

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF DUNARA RESERVE, POINT PIPER (REMNANT OF THE RESIDENTIAL GARDEN OF "DUNARA")**
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/150019
Reason for Report: To report the advice made to Council by the Woollahra Local Planning Panel.

To obtain the Council's approval to proceed with the planning proposal to list Dunara Reserve as a heritage item in Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 September 2018.
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee meeting on 15 October 2018, be forwarded to the Greater Sydney Commission with a request for a gateway determination to allow public exhibition.
- C. THAT Council request delegation from Department of Planning and Environment in relation to the planning proposal, to carry out the functions of the Greater Sydney Commission under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. THAT Council seek access to Dunara Reserve from Dunara Gardens private road to facilitate maintenance, address biodiversity, succession and protecting canopy, and public access on a regular basis (noting that the adjacent owners with rights over the private road have indicated their cooperation to do that) to ensure the planning proposal to reclassify Dunara Reserve does not proceed.

1. Dunara Reserve

This report relates to a planning proposal to list Dunara Reserve (the site) as a heritage item in Schedule 5 of *Woollahra Local Environmental Plan 2014* (LEP). The planning proposal is included in **Annexure 1** (refer to section 2.1 of this report for a description of annexures). The site comprises Lot 11 in DP 27451, which is located between 1 Wentworth Street and 9 Dunara Gardens, Point Piper, as shown in Figures 1 and 2 below. The site is irregular in shape, has an area of approximately 402m² and slopes down approximately 4m from its west boundary on Wentworth Street to the southeast.

To the west, the site has a narrow access of approximately 2.7m to Wentworth Road, which provides limited pedestrian access. To the north, the site adjoins Dunara Gardens, the private road to the former "Dunara" estate. To the east, the site adjoins 9 Dunara Gardens and to the south, the site adjoins 1 Wentworth Street.

The site contains a range of exotic and native trees including a mature specimen of *Araucaria columnaris* (Cook's Pine), which is listed as local heritage item No. 277 in Schedule 5 of Woollahra LEP 2014 and is also listed as a significant tree on public land in Woollahra Council's Significant Tree Register.

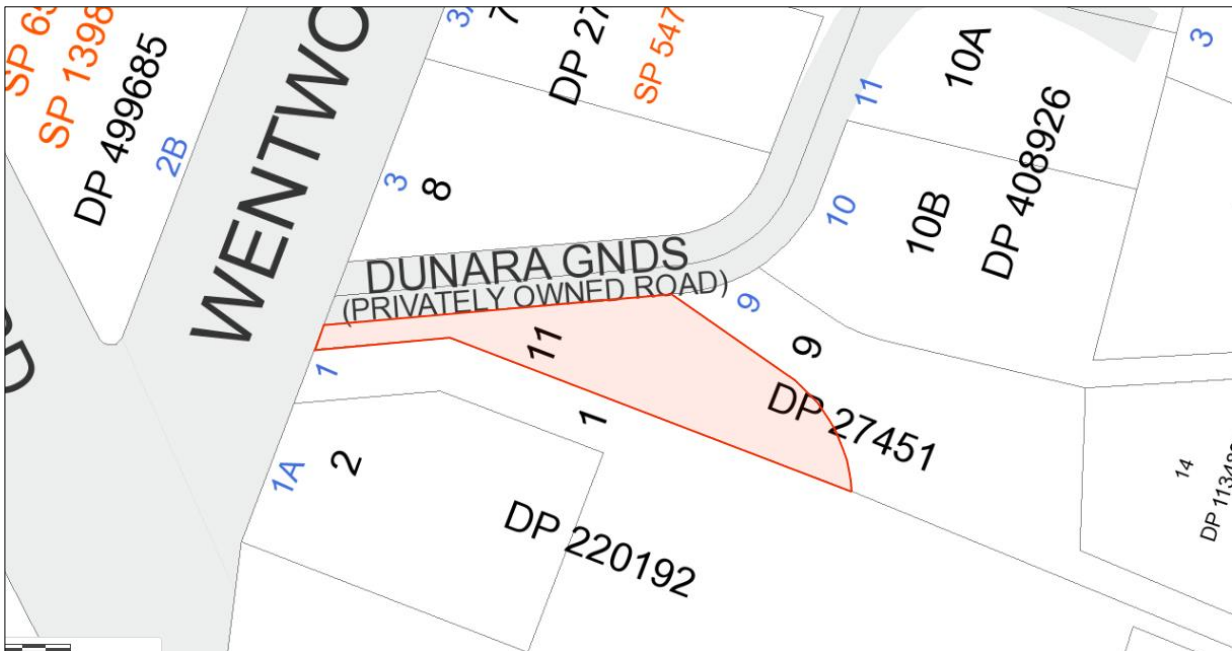


Figure 1: Cadastral map showing Dunara Reserve outlined in red



Figure 2: Aerial photograph showing Dunara Reserve outlined in red

2. Background

2.1. Annexures

Annexure 1 to this report contains a report to the Woollahra Local Planning Panel (WLPP) meeting of 13 September 2018 regarding the heritage listing of Dunara Reserve, including the annexures listed below. To avoid duplication, these annexures have not been included as individual annexures to this report, however, they are referenced in this report.

1. Planning Proposal - Dunara Reserve, Point Piper (including Schedules 1 and 2) - September 2018
2. Environmental Planning Committee Report - Dunara Reserve, Point Piper - Assessment of Heritage Significance - 2 July 2018
3. Council Minutes - Dunara Reserve, Point Piper - Assessment of Heritage Significance - 16 July 2018
4. Heritage Significance Assessment – Betteridge Heritage, including draft inventory sheet (heritage data form) – 21 June 2018

2.2. Council notice of motion and resolution

On 12 March 2018 Council adopted the following notice of motion:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to the Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:

1. *included in the Woollahra Local Environmental Plan as a heritage item; and*
2. *listed as a heritage item of state significance on the NSW State Heritage Register.*

2.3. Assessment of heritage significance

In response to Council's decision, Betteridge Heritage was engaged to carry out an assessment of heritage significance of the site (**Annexure 1** – *Annexure 4 of WLPP report*). The assessment was carried out in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance.

Table 1 below provides a summary of the assessment of the heritage significance of Dunara Reserve against the seven criteria, at the local and State levels.

Table 1: NSW Heritage assessment criteria summary

Criteria		Meets criteria for heritage listing	
		Local	State
(a)	An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓	×
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).	×	×
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	✓	×
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.	✓	×
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	×	×
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).	×	×
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments, (or a class of the local area's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments.) 	×	×

The heritage assessment provides the following statement of significance:

Dunara Reserve has historical significance at a local level but not at a State level derived from its association with a significant historical phase in the development of the cultural landscape of Point Piper and the former 'Dunara' Estate. It retains physical fabric in the form of a significant specimen of Araucaria columnaris (Cook's Pine) which is a remnant of the historic plantings of 'Dunara' and which is a local landmark. It also contains two specimens of Phoenix canariensis (Canary Island Date Palm) likely to have been part of the ornamental plantings in the 'Dunara' garden. (Criterion A).

While it is highly likely that the specimen of Cook's Pine on the reserve was planted by or for the Mackellar family, there is insufficient evidence at this stage for a direct association between any member of the Mackellar family or subsequent occupants with the particular part of the garden retained in Dunara Reserve and the reserve is not considered to have historical associational significance at a local or State level. (Criterion B)

The cultural landscape of Dunara Reserve is aesthetically distinctive and the specimen of A. columnaris has exceptional landmark qualities, with visual prominence at local, district and harbour scales. The reserve is considered to have aesthetic value at a local but not at a State level. (Criterion C).

Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. Araucaria columnaris is a species identified in the Woollahra Heritage Study as an important element in the cultural landscape of the local government area and therefore contributes to the community's sense of place. The specimen of Araucaria columnaris growing in Dunara Reserve has been recognised as a significant tree since the Woollahra Significant Tree Register was established in 1991, is listed as an item in Woollahra LEP 2014 and recognised as an important specimen in the authoritative publication Horticultural flora of South-eastern Australia. The reserve is considered to have social value at a local but not at a State level. (Criterion D).

*The reserve is not considered to have technical / research values, rarity or representativeness at a local or State level. (Criteria E, F and G).
(Betteridge Heritage, p.47)*

The consultant concluded:

Based on the assessment in the previous sections, I am of the opinion that Dunara Reserve is of local heritage significance for its historic, aesthetic and social values, warranting its consideration for inclusion as an item of environmental heritage on Schedule 5, Woollahra LEP 2014.

I am of the opinion that Dunara Reserve is not of significance at a State level that would warrant its nomination for inclusion on the State Heritage Register.

Given the importance of the reserve as the location for several significant tree specimens including the LEP-listed specimen of Araucaria columnaris, I am of the opinion that conservation of the reserve's heritage values may be best achieved if the reserve is retained in public ownership. (Betteridge Heritage p.51)

2.4. Council resolution

The consultant's report was presented to the Environmental Planning Committee on 2 July 2018 (**Annexure 1 – Annexure 3 of WLPP report**). On 16 July 2018, Council resolved:

- A. *THAT Council prepare a planning proposal to list Dunara Reserve Point Piper, being Lot 11 in DP 27451, as a heritage item in Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal describes the item as follows: Dunara Reserve – remnant of the residential garden of “Dunara”.*
- C. *THAT the planning proposal be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.*
- D. *THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 3.36 of the Environmental Planning and Assessment Act 1979.*
- E. *THAT Council seek access to Dunara Reserve from Dunara Gardens private road to facilitate maintenance, address biodiversity, succession and protecting canopy, and public access on a regular basis (noting that the adjacent owners with rights over the private road have indicated their cooperation to do that) to ensure the planning proposal to reclassify Dunara Reserve does not proceed.*

2.5. Woollahra Local Planning Panel advice

On 13 September 2018, the Woollahra Local Planning Panel (WLPP) provided the following advice to Council (**Annexure 2**):

- A. *THAT the Woollahra Local Planning Panel advises Council that it supports the planning proposal to list Dunara Reserve, Point Piper as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *That the Panel notes and supports Item E. in the Council Resolution from 16 July, 2018 namely:*

THAT Council seek access to Dunara Reserve from Dunara Gardens private road to facilitate maintenance, address biodiversity, succession and protecting canopy, and public access on a regular basis (noting that the adjacent owners with rights over the private road have indicated their cooperation to do that) to ensure the planning proposal to reclassify Dunara Reserve does not proceed.
- C. *The Panel endorses the report prepared by Betteridge Heritage which provides the Heritage Significance Assessment of Dunara Reserve and considers that it should form the basis for the preparation of a Conservation Management Plan for the site by Council.*

3. Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department of Planning and Environment as delegate for the Greater Sydney Commission. The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council’s standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- A letter to land owners in the vicinity of the site.
- Local community groups.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal, such as relevant Council and consultant reports.

4. Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department (as the delegate of the GSC) for a gateway determination under section 3.34 of the Act.

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the GSC to make an LEP under section 3.36 of the Act.

Following public exhibition, if Council resolves to proceed with and finalise the planning proposal, and delegation is given to Council to make the LEP, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.

Alternatively, if Council decides not to finalise the planning proposal, it will resolve to request that the Minister, or Minister's delegate, not proceed with the planning proposal, under section 3.35(4) of the Act.


5. Conclusion

The listing of Dunara Reserve as a heritage item at the local level is supported by an assessment of the heritage significance prepared by Betteridge Heritage, dated 21 June 2018.

On 13 September 2018, the WLPP provided advice to Council that it supports the planning proposal.

The Council may now proceed with referring the planning proposal to the GSC requesting a gateway determination to allow public exhibition.

Annexures

1. Woollahra Local Planning Panel report (including planning proposal and heritage assessment) - 13 September 2018 [↓](#) 
2. Woollahra Local Planning Panel minutes – 13 September 2018 [↓](#) 