



Agenda: *Urban Planning Committee*

Date: *Monday, 13 December 2004*

Time: *5.00pm*

Urban Planning Committee

Outline Of Meeting Protocol & Procedure:

- The Chairperson will call the Meeting to order and ask the Committee/Staff to present apologies or late correspondence.
- The Chairperson will commence the Order of Business as shown in the Index to the Agenda.
- At the beginning of each item the Chairperson will ask whether a member(s) of the public wish to address the Committee.
- If person(s) wish to address the Committee, they are allowed four (4) minutes in which to do so. Please direct comments to the issues at hand.
- If there are persons representing both sides of a matter (eg applicant/objector), the person(s) against the recommendation speak first.
- At the conclusion of the allotted four (4) minutes, the speaker resumes his/her seat and takes no further part in the debate unless specifically called to do so by the Chairperson.
- If there is more than one (1) person wishing to address the Committee from the same side of the debate, the Chairperson will request that where possible a spokesperson be nominated to represent the parties.
- The Chairperson has the discretion whether to continue to accept speakers from the floor.
- After considering any submissions the Committee will debate the matter (if necessary), and arrive at a recommendation (R items which proceed to Full Council) or a resolution (D items for which the Committee has delegated authority).

Delegated Authority (“D” Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained with the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of Minutes of its Meeting.
- Any other matter falling within the responsibility of the Urban Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed below:

Recommendation only to the Full Council (“R” Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
 - Town Planning Objectives; and
 - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

9 December 2004

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

Dear Councillors

Urban Planning Committee Meeting – 13 December 2004

In accordance with the provisions of the Local Government Act 1993, I request your attendance at a Meeting of the Council's **Urban Planning Committee** to be held in the **Committee Room, 536 New South Head Road, Double Bay, on Monday 13 December 2004 at 5.00pm.**

Gary James
General Manager

Meeting Agenda

Item	Subject	Pages
1	Leave of Absence and Apologies	
2	Late Correspondence	
3	Declarations of Interest	

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 29 November 2004	1A
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Potential Heritage item investigation in Bellevue Hill, Rose Bay [North] and Darling Point – 1080 G [BH]	1
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 29 November 2004**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 29 November 2004 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 29 November 2004 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council
Subject: **Potential Heritage item investigation in Bellevue Hill, Rose Bay [North] and Darling Point**
Author: Libby Maher, Strategic Heritage Officer
File No: 1080 G [BH]
Reason for Report: To respond to the Council's decision of 15 November 2004 requiring an additional report

Recommendation:

A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995 in the following manner:

(i) by including the following properties as heritage items in Schedule 3:

<i>Bellevue Park Road,</i>	<i>Bellevue Hill</i>	<i>1A</i>	<i>'Ben Ledi', house and grounds</i>
<i>Bellevue Road,</i>	<i>Bellevue Hill</i>	<i>98B</i>	<i>Shops and residential flat building, original shopfronts</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40</i>	<i>'Dalkeith', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40A</i>	<i>'Exeter', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40B</i>	<i>'Warrington', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81</i>	<i>'Cumberland', residential flat building, dwarf brick walls, paving and grounds</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81A</i>	<i>'Westmoreland', residential flat building, dwarf brick walls, paving and grounds</i>
<i>Bundarra Road,</i>	<i>Bellevue Hill</i>	<i>7</i>	<i>'Bundarra', house and grounds</i>
<i>Eastbourne Road,</i>	<i>Darling Point</i>	<i>15</i>	<i>'Kendall Lodge', house and grounds</i>
<i>Enfield Road,</i>	<i>Bellevue Hill</i>	<i>10</i>	<i>'House and grounds'</i>

<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>167</i>	<i>Residential flat building and grounds</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>206A</i>	<i>'Glamis', residential flat building, front boundary wall, entry link and grounds</i>

- (ii) by including the following properties as heritage item groups in Schedule 3:

<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40</i>	<i>'Dalkeith', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>and</i>			
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40A</i>	<i>'Exeter', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>and</i>			
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>40B</i>	<i>'Warrington', residential flat building, garages, stone paving, brick and stone retaining walls and stairs</i>
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81</i>	<i>'Cumberland', residential flat building, dwarf brick walls, paving and grounds</i>
<i>and</i>			
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81A</i>	<i>'Westmoreland' residential flat building, dwarf brick walls, paving and grounds</i>
<i>O'Sullivan Road,</i>	<i>Bellevue Hill</i>	<i>275</i>	<i>Residential flat building and grounds</i>
<i>and</i>			
<i>O'Sullivan Road,</i>	<i>Bellevue Hill</i>	<i>277</i>	<i>Residential flat building and grounds</i>
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>165</i>	<i>Residential flat building and grounds</i>
<i>and</i>			
<i>Victoria Road,</i>	<i>Bellevue Hill</i>	<i>167</i>	<i>Residential flat building and grounds</i>

- (iii) by deleting the following property from the list of heritage items in Schedule 3:

<i>Ian St</i>	<i>Rose Bay</i>	<i>15</i>	<i>House</i>
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- (iv) by including the following properties in a heritage conservation area:

<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>76</i>	
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>78</i>	
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81</i>	
<i>Birriga Road,</i>	<i>Bellevue Hill</i>	<i>81A</i>	

- B. THAT Council notes the individual heritage inventory sheets for those properties in Bellevue Hill and Rose Bay prepared by Colin Brady, Architect, Town Planner, Heritage Specialist and amended by Council's Strategic Heritage Officer and that they be considered in the assessment of development applications for those properties.
- C. THAT Council notes the individual heritage inventory sheet prepared by Mark Robinson, Architect, Town Planner, Heritage Specialist and amended by Council's Strategic Heritage Officer and that it be considered in the assessment of development applications for the following property:
Eastbourne Road, Darling Point 15 'Kendall Lodge', house and grounds
- D. THAT Council notes the individual heritage inventory sheet prepared by Council's Strategic Heritage Officer and that it be considered in the assessment of development applications for the following property:
Bellevue Park Road, Bellevue Hill 1A 'Ben Ledi', house and grounds
- E. THAT the Woollahra Council Heritage Inventory Sheets for each property nominated in A be forwarded to the NSW Heritage Council for their information.
- F. THAT the owners of those properties listed in recommendation A above be advised of the Council's decision and informed of the opportunity to participate in the public consultation process associated with the exhibition of the draft LEP.
- G. THAT the Council note the properties contained in annexure 1 of the report to the Urban Planning Committee meeting of 1 November 2004 that have been eliminated from the Tanner list as potential heritage items. Note: This information was initially contained in annexure 3 of the report to the Urban Planning Committee meeting of 27 September 2004.
- H. THAT further investigation of the heritage significance of 25 Hamilton Street, Rose Bay be undertaken and submitted to the Urban Planning Committee for consideration. The property owner should be advised of this decision.
- I. THAT Council acknowledges and recognises the submissions before the Urban Planning Committee and directs Council staff to review the heritage listings and inventory sheets in light of those submissions with the review to be undertaken during the exhibition process for the draft LEP.

*That the matter **be deferred** and a report be submitted to the Urban Planning Committee meeting scheduled 13 December 2004 (and referred to full Council as a Matter of Urgency) in order for Councillors to further consider and review the process and steps involved in nominating and applying heritage listed properties in Woollahra.*

This report responds to the resolution of 15 November 2004 and resubmits the material that supports the recommendations. The following information is provided in response to the resolution:

- The legal requirement for heritage conservation management as set out in Local Government Act 1993 and the Environmental Planning and Assessment Act 1979
- How and why heritage significance is determined, including the heritage industry standards
- Woollahra Council's heritage conservation management process which embraces the industry standards
- The positive and negative impacts of heritage listing.

In addition, a summary of information is provided relating to the recommendations for the possible deferral of two properties from the list of heritage items:

- 17 Ian Street
- The rockface in Bellevue Gardens.

2.0 Council's legal requirement for heritage conservation management

The legal requirements and processes for heritage conservation management are set out in the Local Government Act 1993 (LG Act) and the Environmental Planning and Assessment Act 1979 (EPA Act).

2.1 Local Government Charter

The LG Act provides the legal framework for effective and environmentally responsible management of the resources of the Woollahra area. The LG Act comprises a set of principles to guide a council in the carrying out of its functions. Section 8 sets out a council's charter, which includes:

- *to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development*
- *to have regard to the long term and cumulative effect of its decisions.*

- *to promote the management, development, conservation and economic use of property within the area of Woollahra, and*
- *to conserve the environmental heritage of the area of Woollahra, and to provide the framework for more detailed controls to be contained within development control plans.*

Woollahra LEP 1995 contains six heritage conservation objectives, which include:

- *To identify heritage items and heritage conservation areas and to provide measures for their conservation, protection and enhancement.*

3.0 How and why heritage significance is determined

Heritage items are places or objects that the community wants to keep because the items make a valuable contribution to the community's identity and sense of place or culture. Before seeking to have an item recognised as significant, it is important to consider why it is important to keep.

3.1 Why heritage significance is assessed

The environmental heritage of the Woollahra area includes buildings, works, relics, trees or places of historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance as defined by Woollahra LEP 1995.

The built environment includes buildings, structures, places, shipwrecks and relics, which can demonstrate where important events have occurred or demonstrate associations with people important in Woollahra's history. Many buildings in Woollahra are aesthetically distinctive, being designed by eminent architects. The natural environment includes geographic features and remnant bushland. The cultural landscape includes areas of natural environments modified by activities, which retain evidence of the layers of settlement such as remnant estate gardens, street trees and parklands.

The heritage significance of a heritage item is assessed so that the values of the item can be understood before making decisions about the future of the place.

3.2 How potential heritage items are nominated

Possible heritage items may be nominated by anyone, but they should be supported by valid reasons for why the items are important to keep for future generations. When nominating an item, the person is asked for as much information as possible about the history of the item and the reasons for wanting to protect the item by heritage listing. Those reasons should not be just to retain an old or beautiful building that is proposed to be developed. A possible heritage item is more correctly nominated as the result of a heritage study of an area. However, a place may be nominated if its

State nominations are assessed individually. Additional consultation is required with the owner and council before the formal nomination is considered or advertised. This is because inclusion on the State Heritage Register has greater implications than being listed as a local heritage item.

The steps for assessing heritage significance are:

- 1 Investigate existing evidence of the place:
 - physical description of the place, its curtilage and its fabric
 - its historical context, the historical themes relevant to the place
 - documentary evidence, i.e. building application plans, photos etc.
- 2 Investigate the historical uses of the place to assess any archaeological potential, its associations with individual groups and its meaning for community groups.
- 3 Assess the significance of the place using the seven NSW heritage assessment criteria. [Refer to **Annexure 4**].
- 4 Check against the inclusion and exclusion guidelines of the heritage significance guidelines.
- 5 Check the integrity of the place to ensure that the significance criterion can be met.
- 6 Determine the level of significance of the item to the people of the local government area or beyond.
- 7 Prepare a succinct statement of significance that summarises the heritage values analysis. For some places, the relative significance of various parts of the item should be graded.
- 8 Obtain feedback from the property owner and other interested parties on the statement of significance of the property.

3.4 Minimum steps for heritage listing

If a heritage nomination meets the NSW Heritage Office criteria for listing, a report is prepared for the Council's consideration. The report includes a heritage inventory sheet analysing the significance of the property. If the Council agrees with a recommendation to list the potential heritage item or area it may continue the process by resolving to prepare a draft LEP. The preparation of a draft LEP follows a statutory process set down in the EPA Act and the Environmental Planning and Assessment Regulation 2000. The draft LEP will contain an amendment to Woollahra LEP 1995 to include the property in the schedule of heritage items and on the heritage conservation map.

The following seven steps are required during the draft LEP process:

- 5 The draft LEP and supporting documentation [including the heritage inventory sheet and report to Council] are placed on public exhibition for a minimum of twenty-eight days and submissions invited [s66, 67]. Advertisements of the exhibition are placed in the Council's column in the *Wentworth Courier*, on a weekly basis. The property becomes a draft heritage item from the commencement date of the exhibition.
- 6 Following the exhibition, a report is prepared for consideration by the UPC. The report includes an assessment of all submissions, including the public consultations. At that time, further presentations by interested parties and property owners may be made to the Committee. If additional information about the draft heritage item is received that affects the accuracy of the heritage inventory sheet, the inventory sheet may be amended. Similarly the draft LEP may be altered, with changes to the description of the item [s68].
- 7 After the Council adopts the draft LEP in its exhibited or altered form, the draft LEP is forwarded to the Parliamentary Counsel for a legal opinion. After receiving the opinion and making any recommended alterations to the draft LEP, the final draft LEP is forwarded to DIPNR with a report of the s68 and s69 processes for the Minister for Infrastructure and Planning to consider prior to gazettal [s70]. The Minister 'makes' the LEP (approves it) and the plan is then published in the *Government Gazette*.

3.5 How heritage conservation can be managed

The best management of heritage items is for property owner to understand and fully appreciate the significance of the item before considering changes to the use or fabric of the item. The significance of the item should guide decisions about the maintenance of the item and future changes to the item. Conservation policies should be developed to manage the significance. When change is considered, options should be explored to minimise any reduction of significance. For complex items and items of the highest significance, conservation management plans are required.

The best practice principles and procedures for heritage conservation are contained in the *Burra Charter* [Australia ICOMOS charter for places of cultural significance], a document prepared by heritage practitioners.

Councils manage local heritage items by protecting them through the statutory process of listing in an LEP and by conservation policy in development control plans. These documents are used in the assessment of applications for change to the item. Heritage officers assist by promoting best conservation practice. They provide advice, including the assessment of development applications for changes to heritage items and properties in heritage conservation areas. Changes to heritage items listed on the State Heritage Register are managed in consultation with the NSW Heritage Office. Works that will not materially affect the significance of a State heritage item are assessed under delegated authority from the Heritage Council of NSW.

From 1983 Council engaged consultants to carry out heritage studies:

- *Conservation study of Watsons Bay, West Woollahra and Bondi Junction*. This study, based on the Paddington study, resulted in the earliest Council conservation policy document known as the 'Facades Policy'.
- The *Woollahra Heritage Study of 1984* resulted in an early thematic history and the identification of 800 indicative sites. It focused on the more substantial architectural examples, but included landscape and maritime examples that reflected the historic landscape. It recorded pre-European contact sites. Some 600 properties were documented in a way that was sufficient at the time to give heritage protection by listing in the Council's LEPs in the 1980s.
- Many of the remaining sites were assessed in a survey of significant trees on private property and within the public domain, which resulted in the *Register of Significant Trees* 1991. The parks are being assessed and managed by plans of management.

4.2 Area specific studies

From 1990 a program of heritage area studies built upon the earlier studies. They identified the significant values of each area based on a study of historic themes and fieldwork. Potential items were assessed using the methodology of the time, and listed as heritage items, dependent on resources. Each study formed the basis for the development of conservation policy and controls for development.

- The *Bondi Junction Commercial Area Study* recommendations were mostly incorporated in the 1991 joint LEP and DCP with Waverley Council.
- The *Sydney Harbour Foreshore Heritage Study* [1991] resulted in several heritage items being listed in the *SREP 23: Sydney and Middle Harbours*. These items are now included in the *Draft SREP (Sydney Harbour Catchment) 2004*, except those land-based items which are listed in Woollahra LEP 1995.
- The *1996 Paddington Conservation Report* of the historic, townscape, landscape and streetscape values of Paddington formed the basis for the *Paddington DCP* [1999].
- The *Watsons Bay Conservation Area Study* [1997] included a thematic history and an assessment of contributory streetscape and landscape elements. This study formed the basis for the *Watsons Bay HCA DCP* [2003]. The study also identified potential items, which were reviewed by heritage officers. Consultants have assessed a final group of properties. Their recommendations for listing a small group of heritage items will be reported to Council in 2005.
- The *Woollahra HCA Study* [2000] formed the basis for the *Woollahra HCA DCP* [2003]. Consultants prepared a thematic history of the HCA, a schedule of contributory items. They identified potential items, which were reviewed by heritage officers. Consultants have assessed

4.3.1 Thematic histories

The properties identified in the Tanner study, are located outside existing heritage conservation areas. They required assessment within a historic context. Therefore Rosemary Broomham, a consultant historian, was engaged to prepare detailed thematic histories for each suburb. The histories were presented to the UPC on 11 March 2002.

4.3.2 Preliminary assessment by Council's heritage officers and management of ongoing DAs

Council's heritage officers reviewed all the properties in the Tanner study to determine the most appropriate grouping of properties for further study by heritage consultants. Five separate studies were undertaken, resulting in the nomination of more than 60 potential heritage items and ten heritage conservation areas.

Heritage officers managed the ongoing development applications for potential items, by requesting heritage assessments to be provided by applicants. Individual properties that came under threat of demolition or substantial demolition, were assessed by independent heritage consultants. This has resulted in several items being listed through amendments to the Woollahra LEP 1995 - Amendment Nos.12, 29, 31, 35, 41.

The complete review process and outcomes were reported to the UPC meetings on 20 October 2003 and 27 September 2004.

4.3.3 Five discrete studies by consultants and their outcomes

Etham Avenue, Darling Point Study by Hugh Fraser in 1999 assessed the streetscape of Etham Avenue and made recommendations which resulted in the listing of the Etham Avenue HCA and seven individual items including a heritage item group [Woollahra LEP 1995 (Amendment No.35)]. Glen Cowell Heritage Services assisted in preparing the heritage inventory sheets.

Darling Point Heritage Item Study 2002 by Mark Robinson, Architect, Town Planner and Heritage Specialist. Twenty individual properties and four groups of properties were assessed. Mona Road HCA was listed in Woollahra LEP 1995(Amendment No. 46). Twenty properties and one small heritage conservation area were included in Draft Woollahra LEP 1995 (Amendment No. 52). This Draft LEP is currently in the final stage of consideration by the Minister prior to gazettal. The property at 15 Eastbourne Road, Darling Point was deleted from Draft Woollahra LEP (Amendment No 52) and was included in the current recommendations to the UPC.

Rose Bay [Bellevue Hill] Heritage Item Study by Noel Bell Ridley Smith and Partners Pty Ltd. NBRIS assessed fourteen individual properties and seven groups of properties. Kent Road, Balfour Road and the Beresford Estate HCAs were listed in Woollahra LEP 1995 (Amendment No. 46). Twenty properties were included in Draft Woollahra LEP 1995(Amendment No. 52), currently in

4.3.4 Fifth study -Bellevue Hill and Rose Bay [North] by Colin Brady Architecture + Planning

At its meeting on 27 September 2004 the UPC considered a report on the potential heritage items and areas, assessed by Colin Brady Architecture and Planning, in Bellevue Hill and Rose Bay [North]. One item in Darling Point was deferred from Draft Woollahra LEP 1995 (Amendment No.52). Several submissions were made to the Committee regarding the proposed listings, the consultation and notification process and the impact of heritage listing.

On 11 October 2004 the Council considered the Committee's recommendation and decided to defer the report until 1 November 2004. Further investigation of the timber cottage at 25 Hamilton Street Rose Bay as a heritage item was included in the recommendations.

On 1 November 2004, the UPC considered a further report, which included the review of the cottage at 25 Hamilton Street Rose Bay prepared by Council's Strategic Heritage Officer.

The UPC decided to adopt the recommendations proposed with the following amendments to:

- (1) Recommendations B, C and D being amended so that Council "notes" the heritage inventory sheets instead of "adopting" the heritage inventory sheets and that the heritage inventory sheets be "considered" instead of "used" in the assessment of development applications.
- (2) Inclusion of an additional condition "H" relating to 25 Hamilton Street, Rose Bay.
- (3) Inclusion of an additional condition "I" relating to acknowledging and recognising the submissions made to the Committee. [The minutes are included as **Annexure 3**]

On 15 November 2004, the Council deferred the matter requesting this additional report. [Refer to resolution reported at **1.0**].

4.4 The Woollahra heritage listing consultation process

Council currently has an eight-step process for heritage item listing consultation.

4.4.1 Introducing the study

The owners of properties nominated in heritage studies are advised by letter of the commencement of a study. They are provided with information on the consultants and the processes of heritage listing. At this time request are made for access to the property to enable a thorough assessment. Property owners are also informed:

- how the study fits within Council's continuing twenty year program of heritage studies
- how their property will be assessed by methodology recommended by the NSW Heritage Office
- of the major steps in the heritage listing process
- of their opportunities to make presentations to the Urban Planning Committee, and when they will be notified.

4.4.2 Site meeting [Optional]

In the current study before the Committee, the property owners affected by heritage listing were notified again when the additional UPC meeting was scheduled. They were also provided with a copy of *The heritage listing process* brochure that was included in the UPC report of 1 November 2004.

4.4.4 The exhibition process

If the Council proceeds with the listing process, each property owner affected by the draft LEP prepared for exhibition, is advised by letter of the Council's decision and invited to make a written submission to Council during the exhibition period. The property owners adjoining the draft items are similarly notified. They are again advised of the listing process and the opportunities for making presentations to the Committee.

4.4.5 Acknowledgment of submissions

Each submission written to Council is acknowledged and assessed.

4.4.6 Reporting the submissions

A report on the exhibition is prepared for consideration by the UPC. The report includes comments by Council's heritage officers and strategic planners on all issues raised in the submissions relating to the draft LEP or the heritage inventory sheets. If a person makes a submission, a copy of the report, including the response to that submission, is provided to the author of the submission. Authors of submissions are provided with a copy of an amended heritage inventory sheet. They are notified of the date of the UPC meeting and are reminded of the steps remaining in the heritage listing process.

4.4.7 Notification of the adoption of the draft LEP

Persons who made a submission to Council are notified of Council's adoption of a draft LEP. Property owners affected by heritage listing in the draft LEP are notified of the Council's resolution.

4.4.8 Notification of gazettal of the heritage item

Property owners and adjoining property owners affected by heritage listing in a Woollahra LEP 1995 amendment are notified of the date of gazettal. In addition, persons who made a submission are notified.

4.5 Woollahra heritage conservation management

Council protects the significance of heritage items and conservation areas by the statutory process of listing items and areas in the Woollahra LEP 1995. The LEP has heritage provisions to ensure that development is sympathetic to and does not detract from the heritage significance of heritage

5.1 Positive impacts on individual heritage items and properties within heritage conservation areas

Heritage listing provides some certainty for owners, adjoining owners and prospective owners. Council's heritage provisions in the Woollahra LEP 1995 ensure that the heritage significance of a property is respected and conserved when an application is made for change to a heritage item or a property that is in the vicinity of a heritage item. This is positive as it ensures an appropriate context for the heritage item. This consideration is similar if the property is located within a heritage conservation area.

5.1.1 Protection of aesthetic values

Most heritage item buildings in Woollahra have aesthetic values included in their reasons for listing. Heritage listing will ensure that these aesthetic values are conserved. The aesthetic value of a building often attracts prospective buyers to heritage properties. It is common to see real estate marketing programs emphasising the aesthetic qualities of heritage items and heritage conservation areas.

5.1.2 Positive impacts on property values

There are some studies, such as the one carried out in the Ku-ring-gai area, which demonstrate that heritage listing may have a positive impact on the value of a property. [Refer to the bibliography of studies from the NSW Heritage Office in **Annexure 5**.] A heritage conservation area is likely to consist of groups of properties with similar heritage values, which collectively contribute positively to an area and its quality as a place. The conservation of those heritage values tends to have a positive impact on property values as evidenced in the Paddington HCA.

5.1.3 Heritage incentives

Through the heritage incentive clauses in Woollahra LEP 1995, owners of heritage items can seek to change the land use of a property and gain concessions for gross floor area and carparking. These concessions are not available for non-heritage listed properties.

5.1.4 Potential landtax and Council rate savings

The owner of a heritage listed property can apply to the Valuer General for a 'heritage restricted valuation' that is based on the existing development on the land rather than a presumption of future development. Listing provides potential savings through special heritage valuations for land tax and council rates. These measures aim to recognise the possible negative impact on land valuation that may occur through heritage listing.

If a property is assessed as being of State significance and is listed on the State Heritage Register

- Gutting a building by the removal of many of the internal walls and extensive changes to window and door openings will require a more sensitive design that allows the organisation of the rooms to be read and the original elevations of the building to be recognised.
- Access for disabled people may be provided to properties, but sometimes a more sensitive and indirect approach may be required because of a detrimental impact on the building or its setting.

5.2.2 Reduction in the value of the land

It is not possible for Council, nor is it Council's role to provide advice on land valuation or its potential redevelopment value.

There are several studies which demonstrate that heritage listing may have a neutral or positive impact on the value of a property. [Refer to the bibliography of studies from the NSW Heritage Office in **Annexure 5**.]

5.2.3 Increased costs for material repairs and maintenance

Repairs and maintenance are needed for all properties, regardless of their heritage listing. It is acceptable heritage practice to replace imperial sized materials constructed to older details with contemporary equivalents, with the possible exception of slate and shingle roofs and some special brick and stoneworks. In these cases, a once in a lifetime replacement must be factored in as a special maintenance cost. Otherwise there should not be any increased maintenance costs related to heritage listing of a property.

5.2.4 Increased insurance costs

Insurance companies vary in their manner of providing conditions of cover. Few companies apply a premium for individual heritage listed properties or properties listed within a heritage conservation area. Full insurance cover should be available to all properties. This is confirmed in a discussion by Michael Phillips of the Insurance Council of Australia provided advice at a Heritage Office seminar, which is included as **Annexure 6**.

5.2.5 Increased costs through extra approval process and related professional fees to obtain approvals for alterations

It is considered good practice to engage a qualified and experienced heritage practitioner when making changes to a heritage item. Well-designed and constructed works provide positive contributions to a property and can increase its value.

5.2.6 Limited development potential if located in a heritage conservation area

Changes and additions to a building within a heritage conservation area will be permitted provided that those works do not detract from the heritage significance of the area. The extent of new work that may be carried out will be guided by the development control plan for an area. HCA DCPs aim to ensure that any new development is appropriately scaled to fit into the historic context. They typically restrict the height, bulk and setback of a building to that of adjoining properties. Carparking is usually only permitted towards the rear or side of the property, which may not be achievable.

5.3 The impact of listing heritage items in Residential 2(b) zones

Heritage listing may be perceived as a constraint on the redevelopment potential of land. Heritage listing aims primarily to conserve a building and its setting but does not prohibit new development. Although Council must consider demolition of an item, the applicant must demonstrate that the demolition would not have a negative affect on the heritage significance of the item and its setting, and the significance of the heritage item group, where the item forms part of a group.

There is the potential to use the land in accordance with the Residential 2(b) zone. Sensitively designed alterations and additions may be carried out with consent. Conversion of a heritage building to multiple occupancy may be possible with consent. This is demonstrated by the conservation works on Babworth House which included subdividing the house into apartments, whilst still maintaining the significance of the building as a whole and the significance of the main rooms in the house.

Adaptive reuse of an item is possible, as evidenced by the reuse of the church in Jersey Road as multiple housing. Heritage incentive provisions relating to land use, gross floor space calculations and car parking provisions may apply to heritage items in these circumstances.

6.0 Review of the consultation process

Council currently has an eight-step process for heritage item listing consultation, explained in section 4.4, which is far greater than required by the EPA Act.

The potential heritage item study by Colin Brady Architecture + Planning has followed Council's process for consultation. The anomaly caused by a missed initial introductory letter to the owners of 206C Victoria Road has now been addressed by further notification. The short notice given of the UPC's meeting on 27 September 2004 was addressed by the notice of the second meeting of the UPC on 1 November 2004.

building has multiple occupancies, the copies should be limited to one for the building manager. Release of this material would be regulated by privacy legislation.

- A summary of the impacts of heritage listing with reference to the reports nominated in **Annexure 5**. Copies of those reports relating to NSW should be made available at the library.
- An explanation of the privacy and copyright implications when using study materials in the presentation of information to Council. Sometimes it is useful to incorporate plans to indicate the phases of development of a building and internal photographs to demonstrate the qualities of the building. However, for privacy reasons, these should not be included in the inventory sheets placed on public exhibition or in the public version of the heritage database. Copyright of plans and the use of professional photographs beyond study purposes is difficult and maybe so costly that they should not be included in the final inventory sheets.

6.2 Information sharing during the investigation process

Some property owners are hesitant about the benefit of allowing site access to assess a property. This is unfortunate, but does not stop the assessment process. By allowing access, the qualities of a property can be discussed with the consultant and/or heritage officer. Often the owner is able to provide additional information regarding changes to the property that may not be apparent from the outside. It is also an opportunity to indicate the positive values of the property and discuss conservation management processes, albeit briefly.

Information sharing about the heritage listing processes and the impact of listing on property by meeting with a group of affected property owners is an option. However, experiences with group behaviour in information sessions demonstrate that a facilitator is beneficial.

Property owners often request that the heritage assessment recommendation be made known to them as soon as possible. However, in studying several properties with similar characteristics, it is prudent to allow the consultant to make a comparative final assessment of the significance of all properties, regardless of when any one of the assessments may be completed.

Incomplete or draft assessments should not be provided as the information contained in the sheets may be misconstrued. When a property owner tests the issue of heritage listing by lodging an application for demolition, an individual assessment may be expedited. In these cases, the applicant would be advised that because the heritage significance of the property was indicated, they are required to provide a full heritage assessment to support their demolition application.

6.3 Additional consultation time after receiving the assessment

Under the current consultation process, property owners are provided with the study findings and the staff report at the same time. It is possible to provide all affected property owners with a copy of the assessment sheets and the recommendations regarding their property as soon as the study is

7.0 Issues relating to the recommendations for the possible deferral of properties

Memorandums were circulated to Councillors on 11 and 15 November 2004 that responded to issues raised about the proposed listing of:

- Quarried rockface at the rear of 7, 8, 9 Bellevue Gardens, Bellevue Hill, and
- 17 Ian Street, Rose Bay.

7.1 Quarried rockface at the rear of 7, 8, 9 Bellevue Gardens, Bellevue Hill, and

The exact location of the quarried rockface cannot be finalised until further survey information is available. In addition, the stability of the rockface at the rear of No. 9 Bellevue Gardens was investigated by the property owners. After receiving geo-technical advice on the stability of the rockface, an emergency order has been issued to stabilise the rockface at the rear of No. 9 Bellevue Gardens. That consultant has advised Council that, from his observations, the adjoining property owners should be required to investigate the condition of the rockface on their properties.

Accordingly, the recommendation K of this report is to defer the inclusion of the properties until Council officers consider the geo-technical report on the rockface.

7.2 17 Ian Street, Rose Bay.

The issues raised by the heritage consultant for this property were addressed in the memorandum. The property was recommended to remain on the list of potential heritage items included in a draft LEP for public exhibition. A site inspection and further investigation should be carried out during the exhibition period to verify the information provided by the consultant. The heritage inventory sheet should be amended at that time to reflect the additional research.

8.0 Conclusion

The individual heritage items and heritage conservation areas nominated in the recommendations in this report are culturally significant to the Woollahra area. It is considered that they merit statutory protection through listing in Woollahra Local Environment Plan 1995. If the Council resolves to prepare a draft LEP the plan should be exhibited for two months, commencing in late January 2005. This will provide a reasonable time for property owners and other interested parties to make written submissions. Following the exhibition, consideration of all submissions will be carried out. Further presentation by owners and interested parties to the Urban Planning Committee may be made when a report on the submission is considered.

Annexure 4 – NSW Heritage assessment criteria with inclusion and exclusion guidelines

<p>Historical significance SHR criterion (a)</p>	<p>An is important in the course, or pattern, of Woollahra’s cultural or natural history <u>Guidelines for inclusion:</u></p> <ul style="list-style-type: none"> ▪ shows evidence of a significant human activity ▪ is associated with a significant activity or historical phase ▪ maintains or shows the continuity of a historical process or activity. <p><u>Guidelines for exclusion:</u></p> <ul style="list-style-type: none"> ▪ has incidental or unsubstantiated connections with historically important activities or processes ▪ provides evidence of activities or processes that are of dubious historical importance ▪ has been so altered that it can no longer provide evidence of a particular association ▪
<p>Historical association significance SHR criterion (b)</p>	<p>An item has strong or special association with the life or works of a person, or group of persons, of importance in Woollahra’s cultural or natural history. <u>Guidelines for inclusion:</u></p> <ul style="list-style-type: none"> ▪ shows evidence of a significant human occupation ▪ is associated with a significant event person or group of persons. <p><u>Guidelines for exclusion:</u></p> <ul style="list-style-type: none"> ▪ has incidental or unsubstantiated connections with historically important people or events ▪ provides evidence of people or events that are of dubious historical importance ▪ has been so altered that it can no longer provide evidence of a particular association
<p>Aesthetic significance SHR criterion (c)</p>	<p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Woollahra. <u>Guidelines for inclusion:</u></p> <ul style="list-style-type: none"> ▪ Shows or is associated with , creative or technical innovation or achievement ▪ is the inspiration for a creative or technical innovation or achievement ▪ is aesthetically distinctive ▪ has landmark qualities ▪ exemplifies a particular taste, style or technology. <p><u>Guidelines for exclusion:</u></p> <ul style="list-style-type: none"> ▪ is not a major work by an important designer or artist ▪ has lost its design or technical integrity ▪ its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded ▪ has only a loose association with a creative or technical achievement ▪
<p>Social significance SHR criterion (d)</p>	<p>An item has strong or special association with a particular community or cultural group in Woollahra for social, cultural or spiritual reasons. <u>Guidelines for inclusion:</u></p> <ul style="list-style-type: none"> ▪ is important for its associations with an identifiable group ▪ is important to a community’s sense of place <p><u>Guidelines for exclusion:</u></p> <ul style="list-style-type: none"> ▪ is only important to the community for amenity reasons

Annexure 4 – NSW Heritage assessment criteria with inclusion and exclusion guidelines

<p>Rarity SHR criterion (f)</p>	<p>An item possesses uncommon, rare or endangered aspects of Woollahra’s cultural or natural history.</p> <p><u>Guidelines for inclusion:</u></p> <ul style="list-style-type: none"> ▪ provides evidence of a defunct custom, way of life or process ▪ demonstrates a process, custom or other humans activity that is in danger of being lost ▪ shows unusually accurate evidence of a significant human activity ▪ is the only example of its type ▪ demonstrates designs or techniques of exceptional interest ▪ shows rare evidence of a significant human activity important to a community. <p><u>Guidelines for exclusion:</u></p> <ul style="list-style-type: none"> ▪ is not rare ▪ is numerous but under threat ▪
<p>Representativeness SHR criterion (g)</p>	<p>An item is important in demonstrating the principal characteristics of a class of Woollahra’s cultural or natural places or cultural or natural environments.</p> <p><u>Guidelines for inclusion:</u></p> <ul style="list-style-type: none"> ▪ is a fine example of its type ▪ has the principal characteristics of an important class or group of items ▪ has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity ▪ is a significant variation o a class of items ▪ is part of a group which collectively illiterates a representative type ▪ is outstanding because of its setting, condition or size ▪ is outstanding because of its integrity or the esteem in which it ls held. <p><u>Guidelines for exclusion:</u></p> <ul style="list-style-type: none"> ▪ is a poor example of its type ▪ does not include or has lost the range of characteristics of a type ▪ does not represent well the characteristics that make up a significant variation of a type ▪

The list of titles on the economic value of heritage available in the Heritage Office library located at 3 Marist Place, Parramatta. Appointments are required for viewing by contacting the Librarian, Libby Robertson on 9873 8500

Countrywide Valuers & Trevor Budge and Associates (1992), Heritage and property valuations in the Shire of Maldon : a study of the effects of planning and heritage controls on property valuations.

Australian Heritage Commission (2000), Heritage economics : challenges for heritage conservation and sustainable development in the 21st century, 4 July 2000, Australian National University, Canberra : conference proceedings.

Deodhar, Vinita (2003). Does the housing market value heritage? Some empirical evidence. [Note this is the Ph.D. economics study of properties in Kur-ring-gai LGA]

Urban Consulting Group (1995), Economic effects of heritage listing.

Williams, Sally (1999), What are the effects of heritage registration on inner Melbourne residential property values? / Minor research project, prepared by Sally Williams, Linda Wilde and Chris Piasente.

Nahkies, P. Brent (1998), The economics of heritage buildings : a contribution to the Historic heritage management review. This report is prepared for the New Zealand Historic Places Trust/Pouhere Taonga

Allison, Gerald (1996), The value of conservation? : a literature review of the economic and social value of the cultural built heritage / for the Department of National Heritage, English Heritage, and the Royal Institution of Chartered Surveyors.

Dominy, Colin & Abelson, Peter (2001). Economics of heritage listings, Part A. Valuing the public benefits of heritage listing of commercial buildings / Peter Abelson. Part B. The impacts of heritage requirements on the financial viability of individual development proposals / for the NSW Heritage Office.