

JRPP No.	2011STH016
DA No.	<b>DA-2011/718</b>
Proposal	Demolition of existing structures and construction of proposed residential apartment building above basement parking and storage
Property	Lots A & B DP 415263 and Lot 2 DP 331687; 32-34 Church Street, Wollongong
Applicant	ADM Architects
Responsible Team	City Centre & Major Development

## ADDENDUM REPORT AND RECOMMENDATION

### Executive Summary

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Reason for consideration by Joint Regional Planning Panel

The JRPP is the determining authority pursuant to State Environmental Planning Policy (Major Development) 2005 as the proposed development has a capital investment value of more than \$10 million.

Background

The matter was previously considered by the JRPP on 2 December 2011. Approval of the application was recommended subject to conditions however the JRPP resolved to defer determination of the application to enable a comprehensive assessment of heritage significance to be carried out of the buildings proposed to be demolished, and further investigation be carried out on archaeological items.

The applicant has submitted additional information which has been reviewed by Council's Heritage Officer and Heritage Consultant. This report provides an outline of the additional information submitted by the applicant, along with details of further assessment undertaken by Council's Heritage Officer and Heritage Consultant. Determination of the application is now recommended.

Proposal

This development application seeks consent for the demolition of existing buildings on the site and the construction of a nine (9) storey residential flat building housing 34 units over two (2) levels of basement car parking accommodating a total of 56 car spaces. A further 7 visitor car spaces are provided at ground level at the rear of the building. The site is to be accessed from a single point located at the southern end of the Church Street frontage.

The site comprises 3 allotments with a combined site area of 2872.43m<sup>2</sup>. The site has a frontage length of 51.89m to Church Street. The allotments are occupied by existing buildings (a dwelling on No.34 and a single storey building occupied as three separate residential units at No.32 Church Street) which are proposed to be demolished.

Permissibility

The site is zoned R1 General Residential pursuant to Wollongong Local Environmental Plan 2009. The proposed development is defined as a 'residential flat building' which is permissible with consent.

Consultation

Neighbour notification and advertising has been carried out on two separate occasions and is outlined in Council's report to the JRPP of 2 December 2011. The proposal has been referred to the NSW Heritage Branch for comment and consultation with a number of internal divisions of Council has also occurred.

## Main Issues

The main issues arising from the assessment of the proposal include the following:-

- The concerns raised in neighbour submissions in relation to heritage and streetscape matters, neighbourhood character, building bulk and height, overshadowing, construction and amenity impacts;
- Overshadowing impacts – a variation to Wollongong Development Control Plan 2009 is sought in relation to solar access to some of the neighbouring units located to the south of the subject site;
- Residential Flat Design Code and Development Control Plan variations sought in relation to street setbacks to the planter retaining walls, side setback to the northern boundary and overshadowing; and
- Protection of the archaeological remains within the site.

## RECOMMENDATION

It is recommended that DA-2011/718 be approved pursuant to Section 80(1) of the Environmental Planning & Assessment Act 1979 subject to the conditions outlined in Attachment 5.

## 1. BACKGROUND

The Southern Region Planning Panel (JRPP) on 2 December 2011 resolved that DA 2011/718 be deferred to enable a comprehensive assessment of heritage significance to be carried out of the buildings proposed to be demolished, and further investigation be carried out on archaeological items.

The full assessment report presented to the JRPP on 2 December 2011 forms Attachment 1. This includes the aerial photograph of the site and surrounds, zoning map, and development plans.

## 2. OUTLINE OF ADDITIONAL INFORMATION SUBMITTED

### **Heritage Significance of Existing Buildings**

The applicant has submitted to Council a Heritage Values Assessment report in relation to the buildings situated on the subject sites. The report was prepared by Rappoport Pty Ltd Conservation Architects and Heritage Consultants and is attached in full to this report (Attachment 2). The purpose of the report was to assess the heritage significance of the buildings proposed to be demolished in this development application.

The Heritage Values Assessment report noted that neither of the two existing buildings are currently listed within WLEP 2009 or on the State Heritage Register, the National Heritage List, the Commonwealth Heritage List, or the National Trust of Australia (NSW). The subject sites or buildings are also not located within a conservation area.

The Heritage Values Assessment report was prepared using methodology consistent with the “Assessing Heritage Significance, NSW Heritage Manual” prepared by the NSW Heritage Office and The Burra Charter (ICOMOS Australia). The two buildings located on the subject site were assessed based upon seven (7) separate criteria established by the Heritage Branch of the NSW Office of Environment and Heritage (OEH) which include:-

- Historical significance
- Associational significance
- Aesthetic significance
- Social significance
- Technical/ resource significance
- Rarity
- Representativeness.

In relation to No.32 Church Street, Wollongong, the report provides the following statement of cultural significance based on the assessment undertaken:-

“The building at 32 Church Street is not considered to demonstrate significant heritage value. The original 1930s building was constructed after the demolition of Bustle Hall. However, there is no evidence, in terms of re-use of fabric or architectural detailing to provide a tangible connection between the demolition of Bustle Hall and the construction of 32 Church Street.

While the interior of the 1930s apartment does contain some elements which are indicators of the Inter-War Georgian Revival Style, they are not considered to be outstanding and nor do they translate to the exterior of the building. Furthermore, the building has undergone substantial alteration and addition, to make it suitable for use as multiple dwellings, these alterations have further degraded the property’s aesthetic appearance and removed its original architectural features.

The building does not have any special or significant associations with any persons or groups of persons nor does it possess a high degree of creative achievement. Similarly, the building is not considered to be rare or have the potential to yield further technical knowledge or information.”

In relation to No.34 Church Street, Wollongong, the report provides the following statement of cultural significance based on the assessment undertaken:-

“The building at 34 Church Street is not considered to demonstrate significant heritage value. The building was constructed after the demolition and subdivision of Bustle Hall. However, there is no evidence, in terms of re-use of fabric or architectural detailing to provide a tangible connection between the demolition of Bustle Hall and the construction of 34 Church Street.

While the design of the building was clearly influenced by several design phases and styles, the building does not demonstrate any of these phases to an exemplary standard nor does it have the potential to yield further technical information or provide any further information about the history of Wollongong.”

On the basis of the assessment, the report concludes that neither of the two buildings are considered to have significant heritage value.

The report has been considered by Council’s Heritage Officer and Heritage Consultant who have also conducted an independent assessment of the heritage significance of the existing buildings situated at 32 and 34 Church Street, Wollongong. The assessments have also been conducted using the standard methodology for undertaking such assessments outlined in the “Assessing Heritage Significance, NSW Heritage Manual” and The Burra Charter. The report is attached in full to this report – refer to Attachment 3.

The report describes the site and buildings at Nos. 32 and 34 Church Street, Wollongong as follows:-

“The site comprises archaeological relics related to Bustle Hall, residence of Charles Throsby Smith, the founder of the township of Wollongong. Bustle Hall was built c. 1826-1828 as the first substantial private residence in the area that is now part of the township. The land of the estate originally covered 300 acres, and was gradually subdivided in 1879, 1913 and the 1930s. The house of Bustle Hall, renamed Buena Vista, was demolished c. 1935 to allow for a further redevelopment of its immediate grounds and the two houses currently at 32 and 34 Church Street were both created post-1937.

The house grounds of both Nos. 32 and 34 include cultivated mature gardens, albeit no natural elements of heritage significance were noted.

The past tenants and owners of these two houses include a number of locally known residents, however, none that would be particularly significant in the course of history of the local area or Wollongong City. The house at 34 Church Street was the long-time home of Rowena Milgrove.

Rowena Milgrove was locally known as the owner and operator of Regent Theatre for 47 years (1957 to 2004). According to a newspaper article: “Ms Milgrove’s father, Herbert Jones, bought the site in 1934 but construction was delayed until after World War II. It was eventually built in 1954 by Ms Milgrove’s brother, Maurice Jones, with foreman Norm Wormister and builder Ron

Baxter. When it opened in 1957, with lavish art deco styling, it quickly asserted itself as the grandest picture theatre in the region. But when Ms Milgrove, known as the Queen of the Screen, died in 2004, its future became uncertain." ("Theatre up for Sale", Illawarra Mercury, 26/03/2009, p.7)".

On the basis of the assessment undertaken, the following statement of significance was prepared:-

"The archaeological site at 32-34 Crown Street, Wollongong is of significance for the State of NSW for historical reasons, associative, social and scientific reasons. The site was the location of Bustle Hall, the earliest major residence in the Wollongong area and the home of Charles Throsby Smith, the founder of Wollongong. The locality has social significance for the general community and is likely to contain relics that may be either rare or representative in the State context.

The other elements on the site, including buildings and landscaping, are not considered to be of sufficient heritage interest to warrant protection."

On this basis, the heritage assessment recommended that the site be listed as an archaeological item in the schedules of the Wollongong LEP. The listing should not apply to extant buildings and site landscaping.

### **Further Investigation of Archaeological Items**

Part of the JRPP resolution was to defer consideration of the application to allow further investigation to be carried out on archaeological items. It is noted that the development application initially lodged with Council was accompanied by a detailed assessment of the archaeology known or expected to occur within the site. The test excavations carried out within the site were in accordance with an excavation permit issued by the NSW Heritage Branch pursuant to Section 140 of the Heritage Act 1977 and were used to establish an appropriate curtilage around the archaeological remains of Bustle Hall to protect them from impact by the new development.

The archaeological report was prepared by Dr Edward Higginbotham, Director of Edward Higginbotham & Associates Pty Ltd, a firm which specialises in archaeology, history and heritage. Dr Higginbotham is a full member of the Australian Association of Consulting Archaeologists Inc. and an associate member of the Professional Historians Association. He has a BA and MA in Archaeology and Anthropology from Cambridge University, and a PhD in Historical Archaeology from Sydney University.

Dr Higginbotham has written to Council advising that no further archaeological works are required before consent may be granted to the development (refer to Attachment 4). As per the previous assessment report presented to the JRPP on 2 December 2011, no further testing or archaeological investigation was considered necessary by the NSW Heritage Branch or Council's Heritage Officer or consultant. If consent is to be granted to the development, a number of conditions were recommended for imposition in relation to the requirement for a heritage excavation permit; heritage archival recording (photographic archival recording of the existing buildings to be demolished, the site and existing landscaping) prior to the commencement of works; and the preparation and implementation of an interpretation plan. These are included within the set of draft conditions at Attachment 5.

## **3. CONCLUSION & RECOMMENDATION**

Detailed assessments of the heritage significance of the buildings situated at 32 and 34 Church Street, Wollongong conducted by Rappoport Pty Ltd and Council's Heritage Officer and consultant have concluded that the existing elements on the site, including buildings and landscaping, are not considered to be of sufficient heritage interest to warrant protection. The archaeological site situated within the subject site is however of significance for the State of NSW for historical reasons, associative, social and scientific reasons and for this reason, Council's Heritage Officers have recommended that the site be listed as an archaeological item in the schedules of the Wollongong LEP.

The proposed footprint of the building has been established following detailed archaeological investigation and test excavations conducted by a reputable archaeologist to the satisfaction of the NSW Heritage Branch in accordance with an Excavation Permit issued under the provisions of the Heritage Act 1977. No further archaeological testing is considered necessary and the proposal is satisfactory to the

NSW Heritage Branch and Council's Heritage Officer and consultant subject to the imposition of a number of consent conditions. These are outlined within Attachment 5.

It is recommended that the application now be determined.

It is recommended that the Joint Regional Planning Panel approve Development Application 2011/718 pursuant to Section 80(1) of the Environmental Planning & Assessment Act 1979, subject to the recommended conditions detailed in Attachment 5.

#### 4. ATTACHMENTS

1. Report to Joint Regional Planning Panel 2 December 2011 including attachments
2. Heritage Values Assessment, Rappoport Pty Ltd Conservation Architects and Heritage Consultants
3. Heritage Assessment Report for 32-34 Church Street Wollongong, Wollongong City Council
4. Correspondence from Dr E Higginbotham
5. Draft Conditions