

Environmental Planning Committee



Agenda

Monday 2 July 2018

Session 1-6.00pm(Items D1,R1-R2)

Session 2-8.00pm(Item R3 & D2)

Outline of Meeting Protocol & Procedure:

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

Recommendation only to the Full Council ("R" Items):

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic planning matters including those initiated at State and Federal Government level.
- Urban design studies.
- Planning proposals and local environment plans.
- Development control plans and guidelines.
- Development contribution plans.
- Heritage conservation studies, assessments and controls.
- Commercial centres' studies.
- Residential studies and strategies.
- Parks and Reserves Plans of Management (Strategies, Policies and Objectives).
- Flood Management Strategies.
- Recreation Policies and Strategies.
- Sustainability Policies and Strategies.
- Transport Strategies.
- Tree Policies and Strategies.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters requiring supplementary votes to Budget.
- Matters not within the specified functions of the Committee.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

Delegated Authority to be determined at Committee level ("D" Items):

- To require such investigations, reports or actions as considered necessary in respect of matters contained within the Business Agendas (and as may be limited by specific Council resolutions).
- Confirmation of the Minutes of its Meetings.
- Statutory reviews of Council's Delivery Program and Operational Plan.
- Any other matter falling within the responsibility of the Environmental Planning Committee and not restricted by the Local Government Act or required to be a Recommendation to Full Council as listed above.

Environmental Planning Committee Membership: 7 Councillors

Quorum: The quorum for Committee meeting is 4 Councillors

Woollahra Municipal Council

Notice of Meeting

25 June 2018

To: His Worship the Mayor, Councillor Peter Cavanagh, ex-officio
Councillors Mary-Lou Jarvis (Chair)
Nick Maxwell (Deputy Chair)
Claudia Cullen
Luise Elsing
Matthew Robertson
Mark Silcocks
Toni Zeltzer

Dear Councillors

Environmental Planning Committee – 2 July 2018

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Environmental Planning Committee** meeting to be held in the **Thornton Room (Committee Room), 536 New South Head Road, Double Bay, on Monday 2 July 2018 at 6.00pm.**

Tom O'Hanlon
Acting General Manager

Meeting Agenda Session One – 6.00pm

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

Items to be Decided by this Committee using its Delegated Authority

D1	Confirmation of Minutes of Meeting held on 4 June 2018 - 18/94667	9
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Items to be Submitted to the Council for Decision with Recommendations from this Committee

R1	Dunara Reserve, Point Piper - Public Exhibition and Public Hearing into the Proposed Changes to the Land Management Controls - 18/92653.....	11
	Note: Annexure 5 – Distributed Under Separate Cover	
R2	Dunara Reserve Point Piper - Assessment of Heritage Significance - 18/94761	55

Meeting Agenda Session Two – 8.00pm

Item	Subject	Page
R3	Public Exhibition of the Planning Proposal for 42-58 Old South Head Road, Vaucluse - 18/39962	173
D2	Study of Paddington Hotels - Progress Report - 18/95744	353

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 4 JUNE 2018**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 18/94667
Reason for Report: The Minutes of the Environmental Planning Committee of 4 June 2018 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

THAT the Minutes of the Environmental Planning Committee Meeting of 4 June 2018 be taken as read and confirmed.

Item No:	R1 Recommendation to Council
Subject:	DUNARA RESERVE, POINT PIPER - PUBLIC EXHIBITION AND PUBLIC HEARING INTO THE PROPOSED CHANGES TO THE LAND MANAGEMENT CONTROLS
Authors:	Kelly McKellar, Strategic Planner Anne White, Team Leader - Strategic Planning
Approvers:	Chris Bluett, Manager - Strategic Planning Allan Coker, Director - Planning & Development
File No:	18/92653
Reason for Report:	To report on the public exhibition and public hearing of the planning proposal to reclassify the land at Dunara Reserve, Point Piper. To obtain Council's approval to proceed with the reclassification of the land and finalise the planning proposal.

Recommendation:

- A. THAT Council note the recommendation of the chair of the public hearing, Stuart McDonald, as identified in the Public Hearing Report dated June 2018 and provided in Annexure 5 of the report to the *Environmental Planning Committee* on 02 July 2018.
- B. THAT Council proceed with the planning proposal for Dunara Reserve, Point Piper to amend Woollahra Local Environmental Plan 2014 as exhibited to reclassify the site from "community land" to "operational land" and proceed with the preparation of the draft LEP.

1. Summary

On 24 August 2015 Council resolved to prepare and exhibit a planning proposal (**Annexure 2**) for Dunara Reserve, Point Piper (the site). The resolution followed a report to the Community and Environment Committee on 10 August 2015 (**Annexure 1**).

The site is public land, owned by Council. For management purposes, public land is classified as either community land or operational land under the *Local Government Act 1993* (LG Act). The planning proposal seeks to reclassify the site from community land to operational land. Section 27(1) of the LG Act requires that the reclassification of public land is made by an LEP. Reclassifying the land to operational will provide various options for its management. This will include an option to sell the land.

The proposal was submitted to the Department of Planning and Environment, which issued a gateway determination on 20 July 2017, to proceed with its public exhibition (**Annexure 3**). A copy of the exhibited planning proposal is attached at **Annexure 4**.

The planning proposal was on public exhibition from Wednesday 9 August 2017 to Friday 8 September 2017. Having considered the matters raised in submissions, re-exhibition of the planning proposal was held from Wednesday 25 October 2017 to Friday 24 November 2017. Council received a total of 68 submissions from 56 individual submitters during the original exhibition and the re-exhibition period.

In accordance with the provisions of the LG Act and the *Environmental Planning and Assessment Act 1979* (the Act) a public hearing was conducted by an independent chairperson, Stuart McDonald on 14 March 2018. A copy of the chairperson's report is attached at **Annexure 5**.

The recommendation of the report is that the Planning Proposal for the reclassification of the site from “community land” to “operational land” proceed as exhibited.

Having considered the matters raised in the submissions and the public hearing, as well as the chairperson’s recommendation, we do not recommend amending or discontinuing the exhibited planning proposal. We recommend that Council proceeds with the finalisation of the planning proposal to reclassify the site from community land to operational land.

2. The Site

The site known as ‘Dunara Reserve’ comprises Lot 11 in DP 27451, and is located between 1 Wentworth Street and 9 Dunara Gardens in Point Piper. The private road known as ‘Dunara Gardens’ adjoins the northern boundary of the site (see **Figure 1** and **Figure 2** below).

The site has an area of approximately 402m² and is irregular in shape with a slope which falls approximately 4m to the southeast. It contains no structures, and the size, shape and topography of the land restricts the construction of a building for community use.

The site contains a range of exotic and native trees including a mature Cook’s Pine which is local heritage item No. 277 in Woollahra LEP 2014. The site does not contain threatened species, populations or ecological communities.

The small frontage to Wentworth Street (see **Figure 2**) provides the only legal public access to the site. Accessibility from this frontage is limited. From the public domain the site does not visually present as a piece of public land.

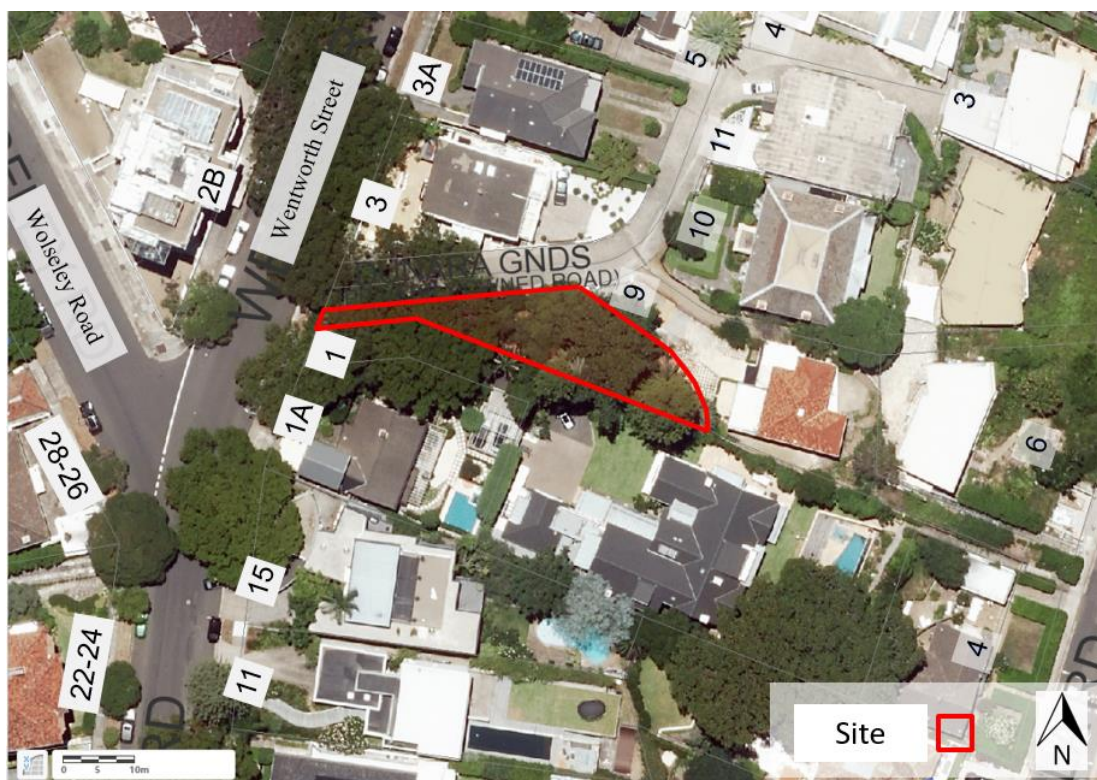


Figure 1: Aerial photograph of Dunara Reserve (Lot 11, DP 27451)

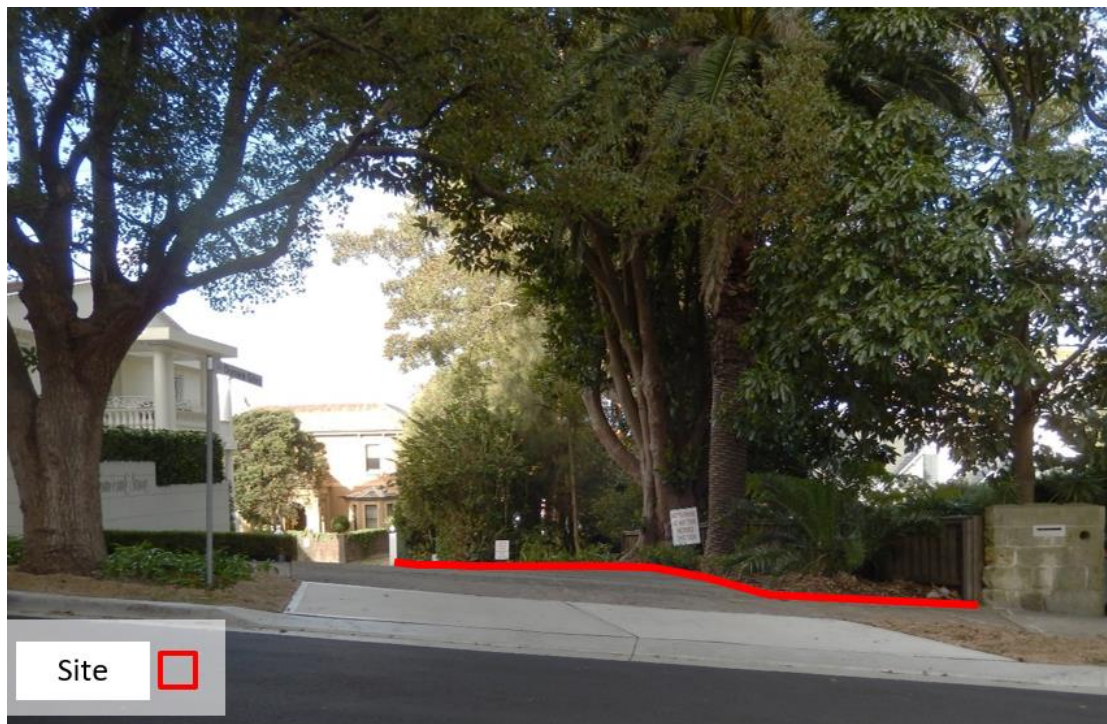


Figure 2: Photograph of Dunara Reserve taken from its entrance at Wentworth Street (looking east)

3. The planning proposal

The site was transferred to Council on 15 July 1957 under Section 340A of the LG Act as part of the subdivision of the Dunara Estate. As public land owned by Council, the site is subject to the land management requirements under the LG Act. Under Section 50(5) of the LG Act the land is known as a public reserve and it is classified as community land under Sections 25 and 26.

On 10 June 2014 Council adopted the following notice of motion:

That a report be brought to council within the next three months assessing the land known as Dunara Reserve Point Piper, with a view to rezoning the land in order for it to be put up for sale.

On 10 August 2015 the Community and Environment Committee considered a report on options for the future use of the site. The report concluded the following:

It is recommended that Council staff follow the process to reclassify the land known as Dunara Gardens from 'community land' to 'operational land' with the intention of disposing of the land. Dunara Gardens provides little to no benefit to the community and as such is considered a burden for Council to manage.

Subsequently, on 24 August 2015 Council resolved:

- A. *THAT Council prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to reclassify the land known as Dunara Gardens from 'community land' to 'operational land' with the intention of disposing of the land.*

- B. *THAT a further report be brought to Council on the findings of the public consultation including the public hearing and submissions.*

A planning proposal is a document that explains the intended effect of and the justification for a proposed local environmental plan (LEP). An LEP is a legal instrument that zones land and includes standards and controls to regulate the use and nature of development and the management of land.

The site is public land, owned by Council. For management purposes, public land is classified as either community land or operational land under the LG Act.

The intended outcome of the planning proposal is to reclassify the site from community land to operational land under the LG Act. Section 27(1) of the LG Act requires that the reclassification of public land be made by an LEP. Accordingly, the planning proposal aims to amend *Schedule 4: Classification and reclassification of public land* in Woollahra LEP 2014.

Reclassifying the land to operational will provide various options for its management. These include:

- not making the site available for public use
- leasing the land
- assigning management responsibility to another party
- developing the land, and
- selling the land.

Under Woollahra LEP 2014 the land is currently zoned R2 Low Density Residential. It is not proposed to change the zoning of the land.

The land is a public reserve under the LG Act. Should the reclassification proceed, it is intended that the land will cease to be a public reserve on the commencement of the LEP amendment. Additionally, on commencement of the LEP amendment, all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land are discharged.

As this matter relates to the reclassification of public land, Council did not seek authorisation to use its delegation under section 59 (section 3.36) of the Act from the Greater Sydney Commission. The Greater Sydney Commission (or its delegate) is the relevant planning authority that will determine this planning proposal should Council resolve to proceed with the reclassification.

On 5 July 2017 the planning proposal was submitted to the Department of Planning and Environment (DPE) requesting a gateway determination under section 56 (section 3.34) of the Act. On 20 July 2017 the DPE (as delegate of the Greater Sydney Commission) issued a gateway determination for the planning proposal allowing Council to proceed with public exhibition. The gateway determination imposed the following conditions:

1. *Community consultation is required under Sections 56(2)(c) and 57 [section 3.34] of the Act as follows:*
 - (a) *the planning proposal must be made publicly available for a minimum of 28 days; and*
 - (b) *the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016).*

2. *No consultation is required with public authorities/organisations under Section 56(2)(d) of the Act.*
3. *A public hearing is not required to be held into the matter by any person or body under Section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).*
4. *The timeframe for completing the LEP is to be 9 months following the date of the Gateway determination.*

A gateway alteration was issued by the DPE (as delegate of the Greater Sydney Commission) on 20 April 2018, extending the timeframe for completing the LEP to 20 August 2018.

4. Public exhibition of the planning proposal

4.1. Exhibition

The planning proposal (at **Annexure 4**) was placed on exhibition from Wednesday 9 August 2017 to Friday 8 September 2017. Details of the exhibition were notified in the *Wentworth Courier* editions of 9 August, 16 August, 23 August, 30 August and 6 September 2017. Letters were sent to 125 property owners to notify them of the proposal (see **Figure 3**).

The exhibition took place at Woollahra Council Chambers in Double Bay, in the Customer Service area during business hours. A copy of the planning proposal was also placed on Council's website for the duration of the exhibition period. During the exhibition period the information on Council's website was visited by 64 external customers.

In response to the exhibition Council received 25 submissions.

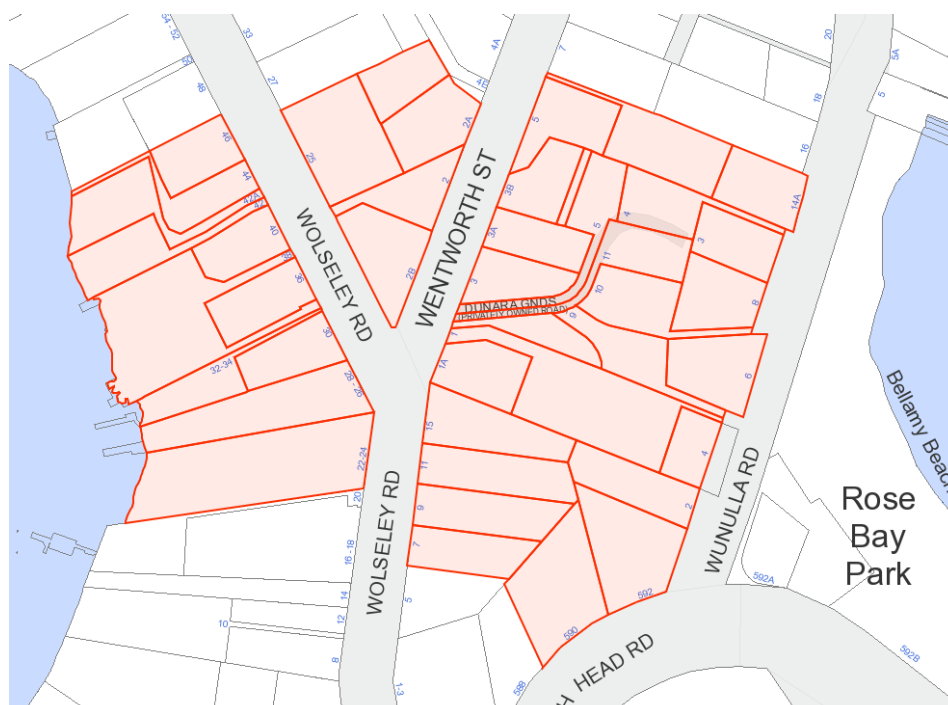


Figure 3: Extent of notification area for the public exhibition of the planning proposal

4.2. *Re-exhibition of the planning proposal*

Having considered the matters raised in submissions, re-exhibition of the planning proposal was held from Wednesday 25 October 2017 to Friday 24 November 2017. Re-exhibition occurred to clarify the location and description of the site and to clarify that all trusts or other interests affecting the site would be discharged if the reclassification proceeds.

Details of the re-exhibition were notified in the Wentworth Courier editions of 25 October, 1 November, 8 November, 15 November and 22 November 2017. Notifications were sent to the same 125 property owners (see **Figure 3**) as well as anyone who made a submission to the original exhibition.

The re-exhibition took place at Woollahra Council Chambers and the information was also placed on Council's website for the duration of the exhibition period. During the re-exhibition period the information on Council's website was visited by 58 external customers.

In response to the re-exhibition Council received 32 new submissions. Additionally, 11 people who made submissions to the original exhibition provided further submissions.

4.3. *Submissions*

Council received a total of 68 submissions from 56 individual submitters during the original exhibition and the re-exhibition period. This includes submissions from the:

- Darling Point Society, and
- Heritage Council of NSW.

One submission raised no objection. The remaining submissions were objections. A redacted copy of all the submissions is included as attachment 4 in **Annexure 5**.

Figure 4 below identifies the location of 18 residents who made submissions who live within 500m of Dunara Reserve. The issues raised in the submissions are grouped into the following categories:

- Provision of easily accessible green space.
- Impacts of potential future development of the site.
- Merit of the proposed sale of public land.
- Exhibited information and process.
- Process for discharging any trusts, estates, interests, dedications, conditions, restrictions and covenants that may affect the land.
- Preservation of local heritage.
- Site is not presented as a public reserve.
- Other matters.



Figure 4: Map identifying the location of submitters within 500m of the site

5. Public hearing held by independent chairperson

On Wednesday 14 March 2018 a public hearing was held into the proposed reclassification. The hearing was chaired by Stuart McDonald, Director at SJB Consulting, in accordance with the Act and the LG Act.

The hearing was required under section 29 of the LG Act because the land is owned by Council, and the planning proposal involves reclassifying the land from “community land” to “operational land”. The public hearing process allows people to put forward their comments about the proposed reclassification of public land. Anyone may do this by speaking at the public hearing or making a written submission to the hearing.

Details of the public hearing were notified in the Wentworth Courier editions of 14 February, 21 February, 28 February, and 7 March 2018. We notified the same 125 property owners about the hearing (see **Figure 3**), and everyone who made a submission.

Mr McDonald’s role was to consider the issues raised in the submissions to the exhibition of the planning proposal and to the public hearing and to provide Council with a recommendation.

On 27 February 2018 a site inspection was undertaken by the chairperson. Staff provided the chairperson with information on the planning proposal, the site history, previous reports, and copies of all submissions made during the original exhibition and the re-exhibition periods.

Eleven people presented at the public hearing, including the Chair of the NSW Heritage Council Stephen Davies. These submissions opposed the reclassification. The audience attendance sheet was signed by 16 people.

The chairperson has prepared a Public Hearing Report dated June 2018 (see **Annexure 5**). The recommendation of the report is as follows:

The recommendation of the report is that the Planning Proposal for the reclassification of the site from “community land” to “operational land” proceed as exhibited.

Mr McDonald’s report was made available to the public through the Council’s website. All people who made a submission (or presented to the public hearing) were advised of the report’s availability and notified of the date that the matter would be reported to the Environmental Planning Committee.

6. Issues raised

As identified in the Public Hearing Report, the key issues arising from the written submissions and the verbal presentations to the public hearing are generally the same as those raised in submissions to the exhibition (and re-exhibition).

A summary of the key issues raised and a response taken from the Public Hearing Report are provided below. Council staff agree with these responses.

<p>Issue: Concerns regarding the land classification process and procedural/legal issues, including existence of a trust</p>
<p>Response:</p> <ul style="list-style-type: none">• Legal advice obtained from the Council’s lawyers about this issue can be summarised as follows:<ul style="list-style-type: none">○ The reserve is likely to be held in trust for a public purpose given the circumstances of its dedication to Council. This does not prevent the reclassification of the land through an amendment of the LEP via the planning proposal process.○ The LEP amendment that reclassifies the reserve can provide that upon the finalisation of the LEP, the land is freed from trusts. The planning proposal does this.○ Whether or not there is a plan of management is not relevant to the planning proposal.○ There is no impediment to the reclassification of the reserve.• Based on advice above, Council may reclassify the previously dedicated land via the planning proposal process.
<p>Issue: Heritage status of the land both in the context of the State Heritage Item at nearby 10 Dunara Gardens and a local heritage item (tree) on the land. The land should stay in public ownership in order to protect the trees.</p>
<p>Response:</p> <ul style="list-style-type: none">• The proposed reclassification does not alter the heritage status of the heritage listed Cook’s Pine or the relationship of the site to 10 Dunara Gardens. The existing relationship was established as a result of the 1956 subdivision and subsequent residential development.• If the site were sold and some form of residential development proposed, potential heritage impacts and acceptability would be determined at that time. It is not reasonable or rational to assume or speculate about potential future development concepts.• The Heritage Council recommends that consideration be given to the potential heritage value of the site and any contributory value to the Dunara State heritage item.• Some submissions suggested that in order to protect the trees and the heritage status of the land then it should remain in public ownership. In the chairperson’s opinion, a property does

not have to be in public ownership in order for its heritage significance to be recognised and protected. It is noted that the following nearby heritage items are currently in private ownership:

- No 10 Dunara Gardens (State heritage item)
- The Cook's Pine and Moreton Bay Fig trees at 1 Wentworth Street (local heritage items).

However, it is acknowledged that the residential development of these sites occurred before the heritage listings.

- Separately to the planning proposal and public hearing process, Council resolved on 12 March 2018:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:

1. Included in the Woollahra Local Environmental Plan as a heritage item; and
2. Listed as a heritage item of state significance on the NSW Heritage Register.

The heritage investigations are a separate process to this planning proposal.

- The chairperson is of the opinion that the community classification is not a necessary requirement to ensure the recognition and protection of the site's heritage significance. The chairperson also accepts that protection may be more readily achieved whilst the land is in public ownership without any expectation of some form of residential development on the land.

Issue: Loss of public open space and public access and use of the site.

Response:

- Based on a site inspection and the limited site accessibility, the chairperson questions the extent and availability of the site for general active or passive use.
- The site has a very narrow and restricted public access of approximately 2.7m to Wentworth Street. There is no alternative public access to the site. The road bordering the site fronting the Dunara Gardens estate is a private road and does not provide legal public access.
- Physical public access to the site is restricted by vegetation, to the point of being obstructed. Even allowing for the potential removal of the low palm tree, access is then restricted by more substantial vegetation and uneven, sloping land.
- In response to queries from the chairperson, Council's Property Section obtained a land title search in April 2018 to establish whether there is any right-of-way over the private road which would allow more practical public access to the site. The title search confirmed that there is no right of access across/from the private road. Consequently, if members of the public are accessing the subject site via Dunara Gardens private road, then they are doing so by trespassing on private land.
- The site provides a visible parcel of passive green space/landscaping containing some substantial trees and vegetation. The chairperson notes that this landscape character exists regardless of public or private ownership.
- The chairperson acknowledges that on 10 August 2015 Council's Technical Service Officers reported to Council's Community and Environment Committee that:
 - The site is unsuitable for use as public open space due its location amongst private dwellings and its uneven topography.
 - The small frontage to Wentworth Road of approximately three metres (2.7m) does not provide appropriate access or passive surveillance.

<ul style="list-style-type: none">○ The site visually presents as part of a private estate rather than public land. Members of the public would have difficulty in recognising it as a public asset, let alone be inclined to enter and use the site for public recreation.○ Currently, any benefit from the site is derived principally by the properties immediately adjoining the site. <p>●—The chairperson notes that the lack of substantial landscaping and trees on private properties is not a matter relevant to the strategic merit of the planning proposal, and this matter should be given no weight in the assessment of the planning proposal. More generous private gardens and tree cover is an option for individual property owners.</p>
Issue: The land is not adequately presented as a public reserve.
Response: As the chairperson has discussed in detail above, the accessibility and usefulness of the site for active or passive recreation is extremely limited. If in the future, Council wanted to improve public access to the reserve, significant upgrades would be required including landscaping, site levelling and signage.
Issue: Ecological value of the land and the substantial trees located thereon.
Response: The chairperson notes that the planning proposal documentation does not place any emphasis on the site having significant inherent ecological value. Notwithstanding, as with the potential heritage value of the site, any ecological value does not change as a result of the reclassification.
Issue: Ongoing maintenance costs not onerous to the Council.
Response: The chairperson notes that the planning proposal is about whether the land should be reclassified. Consideration of potential options for whether or not Council sells or leases the land and invests the return in other programs is a separate process to the planning proposal. If the proposal proceeds, the Council will review its options at a later stage in the context of Council's whole expenditure program.

7. Assessment of heritage significance

As identified in the table above, on 12 March 2018 Council adopted the following notice of motion:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to the Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:

1. *included in the Woollahra Local Environmental Plan as a heritage item; and*
2. *listed as a heritage item of state significance on the NSW State Heritage Register.*

In response, Council staff appointed Chris Betteridge, Director at *Betteridge Heritage* to prepare an independent assessment of the heritage significance of the site. This assessment is being considered at the Environmental Planning Committee of 2 July 2018.

The heritage assessment will be considered separately to the assessment of the planning proposal. The heritage significance of the site will not be impacted if the land is reclassified to 'operational'.

8. Conclusion

The planning proposal seeks to reclassify Dunara Reserve from community land to operational land under the LG Act. Reclassifying the land to operational will provide various options for its management, including an option to sell the land.






The planning proposal was exhibited in the manner required by the Act, the Regulation, the LG Act and the gateway determination. In response to the exhibition and re-exhibition, Council received a total of 68 submissions from 56 individual submitters. One submission raised no objections.

As required by the LG Act, a public hearing was conducted on 14 March 2018 chaired by Stuart McDonald. Eleven people presented at the hearing. The recommendation of the chairperson as contained in the Public Hearing report is as follows:

The recommendation of the report is that the Planning Proposal for the reclassification of the site from “community land” to “operational land” proceed as exhibited.

We recommend that Council should proceed with the planning proposal to reclassify the land at Dunara Reserve, Point Piper. This recommendation is based on our consideration of the issues raised in the submissions and the findings of Stuart McDonald. It is in the broader public interest to reclassify the land.

Annexures

1. Annexure 1: Report to the Community and Environment Committee 10 August 2015 [↓](#) 
2. Annexure 2: Resolution from the Council meeting of 24 August 2015 [↓](#) 
3. Annexure 3: Gateway Determination dated 20 July 2017 [↓](#) 
4. Annexure 4: Planning proposal as exhibited (annexures removed) [↓](#) 
5. Annexure 5: Chairpersons' Public Hearing Report (*circulated under separate cover*) 

Woollahra Municipal Council
Community & Environment Committee Agenda

10 August 2015

Item No: R1 Recommendation to Council
Subject: **DUNARA RESERVE POINT PIPER**
Author: Caitlin Moffat, Team Leader Open Space & Rec Planning
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Technical Services
File No: 15/85263
Reason for Report: Adopted Notice of Motion

Recommendation:

- A. THAT Council prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to reclassify the land known as Dunara Gardens from 'community land' to 'operational land' with the intention of disposing of the land.
- B. THAT a further report be brought to Council on the findings of the public consultation including the public hearing and submissions.

1. Background:

On 10 June, 2014 Council adopted the following Notice of Motion;
That a report be brought to Council within the next three months assessing the land known as Dunara Reserve Point Piper, with a view to rezone the land in order for it to be put up for sale.

History of the site

On 25 June 1956, Dunara Estate was subdivided into 11 lots. Lot 11 is noted on the deposited plan as, "Public Garden and Recreation Space" and is approximately 400m². The site was transferred unencumbered to Council on 15 July 1957 pursuant to Section 340A of the Local Government Act 1919 as part of the subdivision of the Dunara Estate.



Dunara Gardens – The site

Present situation

The site adjoins 9 Dunara Gardens and 1 Wentworth Street, Point Piper. No. 9 Dunara Gardens has encroached on to part of the site with the construction of a driveway and garage. The remaining portion of the site is unsuitable for use as public open space due its position amongst private dwellings and its topography. It has a small frontage to Wentworth Road of approximately three metres which does not provide appropriate access or passive surveillance into the site. The site presents as part of a private estate rather than public land and member of the public would be hard pressed to recognise it as a public asset, let alone be inclined to enter and use the site for public recreation.

The inaccessibility of the site has resulted in a build-up of vegetation and debris over time, which combined with the slope of the land and the lack of passive surveillance, represents a potential public safety risk and hazard. In addition to this, it has been the location for illegal dumping of domestic waste. Site maintenance to clear the debris and vegetation is a resource burden to Council and is undertaken twice a year. Numerous attempts to replant the site have been unsuccessful.

There are no structures in place that are used by the community and the size and shape of the land restricts the construction of a building for community use. The site currently only offers benefits to the properties immediately adjoining the site.

2. Proposal:

Dunara Gardens provides little to no recreation value for the community. The reclassification of the site would allow Council to dispose of the land, removing the economic burden of managing the site and the potential public safety risk. The funds from the disposal can be used to provide or upgrade other Council services and infrastructure which will benefit the broader community.

Under the Local Government Act 1993 (LG Act) public land must be classified as either community land or operational land. Community land is generally open to the public, for example parks, reserves or sports grounds.

Dunara Gardens is currently classified as community land. Restrictions on community land prevent the site from being disposed of. However, these restrictions do not apply to operational land therefore we propose to recommend the site is reclassified as 'operational land'.

In order to reclassify the land, Council must prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014). A planning proposal is a document that explains the intended effect of and justification for changes to the LEP planning controls.

The planning proposal would be prepared in accordance with the requirement of the Environmental Planning and Assessment Act 1979 (the Act). Council would forward the planning proposal to the Department of Planning and Environment requesting a gateway determination under section 58(2) of the Act. The Minister, or delegate, will then issue a gateway determination specifying whether the planning proposal is to proceed and if so, in what circumstances. The gateway determination will confirm the information and consultation required before the planning proposal can be publicly exhibited.

Once the conditions of the gateway determination are met, the planning proposal would then be public exhibited, during which time submissions can be made to Council. For planning proposals which reclassify community land to operational, section 29 of the LG Act requires that upon the completion of the public exhibition period Council must hold a public hearing chaired by an independent person. The public hearing allows for further consultation with the community. Consultation is only complete once Council has considered all the submissions made concerning the proposal and the report of the public hearing.

If Council resolves to proceed with the planning proposal, it would be submitted to the Minister requesting a draft LEP that gives effect to the planning proposal. The Minister will then determine whether to finalise and make the LEP under section 59 of the Act.

Should the planning proposal be approved, the Council would then have the opportunity to dispose of the site through Expressions of Interest or Tenders.

3. Conclusion:

It is recommended that Council staff follow the process to reclassify the land known as Dunara Gardens from 'community land' to 'operational land' with the intention of disposing of the land. Dunara Gardens provides little to no benefit to the community and as such is considered a burden for Council to manage.

Annexures

Nil

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 10 August 2015 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **DUNARA RESERVE POINT PIPER**
Author: Caitlin Moffat, Team Leader Open Space & Rec Planning
Approvers: Paul Fraser, Manager - Open Space & Trees
Tom O'Hanlon, Director - Technical Services
File No: 15/85263
Reason for Report: Adopted Notice of Motion

(Marano/Levenston)

15/13 Resolved without debate:

- A. THAT Council prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to reclassify the land known as Dunara Gardens from 'community land' to 'operational land' with the intention of disposing of the land.
- B. THAT a further report be brought to Council on the findings of the public consultation including the public hearing and submissions.



Gateway Determination

Planning Proposal (Department Ref: PP_2017_WOOLL_005_00): to reclassify Dunara Reserve, Point Piper from Community to Operational land.

I, the Acting Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to reclassify Dunara Reserve, Point Piper from Community to Operational land should proceed subject to the following conditions:

1. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. No consultation is required with public authorities/organisations under Section 56(2)(d) of the Act.
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

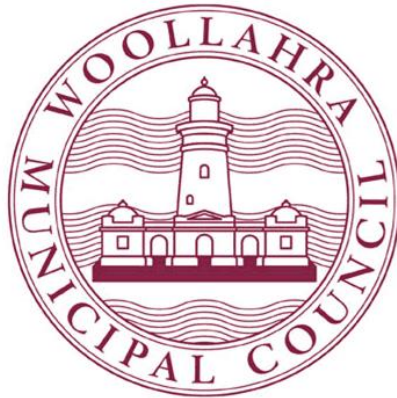
Dated 20 day of July 2017.

A handwritten signature in black ink, appearing to read 'Craig Diss'.

Craig Diss
Acting Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WOOLLAHRA (PP_2017_WOOLL_005_00)



PLANNING PROPOSAL

**Dunara Reserve, Point Piper
(land between 1 Wentworth Street & 9 Dunara Gardens)**



TRIM: 17/49184

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Part 1 – Introduction

1.1 Background

The planning proposal applies to Lot 11 in DP 27451 (see **Appendix 1**) which is known as Dunara Reserve (the site). The site was transferred to Council on 15 July 1957 pursuant to Section 340A of the *Local Government Act 1919* as part of the subdivision of the Dunara Estate.

The site is owned by Council and is classified as Community Land under the Local Government Act 1993 (LG Act).

The site is dedicated as a public reserve under Section 50(5) of the LG Act.

The land is zoned R2 Low Density Residential under Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014). It is not proposed to change the zoning of the land.

In 2010 staff identified a partial encroachment into the site. In response, Council adopted the following Notice of Motion on 10 June 2014:

That a report be brought to council within the next three months assessing the land known as Dunara Reserve Point Piper, with a view to rezoning the land in order for it to be put up for sale.

On 10 August 2015 the Community and Environment Committee (C&E Committee) considered a report on options for the future use of the site (see **Appendix 2**). The report provided the history of the site, identified the extent of the encroachment from No. 9 Dunara Gardens and recommended the reclassification of the site to allow its sale. Having considered the recommendation from the C&E Committee, on 24 August 2015 Council resolved (see **Appendix 3**):

- A. THAT Council prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to reclassify the land known as Dunara Gardens from 'community land' to 'operational land' with the intention of disposing of the land.
- B. THAT a further report be brought to Council on the findings of the public consultation including the public hearing and submissions.

1.2 Description of this planning proposal

The intended outcome of the planning proposal is to reclassify the site (Lot 11, DP 27451) from Community land to Operational land under the LG Act. Section 27(1) of the LG Act requires that the reclassification of public land be made by a local environmental plan.

Community land has greater restrictions than Operational land, including shorter leasing periods and it cannot be sold. Reclassifying the land to operational would allow the sale of the site.

The land is a public reserve under the LG Act. Should the reclassification proceed, it is intended that under Section 30(1) of the LG Act the local environmental plan will include a provision to the effect that the land will cease to be a public reserve on the commencement of the plan.

Part 2 – Existing site and surrounding context

2.1 The site

The site is located at the intersection of Wentworth Road and Dunara Gardens in Point Piper as shown in Figure 1, Figure 2 and Figure 3 below. Irregular in shape, the site area is approximately 402m² and falls approximately 4m to the southeast.

To the west, the site has a narrow access of approximately 2.7m to Wentworth Road, which provides limited pedestrian access. To the north the site adjoins Dunara Gardens, the private road to the former Dunara estate. To the east the site adjoins No.9 Dunara Gardens and to the south the site adjoins No. 1 Wentworth Street.



Figure 1: Local area map

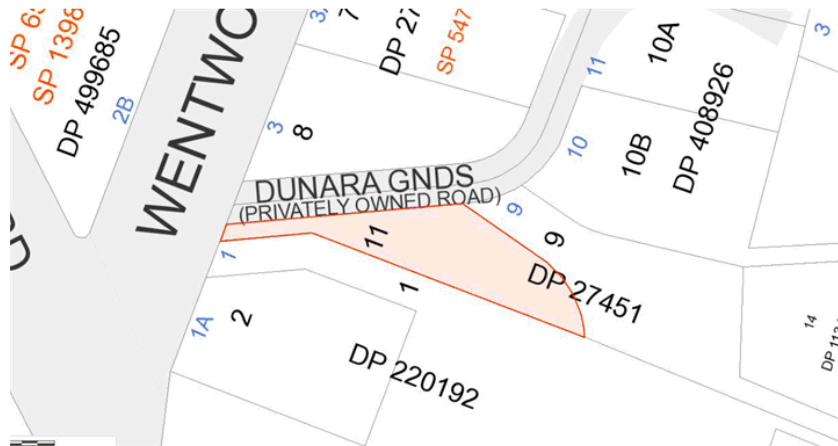


Figure 2: Site map

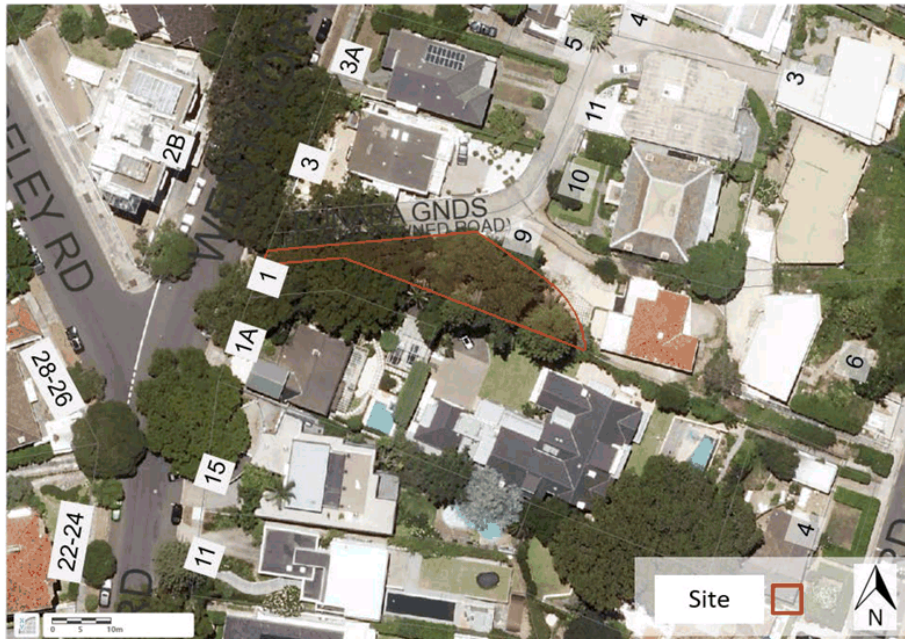


Figure 3: Site aerial

The site contains a range of exotic and native trees including a mature Cook Pine which is local heritage item No 277 in Woollahra LEP 2014 (see Figure 4 & 5). There are no threatened species, populations or ecological communities.

The site contains no structures, and the size, shape and topography of the land restricts the construction of a building for community use. The small frontage to Wentworth Road (see Figure 7) provides limited access, and from the public domain it does not visually present as a piece of public land.

Despite numerous attempts to manage the site, its inaccessibility and lack of passive surveillance have resulted in the build-up of vegetation and debris over time (see Figure 6 and 8). The ongoing site maintenance to clear the debris and vegetation is a poor use of Council's resources, particularly as there is no tangible and obvious community benefit.

The site is a public reserve, but it is not used as public open space or as a public facility. Visually, it appears as a heavily vegetated space.

The site currently only offers benefits to the immediately adjoining properties. The sale of the site would allow Council to use the funds to improve services and infrastructure in the LGA, including existing usable open space in the vicinity.



Figure 4: Existing vegetation on the site which is to the left of the roadway



Figure 5: Heritage listed mature Cook Island Pine (left) and Moreton Bay Fig (middle) on the site



Figure 6: Debris and rubbish left on the site



4



Figure 7: Site frontage to Wentworth Street



Figure 8: The fall of the land and rubbish left on the site

2.2 Existing context

Development around the site and on the eastern side of Wentworth Street comprises two to three storey dwelling homes. In the block bounded by Wolseley Road and Wentworth Street the scale of development varies and comprises a mix of three to thirteen storey residential flat buildings (RFBs) and two to three storey dwelling houses. A seven storey RFB is opposite the site at No.2B Wentworth Street.

Part 3 – Existing planning controls

Under the Woollahra LEP 2014 the R2 Low Density Residential zone (R2 zone) applies to the site. The R2 zone permits a range of low density residential uses such as dwelling houses and dual occupancies. A height limit of 9.5m applies to the site.

The site contains a mature Cook Pine which is local heritage item No 277 in Woollahra LEP 2014. The site is classified as Class 5 on the Acid Sulfate Soils Map. The site is subject to a minimum subdivision lot size of 675m².

The table below summarises the zone, maximum building height, heritage status, class of acid sulfate soils and minimum subdivision lot size under Woollahra LEP 2014.

Zone	Maximum building height (m)	Heritage Status	Acid Sulfate Soils	Minimum Subdivision Lot Size
R2 Low Density Residential	9.5m	Local heritage item No 277 - Cook Pine	Class 5	675m ²

Table 1: Woollahra LEP 2014 controls

The planning proposal does not change these controls.

Part 4 – Objectives of the planning proposal

The objective of the planning proposal is to reclassify the site from 'community land' to 'operational land' under the *Local Government Act 1993*.

Part 5 – Explanation of provisions

The proposed amendments are limited to Schedule 4 of the Woollahra LEP 2014. No mapping amendments are required. The proposed amendments are identified below.

Insert the following entry into Schedule 4:

Schedule 4 Classification and reclassification of public land

Part 2 Land classified, or reclassified, as operational land – interests changed.

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc. not discharged
Dunara Reserve, Point Piper	Lot 11, DP 27451	Nil

Note: Governors approval is required to remove the Public Reserve Status from the land

Part 6 – Justification

6.1 – Need for planning proposal

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

The planning proposal is the result of a Council resolution for the reclassification to accommodate the sale of the site. The site is an underutilised piece of public land that does not benefit the wider community. A report was prepared in 2015 which recommended the reclassification of the land to enable its sale (see **Appendix 2**).

Appendix 1 provides the required information to reclassify land through an LEP in accordance with the Department of Planning and Environment's LEP Practice Note PN 16-001.

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

Yes. The site is currently classified as community land and therefore Council is not able to develop, sell, exchange or dispose of the land under the provisions of the Local Government Act 1993. Section 27(1) of the Local Government Act 1993 requires that the reclassification of public land be made by a local environmental plan.

A planning proposal is the only way to reclassify the land.

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 objectives and actions of *A Plan for Growing Sydney* (2014) and the initiatives of the *Draft Central District Plan* (2016). These plans are discussed in detail in **Schedule 1**.

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

Yes. The planning proposal is consistent with Council's Community Strategic Plan (Woollahra 2025: Our community, our place, our plan) and Council's Resourcing Strategy.

The proposed reclassification reflects the use of the site. Funds raised from the disposal of the site will facilitate the upgrade of open space elsewhere in the LGA, consistent with the effective and efficient management of Council assets.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with other applicable *State Environmental Planning Policies* (refer to **Schedule 2**).

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

Yes. The planning proposal is consistent with applicable section 117 directions (refer to **Schedule 3**).

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. The planning proposal is not likely to adversely impact threatened species, populations or ecological communities or their habits. The land is located within a developed urban area and contains a mix of exotic and native vegetation species. The site does not contain threatened species, populations or ecological communities.

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 negative environmental effects associated with the planning proposal. The reclassification is of a minor nature only.

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

Yes. The planning proposal has adequately addressed social and economic effects. In summary, these are:

- removing the risk of maintaining, managing and making the site safe for public use,
- allowing Council greater flexibility to manage its assets,
- using the funds from the sale of the site to upgrade open space elsewhere in the LGA.

6.4 – State and Commonwealth interests

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

Yes. The existing services that are available are suitable for the proposal and appropriate for the future use of the site. The site is located in an area which is already serviced by water, sewer, electricity, gas and telephone services. The site is in proximity to regular and frequent public transport services.

The planning proposal will not result in increased demand for public infrastructure.

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

The proposed reclassification is minor in nature. Council is of the view that the planning proposal does not warrant consultation with public authorities. However, any or authorities identified by the Greater Sydney Commission and Department of Planning and Environment will be consulted during the public exhibition of the planning proposal.

Part 7 – Mapping

The planning proposal is limited to amendments to the written instrument only and no mapping changes are proposed.

Part 8 – Community consultation

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

We recommend that the planning proposal is 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 land owners in the vicinity of each site
- A letter to local community groups.

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 reports.

Public hearing

In accordance with Section 29 of the *Local Government Act 1993* and Section 57 of the *Environmental Planning and Assessment Act 1979*, Council must arrange a public hearing following the public exhibition of the planning proposal. The purpose of the public hearing is to allow members of the community to make further submissions on the proposed reclassification to an independent party. The independent party will then report to Council on these submissions prior to Council making a determination on the planning proposal.

Part 9 – Project timeline

Plan-making step	Estimated completion
Gateway determination	July 2017
Completion of technical assessment	None required
Government agency consultation	July 2017
Public exhibition period	July 2017
Submissions assessment	August 2017
Planner's report on public exhibition	August 2017
Public hearing	September 2017
Preparation of Chairpersons Report	October 2017
Council decision to make the LEP amendment	November 2017
Submission of the draft LEP to Greater Sydney Commission and Department of Planning and Environment for plan making.	December 2017
Notification of the approved LEP	January 2018

Schedules

Schedule 1

Consistency with A Plan for Growing Sydney and the Draft Central District Plan

A Plan for Growing Sydney (December 2014)	
<p>This plan contains:</p> <ul style="list-style-type: none"> • A vision for Sydney • 4 goals, 3 planning principles and 22 directions • Priorities for Sydney's 6 subregions. The site is located in the Central Subregion. 	
Goal	Comment on consistency
1. A competitive economy with world-class services and transport.	<p>The reclassification of the site will allow Council greater flexibility to manage the site by allowing the sale of the land.</p> <p>Revenue generated from the sale of the site could be set aside for future public open space acquisition or embellishment.</p>
2. A city of housing choice, with homes that meet our needs and lifestyles.	<p>The site is currently zoned R2 Low Density Residential which permits a range of dwellings with consent. No changes are proposed to the planning controls, and therefore the development potential of the site is unchanged.</p>
3. A great place to live with communities that are strong, healthy and well connected.	<p>Should the site be sold the revenue generated could be used for public open space upgrades throughout the LGA such as the Redleaf foreshore upgrade, Rose Bay Pedestrian Trail and Guilfoyle Park upgrade.</p>
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	<p>The site is a liability for Council as it is not used for recreational or other public purposes or is it discernible as a public space, yet, it requires ongoing maintenance and rubbish removal. The site is not suitable for active or passive recreation, due to the slope, dimensions, size and extensive vegetation.</p> <p>Should the site be sold, development on the site would need to address the planning controls that apply to the site.</p>

Planning principles	Comment on consistency
Principle 1: Increasing housing choice around all centres through urban renewal in established areas	The planning proposal does not alter the development potential of the site. The site is not in a centre but is in an established residential area.
Principle 2: Stronger economic development in strategic centres and transport gateways	The site is not in a strategic centre or transport gateway.
Principle 3: Connecting centres with a networked transport system	The planning proposal will not have an impact on transport systems as the development potential of the site is unchanged.
<p>Directions</p> <p>A set of 22 directions is listed for the four goals of <i>A Plan for Growing Sydney</i>. Each direction has been considered, but many are not related to this planning proposal. The relevant planning directions are addressed below.</p>	
Direction	Comment on consistency
Direction 1.11 Deliver infrastructure	<p>The reclassification of the site will allow Council greater flexibility to manage the site by allowing the sale of the land.</p> <p>Revenue generated from potential sales could be set aside for future public open space acquisition or embellishment.</p>
Direction	Comment on consistency
<p>Direction 3.2 Create a network of interlinked, multipurpose open and green spaces across Sydney</p> <p>Direction 3.3: Create healthy built environments</p>	The planning proposal will enable Council to take a strategic approach by broadening the options for the management of the site. Should the site be sold, improvements to other recreation areas can be carried out which will benefit a broader section of the community.
Central Subregion priorities	Comment on consistency
<p>The priorities for the Central Subregion are:</p> <ul style="list-style-type: none"> • 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 	There are no specific priorities for the Central sub-region identified for this site.

<p>Draft Central District Plan (November 2016)</p> <p>The <i>Draft Central District Plan</i> (2016) [the District Plan] sets out a vision, priorities and actions for the development of the Central District of Greater Sydney. The District Plan gives effect to the four goals of <i>A plan for growing Sydney</i> through the priorities and actions expressed in the District Plan in three themes:</p> <ul style="list-style-type: none"> • A productive city (Goal 1) • A liveable city (Goals 2 and 3) • A sustainable city (Goals 3 and 4) <p>Each theme contains priorities which must be addressed during the preparation of a planning proposal. The consistency of this planning proposal with these priorities is addressed in this table.</p>	
<p>A productive city</p>	
<p>District priorities</p>	<p>Comment on consistency</p>
<p>Productivity Priority 1: Creating opportunities for the growth of commercial floor space</p> <p>Relevant planning authorities need to consider the mechanisms to protect and enhance opportunities for the growth of commercial floor space. When planning strategic and district centres, relevant planning authorities should consider Productivity Priority 3 (Section 3.5), as well as strategies to:</p> <ul style="list-style-type: none"> • enhance the urban amenity and walkability of centres • promote the diversification of complementary commercial activities • maintain a commercial core for employment activities in targeted locations • support the economic viability of office development. 	<p>The planning proposal is not relevant to this priority.</p>
<p>Productivity Priority 2: Support the growth of innovation and creative industries</p> <p>The relevant planning authority should investigate opportunities to support the growth of innovation and creative industries. Consideration should be given to the full spectrum of activities from high-end global businesses to small start-ups.</p> <p>This may be achieved through a range of mechanisms and strategies including:</p> <ul style="list-style-type: none"> • providing flexibility in appropriate zones for the co-location of creative industries in desirable locations with access to transport and ancillary uses such as retail, cafes and restaurants • incentivising opportunities for the provision of affordable space for creative and start-up businesses. <p>Councils and State agencies should also consider opportunities to grow innovation and creative industries by:</p> <ul style="list-style-type: none"> • providing affordable space for creative hubs on government-owned land and/or in large-scale government-led urban renewal projects • enhancing synergies and connectivity between health and education facilities • supporting increased opportunities for a diversity of housing choices including price points close to work opportunities. 	<p>The planning proposal is not relevant to this priority</p>

<p>Productivity Priority 3: Manage growth and change in strategic and district centres and, as relevant, local centres</p> <p>When undertaking planning for strategic, district and local centres, the relevant planning authority should consider:</p> <ul style="list-style-type: none"> • opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail business types, including: the need to reinforce the suitability of centres for retail and commercial, encouraging a competitive market • the commercial requirements of retailers and commercial operators such as servicing, location, visibility and accessibility • the use of B3 Commercial Core Zones in strategic centres, and where appropriate, in district centres to reinforce and support the operation and viability of non-residential uses, including local office markets. <p>When preparing strategic plans, the relevant planning authority needs to demonstrate how its planning for centres has considered strategies to:</p> <ul style="list-style-type: none"> • deliver on the strategic and district centre's job targets • meet the retail and service needs of the community • facilitate the reinforcement and/ or expansion of allied health and research activities • promote the use of walking, cycling and integrated public transport solutions • provide urban spaces such as meeting places and playgrounds • respond to the centre's heritage and history • promote community arts • reflect crime prevention through environmental design (CPTED) principles such as safety and management • manage the transition between higher intensity activity in and around a centre and lower intensity activity that frames the centre. 	<p>The planning proposal is not relevant to this priority.</p>
<p>Productivity Priority 4: Prioritise the provision of retail floor space in centres</p> <p>When preparing retail and commercial strategies to inform local planning, the following matters should be considered:</p> <ul style="list-style-type: none"> • existing and future supply and demand for retail floor space within the District, based on the Department of Planning and Environment's medium population growth scenario • the accessibility of different types of retail and commercial floor space to communities • opportunities to allow retail and commercial activities to innovate • the impacts of new retail and commercial proposals to enhance the viability and vitality of existing and planned centres • the need for new retail development to reinforce and enhance the public domain • the net social, economic and environmental implications of new supply within different locations 	<p>The planning proposal is not relevant to this priority.</p>

<p>Productivity Priority 5: Protect and support employment and urban services land</p> <p>Relevant planning authorities should take a precautionary approach to rezoning employment and urban services lands, or adding additional permissible uses that would hinder their role and function. The exception being where there is a clear direction in the regional plan (currently <i>A Plan for Growing Sydney</i>), the District Plan or an alternative strategy endorsed by the relevant planning authority.</p> <p>Any such alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception, taking account of a District-wide perspective in accordance with Action P5.</p> <p>How these matters are taken into account is to be demonstrated in any relevant planning proposal.</p>	<p>The planning proposal is not relevant to this priority.</p>
<p>A Liveable City</p>	
<p>District priorities</p>	<p>Comment on consistency</p>
<p>Liveability Priority 1: Deliver Central District's five-year housing targets</p> <p>To deliver these five-year housing targets, councils need to:</p> <ul style="list-style-type: none"> • plan to provide sufficient capacity and monitor delivery of the five-year housing targets • liaise with the Commission to identify barriers to delivering additional housing in accordance with the targets. 	<p>The planning proposal will not alter the development potential of the site.</p>
<p>Liveability Priority 2: Deliver housing diversity</p> <p>Relevant planning authorities should to consider the needs of the local population base in their local housing strategy and how to align local planning controls that:</p> <ul style="list-style-type: none"> • address housing diversity that is relevant to the needs of the existing and future local housing market • deliver quality design outcomes for both buildings and places. 	<p>The planning proposal will not alter the development potential of the site.</p>
<p>Liveability Priority 3: Implement the Affordable Rental Housing Target</p> <p>Building on Action 2.3.3 of <i>A Plan for Growing Sydney</i>, when preparing planning proposals or strategic plans for new urban renewal or greenfield areas, the relevant planning authority will include an Affordable Rental Housing Target as a form of inclusionary zoning.</p> <p>A target of 5% to 10% of new floor space will be applied at the rezoning stage so that it can factored into the development equation:</p> <ul style="list-style-type: none"> • within areas that have been shown, via a local housing strategy, or another form of appropriate research, to have current or future need for affordable rental housing • to applicable land within new urban renewal or greenfield areas (government and private) subject to development feasibility assessed at a precinct scale • to all new floor space (above the existing permissible floor space) • in addition to local and State development contributions and cognisant of any public or private subsidy for affordable rental housing provision • to provide a range of dwelling types including one, two and three+ bedroom homes • in accordance with any relevant guidance developed by the Commission and Department of Planning and Environment. 	<p>Not applicable.</p> <p>The planning proposal does not apply to land in a new urban renewal or greenfields area.</p>

<p>The Affordable Rental Housing dwellings will be secured by the relevant planning authority and passed onto a registered Community Housing Provider to manage, further developing this emerging sector of the economy.</p> <p>In this regard, we encourage the NSW Government to bring forward its own land to maximise affordable housing and Affordable Rental Housing.</p>	
<p>Liveability Priority 4: Increase social housing provision</p> <p>Relevant planning authorities and the Department of Family and Community Services (and the Land and Housing Corporation) should collaborate to optimise housing and community diversity outcomes on sites of social housing concentration.</p> <p>Subject to appropriate consultation, feasibility considerations and environmental assessment, relevant planning authorities should translate optimal outcomes for social housing sites into land use controls.</p>	<p>Not applicable.</p> <p>The site does not contain any social housing.</p>
<p>Liveability Priority 5: Facilitate the delivery of safe and healthy places</p> <p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> • facilitate the development of healthy and safe built environments • consider the inclusion of planning mechanisms such as floor space bonuses to incentivise the provision of: <ul style="list-style-type: none"> ○ neighbourhoods with good walking and cycling connections particularly ○ to schools ○ social infrastructure such as public libraries or child care ○ urban agriculture, community and roof gardens for productive food systems. 	<p>Should the site be sold or leased long-term, the revenue generated could be used for public open space upgrades in the LGA such as the Redleaf foreshore upgrade, Rose Bay Pedestrian Trail and Guilfoyle Park upgrade.</p> <p>These facilities are in proximity to the residents of the whole of Point Piper.</p>
<p>Liveability Priority 6: Facilitate enhanced walking and cycling connections</p> <p>Relevant planning authorities should facilitate enhanced walking and cycling outcomes by giving due consideration to the delivery of district and regional connections and walkable neighbourhoods.</p>	<p>Should the site be sold or leased long-term, the revenue generated could be used to fund the construction of the Rose Bay Pedestrian Trail or a new shared path which is being investigated to connect Rose Bay to Double Bay and other cycling routes to the Sydney CBD.</p>
<p>Liveability Priority 7: Conserve heritage and unique local characteristics</p> <p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> • require the adaptive re-use of historic and heritage listed buildings and structures in a way that enhances and respects heritage values • protect Aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community. 	<p>The site contains a mature Cook Pine which is local heritage item No 277 in Woollahra LEP 2014.</p> <p>The site is also in the vicinity of the following heritage items in Woollahra LEP 2014:</p> <ul style="list-style-type: none"> • Cook Pine and Moreton Bay Fig at 1 Wentworth Street which are heritage item No 285 • House, interiors and grounds at 4 Dunara Gardens. <p>"Dunara" house and interiors at 10 Dunara Gardens is heritage item No 276 in Woollahra LEP 2014, and is also listed on the <i>Heritage Act - State Heritage Register</i>.</p> <p>Reclassification of the land will not impact on the significance of these items.</p>
<p>Liveability Priority 8: Foster the creative arts and culture</p>	<p>The planning proposal is not relevant to this priority.</p>

<p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> • integrate arts and cultural outcomes into urban development through planning proposals that nurture a culture of art in everyday local spaces and enhance access to the arts in all communities • give due consideration to the inclusion of planning mechanisms that would incentivise the establishment and resourcing of creative hubs and incubators and accessible artist-run spaces. 	
<p>Liveability Priority 9: Share resources and spaces</p> <p>Relevant planning authorities should consider the delivery of shared local facilities such as community hubs, cultural facilities and public libraries as multifunctional shared spaces.</p>	<p>The planning proposal is not relevant to this priority.</p>
<p>Liveability Priority 10: Support innovative school planning and delivery</p> <p>Relevant planning authorities should give due consideration to:</p> <ul style="list-style-type: none"> • innovative land use and development approaches, including: <ul style="list-style-type: none"> ○ using travel management plans, that identify travel options, to reduce car use ○ enabling the development and construction of schools as flexible spaces, so they can facilitate shared use and change over time to meet varying community need • the inclusion of planning mechanisms that would incentivise the: <ul style="list-style-type: none"> ○ development of new schools as a part of good quality and appropriate mixed use developments ○ the shared use of facilities between schools and the local community including playing fields and indoor facilities, so they can meet wider community needs. 	<p>The planning proposal is not relevant to this priority.</p>
<p>Liveability Priority 11: Provide socially and culturally appropriate infrastructure and services</p> <p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> • collaborate with Federal and State agencies and service providers to integrate local and District social infrastructure for Aboriginal residents including preschools, child care and aged care services • include appropriate planning mechanisms to incentivise the provision of these services required by local communities where appropriate. 	<p>The planning proposal is not relevant to this priority.</p>
<p>Liveability Priority 12: Support planning for health infrastructure</p> <p>Relevant planning authorities should give due consideration to the need to support the co-location of ancillary uses that complement health precincts, including:</p> <ul style="list-style-type: none"> • residential aged care facilities • housing for health workers • visitor and short-term accommodation • health and medical research activities • child care • non-critical patient care • commercial uses that are complementary to and service the health precinct <p>Consideration should also be given to the protection of health precincts and super precincts from residential encroachment into key employment areas.</p>	<p>The sites is not located in the vicinity of a major health precinct identified in the <i>Draft Central District Plan</i>. Co-locating ancillary services is not relevant to this planning proposal.</p>

<p>Liveability Priority 13: Support planning for emergency services Relevant planning authorities must consider the operational and locational requirements of emergency services.</p>	<p>The planning proposal is not relevant to this priority as the development potential of the site is unaltered.</p>
<p>Liveability Priority 14: Support planning for cemeteries and crematoria Relevant planning authorities should give consideration to the need and locational requirements of cemeteries and crematoria.</p>	<p>The planning proposal is not relevant to this priority.</p>
<p>A sustainable City</p>	
<p>District priorities</p>	<p>Comment on consistency</p>
<p>Sustainability Priority 1: Maintain and improve water quality and waterway health The Office of Environment and Heritage and the Environment Protection Authority have developed a risk-based framework to assist decisions that maintain, improve or restore water quality in the strategic planning process to help meet the NSW Water Quality and River Flow Objectives. Relevant planning authorities and managers of public land should:</p> <ul style="list-style-type: none"> • adopt the Office of Environment and Heritage and the Environment Protection Authority's framework to determine the appropriate stormwater and wastewater management targets that contribute to maintaining or improving water quality and waterway health to meet the community's values • consider more water sensitive approaches to managing stormwater to meet the water quality and quantity targets, including harvesting and re-use of water and management of riparian corridors • develop mechanisms to allow offsetting between sub-catchments and facilitate cost-effective opportunities to meet the management targets for whole catchments and water quality objectives for receiving waters • while management targets are being established, ensure that the quality of stormwater and wastewater from public land and new development in established urban areas maintains or improves the health of waterways, in line with community values and expectations of how waterways will be used. 	<p>Woollahra Council has installed a range of initiatives across the LGA to improve water quality and waterway health. These include rainwater harvesting, stormwater harvesting and water quality projects. The planning proposal does not alter the development potential of the site and any future development on the site would be subject to controls to improve water quality and waterway health, including:</p> <ol style="list-style-type: none"> 1) Water Sensitive Design e.g. reusing rainwater, as required by Woollahra DCP 2015, 2) run-off particulate targets as required by Woollahra DCP 2015. 3) Regular street sweeping by Council to remove organic and inorganic waste from entering waterways.
<p>Sustainability Priority 2: Protect and conserve the values of Sydney Harbour When preparing strategic plans, relevant planning authorities around Sydney Harbour should consider opportunities to:</p> <ul style="list-style-type: none"> • conserve and interpret Aboriginal and European heritage • protect and enhance aquatic and terrestrial biodiversity (also see Section 5.5) • enhance access to and along the foreshore and provide connected green space around the foreshore (also see Section 5.6) • manage demand for and the design of essential maritime facilities within the natural and built environment. 	<p>The planning proposal is not on land adjoining Sydney Harbour nor does it alter the development potential of the site.</p>
<p>Sustainability Priority 3: Enhance access to Sydney Harbour foreshore and waterways Councils around Sydney Harbour should work with Roads and Maritime Services to revise foreshore and waterway access strategies for Sydney Harbour. These strategies should consider ways to manage competing demands placed on Sydney Harbour including:</p>	<p>The planning proposal does not apply to foreshore land.</p>

<ul style="list-style-type: none"> • protection of flora and fauna • public access to the foreshore and waterway • growth in boat ownership • changes in boat size • demand for moorings, marinas, dinghy storage and other boat support infrastructure • demand for on-street boat parking 	
<p>Sustainability Priority 4: Avoid and minimise impacts on biodiversity Efforts to protect biodiversity values should be based on avoiding and minimising adverse impacts to biodiversity, as far as practicable. Only when impacts cannot be avoided or minimised, should consideration be given to offsetting those impacts.</p>	<p>The site does not contain any critical habitat areas, threatened species, populations or ecological communities or their habitats. Accordingly, the proposal will not have any impact in this regard.</p>
<p>Sustainability Priority 5: Align strategic planning to the vision for the Green Grid Consistent with Action 3.2.1 of <i>A Plan for Growing Sydney</i>, relevant planning authorities should consider opportunities to support the delivery of the Central District Green Grid. This could include consideration of how land use zones can be applied, how new development is designed, or where voluntary planning agreements and agreements for dual use of open space and recreational facilities could contribute to delivering the Green Grid.</p>	<p>The site is a public reserve, yet it does not function as accessible open space due to its configuration, topography and heavy vegetation. The site provides no linkages to public open space or is there potential for linkages due to the presence of surrounding residential development.</p>
<p>Sustainability Priority 6: Maximise benefits to the public from the innovative use of golf courses When new opportunities to examine the future use of golf courses arise, relevant planning authorities should consider how golf courses could be managed to provide greater public benefits to communities in a way that responds to local needs for green space and recreation.</p>	<p>Not applicable. The planning proposal does not apply to a golf course or propose any changes to the use of golf courses.</p>
<p>Sustainability Priority 7: Protect, enhance and extend the urban canopy When making strategic plans, relevant planning authorities should consider tree canopy cover in land release and established urban areas, with a focus on providing shade to streets. Councils should include green cover and shade tree planting along major transport corridors in local infrastructure investment planning, development control and urban design.</p>	<p>The reclassification does not alter the development potential of the site. Should the site be sold, any future development would need to address chapter E3 <i>Tree Management</i> in the Woollahra Development Control Plan 2015. One of the key objectives is to promote, maintain and conserve the leafy character of the Woollahra Municipality. Woollahra Council's Street Tree Master Plan (2014) also applies. One of the key objectives of the Street Tree Master Plan is to maintain and increase the number of trees and overall canopy coverage.</p>
<p>Sustainability Priority 8: Improve protection of ridgelines and scenic areas The scenic qualities of landscapes are already recognised and considered in some areas of Greater Sydney, as part of the strategic planning and development process. All councils should identify and map areas with high scenic value and develop strategies, planning and development controls that protect important scenic landscapes and vistas of them. Planning and development controls should prohibit opportunities for development on ridgelines that would diminish their scenic quality.</p>	<p>Although the site is located on a ridgeline, the planning proposal does not alter the development potential of the site. Any development on the site would need to address the controls identified in Sustainability Priority 7 above.</p>

<p>Sustainability Priority 9: Support opportunities for District waste management</p> <p>When making plans, relevant planning authorities should:</p> <ul style="list-style-type: none"> • use appropriate land use zones to minimise the potential for conflict with the operation and expansion of existing waste facilities • protect precincts that have functioning waste management facilities from encroachment by residential and other sensitive development • consider ways to encourage design measures such as fully enclosing waste facilities to minimise dust, odours and noise impacts to mitigate the risks and potential impacts on surrounding communities • consider opportunities to support co-location of waste management facilities with other activities that produce or reuse waste materials. 	<p>Not applicable.</p> <p>The planning proposal does not apply to land that is or will be used for district waste management.</p>
<p>Sustainability Priority 10: Mitigate the urban heat island effect</p> <p>Relevant planning authorities should consider where the urban heat island effect is experienced and the location of vulnerable communities and use strategic plans to reduce impacts from extreme heat.</p>	<p>The Office of Environment and Heritage identified the site as having potential to have an annual temperature change of -0.25 to 0.25 between 1-3pm in their mapping.</p> <p>As the site is in a low density residential area, and located near Sydney Harbour the risk of an urban heat island effect is low.</p>
<p>Sustainability Priority 11: Integrate land use and transport planning to consider emergency evacuation needs</p> <p>Relevant planning authorities should coordinate with Transport for NSW and the State Emergency Service to consider land use and local road planning, so that it is integrated with emergency evacuation planning and takes into account the cumulative impact of growth on road evacuation capacity.</p>	<p>The planning proposal is not relevant to this priority.</p>
<p>Sustainability Priority 12: Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk</p> <p>The Commission, the NSW Government and local councils will continue to adopt a range of tools and resources and implement actions to adapt to climate change and reduce risks to public and private assets. We will also explore ways to coordinate, improve and communicate information about risks associated with climate change to local communities.</p>	<p>No natural hazards have been identified for the site.</p>

Schedule 2
Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable
SEPP No.14 – Coastal Wetlands	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 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

State environmental planning policy	Comment on consistency
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. The site has not been identified as being contaminated.
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 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 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.
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.

State environmental planning policy	Comment on consistency
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	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable

State environmental planning policy	Comment on consistency
SEPP (Western Sydney Parklands) 2009	Not applicable
Sydney Regional Environmental Plans – 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 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
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>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 site is 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 3
Compliance with section 117 directions

Planning proposal – Dunara Reserve Compliance with section 117 directions		
Direction	Applicable/comment	
1	Employment and resources	
1	Business and industrial zones	Not applicable. The planning proposal does not apply to land in business or industrial zones.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
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	Consistent. The planning proposal does not alter the development potential of the site or propose changes to a heritage listing.
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.
3	Housing, infrastructure and urban development	
3.1	Residential zones	The planning proposal does not affect the development potential of the land. The reclassification of the site will allow Council to dispose of the site which could be consolidated with other adjoining residential land on which low density residential uses are permitted with consent.
3.2	Caravan parks and manufactured home estates	Consistent. The planning proposal does not relate to caravan parks or manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.

Planning proposal – Dunara Reserve Compliance with section 117 directions		
Direction		Applicable/comment
3.4	Integrating land use and transport	Consistent. The planning proposal does not alter the development potential of the site.
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	Consistent. The planning proposal does not alter the development potential of the site.
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	Consistent. The planning proposal does not apply to land in a flood planning area.
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.
5.10	Implementation of Regional Plans	Not applicable. No regional (or district) plan applies to the Woollahra LGA.
6	Local plan making	
6.1	Approval and referral requirements	Consistent. 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	Consistent. The land is public reserve under the LG Act. Should the reclassification proceed, it is intended that under Section 30(1) of the LG Act the local environmental plan will include a provision to the effect that the land will cease to be a public reserve on the commencement of the plan.
6.3	Site specific provisions	Consistent. The planning proposal does not propose any site specific provisions.

Planning proposal – Dunara Reserve Compliance with section 117 directions		
Direction		Applicable/comment
7	Metropolitan Planning	
7.1	Implementation of <i>A Plan for Growing Sydney</i> (Dec 2014)	Consistent. The reclassification of the site will allow Council to assess options for asset management or divestment. Revenue generated from potential sales could be set aside for future public open space acquisition or embellishment.
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 – Information checklist for proposals to classify or reclassify public land through an LEP taken from practice note 16-001

Appendix 2 – Report to the Community and Environment Committee of 10 August 2015

Appendix 3 – Council resolution of 24 August 2015

Item No: R2 Recommendation to Council
Subject: **DUNARA RESERVE POINT PIPER - ASSESSMENT OF HERITAGE SIGNIFICANCE**
Author: Chris Bluett, Manager - Strategic Planning
Approver: Allan Coker, Director - Planning & Development
File No: 18/94761
Reason for Report: To respond to the Council's resolution of 1 March 2018 to investigate the heritage listing of Dunara Reserve Point Piper.

Recommendation:

- A. THAT Council prepare a planning proposal to list Dunara Reserve Point Piper, being Lot 11 in DP 27451, as a heritage item in *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal describes the item as follows: Dunara Reserve – remnant of the residential garden of “Dunara”.
- C. THAT the planning proposal be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.
- D. THAT when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 12 March 2018 the Council adopted the following notice of motion:

THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:

- 1. included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. listed as a heritage item of state significance on the NSW State Heritage Register.*

In response to the Council's decision the consultant firm Betteridge Heritage was engaged to carry out an assessment of heritage significance of the Reserve. Chris Betteridge, the director of the firm, is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of historic cultural landscapes.

In addition to the assessment of heritage significance, Dunara Reserve is the subject of a planning proposal which seeks to reclassify the Reserve from community land to operation land as defined in the *Local Government Act 1993*. The two projects have been carried out independently. There is a separate report on the reclassification process which will be presented to the Environmental Planning Committee on 2 July 2018. Notwithstanding that, the status of the Reserve as community land and the recommendation to prepare a planning proposal to reclassify the Reserve to operational land have been mentioned in the report carried out by the heritage consultant purely from the viewpoint of historical information. The consultant does not express an opinion or make a recommendation about whether the land should or should not be reclassified.

2. The site

Dunara Reserve is located at the intersection of Wentworth Road and Dunara Gardens in Point Piper as shown in Figures 1 to 3. Irregular in shape, the site area is approximately 402m² and falls approximately 4m to the southeast (Figure 4).

To the west, the site has a narrow frontage of approximately 2.7m to Wentworth Road, which provides limited pedestrian access. To the north, the site adjoins Dunara Gardens, the private road to the former “Dunara” estate. To the east, the site adjoins No.9 Dunara Gardens and to the south the site adjoins No. 1 Wentworth Street.

The site was created as a result of a subdivision of the Dunara Estate in 1956. Lot 11 in DP 27451 was designated as Public Garden and Recreation Space. The site is owned by Woollahra Council. The site contains a range of exotic and native trees including a mature Cook’s Pine which is local heritage item No. 277 in Woollahra LEP 2014. The subdivision contains two other local heritage items – the house and interiors at 10 Dunara Gardens known as “Dunara” (item No. 276) and the house, interiors and grounds at 4 Dunara Gardens (item No. 275). A Cook’s Pine and Moreton Bay Fig, located on the adjoining site at 1 Wentworth Street, are listed as a local heritage item (No. 285). No. 10 Dunara Gardens is also listed on the State Heritage Register.

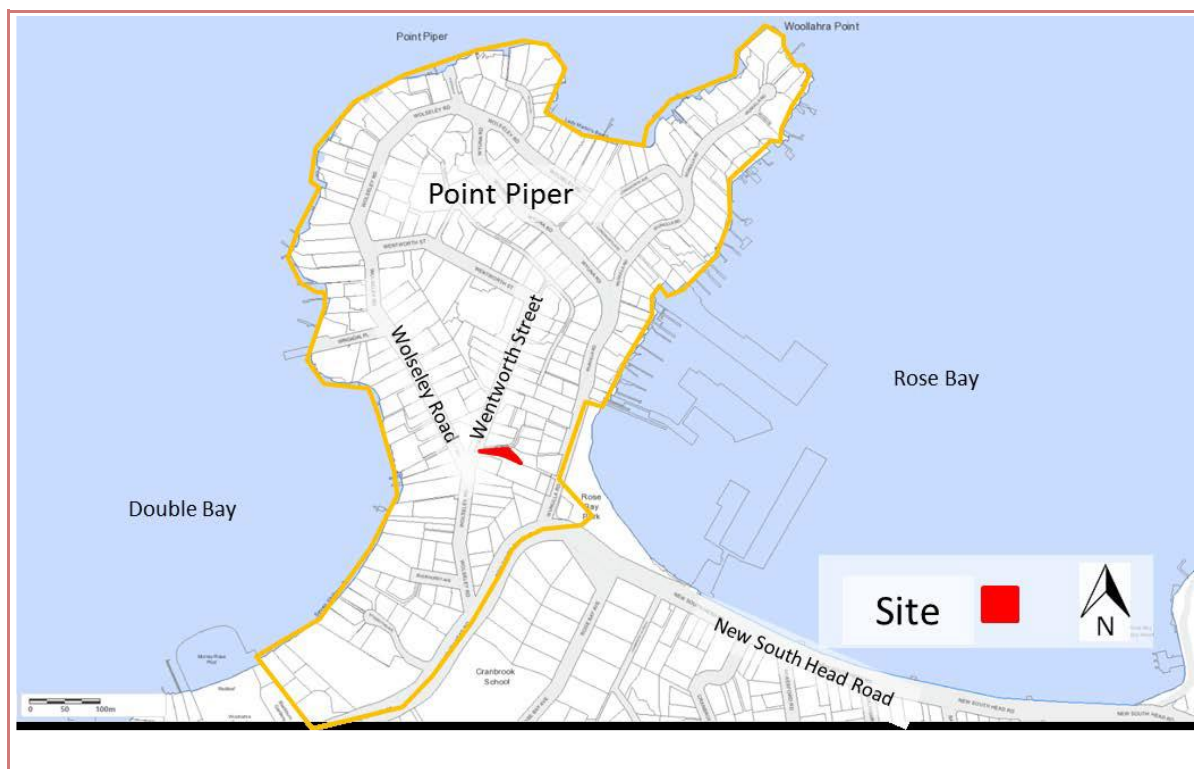


Figure 1 Context map for site .



Figure 2 Cadastral map showing site outlined and coloured red

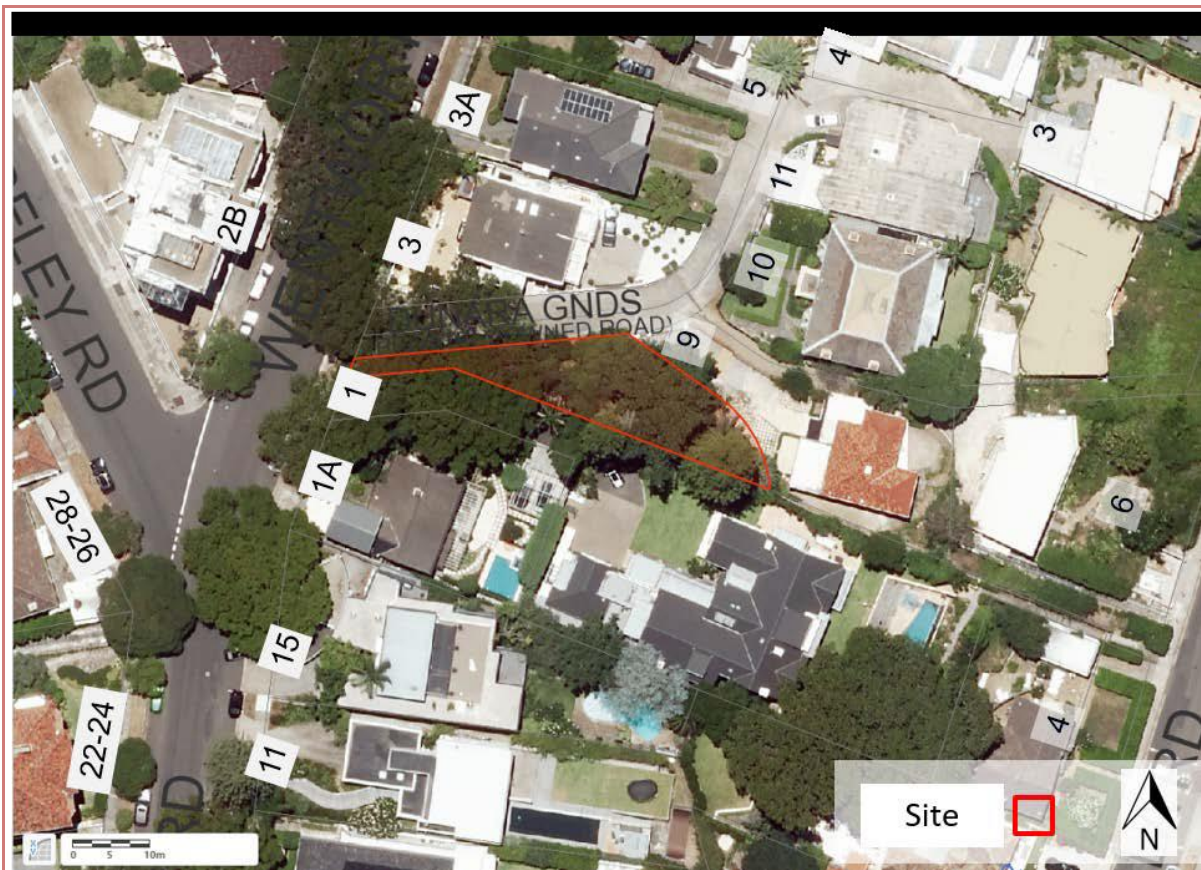


Figure 3 Aerial photograph showing the subject site outlined in red



Figure 4 Within the site – looking east

3. Assessment of heritage significance

The scope of work provided in the project brief to the consultant is:

1. Using the New South Wales Heritage Manual heritage assessment criteria carry out a heritage assessment of the subject property to establish its heritage significance at a State and local level. This will involve undertaking the eight step process detailed in the manual including undertaking detailed historic research on the property as may be required.
2. Make a recommendation as to whether the property should be listed as a local heritage item in Schedule 5 of Woollahra LEP 2014.
3. Make a recommendation as to whether the property should be listed as an item on the State Heritage Register under the *Heritage Act* 1977.
4. If the recommendation is for listing in Woollahra LEP 2014, prepare the relevant inventory sheet for the property. This will include a summary statement of significance for the property.
5. If the recommendation is for listing on the State Heritage Register under the *Heritage Act* 1977, prepare the relevant inventory sheet and Nomination for Listing of the State Heritage Register form for the property. This will include a summary statement of significance for the property.

The assessment of heritage significance was carried out in accordance with the publication titled *Assessing Heritage Significance*, NSW Heritage Office, 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance.

Criterion (a)

An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (b)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (c)

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

Criterion (d)

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.

Criterion (e)

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (f)

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

Criterion (g)

An item is important in demonstrating the principal characteristics of a class of NSW's

- cultural or natural places, or
 - cultural or natural environments,
- (or a class of the local area's
- cultural or natural places, or
 - cultural or natural environments.)

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. An item is considered to be of local or State heritage significance if it meets one or more of the criteria. However, an item that is of local heritage significance might not meet the threshold for listing on the State Heritage Register.

A copy of the assessment report prepared by Betteridge Heritage, which includes the assessment against all criteria, is attached as **annexure 1**.

A summary of the assessment against the criteria is provided below.

Criteria	Local significance	State significance
(a) Historical significance	Yes	No
(b) Historical association significance	No	No
(c) Aesthetic significance	Yes	No
(d) Social significance	Yes	No
(e) Technical/Research significance	No	No
(f) Rarity	No	No
(g) Representativeness	No	No

The consultant makes the following conclusions about heritage significance.

Based on the assessment in the previous sections, I am of the opinion that Dunara Reserve is of local heritage significance for its historic, aesthetic and social values, warranting its consideration for inclusion as an item of environmental heritage on Schedule 5, *Woollahra LEP 2014*.

I am of the opinion that Dunara Reserve is not of significance at a State level that would warrant its nomination for inclusion on the State Heritage Register.

Given the importance of the reserve as the location for several significant tree specimens including the LEP-listed specimen of *Araucaria columnaris* [Cook's Pine], I am of the opinion that conservation of the reserve's heritage values may be best achieved if the reserve is retained in public ownership. (p.51)

In discussing the extent of the listing the consultant provides the following points and recommendations.

The statutory curtilage for a heritage item is usually but not always the lot or lots on which the item stands and, for statutory purposes, is usually but not always restricted to land in the same ownership as the item. The boundaries for an adequate curtilage may be the historic lot boundaries or a smaller area resulting from previous subdivision(s). They may also include adjoining lands critical to retention of views and vistas, although these values may sometimes be more appropriately conserved through planning controls other than those used to protect the item and its immediate setting.

Definition of a curtilage for a historic place does not preclude development within its bounds but requires particular care in the consideration of the nature, extent and impact of such development. However, given the very small size of Dunara Reserve and the significant trees growing on it, development other than horticultural management, canopy replenishment and heritage interpretation is not recommended.

It is recommended that the heritage curtilage for Dunara Reserve should be the entire site described as Lot 11, DP 27451, Wentworth Street, Point Piper. (p.50)

In addition to the recommendation to list the entire Reserve as a local heritage item, the consultant makes several recommendations about its management.

That:

1. Dunara Reserve be managed to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance.
2. Consideration be given to interpreting the heritage significance of Dunara Reserve in culturally sensitive ways which may include material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.
3. A Canopy Replenishment Strategy for the Reserve be prepared to provide for the staged replacement of the significant trees on the site, the timing of such replacement to be guided by arboricultural assessment of the vigour, condition and useful life expectancy of the trees. (p.51)

A draft heritage inventory sheet for the Reserve has been prepared (**annexure 2**). The statement of significance is provided below.

Dunara Reserve has historical significance at a local level but not at a State level derived from its association with a significant historical phase in the development of the cultural landscape of Point Piper and the former Dunara Estate. It retains physical fabric in the form of a significant specimen of *Araucaria columnaris* (Cook's Pine) which is a remnant of the historic plantings of 'Dunara' and which is a local landmark. It also contains two specimens of *Phoenix canariensis* (Canary Island Date Palm) likely to have been part of the ornamental plantings in the 'Dunara' garden. (Criterion A).

While it is highly likely that the specimen of Cook's Pine on the reserve was planted by or for the Mackellar family, there is insufficient evidence at this stage for a direct association between any member of the Mackellar family or subsequent occupants with the particular part of the garden retained in Dunara Reserve and the reserve is not considered to have historical associational significance at a local or State level. (Criterion B)

The cultural landscape of Dunara Reserve is aesthetically distinctive and the specimen of *A. columnaris* has exceptional landmark qualities, with visual prominence at local, district and harbour scales. The reserve is considered to have aesthetic value at a local but not at a State level. (Criterion C).

Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. *Araucaria columnaris* is a species identified in the Woollahra Heritage Study as an important element in the cultural landscape of the local government area and therefore contributes to the community's sense of place. The specimen of *Araucaria columnaris* growing in Dunara Reserve has been recognised as a significant tree since the Woollahra Significant Tree Register was established in 1991, is listed as an item in Woollahra LEP 2014 and recognised as an important specimen in the authoritative publication *Horticultural flora of South-eastern Australia*.

The reserve is considered to have social value at a local but not at a State level. (Criterion D). The reserve is not considered to have technical / research values, rarity or representativeness at a local or State level. (Criteria E, F and G). (pp.1-2)

4. Next steps

If Council supports the recommendation of this report, the next steps in the process are:

- Prepare a planning proposal under section 3.33 of the *Environmental Planning and Assessment Act 1979* (the Act) to list the property as a heritage item in the Woollahra LEP 2014.
- Submit the planning proposal to the Greater Sydney Commission (GSC) requesting a gateway determination under section 3.34 of the Act. Include a request for the delegation of the plan-making steps under section 3.36 of the Act.
- Receive a gateway determination from the GSC or its delegate.
- 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 a meeting of the *Environmental Planning Committee*. All people who make a submission will be notified of the meeting and will have an opportunity to address the 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.
- Publication of the LEP on the NSW Legislation website. The LEP becomes effective on that date.

5. Conclusion

The heritage significance of Dunara Reserve, Point Piper, has been assessed in accordance with the NSW heritage best practice guidelines.

The assessment of heritage significance prepared by Betteridge Heritage identifies that the Reserve meets the threshold for heritage listing at the local level in Woollahra LEP 2014 on historical, aesthetic and social values. The Reserve does not meet the threshold for listing at State level on the State Heritage Register.


To facilitate a listing at the local level, a planning proposal should be prepared with the aim of amending Schedule 5 of Woollahra LEP 2014 by adding the Reserve to the list of heritage items.

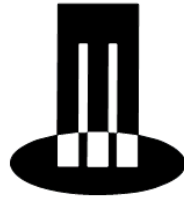
We note the consultant also concludes that:

- the conservation of the Reserve's heritage values may be best achieved if the Reserve is retained in public ownership, and
- development other than horticultural management, canopy replenishment and heritage interpretation is not recommended.

These two conclusions may be considered by the Council in its deliberations on the reclassification of the Reserve from community land to operational. However, the findings of the assessment of heritage significance carried out for the Reserve and the recommendation to list the Reserve as a local heritage item are not contingent on the land's classification.

Annexures

1. Dunara Reserve Heritage Significance Assessment - Consultant's Final Report 21 June 2018 [↓](#) 



**Heritage Significance Assessment,
Dunara Reserve, Wentworth Street, Point Piper**



Prepared by
Chris Betteridge, Betteridge Consulting Pty Ltd
t/a Betteridge Heritage
for
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Final, 21 June 2018

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SPECIALISTS IN THE IDENTIFICATION, ASSESSMENT, MANAGEMENT AND INTERPRETATION OF CULTURAL HERITAGE



Report Register

The table below documents the development and issue of drafts and the final document titled Heritage Significance Assessment, Wentworth Street, Point Piper, prepared by Chris Betteridge, Betteridge Consulting Pty Ltd t/a Betteridge Heritage in accordance with the company's Quality Assurance Policy.

Issue No.	Description	Issue Date
1	Heritage Significance Assessment, Wentworth Street, Point Piper, 1 st draft	31 May 2018
2	Heritage Significance Assessment, Wentworth Street, Point Piper, 2 nd draft	15 June 2018
3	Heritage Significance Assessment, Wentworth Street, Point Piper, Final	21 June 2018

Quality Assurance

Betteridge Consulting Pty Ltd t/a Betteridge Heritage operates under the company's Quality Assurance Policy, dated October 2017. This document has been reviewed and approved for issue in accordance with the Betteridge Heritage Quality Assurance Policy and procedures.

Project Manager	Chris Betteridge	Project Director & Reviewer	Margaret Betteridge
Issue No.	Final	Issue No.	Final
Signature		Signature	
Position	Director	Position:	Director
Date	21 June 2018	Date:	21 June 2018

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Executive summary

Dunara Reserve, Wentworth Street, Point Piper, is a small remnant of the historic property 'Dunara' which was built by eminent doctor and sociologist Sir Charles Mackellar circa 1882 and was the birthplace of his daughter Dorothea Mackellar, the famous Australian poet. The reserve results from a 1956 subdivision of the 'Dunara' estate into 11 lots. Designated as Public Garden and Recreation Space, the reserve is owned by Woollahra Council.

The site contains a range of exotic and native trees including a mature specimen of *Araucaria columnaris* (Cook's Pine) which is local heritage item No 277 on Schedule 5 in *Woollahra Local Environmental Plan 2014* and is listed as a significant tree on public land in Woollahra Council's Significant Tree Register. The subdivision contains two other local heritage items – the house and interiors at 10 Dunara Gardens known as 'Dunara' (item No 276) and the house, interiors and grounds at 4 Dunara Gardens (item No 275). Another specimen of *Araucaria columnaris* and a specimen of *Ficus macrophylla* (Moreton Bay Fig), located on the adjoining site at 1 Wentworth Street, are listed as local heritage item (No 285). 'Dunara' is also listed on the State Heritage Register (SHR).

On 12 March 2018 Woollahra Council adopted a notice of motion in the following terms:

"THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to the Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:

- 1. included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. listed as a heritage item of state significance on the NSW State Heritage Register."*

Woollahra Council commissioned Chris Betteridge, Director, Betteridge Heritage to prepare an assessment of the heritage significance of Dunara Reserve, with the following brief:

1. Assess significance in compliance with the above resolution and in accordance with the 8-step assessment process in the *NSW Heritage Manual* and determine whether it is of local or State significance;
2. Prepare a State Heritage Inventory (SHI) form for the subject site if it is assessed to be of local significance; and,
3. Prepare a nomination for listing on the State Heritage Register (SHR) if the site is assessed to be of State significance.

Comprehensive analysis of documentary and physical evidence relating to 'Dunara' and Dunara Reserve, involving library and web-based research and site investigations has enabled an assessment of significance against the Heritage Council criteria which concludes that Dunara Reserve is of local heritage significance warranting its consideration for inclusion on Schedule 5 of *Woollahra LEP 2014*. However, the assessment concludes that the Reserve is not of State significance and therefore its nomination for SHR listing is not recommended.

A draft SHI form for Dunara Reserve, management recommendations and appendices are included.

1.0 Introduction

1.1 Background

Dunara Reserve, Wentworth Street, Point Piper, is a small remnant of the historic property 'Dunara' resulting from a 1956 subdivision of the estate into 11 lots. Designated as Public Garden and Recreation Space, the reserve is owned by Woollahra Council.

The site contains a range of exotic and native trees including a mature specimen of *Araucaria columnaris* (Cook's Pine) which is local heritage item No 277 on Schedule 5 in *Woollahra Local Environmental Plan 2014* and is listed as a significant tree on public land in Woollahra Council's Significant Tree Register. The subdivision contains two other local heritage items – the house and interiors at 10 Dunara Gardens known as 'Dunara' (item No 276) and the house, interiors and grounds at 4 Dunara Gardens (item No 275). Another specimen of *Araucaria columnaris* and a specimen of *Ficus macrophylla* (Moreton Bay Fig), located on the adjoining site at 1 Wentworth Street, are listed as local heritage item (No 285).

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Following a select tender process, Woollahra Council commissioned Chris Betteridge, Betteridge Consulting Pty Ltd t/a Betteridge Heritage to prepare an assessment of the heritage significance of Dunara Reserve with the following brief:

1. Assess significance in compliance with the above resolution and in accordance with the 8-step assessment process in the *NSW Heritage Manual* and determine whether it is of local or State significance;
2. Prepare a State Heritage Inventory (SHI) form for the subject site if it is assessed to be of local significance; and,
3. Prepare a nomination for listing on the State Heritage Register (SHR) if the site is assessed to be of State significance.

1.2 Identification of the study site

Dunara Reserve is identified as Lot 11, DP 27451, Wentworth Street, Point Piper in the Woollahra local government area. The district context is shown in Figure 1 below and the local context in Figure 2.



Figure 1 The location of Dunara Reserve (coloured red) in the context of Point Piper. (Source: Woollahra Council)



Figure 2 The cadastral boundary of Dunara Reserve (edged red) in relation to adjoining residential development and road pattern. (Source: Woollahra Council)

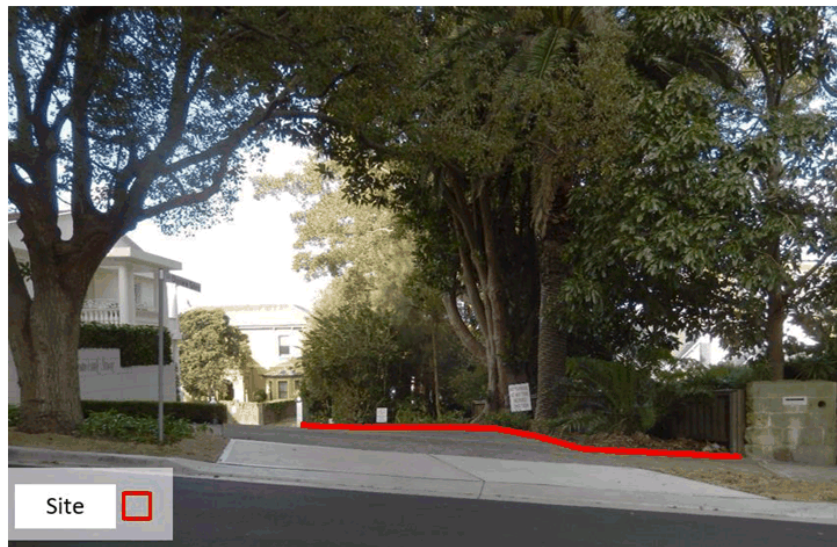


Figure 3 Dunara Reserve viewed from the carriageway of Wentworth street, looking east towards the house 'Dunara'. The Reserve is very narrow at its western end but splays out further down the slope. Pedestrian access from the street is difficult without intruding into Dunara Gardens, the road created in the 1956 subdivision which provides vehicular access to the majority of the 11 lots created from the former Dunara estate. The house 'Dunara' is visible at left of centre. (Source: Woollahra Council)

1.3 Identification and experience of the author

This heritage assessment has been prepared by Chris Betteridge BSc (Sydney), MSc (Museum Studies) (Leicester), AMA (London), MICOMOS, Director, Betteridge Consulting Pty Ltd t/a Betteridge Heritage, heritage consultants. Chris is a trained botanist with postgraduate qualifications in museum studies and extensive experience in heritage conservation. His background includes ten years as environmental and landscape specialist with the NSW planning agencies, advising the Heritage Council of NSW, and four years as Assistant Director (Community Relations) at the Royal Botanic Gardens Sydney. For the past 27 years he has been director of a consultancy specialising in the identification, assessment, management and interpretation of historic cultural landscapes.

1.4 Acknowledgments

The author would like to thank the following individuals for their kind assistance in the preparation of this heritage assessment:

Margaret Betteridge, Director, Betteridge Heritage;
Chris Bluett, Manager Strategic Planning, Woollahra Municipal Council;
Jane Britten, Local Studies Librarian, Woollahra Council;
Cathy Colville, Strategic Heritage Officer, Planning and Development Division, Woollahra Council;
Kira Green, Administrative Officer, Planning and Development Division, Woollahra Council;
Barbara Swebeck, Local Studies Librarian, Woollahra Council;
Anne White, Acting Manager Strategic Planning, Planning and Development Division, Woollahra Council;

1.5 Methodology

This assessment was prepared in accordance with the 8-step process in the *NSW Heritage Manual*, as listed below.

- 1 Summarise what is known about the item.
- 2 Describe the previous and current uses of the item, its associations with individuals or groups and its meaning for those people.
- 3 Assess significance using the NSW heritage assessment criteria.
- 4 Check whether a sound analysis of the item's heritage significance can be made.
- 5 Determine the item's level of significance i.e. local or state.
- 6 Prepare a succinct statement of heritage significance.
- 7 Obtain feedback from relevant information providers and other stakeholders.
- 8 Write up all the information gathered.

1.6 Limitations

The preparation of this assessment was based on research of the available documentary material and above-surface physical fabric within the time and budget and the availability of site survey information. Examination of Dorothea Mackellar's papers at the Mitchell Library requires permission from her estate through Curtis Brown publishers and was not possible within the timeframe for submission of the draft heritage assessment. These papers appear to contain some of Dorothea Mackellar's manuscripts, but the published extracts of her diaries were researched, and no mention of the area now known as Dunara Reserve was found.

No physical disturbance or intervention was carried out on any part of the site, except for limited sampling of vegetation for identification purposes. Comparative analysis was limited to properties of similar type and significance currently listed on heritage registers or otherwise known to the author.

1.7 Disclaimer and copyright

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2.0 Analysis of documentary evidence

This section provides a narrative history and thematic analysis of the historical records relating to the Dunara Estate and the subject site, drawn from Woollahra Council and other sources.

2.1 Evolution of the cultural landscape

2.1.1 Some definitions

"A cultural landscape is fashioned from a natural landscape by a culture group. Culture is the agent; the natural area is the medium. The cultural landscape the result."

- Carl Sauer¹

"Landscape is never simply a natural space, a feature of the natural environment. Every landscape is the place where we establish our own human organization of space and time".

- John B. Jackson²

Cultural landscapes by their name imply human intervention but they may also include substantial natural elements. "They can present a cumulative record of human activity and land use in the landscape, and as such can offer insights into the values, ideals and philosophies of the communities forming them, and of their relationship to the place. Cultural landscapes have a strong role in providing the distinguishing character of a locale, a character that might have varying degrees of aesthetic quality, but, regardless, is considered important in establishing the communities' sense of place."³.

In recent years the Heritage Council of New South Wales has identified the depletion of cultural landscapes as a major issue threatening the cultural values of our cities and requested that the NSW Heritage Office (now Heritage Division, Office of Environment and Heritage) address this issue. There has been ongoing criticism in the media and in the wider community over the encroachment of urban development on some of Sydney's important Colonial and Victorian homesteads and their landscape settings. In response to this threat, the Heritage Council provided funding to the National Trust of Australia (New South Wales) for a study of 'Colonial Landscapes of the Cumberland Plain and Camden.'⁴

In 2003 a charette of cultural landscape professionals hosted by the NSW Heritage Office debated the issues, identified constraints and opportunities and made recommendations for developing sustainable measures to facilitate the protection of important cultural landscapes in the State. In the Campbelltown City local government area, the public outcry over the loss of setting for significant properties such as Glen Alpine and Blair Athol led Council to commission a consultant study of that area's cultural landscapes.

A 2010 publication by the NSW Department of Environment, Climate Change and Water (DECCW) provides guidelines for managing cultural landscapes. It defines the

¹ Sauer 1963, p.343

² Jackson 1984, p.156

³ Pearson, Michael and Sullivan, Sharon (1995), *Looking After Heritage Places*, Melbourne University Press.

⁴ Britton, Geoffrey and Morris, Colleen (2000), 'Colonial Landscapes of the Cumberland Plain and Camden', unpublished draft report.

cultural landscape concept as emphasising “the landscape-scale of history and the connectivity between people, places and heritage items. It recognises the present landscape is the product of long-term and complex relationships between people and the environment. On any given area of land, it is likely that some historical activity will have taken place. Evidence of that activity may be detectable in the vegetation or in landscape modifications as well as in archaeological evidence, historical documents or people’s stories. Some pasts have ‘touched the landscape only lightly’, while some places of historical activity are marked by imposing built structures or are commemorated for their association with important events or people.

For the purposes of the DECCW guide, cultural landscapes are defined as:

“... those areas which clearly represent or reflect the patterns of settlement or use of the landscape over a long time, as well as the evolution of cultural values, norms and attitudes toward the land.”

The elements of a cultural landscape are illustrated below;

Landscape = Nature + People
Landscape = The Past + The Present
Landscape = Places + Values

Figure 4 The Elements of a Cultural Landscape. (Source: Diagram after Guilfoyle 2006:2, based on Phillips 2002:5)

The DECCW Guidelines emphasise that cultural heritage management has, until recently, conceptualised heritage mainly as isolated sites or objects. For example, a hut, woolshed, fence, ground tank, bridge, scarred tree, grave, orchard or piece of machinery. A site-based approach is thus an ‘easy’ concept for land managers and heritage practitioners as it supports separating the natural and cultural for management purposes. However, this site-based approach has the unfortunate effect of reinforcing the notion of culture and nature as spatially separate and thus able to be managed independently. In a national park or nature reserve context, cultural heritage sites are seen as isolated points or pathways that are set in a natural landscape. The work of nature conservation can go on around these sites. The authors of the guidelines argue that the natural environment is part of these sites. Similarly, in an environment that has been highly modified by industrial activity in the past, the natural values may have been almost obliterated but can be recovered through well-planned rehabilitation measures. A cultural landscape approach offers an opportunity to integrate natural and cultural heritage conservation by seeing culture and nature as interconnected dimensions of the same space.

2.1.2 The landscape of Point Piper prior to European settlement

Apart from the belt of low-lying land extending from Rose Bay to the sandhills of Bondi, the Woollahra local government area is predominantly an area of sandstone slopes and gullies. On the more sheltered harbourside hillsides such as that on which ‘Dunara’ is located, tall woodland and forest would have existed prior to European settlement, with tree species such as *Angophora costata* (Smooth-barked

12

Apple), *Eucalyptus resinifera* (Red Mahogany), *E. tereticornis* (Forest Red Gum), *E. botryoides* (Bangalay) and *E. haemastoma* (Scribbly Gum).⁵

2.1.3 Aboriginal occupation of the Point Piper area

The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan. Both these clans belonged to the coastal Dharug language group and the Eora nation. The devastating impact of European settlement after 1788, felt particularly in the effects of introduced diseases such as smallpox, resulted in the eventual disappearance of the local Aboriginal population. While there is limited information on the lives of the Cadigal and Birrabirragal at Woollahra, some of their heritage is preserved in the form of rock art, shell middens and the Sydney Aboriginal language.⁶

Larmer⁷ reported the Aboriginal name for Point Piper as 'Willárrá'. Earlier, Wentworth (1801-1825) had listed 'Bungarong' against Point Piper. However, 'Pannerong', probably a variation in writing 'Bungarung', was recorded more than 100 years earlier in Vocabulary⁸ and Collins⁹ as the name for Rose Bay. Point Piper is part of the western headland of Rose Bay, which may be the reason for Wentworth's association.

The name 'Willárrá', if a written variant of 'Woo-lā-rā', may have referred to a larger area than just Point Piper¹⁰, as the latter (Woo-lā-rā) was recorded as the name for 'The Look-out'¹¹ which was at Outer South Head¹², known today as Dunbar Head.¹³

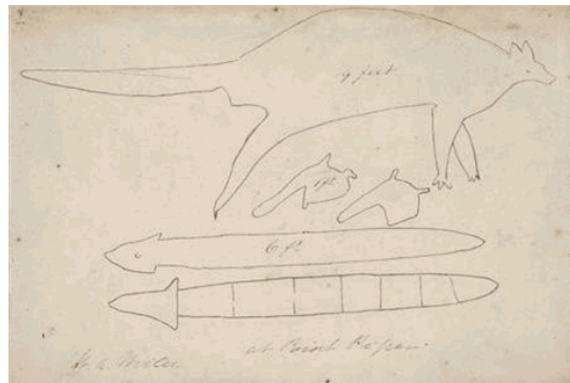


Figure 5 Drawings of Aboriginal carvings at Point Piper, 1845 by W. A. Miles (1798-1851). Ink and wash. From Miscellaneous papers relating to Aborigines, c. 1839-1871. Ref: A 610, pp. 199, 201, 207, 209

⁵ Benson & Howell 1990, p.99

⁶ 'A brief history of Woollahra' accessed at https://www.woollahra.nsw.gov.au/library/local_history/a_brief_history_of_woollahra

⁷ Larmer 1832: 35, 1832 [1898: 228]

⁸ King 1790

⁹ Collins 1798 [1975], pp. 489-490

¹⁰ Watson 1918: p.374

¹¹ Southwell 1788 [1893], p. 699

¹² Bradley 1786-1792 [1969]: Chart 6

¹³ <http://press-files.anu.edu.au/downloads/press/p17331/html/ch01.xhtml?referer=81&page=9>

In July 1845, the travelling artist George French Angas (1822-1886) and Sydney Police Inspector W. Augustus Miles (1798-1851), an amateur anthropologist, persuaded King Bungaree's widow, Cora Gooseberry, who was camped by the creek at Camp Cove, to show them Aboriginal engravings at North Head. In return she received flour and tobacco. Miles copied the designs at South and Middle Heads, while Angas's drawings were reproduced in his *Savage Life and Scenes*, London, 1847. At Point Piper, the two artists copied dozens of engravings of male figures, shields, whales, fish and kangaroos, now destroyed.¹⁴

The relatively sheltered, east-facing slopes of Point Piper where 'Dunara' is now located, would have provided good vantage points over Rose Bay and the proximity to the Harbour would have afforded Aboriginal people easy access to food sources in the bay and along the shoreline. The kangaroos in the Aboriginal carvings also suggest the area provided food in the form of terrestrial fauna.

2.1.4 Early European settlement of Point Piper

Point Piper is named for Captain John Piper, a naval officer who became one of the richest men in Sydney as official collector of customs and harbour dues. On a parcel of 76 hectares granted to him by Governor Lachlan Macquarie in 1820, Piper built a mansion 'Henrietta Villa' at Point Piper, the house named after the second name of Macquarie's wife, Elizabeth. The house quickly became the most prestigious social venue in town and Piper entertained so extravagantly that he earned the title 'prince of Australia'. However, Piper's flamboyant and extravagant lifestyle exceeded even his resources and he was soon deeply in debt. In 1827 it became apparent that he had embezzled £13,000 from the customs revenues which, together with other debts, amounted to millions in modern values. Governor Darling, who arrived in the colony in 1825, dismissed Piper for neglect of his duties. Deprived of his lucrative post, Piper was soon in serious financial trouble. The mortified Piper made a curiously grand suicide attempt, having himself rowed out into the harbour and, to the strains of his naval band, jumping overboard. He was rescued by his boatmen and survived to retire to a more modest rural life. He died a poor man in Bathurst in 1851 at the age of 78.¹⁵

2.1.5 Point Piper Estate

In the 1820s, business partners Daniel Cooper (1785-1853) and Solomon Levey began acquiring the Bellevue Hill, Rose Bay, Point Piper and Woollahra parts of the substantial Point Piper Estate comprising 1130 acres that had been amassed by Captain John Piper since 1816. Their title to the land was confirmed in 1830 and it became the sole property of Daniel Cooper in 1847. The Vacluse part of Piper's estate outside the Point was bought by William Charles Wentworth. On Cooper's death in 1853, his nephew, also Daniel Cooper (later Sir Daniel Cooper), born in Lancashire in 1821, was appointed trustee of the Point Piper Estate. In 1856 Cooper began a great mansion called 'Woollahra House' on Point Piper, on the site of Piper's 'Henrietta Villa'. In the same year Cooper became first Speaker of the new Legislative Assembly. He resigned from the Speakership in 1860 and returned to England a year later, became the Agent-General for NSW, was made the First Baronet of Woollahra in 1863, and died in 1902.

'Woollahra House' was not completed until 1883 by Cooper's son, William, who had purchased the grant from his brother for £10,000¹⁶. The younger William had "picked up his father's ambition to have the finest garden in Sydney around Woollahra

¹⁴ <http://www2.sl.nsw.gov.au/archive/events/exhibitions/2006/eora/images/s16.htm>

¹⁵ Kennedy & Kennedy 1982, p.149

¹⁶ https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0003/16275/Woollahra_House.pdf

House".¹⁷ The first subdivision on the Point took place around 1880, and although the estate was progressively subdivided after William's departure for England in 1888, it retained impressive grounds laid out with specimen trees and flower beds in expansive lawns, in a Gardenesque rather than Italianate style.¹⁸ 'Woollahra House' was suggested as a replacement for Government House (then occupied by the new Governor-General) around 1901 but the offer was not taken up by the government and the estate was progressively sold off and the house was demolished in 1929.¹⁹

2.1.6 The Mackellar family and their tenants at 'Dunara'

Scotsman John Mackellar married Euphemia Jackson and the couple emigrated with their family to Australia from Dundee, Scotland in 1839. Their three sons were Keith, Charles and Frederick. Frederick (died 1863), physician and his wife Isabella, née Robertson, widow of William McGarvie had one son, Charles Kinnaird Mackellar (1844-1926) who was born in Sydney and educated at Sydney Grammar School and the University of Glasgow medical school, graduating in 1871. He returned to Australia and practised in Sydney, becoming a noted physician and sociologist.²⁰

In 1877 Charles Mackellar married Marion Isobel Buckland (1854-1933) and the couple had four children: Keith; Eric; Isobel Marion Dorothea (1885-1968) and Malcolm. After the birth of their first two sons, the family's residence in Macquarie Street, Sydney became too small and they chose a site of five acres (2 hectares) at Point Piper to build a gentleman's residence.

'Dunara' was built in 1882-83, the name of the house apparently being Aboriginal for 'gunyah on the slope of a hill'.²¹ At the time the house was built, 'Wentworth Street was still a bush track, and does not appear as a road until 1894'.²² As little as was practical of the native growth was cleared for the house, servants' quarters, coach house, necessary outbuilding and gardens.²³ There were wrought iron gates and fences [presumably to the Wentworth Street frontage], a driveway lined with *Cinnamomum camphora* (Camphor Laurel) and a fishpond with fountain.²⁴

An 1887 photograph shows the bushland surrounding 'Dunara' (downhill to its east, south and to the north), with the house on a cleared rise above Rose Bay.²⁵ Dorothea Mackellar was born at 'Dunara' on 1 July 1885 and spent her youth there on and off until 1908. Her two older brothers were delighted with their baby sister. "It was almost as good as having huge expanses of garden and bush with the beach at the bottom; almost as good as having the horses on the property instead of being kept at a livery stable in the city; almost as good as being able to keep a dog or two."²⁶

'Dunara' appears to have been occupied consistently by the Mackellar family from c.1885 to c.1900. After the turn of the century, the Mackellars travelled widely and during some of their absences in other houses or abroad, the house was apparently leased to several other families. In 1901, 'Dunara' was occupied by Monsieur and

¹⁷ Morris 2008, p.88

¹⁸ Ibid.

¹⁹ Spindler, nd.

²⁰ Australian Dictionary of Biography/Dorothea Mackellar obituary, Sydney Morning Herald

²¹ Anderson 2008, pp.14-15

²² Griffiths 1970, p.68

²³ Howley 1989, p.21

²⁴ Ibid.

²⁵ Sydney Morning Herald 1978

²⁶ Howley 1989, p.23

Madame Brasier de Thuy²⁷, a couple who are mentioned in Nesta Griffith's history as 'delightful' and 'well-loved wherever they went'. The alphabetical listing in *Sands* gives M. Brasier de Thuy's full title as Principle Agent for *Australasia Compagnie des Messageries Maritimes*, Queen's Corner, 57 Pitt Street, Sydney. The French couple were preparing to move out of 'Dunara' in late March of 1901 to take up residence at 'Arlington' in Edgecliff Road, which they had leased from a Mr Machardy.²⁸

Mackellar is again listed in *Sands* as the occupant of 'Dunara' from 1902 to 1904. The family was still reeling from the death of their oldest son and Sir Charles' heir, Keith, who was a second lieutenant in the Australian Volunteer Horse Squadron and was killed in action in South Africa on 11 July 1890, right at the end of the Boer War hostilities.

The 1905 issue of *Sands* directory shows C Carlisle Taylor in residence at 'Dunara'. Mr Taylor was evidently the General Manager of the Equitable Life Assurance Society of United States, which operated from the Equitable Building, George Street, Sydney. He appears to have stayed at 'Dunara' for only one year.²⁹

The issues of *Sands* for 1906, 1907 and 1908 show the Hon. Charles Mackellar again at 'Dunara' while those for 1909, 1910 and 1911 list George Henry Greene, a fellow MLC, in residence. In her biography of Dorothea Mackellar³⁰, Hawley implies that 'Dunara' was still under a lease to other parties in 1908 and the Mackellars stayed for a while at the Hotel Australia and later went to Buckland Chambers, 183 Liverpool Street, Sydney, where the two top floors were residential and used by members of the family a sort of townhouse when needed.³¹

Information on Greene in the *Australian Dictionary of Biography* would suggest that he was not permanently resident at 'Dunara', since during the period for which he is listed at Point Piper he was apparently engaged in building "an ornate Edwardian mansion 'landra'", his property near Grenfell in southwestern NSW.³² The Hon. G H Greene MLC and Mrs Greene do seem to have used their time at 'Dunara' and the facilities the property offered to advantage in snaring eligible naval officers for two of their daughters. On a Thursday evening in 1909, the Greenes entertained several guests at "a charming dance" at 'Dunara'.³³

"The Chinese lanterns looked beautiful in the grounds, and a carpeted pathway led from the ball-room to the supper-room."

In October 1909 their younger daughter, Gladys Gwendoline Greene was engaged to Flag Lieutenant F C Fisher, right-hand-man to Admiral Sir Richard Poore, Commander-in-Chief of the Royal Navy's Australia Station.³⁴ The elder daughter was already married to another naval officer. Unfortunately, George Greene died on 22 December 1911 and was buried at 'landra'.

²⁷ *Sands* Directory 1901

²⁸ *Australian Town & Country Journal* 23 March 1901, p.45, accessed on Trove at nla.news-article71464994.pdf

²⁹ Letter from Jane Britten, Local History Librarian, Woollahra Council to Mrs Farkas, 23 September 1992

³⁰ *Ibid.*, p.63

³¹ *Ibid.*

³² Letter from Jane Britten, Local History Librarian, Woollahra Council to Mrs Farkas, 23 September 1992

³³ *Figaro* 29 September 1910, p.5, accessed on Trove at nla.news-article84445292.pdf

³⁴ *Punch* 28 October 1909, p.38 accessed at nla.news-article176029229.3.pdf; https://en.wikipedia.org/wiki/Sir_Richard_Poore,_4th_Baronet



Figure 6 The Mackellar family outside the summer house at 'Dunara' circa late 1890s. Keith and Eric standing; L to R: Malcolm, Mrs Mackellar, Dr Mackellar, Dorothea (seated). (Source: Mitchell Library)



Figure 7 The Mackellar family circa mid- to late 1890s by the fountain and fishpond in the carriage loop at 'Dunara', showing the dense plantings to the southwest of the house, including a specimen of *Araucaria* sp. at far left. Dorothea Mackellar is seated on the grass in front of her father. (Source: Mitchell Library)

Sands for 1912 indicates 'Dunara' was occupied by Mr and Mrs C B Pharazyn who, in October that year hosted a dinner party at the Hotel Australia in honour of Mr and

Mrs G W Johnston of Wellington, New Zealand.³⁵ In mid-1914 'Dunara' was taken by Mrs Johnstone, a well-known identity in horse-racing circles from Hyman, New Zealand. She was visited at 'Dunara' in June that year by her mother Mrs Baldwin.³⁶



Photo: Falk Studios, 164 Pitt-street.

Mrs. C. B. Pharazyn,

Wife of Mr. C. B. Pharazyn, of Dunara, Point Piper,
Sydney.

Figure 8 Photograph of Mrs C B Pharazyn, wife of Mr C B Pharazyn of 'Dunara', Point Piper, Sydney. (Source: *Sydney Mail* 25 June 1913, p.20 accessed on Trove at <http://nla.gov.au/nla.news-article158475508>)

³⁵ *The Sun* 6 October 1912, p.21, accessed on Trove at [nla.news-article228834193.3.pdf](http://nla.gov.au/nla.news-article228834193.3.pdf)

³⁶ *Sunday Times* (Sydney) 21 June 1914, p.7 accessed on Trove at [nla.news-article120365093.3.pdf](http://nla.gov.au/nla.news-article120365093.3.pdf)

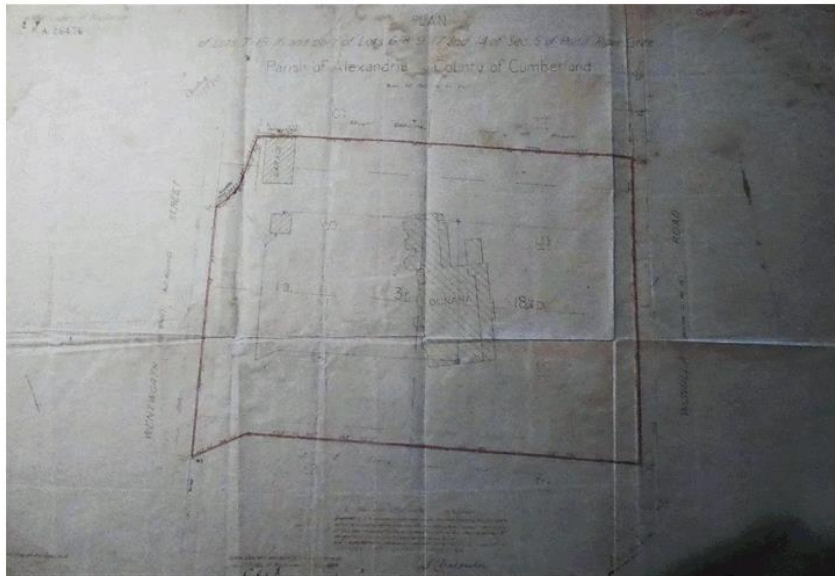


Figure 9 A faded plan of Lots 7, 15, 16 and part of Lots 6, 8, 9, 17 and 14 of Section 5 of Point Piper Estate, drawn 19 November 1924 and charted 13 May 1925, showing the house 'Dunara' and two outbuildings, including the garage in the northwestern corner. (Source: Municipality of Woollahra PA 26476, filed at Woollahra Library under Suburbs: Point Piper 4)



Figure 10 Enlargement of part of a 1930 aerial photograph, showing the Dunara Estate, within the black oval. The boundary plantings in the garden were already very dense by that date. (Source: Map 3418 Sydney 20 January 1930 print 501)

In the second half of 1915, Dorothea seems to have been at 'Dunara' again. An entry in her published diaries at that time headed 'Wednesday September 19', contains the following;

"On Tuesday night a terrific South-east gale began. It raged all Wednesday and did about £20,000 worth of damage in the eastern suburbs alone. I couldn't sleep for the howling of the wind and the pistol shots of my canvas [blind], but it was a nice cosy exhilarating contradictory night – when one didn't think of those at sea. Trees were torn down in all directions. It was the worst gale for very many years, and I wrote to Pat and did flowers (battered they were, and I was battered getting them). And Dorothy came in the afternoon. It was nice to have her".³⁷

Another entry, dated "Dunara Wednesday – Saturday December 8-11", reads:

"There was a cool change on Tuesday night and consequently one arrived sick and shivering, but it was nice to be home.....Saturday was a beautiful summer day, warm and cool blue and gold – green with the coral trees flaming everywhere so splendidly that it was like a thousand trumpets. As I walked down Wolseley Road I had a strange swinging feeling – and then suddenly I realised what it was – that if there were no War (What an if!) I'd be happy. Not for years have I had that."³⁸

Sir Charles Mackellar was reported to be ill at 'Dunara' in February 1916.³⁹ Lady Mackellar and Dorothea Mackellar of 'Dunara', Point Piper made donations to a Sydney fund to buy a battleplane for the war effort in August 1916.⁴⁰

Dorothea's poem 'In a southern garden', published circa 1918, may have been inspired by her times at 'Dunara' and the references to Camphor Laurel and the water 'at the garden's lowest fringe' tend to support this theory.

*When the tall bamboos are clicking to the restless little breeze,
And bats begin their jerky skimming flight,
And the creamy scented blossoms of the dark pittosporum trees,
Grow sweeter with the coming of the night.*

*And the harbour in the distance lies beneath a purple pall,
And nearer, at the garden's lowest fringe,
Loud the water soughs and gurgles 'mid the rocks below the wall,
Dark-heaving, with a dim uncanny tinge*

*Of a green as pale as beryls, like the strange faint-coloured flame
That burns around the Women of the Sea:
And the strip of sky to westward which the camphor laurels frame,*

³⁷ Brunsdon 1990, pp.175-76

³⁸ Ibid., p.184

³⁹ Mirror of Australia, 26 February 1916, p.4 (20, accessed on Trove at <http://nla.gov.au/nla.news-article104644309>

⁴⁰ Sun (Sydney) 20 August 1916, p.20, accessed on Trove at <http://nla.gov.au/nla.news-article223378789>

Has turned to ash-of-rose and ivory—

*And a chorus rises valiantly from where the crickets hide,
Close-shaded by the balsams drooping down—
It is evening in a garden by the kindly water-side,
A garden near the lights of Sydney town!*

The Mackellar family was back at 'Dunara' during the later war years 1917-18⁴¹ but in September 1918 they were preparing to leave Point Piper to take up residence at Warrawee.⁴² Sir Charles Mackellar had suffered a bout of pleurisy in 1916 and after World War I it was obvious something had to be done to get him away from the city and negotiations were begun through the family's lawyers regarding the sale of 'Dunara'.

2.1.7 The Kater family buy 'Dunara'

Circa September 1919 'Dunara' was sold to medical practitioner, merino sheep breeder and politician, Dr (later Sir) Norman Kater and his wife Jean Kater (née Mackenzie) after they had sold their property 'Nyrang' near Molong.⁴³ They also had a property 'Eenaweena' at Warren, presumably part of his family's Mumblebone stud. In 1924 Dr Kater inherited Mount Broughton near Moss Vale, where he spent most weekends. In November 1929, the Katers held a reception at 'Dunara' for the wedding of their daughter Mary to Douglas Tooth.⁴⁴ The garden was being prepared as a bower for the reception.⁴⁵

2.1.8 The Depression years

In June 1930 it was reported that a son had been born to Mr and Mrs Ranald Munro of 'Dunara', Point Piper.⁴⁶ In December 1932, Australia was still in the grip of the Great Depression and the Sydney real estate market remained inactive. However, estate agents Raine and Horne Ltd had 'Dunara' listed for sale by auction on 15 December that year, with the property described thus:

"Point Piper, 'Dunara', 3 Wentworth-street, residence of about 17 rooms, with tennis court, garage and chauffeur's quarters."⁴⁷

⁴¹ Information provided to Mr Robin Brampton by Libby Watters, Woollahra Local History Centre in November 2010

⁴² *Sunday Times* (Sydney) 8 September 1918, p.14, accessed on Trove at nla.news-article123129016

⁴³ <http://adb.anu.edu.au/biography/kater-sir-norman-william-6896>

⁴⁴ *Telegraph* (Brisbane) 16 November 1929, p.14, accessed on Trove at nla.news-article180088210.3.pdf

⁴⁵ *The Daily Telegraph* 7 November 1929 p. 22, accessed on Trove at <http://nla.gov.au/nla.news-article246819509>

⁴⁶ *Sydney Morning Herald*, 13 June 1930, p. 10, accessed on Trove at <http://nla.gov.au/nla.news-article16704541>

⁴⁷ *Sydney Morning Herald* 3 December 1932, p.11, accessed on Trove at nla.news-article28030115

The best bid was £6,500 and negotiations were proceeding for the sale of the property at a figure in advance of this.⁴⁸

The SHR listing has the property sold to a Mr Michaelis in 1931 but perhaps it was 1932 or 1933. The SHR listing also records alterations carried out by architect G Keesing in 1933. These may be the alterations and additions carried out by builders R Wall & Son for Michaelis and Ors at 3 Wentworth Street.⁴⁹

George Michaelis was in residence in 1935 when he wrote to Council of an 'objectionable smell' suffered at the house arising from the harbour below. The death of Mr George I Michaelis at his residence 'Dunara', Wentworth Street, Point Piper on 30 July 1936 was reported in the *Sydney Morning Herald*.⁵⁰

2.1.9 'Dunara' during World War II

From February 1943 Dunara was occupied by the Women's Australian Auxiliary Air Force (WAAAF).⁵¹

Spending their first weekend at Dunara, lovely old Point Piper home, CO Waafs are acquainted with their new barracks and its' charming grounds. Lawns overlooking the Harbor will make a perfect setting for 6 am physical exercises. After examining the tennis court, the girls are eagerly awaiting arrival of the net. Seven airy dormitories and a mosquito-proof balcony provide the sleeping accommodation, and mess-room and recreation hall open on to a wide terrace. Wireless and gramophone will be installed for the "moving-in" party to be held shortly, but the girls are also -hopeful that some kind benefactor will bestow a piano. Ex-dress designer Corporal J. Zahara is in charge of the household at Dunara.

A photograph accompanying the above article showed ACW's Belly Margetts and Zoie Case with Cpl. J. Zahara admiring the waterlilies in the fishpond at 'Dunara' but the image could not be copied from Trove.

To mark the second anniversary of the formation of the WAAAFs, Honorary Commandant Lady Gowrie sent messages of greetings and congratulations, a church service followed by a dinner was held at 'Dunara'⁵² and a Mothers' Day party was held at 'Dunara' on Sunday 14 March 1943.⁵³ On 14 March 1945, RAAF airmen attended a dinner dance at 'Dunara' to help WAAAFs celebrate the fourth anniversary of their organisation.⁵⁴

⁴⁸ *Sydney Morning Herald*, 17 December 1932, p. 10, accessed on Trove at <http://nla.gov.au/nla.news-article16938715>

⁴⁹ Application 1933/20

⁵⁰ *Sydney Morning Herald* 31 July 1936, accessed on Trove at <http://nla.gov.au/nla.news-article17256510>

⁵¹ *Sun*, 14 February 1943, p. 8, accessed on Trove at <http://nla.gov.au/nla.news-article17840841>

⁵² *Sydney Morning Herald*, 18 March 1943, p. 3, accessed on Trove at

⁵³ *Sydney Morning Herald*, 15 March 1943, p. 3, accessed on Trove at <http://nla.gov.au/nla.news-article17840486>

⁵⁴ *Sydney Morning Herald*, 16 March 1945, p. 6, accessed on Trove at <http://nla.gov.au/nla.news-article17935438>

In March 1946, the continued occupation by the RAAF of several stately homes in Point Piper, including 'Kilmory', 'Craig-y-mor', 'Dunara', 'Mount Luano', 'Linlithgow', 'Hughendon' and 'Redleaf' was causing concern, labelled as a scandalous waste of money when accommodation in more suitable military camps was available. 'Dunara' was described as having "an ornamental fountain playing in the centre of a lawn around which sweep car drives to the stately entrance" and providing "restful quarters and messes for members of the WAAAF".⁵⁵ A headline in the *Sydney Sun* described the occupied houses at Point Piper as an "RAAF Shangri La".⁵⁶ The paper's reporter stated:

"While thousands of families' lives have been disrupted by the housing shortage, RAAF personnel work in a Shangri-La atmosphere in seven large Point Piper homes. These homes, with 140 rooms, would provide between 30 and 40 flats if they were subdivided.

He used the telephone in each of the seven houses without challenge and claimed most of the houses had three bathrooms and bedrooms two to three times larger than the bedrooms in most houses. The same article claimed that Woollahra Municipal Council had "outspokenly favored [sic] the sub-division of large houses into flats."⁵⁷ Forty women's organisations asked the Army and air Ministers to make these mansions available as hostels for women.⁵⁸

The following month, 'Dunara' was reported in the press as possibly becoming a guest house.⁵⁹ By June 1946, the RAAF had decided to move out of these mansions.⁶⁰

"Personnel of ' R.A.A.F. Headquarters, Eastern Area, and other Sydney units. expect to be in their new quarters at Bradfield Park by July 1. At present Eastern Area occupies several mansions at Point Piper: Linlithgow, Kilmory, Craig-y-moor. Hughenden. Redleaf. Dunara, and Mount Lonana. The R.A.A.F. will maintain guards at the homes until they are vacated."

⁵⁵ *Sun*, 10 March 1946, p. 7, accessed on Trove at <http://nla.gov.au/nla.news-article228799656>

⁵⁶ *Sun*, 14 March 1946, p. 3, accessed on Trove at <http://nla.gov.au/nla.news-article228791327>

⁵⁷ *Ibid.*

⁵⁸ *Sun*, 17 March 1946, p. 5, accessed on Trove at <http://nla.gov.au/nla.news-article228797929>

⁵⁹ *Northern Star* (Lismore), 6 April 1946, p. 5, accessed on Trove at <http://nla.gov.au/nla.news-article9911214>

⁶⁰ *Sydney Morning Herald*, 12 June 1946, p. 4, accessed on Trove at <http://nla.gov.au/nla.news-article17987345>

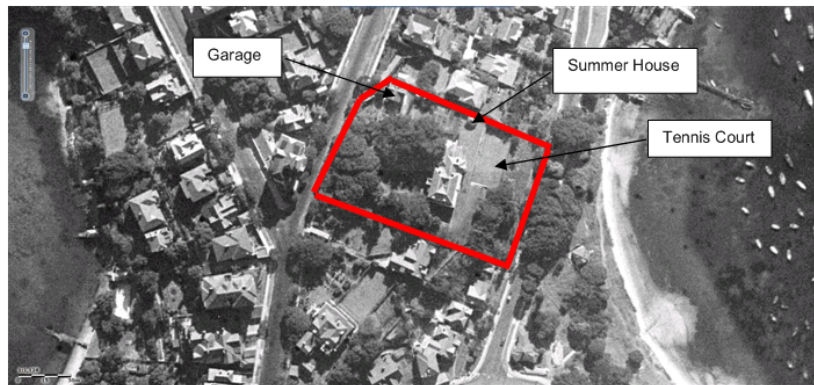


Figure 11 Vertical aerial photo of part of Point Piper in 1943, showing approximate boundaries of Dunara Estate at that time, edged red, with features arrowed black. Plantings along the southern and western boundaries and in the centre of the estate were dense at this date. The tennis court and adjoining area east of the house and the steep slope leading down to Wunulla Road allowed extensive views over Rose Bay. (Source: <https://maps.six.nsw.gov.au/>)

2.1.10 'Dunara' after World War II

In November 1948 it was reported that the Sydney Young Men's Hebrew Association (YMHA) had recently taken possession of 'Dunara'.⁶¹

"At the moment the building has only been leased, and its selling is still subject to the consideration of the Treasury.' Tentative plans for the property include its immediate use for 'Y' and communal functions: This building is mainly intended to become a centre for 'Y' youth. Ultimately a full-scale youth and communal centre, which will cater for the most modern requirements, will be established. The building was taken over as a guest house and will still be run as such for bona fide travellers. No structural alterations will be made until the housing shortage has been alleviated. It is planned to build tennis basketball and handball courts, a swimming pool, and bowling green. A hobby section will also be included. It is intended, to establish the best Jewish reference library in the southern hemisphere. This will be done immediately; Social functions, such as weddings, bar mitzvahs, etc., will be catered for shortly, and many other developments are envisaged."

The Young Men's Hebrew Association purchased 'Dunara' from the Michaelis family in 1949⁶² and proposed to subdivide the property. In January 1950 the NSW Board of Jewish Education announced that religious education classes would resume at several venues including the Rose Bay Centre at 'Dunara', Point Piper.⁶³ In May 1956, Woollahra Council reported in the Council minutes that tentative plans had been submitted for a 'proposed subdivision of the property 'Dunara', 3 Wentworth

⁶¹ *Hebrew Standard of Australasia*, 25 November 1948, p. 3, accessed on Trove at <http://nla.gov.au/nla.news-article131102960>

⁶² 1949 Woollahra Municipal Council Rate Book

⁶³ *Hebrew Standard of Australasia*, 19 January 1950, p. 5, accessed on Trove at <http://nla.gov.au/nla.news-article131105917>

Street, Point Piper (S/4012). The applicant was to be advised that 'favourable consideration will be given to the proposal subject to the proposed public garden and recreation space to be dedicated to Council being increased to a minimum of 4,000 square feet with a suggestion that such space be provided from Lot 9 of the proposed subdivision'.⁶⁴

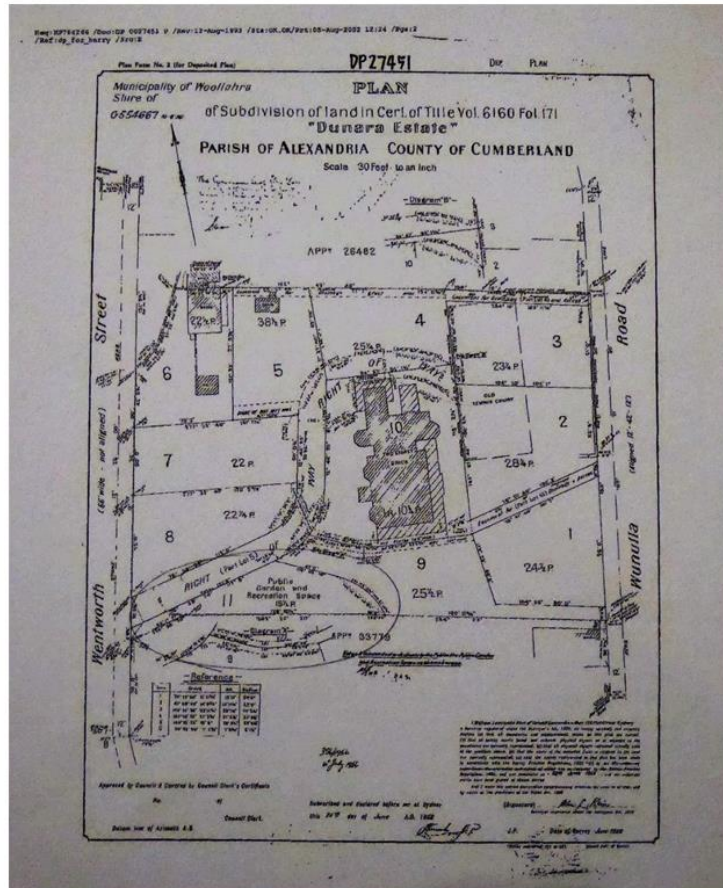


Figure 12 Plan of the 1956 subdivision of the Dunara Estate, showing the house on a much-reduced curtilage as Lot 10 and Dunara Reserve as Lot 11. (Source: Woollahra Council Library)

Council then approved the application in July 1956 with the engineer reporting "The survey plans agree substantially with the tentative plans previously submitted. Public garden and recreation space has been increased to 4,219 square feet, and whilst the

⁶⁴ WMC minutes 11 June 1956, pp.355-6

right-of-way will be private property, some drainage work should be constructed to convey water from driveway to Wunulla Road".⁶⁵

The 1955 valuation lists of the NSW Department of the Valuer General record that the 'Dunara' property had been transferred to Claude Edward Fortescue and on 19 November 1956 Emil E J Ford & Co, advised Council that they acted for C E Fortescue in the subdivision of the Du-Nara [sic] Gardens Estate.⁶⁶ Mr Fortescue was described as a wholesale butcher of 'Kiallacourt', Plumer Road, Rose Bay.⁶⁷

The valuations further record the transfers of the various allotments of the Dunara Estate in 1956 and 1957. The transfer of 15 ½ perches from the Dunara estate to Woollahra Council is recorded with the transfer number T2/57.⁶⁸ The 1957 lists record that Woollahra Council was the owner of 15 ½ perches with 8'10" front – described as 'public garden and recreation space'.⁶⁹

The 1987 Heritage Branch report recommending a PCO over 'Dunara' states that 'Dunara' was purchased by a Mr Plowman in 1957 and that sympathetic modifications to the house were made by Prof. Leslie Wilkinson that year. Council's records of building applications for Wentworth Street in 1957 show alterations being carried out to Lot 10B by Prof. Wilkinson for C E Fortescue but the lot number is crossed out and a penciled notation says "see No. 8 Wunulla Road"⁷⁰. 'Dunara' is not mentioned in Falkiner's book on the works of Wilkinson.⁷¹



Figure 13 Panorama from New South Head Road above Vaucluse looking west across Shark Island to the Sydney Harbour Bridge in 1968. The Cook's Pine trees prominent in this photo demonstrate the visual prominence and aesthetic significance of this species in the Woollahra cultural landscape. (Source: Mourot 1969, p.128; Photographer John Early, Michael Elton or Barry Ward)

⁶⁵ Ibid., 9 July 1956, p.412

⁶⁶ WMC Minutes 26 November 1956, pp.691-2

⁶⁷ V G Valuation list of 1955

⁶⁸ Letter from Libby Watters to Mr Robert Brampton, November 2010

⁶⁹ Ibid.

⁷⁰ Application 1957/152

⁷¹ Falkiner et al. 1982



Figure 14 The portico on the western front of 'Dunara' in 1968. The foliage at right may be from a specimen of *Eucalyptus saligna* (Sydney Blue Gum) reported to have been growing in the garden but dead by 2006. (Photo courtesy of H Ciddor, in Hawley 1989)



Figure 15 The eastern elevation of Dunara circa 1970s, showing plantings introduced since 1943, when aerial photography showed this area devoid of vegetation. (Source: Russell 1980, p.76; photo attributed to Municipality of Woollahra).

On 21 March 1978 'Dunara' was placed on the Register of the National Estate (RNE), a Commonwealth list of significant places.⁷² The RNE has been replaced by

⁷² SHR listing

the National Heritage List and is no longer maintained. In 1978 'Dunara' was up for sale and was sold by auction on 7 June 1979.⁷³

In 1986 'Dunara' was Classified by the National Trust of Australia (New South Wales).

On 10 July 1987 a Permanent Conservation Order (PCO) was placed on 'Dunara', the curtilage being Lot 10B, DP 408926, as shown on the Heritage Plan HC 1417 at Figure 16. The PCO was subject to a schedule of Exemptions under Section 57(2) of the Heritage Act to allow for routine building maintenance and horticultural management.

In the Woollahra Significant Tree Survey of trees growing on private property carried out for Council by consultants Landarc Landscape Architects in 1991, a specimen of *Ficus macrophylla* (Moreton Bay Fig) and a specimen of *Araucaria columnaris* (Cook's Pine), both growing in the garden of 1 Wentworth Street, Point Piper, close to the boundary with Dunara Reserve were identified as significant single trees for their historical value and visual dominance at harbour, district and local scales.

In the same survey, of trees on public land, a single specimen of *Araucaria columnaris* (Cook's Pine) in Dunara Reserve was identified as a significant single tree for its historical value and visual dominance at harbour, district and local scales. The multi-stemmed development in the top part of the crown was also identified as an interesting feature of this tree.

The Statement of Significance for this tree in Dunara Reserve is set out below.

"The Cook Pine is of similar age, form and size to a neighbouring Pine of the same species located in 1 Wentworth Road [sic]. Both Pines are likely associated with the historically significant c.1882 "Dunara" estate. A dominant vertical element in its own right, the Pine on this property, moreover is of significance as part of a major historic grouping of Araucarias associated with the original estates in this precinct. This major grouping comprises the neighbouring Pine mentioned here as well as the Norfolk Island Pine in the street verge, in front of 1 Wolseley Road and the Cook Pine in Rose Bay Park, adjacent to the Rose Bay Police Station (formerly the gatehouse to Captain Piper's "Henrietta Villa", Furthermore, the Araucarias in Cranbrook School are a visual extension of this dominant theme. (Refer to Listings).

*These trees together form spectacular vertical accents and are an integral component of the early cultural planting of this area. Furthermore, the Cook Pines, with their distinctive curved trunks, dramatic scale, narrow branching pattern and very tall column-like appearance, are consistently rarer than the Norfolk Island Pines in the Municipality and are often more visually significant. Two large Canary Island Date Palms (*Phoenix canariensis*) are also of note in this reserve."*

⁷³ Russell 1980, p.76

In 1992 the owners of 'Dunara' were the Farkas family.⁷⁴

'Dunara' was listed as an item of environmental heritage in *Woollahra LEP 1995* on 10 March 1995 and on 2 April 1999 was placed on the State Heritage Register.

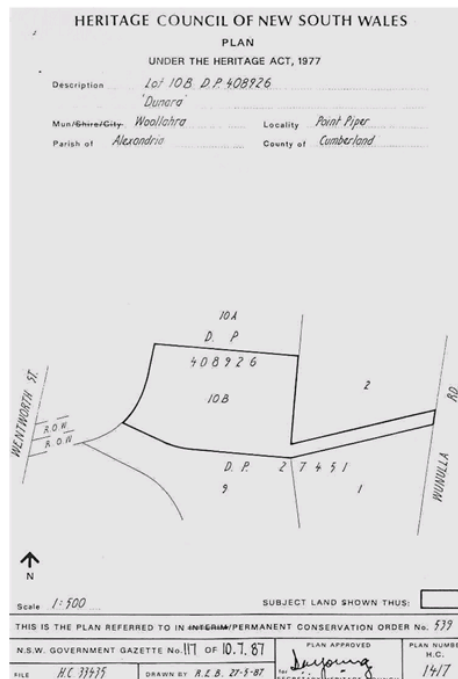


Figure 16 Heritage Plan 1417 showing the PCO curtilage for 'Dunara', which includes a narrow access way to Wunulla Road. (Source: SHR listing)

The SHR listing indicates that interior alterations were made to 'Dunara' c.1990 and that the front and rear gardens were re-landscaped with box (*Buxus* sp.) hedging, *Gardenia* sp. and grassed areas. A brick wall was constructed to the southern side (right of way access to two lots downhill and east of 'Dunara').

In 2006, the then owner advised the Heritage Branch that the front of 'Dunara' had a recent brush fence along it. In the southwestern corner of 'Dunara' was a dead Sydney Blue Gum (*Eucalyptus saligna*). Another large tree, a Queensland Black Bean (*Castanospermum australe*) in Dunara's garden had also died and had been removed.

In 2007, two air conditioning units and associated conduits had been installed on the southern wall of 'Dunara' without prior approval [of the Heritage Council].⁷⁵

⁷⁴ Letter from Council to Mrs Farkas dated 23 September 1992 in response to her enquiry regarding the history of the property.

⁷⁵ SHR listing for 'Dunara'

At a meeting on 24 August 2015 Woollahra Council resolved:

- A. THAT Council prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) to reclassify the land known as Dunara gardens from 'community land' to 'operational land' with the intention of disposing of the land.
- B. THAT a further report be brought to Council on the findings of the public consultation including the public hearing and submissions.

On 12 March 2018 Woollahra Council adopted a notice of motion in the following terms:

"THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to the Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:

- 1. *included in the Woollahra Local Environmental Plan as a heritage item; and*
- 2. *listed as a heritage item of state significance on the NSW State Heritage Register."*

2.3 Historical themes & ability to demonstrate

The NSW State Heritage Inventory identifies 36 historical themes, which signify historical processes, but do not describe physical evidence or items in a study area. These State Themes are very general, and many heritage items will relate to more than one theme. They do, however, help us to understand the historical context of individual items. The main State Themes relevant to Dunara Reserve are Environment – Cultural Landscape; Land Tenure; Creative Endeavour; and Persons.

Set out below is a table of Australian and NSW historical themes, with the potential ability of 'Dunara Reserve' to demonstrate these themes indicated.

Australian theme	NSW State theme	Ability to demonstrate
Developing local, regional and national economies	Environment – Cultural Landscape	The site is an example of a small Council-owned reserve remaining from subdivision of a historic Point Piper estate, the house 'Dunara' being the oldest remaining on Point Piper.
Building settlements, towns and cities	Land Tenure	The site and associated subdivision plans and other archival material demonstrate changes in land tenure and land use in a part of the Woollahra local government area from the early land grants of the colonial period to the present day.

Australian theme	NSW State theme	Ability to demonstrate
Developing Australia's cultural life	Creative Endeavour	The site itself and the plantings demonstrate changing styles and aesthetic values over a period of more than 100 years. The specimen of Cook's Pine on the reserve is a fine example of the ornamental tree planting on the historic estates of the Woollahra local government area which make a major contribution to the area's cultural landscape.
Marking the phases of life	Persons	Dunara Reserve is a remnant of the significant late Victorian property 'Dunara' which was built by prominent Sydney medical man Sir Charles Mackellar and was the birthplace of his daughter, the famous Australian poet Dorothea Mackellar. The specimen of Cook's Pine is highly likely to have been part of the Mackellar period planting and a significant element of the garden which was so important to the family and other tenants and owners of the property.

3.0 Analysis of physical evidence

This section of the heritage assessment describes and analyses Dunara Reserve as a place in the environmental context of the Woollahra local government area. Physical evidence considered includes the cultural landscape as a whole, its hard and soft landscape elements and associated archives.

3.1 The environmental context & site description

3.1.1 The site and its boundaries

Dunara Reserve is irregular in shape with an area of approximately 402 m² and a fall from Wentworth Street of approximately 4 metres to the southeast. To the west, the site has a narrow access of approximately 2.7 m to Wentworth Street, which provides limited pedestrian access. To the north the site adjoins Dunara Gardens, the private road to the former 'Dunara' estate. To the east the site adjoins No.9 Dunara Gardens and to the south the site adjoins No. 1 Wentworth Street.

The site was created as a result of a subdivision of the Dunara Estate in 1956. Lot 11 in DP 27451 was designated as Public Garden and Recreation Space. The site is owned by Woollahra Council.

The southern boundary with 1 Wentworth Street is bounded partly by a capped timber paling fence and partly by a stone-capped masonry wall and the northern boundary is the concrete driveway of Dunara Gardens. There are several 'No Parking at any time beyond this sign' signs in the Reserve beside the driveway and two swings attached to the African Olive tree.

3.1.2 Ornamental plantings

The site contains a range of exotic and native trees and shrubs including a mature specimen of *Araucaria columnaris* (Cook's Pine) which is local heritage item No 277 in Woollahra LEP 2014. The site also contains two specimens of *Phoenix canariensis* (Canary Island Date Palm) which may date from the post-Mackellar period. Other specimens in the reserve are likely to be self-sown or recent plantings and include specimens of *Olea europaea* subsp. *cuspidata* (African Olive), *Ficus* sp., *Cinnamomum camphora* (Camphor Laurel), several palms, *Strelitzia nicolai* (Bird-of-Paradise Tree), a casuarina and *Hibiscus rosa-sinensis* cultivars. There is a dense layer of leaf litter and accumulated dead palm fronds, particularly on the steep slope adjoining the boundary with 1 Wentworth Street.

3.1.3 Archival material

Archival material relating to 'Dunara' is located in Woollahra Council files, in papers relating to the lives and works of Sir Charles Mackellar and his daughter, the poet Dorothea Mackellar at the Mitchell Library and in published works listed in the Bibliography at the end of this report.



Figure 17 View south along the footpath of Wentworth Street at the entrance to Dunara Gardens, showing specimens of *Phoenix canariensis* (Canary Island Date Palm) and *Ficus* sp. on Dunara Reserve. (Photo: Chris Betteridge, 19 April 2018)



Figure 18 View east along the entrance drive of Dunara Gardens, with 3 Dunara Gardens at left, 'Dunara' (10 Dunara Gardens) at centre and Dunara Reserve at right. (Photo: Chris Betteridge, 19 April 2018)



Figure 19 View within Dunara Gardens, with part of the garden of No.3 at left, no.4 Dunara Gardens at centre and part of the western elevation of 'Dunara' at right. (Photo: Chris Betteridge, 19 April 2018)



Figure 20 View east into Dunara Reserve, with glimpses of 9 Dunara Gardens (left of centre) and 1 Wentworth Street at right. (Photo: Chris Betteridge, 19 April 2018)

3.2 Adjoining development and landscape character

After 'Dunara' was subdivided in 1956 into 11 lots, new residences were built on each of the lots, with the house 'Dunara' remaining on a residual lot with small remnant garden areas on its western and eastern sides and narrow setbacks on the northern and southern sides. Development within Dunara Gardens is of various scales and architectural styles and includes an LEP listed Modernist residence at No.4 Dunara Gardens. Wentworth Street has paved footpaths and nature strips with various street tree plantings including a specimen of Camphor Laurel near the entry to Dunara Gardens.



Figure 21 View across Wentworth Street from the entrance to Dunara Gardens, showing the apartment building at 2B Wentworth Street. The street tree at right is a specimen of *Cinnamomum camphora* (Camphor Laurel). (Photo: Chris Betteridge, 19 April 2018)

3.3 Views analysis & visual absorption capacity

3.3.1 Views to Dunara Reserve

There are unrestricted views east along the Dunara Gardens driveway into the Reserve from the footpath of Wentworth Street although the whole Reserve cannot be observed from this viewing point due to the vegetation growing on the site.

There are views from the footpath of Wentworth Street north of the entry drive into Dunara Gardens, revealing parts of the upper northern and western elevations of 'Dunara' and the specimens of Cook's Pine. There are also views revealing parts of 'Dunara' and the Cook's Pine from the footpath and carriageway of Wyuna Road.



Figure 22 View southeast from the footpath of Wentworth Street between 3A and 3B Dunara Gardens, showing parts of the upper elevations of 'Dunara'. The Cook's Pine with co-dominant trunks to its upper canopy is the listed specimen on Dunara Reserve while the other Cook's Pine is the listed specimen on 1 Wentworth Street. (Photo: Chris Betteridge, 19 April 2018)

There are distant views towards Dunara Reserve from points along the Rose Bay foreshore and the heritage listed Cook's Pine trees are a prominent emergent element in the tree canopy of the cultural landscape.



Figure 23 Telephoto view south from the footpath of Wyuna Road towards the Cook's Pine in Dunara Reserve. The flat-roofed house in the right foreground is 22 Wyuna Road, with the red tiled roof house at 20 Wyuna Road. (Photo: Chris Betteridge, 19 April 2018)



Figure 24 Telephoto view northwest from the northern footpath of New South Head Road, Rose Bay, with marina building and Regatta restaurant in the foreground. The Cook's Pine trees in Dunara Reserve and 1 Wentworth Street are very prominent elements in the landscape. The roof and part of the first-floor verandah of 'Dunara' can be seen to the right of centre. (Photo: Chris Betteridge, 19 April 2018)



Figure 25 View west from the footpath on the road into Rose Bay Wharf, west of Lyne Park, towards Dunara Reserve. The multi-stemmed Cook's Pine in Dunara Reserve and other Araucarias in the area are very prominent elements in the landscape. (Photo: Chris Betteridge, 19 April 2018)

3.3.2 Views out of Dunara Reserve

There are restricted views out of Dunara Reserve to adjoining properties in the Dunara Gardens subdivision and nearby properties in Wentworth Street

3.3.3 Views & vistas within Dunara Reserve

Views and vista within the Reserve are restricted by the relatively dense plant growth within the area.

3.3.4 Visual absorption capacity

Visual absorption capacity is an estimation of the ability of a particular area of landscape to absorb development without creating a significant change in visual character or a reduction in scenic quality of the area. The capacity of an area to absorb development visually is primarily dependent on landform, vegetation and the location and nature of existing development. Generally, flat or gently undulating open forest or woodland has a higher capacity to visually absorb development than open heathland or swamp or heavily undulating topography with cleared ridges and slopes.

A major factor influencing visual absorption capacity is the level of visual contrast between the proposed development and the existing elements of the landscape in which it is to be located. If, for example, a visually prominent development already exists, then the capacity of that area to visually absorb an additional development of similar scale and form is higher than a similar section of land that has no similar development but has a natural undeveloped visual character.

It is considered that Dunara Reserve is too small and too sloping to accommodate structures without compromising its heritage values. Any construction within the

Reserve would be likely to have negative impacts on the significant trees growing in and adjacent to the Reserve.

The significant trees growing on Dunara Reserve will require replacement in due course to maintain the landscape character of the site and their contribution to the cultural landscape of the Woollahra local government area. The visual absorption capacity of the site is such that this can be achieved without adverse heritage impacts but may require removal of non-significant plants from the Reserve.

3.4 Physical condition

Assessment of the vigour, condition and public safety risk of the trees growing on the Reserve would require inspection by a qualified arborist with experience in assessing heritage trees. At the time of this author's inspection of the site, the plantings appeared to be in generally good condition, given that Sydney had been experiencing a prolonged dry spell. There was a considerable amount of accumulated leaf litter on the site, including dead palm fronds shed by the specimens of *Phoenix canariensis* (Canary Islands Date Palm) and other palms on the site.

4.0 Comparative Analysis

4.1 Rationale for comparison

Comparison of a place with other places of similar age, use and form can assist in establishing relative heritage significance. This analysis has been limited to other comparable reserves listed on LEP schedules in NSW or otherwise known to the author. Such comparison is useful in helping to assess the rarity or representativeness of a place, but it must be noted that the other sites with which Dunara Reserve is compared may not have been assessed according to the same criteria or studied to the same extent.

4.2 Examples of historic estate remnants

Many historic estates in Sydney's Eastern Suburbs have been subdivided and re-subdivided since they were first established. 'Dunara' retains little of its original land, apart from the reduced curtilage around the house and Dunara Reserve. Also, the house is now orientated to the east, overlooking Rose Bay, where it retains Sydney Harbour views, whereas originally the western elevation was the front of the house, addressing the entrance drive and garden. Its once extensive garden is now largely occupied by dwellings erected since the subdivision of the estate in 1956.

There are remnants of many historic estates in Sydney's Eastern Suburbs, including the following:

- McKell Park at Darling Point, which includes the heritage listed archaeological remains of Canonbury cottage;
- Remnants of Sir John Hay's garden in the grounds of 'Overthorpe' and adjoining properties, New South Head Road and Manning Road, Double Bay;
- Grotto associated with Alexander Macleay's Elizabeth Bay House;
- Gateposts associated with many historic buildings demolished for apartment developments e.g. in Thornton Street, Darling Point and Alison Road, Randwick.

Several other properties in Woollahra local government area, in addition to Dunara Gardens, also contain specimens of *Araucaria columnaris* (Cook's Pine) assessed as significant trees and listed in Council's 1991 Register of Significant Trees for their historic significance and visual dominance at local, district and harbour scales. Those listed in the Register and known to be extant are at the following properties:

- Chiltern, 23 Eastbourne Road, Darling Point – single specimen, 27 metres tall, 80+ years old;
- 1 Wentworth Street, Point Piper – single specimen, 31 metres tall, 100+ years old;
- 17 Ginahgulla Road, Bellevue Hill (part of Scots College and formerly Ginahgulla) – single specimen, 20 metres tall, 80+ years old;
- 'Elaine', 550 New South Head Road, Double Bay – single specimen, 32 metres tall, 100+ years old;

Those listed in the Register but for which their current status is unknown are at the following properties:

- 353 Edgecliff Road, Double Bay – single specimen, 30 metres tall, 110+ years old;
- 'The Manor', 20A Vaucluse Road, Vaucluse – component of informal group, 29 metres tall, 110+ years old;
- 22E Vaucluse Road, Vaucluse – row planting, 31-33 metres tall, 110+ years old;
- Street tree, Bennett Avenue, Darling Point – single specimen, 30 metres tall, 80+ years old;
- 71 Wallaroy Road, Woollahra – 32 metres tall, 100+ years old;
- Rose Bay Park and Police Station, Rose Bay – single specimen, 30 metres tall, 100+ years old.

4.3 Rarity of Cook's Pine in Sydney and NSW

Araucaria columnaris (Cook's Pine) is an evergreen conifer in the family Araucariaceae, native to New Caledonia (including the Isle of Pines) and on Loyalty Island. It was recorded by James Cook on his second voyage to the Pacific and its common name reflects this. In cultivation in southeast Australia it is regarded as the rarest of the species of *Araucaria* commonly planted, the others being *Araucaria heterophylla* (Norfolk Island Pine), *Araucaria cunninghamii* (Hoop Pine) and *Araucaria bidwillii* (Bunya pine). *Araucaria araucana* (Monkey Puzzle), from Chile and Argentina was more widely grown in the 19th century but is rare in NSW.

The authoritative *Horticultural Flora of South-Eastern Australia*, published jointly by Royal Botanic Gardens Melbourne and UNSW Press, lists both native and exotic plants that have either been listed on wholesale and retail nursery catalogues in the region since 1985 or are known to be widely grown in parks and gardens. The listings advise readers where to find specimens and, where known, include details of size, historical notes and dates of planting. The book describes *Araucaria columnaris* as the rarer of the commonly planted species of *Araucaria*, with a few old trees remaining from 19th century plantings. It lists the following specimens of *Araucaria columnaris* in New South Wales.

- Mollymook (near surf beach adjacent to Golf Club);
- Royal Botanic Gardens Sydney;
- Centennial Park;

- Thomas Walker Hospital "Rivendell", Concord – about 30 metres tall;
- Cumberland Hospital, Parramatta North (near cricket oval) - about 30 metres tall;
- Catholic Theological Union, Mary street, Hunters Hill (several in a grove – about 35 metres tall);
- Parramatta Park (3 trees above Old Government House on top of hill – about 40 metres tall);
- Dunara Gardens, Woollahra (32 metres tall, > 100 years old).

From the above analysis, it may be concluded that Dunara Reserve contains a significant tree which is relatively rare in cultivation in NSW although there are a number of specimens in Woollahra local government area. The specimen of Cook's Pine in Dunara Reserve is cited in an authoritative source as an important example of the species in cultivation in southeast Australia.

5.0 Assessment of Cultural Significance

This section of the heritage assessment describes the methodology used for the assessment of cultural significance of heritage places in NSW and applies the assessment criteria to Dunara Reserve and its component elements.

5.1 Principles and basis for assessment

The concept of 'cultural significance' or 'heritage value' embraces the value of a place or item which cannot be expressed solely in financial terms. Assessment of cultural significance endeavours to establish why a place or item is considered important and is valued by the community. Cultural significance is embodied in the fabric of the place (including its setting and relationship to other items), the records associated with the place and the response that the place evokes in the contemporary community.

Cultural landscapes by their name imply human intervention but they may also include substantial natural elements. "They can present a cumulative record of human activity and land use in the landscape, and as such can offer insights into the values, ideals and philosophies of the communities forming them, and of their relationship to the place. Cultural landscapes have a strong role in providing the distinguishing character of a locale, a character that might have varying degrees of aesthetic quality, but, regardless, is considered important in establishing the community's sense of place."

5.2 Assessment methodology

The Australia ICOMOS charter for the conservation of places of cultural significance (the Burra Charter) was formulated in 1979 and most recently revised in 1999, with an updated edition published in 2013. The Burra Charter is the standard adopted by most heritage practitioners in Australia. The Burra Charter and its Guidelines for Assessment of Cultural Significance recommend that significance be assessed in categories such as aesthetic, historic, scientific, social and other. The 1999 amendments to the Burra Charter emphasise the importance of setting in the conservation of heritage items.

The *NSW Heritage Manual* outlines the same broad criteria for assessing the nature of significance. These criteria are considered in addition to an item's rarity and / or representativeness, criteria that relate to comparative significance. The seven criteria adopted by the Heritage Council of New South Wales for the assessment of items for potential listing on the State Heritage Register apply equally well for items of local

significance. To qualify for listing on a LEP schedule or on the SHR, an item must satisfy at least one of the seven assessment criteria at a local or State level respectively, although many items will satisfy more than one criterion. Items are assessed firstly in relation to the heritage values and, secondly, in regard to the context in which the item is significant. Decisions on whether items are significant against each criterion are assisted by application of Inclusion and Exclusion Guidelines.

5.3 Current heritage listings

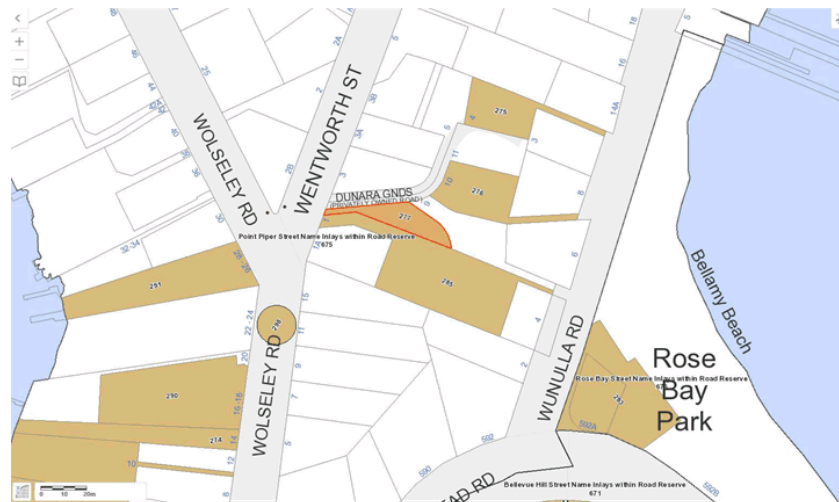


Figure 26 Extract of Woollahra LEP 2014 Heritage Map showing Item 277⁷⁶ – Specimen of Cook's Pine on Dunara Reserve (edged red) and other listed heritage items in its vicinity. No.10 Dunara Gardens, the original house 'Dunara', on a much-reduced curtilage is Item 276 and No.4 Dunara Gardens is Item 275. (Source: Woollahra Council)

5.4 Review of heritage significance

The additional information obtained from review of previous documents and from the research for this assessment has enabled a review of the heritage values of the Reserve since it was last assessed. Following is a revised assessment of significance against the relevant criteria.

5.4.1 Historical Significance (Criterion A)

An item is important in the course, or pattern, of NSW's or an area's cultural or natural history.

Guidelines for Inclusion

- shows evidence of a significant human activity
- is associated with a significant activity or historical phase
- maintains or shows the continuity of a historical process or activity

⁷⁶ The current LEP listing is for the specimen of Cook's Pine, not the Dunara Reserve.

Guidelines for Exclusion

- has incidental or unsubstantiated connections with historically important activities or processes
- provides evidence of activities or processes that are of dubious historical importance
- has been so altered that it can no longer provide evidence of a particular association

Types of items which typically meet criterion (a) include:

- items which demonstrate strong associations to past customs, cultural practices, philosophies or systems of government, regardless of the intactness of the item or any structure on the place;
- items associated with significant historical events, regardless of the intactness of the item or any structure on the place;
- significant cultural landscapes and other items demonstrating overlays of the continual pattern of human use and occupation; and/or
- items where the physical fabric (above or below ground) demonstrates any of the points described above.

Dunara Reserve is associated with a significant historical phase in the development of the cultural landscape of Point Piper and the former Dunara Estate. It retains physical fabric in the form of a significant specimen of *Araucaria columnaris* (Cook's Pine) which is a remnant of the historic plantings of 'Dunara' and which is a local landmark. It also contains two specimens of *Phoenix canariensis* (Canary Island Date Palm) likely to have been part of the ornamental plantings in the 'Dunara' garden.

Dunara Reserve satisfies the inclusion guidelines for Criterion A at a local level as a significant part of the historic cultural landscape of Woollahra local government area but not at a State level.

5.4.2 Historical Associational Significance (Criterion B)

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's or an area's cultural or natural history.

Guidelines for Inclusion

- shows evidence of a significant human occupation
- is associated with a significant event, person, or group of persons

Guidelines for Exclusion

- has incidental or unsubstantiated connections with historically important people or events
- provides evidence of people or events that are of dubious historical importance
- has been so altered that it can no longer provide evidence of a particular association

Types of items which typically meet this criterion include:

- items which demonstrate strong associations to a particular event, historical theme, people or philosophies, regardless of the intactness of the item or any of its structures;
- items associated with significant historical events, regardless of the intactness of the item or any structure on the place; and/or
- items where the physical fabric (above or below ground) demonstrates any of the points described above.

Dunara Reserve is a remnant of the 'Dunara' Estate developed by Sir Charles Mackellar from the 1880s and associated with the famous Australian poet Dorothea Mackellar, who was born at 'Dunara' in 1885.

Dorothea Mackellar was born in the house and lived at 'Dunara' for many years, probably being inspired by the garden to write her poem 'In a southern garden'. While it is highly likely that the specimen of Cook's Pine was planted by or for the Mackellar family, there is insufficient evidence at this stage for a direct association between any member of the Mackellar family or subsequent occupants with the particular part of the garden retained in Dunara Reserve. The original garden is so subdivided and altered that the reserve is assessed to satisfy the exclusion guidelines for this criterion.

Dunara Reserve does not satisfy the inclusion guidelines for Criterion B at a local or State level.

5.4.3 Aesthetic Significance (Criterion C)

An item is important in demonstrating aesthetic characteristics and / or a high degree of creative or technical achievement in NSW or an area.

Guidelines for Inclusion

- shows or is associated with, creative or technical innovation or achievement
- is the inspiration for a creative or technical innovation or achievement
- is aesthetically distinctive
- has landmark qualities
- exemplifies a particular taste, style or technology

Guidelines for Exclusion

- is not a major work by an important designer or artist
- has lost its design or technical integrity
- its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded
- has only a loose association with a creative or technical achievement

Types of items which meet this criterion include:

- items which demonstrate creative or technical excellence, innovation or achievement;
- items which have been the inspiration for creative or technical achievement;
- items which demonstrate distinctive aesthetic attributes in form or composition;
- items which demonstrate a highly original and influential style, such as an important early (seminal) work of a major architect; and/or
- items which demonstrate the culmination of a particular architectural style (known as climactic).

The cultural landscape of Dunara Reserve is aesthetically distinctive and the specimen of *Araucaria columnaris* has exceptional landmark qualities, with visual prominence at local, district and harbour scales.

Dunara Reserve satisfies the inclusion guidelines for Criterion C at a local level but not a State level.

5.4.4 Social Significance (Criterion D)

An item has strong or special association with a particular community or cultural group in NSW or an area for social, cultural or spiritual reasons.

Guidelines for Inclusion

- is important for its associations with an identifiable group
- is important to a community's sense of place

Guidelines for Exclusion

- is only important to the community for amenity reasons
- is retained only in preference to a proposed alternative

Types of items which meet this criterion include:

- items which are esteemed by the community for their cultural values;
- items which if damaged or destroyed would cause the community a sense of loss; and/or
- items which contribute to a community's sense of identity.

Items are excluded if:

- they are valued only for their amenity (service convenience); and/or
- the community seeks their retention only in preference to a proposed alternative.

Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. *Araucaria columnaris* is a species identified in the Woollahra Heritage Study as an important element in the cultural landscape of the local government area and therefore contributes to the community's sense of place. The specimen of *Araucaria columnaris* growing in Dunara Reserve has been recognised as a significant tree since the Woollahra Significant Tree Register was established in 1991, is listed as an item in Woollahra LEP 2014 and recognised as an important specimen in the authoritative publication *Horticultural flora of South-eastern Australia*.

It is considered that Dunara Reserve satisfies the inclusion guidelines for Criterion D at a local but not at a State level.

5.4.5 Technical Significance and Research Potential (Criterion E)

An item has potential to yield information that will contribute to an understanding of NSW's or an area's cultural or natural history.

Guidelines for Inclusion

- has the potential to yield new or further substantial scientific and/or archaeological information
- is an important benchmark or reference site or type
- provides evidence of past human cultures that is unavailable elsewhere

Guidelines for Exclusion

- the knowledge gained would be irrelevant to research on science, human history or culture
- has little archaeological or research potential
- only contains information that is readily available from other resources or archaeological sites

The inclusion guidelines are pointers to assist in making an assessment against this criterion, but should not constrict the consideration. Similarly, the attributes described in the exclusion guidelines can be used to check if the fabric of the item or

place meets the criterion, or to check a judgment that an item does not meet this criterion. In addition to a detailed examination of surviving physical fabric, documents, oral history and other sources of evidence can often assist the assessment of whether a site has the ability to reveal valuable archaeological, technical, or scientific information. For example, it may become apparent that the buried footings of a colonial house have little integrity if there is historical evidence that the site has been so disturbed that there will be no additional archaeological deposits associated with the use of the house.

The lack of information about the date of planting and the maintenance history of the specimen of *Araucaria columnaris* and other plantings in the reserve and the limited archaeological or research potential of the reserve means that the place does not satisfy the inclusion guidelines for Criterion E at either a local or at a State level.

5.4.6 Rarity (Criterion F)

An item possesses uncommon, rare or endangered aspects of NSW's or an area's cultural or natural history.

Guidelines for Inclusion

- provides evidence of a defunct custom, way of life or process
- demonstrates a process, custom or other human activity that is in danger of being lost
- shows unusually accurate evidence of a significant human activity
- is the only example of its type
- demonstrates designs or techniques of exceptional interest
- shows rare evidence of a significant human activity important to a community

Guidelines for Exclusion

- is not rare
- is numerous but under threat

The inclusion guidelines are pointers to assist in making an assessment against this criterion, but should not constrict the consideration. Similarly, the attributes described in the exclusion guidelines can be used to check if the fabric of the item or place meets the criterion, or to check a judgment that an item does not meet this criterion. For example, a park in a country town may be said to be a *rare* example of Victorian public garden design, but further research may reveal that it is a *representative* example, as there are many such parks in country towns in NSW. If it is one of the few remaining examples of an important 19th century garden designer, or contains species not found in similar gardens elsewhere, it may qualify as rare in the NSW context. Assuming it is the only garden of its type in the local area, it is likely it would also be rare in the local context. The level of heritage significance at State or local levels can only be determined by comparison with other like items or by proving that there is no documentation on similar items. This helps in determining the heritage significance of an item.

While *Araucaria columnaris* is relatively rare in cultivation in the Woollahra local government area and in NSW generally, Dunara Reserve, a remnant of the former garden of 'Dunara', it is not considered to be sufficiently rare as a cultural landscape in the local government area or in NSW generally to satisfy the inclusion guidelines for Criterion F at a local or at a State level.

5.4.7 Representativeness (Criterion G)

An item is important in demonstrating the principal characteristics of a class of NSW's or an area's cultural or natural places or environments.

Guidelines for Inclusion

- is a fine example of its type
- has the principal characteristics of an important class or group of items
- has attributes typical of a particular way of life, philosophy, custom, significant process, design, technique or activity
- is a significant variation to a class of items
- is part of a group which collectively illustrates a representative type
- is outstanding because of its setting, condition or size
- is outstanding because of its integrity or the esteem in which it is held

Guidelines for Exclusion

- is a poor example of its type
- does not include or has lost the range of characteristics of a type
- does not represent well the characteristics that make up a significant variation of a type

The inclusion guidelines are pointers to assist in making an assessment against this criterion, but should not restrict the consideration. A fine representative example needs to demonstrate key characteristics of its type or class. The intactness of the physical fabric of an item (its integrity) is another attribute that can be used to qualify the rare or representative criteria. The attributes described in the exclusion guidelines can be used to check if the item or place meets the criterion or to check a judgment that an item does not meet this criterion. For example, a group of Victorian cottages in a place with many examples of 19th century architecture, such as Bathurst or the inner suburbs of Sydney, may have representative value. In another city or suburb in which most of the 19th century architecture has been replaced they may be assessed as rare.

The level of heritage significance at State or local levels can only be determined by comparison with other like items. The attributes described for criteria (f) and (g) will assist in the determination of significance. A heritage item is not to be excluded on the ground that items with similar characteristics have already been entered on a statutory list.

While the specimens of *Araucaria columnaris* and *Phoenix canariensis* growing on Dunara Reserve are representative of ornamental tree plantings in historic gardens within the Woollahra local government area, the reserve itself is not considered to be representative of those gardens since it is only a small remnant of the former 'Dunara' garden. The reserve is not considered to satisfy the inclusion guidelines for Criterion G at a local or at a State level.

5.5 Integrity and intactness

Integrity is "the state of being whole, entire or undiminished"⁷⁷. While the garden of the former 'Dunara' estate is much diminished in size and has lost most of its original and early plantings and other features, Dunara Reserve has retained its integrity since the lot is unchanged in size since it was created in the subdivision of 1956.

⁷⁷ *Macquarie Dictionary*, 2nd ed., 1991

Another term commonly used in the assessment of heritage items is intactness, a measure of the degree to which the item remains unaltered from its original configuration. Against this measure, Dunara Reserve retains the specimen of Cook's Pine and two specimens of Canary Island Date Palm from the original or early garden at 'Dunara' but other fabric in the reserve is more recent.

5.6 Archaeological Significance

5.6.1 Definitions

Archaeological potential is based on the likelihood of archaeological material surviving from the historical occupation phases of the site. Archaeological material can contribute to understanding the history and significance of a site. The survival of archaeological material depends on the nature of the archaeological material and on the degree of site disturbance.

Archaeological material has statutory protection under the *Heritage Act 1977*, which prohibits the exposure of *relics*.⁷⁸ If proposed work is likely to affect known relics or is likely to discover, expose, move, damage or destroy a relic, an excavation permit is required. Permits are issued to archaeologists by the Heritage Council of NSW in accordance with Sections 57 or 140 of the *Heritage Act, 1977*. Permits are approved based on a demonstrated need to disturb the archaeological resource, a research design, the archaeological technique to be employed and the management of excavated material or features left in-situ. Applications for permits require approximately 21 days to consider. Exemptions for maintenance of plumbing and other subterranean services exist and are assessed for each archaeological site.

The National Parks and Wildlife Service has delegated authority to issue excavation permits for some classes of excavation, including the work on sites containing Aboriginal archaeological sites. The Aboriginal archaeological potential of Dunara Reserve has not been assessed during this assessment. If Aboriginal archaeological material is exposed in the future, work should stop and the NP&WS contacted.

All archaeological work, whether carried out under a permit or not, must conform to the established professional standards. The archaeological requirements include the archiving of reports and archaeological collections as well as the dissemination of the results as part of the archaeological work.

No archaeological investigations of Dunara Reserve have been carried out for this assessment but available evidence of the former garden of 'Dunara' suggests that archaeological potential is low although the boundary wall between the reserve and the adjoining property at No. 1 Wentworth Street is likely to mark part of the original southern boundary of the 'Dunara' Estate.

⁷⁸ "relic" means any deposit, artefact, object or material evidence that:
(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance. Ref: *Heritage Act 1977 & Heritage Amendment Act 2009* No.34

5.7 Statement of significance

Dunara Reserve has historical significance at a local level but not at a State level derived from its association with a significant historical phase in the development of the cultural landscape of Point Piper and the former 'Dunara' Estate. It retains physical fabric in the form of a significant specimen of *Araucaria columnaris* (Cook's Pine) which is a remnant of the historic plantings of 'Dunara' and which is a local landmark. It also contains two specimens of *Phoenix canariensis* (Canary Island Date Palm) likely to have been part of the ornamental plantings in the 'Dunara' garden. (Criterion A).

While it is highly likely that the specimen of Cook's Pine on the reserve was planted by or for the Mackellar family, there is insufficient evidence at this stage for a direct association between any member of the Mackellar family or subsequent occupants with the particular part of the garden retained in Dunara Reserve and the reserve is not considered to have historical associational significance at a local or State level. (Criterion B)

The cultural landscape of Dunara Reserve is aesthetically distinctive and the specimen of *A. columnaris* has exceptional landmark qualities, with visual prominence at local, district and harbour scales. The reserve is considered to have aesthetic value at a local but not at a State level. (Criterion C).

Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. *Araucaria columnaris* is a species identified in the Woollahra Heritage Study as an important element in the cultural landscape of the local government area and therefore contributes to the community's sense of place. The specimen of *Araucaria columnaris* growing in Dunara Reserve has been recognised as a significant tree since the Woollahra Significant Tree Register was established in 1991, is listed as an item in Woollahra LEP 2014 and recognised as an important specimen in the authoritative publication *Horticultural flora of South-eastern Australia*. The reserve is considered to have social value at a local but not at a State level. (Criterion D).

The reserve is not considered to have technical / research values, rarity or representativeness at a local or State level. (Criteria E, F and G).

5.8 Grading of significance

5.8.1 Rationale for grading

Grading of significance is in accordance with the *NSW Heritage Manual* update 'Assessing Heritage Significance' (NSW Heritage Office, August 2000). Typical gradings and the recommended management regimes for each grading are shown in the table below.

Grading	Justification	Status & Management
Exceptional	Rare or outstanding item of local or State significance. High degree of intactness. Item can be interpreted relatively easily.	Fulfils criteria for local or State listing. Retain, conserve (restore / reconstruct) and maintain. Adaptation is appropriate if it is in accordance with Burra Charter principles and with the specific guidance provided in this heritage significance assessment.
High	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance.	Fulfils criteria for local or State listing. Retain, conserve (restore/reconstruct) and maintain. Adaptation is appropriate if it is in accordance with Burra Charter principles and with the specific guidelines provided in this heritage significance assessment. There is generally more scope for change than for components of exceptional significance.
Moderate	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing. Retain, adapt and maintain. Demolition / removal is acceptable if there is no adverse impact on the significance of the place. Retention in some cases may depend on factors other than assessed values, including physical condition and functionality.
Little or none	Alterations detract from significance. Difficult to interpret.	Does not fulfil criteria for local or State listing. Retain, alter or demolish / remove as required provided there are no adverse impacts on the significance of the place. Sensitive alteration or demolition/removal may assist with enhancing the significance of components of greater significance.
Intrusive	Damaging to the item's heritage significance.	Does not fulfil criteria for local or State listing. Demolish / remove when the opportunity arises while ensuring there are no adverse impacts on the significance of other more significant components. Components that are actively contributing to the physical deterioration of components of higher significance should be removed as a matter of priority.

5.8.2 Application of gradings to Dunara Reserve elements

Those components that are critical to the significance of the place include items of local significance, worthy of inclusion on any register of items of significance. Elements in this category include:

- all original and early principal spaces that retain all or much of their original spatial character and characteristic fabric;
- original and early site layout and plantings;
- significant views and view corridors to, from and within the site;
- the entire archival collection, including Woollahra Council records, historic photographs, plans and reports.

The heritage values of the various component elements within the Reserve have been assessed using the criteria in Section 5.4 for the purpose of enabling decisions on the future conservation and development of the place to be based on an understanding of its significance. The schedule below identifies those landscape components which contribute to the overall significance of Dunara Reserve.

These assessments have been made without regard to the practical considerations which will subsequently be taken into account in formulating conservation policies. In other words, the assessments below relate solely to *significance* (how important the item is), and do not relate to *management* (what should happen to the item). Management decisions should take into account both significance and other issues such as physical condition.

It should be noted that some components or spaces have been degraded by recent development, by adaptation or deterioration, and would require restoration or reconstruction to recover their full significance. In some cases, significant fabric may be obscured by later materials or finishes.

Significance Level	Elements in Dunara Reserve
Exceptional	Entire curtilage of the Reserve, being a remnant of the garden of 'Dunara' containing significant plantings from that garden; The specimen of <i>Araucaria columnaris</i> (Cook's Pine) listed as a Significant tree in Council's Register of Significant Trees (1991) and as an item of environmental heritage in Woollahra LEP 2014;
High	Two specimens of <i>Phoenix canariensis</i> (Canary Island Date Palm)
Moderate	Other mature tree plantings in the Reserve; Recent shrub plantings e.g. <i>Hibiscus rosa-sinensis</i>
Little or none	Capped timber paling fence;
Intrusive	'No Parking' signs; Rope swings on African Olive tree

5.9 Curtilage Considerations

5.9.1 Some Definitions

In the past, the term curtilage has been interpreted in various ways by landscape professionals and the courts, often as the minimal area defined as 'the area of land occupied by a dwelling and its yard and outbuildings, actually enclosed or considered as enclosed by a building and its outbuildings'⁷⁹. This definition does not take into account the importance of the setting of a heritage item, which may not be a building

⁷⁹ *Macquarie Dictionary*, 2nd edition, 1991

and may include a substantial garden or landscape and views and vistas to and from the item. The current NSW Heritage System interpretation of curtilage, embodied in the 1996 Heritage Council publication, *Historic Curtilages*, may be summarised as the area around a heritage item that must be conserved in context to retain the significance of the item and enable its heritage values to be interpreted.

The curtilages for many properties now listed on the State Heritage Register or on Local Environmental Plan schedules were defined at a time when more emphasis was placed on the architectural qualities of buildings than on their landscape contexts. Since the early 1980s there has been an increase in community awareness of the need to protect adequate settings for heritage items, including views and vistas. This enhanced appreciation of landscape is highlighted in the 1999 revision of the Burra Charter of Australia ICOMOS, placing greater emphasis on 'setting'. Article 8 of the Burra Charter now reads:

"*Conservation* requires the retention of an appropriate visual *setting* and other relationships that contribute to the *cultural significance* of the *place*. New construction, demolition, intrusions or other changes which would adversely affect the setting or relationships are not appropriate".

The Explanatory Notes to Article 8 are as follows:

"Aspects of the visual setting may include use, siting, bulk, form, scale, character, colour, texture and materials. Other relationships, such as historical connections, may contribute to interpretation, appreciation, enjoyment or experience of the place."

5.9.2 Determination of a curtilage for Dunara Reserve

The statutory curtilage for a heritage item is usually but not always the lot or lots on which the item stands and, for statutory purposes, is usually but not always restricted to land in the same ownership as the item. The boundaries for an adequate curtilage may be the historic lot boundaries or a smaller area resulting from previous subdivision(s). They may also include adjoining lands critical to retention of views and vistas, although these values may sometimes be more appropriately conserved through planning controls other than those used to protect the item and its immediate setting.

Definition of a curtilage for a historic place does not preclude development within its bounds but requires particular care in the consideration of the nature, extent and impact of such development. However, given the very small size of Dunara Reserve and the significant trees growing on it, development other than horticultural management, canopy replenishment and heritage interpretation is not recommended.

It is recommended that the heritage curtilage for Dunara Reserve should be the entire site described as Lot 11, DP 27451, Wentworth Street, Point Piper.

5.10 State Heritage Inventory form

In accordance with the brief, since Dunara Reserve has been assessed to have heritage significance at a local level, a draft State Heritage Inventory (SHI) form for Dunara Reserve has been prepared and is included as Appendix A. The SHI forms for the specimen of *Araucaria columnaris* (Cook's Pine) growing on Dunara Reserve, for 'Dunara' and for the LEP listed house at 4 Dunara Gardens are included as Appendices B, C and D respectively.

5.11 Nomination for State Heritage Register

In accordance with the brief, since Dunara Reserve has been assessed to not have heritage significance at a State level, a nomination for the inclusion of the place on the State Heritage Register has not been prepared.

6.0 Conclusions and management recommendations

6.1 Conclusions

Based on the assessment in the previous sections, I am of the opinion that Dunara Reserve is of local heritage significance for its historic, aesthetic and social values, warranting its consideration for inclusion as an item of environmental heritage on Schedule 5, *Woollahra LEP 2014*.

I am of the opinion that Dunara Reserve is not of significance at a State level that would warrant its nomination for inclusion on the State Heritage Register.

Given the importance of the reserve as the location for several significant tree specimens including the LEP-listed specimen of *Araucaria columnaris*, I am of the opinion that conservation of the reserve's heritage values may be best achieved if the reserve is retained in public ownership.

6.2 Management recommendations

It is recommended that:

1. Dunara Reserve be managed to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance.
2. Consideration be given to interpreting the heritage significance of Dunara Reserve in culturally sensitive ways which may include material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.
3. A Canopy Replenishment Strategy for the Reserve be prepared to provide for the staged replacement of the significant trees on the site, the timing of such replacement to be guided by arboricultural assessment of the vigour, condition and useful life expectancy of the trees.



Chris Betteridge
Director, Betteridge Heritage
15 June 2018

7.0 Sources consulted and useful references

Sources consulted, and useful references are listed below. Web sources for newspaper articles are shown in the footnotes.

Aitken, Richard & Looker, Michael 2002, *The Oxford Companion to Australian Gardens*, Oxford University Press in association with the Australian Garden History Society, Melbourne.

Ashton, William n.d., 'An Assessment of the Landscape Heritage of Woollahra', in Hughes, Trueman, Ludlow, *Heritage Study for the Municipality of Woollahra*, Vol. 1.

Australian Heritage Commission 2000, *Overview of the Identification, Assessment and Management of Cultural Landscapes*, Prepared for AHC Commission Meeting 148, 13 June 2000, AHC, Canberra.

Australia ICOMOS 2013, *The Australia ICOMOS Charter for Places of Cultural Significance* ('The Burra Charter'), Australia ICOMOS, Canberra

Benson D, Howell J 1990, *Taken for Granted: The Bushland of Sydney & its Suburbs*, Royal Botanic Gardens Sydney, Sydney.

Betteridge, Chris 1997, "Theoretical Framework for Designed Landscapes in New South Wales", in Aitken, Richard, Schapper, Jan, Ramsay, Juliet and Looker, Michael, 1997, *A Theoretical Framework for Designed Landscapes in Australia*, Volume 1, Burnley College, The University of Melbourne, Melbourne.

Bradley, William 1802, 'A voyage to New South Wales, December 1786 – May 1792', available at SLNSW MLMSS 5392/Box 18/Item [1]

Brunsdon, Jyoti (ed.) 1990, *I love a sunburnt country: The diaries of Dorothea Mackellar*, Angus & Robertson, North Ryde, NSW. Located at Woollahra Library at YA 821.8/MACK

Cassidy, Elaine; Goddard, Dinah; Lawrence, Faye; May, Judy & Poland, June 1988, *Impressions of Woollahra: Past and Present*, Allen & Unwin for the Woollahra Bicentennial Community Committee, Sydney.

Chapman, G.A. & Murphy, C.L. 1989, *Soil Landscapes of the Sydney 1:100 000 Map Sheet*, Soil Conservation Service of NSW, Sydney.

Clive Lucas, Stapleton & Partners Pty Ltd 2005, *Woollahra 2004 Heritage Inventory*, consultant report prepared for Woollahra Council.

Collins, David 1798, [Review of] An account of the English colony in New South Wales: with remarks on the dispositions, customs, manners &c. of the native inhabitants of that country: [and] Singular custom among the inhabitants of New South Wales from Collin's Account of the colony of New South Wales; [and]"...account of the mutiny on-board the Lady Jane Shore, transport." Available at SLNSW, Dixson Library (PAM 79/113)

Dyster, Barrie 1989, *Servant and Master: Building and Running the Grand Houses of Sydney 1788-1850*, UNSW Press, Sydney.

- Falkiner, Suzanne et al. 1982, *Leslie Wilkinson: A practical idealist*, Valadon Publishing, Woollahra, NSW.
- Falkiner, Suzanne 1992, *The Writers' Landscape – Settlement*, Simon & Schuster, Sydney.
- Griffiths, G Nesta 1949, *Some houses and people of New South Wales*, Ure Smith, Sydney.
- Griffiths, G Nesta 1970, *Point Piper past and present*, Ure Smith, Sydney.
- Guilfoyle D 2006, *Aboriginal cultural heritage regional studies: an illustrative approach*, DEC, Hurstville, NSW.
Available at
www.environment.nsw.gov.au/nswcultureheritage/AboriginalCulturalHeritageRegionStudies.htm
- Herman Morton 1954, *The early Australian Architects and their Works*, Angus & Robertson, Sydney.
- Herman, Morton 1956, *The architecture of Victorian Sydney*, Angus & Robertson, Sydney et al.
- Hoskins, Ian 2013, *Coast: A history of the New South Wales edge*, NewSouth Publishing, Sydney.
- Howley, Adrienne 1989, *My heart, my country: The story of Dorothea Mackellar*, UQP, St Lucia, Queensland. Reference to 'Dunara' at pp.20-21, 23, 27, 35, 38, 56, 63, 87, 90, 129, 132, 136 and 137. Located at Woollahra Library, Double Bay at LH 8/MACK
- Irving, Robert, Kinstler, John & Dupain, Max 1982, *Fine houses of Sydney*, Methuen Australia, Sydney.
- Jackson, John B 1984, *Discovering the vernacular landscape*, Yale University Press, New Haven.
- Kennedy, Brian & Barbara 1982, *Sydney and suburbs: A history and description*, A H & A W Reed, Frenchs Forest, NSW
- Kerr, Robert 1993, "Caring for significant trees, the Woollahra Council experience", in *Trees, parks & gardens: Conserving landscape values in the urban environment*, Proceedings of a National Trust Seminar held at the State Library of NSW, 9 July 1993.
- King, Philip Gidley 1790, *A Sydney vocabulary*, accessible at
<https://trove.nla.gov.au/version/24267770>
- Kingston, Beverley 1986, 'Mackellar, Isobel Marion Dorothea (1885-1968)', *Australian Dictionary of Biography*, Volume 10 (MUP), 1986, accessed at
adb.anu.edu.au/biography/Mackellar-isobel-marion-dorothea-7383 on 2 May 2018
- Krüssmann, Gerd 1985, *Manual of Cultivated Conifers*, Timber Press, Portland, Oregon.

Larmer, James 1853, 'Larmer's vocabulary of native names', September 1832-24 November 1853, SLNSW BLMS256.

Lawrence, Joan & Sharpe, Alan (eds)1999, *Pictorial history Eastern Suburbs*, Kingsclear books, Alexandria, NSW.

Lennon, J 2001 "Identifying and assessing cultural landscapes: Australian practice in a global context" in Cotter, Boyd and Gardiner (2001) *Heritage Landscapes: Understanding place and communities*, Southern Cross University Press, Lismore, pp 11-24

Luck, Peter 2008, *Dorothea Mackellar's My Country: a centenary celebration 1908-2008*, Pier 9 (Murdoch Books Aust.), Millers Point, NSW. Located in Woollahra Library at LH A821.4/MACK

Mooney, Tim 1989, *Waterfronts: The Eastern Suburbs, Sydney, Australia*, Tim Consultants Pty Ltd, Bowral, NSW.

Morris, Colleen 2008, *Lost gardens of Sydney*, Historic Houses Trust of NSW, Sydney.

Mourot, Suzanne 1969, *This was Sydney: A pictorial history from 1788 to the present time*, Ure Smith, Sydney.

Municipality of Woollahra, Suburbs Point Piper 4, PA 26476, Plan of Lots 7, 15, 16 and part of Lots 6, 8, 9, 17 & 14 of section 5 of Point Piper Estate, drawn 19 November 1924, Charted 13 May 1925.

New South Wales Heritage Office and Department of Urban Affairs and Planning 1996 and subsequent updates, *NSW Heritage Manual*, NSW Heritage Office and Department of Urban Affairs and Planning, Sydney.

New South Wales Heritage Office 1998, *The Maintenance of Heritage Assets: A Practical Guide. Information Sheet 9.1: Heritage Gardens and Grounds*, 2nd ed., NSW Heritage Office, Sydney.

Pearson, Michael and Sullivan, Sharon 1995, *Looking After Heritage Places*, Melbourne University Press, Melbourne

Phillips A 2002, *Management guidelines for IUCN category V protected areas: protected landscapes/seascapes*, IUCN Gland, Switzerland and Cambridge, UK.

Rodd, Tony (1996), *The Ultimate Book of Trees and Shrubs for Australian Gardeners*, Random House, Sydney.

Rowell, Raymond 1996, *Ornamental Conifers for Australian Gardens*, UNSW Press, Sydney.

Russell, Eric 1980, *Woollahra – a history in pictures*, John Ferguson, Sydney in association with Woollahra Municipal Council.

Sauer, Carl Ortwin 1963, 'The morphology of landscape', in *Land and life: A selection from the writings of Carl Ortwin Sauer*, ed. by J Leighly: University of California Press, pp.315-350 (first publ. in *Geography*, 2.2 (1925), 19-54)

Sir Charles Kinnaird Mackellar papers, ML MSS 1959, boxes 1-4, 6, 8-19, 21-22

Sir Charles Kinnaird Mackellar papers, ML MSS 2100, box 20x requires permission from the estate through Curtis Brown publishers but appears to contain some of Dorothea Mackellar's manuscripts.

Spencer, Roger 1997, *Horticultural Flora of South-Eastern Australia Volume 2: The Identification of Garden and Cultivated Plants: Flowering Plants: Dicotyledons Part 1*. UNSW Press, Sydney.

Spencer, Roger 2002, *Horticultural Flora of South-Eastern Australia Volume 3: The Identification of Garden and Cultivated Plants: Flowering Plants: Dicotyledons Part 2*. UNSW Press, Sydney.

Spencer, Roger 2002, *Horticultural Flora of South-Eastern Australia Volume 4: The Identification of Garden and Cultivated Plants: Flowering Plants: Dicotyledons Part 3*. UNSW Press, Sydney.

Spencer, Roger 2005, *Horticultural Flora of South-Eastern Australia Volume 5: The Identification of Garden and Cultivated Plants: Flowering Plants: Monocotyledons*. Sydney, UNSW Press.

Sydney Survey Map 3418 Runs 1-9 K2, air photo taken 11.48am, 20 January 1930, flown at 12,200 feet.

Tabaka, Richard 2008, *Above Sydney and surrounds*, New Holland, Sydney.

Tanner, Howard (n.d.) 'An Assessment of the Architectural Heritage of Woollahra', in Hughes, Trueman, Ludlow, *Heritage Study for the Municipality of Woollahra*, Vol. 1, n.d.

Walker (2001) "Heritage in a Changing Landscape" in Cotter, Boyd and Gardiner (2001) *Heritage Landscapes: Understanding place and communities*, Southern Cross University Press, Lismore, pp. 33-40

Woollahra Council Local History files: Dunara Gardens, Point Piper

Woollahra Council Local History files: Mackellar, Dorothea

Woollahra Council Local History air photos 2, 'An oblique aerial view of the Rose Bay shoreline (1950s).

Woollahra Municipal Council 1985, *Woollahra in words: Celebrating 125 years of local government, 1860-1985*, The Council, np.

Woollahra Municipal Council *Register of significant trees* 1991, Volumes 1 to 4, reports prepared for Council by Landarc Landscape Architects.

Woollahra Municipal Council *Woollahra Tree Preservation Order 2006*

Woollahra Municipal Council *Woollahra Tree Management Policy 2011*

Woollahra Municipal Council *Woollahra Local Environmental Plan 2014*

Woollahra Municipal Council *Tree Management Development Control Plan 2015*

8.0 Appendices

Appendix A – Draft SHI form for Dunara Reserve

Appendix B – SHI database entry for Cook’s Pine, Dunara Reserve

Appendix C – SHI database entry for ‘Dunara’, 10 Dunara Gardens

Appendix D – SHI database entry for 4 Dunara Gardens

Appendix A

Heritage Data Form

ITEM DETAILS					
Name of Item	Dunara Reserve				
Other Name/s Former Name/s	Part of the former 'Dunara' Estate				
Item type (if known)	Landscape - cultural				
Item group (if known)	Parks, gardens and trees				
Item category (if known)	Remnant of residential garden				
Area, Group, or Collection Name					
Street number					
Street name	Wentworth Street				
Suburb/town	Point Piper	Postcode	2027		
Local Government Area/s	Woollahra				
Property description	Lot 11, DP 27451				
Location - Lat/long	Latitude		Longitude		
Location - AMG (if no street address)	Zone		Easting		Northing
Owner	Woollahra Council				
Current use	Public Garden and Recreation Space / Community Land				
Former Use	Residential garden				
Statement of significance	<p>Dunara Reserve has historical significance at a local level but not at a State level derived from its association with a significant historical phase in the development of the cultural landscape of Point Piper and the former Dunara Estate. It retains physical fabric in the form of a significant specimen of <i>Araucaria columnaris</i> (Cook's Pine) which is a remnant of the historic plantings of 'Dunara' and which is a local landmark. It also contains two specimens of <i>Phoenix canariensis</i> (Canary Island Date Palm) likely to have been part of the ornamental plantings in the 'Dunara' garden. (Criterion A).</p> <p>While it is highly likely that the specimen of Cook's Pine on the reserve was planted by or for the Mackellar family, there is insufficient evidence at this stage for a direct association between any member of the Mackellar family or subsequent occupants with the particular part of the garden retained in Dunara Reserve and the reserve is not considered to have historical associational significance at a local or State level. (Criterion B)</p> <p>The cultural landscape of Dunara Reserve is aesthetically distinctive and the specimen of <i>A. columnaris</i> has exceptional landmark qualities, with visual prominence at local, district and harbour scales. The reserve is considered to have aesthetic value at a local but not at a State level. (Criterion C).</p> <p>Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions</p>				

Heritage Data Form

	<p>about the place – some positive, some negative. <i>Araucaria columnaris</i> is a species identified in the Woollahra Heritage Study as an important element in the cultural landscape of the local government area and therefore contributes to the community's sense of place. The specimen of <i>Araucaria columnaris</i> growing in Dunara Reserve has been recognised as a significant tree since the Woollahra Significant Tree Register was established in 1991, is listed as an item in Woollahra LEP 2014 and recognised as an important specimen in the authoritative publication <i>Horticultural flora of South-eastern Australia</i>.</p> <p>The reserve is considered to have social value at a local but not at a State level. (Criterion D).</p> <p>The reserve is not considered to have technical / research values, rarity or representativeness at a local or State level. (Criteria E, F and G).</p>				
Level of Significance	Local <input type="checkbox"/>				
DESCRIPTION					
Designer	Unknown but assumed to have been originally designed by or at the direction of Sir Charles Mackellar				
Builder/ maker	Unknown				
Physical Description	<p>Dunara Reserve is irregular in shape with an area of approximately 402 m² and a fall from Wentworth Street of approximately 4 metres to the southeast. To the west, the site has a narrow access of approximately 2.7 m to Wentworth Street, which provides limited pedestrian access. To the north the site adjoins Dunara Gardens, the private road to the former 'Dunara' estate. To the east the site adjoins No.9 Dunara Gardens and to the south the site adjoins No. 1 Wentworth Street.</p> <p>The southern boundary with 1 Wentworth Street is bounded partly by a capped timber paling fence and partly by a stone-capped masonry wall and the northern boundary is the concrete driveway of Dunara Gardens. There are several 'No Parking at any time beyond this sign' signs in the Reserve beside the driveway and two swings attached to the African Olive tree.</p> <p>The site contains a range of exotic and native trees and shrubs including a mature specimen of <i>Araucaria columnaris</i> (Cook's Pine) which is local heritage item No 277 in Woollahra LEP 2014. The site also contains two specimens of <i>Phoenix canariensis</i> (Canary Island Date Palm) which may date from the post-Mackellar period. Other specimens in the reserve are likely to be self-sown or recent plantings and include specimens of <i>Olea europaea</i> subsp. <i>cuspidata</i> (African Olive), <i>Ficus</i> sp., <i>Cinnamomum camphora</i> (Camphor Laurel), several palms, <i>Strelitzia nicolai</i> (Bird-of-Paradise Tree), a casuarina and <i>Hibiscus rosa-sinensis</i> cultivars. There is a dense layer of leaf litter and accumulated dead palm fronds, particularly on the steep slope adjoining the boundary with 1 Wentworth Street.</p>				
Physical condition and Archaeological potential	<p>At the time of this author's inspection of the site on 19 April 2018, the plantings appeared to be in generally good condition, given that Sydney had been experiencing a prolonged dry spell. There was a considerable amount of accumulated leaf litter on the site, including dead palm fronds shed by the specimens of <i>Phoenix canariensis</i> (Canary Islands Date Palm) and other palms on the site.</p> <p>No archaeological investigations of Dunara Reserve have been carried out for this assessment but available evidence of the former garden of 'Dunara' suggests that archaeological potential is low although the boundary wall between the reserve and the adjoining property at No. 1 Wentworth Street is likely to mark part of the original southern boundary of the Dunara Estate.</p>				
Construction years	Start year	Circa 1882	Finish year	Circa 1920s	Circa <input type="checkbox"/>

Heritage Data Form

Modifications and dates	The original and early plantings have been supplemented by self-sown trees and shrubs and recent plantings
Further comments	
HISTORY	
Historical notes	<p>Aboriginal occupation of the Point Piper area The traditional Aboriginal owners of much of the Woollahra district were the Cadigal clan, while the harbour area around Watsons Bay and South Head was inhabited by the Birrabirragal clan. Both these clans belonged to the coastal Dharug language group and the Eora nation. The devastating impact of European settlement after 1788, felt particularly in the effects of introduced diseases such as smallpox, resulted in the eventual disappearance of the local Aboriginal population. While there is limited information on the lives of the Cadigal and Birrabirragal at Woollahra, some of their heritage is preserved in the form of rock art, shell middens and the Sydney Aboriginal language. ('A brief history of Woollahra' accessed at https://www.woollahra.nsw.gov.au/library/local_history/a_brief_history_of_woollahra)</p> <p>The relatively sheltered, east-facing slopes of Point Piper where 'Dunara' is now located, would have provided good vantage points over Rose Bay and the proximity to the Harbour would have afforded Aboriginal people easy access to food sources in the bay and along the shoreline. The kangaroos in the Aboriginal carvings also suggest the area provided food in the form of terrestrial fauna.</p> <p>Early European settlement of Point Piper Point Piper is named for Captain John Piper, a naval officer who became one of the richest men in Sydney as official collector of customs and harbour dues. On a parcel of 76 hectares granted to him by Governor Lachlan Macquarie in 1820, Piper built a mansion 'Henrietta Villa' at Point Piper, the house named after the second name of Macquarie's wife, Elizabeth.</p> <p>Point Piper Estate In the 1820s, business partners Daniel Cooper (1785-1853) and Solomon Levey began acquiring the Bellevue Hill, Rose Bay, Point Piper and Woollahra parts of the substantial Point Piper Estate comprising 1130 acres that had been amassed by Captain John Piper since 1816. Their title to the land was confirmed in 1830 and it became the sole property of Daniel Cooper in 1847. The Vaucluse part of Piper's estate outside the Point was bought by William Charles Wentworth. On Cooper's death in 1853, his nephew, also Daniel Cooper (later Sir Daniel Cooper), born in Lancashire in 1821, was appointed trustee of the Point Piper Estate. In 1856 Cooper began a great mansion called 'Woollahra House' on Point Piper, on the site of Piper's 'Henrietta Villa'. In the same year Cooper became first Speaker of the new Legislative Assembly. He resigned from the Speakership in 1860 and returned to England a year later, became the Agent-General for NSW, was made the First Baronet of Woollahra in 1863, and died in 1902.</p> <p>'Woollahra House' was not completed until 1883 by Cooper's son, William, who had purchased the grant from his brother for £10,000. The younger William had "picked up his father's ambition to have the finest garden in Sydney around Woollahra House". (Morris 2008, p.88) The first subdivision on the Point took place around 1880, and although the estate was progressively subdivided after William's departure for England in 1888, it retained impressive grounds laid out with specimen trees and flower beds in expansive lawns, in a Gardenesque rather than Italianate style. (Morris 2008, p.88) 'Woollahra House' was suggested as a replacement for Government House (then occupied by the new Governor-General) around 1901 but the offer was not taken up by the government and the estate was progressively sold off and the house was demolished in 1929. (Spindler, nd)</p>

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	<p>The Mackellar family and their tenants at 'Dunara'</p> <p>Scotsman John Mackellar married Euphemia Jackson and the couple emigrated with their family to Australia from Dundee, Scotland in 1839. Their three sons were Keith, Charles and Frederick. Frederick (died 1863), physician and his wife Isabella, née Robertson, widow of William McGarvie had one son, Charles Kinnaird Mackellar (1844-1926) who was born in Sydney and educated at Sydney Grammar School and the University of Glasgow medical school, graduating in 1871. He returned to Australia and practised in Sydney, becoming a noted physician and sociologist. (ADB/Dorothea Mackellar obituary, <i>SMH</i>)</p> <p>In 1877 Charles Mackellar married Marion Isobel Buckland (1854-1933) and the couple had four children: Keith; Eric; Isobel Marion Dorothea (1885-1968) and Malcolm. After the birth of their first two sons, the family's residence in Macquarie Street, Sydney became too small and they chose a site of five acres (2 hectares) at Point Piper to build a gentleman's residence.</p> <p>'Dunara' was built in 1882-83, the name of the house apparently being Aboriginal for 'guryah on the slope of a hill'. (Anderson 2008, pp.14-15) At the time the house was built, 'Wentworth Street was still a bush track, and does not appear as a road until 1894'. (Griffiths 1970, p.68) As little as was practical of the native growth was cleared for the house, servants' quarters, coach house, necessary outbuilding and gardens. (Howley 1989, p.21) There were wrought iron gates and fences [presumably to the Wentworth Street frontage], a driveway lined with <i>Cinnamomum camphora</i> (Camphor Laurel) and a fishpond with fountain. (Howley 1989, p.21)</p> <p>An 1887 photograph shows the bushland surrounding 'Dunara' (downhill to its east, south and to the north), with the house on a cleared rise above Rose Bay. (<i>SMH</i> 1978)</p> <p>Dorothea Mackellar was born at 'Dunara' on 1 July 1885 and spent her youth there on and off until 1908. Her two older brothers were delighted with their baby sister. "It was almost as good as having huge expanses of garden and bush with the beach at the bottom; almost as good as having the horses on the property instead of being kept at a livery stable in the city; almost as good as being able to keep a dog or two." (Howley 1989, p.23)</p> <p>'Dunara' appears to have been occupied consistently by the Mackellar family from c.1885 to c.1900. After the turn of the century, the Mackellars travelled widely and during some of their absences in other houses or abroad, the house was apparently leased to several other families. In 1901, 'Dunara' was occupied by Monsieur and Madame Brasier de Thuy (<i>Sands</i> Directory 1901), a couple who are mentioned in Nesta Griffith's history as 'delightful' and 'well-loved wherever they went'. The alphabetical listing in <i>Sands</i> gives M. Brasier de Thuy's full title as Principle Agent for <i>Australasia Compagnie des Messagieries Maritimes</i>, Queen's Comer, 57 Pitt Street, Sydney. The French couple were preparing to move out of 'Dunara' in late March of 1901 to take up residence at 'Arlington' in Edgecliff Road, which they had leased from a Mr Machardy. (<i>Australian Town & Country Journal</i> 23 March 1901, p.45, accessed on Trove at nla.news-article71464994.pdf)</p> <p>Mackellar is again listed in <i>Sands</i> as the occupant of 'Dunara' from 1902 to 1904. The family was still reeling from the death of their oldest son and Sir Charles' heir, Keith, who was a second lieutenant in the Australian Volunteer Horse Squadron and was killed in action in South Africa on 11 July 1890, right at the end of the Boer War hostilities.</p> <p>The 1905 issue of <i>Sands</i> directory shows C Carlisle Taylor in residence at 'Dunara'. Mr Taylor was evidently the General Manager of the Equitable Life Assurance Society of United States, which operated from the Equitable Building, George Street, Sydney. He appears to have stayed at 'Dunara' for only one year. (Letter from Jane Britten, Local History Librarian, Woollahra Council to Mrs Farkas, 23 September 1992)</p> <p>The issues of <i>Sands</i> for 1906, 1907 and 1908 show the Hon. Charles Mackellar again at 'Dunara' while those for 1909, 1910 and 1911 list George Henry Greene, a fellow MLC, in residence. In her biography of Dorothea Mackellar, Hawley (p.63) implies that 'Dunara' was still under a lease to other</p>
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<p>parties in 1908 and the Mackellars stayed for a while at the Hotel Australia and later went to Buckland Chambers, 183 Liverpool Street, Sydney, where the two top floors were residential and used by members of the family a sort of townhouse when needed. (Hawley, p.63)</p> <p>Information on Greene in the <i>Australian Dictionary of Biography</i> would suggest that he was not permanently resident at 'Dunara', since during the period for which he is listed at Point Piper he was apparently engaged in building "an ornate Edwardian mansion 'landra'", his property near Grenfell in southwestern NSW. (Letter from Jane Britten, Local History Librarian, Woollahra Council to Mrs Farkas, 23 September 1992) The Hon. G H Greene MLC and Mrs Greene do seem to have used their time at 'Dunara' and the facilities the property offered to advantage in snaring eligible naval officers for two of their daughters. On a Thursday evening in 1909, the Greenes entertained a number of guests at "a charming dance" at 'Dunara'. (<i>Figaro</i> 29 September 1910, p.5, accessed on Trove at nla.news-article84445292.pdf)</p> <p><i>"The Chinese lanterns looked beautiful in the grounds, and a carpeted pathway led from the ball-room to the supper-room."</i></p> <p>In October 1909 their younger daughter, Gladys Gwendoline Greene was engaged to Flag Lieutenant F C Fisher, right-hand-man to Admiral Sir Richard Poore, Commander-in-Chief of the Royal Navy's Australia Station. (<i>Punch</i> 28 October 1909, p.38 accessed at nla.news-article176029229.3.pdf; https://en.wikipedia.org/wiki/Sir_Richard_Poore,_4th_Baronet) The elder daughter was already married to another naval officer. Unfortunately, George Greene died on 22 December 1911 and was buried at 'landra'.</p> <p><i>Sands</i> for 1912 indicates 'Dunara' was occupied by Mr and Mrs C B Pharazyn who, in October that year hosted a dinner party at the Hotel Australia in honour of Mr and Mrs G W Johnston of Wellington, New Zealand. (<i>The Sun</i> 6 October 1912, p.21, accessed on Trove at nla.news-article228834193.3.pdf) In mid-1914 'Dunara' was taken by Mrs Johnstone, a well-known identity in horse-racing circles from Hyman, New Zealand. She was visited at 'Dunara' in June that year by her mother Mrs Baldwin. (<i>Sunday Times</i> (Sydney) 21 June 1914, p.7 accessed on Trove at nla.news-article120365093.3.pdf)</p> <p>In the second half of 1915, Dorothea seems to have been at 'Dunara' again. An entry in her published diaries at that time headed 'Wednesday September 19', contains the following:</p> <p><i>"On Tuesday night a terrific South-east gale began. It raged all Wednesday and did about £20,000 worth of damage in the eastern suburbs alone. I couldn't sleep for the howling of the wind and the pistol shots of my canvas [blind], but it was a nice cosy exhilarating contradictory night – when one didn't think of those at sea. Trees were torn down in all directions. It was the worst gale for very many years, and I wrote to Pat and did flowers (battered they were, and I was battered getting them). And Dorothy came in the afternoon. It was nice to have her".</i> (Brunsdon 1990, pp.175-76)</p> <p>Another entry, dated "Dunara Wednesday – Saturday December 8-11", reads:</p> <p><i>"There was a cool change on Tuesday night and consequently one arrived sick and shivering, but it was nice to be home.....Saturday was a beautiful summer day, warm and cool blue and gold – green with the coral trees flaming everywhere so splendidly that it was like a thousand trumpets. As I walked down Wolseley Road I had a strange swinging feeling – and then suddenly I realised what it was – that if there were no War (What an iff!) I'd be happy. Not for years have I had that." (Brunsdon 1990, pp.175-76)</i></p> <p>Sir Charles Mackellar was reported to be ill at 'Dunara' in February 1916. (<i>Mirror of Australia</i>, 26 February 1916, p.420, accessed on Trove at http://nla.gov.au/nla.news-article104644309)</p>
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	<p>Lady Mackellar and Dorothea Mackellar of 'Dunara', Point Piper made donations to a Sydney fund to buy a battleplane for the war effort in August 1916. (<i>Sun</i> (Sydney) 20 August 1916, p.20, accessed on Trove at http://nla.gov.au/nla.news-article223378789)</p> <p>Dorothea's poem 'In a southern garden', published circa 1918, may have been inspired by her times at 'Dunara' and the references to Camphor Laurel and the water 'at the garden's lowest fringe' tend to support this theory.</p> <p><i>When the tall bamboos are clicking to the restless little breeze, And bats begin their jerky skimming flight, And the creamy scented blossoms of the dark pittosporum trees, Grow sweeter with the coming of the night. And the harbour in the distance lies beneath a purple pall, And nearer, at the garden's lowest fringe, Loud the water sighs and gurgles 'mid the rocks below the wall, Dark-heaving, with a dim uncanny tinge Of a green as pale as beryls, like the strange faint-coloured flame That burns around the Women of the Sea: And the strip of sky to westward which the camphor laurels frame, Has turned to ash-of-rose and ivory—</i></p> <p><i>And a chorus rises valiantly from where the crickets hide, Close-shaded by the balsams drooping down— It is evening in a garden by the kindly water-side, A garden near the lights of Sydney town!</i></p> <p>The Mackellar family was back at 'Dunara' during the later war years 1917-18 (Information provided to Mr Robin Brampton by Libby Watters, Woollahra Local History Centre in November 2010) but in September 1918 they were preparing to leave Point Piper to take up residence at Warrawee. (<i>Sunday Times</i> (Sydney) 8 September 1918, p.14, accessed on Trove at nla.news-article123129016) Sir Charles Mackellar had suffered a bout of pleurisy in 1916 and after World War I it was obvious something had to be done to get him away from the city and negotiations were begun through the family's lawyers regarding the sale of 'Dunara'.</p> <p>The Kater family buy 'Dunara' Circa September 1919 'Dunara' was sold to medical practitioner, merino sheep breeder and politician, Dr (later Sir) Norman Kater and his wife Jean Kater (née Mackenzie) after they had sold their property 'Nyrang' near Molong. (http://adb.anu.edu.au/biography/kater-sir-norman-william-6896) They also had a property 'Eenaweena' at Warren, presumably part of his family's Mumblebone stud. In 1924 Dr Kater inherited Mount Broughton near Moss Vale, where he spent most weekends. In November 1929, the Katers held a reception at 'Dunara' for the wedding of their daughter Mary to Douglas Tooth. (<i>Telegraph</i> (Brisbane) 16 November 1929, p.14, accessed on Trove at nla.news-article180088210.3.pdf) The garden was being prepared as a bower for the reception. (<i>The Daily Telegraph</i> 7 November 1929 p. 22, accessed on Trove at http://nla.gov.au/nla.news-article246819509)</p> <p>The Depression years In June 1930 it was reported that a son had been born to Mr and Mrs Ranald Munro of 'Dunara', Point Piper. (<i>SMH</i>, 13 June 1930, p. 10, accessed on Trove at http://nla.gov.au/nla.news-article16704541) In December 1932, Australia was still in the grip of the Great Depression and the Sydney real estate market remained inactive. However, estate agents Raine and Home Ltd had 'Dunara' listed for sale by auction on 15 December that year, with the property described thus: <i>"Point Piper, 'Dunara', 3 Wentworth-street, residence of about 17 rooms, with tennis court, garage and chauffeur's quarters."</i> <i>SMH</i> 3 December 1932, p.11, accessed on Trove at nla.news-article28030115</p>
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	<p>The best bid was £6,500 and negotiations were proceeding for the sale of the property at a figure in advance of this. (SMH, 17 December 1932, p. 10, accessed on Trove at http://nla.gov.au/nla.news-article16938715) The SHR listing has the property sold to a Mr Michaelis in 1931 but perhaps it was 1932 Or 1933. The SHR listing also records alterations carried out by architect G Keesing in 1933. These may be the alterations and additions carried out by builders R Wall & Son for Michaelis and Ors at 3 Wentworth Street. (Application 1933/20)</p> <p>George Michaelis was in residence in 1935 when he wrote to Council of an 'objectionable smell' suffered at the house arising from the harbour below. The death of Mr George I Michaelis at his residence 'Dunara', Wentworth Street, Point Piper on 30 July 1936 was reported in the <i>Sydney Morning Herald</i>. (SMH 31 July 1936, accessed on Trove at http://nla.gov.au/nla.news-article17256510)</p> <p>'Dunara' during World War II</p> <p>From February 1943 Dunara was occupied by the Women's Australian Auxiliary Air Force (WAAAF). (Sun, 14 February 1943, p. 8, accessed on Trove at http://nla.gov.au/nla.news-article17840841)</p> <p><i>Spending their first weekend at Dunara, lovely old Point Piper home, CO Waafs are acquainted with their new barracks and its' charming grounds. Lawns overlooking the Harbor will make a perfect setting for 6 am physical exercises. After examining the tennis court, the girls are eagerly awaiting arrival of the net. Seven airy dormitories and a mosquito-proof balcony provide the sleeping accommodation, and mess-room and recreation hall open on to a wide terrace. Wireless and gramophone will be installed for the "moving-in" party to be held shortly, but the girls are also -hopeful that some kind benefactor will bestow a piano. Ex-dress designer Corporal J. Zahara is .in charge of the household at Dunara.</i></p> <p>A photograph accompanying the above article showed ACW's Belly Margetts and Zoie Case with Cpl. J. Zahara admiring the waterlilies in the fishpond at 'Dunara'. To mark the second anniversary of the formation of the WAAAFs, Honorary Commandant Lady Gowrie sent messages of greetings and congratulations, a church service followed by a dinner was held at 'Dunara' (SMH, 18 March 1943, p. 3, accessed on Trove) and a Mothers' Day party was held at 'Dunara' on Sunday 14 March 1943. (SMH, 15 March 1943, p. 3, accessed on Trove at http://nla.gov.au/nla.news-article17840486) On 14 March 1945, RAAF airmen attended a dinner dance at 'Dunara' to help WAAAFs celebrate the fourth anniversary of their organisation. (SMH, 16 March 1945, p. 6, accessed on Trove at http://nla.gov.au/nla.news-article17935438)</p> <p>In March 1946, the continued occupation by the RAAF of several stately homes in Point Piper, including 'Kilmory', 'Craig-y-mor', 'Dunara', 'Mount Luano', 'Linlithgow', 'Hughendon' and 'Redleaf' was causing concern, labelled as a scandalous waste of money when accommodation in more suitable military camps was available. 'Dunara' was described as having "an ornamental fountain playing in the centre of a lawn around which sweep car drives to the stately entrance" and providing "restful quarters and messes for members of the WAAAF". (Sun, 10 March 1946, p. 7, accessed on Trove at http://nla.gov.au/nla.news-article228799656) A headline in the <i>Sydney Sun</i> described the occupied houses at Point Piper as an "RAAF Shangri La". (Sun, 14 March 1946, p. 3, accessed on Trove at http://nla.gov.au/nla.news-article228791327) The paper's reporter stated:</p> <p><i>"While thousands of families' lives have been disrupted by the housing shortage, RAAF personnel work in a Shangri-la atmosphere in seven large Point Piper homes. These homes, with 140 rooms, would provide between 30 and 40 flats if they were subdivided.</i></p> <p>He used the telephone in each of the seven houses without challenge and claimed most of the houses had three bathrooms and bedrooms two to three times larger than the bedrooms in most houses. The same article claimed that Woollahra Municipal Council had "outspokenly favored [sic] the sub-division of large houses into flats." (Sun, 14 March 1946, p. 3, accessed on Trove at http://nla.gov.au/nla.news-article228791327) Forty women's organisations asked the Army and air</p>
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	<p>Ministers to make these mansions available as hostels for women. (<i>Sun</i>, 17 March 1946, p. 5, accessed on Trove at http://nla.gov.au/nla.news-article228797929) The following month, 'Dunara' was reported in the press as possibly becoming a guest house. (<i>Northern Star</i> (Lismore), 6 April 1946, p. 5, accessed on Trove at http://nla.gov.au/nla.news-article99111214) By June 1946, the RAAF had decided to move out of these mansions. (<i>SMH</i>, 12 June 1946, p. 4, accessed on Trove at http://nla.gov.au/nla.news-article17987345)</p> <p><i>"Personnel of 'R.A.A.F. Headquarters, Eastern Area, and other Sydney units. expect to be in their new quarters at Bradfield Park by July 1. At present Eastern Area occupies several mansions at Point Piper: Linlithgow, Kilmory, Craig-y-moor. Hughenden. Redleaf. Dunara, and Mount Lonana. The R.A.A.F. will maintain guards at the homes until they are vacated."</i></p> <p>'Dunara' after World War II</p> <p>In November 1948 it was reported that the Sydney Young Men's Hebrew Association (YMHA) had recently taken possession of 'Dunara'. (<i>Hebrew Standard of Australasia</i>, 25 November 1948, p. 3, accessed on Trove at http://nla.gov.au/nla.news-article131102960)</p> <p><i>"At the moment the building has only been leased, and its selling is still subject to the consideration of the Treasury.' Tentative plans for the property include its immediate use for "Y and communal functions: This building is mainly intended- to become a centre for "Y youth. Ultimately a full-scale youth and communal centre, which will cater for the most modern requirements, will be established. The building was taken over as a guest house and will still be run as such for bona fide travellers. No structural alterations will be made until the housing shortage has been alleviated. It is planned to build tennis basketball and handball courts, a swimming pool, and bowling green. A hobby section will also be included. It is intended, to establish the best Jewish reference library in the southern hemi sphere. This will be done immediately; Social functions, such as weddings, bar mitzvahs, etc., will be catered for shortly, and many other developments are envisaged."</i></p> <p>The Young Men's Hebrew Association purchased 'Dunara' from the Michaelis family in 1949 (1949 Woollahra Municipal Council Rate Book) and proposed to subdivide the property. In January 1950 the NSW Board of Jewish Education announced that religious education classes would resume at a number of venues including the Rose Bay Centre at 'Dunara', Point Piper. (<i>Hebrew Standard of Australasia</i>, 19 January 1950, p. 5, accessed on Trove at http://nla.gov.au/nla.news-article131105917) In May 1956, Woollahra Council reported in the Council minutes that tentative plans had been submitted for a 'proposed subdivision of the property 'Dunara', 3 Wentworth Street, Point Piper (S/4012). The applicant was to be advised that 'favourable consideration will be given to the proposal subject to the proposed public garden and recreation space to be dedicated to Council being increased to a minimum of 4,000 square feet with a suggestion that such space be provided from Lot 9 of the proposed subdivision'. (WMC minutes 11 June 1956, pp.355-6)</p> <p>Council then approved the application in July 1956 with the engineer reporting "The survey plans agree substantially with the tentative plans previously submitted. Public garden and recreation space has been increased to 4,219 square feet, and whilst the right-of-way will be private property, some drainage work should be constructed to convey water from driveway to Wunulla Road". (WMC Minutes 9 July 1956, p.412)</p> <p>The 1955 valuation lists of the NSW Department of the Valuer General record that the 'Dunara' property had been transferred to Claude Edward Fortescue and on 19 November 1956 Emil E J Ford & Co, advised Council that they acted for C E Fortescue in the subdivision of the Du-Nara [sic] Gardens Estate. (WMC Minutes 26 November 1956, pp.691-2) Mr Fortescue was described as a wholesale butcher of 'Kiallacourt', Plumer Road, Rose Bay. (V G Valuation list of 1955)</p>
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	<p>The valuations further record the transfers of the various allotments of the Dunara Estate in 1956 and 1957. The transfer of 15 ½ perches from the Dunara estate to Woollahra Council is recorded with the transfer number T2/57. (Letter from Libby Watters to Mr Robert Brampton, November 2010) The 1957 lists record that Woollahra Council was the owner of 15 ½ perches with 8'10" front – described as 'public garden and recreation space. (Letter from Libby Watters to Mr Robert Brampton, November 2010)</p> <p>The 1987 Heritage Branch report recommending a PCO over 'Dunara' states that 'Dunara' was purchased by a Mr Plowman in 1957 and that sympathetic modifications to the house were made by Prof. Leslie Wilkinson that year. Council's records of building applications for Wentworth Street in 1957 show alterations being carried out to Lot 10B by Prof. Wilkinson for C E Fortescue but the lot number is crossed out and a penciled notation says "see No. 8 Wunulla Road". (Application 1957/152) 'Dunara' is not mentioned in Falkiner's book on the works of Wilkinson. (Falkiner et al. 1982)</p> <p>On 21 March 1978 'Dunara' was placed on the Register of the National Estate (RNE), a Commonwealth list of significant places. (SHR listing) The RNE has been replaced by the National Heritage List and is no longer maintained. In 1978 'Dunara' was up for sale and was sold by auction on 7 June 1979. (Russell 1980, p.76)</p> <p>In 1986 'Dunara' was Classified by the National Trust of Australia (New South Wales). On 10 July 1987 a Permanent Conservation Order (PCO) was placed on 'Dunara', the curtilage being Lot 10B, DP 408926, as shown on the Heritage Plan HC 1417 at Figure 12. The PCO was subject to a schedule of Exemptions under Section 57(2) of the Heritage Act to allow for routine building maintenance and horticultural management.</p> <p>In the Woollahra Significant Tree Survey of trees growing on private property carried out for Council by consultants Landscan in 1991, a specimen of <i>Ficus macrophylla</i> (Moreton Bay Fig) and a specimen of <i>Araucaria columnaris</i> (Cook's Pine), both growing in the garden of 1 Wentworth Street, Point Piper, close to the boundary with Dunara Reserve were identified as significant single trees for their historical value and visual dominance at harbour, district and local scales. In the same survey, of trees on public land, a single specimen of <i>Araucaria columnaris</i> (Cook's Pine) in Dunara Reserve was identified as a significant single tree for its historical value and visual dominance at harbour, district and local scales. The multi-stemmed development in the top part of the crown was also identified as an interesting feature of this tree. The Statement of Significance for this tree in Dunara Reserve is set out below.</p> <p><i>"The Cook Pine is of similar age, form and size to a neighbouring Pine of the same species located in 1 Wentworth Road [sic]. Both Pines are likely associated with the historically significant c.1882 "Dunara" estate. A dominant vertical element in its won right, the Pine on this property, moreover is of significance as part of a major historic grouping of Araucarias associated with the original estates in this precinct. This major grouping comprises the neighbouring Pine mentioned here as well as the Norfolk Island Pine in the street verge, in front of 1 Wolseley Road and the Cook Pine in Rose Bay Park, adjacent to the Rose Bay Police Station (formerly the gatehouseto Captain Piper's "Henrietta Villa", Furthermore, the Araucarias in Cranbrook School are a visual extension of this dominant theme. (Refer to Listings).</i></p> <p><i>These trees together form spectacular vertical accents and are an integral component of the early cultural planting of this area. Furthermore, the Cook Pines, with their distinctive curved trunks, dramatic scale, narrow branching pattern and very tall column-like appearance, are consistently rarer than the Norfolk Island Pines in the Municipality and are often more visually significant. Two large Canary Island Date Palms (Phoenix canariensis) are also of note in this reserve."</i></p> <p>In 1992 the owners of 'Dunara' were the Farkas family. (Letter from Council to Mrs Farkas dated 23 September 1992 in response to her enquiry regarding the history of the property)</p>
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	<p>'Dunara' was listed as an item of environmental heritage in Woollahra LEP 1995 on 10 March 1995 and on 2 April 1999 was placed on the State Heritage Register.</p> <p>The SHR listing indicates that interior alterations were made to 'Dunara' c.1990 and that the front and rear gardens were re-landscaped with box (<i>Buxus</i> sp.) hedging, Gardenia sp. and grassed areas. A brick wall was constructed to the southern side (right of way access to two lots downhill and east of 'Dunara'). In 2006, the then owner advised the Heritage Branch that the front of 'Dunara' had a recent brush fence along it. In the southwestern corner of 'Dunara' was a dead Sydney Blue Gum (<i>Eucalyptus saligna</i>). Another large tree, a Queensland Black Bean (<i>Castanospermum australe</i>) in Dunara's garden had also died and had been removed. In 2007, two air conditioning units and associated conduits had been installed on the southern wall of 'Dunara' without prior approval [of the Heritage Council]. (SHR listing for 'Dunara')</p> <p>At a meeting on 24 August 2015 Woollahra Council resolved:</p> <p style="margin-left: 40px;">A. THAT Council prepare a planning proposal to amend Schedule 4: Classification and reclassification of public land in Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) to reclassify the land known as Dunara gardens from 'community land' to 'operational land' with the intention of disposing of the land.</p> <p style="margin-left: 40px;">B. THAT a further report be brought to Council on the findings of the public consultation including the public hearing and submissions.</p> <p>On 12 March 2018 Woollahra Council adopted a notice of motion in the following terms:</p> <p style="margin-left: 40px;"><i>"THAT Council requests staff to prepare and submit a report including a heritage assessment and draft heritage inventory sheet for Dunara Reserve to the Urban Planning Committee to facilitate consideration of Dunara Reserve (and its elements) being:</i></p> <ol style="list-style-type: none"> <i>included in the Woollahra Local Environmental Plan as a heritage item; and</i> <i>listed as a heritage item of state significance on the NSW State Heritage Register."</i>
THEMES	
National historical themes	Developing local, regional and national economies; Building settlements, towns and cities; Developing Australia's cultural life; Marking the phases of life
State historical themes	Environment – Cultural Landscape; Land Tenure; Creative Endeavour; Persons
APPLICATION OF CRITERIA	
Historical significance SHR criterion (a)	Dunara Reserve is associated with a significant historical phase in the development of the cultural landscape of Point Piper and the former Dunara Estate. It retains physical fabric in the form of a significant specimen of <i>Araucaria columnaris</i> (Cook's Pine) which is a remnant of the historic plantings of 'Dunara' and which is a local landmark. It also contains two specimens of <i>Phoenix canariensis</i> (Canary Island Date Palm) likely to have been part of the ornamental plantings in the 'Dunara' garden.
Historical association significance SHR criterion (b)	Dunara Reserve is a remnant of the Dunara Estate developed by Sir Charles Mackellar from the 1880s and associated with the famous Australian poet Dorothea Mackellar, who was born at 'Dunara' in 1885. Dorothea Mackellar was born in the house and lived at 'Dunara' for many years, probably being inspired by the garden to write her poem 'In a southern garden'. While it is highly likely that the specimen of Cook's Pine was planted by or for the Mackellar family, there is insufficient evidence at

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	<p>this stage for a direct association between any member of the Mackellar family or subsequent occupants with the particular part of the garden retained in Dunara Reserve. The original garden is so subdivided and altered that the reserve is assessed to satisfy the exclusion guidelines for this criterion.</p> <p>Dunara Reserve does not satisfy the inclusion guidelines for Criterion B at a local or State level.</p>
<p>Aesthetic significance SHR criterion (c)</p>	<p>The cultural landscape of Dunara Reserve is aesthetically distinctive and the specimen of <i>Araucaria columnaris</i> has exceptional landmark qualities, with visual prominence at local, district and harbour scales.</p> <p>Dunara Reserve satisfies the inclusion guidelines for Criterion C at a local level but not a State level.</p>
<p>Social significance SHR criterion (d)</p>	<p>Social value is hard to quantify without detailed surveys of those who have been associated with a place, but it is likely that living individuals within the Woollahra Council area will have strong opinions about the place – some positive, some negative. <i>Araucaria columnaris</i> is a species identified in the Woollahra Heritage Study as an important element in the cultural landscape of the local government area and therefore contributes to the community's sense of place. The specimen of <i>Araucaria columnaris</i> growing in Dunara Reserve has been recognised as a significant tree since the Woollahra Significant Tree Register was established in 1991, is listed as an item in Woollahra LEP 2014 and recognised as an important specimen in the authoritative publication <i>Horticultural flora of South-eastern Australia</i>.</p> <p>It is considered that Dunara Reserve satisfies the inclusion guidelines for Criterion D at a local but not at a State level.</p>
<p>Technical/Research significance SHR criterion (e)</p>	<p>The lack of information about the date of planting and the maintenance history of the specimen of <i>Araucaria columnaris</i> and other plantings in the reserve and the limited archaeological or research potential of the reserve means that the place does not satisfy the inclusion guidelines for Criterion E at either a local or at a State level.</p>
<p>Rarity SHR criterion (f)</p>	<p>While <i>Araucaria columnaris</i> is relatively rare in cultivation in the Woollahra local government area and in NSW generally, Dunara Reserve, a remnant of the former garden of 'Dunara', it is not considered to be sufficiently rare as a cultural landscape in the local government area or in NSW generally to satisfy the inclusion guidelines for Criterion F at a local or at a State level.</p>
<p>Representativeness SHR criterion (g)</p>	<p>While the specimens of <i>Araucaria columnaris</i> and <i>Phoenix canariensis</i> growing on Dunara Reserve are representative of ornamental tree plantings in historic gardens within the Woollahra local government area, the reserve itself is not considered to be representative of those gardens since it is only a small remnant of the former 'Dunara' garden. The reserve is not considered to satisfy the inclusion guidelines for Criterion G at a local or at a State level.</p>
<p>Integrity</p>	<p>Integrity is "the state of being whole, entire or undiminished". (<i>Macquarie Dictionary</i>, 2nd ed., 1991)</p> <p>While the garden of the former 'Dunara' estate is much diminished in size and has lost most of its original and early plantings and other features, Dunara Reserve has retained its integrity since the lot is unchanged in size since it was created in the subdivision of 1956.</p> <p>Another term commonly used in the assessment of heritage items is intactness, a measure of the degree to which the item remains unaltered from its original configuration. Against this measure, Dunara Reserve retains the specimen of Cook's Pine and two specimens of Canary Island Date Palm from the original or early garden at 'Dunara' but other fabric in the reserve is more recent.</p>


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HERITAGE LISTINGS				
Heritage listing/s	The mature specimen of <i>Araucaria columnaris</i> (Cook's Pine) growing on Dunara Reserve is local heritage item No 277 on Schedule 5 in <i>Woollahra Local Environmental Plan 2014</i> .			
	The mature specimen of <i>Araucaria columnaris</i> (Cook's Pine) growing on Dunara Reserve is included on Woollahra Council's Significant Tree Register.			
INFORMATION SOURCES				
Include conservation and/or management plans and other heritage studies.				
Type	Author/Client	Title	Year	Repository
Written	C Betteridge	'Heritage Significance Assessment, Dunara Reserve, Wentworth Street, Point Piper'	2018	Woollahra Council
Written	Landarc Landscape Architects for Woollahra Municipal Council	Woollahra Municipal Council <i>Register of significant trees</i> , Volumes 1 to 4	1991	Woollahra Council
RECOMMENDATIONS				
Recommendations	<p>Include Dunara Reserve as an item of local heritage significance on Schedule 5, Woollahra LEP 2014.</p> <p>Manage Dunara Reserve to conserve and enhance its heritage significance through a proactive program of arboricultural and horticultural maintenance.</p> <p>Give consideration to interpreting the heritage significance of Dunara Reserve in culturally sensitive ways which may include material on Council's website and inclusion on a downloadable app for a walking tour of heritage sites in the Woollahra local government area.</p> <p>Prepare a Canopy Replenishment Strategy for the Reserve to provide for the staged replacement of the significant trees on the site, the timing of such replacement to be guided by arboricultural assessment of the vigour, condition and useful life expectancy of the trees.</p>			


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SOURCE OF THIS INFORMATION			
Name of study or report	'Heritage Significance Assessment, Dunara Reserve, Wentworth Street, Point Piper'	Year of study or report	2018
Item number in study or report			
Author of study or report	Chris Betteridge, Betteridge Heritage		
Inspected by	Chris Betteridge, on 19 April 2018		
NSW Heritage Manual guidelines used?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
This form completed by	Chris Betteridge	Date	15 June 2018


Heritage Data Form

IMAGES - 1 per page					
Image caption	View south along the footpath of Wentworth Street at the entrance to Dunara Gardens, showing specimens of <i>Phoenix canariensis</i> (Canary Island Date Palm) and <i>Ficus</i> sp. on Dunara Reserve.				
Image year	2018	Image by	C Betteridge	Image copyright holder	C Betteridge
					


Heritage Data Form

IMAGES - 1 per page					
Image caption	View east along the entrance drive of Dunara Gardens, with 3 Dunara Gardens at left, 'Dunara' (10 Dunara Gardens) at centre and Dunara Reserve at right.				
Image year	2018	Image by	C Betteridge	Image copyright holder	C Betteridge
					


Heritage Data Form

IMAGES - 1 per page					
Image caption	View east into Dunara Reserve, with glimpses of 9 Dunara Gardens (left of centre) and 1 Wentworth Street at right.				
Image year	2018	Image by	C Betteridge	Image copyright holder	C Betteridge
					


Heritage Data Form

IMAGES - 1 per page					
Image caption	View southeast from the footpath of Wentworth Street between 3A and 3B Dunara Gardens, showing parts of the upper elevations of 'Dunara'. The Cook's Pine with co-dominant trunks to its upper canopy is the listed specimen on Dunara Reserve while the other Cook's Pine is the listed specimen on 1 Wentworth Street.				
Image year	2018	Image by	C Betteridge	Image copyright holder	C Betteridge
					

Heritage Data Form

IMAGES - 1 per page					
Image caption	Telephoto view northwest from the northern footpath of New South Head Road, Rose Bay, with marina building and Regatta restaurant in the foreground. The Cook's Pines in Dunara Reserve and 1 Wentworth Street are very prominent elements in the landscape. The roof and part of the first-floor verandah of 'Dunara' can be seen to the right of centre.				
Image year	2018	Image by	C Betteridge	Image copyright holder	C Betteridge
					

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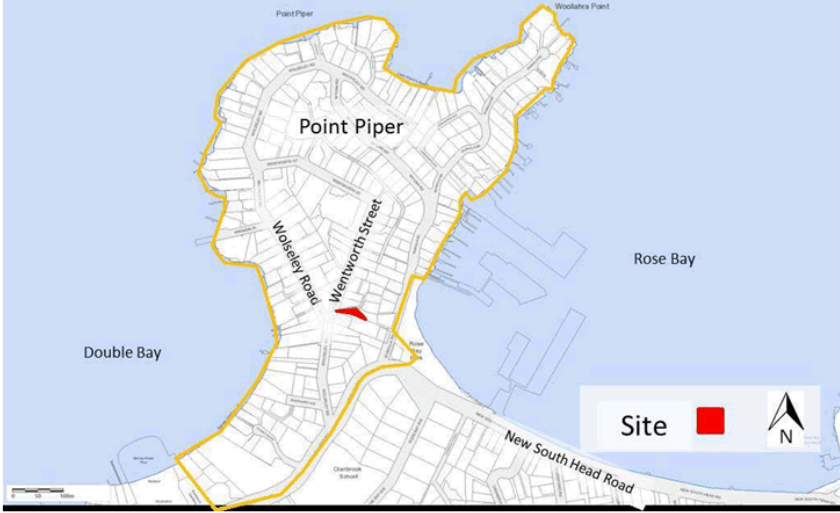
IMAGES - 1 per page					
Image caption	View west from the footpath on the road into Rose Bay Wharf, west of Lyne Park, towards Dunara Reserve. The multi-stemmed Cook's Pine in Dunara Reserve and other Araucarias in the area are very prominent elements in the landscape.				
Image year	2018	Image by	C Betteridge	Image copyright holder	C Betteridge
					

Heritage Data Form

IMAGES - 1 per page					
Image caption	Plan of the 1956 subdivision of the Dunara Estate, showing the house on a much-reduced curtilage as Lot 10 and Dunara Reserve as Lot 11.				
Image year	1956	Image by	C Betteridge	Image copyright holder	Woollahra Council



Heritage Data Form

IMAGES - 1 per page					
Image caption	The location of Dunara Reserve (coloured red) in the context of Point Piper.				
Image year	2018	Image by	Woollahra Council	Image copyright holder	Woollahra council
					

Appendix B

Cook pine

Item details

Name of item: Cook pine

Primary address: Dunara Gardens, Point Piper, NSW 2027

Local govt. area: Woollahra

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
Dunara Gardens	Point Piper	Woollahra			Primary Address

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Local Environmental Plan	Woollahra	LEP 1995	10 Mar 95	28	1348
Local Environmental Plan	Woollahra LEP 2014	277	23 May 15		

References, internet links & images

None

Note: internet links may be to web pages, documents or images.

Data source

The information for this entry comes from the following source:

Name: Local Government

Database number: 2711094

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Accessed at

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2711094>

On 3 May 2018

Appendix C

Dunara

Item details

Name of item:	Dunara
Other name/s:	Dorothea Mackellar birthplace
Type of item:	Built
Group/Collection:	Residential buildings (private)
Category:	House
Location:	Lat: -33.8689850889 Long: 151.2522772270
Primary address:	10 Dunara Gardens, Point Piper, NSW 2027
Parish:	Alexandria
County:	Cumberland
Local govt. area:	Woollahra
Local Aboriginal Land Council:	La Perouse

Property description

Lot/Volume Code	Lot/Volume Number	Section Number	Plan/Folio Code	Plan/Folio Number
LOT	10B		DP	408926

All addresses

Street Address	Suburb/town	LGA	Parish	County	Type
10 Dunara Gardens	Point Piper	Woollahra	Alexandria	Cumberland	Primary Address
10 Wunulla Road	Point Piper	Woollahra	Alexandria	Cumberland	Alternate Address

Owner/s

Organisation Name	Owner Category	Date Ownership Updated
Mr George Farkas	Private	24 Mar 99

Statement of significance:

Dunara is the oldest remaining house in Point Piper. It is historically significant particularly for its associations with Dorothea McKellar - as her birthplace and for its association with the influences on her artistic development, including her education, cultural environment and the surrounding landscape. Architecturally the house is an excellent example of a well-crafted Victorian residence of the period (built c 1883). It is a two-storey stuccoed brick house with slate roof and fine cast iron verandah and balcony, retaining much of its original detail intact and which past and present owners have maintained in a sympathetic manner. (Heritage Branch report, 1987).

The stables have been partially demolished and the servants' wing likewise has been separated from the house and converted into another dwelling. The entrance hall is particularly fine, having delicately carved shell motif cedar door head trims to doors opening off it and with Minton tiles.

Date significance updated: 21 Nov 06

Note: There are incomplete details for a number of items listed in NSW. The Heritage Division intends to develop or upgrade statements of significance and other information for these items as resources become available.

Description

Construction years: 1882-1883

Physical description: Site & Garden:
Dunara retains a portion of front (street-facing) formal garden, to Dunara Gardens and a small more informal rear garden, facing east towards Rose Bay. This garden is a remnant of the former Dunara estate which was subdivided in the 1950s, creating Dunara Gardens and adjoining house lots and Dunara Reserve to the house's south-west, facing Dunara Gardens (Stuart Read, pers.comm., 6/9/2017).

The house no longer had its original bush leading to the harbour foreshores, but it retains an uninterrupted view of Rose Bay (to its east)(Carr, 1987).

House:
Victorian house built c 1883 (Russell (1980) says in 1882). It is a two storey stuccoed sandstock brick house with slate roof and fine cast iron and tiled verandah and balcony. The brick walls are 45cm thick. The stables have been partially demolished and the servants' wing likewise has been separated from the house and converted into another dwelling (Branch report, 1987).

The entrance hall is particularly fine, having delicately carved shell motif etched cedar door head trims to doors opening off it and with Minton floor tiles. The house covers 45 squares (ibid, 1987).

The entrance hall leads to the sitting room, drawing room, dining room and the staircase to the first floor. All rooms are spacious and have provision for fireplaces, six of which have fine marble fireplace surrounds remaining. There are four bedrooms and one study. Two bathrooms have been added though it is understood that the original fabric remains intact underneath (ibid, 1987).

The upper floor is reached by an elaborately carved staircase via a large first floor hall lit by an etched glass skylight. Windows and French doors are timber framed and generally glazed with large sheets of hand drawn plate glass. The ceilings have been

strengthened early this century by an artistic application of patterned battened mouldings. (ibid, 1987).

The front of Dunara has a recent brush-fence along it. In the south western corner of Dunara is a dead Sydney blue gum (*Eucalyptus saligna*). Another large tree, a Qld. black bean (*Castanospermum australe*) in Dunara's garden has also died and been removed. The whole cul-de-sac of Dunara Gardens (now 11 houses) was all part of Dunara's original estate, which stretched east to Wunulla Road, much of it grassed with a circular driveway (pers.comm., current owner, 2006).

Physical condition and/or Archaeological potential:

House generally in very good condition (1987 Heritage Branch report).

Date condition updated:06 Sep 17

Modifications and dates:

1933 alterations by G.Keesing architect
c1939-45 acquired by RAAF and used as WAAF Officers' Mess.

Latter half, 20th century: stables partially demolished and the servants' wing likewise has been separated from the house and converted into another dwelling. The verandah to the south was removed under the terms of the covenant although some iron work was salvaged.

1954 subdivision alienating most of Dunara's grounds including circular driveway in lawn areas and bushland-clad access to Pt.Piper's eastern side foreshores. 11 houses are now around it off Dunara Gardens cul-de-sac, which did not exist prior.
1957 modifications (sympathetic) by Prof. Leslie Wilkinson (Heritage Branch Report, 1987)

c.1990 ensuite & dressing room for main bedroom installed in former hall access from second floor landing to rear (eastern) verandah. Bathroom installed to left hand side of front door (former room). Front and rear gardens re-landscaped with box (*Buxus* sp.) hedging, *Gardenia* sp. and grassed areas. Brick wall to southern side (right of way access to two lots downhill and east of Dunara).

The front of Dunara has a recent brush-fence along it. In the south western corner of Dunara is a dead Sydney blue gum (*Eucalyptus saligna*). Another large tree, a Qld. black bean (*Castanospermum australe*) in Dunara's garden has also died and been removed (pers.comm., current owner, 2006).

2007: air conditioning units (2) and conduits installed via southern wall of house & floor, without prior approval.

Further information:	Generally in very good condition (1987)
Current use:	residence
Former use:	Aboriginal land, rural estate, suburban estate residence

History

Historical notes:	<p>Point Piper: The Point's European history began as part of a 76ha land grant by Governor Macquarie to Captain John Piper in 1820. Piper had control of customs and all harbour matters, a lucrative position which enabled him to vastly increase the size of his land holding and build the finest house then in Sydney on the Point. He named it Henrietta Villa (after the second name of Governor Macquarie's wife, Elizabeth) and it quickly became the most prestigious social venue in town. However, Piper's flamboyant and extravagant lifestyle exceeded even his resources and he was soon deeply in debt. In 1827 it became apparent that he had embezzled 13,000 pounds from the customs revenues which, together with other debts, amounted to millions in modern values. The mortified Piper made a curiously grand suicide attempt, having himself rowed out into the harbour and, to the strains of his naval band, jumping overboard. He survived to retire to a more modest rural life.</p> <p>Henrietta Villa was bought by one of his debtors, Daniel Cooper in 1827, the Vacluse part of his estate outside the Point being bought by William Charles Wentworth and the rest (Bellevue Hill, Rose Bay, Woollahra) to the firm of Cooper and Levey to whom Piper had owed another 20,000 pounds.</p> <p>Daniel Cooper (1785-1853) had been transported to Australia in 1816 and became one of the colony's most successful merchants. His nephew, born in Lancashire in 1821 and also named Daniel Cooper, came to Australia in 1843 and was soon following in his Uncle's footsteps. Daniel the younger was already wealthy by the time he inherited his uncle's estate a decade later. He now had estates throughout the colony, including a large chunk around Double Bay,</p>
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much of which was Piper's former estate. In 1856 Cooper began a great mansion called Woollahra House on Point Piper, on the site of the Captain Piper's Henrietta Villa. In the same year Cooper became first Speaker of the new Legislative Assembly. He resigned from the Speakership in 1860 and returned to England a year later, became the Agent-General for NSW, was made the First Baronet of Woollahra in 1863, and died in 1902. Woollahra House was not completed until 1883 by his son, William. Some subdivision of the Point also began around that time. It was suggested as a replacement for Government House around 1901 (then occupied by the new Governor-General) but the offer was not taken up by the government and the estate was progressively sold off and the house demolished in 1929 (Spindler, undated).

Point Piper Estate:

In the 1820s business partners Daniel Cooper and Solomon Levey began acquiring land that included the substantial Point Piper Estate comprising 1130 acres in the Woollahra district that had been amassed by Captain John Piper since 1816. Following some financial difficulties Piper's land was conveyed to Cooper and Levey in 1826. Their title to the land was confirmed in 1830 and it became the sole property of Daniel Cooper in 1847. On Cooper's death in 1853, his nephew, also Daniel Cooper (later Sir Daniel Cooper), was appointed trustee of the Point Piper Estate which his uncle had bequeathed to his nephew's eldest son (also Daniel Cooper)(Woollahra Municipal Council/Local History/Fast Facts/p).

Point Piper Grant:

Now a prestige living area, it was part of a 190 acre (76 ha.) grant to Captain John Piper in 1820 who was 'Naval Officer' of the Colony at the time. After Piper found himself in financial difficulties the grant was bought in 1827 by Daniel Cooper who bequeathed it to the son of his nephew both also called Daniel. The son sold the grant to his brother, William, for 100,000 pounds who in 1883 built Woollahra House. The first subdivision on the Point took place around 1880 with the release of foreshore land around Woollahra House in 1899 (Woollahra Municipal Council/Local History/Fast Facts/p).

The Mackellars

John Mackellar married Euphemia Jackson and emigrated with their family to Australia from Dundee, Scotland in 1839. Their three sons were Keith, a sea trader, Frederick, who in 1839 became the first salaried officer at the Sydney Infirmary and Dispensary, later Sydney Hospital, and Charles, who became a surgeon.

Frederick had a son, Charles Kinnaird Mackellar (1844-1926) who married Marion Isobel Buckland (1854-1933) in 1877. There were four children of this marriage: Keith; Eric; Isobel Marion Dorothea (1885-1968) and Malcolm. Keith was killed in action in South Africa on 11 July 1890, during the Boer War. He was second lieutenant in the Australian Volunteer Horse Squadron.

Sir Charles Kinnaird Mackellar (1844-1926) was born in Sydney and educated at Sydney Grammar School and the University of Glasgow medical school, graduating in 1871. He returned to Australia and practiced in Sydney, becoming a noted physician and sociologist (Australian Dictionary of Biography/Dorothea Mackellar obituary, Sydney Morning Herald).

Charles registered with the Medical Board of NSW in 1872. In 1873-77 he was honorary surgeon at the Sydney Infirmary and Dispensary (Sydney Hospital from 1881), where his father had been the first salaried officer (Mitchell, 1986). He advised the Government on hygiene and preventative medicine and helped establish the North Head Quarantine Station and the Coast, or Prince Henry Hospital. In 1883, he became president of the new Board of Health and president of the NSW branch of the British Medical Association, which was set up in 1880.

Mackellar was a physician at the hospital in 1882 and a director in 1884-1903. He was also a director of Royal Prince Alfred Hospital 1886-1917. He worked 'stupendously' at general practice in early years. In 1877 he married Marion Buckland, acquired considerable pastoral interests and in 1896 succeeded his father-in-law as a director of the Bank of NSW, of which he was president in 1901-23 apart from absences abroad in 1904-5 and 1912-13. He was chairman, board member and trustee of a number of other companies, in insurance, sugar refining, etc (ibid, 1986).

His parliamentary career included serving in the Legislative Council from 1885. He became a Federal Senator in 1903 but his commitments precluded attendance at Melbourne sittings so he resumed his Legislative Council seat.

He was president of the Children's Relief Department from 1903 and published a pamphlet on 'Parental Rights and Parental Responsibility' (1903) and a treatise on 'The Child, The Law and the State' (1907); he established homes for invalid children at Mittagong, for disabled children at Parramatta and for delinquents who had been before the Children's Court, at Ormond House. In 1913, Mackellar reported on the treatment of delinquent and neglected children in Europe and the United States.

Mackellar was knighted in 1912 and appointed KCMG in 1916; he died in Sydney on 14 July 1926 (Australian Dictionary of Biography/Dorothea Mackellar obituary, Sydney Morning Herald).

Marion MacKellar (1854-1933)

Marion Isobel Mackellar (nee Buckland)(1854-1933) was the second daughter of Thomas Buckland of Kent, a wealthy merchant, pastoralist and banker. Buckland became a director and president of the Bank of NSW, a position in which he was succeeded by his son-in-law, Charles, from 1901-1923. Marion married Charles Mackellar

in August 1877 at St.Paul's Church, Sydney. They had three sons and a daughter, Dorothea (Anderson, 2008, 14-15).

Dorothea MacKellar (1885-1968)

Dorothea Mackellar was born (on 1 July 1885: Anderson, 2008, 15) at the family home, Dunara, built by the Mackellars on five acres of land (Woollahra Council say 2 acres) at Rose Bay (Point Piper). The two-storied residence was surrounded by servants' quarters, stable, coach house, numerous outbuildings and magnificent gardens. Dunara - Aboriginal for 'gunyah on the slope of a hill', was one of many residences in Sydney owned by the Mackellar family (Anderson, 2008, 14-15). She spent most of her childhood here (Carr, 1987).

Dorothea was educated privately, travelled extensively (Kingston, 1986) and educated at the University of Sydney. She became fluent in French, Spanish, German and Italian and attended some lectures at the University of Sydney. Her youth was protected and highly civilised. She moved easily amongst the society of Sydney's intellectual and administrative elite, life on her family's country properties and among their friends in London (ibid, 1986).

While staying at Torryburn, a family property in the Allyn River valley (in the Hunter), she experienced the breaking of a drought and subsequently wrote the patriotic verse "My Country". This poem was published under the title 'Core of My Heart' in "The Spectator" on 5 September 1908, when she was visiting London, and reprinted in "The Sydney Mail" 21/10/1908 and in most of Australia's leading newspapers and journals, on occasions with minor wording changes. It quickly became Australia's best known lyric poem (Anderson, 2008, 15). The poem captured the spirit of nationalism developing in the early 20th century.

In 1911 her first book of verse, 'The closed door and other verses' was published in Melbourne. The appearance of 'My Country' in this book is thought to be the first under its more familiar title.

Dorothea lived for a time at Darling Point. She worked for the Red Cross and was filled with energy and zets, wanting to do things for people, putting a lot of energy into women's causes (unattrib., 2017, 5).

Dorothea travelled widely in Europe, Asia and South America and published three more collections of verse: 'The Witch Maid' (1914); 'Dreamharbour' (1923); and 'Fancy Dress' (1927). Her novel, 'Outlaw's Luck' (1922) reflected impressions of Argentina and her poems included translations from Spanish, German and Japanese. She also wrote two other novels in collaboration with Ruth Bedford, but ill health had virtually ended her literary career when 'Fancy Dress' appeared. She was appointed OBE in the 1968 New Year Honours list and died at the Scottish Hospital, Sydney on 14 January 1968 (Anderson, 2008, 15: unattrib., 2017, 5) says she died in a Randwick

nursing home). Prior to this she had spent a good deal of time living in relative seclusion at her house, Tarrangaua, in Lovett Bay, Pittwater (Stuart Read, pers.comm.). 'The Poems of Dorothea Mackellar', including 'My Country' and a brief memoir by Adrienne Matzenik (nee Howley) was published in 1971 (Anderson, 2008, 19). On her 82nd birthday in 1967, Dorothea told two friends, Gordon Williamson and Dorothea Macmillan, that the famous poem was completed in the apartments above her father's consulting rooms in Buckland Chambers, overlooking Hyde Park (183 Liverpool Street), Sydney (Anderson, 2008, 20-21).

Dorothea was buried at Waverley Cemetery. In 2017 poet Libby Harthorn and the Society of Women Authors of NSW crowd-funded \$2000 towards the cost of placing a new marble etched grave tablet on Dorothea's grave, which quotes her most-famous lines from 'My Country': 'I love a sunburnt country, a land of sweeping plains, of ragged mountain ranges, of droughts and flooding rains'. This tablet was unveiled in a ceremony with the Mayor of Waverley, John Wakefield (unattributed, 2017, 5).

It is a good example of the spacious and well crafted residence of the period. (AHC from nominator, modified Read, S., 11/2006).

Dunara:

Dunara was built c 1883 (1882 says Russell, 1980, 76; Woollahra Council say 1882-4) by distinguished physician, MLA and philanthropist, Sir Charles McKellar*1 was the birthplace (Russell, 1980, 67) and the childhood home of his daughter, Dorothea, the famous poetess*2.

It is a good example of the spacious and well crafted residence of the period. (AHC from nominator, modified Read, S., 11/2006).

An 1887 photograph shows the bushland surrounding Dunara (downhill to its east, south and to the north) the house is on a cleared rise above Rose Bay)(SMH, 1978).

In 1919 the house was sold to merino sheep breeder, Sir Norman Kater (1919) and in 1931 sold to Mr Michaelis. Some alterations were carried out by architect G.Keesing in 1933 and when bought by Mr Plowman in 1957 further modifications of a sympathetic nature were made by Professor Leslie Wilkinson (Carr, 1987).

It was later acquired by the RAAF and has been used as a WAAF Officer's Mess (Carr, 1987).

The property was subdivided in 1954, alienating most of the grounds. Although bushland no longer leads to the foreshores (to the east side of Pt. Piper), Dunara still has an uninterrupted view of Rose Bay. (Heritage Branch report, 1987).

The whole cul-de-sac of Dunara Gardens (now 11 houses) was all part of Dunara's original estate, which stretched east to Wunulla Road, much of it grassed with a circular driveway west of the front door (pers. comm., current owner, 2006).

In 1978 Dunara was up for sale.
Russell (1980) notes it was sold by auction in 1979.

"And a chorus rises valiantly from
where the crickets hide,
Close-shaded by the balsams
drooping down -
It is evening in a garden by the
kindly waterside,
A garden near the lights of
Sydney town!"
(from the poem "In a Southern Garden", in which Dorothea Mackellar may have been thinking of her early home Dunara.

Dorothea Mackellar spent many of her early years at Dunara, a Georgian mansion built by her father on a large property fronting Rose Bay. Now (1978) long after the once-expansive grounds have been subdivided (c.1950), Dunara is to be sold. In "Point Piper Past & Present" Nesla Griffiths says: "Miss Dorothea Mackellar tells me that Dunara is a native word meaning 'the house on the hill' and that her father built his home between 1882 and 1884. It is still standing, and is one of the few with a drive to the door, with a lovely view eastward, and in those days gracious gardens and beautiful trees."

Dunara was bought by Dr.N.W.Kater (later Sir Norman) in 1919 and sold to Mr Michaelis in 1931. It was one of the houses taken over by the RAAF and has been used as a WAAF Officers' mess. The house has two storeys, covering about 45 squares, a colonial verandah on the ground floor and a balcony on the first floor, both with wrought iron lacework.

Bushland no longer leads to the foreshores but Dunara still has an uninterrupted view of Rose Bay.

The sandstock walls of the house are 45 cm thick and the front door is cedar with etched white glass panels. The Minton tiled vestibule inside the front porch leads to the sitting room, drawing room, dining room and cedar staircase to the second floor. There are 5 bedrooms, some of which contain period features like bay windows and the original chain window sashes. All have marble fireplaces (there are seven in the house) cedar and mahogany joinery, and high ceilings.

The main bedroom is huge, and it has two floor-to-ceiling windows leading to the balcony, a wall of built-in cupboards and a study annexe. The present owners, who have been progressively restoring the mansion since they moved in 21 years ago (1957), plan to move to

a smaller home. Richardson & Wrench Ltd., of Double Bay, will auction the property on November 24 (Garry Maddox, Property Reporter, Sydney Morning Herald, 21/10/1978).

The house was sold by auction on 7 June 1979 (Russell, 1980, 67).

Mr Andre Korda, the present (1987) owner (at time of PCO) was interested in the heritage aspect of the Dunara Gardens property and nominated it for the protective order (Bob Carr, Minister for Planning & Environment and Minister for Heritage, Press Release, 1987).

*1

Sir Charles Kinnaird Mackellar (1844-1926) was a physician, politician and businessman. Only son of Frederick Mackellar (d.1863) physician, from Dundee, Scotland and wife Isabella, nee Robertson, widow of William McGarvie. Educated at Sydney Grammar, Charles moved with his family to the Port Macquarie district c. 1860. He spent several years on the land before proceeding to Scotland to attend the University of Glasgow (MB, Ch.M., 1871). Returning to Sydney he registered with the Medical Board of NSW on 25/3/1872. In 1873-7 he was honorary surgeon at the Sydney Infirmary and Dispensary (Sydney Hospital from 1881) where his father had been first salaried medical officer: (Sir) Henry Normand MacLaurin also joined the staff in 1873 and cemented one of the most important friendships of Dr Mackellar's life. He was a physician at the hospital in 1882 and a director in 1884-1917. He worked 'stupendously' at general practice in early years.

In September 1881 Dr Mackellar joined the board, led by Dr Alfred Roberts, which was appointed to control the first serious smallpox epidemic in NSW and was gazetted as the Board of Health on 6/1/1882. In July Mackellar became Government Medical Adviser, health officer for Port Jackson, chairman of the Immigration Board, and an official visitor to the hospitals for the insane at Gladesville & Parramatta. He was also ex officio emigration officer for Port Jackson, and a member of the Board of Pharmacy and the Medical Board. In July 1883 he campaigned for a federal quarantine system and was appointed president of the Board of Health in August. Contemporaries believed that Mackellar was solely responsible for the organisation of the department but he deferred to Roberts: 'it is rather that I doggedly and persistently followed his lines than that I formulated any original scheme of my own' - the Mackellar motto was Perseverando.

Persuaded by the attorney-general W.B.Dalley, a private patient, Mackellar resigned his official appointments in August 1885 and was nominated to the Legislative Council to promote public health legislation he had helped to draft, but which lapsed with the resignation of the Stuart government in October. He was an ordinary member of the Board of Health until 1925. In 1886-7 as vice-president of the Executive Council and briefly secretary for Mines Mackellar represented the Jennings government in the Representative Council.

He introduced the Dairies Supervision Act of 1886 which helped to reduce infant mortality. Except for October-November 1903, when he was appointed to the Commonwealth Senate, he remained in the council until 1925. In 1903-4 he chaired the Royal Commission on the decline in the birth rate, dominating its proceedings in a manner uncharacteristic of his usually careful approach to scientific enquiry.

In 1882-5 Mackellar had been a member of the State Children Relief Board. In 1902-14 he was president, and was identified with the Neglected Children and Juvenile Offenders Act (1905) which created children's courts and the probationary system. He was soon at loggerheads with his under-secretary Peter Board, largely over the extension of the Board's activities into areas not envisaged by its Act. Criticism, muted while Mackellar remained in office, became public not long after his departure.

Until at least 1912, Mackellar had been convinced that environmental factors determined the development of the young. Enquiries abroad leading to his report as Royal Commissioner on the Treatment of Neglected and Delinquent Children in Great Britain, Europe and America (1913) caused him to modify his views. With Professor D.A. Welsh he published an essay, Mental Deficiency (1917) advocating better training and care of the feeble minded, and suggesting their sterilisation on eugenic grounds. Mackellar consistently lectured and published pamphlets to propagate social reform. He was admired for his reluctance to align himself with any political faction, and for his unselfish devotion to the public interest. Knighted in 1912, he was appointed KPMG in 1916.

On 9/8/1877 Mackellar had married Marion (d.1933) daughter of Thomas Buckland. He acquired considerable pastoral interests and in 1896 succeeded his father-in-law as a director of the Bank of NSW, of which he was president in 1901-23 apart from absences abroad in 1904-5 and 1912-13. Mackellar was chairman of the Gloucester Estate Co. in its later years and succeeded MacLaurin as chairman of the Mutual Life & Citizens' Assurance Co. Ltd; he had been a trustee in 1911-14. He was also a director of Pitt, Son & Badgery Ltd.; the Union Trustee Co. of Australia Ltd.; United Insurance Co. Ltd.; Colonial Sugar Refining Co.; Australian Widows' Fund; and Equitable Life Assurance Co.Ltd. of which he was medical director. He was surgeon in the Volunteer Rifles from 1872; chairman of the medical section of the Royal Society of NSW in 1881; founding councillor and in 1883-4 president of the NSW branch of the British Medical Association; examiner in medicine at the University of Sydney in 1889-1901; vice-president and in 1907-14 president of the Sydney Amateur Orchestral Society; inaugural vice-president of the Royal Society for the Welfare of Mothers and Babies in 1918; and a member of the Australian and Athenaeum Clubs, Sydney.

By 1923 Mackellar had resigned most of his business appointments as health and memory deserted him. He died at his residence Rosemont,

Woollahra on 14/7/1926 and was buried in the Anglican section of the Waverley cemetery. His estate, valued for probate at 39,205 pounds, was left in trust to his wife and on her death in 1933 to their surviving children Eric, Malcolm and Dorothea. His eldest son Keith Kinnaird had been killed in action in South Africa in 1900. Australian Dictionary of Biography, 1891-1939)(SMH, 1978).

One of Dr Mackellar's special interests was public health and he did pioneering work with juvenile delinquents and mentally defective children; he was knighted for his services to medicine. Later he became a Member of the Legislative Council of NSW, and in 1903 was elected a Senator for NSW (Russell, 1980, 67).

*2

Isobel Marion Dorothea Mackellar (1885-1968) was born at Dunara, Point Piper, Sydney, third child (of four children and the only girl in the family (Russell, 1980, 67)) of native-born parents (Sir) Charles Kinnaird Mackellar and his wife Marion, daughter of Thomas Buckland. She was educated at home and travelled extensively*3 with her parents, becoming fluent in French, Spanish, German and Italian, and also attended some lectures at the University of Sydney. Her youth was protected and highly civilised. She moved easily between the society of Sydney's intellectual and administrative elite, life on her family's country properties, and among their friends in London.

Dorothea began writing while quite young and surprised her family when magazines not only published but paid for her verses and prose pieces. On 5/9/1908 a poem, 'Core of my heart', which she had written about 1904, appeared in the London "Spectator". It reappeared several times in Australia before being included as "My Country" in her first book, "The closed door, and other verses" (Melbourne, 1911). She published "The Witchmaid, and other verses" in 1914 and two more volumes of verse (1923 & 1926), also a novel "Outlaw's luck" (London, 1913) set in Argentina. With Ruth Bedford, a childhood friend, she wrote two other novels (1912, 1914). During World War I and as a result of its frequent inclusion in anthologies, 'My Country' became one of the best known Australian poems, appealing to the sense of patriotism fostered by the war and post-war nationalism.

Photographs of Dorothea in her twenties show her to have been then an ideal image of the Australian girl, pretty, sensitive, and fashionable. She was said to be a strong swimmer, a keen judge of horses and dogs. Her verse shows that she was cultivated and spirited, her novels that she was hopelessly romantic. Between 1911 and 1914 she was twice engaged. The first engagement she broke because the man was over-protective; the second lapsed through misunderstanding and lack of communication after the outbreak of war. Her writing, once the product of youthful passion and enthusiasms, became increasingly souvenirs of travel or dependent on nature for inspiration. She was unable to write of her disappointment in love except in powerful translations from little-known Spanish and German poets.

Despite her 'loathing all restrictions and meetings' Dorothea Mackellar was honorary treasurer of the Bush Book Club of NSW and active in the formation in 1931 of the Sydney P.E.N Club. She became responsible for her aging parents, and apparently wrote little after her father's death in 1926. Her mother died in 1933 and Dorothea, 'a not particularly robust dormouse', was frequently in poor health, spending ten years in a Randwick nursing home. Yet she outlived her younger brothers and was able to keep both Cintra, Darling Point, and a house at Church Point on Pittwater. She was appointed O.B.E just before she died on 14/1/1968 in the Scottish Hospital, Paddington, after a fall at home. She was cremated after a service at St. Mark's Anglican Church, Darling Point and her ashes laid in the family vault in Waverley Cemetery. Her estate was valued for probate at over \$1,580,000.

H.M.Green describes her as a 'lyrist of colour and light' in love with the Australian landscape. She herself 'never professed to be a poet. I have written - from the heart, from imagination, from experience 'some amount of verse'. Privileged and unusual, she was also typical of many Australian women of her generation in the contrast between the inspired vigour of her youth and the atrophy of her talent and vitality through lack of use. (Beverley Kingston in The Australian Dictionary of Biography, 1891-1939, p.298-9).

*3

Russell (1980) adds she became friendly with Joseph Conrad and his wife in London, where she lived for some years before World War 1. He adds she lived for some time at Rosemont, Woollahra and from the 1930s at Cintra, Darling Point Road, Darling Point.

In 2017 Woollahra Municipal Council resolved to reclassify adjacent Public Reserve land titled 'Dunara Gardens' to the west of Dunara's SHR curtilage from 'community' to 'operational land' to allow its sale. 67 objections from 55 people were received and referred to an Independent Chair's review of the reclassification of the land. The chair's report on reclassification is due in April 2018. A March 2018 unanimous Council motion led to a direction to staff to investigate whether reserve meets criteria for LEP and SHR listing. Both will go to a full Council meeting. WWC, 21/3/18).

Historic themes

Australian theme (abbrev)	New South Wales theme	Local theme
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1. Environment- Tracing the evolution of a continent's special environments	Environment - naturally evolved-Activities associated with the physical surroundings that support human life and influence or shape human cultures.	Changing the environment-
3. Economy- Developing local, regional and national economies	Environment - cultural landscape-Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings	Developing local, regional and national economies- National Theme 3
3. Economy- Developing local, regional and national economies	Environment - cultural landscape-Activities associated with the interactions between humans, human societies and the shaping of their physical surroundings	Landscapes and gardens of domestic accommodation-
4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	Residential-
4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	Adapted heritage building or structure-
4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	housing (suburbs)-
4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	gentlemen's residences-

4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	A Picturesque Residential Suburb-
4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	Housing famous families-
4. Settlement- Building settlements, towns and cities	Accommodation-Activities associated with the provision of accommodation, and particular types of accommodation – does not include architectural styles – use the theme of Creative Endeavour for such activities.	Housing professional people-
8. Culture- Developing cultural institutions and ways of life	Creative endeavour-Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	Creating works of literature-
8. Culture- Developing cultural institutions and ways of life	Creative endeavour-Activities associated with the production and performance of literary, artistic, architectural and other imaginative, interpretive or inventive works; and/or associated with the production and expression of cultural phenomena; and/or environments that have inspired such creative activities.	Architectural styles and periods - Victorian (late)-
8. Culture- Developing cultural institutions and ways of life	Domestic life-Activities associated with creating, maintaining, living in and working around houses and institutions.	Living in suburbia-
8. Culture- Developing cultural	Domestic life-Activities associated with creating, maintaining, living in and working around houses and institutions.	Valuing women's contributions-

institutions and ways of life		
9. Phases of Life-Marking the phases of life	Persons-Activities of, and associations with, identifiable individuals, families and communal groups	Associations with Dorothea McKellar, Poetess-
9. Phases of Life-Marking the phases of life	Persons-Activities of, and associations with, identifiable individuals, families and communal groups	Associations with the Hon. Sir Charles McKellar Doctor, MP, philanthropist-

Recommended management:

Recommendations

Management Category	Description	Date Updated
Recommended Management	Produce a Conservation Management Plan (CMP)	
Recommended Management	Prepare a maintenance schedule or guidelines	
Recommended Management	Carry out interpretation, promotion and/or education	

Procedures /Exemptions

Section of act	Description	Title	Comments	Action date
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57(2)	Exemption to allow work	Heritage Act	<p>Record converted from HIS events</p> <p>Order Under Section 57(2) to exempt the following activities from Section 57(1): (1) The maintenance of any building or item on the site where maintenance means the continuous protective care of existing material; and (2) All horticultural management including the repair and maintenance of existing fences, gates and garden walls.</p>	Jul 10 1987
57(2)	Exemption to allow work	Standard Exemptions	<p>SCHEDULE OF STANDARD EXEMPTIONS HERITAGE ACT 1977 Notice of Order Under Section 57 (2) of the Heritage Act 1977</p> <p>I, the Minister for Planning, pursuant to subsection 57(2) of the Heritage Act 1977, on the recommendation of the Heritage Council of New South Wales, do by this Order:</p> <p>1. revoke the Schedule of Exemptions to subsection 57(1) of the Heritage Act made under subsection 57(2) and published in the Government Gazette on 22 February 2008; and</p> <p>2. grant standard exemptions from subsection 57(1) of the Heritage Act 1977, described in the Schedule attached.</p> <p>FRANK SARTOR Minister for Planning Sydney, 11 July 2008</p> <p>To view the schedule click on the Standard Exemptions for</p>	Sep 5 2008

			Works Requiring Heritage Council Approval link below.	
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 **Standard exemptions** for works requiring Heritage Council approval

Listings

Heritage Listing	Listing Title	Listing Number	Gazette Date	Gazette Number	Gazette Page
Heritage Act - State Heritage Register		00539	02 Apr 99	27	1546
Heritage Act - Permanent Conservation Order - former		00539	10 Jul 87	117	3917
Local Environmental Plan			10 Mar 95		
National Trust of Australia register	1986				
Register of the National Estate			21 Mar 78		

References, internet links & images

Type	Author	Year	Title	Internet Links
Written	Anderson, Val.	2008	The Dorothea Mackellar 'My Country' Paterson Valley Connection	
Written	Bastians, Kate	2018	'Locals fight for open space'	

Written	Kingston, Beverley	1986	'Mackellar, Isobel Marion Dorothea (1885-1968)', in Australian Dictionary of Biography, vol.10	View detail
Written	Mitchell, Ann M.	1986	'Mackellar, Sir Charles Kinnaird (1844-1926)', Australian Dictionary of Biography, vol.10	View detail
Written	Russell, Eric	1980	Woollahra - a history in pictures	
Written	Spindler, Graham		CIRCULAR QUAY TO SOUTH HEAD AND CLOVELLY LOOP WALK L6: POINT PIPER - 1	View detail
Written	Woollahra Municipal Council		'Point Piper (grant; estate)' in 'P', in 'Local History: Fast Facts'	View detail
Written	Woollahra Municipal Council		'Dunara' in 'D', in 'Local History Fast Facts'	View detail

Note: internet links may be to web pages, documents or images.



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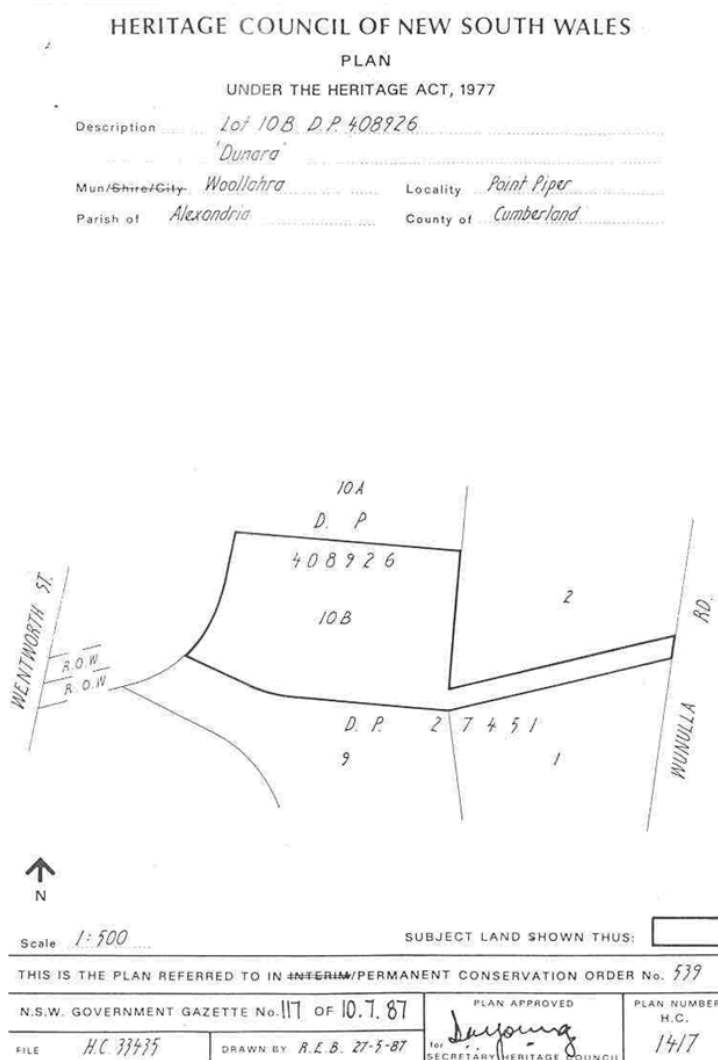


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Dunara

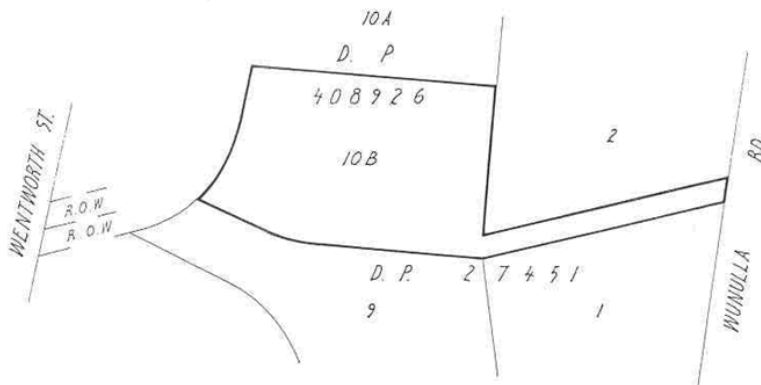
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HERITAGE COUNCIL OF NEW SOUTH WALES

PLAN

UNDER THE HERITAGE ACT, 1977

Description *Lot 10B, D.P. 408926*
'Dunara'
 Mun/Shire/City *Woollahra* Locality *Point Piper*
 Parish of *Alexandria* County of *Cumberland*



Scale *1:500* SUBJECT LAND SHOWN THUS:

THIS IS THE PLAN REFERRED TO IN ~~INTERIM~~/PERMANENT CONSERVATION ORDER No. *539*

N.S.W. GOVERNMENT GAZETTE No. <i>117</i> OF <i>10.7.87</i>		PLAN APPROVED	PLAN NUMBER
FILE <i>H.C. 33435</i>	DRAWN BY <i>R.E.B. 27-5-87</i>	<i>[Signature]</i>	H.C. <i>1417</i>
		1st SECRETARY HERITAGE COUNCIL	

Accessed at

<http://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=5045694>

On 3 May 2018

Woollahra 2004 *heritage inventory*
Based on the NSW Heritage Office State Heritage Inventory sheet

Appendix D

ITEM DETAILS			
Current name of proposed item	Walter McGrath House		
Former name			
Item type	Archaeological, Built, Landscape, Movable/Collection, Area/Group/complex Built		
Significant area or group	Name		
Address	Number 4	Street Dunara Gardens	Suburb Point Piper
Property description by Council	Lot 4	DP 27451	
Original owner	Name Mr & Mrs Walter McGrath Jnr. (from BA drawings)		Address
Use	Current Residence		Former Residence
Statement of significance	Features typical of the Wrightian (Prairie School) approach are combined with the architect's own individual organic-inspired elements to create an modern expressionist building of great interest, with Structuralist style influences evident in the exposed frame form. The building is associated with the architect Peter Muller, an important mid to late 20 th century Australian architect of international note. The powerful geometrical themes and massing of the living wings of the house make the building a very good example of the early part of Muller's career and reflect his primary role in introducing the Prairie School approach to design to Australia in the 1950s. The place is of some significance to groups who appreciate Australian architectural history, as evidenced by its inclusion on the RAI Register of 20 th Century Buildings of Significance.		
Level of significance	State Yes - Moderate	Local Yes - High	
Heritage listings	Woollahra Council LEP 1995 (as amended): No State Heritage Register / Inventory: No / No Royal Australian Institute of Architects (NSW Chapter) Register of 20th Century Buildings of Significance: Yes National Trust of Australia (NSW): No		
DESCRIPTION			
Designer	Peter Muller [company structure at the time unknown]		
Builder	Unknown, however Peter Muller recalls that the client, Mr McGrath, used a building foreman, with all accounts and purchases paid directly by the client.		
Construction years	1957		
Physical description	No. of Storeys: 2 storeys with lower level garage and service area Roof: Metal tray roofs with overhanging stained timber awnings Walls: Grey face brick with some cement render, and turquoise-painted fibre cement tile in diamond-pattern cladding. Chevron motif parapet decoration. Windows & Doors: Polished timber framed front door, flush timber varnished garage door, aluminium frame windows. Precast cement planter boxes in prismatic form below triangular-shape windows. Form & Structure: Courtyard form with two pavilions; one two-storey pavilion consisting of bedrooms, and one three-storey pavilion consisting of kitchen, dining, entertaining, breakfast, and study, surmounted by two bedrooms. Courtyard consists of swimming pool, gallery, and garden. Style or period: Abstract Modern style with Structuralist and Prairie School influences. Interiors: Not inspected. BA drawings show: lowest floor consisting of double garage, utility room, and winter drying room; middle level consisting of bedrooms 3, 4, 5, and 6, gallery, entertaining		

Woollahra 2004 *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>area, study, dining, kitchen, breakfast room, kitchen, and toilets; upper floor consisting of bedrooms 1 and 2, both with ensuites. Interior finishes are generally stone / carpet over concrete floors, timber/plywood walls and ceilings.</p> <p>Contribution to streetscape: Located near the end of a short, narrow dog-leg drive, the house makes a surprising and unusual contribution to the streetscape, which is dominated by the 19th century villa, Dunara, and other early to mid 20th century houses of substantial size in traditional materials, colours, and form.</p> <p>Landscaping: No landscaping of note evident.</p>
Physical condition	In good order
Modification and dates	No documented modifications except 1962 siteworks.
Archaeological potential	<p>Due to the long period of European occupation of this site the archaeological potential for Aboriginal cultural material is low.</p> <p>There is little potential for archaeological remains relating to the later-19th century development of the area due to disturbance caused by construction of the subject building.</p>
Further comments	<p>Inspected externally only.</p> <p>When asked how this building fits into his career's works, Muller replied that he sees it "as an expression of my searching for balanced, mirrored forms (yin/yang)".</p> <p>In her analysis of Muller's domestic architecture, Urford situates the McGrath house in the early phase of Muller's career, spanning from 1952, when he returned to Sydney after studying in the United States of America, to 1957. The houses of this period are "important for their unique, flexible, and spacious planning - as distinct from the typical Anglo-Australian plan of this time with its compartmentalised and boxy interiors." (Urford, op. cit., p. 6) The design for the McGrath House was an evolution from an illustrated letter Muller received from Bert Read. The diamond shaped cross section of the roof framing was a concept Muller had previously employed in the Molinari House (Forestville, 1954), as well the Audette House (1952) and his own house at Palm Beach (1954). Urford concludes that "the McGrath House is noteworthy not only for its ability to organise a large brief for an extremely large family on a restricted block...but also for the use of cheap, discarded, unconventional building materials. Muller here discovered and used for the first time the free off-cuts from 'Tilux', a compressed asbestos cement manufactured by Hardies." (Urford, op.cit., p. 18) The house is representative of Muller's characteristic "sense of geometry and axial composition, the repetition of simple geometrical elements impart[ing] a pervasive unity to the forms" evident from the early stage of his career. (Urford, op.cit., p. 20-1)</p>

HISTORY

Historical notes	<p>The subject house is located on land which was part of the Point Piper Estate and contained the tennis court associated with the c.1884 house Dunara, at 10 Dunara Gardens, long time home of the poet Dorothea MacKellar. In 1956, Edward Fortescue, a wholesale butcher from Rose Bay, acquired the property from the Young Men's and Women's Hebrew Association and subdivided it. Lot 4 was purchased in 1957 by Walter Patrick McGrath, company director. Plans for a new house designed by the architect Peter Muller were lodged with Woollahra Council early in the same year. In a 1984 interview, Muller stated that the McGraths were long-term friends for whom he had designed three houses.</p> <p>In 1962, Ernest and Magdalena Handler purchased the subject property, and a Development Application for a retaining wall along Wunulla Road was lodged. No other subsequent BAs or DAs have been recorded.</p>
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Woollahra 2004 heritage inventory

Based on the NSW Heritage Office State Heritage Inventory sheet

	<p>Muller, Peter (Neil). (b. Adelaide, 3 July 1927). Australian architect. After training at the universities of Adelaide and Pennsylvania, he practised in Sydney, building houses sympathetically related to their sites and exhibiting his understanding of the spatial compositions of the work of Frank Lloyd Wright. Of these, Audette House (1952), Castlecrag, Sydney, the Richardson House (1956), Palm Beach, Sydney, and his own house at Whale Beach (1954), Sydney, were the most accomplished. In this, his most significant period, he helped lay the foundations for an organic approach to design sympathetic to the Australian environment. Although his buildings exhibit a love of natural materials, he was content to use less expensive substitutes to further sound design in low-cost dwellings. Muller visited Japan in 1961 and 1963, where he studied Buddhist philosophy. This reinforced his prior interest in Japanese culture and design. His own office (1961), Paddington, Sydney, most clearly testifies to this influence, which later led to projects in Asia, the Middle East and the South Pacific. The Kayu Aya Hotel (1973), Bali, demonstrates his continuing love for fine craftsmanship and concern for the natural beauty of sites." (<i>The Grove Dictionary of Art</i>, Macmillan Publishers Limited.)</p> <p>Peter Muller is recognised as having introduced the Wrightian (Prairie School) approach to design in Australia, individualising it with strong personal and Asian influences. From the above it is reasonable to say Peter Muller is an important mid to late 20th century Australian architect of international note.</p>
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HISTORICAL THEMES	
State historical theme	Creative endeavour
Local historical theme	Contemporary housing
ASSESSMENT of HERITAGE CRITERIA]	
Historical significance SHR criterion (a)	<p>An item is important in the course, or pattern, of Woollahra's cultural or natural history</p> <p>The place reflects the continued popularity of the Point Piper area in the mid 20th century as a fashionable location for the residence of professional and business people. <i>This attribute by itself is of low significance at a local level.</i></p>
Historical association significance SHR criterion (b)	<p>An item has strong or special association with the life or works of a person, or group of persons, of importance in Woollahra's cultural or natural history.</p> <p>The place is strongly associated with the architect Peter Muller, who is an important mid and late 20th century Australian architect of international note.</p> <p>The building is one of a group of works by Peter Muller, and forms part of the architect's body of work. <i>Each of the two attributes above, by themselves, is of some significance at a local level. When considered with other aspects of significance in this assessment, the place should be considered to be of moderate significance at a state level.</i></p> <p>The place is an individual work by an architect of outstanding significance to 20th century architecture in Australia. <i>This attribute by itself is of some significance at a state level.</i></p>
Aesthetic significance SHR criterion (c)	<p>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in Woollahra.</p> <p>Features typical of the Wrightian (Prairie School) approach such as exposed brickwork, overhanging timber awnings, repetitive use of a chevron motif, and a well-resolved integration of indoor and outdoor spaces are combined in the subject house with the architect's own individual organic-inspired elements, such as the diamond-section roof framing system (used, with variations, previously in at least three other Muller buildings) and Tilux off-cut roof material (used here for the first time in Muller's practice), to create a modern expressionist building of great interest, with Structuralist style influences evident in the exposed frame form. The powerful geometrical themes found in the roof line, roofing materials, chevron-shaped window openings and planter boxes, ramp to the entrance, and massing of the living wings of the house make the</p>

Woollahra 2004 *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet



	building a very good example of the early part of Muller's career and reflect his primary role in introducing the Prairie School approach to design to Australia in the 1950s. <i>This attribute by itself is of moderate significance at a state level.</i>			
Social significance SHR criterion (d)	An item has strong or special association with a particular community or cultural group in Woollahra for social, cultural or spiritual reasons. As evidenced by its inclusion on the RAI (NSW Chapter) <i>Register of 20th Century Buildings of Significance</i> , the place is held in high regard by NSW architects and others interested in Australian architecture. <i>This attribute by itself is of some significance at a local level. When considered with other aspects of significance in this assessment, the place should be considered to be of moderate significance at a state level.</i>			
Technical/research significance SHR criterion (e)	An item has potential to yield information that will contribute to an understanding Woollahra's cultural or natural history. The archaeological potential of the place is low (see above). <i>This attribute by itself is of low significance at a local level.</i> The building is a resource for the understanding of the architectural detailing of the architect, Peter Muller, particularly the use of off-cut Tilux roofing tiles (used at this house for the first time in his practice) and the diamond-shaped cross-section of the wall/roof framing. <i>This attribute by itself is of low significance at a local level.</i>			
Rarity SHR criterion (f)	An item possesses uncommon, rare or endangered aspects of Woollahra's cultural or natural history. With its strong exposed framed form, the building is a rare example in Sydney of a Structuralist style inspired building of the 1950s. Additionally, the use of Tilux roofing material is rare, both within Muller's architectural practice and within the Woollahra local government area. <i>This attribute by itself is of some significance at a local level. When considered with other aspects of significance in this assessment, the place should be considered to be of moderate significance at a state level.</i>			
Representativeness SHR criterion (g)	An item is important in demonstrating the principal characteristics of a class of Woollahra's cultural or natural places or cultural or natural environments. The building is a very good example of the domestic architecture of Peter Muller. <i>This attribute by itself is of high significance at a local level.</i>			
Integrity	The degree to which the item retains the aspects which make it significant under the criteria above. The place appears to retain all of the aspects which made and make it significant.			
RECOMMENDATIONS				
Recommendations	List as heritage item on Woollahra LEP. The boundary of the listing should be Lot 4 DP27451. Arrange internal inspection and, based upon intactness of interiors, consider for nomination for State Heritage Register.			
INFORMATION SOURCES				
Type	Author/Client	Title	Year	Repository
Site Inspection	Clive Lucas Stapleton & Partners Pty Ltd	External site inspection	2004	Clive Lucas, Stapleton and Partners Pty Ltd
Architectural Plans	Peter Muller	Point Piper Residence for Mr & Mrs Walter McGrath Jnr. (BA 39/57)	1957	Woollahra Council
Perspective Drawing	Peter Muller	McGrath House, Point Piper	957	www.petermuller.org/1957.html

Woollahra 2004 *heritage inventory*

Based on the NSW Heritage Office State Heritage Inventory sheet

Written	Jacqueline Urford	<i>Peter Muller: Domestic Architecture to 1964</i> (Advanced Study Report)	1984	University of Sydney
Correspondence	Peter Muller	Response to Clive Lucas, Stapleton and Partners Pty Ltd list of questions	2004	Clive Lucas, Stapleton and Partners Pty Ltd
Certificates of Title		Certificates of Title Vol 7504 No 227, Vol 6160 Fol 171, Vol 4566 Fols 47, 48, 49, Vol 3754 Fol 127		Department of Lands
AUTHOR OF THIS REPORT				
Clive Lucas, Stapleton and Partners Pty Ltd (Ian Stapleton & Meg Quinlisk)			2005	

Woollahra 2004 *heritage inventory*
 Based on the NSW Heritage Office State Heritage Inventory sheet

IMAGES			
Image caption	Street elevation (south) of McGrath House		
			
Image year	2004	Image author and copyright holder	Clive Lucas, Stapleton and Partners Pty Ltd
Image caption	Two-storey pavilion of McGrath House		
			
Image year	2004	Image author and copyright holder	Clive Lucas, Stapleton and Partners Pty Ltd

Item No: R3 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE**
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Anne White, Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/39962
Reason for Report: To provide a supplementary report on the public exhibition of the planning proposal for 42-58 Old South Head Road, Vaucluse, addressing potential view impacts.
To obtain Council's approval to proceed with the finalisation of the planning proposal.

Recommendation:

- A. THAT Council note the Visual Sharing Assessment prepared by Richard Lamb and Associates, at **Annexure 2** of the report to the Environmental Planning Committee of 02 July 2018.
- B. THAT Council proceed with finalising the planning proposal for 42-58 Old South Head Road, Vaucluse to amend Woollahra Local Environmental Plan 2014 as exhibited, and proceed with the preparation of the draft LEP.
- C. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 15 September 2015, to carry out the functions of the Greater Sydney Commission under section 3.36 of the Environmental Planning and Assessment Act 1979.

1 Summary

On 12 February 2018, the Urban Planning Committee (UPC) considered a report (see **Annexure 1**) on the public exhibition of the planning proposal for 42-58 Old South Head Road, Vaucluse (the site). On 26 February 2018 Council resolved:

THAT the planning proposal for 42-58 Old South Head Road, Vaucluse to amend Woollahra Local Environmental Plan 2014 as exhibited, be deferred to a future meeting of the Urban Planning Committee for the following reasons:

- *To allow consideration of late objections (i.e. specifically to allow staff to gain access to three properties at 21, 23 and 29 Captain Pipers Road, Vaucluse).*
- *Facilitate 3D modelling to provide the Urban Planning Committee a more visual presentation of the full potential of the development site (i.e. capacity not a design).*

In response to the Council resolution and owners' requests, staff inspected 21, 23, 25, 29 and 31 Captain Pipers Road. At these inspections staff were accompanied by Dr Richard Lamb, an independent view assessment expert. Subsequently, Dr Lamb prepared a *View Sharing Assessment* report of the potential view impacts on these properties from potential development permissible under the proposed controls (**Annexure 2**). The view sharing assessment report concludes that:

- *The planning proposal in itself does not appear likely to have negative impacts on view sharing to the extent that rezoning should be denied.*

- *At the proposed FSR of 1:1 with either a 9.5m or 10.5m height limit, 3-storey buildings would be constructed on footprints that could clearly permit significant view corridors to be created. The future design would be assessed against the provisions of WDCP general provisions and others specific to the locality, including requirements for adequate view sharing.*

The findings of Dr Lamb's report support the original staff assessment in the report to the UPC meeting of 12 February 2018. Staff concluded that the potential view impacts to the Captain Pipers Road properties from development permissible by the proposed controls, did not warrant a change to the planning proposal.

Having considered all the issues raised in the submissions, and the independent *View Sharing Assessment* report, Staff conclude that the proposed amendments to the Woollahra LEP are appropriate for the site. Staff recommend that Council resolves to finalise the planning proposal and prepare a draft LEP to amend the Woollahra LEP for the site in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control from 9.5m to 10.5m; and
- apply an FSR control of 1:1 (no FSR control currently applies).

Staff also recommend that Council exercise its delegated authority to make the LEP.

2 Background

In June 2017, a request for a planning proposal was submitted to Council by *Parker Logan Property Pty Ltd* (the applicant) for land at 42-58 Old South Head Road, Vaucluse (the site). Overall, staff supported the request because it has strategic merit. The request was reported to the UPC on 10 July 2017, and on 24 July 2017 Council resolved to prepare and exhibit a planning proposal for the site.

The planning proposal seeks to amend the Woollahra LEP, in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1:1 (no FSR control currently applies).

On 21 September 2017 the GSC issued a gateway determination stating that Council could proceed to public exhibition. The planning proposal and supporting material were placed on public exhibition for 31 days, from Wednesday 18 October to Friday 17 November 2017. Twenty-three submissions were received in response to the exhibition. Twenty-one of these submissions raised objections to the planning proposal. The two submissions from public authorities did not raise objections and provided comments for consideration.

An assessment of the public exhibition of the planning proposal was reported to the UPC on 12 February 2018. The report included an assessment of the potential view impacts on properties at 29 and 35 Captain Pipers Road, of development permissible by the planning proposal. At that meeting the UPC considered further objections to the planning proposal (submitted as late correspondence) by the owners of 21, 23 and 29 Captain Pipers Road. The UPC recommended to defer the planning proposal pending an assessment of the potential view impacts to those properties.

Consistent with the UPC recommendation, on 26 February 2018 Council resolved to defer the planning proposal to a future meeting of the UPC, for the following reasons:

- To allow consideration of late objections (i.e. specifically to allow staff to gain access to three properties at 21, 23 and 29 Captain Pipers Road, Vaocluse).
- Facilitate 3D modelling to provide the UPC a more visual presentation of the full potential of the development site (i.e. capacity not a design).

Note: The property at 29 Captain Pipers Road contains a dual occupancy development comprising two attached dwellings, 29A and 29B. The owner of 29B provided a submission to the planning proposal exhibition, but the owner of 29A did not. However, the Council resolution of 24 July 2017 refers to the property solely as “29”. For simplicity, the property will be referred to as 29 Captain Pipers Road.

3 View assessment methodology

As noted above, Staff reported to the UPC meeting on 12 February 2018 that there will be no view impact on the properties at 29 and 35 Captain Pipers Road from development permissible by the proposed controls. However, in response to the Council resolution of 26 February 2018, a further view assessment was carried out from the properties at 21, 23, 25, 29 and 31 Captain Pipers Road. This view assessment was prepared by Dr Richard Lamb, an independent view assessment expert.

All the properties listed above are located to the west of the site, with water views generally to the north-east or east. The location of the properties in relation to the site, and the general direction of views, are shown in the Figure 1 and 2 below.

Figure 1: Map showing the site in relation to 21, 23, 25, 29, 31 and 35 Captain Pipers Road, Vaocluse and the general direction of views



Figure 2: 3D digital model image of the site in relation to 21, 23, 25, 29, 31 and 35 Captain Pipers Road, Vacluse



Of the properties listed above:

- Only the owners of 29 and 35 Captain Pipers Road identified potential view impacts to their properties in their submissions to the public exhibition of the planning proposal.
- Late correspondence to the UPC meeting of 12 February 2018 from the owners of 21 and 23 Captain Pipers Road, identified potential view impacts to their properties.
- Submissions from the owners of 25 and 31 Captain Pipers Road were made after the UPC meeting, raising concerns with potential view impacts.

In response to the Council resolution of 26 February 2018, staff arranged site inspections of 21, 23, and 29 Captain Pipers Road. Additionally, site inspections of 25 and 31 Captain Pipers Road were arranged at the request of the owners. Details of these inspections are listed below:

Date	Address
Tuesday 27 March 2018	21, 23, 25 and 29 Captain Pipers Road
Tuesday 3 April 2018	29 (again at the owner’s request) and 31 Captain Pipers Road

Note: 35 Captain Pipers Road was originally inspected on Wednesday 24 January 2018. Staff assessed that there will be no view impacts from development permissible by the proposed planning controls, and no follow-up site inspection was undertaken.

Supplementary to the Council resolution of 26 February 2018, some of the owners requested that the photomontages used as part of the view assessment be compiled in accordance with the Land and Environment Court (LEC) photomontage policy (**Annexure 3**). This policy relates to Class 1 actions in the LEC, and is usually applied to view assessments relating to a proposed building form in a development application.

To accommodate this request, staff were accompanied on the site inspections (apart from 35 Captain Pipers Road) by Dr Lamb and two surveyors. The property owners were asked to choose the view that they believed would be the most impacted by development permissible by the proposed controls. Dr Lamb then took photographs of these views in order to prepare view assessment photomontages. The surveyors verified the exact height and location of the camera used to take the photographs.

3.1 Summary of Dr Richard Lamb's Visual Sharing Assessment report

In assessing the potential view impacts on the properties at 21, 23, 25, 29 and 31 Captain Pipers Road from development permissible by the proposed controls, Dr Lamb used the case law methodology for assessing view impact. This case law is established by *Tenacity Consulting v Warringah (2004)* (paragraphs 23-33). The conclusion of Dr Lamb's report, concisely summarises the findings of his report and an explanation of the assessment methodology:

The planning proposal in itself does not appear likely to have negative impacts on view sharing to the extent that rezoning should be denied. While the photomontages may give an impression that views would be totally lost in some cases, this has to be understood in the context of the combination of setbacks, height controls and FSR and the assumptions made in preparing the photomontages.

The photomontages have been prepared to comply with the Land and Environment Court of New South Wales practice note for the preparation of photomontages for use in evidence, notwithstanding Council does not require this level of information for a planning proposal. The photomontages are also slightly misleading, as a result of the requirement that were prepared to comply with the practice note, which is intended to ensure accuracy in representing the visual qualities of planning applications. In this case, the proposal is not for a building or buildings that can be visualised or assessed for its view sharing impacts in relation to specific views, but in support of a potential change in zoning and controls over height and FSR.

It is inevitable therefore that the photomontages, which show a building volume that is 'worst case' and which would not be achievable in reality, would give an impression of potential view loss that is far greater than could occur. Individual buildings would require spatial separation to comply with the Apartment Design Guide, SEPP 65 and other requirements, for example for sunlight access, cross-ventilation and landscaped area, among others.

At the proposed FSR of 1:1 with either a 9.5m or 10.5m height limit, 3-storey buildings would be constructed on footprints that could clearly permit significant view corridors to be created. The future design would be assessed against the provisions of WDCP general provisions and others specific to the locality, including requirements for adequate view sharing. As noted in the Council officers' Report to the UPC, a test of skillful design at the DA stage might be to maximise view sharing.

A considered application of the planning principle in Tenacity can then be made at the appropriate time when view sharing can be quantified and assessed. The constraints of the views from the adjacent dwelling would need to be taken into account in design development for the site. Maximising view sharing would need to be shown by a considered response to the evidence provided by the photographs from the adjacent dwellings and the prevailing orientation to views to the east and north-east across the site.

In my opinion there is no reason to believe that view corridors could not be both retained in some cases and in others created, to provide a reasonable view sharing outcome for the site.

The findings of this report support the original staff assessment to the UPC meeting of 12 February 2018 that the potential view impacts to the Captain Pipers Road properties from development permissible by the proposed controls, does not warrant a change to the planning proposal.

4 Submissions on issues other than view impact

All issues raised in the submissions to the planning proposal, along with staff responses, were reported to the UPC on 12 February 2018. Staff do not consider that any of the issues raised justify amendment to the exhibited planning proposal or its discontinuation. Issues related to detailed development plans for the site are more appropriately addressed through the DA process.

5 Making the draft LEP under delegated authority

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council has been provided with written authorisation to exercise the functions of the Greater Sydney Commission to make an LEP under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

Should Council resolve to proceed and finalise the planning proposal, which is our recommended approach, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made. Alternatively, if Council decides not to finalise the planning proposal, it should resolve to write to the Minister requesting him or his delegate not to proceed with it under section 3.35(4) of the *Environmental Planning and Assessment Act 1979*.

6 Conclusion

In response to Council's resolution of 26 February 2018, staff arranged site inspections of 21, 23, and 29 Captain Pipers Road. Additionally, 25 and 31 Captain Pipers Road were inspected at the request of the owners. Dr Richard Lamb, an independent view assessment expert, attended these site inspections. Subsequently, Dr Lamb prepared a "View Sharing Assessment" report of the potential view impacts from development permissible by the proposal controls on the properties at 21, 23, 25, 29 and 31 Captain Pipers Road.

The report concludes that:

- *The planning proposal in itself does not appear likely to have negative impacts on view sharing to the extent that rezoning should be denied.*
- *At the proposed FSR of 1:1 with either a 9.5m or 10.5m height limit, 3-storey buildings would be constructed on footprints that could clearly permit significant view corridors to be created. The future design would be assessed against the provisions of WDCP general provisions and others specific to the locality, including requirements for adequate view sharing.*

The findings of this report support the original staff assessment, that the potential view impacts of development permissible by the proposed controls does not warrant a change to the planning proposal.




Staff have considered all issues raised in the submissions to the exhibition of the planning proposal, including the issue of potential view impacts. Staff do not consider that any of the issues raised justify amendment to the exhibited planning proposal or its discontinuation.

Staff conclude that the proposed amendments to the Woollahra LEP are appropriate for the site. We therefore recommend that Council resolves to finalise the planning proposal and prepare a draft LEP to amend the Woollahra LEP for the site in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control from 9.5m to 10.5m; and
- apply an FSR control of 1:1 (no FSR control currently applies).

Staff also recommend that Council exercise its delegated authority to make the LEP.

Annexures

1. Urban Planning Committee report - 12 February 2018 [↓](#) 
2. View Sharing Assessment prepared by Dr Richard Lamb [↓](#) 
3. Land and Environment Court photomontage policy [↓](#) 

Annexure 1

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Item No: R1 Recommendation to Council
Subject: **PUBLIC EXHIBITION OF THE PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE**
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Anne White, Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/1473
Reason for Report: To report on the public exhibition of the planning proposal for 42-58 Old South Head Road, Vacluse.
To obtain Council's approval to proceed with the finalisation of the planning proposal.

Recommendation:

- A. THAT Council proceed with finalising the planning proposal for 42-58 Old South Head Road, Vacluse to amend Woollahra Local Environmental Plan 2014 as exhibited, and proceed with the preparation of the draft LEP.
- B. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 15 September 2015, to carry out the functions of the Greater Sydney Commission under section 59 of the Environmental Planning and Assessment Act 1979.

1. Summary

In June 2017, a request for a planning proposal was submitted to Council by Parker Logan Property Pty Ltd (the applicant) for land at 42-58 Old South Head Road, Vacluse (the site). Overall, staff supported the request because it has strategic merit.

The request was reported to the Urban Planning Committee on 10 July 2017 (**Annexure 1**), and on 24 July 2017 Council resolved to prepare and exhibit a planning proposal for the site (**Annexure 2**).

On 21 September 2017 the GSC issued a gateway determination stating that Council could proceed to public exhibition (**Annexure 3**).

The planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP), in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1:1 (no FSR control currently applies).

The planning proposal and supporting material were placed on public exhibition for 31 days. Twenty-three submissions were received in response to the exhibition. Twenty-one of these submissions raised objections to the planning proposal. The remaining two submissions from public authorities did not raise objections and provided comments for consideration. A redacted version of all submissions are included at **Annexure 4**.

An assessment of the submissions is provided in Part 5 below. The submissions did not raise any planning matters that warrant amendment to the planning proposal. We recommend that Council proceed with the planning proposal and exercise its delegated authority to make the amending LEP which will give effect to the planning proposal.

2. The site

The site is located on the western side of Old South Head Road, Vaucluse, between Clarendon Street and Captain Pipers Road, as shown in Figure 1. Old South Head Road is an arterial road connecting Bondi Junction to Watsons Bay. At this location, Old South Head Road forms the boundary between the Woollahra and Waverley local government areas (LGAs).



Figure 1: Local area map

The site consists of nine adjoining lots described in the table below.

Table 1: Lots description

Street address	Legal description	Dwellings	Building type	Storey height
42 Old South Head Road	Lot 13 DP 13528	1	Detached	1
44 Old South Head Road	SP 16395	2	Duplex	2
46 Old South Head Road	Lot 11 DP 13528	1	Detached	2
48 Old South Head Road	SP 50433	2	Duplex	2
50 Old South Head Road	SP 13423	4	Residential flat building	2
52 Old South Head Road	Lot 4 DP 109409	1	Detached	2
54 Old South Head Road	Lot 3 DP 109409	1	Detached	2
56 Old South Head Road	Lot 2 DP 109409	1	Detached	2
58 Old South Head Road	Lot 1 DP 109409	1	Detached	2-3
Total		14		

A cadastral map showing property information is included below as Figure 2. The site is highlighted in red.

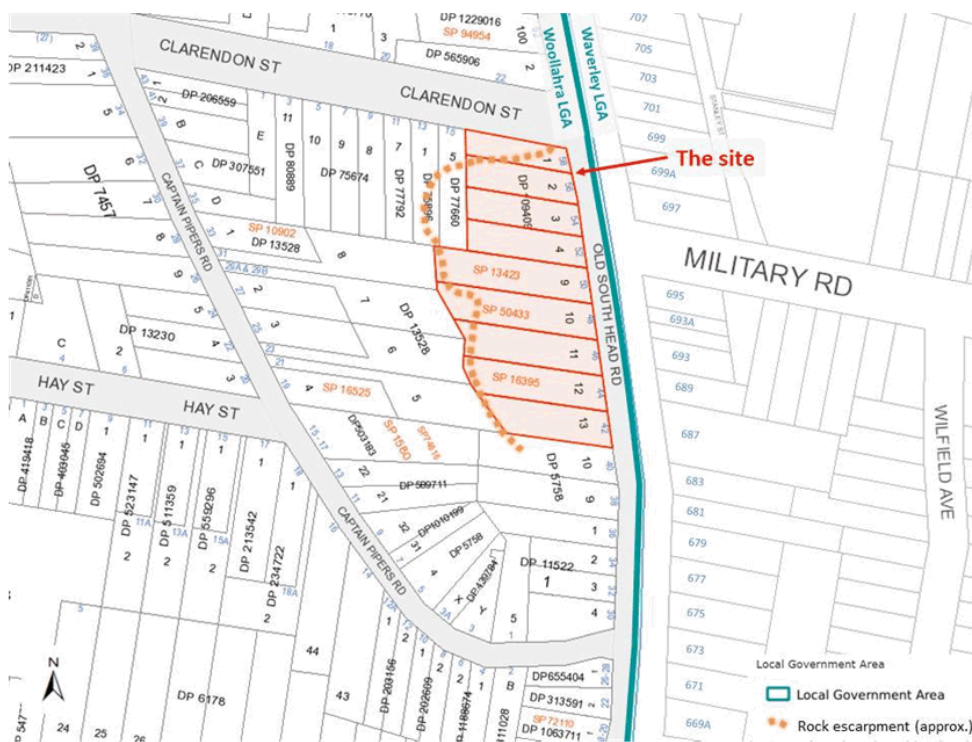


Figure 2: Cadastral map and approximate location of rock escarpment

The site has a total area of approximately 5,617sqm. The site has a total frontage of approximately 116m to Old South Head Road and approximately 40m to Clarendon Street, and a maximum depth of approximately 60m (at No.50).

The bulk of the site, from No.42 to No.56, gently slopes downwards from south to north and from east to west. A rock escarpment, rising to a height of approximately 5 metres, is located to the west and north of this relatively flat area, as shown in Figure 2. The rear boundaries of the properties at Nos. 42 to 50 generally follow the escarpment. The escarpment then traverses the neighbouring properties to the west at 13 and 15 Clarendon Street before returning to the site at No.58, where it occupies more than 50% of that property.

The site is currently developed with 14 dwellings contained in six detached dwellings, two duplexes and one residential flat building with four units. The buildings range from 1 to 3 storeys in height. The buildings date from the Inter-War period. None of the buildings are heritage listed, located in a heritage conservation area or in the vicinity of a heritage item.

Transport accessibility

The site is highly accessible by public transport. Five bus stops are located within 100 metres of the site on Old South Head Road and Military Road, as shown in Figure 1, above. The bus stops serve the following bus routes:

- 323 - Dover Heights to Edgecliff via New South Head Rd
(Monday – Friday, morning and afternoon peak service, generally every 30 minutes).
- 333 - City Circular Quay to North Bondi
(Monday – Friday, morning and afternoon peak service, generally every 20 minutes).
- 380 - Watsons Bay to City Circular Quay via Bondi Junction
(daily service, generally every 15 minutes during week days).
- 387 - South Head Cemetery to Bondi Junction
(daily service, generally every 15 minutes during week days).

These bus services provide public transport access from the site to Rose Bay, Edgecliff, Bondi Junction, Bondi Beach, Watsons Bay and the Sydney CBD, as shown in Figure 3, below.

The proposals for the opportunity sites were publically exhibited. Council received 14 submissions (12 objections and 2 submissions of support) relating to the properties at 30-58 Old South Head Road. The main issues raised in the submissions related to potential impact of additional development on traffic generation, view loss, privacy and property values.

On 25 July 2011 Council resolved to defer further consideration of the opportunity sites in order to focus its resources on the preparation of the Draft Woollahra Local Environmental Plan 2013 (Draft WLEP 2013), which is now the Woollahra LEP. As a result of the deferred consideration of the opportunity sites, a response to the issues raised in the submissions was not reported to a committee of Council. However, a copy of the submissions relating to the properties at 30-58 Old South Head Road was provided to the applicant for consideration in formulating their request for a planning proposal.

Baseline maximum building heights and FSRs

During the preparation of Woollahra LEP Council staff reviewed maximum building heights and FSR controls which apply to residential and business zones. For the R3 Medium Density Residential Zone, height controls and FSR were reviewed to account for current building practices regarding floor to ceiling heights, State regulations, Building Code of Australia standards and urban design modelling based on the Council's setback controls. The outcome of this work created a suite of 'baseline' heights and FSRs, as shown in the table below.

Table 2: 'Baseline' heights and FSRs

Storeys	Height (m)	Baseline FSR
2	7	0.65:1
3	10.5	1:1
4	13.5	1.3:1
5	16.5	1.55:1

These baseline controls should form the basis for all requests seeking amendments to height and FSR planning controls. Where a request is not consistent with the baseline controls, a strategic justification must be demonstrated.

Request for a planning proposal

In June 2017, a request for a planning proposal for the site was submitted to Council by the applicant.

The request sought to amend the Woollahra LEP, in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a FSR control of 1.1:1 (no FSR control currently applies).

The objective of the planning proposal was to allow redevelopment of the site for medium density residential development, including residential flat buildings, to a maximum height of 10.5 metres (3 storeys) and a maximum (FSR) of 1.1:1. Council staff assessed the request and found that it provided the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities. In this regard, the request was consistent with State planning strategies and Council's local planning strategies, as discussed in detail in report to the Urban Planning Committee on 10 July 2017 (**Annexure 1**).

Overall, staff supported the request because it has strategic merit. However, the requested FSR of 1.1:1 is inconsistent with Council's baseline FSR of 1:1. In the absence of a strategic merit justification of an FSR of 1.1:1, staff recommended the baseline FSR of 1:1 for three storey development be applied, consistent with Council's baseline controls.

The request was reported to the Urban Planning Committee on 10 July 2017 (**Annexure 1**), and on 24 July 2017 Council resolved to prepare and exhibit a planning proposal with an FSR of 1:1.

Consequently, the planning proposal seeks to amend the Woollahra LEP, in the following manner:

- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase maximum building height control from 9.5m to 10.5m; and
- apply a (FSR) control of 1:1 (no FSR control currently applies).

The planning proposal was prepared and submitted to the Greater Sydney Commission (GSC) under section 58(2) of the *Environmental Planning and Assessment Act 1979* (the Act) (**Annexure 2**). On 21 September 2017 the GSC issued a gateway determination stating that Council could proceed to public exhibition (**Annexure 3**).

4. Public exhibition

The planning proposal and supporting material were placed on public exhibition for 31 days, from Wednesday 18 October 2017 to 17 November 2017 (inclusive), consistent with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* (the Regulation) and conditions set out in the gateway determination.

The exhibition involved the following:

1. Five weekly notices in the *Wentworth Courier* providing details of the exhibition, on the following dates:
 - 18 October 2017
 - 25 October 2017
 - 1 November 2017
 - 8 November 2017
 - 15 November 2017
2. An exhibition page on Council's website. The exhibition page was visited by 165 external customers during the exhibition period.
3. Display of exhibition material at the Customer Service counter of the Woollahra Council Chambers, available during normal business hours.
4. Notification letter / email to stakeholders including:
 - The applicant - Parker Logan Pty Ltd and planning consultant, City Plan Services.
 - Adjoining and nearby property owners, including those within Woollahra and Waverley LGAs (refer to the notification and submissions map at Figure 4).
 - Local interest group - Vaucluse Progress Association.
 - Public authorities / organisations - AGL, Ausgrid, NBN Co., Sydney Water, Telstra, Transport for NSW (TfNSW) / Roads and Maritime Services (RMS) and Waverley Council.
5. Site notices – a public notice was placed on the Old South Head Road street frontage of each property within the site, as resolved by Council on 24 July 2017.



Figure 4: Notification and submissions map

5. Submissions

Twenty-three submissions were received in response to the public exhibition. A redacted copy of all submissions is attached as **Annexure 4**. Of these submissions:

- ten were from adjoining and nearby property owners and residents (as shown in Figure 4),
- two were from community / residents’ groups,
- two were from public authorities (Sydney Water and RMS),
- the remainder were from other members of the public.

Twenty-one of the submissions raised objections to the planning proposal. The submission from Sydney Water did not raise any objections. The submission from Roads and Maritime Services raised no objection to the proposal, in principle. However, the submission provided detailed comments for consideration. These matters have been addressed below.

All the issues raised in the submissions have been addressed in this report. These issues have been grouped into the following categories, and sorted from most commonly raised category to least raised:

1. Traffic congestion
2. Car parking
3. Public transport impact
4. Traffic safety

5. Other transport
6. Overdevelopment
7. Infrastructure
8. Character and streetscape
9. Noise and pollution
10. Planning process
11. Views
12. Privacy
13. Precedent
14. Overshadowing
15. Environment

A summary of the issues raised in the submissions, along with staff responses, are provided below. It is important to note that the assessment of a planning proposal differs from that of a development application (DA). The assessment of this planning proposal will focus on whether the proposed amendment to the zone, height and FSR are an appropriate outcome for the site. Issues related to detailed development plans for the site are more appropriately addressed through the DA process. The staff responses will identify issues raised in a submission that will be addressed through the DA process.

1. Traffic congestion

Issues raised in submissions

Sixteen submissions raised the issue that the additional development potential on the site would create additional traffic, as listed below:

- Old South Head Road is currently heavily congested with traffic, particularly in the morning peak, and the additional traffic generated by new development on site would exacerbate this situation.
- Council's traffic engineer's assessment of the traffic impact from additional development as being 'marginal' is inaccurate.
- The cumulative impact of additional traffic generated on the site and from proposed mixed use developments within or near the Rose Bay South local centre (on Old South Head Road near Dover Road), will create additional traffic congestion along Old South Head Road.

RMS provided a submission raising the following issues:

- RMS raise no objection to the planning proposal in principle.
- The planning proposal has the potential to generate more traffic than is outlined in the Traffic Impact Assessment, however, "traffic generation is not likely to be significant".

Staff response

The submissions relating to traffic, including the RMS submission, were referred to Council's traffic engineer for consideration. The traffic engineer used the RMS's "Guide to Traffic Generating Developments" and RMS advice to calculate that potential development on the site would generate an increase of between 16-24 vehicle movements in peak hour*. This level of increase is considered marginal in relation to existing traffic using Old South Head Road. This assessment is consistent with the RMS submission which did not raise an objection to the planning proposal in principle, and stated that "the traffic generation is not likely to be significant". The exhibited Traffic Impact Assessment report is also consistent with the RMS and traffic engineer's assessments that traffic generated as a result of planning proposal is unlikely to be significant.

(*Note: “peak hour” refers to an hour long period with the highest level of traffic generation and not a set hour within the day. The hour varies depending on factors such as land use and location, for example, peak hour for schools is different from peak hour for seniors housing.

Furthermore, traffic generation is a matter that would be assessed as part of the detailed design for a site specific DA. The Woollahra DCP (E1 Parking and Access) sets a number of controls to meet the objective “to minimise the amount and impact of vehicular traffic generated due to proposed development”. These controls include maximum numbers of car parking spaces and minimum numbers of bicycle parking space to be provided in residential developments. Where on-site parking varies from the maximum rate, a traffic and parking report must assess the additional parking demand created by development and justify the level of provision which may be proposed.

The planning proposal requires a site specific merit assessment, and the potential impacts of traffic generation (identified above) are assessed independently. It is not possible to accurately predict the cumulative changes in traffic generation as this is dependent on many unknown factors such as the level, intensity and timing of new development as well as the long term trends in car ownership and car usage within both the Woollahra and Waverley local government areas.

The issues raised in the submissions do not warrant a change to the planning proposal.

2. Car parking

Issues raised in submissions

Fifteen submissions raised the issue that the additional development potential on the site would create additional on-street car parking demand on nearby roads. Most of these submissions stated that there is an existing shortage of on-street car parking opportunities around the site. A high level of demand is created by a number of competing land uses, such as local residents without off-street car parking, shoppers and workers of the nearby Rose Bay North local centre, and visitors to the nearby Diamond Bay Bowling Club. Some submissions stated that on-street car parking was reduced by the bus zone / parking area on Military Road near the intersection of Old South Head Road.

Staff response

Car parking is a matter that would be assessed as part of the detailed design for a specific DA. The Woollahra DCP (E1 Parking and Access) sets the maximum number of on-site car parking spaces to be provided for residential development. Where on-site car parking spaces proposed are less than the maximum rate, the applicant must justify the level of provision which is proposed. Council will generally only support such proposals if the applicant can demonstrate that the development is unlikely to create a significant additional demand for on-street parking in surrounding streets.

The issues raised in the submissions do not warrant a change to the planning proposal. Further consideration of car parking will be undertaken in response to a specific DA.

3. Public transport

Issues raised in submissions

Fourteen submissions raised the issue that the level of service of public transport (buses) to the site was overstated by the applicant. They claim that bus services near the site are generally unreliable and operating "at capacity". In particular, submissions described the lack of reliability of buses as a result of existing traffic congestion in the area, particularly in peak times, and particularly on Old South Head Road between the Rose Bay South centre and Bondi Junction.

Staff response

The site is highly accessible by public transport. Five bus stops are located within 100 metres, accommodating two regular bus services (380 and 387) and two peak hour bus services (323 and 333). The bus services connect the site to nearby centres including Rose Bay, Edgecliff, Bondi Junction, Bondi Beach, Watsons Bay and the Sydney CBD. When contacted by Council staff, RMS confirmed that the size and number of buses on these routes is monitored and adjusted regularly to minimise any capacity shortfall. Additionally, RMS did not raise an objection to the planning proposal.

The issues raised in the submissions do not warrant a change to the planning proposal.

4. Traffic safety

Issues raised in submissions

Five submissions raised the issue that increased traffic generated by additional development on the site, would result in reduced traffic related safety. The increased traffic would create additional conflict between cars, buses and pedestrians along Old South Head Road, at the following locations:

- any proposed entry and exit driveways required for new development,
- the intersections with Military Road and Oceanview Avenue, and
- the existing pedestrian refuge island (outside 56 Old South Head Road).

RMS provided a submission raising the following issues:

- RMS raise no objection to the planning proposal in principle.
- Council should give consideration to the preparation of a development control plan that outlines a vehicle access strategy for the site.

Staff response

The submissions relating to traffic, including the RMS submission, were referred to Council's traffic engineer for consideration. The traffic engineer used the RMS's "Guide to Traffic Generating Development" and RMS advice to calculate that potential development on the site would generate an increase of between 16-24 vehicle movements in peak hour. This level of increase is not anticipated to result in unacceptable adverse vehicle conflict impact on the existing road network. This assessment is consistent with the RMS submission which did not raise an objection to the planning proposal in principle. The exhibited traffic impact assessment report is also consistent with the RMS and traffic engineer's assessments in that it concluded that the planning proposal would not result in adverse impacts on the amenity of the area.

Vehicle access and traffic conflict points will be assessed as part of the detailed design for a site specific DA. Woollahra DCP (E1 Parking and Access) sets out driveway and access point design standards to minimise vehicular and pedestrian conflict. The driveway and access design for a specific DA will be referred to the RMS due to its location on a main road.

A site specific DCP for access is not considered necessary in this case as:

- the site is not constrained by a lack of road frontage or topography,
- the configuration of future development is unknown due to the fragmented ownership pattern of the site, and
- all the issues raised about traffic safety can be addressed through the existing Woollahra DCP controls.

The issues raised in the submissions do not warrant a change to the planning proposal.

5. Other traffic issues

Issues raised in submissions

Four submissions raised the issue that cycling and walking are unrealistic transport options to the site because its location at “the top of a big hill” will deter people using these options. This will result in more residents driving or using buses.

Staff response

A number of transport options are available to and from the site, including cycling and walking. The Woollahra DCP (E1 Parking and Access) aims to encourage active transport options such as cycling by setting the minimum number of bicycle parking spaces to be provided for residential development. Where the proposed rate of bicycle parking is less than the required rate, a parking report must address and justify those inconsistencies.

Issues such as bicycle parking requirements are a matter that would be assessed as part of the detailed design for a specific DA. The issues raised in the submissions do not warrant a change to the planning proposal.

6. Overdevelopment

Issues raised in submissions

Fifteen submissions raised the issue of “overdevelopment” that would result from the increased development potential of the site. Overdevelopment and its impacts were described in a number of ways. Those related to height, bulk and scale, and quality of life are described below. Other issues raised in relation to overdevelopment, such as impacts on infrastructure, urban character and streetscape are listed under their own heading.

Height

- The existing 9.5m building height control can already accommodate three storey buildings, and the additional height control to 10.5m should not be approved.
- If the proposed 10.5m building height control is approved, a DA could be lodged requesting a variation in the control to permit a taller building, resulting in additional adverse amenity impacts.

- One submission raised the issue that the height of any proposed development or rezoning should not exceed the roof levels of the current buildings at 52-56 Old South Head Road, Vacluse and should have flat roofs to minimise view impacts.

Bulk and scale

- The planning proposal will permit development which is inconsistent with the bulk, design, form and scale of the surrounding properties.
- If an increase in FSR is approved it should be restricted to maximum of 1:1 (as proposed) and not the higher maximum proposed by the applicant.

Quality of life

- The increased density in development and additional residents will create adverse impacts on the quality of life of the existing residents of the area.

Staff response

The proposal has strategic and site specific merit based on consideration of both State and local level planning strategies, such as NSW Government's document *A Plan for Growing Sydney* (2014) and *Draft Central District Plan* (2016), and the Woollahra DCP. Furthermore, the site was identified in June 2010 as one of Council's 24 opportunity sites, for its potential, subject to planning control amendments, to provide additional housing to meet the housing targets set for Woollahra Council by the State government. Staff support the planning proposal because the proposed zoning, height and FSR (bulk and scale) are an appropriate outcome for this site.

The 'baseline' controls, described in the background section of this report, should form the basis for all requests seeking amendments to height and FSR planning controls of the Woollahra LEP. Where the proposed height and FSR controls are consistent with these baselines, they provide the opportunity for appropriate development, and have been applied consistently across the R3 Medium Density Zone. These controls are discussed in greater detail below.

Height

- The height of development permissible on the site will be controlled by the proposed maximum building height control of 10.5m. This height is considered appropriate for the site because:
 - The height is consistent with the 'baseline' control for the proposed R3 Medium Density Residential Zone for a three storey development. This control accounts for current building practices regarding floor to ceiling heights, State regulations, BCA standards and urban design modelling based on the Council's setback controls.
 - The site is located at the bottom of a natural rock escarpment, making its natural ground level generally lower than that of many of the adjoining properties. This will minimise adverse impacts associated with building height, such as overshadowing and view loss, on adjoining properties and the public domain.
- Any site specific DA which proposes a non-compliance to the height limit for the site will require an accompanying request to exceed the maximum building height control. The request would need to successfully satisfy the test of clause 4.6 *Exceptions to development standards* under Woollahra LEP.
- No justification was provided in the submission as to why the existing building heights at 52-56 Old South Head Road, Vacluse are considered optimal. The maximum height of these buildings at the roof ridgelines range from 8.8m at No.52 to 8.28m at No.56. However, as mentioned above, the maximum height of 10.5m is considered appropriate for this site. A

10.5m height control would apply, irrespective of the building roof form. The issue of views is discussed in more detail below.

Bulk and scale

- The bulk and scale of development permissible on the site will be controlled by the proposed maximum building FSR control of 1:1. This FSR control is appropriate for the site because:
 - The FSR of 1:1 reflects the 'baseline' control for a three storey building in the R3 Medium Density Residential Zone.
 - The site is located at the bottom of a natural rock escarpment. The natural ground level of the site is generally lower than that of many of the adjoining properties, and the rock escarpment forms a substantial natural background to the site. These topographic factors will minimise adverse impacts associated with bulk and scale, such as overshadowing, view loss and the perception of building size, on adjoining properties and the public domain.
 - The development permissible on the site will be consistent in bulk and scale to nearby development, such as residential flat buildings and mixed use development at Nos. 687, 693-693A, 695, 697 Old South Head Road, and the existing building at 58 Old South Head Road (on the site), which is a part three storey building.

Quality of life

- The planning proposal will have positive social and economic effects, in that it will provide:
 - the opportunity for additional residential development near the Rose Bay North mixed use centre;
 - the potential to accommodate additional population which will provide economic support to local businesses;
 - the opportunity for additional housing containing a mix of apartment sizes; and
 - an incentive to redevelop the site to replace ageing housing stock.

The issues raised in the submissions do not warrant a change to the planning proposal. Further consideration of height, bulk and scale, roof design and views, will be undertaken in response to a specific DA.

7. Infrastructure

Issues raised in submissions

Thirteen submissions raised the issue that increased development and additional residents will place an increased burden on the already overstretched infrastructure of the area, namely:

- Drainage and stormwater runoff infrastructure.
- Sewerage infrastructure, particularly relating to the existing sewage outflows at Diamond Bay and Vaucluse.
- Overhead wiring, particularly a requirement for additional wiring along Old South Head Road.
- Secondary school facilities. Rose Bay Secondary College is the only secondary public school in this area and is already at capacity.
- The cumulative impact of development. Approved residential flat buildings near the site in the Waverley LGA, will combine with additional development on the site, to amplify the impacts of development on the infrastructure of the area.

Staff response

The planning proposal provides the opportunity for a relatively small increase in population and dwellings numbers. As described below, the requirements for infrastructure such as drainage and stormwater, sewerage, electricity and telecommunication supply, and secondary school facilities can be reasonably accommodated. The issues raised in the submissions do not warrant a change to the planning proposal.

Drainage and stormwater

The Woollahra DCP (Part E2) sets out the requirements for the provision of stormwater infrastructure to be provided for residential development. If development consent is granted, the DA will be subject to Council's standards conditions for drainage and stormwater provision. Furthermore, drainage and stormwater will be managed and minimised in accordance with the DCP controls addressing matters such as water sensitive urban design, deep soil planting and on-site detention.

Sewerage

Sydney Water is the responsible authority for the provision of sewerage infrastructure. The authority was contacted regarding the planning proposal but did not provide a submission. Sydney Water will be consulted for a specific DA. If development consent is granted, the DA will be subject to Council's standard conditions for the provision of appropriate connection to the existing sewerage system. The following additional information relates to sewerage infrastructure in the area:

- The Sydney Water website describes the current "Vaucluse & Diamond Bay Wastewater Improvement Project" to improve the local wastewater system, which includes three ocean outfalls in Vaucluse and Diamond Bay. Detailed information about the project is available at the following link: <https://www.sydneywater.com.au/SW/water-the-environment/what-we-re-doing/current-projects/improving-our-wastewater-system/vaucluse-diamond-bay-wastewater/index.htm>
- Stage one of the project is complete and work is progressing on stage two. In stage one, Sydney Water inspected, cleaned and repaired 12 km of high flow public wastewater pipes in the Vaucluse and Diamond Bay areas.
- Planning for stage two of the project is continuing. Sydney Water is currently reassessing their strategy to improve wastewater discharges from the outfalls.

Overhead wiring

Ausgrid is the responsible authority for electrical infrastructure, including overhead wiring. The authority was contacted regarding the planning proposal but did not provide a submission. Ausgrid will be consulted for a specific DA. If development consent is granted, the DA will be subject to Council's standard conditions for the provision of appropriate electricity provision to the site.

Secondary school facilities

The Rose Bay Secondary College is located in the Waverley LGA at 34A Hardy Street, Dover Heights. Council's Manager of Community Development provided the following information with regard to secondary school facilities:

- The NSW Department of Education (DEC) is the responsible authority for public school facilities.
- The matter of demand for additional public secondary school student places was raised by Council with the NSW Minister for Education on 30 May 2017. A response was received on 28 July 2017. In summary, the responses advises that:

- Nearly 90% of all secondary students living in the Woollahra LGA attend non-government schools.
- Rose Bay Secondary College has some capacity for additional enrolments in 2017.
- An additional 2,000 secondary school places for students from eastern Sydney will be provided by 2022, at the proposed Inner Sydney High School (Surry Hills), and through upgrades to the Alexandria Park Community School (Alexandria).
- There is some existing capacity for additional students at Randwick Girls and Randwick Boys High Schools.
- DEC will reassess if additional capacity is required at Rose Bay Secondary College after the other secondary school places become available.

Cumulative effect of development

The planning proposal provides the opportunity for a relatively small increase in overall population and dwellings numbers. This increase is not expected to place unreasonable demands on existing infrastructure having regard to the current and likely future development in the locality.

8. Character and streetscape

Issues raised in submissions

Eleven submissions raised the issue that the planning proposal will permit development which is incompatible with the character and streetscape of the surrounding area. Of particular note, the following issues were raised:

- Development will be permitted which is inconsistent with the desired future character objectives for the Vacluse East Precinct in the Woollahra DCP.
- Development will be permitted which is incompatible with the existing surrounding development.
- Development will be permitted which is incompatible with the existing (“village”) character and density of the area.
- The site location is not appropriate for zoning to R3 Medium Density Residential.
- Development will be permitted which is “somewhat like the ugly solid ‘great wall’ that the Moran Nursing Home has created on OSH Rd”.
- The cumulative impact of approved residential flat buildings near the site in the Waverley LGA, and the additional development on the site, will amplify the impacts of development on the character of the area.

Staff response

As identified previously in this report, the site is an appropriate location for increased residential density and is consistent with State planning strategies and Council’s local planning strategies. It provides the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities. Further, the site is located at the bottom of a natural rock escarpment, making its natural ground level generally lower than that of many of the adjoining properties. This will minimise adverse impacts associated with building height, such as overshadowing and view loss, on adjoining properties and the public domain.

The character of development is a matter that would be assessed as part of the detailed design for a specific DA. The Woollahra DCP (Chapter B1.11 Vacluse East Precinct) sets out the requirements for the desired future character of the precinct. Where a specific DA is inconsistent with the desired future character controls in the Woollahra DCP, the applicant must address and justify those inconsistencies.

The planning proposal is generally consistent with this desired future character which anticipates that some land fronting Old South Head Road may be zoned R3 Medium Density Residential.

The new height and floor space ratio controls, which are supplemented by the existing controls in Woollahra DCP 2015, will allow development of a bulk and scale which is compatible with existing development in the vicinity of the site.

The issues raised in the submissions do not warrant a change to the planning proposal.

9. Noise and pollution

Issues raised in submissions

Eight submissions raised the issue that the noise and pollution generated during the building works of new development would adversely impact the existing residents of the area, and the operation of the Yeladim Day Care Centre at 691 Old South Head Road (directly opposite the site) and a nearby yoga school. Two of these submissions also raised the issue of long term amenity loss, created by additional residents on the site.

Staff response

Noise and pollution are matters that would be assessed as part of a specific DA. If development consent is granted, the DA will be subject to Council's standards conditions for controlling noise and pollution during construction, including the submission and adherence to a Construction Management Plan. The issue of post-construction noise, such as ongoing and inappropriate noise from mechanical equipment or residents is a consideration for Council's compliance staff or NSW Police. The issues raised in the submissions do not warrant a change to the planning proposal.

10. Planning process

Issues raised in submissions

Six submissions raised issues relating to the processes Council used to consider the planning proposal.

LEP making process

Three submissions made statements criticising the plan making process. These submissions suggested that:

- Council should not consider a request for a planning proposal which is initiated by a third party proponent or developer.
- Council should not consider a planning proposal to amend the Woollahra LEP, which has only been recently adopted.
- The planning proposal already has the support of Council and the State government, precluding any objection by other parties.

Recent DAs

Two submissions raised the issue that they did not understand why Council initially opposed two recently approved DAs on the site, however, is willing to support this planning proposal to permit even more development on the site. The two recent DAs referred to are:

- DA 589/2016 for two dual occupancy developments, and
- DA 591/2016 for two, three storey boarding house buildings.

Inadequate information

One submission stated the planning proposal does not contain adequate information and documentation to permit an informed assessment of any potential adverse amenity impacts on adjoining properties and the surrounding area. Furthermore, Council should require the applicant to provide additional information in support of the planning proposal before re-exhibiting the proposal.

Staff response

The issues raised in the submissions are considered in the discussion below. However, these issues do not warrant a change to the planning proposal.

LEP making process

- The request for a planning proposal was accepted in the manner required by the Act, the Regulation and Department guidelines. The Act does not specify who can prepare a request for a planning proposal. In practice, the request for a planning proposal can be prepared by a landowner or a developer seeking to change the planning controls relating to a site.
- The Act and Regulation do not specify the timing of planning proposals. Providing that the planning proposal has strategic and site specific merit, based on consideration of both State and local planning strategies, the date of submission of a planning proposal is not relevant to the date of adoption of the Woollahra LEP.
- The planning proposal was prepared and exhibited in the manner required by the Act, the Regulation and conditions set out in the gateway determination. The public exhibition of the planning proposal is the mechanism which facilitates the consideration of the opinions of the public and authorities, prior to Council deciding whether or not to make the amendments to the Woollahra LEP. The decision of Council and the State government to support the exhibition of a planning proposal does not ensure that the matter will proceed to the draft LEP stage and then to the Woollahra LEP being amended.

Recent DAs

Details of the recent DAs cited are listed below. Neither of the DAs were refused following a merit assessment by Council. In both cases, the applicant appealed to the Land and Environment Court (the court) against a failure of Council to make a decision within the timeframes specified in the Regulation (known as “deemed refusal”).

- DA 589/2016
Site: 52-56 Old South Head Road
Date lodged: 23/12/2016

Type of work: Demolition of all existing structures on 52-56 Old South Head Road and the construction of a two-storey attached dual occupancy on each of the 3 sites. The balance of the works include new swimming pools, fences, driveways, landscaping, site works and strata subdivision.

Land and Environment Court reference:

Parker Logan Property Pty Ltd v Woollahra Municipal Council [2017] NSWLEC 1563

Date determined: 06/10/2017

Determination summary:

- Agreement by way of a conciliation conference, in which an agreement under section 34(3) of the *Land and Environment Court Act 1979* was reached between the parties as to the terms of a decision.

- The appeal was upheld.
 - The DA was approved by the court subject to agreed amended plans and conditions.
 - DA 591/2016
Site: 42 Old South Head Road
Date lodged: 23/12/2016

Type of Work: Demolition of all structures on 42-44 Old South Head Road and the construction of a new three storey boarding house on each site with shared basement car parking. The balance of the works involve new fences, landscaping and site works.

Land and Environment Court reference:
Parker Logan Property Pty Ltd v Woollahra Council [2017] NSWLEC 1409
Date determined: 04/08/2017
Determination summary:
 - Agreement by way of a conciliation conference, in which an agreement under section 34(3) of the *Land and Environment Court Act 1979* was reached between the parties as to the terms of a decision.
 - The appeal was upheld.
 - The DA was approved by the court subject to agreed amended plans and conditions.
- Despite the DA history of the site, the assessment of the merits of this planning proposal must remain independent of the assessment of previous DAs.

Inadequate information

The planning proposal contains adequate information and supporting documentation to assess its strategic and site specific merits, in that:

- The information provided is consistent with that required for a planning proposal in the Act and the Regulation and the Department’s “*A guide to preparing planning proposals*” (August 2016) and “*A guide to preparing local environmental plans*” (August 2016).
- The information provided is sufficient to assess the environmental, social and economic impact of the proposed amendments to the planning controls for the site.
- The information provided was sufficient for the Department of Planning Environment to issue a gateway determination for the planning proposal to be exhibited. No additional studies or information were required by the gateway determination.

Notwithstanding, the public exhibition process provides the opportunity for staff to investigate specific issues raised in these submissions, such as potential view impacts from adjoining properties.

11. Views

Issues raised in submissions

Two submissions raised the issue that their view may be adversely effected by development permitted by the proposed planning controls changes, particularly the amended height and FSR controls. These submission were made by, or on behalf of, the owners of properties at 29B Captain Pipers Road and 35 Captain Pipers Road. Both of these properties are located to the west of the site (refer to Figure 4 for their location).

Staff response

The Woollahra DCP (Chapter B3.5.3 Public and private view) outlines Council's controls for view sharing. The controls aim to achieve equitable distribution of views between properties, and to strike a balance between accommodating new development while providing, where practical, reasonable access to views from surrounding properties. Chapter B1.11 Vaucluse East Precinct also identifies view sharing as a desired future character objective for the precinct. A specific DA will be assessed against these planning controls, and in accordance with the planning principles established in the Land and Environment Court case, *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140. Where a specific DA is inconsistent with these character controls, the applicant must address and justify those inconsistencies.

Notwithstanding, staff visited both properties and took photographs of the views over the site. The figures below show the view from the different parts of the properties east to the water horizon. Overlaid on these photos is an approximate representation of the existing 9.5m and proposed 10.5m height limit planes for the site, based on the measurements sourced from the exhibited survey plan (**Annexure 1**).

29B Captain Pipers Road

Staff visited 29B Captain Pipers Road on 8 January 2017. The following observations were made:

- 29A and 29B Captain Pipers Road comprise an attached dual occupancy development on a battle-axe lot. The lot and both dwellings in the dual occupancy are under a single ownership.
- The dwellings are configured so that 29A is located to the west (Captain Pipers Road) side of the lot and 29B is located to the east (water) side. The backyard of 29B adjoins the site.
- 29B has views east to the water, however, its location restricts views to the water from 29A.
- 29B Captain Pipers Road is a two storey dwelling. The living areas, including the open plan living / dining room and kitchen, are located on the ground floor. The bedrooms and a children's play room are located on first floor.
- The main view from the living areas is a water view from the kitchen in a standing position. The view is a water glimpse between buildings. Refer to Figure 5.
- This same view is available from the backyard which adjoins the kitchen. Refer to Figure 6.
- No sitting views of the water or land / water interface are available.
- The existing 9.5m height limit on the site permits development that would completely obscure the existing water view from the living areas and backyard. Refer to Figures 5 and 6. Consequently, the 1m increase to the height limit will have little effect on the potential for view sharing. However, a skilful design of a future development proposal on the site might permit the retention of the existing view. This is a matter than can be explored in the future.
- Standing views are available from the master bedroom, second bedroom and children's playroom on the first floor. Refer to Figures 7 and 8. The view is a partial water view between buildings and vegetation. The view from the second bedroom and the play room is almost identical.
- Sitting views are available from the beds in the bedrooms. These views are less extensive than the standing views. No formal seats were evident in the playroom during the staff visit.
- From the rooms on the first floor, the existing 9.5m height limit on the site permits development that would almost completely obscure the existing water view. The 1m increase to the height limit will have little effect on the potential for view sharing. Refer to Figures 7 and 8. A skilful design of a future development proposal might maximise the amount of existing view retained. This is a matter than can be explored in the future.

- Staff will assess a specific DA for the site against the view sharing planning controls in the Woollahra DCP, and in accordance with the planning principles established in Tenacity Consulting v Warringah Council [2004] NSWLEC 140. It should be noted that that these planning principles establish that:
 - Whole views are valued more highly than partial views. For example, a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.
 - The impact on views from living areas is more significant than from bedrooms or service areas, although views from kitchens are highly valued because people spend so much time in them.



Figure 5: 29B Captain Pipers Road – standing view from kitchen



Figure 6: 29B Captain Pipers Road – standing view backyard



Figure 7: 29B Captain Pipers Road – standing view from master bedroom



Figure 8: 29B Captain Pipers Road – standing view from second bedroom

35 Captain Pipers Road

Staff visited 35 Captain Pipers Road on 24 January 2017. The following observations were made:

- 35 Captain Pipers Road is a detached two storey dwelling, consisting of a ground floor and lower ground floor.
- The living areas, such as a living / dining room and kitchen, are located on the eastern (view) side of the ground floor. Bedrooms and service areas are located on western (Captain Pipers Road) side of the ground floor and in the lower ground floor.
- The main view available from the property is a water glimpse between buildings and vegetation from the dining alcove connected to the living room, and the terrace directly outside the dining alcove. The view from both of these locations is the almost identical.
- The ground floor of 35 Captain Pipers Road is considerably elevated above the site, and the terrace is located approximately 70m from the nearest point of the site.
- Due to the elevation and distance of 35 Captain Pipers Road in comparison to the site, development on the site built to the height of either 9.5m or 10.5m would have no impact on the view from the property. Refer to Figure 9 below.

The issues raised in the submissions have been considered by staff, but do not warrant a change to the planning proposal.



Figure 9: 35 Captain Pipers Road – standing view from dining alcove

12. Privacy

Issues raised in submissions

Four submissions raised the issue that the planning proposal would permit development that would adversely impact the privacy of the adjoining properties.

Staff response

Privacy is a matter that would be assessed as part of a specific DA. The Woollahra DCP (Chapters B3.2 Building envelopes, B3.3 Floorplate, B3.5.4 Acoustic and visual privacy, B3.7 External areas, and B3.8 and 3.9 Additional controls for development) sets out the requirements for privacy. A specific DA will be assessed against these planning controls. Where a specific DA is inconsistent with these controls, the applicant must address and justify those inconsistencies. The issues raised in the submissions do not warrant a change to the planning proposal.

13. Precedent

Issues raised in submissions

Three submissions raised the issue that the planning proposal would set a precedent for future planning proposals in the area and along Old South Head Road.

Staff response

This issue is not relevant to the assessment of the planning proposal. Precedent does not apply to this site specific proposal which has been assessed on its merits based on the particular features and qualities of this site. Should Council receive similar requests for planning proposals along

Old South Head Road, each request will be considered on its merits. The issues raised in the submissions do not warrant a change to the planning proposal.

14. Overshadowing

Issues raised in submissions

Three submissions raised the issue that the planning proposal would permit development that would adversely impact the solar access / overshadowing between the site and adjoining properties.

One of these submissions was from the owners of the property at 40 Old South Head Road, located immediately to the south of the site. They raised the concern that their house and rear yard would potentially be overshadowed by new development on the site to a height of 10.5m.

Staff response

Overshadowing is a matter that would be assessed as part of a specific DA. The Woollahra DCP (Chapter B3.5.2 Overshadowing) sets out the requirements for building design to minimise overshadowing to neighbouring properties. A specific DA will be assessed against these planning controls. Where a specific DA is inconsistent with these character controls, the applicant must address and justify those inconsistencies. Development complying with the proposed height and FSR may overshadow the property at 40 Old South Head. However, a skilful design of a future development proposal on the site can minimise the impacts of overshadowing. This is a matter that can be explored during the DA process. The issues raised in the submissions do not warrant a change to the planning proposal.

15. Environment

Issues raised in submissions

One submission raised the issue that the removal of trees as part of a future development will result in an adverse effects to wildlife in the area such as possums and birds.

Staff response

The planning proposal is generally consistent with the tree management controls of the Woollahra DCP. The applicant provided a Tree Management Plan which states that there are no naturally occurring trees on the site and the limited existing tree canopy tends to be located at the rear of the site. The planning proposal provides the opportunity to improve the landscaping and tree management on the site by consolidating landscaped areas and implementing a co-ordinated landscape plan or plans.

Tree management is a matter that would be further assessed as part of a specific DA. *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* and the Woollahra DCP (Chapter E3 Tree management) set out the requirements for the management of trees. A specific DA will be assessed against these planning controls. Where a specific DA is inconsistent with these character controls, the applicant must address and justify those inconsistencies. If development consent is granted, the DA will be subject to Council's standards conditions for tree management. The issues raised in the submissions do not warrant a change to the planning proposal.

6. City Plan Services and Hemanote Consultants responses to submissions

The applicant's planning consultant, City Plan Services, and traffic consultant, Hemanote Consultants have reviewed the submissions to the planning proposal and provided a response to the issues raised (**Annexure 5**). Staff have noted the comments provided, however, these comments have already been addressed in the staff responses above.

7. Making the draft LEP under delegated authority

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council has been provided with written authorisation to exercise the functions of the Greater Sydney Commission to make an LEP under section 59 of the Act.

Should Council resolve to proceed and finalise the planning proposal, which is our recommended approach, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.

Alternatively, if Council decides not to finalise the planning proposal, it should resolve to write to the Minister requesting him or his delegate not to proceed with it under section 58(4) of the Act.

8. Conclusion

The planning proposal was prepared and exhibited in the manner required by the Act, the Regulation and conditions set out in the gateway determination.

Twenty-three submissions were received in response to the exhibition period. We have considered the issues raised in the submissions and find that none of these issues justify amendment to the exhibited planning proposal or its discontinuation. Issues related to detailed development plans for the site are more appropriately addressed through the DA process.

We conclude that the proposed amendments to the Woollahra LEP are appropriate for the site. We therefore recommend that Council resolves to finalise the planning proposal and prepare a draft LEP to amend the Woollahra LEP for the site in the following manner:

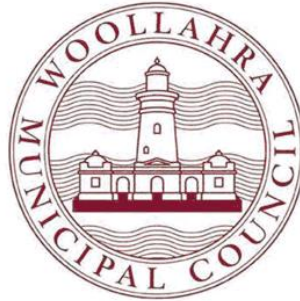
- amend the zoning from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control from 9.5m to 10.5m; and
- apply a (FSR) control of 1:1 (no FSR control currently applies).

We also recommend that Council exercise its delegated authority to make the LEP.

Annexures

1. Urban Planning Committee Report dated 10 July 2017 (including attachments) *(circulated under separate cover)*
2. Planning proposal for 42-58 Old South Head Road, Vacluse as exhibited (excluding attachments) [↓](#)
3. Gateway determination and written authorisation to exercise delegation dated 21 September 2017 [↓](#)
4. Submissions (redacted) [↓](#)
5. City Plan Services and Hemanote Consultants responses to submissions [↓](#)

Annexure 2



PLANNING PROPOSAL

42-58 Old South Head Road Vaucluse



August 2017

TRIM: 17/139858

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1 Introduction

1.1 Summary

This planning proposal applies to land at 42-58 Old South Head Road Vaucluse (the site).

The objective of this planning proposal is to enable redevelopment of the site with residential flat buildings to a maximum height of 10.5 metres (3 storeys) and a maximum floor space ratio (FSR) of 1:1.

To enable this objective the planning proposal seeks to amend *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), in the following manner:

- amend the zoning of the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control of the site from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1:1 to the site (no FSR control currently applies).

The planning proposal is consistent with State planning strategies and the majority of Council's local planning strategies. It provides the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities.

1.2 Background

1.2.1 Opportunity sites

In the course of preparing a new principal local environmental plan, the Council resolved on 14 December 2009, to identify 22 sites, referred to as opportunity sites, as part of investigations aimed at meeting the housing targets set out by the NSW Government in the Draft East Subregional Strategy. The site forms part of a larger site, 30-58 Old South Head Road, which was one of those opportunity sites.

For 30-58 Old South Head Road, Council staff identified that increased development potential would be achieved by amending the *Woollahra Local Environmental Plan 1995* controls in the following ways:

- amending the zoning from 2(a) Residential to Zone R3 Medium Density Residential;
- increasing the maximum permissible building height control from 9.5m to 10.5m; and
- increasing the maximum permissible FSR control from 0.55:1 to 1:1.

The proposed planning control changes for each opportunity site were publically exhibited in 2010. Council received 14 submissions (12 objections and 2 submissions of support) relating to 30-58 Old South Head Road. The main issues raised in the submissions related to potential impact of additional development on traffic generation, view loss, privacy and property values.

On 25 July 2011 Council resolved to defer further consideration of the majority of the opportunity sites in order to focus its resources on the preparation of the Draft Woollahra Local Environmental Plan 2013, which is now Woollahra LEP 2014. As a result of the deferred consideration of the opportunity sites, a response to the issues raised in the

submissions was not reported to a committee of Council. However, a copy of the submissions relating to 30-58 Old South Head Road was provided to the applicant of this planning proposal for consideration in formulating their request for a planning proposal.

1.2.2 Baseline maximum building heights and FSRs

During the preparation of Woollahra LEP 2014 Council staff reviewed maximum building heights and FSR controls which apply to residential and business zones. For the R3 Medium Density Residential Zone, height controls and FSR were reviewed to account for:

- current building practices regarding floor to ceiling heights;
- state regulations;
- Building Code of Australia standards; and
- urban design modelling based on the Council's setback controls.

The outcome of this work created a suite of 'baseline' heights and FSRs, as shown in the table below.

Table 1: 'Baseline' heights and FSRs

Storeys	Height (m)	Baseline FSR
2	7	0.65:1
3	10.5	1:1
4	13.5	1.3:1
5	16.5	1.55:1

Council considers these baseline controls should form the basis for all requests seeking amendments to height and FSR planning controls. Where a request is not consistent with the baseline controls, a strategic justification must be demonstrated.

1.2.3 Pre-application planning proposal meeting

On 4 July 2016, a pre-application planning proposal meeting was held between Council staff and representatives for Parker Logan Property Pty Ltd (the applicant) to discuss the proposed planning changes for the site. After the meeting the applicant was advised to amend their request to prepare a planning proposal to address a number of issues. Key issues identified included the following:

- Obtaining written consent from the owners of the properties which are the subject of the request.
- Justification of the suitability of rezoning the site from the R2 Low Density Residential Zone to R3 Medium Density Residential Zone.
- Justification of why changes to height and FSR controls result in a suitable planning outcome for the site and its context. The justification was to include identification and analysis of the existing context, the desired future character of the Vaucluse East Precinct and impacts of proposed changes.
- If a request was made for height and FSR controls that are inconsistent with Council's baseline controls, justification of how these will result in a better planning outcome for the site.

Apart from providing sufficient strategic justification of the variation from the baseline FSR, these issues were generally addressed by the applicant in the subsequent request for a planning proposal.

1.2.4 Request for a planning proposal

In June 2017, a request for a planning proposal (included in Appendix 3) was submitted to Council by the applicant for the site.

The request sought to amend Woollahra LEP 2014, in the following manner:

- amend the zoning of the site from Zone R2 Low Density Residential to Zone R3 Medium Density Residential;
- increase the maximum building height control of the site from 9.5m to 10.5m; and
- apply a floor space ratio (FSR) control of 1.1:1 to the site (no FSR control currently applies).

The request was considered to be consistent with State planning strategies and the majority of Council's local planning strategies. It was seen to provide an opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to a mixed use centre with various shopping options and services, public transport and open space facilities.

Overall, Council supported the request because it has strategic merit. However, the requested FSR of 1.1:1 is inconsistent with Council's baseline FSR of 1:1, which was developed by Council staff during the preparation of Woollahra LEP 2014. In the absence of a strategic merit justification of an FSR of 1.1:1, Council resolved that the baseline FSR of 1:1 be applied to the planning proposal.

1.3 Description of this planning proposal

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 Environment titled *A Guide to Preparing Planning Proposals* (August 2016) and *A Guide to Preparing Local Environmental Plans* (August 2016).

The essential elements required for a planning proposal are provided in sections 2 to 9 as follows:

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

Additional information to support the application is provided in the appendices.

- Appendix 1 and 2 include Council's consideration of, and resolution to support, the planning proposal.
- Appendix 3 includes the supporting documents listed in the table below, submitted by the applicant with their request for a planning proposal:

Table 2: Supporting documents in Appendix 3

Annexure	Document	Prepared by
1	Planning Proposal report	City Plan Services
2	Survey Plan	John R. Holt Surveyors Pty Ltd
3	Urban Design Analysis: <ul style="list-style-type: none">• SEPP 65 Design Statement• Massing Study• View Impact Analysis• Shadow Analysis	Nicholas Tang Architects
4	Heritage Impact Assessment	Zoltan Kovacs Architect
5	Traffic Impact Assessment	Hemanote Consultants
6	Tree Management Plan	Talc Tree and Landscape Consultants

1.4 Conceptual building massing

The urban design analysis submitted by the applicant with their request for a planning proposal (included in Appendix 3), provides three conceptual illustrations of the potential lot amalgamation and building massing of development which could be used in a future development application for the site if the planning proposal is approved. These illustrations are included in Figure 1 to Figure 4.

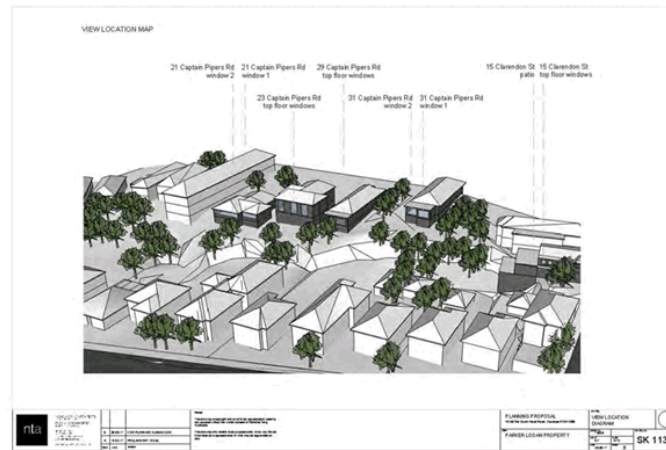


Figure 1: Existing built form (source: Nicholas Tang Architects)

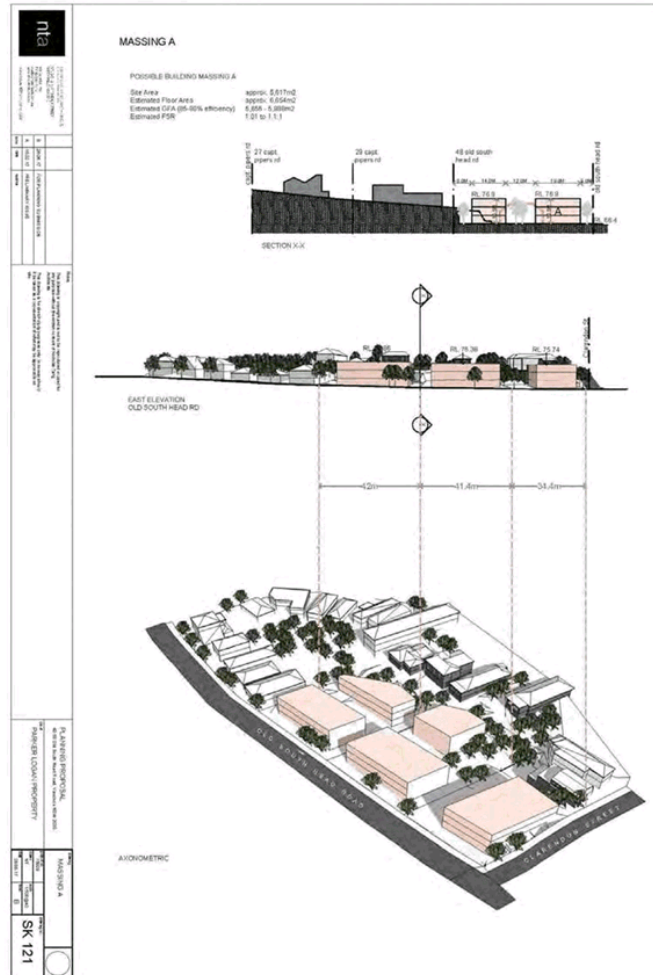


Figure 2: Building massing concept A (source: Nicholas Tang Architects)

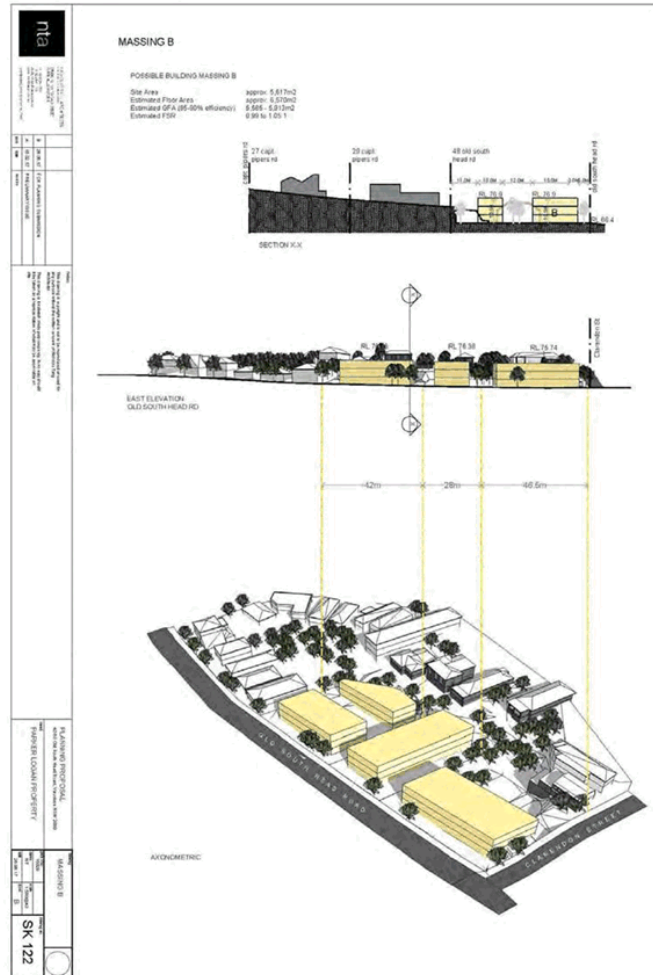


Figure 3: Building massing concept B (source: Nicholas Tang Architects)

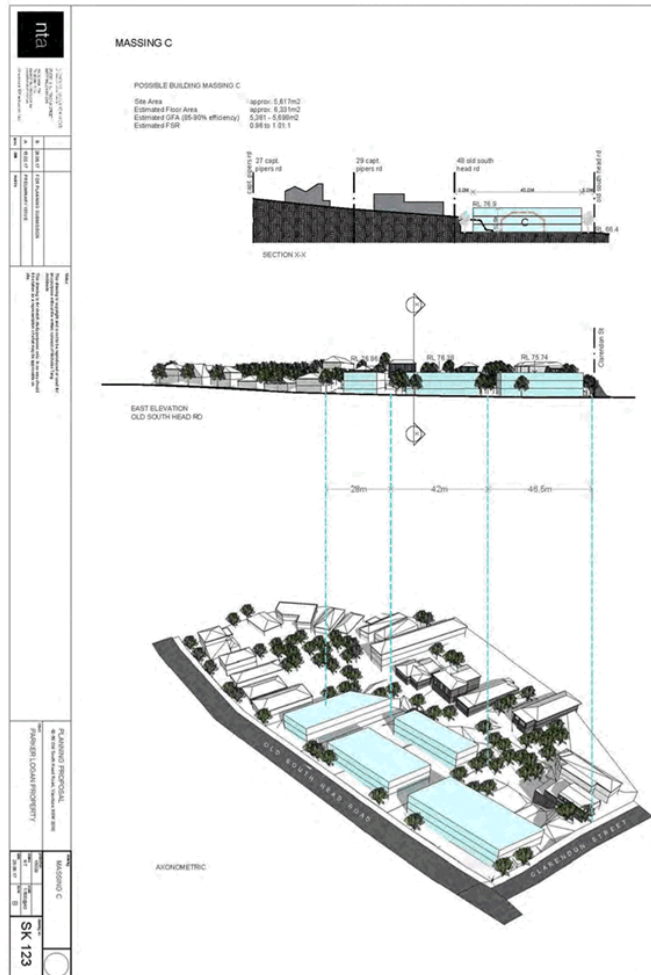


Figure 4: Building massing concept C (source: Nicholas Tang Architects)

2 Existing site and surrounding context

2.1 The site

The site consists of nine adjoining lots as described in the table below.

Table 3: Lots description

Street address	Legal description	Dwellings	Building type	Storey height
42 Old South Head Road	Lot 13 DP 13528	1	Detached	1
44 Old South Head Road	SP 16395	2	Duplex	2
46 Old South Head Road	Lot 11 DP 13528	1	Detached	2
48 Old South Head Road	SP 50433	2	Duplex	2
50 Old South Head Road	SP 13423	4	Residential flat building	2
52 Old South Head Road	Lot 4 DP 109409	1	Detached	2
54 Old South Head Road	Lot 3 DP 109409	1	Detached	2
56 Old South Head Road	Lot 2 DP 109409	1	Detached	2
58 Old South Head Road	Lot 1 DP 109409	1	Detached	2-3
Total		14		

A cadastral map showing property information is included below as Figure 5. The site is highlighted in red.

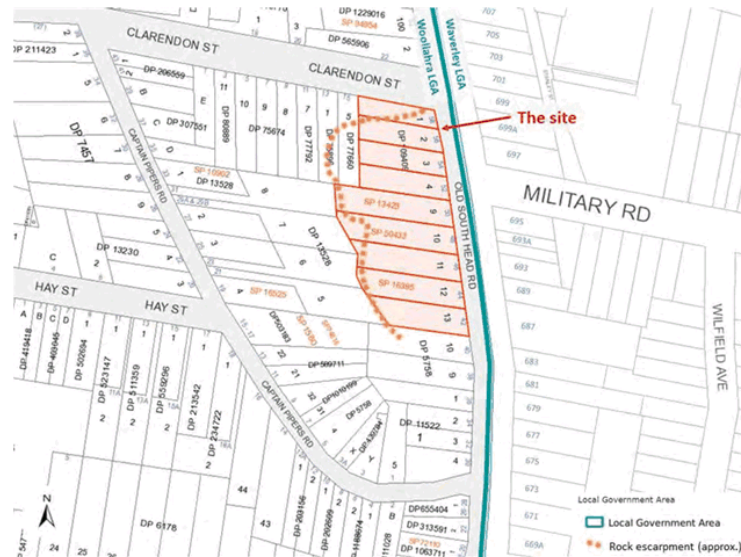


Figure 5: Cadastral map and approximate location of rock escarpment

Planning Proposal – 42-58 Old South Head Road, Vacluse August 2017 9

The site has a total area of approximately 5,617 sqm. The site has a total frontage of approximately 116m to Old South Head Road and approximately 40m to Clarendon Street, and a maximum depth of approximately 60m (at No.50).

The bulk of the site, from No.42 to No.56, gently slopes downwards from south to north and from east to west. A rock escarpment, rising to a height of approximately 5 metres, is located to the west and north of this relatively flat area, as shown in Figure 5. The rear boundaries of the properties at Nos. 42 to 50 generally follow the escarpment. The escarpment then traverses the neighbouring properties to the west at 13 and 15 Clarendon Street before returning to the land at No.58, where it occupies more than 50% of that property.

The site is currently developed with 14 dwellings contained in six detached dwellings, two duplexes and one residential flat building with four units. The buildings range from 1 to 3 storeys in height. The buildings date from the Inter-War period. None of the buildings are heritage listed, nor are they located in a heritage conservation area or in the vicinity of a heritage item.

Photos of the existing development on the site are included below.



Figure 6: Existing development at 40 and 42 Old South Head Road



Figure 7: Existing development at 44 and 46 Old South Head Road



Figure 8: Existing development at 48 and 50 Old South Head Road



Figure 9: Existing development at 50 and 52 Old South Head Road



Figure 10: Existing development at 54 and 56 Old South Head Road



Figure 11: Existing development at 58 Old South Head Road (source: Google Maps)



Figure 12: Existing development at 58 Old South Head Road showing Clarendon Street, public stairs and steep topography of site and surrounds



Figure 13: Existing development at 58 Old South Head Road seen from the rear yard of 56 Old South Head Road, showing rock escarpment to the left



Figure 14: Existing development at 687 Old South Head Road, opposite the site in Waverley LGA, showing a 3 storey residential flat building



Figure 15: Existing development at 693-693A and 695 Old South Head Road, opposite the site in Waverley LGA, showing a 2 storey mixed use (retail and residential) buildings



Figure 16: Existing development at 697 Old South Head Road and the Military Road intersection, opposite the site in Waverley LGA, showing a 3-4 storey residential flat building and ocean views

2.2 Location, context and services

The site is located on the western side of Old South Head Road, Vaucluse, between Clarendon Street and Captain Pipers Road, as shown in Figure 17. Old South Head Road is an arterial road connecting Bondi Junction to Watsons Bay. At this location, Old South Head Road forms the boundary between the Woollahra and Waverley Local Government Areas (LGAs).

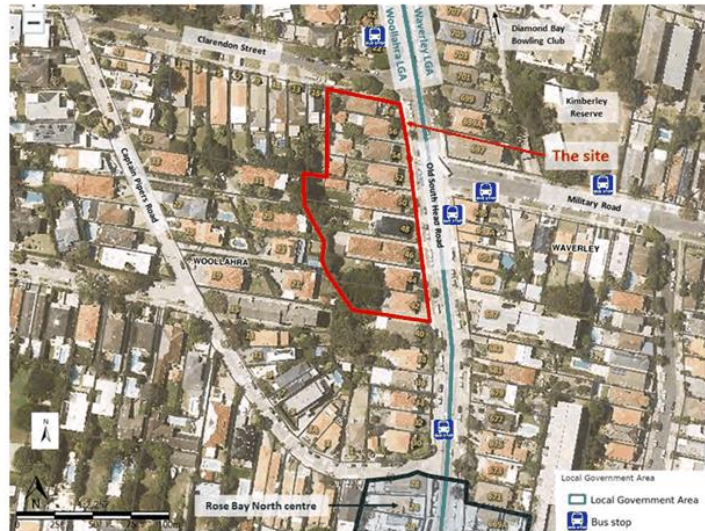


Figure 17: Local area map

Surrounding development consists of the following:

- Generally, the local area accommodates a mix of detached dwelling houses, semi-detached dwellings, duplexes and residential flat buildings which are predominantly 2 to 3 storeys in height.
- The Rose Bay North mixed use centre is located approximately 80m to the south. The centre accommodates a supermarket and various other shops and services.
- Diamond Head Bowling Club is located approximately 60m to the north.
- Kimberley Reserve is located approximately 75m to the east, and the ocean coastline is located approximately 250m to the east.

2.3 Transport accessibility

The site is highly accessible by public transport. Five bus stops are located within 100 metres of the site on Old South Head Road and Military Road, as shown in Figure 18. The bus stops service bus routes 323, 380, and 387 to Rose Bay, Edgecliff, Bondi Junction, Bondi Beach, Watsons Bay and the Sydney CBD, as shown in Figure 18. These services run at various times, but are generally every 15 minutes, 7 days per week.



Figure 18: Bus and ferry map for the area (source: Sydney Buses)

3 Existing planning controls

The planning controls that apply to the site and land in its vicinity are described below.

3.1 Zoning

The site is zoned R2 Low Density Residential under the Woollahra LEP 2014. The zone generally permits development of low density residential uses, such as dwelling houses, dual occupancies and boarding houses.

To the south of the site, the Rose Bay North mixed use centre is zoned B4 Mixed Use under the Woollahra LEP 2014. The zone generally permits development of a mixture of compatible uses such as commercial premises, entertainment facilities, medical centres and shop top housing.

Old South Head Road is an arterial road zoned SP2 Classified Road under the Woollahra LEP 2014. The permissible uses are limited to development of roads.

Land on the eastern side of Old South Head Road, opposite the site, is zoned R3 Medium Density Residential under the *Waverley Local Environmental Plan 2012* (Waverley LEP 2012). The zone generally permits development of:

- low to medium density residential uses, such as dwellings houses, attached dwellings, multi dwelling housing, seniors housing and residential flat buildings, and
- land uses that provide facilities or services to meet the day to day needs of residents, such as neighbourhood shops, child care centres and community facilities.

Zoning for the site and surrounding land is shown below in Figure 19.



Figure 19: Existing land use zoning (source: Department of Planning & Environment - Planning Viewer)

3.2 Building height

The site is subject to a maximum building height limit of 9.5 metres under the Woollahra LEP 2014. The height limit supports 2 to 3 storey development. The desired future character of the Vacluse East residential precinct of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that development may be 3 storeys, but should establish a 2 storey presentation to the street.

Land on the eastern side of Old South Head Road, opposite the site, which is zoned R3 Medium Density Residential, is subject to a maximum building height limit of 12.5 metres under the Waverley LEP 2012. Building height controls for the site and surrounding land are shown below in Figure 20.



Figure 20: Existing maximum building height controls (source: Department of Planning & Environment - Planning Viewer)

3.3 Floor space ratio

The site is not subject to a maximum FSR control under the Woollahra LEP 2014. As the site is zoned R2 Low Density Residential, the bulk and scale of development is determined by controls in the Woollahra DCP 2015.

Land on the eastern side of Old South Head Road, opposite the site, which is zoned R3 Medium Density Residential, is subject to a maximum FSR control of 0.9:1 under the Waverley LEP 2012. FSR controls for the site and surrounding land are shown below in Figure 21.



Figure 21: Existing maximum FSR controls (source: Department of Planning & Environment - Planning Viewer)

4 Objective of planning proposal

The objective of the planning proposal is to enable redevelopment of the site with residential flat buildings to a maximum height of 10.5 metres (3 storeys) and a maximum FSR of 1:1.

Meeting this objective will provide the opportunity to develop the site with additional housing supply and choice, in a location which is highly accessible to the Rose Bay North mixed use centre with various shopping options and services, public transport and open space facilities.

5 Explanation of provisions

The planning proposal seeks the following modifications to the provisions of the *Woollahra Local Environmental Plan 2014*:

- Amend the Land Zoning Map (Sheet LZN_005) to apply Zone R3 Medium Density Residential to the site;
- Amend the Height of Buildings Map (Sheet HOB_005) to apply a maximum building height limit of 10.5m to the site; and
- Amend the Floor Space Ratio Map (Sheet FSR_005) to apply a maximum floor space ratio of 1:1 to the site.

6 Justification

The planning proposal has strategic and site specific merit and the key reasons to amend Woollahra LEP 2014 are that:

- The planning proposal is consistent with the objectives of *A Plan for Growing Sydney* (2014) and the initiatives of the *Draft Central District Plan* (2016).
- The planning proposal is consistent with Woollahra DCP 2015 and the Council's *Community Strategic Plan, Woollahra 2025*.
- The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable *State Environmental Planning Policies*.
- The planning proposal is consistent with applicable section 117 directions.
- The planning proposal does not apply to land identified with critical habitat areas, threatened species, populations or ecological communities or their habitats.
- The planning proposal will not create any environmental impact that cannot be identified and managed through the gateway public exhibition and development application process.
- The planning proposal will provide the opportunity to enable a social and economic benefit of additional housing and housing mix in a location accessible to public transport options, and improve the local economy by increasing the local population.

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

6.1 Need for planning proposal

6.1.1 Q1. Is the planning proposal a result of any strategic study or report?

No. The planning proposal does not directly result from any strategic study or report. However, the proposal relates to the opportunity site process described in the background section of this report. On 14 December 2009, Council identified 22 sites as part of investigations aimed at meeting the housing targets set out by the NSW Government in the Draft East Subregional Strategy. The site forms part of a larger site, 30-58 Old South Head Road, which was one of those opportunity sites.

6.1.2 Q2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. This planning proposal is the best means of achieving the objective outlined in Section 4 of this report. The best method of providing the opportunity to redevelop the site with additional housing is to amend the planning controls to allow residential flat buildings and corresponding maximum building height and FSR development standards. A planning proposal is required to amend the zoning, building height and FSR controls for site.

Other options for achieving the objective and outcomes include:

- Option 1: Allowing additional development based on a development application applying clause 4.6 exceptions to the existing height and FSR development standards. With Council development consent, this option would allow additional residential development on the site than would be available by strictly applying the existing development standards. However, the additional development opportunity of this option would not match that of the proposed controls because denser forms of residential accommodation, such as a residential flat building and multi dwelling housing would continue to be prohibited.
- Option 2: Rezone the site to B4 Mixed Use Centre, with appropriate height and FSR controls, to permit shop top housing. This option would permit the development of additional housing on the site. However, the rezoning of the site to allow a new centre, or an extensive of the Rose Bay North mixed use centre is not consistent with the desired future character for the precinct.

6.2 Relationship to strategic planning framework

6.2.1 Q3. 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 objectives of *A Plan for Growing Sydney* (2014) and the initiatives of the *Draft Central District Plan* (2016). These plans are discussed in detail in Schedule 1.

6.2.2 Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The planning proposal is consistent with Woollahra DCP 2015 and the Council's *Community Strategic Plan, Woollahra 2025*.

Woollahra DCP 2015

The planning proposal will permit development which is consistent with the objectives and desired future character of the local area described in the following chapters of Woollahra DCP 2015.

Chapter B1: 1.11 Vacluse East Precinct.

The planning proposal is generally consistent with the desired future character of the precinct. This character is described as:

- maintaining the evolution of low rise residential building styles, generally through the introduction of well-designed contemporary dwelling houses;
- minimising the building bulk and scale of 3 storey development by designing development to generally present as 2 storey to the street; and
- anticipating that some land fronting Old South Head Road may be zoned R3 Medium Density Residential.

Chapter B3: General Development Controls.

The planning proposal is not seeking to amend the existing general controls of the DCP, such as building envelopes, setbacks and landscaped area. Any future development on the site would need to comply with the existing appropriate DCP controls applying to the site.

The applicant provided a heritage impact statement in support of the planning proposal, as the site currently accommodates Inter-War flat buildings. The statement was referred to Council's Strategic Heritage Officer for comment. The heritage officer:

- stated that, although the existing buildings on the site date from the Inter-War period, none of the buildings are heritage listed or identified as potential heritage items, and none are located in a heritage conservation area or in the vicinity of a heritage item;
- did not raise an objection to the planning proposal as the buildings have been substantially altered over time and no longer retain any significance as representative examples of Inter-War architecture; and
- recommended that, if the proposal proceeded to a development application involving demolition, that the buildings be recorded with a photographic archival recording prior to their demolition.

Chapter E1: Parking and Access.

The planning proposal is generally consistent with the traffic, parking and access controls of the DCP. The applicant provided a traffic impact assessment in support of the planning proposal. The assessment was based on a preliminary investigation of the site using a maximum FSR of 1.5:1. The assessment estimated a development yield of 124-128 dwellings, which is approximately 50% higher than the estimated dwelling yield achievable with a maximum FSR of 1:1.

The statement was referred to Council's Traffic Engineer for comment. The traffic engineer:

- stated that, based on the assessment, the net traffic generation increase is marginal and not anticipated to result in unacceptable adverse traffic impact on the existing road network;
- did not raise an objection to the planning proposal, subject to future on-site car parking compliance with Council's DCP, NSW regulations and Australian Standards; and
- recommended that Roads and Maritime Services be further consulted in terms of their views on the traffic generation if the proposal proceeded to a development application.

Chapter E3: Tree Management.

The planning proposal is generally consistent with the tree management controls of the DCP. The applicant provided a Tree Management Plan which states that there are no naturally occurring trees on the site and the limited existing tree canopy tends to be located at the rear of the site. The planning proposal provides the opportunity to improve the landscaping and tree management on the site by consolidating landscaped areas and implementing a co-ordinated landscape plan or plans.

Woollahra 2025

The planning proposal is generally consistent with the Council's *Community Strategic Plan, Woollahra 2025*, in particular Goal 4 – Well planned neighbourhoods. Goal 4 sets out six key challenges, five of which are relevant to this planning proposal. The planning proposal's consistency with these challenges is described in the table below.

Table 4: Woollahra 2025 - Goal 4: Well planning neighbourhoods - Key challenges

Key challenge area	Key challenge	Response to challenge
Development	Protecting our area from high rise and inappropriate oversized development while balancing the pressure for new housing and jobs.	The planning proposal will not permit high rise or inappropriate oversized development. However, it will address the pressure for new housing.
Sustainability	Encouraging and supporting sustainable development.	The planning proposal will encourage and support sustainable development by providing housing in a location which is highly accessible by public transport and well located to access facilities within an established business centre.
Increased housing	Responding to the increased housing targets set by the State Government.	The planning proposal will respond to the housing targets set by the State Government, by providing the opportunity to develop additional housing.
Housing choice	Providing a diverse range of housing choices to meet the variety of household types, income and lifestyles.	The planning proposal will provide the opportunity to contribute to the diverse range of housing choices with the LGA to meet a variety of household types, income and lifestyles.
Protection of urban character	Maintaining our mostly low rise, mixed urban form vibrant villages, architecture and heritage. Balancing the protection of the leafy character of the area with achieving development demand.	The planning proposal will not prevent the redevelopment of the site in a manner that maintains a mostly low rise, mixed urban form of vibrant villages, architecture and heritage.

6.2.3 Q5. 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 all other applicable *State Environmental Planning Policies* (refer to Schedule 2).

6.2.4 Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The planning proposal is consistent with applicable section 117 directions (refer to Schedule 3).

6.3 Environmental, social and economic impact

6.3.1 Q7. 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.

6.3.2 Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. The potential environmental effects of the planning proposal are discussed below. Other environmental effects that might arise through the redevelopment of the sites would be identified through the development application process. Good design and conditions of consent will limit these effects.

View impacts

The site is located within a ridgeline that runs through the middle of Vaucluse. The elevation of the ridgeline provides water views to the east from a number of properties in the vicinity of the site, particularly 15 Clarendon Street and 21, 23, 29 and 31 Captain Pipers Road. The views from these properties may be impacted by the development of buildings to a maximum height limit of 10.5 metres.

The applicant has provided 3D modelling images, and a virtual 3D model to assist Council with the assessment of the potential view impact of the proposed height limit for the site. However, this documentation is not based on inspections from potentially affected properties. The exhibition of a planning proposal will provide a better method of undertaking a detailed assessment of the potential view impact of the proposed height limit. This can be facilitated by conducting a view analysis from adjoining properties.

Design concept

Indicative concept plans for the site show an amalgamation of the various lots into three larger lots and development of four or five residential flat buildings with a height of 3 storeys, with three driveways onto Old South Head Road. However, the detailed design of development is a matter to be considered at the development application stage, and does not affect this request.

6.3.3 Q9. Has the planning proposal adequately addressed any social and economic effects?

Yes. The planning proposal will have positive social and economic effects, in that it provides the additional flexibility in residential development outcomes, which will provide:

- the opportunity for additional residential development near the Rose Bay North mixed use centre;
- the opportunity for additional public transport oriented development due to the site's proximity to frequent bus services;
- the opportunity for additional housing with a mix of apartment sizes;
- the potential to increase the local population and provide economic support to local businesses; and
- an incentive to redevelop the site to replace ageing housing stock.

6.4 State and Commonwealth interests

6.4.1 Q10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is connected to water, sewer, electricity and telephone services. The site is in proximity to regular and frequent public transport services which have capacity to accommodate increased demand.

It is unlikely that there will be any significant additional infrastructure demand resulting from the planning proposal. Notwithstanding, we will consult with public utility companies, service providers and emergency services during the public exhibition, in accordance with the gateway determination.

6.4.2 Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with any relevant State and Commonwealth public authorities in accordance with the gateway determination issued by the Department of Planning and Environment, during the public exhibition of the planning proposal.

7 Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 maps in the following manner:

- Amend the Land Zoning Map (Sheet LZN_005) to apply Zone R3 Medium Density Residential to the site;
- Amend the Height of Buildings Map (Sheet HOB_005) to apply a maximum building height limit of 10.5m to the site; and
- Amend the Floor Space Ratio Map (Sheet FSR_005) to apply a maximum floor space ratio of 1:1 to the site.

An extract of the existing and proposed zoning, building height and FSR maps are shown in Figure 22 to Figure 27

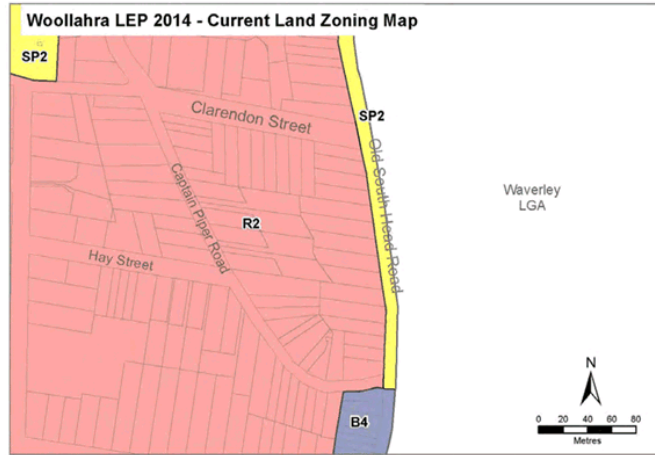


Figure 22: Extract from existing Woollahra LEP 2014 Land Zoning Map (Sheet LZN_005)

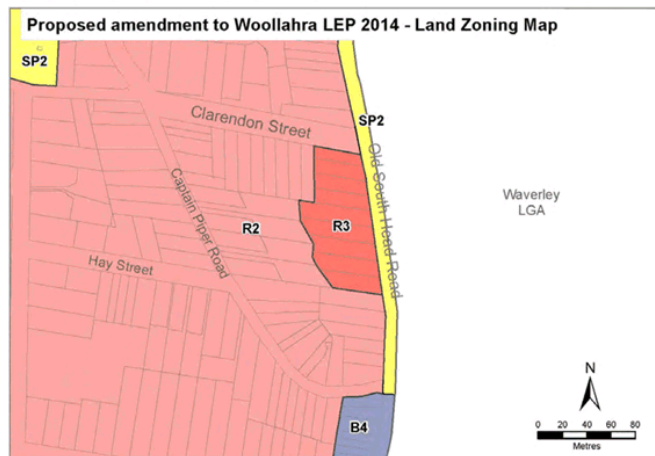


Figure 23: Extract from proposed Woollahra LEP 2014 Land Zoning Map (Sheet LZN_005)

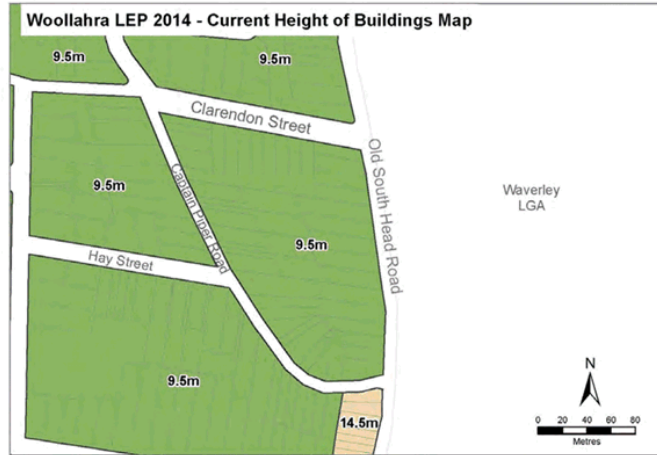


Figure 24: Extract from existing Woollahra LEP 2014 Height of Buildings Map (Sheet HOB_005)

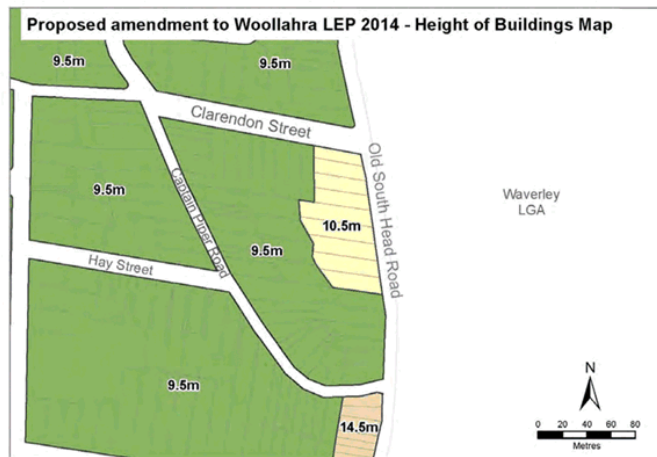


Figure 25: Extract from proposed Woollahra LEP 2014 Height of Buildings Map (Sheet HOB_005)

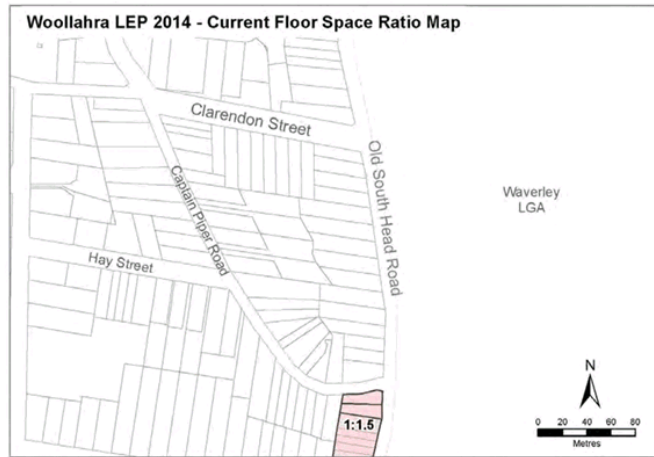


Figure 26: Extract from existing Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_005)

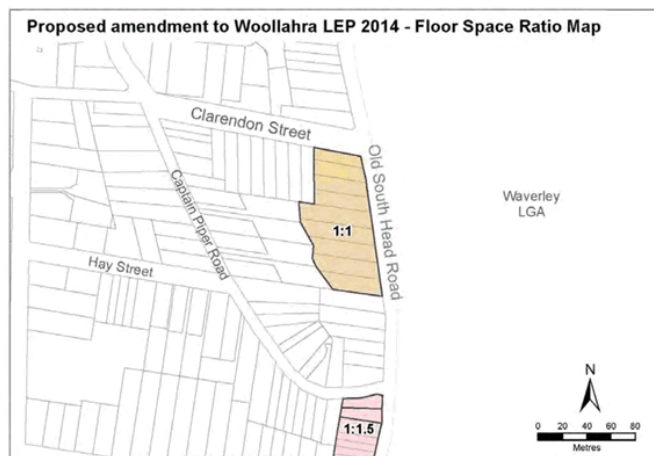


Figure 27: Extract from proposed Woollahra LEP 2014 Floor Space Ratio Map (Sheet FSR_005)

8 Community consultation

The public exhibition will be undertaken in accordance with the requirements of the EP&A Act, the *Environmental Planning and Assessment Regulation 2000* and the gateway determination.

The planning proposal will be exhibited for a minimum of 28 days or longer if required by the gateway determination.

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 land owners of the site, and land owners in the vicinity of the site;
- a letter to any relevant public authority in accordance with the gateway determination;
- a letter to local community groups including the Vaucluse Progress Association; and
- a public notice on each property of the site.

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; and
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).

9 Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 59 of the EP&A Act, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Urban Planning Committee recommends proceeding	10 July 2017
Council resolution to proceed	24 July 2017
Planning proposal submitted to Greater Sydney Commission / Department of Planning and Environment for gateway determination	Week ending 1 September 2017
Gateway determination	6 weeks
Completion of technical assessment	Usually none required
Public exhibition period, including government agency consultation	4 weeks
Submissions assessment	2 weeks
Council assessment of planning proposal post exhibition	4 weeks
Council decision to make the LEP amendment	2 weeks
Council to liaise with Parliamentary Counsel to prepare LEP amendment	4 weeks
LEP amendment forwarded to Greater Sydney Commission / Department of Planning and Environment for notification	1 week
Notification of the approved LEP	4 weeks

Schedules

Schedule 1 Consistency with A Plan for Growing Sydney and the Draft Central District Plan

1. A Plan for Growing Sydney (December 2014)

This plan contains:

- A vision for Sydney
- 4 goals, 3 planning principles and 22 directions
- Priorities for Sydney's 6 subregions. The site is located in the Central Subregion.

Goal	Comment on consistency
1. A competitive economy with world-class services and transport	Consistent. The planning proposal will help meet this goal by providing additional flexibility in the development opportunities near the existing Rose Bay North mixed use centre. The site has good access to bus transportation.
2. A city of housing choice, with homes that meet our needs and lifestyles	Consistent. The planning proposal will provide additional flexibility in the housing development options for the site, providing the opportunity for additional diversity in housing choice to meet different lifestyles.
3. A great place to live with communities that are strong, healthy and well connected	Consistent. The planning proposal will provide the opportunity to develop a good quality living environment and encourage a strong, healthy and well connected community. The proposal will provide additional flexibility in the development options for housing supply and choice in a location which is near the Rose Bay North mixed use centre, close to a range of recreational areas and activities, and accessible to public transport.
4. A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	Consistent. The planning proposal will not impede sustainability or the protection of the natural environment.

Planning principles	Comment on consistency
Principle 1: Increasing housing choice around all centres through urban renewal in established areas	Consistent. The planning proposal will provide an opportunity for increased housing choice in proximity to the Rose Bay North mixed use centre.
Principle 2: Stronger economic development in strategic centres and transport gateways	Consistent. The planning proposal will provide additional flexibility in development options for the site, which is located near the Rose Bay North mixed use centre. The site is well located to take advantage of jobs in the centre and has good public transport links to access jobs and services in other nearby strategic centres such as the Sydney CBD, Bondi Junction and other centres.
Principle 3: Connecting centres with a networked transport system	Consistent. The planning proposal will not impede the provision of efficient public transport links to commercial centres.

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

Direction	Comment on consistency
Direction 2.1 Accelerate housing supply across Sydney	Consistent. The planning proposal will provide additional flexibility in housing development options for the site, which may assist to accelerate the supply of housing. With a maximum FSR of 1:1, the site is capable of accommodating a maximum residential GFA of approximately 5,617 sqm, or approximately 81 dwellings*, compared with the existing 14 dwellings on the site. This equates to approximately an additional 67 dwellings. <i>*Note: Dwelling calculations are based on minimum standards required by the NSW Apartment Design Guide (SEPP 65) - with an average size of 62.5 sqm, on a development efficiency of 90% of maximum GFA.</i>

Direction	Comment on consistency
Direction 2.2 Accelerate urban renewal across Sydney – Providing homes close to jobs	Consistent. The planning proposal will provide additional flexibility in housing options for the site, which is located close to the Rose Bay North mixed use centre. The site has good public transport links to other centres that provide jobs, such as Sydney CBD, Bondi Junction and other centres.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	Consistent. The planning proposal will provide additional flexibility in housing redevelopment opportunities for the site to suit a range of different needs and lifestyles.
Direction 3.1: Revitalise existing suburbs	Consistent. The planning proposal will provide additional flexibility in the development options for the site, providing additional incentive to redevelop the site to replace ageing housing stock.
Direction 3.3: Create healthy built environments	Consistent. The planning proposal applies to land located near the Rose Bay North mixed use centre with shops, services, recreational spaces and public transport. This promotes healthy activities such as walking or cycling to these locations as part of daily activities and promotes physical activity.
Direction 4.1 Protect our natural environment and biodiversity	Consistent. The planning proposal applies to land located in an existing urban environment and does not apply to sensitive land or land with significant conservation values.

Direction	Comment on consistency
Central Subregion priorities	Comment on consistency
<p>The priorities for the Central Subregion are:</p> <ul style="list-style-type: none"> • A competitive economy; • Accelerate housing supply, choice and affordability and build great places to live; and • Protect the natural environment and promote its sustainability and resilience. 	<p>Consistent. The planning proposal is consistent with the priorities of the subregion as it:</p> <ul style="list-style-type: none"> • will facilitate additional flexibility in the redevelopment options near the Rose Bay North mixed use centre; • will facilitate residential development to accelerate housing supply, choice and potentially affordability; • will facilitate development close to existing recreation facilities such as the Diamond Head Bowling Club, Kimberley Reserve and the ocean coastline; • is in proximity to existing transportation infrastructure, services and recreation; and • does not apply to land with any significant conservation value.

2. Draft Central District Plan

The Draft Central District Plan (2016) [the District Plan] sets out a vision, priorities and actions for the development of the Central District of Greater Sydney. The four goals of *A Plan for Growing Sydney* are addressed in the District Plan in three themes:

- A productive city (Goal 1)
- A liveable city (Goals 2 and 3)
- A sustainable city (Goals 3 and 4)

Each theme contains priorities which must be addressed during the preparation of a planning proposal. The consistency of this planning proposal with these priorities is addressed in this table.

A productive city	
District priorities	Comment on consistency
<p>Productivity Priority 1: Creating opportunities for the growth of commercial floor space</p> <p>Relevant planning authorities need to consider the mechanisms to protect and enhance opportunities for the growth of commercial floor space. When planning strategic and district centres, relevant planning authorities should consider Productivity Priority 3 (Section 3.5), as well as strategies to:</p>	<p>Not applicable.</p> <p>The planning proposal is not a product of planning for regional or district centres.</p> <p>The planning proposal will not impede the development of commercial floor space under existing development standards</p>

A productive city	
<ul style="list-style-type: none"> enhance the urban amenity and walkability of centres; promote the diversification of complementary commercial activities; maintain a commercial core for employment activities in targeted locations; and support the economic viability of office development. 	and controls.
<p>Productivity Priority 2: Support the growth of innovation and creative industries</p> <p>The relevant planning authority should investigate opportunities to support the growth of innovation and creative industries. Consideration should be given to the full spectrum of activities from high-end global businesses to small start-ups.</p> <p>This may be achieved through a range of mechanisms and strategies including:</p> <ul style="list-style-type: none"> providing flexibility in appropriate zones for the co-location of creative industries in desirable locations with access to transport and ancillary uses such as retail, cafes and restaurants incentivising opportunities for the provision of affordable space for creative and start-up businesses. <p>Councils and State agencies should also consider opportunities to grow innovation and creative industries by:</p> <ul style="list-style-type: none"> providing affordable space for creative hubs on government-owned land and/or in large-scale government-led urban renewal projects enhancing synergies and connectivity between health and education facilities supporting increased opportunities for a diversity of housing choices including price points close to work opportunities. 	<p>Not applicable.</p> <p>The planning proposal will not impede the integration of arts and cultural outcomes, or creative hubs under existing development standards and controls.</p>
<p>Productivity Priority 3: Manage growth and change in strategic and district centres and, as relevant, local centres</p> <p>When undertaking planning for strategic, district and local centres, the relevant planning authority should consider:</p> <ul style="list-style-type: none"> opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail business types, including: the need to reinforce the suitability of centres for 	<p>Not applicable.</p> <p>The planning proposal does not involve or is it a result of planning for a strategic, district or local centre.</p>

A productive city	
<p>retail and commercial, encouraging a competitive market</p> <ul style="list-style-type: none">• the commercial requirements of retailers and commercial operators such as servicing, location, visibility and accessibility• the use of B3 Commercial Core Zones in strategic centres, and where appropriate, in district centres to reinforce and support the operation and viability of non-residential uses, including local office markets. <p>When preparing strategic plans, the relevant planning authority needs to demonstrate how its planning for centres has considered strategies to:</p> <ul style="list-style-type: none">• deliver on the strategic and district centre's job targets• meet the retail and service needs of the community• facilitate the reinforcement and/ or expansion of allied health and research activities• promote the use of walking, cycling and integrated public transport solutions• provide urban spaces such as meeting places and playgrounds• respond to the centre's heritage and history• promote community arts• reflect crime prevention through environmental design (CPTED) principles such as safety and management• manage the transition between higher intensity activity in and around a centre and lower intensity activity that frames the centre.	

A productive city	
<p>Productivity Priority 4: Prioritise the provision of retail floor space in centres</p> <p>When preparing retail and commercial strategies to inform local planning, the following matters should be considered:</p> <ul style="list-style-type: none"> • existing and future supply and demand for retail floor space within the District, based on the Department of Planning and Environment's medium population growth scenario • the accessibility of different types of retail and commercial floor space to communities • opportunities to allow retail and commercial activities to innovate • the impacts of new retail and commercial proposals to enhance the viability and vitality of existing and planned centres • the need for new retail development to reinforce and enhance the public domain • the net social, economic and environmental implications of new supply within different locations 	<p>Not applicable.</p> <p>The planning proposal is not a product of a retail or commercial strategy.</p> <p>The planning proposal will not impede the preparation of retail and commercial strategies to inform local planning.</p>
<p>Productivity Priority 5: Protect and support employment and urban services land</p> <p>Relevant planning authorities should take a precautionary approach to rezoning employment and urban services lands, or adding additional permissible uses that would hinder their role and function. The exception being where there is a clear direction in the regional plan (currently <i>A Plan for Growing Sydney</i>), the District Plan or an alternative strategy endorsed by the relevant planning authority.</p> <p>Any such alternative strategy should be based on a net community benefit assessment (i.e. analysis of the economic, environmental and social implications) of the proposed exception, taking account of a District-wide perspective in accordance with Action P5.</p> <p>How these matters are taken into account is to be demonstrated in any relevant planning proposal.</p>	<p>Not applicable.</p> <p>The planning proposal will not rezone any employment and urban services lands, or add additional permissible uses that would hinder their role and function.</p>

A Liveable City	
District priorities	Comment on consistency
<p>Liveability Priority 1: Deliver Central District's five-year housing targets</p> <p>To deliver these five-year housing targets, councils need to:</p> <ul style="list-style-type: none"> plan to provide sufficient capacity and monitor delivery of the five-year housing targets; and liaise with the Commission to identify barriers to delivering additional housing in accordance with the targets. 	<p>Consistent.</p> <p>The planning proposal will provide additional flexibility in housing development options for the site. This will assist in providing housing to meet the district plan's five year housing target for Woollahra Council of 300 dwellings.</p>
<p>Liveability Priority 2: Deliver housing diversity</p> <p>Relevant planning authorities should consider the needs of the local population base in their local housing strategy and how to align local planning controls that:</p> <ul style="list-style-type: none"> address housing diversity that is relevant to the needs of the existing and future local housing market ; and deliver quality design outcomes for both buildings and places. 	<p>Not applicable.</p> <p>The planning proposal does not form part of a local housing strategy. However, the proposal will provide additional flexibility in housing development options for the site, permitting the opportunity for additional housing diversity.</p>
<p>Liveability Priority 3: Implement the Affordable Rental Housing Target</p> <p>Building on Action 2.3.3 of <i>A Plan for Growing Sydney</i>, when preparing planning proposals or strategic plans for new urban renewal or greenfield areas, the relevant planning authority will include an Affordable Rental Housing Target as a form of inclusionary zoning.</p> <p>A target of 5% to 10% of new floor space will be applied at the rezoning stage so that it can factored into the development equation:</p> <ul style="list-style-type: none"> within areas that have been shown, via a local housing strategy, or another form of appropriate research, to have current or future need for affordable rental housing; to applicable land within new urban renewal or greenfield areas (government and private) subject to development feasibility assessed at a precinct scale; to all new floor space (above the existing permissible floor space); 	<p>Not applicable.</p> <p>The planning proposal does not apply to land in a new urban renewal or greenfield area.</p>

A Liveable City	
District priorities	Comment on consistency
<ul style="list-style-type: none"> in addition to local and State development contributions and cognisant of any public or private subsidy for affordable rental housing provision; to provide a range of dwelling types including one, two and three+ bedroom homes; and in accordance with any relevant guidance developed by the Commission and Department of Planning and Environment. <p>The Affordable Rental Housing dwellings will be secured by the relevant planning authority and passed onto a registered Community Housing Provider to manage, further developing this emerging sector of the economy.</p> <p>In this regard, we encourage the NSW Government to bring forward its own land to maximise affordable housing and Affordable Rental Housing.</p>	

A Liveable City	
District priorities	Comment on consistency
<p>Liveability Priority 4: Increase social housing provision Relevant planning authorities and the Department of Family and Community Services (and the Land and Housing Corporation) should collaborate to optimise housing and community diversity outcomes on sites of social housing concentration. Subject to appropriate consultation, feasibility considerations and environmental assessment, relevant planning authorities should translate optimal outcomes for social housing sites into land use controls.</p>	<p>Not applicable. The site does not contain any social housing.</p>
<p>Liveability Priority 5: Facilitate the delivery of safe and healthy places Relevant planning authorities should:</p> <ul style="list-style-type: none"> • facilitate the development of healthy and safe built environments • consider the inclusion of planning mechanisms such as floor space bonuses to incentivise the provision of: <ul style="list-style-type: none"> - neighbourhoods with good walking and cycling connections particularly to schools; - social infrastructure such as public libraries or child care; and - urban agriculture, community and roof gardens for productive food systems. 	<p>Consistent. The planning proposal will not impede the planning or delivery of healthy and safe environments under existing development standards and controls.</p>
<p>Liveability Priority 6: Facilitate enhanced walking and cycling connections Relevant planning authorities should facilitate enhanced walking and cycling outcomes by giving due consideration to the delivery of district and regional connections and walkable neighbourhoods.</p>	<p>Not applicable. The planning proposal will not impede the planning or delivery of walking and cycling facilities.</p>

A Liveable City	
District priorities	Comment on consistency
<p>Liveability Priority 7: Conserve heritage and unique local characteristics</p> <p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> require the adaptive re-use of historic and heritage listed buildings and structures in a way that enhances and respects heritage values; and protect Aboriginal, cultural and natural heritage and places, spaces and qualities valued by the local community. 	<p>Not applicable.</p> <p>The planning proposal does not affect land that contains a heritage item, located in the vicinity of a heritage item or located within a heritage conservation area.</p>
<p>Liveability Priority 8: Foster the creative arts and culture</p> <p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> integrate arts and cultural outcomes into urban development through planning proposals that nurture a culture of art in everyday local spaces and enhance access to the arts in all communities; and give due consideration to the inclusion of planning mechanisms that would incentivise the establishment and resourcing of creative hubs and incubators and accessible artist-run spaces. 	<p>Consistent.</p> <p>The planning proposal applies to private land.</p> <p>The planning proposal will not impede the integration of arts and cultural outcomes, or creative hubs on other lands, particularly public spaces.</p>
<p>Liveability Priority 9: Share resources and spaces</p> <p>Relevant planning authorities should consider the delivery of shared local facilities such as community hubs, cultural facilities and public libraries as multifunctional shared spaces.</p>	<p>Not applicable.</p> <p>The planning proposal will not impede the delivery of shared local facilities under existing development standards and controls.</p>

A Liveable City	
District priorities	Comment on consistency
<p>Liveability Priority 10: Support innovative school planning and delivery</p> <p>Relevant planning authorities should give due consideration to:</p> <ul style="list-style-type: none"> • Innovative land use and development approaches, including: <ul style="list-style-type: none"> ○ using travel management plans, that identify travel options, to reduce car use; and ○ enabling the development and construction of schools as flexible spaces, so they can facilitate shared use and change over time to meet varying community need. • The inclusion of planning mechanisms that would incentivise the: <ul style="list-style-type: none"> ○ development of new schools as a part of good quality and appropriate mixed use developments; and ○ the shared use of facilities between schools and the local community including playing fields and indoor facilities, so they can meet wider community needs. 	<p>Not applicable.</p> <p>The planning proposal does not apply to land which is currently used or proposed to be used for educational establishments.</p>
<p>Liveability Priority 11: Provide socially and culturally appropriate infrastructure and services</p> <p>Relevant planning authorities should:</p> <ul style="list-style-type: none"> • collaborate with Federal and State agencies and service providers to integrate local and District social infrastructure for Aboriginal residents including preschools, child care and aged care services; and • include appropriate planning mechanisms to incentivise the provision of these services required by local communities where appropriate. 	<p>Not applicable.</p> <p>A need for additional services and facilities to service Woollahra's Aboriginal population has not been identified.</p>
<p>Liveability Priority 12: Support planning for health infrastructure</p> <p>Relevant planning authorities should give due consideration to the need to support the co-location of ancillary uses that complement health precincts, including:</p> <ul style="list-style-type: none"> • residential aged care facilities • housing for health workers 	<p>Not applicable.</p> <p>The sites are not located in the vicinity of a major health precinct identified in the Draft Central District Plan. Co-locating ancillary services is not relevant to this planning proposal.</p>

A Liveable City	
District priorities	Comment on consistency
<ul style="list-style-type: none"> • visitor and short-term accommodation • health and medical research activities • child care • non-critical patient care • commercial uses that are complementary to and service the health precinct <p>Consideration should also be given to the protection of health precincts and super precincts from residential encroachment into key employment areas.</p>	
<p>Liveability Priority 13: Support planning for emergency services</p> <p>Relevant planning authorities must consider the operational and locational requirements of emergency services.</p>	<p>Not applicable.</p> <p>Woollahra's target of 300 additional dwellings over five years identified in the Draft Central District Plan does not require additional emergency services.</p>
<p>Liveability Priority 14: Support planning for cemeteries and crematoria</p> <p>Relevant planning authorities should give consideration to the need and locational requirements of cemeteries and crematoria.</p>	<p>Not applicable.</p> <p>Cemeteries and crematoria are not permissible anywhere in the Woollahra LGA under Woollahra LEP 2014, nor does the planning proposal propose to permit them.</p>

A sustainable City	
District priorities	Comment on consistency
<p>Sustainability Priority 1: Maintain and improve water quality and waterway health</p> <p>The Office of Environment and Heritage and the Environment Protection Authority have developed a risk-based framework to assist decisions that maintain, improve or restore water quality in the strategic planning process to help meet the NSW Water Quality and River Flow Objectives.</p> <p>Relevant planning authorities and managers of public land should:</p> <ul style="list-style-type: none"> • adopt the Office of Environment and Heritage and the Environment Protection Authority's framework to determine the appropriate stormwater and wastewater management targets that contribute to maintaining or improving water quality and waterway health to meet the community's values; • consider more water sensitive approaches to managing stormwater to meet the water quality and quantity targets, including harvesting and re-use of water and management of riparian corridors; • develop mechanisms to allow offsetting between sub-catchments and facilitate cost-effective opportunities to meet the management targets for whole catchments and water quality objectives for receiving waters; and • while management targets are being established, ensure that the quality of stormwater and wastewater from public land and new development in established urban areas maintains or improves the health of waterways, in line with community values and expectations of how waterways will be used. 	<p>Consistent.</p> <p>The planning proposal applies to existing developed land that is not located near or on a water body or water course.</p> <p>The planning proposal will not impede opportunities to appropriately manage or improve stormwater and wastewater quality and waterway health. A detailed assessment of these issues can be undertaken as part of a development application.</p>
<p>Sustainability Priority 2: Protect and conserve the values of</p>	<p>Not applicable.</p> <p>The planning proposal is not a strategic plan,</p>

A sustainable City	
District priorities	Comment on consistency
<p>Sydney Harbour</p> <p>When preparing strategic plans, relevant planning authorities around Sydney Harbour should consider opportunities to:</p> <ul style="list-style-type: none"> conserve and interpret Aboriginal and European heritage; protect and enhance aquatic and terrestrial biodiversity (also see Section 5.5); enhance access to and along the foreshore and provide connected green space around the foreshore (also see Section 5.6); and manage demand for and the design of essential maritime facilities within the natural and built environment. 	<p>and the planning proposal does not apply to land located near the Sydney Harbour foreshore.</p> <p>The planning proposal will not impede opportunities to manage or enhance heritage, biodiversity, foreshore access or the design of maritime facilities. A detailed assessment of these issues can be undertaken as part of a development application.</p>
<p>Sustainability Priority 3: Enhance access to Sydney Harbour foreshore and waterways</p> <p>Councils around Sydney Harbour should work with Roads and Maritime Services to revise foreshore and waterway access strategies for Sydney Harbour. These strategies should consider ways to manage competing demands placed on Sydney Harbour including:</p> <ul style="list-style-type: none"> protection of flora and fauna public access to the foreshore and waterway growth in boat ownership changes in boat size demand for moorings, marinas, dinghy storage and other boat support infrastructure demand for on-street boat parking 	<p>Consistent.</p> <p>The planning proposal is not a strategic plan, and the planning proposal does not apply to land located near the Sydney Harbour foreshore.</p> <p>The proposal will not impede options to manage competing demands placed on Sydney Harbour.</p>

A sustainable City	
District priorities	Comment on consistency
<p>Sustainability Priority 4: Avoid and minimise impacts on biodiversity</p> <p>Efforts to protect biodiversity values should be based on avoiding and minimising adverse impacts to biodiversity, as far as practicable. Only when impacts cannot be avoided or minimised, should consideration be given to offsetting those impacts.</p>	<p>Not applicable.</p> <p>The planning proposal applies to an existing developed site. There are no known critical habitat areas, threatened species, populations or ecological communities or their habitats present on the site. The impact of any future development on biodiversity can be assessed as part of a development application.</p>
<p>Sustainability Priority 5: Align strategic planning to the vision for the Green Grid</p> <p>Consistent with Action 3.2.1 of <i>A Plan for Growing Sydney</i>, relevant planning authorities should consider opportunities to support the delivery of the Central District Green Grid. This could include consideration of how land use zones can be applied, how new development is designed, or where voluntary planning agreements and agreements for dual use of open space and recreational facilities could contribute to delivering the Green Grid.</p>	<p>Consistent.</p> <p>The planning proposal will not impede the delivery of any known priority projects which support the long term vision for Sydney's Green Grid identified in the Draft Central District Plan.</p>
<p>Sustainability Priority 6: Maximise benefits to the public from the innovative use of golf courses</p> <p>When new opportunities to examine the future use of golf courses arise, relevant planning authorities should consider how golf courses could be managed to provide greater public benefits to communities in a way that responds to local needs for green space and recreation.</p>	<p>Not applicable.</p> <p>The planning proposal does not apply to a golf course or propose any changes to the use of golf courses.</p>

A sustainable City	
District priorities	Comment on consistency
<p>Sustainability Priority 7: Protect, enhance and extend the urban canopy</p> <p>When making strategic plans, relevant planning authorities should consider tree canopy cover in land release and established urban areas, with a focus on providing shade to streets.</p> <p>Councils should include green cover and shade tree planting along major transport corridors in local infrastructure investment planning, development control and urban design.</p>	<p>Consistent.</p> <p>The planning proposal will not impede the option for addition vegetation on the site.</p>
<p>Sustainability Priority 8: Improve protection of ridgelines and scenic areas</p> <p>The scenic qualities of landscapes are already recognised and considered in some areas of Greater Sydney, as part of the strategic planning and development process.</p> <p>All councils should identify and map areas with high scenic value and develop strategies, planning and development controls that protect important scenic landscapes and vistas of them. Planning and development controls should prohibit opportunities for development on ridgelines that would diminish their scenic quality.</p>	<p>Consistent.</p> <p>The planning proposal applies to developed land at the foot of a rock escarpment, well below the peak of a ridgeline that runs through the middle of Vaucluse. This side of the ridgeline faces the water and is not considered to be an important scenic landscape. The visual amenity of future development can be assessment as part of a development application.</p>
<p>Sustainability Priority 9: Support opportunities for district waste management</p> <p>When making plans, relevant planning authorities should:</p> <ul style="list-style-type: none"> • use appropriate land use zones to minimise the potential for conflict with the operation and expansion of existing waste facilities; • protect precincts that have functioning waste management facilities from encroachment by residential and other sensitive development; • consider ways to encourage design measures such as fully enclosing waste facilities to minimise dust, odours and 	<p>Not applicable.</p> <p>The planning proposal does not apply to land that is or will be used for district waste management.</p>

A sustainable City	
District priorities	Comment on consistency
<p>noise impacts to mitigate the risks and potential impacts on surrounding communities; and</p> <ul style="list-style-type: none"> consider opportunities to support co-location of waste management facilities with other activities that produce or reuse waste materials. 	
<p>Sustainability Priority 10: Mitigate the urban heat island effect Relevant planning authorities should consider where the urban heat island effect is experienced, and the location of vulnerable communities and use strategic plans to reduce impacts from extreme heat.</p>	<p>Consistent. The planning proposal applies to developed land in an elevated location approximately 250m from the coastline. It is not considered that the planning proposal will contribute to any localised head island effect or threaten vulnerable communities with extreme heat impacts.</p>
<p>Sustainability Priority 11: Integrate land use and transport planning to consider emergency evacuation needs Relevant planning authorities should coordinate with Transport for NSW and the State Emergency Service to consider land use and local road planning, so that it is integrated with emergency evacuation planning and takes into account the cumulative impact of growth on road evacuation capacity.</p>	<p>Consistent. It is not considered that any additional housing provided as a result of the planning proposal will require additional emergency services.</p>
<p>Sustainability Priority 12: Assist local communities develop a coordinated understanding of natural hazards and responses that reduce risk The Commission, the NSW Government and local councils will continue to adopt a range of tools and resources and implement actions to adapt to climate change and reduce risks to public and private assets. We will also explore ways to coordinate, improve and communicate information about risks associated with climate change to local communities.</p>	<p>Consistent. The planning proposal will not affect the ability of the Commission, the NSW Government and Woollahra Council to adopt tools and resources and implement actions to adapt to climate change and reduce risks to public and private assets.</p>

Schedule 2 Consistency with state environmental planning policies

State environmental planning policy	Comment on consistency
SEPP No 1 – Development Standards	Not applicable.
SEPP No 14 – Coastal Wetlands	Not applicable.
SEPP No 19 – Bushland in Urban Areas	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	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 30 – Intensive Agriculture	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	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	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.

State environmental planning policy	Comment on consistency
SEPP No 55 – Remediation of Land	Consistent. There is no known contamination on the land, or any history of a previous use which would result in contamination. 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	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 Apartment Development	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy. See section 6.3 of the planning proposal for more information.
SEPP No 70 – Affordable Housing (Revised Schemes)	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	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	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	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	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Infrastructure)	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	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	Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Miscellaneous Consent Provisions) 2007	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	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.

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

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 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>Consistent.</p> <p>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 preparation of the planning proposal. The planning proposal is consistent with the principles.</p> <p>The site is 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 3 Compliance with section 117 directions

Compliance with section 117 directions		
Direction	Applicable/comment	
1	Employment and resources	
s	Business and industrial zones	Not applicable. The planning proposal does not apply to land within a business or industrial zone.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
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	Not applicable. The planning proposal does not apply to land that contains a heritage item, located in the vicinity of a heritage item or located within a heritage conservation area.
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.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Consistent. The planning proposal will create an opportunity to broaden the range of housing available in Vacluse and the Woollahra LGA. The site is well placed to efficiently use existing infrastructure and services as it is near public transport facilities that will support connections to employment and

Compliance with section 117 directions		
Direction		Applicable/comment
		services, both within the Rose Bay North mixed use centre and further afield. As the planning proposal applies to land in an established urban area it will not consume land at the urban fringe. Any future residential development will be subject to assessment under the development controls which apply to all residential development, such as SEPP 65 and the Apartment Design Guide.
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not relate to caravan parks or manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Consistent. The planning proposal is consistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001) as: <ul style="list-style-type: none"> • The site is located near the Rose Bay North mixed use centre which is accessible by public transport and walking. The Rose Bay North Centre is patronised by the residents of Rose Bay, Vaucluse and nearby suburbs. • The site is located in proximity to a number of bus routes offering frequent public transport connections within the Woollahra LGA and beyond. The proximity of these transport services will encourage public transport use and discourage private transport use. • This proposal will provide for a development density consistent with the scale and character of surrounding development.
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.

Compliance with section 117 directions		
Direction	Applicable/comment	
4	Hazard and risk	
4.1	Acid sulfate soils	Consistent. The planning proposal applies to land identified as Class 5 on Council's Acid Sulfate Soils Planning Map. This is the lowest risk category. Existing acid sulfate soils provisions will not be altered by the planning proposal and will apply to any future development which might intensify the use of the land.
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	Not applicable. The planning proposal does not apply to 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.
5.10	Implementation of Regional Plans	Not applicable. No regional (or district) plan applies to the Woollahra LGA.

Compliance with section 117 directions		
Direction	Applicable/comment	
6	Local plan making	
6.1	Approval and referral requirements	Consistent. The planning 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	Consistent. The planning proposal does not create, alter or reduce existing zonings for reservations of land for public purposes.
6.3	Site specific provisions	Consistent. The planning proposal does include provisions to allow a site-specific development to be carried out on the site.
7	Metropolitan Planning	
7.1	Implementation of <i>A Plan for Growing Sydney</i> (Dec 2014)	Consistent. The planning proposal will facilitate additional flexibility in residential development in proximity to public transport, shops, services and employment.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.



Annexure 3

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Our Ref: 17/12760
(PP_2017_WOOLL_006_00)

Attention: Anne White

Dear Mr James

Planning Proposal PP_2017_WOOLL_006_00 to amend Woollahra Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 42-58 Old South Head Road, Vaucluse from R2 Low Density Residential to R3 Medium Density Residential and amend the development standards.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Should you have any queries in regard to this matter, I have arranged for Mr Douglas Cunningham of the Department's Sydney Region East section to assist you. Mr Cunningham can be contacted on (02) 9274 6582.

Yours sincerely


Karen Armstrong 21/9/17
Director, Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



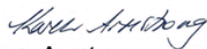
Gateway Determination

Planning Proposal (Department Ref: PP_2017_WOOLL_006_00): to amend Woollahra LEP 2014 to rezone 42-58 Old South Head Road, Vacluse from R2 Low Density Residential to R3 Medium Density Residential and amend the development standards.

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to rezone 42-58 Old South Head Road, Vacluse from R2 Low Density Residential to R3 Medium Density Residential and amend the development standards should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. No consultation is required with public authorities/organisation under section 56(2)(d) of the Act
3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *21st* day of *SEPTEMBER* 2017.


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

WOOLLAHRA (PP_2017_WOOLL_006_00)




WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Woollahra Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_WOOLL_006_00	Planning proposal to amend Woollahra LEP 2014 to rezone 42-58 Old South Head Road, Vaucluse from R2 Low Density Residential to R3 Medium Density Residential and amend the development standards.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated *21st SEPTEMBER* 2017


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

**Delegate of the Secretary
of the Department of Planning and Environment**

WOOLAHRA (PP_2017_WOOLL_006_00)



Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_WOOLL_006_00
Date Sent to DP&E under s56	06/09/17
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	21/09/17

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

WOOLLAHRA (PP_2017_WOOLL_006_00)

Annexure 4

From: [Jeremy Cole](#)
To: [Records](#)
Subject: Objection to SC3346
Date: Monday, 23 October 2017 12:39:11 PM

To Whom It May Concern,

I was reading the Wentworth Courier today and noticed an announcement about the proposal 'SC3346'. This is specifically about the proposal for the development of 42 to 58 Old South Head Road.

I'd like to strongly object to this proposal for a number of reasons.

- 1) Local infrastructure (roads, parking, public transport etc) is REALLY not able to cope with this density of population.
 - a. There is already an on-street parking shortage and the traffic congestion in that particular area is already bad, especially when the busses congregate.
 - b. Buses are the only viable public transport option as the geography does not lend itself to being a good cycle option, being at the top of a big hill. No one wants to tackle a big hill at the end of their commute.
 - c. The only good bus route for Bondi Junction is the 387 which only runs every half hour. The 380 takes between 40 and 45 minutes during peak times to get to Bondi Junction making it not a good option for commuters
- 2) There is insufficient available secondary schooling in the catchment area to be able to cope with this large influx of people. Rose Bay Secondary College is the only secondary public school in this area and is already at capacity.
- 3) There is a child's daycare opposite (Yeladim Day Care Centre) and the building works that will be needed will effectively kill that business as they will not be able to provide a venue where the toddlers can sleep and play in a quiet environment for a long period of time.
- 4) Under the Waverley Development Applications, a number of properties are already being developed within meters of this proposal. Specifically 695 Old South Head Road being developed into apartments and 699 – 705 Old South Head Road also being developed into apartments. If your proposal goes ahead with a potential 128 new apartments, that will bring the total number of new apartments being built within a few meters of each other to 150+ apartments.

I look forward to your response,
Jeremy

Jeremy Cole
Systems and Safety Assurance Manager

[Redacted signature block]

[WATER](#) | [ENERGY & RESOURCES](#) | [ENVIRONMENT](#) | [PROPERTY & BUILDINGS](#) | [TRANSPORTATION](#)

Please consider our environment before printing this email

From: [Laura Kleiman](#)
To: [Records](#)
Subject: Planning Proposal 42 – 58 Old South Head Road Vaucluse - SC3346 Submissions
Date: Monday, 23 October 2017 2:57:58 PM

To whom it may concern.

I would like to express my objection to this planning proposal on the following grounds:

1. Parking is already a nightmare and 128 new apartments in addition to a nearby nursing home would highly impact an already sparse parking situation.
2. The development is next to the intersection on Old South and Military where there is already a lot of congestion. Buses already bank up all the way to the end of the street and this is complete hazard with cars overtaking banks of buses at an intersection - a total recipe for disaster
3. There is a child care centre and yoga school nearby that would be heavily impacted by the noise during the development - not only effecting the business but the patrons that rely on their services
4. There are many Development Applications for apartments nearby already on a already congested and dangerous intersection that would increase significantly with 1 let alone 3 large developments in the vicinity

In fact, can you advise best contact regarding the bus terminal. There is not enough space for it and there are regularly 3-4 busses parked there (often on both side of the road) creating blind spots and major safety hazards, not to mention that they block people's driveways - there should not be a bus terminal on a street with no parking/stopping areas!

Thanks in advance for your help.

Laura

[Click to Download](#)

IMG_0558.MOV
0 bytes

From: [Bruce Bland](#)
To: [Records](#)
Subject: SC3346 SUBMISSION: 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE
Date: Monday, 23 October 2017 3:54:48 PM

ATTENTION: THE GENERAL MANAGER.

I REFER TO THE ABOVE PROPOSAL TO REZONE THIS AREA TO PERMIT MEDIUM DENSITY DWELLINGS UP TO A HEIGHT OF 10.5M

I wish to register our strong objection to this proposal on the grounds that the infrastructure (particularly transport) is having great difficulty handling the existing traffic [and other infrastructure/amenity problems] in this area and there are a lot more sites already zoned for medium density development which have not, as yet, been redeveloped.

This proposal, if approved will only exacerbate the existing SERIOUS problems created by the general over-development in our LGA.

This over-development has negative ramifications on the quality of life in Woollahra generally [and in fact all over Sydney.]

This can no longer be considered a NIMBY attitude. It is a Sydney-wide problem.

Councillors are strongly encouraged to declare that "Woollahra is Full" and NOT approve any further zonings which will have the effect of increasing our LGA population.

Regards,
Bruce Bland
Vice President Rose bay residents Association



Po Bo 29 Vaucluse Nsw 2030
Email [REDACTED]

Established 1915

The General Manager
Woollahra Municipal Council
By email RECORDS@WOOLLAHRA.COM.AU
4 November 2017

Dear Sir /Madam
**RE Woollahra council Planning Proposal -42-58 Old South Head Road –Submissions
SC3346**

We refer to the above matter. We write on behalf of the Vaucluse Progress Association which represents a substantial number of residents in the Municipality and which has been in operation since 1915.

We object in the strongest possible terms to the planning proposal for the following reasons .Please note that none of us are town planners and therefore these opinions are expressed from a non-technical point of view however the Council should give extra weight to our submissions as we do not unlike the developer have teams of architects, town planners etc assisting us at great expense.

OVERDEVELOPMENT

This is an example of classic overreach by developers .The land is not suitable for the proposed development and it represents a massive overdevelopment in terms of bulk scale and form from that which currently exists

It is completely unsuitable for this reason alone as the proposed massing of the apartment blocks is not in keeping with surrounding buildings and the neighbourhood. It will create if allowed a very inappropriate and jarring view to the residents and will result in substantial property value loss.

It is noted Objective 4 of the Woollahra Council DCP states clearly that to minimise bulk and scale of three story development should be restricted to two storeys at Street level. This proposal is in clear breach of this

The Development breaches Objective 5 and 6 regarding views and fails to respond to the topography by building something which takes into account surrounding developments and properties behind

In truth the proposed Development does not meet any of the DCP standards and fundamentally breaches almost all of them, the developers attempt to justify these breaches in both self-serving and ludicrous.

VIEW LOSS

The granting of this planning proposal will result in damage to people's views and an effect where houses behind will seek to build up to regain their views. This will have a very undesirable cascading effect as people behind this area seek to build up to regain their views.

TRAFFIC

The proposed rezoning will create completely unacceptable Traffic conditions. The traffic and parking in the area is already strained and there are massive issues in peak hour with traffic volumes on Old South Head Road and surrounding Streets. Currently Clarendon set in morning and afternoon peak is extremely difficult to get out of. This proposal will further impact this traffic flow

The extra people proposed by this development will overly strain public transport which is already at capacity in this area

INFRASTRUCTURE

The surrounding infrastructure including the sewage system which is unconnected to the Bondi outfalls cannot cope with this influx of people. For this reason alone the planning proposal should be rejected.

There are not enough schools in the area to deal with this proposal and those existing are already full ie Rose Bay Secondary College



PREVIOUS APPLICATIONS BY PARKER LOGAN AFFECTING THIS SITE

It is noted that a recent Land and Environment Court decision allowed a duplex development on these sites which is actually quite sympathetic.

It is quite bizarre that the Woollahra Municipal Council objected to this duplex development, which after intervention of the Land and Environment was granted but is prepared to entertain this completely out of character massive overdevelopment.

This company should be bound to accept the DA for the duplexes rather than ratcheting up the Development proposals to this completely unacceptable level

The height of any proposed development or rezoning should not exceed the roof levels of the current buildings at 52-56 Old South Head Road Vaucluse and should have flat rooves to minimise view impacts and loss

CONCLUSION

The planning Proposal put forward is completely inappropriate for the area and is purely a money grab by developers which will have long lasting deleterious social and economic effects on the residents OF Vaucluse . Development involving this sort of massing block type apartments are not suitable .Any developments on this site should be restricted to modern versions of the existing built forms

Yours sincerely

THE VAUCLUSE PROGRESS ASSOCIATION

*Per Peter White
Anthony H Booth
Secretary VPA*

From: [Samantha Mizrahi](#)
To: [Records](#)
Subject: Fwd: OBJECTIONS to SC3346 Submission - Planning Proposal 42 – 58 OSH Rd Vaucluse.
Date: Monday, 6 November 2017 5:30:15 PM

To Whom It May Concern,

I was reading the Wentworth Courier today and noticed an announcement about the proposal 'SC3346'. This is specifically about the proposal for the development of 42 to 58 Old South Head Road.

I'd like to strongly object to this proposal for a number of reasons.

- 1) Local infrastructure (roads, parking, public transport etc) is REALLY not able to cope with this density of population.
 - a. There is already an on-street parking shortage and the traffic congestion in that particular area is already bad, especially when the busses congregate.
 - b. Buses are the only viable public transport option as the geography does not lend itself to being a good cycle option, being at the top of a big hill. No one wants to tackle a big hill at the end of their commute.
 - c. The only good bus route for Bondi Junction is the 387 which only runs every half hour. The 380 takes between 40 and 45 minutes during peak times to get to Bondi Junction making it not a good option for commuters
- 2) There is insufficient available secondary schooling in the catchment area to be able to cope with this large influx of people. Rose Bay Secondary College is the only secondary public school in this area and is already at capacity.
- 3) There is a child's daycare opposite (Yeladim Day Care Centre) and the building works that will be needed will effectively kill that business as they will not be able to provide a venue where the toddlers can sleep and play in a quiet environment for a long period of time.
- 4) Under the Waverley Development Applications, a number of properties are already being developed within meters of this proposal. Specifically 695 Old South Head Road being developed into apartments and 699 – 705 Old South Head Road also being developed into apartments. If your proposal goes ahead with a potential 128 new apartments, that will bring the total number of new apartments being built within a few meters of each other to 150+ apartments.

On Saturday, 4 November 2017, 21:34:50 GMT+11, Samantha Mizrahi <[REDACTED]> wrote:

So how do we sign this too?!

Sent from my iPhone

On 4 Nov 2017, at 9:09 pm, Lindsay P <[REDACTED]> wrote:

I've outlined all the information in the attachment.

Thanks so much
Lindsay

<Planning Proposal 42-58 OSH RD attachment.pages>

From: [Marion Freedman-Lobel](#)
To: [Records](#)
Subject: Submission for 42-58 OSH Rd
Date: Tuesday, 7 November 2017 8:28:12 PM

Old South Head Road
Vaucluse NSW 2030
7 November 2017

Attention: General Manager
Woollahra Municipal Council
Email: records@woollahra.nsw.gov.au

Re: SC3346 Submissions 42 – 58 Old South Head Road Vaucluse 2030

Dear General Manager,
I wish to make a submission in relation to **SC3346 Submissions 42 – 58 OSH Road Vaucluse**.

The **Woollahra Local Environmental Plan 2014** states this area's zoning is R2 low density, with building height to a maximum of 9.5 metres and with no FSR. Why in 3 years is this Plan suddenly being discarded, to allow developers R3 medium density residential development with a height level to 10.5 metres? I object to these changes.

In summary my major concerns are

This Proposal would dramatically **change the density and character** of our local area and it **will be an excessive overdevelopment**. It will create a **vast intensification of use on an established residential suburb and its amenities and therefore would not be compatible with the existing character of this locality of Old South Head Road**. Until now 42-58 OSH Rd have housed 20 flats /houses but this Proposal will allow for a massive 81 -128 units, depending on who you believe will win! What an overdevelopment on the amenities of this area. The lack of suitable infrastructure ie OSH Road as a street, should stop the development.

The land in this part of the Woollahra Council area of Vaucluse is zoned Residential R2. (R3 zoning is currently only applicable to Waverley Council, opposite). Under the Woollahra Development Control Plan one of the desired **character objectives of the Vaucluse East Precinct B1.11 is 'to minimise building bulk and scale of 3 storey developments by designing development to generally present as a 2 storey form to the street'**. Why is **this being ignored** and changed?

Changing to R3 zoning is inconsistent with the bulk, design, form and scale of the surrounding properties and the streetscape. It is an excessive overdevelopment.

Major impacts of this proposal will include the loss of amenity for all the existing residents in terms of traffic, parking on OSH Rd, , acoustics and

loss of privacy.

The amenity of traffic. The various driveway entry and exits would create serious safety issues concerning traffic on this busy stretch of road. It is not unrealistic to expect that most people **exiting the properties would be turning south** towards Bondi Junction and the city and to schools. This is critical because the traffic coming from the north is considerable and joining this flow would be very dangerous, for all concerned. I have lived here for over 35 years and just one vehicle currently driving out onto this busy main street requires much skill and patience.

Crossing OSH Rd is already now difficult, what with parked cars and continuous oncoming traffic. **Having up to 200+ additional residents crossing OSH Rd to the bus stop and shops would create even more danger.**

The amenity of parking on OSH Rd is of great concern. In 2014 the RMS removed 12 public car spaces between Captain Pipers Road and Diamond Bay Road. **This was at great inconvenience for local residents, shopkeepers, local shoppers and visitors.** If this development proceeds the end result will be, many more people looking for parking spaces on OSH Rd, Military Rd, Captain Pipers Rd, Oceanview Ave and Clarendon Rd – all of which are already fully parked out.

The **Council Traffic Engineer's assessment is totally unrealistic.** Does the Engineer live here and travel towards the city in peak hours? With all the development already approved further down OSH Rd in Rose Bay, the current traffic is already at a 'log jam' Having upto 128 more residences here on the peninsula will mean OSH Rd will be more of a car park, not a major arterial road. See article 'Life in the Slow Lane...SMH 4 June 2014 discussing how OSH Rd is already one of the most congested roads in Sydney.

What about the amenity of privacy, the amenity of acoustics, the amenity of additional noise by having so many more residents in a small section of this area. **If this submission were to be passed, it would set a precedent for all future applications along this section of OSH Rd. It would negatively impact on the long residing local residents most of whom have lived here for over 20 years. Does Woollahra Council not consider its current local residents at all?**

Inaccuracy in the Transport and Traffic Impact Assessment

The Report indicates that there are 3 bus routes that operate on both sides of OSH Rd and Military Rd. **This is incorrect.** The 323 is only a peak hour route which goes cross country to Edgecliff - hardly a fast commuter route for people in this section of Vaucluse. The 380 goes via the beach, taking 40 minutes - hardly a commuter service to Bondi Junction. That leaves only the 387 which runs more frequently in peak hours but crawls to Bondi Junction -stuck in the same traffic jam as the cars on OSH Rd. Out of peak hour it is only a half hourly service. This section of OSH Rd is hardly a traffic hub -it is out on a peninsular with one arterial road direct to Bondi Junction/ city. The Report mentions using bicycles and walking - for pleasure yes, but not for the greater majority of city workers!

Woollahra Municipal Council
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The number of bus stops stated (5) is totally irrelevant as it is for the above 3 bus services stated in the Report, which were exaggerated to justify allowing for the proposed increase in dwellings!.

In conclusion the Proposal which imposes a great intensification of use on an established residential area, is an overdevelopment in density and will have a far reaching impact on the total amenity of the local area.

This Proposal needs to be rejected.

Yours faithfully
Marion Lobel

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Evelyn and Philip Palmer
Old South Head Road
Vaucluse NSW 2030

7 November 2017

Attention: General Manager
Woollahra Municipal Council
Email: records@woollahra.nsw.gov.au

Re: SC3346 Submissions 42 – 58 Old South Head Road Vaucluse 2030

Dear General Manager,
We wish to make a submission in relation to **SC3346 Submissions 42 – 58 OSH Road.**
We oppose changing the R2 low density housing and height limitations (to 10.5 m).

A. This area should remain R2 low Density Residential:

The **Woollahra Local Environmental Plan 2014** stated this area's zoning was R2 low density, building height to a maximum of 9.5 metres and with no FSR. Why in 3 years is this Plan suddenly being ditched to suit developers who opportunistically wish to develop 9 properties and completely change the character and density of the area?

Woollahra Council did not want to amalgamate with Waverley Council (where R3 is prevalent) and now Woollahra Council clearly wishes to assist the developers by changing zoning to R3. This certainly is to the detriment of the local 'village' of established residents in the Rose Bay North/Vaucluse area. (We and most other residents have lived here over 25 years)

Under the Woollahra Development Control Plan one of the desired **character objectives of the Vaucluse East Precinct B1.11 is 'to minimise building bulk and scale of 3 storey developments by designing development to generally present as a 2 storey form to the street'**. Why is Council ignoring its own guidelines? Why do developers always seem to benefit and win, against the wishes of local residents and Council guidelines? Why does the Council have guidelines if it does not follow them?

This Proposal **will create an excessive overdevelopment**. It would dramatically **change the density and character** of this area. It will create a **vast intensification of use on an established residential suburb and its amenities and therefore would not be compatible with the existing character of this locality** What an overdevelopment on the amenities of this area! The increased accumulated load on the existing infrastructure of OSH Road, as a main arterial road alone should stop the development.

We and local residents object to -

- (1) **overdevelopment** in this area
- (2) emphasis on **lack of infrastructure** to support the bulk and scale of this type of development
- (3) **overstatement of public bus transport availability** options to what actually exists. (Parker Logan quotes 3 bus routes with buses every 15 min to Bondi Junction), whereas local residents know there is only one direct bus to Bondi Junction (387)

usually at ½ hr intervals and not always reliable especially when caught in the peak hour traffic chaos that already exists on OSH Rd. The other route (380) via Bondi Beach can take 40 minutes during peak hours – hardly a realistic route for commuters. The 3rd bus route – 323, only has 6 services in peak hour and finishes by 8.23 am. The bus runs cross country to Edgecliff station avoiding Bondi Junction hub entirely. Hardly a viable bus option for commuters in this part of OSH Rd.

(4) **worsening the local parking situation** as in the 'concept' plan does not show or mention how much parking will be provided. Regardless, there will be a huge shortfall and parking space is already at a premium.

(5) a great **increase in the number of residents** in this area, which would substantially add to the already **congested OSH Rd** in peak times. The proposal mentions cycling and walking as being transport options, but these are unrealistic for the majority of workers and are not viable alternative transport modes for most commuters travelling to work.

(6) large scale development - this area is **not near a transport hub** and the **bus services do not provide great access to Bondi Junction for a city commute**. OSH Rd with its one lane each way is already a '**car park**' during peak travel times. Buses are also caught up in this. If Parker Logan are looking to provide housing for 'shift workers' there are no buses from just after midnight to 5.30am. All this indicates that residents will have cars and no parking spaces.

(7) Building between 81- 128 dwellings which can equate to 200+ residents. There will be nowhere near 81-128 car spaces provided. Even if only 81 residences are built as in the Council's proposal - there will not be 81 car spaces and the parking and congestion on OSH Rd and the surrounding streets will be horrendous. It is already fully parked out at present.

(8) We object to this major overdevelopment. Other developments currently in process in Rose Bay, from the corner of Dover Rd to beyond Hamilton St are 3 - 5 storeys high. They all will already add a **significant traffic load** onto OSH Rd thus further increasing the travel time to Bondi Junction. The magnitude of what is being proposed for this entire area will lead to **unacceptable road usage on the ONE major arterial road to Bondi Junction. The proposed major development at 42-58 OSH Rd will add even more traffic load onto OSH Rd**. There must be a limit to how much this area can absorb. This proposed development would affect the whole local area.

(9) **The Council's traffic engineer** stated "that the net traffic generation increase is marginal and not anticipated to result in unacceptable adverse traffic impact on the existing road network" This is **completely unrealistic** - how can this be true?

(10) Currently there are 14 dwellings on these 9 blocks. The Council appears to be accepting 81 dwellings and Parker Logan is seeking up to 128 dwellings. **How can this not impact on the net traffic and parking to a more than 'marginal' degree?**

The impact on traffic and parking will be a lot more than 'marginal'.

(11) **Rose Bay Secondary College**, as the only public high school in the area is **already at full capacity**. Where will the extra students be accommodated?

(12) Yeladim Early Childcare Centre (opposite the site) will be adversely affected by the huge amount of noise during the lengthy construction phase. Children will not be able to sleep, parents will not send to the centre and the business may falter. Parking for the centre will also be greatly affected.

(13) various specific effects for immediate neighbours of this excessive development is solar access and overshadowing, loss of privacy and loss of views.

(13 A) Solar access and overshadowing - we live at 40 OSH Rd -right next door to this Proposal (for over 26 years). Solar access is a really great concern of ours. John Denton of CAD Draft Pty Ltd, a Shadow Analysis Consultant undertook an inspection and compiled a CAD modelling of a 3 storey development as of 21 June. It indicates that any development next door will remove ALL direct solar access to habitable ground floor living rooms (lounge, dining and family room) between 9.00 am -3.00pm on 21 June. The north facing windows in the living area currently receive direct solar access for 6 hours between 9.00am - 3.00pm on 21 June (There is currently NO overshadowing). There will also be NO direct solar access to the north facing garden which includes our clothes line. This garden area is currently a sun trap, very well suited to drying clothes and growing our herbs and fruit trees.

As local residents we wish to stop -

B. Increase in the maximum building height from 9.5m to 10.5 m

(1) 9.5metre height is already in place according to the Woollahra Local Environmental Plan 2014 but **we definitely do not want 10.5 metre** height. This would be the first step towards having 3 - 4 storey buildings on this site! Some new developments in Woollahra Municipality have recently 'grown an extra storey' after the initial DA was passed. Growth by stealth is what developers seem to do and get away with.

(2) With each additional storey in height, additional units and residents will choke the area's amenities.

(3) Extra height means extra loss of privacy and views for neighbouring homes.

(4) Extra height means additional overshadowing for existing homes.

(5) Extra height is detrimental to the streetscape,

(6) Extra building height houses more population, leading to more road dangers, including extra vehicles coming out of driveways and turning right, across existing traffic towards Bondi Junction.

(7) Extra use of already overstretched bus services (these services are not as frequent as was quoted in the proposal). It also mentions 5 bus stops within 100 metres but this only equates to one direct bus route and a total inadequacy of services!

(8) A serious lack of parking for current local residents, visitors, shopkeepers and local shoppers in Rose Bay North. The area is already fully parked out.

(9) We do not want another 120 metre wall of units, somewhat like the ugly solid 'great wall' that the Moran Nursing Home has created on OSH Rd.

C. Apply Floor Space Ratio (FSR) control Of 1:1 to a site where no FSR currently applies

The FSR of 1:1 is possibly the most reasonable aspect of this planning proposal (but if it wasn't in the 2014 Plan, why is it an issue now?)

We certainly **do not want it to be any more than 1:1 NOT 1.5:1** as Parker Logan stated in their proposal (which would allow for up to 128 dwellings on this site).

As stated above 1:1 should be the MAXIMUM ratio allowed.

We hope the Council takes into account all of the above issues and totally rejects this Planning Proposal.

Evelyn and Philip Palmer

■ Towns Road,

Rose Bay North NSW 2029

Attention of Assessment Officer

Woollahra Municipal Council Email: records@woollahra.nsw.gov.au

Re: SC 3346 Submissions 42-58 OSH Rd Vaocluse

Dear General Manager

I live on the corner of Old South Head Road and Towns Rd, Vaocluse. I have major concerns about this proposed change of zoning (from R2 to R3) and then the proposed redevelopment of the area. The huge issues are

- The changes will lead to a great overdevelopment of the area,
- the intensification on amenities on parking and traffic.

Parking: the amenity of parking is of great concern. This development will place a great amount of additional pressure on car spaces surrounding the proposed site. (No mention has been made as to how many parking spaces will be under the development but with anywhere between 81 -128 residences we are talking of needing at least 128 spaces, but I have grave fears this will not be the case).

Parking is not only accessed by the many local residents who already fully park out OSH Rd and neighbouring streets but also

1. Shoppers using the excellent shopping centre at Rose Bay North, and customers of the local businesses on the corner of Military Road
2. Retail and other workers who have nowhere else to park, so OSH Rd and neighbouring streets are already permanently full
3. Patrons using the wonderful local amenity of the Diamond Bay Bowling Club (both lawn bowlers and bridge players).

Point 1 & 2 are self explanatory

Point 3. - I am in my late 80's and play bridge every week at the Diamond Bay Bowling Club. The parking has become a major issue as there are upwards of 120 bridge players attending on Saturday afternoon and over 500 players during the course of the week. This is apart from all the bowlers who regularly play and frequent the club. The Bowling Club acts as a community hub/ centre and a great social outlet for the local community. Many of the players already have difficulty attending now, due to the shortage of parking along OSH Road. On Saturdays when the bowlers are playing from mid morning, the parking situation is even

further exacerbated. The afternoon Bridge players need to walk a great distance, which many cannot manage and this causes distress.

Since 2014 when the RMS removed 12 public car spaces between Captain Pipers Road and Diamond Bay Road, the parking problem has been a major bone of contention and not addressed. The proposed rezoning and then redevelopment of 42-58 Old South Head Road, will lead to total chaos for local residents, visitors and shoppers, using all local amenities.

It is totally unrealistic to think that many of the proposed new residents of this overly large development will not have a vehicles of some description.

Current local residents and their visitors have great difficulty at the present in accessing on street parking on OSH Rd near their destination and all surrounding streets. The end result is many more people looking for parking spaces on Towns Road, Military Road, Captain Pipers Road, Clarendon Road and Oceanview Ave, all of which are already now fully utilised. If this proposed development goes ahead, it will only intensify the parking problems.

The entry and exit of this huge overdevelopment would create additional traffic dangers on this already busy stretch of Old South Head Road. Most vehicles would be turning right from the buildings to travel towards Bondi Junction, a very dangerous manoeuvre for both those trying to enter the road and for traffic already on the road.

Pedestrian traffic. It is already difficult and dangerous to cross Old South Head Road at present with parked cars and continuous oncoming traffic. Having up to 128 additional units (with upto 256 residents) crossing Old South Head Road to access the bus stop and shops would create even more danger.

The current pedestrian refuge island (outside 56 OSH Rd) will most probably be removed, if the proposed development with driveways, accessing the development, occurs. Traffic turning into Military Road and Oceanview Ave is already causing stress for drivers and pedestrians alike. To have increased traffic will just make the area more dangerous.

The Council Traffic Engineer's Report stating there will be **no** extra stress on OSH Rd with more cars coming onto OSH Rd. How unrealistic is this! The Traffic Engineer obviously never uses OSH Rd in the morning peak period (7.30 - 9am). By the time traffic reaches Rose Bay (and with all the excessive development around Dover Road /Hamilton St and beyond) it comes to a standstill. All traffic including the buses creep to the lights and intersection of Curlewis St, where the car park continues up both OSH Rd and Birriga Rd.

The report indicates there are 3 bus routes that operate on both sides of Old South Head Road and Military Road. This is far fetched as the 323 does not run out of peak hours and goes cross country to Edgecliff. The number of bus services stated in the report is greatly exaggerated and the only direct service is 387 (which during the day runs only half hourly and on the weekend hourly). The 387 also gets caught in the 'log jam' car park of one lane OSH Rd during peak periods. The only other route is the 380 which goes via the scenic route of Bondi Beach (and the traffic jam on Bondi Rd) taking over 40 min to Bondi Junction - hardly an option for commuters to Bondi Junction/city.

This area is **not** near any transport hub, **OSH Rd is a one lane (each way) main arterial street**. Moving more people out onto this peninsula is unrealistic, especially since it is over congested - both for parking and for commuting to the Bondi Junction/ City.

For once consider the local residents who have lived and enjoyed this area for many years rather than giving in to developers' interests.

Yours sincerely

Tessa Surany

██████████

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

JUDITH RYCHTER
■ TOWER STREET VAUCLUSE NSW 2030

13 November 2017

General Manager
Woollahra Council,
PO Box 61, Double Bay NSW 1360

via records@woollahra.nsw.gov.au

SC3346 Submission
PLANNING PROPOSAL FOR 42-58 OLD SOUTH HEAD ROAD VAUCLUSE

This proposal to re-zone from low to medium density has the support of your Council and the NSW Government which would preclude any objection by an ordinary citizen.

While regular residents must abide by the limits contained in LEPs, it is concerning that these limits can be adjusted to accommodate large developments. This would negate the need for LEPs where developers are concerned.

The site location is on the Woollahra Council LGA boundary with Waverley Council LGA. This means residents of Waverley and **NOT Woollahra** who will be adversely affected by this proposal.

Waverley residents have already been impacted by another Woollahra/Waverley LGA boundary development being granted rights outside of LEP and planning limits – namely MarkMoran Seniors Apartment Complex – originally Council approved as a nursing home.

The huge size of this proposal will dominate the environment and cause, amongst others, the following adverse effects:

- Stress on already limited spaces in schools
- added stress on public facilities – most of which are in the Waverley LGA
- Increased traffic along Old South Head Road
- Increased traffic at the busy intersection with Military Road
- increased demand for on-street parking already at a premium
- Disruption to public transport, traffic, street parking and quiet enjoyment during a long construction period and upon completion – **and at a busy intersection.**

It is suggested that with rezoning strict limits are set at FSR not exceed 1.09:1 and that there be no increase in height from 9.5m

Yours sincerely,



Judith Rychter

Objection to SC3346

15 November 2017

Submission to: Woollahra Council Urban Planning Committee

Dear Committee members,

I was horrified to read Parker Logan's new proposal for a massive overdevelopment of the area 42-58 Old South- Head Road in submission SC3346. After the strenuous objections by the community to their first attempt at overdeveloping this area, it seems that this developer is waging a war of attrition on the local community! Additionally, I simply do not understand how Council approval was granted when the impact would be so utterly catastrophic, and so obvious to anyone who has spent any time on Old South Head Rd recently.

I will not completely rewrite what has already been comprehensively and succinctly laid out in other submission. However, I will summarise, and add, that the proposal, including requests to increase maximum building height and FSR, is an outrageous overdevelopment of the area, and will overburden the infrastructure, including:

- **sanitation**, which is currently pumped out into the ocean at Diamond Bay and Vaucluse, UNTREATED, with no plans in the foreseeable future by Sydney Water to channel this sewage to Bondi (as stated by a Sydney Water representative at Vaucluse/Diamond Bay Precinct Meeting, 9 November, 2017);
- **public transportation** – the information provided by Parker Logan is simply false, and can easily be verified by standing on Old South Head Rd for a day;
- **parking for residents, shopkeepers, shoppers and other visitors** – which is already difficult at peak times. As 26.9% of private dwellings in the eastern suburbs have 2 cars (and a further 8.2% have 3 or more cars registered) according to the 2016 census, this means that the number of cars requiring parking will be at least a third more than the number of actual dwellings.
http://www.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/118
- **traffic density**- which will increase exponentially, and adversely affect both private and public transport, as Old South Head Rd is a MAJOR artery, that is only 1 lane each way, and with no dedicated bus lanes. This is even more problematic in view of the major developments occurring further south on Old South Head Rd, in the Rose Bay shopping centre.

Additionally, the increase in maximum building height will ensure that the streetscape and character of the area will be permanently and irrevocably damaged.

I earnestly hope that the concerns of the residents of this area are taken with the utmost seriousness, as the residents are the ones who will carry the burden of the consequences of this reprehensible development attempt.

Sincerely,

Neta Labi

Old South Head Rd.,
Vaucluse

Paul and Suzy Horowitz
■ Old South Head Road
Vaucluse NSW 2030

15 November 2017

Attention: General Manager
Woollahra Municipal Council
Email: records@woollahra.nsw.gov.au

**Re: SC3346 Submissions 42 – 58 Old South Head Road Vaucluse
2030**

Dear General Manager,
We wish to make a submission in relation to **SC3346 Submissions 42
– 58 OSH Road.**
**We oppose changing the R2 low density housing and height
limitations (to 10.5 m).**

Retaining R2 Low Density Residential

*The Woollahra Local Environmental Plan 2014 indicated this area's zoning to be R2 yet when developers with deep pockets approach the council it seems they are only too pleased to abandon these plans and change it. The character of the area will be irreversible changed (and not for the better) if these plans are allowed to be changed.

*Woollahra Council did not want to amalgamate with Waverley Council who have approved overdevelopment across the road. Is this not enough. May I remind you that when amalgamation was being discussed it was the residents of Woollahra who supported you and signed petitions against the amalgamation only to have you turn against those supporters and march along with the developers. What about the residents who have paid their rates and lived here very happily for the last 20 years.

*The councils guidelines state that their objectives for Vaucluse East Precinct B1.11 is to minimise 3 storey developments in place of buildings that present as 2 storeys. Once again the Council is choosing to ignore it's own guidelines. Why have these guidelines in place and allow people to buy into the area only to have the rug pulled out from under their feet and have it changed according to the whims of council and developers.

*Overdevelopment in this area will have such a negative impact on all concerned. In discussing this issue let us keep in mind that Waverley Council is going crazy with huge developments across the road and for you to join the party it will kill any kind of lifestyle one would want to achieve here. Firstly the infrastructure in place now cannot support the residents as it is. As usual the council has approached everything from the wrong direction. The existing infrastructure should have been addressed years ago but instead of doing this you wish to put more people in this area and burden it further. There is no major transport hub here and the bus services for this area are erratic and most of the time buses on the timetable don't turn up at all therefore more people will use their car and will be leaving home at the same time every morning. The gridlock occurring here from 7am to 9am is incredibly bad. The Council's traffic engineer stated "that the net traffic generation increase is marginal and not anticipated to result in unacceptable adverse traffic impact on the existing road network" . The traffic engineer is deluded if he believes this. Even the bus interchange cannot house it's current load of buses (Wentworth Courier Nov 1 p24). Do you really think it's possible they will get more buses and add more routes if they can't house the buses they have now.

*Parking in this little stretch of road is currently at a premium. If you allow a development for 81-128 dwellings to go ahead with no equal amount of car spaces can you imagine the impact this will have on the surrounding streets. At present there is nowhere to park your car if you arrive home at 6pm (average time of everyone arriving home from work).

*The Planning proposal is also applying for and FSR of 1:1. This is not unreasonable however we would like to see it capped at this and not go to 1.5 : 2. For so long residents have wanted the FSR to be 1:1 for their own additions to their homes. The council was very strict with this rule. Please maintain your standards and allow the FSR to be 1:1 as the MAXIMUM ratio allowed.

*The village feel that currently exists here will be dramatically altered if the overdevelopment is passed. This is a residential suburb where families live. Better to leave the tall buildings for Bondi Junction the CBD and the Western Suburbs. You only have to open up the Wentworth Courier (Nov 1 p37) to find that no one is happy with the overdevelopment that is happening every where it seems. It is time for you to listen to the rate payers and stop bowing to the needs of the developers.

*The environmental impact on overdeveloping this area will also be significant. There are a lot of trees in this small area that house possums and a variety of birds. I hate to think what will happen if this balance is upset by intense building.

As a local resident I object to-

1. Overdevelopment in this area
2. Lack of infrastructure leading to increased congestion
3. Lack of street parking
4. Detrimental changes to streetscape and the village feel of the area
5. Adverse effects to wildlife in the area.
6. Allowing the maximum building height to be increased from 9.5 to 10.5m.

We are once again appealing to the council to listen to the residents and not allow overdevelopment from 42-58 Old South Head Road Vaucluse 2030.

Regards,
Paul and Suzy Horowitz.

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

From: [Bernard Fridman](#)
To: [Records](#)
Subject: Woollahra Planning Proposal: 42-58 Old South Head Rd - Submissions SC3346
Date: Wednesday, 15 November 2017 11:15:29 PM

Dear Sir / Madam,

I refer to the above matter - submission SC3346.

I oppose this submission until such time an extensive upgrading is undertaken to meet the existing overload and unacceptable levels of infrastructure and services in the area, namely:

- The Road Structure, ' traffic flow and street parking (esp at night)' is already grossly inadequate !!!.
- The antiquated overhead wiring (particularly in OSH Rd), presents alarming safety, health and fire hazard risks !!!.
- Sewerage, drainage and rainwater runoff is currently overextended !!!.

The council approving the developers proposal of rezoning No's 42 -58 Old South Head Rd from Low to Medium Density, will be irresponsible as it will not only create a dangerous precedent for this area, but for Sydney as a whole (as it prides itself as a world class city).

This planning proposal can have devastating repercussions on the area with its already overextended infrastructure.

This planning proposal is inappropriate for the area as it undermines the lifestyle that the local residents established over a life time.

Yours Sincerely

Bernard Fridman
[REDACTED] Old South Head Rd
Vaucluse
NSW 2030

Sent from my iPhone

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Charles & Vivienne Beck
Beaumont St
Rose Bay NSW 2029
Phone
Mbf
e-mail

15 November, 2017

The General Manager,
Woollahra Council
536 New South Head Road
Double Bay NSW 2028

By e-mail records@woollahra.nsw.gov.au

Dear Sir

Planning Proposal 42 – 58 Old South Head Road Vaucluse - SC3346 Submissions

We write this letter of objection to the proposed development on the above mentioned sites.

We regularly visit our family that live in the area affected by this development. It seems to us that the proposal is not in keeping with the general nature of the area, in that it will increase the number of people that will live in the area as well as be out-of-character with the surrounding homes.

It is incongruous to us how Council can consider accepting 81 or more dwellings in sites that currently house 14 dwellings.

We live near Old South Head Rd and are very aware of the traffic issues in that main road. By allowing the site to be re-zoned from R2 (Low Density) to R3 (Medium Density) there will be an increase in the number of residents, which has the inevitable consequence of increased traffic on Old South Head Rd. As you do doubt are aware, Old South Head Road is already very congested during peak hours. Whilst there are some bus services, they are not "plentiful", and are also exposed to the same traffic congestion. Walking and cycling are also not options that many people take up, particularly if taking children to school.

Another consideration is the availability of parking – this does not seem to be adequately addressed in the proposal; if sufficient parking is not provided - for residents and visitors - on site, then street parking will be at even a higher premium than it is at the moment.

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Charles & Vivienne Beck
■ Beaumont St
Rose Bay NSW 2029
Phone ■■■■■
Mbf ■■■■■
e-mail ■■■■■

Woollahra Council should consider the existing local and neighbouring residents who have affection for the 'village feel' of the area and clearly think of the long term implications of allowing developers to seize and redevelop these sites in a manner that is not in keeping the neighbouring environment. Council should take into account the concerns of residents and other concerned parties - and scrap this Planning Proposal.

Yours faithfully

Charles & Vivienne Beck



From: [Lorraine & Mike Becker](#)
To: [Records](#)
Subject: SC3346 SUBMISSIONS
Date: Thursday, 16 November 2017 12:41:38 AM

We are writing this submission, relating to the planning proposal for 42-58 Old South Head Road, Vaucluse, in our capacity as the elected members of the Strata Committee of Strata Plan [REDACTED]; [REDACTED] Old South Head Road, Vaucluse, NSW.

We wish to object to the planning proposal, referred to in the previous paragraph, for the following reasons:

The proposal to amend the zoning of the site from R2 Low Density Residential to R3 Medium Density Residential will result in a development which would be totally incompatible to the area as it now exists, and would create a precedent that would inevitably lead to the rezoning of other properties in the area.

This, together with the other proposed amendments to Woollahra Local Environmental Plan 2014, will result in the overdevelopment of the area in which we live, together with its consequent impact on traffic in Old South Head Road in general and between Ocean View Drive and Clarendon Road in particular, noise pollution, further demand for street parking in the area, which is already stretched to the limit, and additional pressure on the area's already overextended infrastructure.

Should the development be approved despite its negative impact on our area, as referred to above, then it should be absolutely essential that the approved development has sufficient off street parking, set at a minimum of one parking space per residential unit, in addition to adequate visitor's parking.

Kindly acknowledge receipt of this submission.

Yours faithfully.

The Strata Committee of SP [REDACTED].
[REDACTED] Old south Head Road.
Vaucluse, NSW.
(Representing owners and occupants of 19 Units)

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Tel/ Fax : [REDACTED]
Mobile: [REDACTED]
Email: [REDACTED]

ANTHONY H BOOTH BA,LLM

The General Manager
Woollahra Municipal Council
By email RECORDS@WOOLLAHRA.COM.AU
4 November 2017

Dear Sir /Madam
**RE Woollahra council Planning Proposal -42-58 Old South Head Road –
Submissions SC3346**

We refer to the above matter. I write on behalf of myself and my wife who live immediately behind the proposed site for the planning proposal.

I object in the strongest possible terms to the planning proposal for the following reasons. Please note I am not a town planner and therefore these opinions are expressed from a non-technical point of view however the Council should give extra weight to my submissions as I unlike the developer have teams of architects, town planners etc. assisting us at great expense.

OVERDEVELOPMENT

This is an example of classic overreach by developers. The land is not suitable for the proposed development and it represents a massive overdevelopment in terms of bulk scale and form from that which currently exists

It is completely unsuitable for this reason alone as the proposed massing of the apartment blocks are not in keeping with surrounding buildings and the neighbourhood. It will create if allowed a very inappropriate and jarring view to the residents and will result in substantial property value loss.

[REDACTED]

It is noted Objective 4 of the Woollahra Council DCP states clearly that to minimise bulk and scale of three story development should be restricted to two storeys at Street level. This proposal is in clear breach of this Objective and for this reason should fail.

The Development breaches Objective 5 and 6 regarding views and fails to respond to the topography by building something which takes into account surrounding developments and properties behind. That is the proposed Development very adversely affects the properties behind and does not take into account the natural fall of the land to the ocean.

In truth the proposed Development does not meet any of the DCP standards and fundamentally breaches almost all of them, the developers attempt to justify these breaches is both self-serving and ludicrous.

VIEW LOSS

The granting of this planning proposal will result in damage to people's views and an effect where houses behind will seek to build up to regain their views. This will have a very undesirable cascading effect as people behind this area seek to build up to regain their views.

TRAFFIC

The proposed rezoning will create completely unacceptable Traffic conditions. The traffic and parking in the area is already strained and there are massive issues in peak hour with traffic volumes on Old South Head Road and surrounding Streets. Currently Clarendon set in morning and afternoon peak is extremely difficult to get out of. This proposal will further impact this traffic flow and cause danger to cyclists pedestrians and other road users.

The extra people proposed by this development will overly strain public transport which is already at capacity in this area

INFRASTRUCTURE

The surrounding infrastructure including the sewage system which is unconnected to the Bondi outfalls cannot cope with this influx of people. For this reason alone the planning proposal should be rejected.

There are not enough schools in the area to deal with this proposal and those existing are already full i.e. Rose Bay Secondary College

PREVIOUS APPLICATIONS BY PARKER LOGAN AFFECTING THIS SITE

It is noted that a recent Land and Environment Court decision allowed a duplex development on these sites which is actually quite sympathetic.

It is quite bizarre that the Woollahra Municipal Council objected to this duplex development, which after intervention of the Land and Environment was granted but is prepared to entertain this completely out of character massive overdevelopment.

This company should be bound to accept the DA for the duplexes rather than ratcheting up the Development proposals to this completely unacceptable level

The height of any proposed development or rezoning should not exceed the roof levels of the current buildings at 52-56 Old South Head Road Vaucluse and should have flat rooves to minimise view impacts and loss

CONCLUSION

The planning Proposal put forward is completely inappropriate for the area and is purely a money grab by developers which will have long lasting deleterious social and economic effects on the residents of Vaucluse and my property. Development involving this sort of massing block type apartments are not suitable. Any developments on this site should be restricted to modern versions of the existing built forms

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

Yours sincerely



ANTHONY H BOOTH

Liability Limited by a scheme established pursuant to Professional Standards
Legislation



Tuesday 14 November 2017

Roads and Maritime Reference: SYD17/01450
Council reference: SC3346 Submissions

The General Manager
Woollahra Council
PO Box 61 Double Bay NSW 1360

Attention: Jorge Alvarez

PLANNING PROPOSAL TO AMEND WOOLLAHRA LEP 2014 OFR MEDIUM DENSITY RESIDENTIAL DEVELOPMENT – 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE

Dear Mr Alvarez

I refer to your email of 19 October 2017 inviting Roads and Maritime Services to provide comment on the abovementioned planning proposal in accordance with Section 56(2d) of the Environmental Planning & Assessment Act 1979.

Roads and Maritime has reviewed the submitted documentation and it is noted that the Planning Proposal is seeking to amend Woollahra Local Environmental Plan 2014, in the following manner:

- amend the zoning of the site from R2 Low Density Residential to R3 Medium Density Residential;
- increase the maximum building height control of the site from 9.5m to 10.5m; and
- apply an FSR control of 1:1 to the site (no FSR control currently applies).

Roads and Maritime raise no objection to the proposal, in principle, given the site's proximity to existing public transport (bus) services on Old South Head Road and surrounding roads. However, the proposal should consider the following traffic and transport matters prior to the making of the plan:

Traffic generation

It is noted that the traffic generation rate used to calculate the traffic generation for the proposal adopts the Sydney average for high density residential dwellings as per the RMS Guide to Traffic Generating Developments Technical Direction (2013). This traffic generation rate is used for high density residential developments close to high levels of public transport. The subject site, which benefits from bus services on Old South Head Road and surrounding roads, has the potential to generate more traffic than is outlined in the

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13


Traffic Impact Assessment. While the traffic generation is not likely to be significant, traffic generated by the development and the means of ingress/egress to/from the site may impact bus operations and general traffic on surrounding roads.

Bus network operations and general traffic

The Traffic Impact Assessment has provided little assessment of the proposed development's peak hour traffic distribution and potential impacts to bus operations and general traffic on Old South Head Road and Military Road. It is noted that the location of the proposed driveways has not been shown in the architectural plans, therefore, additional information is required to properly assess the potential conflict between vehicles turning to/from the proposed driveways with bus and vehicle movements, particularly turning movements, on Old South Head Road and Old South Head Road / Military Road intersection. The location of the proposed driveways should not impact existing bus / pedestrian infrastructure including bus stops / bays, no stopping areas, pedestrian refuges and line marking on Old South Head Road and Military Road. In this regard, the location of the proposed driveways for buildings A and B may be impacted by the pedestrian refuge and its proximity to the Old South Head Road / Military Road intersection. Council should give consideration to the preparation of a Development Control Plan that outlines an access strategy for the site which limits potential conflict with bus operations and general traffic on Old South Head Road and the Old South Head Road / Military Road intersection.

Thank you for the opportunity to provide advice on the subject proposal. If you require clarification on any issue raised, please contact Tricia Zapanta, Strategic Land Use Planner on [REDACTED] or by email on [REDACTED]

Yours Sincerely,



Greg Flynn
Senior Manager, Strategic Land Use

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

From: [Peter Ulmer](#)
To: [Records](#)
Subject: SC3346 Submissions to General Manager Woollahra Council
Date: Thursday, 16 November 2017 3:29:15 PM

Dear Sir or Madam,

I object to the stated development on the grounds that Old South Head Road cannot support the increased traffic flow that will be generated by additional 120+ cars at the site of 42 to 58 Old South Head Rd, Vaucluse.

All the way along OSH Rd new medium density developments are springing up with little thought to traffic flow and its impact.

Just two examples are the new large-scale development at the corner of Hamilton Street, Rose Bay and the proposed development of the LJ Levi site at the corner of Dover Road, Rose Bay.

There are more developments under way from the O'Sullivan Road, Old South Head Rd, and intersection at the bottom of Bellevue Hill up to Bondi Junction.

I believe, the council should have a commitment to residents ahead of developers and must commission an independent report on traffic flow and parking conditions. Only with such a report can the residents and council know the true impact post development.

One should not lose sight of the fact that OSH Rd is just single carriageway and as such cannot be widened to increase future traffic density.

The situation is compounded by a distinct lack of public transport.

Councils will come and go but the consequences of their ill-considered decisions last a lifetime and impact greatly on the residents who suffer from them.

BTW: 120 cars at an average car length of 5 metres plus distance between each car adds approximately 900 metres of traffic to OSH Rd or 25% of the distance from the proposed development site to Bondi Junction.

Regards,

Peter Ulmer

home [REDACTED]
mobile [REDACTED]

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

From: [Jackie Freedman](#)
To: [Sharon](#)
Subject: FW: OBJECTION to Planning Proposal 42 - 58 Old South Head Road Vaucluse - SC3346 Submissions by 17 November 2017
Date: Thursday, 16 November 2017 11:27:40 PM
Attachments: [image001.png](#)

Subject: FW: OBJECTION to Planning Proposal 42 - 58 Old South Head Road Vaucluse - SC3346 Submissions by 17 November 2017

Mail from Mrs Jacqueline Freedman in opposition to Planning Proposal 42-58 Old South Head Road, Vaucluse.

The Woollahra Council Urban Planning Committee has approved subject to local resident objections, the following

- Amend zoning from R2 low Density Residential to R3 Medium Density Residential
- Increase the maximum building height from 9.5m to 10.5 m
- Apply for Floor Space Ratio (FSR) control of 1:1 to the site (no FSR currently applies)

We oppose the submission for the following reasons:

A. Amend zoning from R2 low Density Residential to R3 Medium Density residential would completely change the character and density of the area.

Woollahra Council did not want to amalgamate with Waverley Council where R3 is prevalent and now they clearly wish to assist the developers by changing the zoning to R3.

Woollahra Local Environment Plan 2014 stated this area's zoning was R2 low density. Why is this plan being ignored?

Changing from R2 (to R3 zoning) would -

1. Completely overdevelop this area
2. emphasise the lack of infrastructure in the area to support the bulk and scale of this development
3. greatly increase the number of residents in this area, which would substantially add to the already congested OSH Rd in peak times. The proposal mentions cycling and walking as being options but these are unrealistic for most people and are not viable alternative transport modes for most commuters travelling to work.
4. Worsen congestion for the whole locality. This area is **not** near a transport hub and the bus services do not provide great access to Bondi Junction for a city commute. OSH Rd with its one lane each way is already a 'car park' during peak travel times. Buses are also caught up in this. If Parker Logan are also looking to provide housing for 'shift workers' there are no buses from just after midnight to 5.30am. All this indicates that residents will have cars and no parking spaces.
5. Parker Logan the developer completely overstates public bus transport availability options to what actually exists. (They quote 3 bus routes with buses every 15 min to Bondi Junction) whereas local residents know there is only **one** direct bus to Bondi Junction usually at 1/2 hr intervals and not always reliable. The other route via Bondi Beach can take over 40 minutes during peak hours – hardly a realistic route for commuters. The 3rd bus route – 323, only has 6 services in peak hour and finishes by 8.23 am. The bus runs cross country to Edgecliff station avoiding Bondi Junction hub entirely. Hardly a viable bus option.
6. Worsen the local parking situation as in the 'concept' plan it does not show or mention how much parking will be provided. Regardless, there will be a huge shortfall and parking space is already now at a premium. Parking and congestion on OSH Rd and the surrounding streets will be horrendous.
7. Build up to 128 dwellings equates to 250+ residents. There will be nowhere near 128 car spaces provided. Even if only 81 residences are built as in Woollahra Council's proposal - there will **not** be 81 car spaces. Where will the excess park? Also, those vehicles exiting from this overdevelopment, will be turning right across the traffic, as the majority would head towards Bondi Junction/city and will pose a great risk in trying to move into the continuous stream of peak hour traffic.

(8) Developments currently in process on OSH Rd in Rose Bay, from the corner of Dover Rd to beyond Hamilton St are 3 - 5 storeys high. These buildings will already add a significant traffic load onto OSH Rd thus further increasing the travel time to Bondi Junction. The magnitude of what is being proposed for this entire area will lead to unacceptable road usage on the **ONE** major arterial road to Bondi Junction. The proposed major development at 42-58 OSH Rd will add even more traffic load onto OSH Rd. There must be a limit to how much this area can absorb. This huge proposed development would have a detrimental affect on the whole local area.
(9) The Council's traffic engineer stated "that the net traffic generation increase is marginal and not anticipated to result in unacceptable adverse traffic impact on the existing road network" This is completely unrealistic - how can this be true? Has the traffic engineer ever travelled on OSH Rd during the peak hours?
(10) Currently there are 14 dwellings on these 9 blocks. The Council appears to be accepting 81 dwellings and Parker Logan is seeking up to 128 dwellings. How can even 81 dwellings not impact on the net traffic and parking to a more than 'marginal' degree! The impact on traffic and parking will be a lot more than 'marginal'.
(11) Rose Bay Secondary College, the only public high school in the area is already at full capacity. Where will the extra students be accommodated?
(12) Yeladim Early Childcare Centre (opposite the proposed development site) will be adversely affected by the huge amount of noise during the lengthy construction phase. Children will not be able to sleep, parents will not send to the centre, the business may falter. Parking there will also be greatly affected.

(13) Specific major concerns for the immediate neighbours of this excessive development are - overshadowing, loss of privacy and loss of views.

B. We oppose that the maximum building height being increased from 9.5m to 10.5 m

- (1) as 9.5m already allows for 3 storey building height construction (2.7m x 3 floors plus inter floor services -plumbing and electrics). **We really do not want 9.5m height, but we definitely do not want 10.5m height.** This would be the first step towards having 4 storey buildings on this site!
- (2) Some new developments in Woollahra Municipality have 'grown an extra storey after the initial DA was passed'. Growth by stealth.
- (3) With each additional storey in height means additional units and residents
- (4) Extra height means extra loss of view.
- (5) Extra height means additional overshadowing.

- (6) Extra height is detrimental to the streetscape,
- (7) Extra building height houses more population, leading to more road dangers,
- (8) Extra use of already overstretched bus services (these services are not as frequent as was quoted in the proposal). It also mentions 5 bus stops within 100 metres but this only equates to 2 bus routes and inadequacy of services!
- (9) A serious lack of parking for current local residents, shopkeepers and local shoppers in Rose Bay North.
- (10) We do not want another 120 metre wall of units, somewhat like the huge solid wall that the Moran Nursing Home has created.

C. Apply for Floor Space Ratio (FSR) control of 1:1 to a site where no FSR currently applies

The FSR of 1:1 is probably the most reasonable aspect of this planning proposal, however, we want a maximum of 1:1. **NOT** 1.5:1 as Parker Logan the developer stated in their proposal, which would allow for up to 128 dwellings on this site. A massive overdevelopment.


As stated above, 1:1 should be the MAXIMUM ratio allowed.

Woollahra Council should consider their existing local residents who love this 'village' area and clearly think of the long term implications of allowing developers to grab it all and completely redevelop and decimate it. Council must take into account all of the above real issues and therefore reject outright this Planning Proposal.

I do sincerely hope you will take into serious account our opposition to the building proposals. I believe if any truly concerned councilor had taken the time necessary for an open and honest look at the local conditions, he / she would agree with and support our rejection of the above planning proposal.

Sincerely,

Jacqueline Freedman

 Virus-free www.au3.com

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

From: [Elizabeth Liu](#)
To: [Records](#)
Subject: Ref: SC3346 Submissions (42-58 Old South Head Road, Vaucluse)
Date: Friday, 17 November 2017 3:36:37 PM

To:

The General Manager
Woollahra Council

Dear Sir

Ref: SC3346 Submissions
42-58 Old South Head Road, Vaucluse proposal

I am the owner of ■ Captain Pipers Road, Vaucluse.

I am concerned about the planning proposal for redevelopment of the above site. Based on view impact diagram for 31 Captain Pipers Road, Vaucluse, there may also be an impact on my ocean view.

Would the Council please assess and advise whether there is any potential ocean view loss prior to making any decision.

Regards
Elizabeth Liu
■

17 November 2017

■ Captain Pipers Road
VAUCLUSE NSW 2030

Woollahra Municipal Council

Email: records@woollahra.nsw.gov.au

Re: Planning Proposal 42 – 58 Old South Head Road Vaucluse - SC3346 Submissions

Dear Sir/Madam,

This submission relates to **SC3348**, re **42–58 Old South Head Road Vaucluse 2030**. We are extremely disappointed, and somewhat confused, like many other neighbouring residents we have spoken with re this matter, to learn of Woollahra Council's Urban Planning Committee's decision to provide in principal support to the application for re-zoning these properties from R2 to R3. Apart from the total lack of logic given council's previous attempts to restrain the already excessive overdevelopment of the smaller sites, subject to DA 591/2016, it seems incomprehensible for the UPC to now be favouring inappropriate re-zoning, to enable even larger overdevelopment of the sites. Woollahra Council chose to spend considerable sums of rates payer's money on fighting the amalgamation of Woollahra Council, with Waverly Council, et al. One may ask, to what end, if this is the standard of decisions being made by the council's committees. The manner of such a turn-around strongly suggests this to be yet another example of corrupt dealings in NSW local councils, as has been identified in so many other ICAC investigations. It would appear extremely unlikely that the developer would risk the purchase of all these blocks without being informed of the likely turn-around.

It appears, yet again, that elected officials are not taking heed of the concerns of their constituents, so they should hardly be surprised at the likely ramifications at the next election.

As stated in our previous submission re DA 591/2016, we continue to have the following general concerns re this application:

- The proposed two, three storey unit blocks, is inconsistent with the existing character of the area which currently contains, mainly single dwellings, and two storey apartment blocks. This proposal is an overdevelopment within this section of Old South Head Road.
- The current Woollahra Council zoning for this zone is R2, and should remain so until council and Roads & Maritime Services can adequately address the already chaotic and dangerous congestion on Old South Head Road.
- The two, three storey dwellings, could be expected to accommodate between 50 & 60 residents (in 30 double boarding rooms), which greatly increase the density of the area, which is already struggling to cope with the rapid increase in population density.
- The overdevelopment enabled by the rezoning is inconsistent with the adjoining properties and the proximate streetscape.

1

- Major impacts of the proposal will include the loss of amenity for the existing residents in terms of overshadowing, acoustics, parking on Old South Head Road and adjacent streets, traffic, loss of privacy.
- The proposed development will clearly result in the further loss of the amenity of parking in Clarendon Street, Clairvaux Road, Captain Pipers Road, Hay Street and Black Street, due to the flow on effects of inadequate parking being provided for a development of this scale. Normal parking in these roads and streets already frequently grossly exceeds their current capacity. This is partially due to shoppers, shopkeepers and staff from North Rose Bay shops parking in these streets. This has already resulted in a loss of social cohesion, with constant examples of vehicles being illegally parked across residents' driveways, because the driver cannot find somewhere legal to park, thus preventing the resident from being able to access their vehicle. Also, vehicles are frequently illegally parked in positions that block the thoroughfare of the street, especially for larger vehicles. This frequently occurs in Clarendon and Black Streets, requiring delivery trucks with dog trailers to traverse Captain Pipers Road against the flow of traffic. This illegal parking can also prevent access for larger emergency vehicles, such as fire trucks, with the obvious inherent risks to life. Such an event was the catalyst for the council finally agreeing with residents' requests to make Captain Pipers Road a one-way street. I have witnessed the illegal parking being the catalyst for many physical and verbal altercations, and acts of vandalism. We also been physically assaulted by a construction worker when politely asking that he move his vehicle so that we could leave our driveway. This also results in needless work for Rose Bay police, in trying to contact the vehicle owner, to have the vehicle moved.

In conclusion, we are not against sensible, sensitive and compliant development of these sites, in accordance with the council's current R2 zoning.

We would be happy to clarify any issues that you may have to the points raised, should you require it when you are evaluating **SC3346**.

Yours faithfully,

Ann-Marie Powell & Steven Brown

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

From: [Dorith Freedman](#)
To: [Records](#)
Subject: Fwd: Objection to Planning Proposal 42-58 Old South Head Rd, Vaucluse - SC3346.
Date: Monday, 20 November 2017 11:38:02 AM

Sent from my iPhone

Begin forwarded message:

From: Dorith Freedman [REDACTED] >
Date: 18 November 2017 at 5:49:35 pm AEDT
To: records@woollahra.nsw.edu.au
Subject: **Objection to Planning Proposal 42-58 Old South Head Rd, Vaucluse - SC3346.**

Dear Sir,
We have only just heard of Propoasal SC3346. That is why this is a late submission.
However, we object strongly to the proposal as it will make traffic congestion on Old South Head Rd impossible in peak hour.
It is already a nightmare to get to Bondi Junction in peak hour whether by car or bus. The traffic crawls forward.
Please do NOT approve Planning Proposal SC3346 as it will make commuting to Bondi Junction untenable.
Dorith and Mel Freedman
Residents of [REDACTED] Old South Head Rd,
Rose Bay,

Sent from my iPhone

From: [Tony Moody](#)
To: [Records](#)
Cc: [REDACTED]
Subject: RE: PLANNING PROPOSAL, PPTIES: 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE.
Date: Monday, 27 November 2017 2:19:05 PM

ATTENTION: ANNE WHITE, STRATEGIC PLANNING TEAM LEADER.

RE: PLANNING PROPOSAL, PPTIES: 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE.

Dear Anne,

I refer to the abovementioned Planning Proposal for properties known as 42-58 Old South Head Road, Vaucluse (subject site).

I wish to firstly thank you for extending the period of exhibition until close of business today in order that I can lodge this submission.

Prior to providing my professional opinion on the above Planning Proposal, I wish to advise you of my qualifications and experience. I am a Consultant Planner with 15 years' experience in 3 Local Government Councils including 9 years as a Senior Development Control Planner. I hold a Bachelor of Town Planning Degree from the University of NSW, Sydney and a Bachelor of Laws Degree (Hons) from the University of Technology, Sydney, including a High Distinction in Environmental Studies. I have appeared as an Expert Planning Witness for 9 Local Government Councils in the Land and Environment Court (Court) and also appeared as a Court Appointed Expert.

I note that I have specifically appeared as the Expert Planning Witness in numerous Appeals for Woollahra Council (Council) and have also been involved in a number of Appeals as a Court Appointed Expert including Council as one of the parties.

I was requested by a number of adjoining owners upslope and to the west of the subject site to provide my professional opinion on the above Planning Proposal.

I confirm that I have examined the relevant documents, plans and reports accompanying the Planning Proposal. I have also inspected my Clients' properties and also inspected the subject site and general locality.

Any proposed increase in Height and Floor Space Ratio (FSR) Standards is contingent upon the proposed building mass under the Planning Proposal not creating unreasonable adverse impacts on adjoining properties, including my Clients' properties. Based on the material in the Planning Proposal, I consider that it is not possible for me, my Clients or Council to support the Planning Proposal. Simply put, I consider that Council should require the Applicant to provide additional required information and documentation in support of the Planning Proposal, particularly in relation to potential impacts on adjoining properties and the public domain. Upon receipt of the required additional information and documentation, Council should then renotify my Clients (and other adjoining owners) to provide an opportunity to them to comment on the additional information and documentation before a final decision is made by Council on the Planning Proposal.

I should note that I was recently the Planning Consultant in support of a Planning Proposal for properties at 374 and 376-382 New South Head Road, Double Bay (Double Bay Planning Proposal). The Double Bay Planning Proposal was ultimately supported by Council Officers and Councillors and has been recently gazetted by way of an amendment to Woollahra Local Environmental Plan 2014 (LEP). The Double Bay Planning Proposal is of relevance to the current Planning Proposal. The Double Bay Planning Proposal was supported by a range of documentation, plans and reports which included detailed architectural plans, shadow plans, photomontages and the like. As the Planning Consultant for the Double Bay Planning Proposal, I considered it essential that there should be a high level of information and documentation provided to Council and the adjoining owners in order that all interested parties can make an informed and proper assessment of the Double Bay Planning Proposal. You would be aware of the high level of detail provided as part of the Double Bay Planning Proposal. In contrast, the documentation and information provided for the Planning Proposal for the subject site is, in my view, inadequate for the reasons referred to below.

1.0 DOCUMENTATION AND INFORMATION REQUIRED FOR A PLANNING PROPOSAL.

- The information and documentation required in support of the Planning Proposal are outlined in Section 55 of the Environmental Planning and Assessment Act (EP & A Act), particularly, Section 55(2). The required information and documentation required to be submitted as part of the Planning Proposal under Section 55(2) of the EPA Act is stated below.

(2) The [planning proposal](#) is to include the following:

- (a) a statement of the objectives or intended outcomes of the proposed instrument,
- (b) an explanation of the provisions that are to be included in the proposed instrument,
- (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),
- (d) if maps are to be adopted by the proposed instrument, such as maps for proposed [land](#) use zones; heritage [areas](#); flood prone [land](#)--a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,
- (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

- I also note the publication prepared by NSW Planning and Environment entitled "A Guide to Preparing Planning Proposals" dated August, 2016. A number of comments in the above document prepared by NSW Planning and Environment provide further assistance as to the level of information and documentation required in support of a Planning Proposal:

- (i) "A Planning Proposal must demonstrate the strategic merit of the proposed LEP amendment" (page 5).
- (ii) "The level of detail require in a Planning Proposal should be proportionate to the complexity of the proposed amendments" (page 5).
- (iii) Whilst the above document by NSW Planning and Environment does explain that a Planning Proposal relates only to an LEP amendment and is not a Development Application, it does state that "The Planning Proposal should

contain enough information to identify relevant environmental, social, economic and other site specific considerations" (page 5).

(iv) Thus, the Planning Proposal must have information and documentation "proportionate to the complexity of the proposed amendment" and "contain enough information to identify relevant environmental, social, economic and other site specific considerations".

- The examples provided in the above document prepared by NSW Planning and Environment provide additional information about the degree of documentation and information required. For example, page 10 states that "Overshadowing and amenity impacts may be potential issues associated with increasing the height and floor space ratio on the site". Whilst there is not necessarily a need to provide detailed architectural plans, the Planning Proposal must provide adequate information to assess "overshadowing and amenity impacts". For the reasons referred to in this submission, I consider that the level of information and documentation is not sufficient for my Clients, other adjoining owners and Council to undertake an informed and proper assessment as to the likely amenity impacts on adjoining properties and the public domain.
- Council has also prepared a document entitled "Request for Planning Proposal" which not only refers to the abovementioned Clause 55(2) of the EP & A Act, but also the abovementioned publications by NSW Department of Planning and Environment. Furthermore, in relation to the information and documentation that should be submitted with a Planning Proposal, your Council states as follows:

"This basic content may be supplemented by studies, reports, architectural plans, drawings and other graphical information that assists with explaining and justifying the Planning Proposal" (emphasis added).

2.0 INADEQUATE DOCUMENTATION AND INFORMATION SUBMITTED WITH PLANNING PROPOSAL

- Given the fact that a Planning Proposal "should contain enough information to identify relevant environmental, social, economic and other site specific considerations", the question has to be asked as to whether the current Planning Proposal satisfies this objective? For the reasons referred to in this submission, I consider that there is inadequate information and documentation in the current Planning Proposal. On this point, I refer to the document entitled "Planning Proposal" prepared by City Plan Services.
- At page 6 in Section 2.1, the Planning Proposal refers to "Consultation with Woollahra Council". On this point, I note that the authors of the Planning Proposal have not consulted with my Clients and also have not visited my Clients' properties before preparing the Planning Proposal.
- I note Section 3.3 entitled "Development within the vicinity of the site". It is most interesting to note that my Clients' properties, which share a common boundary with the subject site, have not been described in the Planning Proposal document. Simply put, there has been little and inadequate consideration given to the potential impacts on my Clients' properties arising from the Planning Proposal.
- I note the top of page 16 in which the Planning Proposal which refers to the Apartment Design Guide in relation to issues such as separation distances and associated amenity impacts. No such consideration re potential amenity impacts has been given in relation

to the amenity impacts of the Planning Proposal on my Clients' properties.

- I note the 6 bullet points at Section 4.1 of the Planning Proposal. One of the objectives of the Planning Proposal is "to ensure the future development and use of the land is appropriate, minimising environmental risk **and potential impacts on adjoining land uses**" (emphasis added). The Planning Proposal documentation does not, in any proper manner, assess the potential impacts on my Clients' properties. I again stress that my Clients' properties share a common boundary with the subject site and should have been properly considered in the formulation of the Planning Proposal.
- The "Intended Outcomes" of the Planning Proposal referred to at page 20 do not speak of minimising potential impacts on adjoining land uses. Surely, one of the "Intended Outcomes" of the Planning Proposal is that the increased Height and FSR Standards and the proposed building mass should not create unreasonable adverse impacts on adjoining properties, including my Clients' properties. On this point, I also refer to the relevant Aims and Objectives of Council's current Planning Controls which speak of the need for protection of amenity of adjoining neighbours.
- At page 25, there is a reference to the assessment as to whether the increased development potential is consistent with the adjoining Council's Controls. On this point, the Planning Controls of Waverley Council also stress the objective of protecting the amenity of adjoining neighbours. No proper assessment has been undertaken as to the impact of the Planning Proposal on the amenity of my Clients' properties.
- At page 26 of the Planning Proposal, there is an assessment of likely View Loss from adjoining properties to the west, including my Clients' properties. This assessment is flawed and inadequate for the following reasons:
 - (i) No representative of the Applicant has ever inspected my Clients' property to assess View Loss.
 - (ii) No height poles have been erected reflecting the proposed building mass to make an informed assessment of likely View Loss.
 - (iii) There is no proper assessment of likely view loss based on the "Steps" of the Court's Planning Principle in *Tenacity Consulting v Warringah Council*.
 - (iv) The View Loss analysis in the Planning Proposal only gives weight to existing views which have land and water interfaces. This is not a proper reading of *Tenacity Consulting v Warringah Council*. In circumstances where my Clients have view of the ocean and these are their primary views, the proposed increase of the Height and FSR Standard may well result in a future development which completely obliterate those views. This is not an acceptable result based on the Court's Planning Principles in *Tenacity Consulting v Warringah Council* and the principle of "View Sharing" in Council's Planning Controls.
 - (v) There is also no Landscape Plan or Concept Landscape Plan which demonstrates that the maturity height of proposed landscaping will not block views from my Clients' properties. Simply put, any proposed landscaping at maturity should not block my Clients' views.
- In relation to Overshadowing Impact, the Shadow Diagrams are also inadequate.
- There is also a further issue in terms of Privacy or Overlooking Impact. No privacy measures are proposed, although I do acknowledge that privacy measures can be incorporated and the final proposed development.
- I note that the Planning Proposal is accompanied by detailed reports, including assessment of traffic impact, SEPP 65 and a range of other matters. Why has there not been a detailed assessment of the important amenity impacts such as Loss of Views,

Overshadowing and Overlooking Impact.

- It is not the case for the Applicant to claim that the issue of impacts on my Clients' properties can be deferred for detailed consideration at the Development Application stage. Council is now being requested to grant an "uplift" of the Height and FSR Standards and it is at this stage, that Council should make an informed and proper assessment that the uplift will not have adverse impacts on adjoining properties and the public domain.

3.0 CONCLUSION

Any proposed increase in Height and FSR Standards is contingent upon any proposed building mass not creating unreasonable adverse impacts on the public domain and adjoining properties, including my Clients' property.

To date, the Planning Proposal has not provided adequate information and documentation for Council and my Clients to make an informed assessment as to whether the Planning Proposal will have unreasonable adverse amenity impacts on the above amenity grounds.

It is my very strong recommendation that Council should defer further consideration of the Planning Proposal and request the Applicant to provide more detailed information and documentation assessing issues of View Loss, Overshadowing Impact and Overlooking Impact. Upon receipt of the required documentation and information, the Planning Proposal should be re-exhibited and my Clients consulted to provide their comments on the additional documentation and information.

Thank you for considering this submission.

My Clients and myself would like the opportunity to meet with you at their properties to demonstrate the likely impacts and the reasons why I say that consideration of the current Planning Proposal should be deferred arising from the Planning Proposal.

Yours sincerely

TONY MOODY
Tony Moody Planning and Development

M: [REDACTED] E: [REDACTED] or [REDACTED]

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Please also note that we are moving offices premises on 30 November, 2017 . Our new address will be [REDACTED] Redfern. Our phone number and email address will remain the same.

Woollahra Municipal Council
Urban Planning Committee Agenda

12 February 2018

From: [UrbanGrowth](#)
To: [Records](#)
Subject: RE: Planning Proposal - SC3346 - 42-58 Old South Head Road, Vaucluse
Date: Saturday, 16 December 2017 3:20:19 PM

Dear Sir/Madam,

Attn: **Jorge Alvarez**

Thank you for referring the planning proposal listed above to Sydney Water.

We have reviewed the proposal and have no objections.

Detail comments on connections and services will be provided once development applications on the rezoned sites are referred to Sydney Water.

Should you have further questions, please contact Lulu Huang of Growth Planning Team via

[REDACTED]

Kind regards,

Growth Planning & Development team



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Annexure 5



29 January 2018

Our Ref: 16-244

Mr Chris Bluett
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 1360

Dear Mr Bluett,

RE: PLANNING PROPOSAL: 42-58 OLD SOUTH HEAD ROAD, VAUCLUSE - RESPONSE TO SUBMISSIONS

On behalf of the applicant, Parker Logan Property, we are pleased to provide this response to the matters raised in the submissions received by Council during the statutory exhibition period.

The following headings summarise the issues raised in the submissions and a response is provided to each of the issues. Overall, our review of the submissions concludes that the public notification period does not raise any issues which have not been addressed in the Planning Proposal and should not inhibit the Planning Proposal from being finalised.

1. Traffic

The main traffic concerns relate to increased congestion and traffic generation in the surrounding streets and the cumulative impacts this will have in the adjoining locality. Concerns have been raised that the existing road infrastructure is inadequate and existing public transport provision is insufficient. Residents are concerned that additional density on the site would result in further traffic generation and congestion. Concerns regarding pedestrian safety and the increased risk of accidents are also raised.

In addition, submissions state that parking is inadequate in the surrounding streets and residents voiced their concerns that the Planning Proposal would result in an increased demand for on-street parking.

Response

The Planning Proposal is accompanied by a comprehensive Traffic Impact Assessment (TIA) prepared by Hemanote Consultants that examines the access, traffic and parking characteristics of the Proposal. As detailed in Section 4 of the TIA, the increase in trips at key intersections when compared to the current trip generation will have a low impact, and will not

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V:\PSSY\F\01\GENERAL\PROJECTS\CP201616-244 42-58 OLD SOUTH HEAD RD, VAUCLUSE\POST LODGEMENT\FINAL RESPONSE TO SUBMISSIONS.DOCM 1/8

alter the current levels of service. Furthermore, the increase in traffic will remain well within the environmental capacity of Old South Head Road and the surrounding road network.

Specifically, the TIA notes that the Planning Proposal is estimated to generate a total of 24 vehicles per hour (vph) and 19ph in the AM and PM peaks respectively. Less the trips generated by the existing development, this represents a minor increase in the AM and PM peaks. Moreover, the distribution of these trips across various routes means that the actual increase (on any single road or intersection) would be imperceptible.

As described in Section 3 of the TIA, the site is supported/served by a range of public and active transport opportunities. Key bus routes operate directly adjacent to the site and provide services every 10-15 minutes for a range of key destinations, including the transport interchange at Bondi Junction (4.8km). The property is well connected to the Rose Bay Ferry Wharf and Watsons Bay Ferry, providing direct access to Circular Quay. As such, the site is provided with immediate access to high frequency public transport services to key sub-regional and regional destinations.

Regarding active transport, the local area is provided with good pedestrian and cycling infrastructure, including general and shared on and off-road paths. Immediately adjacent to the site, shared paths provide access through to all key local retail, commercial and recreational precincts, including the Rose Bay North Shopping Centre located 70m from the site and providing for the daily and weekly shopping needs of the local community and future residents of the proposal.

2. Parking

Submissions state that parking is inadequate in the surrounding streets and residents voiced their concerns that the Planning Proposal would result in an increased demand for on-street parking.

Response

As detailed in the accompanying TIA, the detailed provision and design of parking spaces would be finalised as part of a future Development Application. Notwithstanding, the parking demand resulting from the rezoning planning proposal will be accommodated within future on-site car parking facilities that will conform with contemporary parking standards. Compared with the existing situation, where individual sites are provided with sub-standard car parking and therefore rely heavily on the available on-street car parking, redevelopment of the sites will have a positive impact on parking availability.

Furthermore, redevelopment of the sites will reduce the number of driveway crossings from the seven which exist currently, to approximately three crossings, thereby facilitating an increase in the number of publicly available on-street car parking spaces.

Please refer to the accompanying TIA which confirms that the Proposal is will not have an adverse impact on parking availability.

3. Character and streetscape

Submissions raised concerns about the impact of new apartment developments on the locality. In particular, the proposed uses and built form were considered incompatible with existing character of locality. Reference was also made to the Woollahra Development Control Plan desired character objectives of the Vaucluse East Precinct - B1.11.

Response

The detailed design of individual buildings will be a matter for future development applications and it should be noted that the built form modelling provided with the planning proposal is for analysis and is not intended to represent the future detailed architecture.

Notwithstanding, we note that the site and surrounds have an eclectic mix of development that includes two to four storey residential flat buildings, one and two storey dwellings, and mixed-use buildings in the adjoining Rose Bay North Centre. As outlined in the Heritage Impact Report prepared by Zoltan Kovacs (Appendix 3) the subject site does little to contribute to the character of the area as "each building is degraded, and they have lost their coherent Inter-war character".

Further to the above, the subject sites were also identified by in Woollahra Council's Opportunity Site Report (2010) as an "opportunity site" that could be rezoned from 2(a) low density residential to R3 Residential with an FSR of 1:1 and a height of 11m. The key justifications included:

- The area is characterised by older building stock and the amenity will be improved by redevelopment.
- Rezoning the site to Zone R3 will be consistent with the planning controls and character of development encouraged by Waverley Council on the opposite side of Old South Head.

The planning proposal therefore seeks to replace a collection of face brick institutional buildings of dated appearance and little visual appeal (or internal amenity) with contemporary developments that will:

- engage the street, provides contemporary standards of amenity and is extensively landscaped throughout.
- enable a more suitable style of architecture that incorporates modulation and varied palette.
- facilitate development that addresses and engages with the street and provides an appropriate setback between the proposed buildings and the existing dwellings facing Old South Head Road.
- provides for landscaped areas and new open space along the frontage and throughout that provide enhanced visual permeability and improve the relationship between the publicly accessible and private domain.
- balances the protection of the character of the area while assisting to meet housing targets set by the State Government on a smaller site as envisioned by Council Opportunity Site Report.

Consequently, the streetscape will be enhanced by the removal of the existing buildings and their replacement with well-designed buildings that respect the local character.

In relation to the desired future character of the locality, there is significant urban transformation currently underway to the north and south of the site. The range of existing and approved developments along Old South Head Road within the Vaucluse East Precinct and within vicinity of the subject site include:

- 1-4 storey residential developments

- 2 storey commercial developments
- 4-5 storey mixed use developments; and
- 7 storey senior living developments.

The urban design analysis undertaken by NTA Architects and submitted with the planning proposal identifies that the planning proposal provides suitable consideration for the future surrounding context, including:

- the desired built form can reasonably establish a ground level interface that respects pedestrian scale and amenity a diversity of built form and massing can be provided that contributes to the legibility of development within the site, and avoids monolithic urban design outcomes;
- the agglomeration of allotments will effectively enable future development to meet ADG requirements (such as solar access, building separation), both within the site and with regards to existing residential areas;
- the agglomeration of allotments will effectively enable future development to deliver an urban form that contributes to the legibility of the wider urban form along Old South Head Road;
- the future development has the opportunity to provide an appropriate mix and number of dwellings which could contribute to affordable housing in the locality; and
- the increased site capacity will enable an appropriate transition to the predominant low density urban form and character of the Vaucluse East Precinct north and west of the site.

An indicative compliance table against the provisions of the Apartment Design Guide (ADG) has been prepared by Nicholas Tang and submitted with the planning proposal. The assessment demonstrates that future development is able to meet ADG requirements (such as solar access, building separation), both within the site and with regards to existing residential areas.

4. Increased pressure on local schools and infrastructure

The main concerns relate to the impact of the proposed development on local infrastructure, specifically on schools.

Response

Capacity within local schools to accommodate our growing population is a state-wide issue and is not an isolated issue within the Woollahra. To respond to this, the NSW Department of Education is undertaking a School Assets Strategic Plan to set the direction and framework for the future of school infrastructure in NSW. The Plan recognises that there is a growing number of students across the state and a shortage of NSW schools. The Plan estimates that there will be a requirement for an extra 7,200 classrooms by 2031, which equates to 215 new schools. The Department of Education is investigating increasing the use of minor interventions (e.g. prefabricated modular buildings), larger schools and smaller new school sites to assist in meeting the unprecedented growth in student numbers across the state. It is understood that the Department of Education will identify the most effective and efficient infrastructure solutions in conjunction with the non-government school sector.

We also note that the planning proposal is consistent with the NSW Government's Regional Plan (*A Plan for Growing Sydney*) and the relevant draft District Plan which have regard to available infrastructure and establish a relatively modest dwelling target for the Woollahra local government area.

Finally, Section 94 contributions will be required by Council as part of a future Development Application. This will fund local infrastructure and services to support the growing community. Section 94 contributions are regarded as an efficient means of reducing the impact of future development on the provision and financing of public amenities and services.

5. Height, bulk, density and view loss

Submissions raised concerns about the potential overdevelopment of the site. In particular, concerns were raised in relation to height, bulk and density. View loss was also raised generally and specifically in reference to ocean views from dwellings in Captain Pipers Road, Vaucluse

Response

The Gateway Determination (GWD) Report prepared by the NSW Department of Planning and Environment (DPE) provides and assessment of the proposed planning controls, including the proposed floor space ratio (FSR) of 1:1 and height of 10.5m. The DPE assessment states that the planning controls (and 67 additional dwellings) are supported are consistent with the government objectives to improve housing variety and supply within locations that are close to existing service and public transport.

In addition, Council staff in consultation with the Applicant have reviewed maximum building height and FSR controls for the site during the preparation of the Planning Proposal. As outlined in the DPE GWD Report, Council staff sought to ensure the development controls provided for suitable consideration of matters such as:

- Current buildings practices regarding floor ceiling heights;
- State regulations;
- Building code of Australia standards;
- Urban design modelling based on the Council's setback controls; and
- Potential view impacts.

The outcome for this work was Council's recommendation to increase the applicable heights from 9.5 to 10.5m increase the FSR from 0.9:1 to 1:1. It follows that the implications of the increased height and FSR can be suitably addressed through a well-designed built form that demonstrates compliance with the nine principles identified in State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65). It is worth noting that the applicant contends that the site can comfortably accommodate a FSR of 1.1:1 within the building envelopes shown in the planning proposal.

In addition to Council's urban design analysis, a View Analysis prepared by NTA was submitted with Planning Proposal. The view impact analysis demonstrates that there is adequate scope to arrange to building mass on the eventual development sites to ensure reasonable view sharing is achieved in accordance with the principles established in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. It should be noted that the volume of the building envelopes represented in the view analysis exceeds the proposed FSR to allow for building

articulation that will come from a future detailed design. Such articulation will provide further scope for view sharing to be achieved in subsequent development applications. Finally, it is noted that the proposed maximum height development standard (10.5m) is lower than the maximum height standard (11m) permitted on the eastern side of Old South Head Road. When considered in this context, potential impacts on views would be less than that caused by development located on the east side of Old South Head Road.

The detailed design of built forms would be finalised as part of a future Development Application. All future applications will be required to provide a view analysis addressing matters identified in *Tenacity Consulting v Warringah Council [2004] NSWLEC 140*. View sharing and Tenacity therefore remain a relevant consideration for any future development application and there is ample scope within the proposed development standards to achieve reasonable view sharing.

6. Overshadowing

Concerns have been raised in relation to potential additional overshadowing generated by the proposal.

Response

The accompanying Urban Design Report and Architectural Plans include solar analysis modelling. The analysis is based on maximum building envelopes which, as discussed earlier, are actually larger than the likely eventual buildings that could be delivered on site. The analysis confirms that that overshadowing impacts in mid-winter are minor as a result of the topography, orientation and modest height limit proposed. In excess of 3 hours of sunlight will be achieved to the private open spaces of the neighbouring dwellings and no windows would be overshadowed. Consequently, the analysis confirms that the proposed building massing arising from the Planning Proposal will not cause any adverse overshadowing issues to existing properties or future properties.

Further to the above, any future Development Application will be required to comply with the Apartment Design Guide (ADG) and its requirements for overshadowing to neighbours is minimised as set out in Chapter 3B. The ADG sets out requirements to ensure buildings are set off from the neighbouring sites to not impact the solar access. The indicative building envelope demonstrates that compliance with the ADG can be achieved. In addition, a future Development Application will be required to fully comply with the design criteria and design guidance set out in this chapter to ensure adequate levels of amenity are achieved for existing and future occupiers.

7. Loss of Privacy and acoustics

The main concerns relate to the loss of privacy to adjoining occupiers and potential acoustic impacts.

Response

Any future Development Application will be required to comply with the Apartment Design Guide (ADG) and its requirements for visual privacy set out in Chapter 3F. The ADG sets out minimum separation distances from buildings to ensure reasonable levels of external and internal visual privacy can be achieved. The indicative building layout demonstrates that full compliance with the ADG can be achieved. In addition, a future Development Application will be required to fully comply with the design criteria and design guidance set out in this chapter

to ensure adequate levels of amenity are achieved for existing and future occupiers. Similarly, acoustic reports will be provided with future development applications as required.

8. Local Environment

The main concerns relate to the loss of trees and local wildlife habitats.

Response

The Tree Management Statement prepared by TALC and submitted with the planning proposal demonstrates that there are no naturally occurring trees on the site and the limited existing tree canopy tends to be located at the rear of the site. The redevelopment of the site therefore creates an opportunity to reintroduce natural vegetation in the landscaped areas and introduce increased building separation that provides for enhanced views between buildings. Consequently, the proposed built form controls will improve the precinct's landscape setting. The proposed building height controls facilitate building setbacks that enable landscaped areas that reflects the character of the area.

Further to the above, any future Development Application will be required to comply with the Apartment Design Guide (ADG) and its requirements for communal open space and deep soil as set out in Chapter 3D. In this regard, the indicative building envelope demonstrates that compliance with the ADG can be achieved. In addition, a future Development Application will be required to fully comply with the design criteria and design guidance set out in this chapter to ensure adequate levels of deep soils zones and landscaped areas are provided on site.

9. Documentation required for a planning proposal

The main concerns relate to the provision of inadequate information to enable an appropriate assessment of the proposal.

Response

This planning proposal explains the intended effect of, and justification for, the proposed amendment to the Woollahra Local Environmental Plan 2014. It has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*. The proposal has also been assessed against the Strategic Merit Test as detailed in Planning Circular PS16-004 (dated 30 August 2016), which has confirmed that this planning proposal has strategic and site-specific planning merit.

As outlined above, adequate information has been provided to allow full consideration of the proposal and the potential natural and built environmental impacts including but not limited to height, bulk, density, view loss, privacy, vehicular access, pedestrian access, traffic, car parking, landscaping, acoustics, streetscape and the desired future character. The planning proposal has been prepared and exhibited in accordance with the gateway determination issued by the Department of Planning and Environment.

10. RMS submission

The main concerns relate to the Bus network operations and general traffic on surrounding roads. It was also suggested that Council should give consideration to the preparation of a Development Control Plan that outlines a vehicle access strategy for the site.

Response

An additional Traffic Statement has been prepared by Hemanote and submitted at Addendum 1. The statement outlines that *"vehicular access points for the proposed development will be detailed as part of individual future development applications for each individual site. The location of each proposed driveway crossing will be carefully positioned in a way to reduce any impacts on current traffic and pedestrian flows."* In addition, *"the subject site currently has driveways crossings in Old South Head Road with no impact on the bus network operations or existing bus stops. The proposed driveway crossing will maintain this and further improve it, by ensuring that all vehicles are to enter and exit the site a forward direction."*

Further to the above, we note that any future Development Application will be required to comply with the Apartment Design Guide (ADG) and its requirements for vehicle access as set out in Chapter 3H-1 and all vehicular access will be located and constructed in accordance with the requirements of AS2890.1:2004.

Given the above, it is considered that a site specific DCP is not required for the purpose of controlling vehicle access to the site.

11. Conclusion

Our review of the submissions concludes that the public exhibition period does not raise any issues which have not been addressed in the Planning Proposal and nor do they raise any issues which should prevent the Planning Proposal from being made.

Thank you for the opportunity to review the submissions and should you have any queries with regard to this response or wish to discuss any other matter related to the Planning Proposal, please do not hesitate to contact me.

Yours sincerely,



Stephen Kerr
Executive Director



29 January 2018

RMS Reference: SYD17/01450
Council Ref: SC3346 Submissions

Greg Flynn
Senior Manager, Strategic Land Use
Roads & Maritime Services

**PLANNING PROPOSAL
42-58 OLD SOUTH HEAD ROAD, VAUCLUSE
PROPOSED MEDIUM DENSITY RESIDENTIAL DEVELOPMENT**

I refer to the RMS letter dated 14 November 2017 in regard to traffic generation from the proposed planning proposal and its impacts on traffic flow and bus network operations along the frontage of the subject site on Old South Head and the nearby intersection.

Traffic generation & impacts on traffic, pedestrians and bus network operations

The estimated traffic generation for the proposed development is not considered to have any significant impacts on the current traffic flows along Old South Head Road or surrounding streets, as outlined in our Traffic Impact Assessment report submitted with the development application and as acknowledged in the above mentioned RMS letter.

The locations of the proposed vehicular access points for the proposed development will be detailed as part of individual future development applications for each individual site. The location of each proposed driveway crossing will be carefully positioned in a way to reduce any impacts on current traffic and pedestrian flows.

Vehicular access driveways are to be positioned to avoid conflict with the existing traffic island along Old South Head Road in front of the subject site and avoid conflict with the T-intersection of Old South Head Road / Military Road. This can be achieved by restricting access to forward entry and forward exit only, through the provision of wide two-way

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driveways and internal manoeuvring space for vehicles to turn around within the site boundaries where required.

The proposed driveway crossings are also to be positioned to provide adequate sight lines to oncoming traffic and pedestrians. All vehicular access to be located and constructed in accordance with the requirements of AS2890.1:2004.

Any front fencing is to be restricted to a height of 1.2 metres; otherwise a 45° splay or equivalent (2.5m x 2m) is to be provided at exit driveways, in accordance with Council's DCP and AS2890.1:2004 to provide adequate sight lines to pedestrians.

It should be noted that the subject site currently has driveways crossings in Old South Head Road with no impact on the bus network operations or existing bus stops. The proposed driveway crossing will maintain this and further improve it, by ensuring that all vehicles are to enter and exit the site a forward direction.

I trust that the above information addresses RMS' concerns in relation to vehicular access and bus network operations and is worthy of RMS support.

If you would like to discuss any of the above information, please do not hesitate to contact the undersigned on 0414 251 845 or by email at hemanote@optusnet.com.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ramy Selim'.

Ramy Selim
Traffic Engineer
Hemanote Consultants Pty Ltd





Annexure 2

Planning Proposal
42-58 Old South Head Road, Vaucluse

Visual Sharing Assessment

Report prepared for Parker Logan Property

by Dr. Richard Lamb

May 2018

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Potential View Sharing Assessment

Planning Proposal

42-58 Old South Head Road, Vaucluse

Applicant: Parker Logan Property Pty Ltd

1 Purpose of this report

I am a professional consultant and principal of RLA, a consultancy specialising in view sharing, visual impacts and landscape heritage matters.

A summary CV is attached to this Report at Annexure C. A full CV can be read or downloaded from the tab on the Home page of the RLA website at www.richardlamb.com.au.

I have been commissioned by the Applicant, Parker Logan Property Pty Ltd, to provide an independent assessment of the likely effects on view sharing that may be caused by the planning for the subject property (the site), to assist Council in assessment of the merits of the application.

The proposal is to:

- Rezone land in the Woollahra Local Environmental Plan 2014 (WLEP) from Zone R2, Low Density Residential to Zone R3, Medium Density Residential.
- Increase the maximum building height development standard from 9.5m to 10.5m.
- Apply a floor space ratio (FSR) control for 1:1. Currently there is no FSR control in the Zone.

During the exhibition period objections to the DA were received from some of the dwellings in Captain Pipers Road, which is to the west of the subject site. RLA were commissioned to assist in documenting the views and supervision of the preparation of photomontages to analyse potential view sharing effects of the planning proposal on Nos.21, 23, 29B, 31, and 35 Captain Pipers Road.



2 Assessment of view sharing

2.1 Relationship between properties

A plan of the relationship between the subject site, defined by a solid red outline and the dwellings from which images were captured, is shown on Page 1 of the View Assessment graphic document prepared by Nicholas Tang Architects (NTA). The locations of the envelopes nominally represented as block photomontages (see below) are shown in yellow shading. A solid yellow line at the perimeter of the area modelled indicates the setbacks from the boundaries of the site. The red dot on the surveyed locations of dwellings in Captain Pipers Road, to the south of the site, represent the approximate locations from which images were captured for preparation of photomontages and documentation of the buildings from which views were captured. The exact locations of the camera including lens height above ground or floor level were determined as X, Y, Z coordinates in AMG by registered surveyors.

The nine lots comprising the subject site are occupied by detached dwellings (six in total), duplexes (two, totalling four dwellings) and a residential flat building comprised of four dwellings. Buildings vary in height from one to three storeys. The details of addresses, lot and dwelling numbers are set out in the Council Officers' report to Woollahra Council's Urban Planning Committee (Report to UPC) dated 12 February, 2018, in Table 1 at Page 75.

Relative to Old South Head Road, the frontage of the site is relatively flat, sloping slightly from south to north toward the intersection with Clarendon Street. There is also a slight slope downward from the rear of the lots toward the east and Old South Head Road. A minor escarpment of up to approximately 5m in height runs approximately on the alignment of the rear boundaries of Nos. 42-50 and through part of the lot of No.58 Old South Head Road.

The existing brick and tile roofed buildings on the site appear to date from the inter-war period, some having had subsequent additions and alterations. None are identified as of heritage significance and the site is not in a heritage conservation area.

2.2 Capture of views for the preparation of photomontages

Overseen by Council officers with the cooperation of the Applicant and residents, views were captured from dwellings at 21, 23, 29B 31, and 35 Captain Pipers Road on 27 March and 13 April, 2018.

Block models representing the potential maximum envelope on the subject site were prepared by the project architects, Nicholas Tang Architects (NTA), on my advice. I took the photographs used to prepare the photomontages, using a professional quality DSLR camera (Canon EOS 5D Mark 3), using a 50mm prime (fixed focus) lens (Field of View 39.6 degrees), mounted on a tripod at the conventional height of 1.6m above ground level. The camera was electronically levelled horizontally and vertically when images were captured.

I was accompanied by Council strategic planning staff who assisted in determining the appropriate locations from which images were to be captured and who took a series of independent photographs with camera equipment of equivalent quality to my own. The owners of the dwellings inspected were freely invited to indicate the locations from which they considered that images should be captured which best illustrated their concerns in relation to view sharing.



On the days of photography, the location and level of the camera lens at each viewing place from which images were captured were surveyed to ensure that the accuracy of the preparation of the block models would conform to the Land and Environment Court of New South Wales practice note for the preparation of photomontages for use in evidence. The practice note has become the standard for ensuring accuracy of photomontages where this is essential to determining the merits of applications.

Subsequent to the photography, I selected a representative sample to be assessed in greater detail with the aid of analytical block-model photomontages. The selection included views from internal and external living levels, standing and seated views. The views captured were made available by me to the Applicant and Council and to any objecting parties who requested them.

A spreadsheet that shows the image number, address, file names with locations of the camera and notes including recommendations for modelling by NTA is attached to this submission is at Annexure A.

I advised the project architects that assessment of the visual impacts of the proposal on views would require modelling of the proposed development envelope in 3D as viewed from potentially affected dwellings.

2.3 Views from dwellings in Captain Pipers Road

In the vicinity of the site, Old South Head Road approximately parallels part of the cliff line south of Rosa Gully/Diamond Bay, which is some distance away to the east.

Between the dwellings in Captain Pipers Road, which back onto and may have rear views over the site and toward the ocean to the east, is land characterised by mixed, detached residential and medium density development. To the east-north-east is Diamond Bay Reserve, east of Craig Avenue, on the top of a lower section of cliff between Rosa Gully and the north arm of Diamond Bay. This area is not visible from the dwellings.

The foreground of existing views from the residences analysed (21, 23, 29B, 31 and 35 Captain Pipers Road) is dominated by existing development on or outside the site and the roofs of buildings beyond the site, seen across Old South Head Road and further east to north-east.

The subdivision pattern on the site and in the vicinity of the dwellings analysed is an irregular grid, with the side boundaries running east-west. The front and rear boundaries are not perpendicular to the side boundaries, as a result of responding to topography and road alignments of Old South Head Road and Captain Pipers Road.

As the levels of the rears of the properties analysed in Captain Pipers Road are generally above the site, as a result of the change of slope caused by the minor escarpment mentioned above or rising levels toward Captain Pipers Road, views are possible over parts of the existing development on the site.

The views directly east and parallel to the side boundaries of the dwellings are in most cases blocked in the foreground by existing development, either on or beyond the site, with the exception of a partial view of the ocean horizon in the far distance. In some cases, where there is a coincidence between the viewing location and side setbacks between existing buildings, view corridors are present toward the east. The view corridors are also dominated by foreground development. A partial view of the ocean horizon is the most common other feature of the views. The edge of the cliff top, cliff faces, land-water interface and other coastal features are generally not visible.



Beyond the site and intervening urban development to the north-east, the topography falls away into Diamond Bay. The bay and its coastal features (wave zone, land-water interface) are not visible, however in some cases a part of the upper cliff brow in the vicinity of Chris Bang Crescent on the north side of Diamond Bay is visible. As development directly west of the Bay is on lower topography, the natural orientation of the views toward this area is north-east over the site and is oblique to the existing side boundaries on the site.

In summary, the views are predominantly of immediate dwelling development and restricted district views, with partial views of the ocean and horizon seen between and in some cases over intervening development.



3.0 Photomontages

Block-model photomontages provide a useful objective aid which can assist in determining the potential visual effects and impacts of a proposed development. An accurate 3D model of the proposed development is created and 'fitted' into a photograph so that its visual effects can be analysed and any potential impacts quantified.

3.1 Principles of verification of photomontages

For the certification of photomontages, the fundamental requirement is that there is a computer model of the proposed future development that can be accurately located in three-dimensional space and merged with representative photographs taken from key viewing places, to produce a photomontage.

In this case, as the proposal is for an envelope within which future development would be constructed, rather than a building or buildings, the model of the proposed envelope needs to be a 3D model, the location and height of which can be verified with respect to surveyed features of the existing development on the site and/or verified 3D reference points in the surrounding areas. The 3D model is then inserted into (merged with) high definition digital images of the existing environment.

This principle is recognised by the practice note of the Land and Environment Court of New South Wales, which requires that the 3D model of the proposed development can be shown to match the physical features of the existing environment, the features of which can be verified and that the images used are taken at a consistent and known focal length, with a lens the field of view of which is stated. Other requirements for accuracy are explained below.

3.2 Creation of the 3D model

The method adopted in preparing the photomontages was as follows:

Nick Tang Architects prepared a View analysis 3D model created in the Sketchup program, based on the survey plans of the subject properties.

A 3D model of the potential envelopes on individual lots, with a height limit of either 9.5m or 10.5m was prepared.

Setbacks from the boundaries were determined at the prevailing front setback to Old South Head Road, 3m between envelopes on the existing lots and 6m from the rear boundaries.

As a result of having a model of the envelopes based on survey information and survey of the location of the camera use to capture the images, the location of the model of the proposed envelopes could be fine-tuned to match the photographic images.



The models of the proposed development envelopes have been merged with photographic images after the accuracy of fit of the base model to the individual photographic images has been established.

The block model image of the proposal was merged with the underlying photographic image and shown with a coloured transparent fill. The 9.5m high envelope is shown in yellow. The additional envelope between 9.5m and 10.5m is shown in red.



4 Analysis of photomontages

Below is a summary analysis of the existing views and of the photomontages prepared by NTA for representative views from 21, 23, 35, 29B and 31 Captain Pipers Road. The 9.5m high envelope is shown in yellow. The additional envelope between 9.5m and 10.5m is shown in red.

23 Captain Pipers Road

23 Captain Pipers Road is a two-storey residence with a deck across the eastern, rear side at both levels.

Views from the ground floor deck and adjacent living area have a similar composition. The view is dominated in the foreground by residences on and beyond the site. A partial view of the ocean is present between existing buildings and a part of the brow of the cliff edge to the north east is visible.

The 9.5m envelope extends above the horizon line in the standing view in View 1 (ground floor living), View 2 (ground floor deck) and View 3 (ground floor living Position 2). The additional 1m of the 10.5m envelope does not lead to an increased effect on view sharing. The notional alignment of a gap between two envelopes on the site to the left does not create a view corridor.

In View 4, first floor deck, the 9.5m envelope is below eye level and has a minor effect on the view available. The additional 1m in the 10.5m envelope potentially reduces the visibility of water and the brow of the cliff on the left to a minor additional extent.

Summary:

The ground floor levels of the dwelling would not reasonably be expected to retain existing views over the site, where the existing height control is the same as the lower envelope proposed. The additional 1m does not appear likely to cause a significantly greater effect on view sharing. Development on the site under a future DA, with regard to view sharing, would be subject to assessment under the WRDC controls in Chapter B3.5.3, B1.11, specific to the Vaucluse East Precinct and *Tenacity*, which could then be validly applied. This is acknowledged in the Report to the UPC, which also notes aspects of the further steps of the principle that would be applied and to which a skilful design would be expected to comply.

In my opinion there are opportunities to maximise view sharing for this dwelling if the planning proposal is approved.

21 Captain Pipers Road

21 Captain Pipers Road is a single-storey residence with an open plan kitchen, dining and living room with windows facing east.

Views from the ground floor living area at the north end (View 5) and south end (View 6) are dominated by adjacent residential development on and beyond the site. Glimpses of the ocean horizon are visible between buildings

The 9.5m envelope extends above the horizon line in the standing view in Views 5 and 6. The additional 1m of the 10.5m envelope does not lead to an increased effect on view sharing. The notional alignment of a gap between envelopes on the site creates a narrow view corridor for View 5 and a wider corridor for View 6.



Summary:

The dwelling would not reasonably be expected to retain existing views over the site, where the existing height control is the same as the lower envelope proposed. The additional 1m does not appear likely to cause a significantly greater effect on view sharing. Development on the site under a future DA, with regard to view sharing, would be subject to assessment under the WRDC controls and *Tenacity*, which could then be validly applied.

In my opinion there are opportunities to maximise view sharing for this dwelling if the planning proposal is approved with either height limit.

29B Captain Pipers Road

29B Captain Pipers Road is an attached two-storey dual occupancy with 29A. 29A is massed toward Captain Pipers Road and 29B toward the east, or the site.

29B has a ground level lawn and pool area to the east of the lot, on grade with the kitchen and living areas. It has a landing used as a living area and bedrooms at the first floor. The first floor has continuous balconies of various depths accessed from the bedrooms and landing area, across the width of the eastern elevation.

The views from the ground level opposite the kitchen and living areas are dominated in the foreground by buildings on and beyond the site to the east. Glimpses of water are possible between buildings.

In views from the lawn (View 7) and pool deck (View 8), both the 9.5m and 10.5m envelopes extend above eye level. In View 7 from the lawn, there is a view corridor shown between envelopes. The extra 1m height proposed for the 10.5m envelope does not lead to an increased effect on view sharing.

In the view from the kitchen at ground level (View 9), both height envelopes are above the horizon. The extra 1m height proposed for the 10.5m envelope does not lead to an increased potential for view loss. The notional setbacks proposed between envelopes in the model creates a view corridor to the east that was mentioned as specially valued by one of the owners.

In the view from the first floor middle balcony (View 10), the existing view is dominated in the foreground by buildings. A water horizon is also visible. The 9.5m envelope is below the horizon in this view and would retain a water horizon. The extra 1m proposed in the 10.5m envelope would potentially lead to loss of the view horizon. In the view from the same balcony but to the north side (View 11, position 2), the existing view is composed almost entirely of close and more distant buildings. The 9.5m envelope is potentially slightly below the horizon line and would retain a view of some development on the north side of Diamond Bay. The extra 1m of height proposed in the 10.5m envelope would lead to loss of the minor amount of water visible on the horizon and some buildings in the foreground. The notional gaps between envelopes do not produce a view corridor, as the view in this case is oblique to the side boundaries of the lots on the site.

In the view from the first floor master bedroom balcony (View 12), the view is dominated in the foreground by buildings. The ocean horizon is visibly constrained north and south by buildings. The 9.5m envelope is below the horizon in this view and would retain a water horizon. The extra 1m proposed in the 10.5m envelope would potentially lead to minor loss of the view horizon. The notional gaps between envelopes do not produce a view corridor, as the view in this case is oblique to the side boundaries of the lots on the site.



In the view from the first floor landing through glass doors and the balcony beyond (View 13), the existing view is dominated by buildings in the foreground and beyond Old South Head Road. There is an existing view corridor to the east where a part of the ocean and horizon is visible. The 9.5m envelope would retain the water horizon. The notional setbacks proposed between envelopes in the model creates a view corridor to the east that was mentioned as specially valued by one of the owners.

Summary:

The ground floor levels of the dwelling would not reasonably be expected to retain existing views over the site, as the existing height control is the same as the lower envelope proposed. The additional 1m proposed in the 10.5m envelope would cause a minor increased view loss compared to the 9.5m envelope by causing loss of view of the ocean horizon in some of the first floor views.

However, development on the site under a future DA, with regard to view sharing, would be subject to assessment by Council under the WRDC controls in Chapter B3.5.3, B1.11, specific to the Vaucluse East Precinct and *Tenacity*, which could then be validly applied. This is acknowledged in the Report to the UPC., which also notes aspects of the further steps of the principle that would be applied and to which a skilful design would be expected to comply.

In my opinion there are clearly opportunities to maximise view sharing for this dwelling if the planning proposal is approved. The lower 9.5m height control would be a minor benefit to view sharing for this property.

25 Captain Pipers Road

25 Captain Pipers Road is a part 1, part 2 and part-3 storey dwelling set close to Captain Pipers Road. It has limited views toward the site as a result of view blocking by adjacent dwellings between it and the site.

In the view from the entry level deck on the north-east of the dwelling (View 14), the existing view is dominated by buildings in the foreground. A view corridor exists between two existing buildings on the site, but is partly blocked by vegetation in the garden of an adjacent dwelling and a tall apartment building on the south side of Rosa Gully. The 9.5m and 10.5m envelopes are below the view horizon. There would be no significant difference in view sharing between the two.

In the existing view from the entry level kitchen (View 15), there is a very small window of view between buildings that is largely occluded by visual effects of vegetation in gardens. Some water is partially visible. There would be no perceivable difference in effect on view sharing caused by the difference in heights between the two envelopes.

Summary:

The views from 25 Captain Pipers Road would be minimally affected by development on the site under either height control proposed. Future development would not significantly affect view sharing with either height control.

31 Captain Pipers Road

31 Captain Pipers Road is a part 1 and part 2-storey dwelling with a deck at the first floor at the rear or eastern end. The deck has a brick balustrade, which restricts views across the deck from the interior of the dwelling, currently a bedroom. The view analysed is from the eastern extremity of the deck



adjacent to the balustrade. Most of the interior of the dwelling has no views over the site.

The photomontage of the view (View 16) shows that the 9.5m envelope is below the horizon and similar in height to prevailing development in the foreground. The 10.5m envelope would potentially cause minimal loss of view of some water. Both heights would retain views of the water horizon.

The notional setbacks proposed between envelopes in the model creates a view corridor to the east that includes water views.

Summary:

The ground floor levels of the dwelling would not reasonably be expected to retain existing views over the site, where the existing height control is the same as the lower envelope proposed. The additional 1m in the 10.5m envelope does not appear likely to cause a significantly greater effect on view sharing.

In my opinion there are opportunities to maximise view sharing for this dwelling if the planning proposal is approved with either height control.



5 View sharing assessment

As part of my analysis, I would normally undertake an assessment of the potential visual effects and impacts of the proposed development on views from neighbouring dwellings, pursuant to the planning principles in the judgment of Roseth SC of the Land and Environment Court of New South Wales in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (Tenacity)*. This would include my assessment of the application in relation to each of the steps in Tenacity and if necessary, consideration of each of the threshold tests in Tenacity. This is because each of the steps in the planning principle is predicated on the preceding step exceeding the threshold that is necessary before proceeding to the next step.

5.1 Application of Tenacity planning principle

Roseth SC in *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps in *Tenacity* are sequential and conditional in some cases, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold is not met in each view or residence considered.

In the preamble to the four-step principle in Tenacity, Roseth SC states at Paragraph 25:

The notion of view sharing is invoked when a property enjoys existing views and a proposed development would share the view by taking some of it away for its own enjoyment. (Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable).

This is a critical issue, as the proposal is a Planning Proposal, not an application. As a Planning Proposal, while there may be a potential for impacts on view sharing, the potential is not sufficient to trigger application of the principle, as it is not possible to quantify or qualify the view loss, as is required in *Tenacity*.

To further illustrate this point, *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The principle in *Tenacity* is stepwise and some of the steps are conditional. That is to say, it is necessary in some cases for a threshold to be achieved in applying a step before there is justification for proceeding to the next step. *Tenacity* is not a recipe to be followed slavishly from Step 1 through to Step 4. If a threshold step is not achieved, *Tenacity* has no further work to do.

Step 1 views to be affected

The first step quoted from the judgement in *Tenacity* is as follows:

The first step is the assessment of views to be affected. Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

Prior to undertaking Step 1 however, as noted above, an initial threshold in *Tenacity* is whether a



proposed development takes away part of the view and enjoys it for its own benefit and would therefore share the view. If it does, the other steps in the planning principle, beginning with Step 1, may need to be undertaken. However, if there is no substantive loss, or if the items lost are not considered to be valued in Tenacity terms, the threshold is not met and there is no justification for proceeding beyond Step 1.

Proceeding with Step 1 therefore requires analysis of views including a description and analysis of the composition of the views. The value of a view depends on the visual components and valued features within it. In the specific context considered in *Tenacity*, the valued items contested included land, water, land-water interfaces or icons. Water views are considered more highly valued than land views, iconic views more highly valued than views without them and whole views more valued than partial views, etc.

Although *Tenacity* makes some statements about the relative value of items (for example that water views are more valued than land views and whole views more than partial views), that does not mean that land views or partial views, for example, are of no value, although it is justified to accord them substantially lesser weight.

Development of the form proposed may take away some views for its own benefit and therefore seek to share the views. Any future development subject to the existing controls would be faced with the same constraint and would have to demonstrate compatibility and compliance with the controls in the WLEP and WRDCP that are relevant to view sharing.

Development as proposed may also reveal views that are currently obscured by existing buildings, including views of items of higher value than are currently available. As an illustration of that point, there are three potential massing options that were included in the Planning Proposal (see Annexure 2 to the Report to UPC at Pages 106-108).

It is not for me to comment on the merits of the options in urban design terms, but keeping in mind the proposed FSR control of 1:1 and the likely built form of 3-storey buildings which can be achieved under either of the potential height limits, it is clear that any of the options would create new view corridors. As the options are also massing alternatives within the constraints of the proposed controls and are not design proposals, there are clearly also many other options that could be pursued at the DA stage to maximise view sharing.

For these reasons, the application of the *Tenacity* principle to assessing the merits of the planning proposal is premature and is inappropriate. The critical question in Step 1 is identifying which feature of the views are to be affected. The fact that there may be potential for impacts on view sharing is not the proof that there would be a significant impact. In the absence of specific built form, where the location, form, profile and effect on the views can be determined, the threshold to proceed to further steps in the Tenacity assessment is not met and Tenacity therefore has no work to do.

There is one issue with regard to Step 1 of *Tenacity* that is relevant however. That is, it appears unlikely, notwithstanding the above, that highly valued views would be lost as a result of development of the site under the controls proposed. The views predominantly affected (adjacent residential development, district urban development, partial water views), which do not include highly valued items such as land-water interfaces, whole views and icons, would not be expected to have a high level of protection. That is not to say that residents may not value those views for personal reasons.



6 Conclusion

The planning proposal in itself does not appear likely to have negative impacts on view sharing to the extent that rezoning should be denied. While the photomontages may give an impression that views would be totally lost in some cases, this has to be understood in the context of the combination of setbacks, height controls and FSR and the assumptions made in preparing the photomontages.

The photomontages have been prepared to comply with the Land and Environment Court of New South Wales practice note for the preparation of photomontages for use in evidence, notwithstanding Council does not require this level of information for a planning proposal.

The photomontages are also slightly misleading, as a result of the requirement that were prepared to comply with the practice note, which is intended to ensure accuracy in representing the visual qualities of planning applications. In this case, the proposal is not for a building or buildings that can be visualised or assessed for its view sharing impacts in relation to specific views, but in support of a potential change in zoning and controls over height and FSR.

It is inevitable therefore that the photomontages, which show a building volume that is 'worst case' and which would not be achievable in reality, would give an impression of potential view loss that is far greater than could occur. Individual buildings would require spatial separation to comply with the Apartment Design Guide, SEPP 65 and other requirements, for example for sunlight access, cross-ventilation and landscaped area, among others.

At the proposed FSR of 1:1 with either a 9.5m or 10.5m height limit, 3-storey buildings would be constructed on footprints that could clearly permit significant view corridors to be created. The future design would be assessed against the provisions of WDCP general provisions and others specific to the locality, including requirements for adequate view sharing. As noted in the Council officers' Report to the UPC, a test of skilful design at the DA stage might be to maximise view sharing.

A considered application of the planning principle in *Tenacity* can then be made at the appropriate time when view sharing can be quantified and assessed. The constraints of the views from the adjacent dwelling would need to be taken into account in design development for the site. Maximising view sharing would need to be shown by a considered response to the evidence provided by the photographs from the adjacent dwellings and the prevailing orientation to views to the east and north-east across the site.

In my opinion there is no reason to believe that view corridors could not be both retained in some cases and in others created, to provide a reasonable view sharing outcome for the site.

I support the Council officers' Report to the UPC, which can now be extended based on the evidence provided by the extensive and representative sample of views in the View Assessment by NTA.

Richard Lamb and Associates



Annexure A: Log of images captured

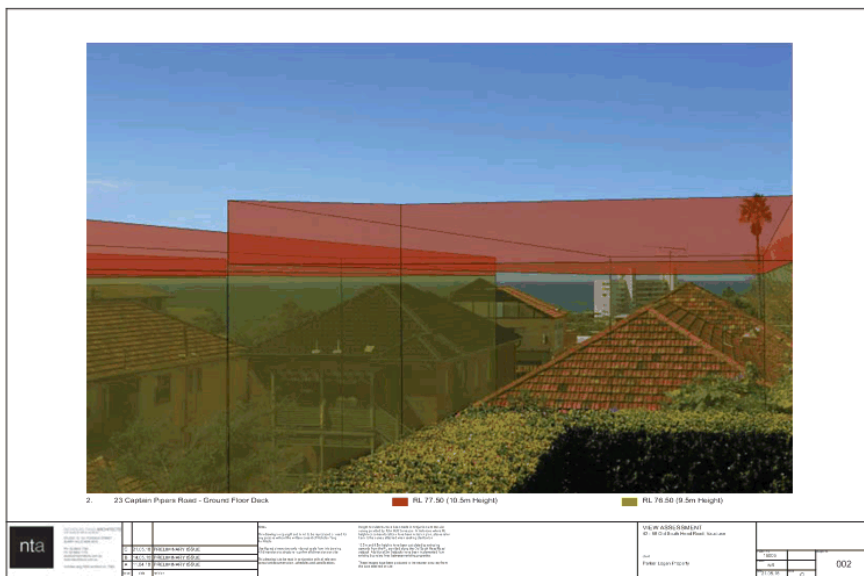
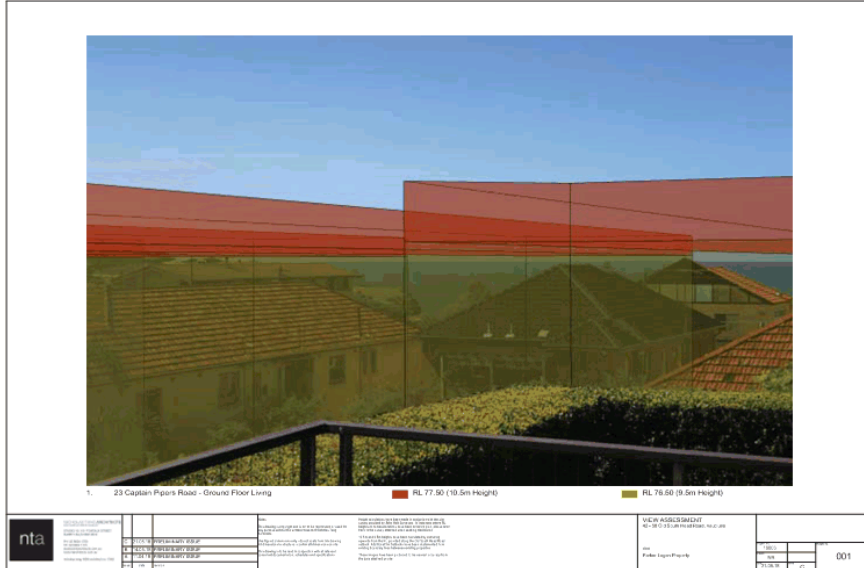
42-58 Old South Head Road Planning Proposal
Log of photos from adjacent residences in Captain Pipers Road (CPR)
Photography by Richard Lamb Canon EOS 5D Mark 3 DSLR FX format, 50mm FL. Ignore GPS coordinates on meta-data.

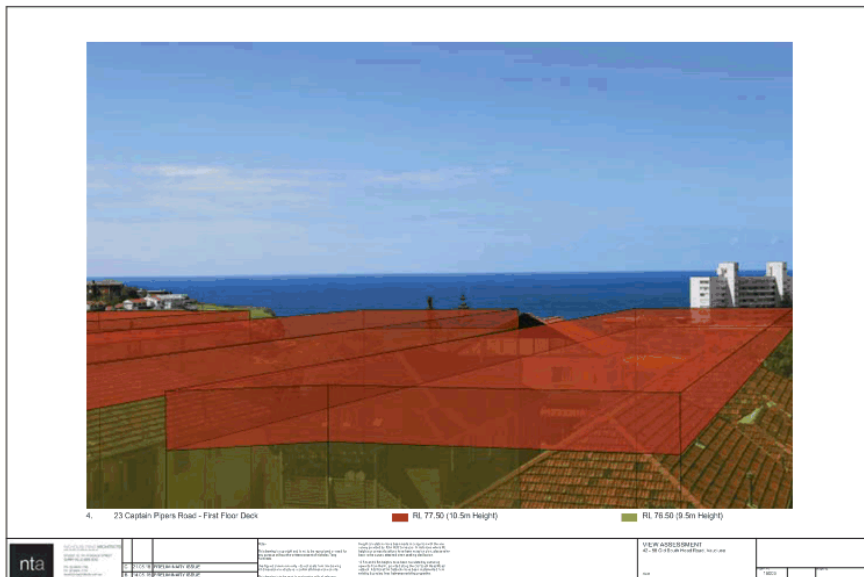
Address	RLA photo number and name	Bearing degrees	Comments	Recommendation
23 Captain Pipers Road	RLA_0121 23 CPR Grnd Flr Living N side Pos1	101		Model
	RLA_0122 23 CPR Grnd Flr Living N side Pos1	NA	Bearing not recorded	Context only
	RLA_0123 23 CPR Grnd Flr Deck N side Pos2	53		Model
	RLA_0124 23 CPR Grnd Flr Living N side Pos3	73		Model
	RLA_0125 23 CPR Grnd Flr Living N side Pos3	73	Duplicate of 0124	Context only
	RLA_0126 23 CPR First Flr Deck N side Pos4	70		Model
	RLA_0127 23 CPR First Flr Deck N side Pos4	70	Duplicate of 0126	Context only
21 Captain Pipers Road	RLA_0128 21 CPR Grnd Flr Kitchen S side Pos1	68		Model
	RLA_0129 21 CPR Grnd Flr Living Mid room Pos2	64		Model
	RLA_0130 21 CPR Grnd Flr Living Mid room Pos2	73		Context only
	RLA_0131 21 CPR Grnd Flr Lounge Mid room Pos3	94		Model
29B Captain Pipers Road	RLA_0132 29B CPR Grnd Flr lawn S Side Pos1	65		Context only
	RLA_0133 29B CPR Grnd Flr lawn S Side Pos1	66	Resident preferred	Model
	RLA_0134 29B CPR Grnd Flr Pool deck S Side Pos2	67		Context only
	RLA_0135 29B CPR Grnd Flr Pool deck S Side Pos2	67	Resident preferred	Model
	RLA_0136 Reject		Accidental shot by resident	
	RLA_0137 29B CPR Grnd Flr Kitchen S Side Pos3	98	Reject: incorrect focal length setting	
	RLA_0138 29B CPR Grnd Flr Kitchen S Side Pos3	98		Model
	RLA_0139 29B CPR First Flr Balcony S Side Pos4	32	Similar to bedroom	Context only
	RLA_0140 29B CPR First Flr Balcony Mid section Pos5	60		Model
	RLA_0141 29B CPR First Flr Balcony Mid section Pos6	46	Similar to bedroom	
	RLA_0142 29B CPR First Flr Balcony Mid section Sth end Pos7	58		Model
	RLA_0143 29B CPR First Flr Master Bed Pos8	95	0145 preferred	
	RLA_0144 29B CPR First Flr Master Bed Pos8	95	Accidental shot by resident	
RLA_0145 29B CPR First Flr Master Bed Pos8 best	92	Resident preferred	Model	
RLA_0191 29B CPR First floor landing	116	Resident preferred	Model	
RLA_0192 29B CPR First floor landing	101		Context only	
RLA_0146 29B CPR First Flr Bathroom Pos9	NA	Service area	Context only	
25 Captain Pipers Road	RLA_0147 25 CPR Entry Lvl Deck N side Pos1	82	Similar to 0148	
	RLA_0148 25 CPR Entry Lvl Deck N side Pos1	82		Model
	RLA_0149 25 CPR First Flr Terrace N side Pos2	75		Model
	RLA_0150 25 CPR First Flr Office Pos3	75	Service area	Context only
	RLA_0151 25 CPR Entry Lvl Kitchen S Side Pos4	74		Model
31 Captain Pipers Road	RLA_0187 31 CPR First flr Terrace north side	61		Context only
	RLA_0188 31 CPR First flr Terrace north side	75		Model
	RLA_0189 31 CPR First flr Bedroom nth side	114		Context only



Annexure B: Photomontages







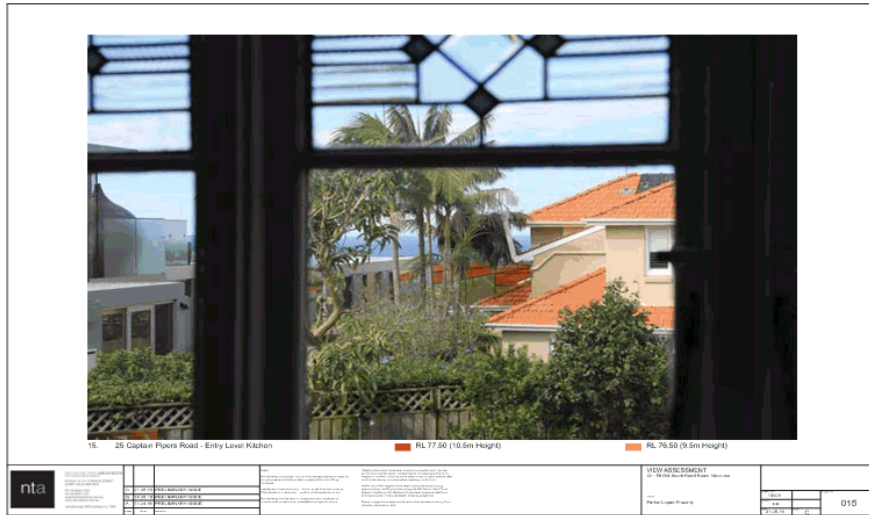














Annexure C: Curriculum Vitae

Summary Curriculum Vitae: Dr Richard Lamb



Summary

- Qualifications
 - Bachelor of Science - First Class Honours, University of New England
 - Doctor of Philosophy, University of New England in 1975
- Employment history
 - Tutor and teaching fellow – University of New England School of Botany 1969-1974
 - Lecturer, School of Life Sciences, NSW Institute of Technology (UTS) 1975-1979
 - Senior lecturer in Landscape Architecture, Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney 1980-2009
 - Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006
 - Principal and Director, Richard Lamb and Associates, 1989-2016
- Teaching and research experience
 - visual perception and cognition
 - aesthetic assessment and landscape assessment
 - interpretation of heritage items and places
 - cultural transformations of environments
 - conservation methods and practices
- Academic supervision
 - Undergraduate honours, dissertations and research reports
 - Master and PhD candidates: heritage conservation and environment/behaviour studies
- Professional capability
 - Consultant specialising in visual and heritage impacts assessment
 - 30 year's experience in teaching and research in environmental impact, heritage and visual impact assessment.
 - Provides professional services, expert advice and landscape and aesthetic assessments in many different contexts
 - Specialist in documentation and analysis of view loss and view sharing
 - Provides expert advice, testimony and evidence to the Land and Environment Court of NSW and Planning and Environment Court of Queensland in visual and heritage contentions in various classes of litigation.
 - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
 - Appearances in over 230 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 800 individual consultancies.

A full Cv can be viewed on the Richard Lamb and Associates website at www.richardlamb.com.au

Annexure 3

Use of photomontages

The following requirements for photomontages proposed to be relied on as or as part of expert evidence in Class 1 appeals will apply for proceedings commenced on or after 1 October 2013. The following directions will apply to photomontages from that date:

Requirements for photomontages

1. Any photomontage proposed to be relied on in an expert report or as demonstrating an expert opinion as an accurate depiction of some intended future change to the present physical position concerning an identified location is to be accompanied by:

Existing Photograph.

- a) A photograph showing the current, unchanged view of the location depicted in the photomontage from the same viewing point as that of the photomontage (the existing photograph);
- b) A copy of the existing photograph with the wire frame lines depicted so as to demonstrate the data from which the photomontage has been constructed. The wire frame overlay represents the existing surveyed elements which correspond with the same elements in the existing photograph; and
- c) A 2D plan showing the location of the camera and target point that corresponds to the same location the existing photograph was taken.

Survey data.

- d) Confirmation that accurate 2D/3D survey data has been used to prepare the Photomontages. This is to include confirmation that survey data was used:
 - i. for depiction of existing buildings or existing elements as shown in the wire frame; and
 - ii. to establish an accurate camera location and RL of the camera.
2. Any expert statement or other document demonstrating an expert opinion that proposes to rely on a photomontage is to include details of:
 - a) The name and qualifications of the surveyor who prepared the survey information from which the underlying data for the wire frame from which the photomontage was derived was obtained; and
 - b) The camera type and field of view of the lens used for the purpose of the photograph in (1)(a) from which the photomontage has been derived.

Item No:	D2 Delegated to Committee
Subject:	STUDY OF PADDINGTON HOTELS - PROGRESS REPORT
Author:	Chris Bluett, Manager - Strategic Planning
Approver:	Allan Coker, Director - Planning & Development
File No:	18/95744
Reason for Report:	To respond to the Council's decision of 18 June 2018 which requires a progress report on the Study of Paddington Hotels

Recommendation:

THAT the progress report on the Study of Paddington Hotels be received and noted.

1. Background

At its meeting on 18 June 2018 the Council made the following decision regarding the project titled "Study of Paddington Hotels" which is listed in the Delivery Program 2018-2021 and Operational Plan 2018-2019.

- C. *An initial draft consultant's report (including inventory sheets) be forwarded to Councillors via a Councillor delivery and added to Councillors HUB, prior to the consultation with affected property owners and that a further progress report be prepared to the next Environmental Planning Committee on the 'Study of Hotels in Paddington' action listed in the draft Delivery Program 2018 - 2021 and Operational Plan 2018 - 2019, which includes commentary on amending controls, heritage listing, time lines and the delivery of the project.*

This report responds to the second part of the Council's decision. It provides an outline of work to date, including commentary on amending controls in Woollahra DCP 2015.

The decision on 18 June 2018 was preceded by three decisions made by the Council on 21 May 2018 arising from notices of motion.

- 1) *That Council request staff to undertake an assessment of heritage significance for the Four in Hand Hotel (located at 105 Sutherland Street, Paddington) (the property) and report to the Environmental Planning Committee on whether the property has sufficient heritage significance to be listed as:*
- a) *a local heritage item in the Woollahra Local Environmental Plan 2014(WLEP), and*
 - b) *an item on the State Heritage under the Heritage Act 1977.*
- 2) *That Council:*
- A. *Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (the DPOP):*
 - i *4.3.1 - Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage items; and*
 - ii *4.3.1.1 - Carry out a study of hotels in Paddington to determine and establish more specific conservation controls' (the Paddington Pub Project);*
 - B. *Further notes its resolution on 27 November 2017, giving next priority to the Paddington Pub Project.*
 - C. *Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources).*
 - D. *In preparing the Paddington Pub Project, gives consideration to exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (the DCP)) are available to ensure that existing controls and*

protections that currently apply to pubs continue to apply regardless of any change in use.

- E. Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:*
- i raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and*
 - ii request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.*

- 3) *That Council requests staff to urgently complete DPOP Item 4.3.1.1 (Carry out a study of hotels in Paddington to determine and establish more specific conservation controls) and include in their report a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard.*

2. Project status

The Paddington Hotels Study relates to eleven hotels located within the Paddington Heritage Conservation Area. Three of the hotels are currently listed as heritage items. The following table lists the hotels.

	Hotel name	Address	Listed status in Woollahra LEP 2014
1	Bellevue Hotel	157-159 Hargrave Street, Paddington	No
2	Four in Hand Hotel	105 Sutherland Street, Paddington	No
3	Grand National Hotel	33 Elizabeth Street (161 Underwood Street), Paddington	No
4	Imperial Hotel	252 Oxford Street, Paddington	No
5	London Tavern Hotel	85 Underwood Street, Paddington	No
6	Lord Dudley Hotel	236 Jersey Road, Paddington	Yes
7	Paddington Arms Hotel	384 Oxford Street, Paddington	No
8	Paddington Inn Hotel	338 Oxford Street, Paddington	No
9	Royal Hotel	237 Glenmore Road, Paddington	Yes
10	Unicorn Hotel	102-106 Oxford Street, Paddington	No
11	Village Inn Hotel (formerly Durty Nelly's Hotel and the Rose and Crown Hotel)	9-11 Glenmore Road, Paddington	Yes – listed as the Rose and Crown Hotel

The original intention of the Study was twofold. First, to assess the heritage significance of the non-listed hotels in order to determine whether they warrant listing as heritage items in a local environmental plan. This aspect of the project would include the preparation of heritage inventory sheets which incorporated the assessment criteria provided in the document titled *Assessing Heritage Significance*, published by the NSW Heritage Office in 2001. The second purpose of the Study was to prepare or update heritage inventory sheets for the three listed hotels.

The project was commenced and reached a stage where preliminary draft heritage inventory sheets were prepared. This work was done with the assistance of a consultant who carried out historical research. The assessment of heritage significance was only partly completed. The process also required further review of approved development applications to gauge the extent of changes to the hotels. Site inspections and consultation with the landowners were also necessary.

In order to respond to the three decisions of the Council made on 21 May 2018 which required the project to be completed with urgency, external resources have been sought. A project brief has been prepared and, in accordance with the Council's procurement process, sent to three consultants.

The brief contains the following scope of works which are to be undertaken in two stages.

Stage 1- Review, amend and update heritage inventory sheets

1. Review, amend and update the draft heritage inventory sheets for the eleven hotels. This will include reviewing, amending and updating the following elements:
 - The statement of significance.
 - The description of the building.
 - The physical condition and/or archaeological potential.
 - Modifications and updates.
 - Further comments relating to hotels in general.
 - Historical notes.
 - The assessment of heritage significance using the process and heritage assessment criteria contained in the New South Wales Heritage Manual (2001).
 - The recommendation for listing the eight hotels that are currently not listed as local heritage items in Schedule 5 of Woollahra LEP 2014. It is intended to retain the heritage listing of the three currently listed hotels.
2. Make a recommendation for the eleven hotels on whether they should be individually listed as an item on the State Heritage Register under the Heritage Act 1977.

Stage 2 – State Heritage Register listing

1. If the recommendation is for listing a hotel on the State Heritage Register, prepare an inventory sheet using the OEH (Heritage Division) standard template.
2. If the recommendation is for listing on the State Heritage Register, prepare a nomination form using the OEH (Heritage Division) standard template.

The brief requires stages one and two to be carried out for the Four in Hand Hotel as a priority. Timelines for the project are:

- Submission of the consultant's fee proposal - by 25 June 2018.
- Initial draft report - five weeks from appointment.
- Final draft report - 2 weeks from receiving comments from staff.
- Consultation with property owners – 4 weeks.
- Review of final draft with comments from property owners – 3 weeks.

The anticipated timeline would see a final report being available by the end of October 2018. However, this may be revised due to factors such as achieving access to premises in a reasonable

time, availability of research material, the consultant's program for delivery and the response times observed by the property owners.

A shorter timeframe will apply to the Four in Hand Hotel because of the priority given in the project brief.

At the time of writing this report initial responses have been received from the three consultants. We will provide an update on this process at the Committee's meeting on 2 July 2108. Based on the project brief's timelines we expect to appoint a consultant by the end of June.

The Council's decision on 18 June 2018 also requires commentary on amended controls for hotels. The local planning controls for hotels are set down in Woollahra LEP 2014 and Woollahra LEP 2015. The LEP deals with the land use permissibility for hotels (referred to in the LEP as pubs). It is not intended to address these provisions as part of the project.

Woollahra DCP 2015 contains specific planning provisions for hotels in the Paddington Heritage Conservation Area. These were reviewed and updated in 2008. Subject to the findings reached with the Paddington hotels project, further refinement of the current controls may be required. If changes are required they will be outlined in the staff report to the Environmental Planning Committee which will present the completed study and recommendations.

3. Conclusion

The Paddington Hotels project is progressing as a priority project as directed by the Council. To assist with the project delivery consultants are being engaged. It is anticipated the final report will be available for presentation to a meeting of the Environmental Planning Committee in the final quarter of 2018.

Annexures

Nil

Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

