

PLANNING PROPOSAL

**Local heritage listing:
Yarranabbe Park and Rushcutters Bay Park seawall**

February 2016

Version date 17 February 2016

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Part 1 – Introduction

This planning proposal is made in relation to the local heritage listing of Yarranabbe Park and Rushcutters Bay Park seawall as a heritage item. The intention of the planning proposal is to provide for the on-going protection and recognition of the heritage significance of the seawall.

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the two documents prepared by the NSW Department of Planning and Infrastructure titled *A Guide to Preparing Planning Proposals (October 2012)* and *A Guide to Preparing Local Environmental Plans (April 2013)*.

Part 2 – Site and context description

The planning proposal applies to land shown in Figure 1.



Figure 1. Location of Yarranabbe Park and Rushcutters Bay Park seawall.

2.1 Context

Rushcutters Bay Park and Yarranabbe Park are located on the foreshores of Rushcutters Bay on Sydney Harbour. Sydney Harbour is recognised as one of the finest harbours in the world and is one of Australia's greatest cultural, recreational and commercial assets. The

interface between the foreshore and the harbour at Darling Point is defined by the seawall and park which have facilitated continuous enjoyment of the harbour since the early 1900s.

Rushcutters Bay Park is located in both Sydney City Council and Woollahra Municipal Council areas. The boundary is marked by a stormwater drainage channel. The portion of Rushcutters Bay Park managed by Woollahra Council is bounded by Rushcutters Bay to the north (mean high water mark, marked by the outer face of the seawall along the harbour), the Sydney Water owned stormwater channel to the west, New South Head Road to the south, New Beach Road to the south east, and the Cruising Yacht Club of Australia (CYCA) to the north east.

Rushcutters Bay Park and Yarranabbe Park are separated by the D'Albora Marina and Sir David Martin Reserve. Sir David Martin Reserve adjoins D'Albora Marina and the southern boundary of Yarranabbe Park. The Reserve includes a number of buildings of various ages dating from the late 19th century, clustered around a former Parade Ground. Yarranabbe Park is bounded by New Beach Road to the east, Sir David Martin Reserve to the south and mean high water mark, marked by the outer face of the seawall along the harbour.

The parks are characterised by open grass, avenues of mature trees and the harbour.

2.2 Physical description

The seawall is constructed from large rusticated sandstone blocks with a substantial finishing course with rusticated sides and a rounded upper profile. The blocks are approximately 1m wide. A pedestrian footpath has been constructed adjacent to the seawall for the extent of both parks, wrapping around the rear of Sir David Martin Reserve and D'Albora Marina sites.

The sandstone seawall originally extended along the harbour edge continuously from Yarranabbe Park to Rushcutters Bay Park. The existing seawall has been breached in a number of locations between Yarranabbe Park and Rushcutters Bay Park to allow for the marina activities at D'Albora Marina and Sir David Martin Reserve. Some sections of the wall were removed for the 2000 Sydney Olympic Sailing facility.



Figure 2. Photographs of the seawall

Part 3 – Historical overview

Rushcutters Bay Park and Yarranabbe Park are located on the western side of the promontory known as Darling Point, named after the wife of Governor Darling. The Aboriginal name for the point was Yarranabbe. The indigenous inhabitants of the area comprised of at least two clans, the Cadigal and the Birrabirragal however by 1789 the majority of the Aboriginal population had been killed by the smallpox epidemic or moved away from the area. However, there are descendants still living in the area.

Rushcutters Bay Park and Yarranabbe Park were part of a major public works program that involved reclamation of the large area of marsh, channelling of the creek and construction of a ballast dyke seawall.

The following table provides an overview of the historical development of Rushcutters Bay Park and Yarranabbe Park:

Pre 1788	The land that is now known as Rushcutters Bay Park extending to Yarranabbe Park was a swamp area, with the mean high water mark on the east running approximately along the location as New Beach Road.
1810	Convict and landowner Thomas West (1773-1858) successfully petitioned Governor Macquarie for permission to erect a watermill on Rushcutters Creek in June 1810.
1830	New South Head Road was constructed, running through land granted to Thomas West.
1842	Sydney Town was incorporated. The creek flowing into the western side of Rushcutters Bay was fixed as the municipal boundary and remains the boundary today.
1860	The land adjacent to Rushcutters Bay was heavily cultivated, particularly by Chinese market gardens.
1875	A petition was signed by 500 residents of Rushcutters Bay urging the reclamation of land to the low water mark for the purpose of a public reserve. At this time there were complaints that the swamp area was unhealthy and unsightly.
1878	The Rushcutters Bay Act 1878 was passed dedicating Rushcutters Bay Park for Public Recreation.
1880-90	The Rushcutters Bay foreshores, including land now known as Yarranabbe Park, was reclaimed by extending the land about 200m into the bay. At this time construction of the stormwater channel and a ballast dyke seawall began.
1885	Rushcutters Bay Park was proclaimed as a Public Park on 11 December 1885 under the Public Parks Act 1884.
1889	The water frontage area was designated as a public landing place and a slip was provided for public use.
1890	A new vertical seawall was constructed to replace the ballast dyke wall. The seawall varied its location in parts from the ballast dyke wall, with portions of the new seawall being constructed further out into the harbour than the first seawall.
1899	Ten small allotments were created by the new alignment of the seawall. Six boat sheds with associated slipways and jetties were constructed.

- 1902 NSW Volunteer Naval Brigade was utilising lands to the south of Yarranabbe Park. The land (now known as Sir David Martin Reserve) was gazetted for use as a naval recreation ground.
- 1904 First swimming sports were held in public baths at Rushcutters Bay (Yarranabbe Park).
- 1911 A row of palms was planted in a 15ft wide strip of land behind the boat sheds, which became known as Plantation Reserve. The reserve was intended as a link between the two foreshore parks.
- 1930 Aerial photographs and plans for Yarranabbe Park indicated a formal park design with circular garden beds. The avenue of figs was planted at this time as part of a municipality wide program of civic beautification works.
- 1944 The Cruising Yacht Club of Australia (CYCA) was formed.
- 1951 The CYCA acquired a boatshed at Rushcutters Bay and opened a club house to the east of Rushcutters Bay park in 1958.
- 1966 The Royal Navy Sailing Association formed to promote sailing in the Royal Australian Navy and operated from a boatshed at HMAS Rushcutter.
- 1968 HMAS Rushcutter was decommissioned (renamed Sir David Martin Reserve in 1991).
- 1974 The Harbour baths were demolished.
- 2000 Rushcutters Bay Park, Yarranabbe Park and Sir David Martin Reserve were used as the Olympic Sailing Shore Base for the Sydney 2000 Olympic and Paralympic Games.

Part 4 – Objectives of the planning proposal

The objectives of the planning proposal are:

1. to recognise the local heritage significance of the seawall;
2. to provide statutory protection of the seawall as a local heritage item;
3. to provide for the conservation of the seawall.

The seawall associated with Yarranabbe Park and Rushcutters Bay Park has been identified as having local heritage significance. This has been established through an assessment using seven criteria contained in the document titled Assessing Heritage Significance produced by the NSW Heritage Office in 2001, as part of the NSW Heritage Manual.

A copy of the assessment is contained in **Attachment 1**.

Part 5 – Explanation of provisions

The objectives of the planning proposal will be achieved by:

1. Listing the Yarranabbe Park and Rushcutters Bay Park seawall as a heritage item in Woollahra Local Environmental Plan 2014, and
2. Utilising the heritage conservation provisions in Woollahra LEP 2014.

Listing of a heritage item occurs within Schedule 5 of the LEP. The listing will identify the site by its suburb. The listing will also contain a brief description of the item. The heritage conservation map will be amended to colour the sites, thereby identifying land on which a heritage item is located.

In accordance with the Standard Instrument LEP the listing will be in the form set out below:

Suburb	Item name	Address	Property description	Significance	Item no
Darling Point	Seawall	Various	Yarranabbe Park and Rushcutters Bay Park seawall	Local	TBC
Edgecliff	Seawall	Various	Yarranabbe Park and Rushcutters Bay Park seawall	Local	TBC

The heritage conservation provisions are contained in clause 5.10 of Woollahra LEP 2014.

Attachment 2 contains an extract from Woollahra LEP 2014 showing the conservation clauses.

Part 6 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The planning proposal is the result of a decision of the Council to investigate the heritage significance of Yarranabbe Park and Rushcutters Bay Park seawall. The study was undertaken by Council's Strategic Planning Department and reported to Council's Urban Planning Committee in November 2015. A copy of this report is contained in **Attachment 3**.

The study found that the physical fabric of the seawall provides evidence of a large scale, late 19th century NSW Government reclamation initiative for the purpose of public recreation. The seawall has aesthetic significance as landmark element along the foreshore which complements the natural beauty of Rushcutters Bay. The seawall and associated footpath and park provides the public with an opportunity to experience and enjoy sweeping views of Sydney Harbour.

At its meeting of 14 December 2015, Council resolved that a planning proposal be prepared to heritage list the Yarranabbe Park and Rushcutters bay Park seawall in the Woollahra LEP 2014.

2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. The planning proposal is the best means of achieving the objectives because statutory protection for the seawall as a local heritage item can only be obtained in a local environmental plan.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The planning proposal is consistent with the relevant objectives and actions contained in A Plan for Growing Sydney (December 2010) and the Draft East Subregional Strategy (July 2007). Each document is addressed below.

A Plan for Growing Sydney (December 2010)

This plan contains:

- A vision for Sydney
- 4 goals, 3 planning principles and 22 directions
- Priorities for Sydney's 6 subregions.

A Plan for Growing Sydney is a high level, strategic planning document. Only a very small part of the Plan's content has relevance to the planning proposal. The relevant parts of the Plan are listed below. The Woollahra L.G.A is located in the Central Subregion as defined under the Plan.

Goal

Comment on consistency

3. A great place to live with communities that are strong, healthy and well connected. The Plan states in part, *The Plan builds on Sydney's reputation of a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history.*

The planning proposal will help meet this goal by recognising and protecting part of Sydney's heritage.

Directions

A set of 22 directions is listed for the four goals of *A Plan for Growing Sydney*. Each direction has been considered, but most are not related to this planning proposal. The relevant planning direction is addressed below.

Direction

Comment on consistency

3.4 Promote Sydney's heritage, arts and culture.

The planning proposal is the result of a local heritage study in accordance with best practice guidelines in the ICOMOS Burra Charter and the NSW Heritage Manual. The study identified the seawall associated with Yarranabbe Park and Rushcutters Bay Park as having local heritage significance.

Central Sub-region priorities

Comment on consistency

The priorities for the Central Sub-region are:

- A competitive economy
- Accelerate housing supply, choice and affordability and build great places to live
- Protect the natural environment and promote its sustainability and resilience

None of these priorities are applicable to the planning proposal.

Draft East Subregional Strategy (July 2007)

The Draft East Subregional Strategy provides a strategic planning framework for Sydney's eastern subregional. It provides an intermediate step between the higher level metropolitan strategy (A Plan for Greater Sydney) and local plans. The relevant parts of the Draft Strategy are listed below.

Strategy E – Environment, Heritage and Resources

Under this strategy, the Draft Strategy highlights the rich cultural history of the subregion demonstrated through historic areas, places and cultural features.

E6 – Conserve Sydney's cultural heritage

Objective and action

Comment on consistency

E6.1 Provide a consistent approach to identify and protect Sydney's cultural heritage.

The heritage assessment that informed this planning proposal was carried out in accordance with the principles of the Burra Charter and the NSW Heritage Manual.

EA E6.1.1 Australian heritage agencies will develop standard criteria and threshold values

E6.2 Recognise where Sydney's cultural heritage contributes to its unique character and quality and manage change appropriately to reinforce local distinctiveness.

This planning proposal seeks to formally recognise the cultural significance of the Yarranabbe Park and Rushcutters Bay Park seawall by listing them as a local heritage item.

E6.3 Interpret and promote Sydney's cultural heritage.

Local heritage listing of the Yarranabbe Park and Rushcutters Bay Park seawall will provide for its ongoing protection and recognition. The seawall is located in the public domain and is visible evidence of an important Government reclamation scheme. By recognising and protecting the seawall this planning proposal promotes and interprets an important part of Woollahra's cultural heritage.

4. Is the planning proposal consistent with the council's local strategy or other local strategic plan?

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2025 – our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well planned neighbourhood) under the theme Quality places and spaces.

4.3 Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.

5. Is the planning proposal consistent with applicable state environmental planning policies?

A table addressing the applicability of all SEPPs and the consistency of the planning proposal is provided at **Attachment 4**. Based on this assessment, Council has concluded that the planning proposal is consistent with all applicable SEPPs.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

A table addressing the applicability of all s.117 directions and the consistency of the planning proposal is provided at **Attachment 5**.

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposal does not apply to land, or is in the vicinity of land, that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects arising from listing the Yarranabbe Park and Rushcutters Bay Park seawall as a local heritage item.

9. How has the planning proposal adequately addressed any social and economic effects?

It is not anticipated that the planning proposal will have any negative social and economic effects which need to be addressed as part of the proposal.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

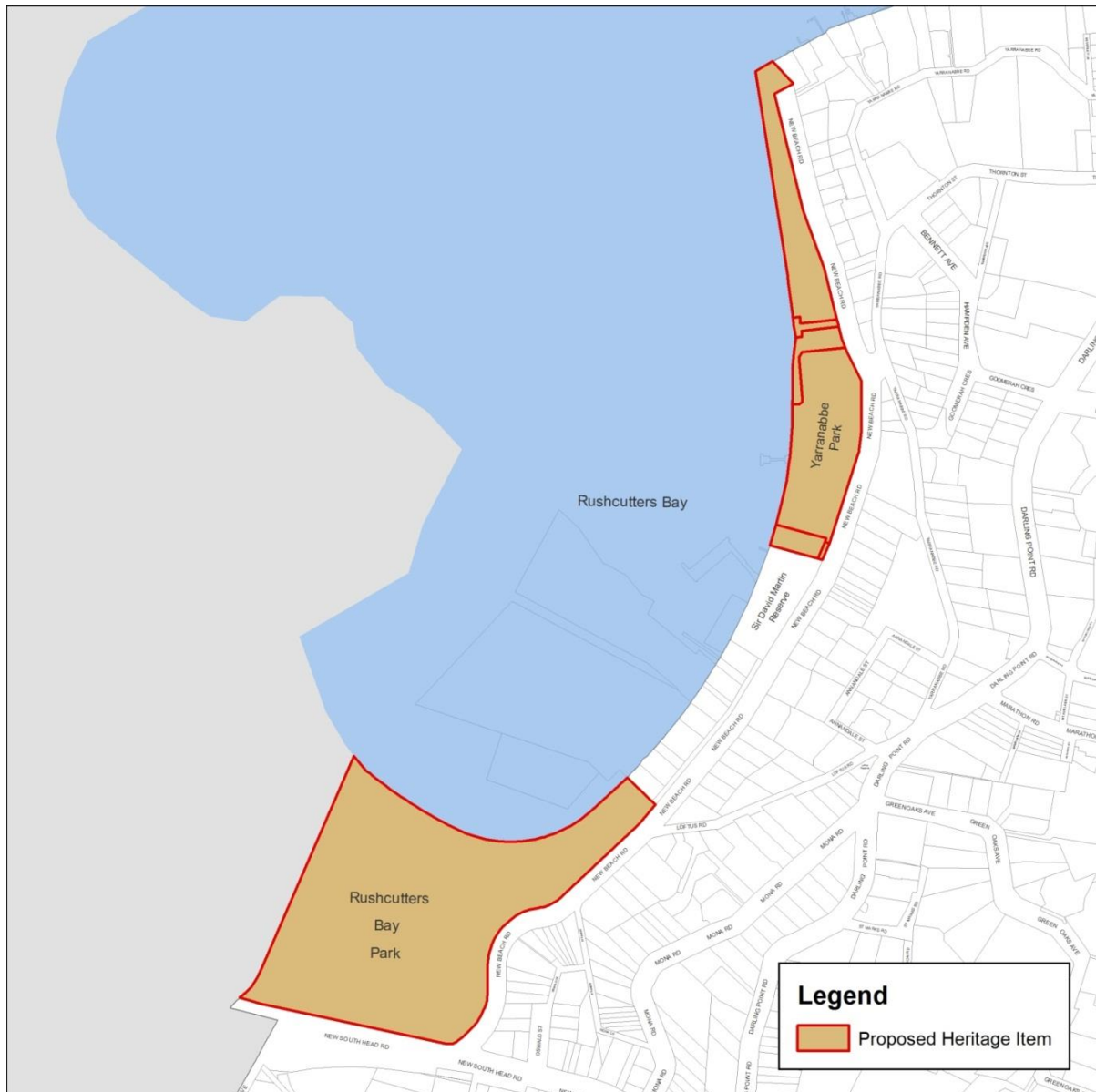
Not applicable.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with public authorities identified in the gateway determination.

Part 7 – Mapping

An extract from the proposed Woollahra LEP 2014 map is shown below:



Part 8 – Community consultation

An exhibition period of 28 days is intended. This is consistent with part 5.2 of *A guide to preparing local environmental plans*.

Public notification of the exhibition will comprise:

- Notification to adjoining landowners and lessees;
- Notification to local community groups;
- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period;
- A notice on Council's website.

Consultation will also have regard to the requirements set down in the gateway determination issued by the Secretary of the NSW Department of Planning and Environment.

During the exhibition period, the planning proposal, gateway determination and other relevant documentation will be available at Council's Customer Service Centre and on Council's website.

Part 9 – Project timeline

Assuming Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Urban Planning Committee recommends proceeding	November 2015
Council resolution to proceed	December 2015
Gateway determination	January 2016
Completion of technical assessment	None anticipated
Public exhibition period	February/ March 2016 (28 days)
Submissions assessment	March 2016
Council assessment of planning proposal post exhibition	April 2016
Submission of planning proposal to the DPE finalising the LEP	N/A – if subject to delegation
Council decision to make the LEP amendment (if delegated)	April 2016
Forwarding of LEP amendment to DPE for notification	April/ May 2016
Notification of the approved LEP	May 2016

Attachment 1 Heritage assessment (heritage inventory sheet)

ITEM DETAILS			
Name of Item	Yarranabbe Park and Rushcutters Bay Park seawalls		
Former name	-		
Item type	Landscape		
Address	Number -	Street -	Suburb Darling Point
Property description	Lot -		DP -
Owner	Name NSW Government Woollahra Council		Address -
Use	Current Seawall, public footpath		Former -
Statement of significance	<p>The seawall associated with Yarranabbe Park and Rushcutters Bay Park is an intact, representative example of a seawall constructed in the late 19th century. The seawall provides historical evidence of a major reclamation initiative to provide public recreation space undertaken by the NSW Government. The seawall is part of the reclamation works that resulted in Yarranabbe Park and Rushcutters Bay Park. These parks form part of a large foreshore recreation precinct, which has provided locals and visitors with an opportunity to participate in recreational activities along the foreshore for over 100 years.</p>		
Level of significance	State: yes	Local: yes	
Heritage listings			
DESCRIPTION			
Designer	Unknown		
Builder	Unknown		
Construction years	c. 1895 - 1899		
Physical Description	<p>The seawall is constructed from large rusticated sandstone blocks with a substantial finishing course with rusticated sides and a rounded upper profile. The blocks are approximately 1m wide. A pedestrian footpath has been constructed adjacent to the seawall for the extent of both parks, wrapping around the rear of Sir David Martin Reserve and D'Albora Marina sites.</p> <p>The sandstone seawall originally extended along the harbour edge continuously from Yarranabbe Park to Rushcutters Bay Park. The existing seawall has been breached in a number of locations between Yarranabbe Park and Rushcutters Bay Park to allow for the marina activities at D'Albora Marina and Sir David Martin Reserve. Some sections of the wall were removed for the 2000 Sydney Olympic Sailing facility.</p>		

Physical condition	Good
Modification and Dates	Unknown
Archaeological potential	The existing seawall was constructed over the top of the original ballast dyke wall and may reveal further information.

HISTORY

Historical notes

Rushcutters Bay Park and Yarranabbe Park are located on the western side of the promontory known as Darling Point, named after the wife of Governor Darling. The Aboriginal name for the point was Yarranabbe. The indigenous inhabitants of the area comprised of at least two clans, the Cadigal and the Birrabirragal, however by 1789 the majority of the Aboriginal population had been killed by the smallpox epidemic or moved away from the area. However, there are descendants still living in the area.

Rushcutters Bay Park and Yarranabbe Park were part of a major public works program that involved reclamation of the large area of marsh, channelling of the creek and construction of a ballast dyke seawall.

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1875	A petition was signed by 500 residents of Rushcutters Bay urging the reclamation of land to the low water mark for the purpose of a public reserve. At this time there were complaints that the swamp area was unhealthy and unsightly.
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1890	A new vertical seawall was constructed to replace the ballast dyke wall. The seawall varied its location in parts from the ballast dyke wall, with portions of the new seawall being constructed further out into the harbour than the first seawall.
1899	Ten small allotments were created by the new alignment of the seawall. Six boat sheds with associated slipways and jetties were constructed.
1902	NSW Volunteer Naval Brigade was utilising lands to the south of Yarranabbe Park. The land (now known as Sir David Martin Reserve) was gazetted for use as a naval recreation ground.

1904	First swimming sports were held in public baths at Rushcutters Bay (Yarranabbe Park).
1911	A row of palms was planted in a 15ft wide strip of land behind the boat sheds, which became known as Plantation Reserve. The reserve was intended as a link between the two foreshore parks.
1930	Aerial photographs and plans for Yarranabbe Park indicated a formal park design with circular garden beds. The avenue of figs was planted at this time as part of a municipality wide program of civic beautification works.
1944	The Cruising Yacht Club of Australia (CYCA) was formed.
1951	The CYCA acquired a boatshed at Rushcutters Bay and opened a club house to the east of Rushcutters Bay park in 1958.
1966	The Royal Navy Sailing Association formed to promote sailing in the Royal Australian Navy and operated from a boatshed at HMAS Rushcutter.
1968	HMAS Rushcutter was decommissioned (renamed Sir David Martin Reserve in 1991).
1974	The Harbour baths were demolished.
2000	Rushcutters Bay Park, Yarranabbe Park and Sir David Martin Reserve were used as the Olympic Sailing Shore Base for the Sydney 2000 Olympic and Paralympic Games.

HISTORICAL THEMES

Australian Theme	NSW Theme	Local Theme
Developing local, regional and national economies	Environment – Cultural landscape	Shaping of physical surroundings.
Developing local, regional and national economies	Transport	Systems for the movement of people and goods
Building settlements, towns and cities	Towns, suburbs and villages	Creating, planning and managing urban landscapes
Developing Australia's cultural life	Leisure	Recreation and relaxation

HERITAGE SIGNIFICANCE ASSESSMENT

Historical significance SHR criteria (a)	The seawall extending along Rushcutters Bay from Yarranabbe Park to Rushcutters Bay Park is of historic significance as a component of a significant 19 th century reclamation scheme undertaken by the NSW Government expressly for the purpose of public recreation.
Historical association significance SHR criteria (b)	The seawall does not have any known strong or special association with the life or works of a person, group of persons, of importance in the cultural or natural history of the local area.
Aesthetic significance SHR criteria (c)	<p>The seawall has aesthetic significance as landmark element along the foreshore which complements the natural beauty of Rushcutters Bay. The seawall and associated footpath and park provide the public an opportunity to experience and enjoy sweeping views of Sydney Harbour.</p> <p>The existing seawall dates from the late 1890s when it replaced the earlier ballast dyke wall. The design of the seawall creates a continuous defining edge to the harbour that facilitates expansive views across the bay. The design of the seawall and its setting amongst a collection of foreshore parks contribute to the local communities' sense of identity.</p>

Social significance SHR criteria (d)	No community research has been carried out. However, Yarranabbe Park and Rushcutters Bay Park have been in recreational use by the public for over 100 years. The ongoing high levels of use indicates the parks are held in esteem by the local community.
Technical/Research significance SHR criteria (e)	Parts of the existing seawall were constructed over the top of the original ballast dyke wall and may reveal further information.
Rarity SHR criteria (f)	The seawall does not possess uncommon, rare or endangered aspects of the area's cultural history. The seawall is part of a collection of foreshore seawalls in the municipality and broader Sydney region.
Representativeness SHR criteria (g)	The seawall is representative of seawalls constructed during the late 19th Century.
Integrity	High
RECOMMENDATIONS	
Recommendations	Amend the Woollahra LEP 2014 to include the seawall as a local heritage item. Any work within the parks should be the subject of a heritage report considering the structural integrity of the seawall and any impacts on the heritage significance of the item.

INFORMATION SOURCES				
Type	Author/Client	Title	Year	Repository
Report	Woollahra Council	Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve Plan of Management	2005	Woollahra Council
Report	Sturt Associates for Woollahra Council	Yarranabbe Park Plan of Management	2012	Woollahra Council
Report	Insite Land Solutions for Darling point Society	Heritage Study of Yarranabbe Park, Darling point	2015	Woollahra Council
Report	JMD Design Pty Ltd for Woollahra Council	Yarranabbe Park Northern Plaza – Feasibility Study	2015	Woollahra Council

IMAGES

Image Caption

Image showing the seawall at the northern end of Yarranabbe Park.



Image Year

2015

Image author and Copyright Holder

Woollahra Council

Image Caption

Image showing the seawall from Yarranabbe Park looking towards Sir David Martin Reserve




Image Year

2015

Image author and Copyright Holder

Woollahra Council

Image Caption	Image showing the seawall at Rushcutters Bay Park		
			
Image Year	2015	Image author and Copyright Holder	Woollahra Council

AUTHOR OF THIS REPORT	
Name Woollahra Council	Date November 2015

5.10 Heritage conservation

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Woollahra,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,
- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Attachment 3 Report to Council's Urban Planning Committee

Item No:	R1 Recommendation to Council
Subject:	YARRANABBE PARK AND RUSHCUTTERS BAY PARK SEAWALLS ASSESSMENT OF HERITAGE SIGNIFICANCE
Author:	Amelia Parkins, Strategic Heritage Officer
Approvers	Chris Bluett, Manager – Strategic Planning Allan Coker, Director – Planning and Development
File No:	15/155149
Reason for Report:	To respond to Council's resolution of 12 October 2015 to investigate a local heritage listing for Yarranabbe Park and Rushcutters Bay Park seawall.

Recommendation:

- A. THAT a planning proposal be prepared to list Yarranabbe Park and Rushcutters Bay Park seawall as a heritage item in the Woollahra Local Environmental Plan 2014.
- B. THAT when requesting a gateway determination for the planning proposal at point A above, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.

Background

A Plan of Management for Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve was prepared by Parkland Environmental Planners in 2005.

In 2010, Woollahra Municipal Council commissioned Landscape Architects, Sturt Associates to prepare a standalone Plan of Management and Master Plan for Yarranabbe Park. The Yarranabbe Park Steering Committee was set up by Council to provide input, review and monitor the development of the Plan of Management (PoM) and Master Plan for Yarranabbe Park.

The Yarranabbe Park PoM sets out actions and priorities for the park and was adopted by Council on 12 December 2011.

At the meeting of the Yarranabbe Park Steering Committee of 13 August 2015, a council-commissioned feasibility study, prepared by JMD Design, for the construction of stairs breaching the seawall at the northern end of Yarranabbe Park was presented. The feasibility study responded to an action from the Yarranabbe Park PoM and included a heritage assessment. A heritage study of Yarranabbe Park, prepared by Insite Land Solutions, commissioned by the Darling Point Society was also presented.

On 12 October 2015 the Council adopted the following notice of motion from Councillor Keulemans:

- A. *THAT Council commend the Darling Point Society for commissioning a Heritage Report on Yarranabbe Park and thank them for their ongoing commitment to heritage preservation in our community.*

- B. *THAT Council staff review the report commissioned by the Darling Point Society along with other relevant documentation and provide a report to the Urban Planning Committee, considering a local heritage listing of the Yarranabbe Park seawall and Rushcutters Bay Park seawall to the boundary with the City of Sydney, ensuring a contiguous heritage listing.*

This report responds to the resolution of the Council by providing an assessment of cultural significance for the seawalls at Yarranabbe Park and Rushcutters Bay Park. To respond to the resolution, this assessment has been informed by the following documents:

- Report commissioned by the Darling Point Society: *Heritage Study of Yarranabbe Park Darling Point*, prepared by Insite Land Solutions, April 2015;
- *Yarranabbe Park Northern Plaza – Feasibility Study* prepared by JMD Design Pty Ltd, July 2015 (appendix 3 – *Assessment of Heritage Impact* prepared by Geoffrey Britton);
- *Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve Plan of Management*, 2005; and
- *Yarranabbe Park Plan of Management*, prepared by Sturt Associates, 2012.

Context

Rushcutters Bay Park and Yarranabbe Park are located on the foreshores of Rushcutters Bay on Sydney Harbour. Sydney Harbour is recognised as one of the finest harbours in the world and is one of Australia's greatest cultural, recreational and commercial assets. The interface between the foreshore and the harbour at Darling Point is defined by the seawall and park which have facilitated continuous enjoyment of the harbour since the early 1900s.

Rushcutters Bay Park is located in both Sydney City Council and Woollahra Municipal Council areas. The boundary is marked by a stormwater drainage channel. The portion of Rushcutters Bay Park managed by Woollahra Council is bounded by Rushcutters Bay to the north (mean high water mark, marked by the outer face of the seawall along the harbour), the Sydney Water owned stormwater channel to the west, New South Head Road to the south, New Beach Road to the south east, and the Cruising Yacht Club of Australia (CYCA) to the north east.



Figure 1. Cadastral map showing the location of Yarranabbe Park and Rushcutters Bay Park (Woollahra Council's GIS mapping database, October 2015)

Rushcutters Bay Park and Yarranabbe Park are separated by the D'Albora Marina and Sir David Martin Reserve. Sir David Martin Reserve adjoins D'Albora Marina and the southern boundary of Yarranabbe Park. The Reserve includes a number of buildings of various ages dating from the late 19th century, clustered around a former Parade Ground. Yarranabbe Park is bounded by New Beach Road to the east, Sir David Martin Reserve to the south and mean high water mark, marked by the outer face of the seawall along the harbour.

The parks are characterised by open grass, avenues of mature trees and the harbour.

The seawall

The seawall is constructed from large rusticated sandstone blocks with a substantial finishing course with rusticated sides and a rounded upper profile. The blocks are approximately 1m wide. A pedestrian footpath has been constructed adjacent to the seawall for the extent of both parks, wrapping around the rear of Sir David Martin Reserve and D'Albora Marina sites.

The sandstone seawall originally extended along the harbour edge continuously from Yarranabbe Park to Rushcutters Bay Park. The existing seawall has been breached in a number of locations between Yarranabbe Park and Rushcutters Bay Park to allow for the marina activities at D'Albora Marina and Sir David Martin Reserve. Some sections of the wall were removed for the 2000 Sydney Olympic Sailing facility.

Ownership

Rushcutters Bay Park is owned by Woollahra Municipal Council.

Yarranabbe Park is located on Crown Land owned by the State of New South Wales. Crown Land is administered by the Department of Primary Industries under the *Crown Lands Act 1989*. The Park is managed through a Reserve Trust, with Woollahra Council as Trust Manager.

Historical overview

Rushcutters Bay Park and Yarranabbe Park are located on the western side of the promontory known as Darling Point, named after the wife of Governor Darling. The Aboriginal name for the point was Yarranabbe. The indigenous inhabitants of the area comprised of at least two clans, the Cadigal and the Birrabirragal. However, by 1789 the majority of the Aboriginal population had been killed by the smallpox epidemic or moved away from the area. However, there are descendants still living in the area.

Rushcutters Bay Park and Yarranabbe Park were part of a major public works program that involved reclamation of the large area of marsh, channelling of the creek and construction of a ballast dyke seawall.

The following table provides an overview of the historical development of Rushcutters Bay Park and Yarranabbe Park¹:

Date	Summary of historical events
<i>Pre 1788</i>	The land that is now known as Rushcutters Bay Park extending to Yarranabbe Park was a swamp area, with the mean high water mark on the east running approximately along the location as New Beach Road.
<i>1810</i>	Convict and landowner Thomas West (1773-1858) successfully petitioned Governor Macquarie for permission to erect a watermill ² on Rushcutters Creek in June 1810.
<i>1830</i>	New South Head Road was constructed, running through land granted to Thomas West.
<i>1842</i>	Sydney Town was incorporated. The creek flowing into the western side of Rushcutters Bay was fixed as the municipal boundary and remains the boundary today.
<i>1860</i>	The land adjacent to Rushcutters Bay was heavily cultivated, particularly by Chinese market gardens.
<i>1875</i>	A petition was signed by 500 residents of Rushcutters Bay urging the reclamation of land to the low water mark for the purpose of a public reserve. At this time there were complaints that the swamp area was unhealthy and unsightly.

¹ Unless noted otherwise, information for this historical summary has been sourced from *Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve Plan of Management*, 2005 and Insite Land Solutions, *Heritage Study of Yarranabbe Park Darling Point*, April 2015.

² Australian Dictionary of Biography (<http://adb.anu.edu.au/biography/west-thomas-13245>)

- 1878 The *Rushcutters Bay Act 1878* was passed dedicating Rushcutters Bay Park for Public Recreation.
- 1880 - 1890 The Rushcutters Bay foreshores, including land now known as Yarranabbe Park, was reclaimed by extending the land about 200m into the bay. At this time construction of the stormwater channel and a ballast dyke seawall began.
- 1885 Rushcutters Bay Park was proclaimed as a Public Park on 11 December 1885 under the *Public Parks Act 1884*.
- 1889 The water frontage area was designated as a public landing place and a slip was provided for public use.
- 1890 A new vertical seawall was constructed to replace the ballast dyke wall. The seawall varied its location in parts from the ballast dyke wall, with portions of the new seawall being constructed further out into the harbour than the first seawall.
- 1899 Ten small allotments were created by the new alignment of the seawall. Six boat sheds with associated slipways and jetties were constructed.
- 1902 NSW Volunteer Naval Brigade was utilising lands to the south of Yarranabbe Park. The land (now known as Sir David Martin Reserve) was gazetted for use as a naval recreation ground.
- 1904 First swimming sports were held in public baths at Rushcutters Bay (Yarranabbe Park).
- 1911 A row of palms was planted in a 15ft wide strip of land behind the boat sheds, which became known as Plantation Reserve. The reserve was intended as a link between the two foreshore parks.
- 1930 Aerial photographs and plans for Yarranabbe Park indicated a formal park design with circular garden beds. The avenue of figs was planted at this time as part of a municipality wide program of civic beautification works.
- 1944 The Cruising Yacht Club of Australia (CYCA) was formed.
- 1951 The CYCA acquired a boatshed at Rushcutters Bay and opened a club house to the east of Rushcutters Bay park in 1958.
- 1966 The Royal Navy Sailing Association formed to promote sailing in the Royal Australian Navy and operated from a boatshed at HMAS Rushcutter.
- 1968 HMAS Rushcutter was decommissioned (renamed Sir David Martin Reserve in 1991).
- 1974 The Harbour baths were demolished.
- 2000 Rushcutters Bay Park, Yarranabbe Park and Sir David Martin Reserve were used as the Olympic Sailing Shore Base for the Sydney 2000 Olympic and Paralympic Games.

Cultural significance

Heritage listing

Yarranabbe Park and Rushcutters Bay Park are not listed as items of environmental heritage. However, they are in the vicinity of a number of heritage items, including Sir David Martin Reserve. The seawall located to the west of Rushcutters Bay Park is listed as a heritage item in City of Sydney LEP 2012 and as an item of state heritage significance under the *Heritage Act 1977*. The listing describes the item as:

Rushcutters Bay Park and pumping station including grandstand, Reg Bartley Oval and picket fence, seawall and landscaping.

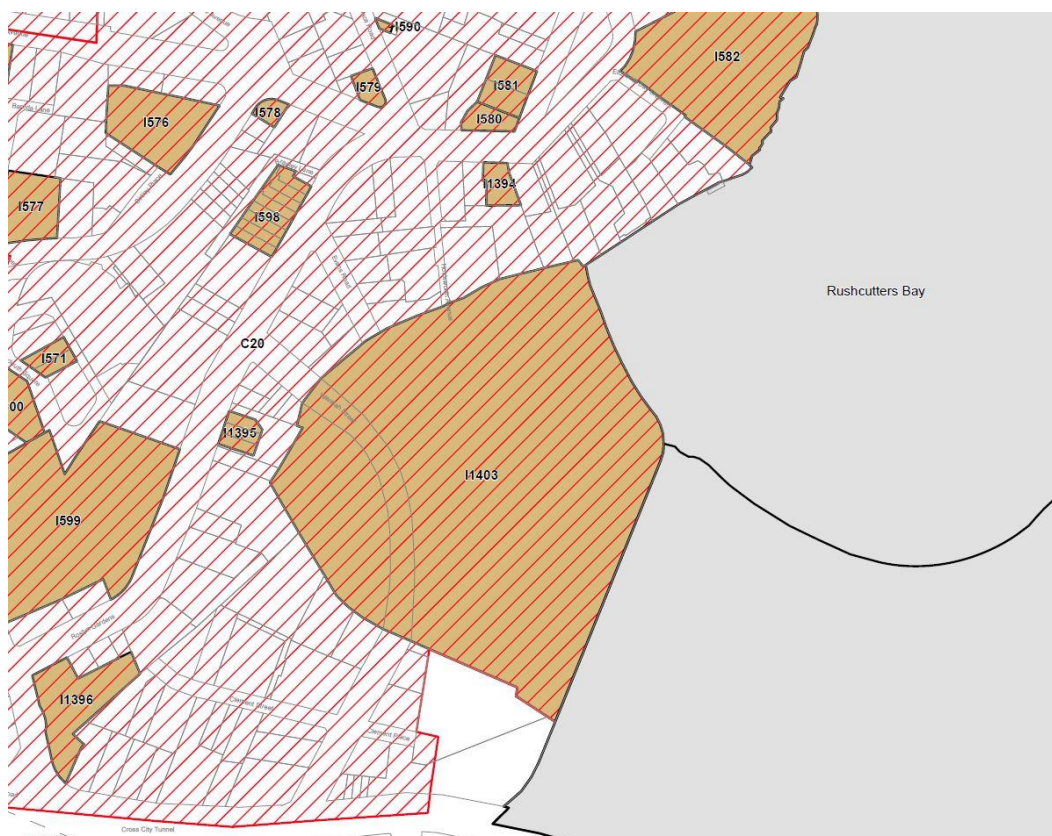


Figure 2. An excerpt from City of Sydney LEP 2012 heritage map showing the extent of the heritage item (I1403)

Australia ICOMOS Burra Charter, 2013

To respond to the notice of motion the assessment of cultural significance was carried out in accordance with the Australia ICOMOS Burra Charter³ (Burra Charter). The Burra Charter is a guide to making good decisions about heritage places. The Burra Charter process describes the steps involved in identifying and managing the cultural significance of a place. This process is summarised below:

Step One: Understand significance

- Investigate the place
- Assessment of significance

³ The Burra Charter, 2013, The Australia ICOMOS Charter for Places of Cultural Significance

Step Two: Develop policy

- Identify all factors and issues
- Develop policy
- Prepare a management plan

Step Three: Manage in accordance with policy

- Implement the management plan
- Monitor the results and review the management plan

Cultural significance is the sum of the qualities or values that a place⁴ has, including the five values described in Article 1.2 of the Burra Charter- aesthetic, historic, scientific, social and spiritual. In NSW these values have been expanded to the seven criteria identified in the document *Assessing Heritage Significance*⁵. These criteria are:

- Criteria (a) Historic
- Criteria (b) Historic Association
- Criteria (c) Aesthetic
- Criteria (d) Social
- Criteria (e) Technical/ Research
- Criteria (f) Rarity
- Criteria (g) Representativeness

The identification of the place as either having or not having cultural significance occurs in step one of the Burra Charter process. This is also known as an assessment of significance or heritage assessment. For a place to reach the threshold for heritage listing it needs to satisfy one or more of the seven criteria.

Assessment of significance

The subject property was assessed in accordance with the Burra Charter process and using the NSW Heritage Office publication *Assessing Heritage Significance*. The assessment can be found in the draft heritage inventory sheet prepared for the property (**Annexure 1**).

The statement of significance found in the draft inventory sheet provides an overview of the cultural significance of the property:

The seawall associated with Yarranabbe Park and Rushcutters Bay Park is an intact, representative example of a seawall constructed in the late 19th century. The seawall provides historical evidence of a major reclamation initiative to provide public recreation space undertaken by the NSW Government. The seawall is part of the reclamation works that resulted in Yarranabbe Park and Rushcutters Bay Park. These parks form part of a large foreshore recreation precinct, which has provided locals and visitors with an opportunity to participate in recreational activities along the foreshore for over 100 years.

⁴ Place is defined in the Burra Charter as: *a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.*

⁵ *Assessing Heritage Significance*, NSW Heritage Office 2001 (Heritage Manual Update)

The assessment found that the seawall satisfied historic, aesthetic and representative criteria and therefore warrants listing as a local heritage item in Woollahra LEP 2014.

Implications of heritage listing

Heritage listing a site is a way of safe guarding part of the story of Australia's past to enrich our present and future. The following provides a summary of the practical implications of a local heritage listing:

- Council is required to consider the effect of any proposed development to the item in the area of the item;
- Heritage listing does not exclude changes or additions that do not detract from the heritage significance of the item; and
- Maintenance of heritage items does not require formal approval.

Planning proposal

The seawall has been assessed as having sufficient heritage significance to warrant local listing. Heritage listing is achieved by preparing a planning proposal which aims to amend the Woollahra LEP 2014 by including the item in Schedule 5.

The steps include:

- Prepare a planning proposal to list the seawalls as a heritage item in the Woollahra LEP 2014 (WLEP);
- Submit the planning proposal to the Department of Planning and Environment (including a request for delegation of the plan-making steps);
- Receive a gateway determination from the Department;
- Carry out public consultation in accordance with the gateway determination (this will include notification letters to adjoining properties and notification published on a weekly basis in the Wentworth Courier);
- Report the findings of the public exhibition to the Urban Planning Committee;
- Subject to Council's decision on whether to proceed, request the Parliamentary Counsel to prepare a draft LEP to amend the Woollahra LEP 2014;
- Council makes (approves) the LEP, subject to obtaining delegations from the Minister, otherwise the Minister makes the LEP;
- Gazettal of the LEP.

Conclusion

The heritage significance of the Yarranabbe Park and Rushcutters Bay Park seawall has been assessed in accordance with the Burra Charter and NSW heritage best practice guidelines. The seawall fulfils three of the heritage assessment criteria for local heritage listing.

The heritage significance of the seawall is demonstrated by the physical fabric that provides evidence of a large scale, late 19th Century NSW Government reclamation initiative for the purpose of public recreation. The seawall has aesthetic significance as landmark element along the foreshore which complement the natural beauty of Rushcutters Bay. The seawall and associated footpath and park provides the public with an opportunity to experience and enjoy sweeping views of Sydney Harbour.

Attachment 4 Consistency with state environmental planning policies

State Environmental Planning Policy	Comment on consistency
SEPP No 1 - Development Standards	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP NO.14 - Coastal Wetlands	Not applicable
SEPP No 15 - Rural Landsharing Communities	Not applicable
SEPP No 19 - Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 - Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 26 - Littoral Rainforests	Not applicable
SEPP No 29 - Western Sydney Recreation Area	Not applicable
SEPP No 30 - Intensive Agriculture	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 32.- Urban Consolidation (Redevelopment of Urban Land)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 - Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 - Manufactured Home Estates	Not applicable
SEPP No 39 - Spit Island Bird Habitat	Not applicable
SEPP No 44 - Koala Habitat Protection	Not applicable
SEPP No 47 - Moore Park Showground	Not applicable.

State Environmental Planning Policy	Comment on consistency
SEPP No 50 - Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable.
SEPP No 55 - Remediation of Land	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 59 - Central Western Sydney Regional Open Space and Residential	Not applicable
SEPP No 62 - Sustainable Aquaculture	Not applicable
SEPP No 64 - Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 - Design Quality of Residential Flat Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 70 - Affordable Housing (Revised Schemes)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 71 - Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State Environmental Planning Policy	Comment on consistency
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Development) 2005	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (Transitional Provisions) 2011	Not applicable
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Drinking Water Catchment) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable

State Environmental Planning Policy	Comment on consistency
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 - Walsh Bay	Not applicable
SREP No18 - Public Transport Corridors	Not applicable
SREP No 19 - Rouse Hill Development Area	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 - City West	Not applicable
SREP No 30 - Street Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable
SREP (Sydney Harbour Catchment) 2005	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Attachment 5 Compliance with section 117 directions

Compliance with section 117 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1 - 1.5	Directions 1.1-1.5	Not applicable.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. The planning proposal aims to list the Yarranabbe Park and Rushcutters Bay Park seawall as a local heritage item. This will involve amendments to Schedule 5 of Woollahra LEP 2014. The existing heritage provisions in Woollahra LEP 2014 will not be altered and will assist in the conservation of the proposed item.
2.4	Recreation vehicle areas	Applicable. The planning proposal will not allow land to be developed for a recreation vehicle area.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Not applicable. The planning proposal does not relate to land within a residential zone.
3.2	Caravan parks and manufactured home estates	Applicable. However, the planning proposal does not propose caravan parks or manufactured home estates.
3.3	Home occupations	Applicable. However, the planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Not applicable
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.

Compliance with section 117 directions		
Direction		Applicable/comment
4.3	Flood prone land	Not applicable. The planning proposal will not create, remove or alter a zone or provision that affects flood prone land.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
5	Regional planning	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
6	Local plan making	
6.1	Approval and referral requirements	Applicable. The proposal does not include provisions that require development applications to be referred externally and is not related to designated development.
6.2	Reserving land for public purposes	Applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does allow a particular development to be carried out.
7	Metropolitan Planning	
7.1	Implementation of A Plan for Growing Sydney (Dec 2014)	Applicable. The planning proposal aims to recognise, protect and conserve a part of Woollahra's cultural heritage. The planning proposal is consistent with A Plan for Growing Sydney, in particular direction 3.4 of the Plan.