

Urban Planning Committee Agenda



Agenda: *Urban Planning Committee*

Date: *Monday 23 May 2016*

Time: *6.00pm*

Outline of Meeting Protocol & Procedure:

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

Recommendation only to the Full Council:

- Such matters as are specified in Section 377 of the Local Government Act and within the ambit of the Committee considerations.
- Broad strategic matters, such as:-
 - Town Planning Objectives; and
 - major planning initiatives.
- Matters not within the specified functions of the Committee.
- Matters requiring supplementary votes to Budget.
- Urban Design Plans and Guidelines.
- Planning Proposals and Local Environment Plans.
- Residential and Commercial Development Control Plans.
- Rezoning applications.
- Heritage Conservation Controls.
- Commercial Centres Beautification Plans of Management.
- Matters requiring the expenditure of moneys and in respect of which no Council vote has been made.
- Matters reserved by individual Councillors in accordance with any Council policy on "safeguards" and substantive changes.

Delegated Authority:

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

Committee Membership: 7 Councillors

Quorum: The quorum for a Committee meeting is 4 Councillors.

Woollahra Municipal Council

Notice of Meeting

18 May 2016

To: Her Worship the Mayor, Councillor Toni Zeltzer ex-officio
Councillors Katherine O'Regan (Chair)
Ted Bennett (Deputy Chair)
Luise Elsing
James Keulemans
Matthew Robertson
Jeff Zulman

Dear Councillors

Urban Planning Committee – 23 May 2016

In accordance with the provisions of the Local Government Act 1993, I request your attendance at Council's **Urban Planning Committee** meeting to be held in the **Thornton Room (Committee Room)**, 536 New South Head Road, Double Bay, on **Monday 23 May 2016 at 6.00pm.**

Gary James
General Manager

Meeting Agenda

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 9 May 2016 - 16/67680	7
D2	Double Bay Working Party - minutes of meeting held on 19th April 2016 (SC2819) - 16/62148.....	9

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

R1	Yarranabbe Park and Rushcutters Bay Park sea wall planning proposal - 16/65392.....	15
R2	Planning Proposal for 48 Duxford Street, Paddington - 16/44367	65
R3	Revised planning proposal for 374 and 376-382 New South Head Road, Double Bay (SC2873) - 16/63652.....	131

Item No: D1 Delegated to Committee
Subject: **CONFIRMATION OF MINUTES OF MEETING HELD ON 9 MAY 2016**
Author: Sue O'Connor, Secretarial Support - Governance
File No: 16/67680
Reason for Report: The Minutes of the Urban Planning Committee of 9 May 2016 were previously circulated. In accordance with the guidelines for Committees' operations it is now necessary that those Minutes be formally taken as read and confirmed.

Recommendation:

That the Minutes of the Urban Planning Committee Meeting of 9 May 2016 be taken as read and confirmed.

Item No: D2 Delegated to Committee
Subject: **DOUBLE BAY WORKING PARTY - MINUTES OF MEETING HELD ON 19TH APRIL 2016 (SC2819)**
Author: Peter Kauter, Manager Placemaking
Approver: Allan Coker, Director - Planning & Development
File No: 16/62148
Reason for Report: To report on the activities of the Double Bay Working Party

Recommendation:

THAT the minutes of the Double Bay Working Party meeting held on 19/04/2016 as contained in Annexure 1 of this report be received and noted.

1. Background:

Council at its meeting on 11/11/2013 resolved to establish a working party comprising selected Councillors and key stakeholders to oversee the preparation and implementation of the Double Bay Place Plan.

The Working Party held its inaugural meeting on 20/05/2014.

Under the Double Bay Working Party's (DBWP's) Terms of Reference its stated purpose is:

The purpose of the working party is to oversee the preparation and implementation of a strategic action plan for the Double Bay commercial centre. The strategic action plan is to set out further strategies and actions for the revitalisation of the Double Bay commercial centre and will include a process for further testing and implementing the planning strategies arising from the Delivering a Sustainable Future City Program. The Working Party shall not operate in a regulatory or authoritative capacity.

The above statement of purpose is consistent with Council's resolution of 11 November 2013 in relation to the establishment and purpose of the working party.

Under *Delegated Authority* the Terms of Reference provide:

The Working Party is an advisory committee only and has no delegated authority. The Working Party will report to the Urban Planning Committee as required.

Accordingly the minutes of the DBWP meeting held on 19/04/2016 are being reported to the Urban Planning Committee for its consideration.

2. Conclusion:

The key points arising from the DBWP meeting held on 19/04/2016 were:

- **Public Domain Lighting Strategy** - demonstration by ARUP of tree 'bud' lighting options
- **Public Domain Strategy** – presentation by Aspect Studios of the draft Double Bay Public Domain Strategy
- **Double Bay Good Food Week** – update from Deirdre O'Loughlin, O'Loughlin Communications and Geoff Jaeger on Double Bay Good Food Week

- **Economic Feasibility Study** – update by staff on the community engagement strategy for the Economic Feasibility Study

Arrangements for the next meeting of the Working Party are to be confirmed.

Annexures

1. Minutes of the Double Bay Working Party meeting held on 19 April 2016

**WOOLLAHRA COUNCIL
DOUBLE BAY WORKING PARTY**

MEETING MINUTES

Date: Tuesday 19 April 2016
Time: 6.00pm
Location: Thornton Room, Woollahra Council

Present	Councillors	Toni Zeltzer – Mayor (Chair) James Kulemans Anthony Marano Katherine O'Regan
	Business	Cara Inia (Double Bay Chamber of Commerce) Ms Deirdre O'Loughlin (Double Bay Networking Group)
	Residents	Alexandra Joel (Double Bay Residents Association) Ms Christine McDiven
	Woollahra Council staff	Allan Coker – Director Planning and Development Chris Bluett – Manager-Strategic Planning Anne White – Acting Team Leader-Strategic Planning Tom Jones – Urban Design Planner Richard Ladlow – Acting Manager-Capital Projects Peter Kauter – Manager-Placemaking
	Consultants	Tim Carr, ARUP Rebecca Cadorin, ARUP Simeon King, Aspect Studios Joanna Tanus, Aspect Studios
	Guests	Geoff Jaeger, GkJE Peter Tate – Royal Oak Hotel Ben Palmer – Indigo Drew Bolton – Vine Bob Killick – 18 Footers Sailing Club

Item	Subject	Discussion	Action
1	Apologies	Leslie Berger Alison McKenzie	Nil
2	Adoption of minutes of meeting on 10 November 2015	Adopted without change:	Nil
3	Public domain lighting strategy and plan	Tim Carr & Rebecca Cadorin, ARUP, did a demonstration of a range of 'bud' tree lights including node lighting options and different light intensity. This was a follow-up to the previous	Staff to e-mail Working Party Members about their preferences for prioritising projects in

Item	Subject	Discussion	Action
		<p>meeting where the ARUP Final Draft Lighting Strategy was presented.</p> <p>There was discussion about what was the most suitable light intensity and it was generally agreed that a mid-range intensity was the most suitable.</p> <p>There was also discussion about the priority of projects identified in the Draft Lighting Strategy. It was agreed that the Working Party Members be polled by e-mail as to their preferences to enable the implementation phase to commence without delay.</p> <p>The next steps are for a decision to be made on community consultation (a report on the agenda of the next Urban Planning Committee will include a reference to this) & a report to Council for adoption of the draft strategy.</p>	<p>the Final Draft Lighting Strategy.</p> <p>[The nature of proposed community consultation be decided following the outcome of the report to Council]</p>
4	Public domain strategy	<p>Simeon King, Aspect Studios, presented the draft public domain strategy. The Working Party was generally satisfied with the identified projects and design approaches. It was also keen to have the strategy go to Council for adoption.</p> <p>There was discussion on priorities, e.g. the Harbour frontage, Gullfoyle Park, Kiaora Lane, West link, etc.</p> <p>The next steps are for finalisation of the strategy, a decision to be made on community consultation (a report on the agenda of the next Urban Planning Committee will include a reference to this) & a report to Council for adoption of the draft strategy.</p>	<p>Aspect Studios to work with staff on the finalising the draft for presentation at the next Working Party meeting.</p> <p>[The nature of proposed community consultation be decided following the outcome of the report to Council]</p>
5	Double Bay Good Food Week (DBGFW)	<p>Deirdre O'Loughlin, O'Loughlin Communications, & Geoff Jaeger updated the Working Party on progress with the DBGFW.</p> <p>It will take place from 10th May 2016 for 6 days. DBGFW will be launched at the InterContinental Hotel on 28/04/2016.</p> <p>The Working Party was pleased with the progress being made on DBGFW.</p>	Noted.

Item	Subject	Discussion	Action
6	Supplementary capital works program	Digital city guides – arrangements are still proceeding with Envent to develop a mobile way-finding application.	Noted.
7	Economic feasibility study	A report on the community engagement strategy is on the agenda for the next meeting of the Urban Planning Committee meeting on 26/04/2106.	Noted.
The next meeting of the Working Party TBC			

Draft

Item No: R1 Recommendation to Council
Subject: **YARRANABBE PARK AND RUSHCUTTERS BAY PARK SEA WALL PLANNING PROPOSAL**
Author: Amelia Parkins, Strategic Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 16/65392
Reason for Report: To report on the public exhibition of the planning proposal to heritage list Yarranabbe Park and Rushcutters Bay Park sea wall.
To obtain Council's approval to proceed with finalisation of the planning proposal.

Recommendation:

- A. THAT Council proceed with the planning proposal for Yarranabbe Park and Rushcutters Bay Park sea wall.
- B. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 28 January 2016, to carry out the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979*.

1. Background

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

- A. *THAT Council commend the Darling Point Society for commissioning a Heritage Report on Yarranabbe Park and thank them for their ongoing commitment to heritage preservation in our community.*
- B. *THAT Council staff review the report commissioned by the Darling Point Society along with other relevant documentation and provide a report to the Urban Planning Committee, considering a local heritage listing of the Yarranabbe Park sea wall and Rushcutters Bay Park sea wall to the boundary with the City of Sydney, ensuring a contiguous heritage listing.*

A report responding to this notice of motion and providing an assessment of cultural significance for the sea walls at Yarranabbe Park and Rushcutters Bay Park, was presented to Council's Urban Planning Committee on 16 November 2015 (contained in **Annexure 1**).

At its meeting of 14 December 2016, Council resolved:

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

In response to that decision, a planning proposal (**Annexure 1**) was prepared and submitted to the Department of Planning and Environment who issued a Gateway Determination on 28 January 2016 (**Annexure 2**).

2. Public exhibition

The planning proposal was exhibited from 24 February 2016 to 31 March 2016, consistent with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000* and the conditions set out in the Gateway Determination.

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. Details of the exhibition were notified in the *Wentworth Courier* editions of 2, 9, 16, 23 and 30 March 2016.

In accordance with the Gateway Determination, notification of the planning proposal was sent to over 250 landowners and community groups, including the Darling Point Society, Woollahra History and Heritage Society and the NSW Office of Environment and Heritage.

During the exhibition period the information page on Council's website was visited by 105 external customers.

3. Submissions

Six submissions, all in support of the planning proposal, were received:

1. Elizabeth Meagher;
2. Woollahra History and Heritage Society;
3. Gabrielle Regan;
4. Joe Meagher;
5. John & Marie Beville; and
6. NSW Office of Environment and Heritage.

A copy of the submissions is provided at **Annexure 3**.

4. 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, the Council has been provided with written authorisation to exercise the functions of the Greater Sydney Commission to make a local environmental plan under section 59 of the Act.

Should Council resolve to finalise the planning proposal, staff will request that the Parliamentary Counsel (PC) prepare a draft local environmental plan. 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 proceed with it under section 58(4) of the Act.

5. Conclusion

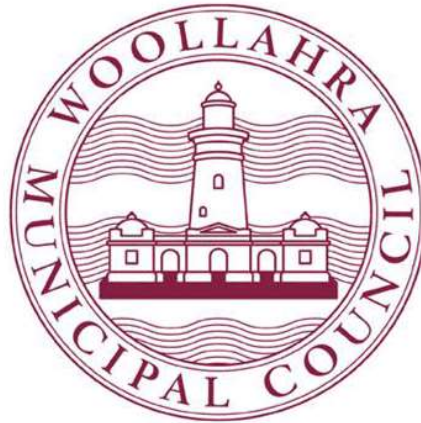
The heritage significance of the sea wall has been properly assessed under the NSW Heritage Branch publication, *Assessing Heritage Significance* and found to have significance under the historical, aesthetic and representative criteria.

For the reasons outlined in this report and those identified in the Urban Planning Committee report dated 14 December 2015, it is recommended that Council resolve to finalise the planning proposal to amend WLEP 2014 by listing the Yarranabbe Park and Rushcutters Bay Park sea wall as a local heritage item.

Annexures

1. Yarranabbe Park and Rushcutters Bay Park sea wall planning proposal, as exhibited.
2. Gateway Determination, dated 28 January 2016.
3. Submissions to the planning proposal for Yarranabbe Park and Rushcutters Bay Park sea wall.

Annexure 1



PLANNING PROPOSAL

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

December 2015

Version date 10 December 2015

Table of Contents

Part 1 – Introduction	1
Part 2 – Site and context description	1
2.1 Context	1
2.2 Physical description	2
Part 3 – Historical overview	3
Part 4 – Objectives of the planning proposal	4
Part 5 – Explanation of provisions	4
Part 6 – Justification	6
Section A – Need for the planning proposal	6
Section B – Relationship to strategic planning framework	6
Part 6 – Mapping	10
Part 7 – Community consultation	10
Part 8 – Project timeline	11
Attachment 1 Heritage assessment (heritage inventory sheet)	12
Attachment 2 Woollahra LEP 2014 conservation clauses	18
Attachment 3 Report to Council’s Urban Planning Committee	21
Attachment 4 Consistency with state environmental planning policies	30
Attachment 5 Compliance with section 117 directions	34

Part 1 – Introduction

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

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

Part 2 – Site and context description

The planning proposal applies to land shown in Figure 1.



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

2.1 Context

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

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

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

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

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

2.2 Physical description

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

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



Figure 2. Photographs of the seawall

Part 3 – Historical overview

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

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

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

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

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

Part 4 – Objectives of the planning proposal

The objectives of the planning proposal are:

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

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

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

Part 5 – Explanation of provisions

The objectives of the planning proposal will be achieved by:

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

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

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

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

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

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

Part 6 – Justification

Section A – Need for the planning proposal

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

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

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

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

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

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

Section B – Relationship to strategic planning framework

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

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

A Plan for Growing Sydney (December 2010)	
<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. <p>A Plan for Growing Sydney is a high level, strategic planning document. Only a very small part of the Plan's content has relevance to the planning proposal. The relevant parts of the Plan are listed below. The Woollahra L.G.A is located in the Central Subregion as defined under the Plan.</p>	
Goal	Comment on consistency
<p>3. A great place to live with communities that are strong, healthy and well connected. The Plan states in part, <i>The Plan builds on Sydney's reputation of a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history.</i></p>	<p>The planning proposal will help meet this goal by recognising and protecting part of Sydney's heritage.</p>
Directions	
<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 most are not related to this planning proposal. The relevant planning direction is addressed below.</p>	
Direction	Comment on consistency
<p>3.4 Promote Sydney's heritage, arts and culture.</p>	<p>The planning proposal is the result of a local heritage study in accordance with best practice guidelines in the ICOMOS Burra Charter and the NSW Heritage Manual. The study identified the seawall associated with Yarranabbe Park and Rushcutters Bay Park as having local heritage significance.</p>
Central Sub-region priorities	Comment on consistency
<p>The priorities for the Central Sub-region 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 	<p>None of these priorities are applicable to the planning proposal.</p>

Draft East Subregional Strategy (July 2007)	
<p>The Draft East Subregional Strategy provides a strategic planning framework for Sydney's eastern subregional. It provides an intermediate step between the higher level metropolitan strategy (A Plan for Greater Sydney) and local plans. The relevant parts of the Draft Strategy are listed below.</p> <p>Strategy E – Environment, Heritage and Resources</p> <p>Under this strategy, the Draft Strategy highlights the rich cultural history of the subregion demonstrated through historic areas, places and cultural features.</p>	
E6 – Conserve Sydney's cultural heritage	
Objective and action	Comment on consistency
<p>E6.1 Provide a consistent approach to identify and protect Sydney's cultural heritage.</p> <p>EA E6.1.1 Australian heritage agencies will develop standard criteria and threshold values</p>	<p>The heritage assessment that informed this planning proposal was carried out in accordance with the principles of the Burra Charter and the NSW Heritage Manual.</p>
<p>E6.2 Recognise where Sydney's cultural heritage contributes to its unique character and quality and manage change appropriately to reinforce local distinctiveness.</p>	<p>This planning proposal seeks to formally recognise the cultural significance of the Yarranabbe Park and Rushcutters Bay Park seawall by listing them as a local heritage item.</p>
<p>E6.3 Interpret and promote Sydney's cultural heritage.</p>	<p>Local heritage listing of the Yarranabbe Park and Rushcutters Bay Park seawall will provide for its ongoing protection and recognition. The seawall is located in the public domain and is visible evidence of an important Government reclamation scheme. By recognising and protecting the seawall this planning proposal promotes and interprets an important part of Woollahra's cultural heritage.</p>

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

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

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

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

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

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

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

Section C – Environmental, social and economic impact

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

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

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

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

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

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

Section D – State and Commonwealth interests

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

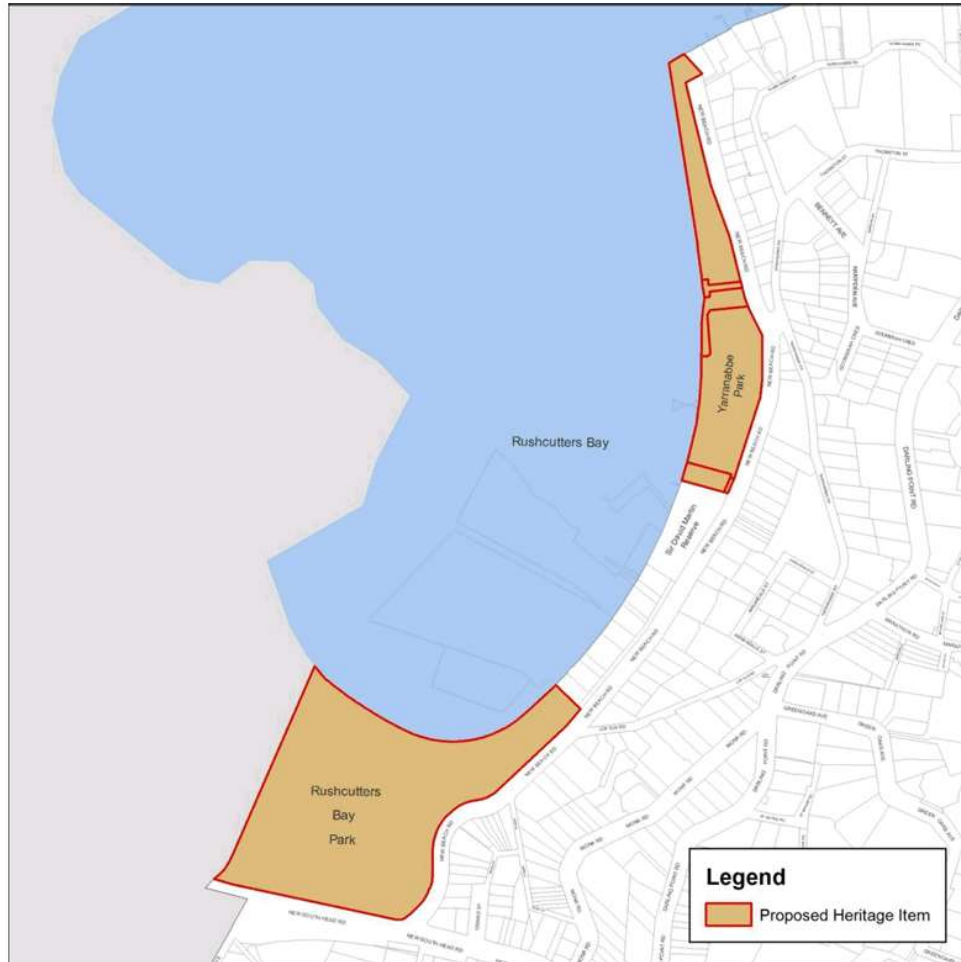
Not applicable.

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

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

Part 7 – Mapping

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



Part 8 – Community consultation

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

Public notification of the exhibition will comprise:

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

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

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

Part 9 – Project timeline

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

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

Attachment 1 Heritage assessment (heritage inventory sheet)

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

Physical condition	Good
Modification and Dates	Unknown
Archaeological potential	The existing seawall was constructed over the top of the original ballast dyke wall and may reveal further information.
HISTORY	
Historical notes	
<p>Rushcutters Bay Park and Yarranabbe Park are located on the western side of the promontory known as Darling Point, named after the wife of Governor Darling. The Aboriginal name for the point was Yarranabbe. The indigenous inhabitants of the area comprised of at least two clans, the Cadigal and the Birrabirralah , however by 1789 the majority of the Aboriginal population had been killed by the smallpox epidemic or moved away from the area. However, there are descendants still living in the area.</p> <p>Rushcutters Bay Park and Yarranabbe Park were part of a major public works program that involved reclamation of the large area of marsh, channeling of the creek and construction of a ballast dyke seawall.</p> <p>The following table provides an overview of the historical development of Rushcutters Bay Park and Yarranabbe Park:</p>	
Pre 1788	The land that is now known as Rushcutters Bay Park extending to Yarranabbe Park was a swamp area, with the mean high water mark on the east running approximately along the location as New Beach Road.
1810	Convict and landowner Thomas West (1773-1858) successfully petitioned Governor Macquarie for permission to erect a watermill on Rushcutters Creek in June 1810.
1830	New South Head Road was constructed, running through land granted to Thomas West.
1842	Sydney Town was incorporated. The creek flowing into the western side of Rushcutters Bay was fixed as the municipal boundary and remains the boundary today.
1860	The land adjacent to Rushcutters Bay was heavily cultivated, particularly by Chinese market gardens.
1875	A petition was signed by 500 residents of Rushcutters Bay urging the reclamation of land to the low water mark for the purpose of a public reserve. At this time there were complaints that the swamp area was unhealthy and unsightly.
1878	The Rushcutters Bay Act 1878 was passed dedicating Rushcutters Bay Park for Public Recreation.
1880 - 1890	The Rushcutters Bay foreshores, including land now known as Yarranabbe Park, was reclaimed by extending the land about 200m into the bay. At this time construction of the stormwater channel and a ballast dyke seawall began.
1885	Rushcutters Bay Park was proclaimed as a Public Park on 11 December 1885 under the Public Parks Act 1884.
1889	The water frontage area was designated as a public landing place and a slip was provided for public use.
1890	A new vertical seawall was constructed to replace the ballast dyke wall. The seawall varied its location in parts from the ballast dyke wall, with portions of the new seawall being constructed further out into the harbour than the first seawall.
1899	Ten small allotments were created by the new alignment of the seawall. Six boat sheds with associated slipways and jetties were constructed.
1902	NSW Volunteer Naval Brigade was utilising lands to the south of Yarranabbe Park. The land (now known as Sir David Martin Reserve) was gazetted for use as a naval recreation ground.

Woollahra Council Planning Proposal – Yarranabbe Park and Rushcutters Bay Park seawall
10 December 2015

13

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

HISTORICAL THEMES

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

HERITAGE SIGNIFICANCE ASSESSMENT

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

Woollahra Council Planning Proposal – Yarranabbe Park and Rushcutters Bay Park seawall
10 December 2015

14

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

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




IMAGES			
Image Caption		Image showing the seawall at the northern end of Yarranabbe Park.	
			
Image Year	2015	Image author and Copyright Holder	Woollahra Council

Image Caption		Image showing the seawall from Yarranabbe Park looking towards Sir David Martin Reserve	
			
Image Year	2015	Image author and Copyright Holder	Woollahra Council

Woollahra Council Planning Proposal – Yarranabbe Park and Rushcutters Bay Park seawall
10 December 2015

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

AUTHOR OF THIS REPORT	
Name	Date
Woollahra Council	November 2015

Attachment 2 Woollahra LEP 2014 conservation clauses

5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows:

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

(2) Requirement for consent

Development consent is required for any of the following:

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

(3) When consent not required

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

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

Woollahra Council Planning Proposal – Yarranabbe Park and Rushcutters Bay Park seawall
10 December 2015

18

- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
 - (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
 - (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
 - (d) the development is exempt development.
- (4) **Effect of proposed development on heritage significance**
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) **Heritage assessment**
The consent authority may, before granting consent to any development:
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) **Heritage conservation management plans**
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) **Archaeological sites**
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (8) **Aboriginal places of heritage significance**
The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
 - (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.
- (9) **Demolition of nominated State heritage items**
The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:
- (a) notify the Heritage Council about the application, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.
- (10) **Conservation incentives**
The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:
- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
 - (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and
 - (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
 - (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
 - (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Attachment 3 Report to Council's Urban Planning Committee

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

Recommendation:

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

Background

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

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

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

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

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

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

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

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

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

Context

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

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



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

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

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

The seawall

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

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

Ownership

Rushcutters Bay Park is owned by Woollahra Municipal Council.

Woollahra Council Planning Proposal – Yarranabbe Park and Rushcutters Bay Park seawall
10 December 2015

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

Historical overview

Rushcutters Bay Park and Yarranabbe Park are located on the western side of the promontory known as Darling Point, named after the wife of Governor Darling. The Aboriginal name for the point was Yarranabbe. The indigenous inhabitants of the area comprised of at least two clans, the Cadigal and the Birrabirralah¹. However, by 1789 the majority of the Aboriginal population had been killed by the smallpox epidemic or moved away from the area. However, there are descendants still living in the area.

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

The following table provides an overview of the historical development of Rushcutters Bay Park and Yarranabbe Park²:

Date	Summary of historical events
Pre 1788	The land that is now known as Rushcutters Bay Park extending to Yarranabbe Park was a swamp area, with the mean high water mark on the east running approximately along the location as New Beach Road.
1810	Convict and landowner Thomas West (1773-1858) successfully petitioned Governor Macquarie for permission to erect a watermill ³ on Rushcutters Creek in June 1810.
1830	New South Head Road was constructed, running through land granted to Thomas West.
1842	Sydney Town was incorporated. The creek flowing into the western side of Rushcutters Bay was fixed as the municipal boundary and remains the boundary today.
1860	The land adjacent to Rushcutters Bay was heavily cultivated, particularly by Chinese market gardens.

¹ Woollahra Council, *Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve Plan of Management*, 2005.

² Unless noted otherwise, information for this historical summary has been sourced from *Rushcutters Bay Park, Yarranabbe Park and Plantation Reserve Plan of Management*, 2005 and Insite Land Solutions, *Heritage Study of Yarranabbe Park Darling Point*, April 2015.

³ Australian Dictionary of Biography (<http://adb.anu.edu.au/biography/west-thomas-13245>)

- 1875 A petition was signed by 500 residents of Rushcutters Bay urging the reclamation of land to the low water mark for the purpose of a public reserve. At this time there were complaints that the swamp area was unhealthy and unsightly.
- 1878 The *Rushcutters Bay Act 1878* was passed dedicating Rushcutters Bay Park for Public Recreation.
- 1880 - 1890 The Rushcutters Bay foreshores, including land now known as Yarranabbe Park, was reclaimed by extending the land about 200m into the bay. At this time construction of the stormwater channel and a ballast dyke seawall began.
- 1885 Rushcutters Bay Park was proclaimed as a Public Park on 11 December 1885 under the *Public Parks Act 1884*.
- 1889 The water frontage area was designated as a public landing place and a slip was provided for public use.
- 1890 A new vertical seawall was constructed to replace the ballast dyke wall. The seawall varied its location in parts from the ballast dyke wall, with portions of the new seawall being constructed further out into the harbour than the first seawall.
- 1899 Ten small allotments were created by the new alignment of the seawall. Six boat sheds with associated slipways and jetties were constructed.
- 1902 NSW Volunteer Naval Brigade was utilising lands to the south of Yarranabbe Park. The land (now known as Sir David Martin Reserve) was gazetted for use as a naval recreation ground.
- 1904 First swimming sports were held in public baths at Rushcutters Bay (Yarranabbe Park).
- 1911 A row of palms was planted in a 15ft wide strip of land behind the boat sheds, which became known as Plantation Reserve. The reserve was intended as a link between the two foreshore parks.
- 1930 Aerial photographs and plans for Yarranabbe Park indicated a formal park design with circular garden beds. The avenue of figs was planted at this time as part of a municipality wide program of civic beautification works.
- 1944 The Cruising Yacht Club of Australia (CYCA) was formed.
- 1951 The CYCA acquired a boatshed at Rushcutters Bay and opened a club house to the east of Rushcutters Bay park in 1958.
- 1966 The Royal Navy Sailing Association formed to promote sailing in the Royal Australian Navy and operated from a boatshed at HMAS Rushcutter.
- 1968 HMAS Rushcutter was decommissioned (renamed Sir David Martin Reserve in 1991).
- 1974 The Harbour baths were demolished.

2000 Rushcutters Bay Park, Yarranabbe Park and Sir David Martin Reserve were used as the Olympic Sailing Shore Base for the Sydney 2000 Olympic and Paralympic Games.

Cultural significance

Heritage listing

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

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



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

Australia ICOMOS Burra Charter, 2013

To respond to the notice of motion the assessment of cultural significance was carried out in accordance with the Australia ICOMOS Burra Charter⁴ (Burra Charter). The Burra Charter is a guide to making good decisions about heritage places. The Burra Charter process describes

⁴ The Burra Charter, 2013, The Australia ICOMOS Charter for Places of Cultural Significance

the steps involved in identifying and managing the cultural significance of a place. This process is summarised below:

Step One: Understand significance

- Investigate the place
- Assessment of significance

Step Two: Develop policy

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

Step Three: Manage in accordance with policy

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

Cultural significance is the sum of the qualities or values that a place⁵ has, including the five values described in Article 1.2 of the Burra Charter- aesthetic, historic, scientific, social and spiritual. In NSW these values have been expanded to the seven criteria identified in the document *Assessing Heritage Significance*⁶. These criteria are:

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

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

Assessment of significance

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

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

The seawall associated with Yarranabbe Park and Rushcutters Bay Park is an intact, representative example of a seawall constructed in the late 19th century.

⁵ Place is defined in the Burra Charter as: *a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.*

⁶ *Assessing Heritage Significance*, NSW Heritage Office 2001 (Heritage Manual Update)

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

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

Implications of heritage listing

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

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

Planning proposal

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

The steps include:

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

Conclusion

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

The heritage significance of the seawall is demonstrated by the physical fabric that provides evidence of a large scale, late 19th Century NSW Government reclamation initiative for the

purpose of public recreation. The seawall has aesthetic significance as landmark element along the foreshore which complement the natural beauty of Rushcutters Bay. The seawall and associated footpath and park provides the public with an opportunity to experience and enjoy sweeping views of Sydney Harbour.

Attachment 4 Consistency with state environmental planning policies

State Environmental Planning Policy	Comment on consistency
SEPP No 1 - Development Standards	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP N0.14 - Coastal Wetlands	Not applicable
SEPP No 15 - Rural Landsharing Communities	Not applicable
SEPP No 19 - Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 - Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 26 - Littoral Rainforests	Not applicable
SEPP No 29 - Western Sydney Recreation Area	Not applicable
SEPP No 30 - Intensive Agriculture	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 32.- Urban Consolidation (Redevelopment of Urban Land)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 - Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 - Manufactured Home Estates	Not applicable
SEPP No 39 - Spit Island Bird Habitat	Not applicable
SEPP No 44 - Koala Habitat Protection	Not applicable
SEPP No 47 - Moore Park Showground	Not applicable.

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

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

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

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

Attachment 5 Compliance with section 117 directions

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

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



Annexure 2

Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

16/02146

Dear Mr James

Planning Proposal to amend Woollahra Local Environmental Plan 2014

I refer to Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to amend the Woollahra Local Environmental Plan 2014. The proposal seeks to heritage list Yarranabbe Park and Rushcutters Bay sea wall.

As a delegate of the Greater Sydney Commission, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils by instrument of delegation dated 14 October 2012. It is noted that Council has accepted this delegation. 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 LEP is to be finalised within 9 months of the week following 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 the 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 for administrative purposes.

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 Commission may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Mr Wayne Williamson of the Department of Planning and Environment on telephone number (02) 9228 6585.

Yours sincerely


Lee Mulvey 28/1/16
Director, Metropolitan (CBD)
Planning Services

Encl. – Gateway determination

Department of Planning & Environment
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6333 | F 02 9228 6455 | www.planning.nsw.gov.au



Gateway Determination

Planning proposal (Department Ref: PP_2016_WOOLL_002_00): to amend the Woollahra Local Environmental Plan 2014 to heritage list Yarranabbe Park and Rushcutters Bay sea wall.

I, the Director, Metropolitan (CBD) at the Department Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to *Woollahra Local Environmental Plan 2014* to heritage list 48 Duxford Street, Paddington, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as routine as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and 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 LEPs (former Department of Planning & Infrastructure 2013)*.
2. Consultation is required under section 56(2)(d) of the EP&A Act with the Office of Environment and Heritage.

Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
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 EP&A 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** from the week following the date of the Gateway determination.

Dated 28th day of January, 2016.

Director, Metropolitan (CBD)
Planning Services
Department Planning and Environment
Delegate of the Greater Sydney Commission

PP_2016_WOOLL_002_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 that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WOOLL_002_00	Planning proposal to heritage list Yarranabbe Park and Rushcutters Bay sea wall.

In exercising the Greater Sydney Commission's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 28th January 2016


**Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission**

Annexure 3

25th Feb 2016

Elizabeth Meagher

[REDACTED]
Darling Point NSW 2027

The General Manager
Woollahra Council

Re: SC3318 Plan Prop
Yarranabbe Park and Rushcutters Bay Seawall Heritage Listing

Dear Sir

My family **wholeheartedly support** Woollahra Council in listing the Yarranabbe Park/Rushcutters Bay seawall as a heritage item in the Woollahra Local Environment Plan 2014.

We understand this same Heritage Listing has been granted to the other side of the same Seawall in Rushcutters Bay by the Sydney City Council.

We understand the seawall was identified in a recent Heritage Study as exceptional (the highest possible) heritage significance. Built in 1895-99, this considerable harbour structure is "fundamental to the interpretation of the history of the Park".

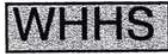
It is well known for its timeless aesthetic appeal from both the Park and Bay aspect.

We applaud the Woollahra Council in its plan to recognize, protect, and ongoing conservation of this most deserving and valuable harbour structure and sincerely hope for your success.

Yours Sincerely



Elizabeth Meagher



WOOLLAHRA HISTORY AND HERITAGE SOCIETY INC.
ABN 17 597 074 575

C/o Woollahra Library,
P.O. Box 61,
DOUBLE BAY NSW1360.

whhs 16008

7 March 2016

Mr Gary James
General Manager
Woollahra Municipal Council

Dear Mr James,

HERITAGE LISTING OF YARRANABBE PARK AND RUSHCUTTERS BAY PARK SEA WALL

The Woollahra History and Heritage Society fully supports the proposal to list the Yarranabbe Park and Rushcutters Bay Park sea wall as a heritage item in Woollahra Local Environmental Plan 1994.

This sea wall was erected in 1890, more that 30 years earlier than the Rose Bay sea wall which was recently listed on the NSW State Heritage Register. It is therefore a very important item in the Municipality's heritage.

In addition to listing the sea wall as a heritage item, the Society trusts that Woollahra Council will ensure that the sandstone walling is maintained and repaired where necessary and that no changes are made to its present configuration.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Poland', written in a cursive style.

Peter Poland OAM
President

cc. The Darling Point Society

From: Gabrielle Regan [REDACTED]
Sent: Tuesday, 8 March 2016 5:25 PM
Subject: SC 3318 Preservation and Heritage Listing

To Whom It may Concern

I wish to express my support for the preservation and heritage listing of Yarranabbe Park and Rushcutters Bay Park seawalls. It is vitally important that these structures are not interfered with in any way other than for regular maintenance purposes. This is a densely populated area and these parks and the stone walls must be kept as is for the enjoyment of local residents and visitors alike.

Gabrielle Regan
[REDACTED]
Darling Point 2027

From: Joe Meagher [REDACTED]
Sent: Wednesday, 9 March 2016 9:36 AM
Subject: SC3318 - Proposed Yarranabbe Park SeaWall Heritage Listing

The General Manager
Woollahra Council

Re: SC3318 Plan Prop

Dear Sir

I fully support Woollahra Council's proposal to heritage list our Seawall bordering Yarranabbe Park and Rushcutters Bay Park.

Heritage protection has been given to this same seawall (southern side) by the City of Sydney Council.

I have read a recent Heritage Study (Insite Land Solutions 2015) which concludes the seawall structure is of "exceptional" heritage significance. This is the highest level possible defining "Rare or outstanding elements that directly contribute to the heritage significance of the place". In the case of the seawall (constructed 1895-1899), it is "fundamental to the interpretation of the History of the Park".

Its beautiful aesthetic qualities are greatly appreciated by the many locals and visitors walking alongside the promenade and a gentle reminder of our early days. Its entirety is even better appreciated from the bayside aspect.

I applaud and sincerely wish for success in your proposal to recognize, protect and conserve for future generations our historic seawall.

Kind Regards

Joe Meagher
[REDACTED]
Darling Point NSW.

From: John Beville [REDACTED]
Sent: Friday, 11 March 2016 12:23 PM
Subject: Yarranabbe Park and Rushcutters Bay Park seawall: REF SC3318

We are 100% in support of a Heritage Listing for the Yarranabbe Park and Rushcutters Bay Park seawall.

It's a wonderful example of our heritage and definitely must be preserved for us and future generations.

Kind regards

John & Marie Beville

[REDACTED]
Darling Point

[John Beville](#)

[Managing Director](#)
[The Beville Group](#)

[REDACTED]
[REDACTED]

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heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

File: SF16/11862
Job ID No: DOC16/135817

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360
Attn: Chris Bluett

Dear General Manager

RE: Planning Proposal to heritage list Yarranabbe Park and Rushcutters Bay Park seawall (SC3318 Plan Prop)

Thank you for your email dated 15 March 2016 referring the abovementioned planning proposal to the Heritage Division, Office of Environment & Heritage (OEH) for comments. The proposal seeks to list Yarranabbe Park and Rushcutters Bay Park seawall as the item of local heritage significance in Schedule 5 of the Woollahra Local Environmental Plan 2014. As the delegate of the Heritage Council of NSW, I provide the following comments:

Heritage listings provide statutory protection to assist with conservation and management of items of heritage significance. The Heritage Council of NSW supports the listing of items of local heritage significance where they are supported by a robust heritage assessment.

The assessment of significance submitted with the planning proposal states that Rushcutters Bay Park and Yarranabbe Park were part of a major public works program that involved reclamation of the large area of marsh, channelling of the creek and construction of a ballast dyke seawall. The current sandstone seawall constructed in the late nineteenth century forms a significant part of the historical development of these parks and the rest of the foreshore over the years.

The proposal demonstrates that the seawall meets the significance criteria for local heritage listing. The Heritage Council of NSW therefore supports the inclusion of Yarranabbe Park and Rushcutters Bay Park seawall as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

If you wish to discuss the matter further, please contact Vibha Bhattarai Upadhyay, Heritage Assessment Officer, on (02) 9873 8587 or via email to vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely

Rajeev Maini
Acting Manager Conservation
Heritage Division, Office of Environment & Heritage
As Delegate of the NSW Heritage Council
23 March 2016
[Helping the community conserve our heritage](#)

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL FOR 48 DUXFORD STREET, PADDINGTON**
Author: Amelia Parkins, Strategic Heritage Officer
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 16/44367
Reason for Report: To report on the public exhibition of the planning proposal to heritage list 48 Duxford Street, Paddington.
To obtain Council's approval to proceed with finalisation of the planning proposal.

Recommendation:

- A. THAT Council proceed with the planning proposal for 48 Duxford Street, Paddington.
- B. THAT Council exercise its delegation authorised by the Director, Metropolitan (CBD) Planning Services, Department of Planning and Environment, on 28 January 2016, to carry out the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 24 August 2015 Council adopted the following notice of motion:

THAT heritage staff prepare a report to consider listing the late Margaret Olley's house at 48 Duxford Street, Paddington as a local heritage item.

On 14 September 2015 the landowner was advised of Council's resolution to prepare a report on the potential heritage listing of 48 Duxford Street, Paddington. On 21 September 2015 Council's Manager Strategic Planning and Strategic Heritage Officer inspected the site with the landowner. On 2 October 2015, following the site inspection, the draft heritage inventory sheet for the property was amended and provided to the landowner for comment.

A report responding to Council's notice of motion was presented to Council's Urban Planning Committee on 2 November 2015. The report (found in **Annexure 1**) described the findings of the heritage assessment of the property outlined in the inventory sheet (also contained in **Annexure 1**). The assessment found that the property reaches the threshold for local heritage listing under the criteria for historical, historic association, aesthetic and social significance. This report was distributed to the landowner prior to the Committee's meeting.

At its meeting of 16 November 2015 Council resolved:

- A. *THAT a planning proposal be prepared to list 48 Duxford Street, Paddington as a heritage item in the Woollahra Local Environmental Plan 2014.*
- B. *THAT when requesting the gateway determination for the planning proposal at point A above, the Council seek delegation of the plan-making steps under section 59 of the Environmental Planning and Assessment Act 1979.*

In response to that decision a planning proposal (**Annexure 1**) was prepared and submitted to the Department of Planning and Environment who issued a Gateway Determination on 28 January 2016 (**Annexure 2**).

2. Public exhibition

The planning proposal was exhibited from 24 February 2016 to 31 March 2016, consistent with the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000* and the conditions set out in the Gateway Determination.

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. Details of the exhibition were notified in the *Wentworth Courier* editions of 2, 9, 16, 23 and 30 March 2016.

In accordance with the Gateway Determination, notification of the planning proposal was sent to over 40 landowners and community groups, including The Paddington Society, and the NSW Office of Environment and Heritage.

During the exhibition period the information page on Council's website was visited by 95 external customers.

3. Submissions

Three submissions were received:

1. Mr Rory Robertson, representative of the owner of 48 Duxford Street, Paddington;
2. NSW Office of Environment and Heritage; and
3. The Paddington Society.

A summary of the submissions and staff responses is provided in the table below. A copy of submissions is provided at **Annexure 3**.

1. Landowner submission	
<p><i>Issues raised in submission:</i></p> <ul style="list-style-type: none"> • Other terraces in Paddington are from the same architectural period but are not listed, for example the property immediately next door. Why is one listed and not the other? • Development of the site is already controlled by enforcing existing regulations. • The most famous rooms have been reconstructed at the Tweed Regional Gallery in Murwillumbah. • Margaret's life and times are already better documented than almost anyone else. 	<p><i>Staff response:</i></p> <ul style="list-style-type: none"> • 48 Duxford Street has a strong association with Margaret Olley, which is a substantial difference to the adjoining property. • The fact that there may be other examples of the style is not a reason to exclude this one from heritage listing. • The Woollahra DCP 2015 provides a guide for development. Heritage listing in the LEP provides additional statutory protection • Physical fabric remains which continues to provide a link to Margaret Olley's occupation of the house. • The fact that Margaret Olley's life and work have been extensively documented is not a reason to exclude heritage listing. <p style="text-align: center;">□</p>

<ul style="list-style-type: none"> The best way to highlight Margaret's long association with Paddington is by placing an ancient rock out the front of 48 Duxford Street. 	<ul style="list-style-type: none"> A commemorative rock is not a replacement or substitute for the statutory protection and recognition that heritage listing provides.
---	--

2. NSW Office of Environment and Heritage	
<p><i>Issues raised in submission:</i></p> <ul style="list-style-type: none"> No issues raised. The submission supports a local listing as the property meets the significance criteria for local heritage listing. 	<p><i>Staff response:</i></p> <ul style="list-style-type: none"> Agreed.

3. The Paddington Society	
<p><i>Issues raised in submission:</i></p> <ul style="list-style-type: none"> The submission does not support heritage listing in the Paddington HCA as it would downgrade the significance and treatment of non-listed buildings in the HCA. As the former residence of Margaret Olley the house has importance, however, much of this importance related to the way Olley occupied the house including internal artefacts which have since been removed. The identified significance of the house could be more aptly recognised through a commemorative plaque. 	<p><i>Staff response:</i></p> <ul style="list-style-type: none"> Heritage listing provides additional protection for the subject building. It does not alter the existing policy documents that guide conservation in Paddington. Heritage listing is appropriate because it acknowledges the historic association of the property with an eminent and renowned Australian painter. Elements of the physical fabric remaining at the property continue to provide a link to the time Margaret Olley occupied the house, including architectural features, room layouts, windows and fireplaces. The significance of the property was identified through a detailed heritage assessment against the NSW Heritage Branch criteria. The process concluded that the property satisfies the criteria for historic, historic association, aesthetic and social significance and warrants local heritage item listing in the WLEP 2014. A plaque is a means of identifying and providing information about a place. A plaque does not adequately reflect the level of heritage significance identified through the heritage assessment process or does it provide protection for the property.
<ul style="list-style-type: none"> Statutory protection and conservation of the item should be dealt with under the DCP. 	<ul style="list-style-type: none"> Statutory protection at a local level is through the LEP. The DCP provides guidelines for development.

4. 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, the Council has been provided with written authorisation to exercise the functions of the Greater Sydney Commission to make a local environmental plan under section 59 of the Act.

Should Council resolve to finalise the planning proposal, staff will request that the Parliamentary Counsel (PC) prepare a draft local environmental plan. 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 proceed with the proposal under section 58(4) of the Act.

5. Conclusion

The heritage significance of the property has been properly assessed under the NSW Heritage Branch publication, *Assessing Heritage Significance* and found to have significance under the historical, historical association, aesthetic and social criteria.

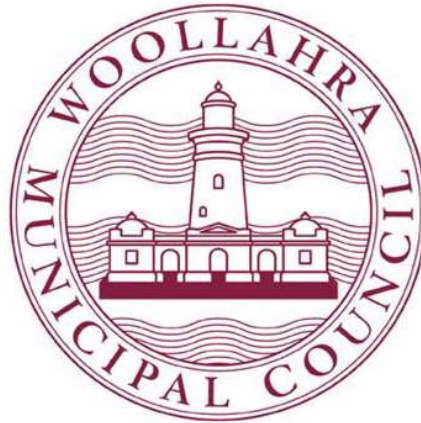
None of the submissions received as a consequence of publicly exhibiting the planning proposal have provided adequate reasons to warrant amendment or termination of the planning proposal.

For the reasons outlined in this report and those identified in the Urban Planning Committee report dated 2 November 2015 it is recommended that Council resolve to finalise the planning proposal to amend WLEP 2014 by listing 48 Duxford Street, Paddington, as a local heritage item.

Annexures

1. 48 Duxford Street, Paddington planning proposal, as exhibited.
2. Gateway Determination, dated 28 January 2016.
3. Submissions to planning proposal for 48 Duxford Street, Paddington.

Annexure 1



PLANNING PROPOSAL

**Local heritage listing
48 Duxford Street, Paddington**

February 2016

Version date 17 February 2016

Table of Contents

Part 1 – Introduction	1
Part 2 – Site and context description	1
2.1 Description.....	2
Part 3 – Historical overview	2
Part 4 – Objectives of the planning proposal	4
Part 5 – Explanation of provisions	5
Part 6 – Justification	5
Section A – Need for the planning proposal	5
Section B – Relationship to strategic planning framework	6
Part 7 – Mapping	10
Part 8 – Community consultation	10
Part 9 – Project timeline	11
Attachment 1 Heritage assessment (heritage inventory sheet)	12
Attachment 2 Woollahra LEP 2014 conservation clauses	22
Attachment 3 Report to Council’s Urban Planning Committee	25
Attachment 4 Consistency with state environmental planning policies	33
Attachment 5 Compliance with section 117 directions	37

Part 1 – Introduction

This planning proposal is made in relation to the local heritage listing of 48 Duxford Street, Paddington. The intention of the planning proposal is to provide for the on-going protection and recognition of the heritage significance of the property.

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

Part 2 – Site and context description

The planning proposal applies to land shown in Figure 1, known as 48 Duxford Street, Paddington Lot 1 DP 918750.



Figure 1. Location of 48 Duxford Street, Paddington.

2.1 Description

The subject building is a two storey late Victorian Italianate terrace house with a decorative stucco façade and filigree detailing. It has an intact principal building form with balconies to the front and rear. The building displays features typical of its architectural style including Italianate stuccoed pilasters, architraves, corbelling and quoins to front façade, vermiculation to quoins and party wall corbels, decorative cast iron lace brackets, frieze with finials, balustrade and columns and timber dentils to front balcony/verandah. The rear wing remains intact with an irregular double hung window fenestration pattern. Internally the building has early 20th century skirting boards, modelled architraves, cornices, solid core timber doors, decorative plaster ceiling roses, hardwood floorboards and tile hearth fireplaces. A two storey timber building is located at the rear of site with a gable roof form, sawn weatherboard cladding and small sandstone block plinth.

There are mature plantings in the front yard behind a wrought iron palisade fence and gate. Mature plantings in front yard.



Figure 2. Front façade of 48 Duxford Street, Paddington



Figure 3. The 'yellow room' at 48 Duxford Street, Paddington

Part 3 – Historical overview

The Cadigal people of the Eora Nation are the traditional inhabitants of the land from Sydney to South Head. Following European occupation, the Cadigal people were greatly affected by

the smallpox epidemic of 1789 and alienated from traditional food sources and land.¹ Oxford Street is a known Aboriginal track, which served as a trading route between farmed grassland and Cadigal coastal fishing areas.

In October 1832 William Lithgow, auditor general for the colony of New South Wales, received a grant of two allotments from Governor Bourke. No record of Lithgow having occupied the allotments has been uncovered. By 1839 a large house known as *Bradley Hall* had been constructed on the site and Thomas Barker, a successful Darlinghurst Miller, had taken possession of the grants. *Bradley Hall* was a six bedroom house with servant's quarters, cellar, enclosed yard, outbuildings including gardener's house and large circular drive. The house was sited in proximity to the centre of present day Stafford Street and the western arm of the circular drive intersected the land now known as 48 Duxford Street². *Bradley Hall* was occupied by AB Smith Esquire from 1839 to 1844, when the then 4 acre property was offered for sale³.

In 1845 *Bradley Hall* was sold to William Stafford Broughton, a tailor, grazier and politician who served as Mayor of Sydney in 1846 and was elected to the Legislative Assembly in 1859. Broughton lived at *Bradley Hall* for over fifty years⁴ until subdividing his estate in 1898 for residential development. As part of the subdivision Duxford Street was extended to the south, Stafford Street established and *Bradley Hall* demolished. The land now known as 48 Duxford Street was subdivided from the estate at this time and described as Section 1, Allotment 18 in the April 1898 Broughton's Estate Paddington Subdivision plan.

By 1901 a two storey late Victorian Italianate style terrace house fronting Duxford Street was constructed at the site (then known as 46 Duxford Street) owned and occupied by Mr David Flannery. By 1903, the property was in mixed use as a house and shop⁵. It is possible that the two storey weatherboard structure at the rear of the site dates from this time and was in operation as a shop. It is not known what sorts of wares were sold from the shop at this time. Mr Flannery retained occupation and ownership of the property until 1909, when John King Fraser purchased the property.

In 1930 the property was purchased by Mr Arthur Sharpe. By 1938 a 'Hat Renovator' was operating out of a two storey weatherboard building at the rear of the site⁶. It is possible that the Hat Renovator business had been in operation prior to the Sharpe's purchase of the land. The business is described as 'Hat Blocking Factory' in a 1952 building application for alterations to the building. The Sharpe family are believed to have owned and occupied the property until its sale to renowned Australian artist Margaret Hannah Olley in 1964.

Prior to the purchase of the Duxford Street property, Margaret Olley purchased another terrace house at 70 Paddington Street, Paddington. Olley did not consider the Paddington Street house an ideal place to paint and in late 1964 she purchased 48 Duxford Street, which she considered to be '*a better place for working than my other house in Paddington*

¹ Heiss, A, Gibson MJ - *Barani Sydney Aboriginal History* <http://www.sydneybarani.com.au/sites/aboriginal-people-and-place/>

² Metropolitan Details Series plan/NSW Department of Lands Paddington Sheet 18, 1888

³ Watters, L (2004) *Paddington Heritage: Listed sites within the Woollahra Local Government Area*, Woollahra Municipal Council

⁴ Bowd, H (1969) 'Broughton Thomas Staggord (1810-1901) – *Australian Dictionary of Biography Volume 3*, Melbourne University Press, pp 253-254

⁵ 1903 *Paddington Rate Book*, Paddington Municipal Council

⁶ *Building Inspectors Report October 1938* – Listing for Duxford Street, '1 Hat Renovator'

*Street*⁷. The artist kept two of the rooms in the house and the Former Hat Factory for her own use and rented out the rest of the house to individual tenants. A frequent traveller in her early and middle career, Margaret Olley spent extended periods of time away from her Duxford Street house and studio. In the early 1970s, on her return from working in Paris, Olley found Duxford Street too crowded with its various tenants and relocated to (then deceased) friend David Strachan's Paddington Street house to establish a new studio.

Margaret Olley returned to the Duxford Street house in the early 1970s, after Sam Hughes took up residency there. Olley and Hughes lived at the Duxford Street house until Hughes' passing in 1982. Within two years of Hughes death, Olley had relocated to a newly purchased house in Gurner Street Paddington. With age, Olley began to find the idiosyncrasies of the Gurner Street house, namely its steep staircase, prohibitive. In 1988, Olley again relocated to the Duxford Street house where she would live and work until her death in 2011. Olley accumulated a vast collection of objects which were showcased in the house and became the subject matter of her paintings. During her time at 48 Duxford Street the artist produced numerous interior and still life works for which she has been hailed '*one of Australia's most prized interior and still life painters*'⁸. The interior spaces of the terrace house at 48 Duxford Street form part of the subject of numerous paintings, some of these rooms remain recognisable from her artworks such as the yellow room and blue room.

Margaret Olley's contribution to the artistic community was formally acknowledged in 1991 when she was made a member of the Order of Australia in 1991, and again in 2006 as a Companion of the Order 'for service as one of Australia's most distinguished artists, for support and philanthropy to the visual and performing arts, and for encouragement of young and emerging artists'.

At the artist's bequest, a substantial collection of items was relocated from 48 Duxford Street to The Margaret Olley Art Centre, Tweed River Art Gallery. There Olley's studio space has been 'reconstructed' using building fabric taken from the lean-to structure that linked the terrace house to the Former Hat Blocking Factory.

Part 4 – Objectives of the planning proposal

The objectives of the planning proposal are:

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

The former residence and studio of Margaret Olley, at 48 Duxford Street, Paddington, has been identified as having local heritage significance. This has been established through an assessment using seven criteria contained in the document titled *Assessing Heritage Significance* produced by the NSW Heritage Office in 2001, part of the NSW Heritage Manual.

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

⁷ Stewart, M (2005) *Margaret Olley, Far From a Still Life, Random House*

⁸ *The Australian Women's Register*, Olley, Margaret - www.womenaustralia.info/biogs/PR00468b.htm

Part 5 – Explanation of provisions

The objectives of the planning proposal will be achieved by:

1. Listing 48 Duxford Street, Paddington as a heritage item in Woollahra Local Environmental Plan 2014 (WLEP 2014), and
2. Utilising the heritage conservation provisions in WLEP 2014.

Listing of a heritage item occurs within Schedule 5 of the WLEP 2014. The listing will identify the site by its suburb. The listing will also contain a brief description of the item. The heritage conservation map will be amended to colour the site, thereby identifying land on which a heritage item is located.

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

Suburb	Item name	Address	Property description	Significance	Item no
Paddington	Late Victorian Terrace House and Former Hat Blocking Factory (Buildings, interiors and grounds)	48 Duxford Street	Lot 1 DP 918750	Local	TBC

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

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

Part 6 – Justification

Section A – Need for the planning proposal

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

Yes. The planning proposal is the result of a decision of the Council to investigate the heritage significance of 48 Duxford Street, Paddington. The study was undertaken by Council's Strategic Planning Department and reported to Council's Urban Planning Committee in November 2015. A copy of this report is contained in **Attachment 3**.

The heritage significance of 48 Duxford Street, Paddington, has been assessed in accordance with the ICOMOS Burra Charter and NSW heritage best practice guidelines. The property fulfils five of the heritage assessment criteria for local heritage listing. The property has historical, historic association, aesthetic and social significance, and is a representative example of Late Victorian Italianate terrace houses built in Paddington at the end of the 19th Century.

The heritage significance of the property is demonstrated through significant spaces associated with one of Australia's most celebrated artists, Margaret Olley, including the yellow room and Hat Factory, and significant fabric such as fireplaces, skirtings, room proportions and configuration, which also reflect characteristic features of the Late Victorian Italianate architectural style.

At its meeting of 16 November 2015, Council resolved that a planning proposal be prepared to heritage list 48 Duxford Street, Paddington, in the Woollahra LEP 2014.

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

Yes. The planning proposal is the best means of achieving the objectives because statutory protection for 48 Duxford Street, Paddington, as a local heritage item can only be obtained in a local environmental plan.

Section B – Relationship to strategic planning framework

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

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

A Plan for Growing Sydney (December 2010)	
<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. <p>A Plan for Growing Sydney is a high level, strategic planning document. Only a very small part of the Plan's content has relevance to the planning proposal. The relevant parts of the Plan are listed below.</p>	
Goal	Comment on consistency
<p>3. A great place to live with communities that are strong, healthy and well connected. The Plan states in part, The Plan builds on Sydney's reputation of a vibrant cosmopolitan culture by requiring quality public spaces, green spaces, sports facilities and precincts that engage people and reflect the city's heritage and history.</p>	<p>The planning proposal will help meet this goal by recognising and protecting part of Sydney's heritage.</p>
Directions	
<p>A set of 22 directions are 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 direction is addressed below.</p>	
Direction	Comment on consistency
<p>3.4 Promote Sydney's heritage, arts and culture.</p>	<p>The planning proposal is the result of a local heritage study in accordance with best practice guidelines in the ICOMOS Burra</p>

A Plan for Growing Sydney (December 2010)	
	Charter and the NSW Heritage Manual. The study identified the property as having local heritage significance.
Central Sub-region priorities	Comment on consistency
<p>The priorities for the Central Sub-region 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 	None of these priorities are applicable to the planning proposal.

Draft East Subregional Strategy (July 2007)	
<p>The Draft East Subregional Strategy provides a strategic planning framework for Sydney's eastern subregional. It provides an intermediate step between the higher level metropolitan strategy (A Plan for Greater Sydney) and local plans. The relevant parts of the Draft Strategy are listed below.</p> <p>Strategy E – Environment, Heritage and Resources</p> <p>Under this strategy, the Draft Strategy highlights the rich cultural history of the subregion demonstrated through historic areas, places and cultural features.</p>	
E6 – Conserve Sydney's cultural heritage	
Objective and action	Comment on consistency
<p>E6.1 Provide a consistent approach to identify and protect Sydney's cultural heritage.</p> <p>EA E6.1.1 Australian heritage agencies will develop standard criteria and threshold values</p>	<p>The heritage assessment that informed this planning proposal was carried out in accordance with the principles of the ICOMOS Burra Charter and the NSW Heritage Manual.</p>
<p>E6.2 Recognise where Sydney's cultural heritage contributes to its unique character and quality and manage change appropriately to reinforce local distinctiveness.</p>	<p>This planning proposal seeks to formally recognise the cultural significance of 48 Duxford Street, Paddington, by listing it as a local heritage item.</p>

Draft East Subregional Strategy (July 2007)

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

Local heritage listing of the property will provide for its ongoing protection and recognition. 48 Duxford Street is a representative example of a Late Victorian Italianate terrace house associated with one of Australia's most prized artists, Margaret Olley. By recognising and protecting the property, this planning proposal promotes and interprets an important part of Woollahra's cultural heritage.

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

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

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

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

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

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

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

Section C – Environmental, social and economic impact

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

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

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

There are no likely environmental effects arising from listing 48 Duxford Street, Paddington as a local heritage item. Protection measures are not likely to result in environmental harm. On the contrary, protection measures will assist in reducing harm to the item. Protection will be managed through the development assessment.

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

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

Section D – State and Commonwealth interests

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

Not applicable.

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

Not applicable.

Part 7 – Mapping

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



Part 8 – Community consultation

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

Public notification of the exhibition will comprise:

- A weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period;
- A notice on Council's website;

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

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

Part 9 – Project timeline

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

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

Attachment 1 Heritage assessment (heritage inventory sheet)

ITEM DETAILS			
Name of Item	Late Victorian Terrace House and Former Hat Blocking Factory (Buildings, Interiors and Grounds)		
Former name	'Carbiona'		
Item type	Built		
Address	Number 48	Street Duxford Street	Suburb Paddington
Property description	Lot 1	DP 918750	
Owner	Name Mrs G D Greenberg	Address 46-48 Duxford Street	
Use	Current Residential	Former Residential/Industrial	
Statement of significance	<p>No. 48 Duxford Street, Paddington, is the former home and studio of Margaret Hannah Olley, one of Australia's most prized interior and still life painters. It has a special association with the life and works of a person of importance to the Woollahra Local Government Area.</p> <p>With intact building form and detailing, including a finely detailed stucco masonry façade and decorative cast iron lacework, the residence at 48 Duxford Street is a representative example of a Late Victorian Italianate terrace house.</p> <p>The physical fabric of the terrace house demonstrates association with the substantial collection of speculative built terrace housing constructed in Paddington between 1870 and 1905 to accommodate the middle class, providing important evidence of the suburbanisation of Paddington during the period.</p> <p>The Former Hat Blocking Factory located at the rear of the property, forms part of a collection of timber clad industrial buildings constructed in Paddington, which provide important evidence of local goods production and trade in the local area over the course of the late 19th and early 20th century.</p> <p>As the former home of the late Margaret Olley, a well-known local personality and active member of the local artistic community, 48 Duxford Street is held in high regard by the Paddington community.</p>		
Level of significance	Local		
Heritage listings			
DESCRIPTION			
Designer	Unknown		
Builder	Unknown		

Construction years	c.1900
Physical Description	Two storey late Victorian Italianate terrace house with decorative stucco façade and filigree detailing. Intact principal building form with front and rear balconies. Italianate stuccoed pilasters, architraves, corbelling and quoins to front façade. Vermiculation to quoins and party wall corbels. Decorative cast iron lace brackets, frieze with finials, balustrade and columns and timber dentils to front balcony/verandah. Intact rear wing with irregular double hung window fenestration pattern. Early 20 th century skirting boards, modelled architraves, cornices, solid core timber doors, decorative plaster ceiling roses, hardwood floorboards and tile hearth fireplaces to interior. Wrought iron palisade fence and gate to front and part side boundary. Mature plantings in front yard. Two storey timber building at rear of site with gable roof form, sawn weatherboard cladding and small sandstone block plinth.
Physical condition	Exterior generally in good condition, some damage to front verandah iron lacework and timber dentils. Interior in moderate to good condition.
Modification and Dates	1900 – Building application for the construction of a two storey terrace house 1952 – Building application to raise roof to Former Hat Blocking Factory rear lean-to structure, Old lean-to section demolished 1952 – Building application to ‘made-good’ old weatherboarding to Former Hat Blocking Factory 1967 – Building application for a new brick fence erected on laneway alignment (for Margaret Olley) 1967 – 2011 – Piecemeal alterations and additions to rear lean-to 2014 – Development application for demolition of rear lean-to structure and minor alterations to Former Hat Blocking Factory approved
Archaeological potential	Archaeological relics associated with <i>Bradley Hall</i> house and grounds may be uncovered at the site. Archaeological relics associated with the industrial use of the rear of the site during the early 20 th century, namely the Former Hat Blocking Factory, may be uncovered at the site.

HISTORY

Historical notes

The Cadigal people of the Eora Nation are the traditional inhabitants of the land from Sydney to South Head. Following European occupation, the Cadigal people were greatly affected by the smallpox epidemic of 1789 and alienated from traditional food sources and land.¹ Oxford Street is a known Aboriginal track, which served as a trading route between farmed grassland and Cadigal coastal fishing areas.

In October 1832 William Lithgow, auditor general for the colony of New South Wales, received a grant of two allotments from Governor Bourke. No record of Lithgow having occupied the allotments has been uncovered. By 1839 a large house known as *Bradley Hall* had been constructed on the site and Thomas Barker, a successful Darlinghurst Miller, had taken possession of the grants. *Bradley Hall* was a six bedroom house with servant's quarters, cellar, enclosed yard, outbuildings including gardener's house and large circular drive. The house was sited in proximity to the centre of present day Stafford Street and the western arm of the circular drive intersected the land now known as 48 Duxford Street². *Bradley Hall* was occupied by AB Smith Esquire from 1839 to 1844, when the then 4 acre property was offered for sale³.

In 1845 *Bradley Hall* was sold to William Stafford Broughton, a tailor, grazier and politician who served as Mayor of Sydney in 1846 and was elected to the Legislative Assembly in 1859. Broughton lived at *Bradley Hall* for over fifty years⁴ until subdividing his estate in 1898 for residential development. As part of the subdivision Duxford Street was extended to

the south, Stafford Street established and *Bradley Hall* demolished. The land now known as 48 Duxford Street was subdivided from the estate at this time and described as Section 1, Allotment 18 in the April 1898 Broughton's Estate Paddington Subdivision plan.

By 1901 a two storey late Victorian Italianate style terrace house fronting Duxford Street was constructed at the site (then known as 46 Duxford Street) owned and occupied by Mr David Flannery. By 1903, the property was in mixed use as a house and shop⁵. It is possible that the two storey weatherboard structure at the rear of the site dates from this time and was in operation as a shop. It is not known what sorts of wares were sold from the shop at this time. Mr Flannery retained occupation and ownership of the property until 1909, when John King Fraser purchased the property.

In 1930 the property was purchased by Mr Arthur Sharpe. By 1938 a 'Hat Renovator' was operating out of a two storey weatherboard building at the rear of the site⁶. It is possible that the Hat Renovator business had been in operation prior to the Sharpe's purchase of the land. The business is described as 'Hat Blocking Factory' in a 1952 building application for alterations to the building. The Sharpe family are believed to have owned and occupied the property until its sale to renowned Australian artist Margaret Hannah Olley in 1964.

Prior to sale of the Duxford Street property, Margaret Olley purchased another terrace house at 70 Paddington Street, Paddington. Olley did not consider the Paddington Street house an ideal place to paint and in late 1964 she purchased 48 Duxford Street which she considered to be '*a better place for working than my other house in Paddington Street*'.⁷ The artist kept two of the rooms in the house and the Former Hat Factory for her own use and rented out the rest of the house to individual tenants. A frequent traveller in her early and middle career, Margaret Olley spent extended periods of time away from her Duxford Street house and studio. In the early 1970s, on her return from working in Paris, Olley found Duxford street too crowded with its various tenants and relocated to (then deceased) friend David Strachan's Paddington Street house to establish a new studio.

Margaret Olley returned to the Duxford Street house in the early 1970s, after Sam Hughes took up residency there. Olley and Hughes lived at the Duxford Street house until Hughes' passing in 1982. Within two years of Hughes death, Olley had relocated to a newly purchased house in Gurner Street Paddington. With age Olley began to find the idiosyncrasies of the Gurner Street house, namely its steep staircase, prohibitive. In 1988, Olley again relocated to the Duxford Street house where she would live and work until her death in 2011. Olley accumulated a vast collection of objects which were showcased in the house and became the subject matter of her paintings. During her time at 48 Duxford Street the artist produced numerous interior and still life works for which she has been hailed '*one of Australia's most prized interior and still life painters*'⁸.

The interior spaces of the terrace house at 48 Duxford Street form part of the subject of numerous paintings, some of these rooms remain recognisable from her artworks such as the yellow room and blue room.

Margaret Olley's contribution to the artistic community was formally acknowledged in 1991 when she was made a member of the Order of Australia in 1991, and again in 2006 as a Companion of the Order 'for service as one of Australia's most distinguished artists, for support and philanthropy to the visual and performing arts, and for encouragement of young and emerging artists'.

At the artist's bequest, a substantial collection of items was relocated from 48 Duxford Street to The Margaret Olley Art Centre, Tweed River Art Gallery. There Olley's studio space has been 'reconstructed' using building fabric taken from the lean-to structure that linked the terrace house to the Former Hat Blocking Factory.

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² Metropolitan Details Series plan/NSW Department of Lands Paddington Sheet 18, 1888

³ Watters, L (2004) *Paddington Heritage: Listed sites within the Woollahra Local Government Area*, Woollahra Municipal Council

⁴ Bowd, H (1969) 'Broughton Thomas Staggord (1810-1901) – *Australian Dictionary of Biography Volume 3*, Melbourne University Press, pp 253-254

⁵ 1903 *Paddington Rate Book*, Paddington Municipal Council

⁶ *Building Inspectors Report October 1938* – Listing for Duxford Street, '1 Hat Renovator'

⁷ Stewart, M (2005) *Margaret Olley, Far From a Still Life, Random House*

⁸ *The Australian Women's Register*, Olley, Margaret - www.womenaustralia.info/biogs/PR00468b.htm

HISTORICAL THEMES		
Australian Theme	NSW Theme	Local Theme
4. Building settlements, towns and cities	Towns, suburbs and villages	Late Victorian era subdivision pattern Late Victorian era streetscape Late Victorian/early 20 th century housing Early 20 th century industry
4. Building settlements, towns and cities	Accommodation	Terrace housing
8. Developing Australia's cultural life	Creative endeavour	Late Victorian Italianate style
9. Marking the phases of life	Persons	Residence of person of importance

HERITAGE SIGNIFICANCE ASSESSMENT	
<p>Historical significance SHR criterion (a)</p>	<p>The physical fabric of the terrace house at 48 Duxford Street is evidence of the suburbanisation of Paddington during the late 19th and early 20th century.</p> <p>The allotment proportions, setback, siting and building alignment of the terrace house demonstrate the Late Victorian era subdivision pattern established by the 1898 sale of the Broughton Estate.</p> <p>The building form of the terrace house demonstrates association with the collection of speculative built terrace housing built in Paddington over the course of the late 19th early 20th century to accommodate the middle class.</p> <p>The physical fabric of the Former Hat Blocking Factory at 48 Duxford Street is evidence of late 19th and early 20th century laneway industry in Paddington.</p> <p>The building form and siting of the Former Hat Blocking Factory demonstrate association with the collection of timber clad factory buildings constructed throughout Paddington over the course of the late 19th and early 20th century to meet demand for local goods production and trade.</p>
<p>Historical association significance SHR criterion (b)</p>	<p>No. 48 Duxford Street has a special association with the life and works of renowned Australian painter Margaret Hannah Olley. One of Australia's finest still life and interior's painters, Margaret Olley is a person of importance to Paddington, the Woollahra Local Government Area, the State of NSW and Australia.</p> <p>The interior spaces within the terrace house and Former Hat Blocking Factory make numerous appearances in the interior and still life paintings produced by Margaret Olley between 1970 and 2011.</p> <p>Although Olley's possessions have been removed from the site, the physical fabric of the terrace house and Former Hat Blocking Factory continues to provide important evidence of Olley's occupation of the site as a home and artist's studio. Some of the rooms in the terrace house remain recognisable from her artworks.</p>

Aesthetic significance SHR criterion (c)	The terrace house at 48 Duxford Street is exemplar of the Late Victorian Italianate architectural style. The decorative stuccoed façade, Italianate stucco pilasters and filigree cast iron lace work are finely detailed and distinctive aesthetic attributes typical of the architectural style.			
Social significance SHR criterion (d)	No. 48 Duxford Street has a special association with the Paddington community. As the former home of the late Margaret Olley, a well-known local personality and respected artist, 48 Duxford Street is esteemed by the Paddington community.			
Technical/Research significance SHR criterion (e)	No. 48 Duxford Street has potential to yield archaeological information associated with <i>Bradley Hall</i> that may contribute to an understanding of the local area's cultural or natural history.			
Rarity SHR criterion (f)	48 Duxford Street does not possess uncommon, rare or endangered aspects of the local area's cultural or natural history.			
Representativeness SHR criterion (g)	Taking stylistic cues from the adjoining terrace group at 26-46 Duxford Street, the terrace house at 48 Duxford Street is a representative example of the Late Victorian Italianate terrace houses built in Paddington at the end of the 19 th century.			
Integrity	Terrace house: Very High. The original building form is largely intact and no major modifications to the detailing have been undertaken. Hat Blocking Factory: High. The Hat Blocking Factory has been modified over the course of the mid to late 20 th century. Some of the modifications were for Margaret Olley.			
RECOMMENDATIONS				
Recommendations	It is recommended that 48 Duxford Street, Paddington be listed as a heritage item in Woollahra Local Environmental Plan 2014.			
INFORMATION SOURCES				
Type	Author/Client	Title	Year	Repository
Plans	Various	Subdivision Plans	Various	Woollahra Local Studies Collection

Record	Paddington Municipal Council	Building Inspectors Report October 1938	1938	Woollahra Local Studies Collection
Record	Woollahra Municipal Council	Rates Book Records	Various	Woollahra Local Studies Collection
Paper	Watters, L	Paddington Heritage: Listed sites within the Woollahra Local Government Area	2004	Woollahra Municipal Council
Book	Bowd, H	'Broughton Thomas Staggord (1810-1901) Australian Dictionary of Biography Volume 3	1969	State Library of New South Wales
Book	Stewart, M	Margaret Olley, Far From a Still Life	2005	Woollahra Local Studies Collection
Website	Various	The Australian Women's Register, Olley, Margaret	2014	www.womenaustralia.info
Website	Heiss, A, Gibson MJ	Barani Sydney Aboriginal History	2014	www.sydneybarani.com.au
Map	NSW Dept. of Lands	Metropolitan Details Series Plan - Paddington Sheet 18, 1888	2014	State Library New South Wales Maps of Sydney Collection


IMAGES			
Image Caption	48 Duxford Street, Duxford Street Elevation		
			
Image Year	2015	Image author and Copyright Holder	Woollahra Municipal Council


Image Caption		48 Duxford Street, Interior Yellow Room	
			
Image Year	2011	Image author and Copyright Holder	Steven Alderton

Image Caption		48 Duxford Street, Interior Yellow Room	
			
Image Year	2015	Image author and Copyright Holder	Woollahra Municipal Council

Image Caption	48 Duxford Street, view from the rear yard to the terrace		
			
Image Year	2015	Image author and Copyright Holder	Woollahra Municipal Council

Woollahra Council Planning Proposal – 48 Duxford Street, Paddington
 17 February 2016

Image Caption		48 Duxford Street, view to the former hat factory	
			
Image Year	2015	Image author and Copyright Holder	Woollahra Municipal Council

AUTHOR	
Name	Date
Kate Harrison, Heritage Officer - Woollahra Municipal Council	December 2014

Attachment 2 Woollahra LEP 2014 conservation clauses

5.10 Heritage conservation

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

(1) Objectives

The objectives of this clause are as follows:

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

(2) Requirement for consent

Development consent is required for any of the following:

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

(3) When consent not required

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

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
- (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
- (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.
- (4) Effect of proposed development on heritage significance**
The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).
- (5) Heritage assessment**
The consent authority may, before granting consent to any development:
- (a) on land on which a heritage item is located, or
 - (b) on land that is within a heritage conservation area, or
 - (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),
- require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.
- (6) Heritage conservation management plans**
The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.
- (7) Archaeological sites**
The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the [Heritage Act 1977](#) applies):
- (a) notify the Heritage Council of its intention to grant consent, and
 - (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

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

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

(9) Demolition of nominated State heritage items

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

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

(10) Conservation incentives

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

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

Attachment 3 Report to Council's Urban Planning Committee

Item No:	R1 Recommendation to Council
Subject:	HERITAGE LISTING MARGARET OLLEY'S HOUSE: 48 DUXFORD STREET, PADDINGTON
Author:	Amelia Parkins, Strategic Heritage Officer
Approvers:	Chris Bluett, Manager – Strategic planning Allan Coker, Director – Planning & Development
File No:	15/137100
Reason for Report:	To respond to Council's resolution of 24 August 2015 to investigate a local heritage listing for 48 Duxford Street, Paddington.

Recommendation:

- A. THAT a planning proposal be prepared to list 48 Duxford Street, Paddington as a heritage item in the Woollahra Local Environmental Plan 2014.
- B. THAT when requesting a gateway determination for the planning proposal at point A above, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.

1. Introduction

The subject property at 48 Duxford Street, Paddington, is located on the northwest corner of Duxford Street and Stafford Lane. The property contains a two storey Late Victorian Italianate terrace adjacent to a pair of similarly styled terrace houses and a two storey weatherboard industrial building. The terrace displays features characteristic of its architectural style including stuccoed façade with decorative Italianate pilasters, window reveals and corbelling, and filigree cast iron balustrade, fringe and frieze.

The property is the former home of esteemed Australian painter Margaret Olley (1923-2011). During the period of Olley's occupation the property comprised the terrace house, a two storey weatherboard building described as a Hat Blocking Factory and a single storey infill structure providing a link between the Hat Factory and the terrace house. The southeast portion of the site was a heavily planted garden.

Following Margaret Olley's death in 2011, her executors and trustees set in train a process to establish an exhibition and gallery space at the Tweed River Art Gallery in Murwillumbah. This involved the re-creation of part of her former studio from the Hat Factory at 48 Duxford Street, Paddington.

In 2012 Council staff, including two heritage officers, conducted a site inspection with the executors and trustees of Olley's estate and the architect involved in creating the reconstruction. The site inspection revealed that the doors and windows proposed to be taken to the Murwillumbah gallery were not original to the site but were recycled elements installed by Olley. The inspection also confirmed that a series of works had been undertaken during

Olley's occupation of the site, without approval. For these reasons the removal of the doors and windows to be used in the recreated studio space in Murwillumbah was considered to be acceptable and replaced by similar doors and windows.

Once the cataloguing and recording of the contents of the house and studio were complete a collection was transported to Murwillumbah to be used in the re-creation, now known as the Margaret Olley Art Centre. Olley's executors and trustees then placed the property on the market.

2. Recent history of development on the site

2.1. Tree preservation order application

On 17 December 2013 the new owner of 48 Duxford Street lodged an application to remove seven Bangalow Palms and one Kentia Palm. The assessment carried out by Council's Trees Officer noted:

- Garden is in general very neglected and over-planted;
- Palm clumps are causing damage to a boundary wall and Council's pathway;
- Palm clumps are close to a wall of the house with potential to damage the structure; and
- A Magnolia tree and other palms are to be retained.

Consent was granted to the application on 5 February 2014 subject to conditions requiring the replacement of shrubs.

2.2. Development applications

On 5 June 2014 a development application (DA 228/2014) was lodged proposing extensive alterations to the existing terrace house and large scale additions to the side and rear of 48 Duxford Street, Paddington. The applicant was advised that the proposal was unsatisfactory and inconsistent with the Paddington HCA DCP. Subsequently the application was withdrawn and the property placed on the market again.

An informal pre-DA was held with the new owner, where issues associated with the previous DA we raised.

On 19 September 2014 the new (current) owners lodged a development application for minor alterations to the existing terrace house and garden. The application involved:

- Demolition of the single storey infill structure linking the terrace and the Hat Factory;
- Internal alterations to the terrace house including two new bathrooms, a stair to the attic and first floor, attic conversion including a dormer window to the rear roof plane of the principal building form and retention of all fireplaces, chimney breasts, windows, skirting boards, flooring and ceilings;
- Repair of existing cast iron balustrade, fringe and timber frieze to the front verandah and balcony;
- Demolition of the external stair to the Hat Factory;

- Internal and external alterations to the Hat Factory including demolition of the existing window in the first floor, enlargement of the ground level opening, installation of new double doors and a Juliet balcony, construction of an internal stair and new doors in the eastern elevation;
- Repair of the existing boundary fence;
- Landscape works including demolition of the existing garden beds, installation of paving and steps into a lower courtyard, turf to the upper courtyard, and retention of a large Magnolia, Frangipani, Kentia Palm and a Hibiscus.

This application resolved the bulk, scale and intervention associated with the previous application and was granted a development consent under delegated authority on 6 November 2014.

On 24 August 2015 Council adopted the following notice of motion:

THAT heritage staff prepare a report to consider listing the late Margaret Olley's house at 48 Duxford Street, Paddington as a local heritage item.

This report responds to this notice of motion.

3. Margaret Olley

Margaret Hannah Olley is one of Australia's most prized interior and still life painters. She was born in Lismore in 1923 and was the eldest of three children. In 1925 the family moved to Tully in far north Queensland, where her brother and sister were born. In c.1931 the Olley family moved back to northern NSW buying a sugar cane farm on the outskirts of Murwillumbah where Margaret and her siblings went to a local primary school. These early years contributed to Margaret Olley's strong link with the Tweed Valley.

In 1935 the family moved to Brisbane and then back to Tully, but Olley remained at school in Brisbane boarding at Somerville House. After high school Olley enrolled in art school. She moved to Sydney to complete an art diploma at East Sydney Technical College, graduating in 1945. During this time Olley became very involved in Sydney's post-war art scene befriending artists such as Donald Friend, William Dobell, Russell Drysdale, Sidney Nolan and David Strachan.

In 1948 Olley held her first solo exhibition. The following year she departed on her first international trip. In 1953 Margaret Olley's father died and she returned to her mother's home in Brisbane where she lived for ten years. From 1955 Margaret Olley's artistic career began to gain momentum and her success allowed her the independence to continue painting, travelling and to buy property in Newcastle and Sydney⁹.

In 1962 Olley bought her first property in Paddington Street, Paddington. In 1964 she bought the subject property at 48 Duxford Street, Paddington, a two storey late Victorian Italianate terrace with a two storey former Hat Factory at the rear. Olley made a series of changes to the property including the single storey infill structure between the terrace and the Hat Factory.

⁹ Tweed Regional Gallery, The Margaret Olley Centre, Biography
(<http://artgallery.tweed.nsw.gov.au/MargaretOlleyArtCentre/AboutMargaret>)

From the 1970s, when they weren't travelling overseas, Olley and her partner Sam Hughes lived in the room behind the yellow room (sometimes referred to as the blue room)¹⁰ and then the Hat Factory until Sam's death in 1982.

In 1988 Olley moved into the Duxford Street home permanently. She continued to live and work from the Duxford Street residence until her death in 2011. The Duxford Street terrace was notoriously cluttered, and the subject of many of her paintings¹¹. Margaret Olley's paintings of the interiors of the Duxford Street terrace (in particular the yellow room, Hat Factory and single storey infill structure) were the subject of an exhibition at the Museum of Sydney from 10 November 2012 to 2 April 2013¹².

In 2006 Margaret Olley opened Stage 2 of the Tweed River Art Gallery in Murwillumbah. In March 2014 the third and final stage, the Margaret Olley Art Centre, was opened. The recreation of part of her studio and the Hat Factory is on permanent display as a tribute to Margaret Olley and the importance of the work she created in the Duxford Street terrace.

4. Cultural significance

4.1. Australia ICOMOS Burra Charter, 2013

To respond to the notice of motion the assessment of cultural significance of 48 Duxford Street was carried out in accordance with the Australia ICOMOS Burra Charter¹³ (Burra Charter). The Burra Charter is a guide to making good decisions about heritage places. The Burra Charter process describes the steps involved in identifying and managing the cultural significance of a place. This process is summarised below:

Step One: Understand significance

- Investigate the place
- Assessment of significance

Step Two: Develop policy

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

Step Three: Manage in accordance with policy

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

¹⁰ Stewart, M (2005) *Margaret Olley, Far From a Still Life*, Random House

¹¹ *ibid*

¹² Phillip Bacon Galleries, Margaret Olley: Home Interiors at Duxford Street

¹³ The Burra Charter, 2013, The Australia ICOMOS Charter for Places of Cultural Significance

Cultural significance is the sum of the qualities or values that a place¹⁴ has, including the five values described in Article 1.2 of the Burra Charter- aesthetic, historic, scientific, social and spiritual. In NSW these values have been expanded to the seven criteria identified in the document *Assessing Heritage Significance*¹⁵.

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

4.2. Assessment of significance

The subject property was assessed in accordance with the Burra Charter process and using the NSW Heritage Office publication *Assessing Heritage Significance*. The assessment can be found in the draft heritage inventory sheet prepared for the property (**annexure 1**). The statement of significance found in the draft inventory sheet provides an overview of the cultural significance of the property:

No. 48 Duxford Street, Paddington, is the former home and studio of Margaret Hannah Olley, one of Australia's most prized interior and still life painters. It has a special association with the life and works of a person of importance to the Woollahra Local Government Area.

With intact building form and detailing, including a finely detailed stucco masonry façade and decorative cast iron lacework, the residence at 48 Duxford Street is a representative example of a Late Victorian Italianate terrace house.

The physical fabric of the terrace house demonstrates association with the substantial collection of speculative built terrace housing constructed in Paddington between 1870 and 1905 to accommodate the middle class, providing important evidence of the suburbanisation of Paddington during the period.

The Former Hat Blocking Factory located at the rear of the property, forms part of a collection of timber clad industrial buildings constructed in Paddington, which provide important evidence of local goods production and trade in the local area over the course of the late 19th and early 20th century.

As the former home of the late Margaret Olley, a well-known local personality and active member of the local artistic community, 48 Duxford Street is held in high regard by the Paddington community.

The assessment found that the property reaches the threshold for local heritage listing under the criteria for historical, historic association, aesthetic and social significance.

¹⁴ Place is defined in the Burra Charter as: *a geographically defined area. It may include elements, objects, spaces and views. Place may have tangible and intangible dimensions.*

¹⁵ *Assessing Heritage Significance*, NSW Heritage Office 2001 (Heritage Manual Update)

5. Consultation with landowner

On 14 September 2015 the landowner was advised of Council’s resolution to prepare a report on the potential heritage listing of 48 Duxford Street, Paddington. On 21 September 2015 Council’s Manager Strategic Planning and Strategic Heritage Officer inspected the site with the landowner. On 2 October 2015, following the site inspection, the draft heritage inventory sheet was amended and provided to the landowner for comment.

The following table summarises comments received from the landowners on the heritage inventory sheet:

Landowner comments	Staff response
<p><i>‘In 1988, Olley again relocated to the Duxford Street house where she would live and work until her death in 2011.’</i> - [Draft inventory sheet]</p> <p>Beyond the Hat Factory, Margaret spent most of her final decades in her 1970s additions - the "rear lean-to structure[s]" - which were removed in 2014 with Council approval. She did not live in the terrace except for a short while decades ago.</p>	<p>Margaret Olley occupied different parts of the property at different times. The influence of the property on her and her subject matter are evidenced through her paintings. Despite primarily sleeping and entertaining in the single storey infill structure between the Hat Factory and terrace, her paintings provide evidence that she worked from other rooms within both the terrace and Hat Factory.</p>
<p>The three rooms from 48 Duxford St that are most relevant to Margaret Olley were reproduced at The Margaret Olley Arts Centre, after taking anything and everything of worth from 48 Duxford St, including doors and window[s] from the Hat Factory.</p>	<p>There are elements of the physical fabric remaining at the property that continue to provide a link to the time Margaret Olley occupied the house.</p> <p>The two storey timber structure of the former Hat Blocking Factory is substantially retained as are the internal configuration of rooms in the terrace along with a large amount of significant internal fabric, such as fireplaces, chimney breasts, flooring, skirtings and windows.</p> <p>One of the main reasons Olley preferred the Duxford Street terrace for working was because of the quality of light. This is a result of architectural features such as room layouts and window locations. These attributes remain, particularly in the terrace building.</p>
<p>Heritage significance assessment – criteria (e):</p> <p><i>‘No. 48 Duxford Street has potential to yield</i></p>	<p><i>Bradley Hall</i> was an early estate with a large house constructed in 1839 in the middle of present day Stafford Street. The property at 48 Duxford Street is located on part of what</p>

<p><i>archaeological information associated with Bradley Hall that may contribute to an understanding of the local area's cultural or natural history.'</i> - [Draft inventory sheet]</p> <p>'potential to yield' info on Bradley Hall is a stretch.</p>	<p>was the original estate. There is evidence that the western arm of the circular drive associated with <i>Bradley Hall</i> intersected the land now known as 48 Duxford Street. Therefore there is the potential for archaeological evidence from that period to be uncovered at 48 Duxford Street.</p>
<p>Heritage significance assessment – criteria (g):</p> <p><i>'Taking stylistic cues from the adjoining terrace group at 26-46 Duxford Street, the terrace house at 48 Duxford Street is a representative example of the Late Victorian Italianate terrace houses built in Paddington at the end of the 19th century.'</i> - [Draft inventory sheet]</p> <p>Terrace at 48 Duxford St is not particularly special - one of many.</p>	<p>The building at 48 Duxford Street is a good example of Late Victorian Italianate terraces that were built in Paddington, as such it is representative of this style. The fact that there may be other examples is not a reason to exclude it from a heritage listing.</p>

6. Next steps

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

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

7. Conclusion

The heritage significance of 48 Duxford Street, Paddington has been assessed in accordance with the Burra Charter and NSW heritage best practice guidelines. The property fulfils five of the heritage assessment criteria for local heritage listing. The property has historical, historic association, aesthetic and social significance, and is a representative example of Late Victorian Italianate terrace houses built in Paddington at the end of the 19th Century.

The heritage significance of the property is demonstrated through significant spaces associated with one of Australia's most celebrated artists, Margaret Olley, including the yellow room and Hat Factory, and significant fabric such as fireplaces, skirtings, room proportions and configuration, which also reflect characteristic features of the Late Victorian Italianate architectural style.

Annexures

1. Draft heritage inventory sheet – 48 Duxford Street, Paddington (version October 2015)
(Note: see Attachment 1 of this planning proposal above)

Attachment 4 Consistency with state environmental planning policies

State Environmental Planning Policy	Comment on consistency
SEPP No 1 - Development Standards	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP N0.14 - Coastal Wetlands	Not applicable
SEPP No 15 - Rural Landsharing Communities	Not applicable
SEPP No 19 - Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 - Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 26 - Littoral Rainforests	Not applicable
SEPP No 29 - Western Sydney Recreation Area	Not applicable
SEPP No 30 - Intensive Agriculture	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 32.- Urban Consolidation (Redevelopment of Urban Land)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 - Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 - Manufactured Home Estates	Not applicable
SEPP No 39 - Spit Island Bird Habitat	Not applicable
SEPP No 44 - Koala Habitat Protection	Not applicable
SEPP No 47 - Moore Park Showground	Not applicable.

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

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

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

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

Attachment 5 Compliance with section 117 directions

Compliance with section 117 directions		
Direction	Applicable/comment	
1	Employment and resources	
1.1 - 1.5	Directions 1.1-1.5	Not applicable.
2	Environment and heritage	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal protection	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. The planning proposal aims to list 48 Duxford Street, Paddington, as a local heritage item. This will involve an amendment to Schedule 5 of Woollahra LEP 2014. The existing heritage provisions in Woollahra LEP 2014 will not be altered and will assist in the conservation of the proposed item.
2.4	Recreation vehicle areas	Applicable. The planning proposal will not allow land to be developed for a recreation vehicle area.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Applicable. The planning proposal will not reduce the provision of housing in the residential zone.
3.2	Caravan parks and manufactured home estates	Applicable. However, the planning proposal does not propose caravan parks or manufactured home estates.
3.3	Home occupations	Applicable. However, the planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Not applicable
3.5	Development near licensed aerodromes	Not applicable. The planning proposal does not apply to land near a licensed aerodrome.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
4	Hazard and risk	
4.1	Acid sulfate soils	Applicable. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.

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

Annexure 2



Mr Gary James
General Manager
Woollahra Municipal Council
PO Box 61
Double Bay NSW 1360

16/02144

Dear Mr James

Planning Proposal to amend Woollahra Local Environmental Plan 2014

I refer to Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to amend the Woollahra Local Environmental Plan 2014. The proposal seeks to heritage list 48 Duxford Street, Paddington.

As a delegate of the Greater Sydney Commission, I have determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Plan making powers were delegated to councils by instrument of delegation dated 14 October 2012. It is noted that Council has accepted this delegation. 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 LEP is to be finalised within 9 months of the week following 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 the 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 for administrative purposes.

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 Commission may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Mr Wayne Williamson of the Department of Planning and Environment on telephone number (02) 9228 6585.

Yours sincerely


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Encl. – Gateway determination

Department of Planning & Environment
23-33 Bridge Street Sydney NSW 2000 | GPO Box 39 Sydney NSW 2001 | T 02 9228 6333 | F 02 9228 6455 | www.planning.nsw.gov.au



Gateway Determination

Planning proposal (Department Ref: PP_2016_WOOLL_001_00): to amend the Woollahra Local Environmental Plan 2014 to heritage list 48 Duxford Street, Paddington.

I, the Director, Metropolitan (CBD) at the Department Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to *Woollahra Local Environmental Plan 2014* to heritage list 48 Duxford Street, Paddington, should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as routine as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and 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 LEPs (former Department of Planning & Infrastructure 2013)*.
2. Consultation is required under section 56(2)(d) of the EP&A Act with the Office of Environment and Heritage.

Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
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 EP&A 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** from the week following the date of the Gateway determination.

Dated 28th day of January 2016.


Director, Metropolitan (CBD)
Planning Services
Department Planning and Environment
Delegate of the Greater Sydney Commission

PP_2016_WOOLL_001_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 that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WOOLL_001_00	Planning proposal to heritage list 48 Duxford Street, Paddington.

In exercising the Greater Sydney Commission's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 28th January 2016


**Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission**

Annexure 3

Redevelopment and Heritage issues at 48 Duxford St

Prepared by Rory Robertson as "invited public comment" for Woollahra Council, after Council in November 2015 voted 7/2 for Heritage Listing



Our two Paddington terraces - 48 and 46 Duxford St
Similar vintage, style and features - one Heritage Listed, one not?



Proposal: An informative sign on ancient rock as Margaret Olley memorial at 48 Duxford St?

Even Pharaoh Tutankhamun might blush: Is Heritage Listing of 48 Duxford St really necessary?

In November 2015, Woollahra Municipal Council voted 7/2 to "Heritage List" 48 Duxford St, the final Paddington property owned by art-icon Margaret Olley. In March 2016, Council invited "public comment" on the matter, via the *Wentworth Courier* (p. 2, 9 March 2016). This document has been submitted in response to that invitation.

Hello, my name is Rory Robertson (strathburnstation@gmail.com). My wife Gwen and I own and live with our two growing sons in our home at 46-48 Duxford St. We were Margaret's nearest neighbours in her final decade.

As the owners of those side-by-side terraces of similar vintage, style and features (see front page), we seek to oppose the heritage listing of 48 Duxford St on the basis that it is (i) unfair and (ii) unnecessary.

Recent history

We have owned 46 Duxford St since 1999. We bought 48 Duxford St in August 2014. We purchased that second half of our home from an elderly couple who in November 2013 bought 48 Duxford from Olley's estate.

That couple sold to us after owning 48 Duxford St for less than a year. During that year, eight palm trees - the "oasis garden"? - were removed with Council approval, because they were wrecking the high brick fence and threatening to damage the structural integrity of the terrace itself. (Please see photo on page 1 and document on pp. 6-7.) **That couple agreed to sell 48 Duxford to us in 2014, just a day after they read Council's formal - and comprehensive - rejection of what turned out to be an overly ambitious redevelopment application.**

Within a week of settling *our* purchase of 48 Duxford St, I sat down in a discussion with Council's heritage group and asked it to direct *our* redevelopment, in order to ensure that *our* proposal properly preserved the site's heritage values. Readers, it is important to remember that much of the site at that time was a shambles, after decades of minimal maintenance, as anyone who visited the property during the 2013 sales process can attest.

Our modest redevelopment plans subsequently were **approved in full by Council**, and our redevelopment now is mostly complete, without any loss of heritage value. Indeed, simply by properly rewiring the terrace, re-painting its interior (natural white), and re-painting the exterior, **we already have done more to preserve the longevity - and so "heritage value" - of 48 Duxford St than anyone else in over half a century.**

Notably, by removing the ramshackle buildings that Ms Olley added in the 1970s, we have removed not only various hazardous eyesores, but also the **"series of works that had been undertaken... without approval"**:

In 2012 Council staff, including two heritage officers, conducted a site inspection with the executors and trustees of Olley's estate and the architect involved in creating the reconstruction. The site inspection revealed that **the doors and windows** proposed to be taken to the Murwillumbah gallery were **not original** to the site but were recycled elements installed by Olley. The inspection also confirmed that **a series of works had been undertaken during Olley's occupation of the site, without approval.** For these reasons the removal of the doors and windows to be used in the recreated studio space in Murwillumbah was considered to be acceptable and replaced by similar doors and windows.

Heritage report for Urban Planning Committee, 2 November 2015, p. 2

Readers, while Margaret is widely admired as a painter, few are aware that she also was a **keen collector of kitchens**. Yes, kitchens. She had three kitchens at 48 Duxford St. Two have been removed: one went when the ramshackle 1970s additions were removed; we also removed one from what was "Flat 3" upstairs in the terrace.

It is somewhat ironic that Council is devoted to heritage listing 48 Duxford St - to formalise Ms Olley's already famous association with the suburb of Paddington - despite **Margaret tending to treat Council's redevelopment rules with impressive contempt, happily telling neighbours that her preferred approach to renovations is via tradesmen working quietly at night with no pesky formal approvals required!**

Proposed Heritage Listing of 48 Duxford St is unfair and unnecessary

The rest of this document argues that the proposed listing is both unfair and unnecessary. Further, it provides Council with key facts that were recklessly misrepresented in the *Sydney Morning Herald* on 27 July. Claiming that "Olley's oasis garden now a barren landscape", the *Herald* deliberately suppressed the fact we had planted 17 new trees. That travesty was followed by wilful ignorance from Professor Ross Steele, promoting false information and innuendo re Council approval in letters to the *Herald* and the *Wentworth Courier* (see pp. 6-10).

Unfair because... The proposed heritage listing of the terrace at 48 Duxford St is unfair because there is no such push to list 46 Duxford St, nor the hundreds of similar terraces within several kilometres. If this listing goes ahead, we will be in the unusual position of eating breakfast and dinner in the unlisted side of our home, yet sleeping, and playing cricket, ping-pong and pool with our kids, on the heritage-listed side. Two terraces, yet only one listing? That's not the end of the world, but it does beg the question of exactly why listing is required.

Unfair because... The push towards listing by Council appears to have been fuelled by that travesty in the *Sydney Morning Herald* (p. 8), as well as false information via Letters in the *Herald* and *Wentworth Courier* (pp. 9-10). I was disappointed that Council didn't respond publicly to those letters, explaining to Professor Steele and others that much of the site was a shambles, so is being redeveloped with full Council approval. Council might have explained its view that the big palm trees in the so-called "garden oasis" had become a serious hazard for the structural integrity of the terrace, already having wrecked the brick fence at the top of the property (p. 1).

In any case, I responded to that campaign of misinformation by publishing the core facts of the matter in three letters (reproduced on pp. 9-10). Importantly, we did not "demolish" the ground floor wall of the Hat Factory, as claimed recklessly by Professor Ross Steele. It was removed decades ago. And, as already noted, the previous owners removed eight palm trees in 2014, with full Council approval and before we bought the property (p. 6).

Readers, the following pages show the site as was in late 2015. Clearly, one man's "barren landscape" can be a more-reasonable man's neat yard. In this case, one person's "barren landscape" is another man's dream come true for his children. The hazardous shambles involving ramshackle 1970s add-ons and "oasis garden" have been replaced with open space and 17 new trees. **Our yard now is a fun, safe playground for kids, drawing envious comments from pretty well every visitor who is a parent, or can still remember being a child.**

Unnecessary because... Council has strictly controlled the nature of the redevelopment of Margaret's former home and studio. By merely enforcing *existing* regulations – the detailed Paddington Heritage Conservation Area regulations - **Council in 2014 kyboshed what it saw as an excessively grand set of plans, thus prompting a change of ownership.** Our modest redevelopment was largely as directed in a sit-down meeting with Council's heritage group a week after settlement: Council wanted the Hat Factory's external stairs gone; so too, staff appeared pleased for the shambles of Ms Olley's somewhat unauthorised 1970s single-story add-ons and elevated brick garden beds to be **replaced with open space and new trees, not bigger, better buildings.**

Unnecessary because... As noted by the *Sydney Morning Herald*, "...the house's most famous rooms were disassembled, transported to Murwillumbah and re-created at the Margaret Olley Arts Centre". Reportedly: "The recreation features original architectural elements such as windows and doors, relocated from Olley's home studio at 48 Duxford Street, Paddington, Sydney. The interiors are filled with over 20,000 items Olley collected over many years as subject matter for her paintings" (pp. 11-13).

That is, almost all that was special at 48 Duxford St is gone, shipped north to Murwillumbah. Ironically, the "whole shelf of wooden hat moulds" – the feature that gave the Hat Factory its name – was removed and disposed of long ago, probably at Margaret's initiative (p. 378, "*Margaret Olley; Far From a Still Life*", 2005). Meanwhile, the terraces at 46 and 48 Duxford St are of the same vintage and have features similar to those of hundreds of others in Paddington that are unlisted. Heritage listing of 48 Duxford St is unnecessary.

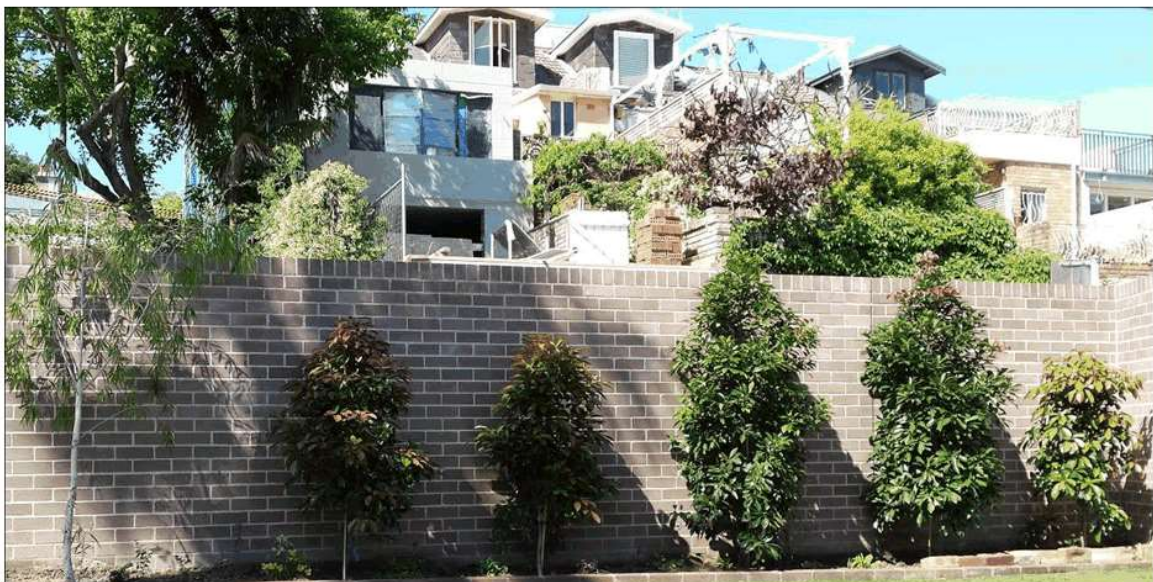
In summary, Council is considering the heritage listing of an empty former Hat Factory - featuring replacement non-original doors and windows – along with a pretty standard Paddington terrace whose internals now all are painted "natural white", while the famously re-created "Yellow Room" sits happily in Murwillumbah awaiting visitors keen to see Margaret's 20,000 – count 'em! – most important possessions.

Even Egyptian Pharaoh Tutankhamun might blush! Margaret's life and times already are better documented than those of almost anyone in the history of the world! That is, her paintings hang in pride of place in galleries and private homes across the world; there are two Archibald Prize-winning portraits of her (at age 25 by William Dobel and half a century later by Ben Quilty); there's a 500-page biography; and, last but not least, there's the Margaret Olley Art Gallery in northern NSW featuring recreations of her Hat Factory studio and her Yellow Room, housing a lazy 20,000 of her favourite possessions. **We need a listing for 48 Duxford St because... ?**

Heritage listing of 48 Duxford St is unfair and unnecessary. With those 20,000 items already transported north to faithful recreations of the three key rooms in her famous studio/home, **our suggestion** is that the best way of highlighting Margaret's long association with Paddington is simply placing an ancient rock out the front of 48 Duxford St, with a large sign pointing people to the good stuff now sitting in Murwillumbah at the Margaret Olley Art Centre. The sort of memorial we are proposing is featured on page one. Something like that would ensure Margaret is remembered centuries after the rest of us are long forgotten.



One man's "barren landscape" is another man's dream come true for his children



It's notable that Woollahra Council's push for Heritage Listing came four years after Margaret Olley's death and two years after it allowed 48 Duxford St to be sold by Olley's estate at public auction at an elevated price that reflected the absence of any such listing. Want to argue against slow-moving NSW councils being amalgamated to boost efficiency?





Some of the 17 new trees in the *Herald's* "barren landscape", alongside the "Yellow Room", now "natural white"




Woollahra Council approved removal of Olley's "Oasis garden" palms

Document (1)

Council Ref: TPO Application 582/2013/1: 141.48
Open Space and Trees, Technical Services Division

5 February, 2014

Messrs P J & P J Bacon
48 Duxford Street
PADDINGTON NSW 2021


 Woollahra Municipal Council
 ABN 32 218 483 246
 Redleaf Council Chambers
 536 New South Head Road
 Double Bay NSW 2028
 Correspondence to
 General Manager
 PO Box 61
 Double Bay NSW 1350
 DX 3607 Double Bay
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**NOTICE OF DETERMINATION OF A
TREE PRESERVATION ORDER APPLICATION**
Issued under the *Environmental Planning & Assessment Act 1979* ("the Act")

Tree Preservation Order Consent

Pursuant to Section 81(1)(a) of the Act, notice is given of the determination by Woollahra Municipal Council of Tree Preservation Order Application No. **582/2013/1**.

DATE OF DETERMINATION
5 February, 2014

LAND TO WHICH THIS CONSENT APPLIES
48 Duxford Street PADDINGTON 2021

DATE FROM WHICH THIS CONSENT OPERATES
This consent becomes effective and operates from **5 February, 2014**.

This consent is valid for 12 months from the date of issue and must be on the premises during tree removal or pruning operations. It must be produced on demand.

IMPOSITION OF CONDITIONS
This consent has been granted subject to the following conditions:

1. The following trees may be removed: B. trees

Council Ref No	Species	Location
1	3 x <i>Archontophoenix cunninghamiana</i> (Bangalow palm) as group	Side - Stafford Lane
2	3 x <i>Archontophoenix cunninghamiana</i> (Bangalow palm) as group	Rear - White Lane
3	<i>Archontophoenix cunninghamiana</i> (Bangalow palm)	Side - South Against wall of house
4	<i>Howea forsteriana</i> (Kentia palm)	Side - South Against wall of house

2. All works must be undertaken in compliance with *Australian Standard AS4373-2007 Pruning of Amenity Trees* and *WorkCover Code of Practice 'Amenity Tree Industry', 1998*.

\QA\AUTHORITY\ALT\DOC\DOCUMENTS\ID\627\FROM\00011-2013-0000582-001\000HTPOCONSENT.DOC Page 1 of 2

Council approved removal of Olley's "Oasis garden" palms (continued)

3. All works in the vicinity of overhead power lines must be undertaken by a qualified arborist with a current *Powerline Awareness Certificate*.
4. The issue of this determination does not permit the holder, or any other person or agent, to enter any property for the purpose of undertaking approved tree works, without the consent of the owner of the property.
5. Replacement trees which must be planted

17 (17!) new trees planted

The following compensatory replacement trees must be planted to ensure the preservation of the landscape character of the area.

Council Ref No	Replacement Tree Species
1	Appropriate shrubs for garden refurbish
2	Appropriate shrubs for garden refurbish

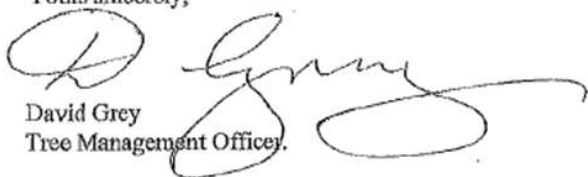
- 5.1. Replanting is to be undertaken within the boundary of the subject property and completed within three (3) months of any tree removal.
- 5.2. Any replacement plant is to be maintained in a healthy and vigorous condition until it attains a height of 5 metres or spread of 3 metres, whereby it will be protected by Council's Tree Preservation Order.
- 5.3. If the replacement plant is found to be faulty, damaged, dying or dead before it attains a size whereby it is protected by Council's Tree Preservation Order, it shall be replaced with another of the same species which complies with the criteria outlined above.

RIGHT OF APPEAL

If you are dissatisfied with this determination, you have the right to apply for a review of Council's determination provided that such is undertaken by way of an application made to Council on the appropriate form within 12 months of the date of issue of this determination.

Any review application must be accompanied by new information that was not available to Council's assessing officer at the time of the original assessment (such as an Arborist's Report or Structural Engineer's Report).

Yours sincerely,



David Grey
Tree Management Officer.

cc. Mrs V K D Hewitt

Unbalanced and false reports regarding 48 Duxford St redevelopment



Sydney's housing market has claimed another victim, with **the destruction of a property** once owned by one of the city's best loved artistic figures. A renovation of Margaret Olley's former home in Duxford Street, Paddington, has resulted in the tearing down of part of the artist's Hat Factory studio and removal of her garden. The lush garden cultivated by Olley, who died in 2011, is **now a barren landscape with one palm tree and surrounded by a high brick fence.**

Friends of the artist and philanthropist expressed horror at the changes made by the property's new owner and approved by Woollahra Council. "I was advised not to go and look because I would be too upset," said Christine France, the co-executor of Olley's estate. France said the garden had been a source of inspiration for Olley, featuring in works such as Garden Room painted in 1992. "She did a number of interiors that looked out into the garden," she said. "She grew things in it that she loved to paint."

Long-time friend Peter Hackett said he passed Olley's former Paddington home one day to discover **"everything had been demolished"**. "There was one tree left I think." The quality of light filtered through the garden's dense foliage was also important in Olley's paintings, Ms France said. Mr Hackett said Olley's garden would have been of historical interest. "It's terrible. We're horrified," he said. "But we thought what can you do? "Look it's awful what has happened. We knew the garden very well."

Olley is regarded as a national icon and was a major figure in Sydney's art world. A portrait of Olley painted by Ben Quilty won the 2011 Archibald Prize — 63 years after her portrait painted by William Dobell won the 1948 Archibald Prize. When Olley acquired the Duxford Street property in 1964, its garden was barren with just a privet bush and the stump of a palm tree that had been cut down years before, according to her biographer Meg Stewart. "It's hard to imagine the Hat Factory without a garden these days," Stewart wrote in [2005 in] *Margaret Olley: Far From A Still Life*. "Everywhere you look there are nasturtiums, marigolds, stripey ribbon grass, impatiens, clivias and soft pink geraniums growing on top of one another." Olley's home was sold for \$2.8 million in 2013 to a local art collector and painter. **There were no heritage orders on the Duxford Street terrace [RR: So why now?]**, although the original Victorian facade fell within local heritage conservation protections.

Brisbane gallery owner Philip Bacon, who was Olley's dealer, friend and co-executor, said turning the property into a museum was considered but was "utterly impossible" because of issues such as parking, security and fire compliance. The house's most famous rooms were disassembled, transported to Murwillumbah and re-created at the Margaret Olley Arts Centre. [RR: Importantly, the arts community abandoned 48 Duxford St – yes, it was a shambles - preferring a greenfield site in northern NSW.]

A development application for major alterations to the house, garden and former Hat Factory was submitted to Woollahra Council in **June** 2014 [by **previous** owners]. Council spokeswoman Sarah Donnelley said significant revisions to the design were requested. "Council staff made it clear to the applicant that the site is of heritage significance and any development should retain the association of the site with Margaret Olley," she said. However she said: "The garden was no longer in a state that retained any strong association with Margaret Olley, for this reason removal of the remains of the garden beds was considered acceptable." [RR's emphasis]

<http://www.smh.com.au/entertainment/art-and-design/its-terrible-were-horrified-woollahra-council-approves-destruction-of-margaret-olleys-garden-20150726-gijptm.html>

RR: In an impressive display of tabloid journalism, Andrew Taylor did not seek comment from us before his hopelessly unbalanced report on our family home was published on pages 2 and 3 of the Sydney Morning Herald. Nor has he contacted us since to apologise for the travesty. Notably, so as to paint us as eco-vandals, the key fact that we had planted 17 new trees was suppressed. Shame, Andrew. For the record, we consulted in detail with council Heritage officers within a week of purchasing Olley's place in August 2014. Our proposed re-development was approved in full by Council in November 2014.

Unbalanced and false reports regarding 48 Duxford St redevelopment (continued)

Letter 1, *Wentworth Courier*, 5 Aug 2015 "Disrespecting Olley"

HOW has Woollahra Council given approval for the **destruction of the home and garden** of Margaret Olley, one of Australia's most beloved and admired painters who was a prominent figure in Paddington's artistic heritage?

Her cherished garden and fish pond have been replaced by astro turf and the **ground floor wall of the Hat Factory**, where she lived and painted looking out on to her garden, has been **demolished** with her studio replaced by an open **ping-pong** room.

Did Woollahra Council receive and approve a DA for these major renovations **destroying Margaret's cultural heritage** to the suburb where she had lived for 50 years? If not, why not?

Ross Steele, Paddington

Letter 2, Rory Robertson's response: "Respecting Olley"

On Tue, Sep 1, 2015 at 10:16 AM, rory robertson <strathburnstation@gmail.com> wrote:
To the Editor

I am writing in response to Professor Ross Steele's "Disrespecting Olley" letter last month (5 August).

Art-icon Margaret Olley's former home in Paddington is now home to my young family. Unfortunately, after decades of minimal maintenance, the ramshackle buildings Ms Olley added in the 1970s and garden she loved had become a shambles, as anyone who visited during the sale process can attest.

The site was abandoned and sold by Ms Olley's estate. We are redeveloping the site with Council approval. Prof Steele's claim that a wall of the historic former Hat Factory has been "demolished" is false.

In fact, no part of that two-level wooden building was demolished, except the hazardous external stairs at council's request. The series of circa-1970s add-ons that surrounded the Hat Factory have been replaced with open space. One wonders if they had council approval in the first place.

Our kids' much-loved yard has 17 new trees, including lemon myrtles, quandongs, summer reds, blueberry ash, lilly-pillies, magnolias and an ivory curl tree. Our yard will become a haven again for not only the fun of children at play, but also the songs and nests of endangered native birds.

My attitude is that if Prof Steele and others had strong objections to the site being redeveloped as a family home, they should have registered them forcefully with council during the two formal windows of opportunity in 2014. They did not.

In my opinion, it's a bit rich for Prof Steele in 2015 to sit in his new home on the site of the former Royal Hospital for Women writing letters to complain about children playing ping-pong and the world changing over time.

Happily, Ms. Olley's magnificent legacy is secure via the Margaret Olley Arts Centre on the north coast - featuring relocated parts of her Paddington home - and via her fabulous paintings hanging on hundreds of walls across the world.

We are respectful of Olley's former home and plan to leave it to others in half a century in far better condition than we found it. Woollahra Council should be congratulated for finding a sensible balance between the old and the new.

Rory Robertson
48 Duxford St
Paddington 2021

Unbalanced and false reports regarding 48 Duxford St redevelopment (continued)

Letter 3, *Sydney Morning Herald*, 28 July 2015 **Hat Factory also**

The destruction of Margaret Olley's Paddington garden is **appalling** ("Olley's garden oasis now a barren landscape", July 27). **A bigger scandal is the renovation of the wooden Hat Factory** where she lived and painted looking out onto her cherished garden and fish pond.

The ground-floor garden wall of this house has been **demolished** and her painting studio turned into a ping-pong room open onto the astroturf replacing the garden. How has Woollahra Council given approval for the destruction of the home and garden of our greatly loved national treasure who was a focal point of Paddington's artistic heritage?

Ross Steele, Paddington <http://www.smh.com.au/comment/smh-letters/voters-will-join-the-dots-on-political-donations-20150727-gil8jb.html#ixzz3hJNex7NV>

Letter 4, *Sydney Morning Herald*, 29 July 2015 **"Barren landscape" is being revived as garden haven**

Our family home and yard featured in the Herald, with us portrayed as eco-vandals ("Olley's garden oasis now a barren landscape", July 27).

Yes, Margaret Olley lived and painted on site for half a century. Unfortunately, after decades of minimal maintenance, **the ramshackle buildings she added in the 1970s and garden she loved had become a shambles**, as anyone who visited during the sale process can attest. The site was abandoned and sold by Olley's estate.

We are portrayed negatively for cleaning up the site. Our kids' much-loved yard reportedly is "now a barren landscape with one palm tree and surrounded by a high brick fence".

Yet the new high, brick fence simply replaced the dangerous, falling-down old high, brick fence. And the eight other palm trees were removed with council approval before we bought the property.

The report failed to note we have planted 17 new trees, including lemon myrtles, quandongs, summer reds, blueberry ash, lilly-pillies and magnolias. Our yard will become a haven again for not only the laughter of children at play, but also the songs and nests of endangered native birds.

Happily, Olley's magnificent legacy is secure via the Margaret Olley Arts Centre on the north coast (featuring relocated parts of her Paddington home), and via her fabulous paintings hanging on hundreds of walls across the world.

We are respectful of Olley's former home and plan to leave it to others in half a century in far better condition than we found it. Woollahra Council should be congratulated for finding a sensible balance between the old and the new.

Rory Robertson, Paddington <http://www.smh.com.au/comment/smh-letters/the-booing-of-adam-goodes-is-the-ugly-sound-of-racism-20150728-gim3dm.html#ixzz3hJKFUMt>

Letter 5, *Sydney Morning Herald*, 30 July 2015 **Opportunity missed**

Ross Steele's claim (Letters, July 28) that a wall of art-icon Margaret Olley's former Hat Factory studio has been "demolished" is false.

In fact, no part of that historic two-level wooden building was removed, except the hazardous external stairs at council's request. The main thing removed from the site was a series of ramshackle add-ons that surrounded the Hat Factory. Those circa-1970s structures have been replaced with open space.

If Steele and his friends in the arts community have strong objections to Olley's former property being redeveloped after decades of minimal maintenance, they should have registered them forcefully with council during the formal windows of opportunity in 2014. They did not.

Rory Robertson, Paddington <http://www.smh.com.au/comment/smh-letters/time-for-sydney-to-set-a-goodes-example-20150729-gimxpp.html>

Margaret Olley's artistic treasure chest home recreated in northern NSW gallery

7.30 By Rebecca Baillie

Updated 13 Mar 2014, 9:34pm



PHOTO: A crammed room in the reconstruction of artist Margaret Olley's house at the Margaret Olley Art Centre (ABC News: Rebecca Baillie)

When much-loved Australian artist Margaret Olley died in 2011, she left behind a veritable treasure trove of paintings, objets d'art and household clutter.

MAP: Murwillumbah 2484

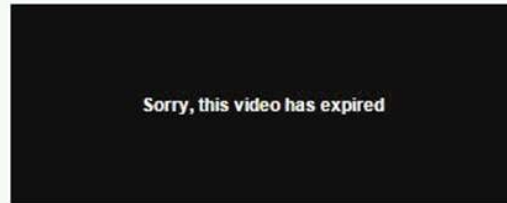
It was hard to move in the terrace house in Duxford Street, Paddington, which Olley, 88, had owned for nearly half a century.

"If you look at Margaret's environment, it looks like chaos, but it is actually very planned," close friend and biographer Christine France told ABC's 7.30 program.

"It is very important that this material is preserved."

Now, Olley's house and its contents, which provided the scenes and subjects for so many of her famous works of art, have been recreated in a purpose-built centre at the Tweed Regional Gallery in Murwillumbah, far northern New South Wales.

Gallery director Susi Muddiman described Olley's home as a "continual treasure chest of delightful objects".



VIDEO: Watch Rebecca Baillie's report for 7.30 (7.30)

<http://www.abc.net.au/news/2014-03-13/margaret-olley-legacy-reborn-in-northern-nsw/5319208>

Margaret Olley's artistic treasure chest home recreated in northern NSW gallery (continued)

"I think it was the layering that fascinated me, clearly everything had a place," she said.

"I remember the first time I was there, there was nowhere to rest your eyes ... You can see still lives set up so purposefully."

The Margaret Olley Centre, partially funded to the tune of \$1 million by the artist herself, will open to the public this Sunday.

"Still to this day, the concept of building a house inside a white box art gallery is bizarre to me," Ms Muddiman admits.

"It is a huge responsibility to a national icon, treasure, so we wanted to do her justice."

The painstaking and exacting process of cataloguing, photographing, archiving and packing has taken more than two years.

Thousands of items, including ashtrays complete with butts, have made the 800-kilometre journey from Paddington to Murwillumbah.

They have been carefully placed back in exactly the same positions as Olley herself had placed them.

Three rooms from the Duxford Street house - the dining room, kitchen and so-called Yellow Room - have been rebuilt to scale, with even the light and the aspect remaining true to the original.

Some doors, windows and original fittings were also removed and installed in the Tweed building.

"It lends another layer of Margaret and the history of Duxford Street. There's the aroma, the scent of the house in the wooden frames," Ms Muddiman said.

"There is definitely the lingering of cigarette smoke in the place."

It is believed the gallery will provide an adoring public with a very personal insight into Olley's fascinating private world.

"The hype around this has been extraordinary. It was only a few weeks after the announcement that the project was going to start that people were starting to turn up," Ms Muddiman said.

"It is almost like they are coming here as a homage to her."



PHOTO: Paint, brushes and trinkets cover a bench in the reconstruction of artist Margaret Olley's house.
(ABC News: Rebecca Baillie)

<http://www.abc.net.au/news/2014-03-13/margaret-olley-legacy-reborn-in-northern-nsw/5319208>

Margaret Olley Art Centre

The Margaret Olley Art Centre (MOAC) is the third and final stage of the Tweed Regional Gallery.

MOAC celebrates the career, life and legacy of its namesake, Margaret Olley – Australia's most celebrated painter of still life and interiors.

MOAC combines exhibitions of paintings and objects, an interactive multi-media drawing activity, research library and education workshop, and is complemented by the Nancy Fairfax Artist in Residence Studio. Central to the MOAC is the recreation of areas of Olley's famous home studio, principally the Hat Factory and the Yellow Room.

The recreation features original architectural elements such as windows and doors, relocated from Olley's home studio at 48 Duxford Street, Paddington, Sydney. The interiors are filled with over 20,000 items Olley collected over many years as subject matter for her paintings.

These combined elements offer a rich and dynamic context for Olley's extensive artistic career.



View into the Hat Factory at the Margaret Olley Art Centre



Interior View of the Hat Factory re-creation at the Margaret Olley Art Centre

<http://artgallery.tweed.nsw.gov.au/MargaretOlleyArtCentre>

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rory robertson

economist and former-fattie

<https://twitter.com/OzParadoxdotcom>

A life in our times: Vale Alexander "Sandy" Robertson (1933-2015) + Postscript on Death, Dementia, Diet and Diabetes: <http://www.australianparadox.com/pdf/AlecRobertson-born2oct33.pdf>

Are you getting fat and sick? Want to stop trends in your family and friends towards obesity, type 2 diabetes, heart disease and various cancers? Well, it's time to stop eating and drinking sugar: <http://www.youtube.com/watch?v=xDaYa0AB8TQ&feature=youtu.be> ; <http://www.peterbrukner.com/wp-content/uploads/2014/08/All-you-need-to-know-about-LCHF1.pdf>

Game-changer! 26 doctors treating fat and sick present strong evidence for why low-carbohydrate, high-fat (LCHF) diets MUST become standard treatment for obesity and type 2 diabetes (aka metabolic syndrome): <http://www.sciencedirect.com/science/article/pii/S0899900714003323>

On the *Australian Paradox* scandal at the University of Sydney's new \$500m Charles Perkins Centre: <http://www.abc.net.au/radionational/programs/backgroundbriefing/independent-review-finds-issues-with-controversial-sugar-paper/5618490> ; <http://www.australianparadox.com/pdf/RR-response-to-inquiry-report.pdf> ; <http://www.smh.com.au/national/university-sets-up-500m-centre-for-obesity-research-20130724-2qjq8.html>

Comments, criticisms, questions, compliments, whatever welcome at strathburnstation@gmail.com

www.strathburn.com

Strathburn Cattle Station is a proud partner of YALARI, Australia's leading provider of quality boarding-school educations for Aboriginal and Torres Strait Islander teenagers. Check it out at <http://www.strathburn.com/yalari.php>



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File: SF16/11860
Job ID No: DOC16/135808

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

Attn: Chris Bluett

Dear General Manager

RE: Planning Proposal to heritage list 48 Duxford Street, Paddington (SC3294 Plan Prop)

Thank you for your email dated 15 March 2016 to the Heritage Division, Office of Environment & Heritage (OEH) requesting comments on the abovementioned planning proposal. The proposal seeks to list 48 Duxford Street, Paddington – a two storey late Victorian Italianate terrace house with a decorative stucco façade and filigree detailing – as an item of local heritage significance in in Schedule 5 of the Woollahra Local Environmental Plan 2014. As the delegate of the Heritage Council of NSW, I provide the following comments:

Heritage listings provide statutory protection to assist with conservation and management of significant places. The Heritage Council of NSW supports the listing of items of local heritage significance where they are supported by a robust heritage assessment.

The proposal demonstrates that the property meets the significance criteria for local heritage listing. The Heritage Council of NSW therefore supports the inclusion of 48 Duxford Street, Paddington as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

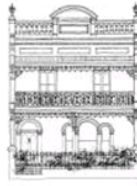
If you wish to discuss the matter further, please contact Vibha Bhattarai Upadhyay, Heritage Assessment Officer, on (02) 9873 8587 or via email to vibha.upadhyay@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rajeev Maini".

Rajeev Maini
Acting Manager Conservation
Heritage Division, Office of Environment & Heritage
As Delegate of the NSW Heritage Council
23 March 2016

Helping the community conserve our heritage



THE PADDINGTON SOCIETY Inc.
For Community and Heritage
Est 1964

29 March 2016

General Manager
Woollahra Council
PO Box 61
Double Bay NSW 1360

Attention: Mr Chris Bluett
Email: records@woollahra.nsw.gov.au

Dear Sir,

Re; Proposal to list Margaret Olley's house, 48 Duxford St as a heritage item in the Woollahra LEP 2014.

Thank you for the opportunity to comment on this proposal.

Whilst we encourage Council's initiative to enhance heritage conservation in Paddington, we find it difficult to support the heritage listing of individual items.

Paddington is a Heritage Conservation Area as a whole. In our experience listing individual items has the effect of downgrading the heritage significance of other items. This encourages a general attitude that non-listed houses may be of lesser significance and may be treated in a way that may be inappropriate to the objectives of the conservation area.

We recognize that, as the residence of Margaret Olley, this house is of importance. However much of the importance lay in the internal artifacts and manner in which Olley occupied the house. To our knowledge much of this, including the gardens, no longer exists on the site. Furthermore to say that it is representative of Late Victorian Italianate terrace houses is to deny the many other examples which are visible throughout the precinct.

We believe the 'historical, historic association, aesthetic and social significance' of the site could be aptly recognized through the installation of a commemorative plaque to that effect. Statutory protection and conservation of the item should be carried out under Council's Development Control Plan, as applies to the other heritage artifacts in the Paddington Conservation Area.

Juniper Hall • PO Box 99 Paddington 2021 • Telephone 9360 6159

Yours sincerely



Will Mrongovius
President
The Paddington Society
0407 418 780

Juniper Hall • PO Box 99 Paddington 2021 • Telephone 9360 6159

Item No: R3 Recommendation to Council
Subject: **REVISED PLANNING PROPOSAL FOR 374 AND 376-382 NEW SOUTH HEAD ROAD, DOUBLE BAY (SC2873)**
Author: Brendan Metcalfe, Strategic Planner
Approvers: Anne White, Acting Team Leader - Strategic Planning
Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 16/63652
Reason for Report: To update Council on the planning proposal for 374 and 376-382 New South Head Road, Double Bay.
To recommend deferral of the assessment of the revised planning proposal that has been submitted for this site until the review of planning controls for Double Bay is complete.

Recommendation:

That consideration of the revised planning proposal for 374 and 376-382 New South Head Road, Double Bay as reported to the Urban Planning Committee of 23 May 2016 be deferred until the review of planning controls in the Double Bay Centre is complete.

1. Background:

In June 2015 a request for a planning proposal (hereafter called the original planning proposal) related to the land at 374 and 376-382 New South Head Road, Double Bay (the site) was submitted to Council by Eeles Trelease Pty Ltd Architects in association with Tony Moody, Consultant Planner and Hill Thalix Architecture + Urban Planning Pty Ltd on behalf of the owner Fivex Pty Ltd. The original planning proposal facilitated a seven storey mixed use development this site which comprises Lot B in DP 162458 and Lot 11 in DP 608859.

The site is located in Double Bay at the western corner of New South Head Road and Knox Street as shown below in Figure 1: *Local area map*. An aerial of the site is shown in Figure 2.

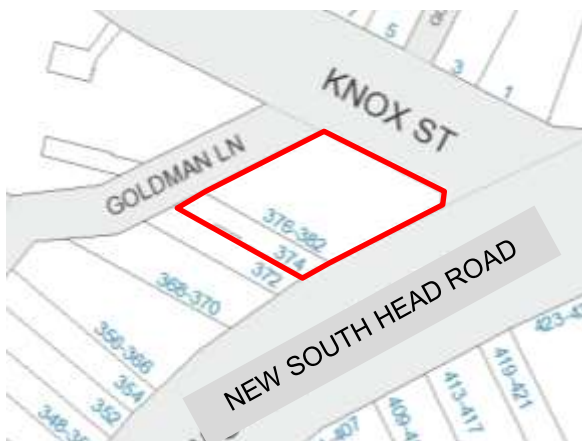


Figure 1: Local area map



Figure 2: Aerial

The original planning proposal was to amend the height and floor space ratio (FSR) controls applying to the site under Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:

- Increasing the maximum FSR from 2.5:1 to 5:1 on 374 New South Head Road
- Increasing the maximum FSR from 3:1 to 5:1 on 376-382 New South Head Road
- Increasing the maximum building height from 14.7m (4 storeys) to 26m (7 storeys) over the site

On 2 November 2015 the Urban Planning Committee (UPC) considered a report (**Annexure 1**) on the original planning proposal where staff recommended not supporting the planning proposal as it:

- sought height and floor space ratio controls that are inconsistent with the strategic review of controls in the Double Bay Centre being carried out by the Council.
- was inconsistent with the desired future character of the Double Bay Centre that is defined by objectives and development standards in Woollahra Local Environmental Plan 2014 and Chapter D5 Double Bay Centre of the Woollahra Development Control Plan 2015,
- would facilitate development that would have unacceptable shadowing impacts to the south side of New South Head Road,
- results in a building envelope which is inconsistent with building separation distances for 5 to 8 storey apartment development identified in the Apartment Design Guide (Department of Planning and Environment 2015) which supports State Environmental Planning Policy 65 – Apartment Design Quality (SEPP 65)

The UPC recommended that a decision on the planning proposal be deferred. At the Council meeting of 16 November 2015 Council considered the UPC recommendation and resolved:

That a decision on the planning proposal for 374 and 376-382 New South Head Road, Double Bay be DEFERRED until March 2016, in order to allow sufficient time for the Hill PDA report to be considered fully by Council and for further discussion to take place between Council Officers and the Applicant.

On 1 March 2016 the proponent submitted a revised planning proposal (**Annexure 2**) for the site (hereafter called the revised planning proposal) which reduced the height of the development by 2.5m (1 storey) and the proposed FSR by 0.5:1. On 15 March 2016 staff wrote to the proponent and advised that in light of Council's resolution from 16 November 2015, the assessment of any planning proposal for the site should be deferred until the review of the planning controls for Double Bay has been completed. Staff also requested that further documentation be submitted to support the revised planning proposal.

The final documentation for the revised planning proposal was submitted on 27 April 2016. The revised planning proposal is to amend the height and FSR controls applying to the site under Woollahra LEP 2014 by:

- Increasing the maximum FSR from 2.5:1 to 4.5:1 on 374 New South Head Road
- Increasing the maximum FSR from 3:1 to 4.5:1 on 376-382 New South Head Road
- Increasing the maximum building height from 14.7m (4 storeys) to 23.5m (6 storeys) over the site

The proponent has requested that staff assess and report on the planning proposal as soon as possible.

2. Review of planning controls in Double Bay

On 7 September 2015 the UPC considered a report on the Double Bay Economic Feasibility Study (the study). Hill PDA was engaged to prepare the study and provide advice on:

- An understanding of the existing demand for smaller dwellings by younger residents in the Double Bay Centre and Eastern Suburbs region and how this relates to affordability;
- The financial viability of providing smaller apartments with respect to the Centre's existing planning controls;
- Recommendations to support the provision of a mix of additional housing in the Centre.

Hill PDA recommended that Council consider a review of the planning controls to permit an FSR of between 3:1 and 3.5:1. The appropriate FSR, within this range, would be dependent on urban design testing and other environmental considerations. However, the economic viability of each site must be considered on its merits.

On 28 September 2015 Council resolved in part:

- B. THAT a further report be presented to the Urban Planning Committee, no later than the end of March 2016, containing the review of the planning controls to the Double Bay Centre, which is based on the recommendations and policy options presented to the Urban Planning Committee by Hill PDA Consulting on 7 September 2015.*

Based on Hill PDA's recommendations, Council's planning and urban design staff have been assessing the appropriateness of increasing the FSR controls in Double Bay to between 3:1 and 3.5:1. This has involved a fine-grain urban design review of the whole centre. The review has modelled building envelopes on a block by block basis to assess the built form implications, as some areas, locations or sites may be more suitable for increased FSRs.

On 29 March 2016 staff briefed the Mayor and UPC councillors on potential building envelope options which would accommodate an increased FSR. In response to councillor feedback the 3D modelling is being further refined and additional options are being developed. Once the modelling has been completed the options will be reported to a meeting of the UPC. It is anticipated that this report will be available in the near future.

As the work on the Double Bay building envelopes is not complete and the modelling for the site has not been finalised, it is premature to provide a recommendation on the merit of the revised planning proposal. The assessment of the revised planning proposal should take place once Council has formed a view on the merit of altering building envelopes for the whole of Double Bay.

3. Conclusion:

Council staff are currently finalising building envelope options to inform the review of planning controls in the Double Bay Centre. As the modelling of this site has not been finalised, it is premature to provide a recommendation on the revised planning proposal.

We recommend that consideration of the revised planning proposal is deferred until the review of planning controls has been completed.

Annexures

1. Report to UPC recommending refusal of the original planning proposal
2. Revised planning proposal for 374 and 376-382 New South Head Road, Double Bay

Woollahra Municipal Council
Urban Planning Committee Agenda

2 November 2015

Item No: R2 Recommendation to Council
Subject: **PLANNING PROPOSAL FOR 374 AND 376-382 NEW SOUTH HEAD ROAD, DOUBLE BAY (SC2873)**
Author: Brendan Metcalfe, Strategic Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 15/82753
Reason for Report: To report on the request for a planning proposal prepared by Eeles Trelease Pty Ltd Architects, Tony Moody, Consultant Planner and Hill Thalys Architecture + Urban Planning on behalf of the land owner Fivex Pty Ltd.

Recommendation:

That the planning proposal prepared by Eeles Trelease Pty Ltd Architects, Tony Moody, Consultant Planner and Hill Thalys Architecture + Urban Planning Pty Ltd on behalf of Fivex Pty Ltd as contained in Annexure 1 of the report to the Urban Planning Committee meeting of 27 July 2015 is not supported. In summary the request:

- seeks height and floor space ratio controls that are inconsistent with the strategic review of controls in the Double Bay Centre being carried out by the Council.
- is inconsistent with the desired future character of the Double Bay Centre that is defined by objectives and development standards in Woollahra Local Environmental Plan 2014 and Chapter D5 Double Bay Centre of the Woollahra Development Control Plan 2015,
- would facilitate development that would have unacceptable shadowing impacts to the south side of New South Head Road,
- would result in a building envelope which is inconsistent with building separation distances for 5 to 8 storey apartments identified in the Apartment Design Guide which supports *State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development*.

1. Summary

In June 2015 a request for a planning proposal (hereafter called the planning proposal) was submitted to Council by Eeles Trelease Pty Ltd Architects in association with Tony Moody, Consultant Planner and Hill Thalys Architecture + Urban Planning Pty Ltd on behalf of the owner Fivex Pty Ltd (**Annexure 1**). The planning proposal would facilitate a seven storey mixed use development at 374 and 376-382 New South Head Road, Double Bay (the site) which comprises Lot B in DP 162458 and Lot 11 in DP 608859.

The planning proposal is to amend the height and floor space ratio (FSR) controls applying to the site under Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014) by:

- Increasing the maximum FSR from 2.5:1 to 5:1 on 374 New South Head Road
- Increasing the maximum FSR from 3:1 to 5:1 on 376-382 New South Head Road
- Increasing the maximum building height from 14.7m (4 storeys) to 26m (7 storeys)

In summary, we do not support the amendment to the planning controls as the planning proposal:

- seeks height and floor space ratio controls that are inconsistent with the strategic review of controls in the Double Bay Centre being carried out by the Council.
- is inconsistent with the desired future character of the Double Bay Centre that is defined by objectives and development standards in Woollahra Local Environmental Plan 2014 and Chapter D5 Double Bay Centre of the Woollahra Development Control Plan 2015,

- would facilitate development that would have unacceptable shadowing impacts to the south side of New South Head Road,
- results in a building envelope which is inconsistent with building separation distances for 5 to 8 storey apartment development identified in the Apartment Design Guide (Department of Planning and Environment 2015) which supports *State Environmental Planning Policy 65 – Apartment Design Quality* (SEPP 65)

2. The site

The site is located in Double Bay at the western corner of New South Head Road and Knox Street. The site is approximately 650m from the Edgecliff Bus and Rail Interchange which is located in the Edgecliff Commercial Core and adjacent to the Edgecliff Commercial Corridor as shown below in Figure 1: *Local area map*. An aerial of the site is shown in Figure 2. It comprises two properties at 374 and 376-382 New South Head Road with a total area of 669.8m².



Figure 1: Local area map (refer to Figure 2 for site details)



Figure 2: Aerial photo of the site

Existing local environmental plan development standards

The height and floor space ratio controls that currently apply to the site are identified in the table below.

	FSR	Height
Woollahra LEP 2014	374 New South Head Road - 2.5:1 376- 382 New South Head Road - 2.5:1 with 3:1 under clause 4.4A <i>Exceptions to floor space ratio (Area 1—Double Bay)</i>	14.7 (4 storeys)

Clause 4.4A

Generally land in the Double Bay Commercial Centre has an FSR of 2.5:1. However, clause 4.4A *Exceptions to floor space ratio (Area 1—Double Bay)* allows an FSR of 3:1 on 17 corner sites, including 376-382 New South Head Road. The 3:1 FSR is permitted if:

the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.

Although these corner sites may be granted additional FSR, no additional building height is permitted.

Existing built form

Commercial buildings currently occupy both properties which have no off-street parking. No. 374 New South Head Road is the eastern half of a pair of one storey Inter-War shops. The building, shown below in Figure 3, is approximately 7m high with an FSR of approximately 0.74:1. The property has frontages to New South Head Road and Goldman Lane and is currently occupied by the pizzeria "Crust". An electricity substation is located on the property at the Goldman Lane frontage.

Nos. 376-382 New South Head Road contain a four storey retail and commercial building which is bounded on three sides by Knox Street, New South Head Road and Goldman Lane. The building, shown in Figures 3 to 6 below, has a maximum height of 15.3m and an FSR of 3.12:1. Each frontage is activated at the ground floor by shops or a business use. An office and a health services facility operate on the floors above, with the fourth floor currently vacant. There is a roof terrace that houses mechanical plant and equipment as well as lift access.



Figure 3: View of the site from New South Head Road looking north



Figure 4: View of the site from New South Head Road looking north west.



Photos of existing context. Figure 5 (Left image): View from New South Head Road looking north east, Figure 6 (right image): View from Knox Street looking south east.

3. Existing consent for 376-382 New South Head Road

On 7 July 2014 Council approved alterations and additions to the existing building on 376-382 New South Head Road under DA 568/2013. The consent is for a change of use of level 4 from commercial to residential and an additional fifth level for residential use. Thirteen dwellings would be provided in the form of studio/1 bedroom dwellings.

The approved building has a maximum height of 19.4m and an FSR of 4.42:1. The development exceeds the current Woollahra LEP 2014 height control by 4.7m and maximum floor space ratio control by 1.42:1. The consent does not apply to 374 New South Head Road which forms part of the planning proposal site.

A comparison of the existing Woollahra LEP 2014 controls, the approved DA and the proponent's suggested controls for the site is provided in a table in section 4.1 below.

4. The proponent's planning proposal

In summary, the objective of the planning proposal is to increase the height and FSR controls applying to the site. The changes would allow an additional two storeys of development above the five storeys approved for Nos. 376-382 New South Road and an additional three storeys above the existing maximum building height that applies to both No.374 and Nos 376-382 New South Head Road. The existing B2 Local Centre zoning would remain unchanged.

To support the planning proposal the proponents submission included:

- A concept for a 7 storey mixed use building with four levels of commercial development and three levels of residential apartments
- Photomontages of the concept
- Shadow modelling of the concept
- Comment on views from the immediate surroundings
- An urban design opinion from Philip Thalys Architecture + Urban Projects Pty Ltd
- A planner's report prepared by Tony Moody, Consultant Planner

4.1 Proposed controls

A summary of the height and floor space ratios permitted under Woollahra LEP 2014, approved under DA568/2013 and proposed for the site are shown in the table below:

	FSR	Height
Woollahra LEP 2014	2.5:1 on 374 New South Head Road 2.5:1 with 3:1 under clause 4.4A on 376- 382 New South Head Road	14.7 (4 storeys)
Approved DA (568/2013)	4.42:1 (47% increase)	19.4m (5 storeys) (32% increase)
Planning proposal	5:1 over the site under clause 4.4A 100% increase on 2.5:1 control and 66% increase 3:1 control	26m (7 storeys) 77% increase
Note: All percentage increases are from the existing Woollahra LEP 2014 controls.		

Compared to the existing Woollahra LEP 2014 controls, the proponent seeks an increase of:

- 11.3m to maximum building height and
- 2.5:1 over 374 New South Head Road and 2:1 in FSR over 376-382 New South Head Road.

4.2 Proponent's concept

The proponent's documentation included a concept for the site under the proposed controls. The building shown is a seven storey mixed use development comprising four levels of commercial development from the ground floor to level 4 and three levels of residential development on levels 5 to 7. No parking is proposed within the development.

The floor plate of the existing building at Nos. 376-382 New South Head Road would be extended laterally to the west to include No. 374. The concept building does not have setbacks on any side.

The ground floor would remain as retail and levels 2 to 4 would be commercial. A total of fifteen residential apartments are shown over levels 5 to 7. Levels 5 and 6 each contain six studios/one bedroom apartments with balconies to all street frontages. Level 7 shows three, one bedroom dwellings set against Goldman Lane. A roof garden is shown at the corner of New South Head Road and Knox Street with a cutaway roof. The proponent's photomontage of the concept is shown below in Figure 7 and the proponent's oblique view of the concept is shown in Figure 8.



Figure 7: Proponent's photomontage of a seven storey mixed use building constructed to a height of 26m as viewed from New South Head Road looking west.



Figure 8: Proponent's oblique view of concept looking west

Figures 9 and 10 below show the proponent's concept in elevation at the New South Head Road frontage and Knox Street frontage. The existing building on Nos. 376-382 New South Head Road is shown in white, the alterations and additions approved under DA568/2013 are shown in green and the proponent's proposed concept is shown in blue.



Figure 9: Proponent's concept - New South Head Road elevation

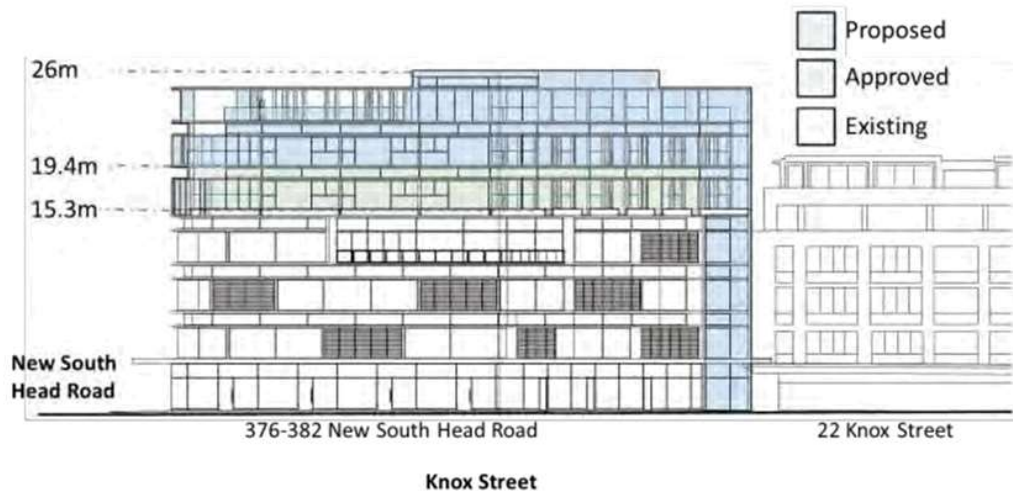


Figure 10: Proponent's concept - Knox Street elevation

5. Review of the planning proposal

Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) sets out what information a planning proposal is to include when submitted for a gateway determination. The Department of Planning and Environment has prepared *A guide to preparing planning proposals* (the guidelines) dated October 2012 to help proponents meet the requirements of the Act. We have reviewed the proponent's request for a planning proposal in accordance with section 55 of the Act and the guidelines. The review identified that the proposed height and FSR for the site are excessive and are not supported.

The assessment has been conducted in two parts; consideration of the strategic merit of the proposal and review of the proponent's concept and requested planning controls.

5.1 Strategic merit

The strategic merit of increasing the height and FSR is assessed below. The review considered the consistency of the planning proposal with:

- A Plan for Growing Sydney (Department of Planning and Environment 2014)
- the Draft East Subregional Strategy (Department of Planning 2007)
- the Double Bay Place Plan which is Council's vision for the Double Bay Centre

5.1.1 A Plan for Growing Sydney and the Draft East Subregional Strategy

The planning proposal is consistent with A Plan for Growing Sydney and Draft East Subregional Strategy. The proposed planning control changes would increase the site's development potential for residential or commercial floor space in the Double Bay Centre.

The Centre provides a broad range of services and jobs and is well serviced by public transport. Increasing housing choice within and around existing centres through urban renewal is considered best planning practice for the efficient use of resources and existing infrastructure.

Whilst acknowledging that the planning proposal would meet the broad objectives and outcomes in the two State Government planning strategies in so far as facilitating additional housing and employment, it should be noted that the quality and design of development and its impact on the overall character of centres is also an important consideration. The Draft East Subregional Strategy recognises the need for improved design quality.

A Plan for Growing Sydney is a high level strategic planning document and deals with urban design and design quality in a very superficial manner. These are matters which are taken up by SEPP 65 and Council's development control plan.

5.1.2 Double Bay Place Plan

The Double Bay Place Plan sets out a series of strategies, priorities and actions aimed at achieving a new vision and place story for Double Bay. It introduces a placemaking approach to the management, future planning and development of Double Bay to ensure that the vision and place story are achieved.

Strategy 3.2 of the Double Bay Place Plan is to provide increased housing opportunities for people to live in Double Bay. Action 3.2.1 is to create a more diverse housing mix in Double Bay to make housing more affordable for young people and to increase the residential population of the village. Action 3.2.1 contains four parts:

1. Commissioning an economic study to examine the opportunities for an additional residential population accommodated in Double Bay in smaller apartments with car share
2. Reporting the outcome of that study to Council
3. Amendment of Council's planning controls in the Woollahra LEP 2014 and Woollahra Development Control Plan 2015 as required to encourage new moderate scale housing
4. Working with and providing assistance to landowners to implement the revised planning controls

Stages one and two of this action are complete. The Double Bay Economic Feasibility Study prepared by Hill PDA was reported to the Urban Planning Committee meeting of 7 September 2015. On 28 September 2015 Council resolved to receive and note the report, conduct a review of planning controls in the Double Bay Centre and prepare a community engagement strategy. The review will be based on the recommendations and policy options presented to the Urban Planning Committee by Hill PDA Consulting on 7 September 2015.

The key recommendation from Hill PDA Consulting is to review Council's existing planning controls in the Double Bay Centre to facilitate redevelopment. This review should have particular regard to FSR. On the basis of economic feasibility only, the study identified that most sites in the Centre require an FSR of at least 2.8:1 and generally more than 3:1 for viable development to occur. Hill PDA recommend that Council considers a review of the planning controls to permit an FSR of between 3:1 and 3.5:1¹. The appropriate FSR, within this range, would be dependent on urban design testing and other environmental considerations.

Council's planning and urban design staff will now carry out a fine-grain urban design review of the built form implications of permitting an FSR of between 3:1 and 3.5:1.

¹ Page 71 of the Double Bay Economic Feasibility Study 2015

Proponent's comments

The proponent's consultant, MD Planning, states that the Hill PDA study "in effect, recommends increased development yield for properties within the Double Bay Town Centre to encourage increased growth". MD Planning also notes that the Urban Planning Committee recommended that a further report be prepared based on the policy options identified in the Hill PDA study. MD Planning suggests that both Hill PDA and the Urban Planning Committee support increased development yields in the Double Bay Centre to encourage growth. MD Planning also states that the additional housing that could be provided under the proposed planning controls is a desirable outcome that would add to the vitality and economic impetus of the Centre.

Staff response

Whilst the proponent's request would increase the development potential of the site, amending the height and FSR as suggested is not supported as:

- the proponent's request for an FSR of 5:1 is 1.5:1 greater than the maximum FSR identified by Hill PDA to facilitate viable redevelopment
- a seven storey height limit would not be required to accommodate a 3.5:1 FSR which is the maximum FSR identified in the Hill PDA report.

To complete Stage 3 of Action 3.2.1 of the Double Bay Place Plan, Council will be carrying out a review of the planning controls for the Centre over the coming months. That review should not be driven by ad-hoc requests to amend planning controls on individual sites. Rather, future planning control changes for the subject site should have regard to the broader strategy for the Double Bay Centre. In this respect the proposed planning control changes are not supported. The review will incorporate public participation with stakeholders in Double Bay which the owners of this site can take part in.

The existing consent under DA568/2013 would provide an additional 13 dwellings on Nos. 376-382 New South Head Road at an FSR of 4.42:1. The proponent's concept submitted with the planning proposal yields just three additional units despite:

- proposing an FSR of 5:1
- extending the site laterally to include No. 374 New South Head Road
- increasing maximum building height to 26m which would allow three additional storeys

Only an extra three dwellings are provided under the concept submitted with the planning proposal as level 4 of the existing building would not be converted to residential use. Whilst increasing residential density is desirable, the three additional units would have a negligible impact on the vitality and economic impetus of the Centre.

5.1.3 Approval history in the Double Bay Centre

Proponent's comments

The proponent's consultant, MD Planning, states that over recent years Council has approved development that exceeded the height and FSR controls for the Centre. The approvals for the Cosmopolitan Centre at 2-22 Knox Street and Kiaora Lands were specifically identified as two examples.

Staff response

The approval for the Cosmopolitan Centre was for alterations and additions to an existing six storey building. The maximum height of the building remained at 20.7m.

The approval for the Kiaora Lands development was for a new building which had a maximum building height of 19.9m. The non-compliance was for the plant equipment which was setback from New South Head Road and did not contribute to building bulk. The maximum height of the building at the New South Head Road frontage is 16.8m which complies with the current 18.1m Woollahra LEP 2014 control. The approved building also delivers a public benefit by providing a new public library.

These heights were assessed and considered to be suitable on individual merit. Neither development application exceeded the maximum building height control by the 77% margin requested by the proponent.

5.2 Review of proponent's concept and requested planning controls

The review of the proponent's concept considered the following matters:

- SEPP 65 and its supporting document the Apartment Design Guide,
- the objectives of Woollahra LEP 2014 and
- relevant controls in Chapter D5 Double Bay Centre of the Woollahra Development Control Plan 2015 (Woollahra DCP 2015).

The review identified a range of issues that have been addressed below in order of significance. Specifically:

- Consistency with the desired future character of the centre
- The need for additional height and FSR on corner sites
- Shadowing impacts
- Privacy impacts

The review concludes that based on the proponent's concept plans and shadow diagrams the proposed planning control changes are not appropriate in this location.

5.2.1 Consistency with desired future character of the Double Bay Centre

The desired future character of the Double Bay Centre is defined by a number of components of the Woollahra LEP 2014 and Chapter D5 Double Bay Centre of the Woollahra DCP 2015. The Woollahra LEP 2014 contains objectives and development standards and Woollahra DCP 2015 contains objectives, strategies, character statements and control drawings.

A building envelope for this site is defined using the maximum building height in Woollahra LEP 2014 and the setbacks in Chapter D5 Double Bay Centre of the Woollahra DCP 2015.

Relevant objectives of Woollahra LEP 2014 are objective (a) of clause 4.3 *Height of Buildings*:

(a) *to establish building heights that are consistent with the desired future character of the neighbourhood,*

and objective (b) of clause 4.4 *Floor space ratio* for development in the B2 zone:

(b) *for buildings in Zone B1 Neighbourhood Centre, Zone B2 Local Centre, and Zone B4 Mixed Use—to ensure that buildings are compatible with the desired future character of the area in terms of bulk and scale.*

In Chapter D5 Double Bay Centre, section D5.4 Street Character describes the desired future character of each street in the Double Bay Centre. This site is bounded by three streets, each of which have their own character statements:

- D5.4.3 New South Head Road
- D5.4.6 Knox Street
- D5.4.12 Goldman Lane

These statements identify that the desired future character of the site is a maximum of four storeys. Figure 11 is an extract from Council's 3D block model of the Double Bay Centre. The model illustrates the building envelope for the north and south side of New South Head Road and the proponent's suggested maximum building height for the site. The envelope is based on the maximum building heights in Woollahra LEP 2014 and the setback controls in Chapter D5 Double Bay Centre.

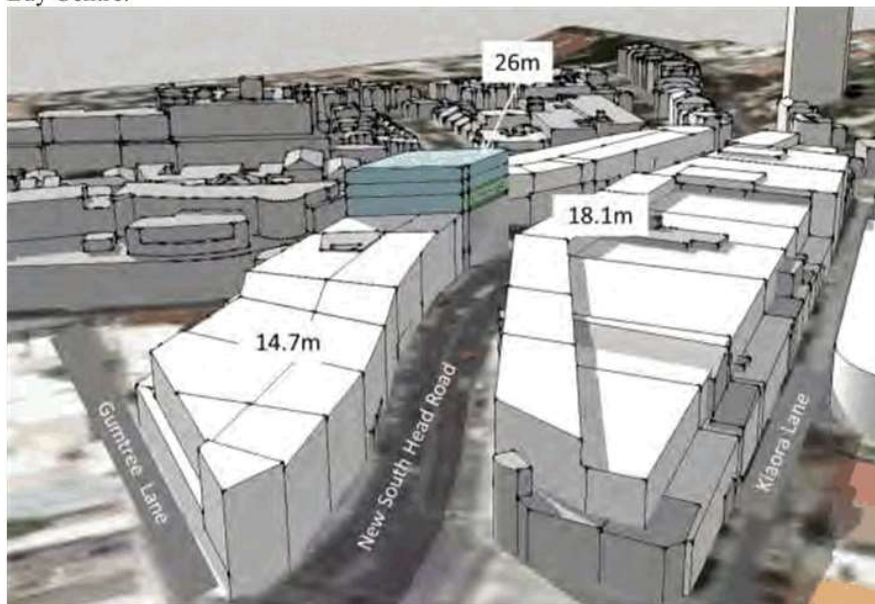


Figure 11: Council's 3D model of existing building envelopes on the north and south side of New South Head Road and the proponent's proposed building envelope.

Proponent's comments

The proponent's documentation states that the 26m height (7 storeys) would balance the future proportions of New South Head Road and Knox Street and is 'eminently reasonable'. The documentation refers to the planning principle *compatibility in the urban environment* which is outlined in the Land and Environment Court appeal *Project Venture Developments v Pittwater Council [2005] NSWLEC 191*.

Under this planning principle, two questions are posed to determine compatibility:

1. Are the physical impacts on the surrounding development acceptable?

The proponent states that there will not be unreasonable impacts on adjoining properties and includes comment on overshadowing and privacy.

2. Is the concept's appearance in harmony with the buildings around it and the street?
The proponent states that:
 - significant weight must be put on the future built form permitted under Council's planning controls, and that many adjoining buildings are underdeveloped,
 - the appearance of the foreshadowed development will be consistent with the existing building on 376-382 New South Head Road,
 - that corner sites require strong corner buildings above the prevailing planning controls,
 - that a seven storey building reflects the unique characteristics of this site.

Staff response

Planning principle: compatibility in the urban environment

1. Are the physical impacts on the surrounding development acceptable?

The physical impacts of the proponent's concept are addressed in detail in sections 5.2.3 and 5.2.4 of this report.

2. Is the concept's appearance in harmony with the buildings around it and the street?

The model in Figure 11 above shows that the requested 26m (7 storeys) height limit is inconsistent with the desired future character of the location. The model shows the maximum future built form on the north and south side of New South Head Road under Council's planning controls and what is requested for the subject site.

The requested height is an increase of 77% on the current controls that apply to the site and northern side of New South Head Road. The requested control would allow a building which is two storeys and 43% higher than the 18.1m (5 storeys) applying to the south side of New South Head Road. More broadly, the 3D model demonstrates that the requested height is inconsistent with the maximum building height of 18.1m (5 storeys) permitted in the Double Bay Centre. In this context, it cannot be concluded that the proponent's requested controls will result in a built form that is compatible with the Double Bay Centre.

The appearance of the proponent's concept is of similar design to the existing façade of the building at Nos. 376-382 New South Head Road. However, the requested height control is not in harmony with the buildings surrounding it as outlined above.

The need for a building which is 'above the planning controls' because the site is a corner site is assessed in detail below in section 5.2.2 of this report. In summary, the existing building on Nos. 376-382 New South Head Road exceeds the current maximum height and FSR controls, as does the consent for DA568/2013. The existing and approved building more than adequately enhance the corner presence and no further increase to height and FSR controls are necessary on this basis.

The site's characteristics include:

- being located at the corner of two important streets in the Double Bay Centre,
- having three frontages and
- being highly visible from Knox and New South Head Road.

Woollahra Municipal Council
Urban Planning Committee Agenda

2 November 2015

This site is not the only site in the Centre with similar characteristics. There are nine other sites with similar characteristics along New South Head Road which are nominated for bonus FSR under Woollahra LEP 2014. No additional height and floor space ratio is required on this basis.

The requested FSR of 5:1 is an increase of more than 66% on the maximum FSR for this site and Double Bay generally. Such an increase is incompatible with the desired future character of the site and Double Bay Centre. It is also 1.5:1 greater than the maximum FSR identified by Hill PDA to facilitate viable redevelopment.

After comparing the requested controls to the maximum built form in this part of Double Bay it is evident that the building envelope created would be incompatible with the urban environment and the desired future character of the Centre. Further comment on the desired future character of the centre and objectives of Woollahra LEP 2014 is provided below.

Controls in Chapter D5 Double Bay Centre which define the desired future character
Chapter D5 of Woollahra DCP 2015 contains objectives, strategies and controls that help define the desired future character of the Double Bay Centre. Comment is provided on the relevant sections of Chapter D5 in the table below.

DCP Section	Comment on consistency
Objectives of Chapter D5	
<p><i>O7 To ensure that new development is compatible with the existing built form, and streetscape and village character.</i></p> <p>Note: Objectives 1 to 5 are not relevant and the requested controls are not inconsistent with objectives 6, 8 and 9.</p>	<p>The planning proposal is inconsistent with objective 7 as the requested maximum building height is:</p> <ul style="list-style-type: none"> incompatible with the existing built form and streetscape of the block the site is located in and the north side of New South Head Road. inconsistent with the desired future character of the site which is four storeys and the Double Bay Centre which is a maximum of five storeys.
Strategies for the Double Bay Centre	
<p><i>Improve Double Bay's built form to provide appropriate definition to the public domain</i></p>	<p>The planning proposal is inconsistent with this strategy for the reasons outlined below.</p>
<p>a) Provide direction and certainty of outcome in relation to built form to ensure:</p> <ul style="list-style-type: none"> a coherent street scale; compatibility with existing urban fabric; a variety of building types; a high level of environmental amenity. <p>b) Promote high quality architectural design throughout the centre that positively contributes to the streetscape.</p>	<p>The requested maximum building height would not provide a coherent street scale on the north side of New South Head Road and would be incompatible with the existing urban fabric on the north and south side of New South Head Road. The requested height would therefore not positively contribute to the streetscape.</p>
<p>c) Ensure that new development is compatible with the existing built form, streetscape and village character.</p>	<p>The requested maximum building height is a 77% increase on the existing control and would be incompatible with the existing built form, existing streetscape and desired future character of the north and south side of New South Head Road.</p>

DCP Section	Comment on consistency
d) Establish building envelopes that define building height and building lines (at lower and upper levels) to provide coherent street definition.	The requested controls will create inconsistent maximum building heights along the north side of New South Head Road, particularly at the east and west corners of Knox Street. This change will reduce the coherency of upper levels of the street.
e) Reinforce continuous active retail frontages along street boundaries.	The planning proposal is not inconsistent with this point.
f) Reinforce the presence of corner buildings addressing the public domain, recognising their importance in the centre in terms of street vistas, urban scale and identity.	Whilst the presence of the corner of Knox Street and New South Head Road would be increased, the requested height and FSR would result in a building that is inconsistent with the scale of development envisaged for this site and the Double Bay Centre as a whole. The existing building and the building approved under DA568/2013 sufficiently reinforce the presence of this corner site.
g) Encourage view sharing and privacy.	This point is addressed below in section 5.2.4 Privacy impacts
5.6.3.1 Building envelopes	
<p>The building envelopes in Chapter D5 were established to allow development that maintains the environmental amenity of buildings and the public domain with regard to building bulk, overshadowing, access to natural light and ventilation and views. Objective O1 states:</p> <p><i>Development should contribute to the desired future character of streetscapes with appropriate and consistent building forms.</i></p>	As outlined above, the planning proposal is inconsistent with the building envelope for the north side of New South Head Road and the Double Bay Centre generally. The impacts on amenity in terms of privacy and overshadowing are addressed in sections 5.2.3 and 5.2.4 below.

Consistency with relevant Woollahra LEP 2014 objectives

The planning proposal is inconsistent with objective (a) of clause 4.3 *Height of buildings* of Woollahra LEP 2014 as the proposed controls are incompatible with the desired future character of the Double Bay Centre.

The requested 5:1 FSR is inconsistent with objective (b) of clause 4.4 *Floor space ratios* as it will result in a building with a bulk and scale that is not compatible with the desired future character of the area for the reasons outlined above.

Planning conclusions

The requested planning controls are inconsistent with the desired future character of Double Bay and relevant objectives of Woollahra LEP 2014. The building envelope created by the planning proposal would be incompatible with the maximum built form permitted on the north and south side of New South Head Road and is not supported.

5.2.2 The need for additional height and FSR on corner sites

Chapter D5 Double Bay Centre, clause 5.6.3.5 *Corner buildings* encourages strong corner buildings for 17 sites in the Double Bay Centre as discussed in section 2 above. Nos. 376-382 New South Head Road is one of these sites. The proponent argues that the current building at the corner of New South Head Road and Knox Street lacks presence and prominence and does not take the opportunity to enhance the corner and strengthen the position of the Double Bay Centre.

The introduction of clause 5.6.3.5 *Corner buildings* states:

Corner buildings are highly visible and provide the opportunity for notable design solutions. Strong corner buildings can provide valuable street definition. Existing buildings within the study area that provide this definition include the buildings on the corners of Knox Street and New South Head Road, and Coopers Corner on the intersection of Bellevue Road and New South Head Road (emphasis added).

As demonstrated by this extract and contrary to the proponent's submission, there is no need to increase the maximum height and floor space ratio on the site to enhance the street definition.

Further, the existing consent under DA568/2013 permits an additional storey of development above the existing maximum building height which will give the site prominence compared with any other building on the north side of New South Head Road.

The requested FSR control of 5:1 is 66% over the 3:1 FSR that is offered under clause 4.4A *Exceptions to floor space ratio (Area 1 – Double Bay)* in Woollahra LEP 2014. There are no characteristics of this site which warrant such an increase to FSR.

The purpose of clause 4.4A is to allow additional FSR on corner sites so that buildings can provide a continuous streetwall on each frontage. As the existing building already provides a continuous streetwall on all four levels to New South Head Road and Knox Street, additional FSR is not required to give the building prominence.

The planning proposal also seeks to increase the maximum building height on this corner site to increase prominence. Although corner sites may be permitted additional FSR, additional height is not granted to increase prominence. As the site is already identified as having a strong corner building, the site does not warrant additional height to increase its presence or prominence.

Council's Urban Designer provided advice on the planning proposal regarding the need to increase the prominence of the building on this site. The advice notes that neither Eeles Trelease nor Hill Thalys actually promote the necessity for height when producing strong corner buildings despite the proposed 11.3m increase to the maximum building height. The referral states:

In my opinion, along streets the width and character of those in Double Bay, the height of buildings required to create a strong corner expression need not be any higher than the adjacent buildings.

Regarding the review of heights and floor space ratios in the Centre as part of the Double Bay Place Plan, Council's Urban Design Planner states that:

The current height limits of four and five storeys are being reviewed. The height that is determined to be appropriate for the street height will, in my opinion, also be appropriate for corners.

The height and floor space ratio for this site can be considered in the context of the review of height and FSR controls of the entire Centre. As stated above, the owners of this site will have opportunity to participate as stakeholders in this review.

The prominence of this corner site is acknowledged and the quality and modulation of the existing building should, and indeed does, reflect its position in the Centre. However, prominence is not dependant on the building being higher than those adjoining it.

Planning conclusions

The existing building appropriately defines this corner as noted in Chapter B3 of the Woollahra DCP 2015. The building approved under DA 568/2013 will further increase this site's prominence. Increasing height and floor space ratio controls for this site as proposed is not required to create a strong corner building on this site.

5.2.3 Shadowing

A 14.7m height limit applies to the north side of New South Head Road, partly to provide solar access to existing buildings and the public domain on the south side of New South Head Road. Objective (c) and (d) of clause 4.3 *Height of Buildings* of Woollahra LEP 2014 are:

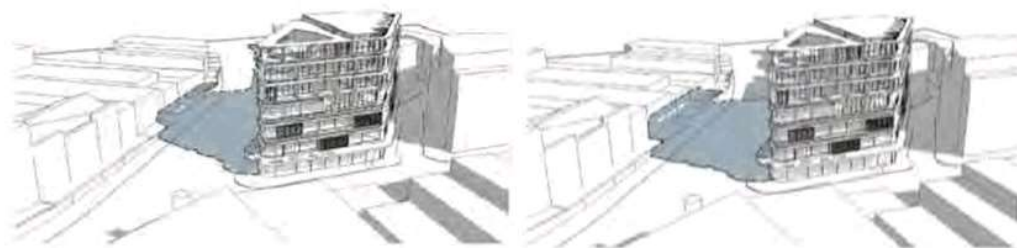
- (c) *to minimise the loss of solar access to existing buildings and open space,*
- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

In the Woollahra Development Control Plan 2015, Chapter D5 Double Bay Centre addresses solar access in clause 5.6.6.1 *Solar access*. Objective O1 and control C1 of that clause are:

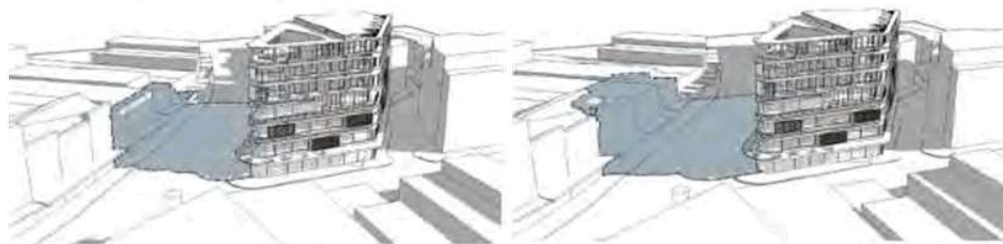
- O1 Minimise overshadowing of adjoining properties or publicly accessible spaces.*
- C1 Preserve solar access to Guilfoyle Park and the footpath on the south side of Knox Street, Cross Street, and New South Head Road between 12 noon and 2pm on 21 June.*

Proponent's comments

The proponent submitted shadow modelling of their concept for the site which is shown below in Figures 12 to 15.



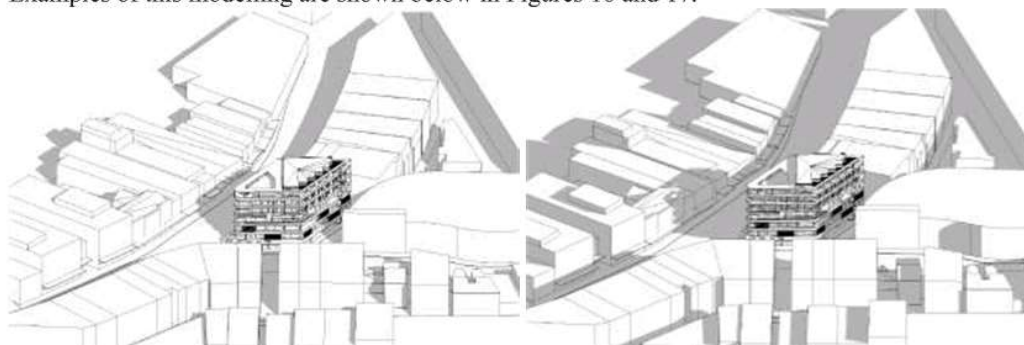
Proponent's shadow modelling of the concept submitted with the planning proposal on 21 June - Figure 12 (left): 12:00pm and Figure 13 (right) 1:00pm



Proponent's shadow modelling of the concept submitted with the planning proposal on 21 June – Figure 14 (left): 2:00pm and Figure 15 (right): 3:00pm

Further shadow diagrams were included in the proponent's planning report which compare the shadowing created by the concept for the site and the 14.7m maximum building height that applies to the north side of New South Head Road.

This modelling shows that at 3pm, buildings constructed to a height of 14.7m would completely overshadow the footpath and part of the buildings on the southern side of New South Head Road. Examples of this modelling are shown below in Figures 16 and 17.



Proponent's shadow modelling of the concept and submitted with the planning proposal on 21 June – Figure 16 (left): 12:00pm and Figure 17 (right): 3:00pm

Staff response

As the shadow diagrams in Figures 12 to 15 above show, the planning proposal will not preserve solar access to the south side of New South Head Road between 12 noon and 2pm on June 21. Staff have verified the proponent's shadow modelling and identified that part of the southern side of New South Head Road opposite the site will be in shadow from 10am on 21 June onwards.

Public domain solar access is seen as a critical control within the Double Bay Centre. Council staff have consistently sought compliance with clause 5.6.6.1 *Solar access* of Chapter D5 Double Bay Centre. The proponent's submission shows a 26m height limit does not:

- minimise overshadowing as required by objective O1,
- maintain solar access to the south side of New South Head Road as required by control C1.

Regarding the shadowing potentially created by the current 14.7m height control, the maximum building heights in the Double Bay Centre were increased from 13.5m to 14.7m with the introduction of Woollahra LEP 2014.

The increase allows new development in the Double Bay Centre to provide floor to ceiling heights consistent with those identified in the Apartment Design Guide. The increase encourages more liveable buildings in the Centre by allowing more light to penetrate into buildings and for better noise insulation between floors.

The shadowing created by the increase from 13.5m to 14.7m is minimal. The south side of New South Head Road is partially affected by additional shadowing after 1pm, with the majority of footpath being in shadow at 1:30pm. By contrast, the proponents concept will overshadow the southern side of the road opposite the site in the peak period of activity between 10am and 2pm.

Consistency with relevant Woollahra LEP 2014 objectives

A 26m height limit is inconsistent with objectives (c) and (d) of clause 4.3 *Height of Buildings* of Woollahra LEP 2014, as it:

- does not minimise the loss of solar access to existing buildings,
- does not minimise the impacts of new development on adjoining or nearby properties in terms of overshadowing, and
- will have unacceptable overshadowing impacts on the public domain on the south side of New South Head Road.

Planning conclusions

The planning proposal does not meet the objectives of Woollahra LEP 2014 or the overshadowing objective and control in Chapter D5. The planning proposal will result in shadowing on the opposite side of the road three hours earlier than under the 14.7m maximum building height permitted by the current controls. For these reasons the proposed maximum building height of 26m is not supported.

5.2.4 Privacy impacts

State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) seeks to improve the design quality of residential apartment development in New South Wales. SEPP 65 is supported by the Apartment Design Guide which provides greater detail on how residential development proposals can meet these principles through good design and planning practice.

The Apartment Design Guide was prepared, in part, to assist planning professionals in local government with strategic planning and in the preparation of local controls. Part 2 of the Apartment Design Guide explains the application of building envelopes and primary controls including height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls.

On the issue of privacy, Part 2F *Building separation* of the Apartment Design Guide outlines minimum distances between apartments to improve amenity and provide acoustic and visual privacy. These distances vary depending on building height as outlined in the table below.

Minimum separation distances for buildings are: <i>Up to four storeys (approximately 12m):</i> 12m between habitable rooms/balconies 9m between habitable and non-habitable rooms 6m between non-habitable rooms
<i>Five to eight storeys (approximately 25m):</i> 18m between habitable rooms/balconies 12m between habitable and non-habitable rooms 9m between non-habitable rooms
<i>Nine storeys and above (over 25m):</i> 24m between habitable rooms/balconies 18m between habitable and non-habitable rooms 12m between non-habitable rooms

Woollahra LEP 2014 objectives

Clause 4.3 *Height of Buildings* of Woollahra LEP 2014 includes one objective regarding privacy:

- (d) *to minimise the impacts of new development on adjoining or nearby properties from disruption of views, loss of privacy, overshadowing or visual intrusion,*

Proponent's comments

The proponent states that:

- the issue of SEPP 65 would be the subject of a further assessment under a future DA,
- there is an intervening laneway which provides spatial separation between the site and the Cosmopolitan Centre at 2-22 Knox Street, and
- the issue of privacy can be resolved with 'appropriate privacy measures'.

Council response

It is relevant to consider the Apartment Design Guide during the assessment of the planning proposal as apartments may be provided in new development on this site. Building separation is a relevant consideration as the planning proposal would increase the maximum building height for the site from 14.7m (4 storeys) to 26m (7 storeys).

The Apartment Design Guide identifies that in five to eight storey apartment buildings, consideration should be given to a minimum separation distance of 18m between habitable rooms/balconies.

The Cosmopolitan Centre is located to the north west of the site. The upper levels of the Centre are residential dwellings with windows facing towards the site. The dwellings are between 10.5m and 14.5m from the western boundary of the site on Goldman Lane.

The proponent's concept includes apartments on levels 5 to 7. The proponent suggests that obscure privacy screens would be used between main living rooms and bedrooms on the western boundary. The apartments on level 5 and 6 are shown with balconies on Goldman Lane.

Figure 18 below shows the concept with balconies within 10.5m of the Cosmopolitan Centre and windows from primary living areas within 12m of the Cosmopolitan Centre. The separation distances are well below the 18m building separation identified in the Apartment Design Guide.

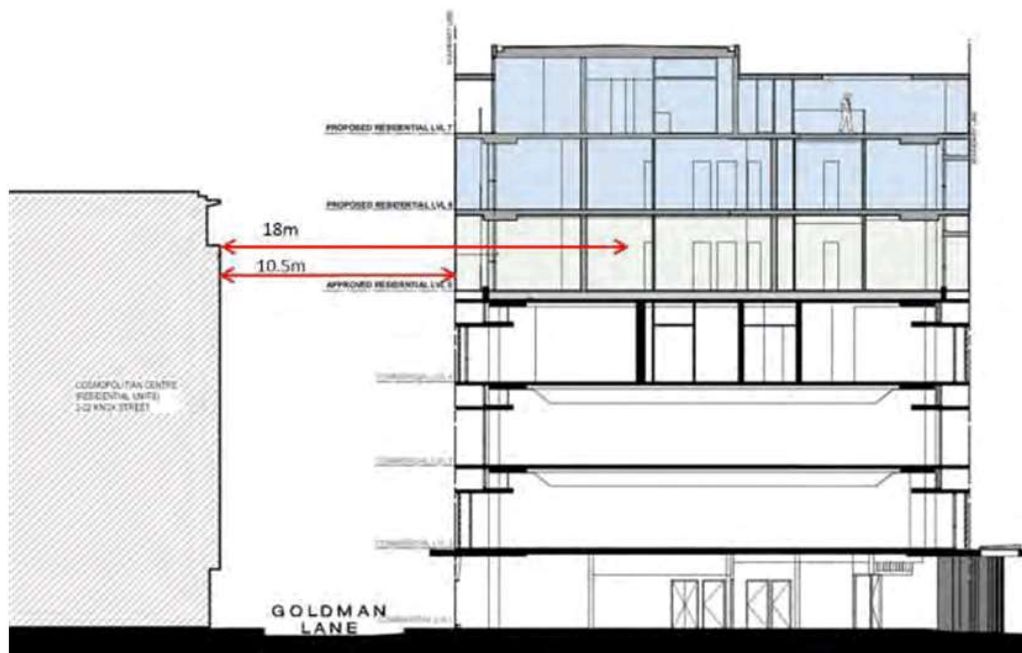


Figure 18: Section of proponent's concept and separation distances

Staff do not support the planning proposal as:

- the building envelope created by the maximum building height and existing setbacks in Chapter D5 Double Bay Centre are inconsistent with building separation distances in the Apartment Design Guide,
- the proponent's concept for the site is inconsistent with building separation distances in the Apartment Design Guide,
- no DCP amendments were suggested by the proponent to establish setbacks on levels 5 to 7 which are consistent with the Apartment Design Guide, and
- the use of privacy screens to manage acoustic and visual privacy between dwellings is an inferior alternative to building separation.

Consistency with relevant Woollahra LEP 2014 objectives

The planning proposal and proponent's concept do not minimise the impacts of new development on the privacy of 2-22 Knox Street by providing building separation that is consistent with the Apartment Design Guide. For this reason, the planning proposal is inconsistent with objective (d) of clause 4.3 *Height of Buildings*.

Planning conclusions

The building envelope created by the planning proposal does not provide adequate building separation between the site and 2-22 Knox Street Double Bay and is inconsistent with the relevant objective in clause 4.3 *Height of Buildings* in Woollahra LEP 2014.

6. Options

There are four options for responding to the planning proposal:

1. Prepare a planning proposal and submit it to the Department of Planning and Environment.
2. Prepare an amended version of the planning proposal and submit it to the Department of Planning and Environment.
3. Defer consideration of the planning proposal until the review of planning controls in the Double Bay Centre is complete.
4. Notify the proponent that the planning proposal is not supported.

Option 1: Prepare a planning proposal based on the proponent's requested planning controls and submit it to the Department of Planning and Environment requesting a gateway determination. A gateway determination would be requested 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 would confirm the information and consultation required before the planning proposal can be publicly exhibited. Under section 59 of the Act, if a planning proposal is solely of local significance Council can seek the delegation of the plan-making steps. This planning proposal is considered to have local significance only. We consider that if the Council decides to proceed with the planning proposal, it should request the delegation of the plan-making steps. This delegation will be to the position of General Manager. It is sub-delegated to the position of Director, Planning and Development as provided in Council's resolution of 29 November 2012. Delegation of a planning proposal removes duplication and streamlines the plan-making process.

Option 2: Prepare an amended planning proposal based on the proponent's requested planning controls and submit it to the Department of Planning and Environment requesting a gateway determination. We would again request a gateway determination and seek delegation of the plan making steps.

Option 3: Defer consideration of the planning proposal until the review of planning controls for the Double Bay Centre is complete. The planning proposal could then be reconsidered in the context of recommendations on height and FSR for the Double Bay Centre generally.

Option 4: Notify the proponent that the planning proposal is not supported. This is our preferred approach.

For the reasons outlined in this report, the proponent would be notified that the planning proposal is not supported. If Council does not support the planning proposal or does not indicate its support within 90 days, the proponent can ask the Department of Planning and Environment for a pre-gateway review. Under this review mechanism, the Joint Regional Planning Panel will undertake an independent review of the planning proposal.

7. Planning agreement

The proponent has indicated that they would be open to negotiating a planning agreement with Council. We have not seen the terms of the proponent's offer. Should a planning agreement be submitted to Council it would be considered and reported to Council for consideration.

Woollahra Municipal Council
Urban Planning Committee Agenda

2 November 2015

Notwithstanding, the merit of the planning proposal should be considered separately to the terms of the planning agreement. If a draft planning agreement was accepted by Council, it could be advertised concurrently with the planning proposal. If the Council decides not to proceed with the planning proposal, a planning agreement would not be pursued.

8. Conclusion

We conclude that the planning proposal does not have strategic merit and should not proceed. We note that:

- Future planning control changes for this site should be informed by the broader strategy for the Double Bay Centre. In this respect the requested planning control changes are excessive and are not supported.
- The requested planning control changes are inconsistent with the scope of review for the Double Bay Centre controls recommended in the Hill PDA study.
- The requested planning control changes are inconsistent with the desired future character of the Centre.
- No additional height and FSR is required to create a strong corner building on this site. The existing building together with its approved additional level adequately defines the corner.
- The requested maximum building height will create unacceptable overshadowing impacts to the public domain and buildings on the south side of New South Head Road.
- The building envelope created by the planning proposal does not provide adequate building separation between the site and the Cosmopolitan Centre.
- The planning proposal is inconsistent with the relevant objectives of Woollahra LEP 2014.

The maximum height and FSR for this site will be considered as part of the strategic review of heights and FSR in Double Bay Centre. The framework for this review was set by Council's decision of 28 September 2015. The owner of the site will be able to comment as part of any public participation during the review process.

Annexures

1. 374 and 376 - 382 New South Head Road, Double Bay - Planning Proposal - Annexure 1 (*circulated under separate cover*)

**Revised Planning Proposal
No. 374 and Nos. 376-382 New South Head Road,
Double Bay**

15th MAY, 2015 - AMENDED 1st MARCH, 2016
- AMENDED 29th MARCH, 2016

Eeles Trelease pty ltd architects

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374-376-382 New South Head Road, Double Bay

CONTENTS

1.0 INTRODUCTION	page 01		
1.1 Introduction, objectives and intended outcome			
2.0 PRECINCT STUDY	page 02		
2.1 Subject Precinct			
2.2 Subject Sites			
3.0 COUNCIL CONTROLS	page 04		
3.1 Woollahra Local Environment Plan 2014			
3.2 Woollahra Development Control Plan 2015 - Double Bay Centre			
4.0 REVISED PLANNING PROPOSAL	page 05		
4.1 Revised Planning Proposal			
4.2 Terms of Revised Planning Proposal: explanation of provisions			
5.0 JUSTIFICATION	page 12		
5.1 Revised Planning Proposal Requirement			
5.2 Relationship to Strategic Planning Policy			
5.2.1 Sydney Metropolitan Strategy			
5.2.2 Woollahra 2025 - Our Community, Our Place, Our Plan			
5.2.3 SEPP 65 - Design Quality of Residential Flat Development 2002			
5.3 Amenity Impacts			
5.3.1 Streetscape			
5.3.2 Assessment of Existing Character of the Site			
5.3.3 Assessment of Proposed Impact on the Site			
5.3.4 Future Precinct Analysis			page 25
5.3.5 Overshadowing			
5.3.6 New South Head Road Solar Access			
5.3.7 Privacy			
5.3.8 Social			
6.0 VIEW LOSS	page 26		
6.1 Valleys and Ridges			
6.1.2 Neighbouring Views			
7.0 CONCLUSION	page 28		
7.1 Conclusion			
APPENDIX A	page 28		
A.1 Philip Thralls Report 12 May 2015			
A.2 Philip Thralls Report: Addendum to Urban Design Opinion of 12 May 2015, dated 19 th February 2016			
APPENDIX B	page 37		
B.1 Philip Thralls CV			
B.2 Eeles Trelease CV			
ADDENDUM	page 47		
Revised Planning Proposal Matrix			

job ref: 0412

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1.0 INTRODUCTION

1.1 INTRODUCTION

This report dated 1st March 2016 is a revision of the Planning Proposal for 7 levels dated May 2015. The Applicant has decided to proceed with a 6 Level Revised Planning Proposal. Eeles Trelease does not reside from it's support of the 7 Level Proposal, but acknowledges that the Revised Planning Proposal for 6 Levels is in response to a concern by the Officers of Woollahra Council.

This report has been prepared on behalf of the owner of No. 374 and Nos. 376-382 New South Head Road, Double Bay (subject sites), Fvex Pty Ltd, for consideration by Woollahra Council for a Revised Planning Proposal to amend the Woollahra Local Environment Plan 2014 (WLEP).

This report has been prepared by Eeles Trelease Pty Ltd Architects and Tony Moody, Consultant Planner with expert opinion by Philip Thalis of Hill Thalis Architecture + Urban Planning. Refer to Appendix B for Curriculum Vitae.

The Revised Planning Proposal seeks amendment of the WLEP in terms of Height and FSR over the subject sites.

This report supports a Revised Planning Proposal for the subject site as reflected in the concept plans attached to this report.

The report examines the impacts future development of the combined sites, No. 374 and Nos. 376-382 New South Head Road, Double Bay (subject sites), will have on the Double Bay Commercial Centre in terms of:

- Streetscape
- Social
- View Loas
- Overshadowing

A range of documents have been considered in the preparation of this revised report including, but not limited to, the following:

- Woollahra Local Environment Plan 2014 (WLEP)
- Woollahra Development Control Plan 2015 - Double Bay Centre
- State Environmental Planning Policy 65 (SEPP65)



NO. 374 + NOS. 376-382 New South Head Road, Double Bay

2.0 PRECINCT STUDY

2.1 SUBJECT PRECINCT

No. 374 and Nos. 376-382 New South Head Road, Double Bay are located within the heart of the Double Bay Commercial Centre on the corner of New South Head Road and Knox Street.

The area is mixed use: commercial, retail and residential buildings on the surrounding slopes of Edgecliff and Bellevue Hill.

The Double Bay Commercial Centre is well serviced by buses along New South Head Road, Edgecliff Train Station, a 15 minute walk from the Commercial Centre and ferries from Double Bay Wharf. The Kloria Lands development (item D on Study Area Image) houses a large supermarket with extensive on site parking.

Open green space is a seven minute walk from the subject sites: Steyne Park, which has a large playing field, playground and access to the Harbour and Double Bay ferry wharf, and Guilfoyle Park on Bay Street, which provides a quiet sitting place within the Centre.

The subject precinct therefore enjoys a very high amenity.



A. 6-STORY
2-22 Knox Street



B. 3-STORY HERITAGE LISTED
GOLDEN SHEAF HOTEL



C. PART 4 / PART 5
STOREYS LIBRARY UNDER
CONSTRUCTION (IMAGE
WOOLLAHRA MUNICIPAL
COUNCIL WEBSITE)



D. KIORIA LANDS
DEVELOPMENT WOOLWORTH'S
(IMAGE WOOLLAHRA MUNICIPAL
COUNCIL WEBSITE)



E. VIEW LOOKING NORTH
EAST NEW SOUTH HEAD
ROAD



F. VIEW LOOKING WEST ALONG
NEW SOUTH HEAD ROAD



G. VIEW LOOKING EAST
KNOX STREET

Job ref: 0412

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/02

NO. 374 + NOS. 376-382 New South Head Road, Double Bay
PRECINCT STUDY

2.2 THE SUBJECT SITES

No. 374 + Nos. 376-382 New South Head Road are located on the North side of New South Head Road within the Double Bay Commercial Centre. Nos. 376-382 New South Head Road are noted within the Woollahra DCP 2015 - Double Bay Centre as highly visible and (an) opportunity for notable design solutions, (refer 5.6.3.5 Corner Buildings, Figure 27).

No. 374 New South Head Road is the eastern half of a set of single storey shops, currently occupied by the pizzeria 'Crust'. At the rear of No. 374 New South Head Road is a substation 'kiosk' accessed off Goldman Lane.

Nos. 376-382 New South Head Road contain a 4 storey retail and commercial building on the corner of Knox Street and New South Head Road wrapping around in to Goldman Lane.

The building has been awarded for architectural excellence and sustainability, RIAA NSW Commercial Award, RIAA NSW Sustainable Architecture Commendation and AFI NSW Environmental Development Award among others. The building has also been referred to by numerous Councils throughout Sydney as an excellent example of treatment of the corner position.

Nos. 376 - 382 New South Head Road enjoy an active Development Consent, 568/2013, which allows for the conversion of the current L4 commercial floor to residential and an additional floor of studio and 1 bed apartments with no on-site parking.



job ref: 0412

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/03

NO. 374 + NOS. 376-382 New South Head Road, Double Bay

3.0 COUNCIL CONTROLS

3.1 WOOLLAHRA LOCAL ENVIRONMENT PLAN 2014 (WLEP)

The WLEP has been gazetted and came into force on 23rd May 2015. Under WLEP, the following controls apply:

- Allowable FSR:
 - No. 374 New South Head Road - 2.5:1
 - Nos. 376 - 382 New South Head Road (item 4) 3:1 if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.
- Allowable Building Height:
 - No.374 + Nos.376-382 New South Head Road - 14.7m

The existing building currently occupying Nos.376 - 382 New South Head Road already exceeds the newly gazetted controls for Building Height and FSR.

- Height - 15.3m
- FSR - 3.12:1

The Development Consent 568/2013 granted on 7 July 2014 for Nos.376-382 New South Head Road further exceeds these controls:

- Height - 19.4m
- FSR - 3.8:1

WLEP does not acknowledge the current approved envelopes for Double Bay Commercial Centre.

3.2 WOOLLAHRA DEVELOPMENT CONTROL PLAN 2015 - DOUBLE BAY CENTRE

The Woollahra Development Control Plan 2015 - Double Bay Centre acknowledges the importance of corner sites within the Centre.

5.6.3.5 Corner buildings

Corner buildings are highly visible and provide the opportunity for notable design solutions. Strong corner buildings can provide valuable street definition.

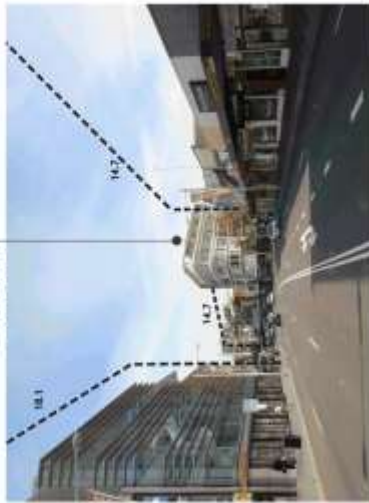
- Objective 01 - Encourage building massing and articulation that creates strong corner buildings

To achieve this desired streetscape outcome, additional height should be granted in the WLEP to the significant corner sites. There are a range of authoritative Planning and Architectural publications which stress the guideline of strong building elements on corner sites combined with the local Planning Controls.

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/04



NO. 374 + NOS. 376-382 New South Head Road, Double Bay

4.0 PLANNING PROPOSAL

4.1 THE REVISED PLANNING PROPOSAL

The Revised Planning Proposal for No. 374 and Nos. 376-382 New South Head Road recognises the accepted guidelines to strengthen built form on corner sites and establish a mixed use precinct comprising of both residential and commercial developments.

The Revised Planning Proposal seeks to add an additional storey to Nos.376-382 New South Head Road above the approved 5 storeys and extend that across to the adjoining property, No.374, New South Head Road, to create a combined 6 storey mixed use building. The ground floor across both sites would remain retail, the new L2 - L4 of No. 374 would remain commercial extending the floor plate of Nos. 376 - 382 and opening internal walls. The additional L5 and L6 is to be residential. L5 with 6 studios/1 beds with balconies along all street frontages. L6 with 5 studios/1beds with balconies and plant room. L6 would have the building bulk set against Goldman Lane and the corner of Knox Street taking advantage of northern orientation and views to Sydney Harbour. The prominent corner of New South Head Road and Knox Street would be highlighted by a roof garden on L6, with a cutaway roof allowing views through the corner to the sky.

The Revised Planning Proposal will create an iconic corner building in the heart of the Double Bay Commercial Centre.



NO. 374 + NOS. 376 - 382 NEW SOUTH HEAD ROAD
PHOTO MONTAGE OF PROPOSED VIEW TO THE CORNER OF NEW SOUTH HEAD ROAD



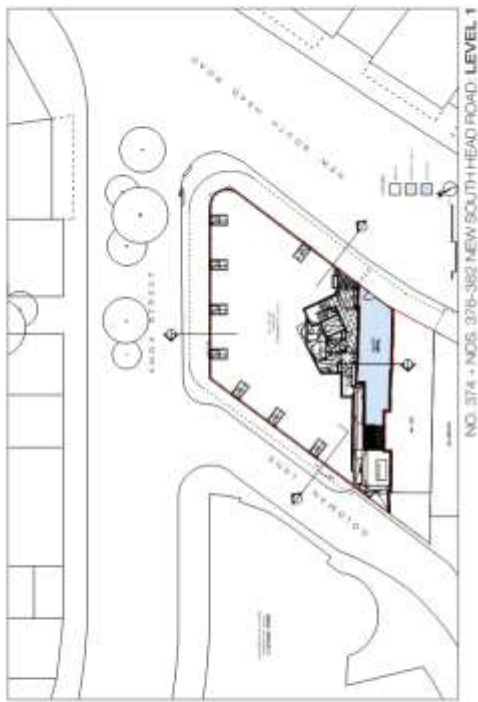
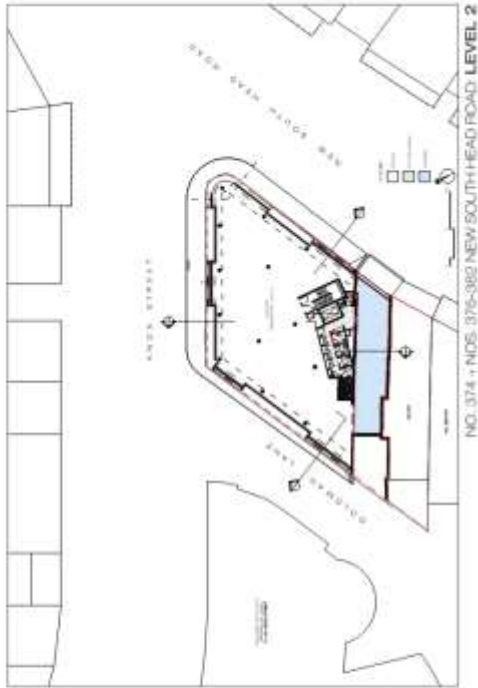
NO. 374 + NOS. 376 - 382 NEW SOUTH HEAD ROAD
PHOTO MONTAGE OF PROPOSED VIEW ALONG KNOX STREET

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/05

NO. 374 + NOS. 376-382 New South Head Road, Double Bay
 PLANNING PROPOSAL PLANS: LEVEL 1 - 4

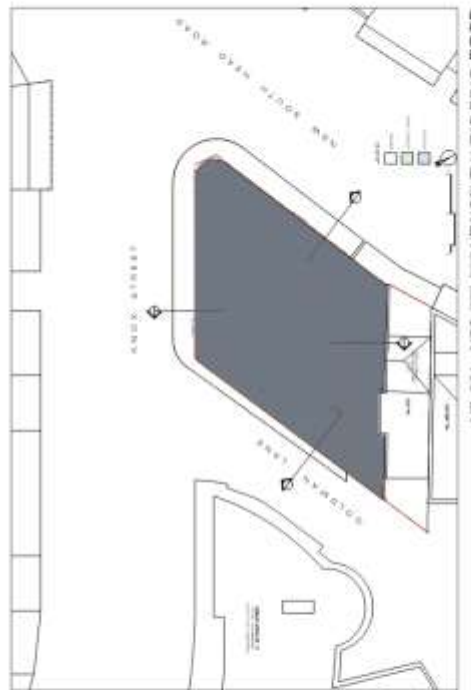


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/06

NO. 374 + NOS. 376-382 New South Head Road, Double Bay
 PLANNING PROPOSAL PLANS: LEVEL 5 - ROOF



LEGEND
 EXISTING
 APPROXIMATE
 NEW

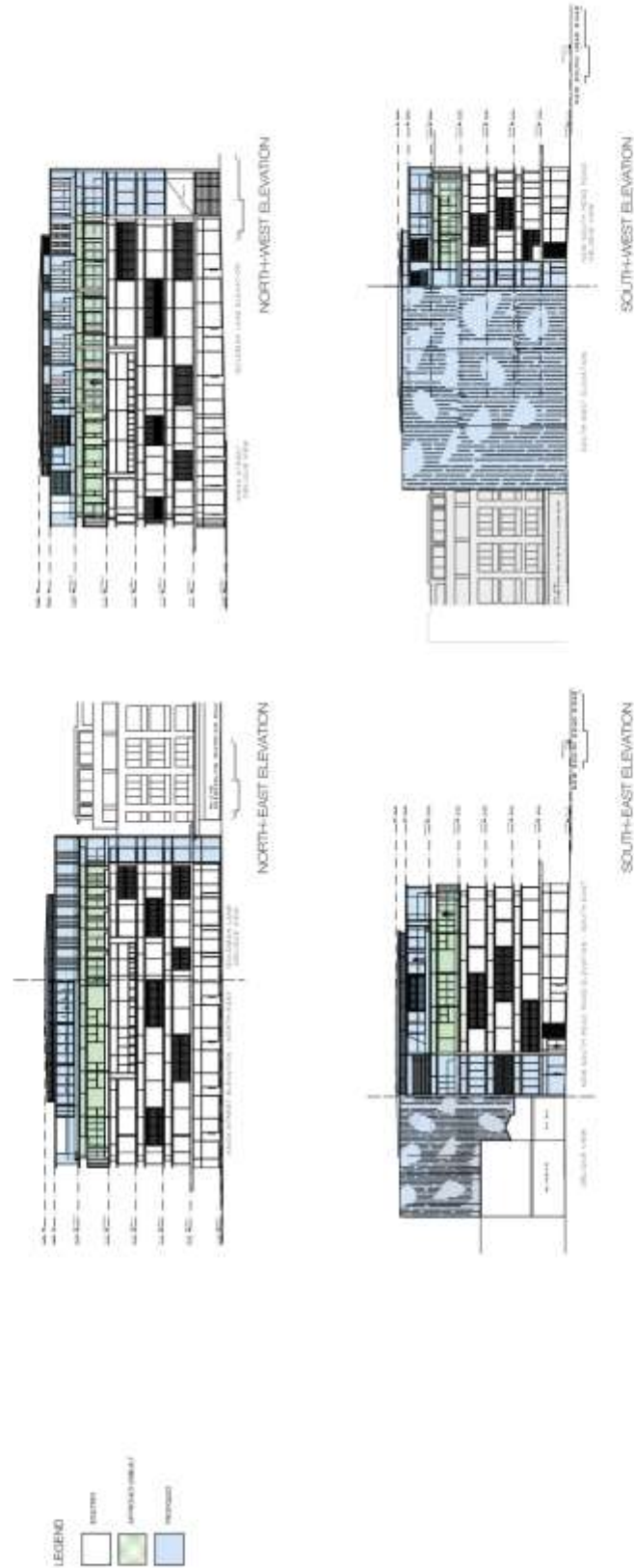
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/07

NO. 374 + NOS. 376-382 New South Head Road, Double Bay

PLANNING PROPOSAL ELEVATIONS



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/08

4.2 TERMS OF REVISED PLANNING PROPOSAL

The objective of the Revised Planning Proposal is to amend WLEP to grant additional Height and FSR across the subject sites. It is proposed that a site specific clause be inserted in WLEP reflecting the Height and Floor Space Ratio of the Revised Planning Proposal. By amending these controls, the Revised Planning Proposal establishes a building envelope which will reflect the significance of the subject sites and the intent of the Woollahra Development Control Plan 2015 Double Bay Centre, "(Our) vision for Double Bay is as a vibrant centre that offers a unique mix, working and shopping experience within a pedestrian friendly and attractive built environment".

The following clauses and maps are proposed to be amended: Height of Buildings and Floor Space Ratio

4.34 Exceptions to building heights (Areas A - J)

- (i) The objectives of this clause are as follows:
 - (a) to ensure new development is consistent with the desired future character of the neighbourhood
 - (b) to ensure new development is consistent with the surrounding buildings and the streetscape
 - (c) to protect views and vistas that are in the public domain.
- (2) This clause applies to land identified as "Area A", "Area B", "Area C", "Area D", "Area E", "Area F", "Area G", "Area H" and "Area J", on the Buildings Map.

(3) Despite clause 4.3, the height of a building on land to which this clause applies, in an Area indicated in Column 1 of the table to this clause, at the highest part of the land (exclusive of any access road(s)), must not exceed the height shown opposite that Area in column 2.

Column 1	Column 2
Area A	3.0 metres
Area B	4.0 metres
Area C	6.5 metres
Area D	7.5 metres
Area E	8.0 metres
Area F	10.5 metres
Area G	11 metres
Area H	14 metres
Area J	20.5 metres

refer to amended Height of Buildings Map

job ref: 0412

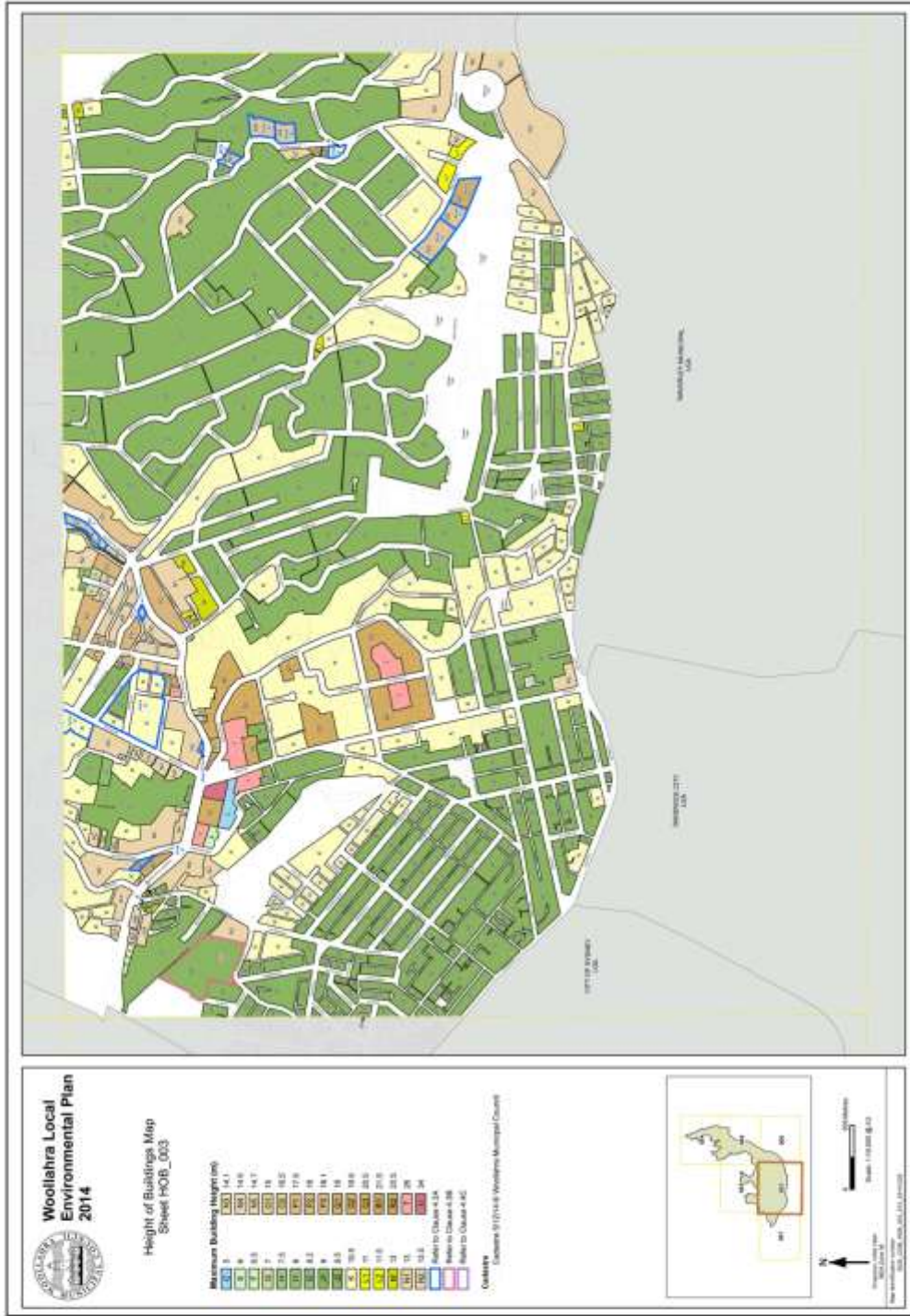
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4.44 Exceptions to floor space ratio (Area 1 and 1A - Double Bay)

- (1) The objective of this clause is to encourage the development of prominent corner buildings in Double Bay.
- (2) This clause applies to land identified as "Area 1 - Area 1A", on the Floor Space Ratio Map.
- (3) Despite clause 4.4, development consent may be granted to development on land to which this clause applies that results in a floor space ratio that does not exceed 3:1 (Area 1) or 4:0.7 (Area 1A) if the consent authority is satisfied that the development will be compatible with the desired future character of the zone in terms of building bulk and scale.

refer to amended Floor Space Ratio Map.

NO. 374 + NC6, 376-382 New South Head Road, Double Bay
AMENDED HEIGHT OF BUILDINGS MAP

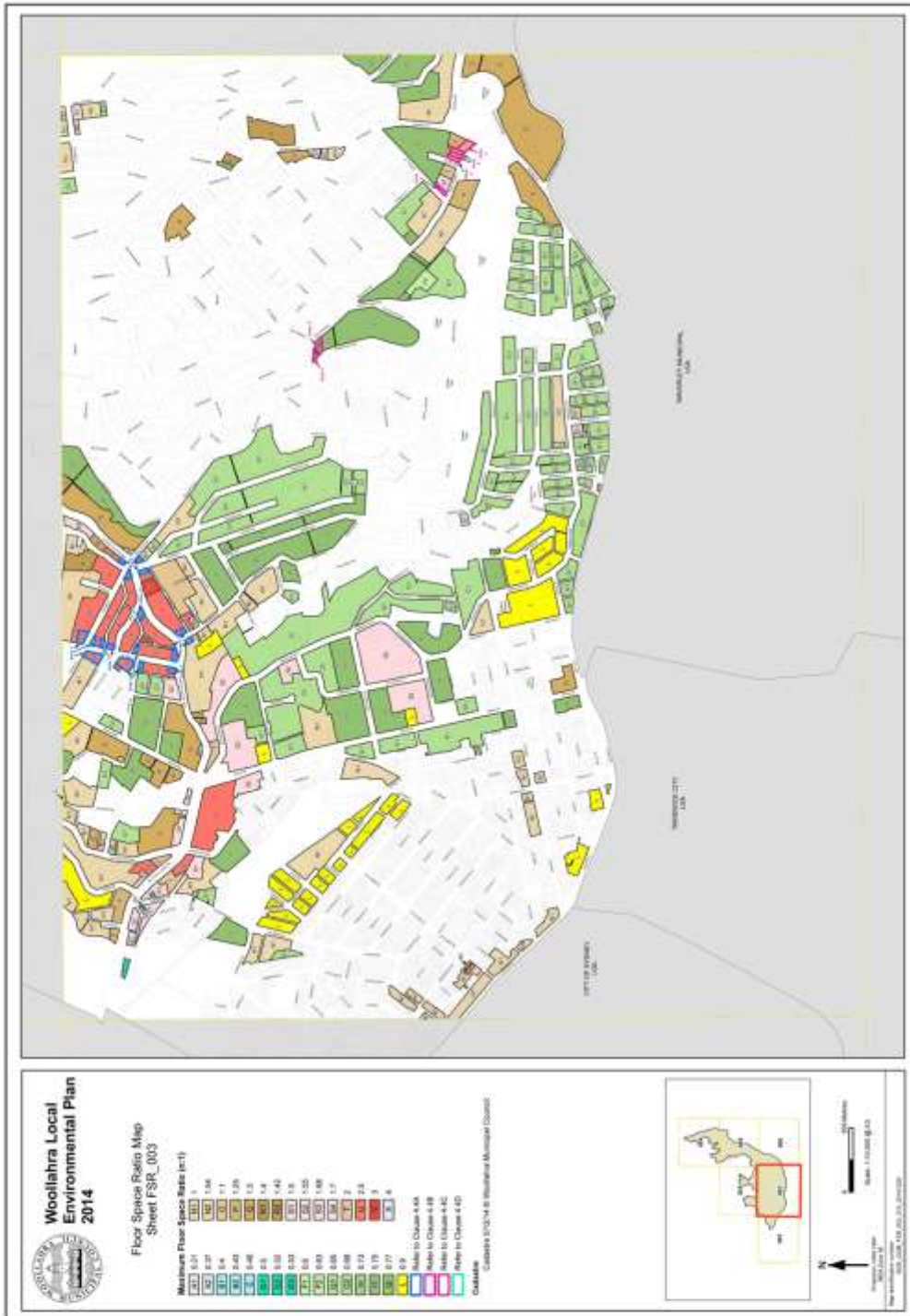


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/10

NO. 374 + NOS. 376-382 New South Head Road, Double Bay
 AMENDED FLOOR SPACE RATIO MAP



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NO. 374 + NOS. 376-382 New South Head Road, Double Bay

5.0 JUSTIFICATION

5.1 REVISED PLANNING PROPOSAL REQUIREMENT:

The Revised Planning Proposal is required to seek the appropriate development of these key sites with the Double Bay Commercial Centre. The Applicant discussed the possibilities of the sites with Senior Council staff and the Mayor before preparing this Planning Proposal.

This Revised Planning Proposal is supported by the:

- Proposed Development, No. 374 + Nos. 376 - 382 New South Head Road, Double Bay Urban Design Opinion Report 12 May 2015 by Urban Design Consultant, Philip Thalis, with Addendum to Urban Design Opinion of 12 May 2015, dated 19th February 2016, (Appendix A)
- The Planning Report by Consultant Town Planner, Tony Moody (under separate cover).

5.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

5.2.1 SYDNEY METROPOLITAN STRATEGY

*A Plan for Growing Sydney
Issued by the NSW Planning and Environment*

The Revised Planning Proposal is consistent with the directions of the NSW Planning Environment Plan for land use over the next 20 years. Double Bay Commercial Centre is within a nominated 'Urban Renewal Corridor' and Woollahra Council Municipality is nominated within the 'Central' sub region.

The Urban Renewal Corridors are nominated as essential areas required to meet the demand for new housing in Sydney over the next 20 years. The locations for urban renewal are located 'in or near the public transport network' with new housing being supported by 'social infrastructure' and by providing a 'variety of housing... that suits (their) lifestyle, household size and their budget'.

Woollahra Council sits within Central subregion which is 'a desirable place to live, work and visit'. The Revised Planning Proposal supports the directions of Urban Renewal and sub regions by creating a truly mixed use development; retail, three levels of commercial space and three levels one studio and one bed apartments in the heart of Double Bay commercial centre.

Job ref: 0412

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5.2.2 WOOLLAHRA 3025 - OUR COMMUNITY, OUR PLACE, OUR PLAN

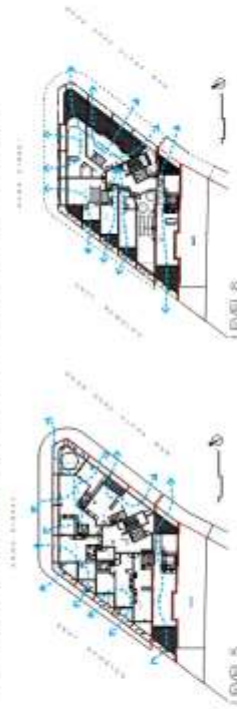
The Woollahra Council's Community Strategic Plan is the long term vision for the Municipality. The Planning Proposal is consistent with the outcomes of Goal 4 - Well Planned Neighbourhoods

4.4 Encourage diversity in housing choice to suit a changing population.

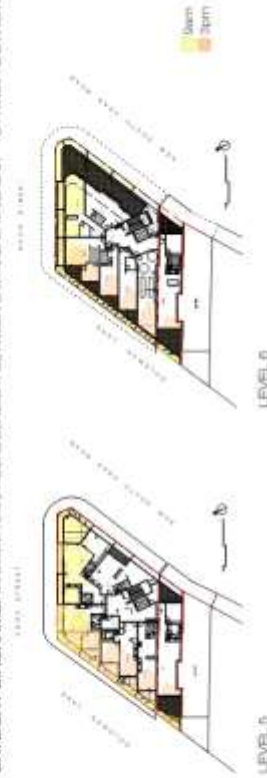
5.2.3 SEPP 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT 2002

The Revised Planning Proposal will meet the requirements of SEPP 65 in terms of design quality.

SEPP 65 CROSS VENTILATION DIAGRAMS: MINIMUM 60% OF CROSS VENTILATION APARTMENTS



SEPP 65 DAYLIGHT DIAGRAM: MINIMUM 70% 2-HOURS SLAUGHT BETWEEN 9AM AND 3PM TO PRINCIPAL LIVING ROOMS



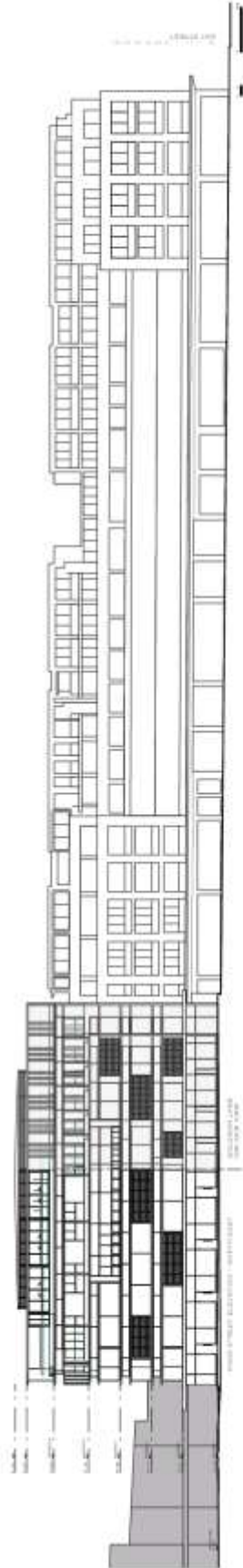
5.3 AMENITY IMPACTS

5.3.1 STREETSCAPE

The Revised Planning Proposal for the subject sites will allow an appropriate building to be built on this key corner location in the Double Bay Commercial Centre.

It should be noted that proportionally the new height proposal for the subject sites would assist the existing streetscape already established by the 2-22 Knox Street Cosmopolitan Shopping Centre, where the bulk of the building will be offset by Cosmopolitan Centre, as demonstrated in the Knox Street Elevation diagram below. The taller levels of the Revised Planning Proposal will also reflect the more significant importance of the subject sites compared to the Cosmopolitan Centre site.

The additional height sought in the Revised Planning Proposal will allow this corner site to remain a prominent feature within the Commercial Centre and into the future, as surrounding buildings are developed under the Woollahra DCP 2015 - Double Bay Centre. Refer to Appendix A for opinion of Philip Thalls.



KNOX STREET ELEVATION

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NO. 374 + NOS. 376-382 New South Head Road, Double Bay
PRECINCT CHARACTER ANALYSIS

5.3.2 ASSESSMENT OF EXISTING CHARACTER OF THE CENTRE

Clause 5.3.2 (f) in Woollahra DCP 2015 - Double Bay Centre states the aim to "reinforce the presence of corner buildings addressing the public domain, recognising their importance in the centre in terms of street vistas, urban scale and identity." It is considered that the current New South Head Road and Knox Street corner condition lacks the presence and prominence to reflect the above aim. The current building sits modestly within its immediate context, and does not take the opportunity to enhance the corner and strengthen the position of the Double Bay Commercial Centre.

This is further eroded by reviewing the future streetscape adjusted by the construction of the new Double Bay Library. The corner site runs the risk of failing to provide a strong definition of the New South Head Road curvature as well as a strong corner identity.



EXISTING CHARACTER
NEW SOUTH HEAD ROAD



EXISTING CHARACTER
KNOX STREET

5.3.3 ASSESSMENT OF PROPOSED IMPACT ON THE CHARACTER OF THE CENTRE

The Revised Planning Proposal for the subject sites complements the Kiara Lands development in its siting, framing and defining the corner of New South Head Road. Strengthening the visual appeal of the Commercial Centre as a 'go-to' destination for both locals and visitors as noted on the Woollahra Council vision for the Double Bay Commercial Centre.

The development of Woollahra Council Library on New South Head Road and the volume of the Cosmopolitan Centre at 2-22 Knox Street already establish a higher built form on adjoining properties which further supports a higher built form on the subject site in recognition of this key corner site.



PROPOSED CHARACTER
NEW SOUTH HEAD ROAD



PROPOSED CHARACTER
KNOX STREET

job ref: 0412

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/14

NO. 374 + NOS. 376-382 New South Head Road, Double Bay

PRECINCT CHARACTER ANALYSIS

5.3.4 FUTURE PRECINCT ANALYSIS

The Revised Planning Proposal for No. 374 and Nos. 376-382 New South Head Road has a positive impact on the future character of the Centre. The proposed scale of the Revised Planning Proposal assist in balancing the future proportions of New South Head Road and Knox Street, as determined by the 'Woollahra DCP 2015 - Double Bay Centre and WLEP Height and Setback Controls', refer to Figure 1 and Figure 2.



FIGURE 1: NEW SOUTH HEAD ROAD



FIGURE 2: KNOX STREET

Job ref: 0412

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/15

NO. 374 + NOS. 376-382 New South Head Road, Double Bay

SHADOW STUDIES WINTER SOLSTICE

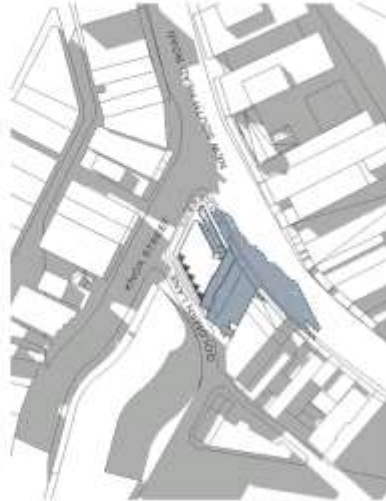
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5.9.5 OVERSHADOWING

Due to the orientation of subject sites and New South Head Road, the additional overshadowing created by proposed height and bulk primarily falls across New South Head Road.

Compared to the 5 Level approved scheme at the Equinox, there is some additional overshadowing of the southern footpath of New South Head Road after 2.30pm.

In mid Winter, the over shadowing of the south side of New South Head Road commences approximately 60mins earlier than the approved 5 storey consent. At all times, daylight access is maintained to the surrounding properties for a minimum of 2 hours between 9am and 3pm throughout the year. Refer to the Shadow Diagrams



APPROVED 5 STOREY



APPROVED 5 STOREY



PROPOSED 6 STOREY



PROPOSED 6 STOREY

job ref: 0412

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NO. 374 + NOS. 376-382 New South Head Road, Double Bay
SHADOW STUDIES WINTER SOLSTICE

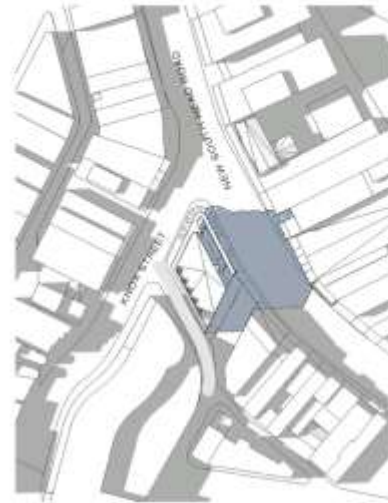
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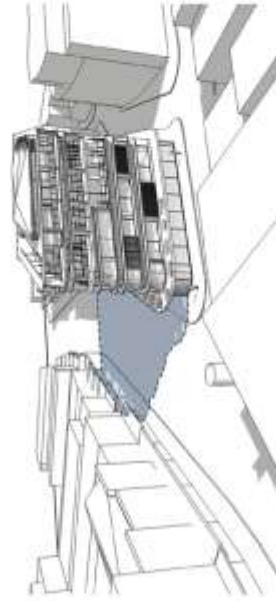
APPROVED 5 STOREY



APPROVED 5 STOREY



PROPOSED 6 STOREY



PROPOSED 6 STOREY

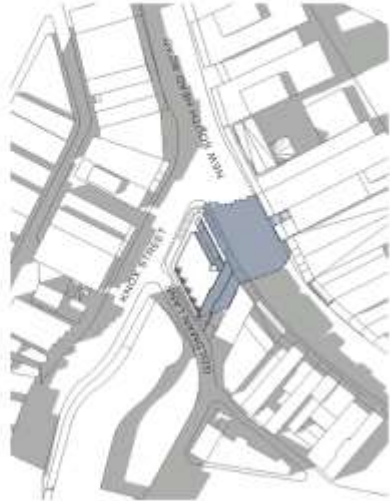
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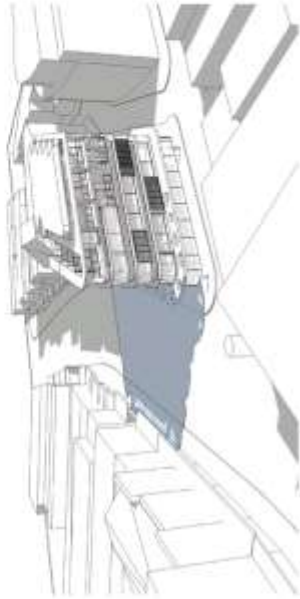
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NO. 374 + NOS. 376-382 New South Head Road, Double Bay
 SHADOW STUDIES WINTER SOLSTICE

JUNE 21ST 1PM



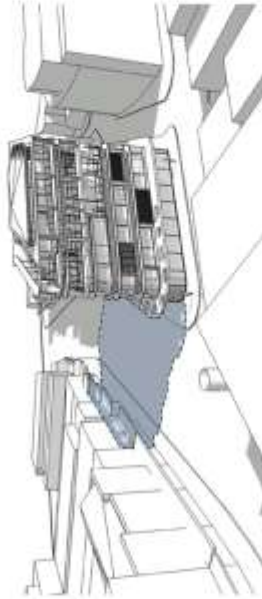
APPROVED 5 STOREY



APPROVED 5 STOREY



PROPOSED 6 STOREY



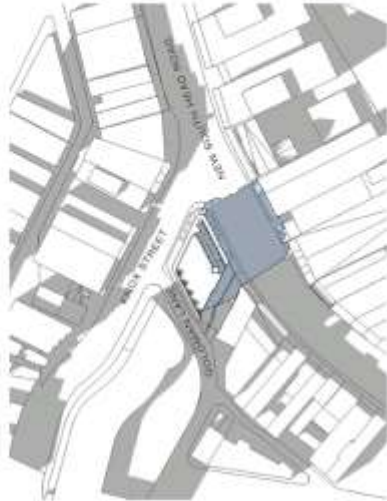
PROPOSED 6 STOREY

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NO. 374 + NOS. 376-382 New South Head Road, Double Bay
SHADOW STUDIES WINTER SOLSTICE

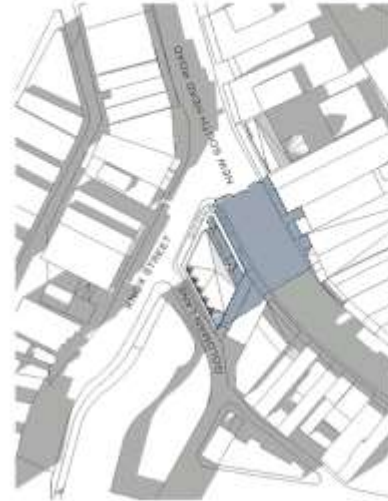
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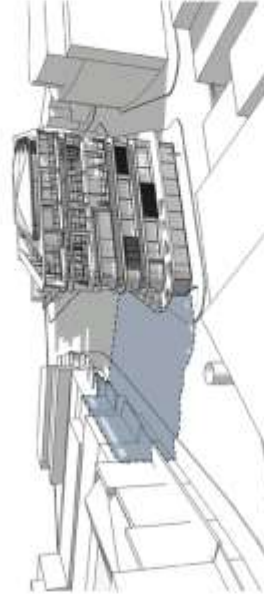
APPROVED 5 STOREY



APPROVED 5 STOREY



PROPOSED 6 STOREY



PROPOSED 6 STOREY

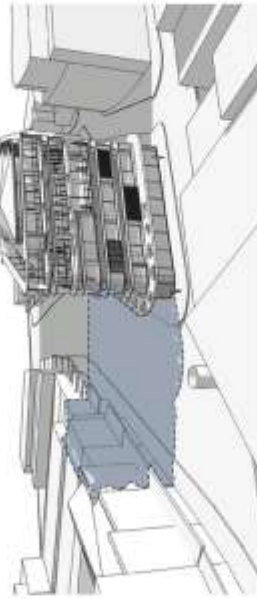
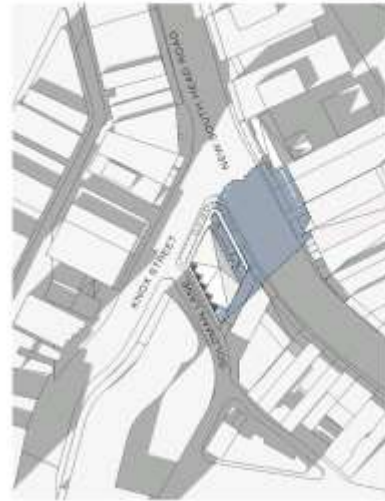
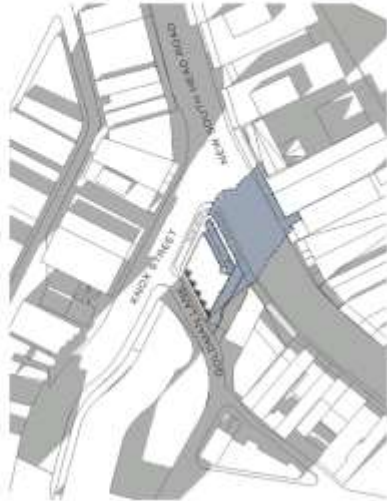
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SHADOW STUDIES WINTER SOLSTICE

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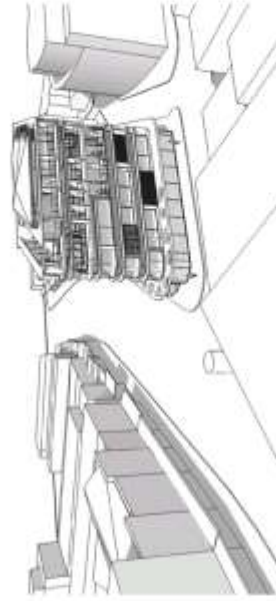
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APPROVED 5 STOREY



PROPOSED 6 STOREY



PROPOSED 6 STOREY

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SHADOW STUDIES EQUINOX

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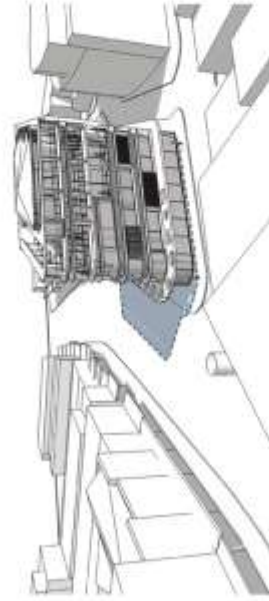
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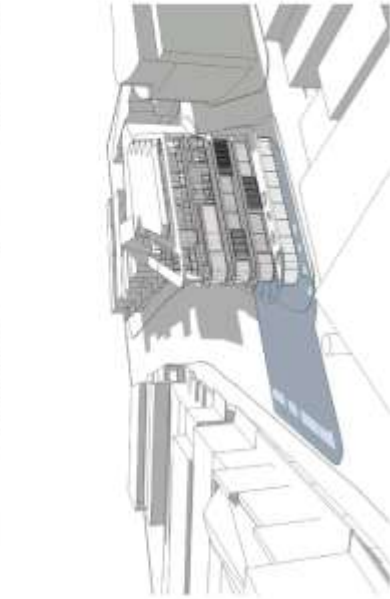
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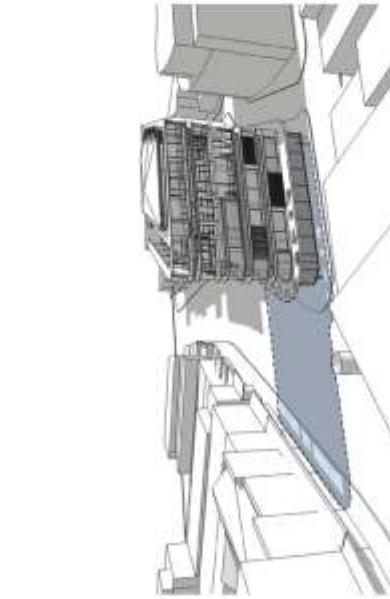
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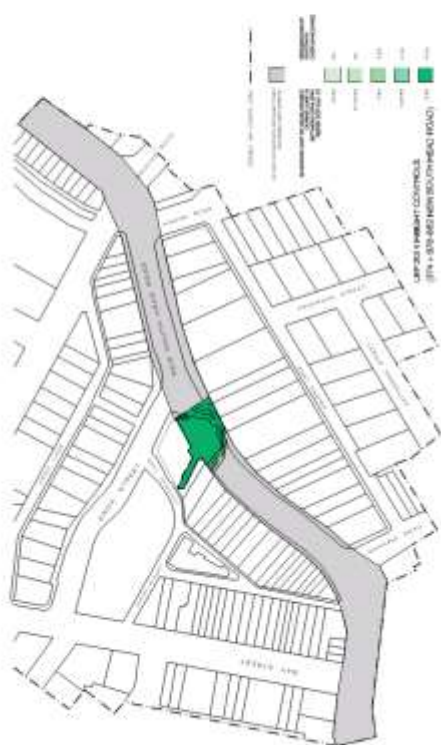
CONTROL 6.6.3 C1 SOLAR ACCESS: COMPLYING HEIGHT CONTROL LEP 2014

5.6.3 NEW SOUTH HEAD ROAD SOLAR ACCESS

Solar access to the southern side of New South Head Road is expressed in clause 5.6.6.1 C1 of Woollahra DCP 2015 - Double Bay Centre which states ".....preserve solar access tothe footpath on the south side, New South Head road between 12 noon and 2pm on 21 June".

An analysis of the overshadowing created by Woollahra DCP 2015 - Double Bay Centre and WLEP Height Controls, the approved development for the subject sites and the Revised Planning Proposal reveals that the overshadowing of the southern side of New South Head Road within the Double Bay Commercial Centre is over less than 7% of New South Head Road.

This overshadowing will not have a detrimental effect on the properties along New South Head Road and is within expectations for established City Centres.

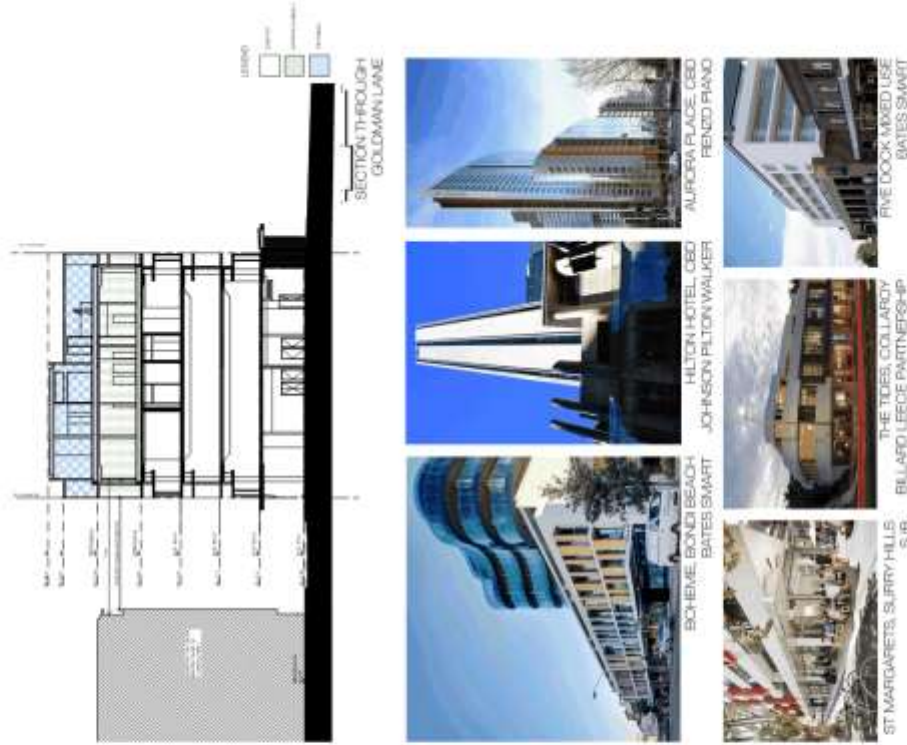


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SOCIAL IMPACT



5.3.7. PRIVACY

Visual privacy between the subject sites and its closest residential neighbour, No 2-22 Knox Street is maintained by the physical separation of 12m between the main living areas and bedrooms and the inclusion of obscure privacy screens along the westward boundary.

5.3.8. SOCIAL

Double Bay Commercial Centre has the potential to be a vibrant working and living hub. The development of the subject sites as a truly mixed use building: ground floor retail, 3 levels of commercial and 2 levels of housing, provides this opportunity. By providing studio and 1 bed apartments within the Centre, large plate commercial floor plates and retail opportunities the Revised Planning Proposal can be a positive addition to the Commercial Centre. The development will assist in providing a unique opportunity for cultivating variety and density within the Double Bay Centre, strengthening the "livable communities" concept outlined in the Woollahra 2025: Our community, our place, our plan. Already in close proximity to existing infrastructure, hospitals, public transport and shopping centres, the additional residents would benefit local businesses that would now be readily accessed on a daily basis.

The Revised Planning Proposal will also complement the Kisorra Lands Redevelopment project. By establishing housing in the Double Bay Centre, the Revised Planning Proposal will provide an immediate community to foster the growth of the commercial hub, and an increase in pedestrians in the heart of the Commercial Centre would favour the use of the intimate ground level networks, activating the existing and developing lane ways.

Examples like the Five-Dock Mixed Use Development, Boheme at Bondi Beach (by Bates Smart), St Margarets' redevelopment at Surry Hills (SJB) and The Tides in Collaroy provide precedents to the steps other Sydney Villages are taking in favouring density and improving the livability of the Urban Centre context. On a larger scale, this could be noted in the mixed use developments in the CBD: such as the Hilton Hotel (Johnson Pilton Walker) and Aurora Place (Renzo Piano) which improves and regenerates the character of their site through constant building use.

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6.0 VIEW LOSS

6.1 VALLEYS AND RIDGES

Situated in a large natural amphitheatre, the relevant consideration would be the roof structure forming a foreground and obstructing Harbour views. However, as can be demonstrated in the diagram on this page, the scale of the Revised Planning Proposal is not significant enough to obstruct any views, either from the primary ridge locations, or at ground level.

Due to its positioning along the curvature of New South Head Road and at the base of the amphitheatre, the Revised Planning Proposal complies with the Woollahra DCP 2015 - Double Bay Centre 5.3.2 (a), which requires the retention of views to large vegetation existing beyond Bellevue Road and Manning Road, and does not impede on the strategy to retain green vistas at each end of New South Head Road.



BOTTOM OF NEW SOUTH HEAD ROAD
Looking North from 1750 New South Head Road, Double Bay



DOUBLE BAY SITE MAP



TOP OF MANNING ROAD
Looking South from 1750 New South Head Road



BOTTOM OF NEW SOUTH HEAD ROAD
Looking North from 1750 New South Head Road, Double Bay



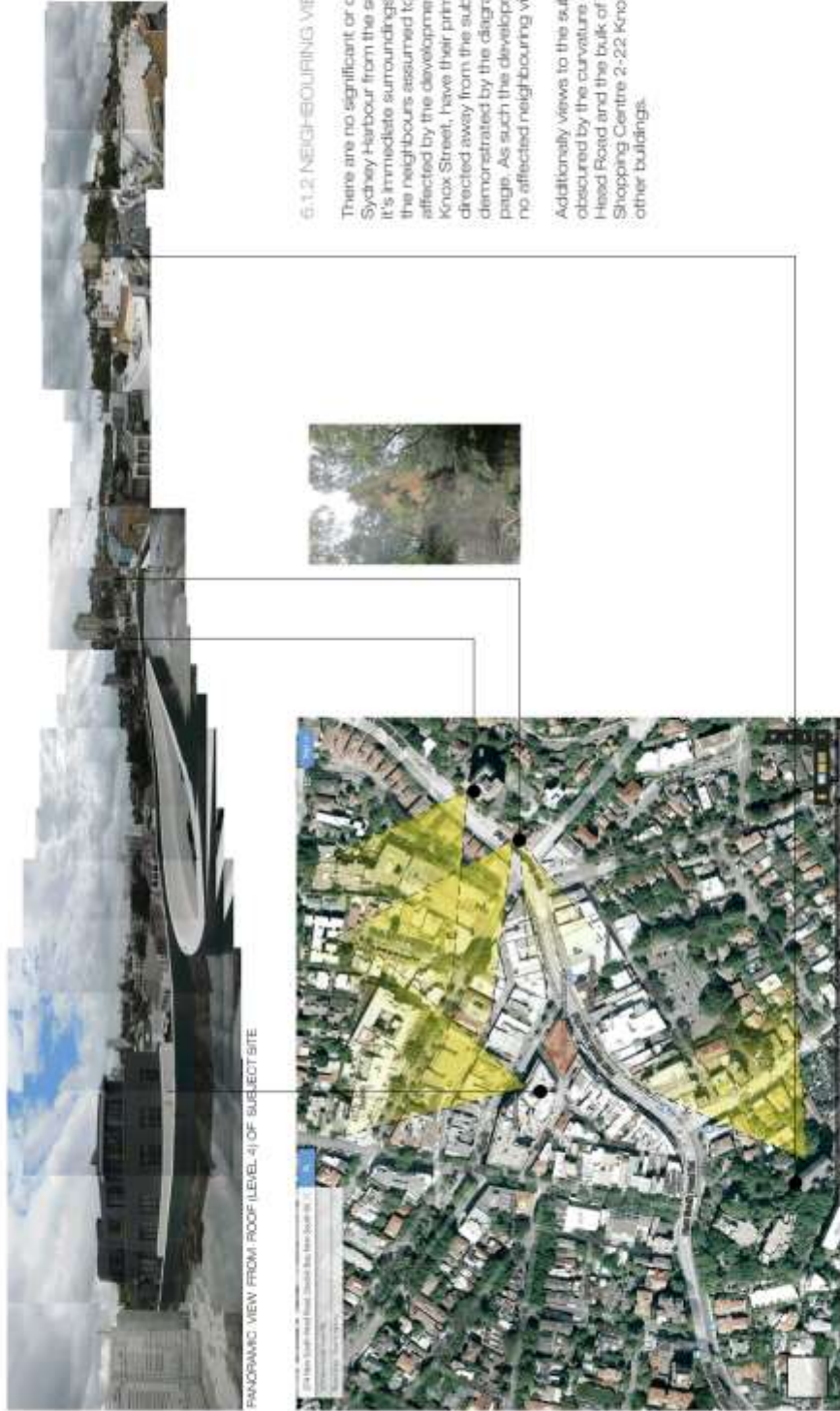
TOP OF BELLEVUE ROAD
Looking North from 1750 New South Head Road

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VIEW LOSS



PANORAMIC VIEW FROM ROOF (LEVEL 4) OF SUBJECT SITE

274 New South Head Road, Double Bay, New South W

VIEW CORRIDORS OF PROMINENT SITES

6.1.2 NEIGHBOURING VIEWS

There are no significant or direct views to Sydney Harbour from the subject sites or its immediate surroundings. In addition, the neighbours assumed to be most affected by the development, No. 2-22 Knox Street, have their primary orientation directed away from the subject sites as demonstrated by the diagram on this page. As such the development assumes no affected neighbouring view loss.

Additionally, views to the subject sites are obscured by the curvatures of New South Head Road and the bulk of Cosmopolitan Shopping Centre 2-22 Knox Street and other buildings.

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VIEW ANALYSIS: PROMINENT NEIGHBOUR VIEWS /27

NO. 374 + NCS. 376-382 New South Head Road, Double Bay

7.6 CONCLUSION

The Original Planning Proposal sought approval for a 7 level development. Following a concern expressed by Council Officers, the Applicant has decided to seek a revised Planning Proposal for only 6 levels. The following comments, in the Original Planning Proposal can be equally applied to the Revised Planning Proposal.

The Revised Planning Proposal is consistent with the relevant outcomes encouraged in the Sydney Metropolitan Strategy "A Plan for Growing Sydney" issued by the NSW Planning and Environment and the anticipated future growth of the Double Bay Commercial Centre.

The Revised Planning Proposal has given due consideration to the Woollahra Council Kiara Lands development, other adjoining developments and the opportunities the corner site provides.

The merits of the Revised Planning Proposal include, but are not limited to, the following:

- The development will be a truly mixed-use building which will contribute to the variety of building types of a vibrant centre.
- The increase in density created by the Revised Planning Proposal will provide increased economic activity, including after hours, in the immediate neighbourhood, particularly encouraging the use of the Kiara Lands Development.
- It will generate strong pedestrian traffic and an incentive to use the lane ways.
- The Revised Planning Proposal would result in strengthening and defining the corner of New South Head Road and Knox Street, resulting in an improvement in the visual balance of the precinct.



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NO. 374 + NO. 376-382 New South Head Road, Double Bay

APPENDIX A

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ARCHITECTURE + URBAN PROJECTS PTY LTD

12 May 2015
JOB NO 141119

**PROPOSED DEVELOPMENT 374 + 376 + 382 NEW SOUTH HEAD ROAD, DOUBLE BAY
URBAN DESIGN OPINION**

1.0 BACKGROUND

1.1 Purpose of Report

This report provides an Urban Design opinion in support of Planning Proposal at 374 +376 + 382 New South Head Road in Double Bay. The proposal is to modify an approved and constructed retail / office building on the site. Designed by Eeles Trelease Pty Ltd Architects, the building is highly regarded, having won a number of architectural and environmental awards. It is often cited as an exemplar of a well-considered urban architecture.

This statement has been prepared by Philo Thalis, Director of Hill Thalis, Architecture + Urban Projects Pty Ltd, based on information provided by Eeles Trelease Pty Ltd Architects, on behalf of Eeles Pty Ltd.

I provided an Urban Design opinion in support of both the original DA and the approved 3th storey scheme.

1.2 Background

Under my direction, my practice prepared the Double Bay Development Control Plan 2002 for Woollahra Municipal Council. The DCP and POP subsequently received an Urban Design Award from the Planning Institute of Australia. I have also been retained by Council to advise on the following projects in Double Bay:

- St. Saviour's redesign - Council Design Review Panel member
- Koorua Land joint project with Jallet and Woolworts - Council's architectural adviser
- Intercommunal redevelopment proposal - review and opinion for Council

Involvement with Woollahra Council in these and other projects has provided me with a very good understanding of Double Bay's urban form and potential.

I also co-authored the book Public Sydney: Drawing the City, published in 2013.

My M1 Curriculum Vitae is attached.

2.0 THE PROPOSAL

The proposal is to add to the existing 4 storey commercial building at 374 + 382 New South Head Road to add a 3rd storey. It is important to note that Woollahra Council has already approved an additional 3rd storey already on the subject site. This 3th storey has not yet been constructed, but it is still the subject to an active Development Consent.

The site is an irregularly shaped plot, with three street frontages. The extensions would be both lateral to the south, incorporating the adjoining property at 374 New South Head Road, with additions over the entire footprint to fit the scale from an approved 5 storey height to a proposed 7 storey height. The additional 2 storeys additional floors would all comprise compact residential units, the retail and commercial functions on the lower floor will be retained and extended laterally into the 374 New South Head Road site.

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JOB REF: 0412

Eeles Trelease pty ltd

3.0 THE PROPOSAL'S QUALITIES

I have reviewed the architect's plans, sections, elevations, urban analysis, and 3D views, and particularly support the following aspects of the proposal:

3.1 Architectural Qualities

The architecture of the addition is very compatible with the fine existing structure, being the work of the same distinguished architectural practice Eeles Trelease. When first constructed, the building won a number of professional awards, including two from the Australian Institute of Architects.

A number of distinguished Sydney buildings have been sympathetically integrated over the last 100 years, without in any way detracting from their quality. If anything they have grown in response to the existing city around them, as documented in my book Public Sydney: Drawing the City (co-authored with Peter John Carrillo). One of many that could be cited, a strong example is the Dental Hospital in Elizabeth Street, initially designed by Stephenson Turner and then extended three times by the same architects, both vertically and laterally. So seamless are the additions that today few would imagine that the building was so boldly envisaged.



Centre Hospital in Elizabeth Street. 1920 - 2010s reconstruction

In addition to the scheme of public buildings illustrated in the Public Sydney, there have also been many prominent commercial buildings so extended.

3.2 Key Corner Site in the heart of Double Bay Centre

The site occupies the most visually prominent corner location in Double Bay, being at the acute angle of New South Head Road and Knox Street, the very heart of Double Bay. As a result it is a memorable wayfinding and identity along New South Head Road.

The site has long been highlighted in the DCP as a prominent corner that requires a strong architectural response.

The New South Head Road's curvilinear geometry further emphasizes the prominence of the building when passing through Double Bay, the building corner presents differently when approaching from east.

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and west, frontally from the east end in profile from the west, this responsiveness to place further adds to its reading and identity.

The architects have taken full account of the importance of this corner, and designed a distinctive and distinguished proposal, as demonstrated by the submitted illustrations. The architectural qualities of such prominent corner can be seen in the images of the place, as demonstrated by many great examples, such as the former BAC building on Regent Street, which would be a welcome addition to the streetscape of the area.

Renowned Sydney examples include the Central Hospital on Elizabeth Street, the former West Building (now the Robinson Hotel) on Pitt Street, the Knox Club Fire Station on Darlinghurst Road in Kings Cross, and the former Edgecliff Post Office on New South Head Road. Such buildings always stand out by their position - their design makes them become emblematic of their place in the city.



Robinson Building in New York



BAC building on Regent Street in London



Knox Club Fire Station corner Victoria Street and Darlinghurst Road

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Former Edgecliff Post Office building

Former Edgecliff Post Office Road

The building celebrates its prime site form, the street setbacks gain a sculptural silhouette against the sky, and its highly visible westward from New South Head Road and eastward along Knox Street - the commercial centre of Double Bay.

It is also of note that, on a key corner site in the heart of Double Bay Centre, there are many vibrant planning outcomes and planning submissions which stress the importance of stronger street edges on such prominent corner sites. For example, SEPP 65, The Residential Form Design Framework, The Residential Form Design Code and the documents prepared by the previous Urban Design Advisory Service relating to Mixed Use in Business Zones all highlight the importance of corner sites in the urban scene, and are supportive of strongly modelled buildings in such locations. These buildings often have higher floor space ratios due to building to cat street alignments, particularly when they occupy a smaller site where their footprint covers the entire site area.

The proposal should act as a positive model for the many other corner sites in the Double Bay Centre, which are nominated in the DCP.

3.3 An Appropriate Urban Scale

It is noted that the proposal exceeds both the Height and Floor Space Ratio Controls in both Council's existing and proposed Local Environmental Plans and Double Bay Centre Development Control Plan. As the architects' illustrations show, the proposed additions will make the building more prominent in both Knox Street and New South Head Road streetscapes. The additions will be more comparable in height to the large 24 storey commercial hotel adjoining the site to the west along the curve of Knox Street, and the smaller 'fish' The InterContinental hotel nearby in Cross Street.

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/30



the architect, Jesta Trelease's montage

It is also important to note that the DCP envisages significant changes to the areas urban form, character which will take a few decades to emerge. The Kings Lanes Redevelopment, which replaced Woodlands, is now almost complete, and partly is a much more urban form (e.g. New South Head Road) than Woodlands. It is a more compact form. The Kings Lanes Redevelopment in the Kings Lanes area will also contribute to the new urban form and scale on adjoining properties, above and below the Double Bay Centre DCP, and completes higher building form on these adjoining properties.

The proposal would not impede (or deny) any view form construction areas of heritage items.

3.4 A Model of Mixed Use

The mix of retail of ground floor, 3 storeys of offices (submerged by 3 storeys of smaller apartments) would make it a rare example of the genuine mixed use building in Sydney. As opposed to the dated approach of ecclesiastical zoning, based on homogeneous precincts, this building would bring a mix of inhabitants and visitors about the 7 days a week cycle, from morning through the day into the night.

Added to the zero on-site car parking, bike parking and numerous effective environmental initiatives, this proposal is one of the most far-sighted for Sydney in terms of being a genuine model for sustainable city practice.

In my experience a greater residential density on the subject site and other comes often equate contribute to the vitality and growth in the Double Bay Town Centre. I note the European experience in many cities, where there is a strong residential component and these residents contribute to the street life and economic vitality of such centres.

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4.0 REVIEW OF URBAN DESIGN ISSUES ASSOCIATED WITH THE SITE

4.1 Individual taller Buildings in the Vicinity

The area around Double Bay Centre already has many higher buildings, although almost all of these are in conflict with the current and proposed context (see discussion below).

The attached analysis (see Fig 1.1 and 1.2) shows the distribution and heights of these buildings. Many were in direct response to neighbouring tower buildings, without unique identity forms. Some have very large footprints, while a number of others are up to 15 – 18 stories in height. The attached analysis shows the buildings in plan and on oblique aerial photos. Some of the buildings are very prominent in location, scale and visibility.

The Double Bay Centre occupies the valley floor and is therefore heavily overlooked from private property on the elevated slopes of Double Bay. Darling Point, Edgecliff, Bellevue Hill and Bond Junction. The development or neighbouring sites such as the St Ignace and Kings Lanes are conspicuous elements of Double Bay Centre's skyline. Due to scale of history and geography, the Double Bay Centre is not easily seen from the public domain of these upper slopes, with the exception of distant views from certain streets in and around Bond Junction and Syd Lindes Drive.

It is worth highlighting that Double Bay Centre already has a number of 5 to 8 story buildings across the area. Against the backgrounds of which will become a more unimpaired 4 to 5 story scale as the older buildings, these occasional taller buildings have the effect of articulating the skyline, an important consideration in an area that is so overlooked. The relatively small footprint of the proposal when seen from the attitude and distance would not be at all noticeable, in my estimation.

See attached analysis (figs 1.1 and 1.2).

4.2 Analysis of other compatible Centres across metropolitan Sydney

It is clear that Double Bay Centre stands quite conservative heights and low FSR's compared to many comparable centres across metropolitan Sydney. By way of analysis (see figs 2.1 and 2.2 attached), we have tabulated a comparison of other centres in terms of:

- their total physical area
- the range of heights that apply
- the centres have been selected to cover centres in inner and middle ring suburbs. Some benefit from being heavy rail stations, which compares to the importance, Double Bay enjoys frequent train services, in particular from the City to the City (via the Eastern Suburbs) and from the City to the City (via the Eastern Suburbs).

While both the localities are poor in comparison to other parts of Sydney, the area is very walkable, due to a freshly-carbonated street and lane network.

A comparison of the centres analysed shows:

	city	Distance to heavy rail	bus	Light rail
Burwood	10km	yes	yes	
Rockdale	10km	yes	yes	
Maroubra Junction	10km	primarily	primarily	
Kogarah	13km	primarily	yes	
Lensington	4km	primarily	primarily	future
Double Bay	2.5km	yes	primarily	
Mosman Junction	5km		primarily	

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Of these centres, Double Bay enjoys closest proximity to central Sydney, and also to three major universities, four major hospitals, Sydney airport and many other amenities. Of course it is also on the harbour as well.

Double Bay only 2.5km from the city centre, has regular bus service to the City, Watsons Bay, Dover Heights and Bondi Junction, and is a short though uphill walk of only 600m from Edgecliff and the Eastern Suburbs / Rawsonia rail line.

It is also worth noting that a number of other centres across metropolitan Sydney have recently been up-scaled, despite having none of the convenience or environmental quality enjoyed at Double Bay. Examples include Merrylands town centre, which allows buildings up to 65m in height, with 10% up to 7.7m storeys are directly comparable to Bondi Junction, which is acknowledged as the primary regional centre in the Eastern Suburbs. The Minister for Planning recently announced high density zones for a string of centres in the outer south west from Gairland to Westacott, 30-40 km from the City Centre.



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Parliament House March 2015 hill thalis

In a recent talk with NSW Parliamentarians to the Better Planning Network at Parliament House, I advocated that higher densities should be located in the established areas with the highest amenity and accessibility - Double Bay Centre is certainly such an area.

With its innate advantages in terms of location, demographics, public transport, access to established services and the like, it is firmly my view that places such as Double Bay should be making more of a contribution to accommodating Sydney's continuing growth.

See attached analysis (figs 2.1 and 2.2).

4.3 Lack of Higher Densities in the Woollahra LEP

A review of Woollahra Municipal Council's current LEP 1995 and the new LEP 2014 (prepared but not yet in force) that will take effect on the 23rd May 2015, show that the entire LGA is maintaining comparatively low development standards. This is puzzling given:

- the area's privileged location on Sydney Harbour, near beaches and major parks, with good public transport and convenient access to a range of shopping and work opportunities;
- the area's proximity to the City of Sydney, which is the country's major employment hub, in addition to being the centre for public transport, events, culture, religion, politics, tourism, shopping and business and the like;
- the pressures of Sydney's rapid population growth, and the (immer) demand for housing in locations convenient to localities and jobs;
- the pressures on housing affordability, which could in part be counteracted by the increased provision of medium, mid-density units in convenient locations. Having no car parking in central areas, which is a major barrier to housing units made available, then they are less likely to be used. (This is due both to the capital cost of parking, especially in basements, and the turning costs of services)

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It is clear that many of the established higher, or denser building types around Double Bay are well above the current planning controls. The lack of cohesion between existing densities and heights and fire controls can give rise to ongoing problems with even minor applications for such properties. In the context of this experience, this is not the basis for enlightened, proactive planning.

5. ALTERNATIVE APPROACH – VFA'S FOR PUBLIC BENEFIT

Rather than solely relying on set controls such as height and floor space, there is an evolving use of progressive mechanisms such as Voluntary Planning Agreements (VPA's) and Inclusionary Zoning to achieve a balance of policy outcomes. Mechanisms such as additional height and/or floor space are increasingly being used to a defined number of public benefits, such as:

- creation of new public domain elements, such as laneways, walkways, street widening, pocket parks and the like;
- upgrading of existing public spaces, usually in the vicinity of the site – either by monetary contributions or independently valued works in kind;
- provision of public facilities, rooms and services, such as libraries, community halls, social facilities, libraries and the like;
- provision of social or affordable housing, usually granted or leased (generally for 10 years) as a minimum by a recognised Community Housing Association;
- provision of subsidised or affordable work spaces, studios or creative spaces.

Due to its design and location, one or more of such public benefits could reasonably be associated with, or approved with, this proposal.

6. CONCLUSION

The subject site has unique characteristics, being a "key corner site in the heart of Double Bay" and a product of the planning support from the subject property developer. It is not considered appropriate or desirable for the Town Centre use to the fact that the subject site has site specific attributes not evidenced in the significant majority of the remaining properties in the Town Centre.

Given the Architectural and Urban Design merit embodied in this proposal, appropriate to the site and locality, I recommend that Woollahra Council favourably consider this Planning Proposal application. Please do not hesitate to contact us should you require further information.

Yours faithfully,

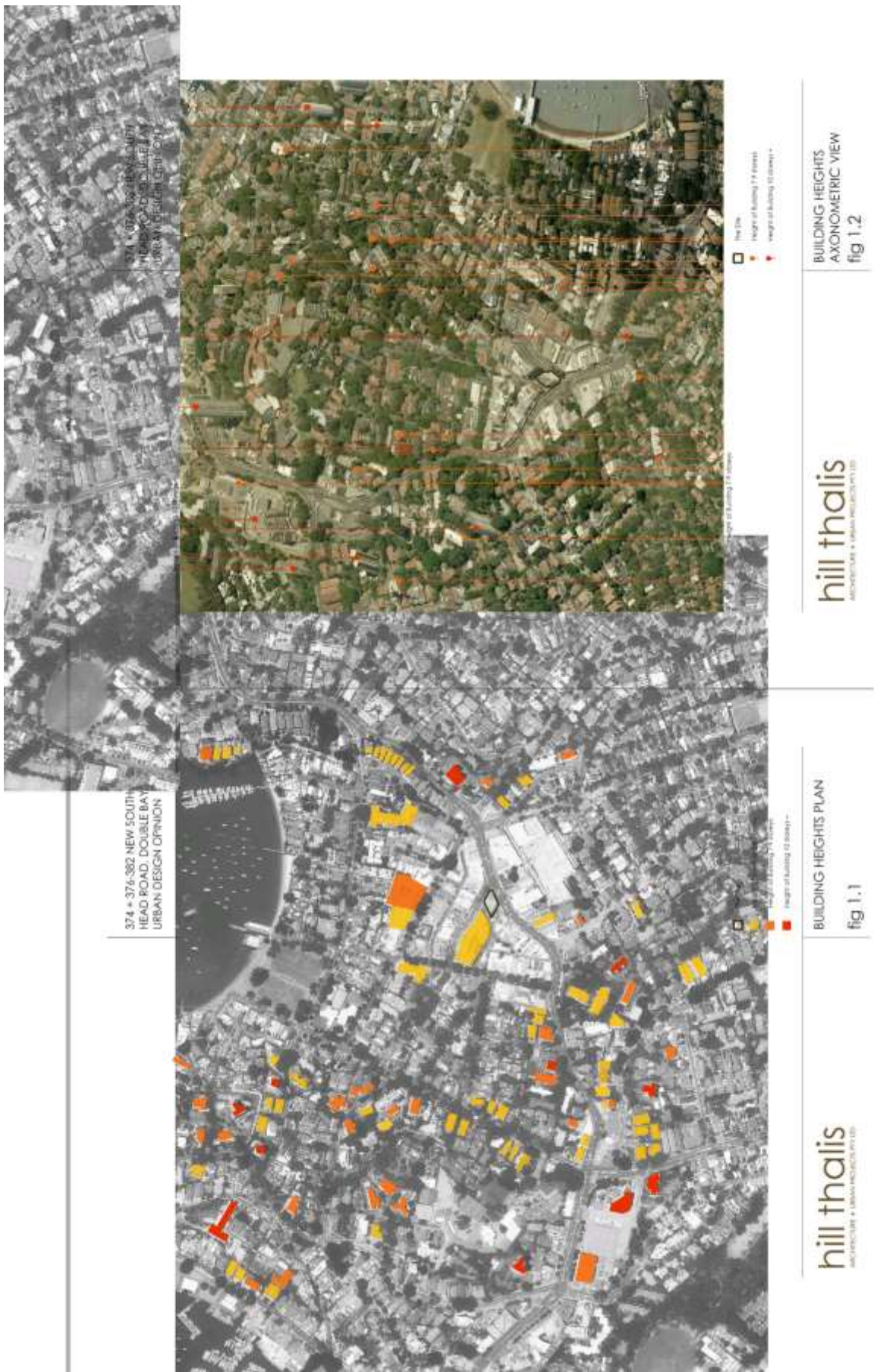
Philip Thalis
Principal
HILL THALIS ARCHITECTURE + URBAN PROJECTS PTY LTD

Attachment:
Rpa 1.2.1.1.1, 1.2.1.1.2 Philip Thalis CV

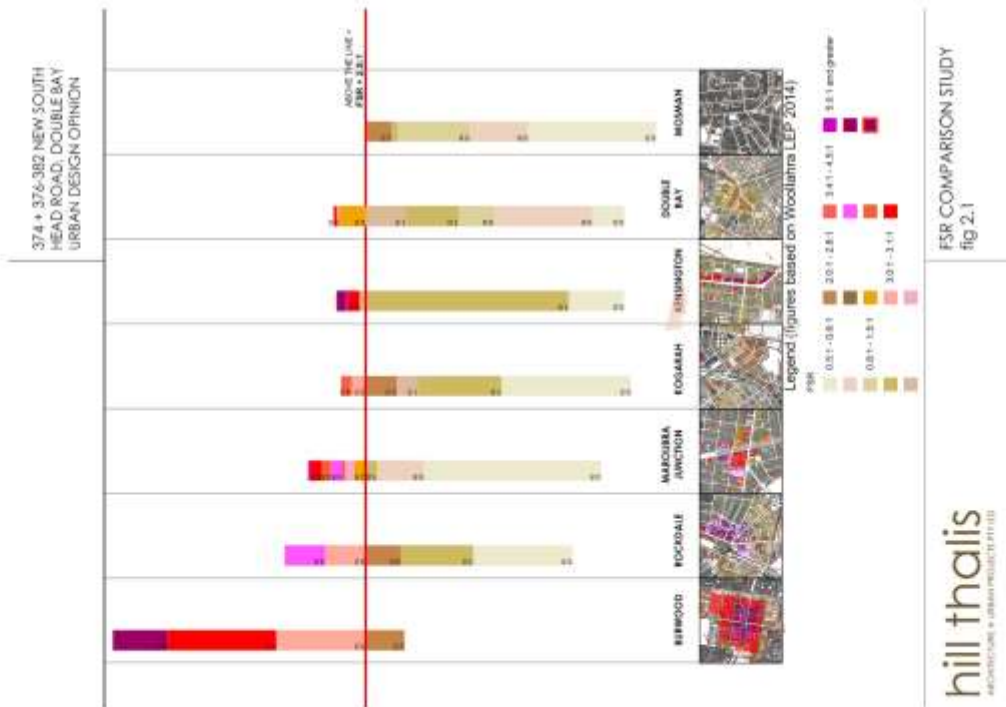
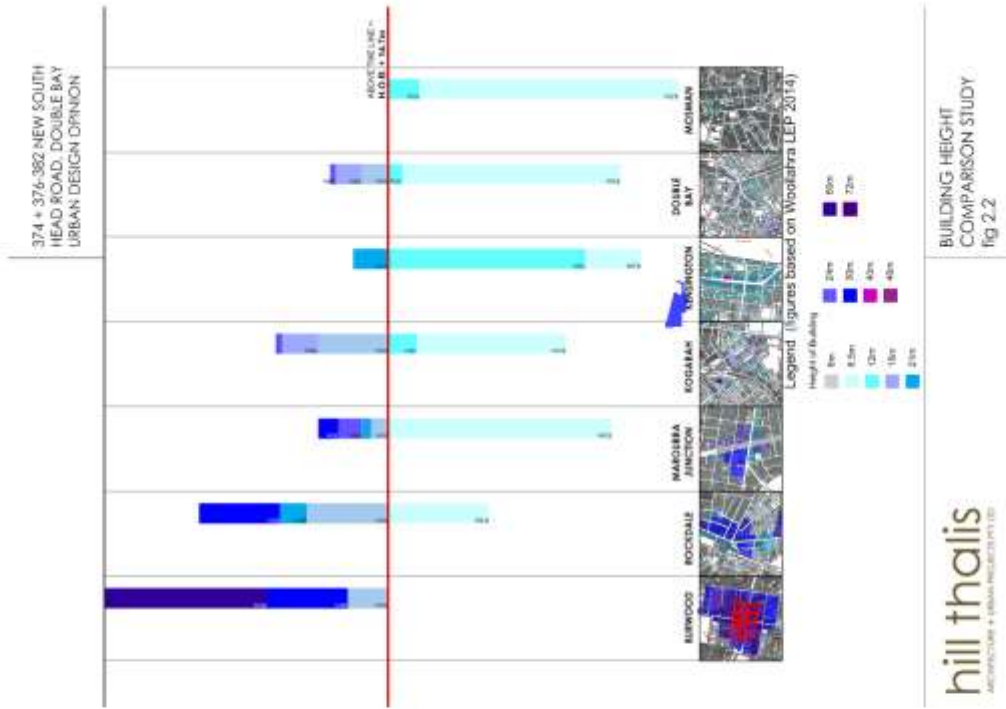
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/35

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Friday 19th February 2016
Job no 1412 /PT

PROPOSED DEVELOPMENT: 374 + 376 + 382 NEW SOUTH HEAD ROAD, DOUBLE BAY
ADDENDUM TO URBAN DESIGN OPINION OF 12 MAY 2015

1.0 Purpose of this addendum

This addendum to our Urban Design Opinion (UDO) dated 12 May 2015, is in support of the recently revised Planning Proposal at 374 +376 + 382 New South Head Road in Double Bay. This proposal for a 7 story building, is to modify an approved and constructed 7 office building on the site. This statement has been prepared by Philip Trelease, Director of Hill Thalis, Architecture + Urban Projects Pty Ltd, based on information provided by Eeles Trelease Pty Ltd Architects, on behalf of Trelease Pty Ltd.

2.0 An Appropriate Urban Scale (Updating UDO clause 2.3 An Appropriate Urban Scale)

It is noted that the proposal on a central and prominent corner, exceeds both Council's height and floor space ratio criteria. As the architect's drawings show, the proposed additions will make the building's scale more appropriate to the surrounding context. The proposed additions will be comparable in height to the large, 8th Standard Development adjoining the site to the west along the corner of Knox Street, and would sit lower than the historic residential tower nearby in Cross Street.



(Looking west along Cross Street)

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It is also important to note that the DCP envisages significant changes to the street urban form, changes which will take a few decades to eventuate. The 'Rapid Land Re-development', which replaced the old Woodwards, originally about the road, points to a much more urban form to New South Head Road. Given that the Double Bay Centre DCP contemplates higher building form, than the existing 'segmented low and mid-scale built form on adjoining properties, it is important to consider the proposed 6 story development in the context of the anticipated future context.



(Looking west along New South Head Road)

The proposal would not introduce any views to or from conservation areas or heritage items.

3 RECOMMENDATION

The subject site has unique characteristics not shared with the remaining properties in the Town Centre and it has long been nominated in the DCP as a prominent corner that requires a strong architectural response. We consider the six story proposal, on this key corner site in the very heart of the Double Bay Centre, would not constitute a precedent for approving increased density elsewhere in the Town Centre.

Given the Architectural and Urban Design merit embodied in the proposal, appropriate to the site and locality, I recommend that Woollahra Council favourably consider the Planning Proposal application. Please do not hesitate to contact us should you require further information.

Yours sincerely,

Philip Trelease

Hill Thalis Architecture + Urban Projects

Year	Qualifications	Prizes & Awards
1991	CEAA Architectural Urbanism - Ecole of Architecture Paris - Belleville	
1984	Bachelor of Architecture (Hons) - Sydney University	
1981	Bachelor of Science (Arch) - Sydney University Registered Architect - NSW - No 0730 Australian Institute of Architects - Corporate Member	
2014	IAA Awards - Rates Smart Architectural in the Media National Award - Sydney, Drawing the City (in-association with Peter John Carruth)	
2013	IAA NSW Awards - Planning Excellence in the Green Plan to Local Landmarks - Menemaher Beach Public Domain Improvements IAA NSW Awards - People's Choice Award - Lunar Forest Adventure, Taronga Zoo (with J&A Fine Riddell) IAA NSW Awards - Commendation for the Innovative Use of Steel in Architecture - Lunar Forest Adventure, Taronga Zoo (with J&A Fine Riddell) Burkhardt Award for Urban Design - Wilson, Hobson, Macquarie & Concordia Streets, South Sydney Urban Centres City to the Lake (with ACT EDO, SMEC, Macquarie, J&A Fine Riddell) IAA NSW Awards - Commendation in the Multiple Housing Category - The Niagara IAA NSW Awards - Commendation in the Heritage Architecture - Creative Adaptation, Colchester - The Niagara, Penrith National Trust NSW Heritage Awards - High Commendation - The Niagara, Penrith Murchison Medal - High Commendation - The Niagara, Penrith	
2012	IAA National Award for Design - Penrith Park, Penrith (with Aspect Studios & CAB) IAA NSW Awards - Custom Built Homes of the Year, Assets & Custom Built Homes \$1.5-2.5 M Award - AKY House Contributions - Berry Mountain House	
2011	IAA NSW Awards - Commendation in the Multiple Housing Category - St Helen Green Gardens, Lily Hills Housing, West Cheshamwood	
2010	IAA NSW Awards - The Medal - Penrith Park, Penrith (with Aspect Studios & CAB) IAA Water Building Award for Urban Design - (for the most outstanding work of urban design in Australia) - Penrith Park, Penrith (with Aspect Studios & CAB) IAA NSW Award - Architectural Award in Urban Design - Penrith Park, Penrith MBA Excellence in Construction Award - Fossilon - Belconnen, Penrith Park - B&B Hoyle - Davis Burdick - Best use of Concrete - Janet Warner	
2008	IAA National Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB) IAA NSW Award for Planning Excellence - Urban Design - Police and Steel Menemaher Beach Public Domain Plan (with Jane Irvine) IAA Presidents Award for Outstanding Contribution to the Architectural Profession - IAA NSW Award jointly with Peter John Carruth SCGA Public Domain Awards 2008 - Penrith Park Master Plan, Penrith The Best Overall Project - National Award - Winner of the Darwin category Winner of the SEHR Award IAA NSW Award for Urban Design 2009 - Commendation - Sustainable Sydney 2030 (with SGS, Simpson Wilson & Kinross) IAA National Presidents Award - Sustainable Sydney 2030 (with SGS, Simpson Wilson & Kinross) Highly Acclaimed - Commendation in the Rural Design Category - New Walk, Jack Floyd Reserve, Toowoomba IAA Urban Planning Achievement Award for NSW Awards for Excellence - Sustainable Sydney 2030 (with SGS, Simpson Wilson & Kinross) Rates and National AIA Award for Excellence - Certificate of High Commendation IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB) Stage 2 Outstanding Winner - International Competition for the redevelopment of the East Darling Harbour Wetlands (Barragoolah) (with P Birkness & J Irwin) National Trust Awards Winner - Great Place Conservation Management Plan, Penrith (with Design 3)	
2007	IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB) Stage 2 Outstanding Winner - International Competition for the redevelopment of the East Darling Harbour Wetlands (Barragoolah) (with P Birkness & J Irwin)	
2006	National Trust Awards Winner - Great Place Conservation Management Plan, Penrith (with Design 3)	
2005	Stage 1 Winner - International Competition for the redevelopment of the East Darling Harbour Wetlands (with P Birkness & J Irwin) - 137 entries IAA NSW Award - Commendation in the Multiple Residential Category - Substation #170 Market Builders Association of NSW - Excellence in Housing Award - Trunkton Group Winner - Adaptive Reuse over \$500 000 Category - Substation #175 IAA State and National Urban Design Awards - Vulnerability Vision Plan - for Walkability Share (with Aspect Studio) IAA NSW Heritage Award - Chalmers - Sydney Surface Works - for PHL (with Aspect Sydney) ICC Urban Design Awards - Heritage Adaptive Re-use - Glass Opera Prod + Star, Coopers ICC Urban Design Awards - Master Plans - Suncoast St Defence Bldg, Randwick IAA NSW Urban Design Awards Commendation - Double Bay Centre Plan - for Woollahra Council (with Jane Leach) ICC NSW Urban Design Award - Penrith City Centre Plan Penrith Institute of Australia (PIA) National Award - Penrith City Centre Plan IAA NSW Urban Design Award - Rose Bay Centre DCP	
2004	IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB) IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB) IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB) IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB)	
2003	IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB)	
2002	IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB)	
2001	IAA NSW Award for Planning Excellence - EA-Water Police Park Master Plan, Penrith (with Aspect Studios & CAB)	

job ref: 0412

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Specialist skills

Philip actively promotes the culture of architecture and city making, containing the direction of the practice with briefing, research, conference papers and public initiatives, architectural criticism and expert opinion. He has lectured at all universities in Sydney, with a particular research focus on the history of Sydney's architecture and urban development, and the architecture of the city more generally. Philip's advice and expertise have regularly been sought by various tiers of Government and a range of private clients.

Hill Thrale was founder as a result of winning of the Olympic Village National Architecture Competition in 1982. The collaborative project sought to reimagine urban design, housing and ESD in a holistic way, and was instrumental in establishing the focus and agenda of Sydney's 'Green Games'. In 2006 Hill Thrale won the Darling Harbour East International Competition. Spanning between these competition-winning schemes, Hill Thrale has built a strong design reputation across a range of project types and scales. Under Philip's direction the practice has won more than 40 competitions, commissions and awards. With over 35 years of industry experience, Hill Thrale has worked with world leading architects (PWA, PH), urban services groups (Sydney Water, NSW Council of Government), and has developed and delivered a range of architectural, urban, public domain and heritage projects.

- public domain, master plans, strategic plans, infrastructure planning
- the design of streets, parks, squares, heritage interpretation, urban elements
- urban planning, urban design, urban infrastructure, urban form, urban layout
- apartment buildings, and town, affordable housing
- Community Buildings (public buildings and proposals, places of public entertainment, facilities)
- shops and retail markets, libraries, office interiors
- adaptive re-use, evaluation of historic urban places, assessments
- heritage planning, conservation, restoration, conservation of historic places
- expert advice, support networks, design standards and measurements, design review panels

Professional Experience

- 1989 - HILL THRALE ARCHITECTURE + URBAN PROJECTS Principal
- 1992-94 RMA C20TH BUILDINGS OF SIGNIFICANCE - PROJECT OFFICER
- 1995-00 COMBINE MORGISON & PARTNERS
- 1996-98 RMA C20TH BUILDINGS OF SIGNIFICANCE - PROJECT OFFICER
- 1988-93 VIVES LIDON ARCHITECTS (PARIS)
- 1985-87 CHENE TOU + HILDORRO, ALIA (PARIS)
- 1982-87 JENI MAHER & PARTNERS
- 1981-82 M&J GROUP, DARLING HARBOUR AUTHORITY
- 1981-82 GOVERNMENT ARCHITECTS BRANCH, PHO (Architectural Assistant)

Publication of Projects

- 2013 Design Framework - George Street Proposal
Proposed by Hill Thrale/JILA/Tyrpie & Crawford (p43-58) <http://89107610-7547-4810>
- The Mosaic - Composite of former Council Apartments
ISBN 978-3-31768-387-7
<http://www.irs16.com>
ARCHITECTURE AUSTRALIA (Vol 1024 MAY / JUNE 2013). - Review by Helen Thrale
RESIDENTIAL ARCHITECT (American Institute of Architects Magazine) (p20-22 January / February 2013). - Review by Hugh D Siscoe
Autodesk. <http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
<http://www.irs16.com>
Architecture. <http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
Architects. <http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
MAGAZINE. <http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
<http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
<http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
<http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>

Hill Thrale - Epochs of Australian Architecture - entry
George Street Apartments (with Mosca)

- 2011 ARCHITECTURE AUSTRALIA (Vol 1024) May/June 2011) - Article by Tom Rivett
- 2010 Projects Park + Pavilion Project
Architects: Hill Thrale/JILA/Tyrpie & Crawford
ARCHITECTURE AUSTRALIA (Vol 1018) July / August 2010)
Waterbury Griffin Award Citation
ARCHITECTURE AUSTRALIA (Vol 98) July / August 2010) - Article by Olivia Hyde
INDESIGN (online) - Article by Terese McQuinn
ARCHITECTURE AUSTRALIA (Vol 1013) July / August 2011)
LANDSCAPE ARCHITECTURE AUSTRALIA - July Citation
Article by Terese McQuinn (p154 November 2009)
MCKINLEY & CO. Article by Alan Rowlands
ABUNDANT - Venice Biennale Catalogue
Selected Projects - On Project
Sydney University Selected Areas Exhibition - Catalogue
published by University of Sydney, Faculty of Architecture, Design and Planning)
- 2009 Courtyard Apartment Buildings: A Landscape Urbanism for Transforming the Suburban
(published by University of New South Wales, Architecture Centre)
- 2008 Sustainable Sydney 2030
Hill Thrale/JILA/Tyrpie & Crawford
ARCHITECTURE BULLETIN (May / June 2008)
Red Walk, Jack Flood Reservoir, Sydney
LANDSCAPE ARCHITECTURE AUSTRALIA - Review Upgrade
Article by Terese McQuinn, 1st/22 May 2009)
2008 ARCHITECTURE BULLETIN - M&J Awards - July Citation, July 2008
THRALE ARCHITECTURE - Prouble project

Madrid (the Apartment Building) - Rise Bay
2012
Architect:
Client:
M&J&A
<http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
<http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>
<http://lib.chem.ac.uk/ebooks/1002052003/virtual-estate-architecture-18.html>

- 2010 Sydney Apartment Building Case Studies, C&P
- 2008 HOUSES - show of architects Adam Haxton
- THRALE ARCHITECTURE WEBSITE - Prouble project
- East Darling Harbour Competition (Winning Project [International])
- ARCHITECTURE AUSTRALIA (Vol 98) July / August 2009 - Publication of Winning Schemes
- TOPIC Project Review - City of Parramatta - Article by Scott Hansen - featured project
- 2006 ARCHITECTURE AUSTRALIA July / August 2006 - Publication of Winning Schemes
- Review of winning schemes by Elizabeth Moscoe
- ARCHITECTURE BULLETIN NOW July / June 2006 - Publication of Winning Schemes
- MCKINLEY February / March 2006 - East Darling Harbour
- Review of Stage 1 winning schemes by Rob Bevan
- ARCHITECTURAL REVIEW AUSTRALIA (Vol 001/2006) - Publication of Winning Schemes
- Review of winning schemes by Peter John Carriv
- ARCHITECTURE BULLETIN NOW July 2005 - Publication of Winning Schemes
- Review of winning schemes by Adam Haxton
- Ted by Hill Thrale
- Jury Citation
- ARCHITECTURE AUSTRALIA New Dec 2005 - Publication of Winning Schemes
- ARCHITECTURE AUSTRALIA New Dec 2005 - Publication of Winning Schemes
- TOPIC URBAN DESIGN #02 / 2005 (Germany)
- Current Competition review
- Sustained ETS, Burn Hill
- Architectural Building Case Studies
- ARCHITECTURAL REVIEW AUSTRALIA (June 2005)
- Ted by Hill Thrale
- Article by Dr Nelson Sheld
- ARCHITECTURE BULLETIN - M&J Awards - July Citation, July 2005)
- Feature Article - M&J - Master Builders Association of NSW
- Evidence in Housing Awards (10 September 2005)
- RAW WEBSITE - Tris Sive-Sie
- Best of Architecture - Sydney
- DOMAIN 2004 - Feature Article (June 2005)
- Sydney Olympic Park 2015 (Nov)
- TOPIC 38 - Sydney? City of Landscapes - Article by Scott Hansen - featured project
- 2005 URBAN DESIGN INTERNATIONAL - THE SYDNEY ISSUE - Article by Helen Lothman
- 2005
- Blackwood Case Study
- featured in the 2005 RESIDENTIAL PLAT DESIGN CODE Planning NSW / LOMA
- 2002
- published in DOMAIN 2004 (Aug 2001)
- City of Houses, Architecture
- featured in MacLennan, B. THE ARCHITECTURE OF EASTERN AUSTRALIA (p69) 2001
- 1997 featured in JILA G. A GUIDE TO SYDNEY ARCHITECTURE (2005) 1997 Wauwamah Press, Sydney
- 1997 featured in Morrison, F. SYDNEY A GUIDE TO RECENT ARCHITECTURE (075) 1997 edipress Kensington, Henry King
- 1995 ARCHITECTURE BULLETIN - M&J Awards - July Citation, July 1995)
- Caribbean Waves, Emerald
- 1988 ARCHITECTURE BULLETIN (April 1996)
- George Street Project, Sydney
2002 SYDNEY SPACES book - City of Sydney - Lochsleit, Helen (ed) ISBN 09508 75 8

job ref: 0412

Eeles Trelease pty ltd

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1992	Golden Public Sculpture on Art & Urban Spaces - ANIMADVERSO GALLERIES Sydney - Urban Housing - 1100 South Head Road - Sydney - NSW Urban Planning & Projects for Sydney - ARCHITECTURES DAY ADDRESS - RANA, Tasmania (with PJ Carroll)
1991	Urban Planning - P&I&L - URBAN CONSOLIDATION CONFERENCE The World's Urban Planning - URBAN CONSOLIDATION CONFERENCE TABLE 2000 - HOWE - A PLACE IN THE BUILT ENVIRONMENT CONFERENCE The Contribution of an Area of the City - ARCHITECTURE SOCIETY, Tasmania (with PJ Carroll)
1990	Urban Planning - URBAN PLANNING - ADDRESS OF 4 WORKSHOPS, PWD 1989 2 PHASE 1989 - URBAN PLANNING - ADDRESS OF 4 WORKSHOPS, PWD 1989 2 PHASE 1989 - URBAN PLANNING - ADDRESS OF 4 WORKSHOPS, PWD 1989
Tour Leader	
Leader of 19 Architectural Tours around Sydney	
2014	The Majestic, Heidelberg - AM Tour
2013	Public Sydney Tour - HHT
2012	Opera Park, Parramatta - IWMN Tour
2012	Opera Park, Parramatta Tour - Garden History Society
2012	Opera Park, Parramatta Tour - IWMN Tour Leader
2008	Suburban House Architectural Conference - East Darling Harbour / Walsh Bay - Invited Tour Leader
2007	AAA Sydney City Day - East Darling Harbour / Milsons Point - Invited Tour Leader AAA Sydney Harbour Day - East Darling Harbour / Milsons Point - Invited Tour Leader AAA Sydney Harbour Day - East Darling Harbour / Milsons Point - Invited Tour Leader Sydney Apartments Exhibition - at the Museum of Sydney - Guest Exhibition Tour Leader (with PJ Carroll)
2006	AAA Sydney City Day - East Darling Harbour / Milsons Point - Invited Tour Leader AAA Sydney Harbour Day - East Darling Harbour / Milsons Point - Invited Tour Leader East Darling Harbour and Milsons Point - Opera City Architecture - Tour leader (with Paul Bermanstein and Russell Osborn)
2005	AAA Residential Tour - Sydney, Australia, Sydney
2004	AAA Sydney Harbour Day - Invited Tour Leader AAA Sydney Harbour Day - Invited Tour Leader
1999	Melbourne and Sydney - Invited Tour Leader Melbourne and Sydney - Invited Tour Leader
1998	RAIA New Zealand Tour - Pt of Trauma, Northbridge - (with Peter John Carroll)
Design Juries	
2014	Bush International Wayfinding Competition - BPA Gateway Site Competition, Great Western Highway, Parramatta - for Parramatta City Council Council Tower and Hotel, 110 Bathurst Street, Sydney - City of Sydney Design Excellence Competition
2013	Henley Square, Adelaide - National architecture / landscape competition - for the City of Charles Sturt, SA
2012	AACT Architecture Awards AACT Architecture Awards - National Architecture / Landscape Competition - for Parramatta City Council AA NSW Quarry Award / Architectural Education
2008	SONA Supermarket - NSW JURY
2008	ALA NSW Landscape Architecture Awards
2006	Contemporary Architecture Awards - City of Sydney Design Excellence Competition
2005	Contemporary Architecture Awards - City of Sydney Design Excellence Competition
2000	RAIA NSW Architecture Awards - City of Sydney Design Excellence Competition
1985	RAIA NSW Civic Design Awards
Committee / Community Membership	
UNIVERSITY OF NEWCASTLE	

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2011 -	Industry Advisory Committee
HISTORIC HOUSES TRUST OF NSW (HHT)	
1998 - 2006	Treasurer, appointed for 3 terms
PLANNING AND URBAN DESIGN ADVISORY COMMITTEE (NUDC)	
2002 - 04	Member
MINISTERIAL ADVISORY COMMITTEE ON THE CLIFF-TOP DEVELOPMENT AT LUANA PARK - DPMR	
2004	Appointee
HERITAGE COUNCIL OF NSW	
2000 - 01	RAIA appointee
RAMENICK WAVERLEY BEP/16 DESIGN REVIEW PANEL	
2003 -	Ministerial Appointee
PORT MACQUARIE SEPT 05 DESIGN REVIEW PANEL	
2008 -	Ministerial Appointee
SPRING OLIVIER PARK DESIGN REVIEW PANEL	
2004 - 08	Appointee
LIVERPOOL CITY CENTRE INTERIM DESIGN REVIEW PANEL	
2002 - 03	Member
ROYAL AUSTRALIAN INSTITUTE OF ARCHITECTS	
2010 -	Urban Committee
1993 - 94	Architecture Conservation Committee
1992 - 94	Environment Board
1992 - 90	Public Bd Committee
1986	Membership & Information Board
NSW MINISTRY OF THE ARTS	
1997	Capital Cities Assessment Committee
NSW HEALTH DEPARTMENT	
1997	Heritage Steering Committee - RANA Representative
NATIONAL TRUST NSW	
1994 - 95	Urban Conservation & Conservation Centres Steering Committee
PUBLIC WORKS DEPARTMENT	
1992-94	State Projects Advisory Committee
LNM - UP - A SYDNEY PUBLIC TRANSPORT PROJECT	
1993	Funding Steering Committee Member
SYDNEY CITIZENS AGAINST THE MONORAIL	
1992 - 96	Funding Steering Committee Member
UNIVERSITY OF SYDNEY	
1990	Architecture Departmental Board, Part Time Staff Representative
1994	Curriculum Review Committee, Student Representative
1992 - 93	Academic Board, Student Representation
Exhibition	
Queering Sydney models - Fitzroy Gardens, Lamsar Adventure Playground, Buswest Draper Gallery, Rydman	

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APPENDIX B.2 EELES TRELEASE CV
profile



Waterfront houses, Cabarita



Olympic apartments, Newington

Eeles Trelease is a broad-based architectural practice with nearly 30 years experience in delivering residential, commercial, educational and assisted living projects. The principles of passive sustainable design have been integral to Eeles Trelease's design approach since the company began in 1984 and remain fundamental to every scheme.

Our recent focus has been implementing active sustainable design in our commercial and residential projects, as demonstrated in the commercial/retail building at Double Bay and the apartments at Woolloomooloo. This work has been developed from the principles established at the Newington apartments (RAIA NSW Building of the Decade, 1990's) and Mount Tomah Botanic Garden Visitors Centre.

Inherent in all our work is a strong and clear concept which is followed throughout the project to the last detail. Together with our emphasis on client focusing and seeking innovation in all aspects of the project our aim is to deliver a cohesive and value-added outcome.

Some of our best known projects are:

- Cardita Apartments, Little Bay
- **Randwick City Urban Design Award 2008 - Residential, Multi Unit Housing**
- **Randwick City Urban Design Award 2008 - Sustainability**
- **Environ BPN Sustainability Awards 2008 - Low to Medium Density Residential**
- **Commercial/Retail Building: Environmentally Sustainable Design (ESD), Double Bay**
- **RAIA NSW Commercial Building Architecture Award 2007**
- **RAIA NSW Sustainable Architecture Commendation 2007**
- Edgewater Apartments, Cabarita
- **UDIA Small Residential Projects Award 2003**
- Olympic Apartments, Newington.
- **RAIA National Architecture Award 2000**
The finished development has become one of Sydney's most successful lifestyle housing developments.
- Botanic Gardens Trust - Mount Tomah Botanic Garden - ongoing client since 1985
Visitor Centre (Stage 1 & 2), Kosok, Education Centre & World Heritage Exhibition Centre

job ref: 0412

Eeles Trelease pty ltd

/42

NO. 374 + NOS. 376-382 New South Head Road, Double Bay

APPENDIX B.2 EELES TRELEASE CV

DIRECTORS

Bruce Eeles

B. Arch, University of NSW, 1968 L.F.R.I.A.A.
Registered Architect, ARB No: 20666
Life Fellow Australian Institute of Architects

Bruce's vast experience is a unique combination of landscape, heritage, private and public commissions. He has worked across all cost plan ranges and with many major developers. This has enabled him to acquire a rare skill set, an ability to combine urban design expertise with innovative architecture, and to deliver it within the demands of budget constraints.

Kathryn Trelease

B. Arch, University of Adelaide, 1990
Registered Architect, ARB No: 6318

Kathryn is Practice Manager and provides the depth of professional practical experience to each project. Her experience in large projects in London, Dusseldorf and China as well as her strength in interiors brings a strong design foundation to all projects. In 1989 became a director of Bruce Eeles and Associates / Eeles Trelease Pty Ltd, Sydney.

SENIOR ASSOCIATE

Robin Yeap

M.Sc. Architecture and Building Design, Columbia University, 1989
B. Arch, University of Sydney, 1983
B.Sc. Arch, University of Sydney, 1980
Registered Architect, ARB No: 5918
Level 1 Member, Australian Institute of Architects

Robin brings over 25 years experience in a wide variety of building types ranging from residential to commercial and institutional. He augments his residential experience with aged care design and takes active role in sustainable design research. Robin gained his Masters degree from Columbia and returned to Eeles Trelease after working in New York on multi-purpose complex buildings in Barcelona and Washington DC. As team leader on various projects he brings his depth of experience to all stages of architectural delivery.



Bruce Eeles



Kathryn Trelease



Robin Yeap

Job ref: 0412

Eeles Trelease pty ltd

NO. 374 + NOS. 376-382 New South Head Road, Double Bay
APPENDIX B.2 EELES TRELEASE CV
awards

- Randwick City Urban Design Award 2008 - Residential, Multi Unit Housing
Cardita Apartments, Little Bay
- Randwick City Urban Design Award 2008 - Sustainability
Cardita Apartments, Little Bay
- Environ BPN Sustainability Awards 2008 - Low to Medium Density Residential
Cardita Apartments, Little Bay
- PCA Rider Levett Bucknall High Commendation 2008
Commercial/ Retail Building, Double Bay
- RAIA NSW Commercial Award 2007
Commercial/ Retail Building, Double Bay
- RAIA NSW Sustainable Architecture Commendation 2007
Commercial/ Retail Building, Double Bay
- Australian Property Institute, NSW, Environmental Development Award, 2007
Commercial/ Retail Building, Double Bay
- RAIA Architecture Bulletin 2004
Buildings of the Decade 1990's, Apartments Newington
(in association with IPA Architects and Planners & Vite Associates)
- UDIA Small Residential Projects Award 2003
Waterfront Houses, Calabrita (with IPA Architects)
- RAIA National Special Jury Award 2000
Apartments Newington (in association with IPA Architects and Planners & Vite Associates)
- RAIA NSW Single & Multiple Housing Award 2000
Apartments Newington (in association with IPA Architects and Planners & Vite Associates)
- RAIA NSW Merit Award 1992
Apartment - Bondi Beach
- RAIA NSW Merit Award 1989
Offices - Crown Street, East Sydney
- Wollongong City Council Building Commendation Award 1987
Wollongong Fishermen's Co-op
- RAIA NSW Merit Award 1985
Forestry Commission Offices - Albury (pvt)
- RAIA NSW Commendation Award 1985
Houses - Mackeral Beach
- RAIA NSW Merit Award 1980
Royal National Park Visitor Centre, Audley
- RAIA NSW Merit Award 1980
Restoration Courthouse and Presbytery - Harley
- RAIA NSW Merit Award 1978
Mt. Kiscofer Amenities Building, Mt Kiscofer
- RAIA NSW Merit Award 1978
Helen St. Reserve (with Harry Howard and Assoc)
- Asia Pacific Eldercare Innovation Best Facility Award 2014
Aged Care Alterations and Additions, Mark Moran - Little Bay
- PCA Rider Levett Bucknall, Innovation & Excellence Awards Winner 2014
The Arbour Development Application - Berry



Commercial/ Retail Building, Double Bay



Cardita Apartments - Little Bay



Job ref: 0412

Eeles Trelease pty ltd

/44

NO. 374 + NOS. 376-382 New South Head Road, Double Bay

APPENDIX B.2 EELES TRELEASE CV
competitions

 <p>Winner - Düsseldorf Olympic Village</p>	<p>Limited Competition for Olympic Village, Düsseldorf Olympic 2012 Bld., 2002 (other finalists were: Harman Hertzberger, Otto Steidel, Nicholas Grimshaw and Rob Krier)</p> <p>Limited Competition for Housing Project for Shenzhen Baocheng Real Estate Development Co. Ltd, Shenzhen, China 2002 (with Lyndon King, David Wilson, Lorna Hanson)</p> <p>Limited Competition for Apartments at Pymont City West Development Corporation 1996 (with Power & Samois)</p> <p>Limited Competition for Housing Project Kingold Group at Guangzhou, China 1996 (with Lyndon King, David Wilson and Howard Choy)</p> <p>Limited Competition for Reflections Restaurant / Guest House Palm Beach 1986</p>
<p>MEMBERSHIP OF AWARD & COMPETITION JURIES</p> <p>Bruce Eeles - Jury Chairman for the RAAI NSW Chapter Awards, 1996. Bruce Eeles - Jury Chairman for the RAAI NSW Chapter Awards, 1983</p> <p>WORK PUBLISHED IN THE FOLLOWING</p> <p>Architecture Australia Architectural Review [UK] Monument Builder Sydney Morning Herald</p> <p>Architecture Bulletin Bulletin Magazine InDesign Belle Vogue Living</p> <p>Olympic Architecture 2000, Patrick Bingham-Hall 2000 Thinking Architecture, Andrew Metcalf 1995 Picturing Architecture, Desley Luscombe 1992 Architecture in Steel, Alan Ogg RAAI 1987 Details in Australian Architecture 2, Roger Pegrum RAAI 1987 Details in Australian Architecture, Roger Pegrum RAAI 1984</p>	 <p>House - Mackeral Beach</p>

job ref: 0412

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/45

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**APPENDIX B.2 EELES TRELEASE CV
 design review panels**

	<p>Urban Design Review Panel, 2010 - 2012 Design Excellence Panel, 2006 - 2009 National Parks and Wildlife Service, External Design Review Panel, 2005 Historic Houses Trust Executive Members Committee, 2001 DUAP Advisory Committee, 2000 - 2004 Historic Houses Trust Exhibitions Committee, 1992 - 1997 Royal Aust. Institute of Architects, (NSW Chapter Councilor), 1990 - 1992 National Trust (NSW), Architectural Advisory Panel, 1987 - 1988 Tusculum Building Committee RIAA, 1986 - 1987 National Parks and Wildlife Service, Architectural Advisory Panel, 1977 - 1979</p>	<p>City of Ryde Council North Sydney Council External Design Review Panel 2005 2001 (Rhoades Peninsula) (NSW Chapter Councilor) Architectural Advisory Panel 1987 - 1988 1986 - 1987 1977 - 1979</p>
<p>Apartment Design - Sydney Morning Herald, Domain</p>		<p>ACADEMIC POSITIONS</p> <p>Bruce has tutored at all NSW Universities and at the University of Adelaide from 1972 to the present and Kathryn has tutored in each of Sydney's architecture schools and at the University of Adelaide. Robin Yeap has tutored at UNSW and been invited to be guest critic at University of Sydney, UNSW and Pratt University in New York.</p>
<p>Commercial Building Double Bay NSW - Sydney Morning Herald, Essentials</p>		<p>EXHIBITIONS</p> <p>Venice Biennale Supermodels Travelling Exhibition, 2008 Object Gallery, Sydney, 2006 'Light house' an exhibition of Contemporary Australian Lightweight Houses, 2000 Rex Irwin Gallery, '10 Architects' Exhibition at Australian Built, 1991 Rex Irwin Gallery, 1985 Old Continent, New Building Exhibited in Paris, London, Geneva, Bonn, Milan, 1983 Los Angeles, Chicago San Francisco, Washington DC Architecture in a Gallery, 1982</p>
<p>Nowington Apartments NSW - Sydney Morning Herald, Domain</p>	<p>Rex Irwin Gallery</p>	<p>Architecture in a Gallery</p>

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Eeles Treleasepty ltd

NO. 374 + NO6, 376-382 New South Head Road, Double Bay
REVISED PLANNING PROPOSAL MATRIX

Revised Planning Proposal Matrix Components	Response	Refer to
Part 1 Objectives / Intended Outcome	To amend the VLEP in terms of Height and FSR for the purpose of increasing residential development within the Double Bay Commercial Centre	1.1 Introduction
Part 2 Explanation of Provisions	The additional local provisions 4.3A and 4.4A are proposed	4.2 Terms of Revised Planning Proposal
Part 3 Justification		
A: Need for the planning proposal		
Q1 Is the planning proposal a result of any strategic study or report?	The Revised Planning Proposal is a response to the acknowledgement of the importance of corner sites within the Double Bay Centre, as identified in WDCP 2015.	5.2 Woollahra Development Control Plan 2015 - Double Bay Centre
Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	Alternative proposals have been tested (a 5 storey building has been approved by Council, a 7 storey building is under consideration by council). This Revised Planning Proposal incorporates successful design elements of each.	5.3 Amenity Impacts
B: Relationship to strategic planning framework		
Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?	The Revised Planning Proposal is consistent with A Plan for Growing Sydney, with the Sydney Metropolitan Strategy	5.2 Relationship to Strategic Planning Framework: 5.2.1 Sydney Metropolitan Strategy
Q4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan?	The Revised Planning Proposal is consistent with Goal 4 - Well Planned Neighbourhoods of Woollahra 2026 - Our Community, Our Place, Our Plan	5.2 Relationship to Strategic Planning Framework: 5.2.2 Woollahra 2026 - Our Community, Our Place, Our Plan
Q5 Is the planning proposal consistent with applicable SEPP's?	The Revised Planning Proposal will meet the design quality requirements of SEPP 65	5.2 Relationship to Strategic Planning Framework: 5.2.3 SEPP 65 - Design Quality of Residential Flat Development 2002 (Daylight, Ventilation)
Q6 Is the planning proposal consistent with Applicable Ministerial Directions (s.117 directions)?	N/A	5.3.7 Privacy (Separation, Section through Goldman Lane)
C: Environmental, social and economic impact		
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?	The Revised Planning Proposal will not likely adversely affect critical habitat or threatened species populations or ecological communities, or their habitats	N/A
Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	The Revised Planning Proposal will not likely produce any other environmental effects. It demonstrates that its overshadowing will not have a detrimental effect on solar access to New South Head Road	5.3.6 New South Head Road Solar Access
Q9 Has the planning proposal adequately addressed any social and economic effects?	The Revised Planning Proposal strengthens the "livable communities" concept of Woollahra 2026 - Our Community, Our Place, Our Plan, and complements neighbouring developments	5.3.8 Social
D: State and Commonwealth interests		
Q10 Is there adequate public infrastructure for the planning proposal?	Adequate public infrastructure exists for the Revised Planning Proposal	2.1 Subject Proposal
Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	N/A	N/A
Part 4 Mapping	The Revised Planning Proposal contains relevant mapping detail throughout	1.0 - 7.0
Part 5 Community consultation	A Community Survey has already been undertaken and a further survey is proposed to be undertaken during future exhibition of the Revised Planning Proposal	N/A
Part 6 Project Time line	The project timeline will depend upon time period required to be undertaken for processing of the Revised Planning Proposal and subsequent Development Application	N/A

Job ref: 0412

Eeles Trelease pty ltd

NO. 374 + NO6, 376-382 New South Head Road, Double Bay
REVISED PLANNING PROPOSAL MATRIX

Revised Planning Proposal Matrix Components	Response	Refer to
Part 1 Objectives / Intended Outcome	To amend the VLEP in terms of Height and FSR for the purpose of increasing residential development within the Double Bay Commercial Centre	1.1 Introduction
Part 2 Explanation of Provisions	The additional local provisions 4.3A and 4.4A are proposed	4.2 Terms of Revised Planning Proposal
Part 3 Justification		
A: Need for the planning proposal Q1 Is the planning proposal a result of any strategic study or report? Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?	The Revised Planning Proposal is a response to the acknowledgement of the importance of corner sites within the Double Bay Centre, as identified in WDCP 2015. Alternative proposals have been tested (a 5 storey building has been approved by Council, a 7 storey building is under consideration by council). This Revised Planning Proposal incorporates successful design elements of each.	3.2 Woollahra Development Control Plan 2015 - Double Bay Centre 5.3 Amenity Impacts
B: Relationship to strategic planning framework Q3 Is the planning proposal consistent with the objectives and actions of the applicable regional or subregional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)? Q4 Is the planning proposal consistent with a Council's local strategy or other local strategic plan? Q5 Is the planning proposal consistent with applicable SEPP's?	The Revised Planning Proposal is consistent with A Plan for Growing Sydney, with the Sydney Metropolitan Strategy The Revised Planning Proposal is consistent with Goal 4 - Well Planned Neighbourhoods of Woollahra 2026 - Our Community, Our Place, Our Plan The Revised Planning Proposal will meet the design quality requirements of SEPP 65	5.2 Relationship to Strategic Planning Framework: 5.2.1 Sydney Metropolitan Strategy 5.2 Relationship to Strategic Planning Framework: 5.2.2 Woollahra 2026 - Our Community, Our Place, Our Plan 5.2.3 SEPP 65 - Design Quality of Residential Flat Development 2002 (Daylight, Ventilation) 5.3.7 Privacy (Separation, Section through Goldman Lane)
Q6 Is the planning proposal consistent with Applicable Ministerial Directions (s.117 directions)? C: Environmental, social and economic impact 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? Q8 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed? Q9 Has the planning proposal adequately addressed any social and economic effects?	N/A The Revised Planning Proposal will not likely adversely affect critical habitat or threatened species populations or ecological communities, or their habitats The Revised Planning Proposal will not likely produce any other environmental effects. It demonstrates that its over-arching will not have a detrimental effect on solar access to New South Head Road The Revised Planning Proposal strengthens the "livable communities" concept of Woollahra 2026 - Our Community, Our Place, Our Plan, and complements neighbouring developments	N/A N/A 5.3.6 New South Head Road Solar Access 5.3.8 Social
D: State and Commonwealth interests Q10 Is there adequate public infrastructure for the planning proposal? Q11 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?	Adequate public infrastructure exists for the Revised Planning Proposal N/A	2.1 Subject Proposal N/A
Part 4 Mapping	The Revised Planning Proposal contains relevant mapping detail throughout	1.0 - 7.0
Part 5 Community consultation	A Community Survey has already been undertaken and a further survey is proposed to be undertaken during future exhibition of the Revised Planning Proposal	N/A
Part 6 Project Time line	The project timeline will depend upon time period required to be undertaken for processing of the Revised Planning Proposal and subsequent Development Application	N/A

Job ref: 0412

Eeles Trelease pty ltd

REVISED PLANNING PROPOSAL

**PPTIES: 374 AND 376-382 NEW SOUTH HEAD ROAD
DOUBLE BAY**

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1.0 INTRODUCTION, SUBJECT SITE AND ADJOINING LOCALITY



The subject site is known as 374 and 376-382 New South Head Road, Double Bay.

The subject site is at the intersection of Knox Street and New South Head Road, Double Bay within the Double Bay Town Centre.

Erected on that part of the subject site known as 376-382 New South Head Road is an existing 4 storey commercial building.

I note that Woollahra Council (Council) has already approved an additional 5th storey on the existing building. This approved 5th storey has not yet been constructed, but the Development Consent is still active.

As noted by Mr Philip Thalys, Architect and Urban Design Consultant the *“site is an irregularly shaped parallelogram, with 3 street frontages.”*

By any measure, the subject site is one of the most important sites within the Double Bay Town Centre from a Planning and Urban Design perspective for a number of reasons including, but not limited to, the following;

- The subject site fronts New South Head Road which is a main Arterial Road within Sydney’s road hierarchy.
- The subject site has a triple frontage to 3 roads.

- The subject site is on a prominent corner site.
- The subject site is located approximately in the centre of the main commercial strip fronting New South Head Road.

Due to the abovementioned features of the subject site, I consider that the subject site demonstrates somewhat unique positive features which are not readily evident in the great majority of other Business zoned land within the Double Bay Town Centre. In other words, a decision to support the current Revised Planning Proposal for the subject site would not result in a 'precedence' to justify a similar Planning Proposal on the great majority of properties in the Double Bay Town Centre. There would be only a very limited number of similar corner sites fronting New South Head Road in the Double Bay Town Centre. Accordingly, support for the current Revised Planning Proposal would not "*open the floodgates*" for a multitude of similar proposals as Council can legitimately argue that the great majority of adjoining properties do not exhibit similar features as the subject site.

Not only does the subject site demonstrate somewhat unique features, it can be fairly said that the Double Bay Town Centre also demonstrates positive features. On this point, I note the following previous comments from Eeles Trelease, Architects:

"The Double Bay Commercial Centre is well serviced by buses along New South Head Road, Edgecliff Train Station, a 15min walk from the commercial centre and ferries from Double Bay Wharf... 7min walk from the subject site is open green space, Steyne Park which has a large playing field, playground and access to the Harbour and Double Bay Ferry Wharf, Guilfoyle Park on Bay Street provides a quiet sitting place within the centre... The subject precinct therefore enjoys a very high amenity."

In other words, both the subject site and the Double Bay Town Centre itself have positive Urban Design and Planning merits.

2.0 REVISED PLANNING PROPOSAL

I note that an **Original** Planning Proposal was previously lodged with Council which sought to amend the Planning Controls of Council to *“lift the scale from a 4 to a 7 storey height”* (in the words of Philip Thalís). The 3 additional stories (comprising the approved 5th level and proposed 2 additional levels) had been proposed to comprise future residential units. The retail and commercial tenancies on the lower floor were to be retained and *“extend laterally into the 374 New South Head Road site”* (in the words of Philip Thalís).

I fully supported the Original Planning Proposal and I noted that the Original Planning Proposal was also supported by the following experts;

- Philip Thalís, Architect and Urban Designer. A report on the Original Proposal had been prepared by Philip Thalís who is an acknowledged eminent expert in Urban Design and Architecture. In fact, Philip Thalís is a co-author of the Double Bay Development Control Plan (Double Bay DCP) which was adopted by Council and has been in place over a number of years. The Double Bay DCP received an Urban Design Award from the Planning Institute of Australia. In support of the current Revised Planning Proposal, Philip Thalís has prepared a document entitled *“Addendum to Urban Design Opinion of 12 May 2015”*.
- Eeles Trelease, Architects. A report on the Original Planning Proposal had been prepared by Eeles Trelease which is an eminent firm of Architects who were the Architects for the existing building. By any measure, the design of the existing building has made a very positive contribution to the Double Bay Town Centre and the existing building has also been the subject of numerous awards for its high Architectural, Energy Efficiency and Planning elements. In support of the current Revised Planning Proposal, Eeles Trelease has prepared a further report including a document entitled *“Revised Planning Proposal Matrix”*.

Following discussions with Council’s Officers, the Applicant agreed to lodge this Revised Planning Proposal which now seeks to amend the Planning Controls of Council to permit a 6 storey development on the subject site. Thus, the current Revised Planning Proposal

Revised Planning Proposal	374 and 376-382 New South Head Road, Double Bay	09319TM
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represents an increase in only 1 storey above the Council approved 5th storey (not yet constructed) on the subject site.

For the reasons outlined in this document, I support the Revised Planning Proposal. A significant portion of the following document replicates my comments contained in my previous report in support of the Original Planning Proposal.

3.0 PROPOSED AMENDMENTS TO WOOLLAHRA LOCAL ENVIRONMENTAL PLAN 2014 (WLEP 2014)

The Revised Planning Proposal seeks a site specific clause under WLEP 2014 which would reflect the proposed 6 storey development on the subject site.

It is a common provision under various Environmental Planning Instruments to provide Site Specific Planning Controls due to the unique nature of individual properties.

If Council ultimately expresses support for the proposed 6 storey development, it is proposed to amend WLEP 2014 to have a site specific clause contained therein reflecting the height and floor space ratio of the proposed 6 storey development. Discussions can be held with Council Officers to formulate a new clause to reflect the proposed 6 storey development.

4.0 POINTS IN SUPPORT OF THE REVISED PLANNING PROPOSAL

In support of the Original Planning Proposal, there had been comprehensive reports prepared by Philip Thalís and Eeles Trelease. Accordingly, I had considered that it was unnecessary to provide an extensive Planning Report in support of the Original Planning Proposal in circumstances where the various Urban Design, Traffic, Parking and Planning considerations arising under the Original Planning Proposal had already been canvassed in the reports of Philip Thalís and Eeles Trelease.

For the reasons outlined in my Planning Report in support of the Original Proposal, I had considered that the proposed 7 storey development on the subject site was most reasonable.

I also professionally support the current Revised Planning Proposal for a 6 storey development on the subject site.

Briefly, I strongly consider that the Revised Planning Proposal is eminently reasonable and is worthy of support of Council and the Minister for Planning for a range of reasons including, but not limited to, the following;

- As noted by Philip Thalís, the subject site has unique characteristics, being a “*key Corner Site of Double Bay Town Centre*”. Approval of the Revised Planning Proposal for the subject site would not constitute a precedence for approving increased densities elsewhere in the Town Centre due to the fact that the subject site has site-specific attributes not evidenced in the significant majority of the remaining properties in the Town Centre.
- I note that Philip Thalís previously supported the Original Planning Proposal for a 7 storey development on the subject site by way of an advice dated 12 May, 2015. Recently, Philip Thalís has prepared a document entitled “*Addendum to Urban Design Opinion of 12 May 2015*”, in support of the Revised Planning Proposal. In his Addendum, Mr Thalís concludes as follows:

“Given the Architectural and Urban Design merit embodied in the proposal, appropriate to the site and locality, I recommend that Woollahra Council favourably

consider this Planning Proposal application”.

I fully agree with the comments of Philip Thalís.

- Support for the Revised Planning Proposal would not, in any way, compromise any long term strategic planning reviews/studies for the Double Bay Town Centre due to the fact that the subject site has somewhat unique features which are not evidenced in the great majority of adjoining properties in the Double Bay Town Centre. In other words, support for the current Revised Planning Proposal would not *“open the floodgates”* for numerous similar Planning Proposals.
- The subject site has unique locational attributes for the reasons outlined in the reports of Philip Thalís and Eeles Trelease. Furthermore, Double Bay Town Centre also has positive locational attributes.
- The introduction of additional housing in the Double Bay Town Centre is a highly desirable Planning outcome as it will encourage increased vitality in the Town Centre and encouragement for retail and other uses.
- As noted by Philip Thalís and Eeles Trelease in their reports on the Original Planning Proposal, the subject site *“occupies the most visually prominent corner location in Double Bay... the site has long been nominated in the DCP as a prominent corner that requires a strong architectural response.”* In his report, Philip Thalís notes numerous corner sites in Sydney and overseas wherein strong buildings have been erected to reflect the corner site characteristics. On this point, Philip Thalís also states that *“there are many relevant Planning authorities and Planning publications which stress the importance of stronger street edges on such prominent corner sites.”* In fact, these Planning publications encourage stronger corner buildings by way of increased height and floor space ratio bonuses.
- The Urban Planning Committee (UPC) of Council recently considered a report entitled *“Double Bay Economic Feasibility Study”* prepared by Hill PDA Consulting, which, in effect, recommends increased development yield for properties within the Double Bay Town Centre to encourage increased growth. At its meeting held on Monday 7 September, 2015, Council’s UPC resolved, inter alia, that *“a further report be presented to the Urban Planning Committee... which is based on the recommendations and policy options presented to the urban Planning Committee*

by Hill PDA Consulting on 7 September, 2015.” On this point, it should be noted that Hill PDA is a consulting firm which was appointed by Council itself. Clearly, Hill PDA and Council’s UPC support increased development yields in the Double Bay Town Centre to encourage growth.

- Council, over a number of recent years, has allowed variation of its Planning Controls, particularly in relation to Height and FSR Standards, over properties which do not have the same unique positive attributes as the subject site. For example, Council supported increased Height and FSR bonuses on the adjoining development site at 2 Knox Street, Double Bay and also the Kiaora Lands redevelopment site (in which Council was a part owner). Neither of these development sites are strong corner sites, nonetheless, Council resolved to grant them additional bonuses. The past Council decisions are not intended to be a criticism of Council. I merely raise these decisions to demonstrate that the subject site has even stronger justification for increased yields.
- The Revised Planning Proposal contemplates increased housing in the proposed additional level and such housing would add to the vitality and economic impetus to the Town Centre.
- The future proposed units in the additional level would add to the diversity of housing stock, particularly as the units would not have carparking facilities due primarily to the high level of public transport to the subject site and the Town Centre generally. By not requiring on-site carparking, the proposed units would have a purchase price less than is evident in the great majority of home units with carparking facilities in the immediate locality. Accordingly, the proposed units would be sold to a wider range of the housing market because its purchase price would be lower than if the units had car parking facilities.
- In terms of potential amenity impacts, the following points are noted;
 - i. On the issue of Visual Appearance, the report of Eeles Trelease strongly commends the design of the proposed 6 storey building.
 - ii. In terms of Privacy Impact, appropriate measures can be provided to ensure no unreasonable Privacy Impact.

- iii. In terms of Overshadowing Impact, the current Double Bay Town Centre DCP raises an issue of potential overshadowing onto the public footpath on the southern side of New South Head Road. The Shadow Diagrams prepared by Eeles Trelease in support of the Revised Planning Proposal evidence the fact that the extent and duration of potential overshadowing onto the adjoining public footpath to the south would be very limited in terms of its length of shadow and the time of shadow. On this point, I note that the Revised Planning Proposal reduces the overshadowing onto the opposite public footpath compared to the Original Planning Proposal for 7 storeys. Furthermore, I note that WLEP 2014 has increased the maximum allowable Height Standard for the properties on the northern side of New South Head Road (including the subject site) up to 14.5 metres. The Shadow Diagrams indicate that future buildings built on the northern side of New South Head Road up to a height of 14.5 metres would increase the overshadowing onto the public footpath on the southern side of New South Head Road. In other words, WLEP 2014 by its increased Height Standard has accepted the fact that the public footpath on the southern side of New South Head Road will be overshadowed in the future.
- iv. In terms of View Loss, the report of Eeles Trelease in relation to the Original Planning Proposal for 7 storeys assessed this potential impact and found that there would be no unreasonable View Loss. The Revised Planning Proposal for 6 storeys further reduces any potential View Loss.

5.0 RESPONSE TO POINTS RAISED BY COUNCIL OFFICERS

At a meeting with Council Officers to discuss the Original Planning Proposal for a 7 storey development, a number of points were raised for discussion purposes. The points discussed at the abovementioned meeting and my responses are provided below. Equivalent responses can be provided to the Revised Planning Proposal for 6 storeys.

- **Compatibility of proposed 7 storeys height with remainder of Double Bay Town Centre.**

Response

In terms of the test of “compatibility”, I considered that the proposed 7 storeys height foreshadowed under the Planning Proposal would be eminently reasonable for the following reasons;

- Adopting the Planning Principle of the Land and Environment Court relating to “compatibility,” it is generally accepted that *“buildings can exist together in harmony without having the same density, scale or appearance, though as a difference in these attributes increases, harmony is harder to achieve.”* Furthermore, the Court has advised that there are 2 questions to be asked. Firstly, are the physical impacts on surrounding developments acceptable? Secondly, is the proposal’s appearance in harmony with the buildings around it and the character of the street?
- In terms of physical impacts, I consider that there will not be unreasonable impacts on adjoining properties for the reasons outlined in the reports of Philip Thalys, Eeles Trelease and this Planning Report.
- The appearance of a 7 storey development would be consistent with the architectural appearance of the existing building in terms of its main features and materials of construction.
- When one undertakes the test of compatibility, one must place significant weight on the likely future built form on adjoining properties based on Council’s Planning Controls. On this point, I particularly note the fact that many of the adjoining buildings are considerably underdeveloped compared to the bulk,

scale and height of future buildings contemplated under Council's Planning Controls.

- I also wish to reiterate the advice of Philip Thalys that there are authoritative publications which endorse the principle that corner sites require strong corner buildings above the prevailing Planning Controls.
- Due to the somewhat unique characteristics of the subject site, the foreshadowed 7 storey building reflects the unique characteristics of the site.

My abovementioned grounds in support of the previously proposed 7 storeys development equally apply to the proposed 6 storey development under the Revised Planning Proposal.

- **Precedent impact of Planning Proposal on long term strategic Planning reviews/studies.**

Response

For the reasons outlined in this report, approval of the current Planning Proposal would not result in a "precedent" to justify similar proposals on the great majority of properties in the Double Bay Town Centre. There would only be a very limited number of similar sites fronting New South Head Road. I consider that the subject site demonstrates somewhat unique positive features which are not readily evident in the great majority of other Business zoned land within the Double Bay Town Centre. Accordingly, support for the current Planning Proposal would not "open the flood gates" for a multitude of similar Planning Proposals.

My abovementioned grounds in support of the previously proposed 7 storeys development equally apply to the proposed 6 storey development under the current Revised Planning Proposal.

- **Adequacy of setbacks to adjoining “Cosmopolitan” development.**

Response

The issue of SEPP 65 would be the subject of further assessment under a future Development Application, but the following points should be noted;

- i. There is an intervening laneway which provides spatial separation between the subject site and the adjoining ‘Cosmopolitan’ development.
- ii. The issue of Privacy Impact, which is a relevant consideration under SEPP 65, can be resolved by appropriate privacy measures.
- iii. The issue of Overshadowing Impact is resolved in favour of the proposal given that adjoining units will still retain a level of sun in excess of Council’s Planning Controls.
- iv. The issue of Loss of Views is resolved in favour of the proposal given my inspection of the adjoining top floor unit in the adjoining ‘Cosmopolitan’ development. My inspection revealed that this adjoining unit enjoys expansive north facing views which would not be impacted by the proposal.

- **Overshadowing of Council footpath on southern side of New South Head Road.**

Response

For the reasons outlined in my report in relation to the Original Planning Proposal for 7 storeys, I had considered that there will not be unreasonable Overshadowing Impact on the public footpath on the southern side of New South Head Road arising from the Original Planning Proposal for 7 storeys.

The Revised Planning Proposal for 6 storeys would further reduce any Overshadowing Impact on the public footpath on the southern side of New South Head Road.

6.0 CONCLUSION

For the reasons outlined in the reports of Philip Thalys, Eeles Trelease and this Planning Report, I consider that the Revised Planning Proposal is to be commended and is worthy of support of Council and the Minister for Planning.

A handwritten signature in dark ink that reads "Tony Moody". The signature is written in a cursive style with a horizontal line underneath the name.

TONY MOODY

BTP (UNSW), LL.B (UTS)(Hons.), MPIA

CONSULTANT TOWN PLANNER AND SOLICITOR

Dated: 27 April, 2016.

Political Donations – matters to be considered by Councillors at Meetings

