site (**annexure 2**) contained the following statement:

The main building facing Edgecliff Road is a large 3 storey brick structure of a symmetrical design with 3 square bays linked by a triple storey colonnade. Its design is typical of the many institutional buildings developed by the church during this period [early 20th century], but it is significant within the local context for its historical relationship with the development of the Bondi Parish and for its visual contribution to the Edgecliff Road streetscape. This setting is enhanced by the landscaped grounds and the tall brick and iron fence to the front boundary, but its character and quality has been diminished by the more recent school building on its eastern side.

Woollahra Heritage Conservation Area DCP background study (2001)

Research and field work carried out by Allen Jack and Cottier in 2001 identified a number of potential heritage items that required further investigation. The main building of the Holy Cross College was included in that list.

Woollahra Heritage Conservation Area potential item review

In December 2003, Graham Brooks and Associates, Architects Planners and Heritage Consultants, were engaged by Council to carry out further research and make recommendations on the potential heritage items arising from the Woollahra Heritage Conservation Area DCP background study.

A preliminary inventory sheet for the site was submitted by the consultants in August 2004 (**annexure 3**). The draft statement of significance states:

The former Holy Cross College is a fine example of an early 20th century scholastic institutional style building. It has a landmark presence along Edgecliff Road and as part of the Woollahra locality. It was built primarily in three stages between 1908 and 1935, yet skilfully presents as one uniform building.

The former college has a strong social, cultural and spiritual connection with the Woollahra community, as well as [with the] Sisters of Mercy community and associated colleges.

The long-standing continued use of the building as an educational institution has some associate significance. The building and site [have] strong social ties with the Sisters of Mercy community, as well as the former parish and school communities.

The site forms part of the former site of the historic Waverley Brewery. Although no physical evidence of the brewery is obviously apparent, there is some archaeological potential.

The consultants provide three recommendations:

1. Listing the site as a heritage item under Woollahra LEP 1995.
2. Consider listing the site as part of a group with the neighbouring Holy Cross buildings to the west.
3. A conservation management plan should be prepared prior to any proposals for works to the building/site.

Reports on the consultant's work are scheduled for consideration by Council during the second quarter of the 2004 –2005 financial year.

A heritage assessment of the proposal is contained in **section 3.2.4** of this report.

ASSESSMENT OF PROPOSAL

An assessment of the proposal may be carried against the documents, policies, strategies and studies identified in section 2.0 of this report. This material can be grouped under three topics:

State and regional planning context

Local planning context

Council's criteria for assessing proposals to amend planning instruments.

Because the proposal does not take the form of a development application, and therefore is not accompanied by architectural and landscape plans, or by detailed specialist reports and a statement of environmental effects, it is not possible to undertake a full environmental assessment. However, comments on the statement of heritage impact are possible and limited comments can be provided for matters such as parking, excavation, landscaping and open space.

State and regional planning context

3.1.1 Shaping Our Cities

In its conceptual form the proposal is consistent with those strategies in *Shaping Our Cities* that address the supply and accessibility of housing and the strategies that relate to travel and the provision of a compact urban structure. The proposal would:

- Provide an increase in housing close to a transport corridor, a major commercial centre and to job concentrations (housing supply).
- Provide increased residential densities close to public transport, thereby facilitating use of that transport (housing accessibility).
- Provide higher density housing close to an existing major public transport corridor (travel and compact urban structure).

In regard to the environmental strategy and the issue of improving urban areas through adherence to urban design principles, it is not possible to conclude that the proposal would be acceptable because design schemes have not been submitted at this stage.

The proposal, however, should not be viewed in a simplistic and isolated manner. The State Government's strategy advocates the creation of increased housing opportunities in a balanced and environmentally sensitive fashion. Furthermore, the State Government has not imposed requirements for new housing on Woollahra through overriding State legislation such as *SEPP No. 53 – Metropolitan Residential Development*. Instead, the Council has been given responsibility to plan for housing needs through local strategies, but with recognition of the objectives of *SEPP No. 53* and State strategies such as *Shaping Our Cities*.

Therefore, the future provision of additional housing is not in itself a sufficient reason to allow a change to the planning controls applying to the site. There are other land use and environmental considerations particular to the site and to the local and broader community that must be taken into account. These considerations are presented in other sections of this report.

In conclusion, the proposal cannot be fully supported on the basis of a consideration against relevant strategies contained in *Shaping Our Cities*.

3.1.2 State environmental planning policies

Based on the material submitted with the application the proposal is consistent with relevant SEPPs with the exception *SEPP No.32 – Urban Consolidation (Redevelopment of Urban Land)*. Some discussion about this Policy and its relationship to the proposal is required.

Whilst this Policy advocates the provision of additional housing in established urban areas, in particular multi-unit housing, its application is qualified to urban land “which is no longer required for the purpose for which it is currently zoned or used.” Satisfaction of this criterion, in the first instance, is fundamental if *SEPP No.32* is to be used as a means of justifying a proposal. [It is also relevant to considerations under the Council’s “rezoning criteria”, which are discussed in section 3.3 of this report.]

The site has a long history of use for educational purposes. Whilst the operation of Holy Cross College ceased with the site’s sale, a school use has continued under the current tenant, Reddam House. At present, the property is being used as an active educational establishment catering for children from Kindergarten to Year 10. The applicant’s proposal suggests that, although the site is currently being used as a school, this use will cease in the future. However, the applicant does not confirm when the school use will cease, or does the applicant submit that that current land use zone and use of the site will become redundant. Reddam House, on the other hand, has indicated that there is a strong demand for the school’s services and has also suggested a long-term commitment to the site (**annexure 4**).

Based on this information, it cannot be concluded that the site “is no longer required for the purpose for which it is currently zoned or used.” Accordingly, it is considered that the proposal cannot be justified under *SEPP No.32*.

3.1.3 Ministerial directions

Ministerial direction G21, referred to in section 2.1.3 of this report, is relevant for two reasons. First, the site is located within the Woollahra Heritage Conservation Area. The recently approved Woollahra HCA DCP lists the site as a contributory item within the HCA. The direction is also relevant due the current considerations being given to listing the site as a heritage item.

Should the Council decide to prepare a draft LEP for the site, the Council would need to ensure that the plan contains provisions to facilitate the conservation of significant elements on the site. However, because the site is affected by the existing heritage conservation provisions under Part 4 of Woollahra LEP 1995, this issue is partly resolved. The question then turns to whether additional provisions are required under a draft LEP. For instance, is there a need to include provisions to protect and conserve significant internal fabric within the original school and convent building? Should there be a special provision linked to an approved conservation management plan for the site which will guide and place obligations on the preparation, assessment and determination of a development application?

Both questions are relevant to the proposed listing of the site as a heritage item (discussed in section 2.2.4). It has been noted that the Council’s consultants have prepared a preliminary heritage inventory sheet for the site. The consultants recommend that a conservation management plan be prepared prior to any proposals for works to the main building and site being undertaken.

The need for a conservation management plan applies to the current use of the site, but more so to the subject proposal which envisages a distinct change of use that will require substantial internal alterations to the main building together with major works, including excavation, within the building’s primary setting.

The Council’s Heritage Officer has also highlighted the need for a conservation management plan in her comments on the proposal (**annexure 5**). She states:

The rezoning application should not be supported because the supporting information provided by the applicant is inadequate to formulate policies to protect the heritage values of the place. General Direction G21 requires a draft local environmental plan to contain provisions which will facilitate the conservation of a building, relic or place. These provisions are unable to be determined without a conservation management plan prepared in accordance with NSW Heritage Office guidelines. The CMP is to include an assessment of heritage significance as well as an assessment of the archaeological potential and landscape features of the site.

Based on the requirements of Ministerial Direction G21, it is reasonable and appropriate for the Council to request a conservation management plan for the site as part of the draft LEP considerations. The applicant has declined to provide a plan, but has submitted a statement of heritage impact. The Council's Heritage Officer has assessed the statement and concludes that it is deficient in a number of key areas (**annexure 5**).

In light of these comments it is considered that a decision to prepare a draft LEP for the site based on the proposal would be unjustifiably inconsistent with Ministerial Direction G21.

Local planning context

3.2.1 Woollahra LEP 1995

Based on an assessment of the proposal against the relevant Special Use Zone objectives and general planning objectives applying to the site the following conclusions are formed.

Special Uses (Existing School) Zone

The proposed inclusion of development for the purpose of residential flat buildings as an additional permissible land use on the site is inconsistent with the relevant objective of the zone. The role of the zone, as expressed in the objective, is to identify land that is used or is intended to be used for community and public facilities. In this case the zone is specific to development for the purpose of a school. Current use of the site for school purposes meets the zone objective. Development for the purpose of residential flat buildings does not satisfy the zone objective.

Mixing development types under a site-specific land use zone that reflects a single use creates confusion and does not promote orderly management of the land.

As the site is being used as a school and, based on statements from the applicant, will continue to be used for that purpose for an unspecified time, the proposal to include residential flat buildings as a permissible land use is considered to be premature.

General objectives of Woollahra LEP 1995

Residential development

The ability of the proposal to satisfy the residential development objectives is questionable for a number of reasons:

- The need for additional residential development has not been substantiated in the context of broader community planning considerations. This includes considering the need for land use types to meet population demands. In this regard the current use of the land for educational purposes is meeting a community demand. Evidence provided by the existing tenant, Reddam House, suggests that there is a shortage of school sites and that a demand for smaller independent schools will remain.

- Suitability of the site for residential development cannot be justified solely on the basis of proximity to a transport corridor, commercial centres and community facilities. Consideration must also be given to potential environmental impact, including the potential impact that residential development may have on the heritage significance of the site and the conservation area.

Community services and facilities

The Special Use Zone applying to the site caters for a community facility that is meeting current and likely future educational needs of the population. It is proper for the Council in its role as a planning authority to ensure that adequate opportunities are available for the provision of community facilities such as schools.

One way of achieving this is to provide appropriately zoned land. The Special Use (Existing School) zone is unambiguous in its intention. Inclusion of residential development as a permissible use is inconsistent with the current land use zone and would create an element of confusion with the zone's intention. It could also be seen as a change in commitment to the provision of important community facilities.

There is no information before the Council to indicate that the site is not required for educational purposes and that the current zone is redundant. Therefore, it would be premature to include residential development as a permissible land use.

Traffic and transport

Compliance with these objectives cannot be fully carried out until a detailed development proposal is submitted. However, from the information provided in the proposal the following points are noted:

- The applicant's estimate of 70 parking spaces does not comply with the 95 spaces (80 resident and 15 visitor) required under the Woollahra HCA DCP.
- Location of underground car parking facilities between the original school/convent building and Edgecliff Road is questionable due to the potential adverse impact on the building's primary setting, possible damage to the building, the loss of deep soil landscaped area, and likely removal of existing vegetation that contributes to the setting.

Public and private open space, recreation and tourism

Compliance with these objectives cannot be fully carried out until a detailed development proposal is submitted. However, from the information provided in the proposal it is likely that there will be loss of deep soil landscaped area and loss of existing vegetation due to an intention to provide car park facilities in the Edgecliff Road frontage. The loss of these features and conditions will have a negative impact on the significance of the original building and its setting, and a negative impact on the Edgecliff Road streetscape.

The landscape

The comments provided for public and private open space, recreation and tourism are also applicable for the landscape objectives.

Heritage conservation

There are strong grounds for arguing that the proposal does not meet the heritage conservation objectives. Comments provided by the Council's Heritage Officer (**annexure 5**) should be read in this regard.

Global warming

Compliance with these objectives cannot be fully carried out until a detailed development proposal is submitted.

Urban design

Compliance with these objectives cannot be fully carried out until a detailed development proposal is submitted.

Excavation of land

There are concerns about the proposal's ability to meet one of the objectives in this category which relates to protection of trees and significant vegetation. It has been mentioned that due to an intention to locate parking facilities in the Edgecliff Road frontage there is likely to be a loss of deep soil landscaped area and existing vegetation.

3.2.2 Woollahra HCA DCP

A full assessment under Woollahra HCA DCP is not possible because detailed plans, specialist reports or a conservation management plan have not been provided with the application. However, the application does contain a statement of heritage impact and numerous statements about the provision of off-street car parking. Therefore, it is possible to make a limited assessment against those objectives and controls within the DCP that relate to the conservation of significant items and the provision of off-street car parking.

Conservation of significant items and group significant items (clause 3.2.1)

The application promotes the adaptive re-use of the school buildings and the conservation of the original building as positive features of the proposal. However, there is no documentary evidence within the two planning reports or in the statement of heritage impact to support the applicant's opinions about the negligible impact on the heritage significance of the site.

Clause 3.2.1 of the DCP sets out the objectives and controls for the conservation of significant items. The controls relate to:

- Retention and conservation of significant fabric and building forms.
- Demolition of internal features, including walls.
- Works to principal building forms, original external elevations and to the setting of items.
- Retention of gardens, trees, archaeological deposits, fences, paths and other contributory landscape elements.

An understanding of significant fabric and significant internal and external spaces is critical to a proper assessment of a proposal under these controls. The key document for providing this understanding is a conservation management plan. The need for a conservation management plan as part of the development process is recognised in the DCP and is specifically highlighted for the Holy Cross site in *clause 3.3.10 – Religious, institutional and public buildings*. Control C1 in clause 3.3.10 of the DCP specifies that “Work to significant religious, institutional or public buildings must conform to the management policies contained in a CMP adopted by the Council.”

Compliance with the controls within clause 3.2.1 could not be satisfied at this stage for the following reasons:

- The statement of heritage impact has not identified and graded the significant fabric and spaces of buildings on the site, in particular the fabric and spaces within the original school building.

- The statement of heritage impact has not identified and graded the significant elements and spaces of the site, in particular those elements and spaces that form the setting of the original school building.

Further comments on this topic are provided by the Council's Heritage Officer (**annexure 5**) and in section 3.2.4 of this report.

Parking and garages (clause 3.4.9)

Based on the information contained in the application, the development concept would not meet the following controls:

- A total of 95 car parking space would be required (80 resident and 15 visitor spaces). The application nominates 70 spaces, which results in a deficiency of 25 spaces. [It would appear that the applicant has used the incorrect car parking rates].
- Parking is to be provided in an excavated area between the original school building and Edgecliff Road. Although there is a rise in levels from the roadway to the ground floor of the school building, it is not clear whether this rise is sufficient for a parking structure to be constructed totally underground. Notwithstanding this, the controls require all parking to be provided behind the front building alignment. Provision of parking in this location is also questionable due to the likely adverse impact on the setting of the original school building and the impact on streetscape.

3.2.3 Woollahra Housing Study and Strategy 1997

Option 3 of the Strategy, as mentioned in section 2.2.3 of this report, is relevant to the proposal. The strategy action for this option establishes that opportunities for selective alternative uses of sites currently zoned Special Uses should be considered. However, the Strategy specifies that priority should be given to sites that are capable of being redeveloped and have ceased being used for the purpose for which they are zoned. In addition to this criterion, proposals for additional housing would need to satisfy the broader housing objectives in the strategy document relating to:

- The suitability of the site and area for increases in residential densities.
- The retention of heritage significance.
- The retention of important local character elements.

In its final stage the proposal would involve conversion of the site and buildings to a residential use. Whilst this might appear to meet the general thrust of the Housing Strategy, it is considered that the proposal in its current stage fails to meet the relevant criteria and objectives of the Strategy. The proposal is not support for the following reasons:

- Use of land for the purpose of a school has not ceased.
- The applicant has not demonstrated that the school use is superfluous to community needs.
- The applicant has not adequately identified heritage significance of the site and its buildings in the manner set down under established heritage conservation procedures.
- The applicant has not demonstrated through established heritage procedures that the proposal would not have a detrimental impact on the heritage significance of the site or that impact would be mitigated through implementation of identified conservation policy.
- The applicant has not demonstrated that the important local character would be retained.

3.2.4 Heritage conservation

The Team Leader – Heritage Development Assessment has reviewed the documentation provided with the application and has provided a detailed comment (**annexure 5**). The conclusions of the review are provided in full below:

1. *The proposed rezoning does not meet the heritage conservation objectives of the Woollahra Local Environmental Plan 1995.*

2. *The rezoning application should not be supported as the supporting information submitted by the applicant has not adequately assessed the heritage significance of the place nor adequately assessed the heritage impact of the proposal. The assessment of heritage significance is important as it provides the basis for decisions about the place. The heritage impact statement should be prepared in accordance with NSW Heritage Office guidelines. In addition, the application has not clearly described the extent of the proposed work associated with the rezoning. Documents, which include information such as buildings or other structures to be demolished, buildings to be adaptively re-used, building envelopes, materials, landscaping, carparking, new buildings and any staging should be provided.*
 - (i) While the information provided by the applicant was inadequate, it is sufficient to raise concerns about the impact of the proposal on the heritage values of the place.

3. *The rezoning application should not be supported as it has not demonstrated that adequate consideration has been given to the protection of the heritage significance of the school, of the precinct in which the site is located, nor of the Woollahra Heritage Conservation Area. It is considered that the proposed rezoning and associated work would have an adverse impact on the heritage values of the place. The reasons for this are discussed above but can be summarised as follows:*
 - *The existing school use appears to be a viable continuing use for the site and is compatible with the historical use of the site as a school. Adaptive re-use of the existing buildings therefore cannot be supported on the grounds that a viable compatible use of the existing site cannot be found.*
 - *The proposed residential use of the main school building would require considerable change to the existing external and internal fabric of the main school building, which has significance for its historical and aesthetic values.*
 - *The proposed reinstatement of the statue of “Our Lady” which would mean that the statue is lost to the Catholic community for whom it has value.*
 - *The proposed retention of the modern school block, a building which is not compatible with the character of the precinct or conservation area. This building should be demolished or extensively reduced in scale in any adaptive re-use.*
 - *The proposed changes to the front garden area. This would result in the loss of the significant garden elements, would affect the setting of the main school building, and the character of the conservation area streetscape.*
 - *The potentially adverse impacts on any archaeological resources.*
 - *The absence of any proposed work which would have a positive heritage impact.*

4. *The rezoning application should not be supported because the supporting information provided by the applicant is inadequate to formulate policies to protect the heritage values of the place. General Direction G21 requires a draft local environmental plan to contain provisions which will facilitate the conservation of a building, relic or place. These provisions are unable to be determined without a conservation management plan prepared in accordance with NSW Heritage Office guidelines. The CMP is to include an assessment of heritage significance as well as an assessment of the archaeological potential and landscape features of the site.*
5. *The rezoning application should not be supported as it has not demonstrated that the existing and historic use of the site as a school is not a viable continuing use for the site and one which meets the needs of residents. While many heritage buildings within the municipality have been successfully adapted to new uses the adaptive re-use as proposed in the rezoning application cannot be supported.*

Woollahra policy on applications to amend planning instruments

Council has adopted three criteria for assessing applications that seek amendments to local statutory planning instruments such as Woollahra LEP 1995.

1. *The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal benefit.*
2. *That generally proposals for suspension [rezoning] should only be considered by the Council where precinct planning has reached the stage of adoption by the Council as a policy.*
3. *That [rezoning needs to be considered] where there appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study.*

Although the applicant has made numerous statements and submitted specialist reports in support of the proposal, justification of the proposal specifically against the criteria has not been provided. Therefore, the following comments are based on the general information provided in the applicant's submission.

Criterion 1 - The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal benefit

The following guidelines were used to assist in the assessment under this criterion.

A “**benefit**” in a planning sense would be the provision of a service or facility, an improvement of some type, or something for the good of people or a thing (such as the natural environment). It should not be something that is normally expected of new development such as good design, or something that would be required under planning controls such as the conservation of significant items and areas or the mitigation of environmental impact. It should also not be the retention of an “existing” benefit.

A “**clear and tangible**” metropolitan or municipal benefit must be:

- Real or actual, rather than imaginary or visionary.
- Definite, not vague or illusive.
- In the case of an asset, capable of being possessed or realised.

The applicant considers that community benefits will result due to the preservation of quality building stock, minimisation of construction impact, reduction in traffic generating activities, use of existing infrastructure and provision of residential accommodation. Aside from the provision of residential accommodation, these are outcomes that would be required under current planning controls or by conditions of consent for a development application. In this sense they are not benefits.

Reuse of the site for residential purposes would satisfy long-standing urban consolidation and heritage conservation strategies if carried out sensitively. However, such development is common within inner city areas, including Woollahra, and is often a consequence of land use evolution where sites have become surplus or uses have become redundant.

The applicant has not demonstrated any unusual or unique quality of the intended residential development that would point to the provision of a clear and tangible metropolitan or municipal benefit.

Based on these points it is considered that the proposal does not satisfy criterion 1.

Criterion 2 - That generally proposals for suspension [rezoning] should only be considered by the Council where precinct planning has reached the stage of adoption by the Council as a policy

The site is located within the Woollahra Heritage Conservation Area and is subject to the provisions of the Woollahra HCA DCP, which came into effect in two stages: on 3 December 2003 for the existing HCA; and on 27 April 2004 for an area that was added to the HCA.

The background research for the DCP, which included townscape and heritage investigations, represents the most recent planning review for the heritage conservation area. These investigations provided a foundation for the planning and heritage conservation controls within the DCP.

The investigations did not address the appropriateness of land use zones or broader planning topics such as the provision of housing, services and infrastructure. Instead, they focussed on the production of development and conservation controls.

However, the investigations have resulted in the following provisions within the DCP that reinforce the importance of the site and its significant buildings and features:

- Reference to Reddam House (the former Holy Cross College) as a significant public building within the Grafton Precinct (clause 3.1.7).
- Listing of the former Holy Cross College site as a significant item (Part 5 schedule).
- Recognition of the churches and schools, including the former Holy Cross College, as being among the area's most identifiable landmarks (clause 3.3.10).
- A requirement that work to significant religious, institutional or public buildings (including the former Holy Cross College) conform to the management policies contained within a conservation management plan adopted by Council.

The investigations also resulted in the identification of potential heritage items, one of which is the subject site. Further research on these potential items has been carried out and the outcomes will be presented to the Council in future reports to the Urban Planning Committee. The preliminary heritage inventory sheet for the site is attached as **annexure 3**.

Whilst the recent Woollahra HCA exercise did not address the current land use zone and range of permissible uses on the site, it did recommend that future development of the land be directed by a site-specific conservation management plan. Preparation of such a plan in the manner set down in the NSW Heritage Office Guidelines would enable important information to be gathered and analysed, including:

- An investigation of significance through historical research
- Identification of significant fabric and features
- Identification of contributory matters such as archaeological potential
- Identification of opportunities and constraints, including the requirements and needs of the landowner and proposals for future land use

Criterion 3 - That [rezoning needs to be considered] where there appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study

The site has been zoned Special Uses (School) under Woollahra statutory planning instruments since December 1972 when the first local planning instrument, the Woollahra Planning Scheme, was gazetted. The current Special Use (School) Zone under Woollahra LEP 1995 is appropriate for the Reddam House school.

No documentation has been provided by the applicant to demonstrate that the current land use zone is anomalous. Instead, the applicant submits that the school will continue to operate in the short term, but will cease at a yet to be determined time. This would suggest that there is no urgency to extend the permissible use of the land to allow residential development. It would also suggest that the viability of a school use in the immediate and longer-term is not being questioned by the landowner.

There is a strong commitment by the current tenant to remain on the site and an indication of demand for the school facility evidenced by the letter from the Managing Director of Reddam House (**annexure 4**) which states in part:

The rezoning will affect 600 families and 70 teachers. Education sites are rare in the Eastern Suburbs and we are not aware of any other sites in the Eastern Suburbs to which we could move. A rezoning would only allow other developers such as residential to put forward business plans that education simply cannot compete with. This would surely place the school in jeopardy. We have undertaken a major financial upgrade to the premises at the school's expense on top of exorbitant rentals. The school is already committed to the maximum.

Based on these points it is considered that the proposal does not satisfy criterion 3.

CONCLUSIONS

The applicant seeks the Council's agreement to include residential flat buildings as an additional permissible use on the site. This option would enable the landowner to maintain a school use on the site until such time that conversion to a residential use was approved by the Council. The applicant submits that this option will provide a flexible land use arrangement which is in the interests of the landowner and the community.

Whilst this may be a reasonable strategic option for the landowner from a commercial viewpoint, it is not supported from a planning viewpoint for the following reasons:

- The site accommodates an important community facility in the form of a school and there is a demonstrated demand for the continuation of that school.

- The applicant has not demonstrated that the Special Uses (Existing School) zone is redundant and that the site is or will become surplus to educational needs. Therefore it would be premature for the Council to agree to a change to the permissible uses.
- The applicant has not adequately demonstrated a demand for residential uses on the site.
- Inclusion of residential development as a permissible use is inconsistent with the current land use zone and would create an element of confusion with the zone's intention.
- The site is currently being used for the purpose for which it is zoned and therefore the proposal does not meet the requirements for consideration under Option 3 of the Woollahra Housing Study and Strategy 1997.
- The application is not consistent with objectives within Woollahra LEP 1995 relating to residential development, community services and facilities, traffic and transport, public and private open space, recreation and tourism, the landscape, heritage conservation, and excavation of land.
- The statement of heritage impact submitted with the application has not adequately identified the heritage significance of the site and its buildings or the heritage impact of the proposed development.
- The applicant has not given adequate consideration to the protection of the heritage significance of the school, the precinct or the heritage conservation area.
- The application does not satisfy one or more of Council's criteria for assessing applications that seek amendments to local statutory planning instruments.

Consequently, the application to permit residential flat buildings at Nos 70-78 Edgecliff Road, Woollahra is recommended for refusal.

GEORGE LOSONCI
SENIOR STRATEGIC PLANNER

ANITA LAKELAND
TEAM LEADER, STRATEGIC PLANNER

CHRIS BLUETT
MANAGER STRATEGIC PLANNING

Annexures

1. Extract from Woollahra LEP 1995 – clause 2(2) objectives
2. Extract from Bondi Junction Heritage Study (1987) – heritage inventory sheet for Holy Cross College
3. Preliminary heritage inventory sheet (August 2004) – Reddam College
4. Letter from Reddam House dated 23 June 2004.
5. Heritage comments prepared by Council's Team Leader Heritage – Development Assessment.