

Item No: D1
Subject: **PLANNING PROPOSAL - HERITAGE LISTING OF 'SUNNY BRAE, INCLUDING INTERIORS' AT 40 FITZWILLIAM ROAD, VAUCLUSE**
Author: Flavia Scardamaglia, Strategic Heritage Officer
Approvers: Anne White, Manager - Strategic Planning
Nick Economou, Acting Director Planning & Place
File No: 21/90827
Reason for Report: To seek the advice of the Woollahra Local Planning Panel in relation to a planning proposal to list 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vacluse, as a local heritage item in the Woollahra Local Environmental Plan 2014.

Recommendation:

THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vacluse, as a local heritage item in Schedule 5 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 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vacluse as a local heritage item in Schedule 5 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.

2. Background

This request for a planning proposal is a proactive approach to a heritage listing, facilitated by the owners of the site at 40 Fitzwilliam Road, Vacluse (the subject site).

On 24 February 2021, a pre-application meeting was held at the subject site with the owners, heritage consultant Graham Brooks and staff from the Strategic Planning Team. A pre-application consultation response was sent to the Applicant on 11 March 2021.

On 28 April 2021, a request for a planning proposal was lodged by the Applicant team to list 'Sunny Brae, including interiors' as a local heritage item in Schedule 5 of the Woollahra LEP 2014. The request for a planning proposal was accompanied by a Heritage Assessment prepared by GBA Heritage.

On 10 May 2021, the matter was presented to Council's Environmental Planning Committee (EPC) (**Annexure 4**) with a recommendation to include 'Sunny Brae, including interiors' in Schedule 5 of the Woollahra LEP 2014. At the meeting on 24 May 2021, Council resolved:

- A. *THAT a planning proposal be prepared to list Sunny Brae, including interiors at 40 Fitzwilliam Road, Vacluse 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.*

At the meeting of the EPC, Councillors requested GBA Heritage insert additional information into the background of the Heritage Assessment. This work has been undertaken and has been included in Part 2.2 of the Assessment at **Annexure 3**.

3. The Site

The subject site is described as 40 Fitzwilliam Road, Vacluse (Lot 1 DP 1112583 and Lot 2 DP 1254483) (see **Figure 1**). The subject site is located on the western side of Fitzwilliam Road in a battle-axe allotment, and the property on the site is accessed via a gate leading to a driveway which runs along the northern boundary of 40A Fitzwilliam Road. It has an irregular shape with an area of 1,078m² and a frontage of approximately 5m to Fitzwilliam Road.

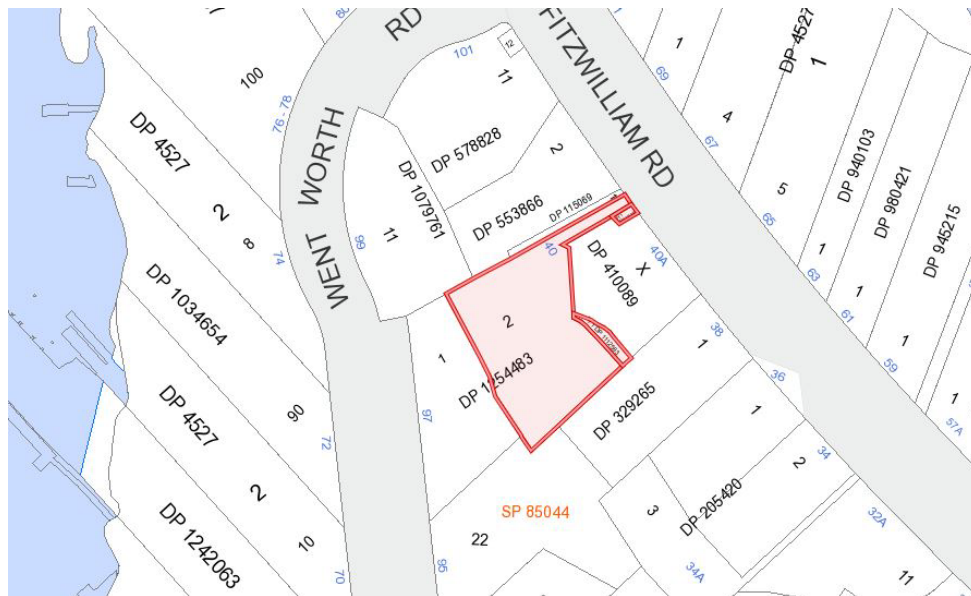
The site is located on the top of a ridge, and the site slopes significantly (by approximately 10m) from the northern to the eastern corner.

The site contains a single storey dwelling with a pitched roof known as 'Sunny Brae' built in the Federation Queen Anne style (see **Figure 2**). The main features of the Federation Queen Anne style are:

- An asymmetrical form,
- Wraparound verandah with ornamental timber brackets,
- Complex roof form with timber gable ends and tall chimneys, and
- Leadlight doors and windows with coloured glass.

In the 1950s, an unsympathetic two-storey addition was built to the rear of 'Sunny Brae'. This addition was demolished via approved development application 182/2019 and a two-storey

contemporary addition was built to the design of David White Architects. The project won the Mayor's Award in the Woollahra Design Excellence Awards 2019.



**Figure 1: Locality map, with site highlighted in red.
(Source: Woollahra MAPS)**



**Figure 2: Front elevation of the original house.
(Source: Images for Business, 2020)**

4. Assessment of heritage significance

The assessment of heritage significance was undertaken in accordance with the document *Assessing heritage significance*, published by the NSW Heritage Office in 2001 by *GBA Heritage* (see **Annexure 3**). The assessment used the process and criteria set out in that document.

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 the criteria, the item is of such particular significance to NSW that it should be listed.

Table 1 below provides a summary of the assessment of the heritage significance of ‘Sunny Brae’ at 40 Fitzwilliam Road Vacluse, against the seven criteria, at the local and State levels, and demonstrates that the site meets six of the seven criteria for local listing, and five of the seven criteria for State listing.

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).	✗	✗
(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"> • cultural or natural places, • cultural or natural environments, (or a class of the local area’s • cultural or natural places, or • cultural or natural environments). 	✓	✓

The heritage significance assessment provides the following statement of significance:

“Sunny Brae”, the fine Federation house at 40 Fitzwilliam Road, Vacluse, designed by W Friederich and erected in 1910, has a high level of historic significance in Woollahra, as one of the first houses built high on the Vacluse headland, following the late 19th century subdivision of the expansive, early 19th century Wentworth Estate. It demonstrates a very specific aspect of the general subdivision and suburbanisation of the broader Vacluse locality, generated by improved transportation links with the older areas of Rose Bay, Edgecliff and Double Bay. Fitzwilliam Road is named after the son of William Charles Wentworth and reflects his role in the subdivision of the Vacluse portion of the family estate.

Compared with the more enclosed low level foreshore topography in which Vacluse House is sited, the ridgeline on which “Sunny Brae” is located was a favourite elevated lookout for William Charles Wentworth called “Parsley Hill” where he wanted to be buried. Once subdivided, the site was deliberately chosen by John Taylor Cooke for its fine and expansive outlook over Watsons Bay, the Gap, Manly, and the nearby dynamic topography that characterises the southern shores of the outer Harbour. Cooke was a keen sailor, as were his descendants, and views from their house gave them a ready appreciation of their favourite recreation. Cooke’s newly married daughter, Lily and her husband Henry Pfeiffer, moved into the freshly constructed house, with her parents. Successive members of the Pfeiffer family continued to live in the house for almost a century.

The highly complex architectural composition of the two storey Federation Queen Anne “Sunny Brae” house has a high level of aesthetic significance in Woollahra, for its deliberate north-east orientation and asymmetrical composition designed to capture the remarkable views from its elevated ridgeline site. Both internally and externally, the original components of the house, demonstrate a high degree of design and craftsmanship, which are strongly expressed in its complex roof composition, wrap-around front verandah, bay windows, fine joinery, dramatic main staircase and finely detailed plaster ceilings and spatial composition. Recent alternations and additions have replaced an unsympathetic wing (on the north-east side of the building) from the 1950s with carefully designed, complementary two-storey extension that extends the original architectural language, enhances family amenity and responds to its expansive visual curtilage.

The hilltop location of the site and the thoughtful design and construction of the original house on the highest part of the overall site, provided an extensive harbour views and made the original house visible from Fitzwilliam Road. Despite the progressive subdivision of its original site and the erection of surround residential buildings, “Sunny Brae” retains the qualities of its expansive early hill-top setting, qualities that are reflected in the origins of its Scottish Gaelic name.

The ridge-top location and subsequent housing development on surrounding lots meant that “Sunny Brae” has almost become imperceptible to the general public from the surrounding streetscape in Fitzwilliam Road and from further afield.

“Sunny Brae” has rarity value as one of a relatively small number of first quality Federation Queen Anne style houses erected in spectacular topographic locations across Woollahra. Its finely executed and complex architectural design places the original house as a significant representative example of the broader Federation housing styles from one of the most widely spread periods of domestic and suburban architecture in Sydney’s Eastern Suburbs.

The contemporary additions to “Sunny Brae”, designed by David White Architects, have added to the significance of the building by applying a traditional style of architecture, compatible with the Federation style of the original house.

(GBA Heritage: Heritage Assessment report, June 2021, p. 51)

The Heritage Assessment report recommends:

- ‘Sunny Brae, including interiors’ be listed as an item of local heritage significance in Schedule 5 of the Woollahra LEP 2014;
- ‘Sunny Brae, including interiors’ be nominated for inclusion on the State Heritage Register (SHR) as an item of State significance;
- The curtilage of the item is Lot 2 DP 1254483 and Lot 1 DP 1112583.

Council staff support the recommendation to list ‘Sunny Brae, including interiors’ at 40 Fitzwilliam Road, Vaucluse as a local heritage item in the Woollahra LEP 2014.

With regards to the State Listing, as this is a proactive owner initiated heritage listing, we recommend that the Applicant progresses this element and is responsible for making a SHR nomination to *Heritage NSW*.

5. Planning proposal

Consistent with Council’s resolution of 24 May 2021, a planning proposal has been prepared to list ‘Sunny Brae, including interiors’ as a local heritage item in the Woollahra LEP 2014 (see **Annexure 1**). The planning proposal was based on a document prepared by Planning Ingenuity (dated April 2021). For the meeting of the Woollahra Local Planning Panel on 17 June 2021, all information lodged with the request for a planning proposal is available to view on Council’s website at:

https://www.woollahra.nsw.gov.au/building_and_development/development_rules/previous_and_proposed_exhibitions/planning-proposal-request-for-sunny-brae-vaucluse

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.

5.1. Objective of amendment to Woollahra LEP 2014

The objective of the amendment to Woollahra LEP 2014 is to recognise the heritage significance of ‘Sunny Brae, including its interiors’, at 40 Fitzwilliam Road, Vaucluse, as a heritage item and provide it with statutory heritage protection. Heritage listing will provide ongoing protection and recognition of the heritage significance of the site.

5.2. Explanation of provisions

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

- Insert a listing for ‘Sunny Brae, 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_004) to identify a heritage item on the site at 40 Fitzwilliam Road, Vaucluse.

5.3. 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).

6. Conclusion

This report seeks the advice of the Woollahra LPP on a planning proposal to list 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vacluse, 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.
- 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 'Sunny Brae, including interiors' at 40 Fitzwilliam Road, Vacluse, as a local heritage item in the Woollahra LEP 2014.

Annexures

1. Planning Proposal dated June 2021
2. Environmental Planning Committee Agenda - 10 May 2021 (excluding annexures)
3. Updated Heritage Assessment by GBA Heritage, June 2021 (including Heritage Inventory Sheet)