

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

Proposal Title :	Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage		
Proposal Summary :	This planning proposal seeks to amend North Sydney Local Environmental Plan 2013 as it applies to 3 Anderson Street, Neutral Bay by listing the building known as 'Lansdowne' as an item of local heritage.		
PP Number :	PP_2015_NORTH_008_00	Dop File No :	15/13577

Proposal Details

Date Planning Proposal Received :	08-Sep-2015	LGA covered :	North Sydney
Region :	Metro(CBD)	RPA :	North Sydney Council
State Electorate :	NORTH SHORE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	3 Anderson Street		
Suburb :	Neutral Bay	City :	North Sydney
		Postcode :	2089
Land Parcel :	Lot A DP 396852		

DoP Planning Officer Contact Details

Contact Name :	James Sellwood
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RPA Contact Details

Contact Name :	Ben Boyd
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DoP Project Manager Contact Details

Contact Name :	Tim Archer
Contact Number :	0292286592
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner North subregion	Consistent with Strategy :	Yes

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

MDP Number :

Date of Release :

Area of Release (Ha) : 0.00

Type of Release (eg Residential / Employment land) : N/A

No. of Lots : 0

No. of Dwellings (where relevant) : 0

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : Yes

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. The Metropolitan (CBD) team has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.

Supporting notes

Internal Supporting Notes :

This planning proposal is to formalise the heritage protection of 'Lansdowne' at 3 Anderson Street, Neutral Bay, which is currently protected by an Interim Heritage Order (IHO).

The IHO was placed on the property following submission of a development application to demolish 3 Anderson Street and 3 Raymond Road, and construct a 4-storey residential flat building (containing 13 apartments) across both sites.

RECENT PLANNING HISTORY OF THE SITE

- On 2 October 2013, a development application (DA 337/13) was submitted to North Sydney Council for 3 Raymond Road, Neutral Bay, for the demolition of the dwelling on Raymond Road and the erection of a 3-storey residential flat building (comprising 3 apartments above basement parking).

- Although the application did not directly address 3 Anderson Street, it did note that a concept scheme had been developed to demonstrate that 3 Anderson Street could be developed consistent with the controls and would not remain as an isolated site. In response to this the application was forwarded to Council's strategic planning team for consideration in a future amendment to the North Sydney Local Environmental Plan 2013.

- On 24 March 2014, the applicant for DA 337/13 sought informal planning advice regarding whether Council would consider the amalgamation of 3 Anderson Street and 3 Raymond Road, the demolition of the existing dwellings and the erection of a 4-storey residential flat building across the consolidated site.

- Council staff determined that there was a clear intent to harm the potential heritage item at 3 Anderson Street, and undertook a preliminary heritage assessment, and on 28 March 2014, Council's acting General Manager resolved to make an Interim Heritage Order (IHO), which was published in the Government Gazette on 4 April 2014.

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

- The owners of 3 Anderson Street and 3 Raymond Road initiated three Land and Environment Court appeals against the IHO.
- On 26 May 2014, Council engaged Godden Mackay Logan to undertake an independent heritage assessment for 3 Anderson Street. The consultant noted that "although the property forms part of the Neutral Bay Land Company Estate, and had possible association with both prominent architects WL Vernon and RJH Joseland, neither could be firmly substantiated with primary sources. The property therefore could not be identified as a major architectural work". In response to this, on 24 June 2014, Council's General Manager resolved to revoke the IHO.
- On 16 June 2014, the applicant lodged DA 192/14 which sought to amalgamate 3 Anderson Street with 3 Raymond Road, demolish the two existing dwellings and construct a stepped 4-storey residential flat building across both sites containing 13 apartments above basement parking. Council received a number of submissions in relation to this development application which raised concerns over the potential heritage significance of the dwelling at 3 Anderson Street.
- On 12 September 2014, the applicant for DA 192/14 lodged a Class 1 appeal to the Land and Environment Court based on Council's deemed refusal of the development application. The appeal was dismissed by the Court on 12 May 2015.
- On 16 March 2015, Council resolved to write to the Minister for Heritage requesting that an IHO be placed on 3 Anderson Street as a result of further information coming to light, particularly from Clive Lucas, Stapleton and Partners. This additional information noted that 'Lansdowne' was potentially of local heritage significance and warranted further investigation in terms of association with significant figures and the intactness or otherwise of the residence.
- The Minister for Heritage made an IHO for 3 Anderson Street on 21 May 2015, noting the information provided by Clive Lucas, Stapleton and Partners, and the findings of the report by Godden Mackay Logan. The Minister also required Council to obtain a heritage report supporting the view that 3 Anderson Street, Neutral Bay is of local heritage significance within 5 months of the IHO being issued, otherwise the IHO would be revoked.
- In response to this, North Sydney Council engaged Clive Lucas, Stapleton and Partners to undertake an Assessment of Heritage Significance, dated 11 August 2015, which concluded that the 'Lansdowne' met the State Heritage Inventory criteria for listing a local heritage item.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives provided is as follows:**

The primary purpose of this Planning Proposal is to identify 3 Anderson Street, Neutral Bay as a heritage item consistent with the outcomes of the heritage assessment undertaken by Clive Lucas, Stapleton and Partners.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions is as follows:**

- **Insert a new item within Schedule 5; and**

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

- Include a new item on the Heritage Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **The planning proposal is considered to be consistent with all State Environmental Planning Policies and Section 117 Ministerial Directions.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Mapping has been provided to LEP mapping standards showing both the existing and proposed controls for the site.**

However Council has provided other heritage map sheets applying to North Sydney, that are not relevant to this proposal. As such, prior to public exhibition, the planning proposal should be revised to remove superfluous map sheets, to avoid confusion.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed that community consultation be undertaken.**

It is noted that there has already been considerable community interest in the protection of the heritage values of this site.

It is therefore considered that the proposal should be publicly exhibited for a period of at least 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **Overall, the proposal is consistent with relevant strategic planning instruments, both at the State and Local level.**

Delegation of plan making functions is considered appropriate in this instance.

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

Proposal Assessment

Principal LEP:

Due Date : **August 2013**

Comments in relation to Principal LEP :

North Sydney Local Environmental Plan 2013 (NSLEP 2013) was notified on 2 August 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal is required to provide for the heritage protection of the building known as 'Lansdowne', located at 3 Anderson Street, Neutral Bay.

Consistency with strategic planning framework :

The planning proposal is of a minor nature and does not contain any provisions which would contradict 'A Plan for Growing Sydney', the 'Draft Inner North Subregional Strategy', or the 'North Sydney Council Delivery Program'.

The proposal is therefore considered to be consistent with Local, Regional and State strategic planning guidelines.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

The planning proposal will not have any adverse impact on critical habitat, threatened species, populations or ecological communities, or their habitats.

SOCIAL IMPACTS

During the assessment of DA 192/14 a number of residents raised concerns with the demolition of 'Lansdowne'. Additional information was also discovered to support a heritage listing.

Council considers that listing the property as an item of local heritage significance would provide protection for the property and would address the concerns of the community.

ASSESSMENT OF HERITAGE SIGNIFICANCE PREPARED BY CLIVE LUCAS, STAPLETON AND PARTNERS COMMISSIONED BY NORTH SYDNEY COUNCIL

Council engaged Clive Lucas, Stapleton and Partners to undertake an Assessment of Heritage Significance, which concluded that the 'Lansdowne' met the State Heritage Inventory criteria for listing a local heritage item. The property is significant on a local level as:

- it is a large and substantially intact Federation period Queen Anne residence (albeit with good quality later alterations and additions);
- it exhibits many of the key elements of the style and retains unique decorative features, most notably the dining room heraldic window that relates specifically to its first owner, the architect and valuer for AMP, Alexander Macqueen, for whom the house was built;
- it is historically associated with a number of prominent businessmen of the day including the aforementioned Alexander Macqueen;
- it is significant as being part one of a small group of surviving residences located within the Neutral Bay Land Company estate lands, a residential subdivision planned, designed and executed by noted architect W.L. Vernon.
- it continues to exhibit elements of Vernon's design approach for "healthy living"

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

including its elevated position and expansive views over Neutral Bay to Sydney Harbour from the upper level, as well as display key characteristics of the Queen Anne style implemented by Vernon throughout the estate.

The assessment acknowledged that the documented history and physical evidence of the house had not provided a complete understanding of the original / early configuration of the house. Despite this it concluded that none of the unresolved issues detracted from the historic and aesthetic significance of the place or from its rarity and representational significance on a local level.

In accordance with this, the heritage assessment recommended that the site be listed as an item of local heritage significance.

ADDITIONAL ASSESSMENT OF HERITAGE SIGNIFICANCE PREPARED BY PAUL DAVIES PTY LTD COMMISSIONED BY ADJOINING RESIDENTS

The Body Corporate SP 6754, at 1 Anderson Street, Neutral Bay, which is adjacent to the subject site, commissioned an additional heritage report which was submitted to Council in support of the heritage listing for 'Lansdowne'. This report noted many of the same points as the heritage report from Clive Lucas, Stapleton and Partners.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) : **Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Planning Proposal to list 'Lansdowne' at 3 Anderson St, Neutral Bay as an item of local heritage

Documents

Document File Name	DocumentType Name	Is Public
1 - Cover Letter.pdf	Proposal Covering Letter	Yes
2 - Council Report and Resolution.pdf	Proposal	Yes
3 - Planning Proposal and Heritage Assessment.pdf	Proposal	Yes
4 - Additional Heritage Assessment.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

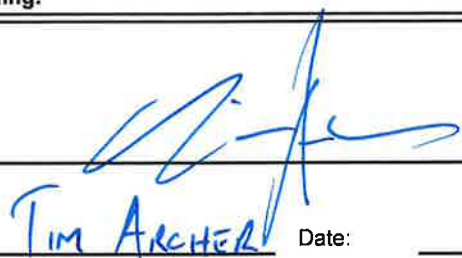
- 1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:**
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and**
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).**
- 2. Consultation is required under section 56(2)(d) of the Act with the Heritage division of the Office of Environment and Heritage.**

The Heritage division is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
- 3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).**
- 4. The timeframe for completing the Local Environmental Plan is to be 9 months from the week following the date of the Gateway determination.**

Supporting Reasons : **The planning proposal is supported as it will formalise the heritage protection of the property 'Lansdowne' at 3 Anderson Street, Neutral Bay, which is currently protected by an Interim Heritage Order.**

The listing of the property as an item of local heritage significance is in response to a development application to demolish the building and construct a residential flat building.

Signature:



Printed Name:

TIM ARCHER

Date:

29.9.15

