

Item No: R2 Recommendation to Council

Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF
TRELAWNEY COURT, INCLUDING INTERIORS, AT 3
TRELAWNEY STREET, WOOLLAHRA**

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File No: 20/135884

Reason for Report: To report on the advice made to Council by the Woollahra Local Planning Panel.
To obtain Council's approval to proceed with the planning proposal to list Trelawney Court, including interiors at 3 Trelawney Street, Woollahra, as a local heritage item in Woollahra Local Environmental Plan 2014.

Recommendation:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 6 August 2020.
- B. THAT Council forward the planning proposal, as contained in the *Annexure 3* of the report to the Environmental Planning Committee meeting on 7 September 2020 to list *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra, as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*, to the Department of Planning, Industry and Environment, requesting a gateway determination to allow public exhibition. The planning proposal will be updated to reference the report to the Environmental Planning Committee and subsequent decision of the Council.
- C. THAT Council request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.

1. Background

On 11 November 2019, Council adopted the following notice of motion (Item No.16.3):

That Council proceeds urgently to assess Trelawney Court at number 3 Trelawney Street, Woollahra with a view to a local heritage listing.

In response to Council's decision, heritage consultants Kieran McInerney Architects and Rebecca Hawcroft were engaged to undertake a heritage assessment in accordance with the NSW heritage criteria.

The consultants are a team of award winning heritage and architectural specialists with extensive experience researching the work of architects George Reves and Charles Hayes, who designed Trelawney Court. Rebecca Hawcroft has previously published a number of scholarly articles, curated an exhibition and edited a publication that focused on Reves and other émigré architects working in Sydney after the Second World War.

The consultants undertook an assessment of heritage significance which concluded that the building and its interiors had sufficient heritage significance to warrant listing as a local heritage item (**Annexure 1**).

The assessment was reported to the Environmental Planning Committee (EPC) on 6 July 2020 with a recommendation that the building and its interiors be listed as a heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) (**Annexure 2**). On 27 July, Council resolved the following:

- A. *THAT a planning proposal be prepared to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra 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.*

2. Planning Proposal

A planning proposal was prepared in accordance with the Council's decision on 27 July 2020 (**Annexure 3**). The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra, and provide it with statutory heritage protection.

3. Woollahra Local Planning Panel advice

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 6 August 2020 for advice. The Panel provided the following advice to Council:

THAT the Woollahra Local Planning Panel advises Council to:

- A. *Proceed with the planning proposal to list the Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- B. *Forward the planning proposal to the Department of Planning, Industry and Environment to list Trelawney Court, including interiors, at 3 Trelawney Street, Woollahra as a local heritage item in Schedule 5 of the Woollahra local Environmental Plan 2014, requesting a gateway determination to allow public exhibition.*
- C. *Request delegation from the Department of Planning, Industry and Environment in relation to the planning proposal, to carry out the plan-making functions of the Minister for Planning and Public Spaces under section 3.36 of the Environmental Planning and Assessment Act 1979.*

Note: The planning proposal contained in **Annexure 3** has been updated to contain the Woollahra LPP's advice and further consultation with the landowner. The planning proposal will be further updated to include references to this report to the EPC, any subsequent decision of the Council and additional consultation with the landowner.

4. Next steps

Subject to the Council's decision, the updated planning proposal will be referred to the Department of Planning, Industry and Environment (the Department) for a gateway determination. This will allow the planning proposal to be placed on public exhibition.

4.1 Public exhibition

The public exhibition of the planning proposal will be undertaken in accordance with the requirements of the *Environmental Planning and Assessment Act 1979* (the Act), the *Environmental Planning and Assessment Regulation 2000* and the gateway determination issued by the Department as delegate for the Minister. The gateway determination will specify the minimum duration of the public exhibition period. This period is usually a minimum of 28 days, which is consistent with Council's standard practice for the exhibition of a planning proposal.

Public notification of the exhibition will comprise:

- a notice in the Wentworth Courier, if a hardcopy is being published
- a notice to the land owner of the site
- a letter to land owners in the vicinity of the site
- a letter to local community groups such as the Woollahra History and Heritage Society.

During the exhibition period, the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- The planning proposal, in the form approved by the gateway determination.
- The gateway determination.
- Information relied upon by the planning proposal (such as the assessment of heritage significance and relevant Council reports).

4.2 Making the draft LEP under delegated authority

If Council resolves to proceed with the planning proposal, it will be forwarded to the Department for a gateway determination under section 3.34 of the Act.

To streamline the plan-making process, the Minister can delegate some plan-making powers to Council for routine matters. In this case, Council may request authorisation to exercise the functions of the Minister to make an LEP under section 3.36 of the Act. This request is addressed through Part C of the recommendation, above.

Following public exhibition, if Council resolves to proceed with and finalise the planning proposal, staff will request that the Parliamentary Counsel (PC) prepare a draft LEP. Once the draft LEP has been prepared, PC will issue an opinion that it can be made.

Alternatively, if Council decides not to finalise the planning proposal, it should resolve to request that the Minister, not proceed with the planning proposal, under section 3.35(4) of the Act.



5. Conclusion

The listing of *Trelawney Court, including interiors* at 3 Trelawney Street, Woollahra as a local heritage item in Woollahra LEP 2014 is supported by an assessment of the heritage significance prepared by Kieran McInerney Architects and Rebecca Hawcroft.

On 6 August 2020, the Woollahra LPP provided advice to Council that it supports the planning proposal and its submission to the Minister.

The Council may now proceed with referring the planning proposal to the Department requesting a gateway determination to allow public exhibition.

Annexures

1. Assessment of Heritage Significance by Kieran McInerney and Rebecca Hawcroft - Final Draft April 2020 [↓](#) 
2. Report to the Environmental Planning Committee 6 July 2020 (excluding Annexures) - Item R2 - 6 July 2020 [↓](#) 
3. Planning Proposal - Local Heritage Listing of Trelawney Court - (excluding annexures) - August 2020 [↓](#) 