

Planning Proposal



Local Heritage Listing: Rose Bay Schools



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Division/Department:	Strategic Planning
Responsible Officer:	Eleanor Banaag – Senior Strategic Heritage Officer
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Acknowledgement of Country

Woollahra Council acknowledges the Gadigal and Birrabirragal people, the traditional custodians of the land of Woollahra. We would like to acknowledge Aboriginal or Torres Strait Islander people and pay our respects to Elders past, present and emerging.

Cover Photo: (Top) Rose Bay Public School original school building (now part of Building E) / Christian Brothers College School Building within McAuley Catholic Primary School.

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Supporting documents (circulated separately)

- **Draft Heritage Study: Rose Bay Public School and McAuley Catholic Primary School (December 2023)**
- **Heritage Inventory Sheet – Rose Bay Public School, Building E (March 2024)**
- **Heritage Inventory Sheet – McAuley Catholic Primary School, former Christian Brothers College building (January 2023)**

1. Introduction

1.1. Background

This planning proposal seeks to amend the *Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014), at Schedule 5 (Environmental heritage) and the Heritage Map, to include two new heritage items.

- Rose Bay Public School – Building E, including interiors, 21 Wilberforce Avenue, Rose Bay (Lot 49-53, DP 4567).
- McAuley Catholic Primary School – former Christian Brothers College building, including interiors, 12 Carlisle Street, Rose Bay (Lots A and B, DP 80580).

Council considered a Notice of Motion (8 April 2019, NOM 11.2) regarding the proposed heritage listing of certain buildings in Rose Bay. At this meeting, Council resolved (in part):

THAT Council requests staff to undertake an assessment of heritage significance for the following properties located in Rose Bay, NSW:

- ii) Old School Hall, Rose Bay Public School, Albemarle Ave, Rose Bay; and*
- iii) McAuley Catholic School and outbuildings (formerly Christian Brothers College Rose Bay),*

and report to the Environmental Planning Committee on whether these items have sufficient heritage significance to be listed as:

- i) a local heritage item in the Woollahra Local Environmental Plan 2014 (WLEP); and/or*
- ii) an item on the State Heritage Register under the Heritage Act 1977.*

In June 2023, Woollahra Council investigated the Rose Bay Public School and McAuley Catholic Primary Schools as part of the *Rose Bay Public School and McAuley Catholic Primary School Heritage Assessments* (the heritage study, or the Draft Study) prepared by Artefact Heritage.

The Draft Study included a comprehensive historical analysis of both school sites and all school buildings throughout, internal and external site inspections of all buildings on each site, and a robust comparative analysis of other relevant school examples. The Draft Study assessed the significance of each building using the process and heritage assessment criteria contained in the NSW Heritage Office guidelines, *Assessing Heritage Significance* (2023). Artefact Heritage provided a Draft Study to Council in December 2023.

The Draft Study concluded that the following individual buildings reached the threshold for local heritage listing on the Woollahra LEP 2014, Schedule 5.

- Rose Bay Public School - Building E, including interiors, 21 Wilberforce Avenue, Rose Bay (Lot 49-53, DP 4567).
- McAuley Catholic Primary School – former Christian Brothers College building, including interiors, 12 Carlisle Street, Rose Bay (Lots A and B, DP 80580).

The Draft Study was provided to the school representatives in February 2024 for comment and feedback. A response was received by the Manager – Heritage, Schools Infrastructure NSW (SINSW) with regards to Rose Bay Public School. SINSW acknowledged the heritage

assessment prepared by Woollahra Council and confirmed that they have no objections to the technical assessment of Building E as possessing local heritage significance.

They have requested, for the purpose of consistency with other Department of Education heritage listings, that the gazettal name of the heritage listing be described as “Rose Bay Public School – Building E”. This is also to ensure that the heritage values specific to this building are protected.

1.2. Description of this planning proposal

The objective of the planning proposal is to amend Woollahra LEP 2014 to list the Rose Bay Public School – Building E including interiors, and the McAuley Catholic Primary School – former Christian Brothers College building including interiors, identified in Table 1 below, as local heritage items in Schedule 5 Environmental heritage, Part 1 Heritage items. Heritage listing of these buildings will ensure recognition of its significance, as well as provide statutory protection through ensuring that any future development proposals are assessed against the heritage provisions of the Woollahra LEP 2014.

Table 1: Subject sites to which the planning proposal applies

	Item	Address	Lot/DP
1	<i>Rose Bay Public School – Building E, including interiors</i>	21 Wilberforce Avenue, Rose Bay	Lot 49-53 / DP 4567
2	<i>McAuley Catholic Primary School – former Christian Brothers College building, including interiors</i>	12 Carlisle Street, Rose Bay	Lots A & B / DP 80580

This planning proposal has been prepared in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment supporting document, *Local Environmental Plan Making Guideline* (August 2023).

1.3. Assessment of Heritage Significance

Artefact Heritage carried out an assessment of heritage significance of the two subject sites.

The assessment of heritage significance was undertaken in accordance with Environment and Heritage Group, Department of Planning and Environment publications *Assessing heritage significance* (2023) and *Investigating heritage significance* (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) – Historical Association

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/creative/technical achievement

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, cultural and spiritual 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) – Rare

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.

The assessment concludes that the following sites are of **local** heritage significance.

- Rose Bay Public School – Building E, including interiors, 21 Wilberforce Avenue, Rose Bay (Lot 49-53, DP 4567).
- McAuley Catholic Primary School – former Christian Brothers College building, including interiors, 12 Carlisle Street, Rose Bay (Lots A and B, DP 80580).

Accordingly, it is recommended that the two sites are listed in Schedule 5 and identified on the associated Heritage Map of the Woollahra LEP 2014.

1.3.1. Assessment of Significance – Rose Bay Public School, Building E, including interiors

<p>Historical significance</p> <p>Criterion (a)</p>	<p>The north-eastern section of Building E (the E Block) at Rose Bay Public School dates from 1907, and together with subsequently constructed additions in 1911, 1916, the 1920s and 1970s, presents the oldest and most distinctive building on this school campus. It has local historical significance as a good quality local community building which has been in public use for well over a century. It retains considerable authenticity and integrity in retaining many of the original qualities of its original design and materials, and because it is still being used in its original function for classroom teaching.</p> <p>Building E meets the guidelines for inclusion for local historical significance.</p>
	<p>Building E at Rose Bay Public School may have local associations with James Sven Wigram, the Chief Architect in charge of school</p>

Historical association significance Criterion (b)	<p>buildings within the NSW Department of Public Works between 1904 and 1908, as a local example of his public school design if it can be established as designed by him.</p> <p>Building E has the potential to meet the guidelines for inclusion for local historical associations.</p>
Aesthetic significance Criterion (c)	<p>Building E at Rose Bay Public School has local aesthetic significance as a good quality government-built educational building dating from 1907, which retains many of its early design features including the use of warm face brick work, decorative brick buttresses positioned between windows, barge board gables facing the street, tall chimneys, wide eaves with exposed rafters, large timber-framed rectangular sash windows, four panelled doors, high ceilings, plastered walls and painted timber elements throughout.</p> <p>Building E meets the guidelines for inclusion for local aesthetic significance.</p>
Social significance Criterion (d)	<p>Building E at Rose Bay Public School is likely to have social significance for school children, alumni, teachers and others who used the building when attending or working at the school—further consultation with the local community may be required to establish a local level of social significance.</p> <p>Building E potentially meets the guidelines for inclusion for social significance for alumni.</p>
Technical/ Research significance Criterion (e)	<p>Building E at Rose Bay Public School is the first known building to be constructed on this land so there is low potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> <p>Building has low potential for historical archaeological remains of local significance.</p>
Rarity Criterion (f)	<p>Building E at Rose Bay Public School has local rarity as one of very few public schools in NSW built from scratch between 1904 and 1908 to meet new requirements. Smaller classrooms and more light and ventilation were required in response to the Department of Public Instruction's 'revolution' in its pedagogy and school room design following the government's commission of inquiry into education.</p> <p>Building E Meets the guidelines for inclusion for local rarity.</p>
Representative ness	<p>Building A at Rose Bay Public School has moderate local significance for representing some principal characteristics of early 20th century NSW Government school building design including the use of good quality natural materials such as brick, slate and timber</p>

Criterion (g)	constructed with good quality workmanship, and ongoing good quality extensions and maintenance to the building. Building E meets the guidelines for inclusion for local representativeness.
Integrity	Building E at Rose Bay Public School is in good condition and retains much of the integrity of its original design and materials. The original 1907 building can still be discerned in the north-eastern corner of the building. Subsequent numerous additions to the building over the course of more than 100 years have been undertaken carefully to either exactly reproduce the high quality double-brick building construction housing high-ceilinged classrooms with tall windows, or to blend sympathetically with it. Three chimneys are still in good condition on the roof although fireplaces in the classrooms have long been blocked up. Importantly, the building is still being used in its original function for classroom teaching.

1.3.2. Assessment of Significance – McAuley Catholic Primary School, Former Christian Brothers College building, including interiors

Historical significance Criterion (a)	As the oldest, largest and most distinctive building on this school campus, dating from 1936, the former college building has moderate local historical significance as a remnant of the Christian Brothers' twentieth century contribution to Catholic educational institutions in the locality. It retains considerable integrity for still being used in its original function for classroom teaching. The former Christian Brothers College building meets the inclusion guidelines for local historical significance.
Historical association significance Criterion (b)	The former Christian Brothers College building has local historical associations for having been designed by John Hennessey and thus forming part of the extensive oeuvre of good quality ecclesiastical architecture designed by the Hennessey firm between the 1880s and 1940s. The building has a local historical association with the Christian Brothers College Rose Bay and the McAuley Catholic Primary School as a locally significant educational and religious institution. The former Christian Brothers College building meets the inclusion guidelines for local historical associations
Aesthetic significance Criterion (c)	The former Christian Brothers College building is a modest local example of the educational, ecclesiastical architecture by the Hennessey architectural firm—comparable with the Hennessey-designed buildings at St Patricks Strathfield or St Mary's Concord rather than the grander buildings at St Patrick's Estate Manly, St Joseph's Hunters Hill or Santa Sabina Strathfield. The building

	<p>retains much of its internal and external integrity and makes a local contribution to the streetscape of Carlisle Street with its substantial form and impressive historical appearance with good quality architectural detailing in traditional materials.</p> <p>The former Christian Brothers College building meets the inclusion guidelines for local aesthetic significance.</p>
<p>Social significance</p> <p>Criterion (d)</p>	<p>The former Christian Brothers College building is likely to have social significance for school children, alumni, teachers and others who frequented the building when attending or working at McAuley Catholic Primary School—but further consultation with the local community may be required to establish a local level of social significance.</p> <p>The former Christian Brothers College building potentially meets the inclusion guidelines for local social significance for alumni.</p>
<p>Technical/ Research significance</p> <p>Criterion (e)</p>	<p>The former Christian Brothers College building is understood to be the second building to be constructed on the property formerly known as 12 Carlisle Street, which had a Federation era residence constructed there in c.1904. As such it has moderate-to-high potential for historical archaeological remains of local significance. A recent search found no Aboriginal Heritage Information Management System (AHIMS) sites registered within the property. The study area falls within an area of Potential Aboriginal Heritage Sensitivity (Coast Heritage, 2021).</p> <p>The former Christian Brothers College building has potential for historical archaeological remains of local significance.</p>
<p>Rarity</p> <p>Criterion (f)</p>	<p>The former Christian Brothers College building has local rarity as the only modest but good quality, intact and still functioning example of a Hennessey-designed Catholic school architecture in Sydney's eastern suburbs, constructed in 1935 near the end of the firm's lifespan.</p> <p>The former Christian Brothers College building meets the inclusion guidelines for local rarity.</p>
<p>Representative ness</p> <p>Criterion (g)</p>	<p>The former Christian Brothers College building has local representative significance as a good quality, intact and still functioning example of mid-twentieth century Catholic school architecture in Sydney's eastern suburbs, designed by the prestigious Hennessey architectural firm.</p> <p>The former Christian Brothers College building meets the inclusion guidelines for local representativeness.</p>
<p>Integrity</p>	<p>The former Christian Brothers College building is in good condition and retains considerable integrity of its original design and materials. It retains its original footprint and three level layout, its original brick wall and tiled roof construction materials. Although most of its original timber-framed windows have been replaced with</p>

	metal-framed windows, they retain the original patterns of fenestration. The open rear verandahs have been enclosed, turning them into corridors. Importantly, the building is still being used in its original function for classroom teaching.
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1.4. Statement of Heritage Significance

Below is the Statement of Significance for the subject property. The heritage significance assessment, including a heritage inventory sheet, is separately attached to this planning proposal, see *Rose Bay Public School and McAuley Catholic Primary School – Heritage Assessments* (December 2023).

1.4.1. Statement of Significance – Rose Bay Public School, Building E

Building E at Rose Bay Public School has local heritage significance under historical, associational, aesthetic, rarity and representative criteria.

Building E dates from 1907, and together with its subsequently constructed additions in 1911, 1916, the 1920s and 1970s, presents the oldest and most distinctive building on the Rose Bay Public School grounds. It has local historical and possibly associational significance as well as considerable authenticity and integrity as a good quality, local community building which has been in public use for well over a century and continues in its original function for classroom teaching. It may have social significance for school children, alumni, teachers and others who have used the building when attending or working at the school—further consultation with the local community may be required to establish a local level of social significance.

Building E at Rose Bay Public School has local aesthetic, rarity and representative significance as a government-built, educational building dating from 1907 which retains many of the features of its original design and materials. These include the use of warm face brick work, barge board gabled facades, tall chimneys, wide eaves with exposed rafters, decorative brick buttresses positioned between timber-framed sash windows, four panelled interior timber doors, high ceilings, plastered walls and painted timber panelling and built-in furniture.

1.4.2. Statement of Significance – McAuley Catholic Primary School, Former Christian Brothers College building

The former Christian Brothers College building within the McAuley Catholic Primary School is assessed as having local significance for its local historical values, local historical associations, aesthetic values, rarity and representativeness. It has some potential for historical archaeological remains of local significance.

The former Christian Brothers College building is a modest local example of the educational, ecclesiastical architecture by the Hennessey architectural firm—comparable with the Hennessey-designed buildings at St Patrick’s Strathfield or St Mary’s Concord rather than the grander buildings at St Patrick’s Estate Manly, St Joseph’s Hunters Hill or Santa Sabina Strathfield. As the oldest, largest and most distinctive building on this school campus, the former college building has moderate local historical importance for representing the Christian Brothers’ twentieth century contribution to Catholic educational institutions in the locality. The building is in good condition and retains considerable integrity for still being used in its original function for classroom teaching. It has moderate rarity and representative significance at the local level as a work of ecclesiastical school architecture designed by the Hennessey firm of architects in 1935.

The former Christian Brothers College building has local historical associations for having been designed by John Hennessey and thus forming part of the extensive oeuvre of good quality ecclesiastical architecture designed by the Hennessey firm between the 1880s and 1940s. The building makes a local contribution to the streetscape of Carlisle Street with its substantial form and impressive historical appearance with good quality architectural detailing in traditional materials.

The former Christian Brothers College building may have some social significance for school children, alumni, teachers and others who frequented the building when attending or working at McAuley Catholic Primary School. Such associations may not be considered strong enough to meet the threshold for local social significance.

2. Existing sites and surrounding context

2.1. Rose Bay Public School – Building E

Building E of the Rose Bay Public School is positioned on the north-eastern side of the school, facing Wilberforce Avenue. The north-eastern corner of Building E incorporates the first building erected on the school premises in 1907. The original, small, single-storey school building was constructed in warm-coloured face brick with a slate roof and a T-shaped plan with gabled facades facing east, west and south. The south facing façade was a blank wall without windows or buttresses, suggesting that an extension of the building in this direction was expected (and in fact soon occurred, within four years).

Extensions to the building took place in 1911, 1916, 1920, 1929 and during the 1970s. The early extensions in 1911 and 1916 were sympathetic to the original design and appear to have been constructed to match the original materials, form and detailing. The 1970s extensions to the Wilberforce Avenue façade had simpler, modern detailing. The early

sections of the building built in 1907, 1911 and 1916 retain decorative brick buttresses positioned between windows and diagonally placed at the corners of the building.

The interiors of the building retain many historic features typical of good quality early-to-mid 20th century buildings, including high ceilings lined with timber boards, cornices, timber-panelled sections of walls, plastered walls with picture rails, built-in timber furniture, and four-panelled timber doors. The window frames in the original 1907 section of the building appear to be the original timber including the sash frames and arrangement of glass panes. There are many other historic, timber-framed windows remaining in situ throughout the building.

The Rose Bay Public School site is located between Albemarle Avenue and Wilberforce Avenue, northwest of Albemarle Lane, and legally comprised of Lots 111 and 112 DP 1076937, and Lots 13-20 & Lots 46-54 DP 4567. Building E of the Rose Bay Public School is located wholly within Lot 49 to Lot 53, DP 4567 (see Figures 1 & 2 below).

Within the Lots containing Building E are two mature Palm Trees. Research undertaken suggests that the trees date from at least 1970 and possibly as early as 1955. While the trees are not historically associated with Building E, the Study recognises that they contribute to the landscape setting of Building E and the Rose Bay Public School generally.



Figure 1: Cadastral map of Rose Bay Public School (outlined in blue) with the allotments containing Building E in red. (Source: Woollahra Council GIS Maps)



Figure 2: Aerial photograph of the northwest corner of the Rose Bay Public School, with Building E outlined in green. (Source: Nearmap accessed by Woollahra Council Maps)



Figure 3: Original 1907 north-eastern corner of Building E facing Wilberforce Avenue, with original windows and buttresses. (Artefact Heritage, 2023)



Figure 4: Photo of Building E t Rose Bay Public School facing the playground, with original 1907 section of the building pictured at left. (Artefact Heritage, 2023)



Figure 5: 1909 Photo of the original building at Rose Bay Public School, now the north eastern corner of Building E. (Source: State Records FL1441588)

2.2. McAuley Catholic Primary School – Former Christian Brothers College building

The McAuley Catholic School is positioned on a hillside approximately 300 metres east of the harbour at Rose Bay. It is on a slope falling to the south and to the west, and the grounds are terraced throughout with retaining walls. Three of the school's four buildings face Carlisle Street and the other three sides of the school grounds are bordered by residential properties.

The former Christian Brothers College building, dating from 1935, fronts onto Carlisle Street and is the focal point of the school as the oldest, largest and most distinctive building on the

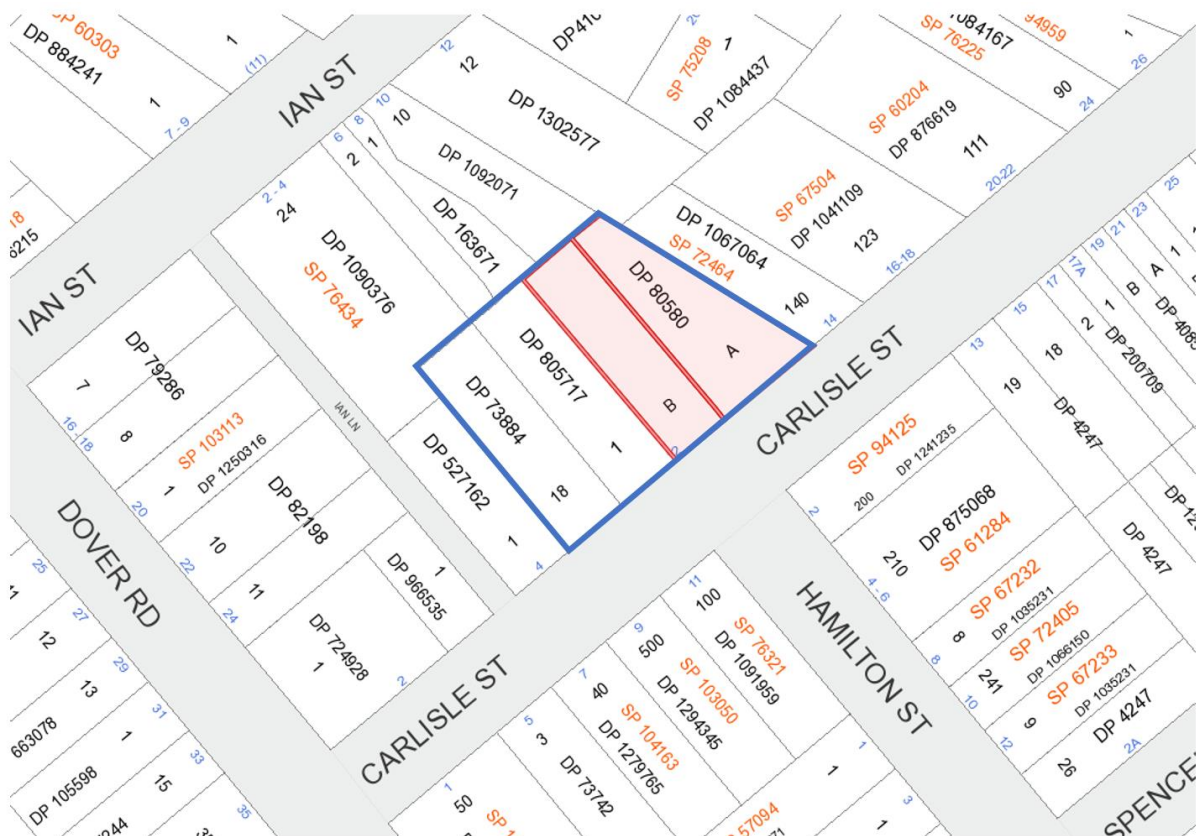
McAuley Catholic Primary School campus. It is a three-storey building with a rectangular plan and reserved, dignified architectural detailing. It is constructed in brown face brick and has a roof finished with rounded terracotta tiles.

The building measures approximately 27 metres in length and 12 metres in width with an approximate floor space of 324m² per level. It contains three levels of classrooms with some support rooms such as corridors and toilets. The first and second floors each feature a row of large classrooms facing Carlisle Street with a corridor behind them providing access from staircases at both ends of the building. The ground level has one classroom entered from the south-west side of the building (near the school entrance) and there are a number of ground-level toilets with entrances facing the playground at the back.

The street façade and two side facades are more decorative than the rear façade. The street façade has ten window bays symmetrically arranged around a central gable feature presenting the name 'Christian Brothers College' and surmounted by a cross. The high quality brickwork features pilasters, window sills and a decorative texture above the second storey windows. The two side facades match, each presenting three tall, narrow window bays under three Romanesque arches topped by gabled parapets constructed in decorative brick-work. The rear façade has eight sets of window bays on two levels, positioned within plainer brickwork although still symmetrically arranged.

The interiors retain the original layout and are in good condition throughout. The ceilings retain their original joist detailing on the first and second floors. On the second floor the ceilings within the classrooms have batten patterning, suggesting they may be original, while the corridor ceiling is sloped and faced with timber like an enclosed verandah. Some original deep skirting boards remain within some of the classrooms. Interior walls and ceilings are painted in neutral colours and all the rooms are carpeted in earthy tones. The windows on the long facades have been replaced with metal frames while the sides of the building appear to retain their original timber framed windows. Most of the internal and external doors appear to be contemporary but some original terrazzo thresholds remain.

The cadastral description of McAuley Catholic Primary School comprises Lots A and B, DP 80580; Lot 1, DP 805717; Lot 18, DP 73884. The school premises occupy the lots previously numbered 6-12 Carlisle Street Rose Bay. The former Christian Brothers College building is wholly contained within Lots A and B of DP 80580 only (see figures 6 and 7 below).



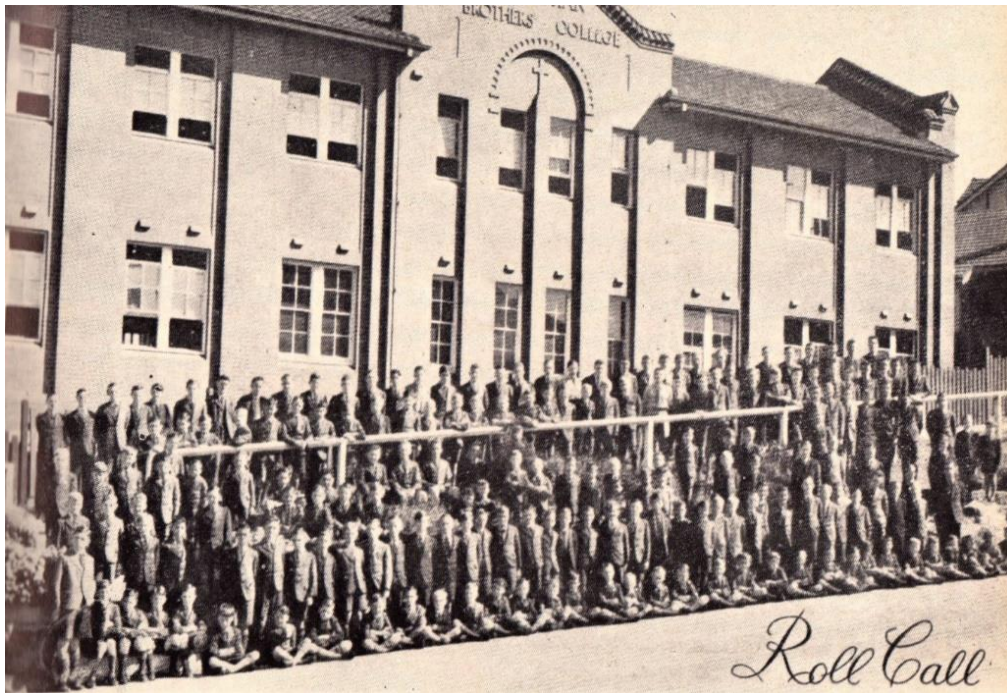


Figure 8: School students positioned in front of the main former Christian Brothers College building in 1942, facing Carlisle Street. (Source: Christian Brothers, 1959)



Figure 9: Photo of the south-eastern façade of the building facing Carlisle Street c1989, showing the two upper floors. (Source: Not known, reproduced in Cosgrove, 1989)



Figure 10: Photo of the south-western corner of the building façade from Carlisle Street. (Source: Artefact Heritage, 2023)

3. Existing planning controls

3.1. Woollahra Local Environmental Plan 2014

Table 2 below identifies the zone and key principal development standards that currently apply to the subject site under Woollahra LEP 2014.

No changes are proposed to these under this planning proposal.

Table 2: Summary of current development standards

Site	Zone	Maximum building height (m)	Floor space ratio
Rose Bay Public School	SP2 Educational Establishment	9.5	N/A
McAuley Catholic Primary School	R3 Medium Density Residential	10.5	1:1

3.1.1. Zoning Objectives

The objectives of the SP2 zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To encourage the retention and planting of trees and other vegetation as part of development to minimise the urban heat island effect and to improve microclimates.

The objectives of the R3 Medium Density Residential zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.*
- *To ensure development conserves and enhances tree canopy cover.*

3.1.2. Other LEP provisions

Both sites subject to this Planning Proposal are identified under the Woollahra LEP 2014 as potentially containing Class 5 acid sulfate soils. The subject sites are not known to be subject to any other environmental constraints.

3.2. Woollahra Development Control Plan 2015

The *Woollahra Development Control Plan 2015* (Woollahra DCP 2015) applies to both sites subject to this Planning Proposal. Any development proposals either on the site, or on an adjoining site, are required to address any relevant Woollahra DCP 2015 controls.

4. Objectives of planning proposal

The objective of the amendment to the Woollahra LEP 2014 is to recognise the heritage significance of Building E of the Rose Bay Public School, and the former Christian Brothers College building of the McAuley Catholic Primary School, and provide them with statutory heritage protection.

The planning proposal will amend Schedule 5 and the Heritage Map of the Woollahra LEP 2014 to include the subject sites listed below. The inclusion of these sites as heritage items in the Schedule will mean any future development proposals either on the site, or on any land within the vicinity, will need to consider the provisions of Clause 5.10 (5) of Woollahra LEP 2014. This will provide a statutory requirement for development proposals to consider the effects of proposed development on the heritage significance of this item.

Item	Address	Lot/DP
<i>Rose Bay Public School – Building E, including interiors</i>	21 Wilberforce Avenue, Rose Bay	Lots 49-53, DP 4567
<i>McAuley Catholic Primary School – former Christian Brothers College Building, including interiors</i>	12 Carlisle Street, Rose Bay	Lots A and B, DP 80580

5. Explanation of provisions

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

- Insert a listing for the “Rose Bay Public School – Building E, 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].
- Insert a listing for the “McAuley Catholic Primary School – former Christian Brothers College building, including interiors” in Part 1 (Heritage Items) of Schedule 5 (Environmental Heritage).
[The exact wording of the amendment will be determined by the Parliamentary Counsel prior to the making of the LEP].
- Amend the Heritage Map (8500_COM_HER_005) to identify two additional heritage items.

6. Justification

The planning proposal has strategic merit. The heritage significance of the subject sites, currently used as educational establishments, were assessed through a heritage assessment undertaken by Artefact Heritage on behalf of Council staff (see separately circulated documents: *Rose Bay Public School and McAuley Catholic Primary School Heritage Assessments* (December 2023).

The heritage listings will provide ongoing protection and recognition of the heritage significance of these sites.

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 found in the main report *Rose Bay Public School and McAuley Catholic Primary School Heritage Assessments* prepared by Artefact Heritage on behalf of Woollahra Council. The report concluded that the buildings on the subject sites meet the criteria for listing as a local heritage items.

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

Yes. The objective is to recognise the heritage significance of the subject sites and provide them with statutory heritage protection. The best means of achieving this objective is through an amendment to Woollahra LEP 2014 to list the subject sites as local heritage items. This is achieved through the planning proposal process.

Other options, such as adding site-specific objectives and controls to Woollahra DCP 2015, or including heritage conservation conditions to a potential 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”.

Identifying the subject sites as local heritage items will provide ongoing protection and recognition of their heritage significance.

Eastern City District Plan

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 these sites 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?

Woollahra Local Strategic Planning Statement

Planning Priority 5 of the Woollahra Local Strategic Planning Statement is relevant:

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.

Community Strategic Plan, Woollahra 2032

The planning proposal is consistent with *Woollahra 2032 – Community Strategic Plan*. Notably, the planning proposal meets the following strategy within Goal 4 (Well-planned neighbourhoods) under the Social theme:

4.2 Conserving our rich and diverse heritage

Heritage listing of the subject sites will provide ongoing protection and recognition of the heritage significance of these items, consistent 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 not in-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 (SEPPs).

Regarding *SEPP (Exempt and Complying Development Codes) 2008*, where an item is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development.

Regarding *SEPP (Transport and Infrastructure) 2021*, where an item is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as development permitted or without consent, as well as works considered exempt or complying specific to schools.

Refer to **Schedule 1** for an outline of consistency with all SEPPs.

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 Draft Study assessed the subject sites against the criteria for 'cultural significance' as defined in the *Australia ICOMOS Burra Charter*, as meaning the historic, aesthetic, scientific, social or spiritual value for past, present or future generations.

The assessment found that these sites meet a number of heritage criteria at a 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 the Woollahra LGA.

There will be potential economic implications relating to the need for heritage management documents (to accompany a development application) to assess and support future changes to buildings, including new uses, alterations and modifications. With regards to development pathways, depending on the scale and impact of works, developments to local heritage items can be managed as:

- a development application process,
- a heritage works without consent application (under CI 5.10(3) of the Woollahra LEP 2014 for works with minor impacts or for maintenance only.

Furthermore, *SEPP (Exempt and Complying Development Codes) 2008* allows some work to local heritage items (with restrictions).

The *SEPP (Transport and Infrastructure) 2021* provides for specific types of work to local heritage items for the purposes of a school and its operations (with restrictions), as development without consent. The SEPP also provides for some exempt and complying development, again where the work is limited to specific school-related functions. In these instances, Council is notified but consent is not sought.

These additional heritage management and development approval processes will enable the needs of the landowner to be considered in conjunction with the conservation of the building and the impact of the proposed changes on the heritage significance of the building.

Therefore, it is considered that the planning proposal will have a positive social and economic effects because:

- Heritage listing will provide ongoing protection and recognition of the social heritage significance of these sites.
- Heritage listing will not preclude future development of the buildings which is undertaken in accordance with heritage requirements.

- The potential need for additional assessments and management documents to support development applications is necessary in order to provide the appropriate protection against impacts to significance.
- It is not anticipated that the planning proposal will have any negative social effect which need to be addressed as part of the proposal.

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 the subject sites and does not involve amendments to the planning controls that will facilitate intensified development.

Currently, all properties have access to adequate public infrastructure such as water, sewer, electricity and telephone services.

There is no significant infrastructure demand that will result from the planning proposal. The existing services that are available to the subject site is 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:

- Environment and Heritage Group, Department of Planning and Environment
- The National Trust of Australia (NSW).

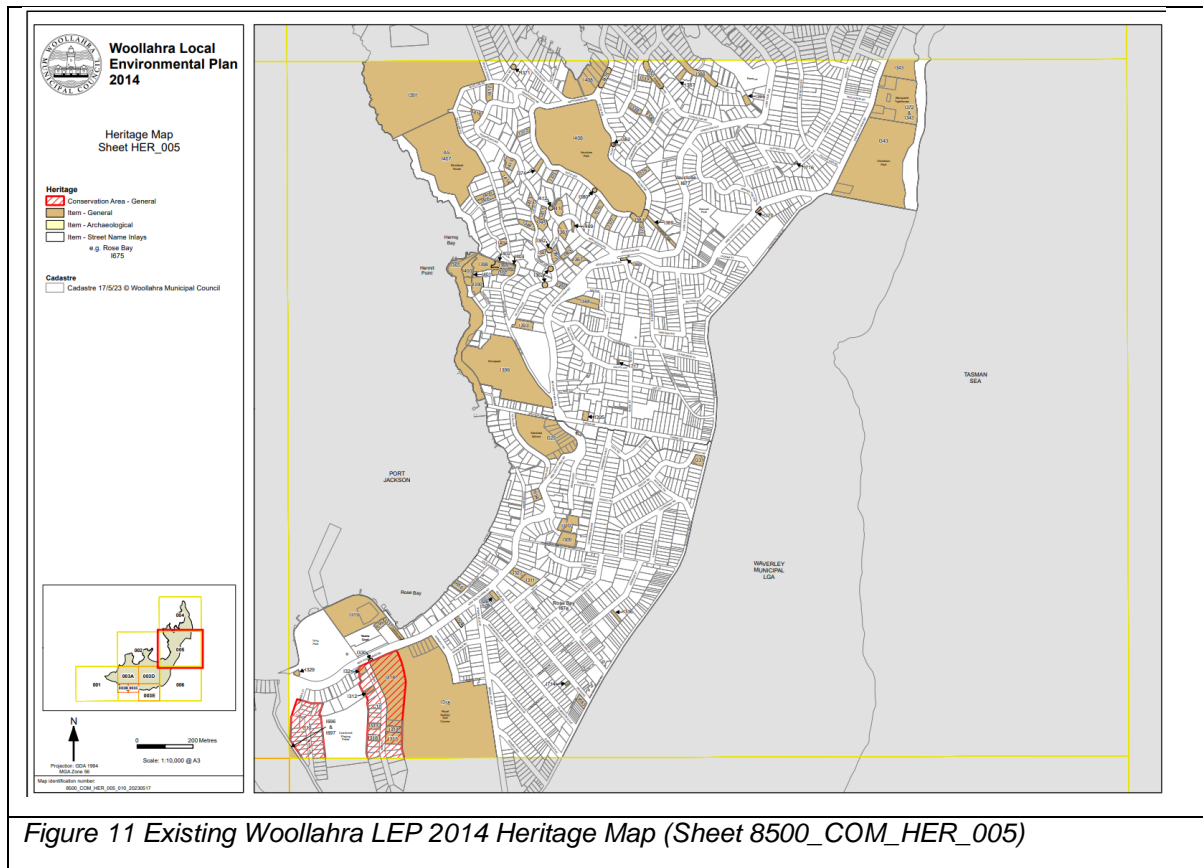
Further consultation will take place with any other authorities identified by the Gateway Determination.

7. Mapping

The planning proposal seeks to amend the Woollahra LEP 2014 Heritage Map (8500_COM_HER_005) by applying an “Item-General” classification to the following sites.

	Item	Address	Lot/DP	LEP Heritage Map Sheet No.
1	<i>Rose Bay Public School – Building E, including interiors</i>	21 Wilberforce Avenue, Rose Bay	Lots 49 – 53, DP 4567	8500_COM_HER_005
2	<i>McAuley Catholic Primary School – former Christian Brothers College building, including interiors</i>	12 Carlisle Street, Rose Bay	Lots A & B, DP 80580	8500_COM_HER_005

An extract of the existing and proposed heritage maps are shown in **Figures 11 to 16** below. It should be noted that “TBC” is shown indicatively in lieu of item numbers, which will be subject to confirmation at the finalisation stage.



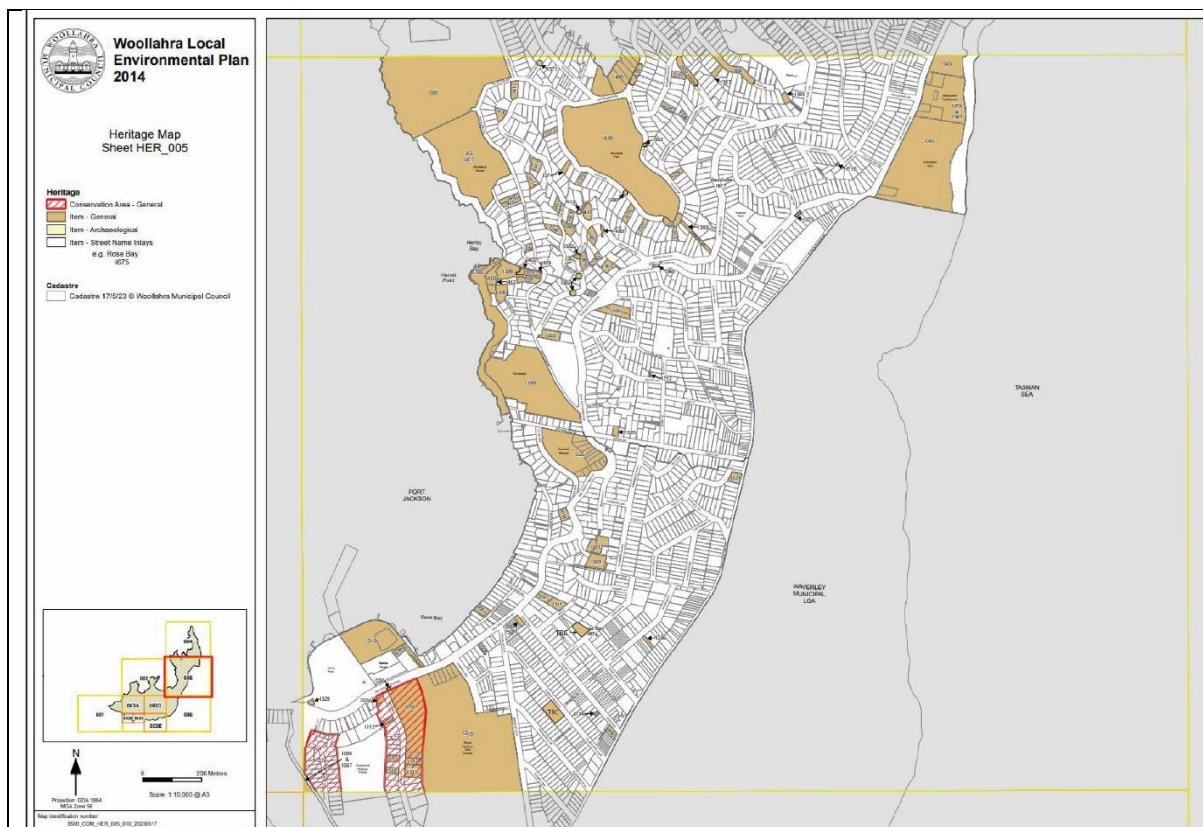


Figure 12 Proposed Woollahra LEP 2014 Heritage Map (Sheet 8500_COM_HER_005)

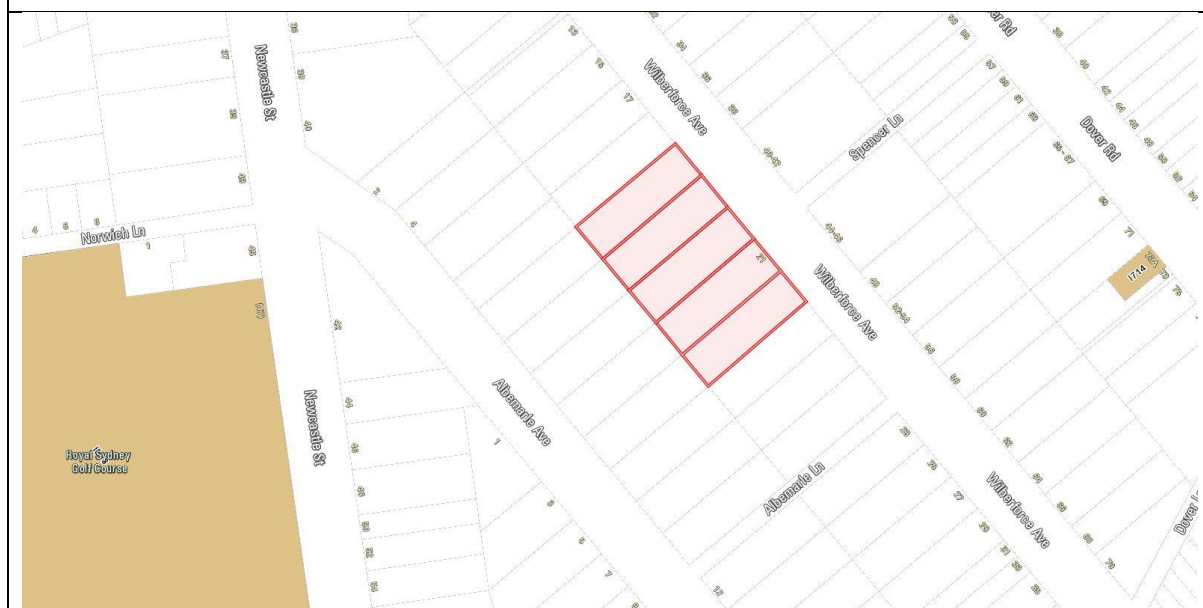


Figure 13 Extract from existing Woollahra LEP 2014 Heritage Map. Rose Bay Public School – Building E is highlighted in red. (Sheet 8500_COM_HER_005)

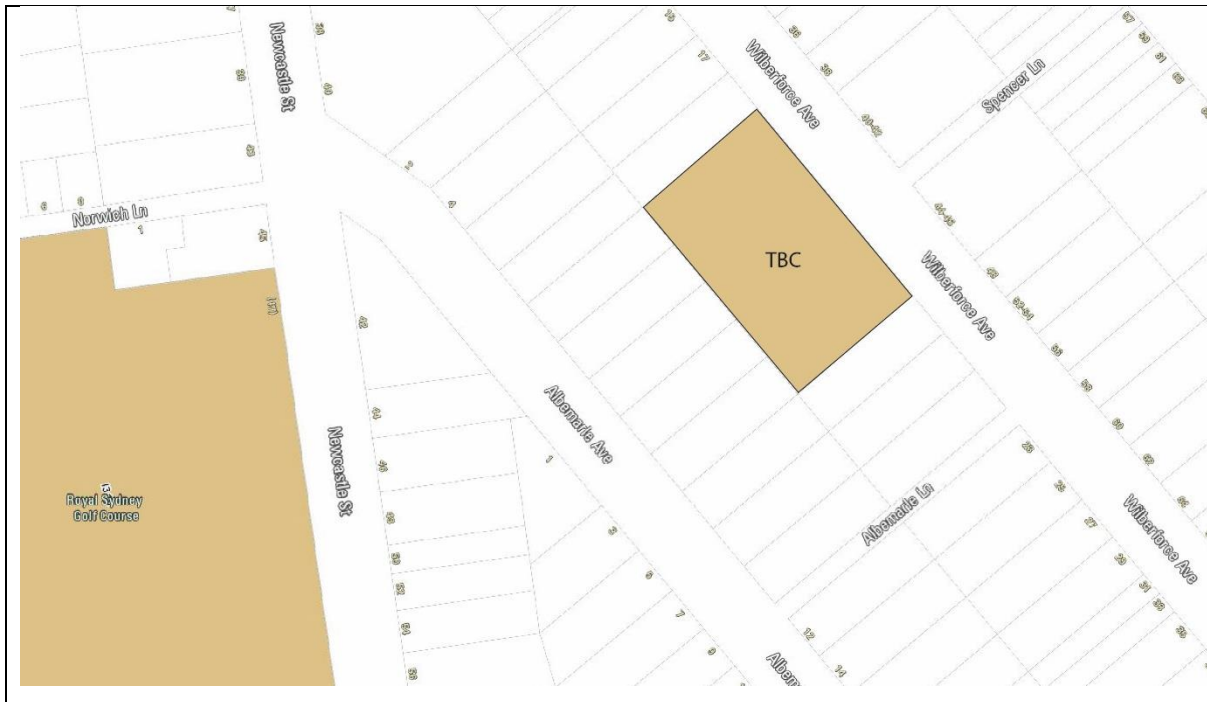


Figure 14 Extract from Woollahra LEP 2014 Heritage Map showing proposed heritage item, the Rose Bay Public School E Building, item number to be confirmed. (Sheet 8500_COM_HER_005)



Figure 15 Extract from Woollahra LEP 2014 Heritage Map showing proposed heritage item, McAuley Catholic Primary School – former Christian Brothers College building, item number to be confirmed. (Sheet 8500_COM_HER_006)

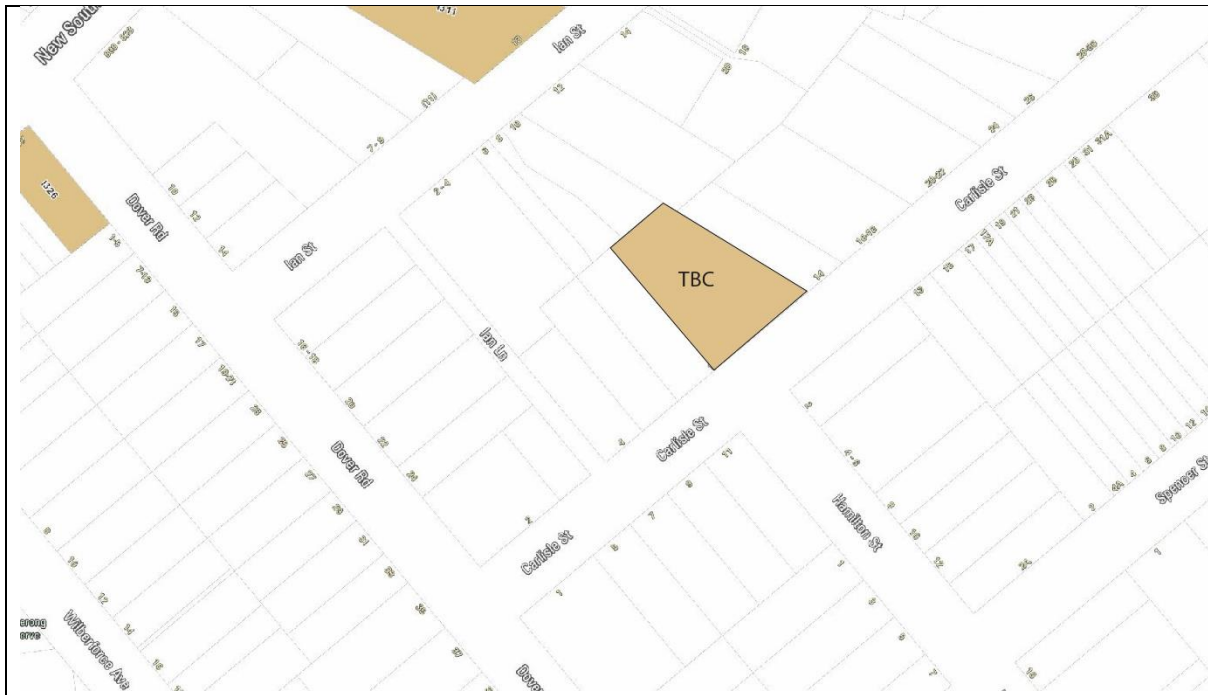


Figure 16 Extract from Woollahra LEP 2014 Heritage Map showing proposed heritage item, item number to be confirmed. (Sheet 8500_COM_HER_006)

8. Community consultation

8.1. Stakeholder pre-engagement

The Draft Study was provided to the administration team of each school subject to this Planning Proposal in February 2023. The school administration team also forwarded the Draft Study to the relevant asset management teams within their State organisations.

Comments were received by the Heritage Manager, Schools Infrastructure NSW, with regards to Rose Bay Public School. SINSW acknowledged the heritage assessment prepared by Woollahra Council and confirmed that they have no objections to the technical assessment of Building E as possessing local heritage significance.

They have requested, for the purpose of consistency with other DoE heritage listings, that the gazettal name of the heritage listing be described as “Rose Bay Public School – Building E”. This is also to ensure that the heritage values specific to this building are protected.

8.2. Public Exhibition

Public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2021*. It will also have regard to the other relevant plans and guidelines including the *Woollahra Community Participation Plan* (2019), the *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,
- a notice on Council's website
- a letter to land owners in the vicinity of the subject site

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 and the heritage significance assessment)
- 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 Meeting	18 April 2024
Environmental Planning Committee recommends proceeding	6 May 2024
Council resolution to proceed	13 May 2024
Gateway determination	July 2024
Completion of technical assessment	Usually none required
Government agency consultation	August 2024
Public exhibition period	Same time as agency consultation
Submissions assessment	October 2024
Council assessment of planning proposal post exhibition	December 2024
Council decision to make the LEP amendment	January 2025
Council to liaise with Parliamentary Counsel to prepare LEP amendment	February 2025
Forwarding of LEP amendment to Greater Sydney Commission and Department of Planning and Environment for notification	April 2025
Notification of the approved LEP	May 2025

Schedules

Schedule 1 – Consistency with State Environmental Planning Policies (SEPPs)

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 (Building Sustainability Index: BASIX) 2004	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. It is noted that where a property is locally heritage listed (or is a draft item) on the Woollahra LEP 2014 Schedule 5, there are implications in terms of the extent of works that can be considered as exempt and complying development.
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 No.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 (Planning Systems) 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 (Precincts – Central River City) 2021	Not applicable.
SEPP (Precincts – Eastern Harbour City) 2021	Applicable There are currently no identified state significant precincts located in the Woollahra LGA.
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.
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.

**Schedule 2 – Compliance with section 9.1 directions (Directions by the Minister)
under the EP&A Act**

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 this property will provide ongoing protection of the heritage significance of these items.
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 list one property in the Woollahra Local Government Area. 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 – place based	
1.5 – 1.20	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. The proposed Heritage listing of the property in the Woollahra LGA will provide ongoing protection and recognition of the heritage significance of this property.

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.
3.6	Strategic Conservation Planning	Not applicable. The planning proposal does not apply to land identified as avoided land or a strategic conservation area under the <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i> .
4	Resilience and hazards	
4.1	Flooding	Not applicable. The planning proposal will not affect flood liable land.
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	<p>Applicable. Consistent. The planning proposal does not contain a provision which is contrary to the aims, objectives and principles of:</p> <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. This direction does 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.