



Urban Planning Committee

Agenda: *Urban Planning Committee*

Date: *Monday 14 April 2008*

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).

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.
- 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.

Committee Membership:

7 Councillors

Quorum:

The quorum for a committee meeting is 4 Councillors.

WOOLLAHRA MUNICIPAL COUNCIL

Notice of Meeting

10 April 2008

To: His Worship The Mayor, Councillor Geoff Rundle, ex-officio
Councillors John Comino (Chair)
 Claudia Cullen (Deputy Chair)
 Christopher Dawson
 Wilhelmina Gardner
 Keri Huxley
 Julian Martin
 David Shoebridge

Dear Councillors

Urban Planning Committee Meeting – 14 April 2008

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 14 April 2008 at 6.00pm.**

Gary James
General Manager

Additional Information Relating to Committee Matters

Site Inspection

R1 4 Victoria Street and 18 Cliff Street, Watsons Bay

Site inspection at 5.00pm Monday 14 April 2008

Councillors to meet at Camp Cove end of Cliff Street, Watsons Bay

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 31 March 2008	1
D2	Built Environment Principal Activity – Draft 2008-2011 Management Plan – 827.G 08-11	2

Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	4 Victoria Street and 18 Cliff Street, Watsons Bay – 1080 [G] WB	29
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Item No: D1 Delegated to Committee
Subject: **Confirmation of Minutes of Meeting held on 31 March 2008**
Author: Les Windle, Manager – Governance
File No: See Council Minutes
Reason for Report: The Minutes of the Meeting of Monday 31 March 2008 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 31 March 2008 be taken as read and confirmed.

Les Windle
Manager - Governance

Item No: D2 Delegated to Committee

Subject: **Built Environment Principal Activity- Draft 2008-2011 Management Plan**

Author: Allan Coker – Director Planning and Development
Tim Tuxford – Manager Compliance
Patrick Robinson – Manager Development Control
Chris Bluett – Manager Strategic Planning

File No: 827.G 08-11

Reason for Report: To review the principal activity of Built Environment prior to inclusion in the Draft 2008-2011 Management Plan.

Recommendation

That, subject to any variation to the budget, the programs and projects for the Built Environment Principal Activity be included in the draft Management Plan.

1. Background

Principal Activity No. 1 of the Management Plan is “Built Environment”. This principal activity has the following sub-activities:

- 1.1 Environmental Planning
- 1.2 Heritage Conservation
- 1.3 Urban Design
- 1.4 Development Control
- 1.5 Compliance
- 1.6 Management and Administration

Included as an annexure to this report is the proposed Built Environment Principal Activity of the Management Plan with detailed comments on the programs and projects in each sub-activity.

Following is the commentary on each sub-activity.

2. Proposed Plan

2.1 Environmental Planning

Our emphasis for the Draft Management Plan 2008-2011 will be on responding to actions arising from the NSW State Government’s planning reform program. There are three main projects linked to the current package of known reforms.

- Preparing our new comprehensive LEP based on the Department’s standard template, noting that this plan must be completed by March 2011.
- Finalising our housing strategy and determining our position on the housing target figures that have been set in the Draft East Sub-regional Strategy.

- Consolidating our placed based and issue based DCPs to meet the requirements of the State for a single DCP to apply to any one parcel of land. An extension of this project is the creation of an electronic data base which will allow our planning controls to be accessed on-line and queried to find out the rules as they apply to individual properties and development types.

Councillors have been briefed on these projects through previous reports to the Urban Planning Committee. Further reports and briefings on progress will be provided to the Urban Planning Committee in the future.

Further aspects of the reform program have been raised in the discussion paper called *Improving the NSW Planning System*, which was released in November 2007. Councillors were informed of the discussion paper and endorsed a submission to the State Government. The final nature of changes and subsequent impact on our policies and procedures are not known at this stage. However, there is a possibility that our management plan program will be affected in some way.

The other key projects in the Management Plan 2008-2011 focus on completing existing strategic projects or new projects determined by resolution of Council.

Double Bay Commercial Centre and Oxford Street Paddington business management

Council on 17/12/07 resolved to support the establishment of a *Double Bay Centre Management Working Party* with a specific charter to oversight the preparation of the documentation required for centre management. This working party is currently working through the documentation including the rules for the Incorporated Association and a Memorandum of Understanding between Council and the Double Bay Partnership. It is expected that Double Bay Partnership will be incorporated in the next few weeks and commence operation as a fully functional centre management body responsible for the revitalisation of Double Bay as a vibrant, attractive and successful centre. This body will require ongoing support from Council and Council will need to be involved in the proposed Review Committee to review progress on the implementation of the Double Bay Partnership Business Plan. Council has also endorsed in principle transferring funds not exceeding \$200,000 to the incorporated association to match voluntary contributions from the business community once a threshold of \$125,000 in voluntary contributions is met.

Arising from these considerations there is also a resolution of Council to commence discussions with the City of Sydney Council to ascertain if it is interested in funding on an equitable basis a centre management model for Oxford Street, Paddington. Arising from a Notice of Motion we also have a resolution to examine the business zoning of Oxford Street and to consider if allowing more retail, restaurant or similar development would be appropriate.

Section 94 Contributions Plan and Section 94A Development Contributions Plan reviews

The reviews are being undertaken initially as part of the five years and annual update processes for the plans. However, the review will be influenced by changes suggested by the State Government in November 2007 to the operation of section 94 and section 94A plans. The scope of these changes is not entirely clear and therefore it is not possible at this time to gauge the full impact on Woollahra's section 94 and section 94A plans. We expect further statements and directions from the State Government in the next month.

Car Parking DCP review

The primary reason for the project is to review and update the car parking generation rates for residential and non-residential land uses. Matters for consideration in the review will include environmental sustainability, recognition of public transport options and the likely variation of rates due to precinct or area characteristics. The conclusions and new provisions will need to be dealt with in the context of the one DCP per site approach.

Policy on commercial use of harbour foreshore

This project arose from a notice of motion. It is linked to legislative matters, in particular the provisions of the new comprehensive LEP, but also needs to be considered in the context of plans of management for open space lands and the operational provisions for community land under the *Local Government Act 1993*.

Report on zoning anomalies near Bondi Junction

This project responds to a decision of the Council which was associated with change of use development proposals for medical consulting rooms in the areas immediately north of Syd Einfield Drive (in particular Vernon Street and Junction Street, Woollahra). The project will examine a range of issues including the existing controls within the Woollahra Heritage Conservation Areas DCP, the permissibility of medical uses under the zoning for the area and the requirement for off-street car parking having regard to proximity to the Bondi-Junction bus and rail interchange.

Electronic deployment of planning instruments

This project is the second stage of an ambitious project we commenced with funding provided by the Regulation Reduction Incentive Fund. It will provide for the delivery of planning information on line so that an enquirer will be able to find the relevant rules that apply to a particular development proposal on any nominated parcel of land in the Municipality. Negotiations are occurring with the software firm Civica for the delivery and installation of suitable software.

Excavation for basements on flood plains and areas with potential acid sulfate soils

The project has arisen from issues associated with development applications. Recent catchment flood studies undertaken by Council's Technical Services Division will provide a sound information base for new policy. We have established a project team with Technical Services and will prepare progress reports throughout the year.

Amendments to the DCP for Exempt or Complying Development to allow solar panels

This project will be influenced by possible changes to the State-wide exempt and complying development provisions which have been suggested as part of the State Government's planning reform package. The details have yet to be provided. Further disclosures from the State Government are expected in the next few months.

Possible expansion of retail, restaurant and similar uses along Oxford Street, Woollahra

This project has arisen from a notice of motion and also includes matters of streetscape improvements and pedestrian access.

2.2 Heritage Conservation

The Heritage Conservation sub-activity work program for 2008-2011 also involves undertaking work that will be necessary to meet the planning requirements of the State, including:

- Integrating our current statutory heritage provisions with those in the standard instrument
- Reviewing the heritage provisions for our consolidated DCP.

The standard instrument forms the basis for comprehensive LEPs throughout NSW. We will investigate the opportunities for incorporating our area specific heritage provisions within the standard instrument. The standard instrument also requires additional information about the significance and description of heritage items.

Part of our process in preparing the comprehensive LEP will involve rectifying current mapping anomalies with listed heritage items and heritage conservation areas. The review of heritage provisions in our consolidated DCP will focus on achieving consistency in heritage provisions and terminology.

A number of other projects will complete our work on contemporary heritage items, potential heritage items in Watsons Bay and in the Woollahra HCA, and the review of the Paddington DCP. These projects have been advanced throughout the 2007-2008 year.

Paddington DCP – William Street provisions and lofts over garages

The William Street project was commenced as part of the Neighbourhood Centres DCP and LEP. The Council deferred the William Street component from the Draft LEP to allow changes to the description of the additional use provisions. This matter will be completed as a new draft LEP and will be re-exhibited for further public input. Separate controls for non-residential buildings in William Street will be prepared for addition to the Paddington DCP.

The lofts over garages project arose from submissions received during re-exhibition of the Draft Paddington DCP. A working party has been reconvened to oversee the work. The project will include surveys and mapping exercises as a background to preparation of controls.

Heritage Item LEP

This plan has carried over from 2007-2008. It is a major LEP that will consolidate items from separate studies into potential heritage items in Woollahra, Watsons Bay, Bellevue Hill and Rose Bay as well as contemporary heritage items throughout the Municipality.

Review of potential heritage items - Wilkinson buildings

Professor Leslie Wilkinson was a prominent Sydney architect whose work is well represented throughout Woollahra. His work is highly regarded for its sensitivity to site and climate and its Mediterranean influences. Several of his buildings are listed as heritage items. The purpose of this project is to investigate his remaining works to establish their heritage significance. Any potential items arising from these investigations will be included for consideration in the comprehensive LEP project.

Oxford Street Paddington Heritage Provisions

In response to the draft Oxford Street DCP, prepared jointly by the former South Sydney Council and Woollahra Council, we need to review and prepare appropriate heritage conservation provisions for the Oxford Street commercial precinct for inclusion in the Paddington DCP. Progress on this project has been deferred until approval of the new Paddington DCP.

Study of hotels in Paddington

This project arises from a resolution of Council on 11 September 2006 that a consultant study of hotels in Paddington be undertaken with the aims of identifying significant hotels and preparing appropriate development and conservation provisions.

Review DCP for Exempt and Complying Development

This project arises from a resolution of Council on 27 November 2006 following consideration of the contemporary heritage item project. The resolution requires that a further report be submitted to Council concerning extending the Exempt and Complying Development Control Plan in relation to kitchens and bathrooms in heritage properties. Recent announcements from the Minister for Planning about proposed amendments to State-wide exempt and complying provisions may influence this project.

Amendments to the heritage conservation area DCPs to allow solar electrical and hot water panels

This project will be influenced by possible changes to the State-wide exempt and complying development provisions which have been suggested as part of the State Government's planning reform package. The details have yet to be provided. Further disclosures from the State Government are expected in the next few months.

2.3 Urban Design

The key urban design projects in this sub-activity are as follows:

The Neighbourhood Centres Strategies Stages 2 and 3

This project was commenced in 2005 and is a further stage in our place-based planning model. It has involved a comprehensive review of our main neighbourhood centres from Watsons Bay to Paddington and the preparation of an amending LEP and new DCP which were exhibited in May/June 2007. The draft LEP has been submitted to the Department of Planning and is awaiting gazettal except for the proposed land use changes in William Street Paddington which were deferred for inclusion in a separate LEP. Stage 2 of this project involves the preparation of DCPs for four (4) centres which are within heritage conservation areas and not covered by the current DCP. These are Military Road, Watsons Bay, Edgcliff Road and Queen Street Woollahra and The Fiveways Paddington. Stage 3 of this project involves the preparation of public domain plans for those centres which do not have a public domain plan or like strategy in place.

Edgecliff Commercial Centre DCP – urban design and public domain

Edgecliff is one of our main business centres located at a major bus/rail interchange. The current controls for this centre were prepared in 1989 and need to be reviewed and updated to contemporary standards. This work will need to be undertaken in the context of the new metropolitan strategy that places a high emphasis on centres serviced by major public transport facilities .

Controls for transition areas between Residential 2(a) and Residential 2(b) zones

This project arose from a notice of motion on 11 September 2006. It was discussed in a Strategic Planning Working Party meeting on 1 March 2007 but Council's policy position on the matter remains to be determined.

Kiaora Lands

Council on 16 April 2007 resolved to proceed with discussions with Woolworths in relation to the development of the Kiaora Lands site. This project will involve testing various design options and will examine relevant planning, urban design and traffic issues. Depending on Council decisions there may be a need to review our LEP and DCP controls for the site.

Oxford Street and Double Bay Urban Design Improvements

This project involves the preparation of building improvement recommendations for each property as appropriate within the Double Bay and Oxford Street commercial centres.

Review Schools and Colleges DCP

On 26 June 2007, following consideration by the Strategic Planning Working Party and the Urban Planning Committee, Council resolved to prepare a new DCP for Schools and Colleges.

Urban Design Information Program

We propose a program to improve the urban design skills of our development assessment officers. This program will involve the conduct of workshops by our urban design team as well as the preparation of practice notes on design assessment issues.

2.4 Development Control

The core regulatory functions of the Development Control Department under Part 4 and Part 4A of the *Environmental Planning and Assessment Act 1979* will be delivered with an aim being that the mean gross determination times (as measured by the Department of Planning) for DAs and Section 96 Applications do not exceed 100 days. It is currently 131 days for DAs and 111 days for Section 96 Applications). We also aim to reduce our net mean processing time from 102 days to 75 days and to keep the total number of undetermined applications to under 300 (currently 310). We expect that if these targets are achieved we will see a reduction in the deemed refusal appeals.

The projects included for 2008-2009 are focused on improving development control efficiency, improving DA information to applicants and objectors and introducing improved assessment tools.

Report Templates

We will review our report templates for all applications determined by staff, AAP and DCC to ensure that the level of assessment is related to the level of complexity and to provide clearer and more issue focused reports.

Post Determination Process

Whilst new consent formats including conditions have made substantial improvements to the post determination process we are going to develop a package to support applicants' understanding of the post consent processes. Unfortunately, we have seen an increase in people gaining consent and then failing to complete all the other processes required prior to occupation and use of developments. This project will help applicants better understand the post consent processes.

Post Occupation Audit

This project has been subject to initial reporting and the audit has been completed. However, the follow up evaluation and reporting has not been completed.

Section 68 Activity Approvals

There remain a number of approvals required under the Local Government Act for various activities such as structures and places of public entertainment, management of waste and activities on community land and public roads. Although we don't receive a large number of activity applications we should have a similarly rigorous approach to their registration, electronic tracking and information management as we have with applications under the EPA Act. This project will implement an *Authority* database and more rigorous procedures similar to those already in place for applications under the EPA Act. This project has been rolled over from the previous management plan.

Review Development Control Delegations

This project will respond to a resolution of Council of 17/12/07 to review delegations relating to hotels. At the same time we will review the operation of our development control delegations in the context of the Local Development Performance Monitoring Report: 2006-07.

On-line Tracking

This project will improve the information which is available to the public on our web site about the status of current applications. It will focus on providing more useful information about the progress of applications through critical stages of the assessment process.

Performance Standards

This project will introduce internal performance standards for each key stage of the development application assessment process.

3D Modelling

This project involves the preparation of a 3D digital urban terrain model of the Municipality and the introduction of new assessment processes that will use this model to better assess the built form impacts of new development. It is anticipated that the model will be of significant assistance to the DCC in assessing the merit of neighbour objections.

Dilapidation Reports

A report will be presented to the DCC in response to a resolution of Council of 9/07/07. That resolution sought legal advice as to the appropriateness of providing advice to residents whose property is the subject of a dilapidation report as to the ramifications and utility of such a condition.

Planning System Reform

It is likely that the Development Control section will have to introduce new internal procedures and public information on changes which are likely to be introduced by the State to speed up development assessment and determination process.

2.5 Compliance

The key focus for our Compliance Section over the coming year will continue to be on core activities. Enforcement of development consents relating to land use and building construction as well as the enforcement of building construction work with the Building Code of Australia (BCA) and its fire safety provisions remains a principal activity.

The role of the Compliance Section in enforcing building construction works varies depending on whether or not Council is appointed as the Principal Certifying Authority (PCA). As the PCA, the Compliance Section must carry out critical stage inspections to ensure that building work progresses in accordance with the approved plans and conditions of consent. In 2007 we were appointed as the PCA for about 21% of construction projects.

Another significant core activity for the Compliance Section is the Council's fire safety program, which operates to ensure that the owners of all class 2-9 buildings maintain adequate fire safety measures such as smoke alarms, sprinklers, extinguishers, exit signs, etc. as required by the BCA. This is achieved by checking that building owners submit fire safety certificates and annual fire safety statements as required by the *Environmental Planning & Assessment Act 1979* and Regulations.

In addition to the Compliance Section's numerous core activities two continuous improvement projects are listed in the draft Management Plan. The specific projects are:

Procedures Data Base

There are several internal working procedures that need to be reviewed and updated to ensure that Compliance work practices are consistently carried out to a high standard.

Review of the section's procedures is on-going.

Revised Facts Sheets and Brochures

This project will produce a number of new fact sheets and brochures about compliance services. These will be produced for both paper and electronic distribution.

2.6 Management and Administration

Existing core services involving the production of rates, planning and outstanding notices and orders certificates will be maintained.

3. Conclusion

The programs and projects suggested for the 2008/2011 Management Plan have been derived from three main sources:

1. Projects we are required to undertake as a consequence of State requirements
2. Projects identified by Council
3. Projects which focus on improving our efficiency and service levels.

Allan Coker
Director Planning and Development

Tim Tuxford
Manager Compliance

Patrick Robinson
Manager Development Control

Chris Bluett
Manager Strategic Planning

ANNEXURES

1. Proposed Built Environment Principal Activity for the 2008-2011 Management Plan.

- Item No:** R1 Recommendation to Council
- Subject:** **4 Victoria St and 18 Cliff St, Watsons Bay**
- Author:** Jodi Ayre – Former Strategic Heritage Officer
Susan O'Neill - Strategic Heritage Officer
Chris Bluett - Manager, Strategic Planning
- File No:** 1080 [G] WB
- Reason for Report:**
1. To respond to the Council decision made on 23 October 2006, deferring the inclusion of 4 Victoria St and 18 Cliff St as heritage items.
 2. To submit recommendations regarding the listing of 4 Victoria St and 18 Cliff St as heritage items in Woollahra Local Environment Plan 1995 and contributory items in the Watsons Bay Heritage Conservation Area Development Control Plan
 3. To report on the Cliff Street archaeology.

Recommendation:

- A. THAT a draft local environmental plan be prepared to amend Woollahra Local Environmental Plan 1995, by including the following place as a heritage item in Schedule 3:
Cliff Street Watsons Bay Cobble sandstone road archaeology
- B. THAT 18 Cliff Street and 4 Victoria Street not be listed as heritage items in Woollahra Local Environment Plan 1995
- C. THAT 18 Cliff St, Watsons Bay continues to be identified as a contributory item in the Watsons Bay Heritage Conservation Area Development Control Plan
- D. THAT 4 Victoria St, Watsons Bay continues to be identified as a contributory item in the Watsons Bay Heritage Conservation Area Development Control Plan

1.0 Background

1.1 18 Cliff Street and 4 Victoria Street, Watsons Bay

In October 2006 a report was considered by the Urban Planning Committee on the findings of the heritage assessments of a number of properties identified as potential heritage items within the Watsons Bay Heritage Conservation Area. The Council made the following decision on 23 October 2006 in relation to two properties which were included in that review:

- F. That 4 Victoria Street and 18 Cliff Street be deferred from consideration for listing as heritage items or confirmation as contributory items in the Watsons Bay Heritage Conservation Area Development Control Plan, as the case may be, so as to allow for further discussions with Council's Heritage staff and submissions from the owners of those properties to be received.
- G. That the Urban Planning Committee carry out an on-site inspection of 4 Victoria Street and 18 Cliff Street when the matter comes back on report.

A letter was sent by Council to the owners of both properties on 22 February 2008 requesting an inspection of the property on behalf of the members of the Urban Planning Committee and informing the owners that they would be given 2 weeks notice of the Committee's meeting date when the Committee would consider the heritage significance of their property. Mr Michael Georganas, owner of 18 Cliff Street, telephoned Susan O'Neill, Strategic Heritage Officer, to inform Council that the property was occupied by a tenant and could only be viewed from the street. No response was made by the owners of 4 Victoria Street.

1.2 Cliff Street archaeology

Archaeological evidence of the former roadway was located during the road and drainage works carried out by Council in Cliff Street, Watsons Bay, in 2006. Council received a recommendation from the Heritage Office, Department of Planning, that consideration be given to listing the known cobble stone roadway in a portion of Cliff Street, Watsons Bay.

2.0 18 Cliff Street Watsons Bay

2.1 Background

This property was included in the review of Watsons Bay HCA potential heritage items, which was considered by the UPC on 9 October 2006. The heritage inventory sheet for 18 Cliff Street states that the building is a good, representative example of an early Inter-War cottage, constructed in 1919. The assessment of significance, using the NSW Heritage Office criteria, concludes that the property meets the historical and representative criteria [Criteria A and G].

However, Council's heritage consultant did not recommend this building for heritage listing. The property was considered to demonstrate values which are *contributory* to the heritage conservation area. Therefore, the existing listing, in the Watsons Bay HCA DCP as a contributory item, should not be altered. This recommendation was based on a full inspection of the property, undertaken with the permission of the property owners and also on consideration of the original plans and local history information. The building's assessed value as a contributory item lies in its scale and appearance from Cliff Street.

2.2 Owner's submission

In response to consultation undertaken prior to reporting to the UPC in October 2006, the property owners submitted a report titled, *Heritage Impact Statement: Refutation of Proposed heritage listing of 18 Cliff Street, Watsons Bay*, Rappoport Pty Ltd March 2006 [**annexure 2**]

The owner's heritage consultant, Mr Paul Rappoport, does not support a heritage listing of the building. This is consistent with the recommendation made to Council. However, Mr Rappoport also refutes the recommendation to retain the building as a contributory item in the DCP. In the report to the UPC, dated 9 October 2006, a table was provided detailing responses to each of the individual issues raised by Mr Rappoport's report. A summary response table is provided in **annexure 3**.

2.3 Points of difference

Mr Rappoport raises a number of points of difference between his assessment and the heritage inventory sheet for this property. They are outlined below with a response to the issue by Council's former Strategic Heritage Officer, Jodi Ayre.

- ***Modifications to the exterior (Rappoport page 3)***

The subject dwelling has been determined in this report to have little intrinsic heritage significance and does not, in our opinion, satisfy the NSW Heritage Office criteria for listing. Although there is a fairly high degree of internal integrity, the exterior of the dwelling has been modified and much of the original fabric of the dwelling has been lost. These intrusive external modifications have dramatically reduced the significance of the dwelling and resulted in the loss of its legibility and cogency as an early Inter-War dwelling.

In our opinion, the subject dwelling does not present as it was originally intended and the extent of the modifications (refer to Section 5 for a complete list) make it problematic for the dwelling to be considered as a valuable contributory addition to the heritage stock of Watsons Bay.

Response:

The contributory value assigned to this building is essentially for the external streetscape appearance in respect of its form and scale.

The original BA drawings for this building were obtained. Comparative analysis between the original drawings and the existing building reveals a degree of modifications. However, comparisons also reveal that the modifications have not diminished the ability to interpret the original form and characteristics of the early inter-war dwelling. The modifications are not considered to be intrusive, or to an extent that the *legibility* and *cogency* has been impacted upon.

- ***The residence does not relate to Watsons Bay's primary historical themes (Rappoport page 28)***

Response:

The Watsons Bay HCA DCP consistently identifies the period of Inter-war construction as an important period in the development of the HCA.

The description of the historic context identifies the theme of *Maritime Village*. This theme characterises the development of the HCA from the early land grants in 1793, the popularity experienced in the 1830s, the 1855 subdivision and the resultant mix of housing types. The late nineteenth century and the *further wave of construction* which occurred during the Inter-war period further contribute to this theme.

One of the key historic heritage values identified in the Watsons Bay HCA DCP is the discernible housing types. The construction dates of the original dwelling clearly relate to the historic value which characterises the development of the HCA.

Evidence of early fishing village and more substantial houses built for master mariners, pilots, lighthouse keepers and city merchants, a later wave of Inter-war housing and associated public buildings and community infrastructure.

The subject property is located within the *Camp Cove Village Precinct* within the Watsons Bay Heritage Conservation Area [**annexure 4**]. This area of the HCA has strong references to the 1855 subdivision pattern. The historic townscape character of the precinct is defined as

low –scaled on and two-storey detached houses sited on relatively small allotments... Houses are generally built close to the street, with only small set backs from front and side boundaries. There are small [limited] areas of garden space at the front behind low fences and with yards at the rear. ... Buildings and groups of buildings that contribute to the character of the precinct date from two key periods (1850s – 1870s and 1910s – 1930s) and include most of the timber weatherboard cottages in Watsons Bay (the largest concentration in Woollahra LGA).¹

The subject building was constructed during a key development period for the Camp Cove Precinct within the Watsons Bay HCA.

- *Despite any intrinsic significance, the subject dwelling does not provide sufficient evidence of its contribution to Watsons Bay primary historical themes and therefore, in our opinion, cannot be a 'contributory item'. (Rappoport page 29)*

Response:

The Watsons Bay Heritage Conservation Area Development Control Plan defines a contributory item as *a building and its setting which contributes to the heritage significance of a conservation area but which is not listed as a heritage item in WLEP 1995.*² This is consistent with the Land and Environment Court judgement of **Helou v Strathfield Municipal Council [2006] NSWLEC 66** which established Planning Principles in relation to the identification and appropriate treatment of contributory items.

Commissioner Tim Moore within his judgement stated that -

*44. A contributory item in a conservation area is a building that is not individually listed as a heritage item, but by virtue of age, scale, materials, details, design style or intactness is consistent with the conservation area, and therefore reinforces its heritage significance.*³

2.4 Summary of findings

As demonstrated by the response to the main issues above, the building does present characteristics which are of a contributory value to the Watsons Bay HCA. The identification of the building as a contributory item is consistent with the definition contained in the Watsons Bay HCA DCP and the Land and Environment Court planning principles set down in the matter of **Helou v Strathfield Municipal Council [2006] NSWLEC 66**.

Proposed amendments to the heritage inventory sheet are to correct a repeated error citing '19th century', rather than 20th century and clarification of the heritage listing as a contributory item.

2.5 Watsons Bay Heritage Conservation Area Development Control Plan

A concern has been raised by the property owner regarding the notification from Council regarding the work carried out on the Watsons Bay HCA DCP and the subsequent identification of this building as a contributory item.

¹ Watsons Bay HCA DCP page 69

² Watsons Bay HCA DCP page 157

³ Land and Environment Court Judgement *Helou v Strathfield Municipal Council [2006] NSWLEC 66*. Cited at lawlink.nsw.gov.au

Notification was sent to all property owners within the Watsons Bay Heritage Conservation Area advising of the process and implementation of the Watsons Bay Heritage Conservation Area Development Control Plan.

Public exhibition of the draft Watsons Bay HCA DCP occurred over the period 18 June 2003 to 18 July 2003 and met all statutory requirements.¹

2.6 Site inspection

The decision of Council required a site inspection by Councillors prior to the consideration of this report at the Urban Planning Committee meeting. The site inspection, to view the dwelling from the street only, is scheduled for 5pm, 14 April 2008, prior to the UPC meeting.

3.0 4 Victoria Street, Watsons Bay

3.1 Background

This property is currently identified as a *contributory* item in the Watsons Bay HCA DCP. The heritage inventory sheet for this property was unclear in terms of whether to list the property as a heritage item in the Woollahra LEP 1995 or to maintain its current identification as a contributory item. The Watsons Bay Heritage Conservation Area Development Control Plan defines a contributory item as *a building and its setting which contributes to the heritage significance of a conservation area but which is not listed as a heritage item in WLEP 1995*.

The statement of significance for the property identifies the elements which are consistent with the values associated with contributory items.

In the report to the UPC dated 29 October 2006, it was recommended that this property remain a contributory item and that an on site inspection be undertaken. The on site inspection was recommended in response to the submissions received from the property owners [**annexure 5**], requesting that the matter be deferred. [**annexure 6**] contains an extract from the report which addressed 4 Victoria Street.

A site inspection was undertaken by Council's former Strategic Heritage Officer, Jodi Ayre, with the permission of the property owners on 27 March 2007. The purpose of the site inspection was to assess the extent of original fabric to determine the degree of integrity and intactness. The heritage inventory sheet was modified to reflect the findings of the inspection.

3.2 Consideration of significance

The property is currently identified as a *contributory* item within the Camp Cove Village Precinct in the Watsons Bay Heritage Conservation Area. In Victoria Street, the building comprises one of a group of surviving single storey weatherboard and masonry cottages (when viewed from the street) which together, form a group of Victorian and Edwardian cottages, that contribute to the Watsons Bay HCA.

The Victorian cottages in neighbouring Cliff and Cove Streets are listed as heritage items in Schedule 3 of Woollahra LEP 1995. The Edwardian and Inter-war cottages are identified as contributory items.

Some original fabric remains in the front rooms of the cottage, and includes the weatherboard clad wall and ceiling linings, timber skirting boards and four panelled doors. Externally, the Victoria St façade has undergone some degree of alteration. Overall there is a low to moderate degree of integrity and intactness to the front rooms of the cottage. To the rear of the property there is a modern two storey addition which is sympathetic to the original cottage, by its scale and detail and use of materials, such as timber weatherboards.

3.3 Recommendation

The property at 4 Victoria Street is not recommended for listing as a heritage item on the basis of the extent and effect of the alterations and additions made to the dwelling. While the alterations have been carried out in a sympathetic manner, they have inevitably impacted on the extent of original fabric remaining. The value of the property to the Watsons Bay Heritage Conservation Area is essentially its contribution to the streetscape in terms of its scale, form and character and for the important association the dwelling has with the key historical development period of the HCA.

It is recommended that the property continue to be identified as a contributory item in the Watsons Bay Heritage Conservation Area. The heritage inventory sheet [**annexure 4**] has been amended to reflect the revised recommendation. The building is an example of successfully retaining significant elements which contribute to the conservation area (through the form, scale and use of materials in the streetfront zone) while still allowing for a degree of sympathetic alteration and additions to improve the building's level of accommodation and amenity.

3.4 Site inspection

The decision of Council required a site inspection by Councillors prior to the consideration of this report at the Urban Planning Committee meeting. The site inspection, to view the dwelling from the street only, is scheduled for 5pm, 14 April 2008, prior to the UPC meeting.

4.0 Archaeology, Cliff Street, Watsons Bay

In 2006 Council commenced drainage improvement and road reconstructions works at Cliff Street, Watsons Bay. A statement of heritage impact was prepared by Council's former Strategic Heritage Officer, Jodi Ayre, dated February 2006, which considered the impact on the Aboriginal and cultural values of the area. The works were considered to have a negligible impact on the heritage values of the setting, with a wider benefit for the Watsons Bay Heritage Conservation Area through the improved drainage capacity.

The potential to uncover archaeological evidence was considered likely, based on the available documentary evidence, as the works were being undertaken on the 1855 road alignment. A recommendation was made in the statement of heritage impact that an archaeologist should be engaged to monitor the proposed excavation works associated with the project.

The works commenced on site and Council's former Strategic Heritage Officer, Jodi Ayre, was made aware of the cobble stones revealed below the road surface, during the excavation of a section of the roadway.

In June 2006, Denis Gojak, Director Banksia Heritage & Archaeology, was engaged by Council to undertake an archaeological assessment of the uncovered material. Mr Gojak confirmed that the surviving sandstone was a relic and the provisions of the Heritage Act 1977 had been activated by the discovery. Wayne Johnson, of the Sydney Harbour Foreshore Authority, was also asked by Council to provide an opinion on the uncovered material. Mr Johnson's advice was consistent with Mr Gojak's.

In accordance with the requirements of the Heritage Act, an application for an exemption from Section 57 (1) of the Heritage Act 1977 was lodged with the Department of Planning, Heritage Office by Woollahra Council. The application was accompanied by a report prepared by Mr Gojak, *Cliff Street: Archaeological Assessment of potential impacts by drainage works*.

The exemption was granted by the Heritage Office, in accordance with the recommendations contained within Mr Gojak's report and the work at Cliff Street recommenced. The following was carried out under Mr Gojak's supervision:

- The asphalt road surfacing from the north end of Cliff Street was removed and all cobble stones exposed.
- In situ, an archival recording of the cobble stones was made by photographing them and preparing a measured drawing.
- After recording, the sandstone cobbles were then removed by hand and stockpiled. The stones are being securely stored at Council's depot.
- In the area south of Victoria Street, the archaeologist monitored the initial trenching and removal of asphalt, recording the location of original and later surfaces in any areas where original road surface may still be present. The work process allowed for the stripping of asphalt, investigation and recording by the archaeologist, followed by the removal of sound sandstone blocks by hand.

Mr Gojak also recommended in his archaeological assessment that Council begin the process of developing an interpretative proposal for the Watsons Bay subdivision, using the salvaged cobblestones from the north end of Cliff Street as a possible resource.

A heritage inventory sheet has been prepared based on the archaeological report prepared by Mr Gojak (**annexure 7**). The proposed heritage listing is to cover the extent of known cobble stones in Cliff Street only. It is noted that there is a high likelihood that similar cobble stones may exist elsewhere in the Watsons Bay HCA, specifically areas which directly relate to the 1855 road alignment.

4.0 Conclusion

Further investigation into the heritage significance of 18 Cliff Street and 4 Victoria Street Watsons Bay has determined that the properties are of contributory value to the Watsons Bay Heritage Conservation Area. Aspects of historical significance and their value as representative of the development of Watson Bay are consistent with the definition of contributory items contained within the Watsons Bay Heritage Conservation Area Development Control Plan. Therefore, retention as a contributory item in the DCP is recommended, but that neither property is listed as a heritage item in Woollahra LEP.

The known archaeological remnants uncovered during the 2006 road and drainage works in Cliff Street, Watsons Bay, demonstrate sufficient evidence to warrant listing in Woollahra Local Environmental Plan 1995 – heritage items.

Susan O'Neill
Strategic Heritage Officer

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Manager, Strategic Planning

ANNEXURES:

18 Cliff Street Watsons Bay

1. Heritage inventory sheet, 18 Cliff Street, Watsons Bay
2. *Heritage Impact Statement: Refutation of Proposed heritage listing of 18 Cliff Street, Watsons Bay*, Rappoport Pty Ltd
3. Council response to submission

Victoria Street Watsons Bay

4. Heritage inventory sheet, 4 Victoria Street, Watsons Bay
5. Correspondence from property owners
6. Council response to submission

Cliff Street, Watsons Bay

7. Heritage inventory sheet, Cliff Street, Watsons Bay