

Item No: R1 Recommendation to Council

Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF THE FOUR IN HAND HOTEL AT 105 SUTHERLAND STREET, PADDINGTON**

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File No: 19/38887

Reason for Report: To report the advice made to Council by the Woollahra Local Planning Panel.
To obtain Council's approval to proceed with the planning proposal to list the 'Four in Hand Hotel', including interiors, at 105 Sutherland Street, Paddington as a heritage item in Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 7 March 2019.
- B. THAT the planning proposal, as contained in *Annexure 3* of the report to the Environmental Planning Committee meeting on 1 April 2019 to list the 'Four in Hand Hotel', including interiors, as a heritage item in Woollahra Local Environmental Plan 2014, be forwarded to the Department of Planning and Environment 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 under section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. 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 given to completing the assessment for the *Four in Hand Hotel* at 105 Sutherland Street Paddington.

The assessment of heritage significance for the Four in Hand Hotel, with input from the landowner, was reported to the Environmental Planning Committee on 4 February 2019 (see *Annexure 1*)¹, 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.

2. Planning proposal

A planning proposal was prepared in accordance with the Council’s decision of 11 February 2019. 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.

¹ The annexures to the EPC report of 4 February 2019 have been removed. The heritage assessment report, draft inventory form, landowner’s submission dated 21 December 2019 and response to the landowner’s submission by Robert A Moore are provided in the planning proposal attached as annexure 3 to this report.

3. Woollahra Local Planning Panel advice

On 7 March 2019, the *Woollahra Local Planning Panel* (LPP) considered a report on the planning proposal (see *Annexure 2*)² and provided the following advice to Council:

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.*

Subsequent to the meeting of the Woollahra LPP of 7 March 2019, the planning proposal has been updated to refer to the Panel's advice. The updated planning proposal is provided in *Annexure 3*. Additional text referring to the Woollahra LPP is shown underlined.

4. Next Steps

Subject to the Council's decision, the planning proposal will be referred to the Department of Planning and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

4.1. Public exhibition

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 as delegate for the Minister. 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.

² The annexures to the Woollahra LPP report have been removed. The heritage assessment report, draft inventory form, landowner's submission dated 21 December 2019 and response to the landowner's submission by Robert A Moore are provided in the planning proposal attached as annexure 3 to this report.

4.2. Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department 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 should resolve to request that the Minister, not proceed with the planning proposal, under section 3.35(4) of the Act.

5. Conclusion

The listing of the *Four in Hand Hotel* as a heritage item is supported by an assessment of the heritage significance prepared by Robert A Moore Pty Ltd Architects and Conservation Consultants. On 7 March 2019, the WLPP provided advice to Council that it supports the planning proposal and its submission to the Minister.

The Council may now proceed with referring the planning proposal to the Department of Planning and Environment requesting a gateway determination to allow public exhibition.

Annexures

1. Report to Environmental Planning Committee 4 February 2019 [↓](#) 
2. Report to Woollahra Local Planning Panel 7 March 2019 [↓](#) 
3. Planning proposal - March 2019 [↓](#) 