

Planning and Assessment

IRF20/2971

Gateway determination report

LGA	Woollahra		
PPA	Woollahra Municipal Council		
NAME	Listing of the Rose Bay Scout Hall (including interiors) as		
	a local heritage item.		
NUMBER	PP_2020_WOOLL_008_00		
LEP TO BE AMENDED	Woollahra Local Environmental Plan 2014		
ADDRESS	3 Vickery Avenue, Rose Bay		
DESCRIPTION	Lots 1536 and 1537 in DP 40022 and Lot 1475 in DP		
	752011		
RECEIVED	2 June 2020		
FILE NO.	IRF20/2971		
POLITICAL	There are no donations or gifts to disclose and a political		
DONATIONS	donation disclosure is not required.		
LOBBYIST CODE OF	There have been no meetings or communications with		
CONDUCT	registered lobbyists with respect to this proposal.		

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Woollahra Local Environmental Plan (LEP) 2014 to list the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay as a local heritage item.

1.2 Site description

The Rose Bay Scout Hall (**Figure 1** to **4**) is located at 3 Vickery Avenue, Rose Bay. The subject site is described as Lots 1536 and 1537 in DP 40022 and Lot 1475 in DP 752011. The site (**Figure 5**) is bounded by Vickery Avenue to the north-east, north-west and south-west and by Club Rose Bay (RSL) to the south-east.

The Scout Hall building, which was constructed in 1940, was designed by architect Charles Mack Walker for the Rose Bay Scouts and Rose Bay Sea Scouts. It is a freestanding part one- and part two-storey timber framed and weatherboard clad structure, with a brick amenities block attached to the south-western elevation of the building (**Figure 3**).

The site is surrounded by a metal mesh boundary fence with a hard-paved car parking area in front of the Scout Hall.



Figure 1: Rose Bay Scout Hall – front (north-eastern) elevation (source: Weir Phillips Heritage and Planning).



Figure 2: Rose Bay Scout Hall – side (north-western) elevation (source: Weir Phillips Heritage and Planning).



Figure 3: Rose Bay Scout Hall - rear (south-western) elevation and brick amenities block (source: Weir Phillips Heritage and Planning).



Figure 4: Interior of the hall within the single-storey section of the building (source: Weir Phillips Heritage and Planning).



Figure 5: Aerial photograph with the subject site outlined in red (source: Nearmap).

1.3 Existing planning controls

The site is subject to the following planning controls under the Woollahra LEP 2014:

	Land Use Zone	Height of Building	Minimum Lot Size	Heritage
Rose Bay Scout Hall	RE1 Public Recreation	Not applicable	Not applicable	Not Applicable



Figure 6: Woollahra LEP 2014 Land Zoning Map with the subject site outlined in red.

The subject site is not listed on the NSW State Heritage Register (SHR), nor is it identified as a local heritage item or located within a heritage conservation area under Schedule 5 of the Woollahra LEP 2014 (**Figure 7**).



Figure 7: Woollahra LEP 2014 Heritage Map with the subject site outlined in green.

1.4 Surrounding area

The subject site is located within the suburb of Rose Bay, close to Sydney Harbour foreshore.

To the north on the opposite side of Vickery Avenue is the Woollahra Sailing Club. Rose Bay Beach, the Cranbrook School Boat House and Tingira Memorial Park are located to the east of the site across Vickery Avenue. To the south is Club Rose Bay (RSL) and the Lyne Park tennis courts. To the west is a public car park and Lyne Park. Refer to **Figure 8** for an aerial view of the surrounding uses in the locality.

The site is located directly adjacent to two local heritage items. Item 319 - *Site of former Rose Bay Flying Boat Base* (now forming part of Lyne Park and the Woollahra Sailing Club), is located to the north of the subject site. Item 337 - *5 Norfolk Island Pines*, are located to the east along Vickery Avenue.

To the south across New South Head Road, there are several heritage items including Item 318 - *Royal Sydney Golf Club*, Item 323 – *House and interiors* and Item 330 – *Bus stop shelter, former tram stop.* The Kent Road Heritage Conservation Area (C11) is also located on the southern side of New South Head Road (**Figure 7**).



Figure 8: An aerial image of the surrounding uses in the locality with the subject site outlined in red (source: Nearmap).



Figure 9: The view looking south-east down Vickery Avenue, with the Cranbrook School Boat House on the left and two of the heritage listed Norfolk Island Pines and Club Rose Bay in the background (source: Weir Phillips Heritage and Planning).



Figure 10: The Rose Bay Scout Hall as viewed from the north-east, with a heritage listed Norfolk Island Pine to the left and the site of the former Rose Bay Flying Boat Base (now Woollahra Sailing Club) to the right (source: Weir Phillips Heritage and Planning).

1.5 Summary of recommendation

It is recommended that the planning proposal to list the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay, as a local heritage item proceed subject to conditions as:

- The proposed heritage listing is supported by a heritage assessment report, which determined that the Rose Bay Scout Hall (including interiors) is of local heritage significance. The heritage assessment was undertaken in accordance with the NSW Heritage Office Guidelines;
- The proposal will recognise and provide on-going protection of the heritage significance of the Rose Bay Scout Hall including its interiors; and
- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans, and relevant State Environmental Planning Policies and Section 9.1 Directions.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objective of the planning proposal is to recognise the heritage significance of the Rose Bay Scout Hall, including its interiors, at 3 Vickery Avenue, Rose Bay and to provide statutory protection for the item.

2.2 Explanation of provisions

The planning proposal seeks the following amendments to Woollahra LEP 2014:

- Insert a listing for the Rose Bay Scout Hall (including interiors) in Part 1 *Heritage Items* of Schedule 5 *Environmental Heritage*. The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER_005) to identify a heritage item on the site of the Rose Bay Scout Hall at 3 Vickery Avenue, Rose Bay.

The explanation of provisions are clear and do not require amendment prior to community consultation.

2.3 Mapping

The planning proposal amends the Woollahra LEP 2014 Heritage Map (Sheet HER_005) by applying an "Item – General" classification to the Rose Bay Scout Hall (including interiors).

Part 7 – Mapping of the planning proposal includes extracts of the existing and proposed heritage maps (**Figure 11** and **Figure 12**).



Figure 11: Extract from the existing Woollahra LEP 2014 Heritage Map (Sheet HER_005).

Figure 12: Extract from the proposed Woollahra LEP 2014 Heritage Map (Sheet HER_005).

The mapping in the planning proposal is adequate for community consultation. Prior to exhibition, the planning proposal should be revised to include a note that the item number is indicative only at this stage and will be confirmed upon finalisation. A condition to address this will be included in the Gateway determination.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is based on the recommendations of the heritage assessment prepared by Weir Phillips Heritage and Planning (**Attachment D**). The report concluded that the Rose Bay Scout Hall (including interiors) is of local heritage significance and meets the criteria for listing as a local heritage item.

The assessment was undertaken in accordance with the NSW Heritage Office Guidelines, *Assessing Heritage Significance*. The key findings of the assessment were:

• **Historic significance** - The Rose Bay Scout Hall has historic significance at a local level as a purpose-built Scout hall which, except for a four-year period during World War II, has been occupied by Scouts since 1940. It is one of two Inter-War period purpose-built Scout halls in the Woollahra area still in use.

The Scout Hall may have State and National significance under this criterion for its association with the Rose Bay Flying Boat Base, established in the late 1930s as part of the Empire Air Scheme and was one of Australia's most important air bases. While the Scout Hall was not purpose built for the Flying Boat Base, it appears to be the only surviving, substantial above-ground structure associated with it.

• **Historical association** – The Scout Hall has significance for its association with the Australian Scouting movement.

The hall has significance for its association with the Royal Australian Airforce (RAAF). For a period of four years during World War II, it formed part of the

Flying Boat Base. This part of the hall's history requires further in-depth research.

- Aesthetic significance The building is an example of an Inter-War period Scout Hall. Unlike many Scout halls, the building was architecturally designed and makes reference to its bayside setting with the use of porthole windows.
- **Social significance** The Scout Hall is likely to have significance for Scouts (and Girl Guides and Brownies) past and present who have used it.

The hall may also have significance for World War II veterans associated with the Rose Bay Flying Boat Base and their families.

• **Rarity** – The Scout Hall is one of numerous Scout halls from the Inter-War period to survive across New South Wales; however, two-storey examples are less common than their single storey counterparts.

The Scout Hall is the only substantial above-ground structure to survive which is associated with the Rose Bay Flying Boat Base.

• **Representativeness** - The building is a fine example of a purpose-built Inter-War period Scout hall. It demonstrates an association with its bayside setting with the inclusion of porthole windows.

Although not erected by the RAAF, the building is typical of the weatherboard structures associated with World War II aerodromes.

The objective of the planning proposal is to recognise and provide the statutory mechanism to protect the heritage significance of the Rose Bay Scout Hall (including interiors).

The planning proposal states that the best and only means of achieving this objective is through an amendment to the Woollahra LEP 2014 to list the Scout Hall as a local heritage item.

Alternative options, such as adding site-specific objectives and controls to the Woollahra Development Control Plan 2015 or including heritage conservation conditions to a development consent will not provide the same level of heritage protection and recognition. Therefore, the planning proposal process is the best means for protecting the site.

4. STRATEGIC ASSESSMENT

4.1 State

Greater Sydney Region Plan

In March 2018, the Greater Sydney Commission released the Greater Sydney Region Plan – *A Metropolis of Three Cities*, which aims to manage and coordinate growth in Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

Of particular relevance in the Region Plan is '*Objective 13: Environmental heritage is identified, conserved and enhanced*.' This objective seeks to protect heritage for its social, aesthetic, historic and environmental values.

The planning proposal is consistent with the above objective as the listing of the Rose Bay Scout Hall (including interiors) will provide ongoing protection and recognition of its heritage significance.

4.2 Regional / District

Eastern City District Plan

The Eastern City District Plan operates to give effect to the Region Plan. The Eastern City District Plan encompasses the Woollahra LGA.

The planning proposal is consistent with the relevant directions, priorities and objectives of the Plan, as outlined in the table below:

Planning Priority	Objective	Action	Proposal Consistency
E6 Creating and renewing great places and local centres, and respecting the District's heritage	Objective 13 Environmental heritage is identified, conserved and enhanced.	20. 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	The proposal is consistent with the District Plan as it seeks to provide the statutory mechanism to protect and respect the District's heritage. The proposal will recognise the heritage value of the Rose Bay Scout Hall through listing on the Woollahra LEP 2014 as a heritage item.
E13 Supporting growth of targeted industry sectors	Objective 24 Economic sectors targeted for success.	 54. Consider the following issues when preparing plans for tourism and visitation: e. protecting heritage and biodiversity to enhance cultural and eco-tourism. 	The proposal will facilitate conservation of the Rose Bay Scout Hall which is the only remaining substantial structure associated with the Rose Bay Flying Boat Base. The heritage listing of the Scout Hall would contribute to cultural tourism and the local economy.

Planning Priority	Objective	Action	Proposal Consistency
E16 Protecting and enhancing scenic and cultural landscapes	cing Scenic and cultural landscapes	63. Identify and protect scenic and cultural landscapes.	The Rose Bay Scout Hall is the only remaining, substantial above-ground structure associated with the Flying Boat Base.
			The Scout Hall, in conjunction with the adjoining heritage item 319 - <i>Site of former Rose Bay</i> <i>Flying Boat Base,</i> could collectively recognise and illustrate the historic use of the locality during World War II and contribute to an understanding of the local history.

When discussing consistency with the District Plan, the planning proposal has inadvertently grouped Action 54 and 63 under Planning Priority E6. Action 54 and 63 fall under Planning Priority E13 and E16 respectively. A Gateway condition is recommended to require revision to the planning proposal to rectify the above prior to exhibition.

4.3 Local

Woollahra 2030 - our community, our place, our plan

The planning proposal is consistent with the Council's Community Strategic Plan titled *Woollahra 2030 – our community, our place, our plan.* In particular, it meets the following strategy within Goal 4 *Well planned neighbourhoods* under the theme *Quality places and spaces*:

• 4.3 Protect our heritage, including significant architecture and the natural environment.

The planning proposal seeks to recognise and protect the heritage value of the Rose Bay Scout Hall (including interiors), which has been found to have local significance in a heritage report. The proposal is considered to be consistent with the above strategy in the Plan.

It is noted that the wording of *Strategy 4.3* in the planning proposal is slightly different to the published version of the Community Strategic Plan. A Gateway condition is recommended to require an update to the planning proposal to ensure consistency with the Community Strategic Plan.

Woollahra Local Strategic Planning Statement (LSPS)

The Woollahra LSPS sets out a 20-year vision and planning priorities for managing future land use and preserving the community's values and special characteristics of the Woollahra LGA.

The planning proposal is consistent with the Woollahra LSPS, particularly with the following planning priority under the theme of *Liveability*:

• Planning Priority 5 - Conserving our rich and diverse heritage

The proposal will facilitate the conservation of the Rose Bay Scout Hall (including interiors), which has been identified as having local heritage significance in a heritage report commissioned by Council.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with the applicable section 9.1 Ministerial Directions, in particular:

Direction 2.3 Heritage Conservation

The Direction applies to the subject planning proposal. It requires that a planning proposal must contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance, as identified in a study of the environmental heritage of the area.

The planning proposal is informed by a heritage assessment prepared by Weir Phillips Heritage and Planning. The assessment was undertaken in accordance with the Heritage Office Guidelines. The report concluded that the Rose Bay Scout Hall (including interiors) meets the criteria for local heritage listing. The planning proposal will facilitate the conservation and protection of the Scout Hall, and is consistent with the Direction.

<u>Others</u>

It is noted that Schedule 2 of the planning proposal has omitted certain Ministerial Directions (these Directions are not directly related to the proposal), while some others are not titled correctly:

- Direction 2.2 Coastal Management incorrectly referred to as "Coastal protection"
- Direction 2.6 Remediation of Contaminated Land omitted
- Direction 3.5 Development Near Regulated Airports and Defence Airfields incorrectly referred to as "Development near licensed aerodromes"
- Direction 3.7 Reduction in non-hosted short term rental accommodation period – omitted
- Direction 5.11 Development of Aboriginal Land Council Land omitted
- Directions 7.4 to 7.10 inclusive omitted

The above are minor administrative matters. To ensure complete information is available to the public, a Gateway condition is recommended to require revision to the planning proposal to include the full list of Ministerial Directions with commentary.

4.5 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs.

Schedule 1 of the planning proposal, which illustrates the consistency of the proposal with the SEPPs, requires an update to remove repealed SEPPs and to make reference to currently applicable SEPPs, as follows:

- SEPP 1 (Development Standards) repealed
- SEPP 44 (Koala Habitat Protection) repealed and replaced with SEPP (Koala Habitat Protection) 2019

- SEPP (Concurrences) 2018 repealed and replaced by SEPP (Concurrences and Consents) 2018
- SEPP (Miscellaneous Consent Provisions) 2007 repealed
- SEPP (Activation Precincts) 2020 omitted
- SEPP (Major Infrastructure Corridors) 2020 omitted

A Gateway condition is recommended to require the planning proposal to be updated to rectify the above issues, prior to exhibition.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal is unlikely to result in adverse social impacts.

The heritage assessment states that the Scout Hall is likely to have significance for Scouts who have used the hall in the past and present. The building may also have significance for World War II veterans associated with the Rose Bay Flying Boat Base and their families.

5.2 Environmental

The planning proposal will not have any adverse impacts on the surrounding environment and there are no critical habitat areas, threatened species, populations or their habitats present on the subject site.

Future development applications for works within or in the vicinity of the Rose Bay Scout Hall will be required to address Clause 5.10 of the Woollahra LEP. The potential impacts on the heritage significance of the Scout Hall will be managed through the development assessment process.

5.3 Economic

The proposal does not change the existing RE1 Public Recreation zoning and is not considered to result in any significant adverse economic impacts.

5.4 Infrastructure

There is no significant infrastructure demand that will result from the planning proposal. The planning proposal does not involve any amendments to the planning controls that will facilitate intensified development. The site has access to adequate public infrastructure such as water, sewer, electricity and transport services.

6. CONSULTATION

6.1 Community

Council proposes a public consultation period of a minimum of 28 days. Having regard to the nature of the planning proposal, this is considered an appropriate timeframe for community consultation.

The consultation would include:

- a notice on Council's website,
- a letter to the landowner of the site,
- a letter to the current lessee,
- a letter to landowners in the vicinity of the site, and
- a letter to local community groups such as the Rose Bay Residents' Association and the Woollahra History and Heritage 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, and
- information relied upon by the planning proposal (such as relevant Council reports).

During the COVID-19 pandemic, Council has the option to exhibit the planning proposal and supporting documents on its website or the NSW Planning Portal, in lieu of making them available at a physical location pursuant to section 10.18 of the *Environmental Planning and Assessment Act*. It is noted that during exhibition, relevant information will be provided on Council's website as well as the customer service area of Council's office.

Consultation with Landowners

The Crown is the landowner of the subject site. The Crown was provided a copy of the draft heritage assessment and draft heritage inventory sheet on 1 November 2019. The landowner and lease holders were given until 2 December 2019 to make a submission. No comments were received.

6.2 Agencies

The proposal states that Council intends to consult with NSW Heritage, Department of Premier and Cabinet during exhibition. This is supported.

It is also recommended that Crown Land, as the landowner of the site, be consulted during exhibition.

7. TIME FRAME

The planning proposal includes a project timeline with a projected finalisation date of December 2020. To allow flexibility for Council to finalise the proposal, a time frame of 12 months for completion is recommended.

A Gateway condition is recommended to require the project timeline to be updated prior to exhibition to reflect the current progress.

8. LOCAL PLAN-MAKING AUTHORITY

Council has requested to be the local plan-making authority for this planning proposal. Having regard to the nature of the proposal, it is recommended that authorisation be granted for Council to exercise the plan making functions under section 3.36(2) of *the Environmental Planning and Assessment Act 1979* in this instance.

9. CONCLUSION

The planning proposal for the listing of the Rose Bay Scout Hall (including interiors) at 3 Vickery Avenue, Rose Bay, as a local heritage item should proceed subject to conditions as:

• The proposed heritage listing is supported by a heritage assessment prepared by Weir Phillips Heritage and Planning for Woollahra Municipal Council, which determined that the Rose Bay Scout Hall (including interiors) is of local heritage significance. The heritage significance assessment was undertaken in accordance with the NSW Heritage Office Guidelines;

- The proposal will recognise and provide on-going protection of the heritage significance of the Rose Bay Scout Hall, including its interiors; and
- The proposal is consistent with the objectives, directions and planning priorities of the Greater Sydney Region Plan, Eastern City District Plan and Council's local strategic plans, and relevant State Environmental Planning Policies and Section 9.1 Directions.

10. 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 is to be amended to address the following matters prior to public exhibition:
 - Include a note to clarify that the heritage item number in the proposed mapping is indicative only and will be confirmed upon the finalisation of the proposal;
 - (b) Revise the information regarding consistency with the Eastern City District Plan under Part 6.2 of the planning proposal by grouping Action 54 and 63 under Planning Priority E13 and E16 respectively;
 - Update wording of Strategy 4.3 of the Community Strategic Plan, Woollahra 2030 – our community, our place, our plan under Part 6.2 of the planning proposal, to ensure consistency with the published version of the Plan;
 - (d) Update Schedule 1 of the planning proposal to address the following:
 - (a) Remove reference to the repealed SEPPs, including SEPP No. 1

 Development Standards, SEPP No. 44 Koala Habitat
 Protection, SEPP (Concurrences) 2018 and SEPP (Miscellaneous Consent Provisions) 2007; and
 - (b) Make reference and provide commentary on the SEPPs currently in force, including SEPP (Koala Habitat Protection) 2019, SEPP (Concurrences and Consents) 2018, SEPP (Activation Precincts) 2020 and SEPP (Major Infrastructure Corridors) 2020.
 - (e) Update Schedule 2 of the planning proposal to:
 - State the correct title of Section 9.1 Directions 2.2 Coastal Management and 3.5 Development Near Regulated Airports and Defence Airfields;
 - (ii) Include reference and commentary on Section 9.1 Directions –
 2.6 Remediation of Contaminated Land, 3.7 Reduction in Non-Hosted Short Term Rental Accommodation Period, 5.11
 Development of Aboriginal Land Council Land, and Directions 7.4 to 7.10 inclusive; and
 - (f) Include an updated project timeline.
- 2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and

- (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
- 3. Consultation is required with the following public authorities / organisations under section 3.34(2)(d) of the Act:
 - NSW Heritage, Department of Premier and Cabinet; and
 - Crown Land, Department of Planning, Industry and Environment.

The public authority / organisation 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.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
- 5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
- 6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

20 August 2020 Simon Ip Manager, Place and Infrastructure Eastern Harbour City Greater Sydney, Place and Infrastructure

Brenden Mitcalfe

21 August 2020 Brendan Metcalfe A/Director, Eastern and South Districts Eastern Harbour City Greater Sydney, Place and Infrastructure

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