



Urban Planning Committee

Annexures

Agenda: *Urban Planning Committee*

Item: *R1 – Heritage Assessment of
12 Olola Avenue, Vaucluse*

Annexures: *1 and 2*

8 March 2011

REFERRAL RESPONSE - HERITAGE

FILE NO: DA 706/2010/1

ADDRESS: 12 Olola Avenue VAUCLUSE 2030

PROPOSAL: Demolition of existing residential dwelling and construction of new residential dwelling

FROM: Sara Reilly Strategic Heritage Officer

TO: Mrs L Holbert

Application documents

The following documentation provided by the applicant has been examined for this referral response:

- Drawing set by John McKenzie and Associates, dated 14 December 2010, and numbered A01/A – A03/A. A04/A - A07/A,
- Statement of Environmental Effects by aSquare Planning, dated December 2010
- Demolition Report and Archival Recording by aSquare Planning, dated December 2010

Research

The following research was undertaken in the preparation of this assessment:

- The site was inspected on the 17 March and 4 April 2011. The locality was inspected. The interior was inspected. The interior of 11 Olola Street was also inspected.

Review of documents and photographic evidence:

- Review of Council's property system to establish dates of earlier building and development applications for the subject and surrounding properties.
- Review of Council's photography files relevant to immediate area
- Review of Council's inventory sheets
- Review of Council's aerial photography and mapping database
- Review Google Maps – street view

Statutory and policy documents

The following statutory and policy documents are relevant to the application:

- Woollahra LEP 1995
- Woollahra Residential DCP 2003

Heritage status

- The subject building is not a heritage item.
- The subject building is in the vicinity of heritage item Vacluse House and grounds, and heritage items (listed trees) at 4, 14, 24, 25, 28, 33, 46, 47 Olola Avenue and within the road reserve of Olola Avenue, which are identified as

Scribbly Gums, Sydney Pink Gums, Forest Red Gums, Swamp Mahoganies, a Red Mahogany and a Coastal Banksia (a total of 24 listed trees).

- The subject building is not in a heritage conservation area.
- The subject building is within the Vacluse West precinct.
- The subject building is not listed on the State Heritage Register.
- The subject building is not a potential heritage item nor within the vicinity of a potential heritage item.

Significance of any heritage item in the vicinity

Vacluse House and grounds: Vacluse House is significant because of its association with the Wentworth family and their aspirations. It has a large collection of surviving original documentary evidence relating to the house, its contents and occupants. There are a number of extant buildings and gardens and the house retains relative intactness of form, interior space and detailing predating 1900. (Bravery1997:10-11)

Vacluse House is a large Gothic style residence built around a much smaller house in stages. It has crenellated parapets, turrets and iron verandah posts. The verandah returns on three sides of the bay windowed front which has french windows with louvered shutters. The rear wings enclose a small courtyard, most windows being 12 pane type and doors of six panels. The rooves are slate and galvanised iron. The interior contains much fine Georgian cedar joinery, marble chimney pieces and Pompeii tiles to the hall floor. (Sheedy 1973) The main complex comprises two connecting two storey and one three storey building which contain reception rooms, halls, guest bedrooms, family rooms and bedrooms, servants quarters and the service wing. Adjacent to the scullery are the dairy and larder. To the south is a building identified in 1853 as a store. The cottage layout suggests it was used originally as a house. A guardhouse is attached to, and post dates, the northwestern corner of the courtyard wall. The laundry is immediately west of the house and creek. On the western side of the walled courtyard are a reservoir and pump associated with the water supply to the 1861-62 first floor bathroom, dressing room and watercloset attached to the rear of the bedroom wing. The stable is a two storey building with stalls, carriage and tack rooms and fruit storage areas. The tearoom is a single storey timber and tile building constructed this century with adjacent stone terrace. The garden contains remnant indigenous plantings, 19th century bush, the original principal path and drive layouts as well as its relationship with the harbour. (Bravery 1997:4 & 6)

Significance of subject property to the area

The subject site was part of the Twelfth Subdivision of 'Choice Villa Sites' by Richardson & Wrench in November 1913. Olola Avenue was conceived as a crescent surrounding the Vacluse House public park. With northern orientation, and situation opposite the large significant site of Vacluse House Estate, this land parcel would have been a prime piece of real estate in an exclusive suburb experiencing a housing boom. There may have been views to the harbour and down over Vacluse House existing on the site at certain times.

The existing dwelling is a substantial bungalow, 'Burrawong', built in c.1922 for Mr E. Macpherson and designed by architect D. E. Walsh. The house is set well above the

road with a commanding view over Olola Avenue and into the lush grounds of Vacluse House.

The façade appears high above the street as a large timber and panelled gable above a long deep verandah. The verandah is generous and deep, with detailed solid joinery and wide openings and windows in three directions. The view of the façade is obscured by overgrown vegetation. The house is built on an extensive sandstone base, the basement of which contains a maid's apartment extending the full width of the building and containing several rooms. Access to the main house is from a protruding porch to the east side, accessed by a long flight of terrazzo/stone steps. The house is constructed of brick, with a timber framed roof laid with terracotta tiles. All flooring and joinery is timber.

There is a single garage at street level of a similar age to the house, with a gabled roof and matching brick and timber details.

The interior of the house is extraordinarily intact. There are blond timber floorboards throughout, noted in the specification as Richmond River Pine. Walls are plaster, most with the original wallpapers extant, many of which are lovely and delicate. Some match the light fittings, most of which are also still in place. There is timber joinery throughout, all of the original period and in matching details, with many multi-paned double-hung windows, and multi-paned glass internal doors. There is a large bay window or ottoman seat to the main bedroom to the east. Door architraves and windows have 1920's tapered details. The original layout of rooms has been fully retained. There is extensive original internal storage and cupboards, such as linen cupboards and kitchen joinery. As mentioned before, ephemeral fittings such as wallpaper and light fittings most likely original are still in place.

There is a small courtyard garden to the rear that extends into a large long side garden to the eastern side, which has been softly terraced and includes a parterre vegetable garden.

The house is in excellent condition, apart from some repairs required to the entry stair and porch, where the terrazzo and stone treads are coming loose from the porch floor, or are cracked. Apart from this, the house is completely intact, with virtually no intrusive elements.

In 1934 minor alterations and additions were approved to 'Burrawong' for G.E Clift, which involved a new brick room to the rear elevation, replacing a fibro part of the rear skillion, which appears to have been carried out. Alterations were also proposed to the front verandah bay, enlarging it into a larger faceted bay. These alterations to the verandah were not carried out.

In 1952 the small bathroom and kitchenette were added to the basement level.

In 1957 an inclinor with a new timber shingled landing were approved to the north-eastern side of the property, but was either never built or has been removed, as no evidence of any such structure exists.

In 1989 approval was given for the demolition of the existing house and a new larger dwelling, but these approved building works were never carried out.

There is a commanding view of the landscape from the front rooms and front verandah. The house sits comfortably in the landscape, as has done so for almost 100

years. It is likely that the house was built after the original subdivision of Olola Avenue. Houses at no.5 and no.8 are similar in age and detail to the subject site, and it is possible that the entire street was once populated with similar dwellings. They would have been elegant and stately homes in a vernacular tradition and due to their natural materials and garden setting make a gracious and pleasing backdrop to an area of Sydney renowned for its lush bush environment and historic importance.

Significance of 11 Olola Avenue to the area

Adjacent the subject site is 11 Olola Avenue, designed by Harry Seidler in the 1960's. It remains in a highly well-maintained condition by the original owners, who have also retained the house in an unaltered condition. As such, all the features that make the house a distinctly recognisable Seidler house are present and well-kept. This includes the central and steep cobbled driveway surrounded by symmetrical manicured gardens; the cantilevered full-width deep balcony with glass balustrade and steel handrail; white-painted bagged brickwork in an immaculate condition; considered internal layout incorporating curved masonry wall; modernist principles, layout and features.

The significance of 11 Olola Avenue should be assessed to see whether it reaches the criteria for listing as a heritage item under Woollahra LEP 1995. A comparative study of Harry Seidler's work, within and beyond the municipality would need to be carried out to ascertain the relative significance of this work.

Assessment of heritage impact

The significance of 12 Olola Avenue should also be assessed to see whether it reaches the criteria for listing as a heritage item under Woollahra LEP 1995. Unfortunately the building appears to have limited social and historic significance. The existing building is an excellent representative example of the bungalow style, and is unusually intact right down to light fittings and wallpaper. Consideration should be given to its retention, with appropriate alterations and additions. The building should not be demolished unless a building of higher significance is proposed to take its place. In this case, this is certainly not the case.

Quality of proposed dwelling

The proposed new dwelling on the site is unacceptable for a variety of reasons. Generally, the quality of the design is exceptionally poor.

Roof: The proposed dwelling roof form is atypical, uncharacteristic of the area and unarticulated. It could create large amounts of glare and reflectivity which would affect neighbouring properties. It is of a shape and scale fitting to a gymnasium. The eaves are inconsistent from front to back with no clear reason. The views of the roof on the elevation show enormous Klip-lok style roofing with a massive cross-section.

Elevations: The drawings do not give a clear indication of the actual appearance of the building apart from a paucity of articulation and lack of any pleasing detail. The front elevation shows a plain box with balconies across both upper levels with repetitive post details. Half of the elevation is set back. Windows and doors are rendered inconsistently (some shown black, some white). No details of supposed features (eg

sandstone feature wall) are included. The rendering of the balcony balustrades appears to be metal mesh but is not shown clearly. Other lines on the drawing are not identified.

Plans and layout: In inspection of the drawings reveals a very poor design based on very poor architectural understanding. Some furniture is drawn to a questionable scale, and the size of the rooms makes it appear disproportionate. The proportions of rooms are excessively large, and often awkwardly shaped. The layout of the kitchen is unworkable and substandard, and the general layout of spaces is poorly arranged and unpleasant. The upper floor level has a 2400mm head height which would be unpleasant.

The location of the front balcony blocks views from the front balcony of 11 Olola and allows complete overlooking into the principal living room and bedroom of 11 Olola, although this is not a heritage issue per se. If 11 Olola Avenue was to become a listed item, then encroachment on appreciation of this building would be a heritage issue. The proposed setback line and the location of proposed balcony to the subject site is inappropriate in terms of the existing setbacks and arrangement. Currently there are no overlooking issues with the existing buildings. The existing setbacks should be maintained.

Alterations and additions allowing retention of existing dwelling

The existing house is a substantial quality home, with fine detailing and excellent quality of spaces throughout. It would be a relatively straightforward brief to alter and add to the existing building to achieve a highly desirable large family home.

Acceptable alterations and additions could involve the following:

- New double garage at street level
- Landscape front garden with terracing and paving, cut back overgrown shrubs
- Minor maintenance to house such as repair front steps and porch tiling
- Possible upgrade of front steps to allow smaller risers to improve access
- Lift from garage to ground floor if required
- Retention of some wallpapering and light fittings
- Retention of house envelope and ground floor layout, with possible minor upgrading of kitchen and bathrooms in sympathetic style
- New second storey to rear behind front of principal roof if required, with a mixture of modern and sympathetic detailing such as at no.4 Olola Ave
- There is the space for a modest swimming pool to the south-east side garden area

Relevant statutory and policy documents

The assessment is made using the following statutory and policy heritage conservation provisions:

Woollahra LEP 1995 Part 1 clause 2(1)(g)(v) and 2(2)(g); Part 4 clause 27

- The proposed new building requires the demolition of a building which is contributory to the neighbourhood and character of Vaucluse and this is unacceptable.

- The proposed new building is of such low quality that the replacement of the existing building with this new development would have a negative impact on Vaocluse House and grounds, and the character of Olola Avenue, and the character of Vaocluse.

Woollahra Residential DCP 2003 (WRDCP 2003)

4.13 Vaocluse West precinct

Objective O4.13.5: ‘To maintain the evolution of low-rise residential building styles through the introduction of good contemporary buildings’.

- The existing house is of high quality construction and sound historic character. It makes a soft but positive contribution to the streetscape character. It could be retained with possible alterations and additions if desired, which would greatly enhance its streetscape presentation, amenity and value.
- The proposed house is of exceptionally poor quality design and does not conform to the desired future character of Olola Street and the Vaocluse area.

Control C4.13.1: ‘Development respects and enhances the existing elements of the neighbourhood character that contribute to the Vaocluse West precinct, including the rich mixture of residential architectural styles, and their emphasis on their connection to the landform’.

- The proposed house is of exceptionally poor quality design and does not contribute, respect or enhance the quality of the neighbourhood character which is generally of a very high standard, whether traditional historic homes, or new high-quality contemporary and modern design.
- The existing house sits comfortably in the landscape in a harmonious relationship and reflects the historic character of the area. The proposed building is non-site-specific in design and does not bear any relationship to the character of the area or have any connection to the surrounding landform.
- The poor quality of the design will negatively reflect upon the character of the area in terms of the close physical proximity to Vaocluse House.

Conclusion

The application is not acceptable as it does not comply with all the provisions of the relevant statutory and policy documents as shown in the above assessment and would have an unsatisfactory heritage impact.

Recommendation

Unequivocal refusal for the following reasons:

1. Inherent value, aesthetic significance and contributory nature of existing building, providing gracious accommodation and contribution to character of streetscape and neighbourhood.
2. Poor quality submission drawings with incorrect or insufficient detail.
3. Poor quality design of proposed new dwelling, all leading to conclusion of poor architectural understanding:
 - unarticulated roof

- banal repetitive elevations
- bulky and awkward
- poor internal layout and configuration and size of spaces

Should the application be approved, the following conditions should be included in the consent:

Standard Conditions

BB3 Recording Significant and contributory items

Sara Reilly
Strategic Heritage Officer

NSW LAND & ENVIRONMENT COURT

PROCEEDINGS No.10355 of 2011

12 OLOLA AVENUE VAUCLUSE APPEAL AGAINST REFUSAL OF RE-DEVELOPMENT

BOCCE PTY LTD-v- WOOLLAHRA COUNCIL

JOINT STATEMENT OF HERITAGE EVIDENCE

by

ROBERT STAAS, M.B. Env., B.Arch., Dip Cons. (York), FRAIA on behalf of the Applicant

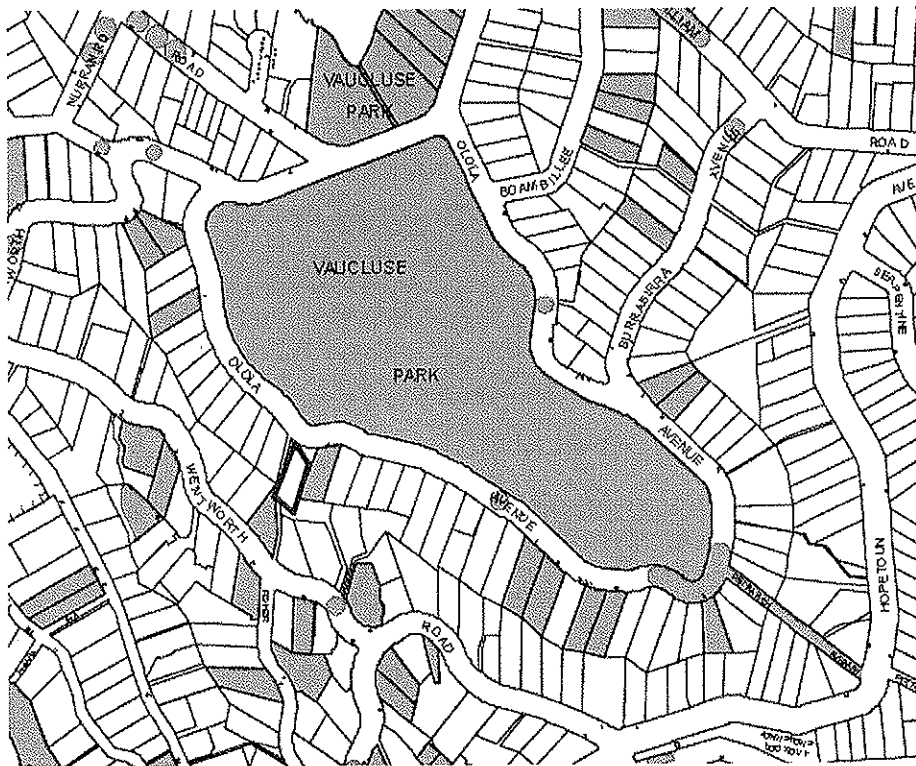
SARA REILLY, B.Arch. Heritage Officer Woollahra Council.

1.0 INTRODUCTION

- This Joint Statement of Evidence has been prepared in response to the requirements of the Court by the nominated Heritage Consultants advising the parties in the proceedings.
- This Statement has been prepared according to the Court's directions set out in the following procedural guidelines:
 - *Class One Development Appeals - Usual Directions;*
 - Division 2 of Pt 31 of the *Uniform Civil Procedure Rules;*
 - *The Expert Witness Code of Conduct in Schedule 7 of the Uniform Civil Procedure Rules.*
- In assessing this matter and preparing this statement of evidence, reference has been made to the following material:
 - Woollahra Local Environmental Plan 1995
 - Woollahra Residential DCP 2003
 - SEPP Exempt and Complying Development Code 2008
 - Revised Drawings accepted by the Court for these proceedings
 - Demolition Report & Archival Record, December 2010 by aSquare Planning
 - Statement of Environmental Effects, December 2010 by aSquare Planning
 - Heritage Referral by Sara Reilly to Woollahra Council dated 8th March 2011
 - Heritage Assessment and Statement of Heritage Impact by Robert Staas of NBRS+P dated June 2011
 - Aboricultural Impact Assessment by Martin Peacock dated January 2011
 - Notice of Determination under delegation refusing consent dated 27th May 2011.
 - Letter to Council from Pikes Lawyers regarding Complying Development Certificate for Demolition of the existing dwelling dated 29th June 2011
 - Amended Statement of Facts & Contentions dated 15th June 2011

2.0 AREAS OF AGREEMENT

- The subject site is not a listed heritage item in the Woollahra LEP 1995 and is not located within a Conservation Area identified in the Woollahra LEP 1995
- The subject site does not adjoin any listed heritage or draft heritage items identified by Woollahra Council.
- The site is in the vicinity of a tree identified as a heritage item in the Woollahra LEP 1995 at No.14 Olola Avenue identified as being a 'Sydney Pink Gum'.
- No. 11 Olola Avenue is not identified in any Environmental Planning Instrument as a heritage item.
- The site is in the vicinity of Vaucluse Park, which contains Vaucluse House an item of State significance entered on the NSW State Heritage Register.
- Under Part 7 Clause 7.1 of SEPP (Exempt and Complying Development) Code 2008 demolition of a single dwelling house is complying development.



Extract from the Woollahra Heritage Map referred to in the Woollahra LEP 1995 showing heritage items located in the vicinity of the subject site.

- An approval for re-development of the site involving the demolition of the existing building and the erection of a new dwelling was approved by Woollahra Council in 1989 but was not proceeded with.

- The Heritage based Contentions raised by the Respondent are accompanied by comments that relate to three basic heritage issues:
 - 1) The potential heritage significance of 12 Olola Avenue and objections to its demolition.
 - 2) The potential heritage significance of No.11 Olola Avenue and any adverse heritage impact on that property as a result of the proposed development.
 - 3) Adverse impacts on the streetscape character of Olola Avenue.
- The Planning Issues raised by the Council are outside the field of expertise of the heritage experts and are addressed by the Town Planner's Joint Report.

3.0 MR STAAS'S RESPONSE TO THE CONTENTIONS

Heritage Contentions of the Council

The heritage contentions of Council are accompanied by comments which appear to have nothing to do with the identified clauses of the Woollahra LEP 1995. They go to the Council's Heritage Officer's assessment of potential heritage values for the existing building and its neighbour which are not identified as heritage items and are not located within a conservation area.

Following the preparation of the Statement of facts and Contentions, Council was asked to withdraw issue 1.1 Heritage from the proceedings on the basis of the fact that the Exempt & Complying SEPP permits demolition of the dwelling as complying development and the Applicant sought to seek a Complying Development Certificate for demolition and make application to amend the DA to delete the application for demolition. The Council did not agree to the request.

The Council still contend that the proposed development is contrary to the following clauses of the Woollahra LEP 1995:

- **Clause 2(1)(g):**
 2. The aims and objectives of this plan
 - (1) The aims of this plan are –
 - (g) to conserve the environmental heritage of the area of Woollahra,

"Environmental Heritage" is not defined in the Local Environmental Plan or in the Environmental Planning & Assessment Act.

"Environmental Heritage" is defined in the NSW Heritage Act as being:
"Those places buildings works relics moveable objects and precincts of State or Local Heritage Significance."

"Heritage Items" are defined in the Woollahra LEP as follows:
"Heritage Item means a building, work, relic, tree or place:
(a) located on land described in Part A of Schedule 3, being land shown coloured orange on the heritage conservation map, and
(b) described in Part B of Schedule 3."

The subject site is not a "heritage item", neither are the adjoining sites. In this regard there is no conflict with the aims and objectives of the plan as nothing in the application affects a listed heritage item. or the identified "environmental heritage" of Woollahra.

- **Clause 2(2)(g)(i)**

- 2. The aims and objectives of this plan

- (2) The objectives of this plan are –

- (g) in relation to heritage conservation -

- (i) to identify heritage items and heritage conservation areas and to provide measures for their conservation, protection and enhancement,

The responsibility for the identification and listing of heritage items is one that is an obligation of the Council and not one that is an obligation of the Applicant. The Council has undertaken Heritage Studies and maintains a schedule of items which from time to time are modified by way of changes to the Woollahra LEP.

Nothing in the present application is contrary to the normal process of identification and listing of heritage items. What is contrary to the normal processes of planning is the proposed attempt to use heritage as a planning control on property which is not identified as a heritage item and for which there is no certainty of heritage listing in the future.

Subsequent to the submission of the Statement of Heritage Impact, the Council has undertaken a review of Inter War bungalows to justify the significance of the place. This information has not been made available in the process of this application and has no relevance to the proposed application for demolition.

In my opinion there is no conflict with this clause of the Woollahra LEP arising from the current application which affects a property that is not a "heritage item" and is not in a "conservation area".

- **Clause 2(2)(g)(ii)**

- 2. The aims and objectives of this plan

- (2) The objectives of this plan are –

- (g) in relation to heritage conservation -

- (ii) to ensure that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of heritage items and their settings and of heritage conservation areas,

There is no heritage Conservation Area in the vicinity of the site and the only heritage items in close proximity are the listed trees in Olola Avenue which are unaffected by the proposed development. The heritage setting of Vaucluse House and Estate are unaffected by the housing developments in Olola Avenue many of which are more highly visible than that proposed for the subject site. The current proposal is not in conflict with any listed "Heritage Item".

No. 11 Olola Avenue is not identified as a heritage item and the demolition of the existing house at 12 Olola Avenue and the construction of the new residence will have no adverse impact on any potential heritage value of that property.

- **Clause 2(2)(g)(v)**

- 2. The aims and objectives of this plan

- (2) The objectives of this plan are –

- (g) in relation to heritage conservation -

- (v) to provide for the detailed control of development associated with or in proximity to heritage items and heritage conservation areas,

The subject site is not located within a conservation area and the only heritage item that is in the vicinity that could reasonably be said to come under the potential influence of the proposed development is Vaucluse Park which lies opposite across Olola Avenue. In this section of the road thick perimeter vegetation forms a strong visual barrier between the eclectic housing development of Olola Avenue and the grounds of Vaucluse House. The Residential DCP and the planning controls of the Woollahra LEP adequately control the development to an extent that it will have no significant impact on the heritage item and is not in conflict with the objective of the Plan.

- **Clause 27**

27. Development in the vicinity of heritage items, heritage item group, heritage conservation areas, archaeological sites or potential archaeological sites

The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage item group, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

Apart from the listed trees which are at a distance from the subject site and are unaffected by the proposed development, the only Heritage item to be taken into consideration is the Vaucluse Park and Vaucluse House site opposite across Olola Avenue.

Vaucluse House and Estate is listed as an item of State Significance by the NSW Heritage Council. The significance of the place is contained in a statement of Significance published by the Council in the State Heritage Register as follows:

"Today Vaucluse House is one of the few 19th century houses on Sydney Harbour retaining a significant part of its original estate setting. One distinguishing surviving characteristic of the 19th century estate is its careful division into specific areas, both functional and ornamental, such as pleasure garden, kitchen garden, rear service yard, paddocks, carriageway, creek, estate backdrop, beach paddock.

Vaucluse House is significant because of its association with the Wentworth family and their aspirations. It has a large collection of surviving original documentary evidence relating to the house, its contents and occupants. There are a number of extant buildings and gardens and the house retains relative intactness of form, interior space and detailing predating 1900.

A large early Victorian garden and shrubbery, laid out to compliment a gothic revival house belonging to the family of the important colonial pioneer and politician W.C. Wentworth.

There appears little early documentation of the garden but it can be presumed to have been designed to complement the mid-19th Century additions to the house and to have been established by the 1860's."

In addition the assessment indicates:

"The Olola Avenue perimeter retains remnants of the indigenous vegetation."

Nothing in the current Application has any detrimental effect on the perimeter planting which is the element of the 'Vaucluse House Estate' which is closest to the subject site. Development in Olola Avenue has been in place since the First World War and the present development pattern includes many large and visually dominant houses, some of which are clearly visible from the curtilage of Vaucluse House. The subject site is not visible from within the curtilage of the house in the parkland and is screened by the dense perimeter planting. There is therefore no adverse impact on this heritage item resulting from the proposed development.

The relative scale of the proposed building is comparable with the form and bulk of development in the immediate vicinity some of which is overtly three storeys in height and extends virtually from boundary to boundary with garaging beneath. In this respect the proposed development is not out of place in the existing streetscape character which is not cohesive or significant.

Mr Staas is of the opinion that in the absence of any heritage listing of the property that demolition is permissible under the Exempt and Complying Development Code 2008 as a result of changes gazetted on 25th February 2011 where Woollahra Local Government Area is no longer excluded from the General Housing Code and where the subject land is not excluded by Clause 19(6)(e) of that code.

On the basis of Ms Riley's evidence that the property does not display sufficient distinguished and distinctive characteristics to elevate it above other now-identified and non-listed bungalows in the municipality and that it is unlikely to be considered part of the environmental heritage of the area suggests to me that the matter should not have been refused by the Council on this basis.

4.0 MS REILLY'S RESPONSE TO THE CONTENTIONS

Heritage Contentions of the Council

The Council no longer contends that the proposed development is contrary to the following clauses of the Woollahra LEP 1995:

Clause 2(1)(g):

2. The aims and objectives of this plan

(1) The aims of this plan are –

(g) to conserve the environmental heritage of the area of Woollahra.

Clause 2(2)(g)(i)

2. The aims and objectives of this plan

(2) The objectives of this plan are –

(g) in relation to heritage conservation -

(i) to identify heritage items and heritage conservation areas and to provide measures for their conservation, protection and enhancement,

The applicant was required to provide documentation with the development application indicating that the building proposed for demolition is not significant and thus acceptable for demolition. The submitted demolition report did not identify the name and details of the architect, did not adequately describe the building or its condition, and did not provide adequate consideration of the heritage significance of the building or why retention of the building was not viable, all of which is required as per the DA guide.

Demolition reports are required by Council to ensure that buildings which have not been the subject of any previous study have had due consideration of their significance. Council's DA states:

Demolition of a building requires approval from the Council through the development application process. When assessing an application for demolition the Council considers a range of planning matters, including the impact of demolition on any heritage significance the building may have. This assessment occurs to varying degrees irrespective of whether a building is listed as a heritage item or whether it is located within a heritage conservation area.

For many years Woollahra Council has been active in carrying out studies and investigations that have identified heritage items in the form of buildings, structures, landscape features, and trees. These items are listed in Woollahra Local Environment Plan 1995. The studies have also resulted in the identification and listing of numerous heritage conservation areas, which are also identified in Woollahra LEP 1995. The Council continues to undertake studies and to list new items and areas.

A building may be of potential heritage significance even though it is currently not listed in the schedule of heritage items or contained within a heritage conservation area.

Therefore, in addition to undertaking heritage studies, the Council assesses the potential heritage significance of a building proposed for demolition as part of its development application process.

The submitted demolition report was inadequate, in terms of a proper assessment of the heritage significance of the subject building. Council's Heritage Officer visited the site as part of the initial assessment process, and immediate concern was raised over the integrity and quality of the existing building, as well as other concerns. Thus the heritage referral for the DA recommended refusal, based on a preliminary and rudimentary assessment by Council.

The applicant has now submitted a Heritage Impact Statement as part of the court proceedings. This report also provides information to Council about the relative heritage significance of the building.

The Heritage Impact Statement by Mr Staas is very cursory in its analysis of bungalows in the Municipality. Mr Staas' report does not differentiate between bungalow styles, nor identify the most important features of each style. There are several different types of Inter-War bungalows within the Municipality, all with different representative qualities.

Mr Staas' report does not mention that the architect of the building, D. E. Walsh, has designed other heritage-listed buildings in a nearby local government area.

Mr Staas states that there are more distinctive and better representative examples of bungalows within the Municipality without stating where or supporting this claim in any way. Of the two examples mentioned in the 1984 study, which Mr Staas implies are intact, only one appears to remain intact, while the other has been altered, severely degrading its significance.

Mr Staas states that there are substantially intact areas of Inter-War bungalows still in evidence in Rose Bay, (again without stating where), when in fact Council's own recent studies indicate that this is now not the case.

Mr Staas states that without comparison with other examples it is difficult to state that the subject site has significance. It is in my opinion also difficult to state that the site doesn't have significance without comparison with other examples, which Mr Staas has not felt it necessary to do in his report.

Mr Staas' report states that it is not necessary to conduct a comparative analysis for his own report, but suggests that if Council fail to do so, it would be an abuse of the heritage process. It is surprising that Mr Staas considers that the aim of identifying the significance of the building through comparative analysis should be the responsibility of Council, and not that of the applicant. The onus is on the applicant to demonstrate that the building is suitable to be demolished.

Mr Staas states that the demolition report addressed the relevant matters regarding significance when according to the DA guide it does not. He states that the existing house is a standard bungalow design of which there are many in the Woollahra Municipality. This is incorrect, as the last thirty years has seen the significant loss of any cohesive streetscapes of bungalows, and the loss of most of the Municipality's bungalow stock. The subject building is a bungalow not of poor quality and of a lower order, such as Mr Staas suggests, but a good quality building representative of the period, an original building on an early subdivision, and in intact and virtually unaltered condition. This intactness now makes the building a rarity within the Municipality.

Mr Staas objects to the relevance of any heritage assessment by Council upon this case, and believes the court should not take into consideration any heritage assessment by Council, and yet submits his own heritage assessment and asks the court to accept his. It is not clear why Mr Staas believes that Council's heritage assessment is irrelevant, and that his own report is relevant.

Council is required to be satisfied that ample consideration has been given to the assessment of the heritage significance of any building under development, and due to the inadequacy of the submitted heritage documentation, Council has conducted research and analysis to make its own independent assessment.

Council has conducted a preliminary investigation based on the individual bungalows, architects and development areas identified in the 1984 report by Hughes Trueman

Ludlow "Heritage Study for the Municipality of Woollahra", and also investigated the buildings known to be designed by James Peddle within the Municipality, Peddle being an architectural forerunner of the Californian bungalow style. Council has identified that the subject bungalow does not reach the criteria for listing as a heritage item.

The building is a high quality architect-designed representative example of an Inter-War bungalow, with some characteristics of the Californian bungalow, such as the sleep-out verandah, the internal layout with the connected living and dining and the walk-through pantry, the shingled gable, the solid carpentry and the rough sandstone base.

A preliminary study and field investigation of other architect-designed bungalows and areas known to contain bungalows revealed that there are few remaining intact examples of Inter-War bungalows. To further complicate matters, the Municipality contains several different styles of bungalows, with different characteristic features. This is not uncommon as there were many different subcategories of bungalows within the emerging architectural landscape in Australia following the demise of the Victorian era. The English-influenced style of bungalow is more common in Woollahra than the Californian bungalow, and is characterised by more traditionally-pitched roofs, dark-liver bricks, leadlight glass and faceted brickwork. There are also several Arts and Crafts style bungalows existing in Woollahra. There are a number of interesting and also some ordinary Inter-War bungalows of mixed character and quality. Most buildings presenting as altered bungalows have had intrusive alterations such as second stories, makeovers, infill of verandahs and streetfront garage structures. There appear to be few intact bungalows remaining in the Municipality. There also appear to be few good remaining examples of Californian bungalows (if any ever existed), but a more detailed study would be required to confirm this, as many dwellings are set below the street level or behind fences, garages and landscaping.

However, it is obvious that the bungalow style does not thrive in the Municipality. The hilly topography does not support the style, which tends to be most successful and representative on fairly flat land, as the type (particularly the Californian bungalow) is a low-slung horizontal style. The 2(b) zoning pattern in residential areas has allowed for site amalgamation and redevelopment, eroding the cohesion of areas where many tracts of speculative bungalows were originally built. Further, the narrowness of the typical street frontages has often, as is the case in the subject site, required the design to be altered to accommodate the narrower lot frontage, by having the porch access at the side rather than the front, which has caused a divergence with a principal characteristic of the Californian bungalow style. Thus the facade of the subject building does not have the deep porch or the asymmetrical design associated with the bungalow style. The narrowness of the front façade has also precluded the wide low-gabled roof form with which the style is typically associated.

The preliminary results of the bungalow study carried out by Council conclude that there is nothing that singles out the subject building or elevates it from other remaining examples of bungalows within Woollahra, or distinguishes it within the style, despite its relative rarity. There are other, better, more distinctive examples of bungalows in Woollahra that are perhaps worthy of further investigation. There is little evidence of any exemplary bungalows in the Californian style, but perhaps some may be revealed with further investigation.

It is also likely that the lack of listed bungalows in the Municipality (apart from a

handful of Federation bungalows) indicates that despite the lack of any conclusive study of the bungalow style within Woollahra, there has not been the level of architectural merit or streetscape cohesion for this building type to be identified as significant in any earlier investigation, apart from the brief notes in the 1984 study.

The subject building is known to have been designed by D. E. Walsh, who also designed two heritage-listed apartments in Farrell Avenue, Darlinghurst, and thus is possibly an architect of some importance. However, insufficient research has been done to ascertain the actual historic significance of this architect. He is certainly not well-known or known to be eminent at this stage.

The areas of extensive bungalow construction referred to the 1984 Hughes Trueman Ludlow report have now almost entirely vanished through demolition, site amalgamation and alterations. Thus it is likely that the building is now rare within the Municipality. The field study indicates that this is the case. However, despite its now relative rarity, it still does not display sufficient distinguished and distinctive characteristics to elevate it above other now-identified and non-listed bungalows.

The contention that the building is significant and could be part of the environmental heritage of Woollahra, (whether currently identified as such or not being irrelevant), now seems unlikely, unless more detailed and thorough research proves otherwise.

Clause 2(2)(g)(ii)

2. The aims and objectives of this plan

(2) The objectives of this plan are –

(g) in relation to heritage conservation -

(ii) to ensure that new development is undertaken in a manner that is sympathetic to and does not detract from the heritage significance of heritage items and their settings and of heritage conservation areas,

As made clear in the original heritage referral response, the building should not be demolished unless a building of higher significance takes its place. Amended plans have been submitted and it is understood that the amendments have resolved the planning issues to the greater degree. No further contentions.

Clause 2(2)(g)(v)

2. The aims and objectives of this plan

(2) The objectives of this plan are –

(g) in relation to heritage conservation -

(v) to provide for the detailed control of development associated with or in proximity to heritage items and heritage conservation areas,

As made clear in the original heritage referral response, the building should not be demolished unless a building of higher significance takes its place. Amended plans have been submitted and it is understood that the amendments have resolved the planning issues to the greater degree. No further contentions.

Clause 27

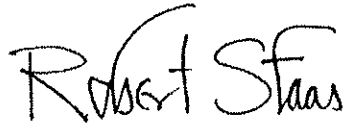
27. Development in the vicinity of heritage items, heritage item group, heritage conservation areas, archaeological sites or potential archaeological sites

The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage item group, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

As made clear in the original heritage referral response, the building should not be demolished unless a building of higher significance takes its place. Amended plans have been submitted and it is understood that the amendments have resolved the planning issues to the greater degree. No further contentions.

5.0 AREAS OF DISAGREEMENT

The experts disagree on the relevance of the future heritage assessment by the Council of the existing house to the relevant sections of the Woollahra LEP identified in the Statement of Contentions or to an assessment of the current development application for the reasons noted in the evidence above.



Robert Malcolm Staas



Sara Reilly