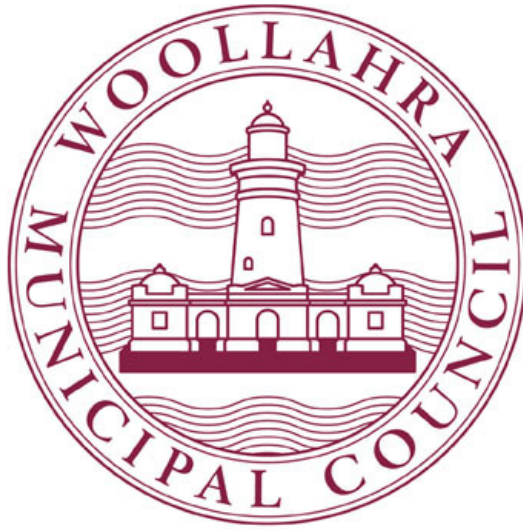




PLANNING PROPOSAL

Duntrim, 37 Darling Point Road, Darling Point

JANUARY 2011

TABLE OF CONTENTS

Introduction	1
Site identification	1
Part 1 – Objective of planning proposal	2
Part 2 – Explanation of provisions	2
Part 3 – Justification	2
Section A – Need for the planning proposal.....	2
Section B – Relationship to strategic planning framework.	4
Section C – Environmental, social and economic impact	5
Section D – State and Commonwealth interests.....	5
Part 4 – Community consultation	5
Attachment 1 Heritage conservation map	7
Attachment 2 Council’s Heritage Officer’s report on application for demolition	8
Attachment 3 Council’s Trees and Landscaping Officer’s report on application for demolition.....	9
Attachment 4 Council’s interim heritage inventory listing sheet.....	10
Attachment 5 Compliance with section 117 directions	11
Images of proposed item located at 37 Darling Point Road, Darling Point.....	13

Introduction

This planning proposal explains the intended effect of, and justification for, a proposed amendment to *Woollahra Local Environmental Plan 1995* in relation to land at 37 Darling Point Road, Darling Point. The proposal aims to list the former dwelling known as *Duntrim* and its grounds as a heritage item.

The site is listed as a heritage item in the Heritage and Conservation Register of the Department of Health (NSW Health) prepared under Section 170 of the NSW Heritage Act 1977.

A Norfolk Island Pine exists on the site that is already listed as a heritage item under Woollahra LEP 1995.

The site was recently the subject of a development proposal for demolition of buildings (including the former dwelling *Duntrim*) and the removal of selected trees. This development application was subsequently withdrawn.

The planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979 (the Act)* and the relevant Department of Planning guidelines titled *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

Site identification

No. 37 Darling Point Road is located at a midway point along Darling Point Road and the property is set back from the street. Access is via a driveway between the two adjacent properties. (see map below). The site comprises all land in Lot A in DP 108600.

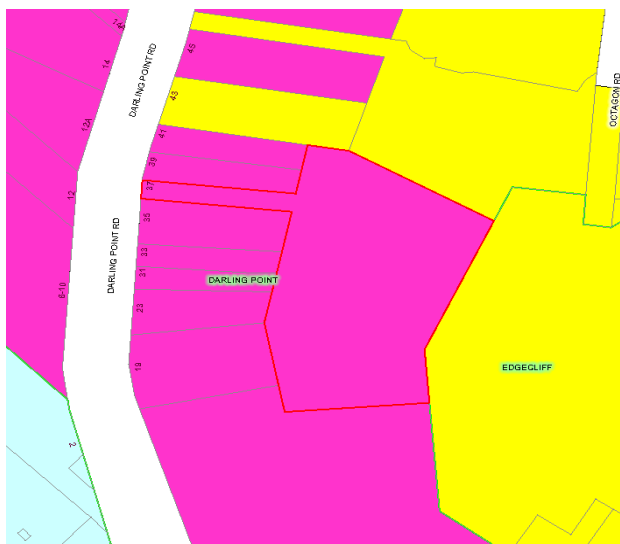
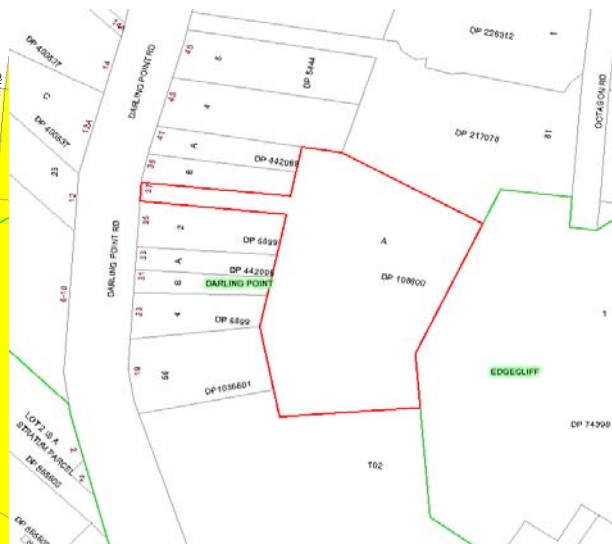


Figure 1: Land use plan of the Darling Point Road property affected by the planning proposal (outlined in red)



Department of Health to accommodate the Renal Resource Centre. The nurses' accommodation and the workshop building are not considered significant and thus not part of this planning proposal.

Part 1 – Objective of planning proposal

The objective of the planning proposal is to recognise the heritage significance of the historic building known as *Duntrim* and its grounds, and provide statutory protection for their conservation.

Part 2 – 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 land at 37 Darling Point Road and describing the site as *Duntrim* house and grounds; and
2. Amending the definition of the heritage conservation map in Schedule 1 (definitions) of Woollahra LEP 1995 by including a reference to an amending LEP; and
3. Colouring the land at 37 Darling Point Road on the Woollahra LEP 1995 Heritage Conservation Map as shown on **attachment 1**.

Part 3 – Justification

Section A – Need for the planning proposal

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

A development application (DA) seeking consent for 'the demolition of buildings and removal of selected trees' at 37 Darling Point Road was submitted to Council on the 16 June 2010. The proposal did not include new buildings or landscaping and appeared to be for the purpose of staging redevelopment of the site.

A report on the proposed demolition by Council's Heritage Officer recommended that the DA be refused on heritage grounds, and concluded that the former dwelling known as *Duntrim* and its grounds and setting are worthy of inclusion in Schedule 3 of Woollahra LEP1995 as an individual heritage item. A copy of the Heritage Officer's report is provided as **attachment 2**.

Council's Trees and Landscape Officer also recommended that the DA be refused because of concerns over 34 trees proposed to be removed. A copy of the Trees and Landscaping Officer's report is provided as **attachment 3**.

The proposal also received numerous objections from local residents and other concerned parties including Ascham School adjacent the subject site (49 objections). Several other heritage assessments were submitted as part of the submissions process. A heritage impact

statement by Howell Architects commissioned by the owner of *Alynwick* at 11 St Marks Road (an adjacent heritage item) strongly opposed the demolition on both aesthetic and historical grounds. A heritage assessment was prepared by Urbis Pty Ltd on behalf of Ascham School which concluded that the site reached the criteria for listing as a heritage item, and it is understood that Urbis is also preparing a formal nomination for listing of the site. Ascham School expressed 'considerable interest' in the site including the retention of *Duntrim*. A strong objection letter was received from the National Trust's Advocacy Manager, Mr Graham Quint, stating the view that the Trust considers the property should be listed in Woollahra LEP 1995.

Council staff recommended refusal of the DA and it was put to the Development Control Committee meeting on 27 September 2010, at which the application was referred to the Joint Regional Planning Panel. It was also recommended at the DCC meeting that the DA be refused by the consent authority, and that a planning proposal be prepared to list the site containing *Duntrim* as a heritage item under Woollahra LEP 1995.

On the 17 November, NSW Health withdrew the DA prior to the meeting of the Sydney East Regional Planning Panel.

This planning proposal arises from a resolution Council made on 11 October 2010, which was that 'a planning proposal be prepared to list the site containing *Duntrim* as a heritage item under Schedule 3 of the Woollahra LEP 1995'. An interim inventory sheet listing has been prepared by Council's Heritage Officer and is included as **attachment 4**.

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 objective, which is to secure statutory protection for the property to ensure its heritage values will be protected and conserved under state law. Listing the building and grounds as a heritage item –

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

Nevertheless, there has been overwhelming local community interest in, and support for, listing the property and preserving the historic *Duntrim* and its established grounds.

Section B – 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 *Duntrim* and its grounds as a heritage item. It does not involve a change in land use zone nor 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 as heritage items and sites is consistent 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 5).

Section C – 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 nor 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 a building and grounds of local heritage significance. There has been demonstrated support from local residents and local community groups through the submissions to the Council's Development Control Committee meeting.

NSW Health has made it clear that it no longer requires use of the site and wishes to dispose of the property. The intention of the DA was to give certainty to future developers and minimise various constraints upon future development. The Councillors have taken all submissions into consideration when making their decision to proceed with the planning proposal.

Section D – 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?**

This section will be completed following consultation with those State and Commonwealth public authorities that may be identified in the gateway determination. It is expected that consultation will occur with the Heritage Branch of the Department of Planning.

Part 4 – Community consultation

Consistent with part 4.5 of *A guide to preparing local environmental plans*, Council's policy and due to significant community interest in this matter, an exhibition period of 28 days is intended. Public notification of the exhibition will comprise:

- an advertisement in the Council's information page which appears in the local newspaper,

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- a notice on Council's website, and
 - a letter to the owner of 37 Darling Point Road, Darling Point and to the owners of land in the vicinity of the site.

During the exhibition period, the planning proposal, gateway determination and other relevant documentation (including an information brochure) will be available on Council's Customer Service Centre and on the Council's website.

Attachment 1
Heritage conservation map

Attachment 2
Council's Heritage Officer's report on application for demolition

Attachment 3
Council's Trees and Landscaping Officer's report on application for demolition

Attachment 4
Council's interim heritage inventory listing sheet

Attachment 5

Compliance with section 117 directions

Planning proposal – 37 Darling Point Road, Darling Point		
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 the building and grounds as a heritage item. 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	The land is zoned Residential 2(b). The planning proposal will not change the land use zone applying to the land. Statutory development standards applying to the land will not be altered.
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 – 37 Darling Point Road, Darling Point Compliance with section 117 directions		
Direction		Applicable/comment
3.4	Integrating land use and transport	The planning proposal will not alter or remove the Residential 2(b) applying to the zone. The 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.

Images of proposed item located at 37 Darling Point Road, Darling Point



Main façade of Duntrim, northern end, showing projecting main bay and stone arch entrance



Main façade of Duntrim, southern end and approach



View of main façade and driveway approach, showing significant garden elements



Main façade of Duntrim, southern end showing stone bay and significant garden elements



Part view of southern elevation of Duntrim



Part view of southern elevation of Duntrim



Part view of rear (east) elevation of Duntrim



Part view of rear (east) elevation of Duntrim



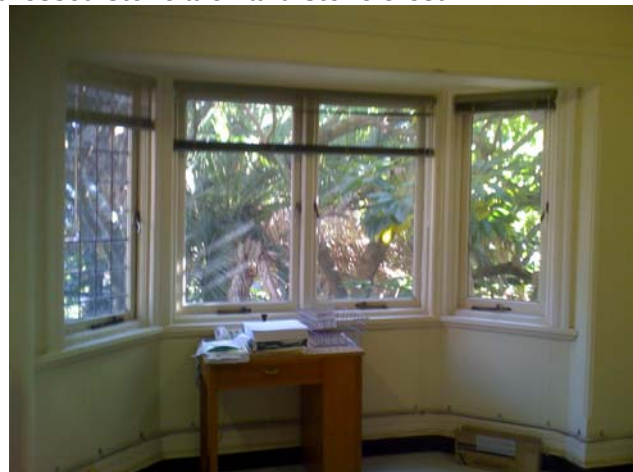
North-eastern corner of Duntrim showing stone arched verandah and gable detail



Detail of north-east stone verandah showing dressed stone arch and stone crest



Interior details: large decorative timber fireplace to ground floor room



Interior details: bay window to first floor main facade



Interior details: fireplace and leadlight windows to upstairs room



Interior details: view of enclosed balcony to upper level



Garden features associated with main facade



Large fig tree to perimeter