

Director City Planning Report No. CP7/18



Subject: Dudley Street Heritage Conservation Boundary Extension and inclusion of Local Heritage Items

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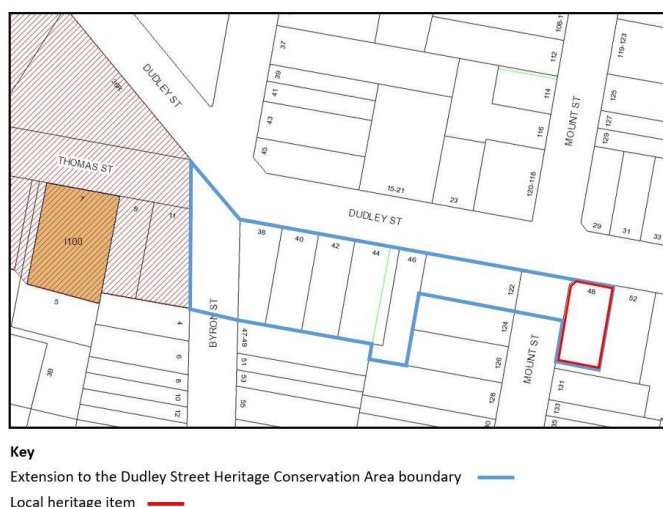
Introduction

Council at its Ordinary Council Meeting of 28/02/2017 resolved the following:

RESOLUTION: (Matson/Shurey) that:

1. the item at No 48 Dudley Street be placed on the heritage schedule of the Randwick LEP, with the appropriate provisions for protection and management of the item;
2. the heritage schedule and heritage map of the Randwick LEP be amended to include the proposed extension of the Dudley Street Heritage Conservation Area to include the site at 48 Dudley Street and the properties fronting the southern side of Dudley Street in the block between Mount and Byron Street;
3. Council commence preparation of a planning proposal for submission to the Department of Planning and Environment concerning both the above-mentioned amendments; and
4. subject to the Gateway review and outcome, commence the exhibition of the LEP and community consultation.

The map provided below illustrates the Council resolution to extend the Dudley Street Heritage Conservation Area and 48 Dudley Street, Coogee.



The heritage significance of these properties was identified through various heritage reports commissioned to support the listing of 48 Dudley Street, Coogee which was

subject to an Interim Heritage Order (IHO) in 2016. The IHO was later revoked by the NSW Land and Environment Court in April 2017 as the property did not warrant local heritage significance. The building at 48 Dudley Street, Coogee has since been demolished.

A subsequent heritage report (Attachment 1) has identified the properties 38, 42 and 44 Dudley Street, Coogee and 122 Mount Street, Coogee as potential items of local heritage significance that warrants heritage listing in the RLEP.

This report identifies that the residences of 38, 42 and 44 Dudley Street, Coogee and 122 Mount Street, Coogee have local heritage significance under a number of heritage assessment criteria and, accordingly, qualifies the properties for inclusion in the RLEP as items of local heritage significance. It is recommended that the RLEP be amended by placing the above items on the heritage schedule of the RLEP and to amend the RLEP heritage map accordingly.

The Planning Proposal process will involve the preparation and submission of a planning proposal to the Greater Sydney Commission (GSC). Currently the Department of Planning and Environment (DPE) has delegation to prepare the determination on behalf of the GSC. The Planning Proposal will essentially address the strategic merit of the proposed amendment to the GSC/DPE for a Gateway determination. The GSC/DPE will assess the proposal and if it is determined that a proposal should proceed, a Gateway determination will be issued and the matter will be returned to the Council as the relevant planning authority (RPA) to finalise in accordance with any conditions imposed by the Gateway process and also proceed to public consultation.

Issues

Background Summary Table
<p><u><i>Interim Heritage Order (IHO)</i></u></p> <p>On 8 September 2016, an IHO was placed on the building and curtilage at 48 Dudley Street, Coogee following Council's Heritage Planner's opinion that the subject building warranted further investigation to determine its level of heritage significance.</p> <p>At the time the IHO was issued, the building was under threat of demolition based on a Complying Development Application for its proposed demolition. Accordingly, if an IHO had not been placed on the building, the certifier may have proceeded to issue a certificate allowing for the demolition of the building. The site was also the subject of a development application for the demolition of existing structures, construction of a 4 storey residential flat building containing 11 dwellings, basement car parking for 16 vehicles, landscaping and associated works.</p>
<p><u><i>Heritage Assessment</i></u></p> <p>An independent heritage assessment of the site was subsequently carried out by GML Heritage in January 2017 for Randwick Council, in accordance with the standard heritage significance criteria and gradings of the NSW Heritage Office publication <i>Assessing Heritage Significance</i>, 2001.</p> <p>While the assessment did not recommend listing 48 Dudley Street as a heritage item under the RLEP 2012 (as the property did not meet State Heritage Register (SHR) criteria at a local level), it identified that the site together with a number of properties fronting the southern side of Dudley Street (between Mount and Byron Streets), have contributory value based on their architectural character and as evidence of early twentieth century residential development characterising this part of Coogee.</p> <p>The assessment accordingly recommended that the boundary of the Dudley Street</p>

Heritage Conservation Area be adjusted to include 48 Dudley Street and the properties along the southern side of Dudley Street between Mount and Byron Streets (properties being 38, 40, 42, 44 and 46 Dudley Street, Coogee and 122 Mount Street, Coogee).

In January 2017, a peer review of the GML heritage assessment was undertaken by Colin Brady Architecture + Planning, in line with the aforementioned NSW Heritage Office criteria.

The Colin Brady assessment concluded that the subject site *does* qualify for inclusion in the RLEP 2012 as an item of local heritage significance, meeting the NSW Heritage Office criteria of historic, aesthetic and social significance.

The assessment concurred with the GML assessment that the consistent grouping of residences of similar aesthetic forms in Dudley Street, warrants inclusion in the Dudley Street HCA, together with the site 48 Dudley Street, Coogee.

In June 2017, Colin Brady Architecture + Planning undertook a further report on the Dudley Street Conservation Area extension. The report recommended that the Dudley Street HCA is extended east to encompass the existing sites of 38, 40, 42, 44 and 46 Dudley Street, Coogee and 122 Mount Street, Coogee. The residences at 38, 42 and 44 Dudley Street and 122 Mount Street, Coogee are also identified as being significant to warrant being listed local heritage items.

Council Resolution to extend heritage conservation area and list 48 Dudley Street, Coogee as a local heritage item.

Council considered both heritage assessments at its meeting on 28 February 2017 where it was resolved that 48 Dudley Street be placed on the heritage schedule of the RLEP 2012 and that the boundary of Dudley Street HCA be extended to include 48 Dudley Street, Coogee together with properties fronting the southern side of Dudley Street in the block between Mount and Byron Street.

Land and Environment Court decisions

An appeal was lodged by Strebora Pty Ltd (the owner of 48 Dudley Street, Coogee) pursuant to 30(1) of the *Heritage Act 1977 (NSW)* (Heritage Act) against the making of an IHO by Randwick City Council over the property at 48 Dudley Street, Coogee. The IHO on 48 Dudley was later revoked by the court case ruling in April, 2017. 48 Dudley Street was then demolished under a complying development certificate approval. The proposed development for the site was also refused by the court.

Local Heritage Items

The heritage significance of the properties 38, 42, and 44 Dudley Street, Coogee and 122 Mount Street, Coogee are outlined in the attached Draft Heritage Data Forms (See attachment 2, 3, 4 and 5) prepared by Colin Brady Architecture + Planning. These inventory sheets have been prepared in accordance with the Heritage Branch SHR data base standards. Provided below is a map illustrating the adjusted Dudley Street Heritage Conservation Area boundary extension (excluding 48 Dudley Street, Coogee) and the identified proposed items of local heritage significance.

**Key**

Proposed extension to the Dudley Street Heritage Conservation Area boundary



Proposed local heritage items

**Community Consultation**

As a preliminary consultation measure, in March 2018 letters were sent to the property owners of 38, 40, 42, 44 and 46 Dudley Street, Coogee and 122 Mount Street, Coogee to advise them of the Council resolution to extend the Dudley Street Heritage Conservation Area and the proposed heritage listing of 38, 42 and 44 Dudley Street and 122 Mount Street, Coogee. Council was contacted by an individual on behalf of one of the property owners of the affected properties and they were generally supportive of the listing. Council received one written submission from the property owner of 38 Dudley Street, Coogee. The owner objects to the proposed listing on the basis that:

- At the time of purchase of this property, he was not aware of Council's intention to include his property as an item of environmental heritage, and
- The potential listing denies him property rights.
- The owner states that he will be commencing preparation of a preliminary design to propose works to the subject property and that the current guidelines will be the basis for the development application.

The Council should note that should the Gateway determination be issued by the Minister of Planning it will outline the consultation requirements which would give the opportunity for effected properties to comment on the Planning Proposal.

Heritage Planner Comments

Council's Heritage Planner, Ms Lorraine Simpson is in agreement with Mr Colin Brady of Architecture + Planning's assessment that the properties 38, 42 and 44 Dudley Street, Coogee and 122 Mount Street, Coogee are of local heritage significance and that the Dudley Street Heritage Conservation Area should be extended to include 38, 40, 42, 44 and 46 Dudley Street, Coogee and 122 Mount Street, Coogee.

Relationship to City Plan

The relationship with the City Plan is as follows:

Outcome 7: Heritage that is protected and celebrated
 Direction 7a: Our heritage is recognized, protected and celebrated

Financial impact statement

The costs to date associated with the heritage assessments has been \$15,340.00 (approximately). The costs associated with progressing the Planning Proposal would be accommodated within Council's operational budget.

Conclusion

The assessment of the heritage significance of 38, 42 and 44 Dudley Street Coogee and 122 Mount Street, Coogee prepared by Colin Brady indicates that, on a number of heritage assessment criteria, the residences at 38, 42 and 44 Dudley Street, Coogee and 122 Mount Street, Coogee are worthy as items of local heritage significance. Accordingly, it is recommended that a Planning Proposal be prepared and the items be placed on the heritage schedule of the Randwick LEP and that the Dudley Street Heritage Conservation Area boundary be extended. In summary, the Colin Brady heritage assessment provides a sound basis for Council to form the opinion that the item at 38, 42 and 44 Dudley Street, Coogee and 122 Mount Street, Coogee are of local heritage significance.

Recommendation

That Council:

1. Amend the provisions under the Randwick LEP 2012 to include No 38, 42 and 44 Dudley Street, Coogee and 122 Mount Street, Coogee on the heritage schedule and that the associated heritage map of the RLEP be amended, and that the Dudley Street Heritage Conservation Area map boundary be extended to include 38, 40, 42, 44 and 46 Dudley Street, Coogee and 122 Mount Street, Coogee;
2. Prepare a draft planning proposal to be forwarded to the Greater Sydney Commission or it's delegate requesting 'Gateway Determination' under section 3.34 of the *Environmental Planning and Assessment Act 1979*;
3. Following 'Gateway Determination' exhibit the draft Planning Proposal in accordance with the conditions of the gateway determination and bring back a report to Council detailing the results of the community consultation for final consideration by Council;
4. Authorise the Director, City Planning to make typographical, grammatical or formatting changes to the documentation.

Attachment/s:

1. Dudley Street Conservation Area Extension Assessment. June 2017, Colin Brady Architecture + Planning
2. 38 Dudley Street Coogee - Draft Heritage Data Form
3. 42 Dudley Street Coogee - Draft Heritage Data Form
4. 44 Dudley Street Coogee - Draft Heritage Data Form
5. 122 Mount Street Coogee - Draft Heritage Data Form