

Item No: D1
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF THE FOUR IN HAND HOTEL AT 105 SUTHERLAND STREET, PADDINGTON**
Author: Anne White, Team Leader - Strategic Planning
Approver: Chris Bluett, Manager - Strategic Planning
File No: 19/27600
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to list the 'Four in Hand Hotel', including interiors, at 105 Sutherland Street, Paddington as a local heritage item in Woollahra Local Environmental Plan 2014.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council that it:

- A. Supports the planning proposal to list the 'Four in Hand Hotel' including interiors, at 105 Sutherland Street, Paddington, as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. Supports the planning proposal being forwarded to the Minister or the Greater Sydney Commission under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

1. Reason for report to the Woollahra Local Planning Panel (Woollahra LPP)

This report seeks the advice of the Woollahra LPP on the listing of the *Four in Hand Hotel* at 105 Sutherland Street, Paddington, including interiors as a heritage item in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 27 September 2018, the Minister for Planning issued a *Local Planning Panel Direction – Planning Proposals* which states in part:

1. *A council to whom this direction applies is required to refer all planning proposals prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
 - (a) *the correction of an obvious error in a local environmental plan,*
 - (b) *matters that are of a consequential, transitional, machinery or other minor nature, or*
 - (c) *matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
2. *When a planning proposal is referred to the local planning panel for advice in accordance with this direction it is to be accompanied by an assessment report prepared by the council staff setting out recommendations in relation to the planning proposal, including whether or not the planning proposal should be forwarded to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*
3. *The local planning panel must have given its advice on the planning proposal before council considers whether or not to forward it to the Minister or Greater Sydney Commission under section 3.34 of the Environmental Planning and Assessment Act 1979.*

In this case, the planning proposal is required to be referred to the local planning panel because the general manager has not made a determination in regard to items 1 (a), (b) or (c), above. A planning proposal has been prepared to list the *Four in Hand Hotel*, including its interiors, as a heritage item in the Woollahra LEP 2014 (see *Annexure I*).

2. Background

On 21 May 2018 the Council adopted the following notice of motion:

THAT Council:

1. *Requests staff to undertake an assessment of heritage significance for the 'Four in Hand Hotel' (located at 105 Sutherland Street, Paddington) (the Property) and report to the Environmental Planning Committee on whether the Property has sufficient heritage significance to be listed as:*
 - (a) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP);*
and
 - (b) an item on the State Heritage under the Heritage Act 1977;*
2. *Notes the following priorities contained in its Delivery Program 2013 to 2018 and Operation Plan 2017/2018 (the DPOP):*
 - (a) 4.3.1 – 'Develop policies, including a Heritage Item Register and a Significant Tree Register, to maintain cultural and natural heritage item's; and*
 - (b) 4.3.1.1 – 'Carry out a study of hotels in Paddington to determine and establish more specific conservation controls' (the Paddington Pub Project);*
3. *Further notes its resolution on 27 November 2017, giving 'next priority' to the Paddington Pub Project;*
4. *Expedites the Paddington Pub Project and gives urgent priority to it (including the allocation of additional funding and staff resources);*
5. *In preparing the Paddington Pub Project, gives consideration to:*
 - a) including a recommendation to Council on how to protect all pubs in the Paddington Heritage Conservation Area to the same standard; and*
 - b) exploring what mechanisms (including but not limited to amending the Woollahra Development Control Plan 2015 (the DCP) are available to ensure that existing controls and protections that currently apply to pubs continue to apply regardless of any change in use;*
6. *Requests that the Mayor write to the Hon Gabrielle Upton, Minister for the Environment, Local Government and Heritage to:*
 - a) raise community concerns over the loss of historic pubs in the Woollahra Municipality and elsewhere throughout the state of New South Wales; and*
 - b) request the State Government to explore what legislative changes can be introduced to mirror the legislative reforms recently introduced by the UK Parliament concerning the protection of pubs.*

In response to parts 1 and 4 of the Council's decision the consultant firm Robert A. Moore Pty Ltd Architects and Conservation Consultants was engaged to carry out an assessment of heritage significance of the eleven hotels in Paddington, with a priority being given to completing the assessment for the *Four in Hand Hotel* at 105 Sutherland Street Paddington. Robert Moore, the director of the firm, is a highly qualified and experienced heritage consultant with extensive and specialised experience in the identification, assessment, management and interpretation of heritage assets.

On 4 February 2019 a report on the Heritage Listing of the *Four in Hand Hotel* at 105 Sutherland Street, Paddington was presented to a meeting of the *Environmental Planning Committee* and on 11 February 2019, Council resolved the following:

- A. *THAT a planning proposal be prepared to list the Four In Hand Hotel at 105 Sutherland Street, Paddington, as a heritage item in the Woollahra Local Environmental Plan 2014.*
- B. *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

The assessment for the *Four in Hand Hotel* is part of a larger project involving the assessment of ten other hotels in Paddington. The other hotels in the project are:

| | Hotel name | Address | Listed status in Woollahra LEP 2014 |
|----|---|---|--|
| 1 | Bellevue Hotel | 157-159 Hargrave Street, Paddington | No |
| 2 | Grand National Hotel | 33 Elizabeth Street (161 Underwood Street), Paddington | No |
| 3 | Imperial Hotel | 252 Oxford Street, Paddington | No |
| 4 | London Tavern Hotel | 85 Underwood Street, Paddington | No |
| 5 | Lord Dudley Hotel | 236 Jersey Road, Paddington | Yes |
| 6 | Paddington Arms Hotel | 384 Oxford Street, Paddington | No |
| 7 | Paddington Inn Hotel | 338 Oxford Street, Paddington | No |
| 8 | Royal Hotel | 237 Glenmore Road, Paddington | Yes |
| 9 | Unicorn Hotel | 102-106 Oxford Street, Paddington | No |
| 10 | 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 Hotel] |

Assessments for these pubs have been undertaken in draft form and are currently being finalised prior to being released to the land owners for their comment. Following this process, a report will be prepared for the Environmental Planning Committee.

However, this report deals only with the planning proposal to list the *Four in Hand Hotel*, and interiors, at 105 Sutherland Street, Paddington as a heritage item in Woollahra Local Environmental Plan 2014. It is not necessary for the whole *Paddington Pubs Project* to be completed to inform the assessment of the *Four in Hand Hotel*.

3. The site

The hotel is located at the intersection of Sutherland and Elizabeth Streets, Paddington. The building occupies all of the site bounded by Sutherland Street, Elizabeth Street, a small private lane and the neighbouring site at 107 Sutherland Street, Paddington. The site has a street address of 105 Sutherland Street, Paddington, and a land title described as Lot A in DP 330465.

The *Four In Hand Hotel* is a landmark corner commercial building constructed specifically for use as a hotel. Constructed in 1878, it has been in continuous operation since its construction. Refer to *Figure 1, 2 and 3* below.



Figure 1: The Four In Hand Hotel viewed from Sutherland Street, looking towards the north eastern and north western elevations
(Source: Robert A. Moore Pty Ltd Architects and Conservation Consultants, July 2018)

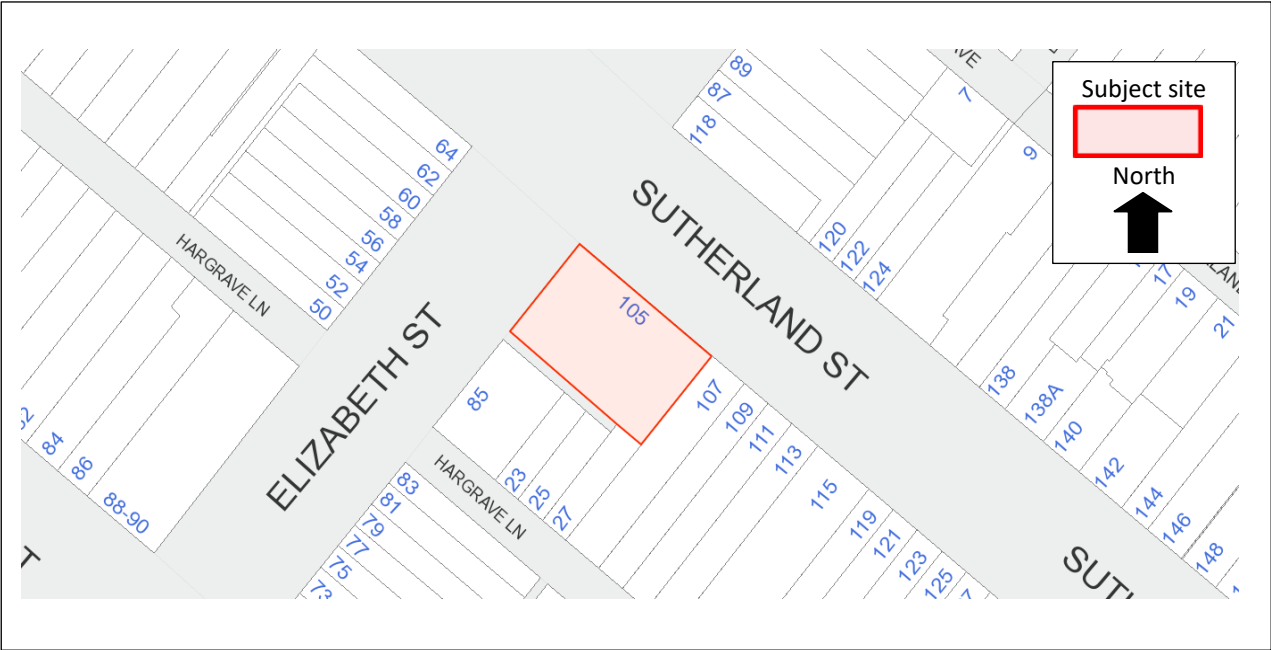


Figure 2: Cadastral map showing the Four In Hand Hotel site outlined in red



Figure 3: Aerial map showing the Four In Hand Hotel site outlined i

4. Assessment of heritage significance site

The assessment of heritage significance was undertaken 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:

Criterion (a)

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

Criterion (b)

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

Criterion (c)

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

Criterion (d)

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

Criterion (e)

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

Criterion (f)

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

Criterion (g)

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

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

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

A copy of the heritage assessment/inventory sheet prepared by Robert A. Moore Pty Ltd, which includes the assessment against all criteria, is attached as **Annexure 2**.

Table 1 below provides a summary of the assessment of the heritage significance of the *Four In Hand Hotel* 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). | ✓ | ✗ |
| (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). | ✓ | ✗ |
| (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). | ✓ | ✗ |
| (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. | ✓ | ✗ |
| (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). | ✓ | ✗ |
| (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). | ✓ | ✗ |
| (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 • cultural or natural places, or • cultural or natural environments.) | ✓ | ✗ |

The heritage assessment provides the following statement of significance:

The Four In Hand Hotel is of historic significance to Paddington and the Woollahra LGA as an early and successful example of Paddington's suburban hotels, having been continuously operational since its construction in 1878. It is a surviving example of the type of landmark corner commercial development that was incorporated into the building of terrace rows during Paddington's boom era of suburban development.

It is of social significance as a reference point for community identity, having served as a meeting place for the small Sydney Italian community in the 1880s and 1890s, and for political meetings and rallies for local candidates in Council, state and federal elections, as well as for the Federation debates of the 1890s through to 1900. More recently it has been a place of community activism and home for the intellectual sub-cultures of the mid-20th century, including artists, writers and the creative professions who imbued the suburb with a renewed vigour and influenced its re-emergence as a popular, desirable and fashionable area. Its long association with Tooth and Co is well documented archivally in local, state and national repositories.

The Four In Hand Hotel is of aesthetic significance as an example of an evolved Late Victorian period hotel still reflecting its original design, re-styled in a late 19th century fusion of Victorian utility and the emerging Aesthetic Movement and Edwardian Federation styles. While its interiors have been serially modified and updated, typically evolving over time as tastes and commercial imperatives changed, its exterior remains legible and relatively intact to its 1927 appearance.

As one of the small and decreasing number of historically significant hotels still trading commercially in the distinctive and historic urban “village” of Paddington, the Four In Hand Hotel is still a vibrant element of its urban fabric and local streetscapes. The Four In Hand Hotel is now comparatively uncommon, it is arguably rare as well as representative, being one of the locally important, aesthetic/physical and social landmark corner hotel buildings still in operation which are a key element of the character of the Paddington Heritage Conservation Area, contributing to both its individuality and distinction as an important urban environment in Australia. As an element of the Paddington Conservation Area, and as one of the group of hotels in Paddington, it may also have significance at a state level.

(November 2018, Robert A. Moore Pty Ltd, Draft Heritage Inventory Sheet p.1)

The assessment recommends the listing of the *Four In Hand Hotel* as a local heritage item in Schedule 5 of the Woollahra LEP 2014. It is noted that the *Four In Hand Hotel* may meet the criteria for listing at State level as part of a group listing, but does not meet the criteria for listing as an individual item at State level.

5. Consultation with the land owner

Council has involved the landowner and their consultants in the assessment of heritage significance and reporting stages. This has included:

- Notice of the Council’s initial decision made on 21 May 2018 to investigate the heritage significance of the hotel.
- Meeting with the owner to discuss the Council’s decision and the heritage assessment process.
- A site inspection of the hotel involving the Council’s heritage consultant, the landowner and the landowner’s consultants.
- Providing a draft version of the assessment of heritage significance to the landowner for comment. The owner’s heritage consultant provided a submission dated 21 December 2018 (see *Annexure 3*). The Council’s heritage consultant provided a response to the submission (see *Annexure 4*).
- Inviting the landowner to attend and make a presentation at the meeting of the Council’s Environmental Planning Committee meeting on 4 February 2019.

6. Planning proposal

A planning proposal has been prepared to list the *Four in Hand Hotel*, including its interiors, as a heritage item in the Woollahra LEP 2014 (see *Annexure 1¹*).

¹ The annexures to the Planning Proposal are separately attached to this report.

6.1. Planning proposal structure

The planning proposal has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

6.2. Objective

The objective of the planning proposal is to amend Woollahra LEP 2014, to list the *Four in Hand Hotel*, including its interiors, at 105 Sutherland Street, Paddington as a heritage item. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

6.3. Explanation of provisions

The planning proposal outlines the following amendments to Woollahra LEP 2014:

- Insert a listing for the *Four in Hand Hotel*, including its interiors, in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_003A) to identify a heritage item on the site of the *Four in Hand Hotel* at 105 Sutherland Street, Paddington.

6.4. Relationship to strategic planning framework

The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018), (refer to section 6.2 of the planning proposal).

The planning proposal is consistent with the Council's Community Strategic Plan titled *Our Woollahra 2030: 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, including significant architecture and the natural environment.

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to **Schedule 1** of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** of the planning proposal).

6.5. Community consultation

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the Act, the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department of Planning and Environment. 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 the *Four in Hand Hotel*.
- A letter to land owners in the vicinity of the *Four in Hand Hotel*.
- Local community and business groups such as *The Paddington Society*.

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.

6.6. Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department of Planning and Environment 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 Minister 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, 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, not proceed with the planning proposal, under section 3.35(4) of the Act.



7. Conclusion


The planning proposal at *Annexure 1* satisfies the requirements of section 3.33 of the Act because it:

1. Explains the intended effect of the proposed amendment to Woollahra LEP 2014.
2. Sets out the justification of making the proposed amendment. This is underpinned by the assessment of heritage significance for the building.
3. Identifies the community consultation that is to be undertaken.

Advice from the LPP will be provided in a report to Council before the planning proposal is submitted to the Department of Planning and Environment for a gateway determination. Council will also request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act.

Annexures

1. Planning proposal - Four in Hand Hotel (including Schedules 1 and 2) - February 2019
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2. Heritage Assessment - Inventory Sheet - Four in Hand Hotel - Robert A Moore Pty Ltd
[!\[\]\(5aa86d4510bccda8326cff2d2412c12b_img.jpg\)](#) 

3. Owners submission - Four in Hand Hotel [↓](#) 
4. Response to owner's submission by Robert A Moore Pty Ltd [↓](#) 