

Planning Services

IRF19/2803

Gateway determination report

LGA	Woollahra
PPA	Woollahra Municipal Council
NAME	Proposal to list new heritage item
NUMBER	PP_2019_WOOLL_001_00
LEP TO BE AMENDED	Woollahra Local Environment Plan 2014
ADDRESS	105 Sutherland Street, Paddington
DESCRIPTION	Lot A DP330465
RECEIVED	17 April 2019
FILE NO.	IRF19/2803
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend Woollahra Local Environment Plan (LEP) 2014 to list the property 'Four in Hand Hotel' at 105 Sutherland Street, Paddington as a heritage item of local significance.

1.2 Site description

The site is located at 105 Sutherland Street, Paddington, on the southern corner of Sutherland Street and Elizabeth Street, and is legally known as Lot A DP330465 (Figure 1).

The Four in Hand Hotel building occupies the entire site bounded by Sutherland Street to the north-east, Elizabeth Street to the north-west, a small private lane to the south-west which is off Elizabeth Street and the neighbouring site at 107 Sutherland Street (Figures 2, 3, 4 and 5).

The hotel is a landmark corner two-storey commercial building constructed in 1878 and has continuously operated as a hotel to the present day.



Figure 1 Subject Site (Source: Six Maps)

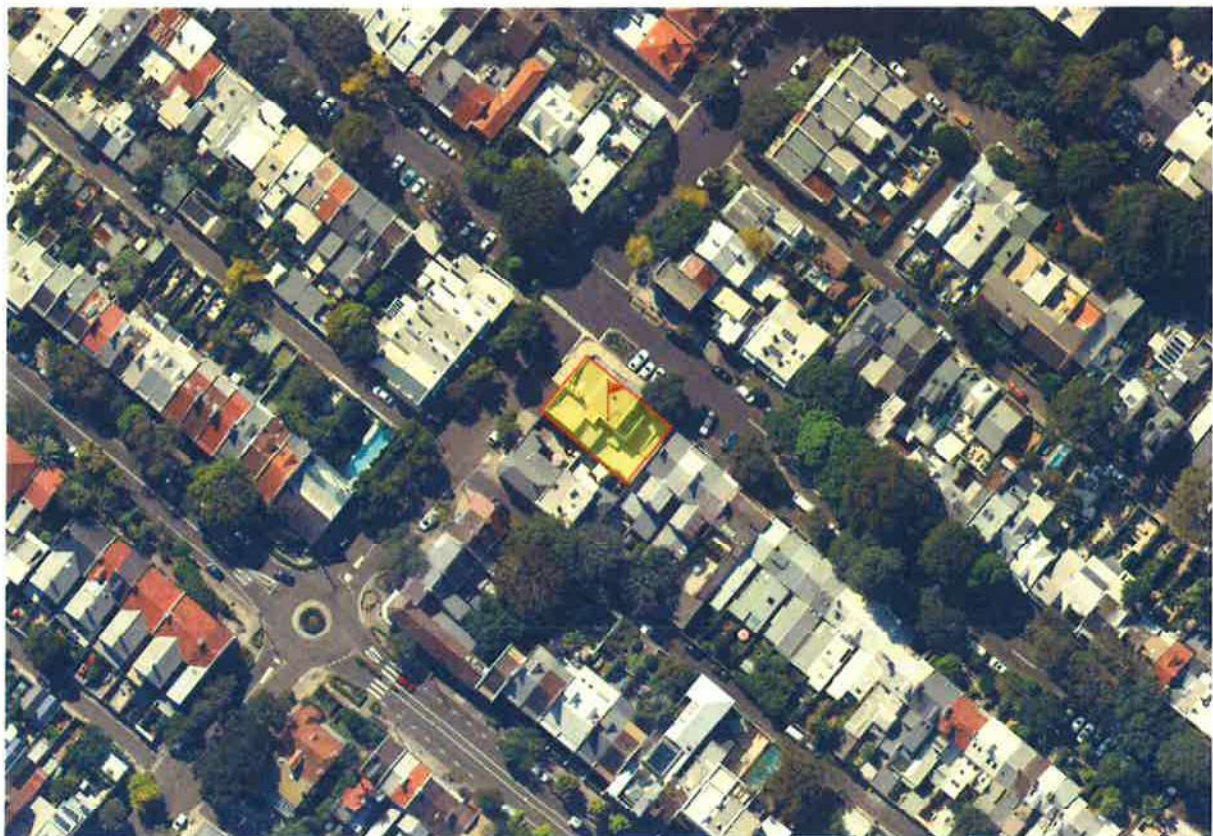


Figure 2 Aerial photograph of subject site (Source: Six Maps)



Figure 3 View from the corner of Sutherland Street and Elizabeth Street (Source: Google Maps)



Figure 4 View from Sutherland Street (Source: Google Maps)



Figure 5 View from Elizabeth Street (Source: Google Maps)



Figure 6 Interior of the Four in Hand Hotel (Source: Domain)

1.3 Existing planning controls

The site is zoned R2 Low Density Residential under the Woollahra LEP 2014 and has a maximum permitted height of 9.5m (Figures 7 and 8). The LEP does not specify a maximum FSR (Figures 9).

The site is also located within the Paddington Heritage Conservation Area (C8) (Figure 10).

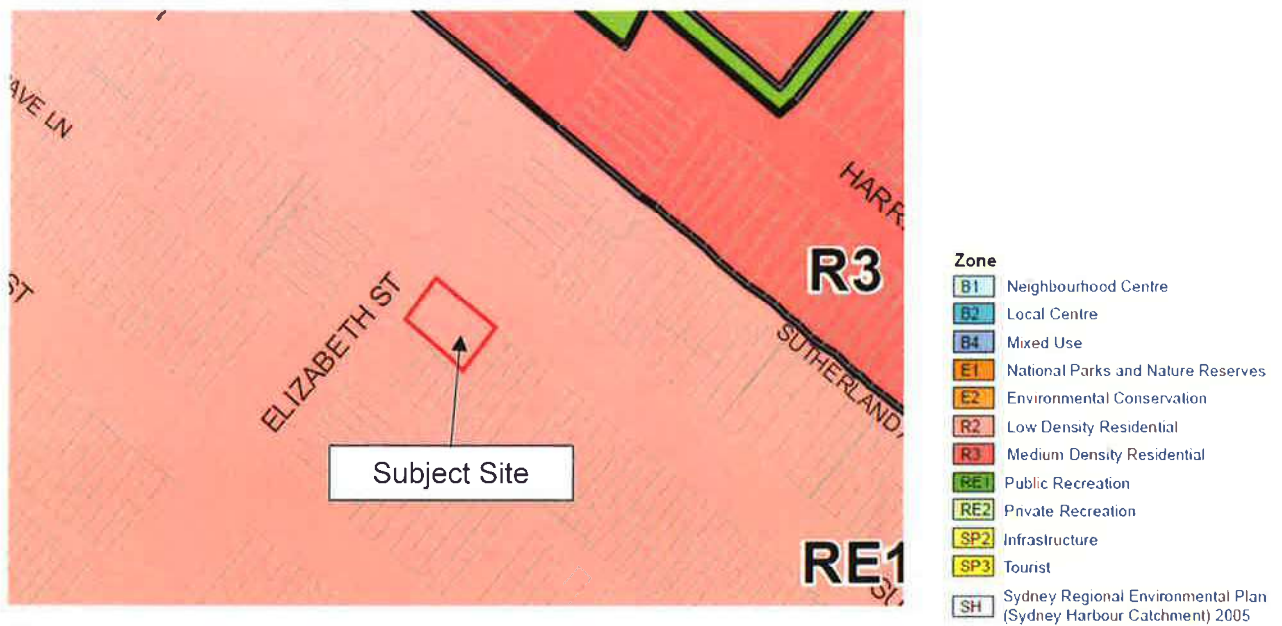


Figure 7 Woollahra LEP 2014 Land Zoning Map (LZM_003)

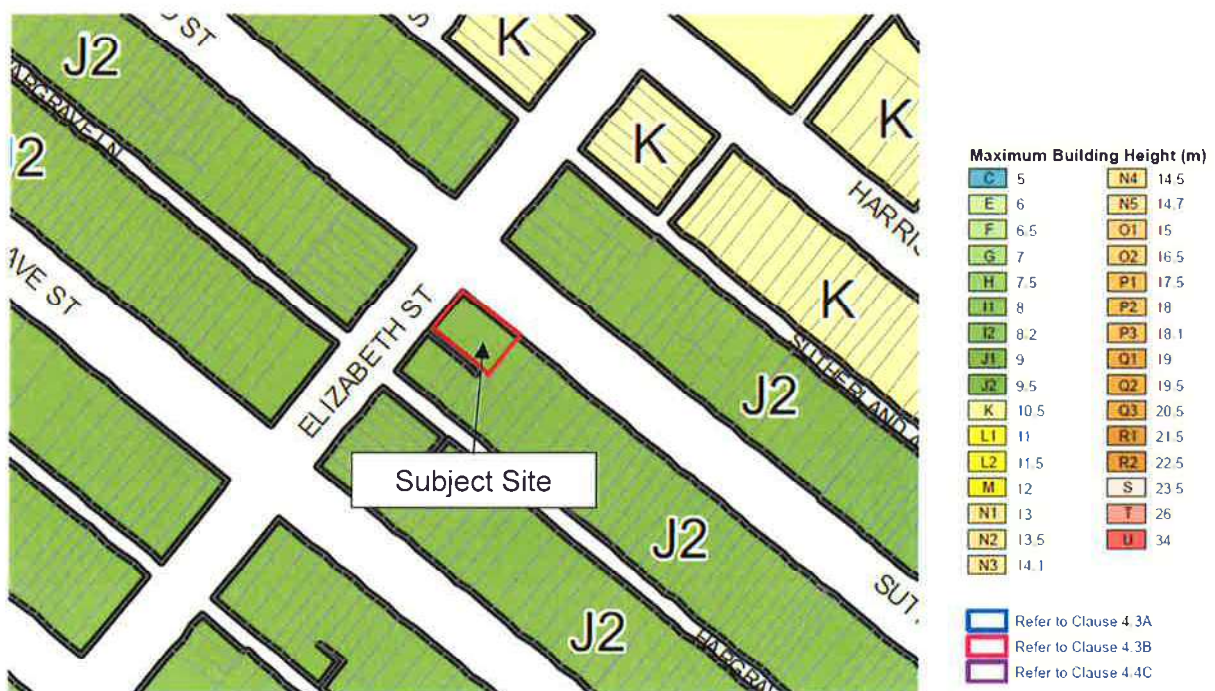


Figure 8 Woollahra LEP 2014 Height of Buildings (HOB_003)



Figure 9 Woollahra LEP 2014 Floor Space Ratio Map (FSR_003)



Figure 10 Woollahra LEP 2014 Heritage Map (HER_003A)

1.4 Surrounding area

The Four in Hand Hotel is located on a prominent corner at the intersection of Sutherland Street and Elizabeth Street and is immediately surrounded by the following:

- to the north of the site, on the opposite corner of the intersection, is a Victorian terrace dwelling;
- on the corners of the intersection to the north east and north west of the site, there are two smaller scale two storey commercial premises; and
- to the rear of the hotel, on the corner of Elizabeth Street and Hargrave Lane, is a two-storey commercial building.

Both Sutherland Street and Elizabeth Street are tree lined with primarily single-storey and two-storey Victorian terraces on narrow lots.

The site lies within the Paddington Heritage Conservation Area.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions as it:

- is supported by an independent heritage assessment/inventory that identified the subject site as being of heritage significance; and
- will allow for conservation management of the property, which has been identified to be of local heritage significance.

Background

- The Four in Hand Hotel is one of 11 hotels in Woollahra Council's 'Paddington Pub Project', a study of hotels in Paddington aimed at determining and establishing more specific conservation controls, the other hotels in the project are listed in the table below;

Table 1 Hotels other than the Four in Hand that are the subject of the Paddington Pub Project

Hotel name	Address	In Woollahra LEP 2014
Bellevue Hotel	157-159 Hargrave Street, Paddington	No
Grand National Hotel	33 Elizabeth Street (161 Underwood Street), Paddington	No
Imperial Hotel	252 Oxford Street, Paddington	No
London Tavern Hotel	85 Underwood Street, Paddington	No
Paddington Arms Hotel	384 Oxford Street, Paddington	No
Paddington Inn Hotel	338 Oxford Street, Paddington	No
Royal Hotel	237 Glenmore Road, Paddington	Yes
Unicorn Hotel	102-106 Oxford Street, Paddington	No
Village Inn Hotel (formerly Dirty Nelly's Hotel and the Rose and Crown Hotel)	9-11 Glenmore Road, Paddington	Yes (listed as the Rose and Crown)

- 27 November 2017 - Council resolved to expedite the Paddington Pub Project to identify ways to protect the pubs regardless of any change of use;
- 21 May 2018 - Council resolved to request that staff undertake an assessment of heritage significance for the Four in Hand Hotel;
- 10 October 2018 – a full site inspection was carried out with the new owners of the hotel;
- 1 November 2018 - a heritage inventory for the Four in Hand Hotel was completed by Robert A. Moore Pty Ltd Architects and Conservation Consultants noting that the hotel is of heritage significance at a local level and may meet the criteria at state level as part of a group listing of the 11 Paddington Pub Project hotels;
- 21 December 2018 - the landowner's consultant, Ruth Daniell, provided a response to the heritage inventory. She disputed the significance of the hotel at a state level and stated that the level of significance should not be assessed as a separate item from the pubs project. She states that the interior of the hotel has been altered considerably and that a conservation management plan is unnecessary;
- 21 January 2019 - Robert A. Moore Pty Ltd responded to Ms Daniell's letter stating that the inventory was carried out in a professional manner and that a conservation management plan is necessary;
- 4 February 2019 - Woollahra's Environmental Planning Committee requested approval for a planning proposal to list the hotel as a heritage item;
- 11 February 2019 - Council resolved to prepare a planning proposal to list the hotel as a heritage item and determined that it was not necessary to complete the 'Paddington Pub Project' before the listing of the hotel;
- 7 March 2019 – the Woollahra Local Planning Panel advised Council that it supported the planning proposal to list the hotel as a heritage item; and
- 8 April 2019 - Woollahra's Environmental Planning Committee recommended that a planning proposal proceed to list the Four in Hand Hotel including its interiors as a heritage item on the Woollahra LEP 2014.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to amend Woollahra LEP 2014 to include the Four in Hand Hotel, including its interiors, at 105 Sutherland Street, Paddington as a local heritage item. This is consistent with the heritage inventory undertaken by Robert A Moore Architects and Conservation Consultants.

Heritage listing is a way of ensuring that any proposed changes to an item or place of heritage significance are compatible with the heritage values and characteristics of that item or place.

Clause 5.10 Heritage Conservation under Woollahra LEP 2014 establishes provisions for development affecting heritage items. It applies to all heritage items, heritage conservation areas and archaeological sites listed in Schedule 5. It sets out when development consent is required in relation to work on a heritage item, and when it is not.

Clause 5.10 requires that Council consider the impact of the proposed works on the heritage significance of the item when considering development applications; provides Council with the authority to require a heritage management document and/or Heritage Conservation Management Plan; and provides conservation incentives, which allow a heritage item to be used for a purpose that would otherwise not be permitted, provided that the use will assist in the conservation of the item.

The intent of the proposal is to provide ongoing protection and recognition of the heritage significance of the building and interiors.

The statement of objectives adequately describes the intention of the planning proposal.

2.2 Explanation of provisions

The planning proposal seeks to amend Woollahra LEP 2014 as follows:

- Insert a listing for the Four in Hand Hotel, including its interiors, in Part 1 Heritage items of Schedule 5 Environmental Heritage; and
- Identify the site of the Four in Hand Hotel as a heritage item on the Heritage Map (Sheet HER_003A).

The explanation of provisions adequately addresses the intended changes to Woollahra LEP 2014.

2.3 Mapping

The proposal requires an amendment to the Heritage Map (Sheet HER_003A) under Woollahra LEP 2014 to identify the site of the *Four in Hand Hotel* as “Item – General”. Part 7 – Mapping of the planning proposal includes figures showing extracts of the existing and proposed Heritage Map in relation to the site of the *Four in Hand Hotel* (Figure 9).



Figure 11: Extracts of existing and proposed Woollahra heritage maps (sheet HER_003A)

The proposal requires amendments to the Woollahra LEP 2014 heritage maps (Sheet HER_003A) by applying an "Item – General" classification to the Four in Hand Hotel. Indicative mapping has been provided with the proposal that shows the current and proposed heritage maps.

This is deemed sufficient for the purposes of the planning proposal.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal states it is a result of the recommendations of a heritage assessment / inventory sheet prepared by Robert A. Moore Pty Ltd Architects and Conservation Consultants on behalf of Council (**Attachment A**). The consultants were engaged by Council to carry out an assessment of the heritage significance of eleven hotels in Paddington, with priority given to the heritage assessment of the Four in Hand Hotel at 105 Sutherland Street, Paddington.

The heritage assessment / inventory states that the Four in Hand Hotel:

- is of historical significance to Paddington and the Woollahra Local Government Area;
- is a surviving example of a landmark corner commercial development that has been continuously operating since its construction in 1878.
- has social significance as a meeting place for various groups during its operation including the Italian community, political groups and community activism;
- has a long and well documented association with Tooth and Co locally, at state level and nationally;
- has successively altered interiors with an exterior that remains relatively intact from its 1927 appearance; and
- is of Local heritage significance although notes that as an element of the Paddington Conservation Area, and as one of the Paddington Hotels Group, the hotel may also have significance at a State Level.

The landowner's consultant, Ruth Daniell, provided a submission to Council (dated 21 December 2018) in response to the heritage assessment / heritage inventory sheet (**Attachment B**). She stated that heritage listing of the hotel before the completion of the 'Paddington Hotels Group' study was not appropriate and was seemingly undertaken because the hotel was listed for sale. She also noted that at the site meeting, Mr Moore agreed that there was little remaining of the original interior.

The reply on 21 January 2019 by Robert A. Moore Pty Ltd (**Attachment C**) to Ms Daniell's letter stated that the listing process for the hotel was appropriate and professional and informed by a wider study that is not yet finalised. Mr Moore added that a conservation management document will properly analyse the current condition of the property and establish guidelines for its future management. He also refuted that he agreed that there was little remaining of the original interior.

The planning proposal states that the listing the Four in Hand Hotel, including its interiors, is the best, and only, means of providing the ongoing protection and recognition of the heritage significance of the item.

It further states that alternatives, such as adding site-specific objectives and controls to Woollahra Development Control Plan 2015 or including heritage conservation conditions to a development consent for the Four in Hand Hotel, will not provide the same level of heritage protection and recognition.

The building is located within the Paddington Heritage Conservation Area and identified by the National Trust of Australia (NSW) in 1974 and individually classified by the Trust in 2018.

4. STRATEGIC ASSESSMENT

4.1 State

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the Greater Sydney Region Plan, which aims to coordinate and manage the growth of Sydney.

The plan contains objectives for the region over the next 40 years and informs the actions and directions of the district plans.

Of relevance in the plan is *Objective 13 – Environmental heritage is identified, conserved and enhanced*. This objective seeks to protect environmental heritage for its social, aesthetic, economic, historic and environmental values.

The objective also identifies a strategy that comprises three components:

- “engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of place”;
- “applying adaptive re-use and interpreting heritage to foster distinctive local places”; and
- “managing and monitoring the cumulative impact of development on the heritage values and character of places”.

The proposal is consistent with the plan as it seeks to protect and conserve the property at the subject site, which has been identified as being of local heritage significance by a heritage consultant. The community will have the opportunity to comment on the heritage significance of the item when the planning proposal is publicly exhibited.

The heritage listing of the site will provide ongoing protection and recognition of the heritage significance of the hotel.

As such, the proposal is considered to be consistent with the region plan.

4.2 District

Eastern City District Plan

The Eastern City District Plan (Greater Sydney Commission, 2018) gives effect to the Greater Sydney Region Plan. The Eastern City District Plan encompasses the Woollahra LGA.

Planning Priority E6 – Creating and renewing great places and local centres and respecting the District’s heritage is relevant to the planning proposal. The proposal

can be considered consistent with this priority as it seeks to provide the statutory mechanisms required to protect and respect the district's heritage and to conserve the social, aesthetic and historic significance of this item.

The proposal is also consistent with actions 20, 54 and 63 of the district plan as it identifies and enhances heritage in the local area. This proposal will maintain the distinctiveness of the area by retaining a site which has significant social value on a prominent corner site and will enable members of the community to consider the heritage value of the hotel.

4.3 Local

Woollahra – 2030: Our community, our place, our plan

This is Council's community strategic plan which provides a long-term vision for the future of Woollahra. It is used to inform Council's decision-making and planning.

Relevant to the planning proposal is *Goal 4.3 – Protect our heritage, including significant architecture and the natural environment*. The planning proposal is consistent with this goal as it provides for the conservation of the Four in Hand Hotel and its heritage significance. The site has been identified as one of eleven hotels in Woollahra's 'Paddington Pub Project' as being of heritage significance by Council staff. Robert A. Moore Pty Ltd, architects and conservation consultants conducted the heritage assessment following a Council decision on 21 May 2018 and also considered the hotel to be of heritage significance.

4.4 Section 9.1 Ministerial Directions

2.3 Heritage Conservation

This Direction applies to the planning proposal as it affects a property found to be of heritage significance. The Direction requires that a planning proposal contain provisions that facilitate the conservation of items identified in a study of the environmental heritage of the area.

The proposal is consistent with this Direction as it proposes to amend schedule 5 of the Woollahra LEP 2014 to reflect the heritage significance of the property.

The Direction requires that a planning proposal contains provisions that facilitate the conservation of heritage items in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item.

The planning proposal is supported by a heritage assessment, which includes an assessment of significance. It has drawn attention to the significance of the item in relation to the above categories. Therefore, the proposal is considered to be consistent with this Direction.

4.5 State environmental planning policies (SEPPs)

The proposal is considered to be consistent with all relevant state environmental planning policies.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social and economic

The heritage report undertaken by Robert A. Moore Pty Ltd stated that the hotel had social significance as a reference point for community identity and served as a meeting place over many years for diverse groups including:

- Sydney's Italian community in the 1880s and 1890's;
- local, state and federal political meetings, rallies and debates of the 1890's to 1900; and
- community activism and a gathering place for artists, writers and creative professionals in the mid-20th century.

The Four in Hand Hotel history has a long continuous operation from 1878 until the present. Strong community attachment was demonstrated in a petition of over 12,000 signatures on a petition to 'Save The Four' concerning its sale during 2018.

The planning proposal will have a positive social and economic effect due to its ongoing protection and recognition of the social heritage significance of the item.

The heritage listing will not preclude future development of the Four in Hand Hotel if undertaken in accordance with heritage requirements under clause 5.10 of the LEP.

5.2 Environmental

The planning proposal will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

Heritage

The need for the planning proposal has arisen from the 'Paddington Pub Project' and a heritage assessment conducted by Robert A Moore Pty Ltd. It is considered that the proposed amendments will list and thereby facilitate the conservation of the item for heritage purposes.

While it is considered that the proposed heritage listing will facilitate the conservation of the heritage item, the Gateway determination has been conditioned to require consultation with the Office of Environment and Heritage.

5.3 Infrastructure

The proposal does not involve amendments to the planning controls that will intensify development on the site.

No significant infrastructure demand will result from the planning proposal. Current services for the site are suitable for the proposal.

6. CONSULTATION

6.1 Landowner

As outlined in Section 3 of this report, consultation with the landowner has previously occurred however agreement has not yet been reached with regard to the heritage listing. Further consultation during exhibition of the planning proposal will be required.

6.2 Community

Council has proposed a public exhibition period of 28 days. This period is considered to be appropriate as reflected in the Gateway conditions. Also, Council proposes to notify the public of the exhibition by:

- a weekly notice in the local newspaper;
- a notice on Council's website;
- a letter to land owners near the site;
- a letter to the land owner of the site; and
- local community and business groups such as the Paddington Society.

6.3 Agencies

It is recommended that consultation be undertaken with the Office of Environment and Heritage under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*. Council also stated that The National Trust and the NSW Heritage Council will be notified in accordance with the Gateway.

7. TIME FRAME

Council has proposed a time frame of seven months for completion of the LEP. Given the nature of the plan, a nine-month time frame is considered appropriate to allow sufficient time for community consultation. It is recommended that Council update the project timeline to reflect this.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority. The degree of heritage significance is of the building disputed between the landowner and the Council. Therefore, authorisation to Council as the local plan-making authority is not recommended.

9. CONCLUSION

The planning proposal to list the site as an item of heritage significance is supported to proceed as:

- it is supported an independent heritage assessment that identified the subject building as being of heritage significance; and
- it will allow conservation management of the property, thereby enabling appropriate modification and ongoing use of the building.

10. RECOMMENDATION

It is recommended that the delegate of the Minister of Planning determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the Office of Environment and Heritage.
3. The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
4. Given the nature of the planning proposal, Council is not authorised as the local plan-making authority.
5. Prior to community consultation, the planning proposal is to be amended to update the project timeline.

Laura Locke
Team Leader, Sydney Region East


Amanda Harvey 17/5/19
Director, Sydney Region East
Planning Services

Assessment officer: Christina Brooks
Para-Planner, Sydney Region East
Phone: 9274 6045