

**Item No:** D1  
**Subject:** **PLANNING PROPOSAL - HILLCREST - 780-786 NEW SOUTH HEAD ROAD, ROSE BAY**  
**Author:** Kristy Wellfare, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Development  
**File No:** 20/228997  
**Reason for Report:** To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to list “Hillcrest” at 780-786 New South Head Road, Rose Bay, and its interiors and gardens, as a local heritage item in Woollahra Local Environmental Plan 2014

**Recommendation:**

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the residential flat building “Hillcrest” at 780-786 New South Head Road, Rose Bay, and its interiors and gardens, as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

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**1. Reason for report to the Woollahra Local Planning Panel**

This report seeks the advice of the Woollahra Local Planning Panel (Woollahra LPP) on the listing of the residential flat building known as Hillcrest, its interiors and garden setting at 780-786 New South Head Road, Rose Bay as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014).

On 27 September 2018, the Minister for Planning issued a Local Planning Panel Direction – Planning Proposals:

- *A Council to whom this direction applies is required to refer all planning proposals to be prepared after 1 June 2018 to the local planning panel for advice, unless the council's general manager determines that the planning proposal relates to:*
  - a) the correction of an obvious error in a local environmental plan*
  - b) matters that are of a consequential, transitional, machinery or other minor nature, or*
  - c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*
- *When a planning proposal is referred to the panel, it must be accompanied by an assessment report prepared by council staff setting out recommendations, including whether or not the planning proposal should proceed.*
- *A proposal is to be referred to the local planning panel before it is forwarded to the Minister under section 3.34 of the Environmental Planning and Assessment Act 1979 (the Act).*

In this case, the planning proposal is required to be referred to the Woollahra LPP because the General Manager has not made a determination in regard to items 1 (a), (b) or (c), above.

**2. Background:**

On 3 February 2020, a development application [DA19/2020/1] was lodged with Council for the demolition of the three storey residential flat building at 780-786 New South Head Road, Rose Bay, known as Hillcrest.

Council's Heritage Officer considered the demolition proposed, and provided a preliminary assessment of the heritage significance of the building under the seven criteria identified in the NSW Heritage Manual. Based on the information available, the building was considered to have potential to meet the threshold for local significance under the historic, aesthetic, rarity and representative criteria.

On 4 June 2020, the Woollahra LPP resolved to refuse development application DA19/2020/1 on the basis of heritage grounds and a lack of adequate information, which was consistent with the staff recommendation.

### ***The Interim Heritage Order***

Under a Ministerial Order, the *Authorisation for Local Councils to make Interim Heritage Orders*, published in the Government Gazette on 12 July 2013 and under a sub-delegation to the Director of Planning they may, on behalf of Council, make an interim heritage order (IHO). An IHO can be made if, among other things, the following pre-conditions are in place:

*“(b) it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:*

- (i) The item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;*
- (ii) The item is being or is likely to be harmed;*
- (iii) The IHO is confined to the item determined to be under threat.”*

Given DA19/2020/1 proposed the demolition of the structures on the site, and that the site is potentially of local heritage significance, the [former] Director of Planning formed the opinion that the above circumstances were in place. Subsequently, the [former] Director of Planning authorised the making of an IHO. The IHO was made under section 25 of the *Heritage Act 1977* (IHO No. LC-5) and was published in the NSW Government Gazette No. 151 of 10 July 2020, p. 3569-3570.

The Order was to remain in place for an initial period of six months which gives Council the opportunity to fully assess the heritage significance of the building and identify whether the building should be listed as a State and/or local heritage item. If within these six months Council resolves to proceed with the listing of the item, the order remains in place for an additional six months.

Under section 57 of the *Heritage Act 1977*, when an IHO applies to a place or building a person must not, among other things, demolish, damage or carry out development except in pursuance of an approval granted by the approval body, i.e. Council.

In light of the IHO, Council commissioned Robert Allan Moore, Heritage Architect and Consultant of Robert A Moore Pty Ltd to undertake an independent assessment of the heritage significance of the site and provide recommendations as to whether the building fulfilled the criteria for heritage listing at either a local or a State level. The assessment by Mr Moore indicated that the site fulfilled five (5) of the seven (7) criteria for listing at a local level see **Annexure 2**. An inventory sheet has been drafted for the site which is at **Annexure 3**.

On 2 November 2020, the matter was presented to the Environmental Planning Committee (**Annexure 4**) with a recommendation to include Hillcrest, including its interiors and its garden setting in Schedule 5 of the Woollahra LEP 2014. At the meeting of 23 November 2020 Council resolved:

- A *THAT a planning proposal be prepared to list Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B *THAT the planning proposal be referred to the Woollahra Local Planning Panel for advice.*
- C *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*
- D *THAT the alleged unauthorised fence adjoining 9 Dumaresq Road, Rose Bay be referred to Council's Compliance department for investigation.*

Council's resolution of 23 November 2020 to proceed with the listing of the item invokes the additional six months of the Order and as such the IHO now lapses on 10 July 2021.

### 3. The Site

The building consists of a three storey, late Victorian era, semi-detached dwelling pair with Federation Queen Anne influences (see **Figure 1**). It was converted into a residential flat building in the 1920s and currently accommodates six dwellings over three levels. The building is placed on the site within an established landscape setting and these gardens contribute to the significance of the site. The site's landscape setting in the curtilage of the item is apparent in **Figure 7**.



*Figure 1: Hillcrest, as viewed from the southern side of the New South Head Road frontage.  
Source: WMC Officer, 2020*



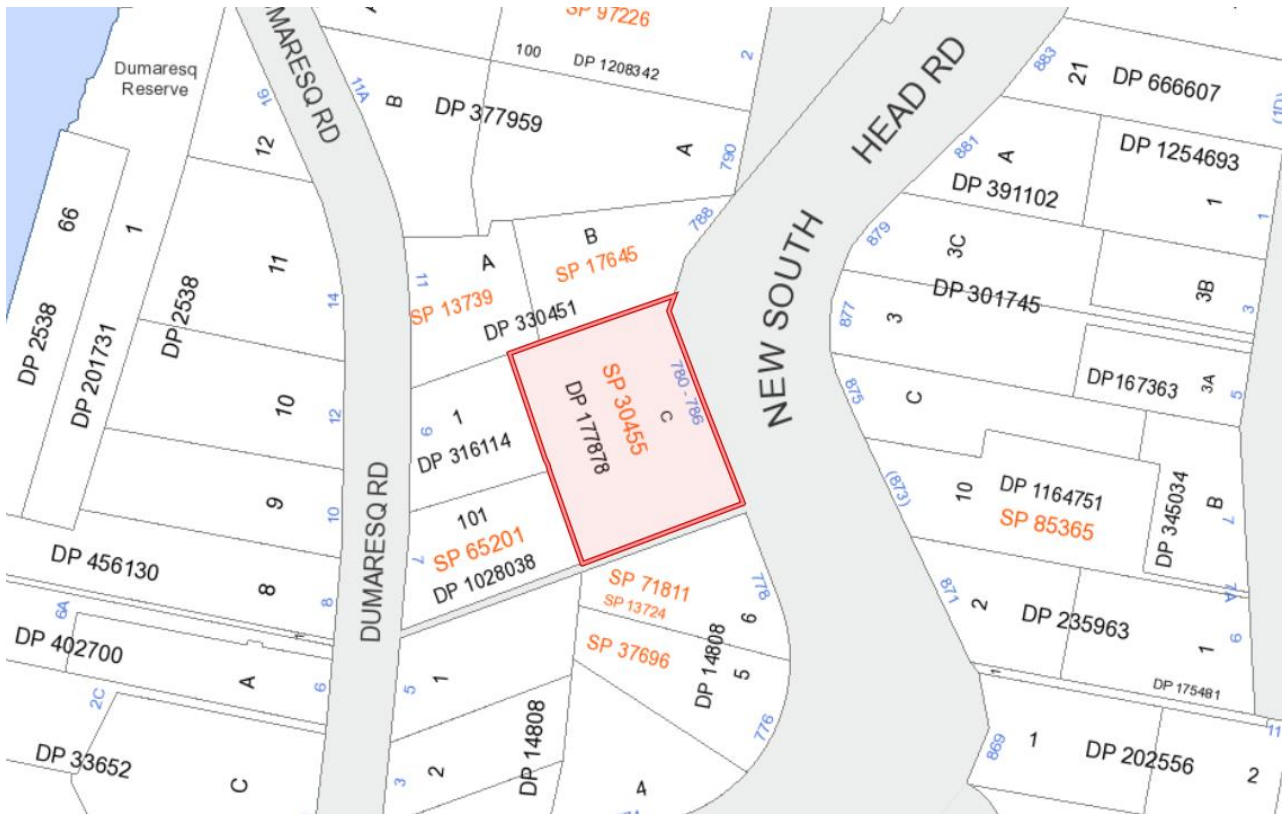


Figure 2: Locality map, with site highlighted in red.  
(Source: Woollahra MAPS, 2020)



Figure 3: Aerial photo of the subject site in 2018. The subject site is highlighted in red.  
(Source: Woollahra MAPS)

The site is legally described as Strata Plan 30455, which stands on Lot C in DP 177878 (see **Figure 2**). The site is a shallow rectangular shape, with a street frontage of 17.86m to New South Head Road, and depth of between 31.065m and 32.315m (see **Figure 3**). The site formerly comprised two allotments that extended from New South Head Road through to Dumaresq Road, known as Lots 17 and 18 in the Tivoli Estate. However, these allotments were subdivided off and now accommodate residential flat buildings at 7 and 9 Dumaresq Road (see **Figure 7**).

The site and adjoining sites addressing New South Head Road are zoned R3 Medium Density Residential under the Woollahra LEP 2014. Neighbouring sites to the rear, fronting Dumaresq Road, are zoned R2 Low Density Residential. The site and neighbouring sites are not listed as items of environmental heritage under Schedule 5 of the Woollahra LEP 2014 nor are they located within a heritage conservation area.

The site is located in an established residential area, with a mix of single dwellings and residential flat buildings of varying ages and styles. Development on adjoining sites consists of an interwar residential flat building to the north at 788 New South Head Road (see **Figure 5**), and an interwar Spanish mission residential flat building to the south of the site at 778 New South Head Road (see **Figure 6**). Development to the east of the site fronting Dumaresq Street consists of an interwar Mediterranean style building at 9 Dumaresq Road and a contemporary (c.1990s) three storey residential flat building at 7 Dumaresq Road (see **Figure 7**).

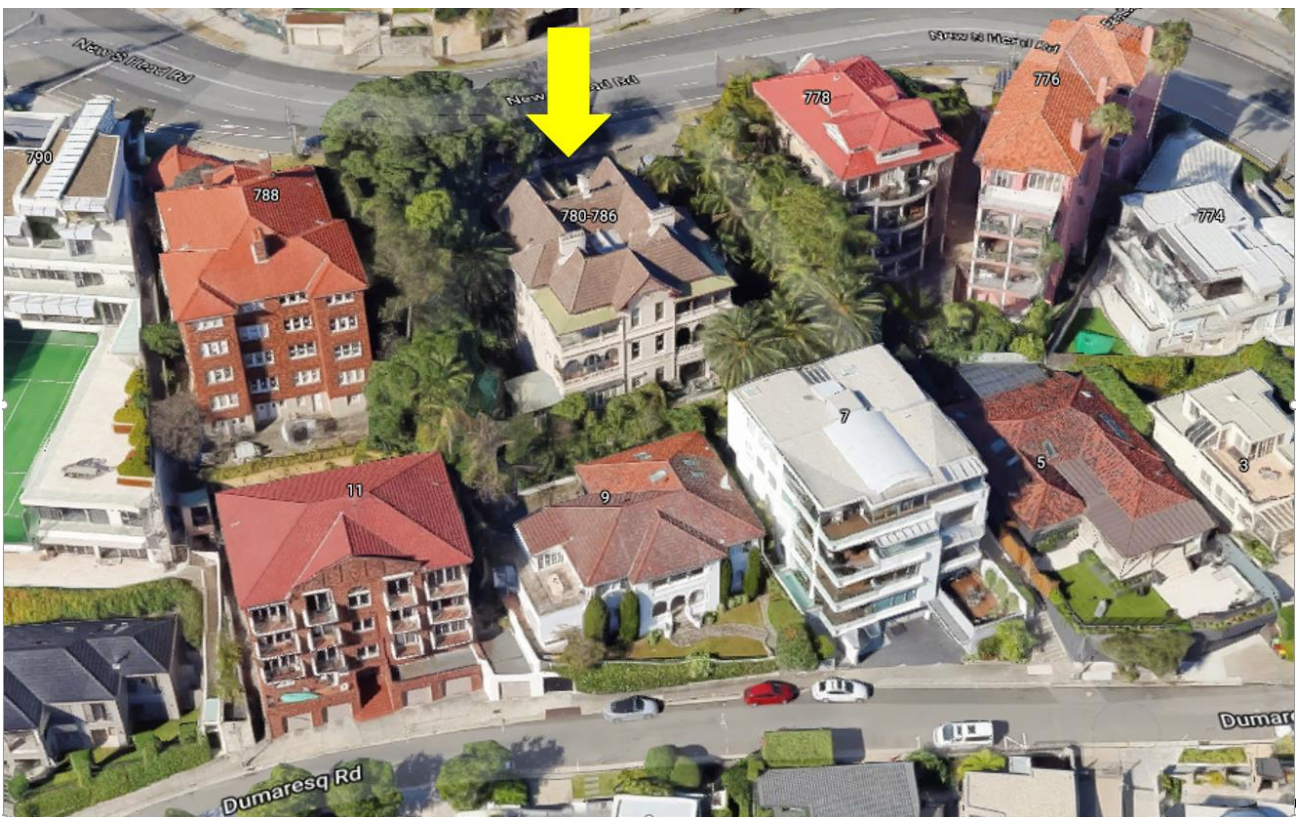


*Figure 5: Inter-war residential flat building at 788 New South Head Road, Rose Bay. (Source: Google Street View)*





*Figure 6: Inter-war Spanish mission residential flat building, "San Romolo", 778 New South Head Road, Rose Bay. (Source: Google Street View)*



*Figure 7: Oblique aerial view of Hillcrest from rear (identified with an arrow), with Dumaresq Road properties in the foreground. (Source: Google Maps. Annotation: WMC officer)*

#### **4. Assessment of heritage significance**

The assessment of heritage significance was undertaken in accordance with the document titled Assessing heritage significance, published by the NSW Heritage Office in 2001. The assessment used the process and criteria set out in that document. There are seven criteria used in the process of assessing heritage significance:

***Criterion (a)***

An item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area).

***Criterion (b)***

An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area).

***Criterion (c)***

An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area).

***Criterion (d)***

An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons

***Criterion (e)***

An item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the cultural or natural history of the local area).

***Criterion (f)***

An item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area).

***Criterion (g)***

An item is important in demonstrating the principal characteristics of a class of NSW's (or a class of the local area's)

- cultural or natural places, or
- cultural or natural environments,
- cultural or natural places, or
- cultural or natural environments.

Each criterion has inclusion and exclusion guidelines which are used to assist in the assessment process. If an item meets one of the seven heritage criteria at a local level, and retains the integrity of its key attributes, it can be considered to have local heritage significance. To be assessed for State significance an item will meet more than one of the seven heritage criteria at a State level, or if an item satisfies only one of the criteria, the item is of such particular significance to NSW that it should be listed. A copy of the Heritage Significance Assessment Report undertaken for the site by Robert Moore, Architect and Heritage Consultant, is attached at **Annexure 2**, with the Draft Heritage Inventory Sheet attached at **Annexure 3**.

**Table 1** below provides a summary of the assessment of the heritage significance of “Hillcrest” at 780-786 New South Head Road, Rose Bay, against the seven criteria, at the local and State levels, and demonstrates that the site meets five of the seven criteria for local listing, with potential to fulfil the two additional criterion.

**Table 1: NSW Heritage assessment criteria summary**

| Criteria |  | Meets criteria for heritage listing and grading of significance |       |
|----------|--|---|-------|
|          |  | Local   | State |
| (a)      | An item is important in the course, or pattern, of NSW’s cultural or natural history (or the cultural or natural history of the local area)  | ✓   | ✗     |
| (b)      | An item has strong or special association with the life or works of a person, or group of persons, of importance in NSW’s cultural or natural history (or the cultural or natural history of the local area)   | ✓   | ✗     |
| (c)      | An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)   | ✓   | ✗     |
| (d)      | An item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons   | May fulfil criterion  | ✗     |
| (e)      | An item has potential to yield information that will contribute to an understanding of NSW’s cultural or natural history (or the cultural or natural history of the local area)  | May fulfil criterion  | ✗     |
| (f)      | An item possesses uncommon, rare or endangered aspects of NSW’s cultural or natural history (or the cultural or natural history of the local area)   | ✓   | ✗     |
| (g)      | An item is important in demonstrating the principal characteristics of a class of NSW’s <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> or a class of the local area’s <ul style="list-style-type: none"> <li>• cultural or natural places; or</li> <li>• cultural or natural environments.</li> </ul> | ✓   | ✗     |

The heritage significance assessment provides the following statement of significance:

*“Hillcrest”, No.780-786 New South Head Road, Rose Bay, is the residential flat building built c.1890 as a pair of semi-detached dwellings originally known as “Dalkey” and “Bionopa”, and converted to six flats in the early 1900s. It is of Local heritage significance within the Municipality of Woollahra for its historic, aesthetic, and associative values, particularly within the Rose Bay locality. Within its locality and LGA context it also demonstrates a rarity of its type, design, and developmental history and context, supported by its relative integrity.*

*Built by the prominent businessman and local alderman Morrice Alexander Black, the building was the first to be built in the lands subdivided in 1889 from Black’s “Tivoli” Estate . Adopting an urban form of semi-detached dwellings, usually seen in more closely developed city and urban streets, the building took advantage of its harbourside site to present as a prestigious “marine villa” set in complementary gardens like its earlier grand but distant neighbours. However, in the context of increasingly closer subdivision and greater densities, with purpose-designed flat*



*buildings becoming the first-builds on surrounding lots, the two aesthetically designed, Victorian Italianate semi-detached houses became four and later, six flats - sold and successively owned by investors.*

*Renamed “Hillcrest”, the building remains significantly intact despite its adaptive re-use, and retains key dimensions and qualities of its original spacious garden setting, to maintain its historic and aesthetic contextual significance. “Hillcrest” contributes distinctively to the locality in which it is a landmark and an interpretable milestone of evolving development. . (Robert A Moore Pty Ltd, “Hillcrest”, 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, p 21)*

The heritage significance assessment recommends the listing of Hillcrest, including interiors and gardens as a local heritage item in Schedule 5 of Woollahra LEP 2014. The report concludes that Hillcrest does not meet the threshold for State heritage listing.

## **5. Consultation:**

Consultation with the land owner and their representatives commenced during the process of accessing the site for the purposes of preparing the heritage significance assessment report, and will continue throughout the process.

On 28 September 2020, Council staff sent letters to the owners and occupiers of each of the units as well as the strata managers. This letter informed the owners/occupiers of the following:

- the issuing of the IHO,
- that Council had engaged a heritage consultant to prepare a heritage assessment and
- a request for internal access to the units.

Three of the six apartments permitted access to Council’s staff and Mr Moore, and site visits were carried out on 7 and 9 October 2020.

It is noted that Council staff received communication on 13 October 2020 from a representative of the company listed as the applicant for DA2020/19. This communication sought to facilitate access for the consultant team to the remaining three units at Hillcrest. However, a mutually convenient time could not be settled for these inspections within the project deadlines.

In progressing the planning proposal, consultation with the owners will be undertaken consistent with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *Environmental Planning and Assessment Regulation 2000*.

## **6. Planning proposal**

Consistent with Council’s resolution of 23 November 2020, a planning proposal has been prepared to list the residential flat building known as “Hillcrest” , including its interiors and garden setting as a heritage item in the Woollahra LEP 2014 (see **Annexure 1**).

### **6.1. Planning proposal structure**

The planning proposal has been prepared in accordance with section 3.33 of the Act and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The planning proposal satisfies the requirements of section 3.33 of the EP&A Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

## **6.2. Objective of amendment to Woollahra LEP 2014**

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay, as a heritage item and provide it with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

## **6.3. Explanation of provisions**

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

- Insert a listing for “*Hillcrest*”, including interiors and gardens, 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 at 780-786 New South Head Road, Rose Bay.

## **6.4. Relationship to strategic planning framework**

The planning proposal has strategic and site specific merit. The planning proposal is consistent with the relevant objectives of *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the actions of the *Eastern City District Plan* (2018) (refer to section 6.2 of the planning proposal).

The planning proposal is consistent with the Council’s Community Strategic Plan titled *Our Woollahra 2030: Our community, our place, our plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhood) under the theme Quality places and spaces.

- 4.3 Protect local heritage, including significant architecture and the natural environment.

The planning proposal is also consistent with the *Woollahra Local Strategic Planning Statement* (approved by Council 24 February 2020). In particular, the planning proposal is consistent with Planning Priority 5 under the theme of Liveability: *Planning Priority 5 Conserving our rich and diverse heritage*

The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable State environmental planning policies (refer to **Schedule 1** of the planning proposal).

The planning proposal is consistent with applicable section 9.1 directions (refer to **Schedule 2** of the planning proposal).

## 7. Conclusion

This report seeks the advice of the Woollahra LPP on a planning proposal to list “*Hillcrest*”, including interiors and gardens at 780-786 New South Head Road, Rose Bay, as a local heritage item in the Woollahra LEP 2014.

The planning proposal satisfies the requirements of section 3.33 of the Act as it includes:

- A statement of the objectives or intended outcome of the amendment to Woollahra LEP 2014.
- An explanation of the provisions that are to be included in the amendment to Woollahra LEP 2014.
- The justification for the objectives, outcomes and provisions and the process for their implementation.
- Details of the community consultation that is to be undertaken.

We recommend that the Woollahra LPP advise Council to proceed with the planning proposal at **Annexure 1** to list Hillcrest (including interiors and gardens) at 780-786 New South Head Road, Rose Bay, as a local heritage item in the Woollahra LEP 2014.

## Annexures

1. Planning proposal - Heritage Listing - Hillcrest - 780-786 New South Head Road, Rose Bay [↓](#)
2. Hillcrest - Heritage Significance Assessment - 27 October 2020 (Updated 4 December 2020) [↓](#)
3. Heritage Inventory Sheet - Hillcrest - 780-786 New South Head Road, Rose Bay [↓](#)
4. Environmental Planning Committee Agenda 2 November 2020 - Hillcrest - Item R2 (Annexures removed) [↓](#)