

# PLANNING PROPOSAL



**Local heritage listing**

**Gaden House  
2A Cooper Street  
Double Bay**

February 2019

*Image: David Moore, 1971*



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## Part 1 – Introduction

### 1.1 – Description of this planning proposal

This planning proposal is made in relation to *Gaden House* at 2A Cooper Street, Double Bay. The objective of the planning proposal is to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), to list *Gaden House* as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the building and interiors, including the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning (now only on the second floor), and the external metal clad louvres.

A heritage assessment of *Gaden House* by Anne Warr Heritage Consulting has indicated that *Gaden House* is considered to be of both local and State heritage significance. However, this planning proposal relates only to the local heritage listing of *Gaden House* in the Woollahra LEP 2014.

In a separate process, Council has nominated *Gaden House* for listing as an item of State heritage significance on the State Heritage Register (SHR), under the provisions of the NSW *Heritage Act 1977*. If this nomination is successful and *Gaden House* is listed as a State heritage item before the planning proposal is finalised (ie. before the LEP is made), it is proposed that the amendment to the LEP will reflect this and identify *Gaden House* as an item of State significance. If this nomination is successful and *Gaden House* is listed as a State heritage item after the planning proposal is finalised (ie. after the LEP is made), Council will seek to amend the LEP at a future date to identify *Gaden House* as an item of State significance.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (August 2016) and *A Guide to Preparing Local Environmental Plans* (August 2016).

The requirements for a planning proposal are provided in sections 2 to 9 as follows:

- 2 Existing site and surrounding context
- 3 Existing planning controls
- 4 Objective of planning proposal
- 5 Explanation of provisions
- 6 Justification
- 7 Mapping
- 8 Community consultation
- 9 Project timeline

Supplementary material is provided in the appendices:

Appendix 1 - Council notice of motion 12 February 2018

Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018

Appendix 3 – Local heritage data form – Anne Warr – September 2018

Appendix 4 – State heritage data form – Anne Warr – September 2018

Appendix 5 – State Heritage Register Nomination Form – September 2018

Appendix 6 – Submission on behalf of the land owner by Heritage 21 – 12 July 2018

Appendix 7 – Submission on behalf of the land owner by Heritage 21 – 7 August 2018

Appendix 8 – Response to Heritage 21 submission – Anne Warr – 28 August 2018

## 1.2 – Background

### Development application DA589/2017

On 28 November 2017, a development application was lodged with Council relating to *Gaden House* (DA589/2017). The application was lodged by D Studio Architects Pty Ltd on behalf of the land owners, AMA Holdings Pty Ltd. The application proposed:

External and internal alterations and additions to an existing mixed use development including an additional two storeys (total five storeys plus basement level) accommodating commercial/office floor space, reconfiguration of internal walls/stairs, changes to building facade, new garbage/services room, awnings and A/C units.

The application was publicly exhibited from 13 December 2017 to 10 January 2018 and attracted more than 40 objections. Additionally, an online petition objecting to the application attracted more than 2,000 electronic signatures. The wording of the petition stated:

*Save GADEN HOUSE, Neville Gruzman's modernist masterpiece in Sydney's east.*

*We strongly urge council to refuse the existing Development Application DA589/2017 and consider the views of the many supporters in favour of retaining and restoring this significant example of Australian 20th Century architecture.*

The application was withdrawn by the applicant on 20 April 2018.

### Council decision – assessment of heritage significance

On 12 February 2018, Council adopted the following notice of motion (refer to Appendix 1):

***Item No: 11.1***

*THAT Council:*

- 1. Notes that a Development Application has been received for alterations and additions to Gaden House, a commercial property located at 24-26 Bay Street, Double Bay.*
- 2. Undertakes a Heritage Assessment of the property and report to the Urban Planning Committee on whether the property qualifies for listing as a Heritage Item.*

### Assessment of heritage significance

In response to Council's decision on 12 February 2018, Anne Warr Heritage Consulting was appointed to prepare an assessment of the heritage significance for *Gaden House*. The assessment was carried out in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. It is important to note that heritage inventory sheets are currently alternatively also known as "heritage data forms". A copy of the heritage assessment, dated 20 June 2018, and accompanying forms are attached as follows:

- Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018
- Appendix 3 – Local heritage data form – Anne Warr – September 2018
- Appendix 4 – State heritage data form – Anne Warr – September 2018
- Appendix 5 – State Heritage Register Nomination Form – September 2018

The heritage consultant was required to:

- Prepare a summary statement of significance for *Gaden House*.
- Make a recommendation as to whether *Gaden House* should be listed as a local or State heritage item in Schedule 5 of Woollahra LEP 2014.
- Make a recommendation as to whether *Gaden House* should be listed as an item on the SHR under the *Heritage Act 1977*.

### **Statement of heritage significance**

The assessment report provides the following statement of significance:

*Gaden House is an exemplar of the development of Australia's cultural life in the post-war era when architects embraced the purity of architecture as an art form including sculpture as an essential part of the design process. Neville Gruzman's determination to elevate the building above the ordinary, to make a contribution to the urban setting, to ensure that the external design was both functional and aesthetically pleasing, and to specially commission a sculpture that would flow through the building from the entrance foyer up the staircase to finish at the perspex dome, demonstrates a creative endeavour of the highest order and a contribution to Australia's cultural life both at the time and through to the present. The achievement of such a creative endeavour in a suburban commercial building in 1970s Sydney is rare.*

*Gaden House challenged the status quo of suburban shopping centres and transformed what could have been an ordinary suburban office and retail building into a work of art, pushing the design boundaries to produce a building that was a sculpture, both as an object in the streetscape at night as well as during the day, and in the interiors as a delightful and environmentally comfortable place to work. Gruzman proved that a small suburban office building could also be a work of art. When the building was opened in 1971 by the Premier of NSW, Mr. Robert Askin, its avant-garde design, combining international modernism to suit local conditions, played a pivotal role in elevating Double Bay to its pre-eminent position as Sydney's most cosmopolitan and international shopping centre and has continued to contribute to the community life of Double Bay ever since.*

*Gaden House demonstrates aesthetic characteristics and a high degree of creative and technical achievement by experimenting with materials and new technology, as evidenced by the precast concrete and glass spiral staircase topped by a perspex dome, the specially designed circular ceiling system incorporating lighting and air-conditioning, and the external metal clad louvres which were both environmentally functional and aesthetically significant. Adding to the creative and aesthetic significance of the building was the work of leading Australian sculptor Michael Kitching, which was an integral part of the original design and survived in-situ until around 2006. Despite the loss of the sculpture, which has the potential to be reconstructed through surviving documentation in the Kitching Archive, the building retains much of its original fabric and detailing externally and internally, and these original elements have the potential to yield information about architectural thinking and practice at the time related to a local interpretation of international modernism. The fact that Gaden House has survived in a relatively intact manner since 1971 makes it a structure of some quality and rarity in Double Bay and in Sydney.*

(2018, Anne Warr Heritage Consulting, pp.64-65)

The heritage assessment report provides the following recommendations:

1. That as *Gaden House* meets the criteria for local listing, it is recommended that *Gaden House* be listed on the Woollahra LEP 2014.
2. That as *Gaden House* meets the criteria for State listing, it is recommended that *Gaden House* be listed on the SHR.
3. That a heritage data form be prepared for listing of *Gaden House* on the Woollahra LEP 2014.
4. That a heritage data form and nomination for listing on the SHR be prepared for *Gaden House*.
5. That the inventory sheets include a recommendation that a Conservation Management Plan, CMP, be prepared for *Gaden House* to guide any future works on the place.
6. That the CMP include the preparation of a works schedule for the building to ensure that the appropriate maintenance, restoration and reconstruction of significant elements of the building be itemised and detailed. These works would include research into the reconstruction of the Kitching sculpture, the restoration of the external louvres by the removal of the intrusive paint layers, the retention of the specially designed ceiling system on the upper floor and its reconstruction of the lower floor.

In accordance with these recommendations the consultant has prepared the following:

- Appendix 3 – Local heritage data form – Anne Warr – September 2018
- Appendix 4 – State heritage data form – Anne Warr – September 2018
- Appendix 5 – State Heritage Register Nomination Form – September 2018

### **Other significance listings**

The building is currently listed as number 4702079, on the Australian Institute of Architects Register of Significant Buildings in NSW, April 2018.



## Part 2 – Existing sites and surrounding context

### 2.1 – Gaden House

The planning proposal applies to *Gaden House*, which occupies a site with a street address of 2A Cooper Street, Double Bay and a land title described as lots 11 and 12 in DP 4606. The site is also alternatively known as 24-26 Bay Street, Double Bay. *Gaden House* is a mixed use commercial building (retail and office), with three-storeys above ground and a lower ground level. The existing retail tenancies include a restaurant, gym, convenience store, real estate agent and two clothing stores. The building occupies the entire site bounded by Cooper Street, Bay Street, Brooklyn Lane and the neighbouring site at 16 Bay Street, Double Bay. Refer to Figure 1, 2 and 3 below.

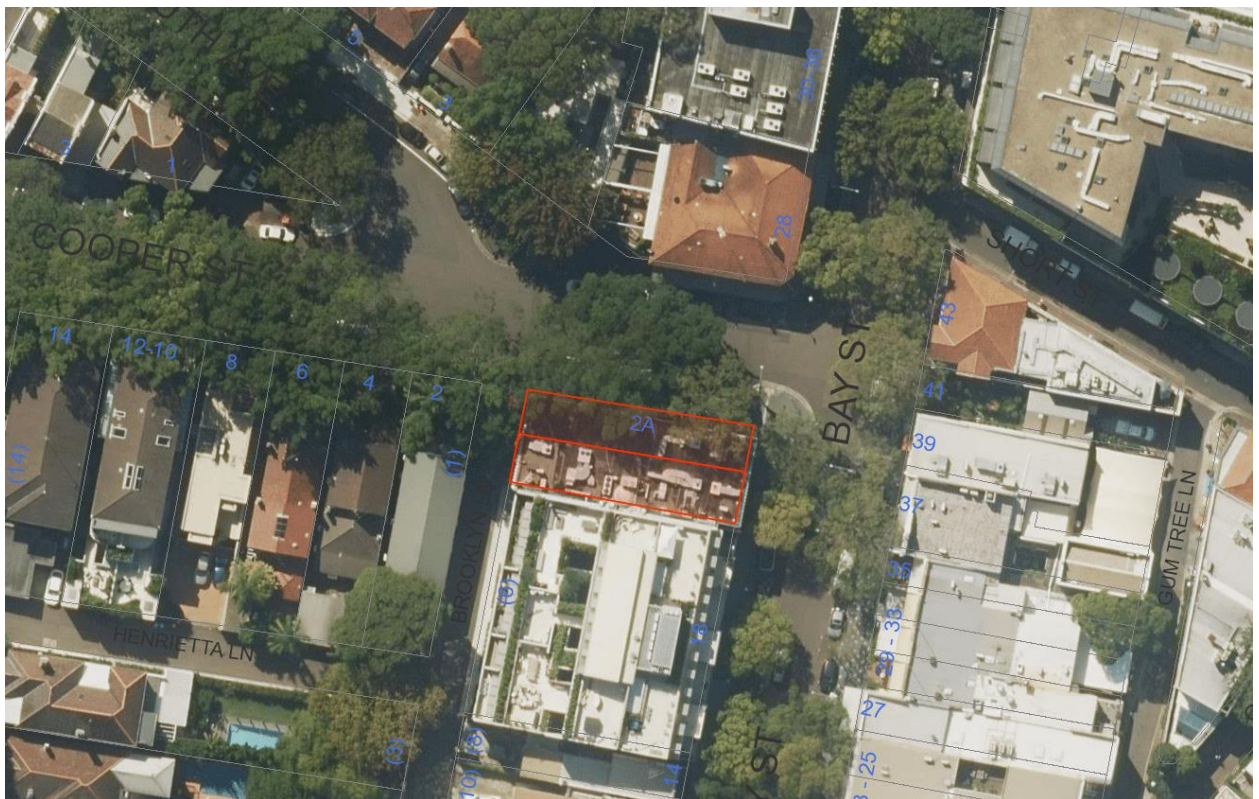
*Gaden House* was designed in 1969 by Sydney architect, Neville Gruzman, and was opened by Premier Askin in 1971. The ground floor level is raised above street level and was designed with seven retail tenancies, five facing Cooper Street and two facing Bay Street. A lobby extends from the Cooper Street frontage to a spiral stair linking the ground floor to the two upper storeys, which are currently used as offices. A separate, external staircase allows access to the lower ground level, which was originally designed for D’Arcy’s restaurant and one retail tenancy. Pelicano’s restaurant now occupies the entire basement level.



**Figure 1: Gaden House viewed from South Avenue, looking towards north and west elevation and Brooklyn Lane** (Source: Anne Warr Heritage Consulting 20 June 2018)



**Figure 2: Cadastral map showing Gaden House site outlined in red**



**Figure 3: Aerial photograph showing Gaden House outlined in red**



## 2.2 – Existing context

*Gaden House* is located within the western boundary of the Double Bay Centre. The Centre relates generally to land zoned B2 Local Centre under the Woollahra LEP 2014. Chapter D5 of the *Woollahra Development Control Plan 2015* (DCP) describes the Centre, specific character areas and individual building within the Centre.

Section D5.2.3 describes the built form of the Centre as follows:

*The building stock in and around the Centre reveals a cross section of architecture of varying quality. The built form of the Centre reflects a mix of periods, building types and scale with no particular period predominating. The architectural and streetscape quality is generally undistinguished, with a few exceptions, and*

*The buildings between New South Head Road, Bay and Short Streets have retained the fine grain evident in the early subdivision pattern.*

*Gaden House* is located in the Bay Street (south) character area of the Centre, as described in D5.4.4 of the DCP. The character area is described as follows:

*Bay Street connects New South Head Road with the harbour. Its north-south orientation results in the street being sunny throughout the day. It is lined by modest buildings on narrow lots, with irregular setbacks at street level and street trees.*

*Together the elements contribute to an intimate and relaxed atmosphere.*

Further, *Gaden House* has been identified as a character building in Section 5.6.3.8 Heritage items of the DCP.

The properties in closest proximity to *Gaden House* are described in Table 1.

**Table 1: Description of nearby properties**

Location	Address	Description
North – opposite side of Cooper Street	28 Bay Street	Royal Oak Hotel - 2 storey hotel (pub)
East – opposite side of Bay Street	Various	1 and 2 storey retail and food premises, including licenced premises and a nursery. Includes a number of converted terraces.
South – directly adjoining <i>Gaden House</i>	18 Bay Street	5 storey modern mixed use building with residential apartments above ground floor retail
West – opposite side of Brooklyn Lane, and North-west – diagonally opposite the intersection of Cooper Street and South Avenue	Various	2 to 3 storey older style and modern single detached dwellings and residential flat buildings

## Part 3 – Existing relevant planning controls

The existing relevant planning controls to this planning proposal are heritage planning controls. *Gaden House* is not currently listed as a State or local heritage item, and is not in proximity to other heritage items. *Gaden House* is not located within or in proximity to a heritage conservation area.

The following Woollahra LEP 2014 controls apply to the site:

- Land use zone – B2 Local Centre
- Height of buildings (HOB) – maximum HOB = 14.7 metres
- Floor Space Ratio (FSR) – maximum FSR = 2.5:1 (cl 4.4) or 3:1 (cl 4.4A, which includes the objective to encourage development on prominent corner sites).

These controls will not be impacted or amended by the planning proposal.

As described in section 2.2 of this report, *Gaden House* is located within the western boundary of the Double Bay Centre. Chapter D5 of the Woollahra DCP 2015 describes the Centre, specific character areas and individual building within the Centre.

*Gaden House* is located in the Bay Street (south) character area of the Centre, as described in D5.4.4 of the DCP. The character area is described as follows:

*Bay Street connects New South Head Road with the harbour. Its north-south orientation results in the street being sunny throughout the day. It is lined by modest buildings on narrow lots, with irregular setbacks at street level and street trees. Together the elements contribute to an intimate and relaxed atmosphere.*

Further, *Gaden House* is identified as character building in section 5.6.3.8 Heritage items and character buildings, of the DCP. This section described character buildings as having a high streetscape value because of their strong architectural character and the way in which they address the street.

The following objective and controls relate to character buildings:

### Objectives

- O2 Encourage the sensitive adaptation or reuse of buildings that contribute to the spatial definition of the urban spaces they address.

### Controls

- C1 All new developments and works to existing developments are to be designed to be compatible with the significance of listed heritage items, conservation areas and nominated character buildings.
- C3 Development to a character building is to respect the building and complement and enhance the key characteristics of the building including:
- a) street edge definition;
  - b) its material, detailing and character;
  - c) its holistic building character related to articulation, massing, and patterns and distribution of wall opening.
- C4 Variations to the building envelope will only be considered where it can be demonstrated that the variations support the sensitive adaptive reuse of heritage items relating to the building's massing.

- C5 Where a character building is proposed to be replaced, the architectural quality and streetscape contribution of the proposed building must be at least equal to the quality of the building's material, character and detailing.
- C6 Modifications to character buildings must retain or enhance the architectural streetscape value of the existing building.

These controls will not be impacted or amended by the planning proposal, but will complement the Woollahra LEP 2014 controls relating to the listing of *Gaden House* as a heritage item.

## Part 4 – Objective of planning proposal

The objective of the planning proposal is to amend Woollahra LEP 2014, to list *Gaden House* at 2A Cooper Street, Double Bay as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

## Part 5 – Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for *Gaden House*, including its interiors, in Part 1 Heritage Items of Schedule 5 Environmental Heritage. The exact wording of the amendment will be determined by Parliamentary Counsel prior to the making of the amending LEP.
- Amend the Heritage Map (Sheet HER\_003A) to identify a heritage item on the site of *Gaden House* at 2A Cooper Street, Double Bay.

## Part 6 – Justification

The planning proposal has strategic merit. The key reasons to amend Woollahra LEP 2014 are that heritage listing of *Gaden House* will provide ongoing protection and recognition of the heritage significance of the item.

These matters are further discussed below in part 6.1 to 6.3.

### 6.1 – Need for planning proposal

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

Yes. The planning proposal is the result of the recommendations of the Heritage Assessment report, prepared by Anne Warr Heritage Consulting, dated 20 June 2018. The report concluded that *Gaden House* meets the criteria for listing as a local heritage item, and recommended that *Gaden House* be listed as a heritage item in Woollahra LEP 2014 (Appendix 2).

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

Yes. The objective of the planning proposal is to amend the Woollahra LEP 2014, to list *Gaden House* at 2A Cooper Street, Double Bay as a heritage item. The best, and only, means of achieving this objective is through the planning proposal process.

Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. Other means of controls, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a development consent for *Gaden House*, will not provide the same level of heritage protection and recognition.

## 6.2 – Relationship to strategic planning framework

### 3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018), as discussed below.

#### **Greater Sydney Regional Plan: A Metropolis of Three Cities**

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.

Heritage listing of *Gaden House* will provide ongoing protection and recognition of the heritage significance of the item.

#### **Eastern City District Plan**

The planning proposal is generally consistent with the actions of the *Eastern City District Plan*, particularly actions 20, 38 and 54 by:

- Identifying, conserving and enhancing the environmental heritage of the local area through:
  - engaging with the community early to understand heritage values
  - enhancing the interpretation of heritage to foster distinctive local places
  - managing the cumulative impact of development on the heritage values and character of places
- Providing access to jobs, goods and services in the Double Bay Centre by conserving and interpreting heritage significance.
- Assisting Council in preparing plans for tourism and visitation by protecting heritage to enhance cultural tourism.

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

Yes. The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2030 – 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?**

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and other applicable State environmental planning policies (refer to **Schedule 1**).

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Yes. The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2**).

### **6.3 – 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?**

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

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

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item, will be required when development is proposed for *Gaden House* or in the vicinity of the site. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

**9. Has the planning proposal adequately addressed any social and economic effects?**

Yes. The heritage assessment measured *Gaden House* against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations. The assessment found that *Gaden House* is of heritage significance at both local and State levels, as it meets all the local and State heritage criteria at moderate to exceptional levels.

Economic considerations relating to future changes to the building, including new uses, can be included as part of the preparation of heritage conservation management policies for the building which form part of a future heritage conservation management plan. This process will enable the needs of the landowner to be considered in conjunction with conservation of the building and the impact of changes on the building's heritage significance.

Therefore, it is considered that the planning proposal will have a positive social and economic effects because:

- Heritage listing will provide ongoing protection and recognition of the social heritage significance of the item.
- Heritage listing will not preclude future development of *Gaden House* which is undertaken in accordance with heritage requirements.
- 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.

#### 6.4 – State and Commonwealth interests

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

Yes. The planning proposal involves the local heritage listing of *Gaden House*. It does not involve amendments to the planning controls that will facilitate intensified development. However, the *Gaden House* site has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site is in proximity to regular and frequent public transport services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal and appropriate for the requirements of a local centre.

##### 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. Public authorities, including but not limited to, will be notified:

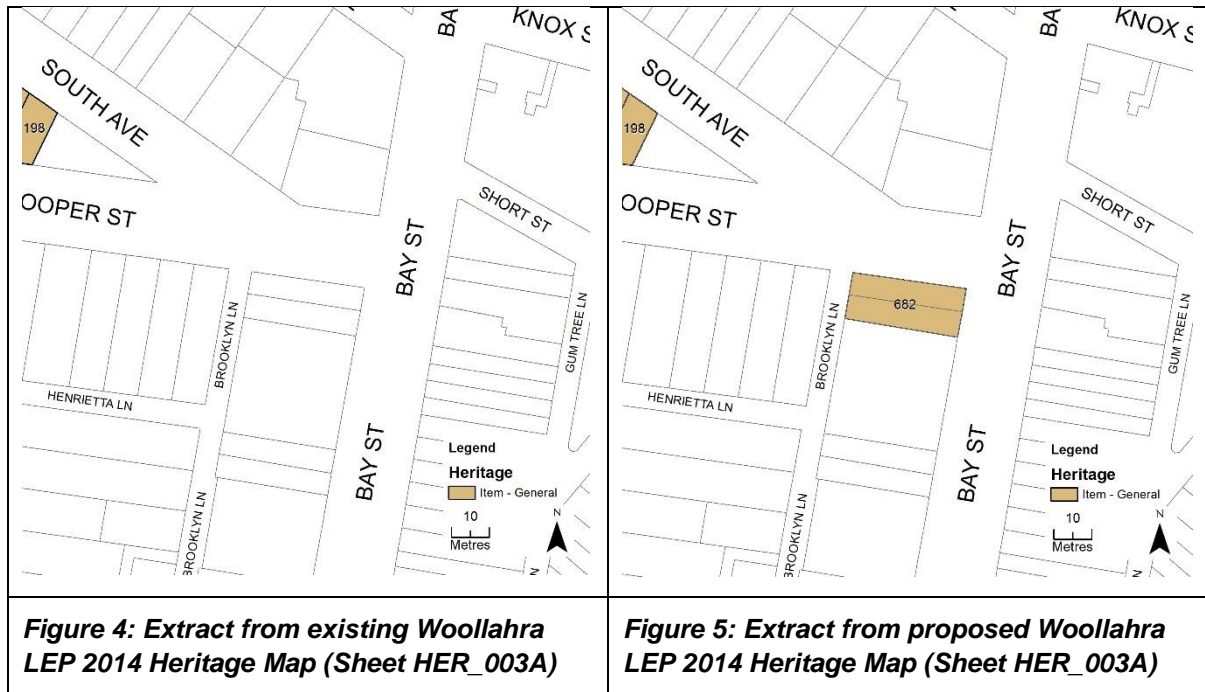
- Office of Environment and Heritage, Heritage Division.
- NSW Heritage Council.



## Part 7 – Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (Sheet HER\_003A) by applying an “Item – General” classification to *Gaden House*.

Extracts of the existing and proposed heritage maps are shown in Figure 4 and Figure 5.



## Part 8 – Community consultation

### 8.1 – Consultation with landowner

The land owner of *Gaden House* is AMA Holdings Pty Ltd. On 28 June 2018, in accordance with Council’s standard practices, a copy of the heritage assessment was sent to the land owner for comment. On 12 July 2018, a submission on behalf of the land owners by Sameh Ibrahim, Executive Chairman of PDS International, supported by Paul Rappoport, Director of Heritage 21 (Rappoport Pty Ltd). A copy of the submission is attached at Appendix 6.

The submission states that:

- Mr Rappoport agrees with most of the recommendations in heritage assessment and believes that the Neville Gruzman design should be kept and conserved.
- Heritage 21 intends to work with the developer on a proposal to add additional floors above *Gaden House* while conserving the key attributes of the existing building.
- Mr Rappoport requests that Council defer any actions towards heritage listing of *Gaden House* for a period of 4 weeks to allow the owner to submit a report about a new direction in the proposed development for the site.

On 7 August 2018, a further submission on behalf of the landowner was submitted to Council. The submission includes a further report from the landowner’s heritage consultant (Appendix 7). Mr Rappoport again agreed that *Gaden House* reaches the threshold of significance for heritage listing at the local level, but does not consider it has sufficient significance for heritage listing at the State level.

On 28 August Anne Warr provided a response to the submission of 7 August 2018 (Appendix 8). She disagrees with the submission's assessment that *Gaden House* does not possess sufficient significance for heritage listing at the State level. As a result it is not considered appropriate to amend the heritage documentation provided by Anne Warr Heritage Consulting in relation to the assessment of heritage listing of Gaden House, either at the local and State levels.

## 8.2 – Public exhibition

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*.

The planning proposal will be exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period.
- A notice on Council's website.
- A letter to the land owner of the site.
- A letter to land owners in the vicinity of the site.
- Local community and business groups such as the Double Bay Residents' Association and the Sydney East Business Chamber.

During the exhibition period the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal, such as relevant Council and consultant reports.

## Part 9 – Project timeline

If Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Local Planning Panel advice	September 2018
Council resolution to proceed	October 2018
Gateway determination	February 2018
Completion of technical assessment	Usually none required
Government agency consultation	March 2019
Public exhibition period	Same time as agency consultation
Submissions assessment	April 2019
Council assessment of planning proposal post exhibition	May 2019
Council decision to make the LEP amendment	June 2019
Council to liaise with Parliamentary Counsel to prepare LEP amendment	July 2019
Forward LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	August 2019
Notification of the approved LEP	September 2019



## Schedules

### Schedule 1 – Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	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 30 – Intensive Agriculture	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 44 – Koala Habitat Protection	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
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 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.

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP No 65 – Design Quality of Residential Apartment 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 (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 (Coastal Management) 2018	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.
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)	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 (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

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
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 (State Significant Precincts) 2005	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	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

<b>Sydney regional environmental plans – now deemed State environmental planning policies</b>	<b>Comment on consistency</b>
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 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 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

Sydney regional environmental plans – now deemed State environmental planning policies	Comment on consistency
SREP (Sydney Harbour Catchment) 2005	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The sites are not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>



**Schedule 2 –  
Compliance with section 9.1 directions**

<b>Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
<b>1</b>	<b>Employment and resources</b>	
1	Business and industrial zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
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. Consistent. Heritage listing of <i>Gaden House</i> will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Not applicable. The planning proposal does not apply to land within residential zones.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does affect caravan parks and manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.

<b>Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
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.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable. Consistent. 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.
4.3	Flood prone land	Applicable. Consistent. The site is located in a Flood Planning Area under the Woollahra LEP 2014. However, 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.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of <i>Gaden House</i> will provide ongoing protection and recognition of the heritage significance of the item.  Refer to Section 6.2 of this report and direction 7.1 of this table.

Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Not 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	Not 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.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	Applicable. The planning proposal is consistent with the objectives of <i>A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of <i>Gaden House</i> will provide ongoing protection and recognition of the heritage significance of the item.  Refer to section 6.2 of this report and direction 5.10 of this table.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

## **Supplementary material**

Appendix 1 - Council notice of motion 12 February 2018

Appendix 2 – Heritage Assessment – Anne Warr Heritage Consulting – September 2018

Appendix 3 – Local heritage data form – Anne Warr – September 2018

Appendix 4 – State heritage data form – Anne Warr – September 2018

Appendix 5 – State Heritage Register Nomination Form – September 2018

Appendix 6 – Submission on behalf of the land owner by Heritage 21 – 12 July 2018

Appendix 7 – Submission on behalf of the land owner by Heritage 21 – 7 August 2018

Appendix 8 – Response to Heritage 21 submission – Anne Warr – 28 August 2018











**Appendix 5 – State Heritage Register Nomination Form – September 2018**



**Appendix 7 – Submission on behalf of the land owner by Heritage 21 – 7 August 2018**



