



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 8 April 2013*

**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).

## **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.

## **Delegated Authority (“D” Items)**

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- 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 above.
- Statutory reviews of Council's Delivery Program and Operational Plan.

**Committee Membership:**

7 Councillors

**Quorum:**

The quorum for a committee meeting is 4 Councillors.

# WOOLLAHRA MUNICIPAL COUNCIL

## Notice of Meeting

4 April 2013

To: His Worship the Mayor, Councillor Andrew Petrie ex-officio  
Councillors      Greg Levenston      (Chair)  
                         Ted Bennett  
                         Luise Elsing  
                         Elena Kirillova  
                         Katherine O'Regan  
                         Matthew Robertson  
                         Toni Zeltzer      (Deputy Chair)

Dear Councillors

### **Urban Planning Committee Meeting – 8 April 2013**

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 **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 8 April 2013 at 6.00pm.**

Gary James  
General Manager

# **Additional Information Relating to Committee Matters**

**Site Inspection**

**Other Matters**

## Meeting Agenda

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
1	Leave of Absence and Apologies	
2	Late Correspondence Note Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item	
3	Declarations of Interest	

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

D1	Confirmation of Minutes of Meeting held on 25 March 2013	1
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Modification to the Definition of 'Height' & 'Existing Ground Level' in the Woollahra Local Environmental Plan 1995 – 1064.G (Amend 74)	2
R2	Licensed Premises DCP – 259.G Licensed Premises	34
R3	White City – Proposed Heritage Item – 7.30	59

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 25 March 2013**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 25 March 2013 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

**Recommendation:**

That the Minutes of the Urban Planning Committee Meeting of 25 March 2013 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** R1 Recommendation to Council

**Subject:** **Modification to the Definition of 'Height' and 'Existing Ground Level' in The Woollahra Local Environmental Plan 1995**

**Author:** Anne White – Senior Strategic Planner

**File No:** 1064.G (Amend. 74)

**Reason for Report:** To report on the public exhibition of the amended definitions of 'height' and 'existing ground level' in Woollahra LEP 1995.

To obtain Council's approval to proceed with the draft LEP to amend the definitions of 'height' and 'existing ground level'.

## Recommendation

That Council under section 59(2) of the *Environmental Planning and Assessment Act 1979* resolve to make *Draft Woollahra Local Environmental Plan (Amendment 74)*, as attached to the report to the Urban Planning Committee on 8 April 2013, to amend the definition of 'height' and 'existing ground level'.

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## 1. Summary

On 10 December 2012, Council resolved to prepare a planning proposal to amend the definition of 'height' and 'existing ground level' in Woollahra Local Environmental Plan 1995 (WLEP 95). In response, we prepared and exhibited the planning proposal. The proposal sought to replace the definitions of 'height' and 'existing ground level' in WLEP 95 with the definitions from the State Government's *Standard Instrument – Principal Local Environmental Plan* (Standard Instrument). Adopting these Standard Instrument definitions will provide certainty to both applicants and the community about how building height is measured. This is consistent with the definitions that the State Government wants all councils to use.

The public exhibition of the planning proposal is now complete. There were no submissions made, and no issues raised during the exhibition period.

We recommend that Council proceed with the planning proposal as exhibited, and make Draft LEP (Amendment 74) as provided at **Annexure 1**.

## 2. Background

WLEP 95 controls the bulk and scale of development through a series of numeric development standards. One of the most significant of these standards is contained in clause 12(1) – Height of buildings. The application of this standard is informed by the definitions of 'height' and 'existing ground level' in Schedule 1 of WLEP 95.

Recently uncertainty has arisen in the way these terms are interpreted, in particular, the definition of 'existing ground level'.

A recent interpretation identified that the height of buildings should be measured from natural ground level *prior to development*. This is not how we traditionally measured the height of buildings, and we do not support this interpretation. This new interpretation can be difficult to determine and measure, and may give rise to significant and unexpected planning outcomes, including increased building height.

To clarify how the height of buildings should be measured, the planning proposal amends the definitions of 'height' and 'existing ground level' by adopting the definitions in the *Standard Instrument – Principal Local Environmental Plan*.

### **3. Public exhibition**

The planning proposal (see **Annexure 2**) was exhibited between 27 February 2013 and 15 March 2013, consistent with the Act and *Environmental Planning and Assessment Regulation 2000*, and the Minister for Planning and Infrastructure's conditions set out in the Gateway Determination (see **Annexure 3**).

The exhibition took place in the Council's main offices in Double Bay, in the Customer Service area. Copies of the planning proposal were available free of charge. A copy of the planning proposal and information required by the Gateway Determination was placed on Council's website for the duration of the exhibition period.

Details of the exhibition were notified in the *Wentworth Courier* editions of 27 February, 6 March and 13 March 2013.

During the exhibition period two telephone enquiries from external customers were received and 59 external customers viewed the exhibition information page on Council's website. No submissions were received.

We recommend that Council proceed with the planning proposal as exhibited.

### **4. Making the Draft LEP under delegated authority**

To streamline the plan making process, some plan making powers can be delegated to Council for routine matters.

At Council's request, the Minister has delegated his plan making powers for this planning proposal. Council's authorisation to exercise delegation to make the plan is provided in the Gateway Determination (see **Annexure 3**).

As part of this process the planning proposal needs to be redrafted as a legal document, and on 25 March 2013 we requested Parliamentary Counsel to prepare the LEP amendment.

Draft Woollahra LEP (Amendment 74) has been prepared and is attached at **Annexure 1**. An Opinion has been issued by the NSW Parliamentary Counsel's Office that the Draft LEP (Amendment 74) can be made (see **Annexure 4**).

### **5. Conclusion**

The planning proposal was prepared and exhibited in the manner required by the Act, Regulation and Gateway Determination. No submissions were received.

The amended definitions of building 'height' and 'existing ground level' will provide certainty to both applicants and the community about how building height is measured, and are consistent with the definitions used by most councils across New South Wales.

We recommend that Council resolves to make Draft LEP (Amendment 74), attached at **Annexure 1**.

The plan will come into force on the day the LEP is published on the New South Wales Government legislation website.

Allan Coker  
Director Planning and Development

Jacquelyne Della Bosca  
Team Leader Strategic Planning

Anne White  
Senior Strategic Planner

### **Annexures**

1. Draft Woollahra Local Environmental Plan (Amendment 74)
2. Exhibited planning proposal for the definition of 'height' and 'existing ground level'
3. Gateway determination dated 8 February 2013
4. Opinion issued by NSW PC that the plan can be made
5. Report to Urban Planning Committee of 12 November 2012
6. Report to Urban Planning Committee of 26 November 2012
7. Council resolution of 10 December 2012

**Item No:** R2 Recommendation to Council  
**Subject:** **Licensed Premises DCP**  
**Author:** P Kauter, Executive Planner  
**File No:** 1259.G Licensed Premises  
**Reason for Report:** Response to a Notice of Motion - the merits of a Licensed Premises DCP for Woollahra

### **Recommendation**

1. That the Council resolve to introduce provisions, for inclusion in its Comprehensive Development Control Plan, for licensed premises including objectives and controls for the assessment and determination of development applications involving licensed premises.
2. That a report including specific objectives and controls for licensed premises be prepared for consideration by the Urban Planning Committee so that they can be incorporated into the Comprehensive Development Control Plan
3. The report required by item 2 is to include information to be added to our Development Application Guide in relation to licensed premises.

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### **1. Background**

At its meeting on 30/4/12 the Council adopted the following Notice of Motion (N of M):

*That a report be brought to the Urban Planning Committee that evaluates the merits of a "Licensed Premises DCP" for the Woollahra Municipality.*

*Such a DCP would consider all licensed venues and include plans for regulating:*

- *Appropriate trading hours for different types of premises and by location*
- *Requirements for noise control*
- *Where 'small bars' are appropriate*
- *Documentation requirements for applications*
- *How we deal with the cumulative social and amenity impacts of licensed premises*

The N of M is listed as Action 4.1.1.32 of the Delivery Program and Operational Report (DPOP).

According to NSW Office of Liquor, Gaming & Racing's (OLGR's) Social Profile Report (see Annexure A) for the Woollahra LGA (February 2009) we have 148 licensed premises as shown in the following table:

<b>LIQUOR LICENCES</b>		
<b>Licence type</b>	<b>Number (percentage)</b>	
Liquor – club licence	13	(8.8%)
Liquor – hotel licence	25	(16.9%)
Liquor – limited licence	2	(1.4%)
Liquor – on-premises	80	(54.1%)
Liquor – packaged liquor licence	14	(9.5%)
Liquor – producer wholesaler licence	14	(9.5%)
<b>TOTAL</b>	<b>148</b>	

The Social Profile shows a co-relation between the density of licenced premises and ‘hot spot’ areas for crime. The ‘hot spot’ crime areas are the commercial areas of Double Bay, Rose Bay, Bellevue Hill and Paddington (Oxford Street and Five Ways), Edgecliff and Woollahra. These areas have the highest density of licenced premises.

Paddington has a high concentration of pubs on Oxford Street but also has a number of pubs interspersed in the residential precincts. We also have a number of licenced premises located on parklands, e.g. Cruising Yacht Club of Australia at Rushcutters Bay Park, Rose Bay RSL, Catalina Restaurant at Lyne Park and Paddington Bowling Club at Trumper Park.

A Licenced Premises DCP can contain objectives and controls to assist in the assessment of development applications (DAs) with particular regard for protecting residential amenity and public safety. At the same time it should be acknowledged that licenced premises form an integral part of our social fabric adding diversity and vitality and can also provide employment and jobs with flexible working hours.

Objectives and controls could be included in a DCP to regulate the five (5) specific points in the N of M with the exception of *Where ‘small bars’ are appropriate*. The appropriate location for small bars is a function of land use planning controls as contained in environmental planning instruments, i.e. *Woollahra Local Environmental Plan 1995* (WLEP). This report includes references to the work presently being undertaken towards the introduction of a Standard Instrument LEP and a Comprehensive Development Control Plan (DCP) and the their implications regarding licenced premises.

In preparing this report research has been undertaken in relation to:

- Relevant legislation and court decisions
- Publications on the OLGR web site
- Our existing and likely future planning controls
- Experiences of other councils
- Our current practices for assessing DAs involving licenced premises

## **2. The legislative/planning framework**

### ***Liquor Act 2007 and Liquor Regulation 2008***

The principal legislation for licensed premises is the *Liquor Act 2007* (Liquor Act). The objects of the Liquor Act are contained in s.3 and are as follows:

### 3 **Objects of Act**

- (1) *The objects of this Act are as follows:*
  - (a) *to regulate and control the sale, supply and consumption of liquor in a way that is consistent with the expectations, needs and aspirations of the community,*
  - (b) *to facilitate the balanced development, in the public interest, of the liquor industry, through a flexible and practical regulatory system with minimal formality and technicality,*
  - (c) *to contribute to the responsible development of related industries such as the live music, entertainment, tourism and hospitality industries.*
- (2) *In order to secure the objects of this Act, each person who exercises functions under this Act (including a licensee) is required to have due regard to the following:*
  - (a) *the need to minimise harm associated with misuse and abuse of liquor (including harm arising from violence and other anti-social behaviour),*
  - (b) *the need to encourage responsible attitudes and practices towards the promotion, sale, supply, service and consumption of liquor,*
  - (c) *the need to ensure that the sale, supply and consumption of liquor contributes to, and does not detract from, the amenity of community life.*

There are six (6) types of licences that can be issued under the Liquor Act. These are:

- Hotel (including a general bar license - hotel, bar, tavern and small bars<sup>1</sup>)
- Club (under the *Registered Clubs Act 1976* selling liquor to members and their guests)
- On-premises (e.g. licensed restaurant, entertainment venue, motel, function centre and other venues where liquor is consumed on the premises)
- Packaged liquor (liquor stores, internet operators selling liquor to the public)
- Producer/wholesaler (brewer, distiller winemaker, wholesaler)
- Limited (functions held by non-profit organisations, as well as special events and trade fairs)

Licence applications are made to and determined by the Independent Liquor & Gaming Authority (ILGA).

The Liquor Act, s.45(3) provides that the ILGA must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold a licence, practices will be in place for the responsible sale of alcohol and there are steps to prevent intoxication. Also, that if development consent is required under the *Environmental Planning and Assessment Act 1979* (the Act), such consent is in force.

Certain categories of licences are required to be accompanied by a Community Impact Statement (CIS) (Liquor Act, s.48). The ILGA must not approve an application unless, after considering a CIS or any other matter, it is satisfied that the overall social impact will not be detrimental to the well-being of the local or broader community. Under the *Liquor Act Regulations 2008* (Liquor Act Regs), cl.11, in preparing a CIS an applicant is required to consult with, amongst others, a local consent authority (e.g. local council).

#### ***Environmental Planning and Assessment Act 1979 (the Act)***

The N of M requires a report on the merits of a Licensed Premises Development Control Plan (DCP). The Act, Part 3, Division 6, relates to DCPs. The purpose and status of DCPs is set out in s.74BA(1) as follows:

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<sup>1</sup> The *Liquor Amendment (Small Bar) Bill 2013* would introduce a new category of licence for small bars

***74BA Purpose and status of development control plans***

- (1) *The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this Part applies and to the consent authority for any such development:*
- (a) *giving effect to the aims of any environmental planning instrument that applies to the development,*
  - (b) *facilitating development that is permissible under any such instrument,*
  - (c) *achieving the objectives of land zones under any such instrument.*

*The provisions of a development control plan made for that purpose are not statutory requirements.*

Section 79C(1) sets out the matters a consent authority is to take into consideration in determining a DA. Subclause (a)(iii) stipulates any DCP as a matter for consideration. In relation to DCPs subclause (3A) provides that if a DCP sets standards (including performance standards) and a development complies with them then a consent authority cannot require more onerous standards. Also, if a development does not comply with those standards a consent authority is to be flexible in its application of those standards and allow reasonable alternative solutions that achieve the objectives of those standards.

Section 80A relates to conditions which can be imposed on development consents. Subclauses (10B) – (10E) deal with reviewable conditions. These are conditions which relate to extended hours of operation and the maximum number of persons permitted in a building. Review conditions may be imposed on a consent granted on the basis of a trial period in connection with the following uses:

- (a) entertainment venue,
- (b) function centre,
- (c) pub,
- (d) registered club,
- (e) restaurant.

Part 4, Division 10 deals with existing uses. Section 108 provides that the *Environmental Planning and Assessment Regulations 2000* (the Regulations) may make provisions for existing uses and that those regulations are incorporated into every environmental planning instrument. Any provisions of an environmental planning instrument that derogates from the incorporated provisions have no force or effect. This would extend to the provisions of a DCP as DCPs are lower order controls than LEPs.

**3. The merits of a licenced premises DCP**

Under the legislative framework a DCP could be introduced with objectives and controls that regulate most of the matters specifically referred to in the N of M. An exception is the appropriate location for small bars. This raises land use issues which is a matter which needs to be considered under the provisions of our LEP rather than under the provisions of a DCP.

Presently we assess DAs for licenced premises on merit and on a case by case basis. Where we grant consent for licenced premises, conditions are usually imposed regarding hours of operation, the maximum number of patrons (usually based on fire safety criteria), management, security requirements and noise from patrons, music, plant, equipment and servicing (e.g. waste collection).

A DCP would provide the opportunity for us to standardise the way we process and determine DAs. It would also create a greater level of certainty for applicants, surrounding residents and other stakeholders regarding our processes for assessing and determining DAs involving licenced premises. Regarding the N of M, this includes the manner in which we assess the appropriateness of trading hours based on the type of licenced premises and its location, noise and other impacts. A DCP could also establish standards for documentation required to accompany DAs involving licenced premises. It could establish a rationale for imposing review conditions and conducting reviews as provided for in s.80A (10B)-(10E) of the Act, as mentioned earlier.

A DCP could also contain provisions for the preparation and assessment of management plans. Management plans would cover operational details and management measures of licenced premises in relation to matters such as trading hours, noise, security and safety. Under a DCP Plans of Management could be linked to any review conditions whereby they could be reviewed at such time as trading hours and/or patron numbers are reviewed.

It is also important that under the Liquor Act it is now necessary for the ILGA to be satisfied that, if development consent is required for a licenced premises, such a consent is in force before it issues a liquor licence.

A Licenced Premises DCP would provide the guidance for proponents of licenced premises and ourselves (as the consent authority) in giving effect to the aims of the WLEP, facilitating licenced premises where they are permissible and achieving the applicable land use zone objectives of the WLEP, consistent with the purposes and status provisions under s.74BA of the Act, as referred to earlier.

#### **4. Trading hours**

Under the Liquor Act standard trading hours for most licences is 5am to midnight Monday to Saturday and 10am to 10pm Sundays. An extended trading authorisation is required to trade outside the standard trading hours. A daily 6 hour minimum continuous closure requirement also applies.

A DCP can include provisions for appropriate trading hours based on the type and location of the licenced premises. Linked with the issue of trading hours are the provisions under the Act for reviewable conditions of consent. A DCP can introduce a system for a regular review of trading hours of licenced premises based on their management and environmental performance during trial periods. This is an approach adopted by the City of Sydney which is discussed latter.

#### **5. Small bars**

There are a number of factors associated with small bars. Comments have been made earlier about the role of the LEP regarding where they should be appropriately located. Presently there is no definition for small bars. The *Liquor Amendment (Small Bars) Bill 2013* has been introduced into State Parliament. This is intended to create a new class of licence with the following characteristics:

- the number of patrons being limited to 60
- prohibition on gaming machines
- no sales of packaged/take away alcohol
- food must be available
- standard trading period until midnight (although the granting of a small bar licence authorises trading between midnight and 2am for premises not in a freeze precinct – there are no freeze precincts that apply in our area).

If development consent is required for a small bar the application under the Liquor Act does not need to be accompanied by a CIS. The Bill also provides for the *Standard Instrument (Local Environmental Plans) Order 2006* (Standard Instrument Order) to include small bars under the definition of **food and drink premises** and for small bars to be defined, i.e. **small bar** means a small bar within the meaning of the *Liquor Act 2007*.

As discussed earlier, the areas suitable for small bars are related to land use zones. Land use zones are a function of LEPs rather than DCPs. Under our current LEP small bars would come under the definition of **hotel**. Hotels are permissible in business zones other than neighbourhood business zones. The neighbourhood business zone covers shopping areas such as Oxford Street Paddington, Five Ways Paddington, parts of the Edgecliff, Queen Street Woollahra, Old South Head Road Rose Bay, Bellevue Road Bellevue Hill, New South Head Road Vaucluse and Military Road Watsons Bay.

It should be noted that we are preparing a new Standard Instrument LEP based on the Standard Instrument Order. With the standardisation of land use zones the larger neighbourhood business zones (e.g. Oxford Street Paddington and Old South Head Road Rose Bay) will become B4 Mixed Use Zones within which small bars (as well as hotels and clubs) would be permissible.

A Licenced Premises DCP could include provisions which guide the way we process and assess DAs for small bars to facilitate their permissibility in areas as provided for under the WLEP '95 (or the proposed land use zoning under the Standard Instrument LEP) as being appropriate locations. As small bar applications will not require a CIS under the Liquor Act, provision could be made for applicants to include a social impact component as part of the statement of environmental effects to be submitted with a DA. If this becomes law we should prepare guidelines for applicants in relation to the preparation of the social impact component. These guidelines could be incorporated into our DA Guide.

## **6. Dealing with the social and amenity impacts of licenced premises**

A DCP can and should include objectives and controls relating to the social and amenity impacts of licenced premises. These can be considered as part of the assessment and determination of DAs. If the social and amenity impacts of a proposal the subject of a DA are assessed as being unacceptable it could be refused. Alternatively it may be possible to manage the impacts so that they are acceptable. This could be through consent conditions for management plans and for trial periods with the routine review of matters such as trading hours and patron numbers.

A DCP would be an opportunity to reinforce the role of NSW Police in the assessment and determination of DAs for licenced premises. In assessing a DA for licenced premises we routinely refer to the NSW Police for comment under our Memorandum Of Understanding, Crime Prevention Through Environmental Design (CPTED). In relation to existing licenced premises the subject of a DA, NSW Police referral comments usually take into account complaints and incidents it has received or of which it is aware.

Breaches of consent conditions would be subject to the offence provisions of the Act.

Controls under a DCP would not apply to existing licenced premises. In the situation where the operation of an existing licenced premises was causing unreasonable impacts there is action which can be taken under the Liquor Act. This is in the form of disturbance complaints made to the Director General and can be initiated by a local council. However, this is a process outside of the Act and which cannot be addressed by a DCP.

## **7. Documentation requirements for DAs involving licenced premises**

A DCP can contain documentation requirements for DAs. However, we have a DA Guide which includes a comprehensive list of information that needs to be submitted with DAs. It is considered that it would be better to include requirements for documentation for DAs involving licenced premises in our DA Guide as single, comprehensive repository for such information.

The standard of documentation required should be commensurate with the level of impact a licenced premises is likely to have. For example, a hotel is likely to have greater impact than a licenced restaurant. Whereas the submission of a management plan would be appropriate for a hotel it may not be necessary for restaurant.

The standard of documentation based on the type of licenced premises and its location, i.e. business of residential zone, could be developed in conjunction with a Licenced Premises DCP for inclusion in our DA Guide.

## **8. Limitations/duplication of a Licenced Premises DCP**

The application of the provisions of a Licenced Premises DCP would have certain limitations and there is also the possibility of duplication with processes under the Liquor Act. This is because:

- it would not apply to matters such as the operation of existing licenced premises unless they were the subject of a DA for alterations and/or additions, changes to trading hours and/or changes to the maximum number of patrons.
- it would have no force in relation to a DA for an existing licenced premises that is an existing use if its provisions (which include performance provisions) derogate from the incorporated provisions, see earlier comments on Part 4, Division 10 of the Act [there is a significant number of licenced premises which operate as existing uses in our area, e.g. clubs on land zoned open space are existing uses as are all existing pubs in Paddington, which are prohibited uses under the WLEP '95 in both the business neighbourhood and residential zones (this is a situation that is likely to change under the of the Standard Instrument LEP which will make pubs permissible in the B4 Mixed Use Zone)]
- it would not apply to premises required to be licenced under the Liquor Act which did not need development consent, e.g. the sale of packaged liquor via the internet as a home occupation
- it could not require the applicant for a DA to submit a CIS (as provided for under the Liquor Act) because they are peculiar to the Liquor Act and are not included in the schedule of documents (schedule 1 of the Regulations) required to be submitted with a DA

The CIS requirements under the Liquor Act are aimed at mitigating the adverse social impacts of licenced premises. Section 48(5) prevents the ILGA from granting a licence, authorisation or approval unless, after having regard to a CIS, that it is satisfied that the overall social impacts will not be detrimental to the overall well-being of the local and broader community.

Whilst the social impacts of licenced premises can be considered in the assessment of a DA (i.e. s.79C(1)(e) the public interest) such an assessment is likely to duplicate the assessment required by the Liquor Act. We do get the opportunity to participate in the Liquor Act assessment process firstly through the requirement for the applicant to consult with the local council as part of the preparation of a CIS (where a CIS is required) and secondly by notification of the making of a liquor licence application.

Where the use of a premises for a liquor licence requires development consent, the ILGA needs to be satisfied that such consent is in force before it can issue a licence under the Liquor Act. Regarding applications under the Liquor Act that require the preparation of a CIS, it may be more appropriate for social impacts to be considered as part of the liquor licence application rather than as part of the DA. This is because the licensing regime under the Liquor Act has specific provisions for the systematic assessment of social impacts.

A DCP could contain a provision for us to include an advising on any consent that we may grant for the use of premises that will also require an approval under the Liquor Act to the effect that we reserve our right to object to the licencing of the premises through required consultation for the preparation of a CIS and/or following notification of the application under the Liquor Act.

## 9. Consultation

In preparing this report consideration has been given to what other councils are doing. In particular the approaches taken by the City of Sydney Council (CoS), Randwick City Council and North Sydney Council have been reviewed.

The CoS have a *Late Night Trading Premises Development Control Plan 2007*. The focus is on late night trading of licenced premises whereas the N of M concerns a DCP for licenced premises generally. It also encompasses other, non-liquor licenced, commercial premises, e.g. convenience stores and take away food shops which may impact on the amenity and safety of a neighbourhood resulting from their operation at night. It has categories of:

- late night trading premise (i.e. category A – high impact and category B – low impact)
- late night trading areas (i.e. late night management areas, city living areas and local centre areas)

It sets out matters for consideration, trial periods, trading hours and plans of management. The CoS DCP and its *How to open a small bar in the city, a process guide for small business owners and operators* is referenced on the OLGR web site

Randwick Council has a Chapter in its Draft Comprehensive DCP on Late Night Trading. This was primarily driven by incidents associated with the late night trading of licenced premises in Coogee. It also focuses on late night trading rather than licenced premises generally with a greater emphasis than the CoS on non-licenced premises late night trading. It adopts a similar approach to the CoS DCP with high and low impact categories depending on the type of licenced premises. It requires a social impact assessment to be submitted with DAs for high impact development. Such assessment is required to be based on its *Social Impact Assessment Guidelines for Assessing Development Applications*.

North Sydney's Draft Comprehensive DCP, Section 7, Late Night Trading and Trading Hours has been deferred. It is understood that it will closely align with the CoS's Late Night Trading DCP.

## 10. Options

Should the Council agree to introducing a DCP for licenced premises, the options for doing this are:

- create a stand-alone DCP
- incorporate additional provisions for licenced premises into our existing suite of DCPs
- prepare a licenced premises chapter/section for inclusion in our Comprehensive DCP

The third option is favoured as it will allow changes to be made to the Draft Comprehensive DCP as may be necessary due to changes which may be made to the Standard Instrument LEP during its exhibition period and ultimate adoption. The disadvantage of the third option compared with the other options is that it is likely to take longer for the provisions to be introduced as the process would be linked to the finalisation of our major review of our planning controls. The second option would be complex as, although the licenced premises components would be either the same or similar, it would involve changing multiple DCPs.

Information on documentation required to be submitted with a DA for licenced premises should be added to our DA Guide.

## **11. Identification of Income & Expenditure**

Expenditure would relate to the allocation of resources to the preparation of the necessary documentation for the preparation of a DCP in accordance with Part 3 of the Act. It is envisaged that in-house resources would be used, therefore there would be no expenditure on external consultants.

There does not appear to be an option for any direct income to be derived from the introduction of a Licenced Premises DCP.

## **12. Conclusion**

A Licenced Premises DCP would have certain limitations in relation to the impacts of existing licenced premises, those which operate with the benefit of existing uses rights and those which do not require development consent. There is also the possibility that it would result in duplication with liquor licence application processes under the Liquor Act.

However, a Licenced Premises DCP would benefit our assessment and determination of DAs for the reasons set-out in this report. The concern regarding duplication can be resolved by the DCP itself. On balance it is considered that the benefits of a Licenced Premises DCP would outweigh its limitations.

It is considered that a Licenced Premises DCP should be introduced to:

- standardise the way we assess DAs involving licenced premises
- provide greater certainty to applicants, residents and other stakeholders regarding our approach to dealing with DAs for licenced premises
- achieve a more consistent approach to determining trading hours and operating conditions

and which acknowledges the positive benefits that properly managed licenced premises can offer our community.

It is recommended that we prepare a Chapter/Section to be included on our Comprehensive DCP which contains objectives and controls for licenced premises.

Peter Kauter  
Executive Planner

Allan Coker  
Director – Planning & Development

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### **Annexures:**

A NSW Office of Liquor, Gaming & Racing's (OLGR's) Social Profile Report

**Item No:** R3 Recommendation to Council  
**Subject:** **White City - proposed heritage item**  
**Author:** Sara Reilly - Strategic Heritage Officer  
**File No:** 7.30  
**Reason for Report:** To respond to decisions of the Council regarding the merit of listing White City as a heritage item.

## Recommendation

- A. That the heritage assessment and draft heritage inventory sheet for White City be received and noted.
- B. That *White City*, at 30 and 30A Alma Street, Paddington, 73-79 New South Head Road, and 81-83 New South Head Road, and including land beneath the railway viaduct and also the land on which the stormwater channel is located, be added to the draft Woollahra Local Environment Plan 2013 as a heritage item in Schedule 5 – Environmental Heritage. The site consists of Lots 1 & 2 DP 1114604, Lots 21 & 22 DP 609145, Lot 2 DP 234605 and Lots 1 & 2 DP 573377. The listing is to apply to ‘*White City*, Tennis Centre and grounds – including lawn tennis complex of centre court arena, elements of southern grandstand and northern grandstand stage 1, natural green open valley floor, stormwater channel, White City Club memorabilia and vegetation including Moreton Bay Fig’.
- C. That a state nomination be prepared and submitted to the Heritage Branch of the Office of Environment and Heritage to list White City as a heritage item of state significance on the State Heritage Register. The listing is to apply to ‘*White City*, Tennis Centre and grounds – including the lawn tennis complex of centre court arena and elements of the southern grandstand’.

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## 1. Background

At the Urban Planning Committee meeting held on 25 March 2013, in response to landowner requests, the Committee resolved:

“That consideration of the matter be deferred for two weeks and the matter be resubmitted to the meeting of the Urban Planning Committee on 8 April 2013.”

The report which follows is the same report as submitted to the Committee on 25 March 2013.

### 1.1 Previous Council decisions

The heritage significance of the White City site has been considered by the Council on numerous occasions over the last decade. This has occurred in association with or as a consequence of redevelopment schemes and rezoning proposals for the site.

A draft local environment plan (LEP) to rezone parts of the site to business and residential zones and list the land as a heritage item was prepared in 2002 and publicly exhibited. The draft LEP was the subject of a public hearing in July 2003. Although the report on the conduct of the public hearing, which was carried out by an independent chairperson, recommended that the draft LEP proceed, the Council resolved in May 2004 to discontinue the process. At the same time and then in 2005 the Council made a number of decisions requiring reports on the planning strategies and planning instruments for the site. Heritage considerations were included in two of those decisions.

The most recent decisions regarding heritage listing were made on 14 June 2005 and 19 December 2005. The decision of 14 June 2005 followed consideration of a report which submitted the results of detailed investigations responding to the various decisions made by Council in 2004 and 2005. On 14 June 2005 the Council resolved to prepare a draft LEP and a draft development control plan (DCP) for the site. The draft LEP aimed to:

- rezone part of the site, being land at 81-83 New South Head Road, from an open space zone to a business zone<sup>2</sup>
- list the site, or parts of it, as a heritage item
- introduce special development controls for the site, including controls for the land on New South Head Road which would be rezoned.

The resolution also included a condition that a draft LEP, in so far as it applied to rezoning the New South Head Road component, should not be submitted to the Minister unless public benefits acceptable to the Council had been achieved. Those benefits comprised:

- appropriate public use and public access through and across the New South Head component and the balance of the White City site
- a green entrance way to the Municipality
- a positive relationship with the balance of the White City site
- sufficient building spacing between the Bayside apartments and any building on the site to allow view lines to and from the valley floor
- retaining view lines from Paddington over the concrete structure of the viaduct
- heritage interpretation of the site.

A draft LEP was prepared to include all aspects of the Council's decision of 14 June 2005. That is, it intended a planning approach which dealt comprehensively with land use zoning, development intensity, heritage conservation, public use and public access.

The draft LEP was presented to the Urban Planning Committee on 14 November 2005 and to the Strategic and Corporate Committee on 12 December 2005. On 19 December 2005 the Council modified its decision relating to the content of the draft LEP by requiring that provision be made for the reservation of proposed public accessways.

Whilst statutory processes regarding preparation of the draft LEP were commenced, the plan did not proceed to public exhibition due to a number of interrelated factors being:

- the inability to securing public use and public access through the site
- fragmentation of the site ownership (refer to section 2., below)
- subdivision of the site and development by one of the new land owners, Sydney Grammar.

The main hindrance to advancing the LEP has been the inability to achieve agreement from the land owners about public access and public use. Notwithstanding that, aspects of the LEP are arguably redundant in light of more recent planning investigations and reviews for the municipality, particularly our exercise to identify additional housing sites. In this regard, the land on New South Head Road has been identified as a housing opportunity site and will be the subject of future reports to the Council once the new Principal LEP has been finalised.

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<sup>2</sup> This land lies between Mahoney's Lane and the service station on New South Head Road and is occupied by a car wash business.

In order for the heritage item component to be addressed separately from other aspects of the draft LEP, a new decision from Council is required. Accordingly, we have carried out further heritage investigations for the site and produced a recommendation for Council's consideration.

## **1.2 Heritage recognition**

White City was listed on the Register of the National Estate on 27 March 2001. (The Register of the National Estate is now non-statutory, and has been replaced by the National Heritage List and the Commonwealth Heritage List. White City is not included in either of these lists).

The local community group ACE also nominated the site for inclusion on the State Heritage Register in 2001. The NSW Heritage Council acknowledged the state significance of White City but deferred consideration of a State Heritage Register listing pending advice from Council and the endorsement by Council of a conservation management plan (CMP). This matter was never resolved.

A heritage inventory sheet for the site was prepared by Council in November 2000, and has been amended a number of times since then, between 2002 and 2006. Council's former Heritage Officer proposed that the listing of the site should be as a cultural landscape of state significance with historical associative significance at a national level.

The majority of the site is within the Paddington Heritage Conservation Area. The excluded areas are to the north part of the site and include the area under the railway viaduct and the two parcels fronting New South Head Road (refer to cadastre map, later in this report).

The site currently has no statutory heritage status, apart from its partial inclusion in the Paddington Heritage Conservation Area.

## **1.3 Conservation management plan**

A CMP was prepared as part of a rezoning application for the site by Conybeare Morrison on behalf of Tennis NSW in June 1999. The CMP found the site to be of local significance and also of state significance under certain criteria.

The CMP was revised in March 2004 as part of a new development application.

It is understood that the CMP was again revised in 2008 as part of a new development application.

The most relevant sections of the CMP for this report are Part 3.0 Physical Investigation, Part 4.0 Significance Assessment and Part 6.0 Conservation Policies.

Concerns with the content and assessment of the CMP are as follows:

In Part 3.0, the CMP identifies the large number of separate elements across the whole site, and includes some detailed discussion of these elements. The details of some of the most important elements – the centre courts and grandstands – are summarised only, and need more detailed research and analysis. Photographic evidence of these major elements is scant. This section includes 'inventory sheets' for the elements which confuses the form of the CMP report. The 'inventory sheet' on the southern grandstand contains qualitative statements and a comparative analysis against other grandstands, which should be part of the later assessment section.

The significance assessment in Part 4.0 is split into three different formats, a table with individual elements that refers to gradings for each element and its local or state significance, but in the process confuses under which criteria these apply; a long statement under each assessment criteria; and then a second table which lists elements against those assessment criteria. These three sections within the assessment have led to confused outcomes and conflicting statements over the significance of certain elements under particular criteria.

A second form of comparative analysis occurs in this section, comparing the whole site against other tennis centres. The earlier comparative analysis should be grouped together in this assessment section.

As appears to be common in contemporary CMPs, confusion and lack of clarity over preferred outcomes is built into the report in order to satisfy future developers over demolition options and to maintain a wide range of outcomes in future built forms. The policy is well-defined but by its nature remains general, and does not align well with the fabric analysis, which is the weakest part of the CMP.

Some elements discussed in the CMP are no longer present on the site: the sign at New South Head Road is not in evidence, and the Tennis NSW memorabilia has been moved off-site. The location of other historic maintenance equipment is not known.

Lower Paddington is assessed as a separate element of the CMP, confusing the establishment of individual elements. The surrounding streets, spaces, and some buildings are included in the CMP when they are not part of the subject site.

The major divergence of the CMP with the findings of this report is that this report concludes that the southern stand has substantial aesthetic and technical merit; however, a statement in Part 3.0 of the CMP (prior to the assessment section of the report) indicates that the southern stand can be demolished, and even recommends demolition.

#### **1.4 White City Development Control Plan 2007**

A development control plan (DCP) for the White City site was prepared by Council and came into effect on 19 September 2007. Heritage conservation issues formed part of the objectives and controls of the DCP.

The White City DCP 2007 encourages development to align with the policies of the CMP, which are mostly included as an Annexure to the DCP.

The DCP omits Policy 5 from the CMP relating to stabilisation and repair/replacement of fabric. In terms of the southern grandstand this conflicts with the 'high significance' grading allocated. Policy 27 calls for the sensitive adaptive re-use of the grandstand area.

## **2. The site**

The site is made up of a number of separate parcels:

- Lots 1 and 2 of DP 1114604, being respectively 30A and 30 Alma Street, Paddington. This land used to be known as Lot 3 DP 234605 and is the two primary parcels of large open space within the site. Lot 1 is owned by The Trustees of Sydney Grammar School. Lot 2 is owned by the Hakoah Club Limited and the Sydney Maccabi Tennis Club Limited. The land is zoned Open Space 6 – General Recreation.

- Lot 21, DP 609145, being land known as No. 73-79 New South Head Road, Edgecliff, owned by the Crystal Car Wash Pty Ltd. The land is zoned 3(b) – Business.
- Lot 22, DP 609145, being land known as No. 81-83 New South Head Road, Edgecliff, owned by the Crystal Car Wash Pty Ltd. The land is zoned Open Space 6 – General Recreation.

Other parcels associated with the site, being within the general boundaries of the site and proposed listing are:

- Lots 1 and 2, DP 573377, being land owned by Sydney Water and containing the stormwater channel. The land is zoned Open Space 6 – General Recreation.
- Lot 2, DP 234605, being land beneath the Eastern Suburbs railway viaduct, owned by Railcorp and the Trustee of Sydney Grammar School. The land is zoned Special Uses (Railway).



Map showing the Lot and DP identification of the various parcels and the portion of the site that is within the Paddington Heritage Conservation Area

### 3. Heritage assessment

An updated draft heritage inventory sheet has now been prepared for the site, at **Annexure 1**. It is based on the existing 2000 - 2006 inventory sheet prepared by Council's former Strategic Heritage Officer. Generally, the existing inventory sheet dating from 2000-2006 is supported and only minor amendments have been made. Additional detail and information consistent with the CMP has been added. The recommended management has been amended to include additional comments.

The memorabilia relating to Tennis NSW mentioned in the inventory sheet has been moved off-site; however, it is understood that the White City Club memorabilia remains. This has been amended in the inventory sheet.



*Aerial image of White City with the site boundary indicated in orange*

### 3.1 Methodology

The heritage assessment within the draft heritage inventory sheet follows the guidelines set out in the NSW Heritage Council Heritage Manual and the NSW Heritage Office publication *Assessing Heritage Significance* (2001).

The site was visited recently and a visual inspection conducted of those elements visible and accessible. Some photographs were taken to assist in identification and review. The condition of significant elements and current uses within the site was observed and reviewed. The relationships between parts of the site and neighbouring sites including physical elements and uses was observed.

### 3.2 Significance of elements

The site is a large and complex one, with several significant layers of uses and a multitude of physical elements and areas with different character and aspect.

#### *Listing description proposal*

The inventory sheet proposes the listing as: ‘*White City, Tennis Centre and grounds – including lawn tennis complex of centre court arena, elements of southern grandstand and northern grandstand stage 1, natural green open valley floor, stormwater channel, White City Club memorabilia and vegetation including Moreton Bay Fig*’.

The heritage inventory sheet is limited in its capacity to describe and attribute significance to every single item on the site so only the most important elements are discussed. The CMP is an important document that spells out in detail the numerous smaller items on the site, and the breakdown of archaeological and landscape significance. The CMP should be used as a reference guide to the smaller and less significant elements.

#### **Centre courts complex**

The centre courts complex on its own provides a wealth of different layers expressed in building elements and spaces established over many years, all associated with the rise and fall of high-profile international-level tennis matches held on the site between 1922-1999. The elements and spaces of the complex all focus on the centre court arena. The supporting structures of the grandstands form a strong enclosing square form at close proximity to the courts.

*Centre courts arena:* The centre courts arena contains a powerful sense of openness/enclosure and a sense of place. The CMP describes this sense of place as a value of significance relating to ‘meaning – sense of place, evocative and experiential character’. This is physically expressed in the low-scale spatial experience of an open, in-the-round amphitheatre (albeit square in form) with a hilly vegetated backdrop to the south and open expansive flat valley space to the north, a result of the location of the centre courts complex right on the boundary between the lower slopes of Paddington and the open valley floor of Rushcutters Bay.

The centre courts cannot retain this significance (sense of place) without the retention of a low-scale (one-to-two storey) enclosure and the raked angles to the surrounds. Thus the centre courts significance is linked strongly to the surrounding structures of the grandstands. The conservation of this spatial quality is in part addressed in the DCP and CMP policy. The heritage inventory sheet supports the DCP and CMP for the conservation of this area. The heritage inventory sheet also provides additional summary historic detail on those elements considered significant.

*Grandstands - generally*

The grandstands include or have included the following elements within their overall form and structure:

- tiered seating
- accessways through to the centre courts arena
- spaces for external and peripheral circulation
- shops
- ticketing
- amenities
- outdoor seating and balconies
- offices
- training rooms or former dressing room spaces
- painted directional signage
- seating signage

The grandstands are also large engineered structures, and whilst the more modern grandstands (from 1983 and 1985) are plain and unremarkable structures, the southern grandstand (original section from 1923, additions from the late 1920s, and beyond) and northern grandstand (from 1930s and 1970s) contain significant heritage values in specific elements. These values are in part historic, associative, technical and aesthetic, but their physical retention is important to retaining those historic links and associations.

*Southern grandstand:* The southern grandstand contains the following elements of architectural, heritage and spatial interest: very large aesthetically distinctive timber superstructure to the central two-thirds (approx.) of the roof space (the original 1923 section); a cantilevered structure to the front addition; corrugated iron roof and wall cladding to Glenmore Road; exposed timber stud frame construction to inside face of rear of grandstand; glazed press box; wrought iron balustrading to member's section; metal loudspeakers in roof space to transmit commentary; remnants of rose garden.

The sub-floor storage and workshop areas were not inspected, nor the retaining walls of sandstone/broken concrete blocks.

The DCP makes some allowance for retention and adaptive re-use of the southern grandstands, although the general provision is that this structure can and will be demolished. However, the policy within the DCP and the CMP both indicate that this item, being of high significance, should be retained if possible.

The 2004 CMP remains ambiguous regarding the significance and thus the future of the southern grandstand. The original 1923 section is graded as of high significance at a state level. However, it attributes all this significance to an associative significance, potentially disentangling it from the need to retain the original fabric. This associative significance is not backed up in the significance statement of the CMP. Further, the discussion of the stand downplays any representative or aesthetic significance, comparing it unfavourably to Bexley Park Oval and Leichhardt Oval Western Stand as being the superior examples. This comparative analysis takes the discussion outside of the Municipality which is not generally helpful for understanding local significance. Within the Woollahra Municipality there are no comparable grandstands that reflect this level of significance, both in terms of history, associative history and aesthetic and technical significance (in engineering and execution). The CMP states that, compared to other stands in Sydney, the southern grandstand lacks quality, finishes and facilities, and is merely a late example of a grandstand of timber construction and further, that it is not an intact example of an Inter-War grandstand.

The CMP surprisingly recommends demolition of this item in Part 3.0 (prior to the significance assessment in Part 4.0) despite later assessment and policy in Parts 4.0 and 6.0 which assesses it to be of high significance and thus to be retained and conserved. This is a weakness in the CMP, possibly a result of the development pressure associated with a previous development application.

See attached photos, below, of the two grandstands used in the comparative analysis, and of the White City southern grandstand.

Bexley Oval grandstand, 1914, is a simple and small timber structure with a traditional roof form. It does not have the engineering and structural interest of the White City southern stand.

Leichhardt Oval at Lilyfield is the second stadium mentioned in the comparative analysis in the CMP. This is the Wests Tigers Stadium in Mary Street. According to the Austadiums website, “These two old stands are currently closed to the public due to a termite problem. Their significance is the subject of a local heritage debate as the council figures out what to do about the problem”.<sup>3</sup> The website was last updated in November 2010. Leichhardt Council has included Leichhardt Park on their Draft Leichhardt LEP 2012, which presumably includes the Wests Tigers Stadium. All interiors of built structures are included in the listing.



*Bexley Park grandstand, 1914*

<sup>3</sup> <http://www.austadiums.com/stadiums/stadiums.php?id=64>



*Wests Tigers Stadium, Leichhardt Park/Oval, Mary Street, Lilyfield*



*White City southern grandstand*

This investigation does not accept that the southern grandstand is of no aesthetic or technical significance. In 1923 such buildings were a rapidly developing form of engineering and construction, as the spectacle and performance of sport became increasingly popular, requiring larger structures for public entertainment and social pleasure. The southern grandstand is of a large scale, initially catering for 3,500 spectators. The fact that a roof was required for the whole seating area, and was to remain high and open for viewing purposes has created a technically masterful and beautiful engineering solution. This process includes the additions, creating greater historic interest than the two other examples cited. “The creation of first-generation stadia was an often chaotic result of the attempts to host large amounts of spectators in an age when there was no television, and sports events could only be watched live”.<sup>4</sup>

There are parallels between the stadia of the Edwardian and early Inter-War periods and the wharfs of Walsh Bay, built in 1910-12, which were also engineering feats, achieving high open spans for storage facilities. These new building types, large in scale to house the increasing size of industry and entertainment, are truly Australian ‘sheds’, a type of structure that crosses the urban/rural boundary. These buildings were often built for expediency and specific purpose, without large budgets and ostentation. Like rural woolsheds, these buildings often had a plain unadorned form externally, with sensational superstructures mostly hidden from public view or at least the public domain.

However, it is important to qualify that the southern stand is known to be dilapidated and containing termite damage. Previous opinion has varied as to whether this structure should be physically retained and repaired or demolished and interpreted. Its inclusion within the heritage inventory sheet as an element of high significance is an important aspect of defining the significance of the White City site. However; this does not preclude major works amounting to complete overhaul of this structure. Structural elements in poor condition must be replaced for structural and fire safety concerns, and to meet current construction standards. The original timber truss structure could be retained as part of an architecturally dynamic new building in this location, where the sense of the ‘timber forest’ under a large sweeping roof canopy could be utilised for great effect and character in a new one-to-two storey building that would not necessarily have to be a grandstand.

*Northern grandstand:* The northern grandstand contains the following elements of architectural, heritage and spatial interest: rectilinear masonry wing with arched openings under the grandstand seating; some arched openings containing windows, ticket windows, doors, accessways to the centre court arena and with spaces behind; a covered walkway immediately adjacent - a semi-external circulation space like an arcade. The arched architectural feature of the masonry façade provides a sense of movement and rhythm to the walkway, which contains a sense of place associated with the arrival of spectators at the centre courts and functions associated with the spectacle and excitement of competition tennis matches.

The CMP indicates that elements of the northern grandstand from the 1930s, which is known as the Marsh Stand, are considered of high significance, in part due to the association with Henry Marsh, who led the drive to relocate the Tennis Centre to White City in 1919-1922. The policy within the DCP and the CMP in parts 3.0, 4.0 and 6.0 indicates that this item, being of high significance, should be retained if possible.

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<sup>4</sup> [http://www.worldstadiums.com/stadium\\_menu/architecture/historic\\_stadiums.shtml](http://www.worldstadiums.com/stadium_menu/architecture/historic_stadiums.shtml)

### *Valley floor*

The maintenance of the valley floor as a continuously green and open space, and its use as lawn tennis courts is of high significance within the CMP because the low-lying topography permits an understanding of the original swamplands, early land grants, former market garden areas, and former fairground area. The DCP, CMP and inventory sheet are consistent in their approach to heritage conservation of these elements.

### *Stormwater channel*

The stormwater channel is identified as being of high local significance. It is significant as an indication of the floor of the La Crozia Valley, the original creek line and for its historic association with the Glenmore Brook and the Glenmore Distillery, the first legal distillery in Australia. It is also part of the Rushcutters Bay Stormwater Channel No 84, one of the first nine purpose built stormwater drains constructed in Sydney in the 1890s.

The channel is also listed on Sydney Water's heritage register prepared under Section 170 of the NSW Heritage Act as one of the earliest stormwater channels in Sydney. The DCP, CMP and inventory sheet are consistent in their approach to heritage conservation of this element.

### *Memorabilia*

The Tennis NSW and White City Club memorabilia is assessed as highly significant in the CMP. Unfortunately, the Tennis NSW memorabilia has been moved to Homebush, in 2005. The highly significant sign to the access pathway to White City from New South Head Road appears to be missing. These elements are not then included in the heritage inventory sheet. The White City Club memorabilia is believed to remain on site, and is included in the inventory sheet.

### *Archaeology*

Archaeological remnants of the former clubhouse on New South Head Road, a number of houses on New South Head Road, and remnant sandstone walls near New South Head Road are considered significant. These have not been included in the inventory sheet as they are only considered of moderate significance, and due to the limited format of the inventory sheet. They are dealt with in detail in the CMP. The DCP, CMP and inventory sheet are consistent in their approach to heritage conservation of these elements.

### *Vegetation*

The north-eastern escarpment vegetation is considered significant in the CMP and is specifically mentioned, along with all significant vegetation. Landscape analysis is extensively covered in the CMP and significant landscape elements and areas are identified. This has not been detailed in the inventory sheet as the matter is too large and complex to do justice to in the limited format of the inventory sheet.

The inventory sheet proposes to individually list the Moreton Bay Fig in the centre of the site, adjacent the stormwater channel, as being possibly the earliest tree on the site, within the listing description. The inventory sheet also proposes to generally list the vegetation in the listing description. The DCP, CMP and inventory sheet are consistent in their approach to heritage significance and conservation of these elements.

### *Other elements of significance*

Views were not included in the inventory sheet, as they are difficult to list as heritage. Other smaller items of only moderate significance have not been included in the inventory sheet, as they are too numerous to discuss in the limited format of the inventory sheet. The CMP provides detailed guidelines and information on the above matters.

### 3.3 Future actions

3.3.1 The CMP should be revised before any new work is proposed. This is because the recommended period before review of an existing CMP is five years. The review should thoroughly investigate the fabric accorded the two higher categories of heritage significance, having regard to the structural stability of the southern grandstand. The conservation policies should then be clear regarding the desirability of the adaptive re-use of both the 1923 part of the southern grandstand and the 1930s part of the northern grandstand. The conservation of the most significant elements of these grandstands should be a priority.

3.3.2 Prior to any works to the southern grandstand, or any future decision about its retention, a structural adequacy report on the southern grandstand should be prepared by an engineer with demonstrated heritage experience and specific expertise in similar projects recognised by the NSW Heritage Office (as recommended in the CMP condition report by Tyrells). This will allow costings for repairs and stabilisation to be calculated more accurately.

3.3.3 The status and location of the museum contents and memorabilia should be established. These items are considered of high significance but it is confirmed that in 2005 Tennis NSW relocated their items to Homebush Bay. It is not clear whether the White City Club memorabilia has been retained on site.

3.3.4 Any future heritage impact statement must include balanced analysis of the options for retention or adaptation of the significant elements in accordance with the NSW Heritage Office guidelines for heritage impact statements, and based on clear structural and costing analysis.

## 4. Conclusion

The successful management of the heritage significance of the *White City* site will depend on the interaction of three primary documents: the CMP, the DCP, and the heritage inventory sheet accompanying the heritage listing of the site. These three documents identify the heritage significance of the site, seek to preserve the heritage significant elements, and set guidelines and policy for the future development of the site that allows new work to occur but conserves those heritage significant elements in the new development. These documents must lead to a consistent approach to the management of heritage significance.

Without the critical component of heritage listing, the White City site has limited statutory protection. Listing White City as a heritage item will preserve those elements considered significant and provide greater certainty over future development.

The item known as White City is of local and state significance. It satisfies sufficient criteria to be included in Woollahra LEP 2013, Schedule 5 - Environmental Heritage as a local item, and also to have some elements nominated for inclusion on the State Heritage Register.

Sara Reilly  
Strategic Heritage Officer

Allan Coker  
Director Planning and Development

## Annexures

Annexure 1      Draft heritage inventory sheet for *White City*.

**Political Donations – matters to be considered by Councillors at Meetings**

