

**Item No:** R1 Recommendation to Council  
**Subject:** **ADVICE OF THE WOOLLAHRA LOCAL PLANNING PANEL - HERITAGE LISTING OF FOUR SITES IN DOUBLE BAY COMMERCIAL CENTRE**  
**Author:** Kristy Wellfare, Acting Team Leader Heritage  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 22/253026  
**Purpose of the 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 four sites in the Double Bay Commercial Centre as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra Local Environmental Plan 2014.  
To obtain Council's approval to proceed with the-nomination of Gaden House to the State Heritage Register  
**Alignment to Delivery Program:** Strategy 4.2 Conserving our rich and diverse heritage.

**Recommendation:**

- A. THAT Council note the advice provided by the Woollahra Local Planning Panel on 13 December 2022 regarding the planning proposal to list four sites in the Double Bay Commercial Centre as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra Local Environmental Plan 2014.
- B. THAT Council endorse the planning proposal as contained at **Attachment 2** of the report to the Environmental Planning Committee to list the following four sites as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* and resolve to forward this to the Department of Planning and Environment with a request for Gateway Determination to allow public exhibition:
- i. (former) *InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
  - ii. *Cooper's Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
  - iii. *Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
  - iv. *Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922).*
- 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*.
- D. That Council endorse a nomination to the State Heritage Register of Gaden House at 24 Bay Street Double Bay (2A Cooper Street) (Lots 11 and 12 in DP 4606).

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**Executive Summary:**

The purpose of this report is to provide Council with the advice of the Woollahra Local Planning Panel (Woollahra LPP) on the listing of the following sites in Double Bay as local heritage items in Schedule 5 and on the Heritage Map of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014):

- i. (former) *InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
- ii. *Cooper's Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
- iii. *Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
- iv. *Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922)*

In summary, we recommend that Council resolve to endorse the planning proposal as contained in **Attachment 2** of the report to the Environmental Planning Committee of 6 February 2023, and resolve to forward this to the *Department of Planning and Environment* (DPE) with a request for gateway determination to allow public exhibition.

Supported by the advice from the WLPP, staff also recommend Council endorse a re-nomination to the State Heritage Register of Gaden House at 24 Bay Street Double Bay (2A Cooper Street) (Lots 11 and 12 in DP 4606).

## Discussion:

### Background

On 26 April 2021 Council considered a Notice of Motion (NOM 16.5) regarding the potential heritage significance of properties located in the Double Bay centre. At this meeting, it was resolved:

*THAT Council:*

- A. *Notes the following properties in the Double Bay Centre are identified as character buildings in Chapter D5 Double Bay: Section 5.6.3.8 Heritage items and character buildings of the Woollahra DCP 2015 and that those buildings have a positive contribution to the streetscape and architectural character of the area:*
- *37 Bay Street*
  - *35 Bay Street*
  - *29-33 Bay Street*
  - *9 Bay Street*
  - *11 Bay Street*
  - *13 Bay Street*
  - *15 Bay Street*
  - *21-25 Knox Street.*
- B. *Notes the following additional character buildings which are considered to positively contribute to the streetscape and architectural character of the Double Bay Centre:*
- *39-43 Bay Street and 17-19 Bay Street: the existing terraces on the eastern side of Bay Street between Short Street and New South Head Road*
  - *28 Bay Street: Royal Oak Hotel*
  - *12 Bay Street: the existing two storey terrace.*
- C. *Requests staff to undertake, as a matter of urgency, a report to investigate the potential heritage significance of the buildings identified in paragraphs A and B above in order to identify whether these sites warrant listing as:*
- (a) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP);*  
*and/or*
  - (b) an item on the State Heritage Register under the Heritage Act 1977 and/or;*
  - (c) part of a heritage conservation area in the WLEP.*

In the background to the Notice of Motion it was noted that:

*It has become apparent through discussions with staff that many significant buildings in the Double Bay Centre do not currently enjoy heritage protection under the WLEP and that those items may have cultural and architectural heritage significance to the communities residing in the municipality. A proper identification and assessment of such buildings needs to be undertaken to address the current position as a matter of urgency, given current development in the area and the review of the planning controls for the area that is currently underway.*

On 14 February 2022 Council also considered a Notice of Motion (NOM 16.16) regarding strengthening protections for character buildings and at this meeting it was resolved:

*THAT staff prepare a report on any avenues that may be available to strengthen protections for Character buildings in the Woollahra municipality and in Double Bay in particular.*

In response to both Council decisions, in February 2021, Council staff engaged Lucas Stapleton Johnston & Partners Pty Ltd (LSJ Architects) to prepare the *Double Bay Centre Heritage Review of Character Buildings*, henceforth referred to as the Double Bay Heritage Study.

### Character buildings

**Figure 1** below is an extract from the *Chapter D5 Double Bay Centre* of the *Woollahra Development Control Plan 2015* (Woollahra DCP 2015).



**Figure 1: Character buildings in the Double Bay Centre, identified in Chapter D5 of the Woollahra DCP 2015**

This extract identifies the buildings in the Double Bay Centre which are identified as character buildings in the Woollahra DCP 2015. It is noted that the Woollahra DCP 2015 contains the following statement:

*These have high streetscape value because of their strong architectural character and the way in which they address the street:*

However, character buildings in the Woollahra DCP 2015 do not have any statutory heritage protection via Clause 5.10 of the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014). Accordingly, these character buildings are increasingly under development pressure for demolition.

Whilst the Council decision mentioned above identified most of these character buildings, it did not address all of them. The character buildings absent from the NOM are:

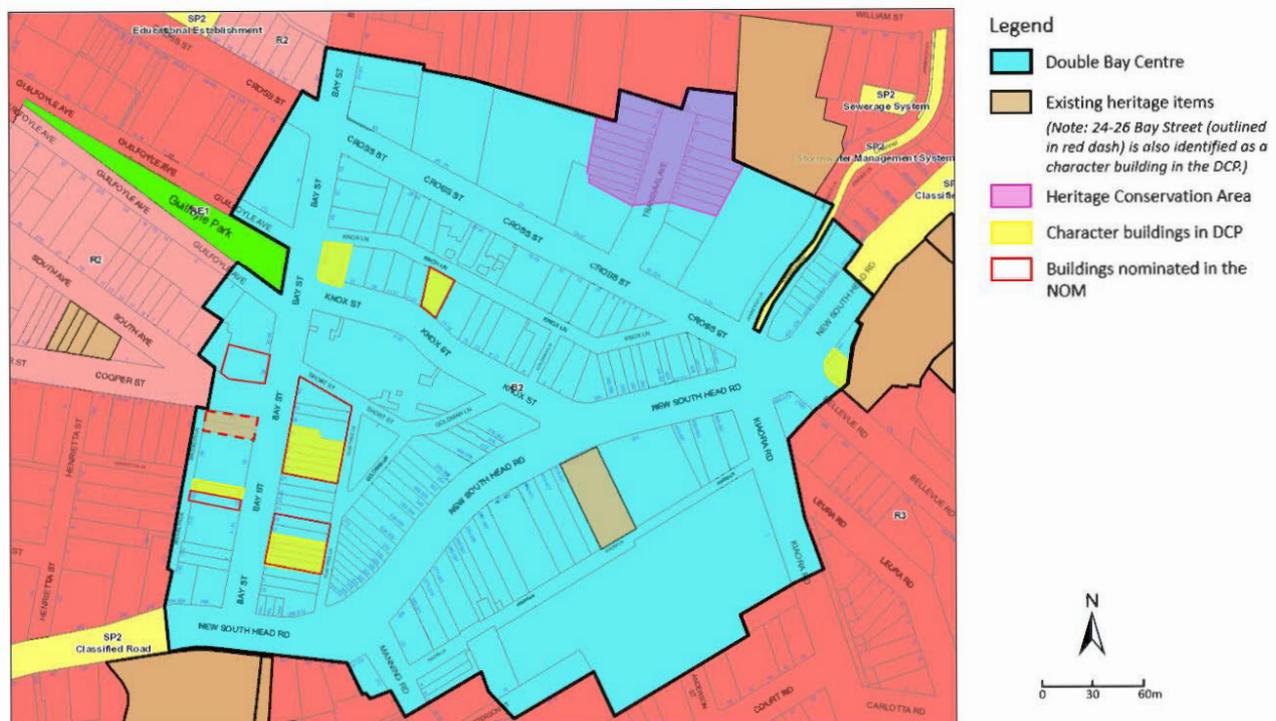
- Coopers Corner, 475-479 New South Head Road;
- 45A Bay Street;

- 24-26 Bay Street<sup>1</sup>; and
- 14 Bay Street.

Accordingly, the Double Bay Heritage Study reviewed the heritage significance of the following 18 properties.

- 1) 9 Bay Street (legally described as Lot 1 DP 84004)
- 2) 11 Bay Street (legally described as Lot 1 DP 996522)
- 3) 12 Bay Street (legally described as Lot 19 DP 4606)
- 4) 13 Bay Street (legally described as Lot 1 DP 196874)
- 5) 14 Bay Street (legally described as Lot 18 DP 4606)
- 6) 15 Bay Street (legally described as Lot 1 DP 996523)
- 7) 17 Bay Street (legally described as Lot 1 DP 203535)
- 8) 19 Bay Street (legally described as Lot 1 DP 90466)
- 9) 28 Bay Street: Royal Oak Hotel (legally described as Lot 1 DP 570584 and Lot 1 DP 60445)
- 10) 29-33 Bay Street (legally described as Lots B,C,D, DP 162727)
- 11) 35 Bay Street (legally described as Lot A DP 162727)
- 12) 37 Bay Street (legally described as Lot B DP 371452)
- 13) 39 Bay Street (legally described as Lot A DP 371452)
- 14) 41 Bay Street (legally described as Lot 21 DP 998825)
- 15) 43 Bay Street (legally described as Lot 22 DP 78412)
- 16) 45A Bay Street (legally described as Lot 1 DP 208325)
- 17) 21-25 Knox Street (legally described as Lot 1 DP 208922)
- 18) Coopers Corner, 475-479 New South Head Road (legally described as Lot 1 DP 13051)

**Figure 2** below identifies all the buildings that were then considered in the Double Bay Heritage Study, either shown in yellow or with a red border.



**Figure 2: Woollahra LEP 2014 zoning map, with sites included in the Double Bay Heritage Study shown in yellow and/or bounded in red**

In preparing the Double Bay Heritage Study, LSJ were asked to assess whether each of the properties should be individually listed as:

<sup>1</sup>24-26 Bay Street (2A Cooper Street) otherwise known as Gaden House was listed as a heritage item in the Woollahra Local Environmental Plan 2014 on 6 September 2019.

- a local heritage item in Schedule 5 of Woollahra LEP 2014 and/or if any of the properties should form part of one or more heritage conservation areas (HCA) to be listed in Schedule 5 of Woollahra LEP 2014.
- an item on the State Heritage Register under the *Heritage Act 1977*.

### Draft Double Bay Heritage Study

The Draft Double Bay Heritage Study (see **Attachment 1**) was prepared in accordance with the document titled *Assessing heritage significance*, published by the NSW Heritage Office in 2001 and *Investigating heritage significance: A guide to identifying and examining heritage items in NSW*, published by Heritage NSW in 2021.

Each of the 18 properties listed above were assessed against the seven criteria in the guidelines (see **Table 1** below). 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.

**Table 1: NSW Heritage assessment criteria summary**

Criteria		
(a)	Historic significance	<i>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)</i>
(b)	Associational significance	<i>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)</i>
(c)	Aesthetic significance	<i>An item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)</i>
(d)	Social significance	<i>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</i>
(e)	Technological significance/research potential	<i>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)</i>
(f)	Rarity	<i>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)</i>
(g)	Representativeness	<i>An item is important in demonstrating the principal characteristics of a class of NSW's</i> <ul style="list-style-type: none"> <li>• <i>cultural or natural places; or</i></li> <li>• <i>cultural or natural environments.</i></li> <li>• <i>or a class of the local area's</i></li> <li>• <i>cultural or natural places; or</i></li> <li>• <i>cultural or natural environments.</i></li> </ul>

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.

It is noted that during initial discussions with LSJ it was suggested that the area of Bay Street (south) between New South Head Road and Cooper/Short Streets would have warranted listing as a HCA to protect the majority of the remaining "character buildings" in the Double Bay Centre. However, the majority of the buildings in this area are now the subject of approved development applications for demolition, resulting in the imminent removal of many of these buildings. Accordingly, LSJ concluded that proposing an HCA is not appropriate.

Having assessed the 18 sites against the significance criteria in the Heritage NSW guidelines, it was concluded that the following sites meet the threshold for listing as items of local heritage

significance. A summary of the assessment of each of these sites against the significance criteria is provided in **Table 2**.

**Table 2: NSW Heritage criteria assessment summary (Local significance)**

Property	(a) historic	(b) association	(c) aesthetic	(d) social	(e) technical/research	(f) rarity	(g) representative
21-25 Knox Street	✓	✓	✓	P	✓	✓	✓
Cooper's Corner	✗	✓	✓	P	✓	✓	✓
Royal Oak Hotel	✓	✓	✓	✓	✓	✓	✓
45A Bay Street	✓	✓	✓	P	✓	✓	✓

Note: P indicates that the building may have potential significance under this criterion.

For Gaden House it was concluded that based on the comparative analysis and as established in the heritage assessment undertaken by Anne Warr (2018), the building also meets the heritage criteria at the State level as summarised in **Table 3** below:

**Table 3: NSW Heritage criteria assessment summary (State Significance)**

Property	(a) historic	(b) association	(c) aesthetic	(d) social	(e) technical/research	(f) rarity	(g) representative
Gaden House	✓ State	✓ State	✓ State	✓ State	✓ State	✓ State	✓ Local

The Double Bay Heritage Study report by LSJ recommended that four sites be included in Schedule 5 of the Woollahra Local Environmental Plan 2014 as local heritage items, being:

- i. (former) *InShoppe building*, 45A Bay Street (Lot 1 DP 208325)
- ii. *Cooper's Corner*, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)
- iii. *Royal Oak Hotel*, 28 Bay Street (Lot 1 DP 60445)
- iv. *Twenty-one*<sup>2</sup>, 21-25 Knox Street (Lot 1 DP 208922)

In addition, based on the comparative analysis undertaken as part of this report with respect to other work by the architect Neville Gruzman, the following recommendation is made:

*Gaden House, No. 24 Bay Street (No. 2A Cooper Street) should be nominated for inclusion on the NSW State Heritage Register. Refer to previous heritage assessment Gaden House, 2A Cooper Street, Double Bay: A Heritage Assessment prepared by Anne Warr Heritage Consulting (2018) and accompanying inventory sheet for State heritage listing.*

[https://www.woollahra.nsw.gov.au/\\_data/assets/pdf\\_file/0006/199113/Planning\\_proposal\\_-\\_Gaden\\_House\\_-\\_Heritage\\_Proposal\\_-\\_Appendix\\_2\\_-\\_Heritage\\_Significance\\_Assessment\\_-\\_4\\_September\\_2018.PDF](https://www.woollahra.nsw.gov.au/_data/assets/pdf_file/0006/199113/Planning_proposal_-_Gaden_House_-_Heritage_Proposal_-_Appendix_2_-_Heritage_Significance_Assessment_-_4_September_2018.PDF)

Gaden House was listed as a local heritage item in 2019 (Item 681) and was recommended to be nominated for listing as a heritage item of State significance on the State Heritage Register. The matter was considered but ultimately not listed. This site has been reconsidered as part of the comparative analysis undertaken for the Double Bay Heritage Study and, upon review, the recommendation for State listing has been reiterated by LSJ.

The LSJ report also recommended that additional objectives and controls within D5.4.4 Bay Street (south) of the *Woollahra DCP* 2015 to protect and enhance the historic character of the locality and the historic buildings located within it. Should the planning proposal progress, this work will form

<sup>2</sup>The *Woollahra Local Planning Panel* advised that the site identified in the LSJ report at 21-25 Knox Street and identified as "Twenty-one" should be amended to be identified as "Shopping and building arcade". The planning proposal has been updated to reflect this change. Should Council endorse the planning proposal, the *Heritage Study* by LSJ will be updated to reflect this amendment.

part of future amendments to the DCP provisions associated with the progression of the *Draft Double Bay Centre Planning and Urban Design Strategy*.

The sites

The four sites that are the subject of this report are summarised below.

*Shopping building and arcade, 21-25 Knox Street*



**Figure 3: 21-25 Knox Street January 2022 (Source: LSJ, 2022)**

The “Shopping building and arcade” is located at 21-25 Knox Street, Double Bay, on the northern side of Knox Street between Bay Street and Goldman Lane. The site is legally described as Lot 1 in DP 208922. Existing development on the site comprises a part two storey and part three storey commercial building of rendered masonry construction accommodating shops and offices, with double fronted curved glass façade and arcade. The building was designed by Douglas Forsyth-Evans and is identified in the Double Bay Heritage Study as “a stylish Moderne building”. This building was previously described in the planning proposal as “Twenty-one”. However, the title of the proposed item has been amended on the advice of the Woollahra LPP.

*Coopers Corner, 475-479 New South Head Road*



**Figure 4: Coopers Corner, January 2022 (Source: LSJ, 2022)**

“Cooper’s Corner” is located at 475-479 New South Head Road, Double Bay, on the corner of Bellevue Road. The site is legally identified as Lot 1 in DP 13051. Existing development on the site consists of a curved, three-storey mixed use commercial and residential flat building of masonry construction featuring dark face brick and render in the Arts & Crafts Style with tiled roof and distinctive chequerboard gable designed by Edwin R. Orchard, a noted architect of the Arts & Crafts style. At the southeast of the main building is a two storey postwar addition of brick construction with crenelated parapet and aluminium windows, constructed c.1959-61.

*Royal Oak Hotel, 28 Bay Street*

The Royal Oak Hotel is located at 28 Bay Street, Double Bay, on the corner of South Avenue. The site comprises two allotments, legally identified as Lot 1 DP570584 and Lot 1 DP 60445. Existing development on the site consists of a two storey commercial hotel building of rendered masonry construction with a hipped Marseilles tile roof. The original hotel was constructed on the site in c.1869, with the current building on the site being rebuilt in the Inter-war Georgian Revival Style by Prevost, Synott & Ruwald for Tooth & Co in 1924. The listing proposed for this site originally included the allotment identified as Lot 1 DP570584 as it forms part of the overall site. However, the lot identification of the proposed item has been amended on the advice of the Woollahra LPP to better reflect the significant elements on the land. Accordingly, the description is limited to Lot 1 in DP 60445 only.

Existing development on adjoining sites consists of a four-storey commercial building at 30-36 Bay Street known as Pallas House to the north of the site, and a 1.5 storey residential cottage of masonry and tile construction at 3 South Avenue to the west of the site.



**Figure 5: Royal Oak Hotel January 2022 (Source: LSJ, 2022)**

*(former) In Shoppe building, 45A Bay Street*

The building formerly known as the InShoppe building is located at 45A Bay Street, Double Bay. It is located on the corner of Knox Street and is alternatively known as 43 Knox Street. The site is legally identified as Lot 1 DP 208325. Existing development on the site consists of a four storey mixed use commercial building with basement, of rendered masonry construction with vertically proportioned glazing. 45A Bay Street is an example of the work of noted architect Neville Gruzman, who was a former Mayor of the Woollahra Municipality. The building exhibits many of the characteristics of Gruzman’s work the reliance on horizontality, stepped forms, and a contrast between heavy masonry forms and lightweight bands of glazing.

Existing development on the neighbouring site to the east at 41 Knox Street comprising a four storey commercial building accommodating the Savoy Hotel and ground floor level shops.



**Figure 6: 45A Bay Street, January 2022 (Source: LSJ, 2022)**

*Gaden House, 24-26 Bay Street (2A Cooper Street)*

Gaden House is located at 24-26 Bay Street (also known as 2A Cooper Street). The site comprises two allotments, legally identified as lots 11 and 12 in DP 4606. The site accommodates Gaden House, a mixed use commercial building (retail and office), with three-storeys above ground and a lower ground level. The building occupies the entire site bounded by Cooper Street, Bay Street, Brooklyn Lane and the neighbouring site at 16 Bay Street, Double Bay. Gaden House was designed in 1969 by Sydney architect, Neville Gruzman, and was opened by Premier Askin in 1971. The ground floor level is raised above street level and was designed with seven retail tenancies, five facing Cooper Street and two facing Bay Street. A lobby extends from the Cooper Street frontage to a spiral stair linking the ground floor to the two upper storeys, which are currently used as offices. A separate, external staircase allows access to the lower ground level, which was originally designed for D’Arcy’s restaurant and one retail tenancy.



**Figure 7: 24 Bay Street (2A Cooper Street) April 2021 (Source: Google Street view)**

Planning Proposal

Consistent with the recommendations of the Draft Double Bay Heritage Study, a planning proposal (see **Attachment 2**) has been prepared to list the following four sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra LEP 2014:

- i. *(former) InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
- ii. *Cooper’s Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
- iii. *Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445 and Lot 1 DP 570584)*
- iv. *Twenty-one, 21-25 Knox Street (Lot 1 DP 208922)*

The planning proposal has been prepared in accordance with section 3.33 of the *NSW Environment Planning and Assessment Act 1979* (the Act) and the document prepared by the NSW Department of Planning and Environment titled *Local Environmental Plan Making* (September 2022).

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.

The objective of the planning proposal is to recognise the heritage significance of these four sites in Double Bay, and provide these sites with the appropriate level of statutory heritage protection consistent with its identified significance. Heritage listing aims to provide the sites with ongoing protection and recognition of the heritage significance of each site.

#### Advice of the Woollahra Local Planning Panel

The planning proposal was referred to the Woollahra LPP on 13 December 2022 (see **Attachment 3**). The submissions (by or on behalf of the land owners) were submitted for consideration by the members of the Woollahra LPP (see **Attachment 4**), and one piece of late correspondence was provided to the members of the Woollahra LPP (see **Attachment 5**). Having considered all of these matters, the Woollahra LPP provided the following unanimous advice to Council:

- A. *THAT the Woollahra Local Planning Panel advises Council to proceed with the planning proposal to list the following sites as local heritage items in Schedule 5 and on the Heritage Map of the Woollahra Environmental Plan 2014:*
  - i. *(former) InShoppe building, 45A Bay Street (Lot 1 DP 208325)*
  - ii. *Cooper's Corner, 475-479 New South Head Road, Double Bay (Lot 1 DP13051)*
  - iii. *Royal Oak Hotel, 28 Bay Street (Lot 1 DP 60445)*
  - iv. *Shopping building and arcade, 21-25 Knox Street (Lot 1 DP 208922). Woollahra Municipal Council Woollahra Local Planning Panel (Electronic Meeting) Minutes 13 December 2022 Page 6*
- B. *That the Woollahra Local Planning Panel provides advice to Council staff to proceed with the nomination to the State Heritage Register of Gaden House at 2A Cooper Street (24 Bay Street) Double Bay (Lots 11 and 12 in DP 4606) with appropriate exemptions.*
- C. *That the Woollahra Local Planning panel provides advice to Council staff to carefully consider the potential impact of the Double Bay Planning and Urban Design Strategy on the heritage conservation and use of these buildings.*

It is noted that the Woollahra LPP provided the following **reasons for its decision**:

*The Panel considered the submissions received, and considered the Double Bay Heritage Study to be a thorough and comprehensively researched report, and Council should be congratulated on the proposal. Noting that the Panel has recommended that the name of "Twenty one" be changed to "shopping building and arcade".*

Council staff note the comments of congratulations from the Woollahra LPP.

In accordance with this advice, the planning proposal has been updated to reflect the advice of the Panel regarding the item name as *Shopping building and arcade* for the property at 21-25 Knox Street. It is also noted that the lot and deposited plan for the Royal Oak Hotel has been amended to reflect only those parts of the site identified as being of local heritage significance.

It is noted that the Woollahra LPP provided advice in Part C to carefully consider the potential impacts of the Double Bay Planning and Urban Design Strategy on the heritage conservation and use of these buildings. Should Council resolve to progress with the planning proposal, this consideration will take place as part of the review of submissions to the public exhibition of the Double Bay Planning and Urban Design Strategy.

**Options:**

Subject to Council's decision, the planning proposal (with updates to make reference to the Council decision) will be referred to the DPE seeking 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 Act, the *Environmental Planning and Assessment Regulation 2021* 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 weekly notice in the *Wentworth Courier* for the duration of the exhibition period (if a hardcopy is being published).
- A notice on Council's website.
- A notice to land owners, community, resident and business 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.

Any person or organisation can nominate a place or object believed to be of state significance for listing on the State Heritage Register. Nominations are made by completing the SHR nomination form. Council staff recommended that a nomination is made to list Gaden House at 24 Bay Street Double Bay (2A Cooper Street) (Lots 11 and 12 in DP 4606) on the SHR under the *Heritage Act, 1977*.

Alternatively, Council may decide to note the advice of the Woollahra LPP and not progress the planning proposal or the nomination for State Heritage listing.

## Community Engagement and / or Internal Consultation:

Following the finalisation of the Heritage Study, Council staff and consultants engaged with the site owners (for those sites where we are recommending heritage listing). Providing each with a copy of the inventory sheet and advising that the study itself was available for view online. During this engagement period, submissions were received from the parties as identified in the Woollahra LPP report. These submissions (see **Attachment 4**) were addressed in the report to the Woollahra LPP, with a response from Council staff (**Attachment 3**). Further late correspondence was submitted and considered by the Woollahra LPP (see **Attachment 5**). A staff response to this submission is included below:

### 21-25 Knox Street

#### **Summary of submission**

Short timeframe for response to the WLPP and request for an extension to obtain professional heritage advice in the lead-up to Christmas

Recent inspections by two heritage consultants have advised that the building does not warrant heritage listing due to the substantial changes that have been carried out.

There is no inventory list of what areas of the building Council feels has heritage value

Changes to the building have been made over the past 30 years, including the replacement and renovation of windows, interiors and exteriors in accordance with approved DAs.

Suggested alternative means of protection e.g. reliance on the DCP through site link controls, installation of an interpretive plaque, and an intention to keep the curved façade windows

#### **Staff response**

The turnaround between the initial notification and the finalisation of the agenda for the Woollahra LPP was approximately four weeks. Draft heritage advice, or submissions directly to the meeting of the WLPP were accepted and informed the Panels deliberation.

The heritage significance assessment undertaken by LSJ acknowledges that there have been substantial changes to the building since its construction. Notwithstanding these changes to the built fabric, the LSJ report considers that the site fulfils the significance criteria for listing at a local level. At the time of writing this report, specialist reports had not been submitted on behalf of the Royal Hotel for consideration as part of the LSJ study.

A heritage significance assessment does not and should not drill down into this level of detail. This type of work is usually part of a heritage management document (either a heritage impact statement or conservation management plan) where the significant elements of the building and phases of development are considered in greater detail.

The alterations undertaken to date were taken into consideration by LSJ in their assessment of the heritage significance of the building.

The owners commitment to retain the curved windows is noted. However, the LSJ report recommends the site be listed as a local heritage item, and this is the most effective way to provide a level of protection to the significant elements of these sites in perpetuity rather than relying on the goodwill of the current owner. It also communicates to the surrounding sites and broader community that this is an important part of the evolution of the built form of the Double Bay Centre.

Regarding the use of interpretive plaques, this may be a way of providing information to the community about the history of the site, but this should be undertaken as part of an interpretive strategy that has been informed by the identified heritage significance of the site as part of a heritage management document rather than as an alternative to heritage listing.

Through-site link controls in the Woollahra Development Control Plan are aimed at preserving linkages, rather than preserving the form of these through site links and as such cannot be relied upon to protect these elements from a heritage perspective.

### Summary of submission

Challenges to the assessment of heritage significance on all criteria, specifically, historic, historic associational. Aesthetic, social, technical, rarity and representativeness

### Staff response

Council staff are satisfied that the assessment of significance undertaken for this site by LSJ establishes that the site fulfils the criteria for listing.

In summary, no changes to the planning proposal are recommended, and Council staff recommend progressing the heritage listing of the four sites.

### Policy Implications:

Should Council resolve to progress a planning proposal (having considered the advice of the Woollahra LPP), and should the planning proposal progress to finalisation, there will be policy implications by listing four sites as local heritage items in the Woollahra LEP 2014.

### Financial Implications:

NIL

### Resourcing Implications:

Staff resources will be associated with progressing a planning proposal which will include managing the public exhibition and preparing a post exhibition report to a meeting of Council. Staff resource implications will also be associated with progressing a nomination to the SHR.

### Conclusion:

A planning proposal to list four sites as local heritage items in Schedule 5 and on the Heritage Maps of the Woollahra LEP 2014 was considered by the Woollahra LPP on 13 December 2022. Council staff note the support from the Woollahra LPP to progress the local and State Heritage listing of the above sites and to proceed with the planning proposal and SHR nomination.

Given the Woollahra LPP endorsement, Council staff recommend that Council endorses the planning proposal at **Attachment 2** and the progression of an SHR nomination for Gaden House.

### Attachments

1. Double Bay Centre Review of Character Building (Heritage Study) - October 2022 [↓](#) 
2. Planning proposal - Double Bay Heritage Study - February 2023 [↓](#) 
3. Woollahra LPP agenda 13 December 2022 (attachments removed) [↓](#) 
4. Submissions - Late 2022 - redacted [↓](#) 
5. Late Corro to the Woollahra LPP meeting of 13 December 2022 - redacted [↓](#) 