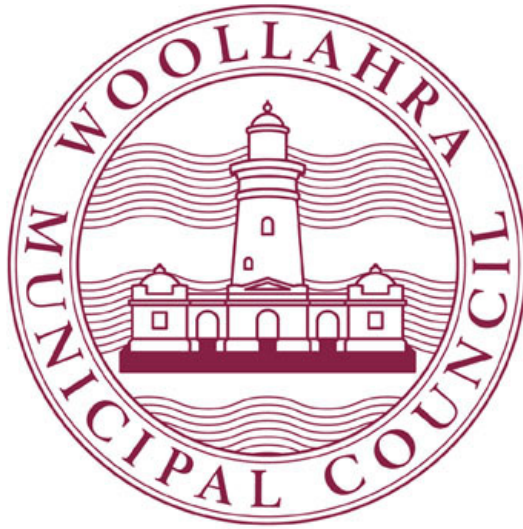




PLANNING PROPOSAL

**HERITAGE ITEMS IN DARLING POINT, EDGECLIFF,
PADDINGTON, POINT PIPER, VAUCLUSE, WATSONS BAY,
WOOLLAHRA**

October 2010

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1. Introduction

This planning proposal has been prepared for the purpose of bringing Draft Woollahra LEP 1995 (Amendment No.66) – Heritage Items into the new plan making process contained in Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act).

This planning proposal provides an outline of work carried out to date on the preparation of the Draft LEP.

The planning proposal has been prepared in accordance with section 55 of the Act and the relevant Department of Planning guidelines titled *A Guide to Preparing Local Environmental Plans* (2009) and *A Guide to Preparing Planning Proposals* (2009).

2. Background

The Draft LEP has been prepared with the aim of amending Schedule 3 of Woollahra LEP 1995 in order to add new heritage items and heritage item groups (**attachment 1**). A background for the Draft LEP is provided below in section 2.1 of this proposal.

Changes to the plan making process contained in Part 3 of the Act were introduced on 1 July 2009. Most notably, draft LEPs were replaced by planning proposals which are prepared under a new procedure. These changes occurred during the course of preparing the Draft LEP.

Savings and transitional provisions were introduced to enable the completion of those draft LEPs commenced before 1 July 2009. Specified times for completion of draft LEPs were set down in the savings and transitional provisions for draft LEPs which were certified for public exhibition before and after 1 July 2009. The Council's draft LEP is in a category of plans which requires completion by 1 January 2011.

If draft LEPs could not be completed by the required time, the Department of Planning advised councils that the plans could be brought into the new plan making process through the submission of a planning proposal. The Council's planning proposal for heritage items has been prepared because the Draft LEP will not be completed by 1 January 2011.

As can be seen from the chronology provided in section 2.1, below, work on the Draft LEP is substantially advanced. A report on submissions received during public exhibition of the Draft LEP is now being prepared. Should the Draft LEP lapse, proposed items might be placed at risk. Because completion of the Draft LEP is imminent, it would be highly preferable for the plan to be taken up as a planning proposal under the new Part 3 provisions of the Act.

2.1. Draft Woollahra LEP 1995 (Amendment No.66) – Heritage Items

The Draft LEP is the culmination of lengthy and detailed studies of potential heritage items located across the Municipality. These studies form part of the Council's ongoing program of heritage investigations which were commenced in the early 1980s with the Woollahra Heritage Study. The studies were:

1. Review of potential heritage items for the Watsons Bay Heritage Conservation Area. This project was a further stage to the preparation of a DCP for the Watsons Bay Heritage Conservation Area.
2. Review of potential heritage items for the Woollahra Heritage Conservation Area. This project was a further stage to the preparation of a DCP for the Woollahra Heritage Conservation Area.
3. Contemporary heritage items in Woollahra. This project generally spans the period 1950-c.1980 and seeks to address, in part, an imbalance in the representation of properties listed as items in Woollahra LEP 1995. Currently, a large proportion of properties listed as items were constructed in the nineteenth century and inter-war period.

Each study was carried out by consultants and resulted in the production of heritage inventory sheets for the proposed items. The contemporary heritage item project, carried out by Clive Lucas, Stapleton and Partners Pty Ltd, provides the majority of proposed items within the Draft LEP. The consultants for that project also provided a report which included notes on their interviews with the item's architect, where possible, and a short biography of each architect.

In the course of investigating the potential items, consultation was carried out with property owners. Each owner was provided with a copy of a draft heritage inventory sheet and invited to make a written submission.

A series of reports setting out the findings of each study and submission from property owners was presented to the Council's Urban Planning Committee. Many property owners and their representatives addressed the Committee when their items were being considered.

Following consideration of each study by the Urban Planning Committee, the Council resolved to prepare a draft LEP to list nominated properties as heritage items in Woollahra LEP 1995.

A single draft LEP consolidating the decisions was prepared. The list of proposed items is contained in the table below.

Items address		Description of item
Albert St, Edgecliff	12	St Joseph's Church – church and grounds – Albert St heritage item group (see also 14 Albert St, Edgecliff)
Albert St, Edgecliff	14	St Joseph's Friary – building and grounds – Albert St heritage item group (see also 12 Albert St, Edgecliff)
Cliff St, Watsons Bay, within road reservation		Cobbled sandstone road archaeology
Cooper St, Paddington	8a	House and grounds
Dunara Gardens, Point Piper	4	House and grounds
Edgecliff Rd, Woollahra	70-78	Reddam College and grounds (former Holy Cross School)
Edgecliff Rd, Woollahra	219	Seventh Day Adventist Church – church and grounds

Items address		Description of item
Edgecliff Rd, Woollahra	313a	<i>Gainsborough</i> – residential flat building and grounds
Fitzwilliam Rd, Vaucluse	32B	Wentworth Memorial Church – church and grounds
Fullerton St, Woollahra	16	<i>Fearnan</i> – house and grounds
Hampden Ave, Darling Point	10	House and grounds
Hargrave St, Paddington	88	House and grounds
Jersey Rd, Woollahra	19	<i>Selby House</i> - house, stables and grounds – Jersey Rd heritage item group (see also 17, 21 and 23 Jersey Rd, Woollahra)
Jersey Rd, Woollahra	21	<i>Orama</i> - house, stables and grounds – Jersey Rd heritage item group (see also 17, 19 and 23 Jersey Rd, Woollahra)
Kilminster Ln, Woollahra	5	House and grounds
Marine Pde, Watsons Bay	8	<i>Tea Gardens</i> - kiosk and grounds
Milton Ave, Woollahra	20	House and grounds
Ocean St, Woollahra	7	Temple Emanuel – synagogue complex of buildings and grounds
Ocean St, Woollahra	90	Building – former council chambers
Pacific St, Watsons Bay	10-12	<i>Caldale</i> - house and grounds
Pacific St, Watsons Bay	14	<i>Boongaree</i> – house and grounds
Robertson Pl, Watsons Bay	15	<i>Warrawee</i> – semi-detached house and grounds – Robertson Pl heritage item group (see also 17 Robertson Pl, Watsons Bay)
Robertson Pl, Watsons Bay	17	<i>Thalassa</i> – semi-detached house and grounds – Robertson Pl heritage item group (see also 15 Robertson Pl, Watsons Bay)
Salisbury St, Watsons Bay	8	<i>Kerrisford</i> – building, palisade fences and grounds
Sutherland St, Paddington	88	House and grounds
Victoria St, Watsons Bay	8	House and grounds
Wallis St, Woollahra	10	House and grounds
Wallis St, Woollahra	84	<i>Tralawera</i> – semi-detached house and grounds – Wallis St heritage item group (see also 86 Wallis St, Woollahra)
Wallis St, Woollahra	86	<i>Dela Kaba</i> – semi-detached house and grounds – Wallis St heritage item group (see also 84 Wallis St, Woollahra)
Windsor St, Paddington	159	House and grounds

A chronology of actions relating to preparation of the Draft LEP is provided below.

Date	Action
4 December 2008	Section 54(4) notice to Department of Planning. The notice included three folders of supporting documentation: - reports to the Council's Urban Planning Committee and Council minutes - section 54(4) Notification Advice Cover Sheet and LEP Pro-forma Evaluation Criteria Sheet for Category 4: Policy LEP - heritage inventory sheets

Date	Action
22 December 2008	Written authorisation from Director-General to exercise delegated functions for section 65(1) and 69(1) of the Act (attachment 2)
20 March 2009	Revised section 54(4) notice to Department of Planning. The revised notice included four additional properties for listing.
15 April 2009	New written authorisation from Director-General to exercise delegated functions for section 65(1) and 69(1) of the Act (attachment 3)
29 May 2009	Section 62 consultation letter to Heritage Branch Department of Planning
7 July 2009 and 25 August 2009	Responses from Heritage Branch. (attachment 4)
16 September 2009	Section 62 consultation letter to Randwick Council and Waverley Council
23 October 2009	Section 65(1) certificate issued (attachment 5)
9 December 2009 to 19 February 2010	Public exhibition of Draft LEP A list of material included with the exhibition is provided in attachment 7

Work has commenced on the assessment of submissions and the preparation of a report to Council's Urban Planning Committee. In response to a number of submissions, further research was undertaken and heritage inventory sheets have been amended.

Delays in the completion of the post exhibition stage have occurred because of an adjustment of priorities to the Council's strategic planning work program and due to staff resource issues. It is anticipated reporting to the Committee will occur in November 2010.

3. Site identification

The land to which the planning proposal applies is listed in the table contain in section 2.1, above. Location maps are provided in **attachment 1**.

4. Objective of planning proposal

The objective of the planning proposal is to list twenty-nine private properties and one public space as heritage items because of their identified heritage significance. Within this list of thirty items, four heritage item groups will also be listed.

5. Explanation of provisions

The objective of the planning proposal will be achieved by:

1. Amending Schedule 3 (heritage items) of Woollahra LEP 1995 by including a reference to the lands listed in the table provided in section 2.1, above, and including the description of each heritage item and heritage item group, also shown in that table.
2. Amending the definition of heritage conservation map in Schedule 1 (definitions) of Woollahra LEP 1995 by including a reference to an amending LEP.
3. Colouring land parcels on the Woollahra LEP 1995 Heritage Conservation Map to indicate land on which a heritage item is located.

6. Justification

6.1. Need for the planning proposal

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

The planning proposal is a result of three detailed heritage studies. These studies, mentioned in section 2.1, above, form part of the Council's ongoing heritage conservation investigations.

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

The planning proposal is the best way of achieving the objectives. Listing the buildings and land as heritage items –

- formally acknowledges their heritage significance,
- provides statutory protection and measures to manage their conservation, and
- informs interested parties of the item's heritage status.

3. Is there a net community benefit?

The planning proposal does not aim to rezone land or to facilitate redevelopment of land or provide opportunities for additional employment. The normal net community benefit test set out in the Department's Draft Centres Policy is not adaptable in the case of listing buildings as heritage items.

6.2. Relationship to strategic planning framework.

4. 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)?

The planning proposal is consistent with the objectives and actions contained in the Sydney Metropolitan Strategy and the Draft East Subregional Strategy. Both documents promote the conservation of Sydney's cultural heritage.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the Woollahra Community Strategic Plan 2010 - 2025, which is titled *Woollahra 2025*. The Plan is based on five broad interrelated themes. Each theme has a range of goals under which strategies are listed. In the case of the planning proposal, the following themes, goals and strategies are relevant.

Theme	Quality places and spaces
Goal 4	Well planned neighbourhoods
Strategy 4.3	Protect local heritage and residential amenity, including protection of significant architecture and natural environment

Theme	Community well being
Goal 3	A creative and vibrant community
Strategy 3.1	Preserve and promote local history and heritage

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

The planning proposal involves listing buildings and land as individual heritage items and heritage item groups. It does not involve a change in land use zone or is it intended to facilitate a particular development. Numerous state environmental planning policies apply to the land for the purpose of development. No state environmental planning policy applying to the land prevents or restricts the listing of heritage items. The listing of buildings and land as heritage items is not inconsistent with state environmental planning policies.

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

The planning proposal is consistent with all applicable section 117 directions (refer attachment 6).

6.3. Environmental, social and economic impact

8. 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 it in the vicinity of land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

The planning proposal will not result in any environmental effects.

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

A positive social effect is expected as the planning proposal aims to protect buildings and land of local heritage significance.

The owners of the land have made submissions to the Council prior to the preparation of the Draft LEP and when the Draft LEP was placed on public exhibition. The Councillors have taken all submissions into consideration when making their decision to proceed with the Draft LEP.

6.4. State and Commonwealth interests

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

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

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

Consultation with the Heritage Branch was undertaken as part of the process for the Draft LEP. Comments from the Heritage Branch are provided in **attachment 4**.

7. Community consultation

Community consultation for the preparation of the Draft LEP was undertaken in three stages.

Stage 1 –Pre-draft LEP

Consultation occurred with the owners of land on which proposed heritage items are located. The purpose of the consultation was to inform the owners of investigations and to provide a draft version of heritage inventory sheets for comment. The consultation was carried out before a decision was made to prepare a draft LEP.

Stage 2 – Pre-draft LEP

Consultation occurred with the owners of land on which proposed heritage items are located. Land owners were provided with a copy of a planning report and draft heritage inventory sheets. The planning report and inventory sheets were scheduled for consideration by the Council's Urban Planning Committee as part of the process in deciding whether to include properties in a draft LEP. Land owners were given an opportunity to make an oral presentation to the Committee.

Stage 3 – Public exhibition of Draft LEP

Public exhibition occurred over the period 9 December 2009 to 19 February 2010. Land owners and the owners of land adjoining and in the vicinity of the proposed heritage items were notified and invited to make submissions.

Land owners and other interested people will be given an opportunity to make oral presentations to the Council's Urban Planning Committee at the time a report on submissions is considered.

8. Timeframe for completion

A report on submissions received during the public exhibition of the Draft LEP is programmed for November 2010.

Subject to the outcome of Council's consideration of submissions and action by the Parliamentary Counsel, it is expected the LEP could be finalised in the first quarter of 2011.

Attachment 1
Draft Woollahra LEP 1995 (Amendment No.66) – Heritage Items

Attachment 2

Written authorisation from Director-General dated 22 December 2008

Attachment 3

Written authorisation from Director-General dated 15 April 2009

Attachment 4

Section 62 response from Heritage Branch dated 7 July 2009 and 25 August 2009

Attachment 5
Section 65(1) certificate 23 October 2009

Attachment 6
Compliance with section 117 directions

Planning proposal – Heritage items in Darling Point, Edgecliff, Paddington, Point Piper, Vaucluse, Watsons Bay, Woollahra		
Compliance with section 117 directions		
Direction		Applicable/comment
1	Employment and resources	
1.1	Business and industrial zones	Not applicable.
1.2	Rural zones	Not applicable.
1.3	Mining, petroleum production and extractive	Not applicable.
1.4	Oyster aquaculture	Not applicable.
1.5	Rural lands	Not applicable.
2	Environment and heritage	
2.1	Environment protection zones	The planning proposal does not apply to land within an environmental protection zone.
2.2	Coastal protection	Not applicable.
2.3	Heritage conservation	The planning proposal aims to list buildings and as heritage items and heritage item groups. This will require amendments to Schedules 1 and 3 of Woollahra LEP 1995. The existing heritage provisions within Woollahra LEP 1995 will not be altered and will assist with the conservation of the proposed items.
2.4	Recreation vehicle areas	The planning proposal will not allow the land to be developed for a recreation vehicle area.
3	Housing, infrastructure and urban development	
3.1	Residential zones	Most of the sites are located with a residential zone. The planning proposal will not change the residential land use zone. Statutory development standards applying to the residential land will not be altered. Provisions in Woollahra LEP 1995 relating to water and sewer services will not be altered by the planning proposal.
3.2	Caravan parks and manufactured home estates	The planning proposal will not allow caravan parks and manufactured home estates.
3.3	Home occupations	The planning proposal will not affect the provisions of a relevant environmental planning instrument which permits home occupations to be carried out in dwelling-houses without the need for development consent.

Planning proposal – Heritage items in Darling Point, Edgecliff, Paddington, Point Piper, Vaucluse, Watsons Bay, Woollahra		
Compliance with section 117 directions		
Direction		Applicable/comment
3.4	Integrating land use and transport	The planning proposal will not alter or remove the land use zones applying to the lands. planning proposal is not inconsistent with the aims, objectives and principles of <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i>
3.5	Development near licensed aerodromes	Not applicable.
4	Hazard and risk	
4.1	Acid sulfate soils	The planning proposal will not introduce provisions to regulate works in acid sulfate soils or to intensify land uses.
4.2	Mine subsidence and unstable land	Not applicable.
4.3	Flood prone land	Not applicable.
4.4	Planning for bushfire protection	Not applicable.
5	Regional planning	
5.1	Implementation of regional strategies	Not applicable.
5.2	Sydney drinking water catchments	Not applicable.
5.3	Farmland of State and regional significance on the NSW Far North Coast	Not applicable.
5.4	Commercial and retail development along the Pacific Highway, North Coast	Not applicable.
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable.
5.6	Sydney to Canberra corridor (revoked)	Not applicable.
5.7	Central Coast (revoked)	Not applicable.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable.
6	Local plan making	
6.1	Approval and referral requirements	The planning proposal will not result in provisions requiring concurrence, consultation or referral to a Minister or public authority or the identification of development as designated development.
6.2	Reserving land for public purposes	The planning proposal will not create, alter or reduce an existing zone or reservation for public purposes.
6.3	Site specific provisions	Not applicable.

Attachment 7

Draft Woollahra LEP 1995 (Amendment No.66) exhibition material