HERITAGE DEVELOPMENT APPLICATION DETERMINATION PROCESS
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HERITAGE DEVELOPMENT APPLICATION
DETERMINATION PROCESS AT WOOLLAHRA
MUNICIPAL COUNCIL:
CASE STUDIES OF "HAWTHORNDEN" & "BROUGHAM"

Izlem Boylu
Master of Urban Studies (by research)
Department of Architecture, Planning and Allied Arts
Faculty of Architecture
The University of Sydney, 1999
VOLUME II
VOLUME 2 (APPENDICES)

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APPENDIX 1

WMC's Heritage Conservation Areas under WLEP 1995:
Paddington, West Woollahra, Bondi Junction & Watsons Bay

Appendix 1a
The National Trust's Listing Proposals for "Hawthornden" and "Brougham"

Appendix 1b
Woollahra Heritage Study – Item Nos. WW - 41 and WW - 45
Briefly cover the points on the following check list where they are relevant and within your knowledge.

- **Style**: simple Doric portico
- **Construction Use**: downstairs doors four panelled
- **Architects/ Builders**: only one original French door - dining room
- **Date of Construction**: other replaced
- **Present Condition**: 12 pane windows, shutters on all
- **History**: tiled roof
- **Owners**: extensive gardens
- **Boundaries of proposed listing**: numerous outbuildings
- **Date of Proposed Listing**: c.1860

Built by Hon. Henry Armitage in 1860. Leased to the Governor Sir Frederick Dar. Later: bought by the Ackland Family, then the Macpherson family. In recent years was the General Manager's residence of P. & O. Australia. It has a c.1927 arched verandah addition and second floor to a rear wing. Interior is well detailed in Georgian manner having extensive mahogany panelling to doors, windows and reveals.
WOOLLAHRA

[Address or Location]

Post Code: 2025 Woollahra Local Govt Area: Mun.Council

Author of Proposal: D. Sheedy

Date of Proposal: April, 1979

Suggested Listing Category: RECORDED

Committee (Trust Use): See over

Council (Trust Use): APPROVED R

Date of Construction: 5/4/1976

Description: House appears to be in three main periods with numerous small additions and alterations carried out in recent years. First Stage: This seems to have been a random stone walled cottage having dressed stone quoins and foundations and retains some 12-pane Georgian windows. The interior has been completely gutted and subdivided into smaller rooms. Although it may date from the 1850s it is said to have been built by Judge Dowling. Some of the French doors may have been introduced with the next stage.

Second Stage: This is a stuccoed stone or brick wing built c1870 and has had a gothic timber verandah all round but survives on two sides only. On to this open French doors with shutters and consists of a drawing room and billiards room, both with white marble fireplace surrounds. The latter room has a fine coffered plaster ceiling with central oval ceiling rose and elaborate dentilled plaster cornice and frieze.

Third Stage: c1900 it appears to have a number of alterations and additions made possibly by Robin King who lived here prior to 1917 when it was bought by the New South Wales Government. These works involved a stained glass door with sidelights, three bay windows (two with castellated parapets) a new dining room having marble, tiled and timber chimney piece by Beard Watson,

Reasons for Listing: The grounds contain some mature Norfolk Island pines and a large magnolia tree as well as section of Minton tile paving probably from a nineteenth century porch or verandah that was removed.

An attractive former residence with spacious grounds that undoubtedly possesses an interesting history and would be one of the few remaining early houses of Woollahra.

[Sketch plan and photos]

Attach additional photos if any.
### General Description

<table>
<thead>
<tr>
<th>Group of Buildings</th>
<th>Single Building</th>
<th>Natural Environment</th>
<th>Parklands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garden</td>
<td>Archeological Site</td>
<td>Other</td>
<td></td>
</tr>
</tbody>
</table>

### Building Type and Construction

<table>
<thead>
<tr>
<th>Terrace</th>
<th>Detached House</th>
<th>Church</th>
<th>Hotel</th>
<th>Shop</th>
<th>Flats/Units</th>
<th>Gallery</th>
<th>Hospital</th>
<th>Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Load-Bearing</td>
<td>Frame</td>
<td>No. of Storeys</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Period of Architecture

<table>
<thead>
<tr>
<th>1788 - 1850</th>
<th>1850 - 1890</th>
<th>1890 - 1920</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1920 - 1945</td>
<td>Post 1945</td>
</tr>
</tbody>
</table>

### Physical Condition

<table>
<thead>
<tr>
<th>Excellent</th>
<th>Very Good</th>
<th>Good</th>
<th>Fair</th>
<th>Poor</th>
<th>Intact</th>
<th>Damaged</th>
<th>Deteriorated</th>
</tr>
</thead>
</table>

### Reasons for Retention

- Historical
- Streetscape Value
- Individual Merit
- Listed

### Comment & Suggested Work

Extensive gardens.
**WOOLLAHRA HERITAGE STUDY**

**HUGHES, TRUEMAN, LUDLOW PTY LTD WITH HOWARD TANNER & ASSOC. PTY LTD**

**PROFESSOR IAN JACK**

**WILLIAM ASHTON**

---

**ITEM No: WW-45**

**BROUGHAM**

| DATE: | JUL-1 1984 |
| STREET NO.: | N.W COR. |
| STREET NAME: | NELSON & CULLEN |
| PHOTOGRAPH: | 09A-9 010A-11 |
| POST CODES: | |

### GENERAL DESCRIPTION

- **GROUP OF BUILDINGS**: SINGLE BUILDING X
- **GARDEN**: ARCHAEOLOGICAL SITE
- **LOAD-BEARING CONSTRUCTION**: FRAME
- **NO. OF STOREYS**
  - TERRACE: DETACHED HOUSE X
  - SHOP: FLATS/UNITS
  - OFFICE: SERVICE STATION
- **PERIOD OF ARCHITECTURE**:
  - 1788 - 1850
  - 1850 - 1890 X
  - 1890 - 1920
  - 1920 - 1945
  - POST 1945

### PHYSICAL CONDITION

- **EXCELLENT**
- **VERY GOOD**
- **GOOD X**
- **FAIR**
- **POOR**
- **INTACT**
- **DAMAGED**
- **DETERIORATED**

### REASONS FOR RETENTION:

- **HISTORICAL**
- **STREETSCAPE VALUE**
- **INDIVIDUAL MERIT**
- **LISTED**
- **OTHER**

### COMMENT & SUGGESTED WORK

*Stone work has been painted...*
APPENDIX 2

Appendix 2a

Appendix 2b

Appendix 2c
Policy for the Control of Changes to Façade and Alterations to Buildings in Watsons Bay, Bondi Junction, Paddington and West Woollahra – Sections 1, 2, 3

Appendix 2d
“Checklist”

Appendix 2e
“Heritage Report Information Requirements for Heritage Items”
Heritage items

26. (1) A person shall not, in respect of a building, work, relic, place or tree that is a heritage item -
   (a) demolish or alter the building or work; or
   (b) damage or move the relic, or excavate for the purpose of exposing the relic; or
   (c) damage or despoil the place; or
   (d) damage or move the tree; or
   (e) erect a building on the land that comprises the place; or
   (f) subdivide the land on which the building, work, relic or tree is situated or that comprises the place; or
   (g) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the Council.

(2) The Council shall not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

(3) The Council may decline to grant a consent required by subclause (1) unless it has considered a statement of heritage significance or a conservation plan that explains the heritage significance of the heritage item.

Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites

27. The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity.

Heritage conservation areas

28. (1) A person shall not, in respect of a heritage conservation area -
   (a) demolish or alter a building or work within the area;
   (b) damage or move a relic, or excavate for the purpose of exposing or removing a relic, within the area;
   (c) damage or despoil a place within the area; or
   (d) erect a building on or subdivide land within the area,

except with the consent of the Council.

Woollahra Local Environmental Plan 1995
(2) The Council shall not grant consent to an application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage conservation area.

(3) The Council may decline to grant a consent required by subclause (1) unless it has considered a statement of heritage significance or a conservation plan that explains the heritage significance of the building, work, relic, place or land located within the heritage conservation area.

Building amalgamation within heritage conservation areas

29. (1) This clause applies to all buildings within a heritage conservation area which were originally constructed with a non-residential design, which have a history of non-residential use and which are considered by the Council to be of heritage significance.

(2) In order to retain traditional building characteristics, the Council may decide not to grant consent to development involving the expansion of floor space at the ground floor level of a building to which this clause applies where that expansion involves amalgamation with adjoining buildings.

Additional uses within heritage conservation areas

30. (1) This clause applies to all buildings and the allotments on which they are situated or any parts thereof located within a heritage conservation area, other than those situated within Zone No. 3(a), 3(b), 3(b1) or 3(c) -

(a) where the whole or part of the building has a history of a lawfully commenced non-residential use, whether or not that use was discontinued, abandoned or interrupted; and

(b) where the whole or part of the building was originally lawfully constructed with a non-residential design or was lawfully altered or adapted to a non-residential design.

(2) Notwithstanding clause 8, the Council may consent to the use of a building or part thereof, referred to in subclause (1), for the purpose of commercial premises, community facilities, educational establishments, public buildings and shops.

(3) In addition to the use of a building or part thereof, the Council may also consent to the use of the allotment on which the building is situated for any purpose specified in subclause (2).

(4) The Council may grant a consent pursuant to this clause that will result in -

(a) an increase in the gross floor area of a building referred to in subclause (1); and

(b) the use of that increased area for a purpose specified in subclause (2),

or, where part of a building is used for a purpose specified in subclause (2), that will result in an increase in the use of the gross floor area of such a building for the purpose specified.

(5) The Council must not grant consent as referred to in subclause (2) or (4) unless it is satisfied that carrying out development in accordance with the consent will not adversely affect the heritage significance of the building, its site, or the heritage conservation area and will not detrimentally affect the enjoyment by an occupier of any lands adjoining or adjacent to, or in the neighbourhood of, the lands upon which such development is proposed.

(6) The Council must not grant consent as referred to in subclause (2) or (4) unless it is satisfied that the external architecture of the building or part thereof -

(a) is compatible with the external architecture of other buildings in the vicinity; or
(b) is, by virtue of the proposal, to be made compatible with the external architecture of other buildings in the vicinity; or

(c) has architectural or historic value of its own which will be conserved.

Development of known or potential archaeological sites

31. (1) The Council may grant consent to the carrying out of development on an archaeological site that has Aboriginal heritage significance (such as a site that is the location of an Aboriginal place or a relic, within the meaning of the National Parks and Wildlife Act 1974) or a potential archaeological site that is reasonably likely to have Aboriginal heritage significance only if:

(a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Director-General of National Parks and Wildlife; and

(b) it has notified the Director-General of its intention to do so and taken into consideration any comments received from the Director-General within 28 days after the notice was sent; and

(c) it is satisfied that any necessary consent or permission under the National Parks and Wildlife Act 1974 has been granted.

(2) The Council may grant consent to the carrying out of development on an archaeological site that has non-Aboriginal heritage or a potential archaeological site that is reasonably likely to have non-Aboriginal heritage significance only if:

(a) it has considered an assessment of how the proposed development would affect the conservation of the site and any relic known or reasonably likely to be located at the site prepared in accordance with any guidelines for the time being notified to it by the Heritage Council;

(b) it has notified the Heritage Council of its intention to do so and taken into consideration any comments received from the Heritage Council within 28 days after the notice was sent; and

(c) it is satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.

Heritage conservation incentives

32. (1) Nothing in this plan prevents the Council from granting consent to an application for consent to the use, for any purpose, of a building that is a heritage item or the land on which the building is erected if it is satisfied that:

(a) the proposed use would have little or no adverse effect on the heritage significance of the heritage item and on the amenity of the neighbouring area; and

(b) the conservation of the building will be achieved by the Council granting that consent.

(2) When considering an application for consent to erect a building on land on which there is situated a building which is a heritage item, the Council may:

(a) for the purpose of determining the floor space ratio; and
for the purpose of determining the number of parking spaces to be provided on the site.

exclude from its calculation of the gross floor area of the buildings erected on the land the gross floor area of the heritage item, but only if the Council is satisfied that the conservation of the heritage item will be achieved by the Council granting the exclusion.

Heritage notifications

33. (1) Where a person makes an application for consent to demolish a building or work that is a heritage item, the Council shall not grant consent to that application unless:

(a) the Council has notified the Heritage Council of its intention to grant consent; and
(b) the Council has taken into consideration any objection made by the Heritage Council not later than 28 days after the Council has notified the Heritage Council of the Council’s intention to grant consent.

(2) Subclause (1) does not apply to the partial demolition of a heritage item if, in the opinion of the Council, the partial demolition will be of a minor nature and will not adversely affect the heritage significance of the heritage item, in relation to the environmental heritage of the Woollahra area.

Development at Macquarie Lightstation, Vaucluse

34. (1) This clause applies to Lots 1, 4, 5 and 6, D.P. 801240, and Lots 1 and 2 D.P. 811578, being land known as the Macquarie Lightstation site, Old South Head Road, Vaucluse.

(2) The Council shall not grant consent to an application to carry out development on land referred to in subclause (1) unless it has taken into consideration a plan of management for the land.
SCHEDULES

SCHEDULE 1

Definitions - refer to clause 5

"advertising structure" means a structure used or to be used principally for the display of an advertisement;

"advertisement" means a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water;

"alter", in relation to a heritage item or to a building or work within a heritage conservation area, means -

(a) make structural changes to the outside of the heritage item, building or work; or

(b) make non-structural changes to the detail, fabric, finish or appearance of the outside of the heritage item, building or work, but not changes that involve the maintenance of the existing detail, fabric, finish and appearance of the outside of the heritage item, building or work;

"arterial road" means any existing road indicated on the map by a continuous red band on white between firm black lines;

"backpackers' accommodation" means a building which provides temporary accommodation (including a communal kitchen and laundry facilities) for travellers and tourists and which is not used as their principal place of residence, but does not include a building used as a boarding house;

"boarding house" means a building let in lodgings or a hostel, but does not include a motel or backpackers' accommodation;

"bulk store" means a building or place used for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership;

"bus depot" means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus transport undertaking;

"bus station" means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus;

"cafe" means a building or place (or both) where food and beverages are prepared for patrons and where retailing of confectionery, ice cream, beverages, cakes, sandwiches and the like may also occur and which is not licensed to serve alcoholic beverages with meals;

"car parking station" means a structure or part of a structure erected on or under land and used for the purpose of public car parking;

"car repair station" means a building or place used for the purpose of carrying out repairs to motor vehicles or agricultural machinery not being:

(a) body building;

(b) panel beating which involves dismantling; or

(c) spray painting other than of a touching-up character;

Woollahra Local Environmental Plan 1995
"child care centre" means a building or place which is used (whether or not for profit) for the purpose of educating, minding or caring for children (whether or not any of the children are related to the owner or operator), but only if the following conditions are satisfied:

(a) the children number 6 or more, are under 6 years of age, and do not attend a government school, or a registered non-government school, within the meaning of the Education Reform Act 1990; and

(b) the building or place does not provide residential care for any of the children (other than those related to the owner of operator);

"club" means a building used by persons associated, or by a body incorporated, for social, literary, political, sporting, athletic or other lawful purposes whether of the same or of a different kind and whether or not the whole or a part of such building is the premises of a club registered under the Registered Clubs Act 1976;

"commercial premises" means a building or place used as an office or for other business or commercial purposes, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule;

"community facility" means a building or place owned or controlled by the Council, a public authority, a religious organisation or a body of persons associated for the physical, social, cultural, economic, intellectual or religious welfare of the community, which may include -

(a) a public library, rest rooms, meeting rooms, recreation facilities, a child care centre, cultural activities, social functions or any similar building, place or activity; or

(b) a community club, being a building or place used by persons sharing like interests, but not a registered club,

whether or not that building or place is also used for another purpose;

"conservation plan" means a document establishing the significance of a heritage item and the policies that are appropriate to enable that significance to be retained in its future use and development;

"Council" means the Woollahra Municipal Council;

"demolition", in relation to a heritage item or to a building or work within a heritage conservation area, means the damaging, defacing, destruction, pulling down or removal of the whole or part of the heritage item, building or work;

"density map" means the map marked "Woollahra Local Environmental Plan 1995 - Density Map", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps), marked as follows:

Woollahra Local Environmental Plan 1995 (Amendment No. 2)

"dwelling" means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile;

"dwelling-house" means a building containing one but not more than one dwelling on one allotment of land;

"educational establishment" means a building used as a school, college, technical college, academy, lecture hall, gallery or museum, but does not include a building used wholly or principally as an institution or child care centre;
"Floor space ratio", in relation to a building, means the ratio of the gross floor area of the building to the site area of the land on which the building is or is proposed to be erected;

"foreshore scenic protection area" means land shown on the land use map by black hatching and edged with a broken black line;

"generating works" means a building or place used for the purpose of making or generating gas, electricity or other forms of energy;

"gross floor area", in relation to a building, means the sum of the areas of each level of the building, including -

(a) the thickness of all external walls; and

(b) the area of voids, staircases, and lift shafts, counted at each level; and

(c) that part of the area of balconies and verandahs which is in excess of 20m² per dwelling in the case of a building used or intended for use for residential purposes, or in excess of 10% of the site area in the case of a building used or intended for use for non-residential purposes; and

(d) any other areas of the building where the height of those areas exceeds 1.5 metres above ground level,

and excluding -

(e) car parking to meet any requirements of the Council and any access thereto; and

(f) any area used or intended for use as a car parking station; and

(g) roof terraces;

"ground level" means the level of the ground surface as at 15 December 1972 or as determined by the Council, where the level of the ground surface on 15 December 1972 cannot be ascertained;

"harbour foreshore scenic protection area" means land shown on the land use map by black cross-hatching and edged with a broken black line;

"health care professional" means a person who renders professional health services to members of the public and includes -

- acupuncturists;
- chiropractors;
- dentists;
- homeopaths;
- medical practitioners (general practitioner or specialist);
- naturopaths;
- orthodontists;
- osteopaths;
- physiotherapists; or
- any other like professionals;

"height", in relation to a building, means the greatest distance measured vertically from any point on the building to -

(a) the ground level; or

---

Woollahra Local Environmental Plan 1995
the lowest level of the building (excluding garage levels or part thereof situated totally underground and below ground level) immediately below that point,

whichever level is the lower;

"height map" means the map marked "Woollahra Local Environmental Plan 1995 - Height Map", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Woollahra Local Environmental Plan 1995 (Amendment No. 2)

"height zone" means land identified on the height map in some distinctive manner for the purpose of indicating land to which a restriction imposed by this plan on height applies;

"heliport" means an area or place open to public use which is licensed by the Commonwealth Department of Transport for use by helicopters and includes terminal buildings and facilities for the parking, servicing and repair of helicopters;

"heritage conservation area" means land shown edged blue and marked "Heritage Conservation Area" on the heritage conservation map;

"heritage conservation map" means the map marked "Woollahra Local Environmental Plan 1995 - Heritage Conservation Map", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Woollahra Local Environmental Plan 1995 (Amendment No. 2)

"heritage item" means a building, work, relic, tree or place -

(a) located on land described in Part A of Schedule 3, being land shown coloured-orange on the heritage conservation map; and

(b) described in Part B of Schedule 3;

"heritage significance" means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance;

"home industry" means an industry carried on in a building (other than a dwelling-house or a dwelling in a residential flat building) under the following circumstances:

(a) the building does not occupy a floor space exceeding 50 square metres and is erected within the curtilage of the dwelling-house or residential flat building occupied by the person carrying on the industry or on adjoining land owned by that person; and

(b) the industry does not -

(i) interfere with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;

(ii) involve exposure to view from any adjacent premises or from any public place of any unsightly manner; or
require the provision of any essential service main of a greater capacity than that available in the locality;

"home occupation" means an occupation carried on in a dwelling-house or in a dwelling in a residential flat building by the permanent residents of the dwelling-house or dwelling which does not involve:

(a) the registration of the building under the Factories, Shops and Industries Act 1962;
(b) the employment of persons other than those residents;
(c) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products or grit, oil or otherwise;
(d) the display of goods, whether in a window or otherwise;
(e) the exhibition of any notice, advertisement or sign (other than a notice, advertisement or sign exhibited on that dwelling-house or dwelling to indicate the name and occupation of the resident); or
(f) the sale of items (whether goods or material) or the exposure or offer for sale of items, by retail;

"hospital" means a building or place (other than an institution) used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, care for people with developmental disabilities, psychiatric care or counselling and services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes:

(a) ancillary facilities for the accommodation of nurses or other health care workers, ancillary shops or refreshment rooms and ancillary accommodation for persons receiving health care or for their visitors; and
(b) facilities situated in the building or at the place and used for educational or research purposes, whether or not they are used only by hospital staff or health care workers, and whether or not any such use is a commercial use;

"hotel" means the premises to which a hotelier's licence granted under the Liquor Act 1982 relates;

"housing for aged persons" means residential accommodation, which may take any building form, used permanently as housing for the accommodation of persons aged 55 years or over and which may consist of hostels or a grouping of 2 or more self-contained dwellings, or a combination of both, and which may include one or more of the following facilities provided for use in connection with that accommodation:

(a) accommodation for staff employed or intended to be employed in connection with that accommodation;
(b) medical consulting rooms;
(c) meeting rooms;
(d) recreation facilities;
(e) chapels;
(f) any other facilities for the use or benefit of aged persons.

Woollahra Local Environmental Plan 1995
"industry" means any handicraft or process in or incidental to the making, assembling, altering, repairing, renovating, preparing, ornamenting, finishing, cleaning, washing, breaking up or adapting of any goods or any articles or any part of an article for trade, sale or gain, or as ancillary to any business;

"institution" means a penal or reform establishment;

"junk yard" means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or goods used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof;

"land use map" means the map marked "Woollahra Local Environmental Plan 1995 - Land Use Map", as amended by the maps (or, if any sheets of maps are specified, by the specified sheets of the maps) marked as follows:

Woollahra Local Environmental Plan 1995 (Amendment No. 2)

"light industry" means an industry, not being an offensive or hazardous industry, in which the processes carried on, the transportation involved or the machinery or materials used do not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil, or otherwise;

"liquid fuel depot" means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid;

"main road" means a main road within the meaning of the Roads Act 1993;

"maintenance", in relation to a heritage item, or a building within a heritage conservation area, means the continuous protective care of the fabric of the item and its setting or of the building within the heritage conservation area;

"medical centre" means a building used for the care of (including diagnosis, preventative care or counselling) or for the medical or surgical treatment of out-patients only;

"medical consulting rooms" means a room or a number of rooms forming the whole or part of or attached to a dwelling-house, used for rendering professional medical or health care services (including dental and optical services) to members of the public by not more than three health care professionals at any one time, and where no more than three employees are employed, but does not include a building or part thereof used for the purpose of providing medical or surgical treatment or other professional health care services to people as in-patients;

"mixed development" means one or more dwellings (or a boarding house) within the same building as, or on the same allotment of land as, shops, commercial premises or any other non-residential use;

"motel" means a building or buildings (other than a hotel, boarding house or residential flat building) substantially used for the overnight accommodation of travellers and the vehicles used by them whether or not the building or buildings are also used in the provision of meals to those travellers or the general public;

"motor showroom" means a building or place used for the display or sale of motor vehicles, caravans or boats, whether or not motor vehicle accessories, caravan accessories or boat accessories are sold or displayed therein or thereon;

"nursing home" means a building, or buildings, with associated facilities providing accommodation and care for elderly people in need of nursing aid due to their age or for medical reasons, and which may also provide a temporary respite service for care-givers;
"offensive or hazardous industry" means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings;

"office" means a building or place used for the purpose of administration, clerical, technical, professional or like activities which do not involve dealing with members of the public on a direct and regular basis or otherwise than by appointment, except where this is a minor activity ancillary to the main purpose for which the building or place is used (but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a purpose elsewhere specifically defined in this Schedule);

"parish centre" means a building or place which is used by a religious organisation to provide community services, and which may include one or more of the following facilities provided for use in connection with those services -

(a) residential accommodation for staff employed or intended to be employed in connection with the provision of those services;
(b) medical consulting rooms;
(c) meeting rooms;
(d) community rooms;
(e) recreation facilities;
(f) therapy rooms;

"place of assembly" means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purpose of gain or not, but does not include a place of public worship, an institution or an educational establishment;

"place of public worship" means a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training;

"potential archaeological site" means a site known to the Council to have archaeological potential even if it is not identified in this plan or shown on the heritage conservation map;

"public building" means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes;

"public open space" means land used for public recreation purposes and includes public parks, recreation reserves, civic spaces, formal gardens, beaches, public playgrounds and bushland;

"public utility undertaking" means any of the following undertakings carried on or permitted or suffered to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

(a) railway, road transport, water transport, air transport, wharf or river undertakings;
(b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services;

and a reference to a person carrying on a public utility undertaking shall be construed as including a reference to a council, county council, Government Department, corporation, firm or authority carrying on the undertaking;
"recreation area" means -

(a) a children's playground; or

(b) parks and gardens; or

(c) an area used for sporting activities or sporting facilities; or

(d) an area used to provide recreation facilities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by -

(i) the Council; or

(ii) a body of persons associated for the purpose of the physical, cultural or intellectual welfare of persons within the community,

but does not include marinas, racecourses and showgrounds;

"recreation establishment" means health farms, religious retreat houses, rest homes, youth camps and the like but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a purpose elsewhere specifically defined in this Schedule;

"recreation facility" means a building or place used for indoor recreation, such as a table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley or any other building or place of a like character used for recreation whether or not operated for profit or gain, but does not include a place of assembly or an amusement centre;

"relic" means any deposit, object or material evidence relating to:

(a) the use or settlement of the area of Woollahra, not being Aboriginal habitation, which is more than 50 years old; or

(b) Aboriginal habitation of the area of Woollahra commencing before or continuing after its occupation by persons of European extraction, including human remains.

"residential flat building" means a building containing two or more dwellings, but does not include a building specifically defined elsewhere in this Schedule;

"retail plant nursery" means a building or place used for both the growing and retail selling of plants, whether or not ancillary products are sold there;

"restaurant" means a building or place (or both) with seating facilities where the sole purpose is the preparation and serving of food and beverages for consumption by patrons within the building or place or both and which may have a liquor licence;

"road transport terminal" means a building or place used for the principal purpose of the bulk handling of goods for transport by road, including facilities for the loading and unloading of vehicles used to transport those goods and for the parking, servicing and repair of those vehicles;

"RTA" means the Roads and Traffic Authority constituted under the Transport Administration Act 1988;

Woolahra Local Environmental Plan 1995
"serviced apartments" means a building containing two or more dwellings intended to be used for short term accommodation of travellers and tourists and where such dwellings are cleaned or otherwise serviced or maintained by the owner or manager of the apartments or the owner's or manager's agent, but does not include a building used as backpackers' accommodation or a building specifically defined elsewhere in this Schedule;

"service station" means a building or place used for the fuelling of motor vehicles involving the sale by retail of petrol, oil and other petroleum products, whether or not the building or place is also used for any one or more of the following purposes:

(a) the sale by retail of spare parts and accessories for motor vehicles;
(b) washing and greasing of motor vehicles;
(c) installation of accessories;
(d) repairing and servicing of motor vehicles involving the use of hand tools (other than repairing and servicing which involves top overhaul of motors, body building, panel beating, spray painting, or suspension, transmission or chassis restoration);

"shop" means a building or place used for the purpose of selling, exposing or offering for sale by retail, goods, merchandise or materials, but does not include a building or place elsewhere specifically defined in this Schedule, or a building or place specifically defined for a purpose elsewhere specifically defined in this Schedule;

"site area" means the area of land to which an application for consent under the Act relates, including any land on which the development to which the application relates is permitted by or under this plan, other than any long narrow corridor or accessway in the case of hatchet-shaped or irregular allotments or land which was below the line of maximum tidal reach as at 15 December 1972 or at a date determined by the Council;

"the Act" means the Environmental Planning and Assessment Act 1979;

"the Corporation" means the Corporation constituted by section 8(1) of the Act;

"tourist facilities" means an establishment providing for holiday accommodation or recreation and may include a boat shed, boat landing facilities, camping ground, caravan park, holiday cabins, hotel, house boat, marina, motel, playground, refreshment room, water sport facilities or a club used in conjunction with any such activities;

"transport terminal" means a building or place used as an airline terminal, a road transport terminal, a bus station or a bus depot;

"utility installation" means a building or work used by a public utility undertaking, but does not include a building designed wholly or principally as administrative or business premises or as a showroom;

"warehouse" means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade;

"welfare and charitable services" means a place used as offices or for administration or other like purposes by a charitable or benevolent body or institution.

Woollahra Local Environmental Plan 1995
SCHEDULE 2

Development for certain additional purposes - refer to clause 17

That part of Saber Lane, Bondi Junction, bounded by Newland Street, Edgecliff Road, Saber Street and No. 39 Vernon Street, Bondi Junction - a convenience store, including facilities for the sale of petroleum.

Land being Lots 102 - 106 D.P. 1783, and known as No. 25 Hampden Street, Paddington - warehouse.

Land known as Nos. 76-80 Oxford Street, Woollahra - educational establishment (performing arts and drama school).

Land known as Nos. 2, 4, 6 and 10 Albert Street, Woollahra - housing for aged persons and a parish centre.

Land being Part Lot 1 and 2, D.P. 211825 and Part Lot 1, D.P. 211826, in the vicinity of William Street, Double Bay - car parking and a public car parking station, both below ground level.

Land known as No. 335 New South Head Road, Double Bay - consular (office) premises.

Land known as Nos. 111-113 Queen Street, Woollahra - shops, each not exceeding 90 square metres of floor area, at ground floor level.

Land known as Nos. 15-17 Adelaide Street, Woollahra - college or academy and uses ancillary to a college or academy.

Land being Lots 1 and 2, D.P. 622595 and known as No. 331 Old South Head Road, Watsons Bay - nursing home.

Land being Lot 11 D.P. 740255, and known as 390-416 Glenmore Road, Paddington - serviced apartments.

Woollahra Local Environmental Plan 1995
### SCHEDULE 3

**Heritage items**

1. **GENERAL**

#### PART A

<table>
<thead>
<tr>
<th>Street and suburb (or general location)</th>
<th>Street No.</th>
<th>Description of the heritage item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adelaide Pde, Woollahra</td>
<td>85</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Adelaide Pde, Woollahra</td>
<td>87</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Adelaide Pde, Woollahra</td>
<td>89</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>91</td>
<td>Terrace house, front fencing</td>
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<td>Adelaide Pde, Woollahra</td>
<td>93</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>95</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>97</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>99</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>101</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
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<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
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<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>107</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Adelaide Pde, Woollahra</td>
<td>109</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Adelaide Pde, Woollahra</td>
<td>111</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Adelaide St, Bondi Junction</td>
<td></td>
<td>Sandstone retaining wall and railing facing Cooper Park</td>
</tr>
<tr>
<td>Albert St, Edgecliff</td>
<td>8</td>
<td>Fenlon - house, gardens, gateposts, gates</td>
</tr>
<tr>
<td>Albert St, Edgecliff</td>
<td>24</td>
<td>Carmel - house, gardens, gateposts, sandstone retaining walls</td>
</tr>
<tr>
<td>Annandale St, Darling Point</td>
<td>1</td>
<td>Cloncarrick - house, street fencing</td>
</tr>
<tr>
<td>Balfour Rd, Bellevue Hill, at</td>
<td></td>
<td>Bus Stop Shelter</td>
</tr>
<tr>
<td>intersection with Latimer Rd</td>
<td></td>
<td>Bus Stop Shelter</td>
</tr>
<tr>
<td>Balfour Rd, Bellevue Hill, at</td>
<td></td>
<td>Front fencing, palm trees</td>
</tr>
<tr>
<td>intersection with Plumer Rd</td>
<td></td>
<td>Gateposts to Bay St to former house Tueil</td>
</tr>
<tr>
<td>Bay St, Double Bay</td>
<td>71</td>
<td>Kaffirboom tree</td>
</tr>
<tr>
<td>Bay St, Double Bay</td>
<td>73</td>
<td>Banksia - house, fig trees</td>
</tr>
<tr>
<td>Bay St, Double Bay</td>
<td>75</td>
<td>3 Kauri Pines</td>
</tr>
<tr>
<td>Beach St, Double Bay</td>
<td>3</td>
<td>Bus Stop Shelter</td>
</tr>
<tr>
<td>Bellevue Rd, Bellevue Hill</td>
<td>177</td>
<td>Bus Stop Shelter</td>
</tr>
</tbody>
</table>

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Woollahra Local Environmental Plan 1995
<table>
<thead>
<tr>
<th>Location</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellevue Park Rd, Bellevue Hill</td>
<td>St. Stephen’s Anglican Church - church</td>
</tr>
<tr>
<td>Bennett Av, Darling Point</td>
<td>Callooa - house, gardens</td>
</tr>
<tr>
<td>Bennett Av, Darling Point, within road reserve</td>
<td>8 Canary Island Date Palms, Cook Pine</td>
</tr>
<tr>
<td>Birriga Rd, Bellevue Hill, opposite intersection with Bennelong Cr</td>
<td>Bus Stop Shelter</td>
</tr>
<tr>
<td>Birriga Rd, Bellevue Hill (Bellevue Hill Public School)</td>
<td>2 Norfolk Island Pines</td>
</tr>
<tr>
<td>Boambillee Av, Vaucluse</td>
<td>House</td>
</tr>
<tr>
<td>Boambillee Av, Vaucluse</td>
<td>Forest Red Gum</td>
</tr>
<tr>
<td>Boambillee Av, Vaucluse</td>
<td>Forest Red Gum</td>
</tr>
<tr>
<td>Boambillee Av, Vaucluse, within road reserve</td>
<td>2 Forest Red Gums</td>
</tr>
<tr>
<td>Bulkara Rd, Bellevue Hill</td>
<td>Beaulieu - house, front garden and fence, gateposts, gates</td>
</tr>
<tr>
<td>Bulkara Rd, Bellevue Hill</td>
<td>Seven Shillings Beach</td>
</tr>
<tr>
<td>Buckhurst Av, Point Piper</td>
<td>Seven Shillings Beach</td>
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<tr>
<td>Buckhurst Av, Point Piper</td>
<td>Seven Shillings Beach</td>
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<tr>
<td>Buckhurst Av, Point Piper</td>
<td>Seven Shillings Beach</td>
</tr>
<tr>
<td>Burrabirra Av, Vaucluse</td>
<td>Forest Red Gum</td>
</tr>
<tr>
<td>Burrabirra Av, Vaucluse</td>
<td>Sydney Pink Gum</td>
</tr>
<tr>
<td>Burrabirra Av, Vaucluse, within road reserve</td>
<td>Sydney Pink Gum</td>
</tr>
<tr>
<td>Cambridge St, Paddington</td>
<td>Building (former Schoolmaster’s residence); see Glenmore Rd, Paddington, Glenmore Road Public School</td>
</tr>
<tr>
<td>Carthona Av, Darling Point</td>
<td>Lindesay - building, summer house, grounds, 6 London Plane trees, Hoop Pine</td>
</tr>
<tr>
<td>Carthona Av, Darling Point</td>
<td>Carthona - house, grounds, gates, gateposts, flanking wall, iron works, Moreton Bay Fig and Norfolk Island Pine</td>
</tr>
<tr>
<td>Carthona Av, Darling Point</td>
<td>Entrance gateposts to Carthona Av</td>
</tr>
<tr>
<td>Carthona Av, Darling Point, cnr of Darling Pt. Rd</td>
<td>Entrada de campo, house, grounds, trees</td>
</tr>
<tr>
<td>Cascade St, Paddington</td>
<td>Harborn - terrace house, front fencing</td>
</tr>
<tr>
<td>Cascade St, Paddington</td>
<td>Onslow - terrace house, front fencing</td>
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<tr>
<td>Cascade St, Paddington</td>
<td>Eastbourne - terrace house, front fencing</td>
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<tr>
<td>Cascade St, Paddington</td>
<td>Westcoker - terrace house, front fencing</td>
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<tr>
<td>Cascade St, Paddington</td>
<td>Egerton - terrace house, front fencing</td>
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<tr>
<td>Cascade St, Paddington</td>
<td>Sandringham - terrace house, front fencing</td>
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<tr>
<td>Cascade St, Paddington</td>
<td>Greensborough - terrace house, front fencing</td>
</tr>
<tr>
<td>Cascade St, Paddington</td>
<td>Sutton - terrace house, front fencing</td>
</tr>
<tr>
<td>Chapel Rd, Vaucluse</td>
<td>Wentworth Mausoleum, surrounding stone and wrought iron fence, grounds, trees</td>
</tr>
<tr>
<td>Chapel Rd, Vaucluse, within road reserve</td>
<td>Forest Red Gum</td>
</tr>
<tr>
<td>Cliff St, Watsons Bay</td>
<td>Constable’s Cottage group, comprising Constable’s Cottage, former Water Police Station, 32 Cliff Street; 68 pounder MI and rifle posts and surrounds; sandstone defensive wall and roadway</td>
</tr>
<tr>
<td>within South Head Sydney</td>
<td>Harbour National Park</td>
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<tr>
<td>Location</td>
<td>Number</td>
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<tr>
<td>Cliff St, Watsons Bay</td>
<td>11</td>
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<tr>
<td>Cliff St, Watsons Bay</td>
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<td>Cliff St, Watsons Bay</td>
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<td>Cliff St, Watsons Bay</td>
<td>16</td>
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<tr>
<td>Cliff St, Watsons Bay</td>
<td>17</td>
</tr>
<tr>
<td>Clovelly St, Watsons Bay</td>
<td>11</td>
</tr>
<tr>
<td>Coastal Cliff, Vaucluse,</td>
<td></td>
</tr>
<tr>
<td>from Signal Hill Reserve</td>
<td></td>
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<tr>
<td>to southern boundary of</td>
<td></td>
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<tr>
<td>Christison Park</td>
<td></td>
</tr>
<tr>
<td>Coolong Rd, Vaucluse</td>
<td>25</td>
</tr>
<tr>
<td>Cooper St, Double Bay</td>
<td>3</td>
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<tr>
<td>Cooper St, Double Bay</td>
<td>5</td>
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<td>Cooper St, Double Bay</td>
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<td>Cooper St, Double Bay</td>
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<tr>
<td>Cooper St, Paddington</td>
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<tr>
<td>Cove St, Watsons Bay</td>
<td>11</td>
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<td>Cove St, Watsons Bay</td>
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<td>Cove St, Watsons Bay</td>
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<td>Cove St, Watsons Bay</td>
<td>17</td>
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<tr>
<td>Cove St, Watsons Bay</td>
<td>19</td>
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<tr>
<td>Cranbrook Ln, Bellevue Hill</td>
<td>11</td>
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<tr>
<td>Cranbrook Ln, Bellevue Hill</td>
<td>13-15</td>
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<tr>
<td>Cranbrook Rd, Bellevue Hill</td>
<td>3</td>
</tr>
<tr>
<td>Cranbrook Rd, Bellevue Hill</td>
<td>25-27</td>
</tr>
<tr>
<td>Cranbrook Rd, Bellevue Hill</td>
<td>26</td>
</tr>
<tr>
<td>Cranbrook Rd, Bellevue Hill</td>
<td>65</td>
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<td>Cranbrook Rd, Bellevue Hill</td>
<td>71</td>
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<td>Darling Pt. Rd, Darling Pt.</td>
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<td>Darling Pt. Rd, Darling Pt.</td>
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<td>Darlig Pt. Rd, Darling Pt.</td>
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<td>Darlig Pt. Rd, Darling Pt.</td>
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<td>Darlig Pt. Rd, Darling Pt.</td>
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<td>Darlig Pt. Rd, Darling Pt.</td>
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</tr>
</tbody>
</table>

Woollahra Local Environmental Plan 1995
Darling Pt. Rd, Darling Pt. 59  St. Marks Cottage - building, sandstone retaining walls
Darling Pt. Rd, Darling Pt. 60  2 Washington Palms
Darling Pt. Rd, Darling Pt. 67  Lindisfarne - semi-detached house, front fencing
Darling Pt. Rd, Darling Pt. 68  The Swifts - building, outbuildings, grounds, gardens, sandstone fences and retaining walls, garden terraces, gateposts, gates, sculptures, 2 Moreton Bay Figs, Lemon-scented Gum, Bunya Pine, Norfolk Island Pine.
Darling Pt. Rd, Darling Pt. 69  Lorne - semi-detached house
Darling Pt. Rd, Darling Pt. 71-73  Trebenna - Rosewater house
Darling Pt. Rd, Darling Pt. 86  Craigend - house, grounds, gardens, stoneworks, Norfolk Island Pine, Pak-Ian, 10 Queen Palms, 11 Kentia Palms, Curly Palm
Darling Pt. Rd, Darling Pt. 105A  Sandstone, brick and iron fencing, formerly part of Babworth House
Darling Pt. Rd, Darling Pt., near intersection with New South Head Rd
Darling Pt. Rd, Darling Pt. 133-135  House, front fencing
Darling Pt. Rd, Darling Pt. 137  Semi-detached house, front fencing
Darling Pt. Rd, Darling Pt. 139  Semi-detached house, front fencing
Darling Pt. Rd, Darling Pt. 141  Semi-detached house, front fencing
Darling Pt. Rd, Darling Pt. 143  Semi-detached house, front fencing
Darling Pt. Rd, Darling Pt. 153  Stone boundary wall to Carthona Av.
Darling Pt. Rd, Darling Pt. 155  Stone boundary wall to Carthona Av.
Darling Pt. Rd, Darling Pt. 159  Fence, gates and foundation remains of former house Canonbury, located within McKell Park
Concrete balustrade
Dunara Gdns, Point Piper 10  Dunara - house, Cook Pine
Dunara Gdns, Point Piper 11  Etham Cottage - house, front fencing
Eastbourne Rd, Darling Pt. 21  Moreton Bay Fig
Eastbourne Rd, Darling Pt. 23  Cook Pine
Eastbourne Rd, Darling Pt. 25  House, gardens
Edgecliff Rd, Woollahra 81  Norfolk Island Pine
Edgecliff Rd, Woollahra 281  Athelmore - house, front fencing
Edgecliff Rd, Woollahra 281A  Norfolk Island Pine
Edgecliff Rd, Woollahra 293-295  Building, iron fencing
Edgecliff Rd, Woollahra 313  Kilvington - building, front fencing
Edgecliff Rd, Woollahra 351  Norfolk Island Pine
Edgecliff Rd, Woollahra 353  Cook Pine
Edgecliff Rd, Woollahra 357  Lynwood - house, front fencing
Edgecliff Rd, Woollahra 388  See No. 1 Trelawney St
Edgecliff Rd, Woollahra 410  Rosemount - residential flat building, garages, entrance from Edgecliff Rd comprising flower beds and steps
Edgecliff Rd, Woollahra 412  Hillside - residential flat building, stone retaining wall, main entrance comprising flower beds and steps
Edgecliff Rd, Woollahra 414  Edgecliff Gardens - residential flat building
Edgecliff Rd, Woollahra 434  House
Fairfax Rd, Bellevue Hill 51  Rona - house
Fernleigh Gdns, Rose Bay 5  Fernleigh Castle - main building
Fernleigh Gdns, Rose Bay and Rawson Road

Fisher Av, Vaucluse
Fisher Av, Vaucluse
Fisher Av, Vaucluse
Fisher Av, Vaucluse

Fitzwilliam Rd, Vaucluse, junction with Wentworth Rd
Fitzwilliam Rd, Vaucluse
Fitzwilliam Rd, Vaucluse
Fitzwilliam Rd, Vaucluse
Fitzwilliam Rd, Vaucluse within road reserve

Forth St, Woollahra
Forth St, Woollahra

Foster Av, Bellevue Hill, within road reserve

Gap Bluff, Watsons Bay, within South Head Sydney Harbour National Park

Gap Park, Watsons Bay

Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill
Ginahgulla Rd, Bellevue Hill

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Woollahra Local Environmental Plan 1995
Gladswood Gdns, Double Bay 11
Gladswood Gdns, Double Bay 21
Glenmore Rd, Paddington 9
Glenmore Rd, Paddington 237
Glenmore Rd, Paddington 245
Glenmore Rd, Paddington

Goomerah Cr, Darling Pt. 2
Goomerah Cr, Darling Pt. 4
Grayling Pl, Vaucluse 6

Green (Laings) Point Reserve, Watsons Bay
Greenoaks Av, Darling Pt. 2E
Greenoaks Av, Darling Pt. 11
Greenoaks Av, Darling Pt.

HMAS Watson, Watsons Bay

Holland Rd, Bellevue Hill within road reserve
Hopetoun Av, Vaucluse 80A
Jersey Rd, Paddington 16
Jersey Rd, Paddington 17
Jersey Rd, Paddington 23
Jersey Rd, Paddington, south-east cnr of Moncur St
Jersey Rd, Paddington 236

Pine, Cook Pine, Hoop Pine, 8 Moreton Bay Figs, 9 Port Jackson Figs
Gladswood House - building
House, stone works
Rose and Crown Hotel
Royal Hotel
St. George’s Anglican Church - church
Glenmore Road School comprising former schoolmaster’s residence, 19th Century buildings, retaining wall along Cambridge St.
Queenscliff - house, front fencing
Queenscliff - house
House
Green (Laings) Point Battery
Greenoaks Cottage - house, Bunya Pine
Bishopscourt - house, grounds, fences, gates, 3 Moreton Bay Figs, 2 Norfolk Island Pines, Camphor Laurel, gardens, all on part Lot 1 DP 938275
Pitcalnie - house
South Head Artillery Barracks group comprising: officers’ quarters (asset 25); former officers’ mess (Cliff-House quarters); former sargeants’ mess (officers’ quarters); former stable/carriage shed (garden store) (asset 29); gun carriage coach house and annex (garage/store) (asset 37); former guard house (asset 26); former artillery barracks (officers’ quarters) (asset 33); sandstone drainage moat and rifle post wall (adjoining asset 28); 80 pounder battery and five connected gun emplacements (1871/2) (north of asset 25); World War 1 and World War 2 artillery fortifications on seaward cliffs; War Memorial Chapel of St. George the Martyr; Aboriginal rock carving seaward side of Chapel (spotlight mounted within)
4 Canary Island Date Palms, 6 Wine Palms, Washingtonia Palm, Cliff Date Palm
House
Police Station and Court House
Westbourne - house, outbuildings, front fencing
Runnymede - house, grounds, front garden and fencing, 2 Norfolk Island Pines, Bangalow Palm
Unity Church - church building, street fencing
Lord Dudley Hotel
<table>
<thead>
<tr>
<th>Location</th>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jersey Rd, Paddington</td>
<td>238</td>
<td>Building, sandstone retaining wall</td>
</tr>
<tr>
<td>Kambala Rd, Bellevue Hill</td>
<td>65</td>
<td>The Provost (or Anchor) House - house</td>
</tr>
<tr>
<td>Kambala Rd, Bellevue Hill, within road reserve</td>
<td></td>
<td>3 Canary Island Date Palms</td>
</tr>
<tr>
<td>Kent Rd, Rose Bay</td>
<td></td>
<td>Royal Sydney Golf Club - Clubhouse, grove of paperbarks along Norwich Road</td>
</tr>
<tr>
<td>Lindsay Av, Darling Point</td>
<td>4</td>
<td>3 London Plane Trees</td>
</tr>
<tr>
<td>Lindsay Av, Darling Point</td>
<td>5</td>
<td>House, grounds, gardens</td>
</tr>
<tr>
<td>Loftus Rd, Darling Point</td>
<td>4</td>
<td>Residential flat building</td>
</tr>
<tr>
<td>Loftus Rd, Darling Point, within road reserve</td>
<td></td>
<td>2 American Cotton Palms</td>
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<tr>
<td>Loftus Rd, Darling Point</td>
<td>9-11</td>
<td>Jean Colvin Hospital - buildings, retaining walls to Loftus Rd and to Annandale St</td>
</tr>
<tr>
<td>Longworth Av, Point Piper</td>
<td>7</td>
<td>Santa Barbara - residential flat building</td>
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<tr>
<td>Manning Rd, Double Bay</td>
<td>5</td>
<td>Weeping Lilli Pilli, all Bangalow Palms, Washingtonia Palm, Cabbage Palms</td>
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<tr>
<td>Marathon Av, Darling Point</td>
<td>3</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Marathon Av, Darling Point</td>
<td>4</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Marathon Av, Darling Point</td>
<td>5</td>
<td>Orme - house</td>
</tr>
<tr>
<td>Marathon Rd, Darling Point</td>
<td>1A</td>
<td>Residential flat building</td>
</tr>
<tr>
<td>Marathon Rd, Darling Point</td>
<td>3</td>
<td>The Anmey - residential flat building, wall along eastern side boundary</td>
</tr>
<tr>
<td>Marine Pde, Watsons Bay</td>
<td>26</td>
<td>Promenade</td>
</tr>
<tr>
<td>Military Rd, Watsons Bay</td>
<td>17</td>
<td>Building</td>
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<td>Military Rd, Watsons Bay</td>
<td>25</td>
<td>Building</td>
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<tr>
<td>Mitchell Rd, Darling Pt.</td>
<td>4</td>
<td>Sandstone and brick fencing, formerly part of Babworth House</td>
</tr>
<tr>
<td>Mitchell Rd, Darling Pt.</td>
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<td>Retaining wall on north road boundary</td>
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<td>Mona Rd, Darling Point</td>
<td>2</td>
<td>Terrace house, front fencing</td>
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<td>Mona Rd, Darling Point</td>
<td>2A</td>
<td>Mona Terrace - building</td>
</tr>
<tr>
<td>Mona Rd, Darling Point</td>
<td>4</td>
<td>Terrace house, except rear addition, front picket fencing</td>
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<td>Mona Rd, Darling Point</td>
<td>6</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Mona Rd, Darling Point</td>
<td>8</td>
<td>Terrace house, front fencing</td>
</tr>
<tr>
<td>Mona Rd, Darling Point</td>
<td>9</td>
<td>Terrace house, front fencing, steps and balustrade</td>
</tr>
<tr>
<td>Mona Rd, Darling Point</td>
<td>10</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Mona Rd, Darling Point</td>
<td>11</td>
<td>Terrace house, front fencing, steps and balustrade</td>
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<tr>
<td>Mona Rd, Darling Point</td>
<td>12</td>
<td>Terrace house, front fencing</td>
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<tr>
<td>Mona Rd, Darling Point</td>
<td>15A</td>
<td>Terrace house, front fencing, steps and balustrade</td>
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<td>Mona Rd, Darling Point</td>
<td>38</td>
<td>Mona - building</td>
</tr>
<tr>
<td>Moncur St, Woollahra</td>
<td>26-28</td>
<td>Building</td>
</tr>
</tbody>
</table>

Woollahra Local Environmental Plan 1995
Mount Adelaide Rd,
Darling Point

Nelson St, Woollahra,
north-west corner of
Wallis St.
Nelson St, Woollahra
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Nelson St, Woollahra
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Nelson St, Woollahra
Nelson St, Woollahra
New Beach Rd, Darling Pt.
New Beach Rd, Darling Pt.
New Beach Rd, Darling Pt.
New Beach Rd, Darling Pt.
New Beach Rd, Darling Pt.
New Beach Rd, Darling Pt.

New Beach Rd, Darling Pt., near
intersection with Yarranabbe Rd.

New South Hd Rd, Vaucluse
New South Hd Rd, Vaucluse
New South Hd Rd, Vaucluse,
opposite intersection with
Captain Pipers Rd
New South Hd Rd, Vaucluse,
opposite intersection with
Serpentine Pde
New South Hd Rd, Edgecliff

Babworth House - building including
interior, grounds, gardens, gateposts to Darling
Point Rd, small-leaved Fig

Brougham - building, grounds,
2 Norfolk Island Pines, Hoop Pine

Building
Terrace house, front fencing
Montefiores Private Hospital - 19th Century
building, front garden, retaining walls, gate
posts excluding later extension
Terrace house, front fencing
Apheta - building including original internal
fabric, gateposts and gates to Nelson Street, set
of steps to the north-east of the building, 2
Kaffir Plum trees and Lillypilly tree on the
Nelson Street frontage.
Terrace house, front fencing
Larissa - building including original internal
fabric.
Terrace house, front fencing
Terrace house
Terrace house
Terrace house, front fencing
Terrace house, front fencing

Residential flat building, front garden and
retaining wall
Residential flat building, front garden and
retaining wall
Residential flat building, front garden and
retaining wall
Residential flat building, front garden and
retaining wall
Residential flat building, front garden and
retaining wall
Residential flat building
Rushcutters Bay Maritime and Recreation
Reserve (former HMAS Rushcutter) comprising
the cottage, torpedo workshop, drill hall and
western extension, sail loft, boathed,
Sayonara slipway, car park (former parade
ground)
Bus stop shelter

Kainga - house, excluding the freestanding
garage, cabana, pool, spa, gateposts
Werritter - house, gardens, retaining walls,
fences, covered gateways, trees
Bus stop shelter, former tram stop

Bus stop shelter, former tram stop

Building
<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>New South Hd Rd, Edgecliff</td>
<td>188</td>
<td>Ascham School precinct comprising: <em>Fiona</em> and former entrance gates, <em>Glenrock</em> and inner and outer gates, the <em>Dower House</em>, sand-stone works, remaining open space and oval adjacent to <em>Fiona</em>, Moreton Bay Figs, <em>The Octagon</em>, Yeomerry</td>
</tr>
<tr>
<td>New South Hd Rd, Double Bay</td>
<td>337-347</td>
<td>Gardens to former <em>Overthorpe</em>, including 3 small-leaved Figs, Coolamom or Watermelon Tree, Silver Quandong, 2 Moreton Bay Figs, Bunya Pine, Bangalow Palms, Cabbage Palms, 9 Canary Island Date Palms, service driveway, front retaining wall and fence, gates</td>
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<tr>
<td>New South Hd Rd, Double Bay</td>
<td>349</td>
<td>Vegetation associated with the gardens of the former house <em>Overthorpe</em>, including Silver Quandong, Norfolk Island Pine, Bunya Pine, rainforest specimen, Bangalow Palms, Queen Palms, Cabbage Palms</td>
</tr>
<tr>
<td>New South Hd Rd, Double Bay</td>
<td>429</td>
<td>The Golden Sheaf Hotel</td>
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<tr>
<td>New South Hd Rd, Double Bay</td>
<td>470</td>
<td><em>Carinya</em> - residential flat building</td>
</tr>
<tr>
<td>New South Hd Rd, Double Bay</td>
<td>470</td>
<td>Brick entrance gatepost and iron gates to Redleaf Pool, eastern sandstone stairways to beach, grounds to Redleaf Pool, Norfolk Island Pine, 2 Kauri Pines, Hoop Pine, Seven Shillings Beach</td>
</tr>
<tr>
<td>New South Hd Rd, Double Bay</td>
<td>536</td>
<td>Redleaf - Woollahra Council Chambers, gates, gateposts, Moreton Bay Fig, Hoop Pine, Bunya Pine</td>
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<tr>
<td>New South Hd Rd, Double Bay</td>
<td>542</td>
<td>The Annex - building</td>
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<tr>
<td>New South Hd Rd, Double Bay</td>
<td>548</td>
<td>St. Brigids - Woollahra Council Library</td>
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<tr>
<td>New South Hd Rd, Double Bay</td>
<td>550</td>
<td><em>Elaine</em> - house, gateposts and gate, gardens to the foreshore, stoneworks, Cook Pine, Norfolk Island Pine, Bunya Pine, Camphor Laurel, Port Jackson Fig, Seven Shillings Beach</td>
</tr>
<tr>
<td>New South Hd Rd, Double Bay</td>
<td>560</td>
<td>Fairwater - main building, stables, grounds, Seven Shillings Beach, Bunya Pine, 3 Camphor Laurels, 2 Port Jackson Figs, 2 Silky Oaks, gardens, excluding swimming pool and associated walls on north side</td>
</tr>
<tr>
<td>New South Hd Rd, Double Bay</td>
<td>574</td>
<td>Buckhurst - residential flat building, grounds, front garden and fencing, trees</td>
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<tr>
<td>New South Hd Rd, Point Piper</td>
<td>574</td>
<td>Bus stop shelter, former tram stop</td>
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<tr>
<td>New South Hd Rd, Bellevue Hill, opposite intersection Wolseley Rd</td>
<td></td>
<td>Police Station</td>
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<tr>
<td>New South Hd Rd, Point Piper, east corner of Wunulla Rd.</td>
<td></td>
<td>Esplanade, concrete balustrade</td>
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<tr>
<td>New South Hd Rd, Rose Bay</td>
<td></td>
<td>House, outbuildings, front garden, Norfolk Island Pine</td>
</tr>
<tr>
<td>New South Hd Rd, Rose Bay</td>
<td>629</td>
<td>War memorial</td>
</tr>
<tr>
<td>New South Hd Rd, Rose Bay, at entrance to Lyne Park</td>
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<td>Bus stop shelter, former tram stop</td>
</tr>
<tr>
<td>New South Hd Rd, Rose Bay at intersection with Kent Rd</td>
<td></td>
<td>Kambala School - building formerly <em>Tivoli</em>, gateposts, gates and flanking walls with railing facing <em>Tivoli</em> Av, 2 Norfolk Island Pines</td>
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<tr>
<td>New South Hd Rd, Rose Bay</td>
<td>794</td>
<td>Rose Bay Hotel</td>
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<tr>
<td>New South Hd Rd, Rose Bay</td>
<td>807</td>
<td>Mary Magdalene Catholic Church - church</td>
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<tr>
<td>Street/Location</td>
<td>Trees/Plants</td>
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<td>New South Rd, Rose Bay, below entrance ramp to No.899</td>
<td>Emma’s Well</td>
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<tr>
<td>Northland Rd, Bellevue Hill, within road reserve</td>
<td>3 Washington Palms, Cliff Date Palm, 4 Canary Island Date Palms</td>
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<tr>
<td>Narran Rd, Vaucluse, within road reserve</td>
<td>Scribbly Gum, Bangalay</td>
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<tr>
<td>Ocean Av, Double Bay</td>
<td>Ecclesbourne - building</td>
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<td>Ocean Av, Double Bay</td>
<td>Lacebark</td>
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<tr>
<td>Ocean Av, Double Bay</td>
<td>Bunya Pine</td>
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<tr>
<td>Ocean Av, Double Bay</td>
<td>House, front fencing</td>
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</tr>
<tr>
<td>Ocean Av, Double Bay</td>
<td>Moreton Bay Fig</td>
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</tr>
<tr>
<td>Ocean Av, Double Bay</td>
<td>House</td>
<td></td>
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<tr>
<td>Ocean Av, Double Bay</td>
<td>House, excluding rear pavilion and garage</td>
<td></td>
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<tr>
<td>Ocean Av, Double Bay</td>
<td>3 Norfolk Island Pines, 2 Moreton Bay Figs, 2 Port Jackson Figs, Candelint Tree</td>
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<tr>
<td>Ocean St, Woollahra, corner with Queen Street</td>
<td>Norfolk Island Pine</td>
<td></td>
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<tr>
<td>Ocean St, Woollahra</td>
<td>Moreton Bay Fig</td>
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<td>Ocean St, Woollahra</td>
<td>Semi-detached house</td>
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<td>Ocean St, Woollahra</td>
<td>Semi-detached house, front fencing</td>
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<tr>
<td>Ocean St, Woollahra</td>
<td>Building</td>
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<td>Ocean St, Woollahra</td>
<td>Building</td>
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<tr>
<td>Ocean St, Woollahra</td>
<td>St. Columba Uniting Church - church</td>
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<td>Ocean St, Woollahra, north east corner of Forth St.</td>
<td>Terrace house</td>
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<td>Terrace house</td>
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<tr>
<td>Ocean St, Woollahra</td>
<td>House, front gardens and fencing</td>
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<td>Ocean St, Woollahra</td>
<td>House</td>
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<tr>
<td>Ocean St, Woollahra</td>
<td>Ixylon - house, front garden and fencing</td>
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<td>Semi-detached house, front fencing</td>
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<td>Wallangra - house</td>
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<td>House, front garden, retaining wall and fencing</td>
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<td>Semi-detached house</td>
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<td>Ocean St, Woollahra</td>
<td>All Saints Anglican Church - church, grounds, front garden, retaining wall and fencing</td>
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<tr>
<td>Ocean St, Woollahra</td>
<td>House</td>
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<tr>
<td>Octagon Rd, Darling Pt.</td>
<td>The Octagon - building; see No. 188 New South Head Rd</td>
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</tr>
<tr>
<td>Olola Av, Vaucluse</td>
<td>Scribbly Gum</td>
<td></td>
</tr>
<tr>
<td>Olola Av, Vaucluse</td>
<td>Sydney Pink Gum</td>
<td></td>
</tr>
<tr>
<td>Olola Av, Vaucluse</td>
<td>2 Forest Red Gums, Sydney Pink Gum, Scribbly Gum</td>
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<td>Olola Av, Vaucluse</td>
<td>Forest Red Gum</td>
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<tr>
<td>Olola Av, Vaucluse</td>
<td>3 Sydney Pink Gums, Swamp Mahogany, Red Mahogany</td>
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<td>Olola Av, Vaucluse</td>
<td>Sydney Pink Gum, Swamp Mahogany</td>
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<td>Olola Av, Vaucluse</td>
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<tr>
<td>Olola Av, Vaucluse</td>
<td>2 Sydney Pink Gums</td>
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<tr>
<td>Olola Av, Vaucluse</td>
<td>Coastal Banksia</td>
<td></td>
</tr>
</tbody>
</table>
Olola Av, Vaucluse, within road reserve

Scribbly Gum, 2 Swamp Mahoganies, 2 Sydney Pink gums, Forest Red Gum

Old South Head Road, Vaucluse

Macquarie Lighthouse buildings and grounds being - Macquarie Lighthouse, assistant Keeper's quarters, the stables, head Keeper's quarters, stone retaining wall east of Lighthouse, gaze posts, gas tank, four water tanks, remnant semi-circular entry drive, central open grassed lawns, remnant sandstone walls on the southern boundary, vegetation and grounds to the west of Keeper's quarters, the grounds to the east of the stone retaining wall, including the quarry

Maritime Service Board - Signal Station - building, retaining wall and fence to Old South Head Road

Signal Hill Battery

Old South Head Road, Watsons Bay

House, street fencing

Old South Hdrd Rd, Vaucluse, within Signal Hill Reserve

House, front garden, retaining wall and fencing

Old South Head Road, Watsons Bay

Bay Cottage - house, fence and retaining wall to Hopetoun Av.

Old South Head Road, Watsons Bay

St. Peter's Anglican Church - church, bushland to the west of the church, "Greycliffe" memorial gates

Old South Head Road, Watsons Bay

House, sandstone privy, front fencing

Old South Head Road, Watsons Bay

Scout Hall, open yard to the west

Old South Head Road, Watsons Bay

St. Mary's Our Lady Star of the Sea Roman Catholic Church - church, sandstone fencing and retaining wall

Old South Head Road, Watsons Bay

Sandstone and timber building (formerly church)

Old South Head Road, Watsons Bay

Old South Hdrd Rd, Rose Bay

Building

Ormond St, Paddington

1 Juniper Hall - building

Ormond St, Paddington

56A Enghurst - building

Oxford St, Paddington

246 Post Office Building

Pacific St, Watsons Bay

31 Building and grounds (former Marine Biology Station)

Paddington St, Paddington, within road reserve

31 London Plane Trees, 17 Hill's Weeping Figs, 3 Red Apples

Parsley Bay, Vaucluse, within Parsley Bay Park

Suspension footbridge

Parsley Rd, Vaucluse

2 Forest Red Gums

Parsley Rd, Vaucluse

Sydney Pink Gum

Parsley Rd, Vaucluse

4 Forest Red Gums, 2 Sydney Pink Gums

Parsley Rd, Vaucluse

Within road reserve

Parsley Rd, Vaucluse

Within Parsley Bay Park

Parsley Rd, Vaucluse

Within road reserve

Parsley Rd, Vaucluse

Within Parsley Bay Park

Parsley Rd, Vaucluse

Within road reserve
<table>
<thead>
<tr>
<th>Location</th>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>Petrarch Av, Vaucluse,</td>
<td></td>
<td>Sydney Pink Gum, Swamp</td>
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<tr>
<td></td>
<td></td>
<td>Mahogany, Forest Red Gum; Red Mahogany</td>
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<tr>
<td>Quamby Pl, Edgecliff</td>
<td>5</td>
<td>House and gardens</td>
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<tr>
<td>Quarry St, Paddington</td>
<td>1</td>
<td>Terrace house, front fencing</td>
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<td>22</td>
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<td>28</td>
<td>Building, front fencing</td>
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<td>32</td>
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<td>34</td>
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<td>Woollahra Hotel</td>
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<td>Queen St, Woollahra</td>
<td>117</td>
<td>St. Kevins - house, front gardens and fencing,</td>
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<td></td>
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<td>Queen St, Woollahra</td>
<td>119</td>
<td>House</td>
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<td>145</td>
<td>Marathon - terrace house, front fencing</td>
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<td>Queen St, Woollahra</td>
<td>147</td>
<td>Arabella - terrace house</td>
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<td>147A</td>
<td>Semi-detached house, front fencing</td>
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<td>Queen St, Woollahra</td>
<td>147B</td>
<td>Semi-detached house, front fencing</td>
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<td>Queen St, Woollahra</td>
<td>153</td>
<td>Latona - building</td>
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<td>153A</td>
<td>The Grove group - four cottages, landscaped</td>
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<td>accessway, front fencing</td>
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<td>Queen St, Woollahra</td>
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<td>Libya - terrace house, front fencing</td>
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<td>Terrace house, front fencing</td>
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<td>Queen St, Woollahra</td>
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<td>Semi-detached house, outbuildings</td>
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<td>Building</td>
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<td>Queen St, Woollahra</td>
<td>Building</td>
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<td>Cottage, front fencing</td>
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<td>Cottage</td>
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<td>Cottage, front fencing</td>
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<td>Semi-detached house</td>
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<td>Semi-detached house, front garden and fencing</td>
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<td>Semi-detached house, front garden and fencing</td>
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<td>Semi-detached house</td>
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<tr>
<td>Queen St, Woollahra</td>
<td>House</td>
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<tr>
<td>Queens Av, Vaucluse</td>
<td>House, front fencing</td>
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<td>Rawson Rd, Rose Bay and Fernleigh Gdns</td>
<td>Ficus superba. var. pneeca (Cedar Fig)</td>
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<tr>
<td>Robertson Pl, Watsons Bay within Robertson Park</td>
<td>Milestone Obelisk</td>
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<td>Rose Bay Av, Bellevue Hill</td>
<td>House, gardens, trees</td>
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<td>Rose Bay Av, Bellevue Hill</td>
<td>House, gardens, front stone wall</td>
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<tr>
<td>Rose Bay Av, Bellevue Hill, within road reserve</td>
<td>7 Canary Island Date Palms, 2 Washington Palms</td>
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<td>Rosemont Av, Woollahra</td>
<td>Lenana - residential flat building, iron gateposts and gates</td>
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<td>Rosemont Av, Woollahra</td>
<td>Lyndhurst Gardens - residential flat building, forecourt</td>
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<td>Rosemont Av, Woollahra</td>
<td>Rosemont - house, outbuildings, gardens</td>
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<td>Rosemont Av, Woollahra</td>
<td>Gowrie - residential flat building</td>
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<tr>
<td>Rosemont Av, Woollahra, within road reserve</td>
<td>London Plane Trees</td>
<td></td>
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<tr>
<td>Roslyndale Av, Woollahra</td>
<td>Hawthornden - house, gardens, gate posts, Bunya Pine</td>
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<tr>
<td>Roslyndale Av, Woollahra</td>
<td>Struan Lodge - house</td>
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<td>Roslyndale Av, Woollahra</td>
<td>Roslyndale - house, fence</td>
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<td>Rupertswood Av, Bellevue Hill</td>
<td>See No. 65 Kambala Rd</td>
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<tr>
<td>Rupertswood Av, Bellevue Hill</td>
<td>Danbury - house, gateposts, gates</td>
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<td>Salisbury Rd, Rose Bay</td>
<td>Rose Bay Lodge - building</td>
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<td>Shark (Steel) Point, Vaucluse</td>
<td>Shark (Steel) Point Battery, and associated underground remains</td>
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<td>Sheldon Pl, Bellevue Hill</td>
<td>Kauri Pine</td>
<td></td>
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<tr>
<td>Short St, Double Bay</td>
<td>Commercial building</td>
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<tr>
<td>Short St, Watsons Bay</td>
<td>Cottage, street fencing</td>
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<td>Short St, Watsons Bay</td>
<td>Sydney Water pumping station</td>
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<tr>
<td>South Av, Double Bay</td>
<td>House, sandstone and iron fencing</td>
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<tr>
<td>South Av, Double Bay</td>
<td>House, front fencing</td>
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</tbody>
</table>

Woollahra Local Environmental Plan 1995
<table>
<thead>
<tr>
<th>Location</th>
<th>Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Head (inner), Watsons Bay</td>
<td>Hornby Lighthouse group comprising: Hornby Lighthouse; two cottages; gun emplacements and fortifications</td>
</tr>
<tr>
<td>Spicer St, Woollahra</td>
<td>2</td>
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<td>Spicer St, Woollahra</td>
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<td>Spicer St, Woollahra</td>
<td>12</td>
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<tr>
<td>Stafford St, Paddington</td>
<td>47,49,51, 71,73,75, 77,79,81 and 83</td>
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<tr>
<td>Streatfield Rd, Bellevue Hill</td>
<td>Brick sewer vent chimney</td>
</tr>
<tr>
<td>Streatfield Rd, Bellevue Hill, within road reserve</td>
<td>Chinese Windmill Palm, Canary Island Date Palm</td>
</tr>
<tr>
<td>St. Marks Rd, Darling Pt.</td>
<td>Yeomerry - building; see No.188 New South Head Rd</td>
</tr>
<tr>
<td>St. Marks Rd, Darling Pt.</td>
<td>Alnwick House - house, gardens, stoneworks</td>
</tr>
<tr>
<td>St. Mervyns Av, Point-Piper</td>
<td>Seven Shillings Beach</td>
</tr>
<tr>
<td>St. Mervyns Av, Point Piper</td>
<td>Seven Shillings Beach</td>
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<td>St. Mervyns Av, Point Piper</td>
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<td>St. Mervyns Av, Point Piper</td>
<td>Seven Shillings Beach</td>
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<tr>
<td>St. Michael's Pl, Vaucluse</td>
<td>St. Michael's Anglican Church - church, grounds, sandstone works, gateposts and iron arch, obelisk</td>
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<tr>
<td>Sutherland Cr, Darling Point</td>
<td>Port Jackson Fig, Bunya Pine, Kauri Pine</td>
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<tr>
<td>Suttle Rd, Bellevue Hill, within road reserve</td>
<td>Chinese Windmill Palm, American Cotton Palm, 2 Canary Island Date Palms</td>
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<tr>
<td>The Crescent, Vaucluse</td>
<td>House, gardens, front fence, entrance archway and gate</td>
</tr>
<tr>
<td>The Crescent, Vaucluse</td>
<td>Kuti Beach</td>
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<tr>
<td>The Crescent, Vaucluse</td>
<td>Kuti Beach</td>
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<td>Kuti Beach</td>
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<tr>
<td>The Crescent, Vaucluse</td>
<td>Kuti Beach</td>
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<tr>
<td>Thornton St, Darling Point</td>
<td>Remnant elements of Hopwood House and grounds comprising: sandstone, brick and wrought iron fence; sandstone gateposts; wrought iron gates; sandstone balustrade, retaining wall and steps; wrought iron lamp posts; brick, sandstone and timber rotundas; Moreton Bay Fig; American Cotton Palm</td>
</tr>
<tr>
<td>Thornton St, Darling Point</td>
<td>Remnant elements of Hopwood House and grounds comprising sandstone and brick gateposts; Washington Palm, Senegal Date Palm, Canary Island Date Palm</td>
</tr>
</tbody>
</table>

Woollahra Local Environmental Plan 1995
Thornton St, Darling Point 21 Remnant elements of *Hopewood House* and grounds comprising: sandstone, brick and wrought iron fence; sandstone gatepost, sandstone, brick and timber roundels; Hoop Pine, Norfolk Island Pine, Firewheel Tree, Red Apple, Queen Palm

The Grove, Woollahra 1-4 See No. 153A Queen St

Towns Rd, Vaucluse 5i 4 Norfolk Island Pines

Tralhlee Rd, Bellevue Hill 4 *Silchester* - residential flat building, outbuildings, gardens, courtyards, stone works House

Tralhlee Rd, Bellevue Hill 5

Trelawney St, Woollahra 1 Building, street fencing

Trelawney St, Woollahra 2 Kauri Pine

Trelawney St, Woollahra 7 *Great Tree* - house, street fencing

Vaucluse Rd, Vaucluse 2 *Kincoppal*, Roman Catholic Convent of the Sacred Heart and school - buildings, grounds, trees, sandstone and wrought iron fence, gateposts and gates

Vaucluse Rd, Vaucluse 20A Norfolk Island Pine, Cook Pine

Vaucluse Rd, Vaucluse 20B House, front fencing, Cook Pine, Moreton Bay Fig

Vaucluse Rd, Vaucluse 22 *The Hermitage* - house, grounds, gateposts and gates to Vaucluse Rd, inner gateposts, gates and fencing, stone works associated with adjacent *Watercourse*

Vaucluse Rd, Vaucluse 22A Norfolk Island Pine, Hoop Pine, Bunya Pine, fencing to Vaucluse Rd

Vaucluse Rd, Vaucluse 22D Gardens formerly part of *The Hermitage*

Vaucluse Rd, Vaucluse 22E 2 Cook Pines, Norfolk Island Pine

Vaucluse Rd, Vaucluse *Watercourse* - stormwater drainage to Hermit Bay comprising channels, bridge and stone walling

Vaucluse Rd and Carrara Rd Stone and wrought iron fence, formerly part of *The Hermitage*

Vaucluse Rd, Vaucluse 26 House

Vaucluse Rd, Vaucluse 40 Swamp Mahogany

Vaucluse Rd, Vaucluse 42 2 Sydney Pink Gums

Vaucluse Rd, Vaucluse 59 Port Jackson Fig

Vaucluse Rd, Vaucluse *Greycliff House* - building, stone works

Vaucluse Rd, Vaucluse Forest Red Gum, Sydney Peppermint

Vickery Av, Rose Bay, within road reserve 5 Norfolk Island Pines

Victoria Av, Woollahra 12 House, front fencing

Victoria Rd, Bellevue Hill 1 *Thorloe* - house, stone retaining wall

Victoria Rd, Bellevue Hill 1A *Villa D’Este* - house, stone retaining wall

Victoria Rd, Bellevue Hill 3 *Wirian* - house, stone fences, retaining walls and gateposts

Victoria Rd, Bellevue Hill 4 House, retaining walls
| Victoria Rd, Bellevue Hill | 6 | Thaxted - house, retaining walls |
| Victoria Rd, Bellevue Hill | 8 | Bonnington - house, sandstone retaining wall and fences, fig tree |
| Victoria Rd, Bellevue Hill | 24 | Leura - house, grounds, gardens, inner gateposts and gates |
| Victoria Rd, Bellevue Hill | | Cranbrook School - the buildings known as Cranbrook; Harvey House; Perkins Building (junior school); Sick Bay; Headmaster's House; Rotunda (sports pavilion); the 2 storey sandstone building (formerly gatehouse); sandstone retaining wall with balustrade and stairway on north-west terrace of Cranbrook; gates, gateposts, bollards and stone retaining wall to Victoria Rd; sandstone fence and retaining wall to New South Head Rd; 4 sets of sandstone gateposts with iron gates to New South Head Rd; 2 Hoop Pines, 3 Norfolk Island Pines, Kauri Pine, Black Booyong, Port Jackson Fig, Chilean Wine Palm. |
| Victoria Rd, Bellevue Hill | 27 | House |
| Victoria Rd, Bellevue Hill | 58 | The Scots College - the building known as Aspinall House with palm trees, sandstone gateposts (3 sets), gate and fencing to Victoria Rd, and the adjoining stone wall surmounted by iron railing; the school building with clock-tower; the building at 71 Cranbrook Rd; Fairfax House (see 17 Ginahgulla Rd) Barford - house, gardens; gates and gateposts off Victoria Road and off Rupertswood Ave. |
| Victoria Rd, Bellevue Hill | 125 | Godsell - house |
| Victoria Rd, Bellevue Hill | | Concrete horse trough |
| Victoria St, Watsons Bay | 15 | Camp Cove Beach |
| Victoria St, Watsons Bay | 17 | Camp Cove Beach |
| Victoria St, Watsons Bay | 19 | Camp Cove Beach |
| Victoria St, Watsons Bay | 21 | Camp Cove Beach |
| Victoria St, Watsons Bay | 23 | Camp Cove Beach |
| Victoria St, Watsons Bay | 25 | Camp Cove Beach |
| Vivian St, Bellevue Hill, within road reserve | 4 | 4 Washington Palms |
| Waimea Av, Woollahra | 1 | Terrace house, front fencing |
| Waimea Av, Woollahra | 2 | Terrace House, front fencing |
| Waimea Av, Woollahra | 3 | Terrace house, front fencing |
| Waimea Av, Woollahra | 4 | Terrace house, front fencing |
| Waimea Av, Woollahra | 5 | Terrace house, front fencing |
| Waimea Av, Woollahra | 6 | Terrace house, front fencing |
| Waimea Av, Woollahra | 7 | Terrace house, front fencing |
| Waimea Av, Woollahra | 8 | Terrace house, front fencing |
| Waimea Av, Woollahra | 9 | Terrace house, front fencing |
| Waimea Av, Woollahra | 10 | Terrace house, front fencing |
| Waimea Av, Woollahra | 11 | Terrace house, front fencing |
| Waimea Av, Woollahra | 12 | Terrace house, front fencing |
| Waimea Av, Woollahra | 14 | Hellen Keller House (formerly Waimea) - house, grounds, trees |

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<table>
<thead>
<tr>
<th>Location</th>
<th>Address</th>
<th>Image</th>
<th>Category</th>
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<td>67 House, front garden and retaining wall</td>
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<td>71 Glen Rhoda - house, front garden, fencing, Cook Pine, Norfolk Island Pine</td>
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<td>Sandstone carved gateposts to Woods Av</td>
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<td>Vaucluse (Wentworth) House - building, stables, outbuildings, gateposts, gates</td>
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<td>Maritime Services Board navigation beacon</td>
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<td>19 Glasson House - house</td>
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<td>20 House, front fencing</td>
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<td>24 Greenway - all buildings and works, grounds, grove of Sydney Pink Gums</td>
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<td>54 Palmeyrie - house, front gardens and sandstone works</td>
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<td>21 House</td>
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<td>23 Residential flat building, gateposts, gates</td>
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<td>Wentworth St, Point Piper</td>
<td>29 House, front gardens, sandstone walls, gateposts, gates</td>
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<td>See No. 73 Bay Street, Double Bay Public School - all 19th Century buildings; gateposts</td>
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<td><em>Danmark</em> - residential flat building</td>
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<td>within road reserve</td>
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<td>Wolseley Rd, Point Piper</td>
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<td><em>Vaynot</em> - house, sandstone walling, entrance archway</td>
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<td>Wolseley Rd, Point Piper</td>
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<td>138-140 Buildings</td>
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<td>Woods Av, Woollahra</td>
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<td><em>Herewai</em> - house</td>
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<td>Wunulla Rd, Point Piper</td>
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<td>Stratford Hall - residential flat building</td>
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<tr>
<td>Yarranabbe Rd, Darling Pt.</td>
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<td>House</td>
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7. Consent authority for development

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14. Acquisition and development of land reserved for roads
15. Acquisition of land reserved for open space
16. Development of land uncoloured on the land use map
17. Development for certain additional purposes

Woollahra Local Environmental Plan 1995
17. (1) A building shall not be erected within a height zone on land the subject of a development application or an application under Part XI of the Local Government Act, 1919, to a height greater than the maximum height shown on the height map as applicable to land within that height zone.

(2) Where, on the height map, an area of land is shown bounded by a broken black line with a height limit shown as applicable to land within that area, a building shall not be erected on land within that area unless—

(a) the overall height of the building will exceed neither that height limit nor the maximum height limit applicable to that land as referred to in subclause (1); and

(b) the overall height of the building will not exceed the lesser of those height limits above—

(i) the highest part of the land, exclusive of any excess corridor; or

(ii) the crown of any road to which the land has direct frontage, whichever is the higher.

Building Lines

18. (1) The council, by resolution, fix a building line (in this clause called a "foreshore building line") in respect of any land fronting Port Jackson.

(2) A foreshore building line shall, when fixed by the Council, be marked upon a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public, without charge, during the office hours of the council.

(3) Any line shown, as at the appointed day, on the map being—

(a) a broken line with the words "Foreshore Building Line" marked in black letters;

(b) a broken black line with the matter "F.S.B.L. 12m" marked in red letters; or

(c) a broken black line with the matter "F.S.B.L. 30m" marked in red letters,

shall be deemed to be a foreshore building line fixed in pursuance of the provisions of this clause.

(4) The council may alter or abolish any foreshore building line where the levels, depth or other exceptional features of the site make it expedient to do so.

(5) Except in accordance with a development consent referred to in subclause (7), a building shall not be erected between a foreshore building line and the mean high water mark of the waters of Port Jackson.

(6) In the case of a foreshore building line referred to in subclause (3) (c), a residential flat building shall not be erected between that building line and the mean high water mark of the waters of Port Jackson.

(7) The council may, after having made an assessment of the probable aesthetic appearance in relation to the foreshore of the proposed structure, consent to the erection of any of the following structures between a foreshore building line and the waters of Port Jackson:

(a) baths (swimming pools) and ancillary buildings;

(b) boat sheds;

(c) wharves;

(d) jetties;

(e) structures or works below or at the surface of the ground.

19. (1) A person shall not erect an advertising structure on land within Zone No. 2 (a) or 2 (b) other than an advertising structure erected on premises to indicate the purpose for which the premises are used.

(2) A person shall not, on land within a zone other than Zone No. 2 (a) or 2 (b), erect an advertising structure having an area greater than 2 square metres, without the consent of the council.

Advertising structures

20. (omitted by Sydney Regional Environmental Plan No. 12 - Dual Occupancy)

Development of heritage items

21. (1) A person shall not, in respect of a building, work, relic, tree or place that is a heritage item—

(a) demolish or alter the building or work;

(b) damage or move the relic, including excavation for the purpose of exposing the relic;

(c) damage or despoil the place or tree;

(d) erect a building or subdivide land on which the building, work or relic is situated or that comprises the place; or

(e) damase any tree on land on which the building, work or relic is situated or on the land which comprises the place.

except with the consent of the council.

(2) The council shall not grant consent to development as referred to in subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

Conservation area

22. (1) A person shall not, in respect of a conservation area—

(a) demolish or alter a building or work within the area;

(b) damage or move a relic, including excavation for the purpose of exposing or removing a relic within the area;

(c) damage or despoil a place within the area; or

(d) erect a building on or subdivide land within the area.

except with the consent of the council.

(2) The council shall not grant consent to development as referred to in subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the conservation area.

(3) Nothing in clause 9 or 10 of State Environmental Planning Policy No. 4 - Development Without Consent authorises the carrying out of development referred to in subclause (1) without the need to obtain development consent.
Conservation area—additional uses

23. (1) Notwithstanding the provisions of clause 11, a person may, with the consent of the council, use a building or any part of a building on land within a conservation area for any purpose specified in Schedule 1 or 2 or for the purpose of a craftsman's studio or professional consulting rooms.

(2) The council shall not grant its consent as referred to in subclause (1) to the use of a building or part of a building unless it is satisfied that:

(a) the particular building or part thereof is not of a residential design and has a prior history of non-residential use, whether or not that use was interrupted; and

(b) the external architecture of the building is in conformity, or could be brought into conformity, with the external architecture of other buildings in the vicinity thereof or the building has architectural or historic merit of its own.

Advertising of heritage applications

28. (omitted by Woollabro Local Environmental Plan No. 48)

Conservation incentives

25. (1) Nothing in this plan prevents the council from granting consent to an application to—

(a) use, for any purpose, a building that is a heritage item or the land on which the building is erected; or

(b) use, for any purpose, a building within a conservation area or the land on which the building is erected.

If it is satisfied that—

(c) the proposed use would have little or no adverse effect on the amenity of the area; and

(d) the conservation of the building depends on the council granting consent under this clause.

(2) When considering an application to erect a building on land on which there is situated a building which is a heritage item, the council may—

(a) for the purposes of determining the floor space ratio; and

(b) for the purposes of determining the number of parking spaces to be provided on the site,

exclude from its calculation of the gross floor area of the buildings erected on the land the gross floor area of the items, but only if the council is satisfied that the conservation of the building depends upon the council granting consent under this clause.

Heritage Council to be given prior notice of demolition consent

26. (1) If a person makes a development application to demolish a building or work that is a heritage item the council shall not grant consent to that application until 28 days after the council has notified the Secretary of the Heritage Council of New South Wales of its intention to do so.

(2) Subclause (1) does not apply to or in respect of an application for consent to the partial demolition of a building or work that is a heritage item if, in the opinion of the council, the partial demolition is of a minor nature and will not adversely affect the significance of the building, work or area as part of the environmental heritage of the Municipality of Woollabro.

Motels

27. A person shall not erect a motel on an allotment of land to which this plan applies unless the site has an area of not less than 1 850 square metres and the site cover of the building or buildings comprising the motel does not exceed—

(a) in the case of a 1 storey building, 40 percent of the site area; or

(b) in the case of a building of 2 or more storeys, 35 percent of the site area.

Advertisement of certain development applications

26. (omitted by Woollabro Local Environmental Plan No. 48)

Building lines to roads

29. (1) Notwithstanding any other provisions of this plan, a boarding-house or a residential flat building shall not be erected on land within Zone No. 2 (a) or 2 (b) closer than 9 metres to an arterial road or main road.

(2) Subclause (1) does not apply to land having frontage to Oxford Street, Woollabro, between Queen and Ocean Streets.

Contributions for certain facilities

30. As a consequence of the carrying out of development in accordance with this plan (as in force when the development is carried out), this plan identifies a likely increased demand for the public amenities and public services specified in Schedule 6 and stipulates that dedication or a contribution under section 94 (1) of the Act, or both, may be required as a condition of any consent to that development.

Community use of certain facilities

31. A person may, with the consent of the council, use the facilities and sites of schools, colleges or other educational establishments for:

(a) community uses;

(b) commercial operation of both facilities and sites; or

(c) development for the purposes of community use whether or not the development is ancillary to the principal use.

Development on reserved land

32. (omitted by Woollabro Local Environmental Plan No. 48)

Acquisition of land

33. (omitted by Woollabro Local Environmental Plan No. 48)

Preservation of Trees

34. (1) Where it appears to the council that it is expedient for the purpose of securing amenity or of preserving existing amenity, it may, for that purpose and by resolution, make an order (hereinafter referred to as a "tree preservation order") and may, by like resolution, rescind or vary any such order

(2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, removing, injuring or willful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the council thinks fit.

(3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the Municipality of Woollabro or any divisions thereof.
1. INTRODUCTION

Woollahra Municipality is rich in buildings and areas of historic and heritage significance. It is an objective of the Council to identify, conserve and enhance the special qualities of these buildings and areas; this in a spirit of cooperation with owners, consistent with the need to retain high standards of accommodation for residents.

In order to comply with the statutory requirements contained in the Environmental Planning and Assessment Act, 1979, prior to the preparation of a Local Environmental Plan to replace the existing Woollahra Planning Scheme Ordinance, Woollahra Council carried out an environmental study. The study, amongst other things, identified four areas, namely Bondi Junction, Watsons Bay, West Woollahra and Paddington, as having conservation merit in historical and/or architectural terms. (See maps 4, 5, 6 and 7)

To determine the conservation merit of each building within the four precincts, Council employed consultants to undertake a survey. The survey involved completing a survey sheet and photographing each property and finally the preparation of a report recommending future action. Information gathered on the survey sheets includes existing land use, building type/construction, height in storeys, approximate age, apparent condition (external only), statement of action permitted, reasons for retention and suggested works that should be undertaken to restore the building to its original appearance.

This Policy is intended to provide a classification of each property within the four precincts. It also sets down a general policy indicating the extent to which a building may be altered or added to as far as urban conservation considerations are concerned. This however, must not be taken as Council's final consideration since all applications will be individually assessed with consideration being given to its classification amongst other issues. The classification system has been designed primarily to provide an indication of the possibility for alterations and/or additions at the preliminary stages prior to preparing and submitting an application; Council's officers should still be consulted prior to submitting a development and/or building application.

Except insofar as the context or subject matter of this policy otherwise indicates or requires, definitions will be as set out in Council's Residential Control Code and the Environmental Planning and Assessment Model Provisions, 1980.

Except as otherwise provided by this policy and any relevant acts, regulations and proclamations, all provisions of the prescribed Woollahra Planning Scheme Ordinance and City of Sydney Planning Scheme Ordinance (as applicable) or amendments thereto, or any expressed codes, policies and development control plans concerning development and building control within the Municipality, shall apply.
2. **CONSERVATION PLANNING OBJECTIVES**

1. To retain in general, existing buildings exhibiting historical or architectural merit.

2. To ensure retention of facades of historically/architecturally important buildings, works and streetscapes.

3. To maintain the external elements of significant buildings visible from the street in their original condition.

4. To ensure that significant buildings have their principal facades appropriately restored and any alterations are in character with the historical style and period of the building.

5. To ensure that new development or alterations are compatible and will harmonize with existing historical buildings, particularly in areas identified as having historically significant streetscapes.

6. To ensure that any infill buildings or additions to existing buildings:
   a. are compatible in scale, form and character with the surrounding area and historical building style.
   b. maintain the visual and environmental amenity of the area.

7. To maintain and enhance the character of the area by encouraging appropriate landscaping of private front and (where applicable) side gardens.

8. To conserve and enhance the character of public spaces wherever possible.

9. To promote the reinstatement of original or compatible fencing types and to ensure that fences are compatible in height with the size of the allotment frontage and street width.

10. To ensure that advertising signs, whether attached to buildings or not, are compatible with the character of the area.

11. To prevent the demolition of any building, whether or not forming part of a group, having architectural or historic merit without the prior consent of Council.

12. To prevent the removal of cement render or external brickwork (commonly referred to as sandstocking) so as to maintain adequate weatherproofing.

13. To ensure a high standard of environmental protection in the defined conservation area.
3. **CLASSIFICATION OF BUILDINGS**

A graded classification for all buildings within the identified conservation areas of Watsons Bay, West Woollahra, Paddington and Bondi Junction, has been developed to provide a reference to appropriate controls and guidelines. The various gradings used are listed below together with the general policy applying to each.

**A1. Listed/Historical Buildings**

This classification is used to denote buildings listed by the National Trust (NSW) and the Heritage Council or those that should be considered of historic importance besides their importance in the streetscape of a conservation area.

**Policy:** Alteration will be discouraged. Renovation to the original building form and architectural style will be encouraged. Adjacent buildings will generally be in original historical style.

**A2. Buildings of Significant Area And Streetscape Significance**

Included in this classification are buildings which are a significant part of the character of the area, because of their age and style, importance in a streetscape sense and providing building lines of visual significance. This includes fences, walls and modern buildings that fit comfortably in scale and character with those existing. These buildings are generally in very good to excellent condition, in terms of the retention of original elements.

**Policy:** These buildings are prominent, architecturally important and/or in an harmonious or identical row and therefore care should be taken to conserve the feature/s that has/have given them a high grading. For example, in an individual building it may be the detailing and in a row it may be the total uniformity or pattern. In general only minimal alterations will be possible.

**B. Buildings of Lesser Area And Streetscape Significance**

Included in this classification are those buildings, the presence of which are essential to the streetscape character of the area. They are important to the streetscape in terms of age, style and general design and form (including modern buildings). They form elements of visual importance. However, they may often be irregularly located as related to the more general arrangement of adjoining buildings. Because of their position or the discontinuity they produce in an otherwise regular group of facades they do not have such an important impact on the streetscape as the previous category.

**Policy:** These buildings also require particular attention to the original form. However, due to their irregularity, position in relation to adjacent or surrounding buildings, setback or physical condition they may be altered or modified but only where the alterations or modifications will not detrimentally affect the basic elements of the streetscape.
C. Buildings Having No Particular Conservation Merit - Possible Demolish

This category of buildings includes buildings of similar scale to those in the higher categories but because of poor design, workmanship, physical condition or inappropriate style, play no part in establishing the essential character of the streetscape as defined. This category also includes buildings which are out of scale with those in higher categories, and those having no particular conservation merit.

**Policy:** Demolition will not generally be opposed but rebuilding will be encouraged in a scale and form to enhance the existing street and townscape.

D. Vacant Land

This includes existing vacant land.

**Policy:** New dwellings are to be in scale and character with other highly graded buildings in the area and must enhance the unity and continuity of the street.

E. Recreation/Playgrounds

Sites in this category consist of existing parkland and public open space.

**Policy:** These sites will continue to be maintained and upgraded by Council to enhance their streetscape and neighbourhood importance.

X. Not Assessed

These sites are not visible from the street and therefore do not receive a classification.

**Policy:** Generally controls on alterations and/or additions will not be as strict as for other categories. However, the general objectives given in Clause 2 would be the basis of assessing any proposals for change to buildings in this group.
SCHEDULE

A1. Listed/Historical Buildings

A2. Buildings of Significant Area and Streetscape Significance

B. Buildings of Lesser Area and Streetscape Significance

C. Buildings Having No Particular Conservation Merit.

D. Vacant Land

E. Recreation/Playgrounds

X. Not Assessed (could not be assessed from the street).
Wallis Street (Cont)

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<td>64-74</td>
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<tr>
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<td>C</td>
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Woods Avenue

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<tr>
<td>1-6</td>
<td>A1</td>
</tr>
<tr>
<td>8±10</td>
<td>C</td>
</tr>
<tr>
<td>11-19</td>
<td>A1</td>
</tr>
</tbody>
</table>
IMPORTANT INFORMATION
READ CAREFULLY

SUBMISSION OF THE CORRECT DOCUMENTATION WITH YOUR APPLICATION IS YOUR RESPONSIBILITY

BA & DA FEES ARE NOT REFUNDABLE

The "Checklist" is to be completed and is to accompany your Application
INFORMATION REQUIRED FROM APPLICANTS

This form, completed, must accompany all applications. Prior to lodging your application, we recommend that you discuss your proposal with Council staff. Technical advice can be obtained from our office between 8:00 - 10:30am weekdays or by appointment.

HOW TO USE THIS FORM
The following matrix gives an indication of the type of information that you will need to supply with your application. The checklist is provided for you to use to ensure that you include all the details required at an acceptable standard.

### HOW TO USE THIS MATRIX

The matrix indicates the information you need to supply for your particular type of application. First look down the "DEVELOPMENT TYPE" listings until you find your type. Then read across the column. The columns with the ✔ indicate the information you will need to supply. ● Indicates this information may be required. ▲ Not required if development approval only is requested. ■ If applicable to your application. ◆ Required if work is over $200,000 in value. * Refer to "Heritage Report information requirements" pamphlet available from Land Management Counter.

<table>
<thead>
<tr>
<th>DEVELOPMENT TYPE</th>
<th>INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of residential dwelling</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Alterations and additions to residential dwelling</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Construction of garage; Outbuilding or Carport</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Construction of above/inground pool</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Construction/alteration of commercial/industrial</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Construction/alteration of hotel/motel/guesthouse</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Construction/alteration of residential/flat building</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Subdivision of land/strata/community title</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Boundary adjustment</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Construction of a dual occupancy</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Erection of advertising signs</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Shop fitout</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Change of use for shops/offices</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
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<tr>
<td>Air Conditioning/Central Heat (Res/Comm/Indust)</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Landscaping (including filling/clearing of land)</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Demolition of structure</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
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<tr>
<td>Removing a tree covered by a TPO</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
<tr>
<td>Excavation</td>
<td>✔ ✔ ✔ ✔ ✔ ✔</td>
</tr>
</tbody>
</table>

* Works to a heritage item or works within a heritage conservation area involving any of the above categories.
CHECKLIST

Not all the details required by this checklist may be needed for your application. Likewise, if you are planning a major development or developing land that may be environmentally sensitive you will also need to seek advice from our professional staff. In some cases additional information may be required. On-site inspections are carried out prior to the assessment of any application. As a result of this inspection further information may sometimes be required. A Council Officer will contact you soon after their initial inspection if this is the case.

TO BE COMPLETED BY EVERY ARCHITECT OR PERSON PREPARING THE PLANS PRIOR TO SUBMISSION OF APPLICATION. FAILURE TO PROVIDE THE REQUIRED DOCUMENTATION OF AN ACCEPTABLE STANDARD WILL RESULT IN THE NON RECEIPT OF YOUR APPLICATION.

<table>
<thead>
<tr>
<th>TICK</th>
<th>OFFICE USE</th>
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<tbody>
<tr>
<td></td>
<td>Supplied</td>
</tr>
<tr>
<td>Architect</td>
<td></td>
</tr>
</tbody>
</table>

**PLANS**

Plans include the site plan, floor plan, elevations and sections. Four copies of the plans must be submitted with your application. Plans must also be drawn in ink. Free hand or single line drawings will not be accepted. A4 copies of each plan must be supplied (for notification purposes). The following information should be included on all plans and documents:

- Applicants name, block/house/shop/flat number, street/road name, town or locality.
- Lot Number, section number, DP number. (Found on rate notice or land title.)
- Measurements in metric.
- The position of true north.
- Additions/alterations - to be highlighted in red for DA’s.
- Building to be demolished to be indicated in outline.
- Draftmans/Architect name and date.

For BA plans should be coloured as described below:

- Coloured Plans
  - Brick - Red; Roof tiles - Orange; Concrete - Dark Green; Tile - Purple; Fibre Cement
  - Sheets/Cement Render - Light Green; Glass & Glass Bricks - Light Blue; Sandstone - Light Brown; Timber - Yellow; Steel, Galvanised Iron - Dark Blue.

**A4 PLANS**

**SURVEY PLAN**

Information Should Include:
- Plan to scale preferably 1:100 or 1:200.
- Plan to show all existing structures.
- Plan to show all trees greater than 5m in height +/or 3m in canopy spread. The exact location of any such tree, the RL at their base and their height and canopy spread.
- Location/position of all buildings/structures on adjoining land (showing street number and street address)

**SITE PLAN**

A site plan is a birds-eye view of the existing and proposed development on the site and its position in relation to boundaries and neighbouring developments. A site plan should include:

- Drawings to scale preferably 1:200 or 1:500.
- Location of the new and existing buildings in relation to site boundaries.
- Location/position of all buildings/structures on adjoining land (showing street number and street address)
- Location of any existing and proposed fences and landscaping features such as swimming pool, retaining walls, paved areas and driveways.
<table>
<thead>
<tr>
<th>Architect</th>
<th>Required</th>
<th>Supplied</th>
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</thead>
<tbody>
<tr>
<td>□ Location of any adjoining owner windows facing your development.</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>□ Existing stormwater drainage location. If stormwater run-off will increase show proposed drainage details.</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>□ Location of vehicle access and car parking (indicating extent of cut and fill and gradients).</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>□ Zone boundaries if multiple zoning apply.</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

**Measurements including:-**
- Length, width and site area of land, both existing and proposed.
- Width of road reserve.
- Distance from external walls and outermost part of proposed building to all boundaries.
- Approximate distance from proposed building to neighbouring buildings.

**FLOOR PLAN**

A floor plan is a birds-eye view of your existing and/or proposed layout of rooms within the development. Floor plans should include:-

- Drawings to scale preferably 1:100.
- Outline of existing buildingdevelopment on site (shown dotted).
- Room names, areas and dimensions.
- Window and door locations and sizes.
- Floor levels and steps in floor levels.
- Access for disabled (if in a new public building).
- Location of plumbing fixtures (where possible).
- Wall structure type and thickness.

**ELEVATION PLAN**

Elevation plans are a side on view of your proposal. Elevations of all four sides (north, south, east and west facing) of your development need to be included in your application. Elevation plans should include:-

- Drawings to scale preferably 1:100.
- Outline of existing buildingdevelopment on site (shown dotted).
- Location/position of all buildings/structures on adjoining land (showing street number and street address).
- Exterior cladding type and roofing material/colour.
- Window sizes and location.
- Stormwater drainage pipes (downpipes and gutter).
- Chimneys, flue, exhaust vents, duct inlet or outlet.

**SECTION PLAN**

A section(s) is a diagram showing a cut through the development at the most typical point. Sections should include:-

- Drawings to scale preferably 1:50.
- Outline of existing buildingdevelopment on site (shown dotted).
- Section names and where they are shown on plan (ie A/A B/B etc).
- Room names.
- Room and window heights.
- Details of chimneys, fireplaces and stoves.
- Roof pitch and covering.
- Site works, finished and proposed ground levels in RL's (indicate cut, fill and access grades).
<table>
<thead>
<tr>
<th>Architect</th>
<th>Supplied</th>
<th>Required</th>
</tr>
</thead>
</table>

### SHADOW DIAGRAMS (if applicable)
Information should include:
- Location of proposed development.
- Position and relationship to adjoining buildings and land (showing street number and street address).
- Shadows cast at the equinoxes and midwinter at 9am, 12noon and 3pm.
- If proposal is replacing an existing building show the change in shadows cast from the old to the new works.

### SUBDIVISION PLAN (if applicable)
If you are planning to subdivide either residential or commercial land you will need to supply:
- A plan showing proposed subdivision with land title details (including number of lots).
- Location and width of nearby roads.
- Subdivision pattern with dimensions and area and all proposed and existing land uses.
- Location of water, sewerage, electricity and telephone.
- Proposed points of entry and exit for each proposed lot.
- Proposed method of stormwater disposal.
- Proposed new roads (if any) including long section, cross section drawings.
- Site analysis including plotting of environmental constraint area, zone boundaries and usable land area (for multiple zones only).

### LANDSCAPING PLAN (if applicable)
Information should include:
- Description of ground preparation, arrangement and nomination of plantings, procedures and ongoing maintenance.
- Location and type of any trees to be removed.
- Schedule of plantings cross-referenced to site plan indicating species, massing and mature height.
- Details of restoration and treatment of earth cuts, fills, mounds, retaining walls, fencing and screen walls.
- Erosion and sedimentation control measures to be undertaken during and after construction.

### SPECIFICATIONS (if applicable)
A specification is a written statement that should include as a minimum:
- The construction and materials to be used.
- Type and colour of external finishes.
- Whether the materials will be new or second-hand, and if second-hand materials are to be used, particulars.
- The method of drainage, effluent disposal and provision of water supply.

**NOTE:** Two copies of the specification must be supplied.

### STATEMENT OF ENVIRONMENTAL EFFECTS
This is a written statement which demonstrates the applicant has considered the impact of the proposed development on the natural and built environments both during and after construction and the proposed method of mitigating any adverse effects. The statement, in appraising the suitability of land for development, should detail (where applicable):
- Flooding, drainage, land slip, soil erosion, mine subsidence, bushfires and any other risks.
- Effect on the landscape, streetscape, national park or scenic quality of the locality.
- Impact on existing and future amenity of the locality.
- Amount of traffic generated, particularly in relation to the adequacy of existing roads and present volumes of traffic carried. Car access, parking and availability of public transport.
**TICK**

<table>
<thead>
<tr>
<th>Architect</th>
<th>OFFICE USE</th>
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<tbody>
<tr>
<td>- Waste disposal arrangements. Location of garbage and storage areas.</td>
<td>Supplied:</td>
</tr>
<tr>
<td>- Methods of sewerage effluent and stormwater disposal.</td>
<td></td>
</tr>
<tr>
<td>- Availability of utility services, power, telephone, water/sewer.</td>
<td></td>
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<tr>
<td>- Social effects and economic effects.</td>
<td></td>
</tr>
<tr>
<td>- Anticipated impact of noise levels to the site locality.</td>
<td></td>
</tr>
<tr>
<td>- Effect on historical and archaeological aspects.</td>
<td></td>
</tr>
<tr>
<td>- Effect on flora and fauna.</td>
<td></td>
</tr>
<tr>
<td>- Design and external appearance in relation to the site and locality indicating how the design is appropriate to the site.</td>
<td></td>
</tr>
<tr>
<td>- How the privacy, daylight and views of other dwellings will be affected, ie, do they overlook or overshadow each other.</td>
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<tr>
<td>- Access for the disabled.</td>
<td></td>
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<tr>
<td>- Any special circumstances.</td>
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</tbody>
</table>

*Note: other matters may be relevant depending upon the nature of the development proposal. In the case of a "designated" development, an environmental impact statement is required to be submitted in the manner outlined by Environmental Planning and Assessment Act.*

**DETAILS OF MANAGEMENT**

A report is required if you are planning a business or commercial operation. It should include:-

- Existing use of premises or site.
- Type of business and nature of goods and services.
- Hours of operation, number of employees
- Likely number of visitors to the premises and frequency of deliveries to and from the site.
- Existing and proposed parking arrangements and entry/exit points.
- Waste disposal arrangements. Location of garbage and storage areas.
- Anticipated noise levels beyond the site.
- Effects on any residential development in the vicinity.
- Proposed fire safety measures.

**ADVERTISING STRUCTURE/SIGN**

If you are planning on erecting an advertising structure or sign you will need to supply the following:-

- Details of the structure and types of materials to be used.
- Its size, colours, lettering and overall design.
- The proposed location shown on a plan and/or building elevation.

**HERITAGE REPORT**

**MODEL**

A model is required for any development of estimated value greater than and $200,000. The model is to be to scale, preferably 1:100 and to indicate the relationship of the proposal to adjoining development and topographical features.

**SIGNATURE OF ARCHITECT/PERSON PREPARING PLANS**

(Confirming submission of all required documentation)
WOOLLAHRA MUNICIPAL COUNCIL

Heritage Report Information Requirements for Development Within

HERITAGE ITEMS

Strategic Planning
Land Management Services
Woollahra Municipal Council
July 1996
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1.0 What is a heritage report?

A heritage report is a report containing a heritage assessment of the significance of a place and an impact assessment of any proposal on the heritage significance of a place.

A heritage report must address the site in its entirety i.e. the building (internally and externally), its setting as well as any ancillary structures on the site.

A heritage report for listed trees should be tailored to meet the requirements of Council’s Tree’s Officer. Reference should be made to the publication ‘Pruning or removal of trees listed as heritage items in Woollahra’ which is available at the Land Management and Technical Services counters. Any queries regarding listed trees should be referred to Council’s Trees Officer in the first instance. Refer to section 8.0 of this document.

2.0 Why is a heritage report required?

Part 4 of Woollahra Local Environmental Plan 1995 (LEP) and clauses 19 and 21 of Waverley and Woollahra Joint LEP 1991 - Bondi Junction Commercial Centre state that Council’s consent is required for development to a heritage item and development in a conservation area.

In the decision making process Council is required to consider:

- the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting, and
- the extent to which the carrying out of the proposed development would affect the heritage significance of the conservation area.

When taking these matters into consideration Council will consider the information provided within the heritage report accompanying the development application.

3.0 When is a heritage report required?

A heritage report is required to accompany all development applications relating to heritage items or places in conservation areas. Heritage items are identified in Schedule 3 of Woollahra LEP 1995 and in Schedule 1 of the Waverley and Woollahra Joint LEP 1991 - Bondi Junction Commercial Centre. Conservation areas are identified on the planning maps of the same planning instruments.
4.0 At what time in the design process should heritage reports be written?

It is essential that the heritage assessment component of a heritage report is written PRIOR to the design stage. In some instances it will be necessary and beneficial to carry a heritage assessment at an earlier time, such as before purchasing a property. The design of any proposal should address the findings of the heritage assessment and the associated conservation policy. The impact statement component will address the issues of the design concept and accordingly is prepared AFTER the design stage.

5.0 Who should write heritage reports?

Heritage reports accompanying applications can only be written by professionals who can demonstrate practical and academic (or equivalent) experience in heritage conservation and familiarity with heritage issues in Woollahra. An explanation of how an individual meets this criteria must be outlined at the beginning of the heritage report.

6.0 Heritage reports for heritage items

Whilst heritage reports are required for all work on heritage items in the Municipality it is acknowledged that the amount of detail required within a report will vary depending on the scope of work. For example, major work on a heritage item, or work on more significant parts of a heritage item, will require a more detailed assessment than minor work to less significant elements. Consultation with Council's Heritage Planner is recommended.

Heritage reports comprise two sections - the heritage assessment and the heritage impact statement. The main components of a heritage report are noted in the Table below. These components and source information are explained in further detail in the text following the table.
## HERITAGE ASSESSMENT

### A. Documentary Research
- of the place/institutions/families/people associated with the place.
- of the development of the site over time i.e. dates of construction and past additions/alterations.

### B. Physical Investigation
- Description of building (internal/external) and its setting (garden, ancillary buildings, fences etc).
- Condition assessment of building.

### C. Statement of Significance
- Heritage assessment using State Heritage Inventory criteria. (Refer Heritage Branch of Department of Urban Affairs and Planning).
- Significance ratings of building's fabric and setting.

### D. Conservation policy
- Conservation approach.
- Future development of the site.
- Physical conservation action recommended and other relevant issues such as use; investigation; physical interaction.

## HERITAGE IMPACT ASSESSMENT

### A. Description of work
- Nature of new use and scope of work on significant elements.

### B. Design options
- Design options considered and reasons for option pursued.

### C. Effect of work
- Effect of work (positive or negative) on building and setting.
- Measures being undertaken to mitigate adverse effects.

### D. Conservation policy
- Statement on how the proposed work is in accordance with:
  - conservation principals of the ICOMOS Charter for the conservation of places of cultural significance.
  - heritage assessment provided above i.e. statement of significance and conservation policy.

## MISCELLANEOUS

- Limitations set by client brief i.e. time limits.
- Author of the reports ability to meet the criteria noted in Section 5.0 of this document.
Heritage assessment

Heritage assessment involves:

1. documentary research into the history of a place;
2. physical investigation of the place;
3. the production of a statement of significance of the place; and
4. establishment of conservation policy.

The heritage assessment should describe the significance of the place and the different levels of significance of fabric within a building. It should also recommend a conservation approach applicable to the different levels of significant fabric. Reference should be made to the publication by J.S Kerr 'The Conservation Plan'.

The heritage assessment process provides the building blocks for the second stage of the process, the heritage impact statement.

1. **Documentary research**

   This research should consider:

   (i) *Families, people, institutions and events the place is associated with.*

   A variety of sources can be used to compile this information including those sources listed in attachment 3, the State Library, Mitchell Library and State Archives. Any relevant photos, sketches and paintings discovered during research should be included in the assessment.

   (ii) *Details on the original configuration of the structure and changes made to it over time.*

   These can be obtained from previous building and development application plans which are available from the Land Management Counter upon request. Overlay floor plans as well as elevations are effective ways of portraying changes to buildings over time. Historical photos, sketches and paintings are also worth consulting as they often illustrate changes made to the place's structures and setting.

2. **Physical investigation**

   This should include a physical description of the site and any buildings and works on the site ie: location of buildings to property boundaries, the use of buildings and the layout of the garden [location of trees, paths, major flower beds and shrubs]. A site survey is usually the most effective way of portraying this information.
The description of buildings on the site should address building form ie: height, setback, shape (L-shaped), scale, mass, architectural character, and, materials of construction. The description of the interior of the building should be based around a floor plan with individual rooms allocated a room number. For each room a brief description of materials should be given.

Comment is also required on the condition of the buildings. This description is most informative when related to allocated room numbers and supplemented with photographs.

3. **Statement of significance**

This statement should be based on the Department of Urban Affairs and Planning’s State Heritage Inventory Criteria.

Whilst an entire building and its setting may be significant, it is possible to identify parts of the building and the setting that are more significant than others, or parts that have no relation to the significance of the place. This is carried out by rating different parts of the fabric with a numerical scale which relates to significance and applying a particular conservation policy to the fabric of that rating. A numerical rating system relating to levels of significance can be used in both text and graphical representations eg. (1 = high significance, 2 = medium significance, 3 = low significance and 4 = intrusive element).

4. **Conservation policy**

Conservation policy that should be addressed includes the conservation approach being adopted for the place (buildings and setting), physical conservation action, use, future development of the site, investigation, and physical intervention. This policy must be based on the conservation principles of the Burra Charter. See attachment 1.

**Heritage Impact Assessment**

This statement must outline the nature and scope of works proposed and how it will impact upon the significance of the place as identified in the heritage assessment. Parts of this assessment can be cross referenced to the statement of environmental effects accompanying the development application. Heritage impact may be positive such as the restoration of original detail or negative. Negative impacts should be minimised or mitigated. The impact statement must address the interior, exterior and setting of the item. The impact assessment should include a brief statement about the design options available to carry out the work and why they have been rejected. The impact assessment must also address how the proposal addresses the conservation approach and policy outlined in the heritage assessment as well as the conservation principles of the Burra Charter.
7.0 Definitions

Building

Building includes part of a building and any part of a structure.

Burra Charter

The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance.

Conservation area

These areas are identified on the maps accompanying Woollahra Local Environmental Plan 1995 and Waverley and Woollahra Joint Local Environmental Plan 1991 - Bondi Junction Commercial Centre.

Development

In relation to land means:

(a) the erection of a building on that land;
(b) the carrying out of a work in, on, over or under that land;
(c) the use of that land or of a building or work on that land; and
(d) the subdivision of that land,

but does not include any development of a class or description prescribed by the regulations for the purposes of this definition.

Heritage Item


Place

Means site, area, tree, building or other work, group of buildings, or other works together with associated contents and surroundings.

Woollahra Local Environment Plan 1995

The principal planning instrument for Woollahra Municipality excluding the Bondi Junction commercial centre.
Waverley and Woollahra Joint Local Environmental Plan 1991 - Bondi Junction Commercial Centre

The principal planning instrument for the Bondi Junction Commercial Centre.

8.0 Useful contact details

<table>
<thead>
<tr>
<th>Role</th>
<th>Contact Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Planner:</td>
<td>Caron Mounsey-Smith&lt;br&gt;Tel: 391 7084&lt;br&gt;(available between 9.30-12 noon week days or by appointment at other times)</td>
</tr>
<tr>
<td>Tree Officer:</td>
<td>Mario D'Alessio&lt;br&gt;Tel: 391 7183&lt;br&gt;(available between 1.30 - 2.30pm week days)</td>
</tr>
<tr>
<td>Local History Librarian:</td>
<td>Libby Watters / Jane Britten&lt;br&gt;Tel. 362 0044&lt;br&gt;(available Mon, Tues, Thurs &amp; Fri 10.30am to 2.30pm)</td>
</tr>
</tbody>
</table>

Or any of the library staff.<br>Tel: 391 7105<br>(available 10:00am - 8:00pm weekdays OR 10.00am - 4pm weekends)

9.0 Other Council Heritage Publications

'Heritage Report Information Requirements for properties within Conservation Areas'.

'Heritage Report Information Requirements for the Demolition of Buildings'.

Attachment 1: ICOMOS Charter for the conservation of places of cultural significance.

Attachment 2: Heritage Source Information Check List

No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, unless appropriate credit is given to Woollahra Council.
THE AUSTRALIA ICOMOS CHARTER FOR THE CONSERVATION OF PLACES OF CULTURAL SIGNIFICANCE
(The Burra Charter)

Preamble
Having regard to the International Charter for the Conservation and Restoration of Monuments and Sites (Venice 1966), and the Resolutions of 5th General Assembly of the International Council on Monuments and Sites (ICOMOS) (Moscow 1978), the following Charter was adopted by Australia ICOMOS on 19th August 1979 at Burra Burra. Revisions were adopted on 23rd February 1981 and on 23 April 1988.

Definitions
Article 1. For the purpose of this Charter:
1.1 Place means site, area, building or other work, group of buildings or other works together with associated contents and surroundings.
1.2 Cultural significance means aesthetic, historic, scientific or social value for past, present or future generations.
1.3 Fabric means all the physical material of the place.
1.4 Conservation means all the processes of looking after a place so as to retain its cultural significance. It includes maintenance and may according to circumstance include preservation, restoration, reconstruction and adaptation and will be commonly a combination of more than one of these.
1.5 Maintenance means the continuous protective care of the fabric, contents and setting of a place, and is to be distinguished from repair. Repair involves restoration or reconstruction and it should be treated accordingly.
1.6 Preservation means maintaining the fabric of a place in its existing state and retarding deterioration.
1.7 Restoration means returning the EXISTING fabric of a place to a known earlier state by removing accretions or by reassembling existing components without the introduction of new material.
1.8 Reconstruction means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. This is not to be confused with either re-creation or conjectural reconstruction which are outside the scope of this Charter.
1.9 Adaptation means modifying a place to suit proposed compatible uses.
1.10 Compatible use means a use which involves no change to the culturally significant fabric, changes which are substantially reversible, or changes which require a minimal impact.

Explanatory Notes
These notes do not form part of the Charter and may be added to Australia ICOMOS.

Article 1.1
Place includes structures, ruins, archaeological sites and landscape modified by human activity.

Article 1.5
The distinctions referred to in Article 1.5, for example in relation to roof gutters, are:
- maintenance - regular inspection and cleaning of gutters
- repair involving restoration - returning of dislodged gutters to their place
- repair involving reconstruction - replacing decayed gutters.
**Conservation Principles**

*Article 2.* The aim of conservation is to retain the cultural significance of a place and must include provision for its security, its maintenance and its future.

*Article 3.* Conservation is based on a respect for the existing fabric and should involve the least possible physical intervention. It should not distort the evidence provided by the fabric.

*Article 4.* Conservation should make use of all the disciplines which can contribute to the study and safeguarding of a place. Techniques employed should be traditional but in some circumstances they may be modern ones for which a firm scientific basis exists and which have been supported by a body of experience.

*Article 5.* Conservation of a place should take into consideration all aspects of its cultural significance without unwarranted emphasis on any one aspect at the expense of others.

*Article 6.* The conservation policy appropriate to a place must first be determined by an understanding of its cultural significance.

*Article 7.* The conservation policy will determine which uses are compatible.

*Article 8.* Conservation requires the maintenance of an appropriate visual setting: e.g., form, scale, colour, texture and materials. No new construction, demolition or modification which would adversely affect the setting should be allowed. Environmental instructions which adversely affect appreciation or enjoyment of the place should be excluded.

*Article 9.* A building or work should remain in its historical location. The moving of all or part of a building or work is unacceptable unless this is the sole means of ensuring its survival.

*Article 10.* The removal of contents which form part of the cultural significance of the place is unacceptable unless it is the sole means of ensuring their security and preservation. Such contents must be returned should changed circumstances make this practicable.
Conservation Processes

Preservation

Article 11. *Preservation* is appropriate where the existing state of the fabric itself constitutes evidence of specific cultural significance, or where insufficient evidence is available to allow other conservation processes to be carried out.

Article 12. *Preservation* is limited to the protection, maintenance and, where necessary, the stabilization of the existing fabric but without the distortion of its cultural significance.

Restoration

Article 13. *Restoration* is appropriate only if there is sufficient evidence of an earlier state of the fabric and only if returning the fabric to that state reveals the cultural significance of the place.

Article 14. *Restoration* should reveal anew culturally significant aspects of the place. It is based on respect for all the physical, documentary and other evidence and stops at the point where conjecture begins.

Article 15. *Restoration* is limited to the reassembling of displaced components or removal of accretions in accordance with Article 16.

Article 16. The contributions of all periods to the place must be respected. If a place includes the fabric of different periods, revealing the fabric of one period at the expense of another can only be justified when what is removed is of slight cultural significance and the fabric which is to be revealed is of much greater cultural significance.

Reconstruction

Article 17. *Reconstruction* is appropriate only where a place is incomplete through damage or alteration and where it is necessary for its survival, or where it reveals the cultural significance of the place as a whole.

Article 18. *Reconstruction* is limited to the completion of a depleted entity and should not constitute the majority of the fabric of a place.

Article 19. *Reconstruction* is limited to the reproduction of fabric, the form of which is known from physical and/or documentary evidence. It should be identifiable on close inspection as being new work.

Adaptation

Article 20. *Adaptation* is acceptable where the conservation of the place cannot otherwise be achieved, and where the adaptation does not substantially detract from its cultural significance.
Article 21. Adaptation must be limited to that which is essential to a use for the place determined in accordance with Articles 6 and 7.

Article 22. Fabric of cultural significance unavoidably removed in the process of adaptation must be kept safely to enable its future reinstatement.

Conservation Practice

Article 23. Work on a place must be preceded by professionally prepared studies of the physical, documentary and other evidence, and the existing fabric recorded before any intervention in the place.

Article 24. Study of a place by any intervention in the fabric or by archaeological excavation should be undertaken where necessary to provide data essential for decisions on the conservation of the place and/or to secure evidence about to be lost or made inaccessible through necessary conservation or other unavoidable action. Investigation of a place for any other reason which requires physical disturbance and which adds substantially to a scientific body of knowledge may be permitted, provided that it is consistent with the conservation policy for the place.

Article 25. A written statement of conservation policy must be professionally prepared setting out the cultural significance and proposed conservation procedure together with justification and supporting evidence, including photographs, drawings and all appropriate samples.

Article 26. The organisation and individuals responsible for policy decisions must be named and specific responsibility taken for each such decision.

Article 27. Appropriate professional direction and supervision must be maintained at all stages of the work and a log kept of new evidence and additional decisions recorded as in Article 25 above.

Article 28. The records required by Articles 23, 25, 26 and 27 should be placed in a permanent archive and made publicly available.

Article 29. The items referred to in Articles 10 and 22 should be professionally catalogued and protected.

Words in italics are defined in Article 1.
<table>
<thead>
<tr>
<th>Heritage Source Information Checklist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Woollahra Heritage Study 1984 (and photographs)</td>
</tr>
</tbody>
</table>
| Bondi Junction West Woollahra  
Watsons Bay Conservation Study 1983 |
| National Trust Study |
| * Previous Building Approvals |
| * Previous Development Approvals |
| Rates Books |
| Sands Directory |
| Reference Books |
| Photographs |
| Subdivision Plans |

The sources (*) can be requested from the Land Management Counter. The remainder of the information is available (by appointment) through the local history librarian at Woollahra Library.
APPENDIX 3

Table 1
Differences and similarities of the Hawthornden and Brougham DAs

Table 2
History of proposals (DAs) for the Hawthornden Site and Brougham Sites
APPENDIX 3, TABLE 1: THE SIMILARITIES AND DIFFERENCES OF THE BROUGHAM AND HAWTHORNDEN CASES

<table>
<thead>
<tr>
<th>SIMILARITIES OF THE BROUGHAM &amp; HAWTHORNDEN CASES</th>
<th>DIFFERENCES BETWEEN THE BROUGHAM &amp; HAWTHORNDEN CASES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both proposals were determined in the absence of formal heritage policies.</td>
<td>The “Brougham” proposal was used as a formal policy/clear guideline example since the site had a DCP in the determination of the DA.</td>
</tr>
<tr>
<td>Both applications proposed to make alterations and additions to the heritage buildings and develop their sites for medium density development.</td>
<td>The “Hawthorn den” application proposed to develop the site for residential purposes (units); the “Brougham” application proposed “community uses (aged persons’ units). The “Brougham house” were proposed to use as “long day childcare centre” (adaptation).</td>
</tr>
<tr>
<td>Both proposals supplied a CP to address the proposed work.</td>
<td>The “Brougham” proposal did not provide a fresh CP after the rezoning of the site. Heritage Planner of WMC found the CP is inadequate to address the issues. The CP was used in the determination of the proposal was originally prepared three years ago for another purpose.</td>
</tr>
<tr>
<td>Both decisions were determined by the B &amp; D Committee of WMC.</td>
<td>The “Hawthorn den” proposal was lodged twice and both were refused by WMC. The Land &amp; Environment Court refused the application as well. The “Brougham” application was approved by WMC.</td>
</tr>
<tr>
<td>After the determination of the cases, WMC developed some heritage guidelines and procedures dealing specifically with heritage DAs.</td>
<td>After the court case WMC decided to prepare a DCP for the Hawthorn den site in order to define planning controls for potential proposals in future. Before the DCP came into action, a combined building and development application was lodged for the site by the same applicant to make alterations and additions to the Hawthorn den house and it was approved by WMC.</td>
</tr>
<tr>
<td>The case studies revealed the role of elected members of WMC in the decision making process.</td>
<td>One of the members of the B &amp; D Committee argued that the decision of the Brougham application was given politically.</td>
</tr>
</tbody>
</table>
### APPENDIX 3, TABLE 2: HISTORY PROPOSALS (DAs) BOTH FOR THE HAWTHORNDEN AND BROUGHAM SITES

<table>
<thead>
<tr>
<th>HISTORY OF PROPOSALS (DAs) FOR THE HAWTHORNDEN SITE</th>
<th>HISTORY PROPOSALS (DAs) FOR THE BROUGHAM SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DA 265/69:</strong> It was lodged for the known as 4-12 Roslyndale Avenue, Woollahra and 315 Edgecliff Road, Edgecliff. It was proposed to erect a 15 storey residential flat building comprising 60 units with a cluster of five group houses. The proposal was refused by WMC on 29 September 1970 (Appendix 4a).</td>
<td><strong>Rezoning proposal 1:</strong> On June 1991, the NSW Government’s Property Services Group requested a rezoning to Residential 2(a) or 2(b) to allow uses other than child welfare purposes. On December 1991, WMC resolved not to proceed with the rezoning of the site to residential 2(a) or 2(b) to facilitate disposal of the site (Appendix 12, Report 1).</td>
</tr>
<tr>
<td><strong>DA 30/71:</strong> It was lodged for the land known as 4-12 Roslyndale Avenue, Woollahra and 317-319 Edgecliff Road, Edgecliff. It was proposed to construct two residential flat buildings, one 13 storey and one 16 storey, together with nine town houses. During the process of the DAs the zoning of the land was changed from Residential 2(c) to Residential 2(b), which prohibited multi-storey residential flat buildings. Consequently the proposal was refused on 14 September 1971 (Appendix 4b).</td>
<td><strong>Rezoning Proposal 2:</strong> On 24 December 1991, the Department of Planning advised that it proposed to rezone the site to Residential 2(a) through an amendment to Sydney Regional Environment Plan No.7-Multi Unit Housing: Surplus Government Sites (Appendix 12, Report 2). WMC objected to the amendment and expressed an opinion that consideration of any rezoning should be through the local environmental planning process where local issues as well as regional issues could be adequately addressed (Appendix 12, Report 2).</td>
</tr>
<tr>
<td><strong>DA 171/73:</strong> On 5 September 1973, a further development application was lodged for the erection of 30 town houses in three separate blocks. It was considered by WMC and the State Planning Authority that the design of the houses did not constitute town house development as many units did not have areas of private open space contiguous to them. The proposal was refused by Council. Following Council’s decision, an appeal was lodged to the Local Government Appeals Tribunal; however, it was withdrawn by the applicant.</td>
<td><strong>Rezoning Proposal 3:</strong> In April 1994, a rezoning submission was received by the owner of the land, the Congregation of the Temple Emanuel, for the purpose of a residential development for aged persons’ accommodation and refurbishment of Brougham and use as a child care centre. In June 1994, WMC resolved to prepare a draft local environmental plan (Draft Woollahra LEP 76) to rezone 118 Wallis Street, Woollahra from Special Uses 5(a) (Child Welfare Home) to Special Uses 5(a) (Integrated Housing for Aged Persons/Community Facility). Following the preparation of the local environmental plan to rezone the site, Council resolved that a DCP be prepared to provide detailed provisions for new development on the site.</td>
</tr>
<tr>
<td><strong>DA 26/75:</strong> In 1975, an application was lodged to construct 30 town houses for</td>
<td><strong>DA 282/94:</strong> On 23 December 1994, after the exhibition of the draft DCP, DA</td>
</tr>
</tbody>
</table>
the lands known as 2-12 Roslyndale Avenue and 315 Edgecliff Road. The application was approved, subject to the number of town houses being reduced to 26 with a proportionate decrease of site coverage and subject to the conditions (Appendix 4c).

282/94 was lodged by Citadel Australian Retirement Services on behalf of the owner of the site, Temple Emanuel, for "use of Brougham as a long day child care centre and construction of two buildings of aged persons housing incorporating of thirty 37 units and underground parking" at 118 Wallis Street, Woollahra (Appendix 13c). On 11 March 1996, the application was approved by WMC subject to the conditions (Appendix 17b).

| DA 95/57 | It was lodged on 5 April 1995 for the site known as 6-12 Roslyndale Avenue, Woollahra as "restoration of Hawthornden and Proposed eight units and underground carparking". On 19 June 1995, it was refused by WMC (Appendix 7, Letter 2). Subsequent appeal to the Land and Environment Court by the applicant was concluded as refusal too (Appendix 11a). |
| DA 96/1662 & BA 833/96 | It was lodged on 23 September 1996 for the Hawthornden site for proposed alterations and additions to the heritage item. The consent was granted on 26 August 1997. |
APPENDIX 4
Previous DAs for the Hawthornden site and WMC’s decisions

Appendix 4a
Map of DA 265/69 and WMC’s refusal letter dated 29 September 1970

Appendix 4b
Map of DA 30/71 and WMC’s refusal letter dated 14 September 1971

Appendix 4c
Map of DA 26/75 and WMC’s approval letter dated 16 May 1975 and the development officer’s recommendations to the Building and Health Committee dated 21 April 1975
D/A. 265/69 T:T,

the Principal Planning Officer. 29th September, 1970.

Messrs. Peddle, Thorp & Walker,
Architects,
A.M.P. Building,
Alfred Street,
SYDNEY COVE...2000.

Dear Sirs,

Development Application 265/69 - Residential Flat Building & Group Houses - Nos. 4-12 Roslyndale Avenue & 315 Edgecliff Road, Edgecliff.

With reference to the subject application, I have to advise that the Council, as the responsible authority and at its meeting held 28th instant, refused its consent for the following reasons:

(a) the area occupied by the development and the size and scale of the 15-storey section of the proposed building are considered excessive;
(b) the height of the proposed building exceeds two storeys above the footpath level of Edgecliff Road, as set out in Council's resolution of 24/3/68;
(c) the proposed garage accommodation does not accord with Council's requirements in respect of residential flat buildings;
(d) having regard to the circumstances of the case and in the public interest, it is considered that the proposed development is likely to injure the present and future amenity of the area.

Yours faithfully,

(F.D. Bolin),
TOWN CLERK
per:
14th September, 1971

Principal Planning Officer

M/s. Ludlow Norpe & Alker,
Architects,
26/27 Building,
Woolloomooloo 3205

Dear Mrs,

Development Application 30/71 - Two Residential Flat Buildings
- Town Houses - 6/12 Roslyndale Avenue - 315/319 Edgecliff Road, Edgecliff.

With reference to the subject application I have to advise that the Council, as the responsible authority, at its meeting held 13th inst., refused consent on grounds as follows:

(a) the height of the proposed towers exceeds two storeys above the footpath level of Edgecliff Road, as set out in Council's resolution of 24.3.69;

(b) the proposed use is prohibited under the residential 2(b) zoning in the Woollahra Planning Scheme, as determined by the Minister and as exhibited on 24.2.71;

(c) the proposed development interferes with the views and sunlight of nearby properties and is out of keeping with the predominant present character of the locality and the proposed future character;

(d) could be detrimental to the consideration of Council's Plan for the Woollahra Ridge area now in course of preparation;

(e) having regard to the circumstances of the case and in the public interest, it is considered that the proposed development is likely to injure the present and future amenity of the area.

Yours faithfully,

(D.C. Ford)

Per: [Signature]
Dear Sirs,

Development Application No. DA26/75
Property: 2-12 Roquandale Avenue & 315 Edgecliff Road, Edgecliff.
Proposal: Erection of 30 Three Bedroom Town Houses

I refer to your application for development within the above property, and I have to inform you that the application was considered by the Council at its last meeting.

The Council, in accordance with its powers as the responsible authority under Part XIXA of the Local Government Act, 1919, has granted consent to the application, in terms of the resolution as set out below.

The provisions of the Act are such that the Council is obliged to draw your attention to your right of appeal to the Local Government Appeals Tribunal against any or all of the conditions of consent. Should you be dissatisfied with any condition, it is respectfully suggested that you discuss the matter in the first instance with an officer of the Council's Town Planning Department.

RESOLUTION OF THE COUNCIL

THAT the application DA26/75 be approved, subject to the number of town houses being reduced to twenty-six (26) three bedroom town houses, with a proportionate decrease of site coverage, and subject to the following conditions:

1. Satisfactory evidence being produced by a Landscape Architect in respect of those trees that should be saved.

2. Submission to, and approval by, the Council of a formal Building Application, lodged in accordance with the provisions of Part XI of the Local Government Act, 1919, as amended, and Ordinances thereunder, prior to the commencement of any building works, including demolition or alterations.

3. The permission of the Council being obtained prior to the erection of any advertising material or motif on the subject premises.
4. Details of the proposed method of ventilating the car parks being submitted for approval and where a mechanical ventilation system is proposed; separate applications being made to Council for approval.

5. All internal rooms being provided with approved systems of mechanical ventilation details of which are to be submitted for approval under separate applications.

6. Location of all external ductwork shall be subject to the approval of the Health and Building Surveyors.

7. Adequate provision being made within the premises for effectively reducing the volume of garbage and other household waste by compaction or other approved volume reduction methods, and full details of such volume reduction systems together with details of the necessary garbage storage area being submitted to Council for approval.

8. All compressors and similar equipment used on the site during demolition and/or construction having a noise emission no greater than 75 dB(A) when measured in accordance with the ISO 2151 Standard at a radius of seven (7) metres.

9. The carparks being suitably acoustically treated and details of such treatment being submitted to Council for approval.

10. Amended plans being submitted to and approved by the Town Planning Department, prior to the lodgement of a formal building application.

11. The design of the materials used in the building being to the satisfaction of the Town Planning and Building Departments.

12. A landscape plan being submitted and approved prior to the lodgement of a formal building application, and such plans being at scale 1:100 and containing the following:

(a) details of the existing trees which will be preserved;  
(b) details of proposed landscaped areas;  
(c) details of proposed additional planting;  
(d) details of the treatment of proposed hard standing areas.

13. The proposal complying with Council's code in respect to noise on building sites which is applicable from 1st July 1975. A copy of this code is available at the Council Chambers for a cost of 51.90.

14. The conditions enumerated above being complied with prior to the commencement of the proposed use.

Yours faithfully,

D. C. FORD
TOWN CLERK
We request that the scheme be judged on its merits and in so doing, remind Council of the following:

(a) The site was rezoned from 2(c) to 2(b) during the preparation of the original application.

(b) At that time Council's accepted land area per unit was 2,500 sq. ft.

Should Council require any further information, please notify the architects as we are anxious to obtain approval as soon as possible."

CONSIDERATION

The proposal is for 30 two storey town houses with parking under or adjacent to each town house, with direct access between same. The town houses are orientated in a north-easterly direction and are in row formation on the edge of the ridge escarpment to Roslyndale Avenue and Edgecliff Road at the rear. Basement car parking is provided at two levels with the lower level servicing 20 town houses and the upper level servicing the remaining 10.

Requirements of Council's Residential Flat Building Code

The proposal generally complies with all the requirements of Council's Residential Flat Building Code. "Site coverage of the town houses themselves as calculated by the applicant is 2,225 sq metres, however, Council's figures are in excess of this by approximately 93 sq metres. The applicant has included in his site coverage calculations, a further 238 sq metres where portion of the car park protrudes above natural ground level by more than 1.2 metres (4feet). This provides the applicant with a total site coverage of 2,463 sq. metres (30%). Council's calculated total is 2,556 sq. metres which is in fact 31%. This matter was queried with the applicant and he advised that the site coverage was definitely not in excess of 30% and Council's calculation must be the result of some distortion in the plans. This is quite possible with the dyeline print and a condition could be imposed so that the proposal did not exceed the 30% maximum. A similar situation exists with the plot ratio and could be remedied the same way.

Density

The proposed number of units is in excess of Council's requirements of one unit for every 3250 sq ft of site area. The density of this proposal is one unit for every 2,946 sq. ft of site area. As stated previously, Council on the 18/12/72, resolved that the desirable number of units for the subject site, would be 26. There is a considerable amount of large matured trees on the site. The applicant has stated that this proposal affords the opportunity to retain all the existing trees. However, it is felt that the extensive root pattern that some of these trees would have, their retention may require the reduction in the number of units. The Applicant has requested because of the history of the site, and the time he has spent in negotiations with the Council, in an endeavour to submit both an economical viable proposal and one which would meet the requirements of Council's policies, that some concession should be given in this regard.
The proposal does not comply with Council's requirements for boundary setbacks at one particular point. However, it is felt that this matter could be easily adjusted.

**Car Parking**

Resident Car Parking has been provided at two levels, the lower level which services 20 town houses and the upper level which services the remaining 10. Two spaces have been provided for each town house and are related contiguous to same. The width of the driveway areas within these basement car parking structures is 7.3 metres (24 feet) and the size of the parking bays is 6 metres (19.7 feet) by 3 metres (9.7 feet.) The size of these areas are far in excess of Council's requirements and would provide for easy manoeuvreability of vehicles. Whilst the parking bays at the lower basement car parking level have been provided with a reversing area, for the spaces on the eastern boundary, this is a feature that has not been included in the upper car parking level and a minor adjustment may be required.

The visitors car parking requirement is provided external to the building. However, there is deficit by 3 to the number required under Council's Code. The Applicant has agreed to supply the additional 3 spaces if required by Council.

The Applicant has stated that the driveway leading down to the lower basement area complies with the grades set down in Council's Policy.Whilst this would appear correct from the plans submitted this matter may require further ratification.

**Existing Trees**

The subject site makes up an integral part of the heavily vegetated Woollahra Ridge escarpment. Some of these old, well established trees which are part of the old Hawthornden Garden include four camphor laurels which are about 60' in height and have a spread between 50 and 100 feet. The Applicant has stated that the proposal allows for the preservation of all the existing trees on the site. It is felt that if Council decides to approve the application, that the applicant would need to carry out a detailed survey in order to assure Council of this fact.

**Existing Building**

Hawthornden has been a feature of the Woollahra Ridge Area for a number of years. The old stately building and the surrounding rambling garden while in a state of disrepair at present, has been a landmark of the area. The location of the existing building however, and the fall of the land, would make any preservation proposal extremely difficult and it is doubted if an integral design could be found incorporating the retention of the existing building and the erection of surrounding town houses, if basement car parking and other requirements of Council are to be met. In addition when considering the history of the site, and the previous proposals which have been lodged, it is felt to attempt to preserve the building at this stage, would be unreasonable.
The proposal generally will enable to live in a well planned and undisturbed by external pressures, environment. People are able to develop a sense of belonging and identity. The community would be self-sustaining, providing its own needs.

Looking down from proposed town houses.

Looking up towards proposed town houses.

View of adjacent construction site on Holders Road.
CONSIDERATION OF OBJECTIONS

As sighted earlier there are 15 objections from residents in the area. The major objections appear to come from the people at the bottom of the ridge escarpment and the residents adjoining to the east. Major objections from the people below the ridge is the loss of privacy which will result with these town houses at the top of the ridge. One of the objectors sites, Mr. Grant at 14 Wallaroy Road, was inspected by Council's Officers, in an attempt to establish how the property would be affected. A photo was taken of the residence and a further photo was taken looking up to where the town houses will be located. (See Figure B)

These photos possibly do not do justice to the situation because of the amount of foliage along the top of the escarpment. However, it is considered, that the dwellings could be detrimentally affected by the proposal. However, as it is difficult to establish the boundary of Hawthorndon, because of the ridge escarpment, it is felt that Council's Aldermen may wish to inspect the site and arrangements could be made for the architects to indicate on site the location of the proposed town houses.

The Town House at 317-319 Edgecliff Road will also suffer a loss of view as a result of the proposal.

Environmental Impact Assessment

Pursuant to the State Pollution Control Commission and the Environmental Control Legislation of NSW the Applicant was requested to submit an Environmental Impact Assessment for Council's consideration. This letter reads as follows:

"This review is prepared in support of the amended development application submitted on the 5th February, 1975.

The proposal is for thirty two storey townhouses with parking under or adjacent to each townhouse and direct access between same. The parking has been placed underground to allow for large areas of site to be landscaped for private and communal use.

The proposal is in accordance with Council's 2(b) development with undisturbed usable open space at 47.5% in lieu of the required 40%. Site index is 0.55 in lieu of the allowable 0.6 and the actual site cover/unit is 138 m² in lieu of the allowable 164.16 m².

The development is proposed to be limited to two storeys above natural ground line, therefore reducing the visual impact on the site and leaving uninterrupted views for the existing developments adjoining. This is assisted by the natural slope of the site.

A major factor in the development is the retention of all major trees and the absence of retaining walls on or near adjoining boundaries therefore leaving undisturbed the natural ground lines in these areas.

-83-
BUILDING & HEALTH COMMITTEE 21.4.75

The proposal generally will allow people to live in a well planned and landscaped environment undisturbed by external influences, in relation to noise and privacy, and able to enjoy usable private courtyards and balconies with each townhouse having views of the harbour and foreshores.

The units are positioned to give all courtyards sunshine during the course of the day.

The development will coincide with the opening of the new railway system and is in close proximity to the station. Traffic flow in Roslyndale Ave. which is a no through road will not be materially affected and traffic generated by the development will be accommodated in the site, including turning area for garbage collection.

Many of the units enjoy direct one level ground access from cars to entries making accessibility for handicapped and aged persons more acceptable.

Generally, the development provides ease of access to the site for both vehicular and pedestrian traffic with car spaces and isle widths in excess of Council's requirements and driveways following natural ground levels.

SUMMARY

A brief attempt will be made to summarise the for and againsts of the subject proposal. In support of the application, there are the facts that site coverage would not be in excess of 30%; plot ratio would not be in excess of .55; car parking provides for a maximum amount of vehicular circulation; the access to the dwellings is directly related to the car parking area; the building has been located in sympathy with the existing ground line and the applicant has stated that all the existing trees on the site will be preserved.

Points which are against the proposed development include, Council's resolution of the 18/12/72 that the desirable number of units on the subject site would be 26; the possible destruction of the roots of a number of large and established trees on the site; loss of views to the lower townhouses at 317-319 Edgecliff Road; and the loss of privacy of the residents at the bottom of the ridge escarpment. In order to appreciate the problem and study the affects on adjoining owners, it is felt that the application should be referred to an inspection Committee to observe the positions of the proposed townhouses.

RECOMMENDATION

Therefore, I recommend that the application be referred to the inspection Committee with a view to determining:-

A) (a) the location of the proposed townhouses and the possible affect they would have on adjoining owners.

(b) whether it is considered that a reduction in the number of town houses is required
B) If Council decides to approve the application, it is recommended that the conditions be formulated by the Town Planning Department.

GARY A. SHIELS
DEVELOPMENT OFFICER

Building & Health Committee (21.4.75)

THAT consideration be deferred and the applicant invited to confer with the Town Planning staff with the view to the number of town houses and site coverage being reduced, and all major trees being preserved by ensuring the proposed development will not interfere with the trees during construction or involve removal of the trees after construction.

Council Meetings (30.4.75)
APPENDIX 5
Appendix 5a
Chronological Study of the Hawthornden DAs
Appendix 5b
Chronological Study of the Brougham DA
### APPENDIX 5a: CHRONOLOGY STUDY OF THE HAWTHORNDEN DAs

<table>
<thead>
<tr>
<th>DATE</th>
<th>WHO</th>
<th>EXPLANATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Sep 94</td>
<td>EP</td>
<td>Lodgement DA 94/211 - 6-12 Roslyndale Ave., Woollahra. Documents: Plans, photos, model, statement of environmental effects by Byrnes Assoc., landscape heritage assessment report by LandArc Landscape Arch., Heritage Conservation Study &amp; Comments in relation to various aspects of proposed development by Rod Howard Heritage Conservation P/L.</td>
</tr>
<tr>
<td>5 Oct 94</td>
<td>Council ADJOINING OWNERS RESPONSES</td>
<td>Advertised in the paper &amp; notified 87 neighbours. 27 Letters of objection were received together with a petition signed by 29 people &amp; one letter of support.</td>
</tr>
<tr>
<td>7 Oct 94</td>
<td>26 Roslyndale Ave. - Owner/Occupier</td>
<td>Impact on Hawthornden due to height &amp; mass, increased traffic.</td>
</tr>
<tr>
<td>10 Oct 94</td>
<td>5/317 Edgecliff Rd. Owner/Occupier</td>
<td>Overshadowing, loss of privacy, views &amp; value</td>
</tr>
<tr>
<td>12 Oct 94</td>
<td>313A Edgecliff Rd. Owner/Occupier</td>
<td>Excessive size &amp; height, increased traffic</td>
</tr>
<tr>
<td>13 Oct 94</td>
<td>28 Wallaroy Rd. Owner</td>
<td>Storm water drainage</td>
</tr>
<tr>
<td>13 Oct 94</td>
<td>313A Edgecliff Rd. Managing Agents</td>
<td>Excessive massing &amp; over height, increased traffic</td>
</tr>
<tr>
<td>13 Oct 94</td>
<td>Rod Howard Heritage Conservation P/L</td>
<td>&quot;Comments on relation to various aspects of proposed development&quot;. (prepared by the applicant)</td>
</tr>
<tr>
<td>14 Oct 94</td>
<td>Clive Lucas, Stapleton &amp; Partners P/L Arch. &amp; Heritage Consultants</td>
<td>Detrimental impact on Hawthornden &amp; destroys its settings</td>
</tr>
<tr>
<td>14 Oct 94</td>
<td>7/313A Edgecliff Rd. Owner/Occupier</td>
<td>Loss of views &amp; traffic congestion</td>
</tr>
<tr>
<td>14 Oct 94</td>
<td>5/313A Edgecliff Rd. Owner/Occupier</td>
<td>Excessive mass &amp; height, increased traffic</td>
</tr>
<tr>
<td>16 Oct 94</td>
<td>1/317 Edgecliff Rd. Owner</td>
<td>Height, traffic, loss of views, loss of trees for the tennis court &amp; adversely affects Hawthornden</td>
</tr>
<tr>
<td>17 Oct 94</td>
<td>1/313 Edgecliff Rd. Owner</td>
<td>Size, increased traffic &amp; impact on the garden</td>
</tr>
<tr>
<td>17 Oct 94</td>
<td>319A Edgecliff Rd. Owner</td>
<td>Would dominate Hawthornden, detrimental to the landscape garden, height &amp; traffic</td>
</tr>
<tr>
<td>18 Oct 94</td>
<td>1/317 Edgecliff Rd. Owner</td>
<td>Height, dominates Hawthornden, loss of privacy, increased traffic, dangerous intersection, excavations will endanger Hawthornden</td>
</tr>
<tr>
<td>18 Oct 94</td>
<td>321 Edgecliff Rd. Body Corporate</td>
<td>Obstructs view, loss of privacy, height, minimal setbacks, should be sited on lower part of site, contrary to LEP &amp; DC, increased traffic &amp; impact on trees</td>
</tr>
<tr>
<td>18 Oct 94</td>
<td>8 Wallaroy Rd. -Owner</td>
<td>Loss of privacy, inappropriate scale &amp; height</td>
</tr>
<tr>
<td>18 Oct 94</td>
<td>2 Roslyndale Ave. Owner/Occupier</td>
<td>Height, scale and bulk out of character with neighbourhood, increased traffic noise, fumes &amp; vibration, exhaust fans adjacent to property, loss of views, Caretakers Cottage inappropriate due to loss of privacy, overshadowing, contrary to LEP &amp; DCP</td>
</tr>
<tr>
<td>18 Oct 94</td>
<td>12/321 Edgecliff Rd. Owner/Occupier</td>
<td>Excessive height, loss of sun</td>
</tr>
<tr>
<td>19 Oct 94</td>
<td>6/313A Edgecliff Rd. Owner/Occupier</td>
<td>The mass &amp; height of the building exceeds the statutory requirements</td>
</tr>
<tr>
<td>19 Oct 94</td>
<td>11/317 Edgecliff Rd. Owner</td>
<td>Impact on privacy</td>
</tr>
<tr>
<td>19 Oct 94</td>
<td>Woollahra History &amp; Heritage Society</td>
<td>Will completely dominate the site, diminishing of the present impact of the historic house and its trees</td>
</tr>
</tbody>
</table>
19 Oct 94 14 Roslyndale Ave. - Owner/Occupier
Exit to Roslyndale Ave. too small & constrained, traffic, noise, loss of privacy from gatehouse & impact on landscaping due to tennis court

19 Oct 94 319-G Edgecliff Rd. - Owner
Overshadowing, increased traffic, impact on trees & scale out of character

20 Oct 94 Allen Allen & Hemsley- on behalf of 14-16 Walloray Rd.
Stormwater drainage, height, privacy, setback provisions are not adequate, overshadowing, adverse impact upon vegetation, noise

20 Oct 94 Cedric Carle Arch. on behalf of units 8, 9 & 10 at 317 Edgecliff Rd.
Excessive bulk & height, intrusion onto townhouses & loss of view and privacy

26 Oct 94 Planning Workshop on behalf of 317 Edgecliff Rd.
Excessive height & bulk, overshadowing, loss of views & privacy

1 Nov 94 10/317 Edgecliff Rd. - Owner/Occupier
Loss of trees, excessive height, loss of value & increased traffic

4 Nov 94 Humphrey & Edwards Architects
Letter of support- the relationship of the proposed building to Hawthorneden is well resolved & the maintenance of space around the house preserves its environment superbly

10 Nov 94 12 Walloray Rd.- Body Corporate
Stormwater runoff net reduced

10 Nov 94 8/311B Edgecliff Rd.
Increased traffic & noise, loss of trees, slip potential, increased drainage, loss of value & threat to heritage

REFERRALS
23 Sep 94 Town Planner
Referral to Area Health Inspector

23 Sep 94 Town Planner
Referral to Area Building Inspector

23 Sep 94 Town Planner
Referral to Area Engineer

14 Oct 94 Town Planner
Referral to Tree Officer

20 Oct 94 Woollahra Council, Applicant, Owner & Public (14 & 20 Roslyndale Ave., US Consulate
Meeting Re: Drainage

24 Oct 94 Memo from Area Building Inspector
Building Section raises no objection to the proposal in principle, though some concerns has been raised which need to be addressed prior to issuing of consent.

25 Oct 94 Memo from Fire Protection Officer to Area Building Inspector
More detailed conditions shall be required at BA stage.

28 Oct 94 Memo from Area engineer
Essential Services Schedule is listed in the report.

Engineering Department raises no objection to DA 94/211 in relation to offstreet parking, manoeuvring space provided, access and traffic generation resulting from the development. However, the development application should not be approved until the issue of stormwater drainage of the site via gravity is resolved.

3 Nov 94 Wentworth Courier
Article about "Hawthorneden" application: "Heritage Jeopardy"

4 Nov 94 Memo from Trees Officer
A special consideration should be given to the historic value of "historic kitchen garden" of the property prior to approval of the tennis court at the proposed location.
The DA affects several trees growing within the property. The proposed works are to be re-designed to allow for the successful retention of the trees.

7 Nov 94 LandArch Landscape Architects
Report aims to review issues been raised (Landscape consultants, Mitchell+Blanche’s objections on behalf of 14-16 Wallaroy Rd., Double Bay and the neighbouring units along the western boundary) and provide further detailed information in support of the proposal.
<table>
<thead>
<tr>
<th>Date</th>
<th>Author</th>
<th>Action/Content</th>
</tr>
</thead>
<tbody>
<tr>
<td>7 Nov 94</td>
<td>Town Planner</td>
<td>Letter to the applicant re: drainage issues</td>
</tr>
<tr>
<td>8 Nov 94</td>
<td>Heritage Council of NSW</td>
<td>Wants to get informed of the progress of the application.</td>
</tr>
<tr>
<td>9 Nov 94</td>
<td>Town Planner</td>
<td>Report to UCAC meeting held on 9/11/94 seeking heritage comments of the Committee on the proposal.</td>
</tr>
<tr>
<td>9 Nov 94</td>
<td>UCAC</td>
<td>Resolution of the meeting: The Committee deferred the application &amp; requested that the landscape study circulated and a site inspection arranged.</td>
</tr>
<tr>
<td>11 Nov 94</td>
<td>Jeffery &amp; Katauskas P/L</td>
<td>Geotechnical Report for the proposed development.</td>
</tr>
<tr>
<td>16 Nov 94</td>
<td>Renzo Tonin &amp; Associates P/L</td>
<td>Report on the impact of traffic noise expected from the proposed car park access ramp for the development.</td>
</tr>
<tr>
<td>17 Nov 94</td>
<td>Woollahra Council</td>
<td>Letter to the applicant: Amended plans need to be submitted incorporating the following:</td>
</tr>
<tr>
<td>Nov 94</td>
<td>Colston Budd Hunt &amp; Twiney P/L</td>
<td>Amended Plans, Landscape plans &amp; report and heritage conservation report according to the amended plans:</td>
</tr>
<tr>
<td>2 Dec 94</td>
<td>Applicant</td>
<td>- Foothpath &amp; steps have been deleted, the gatehouse and tennis court have also been deleted from amended proposal.</td>
</tr>
<tr>
<td>5 Dec 94</td>
<td>National Trust</td>
<td>- No car parking within the basement area of the existing house and existing garage structure has been altered from its original configuration.</td>
</tr>
<tr>
<td>6 Dec 94</td>
<td>Town Planner</td>
<td>- The design of the proposed RFB has been modified in terms of its bulk and scale and its likely visual impact on the existing building.</td>
</tr>
<tr>
<td>21 Dec 94</td>
<td>Applicant</td>
<td>- The scale and bulk of the proposed building in its current form will dominate Hawthornden and compromise its setting.</td>
</tr>
<tr>
<td>7 Dec 94</td>
<td>Woollahra Council</td>
<td>- It is essential that any work approved for the site be conditional upon a serious commitment to conservation works to significant fabric at Hawthornden. Significant fabric of Hawthornden urgently requires care to retain and regain its value for the future.</td>
</tr>
<tr>
<td>7 Dec 94</td>
<td>ADJOINING OWNERS</td>
<td>Referral of the National Trust’s comments to the applicant.</td>
</tr>
<tr>
<td>7 Dec 94</td>
<td>RESPONSES FOR THE AMENDED PLANS</td>
<td>Heritage reports for Hawthornden from Rod Howard &amp; Godden Mackay P/L to refer The National Trust’s comments.</td>
</tr>
<tr>
<td>7 Dec 94</td>
<td>20 Walloray Rd.- American</td>
<td>Amended Plans advertised</td>
</tr>
<tr>
<td></td>
<td></td>
<td>17 Letters of objection were received together with a petition signed by 26 people.</td>
</tr>
</tbody>
</table>

Very much concerned about stormwater drainage.
Deletion of gatehouse & tennis court address objections; excess however still unacceptable; garbage collection and noise concern.

Concerned about proximity of development to northeastern boundary and the stability of the cliff.

Height exceeds the code; dominates Hawthomden; loss of privacy and sunlight; increased traffic and stormwater; extensive excavation and impact on trees.

Very much concerned about stormwater drainage.

Replicates previous objection; reduction of bulk is only minimal.

Replicates previous objections; the reduction in overall height leads to increased height in other areas; no serious attempt to address the concerns.

Replicates previous objections; Bulks, location and pedestrian entry to unit 8 unacceptable; excess height limit; impact on privacy; detrimental impact on Hawthomden.

Replicates previous concerns; reduction in height is minimal; setbacks; no shadow analysis on 14-16 Walloray Rd.; concerned about cliff.

Excessive height and bulk; loss of view and privacy; shadow impact and incompatible with the surrounding area.

Height & size will cause overshadowing; loss of privacy and value; increased traffic and congestion.

Letter to the applicant re: stormwater drainage "Details of your intended stormwater treatment needs to be addressed and forwarded to Council."

Strongly objects to the proposal.

Memo for stormwater drainage system: A stormwater management plan has been submitted. Approval of the stormwater drainage system is granted subject to:
- two outlets being installed at Roslyndale Ave.,
- the discharge being limited to a maximum of 50 l/s

Environmental Planning Assessment Report (The statement considers the submissions from Woollahra Council, The National Trust & the submissions from adjoining neighbours)

Comments on amended details:
- The landscape proposal for the property is satisfactory however, further investigation is required for the heritage listed Bunya Pine for the proposed excavation work.

Stormwater drainage: oppose any development of Hawthomden unless a means of drainage is found that does not involve 28 Walloray Rd.

Copies of drawings (submitted to Council 29/11/94) showing existing drawings in relation to proposed driveway.

Replicates previous concerns; no amendments have been made.
<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Mar 95</td>
<td>10/317 Edgecliff Rd.</td>
<td>Council members have not visited the premises although they have been invited in Nov. It would be a great concern if Council were to proceed to a decision on the application without having fully considered the extend of objections lodged.</td>
</tr>
<tr>
<td>2 Mar 95</td>
<td>20 Walloray Rd (American Consulate)</td>
<td>Can not grant the easement for the stormwater drainage problem unless the engineering drawings and extra information show that there will be no detrimental effect to the Consulate.</td>
</tr>
<tr>
<td>6 Mar 95</td>
<td>National Trust</td>
<td>Comments for the amended drawings: - the proposal will still dominate Hawthornden (late correspondence)</td>
</tr>
<tr>
<td>6 Mar 95</td>
<td>Building &amp; Development Committee, Woollahra Council</td>
<td>Report was presented to the Committee and is considered unsatisfactory in respect of its height and consequent impact on adjoining owners. That Council, as the consent authority refuse development consent for the reasons as listed in the letter to the applicant (below).</td>
</tr>
<tr>
<td>6 Mar 95</td>
<td>Woollahra Council</td>
<td>Letter to the applicant: - the development application has been determined by refusing of consent for the following reasons: - proposal exceeds height limit &amp; has a detrimental impact on adjoining residents by way of loss of view and visual massing; - scale, bulk and height of the development is unsatisfactory; - circumstances of the case and the public interest.</td>
</tr>
<tr>
<td>6 Mar 95</td>
<td>Applicant</td>
<td>Letter to the Council: request to defer the application to a later date of B&amp;D meeting so that some of the issues can be solved with a amended plan (after see the report for recommendation for the refusal) (late correspondence)</td>
</tr>
<tr>
<td>13 June 95</td>
<td>Leacock &amp; Massey Solic. &amp; consultants (on behalf of the applicant)</td>
<td>Appeal to Land &amp; Environment Court against refusal of development application (DA 94/211)</td>
</tr>
<tr>
<td>5 Apr 95</td>
<td>EP</td>
<td>DA 95/57- Restoration of “Hawthornden” &amp; Proposed Eight (8) Units and underground carpark</td>
</tr>
<tr>
<td>10 Apr 95</td>
<td>Town Planner</td>
<td>Memo to Tree Officer on proposed landscape plans</td>
</tr>
<tr>
<td>10 Apr 95</td>
<td>Town Planner</td>
<td>Memo to Engineering Dept. for the new proposal</td>
</tr>
<tr>
<td>10 Apr 95</td>
<td>Town Planner</td>
<td>Memo to Health Department</td>
</tr>
<tr>
<td>12 Apr 95</td>
<td>Woollahra Council</td>
<td>Advertised the proposal as previously + objectors for the previous application</td>
</tr>
<tr>
<td>24 Apr 95</td>
<td>Godden Mackay P/L for the applicant</td>
<td>Heritage Report</td>
</tr>
<tr>
<td>24 Apr 95</td>
<td>Engineering Dept., Woollahra Council</td>
<td>Dept. does not have objection to the approval of the DA subject to conditions listed in the report.</td>
</tr>
<tr>
<td>24 Apr 95</td>
<td>Health Dept., Woollahra Council</td>
<td>Recommendation for approval subject to conditions listed in the report.</td>
</tr>
<tr>
<td>20 Apr 95</td>
<td>ADJOINING OWNERS RESPONSES</td>
<td>16 objections &amp; a petition signed by 27 persons.</td>
</tr>
<tr>
<td>21 Apr 95</td>
<td>12/321 Edgecliff Rd.</td>
<td>Excessive bulk, loss of privacy and increased traffic too much traffic, loss of heritage, loss of views and privacy</td>
</tr>
<tr>
<td>21 Apr 95</td>
<td>20 Walloray Rd. (American</td>
<td>Concerned for detention tank on escarpment (a large</td>
</tr>
</tbody>
</table>

- proposed to take into account objections from neighbours re: height, loss privacy and removal of historic trees.
<table>
<thead>
<tr>
<th>Date</th>
<th>Address</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 Apr 95</td>
<td>319A Edgecliff Rd.</td>
<td>Holding tank for stormwater drainage in the current drawings. Proposed development will destroy the site; height reduction is minimal; Hawthomden and its garden settings will be destroyed; creates dangerous traffic conditions; National Trust concerns.</td>
</tr>
<tr>
<td>23 Apr 95</td>
<td>1/317 Edgecliff Rd.</td>
<td>Exceeds height limit, new building will dominate Hawthomden (it is also listed heritage item); loss of light and privacy; increased traffic &amp; detention basin relates to mechanical solution.</td>
</tr>
<tr>
<td>24 April 95</td>
<td>5/317 Edgecliff Rd.</td>
<td>Amendments not substantial, exceed height limit, too close to townhouses; loss of heritage value; detention tanks inappropriate and close to cliff; increased traffic and design ugly.</td>
</tr>
<tr>
<td>24 Apr 95</td>
<td>28 Walloray Rd.</td>
<td>Concern about stormwater drainage</td>
</tr>
<tr>
<td>25 Apr 95</td>
<td>2 Roslyndale Ave.</td>
<td>Still exceeds height limit</td>
</tr>
<tr>
<td>26 Apr 95</td>
<td>Ingham Planning on behalf of</td>
<td>Too close to townhouses; still unreasonably high; loss of views. Proposal will dominate Hawthomden &amp; detract from setting.</td>
</tr>
<tr>
<td>26 Apr 95</td>
<td>Woollahra History &amp; Heritage</td>
<td>Impact now greater because it is closer; loss of sunlight and privacy; over-reasonable height; increased traffic noise, pollution and loss of property value.</td>
</tr>
<tr>
<td>26 Apr 95</td>
<td>10/317 Edgecliff Rd.</td>
<td>Deletion of garage and gatehouse satisfactory; addresses there will be no reconsideration for previous objections to use of garage as caretaker’s cottage; no restructuring of exit to Roslyndale Ave. &amp; to collection of “garbage” also concerned about stormwater tank.</td>
</tr>
<tr>
<td>27 Apr 95</td>
<td>14 Roslyndale Ave.</td>
<td>Dominate Hawthomden; height exceeds limit; loss of views, privacy and height; increased traffic; increased stormwater runoff.</td>
</tr>
<tr>
<td>27 Apr 95</td>
<td>319C Edgecliff Rd.</td>
<td>Impact on escarpment; inadequate setbacks; loss of privacy; visual impact; destruction of bamboo; noise impact; height of wall on boundary; shallow stormwater detention tank; future subdivision impact.</td>
</tr>
<tr>
<td>27 Apr 95</td>
<td>Allen Allen &amp; Hemsley on</td>
<td>Loss of views and light; increased traffic; excavation may endanger tree roots; support National Trust’s views; height exceeds limits; increased stormwater runoff.</td>
</tr>
<tr>
<td></td>
<td>behalf of 14-16 Walloray Rd.</td>
<td></td>
</tr>
<tr>
<td>27 Apr 95</td>
<td>319G Edgecliff Rd.</td>
<td>As previously stated; - it is ideal no further development to take place on the site. - Hawthomden is properly conserved under the supervision of an experienced heritage architect, - existing trees proposed to remain and new plantings will be essential to soften the impact of the building on Hawthomden. New proposal is considered a substantial improvement in regard to its formal relationship to Hawthomden and proposed a 'quieter' elevational treatment is considered to be more appropriate as a companion to the main elevation of Hawthomden than the previous scheme.</td>
</tr>
<tr>
<td>28 Apr 95</td>
<td>The National Trust of Australia</td>
<td></td>
</tr>
<tr>
<td>28 Apr 95</td>
<td>Cedric Carle on behalf of</td>
<td>Overbearing bulk; loss of height minimal</td>
</tr>
<tr>
<td></td>
<td>units 7,9 &amp; 10 at 317 Edgecliff Rd.</td>
<td></td>
</tr>
<tr>
<td>8 May 95</td>
<td>Jeffery &amp; Katauskas P/L</td>
<td>Geotechnical Report for the proposal</td>
</tr>
<tr>
<td>9 May 95</td>
<td>Corporate Services, Woollahra</td>
<td>Memo to Land Management Dept.:</td>
</tr>
</tbody>
</table>
Council

Petition (signed by 71 people) tabled from residents of the Municipality, concerning DA 95/57 tabled by Councillor Petrie.

10 May 95 Town Planner Report to UCAC to ask Committee’s comments on new proposal.

24 May 95 Tree Officer Comments on new plans:
- 4 meters setback from trunk of heritage listed Bunya Pine (excavation for carpark entry) is not acceptable, a minimum setback should be 7 meters;
- proposed stormwater retention pit may adverse impact on trees on the site. Effects and possible solutions should be assessed.

26 May 95 Clover Moore MP Support the objections made by neighbouring residents.

5 Jun 95 Town Planner Report to be present to B&D Committee Meeting: Recommendation: Consent be granted subject to conditions listed in the report.

5 Jun 95 B and D Committee Resolution: Matter be referred to the Inspection Committee Meeting to be held on 7/6/95.

7 Jun 95 Inspection Committee Resolution: The matter be referred back to the B&D Committee for a further report and an Interim Conservation Order be lodged over the “Hawthomden” estate as matter of urgency.

7 Jun 95 14 Roslyndale Ave. Late correspondence - objection on traffic issues.

8 Jun 95 28 Walloray Rd. Concerned about illegal use of the stormwater pipe.

9 Jun 95 Woollahra Council Letters to objectors to inform them of the resolution of Inspection Committee Meeting.

13 Jun 95 Woollahra Council Letter to 28 Walloray Rd. regarding his concerns.

14 Jun 95 Director of Land Management Memo to Manager of Strategic Dept. regarding taking action to have the Interim Conservation Order put in place.

19 Jun 95 Administration Office Memo to Director-Land Management re: Council Meeting’s resolution on Hawthomden:
That the petition (presented on 13 of June) and considered by B&D Committee in conjunction with the DA for Hawthomden.

19 Jun 95 Report to B&D Committee by Director-Land Management Mentions Inspection Committee’s resolution, neighbours concerns and repeats the same recommendation made in last meeting’s report.

21 Jun 95 Leacock & Massey Solicitors Appeal to Land & Environment Court against deemed refusal of DA 95/57.

26 Jun 95 B and D Committee Resolution: Council refuse development consent for the following six conditions:
- proposed development will have detrimental impact on the heritage significance of the item and the site as a whole;
- its position and proximity to the cliff line would result in damage to and loss of the natural cliff face;
- would result in loss of views to adjoining properties;
- would result in an inequitable “subdivision” of the land between the proposed development and Hawthomden;
- it is considered to be an overdevelopment;
- the circumstances of the case and the public interest.

26 Jun 95 Woollahra Council Resolution letter to the applicant.

27 Jun 95 Woollahra Council Letters to objectors for Council decision on proposal.

10 Jul 95 Woollahra Council Council’s application to Heritage Council for an interim conservation order for Hawthomden.

13 Jul 95 Town Planner Fax to Council’s Solicitors: She is concerned about
13 Jul 95  | Heritage Council of NSW
17 Jul 95  | 12 Walloray Rd.
20 Jul 95  | Woollahra Council
24 Jul 95  | Sly & Weigall
3 Aug 95   | Sly & Weigall
7 Aug 95   | Clive Lucas- Heritage Consultants
21 Aug 95  | Sly & Weigall
4 Sep 95   | Sly & Weigall
6 Sep 95   | Clive Lucas, Stapleton P/L
19 Oct 95  | Deacons Graham & James (Council’s solicitors)
1 Nov 95   | Land & Environment Court
10 Nov 95  | 10/317 Edgecliff Rd.

the respondent’s (Woollahra Council) issues will be raised in the court proceedings (the difference in the ‘issues’ & the correlation with the reasons for refusal). Acknowledgement letter for the Council’s recent nomination under Heritage Act.

Concerned about retaining wall on the boundary of Hawthorneden and 12 Walloray Rd.

Letter to 12 Walloray Rd. to inform them the Council’s decision on the proposal and the appeals by the applicant.

24 Jul 95 Sly & Weigall

Letter to Town Planner: Statement of issues (respondent raises at the court) listed and recommends a heritage consultant be retained to address the issues 2 & 5 which are: "The proposed development would have a detrimental impact on the heritage significance of Hawthorneden and the site as a whole" & "The location of the proposed development would result in an inequitable division of the site as between the proposed development and Hawthorneden".

Letter to Town Planner re: approaches to heritage consultants for their support Council on heritage issues.

3 Aug 95 Sly & Weigall

Confirmation from Clive Lucas for his company’s support Council on heritage issues at the court.

Matters arose after a site meeting with Council’s solicitor, Council’s expert witness and heritage consultant. Issues are: Scale, bulk and location; heritage issues; cliff line stability, loss of vegetation, sight lines and privacy; issue of drainage; issue of trees and subdivision history.

4 Sep 95 Sly & Weigall

Letter to Woollahra Council re: attached letter sent to applicant’s solicitor to provide information at court; enclosed response from applicant’s solicitors & search on subdivision history of the site.

6 Sep 95 Clive Lucas, Stapleton P/L

“Assessment of Significance” (draft) prepared for Woollahra Council. Report to provide historical brief of Hawthorneden and a discussion of its cultural significance for the court case.

19 Oct 95 Deacons Graham & James (Council’s solicitors)

A copy of a Notice to Produce served to them. Asks to Council to get files.

1 Nov 95 Land & Environment Court

Record of Hearing: The court orders: the appeal be dismissed, DA 95/57 be refused consent.

Thanks Council for the result of the case & asks progress of the proposed conservation order on Hawthorneden.

10 Nov 95 10/317 Edgecliff Rd.
### Appendix 5b: CHRONOLOGICAL STUDY OF THE BROUGHAM DA

<table>
<thead>
<tr>
<th>DATE</th>
<th>WHO</th>
<th>EXPLANATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>26 Apr 94</td>
<td>GB on behalf of “The Congregation of the Temple Emanuel”</td>
<td>- Rezoning application: From “Special use 5(a) Child Welfare Home” to “Special use 5(c) Integrated Residential/Community Uses”</td>
</tr>
<tr>
<td>29 Sep 94</td>
<td>Community &amp; Environmental Planning-WMC</td>
<td>- Draft Local Environmental Plan No: 76- 118 Wallis St, Woollahra. Recommended:</td>
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<tr>
<td></td>
<td></td>
<td>- Draft LEP be forwarded to the Dept. of Plan. for its assessment;</td>
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<td></td>
<td>- Council recommends to the applicant to prepare a full analysis of existing traffic and parking conditions within the immediate area of site;</td>
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<td>- Council recommends the proposed “building envelope” and “building guidelines” should be amended;</td>
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<td></td>
<td></td>
<td>- Council will prepare a Development Control Plan for the site.</td>
</tr>
<tr>
<td>24 Nov 94</td>
<td>WMC</td>
<td>The draft DCP was placed on public exhibition for the period of 24 Nov-22 Dec 1994.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>A total of 15 submissions was received during the exhibition period.</td>
</tr>
<tr>
<td>22 Dec 94</td>
<td>Owner-11 Woods Ave.</td>
<td>Issues like setbacks, height, privacy, traffic and noise etc. have to be considered in the preparation of the DCP.</td>
</tr>
<tr>
<td>23 Dec 94</td>
<td>Citadel Australian Retirement Services (Applicant)</td>
<td>DA 282/94</td>
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<tr>
<td></td>
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<td>- Use of existing building (Brougham) as a long day child care centre;</td>
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<td></td>
<td>- 37 aged persons' housing units with basement car parking.</td>
</tr>
<tr>
<td>6 Jan 95</td>
<td>WMC</td>
<td>Acknowledgement letters to owner &amp; to applicant after the DA has been received.</td>
</tr>
<tr>
<td>6 Jan 95</td>
<td>Health Inspector’s report</td>
<td>Recommendation for approval subject to conditions.</td>
</tr>
<tr>
<td>11 Jan 95</td>
<td>UCAC Meeting</td>
<td>The Draft DCP was referred to the Committee. (Find the following comments were provided in UCAC report which the meeting was held at 20/12/95.)</td>
</tr>
<tr>
<td>18 Jan 95</td>
<td>WMC</td>
<td>Application advertised in the local newspaper &amp; 33 adjoining owners have been notified.</td>
</tr>
<tr>
<td>19 Jan 95</td>
<td>Project’s Engineer’s Report</td>
<td>Recommendation for approval subject to the condition</td>
</tr>
<tr>
<td>20 Jan 95</td>
<td>WMC</td>
<td>Letter to the applicant re: DA 282/94 would not be able to assessed formally till the DCP for the site is completed and endorsed by Council as policy.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ADJOINING OWNERS RESPONSES</td>
</tr>
<tr>
<td>22 Jan 95</td>
<td>Owner/Occupier-18 Woods Ave.</td>
<td>- Very much concerned about the setback of Block A from her property.</td>
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<td></td>
<td>- Block A has to be diminished in size and height</td>
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<tr>
<td></td>
<td></td>
<td>- Extra traffic and noise. (The area has already the Temple Emanuel Kindergarten for 60 children using Woods Ave. and Wallis St. to drop them off and picked them up every day.)</td>
</tr>
<tr>
<td>25 Jan 95</td>
<td>Owner/Occupier-18 Woods Ave.</td>
<td>Second letter: - Block A is totally unreasonable;</td>
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<tr>
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<td></td>
<td>- All adjoining property owners should be treated equally by the client; (especially in terms of setbacks)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Block A should have the same pitched roof as Block B;</td>
</tr>
</tbody>
</table>
- Both blocks should be of the same height and be set back the same distance from Brougham’s boundaries.
- Proposed development will accelerate the existing traffic problem; (parking on Woods Ave and Wallis Street for the Temple Emanuel Kindergarten)
- Criticises the only entrance and exit for the complex through Wallis St.
- The rights to privacy of the residents of Woods Ave. along the development boundary have been ignored.
- Sitting of the units; height and setback; appearance of Brougham (heritage); parking, loss of privacy and loss of value.
- Inadequate car parking for visitors and employees involved in the complex and childcare centre.
- Loss of sun and privacy. Block A should be reduced by one storey and removed 4.5 metres east (i.e. same as Block B, 6 meters from Brougham’s western boundary);
- The rear lane access to Nelson lane is to be built over. This will create a fire trap for Block B.
- Woods Ave. is already overcrowded by the traffic of existing kindergarten. The addition of visitors vehicles to Brougham will create serious traffic problem.
- Concerned about extra traffic, noise and parking.
- Proposed development is too large for the available parking capacity and too large a coverage of the site and are not keeping with the nature of the buildings in the area;
- Extra traffic problem and need for a simpler underground car parking.
- Objects to the entire concept of the proposed development;
- Development is destroying the heritage significance of terrace houses (112-116 Wallis St. They are well documented as being of more heritage importance than Brougham.)
- Roof design, set backs, loss of privacy and stormwater drainage.
- An agreement between owners of 4 & 6 Nelson St and the applicant that prohibits construction on the land to the north east corner of the site. The plans are in direct contravention of that agreement.
- Too big for the site;
- Impact on parking and vehicular movement.
- Residences of Woods Ave. should be afforded equal consideration as Brougham during the design of any development within the Wallis St. site. (point out heritage significance of terrace houses in Woods Ave.)
- Strongly objects the justification of the design of the development (trees do not provide a solid screen wall between Woods Ave. properties and the development site).
- Block A does not comply with the DCP’s proposed boundary set backs;
- Proposed development does not comply with the Council car parking code.
**Memo from the Mayor to the Director of Land Management**

- Re: A copy of objection letter been sent to Councillor Leach by owner of 15 Woods Ave. (the letter been also sent to Council).

**Owner/Occupier-12 Woods Ave.**

- Possible effects of the proposal on Woods Ave. and Wallis St. heritage building have not been considered (those buildings have greater historical importance than Brougham);
- Height and car parking requirements are not satisfactory;
- Shadowing, safety (access for fire fighting and recent actions to Jewish community like bomb blasts and fire).

**Community and Environmental Planning Committee**

A report which has considerations of submissions received during the exhibition of the draft DCP and the DCP is presented in its final form for adoption by Council.

**The DCP for the site was approved by WMC on 22 May 1995 and came into force on 31 May 1995.**

**Amended Plans referred to Health, Building and Engineering Dept. (parking, traffic and also to the tree officer) and to Heritage Planner to their comment.**

**Health comments on amended plans: It refers to the previous report and recommendation for approval.**

**Amended plans have been advertised and 36 adjoining neighbours have been notified.**

**Tehn. Services Dept. has no objection to the approval of DA subject to conditions listed on the report.**

Briefly, number of off street parking spaces provided is adequate and satisfies the requirements of SEPP5 and Council’s Car Parking Code.

According to the traffic study and engineer’s commend it is considered that the traffic generated from the site and its impact on the surrounding street network and the intersection of Wallis St. and Nelson St. is not significant and should not be a concern.

(See the report for the other conditions.)

**General amendments to the plans:**

- reduced on floor space by 1133.7 sq m;
- reduction in the height of development to comply with 9.5 m limit;
- inclusion of a conservation plan for Brougham;
- greater setbacks to the northern and north western boundaries;
- incorporation of a roof terrace into the design of Block A;
- increase in the number of units to 38 and redesign of the car parking area.

(Applicants satisfied that the traffic impact from the

---
development will be minimal and confined to the property boundary, particularly in terms of parking.)

- Area is already crowded, traffic is a problem now and will be worsened with the development and there are already a hospital, childcare centre, kindergarten and a church in the neighbourhood.
- Very much concerned about the ventilation grill on the north side the western boundary of Block A. Concerned about air pollution and noise pollution.
- Development still too large and will effect on her privacy.
- Development is out of character of the area and contradictory to the heritage conservation;
- Traffic problem will increase and can be unsafe for elderly and children.
- Block B is still under 4 meters from the boundary. Sewerage line will be affected by development. Sitting of development will adversely affect any servicing or maintenance to the system.
- No surface finishes are mentioned in the proposal;
- The parking problem and extra traffic generated by the childcare centre has not been satisfactorily addressed in the proposal.
- Concerns regarding noise, loss of privacy and loss of value still remain. The proposal has at least addressed the problem of blockishness and unsuitability to the neighbourhood.
- The development still destroys the significance of the Woods Ave. terrace houses;
- Proposed roof line of Building A does not show much of a pitched roof line;
- Setbacks are still not satisfactory; privacy, shadowing and there is no documents for stormwater and sewer lines.
- Does not comply with the DCP; it is insensitive to residents in neighbouring properties and to the historic significance of these properties.
It is lack of scale to existing Wallis St. developments; loss of visual privacy; is totally out of scale and sympathy with surrounding development; does not comply with the Council’s setbacks;
- inadequate submission on significant trees and inadequate assessment of traffic problems.
- Concerned about the environmental impact that the dev. will cause to the heritage area; developers ignore the significance of the Wallis St. and Woods Ave. houses. (Those houses are more historically important than Brougham)
- Dev. is very high and dominates Brougham and will
worsen the traffic problem of the area.
Letter to the Mayor: Refers to her letter been sent to
the town planner's attention.
Letter to the Mayor:
Concerned bulk and the scale of the development; concerned about the historic significance of the houses
in Wallis st. and Woods Ave. (They have much more
heritage significance than Brougham and the dev. does
ignore those heritage houses.)
- loss of privacy; loss of sun; loss of north-easterly
breeze; loss of feeling of openness and space.
Letter to the area planner re: Woods Ave residents
with the architect:
- Architect promised the trees would be retained. He
also said he will recommend the below issues to his
client:
Vent to be relocated away from residence of Woods
Ave.; all trees to remain; no area of Block A will be
3.5 storeys high.
Letter to the Mayor: Same letter sent to the area
planner (see above letter dated 4 Dec 95).
-Woods Ave. houses have a higher heritage listing
than Brougham. Development gives them no
consideration;
- Privacy of the residents of Woods Ave. have been
ignored;
- Development ignores the traffic problem. an
independent traffic impact study of the area should be
done. A single entrance and exit into Wallis St. is also
danger in the event of fire;
- There is an urgent need for an independent heritage
report on the houses of Woods Ave.
8 Dec 95
Mark Bullen & Assoc. P/L acting on behalf of
owner/occupier-12 Woods Ave.
- Heritage value: Development does not give any
consideration to Woods Ave. houses. The heritage
character and value of Woods Ave. will be
compromised by the Wallis St. development.
- Loss of amenity: over-shadowing, overlooking, bulk
and scale, noise, traffic.
Report points out that little has changed with the
amended plans to satisfy previous objections.
- Loss of heritage value of Woods Ave. terrace
houses;
- Over-shadowing, loss of privacy; bulk and scale,
traffic; emergency vehicle access and fire fighting.
10 Dec 95
Diane Bernstein Design P/L on behalf of Owner-13 Woods Ave.
Letter to National Trust to refer the amended plans for
their comments.
Letter to Heritage Branch, Dept. of Plan. to refer
amended plans for their comments.
13 Dec 95
WMC
13 Dec 95
WMC
14 Dec 95
Site meeting with town planner
and residence and owners of
Woods Ave. and Wallis St.
houses at 15 Woods Ave.
Matters addressed (in open discussion):
- Tree replacement - Camphor Laurel
- Height of Block A and setback required: DCP
requirement setback possible between 3.5-4.5 m;
- Brougham & building curtilage established in DCP
and identified area of site for development;
- Retention and protection of significant trees;
- Vehicular access - safety- possible pedestrian access
from Nelson St. to Brougham & Child care centre;
- Site R.L. S- explained site survey map and max.
hight (Explanation of general planning process for
this DA from site rezoning to DCP and to DA;
- Elevation to Woods Ave. - needs to be sympathetic -
ensure reasonable privacy to adjoining props.
Point of concern as result of on site meeting:
1- stability of site (118 Wallis) at boundary adjoining
(116 Wallis) given discussion with the owner of 116
Wallis;
2- Height of Block A and Block B exceeding height of
Camphor Laurel trees and that is being visible in
elevation behind props. of Woods Ave.;
3- Treatment - corner treatment of Block A at
boundary to 116 Wallis St.
4- canopy from Camphor Laurel trees on Woods Ave.
props. very dense - only privacy problem where trees
have been pruned at lower limbs, and where most
-growing at 116 and 118 Wallis;
- possibility for ped. access for child care centre only
on Nelson St.;
- concerns of local residents of traffic speeds may
need to look at local traffic calm in. devices.
Conservation Report referred to under section 4.3 of
the Statement of Environmental Effects.
Letter to town planner: Result of meeting between
arch. and Woods Ave. residents:
- existing Camphor Laurel trees on the Western
boundary be retained;
- relocation of carpark air grille further away from the
boundary;
- No part of Block A would be more than 3.5 storeys
high;
- Owner of 116 Wallis St. assured us that unless the
Temple purchased his house he advocated further
action (some people do not want to see any dev. on
the site);
He wants to join the objection been raised by the
owner of 15 Woods Ave.
Meeting with Council's staff, applicant, architect and
applicant' consultant town planner.
Fax from applicant to town planner
She refers the Conservation Report been submitted by
a consultant on behalf of the applicant to her
comments on the report as part of her assessment of
the application which she will report this additional
information to UCAC next month.
Fax from Manager Dev. Control
Unit-WMC to Councillor J
Leeser re: his fax to her asking
Explain how the dev. is going
<table>
<thead>
<tr>
<th>Date</th>
<th>Sender/Recipient</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 Jan 96</td>
<td>Memo from town planner to tree officer and heritage planner</td>
<td>Asking what stage that they are in their assessments of the DA. She needs them before B&amp;D Meeting which will be first meeting in Feb.</td>
</tr>
<tr>
<td>10 Jan 96</td>
<td>Meeting Council staff with applicant, architect and applicant's consultant town planner</td>
<td>Discussion of general process to date stage in assessment and outline onsite meeting with adjoining owners-matters of concern address submissions received, UCAC comments.</td>
</tr>
<tr>
<td>10 Jan 96</td>
<td>National Trust</td>
<td>Heritage concerns: the sitting of development; height; building form; external materials, colours and finishes and open space and landscaping.</td>
</tr>
<tr>
<td>17 Jan 96</td>
<td>UCAC</td>
<td>Site visit with the Committee: Architect, Planning Consultant for the proposal and Project Manager. Recommendations from the Committee about the proposed work to Brougham.</td>
</tr>
<tr>
<td>18 Jan 96</td>
<td>Fax from Town Planner to Project Manager</td>
<td>Referring National Trust Comments on the amended plans and asking the additional information required by the Trust and recommending to discuss the matters with the Trust.</td>
</tr>
<tr>
<td>19 Jan 96</td>
<td>Planning Consultant of the DA</td>
<td>Letter to Town Planner addressing the issues been raised by UCAC together with modified plans and finally asking to recommendation to B&amp;D Committee to finalise the application.</td>
</tr>
<tr>
<td>19 Jan 96</td>
<td>Town Planner</td>
<td>Memo to Heritage Planner asking her comments for the amended plans for B&amp;D report.</td>
</tr>
<tr>
<td>27 Jan 96</td>
<td>Tree Officer</td>
<td>Memo to Town Planner-Existing trees will be affected by the proposal, recommendations and conditions when the DA be approved.</td>
</tr>
<tr>
<td>29 Jan 96</td>
<td>Heritage Planner</td>
<td>Particular concern is proposed works to Brougham: Integrity of Brougham-interior/exterior and setting. A full conservation assessment is required of the interior and exterior of Brougham. (See report further details)</td>
</tr>
<tr>
<td>Feb 96</td>
<td>Town Planning Consultant of the proposal</td>
<td>SEPP 1 Objection report for the height</td>
</tr>
<tr>
<td>5 Feb 96</td>
<td>Town Planner</td>
<td>To refer a copy of heritage planner's report as requested to Heritage Branch-Dept. of Plan. Additional information and modified drawings.</td>
</tr>
<tr>
<td>6 Feb 96</td>
<td>Project Manager</td>
<td>Fax to Project Manager referring minutes of UCAC meeting and asking information on proposed building finishes and colours and also resolution and issues of the meeting with National Trust.</td>
</tr>
<tr>
<td>7 Feb</td>
<td>Town Planner</td>
<td>Asking current status of DA and list of issues which are the cause of delays.</td>
</tr>
<tr>
<td>14 Feb 96</td>
<td>Australian Real Estate Sales &amp; Promotions</td>
<td>Reply of Australian Real Estate's letter saying Council officer are satisfied with the proposal and requires no further information or amendments.</td>
</tr>
<tr>
<td>14 Feb 96</td>
<td>WMC</td>
<td>The Trust is opposed to the proposal as is detailed in the report.</td>
</tr>
<tr>
<td>15 Feb 96</td>
<td>National Trust</td>
<td>Referring Dept. of Planning's comments on The draft DCP to Heritage Branch, Dept. of Planning.</td>
</tr>
<tr>
<td>23 Feb 96</td>
<td>WMC</td>
<td>Letter referring details of changes following recent discussions, updated model and SEPP 1 Objection report.</td>
</tr>
<tr>
<td>23 Feb 96</td>
<td>Project Manager</td>
<td>Report on response to heritage issues statement by National Trust (See report for details)</td>
</tr>
<tr>
<td>26 Feb 96</td>
<td>N.B.R.S &amp; P Architects on behalf of the applicant</td>
<td>Memo to Town Planner</td>
</tr>
<tr>
<td>27 Feb 96</td>
<td>Heritage Planner</td>
<td>Memo to Town Planner re. BCA comments on the proposal (see report for the detail info.)</td>
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<tr>
<td>Date</td>
<td>Description</td>
<td>Text</td>
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<td>4 March 96</td>
<td>Report to B and D Committee</td>
<td>Recommendation: Approval subject to the conditions. (See the whole report)</td>
</tr>
<tr>
<td>4 March 96</td>
<td>B and D Committee</td>
<td>Resolution of the meeting: The matter be referred to the Inspection Committee to be held on 6.03.96.</td>
</tr>
<tr>
<td>11 March 96</td>
<td>Town Planner</td>
<td>Memo to the Mayor and to the Councillors re: amended plans lodged on 11.03.96 to address the issues raised at B &amp; D meeting and site inspection with the Inspection Committee.</td>
</tr>
<tr>
<td>11 March 96</td>
<td>B and D Committee</td>
<td>Approval of Brougham DA subject to the 85 conditions.</td>
</tr>
</tbody>
</table>
APPENDIX 6

The First DA of Hawthornden: DA 94/211

Plan 1
Site Survey Plan of the Hawthornden site

Plan 2
Ground and first floor plans of Hawthornden

Plan 3
Plans of ground and first floor indicating Significant fabric

Plan 4
Diagram indicating extend of proposed curtilage for Hawthornden

Plan 5
Site and location plan of DA 94/211

Photograph 1
View from the gates at Roslyndale Avenue

Photograph 2
View of “Hawhornden” (western façade)

Photograph 3
North-west corner of the Hawthornden site where residential apartments were proposed to build
First Floor Plan of the house, 1994 (not to scale).

Ground Floor Plan of the house, 1994 (not to scale).
Plan of Ground Floor Indicating Significant Fabric.
Plan of First Floor Indicating Significant Fabric.

- Indicates fabric of most significance
- Indicates fabric of some significance
- Indicates fabric of little significance
Photograph 1: View from the gates at Roslyndale Avenue
(Source: WMC's files)

Photograph 2: View of "Hawthornden" (western facade)
(Source: Conservation Study for Hawthornden by Rod Howard P/L, August 1994)
Photograph 3: North-west corner of the Hawthornden site where residential apartments were proposed to build
(Source: WMC’s files)
APPENDIX 7

Letters in relation to Hawthornden DA 94/211

Letter 1
Letter from Woollahra History and Heritage Society to WMC dated 19 October 1994

Letter 2
Letter from WMC to EP dated 17 November 1994

Letter 3
Letter from the National Trust to WMC dated 30 November 1994

Letter 4
Letter from the National Trust to WMC dated 6 March 1995

Letter 5
Letter from the National Trust to WMC dated 28 April 1995
Ms Penny Carl  
The General Manager  
Woollahra Council

Dear Ms Carl,

D.A. 94/211  6 - 12 ROSLYNDALE AVENUE, WOOLLAHRA

The Woollahra History and Heritage Society believes that the historic house, Hawthornden, and its site are very important in the history and heritage of Woollahra.

The Society believes that the proposed development on this historic site is of such a size that it will dominate the site and severely diminish the significance of its heritage and its scenic value.

The Society submits that the Woollahra Council should only approve a development at 6 - 12 Roslyndale Avenue that is sympathetic to the Local Environmental Plan listed historic house, Hawthornden, and its site with its listed significant Bunya Pine and other important trees.

Historic Importance of Hawthornden and its Site

A considerable amount of research has been carried out on the earlier history of Hawthornden, the adjacent land, the owners of the land and people who lived in the house. Due to deadlines some of this information was not able to be incorporated into the historic section of the Conservation Study of Mr Rod Howard which forms part of the development application documentation.

The Society considers that this research reinforces our view that Hawthornden is a very important early residence of Woollahra and the home of a number of people who played a significant part in Australia's earlier history.

The volume of research material is considerable and it would be impracticable to include it in this submission. Some of the historical information has already been included in the Conservation Study but the following is a summary of some of the more important points which could not be included in it because of time constraints. A more detailed history together with copies of original documentation can be produced if this is needed.

Hawthornden and Roslyndale (often previously spelt 'Roslinsdale') in Woollahra are inextricably connected. They were both built for W.J. Lennon and aptly named.

In Scotland, 8 miles south-east of Edinburgh, Hawthornden Castle is romantically situated on the lip of a precipitous cliff above the river North Esk in Midlothian not very far from 'Roslin Castle' on the other side of the Valley - noted for its fine stone chapel.

Most of the properties in the Woollahra Municipality between Paddington and Vaucluse are on the 1830 grant of 1130 acres which became known as the Cooper Estate. A condition of this grant was that the sum of £400 be spent within 5 years - hence Rose Bay Lodge.
In the 1850's the first of the sub-divisions of the Cooper Estate were leased for 99 years, mostly for the soon to be created suburb of Woollahra. Hawthornden was one of the early houses built on the Cooper Estate and in 1860 was one of only 11 on the Edgecliff Road, 10 were of stone and one of brick.

Hawthornden was built for William James Lennon, broker with Lennon and Cape, in accordance with a condition of his 1857 99 year lease of 10 acres that the sum of £3000 be spent erecting good and substantial buildings of brick or stone within 8 years. At the same time Roslyndale was also being built for Lennon on his smaller adjoining lease to the south under similar conditions but for a required expenditure of £600.

Lennon was one of 12 residents of Edgecliff Road amongst 144 petitioners for the formation of the Woollahra Municipality dated 24/10/1859. At the time the district was believed to have a population upwards of 1000 inhabitants.

It appears that Lennon was living in Hawthornden before 1860 and then moved into Roslyndale when it was completed. It was fashionable for the worthy citizens of the colony to rent a 'gentleman's residence' on the Edgecliff Road. This was probably the purpose of Lennon's investment in two good and substantial houses, one to live in and one to let.

In 1860, the first year of Woollahra Municipal Council, John Donald McLean was rated for Hawthornden and Lennon for Roslyndale. McLean was one of the wealthiest men in the colony having a financial interest in 40 - 50 rural properties including Westbrook Station, the finest and largest sheep property on the Darling Downs. McLean and his wife had returned after spending 3 years visiting Europe and then went to live in Hawthornden.

McLean was very important both politically and financially in New South Wales and the then newly formed State of Queensland. He later became the Colonial Treasurer of Queensland.

McLean's gardener James Johns, who lived nearby, laid out the 3 acre garden at Hawthornden. The garden 60 years later in 1926 was referred to as "The camphor laurels in the garden are probably the largest in Australia. Very fine too are the bunya bunya trees, the date palms and the bamboos".

By 1865 Henry Armitage, of J.T. Armitage & Co., was living at Hawthornden "in the plain square built house" surrounded by 3 acres of garden. In 1860 Henry Armitage was living in another property on the Edgecliff Road, probably between Fairlight and Shirley, both still extant. This has no doubt caused confusion and led to the idea that Hawthornden was built for him.

It is quite possible that Hawthornden and Roslyndale are the "two first class houses in Edgecliff Road" by the architect Richard Davies Corbett and that they are pattern book houses which would account for their totally differing styles - harmonious placed on the "Glen Lennon Estate".

The Society has not had the opportunity to view Hawthornden, either externally or internally, and is, therefore, unable to comment on the effect the proposed alterations may have on the building itself.

* Item 123 Kilvington is also on this 10 acre grant.*
3.

**Effect of the Proposed Development on Hawthornden and its Site**

Hawthornden is the last of the Edgecliff escarpment mansions still retaining its garden setting. It sits in its grounds, out on a mezzanine spur below Edgecliff Road, in an amphitheatre setting above the Double Bay Valley with an open space, open-sky view of the harbour and across the valley to Bellevue Hill.

The historic house, the significant Bunya Pine and the associated trees form a harmonious relationship not only on the site but also when viewed from outside the site and from across the valley and on the slopes of Bellevue Hill.

If the proposed development goes ahead the new building will completely dominate the site, it being considerably larger in volume, site coverage and height than the historic house, Hawthornden, itself.

This can be simply illustrated by superimposing the south elevation included in the plans sent to the Society on the photograph looking down the Hawthornden driveway included in the Conservation Study (see Attachments A & B).

The caption to the Conservation Study photograph (Attachment A) states:

"View towards 'Hawthornden' from the driveway, showing the important relationship of the house with the trees and grounds in this part of the site and the relationship of the site with the harbour beyond. *It is important that these relationships are not diminished in any future work on site.*" (Society's emphasis).

As can be seen from the superimposed south elevation (Attachment B) these relationships would not just be diminished but virtually destroyed and Hawthornden itself would almost disappear as the bulk of the development rises up alongside it. We acknowledge that it is proposed to plant trees on the south side of the new building but that will only marginally reduce the impact of such a big building on the site.

This domination of the site by the proposed development and the considerable diminishing of the present impact of the historic house and its trees will be seen, not just from the driveway as we have illustrated, but from every direction from which the site can be viewed.

The Society notes that the Landscape Heritage Assessment, included as part of the development application documentation, states:

"....this part of Woollahra, adjacent to Edgecliff Road, contains a particular concentration of historic properties, gardens and significant trees. Importantly these gardens and significant trees occur in clusters and patterns which create the visual and historic context of these locations...."

"....the larger historic trees tend to have a significant visual impact on the surrounding locality...."

and, in relation to Hawthornden itself,

"The earlier plantings of the 19th and early 20th century are all very important components of these gardens and provide the landscape context for the listed significant tree on the property (the Bunya Pine). The sum total of all these trees adds enormously to the visual quality and asset value of the property."
Whilst the proposed development may have been positioned where it will cause less disturbance to the existing gardens and trees, the Society believes that its vast bulk will detract enormously from the visual quality and heritage significance of the historic house, Hawthornden, and its site. It will also considerably diminish the visual impact of the listed significant tree on the site and be a highly visible intrusion into what is undoubtedly the largest remaining cluster of garden and trees on the Edgecliff escarpment and severely impact its visual and historic context.

The Society reiterates that it believes that the only development that Woollahra Council should allow at 6 – 12 Roslyndale Avenue is one that is sympathetic to the Local Environmental Plan listed historic house, Hawthornden, and its listed gardens and significant tree.

Yours sincerely,

Peter Poland
President
Woollahra History and Heritage Society Inc.

Enc. Attachment A. Photograph of Hawthornden from the driveway taken from Conservation Study.

Attachment B. Same photograph with south elevation of proposed building superimposed to illustrate impact of the development.

Cc.
Dear Sir,

Re: Hawthornden Development, 6-12 Roslyndale Avenue, Woollahra

I refer to the above mentioned development application currently being considered by Council.

We have now received responses to our public notifications and to our internal referrals relating to matters of heritage, car parking, landscaping and drainage. Having received these responses, the following areas of concern have been identified:

Heritage

1. The Conservation Plan has not addressed a physical examination of the landscaping and vegetation elements of the site, particularly the cottage garden areas on the lower part of the site.

2. The Conservation Plan identifies the areas of Hawthornden "of most significance" but there seems to be no correlation or assessment of the specific proposal having regard to these areas.

3. Concern has been raised about the necessity to provide basement car parking rather than utilising the existing garage structure (altered to modern standards) for garaging. It is noted that maid's accommodation is also provided within the main residence itself.

4. The gatehouse creates an unnecessary obtrusive element to the entrance to the site and its garden setting, particularly given its design.

5. The proposed tennis court and pool are considered unacceptable in their current location due to their impact on the terraced garden area.
6. The bulk and scale of the proposed apartment building is considered unacceptable, particularly when viewed from the entrance and driveway to the site. Its scale detracts from the setting and heritage significance of Hawthornden.

**Landscaping (trees)**

7. The following trees are affected by the proposal and the proposed development needs to address the potential damage or loss of these trees which are considered desirable for retention.

i) The proposed retaining wall adjacent to the entrance of the property at Roslyndale Avenue is shown 0.5m away from the trunk of the existing *Ulmus parvifolia* (Chinese Elm). A minimum setback of 1.5 metres of the trunk of the tree is required in order to minimise damage to the root system.

ii) The proposed excavation for the driveway is shown 5 metres from the trunk of the existing *Araucaria bidwillii* (Bunya Pine) which is not acceptable. The tree is listed on Council's Significant Tree Register and that excavation would involve severance of roots which may cause the decline of the health of the tree. The proposed line of excavation shall be set back to 9 metres from the trunk of the tree, to where the existing driveway and decrease in the ground level occurs.

iii) The proposed pedestrian pathway running parallel to the south western property boundary to the proposed new residence is shown within the canopy spread of the existing trees. Details showing how access will be achieved around the trees involving no impact on their root systems are required. The proposed sandstone paving is suitable on the condition that it is laid on a porous bed. No level changes shall occur within the drip-line of these trees.

iv) The proposed courtyard for the new residence adjacent to the northern property boundary at the location of the existing palms shall involve no change of levels within 2 metres of the trunk of those trees. The landscape plan shows these palms to be transplanted. Confirmation of the proposed treatment of these palms is required.

v) There is no objection to the removal of the existing African Olive at the location of the secondary proposed courtyard at the northern corner of the property.

vi) There is an existing clump of palms to 12 metres in height at the location of the existing cabana which are not shown on the location plan, but are shown to be transplanted on the landscape plan.
Confirmation of the proposed treatment of these palms is required.

vii) The proposed boundary wall shown on the landscape plan appears to affect trees growing adjacent to the boundary. Details of the proposed construction type, materials and methods to be undertaken to ensure tree protection are required for assessment.

viii) The proposed new position for the existing billiard room is approximately 300mm from the existing massive Camphor Laurel trees at that location which have visible large roots at the ground surface. At its existing location the billiard room is separated from the trees only by a pedestrian concrete pathway. The further encroachment into the root zone and on the roots of the trees required for that re-positioning is not acceptable as it would require severance of major roots causing the decline and/or destabilisation of the trees. Amended details are required showing no further encroachment than currently exists into the drip-zone of the existing Camphor Laurel trees.

ix) The proposed pedestrian stairway down to the tennis court from the relocated billiards room is not acceptable due to its location adjacent to the trunk of the existing massive Camphor Laurel tree. It would require severance of the root system, and the proposal should be redesigned to allow for the trees successful retention.

x) The location of the proposed gate-house is shown less than half a metre from the trunk of the existing Grevillia robusta (Silky Oak) and the existing Castanospermum australe (Blackbean) and Cinnamomum camphora (Camphor Laurel) trees. Construction details are not shown for the gate-house and it appears to require a significant increase in the existing levels around the trees and requiring significant increase in the existing levels around the trees and requiring severance of portion of their root systems. Further details are required prior to approval of the proposed gate-house, including existing and proposed levels within the canopy spread of the trees. The applicant shall submit a report prepared by a qualified arborist or tree surgeon, giving an appraisal of the present condition of the trees and the likely impact of the proposed gate-house on the trees. The report shall also detail:

a. Methods to be undertaken to ensure the preservation and longevity of the trees.

b. Methods of proposed root pruning.

c. Estimated quantities (%) of loss of canopy.

d. Estimated quantities (%) of loss of roots.
At the location of the proposed tennis court the proposed levels required a minor cut into root systems of the existing trees. There is no objection to the removal of the existing smaller tree shown at the corner of the proposed tennis court as it is dead. The proposed court surface type is required for assessment of its impact in the existing porous ground surface. The applicant shall submit a report prepared by a qualified arborist or tree surgeon, giving an appraisal of the present condition of the existing tree on the western side of the court, shown as a *Fraxinus sp.*, on the landscape plan which it is not but it is still unidentified, and the *Populus alba* (White Poplar) trees adjacent to the proposed court on the eastern side, and the likely impact of the proposed tennis court on the trees. The report shall also detail:

a. Methods to be undertaken to ensure the preservation and longevity of the trees.

b. Methods of proposed root pruning.

c. Estimated quantities (%) of loss of roots.

The landscape heritage assessment report states that the remnant *Ficus rubiginosa* (Port Jackson Figs) below the wall along the eastern boundary at the location of the proposed tennis court will be retained and protected. The line of the proposed tennis court and the expected increase in levels at that location would be expected to have a detrimental affect on those trees. Additional information is required prior to approval of the tennis court to determine whether it is suitable including existing and proposed levels within the canopy spread of the trees, an elevational drawing showing the proposed tennis court and the trees from the northern property boundary.

The following comments relate to the proposed landscape plan:

1. The fifteen existing palms on the north eastern property boundary are shown to be transplanted. These trees have a significant visual impact on the neighbouring property and they are proposed to be replaced with shrubs and accent plants. Species should be proposed for that location that are able to attain a minimum of 5 metres in height and replace the existing screening, whilst allowing for existing views for further consideration of their relocation. The existing palms are considered suitable at their current location as they provide some visual screening whilst allowing for views through their vertical trunks.

2. The proposed pedestrian stepping stones adjacent to the existing Bunya Pine is not acceptable. Pedestrian access adjacent to the
trunk of the tree is not to be encouraged as this will cause regular compaction within the trees' root zone.

3. The proposed feature planting in the circular garden bed at the front of the property shall contain Rose species which may involve transplanting the existing Roses for use at the landscape stage in this garden bed. The Roses are considered an original feature of the landscape character at the house and are thus required to be reinstalled.

Car Parking/Access

8. Discussions have taken place with the applicant regarding the opportunity to relocate the entrance gate pillars by removing the pedestrian steps. Whilst this would widen the access point, it would still not allow for a two-way movement of vehicles, but it would result in the loss of a segregated pedestrian access to the site.

Since there would be no significant tangible benefit to removing the pedestrian steps, it is considered reasonable, at this stage, that they remain unchanged.

Design

9. It is appreciated that the proposed residential flat building has been designed to minimise the impact and maximise the view opportunities to the existing townhouses to the west. However, the consequent impact of increasing and exceeding the height limit on the main core of the building results in increasing the bulk and scale of the building to the detriment of the setting and heritage significance of Hawthornden.

When viewed from the entrance/driveway, the bulk of the new building visually overlaps the existing structure of Hawthornden, dwarfing it in terms of scale. This is considered unsatisfactory.

SUMMARY

Having regard to the abovementioned concerns, it is considered that amended plans need to be submitted incorporating the following:

a. Deletion of the proposed gate-house.

b. Deletion of the proposed tennis court.

c. Deletion of the proposed pool for Hawthornden. This may be able to be relocated in a position which does not impact upon the existing garden in the area.
d. Consideration to be given to the deletion of the basement car parking within Hawthornden and the use of the existing garage (sought to be used as maid’s quarters) - appropriately altered for that purpose.

e. A conservation analysis of each room of Hawthornden addressing the impact and necessity for the proposed works to those rooms.

f. Consideration of the need to relocate the billiard room.

g. Reduction in the height and bulk of the proposed flat building. The development to be ideally reorientated to prevent any visual overlapping with Hawthornden. An alternative design may be more appropriate in achieving this objective.

h. Consideration of the impact of the proposal on the landscape/trees on the site.

Having considered these points, you may wish to discuss the matter further, although it is appreciated that many of the points have already been discussed at a subsequent meeting. Please do not hesitate to contact Sue Francis in this regard.

Yours faithfully,

BRIAN O’DOWD
MANAGER PLANNING & BUILDING
RE: HAWTHORNDEN, 6-12 ROSLYNDALE AVE, WOOLLAHRA
DA 94/211 Restoration of Existing House and Construction of 10 Residential Units and Underground Carpark

I refer to the subject proposal to restore the existing house and to construct a new building on the current site of the Trust Classified property Hawthomden in Woollahra. In response to strong community concern for future the of Hawthomden the Trust provides the following advice.

Representatives of the Architectural Advisory Committee have attended a site inspection of the existing dwelling Hawthomden and the surrounding site with regard to the above proposals.

Both the Architectural Advisory Committee and the Urban Conservation Committee have viewed the drawings and have expressed concern that the scale and bulk of the proposed building in its current form will dominate Hawthomden and compromise its setting.

The Committees acknowledge the proposed curtilage for Hawthomden as defined in the Conservation Study. While it would be ideal in heritage terms for no further development on this site, it is agreed that the proposed location for units will have less impact than a similar development at any other location on the heritage significance of Hawthomden.

The proposed units and associated landscaping/carparking will however impact upon Hawthomden. The Trust makes the following comments:

1. That the proposal be reduced in height by one storey to achieve a more sympathetic relationship to the scale of Hawthomden and to the escarpment in general. A reduction in overall height and planting as indicated in the model should reduce the impact of the proposed development on Hawthomden as seen from Roslyndale Avenue and from the escarpment.

2. It is considered that the architecture of the front ‘carriage loop’ facade of the proposed building is considered too dominant and likely to overwhelm the primary elevation and principal approach to Hawthomden. This elevation of the proposal is, perhaps an overstatement and does not sufficiently defer to Hawthomden.

3. The stone stairs adjacent to the carriage loop are not indicated on the site plan. They are identified as being of ‘most significance’ in the conservation study and should be retained in situ.

4. Significant tree plantings should be retained according to the Landscape Heritage Assessment Report.
5. Configuration of the driveway and adjacent turning area will be compromised by the access to the proposed underground parking. Further studies will be required to determine the full impact of the new driveway.

6. The proposed gatehouse appears to be suitably sited and possible to screen from the view of Hawthomden from Roslyndale Avenue.

7. The R.L.s of terraced and pool areas on the east of the proposed residential development, and any means to increase privacy to users of these areas, should be carefully investigated to ensure no major impediment to the relationship of Hawthomden to the harbour.

8. Stone gateposts to driveway should remain in original location as indicated on the drawings. The proposed new gate requires further details to ascertain the impact on the view of Hawthomden from Roslyndale.

In regard to significant fabric of Hawthomden itself and in addition to recommendations of the Conservation Plan, the Trust makes the following comments:

9. It is essential that any works approved for the site be conditional upon a serious commitment to conservation works to significant fabric at Hawthomden. Significant fabric of Hawthomden urgently requires care to retain and regain its value for the future. Conservation works should be under the continuous guidance of a suitably qualified and experienced heritage professional.

10. The two car garage should be redesigned so as not to require the removal of any of the significant fabric of the stone wall, and to retain the view as existing of Hawthomden from the carriage loop. Similar accommodation for vehicles will still be achievable.

11. There is some concern for the alteration to Wilson Neave and Berry fabric of 'some significance' to create the nursery on the upper level.

12. Every effort should be made to retain the tiles in the area adjacent to the laundry.

13. Relocation of the stair in the vestibule should reuse the existing stair.

14. No objection is made by the Trust to the relocation of the Billiard Room and Colon­nade, conversion of the garage to a residence and removal of the 1980s conservatory, as indicated on the drawings.

Thankyou for referring this matter to the Trust. The Trust appreciates the opportunity to comment on matters affecting the heritage significance of a place. Should, you wish to discuss this matter any.further please do not hesitate to contact Catherine Macarthur at the above address.

Yours sincerely

Stephen Davies
Director Conservation
6 March 1995

The General Manager
Woollahra Council
PO Box 61
DOUBLE BAY NSW 2028
Attn: M Hoffman

Dear Sir/Madam

RE: HAWTHORNDEN, 6-12 ROSLYNDALE AVE, WOOLLAHRA
REVISED DA 94/211
Restoration of Existing House and Construction of 10 Residential Units and Underground Carpark

I refer to the revised proposal to restore the existing house and to construct a new building on the current site of the Trust Classified property Hawthornden in Woollahra.

The revised proposal for the new building has been presented to the National Trust by Mr Palazetti, architect for the project.

To restate the previous Trust comment, it is ideal in heritage terms for no further development to take place on the site.

In addition the Trust makes the following comments:

* It is imperative that Hawthornden is properly conserved under the supervision of a suitably qualified and experienced heritage architect. This work should be mandatory and undertaken as a priority with regard to all other proposed works on the site.

* It is still considered that the proposal will dominate Hawthornden. However, it is acknowledged that an attempt has been made to reduce the size and scale of the new building by stepping back the building and lowering the ridge line.

* The landscape screening comprising existing trees proposed to remain and new plantings will be essential to soften the impact of the new building on Hawthornden.

* The modified car park entrance is considered by the Trust to be a definite improvement on the previous proposal.

The Trust appreciates the opportunity to comment on matters affecting the heritage significance of a place. Should you wish to discuss this matter any further please do not hesitate to contact Catherine Macarthur at the address below.

Yours sincerely

Stephen Davies
Director Conservation

cc. Mr Ercole Palazetti
Dear Sir/Madam

RE: HAWTHORNDEN, 6-12 ROSLYNDALE AVE, WOOLLAHRA
NEW DA 95/57 Proposal for 8 units

I refer to the new proposal to restore the existing house and to construct a new building on the current site of the Trust Classified property Hawthornden in Woollahra.

The subject proposal for the new building has been presented to the National Trust by Mr Palazetti, architect for the project.

On the current proposal the Trust makes the following comments:

* (AS PREVIOUSLY STATED) It is ideal in heritage terms for no further development to take place on the site.

* (AS PREVIOUSLY STATED) It is imperative that Hawthornden is properly conserved under the supervision of a suitably qualified and experienced heritage architect. This work should be mandatory and undertaken as a priority with regard to all other proposed works on the site.

* The freestanding Billiard Room should be given the same priority and professional heritage supervision as noted for Hawthornden above.

* (AS PREVIOUSLY STATED) The landscape screening comprising existing trees proposed to remain and new plantings will be essential to soften the impact of the new building on Hawthornden. It will be vital to ensure that the proposed planted screening is realised by careful management of existing vegetation and proposed planting.

* The proposal, now significantly modified in scale by a reduction in one floor and shifting of the massing of the proposal is considered a substantial improvement in regard to its formal relationship to Hawthornden.

* The proposal indicates a ‘quieter’ elevational treatment to the elevation facing the carriage loop and as such is considered to be more appropriate as a companion to the main elevation of Hawthornden than the previous scheme.

The Trust appreciates the opportunity to comment on matters affecting the heritage significance of a place. Should you wish to discuss this matter any further please do not hesitate to contact Catherine Macarthur at the address below.

Yours sincerely

Stephen Davies
Director Conservation

cc. Mr Ercole Palazetti
APPENDIX 8
Report by EP (from his archive) in relation to the preliminary stages of the Hawthornden DA
INTRODUCTION

When I accepted the commission for the design and documentation for the development of the Hawthornden Estate, I recognised the difficulties in ensuring the beautiful setting of the residence was maintained and the new structures would have to be sympathetic with the era of the residence. Any development would have to compliment the residence.

The submitted design has been development over four months of work, commencing with numerous site inspections, taking some 450 photographs, site inspections and conferences with the Client, Council Officers and the Consultants including two Heritage Architects, Geotechnical Engineer, Heritage Landscape architect, Traffic Consultant and Acoustic Engineer along with a very comprehensive survey detailing all existing vegetation and the buildings and the like.

The design submitted in the original Development Application, which was later amended to address concerns from the National Trust, the Councils Heritage Committee and objections received after advertising, in my opinion, satisfy all the constraints and planning issues placed on the development. This Apartment development, along with the restoration of the much altered residence, and its ancillary buildings and landscaping of the property, will ensure that the heritage value will be retained and improved.

It should be noted that the repositioning of the main gate away from the boundary, a more public viewing of the Hawthornden residence will be possible, as at the moment the residence is hardly visible or accessible from the street.

This development will create a screen from the totally unsuitable and unsympathetic surrounding properties such as the Townhouses (317 & 318 Edgecliff Road) and the nine storey multi unit development (321 Edgecliff Road), which presently severely effect the heritage value of the property.

SEQUENCE OF EVENTS IN DESIGNING THIS DEVELOPMENT

1. The Client requested my office to advise them, prior to the purchase of the site, the feasibility of developing the Hawthornden Estate, as the property was large and had the correct Council Zoning to allow the construction of multi unit residential buildings.

One of the initial restraint discussed was the retention of the house (before the Council Heritage restriction was known). The Client provided a site survey and the preliminary sketch produced a design showing 14 two storey townhouses located around the residence (see sketch 1). This sketch was made without a site inspection and was only produced to demonstrate the possible development of the property complying with the relevant Councils Compliances for the Zoning.

2. On inspecting the site, the Client with our consultation produced the following constraints on the design:
   A. The house was to be retained and restored along with its ancillary buildings and landscaping, especially the major trees.
B. The proposed development had to be located on the existing tennis court only (North West corner).
C. The access to the Apartments has to be discreet and the carpark had to be underground.
D. The Apartment development had to compliment the house and reflect the era.
E. The effect of the development on the adjoining properties on the western boundaries should be minimised.
F. All the Councils Planning Compliance had to be satisfied.

3. The preliminary design of the total development was produced with the constraints described previously. The design allowed for 9 Apartments, 2 Penthouses and 2 Townhouses (see Sketch 2).

The sketch plans were discussed with Anthony Rowan and Brian O'Dow at the Councils Offices, where it was agreed to discuss the development further on site to visualise the footprint of the new Apartment block in relation to the residence, existing vegetation and the adjoining properties.

At this meeting, I was informed that the Council had been approached with numerous designs for this property, generally they were proposing to:
A. Demolition and total development of the site.
B. Twenty small cottage located around the residence.
C. Townhouse development around the residence (see Humphry and Edwards letter attached).

4. At site inspection with the Council Officers mentioned previously and myself. They agreed that my concept was the most suitable for the site. During the discussions it was agreed to approach a Heritage Architect Consultant, so that an appropriate curtilage around the residence could be established to enable the final footprint of the building to be established. We approached Rod Howard Heritage Architects and after a site inspection it was agreed that he meet with the Council's Officers to discuss the design (footprint) and the curtilage of the house. After numerous discussion and redevelopment of the original design the curtilage and the design was established. Rod Howard was requested to produced a report which was attached to the Development Application.

5. After preparation of a very detailed survey, showing every tree, buildings, levels of the property and the location and levels of the adjoining buildings. It was decided to delete the 2 townhouses as there were too many constraints due to the location of the trees and the adjoining townhouses. On establishing the footprint of the Apartment building and using the survey information a 10 Apartment development design was established. (See Sketch 3)

6. At a meeting at the Council's Offices with Anthony Rowan, Brian O'Dow, the Client and myself, the tabled and discussed the final preliminary design. During the meeting it was agreed to investigate the possibility of creating a taller building, thereby reducing the footprint. Preliminary investigations using the information available, suggested that the adjoining properties would not suffer if the height was increased. This was later confirmed.
There were three sketches produced during this meeting showing the design for a 3, 4 and 5 storey building plus underground Carpark. (See Sketch 4, 5 & 6).

7. The Council officers agreed that by going to the 4 storey plus carparking design and stepping the building West to East, the impact of the development would be reduced on the adjoining owners (Western Boundary see drawings referring to Townhouses 1, 2, & 3).
It was noted that the building would exceed the 9.5m height limit set by the Councils Zoning. It was also noted that if the 9.5m height was respected, the views through the existing vegetation located on the Western Boundary towards Bellevue Hill by the Townhouses would still be obscured. If the new building was stepped and the roofs were landscaped, the townhouses would retain the green outlook and gain a corridor view towards the Harbour, their solar light would not be effected and the overshadowing would not be increased.

THE DESIGN PRINCIPLES OF THE DEVELOPMENT.

The following basic design principles were established and refined during the documentation:

The Residence.

The residence and its ancillary buildings had to be restored and reinstated by removing all the recent unsympathetic additions, constructing new sympathetic facilities to provide modern amenities, such as garaging, servant quarters, ensuites and the like required for today’s living.
This restored residence along with the proposed additions, its restored ancillary structures, and landscaped areas within the retained 4,900m2 (approx) property will provide an excellent example of the dignity and grandeur reflecting the residences constructed in that era in the Woollahra district. Therefore ensuring the distinguished present setting of the property will remain and definitely improved.

The proposed Apartment development

A. The access to the underground carpark should not be visible from the existing driveway and be as discreet as practical.
B. The present open landscape area to the West of the residence is to be re-established over the tunnel.
C. The building has to be constructed to be sympathetic with the house, with the use of architectural elements, materials and colour and finishes (both internally and externally) to compliment the period of the existing house.
D. The footprint of the building is to be located outside the curtilage of the house, and maintaining a suitable setback from the adjoining boundaries.
E. The vista from the ground and first floor of the verandah of the residence is to be fully retained.
F. All the apartments are to be orientated to the North and all possible harbour views maximised.
G. The privacy, the open space and the garden outlook of the townhouses should be retained, and a possible view corridor towards the harbour should be established to compensate their loss of their glimpses towards Bellevue Hill. The solar access and overshadowing should not effect the townhouse building.
H. The existing green curtain that envelopes the house to the North West is to be maintained. With the introduction of new mature trees and utilising the existing trees should provide a more than sympathetic structure than the totally unsuitable design of the existing adjoining buildings.

SUMMARY
In my opinion all the before mention principles have been more than satisfied. This property has been under developed, to ensure the respect of the house and its heritage value. All the town planning compliances have been addressed and in most cases are well within the criteria of those compliances.

There are only two exceptions:

1. The minor setback infringement on the North Eastern boundary, which was not adhered to because of the need to provide the greater setback on the Western Boundary and the location of the natural escarpment.

2. The height of the new Apartment building. The cost of preserving and restoring the residence, and its setting, along with the adherence to the Council’s Compliances requires the development to provide 10 luxury units. The relocation of the Penthouse from the top floor and its resultant redesign would effect the adjoining properties substantially, as well as still not providing the required 9.5m height limit of the building without the provision of the total unsympathetic flat roof. The present design does not effect the adjoining owners at all.

The over height issue in regard to the heritage value of the residence will be negligible, as the new building will be visible only on the Southern Elevation (the lowest height) and because of the stepping effect and the proposed landscaping will be only visible in certain location.

In my opinion the new Apartment building and its proposed landscaping will provide a curtain to screen the unsympathetic adjoining buildings without interfering with the heritage value of the residence. Rather the building will compliment, if not improve the present setting of the residence.
APPENDIX 9

Report 1
Planning Officer's recommendation for DA 94/211 to B and D Committee, 6 March 1995

Report 2
Planning Officer's recommendation for DA 95/57 to B and D Committee, 5 June 1995

Letter 1
Refusal letter of DA 94/211 to EP dated 6 March 1995

Letter 2
B and D Committee's resolution of DA 95/57 (refusal), 26 June 1995
BUILDING & DEVELOPMENT COMMITTEE
MEETING HELD ON 6/3/1995

ITEM NO: 39  DELEGATED TO COMMITTEE
ADDRESS: "HAWTHORNDEN" 6-12 ROSLYNDALE AVENUE, WOOLLAHRA
PROPOSAL: RESIDENTIAL APARTMENTS
REFERENCE: DA 94/211
OWNER: MR S GAZAL
DATE LODGED: 29/9/1994 (ORIGINAL)
             2/12/1994 (AMENDED PLANS)
ARCHITECT: ERCOLE PALAZZETTI
AUTHOR: S FRANCIS, SENIOR PLANNER

PREAMBLE:

The site, on being offered for sale, has been the subject of extensive discussion with prospective purchasers. On being purchased by the applicant, Council's staff have had numerous discussions with the applicant's architect and following the submission of the application, Council's staff have also liaised with surrounding residents.

The development application, as originally submitted in September 1994, was considered to be unacceptable for several reasons and has since been modified.

Most of the amendments have occurred in response to objections raised by residents, the UCAC (Urban Conservation Advisory Committee) and Council Officers. Council Officers advised the applicant's architect that there were concerns with the original scheme, in a letter dated 17 November 1994, as well as in several meetings held with the architect. The concerns culminated in the following summary of matters that needed to be addressed by the applicant:-

"a. Deletion of the proposed gate-house.

b. Deletion of the proposed tennis court.

c. Deletion of the proposed pool for Hawthomden. This may be able to be relocated in a position which does not impact upon the existing garden in the area.

d. Consideration to be given to the deletion of the basement car parking within Hawthomden and the use of the existing garage (sought to be used as maid's quarters) - appropriately altered for that purpose.

e. A conservation analysis of each room of Hawthomden addressing the impact and necessity for the proposed works to those rooms.
f. Consideration of the need to relocate the billiard room.

g. Reduction in the height and bulk of the proposed flat building. The development to be ideally reorientated to prevent any visual overlapping with Hawthornden. An alternative design may be more appropriate in achieving this objective.

h. Consideration of the impact of the proposal on the landscape/trees on the site."

In addition, the applicant was further advised that the issue of stormwater drainage from the site remained unsatisfactorily addressed.

An amended scheme was submitted to Council on 2 December 1994, purporting to address these concerns.

It is in respect of the amended proposal that this report relates.

It is to be appreciated that the proposed development has been the subject of copious reports from both the applicant, the applicant's consultants, objectors and objector's consultants.

There are numerous issues in this matter and in some cases, detailed assessments have been provided. It has therefore been necessary for the purposes of clarity and for Council to be fully informed, to provide extracts from these reports to give Council all the necessary detail to make an informed consideration of the proposal.

THE SITE:

The subject site is known as No.6-12 Roslyndale Avenue and is legally described as Lot 100 in DP 783428. It is a large, irregular shaped lot, with a total area of 6,517m². The site is located on the steep north-easterly section of the Woollahra escarpment and is in an elevated, prominent position.

Access to the site is from Roslyndale Avenue, however, the property's frontage to the street is limited to approximately 7.0 metres in width, but this includes a vehicular access driveway and a stairway for pedestrian access. The driveway proceeds northwards towards the house for a length of about 40 metres, ending in a circular area which surrounds a central landscaped island.

There is an existing two storey residence located on the site which is a listed heritage item under Council's Local Environmental Plan. Also existing on the site is a tennis court to the north-west and a swimming pool to the north. The existing residence includes five bedrooms, a nursery, maid's quarters and sitting room on the first floor, a kitchen, study, parlour, vestibule, drawing room, dining room and billiard room on the ground floor and a cellar and storage area on the lower ground floor. Verandahs are located on both the ground and first floor on the northern comer of the dwelling, with a large conservatory on the north-eastern facade on the ground level. An existing double garage is located on the southern corner at the ground level.

Views from the site extend northward towards Double Bay and Bradley's Head in the distance, over lower lying residential areas, although this view is substantially obstructed by mature trees on the site itself.

The existing expansive landscaping includes an historical garden with some trees dating back to the original development on the site, which are characteristic of the late 19th and 20th century planting in Woollahra. These trees have a large visual impact on the surrounding area due to the elevation of the site. Hawkesbury sandstone outcrops are evident in the south-western boundary lawn near the entrance and along the eastern property boundary.

Mature trees on the site are clustered on the eastern terraces and around the perimeter of the existing south courtyard, along the western boundary and in the southern boundary garden.
These include Camphor Laurels, Pines, Brush Box, Magnolia, Silky Oak, Wild Olive and Bamboo.

Planting which dates from around 1927 include Chinese Elms, White Poplars, Coral Trees, Palms and Strelitzia among others and these are in scattered locations on the site. Recent planting within the past few decades include Bangalow Palms, Jacarandas, Magnolias, Liquid Ambers and a single Queensland Kauri Pine.

Two Port Jackson Figs located below the wall on the eastern boundary are the only remnant indigenous species on the site, both of which are to be retained and protected.

Also of importance is a Bunya Pine located about two metres below road level. The tree is listed on Woollahra Council's Significant Tree Register (1991), is 23 metres high, with an upper canopy spread of 12 metres and a trunk diameter of 1 metre above ground level. It is estimated to be at least 100 years old and forms part of an important historical grouping along the ridgeline.

DESCRIPTION OF PROPOSAL:

The amended proposal deletes the proposed tennis court and the gatehouse and the proposed pool has been relocated. This being the case, the amended development now involves the following:-

(i) Construction of a 3-5 level apartment building containing 10 residences. Parking is proposed in a basement level and a driveway which is underground for much of its length.

(ii) Alterations to the existing residence of Hawthordens to form one of a total of 11 dwellings on the site. Domestic quarters are also provided within the existing residence.

Alterations to the existing house includes the construction of ensuites adjoining bedrooms 2, 3 and 4 and the maid’s quarters; and extension of the master ensuite, and the construction of partition walls in the sitting room. The staircase extending from the ground floor level is also altered and has been pivoted 90° anti-clockwise, changing the position of the entrance to the first floor level.

(iii) The proposal includes the extensive upgrading of the existing grounds. The plant species to be selected are to be reminiscent of earlier planting of sub-tropical species, with the impact of recent deciduous plants to be reduced. The heritage value and existing character of the site have been taken into particular consideration in the proposed upgrading of the grounds.

The entry gates are not as old as the stone gate posts that mark the entry. The entry is also narrow and awkward, so it is proposed to retain the stone columns and relocate the existing gates deeper within the driveway.

STATUTORY CONTROLS:

LEP No.24 - Zoned Residential 2(b) wherein residential flat buildings are permissible with consent.
Foreshore Scenic Protection Area.
Height limit - 9.5m (SEPP 1 submitted)
Floor Space Ratio 0.625:1.
POLICY CONTROLS:

Residential Development Control Plan and Car Parking DCP.

CONSERVATION STATUS:

"Hawthornden" is an Item of Environmental Heritage under LEP 24. In addition, it is National Trust Classified.

DESCRIPTION OF LOCALITY:

The area is predominantly residential with a mix of single dwellings and medium to high density flat buildings and is bounded by dominant traffic routes including New South Head Road to the north, Edgecliff Road to the west and south, Old South Head Road to the south east and Bellevue Road to the east. Further to the west is Ocean Street, another main traffic route.

The surrounding locality, particularly the area adjacent to Edgecliff Road, includes a large number of historic properties, gardens and significant trees which contribute to the visual and historical context of the location.

### PROJECT DATA/POLICY COMPLIANCE:

<table>
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<tr>
<th>Site Area (m²)</th>
<th>Existing</th>
<th>Proposed</th>
<th>Control</th>
<th>Complies</th>
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<td>0.53:1</td>
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<td>3813 (58.3%)</td>
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<td>-</td>
<td>3590</td>
<td>1271</td>
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<td>Boundary Setbacks (metres) **</td>
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<td>3.25-5.65</td>
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<tr>
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<td>-</td>
<td>4.5-14.7</td>
<td>3.375-5.25</td>
<td>YES</td>
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<tr>
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<td>28 Resident</td>
<td>22 Resident</td>
<td>YES</td>
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<td>-</td>
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<td>28 Total</td>
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</table>

* Including Hawthornden.
** New Building Only.
ENVIRONMENTAL APPRAISAL/ POLICY COMPLIANCE:

1. Statutory Controls
   Satisfactory
   NO
2. Policy
   Yes
3. Design in relation to existing building and natural environment.
   No
4. Landscaping Provision
   Yes
5. Traffic generation and car parking provision.
   Yes
6. Loading and servicing facilities.
   Yes
7. Physical relation to and impact upon adjoining development.
   No

INTERDEPARTMENTAL COMMENTS:

Heritage/UCAC

The UCAC (Urban Conservation Advisory Committee) considered the original submission and advised that:-

1. The Conservation Plan has not addressed a physical examination of the landscaping and vegetation elements of the site, particularly the cottage garden areas on the lower part of the site.

2. The Conservation Plan identifies the areas of Hawthomden "of most significance" but there seems to be no correlation or assessment of the specific proposal having regard to these areas.

3. Concern has been raised about the necessity to provide basement car parking rather than utilising the existing garage structure (altered to modern standards) for garaging. It is noted that maid's accommodation is also provided within the main residence itself.

4. The gatehouse creates an unnecessary obtrusive element to the entrance to the site and its garden setting, particularly given its design.

5. The proposed tennis court and pool are considered unacceptable in their current location due to their impact on the terraced garden area.

6. The bulk and scale of the proposed apartment building is considered unacceptable, particularly when viewed from the entrance and driveway to the site. Its scale detracts from the setting and heritage significance of Hawthomden.

National Trust

The National Trust has commented in respect of the proposal as follows:-

"Both the Architectural Advisory Committee and the Urban Conservation Committee have viewed the drawings and have expressed concern that the scale and bulk of the proposed building in its current form will dominate Hawthomden and compromise its setting."
The Committees acknowledged the proposed curtilage for Hawthomden as defined in the Conservation Study. While it would be ideal in heritage terms for no further development on this site, it is agreed that the proposed location for units will have less impact than a similar development at any other location on the heritage significance of Hawthomden.

The proposed units and associated landscaping/carparking will however impact upon Hawthomden. The Trust makes the following comments:-

1. That the proposal be reduced in height by one storey to achieve a more sympathetic relationship to the scale of Hawthomden and to the escarpment in general. A reduction in overall height and planting as indicated in the model should reduce the impact of the proposed development on Hawthomden as seen from Roslynda/e Avenue and from the escarpment.

2. It is considered that the architecture of the front 'carriage loop' facade of the proposed building is considered too dominant and likely to overwhelm the primary elevation and principal approach to Hawthomden. This elevation of the proposal is, perhaps an overstatement and does not sufficiently defer to Hawthomden.

3. The stone stairs adjacent to the carriage loop are not indicated on the site plan. They are identified as being of 'most significance' in the conservation study and should be retained in situ.

4. Significant tree planting should be retained according to the Landscape Heritage Assessment Report.

5. Configuration of the driveway and adjacent turning area will be compromised by access to the proposed underground parking. Further studies will be required to determine the full impact of the new driveway.

6. The proposed gatehouse appears to be suitably sited and possible to screen from the view of Hawthomden from Roslynda/e Avenue.

7. The R.L.s of terraced and pool areas on the east of the proposed residential development and any means to increase privacy to users of these areas, should be carefully investigated to ensure no major impediment to the relationship of Hawthomden to the harbour.

8. Stone gateposts to driveway should remain in original location as indicated on the drawings. The proposed new gate requires further details to ascertain the impact on the view of Hawthomden from Roslynda/e.

In regard to significant fabric of Hawthomden itself and in addition to recommendations of the Conservation Plan, the Trust makes the following comments:-

9. It is essential that any works approved for the site be conditional upon a serious commitment to conservation works to significant fabric at Hawthomden. Significant fabric of Hawthomden urgently requires care to retain and regain its value for the future. Conservation works should be under the continuous guidance of a suitably qualified and experienced heritage professional.

10. The two car garage should be redesigned so as not to require the removal of any of the significant fabric of the stone wall and to retain the view as existing of Hawthomden from the carriage loop. Similar accommodation for vehicles will still be achievable.

11. There is some concern for the alteration to Wilson Neave and Berry fabric of 'some significance' to create the nursery on the upper level.
12. Every effort should be made to retain the tiles in the area adjacent to the laundry.

13. Relocation of the stair in the vestibule should reuse the existing stair.

14. No objection is made by the Trust to the relocation of the Billiard Room and Colonnade, conversion of the garage to a residence and removal of the 1980’s conservatory, as indicated on the drawings.

The applicant purported to address these issues in their amended proposal. The amended proposal was then also submitted to the UCAC for comment. The UCAC commented as follows on the amended scheme:

"The Committee advised that it was satisfied with:

a) deletion of gatehouse and tennis court
b) retention of proposed swimming pool in proposed location
c) basement carparking and terrace above
d) conversion of original garage (on the assumption that it is not sufficiently deep to accommodate cars to current standards)
e) proposed alteration to staircase and entrance lobby
f) relocation of the billiard room.

The Committee advised that the existing intact 1927 pantry (a rare example of its type) should be retained.

Internal fencing of the site should be avoided and all open space should be available for use by all lots in the proposed scheme.

Proposed Flat Building

The proposed amendments do not overcome the concerns previously expressed by the Committee.

Landscaping

Council’s Landscape Division advised as follows in relation to the original submission:

"The following trees are affected by the proposal and the proposed development needs to address the potential damage or loss of these trees which are considered desirable for retention.

i) The proposed retaining wall adjacent to the entrance of the property at Roslyndale Avenue is shown 0.5m away from the trunk of the existing Ulmus parvifolia (Chinese Elm). A minimum setback of 1.5 metres of the trunk of the tree is required in order to minimise damage to the root system.

ii) The proposed excavation for the driveway is shown 5 metres from the trunk of the existing Araucaria bidwillii (Bunya Pine) which is not acceptable. The tree is listed on Council’s Significant Tree Register and that excavation would involve severance of roots which may cause the decline of the health of the tree. The proposed line of excavation shall be set back to 9 metres from the trunk of the tree, to where the existing driveway and decrease in the ground level occurs."
iii) The proposed pedestrian pathway running parallel to the south western property boundary to the proposed new residence is shown within the canopy spread of the existing trees. Details showing how access will be achieved around the trees involving no impact on their root systems are required. The proposed sandstone paving is suitable on the condition that it is laid on a porous bed. No level changes shall occur within the drip-line of these trees.

iv) The proposed courtyard for the new residence adjacent to the northern property boundary at the location of the existing palms shall involve no change of levels within 2 metres of the trunk of those trees. The landscape plan shows these palms to be transplanted. Confirmation of the proposed treatment of these palms is required.

v) There is no objection to the removal of the existing African Olive at the location of the secondary proposed courtyard at the northern corner of the property.

vi) There is an existing clump of palms to 12 metres in height at the location of the existing cabana which are not shown on the location plan, but are shown to be transplanted on the landscape plan. Confirmation of the proposed treatment of these palms is required.

vii) The proposed boundary wall shown on the landscape plan appears to affect trees growing adjacent to the boundary. Details of the proposed construction type, materials and methods to be undertaken to ensure tree protection are required for assessment.

viii) The proposed new position for the existing billiard room is approximately 300mm from the existing massive Camphor Laurel trees at that location which have visible large roots at the ground surface. At its existing location the billiard room is separated from the trees only by a pedestrian concrete pathway. The further encroachment into the root zone and on the roots of the trees required for re-positioning is not acceptable as it would require severance of major roots causing the decline and/or destabilisation of the trees. Amended details are required showing no further encroachment than currently exists into the drip-zone of the existing Camphor Laurel trees.

ix) The proposed pedestrian stairway down to the tennis court from the relocated billiards room is not acceptable due to its location adjacent to the trunk of the existing massive Camphor Laurel tree. It would require severance of the root system, and the proposal should be redesigned to allow for the trees successful retention.

x) The location of the proposed gate-house is shown less than half a metre from the trunk of the existing Grevillia robusta (Silky Oak) and the existing Castanospermum australe (Blackbean) and Cinnamomum camphora (Camphor Laurel) trees. Construction details are not shown for the gate-house and it appears to require a significant increase in the existing levels around the trees and requiring significant increase in the existing levels around the trees and requiring severance of portion of their root systems. Further details are required prior to approval of the proposed gate-house, including existing and proposed levels within the canopy spread of the trees. The applicant shall submit a report prepared by a qualified arborist or tree surgeon, giving an appraisal of the present condition of the trees and the likely impact of the proposed gate-house on the trees. The report shall also detail:

a. Methods to be undertaken to ensure the preservation and longevity of the trees.

b. Methods of proposed root pruning.

c. Estimated quantities (%) of loss of canopy.
e. Estimated quantities (%) of loss of roots.

xi) At the location of the proposed tennis court the proposed levels require a minor cut into root systems of the existing trees. There is no objection to the removal of the existing smaller tree shown at the corner of the proposed tennis court as it is dead. The proposed court surface type is required for assessment of its impact in the existing porous ground surface. The applicant shall submit a report prepared by a qualified arborist or tree surgeon, giving an appraisal of the present condition of the existing tree on the western side of the court, shown as a *Fraxinus sp.*, on the landscape plan which it is not but it is still unidentified, and the *Populus alba* (White Poplar) trees adjacent to the proposed court on the eastern side, an the likely impact of the proposed tennis court on the trees. The report shall also detail:

a. Methods to be undertaken to ensure the preservation and longevity of the trees.

b. Methods of proposed root pruning.

c. Estimated quantities (%) of loss of roots.

xii) The landscape heritage assessment report states that the remnant *Ficus rubiginosa* (Port Jackson Figs) below the wall along the eastern boundary at the location of the proposed tennis court will be retained and protected. The line of the proposed tennis court and the expected increase in levels at that location would be expected to have a detrimental affect on those trees. Additional information is required prior to approval of the tennis court to determine whether it is suitable including existing and proposed levels within the canopy spread of the trees, an elevational drawing showing the proposed tennis court and the trees from the northern property boundary.

The following comments relate to the proposed landscape plan:

1. The fifteen existing palms on the north eastern property boundary are shown to be transplanted. These trees have a significant visual impact on the neighbouring property and they are proposed to be replaced with shrubs and accent plants. Species should be proposed for that location that are able to attain a minimum of 5 metres in height and replace the existing screening, whilst allowing for existing views for further consideration of their relocation. The existing palms are considered suitable at their current location as they provide some visual screening whilst allowing for views through their vertical trunks.

2. The proposed pedestrian stepping stones adjacent to the existing Bunya Pine is not acceptable. Pedestrian access adjacent to the trunk of the tree is not to be encouraged as this will cause regular compaction within the tree’s root zone.

3. The proposed feature planting in the circular garden bed at the front of the property shall contain Rose species which may involve transplanting the existing Roses for use at the landscape stage in this garden bed. The Roses are considered an original feature of the landscape character of the house and are thus required to be reinstalled.”

The applicant purported to address these matters in their amended submission in a further report from their Landscape Consultant, Landarc Landscape Architects. This further report has been considered by Council’s Landscape Division as follows:-

“Council’s Landscape Division considers that the further landscape information renders the landscape approach to the site as satisfactory save for the inclusion of a condition requiring that, prior to the site’s excavation for the basement carpark, exploratory trenches be dug, by hand, at a distance of 7.0m from the existing Bunya Pine to ensure that the root system would not be affected by the development.”
Engineers

Council's Engineers comment as follows:-

"(i) Off-Street Parking

As stated in the submitted report, the proposal will provide 23 resident spaces and 5 visitor spaces for the new unit development (total = 28 spaces). The existing residence will provide 5 spaces.

Therefore, in total, 33 spaces will be provided.

The total provision of 33 spaces slightly exceeds requirements as set out in Council's Off-Street Parking Code and is therefore considered adequate.

The parking spaces provided are all 2.6m x 5.4m. Hence, the parking spaces provided all comply with the minimum dimensions as set out in Council's Off-Street Parking Code and are therefore considered adequate.

It should be noted that parking spaces numbered 5, 6, 7 & 8 are stack parking spaces. Council's Off-Street Parking Code allows for stack parking arrangements for residential developments where two spaces are designated for a single development. Therefore, this provision is to be complied with.

(ii) Manoeuvring Space

Generally, the basement carparking arrangement provided is 90° angle parking. Aisle widths provided are shown to be 6.6m which is considered to be adequate. Manoeuvring spaces provided into all spaces is considered adequate. However, it should be noted that vehicles using spaces 21, 22 & 23 require the driver to reverse into the spaces and leave in a forward direction. This can be considered to be acceptable given the low turnover of vehicles within the basement garage.

(iii) Traffic Generation

Using the RTA’s Guidelines to Traffic Generating Developments, the traffic generated from the proposed development is estimated to be as follows:-

For Medium Density/Residential Flat Buildings (3 or more bedrooms)

* Daily vehicle trips = 5-4/dwelling = 4-5 x 11 = 44 to 55 trips
* Weekday peak hour trips= 0.5-0.65/dwelling = 0.5-0.65 x 11 = 5.5 to 7 trips

The impact of up to 55 daily vehicle trips on Roslyndale Avenue, which is a local road classified to carry up to 2000 vehicles per day, is minimal. Similarly, the impact of up to 7 vehicle trips per hour during a weekday peak hour period is also minimal (i.e. approx. 1 vehicle trip every 8.5 minutes). Therefore, it is considered that traffic generation and its impact on the surrounding street network is not significant and should not be a concern.

(iv) Access

Access to the basement garage will be via the existing point of entry from Roslyndale Avenue. Existing boundary levels should be maintained at this location. This is confirmed on the submitted plans.
The submitted plans indicate that the maximum ramp gradient is 17%, which slightly exceeds Council’s maximum requirement of 15%. A check of the proposed ramp gradients using a 1:20 scale car template indicates that access through the proposed ramp is possible. Based on this assessment, the proposed ramp gradients can be accepted and are considered adequate.

The existing point of entry used to access 6-12 Roslyndale Avenue is directly adjacent to the garage entry to 14 Roslyndale Avenue. As such, both properties ‘share’ an existing entry driveway which is approximately 6m wide. As stated above, the calculated Weekday Peak Hour Trips for the existing dwelling at 14 Roslyndale Avenue is 1 trip (or 1 trip every 60 mins). Based on these figures, conflicts between these properties is considered to be minimal. In addition, there is sufficient space between the accesses to each property to enable free movement of vehicles for both sites.

Sight distance from the proposed exit driveway of 6-12 Roslyndale Avenue has been checked. Approximately 50m of sight distance exists in both directions. This complies with the sight distance requirements as set out in AS 2890 for frontage road speeds of 55-64 km/hr (i.e. typical road speeds of vehicles using Roslyndale Avenue).

(v) Drainage

The issue of stormwater drainage disposal via gravity from the site is yet to be resolved. Presently, the developers are negotiating with neighbouring properties to form an easement through which to discharge stormwater from the site. The Development Application should not be approved until the developers resolve the issue of stormwater drainage disposal from the site, via gravity, to Council’s stormwater drainage system.

Council’s Engineer’s have subsequently viewed the applicant’s stormwater retention proposals and considers them satisfactory.

ADJOINING OWNERS RESPONSE:

The original submission was advertised to adjoining owners and the press on 5 October 1994. Twenty seven (27) letters of objection were received together with a petition signed by 29 persons. The following persons objected to the proposal for the reasons noted:-

Jack Lee, 319A Edgecliff Road
(i) The development would detract from Hawthornden due to height.
(ii) The development would dominate Hawthornden.
(iii) The development would be detrimental to the landscaped garden.
(iv) Additional traffic creates a hazard.

S.M. Kennedy, 2 Roslyndale Avenue
(i) Height, scale and bulk out of character with neighbourhood.
(ii) Increased traffic noise and fumes.
(iii) Increased vibration.
(iv) Exhaust fans adjacent to property.
(v) Loss of views.
(iv) Caretakers Cottage inappropriate due to loss of privacy.
(v) Overshadowing.
(vi) Out of character.
(vii) Contrary to LEP and DCP.
P.W. Robinson, 12/321 Edgecliff Road

(i) Excessive height.
(ii) Loss of sun.

Mrs. S.M. Hamilton, 8 Wallaroy Road

(i) Loss of privacy.
(ii) Inappropriate scale and height.

Mrs. Hannah Caldwell, 5/313A Edgecliff Road

(i) Excessive mass.
(ii) Excessive height.
(iii) Increased traffic.

Mrs. Carol Taylor, 313A Edgecliff Road

(i) Excessive size and height.
(ii) Increased traffic.

Carolyn Marsh, 1/317 Edgecliff Road

(i) Excessive height.
(ii) Loss of views.
(iii) Increased traffic.
(iv) Loss of trees for the tennis court.
(v) Adversely affects Hawthornden.

Ms. Julie-Ann Morrison, 7/313A Edgecliff Road

(i) Loss of views.
(ii) Traffic congestion.

Robyn Sevetos, 8/311B Edgecliff Road

(i) Increased traffic and noise during building.
(ii) Loss of trees.
(iii) Slip potential.
(iv) Increased drainage.
(v) Loss of value.
(vi) Threat to heritage.

Joan Porter, 1/313 Edgecliff Road

(i) Too large.
(ii) Increased traffic.
(iii) Spoil garden.

Sandra Odor - American Consulate

(i) Tennis court above garden and potential noise and loss of security.
(ii) Stormwater flow.

C.W. Forbes, 5/317 Edgecliff Road

(i) Height and size would overshadow property.
(ii) Loss of privacy due to height.
(iii) Loss of views.
(iv) Loss of value.
J.M. Russell, 26 Roslyndale Avenue

(i) Impact on Hawthomden due to height and mass.
(ii) Increased traffic.

G. Rundle, 28 Wallaroy Road

(i) Stormwater drainage proposed to continue in unlawful easement. No details of stormwater drainage provided.

E.T. Punch for Strata Plan 713, 313A Edgecliff Road

(i) Excessive massing.
(ii) Over height standard.
(iii) Increased traffic.

Planning Workshop on Behalf of Strata Plan 10697, 317 Edgecliff Road

(i) Excessive height.
(ii) Loss of views.
(iii) Overshadowing.
(iv) Excessive bulk.
(v) Loss of privacy.

Cedric Carle Architect on behalf of Units 8, 9 & 10/317 Edgecliff Road

(i) Excessive bulk and height.
(ii) Intrusion onto townhouses and loss of view and privacy.

Planning Workshop & Allen Allen & Hemsley on behalf of Mr. Mortimer of 14 & 16 Wallaroy Road

(i) No stormwater control.
(ii) Excessive height.
(iii) Loss of privacy.
(iv) Inadequate setbacks.
(v) Overshadowing.
(vi) Stability of north-east boundary.
(vii) Adverse impact on vegetation.
(viii) Noise from outdoor living.

Terrey Arcus, 14 Roslyndale Avenue

(i) Exit to Roslyndale Avenue too small and constrained.
(ii) Hazard for turning vehicles.
(iii) Loss of privacy from gatehouse.
(iv) Noise from conversion of the garage to maids quarters.
(v) Impact on landscaping due to tennis court.

Clive Lucas, Stapleton & Partners Pty. Ltd. Architects & Heritage Consultants

(i) Detrimental impact on Hawthomden and destroys its setting.

M & Z Rosenbaum, 11/317 Edgecliff Road

(i) Impact on privacy.

M I Fagan, 6/313A Edgecliff Road

(i) Excessive height.
John Palmer, 1/317 Edgecliff Road

(i) Exceeds height controls.
(ii) Dominates Hawthornden.
(iii) Loss of privacy.
(iv) Increased traffic in Roslyndale.
(v) Dangerous intersection.
(vi) Excavations will endanger Hawthornden.

Body Corporate SP 4621, 321 Edgecliff Road

(i) Obstructs view.
(ii) Loss of privacy.
(iii) Exceeds height limit.
(iv) Minimal setbacks.
(v) Should be sited on lower part of site.
(vi) Contrary to LEP and RDCP.
(vii) Increased traffic.
(viii) Impact on trees.

T Byrnes & J Byrnes, 10/317 Edgecliff Road

(i) Loss of trees.
(ii) Excessive height.
(iii) Loss of value.
(iv) Increased traffic.

A Hale, 12 Wallaroy Road

(i) Stormwater runoff net reduced.

The petition signed by 29 persons is attached as an appendix to this report.

One letter of support was received from Humphrey and Edwards Architects who considered that the relationship of the proposed building to Hawthornden is well resolved and that the maintenance of space around the house preserves its environment superbly.

The amended proposal was readvertised on 7 December, 1995. In respect of the amended plans 17 letters of objection were received from the following persons:-

Mrs Hale, 12 Wallaroy Road

(i) Concerned about proximity of development to north-eastern boundary and the stability of the cliff.

Terrey Arcus, 14 Roslyndale Avenue

(i) Deletion of gatehouse and tennis court address 2 of our objections.
(ii) Excess however still unacceptable.
(iii) Garbage collection at Roslyndale Avenue exacerbates access problem.
(iv) Still noise concern from conversion of old garages.

Mr G Rundle, 28 Wallaroy Road

(i) Reiterates concern regarding stormwater drainage.

American Consulate, 20 Wallaroy Road

(i) Concerned about stability of Cliff.
(i) Reiterates previous comments.
(ii) Believes that reduction in bulk is only minimal.

John & Carolyn Marsh, 1/317 Edgecliff Road

(i) Building height exceeds code.
(ii) Domination of Hawthomden.
(iii) Loss of privacy and sunlight.
(iv) Increased traffic.
(v) Increased stormwater.
(vi) Extensive excavation and impact on trees.

Body Corporate SP 4621, 321 Edgecliff Road

(i) Reiterates previous responses.
(ii) Building height has been relocated. The envelope is larger.
(iii) The reduction in overall height leads to increased height in other areas.
(iv) No serious attempt to address the concerns.

Suzi Kennedy, 2 Roslyndale Avenue

(i) Pleased about deletion of gatehouse but reiterates previous concerns.

C W Forbes, 5/317 Edgecliff Road

(i) Reiterates previous objection.
(ii) Reduced height/bulk makes no improvement.

Planning Workshop & Allen Allen & Hemsley for Mr Mortimer, 14-16 Wallaroy Road

(i) Reiterates previous concerns.
(ii) Reduction in height is minimal. Major reductions in accordance with 9.5 metre height limit required to improve impact on residents.
(iii) Setbacks to overcome privacy concerns.
(iv) No Shadows analysis on 14-16 Wallaroy Road.
(v) Geotech report confirms that cliff could fail under heavy rain.
(vi) Noise from proposed pools.

Cedric Carle for 8, 9 & 10/317 Edgecliff Road

(i) Bulk and location unacceptable.
(ii) Exceeds height limit.
(iii) Impact on privacy.
(iv) Pedestrian entry to unit 8 unacceptable.
(v) Detrimental impact on Hawthomden.

Jack Lee, 319A Edgecliff Road

(i) Reiterates previous objections

Mrs M Fagan, 6/313A Edgecliff Road

(i) Reiterates previous letters.
Planning Workshop on behalf of 317 Edgecliff Road

(i) Excessive height.
(ii) Loss of view and privacy.
(iii) Shadow impact.
(iv) Excessive bulk.
(v) Incompatible with surrounding area.

Mrs Alcaine, 16-18 Wallaroy Road

(i) Strongly objects to proposal.

J & P de Seriere, 319(G) Edgecliff Road

(i) Overshadowing of townhouses.
(ii) Increased traffic movements.
(iii) Hazardous exit.
(iv) Impact on trees.
(v) Scale out of character.

Clover Moore MP

(i) Height and size will cause overshadowing.
(ii) Loss of privacy due to height.
(iii) Loss of value.
(iv) Increased traffic and congestion.

Mrs Caldwell, 5/313A Edgecliff Road

(i) Reiterates previous objections.
(ii) Information misleading.
(iii) Impact of height, size and mass.
(iv) Traffic increase.

Of the 18 responses to the amended proposal, only 3 new responses were received from residents. However, this in no way presumes that in this case fewer people have objections to the amended plans over the originally submitted plan.

In addition, a report from Gary Sheils & Associates, on behalf of the applicant, has been submitted. The report concludes as follows:

"The proposal is permissible in the Residential 2(b) zone under Council's LEP No.24 and complies with the maximum FSR requirement. In fact, the FSR is 0.53:1 which is well below the maximum permissible of 0.625:1. With a heritage item, the floor space of that item can be excluded from the calculation. If the existing building is excluded, then the proposed FSR is only 0.4:1. The proposed structure exceeds the 9.5m height limit, however, this non-compliance is not likely to adversely affect the surrounding residences in terms of overshadowing, overlooking or loss of view, nor the heritage character of Hawthorn. An SEPP No.1 objection has been submitted in relation to the height and is considered to be well founded.

The proposal will not result in the removal of any significant trees on site. In fact, it is proposed to upgrade the existing gardens and enhance the landscape theme and character of the site.

The proposed additions and alterations will retain the integrity and heritage of the existing building. In fact, the proposal will restore the dwelling both structurally and aesthetically."
The proposed building has been sited and designed to minimise the effect on surrounding properties. It will not result in any adverse effects in terms of privacy or overshadowing. The proposal may reduce some glimpses of the Woollahra escarpment to the east which are available from some of the townhouses. However, the proposed location of the building could facilitate views of the harbour from the townhouses, particularly if some of the palms are relocated.

The proposed development complies with the number, size and geometry of car parking spaces, in accordance with Council's DCP for Off-Street Car Parking Provision & Servicing Facilities. In addition, the means of vehicular access to the site are considered to be appropriate.

The number of units proposed is not likely to adversely affect the surrounding road and intersection network in terms of flow, delay, level of service, capacity or safety.

The applicant has made every possible effort to satisfactorily address the concerns and comments of Woollahra Council, the National Trust and the surrounding residents, in terms of heritage, landscaping, car parking/access and building design. The amended plans address these issues and the proposed changes are considered to be appropriate.

Accordingly, in the circumstances of the case, the proposed additions and alterations to the existing building and the proposed erection of the new building on the site, are considered to be in the public interest."

Consideration of the above concerns is addressed in the following section of this report.

CONSIDERATION:

The proposal is assessed under the following headings:-

Statutory Controls

The relevant statutory controls applicable to the subject development are FSR and height, each of which is addressed separately below;

i) FSR - LEP N° 24 specifies a maximum FSR of 0.625:1 (4073.12m²) within the 2(b) zone for the subject site (6517m²). The development seeks a FSR of 0.53:1 (3452.42m²). The development therefore has a FSR of 0.095:1 (620.7m²) less than the maximum permissible.

ii) Height - LEP N° 24 specifies a maximum height above natural ground level of 9.5 metres. The amended plans propose a maximum height of 15.30 metres. Accordingly an objection under SEPP N° 1 was submitted with the proposal. The SEPP N° 1 objection was not amended to account for the reduced height in the amended plans, nevertheless it is presumed that the objections raised in respect of the original proposal also apply to the amended scheme as follows;

"The proposed residential flat development comprises mainly three residential levels, containing a total of ten units, but part of the development is four floors, in the body of the building with two other sections one and two floors high. This development occupies a small footprint of an otherwise large site.

The development exceeds the height limit, and the reason for this is to minimise impact upon the views of the development to the north-west. Otherwise, to comply with the height, the area of the top most floor would have to be found at lower floors; making it a wider development and more intrusive on views."
This SEPP 1 objection should be supported on the following grounds, given that the objectives of the LEAP have been maintained. In particular, it can be noted that there is a very widespread variation between neighbouring buildings, that offer little or no conformity to the given standard.

1. **Views**

View line diagrams attached to this submission indicate there are no adverse impact upon private views, particularly those enjoyed by the townhouses west of the site.

Without sacrificing the number of units proposed, compliance with the 9.5 metre height limit would mean that the views currently enjoyed by the townhouses to the west would be significantly obstructed by a wider development.

Further, in view of the siting of the proposed development, existing harbour views enjoyed by other neighbouring properties are unlikely to be lost.

In this case, strict compliance with the height limit would be most unreasonable because compliance with this height limit is likely to result in private view loss.

2. **Sunlight Access**

Shadows cast by the proposed development are unlikely to adversely affect neighbouring properties. The most affected property are the townhouses to the west during Winter before 9:00am. But it is noted, the western property is currently partly overshadowed by the existing boundary fence, building and trees during the above period.

However, as a result of the proposed development, the front courtyard areas of Units 1, 2 and 3 of the western townhouses would be overshadowed before 9:00am Mid-Winter. By 10:00am, the shadows fall upon the subject site, and adjoining lots receive no overshadowing. In view of the large site, all shadows cast by the development are likely to fall mainly within the site.

During other periods of the year where sunlight loss is generally less extreme, adjoining lots experience no loss in sunlight.

In this case, it is considered the exceedence in height justifies and the standard as unnecessary in that no improvement would be achieved by maintaining the standard.

3. **Privacy**

The exceedence in height does not significantly result in privacy loss to adjoining development.

The area in which the height limit is exceeded is the third floor of this residential flat building. This floor is comprised of only one unit. Given that this floor may only be occupied by one family, this is a factor in which any privacy loss would be minimal.

However, the main factor is that the setback of the living areas of the third floor to side and rear boundaries are very generous. The family rooms have been setback between 14 and 18.5 metres, whilst the dining room has been setback at 10 metres from the side boundary.

This unit also features perimeter terraces which vary between 1.3 metres to 4.7 metres wide and are setback between 3.8 metres to 13.5 metres to side boundaries. The western terrace setback at 13.5 metres would be used more frequently for entertaining purposes given that this is the widest terrace and is in
close proximity to the kitchen.

In light of the proposed setbacks of this 3rd floor, existing aural and visual privacy of adjoining development would not be adversely affected; and the exceedence in Council’s height controls is therefore justified where the setback equivalents are those of a much higher building than that proposed.

4. Compatibility with the Surrounding Development

The local area is predominantly a residential mix of single dwellings and medium to high density flat buildings.

Within the immediate vicinity to the west is townhouse development which includes 2 storey residences which are terraced upwards following the topography of the area.

To the south is a 2 storey brick residence and to the north-west is a multistorey block of brick home units.

Similarly, the proposed development is comprised of a variety of levels, in keeping with the streetscape and the surrounding buildings.

Furthermore, the development has been designed in a partly "stepped" manner, reflecting the terracing and form of the western townhouses yet providing some individuality and interest within the urban landscape.

The proposed roof pitch, exterior building materials and architectural features will complement and harmonise with the existing Hawthomden dwelling on the site and the surrounding development.

In this regard, it is considered the height limit is unnecessary, given that the development will be in all respects compatible to the surrounding environment.

In summary, it would be unnecessary to require compliance with the relevant standard in this case, as the objectives of the standard are clearly otherwise met. The circumstances of the site would suggest that the proposed development is consistent with Council’s current policy and, as demonstrated, there are no adverse environmental consequences on adjoining development as a result of the increased height.”

Comment

The objectives of the height limit, as defined in Council’s RDCP are as follows:

"...to protect or promote -

a) views
b) sunlight access and
c) aural & visual privacy, in relation to the subject site and neighbouring land, and
d) compatibility with the scale and built-form of the surrounding development."

Considerable objection has been received from adjoining residents in respect of the height of the proposed development. It has been suggested that the amount the development exceeds the height limit is unsatisfactory and contrary to the aims below and objectives of the standard. The proposal is considered having regard to those stated objectives.
a) Views - There is no doubt that the proposed development will affect views of adjoining residents, particularly but not exclusively views currently available across the subject site from the townhouses at 317-319 Edgecliff Road, the flats at 321 Edgecliff Road and the residence at 2 Roslyndale Avenue.

At present, as will be apparent from viewing the site, the townhouses at 317-319 are orientated towards the site and have a direct view over the existing private garden and tennis court of Hawthomden. This being the case, any development on this part of the site will affect the views of the townhouses, particularly those from the ground level.

The issue of height has been comprehensibly addressed by Planning Workshop consultants for No 317. They suggest in their submission as follows:

"...the proposed development is over 6 metres higher than would be permitted by the statutory standard. The impact of this is that if the height standard were required to be complied with, the top two levels of the development would have to be removed from it. The result of this would be that the upper level of the units within Strata Plan No 10697 which are closest to the site, would retain views across the top of the development and views which were looking down, and the second floor of the townhouses adjoining would potentially retain some views over the roof level of the development as well.

The SEPP No 1 objection accompanying the application states that;

'The development exceeds the height limit; and the reason for this is to minimise impact upon the views of the development to the north west.'

If the purpose of the development is to minimise the impact upon views of the adjoining townhouses, then the proponent has done an exceedingly poor job of minimising view impacts. If the development were required to be developed to the height standard contained within LEP No 24, then the townhouses adjoining would retain a view, which is a panoramic view, across the top of the roof of the development. While there would still be a building within the view, this building would not interrupt the expansive views to the north-west, north and north-east. Under these circumstances, it is difficult to understand how the statement could be made that the development minimises the impact upon views from the townhouses.

The SEPP No 1 objection goes on to say that if the development were not to exceed the height limit, then

'to comply with the height, the area of the top most floor would have to be found at lower floors; making it a wider development and more intrusive on views.'

The fact is that it is not only the top floor which impinges on the 9.5 metre height limit, but the second top floor of the proposed development as well. The SEPP No 1 objection ignores the second top storey of the proposed development in any comments relating to views. In addition, if it is being put forward in the SEPP No 1 objection, that if there were no top storey of the development, or even second top storey, that it would have to be spread around the site at a lower level. This view is not accepted. If it is inappropriate to locate further development at a lower level on the site for privacy reasons or shadow reasons or views reasons, then the fact of taking part of the bulk away from the top of the building does not make it acceptable to place it at a lower level. A smaller development
may well be appropriate on this site. Apparently, the constraints of the
site have not suggested to the proponent that a smaller development is
appropriate, as they have pushed the bulk of development onto the
northern corner of the site thus exacerbating the impacts upon adjoining
neighbours in that part of the site. This is not an acceptable response to
the site constraints."

"In the statement of Environmental Effects and the accompanying SEPP
No 1 objection, much is made of the fact that the proposed development
steps in its form. However, this stepping in form principle is not followed
in relation to adjoining development.

It is submitted that land which is lower than its neighbours (as is the
subject land in relation to the adjoining townhouses), and in the same
zone, should have development upon it which is lower than the
neighbouring development so as to ensure a sharing of views takes place
between adjoining properties on sloping land. The principle of view
sharing is a principle which has been tested and has been found to be
sustainable. In the present instance, it is my opinion that the proposed
development ignores this principle by placing development on the land
considerably higher than its neighbours, which are on higher land than
it...."

The views expressed by the objector's consultant are accepted for the most part
in that the additional two storeys which result in the excess in height do impact
upon the panoramic views observed from the townhouses. However, this of
course presumes that there is any right to maintain a panoramic view across an
adjoining property.

The applicant has addressed the issue of views and has identified that "view
corridors" are available to all the townhouses (3) which immediately adjoin
the western site boundary (see attached sketches). These sketches relate to the
original scheme. The view corridors would be marginally greater with the
amended proposal. These corridors also involve the water view. In addition,
given that the applicant seeks to remove the existing palms which run along the
north-western boundary more water views will be made available in certain
instances.

b) Sunlight Access - The applicant's consultants have submitted detailed
computer modelled shadow diagrams to indicate the shadows likely to be cast
on the townhouses at No 317. Their report states as follows in respect of the
original proposal:

"...Unit 1, from January 1 through to approximately May 12 and from July
31 until December 31 is unencumbered from the proposed development
at sunrise. From May 12 through to June 21 the proposed development
progressively impacts this unit to a maximum of 17 minutes after sunrise
before the unit receives its first sunlight. From June 21 through to July
31 the first sunlight progressively recedes from the 17 minute time frame
to sunrise.

Unit 2, from January 1 through to approximately April 17 and from August
25 until December 31 is unencumbered from the proposed development
at sunrise. From April 17 through to August 5 with a mid winter time
frame of 17 minutes after sunrise before the unit receives its first sunlight.

The impact of the proposed development on unit 2 differs from that of
unit 1 because of the proposed development's relative position to each
unit. Different sections of the roof of the proposed development change
the impact on unit 2..."
The amended scheme only marginally changes the shadows cast above (see shadow diagrams attached).

The shadows cast to the east have not been fully detailed but it is considered that the majority of any shadow cast would be duplicated by the existing vegetation and cliff face.

Planning workshop, on behalf of the townhouses states:-

"...The SEPP No 1 objection relating to the application discusses the matter of sunlight and shadow impact. It is stated that 'the most affected properties are the townhouses to the west'. The impact is primarily before 9:00am during winter or before winter at other times of the year. The fact is, that if the development were not exceeding the statutory height standard by two storeys, then the amount of sunlight falling upon the townhouses would be substantially greater during times before 9:00am and during times immediately after 9:00am during winter. For this reason, I do not believe it can be said that the proposal has no impact upon adjoining properties.

It is stated in the SEPP No 1 objection that 'the exceedence in height justifies and the standard is unnecessary in that no improvement would be achieved by maintaining the standard'.

While the grammar within the quote is not understandable, the content of what it appears to be saying is that the height exceedence is justified because no improvement would be achieved by maintaining the standard. In my opinion, this is simply not the case. The adjoining townhouses would receive considerably greater sun access throughout the year in times before 9:00am in the morning if the development was required to comply with the height standard. I can see no reason why the development should not comply with the height standard, thus maintaining the extent of sunlight which the property owners of Strata Plan No 10697 could expect to be retained..."

It is accepted that were the development to comply with the 9.5 metre height standard less shadow would be cast to the west in the early morning. However, due to the likely extent of the overshadowing this aspect alone is not considered to be unacceptable.

Privacy - At present the privacy relationship between the existing premises and, specifically the townhouses to the west and the units at No 321 to the north-west is unsatisfactory, particularly so in respect of the subject site.

As it stands, all activities carried on in the northern and north-western end of the subject site are directly overviewed by the townhouses at No 317 and No 321. Many of the boundary trees have been removed or severely damaged and there is no tangible boundary enclosure to maintain privacy.

Similarly, activities carried out on the balconies and terraces of the townhouses can be overviewed by users of the subject site, notably those playing tennis on the existing grass court.

Planning workshop, on behalf of the townhouses has suggested that:-

"...The fact that the proponent cannot see any significant effect upon privacy does not mean that none exists. Indeed, level 2 of the proposed development, which is the second top storey, has decks on its western side relatively close to the boundary, which will look directly into the main living rooms and outlook of the adjoining townhouses. In addition, there are windows which face directly towards these townhouses on that same level. Furthermore, on the top level of the proposed development, there is a very extensive deck which faces the adjoining townhouses and will create the potential for over viewing and loss of privacy both within the outdoor courtyards of the townhouses, and also within
the living rooms and bedrooms of the townhouses.

The impact upon the adjoining townhouses of the proposed development, in terms of privacy, would be significantly reduced if the top two levels were not proposed to be built. That is, if the development complied with the height standard of LEP No 24, the impact upon the adjoining properties would be greatly reduced.

It is the top two levels in particular of the proposed development which create a significant privacy loss for the adjoining townhouses. Under these circumstances, it is difficult for me to understand how it can be said that the height standard should be overturned to allow the additional two storeys to be developed...

The amended plans have attempted to mitigate the residents concern in respect of privacy by deleting the level 2 and level 3 terraces as originally proposed.

The terraced areas have been relocated and significantly reduced-in size and these areas previously noted as terraces are to form dense planter boxes to assist in screening the smaller, proposed terraces. The terraces would be setback 10.00 metres-15.5 metres from the western boundary. This together with the proposed planting will minimise loss of privacy.

Concern has also been raised by No.16 Wallaroy Road about the loss of privacy. (NB. That 14 & 16 Wallaroy Road is a single property). Planning workshop, on their behalf, have stated that;

"...the fact is that the proposed development is to be built extremely close to the boundary and overlooking the adjoining properties to the east and north-east. In respect of No 14 and 16 Wallaroy Road, this means overlooking the main outdoor recreation area of No 14 Wallaroy Road including the swimming pool and terrace area which are used for barbecues and sunbaking within the rear yard.

At the present time, there is no impact of loss of privacy from the subject property upon No 14 and 16 Wallaroy Road and the two existing developments live in harmony with one another, without any unreasonable impact created by loss of privacy or the bulk and scale of development.

The adverse impact upon privacy is created by the height of the building being greater than the statutory standard and the proximity of the building to the common boundary. If the proposed building were lowered to the statutory height limit and moved away from the boundary to a reasonable extent, the same impact upon No 14 and 16 Wallaroy Road would not take place and the extent of privacy loss would be considerably diminished, particularly if some vegetation screen were placed along the common boundary as exists with the belt of bamboo which is presently close to that boundary."

Compatibility with surrounding scale and built form:-

The form and scale of adjoining development is mixed. It consists of the dwelling house proportions of Hawthornden, the attached 3 level townhouses to the west and the high rise flat building of No 321 to the north-west. The only one of which complies with the 9.5 metre height limit being Hawthornden itself.

This being the case, its height per se would not be uncharacteristic. However, its compatibility with adjoining development, particularly its relationship to Hawthornden itself is of concern. Its height (and scale) have a visual impact on Hawthornden in terms of its heritage significance. This relationship is discussed, in detail, under the "heritage consideration" of the report.
The objectives of the development standard in respect of height are to minimise the impact on views, shadows, privacy and to ensure compatibility with surrounding buildings in terms of their height.

However, what has not been addressed is what are the unique circumstances of the site that make compliance with the development standard unnecessary or unreasonable. Moreover, it has not been sufficiently justified that compliance with the development would result in, or lead to similar, or greater impacts.

It has been suggested by the applicant that by exceeding the height limit the townhouses have been saved the experience of having the equivalent bulk of building located towards their boundary.

It may be that by relocating some of the "height" to other areas of the building the development would comply with the height standard but it is not to say that the resulting development in terms of its bulk/scale, setback, massing and juxtaposition with adjoining properties would be meritous.

It is accepted that the area of building which exceeds the height limit does not create unreasonable impacts in respect of privacy and overshadowing having regard to site circumstance. Likewise the height per se, is not necessarily incompatible with adjoining developments, which in themselves mostly exceed the height standard, save for its compatibility in respect of heritage on Hawthomden.

However, it has not been proven that a building which complies with the height standard would be unreasonable or unnecessary and that it would not satisfactorily achieve of the objectives of the Act.

The proposed height of the development, whilst not necessarily impacting upon "water views", would impact upon the panoramic views available from residences to the west across the valley. It would create an unnecessary sense of enclosure and massing that could be mitigated by compliance with the height standard.

Accordingly, the objection under SEPP 1 is not supported.

Policy

The relevant policy controls applicable to the subject development are setbacks, landscaping and car parking, each of which is addressed separately below:-

i) Setbacks - the subject site is not uniform in shape and in considering boundary setbacks it is the setbacks of the proposed new building to the western, north-western and north-eastern boundaries of the site that are relevant, together with the setback to "Hawthomden" itself.

In respect of the western boundary, to the townhouses, the proposal well exceeds Council's minimal setback requirements.

However, at a point on both the north-western and north-eastern boundaries, due to the irregular nature and the juxtaposition and orientation of the proposed building to these boundaries, the development fails to meet Council's minimum standards.

The reduced setbacks on these 2 boundaries have caused concern for No 14 and 16 Wallaroy Road whose consultants, Planning Workshop, state as follows;
"...On the northern and north-eastern side of the proposed development, the setback provisions do not satisfy the requirements of Council's Control Plan for residential flat buildings. In this general location, the top floor level has at its closest point a setback of only 3.3 metres from the northern boundary. At this point, the building has a master bedroom with windows which look directly onto the adjoining N° 14 and 16 Wallaroy Road. In addition, there is a terrace on the eastern side of the building at this level from which over viewing of the adjoining properties may be made. At this top level Council's Residential D.C.P., considering the level of the natural ground at the boundary, would require a setback in the order of 15 metres, not the 3.3 as proposed.

On the second top storey, the development adjacent to N° 14 and 16 Wallaroy Road is only 3 metres from the northern boundary and the terrace adjacent to the family room and dining room is located only 2.5 metres from the common boundary. There is also a master bedroom which has a terrace associated with it on its northern side which will directly overlook the adjoining properties including N° 14 and 16 Wallaroy Road. On the mid level of the 5 storey building, there is a dining room and living room which are adjacent to the northern boundary of the site and overlooking N° 14 and 16 Wallaroy Road, together with a terrace which is located only 1.8 metres from the northern boundary."

Comment

The area of reduced setback does not correspond with the boundary immediately adjoining N° 14 and 16 Wallaroy Road. Nevertheless, due to the steep fall in the land across these boundaries it would be possible to overview the adjoining neighbours (see attached sketch from Planning Workshop report - Appendix 5).

However, given the distance between buildings (minimum 23 metres) and the likelihood that viewing from the terraces would be horizontal to water and horizon, loss of privacy would not be significant.

Moreover, full compliance with the setback would not overcome the concerns raised by N° 14 and 16 Wallaroy Road.

Mrs Hale of 12 Wallaroy Road has also raised concern regarding the reduced setbacks. It is in fact this property which is mostly affected by the reduced setback. Nevertheless, the proposal, at these parts is unlikely to give rise to any significant loss of privacy due to its orientation and the activities likely to occur from these parts of the building.

The reduced setbacks has also raised a concern from N° 12, 14 and 16 Wallaroy Road in terms of the impact and stability of the cliff on the north-eastern boundary. This is addressed in detail under separate headings.

ii) Landscaping - Council's code requires 3813m² of landscaped area to be provided of which 1271m² is to be "soft" landscaping. The development allows for 4898m² of landscaped area of which 3590m² is to be "soft".

In terms of the quantitative provision of landscaped areas the development fully complies with Council's code.

The issue of the heritage nature of the landscaping and concern regarding certain trees is addressed under a separate heading.

iii) Carparking - Council's code requires the provision of a total of 28 spaces (22 residential and 5 visitors). The development provides a total of 33 spaces (28 residential and 5 visitors) and therefore complies with Council's numerical requirements.
The issue of the appropriateness of the location of certain spaces, the ramp access and driveway access are discussed under separate heading.

Heritage Issues

The heritage issues relating to this proposal can be split into three areas. Firstly, the heritage impact of the proposed works on Hawthomden itself; secondly the impact on the development on the setting of Hawthomden; and thirdly, the impact of the proposal on the heritage landscape/trees within the site. Each is addressed individually below:-

(i) Works to Hawthomden

The works to Hawthomden, in short, involve internal upgrading, alteration to the existing garages to allow for conversion into maids quarters and the relocation of the Billiard Room. All these changes were addressed in the Conservation Report and assessed by the UCAC (Urban Conservation Advisory Committee).

The UCAC has confirmed that it is satisfied with the proposal in respect of its works to Hawthomden, save for a concern regarding the loss of the 1927 pantry, which is a rare example of its type.

The Conservation Report submitted with the application also sought retention of this element.

In the circumstances, it would be appropriate to seek a condition of any consent for the retention of the pantry.

In respect of the National Trust’s concerns, it is to be appreciated that the proposed garaging will not result in the loss of any historic fabric of the building. The proposed garage is not in the basement of Hawthomden but within a later extension of the building.

The Wilson Neave & Berry staircase is being retained but reorientated to allow for the restoration or remedy of some previous alterations. It is to be noted that the current location of the staircase was not originally proposed.

(ii) Impact on the setting of Hawthomden:

Of considerable concern to the both the National Trust and the UCAC, is the impact of the proposed flat building on the setting and heritage significance of Hawthomden.

Both the UCAC and the National Trust concur that the removal of the originally proposed tennis court and the gatehouse is desirable.

However, they also feel that the building should be reduced in height by one (1) storey to achieve a more satisfactory relationship to the scale of Hawthomden and the escarpment.

However, in support of the proposal, the applicant’s Heritage/Conservation Consultant states as follows:-

"The National Trust’s comments relating to the scale and bulk of the proposed new residential building at Hawthomden were made in response to the design submitted with the original development application. This design of the building has recently been revised and modified following concerns expressed about its apparent bulk and scale in relation to the existing historic residence on the property. It is considered that the amended design would result in a building which will relate better (in visual terms) to the existing house."
It should be noted that the new building as proposed will barely be visible when viewed from Roslyndale Avenue, since it will be largely concealed by both existing vegetation on the site (most of which is to be retained) plus proposed supplementary landscaping on the northern side of the existing driveway loop. (Refer to photographic plates appended for an indication of existing views of the driveway from Roslyndale Avenue).

The National Trust’s comments concerning the architectural character of the southern facade of the proposed building would perhaps be valid if both buildings (proposed and existing) were to be seen without any landscaping/vegetation between them. The visual relationship between these two buildings will be tempered by the landscaping treatment proposed and so the architecture of the new building is hardly likely to “dominate” or “overwhelm” the primary elevation of the house and its principal approach. The introduction of the verandah roof over the Level 2 terraces on this southern elevation (as part of the revised design) will improve the aesthetic and architectural relationship between the two buildings. The revised design incorporates increased distances (setbacks) between these two principal structures.

In addition to the above comments, a report has also been submitted, on behalf of the applicant, by Godden Mackay, Heritage Consultants who comment on the question of the appropriateness of the scale, bulk and setting of the development in relation to Hawthornden as follows:-

(It is lengthy but considered appropriate for inclusion due to its comprehensive nature and detail).

“The question of the appropriate setting and context for a heritage item and the appropriate scale for nearby development is a complex one, made more so by the conflicting constraints imposed by requirements such as the amenity and views of the neighbours. The general principles for the evaluation of curtilage and setting issues and the appropriate criteria for considering the appropriate curtilage of historic properties is a matter addressed in detail by this firm as part of a study undertaken for the Hunter’s Hill Council (1989 Hunters Hill Heritage Properties, Curtilage Study). The general principles or criteria established in that study are:

1. conservation of the existing heritage item
2. visual setting
3. historic setting
4. original boundary/allotment
5. significant features
6. design components
7. significant vegetation
8. views and vistas
9. screen plantings
10. archaeological features

We believe that the impact of a proposal on the heritage significance of a place can be judged by applying those criteria to the proposed development.

The criteria for examining the impact of the proposal are applied below:

1. **Conservation of the Existing Heritage Item**

The proposal includes a major allocation of resources for the retention and conservation of the identified items of environmental heritage significance that make up Hawthornden House including the house itself, the stone gate posts at Roslyndale Avenue, the configuration of the driveway and turning area adjacent to the house, the billiard room and the 1927 colonnade and a considerable amount of the present garden layout, (which has recently been identified as...
c.1983 work by the former owner who commissioned the landscaping work).

2. Visual Setting

The major heritage issue identified by both the National Trust and the Woollahra Council Heritage Advisory Committee in relation to a previous, larger, scheme was the scale and bulk of the proposed building. The National Trust indicated that the propose building had the potential to dominate Hawthomden and dominate its setting, while Woollahra Council Heritage Advisory Committee stated that "The bulk and scale of the proposed apartment building is considered unacceptable, particularly when viewed from the entrance and driveway to the site. Its scale detracts from the setting and heritage significance of Hawthomden."

Views from Roslyndale Avenue and the entrance driveway
At present, Hawthomden presents as a totally inaccessible, private property. Currently it is not possible to do more than catch a glimpse of the walling of Hawthomden House from the entrance gates at Roslyndale Avenue. The relocation of the gates further down the driveway will in fact provide greater access to viewpoints of the historic property for the public, than is currently available. In the amended DA application, the entrance to the underground parking for the proposed units has been re-aligned so the portal will have virtually no visual impact from Roslyndale Avenue.

The bulk and scale of the proposed development
The proposed development has been significantly modified both to reduce the actual bulk and scale of the proposal is a heritage issue because of the proximity of the proposed building to the north-west corner of Hawthomden House. The perception of a large landscaped private space within the increasingly densely occupied suburb is an identified significant heritage aspect of the place which is indicated in the final sentence of the statement of significant:

"The site has considerable aesthetic value landscaped private space in Woollahra."

This impression of an expansive private landscaped space has to do with the size of the landscaped area as well as the open northerly aspect created by the escarpment edge.

The main drawback of the proposal is that the driveway view of the historic home will no longer include the sense of space provided by the unimpeded view of landscape elements and the sky. However, we understand that the existing trees at the end of the driveway will be retained and supplemented by new plantings along the edge of the proposed development and this will present a landscaped edge similar to the present tennis court edge. The new building will be located behind this screen of trees.

When the overall issue of Hawthomden and its setting is considered, the current proposal has several highly commendable features:

- It leaves the entrance driveway largely intact, flanked by landscaped gardens,
- The escarpment edge is retained as a landscaped edge preserving the present views and identified curtilage of Hawthomden house,
- The extent of the retained landscaped area is still large and comparatively extensive, such that it could only belong to a period home,
- All the identified significant mature trees are retained,
Views to the nine storey building north west of the site will be obscured.

The site is surrounded by a variety of residential housing, flat and townhouse development, which exhibit variety in style and scale and edge the current landscaped site. Very little of the adjacent architecture is sympathetic. When considered in this context, the proposed development shows attention in the articulation of the facade facing the driveway, choice of materials and roofscape, resulting in a design which responds positively to the historic house and retains most of the landscaping which distinguishes the present setting. Distinctive elements, like the gutter line in the proposed unit building are aligned with those of the historic building to provide a sense of relationship and related scale. The setback between Hawthomden House and the proposed building is from nine to fourteen metres.

3. Historic Setting

The historic setting of Hawthomden has been compromised by sub-divisions which commenced as early as 1918. The present setting is the remainder of the site after the most recent subdivision for town houses in 1975.

4. Views and Vistas

The proposal takes the existing views and vistas into account and by complying with the curtilage recommended in the conservation plan, preserving the views and vistas which have been identified as most significant. Views to the building are to some extent discussed under visual setting, where it is indicated that the house is a very private property to which views are very limited. Even from the north, up the escarpment views to the house are obscured by the mature gardens and the place is appreciated as a landscaped green space, rather than as a historic building.

The views to and from the north side of the house will not be impeded by the proposed development. However, the view to the west from Hawthomden which is currently to the front and back yards of the diverse surrounding properties, will include the new development behind a screening of trees.

The preservation of view lines from surrounding properties to the escarpment is not a heritage issue.

5. Original Boundary/Allotment

The boundary of the original allotment was compromised by the first subdivision in 1918 and later subdivisions, so the original boundary is no longer a relevant consideration.

6. Significant Features

Features other than the historic house, which are determined to be significant in their own right which are nominated in the conservation plan are the billiard room, some of the landscaping which is c.1983 using recycled materials, the gate posts and the configuration of the driveway.

It is proposed to relocate the billiard room to a nearby site which is currently open space to provide the main house with a better aesthetic setting on the southern side and to provide greater functional amenity. The relocation of the billiard room and adjacent 1927 colonnade within the site, to a site which will arguably provide a better setting for both the billiard room and the main house is consistent with the Burra Charter principles. The billiard room is a small weatherboard building which is readily relocatable and indeed has already been relocated once within the site and the colonnade is designed to be appreciated as part of the billiard room's seating. The appropriate treatment for a building
such as this is addressed in the explanatory notes for Article 9 of the Burra Charter:

Some structures were designed to be readily removable or already have a history of previous moves, eg. prefabricated dwellings and poppet heads. Provided such a structure does not have a strong association with its present site, its removal may be considered.

If any structure is moved to an appropriate setting and given an appropriate use. Such action should not be to the detriment of any place of cultural significance.

The proposed relocation of the billiard room and colonnade within the site to a landscaped setting and continuation of the billiard room usage, is appropriate for the building type and consistent with its history of relocation and the conservation plan for Hawthornden. The relocation is also considered to be advantageous in terms of setting for both Hawthornden House and the billiard room.

The landscaping components, which at the time of the Conservation Plan were thought to have some historic value and to be significant in their own right, have since been identified by the c.1983 owner as landscaping works carried out during their tenure using second hand materials. Nonetheless, these elements contribute to the setting of the house and are aesthetically pleasing. Most of these elements are being retained in situ and the proposal includes relocation of some elements. The gateposts and driveway will be retained.

7. Design Components

Landscape:
The overall design concept which once related to Hawthornden Estate is now only evident in the few mature trees which are remnants of the former gardens and the current proposal retains the identified significant vegetation.

Architecture:
The original design features and elements added during the 1927 renovation of the main house are to be retained and conserved and in some cases enhanced by the proposed works to Hawthornden House.

8. Significant Vegetation

The vegetation which surrounds Hawthornden and provides an enclosed private environment for the house when viewed from the street or from below the escarpment, is clearly significant. The most significant individual components with heritage value are the plantings from the c.1860 to 1927 period, which include: the dominant multi-trunked Camphor Laurels, Cinnamomum camphora (eastern terraces and on the perimeter of the existing south courtyard), Bunya Pine, Araucaria bidwillii (adjacent to the western boundary), Brush Box, Lophostemon confertus, Blackbean, Castanospermum australe and Bull Bay or Southern Magnolia, Magnolia grandiflora (along the western boundary), Silky Oak, Grevillea (southern boundary garden) and Lacebark, Brachychiton discolor (adjacent to the south west corner of the residence). These are, all being retained by the current proposal, and all are within the curtilage of the historic house, and the significant vegetation is included within the minimum subdivision of the historic house.
9. **Screen Plantings**

There are existing plantings at Hawthomden which provide important screening to adjacent properties or activities. The boundary planting where there are neighbouring developments will be retained and in some cases, supplemented. Screen plantings which are most significant in terms of the current proposal are the plantings around the south west edge of the tennis court and at the end of the drive turning circle. These screen plantings will be retained and supplemented. The comparatively solid screen planting edge of the tennis court is important because it is this edge diagonally close to the house which will be reinforced by the proposed unit development.

10. **Archaeological Features**

Many historic properties previously contained additional features and structures such as wells, outside toilets or outbuildings. Such features provide important physical evidence of the history of the house and are themselves of scientific research potential.

There are no known archaeological features associated with the current house or grounds. (Appropriate steps would need to be taken if any features were discovered during works).

The above analysis of the impact of the proposal on the curtilage indicates that the principal aspects of the curtilage which are relevant to the property have been given careful consideration in the design of the current development proposal. Significantly, the new proposal is confined to an area outside the curtilage for Hawthomden nominated on the Conservation Plan.

It is accepted that the proposed building and its relationship to Hawthomden would not be visible to the general public from Roslyndale Avenue. However, it would be visible from the escarpment and from within the site itself.

There is no doubt that the proposed building would be prominent due to its size. However, it would also be of a classical design, scale and form and therefore have its own architectural integrity.

The upper level of the building would be a minimum 13.0m setback from Hawthomden and in between is proposed significant mature tree planting to supplement the existing Jacaranda and Liquid Amber trees. This planting would do more to screen the building and improve its relationship to Hawthomden.

Reducing the height of the development by one storey would not reduce the bulk and scale of the development, but would nevertheless have a detrimental effect on its own architectural integrity.

In the circumstances, therefore, having regard to the location of the building on the least sensitive part of the site, having regard to the extent of the site which is to remain "untouched" and having regard to the setback and intervening landscaping between the proposed building and Hawthomden, the impact on the historic setting of Hawthomden is considered reasonable.

(iii) **Impact on Heritage Landscaping/Trees**

The proposal addresses the initial concerns of the National Trust, the UCAC and Council's Landscape Division. All the significant and heritage trees on the site are to be retained. Much of the existing landscaping of the site has been carried out by the previous owner of the site. Much of it is ill-considered and requires rationalisation and augmentation. The detailed landscape plan seeks therefore to upgrade the landscaping of the site.
The only noted loss (or rather relocation) on the site involves the relocation of the existing palms from along the north-western boundary. It is proposed to remove these palms to give the residents of the townhouses to the west improved distance views which are currently obscured in this direction (photographs are available of the impact of the palms on views).

Since the palm trees are a later addition and not consistent in their planting with the heritage character of the property, their relocation is considered satisfactory subject to details being submitted as to their proposed new location and details of the proposed screen planting to the north-western boundary.

**Vehicular Impact**

Access to the site is proposed via the existing driveway and through the existing brick piers. The driveway has a clearance width of 3.6m. It is proposed to relocate the existing gates further down the driveway and beyond the entrance to the basement carpark for the proposed new building. This will provide a clear and distinct entry point to Hawthornden.

The entry to the basement carpark has been orientated to the east so the “hole” is not visible when viewed from the entrance driveway. What will be visible will be a slight raised lawn area.

The basement provides the parking for 28 spaces (23 resident and 5 visitor spaces). An additional 5 spaces are provided for Hawthornden itself. This fully complies with Council's Code.

Concern has been raised about the impact of the increased traffic generation on the operation of Roslyndale Avenue. A report has been submitted by Traffic Consultants, Colston Budd Hunt & Twinney Pty. Ltd. addressing this matter.

The report identifies that Roslyndale Avenue currently carries 60 to 80 vehicles per hour during the morning and afternoon peak periods. Edgecliff Road carries 600 to 700 vehicles during the same time. At present, the existing premises and those surrounding the site, have low levels of traffic generation, the maximum recorded being 2 vehicles per hour. Parking is available in the street and the intersection of Roslyndale Avenue and Edgecliff Road is modelled as having a good level of service.

The proposed development would result in a daily traffic generation of 66 to 72 trips with a peak hourly rate of 5.5 to 7.2 trips. This is a low trip generation and it is considered, would not have a significant impact on the operation levels of Roslyndale Avenue or Edgecliff Road. Likewise, the gateway to Hawthornden would likely also operate satisfactorily.

Garbage is to be collected in a garbage store at the entrance to the site. Concern has been raised that if the bins are wheeled onto the footpath then access would be blocked as would egress from neighbouring properties. Whilst there is potential for this to occur, it need not happen if the bins from Hawthornden are located further along the footpath (east) of Roslyndale Avenue.

Council's Engineers have no objections to the proposal on traffic grounds.

**Drainage**

Of great concern in the consideration of this proposal has been the issue of stormwater drainage. At present, Hawthornden disposes of its stormwater via an unlawful “tapping into” a drain on adjoining property. (NB. Hawthornden is not the only site in the area disposing of its stormwater via unlawful easements).

This is not to be allowed to continue and it has been necessary for the applicant to provide Council with the necessary evidence to ensure that all stormwater from the site would be disposed of properly.
The applicant has detailed how stormwater would be able to be detained on the site through use of the basement carpark and another detention basin adjacent to the eastern boundary of the site. Some of the detained water would be used to water the extensive gardens. The remainder would be pumped to Roslyndale Avenue.

To ensure the maintenance of the pumps, a backup pump and generator are to be installed. Council's Engineers have examined the proposal and have advised that it exceeds the necessary requirements and is satisfactory subject to conditions.

Officers are aware that the applicant is also investigating alternative drainage options such as creating easements to drain to Wallaroy Road. These are on-going and may provide a more desirable option if they can be achieved.

Nevertheless, Council is satisfied that the solution, as currently proposed, is acceptable.

**Stability of Cliff**

Concern has been raised by several residents in Wallaroy Road who back onto the site that the development may cause instability in the cliff face between properties.

In submitting the application, a report was provided by Jeffrey & Katavskas Pty. Ltd. Consulting Geotechnical Engineers. They assessed the stability of the existing cliff face and the impact the proposal would have on the stability.

In this respect, they stated that much of the mutual boundary is only of "marginal" stability due to undercuts or overhangs, detached blocks, old dry pack block walls and very steep vertical upper slopes.

It was recommended that the sandstone overhang towards the western end of the boundary be underpinned either by a wall or a series of columns. It is recommended that diamond cored bore be completed adjacent to 14 Wallaroy Road to adequately assess stability for the footings of the development. Pegging and meshing of the steep slopes and again underpinning of the rock overhang would stabilise the existing face.

Further along this boundary, it is noted that existing bamboo growth onto old sandstone deck wall has resulted in poor stability where, if remediation does not occur, rock falls will occur regardless of any development on the site. The bamboo therefore needs to be removed and the wall rebuilt.

In summary, the report outlines the works necessary to stabilise the cliff and the works necessary to appropriately establish the footings criteria for the new development. That is, that a geotechnical investigation involving test boring occurring prior to the submission of any building application.

**SUMMARY:**

As stated in the preamble to this report, consideration of the proposal has involved a balancing of many and often competing matters; such as heritage conservation, increased density of development and adjoining neighbours concerns.

Having assessed the proposal, it is considered that, consistent with the 2(b) zoning of the site, the property is capable of withstanding an intensification of development. It is also accepted that generally the most reasonable and suitable area of the site for such development to occur, is towards the north-western corner on the old (existing) tennis court. This area is the least sensitive area in terms of the heritage integrity of Hawthorneden and its landscape setting. However, this part of the site is closely adjoined by neighbouring properties and therefore any development on this part of the site will impinge on the existing amenity enjoyed by neighbouring developments, most particularly the townhouses to the west.
On close consideration it is considered that the proposal would not unduly impact upon these properties by way of overshadowing or loss of privacy as a consequence of the proposed setbacks which exceed Council's controls on this boundary and the design of the building.

However, the reporting Officer is not fully satisfied with the overall height of the development, its significant exceedence of Council's controls and the consequent impact on views, not water views per se, but panoramic views which results in a visual encroachment and enclosure to adjoining residents. It is considered that a development which complied with the height limit, would significantly reduce this visual blocking of view.

It has been suggested by the applicant that, were the development to comply with the height standard, it would be necessary to transfer the offending areas of the building towards the western boundary of the site which would impact more severely on the townhouses.

This argument is not accepted. Even if all Council's controls are complied with it is commonly accepted that mere compliance with Council's controls does not necessarily mean a proposal will be acceptable having regard to its consideration under Section 90 of the Act.

It is accepted that in terms of floor space ratio, landscape provision, car parking and setbacks (generally) the development complies or exceeds Council's controls but it is not considered reasonable to seek an increased height due to other areas of compliance.

It is also appropriate to note that whilst the proposal complies with the floor space ratio permissible by being only 0.53:1 instead of a maximum of 0.625:1, this may well be all that can be accommodated on the site due to other constraints such as heritage, site, shape and landscape considerations. The permissible floor space ratio is a maximum which can not always be achieved satisfactorily on all sites.

In this case, all the proposed additional floor space ratio is to be located in the north-western corner of the site. This results in a perceived overdevelopment in this area due to the scale, height and bulk of the development.

Accordingly, the development as proposed is considered unsatisfactory in respect of its height and consequent impact on adjoining owners. A reduced height and perhaps relocation of the offending floorspace to another part of the site, perhaps in the south-eastern corner, may prove more acceptable.

RECOMMENDATION: PURSUANT TO SECTION 91 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

A. THAT given the impact that the proposal will have on the panoramic views of adjoining properties, the SEPP No.1 objection, in respect of height, not be accepted.

B. THAT Council, as the consent authority, refuse development consent for the alterations to Hawthorned and the erection of a ten (10) dwelling apartment building as shown on No. 01A, 02, 03, 04, 05A, 06A, 07A, 08A, 09A, 10A, 11A and 12A, dated July 1994, and drawn by Ercole Palazzetti Pty. Ltd. and the landscape plan drawn by Landarc dated September 1994, Reference 94/08.018 for the following reasons:-

1. The proposed development exceeds Council's maximum height limit pursuant to LEP No.24 and as such has a detrimental impact on adjoining residents by way of loss of view and visual massing.
2. The scale and bulk and height of the development is considered unsatisfactory given its location within the site and its juxtaposition to adjoining residents.

3. Circumstances of the case and the public interest.

SUE FRANCIS
SENIOR PLANNER

ANNEXURES:
1. Locality Map.
2. Plans.
3. View Corridors Sketches.
5. Relationship to No.16 Wallaroy Road.
6. Petition.

ADVISING:
You will now need to have regard to the following requirements:-

Council is always ready to discuss its decisions and in this regard please do not hesitate to contact Sue Francis. If however, you wish to pursue your rights of appeal to the Land & Environment Court, it would assist in the expeditious disposition of the matter if you were to indicate to Sue Francis that you are prepared to agree to mediation before the Land & Environment Court.
Figure 1: Location Plan
LINE OF BALCONIES, EXISTING FENCE AND TREES SHOWN DOTTED OVER

SUNLIGHT ENTERS UNITS 1 AND 2 AT 7:22 AM.

SHADOW LINE FROM EXISTING BUILDING AND FENCE

SHADOW LINE FROM PROPOSED DEVELOPMENT

NET ADDITIONAL SHADOW
LINE OF BALCONIES, EXISTING FENCE AND TREES SHOWN DOTTED OVER

SUNLIGHT ENTERS UNIT 1 AT 7.58 AM.
SUNLIGHT ENTERS UNIT 2 AT 7.45 AM.
SUNLIGHT ENTERS UNIT 3 AT 7.48 AM.

SHADOW LINE FROM EXISTING BUILDING AND FENCE
SHADOW LINE FROM PROPOSED DEVELOPMENT
MET ADDITIONAL SHADOW

E. PALAZZETTI
250 HARRIS STREET
PYRMONT 2009
TEL. (02) 552 3288
FAX. (02) 552 3962
SCALE
DATE 01.11.94
SK 216/R 116

JUNE 21, SUNRISE - 7.05 AM

DIMENSION
3

UNIT 1
UNIT 2
UNIT 3

GROUND FLOOR
1ST FLOOR
2ND FLOOR

ERNCOLE PALAZZETTI
PTY LTD

PROJECT:
PROPOSED DEVELOPMENT
HAWTHORNDEN ESTATE
6-12 ROSLYNDALE AVE
WOOLLARRA

SHADOW DIAGRAM
JUNE 21ST
8.00 AM
LINE OF BALCONIES, EXISTING FENCE AND TREES SHOWN DOTTED OVER

SHADOW LINE FROM EXISTING BUILDING AND FENCE

SHADOW LINE FROM PROPOSED DEVELOPMENT

MET ADDITIONAL SHADOW

SUNLIGHT ENTERS UNIT 3 AT 7.30 AM.
LINE OF BALCONIES, EXISTING FENCE AND TREES SHOWN DOTTED OVER

2ND FLOOR
IST FLOOR
GROUND FLOOR

UNIT 1
UNIT 2
UNIT 3

SHADOW LINE FROM EXISTING BUILDING AND FENCE
SHADOW LINE FROM PROPOSED DEVELOPMENT
NET ADDITIONAL SHADOW

MARCH 21 SUNRISE - 6.03 AM

E. PALAZZETTI
250 HARRIS STREET
PYRMONT 2009
TEL. (02) 552 3288
FAX. (02) 552 3962

SCALE
DATE 09.11.94
SK 216/R 120

CLIENT:
ERCOLE PALAZZETTI
PTY LTD

PROJECT:
PROPOSED DEVELOPMENT
HAWTHORNE ESTATE
6-12 ROSLYNDALE AVE
WOOLLAHRA

SHADOW DIAGRAM
MARCH 21ST
8.00 AM

DIMENSION 3

The information shown on this drawing is copyright and shall not be copied or reproduced in any form or used for any purpose other than originally intended without written approval of Dimension 3.

METRES

0

1

2

3

4

5
The roof of 4-12 Rondelde Ave. at 8715 meters above the rear terrace. This represents a visual impact of 16 terraces.
MEMORANDUM

FILE NO: PETITIONS TABLED
TO: DIRECTOR - LAND MANAGEMENT SERVICES
FROM: DIRECTOR - CORPORATE SERVICES
SUBJECT: PETITION TABLED FROM 29 RESIDENTS OF WOOLLAHRA - TABLED BY COUNCILLOR PETRIE

I refer to the abovementioned matter and advise that at the Council Meeting of 31 October, 1994 the Council resolved in the following terms:

The Petition was in terms, in part:

We the undersigned hereby object to the above proposed redevelopment on the following grounds.

1. The building height exceeds that allowable under the present zoning.
2. Hawthomden is listed with the National Trust and on Council's list of protected environmental heritage properties.
3. The new building will completely dominate the existing 1857 residence and surrounding homes.
4. Loss of privacy, light and outlook to surrounding homes.
5. Increase traffic flow to the dangerous intersection of Roslyndale and Edgecliff Roads.
6. Increase stormwater problems to Wallaroy Road below the site.
7. Proposed extensive excavations for the carpark will endanger historic protected trees on the site.

MOTION MOVED BY COUNCILLOR PETRIE
SECONDED BY COUNCILLOR ROBERTSON

21/04 THAT the Petition be received and lie on the table for a period of fourteen days and be taken into consideration with the BA and DA for the Hawthomden Estate.

ADOPTED

Referred to you for action.

GARY JAMES
DIRECTOR - CORPORATE SERVICES
The Town Clerk  
Woollahra Municipal Council  
Po Box 81  
DOUBLE BAY NSW 2028  

Re: Proposed Re-Development  
Hawthomden Estate  
6-12 Roslyndale Avenue, Woollahra  

We the undersigned hereby object to the above proposed redevelopment on the following grounds.

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6. Increase storm water problems to Wailaroy Road below the site.
7. Proposed extensive excavations for the carpark will endanger historic protected trees on the site.

Date | Name | Address | Signature
--- | --- | --- | ---
24/10/94 | M. Banks | 8/61 Edgecliff Rd |  
24/10/94 | D. Howard | 9/37 Edgecliff Rd |  

[Handwritten signatures]
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Date   Name       Address                Signature
14/10/94  J de Seville  319 E Edgecliff Rd, Woollahra 2025  
19/10/94  P de Senire    319 E Edgecliff Rd, Woollahra 2025       
19/10/94  M Crawford     319 E Edgecliff Rd, Woollahra 2025       
19/10/94  R F Crawford   319 E Edgecliff Rd, Woollahra 2025       
19/10/94  K Bloch        319 E Edgecliff Rd, Woollahra 2025       
19/10/94  Dshlan         319 E Edgecliff Rd, Woollahra 2025       
19/10/94  L M Stand      319 E Edgecliff Rd, Woollahra 2025       
19/10/94  A R Salom      319 E Edgecliff Rd, Woollahra 2025       
19/10/94  M R Maxwell    321 Edgecliff Rd, Woollahra 2025       
19/10/94  G M Hodde     321 Edgecliff Rd, Woollahra 2025       

-183-
The Town Clerk
Woollahra Municipal Council
Po Box 61
DOUBLE BAY NSW 2028

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<th>Date</th>
<th>Name</th>
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<tbody>
<tr>
<td>19/10/94</td>
<td>JOHN PALMER</td>
<td>13/7 EDGECLIFF RD, WOOLLAHRA</td>
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<td>19/10/94</td>
<td>CRAIG FORBES</td>
<td>5/317 EDGECLIFF RD, WOOLLAHRA</td>
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<td>19/10/94</td>
<td>CLAUDIA AMINARO</td>
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<td>CARL HALL</td>
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<td>ANDREW MCFARLIE</td>
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<td>19/10/94</td>
<td>JEANNIE BYRNE</td>
<td>10/317 EDGECLIFF RD, WOOLLAHRA</td>
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<td>19/10/94</td>
<td>TONY BYRNE</td>
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<td>KELO ROSEBURY</td>
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<td>14 Oct 94</td>
<td>H Hughes</td>
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<td>S. Adamik</td>
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<td>20 Oct 94</td>
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-185-
BUILDING & DEVELOPMENT COMMITTEE
MEETING HELD ON 5/6/1995

ITEM NO: D13 DELEGATED TO COMMITTEE

ADDRESS: 'HAWTHORNDEN' 6-12 ROSLYNDALE AVE, WOOLLAHRA

PROPOSAL: RESIDENTIAL APARTMENTS (8 UNITS)

REFERENCE: DA 95/57

OWNER: DORTOME PTY LTD

DATE LODGED: 5 APRIL 1995

ARCHITECT: ERCOLE PALAZZETTI

AUTHOR: S FRANCIS - MANAGER DEVELOPMENT CONTROL

SUMMARY

ISSUES:

Height, bulk, scale, relationship to adjoining owners, heritage implications, vehicle generation, drainage & landscaping

OBJECTIONS:

Petition signed by 71 persons; 16 individual objections

RECOMMENDATION:

Consent be granted subject to conditions

PREAMBLE:

The subject site has been the subject of a recent Development Application for the erection of a similar proposal. The matter was considered at the Building & Development Committee meeting of 6 March 1995 where it was resolved to refuse consent for the following reasons:

1. The proposed development exceeds Council's maximum height limit pursuant to LEP No. 24 and as such has a detrimental impact on adjoining residents by way of loss of view and visual massing.

2. The scale, bulk and height of the development is considered unsatisfactory given its location within the site and its juxtaposition to adjoining residents.

3. Circumstances of the case and the public interest.

The report to Council assessing the previous development was detailed and lengthy and is attached for reference. The subject proposal is an amendment to the previous scheme but in many areas the development remains unchanged. Accordingly, where appropriate, this report
will defer to the attached report for detailed analysis. Accordingly, this report will concentrate on the changes from the previous proposal.

DESCRIPTION OF PROPOSAL:

The proposal involves the erection of a three level, three unit apartment building with basement parking together with alterations and upgrading of the existing residence "Hawthornden". The significant variation from the previous proposal is a removal of one level of the development to comply with Council's height limit.

STATUTORY CONTROLS:

Woollahra LEP 95
Zoning Residential 2(b)
FSPA
Height - 9.5 (No SEPP 1 required)
Use permissible with consent.
FSR - 0.625:1 (No SEPP 1 required)

POLICY CONTROLS:

Interim RDCP; Interim Car Parking DCP and Stormwater Drainage Code.

CONSERVATION STATUS:

Conservation Area; Item of Environmental Heritage.

DESCRIPTION OF LOCALITY:

The area is predominantly residential with a mix of single dwellings and medium to high density flat buildings and is bounded by dominant traffic routes including New South Head Road to the north, Edgecliff Road to the west and south, Old South Head Road to the south east and Bellevue Road to the east. Further to the west is Ocean Street, another main traffic route.

The surrounding locality, particularly the area adjacent to Edgecliff Road, includes a large number of historic properties, gardens and significant trees which contribute to the visual and historical context of the location.

<table>
<thead>
<tr>
<th>PROJECT DATA/POLICY COMPLIANCE:</th>
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<td>Site Area (m²) 6517</td>
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<td>Floor Space Ratio *</td>
<td>0.53:1</td>
<td>0.50:1</td>
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<td>Policy</td>
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<td>Landscaped Area (m²)</td>
<td>4898</td>
<td>5041</td>
<td>3813</td>
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<td>Landscaped Area at Natural Ground Level (%)</td>
<td>75</td>
<td>77</td>
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<td>North-eastern</td>
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<td>North-western</td>
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<td>3.8-18.2</td>
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<td>Western</td>
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<td>3.9-11.0</td>
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<td>27</td>
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* Including Hawthorn
** New building only

ENVIRONMENTAL APPRAISAL/ POLICY COMPLIANCE:

4. Statutory Controls
   YES
2. Policy Controls
   YES
3. Design in relation to existing building and natural environment.
   YES
4. Landscaping/Open Space Provision
   YES
5. Traffic generation and car parking provision.
   YES
   N/A
7. Physical relation to and impact upon adjoining development.
   (Views, privacy, overshadowing etc)
   YES
8. All relevant S.90 considerations of the Environmental Planning & Assessment Act 1979.
   YES
   N/A

HISTORY:

See preamble

INTERDEPARTMENTAL COMMENTS:

Building

No comments.
Health

No objections subject to conditions

Heritage Planner

Submitted to UCAC and National Trust. The National Trust commented as follows:

"On the current proposal the Trust makes the following comments:

* (AS PREVIOUSLY STATED) It is ideal in heritage terms for no further development to take place on the site.

* (AS PREVIOUSLY STATED) It is imperative that Hawthomden is properly conserved under the supervision of a suitably qualified and experienced heritage architect. This work should be mandatory and undertaken as a priority with regard to all other proposed works on the site.

* The freestanding Billiard Room should be given the same priority and professional heritage supervision as noted for Hawthomden above.

* (AS PREVIOUSLY STATED) The landscape screening comprising existing trees proposed to remain and new planting will be essential to soften the impact of the new building on Hawthomden. It will be vital to ensure that the proposed planted screening is realised by careful management of existing vegetation and proposed planting.

* The proposal, now significantly modified in scale by a reduction in one floor and shifting of the massing of the proposal is considered a substantial improvement in regard to its formal relationship to Hawthomden.

* The proposal indicates a ‘quieter’ elevational treatment to the elevation facing the carriage loop and as such is considered to be more appropriate as a companion to the main elevation of Hawthomden than the previous scheme."

UCAC

The UCAC considered the proposal and generally concurred with the comments of the National Trust and added as follows:-

"The Committee endorsed the views of the National Trust as conveyed in their letter of 28 April 1995.

A primary concern of the Committee was the retention of Hawthomden’s grounds and setting and the retention of all major landscape features.

The Committee recommends that Council consider the seeking of a PCO over the site (apart from the proposed unit block) to further assist in precluding any further subdivision of this site and any further loss of landscape setting and detail."

Engineering/Traffic

The access and ramps are considered adequate. The number of car parking spaces and manoeuvring space is considered satisfactory. The report of Colston Budd Hunt & Twinney Pty Ltd on these matters is agreed with. No objection subject to conditions.
Engineering/Stormwater Drainage

Council's engineer has examined the proposal to use an on-site detention system and no objection subject to full engineering details being submitted at BA stage. Refer to "Drainage" comment in previous attached report. The circumstances remain unchanged.

Engineering/Geotechnical

Assessed by consultant and controlled by condition.

Landscaping

The views as stated in the attached report remain consistent for the current proposal. A bond has been recommended for the Bunya Pine Tree.

ADJOINING OWNERS RESPONSES:

Adjoining owners were notified of the proposed development on 12 April 1995. Notification of adjoining owners resulted in 16 objections plus a petition signed by 71 persons (see copy attached) as follows:-

Terrey Arcus, 14 Roslyndale Ave:

i) deletion of garage and gatehouse satisfactory
ii) confirm previous objection to use of garage as caretaker's cottage
iii) confirm previous objection to no restructuring of exit to Roslyndale Ave
iv) confirm previous objection "to collection" of garbage
v) concerned about detention tank

Suzy Kennedy, 2 Roslyndale Ave:

i) still exceeds height

Mr & Mrs Mortimer, 14-16 Wallaroy Rd (through Allen Allen & Hemsley and Ingham Planning):

i) impact on escarpment
ii) inadequate setbacks
iii) loss of privacy
iv) visual impact
v) destruction of bamboo
vi) noise impact
vii) height of wall on boundary
viii) shallow stormwater detention like tennis court
ix) future subdivision impact

Strata Plan 10697, 317 Edgecliff Road (through Ingham Planning):

i) too close to townhouses
ii) still unreasonably high
iii) loss of views
Joan Porter, 1/313 Edgecliff Rd:
   i) too much traffic
   ii) loss of heritage
   iii) loss of views and privacy

John Palmer & Carolyn Marsh, 1/3A Edgecliff Rd:
   i) height exceeds limit
   ii) Hawthomden is listed
   iii) new building will dominate Hawthomden
   iv) loss of light and privacy
   v) increased traffic
   vi) detention basin relates to mechanical solution

M S Robinson, 12/321 Edgecliff Rd:
   i) excessive bulk
   ii) loss of privacy
   iii) increased traffic

Woollahra History & Heritage Society, c/- Council
   i) dominate Hawthomden and detract from setting

C W Forbes, 5/317 Edgecliff Rd
   i) amendments not substantial
   ii) exceeds height limit
   iii) too close to townhouses
   iv) loss of heritage value
   v) detention tanks inappropriate close to cliff
   vi) increased traffic
   vii) design ugly

Consulate General of America, Level 59 MLC Centre, Sydney
   i) concern for detention tank on escarpment

J M Kaplan, 319(c) Edgecliff Rd:
   i) dominate Hawthomden
   ii) height exceeds limit
   iii) loss of views, privacy and height
   vi) increased traffic
   v) increased stormwater runoff

Geoffrey Rundle, 28 Wallaroy Rd:
   i) concern about stormwater drainage

Lachlan (resident), 319a Edgecliff Rd:
   i) detract from site
   ii) reduction in height minimal
   iii) impact on Hawthomden and gardens
iv) increased traffic
v) National Trust concerns

P J de Serière, 319G Edgecliff Rd:
i) loss of views and light
ii) increased traffic
iii) excavation may endanger tree roots
iv) support National Trust's views
v) height exceeds limits
vi) increased stormwater runoff

Cedric Carle for 7, 9, & 10 - 317 Edgecliff Rd:
i) overbearing bulk
ii) loss of height minimal

Tom & Jeannie Byrnes, 10/317 Edgecliff Rd:
i) impact now greater because closer
ii) loss of sunlight and privacy
iii) over-reasonable height
iv) increased traffic, noise, pollution
v) loss of property value.

For information, it is to be noted that 27 letters of objection were received in respect of the original application, plus a petition signed by 29 persons. The amended, original submission received 17 letters of objection plus one letter of support.

Consideration:
The proposal is assessed having regard to the following heads of consideration.

Statutory Controls:
i) Height:
The currently applicable statutory instrument is Woollahra Local Environmental Plan 1995, wherein the height limit is defined as maximum 9.5m (as previously in LEP 24). However the definition of height now reads:

"height", in relation to a building, means the greatest distance measured vertically from any point on the building to -

(a) the ground level or
(b) the lowest level of building (excluding garage levels or part thereof situated totally underground and below ground level) immediately below that point, whichever level is the lower.

The proposal now fully complies with the 9.5m height limit and results in a reduction in height over the previous proposal of between 2.0m - 5.0m. For the most part, due to the slope of the site, the development would be well below 9.5m.
In relation to Hawthorn which has a RL 52.45 the proposal is now lower at RL 52.10. The development is also notably lower than the adjoining buildings within its immediate vicinity.

The development would be barely visible from Roslyndale Ave nor Wallaroy Road due to its position and setback.

In the previous assessment of height, in the attached report to Council of 6 March 1995, it was concluded that:-

"...the height limit does not create unreasonable impacts in respect of privacy and overshadowing having regard to the site circumstances. Likewise, the height per se, is not necessarily incompatible with adjoining developments, which in themselves, mostly exceed the height standard, save for its compatibility in respect of heritage on Hawthornen ...".

The current proposal has an improved impact on privacy, overshadowing and views as expressed by the report by Gary Sheils & Associates, below:-

"The reduced height of the proposed development will reduce the likely impact on the townhouses to the west of the site. The impact relates to loss of view, overshadowing and loss of privacy. The matters will now be discussed."

It should be noted from the outset that the western boundary of the site, between the proposed building and the neighbouring townhouses, is occupied by dense vegetation, which limits views from these properties to merely glimpses of the Bellevue Hill residential area. In addition, the dense vegetation casts a morning shadow over the property to the west and also serves as a privacy screen between the two properties.

As the townhouses are orientated towards the north east, the northern most townhouses will have view corridor between the proposed building and the existing 9 storey residential flat building. Also, as indicated, views form the ground and first floor levels are already significantly obscured by existing elements on the western boundary of the subject site.

In respect of townhouse No.1, it has only glimpses of the distant escarpment through the existing vegetation. In respect of townhouse No.2, it has slightly improved glimpses of the escarpment to the east.

The views form the second floor balcony level of townhouses No.s 1 and 2, towards Bellevue Hill will be maintained. As indicated, the roof RL of the proposed building is 52.10 and the ridge RL for most part of the roof is 51.87. The southern townhouses second level balcony RL is 50.85. A person standing on the second floor balcony will have a clear view over the proposed building across to Bellevue Hill residential area. It is noted that the previous scheme was significantly high and obstructed this view to Bellevue Hill.

Shadow diagrams have been prepared to assess the loss of sunlight the existing townhouses may experience. It is noted that shadow diagrams for the previous application indicated that at 9.00am in mid-winter, there are shadows cast over a small portion to the courtyards of the townhouses No.317 and 318 Edgecliff Road.

The reduced height of the proposed building has, in fact, reduced this modest shadow cast by the structure. At 9.00am in mid-winter, the additional shadow cast by the proposed development will be over a small area of the ground floor laundry and stairway of townhouses Nos.1 and 2. The living areas of these dwellings and indeed the remaining dwellings will not be affected in terms of shadow. It is noted that the
shadow diagrams have not considered the shadow cast by the existing trees on site.

The height of the previous proposal was not considered to be an adverse element relating to loss of privacy. Nevertheless, the current proposal has also been designed to address the privacy of the townhouses to the west. The western elevation of the first and second floors of the proposed building merely contain bedroom and ensuite windows. These windows are located 4.3m to 5.2m from the western boundary and views from these windows into the townhouses is significantly obstructed by the existing and proposed vegetation.

The design of the proposed building, the existing and proposed landscaping and the distance between the townhouses and the proposed building is considered to be more than adequate to provide for a high level of privacy between the two buildings.

Accordingly, the proposal represents a significant improvement from the previous scheme refused by Council, and is not likely to adversely affect the solar access or privacy of the townhouses to the west of the site. Indeed, the views available from the second floor of the townhouses have been better addressed by the reduced height of the proposed building.

In summary, the height proposed in the current application maintains the views available from the second floor balconies of the townhouses. In general, the proposal will not significantly affect the views currently available from these townhouses. In addition, the proposed building height will provide minimal overshadowing and maintain the privacy of the townhouses.

ii) FSR

Woolahra LEP 1995 specifies a maximum FSR of 0.625:1 (1073m²) (the same as the previous LEP 24). The development seeks a maximum FSR of 0.50:1 (3234m²). The previous development application had an FSR of 0.53:1. The actual drop in FSR is greater than numerically shown due to the current need to include balconies into the FSR.

The proposal therefore has an FSR of 0.125:1 (839m²) less than the maximum permissible.

iii) FSBL

Not applicable to the site.

iv) Excavation

The proposal does involve excavation in respect of the provision of basement parking. The excavation is not considered excessive and is considered appropriate in this case.

v) Conservation/Heritage

The "Heritage Issues" were reported in detail in the previous report to Council (attached). It split its consideration into three elements - "Works to Hawthomden", "Impact on the Setting of Hawthomden" and "Impact on Heritage Landscaping/Trees".

The works in relation to Hawthomden remain unchanged. The only additional matter being a verbal concern from the National Trust that works to be undertaken as soon as possible to Hawthomden to maintain its historic fabric.
In terms of the impact on the setting of Hawthorneden, this would be significantly improved as a consequence of the reduction in height was proposed. Godden Mackay, Heritage Consultants on behalf of the applicant, comments as follows on the amended proposal:

"This new proposal reduces the footprint and the height of the proposed apartment building substantially from that indicated in the previous proposal. The number of units is also reduced from ten (10) to eight (8). This reduces the proposal from the earlier three to four storey building to a two to three storey building. These are significant modifications to both the bulk and scale of the proposal and will perceptibly reduce the perceived bulk and scale of the new building.

This does some way to enhance the perception of a large landscaped private space within the increasingly densely occupied suburb. The importance of this perception was identified in the final sentence of the statement of significance:

"The site has considerable aesthetic value as a large landscaped private space in Woollahra."

It is also commendable that despite the substantial changes to the previous design to accommodate the lower height, the new proposal retains the positive aspects identified in the earlier design:

- the gutter levels of Hawthorneden House are aligned with the parapet of the apartment building providing a sense of relationship and related scale.
- the proposal shows considered attention to the articulation of the facade facing the driveway, the choice of materials and design of the rooftscape in terms of the relationship with Hawthorneden House.
- the result is a design which responds positively to the historic house and retains most of the landscaping which distinguishes the present setting.

Hawthorneden House is now a substantially taller structure than the proposed neighbouring apartments and complies with the National Trust's desire for the new building to defer to Hawthorneden and for Hawthorneden not to be overshadowed by the new building (refer to No. 2 of the Trust's comments on the previous proposal submitted 20/12/94).

The impact of the development proposal on the curtilage of Hawthorneden was fully discussed in our comments on the previous DA proposal. Many of those findings are not altered in relation to the new DA. However, as an examination of the issue of curtilage addresses most of the heritage issues associated with the site, the analysis is reproduced below but altered where necessary to address the current proposal."

In respect of the impact of the development and the landscaping/trees, the impact remains as previously reported.

**Policy**

i) **Setback**

The proposed development complies with Council’s setback requirement. In many cases, notably to the west, the development exceeds Council’s minimum setback of 1.5 metres and is set back a minimum of 3.9 metres and a maximum of 11.0 metres - given that the terrace area has been removed from this elevation, the potential for loss of privacy has been significantly mitigated.
ii) Landscaping/Onbuilt

Council's code requires 3813m$^2$ of landscaped area to be provided of which 1271m$^2$ is to be "soft" landscaping. The development allows for 5041m$^2$ of landscaped area of which 38881m$^2$ is to be "soft".

iii) FSR

See comments under "Statutory".

iv) Car Parking

Council's code requires the provision of a total of 22 spaces. The development provides a total of 27 spaces and therefore complies with Council's requirements.

v) Access

Access to the site has remained unchanged in this proposal (see attached report).

Council's Traffic Engineers concur with the report submitted by Colsten Budd Hunt & Twinney and raises no objection to the proposal.

vi) External Wall Height

Control not applicable to 2(b) zoned land.

Relationship to Adjoining Development

i) Privacy

This has been discussed in detail in the attached report and in the consideration under height.

ii) Views

As (ii) above.

iii) Overshadowing

As (ii) above

v) Scale/Bulk

By reducing the height of the development and redesigning elements of the building, the overall scale and bulk of the development has been reduced such that it now fully complies with Council's minimum controls and in many cases, in respect of height, FSR, setback and landscape provision, significantly exceeds these controls.

Its relationship to Hawthornden and surrounding residents are now considered acceptable.
vi) Residential Amenity

Inasmuch as residential amenity relates to overshadowing, loss of views and loss of privacy, the development has addressed these issues satisfactorily.

It is accepted that where no development has existed for a long time, that a concern is reasonable in terms of amenity, when the circumstances change.

However, in this case, any potential loss of amenity is considered not to be unreasonable given the circumstances of the site and the proposed development and its relationship to adjoining boundaries.

vii) Stability of Cliff

This matter was addressed in detail in the previous attached report. A further report has now been submitted by Jeffery & Katavskas Pty. Ltd. where it is stated that:

"The significant revisions to the DA, from a geotechnical point of view, are:

Reduced height of building, especially adjacent to the eastern boundary where it is now of one to two storeys.

Increased setbacks from the eastern site boundary.

Lower floor levels and finished external levels along much of the eastern boundary, as shown on Figures 1, 2 and 3.

As discussed below, these revisions are a significant improvement from a technical point of view."

With regard to the detention tank, the report states:

"The proposed stormwater retention pit will be constructed about 8 metres from this boundary and will be provided with a landscaped surface.

In this area we again recommend that a geotechnical inspection be undertaken after the site clearing works have been completed. We also recommend that the overhang at the northern end of Section 5 be supported by underpins or a wall as recommended for Section 1.

Excavation for the retention pit should be carefully carried out to prevent disturbance to the somewhat nominal landscaping walls within the terraced garden area and to have minimal impact close to the property boundary. We recommend that the eastern side of the pit be designed for no lateral support from adjacent soil. All loads from the pit should be transferred to the underlying bedrock which may require use of bored piers. In order to confirm the feasibility of this design, we recommend that one diamond cored borehole be completed prior to the BA submission."

In all other respects the details reported in the attached report remain unchanged.

In general, it is not possible nor appropriate, to undertake the test bores, nor to clear the site until such time as a consent is granted. Any consent would be conditional upon satisfactory test boring and a detailed geotechnical report to be submitted at the building application stage. This would be a normal practice.
Adjoining Owners Concerns

Many of the adjoining owners concerns reiterate those previously stated in respect of the original proposal.

Statements in respect of a non-compliance with the height limit are incorrect. The development complies with the development standard and in many points on the building is less than the standard.

Concerns relating to heritage, views, privacy, overshadowing, stormwater, vehicles and landscaping were addressed in the original report and are supplemented in this report under the appropriate heading.

CONCLUSION:

As stated in the previous report, consideration of the proposal has involved a balancing of many and often competing matters, such as heritage conservation, increased density of development and adjoining neighbours concerns.

When considering the previous proposal, Council Officers considered that the site, consistent with its 2(b) zoning, was capable of withstanding an intensification of development. It was also accepted that generally, the most appropriate location for such development to occur is towards the north-western corner of the old (existing) tennis court.

The previous report considered that the original proposal would not unduly impact upon the adjoining properties by way of overshadowing or loss of privacy due to setback. However, concern was raised regarding the overall height of the development and its impact on views.

Accordingly, Council resolved to refuse development consent for the following reasons:-

1. The proposed development exceeds Council's maximum height limit pursuant to LEP No 24 and as such has a detrimental impact on adjoining residents by way of loss of view and visual massing.

2. The scale, bulk and height of the development is considered unsatisfactory given its location within the site and its juxtaposition to adjoining residents.

3. Circumstances of the case and the public interest (11)

The development has now been significantly reduced in terms of height. A whole floor has been removed resulting in a reduction in height from 2.0 metres-5.0 metres and a full compliance with Council's controls.

In reducing the height, the visual scale and mass of the building has also been reduced.

Elements of redesign involving the removal of the rear terrace eliminate an area of privacy concern for the townhouses. In addition, curved elements have been introduced as certain elevational details and this visually softens the buildings.

Having regard to the amendments undertaken, the advice of Council's experts and heritage comments, the proposal is now considered reasonable having regard to the zoning of the site, in terms of its design and impact on adjoining residents and Hawthornden.
RECOMMENDATION: PURSUANT TO SECTION 91 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

A. THAT Council, as the consent authority, grant development consent D.A.95/57 subject to the following conditions:-

1. Development being carried out generally in accordance with plans numbered A1.01-08 dated March 1995 and drawn by Ercole Palazzetti Pty. Ltd. except where amended by the following conditions.

2. The colour, texture and substance of all external materials being to the satisfaction of the Council. Details are to be provided with the Building Application. For properties located in a Conservation Area or that are Heritage items, prior consultation with Council's Heritage Planner is recommended.

3. The use not commencing until such time as the conditions of this development consent have been carried out to the satisfaction of the Council.

4. All garbage rooms are to be kept in a clean and orderly manner at all times.

5. The noise emission from all plant associated with the development not exceeding the background noise level at any time as measured at the boundaries of the premises.

6. All floors being constructed and finished so as to be impervious to water, and graded to a sufficient number of floor drains.

7. Mechanical ventilation being installed within the premises, the plans of such ventilation system being submitted to the Council as a Building Application and approved by the Council prior to the commencement of works.

8. A plant room being provided in an approved location of sufficient area to house all machinery associated with mechanical ventilation services. Details are to be submitted with the Building Application for approval. Prior consultation with the District Health Surveyor is recommended.

9. Provisions are to made for the installation of a double bowl sink and a washing machine in all laundry areas.

10. Mechanical ventilation or a carbon monoxide monitor is to be installed in the carpark level.

11. The car parking level being to the satisfaction of the Council so as to comply with access ramp, grades, the minimum vertical clearance at the entrance to the car park, and vehicle turning/manoeuvring space.

12. The provision of access and car parking is to comply with Council's "Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities". A longitudinal section along the extremities and the centre line of each driveway at a scale of 1:20 shall be submitted with the Building Application for approval by the Technical Services Division.

13. Stormwater alignment level shall match the back of the existing footpath along the full site frontage.
14. Stormwater drainage from the site is to be effected in accordance with Council's Private Stormwater Code. Engineering calculations and plans with levels reduced to AHD in relation to site drainage shall be submitted with the Building Application for approval by the Technical Services Division. The drawings and details shall include the following information:

a. A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable by Council, and drainage calculations prepared in accordance with the Institution of Engineers Australia publication, Australian Rainfall and Runoff 1987 edition.

b. A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels etc, dimensions and type of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit.

All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.

c. A plan showing the separate catchment areas within the site, draining to each collection point or surface pit classified into the following categories:

   i) Roof areas
   ii) Paved areas
   iii) Grassed areas
   iv) Garden areas

d. All stormwater runoff naturally draining to the site shall be collected and discharged through this property's stormwater system. Such drainage shall be to the satisfaction of the Technical Services Division and, if necessary, must be constructed prior to the commencement of building work.

15. No internal fences are to be erected on the site without prior consent/approval of Council.

16. Any future strata subdivision of the site shall retain the remaining grounds of Hawthorneden into a single and separate allotment.

17. A full and detailed geotechnical report following test boring to be submitted with any Building Application to assess and ensure the stability of the north-western boundary of the site.

The report to be made available to adjoining residents in Wallaroy Road.

18. The development to be landscaped to the satisfaction of the Council and a landscape plan being submitted to, and approved by the Council at a scale of not less than 1:100, such to conform to the Council's Landscaping Code. All landscaping is to be completed prior to occupation of the building and maintained to the satisfaction of the Council.
19. Approval, pursuant to the Council's Tree Preservation Order being sought for all trees being removed from the site.

20. The proposed line of excavation for the basement carpark entry shall be located no closer than 7 metres from the trunk of the existing heritage item Bunya Pine tree (Araucaria bidwillii).

21. Prior to building application, exploratory trenching shall be undertaken by hand to a minimum depth of 1 metre at the line of excavation for the stormwater retention pit beneath the canopy of the existing Camphor Laurel tree (Cinnamomum camphora) to determine the effects of the excavation on the root system of the tree; exploratory trenching shall be undertaken by a suitably qualified Arborist/Tree Surgeon and Councils Trees Officer shall inspect the exploratory trenching to determine if the encroachment on the tree is acceptable. If the encroachment is not considered acceptable due to the detrimental affect of the root severance required on the health and stability of the tree, redesign shall take place providing further setback from the Camphor Laurel tree. Details of how that shall be achieved shall be submitted with the building application.

22. All excavation being carried out within the canopy spread of any tree protected under Councils Tree Preservation Order shall be hand dug.

23. Paving works within the canopy spread of the existing Camphor Laurel tree (Cinnamomum camphora) growing adjacent to the billiard room shall be constructed in such a way that ensures the existing moisture infiltration and gaseous exchange to the trees root system is maintained.

24. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees protected under Councils Tree Preservation Order.

25. No mechanical excavation of the proposed basement carpark driveway entrance shall be undertaken within an 8 metre radius of the trunk of the existing Bunya Pine tree (Araucaria bidwillii) until root pruning by hand along the perimeter line of such works is completed.

26. No mechanical excavation of the proposed stormwater retention pit shall be undertaken within a 6 metre radius of the trunk of the existing Camphor Laurel tree (Cinnamomum camphora) until root pruning by hand along the perimeter line of such works is completed.

27. Tree root and canopy pruning shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

28. Footings of the proposed billiard room shall be of isolated pier footing construction. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed.

29. No piers for footings shall be located closer than 2 metres from the trunk of the existing Camphor Laurel (Cinnamomum camphora) tree. There shall be no infill between the piers, nor any backfill beneath the slab.

30. No level changes shall occur within the dripline of any trees protected under Councils Tree Preservation Order.
31. During construction protective fencing shall be provided around all trees protected under Council's Tree Preservation Order which have works within 6 metres of the trunk of the tree. The fencing shall encompass the maximum possible area covered by the dripline of the canopy. Details of this fencing are to be provided with the Building Application.

32. Prior to the commencement of works protective fencing shall be installed around the existing Bunya Pine tree (Araucaria bidwillii), at a minimum radius of 6 metres from the tree's trunk. Details of this fencing are to be provided with the Building Application.

33. Approval is granted for the pruning of the existing Camphor Laurel tree, to perform minor canopy uplifting to provide vertical clearance for the relocated billiard room. All pruning must be undertaken by a qualified person, with a minimum qualification of Horticultural Certificate or a Tree Surgery Certificate.

34. Approval is granted for the transplanting of the following palms to the locations shown on the submitted landscape plan:
- 15 Bangalow Palms (Archontophoenix spp.)
- clump of Queens Palms in proximity to existing cabana

Transplanting works shall be undertaken by a suitably qualified Horticulturist/ Arborist or professional tree transplanting personnel.

35. The applicant is to enter into an agreement with Council, to be prepared by Council's Solicitors at the applicant's expense, providing for the lodgement of a bond in the sum of $93,437.50 for the preservation of the Bunya Pine (Araucaria bidwillii) during the construction works at the site. The agreement is to be executed and the bond lodged prior to the release of any building plans.

36. The existing 1927 pantry located within the kitchen of Hawthomden to be retained intact.

B. THAT Council investigate the placing of a Permanent Conservation Order on "Hawthomden" and its remaining setting to minimise further development and/or subdivision on the site.

SUE FRANCIS
MANAGER DEVELOPMENT CONTROL

ADVISINGS:

You will now need to have regard to the following requirements:

1. Council is prepared to discuss its decisions and in this regard please do not hesitate to contact Ms. Sue Francis. If however, you wish to pursue your rights of appeal to the Land & Environment Court, it would assist in the expeditious disposition of the matter if you were to indicate to Ms. Francis that you are prepared to agree to mediation before the Land & Environment Court.
2. Submission to, and approval by, the Council of a formal Building Application, lodged in accordance with the provisions of the Local Government Act, 1993, incorporating the revisions as contained in the conditions of consent, prior to the commencement of any building works, including demolition or alterations.

The Building Application shall be accompanied by a statutory declaration by the architect or designer responsible for preparing the plans that the plans accord with the development consent or accord subject to such variations as are specified in the declaration. Note: Variations may require the submission of a Section 102 application (Environmental Planning & Assessment Act 1979).

3. All aspects of this proposal are to comply with Part F of the Building Code of Australia.

ANNEXURES:

1. Site Plan
2. Plans & Elevations
4. Petition.
Environmental Planning & Assessment Act, 1979

NOTICE TO APPLICANT OF DETERMINATION OF
A DEVELOPMENT APPLICATION.

ERCOLE PALAZZETTI PTY LTD
250 HARRIS STREET
PYRMONT NSW 2009

being the applicant in respect of development application No. DA 94/211.

Pursuant to Section 92 of the Act notice is hereby given of the determination by the consent authority of the development application No. DA 94/211, for residential appartments relating to the land described as follows:-

6-12 ROSLYNDALE AVENUE, WOOLLAHRA

The development application has been determined by refusing of consent for the following reasons:-

1. The proposed development exceeds Council's maximum height limit pursuant to LEP No.24 and as such has a detrimental impact on adjoining residents by way of loss of view and visual massing.

2. The scale and bulk and height of the development is considered unsatisfactory given its location within the site and its juxtaposition to adjoining residents.

3. Circumstances of the case and the public interest.

Endorsement of date of refusal, 6 March, 1995.

NOTES:

* Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.

Signature on behalf of consent authority

P. CARL,
GENERAL MANAGER
PER: SF.

-206-
ADVISING:–

Council is always ready to discuss its decisions and should you wish to discuss the matter further, please do not hesitate to contact Sue Francis of Council’s Land Management Division. If however you wish to pursue your rights of appeal to the Land & Environment Court, it would assist in the expeditious disposition of the matter, if you were to indicate to Sue Francis that you are prepared to agree to mediation before the Land & Environment Court.
RECOMMENDED:

THAT Council, as the consent authority, refuse development consent to D.A 95/57 - "Hawthornden" 6-12 Roslyndale Avenue, Woollahra for the following six (6) conditions:-

1. The proposed development by virtue of its scale, bulk and position relative to "Hawthornden" would have a detrimental impact on the heritage significance of that building and the site as a whole.

2. The proposed development by virtue of its position and proximity to the cliff line to the Wallaroy Road properties would result in damage to and loss of the natural cliff face.

3. The proposed development by virtue of its location on the site would result in loss of views to adjoining properties.

4. The proposed development by virtue of its location on the site would result in an inequitable "subdivision" of the land between the proposed development and the existing building "Hawthornden".

5. The proposal is considered to be an overdevelopment of the site by virtue of the developments location on the site and its relationship to adjoining properties and "Hawthornden" itself.

6. The circumstances of the case and the public interest.

Adopted

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APPENDIX 10

Petition tabled from residents of the Municipality concerning DA 95/57 tabled by Councillor AP, 9 May 1995
The General Manager  
Woollahra Municipal Council  
PO Box 61  
DOUBLE BAY NSW 2028

Dear Madam,

Re: Development Application DA 95/57  
"Hawthomden" 6-12 Roslyndale Avenue Woollahra

We the undersigned object to the above application on the following grounds:

1. The building height still exceeds that allowable under the present zoning.
2. The proposed building will completely dominate the existing 1857 residence which is listed with the National Trust and on Council's list of protected environmental heritage properties.
3. The proposed building of eight apartments to be built on the existing tennis court will cause excessive loss of present enjoyment of privacy, sunlight and outlook by adjacent properties resulting in serious loss of values.
4. Increased traffic flow to the dangerous intersection of Roslyndale and Edgecliff Road. We do not agree with the traffic report attached to the application, cars exiting from Roslyndale Avenue have to enter well into the intersection before sighting cars approaching on the right in busy Edgecliff Road.
5. Increased stormwater run-off to properties below in Wallaroy Road. The proposed holding tanks will not alleviate this existing problem.
6. Danger to properties in Wallaroy Road due to instability of the cliff face on the common boundary. The Engineers report attached to the application confirms this problem but the Applicant does not resolve it.
7. Proposed extensive excavations for the carpark into the rock under the tennis court will endanger the root systems of historic protected trees on the site. The reports attached to the application give no guarantees that the trees will survive.

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<th>DATE</th>
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<tr>
<td>23/4/95</td>
<td>STEVEN ADAMIN</td>
<td>7317 Edgecliff Rd</td>
<td>John Adamin</td>
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<td>24/4/95</td>
<td>JONATHAN VARLAN</td>
<td>319 C Edgecliff Rd</td>
<td>John Varlan</td>
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<td>25/4/95</td>
<td>GARRY SAWEN</td>
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<td>CLIVE ASQUAN</td>
<td>319 Edgecliff Road</td>
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<td>26/4/95</td>
<td>ROD ROBERTSON</td>
<td>319 Edgecliff Road</td>
<td>Rod Robertson</td>
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<td>30/4/95</td>
<td>WILLIAM ATKIN</td>
<td>319 Edgecliff Road</td>
<td>William Atkin</td>
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<td>JOHN ARMSTRON</td>
<td>1317 Edgecliff Rd</td>
<td>John Armstrong</td>
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<td>30/4/95</td>
<td>JENNIFER FOWLE</td>
<td>Woollahra</td>
<td>J. Fowle</td>
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Dear Madam,

Re: Development Application DA 95/57
“Hawthorneden” 8-12 Roslyndale Avenue Woollahra

We the undersigned object to the above application on the following grounds:

1. The building height still exceeds that allowable under the present zoning
2. The proposed building will completely dominate the existing 1857 residence which is listed with the National Trust and on Council's list of protected environmental heritage properties
3. The proposed building of eight apartments to be built on the existing tennis court will cause excessive loss of present enjoyment of privacy, sunlight and outlook by adjacent properties resulting in serious loss of values
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<td>25/4/95</td>
<td>P. H. Smith</td>
<td>12 Roslyndale Rd.</td>
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<td>25/4/95</td>
<td>Berresen Smith</td>
<td>12 Roslyndale Rd.</td>
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<td>25/4/95</td>
<td>K. E. Muckle</td>
<td>36 Elizabeth St.</td>
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<td>L. Wales</td>
<td>29 Centennial Ave.</td>
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<td>Randwick 2031</td>
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Dear Madam

Re: Development Application DA 95/57
"Hawthornen" 6-12 Roslyndale Avenue Woollahra

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<td>5/95</td>
<td>Olga Fitzpatrick</td>
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<td>Helen W.</td>
<td>67 Oxford St, Paddington</td>
<td>M. W.</td>
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<td>5/95</td>
<td>L. Nocke</td>
<td>411 Gordon Ave, Leichhardt, S.</td>
<td>M. N.</td>
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<td>5/95</td>
<td>Alex Kingston</td>
<td>16 Hillar Street, Drummoyne</td>
<td>M. Kingston</td>
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<tr>
<td>5/95</td>
<td>Nicholas Paninai</td>
<td>3 Victoria Ave, Vaucluse</td>
<td>M. Paninai</td>
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<tr>
<td>5/95</td>
<td>Kerry Evans</td>
<td>6187 Edgecliff, Vaucluse</td>
<td>M. Evans</td>
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Dear Madam

Re: Development Application DA 95/67
“Hawthornen” 6-12 Roslyndale Avenue Woollahra

We the undersigned object to the above application on the following grounds:

1. The building height still exceeds that allowable under the present zoning
2. The proposed building will completely dominate the existing 1857 residence which is listed with the National Trust and on Council’s list of protected environmental heritage properties
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<td>23/4/95</td>
<td>JEANNE BYRNEs</td>
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<td>23/4/95</td>
<td>Tom Byrnes</td>
<td>10/317 Edgcliff Rd. Woollahra</td>
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<td>23/4/95</td>
<td>Ray Rose</td>
<td>8/227 Crown Tce</td>
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<tr>
<td>23/4/95</td>
<td>Tess Julian</td>
<td>21 Beaufort Rd. Paddington</td>
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APPENDIX 11

Appendix 11a
Land and Environment Court of NSW, Record of Hearing, EP v WMC, 1 November 1995

Appendix 11b
Letter from WMC’s solicitors to WMC dated 16 November 1995
THE COURT ORDERS THAT:

1. The appeal lodged under s.97 of the Environmental Planning and Assessment Act, 1979 be dismissed.

2. Development application No. 95/57 lodged with the respondent Council on 5 April 1995, for alterations and additions to Hawthornden and the erection of an eight unit residential flat building including basement carparking for 22 vehicles, at Nos. 6-12, Roslyndale Avenue, Woollahra, be refused consent.

3. The exhibits, with the exception of exhibits 1, 7, 8, 9, 10, 15, 16, 17, 18, 20, A, B, C, D, G, J, K, P, Q, R, AO, AY may be returned.

ORDERED: 1 November 1995

By the Court

[Signature]

M.J. Connell
Registrar
Land and Environment Court of New South Wales

Record of hearing

Assessor: ASSESSOR S.J. WATTS

Number: 10487 of 1995

Parties: Applicant: Ercole Palazzetti Pty Ltd

Respondent: Woollahra Council

Key issues:
- Alteration of item of heritage significance; erection of a residential flat building; scale, bulk, and location of the development; amenity impacts, effect on views, privacy, light and heritage significance, and question of overdevelopment.

Statutes:
- s.97 of the Environmental Planning and Assessment Act, 1979;
- State Environmental Planning Policy No. 1;
- Woollahra Local Environmental Plan 1995.


Judgment: Reserved

Date of judgment: 1 November, 1995.

Advocates: Applicant: Mr W Davison, Senior Counsel with

Mr P McEwen, Barrister, instructed by

Mr D Massey, Solicitor

Respondent: Mr J Bingham, Solicitor, with Ms H McFarlane, Solicitor.

Solicitors: Applicant: Leacock and Massey

Respondent: Deacons Graham and James

Number of pages: 27

Summary of orders: Appeal dismissed.
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IN THE LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES

ERCOLE PALAZZETTI PTY LTD

V.

WOOLLAHRA COUNCIL

JUDGMENT

INTRODUCTION

This is an appeal against the deemed refusal by Woollahra Council of a development application for the restoration of the existing dwelling-house and the erection of an eight unit residential flat building with underground carparking for twenty two vehicles, at Nos. 6-12 Roslyndale Avenue, Edgecliff being lot 100 DP738428.

THE LAND

The land is situated on the northern side of Roslyndale Avenue, between Edgecliff Road, and Weeroona Avenue. It has a frontage to Roslyndale Avenue of about 7.0m and is of irregular shape with an area of 6517m². It is located in a prominent, elevated location on the Woollahra escarpment, and slopes generally down to the north-east and to a cliff above the rear of properties fronting Wallarooy Road.

Vehicular and pedestrian access is obtained from Roslyndale Avenue, and a well landscaped driveway proceeds northwards from the gate for a distance of about 40m to a turning circle in front of the existing dwelling-house.

The dwelling-house is known as "Hawthornden" and was erected in the 19th Century probably around 1859-60, and extensively altered and extended in 1927 by the Architects, Wilson, Neave and Berry. The house, gardens, gate posts, gates, and Bunya Pine are listed as heritage items in the environmental planning instrument and listed as an historic building on the register of the National Trust of Australia (NSW).

The gardens are extensively landscaped and the large Bunya Pine near the western boundary is a particularly fine specimen.
The Hawthomden residence is two-storey of stone, and rendered brickwork, with slate roof, and comprises five bedrooms, a nursery, maids quarters, and sitting room on the first floor, and a kitchen, conservatory, study, parlour, vestibule, drawing room and dining room on the ground floor, and a cellar, and store on the lower ground floor. A two-storey verandah encloses the northern corner of the main section of the residence on two sides, and affords the occupants views of the Sydney Harbour to the north and north-east.

The harbour is also visible from the driveway near the gates looking towards the north. From this viewpoint the main section of Hawthomden is framed by an arcade of trees, in the foreground, the landscaped gardens in the middle distance, the waters of the Sydney Harbour, and the sky. This view has changed little since the building was erected although wisteria growing in a tennis court fence obscures part of this view. To the north of the residence are open lawns, an in-ground swimming pool, and a lawn tennis court. It is on this northern section of the site that the new residential flat building is proposed to be erected.

THE LOCALITY

The locality is characterised as residential with a mix of single dwelling-houses of mostly two-storey or more, and medium to high density residential flat buildings. To the west of the entrance is No. 2 Roslyndale Avenue, a substantial predominantly two-storey residence which has an outlook to the east and over the southern portion of the land and towards the north and its landscaped gardens including a swimming pool. The view towards the land is for the most part screened by vegetation mainly within the grounds of Hawthomden.

Also abutting the western boundary and further to the north is No. 317 Edgecliff Road which was developed in the late 1970s as townhouses. These townhouses are three-storeys and erected on slightly higher ground than Hawthomden and from within the dwellings and when standing on the eastern balconies it is possible to overlook the northern sector of the land including the tennis court and the site of the proposed development. Again there is a screen of trees along this side of the land so views, especially from dwellings 8, 9, and 10 are filtered and towards the east of the ridge of Bellevue Hill and to the north-east of Double Bay and the Harbour. The land occupied by the townhouses was excised from the Hawthomden property and encloses the western and northern sides of the subject land.

Further to the north is a nine-storey residential flat building.

To the east of the land is the American Consulate at No. 20 Wallaroy Road. This is a large residence set at a lower level than the land. Another large residence is situated at No. 18 Wallaroy Road.
At Nos. 14-16 Wallaroy Road is a two-three-storey residence with tennis court, swimming pool, and below-ground garaging, which has been recently extensively renovated. It is below the cliff line which skirts the eastern boundary of the land.

At No. 12 Wallaroy Road is an old style three-four-storey residential flat building again set at a lower level than the land.

At 14 Roslyndale Avenue is Struan Lodge, also by Wilson Neave and Berry, built on the 1919 subdivision and which forms, in association with Hawthornden, an enclave of the firm's work. The surrounding area adjacent to Edgecliff Road, includes a large number of historic properties, gardens, and significant trees, which contribute to the ambience.

STATUTORY AND DEVELOPMENT CONTROL PROVISIONS

Woollahra Local Environmental Plan 1995

The subject site is zoned Residential 2(b) under the provisions of Woollahra Local Environmental Plan 1995, (WLEP 1995) gazetted 7 March, 1995. The provisions of this zone contained in the LEP state as follows:

3. Objectives of the zone

The objectives are -

(a) to provide for areas of medium and high density residential development in appropriate locations;

(b) to encourage a diversity of dwelling types and tenure;

(c) to allow non-residential development of low intensity which is compatible with the residential character and amenity of the locality;

(d) to improve access to and along the Sydney Harbour foreshore where opportunities arise; and

(e) to protect the environmental attributes of the foreshore lands.

Development which may be carried out without development consent

Development for the purpose of:

Drainage; dwelling-houses within the foreshore scenic protection area (but not those also within a heritage conservation area or those also identified as heritage items); home occupations carried on in dwelling-houses; roads.

5. Development which may be carried out only with development consent

Development for the purpose of:

Boarding houses; child care centres; dwelling-houses within the harbour foreshore scenic protection area, within a heritage conservation area or identified as heritage items; home industries; home occupations carried on in residential flat buildings; hospitals; parks and gardens; medical consulting rooms; residential flat buildings; utility installations (other than gas holders or generating
works); works to enable public pedestrian access to and along Sydney Harbour foreshore.

6. Development which is prohibited

Any development other than development included in Item 4 or 5."

In regard to the above the proposed development, which includes a "residential flat building" is permissible within the zone subject to development consent.

Clause 11 of Woollahra Local Environmental Plan 1995 deals with the controls on floor space ratio (FSR). The density map accompanying the WLEP 1995 provides that the subject site has a maximum floor space ratio of 0.625:1. The definitions of the WLEP 1995 specify what is included in "gross floor area" and "floor space ratio".

Clause 12 of Woollahra Local Environmental Plan 1995 deals with the controls on height limits for buildings. The height map accompanying the WLEP 1995 provides that the subject site falls within a zone where the maximum height of development will be 9.5 metres. The definition of "height" is included in the WLEP 1995.

The heritage map accompanying the WLEP 1995 provides that the total site is an item of environmental heritage specified within Schedule 3 of the WLEP 1995. As the proposed development is on the site of an existing item, the following heritage clauses of WLEP 1995 apply.

Clause 26 states as follows:

"Heritage items

26. (1) A person shall not, in respect of a building, work, relic, place or tree that is a heritage item -

(a) demolish or alter the building or work; or
(b) damage or move the relic, or excavate for the purpose of exposing the relic; or
(c) damage or despoil the place; or
(d) damage or move the tree; or
(e) erect a building on the land that comprises the place; or
(f) subdivide the land on which the building, work, relic or tree is situated or that comprises the place; or
(g) damage any tree on land on which the building, work or relic is situated or on the land which comprises the place,

except with the consent of the Council.

(2) The Council shall not grant consent to a development application required by subclause (1) unless it has taken into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting.

(3) The Council may decline to grant a consent required by subclause (1) unless it has considered, a statement of heritage significance or a conservation plan that explains the heritage significance or the heritage item."
Clause 27 states as follows:

"Development in the vicinity of heritage items, heritage conservation areas, archaeological sites or potential archaeological sites.

27. The Council must take into consideration the likely effect of the proposed development on the heritage significance of a heritage item, heritage conservation area, archaeological site or potential archaeological site, and on its setting, when determining an application for consent to carry out development on land in its vicinity."

**Woollahra Residential Development Control Plan**

This plan came into force as of the 1st December, 1989 and the objectives of this plan are:

"a) to facilitate the implementation of the objectives and strategies contained in relevant environmental planning instruments relating to residential development and residential zones;

b) to provide guidance to the community on how the Council will apply the provisions of the relevant environmental planning instruments in relation to individual developments and locations;

c) to supplement the provisions of environmental planning instruments with detailed local controls designed to further the environmental objectives of those instruments, and similarly, to complement the provisions of other Development Control Plans, Codes, and Policies of the Council;

d) to assist the orderly and objective assessment of development and building application proposals;

e) generally to encourage community adoption of high standards of residential amenity in the planning and execution of development;

f) specifically in relation to any development, to protect and promote-

(i) sunlight access, views and aural and visual privacy in relation to a site and neighbouring land;

(ii) compatibility with the scale, built form and intensity of use of surrounding development;

(iii) the amenity of public places and reserves;

(iv) heritage items and conservation areas; and

(v) the natural environment; and

g) to achieve a balance between the right to reasonably develop the subject site and the right to preserve aural and visual privacy, views, sunlight and the amenity of the neighbouring lands."

The Residential Development Control Plan is relevant to the proposed development in regard to a variety of provisions relating to height, floor space, the siting of development, private open space, building form, external materials, colours and finishes and drainage provisions. The text of relevant controls came to Court in Appendix I of Exhibit 7."
THE PROPOSAL

Development application No. 95/57 was lodged with the respondent Council on 5 April, 1995 and was accompanied by plans prepared by Ercole Palazzetti Pty Ltd, job No. 220, drawing Nos. 01-11, dated March 1995 at scales of 1:200, and 1:100, Exhibit C; a survey drawing prepared by W D Kimber and Associates Pty Ltd, reference No. 17379, drawing Nos. 13 and 13A in the architectural set, Exhibit B; a landscape concept plan prepared by Botanica, Exhibit D; shadow diagrams, Exhibit E; a statement of environmental effects, Exhibit F; a conservation study prepared by Rod Howard Heritage Conservation Pty Ltd, Exhibit G; a noise survey, Exhibit H.

Two revised State Environmental Planning Policy No. 1 (SEPP1), objections in respect of the height standard of the WLEP 1995, prepared by Mr. Shiels, came to Court as Exhibit AO. These were tendered during the hearing and followed the evidence of Mr. Ingham.

"The proposed development involves the erection of a new eight unit apartment building with basement parking together with alterations and upgrading of the existing residence "Hawthornden" and associated buildings.

The alterations to the existing house includes the construction of ensuites adjoining bedrooms 2, 3 and 4 and a maids quarters on the first floor. An extension of the master ensuite and the construction of partition walls in the sitting room is also proposed.

Additions to the ground floor include the relocation of the billiard room on the ground level, to be, in effect, pivoted anti-clockwise from a north-east/south-west orientation to a roughly north-south orientation. The kitchen is also to be extended and will open out on to a terraced area on the eastern corner of the residence. The parking area on the southern side of the house will be constructed with a two car garage. Separate servant quarters are provided on site, with the conversion of existing garages located to the south of the existing residence into a one bedroom cottage, with a living dining area, kitchen, laundry and bathroom.

The new eight unit development will be constructed on the northern section of the site, after the removal of the existing tennis court and pool. An underground parking area provides for 18 car spaces and 4 visitor spaces. The car park's access driveway extends underground over much of its length and links with the existing 'Hawthornden' driveway approximately 20 metres from the street frontage. As well as car parking facilities, the lower ground floor level consists of a gymnasium sauna, change room, Dwelling 1 and lift access via lobby areas to the other seven units.

Units are situated on four levels each consisting of three bedrooms and ensuites (apart from the Penthouse which has four bedrooms plus ensuites), family, dining and living areas, kitchen and laundry. Unit 1 on the lower ground floor includes a private pool area, while the ground floor units have private landscaped open space areas. On the 'Ground Floor Level', each unit has a terraced area facing north while the Penthouse unit on Level 2 has outdoor terraced space connecting both the northern and eastern sides of the unit. There is a pool and lawn area located to the east of the development (adjacent to Unit 1's pool area) on the lower ground floor which is for the communal use of the other seven units.

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The proposed central units of the Ground Floor Level are 29 metres in length from the edge of the northern covered balconies to the face of the southern wall.

NOTIFICATION

As stated in the Building and Development Committee report to the Council meeting held on 5 June, 1995 at page 115 of Exhibit 6, the adjoining owners were notified of the proposed development on 12 April, 1995 and 16 objections were received together with a petition of 71 signatures, as follows:

"Terrey Arcus, 14 Roslyndale Ave:
   i) deletion of garage and gatehouse satisfactory
   ii) confirm previous objection to use of garage as caretaker's cottage
   iii) confirm previous objection to no restructuring of exit to Roslyndale Ave
   iv) confirm previous objection "to collection" of garbage
   v) concerned about detention tank

Suzy Kennedy, 2 Roslyndale Ave:
   i) still exceeds height

Mr & Mrs Mortimer, 14-16 Wallaroy Rd (through Allen Allen & Hemsley and Ingham Planning):
   i) impact on escarpment
   ii) inadequate setbacks
   iii) loss of privacy
   iv) visual impact
   v) destruction of bamboo
   vi) noise impact
   vii) height of wall on boundary
   viii) shallow stormwater detention like tennis court
   ix) future subdivision impact

Strata Plan 10697, 317 Edgecliff Road (through Ingham Planning):
   i) too close to townhouses
   ii) still unreasonably high
   iii) loss of views

Jo Porter, 1/313 Edgecliff Rd:
   i) too much traffic
   ii) loss of heritage
   iii) loss of views and privacy

John Palmer & Carolyn Marsh, 317-319 Edgecliff Rd:
   i) height exceeds limit
   ii) Hawthornden is listed
   iii) new building will dominate Hawthornden
   iv) loss of light and privacy
   v) increased traffic
   vi) detention basin relates to mechanical solution
M S Robinson, 12/321 Edgecliff Rd:
i) excessive bulk
ii) loss of privacy
iii) increased traffic

Woollahra History & Heritage Society, c/- Council
i) dominate Hawthorneden and detract from setting

C W Forbes, 5/317 Edgecliff Road
i) amendments not substantial
ii) exceeds height limit
iii) too close to townhouses
iv) loss of heritage value
v) detention tanks inappropriate close to cliff
vi) increased traffic
vii) design ugly

Consulate General of America, Level 59 MLC Centre, Sydney
i) concern for detention tank on escarpment

J M Kaplan, 319(c) Edgecliff Rd:
i) dominate Hawthorneden
ii) height exceeds limit
iii) loss of views, privacy and height
iv) increased traffic
v) increased stormwater runoff

Geoffrey Rundle, 28 Wallaroy Rd:
i) concern about stormwater drainage

Lachlan (resident), 319A Edgecliff Rd:
i) detract from site
ii) reduction in height minimal
iii) impact on Hawthorneden and gardens
iv) increased traffic
v) National Trust concerns

J J & P J de Seriere, 319G Edgecliff Rd:

i) loss of views and light
ii) increased traffic
iii) excavation may endanger tree roots
iv) support National Trust’s views
v) height exceeds limits
vi) increased stormwater runoff

Cedric Carle for 7, 9 & 10 - 317 Edgecliff Rd:
i) overbearing bulk
ii) loss of height minimal

Tom & Jeannie Byrnes, 10/317 Edgecliff Rd:
i) impact now greater because closer
ii) loss of sunlight and privacy
iii) over-reasonable height
iv) increased traffic, noise, pollution
v) loss of property value.
COUNCIL'S DECISION

By notice dated 26 June, 1995, the Council refused the application for the following reasons:

1. The proposed development by virtue of its scale, bulk and position relative to "Hawthorneden" would have a detrimental impact on the heritage significance of that building and the site as a whole.

2. The proposed development by virtue of its position and proximity to the cliff line to the Wallaroy Road properties would result in damage to and loss of the natural cliff face.

3. The proposed development by virtue of its location on the site would result in loss of views to adjoining properties.

4. The proposed development by virtue of its location on the site would result in an inequitable subdivision of the land between the proposed development and the existing building 'Hawthorneden'.

5. The proposal is considered to be an overdevelopment of the site by virtue of the development's location on the site and its relationship to adjoining properties and 'Hawthorneden' itself.

6. The circumstances of the case and the public interest.

ISSUES

The following issues were filed with the Court on 17 July, 1995:

1. The scale, bulk and location of the development is unsatisfactory.

2. The proposed development would have a detrimental impact on the heritage significance of 'Hawthorneden' and the site as a whole.

3. The proposed development's position and proximity to the cliff line would result in damage to and the loss of the natural cliff face.

4. The proposed development by virtue of its location would result in loss of views to adjoining properties.

5. The location of the proposed development would result in an inequitable division of the site as between the proposed development and the existing building 'Hawthorneden'.

THE HEARING

The appeal was filed 21 June, 1995 prior to the decision of the Council. At the hearing the Court had the benefit of evidence on behalf of the respondent Council from:

1. Mr. N Ingham, Consultant Town Planner, whose statement of evidence became, Exhibit 7;

2. Mr. C Lucas, Architect and Heritage Consultant, whose statement of evidence became, Exhibit 8;
3. Mr. M Lehany, Heritage Landscape Consultant, whose statement of evidence became, Exhibit 9;
4. Mr. W J Harris, Hydraulic Consultant, whose report was, Exhibit 15;
5. Dr. P Redman, Geotechnical Engineer, whose report became, Exhibit 10;
6. Mr. S D Karonidis, resident of 8/317 Edgecliff Road, whose letter jointly commissioned by Ms. M Banfield, C W & C H Hall, and T R & W J Byrnes, was pages 84-85 Exhibit 6;
7. Mr. C W Hall, resident of 9/317 Edgecliff Road;
8. Mr. T R Byrnes, resident of 10/317 Edgecliff Road;
9. Mr. G P Hurst, resident of 2 Roslyndale Avenue, whose letter jointly written with Ms. S Kennedy, was page 198 Exhibit 6;
10. Mrs. A H Hale, resident and Secretary of the Body Corporate of Strata Plan 298, at 12 Wallaroy Road, and who Commissioned the survey in Exhibit 20.

On behalf of the Applicant evidence was given by;

1. Mr. G A Shiels, Consultant Town Planner and Traffic Engineer, whose statement of evidence became Exhibit K;
2. Mr. R P Jeffery, Consulting Geotechnical Engineer, whose statement of evidence became Exhibit P;
3. Mr. R I Howard, Heritage Consultant, whose statement of evidence was Exhibit Q, and who prepared the Conservation Study in Exhibit G;
4. Mr. E Palazzetti, Architect, who prepared the plans in Exhibit C;
5. Mr. B J Van der Heyden, Quantity Surveyor, and principal of Dortone Pty Ltd;
6. Mr. R G Mackay, Heritage Conservation Consultant, whose statement of evidence was Exhibit R.

A site inspection was taken on the morning of the second day of proceedings in company with the parties. The land was inspected and the position and height of the main section of the development was indicated by timber staves set at the corners of the proposed building. These were also seen from neighbouring properties.

**AMENDMENTS**

During the course of the hearing the following amendments were made to the plans;

- The retaining wall to the north-east boundary between the land and Nos. 14-16 Wallaroy Road, was setback from the boundary about 2m as shown in Exhibit No. AH.
- That same retaining wall was setback a further distance when the applicant adopted the plan prepared by the architect of the neighbours, as shown in Exhibit No. 18.
He considered the proposal not to represent a reasonable sharing of the available views to the east and north-east between the townhouses to the west, and the proposal.

The revised setback to the semi-circular room of the living room to unit No. 1, shown on plan 05 Exhibit No. 6, and in Exhibit No. AH, he checked and found it to comply with the DCP requirement of 3.25m. The setback to the corner of the study to unit No. 1 and the dining rooms to units Nos. 2 and 3, on the north-east side of the building near the boundary between No. 12 and Nos. 14-16 Wallaroy Road, he determined would need to be setback 8.5m and it scales 3.8m. In determining this setback he took the level of the boundary to the approximate base of the cave on the boundary.

Mr. Lucas told the Court:

"4. The New Development

4.1. The proposed development destroys the historic setting of the house; the setting the house has enjoyed since its construction 140 years ago. No longer will it sit in a spacious setting, no longer will it be read against the distant harbour.

The size of the development, its scale and proximity to the historic building will have the effect of making Hawthornden look like an ornament on the front lawn of a new building. The old house will look like it has been brought from somewhere else and dropped there.

4.2. The proposal destroys the approach to the house, something which for a house of this date is now unique in suburban Sydney. The drive and tear drop will be largely disfigured by the approach to the subterranean car park.

5. Alterations to Hawthornden Itself

5.1. The proposal interferes with the integrity of the interior of Hawthornden as altered by Wilson Neave and Berry in 1927 and is not cognisant of the importance for this period in the house’s development.

Spatially the house is intact and maintains its colonial revival details, ceilings, sashes, tile roof etc. which all belong to the 1927 work. Significant interiors are the drawing room, study, dining room (with its 1927 chimney piece) and the main two bedrooms and nursery on the upper floor. The back stairs and back bedrooms also belong to the 1927

New room names are taken from the 1927 working drawing of Wilson Neave and Berry.

6. Condition of Hawthornden

6.1. The house is in very good order, has been very well maintained and needs little spent on it. It does not need a lot of money to be spent on it."

He prepared an assessment of significance of Hawthornden and found the house to be important and felt that it "...hasn't been properly assessed" (by the applicant). He considered the setting and approach intact and a distinguished role-call of people had been associated with the house. He told the Court that the house had been converted to colonial revival in 1927 by the architects Wilson Neave and Berry, and "...[W]ith its
contemporary neighbour Struan Lodge (No. 14 Roslyndale Avenue) also by Wilson Neave and Berry, built on the 1919 subdivision, it forms an interesting enclave of the firm's work."

He considered the south-east portion of the land to be less significant than the northern front. The south-east corner he stated was most suited to development.

By placing the proposed development within 7.5m from Hawthornden "...destroys it and the setting is no longer intact and is completely negated, and the house is not seen against trees, sky, and harbour." He considered that this deficiency of the design could not be easily solved as the proposed development was built on the "...significant part of the site." He also considered that a colonial revival house in its setting to be "... really rare" in Sydney and "... the statement of Mr. Howard does not arrive at that. The impact would be such "...that this development should not proceed" and any development of the land should be conceived in accordance with the Burra Charter in mind and as a general rule one should "...do as much as necessary and as little as possible." He assisted the Council in preparing the conservation condition No. 37 Exhibit No. 16.

Mr. Lehany prepared a cultural landscape assessment of the historic garden and grounds of Hawthornden and assessed the impact of the proposed development on them. He looked at perceived positive factors and negative factors and concluded that the negative factors included:

"(a) Generally the new development will have a major detrimental effect upon the historic garden fabric and the setting to 'Hawthornden':

- it will substantially reduce the setting to 2 of the 3 principal garden frontages of the house
- it will completely destroy the expansive historic spatial relationship to the garden north of the house
- the development will drastically alter the historic forecourt character of the old house and garden
- the development will completely block-off traditional views of the harbour seen beyond the house from the entrance drive and original entrance frontage
- the development will substantially diminish the integrity of the historic north frontage of the house
- the proposed development will destroy, remodel or redesign some 70% of the historic garden areas
- the proposed development uses inappropriate modern landscape treatments that compromise the integrity of the old garden fabric.

(b) The new vehicle entry ramp/tunnel will severely impact upon historic entry to site:
it comes directly off old re-graded carriage drive in the form of a large masonry portal some 7 m wide
it will destroy the old site topography and create unsympathetic new higher garden levels
it will require a major new higher gardened bank opposite the house
it threatens the survival of historic tree species
the finished surface levels of the ramp/tunnel roof are not shown on the drawings (only indicated on the model)
the old carriage drive tear-drop shape will be destroyed and replaced by a new round shape
the proposed tree planting to carriage drive roundel is unsuitable

(c) The integrity of the old house, setting and gardens will be severely diminished by the proposed development:
- the new apartment building is sited too close to the old house
- the new apartment building is too large in scale for the historic garden site
- the eastern lower ground floor apartment garden and pool area is incompatible with old house nearby
- privacy tree planting between old house and new private garden space will destroy historic views from old house to harbour
- the new apartment building layout and landscape work generally impinges upon the north garden space of the old house.

(d) The impact of new landscape structures and greater intensity of site use will severely diminish the integrity of the old cultural landscape:
- the new landscape swamps the old in unsuitable new detail design of pavements etc.
- there are too many new 'clustered' swimming pools in an historically important place
- the new house pool will partially destroy the old lawn bank to the east of the house
- the stormwater detention basin will further destroy the old topography of the garden
- the vehicular traffic generated from the 8 new apartments will create a major additional threat to the historic sandstone gate pier and iron gates.

He considered the grounds to be '...an extraordinary surviving space, a rare surviving landscape in terms of not just the features but the space around the house,' and '...it is better to consider the whole site as a curtilage rather than that defined by the applicant's consultant.'
The new entry gates proposed in the existing driveway he considered to be unsympathetic.

The vista to the harbour would be completely "...blocked off" as shown in the diagram at the end of Exhibit No. 9. (see p.15a)

Mr. Harris referred to a site meeting held on 16 October, 1995 to discuss the proposed development and the method of stormwater disposal and he referred to Exhibit No. 15. He considered that a pump-out stormwater system would only be acceptable on this site if provision be made for the control of overland flow in the event of the detention tank surcharging. Such control should replicate the existing conditions of overland flow towards the downhill properties.

He agreed that the pump-out system was a common engineering device.

Dr. Redman made a preliminary investigation of the geotechnical issues concerning the escarpment along the north-east boundary of the land and of the proposal to erect retaining walls. Having examined the plans in Exhibit No. AH, he was of the opinion that "...subject to certain conditions the interests of the Mortimer’s could be dealt with". He referred to conditions 15, 16, 14 and 38-42 of Exhibit No. 16. He retained concerns related to the complexity and uncertainty of the final ground preparation, and that the method of setting back the retaining wall as shown in the plans in Exhibit No. 18 was feasible.

He also commented on the stability of the foundations of Hawthornden, and the stormwater drainage system.

Mr. Karanidis told the Court that from the middle level of townhouse No. 8, one could see towards Double Bay, and the water, over the tennis court, and to Bellevue Hill. From the bedroom level it was possible to have a full view of the ridge of Bellevue Hill and to Double Bay, and from the lower level one looks to the fence and the ridge of Bellevue Hill. His concerns of the impact of the proposed development included its likely:

- overpowering effect;
- ability to destroy the garden of his townhouse;
- hemming-in effect, especially having regard to the facing blank wall;
- cutting off of all ambient light, and reduction of sunlight;
- cutting off views;
- effect on market value.
Mr. Hall expressed similar concerns with regard to:

- the overbearing bulk;
- loss of views;
- loss of sunlight;
- exceedance of the height limits;
- impact on the heritage significance of Hawthornden;
- values;
- the ventilation of the carpark;

Mr. Byrnes shared the concerns of Messrs. Karonidis and Hall and added a concern for:

- visual and acoustic privacy;
- the removal of the row of palms on the northern boundary as it would not make a great deal of difference.

Mr. Hurst told the Court that there would be difficulties in regard to:

- garbage disposal, due to the constricted frontage of the land;
- conflict with vehicles entering and leaving the entrance;
- loss of views, trees provide a screen;
- ventilation of carpark and noise of vehicles.

Mrs. Hale told the Court of rock falls that had occurred along the escarpment at the rear of her property on the boundary with the land. She also expressed concern about the closeness of the proposed building to the boundary.

Mr. Shiel supported the application and considered the SEPP1 objections were reasonable. Of the two he preferred that which involved the conditioning of the height of the upper parapet and roof to render compliance with the height standard of 9.5m. He considered that the non-compliances in either scenario to be minimal having regard for the screening effect of the existing and proposed vegetation. He agreed that there would be a very minor loss of light, the effect on views would be fairly minimal, and the additional shadow would be quite minimal, at the townhouses to the west.

He also agreed that the cantilevered face of the northern terraces would need to be setback 1.5m, and the northern corner of the building setback about 5.0m, in order to comply with the requirements of the DCP.

Mr. Jeffery told the Court that the escarpment was in a "quasi-stable" condition in the outer 2m, and the proposed new retaining wall would be easier to construct in the revised position setback from the escarpment. He observed that the "end result" would be marginally better than at present as the land is to be excavated and the "surcharge" loads would be reduced and that would be beneficial.
From the surveyed levels he determined that any overflow from the detention pond would be likely to flow towards the south and east. He commented that there apparently had not been any major problems including collapse despite the heavy flows that would have occurred during the heavy storms in 1988, 1989, and 1990. Given the proposed changes to the runoff characteristics as a result of development, he agreed there would be more rapid runoff with a higher peak flow, and a higher volume over a shorter period, and not necessarily a greater volume of water, than presently experienced.

He considered the terrace cantilever was a feasible structure, although not a common solution, and of a higher than normal cost.

Mr. Howard determined the significance of the Hawthornden property, explained the objective of identifying the curtilage of Hawthornden, and addressed the impact of the proposal on the heritage significance of Hawthornden, identified urgent conservation work required, and concluded;

"6.1 The proposed development on the site of Hawthornden at 6-12 Roslyndale Avenue, Woollahra, as outlined on drawings prepared by Ercole Palazzetti Pty Ltd and other documents submitted to Woollahra Council as part of Development Application (D.A. 95/57), is in my view an acceptable response to the key heritage issues which affect the property.

Indeed, the architectural character and form of the proposed new building is the result of several modifications to an earlier scheme which attracted criticism on heritage grounds. The major criticisms and concerns relating to the earlier scheme have all been successfully addressed by the current proposal.

6.2 The location of the proposed new building in the area of the existing tennis court respects the curtilage established for the property. This in fact is the only part of the site where such a development could reasonably occur without unnecessarily compromising the significance of the place.

The intrusion of the eastern portion of the proposed new building into the curtilage for the existing house is not considered to be unreasonable since the extremely low scale of the new construction in this area will not compromise the important views from the house towards the harbour.

6.3 In my opinion, the scale and bulk of the proposed new building may be regarded as sympathetic and satisfactory since the new building will not overwhelm or dominate the existing large house and as a consequence will not have an unacceptable detrimental impact on either the house or the significance of the property as a whole."

He told the Court that the area not shaded, and excluded from the curtilage, to the north-west of the land was that part of the land which had undergone most change, for example in levels, and was slightly less significant than the remainder of the grounds. He agreed the visual relationship of the house, and the harbour would be permanently lost if the development were to proceed, although one would still be able to see the shore beyond.
He generally agreed with the proposed conditions requiring the retention of certain elements of Hawthornden.

Mr Palazzetti indicated the reason for the plan in Exhibit AT was to clarify the relationship of the two northern courtyards to the boundary.

He outlined the negotiations with the owners of adjoining downhill properties seeking an easement for drainage.

Mr. Van der Heyden confirmed that the question of an easement over the land of the American Consulate General (Sydney) had been forwarded to the US for attention, and that the applicant is awaiting advice. He did not expect approval for 18 months to two years, if at all.

Mr Mackay concurred with the conclusions of the conservation study by Rod Howard Heritage Conservation Pty Ltd, dated August, 1994. He adopted the statement of significance found in the study, referred to the previous proposals and evaluated the current scheme, and concluded:

"6.1 If heritage conservation were the only consideration relating to the future of 'Hawthornden' one could not argue with the assertion by the National Trust that: 'It is ideal in heritage terms for no further development to take place on the site.' However, the land is zoned for residential development and a subdivision is possible under the relevant controls. It is my understanding that in all other respects the development complies with requisite controls and that heritage is the dominant issue in consideration of the current Development Application.

6.2 There has been a high level of heritage advice and input to preparation of the current scheme. The design was preceded by the preparation of a detailed Conservation Study and responds to the significance, policies and curtilage determined in that study. A series of amendments have been made to the proposal originally prepared in September, 1994, each time taking heritage concerns and considerations into account. It is my view that the amendments thereby made, which result in the current proposal, are such to make it acceptable on heritage grounds.

6.3 In my view, the proposal for the 'Hawthornden' site outlined in DA 95/57 enables the key significant attributes of 'Hawthornden' to be retained. If the major objective is to achieve effective conservation of 'Hawthornden', the project proposed in DA 95/57 also provides for allocation of the substantial resources required for urgent and costly repairs to the house itself.

6.4 I regard the scale, bulk and location of the proposed development as satisfactory.

6.5 I believe that the proposed development will not have an unacceptable detrimental impact on the heritage significance of 'Hawthornden' and the site as a whole."

He agreed the glimpses of the harbour when viewed from the driveway looking to the north would be lost and expressed the opinion that these views were not the most...
important as the eye was not drawn instinctively to the harbour and the view includes
the landscape setting to the left. If the proposal were built, the view he said, would be
largely the same as it is presently, with an edge of fairly substantial vegetation between.
He agreed that there would be a lessening of the setting, but "...it doesn't strike at the
fundamental significance of the house and its setting". He had a very strong view that
the setting was clearly not original and the grounds had undergone multiple subdivisions
and development and the tennis court had been introduced in a period of change in the
1970s. The townhouses to the west, he included, as unsympathetic surrounding
development, and the proposal creates an improvement by being interposed between
the house and the unit block to the north.

He referred to the computer generated stills which were Exhibit No. AY to show the
proposal in its setting.

SUBMISSIONS

Messrs Davison and Bingham delivered their submissions.

Mr. Davison submitted that:

* the principle issue is heritage;
* the land was recently zoned for residential flat buildings;
* heritage items referred to under clause 26,27 WLEP 1995;
* consideration does not require strict application of the principles of the
  Burra Charter;
* Court may accept evidence of Mr. Mackay in three-fold test of
  significance;
* efforts to relate the development to Hawthorned;
* although no development is the preferable course, some form of
  development entitlement in the WLEP 1995;
* Mr. Lucas recognised the entitlement and preferred to place the
  development in the south-east of the land;
  development sited in the north-west supported by Messrs Mackay and
  Howard and adds weight to National Trust view;
  to the north-west the proposal ameliorates the impact of poor development
  and creates an entirely appropriate setting and relationship;
  development has an effect and not so detrimental as to occasion refusal;
  accept Mr. Mackay's evidence that the physical works in the garden are an
  imaginative and sensitive approach to accommodating vehicles;
  amenity impacts are reasonable;
  accept Mr. Jeffery's evidence that there is little likelihood of the detention
  tank surcharging;
  if surcharge were to occur overland flow is likely to pass over line of
  original easement;
Mr. Bingham submitted:

- zoning had not changed with gazetted of WLEP 1995;
- height exceeds the standard in the WLEP 1995;
- objectives not met and SEPP1 objection not well founded;
- there is an impact on the western boundary;
- townhouses require a north-east aspect;
- technical and not practical compliance with the FSR;
- setbacks to the north-east boundary inadequate and needs redesign;
- drainage not adequately addressed;
- applicant has not adequately pursued an easement for gravity disposal of stormwater;
- three-fold analysis of Messrs Mackay and Howard:
  1. incremental approach, environment degraded
  2. ambit claim, proposal better than previous design
  3. right to develop;
- some people could afford to purchase 1.5 acres;
- heritage significance of Hawthomden harmed;
- heritage must mean something, listing in WLEP 1995 includes grounds.

**ASSESSMENT**

Having considered all the evidence, submissions, and with the benefit of a site inspection, the Court is of the opinion that the application under class 1 of the Court’s jurisdiction must fail.

**Heritage**

Under cl. 26(2) WLEP 1995, the Court is required to "...take[n] into consideration the extent to which the carrying out of the proposed development would affect the heritage significance of the item and any stylistic or horticultural features of its setting." Clause 27 of the same instrument makes similar provision for development in the vicinity of heritage items.

These clauses apply to the proposed alterations and additions to Hawthomden, the works in the grounds, including the proposed residential flat building.

The Court has been persuaded by the evidence of Messrs. Lucas and Lehany that the proposed development in the north-east sector of the land would destroy the cultural and heritage significance of the place. The conditions prepared by Mr. Lucas relating to the works to be carried out within and beside Hawthomden in the Court’s opinion would, with appropriate and adequate supervision, ensure that the house would be adequately...
conserved, however the setting would not be appropriately respected and the development application must be rejected.

That is not to say that some development in the grounds may not be considered, however, any development must be subservient to the importance of the heritage item. It is likely such development would be at a lesser FSR than that permitted under the WLEP 1995, and conform much more closely to the existing ground levels. It is imperative in the Court’s opinion that the spaciousness of the grounds and the vistas which contribute to the feeling of perceived openness of the grounds must be retained. Over the years the site has been reduced in size by subdivision, and the grounds which presently surround the house are well proportioned to the house. To reduce them further in size as proposed cannot be permitted.

The Court rejects the evidence of Messrs. Howard and Mackay, who apparently accepted the importance of the house and setting and for reasons of their own were prepared to condone the fricting away of the cultural and heritage significance of the house and grounds, and, until their attention was drawn to its design failings, the alterations to the interior of the house.

A much more professional approach was adopted by the Council’s heritage witnesses, and they have persuaded the Court to their view in the context of s.90 of the Environmental Planning and Assessment Act, 1979.

Cultural Significance of Hawthornden

There was general agreement between the parties as to the cultural significance of Hawthornden.

Mr. Howard stated:

"The house is significant as a surviving mid-nineteenth century building which underwent major and intact modifications (c. 1927) by the prominent architectural firm of Wilson, Neave and Berry, which has left much of the existing character of the house today.

The house and grounds are important evidence of the subdivision and past use of the site as an estate in a suburban context. The surviving nineteenth century trees are important evidence of nineteenth century gardening practice, as well as being important local landmarks.

The house and grounds are evidence of early development in Woollahra and provide evidence of social change in the nineteenth and twentieth centuries.

The site has considerable aesthetic value as a large, landscaped, private space in Woollahra."

He then proceeded to identify the relative heritage value of particular aspects and components of Hawthornden into three categories of most, some, and little significance.
Included in the last category was the swimming pool and lower pond, the tennis court and adjacent 1978 pavilion. It is interesting to note that in the first category there was no mention of the grounds and the space around Hawthornden.

Arising out of this August 1994 analysis was the curtilage for the house.

Mr. Lucas, assessed the cultural significance in the following terms:

"3.1 Hawthornden is the oldest suburban ‘mansion’ (in the sense of a detached nineteenth century villa set within its own grounds in the then suburban area of Sydney) to survive with its original setting and approach.

3.2 Hawthornden is significant as being associated with a considerable number of important personages.

3.3 Hawthornden is a distinguished example of the work of the colonial revival architects. Wilson, Neave and Berry. It is unusual in their output in that it was a conversion of a Victorian House into a colonial revival house. With its contemporary neighbour Struan Lodge (No. 14 Roslyndale Avenue) also by Wilson Neave and Berry, built on the 1919 subdivision, it forms an interesting enclave of the firm’s work.

3.4 Hawthornden is a rare example of the first houses erected on the Edgecliff Road area of the Cooper Estate."

In his oral evidence Mr. Lucas, was of the view that the significance of Hawthornden had not been properly assessed (by the applicant) and that the setting and approach remains intact. The Court agrees with Mr. Lucas’ emphasis given to the setting and approach, and finds that Messrs. Howard and Mackay have given this aspect too little consideration, to the detriment of their heritage assessment and recommendations.

The Curtilage

Mr. Howard defined an ‘appropriate’ curtilage for Hawthornden giving the following reasons as to its importance:

"To preserve the historic relationship of 'Hawthornden' as a free standing nineteenth century building in a large estate, characteristic of early settlement in Woollahra; and to preserve a sufficient portion of the site so that this relationship can be successfully interpreted;

* To protect and enhance the important visual relationship which exists between the house and its garden, the surrounding valley and vistas to the harbour.

* To preserve the relationship between the house and important trees on the site."

Mr. Lehany considered the curtilage flows in part from the reasons stated by Mr. Howard, and it would be better to consider the whole site as a curtilage. He also considered the encroachment of buildings into the ‘white space’ of the Howard curtilage.
would cause the major removal of gardens and grounds from the historic precinct of the house.

The Court agrees with Mr Lehany’s assessment, and is of the opinion that the proposal fails to respect the cultural significance of the house.

The View to the North Along Driveway

Mr. Lehany’s diagram of the cultural landscape graphically depicts the blocking effect of the proposed development, including landscaping.

Mr. Howard was of the opinion that the distant shore of the harbour would still be visible after development, and Mr. Mackay was of the opinion that the view because of the screening effect of the wisteria in leaf on the tennis court fence was "largely not present at all." He agreed that it was a significant view in winter and it would be impacted upon and would be lost.

This is confirmed by the drawings in Exhibit C, which indicate a gap of about 3 degrees would remain between the north-west corner of the Hawthorneden wall and the south-eastern corner of bedroom No. 4, of unit No. 8. Into this view corridor, through a gap about 3.6 m wide at the house, is to be placed the pergola to unit No. 8 terrace. The ground level inside the centre of the gates at Roslyndale Avenue is shown on the survey at AHD 48.19m and the eye height of a person standing is 1.5m thus eye level at that point would be AHD 49.69m. The parapet above unit No. 3 within the view corridor is to be AHD 49.15m, as is the handrail around the terrace to unit No. 8. A slight downward viewing angle results, and it would be unlikely that the opposite shoreline would be visible. The lowering of the eye level by about 550mm as the viewer proceeds down the drive brings the eye level with the parapet and the slope of the north shore would be visible above AHD 49m. The building together with the heavy screening vegetation proposed between the old and the new building, and the pergola effectively block the view to the harbour and enclose Hawthorneden so as to destroy this acknowledged important aspect. The perched nature of the grounds and the relationship to the harbour would be lost from viewpoints in the driveway.

The photographs show the importance of the glimpse of the harbour. This was reinforced for the Court on the site inspection.

Spacing Between Buildings

It was put to Mr. Mackay that Hawthorneden is setback from its boundaries by distances of 14m (south), 22m (north-east), 43m (north) and 28m (west) and the proposed building and landscaping would form a visual boundary close to the house. Mr Mackay was content that Hawthorneden would retain its significance in the landscaping.
Contrary to this view, Mr. Lehany was of the opinion that the new development "...will completely destroy the expansive historic spatial relationship to the garden to the north of the house." The Court agrees with Mr. Lehany.

Although it is proposed to setback the main walls of the new building about 7.7m from the north wall of Hawthorneden it is proposed the place within the space a courtyard to unit No. 2 with walls set 5.8m from the old house, and to plant a dense screen of vegetation to within 1m.

The development is said to appear as shown in the video and the stills in Exhibit No. AY, and the photomontage in Exhibit No AA, and would do as Mr. Lehany predicts "...drastically alter the historic forecourt character of the old house and garden" and "...substantially diminish the integrity of the historic north frontage...". The proposed building wall as seen through the foliage would wrap around the northern part of the house with a wall height of 9.8m at the western end, dropping to 7.2m to the north of the house, and to between 1.6m-2.2m near the northern verandah.

It would have the effect of destroying, and remodelling the northern garden, and the historic cultural landscape would be negated as stated by Mr. Lehany.

The modifications to ground levels which encouraged Mr. Howard to exclude much of the northern garden from the curtilage pale into insignificance by comparison to what is now proposed.

Although the view of the water from the verandahs of Hawthorneden would be largely retained, the view would be over the terrace and planter of Unit No. 2, at AHD 43m. The eye height of someone standing on the lower verandah of Hawthorneden would be about AHD 44.5m. The proposal is to raise the effective ground level to co-incide with the verandah floor level instead of being raised above the above the ground level as now and as historically. These works are proposed within an area outside the "white area" of the curtilage.

The Proposed Portal

The Court agrees with Mr. Lucas that the sweep of the driveway would be lost if the works associated with the portal and the new entrance gates were to be implemented. The Court also agrees with Mr. Lehany that these works will severely impact upon the historic entry to the site.

The appearance of the structures in the drive are indicated in the plans and the video.
Alterations and Additions

The condition No. 37 prepared by Mr. Lucas during the course of the hearing, with minor amendments, were acceptable to the applicant and generally follow the principles outlined in the plans prepared by Wilson, Neave and Berry, and show in Exhibit No. A.V. for the 1927 section of the building. Were the Court minded to approve the application these conditions would be acceptable to the Court, and would ensure that the most significant parts of the fabric would be retained and respected.

Other 4.90 Matters-Setbacks

The proposal would have a detrimental impact on the amenity of neighbouring properties to varying degrees.

Perhaps the most significant impact is that likely to be occasioned to the residents of No. 12 Wallaroy Road, as a result of the exceedence of the setback requirements of the DCP. The northern wall of the courtyard to unit No. 2 is required to be setback 1.5m and this minor encroachment could be conditioned in order to alleviate the looming effect of the development on the downhill property. The size of the courtyard would be reduced marginally on the eastern side as a result of this change.

The north-eastern corner of units No. 2 and 3, encroaches about 1.8m closer to the boundary with No. 12 Wallaroy Road, than required under the DCP with the ground level taken at the top of the escarpment. To set back the required amount, about 5 to 8m to reduce the overbearing effect of the development, may require redesign in the Court’s opinion.

Drainage

In the Court’s opinion, the proposed pumpout stormwater drainage system, including a detention tank of 300m³ capacity to be sited in the south-east sector of the land, requires further investigation to resolve the problem of the safe disposal of surcharge in the event of pump failure. This is a matter which would need to be dealt with prior to any approval being granted.

The possibility of gravity discharge of stormwater was canvassed during the hearing and may present a solution to the problem and is dependant on the provision of a downstream easement being obtained.

Height

The height of the proposed development exceeds the standard in the WLEP 1995, by varying amounts.
The Court is satisfied by the evidence of Mr. Ingham that the SEPP objections to that standard are not well founded, and that, in the circumstances of this case that the standard is not unreasonable and unnecessary. There are no unusual circumstances existing, according to the evidence, which would require the height standard to be breached, and much evidence to suggest that the non-compliance with the standard would cause adverse environmental effects to flow outside the site.

The height exceedences cause loss of outlook, and increased overshadowing to townhouses Nos. 8, 9, and 10 at 317 Edgecliff Road and in the Court's opinion are not reasonable.

Landscaping

Condition No. 20 requires the development to be landscaped to the satisfaction of the Council. This is a necessary requirement as the evidence suggests that certain aspects of the landscape concept plan require revision, to overcome some deficiencies.

Stability of the Escarpment

During the course of the hearing those parts of the development near the escarpment underwent refinement and it appears that the concerns of the downhill residents concerning the geotechnical stability may now be largely overcome and the plans and conditions are adequate. The proposal is now to setback the development about 2m from the escarpment and to construct dwarf masonry walls on the top of the cliff to support a brushwood fence and to retain any fill required to form the courtyards adjacent Nos. 14-16 Wallaroy Road.

Conclusion

Issue 1 - The Court agrees the scale, bulk and location of the development is unsatisfactory.

Issue 2 - The Court agrees that the proposed development would have a detrimental impact on the heritage significance of "Hawthornden" and the site as a whole.

Issue 3 - The Court considers the geotechnical concerns related to the natural cliff face are capable of resolution, especially if the building were to be set back as now proposed and to conform with the setback requirements of the DCP.

Issue 4 - The Court considers that the loss of views occasioned by the non-compliance with the height standards of the WLEP 1995 is unreasonable and does not represent a fair sharing of views.
Issue 5 - The Court considers this issue to be largely hypothetical as no subdivision was proposed. The FSR for the whole site conforms with the standard in the WLEP 1995.

Assessed against the heads of consideration of s.90 of the Environmental Assessment Act, 1979, the application has been found wanting and must be refused.

ORDER

Thus, the Court orders that:

1. The appeal lodged under s.97 of the Environmental Planning and Assessment Act, 1979, be dismissed.

2. Development application No 95/57 lodged with the respondent Council on 5 April, 1995 for alterations and additions to Hawthornden and the erection of an eight unit residential flat building, including basement carparking for 22 vehicles, at Nos. 6-12, Roslyndale Avenue, Woollahra, be refused consent.

3. The exhibits, with the exception of Exhibits 1,7,8,9,10,15,16,17,18,20.A, B,C,D,G,J,K,P,Q,R,AO,A,Y may be returned.

S J Watts
CONCILIATION AND TECHNICAL ASSESSOR
DEVELOPMENT APPEAL BY ERCOLE PALAZZETTI PTY LIMITED
"HAWTHORNDEN", 6-12 ROSLYNDALE AVENUE, WOOLLAHRA

We refer to our letter of 26 October 1995.

On 1 November 1995 the Court ordered that the appeal be dismissed and that development consent be refused. A copy of the Court's order and reasons for judgment are enclosed.

Heritage and Cultural Significance

The Court essentially dismissed the appeal on heritage grounds, in particular that the proposed development in the north-east sector of the land would destroy the cultural and heritage significance of the site. The Court rejected the evidence of the applicant's heritage witnesses and stated that a more professional approach was adopted by Council's heritage witnesses, Mr Clive Lucas and Mr Michael Lehany.

The Court held (at 21) that any development on the site must be subservient to the importance of the heritage item and accordingly, any development would have to be at a lesser PSR than that permitted under Woollahra LEP 1995 and conform more closely to the existing ground levels.

The Court also confirmed the important spacial relationship between the house and the gardens to the north of the house.

The Court held (at 21) that it is essential to retain the spaciousness of the grounds and the vistas which contribute to the feeling of perched openness of the grounds. It accepted the evidence of Mr Lehany that the whole site should be considered as curtilage.
The Court also confirmed the importance of the view to the north along the driveway. Any further proposed development should ensure that this important aspect is not destroyed.

The Court also accepted (at 20-21) the conditions prepared by Mr Lucas relating to the conservation of "Hawthornden" itself (Condition 37 of Draft Conditions of Consent: Exhibit 16). These conditions provide that the following features of "Hawthornden" to be retained intact are:

Specifically outside:

(a) Marseille tiled roofs  
(b) Porch  
(c) Chimneys  
(d) 2 storey verandah  
(e) 12 paned sashes  
(f) Louvred shutters  
(g) 1850's front door  
(h) 1850's rear yard wall  
(i) 1927 exterior form of original service wing (excludes present day kitchen area and rooms above)

Specifically inside:

(a) Drawing room  
(b) Front hall  
(c) Cloak room  
(d) Study  
(e) 1927 plan form  
(f) Ceiling (if 1927 or earlier)  
(g) 1850's joinery  
(h) 1927 joinery  
(i) 1927 Hardwood floor  
(j) 1850's plan form  
(k) Ceiling  
(l) 1850's joinery  
(m) 1927 joinery  
(n) 1927 Hardwood floor  
(o) 1850's plan form  
(p) Ceiling (if 1927 or earlier)  
(q) 1850's joinery  
(r) 1850's Pine floor
Accordingly, Council needs to consider what type of development on the site is acceptable. Council may need to be pro-active in its protection of "Hawthornden" and its grounds.

The following options are available to Council:

1. It could rezone the property from Residential 2(b) to Residential 2(a). This would have the effect of prohibiting a residential flat building.

2. It could prepare and implement a development control plan specifically for the site incorporating Mr Lucas’s conditions relating to the house, and other controls to protect the grounds in accordance with the views expressed by the Court in its decision.

In our view, the second option is the most preferable. It ensures that the issues addressed by the Court are specifically dealt with.

We would be happy to advise Council further in this regard if it were to choose this option.

Yours faithfully

Jeremy Bingham
Partner
Deacons Graham & James

End
(e) Dining room
- 1927 plan form
- Ceiling
- 1850's joinery
- 1927 joinery
- 1927 Hardwood floor
- 1927 chimney piece

(f) Pantry
- 1927 fitout

(g) Back stair
- Back stair
- 1850's back door

(h) Original kitchen chimney breast

(i) Bedroom 1 (1927 plan)
- 1850's plan form
- Ceiling
- 1850's joinery
- 1927 joinery
- 1850's chimney breast
- Chimney piece and cast iron register grate

(j) Bedroom 2 (1927 plan)
- 1927 plan form
- Ceiling
- 1850's joinery
- 1927 joinery
- 1850's chimney breast

(k) Nursery (1927 plan)
- 1927 plan form
- 1927 ceiling
- 1850's joinery
- 1927 joinery
- 1850's chimney breast, chimney piece and cast iron hob grate

(l) Bedroom 3 (1927 plan)
- 1850's plan form
- Ceiling
- 1850's joinery

**Other Issues**

The Court held (at 25) that the proposed development would have a detrimental impact on the amenity of the neighbouring properties.

The Court held that there were many deficiencies with the proposed development relating to setback, drainage, height and landscaping.

**Effect of the Court's Decision on Council**

It is probable that the applicant will lodge a further development application relating to the site.
APPENDIX 12

Letters in relation to previous proposals for “Brougham”

Letter 1
Letter from the NSW Government’s Property Services Group to WMC, 26 June 1991

Letter 2
Letter from the Department of Planning to WMC, 24 December 1991

Letter 3
Letter from the Department of Planning to WMC, 5 June 1992

Letter 4
Letter from the NSW Government’s Property Services Group to WMC, 16 June 1992

Letter 5
Letter from WMC to the project managers, 27 January 1994

Letter 6
Letter from WMC to the project managers, 27 October 1994
Dear Sir,

PROPOSED REZONING OF BROUGHAM HOSTEL, WOOLLAHRA

The requirements of the Department of Family and Community Services have been reviewed and the above site has been declared surplus.

The Property Services Group on behalf of the Department of Family and Community Services, requests Council's assistance in rezoning this surplus site from Special Uses 5 (a) Child Welfare Home to Residential 2 (a). A rezoning application is attached which has been prepared in accordance with Department of Planning Circular No. F4 - Guidelines for Disposal of Surplus Government Lands. A copy of a recently prepared Conservation Plan for the subject site is also attached.

On the advice of the Department of Planning it is understood that the payment of rezoning fees will not be required. However, the payment of out-of-pocket expenses, such as advertising, will be met. If Council is likely to seek reimbursement of these costs, early notification of the detailed charges would be appreciated.

Any enquiries of a technical nature relating to this matter should be directed to Tania Pilkington in the Property and Development Branch of the Department of Planning on 391 2189.

Yours faithfully,

Merv Shearman
General Manager
DEVELOPMENT DIVISION

Town Clerk
Woollahra Municipal Council
PO Box 61
DOUBLE BAY NSW 2028

Ref: PSG F/5864
Enquiries: Mr S.G. Ball
Telephone: 339 7220
26 June 1991

SH/WOOLLAHRA/SB

250
Dear Mr. Regnis,

I have decided pursuant to Section 40(1) of the Environmental Planning & Assessment Act, 1979 (the Act) to prepare a draft amendment to Sydney Regional Environmental Plan No. 7 - Multi Unit Housing: Surplus Government sites (REP No. 7) to rezone certain sites in the Sydney Region for medium density housing.

The draft amendment will apply to the following land:

- Gosford City:
  Woy Woy TAFE site, Shoalhaven Drive, Woy Woy.
  PWD land at Emma James Street, Springfield.

- Warringah Shire:
  Mona Vale TAFE site, Waratah & Park Streets, Mona Vale.

- Woollahra Municipality:
  Brougham Hostel, Nelson & Wallis Streets, Woollahra.

The purpose of this letter is to consult with Council pursuant to Section 45(a) of the Act, since the draft amendment applies to land at Woollahra in your Council area. The draft amendment proposes to rezone the Brougham Hostel site to Residential 2(a) in accordance with the application for rezoning submitted to Council in July 1991.

The decision to include Brougham Hostel in the draft amendment has been made because attempts to have the site rezoned for its most appropriate use in a draft local environmental plan have been unsuccessful, even though the application for rezoning addressed all the matters listed in the Appendix to Circular F4 - Procedures for Disposal of Surplus Government Lands; and continuous negotiations between the State Government and Council have taken place.
Council is invited to comment on the proposal to prepare a draft amendment to REP No. 7 to rezone the Brougham Hostel site. Your comments should be made within 21 days of the date of this letter.

Once the draft amendment is prepared, it will be exhibited at the Department of Planning’s offices at Sydney and Newcastle. I consider that it would also be appropriate to exhibit the draft plan at the Council Chambers to give the community an adequate opportunity to examine the draft plan. Could you please advise whether your Council would be prepared to place the draft plan on public exhibition at your Council Chambers.

Yours sincerely,

G. Kibble
Director.
Dear Mr Regnis,

Sydney Regional Environmental Plan No. 7 - Draft Amendment No. 5

I refer to my letter dated 24 December 1991 in which I advised you that I had decided pursuant to section 40(1) of the Environmental Planning and Assessment Act, 1979 to prepare a draft amendment to Sydney Regional Environmental Plan No. 7 - Multi Unit Housing: Surplus Government Sites (SREP No. 7) to rezone certain sites in the Sydney Region for medium density housing, including Broughams Hostel, Woollahra.

I have now decided to remove the Broughams Hostel site from Draft Amendment No. 5 following discussions with the Property Services Group (PSG). It appears that there are community groups keen to use the site for uses permissible in the existing zoning and the site may not need to be rezoned prior to its disposal. PSG has advised the Department that expressions of interest will be called to determine options for the future use and disposal of the site. Throughout this process, consultations will be continued to determine the most appropriate future use and zoning for the site.

Although the site has been removed from the current amendment to SREP No. 7, it may be included in a later amendment if rezoning is required to facilitate disposal of the site.

Yours sincerely,

G. Kibble
Director
16 June 1992

The Town Clerk
The Council of the Municipality of Woollahra
PO Box 61
DOUBLE BAY NSW 2028

Attention: Mr Greg Woodhams

Dear Sir

BROUGHAM HOSTEL
CNR NELSON & WALLIS STREETS, WOOLLAHRA

I refer to the meeting of 27 May 1992 between officers of the Department of Planning, Property Services Group and Council's Town Planner regarding the future use of the above site.

In response to your letter of 5 December 1991, Property Services Group has decided to initiate an "expression of interest" programme to establish an appropriate use for the site.

The programme will aim to seek potential uses such as a nursing home or day care centre for the elderly, retirement village, school, youth care centre, long-day child care centre or other community uses with multi-unit housing on part of the site.

Prior to calling expressions of interest, the Department of Planning is to provide guidelines for the development of the site to supplement the Conservation Plan prepared by Dawson Brown & Achart Pty Ltd.

It is anticipated that the guidelines will take the form of a development control plan and/or building envelope to accompany the Conservation Plan so that prospective purchasers would have a clear idea of the development potential of the site prior to submitting any proposals.

I will contact you when a copy of the guidelines are available so that we can discuss them before expressions of interest are called.

Yours sincerely

[Signature]

Director
Asset Management Division
ATTENTION: GRAHAME BOYS

Dear Grahame

RE: 118 WALLIS STREET, WOOLLAHRA (D.A.93/305)

On the 20th December, 1993 a Development Application was submitted to Council which stated that the application was for a "Residential Redevelopment in conjunction with a Creche".

Unfortunately it was not made clear on your Development Application form that you were simultaneously seeking a rezoning. It was not until one of Council's Planners went through the Statement of Environmental Effects accompanying your submission that it became clear that you sought to have the subject site rezoned from Special Uses 5(a) (Children Welfare Home) to a Residential 2(b) zoning.

Under the current 5(a) zoning a residential flat building is a prohibited use. Accordingly, Council is not in a position to determine your Development Application until a zoning that permits residential flat buildings applies to the subject site.

In order to have a rezoning to Residential 2(b) assessed, Council requires that a separate rezoning application be submitted and a report prepared and submitted justifying the proposed rezoning and that your Development Application be withdrawn. Your Development Application fee will be refunded and you will be required to collect any submitted information that is not required for the rezoning application.

No initial fee is required to lodge your rezoning application. However, if Council resolves to prepare a Draft Local Environmental Plan a fee of $100 per hour will be charged for every hour the Council Officer spends preparing the Draft Plan.
Council has three primary criteria against which it assesses a rezoning application. Therefore your rezoning application should clearly address how your proposed change in zoning satisfies these criteria. The three criteria are as follows:

1) That the rezoning has a clear and tangible metropolitan and community benefit;
2) That Precinct Planning has proceeded to adoption stage; and
3) That anomalies exist in the current planning control which are confirmed by the carrying out of a localised study.

A rezoning application must also be accompanied by plans that indicate the type of future development the applicant envisages for the site. The plans submitted with the Development Application may satisfy this requirement.

Considering the Heritage value of Brougham and the number of significant trees on the site, Council advises that a detailed site analysis will also be required with the re-zoning application.

The site analysis should identify the environmentally sensitive areas of the site, highlighting site development constraints and examining the areas of the site which could accommodate a new building.

If you have any queries regarding information contained in this letter please do not hesitate to contact the Area Planner, Philippa Hayes on 391-7085 between the hours of 8:30am and 11:00am weekdays. Outside of these hours the Planners are conducting site visits or writing reports and they are not available to the public.

Yours sincerely,

D.R. CAFE
GENERAL MANAGER
Mr Grahame Boys  
Grahame Boys Pty Limited  
65 Wyndham Street  
ALEXANDRIA NSW 2015

Dear Mr. Boys,

RE: PREMISES - 118 WALLIS STREET, WOOLLAHRA - "BROUGHAM"  
DRAFT WOOLLAHRA LEP 76

As you are aware, the Council has now considered a report dealing with public submissions on Draft Woollahra LEP 76. The decision of the Council, taken on 10 October 1994, was in the following terms:

A. THAT the report of the Manager - Strategic Planning regarding the public exhibition of Draft Woollahra LEP No.76 for 118 Wallis Street, Woollahra be received and noted.

B. THAT Draft Woollahra LEP No.76 be forwarded to the Department of Planning for its assessment and referral to the Minister for Planning.

C. THAT the Temple Emanuel and Grahame Boys Pty Limited be advised that:

(i) The Council recommends that a full analysis of existing traffic and parking conditions within the immediate area of the site be undertaken so that the design and intensity of future development produces a minimal impact on traffic movements and on-street parking.

(ii) The Council considers that the design of future development on the site should adhere to the building envelope and building guidelines prepared by the Department of Planning in July 1992 with the following amendments:

a) The proposed "building envelope" should represent an absolute development area which should incorporate all required vehicle access points, driveways, vehicle manoeuvring areas, parking areas, building and landscape areas.

b) The proposed "Building Guidelines" should be amended to include reference to the retention of the Hoop Pine near the western boundary of the site and the White Quandong tree on the eastern boundary, adjoining the existing driveway.
D. THAT Council prepare a Development Control Plan for 118 Wallis Street, Woollahra.

Preparation of a development control plan has commenced and we will continue to liaise with you throughout the process.

Yours faithfully,

C. Bluett
CHRI$ BLUETT
MANAGER STRATEGIC PLANNING
APPENDIX 12

Reports and newspaper articles in relation to previous proposals for “Brougham”

Report 1
Report of the Manager-Strategic Planning to Community and Environmental Planning Committee 18 November 1991

Report 2
Report of Deputy Town Clerk of WMC to the Manager-Strategic Planning, 29 January 1992

Report 3
Report of the Manager-Strategic Planning to Community and Environmental Planning Committee, 27 June 1994

Article 1

Article 2
“Stately Brougham for sale”, Wentworth Courier, 29 July 1992

Article 3
“No Brougham Delays”, Wentworth Courier, 26 August 1992
COMMUNITY AND ENVIRONMENTAL PLANNING COMMITTEE

ITEM NO: R RECOMMENDATION TO COUNCIL
SUBJECT: REZONING REQUEST – BROUGHAM HOSTEL, WOOLLAHRA
AUTHOR: CHIEF TOWN PLANNER
FILE NO.: 482.118(1)

BACKGROUND INFORMATION

The Property Services Group has submitted an application to the Council on behalf of the Department of Family and Community Services (now known as the Department of Community, Services and Health) for the rezoning of Brougham Hostel from Special Uses S(a) Child Welfare Home to Residential 2(a).

Brougham Hostel is located on the corner of Nelson and Wallis Street, Woollahra and has, since the early 1940’s, been used as a children’s home. Over recent years the Hostel has focussed on providing accommodation and care for children in crises who include abused children, children with families in financial difficulties and children who need to be close to particular health services.

Rezoning of the land has been sought following review of the Department of Family and Community Services’ operations which concludes that the site is surplus to their requirements.

A copy of the rezoning application, prepared by the Property and Development Branch of the Department of Planning in accordance with Circular No. F4 – Guidelines for Disposal of Surplus Government Lands is attached as Annexure A.

The rezoning request has not been accompanied by a development proposal for the building or the land, although both the application statement and the conservation plan, mentioned in the following section, refer to the possible subdivision of the site which would involve the retention of a curtilage area for the house and the creation of five lots with access from Nelson Lane. An indicative subdivision is shown in the material contained in Annexure B.

CONSERVATION STATUS

Brougham Hostel has been identified as having considerable heritage significance. The site lies within a designated conservation area under Woollahra LEP No. 24 whilst the building (excluding the 20th Century additions) the trees and the grounds are listed as a heritage item, under LEP No. 24, and are classified by the National Trust.
The original building, which is partially enveloped by additions carried out throughout the 19th and 20th Centuries, dates back to the 1850s.

Because of its heritage significance, the Department of Planning commissioned the firm Dawson Brown and Ackert Pty. Ltd. to prepare a conservation plan which would include recommendations on development options for the site. Extracts from the conservation plan, completed in February of this year, are attached as Annexure B.

The Council's Urban Conservation Advisory Committee was asked to comment on the rezoning application and, after inspecting the building and site, the Committee provided the following advising at its meeting on 25th September 1991.

THAT the Council be advised that the Committee raises no objection to the proposal to re-zone the whole of the land to residential 2(a) subject to:

A. The applicant simultaneously entering into a covenant in favour of the Council so as to prohibit the sub-division of the curtilage as defined in the Conservation Plan, February, 1991, prepared by Dawson Brown and Ackert Pty Ltd and the LEP not containing a provision which would preclude the operation of that covenant.

B. The simultaneous adoption of a Development Control Plan covering the issues addressed in the letter from the National Trust dated 18th September, 1991.

C. That the applicant be requested to prepare a plan of management for the whole site.

In August 1991 the National Trust requested the opportunity to be involved in the process of reviewing the Conservation Plan and discussing any proposals for the site. Comments from the Trust's Urban Conservation Committee were provided in a letter of 18th September 1991 (Annexure C). Principally, whilst the Trust endorsed a rezoning of the land for residential use and supported the proposed curtilage to Brougham as shown in the Conservation Plan, it considered that the Council should not initiate the rezoning immediately. Instead it was of the view that:

* A covenant be placed on the curtilage to the house in order to preserve historic plantings and a sense of setting for the building;

* The applicant provide proposals for development of subdivided sites in order to determine whether current instruments provide adequate development control. This may reveal that an additional development control plan is necessary before approval for rezoning is given;

* A comprehensive plan of management be prepared for the whole of the site.

REZONING CRITERIA

In considering applications for rezoning, the Council has a long-standing policy which comprises three criteria:
1. The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal community benefit.

2. That generally proposals for rezoning should only be considered by the Council where precinct planning has proceeded to the stage of adoption by the Council as a policy.

3. There appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study.

In terms of criterion 1, both the PSG and the Property and Development Branch of the Department of Planning refer to the site as being surplus to the requirements of the Department of Family and Community Services. Information supporting this conclusion was not submitted with the rezoning request.

Four potential use options for the building and land were identified in the rezoning application, namely residential, commercial, industrial and open space. Of these, residential was seen to be the most appropriate given the existing nature of the property and its location. The benefits, then, were seen to be twofold. First, the existing building would be conserved as a significant heritage item. Second, the residential zone would facilitate subdivision to create five separate allotments adjoining a large allotment accommodating the house and its curtilage. These new allotments would have 'good public transport access in proximity to local commercial centres'. Furthermore, subdivision could be implemented without affecting the heritage significance of the house and its grounds.

It may be argued, however, that instead of disposing of the site there are benefits in retaining the building and land in public ownership and subsequently using them for other appropriate community facilities as demand may dictate. To support this view I would draw attention to the Community Services Needs Survey (March 1990) undertaken by consultants for the Council which highlighted the need for a range of facilities within the Municipality including:

* day-care/respite centre for the elderly
* youth care centre
* long-day child-care centre
* nursing homes

In particular it is relevant to emphasise that 22% of the Municipality's population is aged, that is 60 years and over. This represents the largest proportion of aged people per head of population in any Metropolitan Local Government Area.

Criterion 2 requires that precinct planning has proceeded to a stage of adoption as a policy. In July of this year the Council did endorse the draft Consolidation LEP for the purpose of seeking certification by the Director of Planning prior to public exhibition. The draft LEP has retained the Special Use 5(a) Child Welfare Home Zone.
Criterion 3 establishes that a rezoning may be appropriate where an anomaly has been identified in the existing planning controls. If the child welfare home ceased and a different use was commenced, the current zoning would be anomalous.

**COURSE OF ACTION**

There are three options which I consider are available to the Council.

1. Proceed with the preparation of a draft LEP for the whole site supplemented by a development control plan providing more detailed controls and guidelines for future subdivision and development.

2. Proceed with the preparation of a draft LEP for that part of the site accessible from Nelson Lane and seek further justification for a rezoning for the house and its curtilage.

3. Not proceed with a rezoning for any part of the site and request that the Property Service Group provide:
   * further justification for the rezoning in terms of the Council's criteria;
   * details of the review which determined the site to be surplus to the requirements of the Department of Family and Community Services;
   * comments on the appropriateness of the use of the building and land by other community facilities.

If it could be substantiated that the building and land could not support other community facilities then a rezoning to Residential 2(a) supplemented by a development control plan may be justified.

However, at this time, I do not consider that there is sufficient information before the Council to proceed with a rezoning, whether it be for the whole or part of the site. I would therefore recommend that option three be pursued at this stage.

**RECOMMENDATION:**

A. THAT the report of the Chief Town Planner regarding the rezoning request for Brougham Hostel, Woollahra be received and noted.

B. THAT the Council not proceed with a rezoning of Brougham Hostel, corner of Wallis and Nelson Streets Woollahra, at this time and the Property Services Group be invited to provide the following additional information:

1. further justification for the rezoning of the site in terms of the Council’s criteria for rezoning applications;

2. details of the review which determined the site to be surplus to the requirements of the Department of Family and Community Services; and
3. comments on the appropriateness of the use of the building and land by other community facilities. In this regard the Council would draw attention to its Community Services Needs Survey (March 1990) which highlights the need for a range of community facilities within the Woollahra Municipality including:

* day-care/respite centres for the elderly
* youth care centres
* long-day child care centres
* nursing homes

The Council would also emphasise that 22 per cent of the Municipality's population is aged (60 years and over) which is the largest proportion of aged persons per head of population for any Metropolitan Local Government Area. This statistic is particularly relevant when considering the need for community facilities for the elderly.

ANNEXURES

A. Rezoning application prepared by the Property and Development Branch of the Department of Planning.


I refer to the abovementioned matter and advise that at the Council Meeting of 28 January 1992 the Committee resolved in the following terms:

1. THAT the report of the Manager-Strategic Planning regarding the proposed amendment to Sydney Regional Environmental Plan No. 7 Multi-Unit Housing: Surplus Government sites as relates to Brougham Hostel be received and noted.

2. THAT the Director of Planning be advised:--

   A. The Council strongly objects to the proposed rezoning of the Brougham Hostel site through an amendment to Sydney Regional Environmental Plan No. 7 Multi-Unit Housing: Surplus Government sites and considers that the use of that Plan in this instance is inappropriate on the basis that:

      (i) no evidence has been provided by the Department of Planning to indicate that there is a lack of suitable multi-unit housing sites in residential areas adjoining the subject site:

      (ii) a rezoning to Residential 2(a) would not facilitate multi-unit housing since that form of development is not permissible in the Residential 2(a) Zone under Woollahra Local Environmental Plan No. 24; and furthermore the provisions of State Environmental Planning Policy No. 28 - Town Houses and Villa Houses are not applicable as the site is a heritage item under Woollahra LEP No. 24 and is therefore exempt from that Policy.

   B. The Council is of the opinion that any consideration of a rezoning for the site should be undertaken through the Local Environmental Planning process where local as well as regional issues can be adequately addressed.
C. THAT the Property Services Group and Department of Planning be advised the Council would welcome discussions with representatives of the Property Services Group and the Department of Planning about alternative zones for the site which may accommodate:

(i) As the primary use on the site, other community facilities for which there is a demonstrated demand as indicated in the Council's resolution of 2 December 1991 including housing for the aged and disabled, and

(ii) As a secondary use on part of the site, multi-unit housing.

Referred to you for action.

D W MCGUINN
DEPUTY TOWN CLERK
COMMUNITY AND ENVIRONMENTAL PLANNING COMMITTEE

ITEM NO: RECOMMENDATION TO COUNCIL
SUBJECT: "BROUGHAM" - 118 WALLIS STREET, WOOLLAHRA, REZONING REQUEST
AUTHOR: MANAGER - STRATEGIC PLANNING
FILE NO.: 482.118

INTRODUCTION

A written request has been made to Council by Grahame Boys Pty Limited, Architects and project managers, on behalf of The Congregation of the Temple Emanuel, to rezone No. 118 Wallis Street, Woollahra (formerly Brougham Hostel) from Special Use 5(a) Child Welfare Home to Special Use 5(c) Integrated Residential/Community Uses. Accompanying the request is a planning report which includes a description of an indicative development, justification for the proposed rezoning and key issues relating to the impact of the proposed rezoning. A perspective, plans and model of an indicative scheme have also been submitted with the rezoning request.

This report deals with the rezoning request and therefore it focuses on statutory land use controls for the site. No environmental assessment (including heritage assessment) of the physical nature and possible impact of the indicative scheme has been made. Such an assessment will be undertaken after a development application has been submitted. I would emphasise that recommendations within this report are not inferring an acceptance of the physical form and intensity of development of the site in the manner shown in the indicative scheme.

BACKGROUND

Brougham Hostel is located on the corner of Nelson and Wallis Streets, Woollahra and, since the early 1940s up till recently, was used as a children's home. In its last years of operation the Hostel focussed on providing accommodation and care for children in crises which included abused children, children with families in financial difficulties and children who needed to be close to particular health services which were available in the locality.
The original building, which is partially enveloped by additions carried out throughout the nineteenth and twentieth centuries, dates back to the 1850s. Brougham Hostel has been identified as having considerable heritage significance. The site lies within a designated conservation area under Woollahra LEP No. 24, whilst the building (excluding the twentieth century additions), the trees and the grounds are listed as an heritage item under LEP No. 24 and are classified by the National Trust.

A brief summary of actions and decisions relating to Brougham Hostel over the past three years is provided below.

February 1991 - Conservation Plan prepared by Dawson Brown and Ackert Pty Ltd for Department of Planning.

June 1991 - Property Services Group (PSG) writes to Council and advises that the Department of Family and Community Services has declared Brougham Hostel surplus to its needs. PSG requests a rezoning to Residential 2(a) to facilitate disposal of the site.

25 September 1991 - Council's Urban Conservation Advisory Committee advises that it raises no objection to the rezoning subject to:

- a covenant being entered into with the Council prohibiting subdivision of the curtilage as suggested in the conservation plan;
- adoption of a site specific development control plan;
- preparation of a plan of management for the site.

18 November 1991 - Report to Community and Environmental on rezoning request.

2 December 1991 - Council resolves not to proceed with a rezoning and invites PSG to provide the following additional information:

1. further justification for the rezoning of the site in terms of the Council's criteria for rezoning applications;

2. details of the review which determined the site to be surplus to the requirements of the Department of Family and Community Services; and

3. comments on the appropriateness of the use of the building and land by other community facilities. In this regard the Council would draw attention to its Community Services Needs Survey (March 1990) which highlights the need for a range of community facilities within the Woollahra Municipality including:

* day-care/respite centres for the elderly
* youth care centre
* long-day child care centres
* nursing homes

The Council would also emphasise that 22 percent of the Municipality's population is aged (60 years and
over) which is the largest proportion of aged persons per head of population for any Metropolitan Local Government Area. This statistic is particularly relevant when considering the need for Community facilities for the elderly.

24 December 1991
- Department of Planning advises that it proposes to rezone the site to Residential 2(a) through an amendment to Sydney Regional Environmental Plan No. 7 – Multi Unit Housing: Surplus Government Sites.

28 January 1992
- Report to CEP Committee about the proposed amendment to SREP No. 7. On the same night, the Council resolves to:
  * object to the proposed amendment
  * express an opinion that consideration of any rezoning should be through the local environmental planning process
  * advise the PSG and Department of Planning that Council would welcome discussions on alternative zones for the site which might accommodate:
    (i) as the primary use of the site, other community facilities for which there is a demonstrated demand, including housing for aged and disabled.
    (ii) as a secondary use on part of the site, multi-unit housing.

25 May 1992
- Department of Planning advises that Brougham Hostel site will not be rezoned under SREP No. 7.

July 1992
- Department of Planning prepares building guidelines for future development and identifies a possible building envelope for the site within which future development may occur. This envelope comprises an area of approximately 2200m² and covers the southwestern section of the site.

19 August 1992
- Report to CEP on proposed building envelope and guidelines.

24 August 1992
- Council resolves, in part:

2. THAT the Property Services Group be advised that the Council is of the view that:

A. The proposed "building envelope" should represent an absolute development area which, if necessary, would form the boundary of a future land subdivision and also a boundary for the purpose of any new zoning. That development area should incorporate all required vehicle access points, driveways, vehicle manoeuvring areas, parking areas, building and landscape areas.

B. The proposed "Building Guidelines" should be amended to include reference to the retention of the Hoop Pine near the...
western boundary of the site and the White Quandong on the eastern boundary, adjoining the existing driveway.

C. The conservation policy contained within Brougham Hostel Conservation Plan, February 1991, should be reviewed to take into account the new requirements of the Property Services Group as illustrated in the proposed "building envelope".

D. There is benefit in a development control plan being prepared for the whole site. That plan could address building height, orientation, setbacks from adjoining properties, design, colour schemes, landscaping, public open space, and vehicle parking.

PROPOSED DEVELOPMENT AND USE

The Temple Emanuel proposes an integrated development of the site and existing building incorporating child care facilities and aged persons' accommodation.

"Brougham"

Restoration and reconstruction of "Brougham" in accordance with the conservation plan will occur to arrest deterioration and remove unsympathetic alterations. Further works will be carried out to enable part of the building to be used as a creche whilst the northern wing will be converted for use as a sitting room and library for owners of the aged persons' accommodation. This area will also be made available for community use such as meetings by local groups. Three outdoor play areas and a covered courtyard, all of which adjoin the building, are also proposed. The proposed creche would be open to all children in the local community.

Aged Persons' Accommodation

A total of 37 units within two buildings linked by a covered walkway is proposed for the western sector of the site. All of this development with the exception of a portion of the south-western building and the covered pool is situated within the "building envelope" recommended by the Department of Planning in July 1992 (see background section). Car parking for ten visitor cars and thirty-eight resident cars is to be provided under the buildings.

PROPOSED REZONING

Need for a Rezoning

At present the site is zoned Special Uses 5(a) Child Welfare Home under Woollahra LEP No. 24. Permissible uses are a child welfare home, parks, gardens and roads.

Draft Woollahra LEP 1993 proposes to retain the Special Use Zone but will allow local community facilities as well as a child welfare home.
Heritage incentive provisions within both LEP No. 24 and Draft Woollahra LEP 1993 enable Council to approve the use of the building and land for any purpose subject to the Council being satisfied that the heritage significance will not be adversely affected and conservation of the building will be achieved as a result of the consent.

There are two aspects which point to a need for a new zoning. First, the current zoning is specific to one use, namely a child welfare home. Clearly this zone is now redundant given the closure of the children's home, the sale of the premises and the nature of the proposed use. Second, it would, in my opinion, be inappropriate to use the heritage incentive provisions in this case as the conservation of the building and its setting are not absolutely dependent upon the Council approving a development application for a particular use.

Justification for a Rezoning

Council's adopted policy for considering a rezoning comprises three criteria:

i) The project, quite apart from its incidental advantage to the applicant, should produce some clear and tangible metropolitan or municipal community benefit;

ii) That generally proposals for rezoning should only be considered by the Council where precinct planning has proceeded to the stage of adoption by the Council as a policy;

iii) That rezoning be considered where there appears to be anomalies in the existing planning controls which are confirmed by carrying out a localised study;

In responding to these criteria the consultants acting for the owners emphasise the community needs and the anticipated social benefits from the proposed facilities. They state:

In response to those criteria the following is noted in support of the action proposed by the Temple Emanuel:

* Although now in private ownership, there will continue to be a significant degree of community use of the site. Moreover this will occur in conjunction with the preservation of "Brougham".

Importantly, the nature of development proposed, namely facilities and accommodation for children and the aged, has already been identified by the Council as being required in the local area. This aspect is discussed in the following section of this report.

* The potential to locate facilities for both the older and younger members of the community is also seen as highly desirable, and will present opportunities to facilitate greater interaction between the two groups, eg. elderly volunteers in the kindergarten.

* Whilst a precinct plan has yet to be prepared, the Council has certainly had ample opportunity to formulate a stance on development within the subject site bearing in mind the history of this development including earlier discussions with the Property Services Group.
There seems little doubt that the current zoning is indeed anomalous given the residential nature of the local area, the suitability of the site for residential development, and the extremely limited use to which the land can currently be put.

Section 6.2 on pages 9 to 11 of the consultant’s report deals specifically with community needs and social benefits. I have extracted the following paragraphs from that section which are particularly relevant but would recommend that Councillors read the entire section and report. In addressing needs analysis the consultants refer to the Community Services Needs Survey of March 1990 prepared for Woollahra Council and state:

This report identified considerable dissatisfaction with child care provision amongst residents of Woollahra Municipality, with 35.4% rating current provision as unsatisfactory. There were 233 long day care places in the Municipality at the time that the Study was undertaken. Based on current and projected demand the Study concluded that there was a need for the provision of a further 120 long day care places.

It appears that the local population has a high percentage of professional couples with one or two "creche" aged children. Recent discussion with Council officers indicate that there is a serious shortage of long day care facilities for children aged 0–2 years, particularly those which are able to provide a service beyond normal working hours (i.e. 7:00 am to 7:00 pm). Such provision permits both parents the opportunity to work whilst knowing that their children are receiving a high level of supervised care.

The Study found that there was less dissatisfaction with aged services provision, with only 23.2% rating current provision as unsatisfactory. From a quantitative perspective at least, there was not seen to be a shortfall in terms of hostel units or nursing home beds at the time of the study.

Looking to the future however the Study noted that the local population was both ageing and living longer and that this would clearly affect the supply/demand situation. Moreover, the precinct in which "Brougham" is located (West Woollahra) was found to rate highly in terms of perceived need vis a vis other areas of Woollahra Municipality (fourth highest out of the ten precincts).

When discussing anticipated social benefits, the consultants state:

The net social effect of the proposed development on the locality will be clearly beneficial. As well as providing a high quality accommodation option for the local community, Brougham Village will form part of an important link in a local network involving people at all stages of the life cycle. In doing so it will prevent the need for social dislocation which would otherwise be brought about through lack of necessary features catering to the needs of specific groups.

In their report, the consultants also point out that the proposal will provide community benefits in terms of:

- complementing the operation of the Montefiore home opposite the site;
- providing an attractive refurbishment and adoptive reuse of an heritage item.
Comment on the rezoning request

My comments in this section relate exclusively to those parts of the consultant's report which justify the rezoning request. As I indicated in the introduction section, I will not comment on the physical aspects and environmental impact, including impact on heritage significance, of the indicative scheme.

Comments obtained from the Urban Conservation Advisory Committee in September 1991 have been reconsidered in the context of the current rezoning request. With the previous rezoning request initiated by Property Services Group which sought a Residential 2(b) zone, the Committee had been concerned about future subdivision of the site in the manner suggested by the conservation plan. Consequently the Committee considered that a covenant prohibiting subdivision, a site specific development control plan and a plan of management would be appropriate.

The current rezoning request sees the site remaining in single ownership and in the same configuration. Furthermore, the indicative development scheme envisages an integrated scheme. Given these circumstances and the fact that subdivision requires the prior consent of the Council, I do not see a necessity for a covenant.

There is ample evidence obtainable from community service groups, government agencies and Council's own Community Services Needs Survey to support the type of facilities being proposed for the site. The initiative being shown by Temple Emanuel to provide these facilities is highly commendable.

In my opinion, the request to rezone the site to accommodate aged persons' housing, a creche and community meeting facilities has been adequately justified and should be supported by Council. The proposed uses for the site are consistent with the Council's decisions of 2 December 1991 and 28 January 1992 which sought to retain some form of community use for the site, preferably for child care and aged people. A further positive aspect of the proposal is the conservation of "Brougham" and the opportunity for public access to this heritage building and its site due to the proposed community services and public meeting space.

The consultant suggests that the rezoning be implemented through a new zone titled "Zone No. 5(c) Special Uses (Integrated Residential/Community Uses)". Within this zone they propose that the following uses be permissible with consent:

- Child care centres;
- Dwelling-houses;
- Housing for aged persons;
- Parish centre;
- Professional consulting rooms;
- Residential flat buildings;
- Utility installations (other than gas holders or generating works).

In my view, creation of a new zone is not warranted, particularly as Draft Woollahra LEP 1993 now seeks to rationalise the number of existing zones. To accommodate the proposed uses, the standard Special Use 5(a) zone is preferable. Therefore I would recommend that the site be rezoned to Special Uses 5(a) (Integrated housing for aged persons/community facility).
Housing for aged persons and community facility are defined as:

"housing for aged persons" means residential accommodation which, may take any building form, used permanently as housing for the accommodation of persons aged 55 years or over and which may consist of hostels or a grouping of 2 or more self-contained dwellings or a combination of both and which may include one or more of the following facilities provided for use in connection with that accommodation:

(a) accommodation for staff employed or intended to be employed in connection with that accommodation;
(b) medical consulting rooms;
(c) meeting rooms;
(d) recreation facilities;
(e) chapels;
(f) any other facilities for the use or benefit of aged persons.

"community facility" means a building or place owned or controlled by the Council, a public authority, a religious organisation or a body of persons associated for the physical, social, cultural, economic, intellectual or religious welfare of the community, which may include -

(a) a public library, rest rooms, meeting rooms, recreation facilities; a child care centre, cultural activities, social functions or any similar building, place or activity; or
(b) a community club, being a building or place used by persons sharing like interests, but not a registered club,

whether or not that building or place is also used for another purpose.

RECOMMENDATION

A. THAT the report of the Manager – Strategic Planning regarding the rezoning request for "Brougham" -118 Wallis Street, Woollahra, be received and noted.

B. THAT the Council resolve to prepare a draft local environmental plan to rezone No. 118 Wallis Street, Woollahra from Special Uses 5(a) (Child Welfare Home) to Special Uses 5(a) (Integrated Housing for Aged Persons/Community Facility).

C. THAT Grahame Boys Pty Limited be advised that the Council will need to be reimbursed for the cost of preparing the draft local environmental plan in accordance with the Council's adopted schedule of fees and charges.

CHRIS BLUETT
MANAGER – STRATEGIC PLANNING

ANNEXURE

Submission by Grahame Boys Pty Limited to Woollahra Council requesting the making of a local environmental plan in relation to the future use of land at 118 Wallis Street, Woollahra.
Council snubs rezoning plea

A STATE Government request for the rezoning of historic Brougham Hostel for children in crisis has been turned down by Woollahra Council.

The hostel, located on the corner of Nelson and Wallis Streets, Woollahra, has been declared "surplus" to the requirements of the Department of Family and Community Services.

In line with this the Government's Property Services Group has asked for a zoning change from Special s5(a) Child Welfare home to Residential 2(a). Once rezoned the large (5950 sq metres) site would then be subdivided into five blocks for new homes.

Brougham has considerable heritage significance, and the council told the PSG that this heritage and part of the grounds would be protected.

The 185th Victorian cottage has later additions and its grounds contain mature 19th century plantings; all classified by the National Trust.

It has been used as a child welfare facility since 1943. In recent years it has been home for children who need to be close to particular health services.

The Chief Town Planner, Mr Greg Woodhams reported to the council: "That it may be argued that instead of disposing of the site, there are benefits in retaining the building and land in public ownership and subsequently using them for other appropriate community facilities as demand may dictate."

He said the 1990 Community Services Needs Survey for the council highlighted the need for day care and a respite centre for the elderly, youth care centre, long day child care centre and nursing homes.

Mr Woodhams pointed out that 23 percent of the municipality's population is over years and over.

"This represents the largest proportion of aged people per head of population in any metropolitan local government area."

The Community and Environmental Planning Committee of the council voted on Monday night in line with Mr Woodhams's recommendation that the council not proceed with the rezoning at this time.

They will ask the council to invite the PSG to provide further justification for the rezoning and details of the review which led to the site being declared "surplus".

The PSG will also be asked to comment on the possible use of the building for other community facilities.

He added: "If it could be sustained that the building and land could not support other community facilities, then a rezoning to Residential 2(a) supplemented by a development control plan may be justified."

The Mayor, Ald Cathy Lenech, told the Courier she fully supported this approach and applauded Mr Woodhams's stand.

Request

"Everything is moving out of the Eastern Suburbs and this management trend of the Government's has to be stopped."

Ald Andrew Briger said the request from the PSG was "a try-on to deprive us of some land".

Ald Rose Watson said she was delighted to see Woollahra was not supporting the loss of a property deemed to be surplus to needs because of its valuable site.

"This is like Strickland House at Vaucluse. It was deemed to be too valuable to be in public ownership Brougham is an excellent use and we have not been told where the underprivileged children will be accommodated if it's to be closed."
THE 'For Sale' signs have gone up on historic Brougham on the corner of Walls and Nelson Streets, Woollahra, even though Woollahra Council has refused to zone the site at this stage.

The huge landholding of 5950 sq metres is zoned Special Uses - Child Welfare, reflecting the 50 years that the house has served as a hostel for children in crisis.

Since being declared "surplus" to Department of Family and Community Services needs, the house has been in the sights of the State Government’s Property Services Group which asked the council to rezone it to permit other community facilities, then a rezoning to Residential 2(a) supplemented by a development control plan may be justified.

The 1857 property would have added the subdivision of the vacant land into five blocks. At the end of last year the council refused to rezone, claiming that the site could be used for community purposes. At the time, the Chief Town Planner, Mr Greg Woodhams said: "If it could be substantiated that the building and land could not support other community facilities, then a rezoning to Residential 2(a) supplemented by a development control plan may be justified."

The 1857 property has been placed on the market as a means of testing which community groups are interested in the site. It is for sale by tender through Ray White, Double Bay. Tenders close on August 26.

A spokesman for the PSG said that the site would need to be rezoned to permit other uses. Possible uses which the council may support would be aged housing, a child care centre, retirement village or nursing home.

The home is surrounded by extensive gardens and grounds, with some mature trees including Norfolk Island pines.

The earliest section of the home dates back to 1857, making it one of the oldest surviving houses in the area. It was built for Judge James Dowling (later Sir James), Chief Justice of the Supreme Court. This was a stone-walled cottage with 12-pane Georgian windows, some of which are still in place. The second building stage goes back to the 1870s when another wing was added with a Gothic timber verandah. Original marble fireplaces are in place, and the drawing room and billiard room features a fine ceiling rose and elaborate cornice frieze.

The King family owned the house from the 1900s and made further alterations and additions.
Woollahra Council has declined to delay making a decision on the guidelines for future development of Brougham House in Woollahra in case the Department of Planning short-circuits its power. The aldermen were looking at a recommendation from the Community and Environmental Planning Committee about the historic home and site that is currently up for tender.

The Property Services Group of the State Government is handling the disposal of the children's home on the corner of Wallis and Nelson Streets, Woollahra. The Department of Planning had originally asked the council to rezone the 3950 square metre site for Residential 2a or b. The council replied that it would prefer the site was retained for community use - such as nursing home, aged persons' hostel or child care facilities.

The Department then decided not to proceed with the rezoning at this time. However, under Sydney Regional Environmental Plan Number Seven Multi-unit Housing, Surplus Government Sites, the potential exists for the future rezoning for medium density housing on the large site adjacent to the historic home.

Ald Rose Watson said at the meeting on Monday night: "I believe we have a satisfactory compromise now and we should not push it too far."

Ald Andrew Briger supported this view: "I would not want to find ourselves in a situation where it could be taken out of our hands."

The council will now tell the PSG that it thinks a development control plan should be prepared for the whole site and that certain trees on the site should be retained.
APPENDIX 13
Strategic Planner's recommendation to Community and Environmental Planning Committee in relation to Draft DCP, 118 Wallis St. Woollahra, 27 March 1995
COMMUNITY & ENVIRONMENTAL PLANNING COMMITTEE
MEETING HELD ON 27/3/1995

ITEM NO: D1 DELEGATED TO COMMITTEE

SUBJECT: CONFIRMATION OF MINUTES OF MEETING HELD ON 13/3/1995

AUTHOR: DIRECTOR - CORPORATE SERVICES

DIRECTOR - CORPORATE SERVICES MEMO:

The Minutes of the Community and Environmental Planning Committee Meeting of 13 March, 1995 will be before the Council Meeting of 27 March, 1995.

In accordance with adopted procedures it will be necessary for the decisions of the Committee taken on 13 March, 1995 relating to Traffic Committee matters to be confirmed. (The Minutes have been separately circulated).

RECOMMENDATION:

THAT the Minutes of the Community and Environmental Planning Committee Meeting of 13 March, 1995 relating to Traffic Committee matters only, be confirmed.

G. L. James
G L JAMES
DIRECTOR - CORPORATE SERVICES
At the Community and Environmental Planning Committee meeting of 13 March 1995, the Committee recommended that it inspect the subject site on 27 March 1995, in order to clarify issues relating to the development control plan.

This report is now resubmitted for the Committee’s reconsideration.

INTRODUCTION:

The Council at its meeting of 10 October 1994 whilst considering a report submitted on the draft local environmental plan for 118 Wallis Street, Woollahra to permit integrated housing and associated community facilities, resolved to prepare a draft development control plan (DCP) to establish controls and parameters for future development on the site.

In accordance with Council’s resolution a draft DCP was prepared by Council’s Strategic Planning Section and publicly exhibited.

The purpose of this report is to enable consideration of submissions received during the public exhibition of the draft development control plan for 118 Wallis Street, Woollahra.

The development control plan in its final form for adoption by Council is enclosed as the Annexure A to this report.

REPORT SUMMARY:

The draft DCP was placed on public exhibition for 29 days. During the exhibition of the draft plan 15 submissions were received. The matters for consideration summarised from the submissions are as follows:

* the impact of traffic and parking on the area given the increasing difficulties experienced with parking and traffic flow in the area;
* retention of significant trees on the site;
* the general impact of development on the neighbourhood amenity especially on the Woods Avenue boundary;
* setbacks for all new development on the site;
* the form and bulk of new development;
* and the heritage significance of Brougham and surrounding development.
In considering each of the submissions, changes have been recommended to the draft DCP which make it more prescriptive and definitive in addressing each of the development control provisions in the plan. It is the intention that this approach will allow flexibility in design interpretation whilst putting in place the correct parameters to ensure that the significance of the site and the neighbourhood is appropriately addressed with optimum development achieved on the site.

DRAFT DEVELOPMENT CONTROL PLAN:

The principle aim of the draft plan is to ensure protection for the significance of Brougham and protection for its mature nineteenth century garden setting and trees, all of which are currently listed as heritage items under the Draft Woollahra Local Environmental Plan 1995.

To provide comprehensive guidelines and provisions to control development on the site, the draft DCP has the following objectives:

1) to provide more detailed controls for development of land to which Woollahra Local Environmental Plan Nos. 24 and 76 apply;
2) to allow development of the site subject to compliance with controls set down in this development control plan;
3) to ensure the conservation of Brougham and its mature garden setting;
4) to ensure the protection of significant trees located on the site; and
5) to require that any new development or work is in harmony with the design, scale, form and character of Brougham, its mature garden setting and surrounding development.

The plan sets out further objectives and controls in relation to the following list of considerations:
- the siting of development;
- building height;
- building form;
- external material, colours and finishes;
- open space and landscaping;
- pedestrian access;
- vehicular access and parking; and
- other requirements.

PUBLIC EXHIBITION:

The draft plan was placed on public exhibition for the period commencing 24 November, 1994 to 22 December 1994 at the Council Chambers. Details of the public exhibition together with an invitation to make submissions were published in the Wentworth Courier. Individual letters containing details of the exhibition were sent to owners of properties in the vicinity of the site. Copies of the draft DCP were also made available to the public during the exhibition period.

A total of 15 submissions was received during the exhibition period. In summary, 2 submissions were received from Dr Peter Kitchener - The President of the Congregation of Temple Emmanuel (the owners of the property), 6 submissions from residents of Woods Avenue, 2 submission from residents of Nelson Street, 1 submission from a resident of Waimea Avenue and 1 submission from Gary Shiels and Associates Pty. Ltd. (as clients to Citadel Australia Retirement Services, the project managers of the site). The draft DCP was also forwarded to The Urban Conservation and Advisory Committee, The National Trust and The Heritage Branch of the Department of Planning for their consideration. These submissions are considered in this report as Submissions 13, 14 and 15 respectively.
These submissions are summarised and considered in the following section. In reviewing the submissions each submission will be addressed directly under the outline of that submission in the consideration. The issue of traffic and parking will be addressed in the section entitled “Planning Assessment” due to the frequent occurrence of these issues in the submissions.

The draft DCP appears as Annexure A to this report. The proposed alterations to the draft plan are listed in the Recommendations section of the report and are as appears in the Annexure B to this report.

CONSIDERATION OF SUBMISSIONS:

Submission 1: Dr Peter Kitchener, President of the Congregation of the Temple Emanuel

Dr Kitchener supports the draft plan and:

“complements Council for progressing this opportunity for the elderly to be able to live in more manageable dwellings in Woollahra.”

Consideration of Submission 1
The submission understandably offers support for the development of the site as integrated aged housing and the context of the draft plan. Whilst the site is suitable for residential development, it is important that appropriate controls are in place to ensure an appropriate development outcome.

Submission 2: Dr Peter Kitchener, President of The Congregation of the Temple Emanuel

Mr Kitchener supports the draft plan and advises that;

“the Development Control Plan appears to be carefully thought out and allows for the development while maintaining the amenity of the adjoining properties.”

Consideration of Submission 2
Refer to comments in consideration of Submission 1.


The submission in principle has no objection to the proposed development. However, the following concerns are raised:

* Parking
  - Difficulty is currently experienced parking in Nelson Street. Therefore any new development should not worsen the problem.
  - Suggests resident parking in Nelson Street cul de sac and down one side of Nelson and Wallis Street.
  - Concerned that employees of the Hospital (at adjacent corner of Nelson Street) are not using on site parking provided.

* Traffic
  - Traffic speeds along Nelson Street raise concerns and safety issues.
  - Suggests the introduction of speed humps in Wallis Street or a stop sign at the Nelson Street Corner
  - Suggests off-street pick up points for children using the facilities on the site.

* Noise
  - Suggests the construction of a noise barrier along Syd Einfield Drive past Nelson Street would eliminate noise from new development and the extra traffic movements generated.
Consideration of Submission 3
Refer to Planning Assessment for comments in respect of traffic and parking.

Whilst development of the site may generate increased traffic noise, given the increased traffic flow to and from the site, it would be inappropriate for the developers to construct a noise barrier which may reduce the traffic being generated both from the site and within the vicinity. Given that Syd Einfeld Drive is a major thoroughfare for traffic travelling into and out of the city it would be inappropriate that this development finance the cost of full traffic control measures for the area. Furthermore, the general lie of the land in the vicinity of Wallis Street is such that vehicular noise from Syd Einfeld Drive travels high above the site and is dissipated. It is also considered that the impact of traffic on Syd Einfeld Drive from Brougham will be minimal.

In submitting a development application for the site, a traffic report will be required to demonstrate that development will not generate adverse impacts in the area in terms of noise and traffic flows and that adequate and accessible parking is provided.


Ms. Cattrell raises the following concerns in relation to the draft plan;

* the impact of heavy waste and rubbish removal trucks, ambulance and service trucks entering and exiting the site via Wallis Street particularly with reference to the amenity of her property which adjoins the subject site.

* the increase in traffic which would be using Wallis Street and the impact on parking availability.

* The safety of traffic entering and exiting Woods Ave.

Consideration of Submission 4

Measures have been incorporated in the draft DCP to ensure that adequate provision is made for vehicular access onto the site. In the assessment of the development application the engineering department will have to be satisfied of the suitability of the traffic measures employed on the site. The development control plan clearly stipulates in Section 4.7 the necessity for the provision of on-site parking.

Refer to Planning Assessment for comments in respect of traffic and parking.

Submission 5: Mr John Porter, 3 Woods Avenue, Woollahra.

Mr Porter is opposed to the development on the grounds that it is totally inappropriate for this neighbourhood. The following concerns are raised in opposition to the draft plan:

* Parking /Traffic
  - The current lack of parking in the vicinity which is currently at capacity.

  - The amount of traffic being generated by the Temple Emanuel Kindergarten.

  - The parking of vehicles by commuters using public transport to ad from the city.

  - Suggests restricted parking for residents of Woods Avenue in Woods Avenue.

  - The proposed alleviation of traffic problems along Wallis Street will disadvantage residents of Woods Avenue by obstructions road access.

  - Suggests sufficient space is available to provide vehicular access via Nelson Street and Wallis Street and this should be a contingency of development approval.
The removal or near complete removal of “the only vestige of useable public access parkland in the locality” as well as the trees currently growing there through the provision of 90 degree angled parking on the grassed reserve adjacent to the Bypass Road Footbridge.

Mr Porter’s conclusion to this letter is quoted verbatim below:

I imagine that it is difficult for a planner to personally visualise the possible degradation of lifestyle that results from a local development of the magnitude proposed for 118, however, as a resident for some forty years in Woods Avenue and one who has watched the area slowly blossom into an attractive residential location it is greatly disappointing to have Woollahra Council countenance the building of such a development that can only have disastrous effect on our already very restricted amenities.

In view of the tightly confined nature of our immediate neighbourhood it should be borne in mind that any attempt to cater for the needs of so many facilities as designated in the development plan can only have a deleterious effect on residents in Woods Avenue and adjoining Wallis Street by virtue of there being no room left to afford expansion.

Further Mr Porter suggests that although we residents of Woods Avenue only number a handful, we have worked long and hard to create a very pleasant living environment, much in keeping with the fine reputation of the municipality and we can only view the proposed development of 118 as a complete disaster overtaking our efforts.

Consideration of Submission 5

Refer to Planning Assessment for comment in respect of traffic and parking.

In the comments quoted verbatim above it is clear that the issue of development on this site is an emotive one. It is considered that under the umbrella of the Environmental Planning and Assessment Act, 1979 suitable mechanisms can be put in place to ensure the opportunity for community participation in the planning process and development assessment.

It would be inappropriate to consider that the site is incapable of some form of development, but it is integral that a balance be achieved with the existing neighbourhood. It is important that through the DCP adequate controls are in place to ensure the minimisation of development impacts, and that the best development outcome is achieved.

Submission 6: Mrs M. G. Blakeney, 16 Woods Avenue, Woollahra.

Mrs Blakeney objects to the proposal. The following points and issues are raised for consideration:

- The impact of traffic in Wallis Street. The need for a traffic impact study for the area and consideration being given to the closing of Wallis Street at the Ocean Street end.
- The requirement for privacy and sunlight of the residents of Woods Ave. It is suggested that the trees along the western boundary of the site should be retained and that if required the trees be replaced by non deciduous trees, as leaves are a preferable aspect to brick walls.
- Suggests that the bathrooms and kitchens should not be positioned along the western boundary.
- Suggests there should be no balconies or windows overlooking the rear gardens of Woods Avenue residents.
- The pollution generated along the rear boundary of properties on Wood Avenue by the entrance and exit to a submerged car park.
Mrs Blakeney suggests that in pursuing the goals of the plan little consideration has been given to the community which already exists in Woods Ave. And further, that the residents of Woods Ave will bear the brunt of the development in traffic and loss of privacy, and have been given little consideration or consultation.

Consideration of Submission 6
Refer to Planning Assessment for comment in relation to traffic issues raised in this submission.

Under Section 90 of the Environmental Planning and Assessment Act, 1979, any development proposal for the site will be required to demonstrate that a suitable level of privacy can be maintained both for the residents on the site and for residents of surrounding properties. Furthermore, room orientation and the placement of windows and balconies will be instrumental in providing a suitable level of privacy and minimising overlooking. Controls are set in Sections 4.1- The Siting of Development, 4.2- Height and 4.3- Building Form of the DCP.

Section 4.5- Open Space and Landscaping sets out objectives and controls to ensure the retention and enhancement of perimeter trees to maintain sunlight and daylight penetration to adjoining properties, and to retain all significant trees on the site. It is suggested that in order to allow significant sunlight and daylight penetration that non deciduous trees would be inappropriate, and that suitable deciduous replacement trees and building design could result in the best solution.

In respect to the Camphor Laurel trees along the western boundary, Council's Tree Officer provides the following comment;

The trees appear to be in poor condition, and as they mature to massive trunks they will provide minimal lower screening to the properties. Require a Tree Surgeon to inspect regarding their long term viability. It may be appropriate to remove several poor ones, replace with suitable species and upon their establishment, remove and replace the remainder. Note: currently screening will decrease as trees increase in height with trunks only at eye level.

Underground carparking will be required to be suitably ventilated to minimise the impact of vehicle fumes as cars enter and exit the carparking. The DCP sets in place controls to permit vehicular access at the existing driveway access point. Refer to Section 4.7- Vehicular Access and Parking.

Submission 7: Mr Dawson, 17 Woods Avenue, Woollahra.

Mr Dawson offers the following comments for consideration;

- Concern that service vehicles may use the land adjoining the western boundary of the property (butting the backyards of properties to Woods Avenue) as a service entrance or laneway, and in doing so interfere seriously with the privacy of properties along Woods Avenue which share this common boundary.
- Retention of the Camphor Laurel Trees along the Western Boundary
- Excavation does not cause damage to the root system of the "Hoop Pine".
- Impact of additional traffic from new development aggravating the frequently absurd traffic congestion at the Wallis Street/Woods Avenue intersection due to the present kindergarten attendance at Temple Emmanuel back entrance on Woods Avenue.
Consideration of Submission 7
In respect to comments raised regarding servicing entrance refer to comments made in the consideration section of Submission 6.

The significance and retention of trees on site has been adequately addressed in the DCP. Section 4.5 - Open Space and Landscaping, sets in place controls to ensure the retention of identified trees and their suitable protection during construction/excavation. This Section has been significantly expanded since the exhibition period to incorporate comments received from Council's Tree Officer. Accordingly, before development can occur on site a full assessment of the present condition of all trees on site and the likely impact of development on the trees is required to be undertaken by a fully qualified tree surgeon. This advice will include the desirability of retaining the Camphor Laurel Trees on the Western Boundary of the site in the long term. Refer to Recommendation B5.

Refer to planning comments to address comments regarding traffic and parking.

Submission 8: Mr Widerberg, 5/29C Nelson Street, Woollahra.

Mr Widerberg strongly objects to the proposed development. The following grounds for objection are raised in the submission:
- does not provide for adequate parking
- will reduce the amount of parking in Nelson Street and other streets in the vicinity.

Consideration of Submission 8
Refer to Planning Assessment to address comments regarding traffic and parking.

Submission 9: Mr Cameron Laurie, part owner 11 Woods Avenue, Woollahra.

Mr Laurie has no objection to development of the land, but requests that development blend in with the neighbourhood harmoniously, both architecturally and humanely. The following matters of concern are raised in Mr Laurie's submission:
- The building envelope is very narrow and would require the developers to erect a high density building to achieve the desired land use. Mr Laurie concludes "this would result in a blockish structure very much out of character with the existing Brougham house and the neighbouring buildings".
- Suggests no amount of distance between new structures and Brougham house would hide the anomaly in building styles.
- The developer claims that the height of the flats at 10 Woods Avenue act as a precedent for higher rise than the present 9.5 metre limit. Mistakes of the past should not be repeated.
- The existing trees on the western boundary will provide visual privacy, but they will not provide aural privacy.
- Disputes the developers claim that any increased noise will be drowned out by background noise from Syd Einfeld Drive
- Suggests a corridor should be provided on the western side of the development to prevent the loss of amenity to the neighbouring properties. This corridor could take the form of a laneway to service the underground parking.
- Suggests the 6m setback in the draft plan for development to the western boundary is inappropriate.
Suggests
A village mews arrangement of medium density housing, with less open space but more quality spaces would be in keeping with the style of the existing buildings. It would also provide a higher quality living space for the elderly than a high density complex. This would allow the building envelope to be enlarged while still preserving the trees that exist on the site within the village. It would prevent a loss of visual privacy to the neighbouring properties, and would lessen the aural problem by a) physically lowering the sources of noise, and b) spreading them over a wider area.

Consideration of Submission 9

Whilst the building envelope included in the draft DCP appears to be quite narrow it is capable of extending towards Brougham should the objectives of the plan be met. This was devised by the Department of Planning and at Council's discretion is capable of alteration were justified. Following the exhibition of the draft plan and consideration of a number of submissions which raised concerns about the uncertainty of the extent of the building envelope and its capability to be extended towards Brougham, the building envelope has been removed from the plan and replaced with a definitive curtilage around Brougham which incorporates its garden setting. The siting of development at Section 4.1 of the draft DCP details the extent of the curtilage. Refer to Recommendation B2.

Mr Laurie's comments in relation to the building form are noted. In the design of the integrated housing it is considered more appropriate that the design of the development is sympathetic rather than imitative. Accordingly, there is the ability to produce a design which is innovative, contemporary and makes appropriate use of the building height limit, mass and its relationship to Brougham house. Reference should be made to Section 4.3- Building Form in the DCP.

The height of development is restricted by controls set in Council's Local Environmental Plan which set statutory height limit of 9.5 metres. The development control plan sets further objectives and controls for height. The precedent for height has not been set by any surrounding properties.

Aural privacy is considered not to be a major constraint to the development of the site given the nature of the users of the site. The developers will, however, be required to demonstrate that noise levels on the site are minimised through good design and room orientation.

Mr Laurie is understandably concerned about maintaining a high level of amenity along the western boundary of the site. Measures have been incorporated in the draft DCP to ensure that setbacks reflect the need for amenity and establish a relationship between height and bulk of the building. It is considered that a 6 metre setback is adequate at this boundary to achieve the desired level of amenity. It is not considered necessary that a corridor of unusable space be created on the western side of the property, it is, however, the intention of the setback to ensure that a reasonable level of amenity can be achieved in terms of permitting sunlight penetration and privacy objectives.

The comments regarding the Village Mews development have been noted. It is considered that both the quality and quantity of landscaping on the site and integration with the significant trees is integral to good site design. Suitable measures have been incorporated into the plan to control the configuration of development, landscaping and tree retention. Refer to Sections 4.1- Building Siting, 4.3- Building Form and 4.5- Open Space and Landscaping in the draft DCP.

Submission 10: Gary Shiels and Associates Pty Ltd, acting on behalf of Citadel Australian Retirement Services.

Mr Shiels offers his broad support for the draft DCP, having been involved with Council's officers during the preparation of the plan. The submission is lodged in respect of the following points for consideration:

1. Section 4.1 Siting of development - It is suggested that the building envelope should allow for a variation on the western side of the site if the proposed development is sympathetic to its neighbours. The author states that in this way "a more satisfactory form of development could be ensured by reference to the objectives for the siting of development in the assessment of any future development application for the site."
2. Section 4.2 Building Height - it is suggested that the draft DCP is ambiguous in that it specifies a height limit of 9.5m but also contains provisions which allow development to exceed 2 storeys where it can be demonstrated that the objectives of the plan will not be compromised. It is submitted that the 9.5m height limit should be removed and merits based assessment of development by compliance with the objectives for height sought.

In concluding Mr Shiels states that "such amendments would place more emphasis on Council's DCP objectives, which are considered to be desirable."

Consideration of Submission 10
In consideration of this submission changes have been taken to remove the flexibility of the building envelope and its replacement with a curtilage around Brougham as detailed in the consideration of Submission 9. Furthermore, strict controls on setback have been incorporated into the DCP to ensure that development is appropriately sited, whilst still allowing a reasonable level of flexibility in the design of new development to be achieved.

Mr Shiels comments regarding building height have been noted. As previously discussed the 9.5m is a statutory height limitation that is capable of being exceeded only with a SEPP1 approval. The ambiguous elements in the draft plan in relation to height have been removed.

Submission 11: Gwenda Kelly, 14 Waimea Ave, Woollahra

The following concerns are listed verbatim below;

Regarding 118 Wallis Street my concerns are:

a) Too many people will be living at 118 Wallis Street
b) These people will own cars.
c) Visitors will frequent the area plus their cars etc.
d) Why is this development on the north west boundary? where there are people already living.

There are many community facilities in one small area already.

They are:

a) Temple Emannuel - Ocean Street
b) Kindergarten - Wood Ave
c) Hospital - Nelson and Wallis St.
d) Day Care Centre - Nelson Street.

If the 118 Wallis Street project is passed, I feel the impact the traffic, traffic noise and the density of people will have a detrimental effect on the population in this small area.

I applaud the saving of trees on this land, but suggest humans should be given breathing space as well.

Consideration of Submission 11
Refer to Planning Assessment for comments regarding traffic assessment.

Mrs' Kelly's comments regarding the number of facilities in the area has been noted. It is not the intention of this report or the DCP to control landuses in the area. It is the sole intention of the DCP to ensure that adequate provisions are in place to control development at 118 Wallis Street and ensure appropriate consideration of neighbourhood amenity issues. Council is reminded of the previous usage of the site as Brougham Hostel and also of past decisions to maintain community use of the site.
Ms. Eyles and Mr McAdam submit that the following amendments should be made to the draft plan:

* Landscape – Specific reference be made to retaining the Peppercorn tree and other trees on the southern boundary; and the Peppercorn trees on the eastern and northern boundaries.

* Vehicular Access/Parking – Suggest the inclusion in Section 4.7 vehicle access is to be on the far eastern side of the building envelope, with a buffer zone of land and/or buildings between any driveway and the western boundary. It is submitted that this provision may contribute to limiting the noise impact on neighbouring residents.

* Siting – Suggest the inclusion in Section 4.9(3) that the traffic survey makes reference to peak traffic flows, particularly during peak times of use by the Temple Emanuel.

* Development Area – Suggest the DCP specify the maximum ratio of building to open site in the building envelope.

* Height, Building Form and Materials – The height and pitch on any new development should also have consideration to the effect on the streetscape for Woods Avenue and Wallis Street and not impinge upon the skyline.

Consideration of Submission 12

Refer to Planning Assessment for comments regarding traffic assessment.

As part of the amendments to Section 4.5 Open Space and Landscaping, controls have been put in place to ensure the retention of all significant trees.
Reference is made to comments made in relation to the siting of development and privacy. As previously noted in this report, controls have been incorporated into the DCP to ensure that setbacks to Woods Avenue are defined. Refer to Recommendation B2. It will also be necessary in the assessment of the development application to give consideration to privacy, views and sunlight access.

In relation to the point raised regarding the floor space ratio it was considered that given the establishment of a building curtilage around Brougham and the setbacks established for new development that a floor space ratio was not required. Further, the height limit of 9.5 meters will control the bulk of development.

In addressing comments made in relation to the building's relationship to the streetscape, provisions have been incorporated into the DCP to ensure that development is suitably scaled to address the nature of the street and that the proportions and lines established by adjoining development is continued. Refer to Recommendation B4(a) and (b).


The draft plan was referred to the Urban Conservation Advisory Committee Meeting of 11 January 1995 for their consideration. The committees views are quoted verbatim below:

1. That the list of significant trees is inadequate and should be considerably expanded. The trees in paragraph 4.5 and on map 2 should be imported into paragraph 3.2 and other trees should be reviewed for retention including the Camphor Laurel Trees along the boundary with the Woods Avenue properties.

2. Exceptions and opportunities for variation in paragraph 4.1(2), 4.2 and 4.3 should be deleted.

3. Wallis Street setback (para.4.1) should be precisely defined as a "predominant setback" to Wallis Street is almost impossible to identify. The setback should be further from the street than the development on the corner of Wallis Street and Woods Avenue.

4. The last paragraph on page 6 should specifically identify Woods Avenue development.

5. All vehicle access points (para.4.1) should be within envelope and not as shown on Map 2, outside the envelope.

6. Paragraph 4.9(1) should include objectives and controls.

7. Paragraph 4.9(2) should be reviewed for possible redrafting.

Consideration of Submission 13:

The trees which are located on the subject land are protected by a number of controls which will ensure their retention. These controls include Section 3.0 Heritage Conservation of the draft DCP and Council's Tree Preservation order. In amending the draft DCP all trees considered to be significant have been listed in Section 3.2 and require full assessment by a tree surgeon to ensure their protection and long term retention. Refer to Recommendation B1 and B5.

The Camphor Laurel trees on the Woods Avenue boundary of the site have been subject to continued lopping over the years to maintain a reasonable level of sunlight penetration into the adjoining properties. Accordingly, the trees offer little privacy between the properties. If considered appropriate the trees may be suitably replaced to the satisfaction of Council's Tree Officer. Refer to recommendation B5. Reference should also be made to comments in consideration of submission 6.
The Wallis Street setback was initially considered to be appropriately determined by the applicant through an assessment of building setbacks within the Street. In giving greater definition to the setback, controls have been incorporated into the plan to define a two metre setback. Refer to Recommendation B2(d). The plan further sets in place parameters to control the scale of development as it addresses Wallis Street. Refer to Recommendation B3.

It is considered appropriate that access points to the property be determined by the developer whilst satisfying the controls set in Section 4.7 Vehicular Access and Parking. The plan has been amended to permit vehicular access to the site within the building curtilage consistent with the current driveway access. Refer to Recommendation B6(b).

In accordance with points 6 and 7 above, Section 4.9(1) and Section 4.9(2) have been redrafted. Refer to Recommendation B7 and B8.

Submission 14: The National Trust

The submission received by The National Trust is summarised below:

* The Trust supports the comments of the UCAC in respect to concerns regarding building height, setback and boundary.
* Suggests the extent of the building envelope should be clearly defined.
* Suggests the DCP should clarify the controls relating to the height of the building.

Consideration of Submission 14

The submission by the National Trust has verified comments made by the UCAC and therefore in the process of considering the submission requires no further comment. Reference should be made to the Submission A for consideration of the UCAC comments.

Submission 15: The Heritage Branch of the Department of Planning

In their evaluation of the draft DCP the Heritage Branch offer the following comments:

(i) 2.0 OBJECTIVES - the following objective should be added to those already present:
(a) to require any new development to be consistent with the conservation policies set out in the conservation plan proposed by Dawson Brown and Ackert

(ii) 3.3 be amended to read "The Council will require an applicant to engage an architect with proven conservation experience to document and supervise any major building or site works carried out on the land and to engage an archaeologist to advise on appropriate action relating to any relics or remnants exposed during the work"

(iii) 4.1 Suggests the use of the site is not sympathetic to the existing use and does not appear to retain the integrity of the existing house and the site. Suggests more appropriate controls be put in place for the building limits, landscaping and the supervision of any proposed works by a qualified conservation architect.

Consideration of Submission 15

Reference is made to the first point raised in the submission requesting that development be consistent with the Conservation Plan. It is considered that whilst the Conservation Plan has been prepared for the site it provides minimal information to control the conservation of the site or to establish a building curtilage. Incorporated into the draft DCP under Section 3.0 Heritage Conservation are extracts from the Conservation Plan which are considered to have some merit.
It is considered that Section 3.3– Heritage Conservation in the draft DCP adequately addresses measures to be taken on the site to ensure protection of any relics unearthed on the site. The comments from the Branch have been noted.

The comments regarding the usage of the site and controls for the building have been noted. It is considered that the recommended amendments to the draft DCP have adequately address any concerns raised by the Branch. Council is reminded that the site has recently been rezoned to accommodate integrated housing for the aged and associated community facilities.

**PLANNING ASSESSMENT**

Inevitably, with any new development comes the potential for increase in the traffic flow within the vicinity and a greater demand for parking, especially where development exceeds a dwelling house. The aim of the DCP is to minimise the impact by ensuring suitable parking standards are in place so that there is adequate provision for on-site car parking both for the residents and the users of the community facility. Until the formal assessment of the development application is undertaken it is difficult to verify whether appropriate traffic/parking measures will be proposed for the site. Furthermore, vehicular access onto the site will have to comply with the provisions of the draft plan and accordingly, vehicles entering and leaving the property will have to do so in a safe and efficient manner.

In line with the concerns raised in the submissions it is evident that on-street parking problems exist in the area as a consequence of both existing resident parking and visitor/commuter parking. To remedy this situation by mechanisms in the draft DCP would be inappropriate given that incremental development and the lack of parking provisions have contributed to the problem. For Council's information the Paddington Area Traffic Study undertaken by Sinclair Knight in February 1994, recommended the extension of the Paddington Residential Parking Scheme to incorporate the western side of Woollahra. Accordingly, the concerns raised in the submissions regarding parking and traffic management will be addressed when the recommendations of this study are implemented.

It is considered that the draft development control plan in its amended form will ensure that the community concerns are addressed and that the best development outcome will be achieved on the site.

**RECOMMENDATION**

A. That the report of the Strategic Planner relating to the submissions of the draft development control plan for 118 Wallis Street, Woollahra be received and noted.

B. That, pursuant to clause 24(1) of the Environmental Planning and Assessment Regulations 1980, the Council make alterations to the exhibited draft development control plan for 118 Wallis Street, Woollahra as shown below:

1. Amend Section 3.2 as follows:

   a) The landscape elements considered significant are:

   * 2 Norfolk Island Pines
   * 1 Magnolia
   * 3 Peppercorn Trees – 1. Nelson Street property boundary
   * 2 Camphor Laurel Trees – 2. Northern Boundary
   * 1. adjacent to Magnolia Tree
   * 5 Hoop Pine
   * 5 White Quandong
   * Boundary wall and entry

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* [1292] -
b) Insert at the end of clause 3.2 the following paragraph:

The extent of the brick boundary fence along both Wallis and Nelson Street, defining the boundary of the site should be retained.

2. Amend clause 4.1 – The Siting of Development as follows:

a) Delete the description of the building envelope and insert instead the following paragraph:

All new development (with the exception of a driveway— Refer to Section 4.7) should be sited outside the curtilage established for Brougham and the mature garden setting. Refer to map 2 – The Building Curtilage. The building curtilage incorporates the northern portion of the site between Brougham and the northern boundary of the property for the full extent of that boundary, and from the north-western extent of that boundary to the dripline (or distance as otherwise determined by a tree surgeon) of the Norfolk Island Pines, the Magnolia and the Hoop Pine in the centre of the site. The curtilage then extends to the Wallis Street Boundary (southern boundary) along a line which should follow the established garden wall in the centre of the property, and should extend in a straight line (taken in a parallel line to the external wall of Brougham) to link on plan to the dripline (or distance as other wise determined by a tree surgeon) of the White Quandong tree and continuing along the extent of Wallis Street to the Nelson Street Boundary. On the northern boundary of the site the curtilage extends along the Nelson Street Boundary.

b) Insert at the end of paragraph 2 the following sentence:

The proximity of development to Brougham should ensure respect for, and harmonise with, Brougham and its garden setting. A landscaped buffer should remain between Brougham and any new development on site. The development should aim to preserve the special qualities that give the location its character in a way that respects the old but reflects the new.

c) Amend paragraph 3 by removing the word “no” and inserting “minimal”.

d) Insert the following sentence as paragraph 5:

Development to Wallis Street should be suitably sited and articulated and continue the building lines and proportions of the adjoining development.

e) Amend the description of the setback as following:

The minimum setback to Wallis Street from any point on the development should be two metres from the property boundary. A minimum setback of 6 metres from the west and north west boundaries of the site is required for all development with the exception being the setback for new development which directly adjoins 116 Wallis Street. At this point the minimum setback between any point on the development (not being a chimney or an eave up to 0.6 metres in width) and the side boundary for extent of the external wall length of 116 Wallis Street will be 1.5 metres, increased by one metre for each metre, on a pro rata basis, by which the height above boundary level of the point exceeds 6.5 metres. In designing the development the applicant should have regard to both the heritage significance of the properties along the Woods Avenue boundary and the residential amenity of the neighbouring property. The applicant should be able to
demonstrate that setbacks to all boundaries have taken into account the setbacks of adjoining properties and the amenity of the neighbourhood.

3. Delete all controls in clause 4.2 Height and insert instead the following:

The height of development at any point on the property should not exceed 9.5 metres from the existing ground level to the ridgeline where the roof is pitched. The ground level is the level at the date this plan was approved by Council.

The height and roof pitch of new development should be consistent with the surrounding height and roofline of neighbouring development particularly where new development fronts Wallis Street. Development should be proportioned and stepped back in height from the street to achieve a human scale at street level and to continue the building lines established by adjoining development to introduce some scaled rhythm to the streetscape. All new development should be the result of careful analysis of surrounding buildings and sympathetic interpretation of the design elements and the heritage significance of Brougham and the adjoining properties. These factors should be used as guides rather than absolute constraints.

Where development extends towards Brougham, the building height should be suitably scaled to relate to the height of Brougham. In this respect development should be stepped upwards in height back from Brougham.

The design of all external walls must take into account the wall height of adjoining buildings and apply suitable setbacks to the building to respect the built form of surrounding development and amenity.

4. Amend controls in clause 4.3 Building Form as follows:

a) Amend paragraph 1 as follows:

New development must take into account the style, scale, location, use of balconies or verandahs and the proportions of the facades as they relate to the historical significance and architectural features of Brougham and the heritage significance of all the buildings which adjoin the site on the south-western side of Wallis Street. A design approach which is sympathetic rather than purely imitative is required.

b) Delete paragraph 2 and insert instead the following:

The configuration of new development should be sited so that the building mass of buildings which are substantially larger in building dimensions than surrounding development should be articulated in plan and elevation so as to reduce the apparent mass and to enable a better relationship with the scale of the surrounding buildings. New development should adopt a style of construction in harmony with its location, eg in terms of vertical and horizontal proportions, conforming with traditional building forms.

Development along Wallis Street should be positioned to avoid creating a walled effect to the street and should be limited in dimension and vertically articulated so as not to achieve the appearance of over development of the site. New development should ensure that the existing character and nature of the street remains intact and introduces some scaled rhythm to the streetscape.
c) Insert the following paragraph as paragraph 4:

Development should read from Wallis Street as continuing the building lines and proportions established by the adjoining development on Wallis Street and be suitably stepped back in dimension from the street. A similar approach should be adopted for all external walls which face Brougham to ensure that a sympathetic building form in terms of height and dimension is achieved. Furthermore, any development which faces Brougham must relate to and enhance the landscape setting established by the curtilage.

d) Amend paragraph 5 as follows:

Any walls which directly face Brougham should be suitably designed and landscaped to blend and soften their appearance and such walls should be stepped back and proportioned in height to relate to the external wall height of Brougham and to respect the heritage significance of Brougham and its setting.

5. Amend controls in Clause 4.5 – Open Space and Landscaping as follows

a) Delete paragraph 1 and insert instead the following:

The nineteenth century gardens in the centre of the site should be retained as a focus and enhanced to provide an appropriate setting to link and formalise the space between Brougham and new development. A landscape buffer must be established between all new development on site and Brougham and its garden setting. All hard surfaces (except those already in existence) must be incorporated into a landscape setting.

b) Amend paragraph 2 as follows:

The Hoop Pine, the White Quandong, the three Peppercorns, the Magnolia Tree, the two Norfolk Island Pines and the two Camphor Laurel Trees (as identified in Section 3.2) are to be retained. The mature gardens are also to be retained and may be added to subject to a detailed landscaping plan being approved by Council. All significant trees should be retained on site and suitably protected during and after development to the satisfaction of Council’s tree officer.

c) Insert as Paragraph 4 the following:

A detailed tree survey is required and a full appraisal of the present condition of the trees and the likely impact of future development on all trees. All trees listed as significant must be retained and protected during construction. A qualified tree surgeon must thoroughly inspect all trees (including all trees listed as significant) to determine the health and stability/safety for retention in the long term. In order to retain trees in a stable and healthy manner, it is generally required (except where determined by a tree surgeon) that no excavation take place within the dripline or canopy spread of the trees. However, it must be recognised that for trees such as Norfolk Island Pines that the tree roots would be expected to substantially exceed the dripline of the trees in order to stabilise the tree. Further, no change in levels would be acceptable above the existing ground level at the tree root system.
d) Insert as paragraphs 6.7 and 8 the following:

The two Box Brush (growing on the Council nature strip in Nelson Street) and the two Weeping Figs (growing on the nature strip in Nelson Street) whilst located outside the site are part of uniform plantings which contribute to the streetscape character of the area. Their protection throughout construction is required.

The row of immature Camphor Laurel trees on the Woods Avenue boundary are required to be inspected by a Tree Surgeon to determine whether their long term retention is viable. Where it is determined that a tree is to be removed, it must be replaced with a suitable tree to the satisfaction of Council's Tree Officer.

Where excavation is required, it must be determined at the development application stage by a qualified Tree Surgeon how the proposal will impact on the trees.

6. Amend clause 4.7 Vehicular Access and Parking as follows:

a) Amend paragraph 1 as follows:

Visitor car parking spaces should be located so as to be readily accessible from the street and building entrances. Suitable provisions should be made for vehicles to set down and pick up passengers. Alternative parking arrangements should be made to the satisfaction of Council.

b) Delete Paragraph 3 and merge into paragraph 1 (Refer to 6(a) above)

c) Insert as Paragraph 4 the following:

Within the curtilage established from the western external walls of Brougham vehicular access will be permitted. A two lane/two way driveway access (one lane in each direction) should be sited to follow the line of the existing driveway access and should not extend any closer to Brougham than the distance of the existing brick boundary fenceline. The driveway access should be incorporated into a landscaping theme for the site. Within this curtilage no other hard surfacing with the exception of a pedestrian pathway will be permitted. No hard surface will be permitted to directly abut Brougham. The proximity of vehicular access to Brougham should ensure respect for Brougham and its garden setting. A landscape buffer should remain between Brougham and any new development on site.

7. Delete clause 4.9(1) and insert instead the following:

a) 1) The objective for other requirements are:

a) to ensure a high level of safety and hygiene is achieved on the site;

b) to promote fire protection;

c) to ensure that garbage containers are accessible;

d) to promote the volumetric reduction of waste to minimise waste handling;

e) to encourage the differentiation of waste materials, eg recycling, commercial and domestic;

f) to require the proper storage and handling of putrescible waste materials; and

g) to require the control of stormwater runoff and subsurface drainage.
8. Deleting clause 4.9(2) and insert the following:

   The Council will require a geotechnical and hydrological report to be submitted where significant site excavation is to be undertaken. This report should identify measures to be taken to remove any adverse effects of the development on the subsurface drainage system and on subsidence as it may affect neighbouring land. All measures undertaken must be to the satisfaction of Council.

9. Delete map 2– Building Envelope and insert instead Map 2– Building Curtilage to graphically show the building curtilage as detailed in clause 4.1.

10. Insert the word “mature” in front of all usages of the words "garden setting"

C. That pursuant to Clause 24(1) of the Environmental Planning and Assessment Act, 1980, the Council approve the development control plan for 118 Wallis street, Woollahra contained in the Annexure to this report, being a plan which includes the alterations set out in Part B above.

D. That the persons who made submissions on the draft development control plan for 118 Wallis Street, Woollahra be thanked for their submissions, be advised of the terms of A and C above and be sent a copy of the consideration of their submission.

S ROACH
STRATEGIC PLANNING

C BLUETT
MANAGER – STRATEGIC PLANNING

ANNEXURES:

Annexure A: Draft Development Control Plan for 118 Wallis Street, Woollahra.

Annexure B: Development Control Plan for 118 Wallis Street, Woollahra (as amended)
APPENDIX 14
Plans and Photographs in relation to the Brougham site
Appendix 14a
Site Survey Plan of the Brougham site
Appendix 14b
A4 size reduced copies of proposed plans of DA 282/94
Photograph 1
Entry to Brougham as viewed from Nelson Street gate
Photograph 2
North-west corner of Brougham
Photograph 3
Norfolk Pine in the centre of the Brougham site
Photograph 4
Looking north to centre of the Brougham site
Photograph 5
Historic houses in Woods Avenue
Photograph 6
Historic houses along Wallis Street next to the Brougham site
Photograph 1: Entry to Brougham as viewed from Nelson Street Gate
(Source: Statement of Environmental Effects, 118 Wallis Street, Woollahra prepared by Gary Shiels & Associates P/L, December 1994)

Photograph 2: North-west corner of Brougham
Photograph 3: Norfolk Pine in the centre of the Brougham site
(Source: Statement of Environmental Effects, 118 Wallis Street, Woollahra prepared by Gary Shiels & Associates P/L, December 1994)

Photograph 4: Looking north to centre of the Brougham site
(Source: Statement of Environmental Effects, 118 Wallis Street, Woollahra prepared by Gary Shiels & Associates P/L, December 1994)
Photograph 5: Historic houses in Woods Avenue
Photograph 6: Historic houses along Wallis Street next to the Brougham site
APPENDIX 15
Documents in relation to DA 282/94

Appendix 15a
Minutes of UCAC, 17 January 1996

Appendix 15b
Report of the heritage planner to the planning officer, 29 January 1996

Appendix 15c
Report of the heritage planner to the planning officer, 20 February 1996

Appendix 15d
Memorandum from the planning officer to the Councillors, 11 March 1996
MINUTES OF URBAN CONSERVATION
ADVISORY COMMITTEE

MEETING HELD ON 17/1/96

COMMENCED AT 8:30AM

PRESENT:

H Tanner (Chairperson) C Mounsey-Smith
M Rolfe G Yohannaus
J Hill W Turner
S Roach A Middlemiss
R d'Apice

APOLOGIES:

(1) 188 QUEEN STREET, WOOLLAHRA

The Committee expressed its concern that the pair of houses continue to be read as a pair, especially in both front and rear elevations. The restoration of the verandah to Queen Street appears to need more careful research and consideration rather than simple replacement of modern iron posts. The first floor infill glazed wall to the Roof F, may best be retained as the existing infill rather than a modern version, as it is part of the house's evolution, and reflects the pattern found in No. 190.

The Committee suggested that the blade wall between the deck and No 186 may be too high and intrusive for both properties, and that the garage presentation to the rear land should be upgraded perhaps by the introduction of one or two dormer windows or vents of traditional design. The south dormer could follow a similar pattern.

(2) 118 WALLIS STREET, WOOLLAHRA

The Committee inspected the property.

Regarding the historic house the Committee recommended:

1. The external form and detail of the house be restored to its pre World War II presentation and extent as much as possible, in particular modern additions G05 and G06 and G31, G33, G34, G35 be removed. Room G07 appeared to need some design renew to make sense of historic septs and planning. The restoration of the appearance of a domestic residence in grounds when viewed from Wallis Street is most desirable.

2. That rooms GO, G03, G04 and G08 be retained and restored to show the
characteristics of the original house. Appropriate uses that will not damage the fabric are required.

3. In the vicinity of G10/G13 and G15, G16, G17, G18, G19, G20 extensive simplification of the planning was accepted to facilitate a new use. New room shapes and openings and details must have logical relationship with the pre World War II planning and fenestration. These changes are possible only because of the loss of character in the part of the building since World War II.

The committee stressed the importance to Woollahra of the external restoration of the presentation of this building to Wallis and Nelson Streets to the pre World War II appearance, and similar the importance of retaining the key historic interiors intact and in good order.

Note that the UCAC Minutes of 20/12/95 - point 5. Should read as follows:

"5. Access points to the site and any restrictions which exist on the site of the "right of way". The site was traditionally serviced, in part, from Nelson Lane, and this option should be retained.

VAUCLUSE ROAD, ROSE BAY/VAUCLUSE

The Committee accepted the principal of the new buildings forming a new "cliff wall" and an upper terrace.

However, the design appears to require considerable development, in particular:

- the modelling of the "cliff wall"
- the complete review of the terrace level structures which are not related well to the existing building or the grandeur of the site.

Given that this is a proposed for Stage 2, the Committee sought to understand the full scheme (all stages) before commenting further on other issues involving landscaping, gates, car parking etc.

54 OXFORD STREET, WOOLLAHRA

Warren Turner advised that no application had been received for this property and is to investigate works currently being carried out to the above property.

176 PADDINGTON STREET, PADDINGTON

The Committee is of the view that the building warrants its A2 status and must be retained as recommended on the 1982 National Trust Survey Assessment. Manual changes to the front facade (such as the railing) should be reviewed and work to the building should repeat the original design intention in a sequence of split level spaces featuring natural materials and finishes and the asymmetrical composition of the front and rear facades and complimentary...
29 January, 1996

MEMORANDUM

FILE NO: 94/282
TO: Sara Roach
FROM: Heritage Planner
SUBJECT: 118 Wallis St

Proposal
Conservation works to Brougham and construction of new residential units

Conservation status
Brougham is a heritage item which also falls within the West Woollahra Conservation Area.

Drawings
9531
Rod Howard Heritage Report Nov 1995
NBRS&P Architects

Comments
Because of its conservation status the issues to consider are - the integrity of Brougham as a heritage item (including its setting), the appropriateness of the proposed infill built form and its landscaping, and, general street scape issues. This assessment deals in detail with the fate of Brougham. The design and appearance of the infill development is commented on in regards to its relationship to the adjacent terraces and its impact on the street scape. Comment is not made on the compliance of the proposal with the DCP.

Integrity of Brougham - interior/exterior and setting
One of the primary objectives of the DCP is to 'ensure the conservation of Brougham and its mature garden setting'. To this effect the proper conservation of Brougham is required. The heritage report prepared by Rod Howard Conservation Pty Ltd provides guidance on the nature and extent of exterior work to be carried out on Brougham. Notwithstanding the problem that the report only addresses the exterior of the building, the authors of the report state (p.2) that the schedule of work contained in the report was based on superficial inspections and should not be considered comprehensive or complete. Accordingly Council should insist on a more extensive conservation assessment that considers both the interior and exterior of Brougham. Brougham is an important heritage item and this is the only opportunity Council will have to insist upon its proper conservation.

In regards to the work proposed in the development application it is difficult to determine the scope of work in the absence of coloured drawings. A comparison between the
drawings lodged and the plans in the conservation plan indicate the following work is being carried out; relocation of entry from Wallis St (south); removal of awnings (west); alteration of doors in room G.26 (north wall); removal of door G.22; removal of facilities adjoining room G.29; insertion of window in G.35 (east and south wall); demolition of walls in G.31/18/20/16/15/14/13/10; new door G.07, and removal of steps western elevation. This schedule of works needs to be verified with the applicant for accuracy.

In order to decide whether this work is appropriate to the conservation of Brougham an understanding of the significance of the fabric is required. The conservation plan allocates the most significant fabric with a '1' numerical rating. The conservation policy relating to this fabric is that it should be retained and repaired. Fabric rated '1' can be found in the library, sitting room, verandah. These areas do not appear to be effected by the proposal except for the exterior maintenance work recommended in the report (discussed above). This requires verification in the scope of works.

Fabric and spaces that should be retained but may be adapted so long as this does not effect the significant external appearance of the building is given a numerical rating '2'. Zone 2 spaces that appear to be effected in the proposal are room 10, 13 - 16, 18-20, 22, 25, 29, 31 and 35. (Room numbers refer to conservation plan layout). The spaces most effected by the works are rooms 10, 13, 14, 15, 16 and 18. Whilst the proposal does not involve the demolition of walls relating to the c. 1850 Morianda Cottage, it is of concern that the demolition of these walls will not allow an understanding of the original arrangement of these space to be determined on site. This problem can be overcome by leaving a wall nib on the following walls; N-S wall separating space 20 and 18, east wall of room 18, and N-S wall between rooms 10 and 13.

Fabric and spaces which may be significantly demolished or altered if considered essential in order to reconstruct spaces of higher significance are given a numerical rating of '3'. This rating applies largely to fabric constructed since 1942. These spaces should be demolished on site as they inhibit the interpretation of the significance of Brougham. If the use proposed has a shortage of floor space (as a result of this demolition) sympathetic additions can be tolerated on site in this area that allow the original form of Brougham to be discernible and address street scape issues relative to Wallis St.

**Infill development**

The outcomes we should be seeking from this proposal (notwithstanding the contents of the DCP for the site) are that the infill is sympathetic to Brougham and its garden setting, to the adjacent cottages, and to the street scape of the conservation area. Care and attention needs to be given to the height, scale, form, setback and design and appearance of the infill. In particular the relationship the infill has to the single storey cottages on the south western boundary needs careful consideration.

The location of the infill to the north west of the site is consistent with the recommendation in the conservation plan. The separation achieved between Brougham and Block A along Wallis St is acceptable. The main presentation of block A is to the north. The fact that the street elevation is less grand has the merit of allowing the real conservation fabric of the area ie; the adjacent cottages to be read. The height and scale of the infill development in relation to the south west boundary however is unacceptable. The height and the dominant architectural element on the corner of the infill compete with the detail and presence of the adjacent cottages. This adverse effect could be mitigated if the corner in question was set back from the street boundary. A set back could also improve the symmetry of the facade ie: at the moment there are three verticle bays to the west of the front podium but only two to the east.
In regards to the setting of the infill and its impact on the trees identified in the conservation plan (2 Norfolk Pines, Magnolia, 2 Peppercorns, Pine) advice from Council's tree officer will ensure any adverse impact of the trees and their drip line is avoided.

Conservation of the existing stone boundary fence and gate should be included in the scope of works.

Recommendation

Condition the DA that a full conservation assessment is required of the interior and exterior of Brougham. This assessment must identify interior and exterior conservation work required to Brougham. The archaeological potential of Brougham fabric should also be explored to address gaps of information available on Brougham during its use as a hostel. As a result of this assessment the applicant should supply an amended schedule of conservation work. Any conservation work carried out on the building should be supervised by a conservation professional.

The applicant should provide Council with drawings and photos recording the current condition and layout of the building.

Archaeological monitoring of site disturbance should be required as the location of the coach house and stable relating to Brougham is currently unknown.
Notes On Conservation Plan

a. Cultural significance

The primary significance of the building is that it is a 'an example of a continually remodelled and extended Victorian cottage of the 1860s still retaining its grounds and mature 19th century plantings'. The secondary significance of Brougham is noted to be its association with Judge Dowling (previous owner), mature 19th century plantings and streetscape dominance because of the sites crest location, the archaeological resource of Brougham hostel and social significance as a children home.

B. Fabric significance

The fabric of Broughams rated for its heritage significance. The outcomes for these ratings are explained in section 6.4 of the document.

C. Landscape

The conservation report identifies the major landscape features as ten exotic plantings, modern pool (in location of tennis court), modern gardens and expansive lawn. Landscape elements considered significance are 2 Norfolk Pines, Magnolia, 2 Peppercorn’s, Pine and boundary wall and entry.

D. Constraints arising from the statement of significance

The report states house and mature plantings should be retained, additions or adjoining developments should not obscure form and original features of the building, contributions of later periods should be respected, new work in the setting should consider impact on cottage and garden nature of the site. (Section 6.0.)

E. Curtilege

In regards to the curtilage of the site the report recommends original planting to the west of the site should be retained and states that the northern portion of the site has no direct relation to the house. The curtilage recommended is that of existing Nelson and Wallis street boundaries and that development should be two storeyed.

E. Future development of the site

The plan recommends new development be confined to the north western sector.

Subdivision of the site is recommended as being north west so as to back onto the brougham house boundary.

Section 7.4.4 addresses controls for the site and states

1. Curtilege should be as per diagram
2. Any changes should be based on documentary evidence and carried out by conservation professional
3. New development should be two storeyed and landscaped
4. There should be no removal of mature existing 19 century plantings.
MEMORANDUM

FILE NO: 94/282
TO: Sara Roach
FROM: Heritage Planner
SUBJECT: 118 Wallis St

Proposal
Conservation works to Brougham and construction of new residential units

Conservation status
Brougham is a heritage item which also falls within the West Woollahra Conservation Area.

Drawings
9531
Rod Howard Heritage Report Nov 1995
NBRS&RaArchitects

Comments
Because of its conservation status the issues to consider are - the integrity of Brougham as a heritage item (including its setting), the appropriateness of the proposed infill built form and its landscaping, and, general street scape issues. This assessment deals in detail with the fate of Brougham. The design and appearance of the infill development is commented on in regards to its relationship to the adjacent terraces and its impact on the street scape.

Integrity of Brougham - interior/exterior and setting

A. Standard of information accompanying the application
One of the primary objectives of the DCP is to 'ensure the conservation of Brougham and its mature garden setting'. To this effect the proper conservation of Brougham is; its interior, exterior and setting is required. The heritage report prepared by Rod Howard Conservation Pty Ltd provides guidance on the nature and extent of exterior work to be carried out on Brougham. Notwithstanding the problem that the report only addresses the exterior of the building, the authors of the report also state (p.2) that the schedule of work contained in the report was based on superficial inspections and should not be considered comprehensive or complete. **Council therefore should insist on a more extensive conservation assessment of Brougham that considers both the interior and exterior of Brougham.** Brougham is an important heritage item and this is the only opportunity Council will have to insist upon its proper conservation.

In regards to the work proposed in the development application it is difficult to determine
the scope of work in the absence of coloured drawings. A comparison between the drawings lodged and the plans in the conservation plan indicate the following work is being carried out; relocation of entry from Wallis-St (south); removal of awnings (west); alteration of doors in room G.25 (north wall); removal of door G.22; removal of facilities adjoining room G.29; insertion of window in G.35 (east and south wall); demolition of walls in G.31/18/20/19/16/15/14/13/10/; new door G.07, and removal of steps western elevation. These works are not referred to in the NBRS&P Architects report and therefore need to be verified by the applicant.

B. Effect of proposed work on fabric

In order to decide whether the work proposed is appropriate to the conservation of Brougham an understanding of the significance of the fabric is required. The conservation plan rates fabric using a numerical scale that ranges from '1' for the most significant fabric to '3' for the least significant.

The conservation plan states fabric given a '1' numerical rating should be retained and repaired. Fabric rated '1' can be found in the library, sitting room, and verandah. These areas do not appear to be effected by the proposal except for the exterior maintenance work recommended in the report provided by NBRS&P Architects. Fabric given a '2' rating should be retained but may be adapted so long as this does not effect the significant external appearance of the building. The spaces most effected by the proposal are rooms 10, 13, 14, 15, 16 and 18 where the demolition of walls is proposed. In order for future generations to understand the layout and use of Brougham over time wall nibs should be left on the following walls; N-S wall separating space 20 and 18, east wall of room 18, and N-S wall between rooms 10 and 13. Fabric given a '3' rating are those that may be significantly demolished or altered if considered essential in order to reconstruct spaces of higher significance. This rating applies largely to fabric constructed since 1942. These spaces should be demolished on site as they inhibit the interpretation of the significance of Brougham. If the use proposed has a shortage of floor space (as a result of this demolition) sympathetic additions can be tolerated on site in this area that allow the original form of Brougham to be discernible and address street scape issues relative to Wallis St.

Recommendation:

1. A more extensive conservation assessment should be undertaken that deals with both the interior and exterior of Brougham. The archaeological potential of the fabric of Brougham should be included in the brief of this assessment to address gaps of information available on Brougham during its use as a hostel.

2. In the absence of coloured drawings the scope of works noted above (which are not included in the NBRS&P Architects statement of effects) must be verified by the applicant and re addressed after recommendation 1 is carried out.

3. In order to allow the room layout of the interior of Brougham to be interpreted by future generations wall nibs should be left in the following spaces; N-S wall separating space 20 and 18, east wall of room 18, and N-S wall between rooms 10 and 13.

4. Fabric constructed post 1942 which has been given a '3' significance rating should be demolished in order to allow the cultural significance of Brougham to be interpreted.

5. All work on Brougham should be supervised by conservation expert.

6. Conservation of the existing stone boundary fence and gate should be included in the
Infill development

The outcomes we should be seeking from this proposal are that the infill is sympathetic to Brougham (and its garden setting), to the adjacent Victorian cottages, and, to the street scape of the conservation area. Care and attention needs to be given to the height, scale, form, setback, and, design and appearance of the infill. In particular the relationship the infill has to the single storey cottages on the south western boundary needs careful consideration. These cottages are the cultural heritage of the area and must not be overshadowed, dominated or compromised by adjacent development.

The location of the infill to the north west of the site is consistent with the recommendation in the conservation plan and accordingly is not objected to. The height and setback of the infill development in relation to the adjoining cottages however is unacceptable and the treatment of this corner of the building needs to be re addressed. When re addressing this corner it should be borne in mind the infill should be of a simple design and must not challenge the architecture of the cottages.

In regards to the setting of the infill and its impact on the trees identified in the conservation plan (2 Norfolk Pines, Magnolia, 2 Peppercorns, Pine) advice from Council's tree officer will ensure any adverse impact of the trees and their drip line is avoided.

Recommendation

Redesign the south west corner of the infill to improve its relationship with the adjacent cottages.

Conditions of any consent issued

The applicant should provide Council with drawings and photos recording the current condition and layout of the building.

Archaeological monitoring of site disturbance is required as the location of the coach house and stable relating to Brougham is currently unknown.
MEMORANDUM

11 March 1996

TO: THE MAYOR, COUNCILLOR N GRUZMAN AM
ALL COUNCILLORS

FROM: SARA ROACH - ASSESSMENT OFFICER

SUBJECT: AMENDED PLANS FOR BLOCK B - 118 WALLIS STREET
WOOLLAHRA - DA 94/282.

The purpose of this memo is to advise that amended plans were submitted at 9.00am this morning for the above proposal. The amendments seek to address a number of concerns raised by the Building and Development Committee at the meeting of 4 March 1996 and the subsequent site inspection on 6 March 1996. The concerns of the Committee specifically related to overshadowing and loss of residential amenity to Woods Avenue properties (western boundary) as a consequence of the bulk, scale and height of Block B.

In seeking to address the concerns of the Committee the amendments to the plan propose an additional 2 metres setback for Level 3 from the western boundary at two intervals amounting to an additional setback for just over half of the length of the western elevation at Level 3. In effect Units 26, 27, 28, 38 and 39 have been reduced in size and now open onto a balcony which is designed in elevation to be similar in detail to the Wallis Street elevation of Block A. It is considered that the potential for overlooking from the balconies is minimal, and will be further reduced by planting along the western boundary. The recommended conditions of consent (see below) will further eliminate the potential for overlooking and reduce usage of the balconies.

It is noted that the amendments to Block B retain the six metre setback to the western boundary for Level 1 and Level 2.

The applicants have submitted shadow diagrams to demonstrate the improved shadowing situation at 9.00am and 12 noon mid-winter and the Equinox and Councils assessment officer is satisfied that the proposal demonstrates an improvement to a number of properties on Woods Avenue.

In summary it is considered that the amendments represent a much improved arrangement which adequately breaks up the bulk of the development, has created strong vertical elements and steps the building away from the western boundary to improve the amenity and the appearance of the building when viewed from adjoining properties.

If Council is of the mind to approve the amended plans the deletion of Condition 64 of the staff recommendation to the Building and Development Committee of 4 March 1996 is required and should be replaced with the following recommended conditions of consent:

64 A. All balconies on the northern elevation Block B and Level 2 on the western elevation of Block B are to be deleted and replaced by juliet balconies to minimise the potential for overlooking. This is to be noted on the Building Application stage.

64 B. The balconies on Level 3 Block B off Unit 39 Bed 2, Unit 38 Bed 1, Unit 38 Bed 2, Unit 28 Lounge Room, Unit 27 Dining/Lounge Room and Unit 27 Bed 2 are to be separated by a planter box to a height of 900mm and width of 500mm to ensure that access onto the balconies from each room is physically separated to protect the aural amenity to the adjoining properties and to reduce the size of the balconies.

64 C. Planter boxes to a height of 900mm and width of 500mm are to be provided on the western elevation of all balconies at Level 3 Block B.

Sara Roach
ASSESSMENT OFFICER

Sue Francis
MANAGER BUILDING & DEVELOPMENT
APPENDIX 16

Letter 1
Letter from the National Trust to WMC, 10 January 1995

Letter 2
Letter from the National Trust to the applicant, 14 February 1996

Letter 3
Letter from Noel Berry, Ridley Smith and Partners Architects to the project managers dated 26 February 1996
Dear Sir/Madam

RE: 118 WALLIS STREET, WOOLLAHRA
Development Application

I refer to the subject application which has been referred to the Trust for comment.

The Trust has previously commented on proposals for the site and on the Development Control Plan (DCP) prepared for the site in 1985.

In commenting on the DCP in May 1995, the Trust considered the setbacks defined in the DCP acceptable when read against the other controls in the DCP. The proposal has been assessed against the DCP. The proposal appears to respond satisfactorily to the development controls, however there are some heritage concerns regarding the three dimensional qualities of the building in its context.

Of concern are the following:

4.1 THE SITING OF DEVELOPMENT

In heritage terms objectives 3), 4) and 5) are not satisfactorily met by the proposal.

* The control set in 4.1 (being that the setback at the Wallis Street boundary "will be 1.5 metres, increased by one metre for each metre, on a pro rata basis, by which the height above boundary level of the point exceeds 6.5 metres") does not appear to have been complied with. The drawings indicate that the proposed building exceeds this control to the detriment of the character of the Wallis Street streetscape.

* The section also requires that development to Wallis Street should continue the building lines and proportions of the adjoining development. The proposal presents an elevation to Wallis street that appears to be out of proportion with the adjoining buildings.

4.2 HEIGHT

In heritage terms objectives 3) and 4) are not satisfactorily met by the proposal.

* The scale and proportion of the development in the context of Brougham and the Wallis Street/Woods Avenue properties is considered excessive.
While it appears that the building generally conforms to the 9.5 metre height limit, it is difficult to read the dimensions on the reduced size plans. Of concern is the massing and forms of the proposed buildings in this context. The height controls of the DCP indicates that the height and roof pitch should be consistent with surrounding height and roof pitch of neighbouring development. The development proposed has a parapet roof which is inconsistent in context. The south elevation highlights the incompatibility of roof forms which results in a difference between the single storey street presentation of the existing Wallis Street buildings against the three storey street presentation of the proposal. Objective 4.2.4) of the DCP is “to maintain a street facade of human scale”.

The scale of the three storey wall of block B where it directly faces the rear of the Woods Avenue houses is considered inappropriate and should be reduced to improve this relationship. This consideration is raised in section 4.1 of the DCP.

The street facade could be improved to achieve a more human scale on the Wallis Street elevation.

4.3 BUILDING FORM
In heritage terms these objectives are generally not satisfactorily met.

4.4 EXTERNAL MATERIALS, COLOURS AND FINISHES
Information not provided to the Trust for assessment. We would appreciate advice on the proposed finishes which are of particular importance in ensuring that the buildings sit well in their context.

4.5 OPEN SPACE AND LANDSCAPING
More details at a greater scale are required for a detailed comment.

In addition more detailed information is required before comment can be made on the proposed conservation works for Brougham.

Thank you for referring this matter to the Trust. The Trust appreciates the opportunity to comment on matters affecting the heritage significance of a place. Should you wish to discuss this matter any further please do not hesitate to contact me at the above address.

Yours sincerely

Elsa Atkin
Executive Director
14 February 1996

Mr B Jennings
Director
Citadel Property Consultants
25 King Street
SYDNEY NSW 2000

Dear Mr Jennings

BROUGHAM, 118 WALLIS STREET, WOOLLAHRA

I refer to our meeting with you on 6 February 1996. Thank you for making the time to come in to explain the proposal to us.

The matter has been considered based on the plans provided, but I understand that some amendments may be made following your recent meeting with Council. Any amendments can be considered later, but our comments are substantial and are unlikely to change based on minor changes to the design.

I refer also to our letter to Council dated 10 January 1996 (incorrectly dated 1995; copy attached). Many of the comments contained in that letter still remain. Reference is made to the DCP below. It does not appear that all of the controls of this DCP have been considered in the designs currently being considered by Council.

The Trust is opposed to this proposal as is detailed below. This matter was considered by the Trust's Urban Conservation Committee at its meeting today.

Section 4.1 of the DCP, Siting of Development. This section states that the general objectives for the controls on the siting of the development include:

Objective 3): to promote a building scale and form which is compatible with the surrounding development.

This development makes very little attempt to be compatible with surrounding development or the character of the streetscape. This comprises primarily small dwellings with steep pitched roofs, not the monolithic form of the proposal.

Objective 4): to ensure compatibility with the character of the streetscape.

See above comment.

Section 4.2, Height. This section states that the objectives for height control include:
Objective 3): to ensure compatibility with the scale and the built-form of the surrounding development to encourage a cohesive skyline.

The scale of this development is much larger than surrounding development and its design makes no attempt to complement surrounding styles.

Section 4.3, Building Form. This section states that the objectives for the building from controls include:

Objective 1). To require that any new development or work is compatible with the design, scale, form and character of Brougham and its garden setting and surrounding development.

Again this objective has not been complied with.

Objective 4). To promote a high standard of building design...

The design of this building is very basic in its massing and detail.

In general, the Trust’s comments are as follows:

1. The quality of the surrounding area including Woods Avenue, Waimea Avenue and Queen Street is particularly fine and should be respected in the new buildings, along with Brougham itself.

The character of the area surrounding Brougham is made up of buildings with small street frontages. The proposed new buildings should reflect this in a breakdown of their scale. This would also reduce their impact on Brougham and make them more sympathetic.

2. The design of the proposed new blocks is bland current "Mediterranean" fashion with very poor details. This is apparent even from the map scale of 1:200. It would be more useful to have elevations at a scale of 1:100 to enable the details to be better assessed. It is however clear that this design is not compatible with Brougham or surrounding development. Details are most important in this context and should be given detailed consideration.

3. The nature of the proposal is long horizontal elements (evident from the parapet and "cornice" string line) and at odds with the pitched roofs, gables and bay windows of surrounding architecture and Brougham itself. The relationship of the proposal with the Wallis Street "gothic" terraces has not been resolved. The blocks comprising the development need to be broken up with sensitive design giving a coherent overall effect. The "pediment" element shown as breaking the parapet on the elevations is very inappropriate in this location. The lack of suitability of the parapet style in this area is well illustrated by the development of 31A - 31D Nelson Street, nearby to Brougham.
The whole development shows a lack of appreciation of site context and historic building proximity and sensitivity. The wide use of boncoted render is not the answer. The fenestration treatment is poor and makes no attempt to reflect adjoining development. While the impact of the development will be most keenly felt on Wallis Street as the main "public" elevation, the other block will also be seen down Nelson Lane.

4. The Trust believes that expert advice is required about the retention of the trees on the site in light of the fact that the pool is located very close to them, and also that it appears that the ground level has been raised. A landscape designer with heritage experience, particularly with Victorian gardens, is also required.

5. The landscaping and fence relationship to Wallis Street should be designed to try to avoid the institutional appearance. Better details of the wallis Street fence, edge landscaping and driveway gates is required.

6. The Trust has not been provided with a copy of the Conservation Plan for Brougham. The development of the site however clearly provides an opportunity for the building to be restored. A Conservation Architect should of course be involved with this process.

7. The proposal should be designed to incorporate these concerns. Rob Brown drafted the DCP and it is suggested his views be sought.

8. The Statement of Environmental Effects does not adequately explain how the proposal has attempted to address the controls of the DCP and Conservation Plan.

The Trust is pleased to be asked to comment on this proposal. Should you wish to discuss this matter further, please contact me or Katherine Brooks at the address provided.

Yours faithfully

Elsa Atkin
Executive Director
Mr B Jennings, Director
Citadel Property Consultants
25 King Street
SYDNEY NSW 2000

Dear Mr Jennings,

'BROUGHAM' 118 WALLIS STREET, WOOLLAHRA
PROPOSED ADAPTIVE REUSE AND DEVELOPMENT OF SITE
RESPONSE TO HERITAGE ISSUES STATEMENT BY THE NATIONAL TRUST

In responding to the comments made by The National Trust of Australia (NSW) Urban Conservation Committee on the proposal to redevelop the Brougham site I would make the following observations,

The site of Brougham Hostel, formally owned by the NSW State Government was packaged and sold at public auction on the understanding that development of the site of the scale now proposed would be undertaken in order that the heritage items of significance on the site could undergo satisfactory conservations works to ensure their retention and continued maintenance. Rezoning of the site was carried out in the knowledge that an Aged Persons development on the site would have a flat roof to achieve the required number of units to make the development financially viable. All of this was carried out prior to the Development Control Plan for the site.

Any reduction in unit numbers would increase the land cost per unit to such an extent that development of the site would not be feasible and would have resulted in a luxury town house development.

The DCP recognised these constraints by limiting development to 3 storeys in height whilst restricting the overall development height to 9.5m above existing ground line.

Following the sale and application to rezone the site for aged persons housing and community facilities the development control plan was drawn up to guide development of the site so as to maintain the significance of Brougham its grounds and trees and to protect the neighbourhood amenity. It was stated that compliance with the minimum requirements of the plans would not automatically imply approval by Council of any application and it was expected that considerable negotiations would need to occur for a satisfactory solution to be achieved.
A long and involved process of extensive consultations and negotiations with Council planning staff and other interested parties was undertaken in arriving at the present form of the proposed development which is before Council and general consensus had been reached that the proposed use and the general form of the development is satisfactory given the constraints identified for the site and the requirements of the owner to achieve an economically viable development.

At no time was a presentation of the proposal requested by the National Trust in order that they could have an input at the early stages of the design process and it is assumed this is because the Council's Urban Conservation Advisory Committee contains members representing the Trust, The Institute of Architects and the Heritage Council and would therefore present a cross section of current conservation philosophy and policy in respect to development within the Woollahra area generally and particularly on a site such as Brougham. The Trust would also have had access to the Conservation plan prepared for the site through their representative on the Heritage Council, Mr Stephen Davies when it was adopted by that body as the guiding document for the site.

It is generally acknowledged that Aged Persons Housing is the preferred use for the site and that conversion of Brougham Hostel for Child Care provides a community facility which is in keeping with the identified history of the place as a children's hostel since 1943.

Following a site inspection by U.C.A.C comments received by the applicant via council regarding the development were confined to issues related to the conservation of Brougham itself in terms of meeting the requirements of the conservation plan prepared for the house by Robert Brown, and particularly addressed the possibility of removing later(1965) unsympathetic additions along Wallis Street which house toilets. However the continued use of the building for Child Care requires the same toilet facilities and it is felt that refurbishment of the existing toilet block is preferable, to introducing services into the main portion of the house. The present unsympathetic scale that this extension presents to Wallis Street is to be addressed in the present proposal by the introduction of a more sympathetic fenestration pattern.

The second concern of U.C.A.C dealt with the proposed demolition of several internal walls to create larger spaces for play areas. This is restricted to areas designated in the Conservation Plan as being Level 2 significance Allowing adaptations which does not affect the external appearance. By reference to the 1917 plan of the house prior to its resumption by the Government it can be clearly seen that all of the areas affected by the present proposal have been considerably altered from their configuration at that time which had also been changed from the original plan of the 4 roomed cottage construction in the 1850's.

The National Trust listing card for Brougham states:

"The interior has been completely gutted and subdivided into smaller rooms".

It should be noted that all of the areas within the building nominated as having 'high levels of significance' have been retained intact and the majority of 2nd level significance zones have also been retained.

The conservation of Brougham both internally and externally is proposed to be carried out in accordance with the recommendations of the Conservation Plan and any further requirements of council can be met by conditions of approval to that effect.

The bulk of the criticism from the National Trust in relation to the proposal relates to the issues of landscaping and urban design issues regarding architectural style, scale, massing and detail. With regard to these comments I would make the following observations,

1) The development is almost unique because of its isolated position on a land locked site surrounded by the rear yards of existing properties. It is also exceptionally well served by advance vegetation screening from most vantage points.
Most professional assessors have agreed that Block B of the development is well positioned, scaled and detailed so as to have minimum impact on the surrounding area.

In particular a generous curtilage to Brougham itself has been provided by restricting development on land fronting Nelson Street and by the maintenance of the building curtilage identified in the DCP which includes a significant area surrounding the significant historic trees.

The Trust notes that surrounding development is defined by small frontages and this has been acknowledged in breaking the facade of Block A where it fronts Wallis Street into several bays compatible with the scale of the adjoining allotments. Further modulation of this facade if required by Council can be achieved by setting portions of the building proud of the general building line, and this can easily be addressed by conditions of approval. The applicant has already undertaken to amend the West elevation of Block A to meet the requirements of Council for similar reasons.

2) The criticism of 'current fashion' is one which can hardly be substantiated given the emergence of architectural stylistism over the period of 150 years in the near vicinity of this site. Each era has its own expression of architectural taste and much of what is considered to be of heritage value today was severely criticized by architects of the late 19th and early 20th Century as insubstantial, substandard and poorly designed. It was not and should not be the designers job to copy or mimic surrounding historic buildings in providing an urban infill. The developer has undertaken to provide to Council a detailed facade drawing showing the level of proposed detailing for approval and the design should be considered by Council on its merits as a late 20th Century building.

3) Whilst I believe the horizontal lines of the new development will not be as apparent in reality to the effect of an elevational drawing I do not see a real conflict between that detail and the strong horizontal form of Brougham. There is obviously a conflict with the form of the Gothic terraces in Wallis Street and modification to the junction of Block A and the terraces has already been undertaken to help reduce any perceived effect. Council's officers are now satisfied that the design proposed is sufficiently recessive as to have limited impact on this relationship and any further modification to this area of the building design thought necessary by Council could be dealt with by conditions of consent. The proposed building presently reads as 2 storey to the street with a set back level which is visually cut off by the verandah parapet. A drawing illustrating this effect has been submitted to Council for their consideration. It should also be noted that extensive street tree planting will further soften the juxtaposition of old and new from this aspect. Visual appreciation of this portion of the development is limited by the proximity of the roadway and I believe that the relationship will not be detrimental to the significance of the terraces or of Brougham. In current Conservation terms it would be plainly inappropriate to attempt to mimic the unique and visually dominant forms of the roofs of the Gothic terraces in designing a new development for this site.

4) The owners have sought the expert advice of 2 professional Arborists in respect to the retention of all the trees on the site and have presented to Council reports which confirm that the proposed management strategies are appropriate to the level of significance of the trees. Obviously it is in the developers interest to retain as much of the mature vegetation material as possible to give the development an established character.
The applicant is willing to address the further concerns of the National Trust regarding Heritage landscape issues by employing a recognised landscape designer with heritage experience in Victorian gardens, and this can be addressed as a condition of approval.
It should be noted that all of the Camphor laurel trees along the West boundary are to be retained and that these form a significant screen to the rear properties in Woods Avenue.

5) The applicant whilst having had several discussions with Councils' officers regarding the Wallis Street fence and driveway details is aware that the National Trust has not had the opportunity to have access to detailed designs. A detailed proposal has therefore been prepared and submitted to Council showing the approved driveway entry details and the proposed front fence details which continue the prevailing character of wrought iron panels and masonry walls between the Gothic terraces and Brougham.
Full landscape design drawings have been prepared and issued to Council and these have also now been made available to the National Trust.

6) The Conservation Plan prepared for Brougham was done so at the request of the Department of Planning and the National Trust can obtain any information regarding the plan from that source. The Trust has representation on the Heritage Council which presumably adopted the plan following its preparation.
In accordance with the recommendation of the plan a recognised Conservation architect is to be involved in any work carried out to Brougham and this matter should be dealt with by a condition of consent.

7) I believe that Councils' own officers and the U.C.A.C have adequately addressed the design proposals and given professional advice to Council, weighing up the necessity to meet the requirements of the DCP, to address the concerns of adjoining owners and the constraints on the development brought about by design codes and economic viability.

8) Councils' own officers believe that the applicants statement of Environmental Effects and subsequent submission on trees, landscape, heritage and traffic issues have adequately explained how the proposal has attempted to address the controls of the DCP and the Conservation Plan. Council has written to the applicant stating that the applicant has satisfactorily addressed all outstanding matters and no further information or amendments are required to the application to allow a determination to be made.

In light of the above matters and having examined the proposal in some detail I do not believe that there are major impediments to the successful integration of these buildings into the existing urban fabric surrounding the Brougham site, and that the principal concerns of the Conservation Plan and DCP are adequately addressed to provide a development with obvious social benefits to the Community and minimal impact on the amenity of adjoining owners.

Minor design issues and detailed matters can easily be addressed through consent conditions and I therefore recommend approval of the Application.

Yours faithfully

NOEL BELL, RIDLEY SMITH & PARTNERS PTY LIMITED

ROBERT STAAS
Heritage Consultant
APPENDIX 17

Appendix 17a
Planning Officer's recommendation for DA 94/282 to B and D Committee, 4 March 1996

Appendix 17b
Approval letter of DA 94/282 to the applicant dated 11 March 1996
ITEM NO: DELEGATED TO COMMITTEE
ADDRESS: 118 WALLIS STREET, WOOLLAHRA
PROPOSAL: USE OF EXISTING BUILDING (BROUGHAM) AS A LONG DAY CHILD CARE CENTRE & ERECTION OF 39 AGED PERSONS HOUSING UNITS WITH BASEMENT CAR PARKING.
REFERENCE: DA 94/282
OWNER: THE CONGREGATION OF THE TEMPLE EMANUEL
ARCHITECT: WINTER GROUP
AUTHOR: SARA ROACH, ASSESSMENT OFFICER

SUMMARY

ISSUES:
Neighbourhood Amenity, Heritage Significance, Height, Setback, Overshadowing
Traffic generation, On-site parking, Conservation of Brougham, privacy and overlooking

OBJECTIONS:
12 Objections

RECOMMENDATION:
Approval subject to conditions

PREAMBLE:
The subject site was rezoned Special Uses 5(a) - Integrated Housing for Aged Persons/Community Facility on 19 December 1994. A subsequent development control plan (DCP) was prepared for the site to ensure suitable parameters where in place to guide future development on the site and preserve the heritage significance of the site and its surrounds. The Development Control Plan established a number important controls including:

1. a curtilage around Brougham;
2. recognition to the heritage significance of the site and its garden curtilage; and
3. provisions to ensure that the form of any future development on the site is compatible with the design, scale, form and character of Brougham and its garden setting and the surrounding development.
The Development Control Plan for the site was adopted by Council on 22 May 1995 and came into force on 31 May 1995. This Development Control Plan is the principal document to be used in the assessment of development proposals for the site.

A development application submitted on 14 December 1994, proposed two buildings of aged persons housing incorporating 37 units and underground parking for 52 cars divided between the two buildings. The initial proposal did not include alterations and additions to or the re-use of Brougham, an historic cottage on the site. It was proposed, however, that Brougham be used as a child care centre and that such was to be the subject of a subsequent development application.

Notification of owners of adjoining properties resulted in fifteen objections being received. The objections related to building design, building bulk, traffic generation, overlooking and heritage considerations.

Following discussions with Council Officers the applicant lodged amended plans on 17 November 1995 and details to address the unsatisfactory aspects of the initial proposal.

In summary the proposal, as amended by the revised plans, represent an improvement to the aesthetic appearance of the development and the amenity on the site and to adjoining properties. The amendments made to the plans are summarised as follows:

- reduction in height to comply with Council's height limit;
- reduction in floor space by 1133m2;
- increased setbacks on some boundaries;
- the replacement of hipped roof form with a parapet roof form;
- re-design to the car parking area and provision of visitor car parking in the basement of Block A;
- increase in number of units by 2 to 39 units;
- increase to the podium area on the south-eastern side of Block B;
- new cabana adjacent to the south-eastern corner of Block B; and
- conservation works to the Brougham building and the surrounding curtilage.

The applicant in modifying the proposal submitted the following justification in support of the amendments:

"The proposal is permissible in the Special Use 5(c) zone under the Woollahra LEP 1995. The development complies with the 9.5m height limit. The amended proposal satisfies the aims and objectives of Council's statutory and policy documents.

The proposed child care facility will enable the viable retention of Brougham which is a Heritage Item. The landscape setting of the site is recognised and this will be a dominant feature of the finished development with the key significant trees being retained. The aged persons housing will be compatible with surrounding land uses and will be well serviced by on-site support services. The buildings have been designed to sympathetically relate to Brougham and neighbouring development.

Amendments have lowered the overall height of the proposal, increased setbacks from neighbouring properties and refined external appearance. Additionally, they have removed additional unsympathetic elements of Brougham, changed the configuration of Block A, provided roof gardens and provided a split level parking design.

An appropriate level of parking for residents and visitors will be provided on the site. Time restricted kerb side parking on Wallis Street is warranted to cater for the setting down and picking up of children at the child care centre. The proposal will result in a negligible increase in traffic generation."
The proposal will have positive social and economic effects, will not have an adverse affect on the amenity of the area and is considered to be in the public interest. It is respectfully submitted that the development application should be approved.

The applicants are satisfied that the non-compliances and concerns raised over to the initial scheme have been appropriately addressed and that the current plans are more efficient with regard to building bulk and floor space and that the amended plans represent an improvement in the relationship with surrounding properties as setbacks from the boundaries have been increased and the architectural detailing of the building modified.

DESCRIPTION OF PROPOSAL:

It is proposed to erect two buildings for aged persons housing being a part 2 and 3 storey development. The buildings will accommodate 5 x 1 bedroom, 25 x 2 bedroom, 8 x 2 bedroom with study rooms and 1 manager's suite.

In this report the two buildings proposed will be referred to as Block A and Block B.

Block A is located at the south-western corner of the site, having direct street frontage to Wallis Street for approximately 23 metres and adjoins 116 Wallis Street at the western boundary. The proposed driveway will follow the alignment of the existing driveway off Wallis Street and will provide a landscaped separation between Brougham and Block A.

Block B extends for some 50 metres along the western boundary of the site and is adjacent to a number of semi-detached dwellings on Woods Avenue. These dwellings are listed as heritage items under Woollahra Local Environmental Plan 1995.

Both Block A and Block B are principally designed to conform with the heritage curtilage established for Brougham in the Development Control Plan and to incorporate and enhance the significant landscape garden and setting of the site. The philosophy underlying the proposal submitted by the applicant is as follows:

"The two proposed aged person's buildings have been located to maintain the integrity of Brougham, retain the significant trees on site, obtain an acceptable level of solar access and maintain the privacy of neighbours. The amended plans reinforce the design philosophy."

The roof treatment of the Block A and Block B buildings is a parapet form which generally permits the building to comply with the 9.5 metres height limit that applies to the site. The applicants have submitted a SEPP No.1 Objection to a height non-compliance that occurs at the glass atrium at upper level 3 in Block A. This matter is discussed in detail below.

Underground car parking for a total of 52 cars is proposed, being divided between the Block A and Block B. Access to the basement parking is proposed from Wallis Street, directly under Block A into a tunnel which connects with the basement parking of Block B. Visitor parking, comprising 7 car spaces, is provided in Block A within close proximity to the entry ensuring convenience and accessibility for visitors. Three visitor parking spaces are provided in Block B. Limited parking restrictions are proposed for Wallis Street during peak periods for users of the child care facility.

The proposal incorporates the retention, refurbishment and re-use of Brougham as principally a child care centre. Brougham is located at the south-eastern corner of the site. The works proposed principally involve the removal of non-significant and intrusive alterations and additions and minor internal alterations including the removal of a number of less significant walls to ensure the facility will function efficiently. The centre will cater for 30 children between the ages of 0 and 2 years and will operate between the hours of 7.00am and 7.00pm weekdays.

It is also proposed that part of Brougham be used as a sitting room, study and library for the residents of the aged persons housing. These additional uses will be located in the highly
significant rooms of Brougham and will retain the integrity of these spaces.

The site includes a number of significant trees including two Norfolk Island Pines and a Hoop Pine, a high stone fence on the Nelson Street frontage and gardens and grounds which are of heritage significance. It is proposed to retain all significant mature trees on site and to enhance the garden setting of Brougham. Supplementary landscaping courtyards, podiums and atriums are proposed to assist in the integration of the development with the site and its surrounds.

The established garden and significant trees in the centre of the site form part of the identified curtilage for Brougham and define the area where development should not occur. In accordance with the Development Control Plan, development on the site is restricted to an area of approximately 3854.41 m² at the south-west and north-west of the site.

The existing pool located at the eastern portion of the site is proposed to be removed and a croquet lawn is proposed in its place. A new pool is proposed to the south-east of Block A which would be incorporated into the landscape setting.

A community room, games room and dining room are proposed on level 1 of Block B. This area would open onto both a large landscaped terrace and a swimming pool directly to the east and an atrium garden to the north.

STATUTORY CONTROLS:

Woollahra Local Environmental Plan 1995
Zoning - Special Uses 5(a) - Integrated Housing for Aged Persons and Community facilities.
Height - 9.5m
Use permissible with consent.
Development Consent is required
FSR - No FSR applies to the site. The building curtilage and objectives of the DCP determine a suitable floor space.

POLICY CONTROLS:

Car Parking DCP; Facades Policy; Fencing Code; Siting of Swimming Pools Code and Stormwater Drainage Code.

CONSERVATION STATUS:

The site is within the West Woollahra Conservation Area and is identified as an item of environmental heritage in Woollahra LEP 1995.

DESCRIPTION OF LOCALITY:

The subject site is located on the northern side of Wallis Street at its intersection with Nelson Street. Brougham occupies the south-eastern corner of the site on a platform at the highest point on the property. The site falls away steeply from Wallis Street at the south-western boundary and gently slopes to the north.

The site has an area of 5,956m² and comprises two allotments. The site is an irregular L-shaped allotment with northern boundaries of 40.76m and 37.52m a partial frontage to Nelson Lane; eastern boundaries of 57.91m with frontage to Nelson Street and 32.22m along the rear boundaries of Nos 4-6 Nelson Street; a southern boundary of 76.98m to Wallis Street; and western boundary of 94.49m adjoining the rear of properties of Woods Avenue and 116 Wallis Street.
A row of Camphor Laurel trees provide an established dense screen along the western boundary of the site affording significant privacy and amenity to properties along Woods Avenue.

The site is surrounded by mainly residential development. Of particular note are the semi-detached dwellings along Woods Avenue and the adjoining terraces to the south west of the site at 116-112 Wallis Street. These properties are listed as heritage items in Woollahra Local Environmental Plan 1995. Development to the north comprises a row of two storey townhouses and detached two storey brick dwellings. The Montifiore Home which comprises a large two storey building and a more recent three storey building is located to the east.

The site is located adjacent to the Bondi Junction By-pass (Syd Einfeld Drive) and is a short distance from the Bondi Junction Commercial Centre.

In summary, the setting of the subject site and the surrounding area has established conservation characteristics and streetscape amenity which dictate strict parameters for development on the subject site.

### PROJECT DATA/POLICY COMPLIANCE:

<table>
<thead>
<tr>
<th>PROJECT DATA/POLICY COMPLIANCE:</th>
<th>Existing</th>
<th>Proposed</th>
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<tr>
<td>Site Area (5,956m²)</td>
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<td>Carparking</td>
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<td>41</td>
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*NOTE: The boundary setbacks of the existing building (Brougham) are irrelevant given the site is principally vacant and the curtilage is established to ensure development is reasonably setback.*

### ENVIRONMENTAL APPRAISAL:

SATISFACTORY

1. Statutory Controls
   YES
2. Policy Controls
   YES
3. Design in relation to existing building and natural environment.
   YES
4. Landscaping/Open Space Provision
   YES
5. Traffic generation and car parking provision.
   YES
6. Loading and servicing facilities.
   YES
7. Physical relation to and impact upon adjoining development. (Views, privacy, overshadowing etc)
   YES
8. All relevant S.90 considerations of the Environmental Planning & Assessment Act 1979.

HISTORY

Brougham is a Victorian Cottage erected in the 1850's. The building has been subjected to numerous alterations and additions, as detailed in the conservation plan prepared for the site by Dawson Brown & Ackerty Pty Ltd in 1991. This conservation plan details the physical development of Brougham in 4 distinctive stages which are of particular relevance to the conservation and reuse of the building. The stages are:

1. Morianda Cottage c.1850
2. Dowling extension c.1870
3. Early 20th century extensions
4. Extensions since 1943

Reference is made to these stages in comments made by the UCAC and Council’s Heritage Planner.

Council’s records indicate that the site has only been the subject of one previous development application DA305/93 which proposed the refurbishment of Brougham and its use as a childcare facility. The application was subsequently cancelled and followed shortly by the request to rezone the site.

INTERDEPARTMENTAL COMMENTS:

Building

The District Building Surveyor raised concerns over the proposal regarding requirements pursuant to the provisions of the Building Code of Australia specifically in regard to fire egress. The District Building Surveyor has attached a number of conditions relating to certain requirements that would need to be satisfied at the Building Application stage. These have been included as Condition Nos 76-84 of the recommended development consent.

Health

Council’s Health Officer raised no objection to the proposal subject to 10 conditions of consent which have been incorporated into the recommended development approval.

Heritage Planner

Council’s Heritage Planner commented on the proposal with respect to the integrity of Brougham, the appropriateness of the proposed building form and landscaping and general streetscape issues. The Heritage Planner’s comments and recommendations are summarised as follows:

Integrity of Brougham

* Council should insist on an extensive conservation assessment of both the interior and exterior of Brougham.

* To understand the original arrangement of the rooms and spaces within Brougham “wall nibs” should be retained on the following walls:

1. the north-south wall separating spaces 20 and 18;
2. east walls of room 18; and
The demolition of unsympathetic alterations (post 1942) is appropriate given they inhibit the interpretation of the significance of Brougham. It is suggested that sympathetic additions to Brougham can be tolerated.

**Infill Development**

- The location of Block A in relation to Brougham and its garden setting is considered sympathetic.
- The comments on the architectural design and form of Block A are produced verbatim:

  "The fact that the street elevation is less grand has the merit of allowing the real conservation fabric of the area i.e. the adjacent cottages, to be read. The height and scale of the infill development in relation to the south-west boundary, however, is unacceptable. The height and the dominant architectural element on the corner of the infill competes with the detail and presence of the adjacent cottages. This adverse effect could be mitigated if the corner in question was set back from the side boundary. A setback could also improve the symmetry of the facade..."

- The conservation of the existing boundary fence and gate should be included in the scope of work.

In summary, the Heritage planner raised no substantial objection to the proposal on the proviso that a detailed conservation assessment and documentation of the archaeological potential of Brougham be undertaken and provided by the applicant to the satisfaction of Council and that the applicant provide Council with drawings and photos recording the current condition and layout of the building.

In line with comments made by the Heritage Planner and concerns of Council's Assessment Officer, the applicants have amended their plans to address the design of the southern elevation of Block A.

The redesign of Block A will be addressed in detail at a further point in this report, however, it is considered that the amended plans improve the relationship of the proposal with 116 Wallis Street and the streetscape and are therefore considered to be acceptable.

**UCAC**

The Urban Conservation Advisory Committee initially considered the proposal at its meeting of 20 December 1995. The Committee provided comments as follows:

"The Committee requests that detailed information regarding the proposals for the historic house and its landscape setting be put before it for consideration and in particular the conservation and adaptation of the historic house should be addressed. The Committee seeks to be reassured that the house and its setting have the best possible outcome for the foreseeable future.

The Committee is of the view that the new buildings are insensitive to the heritage nature of the site, its surroundings and the conservation values of Woollahra.

**Particular issues of heritage concern include:**

1. conjunction of new development with adjoining Wallis Street and Woods Avenue properties;
2. retention of a suitable landscaped belt along the western boundary;
3. apparent need to indent the top floor of both blocks and reduce the impact on neighbouring properties;
4. the impact of excavation and changed levels on major trees; and
5. access points to the site and any restrictions which exist on the site of the "right
"of way" the site was traditionally serviced, in part, from Nelson Lane and this option should be retained."

A site meeting was undertaken by the Committee on 17 January 1995 ostensibly to enable the committee to provide comment on Brougham and its conservation. The comments are provided below:

"Regarding the historic house the Committee recommended:

1. The external form and detail of the house be restored to its pre World War II presentation and extent as much as possible, in particular modern additions G05 and G06 and G31, G33, G34, G35 be removed. Room G07 appeared to need some design review to make sense of historic steps and planning. The restoration of the appearance of a domestic residence in the grounds when viewed from Wallis Street is most desirable.

2. That rooms G02, G03, G04 and G08 be retained and restored to show the characteristics of the original house. Appropriate uses that will not damage the fabric are required.

3. In the vicinity of G10/G13 and G15, G16, G17, G18, G19 G20 extensive simplification of the planning was accepted to facilitate a new use. New room shapes and openings and details must have logical relationship with the pre World War II planning and fenestration. These changes are possible only because of the loss of character in the part of the building since World War II."

The Committee stressed the importance to Woollahra of the external restoration of the presentation of this building to Wallis and Nelson Streets to the pre World War II appearance, and similarly the importance of retaining the key historic interiors intact and in good order."

Engineering/Traffic

The Technical Services Division raised no objection to the proposal subject to 8 conditions which have been included in the recommended development consent.

In the assessment of the proposal the Technical Services Division was satisfied that:

1. the number of off-street car parking spaces provided is adequate and satisfies the requirements of SEPP No.5 and Council's Car Parking Code;
2. the internal circulation through the car park and access to all spaces is satisfactory;
3. the traffic generated from the site and its impact on the surrounding street network and the intersection of Wallis and Nelson Street is not significant and should not be a concern; and
4. the drop off and pick-up zone proposed is sufficient to service the needs of the day care centre.

A number of residents raised traffic implications and car parking as concerns. However, given the information provided by the applicant in respect of traffic generation and traffic impacts and the models used to generate the data, Council's Technical Services Division is satisfied that the development is acceptable.

Landscaping

Council's Trees Officer recommended approval of the proposal subject to 16 conditions which are included in the recommended development consent. The comments by Council's Trees Officer are summarised below given their relevance to a number of objections raised by owners of adjoining properties.
1. The driveway entrance off Wallis Street is appropriately located and allows for the retention of the White Quandong Tree which is listed as a significant feature of the landscape in Council’s Significant Tree Register.

2. There is no objection to the removal of the Camphor Laurel tree (Tree No. 1 on the submitted plans).

3. There is no objection to the transplanting of the existing Kentia Palm to a suitable location on site.

4. The Camphor Laurel Trees growing at the western boundary are to be retained with landscape works to complement the trees.

5. The construction of Block B is appropriately distanced from the Peppercorn Tree on the northern Boundary.

6. The two existing Norfolk Island Pine trees and the Hoop Pine are distanced six metres from any construction. This is considered an appropriate distance to ensure the stability and long term health of the trees. Conditions of consent have been included to ensure excavation and tree root severance is undertaken in a sensitive manner.

7. There is no objection to the removal of the White Cedar tree required to be removed for the construction of Block A.

8. No objection is raised to the removal of the following trees:
   - The 5 Eucalyptus trees growing at the location of proposed Block B and associated Podium given the trees immaturity.
   - The dead Lombardy Poplar in proximity to the Nelson Street boundary.

9. The Lilly Pilly tree adjacent to the existing brick garage should be transplanted to a suitable location within the site.

10. Plantings allow for perimeter screening to adjacent properties and are suitable at the Nelson Street boundary, being shade tolerant and able to provide a uniform streetscape contribution. All other plantings appear appropriate.

**National Trust**

Council resolved when adopting the Development Control Plan for the site to refer any subsequent development proposals to the National Trust and the Department of Planning’s Heritage Branch for comment. These submissions are detailed below.

The National Trust assessed the application against the provisions of the Development Control Plan and subsequently found the proposal to be satisfactory with the exception of a number of heritage concerns. The concerns are summarised as follows:

4.1. **The Siting of Development**
   * Objectives for siting of development are not satisfactorily achieved.
   * The setback provisions for Block A to 116 Wallis Street have not been complied with and are to the detriment of the character of the Wallis Street streetscape.
   * The proposal does not continue the building lines and proportions of adjoining development.

4.2. **Height**
   * The scale and proportion of the development in the context of Brougham and Wallis Street/Woods Avenue properties is considered excessive. Of particular
concern is the massing and form of the proposal and the parapet roof which is inconsistent in context.

The southern elevation highlights the incompatibility of roof forms which result in a difference between the single storey street presentation of the existing Wallis Street buildings against the three storey street presentation of the proposal. Objective 4.2 4) of the DCP is "to maintain a street facade of human scale."

The scale of the three storey wall of Block B where it directly faces the rear of the Woods Avenue houses is considered inappropriate and should be reduced to improve its relationship.

4.3 Building Form

* Objectives of building form are not satisfactorily addressed.

The Trust requested additional information on the proposed building finishes, open space and landscaping. Additional information was also requested on the proposed conservation works for Brougham. Whilst this information was not available when this proposal was initially forwarded to the Trust, the Trust has since had the opportunity assess all the additional information relevant to the proposal.

A copy of the submission by the National Trust was forwarded to the applicants with a request that the applicants discuss and resolve the outstanding issues of concern with the Trust. A subsequent meeting was convened with the applicants to discuss the Trust’s concerns regarding building bulk and the compatibility of the proposal with its heritage context. Following this meeting the Trust provided Council with additional comments. A copy of the response is attached as Annexure 3 to this report.

The applicants have responded to the latest comments provided by the Trust. A copy of the response is attached as Annexure 4 to this report.

The Department of Planning - Heritage Branch.

The Department of Planning’s Heritage Branch has been given the opportunity to assess the proposal and provide Council with comments. Whilst the Heritage Branch has been contacted on numerous occasions over the last month, no submission has been received by Council to date.

OBJECTORS’ RESPONSES:

The owners of adjoining properties were notified of the proposed development on 17 November 1995. The notification resulted in 12 objections as follows:

1. Mrs Patricia Jones, 17 Woods Avenue, Woollahra
   * the proposal will result in environmental impacts due to the height, scale and bulk of the development;
   * lack of consideration to the surrounding historically significant properties which are part of the National Estate and the Australian Heritage Act, 1975;
   * reduction of privacy and sunlight access to properties on the western boundary;
   * unsympathetic development; and
   * requests Council to conduct an independent Traffic Survey in respect to the lack of parking and traffic in the vicinity;

2. Mr Marcus McAdam, 15 Woods Avenue, Woollahra
   * development application is inadequate, insensitive to residents in neighbouring properties and the heritage significance of the properties;
* Ignores the spirit and objective of the DCP as follows:
  - lack of scale to existing Wallis Street developments and properties on the western boundary resulting in incompatibility with the existing streetscape, development which does not continue building lines and proportions of adjoining development, development which does not present a cohesive skyline on the southern or western boundaries; street facade which lacks human scale and development presents as overdevelopment of the site;
  - lack of visual privacy to properties adjacent to Wallis Street and western boundary;
  - development is not articulated in building scale;
  - significant trees are enveloped by development;
  - unsatisfactory submission that the significant trees are not affected by development; and
  - inadequate assessment of traffic problems and provision of parking on-site at ground level.
* removal of Camphor Laurel trees will result in loss of privacy;
* total loss of privacy for two rooms on first floor which face east;
* development does not comply with setback requirements;
* shadow diagrams are misleading;
* the set down and pick-up facilities for child care centre is inadequate and will increase traffic and parking problems in the area;
* no vehicular access to Nelson Lane;
* emergency vehicular access has not been addressed;
* inadequate provisions for garbage facilities; and
* DA should address the issue of fencing given the inappropriate fencing of the owners property on Woods Avenue.

3. Mrs M. G. Blakeney, 16 Woods Avenue, Woollahra.
   - the houses along Woods Avenue Boundary have higher Heritage listing than Brougham. The development gives them no consideration.
   - the rights of the privacy of the residents of Woods Avenue along the western boundary have been ignored.
   - balconies and windows overlooking Woods Avenue back yards;
   - loss of privacy due to removal of trees on the western boundary which provide "visual privacy" and "redress the pollution from Oxford Street";
   - ignores existing traffic problems in the area;
   - suggests that the drop-off zone for the child care centre should be in Nelson Street;
   - safety concerns as a result of traffic speeds and increased traffic;
   - the single entrance and exit into Wallis Street is also a danger in the event of fire;
   - suggests an independent traffic impact study of the area, particularly at school times and during religious festivals;
   - suggests an independent Heritage report on the houses of Woods Avenue.

4. Mrs Jennifer Cottrell, 18 Woods Avenue, Woollahra (letter received following the residents meeting with Applicant on 6 December 1995)
   - confirmation that Camphor Laurels on western boundary will be retained;
   - relocation of car parking vent away from the western boundary; and
   - no area of Block A will be 3.5 storeys high.

   - heritage value of Woods Avenue has not been given consideration;
   - location of Block A and Block B with respect to the western boundary is inappropriate;
   - The development will from a backdrop to the terraces on the east side of Woods Avenue;
loss of amenity;
overshadowing and full shadow in morning to properties in Woods Avenue;
the existing Camphor Laurel trees are not dense enough to form a reliable privacy to properties on the western boundary;
the existing trees will be damaged during construction resulting in a reduction to the tree canopy and provision of little privacy;
transparent balconies on the will exacerbate the overlooking problems;
views form the living rooms of Block B look directly into the living spaces and rear yard of Woods Avenue properties;
the bulk of development (Block B) is not in context with the Woods Avenue precinct which is typically 1 storey;
the setback of Block A is inappropriate;
suggests a more articulated facade to reduce the apparent mass of the building and windows facing in other directions away from the Woods Avenue properties;
loss of amenity to the quiet residential street;
potential noise from air conditioning and mechanical ventilation to underground car parking;
significant increase in vehicular traffic in Wallis Street and dangerous traffic conditions associated with the child care facility; and
full assessment of application difficult given no description of construction materials, no service drawings are provided and the shadow diagrams are inadequate.


- the proposal does not fit into the present surroundings nor the locality;
- ignores the Heritage importance of 112-116 Wallis Street - the proposal destroys the significance of the terrace houses;
- the Roof line of Block A does not relate to surrounding roof lines
- the setback of Block A is not as stipulated in the DCP;
- the location of exhaust vent from garage;
- overshadowing;
- no stormwater plans submitted with the application; and
- suggests redesign of the development.

7. Mrs Gwenda Kelly, 14 Waimea Avenue, Woollahra.

- too many people in one area;
- traffic in area generated by existing development ie. Hospital, child care centre, kindergarten and Church; and
- the proposal does not contribute to beautifying Woollahra.


- new development should not be encouraged in a conservation area.
- the development is out of character and contradictory to the principal of having heritage protection; and
- increased and unsafe traffic generation along Wallis Street.

9. Mrs Jennifer Cottrell, 18 Woods Avenue, Woollahra

- the location of the ventilation grill of the car park - fume emission and noise;
- suggests retention of tree on boundary;
- the bulk and scale of development too large; and
- impact on quality of life.

10. Mr Cameron Laurie, 11 Woods Avenue, Woollahra

- excavation will affect the services to the houses in Woods Avenue - the main sewer lie runs from north to south within the subject site;
- excavation required for car parking is too close to the boundary;
no surface finishes are detailed with the proposal;
parking and traffic problems associated with the child care centre;
the development should not be visible from Woods Avenue;
oise generation;
loss of Privacy - Camphor Laurels will provide little visual privacy;
overlooking from balconies;
the proposal will result in a loss of value to surrounding property;
amended plans address the blockishness and unsuitability of the initial proposal to the neighbourhood;
the location of the entrance to the child care centre unsafe; and
suggests a corridor along the western boundary wider than 6 metres to take the form of a laneway to service the underground car parking.

11. Mr John Porter, 3 Woods Avenue, Woollahra

Supporting objections raised by Marcus McAdam to the proposal.

12. Ms Bernstein for Ms Roslyn Faigen, 13 Woods Avenue, Woollahra.

* amended plans have not addressed previous concerns;
* detracts from the heritage value of the neighbourhood and in particular the terraces along Woods Avenue;
* the proposal forms a back drop to Woods Avenue. Requests a study be undertaken of the impact on views of Woods Avenue;
* overshadowing - loss of morning sunlight;
* unacceptable loss of privacy;
* should not rely on landscaping to hide the 'problem';
* bulk and building mass;
* building envelope out of scale within the context of the surrounding development;
* suggests ways to rearrange the building layout and recommend that Council requests the developer to redesign the proposal within the suggested building envelope;
* location of only one access point;
* the high speed of vehicles creating dangerous traffic conditions;
* suggests relocation of drop off point and entry to Nelson Street; and
* insufficient access to the site for emergency and fire fighting vehicles. Suggests conditioning consent to require access to Nelson Lane.

CONSIDERATION:
The proposal is assessed having regard to the following:-

Statutory Controls

(i) Height:

Woollahra Local Environmental Plan 1995 specifies a height limit of 9.5 metres for the subject site. This height limit also applies to the surrounding properties. The DCP establishes the following parameters to control the height of development on the subject site:

"The height and roof pitch of the development should be consistent with the new surrounding height-and-roofline of neighbouring development particularly where new development fronts Wallis-Streets. Development should be proportioned and stepped back in height from the street to achieve a human scale at street level and to continue the building lines established by adjoining development to introduce some scaled rhythm to the streetscape. All new development should be the result of careful analysis of surrounding buildings and sympathetic
interpretation of their designs elements and the heritage significance of Brougham and the adjoining properties".

and;

"The design of all external walls must take into account the wall height of adjoining buildings and apply suitable setbacks to the building to respect the built form of the surrounding development and amenity".

The proposed development will attain a maximum height of 9.5 metres to the parapet line. However, in part the basement car parking and rooms adjacent thereto, the height limit is exceeded by 1.3 metres. This maximum height occurs partially at Block A. At this section an R.L of 84.2 is attained to the highest point of the atrium. Accordingly a SEPP Nº 1 objection was submitted by the applicant against this development standard and the following supporting comments were provided:-

"The reason for the non-compliance with the height limit is primarily the change of definition of height brought about by the Woollahra LEP 1995, as gazetted on 10 March 1995. The new definition is open to interpretation. One interpretation might be that the portion of basement car parking that is above the existing ground line needs to be considered in the measurement of height. The second interpretation is that the portion of the basement car park that is above the existing ground level needs to be measured from the basement floor. If the first interpretation is adopted then there is one point of non-compliance at the stairwell of Block A, and if the second interpretation is considered there is an additional point of non-compliance at the southern part of Block A (see Figures 1 and 2).

The proposed areas of non-compliance relate to the stairwell and roof of the southern part of Block A. Even though the stairwell provides access to the roof terrace area, planter boxes are proposed around the perimeter of this area to prevent overlooking of adjoining properties. The roof of the southern part of Block A is a non-habitable space and privacy is not an issue in this instance.

Shadow diagrams have been prepared for the proposed Block A, indicating that the surrounding residences will not be adversely affected by the proposed areas of non-compliance, and the development as a whole, in terms of loss of sunlight. Furthermore, due to the topography of the locality, the proposed areas of non-compliance are not likely to adversely affect the surrounding development in terms of loss of views.

Accordingly, it is submitted that the areas of non-compliance, and indeed the proposed development as a whole, are consistent with the objectives of the development standard."

These comments are supported, particularly since the height above ground level is consistently below 9.5 metres. The excess in height is therefore considered to be acceptable.

No 116 Wallis Street which adjoins immediately to the west Block A and would be most affected by the building bulk and height has an R.L of 83.06.

To ensure that the Block A relates more appropriately to No 116 Wallis Street and continues established building lines the applicant has amended the proposal at the conjunction and aligned the parapet of Level 3 with the ridge line of 116 Wallis Street. Level 3 has been set back 1.5 metres at this point from the Wallis Street frontage to improve articulation and appearance of the elevation. It is noted that the eastern elevation of No. 116 Wallis Street directly facing Block A has no windows.

It is proposed that Block B rises to a maximum height of R.L of 82.3 for the extent of building aligning with the western boundary of the site. The properties on Woods
Avenue rise to heights ranging from R.L 78.90 to 81.80. The 2 storey brick flat building at the north-western corner of the site rises to a height of R.L of 85.29.

The established row of Camphor Laurel Trees along the western boundary of the site offer considerable screening to adjoining properties substantial reducing overlooking and amenity concerns.

Block B has been designed to comply with Council’s height and setback controls. A number of objectors have suggested that the western elevation of Block B be set back further to reduce the potential for overlooking to the Woods Avenue properties and that additional articulation be incorporated to this elevation. In response, it is submitted that the development will achieve a setback of six metres to the property boundary at this point and that setting the development further back will have minimum benefits in terms of privacy, overlooking and shadows. Furthermore if the western elevation of Block B was to be terraced back away from the boundary, such would not reduce the visual bulk of the development as direct views gained from Woods Avenue are almost totally obscured by the existing Camphor Laurel trees. This makes the comprehension of the full western elevation and bulk of Block B unachievable from Woods Avenue.

It is relevant to note at this point that a number of objectors were concerned about building bulk and height which may result in the proposal presenting an inappropriate scale to surrounding properties. It is submitted that whilst the site is principally vacant any development may achieve a maximum height of 9.5 metres subject to compliance with the objective of this standard. It is however the case, that whilst a 9.5 metres height limit also applies to surrounding properties that this maximum height may not be achievable given the heritage significance of these properties and the potential for any alterations and additions to compromise the integrity of the existing buildings. To this extent it is considered reasonable that development on the subject site achieves a maximum height of 9.5m but it must also relate sympathetically to surrounding properties. In this regard the DCP states as follows:

"The design of all external walls must take into account the wall height of adjoining buildings and apply suitable setbacks to the buildings to respect the built form of surrounding development and amenity."

The proposed height of Block A and Block B is therefore not completely inappropriate in this location except in regard to its contrasting scale which is largely because of the expansive elevations proposed. The scale and bulk of the proposal is further addressed below.

(ii) FSR:

A maximum floor space ratio does not apply to the site and therefore the proposal is assessed on a merits basis.

The Development Control Plan sets in place objectives to ensure that development must not encroach on the heritage curtilage established for Brougham and that development must not significantly conceal the form and features of Brougham and its garden setting. The Development Control Plan also has an objective which requires that development "does not dominate the scale of Brougham and its garden setting and surrounding development".

It is considered that the proposal satisfactorily address these objectives of the DCP, as it relates to Brougham, by ensuring that the development is stepped back from the building curtilage and presents sympathetically in form and bulk to Brougham.

In undertaking a merits based assessment of Block A and Block B and particularly, the floor space and building bulk, it is necessary to have regard to the zoning of the land. The land is zoned to accommodate integrated aged housing and by its definition it would be unreasonable and unrealistic to expect that development should be of a scale and bulk consistent with that of dwelling houses. Furthermore, the economic viability of
any integrated housing for the aged rests on the financial viability of the project and therefore the number of units capable of being reasonably developed on the site. Therefore, whilst it is necessary to have regard to the nature of the development on adjoining properties and the predominant scale and bulk of the adjoining development it would be nonsensical to assume that the development should achieve a development density which is consistent with that of adjoining development. This does not, however, negate the need for development to incorporate a form and architectural detail which is compatible with surrounding development.

Given that the proposal complies generally with the setback provisions of the DCP and the height controls it is considered that the bulk of the proposal is satisfactory.

(iii) Excavation:

The Development Control Plan requires that excavation on the site be kept to a minimum to maintain minimal change to the natural landform of the site. The development control plan states that "apart from excavation which is associated with the provision of underground parking and a pool there shall be no substantial cut and fill."

The applicant has sought to minimise the extent of excavation and has maintained suitable distances from significant trees. It is therefore considered that the proposal satisfactorily addresses this requirement.

(iv) Conservation/Heritage:

It is appreciated that Brougham Hostel has had a long community history and association with children and that it would be ideal for the building to be utilised in a manner that would continue to make it accessible to the community. It is considered preferable that the buildings use continue if it can be facilitated by some minor internal alterations rather than the building being left vacant where it can easily fall into further disrepair and become the target of vandalism.

Both the Urban Conservation and Advisory Committee and Council's Heritage Planner have provided comments on the alterations to Brougham principally requesting that the unsympathetic additions undertaken after 1945 be removed to reinstate the building to its pre-WWII character. This would require the removal of the following:-

1. The addition on the north-western side of the building adjoining the library proposed to be used as female and male amenities; and
2. The large additions to the western elevation of Brougham adjoining Wallis Street which are proposed to be used as an office, toilets/nappy change room and covered courtyard.

If it was deemed necessary to remove these additions an alternative location for the uses would be required within the existing building to maintain the viable functioning of the child care centre. Whilst this may be achievable through the reduction in size of some the proposed rooms it is considered that the current proposal provides for the sympathetic re-use of Brougham and retains the significance of most of the internal spaces. It is further considered that should the proposal be approved, the retention of wall nibs for all walls proposed to be removed will appropriately ensure that the original internal layout of the building is recorded.

In determining whether it is unreasonable that "unsympathetic" additions be removed it is necessary to have regard to the functioning of the child care centre; the conservation of the most significant rooms of the building and the minimisation of internal alteration to Brougham; and whether the proposal which logically seeks to use the existing structure is unreasonable or would be to the detriment of the buildings integrity. With respect to all of the above it is submitted that application for the reuse of Brougham as a child care facility/community facility is a logical and reasonable decision given the
The proposal seeks to achieve the following:

- The efficient use of all existing internal building space;
- The removal of internal walls in areas which have been determined to be less significant to ensure the efficient functioning of the building;
- The improvement to the external appearance of the building by undertaking the following:
  - removal or replacement of later fabric having little or no significance or aesthetic appearance;
  - essential repairs to significant building fabric; and
  - reinstatement of missing or unsympathetic altered elements of built fabric;
- The retention of the internal layout of the most significant rooms.

In light of the above, it is submitted that the proposal is reasonable and will not be to the detriment of the streetscape, the historic integrity of the building and its setting. Furthermore, it is submitted that the internal alterations and additions are minimal and appropriate, and will ensure the sensitive utilisation of the existing structure.

Comments provided by Council's Heritage Planner and the UCAC also recommend the redesign of Block A at its conjunction with 116 Wallis Street. The Conservation Report prepared by Noel Bell Ridley Smith for the applicant assesses the proposed building form and comments as follows to the relationship of Block A with No. 116 Wallis Street:

"The scale and relationship with adjoining terraces in Wallis Street could be improved from a streetscape point of view... I would recommend that the western most pedimented projection be moved to the western end of the building to give it a finished corner detail and establish the change from the adjoining development to the new unit site."

While it would have been preferable to see the proposal echo some of the form, detail and proportions of the adjoining development, it is not considered in this instance that requiring a re-design or refusing the proposal on the basis of one aspect of aesthetics alone is warranted. The amended plans demonstrate that a satisfactory level of building symmetry and scale has been established between Block A and 116 Wallis Street. Furthermore, the proposal will represent a much improved streetscape amenity than currently exists if a minimum setback of 2.5 metres is achieved between the proposal and the western boundary. The design of Block A is addressed in the section of the report titled "Design". The amended design of the southern elevation of Block A is attached as Annexure 5 to this report.

State Environmental Planning Policy No. 5 - Housing for Aged and Disabled Persons:

SEPP No. 5 - Housing for Aged and Disabled Persons does not apply to the proposal as the subject site is situated in a conservation area and is a Heritage Item under the provisions of Woolahra LEP 1995. Schedule 2 of SEPP No. 5 nominates Conservation Areas inter alia as areas which SEPP No. 5 does not apply.

Policy Controls

(i) Setbacks:

The Development Control Plan establishes the need for substantial setbacks to all boundaries which are in excess of those which would typically apply under Council's Residential Development Control Plan for medium density residential development.

Block A is set back 2 metres consistent with the predominant setback of development.
to Wallis Street with substantial planting at street level to provide streetscape amenity.

Level 2 and Level 3 are set back a further 1.5 metres from Wallis Street with the exception of the strong vertical element in the centre of the facade which maintains the predominant street setback. The break up of the building form into vertical elements and the use of balconies and parapets reduces the impact of the building to the street.

The infill does not present as an inappropriate building mass or detract from the streetscape, but rather provides a contemporary facade which appropriately responds to established parameters.

The setback non-compliance only affects 116 Wallis Street, the owners of which have objected to these non-compliances on the basis of the location of the balconies and the likely loss of privacy.

The proposal does not comply in part with the western boundary setback required for Block A, being 1.5 metres, where a setback of 4.5 - 6.5 metres is required.

No 116 Wallis Street has no windows on its eastern elevation and is set back approximately 900mm from the western boundary. It was initially considered that the proposal would have an unsatisfactory impact on this property by directly overlooking the rear yard from the second and third levels. In response to these concerns and discussions with council officers the applicant has amended the plans to increase the setback achieved along the western boundary. Whilst the full setback requirements in the DCP are not achieved for the full extent of the western elevation of Block A, it is considered that a suitable solution has been reached. The least area of setback is 2.5m and is achieved immediately adjoining part of the wall directly parallel with 116 Wallis Street. The setback is increasingly stepped back from the western boundary at this point to achieve a maximum setback of 6.7m where Block A adjoins No. 18 Woods Avenue. It is considered that this setback will facilitate an acceptable level of privacy between the properties and permit the establishment of a landscaped buffer for the full extent of the western boundary. It is submitted that part of the concern over the potential for overlooking into these properties arises as there is currently no established planting along this section of the boundary and accordingly, the rear yards of these properties are particularly visible.

A number of objections have been raised by property owners along the Woods Avenue boundary to the location of the balconies on the western elevation of Block B and their encroachment into the setback. It is considered reasonable that the balcony areas of Block B extend beyond the setback given their contribution to the articulation of the facade. The potential for overlooking and loss of aural and visual privacy to adjoining dwellings is considered minimal. It is considered reasonable that the balcony areas given their potential for overlooking and loss of aural and visual privacy to adjoining residential dwellings be reduced in size to Juliet balconies. It is recommended that all the balconies proposed on the western and northern elevation of Block B be deleted and replaced with Juliet balconies. (See Condition No 64 of the recommended development consent)

In addition, planter boxes to a height of 900mm and width of 500mm are to be provided on the western side of balconies to Unit 7, Unit 16 and Unit 13, Block A and on the eastern edge of the balconies to Unit 29 and Unit 26, Block B. (See condition No 65 of the recommended development consent)

(ii) Landscaping/Unbuilt Upon Area:

The Development Control Plan prepared for the site does not specify any numerical controls with regard to landscaping and unbuilt upon area. Instead it was considered more appropriate that any proposal be judged on its merits and its interpretation of the site. The Development Control Plan established the following parameters for landscaping:
1) to ensure the retention and enhancement of the mature 19th century gardens and setting of Brougham because of their heritage significance and to achieve the following:

- the creation of a buffer between Brougham and the proposed development;
- the provision of a reasonable level of privacy for all users of the site; and
- the provision of a landscape setting that could act as a link to integrate Brougham new development;

2) to ensure the provision of outdoor areas which are adequately sized and proportioned and located, for the use and enjoyment of the occupants of Brougham and the new development;

3) to promote streetscape amenity;

4) to ensure the significant enhancement and retention of perimeter trees to screen and soften the impact of new development on adjoining properties;

5) to retain all significant trees on site; and

6) to maintain sunlight and daylight penetration on the subject land and adjoining properties.

The submitted landscaping plan seeks to integrate the proposal appropriately into the site. The proposed landscaping will ensure reasonable amenity is provided to all adjoining properties and that the proposal reads appropriately in its context.

(iv) Car Parking:

See section of this report titled 'Traffic'.

(v) Access:

The proposed vehicular entry to the site is consistent in its alignment with the existing driveway and incorporates significant landscaping features including a waterfall to enhance to the curtilage between Brougham and Block A. A new front fence is proposed to be set back slightly from the property boundary to define the entry.

Pedestrian access to the site is via a pathway from Wallis Street and is consistently aligned with the driveway and separated by landscaping. This pathway interweaves throughout the property to Block A and Block B and provides an interesting feature through the landscaped garden. Access to Brougham can also be achieved from the path at two locations. Pedestrian access is also gained from an exiting entry on Nelson Street and links directly to the main entrance of Brougham. The pedestrian access is conveniently located and will provide safe and efficient access.

A deed of agreement exists between the owners of the site and 4 & 6 Nelson Street precluding development across access to the right of way to Nelson Lane. Whilst it would have been preferable to secure some access to Nelson Lane in case of emergency, Council’s Technical Services Division is satisfied with the level of access proposed.

Parking for emergency and small service vehicles is proposed in the basement area of Block A.

The proposal is considered satisfactory with regard to access.
Relationship to Adjoining Development

(i) Privacy:

Concern was expressed that the proposal may potentially result in loss of privacy and overlooking to adjoining properties. The greatest potential impact in terms of privacy is to No. 116 Wallis Street and No. 18 to No. 17 Woods Avenue. However, given the large setbacks proposed and the upgraded landscaping along all boundaries, it is considered that the impacts will be minimised.

The large roof terrace on Level 3 of Block A has been designed to be an attractive feature of the proposal. Significant planting is incorporated around its perimeter to mitigate privacy loss and ensure that the use of the area will not impact on the amenity of adjoining properties.

To ensure that a reasonable level of privacy is maintained to all properties which adjoin the north-western boundary of the site it is considered necessary for all balconies on the western and northern elevation of Block B to be reduced in size to Juliet balconies. This change will not only address the privacy issue by reducing the potential for the balconies to be used as outdoor recreational areas but will also permit the balconies to contribute to the articulation of this extensive elevation.

If the conditions recommended above to address privacy concerns and overlooking are adopted it is considered that an adequate level of privacy will be maintained between the proposal and the adjoining properties.

(i) Views:

It is not considered that the proposal will have an impact on any views. The proposal will be largely invisible from Nelson Street, save for small viewlines either side of the significant trees in the centre of the site. From here the eastern elevation of Block B will be more visible and would be largely obscured by the landscape setting and appropriately articulated by the use of balconies and terracing of the elevation. The development is most visible from Wallis Street and it would be here that the full visual impact of the development would be experienced. Extensive landscaping proposed along the Wallis Street frontage will assist in reducing this impact.

(iii) Overshadowing:

A number of objections have been raised concerning the height of the proposal and the resultant potential for substantial loss of light and overshadowing to the adjoining properties along Woods Avenue. These properties on the western boundary currently enjoy filtered sunlight through the Camphor Laurel trees which have been substantially pruned of their lower branches to improve sunlight access. It is submitted that some shadows cast by the new buildings will coincide with the shadows cast by these trees. However, given the north south orientation of the site, it is unreasonable to assume that development would not result in some overshadowing to these properties.

The applicant has submitted shadow diagrams which demonstrate the following:

The June 21 - Mid Winter shadow diagrams indicate overshadowing to 116 & 114 Wallis Street and 11 to 18 Woods Avenue and part shadow will also be cast over 10 Woods Avenue from 9.00am to 12.00pm. The overshadowing is not considered to be excessive and is aligned generally with the existing shadow cast by the Camphor Laurel Trees on the western boundary. Shadows from the Camphor Laurels Trees is currently not cast over 10 Woods Avenue. Minor shadow would be cast to the side boundary of 116 Wallis Street at 12 noon. It is anticipated that the overshadowing to 116 Wallis Street which is principally cast by Block A will be reduced as a consequence of the additional setback of 2.5m now achieved from the boundary. At 3pm Mid Winter the proposal would cast shadows principally across the development site, minor shadowing would also...
be cast across Wallis Street.

the Equinox shadow diagrams demonstrate minor overshadowing to 116 Wallis Street and 11 to 18 Woods Avenue at 9.00am to 12.00pm. The overshadowing, save for 10 Woods Avenue would be minimal and falls short of the shadow cast by the Camphor Laurel Trees at the same time period. The shadows are significantly reduced and fall within the subject property at 12 noon and 3pm with the exception of minor overshadowing of Wallis Street.

The worst shadowing will occur to all adjoining properties to the west between 9am and 12 noon in Midwinter when the rear yards will be in shadow. However, at other times substantial light is unlikely to be lost to the rear yard and the living rooms. It is submitted that were a pitched roof form to have been proposed some overshadowing to the gardens may have been relieved. However, a pitched roof form would detract from the design of the proposal and would substantially increase the height of the proposal given the applicants financial need to maintain the proposed number of units and a resultant height non compliance may have resulted and increased shadows cast.

Given that the proposal complies with Council's height control and generally the setback controls and given the orientation of the allotment and the degree of overshadowing impact it is not considered that further changes to the proposal are warranted.

(iv) Scale/Bulk:

The initial proposal submitted by the applicant was considered by Council Officers to add to building bulk and presented inappropriately to Wallis Street. It is submitted that the amended scheme has improved appearance and building symmetry, with the amended setback to No 116 Wallis Street enhancing the proposal by permitting a reasonable landscaped buffer to be established along the western boundary.

As the proposal is situated on a large vacant site, opposition is considered inevitable. Although the design is a significant contrast to the surrounding older style dwellings it is not considered to be inappropriate. In respect of building design, the DCP states the following:

"A design approach which is sympathetic rather than purely imitative is required.

New development should adopt a style of construction in harmony with its location, in terms of vertical and horizontal proportions, conforming with traditional building forms.

New development should ensure that the existing character and nature of the street remains intact and introduces some scaled rhythm to the streetscape."

Whilst it would have been preferable to see the bulk of the development minimised along with the architectural detailing of the front facade to Wallis Street to achieve a more coherent and sympathetic appearance and appropriate architectural detailing to the facade to continue the building lines and proportions established in the street, it is considered that the proposal is acceptable and substantially improves the streetscape amenity of Wallis Street and Nelson Street by introducing significant landscaping.

See the section of this report titled "Design" for further discussion on the proposals bulk.

(v) Residential Amenity:

Refer to the section of this report titled "Design".
A number of objections to the proposal were received relating to amenity issues. It is worthwhile reiterating at this point that the zoning of the land allows a density of development which is considerably greater than that of the surrounding area. However, this does not negate the need to maintain a reasonable level of residential amenity.

It is submitted that the existing row of Camphor Laurel Trees on the western boundary affords considerably amenity to the property owners along Woods Avenue. Whilst, the applicants have been advised that the gradual removal of the trees is preferable and in the long term interest of the subject site and the surrounding properties, a number of the owners of adjoining properties have objected to the removal of the trees. After discussion with the applicant and adjoining landowners regarding the replacement of the Camphor Laurel Trees on the western boundary, it was agreed that the existing trees constitute a substantial screen for the proposal to surrounding development and should be retained in the long term. A condition of the recommended development consent (Condition No 68) should ensure that the landscaped buffer is enhanced and supplemented with additional trees for the full length of the boundary to improve amenity to adjoining properties.

It is reasonable however, that the terraced areas be reduced in size given their potential for overlooking and loss of aural and visual privacy to adjoining properties. It is recommended that all the terraced areas be converted to non-trafficable roof gardens to address not only the aesthetic and visual privacy concerns but also reduce the potential for the terraces to be used as large entertainment areas. The use of these areas as outdoor entertainment areas would not only impact on the amenity of the surrounding neighbours, but also the on other residents in the proposed development. (See Condition No 69 of the recommended development consent).

In addition, planter boxes of a height of 900mm and width of 500mm are to be provided on the western return of the balconies on the southern elevation of Block A to prevent further overlooking. (See Condition No 65 of the recommended Development Consent).

In their letter of objection the owners of 18 Woods Avenue raised noise generation from the car parking ventilation grille and potential fume emission as concerns. These matter have been discussed with the applicants who advised of alternative locations for the placement of the ventilation system. It is considered that the noise from the residents car parking area would be minimised by acoustic treatment to the ventilation system. This may comprehensively addressed at the building application stage. Moreover, the location of the car parking below ground level will also reduce the noise impact to the surrounding area. The location of the sole entry from Wallis Street will mean that noise will be directed across Wallis Street in the direction of Syd Einfeld Drive.

To ensure that a satisfactory level of amenity is maintained to all adjoining properties it is recommended that the use of the pool and the croquet lawn be restricted to 7.00am to 9.00pm and 8.00am and 8.00pm, respectively. Furthermore, it is recommended that the use community facilities on the site and child care centre be restricted to 7.00am to 9.00pm and 7.00am to 7.00pm, respectively.

The proposal satisfactorily achieves the objectives of residential amenity and accordingly is considered acceptable.

vi) Traffic:

All objections to the proposal highlighted concerns regarding the likely impact of the development on the existing traffic and parking situation in Wallis Street. It is noted that the existing high on-street parking demand in Wallis Street is a result of the lack of off-street car parking for residents and visitors in Woods Avenue and the surrounding church facilities. A number of objectors noted that the existing problems result from this demand and there are many instances of illegal parking in Wallis Street. Objectors are concerned that the proposal will exacerbate the existing problems.
It is considered necessary that Council's Engineers undertake a local traffic study of the area to attempt to redress and resolve the residents concerns with respect to the proposal. Council's engineers have assessed the subject application and are satisfied that it complies with Council's codes and provides adequate car parking for residents and visitors. The lack of off-street car parking for nearby facilities is not a sustainable argument against a proposal which provides adequate parking facilities but is rather a local traffic management issue which requires wider attention.

A number of objectors questioned the utilisation of the basement car parking area by elderly occupants of the proposed development. The applicants have addressed this concern as follows:

"Citadel have been involved in a number of developments for aged persons and their experiences have shown that these occupiers are extremely conscious of security. Although vehicular generation is quiet low (as substantiated by the RTA Guidelines), the occupiers of the aged housing accommodation invariably prefer to park in secured, specifically identified and underground car parking, rather than parking on the street outside their dwelling. It could be expected that visitors will utilise visitor parking when; they know it is there and they are not encroaching on other people's parking; it is readily accessible; and, it is adequately signed."

The proposal provides 52 car spaces in the basement parking area. Notwithstanding that State Environmental Policy No 5 - Housing for Aged or Disabled Persons does not apply to the proposal, it is significant to note that SEPP No 5 requires 38 spaces for the aged unit component of the development. In accordance with Council's Parking DCP, 3 spaces are required for the Child Care Centre. Accordingly, the proposed number of parking spaces exceed the minimum requirement by 11 spaces. It is considered that the liberal provision of car parking is desirable under the circumstances and will ensure that community concerns regarding on-street parking deficiencies are allayed.

The application is considered to be satisfactory in this regard.

vii) Colours and Textures:

In response to the comments made by UCAC and a number objectors with regard to colours and textures, the applicant has submitted information detailing the proposed finishes to be used including colours and textures. The colours have been chosen for their compatibility with the surrounding buildings and appropriateness for the proposed style of buildings. It is proposed that the building (Block A and Block B) be of rendered brickwork with the wall colour in "coralline" (a sandstone like colour) and the parapet and banding in "French Blue" (a mute blue/grey colour). Balcony rails are proposed to be painted black.

The proposed colours are considered to be sympathetic and complimentary to the surrounding buildings.

Design

In determining whether the overall design of the proposal is acceptable, it is necessary to have regard to the principle objectives of the Development Control Plan as they relate to building form. These objectives are:

1) to require that any new development or work is compatible with the design, scale, form and character of Brougham and its garden setting and surrounding development;

2) to ensure that new development does not significantly conceal the form and features of Brougham and its garden setting;

3) to protect and enhance the streetscape amenity; and
4) to promote a high standard of building design and energy efficiency.

The applicant has adopted an architectural style for the development which reflects that of large contemporary buildings in Woollahra. Design details, including the buildings symmetry, roof form and parapet detailing, are incorporated into the development keeping in mind its close proximity to the heritage items on Woods Avenue, Brougham and its location within a conservation area. It is considered that the design does not imitate the surrounding development but is interpretative of the development controls.

The proposal includes a variety of architectural articulation to the buildings including the use of verandahs, strong vertical elements and the stepping of the building away from Brougham and the significant garden setting. Both Block A and Block B are sited and orientated to maximise views towards the landscape garden as the central focus of the site. Overlooking to adjoining properties has been substantially minimised.

When addressing the design of the building the applicant was informed of the concerns relating to the height of the development on the western facade and its relationship with the existing development along Woods Avenue. It was suggested that the height of the proposal should not exceed the height of the existing Camphor Laurel trees and that the form and proportion should not rely on the tree canopy to disguise an inappropriate designed facade. This being the case, the intention is also to ensure that the development is not visible above the tops of the trees and, in doing so, forms an inappropriate backdrop to the cottages on Woods Avenue.

In response to concerns regarding the visibility of the proposal from the Woods Avenue properties, the applicant has submitted a section and sight lines derived from average pedestrian eye level on the western side of Woods Avenue. This suggests that the Camphor Laurel Trees on the western boundary of the site provide a total screen to the development. The site survey submitted with the proposal undertaken in June 1993 established the height of the Camphor Laurel Trees as 7 metres. The Camphor Laurel Trees now attain a height of 8.5 - 10 metres. The project arborist David Ford has advised that the trees will attain additional height and thickness at their crowns in the short term. The proposal is considered satisfactory in this regard.

As is evident from the submitted drawings, the maximum height of the proposed development will not exceed the height of the existing Camphor Laurel trees. Nevertheless, there is some concern that the extent of the facade and proportions of Block B present as an inappropriate and too expansive having regard to the nature of surrounding development. However, this concern is resolved by the dense planting along the western boundary which would be complimented by further planting required as a condition of consent. (See Condition No 68 of the recommended Development Consent).

Accordingly, it is considered that the proposal will not have an adverse visual impact on adjoining development or the locality.

Other matters

1. Section 94 Contributions

Council's Section 94 Contributions Plan provides the mechanism to levy development for monetary contributions towards community services and facilities where it can reasonably be established that development will generate an increased demand. However, provisions exist in the plan for the reassessment and reduction or waiving of contributions that would otherwise be required where "a particular development itself achieves a planning objective, which is stated in a Woollahra LEP or DCP, and which is considered by Council to be of sufficient merit to warrant reassessment of the Section 94 contribution. Following reassessment, the contribution may be reduced by a proportional amount, or be waived."

The policy states that Council may consider reassessment in the following instances, such as are of relevance to this proposal:
1. where the applicant is a registered charitable or non-profit community organisation and the development is for the purpose of the charity (eg, provision of a youth centre);

2. where the development application is for public amenities or public services identified as being required by way of s.94 contribution and nominated on the Works Program; and

3. where the development application is for a religious institution, public housing, hospital or child care facilities.

The applicant has provided the following in request of the waiver:

"It is our submission that the proposed development should not be subject to Section 94 levies for three reasons. Firstly, the proposed development will promote the achievement of the objectives of the Brougham DCP and the relevant objectives of the LEP. Secondly, the applicant is a non-profit community organisation and will provide services which benefit the young and the aged. Thirdly, the development will provide precisely the types of community services for which Section 94 levies are applied."

On the basis of this rationale, the imposition of a Section 94 Contribution levy, as specified under Council's Section 94 Contributions Plan, is considered unreasonable given that the nature of the proposal is such that it would provide substantial recreational and community facilities on site to meet the needs generated by the occupants of the development and the general community. However, to maintain long term benefit to the community afforded by the use of Brougham as a community facility it is considered reasonable that the applicants enter into a legal agreement with Council to ensure Brougham maintains its proposed community use.

2. Consolidation of Lots

The subject site comprises the Lot 1 in DP 196790 and Lot 1 in DP 218298. As the proposed development extends over the entire site it is necessary to consolidate the property prior to building approval and an appropriate condition of consent is recommended. (See Condition No. 63 of the recommended Development Consent).

OBJECTORS CONCERNS:

The submissions received in respect of the proposal contained concerns over the likely impact of the development on amenity, loss of privacy, overshadowing and compatibility of building design in the neighbourhood context. These concerns have been comprehensively addressed in this report.

CONCLUSION:

In summary the applicants have provided the following justification for the proposal in relation to the amenity of adjoining development and the public interest:

"The use of Brougham as a child care centre will facilitate the building's refurbishment and the preservation of a Heritage Item. The proposed aged persons housing will be in sympathy with Brougham and add to the amenity of the site and the locality. The amendments made to the proposal will improve the quality of the development and its relationship to the site and to its surrounds. Accordingly, it is considered that the proposal is in the public interest."

The objections from owners of adjoining properties are considered to be valid and understandable concerns by the local community over the major development of a site that
has remained principally vacant. However, based on these objections it is submitted that Council's Officers find no reason for refusal of the application on grounds of intensity of use, parking and traffic generation and amenity. Such concerns may be appropriately addressed by way of conditions to mitigate any adverse impacts. Such conditions have been discussed above and are included in the recommended Development Consent.

The proposal presents as a satisfactory interpretation of the Development Control Plan and the heritage constraints dictating the design parameters for the proposal. It is considered that the amended proposal represents a substantially improved scheme which is considered to be acceptable in terms of building bulk, scale and design. The break up of the building form into vertical components and the use of open balconies reduces the impact of the building to the street creating contrast and interest to the street elevation. The proposal is suitably designed to integrate into the surrounding environment and will maintain the architectural integrity of the surrounding buildings.

The amended plans satisfactorily address the initial concerns raised by Council Officers and concerns raised by the objectors. The proposal, while substantial in nature, accords generally with Council policy.

On balance it is considered that the proposal is acceptable and it is recommended for approval subject to conditions.

RECOMMENDATION: PURSUANT TO SECTION 91 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979 (AS AMENDED).

A. THAT given that the height of the proposal generally complies with the statutory height limit and that the minor exceedance would not cause any adverse impacts, the Council, as consent authority, resolve to support the objection pursuant to SEPP No.1 - Development Standards to permit the development on the site.

B. THAT Council, as the consent authority, grant development consent to Development Application 94/282 subject to the following eighty-five (85) conditions:

1. Development being carried out generally in accordance with plans numbered 9531, dated May 95 and drawn by Winter Group, except where amended by the following conditions.

2. The colour, texture and substance of all external materials being to the satisfaction of the Council. Details are to be provided with the Building Application. For properties located in a Conservation Area or that are Heritage items, prior consultation with Council's Heritage Planner is recommended.

3. The provision of a loading bay having minimum dimensions of 3.5 metres in width, 9.5 metres in length and 3.7 metres in height as required by the Council's Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities.

4. The provision of a suitable goods loading dock of such dimensions as to comply with the Council's Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities.

5. The car parking level being to the satisfaction of Council so as to comply with access ramp, grades, the minimum vertical clearance at the entrance to the car park, and vehicle turning/manoeuvring space.

6. Stormwater disposal being to the satisfaction of the Council. Details of the proposed method of disposal are to be submitted for approval with the
Building Application.

7. The applicant enter into a legal agreement with Council to maintain the community use of Brougham.

8. The provision of an enclosed masonry garbage storage area, within the premises, of sufficient dimension to hold all waste, such garbage storage area being located within three (3) metres of the street alignment, provided with unobstructed access, and aesthetically treated to compliment the surrounding development or such alternative means of storage and disposal which is to be to the satisfaction of the Council. Details are to be submitted with the Building Application for approval. Prior consultation with the District Health Surveyor is recommended.

9. The noise emission from all plant associated with the development not exceeding the background noise level at any time as measured at the boundaries of the premises.

10. Mechanical ventilation being installed within the premises, the plans of such ventilation system being submitted to the Council as a separate Building Application and approved by the Council prior to the commencement of works.

11. Compliance with the requirements of the Council's Codes relating to "Building Sites" and "The Control and Regulation of Noise on Building Sites". Copies of these documents are available from the Council's Land Management Services Division.

12. Working hours on all building sites are restricted to the following:-

   7:00am - 5:30pm   Monday to Friday (inclusive)
   7:00am - 1:00pm   Saturday

   NO WORK is to be carried out on Sundays or Public Holidays.

   Excavation or removal of any materials involving the use of machinery of any kind whatsoever, including compressors and jack hammers, shall be limited to the hours between 9.00am and 4pm Mondays to Fridays inclusive, with regular breaks of at-least 15 minutes per hour to afford some relief to occupants of neighbouring properties. This condition is imposed to ensure reasonable standards of amenity for the residents in the locality.

13. Any damage to the Council's footpath, kerb and gutter or road during the course of construction must be repaired or reconstructed and the cost of such works being borne by the developer.

14. The footpath and roadway adjacent to the site not being used for the storage of building materials, including demolition or excavation materials, or for the carrying out of building operations.

15. The submitted landscape plan is approved subject to the following additional information being provided for assessment with the Building Application:-

   a. Construction details of planter boxes, all planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm.

16. All structures/buildings in the vicinity of the existing trees shall be suitably designed and constructed to take into consideration the existence of the trees, and their likely future growth habits.

17. Approval is granted for the removal of the following trees:
a. White Cedar (*Melia azaderach*) growing adjacent to the north-eastern corner of Block A.

b. 5 Eucalyptus trees growing at the location of proposed Block B.

c. 1 Camphor Laurel tree (*Cinnamomum camphora*) growing within the central grove of trees to be retained.

Tree removal must be undertaken by a suitably qualified Arborist/Tree Surgeon, ensuring no damage to the canopies of the significant Pine trees and Magnolia tree to be retained and minimal damage to the existing understorey plant material.

18. The applicant paying for all costs associated with the transplanting of the Kentia Palm (*Howea forsteriana*) to a suitable location within the site. The following additional information shall be submitted with the Building Application:-

a. A detailed report shall be submitted by a qualified person detailing the proposed method and scheduling of the transplanting works.

b. A maintenance schedule detailing the aftercare that is to be undertaken once the tree is relocated.

19. The applicant shall investigate to potential to transplant the existing Lilly Pilly tree (*Syzigium spp.*) currently growing adjacent to the garages to be removed at the Nelson Street boundary to a suitable location within the site. A report on the matter shall be submitted with the Building Application, including, should it be viable, the methods, scheduling and proposed new location within the site for the transplanted Lilly Pilly tree.

20. Prior to the commencement of construction or excavation protective fencing shall be installed around the following central group of trees to be retained, wholly encompassing the group and preventing all access, storage of materials and activities, at the following specified radii:

- 2 Norfolk Island Pine trees (*Araucaria heterophylla*) and Hoop Pine (*Araucaria cunninghamiana*) - 6 metres radius;

- 1 Bull Bay Magnolia (*Magnolia grandiflora*) - 6 metres radius

- 1 Peppercorn tree (*Schinus spp.*) - 3 metres radius

Fencing shall also erected around the White Quandong tree (*Elaeocarpus kirtonii*) growing at the Nelson Street boundary, at a minimum radius of 4 metres from the trunk of the tree.

All of the above fencing shall be of minimum type 2 metres high chain mesh fencing. A tree surgeon must be on site during fencing installation to ensure clean severance of any roots located during the erection of the fence.

21. All excavation being carried out within the canopy spread of any trees to be retained shall be hand dug.

22. No mechanical excavation of the proposed driveway entrance, Block A, Block B and associated structures shall be undertaken within the specified radii of the trunks of the following trees until root pruning by hand along the perimeter line of such works is completed;

- 2 Norfolk Island Pine trees (*Araucaria heterophylla*) and Hoop Pine (*Araucaria cunninghamiana*) - 7 metres radius;
- 1 Bull Bay Magnolia (*Magnolia grandiflora*) - 7 metres radius
- 1 Pepperocim tree (*Schinus spp.*) - 4 metres radius
- 1 White Quandong tree (*Eiaeocarpus kirtoni1*) growing at the Nelson Street boundary - 5 metres radius.
- 1 Peppercorn tree and 1 Tree of Heaven (*Ailanthus altissima*) at the northern property boundary - 4 metres radius.

23. Tree root and canopy pruning of all nominated trees shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Tree roots requiring severance shall be kept moist (with a root curtain where necessary) and backfilling is to take place as soon as possible.

24. Trees within the central group to be retained shall be fertilised, mulched and irrigated prior to and during construction, as advised by the tree surgeon.

25. Paving works within a 10 metres radius of the trunks of the trees within the central group to be retained, shown as Trees 2, 3, 4 & 5 on the submitted plans shall be constructed in such a way that ensures the existing moisture infiltration and gaseous exchange to the trees root systems are maintained.

26. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees protected under Council's Tree Preservation Order.

27. No level changes shall occur within the dripline of all trees to be retained, including those growing in the proximity of the proposed croquet lawn.

28. During construction protective fencing shall be provided around all trees on the site to be retained, including the row of Camphor Laurel trees at the western boundary to be retained. The fencing shall encompass the maximum possible area covered by the dripline of the canopy. Details of this fencing are to be provided with the Building Application.

29. Consent is not granted for the removal of the existing Pine tree (*Cupressus spp.*) shown to be removed on the landscape plan. The applicant shall show at the Building Application stage the reasons that may warrant the removal of the tree.

30. Consent is not granted for the construction of the wheelchair access ramp beneath the canopy of the White Quandong tree (*Eiaeocarpus kirtoni1*). The applicant shall submit the following with the Building Application:

- a detailed plan showing the existing and proposed levels within the canopy spread of the tree including levels of the proposed ramp,
- a report by the tree surgeon on the percentage of canopy loss required for construction of the ramp,
- proposed location of piers/footings for the ramp and the tree surgeons assessment of the impact of that work on the health of the tree.

31. Support of Council's footpath area be maintained at all times. Details of how this support is to be maintained shall be submitted for approval by the Technical Services Division with the Building Application.

32. Repairs being undertaken by the owner/developer to the retaining wall, as necessary, along the Wallis Street frontage of the site.
33. The internal circulating aisle which connects car parks A & B adjacent the fire stair being widened to 5.0 metres (minimum) to minimise the potential for conflict.

34. All picking up and dropping off of children to the day care centre being performed in the zone proposed in Wallis Street between the proposed driveway to the site and Nelson Street.

35. A longitudinal section along the extremities and the centreline of each driveway at a scale of 1:20 shall be submitted with the Building Application for approval by Council's Technical Services Division.

36. The owner shall meet the full cost of the adjustment/relocation to any services i.e. Telecom, Sydney Electricity, AGL etc. that may be required. The owner shall make the necessary arrangements with the service authority involved.

37. The design alignment level shall match the back of the existing footpath along the full site frontage.

38. Stormwater drainage from the site is to be effected in accordance with Council's Private Stormwater Code. Engineering calculations and plans with levels reduced to AHD in relation to site drainage shall be submitted with the Building Application for approval by the Technical Services Division. The drawings and details shall include the following information:

a. A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable by Council, and drainage calculations prepared in accordance with the Institution of Engineers Australia publication, 'Australian Rainfall and Run-Off, 1987 Edition.'

b. A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels etc, dimensions and type of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit.

All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.

c. A plan showing the separate catchment areas within the site, draining to each collection point or surface pit classified into the following categories:

i. Roof areas
ii. Paved areas
iii. Grassed areas
iv. Garden areas

d. All stormwater run-off naturally draining to the site shall be collected and discharged through this property's stormwater system. Such drainage shall be to the satisfaction of the Technical Services Division, and if necessary, must be constructed prior to the commencement of building work.

39. The use not commencing until such time as the conditions of this development consent have been carried out to the satisfaction of the Council.

40. All floors being constructed and finished so as to be impervious to water, and graded to a sufficient number of floor drains.
41. A plant room being provided in an approved location of sufficient area to house all machinery associated with mechanical ventilation services. Details are to be submitted with the Building Application for approval. Prior consultation with the District Health Surveyor is recommended.

42. Provisions be made for the installation of a double bowl sink and washing machine in all laundry areas.

43. The applicant purchasing from Council -
   Nine (9) mobile garbage bins as follows:-
   Six (6) for garbage, one for glass, one for papers and one for P.E.T. bottles.

44. Submission to, and approval by, the Council of a formal Building Application, lodged in accordance with the provisions of the Local Government Act, 1993, incorporating the revisions as contained in the conditions of consent, prior to the commencement of any building works, including demolition or alterations.

   The Building Application shall be accompanied by a statutory declaration by the architect or designer responsible for preparing the plans that the plans accord with the development consent or accord subject to such variations as are specified in the declaration. Note: Variations may require the submission of a Section 102 application (Environmental Planning & Assessment Act 1979).

45. The submission to, and approval by, the Council of a formal application for any advertising sign prior to the erection of any advertising material on the premises.

46. All aspects of this proposal complying with Part F of the Building Code of Australia.

47. The premises being constructed and operated in accordance with the "Regulations & Licensing Guidelines of Centre Based Child Care Services" issued by the Department of Family and Community Services.

48. The hot water system being regulated so as to keep water temperature below a level of which a child can be scalded.

49. Food preparation areas being kept separate from any laundry or nappy changing facility.

50. A separate Building Application is to be submitted for the food preparation area.

NOTE: To comply with Council's Food Premises Code.

51. The provision of trade waste storage facilities to the satisfaction of the Council.

52. A copy of the license issued by the Department of Youth & Community Services is to be sent to the Council prior to the commencement of use.

53. A full Geotechnical and Dilapidation Report shall be submitted with the Building Application with particular emphasis being placed on the structural integrity of No.116 Wallis Street, Woollahra.

54. On-street car parking for four (4) cars is to be located on the northern side of Wallis Street. The parking is restricted to 15 minute parking for the period of set-down 7.00am to 10.00am and pick-up 3.00pm to 7.00pm.

55. The illumination of all outdoor areas is to be minimised to prevent any loss of amenity to adjoining properties. Low level lighting will only be permitted and details are to be submitted to Council with the Building Application.
56. The use of the croquet lawn is to be restricted to the hours of 8.00am and 8.00pm daily to prevent any loss of amenity to adjoining properties resulting from the noise of croquet users and to minimise the need for outdoor lighting.

57. The use of the pool is to be restricted to 7.00am to 9.00pm on a daily basis to protect the aural amenity of adjoining properties.

58. The premises being used and operated without excessive noise or other nuisance and subject to the power of Council to regulate the hours of operation.

59. The Child Care Centre will operate between the hours of 7.00am and 7.00pm weekdays and will cater for no more than 30 children.

60. The property address is to be displayed at the Wallis Street entrance.

61. The use of any facilities on the site by the general community is restricted to the hours of 7.00am and 9.00pm daily.

62. The basement car parking is to be mechanically ventilated. The location of the ventilation grill should be submitted to Council as a Building Application.

63. Lot 1 DP 196790 and Lot 1 DP 218298 are to be consolidated to form one lot prior to building consent being issued by Council to recognise the heritage significance of the site and preclude the fragmentation of the development.

64. All balconies on the northern and western elevation of Block B are to be deleted and replaced by juliet balconies to minimise the potential for overlooking. This is to be noted on the Building Application.

65. Planter boxes at a height of 900mm and a width of 500mm are to be provided on the western return on the balconies to Unit 7 (Level 1), Unit 13 (Level 2) and Unit 16 (Level 3) of Block A and on the eastern edge of the balconies to Unit 29 (Level 3) and Unit 26 (Level 3) of Block B.

66. To reduce the potential for overlooking the windows to the lounge room of Unit 13 (Level 2) and Unit 16 (Level 3) are to have a minimum sill height of 1500mm given the rooms have alternative light and ventilation sources.

67. The patio areas on the western elevation of Block B are to be screened and landscaped to improve aural and visual privacy to adjoining properties.

68. A 2 metres wide unexcavated strip of land is to be maintained along the western, northern and north-eastern boundary of the subject site. Accordingly, any existing planting along the boundary is to be supplemented to provide a dense landscape buffer.

69. Council requires half of the roof terrace of Block A and the terrace area off Units 38 & 39 (Level 3) Block B and the podium of (Level 2) Block B to be converted into non-trafficable roof garden. The garden is to be located around the outside perimeter of these areas and the design and the way they are to be maintained is to be detailed on the Building Application plans and is to be to the satisfaction of Council.

70. All bathroom and ensuite windows are to be of obscure glazing.

71. A suitably qualified person is to be engaged to supervise all building and site works carried out of the site and to advise on appropriate action relating to any relics or remnants exposed during the works. Should any work be proposed which require the building to be disturbed or the site to be excavated it should be preceded by an assessment of the impact of this work on the archaeological resource. This applies particularly to the possible location of the erstwhile
stables and coach house for which no exact location is known at present.

72. The applicant is required to seek a permit under Section 140 of the Heritage Act 1977 given the possibility of unearthing relics during the excavation of the site.

73. A comprehensive record of drawings and photos recording the current internal and external condition and layout of Brougham is to be provided prior to any works commencing.

74. In order to allow the room layout of the interior of Brougham to be interpreted by future generations wall nibs should be left in the following spaces: the north-south wall separating space 20, the east wall of Room 18 and the north south wall between Room 10 and Room 13.

75. All works to Brougham are to be supervised by a conservation expert.

76. The windows on the western elevation of Block A should be protected in accordance with Part C3.4 of the Building Code of Australia. The Building Application should be submitted with details ensuring its compliance.

77. Disabled access should be provided to all levels served by the passenger lift in accordance with Part D of the Building Code of Australia.

78. The entry foyer to Block A on the Wallace Street elevation should be set back 2 metres to ensure compliance with the minimum travel distances, as specified in Part D of the Building Code of Australia.

79. The sole occupancy unit entry doors should be realigned so that the maximum travel distance as specified in Part D of the Building Code of Australia is complied with. The Building Application should be submitted ensuring compliance with this condition.

80. The study room of Unit 14 should not be used for habitable purposes as there is insufficient natural ventilation to this room in accordance with the provisions of Part F4.5 of the Building Code of Australia.

81. All internal block windows facing the required path of travel in Block A are to comply with Part C of the Building Code of Australia.

82. The fire stair on the access ramp between Block A and Block B is to be offset to provide a defined path of travel from the lower parking level. The Building Application should be submitted incorporating these changes.

83. All openings within 6 metres of a required exit or required path of travel shall comply with Part C3.4 of the Building Code of Australia.

84. The building has been assessed as a Type A construction as specified in the Building Code of Australia. The Building Application should be designed accordingly.

85. The existing row of Camphor Laurel trees at the western boundary shall be retained, with landscaping works to compliment as shown on the submitted Landscape Plan.
C. That in approving Development Application 94/282 and in the event of the applicant lodging an appeal against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above and having regard to standard advising No. 1. (See below).

SARA ROACH
ASSESSMENT OFFICER

ADVISINGS:
You will now need to have regard to the following requirements:

1. Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact Ms Sara Roach. However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing and subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed assessor having the full authority to completely determine the matter at the conference.

2. Submission to, and approval by, the Council of a formal Building Application, lodged in accordance with the provisions of the Local Government Act, 1993, incorporating the revisions as contained in the conditions of consent, prior to the commencement of any building works, including demolition or alterations.

The Building Application shall be accompanied by a statutory declaration by the architect or designer responsible for preparing the plans that the plans accord with the development consent or accord subject to such variations as are specified in the declaration. Note: Variations may require the submission of a Section 102 application (Environmental Planning & Assessment Act 1979).

3. The proposal complying with all the requirements of the Building Code of Australia to the satisfaction of the Council's Land Management Services Division. In this regard it is advisable that the District Building Surveyor be contacted before the lodgement of an Application.

4. Any model submitted with the subject application is to be collected from the Council offices within four (4) weeks of the date of this determination. Any models not collected will be disposed of by Council.

5. Whilst the proposal for the re-use of Brougham is considered appropriate, any future proposal for the building should look to the long term removal of unsympathetic alterations and additions and the reinstatement of the building to its state prior to World War 1.

ANNEXURES:
1. Locality Map
2. Plans & Elevations
3. Nation Trust Submission
4. Citadel Submission - Response to National Trust Submission
5. Amended Southern Elevation of Block A.
ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

CITADEL AUSTRALIAN RETIREMENT SERVICES
25 KING STREET
SYDNEY NSW 2000

being the applicant in respect of development application No. 94/282, for use of existing building as a long day care centre and erection of 39 aged person housing units with basement car parking.

Pursuant to Section 92 of the Act notice is hereby given of the determination by the consent authority of the development application No. D.A.94/282, relating to the land described as follows:-

118 WALLIS STREET, WOOLLAHRA

The development application has been determined by granting of consent subject to the conditions specified in this notice:-

The conditions of the consent are set out as follows:-

1. Development being carried out generally in accordance with plans drawn by Winter Group, numbered and dated as follows:

   Sheet 1, Issue M, dated 11/3/96
   Sheet 2, Issue E, dated 15/2/96
   Sheet 3, Issue E, dated 15/2/96
   Sheet 4, Issue E, dated 15/2/96
   Sheet 5, Issue D, dated 8/3/96
   Sheet 6, Issue E, dated 5/11/95
   Sheet 7, Issue D, dated 3/10/95
   Sheet 8, Issue D, dated 3/10/95
   Sheet 9, Issue I, dated 9/3/96
   Sheet 10, Issue I, dated 14/2/96
   Sheet 11, Issue F, dated 19/2/96
   Sheet 12, Issue D, dated 15/11/95

except where amended by the following conditions.
2. The colour, texture and substance of all external materials being to the satisfaction of the Council. Details are to be provided with the Building Application. For properties located in a Conservation Area or that are Heritage items, prior consultation with Council’s Heritage Planner is recommended.

3. The provision of a loading bay having minimum dimensions of 3.5 metres in width, 9.5 metres in length and 3.7 metres in height as required by the Council’s Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities.

4. The provision of a suitable goods loading dock of such dimensions as to comply with the Council’s Development Control Plan for Off-Street Car Parking Provision and Servicing Facilities.

5. The car parking level being to the satisfaction of Council so as to comply with access ramp, grades, the minimum vertical clearance at the entrance to the car park, and vehicle turning/manoeuvring space.

6. Stormwater disposal being to the satisfaction of the Council. Details of the proposed method of disposal are to be submitted for approval with the Building Application.

7. The applicant enter into a legal agreement with Council to maintain the community use of Brougham.

8. The provision of an enclosed masonry garbage storage area, within the premises, of sufficient dimension to hold all waste, such garbage storage area being located within three (3) metres of the street alignment, provided with unobstructed access, and aesthetically treated to compliment the surrounding development or such alternative means of storage and disposal which is to be to the satisfaction of the Council. Details are to be submitted with the Building Application for approval. Prior consultation with the District Health Surveyor is recommended.

9. The noise emission from all plant associated with the development not exceeding the background noise level at any time as measured at the boundaries of the premises.

10. Mechanical ventilation being installed within the premises, the plans of such ventilation system being submitted to the Council as a separate Building Application and approved by the Council prior to the commencement of works.

11. Compliance with the requirements of the Council’s Codes relating to "Building Sites" and "The Control and Regulation of Noise on Building Sites". Copies of these documents are available from the Council’s Land Management Services Division.

12. Working hours on all building sites are restricted to the following:-

7:00am - 5:30pm Monday to Friday (inclusive)
7:00am - 1:00pm Saturday

NO WORK is to be carried out on Sundays or Public Holidays.
Excavation or removal of any materials involving the use of machinery of any kind whatsoever, including compressors and jack hammers, shall be limited to the hours between 9.00am and 4pm Mondays to Fridays inclusive, with regular breaks of at least 15 minutes per hour to afford some relief to occupants of neighbouring properties. This condition is imposed to ensure reasonable standards of amenity for the residents in the locality.

13. Any damage to the Council's footpath, kerb and gutter or road during the course of construction must be repaired or reconstructed and the cost of such works being borne by the developer.

14. The footpath and roadway adjacent to the site not being used for the storage of building materials, including demolition or excavation materials, or for the carrying out of building operations.

15. The submitted landscape plan is approved subject to the following additional information being provided for assessment with the Building Application:-

   a. Construction details of planter boxes, all planter boxes and garden beds constructed on slab must have a minimum soil depth of 600mm.

16. All structures/buildings in the vicinity of the existing trees shall be suitably designed and constructed to take into consideration the existence of the trees, and their likely future growth habits.

17. Approval is granted for the removal of the following trees:

   a. White Cedar (Melia azaderach) growing adjacent to the north-eastern corner of Block A.
   b. 5 Eucalyptus trees growing at the location of proposed Block B.
   c. 1 Camphor Laurel tree (Cinnamomum camphora) growing within the central grove of trees to be retained.

Tree removal must be undertaken by a suitably qualified Arborist/Tree Surgeon, ensuring no damage to the canopies of the significant Pine trees and Magnolia tree to be retained and minimal damage to the existing understorey plant material.

18. The applicant paying for all costs associated with the transplanting of the Kentia Palm (Howea forsteriana) to a suitable location within the site. The following additional information shall be submitted with the Building Application:-

   a. A detailed report shall be submitted by a qualified person detailing the proposed method and scheduling of the transplanting works.
   b. A maintenance schedule detailing the aftercare that is to be undertaken once the tree is relocated.

19. The applicant shall investigate to potential to transplant the existing Lilly Pilly tree (Syzygium spp.) currently growing adjacent to the garages to be removed at the Nelson Street boundary to a suitable location within the site. A report on the matter shall be submitted with the Building Application, including, should it be viable, the methods, scheduling and proposed new location within the site for the transplanted Lilly Pilly tree.
20. Prior to the commencement of construction or excavation protective fencing shall be installed around the following central group of trees to be retained, wholly encompassing the group and preventing all access, storage of materials and activities, at the following specified radii:

- 2 Norfolk Island Pine trees (*Araucaria heterophylla*) and Hoop Pine (*Araucaria cunninghamiana*) - 6 metres radius;

- 1 Bull Bay Magnolia (*Magnolia grandiflora*) - 6 metres radius

- 1 Peppercom tree (*Schinus spp.*) - 3 metres radius

Fencing shall also erected around the White Quandong tree (*Elaeocarpus kirtioni*) growing at the Nelson Street boundary, at a minimum radius of 4 metres from the trunk of the tree.

All of the above fencing shall be of minimum type 2 metres high chain mesh fencing. A tree surgeon must be on site during fencing installation to ensure clean severance of any roots located during the erection of the fence.

21. All excavation being carried out within the canopy spread of any trees to be retained shall be hand dug.

22. No mechanical excavation of the proposed driveway entrance, Block A, Block B and associated structures shall be undertaken within the specified radii of the trunks of the following trees until root pruning by hand along the perimeter line of such works is completed;

- 2 Norfolk Island Pine trees (*Araucaria heterophylla*) and Hoop Pine (*Araucaria cunninghamiana*) - 7 metres radius;

- 1 Bull Bay Magnolia (*Magnolia grandiflora*) - 7 metres radius

- 1 Peppercom tree (*Schinus spp.*) - 4 metres radius

- 1 White Quandong tree (*Elaeocarpus kirtioni*) growing at the Nelson Street boundary - 5 metres radius

- 1 Peppercom tree and 1 Tree of Heaven (*Ailanthus altissima*) at the northern property boundary - 4 metres radius.

23. Tree root and canopy pruning of all nominated trees shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. Tree roots requiring severance shall be kept moist (with a root curtain where necessary) and backfiling is to take place as soon as possible.

24. Trees within the central group to be retained shall be fertilised, mulched and irrigated prior to and during construction, as advised by the tree surgeon.
25. Paving works within a 10 metres radius of the trunks of the trees within the central group to be retained, shown as Trees 2, 3, 4 & 5 on the submitted plans shall be constructed in such a way that ensures the existing moisture infiltration and gaseous exchange to the trees root systems are maintained.

26. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any trees protected under Council's Tree Preservation Order.

27. No level changes shall occur within the dripline of all trees to be retained, including those growing in the proximity of the proposed croquet lawn.

28. During construction protective fencing shall be provided around all trees on the site to be retained, including the row of Camphor Laurel trees at the western boundary to be retained. The fencing shall encompass the maximum possible area covered by the dripline of the canopy. Details of this fencing are to be provided with the Building Application.

29. Consent is not granted for the removal of the existing Pine tree (Cupressus spp.) shown to be removed on the landscape plan. The applicant shall show at the Building Application stage the reasons that may warrant the removal of the tree.

30. Consent is not granted for the construction of the wheelchair access ramp beneath the canopy of the White Quandong tree (Elaeocarpus kirtontii). The applicant shall submit the following with the Building Application:

- a detailed plan showing the existing and proposed levels within the canopy spread of the tree including levels of the proposed ramp,
- a report by the tree surgeon on the percentage of canopy loss required for construction of the ramp
- proposed location of piers/footings for the ramp and the tree surgeon's assessment of the impact of that work on the health of the tree.

31. Support of Council's footpath area be maintained at all times. Details of how this support is to be maintained shall be submitted for approval by the Technical Services Division with the Building Application.

32. Repairs being undertaken by the owner/developer to the retaining wall, as necessary, along the Wallis Street frontage of the site.

33. The internal circulating aisle which connects car parks A & B adjacent the fire stair being widened to 5.0 metres (minimum) to minimise the potential for conflict.

34. All picking up and dropping off of children to the day care centre being performed in the zone proposed in Wallis Street between the proposed driveway to the site and Nelson Street.

35. A longitudinal section along the extremities and the centreline of each driveway at a scale of 1:20 shall be submitted with the Building Application for approval by Council's Technical Services Division.
36. The owner shall meet the full cost of the adjustment/relocation to any services i.e. Telecom, Sydney Electricity, AGL etc. that may be required. The owner shall make the necessary arrangements with the service authority involved.

37. The design alignment level shall match the back of the existing footpath along the full site frontage.

38. Stormwater drainage from the site is to be effected in accordance with Council's Private Stormwater Code. Engineering calculations and plans with levels reduced to AHD in relation to site drainage shall be submitted with the Building Application for approval by the Technical Services Division. The drawings and details shall include the following information:-

a. A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable by Council, and drainage calculations prepared in accordance with the Institution of Engineers Australia publication, Australian Rainfall and Run-Off, 1987 Edition.

b. A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels etc, dimensions and type of all drainage pipes and the connection into Council's stormwater system. This may involve either connection to the Council's street gutter, or into a Council stormwater pit.

All proposals should indicate the location of the closest Council stormwater pit and line regardless of the point of discharge. This information can be obtained by a visual inspection of the area and perusing Council's drainage plans.

c. A plan showing the separate catchment areas within the site, draining to each collection point or surface pit classified into the following categories:-

i. Roof areas
ii. Paved areas
iii. Grassed areas
iv. Garden areas

d. All stormwater run-off naturally draining to the site shall be collected and discharged through this property's stormwater system. Such drainage shall be to the satisfaction of the Technical Services Division, and if necessary, must be constructed prior to the commencement of building work.

39. The use not commencing until such time as the conditions of this development consent have been carried out to the satisfaction of the Council.

40. All floors being constructed and finished so as to be impervious to water, and graded to a sufficient number of floor drains.

41. A plant room being provided in an approved location of sufficient area to house all machinery associated with mechanical ventilation services. Details are to be submitted with the Building Application for approval. Prior consultation with the District Health Surveyor is recommended.
42. Provisions be made for the installation of a double bowl sink and washing machine in all laundry areas.

43. The applicant purchasing from Council -

Nine (9) mobile garbage bins as follows:-

Six (6) for garbage, one for glass, one for papers and one for P.E.T. bottles.

44. Submission to, and approval by, the Council of a formal Building Application, lodged in accordance with the provisions of the Local Government Act, 1993, incorporating the revisions as contained in the conditions of consent, prior to the commencement of any building works, including demolition or alterations.

The Building Application shall be accompanied by a statutory declaration by the architect or designer responsible for preparing the plans that the plans accord with the development consent or accord subject to such variations as are specified in the declaration. Note: Variations may require the submission of a Section 102 application (Environmental Planning & Assessment Act 1979).

45. The submission to, and approval by, the Council of a formal application for any advertising sign prior to the erection of any advertising material on the premises.

46. All aspects of this proposal complying with Part F of the Building Code of Australia.

47. The premises being constructed and operated in accordance with the "Regulations & Licensing Guidelines of Centre Based Child Care Services" issued by the Department of Family and Community Services.

48. The hot water system being regulated so as to keep water temperature below a level of which a child can be scalded.

49. Food preparation areas being kept separate from any laundry or nappy changing facility.

50. A separate Building Application is to be submitted for the food preparation area.

NOTE: To comply with Council's Food Premises Code.

51. The provision of trade waste storage facilities to the satisfaction of the Council.

52. A copy of the license issued by the Department of Youth & Community Services is to be sent to the Council prior to the commencement of use.

53. A full Geotechnical and Dillapidation Report shall be submitted with the Building Application with particular emphasis being placed on the structural integrity of No. 116 Wallis Street, Woollahra.

54. On-street car parking for four (4) cars is to be located on the northern side of Wallis Street. The parking is restricted to 15 minute parking for the period of set-down 7.00am to 10.00am and pick-up 3.00pm to 7.00pm.
55. The illumination of all outdoor areas is to be minimised to prevent any loss of amenity to adjoining properties. Low level lighting will only be permitted and details are to be submitted to Council with the Building Application.

56. The use of the croquet lawn is to be restricted to the hours of 8.00am and 8.00pm daily to prevent any loss of amenity to adjoining properties resulting from the noise of croquet users and to minimise the need for outdoor lighting.

57. The use of the pool being restricted to 7.00am to 9.00pm on a daily basis to protect the aural amenity of adjoining properties.

58. The premises being used and operated without excessive noise or other nuisance and subject to the power of Council to regulate the hours of operation.

59. The Child Care Centre will operate between the hours of 7.00am and 7.00pm weekdays and will cater for no more than 30 children.

60. The property address being displayed at the Wallis Street entrance.

61. The use of the any facilities on the site by the general community is restricted to the hours of 7.00am and 9.00pm daily.

62. The basement car parking is to be mechanically ventilated. The location of the ventilation grill should be submitted to Council as a Building Application.

63. Lot 1 DP 196790 and Lot 1 DP 218298 are to be consolidated to form one lot prior to building consent being issued by Council to recognise the heritage significance of the site and preclude the fragmentation of the development.

64A. All balconies on the northern elevation Block B and Level 2 on the western elevation of Block B are to be deleted and replaced by juliet balconies to minimise the potential for overlooking. This is to be noted on the Building Application stage.

64B. The balconies on Level 3 Block B off Unit 39 Bed 2, Unit 38 Bed 1, Unit 38 Bed 2, Unit 28 Lounge Room, Unit 27 Dining/Lounge Room and Unit 27 Bed 2 are to be separated by a planter box to a height of 900mm and width of 500mm to ensure that access onto the balconies from each room is physically separated to protect the aural amenity to the adjoining properties and to reduce the size of the balconies.

64C. Planter boxes to a height of 900mm and width of 500mm are to be provided on the western elevation of all balconies at Level 3 Block B.

65. Planter boxes at a height of 900mm and a width of 500mm are to be provided on the western return on the balconies to Unit 7 (Level 1), Unit 13 (Level 2) and Unit 16 (Level 3) of Block A and on the eastern edge of the balconies to Unit 29 (Level 3) and Unit 26 (Level 3) of Block B.

66. To reduce the potential for overlooking the windows to the lounge room of Unit 13 (Level 2) and Unit 16 (Level 3) are to have a minimum sill height of 1500mm given the rooms have alternative light and ventilation sources.

67. The patio areas on the western elevation of Block B are to be screened and landscaped to improve aural and visual privacy to adjoining properties.
A 2 metres wide unexcavated strip of land is to be maintained along the western, northern and north-eastern boundary of the subject site. Accordingly, any existing planting along the boundary is to be supplemented to provide a dense landscape buffer.

Council requires half of the roof terrace of Block A and the terrace area off Units 38 & 39 (Level 3) Block B and the podium of (Level 2) Block B to be converted into non-trafficable roof garden. The garden is to be located around the outside perimeter of these areas and the design and the way they are to be maintained is to be detailed on the Building Application plans and is to be to the satisfaction of Council.

All bathroom and ensuite windows are to be of obscure glazing.

A suitably qualified person is to be engaged to supervise all building and site works carried out on the site and to advise on appropriate action relating to any relics or remnants exposed during the works. Should any work be proposed which require the building to be disturbed or the site to be excavated it should be preceded by an assessment of the impact of this work on the archaeological resource. This applies particularly to the possible location of the erstwhile stables and coach house for which no exact location is known at present.

The applicant is required to seek a permit under Section 140 of the Heritage Act 1977 given the possibility of unearthing relics during the excavation of the site.

A comprehensive record of drawings and photos recording the current internal and external condition and layout of Brougham is to be provided prior to any works commencing.

In order to allow the room layout of the interior of Brougham to be interpreted by future generations wall nibs should be left in the following spaces: the north-south wall separating space 20, the east wall of Room 18 and the north south wall between Room 10 and Room 13.

All works to Brougham are to be supervised by a conservation expert.

The windows on the western elevation of Block A should be protected in accordance with Part C3.4 of the Building Code of Australia. The Building Application should be submitted with details ensuring its compliance.

Disabled access should be provided to all levels served by the passenger lift in accordance with Part D of the Building Code of Australia.

The entry foyer to Block A on the Wallace Street elevation should be set back 2 metres to ensure compliance with the minimum travel distances, as specified in Part D of the Building Code of Australia.

The sole occupancy unit entry doors should be realigned so that the maximum travel distance as specified in Part D of the Building Code of Australia is complied with. The Building Application should be submitted ensuring compliance with this condition.
80. The study room of Unit 14 should not be used for habitable purposes as there is insufficient natural ventilation to this room in accordance with the provisions of Part F4.5 of the Building Code of Australia.

81. All internal block windows facing the required path of travel in Block A are to comply with Part C of the Building Code of Australia.

82. The fire stair on the access ramp between Block A and Block B is to be offset to provide a defined path of travel from the lower parking level. The Building Application should be submitted incorporating these changes.

83. All openings within 6 metres of a required exit or required path of travel shall comply with Part C3.4 of the Building Code of Australia.

84. The building has been assessed as a Type A construction as specified in the Building Code of Australia. The Building Application should be designed accordingly.

85. The existing row of Camphor Laurel trees at the western boundary shall be retained, with landscaping works to compliment as shown on the submitted Landscape Plan.

The Council further resolved:-

THAT given that the height of the proposal generally complies with the statutory height limit and that the minor exceedance would not cause any adverse impacts, the Council, as consent authority, resolve to support the objection pursuant to SEPP No.1 - Development Standards to permit the development on the site.

That in approving Development Application 94/282 and in the event of the applicant lodging an appeal against any conditions of any consent of the application, the Council resolves to resist such appeals subsequently lodged having regard to the reasons for the conditions identified above and having regard to standard advising No 1.

The reasons for the imposition of the conditions are set out as follows:-

To safeguard the future and present amenity of the locality.

Endorsement of date consent, 11 MARCH 1996

NOTES:

(1) To ascertain the date upon which the consent becomes effective refer to section 93 of the Act.

(2) To ascertain the extent to which the consent is liable to lapse refer to section 99 of the Act.

(3) Section 97 of the Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within 12 months after receipt of this notice.
ADVISINGS:-

1. Council is always prepared to discuss its decisions and in this regard, please do not hesitate to contact Ms Sara Roach. However, if you wish to pursue your rights of appeal in the Land & Environment Court you are advised that Council generally seeks resolution of such appeals through a Section 34 Conference, instead of a full Court hearing and subject to any further advice to the contrary from Council's Solicitors and senior staff. Such an approach is less adversarial, it achieves a quicker decision than would be the case through a Court hearing and it can give rise to considerable cost and time savings for all parties involved. The use of the Section 34 Conference approach requires the appellant to agree, in writing, to the Court appointed assessor having the full authority to completely determine the matter at the conference.

2. Submission to, and approval by, the Council of a formal Building Application, lodged in accordance with the provisions of the Local Government Act, 1993, incorporating the revisions as contained in the conditions of consent, prior to the commencement of any building works, including demolition or alterations.

The Building Application shall be accompanied by a statutory declaration by the architect or designer responsible for preparing the plans that the plans accord with the development consent or accord subject to such variations as are specified in the declaration. Note: Variations may require the submission of a Section 102 application (Environmental Planning & Assessment Act 1979).

3. The proposal complying with all the requirements of the Building Code of Australia to the satisfaction of the Council's Land Management Services Division. In this regard it is advisable that the District Building Surveyor be contacted before the lodgement of an Application.

4. Any model submitted with the subject application is to be collected from the Council offices within four (4) weeks of the date of this determination. Any models not collected will be disposed of by Council.

5. Whilst the proposal for the re-use of Brougham is considered appropriate, any future proposal for the building should look to the long term removal of unsympathetic alterations and additions and the reinstatement of the building to its state prior to World War 1.
APPENDIX 18:
Articles (1-14) appeared in the SMH concerning the Brougham case
Mayor may face censure over ‘anti-Semitic’ letter

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

The civic leader of one of Australia’s biggest Jewish communities, the Mayor of Woollahra, Councillor Neville Gruzman, may face a censure motion in council after being accused of making anti-Semitic comments.

Cr Gruzman, who was born Jewish but has converted to the Anglican Church, has admitted writing a letter four years ago in which he said he would not work for Jewish clients.

Although he has publicly apologised, the comments have outraged Jewish residents, who have complained to the powerful Jewish Board of Deputies.

"Many years ago I decided that I wouldn't work for Jewish clients," Cr Gruzman wrote in a 1992 letter to a lawyer over a row about the payment of a bill.

"May I say this was never for a racist reason or anything like that, but because there are different ways of practising and already having suffered two heart attacks I decided that it would be unwise for me to have any kind of aggravation when I could have clients whose way of doing business was similar to mine."

The president of the board of deputies, Mr Michael Marx, said there had been a "large number" of complaints about Cr Gruzman’s letter, which emerged during an unrelated debate over a controversial development in Bellevue Hill.

"I find it extraordinary that anyone in public life would have expressed those views," Mr Marx said.

Council sources have told the Herald that Cr Gruzman may face a censure motion at a council meeting next Monday.

In a memo circulated to his 14 council colleagues this week, Cr Gruzman described his comments, made "in the heat of the moment", as regrettable and stupid. He had apologised at a function held by the National Council of Jewish Women: "I publicly apologised to them for the stupidity of my remark and its unreasonable nature.

"Whatever the provocation, there was absolutely no excuse for me to go from the particular to the general in my critical comments."

The row could not come at a worse time for Cr Gruzman, who last September became the first mayor for more than 40 years not linked with the Woollahra Action Committee (WAC).

Cr Gruzman, a strong critic of WAC, is fighting off critics over his involvement in a multi-million-dollar project at the historic Bellevue Hill mansion Rona. He is the architect for the project to construct a new driveway for the neo-Gothic mansion, which is listed on the National Estate.

The controversy has marred several projects championed by Cr Gruzman, including the sale of properties to raise funds for the repair of ageing infrastructure.

Cr Gruzman is also promoting a radical new development control code for the council, based on more flexible "performance standards". He believes the code will overhaul the council’s development problems, which have cost ratepayers millions of dollars in legal battles over recent years.

CAPTION: Illus: "I publicly apologised ... for the stupidity of my remark and its unreasonable nature" ... Cr Gruzman, who wrote four years ago that he would not work for Jewish clients. Photo by JOE CASTRO
Biblical epic as mayor pleads for forgiveness, and his job

By ROBERT WAINWRIGHT
Local Government Writer Wainwright, Robert

Page 2
Tuesday, 13 February 1996

SECTION: NEWS AND FEATURES

The Mayor of Woollahra, Councillor Neville Gruzman, pleaded last night for forgiveness through the Old and New Testaments of the Bible in an attempt to stave off a move to oust him in the wake of alleged anti-Semitic comments he made in a letter.

During a two-hour debate, amid catcalls for his resignation from a packed-in public, the council demanded that he show cause why he should not resign.

But a determined Cr Gruzman, who described himself as the best mayor the council had had in two decades, stood firm.

Cr Gruzman, who was born Jewish but has since converted to the Anglican Church, has admitted writing a letter four years ago in which he said he would not work for Jewish clients.

Although Cr Gruzman has apologised publicly, the comments have outraged Jewish residents, who last night circulated a petition for him to go.

"Many years ago I decided that I wouldn’t work for Jewish clients," Cr Gruzman wrote in a 1992 letter to a lawyer over a row about the payment of a bill.

"May I say this was never for a racist reason or anything like that but because there are different ways of practising and already having suffered two heart attacks I decided that it would be unwise for me to have any kind of aggravation when I could have clients whose way of doing business was similar to mine."

Last night, in the presence of two of Sydney’s most influential Rabbis and hundreds of local Jewish residents, Cr Gruzman quoted from the New Testament, John, Chapter 8 verses 3-7, likening his position to Jesus challenging an angry mob intent on stoning a woman - “whichever one of you has not committed a sin cast the first stone”.

He found Psalm 32, verse 5 in the Old Testament to accuse his opponents of having “hard hearts” if they did not show forgiveness. The theme was returned in kind by one councillor who delivered a Pontius Pilate quote, “What is written is written”, back at the mayor.

Cr Gruzman, who insisted the row was a political ruse, tried to show he was not racist by pointing out that his doctor and the author of a book being written about his architectural work were both Jewish.

His defence was constantly cut down by the public, most of whom were forced to stand outside the council chambers.

The youngest councillor in NSW, and the only Jewish member of Woollahra Council, 19-year-old Julian Lesser, then accused the mayor of making a second anti-Semitic remark during a television interview.

Cr Gruzman, who said he could not remember making the remark, is alleged to have commented that Jews could not appreciate the aesthetics of architecture.

Among the plethora of statements by the 15 members of the council, some believed Cr Gruzman was being persecuted for political reasons. What they all agreed upon was that the council was being made “the laughing stock” of local government in NSW.

Through it all the president of the Rabbinical Council of NSW, Rabbi Selwyn Franklin, sat impassively alongside colleague Rabbi Brian Fox, of Temple Emmanuel, Woollahra.

In a letter to the councillors, Rabbi Franklin had called for Cr Gruzman’s political head: “While the Jewish community would be willing to accept the apologies tendered for the hurt done, in my opinion one who has expressed such views should not be entitled to hold public office in Australia.”

When it was over, and Cr Gruzman was given seven days to show cause why he should not resign, Rabbi Selwyn stood and shook the hands of all councillors who voted for the motion.
Cr Gruzman refused to bend. He insisted he was the best person to lead the council out of the financial and political wilderness in which he believed it had been led by his predecessors.

If he bowed to the pressure, Cr Gruzman said all councillors would be at the mercy of disgruntled neighbours.

CAPTION: TWO ILLUS: Countdown for Councillor Gruzman and, left, a poster calls for his head at Woollahra last night. Photographs by GLENN SHIPLEY
Gruzman furore prompts push for council code of conduct

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

Page 4 Wednesday, 14 February 1996

SECTION: NEWS AND FEATURES

The Minister for Local Government, Mr Page, called yesterday for the Mayor of Woollahra, Councillor Neville Gruzman, to resign in the wake of the public furore over his alleged anti-Semitic comments.

Though neither the minister nor the other 14 Woollahra councillors have the power to remove Cr Gruzman from office, Mr Page said he would consider reviewing the Local Government Act, including a proposal for a standard code of conduct for councillors across NSW.

During a heated and theatrical council meeting on Monday, in which Cr Gruzman asked for forgiveness by quoting from the Bible, the council passed a motion giving the mayor seven days to show cause why he should not resign.

But Cr Gruzman, who also described himself as the best mayor at the council “for at least two decades”, refused to step down.

The row was sparked by the publication last week of a letter written by Cr Gruzman in 1992 to a lawyer over a row about the payment of a bill in which he wrote: “Many years ago I decided that I wouldn’t work for Jewish clients.

“May I say this was never for a racist reason or anything like that, but because there are different ways of practising and already having suffered two heart attacks I decided that it would be unwise for me to have any kind of aggravation ...”

The comments were exacerbated by the broadcast on Monday of a television interview recorded in December in which Cr Gruzman, who was born Jewish, questioned if Jewish people could appreciate architectural aesthetics.

Though he has publicly apologised, the comments have outraged Jewish residents and prompted the president of the Rabbinical Council of NSW, Rabbi Selwyn Franklin, to call for Cr Gruzman’s dismissal.

Mr Page described the comments as “appalling” and said they had the potential to have a serious effect on the public credibility of the council. “In the circumstances I think it would be reasonable for Cr Gruzman to resign, and I think the decision would be viewed favourably by the community.”

Mr Page said the issue of councils dismissing elected officials is difficult. “It could be seen to be interfering with the democratic process, but it would be worthwhile looking at options,” he said. “A State-wide code of conduct is a possibility, though it is currently up to each council to handle such a code.”
He insulted Jews, but his apology failed to heal the hurt. The push to get rid of the Mayor of Woollahra goes much deeper, centring on a complex development battle and a planned restructure of development control laws. Local Government writer ROBERT WAINWRIGHT reports.

He insulted Jews, but his apology failed to heal the hurt. The push to get rid of the Mayor of Woollahra goes much deeper, centring on a complex development battle and a planned restructure of development control laws. Local Government writer ROBERT WAINWRIGHT reports. THE streets of Woollahra maintained a quiet, leafy dignity, but last Monday night, in the Woollahra Municipal Council Chambers, all hell broke loose. In what was more a farcical trial than a meeting, the Mayor of Woollahra faced a gallery of accusers. His crime? An offensive remark about Jews. His punishment? They wanted him out.

Neville Gruzman - mayor in one of Australia's biggest Jewish communities - wasn't about to oblige.

Instead he quoted from the Bible - both the Old and New Testaments - about forgiveness, which served only to inflame rather than subdue his accusers. The community outrage at the remarks has resulted in the Rabbinical Council of NSW and the Jewish Board of Deputies, among several organisations, calling for his political head. The furor, however, is only a symptom of a greater distress afflicting Woollahra Municipal Council. A far deeper controversy involves Gruzman's resolve to restructure the council's development control laws. And then there's the case of the grand, sweeping driveway planned for a neo-Gothic house in the middle of the troubled municipality. All this came to the boil at last Monday's meeting, during which a majority of councillors demanded Gruzman show cause why he should not resign, reinforcing the feeling that the council's credibility is damaged and its affairs are in tatters. Gruzman apologised, with a warning that unless his sins were forgiven, councillors would be at the political mercy of vexatious neighbours. He then declared that, after only four months in the job, he had shown he was the best mayor Woollahra had seen in two decades. It was a questionable tactic, given that the gallery largely consisted of distressed Jewish residents, but he knew neither his council colleagues nor the State Government could remove him from office, at least until September when his term expires. Gruzman - architect-about-town, National Trust heavyweight and political visionary - is not denying he wrote in a letter that he would not work for Jewish clients, but he insists he is being persecuted, not because the comments were racist or offensive, but for political reasons. Behind the scene is an ongoing row about Gruzman's role as an architect in the redevelopment of a historic Bellevue Hill mansion called Rona. The owner, businessman John Schaeffer, bought the house in 1990 for about $10 million from a previous Woollahra mayor, David Parker. Rona is a sprawling neo-Gothic structure in Ginghamulla Road, the original grounds of which had been carved up in the 1950s. When two adjoining blocks came on the market, Schaeffer reportedly paid $2.8 million for them, planning to re-create the property's original entrance by building a grand driveway sweeping through a grove of trees to the expansive courtyard of the main house. The firm of prominent Sydney architect Philip Cox was commissioned but, according to Gruzman, the designs did not please Schaeffer. Last July, Gruzman's firm was appointed, sparking allegations that he had improperly used his position as a councillor to win a contract. Then, several neighbours complained about the project, so much so that the council stalled approval pending independent assessment by a consultant. The Herald interviewed Gruzman, the designs did not please Schaeffer. Last July, Gruzman's firm was appointed, sparking allegations that he had improperly used his position as a councillor to win a contract. Then, several neighbours complained about the project, so much so that the council stalled approval pending independent assessment by a consultant. The Herald interviewed Gruzman, saying that one complaint is that the driveway will be to the "benefit of the neighbours," and the Jewish Board of Deputies, among several organisations, calling for his resignation. Gruzman sent the offending letter. Why, he asks, if it was so offensive, did it take four years for the contents to be made public? Hilton insists he complained to the Human Rights and Equal Opportunity Commission within days of receiving the letter in December, 1992. The letter, about an unpaid bill, had been forgotten until Gruzman attacked Hilton in a letter to councillors last December. "He started it," Hilton said. "The letter came out publicly because Gruzman attacked me as a bad debtor, which was gratuitous."

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and irrelevant to the Rona issue. I wanted people to understand the sort of man with whom they were dealing.” Gruzman emphatically defends his role in the affair: “I have, at all times, handled the issue with the utmost propriety. I informed the general manager of my interest and I have not participated in any committee or council meetings which involved discussion about Rona.” Despite his protestations, the question being raised by some councillors is whether Gruzman, never shy when it comes to proffering opinions about others’ architectural work, can wear the hat of an elected official as well as that of a professional architect, earning money from projects within the municipality. The question of conflict of interest has been a hoary issue in local government circles for many years. Pecuniary interest provisions have been tightened and, as Gruzman stresses, he has declared his interest at all times. The bigger question for Woollahra is what effect it will have on the affairs of a council that is already plagued with problems. The Minister for Local Government, Ernie Page, this week described the council as a “disaster”, suggesting that Gruzman’s gaffe, which Page regarded as “appalling”, would do nothing to help restore public confidence. The only aspect on which all councillors could agree on Monday was that they were the laughing stock of NSW local government. The comment may be a little over the top, but the fact remains that Woollahra spends more money on legal advice than any other NSW local government body. Its battles with wealthy property owners cost ratepayers about $1 million a year. The Department of Local Government is finalising a major management audit of the council’s affairs. Then, to complicate matters, community infrastructure, such as roads and drainage, is shot to pieces and in desperate need of a major capital investment. The council plans to sell assets, including three car parks, to raise funds to avoid what Gruzman describes as “an impossible financial legacy to our children”. Gruzman sees himself as the council’s saviour and considers himself a visionary politician. One of the main reasons he wants to hang on to the reins of power is his pet project - the restructuring of the council’s development control laws. If he gets his way, the code will move away from numerical statutes to what he calls “performance” criteria. The theory, seen from an architect’s point of view, is that you cannot have a single set of numerical rules for an entire municipality. Instead, each case must be considered from a commonsense perspective. The problem with vision is that it must be supported by credibility, or at least a perception of credibility, and that is why Gruzman’s opponents say he should resign. Long-time councillor Rose Watson has become a vocal opponent of Gruzman. She led this week’s move to oust him from the chair, even though she was one of the nine councillors who supported his election last year. “When you’re good, Cr Gruzman, you are very good; but when you’re bad, you’re a disaster,” she said on Monday. Gruzman doesn’t see it that way: “I am an achiever. I like to get things done, as I would in my own business, and I am having a lot of success.”

CAPTION: Four Illus: Sorry saga … left and right, the protagonists in the debate; centre, Rona, the sprawling neo-Gothic Bellevue Hill mansion and an extract from Neville Gruzman’s letter.
Bid to oust mayor: council unites

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

Fourteen Woollahra councillors are planning to meet tonight at the home of Councillor Valerie Corrigan to decide on their next move in their bid to oust the mayor of five months, Cr Neville Gruzman.

The councillors hope to put factional politics aside and thrash out a uniform position to take back to the council chamber.

Last week, by a narrow 8-6 margin, they demanded that Cr Gruzman show cause why he should not resign, but it appears that all want him to go for anti-Semitic comments he made in a letter almost four years ago.

The rumpus was sparked by the publication of a letter written by Cr Gruzman in 1992 to a lawyer over a row about the payment of a bill in which he wrote: “Many years ago I decided that I wouldn’t work for Jewish clients”.

The comments were exacerbated by the broadcast last week of a television interview recorded last December in which Cr Gruzman, who was born Jewish, questioned if Jewish people could appreciate architectural aesthetics.

Cr Gruzman has so far refused to respond to the demands for his resignation, instead describing himself as the best mayor the municipality has had for two decades. He has ignored calls by the Minister for Local Government, Mr Page, to step aside, as well as complaints by Jewish bodies which say he is unfit to hold public office.

Cr Gruzman could not be reached for comment yesterday.
Defiant mayor refuses to step aside

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

Woollahra Council was in crisis last night after the embattled mayor, Councillor Neville Gruzman, refused councillors’ demands that he step aside.

Despite appeals from a deputation including the deputy mayor, Cr Drew Robertson, and two former mayors, Crs Andrew Briger and David Leach, Cr Gruzman said he would stand firm against moves to oust him for anti-Semitic remarks made in a letter written four years ago.

In a brief statement issued yesterday afternoon, the majority councillors said they had no confidence in Cr Gruzman - who is Jewish-born - and could not accept his explanation for comments made in a letter written in 1992 that he would not work for Jewish clients.

Cr Gruzman has apologised for the comments, but his situation has not been helped by the airing last week of a television interview recorded last December in which Cr Gruzman said: “In aesthetics, very few Jewish people understand what aesthetics is all about.”

Angry councillors told the Herald yesterday of their frustration at being unable to force Cr Gruzman from the mayoral chair.

Some have threatened to cancel civic ceremonies, pass a resolution that the mayor not be allowed to make any policies, and pass no-confidence votes at every meeting so he could do nothing but sit in his chair.

“How long can one person defy the wishes of a community and his own colleagues?” one councillor said.

“Any decent person would have walked away with dignity.

“If we walk out then we are inviting the Department (of Local Government) to sack the council.”

At a separate meeting last night, Cr Gruzman tried to placate a delegation of some of the most senior members of NSW’s Jewish community.

The president of the Jewish Board of Deputies, Mr Michael Marx, said he had neither accepted nor rejected Cr Gruzman’s apology.

“It is up to the council and the Woollahra community to judge Cr Gruzman’s apology, Mr Marx said. “We just wanted him to understand the deep offence caused in the community by his comments.”

In his letter to councillors, Cr Gruzman claimed he was being persecuted and his resignation would create an untenable precedent where councillors could be intimidated by residents.

“I stand firm, I will not resign under pressures that could be brought to bear on any of us at any time,” Cr Gruzman wrote.

”... A vote for me is a vote in favour of clean, good, honest local government and a determined rejection of the use of power and wealth to influence local government decisions.”

CAPTION: ILLUS: Comments about Jews offended ... Cr Gruzman.
Mayor should resign, says Carr

By ROBERT WAINWRIGHT and NATHAN VASS Wainwright, Robert

The Premier has inflamed the Woollahra Council racism row by calling for the mayor, Councillor Neville Gruzman, to resign as a “gesture of tolerance” in the wake of anti-Semitic allegations.

Mr Carr also foreshadowed legislative changes to the Local Government Act which could force from office mayors who lose the confidence of their colleagues.

But a determined Cr Gruzman, whose remarks about Jewish people in a 1992 letter and a television interview in December have outraged residents and fellow councillors, stood firm yesterday.

Cr Gruzman, who faces a no-confidence motion on Monday, found an ally in the president of the Local Government Association, Concord mayor Councillor Peter Woods, who said Mr Carr’s intrusion was “opportunistic” and “hypocritical”. He warned that such a move could destabilise local government in NSW.

“How dare another sphere of government pull this sort of stunt when it turns a blind eye to the outrageous racist antics of some of its own members,” Cr Woods said.

Mr Carr said he respected Cr Gruzman’s views on urban planning but believed he should listen to his community and stand down.

Cr Gruzman said he would not change his mind on his refusal to resign.

“I am very disappointed that Mr Carr should take such a view without first understanding the full background to the issue,” he said.

“Local government has its own charter that should not be mucked around with at the drop of a hat.”

CAPTION: TWO ILLUS: Mr Carr, left, and Cr Gruzman ... law may be changed.
Take the apology offered

DAMIAN GRACE

DAMIAN GRACE teaches in the School of Social Work University of New South Wales. Grace, Damian

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To err is human and forgiveness is not only divine but within the reach of all of us if we forsake the high moral ground

WHAT'S an apology worth these days? Not much, it appears, when it comes to those in the public eye. Our society is much better at rituals of public shame, blame and retribution than at those of forgiveness.

Take the case of the Mayor of Woollahra, Councillor Neville Gruzman, who made anti-Semitic remarks in a private letter, and has subsequently apologised. A good many of the citizens of Woollahra are not satisfied with this.

Rabbi Selwyn Franklin believes that apologies notwithstanding, a person who makes anti-Semitic comments - and one assumes racist comments of any kind - should be disqualified from holding public office. The president of the Jewish Board of Deputies, Mr Michael Marx, declined to accept or reject Cr Gruzman's apology, a strategy which amounts to rejection nonetheless.

A word out of place can make a person a pariah these days.

There are two issues here. The first is whether people holding public office are ever "off-duty": must they always be above reproach because what they do in private can reflect adversely on the offices they hold?

The classic example is that of two police officers at a party who mocked Aborigines who had died in custody. Although the police were off-duty when the incident occurred, they brought the service into disrepute and they were disciplined. This incident, however, went beyond offensive speech.

In the case of public officials, the distinction between public and private is often blurred. Transgressions, even when committed privately, can destroy confidence and trust in public institutions.

But there is no rulebook to guide public officials in such matters. The law is an inadequate guide in ethics. In terms of accountability, a strict standard is required of public office holders. But accountability is not the whole of ethics, and the law is not the whole of accountability. Forgiveness and the acceptance of a contrite apology are also relevant ethically.

And that is the second point - having the last word morally.

Say a neighbour collects your mail while you are away and you show your gratitude with a bottle of wine. Your neighbour then leaves you a thank-you card containing a ticket to a concert. That is having the last word morally. It is at the very least a breach of convention, but can also be seen as a regaining of the moral high ground. Your neighbour wants to be the last to show gratitude, which is in effect a refusal to accept a display of gratitude on the part of another.

The same kind of moral last word can go for apologies. One can place the apologetic person at a disadvantage, retain the moral high ground, and nurture the offence by rejecting an apology. Even better, one can demonise the offender.

Accepting an apology short-circuits all this, just as simple acceptance of a gift or a compliment short-circuits retribution for gratitude.

Refusing an apology and retaining the moral high ground of the injured, are akin to insisting on the last word in an exchange of courtesies. Neither is an ethically admirable position: both are tinged with vengeance.

Not all apologies will suffice to make an offender eligible for public office. But at present we seem to have no way of coping publicly with those seeking a pardon. The offender is entirely at the mercy of the offended, and this is an invitation to revenge.

Perhaps we need some ritual of public forgiveness rather than the forgiveness of the confessional. The offence needs to be acknowledged in order for an apology to be made. This acknowledgment satisfies the need for accountability and remorse. But an apology is useless unless there is a recipient, and an expectation

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that it will be accepted. This is a two-way street. Forgiveness goes hand in hand with apologising.
ENOUGH

As one of the mayors of Woollahra during Neville Gruzman’s first four years on council, I’m no fan. But enough is enough.

The Premier’s stated intention to amend the Local Government Act (1993) to facilitate Gruzman’s sacking is nothing short of scandalous.

The first business item of every new council is to elect its mayor for the ensuing 12 months. If Woollahra Council made such a cock-up of this simple procedural matter, such that councillors changed their minds after only five months, it does not augur well for every other decision they might make over the next four years. If a council is incapable of effective decision-making, then it should be sacked, along with its mayor, and an administrator appointed forthwith.

These provisions already exist in the Local Government Act (1993) and ample evidence has been collected by the Department of Local Government over the last three years to justify this course of action.

The letter, the source of the contention, was a private letter written four years ago. Every mayor in NSW must be trembling in his or her shoes, trying to recall private correspondence of that many years ago, which he or she may be called on to justify if the Gruzman precedent catches on.

So much for stability in local government!

One question I find particularly perplexing: if the receiver of the letter found its contents so outrageous, why wait four years to bring the matter to light?

Cathy Lemech,
February 21 Paddington.

CAVALIER

As a parent of a child sitting this year’s HSC who chose to change from 2 Unit Related to 2 Unit General English, not because of lack of ability but with the knowledge that if he did so he would not be at a disadvantage, I am amazed at the timing of the Board of Studies announcement re changes to HSC English.

Next time it wishes to kick students in the guts, why doesn’t it announce changes to rankings the night before the examination.

James A. Jobson,
February 23 Pymble.

NOT SACRED

Is M. Braham’s letter (February 23) really trying to link Albert Langer to treason via the two-party system? I am sure he must be thinking of some greater risk than causing preferences to expire before they can flow from a minor party to one of the “two parties”.

Where in our Constitution does it mention the two-party system? (Or is that the two plus one party system? Is the Coalition somewhere defined in the constitution as “a party”?)

We often hear of the threat to Australian democracy from the breakdown of the “two-party” system if, say, we moved to the type of multi-party system which Italy has. And yet one could hardly say that the multi-party system in Israel has left it too weak to survive in one of the most hostile political environments in the world.

Political systems must be able to evolve with a changing nation. The capitalist/worker divide that so inspired the formation of parties in the 1890s has been diluted with the multi-cultural, ideological and sociological changes that have occurred in the ensuing century.

To pin our faith in the future on maintaining the two-party system is far more backwardlooking than the accusations Paul Keating is levelling at John Howard.

Ken Oates,
'I won’t go’... rowdy scenes as vote goes against Gruzman

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

There were rowdy scenes in the normally dignified chamber of Woollahra Council last night as supporters and detractors of the embattled mayor, Councillor Neville Gruzman, clashed verbally in the public gallery and councillors accused each other of reneging on deals.

Amid a phalanx of placards, petitions of support and derision and threats of adjournment, Cr Gruzman, as expected, refused to stand down despite a vote of no confidence brought over alleged anti-Semitic remarks.

Cr Gruzman’s comments were made in a letter written in 1992 in which he said he would not work for Jewish clients.

The comments, for which Cr Gruzman has apologised, were exacerbated by subsequent remarks in a television interview during which Cr Gruzman said: "In aesthetics, very few Jewish people understand what aesthetics is all about."

The move against Cr Gruzman was led by NSW’s youngest council member, 19-year-old Cr Julian Leeser, who described the mayor’s apology as “vacuous, worthless and totally insincere”.

Cr Leeser, the only Jewish member on the council, said Cr Gruzman had no choice but to resign because his peers believed he was not fit for the job.

"If you have any sense of duty, honour or respect for the law, then you would resign," Cr Leeser said.

"People now, more than ever before, believe that something is rotten in the state of Woollahra."

Cr Leeser, whose speech was greeted with loud applause from the gallery, accused Cr Gruzman of breaching the council’s own code of conduct.

The code states that a councillor must not act in a discriminatory manner.

Cr Valerie Corrigan said the row had divided the community, and she demanded that Cr Gruzman follow the convention of State and Federal Parliaments and resign.

She also attacked Cr Gruzman’s “arrogant” statement that he was the best mayor in two decades.

“You are not the sole saviour of Woollahra, nor the sole champion of architecture in this community,” she said.

Ten of the 15 councillors voted for Cr Gruzman to resign. One councillor declared an interest and left the chamber and four others, including Cr Gruzman, voted against the motion.

Cr Gruzman, in response to the tirade against him, apologised again for his comments but insisted he was a victim, describing the public release of the letter as “shameful” and that he was tricked into the television interview.

“I apologise once again, but I will not resign because I have much, too much to do for the other 50,000 members of this community,” he said.

CAPTION: Two Illus: Cr Gruzman... apologised but refused to resign. Placards being brandished at Woollahra Council chambers last night. Photographs by GLENN SHIPLEY
Gruzman accuses rabbi of threatening phone call

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

The Mayor of Woollahra, Councillor Neville Gruzman, yesterday traded accusations with one of Sydney’s leading rabbis over his decision to abstain from voting on a proposed development put forward by a synagogue.

The Temple Emmanuel wants to build a long-day child-care centre and housing units for the elderly in Wallace Street, Woollahra. A council meeting on Monday approved the plans but Cr Gruzman vacated his chair and stood outside until after the vote.

Cr Gruzman insisted he had declared a “disinterest” in the matter because he did not want to be accused of being prejudiced in the wake of recent allegations of racism against him.

But he was also angry over a telephone conversation last Thursday with the senior rabbi at Temple Emmanuel, Rabbi Brian Fox, during which Cr Gruzman alleges Rabbi Fox threatened to accuse him in the media of anti-Semitism if he did not vote for the development.

But Rabbi Fox has a different version of the conversation, denying Cr Gruzman’s allegation and accusing him of opposing the development because of its “aesthetic value”.

“I phoned him because I could not understand his opposition to the project,” Rabbi Fox said. “He said he didn’t like it aesthetically. He never said he wasn’t voting because he didn’t want to be seen to be biased.”

Cr Gruzman said: “I don’t want to exacerbate this situation, but the truth should be told. I did not walk out of the meeting, I vacated the chair during the discussion. I did not vote because I did not want anyone accusing me of being biased one way or the other, particularly after what has happened recently.”

CAPTION: Two illus: Rabbi Fox, left, and Cr Gruzman.
Factions plotting in mayoral melee

By ROBERT WAINWRIGHT Local Government Writer Wainwright, Robert

Who will be next to wear the mayoral robes at Woollahra? It is a question which is causing a behind-the-scenes battle two months before the annual election.

Factions within the controversial council are moving to shore-up numbers and oust the incumbent mayor, Councillor Neville Gruzman.

Just a year after losing control of the council for the first time in almost 40 years, members of the Woollahra Action Committee (WAC), which still holds six of the 15 seats, have privately endorsed an Independent, Cr Graham Medcraft.

Cr Medcraft, a director of a merchant bank and a former mayor of Box Hill in Melbourne, confirmed that he would probably stand but he would not discuss the election.

Apart from the votes of the six WAC councillors, Cr Medcraft needs one other councillor to guarantee a transition of power.

But other Independents, angry that the WAC faction could regain control of the council, are believed to be considering nominating their own candidate.

Council sources say the most likely candidate is Cr Valerie Corrigan. She also would not discuss the election.

Several controversial incidents have dogged the council in the past year, including a critical management audit by the Department of Local Government and embarrassing accusations of anti-Semitism levelled against Cr Gruzman.

Cr Gruzman, who was born into the Jewish faith but converted to the Anglican Church, refused to stand down over allegations that in 1992 he said he would not work for Jewish clients.

He apologised, but ignored a vote of no-confidence as well as calls by the Premier, Mr Carr, for him to resign.

So impervious to the complaints has he been that Cr Gruzman declared he was the best mayor at Woollahra in 20 years and may well stand again.

"To tell you the truth, I have not even considered the mayoral election yet," Cr Gruzman told the Herald.

"There are too many other things to be done. Ask me in two weeks."

Other councillors insist Cr Gruzman would get little support.

The council decided recently to bring forward the election to the first week in September in the hope that a resolution would restore public confidence.
Gruzman concedes Woollahra mayoralty to rivals

By ROBERT WAJNWRIGHT Local Government Writer Wainwright, Robert

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The controversial Mayor of Woollahra, Councillor Neville Gruzman, will step down tonight allowing his rivals, the Woollahra Action Committee, to regain control of the embattled authority.

A last-minute scramble for numbers over the past two weeks has left Cr Greg Metcraft, an Independent, the top contender for the mayoral job, with the support of the WAC members.

Just a year after losing control of the council for the first time in almost 40 years, WAC members, who hold six of the 15 seats, have managed to split the independent vote and privately endorsed Cr. Metcraft.

Despite a series of meetings in the past month, the other eight Independent members are struggling to come up with their own candidate.

Cr Valerie Corrigan, who had been considered a front-runner, is believed to have pulled out of the race because of frustration over the lack of co-ordination among her colleagues.

She would not discuss the election yesterday, but it is likely that the Independent candidate will be the current Deputy Mayor, Cr Andrew Robertson.

If Cr Metcraft is elected, and he will need the support of at least one other Independent member to do so, then Woollahra is almost certain to be led by two merchant bankers.

Cr Metcraft is a director of Socie’tte’ Ge’ne’rale and the likely candidate for deputy, WAC Cr Andrew Petrie, is a director of Schroders.

Cr Gruzman has been an outspoken opponent of WAC since being elected in 1991 but was quiet yesterday about who would head the council.

“I don’t know - I have not taken any interest and I am definitely not a numbers man,” Cr Gruzman said.

“I am definitely not standing. I made the decision a week ago and I want to intensify my architecture practice.

“I have enjoyed my time as mayor and I believe I have achieved all the initial things I wanted to do in terms of local planning such as a new Local Environment Plan which will come into effect in about eight weeks.”

Several controversial incidents have dogged the council in the past year, including a critical management audit by the Department of Local Government and embarrassing accusations of anti-Semitism levelled against Cr Gruzman.

Cr Gruzman, who was born into the Jewish faith but converted to the Anglican Church, refused to stand down over allegations that in 1992 he said he would not work for Jewish clients.

He apologised, but ignored a vote of no-confidence as well as calls by the Premier for him to resign.
No fanfare as mayor vacates the chair

ROBERT WAINWRIGHT

Wainwright, Robert

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It was over in a matter of seconds.

Unlike earlier in the year, when the public gallery was packed for Woollahra Council’s meetings, only his colleagues and a handful of media saw Councillor Neville Gruzman stand down last night as mayor.

Cr Gruzman, whose 12-month reign kept the council in the public spotlight - as much for his own antics as council decisions - had, in the words of Cr Rose Watson, been reduced from a rooster to a feather duster.

He took the criticism with a grace missing six months ago when his colleagues called for his resignation over the infamous “anti-Semitic” letter affair.

Not even the Premier, Mr Carr, could entice Cr Gruzman to stand down until he was ready.

Bedecked in the mayoral chain, Cr Gruzman told the council in uncharacteristic understatement that his year had been “interesting”, with “some downsides”.

He was considering writing a book about the letters affair and wanted to intensify his architectural practice.

“This has been a very exciting and interesting year, and has been different in many regards,” he said. “It has been a year with some downs and I hope to write a book which may be called The Geoffrey Hilton Affair, or something like that.”

(Mr Hilton received a letter written by Cr Gruzman - himself born Jewish - in which he said he did not want to work with Jews. Cr Gruzman later apologised.)

As expected, Cr Greg Medcraft, Independent, was elected Mayor and Cr Andrew Petrie, of Woollahra Action Committee, deputy. Both are merchant bankers.

Cr Medcraft said he wanted the council to be seen as united, and wanted to concentrate on improving services, reviewing management structure and planning.
APPENDIX 19:

Appendix 19a
A list of people who were interviewed for the study

Appendix 19b
A list of interview questions

Appendix 19c
Audible (recordings) messages which were sorted according to their themes for the Hawthornden case

Appendix 19d
Audible (recordings) messages which were sorted according to their themes for the Brougham case

Appendix 19e
Interview (telephone interview) with the president of Woollahra History and Heritage Society
Appendix 19a: A LIST OF PEOPLE WHO WERE INTERVIEWED FOR THE STUDY

SF: Planning Officer of the Hawthornden DAs
SR: Planning Officer of the Brougham DA
CMS: Heritage Planner of WMC
JL: Councillor JL
JN: Councillor JN
EP: The applicant of the Hawthornden DAs
GK: A member of the planning consulting firm of the Brougham DA
PP: The president of the Woollahra History and Heritage Society
Appendix 19b: A LIST OF INTERVIEW QUESTIONS

Questions for the Councillors:
- Can you please briefly explain your interest with the Brougham proposal?
- How can you describe the other Councillors' (Committee members') general approach to the application? Did they have any concerns about the application?
- What do you think of the adjoining property owner's concerns for the proposal? (especially Woods Avenue houses)
- Do you think the use of the proposed use of the application as “aged persons accommodation” played an important role in the whole decision making process?
- Did you play any active role in the decision making process? Or how did you contribute to the process of the application?
- Did you join any meetings with the applicant, Council (technical and elected) and adjoining property owners?
- What do you think how important the “heritage issue” (Brougham as a heritage item and Woods Avenue houses) was during the assessment?
- You were a member of the Committee which determined “Brougham” and “Hawthorneden”. Can you tell whether you voted against or in favour of two proposals and why?
- Do you think that issue of “heritage” played an important role in the determination of two DAs in Hawthorneden proposals (two refusals) when you compare with the other issues have been raised by the adjoining property owners such as traffic, noise, density, bulk overshadowing etc.
- Can you compare two proposals in terms of the issues involved such as heritage (Hawthorneden, Brougham and Woods Avenue houses) and the other issues raised by the adjoining property owners? What are the similarities and differences and how do you think these affected the decision making process?

Questions for the applicant of the Hawthorneden DAs:
- What kind of information and guidance did you receive from Council before the lodgement of the first DA and during the process of two DAs?
- Do you think you were sufficiently guided by Council (i.e. pre-DA lodgement sessions, site meetings, any advice from senior staff etc.) to make sure that the proposal is on the right track as far as its acceptability to Council?
- Do you think Council was clear enough in terms of its objectives for any future development for Hawthorneden site? If not, what kind of difficulties did you experience?
- If there was a DCP for the site before you lodge your proposal, what kind of benefits do you think you might have had?
- Do you think you have amended the proposal with the second lodgement according to Council's reasons for the refusal?
- What do you think on B and D Committee’s decision on the second DA against assessment officer’s recommendation of approval?
- Why do you think you lost the Court case?
- What do you recommend improving the process of the DAs with heritage matters at Woollahra Council?

Question for the planning officer of the Hawthorneden DAs:
- In general what were your primary concerns for the Hawthorneden site as an assessment officer?
- How much do you think the second proposal was amended compared with the first application? Did the new proposal solve the problems which were the main reasons for the refusal of the first DA?
- What do you think the Committee’s decision on the second proposal as refusal against on your recommendation of approval?
- Do you think the applicant was confused during the process of the DAs on what the Council wanted to see on the site?
- Did you feel that it was also difficult to assess the proposals in the absence of clear guidelines for the subject site?
- How do you think the whole process could have been different for Hawthorneden case if there were clear guidelines for the site for example a DCP?
- How do you think the processing of the application could have been improved?
- What do you recommend to improve the process of the DAs with heritage matters at Woollahra Council?
- What was the main reasoning behind the approval of Brougham application? Do you think the whole process (re zoning that is proposed use of Brougham site and DCP) played important role in the decision making of the proposal? (Question to Manager of Development Control)

Questions for a member of the planning consulting firm for the Brougham DA:
- Do you think Council was clear enough in terms of its objectives for any future development for Brougham site. Please give reasons.
- Were you satisfied with Council's assistance during the DA process or before the lodgement of the DA in terms of information and guidance you received?
- What do you think the Council's main concerns were for the site? Please describe them.
- What were the main problems which you experienced during the process?

Questions for the planning officer of the Brougham DA:
- Did you have any assistance from heritage planner during the preparation of the DCP? If no Why?
- What were the reasons Why Council did not ask a fresh Conservation Plan to the applicant for the preparation of the DCP and assessment of the DA as it was recommended by the heritage planner? Do you think that it might have been insisted on having a new CP if the current policy on "heritage report information requirements" existed when the application was lodged?
- What was your primary concerns for the site and with the proposal itself?
- What do you think how heritage issues were handled in the Brougham application? What do you think on The National Trust’s objection for the proposal?
- What were/ were the reason(s) not to ask further details to the applicant on proposed works for Brougham as it has been requested by the heritage planner?
- If there was no rezoning request, do you agree that a DCP is still required for Brougham site?
- What was the main reasoning behind the approval of Brougham application? Do you think the use of the site (aged persons’ housing) played important role in the decision making?
- How do you think the processing of the application could have been improved?

Questions for the heritage planner of WMC:
- What do you think how much heritage value Brougham contributes to the locality?
- What were your primary concerns with the proposal?
- What do you think how the heritage issues were handled for the Brougham case by Council?
- What was the main reasoning behind the approval of Brougham application? Do you think the whole process (re zoning-proposed use of Brougham site and DCP) played important role in the decision making of the proposal?
- Since you are also involved with Hawthorneden site during the preparation of DCP, how do you compare Brougham and Hawthorneden in terms of their heritage significances and heritage value they contribute to their localities?
- How do you think the processing of the application could have been improved?
- What do you recommend to improve the process of the DAs related with heritage matters at Woollahra Council?
## Appendix 19c: Audible Messages (Recordings) Which Were Sorted According to Their Themes for Hawthornden Case

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>WHO</th>
<th>WHAT DID THEY SAY</th>
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<tbody>
<tr>
<td>The problems experienced by the applicant during the process.</td>
<td>SF</td>
<td><em>I do not think the applicant was confused. I think he had a site zoned 2(b) with a FSR 0.625:1. He has done a CP which identified the house, the grounds wherever he wants to touch. He did not touch them. He was not confused but I think he had expectations from the side of Councillors.</em></td>
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<tr>
<td>WMC's efficiency to provide information and guidance for the proposal and the importance of clear guidelines (a DCP) during the assessment</td>
<td>EP</td>
<td><em>I have been guided by the Council's technical staff who was AR (heritage planner) and BO (manager of Development Control section at that time). They have realised that the only location of the proposed development would be the existing tennis court site and I was asked to establish the curtilage of the house. SF came along later on to assess the application (MH was handling it) and she did not support the proposal mainly because the height or other reasons. When we found out that the report was recommended for refusal we sent a letter to all Councillors and to the GM to defer the meeting (see the letter dated 5 March 1993 from applicant to the WMC).</em></td>
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<td></td>
<td>SF</td>
<td><em>It was not that much difficult to assess the proposal but I think the Council had a bit frantic site as known that its uniqueness special on what zoned 2(b). It did not really mean that they can maximise that. And perhaps the site's zoning should be changed or a DCP done and that exactly what they have done that. And a DCP is being prepared to the redevelopment of the site. So it was not confusing but it certainly was not clearly indicated. I think they probably were expecting an approval for it although they always knew that it was a bit awkward site and always knew that there is a strong objection from the neighbours. And the issue of cliff face (stormwater could be sorted out) which had to be engineered to be satisfactory. It would be better if there was a DCP. Sites with heritage items suitable for flats. You have got to be specific in order to be proactive. And exactly what is happening now.</em></td>
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<td></td>
<td>SF</td>
<td><em>This is not issue here. They supplied everything. They did have CP. They identified what part of site could be developed. There was no argument that this part of site could be developed. There is no argument even now. Just that the subject site's potential was not 0.65:1 because of the heritage, because of the relationship adjoining buildings and that meaning is difficult. Vast reserving is never allowed to met that is reserve or any people's land is a maximum and there is a number of expectations from the applicant at least have FSR. That is not exact case that is the maximum (0.625:1). That is the basis on which site to be built on (?) Rightly or wrongly that is the reality. There is a complication the height is 9.5, the changes in definition of height came on same time, you know what was the ground level and the Council did not want to see three level building.</em></td>
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<tr>
<td>Whether a pre-DA meeting has been done before the application was lodged</td>
<td>SF</td>
<td><em>I was not around when the application first came in. I was in maternity. There had been discussions with the applicant and the manager BO. He actually recommended how... with the first one. I recommended refusal for the first one. And I have given approval for the second one.</em></td>
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<td></td>
<td>GK</td>
<td><em>When the Council received the first application there were already preliminary discussions with BO and he did not have major problem with it. And the other concerns I do not know what kind of concerns were they but the applicant resolved them and lodged the application. And at this stage BO went into the Urban Design section and SF took over. And SF did</em></td>
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<tr>
<td>The main issues raised by the adjoining property owners</td>
<td><strong>EP</strong></td>
<td>Whether it is worth... Because of four people (adjoining property owners)(all the fight was four people). One of them Mr M. The Council refused his tennis lighting application but he first put the fight on without Council approval. After that he went to the Court and the Court approved it. Four property they are centre of it. We had so many meetings about the stormwater organised by the WMC (the applicant, Council, four property owners, Consulate representative, and experts). Four properties around the Hathornend have same problem and they have agreed to create an easement and suddenly they have changed their mind. And they have to do their own easement now; US Consulate... It is public research, it the only map shows the water drainage. Any single map in the Council shows the water facilities. It start Edgecliff Rd, it goes down the other side of Edgecliff Rd. and stops where the US Consulate is and it starts on the other side of Wallaroy Rd. Every single map in the WMC he has got shows water research. It is not updated, so it is a big issue.</td>
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<tr>
<td>The role of elected staff of WMC during the determination process.</td>
<td><strong>EP</strong></td>
<td>I invited all Councillors (members of the committee) to the site inspection and they refused. I asked them to defer the meeting to other time to look at the issues and they refused. Nobody was on site before and when they came the only thing they picked up was the cliff. “RW said at the meeting &quot; we never had that many objections before, we got a petition from 100 people” no one went through the petition. (from PP, Paddington, Randwick, Redfern etc.) I sent a letter with a list to Council where those people actually live. My point is even if you have right guides like the information we had the final word comes from the Committee and the neighbours are around with petitions and many of the objectors who do not live around the subject property (such as are from Drummoyne) and one of the Councillors, RW read the assessment officer report during the meeting. They were discussing item 12 and she was reading item 13. How can you determine a development application reading the report on the night of the meeting? It should not work like this. It was an interesting proof one of the conditions in the report, according to my sketches, to address the cliff. We would not touch the cliff. When I went to the Council, when we were knocked back the first time Councillor... stood up and said “we must reward SF for this beautiful (assessment officer recommendation for refusal-first DA) report that we do not have to waste our time to discuss the issue”. In the second application when SF support the application, recommended for approval nobody stood up and said “we should reward SF for this beautiful report because every issue has been addressed. They knocked back it again.</td>
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<td></td>
<td><strong>SF</strong></td>
<td>I think it is very hard decision to make, sorry it is very hard matter to determine. Certainly it would have had an impact on the heritage building, it would have affected its setting, there is no doubt. Because setting of the building is quite extensive. Whether that was sufficient enough to ground for refusal on my mind given the expert advice to contrary that we had. It may have been even more difficult to justify reason for an approval. And that happens to a lot of experts who go verbose and they can not debate. I do not have a problem of that refusal. I think that the zoning of the property probably gives false impression to the applicant. The zoning needs to be more looked. Council needs to look at more... in terms of how they address the zoning of the site rather than leaving that with a 2(b) zone with a 0.625:1 FSR.</td>
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<tr>
<td></td>
<td><strong>JN</strong></td>
<td>I certainly supported the case when it went to the Land and Environment.</td>
</tr>
<tr>
<td>The reason of the refusal of the application at the Court.</td>
<td>EP</td>
<td>It depends which assessor you have. Some assessors are good? The coming local election effected the decision.</td>
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<tr>
<td>Primary Concerns for the site</td>
<td>SF</td>
<td>Heritage, heritage building with its heritage landscape, the impact on adjoining owners by way of use, overshadowing, privacy, massing etc. The appropriateness of the development consistency with zoning and the other general matters of consideration under section 90.</td>
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<tr>
<td></td>
<td>GK</td>
<td>I would have thought more with Brougham that. There was more an amenity issues at some extend some overshadowing. But, I do not think as major as concern was in Hathornden whether it is right to obstruct some of the view. And in the case of Hathornden there were an open area, tennis court and in the Hathornden you can not see the building from street, you can not see it from any public place unless you are in on that tall building and given that relationship between the proposed development and the heritage building, the architect made every effort to make this relationship.</td>
</tr>
<tr>
<td>The second application</td>
<td>SF</td>
<td>The second proposal reduced the height and reduces the massing to the most critically effected neighbours to the townhouses on Edgecliff Rd. The town houses were built right on the site and they totally overlooked Hawthornden. The development’s buildings in accordance with setbacks. There was an expectation from residents that the view they have across Hawthornden was theirs. The second proposal reduced the height of the proposal so did reduce the scale and bulk did retain some of the views, not not certainly not all the views that retained some of them. There had been extensive landscaping on that boundary at one stage which should have been persistently poisoned by the presence unknown about certain suspects were identified. So there had been, there would have been extensive stepping on that boundary so that the views out will currently available would not originally then available. And the reasons of I had been... the heritage list considered acceptable by the National Trust. The HC and the Council’s UCAC recommended of the proposal to be approved. But they depended on major problems. I think they saw that it means to restore Hawthornden which was still under great risk from deterioration and needs total renovation. And there was having look at the landscape in that heritage landscape basically the retain. So the site was critical in terms of heritage the building would be retained in terms of its landscape setting. To presence heritage advisors to Council had given their OK. So it was considered that one making the assessment there was not a lot of justification on a heritage ground to refuse it. The Heritage Council and Council’s advisory body have said that it is acceptable. On merits, situation as much as improved, and I felt that the expectations of the neighbours were unreasonable. But it is not to say that a smaller development would not have been better. It certainly would have been. But that was not the question put to us, the question was what it has been proposed given to zoning, the expectations of the zoning, conservation order of the property, grounds identified that this is quite... site that it is.</td>
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<tr>
<td>General Comments</td>
<td>EP</td>
<td>I was surprised with the second refusal. And we did a big mistake we should have taken the application to the Court after 41 days of the lodgement (first one). We could have reduced the number of the units and lodge a new DA and address the issues. We can reduce the number of units to 4-5 and do it again, but we do not want to go through everything again that we had been through for the last three years. The Council does not see the condition of the house. The house needs to be looked after. WMC is not assessing applications; they are assessing the objections. They are not looking at the content of the objections, they are not looking at the objection whether they are relevant or not. For example the objection come as overshadowing.</td>
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We have showed with our shadow diagrams that this is not the issue.
That’s the mentality. If you have development control, you have got height, zoning. They should apply. If I comply you are not entitled because the next door neighbour does not like me, does not want me to take. This simply is that. It is very simple issue. If you take away the politics, you, because there is, 90% of the people until they elected they forget what they said before.

CMS Both buildings (Hawthornden & Brougham) are significant heritage items for different reasons. One is sitting on more environments than the other. Different people live in around there are different attitudes about values. And they should be treated the same way.

GK No, as a policy, we do not talk to the Councillors and the reason for that... What we do is provide advice to our clients, we might draft a letter and the client can put this to Council and the Councillor all the way around. I do not public’s involvement on Brougham decision but I certainly think that the Hawthornden decision was political. And that was mainly because there is a lot more people objected to the proposal. It was a bit both actually. I think we were initially engaged by Temple Emanuel and received instruction from the applicant, the project managers. And we were providing advice to the architect as well.

...but there are major differences between two sites and how they affect the surrounding residences. There was a higher potential for surrounding areas, surrounding residences will be effected by Hawthornden proposal than Brougham mainly because of size of the land, you are looking at the view, overshadowing can always be accommodated, the heritage character could be better designed for a related building... Whereas in the Hawthornden it was a case of surrounding areas they enjoyed looking at tennis court where they can see water view, Bellevue Hill and so on.

I do not public’s involvement on Brougham decision but, I certainly think that the Hawthornden decision was political. And that was mainly because there is a lot more people objected to the proposal.

SF My anticipated solution would be two storey pitched roof building (one or two dwellings) located in the old tennis court site something like that. The applicant’s intention- He is only upgrading it because they had to... house as a whole one of the arguments for the justification for the works proposed on the site of the Hawthornden was that they need the money to restore the house. So it comes to the cost. They are anticipating to sell it. There is a purchaser from Hong Kong. There are lots of potential buyers for the site but the house is so rundown and need to be upgraded. They are upgrading it, restoring the heritage character could be better designed for a related building... Whereas in the Hawthornden it was a case of surrounding areas they enjoyed looking at tennis court where they can see water view, Bellevue Hill and so on.

I do not public’s involvement on Brougham decision but, I certainly think that the Hawthornden decision was political. And that was mainly because there is a lot more people objected to the proposal.
Appendix 19d: AUDIBLE MESSAGES (RECORDINGS) WHICH WERE SORTED ACCORDING TO THEIR THEMES FOR BROUGHAM CASE

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>WHO</th>
<th>WHAT DID THEY SAY?</th>
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<tbody>
<tr>
<td>The problems experienced by the applicant during the process.</td>
<td>GK</td>
<td>In terms of arranging meetings we never arranged meetings with Councillors only with the Council’s staff and we never had any problems organising any meetings with Council. So that was not a problem. I suppose the problem may have been getting some certainty not so much from Council’s officers but at least commitment from the Councillors and something that the Council’s officers cannot provide whether the Council wants to go ahead with it whether they are going to approve or not. They cannot predict as having a meeting with SR. We will be given advice based on what the likely be an approval and the recommendations from Council officers. We cannot guess what the Council will say. We can sometimes guess with the level of controversy that’s likely to be generated and if it is in the area of Woollahra in the area whether is going to be overshadowing and we know that the next door neighbour of the property that will be affected and will likely to object and we know that there is going to be some problems.</td>
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<tr>
<td>WMC’s efficiency to provide information and guidance for the proposal and the importance of clear guidelines (a DCP) during the assessment</td>
<td>CMS</td>
<td>I would not say that I agreed with that design. It is not an ideal world. The CP was not sufficient, it should have been upgraded. The DCP should not have prepared using that CP.</td>
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</table>
| WMC’s efficiency to provide information and guidance for the proposal and the importance of clear guidelines (a DCP) during the assessment | SR   | That was really more (the assistance) I guess when the application came in not in the actual preparation of the DCP. Because I do not think anything that Caron actually was giving us at this rate being a heritage planner. So she was not involved in the preparation of the DCP, that was through the department, more through me and through I guess discussions with the department. Heritage Branch with respect to the formulation of what would be a reasonable building curtilage around Brougham. During the DA process it was really something that needed to also to talk her quite quickly most the CP did not have a lot of details the work is being proposed to the site won’t impact on degree of...large building so it was a matter of to find what was reasonable building curtilage and...The CP also already detailed the levels of significance that Brougham had particularly all the...development...so from that we agreed to get an application which was a part of believe that the documentation of CP was sufficient enough for us to make a decision. So it was quite sufficient but it did not go into detail about the significance of the site, so there were some a number of elements that needed to be respect to the whole site not necessarily to the building. So it did not go any details. There were only definition of the use of the site being subdivided into four residential allotments (because the purpose of the preparation of the CP for residential developments). So it did not look at establishing...In the matter of looking at the details in that CP in assessing an application and that was satisfactory what we required. The rezoning request was a difficult application in that a rezoning request came in for a new proposal for the site. So they would look at in conjunction but, basically in the preparation of the DCP there was done as a standard one and it was not done. It was done with. I mean I had in my mind that yes the site was going to be redeveloped for a retirement village but, it certainly did not write the DCP to comply with the proposal... I mean it was worked fine having a DCP because, it was
The main issues raised by the adjoining property owners

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<th>Name</th>
<th>Response</th>
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<tbody>
<tr>
<td>JL</td>
<td>I think that was traffic. I think the main objection was traffic. You know that adjoining property owners have raised too many issues like heritage as well as traffic.</td>
</tr>
<tr>
<td>GK</td>
<td>I am not sure there was a heritage issue such. There were a couple of meetings that were discussed how they will be effected and most of them did not indicate heritage as a main issue at this stage it may be an initial stage it was a case more like... overshadowing and those sort of issues. They did not directly build heritage as an issue.</td>
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The importance of the issue of "heritage"

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<tr>
<td>SF</td>
<td>Heritage was an important issue in Hawthornden, whereas Brougham we can not see the same thing. Because I think that there was not any tangible. Big difference in connected to the community... to see in terms of the community in Brougham it was sitting and you know little bit, was not anything special I do not think in my memory. I did not deal with the Brougham but certainly the Brougham has been restored and it was there were (new development and the Brougham house) separate, they were much more isolated elements. Their work seen as a whole. Hawthornden when you come to the drive you see the building. I am so respectful to the decision that it was right... this was not the situation in Brougham. And you have got a community to expect aged persons, childcare and all on top the heritage building to be restored. And I think the Hawthornden is seen as in context an old house and its grounds you do not even have to look at in detail. This is not what you see in Brougham. Brougham was in run down, uninteresting building unless you have heritage knowledge. Hawthornden has beautiful driveway, beautiful garden and setting, tennis court totally different context.</td>
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<tr>
<td>SR</td>
<td>We are the consent authority and we sent the application to them for comment. The applicant has a number of discussions with the NT and provided some additional detail. But, you cannot always satisfy, we have to make a balance one of that is the merits of the application and this... this estimation and Council, the proposal was felt that is balanced. And...I guess also the controls that the DCP was required are quite clear when you compare them with the controls of the Residential DCP in terms of setbacks provisions.</td>
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<td>GK</td>
<td>I think it depends on where you are coming from. If you are a person who does not have any substantial urban design and heritage background, they do no think that urban design and heritage are important. It is an old building, you are not going to demolish it, you have to keep it I mean I do not have much heritage background might be that's why she (SR) was coming from OK there is a CP anyway there is a DCP. Would not be unreasonable to request the applicant another CP?</td>
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The role of elected staff of WMC during the determination process.

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| SR   | Yes, it was appropriate for community uses. The site has always had a long association with a community use as a boy's hostel and that was the intention of the rezoning that it would continue to have that community association and it will continue to have that now. And there it is a shortage of facility for aged persons housing. We do have an ageing population in Woollahra. And that was another reason why to rezone site. That was one of the strategies, housing strategies for Woollahra. Certainly, there was a concern public's concern there was a lot of objections to the proposal and the Committee members...
I mean a lot of them were generally supporting because there was a need for public facility but, they were concerned about that development in its context, the site, the building that has heritage significance, there was potential to overlook adjoining properties that was really a matter of condition and redesign the proposal.

...kindergarten plays area to maintain the historic building as well as its garden.

JL
My main involvement in terms of the application because my father is on the Board (Temple Emanuel) at that time so in terms of sometimes asking SR how is it going, it will take forever to that was only checking things.

I was not interested at that stage because I was not on the Council. But I remember that Michael Lawrence had some concerns and I know that Councillor DH supported Temple Emanuel particularly good development. And Councillor RW always campaigned greater housing the aged, facilities for the aged. And it was nice to have something for the aged people. I know that RW was in favour of it.

JN
I certainly supported the case when it went to the Land and Environment. There is no commonality to the decision making process. Brougham was pulled out very much on the I believe on the credibility through the applicant and in the case of Hawthornden.

GK
No, as a policy, we do not talk to the Councillors and the reason for that... What we do is provide advice to our clients, we might draft a letter and the client can put this to Council and the Councillor all the way around.

Primary Concerns for the site
CMS
It did not go far enough...Council should have assessed the DA...Council did have opportunity to insist on...I was concerned about the structures, the design of the new development but, my primary concern was the proposed work to Brougham itself.

SR
Primary concerns for the site, obviously because there were some building significance. There are some conditions in the CP in respect to unopened relics on the site but the CP did not give any detail about where they could be located but it did make us learned that there could be some relics on that site. So that was a concern but I guess the primary concern was...what would the satisfactory curtilage be to preserve the garden, setting and the building. And I guess the overall where we able to formulate appropriate controls so that what it will be developed on the basis...

Main Reason behind the approval
SF
Brougham was done the other way around. It was rezoned so in the rezoning process you variably get on site...that’s the way it should go. Hawthornden did not require rezoning. It certainly I know a lot of the problems...that certain criteria that need to be addressed but, it still would be...when the application first came in it was horrible situation of this place...and the design handed in all the elements of design and the merits and the things like that. I think the approval of Brougham was on... gain because there was a community gain by virtue of child care centre, the upgrade and restore the Brougham house, which was giving nothing to the public at current stage, potential heritage trees and that the fact that on detail...was certainly the buildings could have been improved in the design context! And they could have been perhaps more sympathetic, significant and a lot...in terms height and scale...And at the end of the day it was not perfect, it was not the ultimate development but it was not enough to make a refusal. It was truly subjective matter which I do not think is not strong enough to refuse the application. It is difficult that we cannot get ideal applications and we do not the ideals we are asked to get the possible on the site. We are asked if...what was proposed is acceptable.

JL
Yes yes, I do. I think the Council generally used the facilities as something has to be encouraged rather than discouraged I think that because of the community facility, particularly an aged care facility that was something that the Council wanted
to encourage it is different that someone wants to build flats. But, in the same time a private developer like any another developer could be managing. I think we are the Councillors people like getting community facilities, positive thing brings people in the area, .... I think their concerns were about heritage and overdevelopment mainly.

| JN | No, I do not agree. I would not have against Brougham if this block of land has never had a building on it and heritage takes ever a part of Brougham itself. The community facility application was generated by somebody take a good price of a block of land and wanted to generate to make money. The community facility could have been put in any other place in the area. It was pushed, pushed and pushed to let it ... I am still very bitter about it. I prevented the Committee ... the nature of the street next to it... Brougham with the undeveloped gardens as separated the State government's intention on massively overdeveloped. I do not agree with the staff of the assessment team and never did and I thought ... neighbours to a ... asset three to four storey development going to that part of boundary. It was pushed through by the Councillors. Yes we were three (SD, NG and JN). We argued the heritage, building, Brougham, the garden ... Hawthornden ... hypocrisy of Councillors did not go political twist rather than technically policy. I think the Grazman affair has a lot to do with it. They were so embraced because of his statements about Jewish Community appeared in the media. I certainly not, I have no political, religious political persuasion side ... I do not care about that. I do not believe that any group should be able to ... heritage nature of ... Hawthornden was aimed to be developed through developers the development ... My mother is in a retirement village. I mean it is in the market, money-making business and costs money to me and my sister to keep her there and you know, you know they wanted to build it to make money. |
| GK | Yes, I think it has. It is hard to say but, I think the fact that is ... and will benefit that part of the community ... whether a residential building with that scale and bulk would have been approved. I do not know. |
| SR | Those details (further details for Brougham itself) are all outlined in the DA and approved. They did have plans that detailed how they intended to use that building as well as further alterations and additions for them to record. And that’s why CMS put on various conditions in relation to them some more news so that we knew where previous walls were, particularly to the most significant sections of the building. So we did have all those details and the decision has been made that on balance that was... to see on that building reused and upgraded that the decay would be... That’s up to me, I mean, obviously I took on board all those comments but as the officer responsible for the carriage of the application thesas really matter of making a balance decision. And CMS I think has requested more information and it was considered that there is satisfactory information there to make a decision. Yes. Because it was the amended proposal with the Council for quite some time and I did speak to MM (team leader) and SF (manager) about that matter... the implications. I mean the alternative was that we defer to make a decision on the retirement village itself minutes and so forth but defer Brougham. We could have done that but, we already knew that there was sufficient information there it was going to be an appropriate reuse of that building and will be conserved. And that was the reason of the decision. |
| SF | I think the community was one of the ... community inherited Hawthornden and maintaining a heritage item and the community in Brougham by providing community service, community facility for aged persons, child care centre and the heritage building is restored. One of managed for the approval, one of managed for refusal. The Hawthornden is considered that it will destroy the community asset, in Brougham it was obviously been restored and they will be added to the community asset. So it was that was I suppose a determine effect for both of them. I do not think that either of them, the residential amenity in the neighbours ... counted. In both cases that was not the overriding the determine factor. |
| **SR** | This was a difficult application as the rezoning came with an indicative proposal. The indicative proposal, as far as I am aware, came without any previous discussion with the Council and from the start there was a lot of objections on that certainly from the community because when they (neighbours) came up to look at the rezoning proposal they have all of a sudden seen this development that proposed for the site because there was no discussion with Council. They have lodged amended plans after the DCP and there were reductions on some of the balconies. It was still concerned that they have not satisfied adjoining property owners totally. The importance with this looking at major redevelopment looking at higher density redevelopment that there is some discussion with the Council and there is some sort of an indicative proposal put forward so that we can make an assessment and also a public development would be appropriate for that site in conjunction with the rezoning. So it was important that we had an idea what could be done on that site. |
| **JL** | I did not want to get involved because of the given interest that I had. I was happy to advice the applicant so that he can speak to the objectors but I said to him I cannot vote. At that time I thought my job there was to simply to keep that the applicant and all the objectors that lodged the objections and put the application ... and go ... give a credible consideration has given to the objector’s concerns. The main concern to me was and I was very new on the Council at this stage...What was the interesting thing about Brougham as a footnote I do not know this is very interesting a week before the Brougham was passed all of the Councillors thought and I think I did have tested knowledge that it passed too was the Mayor did have no confidence in his concerns as the Mayor said there is that side of retirement village as well because the Brougham is going to be developed by a crucial organisation, because indicated disinterest in which that’s just the plain aggravation responsibility. In order to argue things like that would be in the Discrimination Commission...But sometimes he will come out and say very important things about... heritage, values and so on... the East Circular Quay, his involvement. |
| **GK** | It was a bit both actually. I think we were initially engaged by Temple Emanuel and received instruction from Citadel group, the project managers. And we were providing advice to the architect as well. |
Appendix 19e: INTERVIEW WITH THE PRESIDENT OF WOOLLAHRA HISTORY & HERITAGE SOCIETY, 8 August 1997 (telephone interview)

- The researcher approached the president of the society to arrange an appointment to talk to him on 5/8/97 (left a message for him at Woollahra Municipal Library).
- He called on 8/8/97 and said he is very busy and asked whether we can do this over the phone. Whole conversation took 30-35 minutes the only disadvantage was that the researcher could not record the conversation.

The below questions were asked:

Q - You objected Hawthornden proposal very strongly, however you have not sent any objection letters to the Brougham application which they have lodged in similar time frames. Can you explain why?

A - We have objected Hawthornden because we believed that the proposed new development will have detrimental effect to the house and proposed alterations and additions will alter the house dramatically. Whereas Brougham would not have altered that much and new development would not have major adverse impact to the building itself. We have not objected to the proposal because of above reasons as well as not enough resources. And as far as I understand heritage was not a big issue in Brougham proposal.

Q - Do you think that Hawthornden has much greater heritage significance than Brougham or do you think that Hawthornden contributes an important value to the community because of its location and its aesthetic significance?

A - Yes, Hawthornden is very important building which is one of last examples located in the escarpment of Woollahra (Edgecliff) and has great contribution to the locality. Whereas Brougham is hidden behind big walls and does not contribute to the streetscape.

Q - Have you ever thought to act together with the other objectors (adjoining property owners) to the proposal?

A - No, because as a Woollahra History and Heritage Society our objection is purely under "heritage" and the other people object to the proposal under the other issues (traffic, noise, overshadowing etc) rather than heritage.

Q - Do you remember how Council’s Committee determined the proposal (voting, majority, minority)?

A - The Committee said this proposal would not be accepted it will have detrimental effect to the house. And this came as a big voice.

Q - Do you think “heritage” has played an important role in the decision making process when you compare with the other issues?

A - Yes definitely “heritage” was a very important issue for the refusals. And we are very happy with the result.