



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 27 June 2011*

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

23 June 2011

To: Her Worship The Mayor, Councillor Isabelle Shapiro ex-officio
Councillors Chris Howe (Chair)
Lucienne Edelman (Deputy)
Nicola Grieve
Ian Plater
David Shoebridge
Malcolm Young
Toni Zeltzer

Dear Councillors

Urban Planning Committee Meeting – 27 June 2011

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 27 June 2011 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

Other Matters

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 14 June 2011	1
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	The impact of changes to the definition of gross floor area & floor Space Ratio in the Standard Instrument – Principal Local Environmental Plan on dwelling yield – 1064.G Principal LEP	2
R2	Planning Proposal for Duntrim, 37 Darling Point Road, - 1064.G (Amend 69)	6

Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 14 June 2011**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Tuesday 14 June 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 14 June 2011 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: R1 Recommendation to Council

Subject: **The impact of changes to the definition of gross floor area and floor space ratio in the *Standard instrument - principal local environmental plan on dwelling yield***

Author: Brendan Metcalfe – Strategic Planner

File No: 1064.G Principal LEP

Reason for report: To respond to part of a decision Council made on 2 May 2011 requiring a report on the impact of changes to the definition of gross floor area and floor space ratio under the *Standard Instrument – Principal Local Environmental Plan* in terms of dwelling yield.

Recommendation:

That Council receive and note the report.

1. Background

Council's Strategic Planning Department is currently preparing Woollahra's draft local environmental plan (Draft Woollahra LEP).

The Draft Woollahra LEP will replace Council's current LEP called the Woollahra Local Environmental Plan 1995 (Woollahra LEP 1995), and will provide a comprehensive guide to development in Woollahra over its 7-10 year life.

The Draft Woollahra LEP must be consistent with a standard template prescribed by the NSW Government for use by all councils across the State, called the *Standard Instrument – Principal Local Environmental Plan* and referred to in this report as the Standard Instrument (SI). The SI prescribes the form and content of the Draft Woollahra LEP, including the standard zones, planning clauses and definitions for land use and planning terms.

A major part of the Draft Woollahra LEP is the creation of opportunities for 2,175 additional dwellings and 225 additional jobs. This aspect of the new LEP is required to meet housing and employment targets contained in the Draft East Subregional Strategy prepared by the NSW Government.

We have commenced a process for identifying additional dwellings. This has included reviewing the capacity within the existing commercial zones and the Residential 2(b) zone. We also identified 24 locations where there is potential to change the planning controls in order to provide additional dwellings. These locations are called the "opportunity sites" and were the subject of a public consultation process.

After consideration of the first report on our opportunity site community consultation, Council resolved on 2 May 2011 in part:

- E. That a further report be presented to the Urban Planning Committee on the impacts of definition changes to gross floor area and floor space ratio in terms of dwelling yields.

Since that decision was made, we have met with the Department of Planning and Infrastructure (the Department) and have been informed that the timeframe for delivery of the housing targets is being reconsidered. We are awaiting formal notice about this new timeframe. Nevertheless, the question about changes to the definitions of gross floor area (GFA) and floor space ratio (FSR) and the impact of those changes on dwelling yields is still relevant.

This report:

- explains the differences between the GFA and FSR between the Woollahra LEP 1995 and the SI
- examines the potential effects of the SI definitions on dwelling yield.

Differences between the definition of GFA in the Woollahra LEP 1995 and the SI

The definition of GFA under the Woollahra LEP 1995 is fundamentally different to the definition in the SI. The definitions of GFA are set out below.

Definition of GFA under the Woollahra LEP 1995—

gross floor area in relation to a building, means the sum of the areas of each level of the building, including:

- (a) the thickness of all external walls, and
- (b) the area of voids, staircases and lift shafts, counted at each level, and
- (c) that part of the area of balconies and verandahs which is in excess of 20m² per dwelling in the case of a building used or intended for use for residential purposes, or in excess of 10% of the site area in the case of a building used or intended for use for non-residential purposes, and
- (d) any other areas of the building where the height of those areas exceeds 1.5 metres above ground level,

and excluding:

- (e) car parking to meet the requirements of the Council and any access to the car park, and
- (f) any area used or intended for use as a car parking station, and
- (g) uncovered roof terraces, and
- (h) any area used or intended for use as an arcade.

Definition of GFA under the SI—

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and

- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

The key differences between the two definitions relate to the type of building and design elements that are ‘excluded’ from the calculations of GFA under the SI, such as balconies, staircases and voids relating to mezzanine levels.

Table 1 identifies the key differences between the Woollahra LEP 1995 and SI definitions in regard to medium density residential development.

		Woollahra LEP 1995	Standard Instrument
Elements Calculated as GFA	Wall thickness	✓ Included	X Excluded (GFA measured to the internal face)
	Staircases and lift shafts	✓ Included	X Excluded
	Voids	✓ Included	X Excluded
	The area of a balcony greater than 20m ² per dwelling	✓ Included	X Excluded (GFA excludes all balconies with outer walls less than 1.4m high – there is no control or limit to balcony size)
	Non habitable rooms in a basement or attic	✓ Included	X Excluded (GFA excludes bathrooms, laundries, walk in wardrobes and corridors if located in a basement or attic)
	Storage	✓ Included	X Excluded (GFA excludes storage in a basement – there is no control or limit to this exclusion)

Table 1: Key differences between the WLEP 95 and SI definitions

In the case of medium density residential development, the building elements excluded from the SI definition of GFA are potentially equal to 20% of a building’s floor area. This means that a building derived from the definition under the SI could have 20% more floor area compared with a building resulting from the definition under the Woollahra LEP 1995.

3. The effect of the SI definition of GFA on dwelling yields

Whether the exclusions under the SI definition of GFA would be enough to generate additional dwellings in a development is dependant on a number of factors including:

- key planning controls such as FSR, building height, setbacks open space and landscaping, all of which influence building size
- dwelling sizes demanded by the residential market
- lot size.

Market demands are particularly influential. For instance, additional floor space may be used to produce larger units, where such units are in demand, rather than a higher number of smaller units.

Modelling dwelling yield under the SI definition

To determine the effect of the SI definition on sites that would typically be developed with medium density residential development we have compared dwelling yield using the Woollahra LEP 1995 and the SI definitions in Table 2.

A lot size of 1000m² was used in Table 2 as the starting point for the comparison of dwelling yield because a minimum lot size of 930m² is required under Woollahra LEP 1995 to construct residential flat building of more than three dwellings. A lot size of 1000m² or greater would usually require lot amalgamation in the Woollahra local government area and rounded figures were used for convenience of calculation. A dwelling size of 200m² was selected as an indicative apartment size.

To calculate dwelling yield under the Woollahra LEP 1995 the site area was multiplied by the FSR to establish a GFA, which was then divided by the dwelling size. For the SI, the same process was followed except the GFA was multiplied by 1.2 before being divided by the dwelling size to account for the SI definition. This reflects the additional 20% floor space which might be achieved under the SI definition of GFA.

Site Area	FSR	Dwelling size	Potential dwelling yield	
			Woollahra LEP 1995	SI
1000m ²	1:1	200m ²	5.0	6.0
	0.875	200m ²	4.4	5.3
	0.625	200m ²	3.1	3.8
1200m ²	1:1	200m ²	6.0	7.2
	0.875	200m ²	5.3	6.3
	0.625	200m ²	3.8	4.5

Table 2: Potential dwelling yield under the Woollahra LEP 1995 and SI definitions of GFA

Under the SI definition for GFA, sites over 1000m² with an FSR of 1:1 would have the potential to include additional dwellings based on a dwelling size of 200m². A smaller FSR such as 0.625:1 requires larger lots or smaller dwelling size to potentially result in additional dwellings. As stated above, it may not be feasible to use the additional GFA if the development could not comply with the building height or building envelope controls applying to the site.

4. Conclusion

The SI definition for GFA could increase dwelling yields by 20% dependant on a range of factors and planning controls being met. In particular, yield is open to the influence of the residential market which dictates dwelling size.

Brendan Metcalfe
Strategic Planner

Chris Bluett
Manager Strategic Planning

ANNEXURES
Nil

Item No: R2 Recommendation to Council
Subject: **Planning proposal for *Duntrim*, 37 Darling Point Road**
Author: Sara Reilly Strategic Heritage Officer
File No: 1064.G (Amend 69)
Reason for Report: To present the assessment of submissions received during public exhibition of the planning proposal.
To obtain Council's decision to proceed with the planning proposal process.
To make recommendations on amendments to the heritage inventory sheet

Recommendation

- A. That the planning proposal for *Duntrim*, 37 Darling Point Road, Darling Point be referred to the Department of Planning. The planning proposal aims to list '*Duntrim* – house and grounds' as a heritage item.
- B. That the updated heritage inventory sheet contained in **annexure 3** of the report to the Urban Planning Committee meeting on 27 June 2011 be endorsed and used in the assessment of development applications for the subject property.

1.0 Background

A development application (DA 283/2010) seeking consent for 'the demolition of buildings and removal of selected trees' at 37 Darling Point Road was submitted by NSW Health to Council on the 16 June 2010. The proposal did not include new buildings or landscaping and appeared to be for the purpose of staging redevelopment of the site.

A report on the proposed demolition by Council's Heritage Officer recommended that the DA be refused on heritage grounds, and concluded that the former dwelling known as *Duntrim* and its grounds and setting are worthy of inclusion in Schedule 3 of Woollahra LEP 1995 as an individual heritage item.

Council's Landscape and Trees Officer also recommended that the DA be refused because of concerns over 34 trees proposed to be removed.

The proposal also received 49 objections from local residents and other concerned parties including Ascham School adjacent to the subject site. Several other heritage assessments were submitted as part of the submissions process. A heritage impact statement by Howell Architects commissioned by the owner of *Alynwick* at 11 St Marks Road (an adjacent heritage item) strongly opposed the demolition on both aesthetic and historical grounds. A heritage assessment prepared by Urbis Pty Ltd on behalf of Ascham School concluded that the site reached the criteria for listing as a heritage item, and it was understood at the time that Urbis was also preparing a formal nomination for listing of the site. Ascham School expressed 'considerable interest' in the site including the retention of *Duntrim*. A strong objection letter was received from the National Trust's Advocacy Manager, Mr Graham Quint, stating the view that the Trust considers the property should be listed in Woollahra LEP 1995.

Council staff recommended refusal of the DA. The Development Control Committee considered the matter on 27 September 2010. The Council considered the Committee's recommendation on 11 October 2010 and resolved:

- A.** *THAT the development application be referred to the Joint Regional Planning Panel for consideration.*
- B.** *THAT the Council recommends that the consent authority, refuse development consent to Development Application No. 283/2010 for demolition of existing buildings and removal of selected trees on land at 37 Darling Point Road Darling Point, for the reasons stated below:*

1. Loss of significant building

The proposed demolition of Duntrim and components of its grounds and landscaping would have an unacceptable negative impact on the heritage significance of the place, because:

- a) the building known as Duntrim has historical significance and historical association significance as the original site of the early Victorian mansion Glanworth. Duntrim was designed by the well known architect, Maurice B Halligan and has been used as a community health facility for over 50 years.*
- b) The building known as Duntrim has aesthetic significance because it exhibits substantial scale, has a landmark location, mature historic garden setting, fine intact interiors and is a substantial example of the Arts and Crafts style by Maurice B Halligan*
- c) The site has social significance because the building and grounds are recognised by the local community as a historically significant building and aesthetic landmark of Darling Point.*

2. Insufficient and incorrect information

Council does not have sufficient and correct information to properly consider the development application against the matters for consideration listed under Section 79C of the Environmental Planning and Assessment Act, 1979. This includes the following:

- The submitted plans are inaccurate including incorrectly identified tree species, and tree numbers 35, 36 and 37 are missing from the plans;*
- The submitted Arborist Report was inadequate, given the extent of tree loss, this report also inaccurately identifies tree species;*
- No Landscape Plan has been provided to indicate replacement planting;*
- No assessment of the significance of the grounds and landscaping has been provided.*

3. Aims and Objectives of Woollahra LEP 1995

The proposal is not consistent with the following objectives of the Woollahra LEP, 1995:

- Clause 2(1)(g) in relation to heritage*
- Clause 2 (1)(h) in relation to the natural environment*
- Clause 2 (2)(f) (ii) in relation to retention of trees,*

- *Clause 2(2)(g)(i) in relation to the identification of heritage items and the provision of measures for conservation;*
- *Clause 2(2)(g)(iv) in relation of the adaptive re-use of significant non-residential buildings.*

Therefore, having regard to Cl.8(5) of the WLEP, 1995, the consent authority must not grant consent to the carrying out of the development.

4. *Desired future character.*

The proposed demolition of the existing grand building, Dumtrim House and the majority of the trees on the site is considered to be detrimental to the desired future character of the Darling Point precinct and would be contrary to O4.1.2 and O4.1.4 of Part 4.1 of the RDCP, 2003

5. *Loss of trees*

The proposed development involves the removal of the majority of the trees on the site including significant and important trees, which is contrary to O5.3.2 and C5.3.2 of Section 5.3 of the RDCP, 2003.

6. *Public Interest*

The proposal is not considered to be in the public interest.

- C.** *A planning proposal be prepared to list the site containing 'Duntrim' as a heritage item under Schedule 3 of the Woollahra Local Environmental Plan, 1995.*

On the 17 November, NSW Health withdrew the DA prior to the meeting of the Sydney East Regional Planning Panel.

2.0 Preparation of planning proposal

A planning proposal was prepared, responding to Part C of the Council resolution made on 11 October 2010. The planning proposal aims to list 'Duntrim – house and grounds', located at 37 Darling Point Road, Darling Point, as a heritage item in Schedule 3 of Woollahra LEP 1995. The planning proposal was prepared in the manner required by the *Environmental Planning and Assessment Act 1979* (the Act) and the *Environmental Planning and Assessment Regulation 2000* (the Regulation). An interim heritage inventory sheet listing was prepared by Council's Heritage Officer and is included in Attachment 4 of the planning proposal in **annexure 1**.

The planning proposal was referred to the Department of Planning with a request for a Gateway Determination under section 56 of the Act. A Determination was issued on 10 February 2011 allowing the planning proposal to be placed on public exhibition.

3.0 Exhibition of planning proposal

The planning proposal was placed on public exhibition between 1 April and 6 May 2011. Notice of the exhibition was placed in the Wentworth Courier editions of 30 March, 6 April, 13 April, 20 April, 27 April and 4 May 2011. Notification letters were sent to the Heritage Branch of the Department of Planning, NSW Health, and the owners of land adjoining and in the vicinity of the item.

An information brochure was included with the notification letters sent to the adjoining and surrounding land owners.

Exhibition of the planning proposal and supporting material was conducted in the Council's Customer Services foyer. The planning proposal and supporting material, including the heritage inventory sheet, were also placed on the Council's website.

4.0 Submissions

Four submissions have been received (**annexure 2**). The submissions fall within three categories.

(i) *Support for the listing of the property*

- Woollahra History and Heritage Society Inc. on 16 April 2011
- The Darling Point Society Inc. on 6 May 2011

(ii) *Support for listing of the property subject to changes to the heritage inventory sheet*

- Urbis, on behalf of Ascham School on 3 May 2011: Support for the listing subject to changes to the heritage inventory sheet

(iii) *Issues regarding accuracy of the heritage inventory sheet*

- David Williams of 35 Darling Point Road on 6 May 2011: Requesting that particular trees adjacent his property be included in the heritage inventory sheet, and protected as part of the listing.

The submissions by the Woollahra History and Heritage Society and the Darling Point Society supporting the listing are noted. No further responses are required and no amendments to the planning proposal are considered necessary as a consequence of the submissions.

Responses to the submissions from Urbis and David Williams are provided in sections 4.1 and 4.2 below.

4.1 Submission by Urbis on behalf of Ascham School dated 3 May 2011

4.1.1 Background

Urbis planning consultants submitted an objection to the DA proposal for demolition on behalf of Ascham School, the adjacent landowners. The submission included a heritage assessment against the NSW Heritage Office standard assessment criteria that concluded that the property reached the threshold for listing as a heritage item. Urbis indicated that they would be submitting a nomination to the Heritage Branch for local listing of *Duntrim*.

Following withdrawal of the DA and the exhibition of the planning proposal, representatives from Ascham and Urbis visited Council offices for a meeting with Council's Strategic Heritage Officer and the assessment officer for the DA. Discussion occurred regarding the implications of the proposed listing on future development. This discussion helped to inform Urbis' submission on the planning proposal.

Urbis advised that Ascham is negotiating the purchase of the subject site from the Department of Health, with a view to incorporating the site within the current school grounds and upgrading the school's boarding facilities. This would involve carrying out some development on the land, including using *Duntrim* for girls' boarding facilities. Ascham also intends to utilise the former nurses' accommodation wing as boarding facilities. They would like to build a new building linking the two aforementioned buildings on site. Ascham desires to preserve the setting of *Duntrim* by maintaining the front garden and a green belt to the rear of the building. They would like to demolish the workshop building to the north of *Duntrim*. They would like to build a new building to the rear of *Duntrim*.

4.1.2 Submission

The submission from Urbis on behalf of Ascham was received on 3 May 2011. It included several suggested changes to the heritage inventory sheet.

1. That the statement of significance be changed from "The foundations of Glanworth remain at the base of the existing building" to "the foundations of Glanworth may be those foundations that are in the basement level of the existing building, subject to further investigation".
2. That the statement of significance and the aesthetic significance assessment be changed from

Exhibiting substantial scale, landmark location, mature historic garden setting, representative Arts and Crafts features, and fine intact interiors, Duntrim is a substantial representative example of the Arts and Crafts style of Maurice B. Halligan. The 1920's additions and the more recent alterations are generally either sympathetic or reversible
to

Exhibiting substantial scale, landmark location, garden setting, representative Arts and Crafts features and a number of intact interior elements, Duntrim is a substantial representative example of the Arts and Crafts style of Maurice B. Halligan. Within the original section of the dwelling the more recent alterations are reversible. The 1920s additions provide more opportunity for adaptation of the dwelling for residential and public use, subject to investigation.

The intent of the changes is that the garden be downgraded by having the words "mature" and "historic" removed; that the interiors be downgraded from "fine intact interiors" to "a number of intact interior elements"; and that reference to future adaptation of the 1920s section of the building be included.

3. That the physical description be amended from

There is an adjacent two-storey building to the north, the storage facilities building, which is subordinate in style but of similar form. There is also a long two-storey brick building to the south, the nurses' home building, also of subordinate but traditional style.

to

There is an adjacent two-storey building to the north, the storage facilities building, which is subordinate in scale and of a different form and materials. There is also a long two-storey red brick building to the south, the nurses' home building, also of a different scale, form and materials, which is earlier than the facilities building.

The intent of the changes is that the facilities building and the nurses' home building should be described slightly differently.

4. That the recommendations section be amended to include:

- a) *The 1929 addition to the south of the house provides opportunities for internal change for a new use. It is the area where a link to any new addition should be located.*
- b) *New buildings may be erected on the site to the east and south of Duntrim house subject to assessment of heritage impact.*

4.1.3 Consideration of submission

1. Foundations of Glanworth:

Tanner Architects' report, which was submitted with the DA, indicates that the house *Glanworth* and grounds were purchased by William Taylor Macpherson in May 1911, and the existing house *Duntrim* was built on the foundations of *Glanworth* (reported by Macpherson's grandson in the *Rum News: The Sydney Hospital Staff Journal*, September 1981). Whilst it seems clear that the two buildings were built on the same site, and in the same location, the actual derivation of the foundations could indeed be further clarified by technological or scientific investigation, rather than simply through an oral history. It is then considered reasonable to amend the heritage inventory sheet to reflect the need for further clarification.

Thus the heritage inventory sheet should be amended to read:

- In the statement of significance: "Duntrim was built...on the ~~foundations site~~ of...Glanworth" and "The foundations of *Glanworth* are thought to remain at the basement level of the existing building".
- In the historical notes section: "...which is thought to incorporate the foundations of *Glanworth*".
- In the historical significance assessment: "It is possible that the foundations and basement of this earlier building remain relatively intact and undisturbed beneath the existing building".
- In the historical association significance assessment: "The building known as *Duntrim* is thought to be built on the stone basement and foundations of *Glanworth*...".
- In the technical/research significance assessment: "The place is thought to contain the remnants of the former Victorian mansion *Glanworth*...".

2. The garden setting:

Council's Landscape and Trees Officer has indicated the following:

- There are some mature historic specimens within the garden setting of *Duntrim*. The Norfolk Island Pine (listed as a heritage item in Schedule 3 of Woollahra LEP 1995), the Port Jackson Fig, the Canary Island Date Palm and the Queensland Umbrella Tree are all over 100 years old, and thus are mature and historic elements to the garden, contributing greatly to the garden's significance.
- The garden beds to the front of the building, which include the Palm, are also of high significance and form an important historic part of the house's setting. These front garden beds contain 3 Kentia Palms which are slow growing, and a most valuable tree, and are also associated with Victorian-era plantings, and thus could be associated with *Glanworth*, predating the garden for *Duntrim*.
- The Queensland Umbrella Tree is the largest he has ever seen, and thus is a mature specimen.

- The Cheese Trees are of significance and some maturity.

Thus it is not appropriate to remove the words “mature” and “historic” from the listing. The fact that the garden does contain some mature historic specimens is of greater interest for the heritage inventory sheet than the other trees. Therefore it is relevant to mention these important trees, which contribute to a mature and historic garden setting, as opposed to an ordinary garden. The heritage inventory sheet by its nature presents what is significant, rather than detailing exactly what is and what is not significant. Thus trees which are not significant are not mentioned.

However, having a mature historic garden setting does not preclude changes to the garden setting, which might involve removing poor or weed specimens or planting new specimens. Council’s Landscape and Tree Officer indicated that the garden shows evidence of long-term poor maintenance, but that if given a makeover through straightforward removal of all of the weeds, the garden has “the basic elements of a fabulous garden”. It is known that the garden contains many trees and weeds which are not significant, and these could be removed if an application was submitted that indicated clearly those trees which were acceptable to remove and why.

Interiors of the building:

It is agreed that there have been some changes to the interior of the building. It is recommended that the statement of significance and the aesthetic significance assessment in the heritage inventory sheet be amended from “fine intact interiors” to “substantially intact interiors” (but not “a number of intact interior elements”). This acknowledges that the interiors retain their cohesiveness as Arts and Crafts interiors, but that some changes (which are generally reversible and known) have taken place. The use of ‘substantially’ acknowledges that elements such as fireplaces, staircases, doors, windows, floorboarding, skirtings, cornices, joinery, timber linings, arris mouldings, rough-cast render within former balconies, and most original or early internal elements are present and intact.

Inclusion of comments regarding the adaptation of the 1920s part of the dwelling:

It is not considered appropriate or necessary to include comments in the heritage inventory sheet which specifically refer to future works, especially leading comments such as “The 1920s additions provide more opportunity for adaptation...” It is generally accepted within the heritage profession that, in principle, works to a place should occur in areas of lesser significance, although “the contributions of all periods to the place must be respected” (Article 16 of the Burra Charter). The appropriateness of adaptation of part of the building must be assessed at the development application stage and be supported by clear heritage assessment and analysis.

3. The storage facilities building:

The storage facilities building dates from 1992, and is a two-storey partially-rendered masonry-walled building, with traditionally-proportioned windows and a pitched roof. In these ways the building is similar in a very basic way to *Duntrim*, although it is plain in style and smaller in scale and thus was presumably intended to be subordinate. It could be said that the building is “subordinate in style and scale, of similar forms, but different materials”. Accordingly, it is recommended that the physical descriptions section in the heritage inventory sheet be amended to incorporate this statement. The exact wording of this phrase within the heritage inventory sheet would have little impact on the significance of the place or any future works, but it is acceptable to make a minor change.

The recommendations section of the heritage inventory sheet states that the building is not significant and could be removed. It is proposed to add into the recommendations of the heritage inventory sheet that this building “could be retained and adapted if desired”.

The nurses’ home building:

The nurses’ home building dates from 1956 and is a two-storey face brick building, with timber-framed double-hung windows, and a pitched tile roof. It is of no particular style. Thus it could be argued that the building is of “a different scale, form and materials” to *Duntrim* but equally it could be said that the building is of a subordinate but traditional style, ‘traditional’ in this sense referring to the masonry walling, timber windows and tiled roof. The exact nature of this phrase within the heritage inventory sheet would have little impact on the significance of the place or any future works but it is acceptable to make a minor change.

The recommendations section of the heritage inventory sheet states that the building is not significant and could be removed. It is proposed to add into the recommendations of the heritage inventory sheet that this building “could be retained and adapted if desired”.

The proposed addition of the words “which is earlier than the facilities building” in relation to the physical description of the nurses’ home building is an acceptable addition as this is a fact, but this fact is detailed elsewhere in the heritage inventory sheet and it serves no purpose to repeat it here.

4. The extra recommendations proposed within the recommendations section of the heritage inventory sheet are not supported, as both sentences imply support for very specific development that has not been tested by submission as proposed development to Council or detailed in any way. The heritage inventory sheet does not specifically preclude any particular development to the site, and nor should it include specific reference to any future possible development, as it is meant to be a guide to future development in a general sense only. It would be highly uncommon for an inventory sheet to provide the location of any new development, as this would be assessed at development stage, most particularly in a conservation management plan or similar.

4.1.4 Conclusion

It is desirable to make only those changes to the heritage inventory sheet which impart further (or more correct) information which is currently not included in the inventory sheet. These changes would be of benefit because they would further assist in guiding a general understanding of the place and its significance, and could inform future development, (without specifying exactly what that development should be).

Consequently, only a limited number of changes to the heritage inventory sheet following from the Urbis submission are recommended.

4.1.5 Recommendations

1. That the planning proposal which aims to list *Duntrim* – house and grounds as a heritage item remain unchanged.

2. That the heritage inventory sheet be amended as follows:
 - (a) That the statement of significance, historical notes, historic significance, historical associational significance and technical/research significance sections be changed to indicate that the foundations of the existing building are thought to be the foundations of the former building *Glanworth*, rather than indicating that they definitively are the foundations. Refer to 4.1.3 of this report for the detailed wording.
 - (b) That the statement of significance be amended from “fine intact interiors” to “substantially intact interiors”.
 - (c) That minor changes be made to the physical description of the storage facilities building and the nurses’ home building.
 - (d) That the recommendations of the heritage inventory sheet be amended to include the statement “The nurses’ home building and the storage facilities building could be retained and adapted if desired”.

4.2 Submission by David Williams of 35 Darling Point Road dated 6 May 2011

4.2.1 Background

Mr Williams’ family lives at 35 Darling Point Road, which is one of the properties abutting the entry driveway. Mr Williams’ family sent in a submission in response to the DA in July 2010 (under the name Joan McPherson). In that submission, which is referred to in their current submission, they requested that the four trees on the northern and southern sides of the driveway be documented in the DA and either replaced (where dead) or listed on tree diagrams, and that all trees be preserved.

4.2.2 Submission

Mr Williams in his current submission states that the heritage inventory sheet should include reference to the four trees growing on the northern and southern sides of the driveway. He requests that the listing include directives protecting these trees from damage or removal, and a requirement that these trees should be replaced with suitable species if they require replacing.

4.2.3 Consideration of submission

Council’s Landscape and Trees Officer has advised that none of the trees at the driveway approach to *Duntrim* are significant, and thus do not warrant mention on the heritage inventory sheet. There is no tree diagram to be included with the heritage inventory sheet such as Mr Williams has referred to.

4.2.4 Conclusion

It is not necessary or appropriate to include within the heritage inventory sheet the four trees on either side of the driveway.

4.2.5 Recommendation

The heritage inventory sheet should remain unchanged in response to this submission.

4.3 Comments from Council's Landscape and Trees Officer

4.3.1 Background

In response to the submissions, Council's Landscape and Trees Officer was consulted regarding the maturity and historic importance of the garden setting, and the significance of the trees to either side of the driveway. He provided the advice which informs the consideration of the submissions above.

4.3.2 Recommendation

Following on from his advice and additional information, the following additions are recommended to the heritage inventory sheet.

1. In the physical description section: that three Kentia Palms be added to the garden description; that the likely age of the mature trees be included; that the value of these trees be noted; that the inherent value and contributory nature of the front garden beds be noted.
2. In the physical condition section: the condition of the gardens in terms of the significant plantings, poor maintenance and weeds be noted.

5.0 Summary of amendments

5.1 Planning proposal

No amendments are recommended to the planning proposal, which is to list "*Duntrim* – house and grounds" as a heritage item.

5.2 Heritage inventory sheet

Amendments to the heritage inventory sheet are recommended in response to public submissions, comments from Council's Landscape and Trees Officer and in order to clarify the name of the proposed item.

These amendments are summarised in the table below.

Section of heritage inventory sheet	Amendment summary
Current name of proposed item	Amend to read “ <i>Duntrim</i> – house and grounds”. This is consistent with the planning proposal.
Statement of significance	Clarify references to foundations of <i>Glanworth</i> . Clarify references to <i>Duntrim</i> ’s interiors.
Physical description	Clarify description of storage facilities building and nurses’ home building. Add extra information regarding garden setting and landscape elements.
Physical condition	Add extra information regarding garden setting and landscape elements.
Historical notes	Clarify references to foundations of <i>Glanworth</i> .
Historical significance	Clarify references to foundations of <i>Glanworth</i> .
Historical association significance	Clarify references to foundations of <i>Glanworth</i> .
Aesthetic significance	Clarify references to <i>Duntrim</i> ’s interiors.
Technical/research significance	Clarify references to foundations of <i>Glanworth</i> .
Recommendations	Add statement about retention and adaptation of the nurses’ home building and the storage facilities building.

6.0 Conclusion

The preparation of the planning proposal has involved detailed study of the building and grounds.

Public exhibition of the planning proposal has met all statutory requirements. We have undertaken a thorough consideration of all submissions. No amendment is recommended to the planning proposal which aims to list “*Duntrim* – house and grounds” as a heritage item.

Several minor amendments are recommended to the heritage inventory sheet. We consider the planning proposal can be submitted to the Department of Planning and Infrastructure.

Sara Reilly
Strategic Heritage Officer

Chris Bluett
Manager Strategic Planning

ANNEXURE

1. Exhibited planning proposal – *Duntrim*, 37 Darling Point Road, Darling Point
2. Submissions
3. Updated heritage inventory sheet

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