

Planning Services

IRF19/4212

Gateway determination report

LGA	Sutherland Shire
PPA	Sutherland Shire Council
NAME	Proposal to identify 65 Hotham Road, Gymea as a heritage item of local significance.
NUMBER	PP_2019_SUTHE_004_00
LEP TO BE AMENDED	Sutherland Shire Local Environmental Plan 2015
ADDRESS	65 Hotham Road, Gymea
DESCRIPTION	Lot 24A DP 26995
RECEIVED	27 May 2019
FILE NO.	IRF19/18809
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required

1. INTRODUCTION

1.1 Description of planning proposal

The proposal seeks to the site at list 65 Hotham Road, Gymea as a heritage item of local significance in Part 1 Heritage items of Schedule 5 Environmental Heritage of Sutherland Shire Local Environmental Plan 2015 (LEP 2015), and to amend the Heritage Map accordingly.

Justification for the proposed listing is provided in the accompanying Heritage Assessment Review by Architectural Projects.

1.2 Site description

The subject site is legally described as Lot 24A in DP 26995 and has an area of 1625sqm. It forms part of a larger hospital site, being the President Private Hospital.

The hospital encompasses the lots adjoining the north and south, including a 1970s era single storey building to the south (**Figure 1**, next page).

The proposal site contains a single storey house converted for use as a part of the President Private Hospital and a single access driveway that connects to the rear car parking areas of the site. A grassed setback containing a circular concrete path and a driveway fronts the house to Hotham Road (**Figure 2**, next page). A paved car park is located to the rear of the house.



Figure 1: Subject site aerial (Source: SIX Maps)



Figure 2: East elevation from Hotham Road (Source: Google)

1.3 Existing planning controls

Under LEP 2015 the site is Zone SP1 Special Activities (**Figure 3**, next page) which permits with consent aquaculture, roads and the purpose shown on the map, Health Services Facility, and any development that is ordinarily incidental or ancillary to development for that purpose.

No floor space ratio or maximum height is shown for the land in SSLEP 2015, and no heritage items are located in the immediate vicinity.

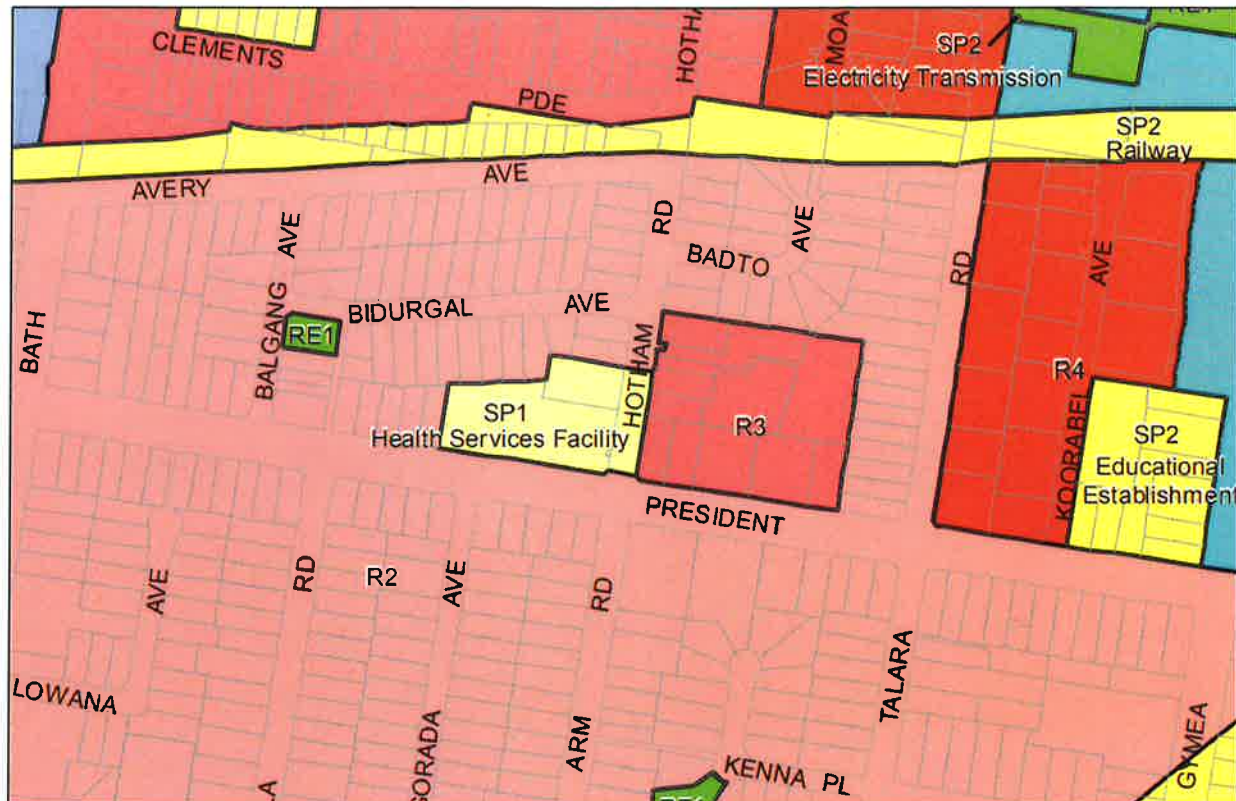


Figure 3: Land zoning map (Source: SSLEP 2015)

1.4 Surrounding area

The site is in a predominantly residential area. West of the hospital site largely consists of dwelling houses, while the east mostly consists of dual occupancies and multi-dwelling housing. The site is adjoined by a house converted for the hospital's use to the north (**Figure 1**).

The remainder of the hospital site to the south comprises a modern single level building and a at grade car parking area with direct access from Hotham Road.

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions.

The planning proposal will list the subject site as a heritage item to ensure the ongoing conservation of the property.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to designate the house at 65 Hotham Road, Gyme as a heritage item of local significance in Sutherland Shire LEP 2015.

2.2 Explanation of provisions

The explanation of provisions clearly describes the LEP amendments required to achieve the objective of the planning proposal.

The proposed LEP amendment is to add and describe the site as follows under Schedule 5 Environmental Heritage of LEP 2015:

Suburb: Gymea

Item name: 'Hotham House' – house and garden

Address: 65 Hotham Road Gymea

Property description: Lot 24A DP 26995

Significance: Local

Item no: 1510

2.3 Mapping

The planning proposal involves an amendment to the Heritage Map under LEP 2015 to identify the site as an item of heritage significance.

Indicative mapping has been included with the planning proposal, which is deemed adequate for community consultation.

Mapping prepared in accordance with DPE technical guidelines will be required for submission at the making of the LEP under Section 3.36 of EP&A Act.

3. BACKGROUND

In 1993, Sutherland Shire Council engaged Perumal Murphy Wu to undertake a comprehensive heritage review. The review identified the existing house at the site as having local heritage significance for being a good example of a large individually designed Inter-War brick house. At that time, Council did not list the property at the request of the landowner.

In the preparation of LEP 2015, Council identified the house for heritage listing, however an objection to the listing was made by the landowner. Upon review of the proposed LEP by an independent panel, the inclusion of the house as a heritage item of local significance was not supported and Council did not pursue its listing.

In 2018, a development application (DA18/0788) was lodged with Council for alterations and additions to President Private Hospital, including demolition of the house at 65 Hotham Road. In response to exhibition of the proposal, 84 submissions were made objecting to demolition of the house. The application was withdrawn in 2019.

Prior to withdrawal of the development application, Council resolved to apply an Interim Heritage Order (IHO) to the house and its curtilage. The Order was published in the NSW Government Gazette on 23 November 2018 with a lapse date six months later.

Council also resolved to commission a heritage assessment of the site. Architectural Projects was appointed to conduct the assessment and to recommend whether the site warrants statutory listing. The assessment concludes that the house and garden meet the threshold for listing as a heritage item in SSLEP 2015 (See Section 4 below for more detail).

At its meeting of 19 March 2019, the Sutherland Shire Local Planning Panel advised Council that it supports the listing proceeding to gateway. Council resolved to proceed with preparation of the planning proposal for gateway determination at its

meeting of 15 April 2019, and defeated a rescission motion of that resolution at the meeting of 20 May 2019.

In April 2019, the landowner of the site requested the Secretary's Environmental Assessment Requirements (SEARs) for the preparation of an environmental impact statement (EIS) for a State Significant Development Application (SSDA). The SSDA application proposes alterations and additions to the President Private Hospital, including demolition of the dwelling at the subject proposal site, a new three storey building and two carparks. In its submission to the SEARs request, Council raised the issue of the IHO and Council's resolution to forward the planning proposal for Gateway Determination for listing of the house. The SEARs were issued on 28 May 2019 and include the requirements to provide a statement of significance and an assessment of the development's impact on the heritage significance of any heritage items or draft heritage items on the site.

The planning proposal was received on 27 May 2019.

4. NEED FOR THE PLANNING PROPOSAL

The planning proposal is the result of a Heritage Assessment Review prepared by Architectural Projects. The assessment report states that it adopts the methodology for heritage assessment recommended by the former NSW Heritage Office. In its Assessment of Significance, the report considers that the house and garden meet the threshold for listing in the following manner:

Criterion A – Historical significance

The 1912 house and site have historic significance at a local level for their ability to evidence an early poultry farm in the Sutherland Shire and the early leasehold rural development and occupation of the Holt Sutherland estate.

The report asserts that the Hotham Farm at the subject site represents the most successful primary industry in the district and is a landmark business of local and state importance.

In addition, the report considers that the house was an important social centre for local people in an isolated area. For instance, the ballroom was used to host parties and Parish dances and balls.

Criterion B – Historic associational significance

The house has historic associational significance through association with the Hotham Farm and its owners.

Arthur Tildesley built the house and established Hotham Farm in 1912, which was at one time the largest poultry farm in the state. Tildesley was well known locally and was found guilty of stealing funds from a building society in a court case which attracted interest in the press.

The subsequent owners, Frederick Turner and then Joseph King, made significant advances in the poultry farming industry.

Criterion C – Aesthetic significance

The house and garden have local aesthetic significance as a fine and substantial example of a late Federation period house constructed in the Federation Bungalow style in a garden setting, to which the circular path contributes.

Criterion D – Social significance

The house has local social significance because of its former uses and rarity.

Criterion F – Rarity significance

The house has local rarity significance because few original rural homesteads survive in the locality and since the ballroom is a rare element for this type of residence and for the wider LGA.

Criterion G – Representative significance

The house and garden setting have local representative significance for being a fine example of a substantial and intact federation bungalow.

Integrity

The house and garden have a high integrity since they are substantially intact, other than the rear skillion wing.

Grading of Significance

The significance attaches primarily to the original hipped roof residence with a wrap around verandah and central stair, and to the gabled ballroom addition. The report also notes the contribution of the house's detailing and its front lawn setting with planting and a circular path.

Given the conclusion of the Heritage Assessment Review that the house and garden meet the threshold for heritage listing, the planning proposal is considered to be justified.

A planning proposal is the best way to assess, and if so required, conserve the heritage significance of the house and garden.

The landowner made a submission to the Department, which includes a letter of objection to the planning proposal and an accompanying peer review of the Architectural Projects Heritage Assessment Review. The Department considers that the community consultation process following the Gateway Determination is the appropriate opportunity for objections to be raised and considered.

5. STRATEGIC ASSESSMENT

5.1 State

A Metropolis of Three Cities – the Greater Sydney Region Plan

In March 2018, The Greater Sydney Commission published the Region Plan which aims to coordinate the growth of Sydney. The Region Plan contains specific objectives for Metropolitan Sydney for the next 40 years and informs the actions and directions of District Plans.

Objective 13 Environmental heritage is identified, conserved and enhanced is relevant to the planning proposal. The objective outlines the following strategy:

- engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
- applying adaptive re-use and interpreting heritage to foster distinctive local places

- managing and monitoring the cumulative impact of development on the heritage values and character of places.

The planning proposal is consistent with the Region Plan since it will enable further community consultation about the heritage values of the subject site and its local significance.

5.2 District

South District Plan

The South District Plan gives effect to the Region Plan and encompasses the Sutherland Shire LGA.

The planning proposal is consistent with the relevant outcomes and directions in the plan, including Planning Priority S6, which seeks to deliver on Objective 13 of the Region Plan by creating and renewing great places and local centres, and respecting the District's heritage.

Action 20 of Planning Priority S6 is to identify, conserve and enhance environmental heritage by:

- a) engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
- b) applying adaptive re-use and interpreting of heritage to foster distinctive local places
- c) managing and monitoring the cumulative impact of development on the heritage values and character of places.

The planning proposal is consistent with Action 20 because it seeks to implement the appropriate statutory mechanisms required to consult about and conserve the heritage significance of the subject site.

5.3 Local

Sutherland Shire Council's Community Strategic Plan, *Our Community Plan*, outlines the community's aspirations and long-term vision.

The planning proposal is consistent with *Outcome 4: Sutherland Shire: A culturally rich and vibrant community* and the relevant strategies, *4.1 Create and strengthen community connections through shared cultural experiences* and *4.11 Identify and appreciate places, spaces and stories that contribute to our Sutherland Shire identity* because:

- the planning proposal will provide a mechanism for the community to be consulted about the heritage significance of the site, and if appropriate, ensure that the site is conserved for future appreciation.
- The planning proposal will enable processes, including consultation and assessment, which further the understanding of the locality and Sutherland Shire.

5.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant Section 9.1 Ministerial Directions, including Direction 2.3 Heritage Conservation.

Direction 2.3 aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Of relevance to this assessment is that the Direction requires a planning proposal to contain provisions that facilitate conservation of items, places or buildings of environmental heritage significance to an area, in relation to its value identified in a study.

The planning proposal is consistent with the Direction because it contains provisions which facilitate the conservation of the house and garden at the subject site, as identified in the Heritage Assessment Review.

Other than amending Schedule 5 and the Heritage Map to list the heritage item, the planning proposal will not alter the existing heritage conservation provisions of SSLEP 2015, which are already consistent with this Direction.

Therefore, the proposal is considered consistent with Direction 2.3.

5.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

6. SITE-SPECIFIC ASSESSMENT

6.1 Social

The planning proposal is considered to provide a positive social outcome for the community since it will facilitate public consultation and further assessment of the heritage significance of the subject site. This further consultation is of importance to the community given both the objections raised to demolition of the house in the withdrawn development application, DA18/0788, and the evidence of the landowner's intent to develop the site evidenced by the recent request for SEARs in SSD-10320. As a result, a greater understanding of the site's heritage significance and if appropriate, its conservation will occur as a consequence of the planning proposal.

6.2 Environmental

The planning proposal will enable further consideration of whether the house and garden should benefit from the greater environmental protection afforded by listing as a heritage item. If listed, future development applications pertaining to the item will have to take into consideration the effect of the works upon its heritage significance. In addition, future applications pertaining to the site under SEPP (Exempt and Complying Development Codes) 2008 will also require consideration of the heritage significance of the item. This will necessitate the lodgement of a development application to the relevant consent authority for its demolition.

The planning proposal is not considered to cause any adverse effects upon the environment.

6.3 Economic

SEARs have been issued for a development proposal at the subject site, which includes demolition of the proposed heritage item. The assessment of the SSDA must take into consideration the impact of the proposal upon an item or a draft item of environmental heritage in SSLEP 2015. By providing the planning proposal with a Gateway Approval, the house and garden will become a draft item of environmental

heritage. Listing the item, if appropriate, will provide an opportunity for its further restoration and adaption in the redevelopment of the site. Given the large size of the hospital site and the position of the house more than 40 metres north of the President Avenue boundary, listing the house and garden is not considered to unreasonably restrict future development.

7. CONSULTATION

7.1 Community

Council recommends a community consultation process, including consultation with the landowner, and a public exhibition period of 28 days. In light of the community interest in development at the site, the period of 28 days is considered appropriate.

A condition of the Gateway Determination is recommended to require landowner consultation.

7.2 Agencies

Consultation with the Office of Environment and Heritage is recommended following the Gateway Determination as the proposal involves an assessment of heritage significance.

8. TIME FRAME

Council proposes a timeframe of approximately six months which is considered appropriate to allow sufficient time for community consultation and reporting to Council.

9. LOCAL PLAN-MAKING AUTHORITY

Council states that it is willing to exercise an authorisation to be the plan making authority for the planning proposal.

Given the significant community interest in development previously proposed at the subject site, and the objection to the planning proposal made by the landowner to Council, it is recommended that Council not be authorised to be the plan making authority.

10. CONCLUSION

The planning proposal is supported to proceed subject to conditions, as outlined below. The planning proposal is consistent with the Region Plan and the South District Plan as it provides for conservation of the heritage significance of the site.


11. RECOMMENDATION

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation with the landowner is required during exhibition.
3. Consultation is required with the Office of Environment and Heritage.
4. The time frame for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

 24/6/19

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