



# Environmental Planning Committee



## Agenda

Monday 11 October 2021  
6.00pm

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

**Item No:** R1 Recommendation to Council  
**Subject:** **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING, INCLUDING INTERIORS, AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF**  
**Author:** Kristy Wellfare, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Scott Pedder, Director - Planning & Place  
**File No:** 21/178381  
**Reason for Report:** To provide Council with the advice of the Woollahra Local Planning Panel.  
To obtain Council's approval to proceed with the planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff, and the building at 549 Glenmore Road, Edgecliff including interiors as a local heritage items in Woollahra Local Environmental Plan 2014.

**Recommendation:**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 16 September 2021 supporting a planning proposal to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff and the building at 549 Glenmore Road, Edgecliff including interiors as local heritage items in Woollahra Local Environmental Plan 2014.
- B. THAT the planning proposal, as contained in **Annexure 4** of the report to the Environmental Planning Committee meeting of 11 October 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*.

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**Background:**

On 10 February 2020 Council resolved the following:

*THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.*

In response, an assessment of the heritage significance of the building was undertaken and on 15 June 2021, the matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 1**). This report included a recommendation to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) as a local heritage item in Schedule 5 of the Woollahra LEP 2014 (see **Figures 1 & 2** below). Subsequent to this, on 5 July 2021, Council resolved (in part):

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*



*Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff (viewed from the north)*



*Figure 2: Cadry's Building, 133 New South Head Road, Edgecliff (viewed from the Glenmore Road to the west)*

A planning proposal was prepared in accordance with the Council's decision of 5 July 2021. The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of the Cadry's building, including interiors at 133 New south Head Road, Edgecliff and provide it with statutory heritage protection.

### **Woollahra Local Planning Panel advice:**

The matter was referred to the Woollahra Local Planning Panel (Woollahra LPP) on 16 September 2021 (see **Annexure 2**), where they provided the following advice to Council:

#### ***Resolved:***

*THAT the Woollahra Local Planning Panel advises Council to proceed with a planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 2 in DP: 255233) and the building at 549 Glenmore Road, Edgecliff (Lot 37 in DP: 255233) as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.*

#### ***Reasons:***

*For the reasons in the report, the Panel supports the heritage listing of the Cadry's building. The Panel considers that the listing should also include the adjacent 2 storey sandstone building at 549 Glenmore Road, Edgecliff. As the assessment indicates that this building also meets the threshold for a heritage listing, appears to be associated with the Cadry's building and is in the same ownership. We note that the owner supports the listing of both buildings. The Planning Proposal should be updated to incorporate both buildings in the assessment of significance. Notwithstanding the property being affected by the road reservation, the Planning Proposal for the heritage listing should proceed independently.*

*The Panel also notes the need for further investigation of the heritage significance of the cottages at 543-547 Glenmore Road, Edgecliff (Lot 34, 35, 36 in DP: 255233).*

### **Planning Proposal:**

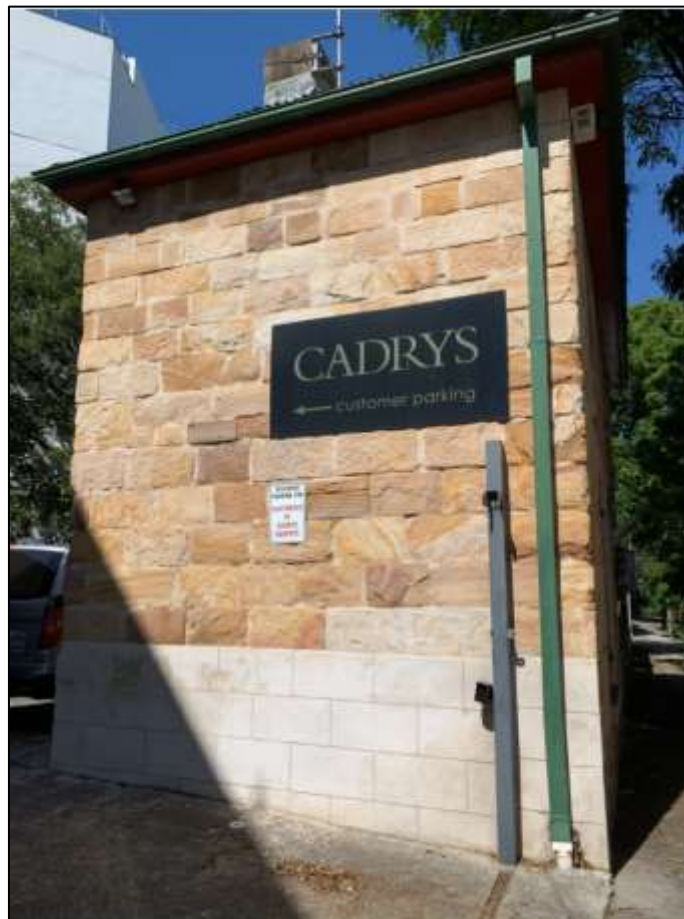
In response to this advice, the assessment of heritage significance, at **Annexure 3**, was updated to include an assessment of 549 Glenmore Road, Edgecliff. The assessment of this property found that the site accommodated a rare example of an early Victorian era two storey sandstone cottage that is contemporaneous with the Cadry's building and that the site fulfilled the criteria for heritage listing at a local level for historic, aesthetic, rarity and representative values. As such, the planning proposal has been amended to include the building at 549 Glenmore Road, Edgecliff (see **Figures 3, 4 & 5** below) as a local heritage item, including its interiors.

It is noted that both the Cadry's Building and 549 Glenmore Road are in the same ownership. This owner was present at the meeting of the Woollahra LPP on 16 September 2021 and spoke in support of the listing for both properties.

The amended planning proposal is at **Annexure 4** and the changes have been highlighted in yellow.



*Figure 3: Cadastral map of both sites which are the subject of the planning proposal (Woollahra Council's GIS Maps)*



*Figure 4: Northern elevation of the two storey sandstone building at 549 Glenmore Road, Edgecliff*





*Figure 5: Two storey sandstone building at 549 Glenmore Road, Edgecliff in the left of the picture (viewed from the Glenmore Road to the west)*

### **Next Steps:**

Subject to the Council's decision, the planning proposal (with updates to make reference to the Council decision) 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.

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 to the land owner of the site.
- A notice on Council's website.
- A notice to land owners adjoining and in the vicinity of the site.
- A weekly notice in the *Wentworth Courier* for the duration of the exhibition period (if a hardcopy is being published).
- A letter to local community groups.





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. Part C of the recommendation for this report deals with this request. After public exhibition, the planning proposal and submissions received will be reported to Council.

### **Conclusion:**

The listing of the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item in Woollahra LEP 2014 is supported by an assessment of the heritage significance. On 16 September 2021, the Woollahra LPP provided advice to Council that it supported the planning proposal, subject to include the building at 549 Glenmore Road, Edgecliff. The assessment of heritage significance, and the planning proposal have been updated to incorporate this advice.

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

### **Annexures**

1. Environmental Planning Committee Agenda - 15 June 2021 - Cadry's Building [↓](#) 
2. Woollahra Local Planning Panel Agenda - 16 September 2021 - Cadry's Building [↓](#) 
3. DRAFT Heritage Significance Assessment - Cadry's Buildings (Updated September 2021) [↓](#) 
4. Planning Proposal - Cadry's Buildings - Updated 28 September 2021 [↓](#) 

Woollahra Municipal Council  
Environmental Planning Committee Agenda

15 June 2021

**Item No:** R1 Recommendation to Council

**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF & PLANNING PROPOSAL - REMOVAL OF THE LAND RESERVED FOR ACQUISITION ALONG NEW SOUTH HEAD ROAD, EDGECLIFF**

**Author:** Kristy Wellfare, Strategic Heritage Officer

**Approvers:** Anne White, Manager - Strategic Planning  
Nick Economou, Acting Director Planning & Place

**File No:** 21/73189

**Reason for Report:** To present the heritage significance assessment prepared by Council's Strategic Heritage Officer: Kristy Wellfare for the Cadry's building at 133 New South Head Road, Edgecliff.  
To recommend that Council resolves to prepare a planning proposal to list the Cadry's building (including interiors) as a heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.  
To recommend that Council resolves to prepare a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

**Recommendation:**

- A. THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the *Woollahra Local Environmental Plan 2014*.
- B. THAT a planning proposal be prepared to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- C. THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.
- D. THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.
- E. THAT the heritage significance of the properties at 543-549 Glenmore Road be assessed and recommendations provided regarding the listing of these properties in Schedule 5 of the Woollahra LEP 2014 and on the State Heritage Register.

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**1. The Cadry's Building**

On 10 February 2020 Council resolved the following:

*THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.*

The following information was included as background on the relevant Council agenda:



*I request our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.*

*This building was constructed in 1856 and operated as a hotel for many years. Since 1952, the building has been owned and operated by the Cadry's family who have restored some of the building back to its original state over the years.*

*This includes removing the pub tiles on the outside walls that would have been added in the 1930's to reveal the original sandstone walls.*

*The building is located in a highly visible spot and sits at the gateway to Woollahra. It is unique and I strongly believe that it should have a permanent heritage listing to save it for future generations.*

### 1.1. The Site

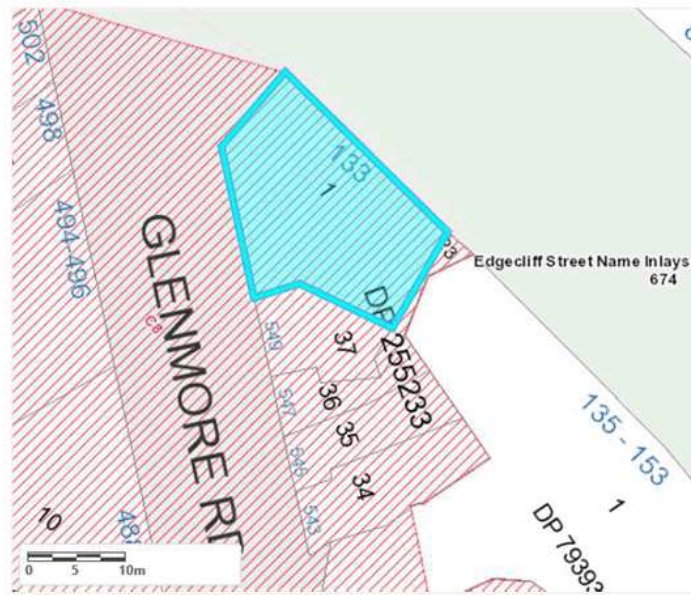
The subject site features the three storey building known as the Cadry's building located at 133 New South Head Road, Edgecliff, on the corner of Glenmore Road. Existing development on the site comprises a three storey commercial building with basement, of sandstone and rendered masonry construction. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson that was added during the period the site operated as the Rushcutters Bay Hotel.



*Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff*

The site is legally known as Lot 1 in DP: 255233. The site is irregular in shape and approximately 403m<sup>2</sup> in area with a frontage of 23.98m to New South Head Road, and an irregular frontage to Glenmore Road of 27.66m.

Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-549 Glenmore Road comprising a two storey sandstone cottage (No. 549) and three single storey brick cottages (Nos 543-547). As demonstrated in **Figure 2** below, the subject site and the adjoining sites at 543-549 Glenmore Road are located within the Paddington Heritage Conservation Area (HCA).



**Figure 2: Cadastral map of the subject site (highlighted in blue) and the adjoining sites along Glenmore Road (HCA shown in red hatch)**

As shown in **Figure 3** below, the subject site, along with the neighbouring sites at 543-549 Glenmore Road, is affected by the *Land Reserved for Acquisition Map* in the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). The effect of the Land Reserved for Acquisition affectation is to enable the acquisition of these sites by a public agency for a specific purpose, which, if exercised, would result in the demolition of the buildings to facilitate that purpose.

## 2. Assessment of heritage significance

An assessment of heritage significance was carried out by Council's Strategic Heritage Officer: Kristy Welfare, which was informed by site visits which took place on 20 March 2020, 9 June 2020 and 12 May 2021. 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 building was assessed against the seven criteria in the guidelines. Each criterion has inclusions and exclusions 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 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 the Cadry's building at 133 New South Head Road, Edgecliff 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 two additional criteria.

**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	✗	✗
(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:

*The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premises for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.*

*The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site topography. The building remains legible as a mid 19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.*

*As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories. The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".*

*The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development. The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.*

### **2.1. Recommendations of the Assessment of Heritage Significance report**

The heritage significance assessment report has assessed the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff in accordance with the NSW Heritage Manual. It has concluded that, based on the information available at the time of writing, the building meets the threshold for listing as an item of local heritage significance. The Cadry's building fulfils the criteria for listing for its historical, aesthetic, associational, rarity and representative significance. This report has concluded that the Cadry's building at 133 New South Head Road, Edgecliff does not meet the threshold for State heritage significance.

Through the historical investigations undertaken as part of the Heritage Significance Assessment for the Cadry's building, it was noted that the adjacent buildings at 543-549 Glenmore Road are contemporaneous with the subject site and appear to be relatively unchanged externally. As such, the heritage significance assessment has also recommended that the buildings at 543-549 Glenmore Road be investigated to determine whether these building fulfil the criteria for heritage listing.

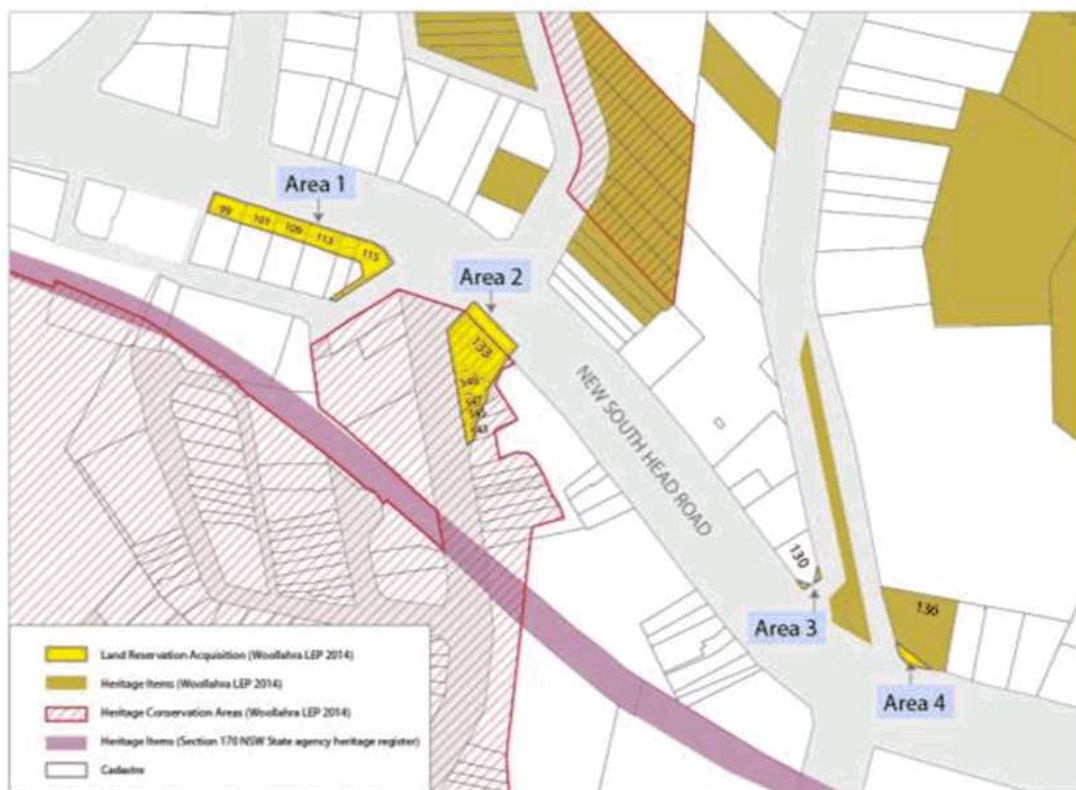
### **3. Land Reservation Acquisition map**

The Woollahra LEP 2014 identifies land reserved for acquisition on the *Land Reservation Acquisition Map*. By including these parcels (and part of parcels) in the Woollahra LEP 2014, this land may be acquired in the future by public agencies for a specific purpose. The purpose for which the land is to be acquired is identified on the Map, and this includes uses such as "road widening" and "open space". By being identified as land reserved for acquisition in the Woollahra LEP 2014 there is an implication that current development on that parcel (or part of parcel) will at some point be the subject of demolition to make way for the public purpose.

### 3.1. Land reserved for acquisition in Edgecliff

The Woollahra LEP 2014 currently identifies land reservation acquisition for road widening affecting a number of properties along New South Head Road and Glenmore Road in the Edgecliff Centre. **Figure 4** below identifies the three Areas in the Edgecliff Centre that are subject to a reservation for road widening. The properties affected in each Area, and what currently exists on the site is then summarised in **Table 2** below. This table also describes the significance of the properties affected (where applicable). It is noted that Chapter C1 Paddington HCA of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) identifies that all properties located in the Paddington HCA are contributory items.

As identified in the maps and table, the affected areas include properties located in the Paddington heritage conservation area (C8), listed heritage items, contributory items and the Cadry's building at 133 New South Head Road.



**Figure 3: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations**

### 3.2. Relevant acquisition authority

The relevant acquisition authority for these reservations is the Roads and Maritime Services (RMS), which forms part of Transport for NSW. These parcels were previously reserved for acquisition under the Woollahra LEP 1995, and at the time the land was identified for road widening purposes as part of the 1958 Road Alignment project. This project was superseded by the Cross City Tunnel project which was completed in 2005.



When Council staff prepared the current LEP, we consulted with the RMS about the need to retain the reservation provisions in the LEP. The advice, at that time, was that we had to retain these parcels on the Land Reservation Acquisition Map. This was despite the fact that the RMS has no plans to acquire the land and no proposal to carry out road improvement works on these parcels.

**Table 2: Individual parcels affected by the land reserve for acquisition in the Edgecliff Centre, and relevant heritage affectations**

Area	Property details	Property Description	Significance
<b>Area 1:</b> <b>(Fig. 5)</b>	● Part 99 New South Head Rd	Four-storey interwar residential flat building	Identified as significant in the Woollahra DCP 2015
	● Part 101 New South Head Rd	Four-storey strata titled interwar residential flat building (15 units)	Identified as significant in the Woollahra DCP 2015
	● Part 109 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 15 units)	Identified as significant in the Woollahra DCP 2015
	● Part 113 New South Head Rd	Four-storey strata titled interwar residential flat building (containing 16 units)	Identified as significant in the Woollahra DCP 2015
	● Part 115 New South Head Rd	Car service Centre	
<b>Area 2:</b> <b>(Fig. 6)</b>	● 133 New South Head Rd	Three-storey corner sandstone and masonry building "Cadry's"	Contributory item in Woollahra DCP 2015 & the subject of this report
	● 549 Glenmore Rd	Two-storey sandstone workers' cottage	Contributory item in Woollahra DCP 2015
	● Part 547 Glenmore Rd	Single storey brick workers' cottage	Contributory item in Woollahra DCP 2015
	● Part 545 Glenmore Rd	Single storey brick workers' cottage	Contributory item in Woollahra DCP 2015
	● Part 543 Glenmore Rd	Single storey brick workers' cottage	Contributory item in Woollahra DCP 2015
<b>Area 3:</b>	● 130 New South Head Rd	Three-storey corner shop-top housing building	
<b>Area 4:<sup>1</sup></b>	● 136 New South Head Rd	Two-storey historic bank building and interiors	Local Heritage Item Woollahra LEP 2014

### 3.3. Purpose of the land reserved for acquisition

Since the land was identified for realignment in 1958, important changes have occurred to traffic management and to the nature of transport across our city. Substantial improvements to public transport have been made, notably through the opening of the Eastern Suburbs railway with its two bus and rail interchanges at Edgecliff and Bondi Junction. Additionally, the Cross City Tunnel was completed superseding intentions to direct traffic through Paddington which would have been partly facilitated by the New South Head Road widening. In summary, these land reservations are now superfluous.

<sup>1</sup> The concrete balustrade and retaining wall located at the intersection of Darling Point Road and New South Head Road is a Local Heritage Item in Woollahra LEP 2014. Whilst it is not identified on the Land Reserved for Acquisition Map, given its location within the southernmost tip between Areas 3 and 4 as identified in **Figure 4** above, this item is also at risk from any road widening activities carried out in this part of New South Head Road.

The unique heritage significance of Paddington has been acknowledged at local, State and National levels. Paddington has been protected as a Heritage Conservation Area under Woollahra LEPs for over 35 years. Having land identified for acquisition (and ultimately demolition) is in conflict with the LEP objective to conserve the built and environmental heritage of Woollahra, which includes conserving the significance of the Paddington HCAs and heritage items. Should Council resolve to endorse the planning proposal to list the Cadry's building at 133 New South Head Road, Edgecliff as a local heritage item, the land reservations at this site will be in direct contradiction to Council's intention to protect the heritage significance of this building.

Additionally, with the NSW Government's increased emphasis on the importance of planning for place, these road reservations constrain Council's ability to invest in the long-term place making of Edgecliff, with the risk that any works undertaken by Council may be removed for unnecessary road widening purposes. Accordingly, there are strong and compelling reasons to remove the four areas of land along New South Head Road, Edgecliff, that are identified for road widening.

Since the implementation of Woollahra LEP 2014, Council staff have been continuing to liaise with *Transport for NSW (TfNSW)* and the *Department of Planning, Industry and Environment* seeking support for the removal of the road reservations affectations. However, we have been unable to gain support from TfNSW. Furthermore, TfNSW have been unable to provide a clear or compelling reasons that would prevent the removal of these land reservations.

Staff recommend preparing a planning proposal to remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff from the *Land Reservation Acquisition Map*.

Further discussions with relevant staff from TfNSW can occur once the planning proposal has been placed on public exhibition. It is anticipated that these discussions will be facilitated by representatives from the DPIE and the *Greater Sydney Commission*.

#### **4. 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, should Council resolve to prepare a planning proposal this must be referred to the Woollahra LPP for advice. This step will be undertaken at the next available meeting of the Woollahra LPP should Council decide to prepare one or both of these planning proposals.

## 5. Next steps

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

- Prepare a planning proposal under section 3.33 of the Act to
  - list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff, as an item of local heritage significance in the Woollahra LEP 2014,
  - remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.
- Refer the draft planning proposals to the Woollahra LPP for advice,
- Report the advice received from the Woollahra LPP to the Environmental Planning Committee.

## 6. Conclusion

The heritage significance of the Cadry's building, including interiors at 133 New South Head Road, Edgecliff has been assessed in accordance with the NSW Heritage guidelines. The assessment concludes that the Cadry's building, including interiors at 133 New South Head Road, Edgecliff Hillcrest, has local heritage significance and should be listed in Schedule 5 of the Woollahra LEP 2014.

Having recommended the listing of the Cadry's building as a local heritage item, staff also recommend removing the land identified for road reservation in the Edgecliff Centre. Having this land reserved for acquisition (and ultimately demolition) is in conflict with the recommendation to list the Cadry's building (including interiors) as a local heritage item. It is also in conflict with the Woollahra LEP 2014 objective to protect the significance of the Paddington HCA and heritage items.


To progress these two matters, planning proposals should be prepared to

- amend Schedule 5 of the Woollahra LEP 2014 by adding the Cadry's building, including interiors at 133 New South Head Road, Edgecliff to the list of heritage items, and
- remove the land reserved for acquisition along New South Head Road and Glenmore Road in Edgecliff.

These two planning proposals should be referred to the Woollahra LPP for advice.

Staff also recommend that the heritage significance of the properties at 543-549 Glenmore Road be assessed, and recommendations provided to Council regarding the listing of these properties.

## Annexures

1. Draft Heritage Significance Assessment - 133 New South Head Road, Edgecliff - June 2021 [↓](#) 

Woollahra Municipal Council

Woollahra Local Planning Panel (Public Meeting) Agenda

16 September 2021

**Item No:** D1  
**Subject:** **PLANNING PROPOSAL - HERITAGE LISTING OF THE CADRY'S BUILDING, INCLUDING INTERIORS, AT 133 NEW SOUTH HEAD ROAD, EDGECLIFF**  
**Author:** Kristy Wellfare, Strategic Heritage Officer  
**Approvers:** Anne White, Manager - Strategic Planning  
Scott Pedder, Director - Planning & Place  
**File No:** 21/172236  
**Reason for Report:** To seek the advice of the Woollahra Local Planning Panel in relation to the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff, as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

**Recommendation:**

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra Local Environmental Plan 2014.

**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 heritage listing of the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 and the Heritage Map 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.

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## 2. Background

On 10 February 2020 Council resolved the following:

*THAT Council requests our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.*

The following information was included as background on the relevant Council agenda:

*I request our heritage staff research the property located at 133 New South Head Road Edgecliff known as the Cadry's Building, to see if it is worthy of a permanent heritage listing.*

*This building was constructed in 1856 and operated as a hotel for many years. Since 1952, the building has been owned and operated by the Cadry's family who have restored some of the building back to its original state over the years.*

*This includes removing the pub tiles on the outside walls that would have been added in the 1930's to reveal the original sandstone walls.*

*The building is located in a highly visible spot and sits at the gateway to Woollahra. It is unique and I strongly believe that it should have a permanent heritage listing to save it for future generations.*

On 15 June 2021, the matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 2**) with a recommendation to include Cadry's building, including interiors, at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) as a local heritage item in Schedule 5 of the Woollahra LEP 2014. Subsequent to this, on 5 July 2021, Council resolved (in part):

- A. *THAT a planning proposal be prepared to list the Cadry's building, including interiors at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 of the Woollahra Local Environmental Plan 2014.*
- C. *THAT these planning proposals are referred to the Woollahra Local Planning Panel for advice.*
- D. *THAT the advice of the Woollahra Local Planning Panel be reported to the Environmental Planning Committee.*

## 3. The Site

The subject site features the three storey building known as the Cadry's building located at 133 New South Head Road, Edgecliff, on the corner of Glenmore Road. Existing development on the site comprises a three storey commercial building with basement, of sandstone and rendered masonry construction. The ground and first floors are of sandstone wall construction that is partially rendered and painted. These levels originally date from the early 1850s, and the uppermost floor is comprised of rendered and painted masonry construction added in 1909 to a design by E. Lindsay Thompson that was added during the period the site operated as the Rushcutters Bay Hotel.

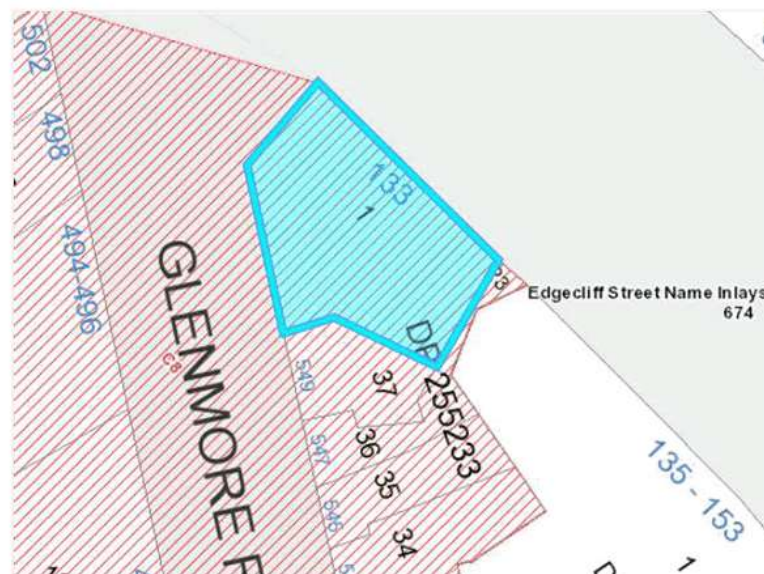




*Figure 1: Cadry's Building, 133 New South Head Road, Edgecliff*

The site is legally known as Lot 1 in DP: 255233. The site is irregular in shape and approximately 403m<sup>2</sup> in area with a frontage of 23.98m to New South Head Road, and an irregular frontage to Glenmore Road of 27.66m.

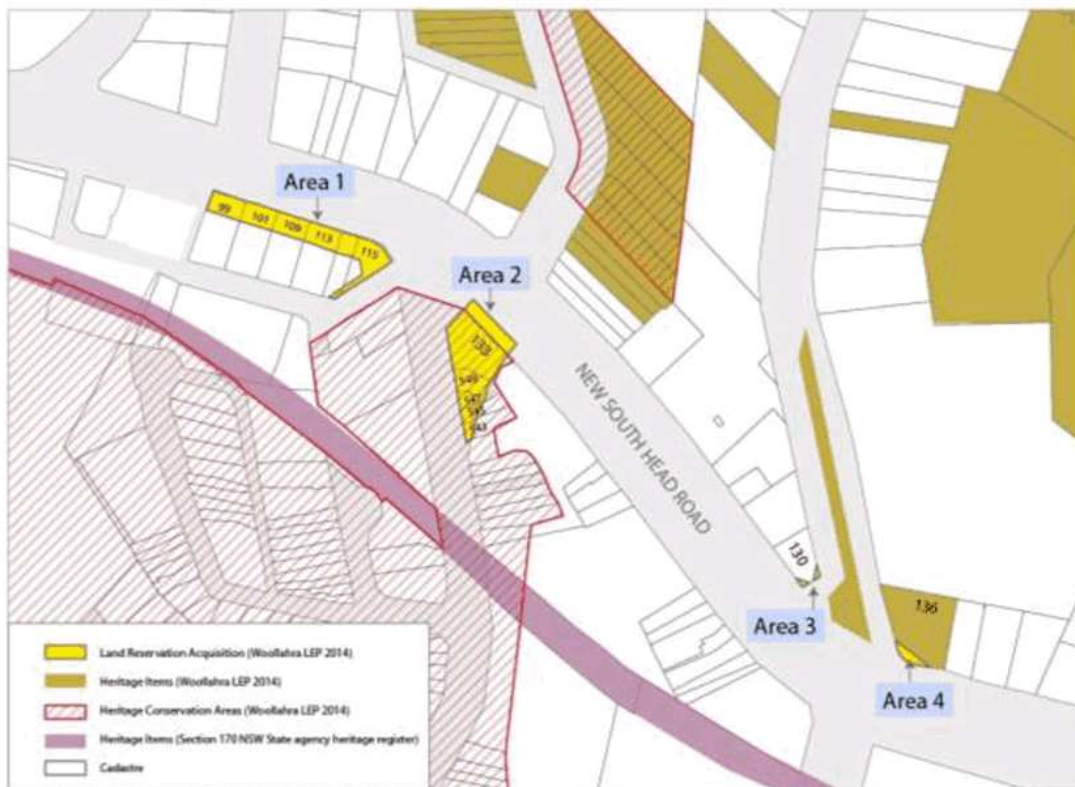
Development on adjoining sites includes a three storey mixed use building with basement parking at 135 New South Head Road of rendered masonry construction with a curved metal roof constructed circa mid-1980s, and a group of early Victorian era buildings at 543-549 Glenmore Road comprising a two storey sandstone cottage (No. 549) and three single storey brick cottages (Nos 543-547). As demonstrated in **Figure 2** below, the subject site and the adjoining sites at 543-549 Glenmore Road are located in the Paddington Heritage Conservation Area (HCA).



*Figure 2: Cadastral map of the subject site (highlighted in blue) and the adjoining sites along Glenmore Road (HCA shown in red hatch)*

As shown in **Figure 3** below, the subject site, along with the neighbouring sites at 543-549 Glenmore Road, is affected by the *Land Reserved for Acquisition Map* in the Woollahra LEP 2014 (the site forms part of Area 2). The effect of the Land Reserved for Acquisition affectation is to enable the acquisition of these sites by a public agency for a specific purpose, which, if exercised, would result in the demolition of the buildings to facilitate that purpose.

As a consequence of a Council resolution from 5 July 2021, Council is proceeding with a planning proposal which seeks to amend Woollahra LEP 2014 by removing these land affectations.



**Figure 3: Land reserved for acquisition in the Edgecliff Centre, and relevant heritage affectations**

#### 4. Assessment of heritage significance

An assessment of heritage significance was carried out by Council's Strategic Heritage Officer: Kristy Wellfare, which was informed by site visits which took place on 20 March 2020, 9 June 2020 and 12 May 2021. 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 building was assessed against the seven criteria in the guidelines. Each criterion has inclusions and exclusions 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 which includes the assessment against all criteria, is attached as **Annexure 3**.

**Table 1** below provides a summary of the assessment of the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff 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 two additional criteria.

*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	✗	✗
(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:

*The building known as the Cadry's building at 133 New South Head Road, Edgecliff is a rare and representative example of an early Victorian era (c.1856) former hotel building with a distinctly legible Federation era free classical style second storey addition located within the former St James' Glebe lands administered by the Church of England. The site is historically significant as it has been in almost continuous use as a commercial premises for over 160 years – first as the Rushcutters Bay Hotel and then as a retail Persian carpet traders run by the Cadry family continuously on the site since 1967.*

*The Cadry's building is of aesthetic significance as a rare example of an early Victorian era hotel building that evolved through the early 20th century to accommodate the demand for hotel accommodation in the locality. The building has landmark qualities on New South Head Road and in Edgecliff due to its prominent corner position, elevated situation above the Glenmore Street frontage, and three storey scale with basement that responds to the site*

*topography. The building remains legible as a mid 19th century building that has been the subject of Federation era additions due to the exposed sandstone walling at ground and part of the first floor level.*

*As the Rushcutters Bay Hotel, the Cadry's building is associated with Tooth & Co, who owned and operated pubs and hotels throughout Australia. The site's association with Tooth & Co is well documented archivally in local, state and national repositories. The Cadry's building also has associational significance with Jacques Cadry (1910-2003), who began the Cadry's rug trading business in 1952 before commencing trading at the site in the mid-1950s. Jacques Cadry is identified as the first Persian Jew to be given permanent residency in Australia, in 1952, and to be naturalised, in 1955. He was a prominent member of the Persian Jewish community and the Cadry family has featured in the Sydney Jewish Museum exhibition, "Jews from Islamic Lands".*

*The interiors have been remodelled to respond to the changing trends for hotel arrangements through the first half of the 20th century, and in response to the use of the site as a Persian carpet retailer from the mid-1960s. However, the building retains substantial internal and external fabric and detailing that demonstrates these phases of development. The site may have research potential for underfloor deposits as the age of the original building predates the use of tongue-and-groove flooring.*

## **5. Recommendations of the Assessment of Heritage Significance report**

The heritage significance assessment report has assessed the heritage significance of the Cadry's building at 133 New South Head Road, Edgecliff (Lot 1 in DP: 255233) in accordance with the NSW Heritage Manual.

It has concluded that, based on the information available at the time of writing, the building meets the threshold for listing as an item of local heritage significance. The Cadry's building fulfils the criteria for listing for its historical, aesthetic, associational, rarity and representative significance.

This report has concluded that the Cadry's building at 133 New South Head Road, Edgecliff does not meet the threshold for State heritage significance.

## **6. Planning proposal**

Consistent with Council's resolution of 5 July 2021, a planning proposal has been prepared to list the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item in Schedule 5 and the Heritage Map of the Woollahra LEP 2014 (see **Annexure 1**). 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 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.

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### 6.1. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of the Cadry's building, including interiors, at 133 New South Head Road, Edgecliff as a local heritage item and provide it with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

### 6.2. Explanation of provisions

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

- Insert a listing for the Cadry's building, including interiors' in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage). The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP.
- Amend the Heritage Map (Sheet HER\_003A) to identify a heritage item on the site at 133 New South Head Road, Edgecliff.

### 6.3. 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 the Cadrys Building, including interiors at 133 New South Head Road, Edgecliff, 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.



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- 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 the Cadrys building, including interiors at 133 New South Head Road, Edgecliff, as a local heritage item in the Woollahra LEP 2014.

#### Annexures

1. Planning Proposal - Cadry's Building - 133 New South Head Road, Edgecliff - Heritage Listing (September 2021) [↓](#) 
2. Environmental Planning Committee Agenda - 15 June 2021 (Annexures removed) [↓](#) 
3. Draft Assessment of Heritage Significance - June 2021 (including Heritage Inventory Sheet) [↓](#) 