

# Planning Proposal



## Hillcrest

780-786 New South Head Road, Rose Bay



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Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Kristy Wellfare - Strategic Heritage Officer
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# 1. Introduction

## 1.1. Background

### Development Applications

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 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.

On 22 December 2020 a Class 1 appeal was lodged with the Land and Environment Court against the refusal of DA19/2020/1 and against the issue of an Interim Heritage Order (IHO) by Council (see below).

On 29 January 2021 a DA2021/30/1 was lodged with Council for alterations and additions to the existing residential flat building, site remediation and landscaping. A Class 1 appeal was lodged in the Land and Environment Court on 15 April 2021 appealing the deemed refusal of this development application. The DA was subsequently refused by the Woollahra Local Planning Panel on 17 July 2021.

On 28 April 2021 notice was filed with the Court joining the two proceedings and amending the application to include amended plans [Case No. 2021/104607]. The appeal is ongoing at the time of preparing this planning proposal.

### IHO and Planning Proposal

Subsequent to the refusal of DA 19/2020/1 for demolition, an IHO was issued for the site under Section 25 of the *Heritage Act 1977* and Council engaged Robert A Moore Architect Pty Ltd to prepare a Heritage Significance Assessment (HSA) for the site.

The HSA prepared by Mr Moore concluded that the site satisfied five of the seven criteria for listing as a local heritage item, with the potential to fulfil the remaining two criteria upon further investigation and study. On 2 November 2020 a report recommending a planning proposal be prepared to list *Hillcrest, including interiors and gardens* as a local heritage item in the Woollahra Local Environmental Plan 2014 was presented to the *Environmental Planning Committee* and on 23 November 2020, Council resolved the following:

- A. *THAT a planning proposal be prepared to list the property at 780-786 New South Head Road, Rose Bay as a heritage item in 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.*

On 17 December 2020 the matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) and the Panel provided the following advice to Council:

*Reason for Decision*

*The panel noted the submission made on behalf of the applicant that the heritage listing be limited to the exterior of the building and "remnant" parts of the gardens and interiors. However, for the reasons set out in the Council officers report, it supports the planning proposal proceeding to Gateway. This will enable further assessment of significance and consideration of public submissions.*

*Resolved*

*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.*

On 1 February 2020 a report including the advice of the WLPP was presented to the Environmental Planning Committee and on 23 February 2021 Council resolved the following:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 17 December 2020 for the planning proposal to list Hillcrest, including interiors and gardens at 780-786 New South Head Road, Rose Bay, as a local heritage item in Woollahra Local Environmental Plan 2014.*
- B. THAT the planning proposal, as contained in Annexure 1 of the report to the Environmental Planning Committee meeting on 1 February 2021 be forwarded to the Department of Planning, Industry and Environment with a request for a gateway determination to allow public exhibition.*
- C. THAT Council request the Minister for Planning and Public Spaces (or delegate) authorise Council as the local plan-making authority in relation to the planning proposal, to make the local environmental plan under section 3.36 of the Environmental Planning and Assessment Act 1979.*

## **1.2. Description of this planning proposal**

This planning proposal is made in relation to the residential flat building known as *Hillcrest*, located at 780-786 New South Head Road, Rose Bay [SP 30455].

The objective of the planning proposal is to amend the Woollahra Local Environmental Plan 2014 (Woollahra LEP 2014), to list Hillcrest as a local heritage item in Schedule 5. Heritage listing of this property will ensure recognition of its significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the formerly named NSW Department of Planning and Environment (now known as the NSW Department of Planning, Industry and Environment) titled *A Guide to Preparing Planning Proposals* (December 2018) and *A Guide to Preparing Local Environmental Plans* (December 2018).

The requirements for a planning proposal are provided in sections 2 to 9 as follows:

- Existing site and surrounding context
- Existing planning controls
- Objective of planning proposal
- Explanation of provisions
- Justification
- Mapping
- Community consultation
- Project timeline

### **1.3. Assessment of Heritage Significance**

In response to Council's decision, a Heritage Significance Assessment was prepared for the site by Robert A Moore Architect Pty Ltd on behalf of Council.

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

#### ***Criterion (a) – Historical significance***

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) – Associative significance***

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) – Aesthetic/technical significance***

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) – Social significance***

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) – Research potential***

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) - Rarity***

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) - Representative***

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 Moore, which includes the assessment against all criteria, is attached separately.

Table 1 below provides a summary of the assessment of the heritage significance of Hillcrest 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
<b>(a)</b>	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>(b)</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
<b>(c)</b>	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
<b>(d)</b>	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	x
<b>(e)</b>	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	x
<b>(f)</b>	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
<b>(g)</b>	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>	✓	x

#### **1.4. Statement of heritage significance**

*“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)*

#### **1.5. Recommended heritage listing**

The heritage assessment/inventory sheet provides the following recommendations:

*The assessment of the heritage significance of “Hillcrest”, comprising the house, its interiors, and garden setting, concludes that the property as a whole meets the threshold of LOCAL heritage significance and should be listed as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014. The property is not considered to be of State heritage significance, or likely to be so found.*

*The heritage significance assessment concluded that the property meets the threshold for heritage listing on historical, associational, and aesthetic values, and that it is rare, representative of a type of dwelling – the “marine villa” - once fashionable and important in the development of Sydney’s harbourside lands and later, suburbs. Such houses are uncommon on a local level. Further research and analysis may also confirm that social, research and rarity values are present – but no testing has been conducted to date. The history of the building and its setting, the physical fabric of its construction, combined with the documentary evidence found thus far, together illuminate its construction, development, and its heritage significance.*

*As a large property in a densely occupied, redeveloping part of Sydney, it has come under pressure for redevelopment. Unless its significance is protected by heritage listing and/or development controls, such pressure will continue to arise. The care and ongoing use of the property will require sensitive consideration of its identified values and their consequences in the planning of a strategy for its deserved conservation. The Heritage Significance Assessment provides the necessary basis on which to plan appropriate heritage outcomes.*

*In due course, a Conservation Management Document is to be prepared for the site to guide its ongoing conservation and any future adaptive reuse. (Robert A Moore Pty Ltd, "Hillcrest", 780-786 New South Head Road, Rose Bay Heritage Significance Assessment, p.22)*

The heritage significance assessment report 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 Document such as a Conservation Management Plan or Strategy. This planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 to include Hillcrest in Schedule 5 as a local heritage item in keeping with the recommended heritage listing.

## **1.6. Recommended management**

The Heritage Significance Assessment recommended that Hillcrest and its interiors and gardens at 780-786 New South Head Road, Rose Bay, be included in Schedule 5 of the Woollahra Local Environmental Plan 2014 as a local heritage item, and initially recommended that its ongoing care, use and potential future development be planned for in a Conservation Management Plan. This recommendation has been reviewed during the finalisation of the heritage inventory sheet for the site to recommend that a conservation management document, such as a conservation management plan or strategy, be prepared for the site to guide the ongoing use and future management of the site, including any future adaptive reuse. This amendment allows greater flexibility in the approach taken to the future management of the site.

## **2. Existing site and surrounding context**

### **2.1. The site**

This planning proposal concerns a part two-storey and part-three story residential flat building located at 780-786 New South Head Road, Rose Bay, known as "Hillcrest". The site is located in the Woollahra Local Government Area (LGA) and is legally identified as SP 67302 which stands on Lot C in DP 177878. The site is regular in shape, 1710m<sup>2</sup> in area, with a frontage of 32.004m to Vaucluse Road, a rear boundary of 31.96m and a depth of between 52.330m and 54.42m.

The site is the subject of an Interim Heritage Order (IHO) issued by the Director, Planning and Development under Section 25 of the *Heritage Act 1977* (IHO No. LC-5) as 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 (6) 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. As Council has resolved to proceed with the listing of the item, the Order remains in place for an additional six (6) months, and will lapse on 10 July 2020.

Existing development on the site consists of what was originally a three storey late Victorian era semi-detached dwelling pair with Federation Queen Anne influences built on lots 17 and 18 in the Tivoli Estate. 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 with its ground floor level set significantly below the footpath level so that only the top floor is readily apparent from New South Head Road.

The site is benefitted by generous front and side setbacks, which accommodate established gardens that contribute to the character of the site and the amenity of the site and neighbouring sites (see **Figure 7**). The rear setback is substantially less generous, with the original rear portion of the property extending through to Dumaresq Road, lots 17 and 18 in the Tivoli Estate, being subdivided away from the main building.



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



Figure 2: Aerial photo of the locality, with the site highlighted in red. (Source: Woollahra MAPS)

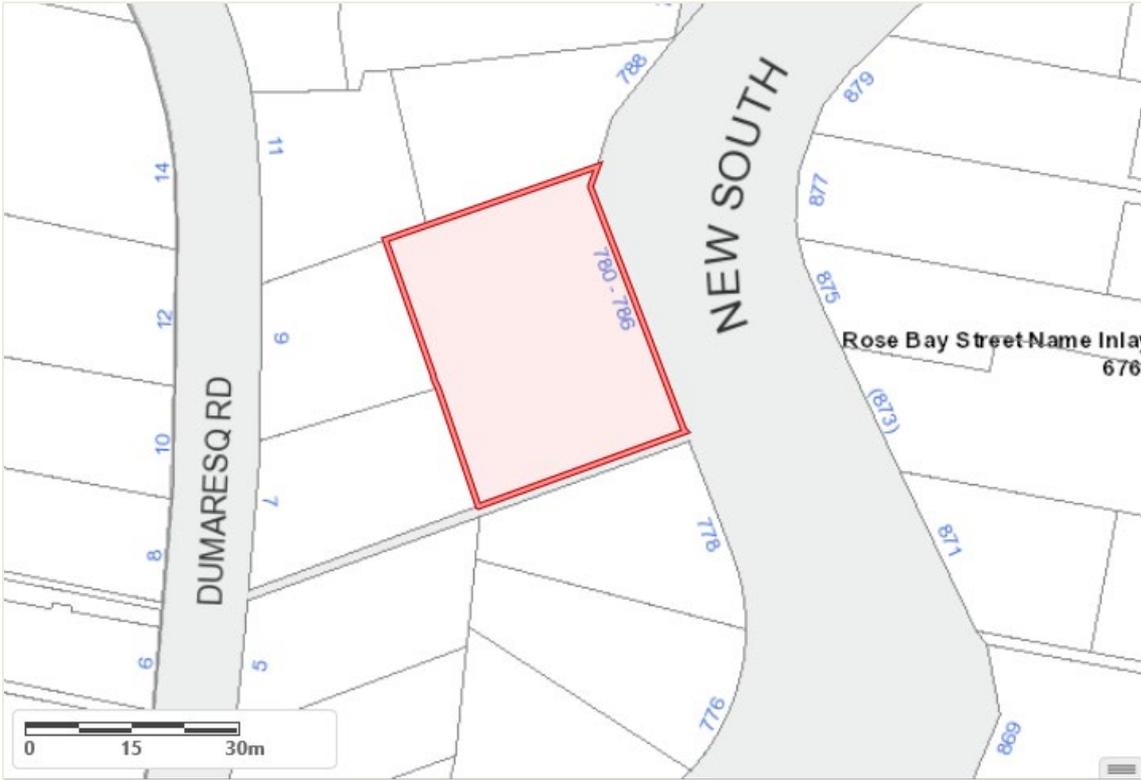


Figure 3: Cadastral map with subject site shown in red. (Source: Woollahra MAPS)



Figure 4: Heritage map with subject site shown in red. (Source: Woollahra MAPS)



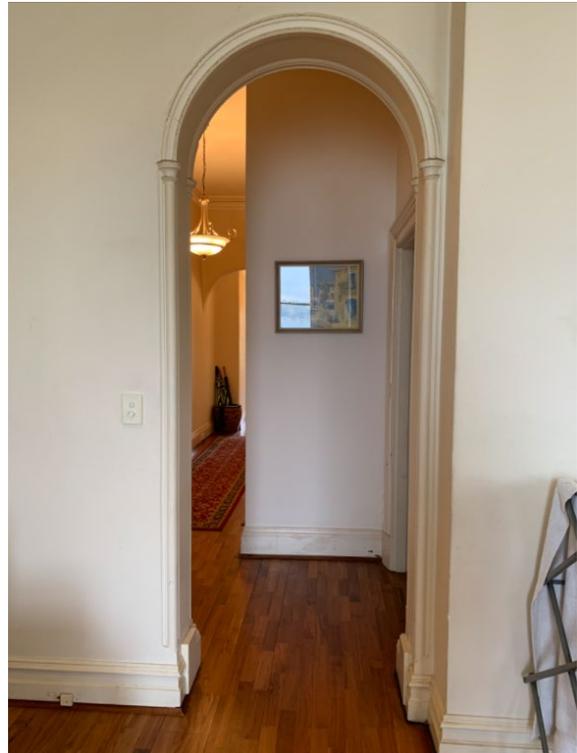
*Figure 5: View of the southern side from New South Head Road, showing the setback and established planted setting. (Source: WMC Officer, June 2021)*



*Figure 6: View of the northern side from New South Head Road, showing the garden setting. (Source: WMC Officer, June 2021)*



*Figure 7: The Aesthetic Movement staff moulds to the reveals of the arch to the former main bedroom, now living room, of Flat 2. (Source: Robert Moore, October 2020).*



*Figure 8: Staff moulds to the living room arch reveals, Flat 1. (Source: WMC Officer, October 2020)*

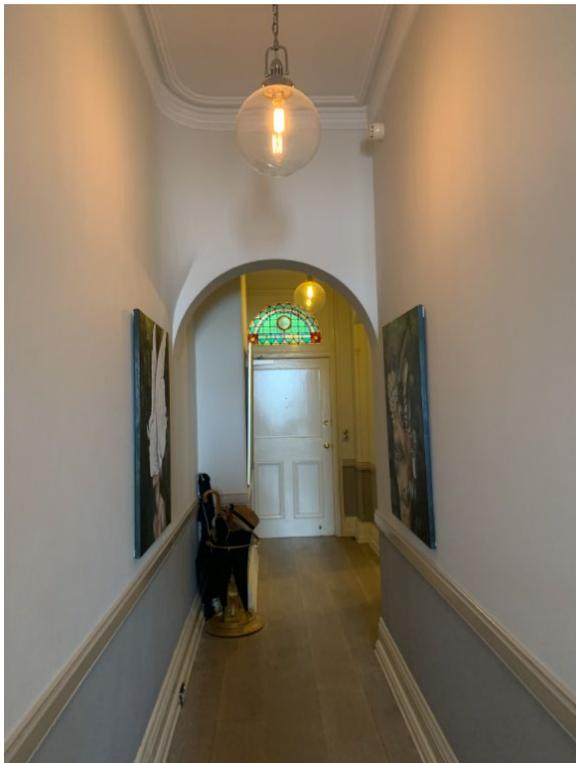


*Figure 9: Living room of Flat 2, showing the doorway to the kitchen (which is a former dressing room) and the original Aesthetic Style marble mantelpiece.*

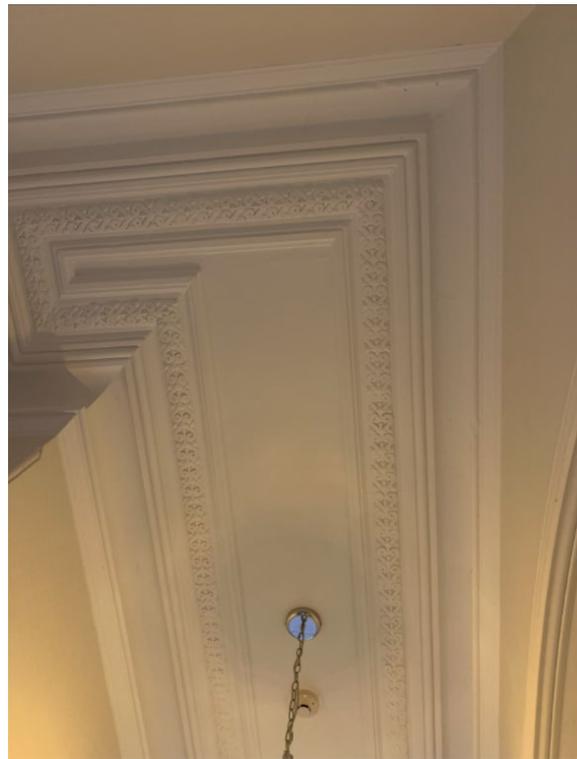
*A matching chimneypiece is in the corresponding former bedroom of Flat 1 (see Figure 10) (Source: Robert Moore, October 2021)*



*Figure 10: Matching chimneypiece in Flat 1(see Figure 9). (Source: WMC Officer, October 2020)*



*Figure 11: Hallway, Unit 3. (Source: WMC Officer, October 2020)*



*Figure 12: Hallway decorative ceiling cornice detail, Unit 3. (Source: WMC Officer, October 2020)*



Figure 13: Staff mould to hallway blind arch, Unit 3. (Source: WMC Officer, October 2020)



Figure 14: Decorative fanlight detail to Unit 3. (Source: WMC Officer, October 2020)

## 2.2. Existing context

The site is located within an established residential area, with a mix of single dwellings and residential flat buildings of varying ages and styles present within the locality. Development on adjoining sites consists of an interwar residential flat building to the north of the site at 788 New South Head Road (see **Figure 17**), and an interwar Spanish mission residential flat building to the south at 778 New South Head Road (see **Figure 18**). 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 19**).

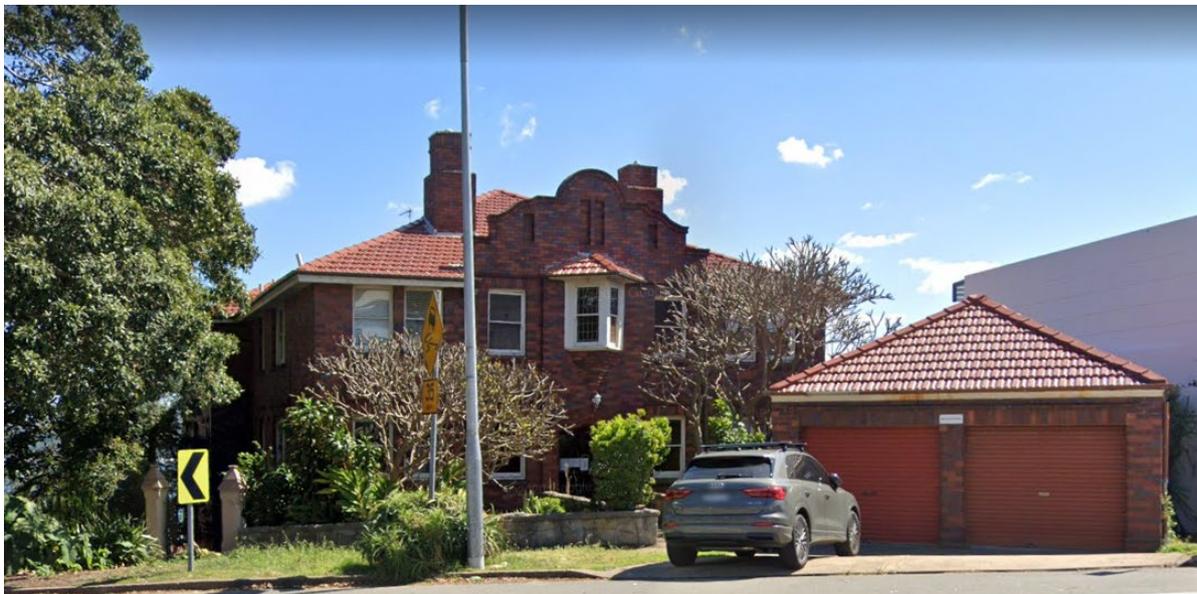


Figure 15: Inter-war residential flat building at 788 New South Head Road, Rose Bay. (Source: Google Street View)



Figure 16: Inter-war Spanish mission residential flat building, "San Romolo", 778 New South Head Road, Rose Bay. (Source: Google Street View)

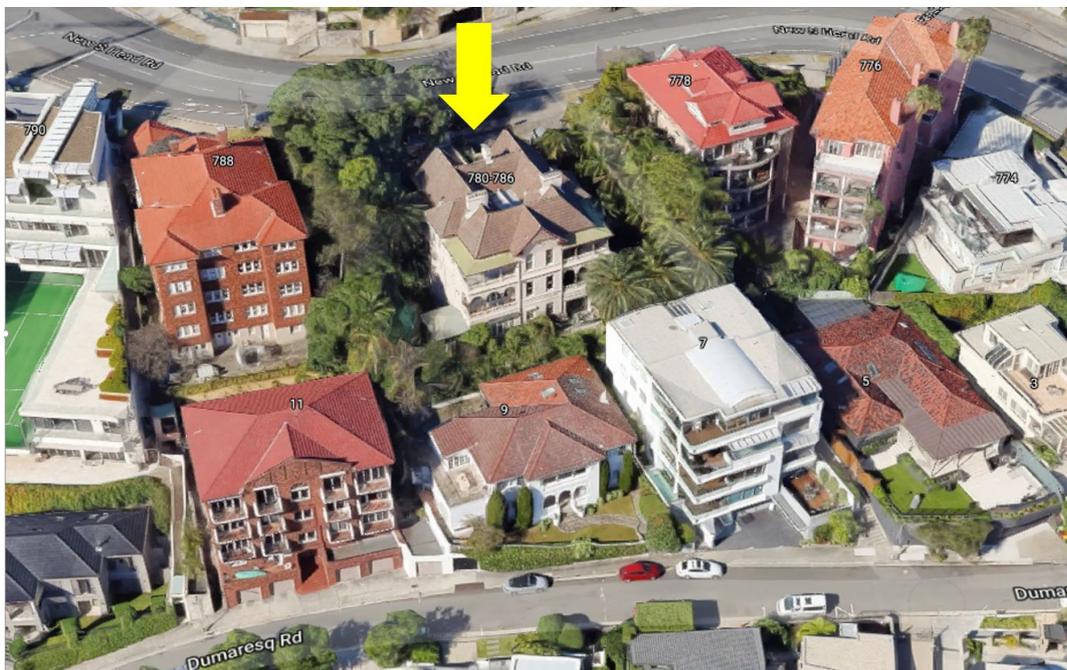


Figure 17: Oblique aerial view of Hillcrest from rear (site identified with an arrow), with Dumaresq Road properties in the foreground. The landscape setting is apparent at this angle. (Source: Google Maps. Annotation: WMC Officer)

### 3. Existing planning controls

The site is subject to existing planning controls within the Woollahra LEP 2014, relating to land zoning, height of building, minimum lot size and acid sulfate soils. These are as follows:

	<b>Zone</b>	<b>Maximum building height (m)</b>	<b>Floor space ratio</b>
<b>780-786 New South Head Road, Rose Bay</b>	R3 – Medium Density Residential	16.5m (Area D)	1.3:1
		<i>Under Cl 4.3A Exceptions to building heights (Areas A-H), a secondary building height of 7.5m applies at the highest part of the land.</i>	

Table 1: Existing planning controls

The site and its immediately adjacent sites to the north and south are zoned R3 – Medium Density Residential in the Woollahra LEP 2014. The Objectives for the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

The neighbouring sites to the rear (east) are zoned R2 Low Density Residential in the Woollahra LEP 2014. The Objectives for the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*

The residential flat building known as “Hillcrest” at 780-786 New South Head Road Rose Bay and its interiors are not currently listed as a State or local heritage item, and therefore are not subject to the controls outlined in Clause 5.10 (Heritage Conservation) in the Woollahra LEP 2014. The site is the subject of an Interim Heritage Order and is therefore subject to the applicable provisions of the *Heritage Act 1977*.

## 4. Objectives of planning proposal

The objective of the planning proposal is to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the Woollahra LEP 2014, to list the residential flat building known as “Hillcrest” at 780-786 New South Head Road, and its interiors and garden setting, as a local heritage item. Heritage listing of this property will ensure recognition of its significance, as well as protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014.

## 5. Explanation of provisions

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

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

## 6. Justification

The planning proposal has strategic merit. The inclusion of “Hillcrest”, located at 780-786 New South Head Road, Rose Bay, including its interiors and gardens as a local heritage item in Schedule 5 of Woollahra LEP 2014 will ensure its recognition as a rare example of a c.1890 Victorian era semi-detached dwelling pair, since converted into a residential flat building, in the Rose Bay locality and greater Woollahra municipality. Listing in Schedule 5 of the Woollahra LEP 2014 will also ensure the ongoing protection of the heritage values of the site.

These matters are further discussed below in part 6.1 to 6.3.

### 6.1. Need for planning proposal

#### 1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?

Yes. The planning proposal is the result of the recommendations found in the heritage assessment report/Heritage Inventory Sheet, prepared by Robert Allan Moore. The report concluded that “Hillcrest”, including its interiors and garden setting, meets the criteria for listing as a local heritage item. The report recommended that Schedule 5 be amended to include “Hillcrest”, its interiors and gardens as a local heritage item.

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The objective of the planning proposal is to ensure recognition of the heritage significance of the site, as well as achieve a level of protection through ensuring any future modification proposals are assessed against heritage provisions in the Woollahra LEP 2014. The planning proposal seeks to amend Part 1 (Heritage items) under Schedule 5 (Environmental Heritage) of the Woollahra LEP 2014, to list the residential flat building known as “Hillcrest”

at 780-786 New South Head Road, Rose Bay and its interiors as a local heritage item. The best, and only, means of achieving this objective is through the planning proposal process.

Heritage listing will provide ongoing protection and recognition of the heritage significance of the item. Other options, such as adding site-specific objectives and controls to *Woollahra Development Control Plan 2015*, or including heritage conservation conditions to a potential development consent will not provide the same level of heritage protection and recognition. Without the listing, the structures may be fundamentally altered under the provisions of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* thus affecting the recognised significance of the site.

## 6.2. Relationship to strategic planning framework

### 3. Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the relevant objectives of the *Greater Sydney Region Plan: A Metropolis of Three Cities* (2018) and the relevant actions of the *Eastern City District Plan* (2018), as discussed below.

#### Greater Sydney Region Plan: A Metropolis of Three Cities

The planning proposal is consistent with the directions and objectives of *Greater Sydney Regional Plan: A Metropolis of Three Cities*, particularly objective(s) Objective 13: Environmental heritage is identified, conserved and enhanced.

Identifying “Hillcrest” as a local heritage item, will allow the appropriate conservation of the property into the future.

#### Eastern City District Plan

The planning proposal is generally consistent with the actions of the *Eastern City District Plan*, particularly action(s) 20 and 63 by:

- Identifying, conserving and enhancing the environmental heritage of the local area through:
  - engaging with the community early to understand heritage values
  - enhancing the interpretation of heritage to foster distinctive local places
  - managing the cumulative impact of development on the heritage values and character of places
- Identifying and protecting scenic and cultural landscapes.

### 4. Will the planning proposal give effect to a council’s endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

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

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

The planning proposal is consistent with the *Woollahra Local Strategic Planning Statement* (LSPS), which was supported by the Greater Sydney Commission and adopted by Council and came into effect on 31st March 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*

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. 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**).

**6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

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

**6.3. Environmental, social and economic impact**

**7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

**8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. There are no likely environmental effects that would arise as a result of the planning proposal. Protection of the item, its interiors, and its setting will be required when development is proposed for “Hillcrest”, or if there is development proposed in its vicinity. Protection measures are not likely to result in environmental harm and will be managed through the development assessment process.

**9. Has the planning proposal adequately addressed any social and economic effects?**

Yes. The heritage assessment / inventory sheet considered “Hillcrest”, its interiors, and garden setting against the criteria for 'cultural significance' as defined in the Australia ICOMOS Burra Charter, as meaning the aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

The assessment found that “Hillcrest”, its interiors and garden setting hold heritage significance at the local level.

## 6.4. State and Commonwealth interests

### 10. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of the residential flat building known as “Hillcrest” at 780-786 New South Head Road, Rose Bay, its interiors and its garden setting and does not involve amendments to planning controls that would facilitate intensified development.

Currently, the three-storey residential flat building has access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site’s closest access to transport services is on New South Head Road.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the site are suitable for the proposal of a local heritage listing in a residential zone.

If required by the gateway determination, consultation will be undertaken with public utility companies, service providers and emergency services during the public exhibition.

### 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with public authorities identified in the gateway determination. Public authorities, including but not limited to, will be notified:

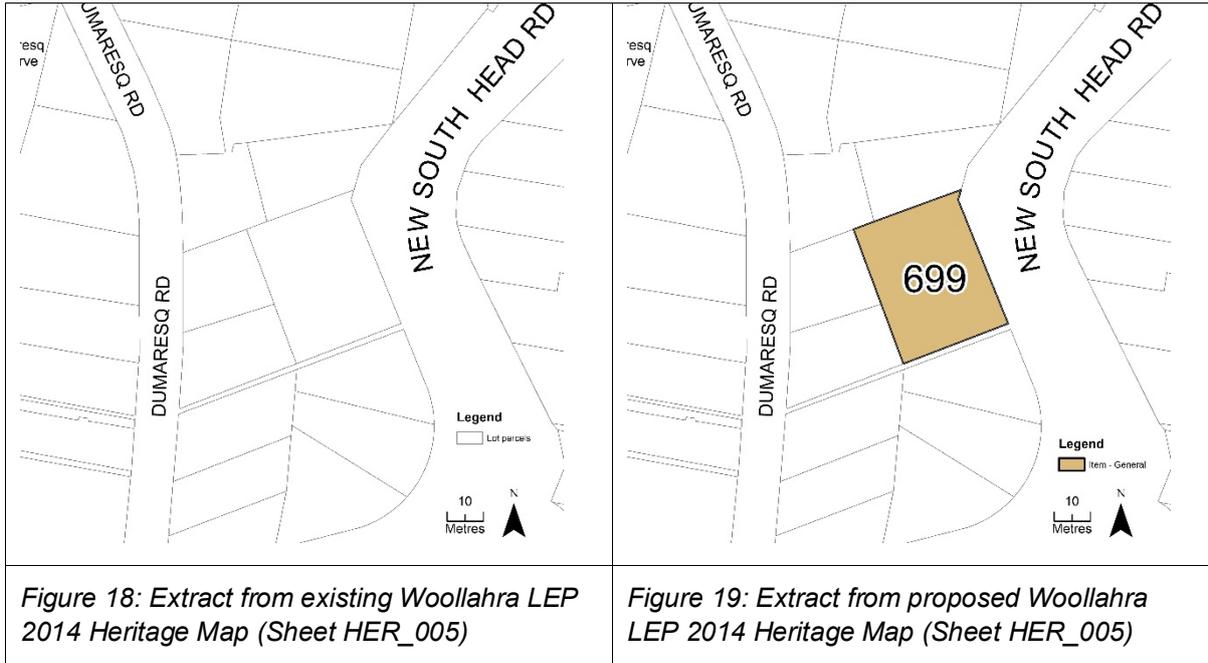
- Heritage NSW, Department of Premier and Cabinet.
- National Trust of NSW.

Any other authorities identified by the Greater Sydney Commission and Department of Planning, Industry and Environment will be consulted during the public exhibition of the planning proposal.

## 7. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (Sheet HER\_005) by applying an “Item – General” classification to the property at 780-786 New South Head Road, Rose Bay.

An extract of the existing and proposed heritage maps are shown in Figure 8 and Figure 9. The heritage number shown in Figure 9 is indicative only and will be confirmed upon finalisation of the proposal.



## 8. Community consultation

### 8.1. Landowner Consultation

The owners were informed by letter dated 10 July 2020 of the making of the Interim Heritage Order over the site.

On 29 September 2020 Council wrote to owners of the apartments advising them of the appointment of Robert A Moore Architects to undertake the heritage significance assessment for the site and to request internal access to the apartments to allow for those aspects to be assessed for their significance and intactness.

The owners were notified of each of the Environmental Planning Committee, Local Planning Panel and Council meetings where the matter was considered. Correspondence was submitted by Jennifer Hill of Architectural Projects on behalf of the owners to be considered by the panel members on each occasion, requesting the listing be amended to pertain to the building exteriors only, with the interiors and gardens excluded.

In progressing the planning proposal, consultation with the owners will be undertaken in accordance with the *Environmental Planning & Assessment Act 1979* and the *Environmental Planning & Assessment Regulation 2000*.

### 8.2. Public Consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*, also having regard to other relevant plans and guidelines including *Woollahra Community Participation Plan (2019)* and *Local Environmental Plans – a guide to preparing local environmental plans (2018)* and any conditions of the Gateway Determination.

We recommend that the planning proposal is exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period, when a hardcopy version of that newspaper is being published.
- a notice on Council's website.
- a letter to land owners in the vicinity of each site, which will include every landowner in the Centre.
- notice to local community, resident and business groups such as the Woollahra History and Heritage Society and the Rose Bay Residents' Association.

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.
- information relied upon by the planning proposal (such as the view analysis and relevant Council reports).
- Woollahra LEP 2014.
- Section 9.1 Directions.

## 9. Project timeline

As Council is authorised to exercise the functions of the Minister for Planning under section 3.36 of the *Environmental Planning and Assessment Act 1979*, the proposed timeline for completion is as follows:

Plan-making step	Estimated completion
Environmental Planning Committee recommends proceeding	February 2021
Council resolution to proceed	February 2021
Gateway determination	June 2021
Completion of technical assessment	Usually none required
Government agency consultation	23 June 2021 - 6 August 2021
Public exhibition period	Same time as agency consultation
Submissions assessment	August 2021
Council assessment of planning proposal post exhibition	August 2021
Council decision to make the LEP amendment	October 2021
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2021
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	November 2021
Notification of the approved LEP	December 2021

## Schedules

### Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP No 19 – Bushland in Urban Areas	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 21 – Caravan Parks	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 33 – Hazardous and Offensive Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 36 – Manufactured Home Estates	Not applicable
SEPP No 47 – Moore Park Showground	Not applicable
SEPP No 50 – Canal Estate Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 55 – Remediation of Land	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 64 – Advertising and Signage	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP No 65 – Design Quality of Residential Apartment Development	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.  See section 6.3 of the planning proposal for more information.

State environmental planning policy	Comment on consistency
SEPP No 70 – Affordable Housing (Revised Schemes)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Aboriginal Land) 2019	Not applicable.
SEPP (Activation Precincts) 2020	Not applicable.
SEPP (Affordable Rental Housing) 2009	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Building Sustainability Index: BASIX) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Coastal Management) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Concurrences and Consents) 2018	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Educational Establishments and Child Care Facilities) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Exempt and Complying Development Codes) 2008	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Gosford City Centre) 2018	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

State environmental planning policy	Comment on consistency
SEPP (Infrastructure) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Koala Habitat Protection) 2020	Not applicable
SEPP (Koala Habitat Protection) 2021	Not applicable
SEPP (Kosciuszko National Park - Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Infrastructure Corridors) 2020	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Primary Production and Rural Development) 2019	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State and Regional Development) 2011	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (State Significant Precincts) 2005	Applicable There are currently no identified state significant sites located in the Woollahra Municipality.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable

<b>State environmental planning policy</b>	<b>Comment on consistency</b>
SEPP (Urban Renewal) 2010	There are currently no potential urban renewal precincts in the Woollahra Municipality which are identified in the SEPP.
SEPP (Vegetation in Non-Rural Areas) 2017	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Western Sydney Aerotropolis) 2020	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

<b>Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies</b>	<b>Comment on consistency</b>
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9 - Extractive Industry (No 2 - 1995)	Not applicable
SREP No 16 – Walsh Bay	Not applicable
SREP No 20 - Hawkesbury- Nepean River (No 2 - 1997)	Not applicable
SREP No 24 - Homebush Bay Area	Not applicable
SREP No 26 – City West	Not applicable
SREP No 30 - St Marys	Not applicable
SREP No 33 - Cooks Cove	Not applicable

Sydney Regional Environmental Plans – now deemed State Environmental Planning Policies	Comment on consistency
SREP (Sydney Harbour Catchment) 2005	<p>Applicable</p> <p>Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.</p> <p>The planning proposal applies to land within the Sydney Harbour Catchment. Therefore the planning principles under Part 2, clause 13 Sydney Harbour Catchment of the SREP have been considered during its preparation. The planning proposal is consistent with the principles.</p> <p>The site is not land in the Foreshores and Waterways Area, therefore the principles of clause 13 Foreshores and Waterways Area are not applicable to this planning proposal.</p>

## Schedule 2 – Compliance with section 9.1 directions

Note any inconsistencies that are considered to be minor here for DPE and in the introduction to the PP and 6.2 question 6.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
<b>1</b>	<b>Employment and resources</b>	
1.1	Business and industrial zones	Not applicable. The direction does not apply where sites are not zoned for business or industry.
1.2-1.5	Directions 1.2-1.5	Not applicable. These directions are not relevant to the Sydney metropolitan area.
<b>2</b>	<b>Environment and heritage</b>	
2.1	Environment protection zones	Not applicable. The planning proposal does not apply to land within an environmental protection zone or land identified for environmental protection.
2.2	Coastal management	Not applicable. The planning proposal does not apply to land within the coastal zone.
2.3	Heritage conservation	Applicable. Consistent. Heritage listing of <i>Hillcrest, including interiors and gardens</i> at 780-786 New South Head Road, Rose Bay will provide ongoing protection and recognition of the heritage significance of the item.
2.4	Recreation vehicle areas	Not applicable. The planning proposal does not apply to sensitive land or land with significant conservation values. It will not allow land to be developed for a recreation vehicle area.
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable. The planning proposal does not apply to land in the Far North Coast.
2.6	Remediation of contaminated land	Not applicable. The planning proposal does not seek to alter the zoning or the uses of the site. Notwithstanding this, the planning proposal will not affect the application or operation of any legislation or planning instrument pertaining to managing land contamination or investigation thereof on the subject site.
<b>3</b>	<b>Housing, infrastructure and urban development</b>	
3.1	Residential zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
3.2	Caravan parks and manufactured home estates	Not applicable. The planning proposal does not affect caravan parks or manufactured home estates.
3.3	Home occupations	Not applicable. The planning proposal does not affect home occupations in dwelling houses.
3.4	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
3.5	Development near regulated airports and defence airfields	The site is affected by the Sydney (Kingsford-Smith) Airport ‘Obstacle Limitation Surface’ map (OLS), being located within the Outer Horizontal Surface contour for Sydney Airport which is identified as 156m AHD. <sup>1</sup> This planning proposal does not seek to alter the development potential of the site in terms of building height or floor space ratio or propose a ‘controlled activity’ and therefore consultation with the Commonwealth is not required.
3.6	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
3.7	Reduction in non-hosted short term rental accommodation period	Note applicable. The planning proposal does not apply to land in the Byron Shire Council.
<b>4</b>	<b>Hazard and risk</b>	
4.1	Acid sulfate soils	Applicable. Consistent. The site is identified as being Class 5 acid sulfate soils. This planning proposal does not seek to intensify the permitted use on the site and is consistent with the direction. The existing acid sulfate soils provisions will not be altered by the planning proposal.
4.2	Mine subsidence and unstable land	Not applicable. The planning proposal does not apply to land within a proclaimed Mine Subsidence District or to land identified as unstable.

<sup>1</sup> Sydney Airports, n.d. Airspace protection - Chart 1 - Obstacle Limitation  
<https://www.sydneyairport.com.au/corporate/planning-and-projects/airspace-protection-tile>

<b>Planning proposal – Compliance with section 9.1 directions</b>		
<b>Direction</b>		<b>Applicable/comment</b>
4.3	Flood prone land	Applicable. Consistent. This planning proposal does not seek to alter the zoning of the site or permit development that would be inconsistent with the Floodplain Development Manual 2005.
4.4	Planning for bushfire protection	Not applicable. The planning proposal does not apply to land mapped as bushfire prone land.
<b>5</b>	<b>Regional planning</b>	
5.1 - 5.9	Strategies 5.1-5.9	Not applicable. These strategies do not apply to the Woollahra LGA.
5.10	Implementation of Regional Plans	Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i> , particularly Objective 13: Environmental heritage is identified, conserved and enhanced.  Heritage listing of “ <i>Hillcrest</i> ”, including interiors and garden setting at 780-786 New South Head Road, Rose Bay will provide ongoing protection and recognition of the heritage significance of the item.  Refer to Schedule 1 of this report and direction 7.1 of this table.
5.11	Development of Aboriginal Land Council land	Not applicable. The planning proposal does not apply to land identified in State Environmental Planning Policy (Aboriginal Land) 2019
<b>6</b>	<b>Local plan making</b>	
6.1	Approval and referral requirements	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Reserving land for public purposes	Not applicable. The planning proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3	Site specific provisions	Not applicable. The planning proposal does not allow a particular development to be carried out.

<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of <i>A Metropolis of Three Cities</i> (March 2018)	<p>Applicable. The planning proposal is consistent with the objectives of the <i>Greater Sydney Regional Plan: A Metropolis of Three Cities</i>, particularly Objective 13: Environmental heritage is identified, conserved and enhanced.</p> <p>Heritage listing of “<i>Hillcrest</i>”, including interiors and garden setting at 780-786 New South Head Road, Rose Bay will provide ongoing protection and recognition of the heritage significance of the item.</p> <p>Refer to Schedule 1 of this report and direction 5.10 of this table.</p>
7.2 – 7.13	Directions 7.2 – 7.13	Not applicable. These strategies do not apply to the Woollahra LGA.

## **Supporting documents (circulated separately)**

**“Hillcrest”, 780-786 New South Head Road, Rose Bay - Heritage Significance Assessment Report prepared by Robert A Moore Pty Ltd Architects and Heritage Consultants, October 2020 (Updated December 2020) and Heritage Inventory Sheet (December 2020).**

**Report to the Environmental Planning Committee of 2 November 2020**