

Planning Proposal



Local Heritage Listing of 53 and 55 Drumalbyn Road Bellevue Hill



Version Date:	April 2022
Division/Department:	Planning and Place/Strategic Planning
Responsible Officer:	Flavia Scardamaglia – Strategic Heritage Officer
HPE CM Record Number:	22/28522

Acknowledgement of Country

We acknowledge the Gadigal and Birrabirragal people as the traditional custodians of the land in our local area.

Table of Contents

1. Introduction	5
1.1. Background	5
1.2. Description of this planning proposal	6
1.3. Assessment of heritage significance	7
1.4. Statements of heritage significance	8
2. Existing sites and context	9
2.1. 53 Drumalbyn Road Bellevue Hill	9
2.2. 55 Drumalbyn Road Bellevue Hill	12
3. Existing planning controls	16
4. Objectives of planning proposal	17
5. Explanation of provisions	17
6. Justification	17
6.1. Need for planning proposal	17
6.2. Relationship to strategic planning framework	18
6.3. Environmental, social and economic impact	19
6.4. State and Commonwealth interests	20
7. Mapping	21
8. Community consultation	22
9. Project timeline	23
Schedules	24
Schedule 1 – Consistency with State Environmental Planning Policies	24
Schedule 2 – Compliance with section 9.1 directions	26

Supporting documents (circulated separately)

- Preliminary heritage assessments for 53 and 55 Drumalbyn Road Bellevue Hill dated 16 December 2021
- Heritage Significance Assessment for 53 Drumalbyn Road Bellevue Hill (including heritage inventory sheet) dated March 2022
- Heritage Significance Assessment for 55 Drumalbyn Road Bellevue Hill (including heritage inventory sheet) dated March 2022
- Report to the Woollahra LPP dated 17 March 2022 (Attachments removed)
- Late correspondence tabled at the Woollahra LPP meeting dated 17 March 2022
- Report to the Council dated 11 April 2022 (Attachments removed)
- Council resolution dated 11 April 2022

1. Introduction

1.1. Background

On 22 September 2021, a development application (DA) was lodged with Woollahra Council to demolish both buildings at 53 & 55 Drumalbyn Road, Bellevue Hill, amalgamate the two sites and construct a new seniors' housing development (DA2021/416/1).

Council staff engaged an external heritage consultant Scott Robertson of *Robertson & Hindmarsh Pty Ltd* to undertake a preliminary heritage assessment of both properties, which was finalised on 16 December 2021.

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

- a) *it has considered a preliminary heritage assessment of the item prepared by a person with appropriate heritage knowledge, skills and experience employed or retained by the Council and considers that:*
 - i. *The item is or is likely to be found, on further inquiry and investigation, to be of local heritage significance;*
 - ii. *The item is being or is likely to be harmed;*
 - iii. *The IHO is confined to the item determined to be under threat.*

Given DA2021/416/1 proposed the demolition of all structures on both sites, and that both sites are potentially of local heritage significance, the Director of Planning & Place formed the opinion that the above circumstances were in place.

Subsequently, the Director of Planning & Place authorised the making of a two IHOs. The IHOs (No.8 and 9) were issued under section 25 of the *Heritage Act 1977* (IHO No. LC-5) and were published in the NSW Government Gazette No. 646 of 17 December 2021.

Further to this, Council staff commissioned a full heritage assessment to Robertson & Hindmarsh, which is attached as a supporting document to this planning proposal.

A site inspection to both properties including the interiors, gardens and outbuildings was undertaken on 1 March 2022, attended by the author of this report, Scott Robertson and Council's Assessment Officer. Internal photographs of No.53 were not allowed by the owners, hence only real estate photographs are used in this report.

On 17 March 2022, this matter was referred to the Woollahra Local Planning Panel (Woollahra LPP), who provided the following advice to the Council:

THAT the Woollahra Local Planning Panel advises Council to:

- A. *Proceed with the planning proposal to list the following as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014:*
 - i. *'House (including interiors), garage, outbuilding, gardens (including retaining walls)' at 53 Drumalbyn Road, Bellevue Hill.*
 - ii. *'House (including interiors), garage, outbuilding, gardens (including retaining walls)' at 55 Drumalbyn Road, Bellevue Hill.*

- B. Proceed to investigate the potential State significance of 55 Drumalbyn Road, Bellevue Hill and if so, progress to nomination to the State heritage register.
- C. Advise the NSW Heritage Council that 55 Drumalbyn Road, Bellevue Hill on further investigation may prove to be of State significance
- D. Progress with a proactive approach to heritage identification and conservation including a Modern Heritage study and investigating other buildings in the Bellevue Hill suburb and other areas in the Woollahra LGA.

On 11 April 2022, having considered the advice of the Woollahra Local Planning Panel Council resolved:

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 17 March 2022 for the planning proposal to list 53 and 55 Drumalbyn Road, Bellevue Hill as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal to heritage list 53 and 55 Drumalbyn Road, Bellevue Hill as contained in Attachment 5 of the report to Council of 28 March 2022, and resolve to forward this to the Department of Planning and Environment with a request for 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 environment plan under section 3.36 of the Environmental Planning and Assessment Act 1979.
- D. THAT Council endorse investigating the potential State significance of 55 Drumalbyn Road, Bellevue Hill and if found to have State significance, progress a nomination to the State heritage register.
- E. THAT the Mayor writes to the NSW Heritage Council notifying them that 55 Drumalbyn Road, Bellevue Hill may be of State significance.
- F. THAT consistent with the adopted Woollahra Heritage Gap Analysis, Council progress the heritage program with a proactive approach to heritage identification and conservation including a Modern Heritage study.

1.2. Description of this planning proposal

This planning proposal is made in relation to the following properties located in the Woollahra LGA:

	Property name	Address	Lot/DP
1	House (including interiors), garage, outbuilding, gardens (including retaining walls).	53 Drumalbyn Road Bellevue Hill	Lot 3 DP 316390
2	House (including interiors), garage, outbuilding, gardens (including retaining walls).	55 Drumalbyn Road Bellevue Hill	Lot B DP 186880

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and the document

prepared by the Department of Planning, Industry and Environment titled *Local Environmental Plan Making Guideline* (December 2021).

1.3. Assessment of heritage significance

An assessment of heritage significance was carried out by Scott Robertson of Robertson & Hindmarsh.

The assessment of heritage significance reviewed the subject sites in accordance with the document title *Assessing heritage significance*, published by the NSW Heritage Office in 2001 and *Investigating heritage significance*, published by the Heritage NSW in 2021. 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 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 has potential to yield information that will contribute to an understanding of NSW's cultural or natural (or the cultural or natural history of the local area).

Criterion (g) – Representative

An item is important in demonstrating the principal characteristics 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 inventory sheets for both 53 and 55 Drumalbyn Road, Bellevue Hill, including assessment against all heritage criteria, is included in the appendix of this planning proposal.

1.4. Statements of heritage significance

Statements of significance have been prepared for both properties that are the subject of this planning proposal, as follows:

1.4.1.53 Drumalbyn Road Bellevue Hill

53 Drumalbyn Road, Bellevue Hill is of at least Local historical and aesthetic significance as a relatively intact example of interwar Spanish style (Inter-War Spanish Mission/Mediterranean) architecture that reflects the characteristic features of this architectural style such as low-pitched tile roof, rendered walls, rendered external architraves and spandrel decoration, arched loggia, and wrought iron balconettes. It is also of at least Local historical significance in reflecting the lifestyle of the upper Middle Class in the interwar period with a garage for their car and accommodation for the live-in maid, which was indicative of the wealth of the residents and also is a reflection of a lifestyle (live-in maids) that is, defunct except for the rarest instances of the super-wealthy.

53 Drumalbyn Road, Bellevue Hill is of at least Local significance for its association with the prolific and well-known interwar architects, Bohringer, Taylor & Johnson, and the developer clients, the Wells Family and High Standard Constructions Ltd, and is part of a group of individual buildings and flats in Drumalbyn designed in a similar architectural vocabulary.

(March 2022, Robertson & Hindmarsh)

1.4.2.55 Drumalbyn Road Bellevue Hill

55 Drumalbyn Road, Bellevue Hill is of at least Local historical significance as an early New South Wales example of Modernist residential architecture that demonstrates the distinctive features of the style such as horizontal emphasis, open plan living areas and useable roof terrace, reflecting the first wave of Modernism to be employed in Australia; as such it is a rare remaining example of the style and one of the first examples to be erected in Sydney generally and in the Eastern suburbs. It is also of at least Local historical significance in reflecting the lifestyle of the upper Middle Class in the interwar period with a garage for their car and accommodation for the live-in maids, which was indicative of the wealth of the residents and also is a reflection of a lifestyle (live-in maids) that is, defunct except for the rarest instances of the super-wealthy.

55 Drumalbyn Road, Bellevue Hill is of at least Local significance for its association with the long-time owners, the world-famous, and internationally-recognised, Cole Family of magicians, escapologists and illusionists and for its association with the body of work of the prolific interwar architect P. Gordon Craig and his younger partner who worked on the design of the house, John M. Brindley.

(March 2022, Robertson & Hindmarsh)

2. Existing sites and context

2.1. 53 Drumalbyn Road Bellevue Hill

53 Drumalbyn Road Bellevue Hill is located on the south-western side of Drumalbyn Road. The site is legally identified as Lot 3 in DP 316390. The site is 678.73m² in area, with a frontage of 14.05m to Drumalbyn Road and a depth of 48.41m to the north-western boundary and 33.98m to the south-eastern boundary. The south-eastern boundary adjoins a narrow accessway to the battle-axe allotment located to the rear at 55 Drumalbyn Road Bellevue Hill.

Development on the eastern side of Drumalbyn road follows the topography of the area, with buildings located well above the street level. The adjoining sites comprise single storey and two storey residential dwelling houses.

Existing development on the site comprises of a two-storey house with a gabled roof designed in the Inter-War Spanish Mission style. The symmetrical facade is dominated by a central three-arched entrance with twisted columns and a terracotta hipped roof.

The site is not located in the vicinity of any listed heritage items and is not located within a heritage conservation area.

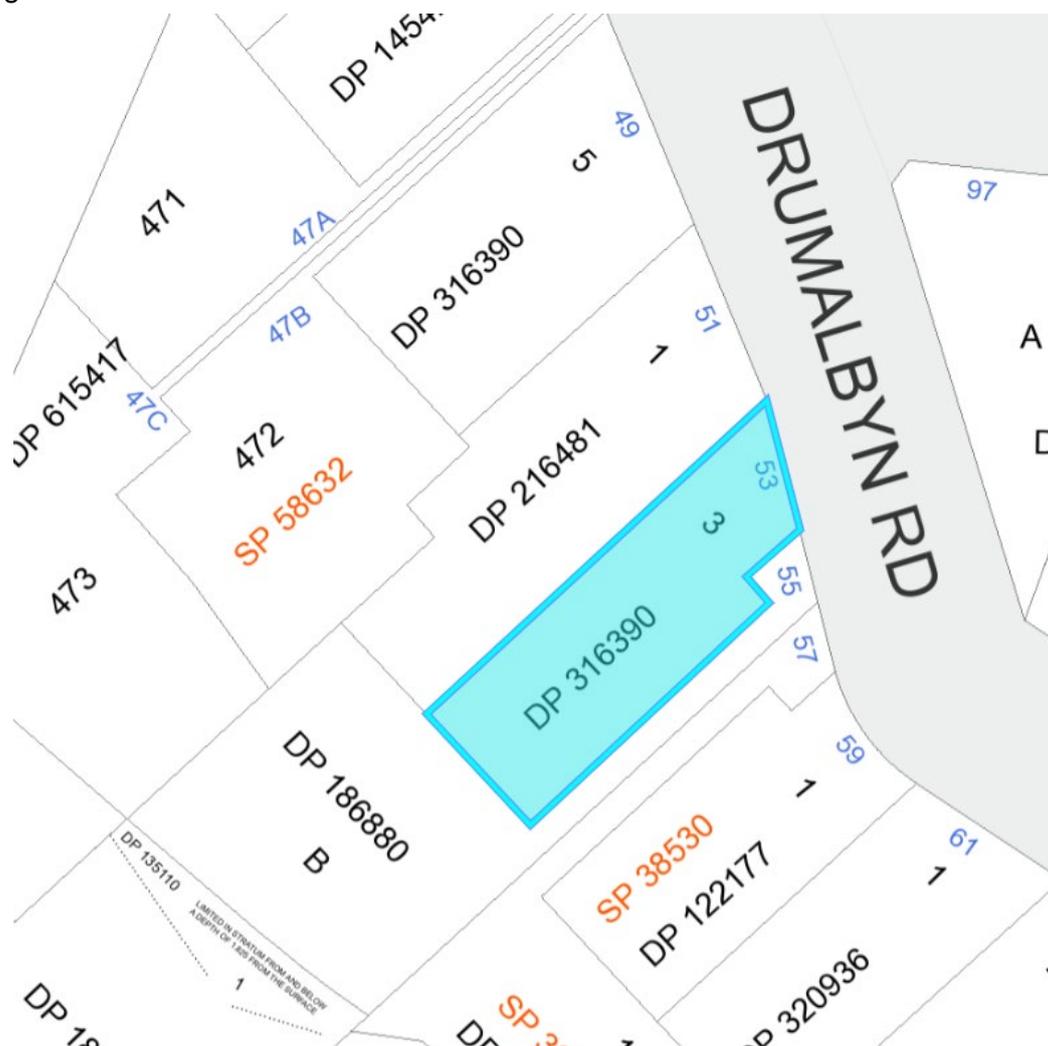


Figure 1: Cadastral map of the subject site. Source: Woollahra Maps.



Figure 2: Current aerial photo, February 2022. Source: Woollahra Maps.



Figure 3: Front elevation, April 2010. Source: www.realestate.com.au.



Figure 4: Living room, April 2010. Source: www.realestate.com.au.



Figure 5: Bedroom, April 2010. Source: www.realestate.com.au.

2.2. 55 Drumalbyn Road Bellevue Hill

55 Drumalbyn Road Bellevue Hill is located on the south-western side of Drumalbyn Road. The site is legally identified as Lot B in DP 186880 formed as a battle-axe allotment of 55 Drumalbyn Road.

Development on the eastern side of Drumalbyn road follows the topography of the area, with buildings located well above the street level. The adjoining sites comprise single storey and two storey residential dwelling houses.

The site is 1,057.65m² in area, with a frontage of 7.95m to Drumalbyn Road and a depth of 30.07m to the north-western boundary and 63.51m to the south-eastern boundary.

Existing development on the site comprises of a two-storey house with a gabled roof designed in the Inter-War Moderne/Functionalist style.

The site is not located in the vicinity of any listed heritage items and is not located within a heritage conservation area.

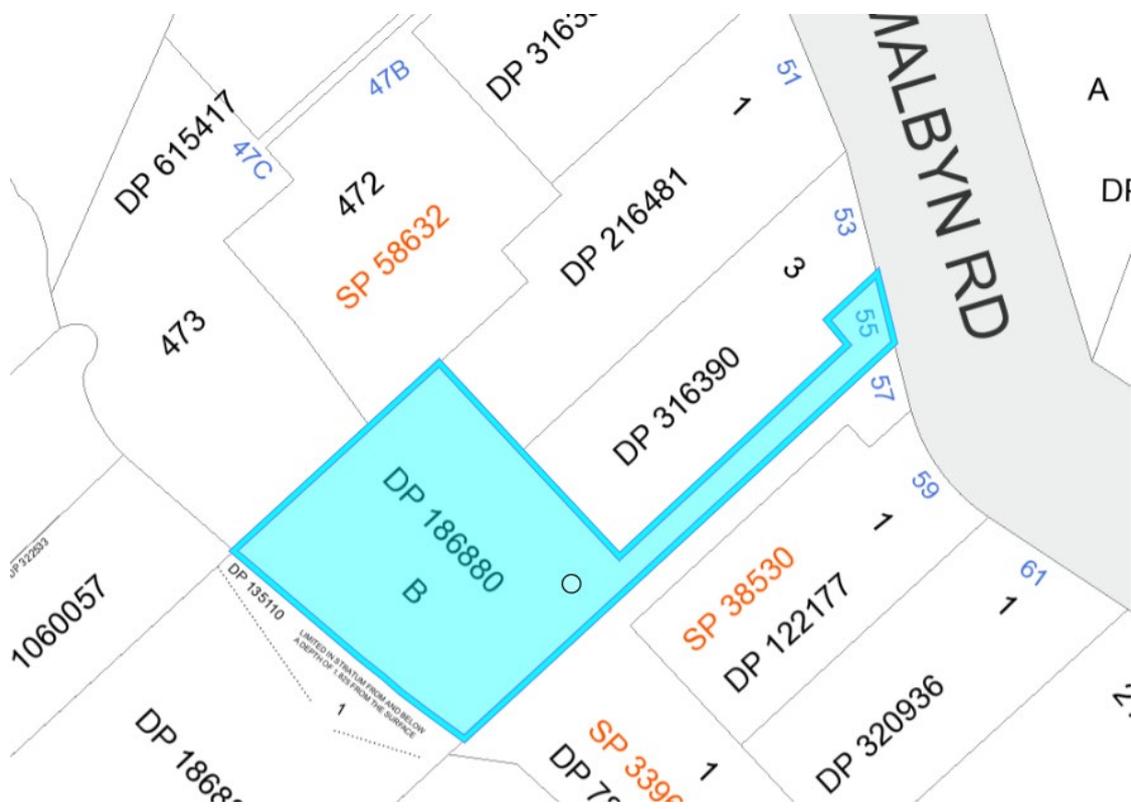


Figure 6: Cadastral map of the area. Source: Woollahra Maps.



Figure 7: Aerial photo of 55 Drumalbyn Road, Bellevue Hill. Source: Woollahra Maps.



Figure 8: Front elevation of 55 Drumalbyn Road, Bellevue Hill. Source: Woollahra Council.



Figure 9: External view of 55 Drumalbyn Road, Bellevue Hill. Source: Woollahra Council.



Figure 10: Internal open plan for 55 Drumalbyn Road, Bellevue Hill. Source: Woollahra Council.



Figure 11: Original fireplace detailing. Source: Woollahra Council.



Figure 12: Original horizontal window detailing. Source: Woollahra Council.

3. Existing planning controls

All sites are subject to the existing planning controls in the Woollahra LEP 2014, relating to land zoning, height of buildings, and minimum lot size.

Property address	Land Use Zone	Maximum building height (m)	Floor space ratio	Minimum Lot size (sq m)
53 Drumalbyn Road Bellevue Hill	R2 Low Density Residential	9.5m	N/A	675
55 Drumalbyn Road Bellevue Hill	R2 Low Density Residential	9.5m	N/A	675

The Objectives for the R2 zone of the Woollahra LEP 2014 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.

No changes to the principal development standards currently applicable to the site under the Woollahra LEP 2014 are proposed to change under this planning proposal request.

The land is not mapped as being subject to **floor space ratio** controls or being within a flood planning area.

The land is not currently identified in the Woollahra LEP 2014 as containing any items of **heritage** significance.

The land is identified under the Woollahra LEP 2014 as potentially containing **Class 5** acid sulfate soils. The land is not known to be subject to any other environmental constraints.

4. Objectives of planning proposal

The objective of the planning proposal is to recognise the heritage significance of 53 and 55 Drumalbyn Road, Bellevue Hill and provide them with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of both sites.

5. Explanation of provisions

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

- Insert a listing for each property 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 (Sheets HER_003D) to identify 2 additional heritage items at their relevant addresses.

6. Justification

The heritage significance of 53 and 55 Drumalbyn Road, Bellevue Hill, has been established by the assessment undertaken by Robertson & Hindmarsh. Heritage listing will provide ongoing protection and recognition of the heritage significance of the item.

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 of two Assessments of Heritage Significance reports prepared by Robertson & Hindmarsh. The reports concluded that 53 and 55 Drumalbyn Road, Bellevue Hill, meet XXX criteria out of seven for listing as a local heritage item. Both items have been recommended to be listed as local heritage item in the Woollahra LEP 2014.

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

Yes. The objective of this planning proposal is to list two properties at 53 and 55 Drumalbyn Road, Bellevue Hill in Schedule 5 of the Woollahra LEP 2014 and associated heritage maps. 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 the Woollahra DCP 2015, or including heritage conservation conditions to a development consent, will not provide the same level of heritage protection and recognition.

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 planning priorities and 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 13 'Environmental heritage is identified, conserved and enhanced'.

Heritage listing of 53 and 55 Drumalbyn Road, Bellevue Hill will provide ongoing protection and recognition of the heritage significance of these items.

Eastern City District Plan

Yes. The planning proposal is generally consistent with the directions, priorities and objectives of the *Eastern City District Plan*, particularly Planning Priority E6 and Action 20:

Planning Priority E6 'Creating and renewing great places and local centres, and 'respecting the District's heritage'

*Objective 13 'environmental heritage is identified, conserved and enhanced'
Action 20 'Identifying, conserving and enhancing the environmental heritage of the local area' through:*

- a. engaging with the community early to understand heritage values*
- b. applying adaptive re-use and interpreting heritage to foster distinctive local places managing and monitoring the cumulative impact of development on the heritage values and character of places'.*

Heritage listing of 53 and 55 Drumalbyn Road, Bellevue Hill, will provide ongoing protection and recognition of the heritage significance of these items.

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 Woollahra Local Strategic Planning Statement and Council's Community Strategic Plan, Woollahra 2030.

The planning proposal is consistent with Planning Priority 5 of the Woollahra Local Strategic Planning Statement:

Planning Priority 5 Conserving our rich and diverse heritage

In particular Actions 28 and 30 of this planning priority seek to ensure that heritage is conserved and that the LEP and DCP reflect the evolving nature of heritage:

28. Continue to proactively conserve and monitor heritage in the Municipality including:
- reviewing and updating provisions in Woollahra Local Environmental Plan 2014 and Woollahra Development Control Plan 2015
 - sustainably managing visitation to our heritage conservation areas and destinations
 - promoting a high standard of urban design in both the public and private domain that respects and communicates with heritage and our heritage conservation areas
 - supporting implementation of legislation for Aboriginal Heritage.
30. Undertake further theme-based Municipality-wide studies, with consideration for the fact that heritage is constantly evolving.

The planning proposal is also consistent with Council's community strategic plan, *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 and residential amenity, including protection of significant architecture and the natural environment.

Heritage listing of 53 and 55 Drumalbyn Road Bellevue Hill will provide ongoing protection and recognition of the heritage significance of these items, consistently with these local strategies.

5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The planning proposal is consistent with other relevant State or regional study or strategy.

6. 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**).

7. 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

8. 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.

9. 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 items will be required when development is proposed, 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.

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

Yes. The heritage assessments measured 53 and 55 Drumalbyn Road Bellevue Hill 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 53 and 55 Drumalbyn Road Bellevue Hill meet the historic, associative, aesthetic, rarity and representativeness criteria at local level.

While the planning proposal does not have any direct economic effect, it has some social impact for the local community that appreciates and enjoys local heritage in Woollahra.

6.4. State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

Yes. The planning proposal involves the local heritage listing of 53 and 55 Drumalbyn Road Bellevue Hill and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, both properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services. The site's closest access to transport services is on Victoria 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.

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

Should the planning proposal proceed to public exhibition, consultation with the relevant public authorities will be carried out. These authorities will include, but are not limited to:

- Heritage NSW, Department of Premier and Cabinet
- NSW Heritage Council
- The National Trust of NSW

Further consultation will take place with any other authorities identified by the Gateway Determination.

7. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Maps (Sheets HER_003D) by applying an “Item – General” classification to the following sites:

1. 53 Drumalbyn Road Bellevue Hill
2. 55 Drumalbyn Road Bellevue Hill

An extract of the existing and proposed heritage maps are shown in Figures 13 and 14. The heritage item numbers illustrated in the maps below are indicative only. The heritage item numbers will be confirmed upon finalisation of the planning proposal.

53 and 55 Drumalbyn Road Bellevue Hill



Figure 13: Extract from existing Woollahra LEP 2014 Heritage Map (Sheet HER_003D)

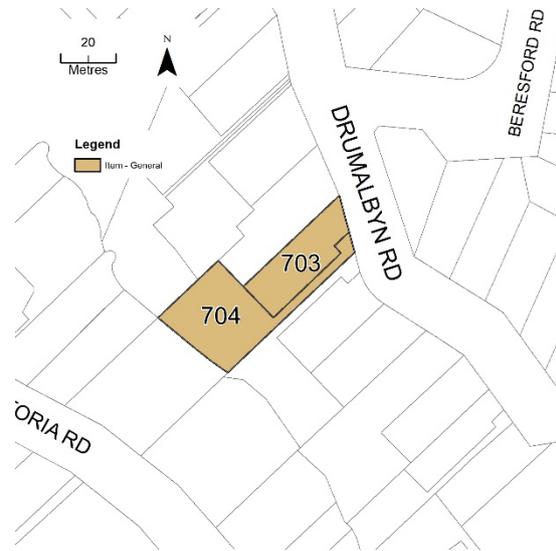


Figure 14: Extract from proposed Woollahra LEP 2014 Heritage Map (Sheet HER_003D)

8. Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*, also having regard to other relevant plans and guidelines including the *Woollahra Community Participation Plan 2019* and *Local Environmental Plan Making Guideline (2021)* 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 the land owners of the subject sites, and land owners in the vicinity of each site.
- notice to local community, resident and business 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 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
Woollahra Local Planning Panel provides advice	17 March 2022
Council resolution to proceed	11 April 2022
Gateway determination	May 2022
Completion of technical assessment	Usually none required
Government agency consultation	June 2022
Public exhibition period	Same time as agency consultation
Submissions assessment	July 2022
Council assessment of planning proposal post exhibition	August 2022
Council decision to make the LEP amendment	September 2022
Council to liaise with Parliamentary Counsel to prepare LEP amendment	October 2022
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	November 2022
Notification of the approved LEP	December 2022

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies

State environmental planning policy	Comment on consistency
SEPP (Biodiversity and Conservation) 2021	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 (Housing) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Industry and Employment) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Planning Systems) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
SEPP (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Regional) 2021	Not applicable.
SEPP (Precincts – Western Parkland City) 2021	Not applicable.
SEPP (Primary Production) 2021	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 (Resilience and Hazards) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Resources and Energy) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP (Transport and Infrastructure) 2021	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.
SEPP 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.
SEPP (Building Sustainability Index: BASIX)	Applicable Consistent. The planning proposal does not contain a provision which is contrary to the operation of this policy.

Schedule 2 – Compliance with section 9.1 directions

Planning proposal – Compliance with section 9.1 directions		
Direction	Applicable/comment	
1	Planning systems	
1.1	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. The heritage listing of 53 and 55 Drumalbyn Road Bellevue Hill will provide ongoing protection and recognition of the heritage significance of these items. Refer to Schedule 1 of this report.
1.2	Development of Aboriginal Land Council land	Not applicable. This planning proposal does not affect Aboriginal Land Council Land.
1.3	Approval and referral requirements	The planning proposal seeks to heritage listing two properties in Bellevue Hill. This is not expected to require any additional approval or referral requirements. The planning proposal is consistent with this direction.
1.4	Site specific provisions	The planning proposal does not contain any unnecessarily restrictive site specific planning controls. The planning proposal is consistent with the direction.
1	Planning systems (cont.) – place based	
1.5 – 1.17	Implementation Plans	Not applicable. These plans do not apply to the Woollahra LGA.
2	Design and place	
3	Biodiversity and conservation	
3.1	Conservation zones	Applicable and consistent. The planning proposal will not affect the conservation standards of any environmentally sensitive land.
3.2	Heritage conservation	Applicable and consistent. The planning proposal will not affect the significance of places with environmental heritage. Heritage listing 53 and 55 Drumalbyn Road Bellevue Hill will provide ongoing protection and recognition of the heritage significance of these two properties.

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
3.3	Sydney drinking water catchments	Not applicable. This direction does not apply to the Woollahra LGA.
3.4	Application of C2 and C3 zones and environmental overlays in Far North Coast LEPs	Not applicable. This direction does not apply to the Woollahra LGA.
3.5	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.
4	Resilience and hazards	
4.1	Flooding	Applicable and consistent. The planning proposal will not rezone flood liable land or affect the application of controls that ensure that development on flood liable land will not result in risk to life or damage to property. The planning proposal is consistent with the direction.
4.2	Coastal management	Not applicable. The planning proposal will not affect land in a coastal zone.
4.3	Planning for bushfire protection	Not applicable. The planning proposal will not affect bushfire prone land.
4.4	Remediation of contaminated land	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to this direction.
4.5	Acid sulfate soils	Applicable and consistent. Existing acid sulfate soils provisions will not be altered by the planning proposal.
4.6	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.
5	Transport and infrastructure	
5.1	Integrating land use and transport	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of: <ul style="list-style-type: none"> • <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and • <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).

Planning proposal – Compliance with section 9.1 directions		
Direction		Applicable/comment
5.2	Reserving land for public purposes	The planning proposal does not amend reservations of land for public purposes. The planning proposal is consistent with the direction
5.3	Development near regulated airport and defence airfields	Applicable and consistent. The planning proposal does not contain a provision which is contrary to this direction.
5.4	Shooting ranges	Not applicable. The planning proposal does not apply to land adjacent to or adjoining an existing shooting range.
6	Housing	
6.1	Residential zones	Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the operation of this direction.
6.2	Caravan parks and manufactured home estates	The planning proposal will not affect any caravan parks or manufactured housing estates.
7	Industry and employment	
7.1	Business and industrial zones	Not applicable. The direction does not apply where sites are zoned for business or industry.
7.2	Reduction in non-hosted short-term rental accommodation period	Not applicable. These strategies do not apply to the Woollahra LGA.
7.3	Commercial and retail development along the Pacific Highway, North Coast	Not applicable. This direction does not apply to the Woollahra LGA.
8	Resources and energy	
8.1	Mining, petroleum production and extractive industries	Not applicable. This planning proposal will not affect any of the nominated activities.
9	Primary production	
9.1	Rural zones	Not applicable. This planning proposal will not affect any rural zones.
9.2	Rural lands	Not applicable. This planning proposal will not affect any rural lands.
9.3	Oyster aquaculture	Not applicable. This planning proposal will not affect any Priority Oyster Aquaculture Areas.

**Planning proposal –
Compliance with section 9.1 directions**

Direction		Applicable/comment
9.4	Farmland of state and regional significance on the NSW Far North Coast	Not applicable. This direction does not apply to the Woollahra LGA.