

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Woollahra
<b>PPA</b>	Woollahra Municipal Council
<b>NAME</b>	Local heritage listing of 518a Old South Head Road, Rose Bay
<b>NUMBER</b>	PP_2018_WOOLL_001_00
<b>LEP TO BE AMENDED</b>	Woollahra Local Environmental Plan 2014
<b>ADDRESS</b>	518a Old South Head Road, Rose Bay
<b>DESCRIPTION</b>	Lot 37 Sec A DP 4567
<b>RECEIVED</b>	20 July 2018
<b>FILE NO.</b>	IRF18/4106
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to introduce a local heritage item (the Rose Bay Uniting Church and Wesley Hall Group) by listing it in Schedule 5: Environmental Heritage items and amending the Heritage Map (Sheet HER\_005) of the Woollahra LEP 2014. The proposal outlines the purpose to identify the site as a heritage item of local significance consistent with the outcomes of the heritage assessment undertaken by Robert A Moore.

### Site description

The subject site is located on the corner of Dover Road and Old South Head Road, Rose Bay. The street address of the subject site is 518a Old South Head Road, Rose Bay (**Figure 1**).

The site is described as the Rose Bay Uniting Church and Wesley Hall Group (**Figures 2 and 3**). The original church building was constructed in 1905, with later additions in 1924 to add a front entry porch and school room additions to the rear of the building to expand the church. The hall was constructed in 1929, with modern amenities added in the 1970s.

The church and hall occupy the majority of the site, with two small areas of lawn and landscaping on either side of the church building and a play area adjacent to the Hall (**Figure 4**). The subject site is surrounded by a brick and roughcast fence fronting

Old South Head Road and Dover Street, and a timber fence along Dover Lane and the South boundary.

The church building is currently being leased as a dance studio. The hall was used as a kindergarten facility until the end of 2017.

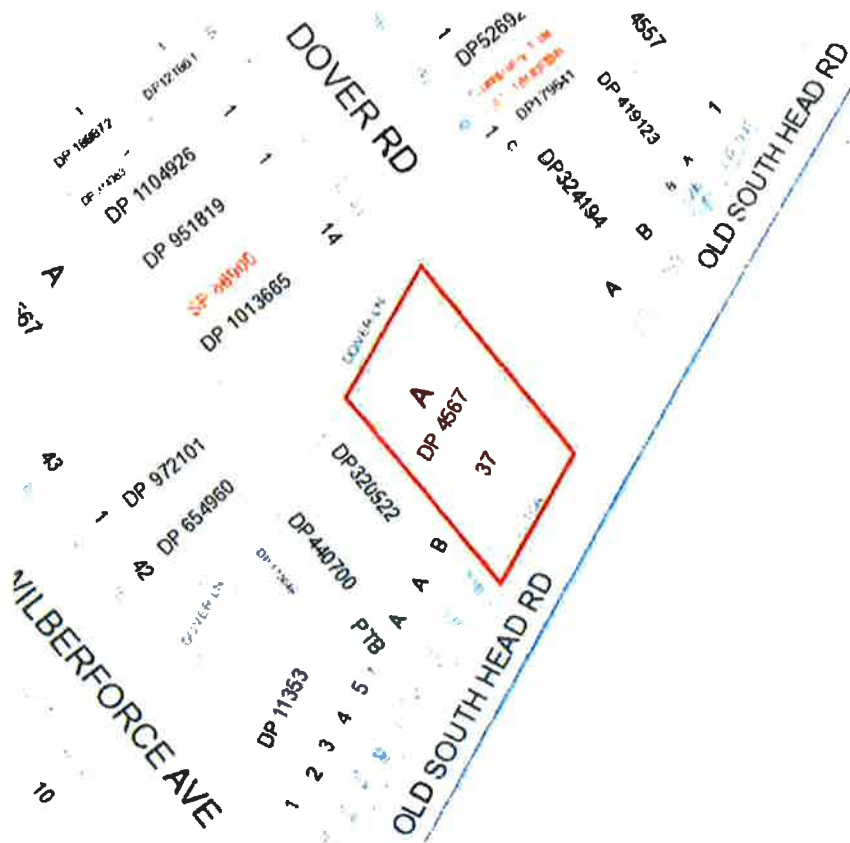


Figure 1: Map showing the subject site outlined in red.



Figure 2: Rose Bay Uniting Church and the Wesley Hall at the rear.





**Figure 3:** Rose Bay Uniting Church and Wesley Hall as viewed from Dover Road.

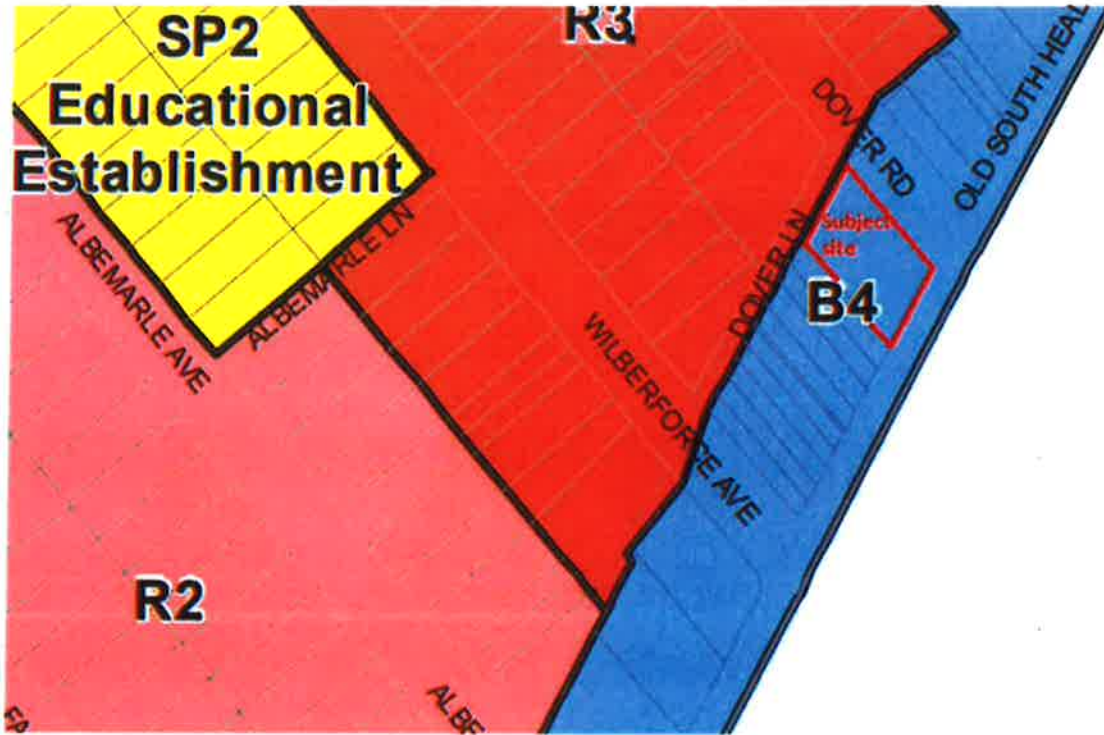


**Figure 4:** Aerial photograph showing the subject site outlined in red.

### Existing planning controls

Under the Woollahra LEP 2014 the site has the following planning controls:

- Zoned B4 Mixed Use (**Figure 5**);
- Floor space ratio of 1.5:1; and
- Maximum building height of 14.5m.



**Figure 5:** Land zoning map showing the subject site outlined in red.

### Surrounding area

The land to the east on the opposite side of Old South Head Road (within the Waverley Local Government Area) is also zoned B4 Mixed Use in the Waverley Local Environmental Plan 2012. Other area surrounding the subject site is zoned R3 Medium Density Residential as shown in **Figure 5**.

### Background

#### Council Notices of Motion

The planning proposal is in response to two council notice of motions on 18 December 2017 to explore the heritage listing of Rose Bay Church and Wesley Hall. Council then engaged an external heritage consultant, Robert A Moore to undertake a comprehensive heritage assessment of the subject site that was finalised in March 2018. The heritage assessment concluded that the subject site satisfactory meets the criteria for local heritage listing as the properties on the site are a focal point for their historic, social and aesthetic significance.

### Development application

The landowner lodged a development application DA 160/2018 with Council on 20 April 2018. The DA seeks the adaptive re-use of the 1905 church building and demolition of the hall, 1924 church extensions and 1970s additions to facilitate the development of a four-storey shop-top housing development with ground floor retail and ten three-bedroom apartments. The DA is accompanied by a Statement of Environmental Effects that concludes the development has benefits including the adaptive reuse of the 1905 church building, the introduction of community functions to the site and the delivery of new retail, business and residential accommodation to meet the needs of the existing and future community. On 24 April 2018, the landowner's consultant Conrad Gargett lodged submissions to Council in response to the Robert A Moore heritage report.

The Department understands that the DA is subject to proceedings in the Land and Environment Court based on a deemed refusal by Council and a hearing has been set for March 2019. Given that this proposal could directly affect the outcome of the case, a condition of gateway requires the proposal to be updated to include a reference to a savings provision to apply to any development application lodged but not determined.

### First Council resolution

On 7 May 2018 Council's Environmental Planning Committee recommended the listing of the property after considering a report detailing the heritage assessment reports prepared on behalf of the Council and the applicant.

On 21 May 2018 the Council supported the Committee's recommendations and determined the heritage listing proceed.

### Woollahra Local Planning Panel

On 5 July 2018 a report was presented to the Woollahra Local Planning Panel for advice. The Panel advised that Council reaffirm its decision of 21 May 2018 to prepare the planning proposal to heritage list the church and hall. Additionally, the Panel recommended that the applicant prepare a conversation management plan for the property as soon as possible.

### Second Council resolution

On 16 July 2018, Council resolved to reaffirm its decision of 21 May 2018 to prepare the planning proposal for the site including both the church and hall.

### **Summary of recommendation**

It is recommended that the planning proposal proceed subject to conditions because it:

- is consistent with A Metropolis of Three Cities, the Eastern City District Plan and relevant section 9.1 Ministerial Directions and state environmental planning policies;

- will enlist the subject site as a heritage item to provide a more appropriate reflection of the heritage significance of the site; and
- is recommended that heritage listing occur as per the heritage assessment report by Robert A Moore.

It is noted the landowner has prepared their own independent heritage report and supports the local listing of the site but requests consideration that this listing be limited to the 1905 (original) church and the 1924 entry porch. The landowner's report agrees with the Robert A Moore report in stating that moveable heritage is of significance and would need to be appropriately managed through identification and inventory.

## **PROPOSAL**

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### **Objectives or Intended Outcomes**

The objective of the planning proposal is to provide ongoing protection and recognition of the heritage significance of the site, including the existing buildings and moveable heritage. The moveable heritage includes furniture and fittings within the church and hall such as the stained-glass windows, pews, original font and the preacher's rostrum.

### **Explanation of provisions**

Council has included an explanation of provisions, the specific wording of any clause is determined at the drafting stage. It is therefore recommended that Council removes their proposed clause and includes a plain English explanation of intent. A condition is included for Council to remove the explanation of provisions.

The intent of the planning proposal is to amend the Woollahra LEP 2014 to:

1. Insert a new heritage item within Schedule 5 Environmental Heritage; and
2. Amend and replace the Heritage Map (Sheet HER\_005) of the Woollahra LEP 2014.

### **Mapping**

Indicative mapping has been provided with the proposal that shows the current and proposal heritage maps and is deemed sufficient. Mapping prepared in accordance with DPE technical guidelines will be required for submission at section 3.36 stage of Gateway.

## **NEED FOR THE PLANNING PROPOSAL**

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The need for the planning proposal is a result of a council notice of motion to explore the heritage listing of Rose Bay Church and Wesley Hall. Council undertook a heritage assessment report that concluded that the subject site as a whole meets the threshold for LEP heritage listing. The report recommended that it proceed to a



planning proposal because the site is a local landmark and well-known community complex.

The Rose Bay Uniting Church and Wesley Hall serve as a visual gateway to Rose Bay, located at an entry point to Woollahra on the corner of Old South Head Road and Dover Road. The Church and Hall is the successive work of a series of important early 20<sup>th</sup> century architects -A & GL McCredie & Sons, Dallas E Walsh and Byera Hadley.

The planning proposal intends to recognise the significance of the Rose Bay Uniting Church and Wesley Hall Group as a local heritage item under Schedule 5 of the Woollahra LEP 2014. A planning proposal is the only means to alter Schedule 5 of the Woollahra LEP 2014 to accurately reflect the heritage significance of the item.

## **STRATEGIC ASSESSMENT**

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### **Region**

#### Greater Sydney Region Plan

In March 2018, The Greater Sydney Commission released *The Greater Sydney Region Plan – A Metropolis of Three Cities* (the Region Plan) which aims to coordinate and manage the growth of Sydney. The Region Plan contains specific objectives for the region over the next 40 years and informs the actions and directions of the District Plans.

Of particular relevance in the Region Plan is '*Objective 13: Environmental Heritage The planning proposal is identified, conversed and enhanced.*' This objective seeks to protect environmental heritage for its social, aesthetic, historic and environmental values.

The objective also identifies a strategy that comprises of three components:

- *“engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place”*
- *“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”*

The planning proposal is consistent with the Region Plan as heritage listing of the Rose Bay Uniting Church and Wesley Hall Group will provide ongoing protection and recognition of the heritage significance of the site.

As such, the planning proposal is considered to be consistent in relation to the Greater Sydney Region Plan.

### **District**

#### Eastern City District Plan

The Eastern City District Plan operates to give effect to the regional plan. The Eastern District Plan encompasses the Woollahra Local Government Area.

The planning proposal is consistent with the outcomes and direction in the plan, however of particular relevancy are those associated with heritage, see **Table 1** below.

<b>Planning Priority</b>	<b>Objective</b>	<b>Comments</b>
<u>Planning Priority E6</u>	Creating and renewing great places and local centres and respecting the District's heritage	
Action 20	Identify, conserve and enhance environmental heritage by: <ul style="list-style-type: none"> <li>a. Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.</li> <li>b. Applying adaptive re-use and interpreting heritage to foster distinctive local places.</li> <li>c. Managing and monitoring the cumulative impact of development on the heritage values and character of places.</li> </ul>	The proposal can be considered consistent with Priority E6 as it seeks to provide the statutory mechanisms required to protect and respect the District's heritage and to conserve the aesthetic significance of architecture within this part of the Woollahra Local Government Area. The proposal is consistent with Action 20 as it seeks to clearly identify and enhance heritage and enables the community to consider the heritage value of these items and whether this should be conserved through mechanisms under Woollahra LEP 2014.
<u>Planning Priority E11</u>	Growing investment, business opportunities and jobs in strategic centres	
Action 38	Provide access to jobs, goods and services in centres by: <ul style="list-style-type: none"> <li>i. Conserving and interpreting heritage significance.</li> </ul>	The proposal is consistent with Action 38 as it seeks to provide access to jobs goods and services in the Rose Bay South mixed use centre by conserving and interpreting heritage significance.
<u>Planning Priority E13</u>	Supporting growth of targeted industry sectors	
Action 54	Consider the following issues when preparing plans for tourism and visitation:	The proposal is also consistent with the Action 54 as heritage listing will assist Council in preparing plans for tourism and



	e. Protecting heritage and biodiversity to enhance cultural and eco-tourism.	visitation by protecting heritage to enhance cultural tourism.
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**Table 1:** Relevant District Plan Directions.

The Department notes that the proposal will not prevent any future development from being consistent with the planning priorities.

## Local

Woollahra Community Strategic Plan – 'Woollahra 2025 – our community, our place, our plan'

The planning proposal is consistent with the Woollahra Community Strategic Plan, in particular with Goal 4 – Well planned neighbourhood under the theme quality places and spaces: '4.3 Protect local heritage and residential amenity, including protection of significant architecture and the natural environment.'

## Section 9.1 Ministerial Directions

The proposal is consistent with the applicable section 9.1 Ministerial Directions.

### Direction 2.3 Heritage Conservation

The Direction applies to the planning proposal as it conserves an item of environmental heritage significance. It requires that a planning proposal contain provisions that facilitate the conservation of items identified in a study of environmental heritage of the area.

The heritage assessment concluded that the subject property satisfies the relevant State Heritage Inventory criteria for a local heritage listing and thereby the proposal is warranted.

The proposal will not alter the existing heritage conservation provisions which already satisfy the requirements of this Direction. Therefore, the proposal is considered to be consistent with Direction 2.3 Heritage Conservation.

## Landowner consultation

Council sent a copy of the Heritage Assessment Statement to the landowner for comment. A submission dated 11 April 2018 was made to Council on behalf of the landowners by David Gole, Principal Heritage Architect at Conrad Gargett. The report by Mr Gole agrees with listing of the site on the Woollahra LEP 2014 heritage list but requests consideration that this listing be limited to the 1905 (original) church building (with the 1924 entry porch) only and not include the other 1924 additions or the hall.

The DA scheme seeks to demolish the hall, 1970s additions and 1924 church additions (not including the 1924 entry porch).

The landowner's reasons for limiting the heritage listing to exclude the 1924 additions and 1929 hall are based around the following reasons:

- There has not been a previous local listing for the site and it was not included on the 2014 LEP Heritage List while many other local churches were included. The recommendation for listing of current church sites in the heritage list were based on the outcomes of previous heritage studies including the 1984 Hughes Trueman Ludlow "Woollahra Heritage Study" which does not identify the Rose Bay Uniting Church;
- The site has not operated as a church for at least 10 years nor for education purposes since 1980, therefore does not have social significance;
- The site is no longer financially viable and long-term maintenance is required;
- The church building has only been used by a small number of community groups;
- The 1924 additions and hall are of some cultural significance, however the loss of significance from the physical removal of these structures can be managed through recording, and on-site interpretation; and
- The 1905 original church building has more heritage significance than the 1924 additions and the hall. The retention and reuse of the 1905 original church building will adequately acknowledge the cultural heritage significance and the embedded values within the site.

In relation to these reasons Council's responses were as follows:

- The fact that a property has heritage significance is not diminished because it is not a listed heritage item;
- The fact that the church has not been used as a place of public worship for over 10 years nor for education purposes since the 1980s relates only to the listing criteria relating to social significance. The subject site meets other criteria for listing including historical significance, historical association significance, aesthetic significance, representativeness;
- The fact that the church is used by small community groups is not applicable to heritage significance assessments or heritage listing;
- Heritage listing does not preclude adaptive reuse, changes or demolition where appropriate and justified;
- The land owner has not provided any evidence that the 1924 additions and hall are not of significance; and
- The 1924 additions and hall are significant for reasons including historical significance, historical association significance with architect Byera Hadley, aesthetic significance and representativeness.

The Department note that a lack of prior heritage listing does not diminish heritage value in listing it now. It is not evident that any prior historical studies of the area, including Hughes Trueman Ludlow's 1984 "Woollahra Heritage Study" have assessed the site to comment on its suitability for heritage listing.

Council's heritage assessment report determined overall heritage significance to warrant the listing as a heritage item under the Woollahra LEP 2014. Conditions of gateway require further consultation with the landowner. This will provide the

opportunity for the owner to provide further reports/studies to support the claim that the 1924 additions and hall should not be considered.

### **State environmental planning policies**

The proposal is considered to be consistent with all the relevant State Environmental Planning Policies (SEPPs).

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The heritage assessment concluded that the properties on the site are a focal point for their historic, social and aesthetic significance. The church and hall have been used by many community groups and have provided a venue for things such as: Sunday school classes, ballet, martial arts, meditation, childcare and other support services to families and disadvantaged members of the Rose Bay community.

### **Environmental**

The planning proposal is unlikely to adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats. The proposal seeks to protect a site that is historically significant in the area.

### Heritage

The need for the planning proposal has arisen from the recommendations to a heritage assessment. It is considered that the proposed amendments will list and thereby facilitate the conservation of the item for heritage purposes.

The Gateway determination has been conditioned to require consultation with the Office of Environment and Heritage.

### **Economic**

The planning proposal is not expected to generate any negative economic items. The proposal simply seeks to list the site as an item of local heritage significance.

## **CONSULTATION**

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### **Community**

Council has recommended a public exhibition period of a minimum of 28 days. This period is considered to be adequate.

As mentioned above, consultation with the landowner has already occurred. It is recommended that consultation happens again during the public exhibition period. The Gateway determination has been conditioned to require Council to consult with the landowner during the public exhibition period.

### **Agencies**

It is recommended that consultation be required with the Office of Environment and Heritage under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*.

## **TIME FRAME**

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A time frame of 9 months is considered appropriate. Council has included a project timeline which has projected a finalisation date of March 2018, indicating 8 months. It is recommended Council update the project time frame to reflect the correct months.

## **DELEGATION**

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The Department has considered Council's request to be the local plan-making authority and has determined not to condition the Gateway for Council to be the local plan-making authority for the following reasons:

- The differences between the land owner and Council in relation to the extent of the heritage listing; and
- The DA proceedings in the Land and Environment Court set down for hearing in March 2019.

## **CONCLUSION**

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The planning proposal is supported to proceed subject to conditions as outlined below. The planning proposal is consistent with the Greater Sydney Regional Plan and the Eastern City District Plan as it provides long-term protection of the heritage and social significance of the subject site.

## **RECOMMENDATION**

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It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Prior to community consultation the planning proposal is to be amended to:
  - (a) Remove the clause on explanation of provisions and replace it with a plain English explanation of intent; and
  - (b) Update the project timeline.
3. Consultation is required with the landowner during public exhibition.
4. Consultation is required with the Office of Environment and Heritage.
5. The planning proposal is to be updated to include a reference to a savings provision to apply to any development application lodged but not determined.
6. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.



7. Given the nature of the planning proposal, Council should not be authorised to exercise delegation to make this plan.



**Laura Locke**  
**Team Leader, Sydney Region East**

16/8/18



**Amanda Harvey**  
**Director, Sydney Region East**  
**Planning Services**

16/8/18

Contact Officer: Lawren Drummond  
Planning Officer, Sydney Region East  
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## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_WOOLL\_001\_00): to list the Rose Bay Uniting Church and Wesley Hall Group at 518a Old South Head Road, Rose Bay as an item of local heritage under Schedule 5 and relevant heritage map of Woollahra Local Environmental Plan 2014.***

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Woollahra Local Environmental Plan (LEP) 2014 to list the subject site as a heritage item under the Woollahra LEP 2014 should proceed subject to the following conditions:

1. The planning proposal is to be updated to include a reference to a savings provision to apply to any development application lodged but not determined.
2. The planning proposal be amended prior to community consultation as follows:
  - (a) remove the clause on explanation of provisions and replace it with a plain English explanation of provisions; and
  - (b) update the project timeline.
3. Consultation is required with the landowner during public exhibition.
4. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is required with the Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



# Planning & Environment

7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *16<sup>th</sup>* day of *August* 2018.

A handwritten signature in black ink, appearing to read "Amanda Harvey".

**Amanda Harvey**  
**Director, Sydney Region East**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Greater Sydney Commission**