

Item No: R1 Recommendation to Council
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF GADEN HOUSE AT 2A COOPER STREET, DOUBLE BAY**
Author: Jorge Alvarez, Senior Strategic Planner
Approvers: Chris Bluett, Manager - Strategic Planning
Allan Coker, Director - Planning & Development
File No: 18/150016
Reason for Report: To obtain Council's approval to prepare a planning proposal to list Gaden House as a heritage item in Woollahra Local Environmental Plan 2014.

To obtain Council's approval for a nomination to list Gaden House as a heritage item on the State Heritage Register.

To report the advice made to Council by Woollahra Local Planning Panel on 13 September 2018.

Recommendation:

- A. THAT a planning proposal be prepared to list *Gaden House* at 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. THAT the planning proposal, as contained in **Annexure 1** of the report to the Environmental Planning Committee meeting on 15 October 2018, be forwarded to the Greater Sydney Commission with a request for a gateway determination to allow public exhibition.
- C. THAT Council request delegation from the Department of Planning and Environment in relation to the planning proposal, to carry out the functions of the Greater Sydney Commission under section 3.36 of the *Environmental Planning and Assessment Act 1979*.
- D. THAT Council support the nomination to list *Gaden House* at 2A Cooper Street, Double Bay as a heritage item on the State Heritage Register and submit it to the Office of Environment and Heritage.
- E. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 September 2018.

1. Gaden House

This report relates to a planning proposal (**Annexure 1**) and nomination for State Heritage Register (SHR) listing applying to *Gaden House*. The building occupies the entire site bounded by Cooper Street, Bay Street, Brooklyn Lane and the neighbouring site at 16 Bay Street, Double Bay. The site has a street address of 2A Cooper Street, Double Bay and a land title described as lots 11 and 12 in DP 4606. The site is also alternatively known as 24-26 Bay Street, Double Bay.

Gaden House is a mixed use commercial building (retail and office), with three-storeys above ground and a lower ground level. *Gaden House* was designed in 1969 by Sydney architect, Neville Gruzman, and was opened by Premier Askin in 1971. Refer to Figure 1 and 2 below.



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



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

2. Background

2.1. Annexures

Annexure 2 to this report contains a report to the Woollahra Local Planning Panel (WLPP) meeting of 13 September 2018 regarding the heritage listing of *Gaden House*, including the annexures listed below. To avoid duplication, these annexures have not been included as individual annexures to this report, however, they are referenced in this report.

1. Planning proposal – Gaden House (including Schedules 1 and 2) – September 2018
2. Council notice of motion – 12 February 2018
3. Heritage Assessment – Anne Warr Heritage Consulting – September 2018
4. Local heritage data form – Anne Warr – September 2018
5. State heritage data form – Anne Warr – September 2018
6. State Heritage Register Nomination Form – September 2018
7. Submission on behalf of the land owner – Heritage 21 – 12 July 2018
8. Submission on behalf of the land owner – Heritage 21 – 7 August 2018
9. Response to Heritage 21 submission – Anne Warr – 28 August 2018

2.2. Council decision – assessment of heritage significance

On 12 February 2018, Council adopted the following notice of motion:

Item No: 11.1
THAT Council:

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

2.3. Assessment of heritage significance

In response to Council's decision on 12 February 2018, Anne Warr Heritage Consulting was engaged to prepare an assessment of the heritage significance for *Gaden House* (**Annexure 2 – Annexure 3 of WLPP report**). The assessment was carried out in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance.

Table 1 below provides a summary of the assessment of the heritage significance of *Gaden House* against the seven criteria, at the local and State levels.

Table 1: NSW Heritage assessment criteria summary

Criteria		Meets criteria for heritage listing and grading of significance	
		Local	State
(a)	An item is important in the course, or pattern of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓ Exceptional	✓ High
(b)	An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).	✓ Moderate	✓ Moderate
(c)	An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).	✓ Exceptional	✓ Exceptional
(d)	An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons.	✓ High	✓ Moderate
(e)	An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓ High	✓ Moderate
(f)	An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).	✓ Exceptional	✓ High
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments, (or a class of the local area's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments.) 	✓ Exceptional	✓ High

The heritage assessment provides the following statement of significance:

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

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

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

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

The assessment recommends the listing of *Gaden House* as a heritage item at both the local level, in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (LEP) and at the State level, on the State Heritage Register (SHR).

2.4. Consultation with the land owner

The land owner of *Gaden House* is AMA Holdings Pty Ltd. On 28 June 2018, in accordance with Council's standard practices, copies of the assessment report, heritage data forms, and nomination form were sent to the land owner for comment. On 12 July and 7 August 2018, Mr Paul Rappoport of Heritage 21 (Rappoport Pty Ltd) provided submissions to Council regarding the listing of *Gaden House* as a heritage item, on behalf of the land owner. Mr Rappoport agreed that *Gaden House* reaches the threshold of significance for heritage listing at the local level, but does not agree that *Gaden House* has sufficient significance for heritage listing at the State level.

On 28 August Anne Warr provided a response to the submission of 7 August 2018, disagreeing with this submission's assessment. As a result it is not considered appropriate to amend the heritage documentation provided by Anne Warr Heritage Consulting in relation to the assessment of heritage listing of *Gaden House*, either at the local and State levels.

2.5. Woollahra Local Planning Panel advice

On 13 September 2018, the WLPP considered a report on the planning proposal and provided the following advice to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council that it supports the Planning Proposal to list Gaden House at 2A Cooper Street, Double Bay as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014 subject to the planning proposal being amended in the following ways:*
- (i) *In Part 3 – Existing relevant planning controls, include the land use zone, building height, floor space ratios as contained in Woollahra LEP 2014 and an overview of relevant controls in Woollahra DCP 2015.*
- (ii) *In item 9 of section 6.3 – Environmental, social and economic impact, include the following statement:*
Economic considerations relating to future changes to the building, including new uses, can be included as part of the preparation of heritage conservation management policies for the building which form part of a future heritage conservation management plan. This process will enable the needs of the landowner to be considered in conjunction with conservation of the building and the impact of changes on the building’s heritage significance.
- B. *Furthermore the Panel supports the nomination to list Gaden House at 2A Cooper Street, Double Bay as a heritage item on the State Heritage Register. The Panel acknowledges that the owner of Gaden House intends to prepare a Conservation Management Plan and considers that this should be lodged with any future Development Application.*

The two minor amendments advised by the WLPP to the text of the planning proposal are included in the identified sections of the planning proposal, and highlighted in yellow (**Annexure 1**). These amendments will not impact the recommendations of either the planning proposal or nomination for heritage listing of *Gaden House* on the SHR.

3. Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department of Planning and Environment (the Department) as delegate for the Greater Sydney Commission (GSC). The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council’s standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

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

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

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

4. Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department (as the delegate of the GSC) for a gateway determination under section 3.34 of the Act.

To streamline the plan making process, the Minister can delegate some plan making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the GSC to make an LEP under section 3.36 of the Act.

Following public exhibition, if Council resolves to proceed with and finalise the planning proposal, and delegation is given to Council to make the LEP, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.

Alternatively, if Council decides not to finalise the planning proposal, it will resolve to request that the Minister, or Minister's delegate, not proceed with the planning proposal, under section 3.35(4) of the Act.

5. State Heritage Register nomination

Nomination for listing on the SHR would be undertaken during the planning proposal gateway process by submitting the nomination and inventory forms to the OEHL. The planning proposal and nomination process will proceed independently.



6. Conclusion

The listing of *Gaden House* as a heritage item at both the local and State level is supported by an assessment of the heritage significance prepared by Anne Warr Heritage Consulting (September 2018).

On 13 September 2018, the WLPP provided advice to Council that it supports both the planning proposal and the nomination. The two minor amendments to the text of the planning proposal advised by the WLPP, are included in the planning proposal (**Annexure 1**).

The Council may now proceed with referring the planning proposal to the GSC requesting a gateway determination to allow public exhibition. The Council may also proceed with submitting the nomination to list Gaden House on the State Heritage Register.

Annexures

1. Planning proposal – Gaden House (including Schedules 1 and 2) – October 2018 [↓](#) 
2. Woollahra Local Planning Panel report (including heritage assessment, heritage data sheets and SHR nomination form) – 13 September 2018 [↓](#) 
3. Woollahra Local Planning Panel minutes – 13 September 2018 [↓](#) 