

Environmental Planning Committee



Agenda

Monday 2 November 2020

6.00pm

Meeting to be held using conferencing
technology (refer to details over page)

Item No:	R2 Recommendation to Council
Subject:	PLANNING PROPOSAL - HERITAGE LISTING OF 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:	20/183695
Reason for Report:	To present the heritage significance assessment prepared by Robert A Moore Pty Ltd for Hillcrest at 780-786 New South Head Road, Rose Bay. To recommend that Council resolves to prepare a planning proposal to list Hillcrest, including interiors and gardens at 780-786 New South Head Road, Rose Bay as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.

Recommendation:

- 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.

1. 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 by the DA, 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 Local Planning Panel (Woollahra LPP), consistent with the staff recommendation, resolved to refuse development application DA19/2020/1 on the basis of heritage grounds and a lack of adequate information.

Subsequent to the refusal of the development application for demolition, an Interim Heritage Order (IHO) was issued for the site under Section 25 of the *Heritage Act 1977*.

2. The Site

The building consists of a three storey late Victorian era semi-detached dwelling pair with Federation Queen Anne influences. It was converted into a residential flat building in the 1920s and currently accommodates six dwellings over three levels (see **Figure 1**).

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.

The site and adjoining sites addressing New South Head Road are zoned R3 Medium Density Residential under the *Woollahra Local Environmental Plan 2014* (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.



*Figure 1: Hillcrest as viewed from the footpath on New South Head Road.
(Source: realestate.com.au, 2018)*

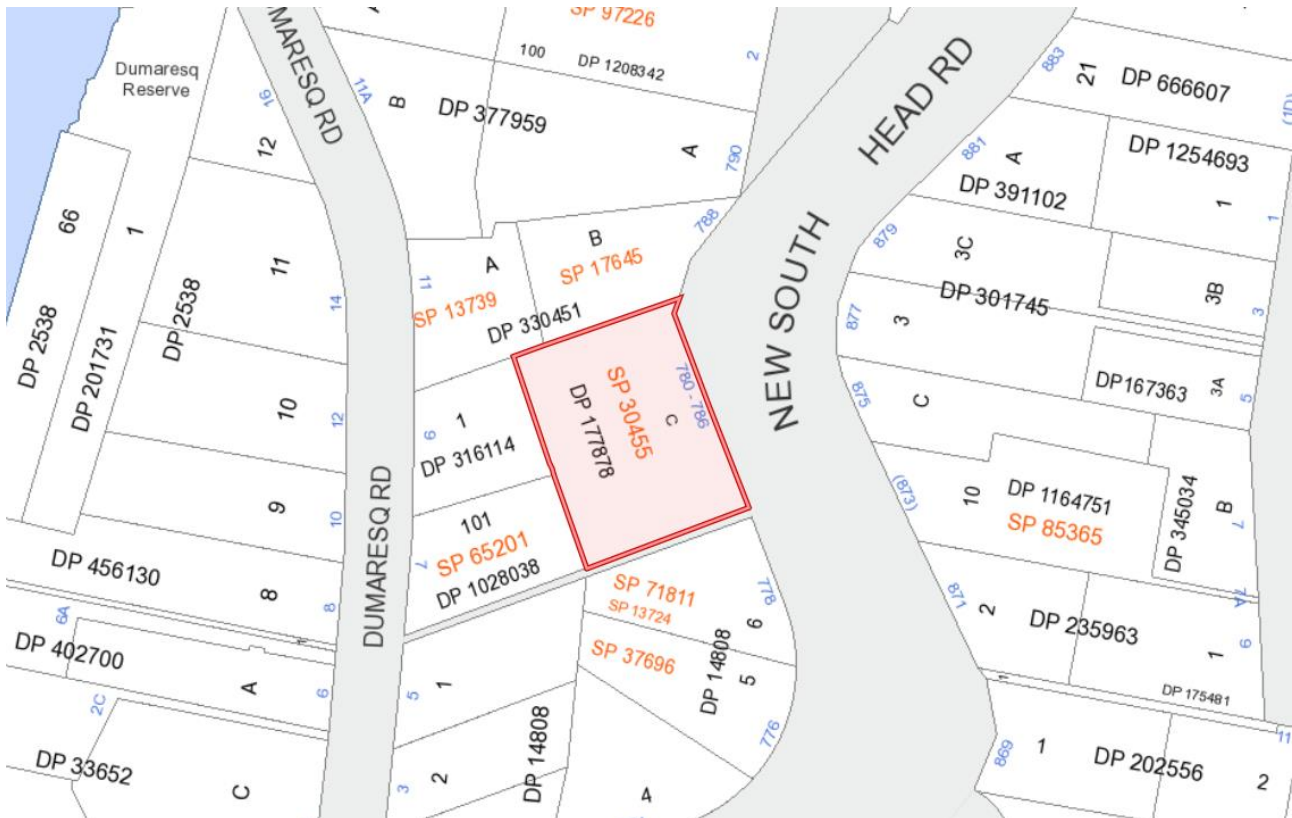


Figure 2: Locality map, with site highlighted in red.
(Source: Woollahra MAPS, 2020)



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

3. The Interim Heritage Order

In considering DA19/2020/1, Council's Heritage Officer had provided a preliminary assessment that the building had 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 DA19/2020/1 on the basis of heritage grounds and a lack of adequate information.

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 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 Director of Planning formed the opinion that the above circumstances were in place. Subsequently, the Director of Planning authorised the making of an IHO. The IHO was issued 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 will 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.

4. Consultation:

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.

5. Assessment of heritage significance

The assessment of heritage significance was undertaken in accordance with the document *Assessing heritage significance*, published by the NSW Heritage Office in 2001 by *Robert A Moore Pty Ltd*. 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

- *cultural or natural places, or*
- *cultural or natural environments, (or a class of the local area's*
- *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 assessment prepared by Robert A. Moore Pty Ltd dated October 2020, which includes the assessment against all criteria, is attached as **Annexure 1**.

Table 1 below provides a summary of the assessment of the heritage significance of Hillcrest, including interiors and garden, against the seven criteria at the local and State levels.

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).	✓	x
(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).	✓	x
(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).	✓	x
(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 have potential	x
(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 have potential	x
(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).	✓	x
(g)	An item is important in demonstrating the principal characteristics of a class of NSW's <ul style="list-style-type: none"> • cultural or natural places, or • cultural or natural environments, (or a class of the local area's • cultural or natural places, or • cultural or natural environments.) 	✓	x

The heritage significance assessment concludes that, after assessment against the NSW Heritage Assessment Criteria, *"Hillcrest" must be considered an Item of Local Heritage Significance, both worthy and appropriate for inclusion as such upon Schedule 5 of the Woollahra LEP. Its historic and aesthetic importance, together with its associational values in the local context, merit its inclusion, and are supported by the retained integrity of the building and its interiors, notwithstanding the alterations made internally in its conversion from semi-detached houses to apartments. The retention of its original front and side setbacks, and the gardens therein, support in particular its historic and aesthetic values, and contribute to its landmark and streetscape importance.*

In Woollahra, it is a "milestone" building illustrating important phases in the development of its locality and the municipality in general. With further investigation, it may prove to have a degree of

social significance, against Criterion (d), and a scientific/investigative value emanating from its potential capacity to sustain enquiry about its history, design, and type of building.

Its qualities are not however, considered to merit its consideration, or nomination to the NSW state government, as an item of State significance.

Continuing documentary research into the building's development at a key period within Woollahra may enhance the understanding of its comprehensive significance, and its capacity to demonstrate what can already be appreciated through its story. (Robert A Moore Pty Ltd, "Hillcrest", 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, pp. 20-21)

The following statement of significance was provided for "Hillcrest":

"Hillcrest", No.780-786 New South Head Road, Rose Bay, which 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, 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 subdivided lands that had been part of Black's Tivoli Estate. Adopting an urban form – semi-detached dwellings – usually seen in more developed city and urban streets, the building took advantage of its harbourside site to present as a prestigious "marine villa" in complementary gardens like its earlier grand 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 concluded that Hillcrest does not meet the threshold for State heritage listing.

6. Recommendations of the Assessment of Heritage Significance report

The Heritage Significance Assessment undertaken for the site by Robert Moore provided recommendations for listing a future management as follows:

"Hillcrest" meets the threshold for listing within Woollahra as a Local Heritage Item, included within the LEP Schedule 5. Its significance extends to and includes its present curtilage - which despite loss of some of its site to the north of the building, and the existing intrusive car parking solution - importantly supports the building's aesthetic and historic significance, and its ongoing conservation and use. Its interiors, although modified, support its understanding and are also significant, and should be included within its heritage listing. The inclusion of its curtilage and

interiors within the listing will facilitate the continuing management of change within these aspects of the property, readily compatible with a listed status.

As shown by the recent DA for demolition, and the current Interim Heritage Order, the building is under pressure due to the desirability and potential for redevelopment of its site, pending action to establish its importance and protection through heritage listing. Once protected through listing, which this assessment recommends, the care, ongoing use and potentials of the property can be properly planned for in a Conservation Management Plan.

It is recommended that “Hillcrest” No. 780-786 New South Head Road, Rose Bay, be added to the Heritage Schedule of the Woollahra LEP as an item of Local Heritage Significance, noting that the listing extends to and includes its interiors and garden setting. (Robert A Moore Pty Ltd, “Hillcrest”, 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, p.22)

The Heritage Significance Assessment recommended that Hillcrest and its interiors and gardens at 780-786 New South Head Road, Rose Bay, be added to the Heritage Schedule of the Woollahra LEP as an item of Local heritage significance and that its ongoing care, use and potential future development be planned for in a Conservation Management Plan.

7. Woollahra Local Planning Panel advice

Section 2.19 of the *Environmental Planning and Assessment Act 1979* sets out the functions of local planning panels. One of those functions is “to advise the council on any planning proposal that has been prepared or is to be prepared by the council under section 3.33 and that is referred to the panel by the council”.

Additionally, the *Local Planning Panel Direction – Planning Proposals* which was issued by the Minister for Planning on 27 September 2018 identifies the types of planning proposals that are to be referred to a local planning panel for advice prior to a planning proposal being sent to the *Department of Planning, Industry and Environment* for a gateway determination.

Under the terms of the Direction, the planning proposal to list Hillcrest, including interiors and gardens at 780-786 New South Head Road, Rose Bay as a local heritage item must be referred to the Woollahra LPP for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should the Council decide to prepare a planning proposal.

8. Next steps

If Council supports the recommendations of this report, the next steps in the listing process are:

- Prepare a planning proposal under section 3.33 of the Act to list Hillcrest, including interiors and gardens, as an item of local heritage significance in the Woollahra LEP 2014,
- Refer the draft planning proposal to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LLP to the Environmental Planning Committee.


9. Conclusion

The heritage significance of Hillcrest at 780-786 New South Head Road, Rose Bay, has been assessed by heritage consultant Robert Moore of *Robert A Moore Pty Ltd* in accordance with the NSW Heritage guidelines. The assessment concludes that Hillcrest, including interiors and gardens, has local heritage significance and it should be listed in Schedule 5 of the Woollahra LEP 2014.

It is therefore recommended that Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay is listed as a local heritage item in Schedule 5 of the Woollahra LEP 2014.

To facilitate the listing, a planning proposal should be prepared to amend Schedule 5 of the Woollahra LEP 2014 by adding Hillcrest, including interiors and gardens, at 780-786 New South Head Road, Rose Bay to the list of heritage items. The planning proposal should be referred to the Woollahra LPP for advice.

Annexures

1. "Hillcrest" Heritage Significance Assessment - 27 October 2020 [↓](#) 
2. "Hillcrest" Heritage Significance Assessment - Appendix 2 - Selected Photographs [↓](#) 