



# Urban Planning Committee

**Agenda:** *Urban Planning Committee*

**Date:** *Monday 30 January 2012*

**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

25 January 2012

To: Her Worship The Mayor, Councillor Susan Wynne ex-officio  
Councillors Malcolm Young (Chair)  
Chris Howe  
Sean Carmichael  
Lucienne Edelman  
Nicola Grieve  
Ian Plater  
David Shoebridge

Dear Councillors

### **Urban Planning Committee Meeting – 30 January 2012**

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 30 January 2012 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 12 December 2011	1
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### **Items to be Submitted to the Council for Decision with Recommendations from this Committee**

R1	Draft Educational Establishments Development Control Plan 2012 – 1197.G	2
R2	Wentworth Memorial Church State Nomination – 167.32B	43

**Item No:** D1 Delegated to Committee  
**Subject:** **Confirmation of Minutes of Meeting held on 12 December 2011**  
**Author:** Les Windle, Manager – Governance  
**File No:** See Council Minutes  
**Reason for Report:** The Minutes of the Meeting of Monday 12 December 2011 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 12 December 2011 be taken as read and confirmed.

Les Windle  
Manager - Governance

**Item No:** R1 Recommendation to Council  
**Subject:** **Draft Educational Establishments Development Control Plan 2012**  
**Author:** Anne White – Senior Strategic Planner  
**File No:** 1197.G  
**Reason for Report:** To obtain Council's decision to exhibit the Draft Educational Establishments Development Control Plan 2012.

## Recommendation

- A. That the Draft Educational Establishments Development Control Plan as contained in **Annexure 5** of the report to the Urban Planning Committee meeting on 30 January 2012, be placed on public exhibition.
- B. That a report on the submissions to the Draft plan be prepared and presented to the Urban Planning Committee following the public exhibition process.

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## 1. Background

The current Development Control Plan (DCP) for School and College Development came into force on 21 June 1995 (**annexure 1**). This plan applies to development within the municipality that involves private or public schools and colleges.

In January 2007 Council's Strategic Planning Working Party (SPWP) identified a need to update the plan to respond to new impacts arising from schools. Impacts such as increased traffic and parking and the use of schools for other community uses, were perceived as negatively impacting on the surrounding community.

In response to the SPWP concerns, a report was put to the Urban Planning Committee (UPC) and on 25 June 2007 Council resolved:

1. *That Council resolve to prepare a new Development Control Plan for Schools and Colleges generally in accordance with the conclusions set out in the report to the Urban Planning Committee on 12 June 2007.*
2. *That the draft DCP for schools and Colleges be presented to the Urban Planning Committee for consideration prior to public exhibition.*

Work on the Draft DCP commenced in 2007, however, finalisation of the Draft DCP was delayed due to the introduction of *State Environmental Planning Policy (Infrastructure)2007* (ISEPP). The ISEPP allows a wide range of development to be carried out on school land as exempt or complying development. Under these circumstances, the provisions of Council's DCPs do not apply. The ISEPP provisions relating to educational establishments have been amended and expanded several times during the course of our review process. Consequently, the DCPs application has been reduced. Nevertheless, there will be occasions where consent of Council through the development application process will be required and the DCP provisions will then apply.

The delay in completing the Draft DCP was also extended by the limited resources and competing work priorities within the Strategic Planning Department. Staff resources have since been allocated to this project and the Draft DCP has been prepared and is ready for exhibition.

## 2. Preparation of the Draft Educational Establishments DCP 2012

The DCP review has been informed by Councillors' comments and the recommendations arising from the following forums:

- Urban Planning Committee 12 June 2007
- Strategic Planning Working Party, 10 February 2009
- Urban Planning Committee meeting, 12 December 2011

The issues raised at these forums are identified in **annexures 2, 3 and 4**, along with a comment on how we have responded to these matters in the Draft DCP. The alterations arising from the UPC Meeting 12 December 2011 are identified in the Draft DCP (**annexure 5**).

Although the review process has been protracted, the matters identified for review have remained fairly constant. Common themes raised are:

- Review setback controls;
- Minimise impacts of arrival and departure arrangements;
- Encourage community use;
- Protect existing open space.

To further inform the DCP review, we consulted with school representatives in May 2009. Representatives from six schools provided their experiences relating to:

- On-site parking;
- Recreation areas;
- Dropping off and picking up students;
- Community use and access to school grounds;
- Environmental sustainable design.

This meeting was a good opportunity for staff to hear the current issues affecting educational establishments, and the different ways that these schools deal with these matters.

## 3. Draft Educational Establishment DCP 2012

The Draft DCP (**annexure 5**) provides an up to date framework for addressing the issues that were identified during the review process. The key changes between the current DCP and the Draft DCP are:

- New policy approaches:
  - For example:
    - Open space requirements - Remove minimum open space requirements (based on 20m<sup>2</sup> per number of students) and protect all existing open areas, particularly significant open areas.
    - Building setbacks - Amend setback control to remove ambiguity. Insert side and rear setback controls
    - View and vistas - Enhance controls regarding views and vistas
    - Traffic and parking - Identify the detailed requirements to be included in a traffic and pedestrian management plan.

- Respond to the Infrastructure SEPP (ISEPP):
  - The ISEPP permits a wide range of development on school sites as exempt or complying development. We have had regard to the operation of the ISEPP in preparing the Draft DCP.
- Apply Standard Instrument terminology:
  - The Draft DCP has been brought into line with the terminology used in the *Standard Instrument (Local Environmental Plans) 2006*.
- Update the format of the DCP:
  - The structure and formatting of the document has been updated to align with Council’s other DCPs.

In introducing these changes it is more effective to prepare a new DCP and to repeal and replace the School and College Development DCP 1995, rather than producing a complex DCP amendment.

Table 1 below provides a comparison between the current DCP and the Draft DCP. It summarises each clause of the Draft DCP identifying new policy approaches, deleted policies, and those items that have been carried over from the current DCP.

**Table 1: DCP Changes.**

<b>Draft DCP Part/Clause</b>	<b>Comparison with the Current DCP</b>
Cover/ Title	The Draft DCP will replace the current DCP. The use of the term “educational establishment” instead of “school” brings the Draft DCP in line with terminology used in the Standard Instrument. The extent of the land to which the Draft DCP applies and the uses to which it applies have not changed.
<b>Part 1: Preliminary</b>	The structure and formatting of the document has been changed to align with Council’s other DCPs.
1.1 Introduction	The existing “Preamble and Introduction” has been reformatted and rationalised into a separate “Introduction” and “Context”.
1.2 Context	
1.3 Name of this DCP	A new clause is inserted for the name of the plan.
1.4 Land and development to which this DCP applies	A separate clause identifies the land and development to which this plan applies. This clause replaces the existing clause 3.0.
1.5 Objectives	The “aims” of the current plan (clause 5.0) has been replaced with a new set of objectives in the Draft DCP, which provide the overall goals of the DCP. Each objective relates to a specific part of the Draft DCP.
1.6 Approval and commencement	A new clause is inserted for the approval and commencement date of the plan.
1.7 Applications to which this DCP applies	A separate clause is inserted to identify applications to which this DCP applies.
1.8 Relationship to the Act, the Regulation, and to other plans and policies	A new clause is inserted in the Draft DCP which replaces the existing clause 4.0. This clause identifies the relationship of the DCP to the Act and Regulation, other legislation (including the ISEPP) and other plans.
1.9 Definitions	A new definition clause has been inserted which, where relevant, refers to definitions with the Standard Instrument template. New definitions prepared for the Draft DCP include “significant open area”, “open area” and “playgrounds and sports fields or courts”.

<b>Draft DCP Part/Clause</b>	<b>Comparison with the Current DCP</b>
1.10 Savings and transitional provisions	A new clause is inserted to explain transitional arrangements for development applications lodged, amended or reviewed prior to commencement of the Draft DCP.
<b>Part 2: Development Controls</b>	Current Part 3 – Heads of consideration has been replaced by Part 2: Development Controls. Each clause in the Draft DCP has been divided into: <ul style="list-style-type: none"> <li>• Objectives;</li> <li>• Controls;</li> <li>• Requirements (where relevant).</li> </ul>
2.1 Introduction	Current clause 6.0 General has been replaced by 2.1 Introduction.
2.2 Siting of development	This clause has been carried over from the current DCP. Key changes: <ul style="list-style-type: none"> <li>• The setback control has been amended to make it clearer that buildings should comply with the minimum setback requirements of the adjoining properties;</li> <li>• Additional controls for side and rear setbacks have been included;</li> <li>• Two additional controls relating to views and vistas have been inserted.</li> </ul>
2.3 Building and urban design	This clause has been carried over from the current DCP. Key changes: <ul style="list-style-type: none"> <li>• Objective inserted relating to design excellence;</li> <li>• Control inserted encouraging community uses by flexible design;</li> <li>• Control inserted requiring a distinguishable street entry point.</li> </ul>
2.4 Heritage Conservation	This clause has been carried over from the current DCP Key change: <ul style="list-style-type: none"> <li>• Requirement inserted that Council may require the submission of a heritage impact statement or conservation management plan or both.</li> </ul>
2.5 Open areas	Currently termed “Recreation areas”, this clause has been carried over from the current DCP. Key changes: <ul style="list-style-type: none"> <li>• Control removed requiring a minimum rate of 20m<sup>2</sup> of open-air recreation space per student;</li> <li>• Control inserted requiring all open spaces to be retained, particularly those which contribute to the amenity of the surrounding location, including significant open areas;</li> <li>• Control inserted requiring playgrounds onsite;</li> <li>• Control inserted requiring sports fields on site, where possible.</li> </ul>
2.6 Arrival and departure	Currently termed “Traffic and pedestrians”, this clause has been carried over from the current DCP. Key change: <ul style="list-style-type: none"> <li>• Requirement inserted for a detailed traffic and pedestrian management plan (TPMP) with any major proposal.</li> </ul>
2.7 Parking and servicing	This clause has been carried over from the current DCP. Key changes: <ul style="list-style-type: none"> <li>• Additional parking standard inserted for tertiary institutions;</li> <li>• Additional bicycle parking standard inserted for secondary and tertiary educational establishments.</li> </ul>

Draft DCP Part/Clause	Comparison with the Current DCP
Student numbers	Clause 13 of the current DCP, identifies that Council may impose a limit on the number of students. This clause has been deleted. Clause 13 is not a control which is used to assess development. It expresses a possible outcome of an assessment, being the imposition of a condition of consent to a DA.
Noise generation	Clause deleted, but policy intention is retained. Protection of the amenity of the adjoining residents will be considered as part of clause 2.3 – Building and urban design. Where necessary, Council officers would request an acoustic impact report during the development application process.
2.8 Planting, fencing and hard surfaces	Termed “landscaping” and “fencing” these two clauses have been combined in the Draft DCP. Key changes: <ul style="list-style-type: none"> <li>• Control inserted requiring that planting or fencing should not block significant view or open areas from adjacent public domain or private property;</li> <li>• Control inserted requiring 50% transparent fencing to facilitate views and vistas of open areas from the public domain;</li> </ul>
2.9 Community use	Currently termed “Community or commercial use of school or college facilities” this clause has been carried over from the current DCP. Key change: <ul style="list-style-type: none"> <li>• Requirement inserted for a plan of management to accompany any application for a community use.</li> </ul>
2.10 Stormwater and Waste Disposal	Currently termed “Servicing and utility installations” this clause has been amended so that it only controls stormwater and waste disposal. Reference to utility installations is not appropriate within a DCP. Key change: <ul style="list-style-type: none"> <li>• Greater emphasis given to the provision of garbage, recycling and composting facilities.</li> </ul>
2.11 Sustainability	Currently termed “Energy efficiency” this clause has been carried over from the current DCP. Key change: <ul style="list-style-type: none"> <li>• Existing requirements replaced by a single control that requires development to be designed to provide for best practice environmentally sustainable design.</li> </ul>
Annexure 1	Annexure inserted identifying five significant open areas. These open areas are of particular significance to the local area, because they facilitate iconic or significant views and/or because they make a significant contribution to the public realm.

#### 4. Consultation

If Council resolves to exhibit the Draft DCP contained in **annexure 5**, a statutory exhibition process will be commenced. The Draft Educational Establishment DCP 2012 will be exhibited for a minimum of 28 days at Council’s Customer Service Area and on Council’s website, with public notice given in the Wentworth Courier.

We also propose to directly notify all schools within the Woollahra Municipality of the exhibition.

Following the exhibition period, a further report to UPC will be made setting out consideration of all the submissions received.

## **5. Conclusion**

The Draft DCP has been updated and amended to respond to Council's concerns about the potential impacts of the use and development of school land. It includes revised controls for protecting open space, addressing parking demand and management, and the use of education establishments by the wider community.

We recommend that Council resolves to exhibit the Draft Educational Establishment DCP as set out in **annexure 5**.

Allan Coker  
Director Planning and Development

Chris Bluett  
Manager Strategic Planning

Jacquelyne Della Bosca  
Strategic Planning Team Leader

Tom Jones  
Urban Design Planner

Anne White  
Senior Strategic Planner

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## **Annexures**

1. DCP for School and College Development 1995
2. Conclusions set out in the report to UPC 12 June 2007
3. Summary of issues raised as the SPWP 10 February 2009
4. Issues raised at the UPC 12 December 2011
5. Draft Educational Establishment DCP 2012

**Item No:** R2 Recommendation to Council  
**Subject:** **Wentworth Memorial Church State Nomination**  
**Author:** Sara Reilly Strategic Heritage Officer  
**File No:** 167.32B  
**Reason for Report:** To provide advice on the proposed state listing of the Wentworth Memorial Church and grounds on the State Heritage Register

**Recommendation:**

- A. That Council support the proposal of the Heritage Council of New South Wales to nominate the Wentworth Memorial Church for listing on the State Heritage Register, but that Council object to the proposed reduced curtilage.
- B. That Council provide a copy of its submission to the Minister for Heritage and request an expansion of the proposed listing of the Wentworth Memorial Church and grounds to cover all land in lots 11 and 12, DP 1161266.
- C. That the Committee's recommendation proceed to the Council meeting on 30 January 2012 as a matter of urgency to enable the submission of the Council's decision to the Heritage Branch before closure of the public exhibition on 7 February 2012.

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**1.0 Introduction**

This report has been prepared in order to advise Council that the Heritage Council of New South Wales is considering listing the Wentworth Memorial Church on the State Heritage Register "in acknowledgement of its heritage significance to the people of New South Wales". In a letter dated 20 December 2011 the Heritage Branch informed Council of this decision and now invites interested parties to make a submission during an exhibition period which started on 21 December 2011 and closes on 7 February 2012 (**Annexure 1**). A map showing the limits of the curtilage is also provided in **Annexure 1**.

An inventory sheet prepared by the Heritage Branch has been included on the Heritage Branch website (**Annexure 2**).

**2.0 Background**

*2.1 Early listings*

The item known as "Grounds and Native Vegetation of Wentworth Memorial Anglican Church" was identified as a significant item in the 1984 Woollahra Heritage Study by Hughes Truman Ludlow, and is listed as a local heritage item in Woollahra LEP 1995.

The adjacent Wentworth Mausoleum, which was part of the site prior to subdivision by the Anglican Church in 1995, is both locally and state listed.

## 2.2 2004 – Assessment of significance

The ‘Contemporary Building Study’ commissioned by Woollahra Council and prepared by Clive Lucas Stapleton and Partners in 2004 highlighted a number of significant buildings, one of which was the Wentworth Memorial Church. An inventory sheet for the Wentworth Memorial Church was prepared as part of the study (**Annexure 3**).

## 2.3 2006 – State nomination by the RAI A

The inventory sheet prepared by Clive Lucas Stapleton and Partners (CLSP) was then used by the Royal Australian Institute of Architects (RAIA) for its nomination of the Wentworth Memorial Church in 2006 in more or less its original form, apart from the fact that the inventory sheet submitted by the RAIA with the nomination did not specifically recommend listing the whole of the site as did the original inventory sheet by CLSP. The emphasis of the nomination was on the Church only, as a building of significant modernist architecture.

The Anglican Church made presentations to the Heritage Council’s State Heritage Register Committee in February 2007 regarding their support of the state listing, which was conditional upon certain things, primarily the exclusion of the church hall and its setting, the acceptance that the church would likely be adaptively re-used in the future, and the likelihood that the moveable heritage within the church may not be compatible with future uses. This reduced curtilage was agreed to by the Heritage Council and formed part of the nomination in the form of a ‘proposed curtilage for investigation’ map that was appended to the nomination material.

This previous State heritage nomination was later declined by Minister Frank Sartor for reasons unknown in April 2008.

## 2.4 2009 – Development Application for subdivision

In 2009 the Anglican Church applied to Woollahra Council for consent to subdivide the land (at that time known as Lot 1 DP 871485 and containing the church and church hall) into two new and separate lots, one containing the church and its access from Fitzwilliam Road and one containing the church hall. The subdivision line was generally alongside the driveway that runs between the church and hall. The application was refused by Council on heritage grounds. The Anglican Church then lodged an appeal in the Land and Environment Court and the appeal was upheld, with amendments to the lot boundaries and the exclusion of the proposed right of way. The land (formerly Lot 1) has now been subdivided into Lot 11 DP 1161266 containing the church hall and Lot 12 DP 1161266 containing the church.

Additional research was carried out by Council as part of the development application assessment process. This involved primary research into the history of the Wentworth family and the subject land. This research was submitted in court and later added to the inventory sheet for the local listing of the Wentworth Memorial Church and grounds.

## 2.5 2010 – New state nomination

Woollahra Council passed a motion on 9 August 2010 to submit a new nomination of the Wentworth Memorial Church for listing on the State Heritage Register:

*That Council commence the process for considering the listing of the Wentworth Memorial Church, building, surrounding grounds and significant trees on the property on the State Heritage Register.*

The nomination was prepared and submitted in January 2011 (**Annexure 4**). We were advised by the Heritage Branch to submit the nomination under the World Wars theme which was one of a number of themes being considered. The new research which was carried out for the development application assessment was also added to this nomination, which expanded on the historic and associational importance of the site's connection to Wentworth and his family, and the importance of the grounds. Additional information and analysis was included regarding the important relationship of former Lot 1 to the original entire site (Lots 1, 2 and 3), that is, the land that incorporates the Mausoleum facing Chapel Road (which was subdivided from the church site by the Anglican Church in 1995).

Other information about the aesthetic significance of the grounds and vegetation was also added based on research and analysis of the landscape. The importance of the grounds and the provenance, condition and significance of certain landscape elements had not been analysed or detailed since the grounds and native vegetation were locally heritage listed, based on the Woollahra Heritage Study of 1984.

Thus Council's nomination was submitted for the church and all of its grounds.

The Heritage Branch did not initially accept the nomination due to the specifics of their thematic program, despite their previous advice to submit the nomination under the World Wars theme. However, towards the middle of 2011 we were advised that the nomination was capable of being considered for listing (although no theme was specified), and we were then invited to make a presentation to the Heritage Council's State Heritage Register Committee on the significance of the church and an "appropriate curtilage for the site". This presentation was made on 6 December 2011. The Anglican Church also made a presentation.

We requested that the whole site of former Lot 1 (that is, the church and church hall sites) be included in the nomination for state listing to be put on exhibition for public comment, as per our nomination. However this nomination of the whole site has now been reduced by the Heritage Council prior to the public exhibition process, by excluding the land containing the church hall as per the request of the Anglican Church. In a second letter from the Heritage Council dated 20 December 2011 the Heritage Council advised it prefers the view of the Anglican Church and agree with the Church that "no new substantial information has been revealed to support the larger curtilage" since the "originally negotiated and recommended" curtilage of 2006.

The current database entry now exhibited by the Heritage Branch still retains the reduced curtilage of the previous nomination which was rejected by the Minister.

## *2.6 2011 – Local listing of Wentworth Memorial Church and grounds*

On 30 September 2011 the heritage item described as 'Wentworth Memorial Church and grounds' was gazetted by the Minister as part of Woollahra LEP 1995 (Amendment 66). The listing is for the whole of the site (former lot 1 including church and church hall sites). The inventory sheet for the local listing is included at **Annexure 5**.

## **3.0 The state heritage significance of the church**

The state significance of the church building has been well-established through the original inventory sheet prepared by Clive Lucas Stapleton and Partners, and the previous nomination by the RAI, where it was found that the Church building reached at least five of the seven criteria for listing on the State Heritage Register.

The church building is state significant for its:

- High representative and aesthetic values as an intact and highly significant ecclesiastical church building in the Sydney School style by Don Gazzard,
- Landmark qualities and dramatic siting, and
- Historical association with the Wentworth family

The church building today retains all of the values that denoted its significance in the previous nomination, and its proposed listing on the State Heritage Register is supported.

#### **4.0 The state heritage significance of the grounds**

The site has a stratum of historic layers, which extend through into and relate to the grounds of the Mausoleum, which sits on the same rock outcrop as the church. The rocky outcrop was important to William Charles Wentworth as one of his favourite spots to view his property, and the place where he chose to be buried. In this respect the land is personal to Wentworth and more important than other remainders of the Vaucluse House Estate such as the Strickland House site.

The Mausoleum site can still be accessed from Fitzwilliam Road up the entry path and through the lychgate of the Wentworth Memorial Church.

The grounds have state significance because:

- There is a high historical association with William Charles Wentworth and members of his family, who are buried on the adjacent related site of the Mausoleum. Wentworth had a highly personal relationship with this rocky outcrop.
- The former lot 1 is part of a bigger historic site, the boundaries of which extend from Chapel Road to Fitzwilliam Road. Those original boundaries were created by the suburban subdivision of the early 1900s following the sale of the Wentworth Estate, and specifically retained as land to safeguard the Mausoleum. The whole site of former Lot 1 thus has historic and associational significance as being part of the larger site, which was passed to the Anglican Church from the Wentworth family (and only subdivided recently by the Church in 1995).

The listing should encompass the church and the grounds comprising the whole of former Lot 1. This boundary would conform to the locally accepted significance of the site as represented in the LEP listings for the site. The site is currently listed in two separate listings in Schedule 3 of Woollahra LEP, the first listing being 'Grounds and Native Vegetation of Wentworth Memorial Church' and the second being 'Wentworth Memorial Church – church and grounds'. Both these listings are for the whole of former Lot 1, and both of which reflect the historic boundary of the land set aside by the Wentworth family for consecrated ground and the building of a Church and thus what was anticipated as the protection of the Mausoleum in perpetuity. The Mausoleum site is wholly listed as of both state and local significance.

To have a local listing for the entire rectangle of former Lot 1 and then state list only an irregular portion of the site, particularly in light of the greater significance of Wentworth as a statesman and founding father, would not be consistent. It would give undue state prominence to the modernist era of the site and fail to acknowledge the earlier and more significant layers of history present within the site that are also of state significance.

## 5.0 Submission to the Heritage Council

Attached (as **Annexure 6**) is the proposed submission to the Heritage Council regarding Woollahra Council's conditional support for the state listing of the Wentworth Memorial Church. Objection is raised to the reduced curtilage, and the process whereby this has been excluded from the nomination prior to the public exhibition period.

A proposal is included for consideration by the Heritage Council, whereby the Heritage Council and the Anglican Church enter into a heritage agreement, under Part 3B of the Heritage Act 1977, to ensure the conservation and ongoing maintenance of the Wentworth Memorial Church building and grounds. Further, the Heritage Council should require as part of this agreement preparation of an independent conservation management plan for endorsing by the Heritage Council. Woollahra Council would request involvement in this process.

The Heritage Act specifies the following matters which may be part of an agreement under Part 3B Section 40 of the Heritage Act.

*A heritage agreement in respect of an item can include provisions relating to all or any of the following:*

- (a) the conservation of the item,*
- (b) the financial, technical or other professional advice or assistance required for the conservation of the item,*
- (c) the review of the valuation of the item or the land on which it is situated,*
- (d) the restriction on the use of the item or the land on which it is situated,*
- (e) requirements for the carrying out of specified works or works of a specified kind,*
- (f) the standards in accordance with which the works are to be carried out,*
- (g) the restriction on the kind of works that may be carried out,*
- (h) the exemption of specified activities or activities of a specified kind from Part 4 (Effect of interim heritage orders and listing on State Heritage Register),*
- (i) the repayment of money advanced or loaned by the Minister under section 45 (Financial and other assistance),*
- (j) the public appreciation of the State heritage significance of the item,*
- (k) the availability of the item for public inspection,*
- (l) the charges made for admission,*
- (m) such other matters as the Minister considers, on the advice of the Heritage Council, will assist in the conservation of the item,*
- (n) such other matters as may be prescribed by the regulations.*

## 6.0 Conclusion

The Wentworth Memorial Church has been previously acknowledged as having a level of state significance by the Heritage Council during the 2006 nomination, and was previously recommended for listing. The state significance of the church building has been retained since 2006 without alteration or loss.

However, it is disappointing that the nomination material put forward for public exhibition is the Heritage Council's version of the nomination, which reduces the historic curtilage and fails to fully acknowledge the importance of the grounds. It is substantially different from Woollahra Council's nomination, which should have been the publicly exhibited nomination.

Woollahra Council should support the listing in part, by supporting the listing of the church, but object to the restricted listing which only applies to part of former Lot 1.

Woollahra Council should make representations to the Minister for Heritage.

Sara Reilly  
Strategic Heritage Officer

Chris Bluett  
Manager Strategic Planning

**Annexures:**

**Annexure 1:** Heritage Council letter dated 20 December 2011

**Annexure 2:** Proposed inventory sheet for current state listing nomination, from Heritage Branch online database, December 2011

**Annexure 3:** Inventory sheet for Wentworth Memorial Church by Clive Lucas Stapleton and Partners, 2004

**Annexure 4:** Woollahra Council's nomination for the state listing of the Wentworth Memorial Church and grounds, January 2011

**Annexure 5:** Inventory sheet for 'Wentworth Memorial Church and grounds' prepared by Clive Lucas Stapleton and Partners and amended by Council's Strategic Heritage Officer, 2010

**Annexure 6:** Proposed submission to Heritage Council regarding state nomination of Wentworth Memorial Church, February 2012

**POLITICAL DONATIONS DECISION MAKING FLOWCHART  
FOR THE INFORMATION OF COUNCILLORS**

